

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)
Catherine Lucas, Johnston (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

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 prior to the meeting.

Agenda

April 17, 2025, 1:00 p.m.

Conference Room

Jessie Parker Building, East

510 East 12th Street, Des Moines

1:00 PM – IPIB Meeting

- I. Approval of agenda***
- II. Approval of the March 20, 2025 minutes ***
- III. Public Forum (5-minute limit per speaker)**
- IV. Comments from the board chair. (McHugh)**
- V. Consent Agenda ***
 - A. Dismissals**
 - 1. 25FC:0023 (Clay Thomas - Chapter 22-) 2/18/2025
 - 2. 25FC:0028 (Kevin Blanford - Chapter 21- Hampton City Council) 3/25/2025
 - 3. 25FC:0030 (Brandie Keegan - Both- Iowa State Patrol Headquarters Office, Iowa Department of Public Safety, Linn County, Clerk's office, Linn County Iowa County Attorney's Office) 3/14/2025
 - B. Acceptance**
 - 1. 25FC:0026 (Ron Engle - Chapter 22- Iowa Public Employee Retirement System (IPERS)) 3/11/2025
 - 2. 25FC:0027 (Jerry Hamelton - Chapter 22- Keokuk Police Department) 3/12/2025
 - 3. 25FC:0029 (Noah Hosek - Chapter 21- Iowa State University Police Department) 3/18/2025
 - 4. 25FC:0031 (Michael Chapman - Chapter 21- Waterloo Community School District Board of Education) 3/26/2025

5. 25FC:0032 (Kevin Brehm - Chapter 22- Urbandale Community School District) 4/1/2025

VI. Advisory Opinion – Deliberation/Action.

1. 25AO:0004 (Mitchell Flaherty - - Harrison County Sheriff's Office/911) 2/26/2025 - Review of Meta data requirements

VII. Cases involving Board Deliberation/Action.* (Eckley)

1. 24FC:0092 (Aubrey Burress - Both- Pleasant Grove township) 10/21/2024 -Probable Cause
2. 24FC:0113 (Geraldyn Jones - Chapter 21- Linn-Mar Board of Directors) 11/12/2024 -Final Report
3. 24FC:0117 (Michael Merritt - Chapter 22- Jasper County) 11/21/2024 -Probable Cause
4. 24FC:0120 (Paul Dorr - Both- Osceola County, Iowa) 11/27/2024 -Probable Cause
5. 25FC:0001 (Steven Asche - Chapter 22- City of Eagle Grove) 1/10/2025 -Probable Cause
6. 25FC:0007 (Kelly Smith - Chapter 22- Bettendorf Community School District) 1/22/2025 -Probable Cause
7. 25FC:0011 (Cliff Williams - Chapter 22- Keomah Village City Council) 2/1/2025 -Probable Cause

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 Matters Withdrawn, No Action Necessary.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

1. 25FC:0015 (Lori Daughenbaugh - Chapter 22- City of Runnells, Iowa) 2/3/2025 -Withdrawn
2. 25FC:0008 (Britt Gagne - Chapter 22- City of West Des Moines) 1/23/2025 – Withdrawn
3. 25FC:0025 (Colby Schumann - Chapter 22- City of Carroll, Iowa Communities Assurance Pool (ICAP)) 3/11/2025 – Withdrawn
- 4.

IX. Pending Complaints and Advisory Opinions. Informational Only- No Deliberation or Action (Eckley)

1. 22FC:0011 (Jack Swarm - Chapter 21-) 3/1/2022 - Board Approval of A/D
2. 24AO:0013 (Erika Eckley) 12/12/2024 - New / Question Information ReviewedHow should interviews for public employees be conducted after the Teig v. Loeffler decision?
3. 24FC:0064 (Mark Milligan - Chapter 22- Monroe County Sheriff's Department; represented by Monroe County Attorney) 7/30/2024 - Board Acceptance of IR
4. 24FC:0089 (Curtis Wagler - Chapter 22- Henry County Sheriff's Office) 10/8/2024 - Information Gathering/IR Process
5. 24FC:0090 (Sarah Weber - Chapter 21- Orange City Council) 10/9/2024 -Informal Resolution
6. 24FC:0096 (Rachel Dolley - Chapter 21- Commission of Wapello County Veterans Affairs) 10/28/2024 - Information Gathering/IR Process
7. 24FC:0110-1 (Keegan Jarvis - Chapter 21- City of Swan IA) 11/6/2024 - Information Gathering/IR Process
8. 24FC:0129 (Joe Monahan - Chapter 22- Ames Public Library) 12/24/2024 - Board Approval of A/D
9. 25AO:0003 (Andrea Collins) 3/6/2025 - New / Question Information ReviewedIs the City government required to provide unclaimed property information to a tax firm that does not presume to represent a specific client especially when the requests are made quarterly and for records for all claims greater than \$1000.00?
10. 25AO:0005 (Kim Murphy - -) 3/25/2025 - New / Question Information ReviewedIf there is not a quorum of the whole body is the meeting of the subcommittee a chapter 21 meeting
11. 25DO:0001 Scott County Petition for Declaratory Order
12. 25FC:0012 (Matt Loffer - Chapter 22- City of Marengo, Marengo Police Department) 2/3/2025 - Information Gathering/IR Process
13. 25FC:0014 (Michael Merritt - Chapter 22- Jasper County, IA) 2/3/2025 - Complaint Opened/Acknowledged

14. 25FC:0018 (Tammy Wise - Chapter 21- Tama County) 2/10/2025 - Information Gathering/IR Process
15. 25FC:0021 (Jennifer Olson - Chapter 21- City of Marengo, Personnel Committee) 2/13/2025 - Board Approval of A/D
16. 25FC:0022 (Steve St. Clair - Chapter 22- The Winneshiek County Board of Supervisors and the City of Ossian) 2/17/2025 - Board Approval of A/D
17. 25FC:0024 (Jason Kensett - Chapter 22- Request was made to "Iowa DCI".) 2/21/2025 - New / Complaint Information Reviewed
18. 25FC:0034-1 (Lucian Diaconu - Chapter 22- Gilbert Community School District) 3/31/2025 - Complaint Opened/Acknowledged
19. 25FC:0034-2 (Lucian Diaconu - Chapter 22- Gilbert Community school District) 4/3/2025 - Complaint Opened/Acknowledged
20. 25FC:0035 (Roger Krohn – Chapter 21- Monona County Board of Supervisors) 4/3/2025 - New / Complaint Information Reviewed
21. 25FC:0036 (Mike Mayer – Chapter 21- Mitchell County) 4/7/2025 - New / Complaint Information Reviewed
22. 25FC:0037 (Joe Monahan - Chapter 22- Iowa City Library) 4/7/2025 - New / Complaint Information Reviewed
23. 25FC:0038 (Joe Monahan - Chapter 22- UNI) 4/7/2025 - New / Complaint Information Reviewed
24. 25FC:0039-1 (Kevin Howard - Chapter 22- Johnson County Attorney's Office) 4/7/2025 - Complaint Opened/Acknowledged
25. 25FC:0039-2 (Kevin Howard - Chapter 22- Department of Administrative Services (DAS)) 4/10/2025 - New / Complaint Information Reviewed
26. 25FC:0040 (Stephanie Erickson - Chapter 21- Indianola City Council) 4/10/2025 - Complaint Opened/Acknowledged
27. 25FC:0041 (Michael Chapman - Chapter 22- Waterloo Community School District) 4/9/2025 - Complaint Opened/Acknowledged

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)
4. District Court Update (Eckley)

XII. Next IPIB Board Meeting will be held on May 15, 2025, at 1:00 p.m.

XIII. Adjourn

*** Attachments**

IOWA PUBLIC INFORMATION BOARD

DRAFT

March 20, 2025

Unapproved Minutes

The Iowa Public Information Board (IPIB) met on March 20, 2025, for its monthly meeting at 1 p.m. at the offices of the Iowa Public Information Board located at 502 East 9th Street, Des Moines. The following members participated: Joan Corbin (remote), E.J. Giovannetti, Barry Lindahl, Catherine Lucas, Joel McCrea, Monica McHugh, Jackie Schmillen (remote). Also present were IPIB Executive Director, Erika Eckley; IPIB Deputy Director, Kimberly Murphy; IPIB Agency Counsel, Alexander Lee. Also present was John Lundquist, Assistant Attorney General and counsel for the Iowa Public Information Board. A quorum was declared present.

On a motion by Lindahl and second by Giovannetti, to approve the amended agenda and move the potential closed session to follow the presentation of cases. Adopted, 7-0.

On a motion by McCrea and second by Lindahl, to approve the February 20, 2025 minutes. Adopted, 7-0.

Public Forum –

There were no public comments.

Comments from the Board Chair –

McHugh noted that the Iowa Freedom of Information Council provided new books regarding Iowa's sunshine laws.

Consent Agenda –

1. **Dismissals.** On a motion by Lucas and second by McCrea, to approve the dismissals within the consent agenda. Approved, 7-0.
2. **Acceptances.** Board discussion occurred. On a motion by Lindahl and second by Lucas, to approve the following acceptances: 25FC:0020 (Werstein), 25FC:0022 (St. Clair), 25FC:0025 (Schumann), 25FC:0001 (Asche), 25FC:0021 (Olson). Approved, 7-0.

Lucas recused and abstained from 25FC:0024 (Kensett) and 25FC:0014 (Merritt). On a motion by Giovannetti and second by McCrea, to approve acceptance of 25FC:0024 and 25FC:0014. Approved, 6-0; one abstention.

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

1. **25AO:0001 Can county attorneys, as lawful custodians of public records, charge fees for the retrieval of public records?** Board discussion occurred. On a motion by Lindahl and second by Giovannetti, to adopt the Advisory Opinion. Approved, 7-0.
2. **25AO:0002 Mixed-use or personal social media accounts and records requests.** Board discussion occurred. On a motion by Lindahl and second by Lucas, to adopt the Advisory Opinion. Approved, 7-0.

IPIB Cases – The Board was briefed on each case and acted as indicated below:

1. **24FC:0070 (Brian Thomas - Both- Jefferson County BOS) 8/13/2024 -Final Report.** Board discussion occurred. On a motion by Giovannett and second by Lindahl, to accept the Final Report. Approved, 7-0.
2. **24FC:0092 (Aubrey Burress - Both- Pleasant Grove township) 10/21/2024 – Status Report.** Aubrey Burress addressed the Board. Jared Harmon and Ross Gibson of the Marion County Attorney’s Office addressed the Board. Board discussion occurred. On a motion by Giovannetti and second by Lindahl, to advance the case to a probable cause report and recommend a contested case. Approved, 7-0.
3. **24FC:0093 (Timothy Hansen - Chapter 22- Franklin County Sheriff's Office) 10/24/2024 - Probable Cause.** Lucas recused and abstained from 24FC:0093. Sheriff Aaron Dodd of the Franklin County Sheriff’s Office addressed the Board. Board discussion occurred. On a motion by Lindahl and second by McCrea, to approve the probable cause report and and dismiss the case. Approved, 6-0; one abstention.
4. **24FC:0120 (Paul Dorr - Both- Osceola County, Iowa) 11/27/2024 -Probable Cause.** Giovannetti recused and abstained from 24FC:0120. On a motion by Lindahl and second by McCrea, to table the complaint. Approved, 6-0; one abstention.
5. **25FC:0015 (Lori Daughenbaugh - Chapter 22- City of Runnells, Iowa) 2/3/2025 -Probable Cause.** Lori Daughenbaugh addressed the Board. Cameron Wright, attorney for the City of Runnells, addressed the Board. Board discussion occurred. On a motion by Giovannetti and second by Lindahl, to table the complaint and seek informal resolution. Approved, 7-0.
6. **25FC:0020 (Kira Werstein - Chapter 22- Ames Community School District) 2/12/2025 - Probable Cause.** Sherri Ruzek and other representatives from the Ames Community School District addressed the Board. On a motion by Lucas and second by Lindahl, to approve the probable cause report and dismiss the case. Approved, 7-0.

Matters Withdrawn, No Action Necessary

1. 24FC:0110-2 (Keegan Jarvis - Chapter 21- City of Swan IA) 1/22/2025 -Withdrawn
2. 25FC:0009 (Bryce Hubert - Chapter 22- City of Maxwell) 1/24/2025 - Withdrawn
3. 25FC:0017 (Lori White - Chapter 22- Missouri Valley) 2/9/2025 -Withdrawn

Pending Complaints, Informational Only

1. 24AO:0013 (IPIB) 12/12/2024 - Should interviews for public employees be conducted after the *Teig v. Loeffler* decision?
2. 25AO:0003 (Andrea Collins) 3/6/2025 - Is the City government required to provide unclaimed property information to a tax firm that does not presume to represent a specific client especially when the requests are made quarterly and for records for all claims greater than \$1000.00?
3. 25AO:0004 (Mitchell Flaherty) 2/26/2025 – Meta data requirements
4. 24FC:0129 (Joe Monahan - Chapter 22- Ames Public Library) 12/24/2024 - Board Approval of A/D
5. 22FC:0011 (Jack Swarm - Chapter 21-) 3/1/2022 – Informal Resolution Process

6. 24FC:0064 (Mark Milligan - Chapter 22- Monroe County Sheriff's Department) 7/30/2024 - Board Acceptance of IR
7. 24FC:0089 (Curtis Wagler - Chapter 22- Henry County Sheriff's Office) 10/8/2024 - Information Gathering/IR Process
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10. 24FC:0110-1 (Keegan Jarvis - Chapter 21- City of Swan IA) 11/6/2024 - Information Gathering/IR Process
11. 24FC:0113 (Geraldyn Jones - Chapter 21- Linn-Mar Board of Directors) 11/12/2024 - Board Acceptance of IR
12. 24FC:0117 (Michael Merritt - Chapter 22- Jasper County) 11/21/2024 - Information Gathering/IR Process
13. 25FC:0007 (Kelly Smith - Chapter 22- Bettendorf Community School District) 1/22/2025 - Information Gathering/IR Process
14. 25FC:0008 (Britt Gagne - Chapter 22- City of West Des Moines) 1/23/2025 - Information Gathering/IR Process
15. 25FC:0011 (Cliff Williams - Chapter 22- Keomah Village City Council, Mayor and Clerk) 2/1/2025 - Information Gathering/IR Process
16. 25FC:0012 (Matt Loffer - Chapter 22- City of Marengo, Marengo Police Department) 2/3/2025 - Information Gathering/IR Process
17. 25FC:0018 (Tammy Wise - Chapter 21- Tama County) 2/10/2025 - Information Gathering/IR Process
18. 25FC:0023 (Clay Thomas - Chapter 22-) 2/18/2025 - Complaint Opened/Acknowledged
19. 25FC:0026 (Ron Engle - Chapter 22- Iowa Public Employee Retirement System (IPERS)) 3/11/2025 - Complaint Opened/Acknowledged
20. 25FC:0027 (Jerry Hamelton - Chapter 22- Keokuk Police Department) 3/12/2025 - Complaint Opened/Acknowledged

Potential Closed Session under Iowa Code § 21.5(1)(c) To discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation.

On a motion by Lindahl and second by McCrea to enter closed session pursuant to Iowa Code § 21.5(1)(c) to discuss strategy with counsel in matters that are presently in litigation where disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation. Board discussion occurred. Giovannetti asked counsel if the subject matter was appropriate for closed session. John Lundquist addressed the Board and stated there are issues that need to be discussed with the Board that would disadvantage the position of the IPB if discussed in open session and indicated that closed session is appropriate.

A roll call vote was held:

Joan Corbin, aye
 E.J. Giovannetti, aye
 Barry Lindahl, aye
 Catherine Lucas, aye
 Joel McCrea, aye
 Monica McHugh, aye
 Jackie Schmillen, aye

Unanimous vote to enter closed session.

Motion by McCrea and second by Lindahl to reconvene open session. Approved, 7-0.

Open session resumed.

Committee Reports -

- 1. Training.** Lee provided an update on meetings and work being completed.
- 2. Legislative.** Eckley provided an update on the status of legislation and IPIB priorities.
- 3. Rules.** Murphy provided an update and stated stakeholders are currently reviewing the Rules drafts, with comment due on March 25.

Office Status Report –

- 1. Office Update.** Eckley addressed the Board and reminded members to complete the Personal Financial Disclosure due to Campaign and Ethics.
- 2. Financial/Budget Update (FY25).** Eckley addressed the Board and provided an update regarding FY25 financials.
- 3. Presentations/Trainings.** Eckley provided an update regarding upcoming trainings.
- 4. District Court Update.** Eckley provided an update regarding the status of District Court cases.

Next IPIB Board Meeting will be held on April 17, 2025, at 1:00 p.m.

On a motion by McCrea and second by Lindahl, to adjourn the meeting. Approved, 7-0.

The Iowa Public Information Board

In re the Matter of: Clay Thomas, Complainant And Concerning: Iowa Department of Corrections, Respondent	Case Number: 25FC:0023 Dismissal Order
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COMES NOW, Erika Eckley, Executive Director for the Iowa Public Information Board (IPIB), and enters this Dismissal Order:

On February 13, 2025, IPIB received formal complaint 25FC:0023 from Clay Thomas, alleging the Iowa Department of Corrections (Department) violated Iowa Code chapter 22.

