IOWA PUBLIC INFORMATION BOARD

MEMBERS

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

STAFF

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

Use the following link to watch the IPIB meeting live:

https://youtube.com/@IowaPublicInformationBoard

Note: If you wish to make public comment to the Board, please send an email to IPIB@iowa.gov prior to the meeting.

Agenda

July 17, 2025, 1:00 p.m.
Conference Room
Jessie Parker Building, East
510 East 12th Street, Des Moines

1:00 PM – IPIB Meeting

I. Approval of agenda*

II. Approval of Minutes*

1. June 19, 2025
2. July 1, 2025

III. Public Forum (5-minute limit per speaker)

IV. Comments from the board chair. (McHugh)

1. Election of Board Chair for FY26
2. Introduction of Charlotte Miller as new ED
3. Goodbyes to outgoing staff

V. Consent Agenda *

A. Dismissals

1. 25FC:0056 (Kenny Shearon - Both- City of Brighton ,Iowa) 5/22/2025 - Accept/Dismiss
2. 25FC:0057 (Carli Miller – Both- City of Miles, Iowa) 5/22/2025- Accept/Dismiss

3. 25FC:0066 (Joe Goche - Chapter 21- Board of Supervisors Auditor) 6/3/2025 - Accept/Dismiss
4. 25FC:0078 (Gary, Linda, and Sarah Hinzman - Chapter 21- City of Cedar Rapids) 6/24/2025 - Accept/Dismiss
5. 25FC:0080 (Ezra Sidran - Chapter 22- City of Davenport) 6/27/2025 - Accept/Dismiss
6. 25FC:0081 (Matt Loffer - Chapter 21- City of Marengo) 6/26/2025 - Accept/Dismiss
7. 25FC:0085 (Craig Reiter - Both- City of Remsen) 7/2/2025 - Accept/Dismiss
8. 25FC:0086 (Ruth Miller Kahler - Both- Iowa Department of human services) 7/4/2025 - Accept/Dismiss
9. 25FC:0093 (Charles Nocera - Chapter 22- Iowa Department of Admisnitrative Services) 7/12/2025 - Accept/Dismiss

B. Acceptance

1. 25FC:0058 (Rachel Doyle - Both- City of Rolfe) 5/27/2025 - Accept/Dismiss
2. 25FC:0061 (Dylan Southall - Chapter 22- Cedar Falls Utilities - Cedar Falls, Iowa) 5/23/2025 - Accept/Dismiss
3. 25FC:0065 (John Rasmussen - Chapter 21- Pottawattamie County Board of Supervisors) 6/3/2025 - Accept/Dismiss
4. 25FC:0068 (Kelley DeLong - Chapter 22- Benton County Sheriffs department) 6/5/2025 - Accept/Dismiss
5. 25FC:0070 (Keith Wieland - Chapter 22- Buchanan County, Iowa) 6/10/2025 - Accept/Dismiss
   25FC:0072 (Jonathan Uhl - Chapter 22- Scott County / Scott County Attorney's Office) 6/13/2025 - Accept/Dismiss
6. 25FC:0073 (Justin Scott - Chapter 21- Denver Community School District) 6/12/2025 - Accept/Dismiss
7. 25FC:0074 (Noelle Bolibaugh - Chapter 22- Oskaloosa School District) 6/16/2025 - Accept/Dismiss
8. 25FC:0075 (Chris Stevens - Chapter 22- City of Swea City IA) 6/17/2025 - Accept/Dismiss
9. 25FC:0076 (Ken Allsup - Both- Oskaloosa School Board) 6/17/2025 - Accept/Dismiss
10. 25FC:0079 (Judith Lee - Chapter 22- City of Davenport) 6/24/2025 - Accept/Dismiss
11. 25FC:0083 (Amber Turner - Chapter 21- Mitchellville City Council and Mayor) 6/30/2025 - Accept/Dismiss
12. 25FC:0089 (Charlie Comfort - Chapter 22- Oskaloosa Community School District) 7/7/2025 - Accept/Dismiss

C. HF 706 Training Providers Approvals*

1. Iowa Association of School Boards

VI. Advisory Opinion – Deliberation/Action.*

1. 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?

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

1. 24FC:0120 (Paul Dorr - Both- Osceola County, Iowa) 11/27/2024 -Investigative Report
2. 25FC:0027 (Jerry Hamelton - Chapter 22- Keokuk Police Department) 3/12/2025 -Status Report
3. 25FC:0049 (Cody Edwards - Chapter 22- Iowa Department of Revenue) 5/2/2025 -Investigative Report
4. 25FC:0050 (Kenneth Brown - Chapter 21- City of Sidney) 5/10/2025 -Investigative Report
5. 25FC:0062 (Kayla Brown - Chapter 22- Kirkwood Community College) 5/27/2025 -Investigative Report
6. 25FC:0063 (Miguel Puentes - Chapter 22 - City of Davenport and the Davenport Police Department) 5/28/2025 -Investigative Report
7. 25FC:0064 (Alisha Beers – Both - The City Council of Pisgah) 5/30/2025 -Investigative Report

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

1. 25FC:0060 (Robert Stewart - Chapter 22- Oelwein police department Oelwein Iowa 50662) 5/23/2025 - Withdrawn
2. 25FC:0087 (Sara Parris - Chapter 22- Iowa Department of Education) 7/7/2025 -Withdrawn
3. 25FC:0090 (Dillon Daughenbaugh - Chapter 21- Union County(Iowa) Emergency Management) 7/7/2025 -Withdrawn

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

2. 24AO:0013 (Erika Eckley) 12/12/2024 - New / Question Information ReviewedHow should interviews for public employees be conducted after the Teig v. Loeffler decision?
3. 25AO:0007 (Jack Hatanpa - Brick-Gentry, P.C.) 5/30/2025 - Acknowledgement of QuestionWhat obligation does a city have to retrieve public records from an uncooperative non-government actor?
4. 25AO:0008 (Kalen McCain) 6/27/2025 - Acknowledgement of Questionwork product of an attorney and 22.7 11a (1) through (5,)
5. 25AO:0010 (Jordan George - City of Newton) 7/2/2025 - New / Opinion Information ReviewedWhat redactions of Chapter 22 public records are permitted by a governmental entity and what degree of an explanation must be provided for each redaction?
6. 24FC:0089 (Curtis Wagler - Chapter 22- Henry County Sheriff's Office) 10/8/2024 - Information Gathering/IR Process
7. 24FC:0110-1 (Keegan Jarvis - Chapter 21- City of Swan IA) 11/6/2024 - Information Gathering/IR Process
8. 25FC:0012 (Matt Loffer - Chapter 22- City of Marengo, Marengo Police Department) 2/3/2025 - Information Gathering/IR Process
9. 25FC:0018 (Tammy Wise - Chapter 21- Tama County) 2/10/2025 - Information Gathering/IR Process
10. 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
11. 25FC:0031 (Michael Chapman - Chapter 21- Waterloo Community School District Board of Education) 3/26/2025 - Information Gathering/IR Process
12. 25FC:0054 (Tim Ferguson - Chapter 22- City of Davenport) 5/19/2025 - Accept/Dismiss
13. 25FC:0055 (Justin Cole - Chapter 21- Mount Union Benefited Fire District) 5/21/2025 - Information Gathering/IR Process
14. 25FC:0067 (EyesOffCR - Chapter 22- City of Cedar Rapids) 6/6/2025 - Information Gathering/IR Process
15. 25FC:0069 (Cassie Rochholz - Chapter 21- City of Solon) 6/4/2025 - Information Gathering/IR Process
16. 25FC:0077 (Terra Helmers - Chapter 21- Tripoli City Council) 6/20/2025 - Complaint Opened/Acknowledged
17. 25FC:0082 (Tim Ferguson - Public Records Law- Davenport Police) 6/24/2025 - Complaint Opened/Acknowledged
18. 25FC:0084 (Lucian Diaconu - Chapter 22- Great Prairie AEA) 7/1/2025 - Complaint Opened/Acknowledged
19. 25FC:0088 (Jaicy Skaggs - Chapter 22- City of Kellogg) 7/7/2025 - Complaint Opened/Acknowledged
20. 25FC:0091 (Kalen McCain - Chapter 22- City of Washington) 7/10/2025 - Complaint Opened/Acknowledged

X. Contested Case Proceedings Update and Information and Take Actions Necessary *

1. 24FC:0092 (Aubrey Burress - Both- Pleasant Grove Township) 10/21/2024 - Contested Case

XI. Committee Reports

1. Training – (Lee)
2. Legislative – (Eckley)
3. Rules – (Murphy)
    1. Deliberation/Action to advance proposed administrative rules to rulemaking

XII. Office status report.

1. Office Update * (Eckley)
2. Financial/Budget Update (FY25) * (Eckley)
3. Presentations/Trainings (Eckley)
    a. IPIB online training for Newly Elected and Appointed officials- August 15
4. District Court Update (Eckley)

XIII. Next IPIB Board Meeting will be held on August 21, 2025, at 1:00 p.m.

IV. Adjourn

*** Attachment**

IOWA PUBLIC INFORMATION BOARD

DRAFT
June 19, 2025
Unapproved Minutes

The Iowa Public Information Board (IPIB) met on June 19, 2025, for its monthly meeting at 1 p.m. at the offices of the Iowa Public Information Board located at 502 East 9th Street, Des Moines. The following members participated: Barry Lindahl, Catherine Lucas, Luke Martz, Joel McCrea, Monica McHugh (remote). Also present were IPIB Executive Director, Erika Eckley; IPIB Deputy Director, Kimberly Murphy; IPIB Agency Counsel, Alexander Lee. Also present was Zach Goodrich, Executive Director of the Iowa Ethics and Campaign Disclosure Board. A quorum was declared present.

On a motion by McCrea and second by Martz, to approve the agenda. Adopted, 5-0.

On a motion by Lucas and second by Martz, to approve the May 15, 2025 minutes. Adopted, 5-0.

Public Forum

There were no public comments.

Comments from the Board Chair

The Board Chair had no comments.

Consent Agenda –

1. **Dismissals.** On a motion by McCrea and second by Martz, to approve the dismissals within the consent agenda with the exception of 25FC:0051. Approved, 5-0.

   Discussion of 25FC:0051 occurred. Lucas abstained. On a motion by McHugh and second by Martz to dismiss the complaint. Approved, 4-0; one abstention.

2. **Acceptances.** On a motion by Martz and second by McCrea, to approve the acceptances within the consent agenda. Approved, 5-0.

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

1. **25FC:0024 (Jason Kensett - Chapter 22- Iowa DCI) 2/21/2025 - Investigative Report.** Goodrich, as investigator, addressed the Board regarding the complaint. Lucas abstained. Board discussion occurred. On a motion by Martz and second by McCrea, to dismiss the complaint. Approved, 4-0; one abstention.

2. **24FC:0064 (Mark Milligan - Chapter 22- Monroe County Sheriff's Department; represented by Monroe County Attorney) 7/30/2024 – Status Report.** Milligan addressed the Board. Board discussion occurred. On a motion by Luas and second by Martz, to determine there is no violation of Iowa Code Chapter 22 and dismiss the complaint. Approved, 5-0.

3. **24FC:0090 (Sarah Weber - Chapter 21- Orange City Council) 10/9/2024 - Final Report.** Board discussion occurred. On a motion by McCrea and second by Martz, to dismiss the complaint as resolved. Approved, 5-0.

4. **24FC:0096 (Rachel Dolley - Chapter 21- Commission of Wapello County Veterans Affairs) 10/28/2024 – Investigative Report.** Holly Corkery, counsel to the Commission of Wapello County Vereatns Affairs, addressed the Board. Board discussion occurred. On a motion by McCrea and second by Martz, to find probable cause exists to believe a violation has occurred, but as an exercise of administrative discretion, dismiss the complaint. Approved, 5-0.

5. **25FC:0035 (Roger Krohn - Chapter 21- Monona County Board of Supervisors) 4/3/2025 - Investigative Report.** On a motion by McCrea and second by Lucas, to dismiss the complaint. Approved, 5-0.

6. **25FC:0042 (Jeffrey Halter - Chapter 21- Iowa Central Community College Board of Directors and Cabinet) 4/16/2025 - Investigative Report.** On a motion by Martz and second by McCrea, to find probable cause to believe a violation has occurred, but as an exercise of administrative discretion, dismiss the complaint. Approved, 5-0.

7. **25FC:0044 (Lily Leyva - Chapter 22- West Bend Mallard Community School District) 4/21/2025 - Investigative Report.** Board discussion occurred. On a motion by Martz and second by Lucas, to dismiss the complaint for lack of probable cause. Approved, 5-0.

8. **25FC:0046 (Linda Reardon - Chapter 21- Gladbrook-Reinbeck School Board) 4/24/2025 - Investigative Report.** On a motion by Martz and second by Lucas, to dismiss the complaint for lack of probable cause. Approved, 5-0.

Matters Withdrawn, No Action Necessary.

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

Pending Complaints. Informational Only No Action or Deliberation.

3. 24FC:0089 (Curtis Wagler - Chapter 22- Henry County Sheriff's Office) 10/8/2024 - Information Gathering/IR Process
4. 24FC:0092 (Aubrey Burress - Both- Pleasant Grove township) 10/21/2024 - Contested Case
5. 24FC:0110-1 (Keegan Jarvis - Chapter 21- City of Swan IA) 11/6/2024 - Probable Cause Investigation
6. (Rachel Dolley - Chapter 21- Wapello County Veterans Affairs) 11/21/2024 - Information Gathering/IR Process
7. 24FC:0120 (Paul Dorr - Both- Osceola County, Iowa) 11/27/2024 - Probable Cause Investigation
8. 25FC:0012 (Matt Loffer - Chapter 22- City of Marengo, Marengo Police Department) 2/3/2025 - Information Gathering/IR Process
9. 25FC:0018 (Tammy Wise - Chapter 21- Tama County) 2/10/2025 - Information Gathering/IR Process
10. 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
11. 25FC:0027 (Jerry Hamelton - Chapter 22- Keokuk Police Department) 3/12/2025 - Draft Order

12. 25FC:0031 (Michael Chapman - Chapter 21- Waterloo Community School District Board of Education) 3/26/2025 - Information Gathering/IR Process
13. 25FC:0040 (Stephanie Erickson - Chapter 21- Indianola City Council) 4/10/2025 - Information Gathering/IR Process
14. 25FC:0057 (Carli Miller - Both- City of Miles, Iowa) 5/22/2025 - Complaint Opened/Acknowledged
15. 25FC:0056 (Kenny Shearon - Both- City of Brighton ,Iowa) 5/22/2025 - Complaint Opened/Acknowledged
16. 25FC:0061 (Dylan Southall - Public Records Law- Cedar Falls Utilities - Cedar Falls, Iowa) 5/23/2025 - Complaint Opened/Acknowledged
17. 25FC:0058 (Rachel Doyle - Both- City of Rolfe) 5/27/2025 - Complaint Opened/Acknowledged
18. 25FC:0065 (John Rasmussen - Chapter 21- Pottawattamie County Board of Supervisors) 6/3/2025 - Complaint Opened/Acknowledged
19. 25FC:0066 (Joe Goche - Open Meetings Law- Board of Supervisors Auditor) 6/3/2025 - Complaint Opened/Acknowledged
20. 25FC:0068 (Kelley DeLong - Chapter 22- Benton County Sheriffs department) 6/5/2025 - Complaint Opened/Acknowledged
21. 25FC:0070-2 (Keith Wieland - Public Records Law- Buchanan County, Iowa) 6/10/2025 - New / Complaint Information Reviewed
22. (Justin Scott - Open Meetings Law- Denver Community School District) 6/12/2025 - New / Complaint Information Reviewed
23. 25FC:0072 (Jonathan Uhl - Chapter 22- Scott County / Scott County Attorney's Office) 6/13/2025 - New / Complaint Information Reviewed
24. 24AO:0013 (Erika Eckley - -) 12/12/2024 - New / Question Information ReviewedHow should interviews for public employees be conducted after the Teig v. Loeffler decision?
25. 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?
26. 25AO:0008 – HF 706 Training Requirements
27. 25AO:0007 (Jack Hatanpa - - Brick-Gentry, P.C.) 5/30/2025 - Acknowledgement of QuestionWhat obligation does a city have to retrieve public records from an uncooperative non-government actor?

Committee Reports.

1. **Training** – Lee provided an update on meetings and work being completed. Board discussion occurred regarding training and recent legislation.

2. **Legislative** – Eckley gave an update regarding legislation.

3. **Rules** – Murphy gave an update regarding the Rules Committee and next steps in the rules promulgation process. Board discussion occurred regarding the process.

Office Status Report.

1. **Office Update.** Eckley provided an update on the status of cases and fulfilling the Executive Director Role.

2. **Financial/Budget Update (FY25)**. Eckley reviewed financials with the Board.

3. **Presentations/Trainings.** Eckley gave an update on presentations and trainings.

4. **District Court Update**. Eckley gave up an update on pending court cases.

Next IPIB Board Meeting will be held on July 17, 2025, at 1:00 p.m.; meeting adjourned.

IOWA PUBLIC INFORMATION BOARD

DRAFT
July 1, 2025
Unapproved Minutes

The Iowa Public Information Board (IPIB) met on July 1, 2025, for its monthly meeting at 1 p.m. at the offices of the Iowa Public Information Board located at 510 East 12th Street, Des Moines. The following members participated: E. J. Giovannetti, Barry Lindahl (remote), Catherine Lucas, Luke Martz, Joel McCrea (remote), Monica McHugh, Jackie Schmillen (remote). Also present were IPIB Executive Director, Erika Eckley; IPIB Deputy Director, Kimberly Murphy; IPIB Agency Counsel, Alexander Lee. A quorum was declared present.

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

Advisory Opinion – Guidance on H.F. 706 for newly elected and appointed officials
On a motion by Lucas and second by Lindahl, to approve the advisory opinion as amended prior to the meeting. Adopted, 7-0.

Discuss any Board Process/Procedure Necessary for Interview(s)
Lucas presented questions and a procedure for Charlotte Miller's interview.

Interview Candidate for Executive Director
The Board interviewed Charlotte Miller.

Board deliberation on ED Candidate
The Board discussed the qualifications and strengths of Charlotte Miller.

Offer of ED position
On a motion by Lindahl and second by Lucas, the Board approved making an offer to Charlotte Miller to be the Executive Director of IPIB and to offer a salary of $97,000 with a review after first 12 months. Adopted, 7-0.

Adjourn
On a motion by Martz and second by Lucas, the Board voted to adjourn the meeting.

The Iowa Public Information Board

In re the Matter of: Kenny Shearon, Complainant And Concerning: City of Brighton, Respondent	Case Number: 25FC:0056 Dismissal Order

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

On May 22, 2025, Kenny Shearon filed formal complaint 25FC:0056, alleging that the City of Brighton (City) violated Iowa Code Chapter 22.

Facts

Shearon alleges the City failed to provide requested public records. The complaint states:

> Refusal to provide recorded minutes of council meetings , building permits issued for the last 2yr for car ports , and 24 hr parking violations issued.

IPIB staff outreached to Shearon to obtain the specific request sent to the City and the corresponding timeframe. Shearon did not respond to IPIB requests for additional information. After multiple unreturned responses, IPIB informed Shearon that he must respond to IPIB within 48 hours or his complaint would be dismissed. To date, IPIB has not received a response from Shearon. Without additional information, IPIB staff is unable to establish jurisdiction.

Applicable Law

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

> 1. 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.
>
> 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. 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

Iowa Code Chapter 23 is the enabling statute of the IPIB, which mandates that IPIB determine whether a complaint falls within its jurisdiction. IPIB staff has outreached to the complainant to obtain additional information to verify the complaint is within IPIB's jurisdiction. Despite numerous attempts to reach Shearon, IPIB staff have been unable to obtain additional evidence to support IPIB's jurisdiction over this matter.

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.

Despite numerous requests, IPIB staff have been unable to obtain responsive information from Shearon supporting IPIB's jurisdiction over the complaint.

IT IS SO ORDERED: Formal complaint 25FC:0056 is dismissed as legally insufficient or outside IPIB's jurisdiction pursuant to Iowa Code § 23.8(2) and Iowa Administrative Rule 497-2.1(2)(b).

Pursuant to Iowa Administrative Rule 497-2.1(3), the IPIB may "delegate acceptance or dismissal of a complaint to the executive director, subject to review by the board." The IPIB will review this Order on July 17, 2025. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Executive Director

Erika Eckley, J.D.

CERTIFICATE OF MAILING

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

Kenny Shearon, Complainant

The Iowa Public Information Board

In re the Matter of: Carli Miller, Complainant And Concerning: City of Miles, Respondent	Case Number: 25FC:0057 Dismissal Order

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

On May 22, 2025, Carli Miller filed formal complaint 25FC:0057, alleging that the City of Miles (City) violated Iowa Code Chapters 21 and 22.

Facts

Miles is a small city in east Iowa. The complainant, Carli Miller, is a resident of Illinois who owns real estate in the City, which she had historically operated as a two-unit rental property. This complaint arises in the context of a larger dispute between Miller and the City over utilities bills being charged for this property.

On May 22, 2025, Miller filed a formal complaint alleging five violations:

1. The City has been sending two sets of city service bills for the property, despite Miller's assertion that the residence should only be charged once.
2. The City recently passed an ordinance to assess a $55 sewage fee for all properties, regardless of whether they are occupied or vacant, which Miller asserts may be unlawful.
3. The City has violated the law regarding disconnection and refuses to remove liens or adjust past bills as the law requires.
4. An employee of the City made an improper retaliatory complaint against Miller to the Iowa Department of Natural Resources following comments at a city council meeting.
5. The City's clerk has ignored several requests for "updated ordinance information" and "FOIA requests."

IPIB first acknowledged receipt of the complaint on May 23, 2025. On May 27, IPIB sent a follow-up email, explaining the limited scope of IPIB's jurisdiction and requesting clarification on the violation alleged in Point #5 for the purposes of facial review. After Miller failed to respond, two additional emails were sent on June 2 and June 10.

On June 10, 2025, Miller responded for the first time, providing additional information on the background of her dispute with the City. During a phone call, Miller acknowledged that the first four violations alleged in her complaint were outside of IPIB's jurisdiction. She stated she would provide additional information on the potential public records issue at a later date, though no clarification was given over the phone.

On June 10 and June 19, IPIB requested an estimate of when the requested information might be available, but Miller has not been in contact with IPIB since.

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:

1. 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.

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.

Analysis

IPIB's statutory jurisdiction to hear complaints is limited to Chapters 21 and 22, which relate to open meetings and public records, respectively. Iowa Code § 23.6(4). The first, second, and third alleged violations of this complaint, each of which arise from service bills charged for the complainant's property, do not relate to or allege a meeting of any governmental body, nor do they involve public access to records of or belonging to the City. Similarly, the fourth alleged violation (that the complainant faced retaliation from a government official or employee based on comments made at a council meeting) does not describe any improper restrictions on the complainant's Chapter 21 rights to access open meetings, nor is there any suggestion that the City failed to meet

Chapter 21 requirements with regards to the meeting in general. Because none of these allegations fall under IPIB's jurisdiction over Chapters 21 or 22, they must be dismissed on facial review.

For the fifth and final point, there would be a potential violation of Chapter 22 if the city clerk had ignored a request for public records. However, where this portion of the complaint describes a request for "updated ordinance information" and the other four alleged violations all relate to a dispute over whether the City's bills are proper under the law, it is ambiguous whether the complainant was making requests for existing public records or merely requests for information, which would not be covered under Chapter 21. Additional information would resolve this uncertainty, but IPIB has been effectively unable to communicate with the complainant for well over a month. Because this alleged violation is without merit due to ambiguity and because the complainant has constructively abandoned her complaint by failing to respond to IPIB emails, this portion of the complaint must also 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.

On facial review, the allegations in this complaint are either outside of IPIB's jurisdiction or without merit due to ambiguity. Additionally, the complaint has now been constructively abandoned.

IT IS SO ORDERED: Formal complaint 25FC:0057 is dismissed as outside IPIB's jurisdiction or without merit pursuant to Iowa Code § 23.8(2) and Iowa Administrative Rule 497-2.1(2)(b).

Pursuant to Iowa Administrative Rule 497-2.1(3), the IPIB may "delegate acceptance or dismissal of a complaint to the executive director, subject to review by the board." The IPIB will review this Order on July 17, 2025. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Executive Director

Erika Eckley, J.D.

CERTIFICATE OF MAILING

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

Carli Miller, Complainant

The Iowa Public Information Board

In re the Matter of: Joe Goche, Complainant And Concerning: Kossuth County Board of Supervisors, Respondent	Case Number: 25FC:0066 Dismissal Order

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

On June 3, 2025, Joe Goche filed formal complaint 25FC:0066, alleging the Kossuth County Board of Supervisors (County) violated Iowa Code chapter 21.

Facts

Goche alleges the closed session item under the Drainage District (DD80) topic on the May 20, 2025, agenda was intentionally vague. He further alleges the agenda did not include notice there would be deliberation or action by the County to ask the attorney to seek a declaratory judgment as found in the minutes for the meeting. This action occurred after the County returned from the closed session. Goche provided the agendas and minutes to IPIB.

Goche has filed multiple complaints against the County related to its handling of Drainage District 80.[1] In addition, Goche and the County have been engaged in years' long litigation regarding DD80.[2]

[1] 24FC:0109 Goche/Kossuth County Board of Supervisors (allegations regarding action to send informational letters to drainage district residents regarding litigation costs impact on assessments); 24FC:0039 Steven Menke/Kossuth County Board of Supervisors (alleged violation of chapter 22 for refusal to provide minutes from a "secret meeting" Goche discovered when a sheriff's deputy intervened in a dispute regarding Goche and Menke testing drainage tile and whether the County had approved it).

[2] *William and Mary Goche, LLC v. Kossuth Cnty. Bd. of Supervisors,* 5 N.W.3d 650 (Iowa 2024) (punitive damages claim not allowed without underlying cause of action).

Applicable Law

"A governmental body may hold a closed session only to the extent a closed session is necessary for any of the following reasons:
…
To discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation." Iowa Code § 21.5(1)(c).

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

Analysis

Goche alleges the agenda was not specific enough regarding the potential closed session. The agenda, however, stated the following:
Discussion/Decision: CLOSED SESSION for Potential Litigation per Iowa Code § 21.5(1)(c).

Per the examples in IPIB's administrative rules, the brief statement of purpose provides information related to "Potential Litigation" under Iowa Code § 21.5(1)(c). The rule example states sufficient notice would include "discuss with counsel" and the statutory provision authorizing the closed session. Potential Litigation is as descriptive as "discuss with counsel." No further information is required. There is no violation of Iowa Code Chapter 21 in the agenda item listed.

Goche alleges the agenda failed to include notice the County might take action after the closed session to "authorize Attorney Bob Goodwin to file a case to get a declaratory judgment concerning DD 80."

On May 21, 2025, the County filed EQCV028088, a Petition for Declaratory Judgment.[3] On May 29, 2025, Goche was served with notice of the proceedings. The essence of the dispute is that Goche installed private tile in DD4 and DD80 and is discharging water into DD80 to the alleged

[3] Kossuth Co. BOS v. Global Enterprises, LLC (formerly William and Mary Goche, LLC and Global Assets, LLC).

detriment of other DD80 landowners. The litigation is seeking a ruling as to who has the correct legal interpretation of Iowa Code and the permissibility of such action.

Goche filed this complaint within days of being served with the Petition for Declaratory Judgment. As far as the Iowa Code chapter 21 claim, the agenda stated there would be a closed session for "Potential Litigation" with discussion and decision possible, After re-entering open session the County voted to approve the Declaratory Judgment litigation. The suit was filed the next day. The fact that the County voted to file Litigation after an agenda item that stated "Potential Litigation" is not a violation of Iowa Code chapter 21.

Conclusion

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

The requirements for notice of a closed session and the reason and authority for the closed session were provided on the agenda. The Board voted to approve litigation in open session after the agenda stated "Potential Litigation" would be discussed and decided. Further, the litigation and dispute involves the parties to this complaint.

