

# **IOWA PUBLIC INFORMATION BOARD**

## **MEMBERS**

**Joan Corbin, Pella (Government Representative, 2024-2028)**  
**E. J. Giovannetti, Urbandale (Public Representative, 2022-2026)**  
**Barry Lindahl, Dubuque (Government Representative, 2024-2028)**  
**Luke Martz, Des Moines (Public Representative, 2024-2028)**  
**Joel McCrea, Pleasant Hill (Media Representative, 2022-2026)**  
**Monica McHugh, Zwingle (Public Representative, 2022-2026)**  
**Jackie Schmillen, Urbandale (Media Representative, 2022-2026)**  
**Vacant**  
**Vacant**

## **STAFF**

**Erika Eckley, Executive Director**  
**Kimberly Murphy, Deputy Director**  
**Alexander Lee, Agency Counsel**

**Use the following link to watch the IPIB meeting live:**

<https://youtube.com/@IowaPublicInformationBoard>

**Note: If you wish to make public comment to the Board, please send an email to [IPIB@iowa.gov](mailto:IPIB@iowa.gov) prior to the meeting.**

## **Agenda**

**September 19, 2024, 1:00 p.m.**  
**2<sup>nd</sup> Floor 2N Large Conference Room**  
**Wallace Building**  
**502 East 9<sup>th</sup> Street, Des Moines**

### **1:00 PM – IPIB Meeting**

- I. Approval of agenda\*
- II. Nominate and elect IPIB Chair and Vice-Chair
- III. Approval of the August 15, 2024 minutes \*
- IV. Public Forum (5-minute limit per speaker)
- V. Comments from the board chair. (McHugh)
  - a. Introduction of Alexander Lee
- VI. Advisory Opinion – Deliberation/Action.
  1. 24AO:0010 (Kalen McCain) 7/31/2024 - What constitutes a reasonable delay?
- VII. Cases involving Board Deliberation/Action.\* (Eckley)
  2. 24FC:0062 (Ben Ward - Chapter 22- Iowa Civil Rights Commission) 7/15/2024 – Dismissal
  3. 23FC:0053 (Debra Schiel-Larson - Both- Indianola Community School District) 5/4/2023 -Report

4. 23FC:0126 (Traci Stillwell - Chapter 22- Hampton Public Library Hampton, IA) 11/19/2023 - Final Report
5. 24FC:0035 (Shaylea Caris - Chapter 21- Shelby City Council) 4/18/2024 - Dismissal
6. 24FC:0045 (Arthur Anderson - Chapter 22- City of Davenport Iowa) 5/31/2024 - Dismissal
7. 24FC:0048 (Ethan Vorhes - Both- Floyd County Board of Supervisors) 6/9/2024 – Dismissal
8. 24FC:0053 (Blake Jones - Chapter 22- City of Eldora) 6/18/2024 - Informal Resolution Report
9. 24FC:0056 (Steven Asche - Chapter 22- City of Eagle Grove) 6/20/2024 – Acceptance
10. 24FC:0057 (Jody Phillips - Chapter 22- Pekin Community School District - Board) 7/3/2024 – Acceptance
11. 24FC:0058 (Chad Miller - Both- Scott County Board of Review) 7/8/2024 – Dismissal
12. 24FC:0059 (Jan Norris - Both- Montgomery County Board of Supervisors) 7/23/2024 – Acceptance  
24FC:0060 (Jeanette Shoop - Chapter 21- Jones County Planning and Zoning Commission) 7/25/2024 – Dismissal
13. 24FC:0061 (Kelly Caldwell - Chapter 21- Carroll Iowa city government) 7/25/2024 – Dismissal
14. 24FC:0065 (Mandi Hutchins - Chapter 21- City of Linden) 8/5/2024 – Dismissal
15. 24FC:0076 (Montgomery McKernan - Chapter 22- Story County) 9/8/2024 – Dismissal

VIII. Matters Withdrawn, No Action Necessary. (Eckley)

1. 24FC:0063 (Joe Monahan - Chapter 22- Ames Library) 7/29/2024 – Withdrawn
2. 24FC:0066 (Kenneth Brown - Chapter 22- City of Sidney) 7/25/2024 – Withdrawn

IX. Pending Advisory Opinions and Complaints. Informational Only (Eckley)

1. 24AO:011 (Samantha Schueller - - Dubuque Police Department) 8/20/2024 - New / Question Information Reviewed Does Iowa Code Chapter 22.7(5A) require that a Department of Justice form be utilized to allow the crisis intervention report to be categorized as confidential?
2. 24FC:0013 (Bonnie Castillo - Both- Union County Emergency Management Agency) 2/2/2024 - Informal Resolution Process
3. 24FC:0017 (Latrice Lacey - Chapter 22- City of Davenport) 2/12/2024 - Informal Resolution Process
4. 24FC:0052 (Erik Johnson - Chapter 22- Delaware Township) 6/6/2024 - Information Gathering
5. 24FC:0064 (Mark Milligan - Chapter 22- Monroe County Sheriff's Department) 7/30/2024 - Information Gathering
6. 24FC:0067 (Janet Pierson - Chapter 22- Decatur County) 8/9/2024 - Information Gathering
7. 24FC:0068 (Drake Riddle - Chapter 21- Page County Board of Supervisors) 8/8/2024 - Information Gathering
8. 24FC:0069 (William Vandenberg - Chapter 22- Lee County Sheriff's Office) 8/10/2024 - Information Gathering
9. 24FC:0070 (Brian Thomas - Both- Jefferson County BOS) 8/13/2024 - Information Gathering
10. 24FC:0071 (Kevin Wymore - Chapter 21- Cedar Rapids Community School District) 8/13/2024 - Information Gathering
11. 24FC:0072 (Lucian Diaconu - Chapter 22- Gilbert Community School District) 8/14/2024 - Information Gathering
12. 24FC:0073 (Gail Bonath - Chapter 21- Drake Community Library) 8/25/2024 - Information Gathering
13. 24FC:0075 (Karen Davis - Chapter 21- City of Zearing) 9/3/2024 - Information Gathering
14. 24FC:0077 (Kyle Ocker - Chapter 22- Mahaska County Sheriff's Office) 9/9/2024 - Information Gathering
15. 24FC:0078 (Megan Pegorick - Chapter 22- Midland Community School District) 9/10/2024 - Information Gathering

- X. Committee Reports
  - 1. Training – (Lee)
  - 2. Legislative – (Eckley)
  - 3. Rules – (Murphy)
  
- XI. Office status report.
  - 1. Office Update \* (Eckley)
  - 2. Financial/Budget Update (FY25) \* (Eckley)
  - 3. Presentations/Trainings (Eckley)
    - a. Iowa Department of Veterans Affairs
    - b. IMAA
    - c. Tama County
    - d. ISAC New County Officers
  - 4. District Court Update (Eckley)
  
- XII. Next IPIB Board Meeting will be held on October 17, 2024, at 1:00 p.m.
  
- XIII. Adjourn

**\* Attachments**

# IOWA PUBLIC INFORMATION BOARD

August 15, 2024  
Unapproved Minutes

The Board met on August 15, 2024, for its monthly meeting at 1 p.m. at the offices of the Department of Agriculture and Land Stewardship located at 502 East 9<sup>th</sup> Street, Des Moines. The following members participated: Joan Corbin, Pella; E.J. Giovannetti, Urbandale; Barry Lindahl, Dubuque (remote); Joel McCrea, Pleasant Hill; Monica McHugh, Zwingle; Jackie Schmillen, Urbandale (remote). Also present were IPIB Executive Director, Erika Eckley; IPIB Deputy Director, Kimberly Murphy; IPIB Intern, Erik Johnson.

On a **motion** by Corbin and **second** by Giovannetti, to approve the agenda. Unanimously approved, 6-0.

On a **motion** by McCrea and **second** by Giovannetti, to approve the July 18, 2024, minutes. Unanimously adopted, 6-0.

## **Public Forum -**

Charles Nocera spoke.

## **Board Chair Comments -**

- Discussed attendance at the next meeting of the Board.
- Discussed officer election at the next meeting of the Board.

**Advisory Opinions -** The Board was briefed on the Advisory Opinion and acted as indicated below:

1. 24AO:0003 What does Iowa law require with regard to compiling research data in a government database that isn't actually a data point tracked by the government? Board discussion occurred. A **motion** by Lindahl and **second** by Giovannetti, to approve the Advisory Opinion. Unanimously approved, 6-0.
2. 24AO:0008 Is a video on a personal cell phone from a work incident a public record? Abstention announced by Giovannetti. Board discussion occurred. A **motion** by Lindahl and **second** by Corbin, to approve the Advisory Opinion. Approved, 5-0; abstention by Giovannetti.
3. 24AO:0009 Definition of a Governmental Body. Board discussion occurred. A **motion** by Giovannetti and a **second** by Lindahl, to approve the Advisory Opinion. Unanimously approved, 6-0.

## **IPIB Cases –**

1. 23FC:0114, 23FC:0115, 23FC:0122, 23FC:0123 (John Bandstra, Bert Bandstra, Jack Rempe, Drew Mcgee – Chapter 21 - South Central Regional Airport Agency) 11/6/2023 - Probable Cause Report. Amy Beattie spoke on behalf of the South Central Regional Airport Agency. John Bandstra spoke on behalf of the Complainants. Abstention announced by Corbin. Board discussion occurred. A **motion** by Giovannetti and a **second** by Lindahl, to find that probable cause exists and to dismiss the complaint as a matter of administrative discretion. Approved 5-0; abstention by Corbin.
2. 23FC:0130 (Keegan Jarvis - Chapter 21- City Council of Swan) 11/27/2023 - Final Report. Board discussion occurred. A **motion** by McCrea and a second by Corbin, to accept the final report and dismiss the complaint as resolved. Unanimously approved, 6-0.
3. 24FC:0009 (Brett Christensen - Chapter 21- City of Silver City) 1/23/2024 - Final Report. Board discussion occurred. A **motion** by Lindahl and a **second** by Giovannetti, to accept the final report and dismiss the complaint as resolved. Unanimously approved, 6-0.
4. 24FC:0018 (Zach Vulich - Chapter 22- City of Leland) 2/16/2024 - Final Report. Board discussion occurred. A **motion** by Corbin and a **second** by McCrea, to accept the final report and dismiss the complaint as resolved. Unanimously approved, 6-0.
5. 24FC:0035 (Shaylea Caris - Chapter 21- Shelby City Council) 4/18/2024 – Dismissal. Shaylea Caris spoke. Board discussion occurred. A **motion** by Lindahl and a **second** by Corbin, to table the complaint for further review. Approved, 4-2.
6. 24FC:0043 (Blake Jones - Both- City of Eldora Council and Mayor) 5/19/2024 – Dismissal. Blake Jones spoke. Abstention announced by Giovannetti. Board discussion occurred. A **motion** by Lindahl and a **second** by McCrea, to dismiss the complaint. Approved, 5-0; abstention by Giovannetti.
7. 24FC:0049 (Lindsie Gallardo - Chapter 22- Cedar Rapids Police Department) 6/10/2024 – Dismissal. Board discussion occurred. A **motion** by McCrea and a **second** by Corbin to dismiss the complaint. Unanimously approved, 6-0.
8. 24FC:0050 (Beckett - Chapter 22- Iowa Department of Corrections) 5/31/2024 – Dismissal. Michael Savala spoke on behalf of the Iowa Department of Corrections. Board discussion occurred. A **motion** by Corbin and a **second** by Giovannetti, to dismiss the complaint. Unanimously approved, 6-0.

9. 24FC:0053 (Blake Jones - Chapter 22- City of Eldora) 6/18/2024 – Acceptance. Blake Jones spoke. Abstention announced by Giovannetti. Board discussion occurred. A **motion** by McCrea and a **second** by Corbin, to accept the complaint. Approved, 5-0; abstention by Giovannetti.
10. 24FC:0054 (Samuel Kleiss - Chapter 21- The City of Hudson, Iowa) 6/17/2024 – Dismissal. Heather Prendergast spoke on behalf of the City of Hudson. Board discussion occurred. A **motion** by McCrea and a **second** by Corbin, to dismiss the complaint with an amendment to refer to the City’s attorney as “she”. Unanimously approved, 6-0.
11. 24FC:0055 (Chandler Trautwein - Chapter 22- Marshalltown Police Department) 6/17/2024 – Dismissal. Doug Herman spoke on behalf of Holly Corkery representing the Marshalltown Police Department. Board discussion occurred. A **motion** by Lindahl and a **second** by Giovannetti, to dismiss the complaint. Unanimously approved, 6-0.

**Matters Withdrawn** – No action necessary. There were no matters to withdraw.

Pending Advisory Opinions and Complaints – These matters are informational and do not require board action at this time.

1. 23FC:0053 (Debra Schiel-Larson - Both- Indianola Community School District) 5/4/2023 - Board Acceptance of IR
2. 23FC:0126 (Traci Stillwell - Chapter 22- Hampton Public Library Hampton, IA) 11/19/2023 - Board Acceptance of IR
3. 24FC:0013 (Bonnie Castillo - Both- Union County Emergency Management Agency) 2/2/2024 - Informal Resolution Process
4. 24FC:0017 (Latrice Lacey - Chapter 22- City of Davenport) 2/12/2024 - Informal Resolution Process
5. 24FC:0045 (Arthur Anderson - Chapter 22- City of Davenport Iowa) 5/31/2024 - Information Gathering
6. 24FC:0048 (Ethan Vorhes - Both- Floyd County) 6/9/2024 – Dismissal
7. 24FC:0052 (Erik Johnson - Chapter 22- Delaware Township) 6/6/2024 - Information Gathering
8. 24FC:0056 (Steven Asche - Chapter 22- City of Eagle Grove) 6/20/2024 - Information Gathering

9. 24FC:0057 (Jody Phillips - Chapter 22- Pekin Community School District - Board) 7/3/2024 - Information Gathering
10. 24FC:0058 (Chad Miller - Both- Scott County Board of Review) 7/8/2024 - Information Gathering
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14. 24FC:0066 (Kenneth Brown - Chapter 22- City of Sidney) 7/25/2024 - Information Gathering
15. 24FC:0063 (Joe Monahan - Chapter 22- Ames Library) 7/29/2024 - Information Gathering
16. 24FC:0064 (Mark Milligan - Chapter 22- Monroe County Sheriff's Department) 7/30/2024 - Information Gathering
17. 24FC:0065 (Mandi Hutchins - Chapter 21- City of Linden - City Council and Mayor) 8/5/2024 - Information Gathering

#### **Committee Reports –**

1. **Training Committee:** Directory Eckley provided an update.
2. **Legislative Committee:** Director Eckley provided an updated. The Committee will be meeting to further discuss potential areas for proposed legislation. These items will be brought to the full Board for consideration.
3. **Rules Committee:** Murphy provided an update. The Committee continues to review the complaint process that is part of the current administrative rules.

#### **Office Status Report –** Director Eckley provided the following information:

1. **Candidate interviews:** Will be interviewing for the new attorney role in the near future.
2. **Relocation:** Likely to be moving IPIB offices in October. Awaiting further information.

3. **Budget Update:** Overview of the IPIB budget and current financials.
4. **Upcoming Presentations:**
  - a. Union County Emergency Management Agency
  - b. City of Lowden
  - c. AEIABA
5. **District Court Update:** Director Eckley gave the status of recent and pending court decisions.

The next IPIB Board Meeting will be held at the offices of the Department of Agriculture and Land Stewardship located at 502 East 9<sup>th</sup> Street, Des Moines, Iowa, on September 19, 2024, at 1:00 p.m.

The meeting adjourned at 3:21 p.m. on **motion** by Corbin and **second** by Giovannetti. Motion unanimously approved.





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Des Moines, Iowa 50319  
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Executive Director  
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**Advisory Opinion 24AO:0010**

**DATE:** September 19, 2024

**SUBJECT:** Reasonable Delay in Producing Records

**Advisory Opinion 24FC:0010**

**DATE:** August 15, 2024

**SUBJECT:** Clarification on the definition of “reasonable delay” as it pertains to the period of time for a record’s custodian to determine the confidentiality of records

Kalen McCain  
Washington Reporter  
Southeast Iowa Union

Mr. McCain,

We are writing in response to your request dated July 29, 2024, requesting an advisory opinion from the Iowa Public Information Board (IPIB) pursuant to Iowa Code chapter 23 and Iowa Administrative Code rule 497-1.3. This opinion concerns clarification over the appropriate period of time for a “reasonable delay” under Iowa Code Chapter 22.8(4), and when a delay may be considered to be a “good-faith” delay under that same section. Advisory opinions may be adopted by the board pursuant to Iowa Code section 23.6(3) and Rule 497-1.2(2): “Any person may request a board advisory opinion construing or applying Iowa Code chapters 21, 22, and 23. An authorized agent may seek an opinion on behalf of any person. The board will not issue an opinion to an unauthorized third party. The board may on its own motion issue opinions without receiving a formal request.” We note at the outset that IPIB’s jurisdiction is limited to the application of Iowa Code chapters 21, 22, and 23, and rules in Iowa Administrative Code chapter 497. Advice in a Board opinion, if followed, constitutes a defense to a subsequent complaint based on the same facts and circumstances.

**FACTS PRESENTED:**

The Southeast Iowa Union (SEIU) made public records requests to the Henry County Sheriff’s Office in separate emails regarding the following records held by the sheriff’s office:

- A copy of any correspondence between any staff of the Henry County Sheriff’s Office and any legal counsel besides the Henry County Attorney’s Office, regarding Deputy Carlos Lopez and any Brady-

**Board Members**

Joan Corbin • E. J. Giovannetti • Barry Lindahl • Luke Martz  
Joel McCrea • Monica McHugh • Jackie Schmillen • vacant • vacant

Giglio list maintained by any prosecuting agency. This request only applies to correspondence that happened between Nov. 1, 2022 and the date this request is fulfilled. (Copy of this request attached)

- A copy of any correspondence between any staff and of the Henry County Sheriff's Office and any staff of the Henry County Attorney's Office, regarding Deputy Carlos Lopez and his potential placement on a Brady-Giglio list, or regarding the hire of outside legal counsel related to Deputy Carlos Lopez' placement on a Brady-Giglio list ... on or after Nov. 1, 2022. (copy of this request attached)

Henry County Sheriff Rich McNamee is the lawful custodian of the requested records. By July 15, McNamee reached out stating he needed extra time to check whether he could provide the requested records. McNamee said that, because of a disagreement between the county sheriff's office and attorney's office, the typical practice of consulting the attorney's office "will not work," a factor that had slowed down the provision of the requested records.

The Henry County Sheriff's Office has stated verbally that it is uneasy about consulting the Henry County Attorney's Office in matters related to the county's Brady-Giglio list, since the sheriff's office believes that the attorney's office has a conflict of interest in the matter.

SEIU's provided notice the records had been mailed in an email by a third-party attorney on August 6, approximately 41 days after the initial request.

#### **QUESTIONS POSED:**

1. What constitutes a "reasonable delay" for a record's custodian to determine if a record is public or confidential under Iowa Code Chapter 22.8(4)(c) and whether a confidential record should be available for inspection and copying under Iowa Code Chapter 22.8(4)(d)?
2. Does the refusal to consult an attorney due to an internal dispute constitute a "good-faith" delay under Iowa Code Chapter 22.8(4)?

#### **OPINION:**

***I. What constitutes a "reasonable delay" for a record's custodian to determine if a record is public or confidential under Iowa Code Chapter 22.8(4)(c), and whether a confidential record should be available for inspection and copying under Iowa Code Chapter 22.8(4)(d)?***

The central issue involved in both of these questions, which the Iowa Supreme Court addressed in *Belin v. Reynolds*, 989 N.W.2d 166 (Iowa 2023), is how to determine whether a delay is reasonable based on the specific facts presented or whether the government body has essentially refused to provide the requested records — either explicitly or implicitly through an unreasonable delay.

In *Belin*, the Iowa Supreme Court applied the three-part test laid out in Chapter 22.10(2).

- (1) Is the defendant "subject to the requirements of" chapter 22, i.e. is it a government body?
- (2) Did the plaintiff ask for "government records"?
- (3) Has "the defendant refused to make those government records available" for the plaintiff?

