

General Statement Concerning Conflict of Interest of Geri Huser and Deer Creek Estates LLC

That Geri Huser stands to financially benefit from profits coming from land development activities being undertaken by Deer Creek Estates LLC. That Deer Creek LLC was founded and is partially owned by Ed Skinner and R. Bradley Skinner. That Geri Huser is a daughter/sister, employee, beneficiary via a trust and last will and testament beneficiary of these Deer Creek estate participants and that Geri Huser has used her position as a state representative in the house as a member of the local government committee as well as her position as chairman of the Des Moines Area MPO to enable and enhance the viability and profitability of Deer Creek Estates LLC.

a) Geri Huser is related to Ed Skinner (Father) and to R. Bradley Skinner (brother). Both of these people have a financial stake in Deer Creek Estates.

APR-16-2004 FRI 02:01 PM WASKER DORR WIMMER FAX NO. 5152258712 P. 02

294446

**ARTICLES OF ORGANIZATION
OF
DEER CREEK ESTATES, L.L.C.**

TO THE SECRETARY OF STATE OF THE STATE OF IOWA:

Pursuant to Section 301 of the Iowa Limited Liability Company Act, the undersigned adopts the following Articles of Organization for the Company:

**ARTICLE I
NAME**

The name of the limited liability company is Deer Creek Estates, L.L.C. (the "Company").

**ARTICLE II
INITIAL REGISTERED AGENT AND REGISTERED OFFICE**

The street address of the Company's initial registered office is 204 8th Street S.E., Altoona, Iowa 50009. The initial registered agent at such address is Ed Skinner.

**ARTICLE III
PRINCIPAL OFFICE**

The street address of the Company principal office is 204 8th Street, Altoona, Iowa 50009.

**ARTICLE IV
PERIOD OF DURATION**

The Company's existence shall commence upon the acceptance of these Articles of Organization by the Iowa Secretary of State for filing in accordance with the Iowa Limited Liability Company Act and shall continue, unless dissolved sooner in accordance with the terms of the Operating Agreement, perpetually.

**ARTICLE V
MANAGERS**

The business and affairs of the Company shall be governed by Managers elected by the Members in the manner described in the Company's Operating Agreement. No Member's action nor any other person's action shall bind the Company except as authorized by the Operating Agreement.

**ARTICLE VI
WRITTEN OPERATING AGREEMENT**

Any Operating Agreement entered into by the Members of the Company and any amendments or restatements thereof, shall be in writing. No oral agreement among any of the Members or Managers of the Company shall be deemed or construed to constitute any portion of,

052610 ③

535943 ART030 KIM 2 5/12/04 \$50.00



CHESTER J. CULVER
Secretary of State
State of Iowa

294446
STATEMENT OF CHANGE
OF REGISTERED OFFICE
AND/OR
REGISTERED AGENT

Pursuant to Iowa law, the undersigned submits this Statement to change the business entity's registered office and/or registered agent in Iowa. Read the INSTRUCTIONS on the back of this form before completing the information and signing below.

1. The NAME of the business entity is: Deer Creek Estates

2. The street address of the CURRENT registered OFFICE as indicated on the Secretary of State's records is:

204 8th Street SE Altoona Iowa 50009

street

city

state

zip

3. The street address of the NEW registered OFFICE is:

204 8th Street SE Altoona, Iowa 50009

street

city

state

zip

4. The name of the CURRENT registered AGENT as indicated on the Secretary of State's records is:

Ed Skinner

(If more than one AGENT is registered, indicate which one is being replaced.)

5. The name of the NEW registered AGENT is: R. Bradley Skinner

6. If the REGISTERED AGENT has changed, the NEW Registered Agent must sign here, consenting to their appointment, or attach their written consent to this form.

R. Bradley Skinner

Signature of NEW Registered Agent

Complete ONLY if the Registered Agent changes.

7. If the REGISTERED AGENT changes the street address of their business office on this form, then here indicating that NOTICE of the change has been given to the business entity.

Signature of Registered Agent

Complete ONLY if the Registered Agent changes the street address of their business office.

8. After any/all change(s) are made, the street address of the registered office and the street address of the registered agent will be identical.

9. Signature by authorized* representative: *R. Bradley Skinner*

*See instruction #9 on back

Date: 3/7/06

PRINT Name and Title:

R. Bradley Skinner

Name and Title

(515 967 - 4264

Telephone Number

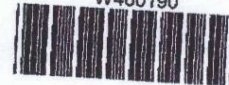
FILED
IOWA

SECRETARY OF STATE

4-10-2006

3:22 PM

W460190



b) Geri Huser works in her father and brothers law office.

Skinner Law office
Skinner Law Office PC*
Ed Skinner
R. Bradley Skinner
PO Box 367
204 8th St., SE
Altoona, IA 50009
Phone: (515) 967-4264
Fax: (515) 967-6486

IOWA HOUSE OF REPRESENTATIVES
PERSONAL FINANCIAL DISCLOSURE FORM

The following form shall be used for disclosure of economic interests under House Ethics rules and section 68B.35 of the Iowa Code.

STATEMENT OF ECONOMIC INTERESTS.

RECEIVED
DEC 10 2004
HOUSE OF REPRESENTATIVES

Name: Huser Geri D
(Last) (First) (Middle Initial)

Address: 213 7th St NW
(Street Address, Apartment Number or P.O. Box)

Altoona IA 50009
(City) (State) (Zip)

Phone: (Home) 515/967-7846 (Business) 515/967-4264

This form is due on or before February 10, 2005. The reporting period is the most recently completed calendar year. File with the Chief Clerk of the Iowa House of Representatives.