IT IS SO ORDERED: Formal complaint 25FC:0066 is dismissed as it is without merit pursuant to Iowa Code § 23.8(2) and Iowa Administrative Rule 497-2.1(2)(b).

Pursuant to Iowa Administrative Rule 497-2.1(3), the IPIB may "delegate acceptance or dismissal of a complaint to the executive director, subject to review by the board." The IPIB will review this Order on July 17, 2025. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Executive Director

Erika Eckley, J.D.

CERTIFICATE OF MAILING

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

Joe Goche

The Iowa Public Information Board

In re the Matter of: Gary, Linda, and Sarah Hinzman, Complainant And Concerning: City of Cedar Rapids, Respondent	Case Number: 25FC:0078 Dismissal Order

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

On June 23, 2025, Gary, Linda, and Sarah Hinzman filed formal complaint 25FC:0078, alleging the City of Cedar Rapids violated Iowa Code chapter 21.

Facts

Gary, Linda, and Sarah Hinzman allege a letter they received regarding a rezoning request within the city to build an elementary school that impacted their property violated Iowa Code chapter 21 because the notice had an error in the date the City Council was expected to take up the issue. The letter stated the meeting was scheduled for Thursday, June 24, 2025. The Council meeting, however, was to occur on Tuesday, June 24, 2025. The notice mailed to the Hinzmans was postmarked on May 30. The notice included links to the Council's agendas posted online. In filing the complaint on June 23, the Hinzmans made clear they were aware the Council meeting was scheduled for Tuesday, June 24, 2025, but requested IPIB overturn any zoning change due to the error in the mailed notice they received, The Hinzmans provided a link to the correct Council agenda.

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

Iowa Code § 21.4 requires public notice be provided at least 24 hours in advance of an open meeting. This notice is to be physically posted and sent to news organizations that request to receive the notice. There is no requirement within Iowa Code chapter 21 that individual citizens receive a mailing of the notice to their home address. Further, in filing the complaint, the Hinzmans were aware the mailed notice had a scrivener's error listing the incorrect day of the week with the correct date of the meeting. The Hinzmans reviewed the online agenda and notice conforming with the requirements of Iowa Code chapter 21. The Hinzmans received the mailed notice several weeks before the actual scheduled Council meeting, yet waited until the day before the meeting to file a complaint even though they knew the notice they received had a ministerial error.

Regardless, nothing within Iowa Code chapter 21 requires a mailed notice to residents of the government body. Because no notice was required, the Hinzmans had actual notice of the correct date, time, place, and tentative agenda of the Council meeting more than 24 hours in advance, there is no violation of Iowa Code chapter 21.

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.

There is no requirement to mail notice of an open meeting to residents under Iowa Code chapter 21. The complainants had notice of the date, time, place, and agenda requirements under Iowa Code § 21.4.

IT IS SO ORDERED: Formal complaint 25FC:0078 is dismissed as it is legally insufficient pursuant to Iowa Code § 23.8(2) and Iowa Administrative Rule 497-2.1(2)(b).

Pursuant to Iowa Administrative Rule 497-2.1(3), the IPIB may "delegate acceptance or dismissal of a complaint to the executive director, subject to review by the board." The IPIB will review this Order on July 17, 2025. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Executive Director

Erika Eckley, J.D.

CERTIFICATE OF MAILING

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

Gary, Linda, and Sarah Hinzman

The Iowa Public Information Board

In re the Matter of: Ezra Sidran, Complainant And Concerning: City of Davenport, Respondent	Case Number: 25FC:0080 Dismissal Order

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

On June 23, 2025, Ezra Sidran filed formal complaint 25FC:0080, alleging that the City of Davenport (City) violated Iowa Code Chapter 22.

Facts

On May 28, 2025, the complainant, Ezra Sidran submitted a Chapter 22 request with the City of Davenport through JustFOIA, an online, third-party request management site the City uses to accept electronic requests. The request sought "the deposition of former Davenport Corporation Counsel Tom Warner from the Diercks v. Davenport lawsuit." This request was marked "Cancelled" on the JustFOIA request portal and closed without further communication or disclosure of records.

On June 23, 2025, Sidran filed formal complaint 25FC:0080, alleging the City had violated Iowa Code § 22.8(4)(d) and HF 706 by unilaterally cancelling the Chapter 22 request without explanation.

The record in question is a deposition transcript from an unrelated Chapter 22 case in which the City was a defendant and the City's former corporation counsel was deposed concerning his handling of a records request. Because the deposition is referenced in court decisions, it appears that the transcript was submitted to the court as part of the evidentiary record for the case.

Applicable Law

"*'Public records'* includes all records, documents, tape, or other information, stored or preserved in any medium, of or belonging to this state or any county, city, township, school corporation, political subdivision, [etc.]." Iowa Code § 22.1(3)(a).

"The [Iowa Public Information Board] shall not have jurisdiction over the judicial or legislative branches of state government or any entity, officer, or employee of those branches, or over the governor or the office of the governor." Iowa Code § 23.12.

Analysis

The record at issue in this complaint was a deposition transcript, prepared during the process of discovery and submitted as evidence to the factual record for a case heard by the Iowa District Court for Scott County (later appealed to the Iowa Court of Appeals). Although the City was a party to the case and the deponent was a former City employee, the transcript itself is a record "of or belonging" to the district court, meaning that the court is the lawful custodian. Release of this record would be subject to the judicial branch's own rules, including any court orders or other specific restrictions which may or may not apply to this specific record. This is true regardless of whether the City has retained a copy of the transcript.

Iowa Code § 23.12 provides that IPIB does not have jurisdiction over the judicial branch or "any entity, officer, or employee" of the judiciary. Because the deposition transcript is a record of the judicial branch, IPIB cannot accept this 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.

Because this complaint pertains to a request for a record of the judicial branch, the complaint is outside of IPIB's jurisdiction pursuant to Iowa Code § 23.12.

IT IS SO ORDERED: Formal complaint 25FC:0080 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 July 17, 2025. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Executive Director

Erika Eckley, J.D.

CERTIFICATE OF MAILING

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

Ezra Sidran, Complainant

The Iowa Public Information Board

In re the Matter of: Matt Loffer, Complainant And Concerning: City of Marengo, Respondent	Case Number: 25FC:0081 Dismissal Order

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

On June 23, 2025, Matt Loffer filed formal complaint 25FC:0081, alleging that the City of Marengo (City) violated Iowa Code Chapter 22.

Facts

On May 14, 2025, the complainant, Matt Loffer, alleges the City of Marengo held a council meeting. According to the complaint, the City typically posts its meeting agendas and minutes to its official website, but the May 14 meeting minutes have not been uploaded, although the minutes for multiple subsequent meetings have been. Loffer also alleges that the minutes were never published to the local newspaper, *The Hometown Current*, nor were they made available through the Iowa Newspaper Association's "Public Notices" bulletin.

A review of the City's website shows that there was a meeting scheduled for May 14, with an agenda posted, though no corresponding minutes were available as of July 7, 2025.

Applicable Law

"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

Chapter 21 provides that governmental bodies are required to keep minutes of all meetings and that minutes are to be kept as public records subject to inspection by any member of the public. However, there is no publication requirement in Chapter 21, meaning that governmental bodies are not required to take affirmative steps under this chapter to disseminate minutes as public records if no request has been made for access. For this reason, even if all allegations in the complaint are assumed to be accurate for the purposes of facial review, there is no violation of Chapter 21 from the City's failure to upload their minutes or publish them in the local newspaper, even if it is their normal practice to do so.

To the extent the City may have been subject to additional publication requirements under another section of the Iowa Code (e.g. Iowa Code § 372.13), any violation would be outside of IPIB's statutory jurisdiction over Chapters 21 and 22. *See* Iowa Code § 23.6(4) (providing that IPIB has the power to "[r]eceive complaints alleging violations of chapter 21 or 22").

Conclusion

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

Because Chapter 21 does not contain publication requirements and because any publication requirements provided elsewhere in the Code would be outside IPIB's statutory jurisdiction to enforce, the complaint is dismissed on facial review.

IT IS SO ORDERED: Formal complaint 25FC:0081 is dismissed as legally insufficient or outside IPIB's jurisdiction pursuant to Iowa Code § 23.8(2) and Iowa Administrative Rule 497-2.1(2)(b).

Pursuant to Iowa Administrative Rule 497-2.1(3), the IPIB may "delegate acceptance or dismissal of a complaint to the executive director, subject to review by the board." The IPIB will review this Order on July 17, 2025. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Executive Director

Erika Eckley, J.D.

CERTIFICATE OF MAILING

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

Matt Loffer, Complainant

The Iowa Public Information Board

In re the Matter of: Craig Reiter, Complainant And Concerning: City of Remsen, Respondent	Case Number: 25FC:0085 Dismissal Order

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

On July 2, 2025, Craig Reiter filed formal complaint 25FC:0085, alleging the City of Remsen violated Iowa Code chapters 21 and 22.

Facts

Reiter alleges there was a conflict of interest, one of the city council members owns a business in the city and blamed Reiter for causing damage to the business because there were power outages, Reiter alleges he was terminated as Electric Superintendent without a vote of 2/3rds of the Council. Reiter alleges he was terminated in a surprise meeting where he was not allowed to explain anything and was escorted out of the building after the termination.

Applicable Law

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

Reiter alleges he was improperly terminated and a council member may have had a conflict of interest. Neither of these allegations are within the jurisdiction of IPIB to investigate. Therefore, 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.

The facts alleged are outside IPIB's jurisdiction to review.

IT IS SO ORDERED: Formal complaint 25FC:0085 is dismissed as it is legally insufficient 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 July 17, 2025. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Executive Director

Erika Eckley, J.D.

CERTIFICATE OF MAILING

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

Craig Reiter

The Iowa Public Information Board

In re the Matter of: Ruth Miller Kahler, Complainant And Concerning: Iowa Department of Human Servicess, Respondent	Case Number: 25FC:0086 Dismissal Order

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

On July 4, 2025, Ruth Miller Kahler filed formal complaint 25FC:0086, alleging that the Iowa Department of Human Services (Department) violated Iowa Code chapters 21 and 22.

Facts

Miller Kahler makes the following statement in support of the position that the Department violated Iowa Code chapters 21 and 22:

> Social worker threatened me that she wasn't messing around when I wouldn't speak to her right away. Social worker did have someone chase me down the street and my children when I would not attend a meeting, and gathered with a crowd of people and did not inform me why. social worker driving back and forth up and down the street at night late waiting for my husband ordering him to freeze.

Applicable Law

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

> 1. 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.
>
> 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. 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

Iowa Code Chapter 23 is the enabling statute of the IPIB, which mandates that IPIB determine whether a complaint falls within its jurisdiction. Miller Kahler does not make any allegations related to a meeting of a governmental body or a request for public records. Any allegations made by Miller Kahler are unrelated to the jurisdiction of Iowa Code chapters 21 or 22.

Conclusion

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

Miller Kahler's allegations are unrelated to Iowa Code chapters 21 or 22.

IT IS SO ORDERED: Formal complaint 25FC:0086 is dismissed as legally insufficient or outside IPIB's jurisdiction pursuant to Iowa Code § 23.8(2) and Iowa Administrative Rule 497-2.1(2)(b).

Pursuant to Iowa Administrative Rule 497-2.1(3), the IPIB may "delegate acceptance or dismissal of a complaint to the executive director, subject to review by the board." The IPIB will review this Order on July 17, 2025. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Executive Director

Erika Eckley, J.D.

CERTIFICATE OF MAILING

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

Ruth Miller Kahler, Complainant

The Iowa Public Information Board

In re the Matter of: Charles Nocera, Complainant And Concerning: Iowa Dept. of Administrative Services, Respondent	Case Number: 25FC:0093 Dismissal Order

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

On July 12, 2025, Charles Nocera filed formal complaint 25FC:0093, alleging that Iowa Dept. of Administrative Services (DAS) violated Iowa Code chapter 22.

Facts

Nocera filed a complaint after DAS responded to a records request stating "no responsive records exist." This request sought the age at time of hire and confidential information. This is the same request previously reviewed by IPIB in 24FC:0020- Charles Nocera/Iowa Department of Administrative Services - Administrative Dismissal Order. Additionally, the issue of whether DAS was required to create a record to address the request was addressed in Advisory Opinion 24AO:0003: Data and Public Records Requests.

Applicable Law

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

…

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

This complaint relates to the specific records request and the availability of the records sought previously addressed by IPIB in 24FC:0020 and 24AO:0003.

Conclusion

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

IT IS SO ORDERED: Formal complaint 25FC:0093 is dismissed as it involves an incident that has previously been disposed of on its merits pursuant to Iowa Code § 23.8(2) and Iowa Administrative Rule 497-2.1(2)(b).

Pursuant to Iowa Administrative Rule 497-2.1(3), the IPIB may "delegate acceptance or dismissal of a complaint to the executive director, subject to review by the board." The IPIB will review this Order on July 17, 2025. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Executive Director

Erika Eckley, J.D.

CERTIFICATE OF MAILING

This document was sent on July 14, 2025, to:

Charles Nocera
Iowa DAS

IPIB Case Number	Contact Name	Name of Entity Involved	Complaint Type	Description	Board Meeting Cons
25FC:0058	Rachel Doyle	City of Rolfe	Both	Date of Initial Records Request: * February 17, 2025 to Moville; February 19, 2025 to Rolfe and February 21, 2025 Moville forwarded request to Rolfe (confirmed in email from Moville) 4. Summary of Complaint: This complaint alleges multiple violations of Iowa public records laws (Chapter 22 of the Iowa Code) and potential violations of the Iowa Open Meetings Law (Chapter 21 of the Iowa Code) by the City of Rolfe. It also raises serious concerns regarding the legality and propriety of the city's code enforcement actions, particularly concerning a public records request submitted by the Complainant and related issues discussed in public meetings. Summary of possible violations 21 § 21.3 Denial of public participation in meetings § 21.4 Failure to give proper notice of meetings or decisions § 21.2(2) Deliberating city business outside official meetings 22 § 22.2 Denial or delay in access to public records § 22.3 Providing false or incomplete records 5. Details of Public Records Violations (Iowa Code Chapter 22): * Unreasonable Fees (Iowa Code § 22.3): The City of Rolfe has imposed an estimated fee of $2,417.00 for fulfilling the Complainant's records request, as detailed in their letter dated March 31, 2025 (available at https://drive.google.com/file/d/1-gMJOO_3DVwh6_PvV0ZQmR-aDZ_g7tYX/view?usp=drivesdk). This estimate includes the following hourly rates, which appear to be far beyond the "actual costs" of retrieval and copying permitted by Iowa law: * City Attorney: $300.00 per hour * "28E Partner": $65.00 per hour * City Clerk: $28.50 per hour This especially concerning as Moville has sent records requests free of charge. * Discussions during the March 10, 2025, Rolfe City Council Meeting (approximately 27:22 of https://youtu.be/5NPCWpPikVk?si=zu9DfENpI-XuT-3V) indicate an intent to charge the maximum amount for records requests and to pass on costs associated with staff time spent "digging up" information. This raises concerns about charging for inefficiencies in record-keeping and potentially excessive hourly rates. * Invoices from the City of Moville to the City of Rolfe for FOIA-related work suggest the possibility of outsourced work being billed at a significantly lower rate than the City of Rolfe's internal estimates, further questioning the reasonableness of the quoted fees. * Undue Delay (Iowa Code § 22.2): While the City of Rolfe acknowledged the records request in a letter dated March 11, 2025 (available at https://drive.google.com/file/d/10uTv6NpiJU6OgY-9qSfz0goIuAvFoGli/view?usp=drivesdk), the significant delay in providing access, citing the broad scope and staffing limitations, appears unreasonable, especially given the initial response was provided relatively quickly. * Improper Denial of Access Method (Iowa Code § 22.2): The City of Rolfe has refused to provide the requested records via email, stating they will only provide them as printed copies or on digital storage via conventional mailing or in-person pickup. This refusal to utilize a commonly accepted and potentially less costly method of delivery, especially when the city possesses electronic records (as evidenced by the mention of a thumb drive delivery around 27:22 of https://youtu.be/5NPCWpPikVk?si=zu9DfENpI-XuT-3V), may violate Iowa law requiring provision in the requester's preferred format if reasonably feasible. *Attempt to further delay production by claiming "broad" request when in a good faith attempt to cut costs, Complainant asked for only records that incur no cost to produce. * Attempt to Retroactively Apply Ordinance: The City of Rolfe is attempting to apply a not yet adopted public records ordinance retroactively to the Complainant's pending records request. This action is improper and suggests an intent to increase fees or otherwise obstruct access to records under the guise of new regulations. 6. Concerns Regarding Code Enforcement Actions: * Errors in Notices: The Complainant has concerns about inaccuracies in property information included in code enforcement letters issued by the Moville building inspector, such as incorrect property owners, addresses, or accompanying photographs. * Legal Authority and Process: Questions have been raised regarding the legal authority and due process followed in the City of Rolfe's code enforcement actions. Specifically, concerns exist about the 28E agreement between Rolfe and Moville, including whether this agreement was properly filed with the Iowa Secretary of State as required by law. This issue was raised during the March 10, 2025, Rolfe City Council Meeting (3:30 of https://youtu.be/5NPCWpPikVk?si=zu9DfENpI-XuT-3V), where a council member inquired about the agreement not being on file. The response from the Mayor (Jim) indicated that Moville was responsible for filing, yet concerns about the legality of actions taken prior to proper filing remain (4:11 of https://youtu.be/5NPCWpPikVk?si=zu9DfENpI-XuT-3V). * Approval Processes: The Complainant seeks clarification on the procedures for approving code enforcement actions and	Accept
25FC:0061	Dylan Southall	Cedar Falls Utilities - Cedar Falls, Iowa	Chapter 22	I am alleging a violation of Iowa Code Chapter 22 by Cedar Falls Utilities (CFU). On May 5, 2025, I (Dylan Southall) requested records related to a December 30, 2022, suspicion-based drug test?ordered by my supervisor and the general manager?which I passed and which contributed to documented disciplinary action. On May 23, 2025, Missy Timmermans denied most of my request citing §§ 22.7(11) and 22.7(65), refusing to provide redacted versions or an exemption log. CFU also invoked State v. Garrison, though that case does not apply to requests by the subject of the record. These documents were used to justify employment decisions and cannot be withheld post-factum as I am the subject. I request that the Iowa Public Information Board compel CFU to release all non-exempt portions of the records, account for the withheld materials, and ensure compliance with Chapter 22?s transparency standards.	Accept
25FC:0065	John Rasmussen	Pottawattamie County Board of Supervisors	Chapter 21	The posted agenda item was to approve proposed Employment Agreements as stated: "Matt Wilber and Kristen Bracker/Attorney ? Discussion and/or decision to approve and authorize Chairperson to sign Employment Agreements with"... "and Engineer John Rasmussen." Instead of acting on the agenda item to approve the proposed contract, Supervisor Wichman motioned to terminate the current County Engineer Employment Contract without an agenda item for that purpose or public notice. Supervisor Jorgensen seconded. Supervisor Belt voted in approval with the supervisors who made the motion and second. The negligent lack of notice denied the County Engineer's right to request a closed session and the subsequent harm to his character and professional reputation. No action was taken to approve or disapprove the proposed Engineer contract. I request the Board recognize and document the violation, void the action taken, assess damages; and require appropriate remedial action.	Accept
25FC:0068	Kelley DeLong	Benton County Sheriffs department	Chapter 22	The Benton County Sheriff?s Office has refused to provide public records and failed to comply with mandatory provisions under Chapter 22 of the Iowa Code following multiple written and verbal requests I submitted 6.2.2025 and 6.4.2025. The records sought were related to:Incident reports, case files, and call logs involving dog-at-large and vicious animal complaints on my property; Body-worn camera footage officers during the incidents; Any internal communications, notes, or summaries relevant to those incidents. Despite providing reasonable specificity and purpose for my requests, and confirming the public nature of the records, the Sheriff?s Office has declined to release body camera footage and released only overly redacted files. They have not provided a lawful written denial, as required by Iowa Code § 22.8(1). They have also verbally stated on voice recording that they will not provide a written response to my request. I can provide all documentation and voice recordings.	Accept
25FC:0070-1	Keith Wieland	Buchanan County, Iowa	Chapter 22	On or about March 25, 2025; April 4, 2025; May 1, 2025 and May 22, 2025, I, a person requested by electronic means, public records from Kris Wilgenbusch, the duly elected auditor of Buchanan County and custodian of the public record. Said records are unrestricted by Iowa Code Chapter 22. Said four information requests are protected under Iowa Code Chapter 22.4, to wit: 1) On or about March 25th and April 4th, I requested the acreage of the county farm, farmable land owned by Buchanan County and leased to a private tenant; and 2) On or about May 1st and May 22nd, I requested copies of the leases for said county farm.	Accept
25FC:0070-2	Keith Wieland	Buchanan County, Iowa	Chapter 22	On or about May 9, 2025; and May 29, 2025, I, a person requested by electronic means, public records from Kris Wilgensbusch, the duly elected auditor of Buchanan County and custodian of the public record. Said record is unrestricted by Iowa Code Chapter 22. Said two information requests are unrestricted by Iowa Code Chapter 22.4, to wit: On or about May 9th and May 29th, I requested the bylaws for the Buchanan County landfill commission.	Accept
25FC:0070-3	Keith Wieland	Buchanan County, Iowa	Chapter 22	On or about May 7, 2025; and May 20, 2025, I, a duly elected Supervisor of Buchanan County requested by electronic means, public records from Kris Wigenbusch, the duly elected auditor of Buchanan County and custodian of the public record. Said two information requests are restricted by Iowa Code Chapters 22.7 (5) and (50), to wit: On or about May 7th and May 20th, I requested a roster of county owned vehicles.	Accept
25FC:0070-4	Keith Wieland	Buchanan County, Iowa	Chapter 22	On or about May 13, 2025; and May 22, 2025, I a person requested by electronic means, public records from Kris Wilgenbusch, the duly elected auditor of Buchanan County and custodian of the public record. Said record is unrestricted by Iowa Code Chapter 22. Said two information requests are unrestricted by Iowa Code Chapter 22, to wit: On or about May 13th and May 22nd, I requested copies of the Sidwell contract.	Accept

25FC:0072	Jonathan Uhl	Scott County / Scott County Attorney's Office	Chapter 22	Complainant: Jonathan Uhl Date of Original FOIA Submission: April 27, 2025 (Requesting history of past violations be considered) Summary of Allegations: I am filing this complaint against Scott County for multiple violations of Iowa Code Chapter 22 (Open Records Law). These include: Failure to Respond Within the Required Timeframe Intimidation by Public Officials False Statements in Response to FOIA Requests Harassment and Unprofessional Conduct by Legal Counsel Narrative: On April 27, 2025, I submitted a formal public records request to Scott County pursuant to Iowa Code Chapter 22. This request sought information pertaining to conflicts of interest within the Scott County Attorneys office. Under Iowa law, the county is required to respond to a public records request "at the earliest opportunity and without delay," typically interpreted to mean within 10 to 20 calendar days. As of the date of this complaint, Scott County has failed to provide a complete and timely response to my request. Repeated follow-up communications have been met with either silence, intimidation, or unreasonably delayed responses, far exceeding the statutory expectations set by Iowa law. In addition to non-compliance with timelines, I experienced direct intimidation by public officials, who attempted to discourage my pursuit of the records by making veiled threats concerning potential consequences. These actions appear intended to chill my lawful efforts to obtain public records and violate both the spirit and letter of Iowa?s transparency statutes. Furthermore, certain officials responding to the request have made false and misleading statements. I have documentation that will be provided to the IPIB demonstrating these discrepancies and misrepresentations. Finally, I must report that Scott County?s legal representative engaged in unprofessional and harassing conduct during our correspondence. This attorney used dismissive language, made baseless legal assertions meant to intimidate, and demonstrated a clear lack of impartiality and professionalism in handling a lawful public records inquiry. I am prepared to provide all related email communications and documentation to the Iowa Public Information Board for review. I may also consult an attorney to determine whether it is appropriate to release additional recordings or data relevant to this matter. Conclusion: Scott County has not only violated the procedural and substantive requirements of Chapter 22, but has also engaged in conduct that undermines public trust in government transparency. These violations warrant a formal investigation and appropriate remedial action by the Iowa Public Information Board. I reserve the right to take additional legal action beyond the IPIB complaint. With Respect, Jonathan Uhl	Accept
25FC:0074	Noelle Bolibaugh	Oskaloosa School District	Chapter 22	I am submitting this complaint due to the Oskaloosa Community School District?s failure to comply with Iowa Code Chapter 22. On June 10, 2025, I emailed Superintendent Mike Fisher requesting details about records released in response to a FOIA request?records that resulted in a journalist obtaining a personal letter I had submitted referencing my daughter, who has a 504 Plan. I received only an automated out-of-office reply. Justin DeVore later stated that no letter was released and that legal review occurred. However, a journalist left me a voicemail confirming he had received a letter I submitted. I followed up for clarification?no response was provided. I specifically requested: (1) the FOIA requestor?s identity, (2) a copy of what was released, and (3) assurance that all PII was redacted per FERPA. I ask the IPIB to compel full disclosure and proper compliance without further delay.	Accept
25FC:0075	Chris Stevens	City of Swea City IA	Chapter 22	On May 13th I requested in an email a copy of drone footage that was shown at the April meeting of property that I own. I received a response from Aylcia on May 16th that she could email me the videos but it would be a minimum of a $50 fee in order to send that email. At the May 21st meeting I questioned this fee an provided them with a copy of Iowa Chapter 22. At that time Mayor Wendy Zielske said that they would have to review the information and respond back to me. At the time of sending this complaint I have not heard back from the city of Swea City	Accept
25FC:0076	Ken Allsup	Oskaloosa School Board	Both	Complaint to the Iowa Public Information Board Date of Request: March 5, 2025 Date of Final Response: April 17, 2025 Agency Involved: Oskaloosa Community School District This complaint concerns a March 5, 2025, public records request submitted to the Oskaloosa Community School District on behalf of Oskaloosa News via owner/editor Ken Allsup. The request sought records from the prior six months and included: ? Audio recordings created by Superintendent Dr. Mike Fisher during meetings with school board members and law enforcement officials. ? All school district emails of current board members. ? Text messages and Facebook messages sent by all current board members. ? Work emails (Musco for Amanda McGraw and Kathy Butler; Vermeer for Clint O'Day). ? Attachments associated with any of the above messages. ? A keyword search including terms such as: ?AD,? ?Athletic Director,? ?Ryan Parker,? ?bonding,? ?termination,? ?retaliation,? and others relating to school personnel and facilitie	Accept
25FC:0079	Judith Lee	City of Davenport	Chapter 22	Violation of Section 22 regarding provision of requested public documents over a period of 6 months, with the initial FOIA request submitted through Just FOIA on November 13, 2023 and the City closing out the request on May 27, 2025, for unprofessional and illegal reasons when I had been working Corporation Counsel Huff continuously through the entire period for receiving relevant documents. May 27, 2025, when the City closed the request is within the 60 days allowed for a complaint. I request that the Board consider this violation of Part 22 and HF 706 and take appropriate punitive actions against Corporation Counsel Samuel Huff IV. I also request that the Board request documents related to my FOIA request PRR-580-2024. [see Addendum for full complaint]	Accept
25FC:0083	Amber Turner	Mitchellville City Council and Mayor	Chapter 21	On June 24, 2025, we held a closed session to address City Clerk Rahni Brose?s threatening text messages to staff. Instead of focusing on that, Council Member Bill Roberts repeatedly brought up City Administrator Gary Brown, saying he was the issue and should be removed, or "sent back to Missouri". He also discussed another employee who reported the texts from Rahni, suggesting they be placed on leave for doing so. Roberts never addressed the actions of the City Clerk. During the meeting, he yelled at two council members, myself and Scott Wheeler, asking ?What the F is wrong with you?? ? visibly upsetting other council in the room. Afterward, he attempted to intimidate council members, myself and Brad Cowman as well as the City Administrator by standing uncomfortably close and staring them down. His behavior was so disruptive during a press interview that the cameraman asked him to leave.	Accept
25FC:0089	Charlie Comfort	Oskaloosa Community School District	Chapter 22	I am filing this complaint against the Oskaloosa Community School District and Board Members Kathy Butler, Amanda McGraw-Ferguson, and Clint O?Day for failing to comply with my lawful FOIA request submitted on May 15, 2025. Despite multiple partial productions, they have withheld numerous public records?specifically text messages, social media messages, and personal emails discussing district business. Under Iowa Code Chapter 22, these communications clearly qualify as public records. I possess direct evidence that these board members knowingly withheld records, stating they would release them ?when the time is right.? This is a willful and deliberate evasion of transparency laws. Additionally, redactions in the latest release were improperly made by a private attorney representing the board members personally, not the District?s legal counsel. These actions constitute serious violations of open records law and warrant immediate investigation, enforcement, and corrective action.	Accept

Training Materials Submission Form

Requesting Provider: Iowa Association of School Boards

IASB is a nonprofit incorporated in 1949 that has served public school board and Area Education Agency board members through education, training, policy writing, and advocacy. IASB's mission is to educate, support, and inspire public school boards in their pursuit of world class education for all students in Iowa. IASB's membership includes every elected or appointed member of all 325 public school corporations in Iowa as well as every elected member of all 9 Area Education Agency boards. The organization employs two full-time attorneys experienced in school law.