In situations in which the first two questions are clearly met, such as in this instance, the question to consider is whether the government body has refused to make the records available. A "defendant may 'refuse' either by (1) stating that it won't produce records [(explicit refusal)], or (2) showing that it won't produce records [(implied refusal)]." *Belin*, 989 N.W.2d at 174. Implied refusal "can be shown through an unreasonable delay in producing records." *Id.* The reasonability of a delay under Chapter 22.10(2)(3) may be determined by the following factors:

- (1) how promptly the defendant acknowledged the plaintiff's requests and follow-up inquiries
- (2) whether the defendant assured the plaintiff of the defendant's intent to provide the requested records
- (3) whether the defendant explained why requested records weren't immediately available (e.g., what searches needed to be performed or what other obstacles needed to be overcome)
- (4) whether the defendant produced records as they became available (sometimes called "rolling production")
- (5) whether the defendant updated the plaintiff on efforts to obtain and produce records
- (6) whether the defendant provided information about when records could be expected.

*Belin*, 989 N.W.2d at 175.

These inquiries are highly fact-specific, and should be viewed more as balancing factors than bright line rules. Neither in *Belin* nor in its successor case, *Kirkwood Inst. Inc. v. Sand*, 6 N.W.3d 1 (Iowa 2024), did the Court define any sort of maximum limit for the period of time which would constitute a reasonable delay, and a delay that may be reasonable for one type of request may be unreasonable for another.

In *Belin*, the Court held a delay of nine months after the last records request by plaintiffs, twenty-one months after their first request, and a month after the suit was brought in December 2021 was an unreasonable delay. 989 N.W.2d at 167. Similarly, in *Kirkwood* the State Auditor's Office did not produce at least some of the records the plaintiff had requested for 216 days after the initial request. The Court remanded that case to determine whether the delay was reasonable. *Kirkwood*, 6 N.W.3d at 10. "[W]hether a party's conduct is reasonable," we have said, "is usually a fact question." *Id.* (quoting *Knake v. King*, 492 N.W.2d 416, 417 (Iowa 1992) (per curiam)).

There have not yet been additional published cases interpreting these factors, so the following are some ways that these will likely to be reviewed and considered.

### ***How promptly the defendant acknowledged the plaintiff's requests and follow-up inquiries***

Best practices are to "promptly acknowledge" the receipt of a records request, but what is considered "promptly" has always been based on the facts existing at the time the request is made.

For instance, in some government bodies, the custodian is not a full-time employee and may be the only person available to receive the requests. Whether a request was promptly acknowledged in that type of situation would depend on the work schedule and availability of the custodian. In other instances, acknowledging receipt of the request would be considered promptly if it occurred within a couple days of receipt, because there is a full-time custodian immediately available to receive and respond.

In other instances, the county attorney may be embroiled in an extensive multi-day trial that is consuming the time and attention of the office. The expectation that the request be promptly acknowledged in that situation would likely not be until after the trial had completed and the attorney could return to the office and catch up on administrative tasks.

***Whether the defendant assured the plaintiff of the defendant's intent to provide the requested records***

Showing an intent to provide the requested records would include considering such things as communications by the custodian to the requestor establishing an estimate for when the records may be available or the custodian providing an estimate regarding the cost of retrieval and copying the records, and communications seeking clarification of the request.

***Whether the defendant explained why requested records weren't immediately available (e.g., what searches needed to be performed or what other obstacles needed to be overcome)***

The Court has repeatedly refused to provide a specific timeframe for when requests must be produced because the variety and scope of requests is as vast as the type of government body subject to the requirements of Iowa Code Chapter 22. For simple requests, generally, there should be limited delay in producing the records by the custodian. For more complex or broad requests, however, retrieval and production could take time. Ongoing communications with the requestor regarding the process as well as providing to the requestor an explanation as to why the timeframe is necessary based on the location of the records, search required, etc. can help establish the reasonableness of the delay in producing the records. It establishes efforts are being made to locate and retrieve the records and that the government body is actively working to respond to the request.

***Whether the defendant produced records as they became available (sometimes called “rolling production”)***

In *Horsfield Materials, Inc. v. City of Dyersville*, the court found troubling a situation in which trouble providing video recordings by the government body held up the production of other requested documents. 834 N.W.2d 444, 462 (Iowa 2013). Providing documents on a rolling basis can help establish facts showing good-faith efforts to comply with the record request. Communicating with the requestor regarding whether they prefer receipt of records as they are available is also important. This allows them to decide whether to receive records as available and the added documentation necessary by both parties to ensure they track what has been produced and what is still pending. If the requestor wants all the records at one time, they have chosen to wait based on an estimate of when the documents will be produced.

***Whether the defendant updated the plaintiff on efforts to obtain and produce records***

Further, ongoing communications with the requestor regarding the request and addressing any outstanding issues that arise also helps establish good-faith reasonable efforts to comply with the request. It is not unusual that issues may arise in responding to a request. Working with the requestor to address these issues sooner rather than later can reduce delays and helps both parties stay aligned on the timeframe and any additional costs involved in the production of the documents.

**II. Does the refusal to consult an attorney due to an internal dispute constitute a “good-faith” delay under Iowa Code Chapter 22.8(4)?**

“Good faith, reasonable delay by a lawful custodian in permitting the examination of a government record is not a violation of this chapter [...]” The facts provided establish the potential for a conflict of interest between the county attorney’s office and the Sheriff’s office. Whether a conflict does in fact exist is beyond the jurisdiction of IPIB.

Without delving too deeply into the facts presented and merely examining the question posed on its face, it is clear that, in general, if an internal dispute or conflict between a government entity and their legal counsel arises, a government entity may need to seek outside representation to comply with a records request. It is also clear that the process of locating and acquiring outside legal representation may take some time. Therefore, this

may lead to reasonable delays in obtaining legal advice regarding the confidentiality of records under Iowa Code § 22.7.

As *Belin* establishes, however, informing the requester of the need to retain outside representation and that this is causing a delay is important in helping determine whether the delay is reasonable. Government bodies certainly may have good faith reasons for retaining third-party representation when the conflict arises from the documents requested and potentially whether the documents could be confidential.

Further, the government body must take steps to respond to the request and to take necessary steps to retrieve the requested documents and produce all of the non-confidential documents to the requestor within a reasonable timeframe.

**BY DIRECTION AND VOTE OF THE BOARD:**

Joan Corbin  
E. J. Giovannetti  
Barry Lindahl  
Joel McCrea  
Monica McHugh  
Luke Martz  
Jackie Schmillen

**SUBMITTED BY:**

Erik Johnson, Legal Intern, and Erika Eckley, Executive Director

**ISSUED ON:**

September 19, 2024

*Pursuant to Iowa Administrative Rule 497-1.3(3), a person who has received a board opinion may, within 30 days after the issuance of the opinion, request modification or reconsideration of the opinion. A request for modification or reconsideration shall be deemed denied unless the board acts upon the request within 60 days of receipt of the request. The IPIB may take up modification or reconsideration of an advisory opinion on its own motion within 30 days after the issuance of an opinion.*

*Pursuant to Iowa Administrative Rule 497-1.3(5), a person who has received a board opinion or advice may petition for a declaratory order pursuant to Iowa Code section 17A.9. The IPIB may refuse to issue a declaratory order to a person who has previously received a board opinion on the same question, unless the requestor demonstrates a significant change in circumstances from those in the board opinion.*

## Before the Iowa Public Information Board

In re the Matter of: Ben Ward, Complainant And Concerning: Iowa Office of Civil Rights, Respondent	Case Number: 24FC:0062  Report
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COMES NOW, Zach Goodrich, Special Counsel for the Iowa Public Information Board (IPIB), and enters this Report recommending dismissal of a formal complaint.

On July 12, 2024, Ben Ward filed formal complaint 24FC:0062, alleging the Iowa Office of Civil Rights (IOCR [formerly known as the Iowa Civil Rights Commission]) violated Iowa Code chapter 22.

### **FACTS**

Complainant alleges the IOCR of several violations of Iowa Code chapter 22 for a number of different purported records requests. The identifiable issues in this complaint include:

- 1) An allegation that a forty page attachment sent to Complainant by IOCR was improperly scanned resulting in blank pages and therefore incomplete.
- 2) A request for an email IOCR claimed Complainant sent requesting to receive all future correspondence exclusively via email.
- 3) An allegation that IOCR is ignoring records requests submitted by Complainant.
- 4) A request “to confirm that I have sent three emails in the past week of July 7-12.”
- 5) An allegation that IOCR provided an excessive and unreasonable estimate of time/costs in producing requested records.
- 6) An allegation that IOCR destroyed requested public records by disposing of a USB drive containing those records.

- 7) An allegation that IOCR refuses to answer questions regarding the existence of certain records.

Counsel for IOCR's response and provided exhibits provide the following responses to the aforementioned issues:

- 1) Due to Complainant's numerous matters with IOCR, certain cases have been consolidated. The forty page PDF provided to Complainant contained several records and did inadvertently include a record twice. However, no information was withheld: the scanning of several records into one consolidated file included pages only printed on one side, and some printed on both sides. Therefore, all pages were scanned front and back, even those only printed on one side, thus resulting in blank pages in the final PDF. The complete record has been provided to Complainant.
- 2) Complainant had earlier requested that an update on one of his IOCR cases be sent to him via email, as he has accessibility issues that make retrieving mail from his mailbox difficult. Due to a misunderstanding, IOCR staff believed Complainant to have requested email correspondence for all of his IOCR cases. Complainant later clarified that he only wanted an email update for one specific IOCR case. No information was withheld, as the information sought was already in transit via USPS and ultimately delivered to Complainant in a regular, though not immediate, fashion as expected with traditional mail service.
- 3) Complainant has submitted records requests to IOCR using its official complaint form that is designed to report alleged violations of Iowa's civil rights laws. IOCR has previously informed Complainant that the complaint form is not the appropriate method to request records, and that any submissions using that form are reviewed as civil rights complaints and not as public records requests. IOCR has reiterated that a records request may be submitted in any other format, including email.
- 4) IOCR has provided the requested information to Complainant.
- 5) Complainant's allegation that the estimated time to fulfill the records request is excessive and effectively prohibits his access to information is not substantiated by any evidence.
- 6) Complainant's allegation that records were destroyed is speculative and not substantiated by any evidence. IOCR's record retention process, including the transition to new technology, was explained in detail.

- 7) IOCR has provided information when allowable, often beyond what is required by Iowa Code chapter 22.

### **APPLICABLE LAW**

- 1) There is no apparent violation of Iowa Code chapter 22. The blank pages were caused by scanning one-sided documents alongside two-sided documents.
- 2) There is no apparent violation of Iowa Code chapter 22. While Complainant never requested correspondence through email for all matters, the misunderstanding is understandable and ultimately no information was withheld.
- 3) There is no apparent violation of Iowa Code chapter 22. Official complaint forms, along with other kinds of communication that serve exclusive purposes, can't be forcefully repurposed into an acceptable way to submit public records requests when there is every other option available.
- 4) There is no apparent violation of Iowa Code chapter 22. While Complainant's request was not a request for records, but rather for information, IOCR nevertheless provided the information.
- 5) There is no apparent violation of Iowa Code chapter 22. Complainant has failed to provide evidence suggesting that records requests have been subject to excessive delays or costs.
- 6) There is no apparent violation of Iowa Code chapter 22. Complainant's claim is speculative and he has been provided with an explanation of IOCR's record retention policy.
- 7) There is no apparent violation of Iowa Code chapter 22. Requests for information are not the same as requests for records.

### **ANALYSIS**

Complainant's correspondence to the IOCR is accurately described by IOCR's counsel as "lengthy and difficult to follow." While much of his correspondence can be characterized as airing personal grievances and frustrations with IOCR's processes, state law, and other actions, Complainant does include some identifiable public records requests. In response to Complainant's identifiable public records requests, IOCR has provided responses, either producing records/information or explaining the conditions under which the records are being withheld. Each of the issues Complainant raises in his complaint has been satisfactorily responded to by IOCR either directly or by its counsel following the filing of this complaint.



While certain information has been redacted or not provided to Complainant, IOCR has appropriately cited applicable portions of state law, including Iowa Code chapter 22, to explain their inability to produce certain records or information in records. Numerous requests from Complainant he characterizes as public records requests are, in fact, not requests for public records. Requests for information, including for answers to questions, are not requests for public records covered by Iowa Code chapter 22.

Complainant's concerns and allegations related to IOCR's mishandling/destruction of public records, inadequate responsiveness to his numerous messages, and "harassing and discriminatory behavior" are either speculative, lacking probative evidence, or irrelevant to our analysis in the context of Iowa Code chapter 22, if not all of the above.

In this matter, there are no apparent violations of Iowa Code chapter 22 or reason to believe the conduct of IOCR has improperly restricted Complainant's access to public information or services. Through the provided exhibits and correspondence, IOCR has demonstrated a pattern of responsiveness and accommodation towards Complainant that complies with and goes beyond the requirements of Iowa Code chapter 22.

### **CONCLUSION**

Iowa Code § 23.8 requires that a complaint be within the IPIB's jurisdiction, appear legally sufficient, and have merit before the IPIB accepts a complaint. Following a review of the allegations on their face, it is found that this complaint does not meet those requirements.

Therefore, I recommend that formal complaint 22FC:0067 be dismissed as legally insufficient pursuant to Iowa Code section 23.8(2) and Iowa Administrative Code rule 497-2.1(2)(b).

Respectfully submitted this 19<sup>th</sup> day of September, 2022.



Zach Goodrich  
Special Counsel

CERTIFICATE OF MAILING

This document was sent by electronic mail on this \_\_\_\_ day of September 2024, to:

Ben Ward, Complainant  
Katie Fiala, Counsel for Respondent

**My response to “Applicable Law” #2:** This claim addresses the fraudulent assertion by ICRC Supervisor Kaitlin Smith that I had allegedly requested correspondence through email for all matters. The IPIB wrote: “the misunderstanding is understandable.” This statement reveals that the ICRC fabricated a false claim about a record that did not exist, using this falsehood as a pretext to justify their discriminatory and harassing treatment of me. The ICRC’s attempt to manipulate record-keeping to achieve this result underscores their misconduct. The IPIB’s response is not only illogical and irrational but also dangerously dismissive in the context of improper record-keeping, and it lacks the accountability required of their statutory mission.

**My response to Applicable Law #3:** The ICRC has ignored or invalidated several FOIA requests. The IPIB asserts that “official complaint forms...can’t be forcefully repurposed into an acceptable way to submit public records requests when there is every other option available.” However, neither the IPIB nor the ICRC has provided any evidence to support this claim. There is no legal basis or prohibition in the ICRC’s guidelines or materials against using the official DocuSign complaint form for submitting FOIA requests.

Furthermore, the IPIB is overlooking the hostile record-keeping conditions that effectively prevent me from making open records requests and seeking clarification when my requests are ignored or improperly labeled as “invalid.” This issue is highlighted in the IPIB Report’s “Conclusion” section, where they describe my correspondence to the ICRC as “accurately described by IOCR’s counsel as ‘lengthy and difficult to follow.’” This assessment is despite the fact that the ICRC submitted only one exhibit in their August 12 response to substantiate this claim. The exhibit showed only slightly more than two pages of my actual writing and was heavily redacted.

In this regard, the IPIB’s assertion is not only illogical but also reflects a refusal to consider substantial evidence. Their reasoning is so flawed that it appears wholly irrational and constitutes an abuse of discretion, as defined by Iowa Code 17A.19(10)(i), (j), and (n).

**My response to Applicable Law #4:** The IPIB wrote, “There is no apparent violation of Iowa Code chapter 22. While Complainant’s request was not a request for records, but rather for information, IOCR nevertheless provided the information.” However, the IPIB is disregarding the fact that Kaitlin Smith inserted her own lengthy personal commentary into the public records request, thereby impairing the clarity and diluting the integrity of the records. This sets a troubling precedent, allowing government officials to include extraneous and irrelevant information that detracts from the proper handling of FOIA requests and impairs the clarity of public records.

Moreover, the IPIB is incorrect in labeling my FOIA request as a “request for information” rather than a request for a record. In their Report, the IPIB erroneously asserts that Chapter 22 does not allow requests for records verifying the existence of other records, which is precisely what my request sought to achieve.

**My response to Applicable Law #5:** The IPIB wrote that I have not been subject to excessive costs, but the ICRC is refusing to provide a basic policy document regarding the “copy and processing fees” unless I pay a prepaid amount. Since the ICRC will not provide me with the fee document while indicating that the prepaid amount will be substantially high, this creates a record-keeping paradox. Any reasonable person would be unwilling to pay a hidden prepaid fee for the document that is supposed to outline the fee costs allowed by law. Additionally, the quoted length of time for processing—between 90 to 120 minutes—is absurd and unreasonable. This information should already be made public; the ICRC’s refusal to provide it, especially in light of the substantial undisclosed fees and the lengthy processing times, suggests that this policy may be new and potentially retaliatory in response to my FOIA requests, indicating possible record-keeping impropriety.

**My response to “Applicable Law” #6 (and IPIB’s “Analysis on Page 4, paragraph 2):** The IPIB wrote: “Complainant’s concerns and allegations related to IOCR’s mishandling/destruction of public records...are either speculative, lacking probative evidence, or irrelevant to our analysis in the context of Iowa Code chapter 22, if not all of the above.”

On July 12, 2024, ICRC Supervisor Kaitlin Smith admitted in writing that my two USB drives, which

contained numerous evidence records and were records themselves, were destroyed as part of an alleged transition to a paperless system. When I requested a FOIA for the policy document confirming the ICRC's "transition to a paperless system," Ms. Smith ruled my FOIA request invalid. This response confirms that the ICRC's stated justification for the destruction of those records and record containers was not truthful and that the ICRC had not recently transitioned to a paperless system. It should be noted that evidence of a recent transition to a paperless system is also absent from the ICRC website and the materials listed there.

Given this significant evidence, it was erroneous and flawed for the IPIB to dismiss the issue as "speculative, lacking probative evidence, or irrelevant" in their analysis of Iowa Code chapter 22. The IPIB's failure to address the fraudulent nature of the ICRC's claims and their lack of a genuine retention policy exemplify an abuse of discretion. According to Iowa Code section 17A.19(10)(i), (j), and (n), the IPIB's reasoning on this matter is so illogical that it appears wholly irrational. The IPIB's disregard for the evidence proving the ICRC's misrepresentations highlights a clear abuse of discretion.

**My response to Applicable Law #7:** This appears to pertain to the record confirming the existence of the USB drive files in electronic form. The Report inaccurately claims that Chapter 22 does not permit requests for records that confirm the existence of other records. This interpretation fundamentally misrepresents the statute and erroneously categorizes such requests as "requests for information." In reality, Chapter 22 allows for requests seeking verification of the existence of records. The IPIB's incorrect labeling of my FOIA request as merely a "request for information" instead of a legitimate request for a record misinterprets the statute and undermines the proper handling of such requests.

Despite any imprecision in my wording, the ICRC's responses indicate that they understood my request was specifically about a record confirming the existence of electronic files from the USB drives. Furthermore, Kaitlin Smith's failure to provide a clear and unequivocal statement regarding whether these electronic files exist has created a record-keeping crisis. Without a definitive response on the existence of this record, I am unable to ascertain whether the files exist or if they can be obtained. This constitutes a violation of Chapter 22.

**The IPIB's "Analysis on Page 3, Paragraph 1:** "Complainant's correspondence to the IOCR is accurately described by IOCR's counsel as "lengthy and difficult to follow."

**My response:** The IPIB's statement is illogical and unsupported by the evidence provided by the ICRC. The "Exhibit 1" cited by the ICRC to claim that my correspondence was "lengthy and difficult to follow" consists of only slightly over two pages of my actual writing, which has been heavily redacted to distort its content. Additionally, the ICRC admitted to duplicating records, which inflated the volume of my communication. Furthermore, the IPIB has failed to acknowledge that "Exhibit 1" is missing two photographic records, demonstrating improper record-keeping and false testimony by the ICRC.

The IPIB continues to ignore the May 20, 2024, email from Investigator Gillian Madigan, which contradicts Supervisor Kaitlin Smith's claim that my messages were "voluminous and varied." This omission further highlights the IPIB's flawed and illogical conclusion.

**The IPIB's "Analysis on Page 4, paragraph 3:** "Through the provided exhibits and correspondence, IOCR has demonstrated a pattern of responsiveness and accommodation towards Complainant that complies with and goes beyond the requirements of Iowa Code chapter 22."

**My response:** The IPIB's acceptance of the heavily redacted exhibits submitted by the ICRC is troubling. These redactions allow the ICRC to present a distorted version of the truth and effectively hide behind Iowa Code section 216.15(5) as both a shield and a sword against me. This approach undermines the integrity and clarity of the records. Additionally, the IPIB is refusing to acknowledge the significant issue of the two destroyed USB drives, which contained numerous evidence records. The IPIB is also uncritically accepting the ICRC's assertions about confidentiality without questioning their validity, despite the evidence I have provided showing that the invocation of confidentiality is improper in many cases.

