

# **JIOWA 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](mailto:IPIB@iowa.gov) prior to the meeting.**

## **Agenda**

**June 19, 2025, 1:00 p.m.**

**Conference Room**

**Jessie Parker Building, East**

**510 East 12<sup>th</sup> Street, Des Moines**

### **1:00 PM – IPIB Meeting**

- I. Approval of agenda\***
- II. Approval of the May 15, 2025 minutes \***
- III. Public Forum (5-minute limit per speaker)**
- IV. Comments from the board chair. (McHugh)**
- V. Consent Agenda \***

#### **A. Dismissals**

- 1. 25FC:0051 (Brandie Keegan – Chapter 22 – DCI) 5/12/2025
- 2. 25FC:0052 (Michelle Anderson - Both- City of Davenport) 5/16/2025
- 3. 25FC:0053 (Kevin Kilgore - Both- Department of Revenue) 5/19/2025
- 4. 25FC:0059 (Ruth Miller Kahler - Chapter 21- Mason City Public School) 5/23/2025
- 5. 25FC:0071 (Craig Sash - Chapter 21- Tama County Board of Supervisors) 6/10/2025

#### **B. Acceptance**

- 1. 25FC:0049 (Cody Edwards - Chapter 22- Iowa Department of Revenue) 5/2/2025
- 2. 25FC:0050 (Kenneth Brown - Chapter 21- City of Sidney) 5/10/2025
- 3. 25FC:0054 (Tim Ferguson - Public Records Law- City of Davenport) 5/19/2025
- 4. 25FC:0055 (Justin Cole - Chapter 21- Mount Union Benefited Fire District) 5/21/2025

5. 25FC5/12/2025:0060 (Robert Stewart - Chapter 22- Oelwein police department Oelwein Iowa 50662) 5/23/2025
6. 25FC:0062 (Kayla Brown - Chapter 22- Kirkwood community college) 5/27/2025
7. 25FC:0063 (Miguel Puentes - Chapter 22- Davenport Police Department) 5/28/2025
8. 25FC:0064 (Alisha Beers - Both- The City Council, Mayor and City Clerk/Admin) 5/30/2025
9. 25FC:0069 (Cassie Rochholz – Chapter 21- City of Solon) 6/4/2025
10. 25FC:0067 (EyesOffCR - Chapter 22- City of Cedar Rapids) 6/6/2025

**VI. Advisory Opinion – Deliberation/Action.**

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

1. 25FC:0024 (Jason Kensett - Chapter 22- Iowa DCI) 2/21/2025 - Investigative Report
2. 24FC:0064 (Mark Milligan - Chapter 22- Monroe County Sheriff's Department; represented by Monroe County Attorney) 7/30/2024 – Status Report
3. 24FC:0090 (Sarah Weber - Chapter 21- Orange City Council) 10/9/2024 - Final Report
4. 24FC:0096 (Rachel Dolley - Chapter 21- Commission of Wapello County Veterans Affairs) 10/28/2024 – Investigative Report
5. 25FC:0035 (Roger Krohn - Chapter 21- Monona County Board of Supervisors) 4/3/2025 - Investigative Report
6. 25FC:0042 (Jeffrey Halter - Chapter 21- Iowa Central Community College Board of Directors and Cabinet) 4/16/2025 - Investigative Report
7. 25FC:0044 (Lily Leyva - Chapter 22- West Bend Mallard Community School District) 4/21/2025 - Investigative Report
8. 25FC:0046 (Linda Reardon - Chapter 21- Gladbrook-Reinbeck School Board) 4/24/2025 - Investigative Report

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

1. 25FC:0032 (Kevin Brehm - Chapter 22- Urbandale Community School District) 4/1/2025 -Withdrawn Resolved/Withdrawn
2. 25FC:0047 (Lucian Diaconu - Chapter 22- Gilbert Community School District) 4/29/2025 -Withdrawn Resolved/Withdrawn

**IX. Pending Complaints. Informational Only No Action or Deliberation (Eckley)**

1. 24FC:0089 (Curtis Wagler - Chapter 22- Henry County Sheriff's Office) 10/8/2024 - Information Gathering/IR Process
2. 24FC:0092 (Aubrey Burress - Both- Pleasant Grove township) 10/21/2024 - Contested Case
3. 24FC:0110-1 (Keegan Jarvis - Chapter 21- City of Swan IA) 11/6/2024 - Probable Cause Investigation
4. (Rachel Dolley - Chapter 21- Wapello County Veterans Affairs) 11/21/2024 - 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:0022 (Steve St. Clair - Chapter 22- The Winneshiek County Board of Supervisors and the City of Ossian.) 2/17/2025 - Board Acceptance of IR
9. 25FC:0027 (Jerry Hamelton - Chapter 22- Keokuk Police Department) 3/12/2025 - Draft Order
10. 25FC:0031 (Michael Chapman - Chapter 21- Waterloo Community School District Board of Education) 3/26/2025 - Information Gathering/IR Process

11. 25FC:0040 (Stephanie Erickson - Chapter 21- Indianola City Council) 4/10/2025 - Information Gathering/IR Process
12. 25FC:0057 (Carli Miller - Both- City of Miles, Iowa) 5/22/2025 - Complaint Opened/Acknowledged
13. 25FC:0056 (Kenny Shearon - Both- City of Brighton ,Iowa) 5/22/2025 - Complaint Opened/Acknowledged
14. 25FC:0061 (Dylan Southall - Public Records Law- Cedar Falls Utilities - Cedar Falls, Iowa) 5/23/2025 - Complaint Opened/Acknowledged
15. 25FC:0058 (Rachel Doyle - Both- City of Rolfe) 5/27/2025 - Complaint Opened/Acknowledged
16. 25FC:0065 (John Rasmussen - Chapter 21- Pottawattamie County Board of Supervisors) 6/3/2025 - Complaint Opened/Acknowledged
17. 25FC:0066 (Joe Goche - Open Meetings Law- Board of Supervisors Auditor) 6/3/2025 - Complaint Opened/Acknowledged
18. 25FC:0068 (Kelley DeLong - Chapter 22- Benton County Sheriffs department) 6/5/2025 - Complaint Opened/Acknowledged
19. 25FC:0070-2 (Keith Wieland - Public Records Law- Buchanan County, Iowa) 6/10/2025 - New / Complaint Information Reviewed
20. (Justin Scott - Open Meetings Law- Denver Community School District) 6/12/2025 - New / Complaint Information Reviewed
21. 25FC:0072 (Jonathan Uhl - Chapter 22- Scott County / Scott County Attorney's Office) 6/13/2025 - New / Complaint Information Reviewed
22. 24AO:0013 (Erika Eckley - - ) 12/12/2024 - New / Question Information Reviewed How should interviews for public employees be conducted after the Teig v. Loeffler decision?
23. 25AO:0006 (Crystal Rink) 5/13/2025 - To what extent can materials submitted in response to a request for proposal be withheld as confidential trade secrets?
24. 25AO:0008 – HF 706 Training Requirements
25. 25AO:0007 (Jack Hatanpa - - Brick-Gentry, P.C.) 5/30/2025 - Acknowledgement of Question What obligation does a city have to retrieve public records from an uncooperative non-government actor?

**X. Committee Reports**

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

**XI. Office status report.**

1. Office Update \* (Eckley)
2. Financial/Budget Update (FY25) \* (Eckley)
3. Presentations/Trainings (Eckley)
4. District Court Update (Eckley)

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

**XIII. Adjourn**

**\* Attachments**

# **IOWA PUBLIC INFORMATION BOARD**

**DRAFT**

**May 15, 2025**

## **Unapproved Minutes**

The Iowa Public Information Board (IPIB) met on May 15, 2025, for its monthly meeting at 1 p.m. at the offices of the Iowa Public Information Board located at 502 East 9<sup>th</sup> Street, Des Moines. The following members participated: Joan Corbin (remote), E.J. Giovannetti, Barry Lindahl, Luke Martz (remote), Joel McCrea, Monica McHugh (remote), Jackie Schmillen (remote). (Luke Martz left the meeting at 3:15 p.m.) Also present were IPIB Executive Director, Erika Eckley; IPIB Deputy Director, Kimberly Murphy; IPIB Agency Counsel, Alexander Lee, and John Lundquist, Assistant Attorney General. A quorum was declared present.

On a motion by Lucas and second by Giovannetti, to approve the agenda. Adopted, 7-0.

On a motion by Lindahl and second by McCrea, to approve the April 17, 2025 minutes. Adopted, 7-0.

### **Public Forum –**

Ezra Sidran was virtually present and made public comment.

Jonathan Uhl was present and made public comment.

### **Comments from the Board Chair –**

The Board Chair had no comments.

### **Consent Agenda –**

- 1. Dismissals.** On a motion by Martz and second by Lucas, to approve the dismissals within the consent agenda with the exception of 25FC:0036. Approved, 7-0.

Discussion of 25FC:0036 occurred. On a motion by Lindahl and second by Giovannetti to dismiss the complaint. Approved, 7-0.

- 2. Acceptances.** Board discussion occurred. On a motion by Martz and second by Lindahl, to approve the acceptances within the consent agenda. Approved, 7-0.

**25DO:0001 Petition for Declaratory Order and Motion to Refuse to Issue Order.** Lucas recused from 25DO:0001. Murphy gave an overview of the history of filings. Lundquist gave an overview of the issues before the Board. Board discussion occurred. Actions necessary:

- A. Petition for Intervention filed by Jonathan Uhl.** Board discussion occurred. On a motion by Lindahl and second by McCrea to approve the Petition for Intervention filed by Jonathan Uhl. Approved, 6-0; one abstention.
- B. Motion to Refuse to Issue Order filed by DPS.** Kristina Lyon from the Scott County Attorney's Office addressed the Board. Erin Hardisty from the Iowa Attorney General's Office on behalf of the

Iowa Department of Public Safety addressed the Board. Jonathan Uhl addressed the Board. Board discussion occurred.

On a motion by Lindahl and second by Martz to decline to issue Scott County's Petition for Declaratory Order pursuant to 497 Iowa Administrative Code 3.9(1)(e). Approved 6-0; one abstention. DPS' Motion to Refuse to Issue Order is denied due to mootness.

**Advisory Opinions.** The Board was briefed on each Advisory Opinion and acted as indicated below:

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? Board discussion occurred. On a motion by Lindahl and second by Giovannetti, to adopt the Advisory Opinion. Approved, 7-0.
2. **25AO:0004 (Mitchell Flaherty/Harrison County Sheriff's Office/911) 2/26/2025** - Review of metadata requirements. Board discussion occurred. On a motion by Lucas and second by Lindahl, to table the Advisory Opinion. Approved, 7-0.
3. **25AO:0005 (IPIB) 3/25/2025** - Clarifying a meeting of a majority pursuant to Iowa Code Chapter 21. Board discussion occurred. On a motion by Giovannetti and second by McCrea, to adopt the Advisory Opinion. Approved, 7-0.

**Cases involving Board Deliberation/Action.** The Board was briefed on each complaint and acted as follows:

1. **22FC:0011 (Jack Swarm - Chapter 21 - City of Mt. Pleasant) 3/1/2022 - Probable Cause.** Swarm addressed the Board. Holly Corkery, attorney for the City, addressed the Board. Board discussion occurred. On a motion by Giovannetti and second by Lucas, to determine that probable cause exists to believe a violation has occurred and dismiss the complaint as an exercise of administrative discretion. Approved, 6-1.
2. **24FC:0090 (Sarah Weber - Chapter 21 - Orange City Council) 10/9/2024 - Informal Resolution.** Board discussion occurred. On a motion by McCrea and second by Lindahl, to approve the Informal Resolution Report. Approved, 7-0.

\*Martz departed the meeting.

3. **24FC:0110 (Keegan Jarvis - Chapter 21 - City of Swan IA) 11/6/2024 - Probable Cause.** Nicholas Baily, attorney for the City, addressed the Board. On a motion by Giovannetti and second by Lucas, to table the complaint. Approved, 6-0.
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.** Monahan addressed the Board. Mark Lambert, attorney for the City of Ames, addressed the Board. Anne Bilder, attorney for the University of Northern Iowa, addressed the Board. Board discussion occurred. On a motion by Lucas and second by Lindahl, to determine these issues have been previously addressed and there is no probable casue to believe a violation has occurred and dismiss the complaint. Approved, 6-0.

5. **25FC:0014 (Michael Merritt – Chapter 22 – Jasper County) 2/5/2025 – Probable Cause.** Lucas abstained. On a motion by Corbin and second by McCrea, to dismiss the complaint. Approved, 5-0; one abstention.
6. **25FC:0021 (Jennifer Olson - Chapter 21 - City of Marengo, Personnel Committee) 2/13/2025 - Probable Cause.** Karla Marck from the City addressed the Board. Board discussion occurred. On a motion by Lucas and second by Lindahl, to determine there is no probable cause to believe a violation has occurred and dismiss the complaint. Approved, 6-0.
7. **25FC:0022 (Steve St. Clair - Chapter 22 - The Winneshiek County Board of Supervisors and the City of Ossian) 2/17/2025 - Informal Resolution.** On a motion by Lindahl and second by McCrea, to approve the Informal Resolution Report. Approved, 6-0.
8. **25FC:0026 (Ron Engle - Chapter 22- Iowa Public Employee Retirement System (IPERS)) 3/11/2025 - Probable Cause.** Elizabeth Hennessey, attorney for IPERS addressed the Board. Board discussion occurred. On a motion by Giovannetti and second by McCrea, to determine there is no probable cause to believe a violation has occurred and dismiss the complaint. Approved, 6-0.
9. **25FC:0027 (Jerry Hamelton - Chapter 22- Keokuk Police Department) 3/12/2025 - Probable Cause.** Holly Corkery, attorney for the Keokuk Police Department, addressed the Board. Board discussion occurred. On a motion by Lindahl and second by Lucas, to direct staff to move toward informal resolution without acceptance of the Investigative Report. Approved, 6-0.
10. **25FC:0039-2 (Kevin Howard - Chapter 22 – Dept. of Administrative Services (DAS)) 4/10/2025 - Probable Cause.** On a motion by Giovannetti and second by McCrea, to determine there is no probable cause to believe a violation has occurred and dismiss the complaint. Approved, 6-0.

**Matters Withdrawn, No Action Necessary.**

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

**Pending Complaints. Informational Only/No Action or Deliberation.**

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]

### **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 informed IPIB that the Rules Committee voted to advance the draft Chapter 8 to the next steps in the EO10 process. Murphy also provided an update regarding all other administrative rule drafts. Regulatory analysis for all other chapters published in the Iowa Administrative Bulletin on May 14. The public hearing on the Regulatory Analysis and drafts will be held on June 3 at 9 a.m. IPIB staff will report back to the Board with any public comment.