Facts

Thomas is an incarcerated individual and is currently in custody of the Iowa Department of Corrections. Thomas alleges he was assaulted in prison on two occasions when he was spit on. He requested the names of the inmates to enable him to press charges. He was denied access to the names of the inmates.

Thomas utilized what appears to be an internal review process and appeal. Pursuant to the appeal, the decision not to provide the names of the inmates was confirmed. According to Thomas, the appeal paperwork indicated he was denied the names of the inmates to avoid retaliation, to keep the peace and tranquility of the unit, and for security reasons.

Applicable Law

A public record is defined as “all records, documents, tape, or other information stored or preserved in any medium, of or belonging to this state...”

“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).

Analysis

Thomas alleges a violation of Iowa Code Chapter 22 occurred based on the denial of access to the names of two inmates. A public record is a record that belongs to and is maintained by a government body. Thomas is not requesting an existing public record, but rather is requesting the Department identify the names of two individuals. In other words, Thomas is seeking the answer to a question: What are the names of these inmates? This is not a record that is stored, preserved, or belongs to the Department. The Department would be required to create a public record that does not exist to respond to the public record request. Chapter 22 does not require the Department do this.

The argument could be made that the form of the question is a simple nuance and that Thomas could merely rephrase his request for any existing report containing the names of the inmates. Assuming a report was created based on either incident, the report would also be exempt from disclosure pursuant to Iowa Code § 904.602(2)(k)(10).

The Department is granted broad authority to govern its internal administration. Iowa Code § 904.602(2)(k)(10) states as follows:

“Regulations, procedures, and policies that govern the internal administration of the department and the district departments, which if released may jeopardize the secure operation of a correctional institution operation or program, are confidential unless otherwise ordered by a court. These records include procedures on inmate movement and control; staffing patterns and regulations; emergency plans; internal investigations; equipment use and security; building plans, operation, and security; security procedures for inmates, staff, and visitors; daily operation records; and contraband and medicine control. *These records are exempt from the public inspection requirements in section 17A.3 and section 22.2.*” (Emphasis added.)

Based on Iowa Code § 904.602(2)(k)(10), the Department has the ability to exempt as confidential any regulations, procedures, and policies related to internal administration, including internal investigations, inmate control, and security procedures for inmates.

Based on this analysis, IPIB finds the request for names does not constitute a request for an existing public record. Even if the names were a public record, the names would be exempt from inspection pursuant to Iowa Code § 904.602(2)(k)(10).

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 request for names does not constitute a request for an existing public record. Even if the names were a public record, the names would be exempt from inspection pursuant to Iowa Code § 904.602(2)(k)(10).

IT IS SO ORDERED: Formal complaint 25FC:0023 is dismissed as 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 March 20, 2025. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Executive Director



CERTIFICATE OF MAILING

This document was sent on April 10, 2025, to:

Clay Thomas, Complainant (via mail)

The Iowa Public Information Board

In re the Matter of:	Case Number: 25FC:0028
Kevin Blanford, Complainant	Dismissal Order
And Concerning:	
City of Hampton, Respondent	

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

On March 25, 2025, Kevin Blanford filed formal complaint 25FC:0028, alleging the City of Hampton (City) violated Iowa Code Chapter 21.

Facts

Hampton is a town in northern Iowa, represented by a six-member city council. The complainant, Kevin Blanford, was an elected council member at the time of the incident in question, though he has since resigned his position.

On February 3, 2025, the City held a budget workshop. Aside from the call to order, public comments, and adjournment, there were only two items listed on the meeting's posted agenda: a "Nuisance update" and the "FY26 Budget discussions."

Two representatives of the city police department provided a brief report during the "Nuisance update" portion of the agenda. At the conclusion of this report, council member Bill Hodge said, "Well, they're nuisances, the people that, uh, INS picked up. How many did they pick up here in town?" When the police chief answered that he was aware of two people being detained in Hampton, Hodge asked, "Are they coming back to get more?" The chief stated that he was not involved in federal immigration enforcement, to which Hodge replied, "Have them come see me, I can give them some names."

This exchange has been a source of ongoing controversy in the community.

Blanford alleges the City violated Chapter 21 by failing to follow the February 3 agenda, as the tentative agenda for the meeting did not include anything about immigration. Blanford argues the topic should not have been discussed in the first place and the mayor should have interceded to stop the discussion.

Applicable Law

“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.” Iowa Code § 21.4(1)(a).

“*Meeting*’ means 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. 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.” Iowa Code § 21.2(2).

Analysis

Iowa Code § 21.4(1)(a) states a tentative agenda must be provided “in a manner reasonably calculated to apprise the public” of matters to be discussed at a meeting. The Iowa Supreme Court has interpreted this language to require advance notice to be provided on an agenda for any item to be discussed as a meeting, with an exception for “discussion and action on emergency items that are first ascertained at a meeting for which proper notice was given” which cannot “be reasonably deferred to a later meeting.” *KCOB/KLVN, Inc. v. Jasper Cnty. Bd. of Sup’rs*, 473 N.W.2d 171, 174 (1991). The applicable standard is “whether the notice sufficiently apprised the public and gave full opportunity for public knowledge and participation,” when considering “the public’s knowledge of an issue and actual participation in events in light of the history and background of that issue.” *Id.* at 173.

This requirement must be read in conjunction with Chapter 21’s definition of a meeting, which has four key attributes. According to Iowa Code § 21.2(2), a ‘meeting’ involves 1) a gathering of a majority of members 2) of a governmental body as defined by Chapter 21, 3) with deliberation or action 4) on a matter within the scope of the governmental body’s policy-making duties, as opposed to social or ministerial purposes. Because Iowa Code § 21.4(1)(a) applies specifically to “the tentative agenda of [a] *meeting*” (emphasis added), the advance notice requirement explored in *KCOB/KLVN, Inc.* does not extend to discussion which does not satisfy all four requirements.

In this case, although a majority of council members were present at the time of the challenged comments and the Hampton city council is unquestionably a governmental body according to Iowa Code § 21.2(1), it does not appear that the “action or deliberation” element was ever met.

Specifically, the council did not take any action on the issue of illegal immigrants in the community, and the council members never had any concrete discussion of their “opinions [or] the reasoning behind those opinions. *See Hettinga v. Dallas Cnty. Bd. of Adjustment*, 375 N.W.2d 293, 295 (Iowa Ct. App. 1985).¹ Although Hodge’s negative opinion of immigrants may have been implicit in his comments labelling them “nuisances” and offering to turn local community members over to immigration enforcement, these statements alone do not constitute deliberation, particularly where no other member of the city council engaged with the topic.

It is also questionable whether the matter was “within the scope of the governmental body’s policy-making duties,” given that federal immigration enforcement is primarily within the purview of the Department of Homeland Security, not city governments like Hampton. As the police department representative speaking during the nuisance update informed the council, local law enforcement was not involved with arrests and receives minimal notice, if any, of ICE activities. Because the council did not have authority over the matter discussed, the fourth element of a Chapter 21 meeting was also unmet.

In conclusion, although the council member’s comments were unquestionably outside the scope of topics listed on the tentative agenda, this portion of the council’s discussion did not amount to a “meeting” under Iowa Code § 21.2(2) and, for this reason, the agenda requirements of Iowa Code § 21.4(1)(a) were not implicated.

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.

Because the council member’s individual comments did not constitute deliberation and the subject matter was outside the scope of the government body’s policy-making duties, there is no facial violation of Iowa Code § 21.4(1)(a), even though the comments were not covered by any topic on the tentative agenda.

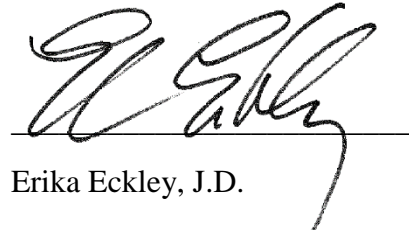
IT IS SO ORDERED: Formal complaint 25FC:0028 is dismissed as legally insufficient pursuant to Iowa Code § 23.8(2) and Iowa Administrative Rule 497-2.1(2)(b).

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

¹ *See also* 24AO:0004, *Attendance at Social and Ministerial Events*. “When the governmental body members begin talking about their thoughts, concerns, opinions, or potential action on the matters, the government[al] body is deliberating and, by definition, the discussion has become a meeting subject to open meeting requirements.”

Order on April 17, 2025. 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 April 10, 2025, to:

Kevin Blanford, Complainant

The Iowa Public Information Board

In re the Matter of: Brandie Keegan, Complainant And Concerning: Iowa State Patrol Headquarters Office, Iowa Department of Public Safety, Linn County, Clerk's office, Linn County Iowa County Attorney's Office, Respondents	Case Number: 25FC:0030 Dismissal Order
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COMES NOW, Erika Eckley, Executive Director for the Iowa Public Information Board (IPIB), and enters this Dismissal Order:

On March 21, 2025, Brandie Keegan filed formal complaint 25FC:0030, alleging that Iowa State Patrol Headquarters Office, Iowa Department of Public Safety, Linn County, Clerk's office, and Linn County Iowa County Attorney's Office violated Iowa Code chapters 21 and 22.

Facts

Keegan alleges a formal request was submitted for public records to include calibration records from Iowa State Patrol Headquarters and Iowa Department of Public Safety on January 21, 2025. It was denied. Keegan stated it was requested due to an alleged crime that occurred. It was also requested from Linn County and the Iowa courts on January 23, 2025. No records were received. Keegan alleges the request was ignored. Keegan submitted a request in writing, certified to Iowa State Patrol Headquarters on February 3, 2025. Keegan alleges the Department ignored and failed to respond to the request. Keegan provided additional information from District Court case STA0386775 seeking discovery information from the prosecution for device calibration. She also sought discovery materials from the Iowa State Patrol.

On January 24, 2025, a district associate judge in case number STA0386775 granted Keegan's motion for discovery. On March 12, 2025, the court entered an amended charge and guilty plea in the case. Keegan filed this complaint on March 21, 2025.

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.

Analysis

In IPIB case 23FC:0133- Matthew Knowles/Crawford County Attorney's Office the IPIB dismissed the complaint when the complainant was dissatisfied with the responses to his discovery request. In this matter, the complainant made a records request to the Iowa State Patrol. It was denied. Complainant then was granted discovery for the information sought by the District Court in her pending criminal matter. She filed this complaint after being dissatisfied with the discovery process.

Conclusion

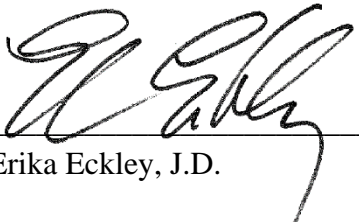
Iowa Code § 23.8 requires that a complaint be within the IPIB’s jurisdiction, appear legally sufficient, and have merit before the IPIB accepts a complaint. Following a review of the allegations on their face, it is found that this complaint does not meet those requirements.

Keegne sought public records in regards to her criminal case. It was denied. The court granted Keegne the right to obtain discovery in her criminal case. It appears Keegne was not satisfied with the discovery received.

IT IS SO ORDERED: Formal complaint 25FC:0030 is dismissed as it involves an incident that has previously been disposed of on its merits 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 April 17, 2025. 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 April 11, 2025, to:

Brandie Keegan

IPIB Case Number	Contact Name	Name of Entity Involved	Complaint Type	Description	Board Meeting Consent
25FC:0026	Ron Engle	Iowa Public Employee Retirement System (IPERS)	Chapter 22	A request was made for information regarding any prior attempts by IPERS at obtaining third party recovery/subrogation for disability claims made by emergency responders. Through a lengthy e-mail correspondence chain with personnel from IPERS, the request for public records was refined based upon repeated denials & contradictory responses. Ultimately IPERS & its personnel have refused to provide the requested financial information. A copy of the complete correspondence chain will be provided to the IPIB addressee to whom it should be directed to assist in investigation of this complaint of violation. Not only has IPERS refused to provide the financial records requested, they have further chosen to declare the entire organization "IPERS" as the lawful custodian of records & limited contact to their general counsel. I would note that every attempt has been made to resolve this issue without the necessity of filing a formal complaint with IPIB against a fellow governmental body.	Accept
25FC:0027	Jerry Hamelton	Keokuk Police Department	Chapter 22	On March 3rd 2025 I requested bodycam footage of an arrest of a public official for DUI. On March 11th I received a letter from the Keokuk Police denying my request as the body cams "provides a named and presumed innocent suspect". However Iowa courts have ruled several times that this does not protect the police from the FOIA laws. I believe Keokuk Police Department to be in violation of Federal FOIA laws.	Accept
25FC:0029	Noah Hosek	Iowa State University Police Department	Chapter 21	Copied from email: My name is Noah Hosek. I would like to file a formal complaint against the Iowa State University Police Department, more specifically Elizabeth Morse and her unwillingness to provide any information regarding an incident that happened on Febuary 22nd of this year. I have previously reached out to this individual in which she stated that she could not disclose at the moment because the invesigative report was not completed. I have responded stating that she is in direct violation of Iowa Code 22-7, after finding out by other staff members of the police department as well as the lawyer, that the Body camera footage I need and audio recording of the initial call was completed five days following the event. This individual has not been cooperative in gaining my footage nor has she returned any phone calls or emails sent to her. If there is anything that the State of Iowa can do in assisting me in gaining these important pieces of information I would greatly appreciate any help I get.	Accept
25FC:0031	Michael Chapman	Waterloo Community School District Board of Education	Chapter 21	I arrived at the WCSD office for the School Board finance subcommittee meeting. I explained my presence and was issued a visitor pass, After being REQUIRED to give my name and date of birth. I was escorted to the committee meeting room. Upon entering i met with Board member Lyle schmidt, i asked about where i should be seated as i was only going to observe. He mentioned a seat next to him would be great. We chitchatted whilst other members of the committee arrived, including Astor Williams, the president of the School Board as well as Stacy Mills. Ms. Mills has been kind and has endeavored to assist me in becoming more active in the school board process. She is the one who suggested that I obtain information regarding the location and times of the standing committee meetings. I did obtain the dates and times from Pam Arndorfer and this was to be my initial meeting. After almost 20 minutes and approximately 12 or so people in the room, none of whom had expressed any problem....	Accept

25FC:0032	Kevin Brehm	Urbandale Community School District	Chapter 22	<p>Unlawful Delay in Public Records Request I am submitting this formal complaint against the Urbandale Community School District for failing to comply with Iowa Code Chapter 22 concerning the timely release of public records. Background: On 2/28, I submitted a public records request to the district's board secretary regarding the Extended Learning Program (ELP) identification and selection process used at Webster Elementary. This included criteria, rubrics, training materials, and related communications. As of today, more than 20 calendar days have passed with no response or fulfillment of my request. Per Iowa Code § 22.8(4)(d), a delay shall not exceed 20 days and ordinarily should not exceed 10 business days. Therefore, the district is not in compliance. Requested Action: I respectfully ask the Iowa Public Information Board to: Investigate this matter promptly Require Urbandale to produce the requested public records without further delay Issue any appropriate enforcement actions</p>	Accept
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502 East 9th Street
Des Moines, Iowa 50319
www.ipib.iowa.gov

Erika Eckley, JD
Executive Director
(515) 393-8339
erika.eckley@iowa.gov

Advisory Opinion 25AO:0004

DATE: April 17, 2024

SUBJECT: Does Iowa Code Chapter 22 require that metadata generated by emails be provided when emails are requested as a public record and must a government body convert emails to a specific format in response to a metadata request?

Mitchell Flaherty
Chief Deputy and 911 Director
Harrison County Sheriff's Office
111 South 1st Avenue
Logan, Iowa 51546

Chief Deputy Flaherty,

This Advisory Opinion is written in response to your request dated February 27, 2025, 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 metadata contained in emails, whether the metadata must be provided, and whether emails must be converted to a specific format upon request. Advisory opinions may be adopted by IPIB pursuant to Iowa Code section 23.6(3) and Rule 497-1.2(2): “[t]he board may on its own motion issue opinions without receiving a formal request.” 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 an advisory opinion, if followed, constitutes a defense to a subsequent complaint based on the same facts and circumstances.

QUESTIONS POSED:

Does Iowa Code Chapter 22 require that metadata generated by emails be provided when emails are requested as a public record and must a government body convert emails to a specific format in response to a metadata request?

1. Metadata is a public record.
2. Metadata should be produced as a public record only if specifically requested.
3. Government bodies are not required to convert emails to alternative formats.
4. If a public record is deemed confidential pursuant to Iowa Code § 22.7, the underlying metadata is also deemed confidential.
5. Iowa Code is silent regarding metadata retention requirements.

Board Members

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

Does Iowa Code Chapter 22 require that email server logs be provided as a public record?

Like metadata, server logs should also be provided by the government body, if available and there are no security concerns. Government bodies should work with their information technology counterparts to assess any security concerns related to the release of email server logs. Government bodies should follow existing policies and procedures regarding production of data, cost, and retention.

BACKGROUND:

The Harrison County Sheriff’s Office received a request for the following:

1. A direct and unaltered copy of an original email sent by Chief Deputy Mitchell Flaherty that “must be provided in its original format (.eml or .msg) to preserve all metadata, including sender, recipient, timestamp, and routing details.” The requester goes on to state, “A forwarded, copy-pasted, or PDF version is NOT sufficient, as it does not contain the full metadata needed for verification.”
2. Email server logs from the Harrison County Sheriff’s Office showing whether this email was sent and successfully delivered, including “headers, transmission logs, and bounce-back notifications, if applicable.” The requester goes on to state, “If server logs are unavailable, a statement from your IT department confirming the existence (or non-existence) of this email will suffice.”