Moreover, the ICRC's conduct in effectively obstructing my ability to file FOIA requests is far from

accommodating. This includes their failure to provide a legitimate justification for the alleged hostile record-keeping conditions I am subjected to, as my evidence proves. This conduct, coupled with the IPIB's disregard for the evidence I provided showing the ICRC's assertions to be false, reflects a flawed analysis that is illogical, irrational, and fails to consider relevant and important matters. Such actions are unreasonable and constitute an abuse of discretion as defined by Iowa Code section 17A.19(10)(i), (j), and (n).

**Conclusion:** The ICRC's selective redaction of my complaint, while leaving large portions unredacted, was improper and violated Iowa Code section 216.15(5), which prohibits the disclosure of "the filing of a complaint [and] the information gathered during the investigation." By selectively disclosing parts of the complaint and leaving significant information exposed, the ICRC unlawfully chose which portions of the statute to apply, despite the entire record being part of the investigation. Only the three sentences containing the FOIAs in "Exhibit 1" should have been lawfully unredacted. In doing so, the ICRC violated my statutory rights and failed to uphold confidentiality protections.

Furthermore, this selective disclosure violated the confidentiality exceptions outlined in Iowa Code § 22.7(18), which limits the disclosure of communications made to a government body by individuals outside of government if such disclosure could reasonably discourage further communication. The ICRC's actions failed to adhere to these statutory exceptions and demonstrated improper record-keeping practices.

In light of these issues, I respectfully request that the IPIB allow me to submit this new complaint to my current open records complaint for further review and resolution.

Lastly, I am documenting that Ericka Eckley (IPIB Executive Director) refused to clarify the points in my September 13, 2024, email that I needed in order to complete and submit my formal written comments. Ms. Eckley also refused to comment on the fact that I wrote that I would like to participate in the Board meeting, but unfortunately, due to the limitations of my disability, I will be unable to speak in person. Her refusal has effectively taken away my ability to participate and leaves me without any means to respond to possible questions from the Board members. I wish I could have made this privately known to the IPIB, such as through an ADA accommodation, but the IPIB currently has no procedures in place for such requests.

Respectfully,  
Benjamin Ward

# The Iowa Public Information Board

In re the Matter of:  Debra Schiel-Larson, Complainant  And Concerning:  Indianola Community School District, Respondent	Case Number: 23FC:0053  <b>Status Report</b>
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On March 1, 2023, the Complainant, Debra Schiel-Larson, filed formal complaint 23FC:0053, alleging that the Indianola Community School District (District) violated Iowa Code chapters 21 and 22.

## Background

### *The Branding Committee*

At the beginning of the 2022-2023 school year, the District determined it should assess whether members of the school community were interested in changing the District's logo (and generally to the District's brand). The District's Superintendent, Ted Ihns, worked with a media relations company, The Donovan Group, to determine how to engage the school community to evaluate a possible change in the District's logo and brand. The Donovan Group recommended that the District create a committee and advised the following regarding composition of this committee:

In addition, here's a list of positions I would recommend consideration of for a logo/branding committee:

- Staff (1-2 from each building)
- Coaches
- Parents (Mix of those who've grown up in Indianola + those who've lived elsewhere)
- Board member
- Retiree(s)
- Business owners/leaders
- Students
- Recent grads

You may not be able to have all of those groups represented, but I would aim for each so that you have a committee of 12–20.

The Superintendent and other District administrators worked to find people who would serve on this committee consistent with this recommendation. The Indianola School Board did not take any steps to appoint or otherwise approve members of this committee. Once the committee was created, it occasionally met and reported back to the Superintendent regarding the committee's discussion. The committee did not report information or recommendations directly to the Board. Ultimately, the committee dissolved without recommending any changes be made to the District's logo or brand. The Board took no action for any changes to the District's logo or brand, and the District did not proceed with changing the District's logo or brand.

### *The Request*

As noted above, the District had been evaluating possible changes to the District's logo and overall branding throughout the 2022-2023 school year. The Board had received periodic updates on the status of the process, with most of the updates related to hiring a third-party entity to assist the District with the logo and branding evaluation process.

During the March 21, 2023, Regular Board Meeting, Superintendent Ihns provided an update on "the branding committee's progress." Superintendent Ihns stated that the committee held a meeting in early March and had received "the first tentative schematic designs back." As part of the update from Superintendent Ihns, a Board member asked, "Can you send us what you have so we can see it?" to which Superintendent Ihns replied, "Yeah, I can share it out."

Despite Superintendent Ihns' statement that he would share the tentative designs with the School Board, the District maintains that there were no further updates to the Board on the rebranding effort after the March 21 meeting, and the Board never formally or informally considered options for the District's logo or brand update; never voted to approve any updated logos or branding materials; and did not proceed with any steps related to a change to the District's logo or brand after March 21, 2023. The District stated that it fully stopped any further assessment of whether a logo or brand change should be made in late March 2023.

However, included in the agenda for the July 18, 2023, Board meeting was an agenda item related to branding guidelines. The District maintains that this item related to guidelines developed by the same consulting firm that had been working with the branding committee, but was unrelated to the work that the branding committee had been doing. The District states that the branding guidelines referenced in the July 18 meeting agenda relate to uniformity of the District's branding, whereas the branding committee's work dealt with potential rebranding and updates to the logo. However, in a March 2 press release regarding the brand committee's

efforts, which was provided to the Complainant, the District states that the branding committee was involved in maintaining uniformity in branding.

On April 5, 2023, the Complainant submitted a public records request to the District for the following records related to the branding committee:

A digital copy of all records related to the Indianola Community School District's Branding Effort. This includes but is not limited to original work on this topic prior to formation of the associated committee, all correspondence and documents, the school district's consultant and their efforts, Branding Committee meeting packets, agendas, meeting minutes and records, . . . [and] the information that Superintendent Ted Ihns referenced recently at the Indianola Community School District's Board meeting on March 21, 2023 with branding designs currently under consideration. Superintendent Ihns agreed to forward this information to the School Board members.

The stated timeframe for the request was from January 2, 2023, to the present.

On April 17, 2023, Superintendent Ihns emailed the Complainant the records the District had determined were responsive and subject to disclosure. In his response, Superintendent Ihns stated that "any records that are confidential under state or federal law . . . have been redacted or otherwise not released."

The Complainant sent a follow-up email to Superintendent Ihns stating that "[t]he information you provided to me in this file is substantially incomplete." In her email, the Complainant also asked follow-up questions about her request for records, including (i) asking for the attachment referenced in an email included in the responsive records provided by the District, (ii) asking for the "current information" she requested in her request for records, (iii) asking for the "Branding Committee meeting packets, agendas, meeting minutes and records, etc.," and (iv) asking for "the update" that had been requested by the Indianola School Board.

Following the email exchange, the Complainant requested a meeting with Superintendent Ihns. On April 26, 2023, Superintendent Ihns, the Complainant, and the Complainant's husband met to discuss the request for records. During that meeting, the Complainant requested additional clarification regarding the confidentiality of certain records, and Superintendent Ihns indicated that draft or tentative documents are not subject to disclosure.



### *The Complaint*

The Complainant alleges that in responding to the request, the District violated Chapter 22 in two ways. First, the Complainant alleges that the records released did not include any of the attachments referenced in the emails the District released to her.<sup>1</sup> Second, the Complainant alleges that although she requested records from January 2, 2023, to the present, the District failed to provide any records dated after March 2, 2023.

### *The District's Response to the Complaint*

Regarding the alleged violation of chapter 22, the District maintains that the additional materials that were withheld from the Complainant were confidential draft materials or trade secrets under section 22.7(65). Further, the District states that the dates of the documents that were provided to the Complainant only extend to March 2, 2023, because the rebranding effort was abandoned shortly after the March 21 Board meeting, and no public records were created between March 2 and the disbanding of the branding committee after the March 21 Board meeting.

### *Chapter 22*

The District relied on § 22.7(65), the “draft documents” exception, to support withholding the documents referenced in the complaint. However, this exception cannot account for the total absence of responsive documents between March 2, 2023, and the end of March, when the District states that all rebranding efforts ceased. Further, it is not clear from the facts that the rebranding efforts did in fact cease at the end of March, as evidenced by the July 25 Board agenda item dealing with consistency of branding. IPIB accepted the Complaint on August 17, 2024, to work with the parties to further investigate the scope of records withheld and determine whether additional records exist that should have been or could be disclosed.

### *Informal Resolution*

On March 21, 2024, the IPIB approved the Informal Resolution Report, which laid out the following terms:

Therefore, the parties agree to resolve the complaint pursuant to the following terms:

1. The District shall identify and collect all public records it possesses that fit the description of those the Complainant requested in her original request, subject to the following limitation:

a. The parties acknowledge and agree that the Respondent is not obligated to search for, identify, and collect any records that were created before January 2, 2022, or after September 7, 2023.

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<sup>1</sup> When the Complainant brought this issue to the District's attention, the District provided one of the referenced attachments to the Complainant, the “Branding Article” attachment. The District stated that it had inadvertently omitted the “Branding Article” from the documents released to the Complainant and that this document was the only attachment not provided initially that was a public record subject to release.

2. If, after identifying and collecting all public records as described in paragraph 1, the District wishes to withhold one or more of those records as confidential, the District shall provide unredacted copies of the records it wishes to withhold to IPIB staff and state the basis of the claimed confidentiality of each record it wishes to withhold. However, if the claimed confidentiality of a record is based on attorney-client privilege, the District is not obligated to provide that record to IPIB staff.
3. Upon receipt of a record claimed to be confidential, IPIB staff shall review the record, determine whether the District may withhold it as confidential, and communicate its determination to the District.
4. The District shall release all records it has identified and collected as described in paragraph 1 to the Complainant, except that
  - a. the District may withhold records that IPIB staff determined to be confidential as described in paragraph 3; and
  - b. The District may withhold attorney-client privileged records.
5. Upon receipt of the records, the Complainant shall send an email to the District and IPIB staff stating the following:
  - a. That she received and reviewed the records; and
  - b. That the alleged violation of chapter 22 complained of in formal complaint 23FC:0053 is hereby resolved.

Upon formal approval of the informal resolution, IPIB staff conferred with the parties to determine how best to resolve the complaint. During these discussions, it became apparent that the search terms and methodology the District had used to identify documents responsive to the Complainant's request were incomplete and would likely not have yielded a complete response to the request even if the District had not chosen to withhold any of the documents.

Upon learning this, IPIB staff recommended that the Complainant and District agree on a list of search terms that would yield a complete response. The Complainant suggested a list of search terms and the parties identified a limited number of individuals whose computers and emails would be searched for responsive documents. However, the District reported that searching these terms yielded an unwieldy number of potentially responsive documents that would need to be reviewed to determine if they fit the description of documents that the Complainant had requested via natural language.

#### *Records Provided - Informal Resolution*

On May 3, 2024, the District submitted records to IPIB staff.

On May 21, 2024, IPIB staff provided all documents provided by the District to Ms. Schiel-Larson.

On June 13, 2024, Ms. Schiel-Larson stated that she did not agree that she had received all records pursuant to her request. On June 27, Ms. Shiel-Larson provided a specific list of missing records. She stated that the request was for the District's Branding "Effort," which she believed was not inclusive only of the Branding Committee; the earliest records were November 2022 and the Informal Resolution included the timeframe of January 2022 through September 2023; she requested all communications and not just the branding committee; and no minutes or materials from the committee meetings had been included in the documents.

On August 12, the School provided the following additional search:

To/From: All Board Members district email addresses and Superintendent Ted Ihn's district email address (NOT from:(copier-no-reply@indianola.k12.ia.us)) and (from:([\\*@indianola.k12.ia.us](mailto:*@indianola.k12.ia.us)))

Date Range: January 2, 2022, through September 7, 2023

Search Terms: brand OR branding OR logo

We are hopeful this will pull any emails that would be sent to Board members from members of the public related to the District's brand or logo. In your email dated June 13, Ms. Schiel-Larson, you stated this was information you were requesting. The District continues to take the position that emails from members of the public to Board members are beyond the scope of the initial request, which was for records "related to the Indianola Community School District's Branding Effort," as this request generally would not include public comments that were received by the Board members. However, the District is agreeable to performing this search to resolve the matter.

Once this email search is performed and we have an idea of how many emails the searched "pulled," I will follow-up with both of you to share with you that information. I will then ask for confirmation that, if the District reviews and redacts any confidential information (i.e., student or employee information) from the emails generated by this search and releases those emails, that this would formally resolve this matter. The District is willing to try every reasonable avenue to resolve this matter.

On August 27, 2024, the District reported that the search resulted in over 500 emails and was concerned the review would take more than 15 hours. The District believed it had already provided a search and had provided all records in response to Ms. Schiel-Larson's request.

On September 10, IPIB staff spoke with the District regarding the emails identified.

On September 16, the District agreed to review the 500+ emails identified to determine if there are any additional records within the group that should have been provided. These will be provided to IPIB by October 11. In response, Ms. Schiel-Larson stated she does not believe this review will resolve her complaint.

IPIB staff is providing this update to the Board and seeking guidance in addressing this matter. It is IPIB staff's understanding the parties will be in attendance to address the Board and answer any questions the Board may have about the status of this Complaint.

Respectfully submitted,

Erika Eckley

#### CERTIFICATE OF MAILING

This document was sent on September 16, 2024, to:

Debra Schiel-Larson, Complainant.  
Emily Ellingson, counsel for the Indianola School District

**Formal Complaint 23FC:0053 is Not Resolved (Indianola Community School District)**

1 message

**Deb & Paul Larson** <dpaklarson@gmail.com>  
To: Erika Eckley <erika.eckley@iowa.gov>  
Cc: Emily Ellingson <emily.ellingson@ahlerslaw.com>

Tue, Sep 17, 2024 at 10:51 AM

Good morning, Erika;

I believe it is critically important for the IPIB members to understand why the Indianola CSD continues to fail to provide the required information by seeing what is missing.

They will require the opportunity to see and study it prior to the meeting.

My email to you and Emily dated June 27, 2024 is included here.

You asked me to be specific about what was not provided. I responded in detail.

I am requesting that this email is included in their meeting packet. The entire email string and the attachments are not necessary. I am focused on my response to you dated June 27, 2024 in its entirety, and the specific information it provides related to the text of my original information request, with six referenced notes.

Thank you.

Deb Schiel-Larson

Begin forwarded message:

**From:** Deb & Paul Larson <dpaklarson@gmail.com>  
**Date:** June 27, 2024 at 8:14:20 PM CDT  
**To:** Erika Eckley <erika.eckley@iowa.gov>  
**Cc:** Emily Ellingson <emily.ellingson@ahlerslaw.com>  
**Subject:** Formal Complaint 23FC:0053 is Not Resolved (Indianola Community School District)

Good evening, Erika;

I received your email dated Monday, June 24, 2024. You asked me to be specific about what I feel has not been provided [by the Indianola Community School District] that should have been provided in regards to my original request.

I copied the text of my original request here and referenced it to notes below. Please be aware that at the same time, I am addressing all numbered items (1-5) that were included in your email. I am also referencing my analysis of the Indianola CSD's incomplete responsive document. A copy of my analysis (dated June 6, 2024) is attached here again for reference.

"Pursuant to Iowa Code Chapter 22, the public records law, I am requesting a digital copy of all records related to the Indianola Community School District's Branding Effort [Note 1]. This includes but is not limited to original work on this topic prior to formation of the associated committee [Note 2], all correspondence and documents [Note 3], the school district's consultant and their efforts [Note 4], Branding Committee meeting packets, agendas, meeting minutes and records, etc." [Note 5].

This public information request also includes but is not limited to the information that Superintendent Ted Ihns referenced recently at the Indianola Community School District's Board meeting on March 21, 2023 under 'Item 1. Other' with branding designs currently under consideration. Superintendent Ihns agreed to forward this information to the School Board Members." [Note 6]

Note 1:

a.) *Included in my original request is this statement: ".....I am requesting a digital copy of all records related to the Indianola Community School District's Branding Effort." I used the word "Effort" intentionally and inclusively.*

*The Indianola CSD will already know that for the required title of my original "Open Records & FOIA Request" submitted to them online on April 6, 2023, I wrote: "Indianola Community School District's Branding Effort." I kept a copy and can prove this fact.*

*My original request is not only about the Branding Committee and cannot be limited to it.*

b.) *The Indianola CSD's Branding Effort involved Indianola CSD staff members beyond just Superintendent Ted Ihns, with Branding Committee members, school board members, consultant(s), public involvement, etc. These records with the involvement of individuals/groups in addition to Superintendent Ihns are missing.*

c.) *The Indianola CSD's press release (reference item# 2 in my analysis) includes a list of "non-negotiables" and states that "the main district logo will not change." The Indianola CSD's logo, mascot and school name is the Indianola Indians. The Indianola CSD's Branding Effort is Branding Indians.*

*Some of the known references to "Indians" and the related keywords we repeatedly discussed in our work together on this case are also reflected in the responses from all three Branding consultants that the Indianola CSD contacted.*

*"Indians" and the related keywords cannot be removed from the search associated with my original request, as the Indianola CSD continues to attempt to do. These records are missing.*

Note 2:

The Informal Resolution for this case includes the agreed upon timeframe of January 2, 2022 – September 7, 2023. In contrast, reference item# 32 in my analysis of the Indianola CSD's responsive document. This item dated in November, 2022 is the earliest document provided by the Indianola CSD and is an estimate for consultant services, with the Branding Effort clearly already well underway.

My original request specifically states: .....“original work on this topic prior to formation of the associated committee.” These records are missing.

Note 3:

a.) Public comments/communication and internal communication are most certainly part of my original request and are missing from the Indianola CSD's responsive document. I specifically stated “all correspondence and documents.”

Additionally, since the Branding Committee members were intentionally not identified, the public was forced to communicate with Indianola CSD staff and school board members in this matter. As I stated previously, even my own communications are missing as well as that of other known individuals and groups.

These records are missing.

b.) Email attachments. Email messages in the Indianola CSD's responsive document are separated and not associated with the attachments these messages reference. Some items included in the responsive document could be attachments but there is no context and they do not appear to add up to what is missing.

It is the Indianola CSD's responsibility to provide information in their responsive document in a way that can be understood and verified. Until this situation is corrected, we cannot assume that these records (the attachments) are complete.

Note 4:

My original request specifically includes the Indianola CSD's consultant and their efforts. These records are missing.

Note 5:

The Indianola CSD's Branding Effort was significantly more than simply Branding Committee agendas and minutes. A reasonable person knows that review and preparation for meetings and conducting actual meetings (especially involving volunteers) includes but is not limited to handouts, presentations (including PowerPoint, which is used often by the Indianola CSD), information prepared by the Indianola CSD's consultant(s), etc. Item# 27 in my analysis (“Proposed Branding Roadmap”) outlines the significant amount of work involved in the Indianola CSD's Branding Effort.

These records are missing.

Note 6:

The Informal Resolution for this case states: “Again, it is the District's responsibility – not the Complainant's or IPIB's – to determine the best method of identifying and collecting ALL the records requested so that they may be released to the Complainant in accordance with the law.”

This statement is especially significant. During discussions on this case with IPIB attorney Daniel Strawhun and Emily Ellingson (representing the Indianola CSD), the Indianola CSD repeatedly attempted to force me (the Complainant) to specify how the records search would be conducted (which individuals would be contacted, what records were required, how the records would be located, etc.). But the Indianola CSD's Branding Effort was not public and intentionally held behind closed doors.

I reviewed the Indianola CSD's responsive document in detail and provided an analysis that is attached here for reference. This responsive document is incomplete and unacceptable.

The Indianola CSD has the responsibility to determine the best search method for retrieving the records related to the original request. They have failed to do so. The Indianola CSD must be required to comply.

Please advise if you have questions and let us know what the next step will be.

I will not be able to participate either in person or online when the IPIB meets in July. If this case needs to be reviewed by the IPIB again, please delay including it on their agenda until their meeting in August, 2024.

Thank you.

Debra Schiel-Larson  
Indianola, IA

Attachment as noted:

2024 6 12 Responsive Document Analysis – Formal Complaint 23FC 0053 – Debra Schiel-Larson; 7 pages

On Mon, Jun 24, 2024 at 12:01 PM Eckley, Erika <[erika.eckley@iowa.gov](mailto:erika.eckley@iowa.gov)> wrote:

Debra and Emily,

I have reviewed the original complaint and the information that was provided. I have also reviewed the acceptance order and the informal resolution. Both of which focused on the request from the original records request.