As the largest Iowa-based provider of Iowa school board member education, IASB provides regular training and education to Iowa's public school board and AEA board members through a variety of training modalities.

Person(s) providing the training:

Siobhan Schneider, Associate Executive Director, Board Leadership & Legal Services. Siobhan has been licensed to practice law since 2008. Employed at IASB since 2018, Siobhan drafts sample school board policy that complies with relevant laws and rules, serves on stakeholder work groups and committees, provides legal information to board members, and engages in regular training for board members on topics including Iowa's Open Meetings and Public Records laws.

Anna Harmon, Policy & Legal Services Director. Anna has been licensed to practice law since 2018. Employed at IASB since 2021, Anna drafts school handbooks, sample policies that comply with relevant laws and rules, serves on stakeholder work groups and committees, provides legal information to board members, and engage in regular training for board members on topics including Iowa's Open meetings and Public Records laws.

Training Materials and Training Format Submitted for Approval

The training materials submitted with this request are intended to be placed into an interactive, on-demand remote learning workshop. IASB utilizes a variety of training formats designed to educate our board members. With skilled educators on staff full time, we customize our resources to the science of how adults learn. Board members will be able to register for the training course, and through a variety of modalities cited in

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the materials (multiple choice, true/false, answer bubbles, infographic video, etc.) board members will work through the different larger topical areas of the course at a self-directed pace. Board members will not be able to skip content or advance through the course without first completing all components in each section. In this manner, IASB will provide sufficient content for an average paced learner to complete the interactive course in approximately 90 minutes.

Required topics and materials locations:

Iowa Code Chapter 21

Required Topic	Location in the Materials Submitted
• What are government bodies subject to Chapters 21. (Iowa Code § 21.2(1))	**p. 1 – What is a meeting?**
• What is a meeting, including defining deliberation and action? (Iowa Code § 21.2(2))	**p. 1 – What is a meeting?**
• Open meetings, public rights and government body permissions (Iowa Code §§ 21.3(1); 21.4(1)(b); 21.7)	**p. 2 – Why are Open Meetings Important? P. 3 – Question #3**
• What is notice and the requirements for effecting notice? (Iowa Code § 21.4)	**p. 4 – Meeting Notice Requirements**
• Electronic meetings (Iowa Code § 21.8)	**p. 5 - Electronic Meetings**
Requirements for agendas and minutes under chapter 21 and legal precedent? (Iowa Code §§ 21.3(2); 21.4(2)	**p. 4 – Meeting Notice Requirements** **p. 5 – Making Last-Minute Changes to Meeting Agendas**
• What is a closed session? (Iowa Code § 21.5)	**p. 6 – Closed Sessions**
• Procedure for going into closed session and statutory reasons allowed? (Iowa Code § 21.5)	**p. 6-7 – Closed Sessions**
• Procedure during closed session, legal requirements, and actions as a result of closed session? (Iowa Code §§ 21.5(2)-(5))	**p. 6-7 – Closed sessions**

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• Penalties and enforcement for violations (Iowa Code § 21.6)	**p. 12 - Penalties**

Iowa Code Chapter 22

Required Topic	Location in the Materials Submitted
• Who is subject to Chapter 22 (public records)? (Iowa Code § 22.1(1))	**p. 9-10 – Public Records**
• What is a record, including discussion of public versus private and the content of the record (Iowa Code § 22.1(3); *Linder v. Eckard*; *Kirkwood Institute v. Sand*	**p. 9 – Public Records**
• What is a lawful custodian and how to handle the records request (Iowa Code § 22.1(2))	**p. 10 – Public Records**
• Who may request public records and how (Iowa Code §§ 22.2; 22.4)	**p. 10 – Public Records**
• Time frame for responding to a records request and precedent on "unreasonable delay" Iowa Code § 22.8; *see also Horsfield Materials. v. City of Dyersville*; *Belin v. Reynolds*	**p. 11 – Public Records**
• Costs allowed, small requests, estimates of costs, and pre-payment of estimated costs (Iowa Code § 22.3)	**p. 11 – Public Records**
• Costs for legal review for redaction and confidentiality. (Iowa Code § 22.3(2))	**p. 11 – Public Records**
• Redaction and confidential records, including commonly relied upon provisions, and any required balancing tests or factors (Iowa Code § 22.7 and various judicial precedents, such as *Mitchell v. City of Cedar Rapids*)	**p. 11 – Public Records**
• Settlements by government bodies (Iowa Code § 22.13)	**p. 11 - Enforcement**

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• Enforcement (Iowa Code § 22.10)	**p. 11 – Enforcement**

Length of training statement:

The undersigned certifies that to the best of their assessment abilities, the training material submitted will provide training lasting between 1 hour and 2 hours in length.

_____ AED, Board Leadership & Legal Svcs.

Signed Position

Certificate statement:

The undersigned certifies that the Iowa Association of School Boards (IASB) will provide each successful training participant with a certificate of completion, IASB will maintain a record of participants' completion of the approved training and will verify and reissue (if needed) any lost or missing certificates.

_____ 7/14/2025

Signed

How public officials may register for training:

Public officials may register for approved training through the Iowa Association of School Boards' website.

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Costs for approved training are currently estimated to be:

$100 per participant for remote on demand training.

Submitted for review and approval:

_____ AED, Board Leadership & Legal Svcs.

Signed Position

__7/14/2025_____

Date

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Executive Director
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Advisory Opinion 25AO:0006

DATE: July 17, 2025

SUBJECT: Trade Secrets in Government RFPs

Crystal Rink
Story County Attorney's Office
1315 South B Ave.
Nevada, IA 50201

Dear Ms. Rink,

We are writing in response to your request dated May 9, 2025, seeking an advisory opinion from the Iowa Public Information Board (IPIB) pursuant to Iowa Code chapter 23 and Iowa Administrative Code rule 497-1.3. This advisory opinion offers clarification on a county government's obligations when responding to a chapter 22 request for proposals and cost estimates submitted to the county as bids in response to a Request for Proposal (RFP), when a bidding company has asserted confidentiality under the Iowa Code § 22.7(3) trade secrets exception to public records law.

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

FACTS PRESENTED:

In Fall 2024, Story County issued a Request for Proposal (RFP) for Consulting Services for the Development of a Climate Action Plan for Government Operations. Bidding companies were asked to provide proposals and cost estimates for qualified consultants who would "facilitate the development of greenhouse gas reduction goals and a climate action plan to achieve them."

On November 26, 2024, Story County's Board of Supervisors selected a 184-page proposal submitted by an engineering company as the winning bid. This proposal included a 17-page "conceptual plan," with information

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

such as the names of the consultant and primary contacts, an outline of personnel skills and services which distinguish the consultant, samples from comparable past projects, the earliest date for availability, and the proposed fee structure. Also included were an 11-page "Detailed Technical Approach and Proposed Schedule," a single-page "Integrity and Compliance with Public Policy" statement, a 16-page list of resumes for key staff from the company to be involved with the project, and a 139-page project sample ("Attachment B – Port of Seattle Maritime Climate and Air Action Plan").

On the second page of the proposal, the company provided a "Confidential/Proprietary/Trade Secret Statement" which asserted confidentiality for several large portions of its proposal, including the following categories:

- "Commercial or financial information concerning the pricing or cost structure of our proposed services, such as hourly rates on an individual basis and/or on a composite basis"
- "The experience and qualifications of [company] personnel"
- "Descriptions of proprietary and/or trade secrets related to or from which [the company's] unique approach to performing the services is discussed"
- "Detailed summaries of projects/past experience/work product"
- "Submittal structure/layout"

In effect, the only portions of the proposal which were not covered by the assertion of confidentiality were the cover page, the cover letter, the table of contents, the confidentiality statement itself, and the lengthy project sample (Attachment B), which is already publicly available. The company also claimed no confidentiality for Story County's own review materials, including the Scorecards used by the Board of Supervisors to select the winning bid. However, the company believes that its entire 45-page proposal was entitled to protection under Iowa Code § 22.7(3), as protected trade secrets.

Following the announcement of the winning bid, one of the unsuccessful bidders submitted a Chapter 22 request to Story County, seeking a copy of the aforementioned proposal. The engineering company has provided a supplemental briefing defending their confidentiality interests.

QUESTION POSED:

What standard for confidentiality applies to trade secrets asserted in a bid submitted in response to a government body's Request for Proposal?

OPINION:

Disclaimer: IPIB's ability to issue declaratory advice in this advisory opinion is limited both by our lack of access to the 184-page proposal document itself and by the fact that in-depth advice would require interpretation of Chapter 550, which exceeds the scope of IPIB's statutory authority to issue advice on the applicability of Chapters 21 and 22. *See* Iowa Code § 23.6(3). The following advisory opinion is intended as general guidance for government bodies applying Iowa Code § 22.7(3) to withhold or redact potential trade secrets in proposal documents received from non-government entities. Because Iowa Code § 22.7(3) is only one of dozens of confidentiality exceptions, it should be noted that information which does not meet the standard for trade secrets may still be protected elsewhere in the law.

This advisory opinion is split into three sections.

In the first section, we provide an overview of trade secret confidentiality under Chapters 22 and 550, including discussion of case law interpreting the two questions of fact which must be considered when deciding whether information qualifies as a "trade secret" as defined in Iowa Code § 550.2(4).

In the second section, we offer additional guidance on the application of trade secret law to Chapter 22 public records requests, including key considerations for lawful custodians applying Iowa Code § 22.7(3) to records received from non-government sources and recommended best practices for issuing RFPs.

In the third section, we briefly consider a few of the arguments presented in the underlying fact pattern as an example of appropriate analysis under Iowa Code § 22.7(3).

I. Confidentiality for Trade Secrets in Possession of the Government

In Chapter 22, Iowa's public records statute, a "public record" is defined to include "all records, documents, tape, or other information, stored or preserved in any medium, of or belonging to [a government body]." Iowa Code § 22.1(3)(a). This definition includes incoming communications received by such a government body, regardless of where they are maintained. *See Linder v. Eckard*, 152 N.W.2d 833, 835 (Iowa 1967) ("[i]t is the nature and purpose of the document, not the place where it is kept, which determines its status"). Therefore, although the public does not have a general right under Chapter 22 to inspect the records of a private, non-governmental entity, the engineering company's proposal documents would be considered public records insofar as they were received by Story County in response to an RFP put out by the Board of Supervisors acting in their official capacity.

The default rule of Chapter 22 is disclosure, meaning that a public record may only be withheld from disclosure if it is covered by one or more confidentiality provisions in state or federal law. Iowa Code § 22.7 currently lists over seventy different categories of record which the legislature has deemed to be exempt from disclosure, including Iowa Code § 22.7(3), which reads as follows:

> 3. Trade secrets which are recognized and protected as such by law.

While Chapter 22 does not define the term "trade secrets," Iowa courts have consistently relied on the definitions found in Chapter 550, Iowa's codification of the Uniform Trade Secrets Act. *US West Commc'ns, Inc. v. OCA*, 496 N.W.2d 711, 714 (Iowa 1993); *see also Iowa Film Prod. Servs. v. IDED*, 818 N.W.2d 207, 219 (Iowa 2012). The definitions section of Chapter 500 provides, in relevant part:

> *"Trade secret"* means information, including but not limited to a formula, pattern, compilation, program, device, method, technique, or process that is both of the following:
>
> *a.* Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by a person able to obtain economic value from its disclosure or use.
> *b.* Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

Iowa Code § 550.2(4).

The first half of this definition – whether or not an asserted trade secret falls within the category of "information" protected by Chapter 550 – is considered a question of law. *Iowa Film*, 818 N.W.2d at 220. In *US West*, the Iowa Supreme Court observed that "[t]here is virtually no category of information that cannot, as long as the information is protected from disclosure to the public, constitute a trade secret." 496 N.W.2d at 714 (citation omitted). On this basis, the scope of information has been interpreted to encompass not only knowledge and processes related with the production of goods, but also business information, "including such matters as maintenance of data on customer lists and needs, source[s] of supplies, confidential costs, price data and figures." *Id.*

The second half of the definition contains two questions of fact, both of which must be met in order to qualify for the protections of Chapter 550 and therefore Iowa Code § 22.7(3). *Iowa Film*, 818 N.W.2d at 220. In satisfying these tests, a party "cannot rely on generic categories or assertions, but rather must assert *specific* allegations that it possesse[s] information that meets the definition of a trade secret." *Id.* at 224 (quoting *Sun Media Sys., Inc. v. KDSM, LLC*, 564 F. Supp. 2d 946, 965 (S.D. Iowa 2008)).

a. The "Independent Economic Value" Requirement

Iowa Code § 550.2(4)(a) requires a showing that the information derives some "independent economic value" from secrecy, such that keeping the information out of general knowledge "protects the owner's competitive edge or advantage." *Id.* at 222 (quoting *US West*, 818 N.W.2d at 714 ("[i]nformation kept secret that would be useful to a competitor and require cost, time and effort to duplicate is of economic value")). The holder of the trade secret must also establish that the purported trade secret is or was "unknown to, and not readily ascertainable by, a person who would profit from [its] disclosure or use." *Id.* at 222–23 (quoting *205 Corp. v. Brandow*, 517 N.W.2d 548, 550 (Iowa 1994)).

In *Iowa Film*, the Court considered the confidentiality available to plaintiff filmmakers who had registered their projects with a state-sponsored tax credit program intended to promote film production in the state. *Id.* at 210. After a project was approved and production was completed, successful applicants were required to submit final budget expenditure reports, which were used by the government to determine eligibility for tax credits under the program. *Id.* at 213. When the public later sought these budget summaries, several producers sought an injunction on disclosure, citing Iowa Code § 22.7(3). *Id.* at 214. To satisfy the "independent economic value" prong, the producers asserted 1) that public disclosure would undermine a filmmaker's ability to profit from the resale of a completed project to a distributor and 2) that the release of summary expenditure information would allow the public to estimate the compensation given to individual actors and directors who had entered into "verbal agreements" for confidentiality. *Id.* at 223.

The Court rejected both arguments, finding that the producers had presented "a reasonable theoretical argument" but that they had "offered nothing in support of it other than theory." *Id.* Mere conclusory statements without were deemed insufficient to meet the burden of proof where the producers failed to offer "hard facts" or clear "examples" which demonstrated that a final budget, as opposed to the anticipated success of a film, would determine the costs distributors were willing to pay. *Id.* With regards to the second argument, the Court found that the producers had failed to provide evidence which showed how the public could derive any individual's compensation from the summaries, and the existence of confidentiality agreements with the actors and directors was not enough to establish independent economic value either, even if their involvement with a project was contingent on the expectation of confidentiality. *Id.* at 224.

In another case, *US West*, the Court similarly found the independent economic value element unmet with respect to information from certain lease, sale, and purchase information for real estate transactions entered into between a telephone company and its subsidiaries. 498 N.W.2d at 713–14. As in *Iowa Film*, the *US West* Court found that the type of information in question could theoretically qualify as a trade secret, but the company provided no evidence for the advantage disclosure might provide to its competitors, particularly where the transactions were primarily "in-house" agreements between a parent company and its subsidiaries as opposed to arms-length transactions on the open market. *Id.* at 715.

By contrast to *Iowa Film* and *US West*, the Iowa Court of Appeals found that the independent economic value element was satisfied in *Sysco Iowa, Inc. v. University of Iowa*, in which a newspaper filed a Chapter 22 request for the details of a food distribution contact between a private company and a public university. 889 N.W.2d 235, 236 (Iowa Ct. App. 2016). Unlike in the previous two cases, the factual record in *Sysco Iowa* was sufficient to establish a legitimate, non-theoretical concern of "information asymmetry" which would likely result between the contracting company and its competitors if the contract was disclosed in full. *Id.* at 241.

Specifically, the *Sysco Iowa* holding pointed to the "very real risk of being undercut on future bids" where one company's bid strategy was a matter of public knowledge while others maintained secrecy. *Id.* at 242. Therefore, the Court found that the details of the company's contract with the government held "independent economic value" as a result of being unknown to competitors who could otherwise exploit the information to capture prospective business opportunities (and this information was not otherwise "readily ascertainable [to competitors] by proper means").

b. The "Reasonable Efforts" Requirement

In addition to the "independent economic value" element, information which qualifies as a trade secret must also be "the subject of efforts that are reasonable under the circumstances to maintain its secrecy." Iowa Code § 550.2(4)(b). This element requires a showing of steps taken to maintain confidentiality, with emphasis on "reasonable[ness] under the circumstances," according to the nature of the information itself and the context in which it is shared or disclosed by its holder. *Iowa Film*, 818 N.W.2d at 224.

In *Iowa Film*, the Court declined to find reasonable efforts where the only steps taken were 1) a request for confidential treatment in applications submitted to the government *without* identifying Iowa Code § 22.7(3) as a specific statutory basis (despite the fact that the trade secrets exception was listed amongst the available options on the confidentiality form) and 2) the existence of confidentiality agreements entered into between some of the production companies and certain actors or directors on their payroll (which the Court noted was of limited value where it was unclear from the record whether disclosure would actually undermine those agreements). *Id.* at 224–25. Outside of these two limited steps, the Court noted a lack of other security measures, such as confidentiality requirements for others involved in production who had access to the information or prior assertions of confidentiality in previous filings with the same government agency for budget information. *Id.* at 225. The Court emphasized the lack of consistency, contrasting another case in which "trade secret status was immediately and consistently claimed, all contracts required confidential treatment, and the [information] at issue [was] encrypted." *Id.* (citing *Brown v. Iowa Legis. Council*, 490 N.W.2d 551, 553–54 (Iowa 1992)).

II. Responsibilities of Government Bodies When Handling RFP Bids with Trade Secrets

a. General Guidance on Iowa Code § 22.7(3)

Chapter 22 creates a "liberal policy of access" for public scrutiny into the decision-making activities of the government, with a "presumption of openness and disclosure" except where confidentiality is expressly provided for under Iowa Code § 22.7 or another confidentiality provision of state or local law. *Gabrilson v. Flynn*, 554 N.W.2d 267, 271 (Iowa 1996) (citations omitted). Historically, this understanding has involved broad interpretation of disclosure requirements and narrow interpretation of confidentiality exceptions, although "where the legislature has used broadly inclusive language in the exception, [the Court] do[es] not mechanically apply the narrow-construction rule." *ACLU Foundation of Iowa, Inc. v. Records Custodian, Atl. Cmty. Sch. Dist.*, 818 N.W.2d 231, 233 (Iowa 2012) (quoting *DeLaMater v. Marion Civil Serv. Comm'n*, 554 N.W.2d 875, 878 (Iowa 1996)).

Iowa Code § 22.7(3) presents an exemption with such "broadly inclusive language," allowing confidentiality for information classified as trade secrets so long as it is "recognized and protected as such by law." It bears repeating that the public would have no statutorily protected interest under Chapter 22 in the contents of an identical bid to the one in the present case if submitted to another private, non-governmental entity instead of a county government. Given this, the public's interest in accessing the details of such a bid is based not on the information itself, but rather the transparency of the government body's decision-making process when choosing how to allocate public funds.

By enacting Iowa Code § 22.7(3), the legislature limited the public's ability to access public records containing trade secrets. In the context of RFPs, this confidentiality allows private companies which might otherwise be discouraged from submitting bids to pursue business with the government without the risk that doing so could compromise their competitive advantage. From the government body's perspective, protection for trade secrets means not only that more bids are likely to be received, but also that bidders are more inclined to share the confidential details of their operations, allowing the government to make a more informed decision in selecting the winning proposal.

However, as cases like *US West*, *Iowa Film*, and *Sysco Iowa* make clear, private companies seeking the protections of Iowa Code § 22.7(3) and Iowa Code § 550.2(4) are responsible for producing sufficient evidence to support a finding that information qualifies as a "trade secret," requiring both a showing of independent economic value derived from secrecy and reasonable efforts under the circumstances to maintain that secrecy.

Key factors to consider in determining whether or not information qualifies as a trade secret include

> 1) the extent to which the information is known outside of [the] business;
> 2) the extent to which it is known by employees and others involved in [the] business;
> 3) the extent of measures taken . . . to guard the secrecy of the information;
> 4) the value of the information [to the business and its competitors];
> 5) the amount of effort or money expended . . . in developing the information; [and]
> 6) the ease or difficulty with which the information could be properly acquired or duplicated by others.

Cemen Tech, Inc. v. Three D Indus., LLC, 753 N.W.2d 1, 7 (Iowa 2008) (quoting *Kendall/Hunt Publ'g Co. v. Rowe*, 424 N.W.2d 235, 246 (Iowa 1988)).

Some categories of information may be more difficult to meet than others. In *Iowa Film*, for example, the Court noted that "[i]n interpreting their own state freedom of information acts, courts in other jurisdictions have declined to accord exempt 'trade secret' status to cost or salary information unless the [Uniform Trade Secrets Act] requirements have been strictly met." 818 N.W.2d at 220.

Despite the negative findings in the two Iowa Supreme Court cases which have extensively analyzed Iowa Code § 550.2(4) in the context of public records – *US West* and *Iowa Film* – it is not apparent that either the legislature or the Court intended to make Iowa Code § 22.7(3) a rare exception. Similarly, at least given the right facts, there is nothing in any of these cases which would prevent Iowa Code § 22.7(3) from being used to withhold significant portions of a bid or contract (as opposed to limiting confidentiality to minor redactions).

As a final reminder for this subsection, it should be noted that Chapter 22 applies equally to any member of the public, regardless of motive. A requester is not required to provide their purpose in seeking public records before they are allowed access, and implied motives unrelated to the public interest are not to be considered. In other words, although the request in this case was made by one of the unsuccessful bidders to the same RFP, any confidentiality must still be based solely on trade secret analysis.

b. Best Practices for Government RFPs

When accepting bids in response to an RFP, best practice for government bodies is to clearly state that documents submitted to the government become public records upon receipt and are therefore subject to Chapter 22. Bidding companies are responsible for affirmatively requesting confidentiality for any portions of their submissions which they believe are entitled to protection. As an example of good boilerplate language, the Department of Administrative Services has used the following clauses in its RFP postings:

2.18 Disposition of Proposals. All Proposals become the property of the State and shall not be returned to the Respondent. Once the Agency issues a Notice of Intent to Award the Contract, the contents of all Proposals will be public records and be available for inspection by interested parties, except for information for which Respondent properly requests confidential treatment according to exceptions provided in Iowa Code Chapter 22 or other applicable law.

2.19 Public Records and Requests for Confidential Treatment. The Agency's release of public records is governed by Iowa Code Chapter 22. Respondents are encouraged to familiarize themselves with Chapter 22 before submitting a Proposal. The Agency will copy and produce public records upon request as required to comply with Chapter 22 and will treat all information submitted by a Respondent as non-confidential records unless Respondent requests specific parts of the Proposal be treated as confidential at the time of the submission as set forth herein AND the information is confidential under Iowa or other applicable law.

2.20 Form 22 Request for Confidentiality. FORM 22 MUST BE COMPLETED AND INCLUDED WITH RESPONDENT'S PROPOSAL. COMPLETION AND SUBMITTAL OF FORM 22 IS REQUIRED WHETHER THE PROPOSAL DOES OR DOES NOT CONTAIN INFORMATION FOR WHICH CONFIDENTIAL TREATMENT WILL BE REQUESTED. FAILURE TO SUBMIT A COMPLETED FORM 22 WILL RESULT IN THE PROPOSAL BEING CONSIDERED NONRESPONSIVE AND ELIMINATED FROM EVALUATION.

Providing such notice shifts the burden of ensuring compliance with Chapter 22 onto the private companies and their legal counsel. A separate confidentiality form requiring indexed page references, citations to relevant confidentiality provisions, and legal justification for their applicability may be required for this purpose. Government bodies may also request contact information for a designated representative authorized to communicate with the government about confidentiality if further clarification is needed.

While the RFP process is still active, before a winning bid is selected, sealed bids are kept confidential pursuant to Iowa Code § 72.3, and closed session meetings are authorized by Iowa Code § 21.5(1)(a) to allow the government body to review and discuss these records so long as they remain covered by blanket confidentiality. *See* 24AO:0015, *When Are RFP Documents No Longer Confidential Under Iowa Code?*

After a winning bid has been selected, Iowa Code § 22.2(1) provides an equal right to any member of the public to make requests for the bids as public records, subject to possible confidentiality. Any portions of a bid for which the bidder has not asserted confidentiality should be disclosed upon request. For any remaining portions, it is the government body's responsibility, as lawful custodian, to determine whether Iowa Code § 22.7(3) or any other asserted basis for confidentiality may apply.

If the government body does not have sufficient information to determine whether a given piece of information qualifies as a trade secret under Chapter 550, they should provide a reasonable opportunity to the bidder to either consent to release or tender additional facts to support their assertion. Such an opening is necessary to ensure that the owner of protected trade secrets has the opportunity to assert the "hard facts" the Supreme Court has found necessary in past cases interpreting Iowa Code § 22.7(3). *See Iowa Film*, 818 N.W.2d at 223; *US West*, 498 N.W.2d at 715.

Lastly, where the government body disagrees with a private company about whether information contained in a public record qualifies as a trade secret, best practice is to provide notice to the private company before releasing the record. This notice ensures the private company has the opportunity to challenge disclosure in court (including the chance to seek an injunction under Iowa Code § 22.8).

III. Application of Iowa Code § 22.7(3)

As stated in the opening disclaimer to this advisory opinion, IPIB staff have not reviewed the underlying records in this request and therefore does not make any declaratory findings in this section.

With that in mind, available judicial precedent makes it clear that the scope of information potentially covered by Iowa Code § 22.7(3) is broad, depending on specific facts and circumstances rather than rote application of categories. *See Iowa Film*, 818 N.W.2d at 225 ("Our holding is fact specific. We do not foreclose the possibility that on a different record, budget summaries for projects awarded tax credits by the State of Iowa might be considered trade secrets."). If information does qualify as a trade secret, the plain language of Iowa Code § 22.7(3) affords confidentiality without the need for any further consideration or balancing test.

As covered in previous sections, the "information" question of law is not a difficult threshold to clear. All five categories described by the engineering company in its Trade Secret Statement would appear to qualify, as all five are apparently "information, including but not limited to a formula, pattern, compilation, program, device, method, technique, or process." *See US West*, 496 N.W.2d at 714 (citation omitted) ("[t]here is virtually no category of information that cannot, as long as the information is protected from disclosure to the public, constitute a trade secret").

For an example of information which would be *more likely* to qualify as a trade secret, the "descriptions of proprietary approaches and work history" contained in the engineering company's bid appears facially likely to meet both prongs of Iowa Code § 550.2(4). According to the company's supplemental briefing, this category includes "technical descriptions" including "how tasks will be accomplished," "approaches and work methods," and "detailed summaries of past [company] projects."

