

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

May 15, 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 April 17, 2025 minutes ***
- III. Public Forum (5-minute limit per speaker)**
- IV. Comments from the board chair. (McHugh)**
- V. Consent Agenda ***
 - A. Dismissals**
 - 1. 25FC:0034 (Lucian Diaconu - Chapter 22 - Gilbert Community School District) 3/31/2025
 - 2. 25FC:0036 (Anonymous - Chapter 21 - Mitchell County Board) 4/7/2025
 - 3. 25FC:0041 (Michael Chapman - Chapter 22 - Waterloo Community School District) 4/9/2025
 - 4. 25FC:0043 (Steven Wycoff - Chapter 22 - Iowa Department of Corrections) 4/22/2025
 - 5. 25FC:0045 (Mark Hoag - Chapter 21 - Iowa Department of Inspections, Appeals, and Licensing) 4/22/2025
 - 6. 25FC:0048 (Kaikobad Irani - Chapter 22 - University of Iowa) 5/2/2025
 - B. Acceptance**
 - 1. 25FC:0037 (Joe Monahan - Chapter 22 - Iowa City Library) 4/7/2025
 - 2. 25FC:0038 (Joe Monahan - Chapter 22 - UNI) 4/7/2025

3. 25FC:0039-2 (Kevin Howard - Chapter 22 - Department of Administrative Services (DAS)) 4/10/2025
4. 25FC:0035 (Roger Krohn - Chapter 21 - Monona County Board of Supervisors) 4/3/2025
5. 25FC:0040 (Stephanie Erickson - Chapter 21 - Indianola City Council) 4/10/2025
6. 25FC:0042 (Jeffrey Halter - Chapter 21 - Iowa Central Community College Board of Directors and Cabinet) 4/16/2025
7. 25FC:0044 (Lily Leyva - Chapter 22 - West Bend Mallard Community School District and School Board) 4/21/2025
8. 25FC:0046 (Linda Reardon - Open Meetings Law - Gladbrook-Reinbeck School Board) 4/24/2025

VI. 25DO:0001 Petition for Declaratory Order and Motion to Refuse to Issue Order – Deliberation/Action.*

VII. Advisory Opinion – Deliberation/Action.*

1. 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?
2. 25AO:0004 (Mitchell Flaherty/Harrison County Sheriff's Office/911) 2/26/2025 - Review of metadata requirements
3. 25AO:0005 (IPIB) 3/25/2025 - Clarifying a meeting of a majority pursuant to Iowa Code Chapter 21

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

1. 22FC:0011 (Jack Swarm - Chapter 21 - City of Mt. Pleasant) 3/1/2022 - Probable Cause
2. 24FC:0090 (Sarah Weber - Chapter 21 - Orange City Council) 10/9/2024 - Informal Resolution
3. 24FC:0110 (Keegan Jarvis - Chapter 21 - City of Swan IA) 11/6/2024 - Probable Cause
4. 24FC:0129; 25FC:0037; and 25FC:0038 (Joe Monahan - Chapter 22 - Ames Public Library, Iowa City Public Library; UNI) 12/24/2024 - Probable Cause
5. 25FC:0014 (Michael Merritt – Chapter 22 – Jasper County) 2/5/2025 – Probable Cause
6. 25FC:0021 (Jennifer Olson - Chapter 21 - City of Marengo, Personnel Committee) 2/13/2025 - Probable Cause
7. 25FC:0022 (Steve St. Clair - Chapter 22 - The Winneshiek County Board of Supervisors and the City of Ossian) 2/17/2025 - Informal Resolution
8. 25FC:0026 (Ron Engle - Chapter 22- Iowa Public Employee Retirement System (IPERS)) 3/11/2025 - Probable Cause
9. 25FC:0027 (Jerry Hamelton - Chapter 22- Keokuk Police Department) 3/12/2025 - Probable Cause
10. 25FC:0039-2 (Kevin Howard - Chapter 22 - Department of Administrative Services (DAS)) 4/10/2025 - Probable Cause

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

1. 25FC:0029 (Noah Hosek - Chapter 21 - Iowa State University Police Department) 3/18/2025 - Withdrawn
2. 25FC:0039-1 (Kevin Howard - Chapter 22 - Johnson County Attorney's Office) 4/7/2025 - Withdrawn

X. Pending Complaints. Informational Only/No Action or Deliberation (Eckley)

1. 24FC:0064 (Mark Milligan - Chapter 22 - Monroe County Sheriff's Department) 7/30/2024 - Board Acceptance of IR
2. 24FC:0089 (Curtis Wagler - Chapter 22- Henry County Sheriff's Office) 10/8/2024 - Information Gathering/IR Process
3. 24FC:0092 (Aubrey Burress – Both - Pleasant Grove township) 10/21/2024 - Contested Case

4. 24FC:0096 (Rachel Dolley - Chapter 21 - Commission of Wapello County Veterans Affairs) 10/28/2024 - Information Gathering/IR Process
5. 24FC:0120 (Paul Dorr – Both - Osceola County, Iowa) 11/27/2024 - Probable Cause Investigation
6. 25FC:0012 (Matt Loffer - Chapter 22- City of Marengo, Marengo Police Department) 2/3/2025 - Information Gathering/IR Process
7. 25FC:0018 (Tammy Wise - Chapter 21 - Tama County) 2/10/2025 - Information Gathering/IR Process
8. 25FC:0024 (Jason Kensett - Chapter 22 - Request was made to "Iowa DCI". Response was from Open Records Custodian.) 2/21/2025 - New / Complaint Information Reviewed
9. 25FC:0031 (Michael Chapman - Chapter 21 - Waterloo Community School District Board of Education) 3/26/2025 - Information Gathering/IR Process
10. 25FC:0032 (Kevin Brehm - Chapter 22 - Urbandale Community School District) 4/1/2025 - Information Gathering/IR Process
11. 25FC:0047 (Lucian Diaconu - Chapter 22 - Gilbert Community School District) 4/29/2025 - Complaint Opened/Acknowledged
12. 25FC:0049 (Cody Edwards - Chapter 22- Iowa Department of Revenue) 5/2/2025 - Complaint Opened/Acknowledged
13. 24AO:0013 (IPIB) 12/12/2024 - How should interviews for public employees be conducted after the Teig v. Loeffler decision? [Pending until Supreme Court decision]

XI. Committee Reports

1. Training – (Lee)
2. Legislative – (Eckley)
3. Rules* – (Murphy)

XII. Executive Director Position. Deliberation/Action*

1. Accept Resignation
2. Adopt and Form Search Committee
3. Discuss process/timeline

XIII. Office status report.

1. Office Update * (Eckley)
2. Financial/Budget Update (FY25) * (Eckley)
 - a. Budget Appropriation
3. Presentations/Trainings (Eckley)
 - a. North Iowa Area Council of Governments
 - b. City of Orange City
 - c. Wapello County Veterans Affairs
 - d. ISAA
4. District Court Update (Eckley)

XIV. Next IPIB Board Meeting will be held on June 19, 2025, at 1:00 p.m.

XV. Adjourn

*** Attachments**

IOWA PUBLIC INFORMATION BOARD

DRAFT **April 17, 2025** **Unapproved Minutes**

The Iowa Public Information Board (IPIB) met on April 17, 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, Joel McCrea, Monica McHugh (remote), Jackie Schmillen (remote). Also present were IPIB Executive Director, Erika Eckley; IPIB Deputy Director, Kimberly Murphy; IPIB Agency Counsel, Alexander Lee. A quorum was declared present.

On a motion by Lindahl and second by McCrea, to approve the agenda with intent to table Advisory Opinion 25AO:0004. Adopted, 6-0.

On a motion by Lindahl and second by Giovannetti, to approve the March 20, 2025 minutes. Adopted, 6-0.

Public Forum –

Chad Brewbaker was present and made public comment.

Comments from the Board Chair –

The Board Chair apologized for not being able to attend in-person.

Consent Agenda –

1. **Dismissals.** On a motion by Lindahl and second by Giovannetti, to approve the dismissals within the consent agenda. Approved, 6-0.
2. **Acceptances.** Board discussion occurred. On a motion by McCrea and second by Lindahl, to approve the acceptances within the consent agenda. Approved, 6-0.

Advisory Opinion. 25AO:0004 (Mitchell Flaherty - - Harrison County Sheriff's Office/911) 2/26/2025 - Review of metadata requirements. On a motion by Lindahl and second by McCrea, to table the Advisory Opinion. Approved, 6-0.

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

1. **24FC:0092 (Aubrey Burress - Both- Pleasant Grove township) 10/21/2024 - Probable Cause.** Burress addressed the Board. The Marion County Attorney was remotely present. Board discussion occurred. The Board will discuss appointment of an administrative law judge at the next meeting. On a motion by Lindahl and second by Giovannetti, to find that probable cause exists, designate a prosecutor, and direct the issuance of a statement of charges. Approved, 6-0.
2. **24FC:0113 (Geraldyn Jones - Chapter 21- Linn-Mar Board of Directors) 11/12/2024 - Final Report.** On a motion by McCrea and second by Giovannetti, to accept the Final Report. Approved, 6-0.

3. **24FC:0117 (Michael Merritt - Chapter 22- Jasper County) 11/21/2024 - Probable Cause.** On a motion by Giovannetti and second by McCrea, to dismiss the complaint. Approved, 6-0.
4. **24FC:0120 (Paul Dorr - Both- Osceola County, Iowa) 11/27/2024 - Probable Cause.** Giovannetti recused and abstained from 24FC:0120. Dorr addressed the Board. The Osceola County Attorney addressed the Board. On a motion Lindahl and second by Corbin, to redirect for further investigation. Approved, 5-0. One abstention by Giovannetti.

*Discussion by IPB regarding the title of the report. Probable cause reports should be referred to as Investigatory Reports until probable cause exists.

5. **25FC:0001 (Steven Asche - Chapter 22- City of Eagle Grove) 1/10/2025 - Probable Cause Report.** Bryce Davis, City of Eagle Grove, addressed the Board. On a motion by Giovannetti and second by Lindahl, to determine that probable cause exists to believe a violation has occurred and dismiss the complaint as an exercise of administrative discretion. Approved, 6-0.
6. **25FC:0007 (Kelly Smith - Chapter 22- Bettendorf Community School District) 1/22/2025 - Probable Cause Report.** Smith addressed the Board. Wendy Meyer, counsel for the Bettendorf Community School District, addressed the Board. On a motion by Giovannetti and second by McCrea, to dismiss the matter for lack of probable cause. Approved, 6-0.
7. **25FC:0011 (Cliff Williams - Chapter 22- Keomah Village City Council) 2/1/2025 - Probable Cause Report.** On a motion by Lindahl and second by Corbin, to dismiss the matter for lack of probable cause. Approved, 6-0.

Matters Withdrawn, No Action Necessary.

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

Pending Complaints and Advisory Opinions. Informational Only- No Deliberation or Action.

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 Reviewed 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?
10. 25AO:0005 (Kim Murphy - -) 3/25/2025 - New / Question Information Reviewed If 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

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 reviewed stakeholder feedback. Murphy informed IPIB that the Rules Committee voted to advance the draft rules (with the exception of Chapter 8) to the next steps in the EO10 process. Murphy explained changes needed to Chapter 8 and the development of a

draft rule to address requirements related to public records requests as established by the Supreme Court in *Belin v. Reynolds* and IPIB's proposed legislation.

Office Status Report –

1. **Office Update.** Eckley addressed the Board and reminded members to complete the personal financial disclosure due to the Iowa Ethics and Campaign Disclosure Board.
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 May 15, 2025, at 1:00 p.m.

On a motion by Lindahl and second by Giovannetti, to adjourn the meeting. Approved, 6-0.

The Iowa Public Information Board

In re the Matter of:	Case Number: 25FC:0034
Lucian Diaconu, Complainant	Dismissal Order
And Concerning:	
Gilbert Community School District, Respondent	

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

On March 31, 2025, Lucian Diaconu filed formal complaint 25FC:0034, alleging the Gilbert County School District (District) violated Iowa Code Chapter 22.

Facts

This complaint arises from an incident which took place on March 19, 2025, during a girls' soccer practice at Gilbert High School, in which the complainant, Lucian Diaconu, alleges his daughter and other students were subjected to disciplinary physical activity.

Following the incident, Diaconu submitted a request under Chapter 22 and the Family Educational Rights and Privacy Act (FERPA) for security camera footage of the soccer practice. On March 24, 2025, the District permitted Diaconu to view a ninety-minute recording of the soccer practice in the District Office conference room. On April 8, 2025, after further communication, the District Superintendent identified an additional three videos from the day of the incident which featured Diaconu's daughter. As with the first video, Diaconu was told he would have to come in and view the recordings in person, at the District Office conference room.

While the District permitted in-person inspection of the records, it has refused to deliver copies of any of the videos, and it has also declined to affirmatively seek consent for release from other parents whose children are visible in the recordings. According to communications which were provided to IPIB alongside this complaint, the District maintains that its response to this request is based solely on federal FERPA obligations, not Chapter 22.

On March 31, 2025 and April 3, 2025, Diaconu filed two formal complaints, describing a total of five alleged violations arising from these facts, including:

1. Denial of the right to copy without legal basis
2. Failure to issue a proper written denial
3. Inconsistent and arbitrary standards
4. Obstruction of oversight and good faith access
5. Unlawful request for intent in seeking public records

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:

1. Personal information in records regarding a student, prospective student, or former student maintained, created, collected or assembled by or for a school corporation or educational institution maintaining such records.” Iowa Code § 22.7(1).

Iowa Code § 23.6(4) grants IPIB the authority to “[r]eceive complaints alleging violations of chapter 21 or 22, seek resolution of such complaints through informal assistance, formally investigate such complaints, decide after such an investigation whether there is probable cause to believe a violation of chapter 21 or 22 has occurred, and if probable cause has been found prosecute the respondent before the board in a contested case proceeded conducted according to the provisions of chapter 17A.”

Analysis

There is no question that the contested video records would qualify as “public records” under Iowa Code § 22.1(3)(a), as they are records “of or belonging to” a public-school district, which is a government body under Chapter 22.

Nevertheless, Iowa Code § 22.7(1) offers broad confidentiality for “[p]ersonal information in records regarding a student, prospective student, or former student maintained, created, collected or assembled by or for a school corporation or educational institution maintaining such records.” In this case, security camera footage of a high school soccer practice clearly qualifies “personal information” for each of the students captured in the video. *See* 19FC:0044, *Alex Yakobson/Ames Community School District* (finding that a video record of students on a school bus was entitled to confidentiality under Iowa Code § 22.7(1) as personal information in a record regarding a student). Further, while Chapter 22 sometimes requires partial redaction in lieu of withholding an entire record as confidential, there is no conceivable way to redact a video of students participating in a soccer practice which would remove all student personal information. Finally, because Chapter 22

generally does not recognize any special solicitude based on a requester's relationship to a record, this analysis is not changed by the fact that the complainant's daughter is included in the videos.

In addition to Chapter 22, the complainant also asserts the right to access the records under FERPA, as the parent of a child whose educational records are sought. Whatever the merits of this argument, IPIB does not have the jurisdiction to consider potential violations outside of Chapters 21 and 22, pertaining to Iowa's open meetings and public records laws. Iowa Code § 23.6(2), (4). Therefore, even if the complainant were entitled to receive copies or compel additional action from the District under FERPA, IPIB would still be required to dismiss unless there was also a facial violation of Chapter 21 and 22.

Based on the above analysis, IPIB addresses each of the alleged violations in turn.

1. Denial of the Right to Copy Without Legal Basis

Iowa Code § 22.2(1) generally provides for the examination and copying of public records. However, where a public record is confidential pursuant to one or more confidentiality exceptions listed in Iowa Code § 22.7, these rights no longer apply. The fact that another provision of the law – in this case FERPA – allows for limited access to an otherwise confidential record does not revive other rights under Chapter 22. In other words, because the complainant's right to examine the video footage in question arises solely under federal law, he is limited to the rights provided by federal law. The District asserts that FERPA does not require it to provide copies in this instance. Regardless of whether this assessment is accurate, it is beyond IPIB's statutory authority to interpret and enforce federal law.

The complainant argues that the District's refusal to provide a copy has left him "without necessary documentation to pursue complaints, secure representation, or provide evidence in future proceedings." While this may be true, Chapter 22 applies equally to all members of the public, meaning that this special interest is irrelevant to the determination of confidentiality.

2. Failure to Issue a Proper Written Denial

Diaconu asserts the District failed to issue a proper written denial citing either the specific confidentiality exception relied upon or a court ordered injunction to restrain examination, as described by Iowa Code § 22.8(1). However, nothing in Chapter 22 requires this form of denial. The District, in its email response, stated clearly that its response to the complainant's mixed FERPA and Chapter 22 records request was based solely on FERPA, which is the only of the two statutes which would compel any level of access to the records in question.

3. Inconsistent and Arbitrary Standards

Diaconu suggests the District's response to his records request was inconsistent, as they provided viewing access at first and then "revers[ed] course on subsequent requests." It appears from the

correspondence, however, that the District provided an opportunity to view the records based on the Diaconu's status as a parent of one of the children in the recordings, as required by FERPA, and he has been invited to review additional videos under the same conditions.

4. Obstruction of Oversight and Good Faith Access

Diaconu alleges the District has interfered with his rights through unreasonable delay, and through refusals to either redact the record to permit release or seek consent from other parents whose children may be seen in the recordings.

First, on the issue of unreasonable delay, there was a maximum of five days between the time the record was created, March 19, and the complainant's initial viewing, March 24. Two weeks later, on April 8, the District invited the complainant back to review additional videos that were found after the first viewing. It appears the District exchanged multiple emails with the complainant while the request was pending, and a portion of that time was required to review multiple hours of footage and make legal determinations about FERPA obligations. To the extent this delay needs to be considered for the purposes of Iowa Code § 22.8(4), it was not unreasonable. *See also* 24AO:0010, *Clarification on the Definition of "Reasonable Delay."*

Next, on redaction, it is true that Chapter 22 sometimes requires redaction when only a severable portion of a public record is confidential and the remainder could be properly released. In this case, where the complainant seeks a video of an incident which took place during a high school girls' soccer practice and Iowa Code § 22.7(1) would provide confidentiality for all portions of the video which includes any student, prospective student, or former student, it would be impossible to redact the footage in a way that still shows the incident described.

5. Unlawful Request for Intent in Seeking Public Records

Finally, in the second complaint submitted on April 3, 2025, the complainant alleges that the District unlawfully inquired as to his intent in seeking the records. While it is true that Chapter 22 generally mandates equal access to public records for all requesters regardless of intent, nothing in the chapter makes it a violation to ask about a requester's motives, even though a requester is not required to justify their request. If the District had denied the request on the basis of motive or refused to proceed because no motive was provided, then there would be a potential violation. Because neither of these things occurred, there is no apparent violation.

In its initial facial review, IPIB considers all factual allegations provided by the complainant to be true and accurate for the purposes of deciding whether to accept or dismiss a complaint. None of the allegations described serve as the basis for a finding the Gilbert Community School District violated either Iowa Code Chapters 21 or 22.

Conclusion

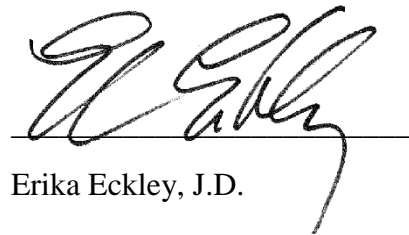
Iowa Code § 23.8 requires that a complaint be within the IPIB's jurisdiction, appear legally sufficient, and have merit before the IPIB accepts a complaint. Following a review of the allegations on their face, it is found that this complaint does not meet those requirements.

Because the records sought were entitled to confidentiality under Iowa Code § 22.7(1) and any remaining violations alleged would be based entirely on FERPA, a federal law, a facial review finds no potential violation within IPIB's jurisdiction over Chapter 22.

IT IS SO ORDERED: Formal complaint 25FC:0034 is dismissed as legally insufficient or outside IPIB's jurisdiction 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 May 15, 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.

Erika Eckley, J.D.

CERTIFICATE OF MAILING

This document was sent on May 8, 2025, to:

Lucian Diaconu, Complainant

The Iowa Public Information Board

In re the Matter of:	Case Number: 25FC:0036
Anonymous, Complainant	Dismissal Order
And Concerning:	
Mitchell County Board of Supervisors, Respondent	

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

On April 7, 2025, Anonymous filed formal complaint 25FC:0036, alleging the Mitchell County Board of Supervisors (Board) violated Iowa Code Chapter 21.

Facts

Anonymous alleges members of the Board violated Iowa Code Chapter 21 by meeting without notice and not in open session. Specifically, Anonymous states members of the Board attended an official meeting of Mitchell County Planning and Zoning (Planning and Zoning). At the meeting, two of the members of the Board provided comment. Anonymous states this is a violation of open meetings laws as a quorum of members were present at the Planning and Zoning meeting and there was no notice or agenda. Anonymous referred to the Mitchell County Auditor as being able to provide additional information.

IPIB staff followed up with the Mitchell County Auditor's Office and confirmed this practice was occurring. No additional information was obtained beyond that contained in the complaint.

Applicable Law

A meeting is 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. Iowa Code § 21.2(2).

“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(1).

Deliberation occurs when “the information gathering evolves into discussion of [the government body] member opinions and the reasoning behind those opinions,” *Hettinga v. Dallas County Bd. Of Adj.*, 375 N.W. 2d 293 (1985).

Analysis

A meeting requires four elements: 1. A gathering occurs in-person or by electronic means; 2. A majority of the members are present; 3. Deliberation or action occurs; and 4. The deliberation or action is within the scope of the governmental body’s policy making duties. Iowa Code § 21.2(2). The facts presented in the complaint indicated a majority of the members of the Board gathered in-person as part of the Planning and Zoning meeting. However, there is not clear evidence that members of the Board were deliberating or acting. The members of the Board may be providing comment, but this does not equate to deliberation or action.

Members of the Board should be careful to avoid deliberation within this forum. The members of the Board may listen to the information and ask clarifying questions if needed, but should avoid commentary on the topics which could easily lead to deliberation over matters within their policy-making duties.

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.

A majority of the members of the Board attended a meeting, but there is not clear evidence those members were deliberating or acting on matters within the scope of their policy-making duties.

IT IS SO ORDERED: Formal complaint 25FC:0036 is dismissed as it is without merit pursuant to Iowa Code § 23.8(2) and Iowa Administrative Rule 497-2.1(2)(b).

Pursuant to Iowa Administrative Rule 497-2.1(3), the IPIB may “delegate acceptance or dismissal of a complaint to the executive director, subject to review by the board.” The IPIB will review this Order on May 15, 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 May 8, 2025, to:

Anonymous

[Click or tap here to enter text.](#)

The Iowa Public Information Board

In re the Matter of:	Case Number: 25FC:0041
Michael Chapman, Complainant	Dismissal Order
And Concerning:	
Waterloo Community School District, Respondent	

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

On April 9, 2025, Michael Chapman filed formal complaint 25FC:0041, alleging that the Waterloo Community School District (District) violated Iowa Code Chapter 22.