The original complaint sought the following-

Pursuant to Iowa Code Chapter 22, the public records law, I am requesting a digital copy of all records related to the Indianola Community School District's Branding Effort. This includes but is not limited to original work on this topic prior to formation of the associated committee, all

## The Iowa Public Information Board

In re the Matter of:	Case Number: 23FC:0126
Traci Stillwell, Complainant	Final Report
And Concerning:	
Hampton Public Library, Respondent	

Traci Stillwell filed formal complaint 23FC:0126 on November 19, 2023, alleging the Hampton Public Library (“Library”) violated Iowa Code chapter 22 on November 14, 2023.

Ms. Stillwell alleges she submitted a public records request on October 22, 2023, to the Library and received an estimate for fees that were not reasonable or actual estimates.

Ms. Stillwell records request included the following, “I would like copies of all correspondence, both written and digital including any and all social media platforms, emails, and text messaging between you and the members of the Hampton City Council, City Manager, Iowa Library Association, The American Library Association, members of press i.e.: news outlets, newspapers, radio, correspondence with directors of other public libraries, present and past Board of Trustees including the board president, employees of the Hampton Public Library, The Hampton Iowa City Attorney, and with any individual who has challenged a book in Hampton Public Library from January 1, 2023 to present day.”

Ms. Stillwell alleges she received a reply from the Library on October 26, 2023 which included an initial estimate of the fees, but with the possibility of additional, open-ended fees. She responded to the library following a conversation with the Iowa Public Information Board on November 3, 2023. A letter was sent to the custodian of the records the same day asking for further explanation of the fees. She received no correspondence in reply from the custodian.

Ms. Kim Manning, Librarian for the Library provided a response. Ms. Manning provided the following estimated fees to Ms. Stillwell. Upon review of the request, the IT firm estimated the work would take approximately four hours at a rate of \$75.00 per hour (\$300 total). She stated that Ms. Stillwell did not object to this expense. Ms. Manning also provided an estimate of \$300 per hour for the review of the requested records by the Library’s local counsel. Ms. Manning states that she is unable to provide additional estimates of fees until the materials are retrieved, how much of it needs to be reviewed by counsel, and how much time it will take.

In a response to the Library, Ms. Stillwell questions the estimate of an IT professional needing four hours to retrieve these records. She also believes reasonable fees should not include attorney fees to verify compliance for the release of requested records. She disagrees that the request would include any confidential information. She also states that a total fee must be agreed upon prior to the records retrieval process.

IPIB staff attempted to work with the parties to put together a reasonable estimate for the records request. Ms. Manning was asked to work with her IT people to determine the number of records used in determining the initial estimate of four hours. Based on this number the Library's counsel, Ms. Rosenberg was asked to determine an estimate for the time and fees to review and redact the records.

During the course of these conversations, it was discovered that the Library had only 30 days of emails available on Ms. Manning's computer and no one has been able to locate where Library emails are hosted and stored. Apparently, the emails are set to automatically delete after 30 days. The Library does not have access to the server and are unclear as to who is hosting the server.

At this juncture, after several meetings with the parties, the matter has not been resolved and more questions have been raised regarding the Library's emails and response to a records request. Ms. Manning has retired from the Library and attempts to resolve these questions and obtain updates and information from the Library have been fruitless. At this time, it is unclear if the requested records exist or if they can be recovered.

The formal complaint was accepted by the IPIB on April 18, 2024.

Pursuant to Iowa Code §23.9, the parties negotiated and reached an informal resolution. The parties agree to the following terms:

1. The Hampton Public Library Board will acknowledge at an open meeting that there are sufficient facts to show that the Library has failed to provide public records requested within a reasonable time and failed to provide a complete estimate of fees pursuant to Iowa Code chapter 22. This acknowledgement shall be recorded in the minutes of said meeting and minutes shall be provided to the City of Hampton and the IPIB.
2. The Hampton Public Library will identify the location, quantity, and availability of the public records requested by Ms. Stillwell. A report reflecting this information will be provided to Ms. Stillwell and the IPIB.
3. All available records, except those identified as confidential shall be provided to Ms. Stillwell at no cost.
4. The Hampton Public Library Board will draft and adopt a policy regarding responding to public record requests. This policy will comply with Iowa Code chapter 22 and shall be reviewed and approved by IPIB staff.
5. The Hampton Public Library Board shall approve this resolution during an open meeting and include the full text in the minutes of said meeting. Said minutes shall be provided to the IPIB.



The terms of this informal resolution will be completed within 30 days of acceptance by all parties and approved by the Iowa Public Information Board. Upon showing proof of compliance, the IPIB shall dismiss this complaint as successfully resolved.

Ms. Stillwell approved the informal resolution on May 15, 2024.

Wendy Lamos, President of the Hampton Public Library Board approved the informal resolution on May 15, 2024.

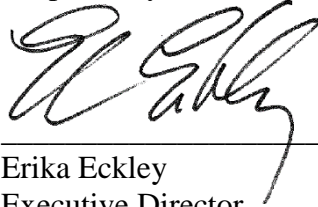
The IPIB approved the informal resolution report on June 27, 2024.

The Library worked with the state of Iowa employee, Jerry Balmer, to retrieve the emails requested. This took approximately eight weeks. Upon receipt of the emails, the new Library director, Suzy Knipfel, worked with a local computer repair person to install a program on her computer allowing the emails to be viewed. See affidavit of Ms. Knipfel.

Once reviewed, all non-confidential emails retrieved were provided to Ms. Stillwell. Ms. Stillwell believes there are additional emails she should have received, but all retrievable emails have been provided.

All other terms have been met. IPIB should dismiss this complaint as resolved.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Erika Eckley', is written over a horizontal line. The signature is stylized and cursive.

Erika Eckley  
Executive Director

To: Iowa Public Information Board  
From: Hampton Public Library  
CC'd: Traci Stillwell  
Date: August 7, 2024

#### AFFIDAVIT OF SUZANNE KNIPFEL

In late February of 2024, the former library director, Kim Manning (hereinafter Kim), discovered that the library's emails were automatically deleted after 30 days. Retrieving them requires, among other things, access to the library's server.

Upon discovering her emails were being automatically deleted, Kim contacted the local IT company, Rockwell Telephone Company (hereinafter Rockwell), to help retrieve the delated emails. One of Rockwell's technicians, Jason Dickman (hereinafter Jason) made an onsite service call for the library. Jason attempted to retrieve the emails but discovered that he could not access the library's server and in fact could not even locate the server. Jason advised Kim to contact the State of Iowa to retrieve those, as those may be saved on their server.

Following Jason's advice, Kim then contacted the State of Iowa and requested their help, since she believed that the library emails may be on the State's server. Kim's request for information is referred to as Incident Number: INC0987067. On March 7, 2024, Jason Tse (hereinafter Jason) with the Iowa Executive Branch responded. The response is referred to as Reference Number: MSGPROD9258042. He has informed Kim that the State does not keep those emails, and that the library is not connected to the State's server. Jason advised Kim to seek help from the City and suggested that the library might be connected to or otherwise served by the City's server.

About the same time, city attorney, Megan Rosenberg (hereinafter Megan), contacted Brian Borcharding (hereinafter Brian). Brian also does IT work but is not affiliated with any firm. He, along with Rockwell, provides IT support for the City. Brian could not find the server, but he thought the server we needed was the County's server.

On March 12, 2024, Megan emailed and called the county's IT director, Gabe Johans (hereinafter Gabe). A week to 10 days later Gabe contacted Megan. He could not access the server, but he found the server. The server is physically in Australia.

Kim retired from her position as library director, and Suzy Knipfel (hereinafter Suzy), was appointed interim director on April 1. Upon her appointment, Suzy continued to work on retrieving the emails.

Eventually Suzy connected with Jerry Balmer from the State of Iowa on or about April 10, 2024. He was able to access the server and retrieve the emails. He worked on gathering those emails for approximately eight weeks. Once he had compiled them, he sent them to Suzy electronically.

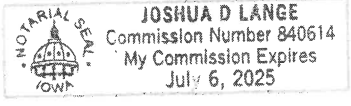
When Suzy attempted to access the emails, she discovered that her software was incompatible with the program used to download the emails. Suzy contacted Pat Palmer (hereinafter Pat) to help. Pat operates a local computer repair business; he is also a member of Hampton's City Council. Pat installed a program on Suzy's desktop, which enabled her to open and print the emails. Other than the installation of the program, Pat had no other involvement.

I, Suzanne Knipfel, swear or affirm that the forgoing statement is true or correct to the best of my knowledge.

*Suzanne Knipfel*  
\_\_\_\_\_  
Suzanne Knipfel

State of Iowa        )  
                              )  
County of Franklin )

SS:



Subscribed and sworn to before me on this 7 day of August, 2024.

*Joshua D. Lange*  
\_\_\_\_\_  
Notary Public

AFFIDAVIT OF JASON DICK

1. My name is Jason Dick.
2. I am a technician with Rockwell Telephone Company.
3. That in March of 2024, I made an on-site call to the Hampton Public Library.
4. I attempted to retrieve some deleted emails, but I was unsuccessful.
5. I was unable to access the server.
6. I advised the library director to contact the State of Iowa to see if the State had any knowledge as to the server.

I, Jason Dick, swear or affirm that the foregoing statement is true and correct to the best of my knowledge.

State of Iowa )

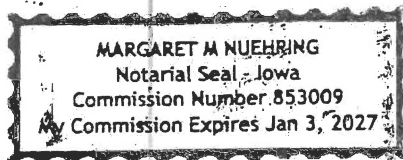
) ss:


County of \_\_\_\_\_ )

  
\_\_\_\_\_  
Jason Dick

Subscribed and sworn to me by Jason Dick on the 4 day of September,

2024.



  
\_\_\_\_\_  
Signature of Notary Public

AFFIDAVIT OF PAT PALMER

1. My name is Pat Palmer.
2. I do business as "The Computer Guy" in and around the Hampton, Iowa area.
3. I am a Hampton City Council member.
4. I installed the necessary program to open and print the emails on Suzy's computer and instructed her how to use it and sort the emails into the appropriate folders. Other than that, I had no involvement.

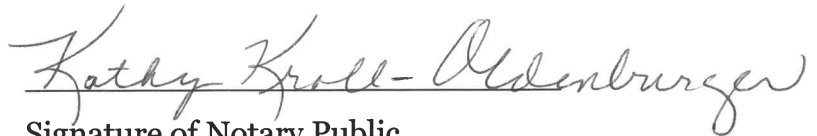
I, Pat Palmer, swear or affirm that the foregoing statement is true and correct to the best of my knowledge.

State of Iowa        )  
                                  ) ss:  
County of Franklin)

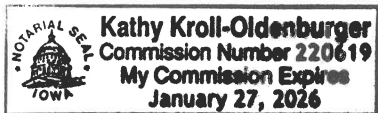


Pat Palmer

Subscribed and sworn to me by Pat Palmer on the 6<sup>th</sup> day of September  
2024.



Signature of Notary Public



AFFIDAVIT OF GABE JOHANS


1. My name is Gabe Johans.
2. I am the IT director for Franklin County.
3. Megan Rosenberg contacted me in mid-March 2024, asking for help in locating the library's server.
4. I was able to determine the name of the company that mail bound for the domain in question was being routed to.
5. The company that controlled the clients domain was based, as detailed on their website, as being located in Australia.

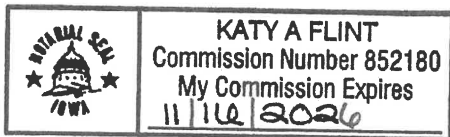
I, Gabe Johans, swear or affirm that the foregoing statement is true and correct to the best of my knowledge.

State of Iowa            )  
                                  ) ss:  
County of Franklin)

  
\_\_\_\_\_  
Gabe Johans

Subscribed and sworn to me by Gabe Johans on the 5<sup>th</sup> day of September,  
2024.

  
\_\_\_\_\_  
Signature of Notary Public



AFFIDAVIT OF BRIAN BORCHERDING

1. My name is Brian Borcharding.
2. I am not affiliated with any firm.
3. That in March of 2024, I spoke with attorney Megan Rosenberg about the location of the server.
4. I advised Megan Rosenberg to contact Franklin County's I.T. Department, as I believed the server may be hosted by Franklin County.

I, Brian Borcharding, swear or affirm that the foregoing statement is true and correct to the best of my knowledge.

State of Iowa )

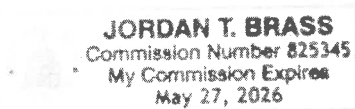
) ss:

County of Franklin )



Brian Borcharding

Subscribed and sworn to me by Brian Borcharding on the 23 day of August, 2024.



Signature of Notary Public

# The Iowa Public Information Board

In re the Matter of:  Shaylea Caris, Complainant  And Concerning:  Shelby City Council, Respondent	Case Number: 24FC:0035  <b>Revised Dismissal Order</b>
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COMES NOW, Erika Eckley, Executive Director for the Iowa Public Information Board (IPIB), and enters this Dismissal Order:

On March 23, 2024, Shaylea Caris filed formal complaint 24FC:0035, alleging the Shelby City Council (City) violated Iowa Code Chapter 21.

### Facts

On March 5, 2024, the City held a meeting that included both open and closed sessions. Ms. Caris alleges that the City violated Iowa Code Chapter 21 by taking final action in closed session.

This issue was heard by the IPIB Board on June 27, 2024, and August 15, 2024. IPIB staff have conducted further review, which resulted in this Revised Dismissal Order.

### Applicable Law

Iowa Code §§ 21.5(3) provides that final action by any governmental body on any matter shall be taken in an open session unless expressly permitted to take such action in closed session.

### Analysis

Ms. Caris argues that final action, which should take place in open session pursuant to Iowa law, was held in closed session and that the public believed the open session was adjourned.

IPIB staff reviewed the full meeting, including records of both open and closed sessions, to determine whether the City complied with the open session requirements of Chapter 21.

There is no dispute that the City voted to end the open session and enter a closed session. The recording shows that the City moved to “adjourn open session and open closed session.” The City thanked attendees for coming and the public left the venue. The recording ends and does not restart.

Written minutes from the meeting on March 5, 2024, reflect that session is reconvened following closed session and a vote is taken. The vote directs the City’s attorney to draft a memorandum.

As the minutes demonstrate, open session was reconvened for a public vote following “adjournment” of open session. The public was not present for this vote, believing that open



session would not be reconvened. A false public perception that open session would not reconvene was created by the City when the City's motion indicated that open session was "adjourned."

There are factors in this case that mitigate any violation of open session requirements:

- A vote is not required to direct the City's legal counsel to draft a memorandum.
- The City held an identical vote to direct the City's legal counsel to draft a memorandum held during open session at the next City meeting on March 19, 2024.
- Although the public is not in attendance, the City did reconvene open session, held a vote in open session, and released minutes that correctly reflected the remainder of the meeting.

Based on the above circumstances, there is ambiguity created by adjourning open session and acting following closed session. IPIB staff find that this error is harmless as the final action did not require a vote and the action was repeated at the next meeting of the City to ensure it occurred in open session. In addition, the publicly provided minutes demonstrate an accurate description of the actions taken by the City.

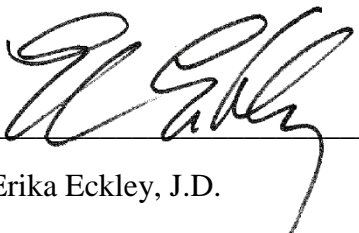
### **Conclusion**

Iowa Code § 23.8 requires that a complaint be within the IPIB's jurisdiction, appear legally sufficient, and have merit before the IPIB accepts a complaint. While this complaint meets jurisdictional and legal requirements, IPIB staff recommend dismissal due to harmless error that was remediated by the City.

IT IS SO ORDERED: Formal complaint 24FC:0035 is dismissed pursuant to Iowa Code § 23.8(2) and Iowa Administrative Rule 497-2.1(2)(b).

Pursuant to Iowa Administrative Rule 497-2.1(3), the IPIB may "delegate acceptance or dismissal of a complaint to the executive director, subject to review by the board." The IPIB will review this Order on September 19, 2024. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Executive Director



Erika Eckley, J.D.

### **CERTIFICATE OF MAILING**

This document was sent on September 12, 2024, to:

Shaylea Caris, Complainant  
Clint Fichter, Attorney for City

## MEMORANDUM FOR IOWA PUBLIC INFORMATION BOARD (IPIB)

I am not in attendance for this meeting due to competing priorities with my job. In review of the draft dismissal, I submit the following response to the board:

Based on the last board's discussion, it came down to whether or not the city actually stated the public was adjourned prior to the closed meeting and if so, subsequently any action taken after that was problematic. At the last meeting, a board member asked the IPIB legal representative if the Shelby Council actually stated the public was adjourned in the recording, the legal representative stated "no." That was not true. I tried to raise this was said in the recording to the board by raising my hand but I was ignored. For the record, the recording reflects a council member adjourning the open session prior to the motion to enter into the closed session on March 5<sup>th</sup>.

In the draft dismissal order, the Board uses 3 reasons to mitigate the violation which reads:

- A vote is not required to direct the City's legal counsel to draft a memorandum.
- The City held an identical vote to direct the City's legal counsel to draft a memorandum held during open session at the next City meeting on March 19, 2024.
- Although the public is not in attendance, the City did reconvene open session, held a vote in open session, and released minutes that correctly reflected the remainder of the meeting."

The above addresses mitigation to lessen the severity of an act but it does not void the act of failing to meet the elements of the law. The Shelby City council did not take the required steps to reconvene in open session required under the law. Obtaining consensus of the city council to move forward with drafting an MOU for the sale of real estate that has high public interest requires action. The elements of the law state **any action** after a closed meeting must be held in an open session.

The city put in the minutes the action to draft the MOU was done in an open session but it is very clear the required steps under the law to reconvene were not followed which is a false perception the law was followed. In the evidence the public had no knowledge or access to this open meeting nor any conceivable idea it would occur after they were adjourned.

During this process I observed discussions of the board members in defense of Shelby City's actions as if they were representing the city instead of an independent body. Although the Shelby City did not show up to the complaint meetings to represent themselves in front of the board, there is actually one area I am in agreement with the Shelby City Attorney in which he stated in his email response to the IPIB Attorney "he was familiar with numerous cases in which the Board has patently ignored the law in its decisions, interpreted it unevenly depending on the parties, or arrived at questionable conclusions following a questionable process."

As a member of the public, I used this process to ensure local government follows the law and instills trust. Yet I find myself even more untrusting of this process based on this outcome.

Thank you,

Shay Caris

# The Iowa Public Information Board

In re the Matter of:	Case Number: 24FC:0045
Arthur Anderson, Complainant	Dismissal Order
And Concerning:	
City of Davenport, Respondent	

COMES NOW, Erika Eckley, Executive Director for the Iowa Public Information Board (IPIB), and enters this Dismissal Order:

On May 31, 2024, Arthur Anderson filed formal complaint 24FC:0045, alleging that City of Davenport (“City”) violated Iowa Code chapter 22.

## Facts

Mr. Anderson alleges the City violated Iowa Code § 22.2 by failing to provide the meta data, specifically the creation date and last modified date on three settlement agreement letters. He alleges the three settlement agreement letter documents are not exempt documents and their meta data is not exempt from public examination.

In response, the City states the three settlement agreement letters were provided to Mr. Anderson. In order to provide the meta data he seeks, the City would have to create a new record. The letters were originally prepared by an attorney for the City. The letters were drafted in a Microsoft Word format, which was saved as a “pdf” when submitted to the parties for their signatures. The settlement documents were signed by the parties and then scanned as an image. The scanned documents with signatures were provided to Mr. Anderson.

## Applicable Law

“Every person shall have the right to examine and copy a public record and to publish or otherwise disseminate a public record or the information contained in a public record.” Iowa Code § 22.2.

“When a government body reaches a final, binding, written settlement agreement that resolves a legal dispute claiming monetary damages, equitable relief, or a violation of a rule or statute, the

government body shall, upon request and to the extent allowed under applicable law, prepare a brief summary of the resolution of the dispute indicating the identity of the parties involved, the nature of the dispute, and the terms of the settlement, including any payments made by or on behalf of the government body and any actions to be taken by the government body. A government body is not required to prepare a summary if the settlement agreement includes the information required to be included in the summary. The settlement agreement and any required summary shall be a public record.” Iowa Code § 22.13.

### **Analysis**

Mr. Anderson has received copies of the three signed settlement agreement letters he requested. His complaint is solely alleging he should have received meta data regarding “the creation date and last modified date” for each of these documents.