It is not difficult to imagine how the release of this information, including the specific presentation of this information in the company's successful bid, would allow competitors to copy the company's business model and undercut them in future bids. This suggests that there is "independent economic value" in the confidentiality of this information, which would not be "readily ascertainable by proper means" by the company's competitors. *See* Iowa Code § 550.2(4)(a). Likewise, assuming the company's briefing is correct that this category of information is disclosed "only to clients and partners in connection with bids and transactions in which there is an expectation of confidentiality, typically including a proprietary information notice . . . or contractual confidentiality obligations," it is also likely the company could establish reasonable efforts under the circumstances to satisfy the second prong. *See* Iowa Code § 550.2(4)(b).

On the other hand, without making any final judgment on the merits of the arguments presented, it would be *more difficult* for the company to argue that the "names, roles, experience, and contact information of employees" would qualify as a trade secret, at least not as an entire category. Some subcategories are more likely to qualify based on similar analysis to the above paragraphs, including "detailed project descriptions" or "specific client relationship[s]" involving key personnel. There is also a plausible argument for independent economic value across this category, given the "intensely competitive labor market" and the risk of poaching for competitors aware of an employee's insider knowledge or connections.

The second prong presents the greater challenge. In its briefing, the company states that "it may release generic information about an employee's qualifications or projects, it certainly does not release detailed project descriptions, project roles, or fee information that can easily be used to derive rates charged." While the company itself may not routinely distribute this information, nothing in the briefing suggests that there would be internal restrictions on disclosure within the company (e.g. reasonable efforts may not be met for names, roles, and experience of involved personnel if these personnel could readily share the same information on a professional LinkedIn profile). Cost and salary information may be especially difficult to assert trade secret status for, given the *Iowa Film* Court's finding that "other jurisdictions" accept trade secret status for this type of information only where the UTCA's "requirements have been strictly met." 818 N.W.2d at 220.

Nevertheless, the above analysis should only be taken as an example of relevant considerations under Iowa Code § 22.7(3), rather than firm rules. Additional facts or the contents of the records themselves may require a different outcome, given the "fact specific" nature of both prongs. *See id.* at 225. It would not be unusual for significant portions of a proposal to be protected as "trade secrets," nor would it be inappropriate for a custodian to seek further information from the company asserting confidentiality over a submitted bid to resolve uncertainty over whether the exception applies.

Finally, as suggested in Section II, best practice for a lawful custodian who disagrees with a bidding company on the application of the trade secret exception (or any other confidentiality exception) is to give advance warning to the bidder before releasing disputed records, as this allows the non-government entity a chance to seek a court's review or an Iowa Code § 22.8 injunction.

BY DIRECTION AND VOTE OF THE BOARD:
Joan Corbin
E.J. Giovannetti
Barry Lindahl
Catherine Lucas
Luke Martz
Joel McCrea
Monica McHugh
Jackie Schmillen

SUBMITTED BY:

Alexander Lee

Agency Counsel

Iowa Public Information Board

ISSUED ON:
July 17, 2025

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

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

The Iowa Public Information Board

In re the Matter of: Paul Dorr, Complainant And Concerning: Osceola County, Respondent	Case Number: 24FC:0120 Investigative Report

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

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

The IPIB accepted this Complaint on December 19, 2024.

Facts

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

Dorr alleged the records sought were previously provided as a public record and cannot now be withheld as confidential. The County agreed the record was previously released in a confidential disclosure June 9, 2023, to an individual member of the media. The County argued, however, the disclosure did not destroy the confidentiality of the record as the record was released in an extremely limited manner during an "off the record" conversation, the record was never published or released to the public, and the custodian of these records, intended to keep the record confidential.

Applicable Law

"The following public records shall be kept confidential, unless otherwise ordered by a court, by the lawful custodian of the records, or by another person duly authorized to release such information:
…
Personal information in confidential personnel records of government bodies relating to identified or identifiable individuals who are officials, officers, or employees of the government bodies." Iowa Code 22.7(11)(a).

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

Analysis

Previous Public Disclosure of the Confidential Record
As determined in the previous Report, there was no dispute the record was disclosed to a member of the media in an "off-the-record" disclosure with an intention the record would retain its confidential nature. No news article was written about the record or the disclosure nor was there any further disclosure of the information.

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

Despite the intention of the County for the record to retain its confidentiality, prior precedent makes clear disclosure of the record to the media by the lawful custodian precludes the County from declaring the record confidential when requested by Dorr. The IPIB previously redirected the case for consideration of whether any formal confidentiality agreement or other facts precluding disclosure to Dorr existed.

No additional information was submitted by the County to demonstrate a non-disclosure agreement. Further, the County's response states "Although the County Attorney and Auditor did

release the above-mentioned record to one individual member of the media, this record was released in an extremely limited manner during an ‘off the record’ conversation, the record was never published or released to the public, and the County Attorney and Auditor, the custodian of these records, intended to keep this record confidential.”

“The County Attorney, whose personnel record this was, and the County Auditor, both intended for and reasonably believed that this ‘off the record’ release would maintain the confidentiality of the record in question. Furthermore, case law suggests that the custodian may disclose confidential records, subject to the constraints of the law and such disclosure does not remove them from the general protection of section 22.7 as it relates to the public. *See, e.g., Citizens' Aide/Ombudsman v. Miller*, 543 N.W.2d 899, 900 (Iowa 1996) (holding investigatory power of citizens' aide allows disclosure of otherwise confidential records, but confidential status is maintained); *Iowa Civil Rights Comm'n*, 313 N.W.2d at 495 (holding statutory exceptions are inapplicable when Commission issues subpoena duces tecum, but other protections afforded by law may apply). In other words, the Custodian of Record with the approval of the identified or identifiable individual(s) who is an official, officer, or employee of the government body should be allowed to selectively release personnel records in a limited manner that maintains their privacy, without compromising the confidentiality of those records.”

The release, however, was not to a regulatory body charged with keeping the information confidential, such as the IPIB (Iowa Code § 23.6(6)) or the Ombudsman’s Office (Iowa Code § 2C.9(5)). The release was not made as the result of a judicial requirement such as from a subpoena duces tecum. The release was to a member of the media. Whether the release was “off the record” or some other informal agreement regarding disclosure, release to the media is a public release. There is no general confidentiality related to disclosure to the media and nothing in the Iowa Code protects the release of confidential information to the media from further disclosure.

Therefore, to the extent the information was provided to the media, that information is a public record. It is likely that only partial information was disclosed to the media. Disclosing some of the information does not make all of the information public. Only the portion of the record that has previously been disclosed must be provided as part of this current public records request. The undisclosed portion of the should be redacted or withheld as confidential, if applicable.

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 IPIB make a determination that probable cause exists to believe a violation has occurred, but exercise administrative discretion to dismiss the matter at the August 21, 2025, Board Meeting if the records are provided to Dorr by August 1, 2025.

By the IPIB Executive Director

Erika Eckley, J.D.

CERTIFICATE OF MAILING

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

Paul Dorr
James Theobald, counsel for Osceola County

The Iowa Public Information Board

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

On March 12, 2025, Jerry Hamelton filed formal complaint 25FC:0027, alleging the Keokuk Police Department (Department) violated Iowa Code chapter 22. The IPIB accepted this complaint on April 17, 2025. The IPIB directed this complaint to informal resolution on May 15, 2025. This Status Report is developed to update the IPIB and to seek additional guidance.

Facts

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

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

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

On May 15, 2025, the IPIB was presented with the Investigative Report in which IPIB staff indicated the balancing test weights in favor of disclosure. The IPIB discussed the complaint and recommended the parties be directed to informal resolution. A consensus was not reached by IPIB to determine whether the Department appropriately applied the balancing test.

Since the last IPIB meeting, IPIB staff outreached to the Department regarding an informal resolution. The Department maintains its position the Report should not be released until the conclusion of the trial.

IPIB staff requests a recommendation from the IPIB to determine the appropriate next steps.

Applicable Statutory Law

Iowa Code § 22.7 creates confidentiality for certain types of public records: "[T]he following public records shall be kept confidential unless otherwise ordered by a court, by the lawful custodian of the records, or by another person duly authorized to release such information:" Peace officer investigative reports are among the exceptions identified as potentially confidential. Iowa Code § 22.7(5):

> Peace officers' investigative reports, privileged records or information specified in section 80G.2, and specific portions of electronic mail and telephone billing records of law enforcement agencies if that information is part of an ongoing investigation, except where disclosure is authorized elsewhere in this Code. However, the date, time, specific location, and immediate facts and circumstances surrounding a crime or incident shall not be kept confidential under this section, except in those unusual circumstances where disclosure would plainly and seriously jeopardize an investigation or pose a clear and present danger to the safety of an individual. 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. Iowa Code § 22.7(5).

Applicable Case Law

Iowa Code § 22.7(5) has been repeatedly litigated over the years, resulting in a more detailed interpretation and application.

***Mitchell v. City of Cedar Rapids,* 926 N.W.2d 222 (Iowa 2019).** This case reinforces the premise that confidentiality afforded to Reports under 22.7(5) is a qualified, rather than categorical, privilege and that a balancing test must be applied to determine whether confidentiality should be maintained. *Mitchell v. City of Cedar Rapids,* 926 N.W.2d 222 (Iowa 2019).

The facts of the case show that Mitchell was shot by police during a traffic stop and filed a civil suit for compensatory and punitive damages. As part of the civil suit, Mitchell sought discovery including Reports related to the traffic stop and a prior traffic stop involving the same officer that also resulted in a shooting. The district court allowed release of the Reports over the defendants' objections because the investigation was complete and there were no confidential informants used or identified within the Report. The defendants appealed the district court decision and the Iowa Supreme Court accepted the appeal.

The Court noted the case involved discovery and stated discovery is provided notwithstanding the confidentiality provisions of Iowa Code § 22.7. For this reason, the Court reviewed the requirements of Iowa Code Chapter 22 and applied the balancing test applicable to Reports as required by Iowa Code § 22.7(5). *Mitchell*, 926 N.W.2d at 228-229.

In applying the analysis, the Court relied heavily on the precedent established by *Hawk Eye v. Jackson*, 521 N.W.2d 750 (Iowa 1994). The Court opined that like *Hawk Eye*, the *Mitchell* fact pattern demonstrated the investigation was closed and that a confidential informant or unidentified suspect was not included in the Report.

Of particular importance, the Defendants in *Mitchell* argued the release of the Report would taint the jury pool in a future trial if the Report were to be released. The Court disagreed with the Defendants stating,

> "We believe that concern can be addressed during jury selection. The district court noted, 'The alleged facts of the incident have been the subject of wide media coverage and broad public discussion.' The court continued, 'Public disclosure of these reports in a county of over 200,000 people may enhance the public discussion but should not jeopardize any party's right to a fair trial.' We agree. We also note that the attorneys must comply with Iowa Rule of Professional Conduct 32:3.6, which prohibits an attorney from making extrajudicial statements that 'will have a substantial likelihood of materially prejudicing an adjudicative proceeding.'" *Mitchell*, 926 N.W.2d at 235.

The Court also cited to the important public interest related to police shootings.

***Hawk Eye v. Jackson*, 521 N.W.2d 750 (Iowa 1994).** As noted above, *Hawk Eye* set the precedent and process in Iowa for applying a balancing test for release of Reports pursuant to Iowa Code § 22.7(5). Like *Mitchell*, *Hawk Eye* is a civil suit seeking the release of Report. The Report involved possible excessive use of force and or misconduct by a member of the police department.

The district court ordered the release of the peace officer investigative report stating, "…any harm to the public interest caused by the report's disclosure was substantially outweighed by the public

interest in disclosure." *Hawk Eye*, 521 N.W.2d at 752. The district court ordered the release of the Report and the county appealed. The Iowa Supreme Court accepted the case.

Like *Mitchell*, the Court affirmed the sdstrict court's order to release the Report. The Court based this decision on the following: There were no confidential witnesses, the investigation was closed, and the report did not contain hearsay, rumor, or libelous comment.

The Court also cited to the important public interest of ensuring a police cover-up did not occur.

Analysis

Mitchell and Hawk Eye establish the primary precedent used to apply the balancing test for Reports. There are numerous parallels between *Mitchell, Hawk Eye*, and this complaint.

- The investigation is closed.
- The Report contains no confidential or unidentified suspect. The suspect has been publicly identified.
- The individual arrested and charged was the public administrator for the City and worked closely with the Department. There is a public interest in ensuring the case was processed without conflict of interest or cover-up.

It should be noted the primary justification for confidentiality identified by the Department is the innocence of the suspect until proven guilty and the impact release of the footage may have on a jury pool. This issue was considered by the Iowa Supreme Court in *Mitchell* and was found to be lacking as justification for withholding release of the Report.

Furthermore, if the broad interpretation utilized by the Department is applied, the end result is that the Hawk Eye balancing test identified by the Iowa Supreme Court in multiple cases is irrelevant and a Report could never be released until the conclusion of a trial, regardless of other relevant circumstances or the public's interest in disclosure.

Outstanding Issues

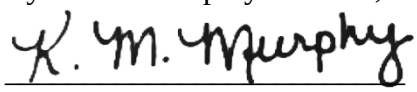
The parties are unable to reach agreement regarding the release of the Report. Hamelton seeks release. The Department refuses to release any portion of the Report other than the immediate facts and circumstances.

IPIB staff, having reviewed the specific circumstances of the complaint and the applicable statutes and case law, recommend the body camera footage be released. The justification for release is based on the following elements as applied by the balancing test:

- The investigation is closed.
- The Report contains no confidential or unidentified suspect. The suspect has been publicly identified.
- The request is for body camera footage recorded on a street and in a public space.
- The individual arrested and charged was the public administrator for the City and worked closely with the Department. There is a public interest in ensuring the case was processed without conflict of interest or cover-up.
- The primary justification for confidentiality identified by the Department is the innocence of the suspect until proven guilty and the impact release of the footage may have on a jury pool. This issue was considered by the Iowa Supreme Court in *Mitchell* and was found to be an inadequate justification.
- If the Department's interpretation is applied, the Iowa Supreme Court precedent creating a balancing test before establishing a qualified privilege of confidentiality never applies prior to the conclusion of a trial, regardless of other relevant circumstances or the public interest elements identified by the Court.
- The public interest in the body camera footage outweighs any minimal privacy interests in this case. The individual arrested and charged has been publicly identified and there has been media coverage of the arrest.

IPIB staff is providing this update to the Board and seeking guidance on next steps regarding this complaint. IPIB staff recommend the footage be released based on the factors identified in *Mitchell* and *Hawk Eye*.

By the IPIB Deputy Director,



Kimberly M. Murphy, J.D.

CERTIFICATE OF MAILING

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

Jerry Hamelton, Complainant
Holly Corkery, Attorney for the Department

Re: 25FC:0027 to IPIB on July 17, 2025

1 message

Jerry Hamelton <jerry.hamelton@gmail.com> Sat, Jul 12, 2025 at 5:55 PM
To: Erika Eckley <erika.eckley@iowa.gov>
Cc: Holly Corkery <HCorkery@lynchdallas.com>, Rozie Reynolds <RReynolds@lynchdallas.com>, Kimberly Murphy <kim.murphy@iowa.gov>

I would like to include comments for the board. As I can not attend the meeting due to being on vacation out of country.

I would like to just state that the supreme court has found that the excuse of not releasing the body cam footage for tainting the jury pool was not a just reason. I believe strongly that the Keokuk Police and the City of Keokuk are trying to suppress this body cam video for reasons of coverup. I believe and have reasons to believe based on past evidence of corruption in the city of Keokuk that there is an active plot to cover another city official that violated the law. It is my belief that the city administrator violated many laws and was only charged lightly. There is a very low level of trust with the city of Keokuk for its continuing practice of suppression of public records to cover wrong doing by government officials. I pray that the board will see that the city of Keokuk is obfuscating and delaying this matter for no good reason other than to cover up violations by officials and officers.
Sent from my iPhone

On Jul 10, 2025, at 5:59 PM, Eckley, Erika <erika.eckley@iowa.gov> wrote:

Good Afternoon:

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

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

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

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

Google Meet joining info
Video call link: https://meet.google.com/yex-pxvj-wcs
Or dial: (US) +1 857-529-6530 PIN: 344 253 403#

If you prefer, you can provide brief, written comments to the Board prior to the meeting, please forward those to me no later than 10:00 a.m. on Tuesday, July 15, 2025, so they may be included in the meeting packet. Please make sure you copy all parties on the email as well.

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

<25FC_0027 - Hamelton Status Report.pdf>

The Iowa Public Information Board

In re the Matter of: Cody Edwards, Complainant And Concerning: Iowa Department of Revenue, Respondent	Case Number: 25FC:0049 Investigative Report

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

On May 2, 2025, Cody Edwards filed formal complaint 25FC:0049, alleging the Iowa Department of Revenue (Department) violated Iowa Code chapter 22. Cody Edwards is an attorney representing Lamar Company, LLC (Lamar). The Department is represented by the Iowa Attorney General's Office.

The IPIB accepted this Complaint on June 19, 2025.

Facts

This complaint started with a contested case proceeding between Lamar and the Department. The contested case was appealed and reheard by the Department. The case has now been appealed to District Court and is set for hearing on August 1. The contested case and any corresponding litigation is outside the scope of IPIB's jurisdiction.

In the midst of these proceedings, Edwards made a public records request to the Department on behalf of his client. The following is the timeline of the request and subsequent limitations on records requested, as outlined by Edwards:

January 30, 2025. A public records request was made for the following information:

> 1) Any and all correspondence between and among Department of Revenue employees regarding The Lamar Company, Inc.
> 2) Any and all correspondence between and among Department of Revenue employees regarding Docket No. 23IDR0004/Rev. Docket No. 2021-310-1-0318 (In the Matter of Lamar Company, LLC).

3) Work product of non-attorney employees of the Department of Revenue related to the following: a. The Lamar Company, Inc. b. Docket No. 23IDR0004/Rev. Docket No. 2021-310-1-0318 (In the Matter of Lamar Company, LLC).

February 3, 2025. Edwards limited the timeframe of the public records request to July 2022 through present.

February 5, 2025. The Department communicated that the public records search resulted in more that 6,900 results.

February 5, 2025. Edwards requested the "number of emails for the second half of 2022, all of 2023, all of 2024, and 2025 thus far."

February 12, 2025. The Department indicated the number of emails per year was as follows:

- 2022: 1736 emails
- 2023: 2138 emails
- 2024: 3467 emails
- 2025: 746 emails

February 19, 2025. Edwards further limited the scope of the request and asked for requested emails regarding Lamar sent or received in 2024 and 2025 by specific Department employees. It is important to note that Edwards argues this limitation did not impact the overall request for documents not defined as emails.

April 17, 2025. The Department provided documents in response to the public records request, which included 142 emails and other documents. The Department stated other records were withheld based on attorney-client privilege, attorney work product under Iowa Code section 22.7(4), and/or the draft exception under Iowa Code section 22.7(65).

On the same date, Edwards requested a listing and description of communications and documents the Department identified as being exempt from disclosure.

April 29, 2025. The Department declined to provide a listing and description of records withheld as exempt.

Applicable Law

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

…
Records which represent and constitute the work product of an attorney, which are related to litigation or claim made by or against a public body." Iowa Code 22.7(4).

Analysis

Edwards seeks two forms of relief:

1. A clear justification for withholding each record deemed confidential including: (1) the date of the document; (2) the personnel of the Department who wrote and received the document and their role in working with the Director in the Lamar case; (3) the subject matter of the document; and (4) the specific basis, described in narrative form with citation to legal authority, of the grounds to withhold the document.

2. The release of the following public records requests that are NOT in the form of emails from July 2022 to the present:

    - Any and all correspondence between and among Department of Revenue employees regarding The Lamar Company, Inc.
    - Any and all correspondence between and among Department of Revenue employees regarding Docket No. 23IDR0004/Rev. Docket No. 2021-310-1-0318 (In the Matter of Lamar Company, LLC).
    - Work product of non-attorney employees of the Department of Revenue related to the following: a. The Lamar Company, Inc. b. Docket No. 23IDR0004/Rev. Docket No. 2021-310-1-0318 (In the Matter of Lamar Company, LLC).

Each of these requests for relief will be addressed below.

Justification for Withholding Each Record

Edwards argues the Department has the burden of proof to demonstrate any justification for withholding public records as confidential. Citing to *Kirkwood Institute, Inc. v. Sand*, 6 N.W.3d 1, 6 (Iowa 2024), Edwards further argues any justification must include information such as (1) the date of the document; (2) the personnel of the Department who wrote and received the document; (3) the subject matter of the document; (4) the specific basis, described in narrative form with citation to legal authority, of the grounds to withhold the document.

The Department argues all records not provided have been withheld on the grounds of attorney-client privilege and attorney work product pursuant to Iowa Code section 22.7(4). It should be noted the Department also cites to draft privilege confidentiality provisions pursuant to Iowa Code

section 22.7(65), but states that all draft documents are also subject to attorney-client privilege. The Department states,

> "Further, regardless of the draft exception, it is worth noting these documents all involved attorney work product in putting together these drafts of orders and filings and attorney-client communications discussing these drafts with the requested individuals. Therefore, even if this Board were to find the draft exception did not apply to these documents, they are still afforded protection under attorney-client privilege and attorney work product."

Because attorney-client privilege and attorney work product exceptions have been applied to *all* documents, IPIB staff will forego any analysis involving draft exceptions.

The Department provides the following arguments in support of its position:

1. The doctrine of attorney-client privilege exists outside the realm of Iowa Code Chapter 22 and should be protected.

2. Neither Chapter 22 nor any interpretation thereof requires the production of a privilege log or the release of records that are attorney-client work product. *Diercks v. Malin*, 894 N.W.2d 12, 16 (Iowa Ct. App. 2016); Iowa Public Information Board 15FC:0030/15FC:0034.

IPIB has a history of precedent that supports the position that attorney-client privilege exists outside the scope of Iowa Code Chapter 22:

> "As further noted by the [Attorney for Complainant], the issue of attorney-client privilege stands on its own outside of Iowa Code chapter 22 and IPIB's jurisdiction. Sources of this privilege include various sections of the Iowa Code, the Iowa Rules of Professional Conduct, and common law. The Iowa Attorney General has also issued a "Sunshine Advisory" which recognizes three types of documents exempt from public examination and copying, one of which are documents covered by attorney-client privilege.
>
> IPIB has recognized the exemption of attorney-client privileged documents when reviewing public records requests and dismissed past complaints for this reason, citing the aforementioned sources. [Complainant] has not waived privilege; therefore, the emails in question remain confidential under attorney-client privilege.
>
> The Iowa Attorney General issued a Sunshine Advisory that included attorney/client privileged materials as a "'privilege' or professional confidence recognized by the courts…"
>
> The IPIB also has adopted Iowa Administrative Rule 497-7.11(2)(e) which states:

> 7.11(2) Confidential records. The following records may be kept confidential.… e. Records which constitute attorney work product, or attorney-client communications, or which are otherwise privileged. Attorney work product is confidential under Iowa Code sections 22.7(4), 622.10 and 622.11, Iowa Rule of Civil Procedure 1.503(3), Federal Rule of Civil Procedure 26(b)(3), and case law. Attorney-client communications are confidential under Iowa Code sections 622.10 and 622.11, the rules of evidence, the Code of Professional Responsibility and case law."

This language is cited in several IPIB orders and opinions, including the most recent orders titled 23FC:0024, 22FC:0027, 22FC:0010, 20FC:0018.

Furthermore, there is nothing in Iowa Code Chapter 22 or any other statute within IPIB's jurisdiction that requires the disclosure of a log or other detailed information to justify the use of an attorney-client privilege or attorney work product exception. IPIB staff agree with the Department's reliance on *Dierks v. Malin* as controlling precedent in support of the position that a privilege log or other information is not required to justify use of confidentiality provisions pursuant to Chapter 22. *Dierks v. Malin*, 894 N.W. 2d at 16.

The Department has invoked attorney-client privilege as it relates to the requested public records and unless or until Chapter 22 changes, there are no requirements that the Department must provide additional information to support the justification.

Release of Additional Records

Edwards argues his request for emails was limited in scope but that his request for any other documentation was not limited. Based on this argument, Edwards states the Department has failed to provide records beyond emails that may be due and owing based on the original request.

The Department argues that the complaint filed with IPIB by Edwards only relates to emails and that Edwards' concerns regarding the release of additional information are misplaced.

Edwards original complaint states as follows:

> "Complainant limited its request for emails to those sent or received by [specific Department employees] 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."

IPIB staff find there is legitimate confusion regarding the scope of the original request and the applicable limitations. IPIB staff direct the Department to provide the following public records, if any, from July 2022 to the present to Edwards:

- Any correspondence, not including emails, between and among Department of Revenue employees regarding The Lamar Company, Inc.

- Any correspondence, not including emails, between and among Department of Revenue employees regarding Docket No. 23IDR0004/Rev. Docket No. 2021-310-1-0318 (In the Matter of Lamar Company, LLC).
- Work product of non-attorney employees, not including emails, of the Department of Revenue related to the following: a. The Lamar Company, Inc. b. Docket No. 23IDR0004/Rev. Docket No. 2021-310-1-0318 (In the Matter of Lamar Company, LLC).

This information should be provided to Edwards within 30 days. This does not exempt Edwards from seeking additional public information or from filing another complaint with IPIB for failure to release non-exempt public records.

Discovery Process

IPIB staff note there is an appeal pending in District Court. This order is based on IPIB's limited jurisdiction pursuant to Iowa Code Chapters 22 and 23 and does not create a precedent or decision related to any discovery matters that may emerge in litigation.

IPIB Action

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

a. Redirect the matter for further investigation;

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

c. Make a determination that probable cause exists to believe a violation has occurred, but, as an exercise of administrative discretion, dismiss the matter; or

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

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

Recommendation

It is recommended this matter be dismissed for lack of probable cause to believe a violation has occurred. The Department is directed to release any additional public records that should be released to the complainant as directed by this Investigative Report.

By the IPIB Executive Director

Erika Eckley, J.D.

CERTIFICATE OF MAILING

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

Cody Edwards, Complainant and Counsel for Lamar
Angela Stuedemann, Counsel for the Department

DICKINSON BRADSHAW
DICKINSON, BRADSHAW, FOWLER & HAGEN, P.C.

Cody J. Edwards
515-246-4558
cedwards@dickinsonbradshaw.com

July 15, 2025

Iowa Public Records Board
510 E 12th Street
Jessie M. Parker Building, East
Des Moines, Iowa 50319

RE: Iowa Public Information Board's Investigative Report Regarding Case Number 25FC:0049

Dear Iowa Public Records Board:

Thank you for the opportunity to comment on the Iowa Public Information Board's ("IPIB") investigative report regarding case number 25FC:0049 ("Report").

The issue here is *not* whether the Iowa Department of Revenue ("Department") can withhold documents in response to an open records request under Iowa Code Chapter 22 on the basis of attorney-client privilege or attorney work product. The issue is whether the Department can sidestep the well-settled "burden of demonstrating the . . . applicability" of attorney-client privilege or attorney work product to each of the documents it withheld simply by claiming attorney-client privilege or attorney work product, as the IPIB Report concluded.

IPIB Report "recommended this matter be dismissed for lack of probable cause to believe a violation has occurred." IPIB's Report stated that:

> The Department has invoked attorney-client privilege[1] as it relates to the requested public records and unless or until Chapter 22 changes, there are no requirements that the Department must provide additional information to support the justification.

[1] It is unclear whether this conclusion relates only to attorney-client privilege or if the IPIB intended for it to apply also to attorney work product. Attorney-client privilege and attorney work product are separate and distinct concepts and just because a document falls into one does not mean it falls into the other. That is, something can be attorney work product and not be subject to attorney client privilege.

It is possible the IPIB has interpreted the basis for the Department's withholding as every document withheld was subject to attorney-client privilege AND attorney work product. As noted above, the concepts are different. The Department's stated reason for refusal to disclose documents demonstrates that not every item that was withheld was withheld on the basis of being subject to attorney-client privilege *and* attorney work product. Department's letter of June 13, 2025 at 2 ("A number of documents were withheld for attorney-client privilege, attorney work product under Iowa Code section 22.7(4), ***and/or*** draft privilege under Iowa Code section 22.7(65)." (emphasis added). That is, the Department may have withheld some documents as attorney work product and others under attorney-client privilege.