Facts

On March 26, 2025, the complainant, Michael Chapman, submitted a Chapter 22 request seeking several categories of records from the Waterloo Community School District, including:

1. Video surveillance footage from the school district office building for a particular ninety-minute timespan, covering multiple different views and camera angles.
2. All records of any kind exchanged between the District and two named security companies over a two-year period.
3. All agendas, meeting minutes, emails and attendees' names, presentation slides, videos, and other media between and any all Finance Committee meeting participants and attendees, including ten specifically identified individuals, over a two-year period
4. All agendas, meeting minutes, emails and attendees' names, presentation slides, videos, and other media between and any all Facilities Committee meeting participants and attendees, including ten specifically identified individuals, over a two-year period

Based on a preliminary IT search of the District's email servers, the District estimated that there were approximately 36,963 responsive emails and documents for the latter three items, with breakdowns for the number of emails responsive to a list of search terms relating to the finance and facilities committees. At a rate of 300 emails/documents per hour (123 hours total), using an hourly rate of \$30.00, the school estimated it would cost \$3,696.30 to fulfill the email portion of the request.

For the video request, the District found seven cameras covering the area, with 10.5 hours of footage. Because some of the footage would be duplicative and the primary confidentiality concern was the possible presence of students, the District estimated that producing all seven video records would take two to three hours.

Finally, the District estimated that it would require approximately two hours of legal fees for review and redaction of confidential records, and another three hours to review non-electronic paper invoice files responsive to the request.

The total cost estimate, reflecting around 130 hours of projected staff time, came out to \$4,276.30. The District indicated that the fee would be need to paid in advance before staff would begin working on the request.

On April 9, 2025, Chapman filed formal complaint 25FC:0041, alleging the District had violated Iowa Code § 22.3(2) by charging an unreasonable fee. Specifically, Chapman alleges that the District's estimate of 36,963 responsive emails related to the finance and facilities committees is unreasonable, as 36,963 emails over an 817-day period would come out to an average of 45.24 new responsive records per day. Chapman argues, based on this analysis, that the estimate is deliberately inflated to prevent access to public records.

Chapman also argues that the 10.5 hours of video footage should not require significant review, as the district office is open to the public and the areas of the building named in the request are all open to the public.

Applicable Law

“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

Under Chapter 22, a government body is permitted to require payment for the fulfillment of a public records request, so long as the fee is limited to the “reasonable expenses directly attributable” to complying with the request, including employee time involved in reviewing records for production. Iowa Code § 22.3(2).

The complainant's primary contention in his complaint is that the District's estimate of 36,963 responsive emails is inherently unreasonable. On facial review, IPIB does not reach the same conclusion. According to the District's webpage, the Waterloo Community School District covers 18 schools, over 10,000 students, and has an overall annual expenditure of roughly \$200 million. In the 2021-22 school year, the District reported 836 full-time staff members.

The Chapter 22 request at issue sought records exchanged between "any and all finance committee meeting participants and attendees" or "any and all facilities committee meeting participants and attendees." The list of participants and attendees for each committee was augmented by a list of ten names, including the superintendent, the board secretary, the board treasurer, and the seven elected board members. These categories are subject to multiple interpretations. Read broadly, the request could reasonably be understood to request any emails exchanged over a two-year period between any individual who has attended any finance or facilities committee meeting, no matter the subject. Read more narrowly, the complainant's request could be read to apply only to records which relate to committee business exchanged between these individuals.

In either reading, an estimate would require the District to make a determination of which officials and employees are covered by the phrase "participants and attendees," which would seemingly include non-members, like teachers, contractors, and any members of the public. Once the District had access to a full list of individuals whose exchanges needed to be reviewed, the next step would depend on the interpretation scope described above. Under the broader interpretation, every single email exchanged between at least ten and possibly dozens of different individuals would need to be identified and reviewed. Under the narrower interpretation, the task would likely be even more time consuming, as each email would need to be reviewed for both confidentiality *and* relationship to one or both of the named committees (noting that it is dubious whether the District would be required to comply with a request involving such extensive original research).

In its estimate, the District seemingly took the narrower interpretation and reached its approximation using a keyword search for variations of "finance," "finance committee," "facilities," and "facilities committee." In all likelihood, the estimated 36,963 emails produced through this estimate would be an *underestimate* of the true number, as there are presumably a significant number of emails relevant to committee business (or, under the broader interpretation, exchanged between the identified individuals in any context) which do not include these keywords. Responding to the request could, in actuality, require review of the vast majority of all records in the possession of the District's administration, whatever that number may be.

The complainant suggests that 45 emails per day within the scope of his request is improbable. Again, based on the analysis above, this number is likely undercounting, regardless of which interpretation is applied.

Turning to the remaining considerations involved in the District's estimate, a review rate of 300 records per hour is reasonable, and it may, in fact, be overly optimistic. It would not be unreasonable for a review of this nature to take 120 hours or more.

The same is true for the video records. While the complainant is correct that all locations named in the request are open to the general public, this does not automatically mean that none of the footage captured is confidential. The most likely basis for confidentiality, as the District notes, would be Iowa Code § 22.7(1), which covers “[p]ersonal information in records regarding a student, prospective student, or former student maintained, created, collected or assembled by or for a school corporation or educational institution maintaining such records.” Although students may not commonly visit the district office, manual review is still required to ensure none were present at any point during the time frame in question. *See* 19FC:0044, *Alex Yakobson/Ames Community School District* (finding that a video record of students on a school bus was entitled to confidentiality under Iowa Code § 22.7(1) as personal information in a record regarding a student). Two to three hours would not be unreasonable for 10.5 hours of total footage.

In its initial facial review, IPIB considers all factual allegations provided by the complainant to be true and accurate for the purposes of deciding whether to accept or dismiss a complaint. On review, the estimated fee of \$4,276.30 does not appear facially unreasonable, and it is entirely possible the real costs of production would be higher. While the method chosen by the District to approximate the total number of records was only an estimate, it would have taken many hours to conduct even the initial research necessary for a more accurate number, particularly given the aforementioned ambiguities in the complainant’s request.

Conclusion

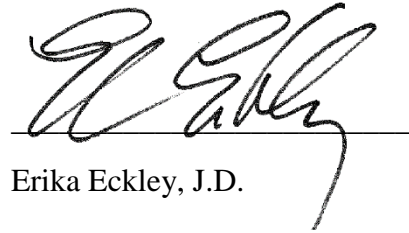
Iowa Code § 23.8 requires that a complaint be within the IPIB’s jurisdiction, appear legally sufficient, and have merit before the IPIB accepts a complaint. Following a review of the allegations on their face, it is found that this complaint does not meet those requirements.

Because the estimated fee provided by the District does not present a potential facial violation of Iowa Code § 22.3, given the substantial scope of the request, IPIB cannot proceed with this case on its merits.

IT IS SO ORDERED: Formal complaint 25FC:0041 is dismissed as it is without merit pursuant to Iowa Code § 23.8(2) and Iowa Administrative Rule 497-2.1(2)(b).

Pursuant to Iowa Administrative Rule 497-2.1(3), the IPIB may “delegate acceptance or dismissal of a complaint to the executive director, subject to review by the board.” The IPIB will review this Order on May 15, 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 May 8, 2025, to:

Michael Chapman

Click or tap here to enter text.

The Iowa Public Information Board

In re the Matter of:	Case Number: 25FC:0043
Steven Wycoff, Complainant	Dismissal Order
And Concerning:	
Iowa Department of Corrections, Respondent	

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

On March 27, 2025, Steven Wycoff mailed a formal complaint to IPIB alleging the Iowa Department of Corrections (Department) violated Iowa Code chapter 22. Upon receipt of the complaint, IPIB opened the complaint as 25FC:0043.

Facts

Wycoff is an incarcerated individual and is currently in the custody of the Iowa Department of Corrections. Wycoff requested and was denied access to two pieces of information: 1. A copy of the Diagnostic and Statistical Manual of Mental Illnesses (DSM-5); and 2. A copy of the housing plan for housing unit one at the Iowa State Penitentiary, where Wycoff is incarcerated. Wycoff states requests for both pieces of information were denied in violation of Iowa Code Chapter 22.

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...” Iowa Code § 22.1(3)(a).

“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

Request for DSM-5

The DSM-5 is a handbook used for diagnosing mental disorders in adults and children and is owned and published by the American Psychiatric Association. The DSM-5 can be purchased by anyone from a number of varying retailers. As such, the resource does not belong to the Iowa Department of Corrections or the State of Iowa and does not meet the definition of a public record established by Iowa Code Chapter 22.

Request for Housing Plan

Wycoff also seeks a copy of the housing plan for housing unit one at the Iowa State Penitentiary, where Wycoff is incarcerated. As has been determined by the IPIB in prior decisions, 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 inmate movement and control and building plans. Housing plans are building plans and relate to inmate movement and control. For this reason, the housing plans are exempt from the public inspection requirements of Iowa Code Chapter 22.

Conclusion

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

The first record requested by Wycoff is not a public record owned by Iowa Department of Corrections or the State of Iowa. The second record requested by Wycoff is exempt from the disclosure requirements of Iowa Code Chapter 22.

IT IS SO ORDERED: Formal complaint 25FC:0043 is dismissed as legally insufficient or outside IPIB's jurisdiction 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

A handwritten signature in black ink, appearing to be "J. E. Kelly", is written over the signature line.

CERTIFICATE OF MAILING

This document was sent on May 8, 2025, to:

Steven Wycoff (via U.S. mail)

The Iowa Public Information Board

In re the Matter of:	Case Number: 25FC:0045
Mark Hoag, Complainant	Dismissal Order
And Concerning:	
Iowa Department of Inspections, Appeals, and Licensing, Respondent	

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

On April 22, 2025, Mark Hoag filed formal complaint 25FC:0045, alleging the Iowa Department of Inspections, Appeals, and Licensing (Department) violated Iowa Code Chapter 22.

Facts

Hoag's complaint stems from an agreement entered into between Hoag's business and the Department. While the full details of the agreement are not clear, Hoag's primary complaint is that he was assessed a civil penalty from the Department and forced to enter an agreement to ensure compliance. Hoag states the Department failed to provide proper justification for the fine, that there was a lack of transparency in the agreement process, that there was no supporting documentation regarding how the Department rendered its decisions, and that there was an absence of accessible policies to assist business owners in understanding the Department's processes and business owners' rights and obligations.

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..." Iowa Code § 22.1(3)(a).

"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

Following a facial review of the complaint, IPIB staff find the allegations are outside IPIB's statutory jurisdiction for review. IPIB can only review responses to requests for public records pursuant to Iowa Code Chapter 22. IPIB cannot review the processes and procedures used by other state agencies to interpret and apply their own jurisdictional statutes.

Conclusion

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

IT IS SO ORDERED: Formal complaint 25FC:0045 is dismissed as outside IPIB's jurisdiction 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 May 15, 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 May 8, 2025, to:

Mark Hoag

The Iowa Public Information Board

In re the Matter of:	Case Number: 25FC:0048
Kaikobad Irani, Complainant	Dismissal Order
And Concerning:	
University of Iowa, Respondent	

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

On April 15, 2025, Kaikobad Irani filed formal complaint 25FC:0048, alleging that the University of Iowa (University) violated Iowa Code Chapter 22.

Facts

The complainant, Kaikobad Irani, is a former employee of the University of Iowa.

This complaint arises from the release of an investigative summary document prepared by two University personnel, detailing the findings of an investigation into potential policy violations involving Irani. According to Irani, this document was clearly labeled as confidential, and should have been protected from disclosure under Iowa Code § 22.7(11), the personnel records exception. Despite this, Irani alleged that the document was anonymously disclosed to Retraction Watch, an online blog which reports on retractions of scientific papers and related topics, which then published information from the document.

The Retraction Watch article on the subject was published on September 19, 2024. Irani first contacted the Iowa Public Information Board six days later, on September 25, 2024, but he was informed that the matter was outside of IPIB's jurisdiction. He has contacted IPIB periodically since then, though no formal complaint was filed.

On April 13, 2025, Irani again contacted IPIB. After a brief correspondence on the same issue, on April 15, 2025, he requested that IPIB investigate the matter as a formal complaint.

Irani alleges that the disclosure of the investigative summary violated Chapter 22, due to the confidential nature of the information contained in the record, and asserts that the act infringed on

his privacy, caused severe emotional distress and irreparable reputational harm, and resulted in economic losses. Irani argues that the University, as lawful custodian of his personnel file, is ultimately responsible for the failure to maintain confidentiality of the record, though he has also requested an investigation to determine which of nine individuals employed by the University with access to the record in question was responsible for the unauthorized disclosure.

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.” Iowa Code § 22.7.

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

Analysis

I. The Sixty-Day Window for Complaints

Iowa Code § 23.7(1) provides that complaints must be filed “within sixty days from the time the alleged violation occurred or the complainant could have become aware of the violation with reasonable diligence.” It is unclear precisely when the record in question was disclosed to Retraction Watch, but the resultant article was published on September 19, 2024, and the complainant was unquestionably aware of it by the time he initially reached out to IPIB on September 25, 2024. Even assuming that the latter date was the earliest time the complainant could have reasonably become aware of the leak, 208 days elapsed between September 25, 2024 and April 15, 2024, when complaint 25FC:0048 was filed.

This requirement, which is set by the legislature as a restriction on IPIB’s authority as an agency, likely bars IPIB from considering the complaint, regardless of its merits. Assuming without formally deciding whether the complainant’s original message from September 2024 could arguably be interpreted as requesting a formal investigation, this analysis also considers the substance of the complaint on facial review.

II. Authorized Release of Confidential Records

In a facial review, IPIB considers all factual allegations provided by the complainant to be true and accurate for the purposes of deciding whether to accept or dismiss a complaint. Here, IPIB

provisionally assumes that the investigative summary was labeled as confidential and contained the type of information protected by Iowa Code § 22.7(11), which protects “[p]ersonal 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, which lists over seventy different categories of confidentiality, begins with the phrase: “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.” This language expressly provides discretion for a lawful custodian or other authorized person to nevertheless order the release of a public record, even if it is covered by one or more of these categories. In other words, there is no requirement in Chapter 22 that a government body assert confidentiality over its own records simply because it could, except where state or federal law imposes separate requirements.

Taken in isolation, this language (“shall be kept confidential”) could be interpreted to prohibit disclosure of a confidential record where release is *not* ordered by a court, the lawful custodian, or another authorized individual. When read in conjunction with the remainder of Chapter 22, however, it is apparent that this was not the legislative intent. On the contrary, Chapter 22 deals exclusively with the public’s right to examine and copy public records, including considerations such as how records requests may be filed, whether fees may be charged, and which records may be entitled to confidentiality as an exception to the default rule of transparency. The chapter’s civil enforcement provisions of contemplate action against government respondents who “refuse[] to make [public] records available for examination and copying by [a requester],” but there is no mention of similar action against unauthorized disclosures. Iowa Code § 22.10(2).

There is likewise no support for the complainant’s interpretation in existing case law. The only court decision to ever raise the issue declined to consider it. *See Iowa Film Prod. Servs. v. Iowa Dep’t of Econ. Dev.*, 818 N.W.2d 207, 219 (Iowa 2012) (“[w]e do not reach the State’s argument regarding how the first sentence of section 22.7 should be interpreted”). IPIB similarly has not considered the issue of unauthorized disclosure, though it has previously found that release of a confidential personnel records by a lawful custodian does not violate Chapter 22. 24FC:0119, *Tony Reed/Central Iowa Juvenile Detention Center Commission* (finding no potential violation of Chapter 22 where a government body, in its discretion, released a personnel report with damaging information about the complainant to the general public, against the complainant’s wishes).

On balance, neither the statute itself nor precedent interpreting the statute provide support for a finding that unauthorized disclosure of a confidential record constitutes a potential violation of Chapter 22. Because IPIB’s jurisdiction to hear complaints is limited by Iowa Code § 23.6(4) to alleged violations of Chapters 21 or 22, IPIB is unable to proceed with this complaint on its merits.

Conclusion

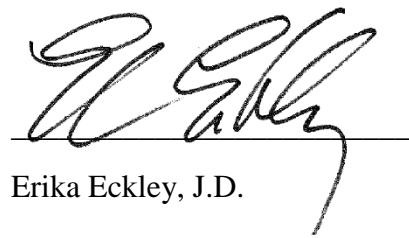
Iowa Code § 23.8 requires that a complaint be within the IPIB's jurisdiction, appear legally sufficient, and have merit before the IPIB accepts a complaint. Following a review of the allegations on their face, it is found that this complaint does not meet those requirements.

Because the unauthorized disclosure of a confidential record is outside of IPIB's jurisdiction over Chapter 21 or Chapter 22, the complaint must be dismissed.

IT IS SO ORDERED: Formal complaint 25FC:0048 is dismissed as outside IPIB's jurisdiction 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 May 15, 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.

Erika Eckley, J.D.

CERTIFICATE OF MAILING

This document was sent on May 8, 2025, to:

Kaikobad Irani, Complainant

IPIB Case Number	Contact Name	Name of Entity Involved	Complaint Type	Description	Board Meeting Consent
25FC:0035	Roger Krohn	Monona County Board of Supervisors	Chapter 21	The supervisors ran a notice in local newspapers regarding the appointment of an upcoming vacancy in the Recorder's Office. Interviews were to be held on March 28, 2025 with appointment to be made on April 1, 2025. The appointment was made on March 28, 2025 immediately AFTER candidate interviews.	Accept
25FC:0037	Joe Monahan	Iowa City Library	Chapter 22	Thank you for clarifying Mr Goers. And MS Erika I would like this to be considered a formal IPIB complaint against the City of Iowa City and the Iowa City Public Library. The email exchange below should be clear. If there is anything that needs clarifying I'll be happy to do that. Mr Goers: I'm having a hard time understanding exactly what constitutes ILA business distinct from the librarians public business. For example, the email you sent has MS Shofer saying to Sam, the then president of the ILA: "Thanks for your work and leadership for libraries, library workers and our communities." Notice she does not thank Sam for the work she does for the ILA, but assumes Sam's efforts are on behalf of the State's public libraries, public library workers and the public in general. This would be similar, I think, to the precedent set by Gannon V. The IA State University Regents regarding the IAState Foundation. Even more so in fact since the ILA members are all public librarians, the ILA is nearly completely funded by public dollars, the ILA was created by and for public librarians and libraries, Iowa City does not allow city employees to engage in private pursuits on the clock or with city resources, etc. Further, if the ILA is engaged in business that is other than the public business, we need to know what it is. The documents you provided indicate that you believe discussions about legislation affecting libraries, and visits from ALA leadership are public business. So what isn't? It is reasonable to ask, how exactly did you define ILA business as opposed to public business? Is it reasonable to have you - who are actively defending the librarians in this process - drawing that distinction? It doesn't mean anything for you to say that emails were designated as ILA business "if they were discussing ILA business", when we haven't defined what ILA business is. I am not an attorney, but if it is reasonable to do so, I would like to ask the IPIB to attempt to define the distinction between ILA business and their member's public business, and to do it in a way that would likely hold up in court. What does the ILA do that is not the public's business? Give specific examples drawn from the emails. I would then ask that a neutral third party examine the emails responsive to my request to determine which fit into what category. Finally, I would like to assert that this is an important issue. It needs to be resolved. My conversations with legislators this session indicated clearly to me the frustration they feel about the lack of accountability of nonprofits that operate on public dollars. What we have with these cases are perfect examples of organizations that benefit from the public tax dollar, but refuse to be accountable to the public tax payer. The resolution will most likely be in the courts or the legislature, but this is the necessary first step. Thank you for your patience and understanding. Joe Monahan 515-451-3881 (See email)	Accept

25FC:0038	Joe Monahan	UNI	Chapter 22	<p>Mr. Morris, this is a formal complaint against the University of Northern Iowa and its Director of Public Relations Pete Moris. First I want to point out an important error made by you in my case against Iowa City and their public library. In your dismissal of my complaint, you reference my case against Ames and state that the Iowa City case is essentially the same, so can be dismissed for the same reasons. Quoting from your dismissal order: "In a public records request to the Library, Joe Monahan, sought records of emails exchanged between the Iowa Library Association (ILA) or the American Library Association (ALA) and between employees of the Library and the Ames Public Library who are on the Board of the ILA and/or the ALA using either their public or private email addresses." But this is a critical error. In fact I have never sought records between the ILA and any public librarian. So the basic underlying facts of the case have been misrepresented in your dismissal. I will ask that the Board reconsider their dismissal in a separate email, but for now please keep this in mind when you consider this appeal. Here, I once again requested emails between a public employee and other public employees. Note please that I AM NOT REQUESTING EMAILS FROM OR TWO THE ILA. My request for emails to or from the UNI librarian Eric Jennings was denied by the UNI public Information Office. I was told that Pete Moris would be the final decision maker and that he should be named in this appeal to the IPIB. Eric Jennings was NOT president of the ILA during the period covered by my request as far as I know. Here is the email exchange between myself and UNI that are the basis of my appeal to the IPIB: ===== To Whom, This is a public information request for email communications between UNI Associate University Librarian, Eric Jennings, who uses the email address: eric.jennings@uni.edu and possibly others, and the City of Iowa City Public Library employee Sam(antha) Helmick. Ms Helmick uses the email addresses: sam-helmick@icpl.org or samhelmick.library@gmail.com, for the period from Jan. 1, 2023 till Oct. 1 2023, that contain any of the following words or terms. ?Public records? ?Private servers? ?Amanda Jones? Helmick ?Book ban? SF496 Plaintiffs Intel ACLU amicus ===== Thank you for your email to publicrecords@uni.edu. The university is not the custodian of any records responsive to your request. All emails identified during the timeframe you requested are records relating to business of the Iowa Library Association, which do not constitute public records within the custody of the University of Northern Iowa. Kind Regards. -- University of Northern Iowa publicrecords@uni.edu ===== Mr Morris, I submitted a public information request to UNI's Public Records Office. The request was for communications between a UNI librarian and an Iowa City Public Librarian. I was eventually told that no records responsive to my request exist. But there are almost certainly records that are responsive to my request. The librarian, through his role at the Iowa Library Association, has learned that all</p>	Accept
25FC:0040	Stephanie Erickson	Indianola City Council	Chapter 21	<p>I am submitting this formal complaint regarding potential violations of Iowa's Open Meetings Law (Iowa Code Chapter 21) during a regular meeting of the Indianola City Council held on Monday, April 7, 2025. During this meeting, the City Council was tasked with selecting a new at-large council member to fill a vacancy. However, I observed several actions that appear to conflict with Iowa's transparency and open governance laws: Secret Ballot Voting: Rather than conducting a public roll call vote as required by Iowa Code §21.3, the Council voted by secret ballot to select among the candidates. This action was not recorded in a manner that disclosed how each council member voted, thus violating the requirement for openness in decision-making. Private Discussions During a Public Meeting: During the meeting, council members left the council table in small groups and went into the hallway to engage in private conversations?presumably to persuade another council member to change their vote. Video and microphones were turned off during this time. These discussions occurred without adjourning the meeting and outside of the public's view, potentially violating Iowa Code §21.4 and §21.2(2), which require deliberations of governmental bodies to occur in open session. Failure to Fill the Vacancy and Scheduling a Future Secret Vote: The Council was divided 3?2 on which candidate should be appointed to the vacant seat. City Attorney Doug Fulton of Brick Gentry advised that a minimum of four votes was required to make an appointment. As a result, the Council adjourned the meeting without selecting a candidate and invited the top two applicants to return for another meeting on Monday, April 14, 2025. During that meeting, they intend to repeat the interview and selection process?once again using secret ballots. Given the Council's clear plan to proceed with this same method, the situation is urgent and demands immediate attention. These actions raise serious concerns about compliance with Iowa's Open Meetings Law, particularly the use of secret ballots and the apparent efforts to conduct deliberations outside public view. I respectfully request that the Iowa Public Information Board investigate this matter and take any appropriate enforcement actions.</p>	Accept