The City has stated the original drafting of the settlement letters prepared in Microsoft Word were done by an attorney. Drafts of these letters would be confidential under Iowa Code § 22.5(4) as work product of an attorney. The letters are for settlement of claims against the City so they would qualify as “[r]ecords which represent and constitute the work product of an attorney, which are related to litigation or claim made by or against a public body.”

The documents were printed into “hard copy” and physically signed by the parties. The signed documents were scanned. This created an image of the record. The settlement documents became public records at the time the letters constituted “final, binding, written settlement agreement[s] that resolve a legal dispute.” Iowa Code § 22.5(4).

The public records of the settlement are the physical, signed “hard copy” versions of the settlement letters. These letters were scanned. The scanned copies were provided to Mr. Anderson. These scanned copies do not include “meta data regarding ‘the creation date and last modified date.’” Because this “meta data” does not exist, there is no record matching this request from Mr. Anderson. There is no violation of Iowa Code chapter 22.

### **Conclusion**

Iowa Code § 23.8 requires that a complaint be within the IPIB’s jurisdiction, appear legally sufficient, and have merit before the IPIB accepts a complaint. Following a review of the allegations on their face, it is found that this complaint does not meet those requirements.

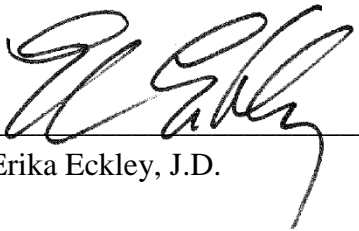
The public records requested were settlement letters that became public records once the agreement was final and binding. The document was a physical printed and signed document that

does not contain the meta data sought by Mr. Anderson. The City is not required to create a document that does not exist.

IT IS SO ORDERED: Formal complaint 24FC:0045 is dismissed as it is legally insufficient pursuant to Iowa Code § 23.8(2) and Iowa Administrative Rule 497-2.1(2)(b).

Pursuant to Iowa Administrative Rule 497-2.1(3), the IPIB may “delegate acceptance or dismissal of a complaint to the executive director, subject to review by the board.” The IPIB will review this Order on September 19, 2024. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Executive Director



Erika Eckley, J.D.

#### CERTIFICATE OF MAILING

This document was sent on September 12, 2024, to:

Arthur Anderson  
Wendy Meyer, Attorney for City of Davenport



Eckley, Erika &lt;erika.eckley@iowa.gov&gt;

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**Re: 24FC:0045 to IPiB Board on September 19, 2024**

1 message

---

**Arthur Anderson** <nogooddeedgoesunpunished2@gmail.com>  
To: "Eckley, Erika" <erika.eckley@iowa.gov>  
Cc: WMeyer@l-wlaw.com

Thu, Sep 12, 2024 at 2:56 PM

2 others CCed with this email

RE: 24FC:0045, September 19th IBIP Board Meeting,

Arthur Anderson v. City of Davenport

September 12th, 2024

Dear IBIP Board,

I seem to have failed to adequately communicate my legal argument so I will try to clarify it with the following example.

Erica Eckley sent me an email of the September 19th IBIP meeting and attached a PDF document with her intent for a dismissal of my complaint.

When she first created that dismissal document on her computer. No matter what computer word processing program she used, be it 'Word' or something else. That program automatically created meta data which is attached to the internal header of that document with a creation date, i.e. the first time the document was saved, and a last modified date, i.e. the last time the document was saved. Both the creation date and the last modified date can be the same date if you only save the document once, but there will be different dates if you save the document again any time after it's first creation save date.

Let's assume Erika is an Attorney.

She writes the original dismissal document and saves it.

The computer automatically generates the same creation date and the last modified date in the header of the document.

Now let's assume Erika goes back and edits the document and saves it again. The computer now automatically updates the last modified date.

Now Erika sends me an email and attaches the dismissal document. The attached dismissal document only contains the words and not the meta data creation and last modified dates.

Since Erika's dismissal document is a public document subject to a FOIA request; then it is not protected by Attorney privilege or any Iowa Code 22.7 Confidential records.

Therefore the meta data on Erika's dismissal document is also subject to a FOIA request. Further it does not require the creation of a new document to fulfill a FOIA request for the meta data.

All that is needed to comply with the FOIA request is for the creation and last modified dates on the dismissal document to be read and emailed.

In the case of the City of Davenport a computer tech can simply access and read the creation and last modified dates on the 3 Agreement letters and email those dates to me. FOIA request completed.

All of Davenport's legal arguments to comply with the FOIA request for the meta data are arbitrary and capricious: as they are unwarranted by the facts and not supported by substantial evidence.

As an example of Davenport's pattern for a lack of open and transparent government.

In the Iowa courts Davenport denied a FOIA request, in which I was 1 of 5 requestors, (they told me the document did not exist).

Then later Davenport sued 1 of the 5 requestors for a court ruling on the Iowa code 22.7 Confidential Records status with no supporting facts to deny the request. After 6 months the court ruled the document was a public record.

THEREFORE; I request the IBIP Board deny Erika Eckley's dismissal recommendation and instruct the city of Davenport to provide the FOIA meta data creation and last modified dates for the 3 Agreement letters.

Arthur Anderson

On Thu, Sep 12, 2024, 9:25 AM Eckley, Erika <[erika.eckley@iowa.gov](mailto:erika.eckley@iowa.gov)> wrote:

Good Morning:

The Iowa Public Information Board (IPIB) will review this Order at its meeting on **September 19, 2024**.

**The meeting will begin at 1:00 p.m.** The meeting agenda will be posted to the IPIB website (<https://ipib.iowa.gov/2024-board-meetings>) on the afternoon of Tuesday, September 17, 2024.

The IPIB normally allows brief (under five minutes) comments from the parties. You are under no obligation, but if you wish to speak at the meeting, please reply to this email and indicate your agreement to this statement:

\_\_\_\_\_ I want to address the Board and respond to any questions Board members may have when the initial processing of this complaint is considered. In the event this complaint proceeds to a contested case, I waive any objection that I might have concerning personal investigation of this complaint by a Board member.

**The IPIB meeting is open to the public. We are now utilizing Google Meet and live streaming of our meetings. You may attend in person at the Wallace Building in Des Moines or remotely. If you would like to attend remotely, you may log into the following meeting:**

#### **Google Meet joining info**

**Video call link:** <https://meet.google.com/phk-khen-sdy>

**Or dial: (US) +1 770-852-5396 PIN: 214 194 242#**

If you prefer, you can provide brief, written comments to the Board prior to the meeting, please forward those to me no later than 11:00 a.m. on Tuesday, September 17, 2024, so they may be included in the meeting packet. Please make sure you copy all parties on the email as well.



#### **Erika Eckley, JD, MPA**

Executive Director

Iowa Public Information Board (IPIB)

502 East 9th Street

Wallace Building, 3rd Floor

Des Moines, Iowa 50319

**New phone number (515) 393-8339**

[erika.eckley@iowa.gov](mailto:erika.eckley@iowa.gov)

[www.ipib.iowa.gov](http://www.ipib.iowa.gov)



# The Iowa Public Information Board

In re the Matter of:	Case Number: 24FC:0048
Ethan Vorhes, Complainant	Dismissal Order
And Concerning:	
Floyd County, Respondent	

COMES NOW, Erika Eckley, Executive Director for the Iowa Public Information Board (IPIB), and enters this Dismissal Order:

On June 9, 2024, Ethan Vorhes filed formal complaint 24FC:0048, alleging Floyd County (“County”) violated Iowa Code chapter 22.

## Facts

Mr. Vorhes alleges a number of issues regarding drainage district #2 in Floyd County. Of the allegations within IPIB’s jurisdiction, Mr. Vorhes alleges he has requested certified copies of records regarding drainage district #2. He alleges he has not received any communication from the county regarding these records.<sup>1</sup>

In response, the County has stated that public records regarding the drainage district are available through the Auditor’s office and Mr. Vorhes can access the records there.

IPIB staff communicated with Mr. Vorhes regarding the availability of the records at the Auditor’s office, but Mr. Vorhes has insisted he should receive certified copies of the records. Mr. Vorhes’ father did visit the Auditor’s office, presumably on Mr. Vorhes’ behalf.

Questions were raised regarding whether the County has refused to provide the records to Mr. Vorhes father on behalf of Mr. Vorhes. Upon further review, Mr. Vorhes’ father was provided the opportunity to examine and copy records. Instead, Mr. Vorhes states his complaint is that he has not been provided certified copies of the public records pursuant to Iowa Code § 622.46.

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<sup>1</sup> Mr. Vorhes alleges corruption regarding the drainage district and its oversight. Any issues regarding the governance or maintenance of a drainage district is beyond the jurisdiction of IPIB under Iowa Code chapter 23.

### **Applicable Law**

“Every person shall have the right to examine and copy a public record and to publish or otherwise disseminate a public record or the information contained in a public record. Unless otherwise provided for by law, the right to examine a public record shall include the right to examine a public record without charge while the public record is in the physical possession of the custodian of the public record. The right to copy a public record shall include the right to make photographs or photographic copies while the public record is in the possession of the custodian of the public record.” Iowa Code § 22.2(1).

### **Analysis**

The County has made available the public records regarding drainage district #2 to Mr. Vorhes in response to his request. Mr. Vorhes’ father has examined and copied records. Mr. Vorhes, however, is demanding he receive certified copies of records under Iowa Code § 622.45. Iowa Code § 622.45 allows for certified copies of records, but does also require a fee for the records. IPIB’s jurisdiction, however, is limited to Iowa Code chapters 21 and 22 and does not include enforcement of Iowa Code chapter 622. Based on the facts of this matter, Mr. Vorhes, through his father, has been granted the right to examine and copy the public records that exist in response to his request. This is what is required under Iowa Code chapter 22. There are no facts establishing any violation of Iowa Code chapter 22.

### **Conclusion**

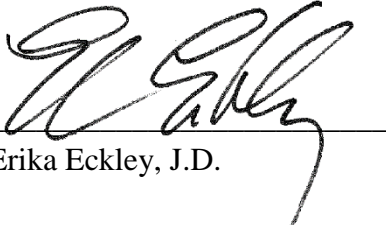
Iowa Code § 23.8 requires that a complaint be within the IPIB’s jurisdiction, appear legally sufficient, and have merit before the IPIB accepts a complaint. Following a review of the allegations on their face, it is found that this complaint does not meet those requirements.

The County has stated the records are available for Mr. Vorhes, and through his proxy, he has been granted the right to examine and copy records. Whether Mr. Vorhes has paid for and/or received certified copies of the records requested is beyond the jurisdiction of IPIB.

IT IS SO ORDERED: Formal complaint 24FC:0048 is dismissed as it is without merit pursuant to Iowa Code § 23.8(2) and Iowa Administrative Rule 497-2.1(2)(b).

Pursuant to Iowa Administrative Rule 497-2.1(3), the IPIB may “delegate acceptance or dismissal of a complaint to the executive director, subject to review by the board.” The IPIB will review this Order on September 19, 2024. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Executive Director

A handwritten signature in black ink, appearing to read 'E. Eckley', is written over a horizontal line.

Erika Eckley, J.D.

CERTIFICATE OF MAILING

This document was sent on September 12, 2024, to:

Ethan Vorhes

Todd Pritchard, Floyd County Attorney

## The Iowa Public Information Board

In re the Matter of:  Blake Jones, Complainant  And Concerning:  City of Eldora, Respondent	Case Number: 24FC:0053  <b>Informal Resolution Report</b>
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Blakes Jones filed formal complaint 24FC:0053 on June 18, 2024, alleging that the City of Eldora (City) violated Iowa Code Chapter 22 between the dates of June 13, 2024, and June 18, 2024.

Mr. Jones states that he went to the Eldora City Hall on June 13, 2024, and requested public records relating to an incident involving his employment. He spoke with City staff and was directed to the City's designated attorney for the records request.

On the same date, Mr. Jones contacted the City's attorney. The attorney responded that he was not an employee of the City or a lawful custodian of records and redirected Mr. Jones back to the City. Mr. Jones responded to the City's attorney indicating he had already attempted to obtain the records through the City. Mr. Jones then filed this Complaint.

Upon the filing of this Complaint, the City responded to Mr. Jones through counsel. The City's response indicated that the City responded to a request from Mr. Jones in April, that the City's attorney is not the lawful custodian of the records, and that the City or the Iowa Law Enforcement Academy would be the lawful custodian of records.

The IPIB reviewed and accepted the formal complaint on August 15, 2024.

### **Applicable Law**

Every person shall have the right to examine and copy a public record. Iowa Code § 22.2.

“Each government body shall delegate to particular officials or employees of that government body the responsibility for implementing the requirements of this chapter and shall publicly announce the particular officials or employees to whom responsibility for implementing the requirements of this chapter has been delegated.” Iowa Code § 22.1(2).

### **Informal Resolution Report**

Pursuant to Iowa Code § 23.9, the parties have agreed to the following terms and have executed an agreement (Informal Resolution) indicating consent to be governed by these terms:

1. The City will acknowledge and respond to the public records request made by Mr. Jones on June 13, 2024.
2. The City's response will state the following in regards to each record requested:
  - a. Whether the City has custody of the lawful records; and
  - b. Whether the records can be released as public records or whether they are confidential.
3. Any records that can be released as public records will be provided to Mr. Jones free of charge.
4. The City will provide a clear justification for any records that cannot be released as public records. An example of a clear justification is as follows: This record is confidential pursuant to Iowa Code Chapter 22.7(4) because it constitutes the work product of an attorney, which is related to litigation or a claim made by or against a public body.
5. If the City is not the lawful custodian of any records requested, the City will direct Mr. Jones to the proper lawful custodian if the lawful custodian is known to the City.

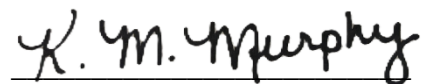
The terms of the Informal Resolution will be completed within 30 days of acceptance by all parties. Upon showing of proof of compliance, the complaint will be dismissed as successfully resolved.

Mr. Jones approved the Informal Resolution on August 27, 2024.

The City of Eldora approved the Informal Resolution on August 29, 2024.

The IPIB staff recommend that the IPIB approve the Informal Resolution Report.

By the IPIB Deputy Director,



Kimberly M. Murphy, J.D.

#### CERTIFICATE OF MAILING

This document was sent on September 12, 2024, to:

Blake Jones, Complainant  
Brent Hinders, attorney for the City of Eldora

## The Iowa Public Information Board

In re the Matter of:  Steven Asche, Complainant  And Concerning:  City of Eagle Grove, Respondent	Case Number: 24FC:0056  <b>Acceptance Order</b>
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COMES NOW, Erika Eckley, Executive Director for the Iowa Public Information Board (IPIB), and enters this Acceptance Order:

On June 20, 2024, Steven Asche filed formal complaint 24FC:0056, alleging that the City of Eagle Grove (City) violated Iowa Code chapter 22.

### Facts

On April 22, 2024, Mr. Asche requested any and all communications between the City and the Eagle Grove Rec Center. On May 10, the City indicated it would cost \$647.65 to produce the public records. Mr. Asche made payment. An initial batch of documents was released on May 17. Mr. Asche states additional documents were not released, and he filed a complaint with IPIB on June 20.

Since the filing of the Complaint, the parties have sent numerous pieces of correspondence and information to IPIB. On July 11, the City indicated everything had been provided to Mr. Asche. On July 22, Mr. Asche indicated he had not received all documents. On this same date, Mr. Asche provided a list of information missing from his request. Some of the requests appear to be public records and others are unclear. On August 9, the City responded again and provided additional information in response to requests and also indicated additional information would be forthcoming. Between August 9 and August 12, the City provided additional information. Mr. Asche maintains he does not have all information requested.

Since the filing of the Complaint, IPIB has received nearly 30 emails and numerous pieces of documentation. Despite requests for an accounting, it is still unclear what has been provided, what has not been provided, and what is confidential.

### Applicable Law

“Every person shall have the right to examine and copy a public record and to publish or otherwise disseminate a public record or the information contained in a public record. Unless otherwise provided for by law, the right to examine a public record shall include the right to examine a public

record without charge while the public record is in the physical possession of the custodian of the public record.” Iowa Code § 22.2(1).

“In the event expenses are necessary, such expenses shall be reasonable and communicated to the requester upon receipt of the request.” Iowa Code § 22.3(1).

### **Analysis**

This Complaint includes months of correspondence and documents that have moved between Mr. Asche and the City. Mr. Asche paid for access to records and maintains he has not received numerous records. The City continues to provide access to records after the filing of the Complaint.

Because of the complexity of the communications between the parties and the continuing disclosures from the City, it is not possible to determine whether all of Mr. Asche’s requests have been fulfilled. At this time, it is recommended the Complaint be accepted to allow for a focus on a detailed resolution of this matter to ensure all requested records are provided.

### **Conclusion**

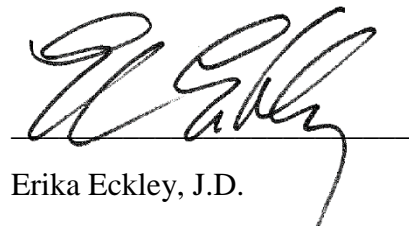
Iowa Code § 23.8 requires that a complaint be within the IPIB’s jurisdiction, appear legally sufficient, and have merit before the IPIB accepts a complaint. This complaint meets the necessary requirements for acceptance.

The City has not clearly indicated all public records requests have been fulfilled and a true accounting of the public records requested and provided is not available.

**IT IS SO ORDERED:** Formal complaint 24FC:0056 is accepted pursuant to Iowa Code § 23.8(1) and Iowa Administrative Rule 497-2.1(2)(a).

Pursuant to Iowa Administrative Rule 497-2.1(3), the IPIB may “delegate acceptance or dismissal of a complaint to the executive director, subject to review by the board.” The IPIB will review this Order on September 19, 2024. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Executive Director



Erika Eckley, J.D.

### **CERTIFICATE OF MAILING**

This document was sent on September 12, 2024, to:

Steven Asche, Complainant

Bryce Davis, City of Eagle Grove



To State of Iowa IPiB Board

Thank you for taking your time going over my complaint as not receiving any and all communication between the city of Eagle Grove and the Eagle Grove Rec Center 501C3.

According to the State Audit there was no Request for Proposal. The State Audit has never been presented to the City Council. No construction agreement with the contractor. The city stated they are not involved with the 501c3. This helps identify the wrongdoing by city officials. Bryce is still the person that has been asking the contractors to do work inside the building. As it sets the building is not to completion, and they are out of funds. This was to be a shared expense.

No Bond Request. The usage of TIFF funds setting up a 501c3.

No Building Permit

Project identification/ project address/professional engineers identified, and seal. Architect or engineer that is responsible and in charge (the professional responsible for the project coordination).

No Plans drawn to scale (Blueprints)

Life Safety (occupancy)	Means of Egress
Barrier free accessibility (ADA)	structural integrity
Building code compliance	energy code compliance
Definition of the scope of work	No parking lot identified

No Inspections

Site Plan/Foundation Plan/Floor Plans/Schedules (room finishes, doors, hardware, windows). Framing and roof plans, Building sections, Wall sections, Roof/ ceiling sections. Structural Systems, Mechanical systems, Plumbing systems, Electrical systems, Life Safety systems, Specification, Addenda and changes, Revisions

Attached is:

\*Agreement that was to be at a different location.

\*There is an email from the city attorney questioning the city Administrator "Do you know something I don't". This does not show the response email from the city administrator.

\*The Eagle Grove Recreations Board/ officers of the 501c3.

This is a multimillion-dollar project without permits. **This is what I would call an illegal Build.**

Steven Asche

## The Iowa Public Information Board

In re the Matter of:  Jody Phillips, Erin Pedrick, and Tracy Diehl, Complainants  And Concerning:  Pekin Community School District, Respondent	Case Number: 24FC:0057  <b>Acceptance Order</b>
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COMES NOW, Erika Eckley, Executive Director for the Iowa Public Information Board (IPIB), and enters this Acceptance Order:

On May 5, 2024, Erin Pedrick filed formal complaint 24FC:0057, alleging that the Pekin Community School District (PCSD) violated Iowa Code Chapter 22. After review of the information and clarification of the complainants, Jody Phillips and Tracy Diehl were added as complainants. IPIB officially opened and provided the complaint to PCSD on July 9, 2024.

### Facts

The Complaint makes several allegations against the PCSD. Amidst the allegations, the Complainants state that a public records request was submitted to the PCSD on April 25, 2024. The complaint states that this records request “is the main focus on what we are asking for your help with.” IPIB staff have focused on the public records request and have determined that other allegations within the complaint are outside the jurisdiction of IPIB.