In completing this form, if sufficient space is not provided for your answer, you may include additional information/answers by attaching them to this form, using a full size sheet of paper.

Division I. Business, Occupation, Profession.

List each business, occupation, or profession in which you are engaged, the nature of the business if not evident, and your position or job title. No income threshold or time requirement applies.

Examples:
If you are employed by an individual, state the name of the individual employer, the nature of the business, and your position.
If you are self-employed and are not incorporated or are not doing business under a particular business name, state that you are self-employed, the nature of the business, and your position.
If you own your own corporation, are employed by a corporation, or are doing business under a particular business name, state the name and nature of the business or corporation and your position.

1. SKINNER LAW OFFICE P.C.

2. _____

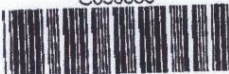
3. _____

4. _____

5. _____

6. _____

C050036



c) Geri Huser receives money from the Skinner Family Trust Fund.

C. Trusts: State the nature or type of any trust from which you receive more than \$1,000 of gross income annually.

SKINNER Family TRUST

D. Real Estate: State the general nature of real estate interests that generate more than \$1,000 of gross income annually, e.g., residential leasehold interest or farm leasehold interest. The size or location of the property interest is not required to be listed.

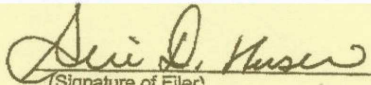
N/A

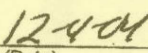
E. Retirement Systems: State the name of each pension plan or other corporation or company that pays you more than \$1,000 annually in retirement benefits.

N/A

F. Other Income Categories Specified in State and Federal Income Tax Regulations.

N/A


(Signature of Filer)


..... (Date)

Mail to: Chief Clerk, IA House of Representatives, State House, Des Moines, IA 50319

d) It is presumed that Geri Huser is in the will of Ed Skinner and would inherit a portion of any profits from the Deer Creek Estates LLC real estate venture.

e) Geri Huser is a member of the Iowa house of representatives. Geri Huser introduced a bill HF 746 (initially HF 341). Subsection 13 was added to 357A.11 allowing a formerly disallowed activity, the purchase of a rural water district by a city utility (see attached documents). Geri Huser introduced the bill and was on the subcommittee reviewing the bill. An Urban Renewal Area was then formed and bonds were sold to finance the purchase of the rural water district. A stated goal of this was to allow for economic development on the periphery of cities since rural water acted as a barrier to the expansion of city water systems. This directly impacted Deer Creek Estates ability to receive sufficient amounts of water in a timely manner in a former rural water district which enhanced the value and viability of the Deer Creek Estates LLC real estate venture.

City View - Cover: Swept away
Thursday, October 6, 2005 Edition

- First, Elza says, there was the little problem of the Iowa Code. Since it had never been done before, there was no mention of how a rural district could sell itself off to another entity. So, with Geri Huser at the helm, such a measure, allowing rural water boards to sell or dissolve themselves, was passed this session.
- "You know, sometimes I wonder if some folks, that just are flat opposed to growth, are fully aware that Southeast Polk water, over the past few years, has become a barrier to growth and they'd like to see it stay in place," Hockensmith suggested at the hearing.
- County administrators don't deny the purchase of the rural water district is a concerted attempt to prime the pump for development. In fact, the very first line of the Urban Renewal Plan doesn't so much as mention the word "water."

Deer Creek Estates LLC lies within the South East Polk Water District just outside of the Ankeny city limits. Geri Huser's actions have enhanced the ability of Deer Creek Estates LLC to obtain investors and increased the value of Deer Creek Estates LLC properties. Without the ability to bring in new water lines the area would have been difficult if not impossible to develop. Because of Geri Huser's relationship with her father and brother, who have a substantial stake in Deer Creek Estates LLC, Geri Huser appears to have violated Iowa's conflict of interest laws. Carefully consider the fact that Geri Huser initiated the legislation and was on the local government subcommittee that discussed HF 341 & HF 746. Geri Huser also voted for the final version HF 746. This eventually resulted in the purchase of the South East Polk Water district by the Des Moines Water Works.

<u>Local Government</u>	<u>HF 341</u>	A bill for an act providing procedures for a rural water district to transfer to a city utility its right to provide water service and for dissolution of the district. (See Cmte. Bill HF 746)	2/21/2005; Arnold-CH, Huser, Rasmussen	<div>■ <u>3/2/2005</u> <u>10:30 AM</u></div> <div>■ <u>3/7/2005</u> <u>11:00 AM</u></div>
-------------------------	---------------	---	---	---

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-seven members present, twenty-three absent.

CONSIDERATION OF BILLS

Regular Calendar

House File 746, a bill for an act providing procedures for a rural water district to transfer its right to provide water or wastewater service and for dissolution of the district, was taken up for consideration.