### **Executive Director Position.**

1. **Accept Resignation.** On a motion by Lindahl and second by Giovannetti, to accept the Executive Director's resignation. Approved, 6-0.
2. **Adopt and Form Search Committee.** Eckley discussed steps that need to be taken to fill the position and discussed steps taken by the previous search committee. Board discussion occurred. On a motion by Lucas and second by McCrea, to formally create the Search Committee. Approved, 6-0. Lucas will chair with Giovannetti, Lindahl, and McCrea as members of the Search Committee.
3. **Discuss Process/Timeline.** Discussion of process occurred.

### **Office status report.**

1. **Office Update.** Eckley addressed the Board and provided an office update.
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 June 19, 2025, at 1:00 p.m. ; meeting adjourned at 4:26 p.m.

# The Iowa Public Information Board

In re the Matter of:  Brandie Keegan, Complainant  And Concerning:  Iowa State Patrol and Iowa Department of Public Safety, Respondent	Case Number: 25FC:0051  Dismissal Order
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COMES NOW, Erika Eckley, Executive Director for the Iowa Public Information Board (IPIB), and enters this Dismissal Order:

On May 12, 2025, Brandie Keegan filed formal complaint 25FC:0051, alleging that the Iowa State Patrol (State Patrol) and Iowa Department of Public Safety (DPS) violated Iowa Code Chapter 22.

### Facts

On April 12, 2025, the complainant, Brandie Keegan, submitted a Chapter 22 request to the Iowa State Patrol, seeking radar device calibration records for a particular radar speed gun used on a given date and location to measure Keegan’s driving speed. The records custodian for DPS responded, asserting confidentiality under Iowa Code § 22.7(5) for the records requested, to the extent that they existed.

This complaint relates to the same set of facts present in an earlier case, 25FC:0030. That case concerned requests made by Keegan on January 21, January 23, and February 23, 2025, which sought multiple records, including the same device calibration records from the same incident, against the same two parties (amongst others). The complaint in that case was brought on March 14, 2025 and ultimately dismissed by IPIB on April 17, 2025.

### Applicable Law

“[IPIB] 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. All complaints filed with the board shall be public records.*” Iowa Code § 23.7(1) (emphasis added).

### **Analysis**

Iowa Code § 23.7(1) limits IPIB’s jurisdiction to accept formal complaints by requiring that any complaint be filed within sixty days from either the time of the alleged violation or, if the alleged violation would not have been immediately apparent to the complainant, the time at which they “could have become aware of the violation with reasonable diligence.” If the sixty-day window is exceeded, then IPIB must dismiss the complaint as outside its jurisdiction. Iowa Code § 23.8(2).

IPIB case law demonstrates that, when multiple, duplicative Chapter 22 requests are made involving the same parties and public records, it is the government body’s response to the initial request which sets the relevant date for any alleged violation. For example, in 19FC:0056, *Thomas O’Brien/Story County Medical Examiner*, IPIB considered a complaint in which a complainant submitted one records request, which was denied, and then made an identical request seeking the same records four months later to receive a second denial and thereby evade the sixty-day deadline for his subsequent complaint. In its dismissal order, IPIB found that it lacked jurisdiction to consider the case, as the complainant would have become aware of any potential violation with reasonable diligence at the time the government body first refused to provide records, regardless of later, identical requests. *Id.*; see also 20FC:0003, *James Banks/Polk County Attorney’s Office*; 18FC:0052, *Charles Vandenberg/Fort Madison Community School District*.

Because the present formal complaint was made on May 12, 2025 and the evidence from the previous complaint (25FC:0030) indicates that the complainant knew or should have known of the alleged violation with reasonable diligence prior to March 13, 2025 (the day before the prior complaint was filed), this complaint is outside IPIB’s jurisdiction.

### **Conclusion**

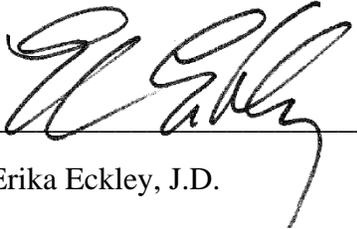
Iowa Code § 23.8 requires that a complaint be within the IPIB’s jurisdiction, appear legally sufficient, and have merit before the IPIB accepts a complaint. Following a review of the allegations on their face, it is found that this complaint does not meet those requirements.

More than sixty days have passed since the time the alleged violation occurred or the complainant could have become aware of the violation with reasonable diligence.

**IT IS SO ORDERED:** Formal complaint 25FC:0051 is dismissed as outside of 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 June 19, 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 stylized and cursive.

Erika Eckley, J.D.

#### CERTIFICATE OF MAILING

This document was sent on June 12, 2025, to:

Brandie Keegan, Complainant

## The Iowa Public Information Board

In re the Matter of:	Case Number: 25FC:0052
Michelle Anderson, Complainant	Dismissal Order
And Concerning:	
City of Davenport, Respondent	

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

On May 16, 2025, Michelle Anderson filed formal complaint 25FC:0052, alleging that the City of Davenport (City) and Davenport Public Works violated Iowa Code Chapters 21 and 22.

### Facts

In January 2025, the complainant, Michelle Anderson, had a new window installed in her residence by a private company. The job was approved and paid for by the Iowa Veterans Trust Fund. Unfortunately, according to the allegations in the complaint, the window installation was faulty, and water has been leaking through the wall, causing property damage.

Anderson has contacted both the City and the private company, but both have stated that there is no building code violation present which would require repairs. At the time of this complaint, the City had allegedly declined to send a code inspector to Anderson's residence.

On May 16, 2025, Anderson filed formal complaint 25FC:0052, alleging 1) that the City has failed to properly inspect for building code violations despite notice and 2) that the City's public works department and code inspectors have also neglected to address other, related concerns about the foundation of Anderson's home or damage to the street she lives on. Anderson has suggested that city inspectors may not be receiving proper training in the enforcement of building codes, raising transparency concerns.

### Applicable Law

"Upon receipt of a complaint alleging a violation of chapter 21 or 22, the [Iowa Public Information Board] shall do either of the following:

2. Determine that, on its face, the complaint is outside its jurisdiction, is legally insufficient, is frivolous, is without merit, involves harmless error, or relates to a specific incident that has previously been finally disposed of on its merits by the board or a court.” Iowa Code § 23.8(2).

### **Analysis**

IPIB’s statutory jurisdiction to hear complaints is limited to Chapters 21 and 22, which deal with open meetings and public records law, respectively. Iowa Code § 23.6(4). This complaint does not relate to or allege a meeting of any government body, and it does not pertain to any public records for which the City or its departments might be considered a lawful custodian.

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. Because none of the allegations described in the present complaint could serve as the basis for a finding that the respondents violated either Chapter 21 or 22, IPIB lacks authority to weigh in on the merits of the complaint.

### **Conclusion**

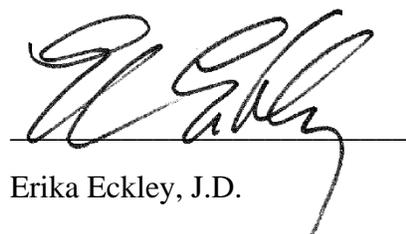
Iowa Code § 23.8 requires that a complaint be within the IPIB’s jurisdiction, appear legally sufficient, and have merit before the IPIB accepts a complaint. Following a review of the allegations on their face, it is found that this complaint does not meet those requirements.

On facial review, the complaint does not allege a violation within IPIB’s jurisdiction.

IT IS SO ORDERED: Formal complaint 25FC:0052 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 June 19, 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 June 12, 2025, to:

Michelle Anderson, Complainant

# The Iowa Public Information Board

In re the Matter of:	Case Number: 25FC:0053
Kevin Kilgore, Complainant	Dismissal Order
And Concerning:	
Iowa Department of Revenue, Respondent	

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

On May 21, 2025, Kevin Kilgore filed formal complaint 25FC:0053, alleging the Iowa Department of Revenue violated Iowa Code chapters 21 and 22.

## Facts

Kevin Kilgore alleges the following facts:

“An informal review of the three-year 75% increase in the value of my property was requested in a 12 April 2025 letter to the Ringgold County Assessor and answered in a 21 April 2025 letter (both the 12 and 21 April letters will be provided by email separately).

I have no reason to think that the numbers related to the valuation are not correct as provided to the Assessor, but those numbers beg the issues of the “basis and rationale” for the valuation increase (§ 21.1), the information used to implement the Crop Productivity Formula by the § 22.3A exclusion, AND the abrogation of statutory definition in § 441.21(1)(e).

The information is available on the Department of Management website in summary form, but there is no oversight for the decisions made by the Department of Revenue to generate that summary data, and there is no ‘next senior accountable’ to question those decisions.”

## Applicable Law

“This chapter [21] seeks to assure, through a requirement of open meetings of governmental bodies, that the basis and rationale of governmental decisions, as well as those decisions

themselves, are easily accessible to the people. Ambiguity in the construction or application of this chapter should be resolved in favor of openness.” Iowa Code § 21.1.

“A government body may provide, restrict, or prohibit access to data processing software developed by the government body or developed by a nongovernment body and used by a government body pursuant to a contractual relationship with the nongovernment body, regardless of whether the data processing software is separated or combined with a public record. A government body shall establish policies and procedures to provide access to public records which are combined with its data processing software. A public record shall not be withheld from the public because it is combined with data processing software.” Iowa Code 22.3A(2)(a).

Upon receipt of a complaint alleging a violation of chapter 21 or 22, the board shall do either of the following:

- a. Determine that, on its face, the complaint is within the board’s jurisdiction, appears legally sufficient, and could have merit. In such a case the board shall accept the complaint, and shall notify the parties of that fact in writing.
- b. Determine that, on its face, the complaint is outside its jurisdiction, is legally insufficient, is frivolous, is without merit, involves harmless error, or relates to a specific incident that has previously been finally disposed of on its merits by the board or a court. In such a case the board shall decline to accept the complaint. If the board refuses to accept a complaint, the board shall provide the complainant with a written order explaining its reasons for the action.

Iowa Code § 23.8

### **Analysis**

Kilgore alleges he is unable to determine “the basis and rationale” for the tax valuation of his property from the documents he requested and received from the county auditor. He argues this is a violation of Iowa Code chapter 21. Despite using a phrase from the statute, chapter 21 does not provide a remedy to Kilgore for his concerns with his property tax assessments. Therefore, similar to another recent complaint filed by Kilgore,<sup>1</sup> IPIB does not have jurisdiction over his complaint. This complaint must be dismissed.

### **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.

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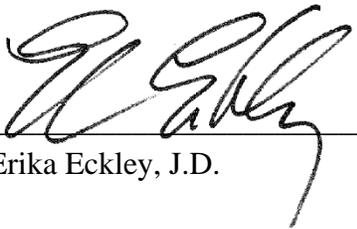
<sup>1</sup> 25FC:0013 Kilgore/Department of Management (complaint was regarding accuracy of DOM’s spreadsheet provided to government bodies to file budgets with the state).

Kilgore's complaint regards a subject matter outside the jurisdiction of IPIB and must be dismissed.

IT IS SO ORDERED: Formal complaint 25FC:0053 is dismissed as it is legally insufficient and frivolous pursuant to Iowa Code § 23.8(2) and Iowa Administrative Rule FC: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 June 19, 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 June 12, 2025, to:

Kevin Kilgore

# The Iowa Public Information Board

In re the Matter of:  Ruth Miller Kahler, Complainant  And Concerning:  Mason City Community School District , Respondent	Case Number: 25FC:0059  Dismissal Order
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COMES NOW, Erika Eckley, Executive Director for the Iowa Public Information Board (IPIB), and enters this Dismissal Order:

On May 23, 2025, Ruth Miller Kahler filed formal complaint 25FC:0059, alleging that the Mason City Community School District (District) violated Iowa Code Chapters 21.

### Facts

Mason City Community School District is a public school district in Cerro Gordo County. The complainant, Ruth Miller Kahler, has a child who attends one of the schools in the District.

On May 22, 2025, Miller Kahler alleges her child was questioned by school personnel without her consent. Miller Kahler asserts this uninformed questioning violated open meetings law and upset her child.

### Applicable Law

“Upon receipt of a complaint alleging a violation of chapter 21 or 22, the [Iowa Public Information Board] shall do either of the following:

2. Determine that, on its face, the complaint is outside its jurisdiction, is legally insufficient, is frivolous, is without merit, involves harmless error, or relates to a specific incident that has previously been finally disposed of on its merits by the board or a court.” Iowa Code § 23.8(2).

## Analysis

IPIB's statutory jurisdiction to hear complaints is limited to Chapters 21 and 22, which deal with open meetings and public records law, respectively. Iowa Code § 23.6(4). Because the complainant does not allege a meeting of any governmental body – as her child and the school personnel who did the questioning are presumably not members of a common governmental body – there is no potential issue presented within the scope of Iowa open meetings law.

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. Because none of the allegations described in the present complaint could serve as the basis for a finding that the respondents violated Chapter 21, IPIB lacks authority to weigh in on the merits of the complaint.

## Conclusion

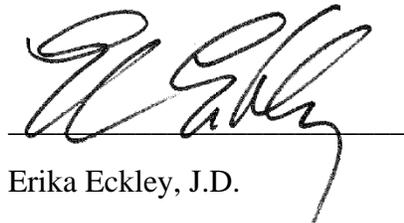
Iowa Code § 23.8 requires that a complaint be within the IPIB's jurisdiction, appear legally sufficient, and have merit before the IPIB accepts a complaint. Following a review of the allegations on their face, it is found that this complaint does not meet those requirements.

On facial review, the complaint does not allege a violation within IPIB's jurisdiction.

IT IS SO ORDERED: Formal complaint 25FC:0059 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 June 19, 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 June 12, 2025, to:

Ruth Miller Kahler, Complainant

# The Iowa Public Information Board

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In re the Matter of:  Craig Sash, Complainant  And Concerning:  Tama County Board of Supervisors, Respondent	Case Number: 25FC:0071  Dismissal Order
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COMES NOW, Erika Eckley, Executive Director for the Iowa Public Information Board (IPIB), and enters this Dismissal Order:

On June 10, 2025, Craig Sash filed formal complaint 25FC:0071, alleging the Tama County Board of Supervisors (Board) violated Iowa Code Chapter 21.