Said another way, based on IPIB's Report, so long as a government agency invokes attorney-client privilege, attorney work product[2], or other protection from disclosure outside of chapter 22 in response to a public records request, the public is not entitled to *any* information that would allow the public to determine whether the documents withheld actually qualify for the claimed exemptions from disclosure. Binding case law demonstrates that even if an exemption from disclosure exists outside of chapter 22, the entity or person seeking to withhold such documents still has the burden to prove the applicability of the claimed exemption from disclosure. Furthermore, IPIB's Report is contrary to well-settled case law, undermines the policy of Iowa Open Records Act and effectively guts Iowa's Open Records Act.

Even if an Exemption from Disclosure Exists Outside of Chapter 22, the Entity or Person Seeking to Withhold Such Documents Still has the Burden to Prove the Exemption from Disclosure Under Chapter 22 Applies to the Document Withheld

The basis for the IPIB Report's conclusion was that since the attorney-client privilege and attorney work product privilege apply outside of chapter 22, the person or entity seeking to withhold the documents from disclosure does NOT bear the burden of demonstrating the exemption's applicability. *See* IPIB Report at 4-5. However, case law demonstrates this is plain wrong.

Trade secrets are protected from disclosure outside of chapter 22, by, among others, Iowa's Uniform Trade Secrets Act (Iowa Code chapter 550), Iowa Code § 88.12, Iowa Rules of Civil Procedure 1.422(2), 1.504, and 1.1701(4); and case law. Despite this protection from disclosure outside of chapter 22, the Iowa Supreme Court has explicitly acknowledged that the entity seeking to withhold the trades secrets in response to a chapter 22 request still has burden to prove the applicability of the claimed chapter 22 exemption from disclosure.

In *Sysco Iowa, Inc. v. University of Iowa*, 889 N.W.2d 235, 242 (Iowa Ct. Apps. 2016) the court stated:

> We find the contract between Sysco and the University contains trade secrets as defined in Iowa Code section 550.2(4). Those trade secrets are exempt from disclosure under Iowa's Open Records Act because they qualify as "confidential information" under section 22.7(3).

That is, even though the contract contained trade secrets that were protected from disclosure outside of chapter 22, the court still analyzed whether Sysco "met its burden to establish the trade secrets exemption under Iowa Code section 22.7(3)." *Id.* at 239.

The same analysis occurred in *US West Communications, Inc. v. Office of Consumer Advocate*, 498 N.W.2d 711, 715 (Iowa 1993). There, the Iowa Supreme Court acknowledged that trade secrets are exempt under the Uniform Trade Secrets Act but concluded "that West and its affiliates have failed to meet their burden of proof to establish an exemption based on confidentiality under either subsections 22.7(3) or (6)."

---

[2] IPIB's Report acknowledges that attorney-client privilege and attorney work product are exempt from disclosure outside of chapter 22. However, IPIB's Report fails to acknowledge that in the instances where these exemption are claimed outside of chapter 22, the person withholding the documents has the burden of showing that the privilege exists and applies. *See AgriVest Partnership v. Central Iowa Production Credit Ass'n*, 373 N.W.2d 479, 482 (Iowa 1985)

The Department's rules even recognize that if documents or information are protected from disclosure outside of chapter 22, the person or entity seeking to withhold the documents or information from public disclosure still has the burden to prove the items withheld are exempt from disclosure under chapter 22. *See* IAC r. 701—7.7 (stating that a taxpayer who wishes to have trade secrets withheld from public disclosure must provide, among other things, "[c]lear and convincing evidence that the disclosure would reveal a trade secret or would constitute a clear, unwarranted invasion of personal privacy.")

If, as the IPIB Report concluded, documents protected from disclosure outside of chapter 22 need not comply with the "burden of demonstrating the exemption's applicability" then why would the Iowa Supreme Court in numerous cases analyze whether the person seeking to withhold purported trade secrets from the public view met its burden under chapter 22? It wouldn't. Simply put, it is irrelevant whether documents are protected from disclosure outside of chapter 22; the person or entity seeking to withhold the documents from the public bears the burden to prove the applicability of an exemption in chapter 22.

I would appreciate the IPIB explain the basis for the different treatment for non-disclosure of trade secrets under chapter 22 and non-disclosure of documents protected by attorney-client privilege and attorney work product under chapter 22.

Well-Settled Case Law Demonstrates the Department Bears the Burden of Demonstrating the Exemptions' Applicability

It is well settled that "[d]isclosure is the rule, and one seeking the protection of one of the statute's exemptions bears the burden of demonstrating the exemption's applicability." *City of Riverdale v. Diercks*, 806 N.W.2d 643, 652 (Iowa 2011) (quoting *Clymer*, 601 N.W.2d at 45). IPIB's Report does not consider this well-settled law. Instead, the IPIB Report relies on "*Diercks v. Malin* as controlling precedent in support of the position that a privilege log or other information is not required to justify use of confidentiality provisions pursuant to chapter 22." IPIB Report at 5.

The court of appeals in *Diercks v. Malin*, in a footnote, did state that "[a]lthough use of a privilege log or similar *procedure* to claim confidentiality in response to a public records request would promote the objectives of our public records statute, we find nothing in Iowa Code chapter 22 or our case law that requires such a *procedure*". *Diercks v. Malin*, 894 N.W.2d, N. 16 (Iowa Ct. App. 2016) (emphasis added). IPIB's reliance on this case is misplaced for numerous reasons.

First, the court was specifically concerned about a privilege log and the *procedure* surrounding such log. Here, we are concerned about the Department providing information to meet its burden to prove the exemptions' applicability. We are not concerned about the privilege log procedure or a privilege log.

Second, the court reiterated the requirements that the "one seeking the protection of one of the statute's exemptions bears the burden of demonstrating the exemption's applicability" and "our courts have consistently held the burden of proving a public record is exempt from disclosure or production is on the governmental body claiming the exemption." *Diercks v. Malin*, 894 N.W.2d at 23. IPIB's Report does not explain why despite this statement from the court, the Department

does not need to provide any justification for invoking attorney-client privilege or attorney work product.[3]

Third, the court in *Diercks v. Malin* rejected the same conclusion the IPIB made in its Report: "that materials may simply be withheld." In *Diercks v. Malin* the city argued "that materials may simply be withheld" and the court was clear that even though there is "no requirement that a governmental body must affirmatively plead an exemption to disclosure . . . our courts have consistently held the burden of proving a public record is exempt from disclosure or production is on the governmental body claiming the exemption." *Diercks v. Malin*, 894 N.W.2d at 23. Simply put, the court in *Diercks v. Malin* rejected the conclusion the IPIB Report made that the government can simply withhold documents from public disclosure without proving the documents withheld are exempt from disclosure.

With respect to the information the Department must produce to satisfy its burden of proving the public records are exempt from disclosure, the Department must provide information from which the public requester can determine whether the documents withheld fall within that exemption. I suggested the Department provide the information listed in *Kirkwood Institute v. Sand*, 6 N.W.3d 1, 6 (Iowa 2024) because this is the type of information that would allow me to determine whether the documents withheld were properly withheld under the stated exemptions from disclosure. The Department is not required to produce this specific information, but it must provide information that would allow me to analyze whether the exemptions claimed (attorney-client privilege, attorney work product) are applicable to the document withheld. As the IPIB Report correctly found, "[t]he Department declined to provide a listing and description of records withheld." IPIB Report at 2.

IPIB Report's Conclusion Undermines the Policy of Iowa's Open Records Act

IPIB Report's conclusion that "there are no requirements that the Department must provide additional information to support the justification" for withholding documents from the public undermines the policy of Iowa's Open Records Act. It is well settled that:

- The purpose of the Open Records Act is "to open the doors of government to public scrutiny—to prevent government from secreting its decision-making activities from the public, on whose behalf it is its duty to act," *Sysco Iowa, Inc. v. Univ. of Iowa,* 889 N.W.2d 235, 237 (Iowa Ct. App. 2016) (quoting *Iowa Civil Rights Comm'n v. City of Des Moines,* 313 N.W.2d 491, 495 (Iowa 1981)).
- The Open Records Act grants citizens the right to examine, copy, and disseminate public records. *See Iowa Code* §§ 22.1, 22.2(1).
- The Open Records Act "establishes a presumption of openness and disclosure." *Iowa Film Prod. Servs*., 818 N.W.2d at 218.
- Critically, the Iowa Supreme Court has said "[d]isclosure is the rule, and one seeking the protection of one of the statute's exemptions bears the burden of demonstrating the

[3] IPIB's Report explains why documents subject to attorney-client privilege and attorney work product are exempt from disclosure, but does not explain why the well-settled law regarding the burden of the exemptions' applicability does not apply to these exemptions. Notably, the Attorney General Advisory Opinion, IPIB Opinion and Orders (23FC:0024; 22FC:0027; 22FC:0010; 20FC:0018); and IAC r., 491-7.11(2)(e), all of which are cited in the Report, merely state there is an exemption from disclosure and say nothing about the burden of the government to prove the exemption's applicability.

> exemption's applicability." *Diercks*, 806 N.W.2d at 652 (quoting *Clymer*, 601 N.W.2d at 45).

Here, the IPIB Report's conclusion that the Department can withhold documents under attorney-client privilege and attorney work product by merely invoking that exception from public disclosure, and without demonstrating the exemption's applicability, is completely contrary to the foregoing *binding* precedent and undermines the purpose of Iowa Open Records Act.

IPIB Report's Conclusion Will Allow for Government Agencies to Secret Their Decision-Making Activities

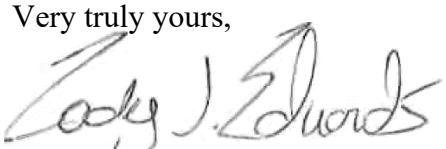
If an agency can merely invoke attorney-client privilege and/or attorney work product without providing *any* details about the documents withheld, the Iowa Open Records Act is effectively gutted. Indeed, if this is the law, as the IPIB Report found, the cases in which the public most needs to understand government decision making will be most likely to be abused. Based on IPIB's Report, if the government does not want to produce a document not otherwise protected from disclosure because it contains salacious details or government wrongdoing, the government agency will merely need to claim the document is protected from public disclosure under attorney-client privilege or attorney work product (or other law outside of chapter 22 that protects disclosure).

Based on IPIB's Report, the public is not entitled to any explanation that would allow the public to judge whether such exceptions actually apply to the documents withheld. Based on IPIB's Report, if the government agency invokes attorney-client privilege or attorney work product (or other law outside of chapter 22 that protects disclosure), the public must simply trust the agency. This is absurd and allows the government to keep the public in the dark, even though Iowa has Sunshine laws intended to prevent the government from doing so.

Conclusion

Based on the foregoing, I respectfully request IPIB reconsider its conclusion and find that the Department's refusal to "provide a listing and description of records withheld" is a violation of Iowa Code chapter 22.

Very truly yours,



Cody J. Edwards

The Iowa Public Information Board

In re the Matter of: Kenneth Brown, Complainant And Concerning: City of Sidney, Respondent	Case Number: 25FC:0050 Investigative Report

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

On May 12, 2025, Kenneth Brown filed formal complaint 25FC:0050, alleging City of Sidney violated Iowa Code chapter 21.

The IPIB accepted this Complaint on June 19, 2025

Facts

Kenneth Brown alleges the City violated Iowa Code chapter 21 when under an agenda item stating "Discuss/Action – Establish Public Works Director Position" the City approved the hiring of a person for a position that had not previously existed, so it was not proper notice. He also alleges the City should have publicly posted the opening for the position so veterans could apply for the position.

In response, the City confirmed there were no amendments or modifications to the agenda. The agenda was posted more than 24 hours ahead of the meeting and the minutes show the City followed the posted agenda.

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.

Analysis

In accepting the Complaint, IPIB made clear the question as to whether the position was required to be posted to allow veterans to apply for the position was outside the scope of IPIB's jurisdiction.

The essence of Brown's complaint, therefore, is that the City should have been more specific in its agenda item to indicate the position would be established and an individual was to be appointed to the new position.

Iowa Code chapter 21 requires notice of what the City was planning to discuss and take action on. The agenda clearly indicates a new position in the City was to be considered. The question is whether the City should have also included the name of the person to be hired if the position was established.

Brown may have preferred this information be included on the agenda, but it is not unreasonable for the City to not include the name of the individual who would potentially be hired in the position. "Section 22.7(18) protects applications received from external candidates, meaning anyone not employed by the City when the application was submitted." *Teig v. Chavez*, 8 N.W.3d 484, 495 (Iowa 2024). The fact that the City was voting on establishing the position and the candidate to hold the position favors protecting the name of the candidate because if the City voted against establishing the position, then the candidate would not have had protection from disclosure prior to be hired. While this concern could have been addressed by holding two separate votes at different meetings, Iowa Code chapter 21 does not require that. It merely requires the public have notice of what the City would be deliberating and voting on and the agenda provided notice the position would be established.

IPIB Action

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

a. Redirect the matter for further investigation;

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

c. Make a determination that probable cause exists to believe a violation has occurred, but, as an exercise of administrative discretion, dismiss the matter; or

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

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

Recommendation

Because the agenda included notice of the position to be created and Iowa Code§ 22.7(18) can protect the confidentiality of candidates for employment, there is no violation of Iowa Code chapter 21 by the City. It is recommended the IPIB dismiss the matter for lack of probable cause to believe a violation has occurred.

By the IPIB Executive Director

Erika Eckley, J.D.

CERTIFICATE OF MAILING

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

Kenneth Brown
Brianna O'Hearn, attorney for City of Sidney

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

Re: 25FC:0050 to IPIB on July 17, 2025

1 message

k b <dadco32002@yahoo.com> Tue, Jul 15, 2025 at 11:59 AM
To: "Eckley, Erika" <erika.eckley@iowa.gov>, City of Sidney <rodeotown@sidneyiowa.net>
Cc: Kenneth Brown <dadco32002@gmail.com>, "brianna@sorensenlawoffices.com" <brianna@sorensenlawoffices.com>

This is to contest the recommendation of the executive director of IPIB. I am unable to attend the meeting on july 17, 2025 either in person or by phone due to being out of town. I am providing this statement for the board.

On 4/28/2025 the city of Sidney Iowa conducting a council meeting, Agenda attached, The council approved the agenda as written at the beginning of the meeting and as they were conducting the meeting item 15 on the agenda was not discussed "15. Discuss/Action – Establish Public Works Director Position." there was no vote to take it off the agenda and there was no discussion on the topic. According to the minutes of the meeting an action was taken by the council that was not on the agenda. Minutes attached. This item that the city council took action on was not on the agenda and it is in violation of Iowa code 21.4. If the IPIB dismisses to complaint it will open the door to the city to continue to violate the Iowa code and open other cities to do the same.

Please consider one of the following discission

The Board may take the following actions upon receipt of a probable cause report:
a. Redirect the matter for further investigation;
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.

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

On Friday, July 11, 2025 at 01:39:34 PM CDT, City of Sidney <rodeotown@sidneyiowa.net> wrote:

To Whom It May Concern:

I will attend the hearing on July 17, 2025 remotely, and will be available for any questions that may arise for me as the clerk. I agree to the statement presented in the previous email. Please let me know if I need to do anything or provide additional information prior to the date of the hearing.

Thank you -

Lyn Zuck, City Clerk
City of Sidney
604 Clay Street
Sidney, IA 51652
(712)374-2223

On Thu, Jul 10, 2025 at 4:56 PM Eckley, Erika <erika.eckley@iowa.gov> wrote:

> Good Afternoon:

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

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

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

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

Google Meet joining info
Video call link: https://meet.google.com/yex-pxvj-wcs
Or dial: (US) +1 857-529-6530 PIN: 344 253 403#

If you prefer, you can provide brief, written comments to the Board prior to the meeting, please forward those to me no later than 10:00 a.m. on Tuesday, July 15, 2025, so they may be included in the meeting packet. Please make sure you copy all parties on the email as well.

IPIB
Iowa Public Information Board

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

2 attachments

AGENDA-APRIL-28-2025 (1).docx
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The Iowa Public Information Board

In re the Matter of: Kayla Brown, Complainant And Concerning: Kirkwood Community College, Respondent	Case Number: 25FC:0062 Investigative Report

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

On May 27, 2025, Kayla Brown filed formal complaint 25FC:0062, alleging Kirkwood Community College ("College") violated Iowa Code chapter 22.

The IPIB accepted this Complaint on June 19, 2025

Facts

Kayla Brown submitted a records request for emails and calendar entries between certain employees at the College. Within seven days, the College IT manager provided an estimate of $620 to fulfill the request and sought prepayment. The estimated charges included: "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."

Brown alleges the charges are unreasonable and excessive in violation of Iowa Code chapter 22. Brown alleges the estimate is also in retaliation for an investigation with OSHA between Brown, her spouse, and the College. Brown alleges the estimated charges are intentional to keep the Browns from receiving the records requested.

In response, the College IT manager stated the estimate was in response to the College's rubric for a custom data pull and processing and is based on the same per hour costs for every similarly-situated request. The College also consulted its legal team to ensure the estimate was handled appropriately because it was a big and unique request. The College stated the estimate included the actual time spent preparing the information requested, which is the cost of the labor involved in retrieving the records. The College also stated it typically provides an estimate prior to work,

but due to the size of the request it had the team work on the data pull knowing it might risk not being reimbursed for that work so the estimate could be as accurate and low cost as possible.

Brown replied to the College's response and alleged the College should not have expended any labor or costs on the search without approval as she had requested and the fact they did was in violation of their own policy. Brown alleges further, the extensive cost of the records could function as a deterrent in violation of Iowa Code Section 22.3. Brown requested IPIB review all the metadata from the College surrounding its estimate to determine when the information was created to verify the College's statements.

Brown provided IPIB a copy of the records request made to the College. Brown sought email communications from October 20, 2024, through May 9, 2025, for 10 named College employees involved in public safety, human resources, facilities, and other. The request sought all emails with communications between any of these individuals, including the email subject lines, dates, addresses, etc. and attachments. The request also included calendar entries for all of these individuals during the same seven-month time period. In addition, the request included communications that had any of sixteen broad terms, such as "complaint," "discipline," "refusal," and others.

The request also included a broad request for any records that related to "Alex Brown's job duties, protected activity, or work refusal"—including those that may reference him indirectly or by job title/role rather than by name. The request directed that if emails are redacted or withheld, the College include metadata (To/From, date, time, subject line) for each redacted record. The request also sought "the list of search terms, filters, or criteria used by the College to fulfill this request."

Applicable Law

Iowa Code § 22.3 is clear that governmental bodies can charge reasonable fees for the production of public records and can produce the public records contingent upon receipt of payment. "Although fulfillment of a request for a copy of a public record may be contingent upon receipt of payment of reasonable expenses, the lawful custodian shall make every reasonable effort to provide the public record requested at no cost other than copying costs for a record which takes less than thirty minutes to produce. In the event expenses are necessary, such expenses shall be reasonable and communicated to the requester upon receipt of the request." Iowa Code § 22.3(1).

"The fee for the copying service as determined by the lawful custodian shall not exceed the actual cost of providing the service. Actual costs shall include only those reasonable expenses directly attributable to supervising the examination of and making and providing copies of public records. Actual costs shall not include charges for ordinary expenses or costs such as employment benefits, depreciation, maintenance, electricity, or insurance associated with the

administration of the office of the lawful custodian. Costs for legal services should only be utilized for the redaction or review of legally protected confidential information." Iowa Code § 22.3(2).

Analysis

A web search indicates there are around 1,650 employees of the College. It is not unreasonable to assume it would take time and effort to program a search to include the parameters identified by Brown in pulling emails from specific individuals, but also to include broad search terms over a period of seven months. It is also not unreasonable that it would take hours to retrieve and pull the electronic information requested. The hourly rates of $50 and $20 for this IT work is certainly within a reasonable rate for the individuals doing the work and well below the salaries advertised for employees in the department.

The number of emails or calendar entries pulled was not specified by the College, but Iowa Code does not require a per page or per record amount. The Code merely requires the actual costs to the government body for retrieving and providing the records. The College stated the actual costs of performing the search and pull of the records was $620 of employee time to program the search and pull the records. Based on the extensive request, this is not per se unreasonable.

Additionally, Iowa Code § 22.3(2) provides that reasonable expenses based on "actual costs" incurred by the government body may be charged to a requester as a condition of production even if this impacts the requester. "[R]etrieval fees may in fact hamper access to public documents. However, such fees may also ensure continuing access to public records through increased funding and deterring excessive or overly broad requests. In any event, weighing these policy interests is for the general assembly. [citation omitted] We hold that in allowing for the recovery of expenses incurred in fulfilling requests for public records, Iowa Code section 22.3(1) authorizes reasonable fees for the time spent by the custodian or its employees in fulfilling the request." *Teig v. Chavez*, 8 N.W.3d 484, 497 (Iowa 2024).

There is no evidence of Brown's allegations of the costs of the retrieval to be retaliatory by the College. The records request was signed "—A Concerned Member of the Public" and all communications were to be sent to an anonymous email address. The only information identifying Brown was inclusion of Brown's name in some of the key words and documents sought.

Based on the request and the breakdown from the College, the fees requested for the retrieval of the records does not appear to be unreasonable. Brown can pay the estimate and receive the records or may work with the College to revise the search to reduce the costs.

IPIB Action

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

a. Redirect the matter for further investigation;

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

c. Make a determination that probable cause exists to believe a violation has occurred, but, as an exercise of administrative discretion, dismiss the matter; or

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

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

Recommendation

The records request sought seven months of email communications with broad search terms and a request to see communications between individuals who likely had other confidential information included within the data pull. Sorting through the specific requests, the broad terms, the specifics of the data sought, and actually pulling and reviewing emails from such a large period of time would certainly be time consuming. The College charged hourly rates of $50 and $20 for this work which below the typical hourly rate of the IT technicians involved in the work. The College ran the search and provided an estimate for the costs to the requestor within seven days of the request. Further, the College was within its rights to seek prepayment of the costs prior to releasing the records even if the costs may hamper some access. Based on this, it is recommended IPIB dismiss the matter for lack of probable cause to believe a violation has occurred.

By the IPIB Executive Director

Erika Eckley, J.D.

CERTIFICATE OF MAILING

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

Kayla Brown
Jon Neff, for Kirkwood Community College

The Iowa Public Information Board

In re the Matter of: Miguel Puentes, Complainant And Concerning: City of Davenport, Respondent	Case Number: 25FC:0063 Investigative Report

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

On May 28, 2025, Miguel Puentes filed formal complaint 25FC:0063, alleging the City of Davenport (City) and the Davenport Police Department violated Iowa Code Chapter 22.

The IPIB accepted this Complaint on June 19, 2025.

Facts

On May 20, 2025, the complainant, Miguel Puentes, submitted a Chapter 22 request for records from the City's license plate recognition (LPR) system relating to a particular Illinois license plate and vehicle from November 10, 2024 to December 10, 2024. This request was made on behalf of the Office of State Public Defender in relation to an ongoing criminal matter.

On May 23, 2025, the Davenport Police Department asserted that the document in question did not exist and, if it did, it would be confidential pursuant to Iowa Code § 22.7(5) as part of a police investigative report in an ongoing investigation. On May 28, 2025, Puentes filed formal complaint 25FC:0063, alleging that the City had failed to comply with the information exception in Iowa Code § 22.7(5), which generally provides that "the date, time, specific location, and immediate facts and circumstances surrounding a crime or incident" are not to be withheld as confidential for most files. Puentes also questioned whether the asserted confidentiality exception should apply in the first place.

Following acceptance of the complaint, the City raised Iowa Code § 22.7(55) as a second basis for confidentiality, asserting that the disputed records qualified as "[a]n intelligence assessment [or] intelligence data under chapter 692, except as provided in section 692.8A." The City specifically

relied on IPIB's precedent in 23FC:0127, *Van Pelt/City of Clive*, which reviewed a similar request for the footage recorded by another city's license plate recognition cameras.

Applicable Law

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

55. An intelligence assessment and intelligence data under chapter 692, except as provided in section 692.8A." Iowa Code § 22.7(55).

"*'Intelligence data'* means information on identifiable individuals compiled in an effort to anticipate, prevent, or monitor possible criminal activity." Iowa Code § 692.1(14).

"A criminal or juvenile justice agency, state or federal regulatory agency, or a peace officer shall not disseminate intelligence data, which has been received from the department or division or from any other source, outside the agency or the peace officer's agency unless all of the following apply:

a. The intelligence data is for official purposes in connection with prescribed duties of a criminal or juvenile justice agency.
b. The agency maintains a list of the agencies, organizations, or persons receiving the intelligence data and the date and purpose of the dissemination.
c. The agency disseminating the intelligence data is satisfied that the need to know and the intended use are reasonable." Iowa Code § 692.8A(1).

Analysis

Iowa Code § 22.7(55) provides confidentiality for "intelligence assessments and intelligence data," as described by Chapter 692, which addresses criminal history and intelligence data. Intelligence data is defined in Iowa Code § 692.1(14) to include "information on identifiable individuals compiled in an effort to anticipate, prevent, or monitor possible criminal activity."

In 23FC:0127, *Hendrik van Pelt/City of Clive*, IPIB considered a similar request for eight hours of sensor data captured by LPR devices installed at a particular intersection on a particular day, "including but not limited to license plate numbers, photos, and videos." In determining that the respondent in that case properly withheld the records under Iowa Code § 22.7(55), IPIB found: 1) that the sensor data collected by the city clearly qualified as data or information, 2) that the records were compiled for the purposes of anticipating, preventing, or monitoring possible criminal activity, as the cameras "allow[ed] the City's police department to receive notifications regarding potential criminal activity[,] allowing the department to investigate further," and 3) that license

plate and vehicle information captured by the devices qualified as "individually identifiable characteristic[s]," as the term was defined in Iowa Code § 692.1(12).[1] Based on this analysis, IPIB dismissed the complaint, finding that the confidentiality was available to deny the records request.

IPIB precedent in 23FC:0127 is controlling in this case. The complainant seeks records created by the City's LPR system for a particular vehicle and license plate. Assuming any such records exist for the dates provided, the LPR records 1) would contain "information" 2) from a system implemented "to anticipate, prevent, or monitor possible criminal activity" occurring in the monitored areas, which 3) pertain to "identifiable individuals."

To the extent that the complainants have expanded their request to seek other records from police investigative files, these records were not clearly sought in the Chapter 22 request at issue, though nothing in this opinion would prevent future requests from being made. Likewise, this opinion only pertains to the records available under Chapter 22's public records laws. The State Public Defender may have additional routes to pursue access in an ongoing criminal matter, but discovery issues are outside of IPIB's limited 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 LPR device records sought are confidential intelligence data pursuant to Iowa Code § 22.7(55).

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[1] "*'Individually identified'* means criminal history data which relates to a specific person by one or more of the following means of identification:

a. Name and alias, if any.
b. Social security number.
c. Fingerprints.
d. Other index- cross-referenced to paragraph "*a*", "*b*", or "*c*".
e. Other individually identifying characteristics." Iowa Code § 692.1(12).

By the IPIB Executive Director

Erika Eckley, J.D.

CERTIFICATE OF MAILING

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

Miguel Puentes, Complainant
City of Davenport, Respondent

The Iowa Public Information Board

In re the Matter of: Alisha Beers, Complainant And Concerning: City Council of Pisgah, Respondent	Case Number: 25FC:0064 Investigative Report

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

On May 30, 2025, Alisha Beers filed formal complaint 25FC:0064, alleging the City Council of Pisgah (Council) violated Iowa Code chapters 21 and 22.

The IPIB accepted this Complaint on June 19, 2025

Facts

Alisha Beers alleges the Council violated Iowa Code chapter 21 when it held an illegal meeting to sign a letter seeking her resignation from the Council.