Arnold of Lucas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

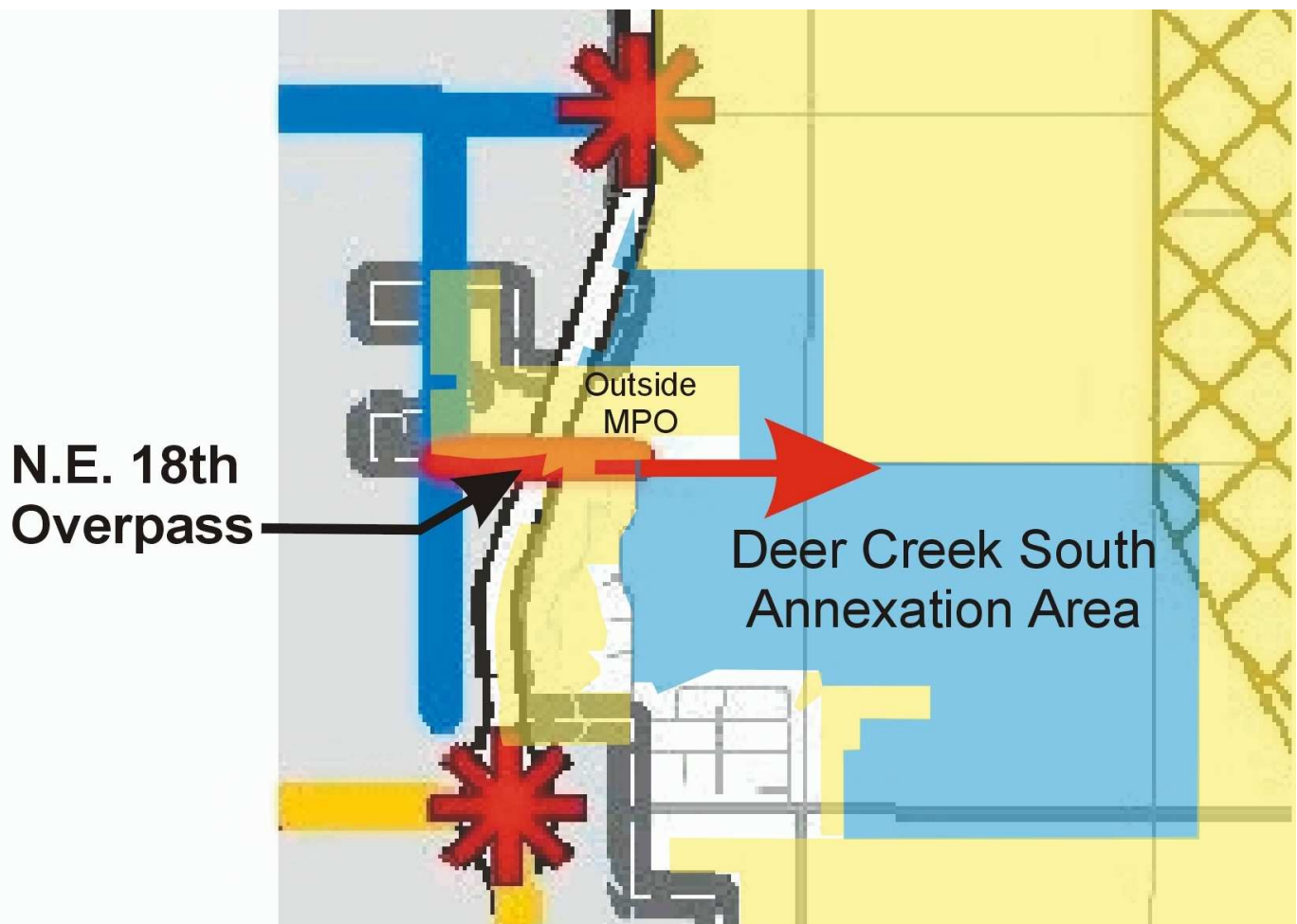
On the question "Shall the bill pass?" (H.F. 746)

The ayes were, 97:

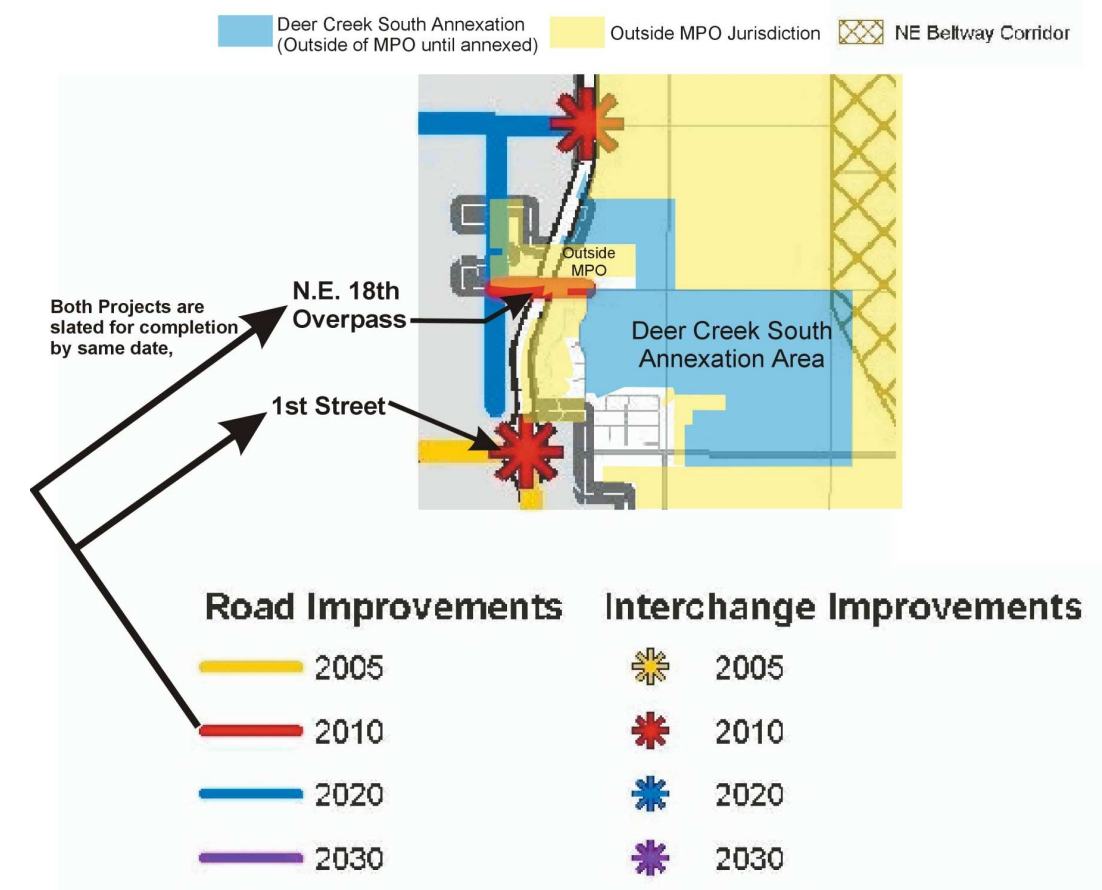
Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cphoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Ford	Freeman	Frevert	Gipp
Granzow	Greiner	Heaton	Heddens
Hogg	Hoffman	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Reichert
Sands	Schickel	Schueller	Shomshor
Shoultz	Smith	Soderberg	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts

f) Geri Huser is the MPO chairman. The NE 18th Street overpass was placed in the LRTP (Long Range Transportation Plan) by the MPO even though there appears to be jurisdictional problems. The proposed 18th Street overpass and road thrusts directly into the Deer Creek Estates LLC development. There appears to be changes in the land use designations that would allow for an inappropriate expansion of MPO jurisdiction. NE 18th Street is given the same priority as the 1st Street/I-35 exit upgrades even though there are substantial traffic problems at that exit. The road goes through a federally recognized wetland and fills in flood plane. The NE 18th Street overpass project is not consistent with many of the objectives of the Ankeny or Polk County comprehensive plans. There are many problems associated with the 18th Street overpass. Please see the attached “**Arguments against the 18th Street Overpass**” document.

The NE 18th overpass is part of the LRTP plan that was approved under Geri Huser who is chairman of the DMAMPO. This would create a direct route from Ankeny directly into the Deer Creek Estates development.





East 1st Street/I-35 Interchange and the NE 18th overpass were given the same level of priority even though the 1st Street/I-35 interchange has an unacceptable Level-of-Service rating of “E” and is need of an upgrade.



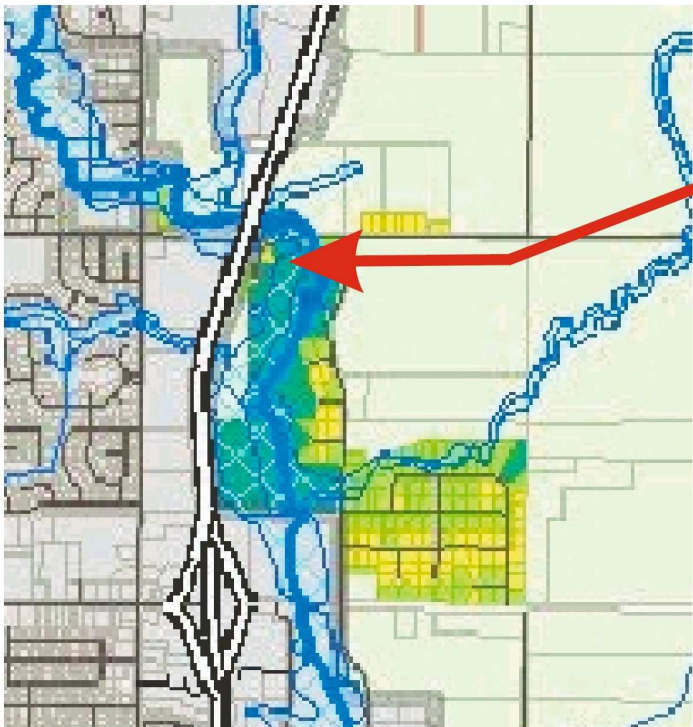
From the Polk County Comprehensive Plan

This chart shows the criteria for the land use designations for Estate Residential and Rural Residential.

Land Use Categories and Intent/Description	Density / Intensity / Design	Illustration Example
Estate Residential		
This district is intended to provide for very low-density residential development, with on-site septic systems. There is an emphasis on retaining natural features and creating a connected network of open space. The district retains the existing residential estate zoning pattern, but with an increased emphasis on conservation (cluster) development, which may be required in some areas.	1 unit per 3 acres (gross); incentives for preservation of natural features, stormwater management.	
Rural Residential		
This district retains the existing Suburban Estate density pattern of low-density residential development with on-site septic systems. It is restricted primarily to infill or minor expansion of areas already developed at these densities, where public sewer service is impractical. Conservation development may be feasible in some areas where soils can support community wastewater systems.	1 unit per acre (gross)	

The following maps show how there is an inconsistency in assignment of land uses. These changes appear to expand the jurisdiction of the MPO into the area of the NE 18th Street overpass.