It should be noted that the requestor additionally stated the following:

“Professional Validation of Metadata

Please note that upon receipt, the original email and its metadata will be sent to a professional third-party expert for validation. This ensures the authenticity of the email and confirms whether it was indeed sent as claimed.

If the Email Does Not Exist

If the requested email does not exist, I request:

Written confirmation that no email was sent from the Harrison County Sheriff’s Office on December 19, 2024, at 10:49 AM.

An explanation for why Chief Deputy Flaherty fabricated an official record and transmitted it in his official capacity.

A statement from the Sheriff explaining what actions, if any, have been taken regarding this falsification of records.

Legal Compliance & Timeline

As per Iowa Code Chapter 22, public records requests must be fulfilled within 10 business days, unless a legal exemption applies.

If any portion of this request is denied, please provide:

The specific legal exemption under Iowa law that justifies withholding it.

A detailed explanation of how the exemption applies.

This request must be fulfilled by March 4, 2025. Please confirm receipt at your earliest convenience.”

DEFINITION OF METADATA:

The term “metadata” must be defined before discussing the application of Iowa Code Chapter 22.

Merriam-Webster defines metadata as a noun meaning “data that provides information about other data.”

A more detailed definition of metadata was developed by the Sedona Conference.¹ The Sedona Conference defines metadata as, “The generic term used to describe the structural information of a file that contains data about the file, as opposed to describing the content of a file. The Sedona Conference Glossary: eDiscovery & Digital Information Management, Fifth Edition, 21 SEDONA CONF. J. 263 (2020).

APPLICABLE LAW

The cornerstone of Iowa Code Chapter 22 is the definition of a public record:

“‘Public records’ includes all records, documents, tape, or other information, *stored or preserved in any medium*, of or belonging to this state or any county, city, township, school corporation, political subdivision...”

Iowa Code § 22.1(3)(a) (emphasis added). Iowa Code Chapter 22 does not define the term metadata. In fact, Iowa Code Chapter 22 does not address or contemplate the concept of metadata. It does, however, have a specific section dedicated to data processing software. Iowa Code § 22.3A. This section provides some background on how to address data that falls within the intersection of technology and public records.

Data is defined as “a representation of information, knowledge, facts, concepts, or instructions that has been prepared or is being prepared in a formalized manner and has been processed, or is intended to be processed, in a computer. Data may be stored in any form, including but not limited to a printout, magnetic storage media, disk, compact disc, punched card, or as memory of a computer.” Iowa Code § 22.3A(1)(d).

The section goes on to apply transparency requirements to data and data processing software. The law states as follows:

“*An electronic public record shall be made available in the format in which it is readily accessible to the government body if that format is useable with commonly available data processing or database management software.* The government body may make a public record available in a specific format requested by a person that is different from that in which the public record is readily accessible to the government body and may charge the reasonable costs of any required processing, programming, or other work required to produce the public record in the specific format in addition to any other costs allowed under this chapter.”

Iowa Code § 22.3A(2)(d) (emphasis added).

¹ The Sedona Conference (TSC) is a nonpartisan, nonprofit 501(c)(3) research and educational institute dedicated to the advanced study of law and policy in the areas of antitrust law, complex litigation, intellectual property rights, and data security and privacy law. The mission of TSC is to move the law forward in a reasoned and just way through the creation and publication of nonpartisan consensus commentaries and through advanced legal education for the bench and bar.

OPINION - METADATA:

Metadata is a public record.

The type of metadata that is the subject of this advisory opinion is a public record. Emails sent to and from a government body automatically include metadata. The metadata is composed of detailed information about the email, as opposed to the content of the email. The metadata includes when the email was created and sent, among other details regarding the email. This information is stored or preserved by the government body as part of the email and meets the definition of a public record.

Other states have grappled with this issue and reached the same conclusion.

In circumstances similar to those in this advisory opinion, New Jersey concluded that metadata generated by emails should be considered public records. *Paff v. Galloway Township*, 162 A.3d 1046, 1057 (N.J. 2017). The metadata requested by the plaintiff included the sender, recipient, and date of specific emails. The Township argued that only the content of the emails could be public records. The Court concluded that “the requested fields of information from the identified emails constitute ‘information stored or maintained electronically,’ N.J.S.A. 47:1A-1.1, and are therefore ‘government records’ under [the Open Public Records Act].” *Id.*

Washington also reviewed metadata related to emails and determined that “metadata associated with public records is subject to disclosure under the [Public Records Act].” *O’Neill v. City of Shoreline*, 240 P.3d 1149, 1151 (Wash. 2010).

Finally, Arizona determined that “if a public entity maintains a public record in an electronic format, then the electronic version, including any embedded metadata, is subject to disclosure under our public records law.” *Lake v. City of Phx.*, 218 P.3d 1004, 1005 (Ariz. 2009).

Like other states, Iowa’s definition of a public record encompasses metadata related to emails if the information is stored or preserved by the government body.

Metadata should be produced as a public record only if specifically requested.

This advisory opinion finds that metadata may be considered a public record under Chapter 22, but there is no automatic requirement to provide metadata along with other public records unless specifically requested. For example, if a citizen requests email records, the government body could choose to provide the records in a format which does not preserve metadata associated with the email. However, if the requester specifically asks for metadata, the government body would be required to provide it.

Government bodies are not required to convert emails to alternative formats.

In the facts presented for this Advisory Opinion, the requestor has stated a forwarded version of the email is not sufficient and the email must be converted to a specific format. Conversion to a specific format is not required if the requestor can obtain metadata from the existing format. Iowa law states, “An electronic public record shall be made available in the format in which it is readily accessible to the government body if that format is useable with commonly available data processing or database management software.” Iowa Code § 22.3A(2)(d). In this case, an email forwarded in its original form is sufficient to produce metadata and need not be converted to an alternative format.

Iowa law also states that a government body “may” convert a public record to a specific format requested by a person and charge reasonable costs of any required work to produce the public record in the alternative format. Iowa Code § 22.3A(2)(d). It is the government body’s choice whether to forward the email in its original format or convert.

If a public record is deemed confidential pursuant to Iowa Code § 22.7, the underlying metadata is also deemed confidential.

In *Ripperger v. IPIB*, the Iowa Supreme Court held that “if the underlying communications are confidential, the cloak of confidentiality can extend to a list of those making confidential requests. A contrary holding would lead to absurd results, such as making public a list of job applicants whose individual applications are confidential.” *Ripperger v. IPIB*, 967 N.W.2d 540, 551 (Iowa 2021) (citing *Milligan v. Ottumwa Police Dep't*, 937 N.W.2d 97, 102, 109 (Iowa 2020)). Metadata concerning confidential information could lead to the release of confidential information, and government bodies may decline to produce the underlying metadata for this purpose.

Iowa Code is silent regarding metadata retention requirements.

Iowa Code chapter 22 does not include any retention requirements for public records or corresponding metadata. Government bodies are strongly urged to develop retention requirements for metadata to allow for retention or disposal of metadata as necessary.

Additional Information – Metadata.

Metadata is complex. This advisory opinion reviews metadata associated with emails, but does not address other forms of metadata. There is minimal guidance in Iowa Code Chapter 22 or Iowa’s case law regarding the complexities of metadata and the application to public records law. For this reason, this Advisory Opinion should be construed narrowly in application.

OPINION – SERVER LOGS:

The requestor also seeks email server logs from the Harrison County Sheriff’s Office showing whether the email was sent and successfully delivered, including “headers, transmission logs, and bounce-back notifications, if applicable.” The requestor goes on to state, “If server logs are unavailable, a statement from your IT department confirming the existence (or non-existence) of this email will suffice.”

A server log is akin to data as referenced by Iowa Code § 22.3A(1)(d): Data is defined as “a representation of information, knowledge, facts, concepts, or instructions that has been prepared or is being prepared in a formalized manner and has been processed, or is intended to be processed, in a computer. Data may be stored in any form, including but not limited to a printout, magnetic storage media, disk, compact disc, punched card, or as memory of a computer.”

Like email metadata, server logs should be provided by the government body, if available. IPIB acknowledges that production of server logs could trigger security concerns. Government bodies should work with their information technology counterparts to assess any security concerns related to the release of email server logs. Government bodies also should follow existing policies and procedures regarding production of data, cost, and retention.

The requestor also seeks a statement from the IT department confirming the existence or non-existence of the email if server logs are unavailable. IPIB has consistently taken the position that government bodies need not create a public record to respond to a records request. A public record must be an existing record stored or preserved by the government body. The requested statement is not an existing public record.

OPINION – ADDITIONAL INFORMATION:

Requestor is seeking additional information, including written confirmation that no email was sent, explanations for certain actions taken by Chief Deputy Flaherty, and a statement from Chief Deputy Flaherty. These requests do not constitute existing public records. As stated above, the IPIB has consistently taken the position that government bodies need not create a public record to respond to a public records request. A public record must

be an existing record stored or preserved by the government body. These requests do not constitute existing public records.

The requestor also states that Iowa Code Chapter 22 requires that a public records request must be fulfilled within 10 business days unless a legal exemption applies. This is not correct. Iowa Code Chapter 22 outlines the reasons for good-faith and reasonable delays by a lawful custodian in permitting the examination and copying of a government record. Reasons for a reasonable delay include taking steps to determine whether the record is a public record, is confidential or if the record should be made available for inspection. Iowa Code § 22.8(4). *Belin v. Reynolds* addressed questions regarding when delay in providing records constitutes an implicit refusal. 989 N.W.2d 166, 175 (Iowa 2023). For this reason, the Sheriff's Office is justified in taking additional time to process the request at issue in this Advisory Opinion.

BY DIRECTION AND VOTE OF THE BOARD:

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

SUBMITTED BY:



Kimberly Murphy, J.D.
Deputy Director
Iowa Public Information Board



Alexander Lee, J.D.
Agency Counsel
Iowa Public Information Board

ISSUED ON:

April 17, 2025

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.

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.

DRAFT

The Iowa Public Information Board

In re the Matter of: Aubrey Burress, Complainant And Concerning: Pleasant Grove Township Trustees, Respondent	Case Number: 24FC:0092 Probable Cause Report
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Complaint 24FC:0092 was opened on October 21, 2024, and accepted by the IPIB on November 21, 2024. An Informal Resolution was adopted on December 19, 2024. A Status Report was presented to the IPIB on March 20, 2025, at which time the IPIB recommended that IPIB staff proceed with a Probable Cause Report.

Background

The Pleasant Grove Township Trustees (Trustees) and clerk to the Trustees have presented evidence demonstrating the Trustees are unable to effectively conduct business due to internal conflict. The information collected by IPIB staff indicates systemic compliance concerns related to Iowa Code Chapter 21. Specific compliance issues are identified in the Analysis section of this Probable Cause Report, but initial review by IPIB staff indicated concerns in the following areas:

- Providing notice of meetings
- Posting meeting agendas
- Interruptions at and during meetings
- Cancelling meetings due to internal conflict
- Not sharing relevant documents between and amongst all Trustees

Based on information presented, the citizens of the Pleasant Grove Township are left with questionable timing and posting of agendas, shifting meeting times and locations, and Trustees plagued with internal conflict.

An Informal Resolution was agreed to requiring the following steps be taken:

- The Informal Resolution will be formally approved at a meeting of the Trustees.
- All Trustees, and anyone serving as clerk to the Trustees, will complete training related to public meetings and records.
- The Trustees will develop policies or procedures to address postings of agendas, scheduling of meetings, and providing agendas and materials in advance of meetings.

The Informal Resolution was scheduled for approval at a Board meeting in December. While awaiting the meeting, continued arguments occurred over actions taken by the Trustees without

notice, meeting, or involvement of all Trustees. At one point, a member of the Board of Supervisors entered into the disagreements and voiced concerns. The December meeting was ultimately canceled due to weather.

A second meeting was scheduled in December. This meeting was also canceled because a Trustee was unable to attend at the last minute. As stated by another Trustee, it was not necessary to cancel the meeting as quorum still existed to hold the meeting.

The Informal Resolution was finally approved in January and IPIB presented training to the Trustees on February 7. Following the training, additional concerns have been identified, showing evidence of violations of Iowa Code Chapter 21.

Applicable Law

Iowa Code § 21.3(1): 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.

Iowa Code § 21.3(2): 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 § 21.4(1)(a): 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.

Iowa Code § 21.4(2)(a): Except as otherwise provided in paragraph “c”, notice conforming with all of the requirements of subsection 1 shall be given at least twenty-four hours prior to the commencement of any meeting of a governmental body unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given.

Iowa Code § 21.5(1): A governmental 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.

Iowa Code § 21.5(2): 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 under this section shall be announced publicly at the open session and entered in the minutes. A governmental body shall not discuss any business during a closed session which does not directly relate to the specific reason announced as justification for the closed session.

Iowa Code § 21.5(3): Final action by any governmental body on any matter shall be taken in an open session unless some other provision of the Code expressly permits such actions to be taken in closed session.

Iowa Code § 21.5(5): A governmental body shall keep detailed minutes of all discussion, persons present, and action occurring at a closed session, and shall also audio record all of the closed session.

497 IAC 8.1(3): *Closed session*. When a governmental body includes a closed session item on the tentative agenda, the notice shall include a brief statement of the purpose of the closed session. It shall not be deemed sufficient notice for the governmental body to only reference the statute by number and subparagraph without more information. For example, it shall not be sufficient notice for the governmental body to list as an agenda item “closed session 21.5(1)(a).” The brief statement of purpose does not require the governmental body to provide more information than what is required under subparagraphs (a) through (l) in Iowa Code section 21.5(1). Examples of notice deemed sufficient would be “closed session 21.5(1)(c) discuss litigation with counsel” or “closed session 21.5(1)(l) discuss patient care quality or discuss marketing and pricing strategies.”

Analysis

The following are examples of violations in which probable cause exists as identified thus far by IPIB staff:

- **§ 21.3(1) and 21.4 Meetings require public notice 24 hours prior to meeting**
 - Evidence suggests the meeting scheduled for July 20, 2024, did not meet the public notice requirements. A member of the Marion County Board of Supervisors requested a copy of the agenda on July 19 and it was not available. This meeting was canceled as a result of failure to post within established timeframes.
 - Evidence suggests an agenda was posted on September 20, 2024, for a meeting on September 21, but the posting was removed. A member of the Marion County Board of Supervisors states, “Why do we keep having this issue? Do I need to remind you again, that you can be fined, and possibly removed from office for violating open meeting laws?”
 - Several citizen complaints have been provided to IPIB staff showing consistent questions regarding meeting dates and times and indication that meetings are a “moving target.”
 - IPIB staff requested agendas from July 2024 to the present. IPIB received multiple and differing agendas for the following meetings: July 29, 2023 (believe this should be 2024); August 17, 2024; January 10, 2025; and February 28, 2025. It is unclear which agendas were actually utilized.

- **§ 21.3(1) Meetings conducted in open session.**
 - On December 21, 2024, evidence suggests the clerk outreached to two members of the Trustees seeking approval to take action without a meeting or involvement of

the other Trustee. The email from the clerk states: “There is a tree leaning dangerously over part of the drive in Wheeling Cemetery. Bill Morris is deer hunting at the moment, but will take care of it this week. The others have agreed to do something asap. Wanted you to know.” The Trustee and a member of the Marion County Board of Supervisors objected to action being taken without a meeting.

- Additional allegations regarding this type of action have been made.

- **§ 21.3(2) Minutes shall be kept for all meetings**

- Evidence suggest minutes are not available following meetings or for public inspection.
- On March 27, 2025, IPIB staff requested meeting agendas and minutes from July 2024 to the present. In response, IPIB staff received agendas on April 1.
- On April 1, 2025, IPIB staff followed up and requested minutes. IPIB staff received no response to this inquiry.
- On April 7, 2025, IPIB staff again followed up to determine the status of minutes.
- On April 8, 2025, the chair of the Trustees, who took office in January, 2025, followed up and indicated the following:
 - “I started the first of 2025 and we have not had approved minutes due to them needing correction and then Ray not attending meetings with the corrected minutes. Ray would have them, or needs to make them off the recorder as he does in the past. Aubrey has minutes from last meeting that she did, we will approve them on April 14th.”
- On April 8, 2025, IPIB staff followed up and indicated minutes were needed from July 2024 to the present and again requested minutes for the full timeframe.
- To date, IPIB staff have received no minutes.

- **§ 21.5 Closed session requirements**

- An agenda reviewed by IPIB staff on August 17, 2024, refers to a closed session item as “Closed Session?” There is no additional detail regarding the purpose of the closed session. IPIB staff have been unable to obtain the minutes for this meeting to review for further compliance issues.

IPIB Action

The Board may take the following actions upon receipt of a probable cause report:

- a. Redirect the matter for further investigation;
- b. Dismiss the matter for lack of probable cause to believe a violation has occurred;
- c. Make a determination that probable cause exists to believe a violation has occurred, but, as an exercise of administrative discretion, dismiss the matter; or

d. Make a determination that probable cause exists to believe a violation has occurred, designate a prosecutor and direct the issuance of a statement of charges to initiate a contested case proceeding.

Iowa Admin. Code r. 497-2.2(4).