25FC:0039-2	Kevin Howard	Department of Administrative Services (DAS)	Chapter 22	<p>County Attorney's office. 2)The Johnson county clerk of court 3) The Iowa department of administrative services (DAS) 4) The Iowa department of revenue. Complaint Over the last 30 days I have requested Bond numbers, bonding agency and coverage amount for the following individuals: 1)Johnson County Attorney Rachel Zimmermann, 2) Johnson county clerk of court, 3) senior Judge Deborah Farmer Minot And 4) Director of Iowa Department of Revenue, Mary Mosiman. It's been over thirty days and all I have received is delays, the runaround, misdirection, kick the can and actual lies from public officials representing these agencies. Starting with assistant, Johnson county attorney David Vancompernelle, then the Johnson county clerk of court, then Tami Wincek of DAS, then Chris Sikich who without comment sent there crime damage blanket policy instead of what i request they are totally ignoring Iowa code and playing delay games. Please see the attached . I have yet to receive requested information as they are trying their best to run the 60 day clock so I do not receive requested information and cannot file this complaint. Mr. Vancompernelle has went so far as to claim they dont have bonds and the first names he gave me was in error but when i checked with that company they informed me that both jcao and clerk of court were insured by them and and filed claims on my issues without updating me. see below Jennifer Brown Mar 25, 2025, 2:34?PM (12 days ago) to me Hi Kevin, After speaking with the County, it looks like they have already filed a claim regarding allegations against the Attorney's Office and the County Clerk of Courts, so that is in the works. Judge Farmer Minot and the IA Department of Revenue, however, are employed/administered by the State of Iowa, and not insured through our agency, I?m afraid. Thank you, Wiencek, Tami Mon, Mar 24, 8:55?AM (13 days ago) to Christopher, me Mr. Howard, I no longer handle records. I forwarded your request to Chris Sikich in our department. He is copied on this request. Please communicate with him directly. Tami Wiencek Legislative Liaison, Administrative Rules Coordinator, Public Information Officer Office of the General Counsel Iowa Department of Administrative Services 1305 E. Walnut Des Moines, IA 50319 515-725-2017 Sikich, Christopher Attachments Mon, Mar 24, 2:08?PM (13 days ago) to me Mr. Howard, Responsive to your request, please see the attached file. Thank you. On Mon, Mar 24, 2025 at 2:03?PM Kevin Howard <360.titansol@gmail.com> wrote: Mr.Sikich I'm writing in regard to a previous surety bond request that was passed on to you from Ms. Tami Wiencek, of which was passed on from Johnson county clerk of court.hopefully the requested information should be in route. This is why I am contacting you to check the status of my legal request.respectfully speaking it should not take almost a month now to secure this information hopefully this will be my last contact regarding this matter. the bond numbers and bonding agencies should suffice. Thank you in</p>	Accept
-------------	--------------	--	------------	--	--------

25FC:0042	Jeffrey Halter	Iowa Central Community College Board of Directors and Cabinet	Chapter 21	A Special Meeting was held on 03/18/2025 and the only notice and agenda posted for the meeting was on the Iowa Central Website. Another meeting was held 04/08/25 and only notification was on the website. I emailed the Board Secretary Ally Walter to inquire about this on 04/10/2025 and asked "do you know where the Board Agendas are physically posted on our campus? I was unable to find them posted physically on our campus. I looked in both Greehey and The Triton Cafe (where meetings are typically held). Specifically, I was looking for the most recent notices for the latest meeting and the special meeting that previously just occurred." The response I received from the Board Secretary on 04/15/2025 was "Jeff, the documents for the meeting are on the website at https://www.iowacentral.edu/board_agendas/ . This is the only location that we are required to post information about meetings." Agenda for 03/18 meeting lacked detail (name, position, date) regarding taking action on a resignation.	Accept
25FC:0044	Lily Leyva	West Bend Mallard Community School District and School Board	Chapter 22	I have requested a copy of the school board policy book. I have not been given appropriate access or a complete copy of the school board policy book. I was told I could not have access to the whole policy book but only some of the policies. I have been asking via email since April 17, 2025. I have agreed to pay the school's copy fee via email. I can submit copies of said emails upon request.	Accept
25FC:0046-1	Linda Reardon	Gladbrook-Reinbeck School Board	Open Meetings Law	Lack of Notice of Special Meeting. Due to a Board resignation, the GR Board needed to appoint a Board Member. The District posted a Facebook notice on April 16th stating in part, "The board of directors is currently considering appointments and an appointment will be made at an upcoming board meeting. " No notification was provided regarding a specific date of an "upcoming meeting". On April 23, a review of the April 24th regular meeting agenda shows a "Special Meeting" has been scheduled to appoint a board member. No notice has been given to the public that a Special Meeting is being held, nor was the date/time of such a meeting published to notify the public. This Special meeting is not documented in any Board minutes, nor a motion on record setting a Special meeting. I am requesting the practices of the GR Board be reviewed and proper notifications of meetings be provided to citizens	Accept

IOWA PUBLIC INFORMATION BOARD

PETITION BY:)	
SCOTT COUNTY, IOWA & SCOTT)	
COUNTY ATTORNEY'S OFFICE)	PETITION FOR DECLARATORY
FOR A DECLARATORY ORDER ON)	ORDER
IOWA CODE SECTION 22.7(5) AND)	
CURRENT IOWA CASELAW)	
)	
)	
)	
)	
)	

COMES NOW, Petitioner, Scott County, Iowa and the Scott County Attorney's Office, by their attorney, Kristina K. Lyon, Assistant Scott County Attorney, and in support of its Petition for Declaratory Order on Iowa Code Section 22.7(5) and surrounding relevant Iowa case law, states as follows:

1. On May 28, 2023, the Davenport Police Department and the Davenport Fire Department were dispatched to the scene of a partial building collapse at 324 N. Main Street, Davenport, Iowa.
2. The West wall of the building collapsed. During the recovery efforts to determine whether any tenants inside the building were buried amongst the rubble, three deceased bodies were recovered.
3. Those individuals were identified as Branden Colvin, Ryan Hitchcock and Daniel Prien.
4. Quanishia White Berry was found alive and buried in the rubble. Due to her leg being trapped between a large concrete block and steel girder, medical personnel performed an emergency amputation on her leg.
5. The decision was made that the entire building was to be demolished.
6. The Iowa Division of Criminal Investigation (DCI) was assigned to perform an investigation into the collapse.

7. The DCI report was delivered to the Scott County Attorney's Office, to Scott County Attorney Kelly Cunningham, on April 26, 2024.
8. It had not been announced at the time the requests were originally received, but as of today, Scott County Attorney Kelly Cunningham has advised that no criminal charges will be filed relating to the collapse at 324 N. Main.
9. There have been requests both from private citizens and media outlets that the Scott County Attorney's Office release the report.
10. The response from the Scott County Attorney's Office has been that the report will not be provided as it is exempt from disclosure under Iowa Code Section 22.7(5), the exemption relating to "Peace officers' investigative reports."
11. The following language has been provided to the requestors by the Scott County Attorney:

"As to your request seeking the disclosure of the DCI investigative report, Iowa Code Chapter 22 and more specifically Iowa Code Section 22.7 entitled "Confidential Records" applies to the request that you have made. Iowa Code Section 22.7 speaks directly to the confidentiality of investigative reports. Specifically, the applicable provisions of Iowa Code Section 22.7(5) state that "[t]he 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: Peace officers' investigative reports.....except where disclosure is otherwise authorized elsewhere in this code. However, the date, time, specific location, and immediate facts and circumstances surrounding a crime or incident shall not be kept confidential under this section, except in those unusual circumstances where disclosure would plainly and seriously jeopardize an investigation or pose a clear and present danger to the safety of an individual.

I would note that there is currently pending civil litigation regarding the collapse of the building. Additionally, from the time of the building collapse and moving forward, I was apprised of a number of threats that existed to the safety of the involved parties. Given the language of the statute and based on my review of the Iowa Supreme Court's decisions in Hawk Eye v. Jackson, 521 N.W.2d 750 (1994), Mitchell v. City of Cedar Rapids, 926 N.W.2d 222 (2019) and American Civil Liberties Union Foundation of Iowa v. Records Custodian, Atlantic Community School District, 818 N.W.2d 231 (2012), I have considered the balancing test utilized by the court relative to public records requests for the dissemination of confidential investigative reports, the need to protect the confidentiality of these records given the pending litigation, as well as concerns for the safety of the involved individuals. In light of such, the DCI investigative report will not be disseminated

at this time. Once the civil litigation has been resolved, feel free to reach out to my office relative to this request.”

12. There remains pending civil litigation relating to the building collapse.
13. The undersigned notes IPIB Opinion 19AO:0003 which states that according to the Iowa Supreme Court’s ruling in *Mitchell v City of Cedar Rapids*, 926 N.W.2d 222, 232 (Iowa 2019) certain information remains confidential even after an investigation closes.
14. Upon information and belief, the report has not yet been disclosed as part of the discovery process or obtained via subpoena relating to the ongoing civil litigation.
15. The concern of the Scott County Attorney is the safety of the public and individuals who in some way were involved with the City of Davenport and/or were perceived to have had something to do with the building collapse.
16. The public involvement and outrage surrounding the May 28, 2023 events has been immense.
17. Directly following the collapse, while law enforcement and other emergency services were still on scene assisting in recovery efforts, large crowds gathered in the surrounding area. Law enforcement intervention was required.
18. There have been several reports of individuals showing up to the private residences of city officials as well as that of Andrew Wold, the owner of the building at the time of the collapse.
19. The enclosed affidavit of Andrew Wold advises of several individuals showing up outside his home at all hours of the day and night, causing him to fear for the safety of his family. Persons would remain parked outside his home for extended periods of time and the family would need to be escorted out of the neighborhood.

20. At least one individual came onto the Wold property to take photographs to post online.
21. Protests continued in the neighborhood, impacting not only the Wold family, but also their neighbors as protesters would aggressively approach them demanding information using profane language.
22. Wold had to seek the assistance of the Scott County Sheriff's Office to assist in removing individuals.
23. Wold left the community for approximately a month due to the threats and protesting and ended up selling his home in December 2023. Wold received direct death threats as well as death threats through voicemails, text messages and e-mails, forcing Wold to change his phone number multiple times. It was learned that individuals were tracking the schedules of Wold's minor children and threatening to show up at their activities. Individuals showed up at the home of Wold's aunt.
24. Threats continue to this day, not only toward Wold, but to his co-workers and other individuals having any association with Wold.
25. Much like Wold, property manager, Sarah Tyler, as expressed in the attached affidavit, suffered much of the same treatment.
26. Tyler had to get law enforcement involved due to individuals appearing in her neighborhood. A camera was placed by the Bettendorf Police Department to monitor the activity outside her home.
27. Tyler received death threats via text messages, e-mail and social media. The threats included wishing Tyler and her children were dead. Tyler had to change her phone number and had to pull her minor children from school. Tyler and her children did not stay at their home for a period of time.

28. With the public's knowledge of the County Attorney receiving the DCI report, a new wave of outrage has sparked, initiating further threats and stalking of Tyler. Her business was broken into in January of 2025, individuals showed up at her residence and threats toward her and her children began coming in over social media. Tyler finds it difficult to work out of her business as persons attempt to force entry and yell at her through the glass windows.
29. In addition to Wold and Tyler, several City of Davenport employees and officials have received threats and/or experienced individuals showing up at their homes. Some of these individuals could not work out of City Hall due to the protesting occurring outside.
30. The Scott County Attorney's Office plans to supplement with further affidavit(s) but it aware the public is anxious to obtain an answer as to whether the report must be provided or shall remain confidential at this time.
31. It is the opinion of the Scott County Attorney that release of the report could result in further harassment and potentially violent activity toward city officials and any individuals deemed "involved" in the collapse.
32. The Scott County Attorney's Office believes it has fulfilled the date, time and circumstances requirements of Iowa Code Section 22.7(5).
33. Relating to the DCI Investigative Report currently in the possession of the Scott County Attorney's Office, does Iowa Code Section 22.7(5) relating to investigative reports apply as an exemption from releasing records requested through the Open Records process? Under the balancing test set out by *Mitchell and Hawk Eye v. Jackson*, 521 N.W.2d 750, 753 (Iowa 1994), and other Iowa case law, do the concerns relating to ongoing threats and safety concerns for those involved; the "public harm," outweigh the "public good" of disclosure?

34. Scott County desires a decision that the potential harm of releasing the report outweighs the public benefit. Releasing the report will not change the decision of the County Attorney regarding criminal charges but it could impact the safety of individuals and potentially the ongoing civil litigation.
35. If release is required, what portions of the report are required to be released and what portions can be redacted? If required to release the report, Scott County would like to be able to redact personally identifiable information and names to avoid harassment and threats toward those named in the report. As the discovery process is available to the victims and all necessary information can be obtained through that avenue, the County does not believe the public would need this specific information if the report is released. The harm to the individuals would outweigh the public interest as to that information. The findings of the report would not be impacted by providing anonymity to those involved.
36. Is an in camera review of the DCI Report, by IPIB, necessary or desired? If IPIB believes a review of the report would assist in this matter, the Scott County Attorney's Office would request there be a protective order and the review be done "in camera."
37. There are currently no other proceedings in which Scott County is involved relating to this issue.
38. Two affidavits have been provided with this filing, for Andrew Wold and Sarah Tyler. Contact information can be provided separately if necessary. Due to the concerns stated in this Petition, Scott County does not want to make their personal contact information publicly available.

39. To the undersigned's knowledge, requests have been received from The Quad City Times' Barb Ickes, Attorney Michael Meloy, Ezra Sidran, Timmy Ferguson and Jonathan Uhl.

40. The Scott County Attorney's Office requests a meeting under Rule 497-3.7(17A).

WHEREFORE, the Scott County Attorney's Office hereby requests an Order on the preceding.

*Communications regarding this Petition may be made through the undersigned.

/s/ Kristina K. Lyon

By: Kristina K. Lyon AT0011438
Assistant Scott County Attorney
400 W. 4th Street
Davenport, IA 52801
Phone 563-326-8600
Fax 563-326-8763
Kristina.lyon@scottcountyiowa.gov

AFFIDAVIT

STATE OF IOWA)
)
COUNTY OF SCOTT)

I, Sarah Tyler, do attest to the following:

1. On May 28, 2023, I was employed with Village Property Management, LLC as a property manager.
2. Village Property Management was owned and operated by Andrew R. Wold.
3. Andrew was involved in a number of business enterprises involving the buying and selling of real estate in Scott County, Iowa.
4. In June of 2021, Mr. Wold purchased the property located at 324 Main Street in Davenport, Iowa.
5. This was a large physical structure located in the downtown area of Davenport.
6. This property was zoned through the City of Davenport for both commercial and residential occupancy.
7. There were three businesses located on the main level of the property.
8. There were approximately 79 residential apartments in the building located on Floors 1 through 6.
9. On May 28, 2023, the west portion of the building collapsed as repairs were being made to the brick facade of the building.
10. Three tenants were killed in the collapse and one tenant suffered a partial leg amputation.
11. As a result of the collapse, it generated national media attention with multiple news sources covering stories about the collapsed building.
12. Additionally, as fire personnel and law enforcement were attempting to determine whether there were individuals inside the structure at the time of the collapse, large groups of spectators were coming to the downtown area of Davenport and engaging in protests requiring intervention by law enforcement.
13. Through various news stories, my name was published as the property manager for the building. My personal home address was disclosed to the public.
14. Several individuals would show up outside my home at all hours of the day and night, which created a serious safety risk for me and my minor children.

15. These individuals would park outside my home for extended periods of time and be present as a threatening menace to myself and my family.
16. I had to seek the assistance of the Bettendorf Police Department who were very proactive in removing these individuals from my neighborhood.
17. Because of the persistence of this activity, the Bettendorf Police Department installed a camera in the neighborhood to monitor activity outside my home and respond to the area to remove individuals who were stalking me at my home.
18. I was receiving death threats through text messages, emails and various social media platforms.
19. The threats consisted of wishing my children and myself dead on multiple occasions.
20. I had to change my telephone number twice due to the persistence of these threats.
21. My children were still attending school when the collapse occurred.
22. Due to the threats they were receiving at school, I had to pull them out of school.
23. Given the nature of threats being made toward me and my family, I could no longer stay at my home.
24. I, with my children, began staying with various family members for short periods of time so that no one was able to determine my location.
25. These threats and harassing behaviors continued for several months.
26. In late January of 2025, a disgruntled employee broke into my business and forged a check as well as obtained multiple photographs of properties previously owned by Andrew Wold.
27. This employee is associated with a member of the community who has been very active in attacks upon me through social media.
28. Due to this individual's posts on social media, which coincided with this same individual's request for the release of the DCI investigative report from the Scott County Attorney's Office, this activity has sparked a second round of activity wherein individuals are actively stalking and threatening me.
29. Individuals started showing up outside residence once again.
30. I was receiving multiple threats over social media directed at me and my children.
31. I reported this activity to both the Davenport Police Department and the Bettendorf Police Department due to concerns for the safety of myself and my family once again.
32. This activity has also affected my ability to work out of my office located in the downtown area of Davenport.

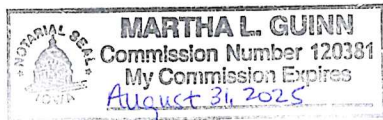
33. My office is located in a building that has a glass façade on the front of the building.
34. Individuals stop outside my office and yell things at me through the windows.
35. Individuals have tried to come into my office presenting a danger to me.
36. I've had to change the locks three times at my office to prevent the public from forcing entry.
37. Based on this activity, I believe that the release of the DCI investigative report will further spark violent activity in this community, which will be directed at individuals associated with the building at 324 Main Street.

STATE OF IOWA
COUNTY OF SCOTT SS:

Sarah Tyler
Sarah Tyler, Affiant

Subscribed and sworn to before me this 24TH day of FEBRUARY, 2025.

Martha L. Guinn
Notary Public in and for the State of Iowa



AFFIDAVIT

STATE OF IOWA

)

)

COUNTY OF SCOTT

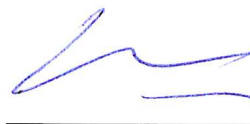
)

I, Andrew Wold, do attest to the following:

1. I am a business owner in Scott County, Iowa, and am involved in the buying and selling of real estate.
2. On or about June 21, 2021, I purchased a multi-story building in the downtown area of Davenport called "The Davenport."
3. The property is located at 324 Main Street.
4. This was a large physical structure.
5. This property was zoned through the City of Davenport for both commercial and residential occupancy.
6. There were three businesses located on the main level of the property.
7. There were approximately 79 residential apartments in the building located on Floors 1 through 6.
8. On May 28, 2023, the west portion of the building collapsed as repairs were being made to the brick facade of the building.
9. Three tenants were killed in the collapse and one tenant suffered a partial leg amputation.
10. As a result of the collapse, it generated national media attention with multiple news sources covering stories about the collapsed building.
11. This story was covered extensively by local newspapers, news channels and through social media.
12. Right after the collapse of the building, as fire personnel and law enforcement were attempting to determine whether there were individuals inside the structure, large groups of spectators were coming to the downtown area and engaging in protests requiring intervention by law enforcement.
13. Through various news stories, my name was published as owner of the building. My personal home address was disclosed to the public.
14. My home is located at the end of a dead-end street.
15. Several individuals would show up outside my home at all hours of the day and night, which created a serious safety risk for me, my wife and my minor children.

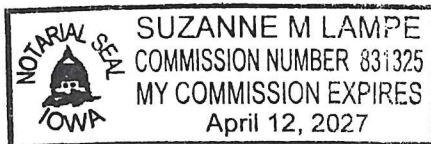
16. These individuals would park outside my home for extended periods of time and be present as a threatening menace to myself and my family.
17. Due to the menacing presence of these individuals, my family and I would be escorted out of the neighborhood by friends and family through a motorcade.
18. On one occasion, a person trespassed on the property where my home is located. This subject took several pictures of my home, which were posted on social media platforms.
19. Thereafter, a report was filed with the Bettendorf Police Department. It was my understanding that law enforcement was unable to locate this individual.
20. As for the frequency of this activity, individuals were protesting on a daily basis in my neighborhood.
21. When my neighbors would leave or return to their homes, protesters would aggressively approach them demanding to know where I was located. They would be very profane in the commentary directed toward my neighbors.
22. I had to seek the assistance of the Scott County Sheriff's Department who were very proactive in removing individuals from my neighborhood.
23. This activity resulted in my leaving the area to go stay with family members for approximately a month.
24. I was consistently getting death threats through direct conversations, voicemails left on my phone, text messages and emails.
25. I have had to change my phone number multiple times since the collapse of the building.
26. I sold the family residence in December in 2023.
27. Additionally, I learned that people were tracking my childrens' extracurricular school activity schedules and making threats to show up at their games and practices.
28. On one occasion, I received a threat that this individual knew my son would be playing football and the subject would be present for the game.
29. There were multiple occasions individuals were showing up at my aunt's house engaging in threatening behavior and demanding to know where I or individuals who worked for me were located.
30. On the one-year anniversary after the collapse of the building, I was located in the downtown area of Davenport inspecting apartments I owned.
31. An individual came up from behind me. I heard a click as if the individual had pulled the trigger on a gun that was not loaded.

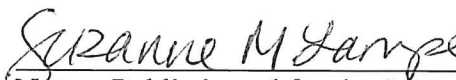
32. The subject approached me from behind. I did not turn around.
33. The subject told me I'm lucky to be alive and that they knew where to find me if they needed to.
34. Individuals have hung signs on buildings I own calling me a murderer and posting my picture on these signs.
35. My co-workers continue to receive ongoing threats to their personal safety and lives.
36. I do not get onto social media platforms. However, I have been advised by third parties that there are ongoing threats being made toward me.
37. Any person associated with me through my work has also been threatened and harassed. This is still going on currently.
38. Based on this activity, I believe that the release of the DCI investigative report will further spark violent activity in this community, which will be directed at myself and individuals associated with the building at 324 Main Street.
39. I would further note that there is a civil lawsuit that is currently pending, which was filed by the family members of the deceased parties and the individual who suffered a partial leg amputation.
40. I am a named respondent in that lawsuit along with various city officials and contractors who performed work on the building.
41. I believe the release of the DCI investigative report would compromise the neutrality of this process before the pending litigation is concluded.



Andrew Wold, Affiant

Subscribed and sworn to before me this 11th day of March, 2025.




Notary Public in and for the State of Iowa

IN THE IOWA PUBLIC INFORMATION BOARD

PETITION BY:

SCOTT COUNTY, IOWA & SCOTT
COUNTY ATTORNEY'S OFFICE

PETITION FOR
INTERVENTION

and

MOTION TO REFUSE TO
ISSUE ORDER

COMES NOW the Iowa Department of Public Safety (DPS), by and through the undersigned counsel and pursuant to Iowa Rule Administrative Code rule 497-3.3, and states as follows in support of its Petition for Intervention and Motion to Refuse to Issue Order:

1. On Tuesday, April 22, 2025, Catherine Lucas, General Counsel for DPS, saw a guest column in the Des Moines Register titled "Secrecy persists 2 years after Davenport Building Collapse: Opinion." That article indicated Scott County filed a petition for declaratory order with the Iowa Public Information Board (IPIB) regarding whether a DPS document is a confidential record under Iowa Code chapter 22.7(5). This was the first DPS became aware of the petition.