## Facts

The complainant, Craig Sash, was formerly a member of the Tama County Zoning Board. On June 9, 2025, during a normally scheduled open meeting of the Tama County Board of Supervisors, the Board voted 5-0 to adopt a resolution to immediately remove Sash from the Zoning Board. The corresponding item on the tentative agenda was provided as “Discussion/possible action Resolution 6-9-2025A removing member from the Tama County Zoning Board.” No closed session was utilized.

Sash alleges that he was not informed of the possible removal action prior to the meeting, and he further alleges the Board provided no supporting documentation for their claim, no written charges, and no opportunity for public discussion on the resolution. Sash believes this removal was “unwarranted and retaliatory for [his] critical stance against the [Board].”

## 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).

“Except as provided in subsection 3, a governmental body shall give notice of the time, date, and place of each meeting including a reconvened meeting of the governmental body, and the tentative agenda of the meeting, in a manner reasonably calculated to apprise the public of that information. Reasonable notice shall include advising the news media who have filed a request for notice with the governmental body and posting the notice on a bulletin board or other prominent place which is easily accessible to the public and clearly designated for that purpose at the principal office of the body holding the meeting, or if no such office exists, at the building in which the meeting is to be held.” Iowa Code § 21.4(1).

### **Analysis**

The complaint makes three related allegations in support of a finding that the Board violated Chapter 21: 1) the Board failed to provide proper notice to the complainant that his removal would be considered; 2) the Board did not provide sufficient supporting evidence for their claim that the complainant engaged in unprofessional conduct and 3) the Board’s actual motive for ordering removal was improper retaliation.

With regards to the first of these allegations, the public notice requirements of Chapter 21 are concerned only with the notice given to the general public as a whole. There is no additional notice required for individuals who are specifically named in or affected by an action to be considered by the governmental body. Here, the complaint does not allege that there was any issue with the location or timing of the public posting generally, and the specific agenda item (“Discussion/possible action Resolution 6-9-2025A removing member from the Tama County Zoning Board”) was facially sufficient to “apprise the public and g[i]ve full opportunity for public knowledge and participation,” satisfying the minimum standard set by *KCOB/KLVN, Inc. v. Jasper County Board of Supervisors*. 473 N.W.2d 171, 173 (Iowa 1991). Therefore, there is no potential violation of Iowa Code § 21.3(1) in this allegation.

As for the other two allegations, while Chapter 21 does require transparency for meetings of governmental bodies, it does not regulate the substance of the decision-making process itself. In other words, while governmental bodies are generally required to conduct their meetings in open session, Chapter 21 does not prevent members from acting based on insufficient evidence or improper motives. While other provisions of state or federal law may impose their own restrictions, none of the facts alleged amount to a potential violation within IPIB’s limited jurisdiction over Chapter 21 (or Chapter 22).

### **Conclusion**

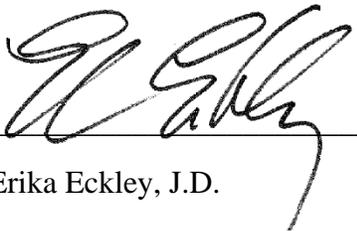
Iowa Code § 23.8 requires that a complaint be within the IPIB’s jurisdiction, appear legally sufficient, and have merit before the IPIB accepts a complaint. Following a review of the allegations on their face, it is found that this complaint does not meet those requirements.

Chapter 21 does not require special meeting notice for individuals separate from the notice provided to the general public, and allegations of improper or insufficient motive for governmental actions are outside of IPIB's statutory jurisdiction.

IT IS SO ORDERED: Formal complaint 25FC:0071 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 June 19, 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 June 12, 2025, to:

Craig Sash, Complainant

IPIB Case Number	Contact Name	Name of Entity Involved	Complaint Type	Description
25FC:0049	Cody Edwards	Iowa Department of Revenue	Chapter 22	On April 17, 2025, Mr. Fuller provided documents in response to Complainant's public records requests. The Department provided a mere 142 documents, which include emails and other documents. The Department produced this limited number of documents even though the Department identified 4,213 emails regarding Lamar that were sent or received in 2024 and 2025 and that were sent or received by Ben Clough, Matt Bishop, Kelsie Royster and Brenda Emelo. Complainant limited its request for emails to those sent or received by Ben Clough, Matt Bishop, Kelsie Royster and Brenda Emelo in 2024 and 2025, but did not impose such limitation on all other types of correspondence. Based on Complainant's review of the documents produced by the Department, it is unclear whether the Department produced all correspondence between and among Department of Revenue employees regarding The Lamar Company, Inc. Complainant was careful to limit one request to work product of non-attorney employees of the Department of Revenue and the documents produced by the Department did not include any work product of non-attorney employees, which include Ben Clough and Matt Bishop. According to Mr. Fuller, the Department did not produce documents that would fit Complainant's request because [a] number of documents were withheld for attorney-client privilege, attorney work product under Iowa Code section 22.7(4), and/or draft under Iowa Code section 22.7(65). (see attachment for full complaint)
25FC:0050	Kenneth Brown	City of Sidney	Chapter 21	Item on Agenda was not discussed 15. Discuss/Action ? Establish Public Works Director Position. Item added to agenda without prior notification according to Minutes Appointing a person to a position that did not exist. Plus if this is a new position it should have been posted public so Vets can apply for the position. Travis moved to appoint Jeremy Behrends as Public Works Director. Crecelius seconded the motion. Roll Call Vote: Ayes: Travis, Bengston, Crecelius. Nays: None.
25FC:0054	Tim Ferguson	City of Davenport	Chapter 22	Request #PRR-176-2025 I am requesting an opportunity to inspect or obtain copies of public records that the City of Davenport has contracted for concerning any legal counsel or representation and copies of all contracts with the legal/Attorneys/Lawyers/Paralegals representation and cost of representation from the dates April 17, 2015 - April 17, 2025 along with their agreements. The date Just FIOA made the request was April 22, 2025, although my request was sent April 17th which would have made the request available the next business day Friday April 18, 2025. Since the request was made with the City of Davenport no more efforts seem to have been made to update the status or fulfill the request. Send to admin.info@davenportiowa.com
25FC:0055	Justin Cole	Mount Union Benefited Fire District	Chapter 21	Because of personal issues involving members of the Mount Union Benefited Fire District board and members of the Fire Department, the board now refuses to publicly announce when they are holding meetings. There have been accusations of mismanagement of funds, and they don't want the tax payers knowing what they're doing with their tax dollars
25FC:0060	Robert Stewart	Oelwein police department Oelwein Iowa 50662	Chapter 22	I sent in FOIA REQUEST , ON 4/01/2025, on 4/03/2025 I returned and asked for FOIA REQUESTS FORM. RONALD VOSELL YOLD ME I WAS NOT GETTING ANY FORMS FROM THE OPD AND I COULD FIND SOME ON THE INTERNET I WASNT GETTING ANY FROM THEM. I JUST GOT 2 COUPLE DAYS BEFORE. RHEN HE ATATED JULIE SENR ME A LETTER ON FOIA i turned in 2 days before. I received her letter 4/5/2025 and it stated the police phones where private and I wasn't able to 3 calls off personal phones. The phones are paid for by OPD,they use them during police work hours,take pictures with then at work,and answer and only answer during work hours.the officer told me twice it was work phone. Julie works for OPD as a dispatcher also.denied me. Julies letter stated there were recordings I could have,no statement from March 25,2025,no public information from personal files, charged me for paperwork I never requested,4/8/2025 when I called Julie at work(OPD) she stated that her supervisors assisted. Have more no room Have recording
25FC:0062	Kayla Brown	Kirkwood community college	Chapter 22	A request was put in 7 business days ago for a records request for emails and calenders between certain individuals. Jon Neff cited that I would need to pay \$620 dollars before he would fulfill this request. He gave a broad estimate and sent these as estimated charges. Custom Data pull 8 hours at \$50 per hour = \$400 Processing 10 hours at \$20 per hour = \$200 SFPT Upload 1 hour at \$20 per hour = \$20 Total = \$620 My husband and I have been dealing with open retaliation with them and have an investigation with OSHA against them currently and this seems very intentional to keep us from the records we requested. This seems incredibly excessive and seems to possibly violate chapter 22.
25FC:0063	Miguel Puentes	City of Davenport and the Davenport Police Department	Chapter 22	The FOIA request sent to Davenport Police Department Records was for images (reports) from the LPR system regarding Illinois Plate KU1944, a black Mazda 3, on the LPR system from 11/10/2024 to 12/10/2024. The City declined to provide these materials, originally giving no explanation or claiming any exemption. Upon further inquiry, they claim the materials were confidential; however, they did not comply with information requirements set forth in Iowa Code Section 22.7(5). Nor, do we believe the materials requested are confidential.

25FC:0064	Alisha Beers	The City Council, Mayor and City Clerk/Admin	Both	<p>OPEN MEETING LAW: Once I brought up money, positions, and the budget, Todd was, and still is, very upset with me. That was all on May 15th. On Tuesday, May 20th, I texted Mike, who is on the council, about a house that the town is trying to sell with a silent bid. Mike replied to "call him". So, I called him about that, and Mike told me that the city council had their second meeting to vote on getting me off the council board. He said he voted no, and they told him if he didn't vote for me to be removed, they would go around him and take it to the town for a vote. They also stated that they wrote me a letter and that they were not very nice, and I shouldn't be offended because of the letter, just let it go and move forward. PUBLIC RECORDS LAW- I have also asked Todd Noah several times in several ways what the budget is for all the positions he holds, and he will not tell me what he makes off the City of Pisgah, where he holds all positions in the town, and threatens to resign monthly.</p>
25FC:0067	EyesOffCR	City of Cedar Rapids	Chapter 22	<p>"The City of Cedar Rapids has demonstrably failed to meet its obligations under Iowa Code Chapter 22 through persistent delays, non-responses, and incomplete record production concerning a public records request for its Automated License Plate Reader (ALPR) program." [See Addendum for details.]</p>
25FC:0069	Cassie Rochholz	City of Solon	Chapter 21	<p>I am submitting this complaint due to repeated violations of the Iowa Open Meetings Law by the City of Solon. At the June 4 City Council meeting, the agenda lacked attachments or documentation for the "New Business" items, yet the council voted on multiple resolutions without discussion or transparency. This prevented proper public notice and engagement. This has been a consistent issue?agendas from previous meetings also lack supporting materials, despite votes being taken. These actions violate open meetings requirements and undermine public trust. I respectfully request that votes from the June 4 meeting be deemed null and void due to these violations. I also request an investigation into this ongoing misconduct. If City Administrator Cami Rasmussen is found to have acted beyond her role or misused her authority, I believe removal from her position should be considered.</p>



## Before the Iowa Public Information Board

In re the Matter of: Jason Kensett, Complainant And Concerning: Iowa Department of Public Safety, Respondent	Case Number: 25FC:0024  Report
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COMES NOW, Zach Goodrich, Special Counsel for the Iowa Public Information Board (IPIB), and enters this Report recommending dismissal of a formal complaint.

### FACTS

Complainant, Jason Kensett, alleges the Respondent, the Iowa Department of Public Safety (DPS), violated Iowa Code chapter 22 by refusing to release requested public records pursuant to Iowa Code chapter 22.

On December 18, 2024, Complainant submitted a request for “any and all records of test results for cases involving Jason Kensett” in an email under the subject line “Records from the DCI crime lab.” Complainant provided additional identifying information including the case number and the name of the police officer involved in the matter.

After review, DPS contacted complainant on January 6, 2025, stating the requested records were confidential “pursuant to Iowa law, including **but not limited to** Iowa Code Chapter 22.7(5)...” (**Emphasis added**). DPS further stated that for a pending case, records must be obtained through discovery and with a subpoena. Complainant responded stating the dates of the records sought are, at a minimum, thirteen years old, leaving some presumably available for disclosure under Iowa Code section 22.7(5), which states:

*“Specific portions of electronic mail and telephone billing records may only be kept confidential under this subsection **if the length of time prescribed for commencement of prosecution or the finding of an indictment or information under the statute of limitations applicable to the crime that is under investigation has not expired.**” (Emphasis added).*

Complainant filed formal complaint 25FC:0024 on February 21, 2025. In response to the complaint, Counsel for DPS maintained their position that the

records sought from the DCI Crime Lab are not subject to release under Iowa law. Counsel cited Iowa Administrative Code rule 661-150.5, implementing Iowa Code chapter 691 (State Criminalistics Laboratory and Medical Examiner). IAC rule 661-150.5 states, in its entirety:

*Distribution of reports.*

*150.5(1). A copy of each completed report of analyses performed by the laboratory shall be provided to the submitting officer and to the prosecuting attorney. The prosecuting attorney shall be responsible for providing copies of any laboratory report to the defendant or defendants as required by law.*

*150.5(2). Results of laboratory analyses shall not be made available to any unauthorized person or organization.*

Furthermore, Counsel cited supporting precedent, including rulings from the Iowa Supreme Court and Iowa Court of Appeals dealing with the disclosure of contents of peace officers' investigative reports. In response to the claim that sufficient time has passed to render some of the records available for disclosure, Counsel cites an IPIB Advisory Opinion interpreting that peace officers' investigative reports include all of the information gathered by officers as part of an investigation into a crime or incident.<sup>1</sup>

In further response to the claim that sufficient time has passed and therefore some records should be available for disclosure, Counsel for DPS responded:

*"The Department is unable to determine whether providing confidential information about alleged past cases could impact present investigations of the approximately 400 law enforcement agencies in Iowa the DCI Crime Lab serves. It is wholly possible Mr. Kensett is under investigation again by any law enforcement agency and disclosure of the DCI Crime Lab results would either hinder those investigations, or alternatively, give Mr. Kensett confidential information to aid him in committing further crimes. With such a miniscule public interest and a significantly high risk, the balancing test [from Hawk Eye v. Jackson] weighs in favor of nondisclosure."*

In conclusion, Counsel additionally stated that DPS found reason to believe Complainant may already have access to the records through discovery and mandatory disclosure from the state in a criminal court case. Counsel reiterated from their initial response that the records at issue would have to be obtained through an attorney via the limited disclosure options permitted under Iowa

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<sup>1</sup> IPIB 23AO:0003.

Administrative Code rule 661-150.5, Iowa Code chapter 691, and Iowa Code chapter 17A.