Beers also alleges she asked for copies of two years' worth of bank statements, cancelled checks and all contributions to IPERS, but she had not received them by June 14, 2025, which was a violation of Iowa Code chapter 22 because the City administrator said he needed to speak with the city attorney before responding to her records request.

In response, the Council, through Counsel worked to provide the requested records to Beers and stated on July 10, 2025, that all records had been provided to her.

The Council stated that no meeting occurred as alleged. The mayor spoke individually with Council members and stated a letter would be held at city hall if any member wanted to sign it.

Ultimately, the Council members each signed the letter, which was mailed to Beers. No official action was taken regarding the letter. Beers alleges a potential walking quorum occurred because the members signed the letter. She also alleges she should have been notified about the letter because she was on the Council.

At a special meeting on June 5, 2025, the Council took up the issue of Beers' position on the Council. This meeting was properly noticed. There is a question as to whether she was removed from the Council at the meeting.

Applicable Law

"…a gathering in person or by electronic means, formal or informal, of a majority of the members of a governmental body where there is deliberation or action upon any matter within the scope of the governmental body's policy–making duties." Iowa Code section 21.2(2). A meeting requires four elements.

A formal or informal gathering of members of a governmental body;
Participation that constitutes a majority of the members;
Deliberation or actions occurs; and
Deliberation or action is within the scope of the governmental body's "policy-making duties."
See also 1981 Iowa Attorney General Opinion 162 (1981).

Analysis

Beers has received the two years of financial information she sought, so there is no Iowa Code chapter 22 violation. The information could have been provided sooner, but the Council did work through its attorney to provide her with the requested records on a rolling basis.

In regards to whether the individual Council member's signing the letter constituted a meeting or a walking quorum, no evidence has been provided that there was deliberation or action taken by a majority of the Council. The facts presented are that the mayor contacted the individual members and said he would leave a letter and they could sign if they wanted. There is no evidence a majority of the Council at any time deliberated on the letter or the language of the letter. The Council provided notice on June 5 of a meeting to deliberate and potentially take action on Beers' position on the Council.

While it would have been preferable for the Council to address the matter in an open meeting without sending a letter to Beers, no facts have been presented to establish a meeting occurred prior to Beers receipt of the letter. *See Dooley v. Johnson*, 2008 WL 2008 WL 5234382 (Iowa App. Dec. 17, 2018) (finding a close call when Board met in small groups to receive information, but no deliberation occurred outside an open 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

It is recommended the IPIB dismiss the matter for lack of probable cause to believe a violation has occurred.

By the IPIB Executive Director

Erika Eckley, J.D.

CERTIFICATE OF MAILING

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

Alisha Beers
Clint Fichter, attorney for City Council of Pisgah

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

Re: 25FC:0064 to IPIB July 17, 2025

1 message

Alisha Beers <beersalisha01@gmail.com> Mon, Jul 14, 2025 at 3:20 PM
To: "Eckley, Erika" <erika.eckley@iowa.gov>, "Lee, Alexander" <alexander.lee@iowa.gov>, "frontdesk@smallcity.org" <frontdesk@smallcity.org>

To whom it may concern,

Please submit this to the board for their final decision.

The council members of Pisgah came to City Hall one by one to sign the same paper to send to me. Mike Dreesen told me that it was the second meeting he had left about signing this letter. He said Todd Noah was the one in City Hall, but Todd had stated this wasn't his idea. So we have a city employee telling every council member about this letter and the purpose of this letter, to avoid the walking quorum? Seems to be a loophole for doing wrong!

Walking quorum = repeated informal discussions involving subsets of members that cumulatively include a majority.

This was May 20th, which was not posted or recorded and had zero minutes, and where I am part of the council, shouldn't I have been informed about these meetings, and voted on hiring the attorney to write letters for the council? It isn't the contents of the letter that is the issue; it is doing it in secret. At the meeting on June 5th, they posted an agenda. We are talking about 2 different meetings.
I feel like you have your mind made up about this, Erica, and you do not want to mess with small-town disputes, even though it affects people in a big way, when the city council used public funds to send out a defamatory letter full of lies and half-truths to every household in Pisgah with their water bill! We have a family business based in Harrison County. Also putting lies and defamatory comments in the newspaper, and then when I confronted the "new" clerk because she was contracted labor until Todd informed her before the June 19th meeting, she is now/always has been the clerk, she says she is not perfect and can't remember everything! How is it okay to put your opinion about someone in the paper for the town minutes, and not the facts?

As for the record request, it took over 4 weeks to get "public knowledge". They have told the townspeople that this is all public record at every City Hall meeting, and insinuate that I am being dramatic for requesting this because I should have just gone to City Hall and asked. Which I did on June 5th, and Todd told me he has to ask the attorney before I get anything. How is that open to the public, and then takes over a month to receive? I was told they have 10 days, 14 at the most, but we do not have any departments holding anyone accountable. I have been told several things have been in violation, but the question comes down to who enforces the law?

I would like to know the ruling of the board's final decision.

Thank you,
Alisha Beers

IPIB Common Criticisms found online

1. **Lack of teeth:** Many critics say the IPIB rarely pursues serious enforcement. Fines are low, and even blatant violations often result in only warnings or informal resolutions.
2. **Perceived bias toward government:** Some Iowans feel the board sides too often with government officials rather than citizens or journalists.
3. **Delays and inefficiency:** Cases can drag on, and the informal resolution process may frustrate people seeking quick accountability.

4. **Political appointments:** Board members are appointed by the governor and confirmed by the Senate, so there's always the risk of political influence creeping into decision-making.

On Thu, Jul 10, 2025 at 5:03 PM Eckley, Erika <erika.eckley@iowa.gov> wrote:

Good Afternoon:

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

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

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

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

Google Meet joining info
Video call link: https://meet.google.com/yex-pxvj-wcs
Or dial: (US) +1 857-529-6530 PIN: 344 253 403#

If you prefer, you can provide brief, written comments to the Board prior to the meeting, please forward those to me no later than 10:00 a.m. on Tuesday, July 15, 2025, so they may be included in the meeting packet. Please make sure you copy all parties on the email as well.

IPIB
Iowa Public Information Board

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

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

Re: Fwd: Fw: 4th foia

1 message

Eckley, Erika <erika.eckley@iowa.gov> Mon, Jun 23, 2025 at 2:21 PM
To: "stewwell2000@yahoo.com" <stewwell2000@yahoo.com>, "brett.devore@cityofoelwein.org" <brett.devore@cityofoelwein.org>, "Daniel M. Morgan" <dmorgan@lynchdallas.com>, Jeremy Logan <jlogan@oelweinpolice.org>, Julie Phillips <jphillips@oelweinpolice.org>, Shannon Cox <scox@oelweinpolice.org>, "bdejong@oelweinpolice.org" <bdejong@oelweinpolice.org>

Mr. Stewart,

As requested, this complaint will be closed.

Erika Eckley, Executive Director
Iowa Public Information Board (IPIB)

On Mon, Jun 23, 2025 at 12:59 PM stewwell2000@yahoo.com <stewwell2000@yahoo.com> wrote:

> People just keep looping in . So I pick these up pay 70. And nothing I want get money back. How much is the next one cost, then the next me
> Ill get .an attorney and he will get them. CLOSE IT. I WILL NOT PAY BLIND. THIS IS COULD COST $$$$$$ Iihjt as well be done they put nothing in this. I don't want to do this for months so. CLose it today. But request they don't destroy anything , I'll get it . They will be able to tell am attorney THIER LIES
> Im done
>
> Yahoo Mail: Search, Organize, Conquer
>
> On Mon, Jun 23, 2025 at 12:48 PM, Eckley, Erika <erika.eckley@iowa.gov> wrote:
>
>> Forwarding so everyone is in the loop.
>>
>> Mr. Stewart, please go collect the records available. Once you have them, then please provide a list of the specific records you have requested, but have not received. I am not able to assist you further without this information.
>>
>> If you are not willing to collect the records that are being made available to you by the end of next week, then I will need to dismiss this matter.
>>
>> Erika Eckley, Executive Director
>> Iowa Public Information Board (IPIB)
>>
>> ---------- Forwarded message ---------
>> From: **stewwell2000@yahoo.com** <stewwell2000@yahoo.com>
>> Date: Mon, Jun 23, 2025 at 12:26 PM
>> Subject: Re: Fw: 4th foia
>> To: <erika.eckley@iowa.gov>
>>
>> If I knew what I was getting
>> THIER copies and flash drive containing video,
>> And phone and officer worn camara footage. That's way to vague. I need to know who,when.
>> I offered to give them dates , times, of they needed
>> The footage of Dejong and me which i guess it is, getting My things. Phone calls with my voice on could be talking to answer machine. I have the right to detail what I'm paying for. O atleast tried in this, theyve lied left parts major parts out. I don't have to do this ,I offered it to them,they don't even know where my 3rd FOIA is, who had it, they had it,I asked statis on it plenty of times, alot of them got emails asking statis. Then what have they tried
>> Says ALOT of lies which I will not put up with. You want me to prove lies say so

They will not lie and have me not defend it or I lost from the beginning. I might as well quit because I have no chance if that's going to happen . I tried to be fair , but they know you and everyone else have been brain washed since we were all babies
cops you can trust,cops are good, always listen to police, they mad them what they are today. Case is closed, I was the victim, I have received(they say
Numerous pieces of supportive data.
1/.a note I left at front desk for Dejong.
2)a copy of the no tresspass warning.
3) $2.25 for search and seizure policy.
(I asked for a copy of thier strip search policy and how many have done since 1996.
Nothing else. What is he talking about. .they've lied to you in every statement by anyone with their lawyer right there the hole time. Ask the truth . Fill in the holes they left out. I was the victim and they write it so all looks bad on me.
WHY? I WAS always taught like everyone else growing up, the ones lying bot something to hide, I have no reason to lie,I did nothing wrong, I'm not in any trouble,
And I'm expected to take THIER grab bag they threw together
I'm not asking for anything that shouldn't be done, it's not an unreasonable request. It should of been done just like if anything was denied it has to be listed and explained on the desicion letter. I'm not paying like I did on the first the Foia for things I have no use for
So if they get away with what they are doing .
Close it
Robert Stewart
2609 s FREDRICK
Oelwein Iowa 50662
3192830834

Yahoo Mail: Search, Organize, Conquer

On Mon, Jun 23, 2025 at 10:07 AM, Eckley, Erika
<erika.eckley@iowa.gov> wrote:

Mr. Stewart,

IPIB can only address your records request complaint. IPIB has no authority over any other allegations.

It is my understanding you have records available that you requested that you need to pick up. Until you do that, IPIB is not able to assist you any further. Please let me know when you have retrieved your records and whether there are any records you requested that you have not received as allowed under Iowa Code chapter 22.

Erika Eckley, Executive Director
Iowa Public Information Board (IPIB)

On Sun, Jun 22, 2025 at 12:31 PM stewwell2000@yahoo.com <stewwell2000@yahoo.com> wrote:

Yahoo Mail: Search, Organize, Conquer

----- Forwarded Message -----
From: "stewwell2000@yahoo.com" <stewwell2000@yahoo.com>
To: "Julie Phillips" <jphillips@oelweinpolice.org>, "Daniel M. Morgan" <dmorgan@lynchdallas.com>
Sent: Sat, Jun 21, 2025 at 8:39 AM
Subject: 4th foia
Oelwein police department
501 rock island oelwein Iowa 50662

I Robert Stewart am requesting the police reports from 3/22/2025 that Tom detimmerman came to police station and needed police at house me And Dejong were at couple hours earlier.
Wish to waive any fees you can email me the findings
Thank you
Robert Stewart

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

Receipt of New IPIB Complaint (25FC:0087)

Annie's Foundation <saraparris@anniesfoundation.com> Wed, Jul 9, 2025 at 8:49 PM
To: "Lee, Alexander" <alexander.lee@iowa.gov>

Yes, thank you. I did get an email from Heather and consider the matter resolved. I appreciate your help.

Sara Hayden Parris
she/her/hers
Founder & President, Annie's Foundation
anniesfoundation.com
16,538 books donated and counting!

annie's foundation
WE READ BANNED BOOKS

Currently Reading

Get your own email signature

[Quoted text hidden]

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

Receipt of New IPIB Complaint (25FC:0090)

dillon.daugh@yahoo.com <dillon.daugh@yahoo.com> Wed, Jul 9, 2025 at 6:29 PM
To: "Lee, Alexander" <alexander.lee@iowa.gov>

Good evening,
Thanks for reaching out. To be upfront I did not check the physical site of the EMA due to it not being accessible to the public outside of business hours and the door being locked at all times. I was at the Court House/Jail facilities today and could not find literature stating the meeting times. I did however speak with someone involved with the posting and they assured me they would get it posted where needed so at this time I'm fine dismissing the complaint. Thank you,
Dillon Daughenbaugh
[Quoted text hidden]

FILED
JUL 0 9 2025
Iowa Public
Information Board

BEFORE THE IOWA PUBLIC INFORMATION BOARD

IN THE MATTER OF:	)	CASE NO. 24FC:0092
	)	
Norman Fry, Jocelyn Richards &	)	
Raymond White	)	
Pleasant Grove Township Trustees	)	
1012 Business Hwy 5	)	
Pleasantville, IA 50225	)	**NOTICE OF HEARING AND**
	)	**STATEMENT OF CHARGES**
Respondents.	)	
	)	

COMES NOW the Iowa Public Information Board ("IPIB") and files this Notice of Hearing and Statement of Charges against the Pleasant Grove Township Trustees ("Trustees") 1012 Business Hwy 5, Pleasantville, IA 50225, pursuant to Iowa Admin. Code r. 497-4.4(17A). The IPIB has jurisdiction of this matter pursuant to Iowa Code § 23.6(4). Respondents are charged with violating Iowa Code § 21.3(1) and Iowa Code § 21.4(1)(a). See Petition attached hereto.

A. TIME, PLACE AND NATURE OF HEARING

1. **Hearing.** A contested case hearing will be held before the IPIB, at a time and date scheduled by the parties, at the Jessie M. Parker Building, 210 East 12th St., Des Moines, Iowa 50319.

2. **Answer**. Within 20 days of the date you are served with the Petition you must file an answer to the charges as provided in Iowa Admin. Code r. 497–4.10(3).

3. **Presiding Officer.** The full IPIB shall serve as presiding officer at hearing. The IPIB requests that an ALJ make initial rulings on prehearing matters and be present to assist and advise the Board at hearing, as described in Iowa Admin. Code r. 497–4.5(17A). **You can request that an ALJ preside at the hearing. Such request must be filed within 10 days of the date you were served with the Amended Notice pursuant to Iowa Code § 17A.11 and Iowa Admin. Code r. 497–4.5(17A).**

4. **Hearing Procedures.** IPIB rules on hearing procedures may be found at Iowa Admin. Code r. 497–4.19(17A). You have the right to respond to the charges, produce evidence on your behalf, cross-examine witnesses, and examine any documents introduced at hearing.

Consult Iowa Admin. Code r. 497–4.19(17A) if you need to request an alternative time or date. The hearing will be open to the public.

5. **Default.** If you fail to appear at hearing, the IPIB may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code § 17A.12(3) and Iowa Admin. Code r. 497–4.21(17A).

6. **Prosecution.** This case will be prosecuted by Alexander Lee acting on behalf of the IPIB. Copies of all pleadings shall be filed with the IPIB, with copies mailed to Alexander Lee, Agency Counsel, Iowa Public Information Board, Jessie M. Parker Building, 210 East 12th St., Des Moines, Iowa 50319. Alexander Lee can be reached by telephone at (515) 401-4461 or by email at alexander.lee@iowa.gov.

7. **Respondent.** Copies of all pleadings filed with the IPIB shall be provided to Marion County Attorney Jared Harmon. Respondent can be reached by telephone at (641) 828-2223 or by email at jharmon@marioncountyiowa.gov.

8. **Settlement.** The procedural rules governing the IPIB's settlement process are found at Iowa Admin. Code r. 497–2.4. If you are interested in pursuing settlement of this matter, please contact Alexander Lee.

9. **Communications.** You may not contact IPIB members by phone, letter, facsimile, e-mail, or in person about this Notice of Hearing and Statement of Charges. IPIB members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case. You should direct any questions to Agency Counsel Alexander Lee at (515) 401-4461, or the Board's Executive Director, at (515) 393-8339.

B. SHORT AND PLAIN STATEMENT OF MATTERS ASSERTED

The Pleasant Grove Township Trustees, namely Trustees Norman Fry and Jocelyn Richards, along with the Trustees' elected Clerk Raymond White, are charged two violations of Iowa Code § 21.3(1), for deliberation and action on matters within the scope of the Trustees' policy-making duties outside of open session. Specifically, White facilitated meetings between Trustees Fry and Richards to enter into tree maintenance contracts with a third-party company for service at two cemeteries within the Trustees' official jurisdiction. No notice was provided for these discussions, and members of the public did not receive access to deliberation between members. Evidence shows that these incidents were representative of ongoing practice while the aforementioned individuals were in office.

The Trustees are also charged with violating Iowa Code § 21.4(1)(a), for providing insufficient notice of matters to be discussed in tentative agendas for multiple meetings on September 7, 2024, October 5, 2024, November 2, 2024, and November 16, 2024. Additionally, on August 17, 2024, the Trustees' agenda included reference to a closed session without any information on the purpose of or jurisdiction for entering closed session, in violation of Iowa Code § 21.4(1)(a) and Iowa Admin. Code r. 497–8.1(3).

This Notice of Hearing is filed and issued on the 9th day of July, 2025.

Alexander Lee, JD
Agency Council
Iowa Public Information Board (IPIB)
Jessie M. Parker Building
510 East 12th Street
Des Moines, Iowa 50319
Office: (515) 401-4461
alexander.lee@iowa.gov

I certify under penalty of perjury and pursuant to the laws of Iowa that, on July 9, 2025, I hand delivered the original Notice to the Iowa Public Information Board at 510 E 12th St., Des Moines, Iowa 50319, and emailed file-stamped copies of this Notice addressed to:

Jared Harmon
Marion County Attorney
214 East Main Street
Knoxville, Iowa 50138
jharmon@marioncountyiowa.gov

Date 7/9/2025 Signature

JUL 0 9 2025

Iowa Public
Information Board

BEFORE THE IOWA PUBLIC INFORMATION BOARD

IN THE MATTER OF:	)	Original Complaint No.: 24FC:0092
	)	
	)	Contested Proceeding No.: 24FC:0092
Norman Fry, Jocelyn Richards & Raymond White Pleasant Grove Township Trustees 1012 Business Hwy 5 Pleasantville, IA 50225	)	
	)	**PETITION TO COMMENCE A CONTESTED CASE PROCEEDING BEFORE THE IOWA PUBLIC INFROMATION BOARD**
Respondents.	)	

PETITION TO COMMENCE A CONTESTED CASE PROCEEDING

BEFORE THE IOWA PUBLIC INFORMATION BOARD

Comes now the petitioner, Iowa Public Information Board ("IPIB" or "Board"), by and through its designated prosecutor Alexander Lee pursuant to Iowa Admin. r. 497-2.2(4)(d) and the IPIB Board Action taken on April 17, 2025, and for its *Petition to Commence a Contested Case Proceeding Before the Iowa Public Information Board* states the following:

I. PARTIES

1. The Pleasant Grove Township Trustees ("Trustees") is a "board, council commission, or other governing body of a political subdivision or tax-supported district in [the state of Iowa]," which meets the definition of a "governmental body" subject to Chapter 21. Iowa Code § 21.2(1)(b).

2. As of July 1, 2025, there are two Trustees representing the Pleasant Grove Township: Aubrey Burress ("Burress"), Aaron De Moss ("De Moss").

3. As of July 1, 2025, Raymond White ("White") is serving as Clerk to the Trustees, which is an elected position.

3. At the time the original complaint was brought on October 21, 2024, the Trustees' membership was composed of Burress, Norman Fry ("Fry"), and Jocelyn Richards ("Richards"), with White serving as the Clerk.

4. The original complainant, Burress, is an individual resident of Marion County, Iowa, currently serving as a Trustee for the Pleasant Grove Township Trustees, which meets at 1012 Business Hwy 5 in Pleasantville, Iowa 50225. "Complainant" refers to the person who has filed a complaint with the Iowa Public Information Board (IPIB). Iowa Code § 23.2(2).

5. The respondents, White, Fry, and Richards, are individual residents of Marion County, Iowa, who were serving in elected positions of the Pleasant Grove Township Trustees during the relevant time period described in this Petition. The Trustees meet at 1012 Business Hwy 5 in Pleasantville, Iowa 50225. "Respondent" refers to a government employee who is the subject of a complaint. Iowa Code § 23.2(8).

II. JURISDICTION AND VENUE

6. IPIB has jurisdiction over the subject matter and parties to this action, pursuant to its power and authority under Chapter 23 to receive complaints alleging violations of Chapters 21 and 22, formally investigate such complaints, decide after such an investigation whether there is probable cause to believe a violation of Chapter 21 or 22 has occurred, and, if probable cause is found, prosecute the respondent before the Board in a contested case proceeding conducted according to the provisions of Chapter 17A. Iowa Code § 23.6(4).

7. Pursuant to Iowa Code § 23.10(3)(a), if IPIB finds probable cause to believe there has been a violation of Chapter 21 or 22 within its jurisdiction, and the complaint cannot be resolved informally, IPIB shall issue a written order to that effect and shall commence a contested case proceeding under Chapter 17A against the respondent.

8. On April 17, 2025, IPIB accepted an investigative report finding probable cause in case 24FC:0092 and directing the issuance of a statement of charges to initiate a contested case proceeding. Iowa Code § 23.10(3).

9. Venue is proper.

III. STATEMENT OF GENERAL FACTUAL ALLEGATIONS

10. Trustee Buress submitted formal complaint 24FC:0092 on October 21, 2024.

11. IPIB accepted this complaint on November 21, 2024, pursuant to Iowa Code § 23.8, on a determination that the complaint was facially within the Board's jurisdiction, appeared legally sufficient, and could have merit.

12. Several categories of potential violations of Chapter 21 were identified in IPIB's acceptance, including issues with public notice, the posting of meeting agendas, conduct of meetings, repeated cancelation of scheduled meetings due to internal conflict, and failure to include all trustees on relevant communications within the scope of the government body's policy-making duties.

13. On November 5, 2024, a general election was held for two positions then held by Trustees Fry and Richards. De Moss and Richards were the top two candidates and were therefore elected to the new term.

13. On December 19, 2024, the parties mutually adopted an Informal Resolution for the resolution of complaint 24FC:0092, including three terms: 1) a requirement that the Trustees formally approve the Informal Resolution document itself during open session, 2) arrangement for a training session for all Trustees and White, as clerk, and 3) an agreement to develop new policies or procedures to address issues related to the posting of agendas, scheduling of meetings, and the sharing of agendas and related documents in advance of meetings.

14. On January 10, 2025, De Moss was formally sworn in to replace Fry as Trustee.

15. On February 7, 2025, all Trustees currently holding positions with the governmental body and White, in his capacity as clerk, attended a training session hosted by IPIB in Pleasantville, Iowa, which was conducted in open session.

16. As of April 17, 2025, the Trustees had not presented new policies or procedures to IPIB as required for the third term of the Informal Resolution.

17. On April 17, 2025, IPIB accepted an investigative report finding probable cause for continued violations of Chapter 21 in case 24FC:0092 and directing the issuance of a statement of charges to initiate a contested case proceeding.

18. White has not attended a meeting of the Trustees since February 7, 2025, despite multiple changes by the Trustees to the meeting calendar intended to allow for attendance, and despite the availability of electronic meeting options pursuant to Iowa Code § 21.8. Dates of absence include February 28, March 28, April 14, April 28, and May 13.

19. During the period described by Statement #18, tentative agendas for meetings of the Trustees board have been primarily or exclusively prepared by other individuals aside from White.

On April 28, the county auditor prepared the meeting agenda. Trustee Burress prepared the agendas for April 14 and May 13.

20. During the period described by Statement #18, White was similarly uninvolved in the creation of meeting minutes. Trustee Burress prepared meeting minutes for each of the meetings on March 28, April 14, April 28, and May 13.

21. On June 10, 2025, Trustee Richards sent a letter to Jake Grandia, the Marion County Auditor, resigning her position as Trustee, effective immediately. This resignation was accepted.

CHARGE 1 – UNLAWFUL MEETING OUTSIDE OF OPEN SESSION

22. IPIB charges the respondents with violating Iowa Code § 21.3(1), which states that, "[e]xcept 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." Open session is defined by Iowa Code § 21.2(3) as "a meeting to which all members of the public have access."

23. At a date prior October 18, 2024, Trustee Fry and White, potentially with the involvement of Trustee Richards, entered into a contract on behalf of the governmental body for tree maintenance work to be performed at Swan Cemetery, one of the cemeteries within the Trustees' jurisdiction.

24. The contracting entity, Morris Tree Service & Land Improvements ("Morris Tree Service") is owned by Bill Morris, Trustee Fry's brother-in-law.

25. This tree maintenance contract was not deliberated or voted upon during any open session meeting of the Trustees prior to October 18, 2024.

26. At a date prior to October 18, 2024, White tendered payment on behalf of the Trustees to Morris Tree Service, for work completed pursuant to the contract.

26. An emergency meeting was called on October 18, 2024, which Trustees Fry and Richards attended. White was also present.

27. White did not produce an agenda to IPIB for the October 18, 2024 meeting. The time and location for the meeting are not included in the meeting minutes. It is unclear whether notice compliant with Iowa Code § 21.4(2)(a) was provided for this meeting.

28. During the October 18, 2025 meeting, according to the meeting minutes provided to IPIB, the Trustees present voted 2-0 to retroactively approve bills submitted by Morris Tree Service for tree maintenance work completed at Swan Cemetery.

29. Trustee Burress was not informed about the bills to be paid to Morris Tree Service for the Swan Cemetery contract prior to the October 18, 2024 meeting, despite her position as Trustee during all relevant times.

30. On or around December 27, 2024, White coordinated a phone call with Trustees Fry and Richards outside of open session to get approval to pay $12,700 for tree maintenance work performed by Morris Tree Services at Swan Cemetery.

31. On December 27, 2024, the Trustees issued a check for $12,700, to be paid by the governmental body to Morris Tree Services.

32. On February 7, 2025, during the same open session meeting at which IPIB conducted its training pursuant to the terms of Informal Resolution, White confirmed that he had obtained approval for the $12,700 check outside of open session, with Trustees Fry and Richards. White

indicated that Trustee Burress was excluded from this discussion, as only two Trustees were required to approve official actions of the governmental body.

33. IPIB has reason to believe that White is in possession of an audio recording of the February 7, 2025 meeting, including the interaction described Statement #32.

34. Tree maintenance on Swan Cemetery is a matter within the policy-making duties of the Trustees as a governmental body.

35. Because 1) the Trustees are a government body, 2) a gathering of any two members of a three-member governmental body would constitute a "majority," 3) there was action and deliberation, and 4) the action or deliberation was on a matter within the governmental body's policy-making duties, as opposed to a "purely ministerial or social" purpose, the events described in Statements #23 through #32 created multiple meetings under the definition of Iowa Code § 21.2(2).

36. Trustee Fry, Trustee Richards, and White violated Iowa Code § 21.3(1) by failing to hold these meetings in open session, with proper notice and access for the public.

CHARGE 2 – UNLAWFUL MEETING OUTSIDE OF OPEN SESSION

37. IPIB charges the respondents with violating Iowa Code § 21.3(1), which states that, "[e]xcept 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." Open session is defined by Iowa Code § 21.2(3) as "a meeting to which all members of the public have access."

38. On December 21, 2024, White sent an email to Trustee Burress which read: "There is a tree leaning dangerously over part of the drive in Wheeling Cemetery. Bill Morris is deer hunting at the moment, but will take care of it this week.[]The others have agreed to do something asap. Wanted you to know."

39. Trustee Burress was not made aware of deliberation or potential action on the issue referred to in Statement #38 prior to White's December 21, 2024 email.