Recommendation

The analysis section of this Probable Cause Report outlines multiple violations of Iowa Code. Probable cause exists to believe a violation has occurred and IPIB staff recommend that IPIB designate a prosecutor and direct the issuance of a statement of charges to initiate a contested case proceeding.

By the IPIB Executive Director



CERTIFICATE OF MAILING

This document was sent on March 13, 2025, to:

Aubrey Burress, Complainant
Marion County Attorney's Office, Counsel to the Trustees

The Iowa Public Information Board

<p>In re the Matter of:</p> <p>Geralyn Jones, Complainant</p> <p>And Concerning:</p> <p>Linn-Mar Community School District, Respondent</p>	<p>Case Number: 24FC:0113</p> <p>Final Report</p>
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On November 11, 2024, Geralyn Jones filed formal complaint 24FC:0113, alleging the Linn-Mar Community School District Board of Directors (Board) violated Iowa Code Chapter 21.

IPIB accepted this Complaint on November 21, 2024, finding the following potential violation.

Secret Vote Conducted During Meeting

During the Board’s annual election of their Board President, two candidates were nominated in open session, but the winning candidate was selected using an anonymous paper ballot. The votes of individual members were not made public during the meeting, though Board members unanimously certified the results of the ballot to elect the new Board President. Because this process constituted a facial violation of Iowa Code § 21.3, which generally requires actions and discussion to be conducted and executed in open session, the complaint was accepted.

Procedure

IPIB accepted this Complaint on November 21, 2024. Upon acceptance, the parties worked toward an informal resolution agreement.


Geralyn Jones approved the Informal Resolution on February 13, 2025.

The Board approved the Informal Resolution on February 10, 2025.

IPIB approved the Informal Resolution Report on February 20, 2025.

All terms of the Informal Resolution have been met. IPIB staff recommends this Final Report be adopted and the complaint be dismissed as resolved.

By the IPIB Executive Director



Erika Eckley, J.D.

CERTIFICATE OF MAILING

This document was sent on April 10, 2025, to:

Geralyn Jones, Complainant
Linn-Mar Community School District, Respondent

The Iowa Public Information Board

<p>In re the Matter of:</p> <p>Michael Merritt, Complainant</p> <p>And Concerning:</p> <p>Jasper County Board of Supervisors, Respondent</p>	<p>Case Number: 24FC:0117</p> <p>Probable Cause Report</p>
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COMES NOW, Erika Eckley, Executive Director for the Iowa Public Information Board (IPIB), and enters this Probable Cause Report:

On November 27, 2024, Michael Merritt filed formal complaint 24FC:0117, alleging Jasper County Board of Supervisors (County) violated Iowa Code chapter 22.

The IPIB accepted this Complaint on December 19, 2024.

Facts

On November 18, 2024, Merritt requested copies of the “block lists” from the social media accounts of two County Supervisors. Merritt alleges the social media block lists from the Supervisors’ accounts are public records. In a previous complaint filed against the County, the IPIB held the block lists from the County’s Facebook account were public records.¹

The County disputes the block lists from the Supervisors’ accounts are public records.

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.

Analysis

The question of whether and to what extent the individual employee and elected official social media accounts are public records has been raised before. To address some of the questions, a

¹ 22FC:0091 Michael Merritt/Jasper County

work group from local and state governments and the media was formed to review the question. The work group developed an advisory opinion, which was approved by IPIB on March 20, 2025.

The advisory opinion states the following:

An individual can set personal preferences on their social media. This could include notifications, social media accounts the individual chooses to follow, and blocking content or other individual social media users. Social media may also allow an individual to choose to block algorithm-generated posts that may be personally offensive or not in alignment with an individual's personal beliefs, values, or political leanings. Blocking on Facebook or other social media sites can be a blunt instrument that impacts the entire social media feed and does not allow an individual to designate between potentially governmental public posts and personal posts.

Disclosing a block list or other personal settings of an individual would likely also require disclosure of an individual's choice of association and preferences. This would likely violate the individual's personal freedoms of association and/or reveal other personally-identifiable, personal information. Iowa Code § 22.7 makes confidential personal information such as library books checked out by a patron, certain personal information about an employee, gambling treatment program participants, public assistance, etc.

As the Court indicated in *Lindke [v. Freed, 601 U.S. 187 (2024)]*, there is no way to determine the tipping point upon which a private individual's social media account becomes an official government site. Requiring an individual to disclose a personal block list or other analytics or settings in their social media page would require disclosure of personal and protected information with little benefit to the general public and would not be required under Iowa Code chapter 22 as it would not be a record of or belonging to the government body.

The block lists Merritt is seeking are from personal or mixed-use Facebook pages belonging to two county supervisors. Based on the analysis of the *Lindke* case and the adoption of the advisory opinion, these social media preferences for personal or mixed-use pages are not public records. Therefore, there is no violation of Iowa Code chapter 22.

IPIB Action

The Board may take the following actions upon receipt of a probable cause report:

- a. Redirect the matter for further investigation;
- b. Dismiss the matter for lack of probable cause to believe a violation has occurred;

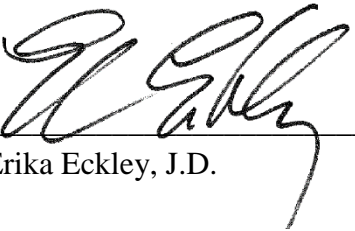
- c. Make a determination that probable cause exists to believe a violation has occurred, but, as an exercise of administrative discretion, dismiss the matter; or
- d. Make a determination that probable cause exists to believe a violation has occurred, designate a prosecutor and direct the issuance of a statement of charges to initiate a contested case proceeding.

Iowa Admin. Code r. 497-2.2(4).

Recommendation

Because the records sought are not public records, there is no violation of Iowa Code chapter 22. It is recommended this complaint be dismissed for lack of probable cause to believe a violation has occurred.

By the IPIB Executive Director



Erika Eckley, J.D.

CERTIFICATE OF MAILING

This document was sent on April 10, 2025, to:

Michael Merritt
Scott Nicholson, Jasper County Attorney

The Iowa Public Information Board

In re the Matter of: Paul Dorr, Complainant And Concerning: Osceola County, Respondent	Case Number: 24FC:0120 Probable Cause Report
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COMES NOW, Erika Eckley, Executive Director for the Iowa Public Information Board (IPIB), and enters this Probable Cause Report:

On December 2, 2024, Paul Dorr filed formal complaint 24FC:0120, alleging Osceola County violated Iowa Code chapter 22.

The IPIB accepted this Complaint on December 19, 2024.

Facts

Paul Dorr sought public records related to an internal investigation file involving a public official. The County responded stating the records were confidential and cited IPIB Advisory Opinion 23AO:0004: Confidentiality of Documents in Personnel Investigation. Dorr seeks reconsideration by IPIB of the advisory opinion. Dorr's argument is that an elected official is not an employee; therefore, the elected official cannot fall within the confidentiality granted by Iowa Code § 22.7(11).

Dorr also alleges the records have previously been provided as a public record and cannot now be withheld as confidential.

In response, the County agrees with the scope of 23AO:0004 covering elected officials based on the language of Iowa Code § 22.7(11) including the personnel records of "identified or identifiable individuals who are officials, officers, or employees of the government bodies."

The County agrees the record was previously released in a confidential disclosure June 9, 2023. The County released the record to an individual member of the media. The County argues, however, this disclosure does not destroy the confidentiality of the record. The County states the record was released in an extremely limited manner during an "off the record" conversation, the

record was never published or released to the public, and the custodian of these records, intended to keep the record confidential.

Applicable Law

“The following public records shall be kept confidential, unless otherwise ordered by a court, by the lawful custodian of the records, or by another person duly authorized to release such information:

...

Personal information in confidential personnel records of government bodies relating to identified or identifiable individuals who are officials, officers, or employees of the government bodies.” Iowa Code 22.7(11)(a).

Public disclosure by a lawful custodian with authority to disclose may waive later claims of confidentiality under Iowa Code § 22.7 with regard to the same records. *See City of Riverdale v. Diercks*, 806 N.W.2d 643 (Iowa 2011).

Analysis

Reconsideration of 23AO:0004: Confidentiality of Documents in Personnel Investigation

Dorr argues the IPIB was incorrect to conclude an investigation regarding a public official could be included within the confidentiality provisions of Iowa Code § 22.7(11) because an elected official and does not have a personnel file. Dorr argues elected officials report to the voters, so they cannot be “employees” and Iowa Code § 22.7(11) cannot apply to them. Additionally, Dorr’s argument hinges on the fact that in other parts of the Iowa Code the legislature has utilized the phrase “elected officials” rather than merely “officials” when the statutory provisions apply to public or elected officials. Additionally, Dorr alleges IPIB was guilty of eisegesis¹ when interpreting Iowa Code § 22.7(11) and should correct its misinterpretation caused by this bias.

There is legal debate as to whether elected or public officials are employees of the government body.² *See, e.g., Dierks v. Scott County*, Case No. 23-1729, argument Dec. 18, 2024 (<https://www.iowacourts.gov/iowa-courts/supreme-court/supreme-court-oral-argument-schedule/case/23-1729>). Resolution of this matter, however, is not required because the language of Chapter 22 resolves the issue raised by Dorr. 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); *see also City of Dubuque v. Dubuque Racing Ass’n*, 420 N.W.2d 450, 453 (Iowa 1988) (Determining a public record does not turn on the physical location of the record). So,

¹ Dorr stated, “Eisegesis is the practice of interpreting a text by inserting one’s own ideas, biases, or agenda into its meaning.”

² Arguments for and against examine hiring and firing decisions, payroll and benefits, federal regulations, etc.

whether the investigation document is held in a “personnel file” or merely is within a category of that type of record is the inquiry. *ACLU v. Atlantic Community Sch. Dist.*, 818 N.W.2d 231, 235 (Iowa 2012) (“to determine if requested information is exempt under section 22.7(11), we must first determine whether the information fits into the category of ‘[p]ersonal information in confidential personnel records.’”); *Des Moines Indep. Cmty. Sch. Dist. v. Des Moines Register*, 487 N.W.2d 666, 670 (Iowa 1992) (“It does not detract from this qualification that the documents were deposited in investigation files. The nature of the record is not controlled by its place in a filing system.”)

Iowa Code § 22.1(1) defines the following as subject to the requirements of the public records chapter: “‘Government body’ means this state, or any county, . . . or any branch, department, board, bureau, commission, council, committee, official, or officer of any of the foregoing or any employee delegated the responsibility for implementing the requirements of this chapter.” If the legislature is required to state “elected official” rather than merely “official” to make any provision apply to elected or public officials, then no elected or public official would be subject to Iowa Code chapter 22 requirements. If Dorr’s interpretation is accepted, then the legislature did not intend to make the public records law apply to elected officials because they did not state “elected officials.” This interpretation would create an absurd result as no one disputes elected officials are subject to Iowa Code chapter 22 requirements. Therefore, when the legislature refers to “Personal information in confidential personnel records of government bodies relating to identified or identifiable individuals who are officials, officers, or employees of the government bodies” in Iowa Code § 22.7(11), the legislature is referring to the same “officials, officers, or employees who are subject to the requirements of chapter 22. This would include elected officials.

For these reasons, advisory opinion 23AO:0004 does not require revision to eliminate the category of personnel records from a public official from the confidentiality requirements of Iowa Code § 22.7(11).

Previous Public Disclosure of the Confidential Record

There is no dispute the record was disclosed to a member of the media in an “off-the-record” disclosure with an intention the record would retain its confidential nature. No news article was written about the record or the disclosure nor was there any further disclosure of the information.

Despite the intention of the County for the record to retain its confidentiality, absent any binding confidentiality agreement, prior precedent makes clear disclosure of the record to the media precludes the County from declaring the record confidential when requested by Dorr.

In City of Riverdale v. Diercks, the mayor played video from a confrontation with an individual to a member of the media. When the plaintiff requested a copy of the video, the city claimed the

footage was confidential under Iowa § 22.7(50). 806 N.W.2d 643, 647 (Iowa 2011). The Court stated, “It is untenable for Riverdale to play the video for a reporter covering the dispute between the parties and yet withhold the same video from the defendants who requested it.” *Id.* at 658. While the mayor in the *Riverdale* case did not expect the media to keep the matter private, it is difficult to see how the media disclosure in this matter in an “off the record” manner, does not similarly destroy the confidentiality claim. “[D]isclosure to a third party waives confidentiality.” *Id.* (citing *State v. Demaray*, 704 N.W.2d 60, 66 (Iowa 2005); *Miller v. Cont’l Ins. Co.*, 392 N.W.2d 500, 504 (Iowa 1986)).

IPIB Action

The Board may take the following actions upon receipt of a probable cause report:


- a. Redirect the matter for further investigation;
- b. Dismiss the matter for lack of probable cause to believe a violation has occurred;
- c. Make a determination that probable cause exists to believe a violation has occurred, but, as an exercise of administrative discretion, dismiss the matter; or
- d. Make a determination that probable cause exists to believe a violation has occurred, designate a prosecutor and direct the issuance of a statement of charges to initiate a contested case proceeding.

Iowa Admin. Code r. 497-2.2(4).

Recommendation

It is recommended this matter be redirected for further investigation to determine whether any formal, binding non-disclosure agreement exists between the County and the member of the media. And whether, absent the agreement, the County will provide the requested records pursuant to this Report.

By the IPIB Executive Director



Erika Eckley, J.D.

CERTIFICATE OF MAILING

This document was sent on April 10, 2025, to:

Paul Dorr
James Theobald, counsel for Osceola County

Iowa Public Information Board
Erika Eckley, JD, MPA
Executive Director
510 E 12th Street
Jessie M. Parker Building, East
Des Moines, Iowa 50319
(515) 393-8339
erika.eckley@iowa.gov

April 14, 2025

Dear Ms. Eckley;

I want to address the Board and respond to any questions Board members may have when the initial processing of this complaint is considered during the April 17, 2025, Board Meeting. 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.

My Appeal Narrative

This is to request that the IPIB board, after reviewing my evidence of probable cause below, grant my prior request for Osceola County's records of the summary report generated by the County's IT consultant, regarding Osceola County Attorney McGowan's browser records from the county's server (per my prior record request) and amend their Advisory Opinion 23AO:0004 to exclude "elected officials" from the public records exemption provided to employees of civil jurisdictions.

Here's a summary of my argument.

Eckley argues:

There is legal debate as to whether elected or public officials are employees of the government body. 2 See, e.g., *Dierks v. Scott County*, Case No. 23-1729, argument Dec. 18, 2024 (<https://www.iowacourts.gov/iowa-courts/supreme-court/supreme-court-oral-argument-schedule/case/23-1729>). Resolution of this matter, however, is not required because the language of Chapter 22 resolves the issue raised by *Dorr*. 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)**; see also *City of Dubuque v. Dubuque Racing Ass'n*, **420 N.W.2d 450, 453 (Iowa 1988)** (Determining a public record does not turn on the physical location of the record).

I find it troubling that Eckley tries to reduce the Iowa Supreme Court's majority ruling in *Dirks vs. Scott County* to a "debate," in light of the conclusion of their ruling, which included,

"Federal law and our caselaw have noted the difference between public officials who are elected and regular employees in several contexts. See, e.g., 29 U.S.C. § 630(f) ("The term 'employee' means an individual employed by any employer except that the term 'employee' shall not include any person elected to public office in any State or political subdivision of any State"); *Hutton v. State*, 16 N.W.2d 18, 19 (Iowa 1944) (noting five elements that distinguish a public official from an employee).

In fact, in the *Dierks v. Scott County* citation Eckley provided, the parties seeking confidentiality **were neither!** They were private citizens applying to be appointed to a County Supervisor vacancy, that, if appointed, would later stand for election in Scott County.

Eckley is in error in her attempt to classify an elected County Attorney as an employee whose personnel records qualify for 'confidential' treatment per the Iowa Supreme Court ruling above.

Eckley diminishes the Iowa Supreme Court's clear ruling in *Dirks* by stating that the resolution of the 'employee v. elected official',

"is not required because the language of Chapter 22 resolves the issue..." "It is the nature and purpose of the document, not the place where it is kept, which determines its status, not the place where it is kept."

She then cites *Linder vs. Eckard*. The case of *Linder* involved real estate appraisals not produced by any public employee but by private parties that came into the possession of an Iowa municipal jurisdiction. The court in this matter found,

"There is no single definition of public record which is applicable in all situations and under all circumstances. Perhaps the one most generally used refers to a public record as one required by law to be kept, or necessary to be kept, in the discharge of a duty imposed by law, or directed by law to serve as a memorial and evidence of something written, said, or done."

In keeping with this court's ruling, I am requesting records of **evidence** of what former County Attorney McGowan **did**, using the county's computer network system.

Eckley then attempts to protect these public records from access to the public by citing *ACLU v. Atlantic Community School District*, where the court upheld,

"that the disciplinary information sought was exempt from disclosure under Iowa Code 22.7(11), which exempts from disclosure "personal information in confidential personnel records of public bodies including...cities, boards of supervisors, and school districts."

The disciplinary records the ACLU was requesting were of two school district employees who had performed strip searches of five students.

Eckley then proves my point by citing from the *Atlantic* decision,

"to determine if requested information is exempt under section 22.7(11), we must first determine whether the information fits into the category of '[p]ersonal information in confidential personnel records.'"