2. After reaching out to IPIB, DPS received a copy of the petition from IPIB the afternoon of April 22. This Petition for Intervention is being filed timely once DPS became aware of the matter.

3. Iowa Rule of Administrative Procedure 497-3.2(2) provides "Any person who files a Petition for Intervention at any time prior to the issuance of an order may be allowed to intervene in a proceeding for a declaratory order at the discretion of the board."

4. DPS conferred with counsel for the petitioners who do not object to this Petition for Intervention.

5. DPS should be allowed to intervene in the above-captioned petition because it, rather than the petitioners, is the lawful custodian of the record(s) at issue. The report at issue is a State of Iowa Department of Public Safety investigative report, completed by the Division of Criminal Investigation, DCI Case Number 2023014262. DPS is the lawful custodian of the report.

6. As noted on the cover sheet of the investigative report completed by DCI and provided to Scott County “This investigative report is the property of the Division of Criminal Investigation and is made available to your agency for official purposes only by Iowa Law. This is not a public record and is not to be disseminated outside your agency.” See Exhibit A.

7. Iowa Administrative Code 661—Chapter 80 contains the rules controlling confidentiality of DPS records. The rule specifically states, “*This rule describes the types of departmental information or records that are confidential, in addition to those listed in Iowa Code chapter 22.*” Included in the rule are investigative reports. IACR 661—80.13(1). In addition to being the custodian of the records, DPS should make determinations regarding public and confidential information in compliance with the provisions in its administrative rules. DPS has the information necessary to make such determinations having conducted the investigation.

8. IPIB Advisory Opinion 21AO:0001 provides guidance. The Clinton County Attorney requested an advisory opinion regarding whether his office was the lawful custodian of DeWitt Police Department investigative materials. Posed specifically:

Given the broad authority the State of Iowa has given County Attorney’s Offices to obtain/review records and the special role a county attorney is granted to have access to law enforcement records in order to review cases for criminal charges, does a county attorney’s office qualify as the lawful custodian of government records if they have access to another office’s records database?

IPIB reasoned the limited access the Clinton County Attorney’s Office had to the DeWitt Police records was not for purposes of fulfilling public records request. The Clinton County Attorney’s

Office is given access to the records to review cases as related to its statutory duties. Using access to the records to fulfill records requests would go beyond the scope of the county attorney office's authorized use, and obtaining the records in an unauthorized fashion would not make the office a lawful custodian.

9. The Scott County Attorney's Office received a copy of the report for DCI Case Number 2023014262 for the sole purpose of determining whether any criminal charges were warranted. Consistent with 21AO:00001, requests for DCI records are not the responsibility of Scott County or the Scott County Attorney's Office. Allowing each of the 99 county attorneys to determine whether DPS records are confidential would lead to absurd results, particularly when DPS also fields thousands of public records requests every year. DPS has an easily accessible manner to request public records and has dedicated staff to respond to those records requests.

10. Regarding DCI case number 2023014262, DPS previously responded to multiple requests for the report, and provided the attached Exhibit A as the required immediate facts and circumstances. DPS is not currently a party to any proceeding involving the question at issue in this petition for declaratory order, but fields open records requests regarding its investigative reports on a daily basis.

11. It is anticipated that DPS will continue to receive records requests for this investigative report. DPS has employed the proper balancing test and provided Exhibit A to the requestors, who have in turn shared it amongst the Eastern Iowa media market. DPS respects and agrees with Scott County's analysis, and DPS does not believe guidance from IPIB is needed. Should additional concerns come before DPS, DPS will engage in the remedial processes already available to requestors under Iowa law.

12. DPS may not be able to ascertain any specific individuals that may qualify under Rule 497-3.3(3) numbered paragraph five: “The names and addresses of any additional persons, or a description of any additional class of persons, known by the intervenor to be affected by, or interested in, the questions presented.” Arguably, this issue could impact the 99 elected county attorneys and the Attorney General’s office who may come into possession of DPS records for review.

13. DPS requests IPIB refuse to issue an order pursuant to Iowa Administrative Code rule 497-3.9(1)(b), (g), (i). Alternatively, DPS consents to a limited determination by IPIB that Scott County is not the records custodian of the records sought.

14. Pursuant to Iowa Administrative Code rule 497-3.4, if the Board does not dismiss the Petition for Declaratory Order, DPS respectfully requests the Board grant the Motion to Intervene and give DPS the opportunity to brief the issues prior to any decision on the Petition.

WHEREFORE, the Iowa Department of Public Safety respectfully requests the Board allow it to intervene in the above-captioned Petition for Declaratory Order and refuse to issue order.

Respectfully submitted,
BRENNA BIRD
Attorney General of Iowa

/s/ Erin Hardisty
ERIN HARDISTY AT0012545
Assistant Attorney General
Agency Counsel Division
1305 E. Walnut St., Second Fl.
Des Moines, IA 50319
Ph: (515) 281-7175
Fax: (515) 281-4209
Email: erin.hardisty@ag.iowa.gov

/s/ Lindsey L. Browning
LINDSEY L. BROWNING AT0011959
Assistant Attorney General
Agency Counsel Division
1305 E. Walnut St., Second Fl.
Des Moines, IA 50319
Ph: (515) 281-3441
Fax: (515) 281-4209
Email: lindsey.browning@ag.iowa.gov
ATTORNEYS FOR STATE OF IOWA

Emailed to ipib@iowa.gov
April 28, 2025.

STATE OF IOWA
Department of Public Safety
INVESTIGATIVE REPORT



**DIVISION OF
CRIMINAL
INVESTIGATION**

CASE NUMBER: 2023014262
Version I

THIS INVESTIGATIVE REPORT IS THE PROPERTY OF THE DIVISION OF CRIMINAL INVESTIGATION AND IS
MADE AVAILABLE TO YOUR AGENCY FOR OFFICIAL PURPOSES ONLY BY IOWA LAW. THIS IS NOT A
PUBLIC RECORD AND IS NOT TO BE DISSEMINATED OUTSIDE OF YOUR AGENCY.

LIMITATIONS ON DISCOVERY OF POLICE REPORTS

POLICE REPORTS

1. A defendant does not enjoy routine pretrial access to police investigative reports. *State v. Groscost*, 355 N.W.3d 32, 35 (Iowa 1984).
2. "...Such material (police investigation reports) is made available before trial, if at all, only upon proper motion and the exercise of the court's sound discretion." *State v. Groscost*, 355 N.W.2d 32, 35 (Iowa 1984).
3. It "is not mandatory for the court to order state disclosure of the names of all persons with knowledge of the incident." *State v. Thompkins*, 318 N.W.2d 194 (Iowa 1982).
4. There is no constitutional requirement that the prosecution make a complete and detailed accounting to the defense of all police investigatory work on the case. *United States v. Agurs*, 427 U.S. 97, 109 (1976).
5. The mere possibility that an item of undisclosed information might have helped the defense, or might have affected the outcome of the trial, does not establish "materiality" in the constitutional sense. *United States v. Agurs*, 427 U.S. 97, 109 (1976).
6. "...It is clear from both Iowa and federal decisions not all information in the prosecution's file must be turned over as a matter of constitutional due process." *State v. Hall*, 249 N.W.2d 843, 846 (Iowa 1977).
7. "...Defendant's entitlement to exculpatory evidence is 'a separate issue from whether defendant was entitled to have the court look through the State's files to determine if exculpatory material existed.'" *Groscost*, 355 N.W.2d 32, 37 (Iowa 1984). The Supreme Court has held "...a defendant is not entitled to all information in the prosecutor's files and that dragnet requests for information are properly refused." *State v. Groscost*, page 37.
8. In the absence of a factual showing to the contrary, a defendant is not entitled to an in-camera inspection of the State's investigatory files during trial to assure compliance with a pretrial motion for exculpatory evidence. *State v. Kase*, 344 N.W.2d 223, 227 (Iowa 1984).

STATEMENTS

1. "Statements of prosecution's witnesses, where material to the preparation of the defense, are to be the subject of discretionary discovery in advance of trial..." *State v. Kase*, 339 N.W.2d 157, 159 (Iowa 1983).
2. "This right to (pretrial) production of witnesses' statements is not absolute...The decision as to production must rest in each case with the good sense and sound discretion of the district court with an eye toward obtaining an expeditious and fair criminal trial." *State v. Kase*, 339 N.W.2d 157, 160 (Iowa 1983).
3. "The distinction between a statement made by a witness and one that is an imprecise summary of what another understood the witness to say has been made on the federal level as well as in Iowa." *State v. Groscost*, 355 N.W.2d 32, 36 (Iowa 1984).

MISCELLANEOUS

1. An informant's identity is not discoverable unless he "personally observed" or "participated in" the incident which is the basis of the charge for which the defendant is on trial. *State v. Luder*, 346 N.W.2d 802 (Iowa 1984).
2. Ordinarily there is no constitutional right to discover alleged exculpatory evidence before trial. *State v. Cuevas*, 282 N.W.2d 74 (Iowa 1979).
3. Iowa Rule of Criminal Procedure 13 (6) (a) allows for protective orders restricting, deferring, or otherwise controlling discovery procedures.
4. The burden is on the defendant to show that the prosecution withheld exculpatory evidence. *State v. Mark*, 286 N.W.2d 396 (Iowa 1979).
5. The Supreme Court will not presume that the withheld material was exculpatory. *State v. Mark*, 286 N.W.2d 396 (Iowa 1979).
6. There is no violation of the duty to disclose where both the prosecution and the defense have equal access or lack of access to the information. *Hamann v. State*, 324 N.W.2d 906 (Iowa 1982).
7. Once the prosecution has offered to let the defendant inspect evidence, the State "has no obligation to evaluate that evidence for defendant." *State v. Taylor*, 287 N.W.2d 576 (Iowa 1980).
8. "A defendant's request for exculpatory evidence must be for information which the State possesses." *Hamann v. State*, 324 N.W.2d 906 (Iowa 1982).
9. Prosecutor's notes which do not contain exculpatory evidence are not discoverable if they are not signed, adopted, or approved by a witness. *State v. Jacoby*, 260 N.W.2d 828 (Iowa 1977).

CIVIL CASES

"A public officer cannot be examined as to communications made to him in official confidence, when the public interest would suffer by the disclosure." Iowa Code 611.11.

The privilege (under 622.11) "targets and protects the communication itself, including any written report of the communication, and not just oral examination of the public officer. Therefore, when the State can satisfy the other prerequisites for shielding from disclosure confidential communications to a public officer, the privilege may be invoked at any stage of the proceedings where confidential communications would otherwise be disclosed, not just when a witness is testifying." *State ex rel. Shanahan v. Iowa District Court*, 356 N.W.2d 523, 528 (Iowa 1984).

To invoke the statutory privilege to maintain confidentiality of communications made to its public officers "the State need not conclusively prove that disclosure to the litigants of some specific part of the file might jeopardize its overall investigation." *State ex rel. Shanahan v. District Court*, 356 N.W.2d 523, 529 (Iowa 1984).

"Because the litigants have not shown that the information in the DCI file is critical to a thorough presentation of the factual circumstances in their civil lawsuit and because they have not made a sufficient showing that they cannot gain access to essentially the same information from other sources, we conclude that this case presents an exception to the principle that litigants may ordinarily obtain every person's evidence." *State ex rel. Shanahan v. District Court*, 356 N.W.2d 523, 530 (Iowa 1984).

IOWA DIVISION OF CRIMINAL INVESTIGATION

INVESTIGATIVE REPORT

CASE: 2023014262
TYPE: BUILDING COLLAPSE-THREE FATALITIES
LOCATION: 324 MAIN STREET, DAVENPORT, IOWA

VICTIM(S):

NAME: BRANDEN R. COLVIN SR.
ADDRESS: 324 MAIN ST, #511
DAVENPORT, IA 52801

SEX: MALE
RACE: BLACK

DOB: [REDACTED]
SS#: [REDACTED]

HGT:

WGT:

EYES:

PHONE: (RES)
(BUS)
(CELL)

EMPLOYMENT:

OCCUPATION:

DCI:

FBI:

☒ See Next Page for Add'l Victims

SUBJECT(S):

NAME:

ADDRESS:

SEX:

RACE:

DOB:

SS#:

HGT:

WGT:

EYES:

PHONE: (RES)
(BUS)
(CELL)

EMPLOYMENT:

OCCUPATION:

DCI:

FBI:

☐ See Next Page for Add'l Subjects

DATE OF INCIDENT: SUNDAY, MAY 28, 2023
CASE AGENT: SPECIAL AGENT RYAN KEDLEY
REQUESTING AGENCY: DAVENPORT FIRE AND POLICE DEPARTMENTS
ASSISTING AGENTS: DCI SPECIAL AGENTS DEREK RIESSEN, JOSH GUHL, LOUIS BROWN, MATT GEORGE,
MATT BURNS
SPECIAL AGENT IN CHARGE RICHARD RAHN
SPECIAL AGENT JUSTIN WADE (STATE FIRE MARSHAL)
ASSISTING AGENCIES: STATE FIRE MARSHAL'S OFFICE
IOWA STATE PATROL

DISTRIBUTION:

M	HD	PU	O	
				1. FILE (ORIGINAL)
				2. SAC JOE LESTINA (REVIEWED 06/12/2024)
				3. S/A RYAN KEDLEY-1
				4. FIRE MARSHAL JIM MORRIS, DAVENPORT FIRE DEPARTMENT-1
				5. KELLY CUNNINGHAM, SCOTT COUNTY ATTORNEY-1
				5. CAPTAIN JANE IMMING, DAVENPORT POLICE DEPARTMENT-1

Transcribed By/Date: MB/302218 (302237, 302238, 302239) 05/01/2024

CASE: 2023014262

ADDITIONAL VICTIMS:

NAME: RYAN C. HITCHCOCK
ADDRESS: 324 MAIN ST, #208
DAVENPORT, IA 52801
SEX: MALE
RACE: WHITE
DOB: [REDACTED]
SSN:
HGT:
WGT:
EYES:
PHONE: (RES)
(BUS)
(CELL)
EMPLOYMENT:
OCCUPATION:
DCI:
FBI:

NAME: DANIEL ANTHONY PRIEN
ADDRESS: 324 MAIN ST, #309
DAVENPORT, IA 52801
SEX: MALE
RACE: WHITE
DOB: [REDACTED]
SSN:
HGT:
WGT:
EYES:
PHONE: (RES)
(BUS)
(CELL)
EMPLOYMENT:
OCCUPATION:
DCI:
FBI:

NAME: QUANISHIA WHITE-COTTON BERRY
ADDRESS: 324 MAIN ST, #411
DAVENPORT, IA 52801
SEX: FEMALE
RACE: BLACK
DOB: [REDACTED]
SSN:
HGT:
WGT:
EYES:
PHONE: (RES)
(BUS)
(CELL)
EMPLOYMENT:
OCCUPATION:
DCI:
FBI:

IOWA DIVISION OF CRIMINAL INVESTIGATION

CASE: 2023014262

SECTION 1: SYNOPSIS

On Sunday, May 28, 2023, at approximately 4:55 PM, the Scott County (Iowa) Emergency Communications Center received multiple phone calls in reference to a partial building collapse at 324 Main Street, Davenport, Iowa. The Davenport Fire Department led scene response and completed an initial search of the building. Several occupants were rescued by first responders throughout the remaining evening of May 28, including one female occupant who suffered a partial leg amputation, deemed necessary as part of the rescue.

The building, known locally and referred to hereafter as “The Davenport,” was a historic, six-story building located in downtown Davenport. It was individually listed on the National Register of Historic Places in 1983. Most recently, it was being utilized as an apartment building, containing eighty-four living units.

This building is owned by Davenport Hotel, LLC, which is an LLC of ANDREW WOLD (DOB: [REDACTED]). The property manager of this address and other properties owned by WOLD is SARAH TYLER. The property was purchased in June 2021 from Waukee Investments I, LLC for 4.1 million dollars. During the period in which WOLD served as the owner of The Davenport, multiple City of Davenport permits were acquired for construction and repairs to the building.

In the days following the partial collapse of The Davenport, WOLD was issued a citation for a City of Davenport municipal violation – Maintaining Unsafe Structure.

On the morning of Thursday, June 1, 2023, at the request of City of Davenport officials, Special Agents of the Iowa Division of Criminal Investigation (DCI) responded to Davenport and began leading the criminal investigation while assessing whether Iowa criminal law was violated with regard to the circumstances leading to the building collapse. Special Agent in Charge Richard Rahn (DCI – now retired) was initially referred the investigation and subsequently assigned me, Special Agent Ryan Kedley (DCI), as the investigation’s case agent.

In addition to myself, acting as the lead investigator, assisting in the criminal investigation was a DCI Major Crime Unit (MCU) Special Agent in Charge, three assisting DCI–MCU special agents, five assisting special agents from the DCI’s Special Enforcement Operations Bureau, seven Davenport Fire Department investigators, four detectives of the Davenport Police Department, and one special agent from the State Fire Marshal’s Office, as well as a sergeant within the Iowa State Patrol, who assisted in providing overnight drone coverage.

CASE: 2023014262
SECTION 1: SYNOPSIS

During the course of the investigation, it was confirmed three individuals died as a result of the building collapse: BRANDEN COLVIN (black male – 42 years of age); RYAN HITCHCOCK (white male – 51 years of age); and DANIEL PRIEN (white male – 60 years of age).

Autopsies of each of the three fatalities were completed at the Iowa Office of the State Medical Examiner, with all three having consistent causes of death: [REDACTED]. Manner of Death: [REDACTED].

The one living victim, who had suffered a partial leg amputation during her rescue from the partially collapsed building, was identified as QUANISHIA “PEACH” WHITE-COTTON BERRY (black female – 24 years of age).

Concurrent with ongoing rescue and recovery operations, the City of Davenport engaged White Birch Group, LLC (WBG) and SOCOTEC Engineering, Inc. (SEI) to investigate and provide opinions regarding the cause and origin of the collapse. A 113-page report (dated August 15, 2023) presents a summary of the engineering investigation to date based on available on-site observations and documentation, evaluation of electronic documents produced, and communications with city officials.

Based on the investigation performed to date, WBG and SEI reached the following conclusions:

Root causes of collapse: (1) *Inadequate capacity of wall system;*
(2) *Inadequate shoring.*

Proximate causes of collapse: (1) *Improper understanding of original building construction;* (2) *Inadequate construction documents;*
(3) *Neglect of composite wall;* (4) *Inadequate oversight of repairs;*
(5) *Inherent weakness of west wall;* (6) *Inadequate repair techniques;*
(7) *Inadequate frequency and type of maintenance.*

Throughout the course of the investigation to date, regular communications have been had with Scott County Attorney Kelly Cunningham in continually assessing how the findings of the investigation apply to Iowa criminal law.

**BEFORE THE IOWA PUBLIC INFORMATION BOARD
JESSIE M. PARKER BUILDING, EAST
510 EAST 12TH STREET
DES MOINES, IOWA 50319**

IN RE THE MATTER OF

PETITION FOR DECLARATORY
ORDER ON IOWA CODE SECTION
22.7(5) AND CURRENT IOWA
CASELAW BY SCOTT COUNTY,
IOWA & SCOTT COUNTY
ATTORNEY'S OFFICE

PETITION FOR INTERVENTION
AND MOTION TO REFUSE TO
ISSUE ORDER BY THE IOWA
DEPARTMENT OF PUBLIC
SAFETY

25DO:0001

**INITIAL RESPONSE TO PETITION FOR
DECLARATORY ORDER AND
PETITION FOR INTERVENTION AND
MOTION TO REFUSE TO ISSUE ORDER**

COMES NOW the Iowa Public Information Board and enters this Initial Response to Petition for Declaratory Order and Petition for Intervention and Motion to Refuse to Issue Order as follows:

1. The Iowa Public Information Board (IPIB) received a Petition for Declaratory Order from Scott County, Iowa and the Scott County Attorney's Office on April 4, 2025. The Petition for Declaratory Order seeks the IPIB's determination regarding whether a report issued by the Iowa Department of Criminal Investigation (Report) should be publicly released pursuant to Iowa Code section 22.7(5) and existing caselaw. (See Exhibit A, attached.)

2. On April 28, 2025, the IPIB received a Petition for Intervention and Motion to Refuse to Issue Order from the Iowa Department of Public Safety (DPS). (See Exhibit B, attached.)

3. The Petition for Intervention filed by DPS is granted pursuant to Iowa Code section 17A.9(4) and 497 Iowa Administrative Code rule 3.3.

4. The Petition for Declaratory Order and the Motion to Refuse to Issue Order will be addressed by the IPIB on May 15, 2025.

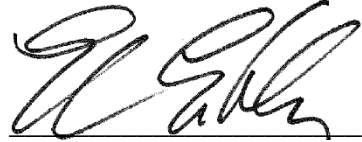
5. Additional orders related to the conduct of these proceedings will be issued by the IPIB following the May 15 meeting.

6. Any person or entity seeking to intervene in this matter must file a petition for intervention pursuant to 497 Iowa Administrative Code rule 3.3 within 15 days of this notice, demonstrating interest in these proceedings. See also Iowa Code section 17A.9(4).

7. The IPIB will address any additional petitions to intervene at the May 15 meeting.

IT IS SO ORDERED.

IOWA PUBLIC INFORMATION BOARD

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

Erika Eckley, Executive Director

This document was sent on April 30, 2025, to:

Kristina Lyons - Scott County Attorney's Office (kristina.lyon@scottcountyiowa.gov)
Catherine Lucas – Iowa Department of Public Safety (lucas@dps.state.ia.us)
Erin Hardisty – Iowa Attorney General's Office (erin.hardisty@ag.iowa.gov)
Lindsey Browning – Iowa Attorney General's Office (lindsey.browning@ag.iowa.gov)
John Lundquist – Iowa Attorney General's Office (john.lundquist@ag.iowa.gov)
Randy Evans - Iowa Freedom of Information Council (iowafoicouncil@gmail.com)
Barb Ickes, WQAD (barb.ickes@wqad.com)
Tom Loewy, Quad City Times (tloewy@qctimes.com)
Sarah Watson, Quad City Times (swatson@qctimes.com)
Michael Meloy (mike@meloylaw.com)
Ezra Sidran (ezra@riverviewia.com)
Jonathan Uhl (uhl.jonathan@yahoo.com)
Timmy Ferguson (twin53031@gmail.com)



510 East 12th Street
Des Moines, Iowa 50319
www.ipib.iowa.gov

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

Advisory Opinion 25AO:0003

DATE: May 15, 2025

SUBJECT: Records Requests for Unclaimed Property Information

Andrea Collins
Council Bluffs, IA 51503

Dear Ms. Collins,

We are writing in response to your request dated February 27, 2025, seeking 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 advisory opinion offers clarification on a city's obligations when responding to a broad Chapter 22 request for property tax information from a firm which does not represent any specific client.

"Any person may request a board advisory opinion construing or applying Iowa Code chapters 21, 22, and 23. An authorized agent may seek an opinion on behalf of any person. The board will not issue an opinion to an unauthorized third party. The board may on its own motion issue opinions without receiving a formal request." We note at the outset that IPIB's jurisdiction is limited to the application of Iowa Code chapters 21, 22, and 23, and rules in Iowa Administrative Code chapter 497. Advice in a Board opinion, if followed, constitutes a defense to a subsequent complaint based on the same facts and circumstances.

FACTS PRESENTED:

This request for an advisory opinion concerns quarterly records requests submitted to the City of Council Bluffs from a tax firm seeking a broad range of claims relevant to the firm's business. The firm does not claim to represent any particular client or dispute, and the purpose of the requests is instead seemingly a means of identifying potential business opportunities.