### **ANALYSIS**

DPS presents a multipronged legal argument in support of the claim that the requested records are confidential – an argument which goes beyond Complainant’s argument based solely on the language in Iowa Code section 22.7(5). Several court rulings, an applied balancing test<sup>2</sup>, and the IPIB’s own guidance are appropriately applied to this situation in order to reach the correct conclusion under Iowa law. Again, the exception in Iowa Code section 22.7(5) cited by Complainant states:

*“Specific portions of electronic mail and telephone billing records **may only be kept confidential under this subsection** if the length of time prescribed for commencement of prosecution or the finding of an indictment or information under the statute of limitations applicable to the crime that is under investigation has not expired.” **(Emphasis added).***

However, DPS need not rely on the aforementioned exception to prevail – the records can be kept confidential under other provisions of Iowa law, most notably the clear regulatory language in Iowa Administrative Code for this precise category of records.<sup>3</sup> The supporting precedent from past Iowa court rulings further makes clear that the records sought in this matter, while they may be available for disclosure through other legal avenues, are ultimately not available for disclosure under Iowa Code chapter 22.

*[Remainder of page intentionally left blank]*

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<sup>2</sup> See Attachment A, DPS Response dated April 4, 2025.

<sup>3</sup> Iowa Administrative Code rule 661-150.5.

**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 presented arguments and applicable law, it is found that this complaint does not meet the requirements for legal sufficiency.

Therefore, I recommend formal complaint 25FC:0024 be dismissed as legally insufficient pursuant to Iowa Code section 23.8(2) and Iowa Administrative Code rule 497-2.1(2)(b).

Respectfully submitted this 19<sup>th</sup> day of June, 2025.



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Zach Goodrich  
Special Counsel for the IPIB

**CERTIFICATE OF MAILING**

This document was sent by electronic mail on this \_\_\_\_ day of June 2025, to:

Jason Kensett, Complainant  
Catherine Lucas, Counsel for DPS

Re: Case No. 25FC:0024

To Whom it may Concern.

### Facts

On December 18, 2024 I emailed the below message:

I need any and all records of test results for cases involving Jason Kensett.  
case 09028808.

Date was taken was 5/08/09

Fairfield Police. Officer Collin Smith.

Agency Case Number PD0903533

In the same case I need all the names and dates of anyone that logged on and looked at the digital records for the results.

Any and all people that received the results and dates.

Contact me at [meyouthem65@myyahoo.com](mailto:meyouthem65@myyahoo.com)

Particular attention should be taken that I specifically asked for names and dates of people that looked at or received the records.

### Iowa Code Chapter 22

Quoting “Michelle Vaccaro v. Polk County, Iowa, and Polk County Sheriff Kevin Schneider (**Docket Number: 21-1651**)”

We begin with an overview of Iowa Code chapter 22, the Open Records Act, also known as the Iowa Freedom of Information Act (IFOIA), which “embodies ‘a liberal policy in favor of access to public records.’” *Milligan v. Ottumwa Police Dep’t*, 937 N.W.2d 97, 102 (Iowa 2020) (quoting *Mitchell*, 926 N.W.2d at 229). “The purpose of [chapter 22] is ‘to open the doors of government to public scrutiny [and] to prevent government from secreting its decision-making activities from the public, on whose behalf it is its duty to act.’” *Mitchell*, 926 N.W.2d at 229 (alterations in original) (quoting *City of Riverdale v. Diercks*, 806 N.W.2d 643, 652 (Iowa 2011)).

And:

“Disclosure is the rule, and one seeking the protection of one of the statute’s exemptions bears the burden of demonstrating the exemption’s applicability.” *Id.* (quoting *Diercks*, 806 N.W.2d at 652).

Chapter 22 covers 1 subject matter and should be interpreted as a whole, totality.

The Department of Public Safety are not “Peace officers” and therefore can not make “peace officers investigative reports”. The Peace officer would have to create the record for it to be an investigative report.

In this respect Iowa Chapter 22.7(5) does not apply to most, in not all records that were requested. In the case that it does apply to some of the records it is the responsibility of the DPS to specifically state which records those are and why per Iowa Code 22.8(1).

## Iowa Code Chapter 691

The DPS then claims that Iowa Code section 691 gives them authority to withhold public records under the Iowa Administrative Code 661-150.1.

*The DCI Crime Lab is also governed by Iowa Administrative Rule 661-ch. 150. In addition to Iowa Code section 22.7(5) discussed below, Iowa Administrative Code 661-150.1 provides for the confidentiality of the reports:*

**150.5(1)** A copy of each completed report of analyses performed by the laboratory shall be provided to the submitting officer and to the prosecuting attorney. The prosecuting attorney shall be responsible for providing copies of any laboratory report to the defendant or defendants as required by law.

**150.5(2) Results of laboratory analyses shall not be made available to any unauthorized person or organization.**

The intent of the above can be found in 691.4 of same Iowa Code section which states:

### **691.4 Copy of finding to defendant.**

The county attorney shall give the accused person, or the accused person's attorney, after an indictment or county attorney's information has been returned, a copy of each report of the findings of the criminalistics laboratory conducted in the investigation of the indictable criminal charge against the accused person at the time of arraignment, or if such report is received after arraignment, upon receipt, whether or not such findings are to be used in evidence against the accused person. If such report is not given to the accused or the accused person's attorney at least four days prior to trial, such fact shall be grounds for a continuance.

This then refers to the "Duties of the County attorney" in the Iowa Code below. It is obvious the intent is to put into law the Constitutional right of discovery of reports made by the

### **Iowa Code 331.756(65) Duties of the County attorney.**

Give to an accused person a copy of each report of the findings of the criminalistics laboratory in the investigation of an indictable criminal charge against the accused as provided in section 691.4.

The law and codes cited by the DPS are actually there to PROTECT the rights of the People and not a restriction.

**Take notice that a Public Records request is NOT a criminal action** and rules concerning discovery can't be used to violate rights to records. This is covered in Mitchell v. Cedar Rapids (926 N.W.2d 222) and has been repeatedly made 100% clear by the Iowa Supreme Court making it overwhelmingly established.

## **Iowa Public Information Board's 2023 advisory opinion 23AO:0003**

Next the DPS argues that the Iowa Public Information Board's 2023 advisory opinion 23AO:0003

defines “peace officers’ investigative reports to include all of the information gathered by officers as part of an investigation into a crime or incident.”

The continuation of the above is, “For example, in *Klein v. Iowa Public Information Board*,” That opinion also has a foot note to the statement quoted by DPS.

“[1] Although the Iowa Supreme Court did not review the Board’s determination of this legal issue in its opinion, the case still serves as an example of the Board’s stance.”

The interesting part of the cited case is what the ALJ ruled:

ALJ concluded that “the 911 tape, the dashcam videos, and the bodycam videos are not ‘confidential’ . . . even if they are later placed into a file labeled ‘peace officer’s investigative report.’” Hence, the ALJ concluded that the BPD and the DCI “failed to comply with Iowa Code Chapter 22 when they determined that all records gathered as part of a criminal investigation, including the 911 call, the body camera video, and the dash camera video, were confidential ‘peace officers’ investigative reports’ under Iowa Code section 22.7(5).” *Klein v. Iowa Public Information Board*, 968 N.W.2d 220, 222

An opinion has no legal weight or binding and even less when there is clear bias.

**Harvey L. Harrison v. Lisa Mickey, in her official capacity as Open Records Coordinator and City of Des Moines, IA (Iowa 2025) Docket Number: 24-0373**

The above case is the not only the most recent Iowa Supreme Court case I could find, but also really clears up some of these questions. Also in this opinion **all justices concur except Waterman, J., who takes no part.**

The general issue that “use of force reports” as “self review”. The part that really stands out is the section named “**Other Arguments**” in which the Court rules on an argument that they ruled was waved. This is a ruling on 22.7(5) directly.

The City took multiple different stances for the reason the records were being withheld instead of complying with 22.8 (throw everything at the wall hoping something would stick).

The City initially objected on the ground that the reports had been prepared in anticipation of litigation and involved attorney work product. Later, the City took the position that the reports were confidential as attorney work product and as investigative reports protected by Iowa Code section 22.7(5). Still later, the City took the position that they were confidential personnel records that are exempt from disclosure under sections 22.7(11) and 80F.1(20). Regardless, the reports were not produced.

Harris files a petition for a Writ of Mandamus:

The City answered, asserting that the documents were “personnel documents” that are confidential and exempt from disclosure under Iowa Code sections 22.7(11) and 80F.1(20). The City did not contend, as it had previously, that the documents were confidential and exempt under section 22.7(5) or were subject to the attorney work product privilege.

Harris moved for summary judgment and the city resisted. There was a hearing on the matter and from the reasoning of the district court it seems the City again raised the 22.7(5) issue under “investigative reports.

While Harrison is not requesting the production of any documents related to the supervisor review and/or any discipline records, the City still contends that the officer’s initial use of force report is an investigative document[] because the City categorizes the police officer’s use of force report as a form of “self-review.” Because each officer’s use of force report is evaluated by the officer’s supervisors for accountability for policy failures, which may include imposing discipline on the officer, the City argues that each officer’s use of force report is confidential as it is the functional equivalent to an in-house job performance record or a disciplinary investigative Report.

Harrison disagrees with the City’s characterization of the use of force report as a “self-review” by the officer or an in-house job performance record. Harrison notes that use of force reports are separate and distinct from complaints of administrative reviews of an officer’s conduct each of which trigger the creation of a disciplinary case. In other words, not every use of force report triggers a disciplinary case against the officer. Finally, Harrison contends that if the Court accepts the City’s logic, then conceivably any report drafted by a police officer could be exempt from disclosure because it is a form of self-review or self-evaluation or which, upon review by a supervisor, might subject the officer to discipline.

The Court concludes that Harrison’s argument is more persuasive than the position taken by the City. The Court reaches this conclusion in part by reviewing the sample use of force report. It is clear that an officer who fills out the report is primarily limited to reporting the basic facts of what happened during the use of force incident such as: what happened; who was involved, when the incident occurred; where the incident took place; and why the officer used force.

Consequently, according to the report's express terms, an officer is not required to set forth what could have been done differently or what was done correctly or incorrectly. The officer is also not asked to review, assess, or otherwise justify his or her job performance in any way. In sum, the Court does not conclude that the use of force reports are akin to in-house job performance records or disciplinary records that fall within the category of documents that are exempt from disclosure under § 22.7(11).

The Court lays out its Legal Analysis starting with the what the purpose of the Open Records Act.

The use of force reports are “public records” under the Act. See Iowa Code § 22.1(3)(a) (defining “public records”). Section 22.2(1) of the Act states that “[e]very 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.” Id. § 22.2(1).

The Act “embodies ‘a liberal policy in favor of access to public records.’ ” *Milligan v. Ottumwa Police Dep’t*, 937 N.W.2d 97, 102 (Iowa 2020) (quoting *Mitchell*, 926 N.W.2d at 229). We have noted that “the core purpose of the freedom of information statutes [is] to enlighten the public about the operation or activities of the government.” *Clymer v. City of Cedar Rapids*, 601 N.W.2d 42, 47 (Iowa 1999). “The Open Records Act doesn’t exist just to uncover fraudulent or illegal conduct, but also to bring to light the need for different laws and policies.” *Ripperger v. Iowa Pub. Info. Bd.*, 967 N.W.2d 540, 557 (Iowa 2021) (Mansfield, J., concurring in part and dissenting in part).

The analysis of the act is extremely important. It is painfully clear that transparency is the RULE and not the exception. That in order to without records that belong to the People there needs to be a clear definition of the type of records and clear articulable reason connecting harm being done to someone or something with handing over the specific information.

The court also covered the argument that the record is held in a difficult to access way, specifically a database.

The City also highlights that it stores the use of force reports in a separate confidential file where they can be accessed only by a limited number of persons within the police department. They are not maintained in the regular records management system. But the classification of a record for purposes of the Act “is not controlled by its place in a filing system.” *Des Moines Indep. Cmty. Sch. Dist.*, 487 N.W.2d at 670.

This was bluntly rejected as it should be. What good would it do if record could be withheld simply by placing them in the corner of a warehouse in a box located in the Arctic locked by a padlock with no key.

It is the duty of the government body to serve the People. This also includes developing methods for the People to easily and as cost effective as possible obtain records. By making it harder for the People to accomplish this then we must then ask, **who are they serving if not the People.**

The State of Iowa filed an amicus brief expressing concern that Harris would receive records he didn't ask for. This was also rejected. It is important to note the focus on the report not having anything added as a defining element of investigating report. A reoccurring theme over multiple rulings.

We don't share the State's concern. Harrison made it very clear he was not seeking any parts of the use of force report not completed by the line officer. In his motion for summary judgment, he disclaimed any interest in "information about [chain of command] review and ultimate assessment." Again, in his summary judgment reply, he reiterated that he "has not requested any information regarding supervisory review or discipline." We read the district court's order as confined to what the plaintiff was asking for. Thus, as the district court indicated in the first sentence of its ruling, what is at issue are "use of force reports authored by Des Moines Police Department officers," not subsequent entries made by their supervisors. (Emphasis added.) The district court's ruling and today's opinion obligate the City to produce each report as initially completed by the officer, not anything added later as part of a chain of command review.

I would also like to add to this point. If this is a concern then the why wasn't Harris asked to clarify his request? In a normal civilized society when something isn't clear there is a conversation to clarify things. Not a hard refusal followed by multiple different assumed and theorized reasons why it should be done. If anyone did this at a normal job they would be fired for insubordination.

Finally the court digs into 22.7(5). Careful attention needs to be paid to the wording as it almost sounds like a scolding since this issue could have been ignored as it was barred, but the court found it important enough to answer.

**D. Other Arguments.** The City also asks that if we affirm the district court, there may be some "fact-intensive" situations where particular use of force reports should be withheld under another provision of Iowa Code section 22.7 or under some other provision of law. The City gives three possible examples: (1) an open and active investigation, (2) a situation where disclosure would pose a clear and present danger, or (3) a report involving a juvenile.

Examples #1 and #2 appear to be an attempt by the City to resurrect its original objection under Iowa Code section 22.7(5).<sup>4</sup> The district court found that any argument under that section had been waived. As the district court put it, "[T]he City has presented no facts or evidence to support the conclusion that disclosure of any single use of force report would jeopardize any investigation or pose any clear and present danger to anyone's safety." In other words, the City

had ample opportunity to raise its factual arguments under section 22.7(5) with respect to particular reports below and failed to do so. The district court labeled the City's argument as "nothing more than the bold assertion that this subsection may apply." We find that the City's section 22.7(5) argument is no more substantial here. We reject it for the same reasons.

Just the current argument made by the DPS as was made above by the City and is "nothing more than the bold assertion that this subsection may apply." This is the equivalent of "because I said so".

The Court finished by adding, "Furthermore, any such reports are now at least four years old. It is difficult to see how their production would jeopardize an ongoing investigation or present a clear and present danger." Clarifying the fact the age of the reports are to be considered and given weight.