The public records request made by the Complainants on April 25, 2024, involves the use of private cell phones utilized by members of the PCSD Board. Specifically, the Complainants requested text messages or screenshots from members of the PCSD Board related to events occurring at specific periods of time. The following is the public records request made by the Complainants:

- 1) For the time period August 1, 2023 to present (April 25, 2024) has JJ Greiner or Mike Davis sent any text message to any other board member conversing, threatening, indicating or otherwise stating how a board member should vote on any official school board business?
- 2) For the time period August 1, 2023 to January 1, 2024 has Sherry Bemis or Mike Davis sent any text message to any other board member conversing, threatening, indicating or otherwise stating any displeasure with how that board member voted on an official school board business vote?

- 3) Between March 11, 2024 and March 31, 2024 did any board member send a text message or screenshot photo to any other individual sharing information regarding Derek Phillips' resignation letter and his call for a special board meeting?
- 4) Between March 24, 2024 and April 5, 2024 did any board member send a text message or screenshot photo to any other individual sharing a letter sent to the board members by a parent group - either sending the letter in whole or partial?

The PCSD responded on May 2, indicating that they did not have any public records responsive to the request.

Ms. Phillips responded to the PCSD on the same date requesting the procedure used by PCSD to determine there were no records.

The PCSD responded on May 5, indicating they consulted the school's attorney, took into account any elements of confidentiality, and asked each PCSD board member to review their phones to determine if any records existed in response to the request.

Upon the filing of the complaint, counsel for PCSD responded and maintained the position the PCSD Board did not have any responsive records to provide and a prior IPIB opinion established that Chapter 22 does not provide specific guidance concerning how a lawful custodian retrieves, reviews, and releases public records on private devices.

### **Applicable Law**

Iowa Code § 22.2 mandates that every person shall have the right to examine and copy a public record.

A "Public Record" is defined as including all records, documents, tape, or other information stored or preserved in any medium, of or belonging to this state or any county. (Iowa Code § 22.1(3)(a)). Clear precedent exists to establish that "any medium," as used to define a public record, includes personal cell phones.<sup>1</sup> The use of a personal cell phone to record and maintain a public record does not alleviate responsibility to provide a public record upon request.

### **Analysis**

The PCSD response to the IPIB complaint is concerning. The response from PCSD emphasized that cell phones are not issued to the PCSD Board and are personal devices. The PCSD response goes on to state, "Simply put, neither the law itself nor any IPIB interpretation of the law requires a public agency to obtain private cell phone records in order to respond to a public records request." This position is inconsistent with IPIB's prior decisions, Iowa case law, and Chapter 22.

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<sup>1</sup> Linder v. Eckard, 152 N.W. 2d 833, 835 (Iowa 1967); Kirkwood Institute v. Sand, 6 N.W. 3d 1, 9 (Iowa 2024); 18AO:0019 When are documents possessed by public officials "public record" as defined by Iowa Code § 22.1 (3)(a-b)?; 21AO:0009 Public records maintained on privately-owned electronic devices.

Iowa law has made it clear that public records exist on private devices. This was made clear even before the prevalent use of cell phones. “It is the nature and purpose of the document, not the place where it is kept, which determines its status.” *Linder v. Eckard*, 152 N.W.2d 833, 835 (Iowa 1967).

The law has evolved to address the increasing breadth of locations that may contain public records, including private email servers and cell phones. For example, Iowa Code § 22.2(2) states a governmental body cannot prevent access to a public record by contracting with a nongovernmental body (such as a cloud storage provider).

Over the years, several court cases and IPIB orders and advisory opinions have reinforced the importance of recognizing that private devices can contain public records.

It is clear precedent that a private device can contain public records. It is also clear precedent that the lawful custodian has an affirmative duty to produce any public records on a private device. “First and foremost, however, the public business communications are public records, and the custodian must review all records on a device to determine whether they are within a request for examination and copying to justify any denial of release.” IPIB Advisory Opinion - 21AO:0009.

It is unequivocally established the PCSD had a duty to determine whether public records existed on personal devices and to secure any public records in response to the Complainants’ request. The PCSD did take some steps to secure the public records. An email was sent to all members of the PCSD Board. The email forwarded the request from the Complainants and stated, “Please see the request below. If there are any texts you might have saved on your phone that you have questions about, please let me know.” The email did not clearly state the texts must be provided or explain the duty to respond to the public records request. The information provided by PCSD reflects only two PCSD Board members responded.

One response from a PCSD Board member asked, “So you want me to screenshot all of the messages I have to any other board member about voting on a certain issue between the dates, correct?” The board member and Superintendent proceeded to have a phone conversation. While we do not know the content of the phone conversation, the board member followed up afterwards and indicated she did not have any texts for those dates.

The PCSD also indicated, in response to the Complainants, they do not have a policy or procedure for capturing public records on private devices.

IPIB staff finds that the PCSD response shows a lack of knowledge regarding responsibility for providing public records on private devices. IPIB staff recommends acceptance of this Complaint to further review the surrounding facts and circumstances.

### **Conclusion**

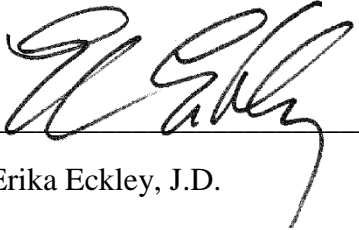
Iowa Code § 23.8 requires that a complaint be within the IPIB’s jurisdiction, appear legally sufficient, and have merit before the IPIB accepts a complaint. This complaint meets the necessary requirements for acceptance.

The complaint has presented facts and circumstances that are within IPIB's jurisdiction, are legally sufficient, and have merit. This case should be accepted to further review the case and determine next steps for resolution.

IT IS SO ORDERED: Formal complaint 24FC:0057 is accepted pursuant to Iowa Code § 23.8(1) and Iowa Administrative Rule 497-2.1(2)(a).

Pursuant to Iowa Administrative Rule 497-2.1(3), the IPIB may "delegate acceptance or dismissal of a complaint to the executive director, subject to review by the board." The IPIB will review this Order on September 19, 2024. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Executive Director



Erika Eckley, J.D.

#### CERTIFICATE OF MAILING

This document was sent on September 12, 2024, to:

Jody Phillips, Erin Pedrick, and Tracy Diehl - Complainants  
Carrie Weber, counsel for the Pekin Community School District

# The Iowa Public Information Board

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In re the Matter of:	Case Number: 24FC:0058
Chad Miller, Complainant	Dismissal Order
And Concerning:	
Scott County Board of Review, Respondent	

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COMES NOW, Erika Eckley, Executive Director for the Iowa Public Information Board (IPIB), and enters this Dismissal Order:

On July 5, 2024, Chad Miller filed formal complaint 24FC:0058, alleging the Scott County Board of Review (“Board”) violated Iowa Code chapters 21 and 22.

## Facts

Mr. Miller alleges the Board is still not complying with chapters 21 and 22 despite a complaint filed last year.<sup>1</sup> Specifically, he alleges the Board did not give adequate notice of the time, date and place of meetings or post a tentative agenda for their 2024 meetings on May 1, 6, and 10. He also alleges the Board did not publish notice of the meetings for property tax assessment appeals. He alleges the Board did not keep complete and accurate minutes of their meetings because the Board provided minutes showing a record of their vote, but the vote was not taken in public at the meeting as witnessed by Mr. Miller when he was in attendance from 8:48am-10:17am. Mr. Miller attended his hearing and listened to a couple that came afterwards. Some of the other hearings contained a vote immediately following the appeal, but not all. He also alleges Mr. McManus, the county assessor, does not have authority to represent the Board in this matter.

In response, Mr. McManus alleges Mr. Miller has filed this complaint because the Board disagreed with him on the assessment of his property. Mr. McManus stated he personally confirmed that for every meeting and protest hearing, the Board gave at a minimum of 24 hours advance notice by posting the notice/agenda on the public meetings notice board located in the foyer of the Scott County Administration Center at 600 W 4th St in Davenport, Iowa. He stated this is the customary way of posting notice for these meetings/hearings in Scott County. He stated there is currently no

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<sup>1</sup> 23FC:0074 Chad Miller/Scott County Board of Review

Iowa statute requiring notice be posted electronically. He also stated the Board was not required to publish notice of the meetings for the 2024 session in a local newspaper.

He stated the Board kept complete, accurate, and detailed minutes of all meetings, hearings and votes. All documents were previously shared with IPIB and Mr. Miller as part of the resolution of the previous complaint.

All meetings, hearings, actions, and votes of the Board were taken in open public meetings. He explained that he is representing the Board as authorized by their rules of procedure as provided in Iowa Code § 441.33.<sup>2</sup>

### **Applicable Law**

“Meetings of governmental bodies shall be preceded by public notice as provided in section 21.4 and shall be held in open session unless closed sessions are expressly permitted by law. Except as provided in section 21.5, all actions and discussions at meetings of governmental bodies, whether formal or informal, shall be conducted and executed in open session. Each governmental body shall keep minutes of all its meetings showing the date, time and place, the members present, and the action taken at each meeting. The minutes shall show the results of each vote taken and information sufficient to indicate the vote of each member present. The vote of each member present shall be made public at the open session. The minutes shall be public records open to public inspection.” Iowa Code § 21.3.

“[A] governmental body shall give notice of the time, date, and place of each meeting including a reconvened meeting of the governmental body, and the tentative agenda of the meeting, in a manner reasonably calculated to apprise the public of that information. Reasonable notice shall include advising the news media who have filed a request for notice with the governmental body and posting the notice on a bulletin board or other prominent place which is easily accessible to the public and clearly designated for that purpose at the principal office of the body holding the meeting, or if no such office exists, at the building in which the meeting is to be held.” Iowa Code § 21.4(1)(a).

### **Analysis**

#### **Notice of Meeting**

Mr. Miller’s first allegation is the Board failed to provide notice of the Board’s meetings. A photograph of the notice for the May 10, 2024 meeting was provided by Mr. Miller with concern that he could not determine whether the notice had been timely posted. He also alleged the notice was not sent to the media or published in the newspaper.

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<sup>2</sup> <https://www.scottcountyiowa.gov/assessor/board-review/rules-regulations>



The Board has responded that the physical notice was posted on the County's bulletin board designated for such postings as required under Iowa Code § 21.4. The Board stated that no media notice was requested, so none was provided, and that no publication requirement existed, so no newspaper publication was made.<sup>3</sup>

In this case, there is evidence the posting was made, but no facts to suggest the time frame regarding the posting was not met. No media requested notice and no newspaper publication was required,<sup>4</sup> There are no facts provided the posted notice was not posted in a timely fashion. Under these facts there is no violation of Iowa Code chapter 21.

### **Accurate Minutes**

Mr. Miller's second allegation is the Board did not take accurate minutes because they did not vote on his appeal after his allotted time and while he was present. Mr. McManus stated that "[d]ue to multiple hearings per meeting, and hearing time constraints, and in the interest of overall operational efficiency, the Board frequently 'does not' take action/votes immediately following a hearing while the petitioner is still present." The Board may have to review multiple grounds for appeal, copious amounts of data, or they may need to do additional research. The Board often takes the actions and votes at the end of the meeting after all oral protests are heard, or at the end of a session, but that all votes are taken in an open meeting.

Mr. Miller has agreed that in the time he attended his hearing and others afterwards, only some of the hearings were concluded with action and a vote by the Board immediately following the appeal. Nothing in Chapter 21 addresses how a governmental body works through its agenda. In 14FC:0079, IPIB addressed a complaint regarding a government body's practice of skipping around an agenda to fill in gaps while waiting for scheduled items. "The Supervisors, with the assistance of the Osceola County Attorney, reviewed and revised the previous practice of listing agenda items without time indications and the practice of moving around the agenda randomly to consider items. While this action is not specifically prohibited by Iowa Code section 21.4, the Supervisors agreed that the spirit of the section, to 'apprise the public' of the action before the Supervisors and to allow public observation of the meetings, was better served by considering matters in the order presented in the agenda."

The minutes provided did reflect a vote on Mr. Miller's appeal was taken on the date of his hearing, the action did not occur when he was present. There is nothing in chapter 21 that requires a vote at a specific time, so there is no violation of chapter 21 under these facts. The Board should consider, however, how they can work to "apprise the public" better about when deliberation and action may be taken on specific appeals during the open meeting to ensure interested parties can know when to be present for the deliberation and action.

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<sup>3</sup> There is no newspaper publication or website posting requirement in Iowa Code chapter 21.

<sup>4</sup> Any publication requirement would have been outside the jurisdiction of IPIB.

### **County Assessor Responding for the Board**

IPIB exists to provide an efficient review of chapter 21 and 22 disputes in lieu of the requirement to go to district court. In this role, IPIB works to allow for parties to address their issues in an efficient manner. Many complainants are pro se and IPIB has not required an attorney to respond on behalf of the governmental body. The Scott County Board of Review has designated the following: “Any time the Board is considered out of session, the Board authorizes the Scott County Attorney’s Office along with assistance from the Scott County Assessor’s Office to speak and act on the Board’s behalf in all assessment appeal matters.” Whether the Board under Iowa Code § 441.33 is allowed to designate Mr. McManus to respond on behalf of the Board is beyond the jurisdiction of IPIB.

### **Conclusion**

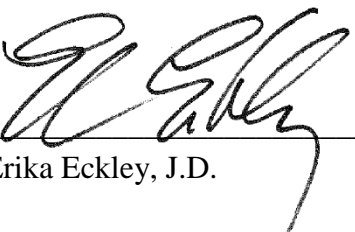
Iowa Code § 23.8 requires that a complaint be within the IPIB’s jurisdiction, appear legally sufficient, and have merit before the IPIB accepts a complaint. Following a review of the allegations on their face, it is found that this complaint does not meet those requirements.

Under the facts of this complaint, there are no facts disputing the notice of the meeting was posted in compliance with chapter 21. The minutes reflect a vote that was taken in an open meeting, but at a later time than immediately following the appeal by Mr. Miller. Iowa Code chapter 21 does not specify how an agenda is organized.

IT IS SO ORDERED: Formal complaint 24FC:0058 is dismissed as it is legally insufficient pursuant to Iowa Code § 23.8(2) and Iowa Administrative Rule 497-2.1(2)(b).

Pursuant to Iowa Administrative Rule 497-2.1(3), the IPIB may “delegate acceptance or dismissal of a complaint to the executive director, subject to review by the board.” The IPIB will review this Order on September 19, 2024. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Executive Director



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Erika Eckley, J.D.

CERTIFICATE OF MAILING

This document was sent on September 12, 2024, to:

Chad Miller

Tom McManus, on behalf of Scott County Board of Review

## The Iowa Public Information Board

In re the Matter of:  Jan Norris, Complainant  And Concerning:  Montgomery County Board of Supervisors, Respondent	Case Number: 24FC:0059  <b>Acceptance Order</b>
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COMES NOW, Erika Eckley, Executive Director for the Iowa Public Information Board (IPIB), and enters this Acceptance Order:

On July 23, 2024, Jan Norris filed formal complaint 24FC:0059, alleging that the Montgomery County Board of Supervisors (County) violated Iowa Code Chapters 21 and 22.

### **Facts**

The complaint alleges that the County violated Iowa Code Chapter 21 by conducting open session requirements within a closed session. The complaint also alleges a violation of Iowa Code Chapter 22 for failure to maintain accurate minutes.

The County held a meeting on July 2, 2024. The agenda for the meeting indicated a closed session would be held pursuant to Iowa Code § 21.5(1)(c) and cited to the specific language from this code section.

When the County arrived at the closed session item on the agenda, the County recessed without taking a public vote or announcing a reason for the closed session. The County indicated to the public they would be reconvening in another room for closed session. The open session minutes of the meeting do not indicate a public vote was held to enter into closed session.

The County responded to this Complaint and argued a vote was taken in the room utilized for closed session with the door open, that a scrivener's error resulted in the vote being recorded in closed session minutes instead of open session minutes, and the agenda referenced the specific code section and justification for closed session.

### **Applicable Law**

Iowa Code § 21.3(1) requires meetings of governmental bodies shall be held in open session and that all actions and discussions shall be conducted and executed in open session, unless closed session is expressly permitted by law.

Iowa Code § 21.3(2) states the vote of each member present shall be made public at the open session and that the minutes shall show the results of each vote taken.

Iowa Code § 21.5 allows that a government body may hold a closed session only by affirmative public vote of either two-thirds of the members of the body or all of the members present at the meeting and requires the vote of each member on the question of holding the closed session and the reason for holding the closed session by reference to a specific exemption shall be announced publicly at the open session and entered into the minutes.

### **Analysis**

IPIB staff reviewed agendas, minutes, and video recordings from the meeting of the Montgomery County Board of Supervisors on July 2, 2024. IPIB staff finds evidence exists to support a violation of Iowa Code §§ 21.3 and 21.5 in the following particulars:

1. The County failed to act in open session as required by Iowa Code § 21.3(1) and (2). The vote to enter closed session was held in a room designated for closed session. While the door may have been open, as argued by the County, the video of open session shows the Board left the public space and entered into a closed session room to take the vote to enter into closed session.
2. The County failed to record the vote taken in the minutes, as required by Iowa Code § 21.3(2). The County argues failure to include the vote in the minutes is a scrivener's error and the recording of the vote was accidentally placed within the closed session minutes. The meeting minutes on July 9, 2024, reflect the minutes from July 2, 2024, were approved without the inclusion of the vote.
3. The County failed to hold a public vote to enter closed session as required by Iowa Code § 21.5, which requires an affirmative public vote of either two-thirds of the members of the body or all of the members present at the meeting and the vote shall be publicly announced. As indicated previously, there was not a public vote taken regarding closed session.
4. The County failed to publicly announce the reason for holding the closed session. Iowa Code § 21.5(2) states the reason for holding the closed session by reference to a specific exemption shall be announced publicly at the open session and entered into the minutes. The agenda and corresponding minutes for the meeting do reference closed session to discuss matters in litigation or where litigation is imminent pursuant to Iowa Code § 21.5(1)(c). However, the recording of the meeting shows the County did not publicly announce the reason for closed session.

### **Conclusion**

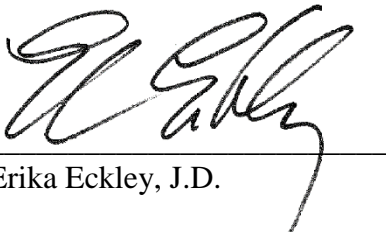
Iowa Code § 23.8 requires that a complaint be within the IPIB's jurisdiction, appear legally sufficient, and have merit before the IPIB accepts a complaint. This complaint meets the necessary requirements for acceptance.

The County failed to act in open session, to record a vote in the minutes, to hold a public vote to enter closed session, and to publicly announce the reason for holding the closed session as required by Iowa Code §§ 21.3 and 21.5.

IT IS SO ORDERED: Formal complaint 24FC:0059 is accepted pursuant to Iowa Code § 23.8(1) and Iowa Administrative Rule 497-2.1(2)(a).

Pursuant to Iowa Administrative Rule 497-2.1(3), the IPIB may “delegate acceptance or dismissal of a complaint to the executive director, subject to review by the board.” The IPIB will review this Order on September 19, 2024. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Executive Director

A handwritten signature in black ink, appearing to read 'E. Eckley', is written over a horizontal line. The signature is fluid and cursive.

Erika Eckley, J.D.

#### CERTIFICATE OF MAILING

This document was sent on September 12, 2024, to:

Jan Norris, Complainant  
Montgomery County Attorney's Office

Office of  
**County Attorney**  
Montgomery County

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PO Box 78  
RED OAK, IOWA 51566  
Ph. 712-623-3011



September 17, 2024

Iowa Public Information Board  
Attn: Ericka Eckley

Re: IPIB Complaint 24FC:0059 - filed by Jan Norris  
7/2/24 BOS Meeting – Closed Session  
Response to IPIB Acceptance Order, issued 9/12/2024

To Whom It May Concern:

Montgomery County accepts the Executive Director's Facts, Applicable Law, and Analysis as set forth in the Acceptance Order issued on September 12, 2024. However, we do stress that any violations were unintentional, and in no way intended to conceal information from or mislead the public in any manner. That said, Montgomery County does not wish to engage in a contested hearing before the IPIB concerning the issues presented. We wish only to comply with the IPIB, rectify any violations found to the extent possible, and move forward. We will respect any determination made by the IPIB, welcome its guidance, and pledge full cooperation.