The following sample request was provided as an illustration of the type of records being sought:

Dear Sir or Madam,

Pursuant to the state statutes regarding public information, I am inquiring to whether you can provide the following information:

Board Members

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

1. A copy of any records related to uncashed/stale-dated checks showing the (i) payee or vendor names, (ii) check issue dates, (iii) check number, and (iv) dollar amounts equal to or greater than one thousand dollars (\$1,000.00).
2. Accounting records of property tax overpayments or claimed/unredeemed tax lien certificates which have been refundable, showing the (i) payee names, (ii) check issue dates, (iii) check numbers, (iv) dollar amounts over \$1,000.00.
3. For the above two requests please include all the necessary claim forms, affidavits, or instructions required for the reissuance of the deposits/outstanding/stale-dated checks or refunds.
4. At what frequency are these records updated? Monthly, quarterly, semiannually, annually, or upon request? Please confirm if uncashed checks are remitted to state unclaimed property bureau. If so, after what aging period?

Thank you in advance for your assistance with this request.

QUESTION POSED:

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?

OPINION:

I. General Obligations in Responding to a Chapter 22 Records Request

Iowa Code § 22.1(3)(a) defines “public records” to include “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, [or other government body, as defined by Chapter 22].” For the purposes of this response, IPIB presumes that the unclaimed property information sought is contained in records “of or belonging to” the City of Council Bluffs as a government body, meaning Chapter 22 public records law applies.

Because Chapter 22 extends only to requests for public records, there is no requirement that the City respond to portions of the referenced requests which seek information separate from any public record. Similarly, there is no requirement, at least under Chapter 22, to create a new record to answer questions. For this reason, public records law would not require the City to clarify the aging period for the remittance of uncashed checks to the state unclaimed property bureau.

According to Iowa Code § 22.2(1), “[e]very person shall have the right to examine and copy a public record and to public or otherwise disseminate a public record or the information contained in a public record.” While other sections of the Code may differentiate between requesters, Chapter 22 does not, meaning that all requesters are generally entitled to the same access, regardless of their particular relationship to the records sought or the motivation behind their requests.¹ Therefore, if the unclaimed property records would be released as non-confidential records to other requesters, the tax firm should receive the same treatment, even if they do not represent a client with a specific interest in the records and their purpose in making the request is ostensibly to identify potential business opportunities.

Chapter 22 does not provide an upper limit for the scope of a records request, nor is there a limit for the frequency with which the same requester may submit requests. The custodian of records is authorized, however,

¹ There are a handful of explicit exceptions. For example, the confidentiality exception for autopsy reports in Iowa Code § 22.7(41) includes an exception permitting release to a decedent’s immediate next of kin upon request.

to charge a requester the “reasonable expenses directly attributable to supervising the examination of and making and providing copies of public records.” Iowa Code § 22.3(2). This fee may also be charged up front based on an initial estimate of expenses, which ensures that the government body will actually be compensated when responding to large or burdensome requests. Iowa Code § 22.3(1). Reasonable expenses must be communicated to the requester upon receipt of the request, if expenses are to be charged. *Id.* Note that, where a record takes less than thirty minutes to produce, Chapter 22 provides that “the lawful custodian shall make every reasonable effort to provide the public record requested at no cost other than copying costs.” *Id.*

II. Confidentiality for Unclaimed or Abandoned Property Reports

Iowa Code § 22.7 contains over seventy different confidentiality exceptions to the general public right to examine and copy public records. If a confidentiality exception applies, a lawful custodian may properly withhold or redact a record, though they are not *required* to assert confidentiality unless another provision of the Code affirmatively requires it.

Among these confidentiality exceptions is Iowa Code § 22.7(59), which permits confidentiality for “[t]he information provided in any report, record, claim, or other document submitted to the treasurer of state pursuant to chapter 556 concerning unclaimed or abandoned property, except the name and last known address of each person appearing to be entitled to unclaimed or abandoned property paid or delivered to the treasurer of state pursuant to that chapter.” A parallel provision in Chapter 556, the state statute on the disposition on unclaimed property, requires the treasurer of state to maintain a public record of these names and addresses, while stating: “Notwithstanding any other provision of law, any other identifying information set forth in any report, record, claim, or other document submitted to the treasurer of state pursuant to this chapter concerning unclaimed or abandoned property is a confidential record as provided in section 22.7 and shall be made available for public examination or copying only in the discretion of the treasurer.” Iowa Code § 556.24A(2).

Chapter 556 defines “property” as “a fixed and certain interest in or right in an intangible that is held, issued, or owed in the course of a holder’s business, or by a government or governmental entity, and all income or increment therefrom.” Iowa Code § 556.1(13)(a).² This definition is followed by a list of nine subsections, identifying specific types of interests or rights which qualify as property. As relevant to the present advisory opinion, this list includes interests evidenced by checks (Iowa Code § 556.1(13)(a)(1)) and “[a]ny other fixed and certain interest or right in an intangible that is held, issued, or owing in the course of a holder’s business, or by a government or governmental entity” (Iowa Code § 556.1(13)(a)(9)). While IPIB lacks the authority to interpret statutes outside of Chapters 21 and 22, this expansive definition would seem to include uncashed/stale-dated checks (Request #1) and the “[a]ccounting records of property tax overpayments or claimed/unredeemed tax lien certificates which have been refundable” (Request #2).

Read together, Iowa Code § 22.7(59) and Chapter 556 provide confidentiality for all records pertaining to unclaimed or abandoned property which are prepared for and submitted to the state treasurer pursuant to Chapter 556, except for names and last known addresses associated with the owner or holder of the property interest, if the property was “paid or delivered to the treasurer of the state pursuant to that chapter.” Iowa Code § 22.7(59). Critically, other public records of the City not related to Chapter 556 unclaimed property reports to the state treasurer would not be covered by Iowa Code § 22.7(59), though it is possible that they could be covered by other confidentiality provisions on a case-by-case basis.³

² Iowa Code § 556.1(13)(b) specifically *excludes* from the definition of “property” any “credits, advance payments, overpayments, refunds, or credit memoranda shown on the books and records of a business association with respect to another business association unless the balance is property described in section 556.2 held by a banking organization or financial organization.”

³ The most likely alternative provision would be Iowa Code § 22.7(18), which covers certain voluntary communications made by identified persons outside of government. Note that there are several caveats to this provision, including that outside communications are only confidential to the extent that the government body could “reasonably believe that [the identified persons making the communications] would be discouraged from making them to that government body if they were available for general public examination.” See Iowa Code § 22.7(18) and relevant IPIB guidance for details.

III. Summary of Obligations

Based on the two sections above, we consider each of the four requests in turn.

Request #1 seeks “records related to uncashed/stale-dated checks showing the (i) payee or vendor names, (ii) check issue dates, (iii) check number and (iv) dollar amounts equal to or greater than one thousand dollars (\$1,000.00).” Uncashed checks would seem to qualify as unclaimed property for the purposes of Chapter 556, meaning that records created pursuant to that chapter to be submitted to the state treasurer would be covered. Because Iowa Code § 22.7(59) specifically excludes the names and last known addresses of “each person appearing to be entitled to unclaimed or abandoned property” in these records, the City may be required to disclose payee names, but it would not be required to provide the other information requested, if that information is included in a report or other document prepared pursuant to Chapter 556.

If this information is contained in an unrelated record, Iowa Code § 22.7(59) would not provide confidentiality.

Request #2 seeks “[a]ccounting records of property tax overpayments or claimed/unredeemed tax lien certificates which have been refundable, showing the (i) payee names, (ii) check issue dates, (iii) check numbers, (iv) dollar amounts over \$1,000.00.” This request seems to seek a similar class of unclaimed property to the first request, and it describes a class of property which would seemingly be covered by the broad language of any “fixed and certain interest or right in an intangible that is held, issued or owing the in the course of a holder’s business, or by a government or governmental entity.” Iowa Code § 556.1(13)(a)(9). To the extent that the information sought is contained in Iowa Code § 22.7(59) records prepared for the state treasurer pursuant to Chapter 556, only the payee names would need to be disclosed, and the remaining information could be properly withheld.

As before, if the information is contained in an unrelated record, this confidentiality exception would not apply.

Request #3 seeks all “necessary claim forms, affidavits, or instructions required for the reissuance of the deposits/outstanding/stale-dated checks or refunds.” This portion of the request appears to refer to forms which would be filled out by claimants for abandoned or unclaimed property, not records which would themselves contain information covered by Iowa Code § 22.7(59). These records should be disclosed.

Finally, Request #4 is a request for information. The City may answer these questions, but it does not have any obligations under Chapter 22, as the request does not seek any public record.

As discussed in the first section of this response, the City would not be able to reject the request based on the identity of the requester, as the tax firm has the same right to access public records as any other member of the public, without regards to their motivations for doing so. The scope and frequency of requests are also immaterial to the City’s obligations, though the City would be permitted to charge a fee for production based on the actual, direct costs incurred in responding to the request, and fulfillment of the request may be contingent on advance payment of this fee.

BY DIRECTION AND VOTE OF THE BOARD:

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

SUBMITTED BY:

Alexander Lee
Agency Counsel
Iowa Public Information Board

ISSUED ON:

May 15, 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.



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: May 15, 2025

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

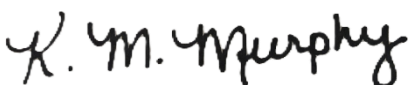
be an existing record stored or preserved by the government body. These requests do not constitute existing public records.

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:

May 15, 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.



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:0005

DATE: May 15, 2025

SUBJECT: Clarifying a meeting of a majority pursuant to Iowa Code Chapter 21

This opinion clarifies the meeting of a majority pursuant to Iowa Code §21.2. Advisory opinions may be adopted by the board 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 a Board opinion, if followed, constitutes a defense to a subsequent complaint based on the same facts and circumstances.

QUESTION POSED:

When a governmental body creates a secondary body (e.g. a subcommittee, work group, or task force), is a majority determined by members of the original governmental body or by members of the secondary body?

Answer: A majority is determined by members of the secondary body.

BACKGROUND:

In recent weeks, the IPIB has rendered numerous decisions based on the definition of a majority within Iowa Code Chapter 21. IPIB created this Advisory Opinion to ensure clarity of the issue and address questions.

Recent complaints have presented the following fact pattern with variation based on the actual governmental body: Acme City Council has seven elected members. Acme City Council creates the Safety Committee. Three members of the Acme City Council are selected to operate the Safety Committee, which reports back to the full Acme City Council.

The Safety Committee does not provide notice of meetings or agendas and does not hold open sessions. A citizen of Acme complains to the City of Acme and states the Safety Committee is violating open meeting laws. The Acme City Council argues the Safety Committee is not required to provide notice, post agendas, or hold open meetings because a majority of the members of the Acme City Council are not present. The Acme City Council believes a meeting pursuant to Iowa Code Chapter 21 is not occurring without a majority of the Council. As explained in this Advisory Opinion, however, under Iowa Code § 21.2, a majority of the Safety Committee must be calculated based on the members of the Safety Committee and not the members of the full Acme City Council.

Board Members

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

Applicable Law

The definition of a governmental body includes a board, council, commission, or other governing body of a political subdivision or tax-supported district in Iowa ***and includes a multimembered body formally and directly created by a board, council, commission*** or other governing body of a political subdivision or tax-supported district. Iowa Code § 21.2(1)(b) and (c). [Emphasis added.]

A meeting is 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. Iowa Code § 21.2(2).

"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(1).

Analysis

As expressly stated within Iowa law, a governmental body is ***a multimembered body formally and directly created by a board, council, commission or other governing body***. Iowa Code § 21.2(1)(b) and (c). [Emphasis added.] This means a committee, subcommittee, workgroup, task force, or any other body that is formally or directly created by another governing body (referred to in this Advisory Opinion for ease of terminology as a "secondary body") is an independent governmental body subject to the same open meeting requirements under Iowa Code chapter 21 as the governing body that created it.

To meet this definition, the secondary body must be formally and directly created. Formally and directly created means the primary board, council, commission or other governing body has taken some official action to create the governing body, which would be reflected on agendas and/or the minutes of the governing body when created.¹

Once created, the secondary body is its own governmental body. Therefore, a majority of the secondary body is the majority of the secondary body itself, and not a majority of the members of the governmental body that created it.

These secondary bodies must comply with the notice and other requirements under Iowa Code chapter 21 whenever a meeting is held. A meeting is established when four requirements are met: 1. A gathering occurs in-person or by electronic means; 2. A majority of the members are present; 3. Deliberation or action occurs; and 4. The deliberation or action is within the scope of the governmental body's policy making duties. Iowa Code § 21.2(2).

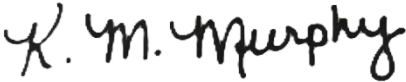
If a meeting of a secondary body is held and is not in compliance with the requirements of Iowa Code chapter 21, then the secondary body is in violation of open meetings law and the body could be subject to enforcement actions as outlined in Iowa Code § 21.6.

¹ Governing bodies should not read this requirement as an option to try to avoid the requirements of Iowa Code chapter 21. Best practices dictate that if members of a governing body are working collectively on matters within their policymaking duties, but not in a formally created multimembered body, they should work to inform and include the public in the activities of the group even if not technically mandated under chapter 21.

BY DIRECTION AND VOTE OF THE BOARD:

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

SUBMITTED BY:



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

ISSUED ON:

May 15, 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.

The Iowa Public Information Board

In re the Matter of:	Case Number: 22FC:0011
Jack Swarm, Complainant	Investigative Report
And Concerning:	
Mt. Pleasant City Council, Respondent	

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

On March 1, 2022, Jack Swarm filed formal complaint 22FC:0011, alleging Mt. Pleasant City Council (Council) violated Iowa Code chapter 21. IPIB originally dismissed the complaint on July 21, 2022. Swarm appealed IPIB's dismissal under Iowa Code chapter 17A. On November 30, 2024, the Iowa District Court in and for Henry County issued a ruling finding IPIB should have accepted Swarm's complaint.

The IPIB accepted this Complaint on February 20, 2025. The parties discussed informal resolution, but an agreement could not be reached. The Council passed a resolution adopting a closed meeting checklist to be used before any closed sessions held by the Council in the future. The Council also held an IPIB training on April 29, 2025 in a properly noticed and open meeting.

Facts

Jack Swarm alleges the Council improperly held a closed session on January 12, 2022, in violation of Iowa Code § 21.5 when it went into closed session pursuant to Iowa Code § 21.5(1)(c) to discuss strategy with Council in regards to a personnel matter. Swarm argues because an employee was discharged following the closed session the Council could only have utilized Iowa Code § 21.5(1)(i), which allows a closed session to evaluate the professional competency of an individual whose appointment, hiring, performance, or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session.

Four of six Council members voted to go into closed session under Iowa Code § 21.5(1)(c). Following the closed session, the Council took action in open session to remove an employee pursuant to Iowa Code § 372.15. The employee filed an appeal. Hearings on the appeal were held on February 9 and February 23, 2022. The Council unanimously upheld the removal.

In response, legal counsel for the Council stated attorney-client privileged legal advice was provided to the Council during the closed session. Until the Council understood the legal ramifications of various actions the Council could take, the Council did not know what action would be most appropriate. The only appropriate provision by which a government body can receive attorney-client privileged advice in closed session is Iowa Code § 21.5(1)(c). The Council has not waived attorney-client privilege regarding these communications with legal counsel. The Council relied on legal advice regarding the appropriateness of the closed session.

Swarm appealed IPIB's July 21, 2022, dismissal of Complaint 22FC:0011 under Iowa Code chapter 17A.

On January 25, 2024, the Iowa District Court in and for Henry County heard arguments on this matter. The Court also considered the stipulated record from IPIB's consideration of the complaint. In its order on November 30, 2024, the court laid out the facts within the stipulated record and held, "IPIB not accepting the complaint was unreasonable 'in the face of evidence as to which there is no room for difference of opinion among reasonable minds' and that the board declining the complaint as legally insufficient was not based on substantial evidence. *Greenwood Manor v. Iowa Dept. of Public Health*, 641 N.W.2d 823, 831 (Iowa 2002)." "The IPIB should have accepted the complaint based upon the facts and law."

Applicable Law

"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. A governmental body may hold a closed session only to the extent a closed session is necessary for any of the following reasons:

...

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." Iowa Code § 21.5(1)(c).

Analysis

In its November 30, 2024, opinion, the District Court found important the following facts:

- At the time of the January 12, 2022, council meeting there was no present litigation.

- At the time of the employee’s due process hearing, he had a representative with him, but no attorney.
- The employee signed his Garrity warning, which gave him notice he could have an attorney present.
- The employee exercised his rights to an appeal of the employment decision under Iowa Code § 372.15, but he was not represented by counsel at the appeal and had not threatened “any legal action” beyond the appeal of the Council’s decision.

As the District Court correctly noted, there is no appellate case defining what is “imminent” under Iowa Code chapter 21. The District Court was concerned there were no facts establishing litigation was imminent in this situation. The District Court discounted the employee’s formal appeal of the City’s employment decision pursuant to Iowa Code § 372.15 as not indicative of imminent litigation. The District Court also found important to the review that the employee did not have an attorney appear with him during any of the formal proceedings leading up to or after the discharge.

The Council argued they needed to receive attorney-client communications to understand the legal ramifications of their decision before determining how to proceed. The only provision allowing a government body to receive attorney-client communications is Iowa Code § 21.5(1)(c). It does not seem illogical to consider the government body’s decision in the closed session would impact whether litigation might become imminent.¹ The District Court never considered the fact the decision being made from the discussion in closed session could cause litigation to occur or make it imminent. The Council argued this should also be part of the inquiry rather than penalizing the government body for trying to prevent prejudicing its position in the litigation the employee may or may not choose to undertake based on the Council’s decision.²

Unresolved in the District Court’s order is whether the legislature intended the phrase “litigation” to be narrowly construed to mean only the process of filing an action within the judicial system or whether litigation was intended to include any legal dispute impacting the government body. It seems implicit in the District Court’s decision that the District Court interpreted litigation to mean only a lawsuit filed in district court. The District Court placed significant emphasis on the fact that no attorney made an appearance for the employee as proof that litigation was not imminent. The

¹ For instance, if the government body decided litigation was too high a risk to take after speaking with legal counsel, then making a decision to avoid litigation would seem to be prudent, but then would almost certainly expose them to a chapter 21 violation because no litigation occurred. It seems an impossible catch-22 for the government body.

² In *Samuel R. Willson v. Louisa County Board of Supervisors*, CVEQ003360 (Jan. 10, 2025) (“once the BOS voted to remove Willson from the LCCB, Willson was given the opportunity to appeal the BOS decision and chose to request further hearing, litigation would have been imminent”)

District Court, however, failed to notice that nothing requires an attorney to file a complaint with IPIB nor is an attorney required to file a lawsuit.³

Certainly, the legislature did not intend the term “litigation” to apply only to a formal lawsuit filed by an attorney in civil court. If it did, then government bodies would be incapable of receiving legal advice within a closed session for any administrative actions or complaints even though the government body would still be facing legal jeopardy. For instance, under a narrow interpretation of “litigation” no government body could confer with legal counsel about complaints submitted against them under IPIB’s process. If all legal discussions are required to be conducted within open session until litigation has actually been filed or there is concrete proof a petition has been drafted and will be filed within days, then government bodies would be precluded from receiving important attorney-client privileged advice. A savvy potential litigant could drag their feet to preclude the government body from going into closed session and listen to the discussion in open session. The inability to receive attorney-client advice under these facts would certainly “be likely to prejudice or disadvantage the position of the governmental body” because the “litigation” was not “imminent” enough.

Reviewing this complaint three years later, the only legal action generated from the Council’s action was the employee’s formal appeal of the discharge and this complaint regarding the use of Iowa Code § 21.5(1)(c) rather than Iowa Code § 21.5(1)(i) to hold a closed closed session in which it was determined an employee would be discharged.

Based on the District Court’s determination that IPIB’s previous dismissal of this complaint as legally insufficient was not based on substantial evidence under the stipulated record, it is likely there is probable cause to believe a violation occurred utilizing the District Court’s analysis of whether litigation, as defined by the court, was imminent.

IPIB Action

The Board may take the following actions upon receipt of an investigative 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).

³ See, e.g. Iowa R. Civ. Pro. 1.423 rules on limited representation; Representing Yourself- Overview from the Iowa Supreme Court website available at <https://www.iowacourts.gov/for-the-public/representing-yourself> (providing conduct and procedure rules to know prior to appearing in court pro se).

Recommendation

Because no “litigation” was “imminent” at the time the Council held a closed session on January 12, 2022, as interpreted by the District Court decision, it could be found that probable cause exists to believe a violation has occurred. Since then, however, the Council has taken steps to address this potential violation. The Council conducted training by IPIB on April 29, 2025, and has passed a resolution adopting a checklist to avoid violations of closed sessions in the future. Based on these remedial actions to address the violation, it is recommended IPIB make a determination that probable cause exists to believe a violation has occurred, but, as an exercise of administrative discretion, dismiss the matter.

By the IPIB Executive Director



Erika Eckley, J.D.

CERTIFICATE OF MAILING

This document was sent on May 8, 2025, to:

Jack Swarm
Holly Corkery, attorney for City of Mt. Pleasant

The Iowa Public Information Board

In re the Matter of:	Case Number: 24FC:0090
Sarah Weber, Complainant	Informal Resolution Report
And Concerning:	
Orange City, Respondent	

On October 9, 2024, Sarah Weber filed formal complaint 24FC:0090, alleging that Orange City violated Iowa Code Chapter 21.

The IPIB accepted this complaint at its meeting on December 19, 2024.

Background

In August 2024, Sarah Weber (the complainant) submitted a Chapter 22 records request with the City, seeking records relating to a local livestock ordinance. Based on records disclosed by the City, Weber filed formal complaint 24FC:0090, which alleged the City had violated Chapter 21 by holding private meetings of city council members without notice or public access. Two categories of violation were alleged and considered by IPIB.

I. Orange City's Practice of Holding 2x2 Meetings

In the first part of her complaint, Weber alleged that the City had been engaged in a multi-year practice of holding “2x2 meetings,” which typically involve private, in-person conversations between up to two council members, the mayor, and the city administrator. According to the City, these meetings are used “to inform council members of upcoming issues that may need to be dealt with, and to allow council members an opportunity to share their own questions or concerns.” A series of these meetings were held with regards to the livestock ordinance in July 2024 following a contentious public session, when one council member reached out to the city administrator to organize “2x2 meetings with council members to get a direction on how people will vote.”

In reviewing the allegations, IPIB relied on the precedent set by *Hutchison v. Shull*, in which the Iowa Supreme Court held that meetings of a government body could arise, even without a majority of members present at any given time, when a city administrator acts as a “conduit” to facilitate deliberation between members. 878 N.W.2d 221, 235–36 (Iowa 2016). Based on this standard and

the evidence presented, IPIB accepted this portion of the complaint for further review and informal resolution, finding that the City's use of 2x2 meetings likely did not satisfy the standards set forth in Chapter 21.

II. Orange City's Use of Emails Between Council Members

The complaint also highlighted several email conversations produced through Weber's Chapter 22 records request. The emails provided to IPIB showed multiple instances in which council members shared their opinions and proposals for how the council should proceed on the livestock ordinance. The City has maintained that no decisions were ever made and that council members involved in email discussions ultimately "voted in compliance with the law" during open session. The City also asserted that there was no "deliberation," on the basis that multiple options were weighed in hypothetical terms and multiple paths were in play.