Anything that might violate the rights of a juvenile can be redacted out. This is important because this means it's the same for any other issue claimed for a reason to refuse to release documents. The specific issue is claimed and not a blanket refusal.

The most damning is the footnote [5] at the very end of the Opinion.

5 The State as amicus goes further than the City under section 22.7(5). That is, it asks us "alternatively" to remand to the district court so it can conduct a balancing under Iowa Code section 22.7(5) before ordering the use of force reports to be produced.

Again, the court makes it clear this argument doesn't have to be answered, yet they go on to again say that a specific category under 22.7(5) is a requirement and not a blanket statement as Mr. Kensett stated in his original complaint.

Third, the State fails to make a prima facie showing that the use of force reports contain any category of information shielded by section 22.7(5). Although the State, like us, has access to the form of report used by the City, the State does not identify any category on the form that goes beyond "the date, time, specific location, and immediate facts and circumstances surrounding a crime or incident"—which, as already noted, is information not protected by section 22.7(5). Iowa Code § 22.7(5).

### **It's to much work defense**

The DPS claims that they don't have anyway to track the information or connect it to specific cases. I have a file that is called "LIMS Prelog and Reporting Training Manual" that is published by the Iowa DCI which specifically covers the submission of evidence.

In this 45 page e-file it is extremely clear that the tracking and information ability was completely misrepresented. They require the name of the person submitting as well as the "subject" being investigated or charged. Other things like if it is a jury trial or not. The shocking thing is that there is a "Quick Find" (page 30) that allows a search by department and/or Department Case Number that then gives the Agency Case Number (Page 31). From the "Case Info" tab the following are available, Case Officer, Primary Offense, 2<sup>nd</sup> Offense, County, and Occurrence Location (page 33).

Under the "Names" tab you can find Name Type, Last Name, First Name, Middle Name, Gender, Date of Birth, DL (Drivers License?), FBI#, DCI#. This goes on and on for the amount of information available all the way to page 44. That is 14 pages for just the different things to search that is available right now and in common use.

The claim that "The DCI Lab and the Department have no ability to track all pending investigations outside of the Department. The DCI Lab could be providing forensic science services for a submitting law enforcement agency, and it is possible (1) the suspect does not know they are under investigation," is 100% false as this clearly shows that the information is **required** when submitting to the lab. At this point it is clear that the DPS is knowingly and willingly violating Iowa Code 22.11 and all involved should be punished under Iowa Code 22.10.

### **Gas Lighting of Mr Kensett by Ms. Lucas**

The last issue that needs covered is the blatant gas-lighting of Mr Kensett's character. First thing is I need to submit another Records request for who and when Mr. Kensett was ran through the databases. A records request would not be a legal reason to do this.

Take note that the full listing of the crimes were made instead of just the docket number. This is not only the desperate last attempt to win by implying Mr Kensett is just a low life criminal anyway. This is not only desperate is was low, but after proving the false statement about the ability to search it seems to fit.

The claim that the records should be discovery is without merit. What if my wife want to get them? My son? Later on maybe my grand kids? How about the guy next door? Does that still mean that discovery is needed?

It is ironic that the DPS relies on the requirement of the district attorney to hand over reports. I am very sure that none of them have ever not done their duty because they didn't want them to be seen. I did not write that with a straight face. The fact is that if they were handed over the district attorney just repeatedly told the court there is none then there would be no way of ever finding out. The public would never know. There would be a dishonest attorney on the lose prosecuting people and the harm that would do to the cases against actually dangerous individuals. There could be rapist and child offenders get set free because the cases would be tainted. This is one of the highest things of public interest. It is one that completely undermines the rule of law and destroys all faith in the judicial system.

I leave you with the rest of Mr Kensett's story. After doing 4 years and getting out in 2015 he was lucky to have family that allowed him shelter because he had nothing. First he got 2 diplomas in Industrial Maintenance and is one class away from a degree as he got hire before hand. He started his job full time on Christmas eve of 2017 and by the end of 2020 he had paid off over \$20,000.00 leverage against him for those crimes and then was discharged and became a free man. Paid off the \$14k loan for his used but nice truck. Got married, bought a house and even was asked by a stepchild if they could have my last name. I personally filed all the paperwork for that. The next couple years brought a really nice mini van, a really nice car for the new member of the Kensett family as well as new career opportunities and soon bought my first new car. Even got a little in retirement. Not only did I over come and beat the oppressive system, I thrived. Finally after 10 years I am stable and secure enough to stand up and fight back even with the PTSD I carry from it.

As for my job, I program things. I make this thing talk to that thing and do it for the whole manufacturing plant with over 80 multi million dollar machines. With this skill I could easily find out

just about anything on anyone. This is not me though, and has never been me. I believe in the idea of the court and have never had to rely on anything but facts. Except when the high standing honest folk refuse to actually be honest. The filings in those cases you listed off shows this.

Just to make sure I am clear, I believe that was a low and dirty tactic and I most certainly took it personal.

Just because you can does not mean you should, this is a the very heart of a free society which is standing next to transparency. If you have done nothing wrong then you have nothing to hide. Don't have to take this criminals word for it, seems like the Iowa Supreme Court is getting really tired of the games also.

Jason Kensett

# The Iowa Public Information Board

In re the Matter of:  Mark Milligan, Complainant  And Concerning:  Monroe County Sheriff's Office, Respondent	Case Number: 24FC:0064  <b>Status Report</b>
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Complaint 24FC:0064 was opened on July 30, 2024, and accepted by the IPIB on October 17, 2024. An Informal Resolution was adopted on December 19, 2024. This Status Report is developed to update the Board on the status of the complaint and to seek additional guidance.

## Background

This case involves a missing persons case file opened regarding Harry Dennis Lane Milligan on July 1, 1984. The Complainant, Mark Milligan, is the brother of the missing person. (To avoid confusion, Harry Dennis Lane Milligan will be referred to as “Harry” and Mark Milligan will be referred to as “Mark” throughout this Status Report). Mark also worked in law enforcement for much of his career.

Harry was reported missing in 1984. Harry and his vehicle have not been seen or located for over forty years. The case is further complicated by the fact that DNA profiles were not available in 1984 and Harry was adopted. By the time DNA technology became available, law enforcement was faced with locating a biological relative of Harry for the purpose of DNA extraction and comparison to DNA in existing databases. The case and situation surrounding it are complicated and tragic.

Over the last forty years, Mark and law enforcement have worked to locate any traces of Harry or witnesses who may have information. At times, Mark and law enforcement worked together. Other times, they have not seen eye-to-eye on the best way to proceed and areas of focus.

Mark had access to the case file over the course of the past forty years to varying degrees. At times, he seems to have been granted unfettered access to the case file. At other times, access was limited.

It should also be noted that the current Sheriff was elected in January. While the current Sheriff has extensive experience with the case, he has inherited the case file in its current state as the new Sheriff. The case file has been passed down between sheriffs, deputies, and other law enforcement agencies over the course of forty years.

With all the complicating factors present in this case, the most complicating is the approach taken by the Sheriff's Office to divide the file into two components: The "old" case file and the "new" case file. The "old" case file is all contents from the start of the investigation and into the year 2020. The "new" case file includes elements of the old file plus any updates since 2020.

These facts are relevant because there is a substantial history to this case that existed before the acceptance of the case by IPIB. This extensive history has influenced the trust and cooperation between the parties.

### **Applicable Law**

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

### **Present Status**

On May 13, 2024, Mark requested access to the case file. The request included basic case file information, such as handwritten and typed reports, interview reports, and photographs. The request also included more detailed information, such as DNA results, DNA profiles, and requests and responses regarding adoption records in Iowa and Colorado.

On July 24, 2024, the Monroe County Attorney's Office responded to Mark's request and indicated the disappearance was an active investigation and the records would be treated as confidential with the exception of information regarding the date, time, specific location, and immediate facts and circumstances surrounding the crime or incident. In response, Mark filed a complaint.

IPIB accepted the complaint on October 17, 2024. An Informal Resolution was approved by both parties in December of 2024 and formally approved by IPIB on December 19, 2024.

The Informal Resolution required the following steps be taken:

- The County will provide the old case file to Mark.

- The County will work with IPIB staff to review the new case file and determine what portions should be released as a public record. The County will provide a justification for each record withheld. IPIB staff will review each justification to determine whether it is legally acceptable.
- Upon disclosing all public records responsive to the request or providing justifications for withholding the public records, Mark will provide a list of public records he believes have not been provided by the County.

The Sheriff took office in January and IPIB staff met with the Sheriff and County Attorney on January 13, 2025, at the Sheriff's Office. Discussion focused on what should be released. The following consensus was reached:

- The old file will be located, scanned, and provided electronically as a public record. There have been no updates to the old file since 2020 and it is considered a public record.
- Adoption records are part of the new file. Adoption records will be maintained as confidential.
- Genetic testing information is part of the new file. The Iowa Department of Criminal Investigation is the lawful custodian of all records related to genetic testing. Any requests for materials related to genetic testing should be made to the Iowa Department of Criminal Investigation.
- The Sheriff will review the remaining elements in the new file to determine what portions should be released or retained as confidential. Some witness statements will be retained as confidential pursuant to Iowa Code § 22.7(18).

On February 25, 2025, the Sheriff's Office released the old file and portions of the new file to IPIB staff. IPIB staff directed some questions to the Sheriff's Office. The files were released to Mark on March 26, 2025, with further explanation regarding the files.

IPIB staff met with Mark on two occasions to discuss concerns regarding the files. At the last meeting, it was agreed that the next best step would be to set a meeting with the Sheriff's Office regarding Mark's outstanding concerns.

The Sheriff's Office is reluctant to continue to discuss the case and there are timing concerns. This complaint has been open for nearly one year and has not been brought to complete resolution. At this time, IPIB staff seeks a recommendation from the IPIB to determine the appropriate next steps.

## Outstanding Issues

Both parties have outstanding concerns and issues. Many of these concerns and are outside the scope of IPIB's jurisdiction. For example, IPIB cannot compel the release of adoption records as they are protected by another Chapter. In addition, Mark must make a public records request to the Department of Criminal Investigation for any genetics processing information as this agency is the lawful custodian.

These issues aside, the primary unresolved issue at this time is that Mark has components of the case file he has collected over the years that are not included in the current version of the case file. This calls into question whether the full case file has been provided and if pieces of the case file have been unlawfully withheld.

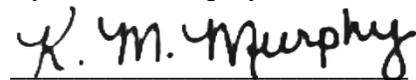
Ideally, the parties would work together to determine if there are parts of the case file still available but misplaced or overlooked. This is a real possibility considering the length of time the file has been in existence and how many staff and agencies have handled the case file over the years. That being said, there is a significant amount of mistrust and lack of communication between the parties.

This case can be viewed in a few different ways:

1. There are no retention requirements pursuant to Iowa Code Chapter 22. The Sheriff's Office has provided the case file currently in existence. There is no violation of Iowa Code Chapter 22 and the case should be dismissed.
2. There are questions regarding whether the case file provided to Mark is complete. The parties should be directed to further review the missing components to determine whether the full case file was provided.

IPIB staff is providing this update to the Board and seeking guidance on next steps regarding this complaint.

By the IPIB Deputy Director,



Kimberly M. Murphy, J.D.

## CERTIFICATE OF MAILING

This document was sent on June 12, 2025, to:

Mark Milligan, Complainant  
Monroe County Sheriff's Office  
Monroe County Attorney's Office, Counsel to the County

# The Iowa Public Information Board

In re the Matter of:	Case Number: 24FC:0090
Sarah Weber, Complainant	Final 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.

IPIB accepted this complaint on December 19, 2024, finding the following potential violations.

## **Orange City’s Practice of Holding 2x2 Meetings**

The evidence provided suggested that the City had a running practice of holding “2x2 meetings,” involving 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.” This portion of the complaint was accepted based on the precedent set in *Hutchison v. Shull*, in which a majority may be created where an individual acts as a “conduit” to facilitate deliberation between members, despite having fewer than a majority present at any one time.

## ***Orange City’s Use of Emails Between Council Members***

In its acceptance, IPIB also considered several email conversations produced through the complainant’s Chapter 22 records request, in which city council members shared their opinions and proposals on contested policy matters. Based on the standard set in *Hettinga v. Dallas County Board of Adjustment* and related case law, 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 the scope of their policy-making duties.

## Procedure

IPIB accepted this Complaint on December 19, 2024. Upon acceptance, the parties worked toward an informal resolution agreement.

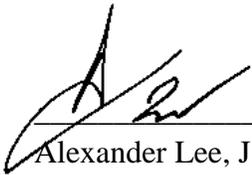
Orange City approved the Informal Resolution on April 10, 2025.

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

IPIB approved the Informal Resolution Report on April 17, 2025.

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

By the IPIB Agency Counsel,



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Alexander Lee, J.D.

## CERTIFICATE OF MAILING

This document was sent on June 12, 2025, to:

Sarah Weber, Complainant  
Orange City, Respondent

# The Iowa Public Information Board

In re the Matter of:  Rachel Dolley, Complainant  And Concerning:  Commission of Wapello County Veterans Affairs, Respondent	Case Number: 24FC:0096  Investigative Report
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COMES NOW, Erika Eckley, Executive Director for the Iowa Public Information Board (IPIB), and enters this Investigative Report:

On October 29, 2024, Rachel Dolley filed formal complaint 24FC:0096, alleging Commission of Wapello County Veterans Affairs (Commission) violated Iowa Code chapter 21.

The IPIB accepted this Complaint on November 21, 2024

## Facts

Dolley alleges the Commission entered into a closed session under Iowa Code § 21.5(1)(i) to evaluate her. Dolley alleges she did not request the conversation to occur in a closed session as required under the law. Dolley filed an additional complaint stating the minutes from another meeting did not match the audio recording.

The Commission responded through legal counsel. The Commission acknowledged it did not receive an affirmative request from Dolley to go into closed session for the job performance evaluation. The Commission denied there were any violations of Iowa Code chapter 21 of the minutes prepared, and it provided a copy of them to IPIB.

The parties were unable to come to an informal resolution for the complaint. The Commission, however, agreed to conduct training and to approve a closed session checklist in an effort to prevent any future violations of Iowa Code chapters 21 or 22.

### **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 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.” Iowa Code § 21.5(1)(i).

“Each governmental body shall keep minutes of all its meetings showing the date, time and place, the members present, and the action taken at each meeting. The minutes shall show the results of each vote taken and information sufficient to indicate the vote of each member present. The vote of each member present shall be made public at the open session. The minutes shall be public records open to public inspection.” Iowa Code § 21.3.