This case applies to school district employees whom the district is required to maintain personnel files on. No government jurisdiction in the state of Iowa maintains personnel files on elected officials. So this narrow public records **exemption** under Iowa Code § 22.7(11) could only apply if the legislature explicitly wanted to provide themselves and other Iowa elected officials such an exemption.

At which point, the legislature would then have to pass into law who would be the party responsible for serving as custodian of their own personnel files, where certain records could be "stashed", keeping them from public inspection. And an additional law would need to be enacted as to who gets access to and has the power to review an elected official's "personnel file".

The absurdity soon becomes clear. Elected officials are already subject to public records requests under Iowa Code 22 without being named as such in the code. It's the Iowa Code § 22.7(11) **exemptions** that only apply to government employees whose personnel records are required to be maintained by their supervisory officials.

I am seeking records that came off the county server, during county time, by the then-elected official, County Attorney Nolan McGowan.

I believe there is a strong foundation that this requested record of an elected official does not qualify for confidential treatment.

As to the matter of this record's prior release to a media outlet, Eckley's final recommendation, *"It is recommended this matter be redirected for further investigation to determine whether any formal, binding non-disclosure agreement exists between the County and the member of the media."*

...would give me greater confidence if the recommendation read,

*"...determine whether any formal, binding non-disclosure agreement **existed at the time of Dorr's request** between..."*

I request that the state board amend Advisory Opinion 23AO:0004 and then grant me access to the requested public records of this elected official on two counts:

1. These records have no special category of records and are not afforded the exemption under Iowa Code § 22.7(11), which is otherwise granted to employees of civil jurisdictions.
2. These records have been previously released to a member of the media and regardless of their later use or not, nor any prior mention of a legally binding "agreement" should now be made available to any member of the public who request it, too.

Thank you,

A handwritten signature in black ink that reads "Paul R. Dorr" followed by a horizontal line and a small vertical tick mark.

Paul R. Dorr
Ocheyedan, Iowa
Ph 712-461-2435
ccs@iowatelecom.net

The Iowa Public Information Board

<p>In re the Matter of:</p> <p>Steven Asche, Complainant</p> <p>And Concerning:</p> <p>City of Eagle Grove, Respondent</p>	<p>Case Number: 25FC:0001</p> <p>Probable Cause Report</p>
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COMES NOW, Erika Eckley, Executive Director for the Iowa Public Information Board (IPIB), and enters this Probable Cause Report:

On January 7, 2025, Steven Asche filed formal complaint 25FC:0001, alleging that additional information was discovered following the resolution of his initial complaint. Asche alleges the additional information demonstrates the City of Eagle Grove (City) withheld information in violation of Iowa Code Chapter 22.

Facts

In June 2024, Steven Asche filed complaint 24FC:0056 alleging the City failed to provide public records pursuant to Chapter 22. Asche’s public records request was for communication between the City and the 501(c)(3) Eagle Grove Recreation (501(c)(3)). IPIB accepted the case, which resulted in an Informal Resolution. Pursuant to the Informal Resolution, IPIB staff met with City officials and Asche to ensure all public records within the request were provided. As a result, a large volume of public records were provided to Asche, and the case was dismissed as resolved.

On January 7, 2025, Asche provided a large volume of additional emails and information alleging the City failed to provide all public records pursuant to his original request and complaint. The additional information was generated from a public records request made by someone other than Asche. The records request asked the City to provide the following:

- Copies of all communications (emails, letters, memos, or other correspondence) between the previous city attorney and Eagle Grove Recreation.
- Copies of all communications in which the previous city attorney discussed Eagle Grove Recreation with other entities, including city officials, organizations, contractors, or consultants.

In response to this request, the City provided approximately 55 pages of additional information. Much of the information provided is not within the scope of Asche's original public records request, which was for communications between the City and the 501(c)(3). The bulk of the records contain communications between the City of Eagle Grove and Wright County and various citizens, and internal conversations between City representatives. Also included within the released records are communications between the attorney representing the City and the attorney representing the 501(c)(3). The conversations between the attorneys were not previously released.

Asche makes multiple arguments regarding the release of the additional records. Many of Asche's arguments and allegations fall clearly outside the scope of IPIB's jurisdiction. However, IPIB staff communicated to Asche that his complaint would be opened to review the communications between the City attorney and 501(c)(3) attorney as these communications are within the scope of the original complaint.

The City responded to the complaint as follows:

“The City does not believe it had failed in this matter. The City was unaware that this communication even existed. This was communication between two attorneys that was not on the City's server, nor involved City personnel, and the City was unaware of these conversations. The City could not provide information that it did not have. The initial public records request was extremely vague and broad. The City was in discussion with the previous City Attorney regarding the request by Mr. Asche and the other request by [other requestor] and at no time was this communication brought up during the Asche request.”

The City goes on to state the public records were supplied to the requestor upon receipt of the more specific request. The City also notes the content of the information discussed by the attorneys in the newly released records was discussed in open meetings and provided to Asche.

Finally, the City supplied emails demonstrating outreach to the City attorney at the time of Asche's original request seeking any correspondence to address Asche's complaint.

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).

Analysis

Asche's original complaint (24FC:0056) requested specific communications *between* the City and 501(c)(3). Asche provided recently discovered communications and argues all of the communications *relate* to the 501(c)(3). While this may be true, the bulk of the communications are not between the City and the 501(c)(3). For this reason, the scope of this complaint has been narrowed to communications *between* the City and the 501(c)(3) that were not released pursuant to Asche's original complaint.

The specific records not released pursuant to Asche's original complaint are as follows:

- Emails between the attorneys for the City and the 501(c)(3) in August and September of 2023, regarding the legal description. City officials do not appear to be copied on this correspondence. (Approximately 3 pages)
- Emails between the attorneys for the City and the 501(c)(3) in November and December of 2023, regarding the assignment and assumption of leases and contracts. City officials are copied on this correspondence. (Approximately 12 pages)

These communications were not included in response to the original records request. The City argues the following defenses:

- *The City was unaware these communications existed.* This may be true regarding communications in which the City was not copied. However, the City was copied on the majority of the correspondence.
- *The City could not provide information it did not have.* The emails reflect the City did have access to emails on which it was copied.
- *The initial public records request was vague and broad.* The City was aware Asche was seeking correspondence between the City and the 501(c)(3). This awareness is further supported by the City's outreach to counsel for the City seeking additional public records pursuant to Asche's original request.
- *The City requested the emails from counsel.* This argument is more compelling. The City has provided evidence it outreached to City's counsel requesting records for Asche's original request. This would account for three pages of emails on which the City was not copied, but would not excuse the emails on which the City is copied.
- *The City had no intent to fail to produce the emails.* The City argues it provided the emails promptly upon a more specific request from another citizen, indicating no intent to conceal the emails.
- *Information discussed in the emails was provided previously.* The City did provide legal descriptions, leases, and contracts within the information provided to Asche in his

original request. The emails between attorneys are the only source of information missing.

While the City does not raise this issue, it is notable that nearly 1,000 pages of information was supplied to Asche in his original complaint.

IPIB staff note this is a difficult case. The City worked closely with IPIB staff and met with Asche during the original complaint. Voluminous amounts of information were supplied to Asche. The City followed up with employees and the lawyer for the City seeking to verify all available information was supplied to Asche. It appears 12 pages of records were missed.

The missed records address issues that are not new. Asche is aware of the documents being discussed within the emails. Nothing within the correspondence itself is revealing or informative. It is also notable the City provided these documents upon a specific records request by another requestor.

Asche was advised at the end of the prior complaint to submit a follow-up records request to seek additional information from the City.

Finally, it should be noted the creation of the Recreation Center within the City has been controversial. IPIB has received additional complaints regarding the project and it appears there is a group of concerned citizens making many public records requests to the City regarding the project.

IPIB Action

The Board may take the following actions upon receipt of a probable cause report:

- a. Redirect the matter for further investigation;
- b. Dismiss the matter for lack of probable cause to believe a violation has occurred;
- c. Make a determination that probable cause exists to believe a violation has occurred, but, as an exercise of administrative discretion, dismiss the matter; or
- d. Make a determination that probable cause exists to believe a violation has occurred, designate a prosecutor and direct the issuance of a statement of charges to initiate a contested case proceeding.

Iowa Admin. Code r. 497-2.2(4).

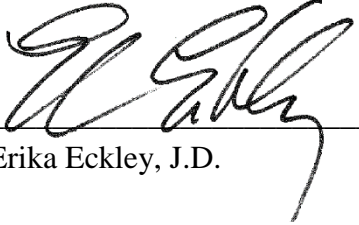
Recommendation

Failure to produce the 12 pages of records pursuant to the original public records request is a violation of Iowa Code Chapter 22. However, there are mitigating circumstances in this case. IPIB staff recommend the IPIB determine that probable cause exists to believe a violation has

occurred, but, as an exercise of administrative discretion, dismiss the matter for the following reasons:

- Nearly 1,000 pages of documents were provided pursuant to the original complaint; the City missed 12 documents.
- The missed documents do not contain any information that could not be gained from the information released prior.
- The City had no intent to conceal the information, as demonstrated by the release of the information upon a more specific records request from another requestor.

By the IPIB Executive Director



Erika Eckley, J.D.

CERTIFICATE OF MAILING

This document was sent on April 10, 2025, to:

Steven Asche
Bryce Davis, City of Eagle Grove

Click or tap here to enter text.



Eckley, Erika <erika.eckley@iowa.gov>

Re: The Iowa Public Information Board (IPIB) will review this 25FC:0001 Order at its meeting on April 17, 2025.

1 message

Steve & Melia Asche <aschesm@gmail.com>

Tue, Apr 15, 2025 at 9:52 AM

To: "Eckley, Erika" <erika.eckley@iowa.gov>

Cc: Bryce Davis <b.davis@eaglegrove.gov>, Iseaba@seabalaw.com, Kimberly Murphy <kim.murphy@iowa.gov>, Mike Boyd <mlboyd2@liberty.edu>, DENNY V <vandewater53@gmail.com>, Mike Weland <mikeweland.egcc@gmail.com>, wally 2 <hdwally01@gmail.com>, Tony Axtel <taxtell53ford@gmail.com>, "To: al" <apamperin56@gmail.com>

Erica, Kim

IPIB Board

I am writing to formally express my concerns regarding the involvement of city employees, both appointed and elected officials, with a 501c3 organization while failing to properly produce and retain necessary documents. The lack of transparency and failure to uphold legal obligations have resulted in significant conflicts and violations of Iowa's Chapter 22 laws governing public records, access and retention.

It has come to my attention that despite findings confirming violations of Chapter 22, these individuals remain involved in their respective positions, creating ethical and legal conflicts. Furthermore, the State's response to these breaches appears to be lenient, allowing violations of state laws and handbook policies to go unaddressed. This raises serious concerns regarding accountability, fairness, and adherence to the rule of law within Iowa's governance.

I urge the State of Iowa to take appropriate action to ensure that officials and employees comply with the legal framework and uphold their responsibilities. Transparency and integrity within public office must be maintained to preserve public trust.

I respectfully request a formal response outlining what steps the State will take to address these violations and prevent future occurrences. I appreciate your attention to this matter and look forward to your timely response.

I filed the original FOIA Request April 22, 2024. Can you explain why such a request has taken so long.

In Response;

While the City does not raise this issue, it is notable that nearly 1,000 pages of information was supplied to Asche in his original complaint.

IPIB staff note this is a difficult case. The City worked closely with IPIB staff and met with Asche during the original complaint. Voluminous amounts of information were supplied to Asche. The City followed up with employees and the lawyer for the City seeking to verify all

available information was supplied to Asche. It appears 12 pages of records were missed.

Yet I was to the understanding to not having this information.

It's not the volume that is the issue. It shows that the City had failed. The volume may help dictate the amount of a penalty. Then in the body of these emails brings up many more questions. The information in these emails identifies that there was a previous agreement with the City and the 501c3. This is being shown by the county Government that there was a previous agreement with Rotary Fitness Center. And questioning that all the Bonding had been satisfied prior to the transfer of the project.

The missed records address issues that are not new. Asche is aware of the documents being discussed within the emails. Nothing within the correspondence itself is revealing or informative. This statement is not to be correct; these records are new and expose many questions.

This is new information

The City was unaware that this communication even existed. The City could not provide information that it did not have. A City Attorney is not going to get involved unless they have been asked. I'm sure the City was Billed for his hours.

Dated November 25, 2023

Page 35-37 email generated by a council member of the city council to all members, Bryce, 2 city office staff, and former mayor at the time. **Regarding a special council meeting. Then Forwarded to both the City Attorney, Phil Johnson Law firm 501c3, forwarded by Bryce Davis. To all council members, some city staff, and the Mayor at the time. Many of the recipients who are members of this email addressing are Board members of the 501c3.**

December 4, 2023, email from Phil Johnson law firm 501c3 to Bryce and City Attorney.

42/43/44 email generated by the county Auditor's / Recorder office December 4, 2023, identified a pdf File #20231204125613100 (RNP5838792066CB) regarding the Eagle Grove Wellness Center Expansion.

The county presented a PDF File that does not appear. generated by the county Auditor's / Recorder office December 4, 2023, identified a pdf File#20231204125252923. (RNP5838792066CB). County Recorder's office Questions Discussion on Bonding Legal Counsel. Questioning if the Bonding obligations had been satisfied prior to the transfer of the project. **Bryce informed us that there were no documents regarding this project. This information is all regarding the first building site.**

48 email generated Phil Johnson Law firm contingencies assignment item December 4, 2023

(3) City lease for parks & Rec Department Portion of the building must remain in place. (there has never been an agreement until December 2024). Or has there been and never been identified.

49 50 emails generated by Phil Johnson Law firm discuss possible transfer of lease agreement to a different entity. Voted to dissolve but has not begun the process of dissolving.

This statement is very troubling as the city has never provided any agreement regarding the Recreation portion of the Building. The city has always referred to the city portion of the building and has been paying for what has been identified as the city portion of the building. The City has never presented documents that show such an agreement or identified the amount of money the city has been spending.

The only agreement that has been agreed upon has just taken place in December of 2024 tied to a loan that the 501c3 has taken out and cosigned by the City of Eagle Grove. This to pay for construction they have stated to finish the project. During this last year, 501c3 has created a lease agreement with the Eagle Grove Parks and Rec to rent a portion for storage of equipment and offices. Then 501c3 needed the Eagle Grove Schools to sign a 5-year lease to secure the loan.

With city School agreement brings in different concerns as they are a different tax base, it conflicts with the TIF funding.

The Rec Center Building

The payment of the new loan

The payment Eagle Grove Parks and Rec storage area

All being supported using TIF funding

The school renting and leasing hours being supported by taxes.

Tax Increment Financing (TIF) is typically used to fund projects that serve a public purpose, such as economic development or community improvement. If a facility built with TIF funding is sublet to a school or organization that operates under a different tax structure, it could potentially raise questions about whether the facility still qualifies as a "needed" center under TIF guidelines.

The specifics depend on the terms of the TIF agreement, local regulations, and how the subletting arrangement aligns with the original purpose of the funding. For example, if the subletting arrangement significantly alters the facility's use or its benefit to the broader community, it might conflict with the intent of the TIF funding.

Legal and Ethical concerns Iowa law and Public Purpose:

The **Iowa Supreme Court has ruled e.g., Richards versus City of Muscatine, 1975** that TIF funds must serve the public purpose. If for recreational center primarily benefits the nonprofit (through membership fees and the school payments) rather than the broader community it would not meet these standards the school district which is already losing tax revenue to the TIF district could argue this argument does not provide the public benefits and instead places an additional financial burden on the schools.

On Tue, Dec 10, 2024, at 6:17 PM Steve & Melia Asche <aschesm@gmail.com> wrote:

Any and All communication / not just documents.

Also, the Former City Attorney was also part of the city during this time period.

As I had asked before, what is to take place when there is discovery of information and or

documents that were not produced per my request, and the State of Iowa Request?

The City of Eagle Grove has failed to produce documents, and how many more will be discovered?

The legal system has failed in multiple aspects of this complex situation, which involves a 501(c)(3) organization, city employees, appointed and elected city officials, and unauthorized construction on city property. There was no formal bidding process, no request for proposals (RFP), no city bond vote, no engineering oversight, no building permits, and no established budget for the collection and allocation of Tax Increment Financing (TIF) funds. These omissions raise serious ethical concerns and call into question the legality of the actions taken.

In accordance with Iowa state law and the International Building Codes, proper procedures should have been followed. The city's own handbook provides guidance that was disregarded, further highlighting the mismanagement, conflicts of interest, and failures in document creation and retention. This situation warrants a thorough investigation and must ultimately be addressed within the court system.

Sincerely

Steven Asche

On Thu, Apr 10, 2025 at 2:26 PM Eckley, Erika <erika.eckley@iowa.gov> wrote:

Good Afternoon:

The Iowa Public Information Board (IPIB) will review this Order at its meeting on **April 17, 2025. The meeting will begin at 1:00 p.m.** The meeting agenda will be posted to the IPIB website (<https://ipib.iowa.gov/iowa-public-information-board-meetings/2025-board-meetings>) on the afternoon of Tuesday, April 15, 2025.