40. Although the Trustees ultimately did not approve any contract with Morris Tree Services for the tree maintenance work described in White's December 21, 2024 email, the email indicates that White coordinated or otherwise mediated deliberation and attempted action between Trustees Fry and Richards at some point on or around December 21, 2024.

41. Maintenance in Wheeling Cemetery was a matter within the policy-making duties of the Trustees as a governmental body.

42. Because 1) the Trustees are a government body, 2) a gathering of any two members of a three-member governmental body would constitute a "majority," 3) there was deliberation and attempted action, and 4) the action or deliberation was on a matter within the governmental body's policy-making duties, as opposed to a "purely ministerial or social" purpose, the actions described in Statement #38 created a meeting under the definition of Iowa Code § 21.2(2).

43. Trustee Fry, Trustee Richards, and White violated Iowa Code § 21.3(1) by failing to hold this meeting in open session, with proper notice and access for the public.

CHARGE 3 – IMPROPER NOTICE FOR OPEN MEETINGS

44. IPIB charges the respondents with violating Iowa Code § 21.4(1)(a), which generally requires that "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."

45. In determining whether posted notice satisfies Iowa Code § 21.4(1)(a), the standard is "whether the notice sufficiently apprised the public and gave full opportunity for public knowledge and participation," with considerations including "the public's knowledge of an issue and actual participation in events in light of the history and background of that issue." *KCOB/KLVN, Inc. v. Jasper Cnty. Bd. of Sup'rs.*, 473 N.W.2d 171, 173 (Iowa 1991); *see also, e.g.,* 20FC:0128, *Mark Kuhn/Floyd Cnty. Bd. of Supr's* (finding insufficient notice had been given on agendas where the 'catch-all' phrase "Review/Action coronavirus (COVID-19) issues as applicable" was used for multiple agendas across a period of serval months to encompass all deliberation and action taken in response to COVID-19); 18FC:0061, *Lindsey Larrington/Lucas City Council* (holding that general topics such as "Streets," "Fire Department," "Law Enforcement," and "Parks" without further description provided insufficient notice of matters to be discussed).

46. On March 27, 2025, IPIB staff requested copies of agendas for and minutes of all Trustees board meetings from July 2024 to present. After multiple subsequent requests, White provided the requested materials on April 11, 2025, fifteen days later.

47. In the agenda for August 17, 2024, the tentative agenda included the item "11. Closed Session?" without any additional information on the purpose or justification of the potential closed session, in violation of Iowa Code § 21.4(1)(a) and Iowa Admin. Code r. 497–8.1(3).

48. The agendas provided by White included numerous instances in which agenda items appear to fall short of the standard prescribed by *KCOB/KLVN, Inc.* for sufficient notice of matters to be discussed. Agenda items are typically one to three words, written in all caps, without any supplemental descriptions or further information. Illustrative examples include but are not limited to the following (edited from all caps):

a. September 7, 2024: "Clark Signing Deeds." "Clark" is not the name of any elected individual involved with the Trustees. Assuming this was intended to refer to the Trustees' Clerk, there was no information provided about the nature of the deeds or potential action to be considered.

b. September 7, 2024: "Contracts." Relying on the corresponding meeting minutes for the same meeting, this item was used to review draft contracts for snow removal and mowing, which had been offered for edits. One-word descriptors are generally insufficient to provide the minimum notice to the public.

c. September 7, 2024 and October 5, 2024: "Implementation Planning." There is no indication of what was being considered for implementation.

d. October 5, 2024: "EMS." The agenda provided no information about what matter would be under consideration relating to EMS. Meeting minutes from November 2, 2024 suggest the matter at issue was likely the Trustees' potential contribution to the purchase of a new ambulance as part of a 28E agreement. This one-word descriptor would be clearly insufficient to provide notice of this action under consideration.

e. October 5, 2024: "Spending Approvals." No information was provided concerning what the potential spending related to, or to where the spending would go if approved.

f. November 2, 2024: "Contract Threshold." It is not apparent what contract or policy this agenda item refers to, meaning the public would not be apprised of matters to be discussed.

g. November 2, 2024: "Cameras." Minutes from this meeting indicate that the Trustees discussed the possibility of installing cameras to watch for illegal dumping on property controlled by the Trustees. One-word descriptors are generally insufficient to provide the minimum notice to the public.

h. November 16, 2024: "Kisha's Presentation/Project." No information is provided about the topic of the presentation or the project to be considered. Assuming deliberation or action was taken within the scope of the Trustees' policy-making duties based on this item, the notice given would be insufficient.

49. Recurring issues in providing sufficient notice of tentative agendas for meetings undermine the public's knowledge of and ability to participate in the business of the Trustees as a governmental body subject to Chapter 21 and violate Iowa Code § 21.4(1)(a).

WHEREFORE, in light of the foregoing Petition, your designated prosecutor respectfully requests and prays:

a. The Iowa Public Information Board grant the Petition to Commence a Contested Case Proceeding Before the Iowa Public Information Board by issuing and delivering its

Notice of Hearing to be scheduled at the Jessie M. Parker Building, 510 East 12th Street, Des Moines, Iowa 50319.

b. The Iowa Public Information Board consider for approval all proposed settlements, agreed orders, and compromises of controversy that may be submitted in writing by your designated prosecuting attorney between today's date and the date of hearing.

c. Pursuant to Iowa Code § 23.10(3)(b), and upon a finding by preponderance of the evidence that the Pleasant Grove Township Clerk, Raymond White, or the Pleasant Grove Township Trustees, Norman Fry and Jocelyn Richards, have violated any provision of Chapter 21, the Iowa Public Information Board enters its Order assessing damages and for all other just and proper relief.

RESPECTFULLY SUBMITTED

Alexander Lee
Designated Prosecutor
For the Iowa Public Information Board
Jessie M. Parker Building, East
510 East 12th Street
Des Moines, Iowa 50319
PHONE: (515) 401-4461
alexander.lee@iowa.gov

BY: _____
Alexander Lee, AT-0016117

CERTIFICATE OF SERVICE

I, the undersigned attorney, do hereby certify under penalty of perjury and pursuant to the laws of Iowa that I hand-delivered three (3) copies of the foregoing pleading styled "Petition to Commence a Contested Case Proceeding Before the Iowa Public Information Board" to the Iowa Public Information Board located at the Jessie M. Parker Building, 510 East 12th Street, Des Moines, Iowa 50319, so that they might receive a file stamp, and simultaneously mailed one (1) of those file-stamped copies to the names and addresses of the parties listed below by depositing the same in the United States mail with correct postage properly affixed to each of the following on this, the 9th day of July, 2025:

Pleasant Grove Township Trustees, Respondents
C/O Jared Harmon, Attorney for Respondents
214 East Main Street
Knoxville, Iowa 50138

Alexander Lee

FILED
JUL 0 9 2025
Iowa Public
Information Board

BEFORE THE IOWA PUBLIC INFORMATION BOARD

IN THE MATTER OF:	)	Original Complaint No.: 24FC:0092
	)	
	)	Contested Proceeding No.: 24FC:0092
Norman Fry, Jocelyn Richards & Raymond White Pleasant Grove Township Trustees 1012 Business Hwy 5 Pleasantville, IA 50225	)	
	)	**PETITION TO COMMENCE A CONTESTED CASE PROCEEDING BEFORE THE IOWA PUBLIC INFROMATION BOARD**
Respondents.	)	

PETITION TO COMMENCE A CONTESTED CASE PROCEEDING

BEFORE THE IOWA PUBLIC INFORMATION BOARD

Comes now the petitioner, Iowa Public Information Board ("IPIB" or "Board"), by and through its designated prosecutor Alexander Lee pursuant to Iowa Admin. r. 497-2.2(4)(d) and the IPIB Board Action taken on April 17, 2025, and for its *Petition to Commence a Contested Case Proceeding Before the Iowa Public Information Board* states the following:

I. PARTIES

1. The Pleasant Grove Township Trustees ("Trustees") is a "board, council commission, or other governing body of a political subdivision or tax-supported district in [the state of Iowa]," which meets the definition of a "governmental body" subject to Chapter 21. Iowa Code § 21.2(1)(b).

2. As of July 1, 2025, there are two Trustees representing the Pleasant Grove Township: Aubrey Burress ("Burress"), Aaron De Moss ("De Moss").

3. As of July 1, 2025, Raymond White ("White") is serving as Clerk to the Trustees, which is an elected position.

3. At the time the original complaint was brought on October 21, 2024, the Trustees' membership was composed of Burress, Norman Fry ("Fry"), and Jocelyn Richards ("Richards"), with White serving as the Clerk.

4. The original complainant, Burress, is an individual resident of Marion County, Iowa, currently serving as a Trustee for the Pleasant Grove Township Trustees, which meets at 1012 Business Hwy 5 in Pleasantville, Iowa 50225. "Complainant" refers to the person who has filed a complaint with the Iowa Public Information Board (IPIB). Iowa Code § 23.2(2).

5. The respondents, White, Fry, and Richards, are individual residents of Marion County, Iowa, who were serving in elected positions of the Pleasant Grove Township Trustees during the relevant time period described in this Petition. The Trustees meet at 1012 Business Hwy 5 in Pleasantville, Iowa 50225. "Respondent" refers to a government employee who is the subject of a complaint. Iowa Code § 23.2(8).

II. JURISDICTION AND VENUE

6. IPIB has jurisdiction over the subject matter and parties to this action, pursuant to its power and authority under Chapter 23 to receive complaints alleging violations of Chapters 21 and 22, formally investigate such complaints, decide after such an investigation whether there is probable cause to believe a violation of Chapter 21 or 22 has occurred, and, if probable cause is found, prosecute the respondent before the Board in a contested case proceeding conducted according to the provisions of Chapter 17A. Iowa Code § 23.6(4).

7. Pursuant to Iowa Code § 23.10(3)(a), if IPIB finds probable cause to believe there has been a violation of Chapter 21 or 22 within its jurisdiction, and the complaint cannot be resolved informally, IPIB shall issue a written order to that effect and shall commence a contested case proceeding under Chapter 17A against the respondent.

8. On April 17, 2025, IPIB accepted an investigative report finding probable cause in case 24FC:0092 and directing the issuance of a statement of charges to initiate a contested case proceeding. Iowa Code § 23.10(3).

9. Venue is proper.

III. STATEMENT OF GENERAL FACTUAL ALLEGATIONS

10. Trustee Buress submitted formal complaint 24FC:0092 on October 21, 2024.

11. IPIB accepted this complaint on November 21, 2024, pursuant to Iowa Code § 23.8, on a determination that the complaint was facially within the Board's jurisdiction, appeared legally sufficient, and could have merit.

12. Several categories of potential violations of Chapter 21 were identified in IPIB's acceptance, including issues with public notice, the posting of meeting agendas, conduct of meetings, repeated cancelation of scheduled meetings due to internal conflict, and failure to include all trustees on relevant communications within the scope of the government body's policy-making duties.

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14. On January 10, 2025, De Moss was formally sworn in to replace Fry as Trustee.

15. On February 7, 2025, all Trustees currently holding positions with the governmental body and White, in his capacity as clerk, attended a training session hosted by IPIB in Pleasantville, Iowa, which was conducted in open session.

16. As of April 17, 2025, the Trustees had not presented new policies or procedures to IPIB as required for the third term of the Informal Resolution.

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19. During the period described by Statement #18, tentative agendas for meetings of the Trustees board have been primarily or exclusively prepared by other individuals aside from White.

On April 28, the county auditor prepared the meeting agenda. Trustee Burress prepared the agendas for April 14 and May 13.

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21. On June 10, 2025, Trustee Richards sent a letter to Jake Grandia, the Marion County Auditor, resigning her position as Trustee, effective immediately. This resignation was accepted.

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24. The contracting entity, Morris Tree Service & Land Improvements ("Morris Tree Service") is owned by Bill Morris, Trustee Fry's brother-in-law.

25. This tree maintenance contract was not deliberated or voted upon during any open session meeting of the Trustees prior to October 18, 2024.

26. At a date prior to October 18, 2024, White tendered payment on behalf of the Trustees to Morris Tree Service, for work completed pursuant to the contract.

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indicated that Trustee Burress was excluded from this discussion, as only two Trustees were required to approve official actions of the governmental body.

33. IPIB has reason to believe that White is in possession of an audio recording of the February 7, 2025 meeting, including the interaction described Statement #32.

34. Tree maintenance on Swan Cemetery is a matter within the policy-making duties of the Trustees as a governmental body.

35. Because 1) the Trustees are a government body, 2) a gathering of any two members of a three-member governmental body would constitute a "majority," 3) there was action and deliberation, and 4) the action or deliberation was on a matter within the governmental body's policy-making duties, as opposed to a "purely ministerial or social" purpose, the events described in Statements #23 through #32 created multiple meetings under the definition of Iowa Code § 21.2(2).

36. Trustee Fry, Trustee Richards, and White violated Iowa Code § 21.3(1) by failing to hold these meetings in open session, with proper notice and access for the public.

CHARGE 2 – UNLAWFUL MEETING OUTSIDE OF OPEN SESSION

37. IPIB charges the respondents with violating Iowa Code § 21.3(1), which states that, "[e]xcept 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." Open session is defined by Iowa Code § 21.2(3) as "a meeting to which all members of the public have access."

38. On December 21, 2024, White sent an email to Trustee Burress which read: "There is a tree leaning dangerously over part of the drive in Wheeling Cemetery. Bill Morris is deer hunting at the moment, but will take care of it this week.[]The others have agreed to do something asap. Wanted you to know."

39. Trustee Burress was not made aware of deliberation or potential action on the issue referred to in Statement #38 prior to White's December 21, 2024 email.

40. Although the Trustees ultimately did not approve any contract with Morris Tree Services for the tree maintenance work described in White's December 21, 2024 email, the email indicates that White coordinated or otherwise mediated deliberation and attempted action between Trustees Fry and Richards at some point on or around December 21, 2024.

41. Maintenance in Wheeling Cemetery was a matter within the policy-making duties of the Trustees as a governmental body.

42. Because 1) the Trustees are a government body, 2) a gathering of any two members of a three-member governmental body would constitute a "majority," 3) there was deliberation and attempted action, and 4) the action or deliberation was on a matter within the governmental body's policy-making duties, as opposed to a "purely ministerial or social" purpose, the actions described in Statement #38 created a meeting under the definition of Iowa Code § 21.2(2).

43. Trustee Fry, Trustee Richards, and White violated Iowa Code § 21.3(1) by failing to hold this meeting in open session, with proper notice and access for the public.

CHARGE 3 – IMPROPER NOTICE FOR OPEN MEETINGS

44. IPIB charges the respondents with violating Iowa Code § 21.4(1)(a), which generally requires that "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."

45. In determining whether posted notice satisfies Iowa Code § 21.4(1)(a), the standard is "whether the notice sufficiently apprised the public and gave full opportunity for public knowledge and participation," with considerations including "the public's knowledge of an issue and actual participation in events in light of the history and background of that issue." *KCOB/KLVN, Inc. v. Jasper Cnty. Bd. of Sup'rs.*, 473 N.W.2d 171, 173 (Iowa 1991); *see also, e.g.,* 20FC:0128, *Mark Kuhn/Floyd Cnty. Bd. of Supr's* (finding insufficient notice had been given on agendas where the 'catch-all' phrase "Review/Action coronavirus (COVID-19) issues as applicable" was used for multiple agendas across a period of serval months to encompass all deliberation and action taken in response to COVID-19); 18FC:0061, *Lindsey Larrington/Lucas City Council* (holding that general topics such as "Streets," "Fire Department," "Law Enforcement," and "Parks" without further description provided insufficient notice of matters to be discussed).

46. On March 27, 2025, IPIB staff requested copies of agendas for and minutes of all Trustees board meetings from July 2024 to present. After multiple subsequent requests, White provided the requested materials on April 11, 2025, fifteen days later.

47. In the agenda for August 17, 2024, the tentative agenda included the item "11. Closed Session?" without any additional information on the purpose or justification of the potential closed session, in violation of Iowa Code § 21.4(1)(a) and Iowa Admin. Code r. 497–8.1(3).

48. The agendas provided by White included numerous instances in which agenda items appear to fall short of the standard prescribed by *KCOB/KLVN, Inc.* for sufficient notice of matters to be discussed. Agenda items are typically one to three words, written in all caps, without any supplemental descriptions or further information. Illustrative examples include but are not limited to the following (edited from all caps):

a. September 7, 2024: "Clark Signing Deeds." "Clark" is not the name of any elected individual involved with the Trustees. Assuming this was intended to refer to the Trustees' Clerk, there was no information provided about the nature of the deeds or potential action to be considered.

b. September 7, 2024: "Contracts." Relying on the corresponding meeting minutes for the same meeting, this item was used to review draft contracts for snow removal and mowing, which had been offered for edits. One-word descriptors are generally insufficient to provide the minimum notice to the public.

c. September 7, 2024 and October 5, 2024: "Implementation Planning." There is no indication of what was being considered for implementation.

d. October 5, 2024: "EMS." The agenda provided no information about what matter would be under consideration relating to EMS. Meeting minutes from November 2, 2024 suggest the matter at issue was likely the Trustees' potential contribution to the purchase of a new ambulance as part of a 28E agreement. This one-word descriptor would be clearly insufficient to provide notice of this action under consideration.

e. October 5, 2024: "Spending Approvals." No information was provided concerning what the potential spending related to, or to where the spending would go if approved.

f. November 2, 2024: "Contract Threshold." It is not apparent what contract or policy this agenda item refers to, meaning the public would not be apprised of matters to be discussed.

g. November 2, 2024: "Cameras." Minutes from this meeting indicate that the Trustees discussed the possibility of installing cameras to watch for illegal dumping on property controlled by the Trustees. One-word descriptors are generally insufficient to provide the minimum notice to the public.

h. November 16, 2024: "Kisha's Presentation/Project." No information is provided about the topic of the presentation or the project to be considered. Assuming deliberation or action was taken within the scope of the Trustees' policy-making duties based on this item, the notice given would be insufficient.

49. Recurring issues in providing sufficient notice of tentative agendas for meetings undermine the public's knowledge of and ability to participate in the business of the Trustees as a governmental body subject to Chapter 21 and violate Iowa Code § 21.4(1)(a).

WHEREFORE, in light of the foregoing Petition, your designated prosecutor respectfully requests and prays:

a. The Iowa Public Information Board grant the Petition to Commence a Contested Case Proceeding Before the Iowa Public Information Board by issuing and delivering its

Notice of Hearing to be scheduled at the Jessie M. Parker Building, 510 East 12th Street, Des Moines, Iowa 50319.

b. The Iowa Public Information Board consider for approval all proposed settlements, agreed orders, and compromises of controversy that may be submitted in writing by your designated prosecuting attorney between today's date and the date of hearing.

c. Pursuant to Iowa Code § 23.10(3)(b), and upon a finding by preponderance of the evidence that the Pleasant Grove Township Clerk, Raymond White, or the Pleasant Grove Township Trustees, Norman Fry and Jocelyn Richards, have violated any provision of Chapter 21, the Iowa Public Information Board enters its Order assessing damages and for all other just and proper relief.

RESPECTFULLY SUBMITTED

Alexander Lee
Designated Prosecutor
For the Iowa Public Information Board
Jessie M. Parker Building, East
510 East 12th Street
Des Moines, Iowa 50319
PHONE: (515) 401-4461
alexander.lee@iowa.gov

BY: _____
Alexander Lee, AT-0016117

CERTIFICATE OF SERVICE

I, the undersigned attorney, do hereby certify under penalty of perjury and pursuant to the laws of Iowa that I hand-delivered three (3) copies of the foregoing pleading styled "Petition to Commence a Contested Case Proceeding Before the Iowa Public Information Board" to the Iowa Public Information Board located at the Jessie M. Parker Building, 510 East 12th Street, Des Moines, Iowa 50319, so that they might receive a file stamp, and simultaneously mailed one (1) of those file-stamped copies to the names and addresses of the parties listed below by depositing the same in the United States mail with correct postage properly affixed to each of the following on this, the 9th day of July, 2025:

Pleasant Grove Township Trustees, Respondents
C/O Jared Harmon, Attorney for Respondents
214 East Main Street
Knoxville, Iowa 50138

Alexander Lee

Q's and A's on Contested Cases Before the Iowa Public Information Board

Updated by Emily Willits, Director, Licensing and Administrative Law Division
Iowa Department of Justice
March 2017

! **What is a contested case?**

A "contested case" is a proceeding that determines the legal rights and duties of parties. Most often, a contested case is an evidentiary hearing, much like a trial. Where there are no factual disputes, a case may be decided on fact stipulations, briefing and argument alone.

Iowa Code §§ 17A.2(5), 17A.10A, 23.10(3)(a); 497 IAC 4.2, 4.29.

- **Who is entitled to a contested case?**

All respondents charged with a violation of Iowa Code chapter 21 or 22 are entitled to a contested case. The Board may not find violations of chapter 21 or 22 unless:

The respondent has had an opportunity for a contested case,

Iowa Code § 23.10(3)(a).

OR

The respondent waives the right to a contested case in a settlement order.

Iowa Code § 17A.10; 497 IAC 2.4, 4.6.

- **What triggers the right to a contested case?**

The Board makes the initial decision whether to accept a complaint based on the matters asserted in the complaint. Once accepted, the complaint may be informally resolved. If the respondent does not wish to informally resolve a complaint or informal resolution is unsuccessful, the complaint is formally investigated. At the conclusion of the investigation, Board staff prepares an investigative report. The Board then decides whether there is a reasonable basis to believe the respondent has violated the law and whether the evidence is sufficient to hold a hearing.

Iowa Code §§ 23.6(4), 23.8, 23.9, 23.10(1), (2).

None of the preceding steps involves a contested case. A contested case is required when a majority of the Board (at least 5 affirmative votes) finds probable cause to charge the respondent, enters an order to that effect, and directs staff to initiate a contested case proceeding.

Iowa Code § 23.10(3)(a); 497 IAC 2.1(2), (5), 2.2(4)(d).

! **When does a contested case start?**

The case starts when a notice of hearing is delivered to the respondent.

Iowa Code § 17A.12(1); 497 IAC 4.4(1).

- **What does the notice of hearing include?**

The notice of hearing and attached petition will include:

* Time, place, and nature of hearing
* Legal authority and jurisdiction
* Specific laws and rules involved
* A short and plain statement of matters asserted
* The identity of the prosecutor and all other parties
* The relief requested, and supporting laws and rules
* Citations to procedural rules, including those relating to settlement
* Identity of the presiding officer
* If the presiding officer is *not* an ALJ, the deadline to request an ALJ

Iowa Code §§ 17A.11(1)(a), 17A.12(2); 497 IAC 4.4(2), 4.10(2), 4.15.

- **Who presides at the hearing?**

The Board:

The Board may conduct the hearing itself. In that case, a majority of the Board will receive the evidence and argument, and issue a final decision.

Most boards that conduct hearings will enlist the assistance of an administrative law judge (ALJ) from the Department of Inspections and Appeals (DIA). The ALJ typically conducts the prehearing conference, rules on procedural or evidentiary matters (subject to appeal to the Board), and assures the hearing proceeds in the proper order. The ALJ does not make the final decision, but will be present when the Board deliberates and will draft the Board's final decision for the Board's consideration. The Board then convenes to make any needed changes and votes to issue the final decision.

An ALJ:

The Board may alternatively designate a DIA ALJ to preside at the hearing. In that case, the ALJ will handle all aspects of the case and issue a proposed decision. The proposed decision is then subject to appeal to the Board by the prosecutor or respondent, and to review by the Board itself. If an ALJ presides at a hearing, the ALJ must have knowledge of or experience with Iowa Code chapters 21 and 22, unless waived by the Board.

Iowa Code § 17A.11(1)(a); 497 IAC 4.2, 4.5(4), 4.24, 4.26.

- **What if a respondent wants an ALJ to preside at the hearing?**

If the Board identifies itself to hear the case, the respondent may request that the hearing be conducted by an ALJ. The request is due within 10 days of service of the notice of hearing. The Board has 10 days to rule.

The Board gives preference to granting a request for an ALJ and may only deny the request if the Board finds that 2 or more of the following apply:

> a. Neither the board nor any member of the board under whose authority the contested case is to take place is a named party to the proceeding or a real party in interest to that proceeding.
>
> b. There is a compelling need to expedite issuance of a final decision in order to protect the public health, safety, or welfare.

c. A qualified administrative law judge is unavailable to hear the case within a reasonable time.

d. The case involves significant policy issues of first impression that are inextricably intertwined with the factual issues presented.

e. The demeanor of the witnesses is likely to be dispositive in resolving the disputed factual issues.

f. Funds are unavailable to pay the costs of an administrative law judge and an interagency appeal.

g. The request was not timely filed.

Iowa Code § 17A.11(1)(a); 497 IAC 4.5.

- **Who prosecutes the case?**

The case is prosecuted by the Board's Executive Director or an attorney selected by the Executive Director.

Iowa Code §§ 23.6(1), 23.10(3)(a).

! **What is the Board's role after charges are filed?**

The Board=s role is to decide the case. As decision makers, Board members use their expertise to resolve any factual or legal disputes in reaching a final decision on whether a violation has occurred and what, if any, remedies are warranted. Board members act as judges whether they preside at the hearing and issue a final decision, or issue a final decision on review of an ALJ's proposed decision.

Iowa Code §§ 17A.11; 17A.14(5), 23.6(8), 23.10(3)(a), (b).

- **What are the respondent's rights?**

The respondent in a contested case has the right to:

* Adequate notice of the charges upon which to defend

Iowa Code § 17A.12(2)

* Counsel at the respondent's expense

  Iowa Code § 17A.12(4)

* A copy of the complaint, investigative file, and witness statements

  Iowa Code § 17A.13(2)

* Discovery as in a civil case

  Iowa Code § 17A.13(1); 497 IAC 4.12

* Subpoenas for witnesses and/or records

  Iowa Code §§ 17A.13(1), 23.6(7); 497 IAC 4.13

* Hear and respond to the evidence

  Iowa Code § 17A.12(4); 497 IAC 4.19

* Cross examine the prosecutor's witnesses

  Iowa Code §§ 17A.13(2), 17A.14(3)

* Findings based solely on the evidence at hearing or officially noticed in the record, of a kind on which reasonably prudent persons are accustomed to rely for the conduct of their serious affairs

  Iowa Code §§ 17A.12(8), 17A.14(1), 17A.16(1); 497 IAC 4.20

* Conclusions of law supported by cited authority or reasoned opinion

  Iowa Code § 17A.16(1)

* Unbiased, neutral decision makers, free from prejudgment, prohibited ex parte communications, or improper combinations of functions, and guided by the Code of Administrative Judicial Conduct

  Iowa Code §§ 10A.801(7)(d), 17A.11(2), 17A.17(8)

- **What is the role of the prosecutor?**

  The prosecutor presents evidence supporting the Board's charges at hearing. Once the charges are filed, the prosecutor can not act as legal advisor to the Board on issues arising in that case or a factually similar case involving the same parties. The prosecutor may not have ex parte communications about the case with the Board and is guided by ethical standards applicable to attorneys.

  Iowa Code §§ 17A.17(8), 23.6(1), 23.10(3)(a)

! **Who answers legal questions after charges are filed?**

  When the Board presides at the hearing, many legal or procedural questions can be answered by the ALJ selected to assist the Board. If not disqualified, the Executive Director can provide legal advice. Depending on the circumstances and the parties to the case, the Board may receive legal advice from the Attorney General=s Office or an attorney retained for that purpose.

  Iowa Code §§ 13.2(1)(b), 23.6(5), (9); 497 IAC 4.22(1), (6)

- **What is the role of the complainant?**

  The complainant is not a party to the case unless allowed to intervene upon timely motion for leave to intervene. The complainant may be a witness if called by the prosecutor or respondent.

  Iowa Code § 23.10(3)(a); 497 IAC 4.18

! **What is an "ex parte" communication?**

  Once the case has begun, it is unfair for either the prosecutor or the respondent to communicate with the decision maker about issues to be decided in the case without the other side being present. Communications about the issues with only one side present are Aex parte.@ No ex parte communication about the issues are allowed from the time formal charges are delivered to the respondent until after a final decision has been made and the time to apply for rehearing has expired (or the Board has ruled on any application for rehearing).