### **Analysis**

The Commission admits it did not get an affirmative request from Dolley before entering into a closed session to conduct an evaluation of her performance. Dolley participated in the performance evaluation, but the statute required her to request the closed session. This was a violation of Iowa Code § 21.5(1)(i).

Dolley did not provide any specifics regarding what she claimed was inaccurate in the minutes or what was a false statement. IPIB listened to a recording of the meeting. There was some tension between the parties during portions of the meeting, but IPIB did not find any chapter 21 violations regarding the minutes from the October 21, 2024, Commission meeting.

In responding to this complaint, the Commission has acknowledged the error in not getting a request from Dolley prior to entering a closed session to evaluate her performance. The Commission has taken steps, such as developing a closed session checklist and participating in a two-hour training session with IPIB to address the subject of the complaint.

### **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

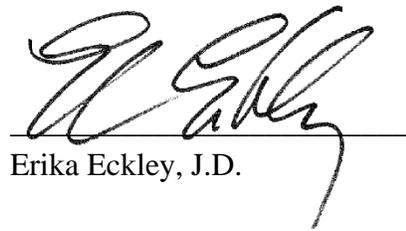
d. Make a determination that probable cause exists to believe a violation has occurred, designate a prosecutor and direct the issuance of a statement of charges to initiate a contested case proceeding.

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

### **Recommendation**

There was clearly a violation of Iowa Code § 21.5(1)(i) when the Commission entered into a closed session without Dolley's request to discuss her performance. The Commission, however, has taken responsibility for the error and has conducted training and put in place a checklist to prevent violations in the future. It is recommended therefore, the IPIB find that probable cause exists to believe a violation has occurred, but, as an exercise of administrative discretion, dismiss the matter due to the measures to remediate.

By the IPIB Executive Director



Erika Eckley, J.D.

### **CERTIFICATE OF MAILING**

This document was sent on June 12, 2025, to:

Rachel Dolley  
Holly Corkery, attorney for the Commission of Wapello County Veterans Affairs

# The Iowa Public Information Board

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In re the Matter of:	Case Number: 25FC:0035
Roger Krohn, Complainant	Investigative Report
And Concerning:	
Monona County Board of Supervisors, Respondent	

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

On April 3, 2025, Roger Krohn filed formal complaint 25FC:0035, alleging the Monona County Board of Supervisors (Board) violated Iowa Code chapter 21. The IPIB accepted this Complaint on March 15, 2025.

## Facts

Krohn's complaint relates to the Board's appointment of a vacancy in the Monona County Recorder's Office. Krohn states the Board ran a notice in local newspapers indicating a meeting would be held on March 28, 2025, to interview candidates for the open position and that appointment of the position would occur on April 1, 2025. Krohn alleges the Board violated Chapter 21 by appointing the position on March 28, 2025, which was contrary to the notice and agenda posted by the Board.

The agenda for the March 28, 2025 meeting of the Board lists the following agenda item: "Interview County Recorder Candidates." The minutes from the meeting state as follows:

"The Board of Supervisors held interviews with the County Recorder candidates. Also present was Kelly Seward, Recorder. Motion was made by Supervisor Phillips, seconded by Supervisor Fox to offer the Recorder's position to Kelly Parsley. Vote on motion: Ayes: Fox, Brouillette, and Phillips. Nays: None. Motion carried."

The agenda on April 1, 2025, includes an item titled, "Appointment of County Recorder. The minutes from the meeting state as follows:

“Motion was made by Supervisor Fox, seconded by Supervisor Brouillette to appoint Kelly K. Parsley as the Monona County Recorder. Vote on motion: Ayes: Fox and Brouillette. Nays: None. Motion carried.”

Upon receipt of the complaint, the Monona County Attorney responded. The County Attorney explained that the County merely *offered* the position to the County Recorder on March 28. The official appointment occurred, consistent with the noticed agenda, on April 1.

### **Applicable Law**

“...[A] governmental body shall give notice of the time, date, and place of each meeting including a reconvened meeting of the governmental body, and the tentative agenda of the meeting, in a manner reasonably calculated to apprise the public of that information.” Iowa Code § 21.4(a).

### **Analysis**

The governmental body provided appropriate notices for the meetings to interview and appoint. Iowa Code Chapter 21 does not specifically address offering versus appointing a position. Even if such language existed, the governmental body sufficiently described each action with enough specificity to apprise the public of the actions it would take at each meeting.

### **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**

There is no evidence presented to illustrate a violation of Iowa Code Chapter 21. As such, this complaint should be dismissed for lack of probable cause to believe a violation has occurred.

By the IPIB Executive Director



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Erika Eckley, J.D.

CERTIFICATE OF MAILING

This document was sent on June 12, 2025, to:

Roger Krohn  
Haley Bryan, Monona County Attorney

# The Iowa Public Information Board

In re the Matter of:  Jeffrey Halter, Complainant  And Concerning:  Iowa Central Community College, Respondent	Case Number: 25FC:0042  Investigative Report
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COMES NOW, Erika Eckley, Executive Director for the Iowa Public Information Board (IPIB), and enters this Investigative Report:

On April 18, 2025, Jeffrey Halter filed formal complaint 25FC:0042, alleging Iowa Central Community College (ICCC) violated Iowa Code chapter 21.

The IPIB accepted this Complaint on May 15, 2025.

## Facts

Halter alleges ICCC held a Special Meeting on March 18, 2025, and a meeting on April 8, 2025, but did not physically post agendas. The only notice and agenda posted for the meeting was on the ICCC website. Halter inquired regarding the physical posting of the agendas and was told the meeting material were on a specific page on the ICCC website. Halter also alleges for the March 18, 2025, meeting, the agenda did not include the name, position, and date of the employee's resignation (which was Halter) to be approved by the Board.

ICCC responded through legal counsel. ICCC acknowledged its Board agendas were posted online without a physical posting. ICC provided a copy of the agenda and minutes from the March 18, 2025, meeting. The agenda stated "Resignation Approval." It was the only item on the special meeting agenda. The minutes state "The Board is asked to accept the resignation of Jeff Halter, program coordinator for Early Childhood Education. Motion moved by Andrea Oswald and motion seconded by Kati Lemberg. Motion Carried Unanimously." After the action was taken, the meeting adjourned. ICCC states the agenda item was sufficient to inform the public of the action to be taken under *KCOB/KLVN v. Jasper County Bd. Of Sup'rs*, 473 N.W.2d 171, 173 (Iowa 1991) ("the issue...is not whether the notice given by the governmental body could have been improved,

but whether the notice sufficiently apprised the public and gave full opportunity for public knowledge and participation.”)

ICCC acknowledged it now posts Board agendas online and in a physical location on the bulletin board at the Greehey Building, the College’s principle place of business, and the exterior window next to the Board room, which is located in the back of the Triton Café. ICCC took these measures immediately upon receipt of the complaint in an effort to clear up any concerns about its compliance with Chapter 21.

IPIB staff reached out to Halter regarding the measures taken by ICCC, but has received no further response from him.

### **Applicable Law**

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

### **Analysis**

Halter would prefer the agenda item for his resignation included his name, position, etc., but the *KCOB* case does not require perfect notice, but only requires the public to be sufficiently apprised. The agenda indicated a resignation was to be considered by the Board. This meeting occurred slightly more than 24 hours after Halter submitted his resignation. The agenda item could have included more information, but the fact that it did not is not a violation of Iowa Code chapter 21.

ICCC acknowledges it posted its agendas on its website, but did not physically post the agendas as required under Iowa Code § 21.4. ICCC has taken measures to ensure it physically posts agendas at three locations on campus. Failing to physically post the agenda was a violation of Iowa Code § 21.4.

Notice of the meetings were posted on the website within 24 hours, so the public did have notice of the meetings even if it was not what was physically posted as required by Iowa Code. In addition, upon notice of the violation, ICCC immediately took steps to ensure it was in compliance by physically posting the notice and agenda for subsequent meetings.

### **IPIB Action**

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

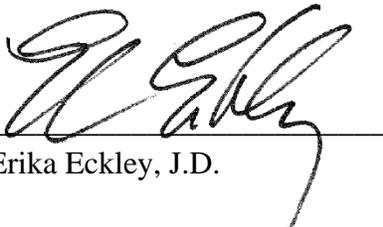
- a. Redirect the matter for further investigation;
- b. Dismiss the matter for lack of probable cause to believe a violation has occurred;
- c. Make a determination that probable cause exists to believe a violation has occurred, but, as an exercise of administrative discretion, dismiss the matter; or
- 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 ICCC failed to physically post the agenda for meetings as required under Iowa Code § 21.4, the notice was posted on ICCC's website for these meetings, and ICCC has unilaterally taken measures to ensure all future agendas are physically posted, it is recommended IPIB find probable cause to believe a violation may have occurred, but, as an exercise in administrative discretion, dismiss the complaint.

By the IPIB Executive Director



Erika Eckley, J.D.

### **CERTIFICATE OF MAILING**

This document was sent on June 12, 2025, to:

Jeffrey Halter  
Miriam Van Heukelem, attorney for Iowa Central Community College

# The Iowa Public Information Board

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In re the Matter of:	Case Number: 25FC:0044
Lily Leyva, Complainant	Investigative Report
And Concerning:	
West Bend-Mallard Community School District, Respondent	

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

On April 21, 2025, Lily Leyva filed formal complaint 25FC:0044, alleging the West Bend-Mallard Community School District (District) violated Iowa Code Chapter 22.

The IPIB accepted this Complaint on May 15, 2025.

## Facts

The West Bend-Mallard Community School District is a rural public school district, serving portions of four counties in Northern Iowa.

On April 17, 2025, the complainant, Lily Leyva submitted a Chapter 22 request with the District for copies of all school board policies and bylaws. Leyva alleges that the District refused her request for a full copy of the policy handbook, which was not available in electronic format, and offered her the choice to either specify individual policies she wished to receive copies of or review a physical copy of the handbook in person at one of the District's offices.

Based on this response, on April 21, 2025, Leyva filed formal complaint 25FC:0044, alleging the District had refused to provide her a full set of copies of the records requested, despite her understanding that she may be required to pay reasonable fees under Iowa Code § 22.3.

In its response briefing, the District stated that there was never an intent to deny Leyva her right to obtain copies so long as she was willing to pay the associated fees, but it had offered to send specific policies or allow for in-person examination instead as alternative options to avoid fees.

On April 23, 2025, the District provided an initial estimate cost of \$75.00 for approximately 750 pages, at a rate of \$0.10/page for copying, without any additional fees for employee time associated with making the copies. Leyva agreed to pay this amount. The District promptly prepared the requested copies, which were ready two days later, on April 25, 2025, with a revised fee of \$50.00 (500 actual pages).

Leyva has since obtained these records without issue, and she agrees with the District that all responsive records have apparently been provided.

### **Applicable Law**

“Each 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).

“The examination and copying of public records shall be done under the supervision of the lawful custodian of the records or the custodian’s authorized designee. The lawful custodian shall not require the physical presence of a person requesting or receiving a copy of a public record and shall fulfill requests for a copy of a public record received in writing, by telephone, or by electronic means.” Iowa Code § 22.3(1).

### **Analysis**

Any Chapter 22 concerns present in this case have been effectively resolved. Since opening the complaint, the District has made copies of all requested records available to the complainant at a reasonable fee based on copying costs, as provided for in Iowa Code § 22.3(1). Whatever confusion may have existed surrounding the District’s initial response, the records request was fully satisfied in accordance with Chapter 22 within eight days of submission. The complainant has had the chance to review the provided records, and there is no concern that additional responsive records have been withheld. The underlying dispute which prompted the records request remains active, but the parties agree it is outside of IPIB’s jurisdiction over Chapters 21 and 22.

### **IPIB Action**

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

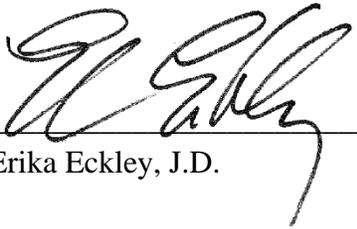
- a. Redirect the matter for further investigation;
- b. Dismiss the matter for lack of probable cause to believe a violation has occurred;
- c. Make a determination that probable cause exists to believe a violation has occurred, but, as an exercise of administrative discretion, dismiss the matter; or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

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

### **Recommendation**

It is recommended the Board dismiss the matter for lack of probable cause to believe a violation has occurred, as the District has fully complied with its obligations under Chapter 22 to provide copies of responsive records.

By the IPIB Executive Director



Erika Eckley, J.D.

### **CERTIFICATE OF MAILING**

This document was sent on June 12, 2025, to:

Lily Leyva, Complainant  
West Bend-Mallard Community School District, Respondent

# The Iowa Public Information Board

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In re the Matter of:  Linda Reardon, Complainant  And Concerning:  Board of Education for the Gladbrook-Reinbeck Community School District, Respondent	Case Number: 25FC:0046  Investigative Report
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COMES NOW, Erika Eckley, Executive Director for the Iowa Public Information Board (IPIB), and enters this Investigative Report:

On April 24, 2025, Linda Reardon filed two formal complaints, which were merged into single complaint 25FC:0046. Reardon alleges the Board of Education for the Gladbrook-Reinbeck Community School District (District) violated Iowa Code Chapters 21 and 22. The IPIB accepted this Complaint on March 15, 2025.

## Facts

Reardon has three primary complaints against the District:

1. A special meeting was held on April 24, 2025. Appropriate notice was not provided for the special meeting. (Special Meeting Complaint)
2. A motion was made and passed at the February 20 meeting and the minutes do not accurately reflect the motion and resulting action. (Motion Complaint)
3. Notice for a public hearing held on April 24, 2025, was incorrectly published in the local newspaper. (Notice Complaint)

### *Special Meeting Complaint:*

Reardon's complaint acknowledges that notice for the Special Meeting held on April 24 was included on the agenda posted on April 23, but states the notice was improper because specific action was not taken to hold the Special Meeting.

The District responded and provided a copy of the agenda posted on April 23, showing the Special Meeting slated to begin at 6 p.m. on April 24 and just prior to the full meeting. The District stated,

“All of this information was on the agenda and posted to our district website by 4:35 PM April 23rd. The special session was scheduled for 6:00 PM. Our board policy specifies that notice be prior to the 24 hours, this was on our website and front window of the school. Our policy also specifies that Special Meetings may be called and follow the procedures of public notification as they would be for our Regular Board meetings, it is not specified that special meetings need to have an adopted resolution to have and schedule them, only that we provide the proper public notification.”