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/chk-jvob-ky>

Or dial: (US) +1 573-343-8431 PIN: 241 789 410#

If you prefer, you can provide brief, written comments to the Board prior to the meeting, please forward those to me no later than 10:00 a.m. on Tuesday, April 15, 2025, 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)

510 E 12th Street

Jessie M. Parker Building, East

Des Moines, Iowa 50319

(515) 393-8339

erika.eckley@iowa.gov

www.ipib.iowa.gov

The Iowa Public Information Board

<p>In re the Matter of:</p> <p>Kelly Smith, Complainant</p> <p>And Concerning:</p> <p>Bettendorf Community School District, Respondent</p>	<p>Case Number: 25FC:0007</p> <p>Probable Cause Report</p>
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COMES NOW, Erika Eckley, Executive Director for the Iowa Public Information Board (IPIB), and enters this Probable Cause Order:

On January 22, 2025, IPIB received formal complaint 25FC:0007 from Kelly Smith, alleging the Bettendorf Community School District (District) violated Iowa Code Chapter 22. The complaint was accepted by IPIB on February 20, 2025.

Facts

Smith submitted a public records request to the District on December 19, 2024 seeking financial information related to the District's cheerleading program, including budget, source of funds, monies paid into the program by various contributors, and monies received from fundraising. In addition, Smith requested a complete list of all items paid, including payments via cash, checks, Venmo, and other applications.

The District responded on January 10, 2025. The District provided 75 pages of financial documents. The same date, Smith responded and indicated transactions were missing from the information provided by the District. Specifically, Smith identified multiple transactions unaccounted for within the applications of Venmo, Cash App, and PayPal. Smith pointed to specific examples of transactions missing from the public records provided by the District.

On January 17, 2025, the District provided additional financial documentation to Smith. On January 22, 2025, the District affirmatively stated it had provided all documents responsive to the request for records.

Smith maintained the accountings were incomplete and subsequently filed this complaint.

The District responded to the complaint on February 12, 2025, indicating it had no additional records. The District further asserted it was not aware of payments made by Smith to the program.

On February 13, 2025, Smith responded and provided specific examples of payments still unaccounted for. Smith stated,

“Every payment into the Venmo/Cash app account should have been shown if it related to money paid by parents, athletes, sponsors or money received from fundraising. There is a lot of information that was not provided. If the district does not have or does not want to provide me with its COMPLETE records I ask that IPIB step in and initiate an investigation including subpoenas of the Venmo and cash app accounts that cheerleading parents and several members of our community were told to send money to.”

On March 7, 2025, the District provided a supplemental response that included recently obtained payment information. The payment information included a ledger of expenses that appears to be strips of paper stuck together and photocopied. The account is not specifically labeled. The supplemental response also included expenses paid to Etsy for cheer bows and an Infinite Campus payment.

On March 13, 2025, the District provided an affidavit from the Communications Director for the District. The affidavit includes information indicating the District attempted to obtain additional records from the cheerleading coach and the cheerleading coach is no longer employed by the District. The affidavit further states:

- The District has requested records from the former cheerleading coach and the District has provided Ms. Smith with the records it has received that are responsive to her request.
- The District does not possess the specific Venmo/PayPal/cash app documents Smith has requested.

Smith responded to the supplemental response and affidavit. She indicated the supplemental information further demonstrates the fees paid by parents are questionable and that parents paid above and beyond the costs for certain items. Smith continues to express concerns regarding transparency related to the cheerleading program.

Applicable Law

A public record is defined as “all records, documents, tape, or other information stored or preserved in any medium, of or belonging to this state...”

“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).

Analysis

IPIB has consistently taken the position that a public record must exist – must be stored or preserved in a medium in the possession of the government body – to hold a government body responsible for production of the public record. In this complaint, the District maintains there is no public record stored or preserved in any medium responsive to Smith’s request.

Without question, payments made by parents into the cheerleading program are public record. Unfortunately, the public record was not maintained. And the employee who has the records is no longer employed by the District.

This is an unfortunate case. There are no record retention requirements within Iowa Code Chapter 22 and the District cannot be compelled to create a public record that does not exist.

IPIB encourages Smith to seek relief through the Iowa State Auditor’s Office to address the concerns with fees paid by the parents. IPIB has been told the Auditor’s Office cannot proceed until this complaint has been addressed. IPIB also strongly encourages the District to develop policies and procedures to govern financial public records related to its programs.

IPIB Action

The Board may take the following actions upon receipt of a probable cause report:


- a. Redirect the matter for further investigation;
- b. Dismiss the matter for lack of probable cause to believe a violation has occurred;
- c. Make a determination that probable cause exists to believe a violation has occurred, but, as an exercise of administrative discretion, dismiss the matter; or
- d. Make a determination that probable cause exists to believe a violation has occurred, designate a prosecutor and direct the issuance of a statement of charges to initiate a contested case proceeding.

Iowa Admin. Code r. 497-2.2(4).

Recommendation

It is recommended the Board dismiss the matter for lack of probable cause to believe a violation has occurred. The District has stated, under oath, that it does not have additional records responsive to the request.

By the IPIB Executive Director



Erika Eckley, J.D.

CERTIFICATE OF MAILING

This document was sent on April 10, 2025, to:

Kelly Smith, Complainant
Wendy Meyer, Attorney for the District

The Iowa Public Information Board

In re the Matter of:	Case Number: 25FC:0011
Cliff Williams, Complainant	Probable Cause Report
And Concerning:	
Keomah Village, Respondent	

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

On February 1, 2025, Cliff Williams filed formal complaint 25FC:0011, alleging the City of Keomah Village (City) violated Iowa Code Chapter 22.

The IPIB accepted this Complaint on February 20, 2025.

Facts

Keomah Village is a small town in Mahaska County, Iowa. The underlying dispute between the parties in this case is the installation of public toilets at neighboring Lake Keomah State Park, near the home of the complainant, Cliff Williams.

On January 18, 2025, Williams submitted a Chapter 22 request for all records received or sent by any City official between August 2022 and the present with any of the following keywords: “304,” “306,” “Cliff,” “Williams,” or “Toilet.” The City’s initial response provided a projected fee of \$500 to \$750 to comply with this request.¹

On February 1, 2025, Williams filed formal complaint 25FC:0011, alleging the City had violated Iowa Code § 22.3 by charging an unreasonable fee. IPIB accepted this complaint based on facial review.

During the course of informal resolution, Williams agreed to partially narrow the scope of his request, and the City provided a revised estimate of actual costs incurred. Ultimately, a final fee

¹ In the City’s initial response following the acceptance of this complaint, it was suggested that this was a projection and not necessarily the final estimate. Included in this number was the expected cost of retaining a third party IT specialist, which was ultimately never required.

of \$287.50 was reached for 575 pages of responsive records. According to the City, this number reflects the collective time spent by the city clerk, mayor, each member of the city council, and three former officials who had records in their possession which were not otherwise accessible to the City. The City also charged for printing, citing technological limitations which required records to be printed and scanned before they could be compiled into the final records packet to be delivered to Williams.

Following the final cost breakdown provided by the City explaining how the revised fee was calculated, Williams stated that he was comfortable with the \$287.50 figure.

Applicable Law

“The fee for the copying service as determined by the lawful custodian shall not exceed the actual cost of providing the service. Actual costs shall include only those reasonable expenses directly attributable to supervising the examination of and making and providing copies of public records. Actual costs shall not include charges for ordinary expenses or costs such as employment benefits, depreciation, maintenance, electricity, or insurance associated with the administration of the office of the lawful custodian. Costs for legal services should only be utilized for the redaction or review of legally protected confidential information.” Iowa Code § 22.3(2).

Analysis

Iowa Code § 22.3(2) provides that reasonable expenses based on “actual costs” incurred by the government body may be charged to a requester as a condition of production. Such a fee is limited to the actual, direct costs of responding, including the hourly rates of employees assigned to the task and the cost of materials, such as paper and ink, if physical copies are provided. *See* 22AO:0003, *Reasonable Fees for Producing Records Requests*.

The surrounding circumstances of this case are relevant. At 0.08 km², Keomah Village is the smallest city in Iowa by land area, and several individuals involved with the request were required to travel between cities, as the printed records were compiled and reviewed by an outside city attorney in Oskaloosa. Furthermore, while it is not best practice, city officials and employees do not maintain separate city email accounts or government devices, meaning that each individual with potentially responsive records (including three former officials) had to respond for themselves. Five-hundred and seventy-five pages of records were eventually produced, requiring between ten and twelve hours of total response time, plus an additional hour spent by the outside county attorney and his staff, who compiled and scanned the printed records to be delivered to the complainant.

While the process employed by the City of printing and scanning records collected from numerous different sources was not necessarily the most efficient possible option, it appears likely from the

evidence that the \$287.50 figure does not exceed the actual, direct costs reasonably incurred by the City in responding to the request at issue. To the extent that the original \$500 to \$750 estimate was unreasonable under Iowa Code § 22.3(2), the issue was remedied through the informal resolution process, and the parties have both indicated that they are comfortable with \$287.50 as the final fee to be charged to the complainant for his request.

IPIB Action

The Board may take the following actions upon receipt of a probable cause report:

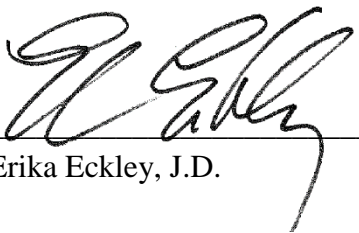
- a. Redirect the matter for further investigation;
- b. Dismiss the matter for lack of probable cause to believe a violation has occurred;
- c. Make a determination that probable cause exists to believe a violation has occurred, but, as an exercise of administrative discretion, dismiss the matter; or
- d. Make a determination that probable cause exists to believe a violation has occurred, designate a prosecutor and direct the issuance of a statement of charges to initiate a contested case proceeding.

Iowa Admin. Code r. 497-2.2(4).

Recommendation

It is recommended the Board dismiss the matter for lack of probable cause to believe a violation has occurred. After working with the parties in informal resolution, a revised fee was reached which appears to reflect the actual costs incurred by the City in responding to the request, in compliance with Iowa Code § 22.3. Both parties have accepted the revised fee as reasonable.

By the IPIB Executive Director



Erika Eckley, J.D.

CERTIFICATE OF MAILING

This document was sent on April 10, 2025, to:

Cliff Williams, Complainant
Keomah Village, Respondent

Fwd: 25FC:0015 Draft Order to IPIB on March 20, 2025

1 message

Murphy, Kimberly <kim.murphy@iowa.gov>
To: Erika Eckley <erika.eckley@iowa.gov>

Fri, Apr 11, 2025 at 2:01 PM

**Kimberly Murphy, JD**Deputy Director
Iowa Public Information Board (IPIB)
510 E 12th Street
Jessie M. Parker Building, East
Des Moines, Iowa 50319
Phone Number: 515-393-7664
kim.murphy@iowa.gov
www.ipib.iowa.gov

----- Forwarded message -----

From: Lori Daughenbaugh <lorisllc2022@outlook.com>**Date:** Wed, Mar 26, 2025 at 3:41 PM**Subject:** RE: 25FC:0015 Draft Order to IPIB on March 20, 2025**To:** Murphy, Kimberly <kim.murphy@iowa.gov>, Cameron Wright <cwright@eastpolklaw.com>, Nissa Maddalone <nmaddalone@eastpolklaw.com>, Tami Curry <tami.curry@runnellsia.com>, Jeremy Lindquist <jeremy.lindquist.runnellscc@gmail.com>

Kimberly,

I have received the requested information from the City of Runnells per the informal agreement discussed during the March 20, 2025, IPRB board meeting. This case can be marked resolved.

Thanks,

Lori

From: Lori Daughenbaugh**Sent:** Tuesday, March 18, 2025 10:44 AM**To:** Murphy, Kimberly <kim.murphy@iowa.gov>; Cameron Wright <cwright@eastpolklaw.com>; Nissa Maddalone <nmaddalone@eastpolklaw.com>; Tami Curry <tami.curry@runnellsia.com>; Jeremy Lindquist <jeremy.lindquist.runnellscc@gmail.com>**Subject:** RE: 25FC:0015 Draft Order to IPIB on March 20, 2025

Attached is my brief written statement for the Board Meeting.

Thanks,

Lori

From: Murphy, Kimberly <kim.murphy@iowa.gov>**Sent:** Thursday, March 13, 2025 3:36 PM**To:** Lori Daughenbaugh <lorisllc2022@outlook.com>; Cameron Wright <cwright@eastpolklaw.com>; Nissa Maddalone <nmaddalone@eastpolklaw.com>; Tami Curry <tami.curry@runnellsia.com>; Jeremy Lindquist <jeremy.lindquist.runnellscc@gmail.com>**Subject:** 25FC:0015 Draft Order to IPIB on March 20, 2025

Good afternoon:

The Iowa Public Information Board (IPIB) will review this Order at its meeting on **March 20, 2025. The meeting will begin at 1:00 p.m.** The meeting agenda will be posted to the IPIB website (<https://ipib.iowa.gov/iowa-public-information-board-meetings/2025-board-meetings>) on the afternoon of Tuesday, March 18, 2025.

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 our new location in the Jessie Parker 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/tyb-nozp-ghw>

Or dial: (US) +1 413-579-8149 PIN: 662 311 461#

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, March 18, 2025, so they may be included in the meeting packet. **Please make sure you copy all parties on the email as well.** Thank you.

Kimberly Murphy, JD

Deputy Director

Iowa Public Information Board (IPIB)

510 E 12th Street

Jessie M. Parker Building, East

Des Moines, Iowa 50319

Phone Number: 515-393-7664

kim.murphy@iowa.gov

www.ipib.iowa.gov



Eckley, Erika <erika.eckley@iowa.gov>

Re: [EXT] IPIB Complaint 25FC:0008

1 message

brittgagne@aol.com <brittgagne@aol.com>

Mon, Apr 14, 2025 at 12:58 PM

To: "Eckley, Erika" <erika.eckley@iowa.gov>, Jessica Grove <jessica.grove@wdm.iowa.gov>

Thank you for this information. As I indicated to the city on February 6, 2025 and in my email last week to Erika, I have the information I was seeking and the issue is now moot. I withdraw the complaint and consider this matter resolved.

Thank you

Britt

On Monday, April 14, 2025 at 11:37:50 AM CDT, Jessica Grove <jessica.grove@wdm.iowa.gov> wrote:

Attached please find the record without the microchip numbers redacted. Please confirm once the complaint has been withdrawn.

Sincerely,

Jessica D. Grove

City of West Des Moines

Deputy City Attorney

From: Jessica Grove

Sent: Friday, April 11, 2025 11:42 AM

To: Eckley, Erika <erika.eckley@iowa.gov>; brittgagne@aol.com

Subject: RE: [EXT] IPIB Complaint 25FC:0008

As an update, I will be providing the document on Monday when my legal assistant returns. I need her help to remove the redaction. Wanted to keep all updated as to the status.

Jessica D. Grove

City of West Des Moines

Deputy City Attorney



Lee, Alexander <alexander.lee@iowa.gov>

Notice of New IPIB Complaint (25FC:0025)

Colby Schumann <schumanncolby@gmail.com>
To: Alexander Lee <alexander.lee@iowa.gov>

Sat, Apr 12, 2025 at 11:17 AM

It can be dismissed as resolved. Thank you for your help
Sent from my iPhone

On Apr 10, 2025, at 3:17 PM, Lee, Alexander <alexander.lee@iowa.gov> wrote:

[Quoted text hidden]

IPIB ADMINISTRATIVE RULES – TENTATIVE SCHEDULE FOR FINAL STEPS

1. Submit Rule Report – April 17
 - a. Await review by reviewers
 - b. Post to agency website
2. Submit Regulatory Analysis – April 17
 - a. Submit in RMS for publication in Administrative Rules Bulletin
 - b. Published May 14
 - c. Post on agency website
 - d. Hold public hearing
3. Hold Public Hearing on Regulatory Analysis – June 3
4. Feedback to Board from Public Hearing – June 19
5. Submit Request to Initiate New Rulemaking – June 19
6. Await Preclearance to Initiate New Rulemaking
7. Following Preclearance, Submit Notice of Intended Action – by July 2
 - a. Published July 23
 - b. Hold public hearing
8. Hold Public Hearing on Notice of Intended Action – August 12
9. Feedback to Board from Public Hearing – August 21
10. Submit Adoption Filing – August 21
 - a. Adoption publication in Administrative Rules Bulletin – September 17
 - b. Effective date – October 22

IOWA PUBLIC INFORMATION BOARD [497]

Purpose and Summary

This proposed rulemaking includes revisions to administrative rules based on the requirements of Executive Order Number Ten. Chapter 1 provides information regarding the organization and administration requirements related to the Iowa Public Information Board. These rules are duplicative of Iowa Code Chapter 23 and will be rescinded. Chapter 1 also contains information related to the Iowa Public Information Board's advisory opinion process and procedures. A new Chapter 11 is being promulgated to specifically address advisory opinions for consumer ease and clarity.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve 497—Chapter 1.

ITEM 2. Adopt the following new chapter:

CHAPTER 11 ADVISORY OPINION PROCEDURES

497—11.1(23) Scope and applicability. This chapter applies to Public Information Board advisory opinions.

497—11.2(23) Requirements for requesting advisory opinions.