Iowa courts have held that a meeting may arise where "a majority of the members of a body engage in any discussion that focuses at all concretely on matters over which they exercise judgement or discretion." *Hettinga v. Dallas Cnty. Bd. of Adjustment*, 375 N.W.2d 293, 295 (Iowa Ct. App. 1985) (quoting Iowa Att'y Gen. Op. 81-7-4(L), at *10). "Deliberation" occurs for the purposes of a meeting when members inject their own commentary into a discussion, sharing "thoughts, concerns, opinions, or potential action on the matters" before the government body. 24AO:0004, *Attendance at Social and Ministerial Events*. Based on this standard, IPIB accepted these allegations for further review as well, finding at least some of the emails constituted "deliberation" between a majority of council members on a matter within policy-making duties (in this case, the livestock ordinance).

Applicable Law

"*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).

Informal Resolution

While IPIB accepted the complaint for further review on the basis that the allegations in the complaint could support findings that violations of Chapter 21 occurred on both bases, no formal determination has been made at this stage. The City maintains that neither the 2x2 meetings nor the email conversations provided in the complaint constitute violations.

Despite this disagreement, the parties negotiated and reached an informal resolution with the goal of ensuring future meetings are held in accordance with Chapter 21.

Pursuant to Iowa Code § 23.9, IPIB presents the following terms for an informal resolution of this matter:

1. This Informal Resolution will be formally approved at a meeting of the Orange City Council. The City will include a copy of this Informal Resolution in its meeting minutes and will provide IPIB staff with a copy of the minutes demonstrating approval.
2. Members of the Orange City Council, along with the mayor and city administrator, will complete training on Iowa's open meetings and public records laws. This training will be arranged by the City and conducted by IPIB during an open meeting.
3. The City will develop an official policy to avoid deliberation over email. This policy must be reasonably drafted to prevent a majority of council members from discussing their "thoughts, concerns, opinions, or potential action" amongst themselves on matters within the City Council's policy-making duties outside of official council meetings. The City will provide IPIB staff with a copy of this policy after it is approved.
4. The City will end the practice of holding "2x2 meetings" outside of open session. Any future "2x2 meetings" or similar arrangements must be preceded by proper notice and open to the public.

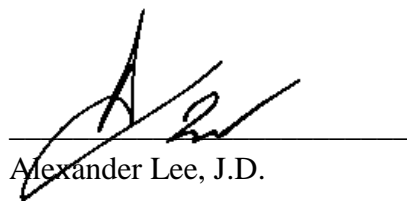
The terms of the Informal Resolution will be completed within 60 days of the date of approval of this Informal Resolution by all parties. Upon showing of proof of compliance, the IPIB will dismiss this complaint as successfully resolved.

Sarah Weber approved the Informal Resolution on April 16, 2025.

The Orange City Council approved the Informal Resolution on April 10, 2025.

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

By the IPIB Agency Counsel,



Alexander Lee, J.D.

CERTIFICATE OF MAILING

This document was sent on May 8, 2025, to:

Sarah Weber, Complainant
Orange City, Respondent

The Iowa Public Information Board

In re the Matter of:	Case Number: 24FC:0110
Keegan Jarvis, Complainant	Investigative Report
And Concerning:	
Swan City, Respondent	

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

On November 6, 2024, Keegan Jarvis filed formal complaint 24FC:0110, alleging Swan City (City) violated Iowa Code Chapter 21.

The IPIB accepted this Complaint on November 21, 2024.

Facts

Swan City is a small city in Marion County, Iowa, with a population of approximately 76 people. The City is represented by a three-member city council, with a monthly meeting schedule. At the time of this complaint, the complainant, Keegan Jarvis, was involved in long-term ongoing litigation with the City on matters outside the scope of IPIB's review.

It is undisputed between the parties that the City failed to post physical notice at least 24 hours prior to its regularly scheduled meeting on November 4, 2024, and no emergency purpose applied to waive the notice requirement. The parties agree that the agenda for the meeting was available on the City's website more than 24 hours before the meeting, and the meeting's date was included on the City's online events calendar well in advance of either posting.

On April 16, 2025, however, the City voted 3-0 to discontinue its status of incorporation, citing "lack of interest and participation in the local governing process and increasing costs to the city finances." Ongoing expenses involved in litigation were cited as a specific factor for discontinuation.¹

¹ Todd Magel, *Small Iowa Town of Swan Votes to Dissolve After Nearly Two Centuries*, KCCI (Apr. 17, 2025), <https://www.kcci.com/article/small-iowa-town-of-swam-votes-to-dissolve-after-nearly-two-centuries/64516021>.

Applicable Law

“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 § 21.4(2)(a).

Analysis

It is undisputed that the City violated Iowa Code § 21.4(2)(a) by failing to post physical notice more than 24 hours before the monthly meeting on November 4, 2024. Upon realizing that proper notice had not been provided, the City should have postponed the meeting for a later date without deliberation or action on any other matters.

Nevertheless, the City has now voted to discontinue, pursuant to Iowa Code § 368.3(2), meaning the City will cease to exist as a legal entity unless residents file a petition by May 16, 2025, pursuant to Iowa Code § 362.4, requesting the matter of continuance be submitted to the public. This outcome is unlikely given the financial circumstances of the City.

Given these considerations, the most appropriate course of action is to dismiss complaint 24FC:0110 as an exercise of administrative discretion.

IPIB Action

The Board may take the following actions upon receipt of an investigative 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 make a determination that probable cause exists to believe a violation has occurred but, as an exercise of administrative discretion, dismiss the matter. While the City has acknowledged that it has violated Iowa Code § 21.4(2)(a) by failing to provide notice of a

meeting at least 24 hours in advance, the pending disincorporation of Swan City makes this matter moot.

By the IPIB Executive Director



Erika Eckley, J.D.

CERTIFICATE OF MAILING

This document was sent on May 8, 2025, to:

Keegan Jarvis, Complainant
Swan City, Respondent

The Iowa Public Information Board

In re the Matter of:	Case Numbers: 24FC:0129, 25FC:0037, and 25FC:0038
Joe Monahan, Complainant	
And Concerning:	Investigative Report
Ames Public Library, Iowa City Library, and University of Northern Iowa, Respondents	

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

On December 24, 2024, and April 14, 2025, Joe Monahan filed formal complaints 24FC:0129, 25FC:0037, and 25FC:0038, alleging the Ames Public Library, Iowa City Library and University of Northern Iowa (UNI) violated Iowa Code chapter 22.

The IPIB accepted these Complaints. As all complaints address the same issue, they have been consolidated into one Investigative Report.

Facts

Joe Monahan has made repeated records requests to the respondent libraries seeking Iowa Library Association (ILA) and/or American Library Association (ALA) emails and records and email correspondence between executive officer members of the ILA/ALA from libraries in which the ILA/ALA members are employed. His requests have sought email exchanges between ILA/ALA officers related primarily to legislation concerning book ban lists or other current topics. Additionally, Joe Monahan has previously filed complaints for similar records requests against the Ames Public Library (24FC:0081) which was dismissed on December 21, 2024, and is currently on appeal in the district court, and the Iowa City Library (24FC:0130) which was dismissed on February 20, 2025.

Ames Public Library

The current Ames Public Library complaint is 24FC:0129 and was accepted on January 16, 2025, to determine if any public records related to the ILA/ALA received by the Ames Public Library were not provided to Monahan. In investigating the complaint, the Ames Public Library reiterated

that all records of or belonging to the Ames Public Library were provided to Monahan, but the records he seeks are communications of ILA and ALA executive officers who happen to be employed as librarians with the Ames Public Library. The Ames Library provided the exact language of Monahan's request, which was the following:

I am requesting all emails from the Iowa Library Association (ILA) or from any listserv they manage or newsletter type communications they produce that were sent anytime in the year 2023, Jan 1 thru Dec 31 to Ames Public Library staff that included the following terms in their title or their body: racism; anti-racism; antiracism; "social justice"; "civil rights"; "human rights"; LGBTQ.
(emphasis added).

Iowa City Public Library

The current Iowa City Public Library complaint (25FC:0037) was accepted to determine if any public records related to the ILA/ALA received by the Iowa City Public Library were not provided to Monahan. The complaint against the Iowa City Library involves another records request for communications between executive officers of the ILA/ALA regarding the same subject matter heard previously by IPIB in complaint 24FC:0130, which was dismissed by IPIB on February 20, 2025. Mr. Monahan's request for complaint 25FC:0037 was as follows:

I am submitting a public information request for email communications between Iowa City Public Library employee Sam Helmick using her public email address (Helmick@icpl.org), and Sheila Schofer, director of the Ames Public Library, using her public email address (sschofer@amespubliclibrary.org) that were sent between January 1, 2023 and June 30th, 2023 that contain any of the following search words or terms: public library, SF496, SF 496, Public Law SF496, job duties, professional responsibilities, library books, Book ban, Register, media, newspaper, TV, Television, reporter.
(emphasis added)

Helmick was the president-elect of the ALA in 2023. Schofer was a member of the ILA and ALA. Communications between them were in reference to an ALA event occurring in the city of Ames. Records were provided to Monahan that referenced public library business, but not ALA business. He is seeking the additional records that have been determined to have been ALA records.

Monahan alleges the current complaint is for a different records' request, but his argument regarding the response to this complaint was actually for the records request he made and filed pursuant to the previous complaint (24FC:0130) dismissed by IPIB on February 20, 2025.¹

¹ The underlying legal issue is the same- whether Monahan can ILA or ALA records through a public records request to a public library to obtain records not belonging to the government body, but of or belonging to a private, non-profit membership organization whose members happen to be public employees.

University of Northern Iowa

The complaint against UNI is 25FC:0038 and is also related to a records request for communications between a librarian who is an executive officer of the ILA and the employees of the other libraries who are executive officers of the ILA/ALA related to the legislation and/or book bans.

The UNI records request from Monahan was the following:

This is a public information request for email communications between UNI Associate University Librarian, Eric Jennings, who uses the email address: eric.jennings@uni.edu and possibly others, and the City of Iowa City Public Library employee Sam(antha) Helmick. Ms Helmick uses the email addresses: sam-helmick@icpl.org or samhelmick.library@gmail.com, for the period from Jan. 1, 2023 till Oct. 1 2023, that contain any of the following words or terms. “Public records”, “Private servers”, “Amanda Jones”, Helmick, “Book ban”, SF496, Plaintiffs, Intel, ACLU, or amicus

Specifically, the records request sought communications between a public employee who was also the Secretary of the ILA and a public employee who is also the President of the ILA. UNI responded to the request. The allegations are that the records of communications between the employees related to ILA should have been provided to Monahan.

Monahan alleges that the communications in each of these requests must be public records because the executive officers are public employees and may have used their public email addresses to communicate. Further, he alleges he is not seeking corporate documents related to the ILA, but instead simply the communications of public employees who are members of the ILA. He alleges these are government records because the government body may have paid ILA membership dues on behalf of the government employee. He alleges additional AI generated arguments all essentially arguing the previous IPIB orders and advisory opinions are incorrect or do not apply under these facts.

Applicable Law

“‘Government body’ means this state, or any county, city, township, school corporation, political subdivision, tax-supported district, *nonprofit corporation* other than a fair conducting a fair event as provided in chapter 174, *whose facilities or indebtedness are supported in whole or in part with property tax revenue and which is licensed to conduct pari-mutuel wagering* pursuant to chapter 99D; the governing body of a drainage or levee district as provided in chapter 468, including a board as defined in section 468.3, regardless of how the district is organized; or other entity of this state, 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.” Iowa Code § 22.1 (emphasis added).

“‘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*, nonprofit corporation other than a fair conducting a fair event as provided in chapter 174, whose facilities or indebtedness are supported in whole or in part with property tax revenue and which is licensed to conduct pari-mutuel wagering pursuant to chapter 99D, or tax-supported district in this state, or any branch, department, board, bureau, commission, council, or committee of any of the foregoing.” Iowa Code § 22.1(3)(a) (emphasis added).

Analysis

As stated previously, Iowa Code § 22.1(3)(a) defines “public records” to include the “records, documents, tape, or other information . . . of or belonging to” a government body, as the term is used in Chapter 22. In *City of Dubuque v. Dubuque Racing Association*, the Iowa Supreme Court clarified that “[a] document of the government is a document that was produced by or originated from the government,” while “[d]ocuments belonging to the government would include those documents that originate from other sources but are held by public officers in their official capacity.” 420 N.W.2d 450, 452 (Iowa 1988).

In *Dubuque Racing Association*, the Court addressed a records request seeking the minutes of a private, non-profit corporation on the basis that multiple members of the local city council sat on the non-profit’s board. *Id.* at 451. The records sought were in the possession of city council members and were physically maintained in the city manager’s office at the time of the request. *Id.* at 451–52. The requestor argued the records were public records because the non-profit was required to reserve four positions for members of the city council. The Court held the documents were not public records. The Court stated “[s]imply because members of a city council serve on the board of directors of a private nonprofit corporation, the affairs of the corporation do not become the affairs of the government.” *Id.* at 453. The Court held the requestor was not entitled to the records, as they belonged to the non-profit and were therefore not records or documents “of or belonging to” the city. *Id.* at 454; *see United States v. Story County*, 28 F. Supp. 3d 861, 871 (S.D. Iowa 2014) (emails were not “produced by or originated from” the sheriff’s role as sheriff and were not held in his official capacity with the county so requestor was not entitled to access them); *see also Linder v. Eckard*, 152 N.W.2d 833, 835 (Iowa 1967) (“It is the nature and purpose of the document, not the place where it is kept, which determines its status.”); 24AO:0007: Are private email communications sent from a government email address public records?

The emails sought in this matter are not records “of or belonging to” the public libraries listed in these complaints. Monahan’s argument that he is entitled to these communications simply because they were made by government employees who were volunteers with the ILA or ALA has been

resolved by previous appellate court cases, IPIB advisory opinions, and previous complaints alleging the same general facts and circumstances.

Monahan argue that the *Gannon v. Board of Regents*, 692 N.W.2d 31, 38–39 (Iowa 2005), case requires the private, nonprofit organization’s records to be public records because the employees’ dues to the nonprofit organization may have been paid by the government body. This is incorrect.²

There is no contract between ILA/ALA and Iowa’s public libraries. The mission of the ILA is to foster “a community of innovation and advocacy, supporting and strengthening our members to promote libraries as an essential resource for all Iowans.” ILA does not operate a library. ILA does not contract to operate or govern any libraries in Iowa. The public libraries in these complaints (and across the state) and their appointed government boards make policy decisions governing their public libraries. There are no facts present that ILA or ALA perform any government functions or have a “highly interwoven and symbiotic relationship” with these public libraries. Instead, ILA/ALA are private, nonprofit organizations that support their members who may work for public libraries. *Gannon* is not applicable to the facts of these complaints.

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).

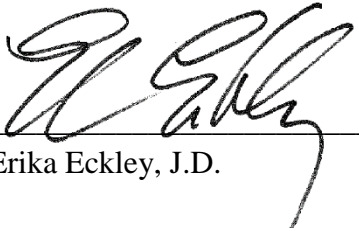
Recommendation

Because these three complaints are a continuation of the legal matter previously disposed of and relates to the same subject matter and arguments as 24FC:0081, *Joe Monahan/Ames Public Library*, which was dismissed on December 19, 2024 and 24FC:0130 *Joe Monahan/Iowa City Public Library*, which was dismissed on February 20, 2025. These complaints should be dismissed under Iowa Code § 23.8(2) as they relate to a specific incident that has previously been finally

² See 24AO:0009: the definition of a government body and whether a nongovernment body may serve as the lawful custodian of public records for purpose for more analysis on *Gannon*.

disposed of on its merits by the board or a court. As soon as a case has been dismissed, Monahan has continued to file another case alleging the same legal issue. He currently has an appeal in the district court on 24FC:0081. The legal merits of these complaints have been adjudicated multiple times before IPIB. Monahan has appeared before IPIB multiple times arguing the same legal issues. The Board should dismiss these matters as the legal issues have been previously resolved and there is no 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 May 8, 2025, to:

Joe Monahan
Ames Public Library
Iowa City Public Library
University of Northern Iowa



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

Re: Monahan PIRB Complaint Response

1 message

Joe Monahan <thamnophis@gmail.com>

Mon, May 12, 2025 at 8:45 PM

Reply-To: thamnophis@gmail.com

To: Kala Jordan <kala.jordan@uni.edu>

Cc: erika.eckley@iowa.gov, Anne Bilder <anne.bilder@uni.edu>, Mark Nook <mark.nook@uni.edu>, Pete Moris <pete.moris@uni.edu>

Thank you Ms Jordan, you have made some important points that help clarify the case. You mention that this case is very similar to previous cases that were dismissed, and so this one should be too. But the previous cases were dismissed at least in part on errors of fact. As part of one case, the Board attorney asserted that my request was to only "executive board members" of the ILA, it was apparent I was looking for ILA info, and not public library info. In fact, as we now know, the APL director Shoefer is not and has never been an executive board member of the ILA.

Maybe Erika could help us understand how cases are re-considered when factual errors are discovered? Since one of these cases is now in district court, it may be that that is the only remedy available.

The other factual error that seemed to be important to the board was that the libraries themselves are not members of the ILA. I have talked with a dozen or so Iowa library directors and learned that in all cases except one, the libraries are, in fact, members of the ILA. And I have City of Ames budget sheets that show payments to the ILA for institutional membership.

So while the UNI case is similar to previous cases, the previous cases were decided on spurious information.

The other point you help clarify is the irrationality of a board that is hoping to come to some reasonable and fair conclusion, not even bothering to examine the evidence. And the important consequences this precedent will have for future cases before the Board. By examining previous cases filed by me and heard by the IPIB, UNI has learned that it will not be required to provide any evidence in support of its assertions.

The original email I received back from my public information request to UNI wasn't even signed. And when I called to ask who I could name in my complaint, the person in the public information request office would not only *not* tell me who is in charge, but would not even tell me her own name! Imagine the public university office responsible for transparency and accountability of tax payer money refusing to even identify the person rejecting public information requests!

So, we are now in a position where Iowa's public information laws can be easily thwarted if the public employee in question simply happens to belong to any private, professional organization - which most do - or even if their lawyer simply asserts "nothing responsive to your request exists".

Finally, the reason the Iowa Supreme Court case is important here (VS Iowa Board of Regents) is that the ILA exists to do the public business through the public libraries. There is no reason for the ILA to exist other than to serve the public interest. Nearly every public librarian in the State is a member of the ILA, and almost every library uses public money to pay for that membership, only because the ILA is seen as serving the public interest. As I've said before, the ILA budget is almost entirely public money. How can the IPIB simply accept that communications between public librarians, discussing public law, is in fact protected private communications based solely on the assertions of attorneys who are trying to keep secret the communications in question?

Joe Monahan
515-451-3881

On Tue, May 6, 2025 at 10:09 AM Kala Jordan <kala.jordan@uni.edu> wrote:

SENT ON BEHALF OF ANNE BILDER:

Erika,

Please see attached response letter.

Thank you,

Via Electronic Mail

May 12, 2025

Erika Eckley
Executive Director
Iowa Public Information Board
510 East 12th Street
Jesse M. Parker Building East
Des Moines, Iowa 50319
Erika.eckley@iowa.gov

Re: Complaint 25FC:0038

Dear Executive Director Eckley and Members of the Iowa Public Information Board:

Thank you for this opportunity to provide a brief written statement to IPIB for its upcoming meeting on Wednesday, May 15, at 1:00 p.m. where the Board will consider the University of Northern Iowa's decision to deny Mr. Joe Monahan's request for certain records. UNI believes that its decision to deny Mr. Monahan's records is consistent with the recent approach IPIB has taken in regard to the definition under the Iowa Public Records law of what constitutes a "governmental body" and a "public record" — an approach which UNI believes is sound based on law and policy reasons. Accordingly, UNI acknowledges and appreciates the conclusion reached by Executive Director Eckley in the Investigative Report, and asks that IPIB dismiss Mr. Monahan's complaint.

In denying Mr. Monahan's records, UNI relied upon IPIB's recent decisions in Case Nos. 24FC:0081 and 24FC:0130 which held, on markedly similar facts, that the records Mr. Monahan was requesting were not public records as a matter of law. By focusing on the nature or content of the record—as opposed to its author or location--UNI believes that IPIB's decisions appropriately distinguish between records that reflect the business of government in contrast to those which exist on an agency server but do not relate to the business of the government. It is the former of these that Iowa seeks to provide access to promote transparent government.

Equally important as the conclusion of the Investigative Report is the support the Report lends to the value of precedent so that records custodians understand how to act when faced with a request and that expectations of the public are appropriately managed.

UNI thus respectfully requests that IPB dismiss Mr. Monahan's complaint. Thank you for this opportunity to submit this brief statement.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "A. E. Bilder", written in a cursive style.

Anne E. Bilder
General Counsel
University of Northern Iowa

cc: Mark Nook, President, University of Northern Iowa
Pete Moris, Transparency Officer
Joe Monahan, Complainant

The Iowa Public Information Board

In re the Matter of:	Case Number: 25FC:0014
Michael Merritt, Complainant	Investigative Report
And Concerning:	
Jasper County, Respondent	

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

On February 5, 2025, Michael Merritt filed formal complaint 25FC:0014, alleging Jasper County (County) violated Iowa Code chapter 22.

The IPIB accepted this Complaint on March 20, 2025

Facts

Michael Merritt has a long history with and has made voluminous accusations and filed numerous complaints against the County (and other entities across Iowa). In the current complaint, Merritt alleges he made a records request to the County for an invoice of their Office 365 software.¹

The County responded that Merritt has filed extensive public records requests and had provided more than 40 hours of time at no charge in fulfilling the requests, but that Merritt would need to pay for the costs of responding to his previous request submitted prior to the records request that is the subject of this complaint. The County had spent significant time developing an estimate and notified Merritt he would need to address the pending request before they proceeded with future requests.

In reviewing the Complaint, IPIB suggested an informal resolution under Iowa Code § 23.9 that Merritt would withdraw the outstanding request that was sitting unresolved and any others that

¹ Although this complaint is against Jasper County, Merritt included all 99 county attorneys in Iowa on the emailed records request.

had not yet been resolved. The County would immediately provide the most recent records request at no charge.

In response, Merritt took offense an informal resolution was proposed under Iowa Code § 23.9 and provided the following notice:

As of 1600, CST on 08 MAY 2025 I will be assuming responsibility over all investigative actions in IPIB case 25FC:0014 manifested by Iowa Code Section 23.6(4.). This action is being taken due to compelling evidence of the IPIB's longstanding posture of:

- Retaliatory criminalization of complainants,
- Discrimination rooted in mental health bias, and
- Deployment of quid pro quo tactics in place of proper statutory investigative procedures in accordance with Iowa Code Section 23.6(4.).

As a veteran and citizen advocate, I do not take this step lightly. However, the evidence supporting the IPIB's failure to properly manifest Iowa Code Chapter 23 and enforce rights codified in Iowa Code Chapter 22 compels me to act in defense of citizens' rights and liberties. In service of lawful transparency, accountability, and public trust within the State of Iowa.

Please provide the proper address for the service of court documents and subpoenas for the following public officials...

Applicable Law

“An aggrieved person, any taxpayer to or citizen of this state, the attorney general, or any county attorney may seek enforcement of the requirements of chapters 21 and 22 by electing either to file an action pursuant to section 17A.19, 21.6, or 22.10, whichever is applicable, or in the alternative, to file a timely complaint with the board.” Iowa Code § 23.5.