*Motion Complaint:*

Reardon alleges the District made a motion at the meeting held on February 20 that was not appropriately captured in the minutes. Specifically, Reardon states there was a motion to set a public hearing related to the school budget for April 24 and the motion is not published in the minutes, which were approved by the District at the March meeting

The District responded and indicated there are two hearings required for the budget. The first hearing date, to be held in March, was approved by the District and is reflected in the minutes. The second public hearing date was not set until March 27 and was not set by affirmative vote but rather by selecting the date and including the date in the minutes. The District maintains the minutes are accurate and appropriate.

The February 20 minutes state as follows: “BOARD CALENDAR/NEXT MEETING: Matt Wyatt motioned to set the 1st public hearing and the regular board meeting for March 27th at 7:00pm. Christine Farley seconded the motion. Motion carried 7-0.”

The March 27<sup>th</sup> minutes state as follows: “Board Calendar/Next Meeting: Work Session will be April 8, 2025 7:00pm at the JH/HS Library. 2nd Hearing of the Budget and Regular meeting April 24th at 7:00pm at the JH/HS Library.”

*Notice Complaint:*

Reardon alleges the date of the April 24 budget hearing was incorrectly published in the local newspaper and indicated a date of April 22, as opposed to the correct date of April 24.

The District responded and acknowledged the hearing date published in the newspaper was not correct. However, the District indicated this was an error on the part of the newspaper and numerous emails show the date was submitted appropriately to the newspaper. In addition, the District worked with legal counsel and the Iowa Department of Management to develop an alternative plan to address the discrepancy. A second hearing was set for May 12, 2025, to meet the public hearing and notice requirements.

## Applicable Law

“...[A] governmental body shall give notice of the time, date, and place of each meeting including a reconvened meeting of the governmental body, and the tentative agenda of the meeting, in a manner reasonably calculated to apprise the public of that information.” Iowa Code § 21.4(a).

“Each governmental body shall keep minutes of all its meetings showing the date, time and place, the members present, and the action taken at each meeting. The minutes shall show the results of each vote taken and information sufficient to indicate the vote of each member present. The vote of each member present shall be made public at the open session. The minutes shall be public records open to public inspection.” Iowa Code § 21.3(2).

## Analysis

IPIB staff are unable to identify a violation of Iowa Code Chapters 21 or 22.

*Special Meeting Complaint:* There is no requirement in Iowa Code Chapter 21 that a special meeting be treated differently than a regular meeting for purposes of setting a date and notice. It was appropriate for the District to notice and post the meeting in the same manner as a regular board meeting and within the 24-hour notification requirements. There is no violation of Iowa Code Chapter 21.

*Motion Complaint:* The minutes from February 20 and March 27 align with the statements made by the District and there is no reason to doubt the accuracy of the minutes. Iowa Code Chapter 21 does not require a motion or action to set a meeting. However, notification is required. There is no allegation that notice was not provided and the minutes clearly state the date of each upcoming hearing, even if there is not a proper motion to set the date. There is no violation of Iowa Code Chapter 21.

*Motion Complaint:* The District acknowledges the publication of the notice was not properly provided for the hearing due to error by the local newspaper. This was not the District’s fault and the District worked to quickly and efficiently address the issue. There is no publication requirement under Iowa Code chapter 21 and no violation of Iowa Code Chapter 21.

## 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

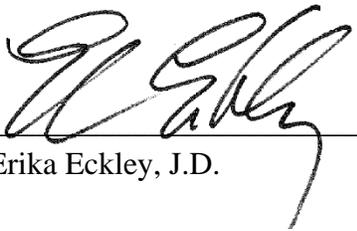
d. Make a determination that probable cause exists to believe a violation has occurred, designate a prosecutor and direct the issuance of a statement of charges to initiate a contested case proceeding.

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

### **Recommendation**

There is no evidence presented to illustrate a violation of Iowa Code Chapter 21. As such, this complaint should be dismissed for lack of probable cause to believe a violation has occurred.

By the IPIB Executive Director



Erika Eckley, J.D.

### **CERTIFICATE OF MAILING**

This document was sent on June 12, 2025, to:

Linda Reardon, Complainant  
Caleb Bonjour, Superintendent, Gladbrook-Reinbeck Community School District



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

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**Re: response**

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**Kevin Brehm** <brehm.kevin@yahoo.com>  
To: "Lee, Alexander" <alexander.lee@iowa.gov>

Tue, May 20, 2025 at 6:51 PM

That sounds like a plan. I don't believe they have anything else. Let's close it now. She's had enough time to respond.

Thank you for your help with this matter.

Kevin

[Quoted text hidden]



Lee, Alexander &lt;alexander.lee@iowa.gov&gt;

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**Receipt of New IPIB Complaint (25FC:0047)**

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lucian diaconu <luciandiaconu@hotmail.com>  
To: "Lee, Alexander" <alexander.lee@iowa.gov>

Fri, May 16, 2025 at 2:58 PM

Dear Mr. Alexander,

I am writing to formally withdraw my IPIB complaint, Case No. 25FC:0047, regarding Gilbert Community School District's handling of several open records requests submitted between April 18 and April 29, 2025. As discussed, I have filed a Petition for Judicial Enforcement under Iowa Code § 22.10 in Story County District Court (Case No. CVCV054347), which involves these same records.

My decision to proceed in district court reflects a strategic choice based on the need to address overlapping issues beyond Chapter 22, including FERPA implications, evidence relevant to a pending BOEE investigation, and factual context surrounding the timing and content of the records withheld. I fully understand and respect IPIB's jurisdictional limits under Chapter 23, and my withdrawal is not intended to suggest that the complaint lacks merit. Rather, I believe the court is better positioned to evaluate the broader legal and factual context, including claims that may fall outside IPIB's authority.

Thank you again for your professionalism and time throughout this process. Please confirm receipt of this withdrawal notice for the record.

Sincerely,  
Lucian Diaconu  
[532 W Riverside Rd](#)  
Ames, IA 50010  
[luciandiaconu@hotmail.com](mailto:luciandiaconu@hotmail.com)  
(515) 236-1144

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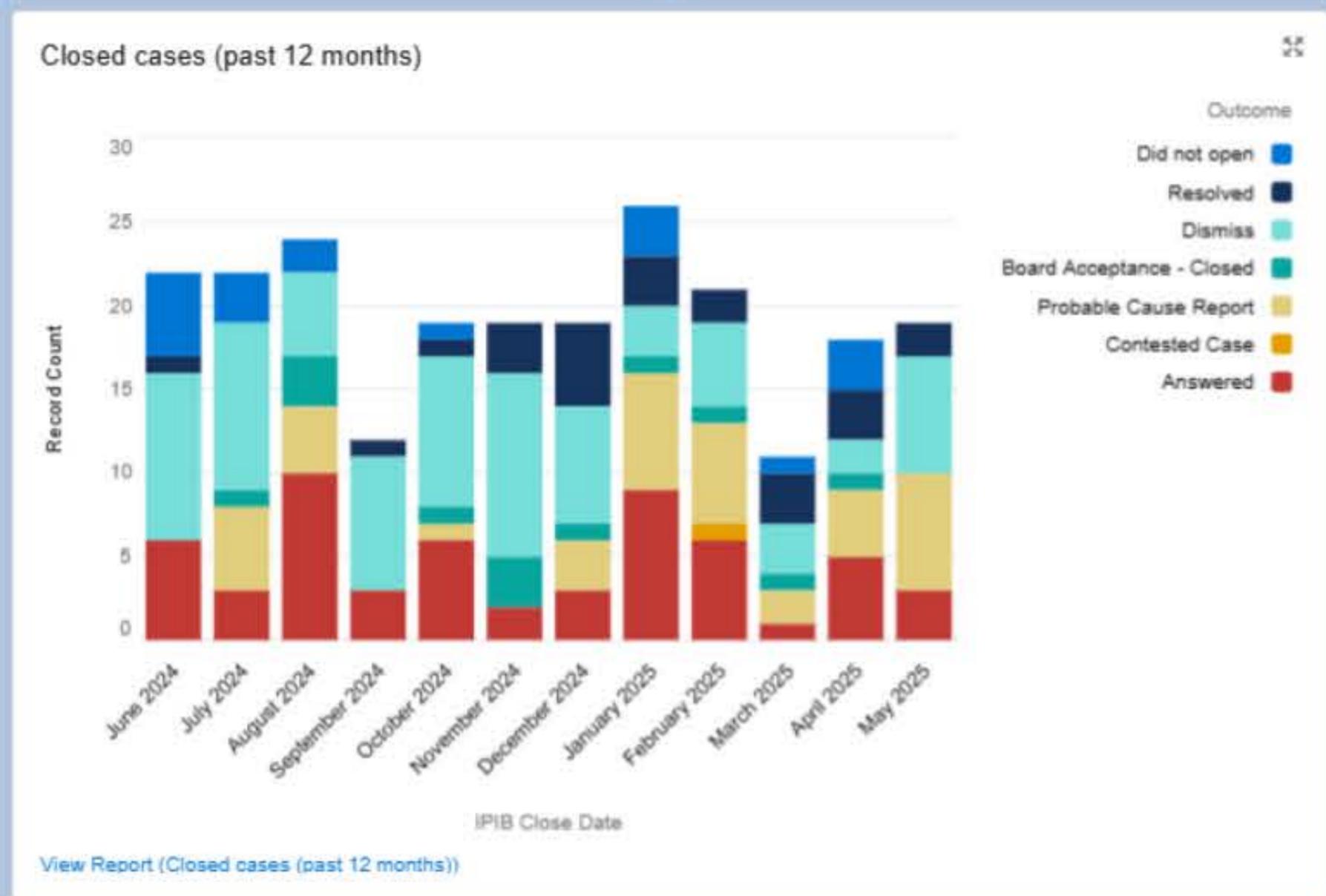
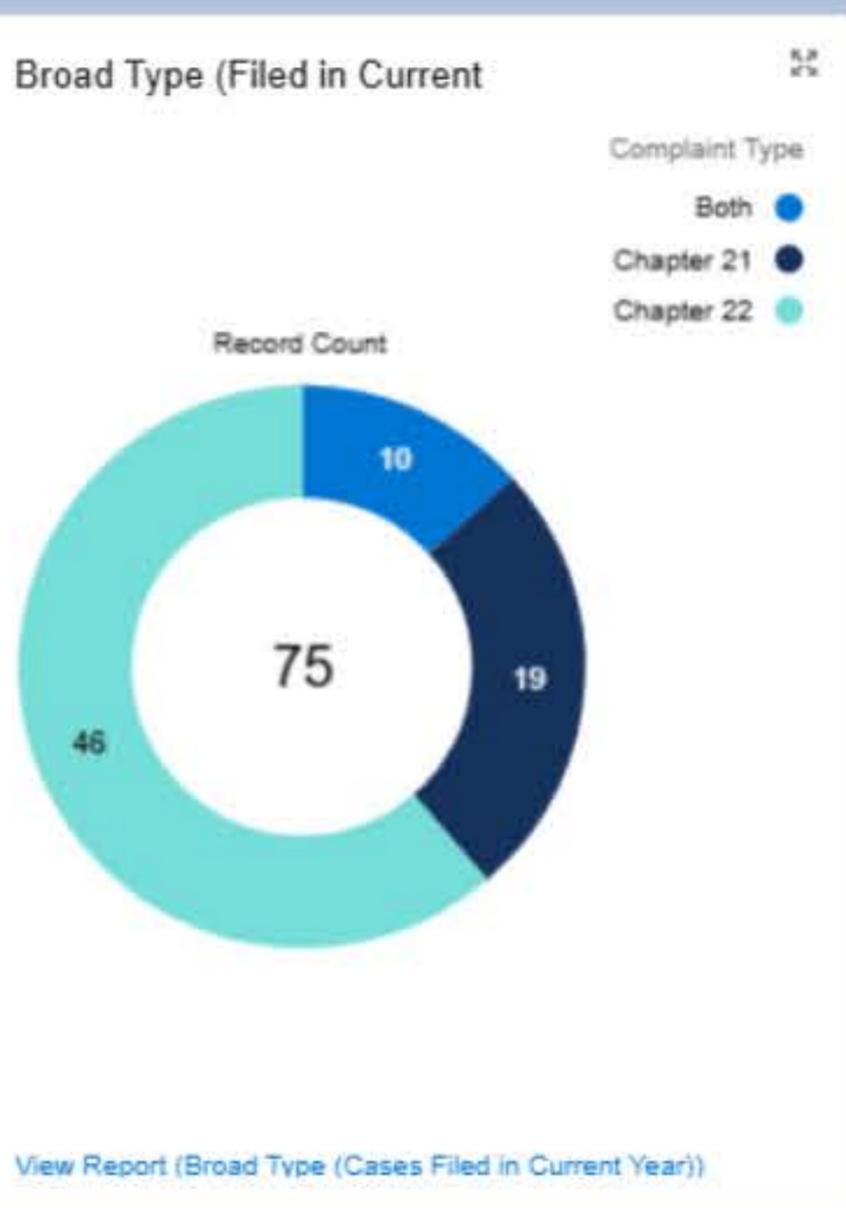
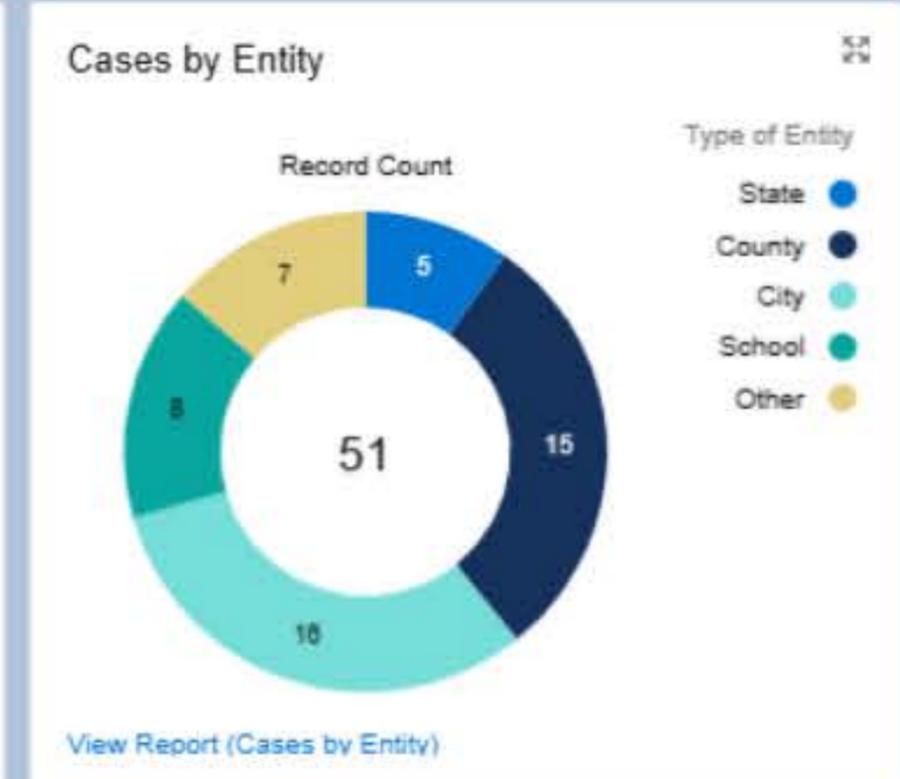
**From:** lucian diaconu <luciandiaconu@hotmail.com>