11.2(1) *Jurisdiction.* The board will accept requests for advisory opinions only pertaining to Iowa Code chapters 21 and 22, or rules adopted thereunder. The board does not have jurisdiction over the judicial or legislative branches of state government or any entity, officer, or employee of those branches, or over the governor or the office of the governor.

11.2(2) *Who may request an advisory opinion.* Any person may request an advisory opinion construing or applying Iowa Code chapters 21 and 22. 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.

11.2(3) *Form of request.* The request for an advisory opinion will pose specific legal questions and describe any specific facts relating to the questions posed. A request for an advisory opinion will be submitted in writing and on a form designated by the board. A request for an advisory opinion may also be accepted without using the designated form if the request for an advisory opinion contains the elements of information consistent with the designated form.

497—11.3(23) Processing of advisory opinions. After receiving an advisory opinion request, the board's executive director will cause to be prepared a draft advisory opinion for board review.

11.3(1) *Same or similar issue.* If the same or similar issue has been addressed in an opinion of a court, or in an attorney general's opinion, or in another prior advisory opinion, the executive director may respond to the requester by sending a copy of the prior opinion, however the board may still issue an advisory opinion.

11.3(2) Delegation of duties. The executive director may delegate to designated employees of the board, at his or her discretion, the task of developing and presenting advisory opinions.

497—11.4(23) Timing of advisory opinions. The board will make every reasonable attempt to issue an advisory opinion within 30 days after a formal request is made.

497—11.5(23) Approval of advisory opinions. Upon an affirmative vote of a majority of the board, the executive director will issue an advisory opinion on behalf of the board. Advice contained in a board opinion rendered to a government official or a lawful custodian of a public record, if followed, constitutes a defense for the government official or lawful custodian before the board to a subsequent complaint that is based on the same facts and circumstances.

11.5(1) Advice on routine matters. Board staff may provide written advice on routine matters. However, such advice is not an advisory opinion.

11.5(2) Modification or reconsideration requested. A person who receives an advisory opinion may, within 30 days after the issuance of the advisory opinion, request modification or reconsideration of the advisory opinion. A request for modification or reconsideration will be deemed denied unless the board acts upon the request within 60 days of receipt of the request.

11.5(3) Modification or reconsideration by board. The board may modify or reconsider an advisory opinion on its own motion within 30 days after the issuance of an advisory opinion.

497—11.6(23) Declaratory Orders. Nothing in this rule precludes a person who has received an advisory opinion or advice from petitioning for a declaratory order pursuant to Iowa Code section 17A. The board may refuse to issue a declaratory order to a person who has previously received an advisory opinion on the same question, unless the requester demonstrates a significant change in circumstances from those in the advisory opinion.

IOWA PUBLIC INFORMATION BOARD [497]

Purpose and Summary

This proposed rulemaking includes revisions to administrative rules based on the requirements of Executive Order Number Ten. Chapter 2 provides information to the public about the Iowa Public Information Board's complaint process.

Text of Proposed Rulemaking

ITEM 1. Rescind 497—Chapter 2 and adopt the following new chapter in lieu thereof:

CHAPTER 2 COMPLAINT INVESTIGATION AND RESOLUTION PROCEDURES

497—2.1(23) Scope and applicability. This chapter applies to complaints filed with the Iowa Public Information Board.

497—2.2(23) Definitions. Except where otherwise specifically defined by law:

“Board” is the Iowa Public Information Board created and defined by Iowa Code section 23.3.

“Complaint” is as defined by Iowa Code chapter 23.

“Complainant” is a person who files a complaint with the board as defined by Iowa Code chapter 23.

“Meeting” is as defined by Iowa Code chapter 21.

“Probable cause” is evidence provided to demonstrate a reasonable belief that a violation of chapter 21 or 22 exists. Probable cause is more than a suspicion and is the presentation of facts that would establish a belief in a reasonable person that a violation occurred.

“Public Records” is as defined by Iowa Code chapter 22.

“Reasonable Diligence” is the degree of diligence expected from a person of ordinary prudence under the circumstances.

“Respondent” is any agency or other unit of state or local government, custodian, government official, or government employee who is the subject of a Complaint, as defined in Iowa Code Chapter 23. “Respondent” does not include the judicial or legislative branches of state government or any entity, officer, or employee of those branches, or the governor or the office of the governor as the Board does not have jurisdiction over these bodies pursuant to Iowa Code section 23.12.

497—2.3(23) Filing of complaint. Any complainant may file a complaint with the board alleging a violation of Iowa Code chapter 21 or 22.

497—2.4(23) Timing of complaint. A complaint will be filed within sixty calendar days from the time the alleged violation occurred or from the time the complainant could have become aware of the violation with reasonable diligence. Any dispute regarding timing, the complainant's awareness of the violation, and whether the complaint meets statutory timing requirements will be resolved by the board at its discretion.

497—2.5(23) Form of complaint. A complaint will be submitted in writing and on a form designated by the board. A complaint may also be accepted without using a designated form if the complaint contains the elements of information contained within the form. The board may refuse to accept a complaint if it does not contain information consistent with this rule.

497—2.6(23) Content of complaint. The complaint will include in the body of the complaint or the attachments thereto any information, issues, and arguments supporting the complainant's position. The complaint also may include any attachments, affidavits, certifications, or other documentation deemed relevant or supportive of the allegations set forth in the complaint.

2.6(1) Amendments to complaint. Any amendments to the complaint received after filing will be reviewed by the board. The board, at its discretion, may allow an amendment after filing based on the facts and circumstances of the complaint.

2.6(2) Merging of complaints. The board, at its discretion, may merge complaints based on the facts and circumstances of each complaint.

497—2.7(23) Complaint process. Upon receipt of a complaint, the board will review the complaint and determine whether the complaint is accepted or dismissed.

2.7(1) Delegation of duties. In order to expedite proceedings, the executive director may delegate to designated employees of the board, at his or her discretion, the task of developing and presenting acceptance and dismissal orders.

2.7(2) Not a contested case. The board's review of a complaint for legal sufficiency is not a contested case proceeding and will be made solely on the facts alleged in the complaint and the results of the initial review conducted by employees of the board.

497—2.8(23) Complaint process – dismissal. The board will issue a dismissal order if the board determines that the complaint, on its face, is outside the board's jurisdiction, is legally insufficient, is frivolous, is without merit, involves harmless error, or relates to a specific incident that has previously been finally disposed on its merits by the board or a court. A copy of the dismissal order will be provided to the complainant. The dismissal order will explain the reasons for the dismissal.

497—2.9(23) Complaint process – acceptance. If the board determines the complaint, on its face, is within the board's jurisdiction, appears legally sufficient, and could have merit, the board will accept the complaint. Upon acceptance, the board will do the following:

- a. Provide notification of acceptance in writing to the complainant and respondent.
- b. Provide all available information to the respondent, including the complaint and any supporting documentation provided by the complainant as part of the complaint.
- c. Request a response to the complaint from the respondent.

497—2.10(23) Respondent's response to complaint. The respondent, upon request to respond to the complaint pursuant to rule 497—2.9(c) will submit a written response to the complaint within fourteen calendar days. The executive director, at his or her discretion, may grant an extension to the respondent for the respondent's response based on a justifiable reason and the facts and circumstances of the complaint. The respondent's response will include the details of the respondent's position for each element of the complaint and any information, defenses, and arguments that support the respondent's position. Failure to respond will result in a probable cause finding pursuant to rule 497—2.17.

497—2.11(23) Complainant’s response to respondent. The complainant will be granted the opportunity to respond to the respondent’s response.

497—2.12(23) Informal resolution process. Following acceptance of the complaint, the board, acting through the employees of the board, will work with the complainant and respondent to develop a resolution in response to the complaint.

2.7(1) Resolution. If the informal resolution process resolves the complaint, the complaint will be dismissed as resolved by the board. The complaint may also be withdrawn by the complainant.

2.7(2) Failure to resolve. If the complainant or respondent decline the informal resolution process or if the informal resolution process fails to resolve the complaint, the board will initiate a formal investigation.

497—2.13(23) Formal investigation. If the complainant or respondent decline the informal resolution process or if the information resolution process fails to resolve the complaint, the board will initiate a formal investigation to determine whether there is probable cause to believe a violation of Iowa Code chapter 21 or 22 has occurred.

2.13(1) Request for information. During the formal investigation process, the complainant and respondent may be asked to provide additional information. Failure to respond to requests for information may result in a finding of probable cause or dismissal of the Complaint.

2.13(2) Actions taken. Formal investigation actions that may be taken by the board include, but are not limited to, the following actions:

- a. Review applicable laws, rules, regulations, and policies.
- b. Request statements from the complainant and respondent.
- c. Submit verbal or written requests for information to other persons and governmental bodies.
- d. Examine and copy relevant records.
- e. Issue investigative subpoenas requiring the production of books, papers, records, electronic records and other evidence, as well as requiring the attendance and testimony of witnesses.
- f. Holding hearings.
- g. Any other methods determined appropriate by the board.

2.13(3) Report to board. Following the formal investigation, IPIB staff will make a report to the board and will provide a recommendation related to probable cause.

2.13(4) Delegation of investigation. The board, at its discretion, may delegate a formal investigation to an independent investigator. An independent investigator may be an alternative state agency, attorney practicing outside of state government, or any other investigator that the board determines is qualified. Any alleged conflicts of interest regarding an independent investigator will be addressed at the discretion of the board.

497—2.14(23) Burden of proof – Chapter 21 investigations. Once a complainant demonstrates to the board that the government body in question is subject to the requirements of Iowa Code Chapter 21 and has held a meeting, the burden going forward will be on the government body to demonstrate compliance with the requirements of Iowa Code Chapter 21.

497—2.15(23) Burden of proof – Chapter 22 investigations. The burden of proof applied will be the same burden of proof applied to judicial enforcement as outlined in Iowa Code section 22.10(2).”

497—2.16(23) Settlement of complaint. The parties to the complaint may reach an agreement during the formal investigation process that results in a settlement between the parties. Any settlement reached by the parties is solely between the parties and does not impact the formal investigation conducted by the board. If a settlement is reached, the board may dismiss the complaint as an exercise of administrative discretion pursuant to rule 497—2.17 and terminate the formal investigation.

497—2.17(23) Probable Cause Finding. Upon receipt and review of the formal investigative report completed by IPIB staff and any recommendations from IPIB staff, the board may take any of the following actions:

- a. Redirect the complaint for further investigation.
- b. Dismiss the complaint for lack of jurisdiction or lack of probable cause to believe there has been a violation of Iowa Code chapter 21 or 22.
- c. Determine that probable cause exists to believe a violation has occurred but dismiss the matter as an exercise of administrative discretion. The dismissal order may contain actions the respondent will take to effectuate the dismissal.
- d. Determine the complaint is within the board’s jurisdiction and there is probable cause to believe a violation of Iowa Code chapter 21 or 22 has occurred and direct civil penalties or other appropriate remedies as provided in subrule 497—2.18. The respondent may decline the penalties or remedies and request a contested case proceeding be initiated.
- e. Determine that the Complaint is within the Board’s jurisdiction and there is probable cause to believe a violation of Iowa Code chapter 21 or 22 has occurred and initiate a contested case proceeding. The probable cause order will initiate a contested case proceeding pursuant to Iowa Code Chapter 17A. The board will designate a prosecutor and direct the issuance of a statement of charges to initiate the contested case proceeding pursuant to Iowa Code chapter 23.10.

For any actions taken by the board pursuant to this subrule, the board will issue a written order and a copy of the order will be provided to the complainant and the respondent. The order will explain the reasons for the dismissal or the finding of probable cause.

497—2.18(23) Civil penalties and other appropriate remedies. If it is determined after appropriate board proceedings that a violation of statute or rule under the board’s jurisdiction has occurred, the board may impose any of the remedies set out in Iowa Code section 23.6(8) or 23.10(3)(b).

497—2.19(23) Appeal. Any person or party who is aggrieved or adversely affected by agency action may utilize the remedies provided by Iowa Code Chapter 17A.

IOWA PUBLIC INFORMATION BOARD [497]

Purpose and Summary

The Iowa Administrative Procedure Act has long required agencies to adopt rules regarding declaratory orders. To satisfy these obligations, the board promulgated Chapter 3 consistent with the Uniform Rules on Agency Procedure.

However, 2024 Iowa Acts, Senate File 2370, rescinds some applicable law (section 4) and creates a new related statute (section 12). The new statute states that the administrative rules coordinator, in partnership with the Iowa Attorney General's Office, may adopt a new set of uniform model rules that will automatically apply to agencies in the absence of self-promulgated rules (more information can be found in Iowa Code section 17A.24 as enacted by 2024 Iowa Acts, Senate File 2370).

Accordingly, the board is proposing to rescind Chapter 3 consistent with the principles of Executive Order 10 as being either unauthorized or unnecessary. It will instead operate under the new model rules and other applicable laws.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve 497—Chapter 3.

IOWA PUBLIC INFORMATION BOARD [497]

Purpose and Summary

The Iowa Administrative Procedure Act has long required agencies to adopt rules regarding declaratory orders. To satisfy these obligations, the board promulgated Chapter 4 consistent with the Uniform Rules on Agency Procedure.

However, 2024 Iowa Acts, Senate File 2370, rescinds some applicable law (section 4) and creates a new related statute (section 12). The new statute states that the administrative rules coordinator, in partnership with the Iowa Attorney General's Office, may adopt a new set of uniform model rules that will automatically apply to agencies in the absence of self-promulgated rules (more information can be found in Iowa Code section 17A.24 as enacted by 2024 Iowa Acts, Senate File 2370).

Accordingly, the board is proposing to rescind Chapter 4 consistent with the principles of Executive Order 10 as being either unauthorized or unnecessary. It will instead operate under the new model rules and other applicable laws.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve 497—Chapter 4.

IOWA PUBLIC INFORMATION BOARD [497]

Purpose and Summary

The Iowa Administrative Procedure Act has long required agencies to adopt rules regarding declaratory orders. To satisfy these obligations, the board promulgated Chapter 5 consistent with the Uniform Rules on Agency Procedure.

However, 2024 Iowa Acts, Senate File 2370, rescinds some applicable law (section 4) and creates a new related statute (section 12). The new statute states that the administrative rules coordinator, in partnership with the Iowa Attorney General's Office, may adopt a new set of uniform model rules that will automatically apply to agencies in the absence of self-promulgated rules (more information can be found in Iowa Code section 17A.24 as enacted by 2024 Iowa Acts, Senate File 2370).

Accordingly, the board is proposing to rescind Chapter 5 consistent with the principles of Executive Order 10 as being either unauthorized or unnecessary. It will instead operate under the new model rules and other applicable laws.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve 497—Chapter 5.

IOWA PUBLIC INFORMATION BOARD [497]

Purpose and Summary

The Iowa Administrative Procedure Act has long required agencies to adopt rules regarding declaratory orders. To satisfy these obligations, the board promulgated Chapter 6 consistent with the Uniform Rules on Agency Procedure.

However, 2024 Iowa Acts, Senate File 2370, rescinds some applicable law (section 4) and creates a new related statute (section 12). The new statute states that the administrative rules coordinator, in partnership with the Iowa Attorney General's Office, may adopt a new set of uniform model rules that will automatically apply to agencies in the absence of self-promulgated rules (more information can be found in Iowa Code section 17A.24 as enacted by 2024 Iowa Acts, Senate File 2370).

Accordingly, the board is proposing to rescind Chapter 6 consistent with the principles of Executive Order 10 as being either unauthorized or unnecessary. It will instead operate under the new model rules and other applicable laws.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve 497—Chapter 6.

IOWA PUBLIC INFORMATION BOARD [497]

Purpose and Summary

The Iowa Administrative Procedure Act has long required agencies to adopt rules regarding declaratory orders. To satisfy these obligations, the board promulgated Chapter 7 consistent with the Uniform Rules on Agency Procedure.

However, 2024 Iowa Acts, Senate File 2370, rescinds some applicable law (section 4) and creates a new related statute (section 12). The new statute states that the administrative rules coordinator, in partnership with the Iowa Attorney General's Office, may adopt a new set of uniform model rules that will automatically apply to agencies in the absence of self-promulgated rules (more information can be found in Iowa Code section 17A.24 as enacted by 2024 Iowa Acts, Senate File 2370).

Accordingly, the board is proposing to rescind Chapter 7 consistent with the principles of Executive Order 10 as being either unauthorized or unnecessary. It will instead operate under the new model rules and other applicable laws.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve 497—Chapter 7.

IOWA PUBLIC INFORMATION BOARD [497]

Purpose and Summary

Executive Order Number Ten orders that all chapters of the Iowa Administrative Code shall be reviewed by each board and that redundant and unnecessary administrative rules shall be repealed.

Iowa Code chapter 21 specifically outlines open meetings requirements for boards within the executive branch. Chapter 8 repeats the requirements outlined in Iowa Code chapter 21.

Accordingly, the board is proposing to rescind Chapter 8 consistent with the principles of Executive Order 10 as being redundant and unnecessary. The board will continue to operate consistent with the requirements of Iowa Code chapter 21.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve 497—Chapter 8.

IOWA PUBLIC INFORMATION BOARD [497]

Purpose and Summary

The Iowa Administrative Procedure Act has long required agencies to adopt rules regarding declaratory orders. To satisfy these obligations, the board promulgated Chapter 9 consistent with the Uniform Rules on Agency Procedure.