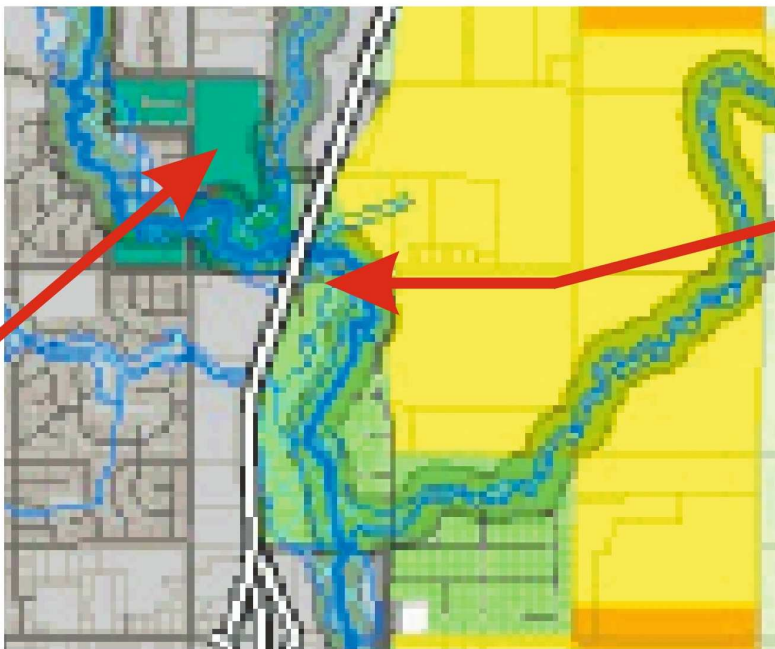
From Polk County 2030 Comprehensive Plan- Land Use Plan



Existing Land Use

- Agriculture
- Estate Residential (>3 ac.)
- Rural Residential (1-3 ac.)
- Low Density Residential (<1 ac.)
- Medium Density Residential
- High Density Residential
- Public Space/Institutional
- Park/Open Space/Floodway
- Community Commercial
- Light Industrial
- Heavy Industrial
- Planning Regions
- Property Boundary
- Federal Lands
- DNR Lands
- Conservation Board Lands
- 100 Year Flood Zone
- River
- Creek

Estate Residential Areas Correspond to County Accessor Records and Description of Estate Residential



Polk County Future Land Use

- Agricultural
- Agricultural Transition
- Countryside
- Estate
- Rural Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Mixed Use
- Neighborhood Commercial
- Highway Commercial
- Light Industrial
- Heavy Industrial
- Institutional
- Open Space
- Conservation Design
- 100 Year Flood Zone
- Transit/Access Management Corridor
- NE Beltway Corridor
- River
- Creek
- Property Boundary
- Municipal Boundary

Estate Residential Areas altered to Rural Residential even though they do not meet the criteria for Rural Residential. Notice the Albaugh property is estate residential.

Geri Huser voted for the acceptance of the LRTP plan and did not abstain resulting in a conflict of interest (see attached Meeting Minutes Des Moines Area Metropolitan Planning Organization December 16, 2004).

**Meeting Minutes
Des Moines Area Metropolitan Planning Organization
December 16, 2004**

V. Action Item

Year 2030 Long-Range Transportation Plan – Des Moines Area MPO

Chair Huser indicated that she had received requests from four individuals to address the Des Moines Area Metropolitan Planning Organization regarding the Year 2030 Long-Range Transportation Plan. Chair Huser explained that normally discussion occurs during the “discussion phase” of an item; however, since individuals were present who wished to comment, the Chair set a two-minute time limit for each speaker.

MOTION: Loretta Siemen moved that the Des Moines Area Metropolitan Planning Organization approve the Year 2030 Long-Range Transportation Plan and transmit the Year 2030 Long-Range Transportation Plan to the Federal Highway Administration and the Iowa Department of Transportation for review. Second by Christine Hensley.

The Des Moines Area Metropolitan Planning Organization offered no additional comments on the Action Item.

AYES: Huser, Riding, Metzger, Johnson, Carlyle, Ruddy, Clute, Cirksena, Wicker, Brooks, Coleman, Stowe, Hensley, Mahaffey, Vlassis, Mickle, Clark, Carmichael, Laurenzo, Lane, M. Miller, Burton, Connolly, Hockensmith, Brush, Andeweg, Mineart, Oberman, Ohmart, Sandager, N. Miller

NAYS: None

ABSTAIN: None

MOTION CARRIED

g) The Skinner family is intensely involved in lobbying activities of all kinds and exert considerable political pressure over a significant number of elected officials. The Skinner family and Geri Huser are influencing the future of the North East Beltway which borders Deer Creek Estates.

**The Fix
Chris Cillizza former Roll Call White House correspondent
washingtonpost.com's Politics Blog**

Ed Skinner, an attorney and powerful political player in the state's Democratic politics (and a friend of Daschle's) said that "a number of the issues [Daschle] has worked with were important all over the Midwest."

**CityView
Civic Skinny: A true Democrat?
Thursday, February 16, 2006**

Said a top Democrat of the public thrashing: "It could have disastrous implications regarding our chance to finally take control of the House." How so? Because Skinner "carries a big stick and has his hands on a lot of buttons, and he is not a happy camper."

Mark Kramme who also is a manager with Deer Creek Estates LLC stated (paraphrased) that “Ed Skinner exerts substantial control over Ankeny. Whatever Ed Skinner wants from the Ankeny city council he can get”. Although I have no evidence to prove and do not believe Ed Skinner controls the Ankeny city council it does indicate that individuals involved in Deer Creek Estates LLC are intending to influence the council and the city of Ankeny. Three witnesses including Scott and June Campbell heard these claims. An affidavit can be signed if necessary.