Regards,

Montgomery County Board of Supervisors  
Montgomery County Attorney  
Montgomery County Auditor

## The Iowa Public Information Board

In re the Matter of:  Jeanette Shoop, Complainant  And Concerning:  Jones County Planning and Zoning Commission, Respondent	Case Number: 24FC:0060  <b>Dismissal Order</b>
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COMES NOW, Erika Eckley, Executive Director for the Iowa Public Information Board (IPIB), and enters this Dismissal Order:

On July 25, 2024, Jeanette Shoop filed formal complaint 24FC:0060, alleging the Jones County Planning and Zoning Commission (Commission) violated Iowa Code Chapter 21.

### Facts

Ms. Shoop alleges that the Commission violated Iowa Code Chapter 21 by posting the incorrect time for the Commission meeting.

The meeting in question was scheduled for July 23, 2024, at 9 a.m. Ms. Shoop states the notice was appropriately posted in local newspapers, but was not posted appropriately on the Jones County website. The website indicated that the meeting would be held at 9 p.m., instead of 9 a.m.

The Jones County attorney responded to the complaint and provided the following information:

- The proper date and time for the Commission meeting were posted in local newspapers.
- The proper date and time were posted correctly on the bulletin board inside the Courthouse.
- The date and time were originally emailed incorrectly to the county subscriber list, but the correct date and time was emailed within 20 minutes of the original email.
- The county website requires a click to access the agenda. The first page on the website showed the correct date and time for the meeting. After clicking on the correct date and time, the website transitioned to the agenda. The agenda showed the incorrect time.
- The zoning change to be discussed at the meeting in question required service by certified mail to all adjoining landowners. The notice was provided.
- The Commission has not historically held meetings at 9 p.m.

### Applicable Law

Iowa Code § 21.4(1)(a) establishes the requirements that governmental bodies must meet to provide appropriate notice for a meeting of a governmental body:



“Except as provided in subsection 3, a governmental body shall give notice of the time, date, and place of each meeting including a reconvened meeting of the governmental body, and the tentative agenda of the meeting, in a manner reasonably calculated to apprise the public of that information. *Reasonable notice shall include advising the news media who have filed a request for notice with the governmental body and posting the notice on a bulletin board or other prominent place which is easily accessible to the public and clearly designated for that purpose at the principal office of the body holding the meeting, or if no such office exists, at the building in which the meeting is to be held.*” (Emphasis added.)

### **Analysis**

Chapter 21 requires reasonable notice be utilized to advise the public of information related to meetings of the governmental body. Reasonable notice includes posting the meeting notice on a bulletin board that is easily accessible to the public and clearly designated as the principal office of the body holding the meeting. In this case, the notice for the Commission meeting was posted on the bulletin board at the Courthouse with the accurate date and time for the meeting.

Chapter 21 also states that reasonable notice includes advising the news media of the meeting. The Commission states that local newspapers received and posted the appropriate date and time for the meeting. In addition, the county subscriber list received the correct date and time for the information. The Commission acknowledges that incorrect information was initially provided, but the proper information was provided within 20 minutes of the initial communication.

The IPIB has held in advisory opinions and orders that Chapter 21 does not require the posting of notice on the governmental body’s website. “Iowa Code Chapter 21 does not have any requirement that notice of a meeting be posted on the governmental entity’s website, but choosing to post the public notice on the website at least twenty-four hours prior to the commencement of the meeting would also enable better access for the community.” (IPIB Advisory Opinion 24AO:0005.)

While it appears Chapter 21 has not kept pace with the manner in which government bodies conduct business, the IPIB must make decisions within the law as it currently exists. Failure to accurately post a notice in a newspaper or a bulletin board is a violation of Chapter 21. It is not currently a violation to post an inaccurate notice on a website.

### **Conclusion**

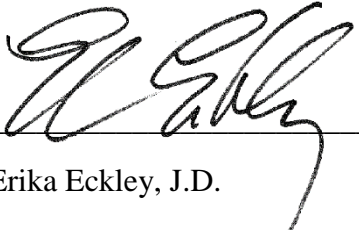
Iowa Code § 23.8 requires that a complaint be within the IPIB’s jurisdiction, appear legally sufficient, and have merit before the IPIB accepts a complaint. Following a review of the allegations on their face, it is found that this complaint does not meet those requirements.

After review of the facts and circumstances, the Commission posted notice of the meeting in a manner consistent with the requirements of Iowa Code Chapter 21.

IT IS SO ORDERED: Formal complaint 24FC:0035 is dismissed pursuant to Iowa Code § 23.8(2) and Iowa Administrative Rule 497-2.1(2)(b).

Pursuant to Iowa Administrative Rule 497-2.1(3), the IPIB may “delegate acceptance or dismissal of a complaint to the executive director, subject to review by the board.” The IPIB will review this Order on September 19, 2024. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Executive Director



A handwritten signature in black ink, appearing to read 'E. Eckley', is written over a horizontal line. The signature is stylized and cursive.

Erika Eckley, J.D.

#### CERTIFICATE OF MAILING

This document was sent on September 12, 2024, to:

Jeanette Shoop, Complainant  
Kristofer Lyons, Attorney for Jones County

# The Iowa Public Information Board

In re the Matter of:  Kelly Caldwell, Complainant  And Concerning:  Carroll City Council, Respondent	Case Number: 24FC:0061  <b>Dismissal Order</b>
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COMES NOW, Erika Eckley, Executive Director for the Iowa Public Information Board (IPIB), and enters this Dismissal Order:

On July 25, 2024, Kelly Caldwell filed formal complaint 24FC:0061, alleging the Carroll City Council (City) violated Iowa Code Chapter 21.

### Facts

Ms. Caldwell alleges that the City violated Iowa Code Chapter 21 by executing a letter of support for a workforce housing tax credit program without consideration and action by the City.

On June 6, 2024, the City Manager for the City submitted a letter of support to the Workforce Housing Tax Credit Program. The letter indicated the City “plans to change its revitalization plan to allow for 10 years of 100% tax abatement for multi-family housing” and further discussed the needs of the City. The letter of support was signed by the City Manager.

The City responded to the complaint on July 31, 2024. The City’s response indicated the *letter* of support is from the City Manager and is not a *resolution* of support, with the distinction being that a letter does not require City action. (emphasis added.) The City Manager also stated, “I, as the city manager, have administrative authority, but nowhere in the letter of support did I promise any council action, but simply expressed my understanding of the potential city plans.”

### Applicable Law

Iowa Code § 21.3(2) states that all actions and discussions at meetings of governmental bodies, whether formal or informal, shall be conducted and executed in open session.

### Analysis

Ms. Caldwell alleges that submitting a letter of support for housing tax credit was action taken by the City without discussion and deliberation in open session. The complaint hinges on whether sending the letter of support amounts to action that requires discussion and deliberation by the City.

The jurisdiction of the IPIB rests within Chapters 21 and 22. Chapter 21 does not specifically mandate what actions require discussion and deliberation by a government body. In this case, the City Manager has indicated the scope of the role allows the City Manager to submit a letter of support without discussion or deliberation from the government body. The City Manager further states the letter is not in the form of a resolution and does not commit to formal action but rather explains potential city plans. Finally, the letter is not executed by the City Council, but rather the City Manager.

Pursuant to Chapter 21, not all communications by a City require City Council discussion or deliberation. IPIB staff agrees the role of the City Manager includes the ability to draft a letter of support. It should also be noted that the City Manager kept the City Council apprised of the status of the letter and overall process as the issue was on the agenda numerous times. There may be other provisions of Iowa law dictating when governmental body action is required for support of a tax credit program, but these laws are outside the scope of IPIB's authority.

### **Conclusion**

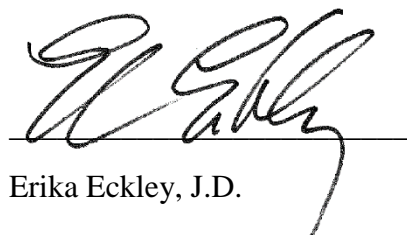
Iowa Code § 23.8 requires that a complaint be within the IPIB's jurisdiction, appear legally sufficient, and have merit before the IPIB accepts a complaint. Following a review of the allegations on their face, it is found that this complaint does not meet those requirements.

After review of the facts and circumstances, there are no requirements within Chapters 21 or 22 that require City action to submit a letter of support from the City Manager.

IT IS SO ORDERED: Formal complaint 24FC:0035 is dismissed pursuant to Iowa Code § 23.8(2) and Iowa Administrative Rule 497-2.1(2)(b).

Pursuant to Iowa Administrative Rule 497-2.1(3), the IPIB may "delegate acceptance or dismissal of a complaint to the executive director, subject to review by the board." The IPIB will review this Order on September 19, 2024. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Executive Director



Erika Eckley, J.D.

### **CERTIFICATE OF MAILING**

This document was sent on September 12, 2024, to:

Kelly Caldwell, Complainant  
Aaron Kooiker, City Manager

**24FC:0061 to IPIB Board on September 19, 2024**

1 message

**Kelly Caldwell** <kelly51401@hotmail.com>

Tue, Sep 17, 2024 at 10:26 AM

To: "erika.eckley@iowa.gov" &lt;erika.eckley@iowa.gov&gt;

Cc: Aaron Kooiker &lt;akooiker@cityofcarroll.com&gt;, "dbruner@brunerlegal.com" &lt;dbruner@brunerlegal.com&gt;, Kimberly Murphy &lt;kim.murphy@iowa.gov&gt;

I would like the information below to be included in the meeting packet for the board.

Thank you  
Mr. Kelly Caldwell  
1414 N Adams Street  
Carroll, Iowa 51401

I have reviewed the city code regarding the city managers duties and although there are some very specific day to day duties and responsibilities listed in my opinion I cannot find where the city manager is given any authority that relates to authoring a letter of support for a business or individual. Item number 3 states "3. Recommendations. Recommend to the Council such measures as the Manager may deem necessary or expedient for the good government and welfare of the City.". I have copied the section regarding the city managers duties and responsibilities below as well as pasted the link to the city of Carroll regarding the city code.

City Code | City Of Carroll, Iowa | Official  
Website  
cityofcarroll.com



In the letter of support that Mr. Kooiker wrote it states " plans to change its revitalization plan to allow for 10 years of 100% tax abatement for multi-family housing". Regarding this specific plan I cannot find where it is on a city meeting agenda prior to this letter of support that states this plan. I can find where this specific plan has been discussed after this letter was authored. If this has not been on a city council agenda how is it known to be a "plan"?

To satisfy my curiosity, the last item I would like to bring up is has there been any interaction from the IPIB with other current and previous city elected officials during Mr. Kooiker's employment as Carroll city manager to see if there potentially are or have been weekly or twice a month meetings between the city manager and the elected officials that are either individually or no more than 2 members at these meetings ?

**20.04 CHIEF ADMINISTRATOR.**

The City Manager is the chief administrative officer of the City.

(Code of Iowa, Sec. 372.8[1])

**20.05 POWERS AND DUTIES.**

The City Manager shall exercise the following powers and duties:

1. City Laws. Supervise enforcement and execution of City laws.

(Code of Iowa, Sec. 372.8[2a])

2. Council Meetings. Attend all meetings of the Council unless excused by the Mayor.

(Code of Iowa, Sec. 372.8[2b])

3. Recommendations. Recommend to the Council such measures as the Manager may deem necessary or expedient for the good government and welfare of the City.

(Code of Iowa, Sec. 372.8[2c])

4. Supervision. Supervise the official conduct of all officers of the City who are appointed by the CityManager, and take active control of the police, fire, engineering and public works departments of the City.

(Code of Iowa, Sec. 372.8[2d])

5. Contracts. Supervise the performance of all contracts for work to be done for the City, make all purchases of material and supplies, and see that such material and supplies are received, and are of the quality and character called for by the contract.

(Code of Iowa, Sec. 372.8[2e])

6. Property and Improvements. Supervise the construction, improvement, repair, maintenance, and management of all City property, capital improvements, and undertakings of the City, including the making and preservation of all surveys, maps, plans, drawings, specifications, and estimates for capital improvements, except property, improvements and undertakings managed by a utility board of trustees.

(Code of Iowa, Sec. 372.8[2f])

7. Cooperation. Cooperate with any administrative agency or board of trustees.

(Code of Iowa, Sec. 372.8[2g])

8. Streets and Solid Waste. Be responsible for the cleaning, sprinkling, and lighting of streets, alleys, and public places, and the collection and disposal of waste.

(Code of Iowa, Sec. 372.8[2h])

9. Licenses and Permits. Provide for and cause records to be kept of the issuance and revocation of licenses and permits authorized by City law.

(Code of Iowa, Sec. 372.8[2i])

10. Advise Council. Keep the Council fully advised of the financial and other conditions of the City, and of its future needs.

(Code of Iowa, Sec. 372.8[2j])

11. Budget. Prepare and submit to the Council annually the required budgets.

(Code of Iowa, Sec. 372.8[2k])

12. Accounting. Conduct the business affairs of the City and cause accurate records to be kept by modern and efficient accounting methods.

(Code of Iowa, Sec. 372.8[2l])

13. Financial Reports. Make to the Council not later than the second Monday of each month an itemized financial report in writing, showing the receipts and disbursements for the preceding month. Copies of financial reports must be available at the Clerk's office for public distribution.

(Code of Iowa, Sec. 372.8[2m])

14. Administrative Assistants. Appoint administrative assistants, with the approval of the Council.  
(Code of Iowa, Sec. 372.8[3a])
  15. Employees. Employ, reclassify, or discharge all employees (except the City Clerk, Deputy City Clerk, City Attorney, and Police Chief) and fix their compensation, subject to Council approval policies, civil service provisions and Chapter 35C of the Code of Iowa.  
(Code of Iowa, Sec. 372.8[3b])
  16. Appointments. Appoint or employ persons to fill all places for which no other mode of appointment is provided, and administer oaths of office.  
(Code of Iowa, Sec. 372.8[3c and 3b])
  17. Dismissal of Employees. Suspend or discharge summarily any officer, appointee, or employee that the Manager has power to appoint or employ, subject, however to civil service provisions and the provisions of Chapter 35C of the Code of Iowa, except that any administrative assistants to the Manager shall hold office at the Manager's discretion.  
(Code of Iowa, Sec. 372.8[3d])
  18. Investigations. Summarily and without notice, investigate the affairs and conduct of any department, agency, officer, or employee under the Manager's supervision, and compel the production of evidence and attendance of witnesses.  
(Code of Iowa, Sec. 372.8[3e])
  19. Oaths. Administer oaths.  
(Code of Iowa, Sec. 372.8[3f])
  20. Operations and Organizations. Continuously study the City's operating procedures, organizations, and facilities and recommend fiscal and other policies to the Council whenever necessary.
  21. Inform Council. Keep the Council informed on the progress of its programs and status of its policies.
  22. Coordination. Coordinate and direct all municipal services provided through the various departments.
  23. Planning. Assist the Council and the Planning and Zoning Commission in the carrying out of the comprehensive plan and assist in all other forms of planning within the City government.
  24. Boards and Commissions. Carry on the management of any present board or commission if such board or commission is abolished or ceases to exist.
  25. Other. Perform other duties at the Council's direction.  
(Code of Iowa, Sec. 372.8[2o])
- 20.06 COUNCIL RELATIONS.  
The City Manager shall not take part in any election for Council Member, other than by casting a vote, and shall not appoint a Council Member to City office or employment, nor shall a Council Member accept such appointment.
- 20.07 COUNCIL REPORTS.  
The City Manager shall be directly responsible to the Council for the administration of municipal affairs as directed by that body. All departmental activity requiring the attention of the Council shall be brought before the body by the Manager and all Council involvement in administration initiated by the Council must be coordinated through the City Manager.

---

**From:** Eckley, Erika <[erika.eckley@iowa.gov](mailto:erika.eckley@iowa.gov)>

**Sent:** Thursday, September 12, 2024 9:58:06 AM

**To:** [kelly51401@hotmail.com](mailto:kelly51401@hotmail.com) <[kelly51401@hotmail.com](mailto:kelly51401@hotmail.com)>; [akooiker@cityofcarroll.com](mailto:akooiker@cityofcarroll.com) <[akooiker@cityofcarroll.com](mailto:akooiker@cityofcarroll.com)>; [dbruner@brunerlegal.com](mailto:dbruner@brunerlegal.com) <[dbruner@brunerlegal.com](mailto:dbruner@brunerlegal.com)>; Kimberly Murphy <[kim.murphy@iowa.gov](mailto:kim.murphy@iowa.gov)>

**Subject:** 24FC:0061 to IPIB Board on September 19, 2024

Good Morning:

The Iowa Public Information Board (IPIB) will review this Order at its meeting on **September 19, 2024. The meeting will begin at 1:00 p.m.** The meeting agenda will be posted to the IPIB website (<https://ipib.iowa.gov/2024-board-meetings>) on the afternoon of Tuesday, September 17, 2024.

The IPIB normally allows brief (under five minutes) comments from the parties. You are under no obligation, but if you wish to speak at the meeting, please reply to this email and indicate your agreement to this statement:

\_\_\_\_\_ I want to address the Board and respond to any questions Board members may have when the initial processing of this complaint is considered. In the event this complaint proceeds to a contested case, I waive any objection that I might have concerning personal investigation of this complaint by a Board member.

**The IPIB meeting is open to the public. We are now utilizing Google Meet and live streaming of our meetings. You may attend in person at the Wallace Building in Des Moines or remotely. If you would like to attend remotely, you may log into the following meeting:**

**Google Meet joining info**

**Video call link:** <https://meet.google.com/phk-khen-sdy>

**Or dial: (US) +1 770-852-5396 PIN: 214 194 242#**

If you prefer, you can provide brief, written comments to the Board prior to the meeting, please forward those to me no later than 11:00 a.m. on Tuesday, September 17, 2024, so they may be included in the meeting packet. Please make sure you copy all parties on the email as well.



**Erika Eckley, JD, MPA**

Executive Director

Iowa Public Information Board (IPIB)

502 East 9th Street

Wallace Building, 3rd Floor

Des Moines, Iowa 50319

**New phone number (515) 393-8339**

[erika.eckley@iowa.gov](mailto:erika.eckley@iowa.gov)

[www.ipib.iowa.gov](http://www.ipib.iowa.gov)

## The Iowa Public Information Board

In re the Matter of:  Mandi Hutchins, Complainant  And Concerning:  Linden City Council, Respondent	Case Number: 24FC:0065  <b>Dismissal Order</b>
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COMES NOW, Erika Eckley, Executive Director for the Iowa Public Information Board (IPIB), and enters this Dismissal Order:

On August 5, 2024, Mandi Hutchins filed formal complaint 24FC:0065, alleging the Linden City Council (City) violated Iowa Code Chapter 21.

### Facts

Ms. Hutchins alleges the City violated Iowa Code Chapter 21 by holding an open session and excluding members of the public from attending.

On August 5, 2024, the City held a budget workshop. The workshop notice indicated the City Council and Library Board would meet together for the workshop and it would be closed to the public.

The City responded to the complaint stating the workshop was used to train members of the City Council and Library Board to use budgeting software. The workshop was necessary due to the introduction of new members on the City Council and Library Board. The City further indicated no official business was conducted and the workshop was merely an informative training.

### Applicable Law

Iowa Code § 21.2(2) defines a meeting as a gathering in person or by electronic means, formal or informal, of a majority of the members of a governmental body where there is deliberation or action upon any matter within the scope of the governmental body's policy-making duties. The law goes on to state, "Meetings shall not include a gathering of members of a governmental body for purely ministerial or social purposes when there is no discussion of policy or no intent to avoid the purposes of this chapter."



## Analysis

Not all meetings of a governmental body include deliberation or action related to policy-making duties. The Iowa Courts have found no violation of Iowa Code chapter 21 in the following circumstances.

When a majority of members were in a room outside a courtroom and received only information from the county attorney about the applicable law of a county zoning ordinance, but the merits of a case before the members was not discussed and no intention to avoid the statute was found. *Hettinga v. Dallas Cnty. Bd. of Adjustment*, 375 N.W.2d 293, 295 (Iowa Ct. App. 1985) (note the court cautions about concerns). Board members met with an engineering firm to elicit information about a report the firm prepared. Testimony established there was no deliberation. *Dooley v. Johnson Cnty Bd. Of Sup'rs*, 2008 WL 5234382 (Iowa Ct. App. Dec. 17, 2008).<sup>1</sup> (emphasis added).

Learning how to read a City's budget and how to use the City's software system is ministerial in nature and does not require a public meeting or open session. The workshop did not include deliberation or action and did not meet the definition of a "meeting" pursuant to Iowa Code § 21.2(2).