Analysis

Merritt has stated as a result of IPIB submitting an informal resolution proposal that he will be taking over the investigation of his complaint with service of court documents. Under Iowa Code § 23.5, an aggrieved party must choose their remedies. Merritt has stated he will be pursuing his complaint outside IPIB's jurisdiction, so this IPIB complaint should be dismissed under Iowa Code § 23.5.

IPIB Action

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

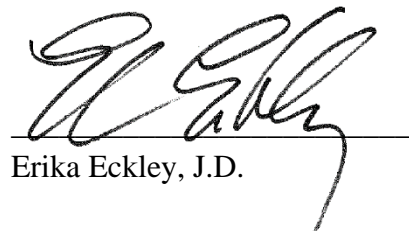
- a. Redirect the matter for further investigation;
- b. Dismiss the matter for lack of probable cause to believe a violation has occurred;
- c. Make a determination that probable cause exists to believe a violation has occurred, but, as an exercise of administrative discretion, dismiss the matter; or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

Merritt has stated he will pursue other remedies outside the IPIB process for complaint 25FC:0014. As such, this complaint should be dismissed.

By the IPIB Executive Director



Erika Eckley, J.D.

CERTIFICATE OF MAILING

This document was sent on May 9, 2025, to:

Michael Merritt
Jasper County

The Iowa Public Information Board

In re the Matter of:	Case Number: 25FC:0021
Jennifer Olson, Complainant	Investigative Report
And Concerning:	
City of Marengo, Respondent	

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

On February 13, 2025, Jennifer Olson filed formal complaint 25FC:0021, alleging the City of Marengo violated Iowa Code chapter 21.

The IPIB accepted this Complaint on March 20, 2025.

Facts

On February 13, 2025, Olson filed a complaint with the IPIB alleging members of the Marengo City Council (Council) violated Iowa Code Chapter 21 by holding a meeting without notice or agenda. Specifically, Olson states as follows:

After the public city council meeting Adam Rabe informed Karen Wayson and John Hinshaw that they were to stay to have a brief personnel committee meeting. There was no agenda, and no notification posted about the meeting. This meeting occurred at approximately 7:12pm, right after the council meeting adjourned.

Adam Rabe is the Mayor. Karen Wayson and John Hinshaw are members of the Council. These individuals comprise the Personnel Committee (Committee) of the Council.

Counsel for the City responded by stating the Council's actions were justified because the Committee meeting did not satisfy the statutory definition of a meeting pursuant to Iowa Code. Specifically, Counsel argued two prongs of the definition were not met to establish a meeting.

First, Counsel stated the gathering of Committee members did not involve deliberation or action, which is required for a meeting. The Mayor asked the Committee members to stay behind to provide explanation for why a closed session was not utilized during the Council meeting. Counsel

stated this was not deliberation or action and did not meet the definition of a meeting pursuant to Iowa Code § 21.2.

Second, Counsel argued a meeting did not take place because a majority did not exist. Only two members of the five-member Council met. Further indicating a meeting did not occur.

Following Counsel's explanation of a meeting, Olson asked to withdraw her complaint. IPIB staff kept the complaint open based on concerns regarding the definition of a majority, which will be explained below, and based on a second and pending complaint against the City.

Applicable Law

"Meetings of governmental bodies shall be preceded by public notice as provided in section 21.4 and shall be held in open session unless closed sessions are expressly permitted by law. Except as provided in section 21.5, all actions and discussions at meetings of governmental bodies, whether formal or informal, shall be conducted and executed in open session." Iowa Code § 21.3(1).

A meeting is 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. Iowa Code § 21.2(2).

A governmental body is board, council, commission, or other governing body of a political subdivision or tax-supported district in Iowa and includes a multimembered body formally and directly created by a board, council, commission or other governing body of a political subdivision or tax-supported district. Iowa Code § 21.2(1)(b) and (c).

Analysis

A meeting requires four elements: 1. A gathering occurs in-person or by electronic means; 2. A majority of the members are present; 3. Deliberation or action occurs; and 4. The deliberation or action is within the scope of the governmental body's policy making duties. Iowa Code § 21.2(2).

The City is correct to state a meeting requires the presence of a majority of the members of a governmental body and deliberation or action upon a matter within the scope of its policy-making duties. IPIB staff agrees that a meeting did not occur because the governmental body did not deliberate or act upon a matter within the scope of the governmental body's duties.

IPIB disagrees with the City's position that a majority of the members of the governmental body were not present. The Committee is a distinct multimembered body formally and directly created by the Council. If the Committee contains three members, and three members were present, a majority of the members of the governmental body were present. This factor does not change the

ultimate outcome of this complaint as a meeting requires all four elements to meet the established definition. Deliberation or action did not occur. For this reason, a meeting did not occur.

IPIB reminds the City that the Personnel Committee is a distinct governmental body that must comply with all open meetings requirements. Another complaint has been registered against the City that will result in training. IPIB staff will work with the Council to ensure full understanding on this issue at the upcoming training.

IPIB Action

The Board may take the following actions upon receipt of an Investigative Report:

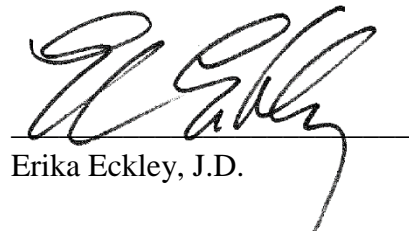
- a. Redirect the matter for further investigation;
- b. Dismiss the matter for lack of probable cause to believe a violation has occurred;
- c. Make a determination that probable cause exists to believe a violation has occurred, but, as an exercise of administrative discretion, dismiss the matter; or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

IPIB staff recommend dismissal of the complaint for lack of probable cause to believe a violation occurred because the gathering of Committee members did not meet the definition of a meeting.

By the IPIB Executive Director



Erika Eckley, J.D.

CERTIFICATE OF MAILING

This document was sent on May 8, 2025, to:

Jennifer Olson
Gage Kensler, Counsel for the City of Marengo

The Iowa Public Information Board

In re the Matter of:	Case Number: 25FC:0022
Steve St. Clair, Complainant	Informal Resolution Report
And Concerning:	
Winneshiek County Board of Supervisors and the City of Ossian, Respondents	

Complaint 25FC:0022 was opened on February 17, 2025, and accepted via consent by the IPIB on March 20, 2025. This Informal Resolution is adopted in response to the IPIB acceptance of the complaint.

Background

On August 16, 2024, St. Clair sent identical requests for information to Winneshiek County (County) and the City of Ossian (City). The subject of St. Clair's request was Dan Langreck, who serves as both a member of the Winneshiek County Board of Supervisors and a member of the Ossian City Council. St. Clair inquired how much he would be charged for a copy of all communications in which Langreck participated in his capacity as a county supervisor and a member of the Ossian City Council from January 1, 2024 to August 16, 2024.

Langreck responded on August 23 and indicated he was working to get estimates to produce the records from the County and City. On August 30, Langreck outreached to St. Clair asking for a more specific request and indicating the cost would be high. On the same date, St. Clair reiterated his request and indicated he wanted to know the projected cost so that he could determine whether to limit the request to make it more affordable.

St. Clair followed up requesting the information on September 12, September 20, and October 4.

On October 6, Langreck provided an estimate for the County. Langreck indicated, "County emails cost \$100.00 dollars. Anything on my personal phone will be at a rate of \$75.00 dollars a hour." Langreck indicated a \$500 deposit would be required to produce the County records. The same date, St. Clair followed up requesting specifics for how to pay and the estimate for City records. Langreck followed up on October 13 and indicated City records would also require a \$500 deposit to produce. St. Clair promptly paid both deposits.

Over the months of October, November, December, and January, multiple communications occurred in which St. Clair attempted to collect records and understand the status of his requests. The City Clerk indicated records were complete on October 29, but that the records only included Langreck's communications with the City Clerk. St. Clair continued to work to receive Langreck's City communications.

County records did not materialize until St. Clair outreached to IT personnel for the County in January.

After St. Clair received what he believed to be the final installment of records in January, he requested an accounting from the County and City for the production of records and any refunds owed him. This initiated a chaotic set of communications with little clarity or accounting on costs charged to St. Clair.

These are examples of responses received by St. Clair:

- City's Response: "The hourly rate for Dan's [Langreck's] time is at his request. We do not have any documentation that help determine the hourly rate."
- County's Response: "I was instructed by Dan Langreck to charge \$100 per hour for the time spent by each employee gathering the information, so that is what I notified you." The County went on to state, "That being said...If you calculate the actual salary expense of each employee (salary, FICA, IPERS, health insurance, and life insurance) most employees' costs work out to be \$50-\$75 per hour depending on their salary. Then calculating the use of county equipment (computers, phones, etc.), I don't think \$100 per hour is unreasonable."

Ultimately, the City refunded \$275 of the \$500 deposit. The County refunded \$300 of the \$500 deposit.

Upon acceptance of this case, the County responded to the delay in production of records and indicated the process was involved and time consuming as it related to records on Langreck's private devices. The County did not provide a specific response to the costs of production, other than a good faith estimate was provided in light of the time commitment to produce the records.

The City responded and attempted to justify costs by stating, "The charges were based off of the city clerk's hourly wage, including the employer's contribution to employment costs, the extra time that was incurred and paid to the clerk, copies and postage. The city councilperson's involvement was considered to equivalent to attending a city council meeting, which is a flat

\$50.00 payment to the councilperson. Clerk pay is \$25.00/hour.” The City also acknowledged that Langreck had some issues sorting out his phone information.

Applicable Law

Iowa Code Chapter 22 governs the facts of this complaint.

- The lawful custodian shall make every reasonable effort to provide the public record requested at no cost other than copying costs for a record which takes less than thirty minutes to produce. Iowa Code § 22.3(1).
- In the event expenses are necessary, such expenses shall be reasonable and communicated to the requester upon receipt of the request. Iowa Code § 22.3(1).
- The lawful custodian may charge a reasonable fee for the services of the lawful custodian or the custodian’s authorized designee in supervising the examination and copying of the records, but the fee for the copying service shall not exceed the actual cost of providing the service. Iowa Code § 22.3(2).
- Actual costs shall include only those reasonable expenses directly attributable to supervising the examination of and making and providing copies of public records and 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. Iowa Code § 22.3(2).
- Iowa caselaw allows for relief to a requestor when an unreasonable delay occurs. *Belin v. Reynolds*, 989 N.W. 2d 166, 174 (Iowa 2023). Unreasonable delay in the production of public records pursuant to Iowa Code Chapter 22 requires an analysis that includes how promptly the lawful custodian acknowledged the request and follow-up inquiries, whether the requestor was assured of the intent to provide the requested records, whether the governmental body explained why requested records were not immediately available, whether the governmental body produced records as they became available, whether the governmental body updated the requestor on efforts to obtain and produce records, and whether the governmental body provided information about when records could be expected. *Belin*, 989 N.W.2d at 175.

Informal Resolution

Pursuant to Iowa Code § 23.9, the parties have either executed the Informal Resolution or have indicated the agreement will be addressed at a future meeting of the governmental body:

1. Each governmental body will acknowledge at an open meeting that there are sufficient facts to show the governmental body failed to produce records in compliance with Iowa Code Chapter 22. Each governmental body will specifically state as follows: “This governmental body acknowledges there are sufficient facts to demonstrate this governmental body failed to produce records in compliance with Iowa Code Chapter 22. Specifically, this governmental body failed to charge a reasonable fee for production of records based on actual costs and exhibited unreasonable delay in production of records.” This acknowledgement will be recorded in the minutes of said meetings and minutes will be provided to IPIB.
2. This Informal Resolution will be formally approved at a meeting of each governmental body and the minutes from each meeting will be provided to IPIB staff to demonstrate approval.
3. Each governmental body will refund Steve St. Clair the full amount paid for public records. The full amount is \$500 minus the amount previously refunded.
4. All members of the Winneshiek County Board of Supervisors and the Ossian City Council, including the Clerk for the City of Ossian, will complete training related to public meetings and records. This training will be arranged by each governmental body and conducted by IPIB, the Iowa League of Cities, or the Iowa State Association of Counties. The governmental bodies may merge the trainings into a joint training (consisting of both governmental bodies) if they choose to do so.
5. The Winneshiek County Board of Supervisors and the Ossian City Council will each develop policies or procedures to address the following:
 - Fees charged for production of records, including rates and how rates are calculated. The policy or procedure must include rates for members of the Winneshiek County Board of Supervisors (for the Winneshiek County Board of Supervisors policies or procedures) and rates for members of the Ossian City Council (for the Ossian City Council policies or procedures). The policies or procedures must be compliant with Iowa Code Chapter 22.
 - Retention requirements for public records located on private devices of governmental officials, including personal computers and personal cell phones.
 - Response to requests for public records and production of public records that contains the requirements established in *Belin v. Reynolds*.

Any developed policies or procedures will be provided to IPIB staff for review before approval by each governmental body.

The terms of the Informal Resolution will be completed within 60 days of the date of approval of this Informal Resolution by all parties. Upon showing of proof of compliance, the IPIB will dismiss this complaint as successfully resolved.

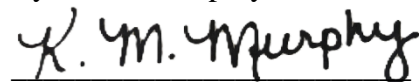
Steve St. Clair approved this Informal Resolution on or about May 3, 2025.

Winneshiek County Board of Supervisors intend to approve this Informal Resolution on or about May 12, 2025.

Ossian City Council intend to approve the Informal Resolution on or about June 2, 2025.

IPIB staff recommend the IPIB approve the Informal Resolution Report.

By the IPIB Deputy Director,

A handwritten signature in black ink, appearing to read "K. M. Murphy", is written over a horizontal line.

Kimberly M. Murphy, J.D.

CERTIFICATE OF MAILING

This document was sent on May 8, 2025, to:

Steve St. Clair, Complainant
Andrew Van Der Maaten, Winneshiek County Attorney
Pat Dillon, Counsel for the City of Ossian

The Iowa Public Information Board

In re the Matter of:	Case Number: 25FC:0026
Ron Engle, Complainant	Investigative Report
And Concerning:	
Iowa Public Employee Retirement System, Respondent	

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

On March 11, 2025, Ron Engle filed formal complaint 25FC:0026, alleging Iowa Public Employee Retirement System (IPERS) violated Iowa Code chapter 22.

The IPIB accepted this Complaint on April 17, 2025.

Facts

Engle alleges requesting information regarding prior attempts by IPERS at obtaining third party recovery/subrogation for disability claims made by emergency responders. Through lengthy e-mail chains with personnel from IPERS, the request for public records was refined based upon repeated denials and alleged contradictory responses. Engle alleges IPERS refused to provide the requested financial information. Engle provided a copy of the correspondence with IPERS.

IPERS responded through counsel and disputed Engle's description of communications. IPERS stated it provided records in its possession in response to Engle's request and supplementation of requests. IPERS also stated the disputed records requested by Engle contain financial information. IPERS stated the requested records containing financial information are explicitly outside Iowa Code chapter 22 as stated in Iowa Code § 97B.17(2). IPERS also cited to 24AO:0002 - Chapter 22 requirements for Municipal Fire and Police Retirement System of Iowa (MFPRSI) records as the statutory language is similar.¹

¹ Reviewing a denial of the names and addresses of public members as outside the scope of chapter 22. Available at <https://ipib.iowa.gov/24ao0002-chapter-22-requirements-mfprsi-records>

Applicable Law

The following records maintained under this chapter are not public records for the purposes of chapter 22:

- a. Records containing social security numbers.
 - b. Records specifying amounts accumulated in members' accounts and supplemental accounts.
 - c. Records containing names or addresses of members or their beneficiaries.
 - d. Records containing amounts of payments to members or their beneficiaries.
 - e. Records containing financial or commercial information that relates to the investment of retirement system funds if the disclosure of such information could result in a loss to the retirement system or to the provider of the information.
3. Summary information concerning the demographics of the members and general statistical information concerning the retirement system are subject to chapter 22, as well as aggregate information by category.

Iowa Code § 97B.17(2), (3).

Analysis

Engle's final request included IPERS' chart of accounts, the successful subrogation dollar amount, the financial transaction record, related communication, and search methods. In response, IPERS stated it provided the chart of accounts, communication, and financial transaction recorded in IPERS' chart of accounts on March 10, 2025.

IPERS did not disclose records containing member-specific information pursuant to Iowa Code § 97B.17(2)(b)-(c). IPERS also stated aggregate documents requested in Engle's original request do not exist and cannot be produced.

In regards to subrogation information, IPERS argues this data would be a record specifying financial amounts in specific members' accounts, which would include the names of members. This is the type of information the legislature has explicitly carved out of Iowa Code chapter 22 requirements. If aggregate information were available regarding subrogation amounts, then the information would be provided under Iowa Code § 97B.17(3), but IPERS stated no aggregate record exists with this information.

Iowa Code § 97B.17(2)(b)-(c) explicitly excludes IPERS member information from being produced as public record. For this reason, there is no violation of Iowa Code Chapter 22.

IPIB Action

The Board may take the following actions upon receipt of an investigative report:

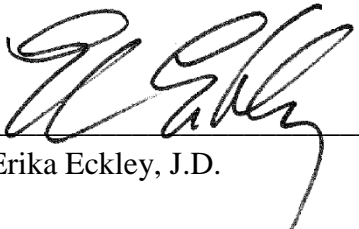
- a. Redirect the matter for further investigation;
- b. Dismiss the matter for lack of probable cause to believe a violation has occurred;
- c. Make a determination that probable cause exists to believe a violation has occurred, but, as an exercise of administrative discretion, dismiss the matter; or
- 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 no records with aggregate information exist and records of the individual members' financial and personal information is expressly excluded from Iowa Code chapter 22, it is recommended the IPIB dismiss the matter 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 May 8, 2025, to:

Ron Engle
Elizabeth Hennessey, attorney for IPERS

The Iowa Public Information Board

In re the Matter of:	Case Number: 25FC:0027
Jerry Hamelton, Complainant	Investigative Report
And Concerning:	
Keokuk Police Department, Respondent	

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

On March 12, 2025, Jerry Hamelton filed formal complaint 25FC:0027, alleging the Keokuk Police Department (Department) violated Iowa Code chapter 22. The IPIB accepted this complaint on April 17, 2025.

Facts

On March 3, 2025, Hamelton requested body camera footage from the Department concerning a charge for driving under the influence and possession of marijuana. According to the Department, the request is related to an incident that occurred on February 28, 2025. The incident resulted in the arrest of the Keokuk City Administrator (formerly), who was subsequently charged with OWI First Offense and Possession of Marijuana First Offense.

The Department applied the appropriate balancing test for peace officer investigative reports and determined the body camera footage should not be released. This conclusion was reached based on the fact that the footage is part of a peace officer investigative report and includes the presence of a named but innocent suspect. The Department stated, “[Suspect] is a named but innocent suspect in an ongoing matter. [Suspect] has been charged but his case has not been adjudicated by the courts, so at this time [Suspect] is a named but innocent suspect until proven otherwise through adjudication by the courts.” The Department goes on to state, “The Keokuk Police Department believes releasing this footage may taint a jury pool making it difficult for [Suspect] to receive a fair and impartial trial, particularly if the video, or portions of the video, are successfully suppressed and not entered into trial as evidence.”

Hamelton argues Iowa courts have ruled a named but presumed innocent suspect does not automatically establish confidentiality pursuant to Iowa’s public records laws.

Applicable Law

Iowa Code § 22.7 creates confidentiality for certain types of public records: “[T]he 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:”

Peace officer investigative reports are among the exceptions identified as potentially confidential. Iowa Code § 22.7(5).

The confidentiality afforded to peace officer investigative reports under 22.7(5) is a qualified, rather than categorical, privilege. *Mitchell v. City of Cedar Rapids*, 926 N.W.2d 222, 232–234 (Iowa 2019). In addition to demonstrating the public record is part of a peace officer investigative report, “[a]n official claiming the privilege must satisfy a three-part test: (1) a public officer is being examined, (2) the communication [to the officer] was made in official confidence, and (3) the public interest would suffer by disclosure.” *Mitchell v. City of Cedar Rapids*, 926 N.W.2d 222, 232 (Iowa 2019) (citing *Hawk Eye v. Jackson*, 521 N.W.2d 750, 752 (Iowa 1994)).

Analysis

The analysis begins with the definition of a peace officer investigative report. The IPIB and Iowa case law have consistently interpreted peace officer investigative reports to include all information gathered by officers as part of an investigation into a crime or incident, including body camera footage.¹ The body camera footage requested as public record in this complaint is undisputedly part of the peace officer investigative report and afforded the potential confidentiality protections provided by Iowa Code § 22.7(5). This is not the end of the analysis.

As established in *Mitchell*, the confidentiality attributed to a peace officer investigative report is a qualified privilege and requires application of a balancing test. *Mitchell*, 926 N.W.2d at 232. The Department has applied the balancing test required by *Mitchell* and should be applauded for taking this step. The question is whether the *Mitchell* balancing test was applied appropriately.

The primary justification for confidentiality identified by the Department is the innocence of the suspect until proven guilty and the impact release of the footage may have on a jury pool. This issue has been considered by the Iowa Supreme Court and was found to be an inadequate justification. In *Mitchell*, the Court stated:

¹ 23AO:0003, *Confidentiality of Police Investigative Files*; *Klein v. Iowa Public Information Board*, 968 N.W.2d 220 (Iowa 2021); *AFSCME v. Iowa Dep’t of Pub. Safety*, 434 N.W.2d 401 (Iowa 1988); *Neer v. State*, 798 N.W.2d 349 (Iowa Ct. App. 2011).

We believe that concern can be addressed during jury selection. The district court noted, “The alleged facts of the incident have been the subject of wide media coverage and broad public discussion.” The court continued, “Public disclosure of these reports in a county of over 200,000 people may enhance the public discussion but should not jeopardize any party’s right to a fair trial.” We agree. We also note that the attorneys must comply with Iowa Rule of Professional Conduct 32:3.6, which prohibits an attorney from making extrajudicial statements that “will have a substantial likelihood of materially prejudicing an adjudicative proceeding.” *Mitchell*, 926 N.W.2d at 233.

In addition to the position argued by the Court in *Mitchell*, if the balancing test interpretation utilized by the Department for a peace officer investigative report is used a police investigative file could never be released in any circumstance where a trial might be held and until the trial was complete. IPIB staff find the Department’s rationale does not justify applying confidentiality to the body camera footage as it does not establish “the public would suffer by the disclosure.”

Iowa courts have reviewed other factors when balancing interests in disclosure of peace officer investigative reports. Other factors include the nature of the investigation and whether it is ongoing, the absence of any confidential informants or named but innocent suspects, and the presence of heightened public interest. We also note the court interchangeably uses the language “named but innocent suspects” and “unidentified suspect.” *Mitchell*, 926 N.W.2d at 232 (citing *Hawk Eye v. Jackson*, 521 N.W.2d 750, 752 (Iowa 1994)). In *Mitchell*, the Court ultimately concluded, “Then and now, on balance, the public interest favors disclosure. The record in this case is devoid of evidence that disclosure would harm any specific individual.” *Mitchell*, 926 N.W.2d at 232

Like *Mitchell*, the facts of the complaint indicate there is no evidence disclosure would harm a specific individual. The investigation is concluded and the case is going to trial. IPIB staff are aware of no confidential informants or unidentified suspects within the body camera footage. There is heightened public interest in the case based on the role held by a city administrator within the community.

In light of the above analysis, IPIB staff find the balancing test weighs in favor of releasing the body camera footage that is part of the peace officer investigative report. IPIB staff recommend this complaint be redirected for further investigation with a focus on informal resolution.