Over the years the Skinner family and Skinner law offices have contributed hundreds of thousands of dollars to various political candidates. The combined contributions of the Skinner family and Skinner law offices makes them the number one contributor to Leonard Boswell for the 2006 campaign thus far.

opensecrets.org

The Basics

Election Overview

Who Gives

Who C

Congress

Congressional Committees

Parties

Presidential Data

2005-2006 Profile

Total Raised

Geographic Totals

Sector Totals

Top Industries

Top Contributors

Expenditures

Indirect Expenditures **NEW!**

LEONARD L. BOSWELL (D-IA)

Top Contributors

1	Laborers Union	\$15,000
2	Skinner Law Firm	\$12,600
3	United Contractors	\$10,200
4	Aircraft Owners & Pilots Assn	\$10,000

Other Contributions: (See attached documents)

Skinner-Stuart, Julie	Prairie Meadows/Marketing Director	Altoona, IA	50009	\$2,100	P	05/17/2006
Skinner, Donna	Homemaker	Pleasant Hill, IA	50327	\$2,100	P	05/17/2006
Skinner, Chaille	retired	Altoona, IA	50327	\$2,000	G	12/20/2005
Skinner, Chaille	retired	Altoona, IA	50327	\$1,250	P	06/18/2005

If you add the money from Skinner family individuals on top of the money given by the Skinner law firm the Skinner's become the number one contributors to Leonard Boswell. Leonard Boswell is involved in the proposed NE beltway. Rep. Leonard Boswell is a member of the House Transportation and Infrastructure Committee. Leonard Boswell made the request for funding of the environmental study in the proposed NE beltway area.

By MELANIE LAGESCHULTE
REGISTER STAFF WRITER
September 11, 2004

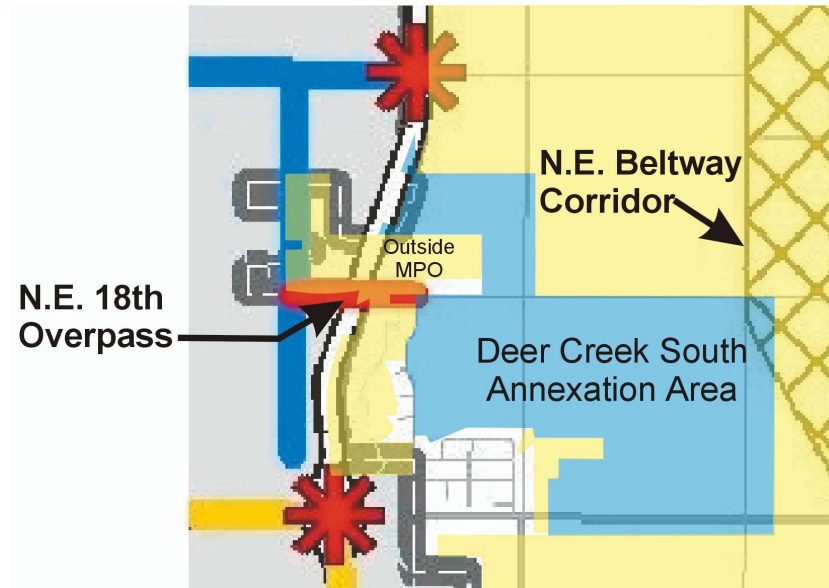
Officials from the Des Moines-based organization 1000 Friends of Iowa want Democratic Rep. Leonard Boswell, who serves Iowa's 3rd U.S. House District, to drop his request for \$500,000 in federal money for an environmental study of the proposed beltway's area.

From Iowa DOT
Safe, Accountable, Flexible, Efficient Transportation Equity
Act: A Legacy for Users
“SAFETEA-LU”

Polk County			
	NE Beltway		
	HP 209	IA - Study for NE Beltway, Polk Co	\$400,000
	TI 108	IA - Study for NE Beltway, Polk Co (HP: 209)	\$110,000
		Total	\$510,000

The Deer Creek annexation area touches land that lies within and along the beltway corridor. If the beltway is constructed it will increase the value of Deer Creek estates properties. Geri Huser is chairman of the MPO board. The MPO is involved with studies and recommendations that will determine the future of the NE beltway. It is inappropriate and a conflict of interest for Geri Huser to be involved in a agency which makes critical decisions involving the future of a project in which she could financially benefit. Geri Huser as chair directed that the Full Build Out Transportation Plan (FBOTP) proceed. That an executive committee be formed to study the NE Beltway and that the committee be chaired by her own appointee. FBOTP studies include the testing and evaluation of Level of Service (LOS) for roads, environmental studies, capacity needs and identification of transportation links for the North East Beltway. This is a direct conflict of interest.

The Deer Creek annexation area touches land that lies within the beltway corridor



By **MELANIE LAGESCHULTE**
REGISTER STAFF WRITER
January 28, 2005

Beltway consultants are using traffic projections from the Des Moines Area Metropolitan Planning Organization to assess the need for the road. The organization is updating traffic estimates for all major roads in Polk County.

Des Moines Area MPO Policy Agenda
IX. (E.) Regional Planning Committee Meeting
Des Moines Area MPO
January 17, 2006

Discussion Item
With Option to Take Action

The Des Moines Area MPO Chair requests that:

“ . . . the Des Moines Area Metropolitan Planning Organization concur:

1. To direct the Regional Planning Committee, as Chaired by Ted Ohmart, West Des Moines, to proceed with the Full Build Out Transportation Plan – Phase I as described in the scoping document for the plan and as attached;
2. With the proposed planning area geography for this plan, as exhibited in Exhibit A, attached;
3. With the Des Moines Area Metropolitan Planning Organization and its staff being the lead agency on the Phase I activities;
4. To direct the Regional Planning Committee to work with all Des Moines Area Metropolitan Planning Organization governments, participating agencies, and stakeholders to prepare Phase I of the Full Build Out Transportation Plan; and
5. To direct the Regional Planning Committee to bring the Phase I results to the Des Moines Area Metropolitan Planning Organization Executive Committee with a recommendation on the plan.”