However, 2024 Iowa Acts, Senate File 2370, rescinds some applicable law (section 4) and creates a new related statute (section 12). The new statute states that the administrative rules coordinator, in partnership with the Iowa Attorney General's Office, may adopt a new set of uniform model rules that will automatically apply to agencies in the absence of self-promulgated rules (more information can be found in Iowa Code section 17A.24 as enacted by 2024 Iowa Acts, Senate File 2370).

Accordingly, the board is proposing to rescind Chapter 9 consistent with the principles of Executive Order 10 as being either unauthorized or unnecessary. It will instead operate under the new model rules and other applicable laws.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve 497—Chapter 9.

IOWA PUBLIC INFORMATION BOARD [497]

Purpose and Summary

This proposed rulemaking re-promulgates administrative rules based on the requirements of Executive Order 10. Chapter 10 provides information to the public about the Iowa Public Information Board's injunction request procedure.

Text of Proposed Rulemaking

ITEM 1. Rescind 497—Chapter 10 and adopt the following new chapter in lieu thereof:

CHAPTER 10 INJUNCTION REQUEST PROCEDURE

497—10.1(23) Complaint. As provided in Iowa Code section 23.5(3), when a request for an injunction to enjoin the inspection of a public record has been filed in district court under Iowa Code section 22.8, the respondent or the person requesting access to the record may remove the proceeding from district court to the board by filing a complaint within 30 days of the commencement of the judicial proceeding. The complaint will detail the parties involved, the records sought, and the district court in which the matter was originally filed. A copy of the original court filing seeking an injunction will be filed with the complaint. A complaint filed under this chapter is not a “complaint” triggering the procedures under 497—Chapter 2.

497—10.2(23) Notice to court. Upon receipt of a complaint under this chapter, the board's staff will file notice with the appropriate district court that the complaint has been filed with the board.

497—10.3(23) Staff review. If the court issues an order removing jurisdiction of the matter to the board, the board's staff will conduct an initial review of the complaint and may request that the parties provide further information or documents.

497—10.4(23) Hearing. A hearing on the request for the injunction will be heard before the board. The board may request briefs or the filing of other documents. The board will work with the parties in establishing guidelines for the time of the hearing, the length of arguments, and any other procedural matters. A hearing under this rule is not a contested case under 497—Chapter 4.

497—10.5(23) Board determinations. The board will make the following determinations after hearing:

1. Whether the requested records are public records or confidential public records.
2. If the records are public records, whether an injunction should be issued enjoining the inspection of the records under the criteria set out in Iowa Code sections 22.8(1) and 22.8(3).

497—10.6(23) Judicial review. The board's determinations under rule 497—10.5(23) are deemed final agency action for purposes of seeking judicial review under Iowa Code chapter 17A.

Active Cases Report

43

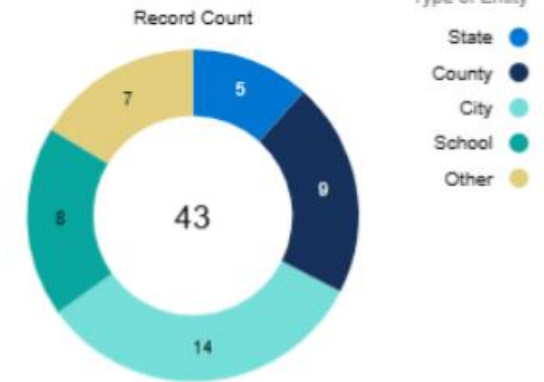
[View Report \(Active Cases Report\)](#)

New complaints &/or question last 30 day



[View Report \(New complaints &/or question last 30 day\)](#)

Cases by Entity



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

Active Questions Report

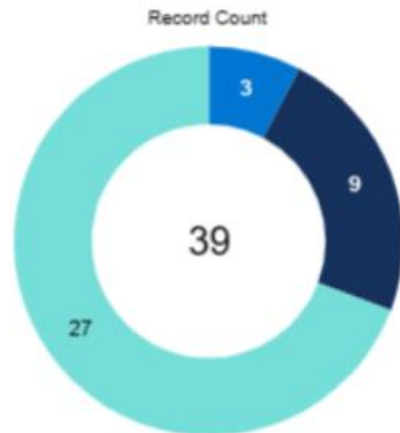
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[View Report \(Active Questions Report\)](#)

Broad Type (Filed in Current

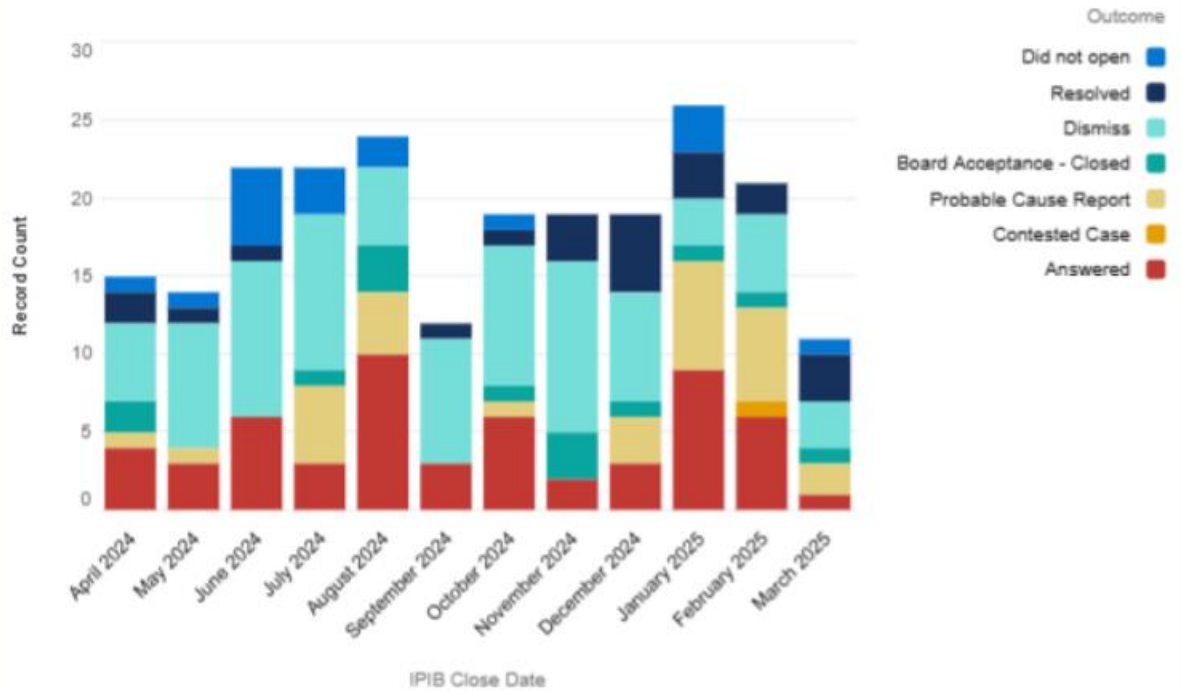
Complaint Type

- Both
- Chapter 21
- Chapter 22



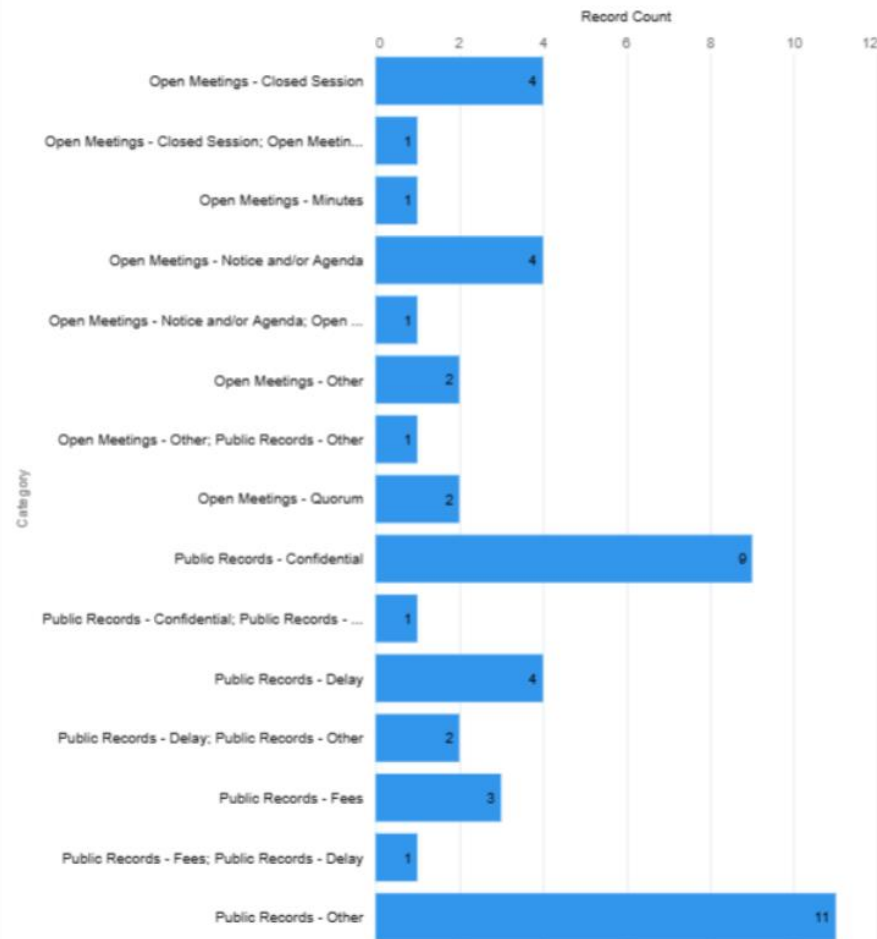
[View Report \(Broad Type \(Cases Filed in Current Year\)\)](#)

Closed cases (past 12 months)



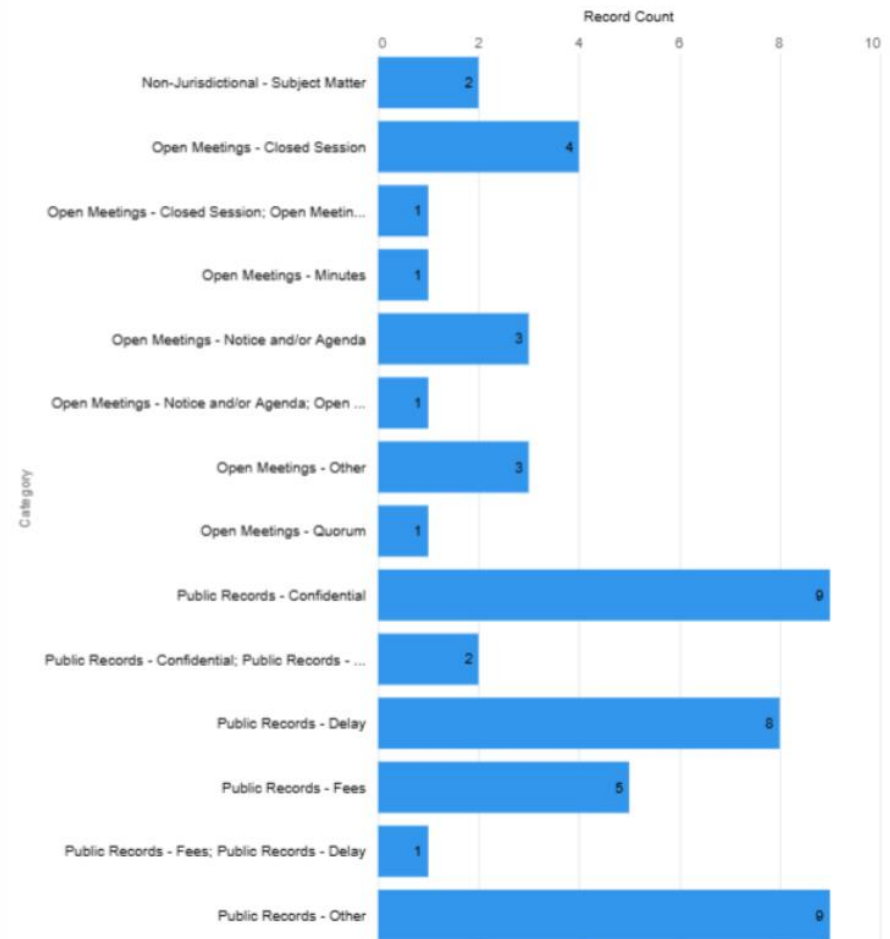
[View Report \(Closed cases \(past 12 months\)\)](#)

Cases by Type (Active)



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

Cases by Type (Filed in Current Year)



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

Obj/Rev Class	Obj/Rev Class Name	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	HO13	HO14	HO15	YTD	End of Year Forecast	Annual Budget	Percent of Budget	Percent of Budget		
		Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Actual	(C=A+B)	(D)	To Date	Forecasted EOY	
	Appropriation	363,227																		363,227			
	Deappropriation																						
	BBF (T&T)																						
Expenditures																							
101	Personal Services	19,563	19,067	19,474	35,990	23,251	24,217	24,484	24,537	24,484	36,887	24,645	24,645	7,507	-	-	215,067	308,750	323,270	67%	96%		
202	In State Travel	333	38	625	-	122	224	928	396	326	200	200	200	200	-	-	2,990	3,790	3,487	86%	109%		
301	Office Supplies	-	129	304	255	148	120	120	147	790	175	175	175	175	-	-	2,012	2,712	3,000	67%	90%		
309	Printing & Binding	-	-	-	-	61	-	-	0	-	-	-	-	-	-	-	61	61	500	12%	12%		
313	Postage	-	6	8	3	6	4	4	9	5	4	4	4	4	-	-	45	60	150	30%	40%		
401	Communications	-	174	160	221	139	139	139	139	139	139	139	139	139	-	-	1,253	1,810	3,000	42%	60%		
406	Outside Services	-	-	-	-	-	-	-	-	2,452	(2,452)	-	-	-	-	-	2,452	-	1,000	245%	0%		
414	Reimbursements To Other Agency	-	1,600	1,608	1,603	1,915	1,678	1,478	1,474	2,596	2,155	2,155	2,155	2,155	-	-	13,953	22,572	12,000	116%	188%		
416	ITD Reimbursements	-	299	11,271	(6,376)	309	276	276	276	277	276	276	276	276	-	-	6,607	7,711	15,820	42%	49%		
418	IT Outside Services	-	146	146	146	146	146	146	146	146	146	146	146	146	-	-	1,171	1,756	1,000	117%	176%		
701	Licenses	-	-	-	-	-	-	-	275	500	-	-	-	-	-	-	775	775	-	0%	0%		
Total Expenditures:		19,896	21,459	33,596	31,842	26,097	26,803	27,576	27,400	31,716	37,530	27,740	27,740	10,602	-	-	246,385	349,997	363,227	68%	96%		
Current Month Operations		343,331	(21,459)	(33,596)	(31,842)	(26,097)	(26,803)	(27,576)	(27,400)	(31,716)	(37,530)	(27,740)	(27,740)	(10,602)	-	-							
Cash Balance		343,331	321,872	288,276	256,434	230,337	203,533	175,958	148,558	116,842	79,312	51,572	23,831	13,230	13,230	13,230							

Footnotes:
 Unit should be managed to \$0 at year end.

- Expenditures**
- 101 - Slip was budgeted for retirement, but is not being utilized in FY25. Months of October and April have 3 payroll warrants written. July actual included retirement vacation payout.
 - 309 - November actual was B&W General Copy - October 17 packet from Kim Murphy Per Board.
 - 406 - March and April are CI Coaching moved to P22T.
 - 414 - DAS finance time is included and could vary depending on month's needs. Space increase effective March for move to Jessie Parker. Costs is \$532.88 more than original location.
 - 416 - October includes move of Salesforce renewal to P22T. February included an eDAS bill posting and CDE to P22T - \$0 net change to February actual.
 - 701 - February and March include licensing fees for 3 attorneys.

Fund: 0001 General Fund
 Unit: P22T
 Sub Unit: Blank
 Approp: P22
 Obj/Rev: Iowa Public Information Board

EDas Customer Number: 1882
 Percent of Year Complete: 75.00%

Class	Obj/Rev Class Name	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	HO13	HO14	HO15	YTD	End of Year Forecast	Annual Budget	Percent of Budget To Date	Percent of Budget forecasted EOY
		Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Actual	(C=A+B)	(D)	To Date	EOY
	Appropriation																		-		
	Deappropriation																				
	BBF (T&T)	18,225																			
Expenditures																					
401	Communications	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%	0%
406	Outside Services	-	-	-	3,900	-	-	-	-	-	2,452	-	-	-	-	-	3,900	6,352	-	0%	0%
416	ITD Reimbursements	-	-	-	6,688	-	-	-	1,109	-	2,000	-	-	-	-	-	7,797	9,797	-	0%	0%
503	Equipment-Non Inventory	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%	0%
Total Expenditures:		-	-	-	10,588	-	-	-	1,109	-	4,452	-	-	-	-	-	11,697	16,149	-	#DIV/0!	#DIV/0!
Current Month Operations		18,225	-	-	(10,588)	-	-	-	(1,109)	-	(4,452)	-	-	-	-	-					
Cash Balance		18,225	18,225	18,225	7,637	7,637	7,637	7,637	6,528	6,528	2,076	2,076	2,076	2,076	2,076	2,076					

Footnotes:
 Unit should be managed to \$0 at year end.