## Conclusion

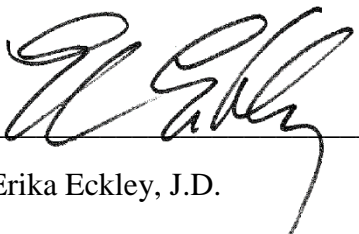
Iowa Code § 23.8 requires that a complaint be within the IPIB's jurisdiction, appear legally sufficient, and have merit before the IPIB accepts a complaint.

After review of the facts and circumstances, the City's holding of a workshop for purposes of learning and training did not constitute a meeting and did not violate Chapter 21.

IT IS SO ORDERED: Formal complaint 24FC:0065 is dismissed pursuant to Iowa Code § 23.8(2) and Iowa Administrative Rule 497-2.1(2)(b).

Pursuant to Iowa Administrative Rule 497-2.1(3), the IPIB may "delegate acceptance or dismissal of a complaint to the executive director, subject to review by the board." The IPIB will review this Order on September 19, 2024. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Executive Director



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Erika Eckley, J.D.

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<sup>1</sup> 24AO:0004 Attendance at social and ministerial events at <https://ipib.iowa.gov/24ao0004attendance-social-and-ministerial-events>

CERTIFICATE OF MAILING

This document was sent on September 12, 2024, to:

Mandi Hutchins, Complainant  
Julia Adams, Attorney for the City of Linden

## The Iowa Public Information Board

In re the Matter of:	Case Number: 24FC:0076
Montgomery McKernan, Complainant	Dismissal Order
And Concerning:	
Story County, Respondent	

COMES NOW, Erika Eckley, Executive Director for the Iowa Public Information Board (IPIB), and enters this Dismissal Order:

On September 8, 2024, Mr. Montgomery McKernan filed formal complaint 24FC:0076, alleging Story County violated Iowa Code chapter 22.

### Facts

On May 8, 2024, Mr. McKernan alleges that he and his family were unlawfully recorded inside a courtroom by Attorney Jordan Rouse. On July 8, 2024, Mr. McKernan requested a copy of security footage as evidence of the incident, which was denied on July 9, 2024.

On September 8, 2024, Mr. McKernan filed a formal complaint with IPIB, claiming the denial of his request for the security footage was in violation of Iowa Code § 22.2(1). After reviewing the complaint, it was determined the filing date was sixty-one days after the alleged violation. Mr. McKernan agreed the relevant dates for determining this time range were accurate during a phone call on September 11, 2024.

### Applicable Law

“The board shall adopt rules pursuant to chapter 17A providing for the timing, form, content, and means by which any aggrieved person, any taxpayer to or citizen of this state, the attorney general, or any county attorney may file a complaint with the board alleging a violation of chapter 21 or 22. The complaint must be filed within sixty days from the time the alleged violation occurred or the complainant could have become aware of the violation with reasonable diligence.” Iowa Code § 23.7(1).

### Analysis

There is no dispute the latest date for any violation alleged would be July 9, 2024, and there is also no dispute Mr. McKernan filed his formal complaint with IPIB on September 8, 2024. In resolving past complaints, IPIB has measured the sixty-day window described in Iowa Code § 23.7(1) to include the date of the alleged violation but to exclude the date on which the formal complaint was filed. By this measure, exactly sixty-one days elapsed, meaning IPIB lacks jurisdiction to hear this complaint. *See* 19FC:0125 Duane Mann/Woodbine City Council (dismissing a chapter 21 complaint on the basis that a sixty-one-day delay placed the complaint outside IPIB’s statutory jurisdiction).

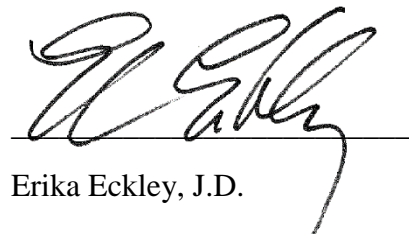
### **Conclusion**

Iowa Code § 23.8 requires that a complaint be within the IPIB’s jurisdiction, appear legally sufficient, and have merit before the IPIB accepts a complaint. Following a review of the allegations on their face, it is found that this complaint does not meet those requirements.

IT IS SO ORDERED: Formal complaint 24FC:0076 is dismissed as it is legally insufficient pursuant to Iowa Code § 23.8(2) and Iowa Administrative Rule 497-2.1(2)(b).

Pursuant to Iowa Administrative Rule 497-2.1(3), the IPIB may “delegate acceptance or dismissal of a complaint to the executive director, subject to review by the board.” The IPIB will review this Order on September 19, 2024. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Executive Director



Erika Eckley, J.D.

### **CERTIFICATE OF MAILING**

This document was sent on September 13, 2024, to:

Montgomery McKernan, Complainant

Timothy C. Meals, Story County Attorney



Eckley, Erika &lt;erika.eckley@iowa.gov&gt;

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**Re: IPIB Complaint 24FC:0063**

1 message

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**Joe Monahan** <thamnophis@gmail.com>

Tue, Aug 13, 2024 at 1:05 PM

Reply-To: thamnophis@gmail.com

To: "Eckley, Erika" &lt;erika.eckley@iowa.gov&gt;

Cc: "Hall, Renee" &lt;renee.hall@cityofames.org&gt;, "Lambert, Mark" &lt;mark.lambert@cityofames.org&gt;, Kimberly Murphy &lt;kim.murphy@iowa.gov&gt;

Hello Erika, All of the redacted email addresses have been provided so I am withdrawing my complaint. Thank you again for your help.

Joe Monahan  
515-451-3881

On Tue, Jul 30, 2024 at 5:10 PM Joe Monahan <thamnophis@gmail.com> wrote:

Thank you. Here are the initial email exchanges between me and Mark Lambert, the Ames City attorney. I numbered them 01 thru 05 so they could be read in the order they were sent.

Here I ask that the redacted emails from my initial request be unredacted (01 and 02), Mr Lambert replies (03), I clarify my position (04), Mr Lambert reminds me he is on vacation. (05).

If there are any other details that need clearing up I am happy to try to do so.

Joe Monahan  
515-451-3881

On Tue, Jul 30, 2024 at 3:36 PM Eckley, Erika <erika.eckley@iowa.gov> wrote:

A formal complaint has been filed with the Iowa Public Information Board, which is attached to this email.

Please review the attached information and provide a response to the IPIB by "reply all" to this email within two weeks. This will ensure all parties are copied on the information. If you have any questions or additional information to provide, please contact our office.

Thank you for your assistance.

**Erika Eckley, JD, MPA**

Executive Director

Iowa Public Information Board (IPIB)

502 East 9th Street

Wallace Building, 3rd Floor

Des Moines, Iowa 50319

**New phone number (515) 393-8339**[erika.eckley@iowa.gov](mailto:erika.eckley@iowa.gov)[www.ipib.iowa.gov](http://www.ipib.iowa.gov)



Eckley, Erika &lt;erika.eckley@iowa.gov&gt;

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**Re: 24FC:0066 - IPIB Complaint Received**

1 message

**Murphy, Kimberly** <kim.murphy@iowa.gov>

Fri, Sep 6, 2024 at 8:30 AM

To: k b &lt;dadco32002@yahoo.com&gt;

Cc: Bri O'Hearn &lt;bri.sorensen.law@gmail.com&gt;, "Eckley, Erika" &lt;erika.eckley@iowa.gov&gt;

Thank you for this update.

We will consider this complaint withdrawn.

**Kimberly Murphy, JD**

Deputy Director

Iowa Public Information Board (IPIB)

502 East 9th Street

Wallace Building, 3rd Floor

Des Moines, Iowa 50319

**New Phone Number: 515-393-7664**[kim.murphy@iowa.gov](mailto:kim.murphy@iowa.gov)[www.ipib.iowa.gov](http://www.ipib.iowa.gov)

On Thu, Sep 5, 2024 at 7:20 AM k b &lt;dadco32002@yahoo.com&gt; wrote:

Please cancel the most recent complaint 24FC:0066 - IPIB Complaint Received

Kenneth W. Brown 806 290-1857 Cell Isaiah 40:31

On Tuesday, August 6, 2024 at 04:51:36 PM CDT, Murphy, Kimberly &lt;kim.murphy@iowa.gov&gt; wrote:

Good evening,

A formal complaint has been filed with the Iowa Public Information Board, which is attached to this email, along with additional information.

Please review the attached information and provide a response to the IPIB by "reply all" to this email within two weeks. This will ensure all parties are copied on the information. If you have any questions or additional information to provide, please contact our office.

Thank you for your assistance.

**Kimberly Murphy, JD**

Attorney 2

Iowa Public Information Board (IPIB)

9/13/24, 12:40 PM

State of Iowa Mail - Re: 24FC:0066 - IPIB Complaint Received

502 East 9th Street  
Wallace Building, 3rd Floor  
Des Moines, Iowa 50319  
(515) 725-1782  
[kim.murphy@iowa.gov](mailto:kim.murphy@iowa.gov)  
[www.ipib.iowa.gov](http://www.ipib.iowa.gov)

# Board Dashboard

Dashboard for Board Meetings

As of Sep 13, 2024 12:43 PM Viewing as Erika Eckley

## Active Cases Report

# 33

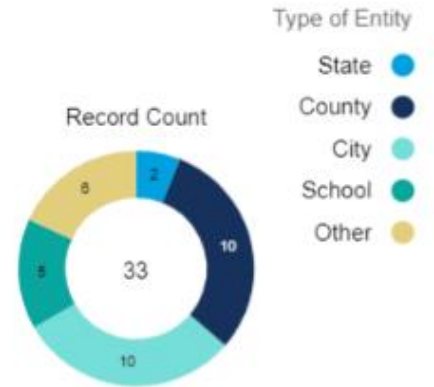
[View Report \(Active Cases Report\)](#)

## New complaints &/or questi



[View Report \(New complaints &/or quest](#)

## Cases by Entity



[View Report \(Cases by Entity\)](#)

## Active Questions Report

# 2

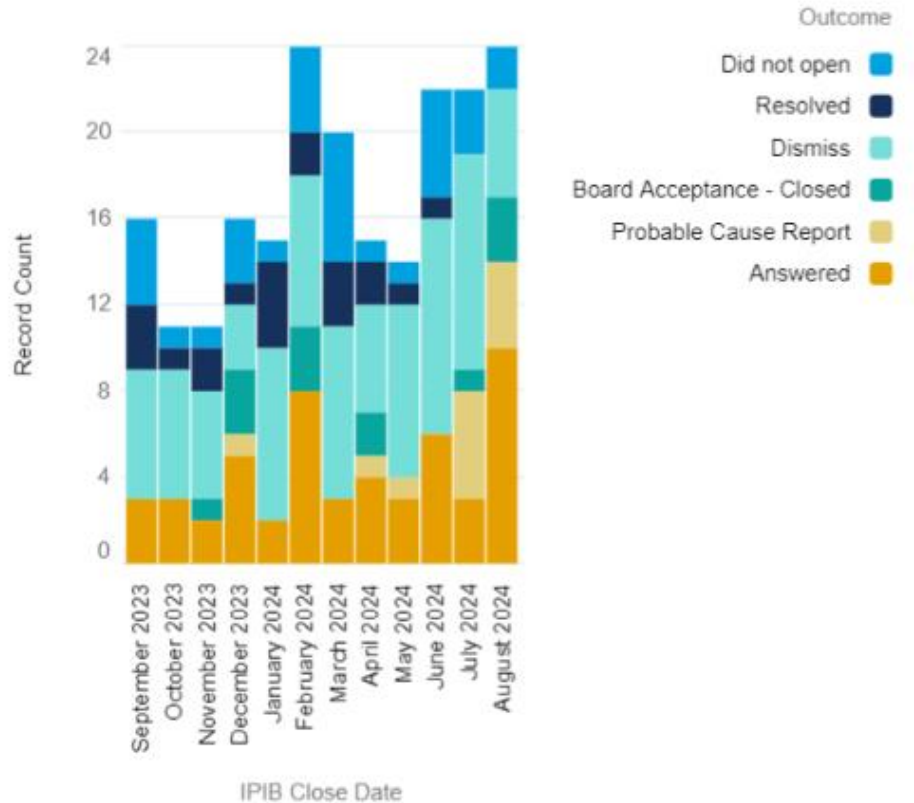
[View Report \(Active Questions Report\)](#)

## Broad Type (Filed in Curren



[View Report \(Broad Type \(Cases Filed ir](#)

## Closed cases (past 12 months)



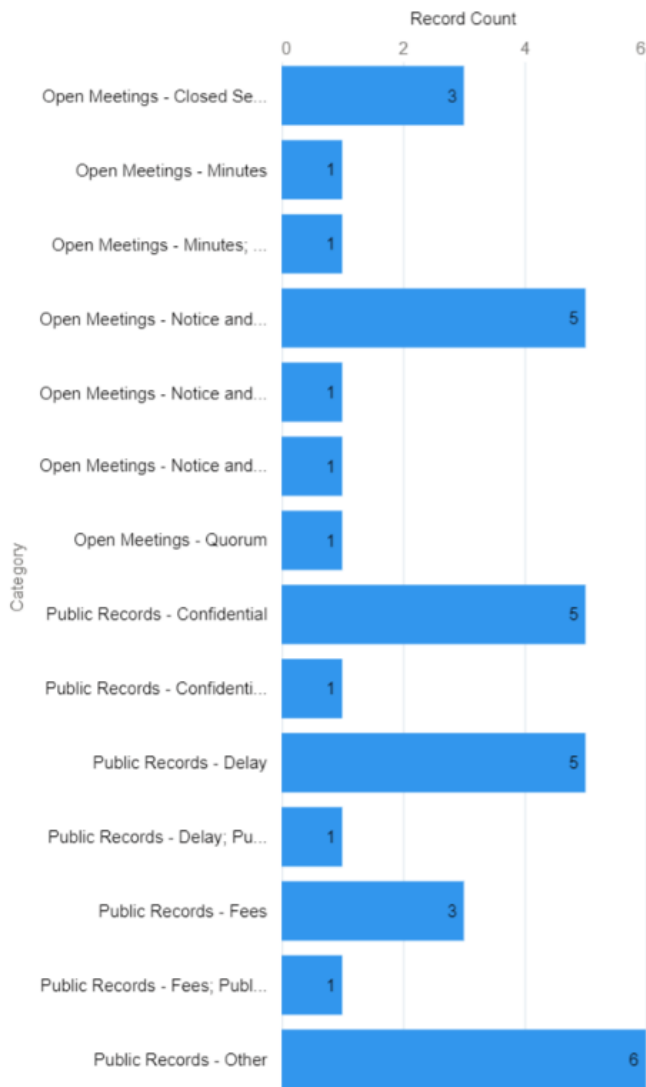
[View Report \(Closed cases \(past 12 months\)\)](#)



### Cases by Type

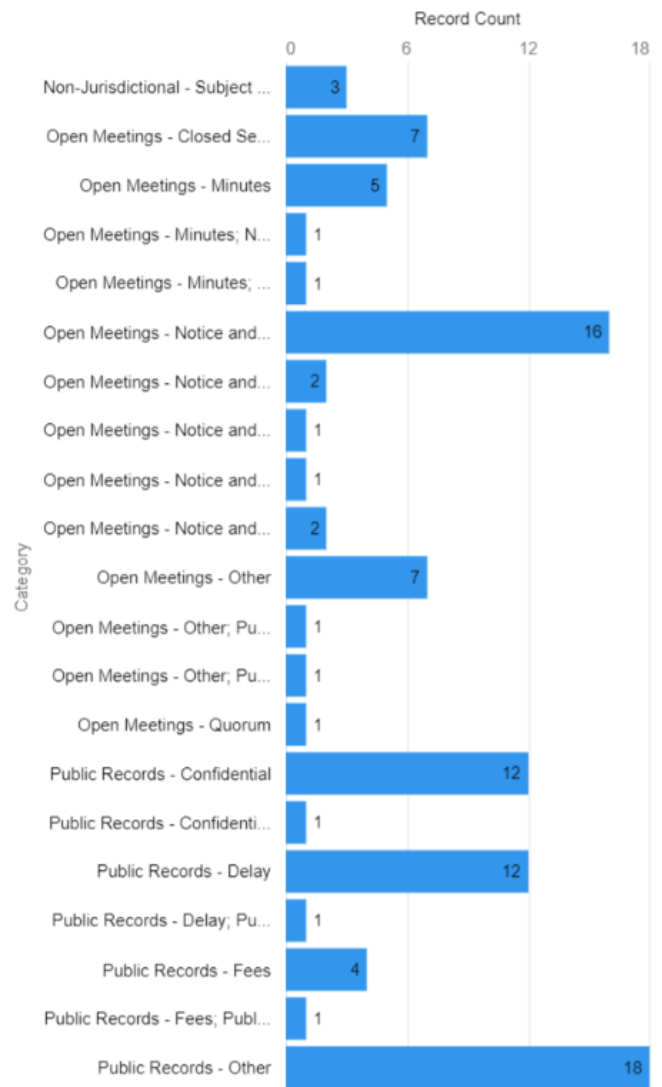
As of Sep 13, 2024 12:43 PM Viewing as Erika Eckley

#### Cases by Type (Active)



[View Report \(Cases by Type \(Active\)\)](#)

#### Cases by Type (Filed in Current Year)



[View Report \(Cases by Type \(Filed in Current Year\)\)](#)

Fund: 0001  
 Unit: 0P22  
 Sub Unit: Blank  
 Approp: p22

FY2025

General Fund

Iowa Public Information Board

EDas Customer Number: 1882  
 Percent of Year Complete: 16.67%

Obj/Rev Class	Obj/Rev Class Name	JULY Actual	AUG Actual	SEPT Forecast	OCT Forecast	NOV Forecast	DEC Forecast	JAN Forecast	FEB Forecast	MAR Forecast	APR Forecast	MAY Forecast	JUNE Forecast	HO13 Forecast	HO14 Forecast	HO15 Forecast	YTD Actual	End of Year (C=A+B)	Annual Budget (D)	Percent of Budget To Date	Percent of Budget EOY
<b>Expenditures</b>																					
101	Appropriation																				
202	Deappropriation																				
301	BBF (T&T)																				
309	Personal Services	19,563	19,067	23,939	39,939	23,939	23,939	23,939	23,939	23,939	39,939	23,939	23,939	8,378	-	-	38,630	318,398	323,270	12%	98%
309	In State Travel	333	38														370	370	3,487	11%	11%
309	Office Supplies	-	129														129	129	3,000	4%	4%
309	Printing & Binding	-	-														-	-	500	0%	0%
313	Postage	-	6														6	6	150	4%	4%
401	Communications	-	174	250	250	250	250	250	250	250	250	250	250	250			174	2,924	3,000	6%	97%
406	Outside Services	-	0														-	-	1,000	0%	0%
414	Reimbursements To Other Agency	-	1,600	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000			1,600	12,600	12,000	13%	105%
416	ITD Reimbursements	-	299	1,318	1,318	1,318	1,318	1,318	1,318	1,318	1,318	1,318	1,318	1,318			299	14,801	15,820	2%	94%
418	IT Outside Services	-	146	80	80	80	80	80	80	80	80	80	80	80			146	1,026	1,000	15%	103%
<b>Total Expenditures:</b>		<b>19,896</b>	<b>21,459</b>	<b>26,587</b>	<b>42,587</b>	<b>26,587</b>	<b>26,587</b>	<b>26,587</b>	<b>26,587</b>	<b>26,587</b>	<b>42,587</b>	<b>26,587</b>	<b>26,587</b>	<b>11,027</b>	<b>-</b>	<b>-</b>	<b>41,355</b>	<b>350,255</b>	<b>363,227</b>	<b>11%</b>	<b>96%</b>
<b>Current Month Operations</b>		<b>343,331</b>	<b>(21,459)</b>	<b>(26,587)</b>	<b>(42,587)</b>	<b>(26,587)</b>	<b>(26,587)</b>	<b>(26,587)</b>	<b>(26,587)</b>	<b>(26,587)</b>	<b>(42,587)</b>	<b>(26,587)</b>	<b>(26,587)</b>	<b>(11,027)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Cash Balance</b>		<b>343,331</b>	<b>321,872</b>	<b>295,285</b>	<b>252,698</b>	<b>226,110</b>	<b>199,523</b>	<b>172,936</b>	<b>146,348</b>	<b>119,761</b>	<b>77,174</b>	<b>50,586</b>	<b>23,999</b>	<b>12,972</b>	<b>12,972</b>	<b>12,972</b>	<b>12,972</b>	<b>12,972</b>	<b>12,972</b>	<b>12,972</b>	<b>12,972</b>

**FOOTNOTES**  
**Cash Mgmt.** Unit should be managed to \$0 at year end.

**Expenditures**  
 101 Months of October and April have 3 payroll warrants written.