Background

At its December 7, 2005, meeting, the Des Moines Area MPO Executive Committee agreed to create a Regional Planning Committee. Des Moines Area MPO Chair Geri Huser appointed Executive Committee representative Ted Ohmart, West Des Moines, to chair the committee, and asked Executive Committee representative Brian Laurenzo, Johnston, to serve on the committee. Chair Huser directed that the Iowa Department of transportation and the Federal Highway Administration, Iowa Division, each have a representative on the committee.

Des Moines Area MPO Regional Planning Committee Chair, Ted Ohmart, hosted the first meeting of the committee on December 21, 2005, at West Des Moines' City Hall, along with an Iowa Department of Transportation representative, Polk County Supervisors Tom Hockensmith (Des Moines Area MPO Primary Representative) and E. J. Giovannetti (Des Moines Area MPO Alternate Representative), and Dallas County Supervisor Brad Golightly (Des Moines Area MPO Alternate Representative). The committee discussion included, but was not limited to, the need for and the scope of a regional planning study, how such a study is linked to projects already proposed and underway, and who would do the study.



Des Moines Area MPO Policy Agenda FULL BUILD OUT TRANSPORTATION PLAN SCOPING DOCUMENT January 11, 2006

- Identify land uses within the FBOTP
- Identify general locations for future regional transportation corridors (broad brush alignment with defined termini)
- Identify potential environmental/archeological impacts using available data bases for each identified corridor and broad brush alignment
- Generate planning level traffic models for scenario testing to determine Full Build Out (FBO) capacity needs. Scenario testing to include evaluation of Level of Service (LOS) on existing critical link roadways as well as future roadways.
- Identify current or planned transportation links/needs within the current MPO planning area

- o NE Beltway
- o NW Bypass
- o SW Bypass
- o I-35/80/235 System Interchanges (NE and SW)
- o IA 141/I-35/80 Interchange
- o IA 44
- o IA 141
- o SE Diagonal
- o SW Diagonal/Connector
- o MLK Extension to I-35/80
- o University Avenue Extension
- o All other State Highways which connect to the existing MPO Planning

Through identification of future regional transportation corridors and FBO capacity needs, ultimate right-of-way (R/W) required can be established. Refinement of the alignment to allow for corridor preservation would occur during Phase 2 of the FBOTP. The target date for completion of Phase 1 would be 9 months from the authorization to start date. To meet this completion date, local units of government will need to provide anticipated future land use throughout the identified planning boundary. Trip generation based upon anticipated land use would provide estimated traffic loadings to roadway segments rather than socio-economic data. This is necessary because the planning period is for FBO conditions rather than a specific 25 year period.

h) Geri Huser said in an angry voice in front of numerous witnesses including Ed Fallon (paraphrased) "Face it, if you live in Polk County you're going to be annexed. We are all going to be annexed" See attached apology email below. This response is indicative of a personnel intent or a belief that Polk County was going to become totally urbanized. If Polk County does become urbanized her family and herself stand to financially benefit. It also indicates a lack of concern for residents who would be affected by her decisions and could be considered to be an example of unprofessional conduct. While not specifically a breach of conflict of interest this behavior shows incite into the future desires and/or intent of a person who exercises significant power over the future planning and potential urbanization of Polk County.

 Powered By INS	Mailboxes	Comp	Files	Settings		
	 Next Unread	Reply	Reply To All	Forward		
	Back to INBOX	Delete	Set Flag	Close as Unread		

From: "Lamberti, Jeff [LEGIS]" <jeff.lamberti@legis.state.ia.us> Subject: RE: Reponse to your Reply Date: Tue, 29 Mar 2005 17:06:13 -0600 To: "Iowa Stamps and Coins" [REDACTED]	
---	---

Thank you. I do appreciate the additional information. I am also sorry with respect to your treatment in the House. This is not acceptable. I also do not agree with the idea that annexation is a given, just because we live in Polk County. I am not generally a supporter of involuntary annexation. Voluntary annexation is an entirely different matter.

Jeff

-----Original Message-----
From: Iowa Stamps and Coins [REDACTED]
Sent: Monday, March 28, 2005 4:43 PM
To: Lamberti, Jeff [LEGIS]
Subject: Reponse to your Reply

Summary of Conflict of Interest Claim Against Geri Huser:

Despite the fact that the 18th street bridge seems to make no sense (see attached document "Arguments Against 18th Street Overpass") the project is being vigorously pursued? The question who would benefit should come to mind? The Deer Creek annexation coincides with recently announced road, water and sewer projects in the area of the Deer Creek Annexation. There are no other overpasses proposed in Ankeny by the Des Moines Area MPO in the LRTP (Long Range Transportation Plan) which extends through 2030. Interchanges are currently placed at 2 mile intervals along I-35 in Ankeny. The NE 18th street overpass is being placed at a 1 mile interval between 1st and 36th street. Why is there a proposed overpass at a 1 mile interval at the most difficult to cross point along the interstate? Why has it been given such a high level of priority? The area the overpass goes into is a rural area and is predominately "non-urbanized", apparently lying outside of the MPO's jurisdiction.