**Sent:** Wednesday, May 14, 2025 11:10 AM

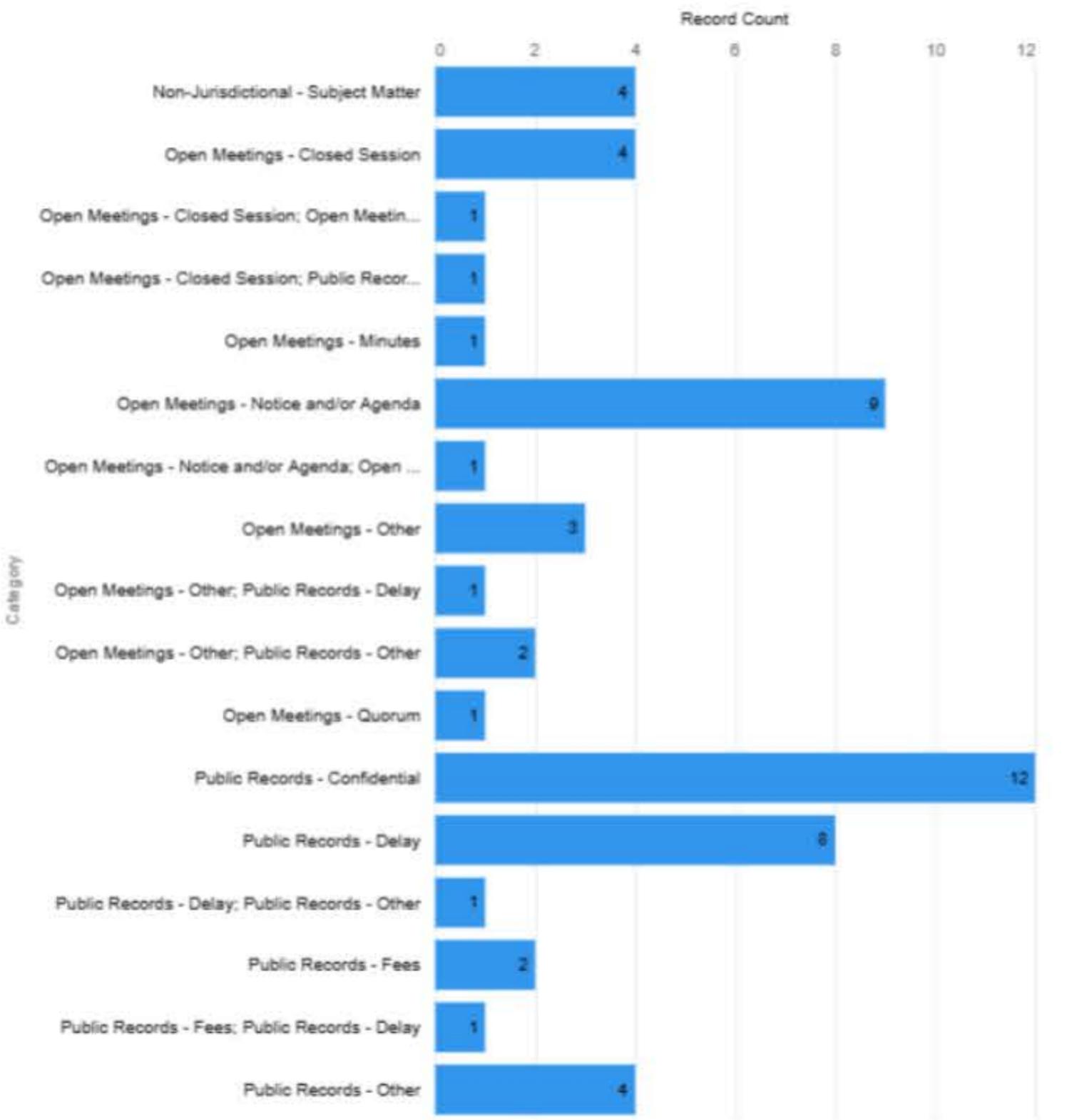
**To:** Lee, Alexander <alexander.lee@iowa.gov>

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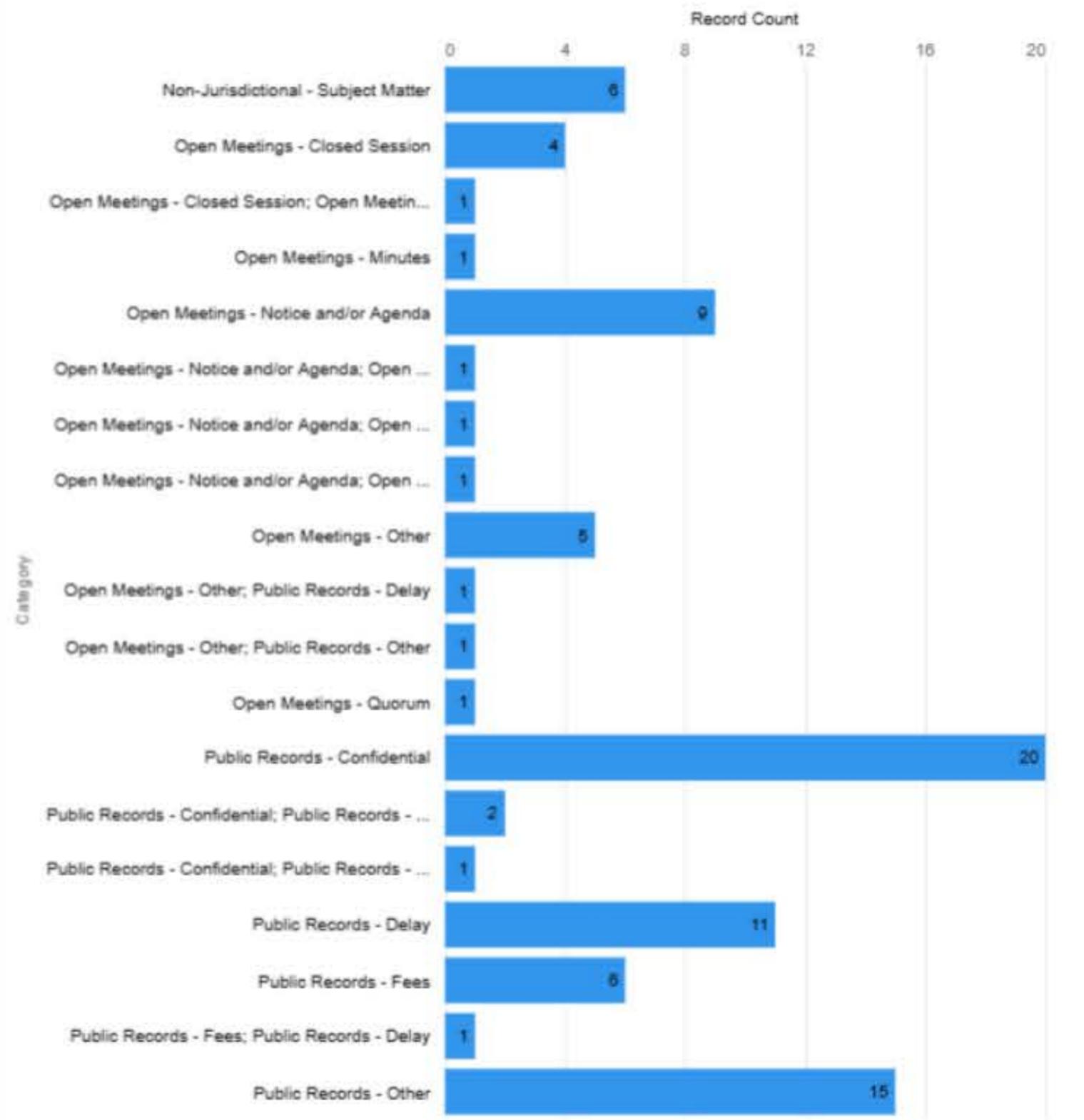


Cases by Type (Active)



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

Cases by Type (Filed in Current Year)



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

Obj/Rev Class	Obj/Rev Class Name	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	HO13	HO14	HO15	YTD	End of Year Forecast	Annual Budget	Percent of Budget	Percent of Budget Forecasted
		Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Forecast	Forecast	Forecast	Forecast	Actual	(C=A+B)	(D)	To Date	EOY
	Appropriation	363,227																	363,227		
	Deappropriation	-																			
	BBF (T&T)	-																			
<b>Expenditures</b>																					
101	Personal Services	19,563	19,067	19,474	35,990	23,251	24,217	24,484	24,537	24,484	37,441	23,665	24,645	7,261	-	-	276,173	308,079	323,270	85%	95%
202	In State Travel	333	38	625	-	122	224	928	396	326	247	675	200	200	-	-	3,912	4,312	3,487	112%	124%
301	Office Supplies	-	129	304	255	148	120	120	147	790	120	158	175	175	-	-	2,290	2,640	3,000	76%	88%
309	Printing & Binding	-	-	-	-	61	-	-	0	-	-	-	-	-	-	-	61	61	500	12%	12%
313	Postage	-	6	8	3	6	4	4	9	5	4	4	4	4	-	-	54	61	150	36%	41%
401	Communications	-	174	160	221	139	139	139	139	139	139	139	139	139	-	-	1,532	1,810	3,000	51%	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	2,235	2,235	2,235	-	-	18,584	23,055	12,000	155%	192%
416	ITD Reimbursements	-	299	11,271	(6,376)	309	276	276	276	277	274	276	276	-	-	-	7,158	7,710	15,820	45%	49%
418	IT Outside Services	-	146	146	146	146	146	146	146	146	146	146	146	146	-	-	1,463	1,756	1,000	146%	176%
701	Licenses	-	-	-	-	-	-	-	275	500	-	-	-	-	-	-	775	775	-	0%	0%
<b>Total Expenditures:</b>		<b>19,896</b>	<b>21,459</b>	<b>33,596</b>	<b>31,842</b>	<b>26,097</b>	<b>26,803</b>	<b>27,576</b>	<b>27,400</b>	<b>31,716</b>	<b>38,320</b>	<b>27,297</b>	<b>27,821</b>	<b>10,437</b>	<b>-</b>	<b>-</b>	<b>312,003</b>	<b>350,260</b>	<b>363,227</b>	<b>86%</b>	<b>96%</b>
<b>Current Month Operations</b>		<b>343,331</b>	<b>(21,459)</b>	<b>(33,596)</b>	<b>(31,842)</b>	<b>(26,097)</b>	<b>(26,803)</b>	<b>(27,576)</b>	<b>(27,400)</b>	<b>(31,716)</b>	<b>(38,320)</b>	<b>(27,297)</b>	<b>(27,821)</b>	<b>(10,437)</b>	<b>-</b>	<b>-</b>					
<b>Cash Balance</b>		<b>343,331</b>	<b>321,872</b>	<b>288,276</b>	<b>256,434</b>	<b>230,337</b>	<b>203,533</b>	<b>175,958</b>	<b>148,558</b>	<b>116,842</b>	<b>78,522</b>	<b>51,224</b>	<b>23,404</b>	<b>12,967</b>	<b>12,967</b>	<b>12,967</b>					

**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 included B&W General Copy - October 17 packet from Kim Murphy Per Board.
- 406 - March and April are CI Coaching moved to P22T.
- 414 - DAS finance time is included and could vary depending on month's needs. Space increase effective March for move to Jessie Parker. Costs is \$532.88 more than original location.
- 416 - October includes move of Salesforce renewal to P22T. February included an eDAS bill posting and CDE to P22T - \$0 net change to February actual.
- 701 - February and March include licensing fees for 3 attorneys.

Fund: 0001 General Fund  
 Unit: P22T  
 Sub Unit: Blank  
 Approp: P22 Iowa Public Information Board  
 FY2025

EDas Cust  
Percent of `

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
		Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Forecast	Forecast	Forecast	Forecast	Actual	(C=A+B)
	Appropriation	-																
	Deappropriation	-																
	BBF (T&T)	18,225																
<b>Expenditures</b>																		
401	Communications	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
406	Outside Services	-	-	-	3,900	-	-	-	-	-	2,452	-	-	-	-	-	6,352	6,352
416	ITD Reimbursements	-	-	-	6,688	-	-	-	1,109	-	-	1,470	-	-	-	-	9,267	9,267
503	Equipment-Non Inventory	-	-	-	-	-	-	-	-	-	-	-	2,607	-	-	-	-	2,607
<b>Total Expenditures:</b>		-	-	-	<b>10,588</b>	-	-	-	<b>1,109</b>	-	<b>2,452</b>	<b>1,470</b>	<b>2,607</b>	-	-	-	<b>15,619</b>	<b>18,225</b>
<b>Current Month Operations</b>		<b>18,225</b>	-	-	<b>(10,588)</b>	-	-	-	<b>(1,109)</b>	-	<b>(2,452)</b>	<b>(1,470)</b>	<b>(2,607)</b>	-	-	-		
<b>Cash Balance</b>		<b>18,225</b>	<b>18,225</b>	<b>18,225</b>	<b>7,637</b>	<b>7,637</b>	<b>7,637</b>	<b>7,637</b>	<b>6,528</b>	<b>6,528</b>	<b>4,076</b>	<b>2,607</b>	-	-	-	-		

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

- Expenditures**
- 406 - October expenses are for 40-hour ADR Masterclass for Eckley, Lee, and Murphy April actual is for CI Coaching & Development, LLC for \$2,452.
  - 416 - October expenses are for Salesforce renewal through eDAS for \$6,688.07 February actual is for Carasoft invoice to upgrade Salesforce case management system for \$1,108.94. May actual is for Salesforce licensing and updates moved from OP22 edas bill.
  - 503 - June forecast is computer and supplies for 1 employee.