IPIB Action

The Board may take the following actions upon receipt of an investigative report:

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

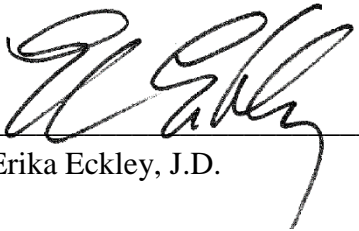
- c. Make a determination that probable cause exists to believe a violation has occurred, but, as an exercise of administrative discretion, dismiss the matter; or
- d. Make a determination that probable cause exists to believe a violation has occurred, designate a prosecutor and direct the issuance of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

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

Recommendation

The balancing test weighs in favor of releasing the body camera footage that is part of the peace officer investigative report. This complaint should be redirected for further investigation with a focus on establishing an informal resolution.

By the IPIB Executive Director


Erika Eckley, J.D.

CERTIFICATE OF MAILING

This document was sent on May 8, 2025, to:

Jerry Hamelton
Holly Corkery, Counsel to the Keokuk Police Department

The Iowa Public Information Board

In re the Matter of:	Case Number: 25FC:0039
Kevin Howard, Complainant	Investigative Report
And Concerning:	
Department of Administrative Services, Respondent	

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

On April 7, 2025, Kevin Howard filed formal complaint 25FC:0039, alleging that the Department of Administrative Services (DAS) violated Iowa Code Chapter 22. IPIB accepted this complaint.

Facts

In March 2025, Kevin Howard, filed a series of public information requests seeking bond records – specifically containing the surety bond number, insurance policy number, bonding company name, and coverage amount – for four public officials, including the Johnson County Attorney, the Johnson County Clerk of Court, a particular named judge, and the Director of the Iowa Department of Revenue.

On April 7, 2025, Howard filed formal complaint 25FC:0039, alleging undue delay and/or failure to provide responsive records. Four separate government bodies were named in the complaint: 1) the Johnson County Attorney’s Office, 2) the Johnson County Clerk of Court, 3) the DAS, and 4) the Department of Revenue.

Howard subsequently restricted his complaint to only two entities, the County Attorney’s Office and the DAS, as the clerk, judge, and Revenue Director were all purportedly covered by a state policy administered by the DAS.¹

¹ Notably, IPIB could not have opened a complaint against the clerk of court in any case, as Iowa Code § 23.12 provides that IPIB lacks jurisdiction over the state judicial branch and its officers or employees.

On April 18, 2025, Howard voluntarily withdrew the portion of complaint relating to the Johnson County Attorney, as he was able to obtain the records he was seeking without IPIB's involvement.

After being referred to the DAS, Howard was able to obtain a single record, referred to as the FY25 Blanket Bond Policy. This PDF contained the details of a crime insurance policy with Travelers, an insurance company. In his complaint, Howard alleged that this was not the record he was looking for and that there should be additional bonding information available for each state employee, as state law requires them to carry bonds.

Following acceptance of the complaint, counsel for DAS explained the Travelers insurance policy was obtained in lieu of a bond for all state officials covered by the policy, DAS does not secure bonds for individual state officials, and there were no additional records responsive to Howard's request. An additional document (the Certificate of Liability Insurance) was included with their response to substantiate this.

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(1).

Analysis

The allegations in this complaint implicate Chapter 64, which provides certain requirements for public officers to obtain bonds. Iowa Code § 64.6 states as follows: "State officials are not required to obtain bonds, but may be covered under a blanket bond for state employees. The blanket bond purchases shall be made in an amount and with the level of assumption of risk by the state that is determined by the department of administrative services. The state shall pay the reasonable cost of bonds under this section."

Aside from the Johnson County Attorney, against whom this complaint has been withdrawn, each of the individuals named in the complainant's Chapter 22 request appears to be covered by this blanket insurance policy, consistent with Iowa Code § 64.3 (permitting insurance policies in lieu of bond requirements). By providing the blanket policy, the DAS appears to have fully complied with the records request by releasing all public records in their possession responsive to the complainant's request. This record includes a policy number (No. 10563782), the insurance company's name (Travelers), and the coverage amount.

Because there is no evidence to suggest the existence of further undisclosed records responsive to the complainant's request, there is no probable cause to find a violation of Chapter 22, as the DAS has fully complied with its obligation to release the responsive records actually in its possession.

IPIB Action

The Board may take the following actions upon receipt of an investigative report:

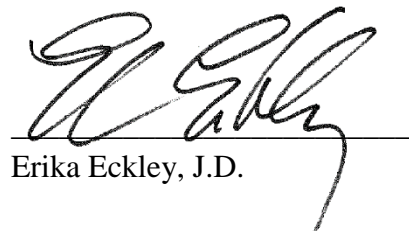
- a. Redirect the matter for further investigation;
- b. Dismiss the matter for lack of probable cause to believe a violation has occurred;
- c. Make a determination that probable cause exists to believe a violation has occurred, but, as an exercise of administrative discretion, dismiss the matter; or
- 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. Because the facts provided in this case suggest that no additional responsive records exist, there is no probable cause to find that the DAS has violated Chapter 22.

By the IPIB Executive Director



Erika Eckley, J.D.

CERTIFICATE OF MAILING

This document was sent on May 8, 2025, to:

Kevin Howard, Complainant
Department of Administrative Services, Respondent



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

Response

Noah Hosek <nhosek11@gmail.com>

Tue, Apr 22, 2025 at 7:55 PM

To: Alexander Lee <alexander.lee@iowa.gov>

Thank you for the information, and it did clarify that for me.

I believe that it is in my best interest to continue with the withdrawal. Like mentioned, I do not believe it is in my best interest to continue.

I appreciate all the guidance and your time in this matter.

Thank you again,
Noah Hosek

Sent from my iPhone

[Quoted text hidden]



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

Receipt of New IPIB Complaint (25FC:0039)

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

Fri, Apr 18, 2025 at 3:52 PM

To: Kevin Howard <nivekism@yahoo.com>

Dear Mr. Howard,

Thank you for your call. I wanted to confirm in writing that, based on our conversation, this portion of case 25FC:0039 will now be marked withdrawn as resolved. The portion of your complaint involving the Department of Administrative Services will remain open.

Best,

**Alexander Lee, JD**

Agency Counsel

Iowa Public Information Board (IPIB)

510 E 12th Street

Jessie M. Parker Building, East

Des Moines, Iowa 50319

(515) 401-4461

alexander.lee@iowa.govwww.ipib.iowa.gov

[Quoted text hidden]

IOWA PUBLIC INFORMATION BOARD [497]

Purpose and Summary

This proposed rulemaking includes revised administrative rules based on the requirements of Executive Order 10. Chapter 8 provides information to the public about open meeting requirements consistent with Iowa Code chapter 21. Chapter 8 is proposed to be rescinded and adopted new with revisions to align with Executive Order 10.

Text of Proposed Rulemaking

ITEM 1. Rescind 497—Chapter 8 and adopt the following new chapter in lieu thereof:

CHAPTER 8

OPEN MEETINGS

497—8.1(21,23) Notice.

8.1(1) *When posted.* As provided in Iowa Code section 21.4, a governmental body will give notice of the time, date, and place of the meeting and the tentative agenda at least 24 hours prior to the commencement of the meeting unless for good cause such notice is impossible or impractical. The notice requirement also applies when there is a change to the original notice except as provided in Iowa Code section 21.4(3).

8.1(2) *Where posted.* Notice will be posted at those locations designated in Iowa Code section 21.4. The notice will be posted in an area that is easily accessible by the public or in an area where the notice is easily viewable by the public and will be posted for at least 24 hours prior to the commencement of the meeting unless for good cause such notice is impossible or impractical. The posting of a notice in an area that is not normally used for the posting of notices or public announcements will not be deemed proper notice. However, if the posting of a notice in an area normally used for posting of notices is not reasonable or practical such as the area is under construction or renovation, the notice will be posted in an area that is otherwise easily accessible by the public or in an area where the notice is easily viewable by the public.

8.1(3) *Closed session.* When a governmental body includes a closed session item on the tentative agenda, the notice will include a brief statement of the purpose of the closed session. It will not be deemed sufficient notice for the governmental body to only reference the statute by number and subparagraph without more information. For example, it will not be sufficient notice for the governmental body to list as an agenda item “closed session 21.5(1)(a).”

The governmental body need not provide more information in the brief statement of purpose 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.”

This rule is intended to implement Iowa Code chapter 21.

497—8.2(21,23) Closed session.

8.2(1) *Who may attend.* A governmental body has the discretion as to who it may invite to attend a closed session. However, if the governmental body holds a closed session under Iowa Code section 21.5(1) “c” to discuss strategy with counsel, the legal counsel for the governmental body will be in attendance at the closed session either in person or by electronic means.

8.2(2) Reserved.

497—8.3(21,22) Exempt sessions.

8.3(1) An Iowa Code section 21.9 exempt session is a meeting to discuss strategy concerning employment conditions of employees of a governmental body who are not covered by a collective bargaining agreement under Iowa Code chapter 20.

8.3(2) “Employment conditions” include wages, hours, vacations, insurance, holidays, leaves of absence, shift differentials, overtime compensation, supplemental pay, seniority,

transfer procedures, job classifications, health and safety matters, evaluation procedures, procedures for staff reduction, in-service training, and grievance procedures.

8.3(3) An exempt session does not fall under the requirements of Iowa Code chapter 21; therefore, notice, a tentative agenda, minutes, and other requirements of Iowa Code chapter 21 do not apply.

8.3(4) The purpose of an exempt session is to allow a governmental body to formulate its position on the terms and conditions of employment for non-union employees in private. An exemption from the open meetings law for this purpose parallels the exemption provided by Iowa Code chapter 20 for governmental bodies negotiating with employee unions. Meetings to evaluate the professional competency of an individual whose appointment, hiring, performance, or discharge is being considered are subject to the requirements of Iowa Code section 21.5(1) “i.” These rules are intended to implement Iowa Code chapters 17A, 21, and 23.

Erika Eckley

~~(515) 250-5780 erika.eckley@iowa.gov~~

May 7, 2025

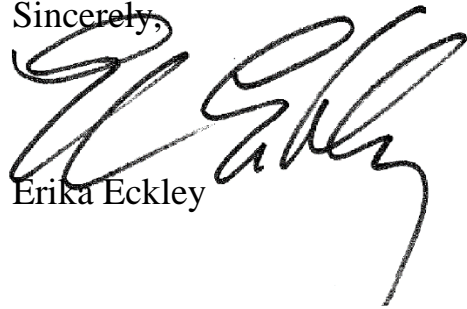
Monica McHugh, Chair
Iowa Public Information Board
510 E. 12th Street
Des Moines, IA 50319

Dear Chairperson McHugh,

Please accept this letter as notice of my resignation as Executive Director of the Iowa Public Information Board effective July 17, 2025.

It has been an honor to serve in this position and I am proud of the work the Board does. I know the Board will continue to accomplish great things to continue to uphold and promote transparency in Iowa.

Sincerely,

A handwritten signature in black ink, appearing to read 'E. Eckley', written over the word 'Sincerely,'.

Erika Eckley

Active Cases Report

40

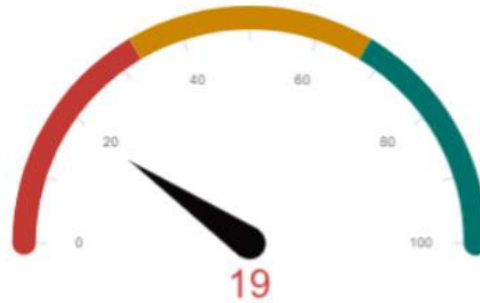
[View Report \(Active Cases Report\)](#)

Active Questions Report

4

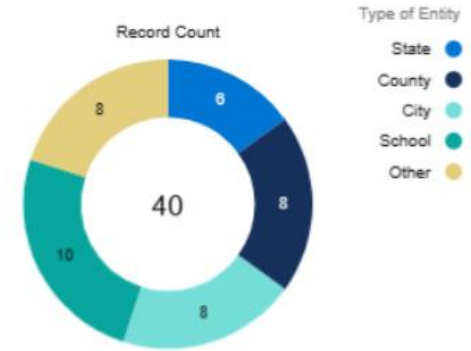
[View Report \(Active Questions Report\)](#)

New complaints &/or question last 30 day



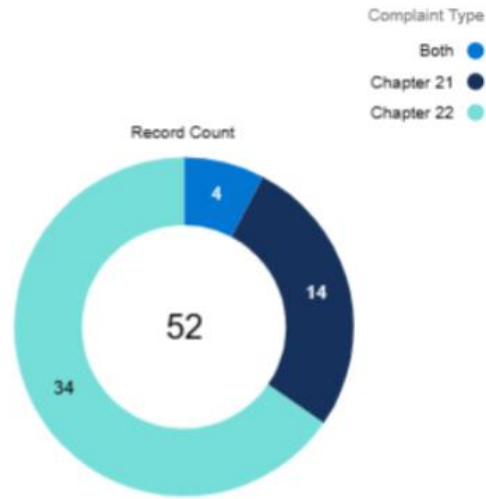
[View Report \(New complaints &/or question last 30 day\)](#)

Cases by Entity



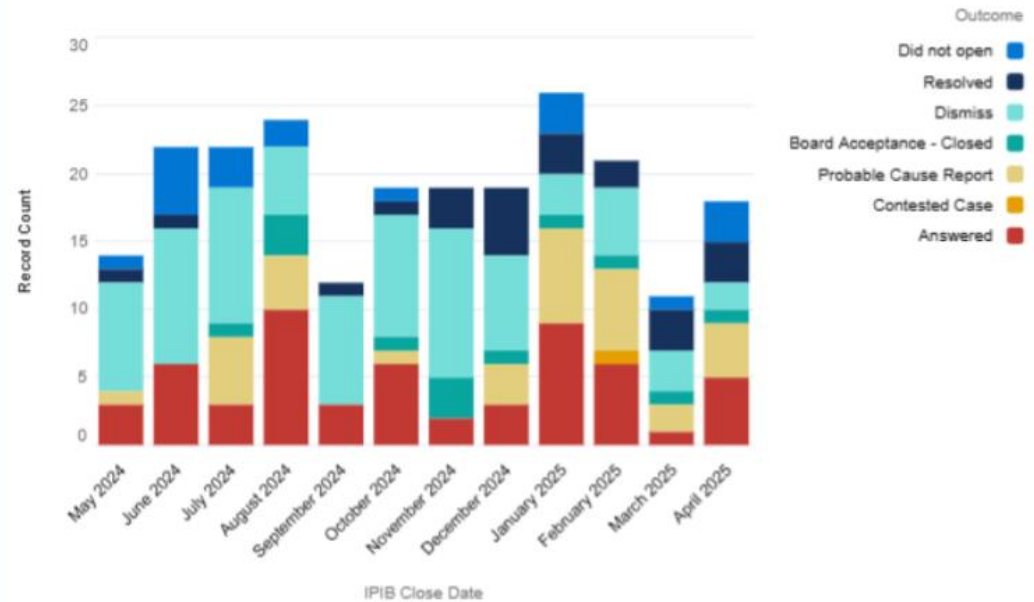
[View Report \(Cases by Entity\)](#)

Broad Type (Filed in Current



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

Closed cases (past 12 months)

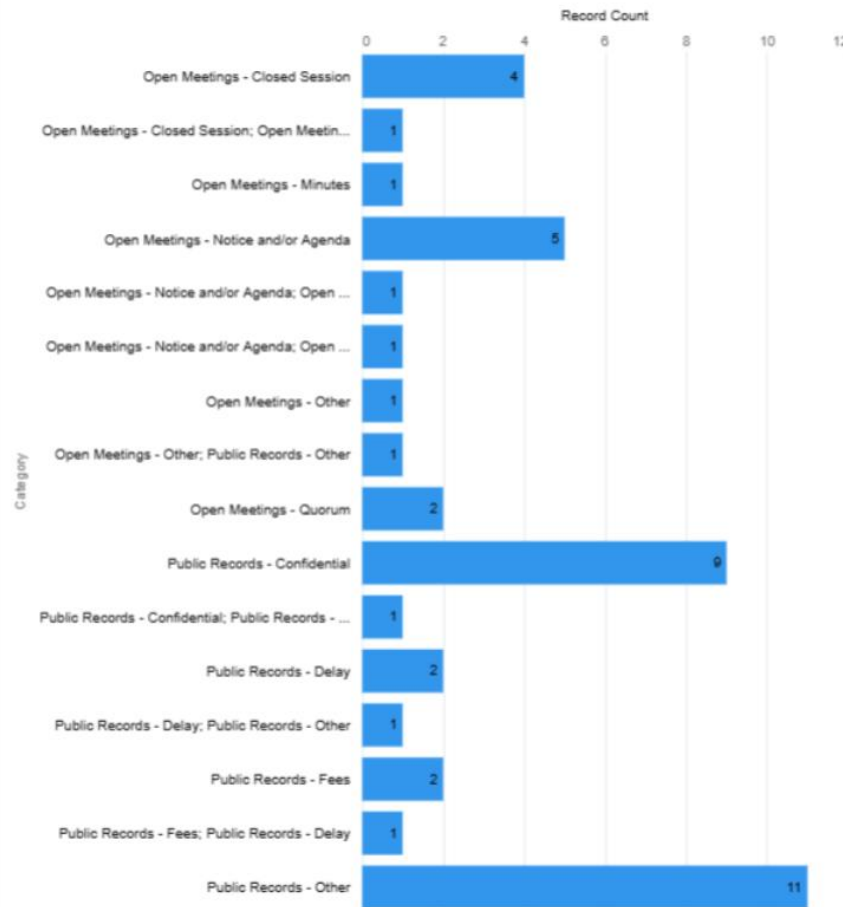


[View Report \(Closed cases \(past 12 months\)\)](#)

Dashboard
Cases by Type

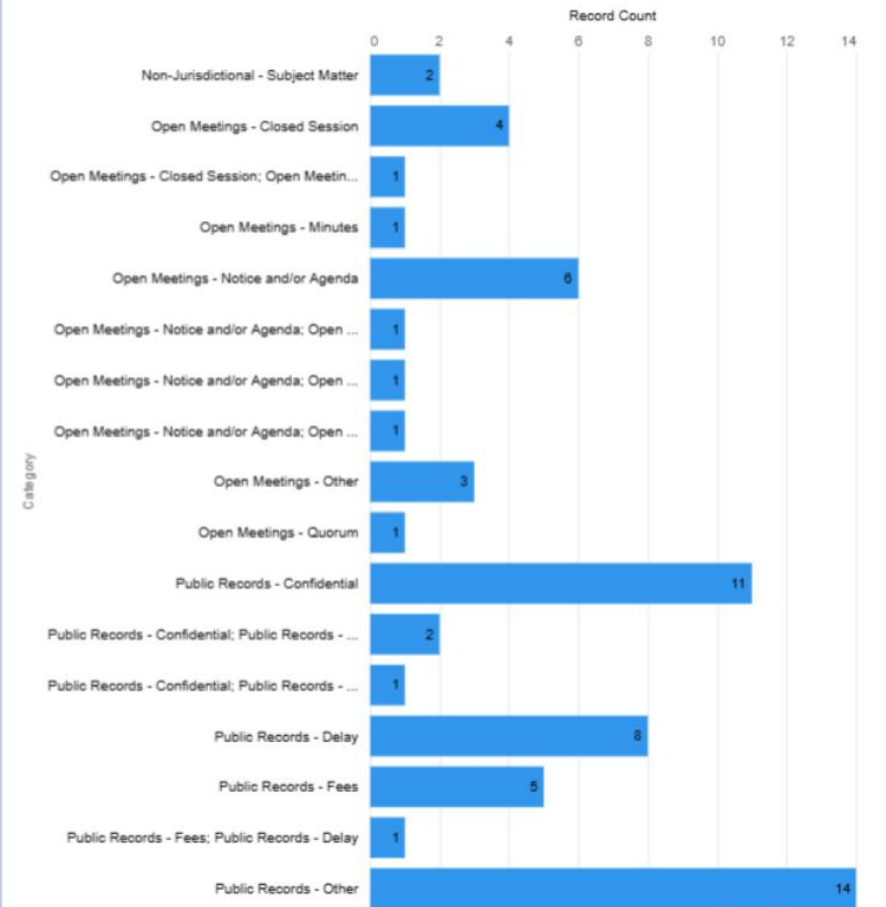
As of May 9, 2025, 2:18 PM-Viewing as Erika Eckley

Cases by Type (Active)



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

Cases by Type (Filed in Current Year)



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

Fund:	0001	General Fund																EDas Customer Number:		1882		
Unit	0P22																	Percent of Year Complete		83.33%		
Sub Unit	Blank	FY2025																				
Approp:	P22	Iowa Public Information Board																				
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	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	37,441	24,645	24,645	7,507	-	-	252,508	309,305	323,270	78%	96%	
202	In State Travel	333	38	625	-	122	224	928	396	326	247	200	200	200	-	-	3,237	3,837	3,487	93%	110%	
301	Office Supplies	-	129	304	255	148	120	120	147	790	120	175	175	175	-	-	2,132	2,657	3,000	71%	89%	
309	Printing & Binding	-	-	-	-	61	-	-	0	-	-	-	-	-	-	-	61	61	500	12%	12%	
313	Postage	-	6	8	3	6	4	4	9	5	4	4	4	4	-	-	49	60	150	33%	40%	
401	Communications	-	174	160	221	139	139	139	139	139	139	139	139	139	-	-	1,392	1,810	3,000	46%	60%	
406	Outside Services	-	-	-	-	-	-	-	-	2,452	(2,452)	-	-	-	-	-	-	-	1,000	0%	0%	
414	Reimbursements To Other Agency	-	1,600	1,608	1,603	1,915	1,678	1,478	1,474	2,596	2,397	2,155	2,155	2,155	-	-	16,349	22,814	12,000	136%	190%	
416	ITD Reimbursements	-	299	11,271	(6,376)	309	276	276	276	277	277	276	276	276	-	-	6,884	7,712	15,820	44%	49%	
418	IT Outside Services	-	146	146	146	146	146	146	146	146	146	146	146	146	-	-	1,317	1,756	1,000	132%	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	38,320	27,740	27,740	10,602	-	-	284,705	350,788	363,227	78%	97%	
Current Month Operations		343,331	(21,459)	(33,596)	(31,842)	(26,097)	(26,803)	(27,576)	(27,400)	(31,716)	(38,320)	(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	78,522	50,781	23,041	12,439	12,439	12,439						

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																EDas Customer Number:		1882		
Unit	P22T																	Percent of Year Complete		83.33%		
Sub Unit	Blank	FY2025																				
Approp:	P22	Iowa Public Information Board																				
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	Actual	(C=A+B)	(D)	To Date	forecast EOY
	Appropriation																			-		
	Deappropriation																					
	BBF (T&T)		18,225																			
Expenditures																						
401	Communications		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%	0%
406	Outside Services		-	-	-	3,900	-	-	-	-	-	2,452	-	-	-	-	-	6,352	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	-	2,452	2,000	-	-	-	-	14,149	16,149	-	#DIV/0!	#DIV/0!
Current Month Operations			18,225	-	-	(10,588)	-	-	-	(1,109)	-	(2,452)	(2,000)	-	-	-	-					
Cash Balance			18,225	18,225	18,225	7,637	7,637	7,637	7,637	6,528	6,528	4,076	2,076	2,076	2,076	2,076	2,076					

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