The proposed 18th street overpass and road thrusts directly into the Deer Creek Estates LLC development. I believe that either a conflict of interest or incompetence are the only possible explanations for recommendation of this overpass at this time. Considering the linkage between Geri Huser and Deer Creek Estates LLC and considering her position as the MPO chairman and a state representative, her actions and initiatives appear to constitute behavior which is in violation of Iowa's conflict of interest laws. As a concerned citizen I believe an investigation should proceed into this matter. The investigation should include her activities and voting record at the MPO and should also include:

- Her activities in the house of representatives. Especially her activities in the subcommittee concerning the promotion or sponsorship of HF 341 and HF 746. The bill that Geri Huser voted for and that passed allowed for the purchase of rural water districts which resulted in the purchase of the South East Polk Rural Water District and the resulting ability to expand city water systems into rural Polk County, including Deer Creek Estates LLC.
- Activities associated with the LRTP (Long Range Transportation Plan) including Geri Husers administration of and act of voting for the LRTP plan. The placement of the NE 18th Street overpass into the LRTP potentially directly benefits Deer Creek Estates LLC.
- Actions involving the MPO and the possible alteration of jurisdictional boundaries which appeared to extend the jurisdiction of the MPO into the area of the NE 18th Street overpass.

- Any involvement by Des Moines MPO chair Geri Huser in an attempt to provide alternate federal funding for the NE 18th overpass street project should be investigated. Especially any activities which might misrepresent NE 18th street when being considered for Iowa Clean Air Attainment (ICAAP) funding. The city of Ankeny is requesting funding for the NE 18th street overpass for 2008. The MPO is responsible for information which the ICAAP committee would use when making a decision involving funding (see attached “Arguments Against NE 18th Street Overpass” section on Questionable Funding Methods). A show of support by the MPO while Geri Huser is chairman would be considered a further conflict of interest, especially concerning the rather questionable use of clean air money for the NE 18th Overpass project (see attached document “Arguments Against 18th Street Overpass”).
- Any involvement by Geri Huser and the Des Moines Area MPO to promote the NE Beltway. Deer Creek Estates touches the west side of the NE Beltway corridor. Specific attention should be paid to the FBOTP and involvement in the testing and evaluation of Level of Service (LOS) for roads, environmental studies, road capacity needs and identification of transportation links for the North East Beltway. Her involvement in the appointing of the chair of the executive committee overseeing the FBOTP studies should also be investigated.
- Her families activities in conjunction with her activities should also be considered in establishing a “pattern of abuse of power” and manipulation of government policy for the purpose of personnel financial enrichment. Deer Creek Estates LLC members should be reviewed to see if additional conflicts of interest exist. Since there is no public disclosure of the members of a limited liability company there is no way for me to determine if any additional persons are involved.

Due to the significant evidence supporting a conflict of interest I request that the matters presented in this complaint be investigated. If any further clarification or sources for information contained within this document are required I will supply them to you as quickly as possible.

I hereby notify the board that this document and other supporting documents will be publicly disclosed and distributed seven working days after submittal to the board.

68B.2A Conflicts of interest.

1. Any person who serves or is employed by the state or a political subdivision of the state shall not engage in any outside employment or activity which is in conflict with the person's official duties and responsibilities. In determining whether particular outside employment or activity creates an unacceptable conflict of interest, situations in which an unacceptable conflict shall be deemed to exist shall include, but not to be limited to, any of the following:

- a. The outside employment or activity involves the use of the state's or the political subdivision's time, facilities, equipment, and supplies or the use of the state or political subdivision badge, uniform, business card, or other evidences of office or employment to give the person or member of the person's immediate family an advantage or pecuniary benefit that is not available to other similarly situated members or classes of members of the general public. This paragraph does not apply to off-duty peace officers who provide private duty security or fire fighters or emergency medical care providers certified under chapter 147A who provide private duty fire safety or emergency medical services while carrying their badge or wearing their official uniform, provided that the person has secured the prior approval of the agency or political subdivision in which the person is regularly employed to engage in the activity. For purposes of this subsection, a person is not "similarly situated" merely by being or being related to a person who serves or is employed by the state or a political subdivision of the state.
- b. The outside employment or activity involves the receipt of, promise of, or acceptance of money or other consideration by the person, or a member of the person's immediate family, from anyone other than the state or the political subdivision for the performance of any act that the person would be required or expected to perform as a part of the person's regular duties or during the hours during which the person performs service or work for the state or political subdivision of the state.
- c. The outside employment or activity is subject to the official control, inspection, review, audit, or enforcement authority of the person, during the performance of the person's duties of office or employment.

2. If the outside employment or activity is employment or activity described in subsection 1, paragraph "a" or "b", the person shall immediately cease the employment or activity. If the outside employment or activity is employment or activity described in subsection 1, paragraph "c", or constitutes any other unacceptable conflict of interest, unless otherwise provided by law, the person shall take one of the following courses of action:

- a. Cease the outside employment or activity.
 - b. Publicly disclose the existence of the conflict and refrain from taking any official action or performing any official duty that would detrimentally affect or create a benefit for the outside employment or activity. For purposes of this paragraph, "official action" or "official duty" includes, but is not limited to, participating in any vote, taking affirmative action to influence any vote, granting any license or permit, determining the facts or law in a contested case or rulemaking proceeding, conducting any inspection, or providing any other official service or thing that is not available generally to members of the public in order to further the interests of the outside employment or activity.
3. Unless otherwise specifically provided the requirements of this section shall be in addition to, and shall not supersede, any other rights or remedies provided by law.