  Iowa Code § 17A.17(1)(a).

! **Are ex parte communications prohibited before charges are filed?**

Ex parte communications are not prohibited before charges are filed, but if Board members receive material factual information relating directly to the merits of a case on an ex parte basis they will need to disclose those facts on the record after charges are filed unless the facts are supplied to the respondent and prosecutor in investigatory materials or discovery. This assures that all parties are aware of facts known to the decision makers which may impact the outcome of a case and gives all parties the opportunity to use or rebut the information at hearing.

The issue is minimized when all investigative facts are included in written reports that can be readily supplied to the parties. In that event, the issue will only arise if a Board member has exposure to material facts outside of service on the Board.

Iowa Code § 17A.17(3); 497 IAC 4.8(2), 4.22(9)

! **What is the prohibition on ex parte communication?**

As soon as the charges are delivered to the respondent, Board members are prohibited from having ex parte communications with:

* the prosecutor
* the respondent and the respondent's counsel
* all advocates, such as witnesses
* anyone with a personal interest in the case
* anyone who personally investigated the case
* anyone who is supervised by anyone who prosecuted, advocated, or personally investigated the case

If the Executive Director personally investigated the case, ex parte communications will be prohibited with all Board staff. A respondent may authorize the prosecutor to communicate with a Board member or the Board without the respondent present to facilitate settlement discussions.

Iowa Code § 17A.17(1)(a), (b), (2), (8); 497 IAC 2.4(2), 4.22

! **What if a Board member receives or initiates a prohibited ex parte communication after the case is on file?**

Receiving or initiating prohibited ex parte communications after the case is on file is a serious matter which can trigger a variety of remedies including, placing the details of the communication and response in the record of the case,

disqualification of a Board member, and discipline against the person responsible for the communication. If a Board member is uncertain whether a particular communication should be placed in the record, the Board member should promptly seek advice from the ALJ or legal advisor.

Iowa Code § 17A.17(4), (5), (6); 497 IAC 4.22(8), (10)

! **Who can a Board member consult with about the case?**

Board members may talk with each other about the case. Board members may also consult with Board staff, including during closed session deliberations, as long as the staff member is not personally interested in the case, has not prosecuted, advocated or personally investigated the case, and is not supervised by someone who prosecuted, advocated or personally investigated the case.

When the Board presides at hearing, Board members may consult with the ALJ. Board members may also consult with the Attorney General's Office, if not disqualified, or retained legal counsel. Staff may receive ex parte communications which the Board would be prohibited from receiving, but staff may not share those communications with the Board.

Iowa Code § 17A.17(1)(b); 497 IAC 4.22(1), (5)

! **When is a Board member disqualified from hearing a case?**

Board members must disqualify themselves if they are personally interested in the case or have prosecuted, advocated in, or personally investigated the pending case, or a factually similar case or controversy involving the same parties. Board members are also disqualified if they participated in an attempted informal resolution of the matter before charges were filed or if they are biased. Board members are not required to disqualify themselves merely because they are acquainted with the respondent or the respondent's counsel, but they must disqualify themselves if due to a relationship with the respondent or other factors they are not capable of fairly judging the facts. See, 497 IAC 4.8(1).

When in doubt, Board members should seek advice on whether the issues which trouble them provide grounds for disqualification or should be disclosed. Board members should resolve issues on disqualification at the earliest possible time, which may be when the complaint is first filed.

Iowa Code §§ 17A.11(2), (3), (4), (5), 17A.17(7), (8); 481 IAC 10.29(3)(b), 497 IAC 2.2(1)(b), 4.8

! **What does "personally investigate" mean?**

The term "personally investigate" means taking affirmative steps to interview witnesses directly, including the complainant or respondent, or obtain documents directly. The term does not include general direction or supervision of assigned investigators, unsolicited receipt of information which is relayed to investigators, exposure to investigative materials while making a probable cause determination, or exposure to factual information while performing other Board functions, such as fact gathering for purposes other than investigation of the matter which culminates in a contested case.

Respondents can waive the right to seek disqualification on this ground, but absent waiver, a Board member who personally investigates a case is disqualified from making any decisions in the case.

497 IAC 4.8(2)

! **What is the procedure at hearing?**

When the Board presides at the hearing, an ALJ usually guides the Board through the procedures at hearing. Use of an ALJ is not required, but is often helpful. The order of most hearings is similar to that in a trial, including opening statements outlining the evidence, the presentation of testimony and exhibits, and closing arguments. The Board and the ALJ then proceed to deliberations, most typically in closed session to facilitate the judicial deliberative process.

If an ALJ presides over the hearing, the procedures are the same, except that the ALJ will issue a proposed decision which is subject to review by the Board and appeal by the parties (prosecutor or respondent).

497 IAC 4.19

! **Can Board members ask questions?**

Board members may ask questions of each witness after the witness is questioned by the prosecutor and respondent or respondent's counsel. Questions should be relevant to the issues included in the notice of hearing and petition and should be designed to elicit information, not to berate or lecture witnesses, argue with witnesses about the merits of their testimony, or offer opinions about the merits of any issue in the case. Board members should reserve expressing their opinions until deliberations.

! **What are decisions based on?**

Decisions must be based on evidence and argument presented at hearing. Board members are not permitted to rely upon any information which has not been introduced at hearing, even if that information is included in materials the Board member reviewed before the case was commenced.

Iowa Code § 17A.12(8)

! **What should a decision include?**

All decisions and rulings must be in writing or stated in the record and must contain separately stated findings of fact and conclusions of law. The decision must explain why the relevant evidence in the record supports each material finding of fact. The decision should also explain why contrary evidence was rejected. Where witness credibility is important to resolving disputed facts, the factors deemed important in making that determination should be addressed.

Iowa Code §§ 17A.16(1), 17A.19(10)(f)(3)

If the Board presides at the hearing, the Board will issue a final decision. As noted, an ALJ typically drafts the ruling, but will only memorialize the decision the Board reached.

Iowa Code § 17A.15(1)

If an ALJ presides at the hearing, the ALJ issues a proposed decision. This decision will only become the final decision if it is not appealed by any party and is not reviewed by the Board. If a respondent is aggrieved by a proposed decision, the respondent must appeal that decision to the Board in order to exhaust administrative remedies.

Iowa Code § 17A.15(2), (3)

When reviewing a proposed decision, the Board may reverse or modify factual findings if a preponderance of the evidence supports such reversal or modification. The Board should explain why factual findings were reversed or modified with support from the transcript or exhibits. The Board may reverse any conclusion of law the Board finds to be in error.

Iowa Code § 17A.15(3)

Note that five affirmative votes are required to find a violation of chapter 21 or 22. If only 5 Board members hear the case, the decision must be unanimous in order to impose remedies on a respondent.

Iowa Code § 23.10(3)(a)

Remember, there are numerous target audiences for any Board decision – the respondent, the complainant, similarly-situated public bodies or officials, the general public, and a future reviewing court.

- **Can a Board decision be challenged?**

A party may seek rehearing before the Board within 20 days of the day the final decision is issued (mailed or otherwise delivered). A party may also seek judicial review in the district court under Iowa Code chapter 17A within 30 days of the date the decision was issued (mailed or otherwise delivered) or within 30 days of the date an application for rehearing has been ruled on or deemed denied. An application for rehearing is deemed denied if not ruled on within 20 days.

Iowa Code §§ 17A.16(2), 17A.19(1), (3); 497 IAC 4.2 (definition of "issue"), 4.26, 4.27

- **Are Board members guided by a Code of Conduct?**

Board members are governed by a Code of Administrative Judicial Conduct whenever they act in an adjudicatory capacity, including presiding at the hearing, reviewing proposed decisions by an ALJ, or issuing final decisions. A reprint of portions of the Code follows:

Iowa Code § 10A.801(7)(d); 481 IAC 10.29

Canon 1

A presiding officer shall uphold the integrity and independence of the administrative judiciary.

a. An independent and honorable administrative judiciary is indispensable to justice in society.

b. A presiding officer shall participate in establishing, maintaining, and enforcing high standards of conduct and shall personally observe those standards

so that the integrity and independence of the administrative judiciary will be preserved.

c. The provisions of this code are to be construed and applied to further that objective.

Canon 2

A presiding officer shall avoid impropriety and the appearance of impropriety in all adjudicative functions in contested cases.

a. A presiding officer shall respect and comply with the law and at all times shall act in a manner that promotes public confidence in the integrity and impartiality of the administrative judiciary.

b. A presiding officer shall not allow family, social, political, or other relationships to influence the presiding officer=s judicial conduct or judgment. This provision shall not be construed as prohibiting the development of public policy by contested case adjudication. A presiding officer shall not lend the prestige of the office to advance the private interests of the presiding officer or others; nor shall a presiding officer convey or permit others to convey the impression that they are in a special position to influence the presiding officer.

c. A presiding officer shall not hold membership in any organization that the presiding officer knows practices invidious discrimination on the basis of race, sex, religion or national origin.

Canon 3

A presiding officer shall perform the duties of the office impartially and diligently.

a. *Adjudicative responsibilities*. A presiding officer in the performance of adjudicative duties in contested case proceedings shall follow these standards:

(1) A presiding officer shall be faithful to the law, unswayed by partisan interests, public clamor, or fear of criticism.

(2) A presiding officer shall maintain order and decorum in proceedings before the presiding officer.

(3) A presiding officer shall be patient, dignified, and courteous to litigants, witnesses, attorneys, representatives, and others with whom the presiding officer deals in an official capacity, and shall require similar conduct of attorneys, representatives, staff members and others subject to the presiding officer-s direction and control.

(4) A presiding officer shall not, in the performance of adjudicative duties by words or conduct, manifest bias or prejudice, including but not limited to bias or prejudice based upon sex, race, national origin or ethnicity and shall not permit staff and others subject to the presiding officer-s direction and control to do so.

(5) A presiding officer shall accord to all persons who are legally interested in a proceeding, or their representatives, full right to be heard according to law, and neither initiate nor consider ex parte communications prohibited by Iowa Code section 17A.17.

(6) A presiding officer shall dispose of all adjudicative matters promptly, efficiently and fairly.

(7) A presiding officer shall abstain from public comment about a pending or impending contested case proceeding that might reasonably be expected to affect the outcome or impair the fairness of the proceeding, and shall require similar abstention by agency personnel subject to the presiding officer-s direction and control. This subparagraph does not prohibit a presiding officer from making public statements in the course of official duties or from explaining for public information the hearing procedures of agencies.

(8) A presiding officer shall not disclose or use, for any purpose unrelated to adjudicative duties, nonpublic information acquired in an adjudicative capacity except as lawfully permissible in the performance of official duties by an agency head or member of a multimember agency head.

(9) A presiding officer shall report any violation of this code to the appropriate authority for any disciplinary proceedings provided by law.

b. *Disqualification*. A presiding officer or other person shall withdraw from participation in the making of any proposed or final decision in a contested case if that person:

(1) Has a personal bias or prejudice concerning a party or a representative of a party;

(2) Has personally investigated, prosecuted or advocated, in connection with that case, the specific controversy underlying that case, or another pending factually related contested case, or a pending factually related controversy that may culminate in a contested case involving the same parties;

(3) Is subject to the authority, direction or discretion of any person who has personally investigated, prosecuted or advocated in connection with that contested case, the specific controversy underlying that contested case, or a pending factually related contested case or controversy involving the same parties;

(4) Has acted as counsel to any person who is a private party to that proceeding within the past two years;

(5) Has a personal financial interest in the outcome of the case or any other significant personal interest that could be substantially affected by the outcome of the case;

(6) Has a spouse or relative within the third degree of relationship that:
1. Is a party to the case, or an officer, director or trustee of a party;
2. Is an attorney in the case;
3. Is known to have an interest that could be substantially affected by the outcome of the case; or
4. Is likely to be a material witness in the case; or

(7) Has any other legally sufficient cause to withdraw from participation in the decision making in that case.

c. *Disclosure on record*. In a situation where a presiding officer knows of information which might reasonably be deemed to be a basis for disqualification and decides voluntary withdrawal is unnecessary, the presiding officer shall disclose the relevant information on the record and shall state reasons why voluntary withdrawal is unnecessary.

Dashboard

Board Dashboard

Dashboard for Board Meetings

As of Jul 11, 2025, 10:51 AM · Viewing as Erika Eckley

Active Cases Report

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Active Questions Report

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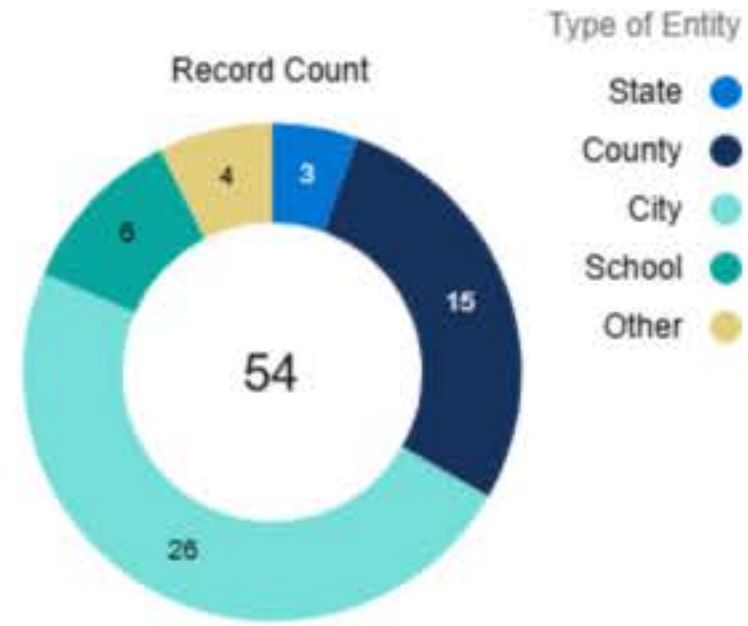
Cases by Entity



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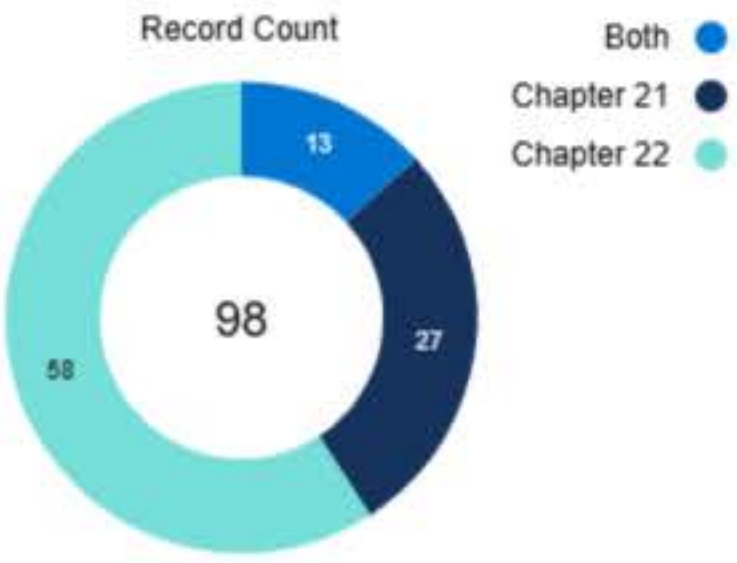
Active AO Report

5

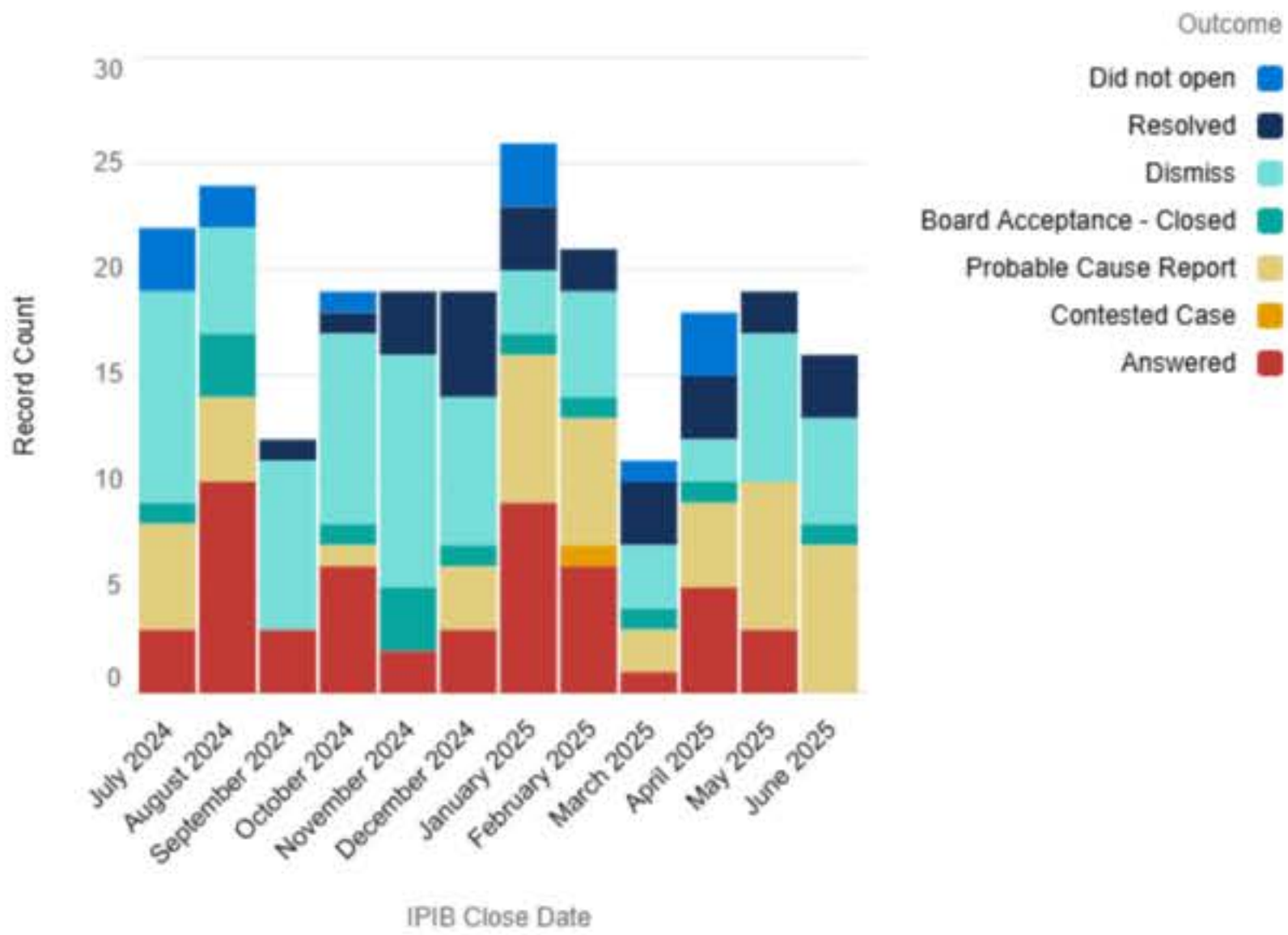
View Report (Active AO Report)

Broad Type (Filed in Current



View Report (Broad Type As of Jul 11, 2025, 10:51 AM

Closed cases (past 12 months)



View Report (Closed cases (past 12 months))

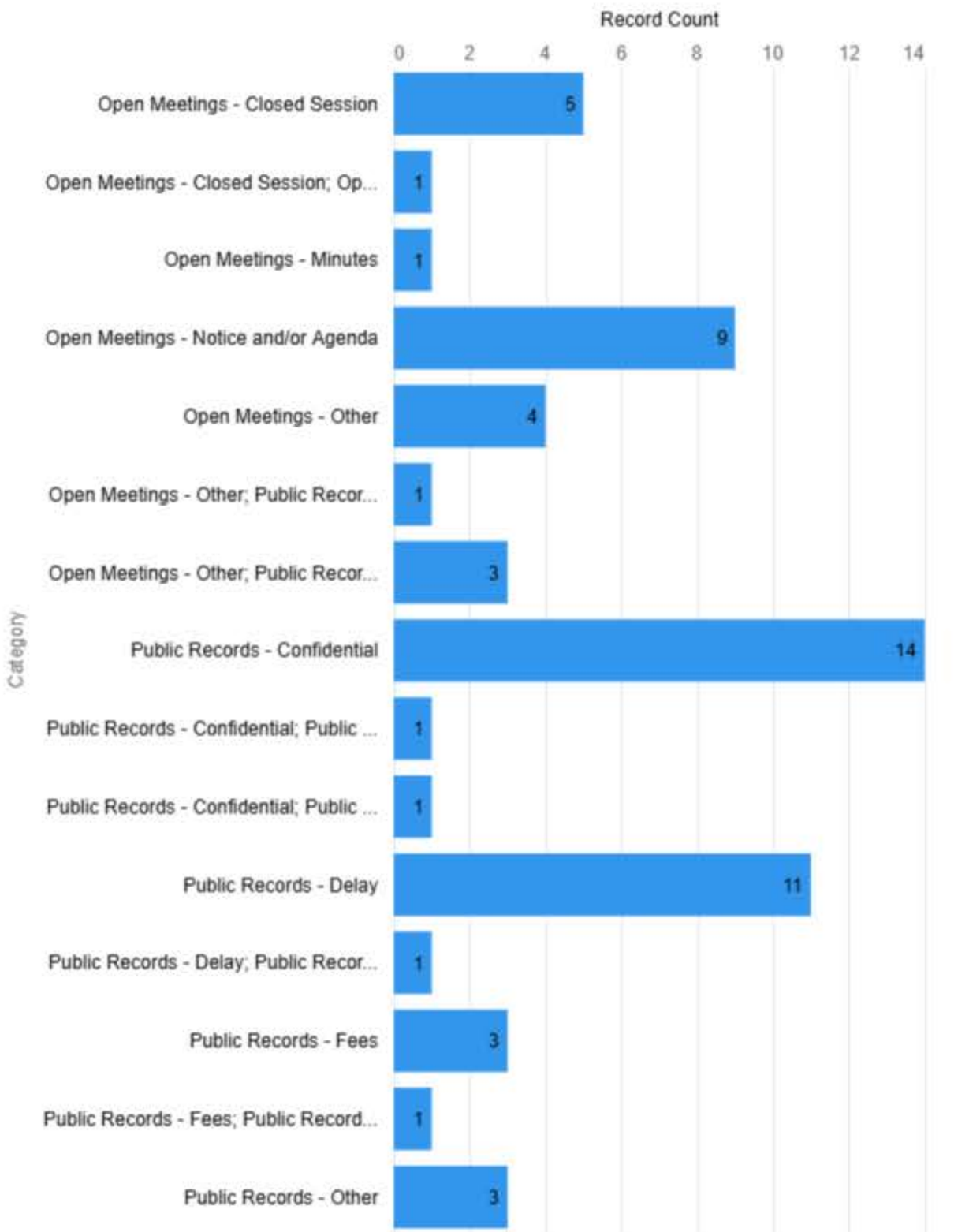
As of Jul 11, 2025, 10:51 AM

Dashboard

Cases by Type

As of Jul 11, 2025, 10:53 AM · Viewing as Erika Eckley

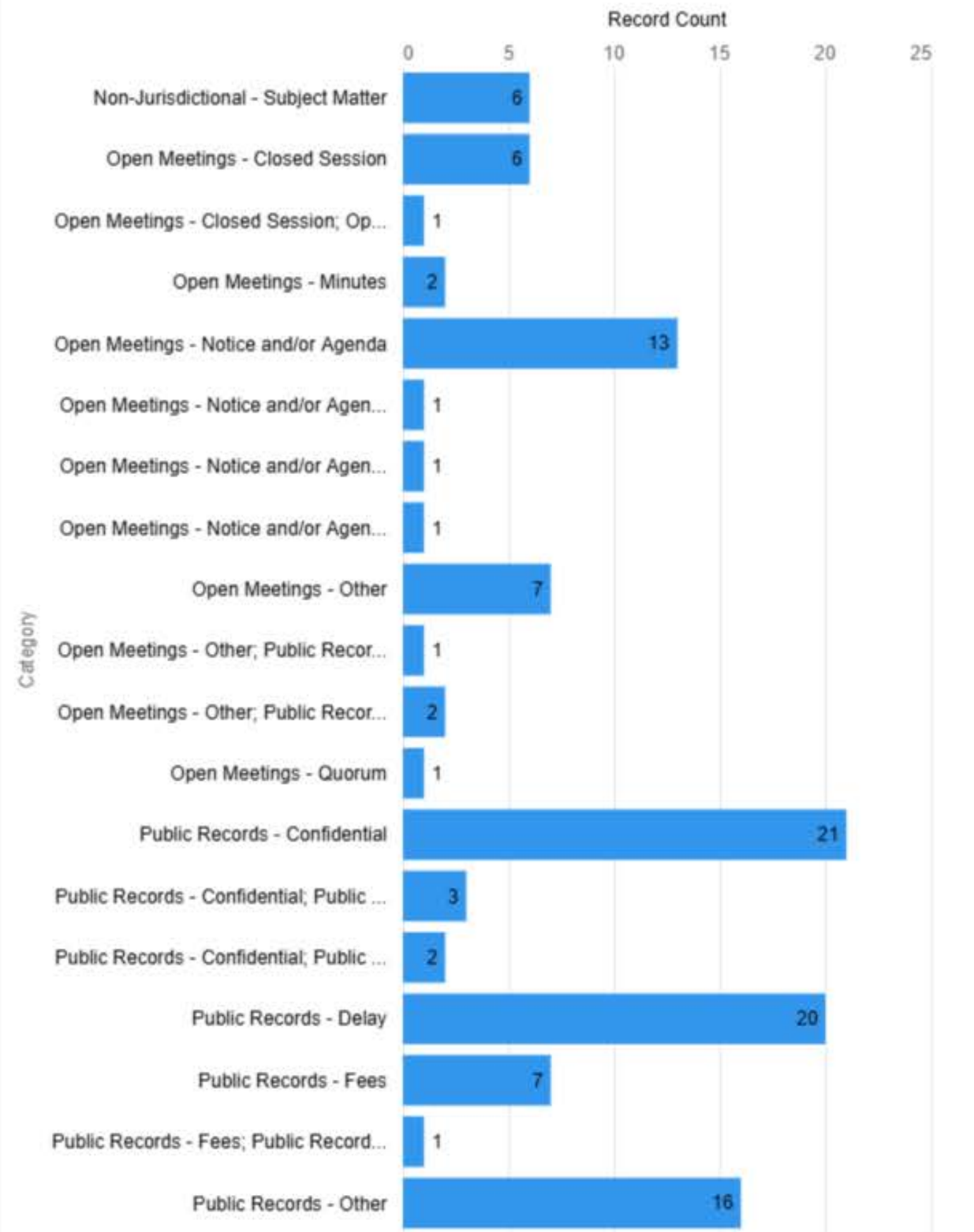
Cases by Type (Active)



View Report (Cases by Type (Active))

As of Jul 11, 2025, 10:53 AM

Cases by Type (Filed in Current Year)



View Report (Cases by Type (Filed in Current Year))

As of Jul 11, 2025, 10:53 AM

Fund:	**0001**	**General Fund**		
Unit	**0P22**		**EDas Customer Number:**	**1882**
Sub Unit	**Blank**	**FY2025**	**Percent of Year Complete**	**100.00%**
Approp:	**P22**	**Iowa Public Information Board**		

Forecast
Actual

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 EOY
		Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Forecast	Forecast	Forecast	Actual	(C=A+B)	(D)	To Date	
	Appropriation	**363,227**																	**363,227**		
	Deappropriation	**-**																			
	BBF (T&T)	-																			
Expenditures																					
101	Personal Services	19,563	19,067	19,474	35,990	23,251	24,217	24,484	24,537	24,484	37,441	23,665	24,702	7,261	-	-	300,876	308,137	323,270	93%	95%
202	In State Travel	333	38	625	-	122	224	928	396	326	247	675	-	-	-	-	3,912	3,912	3,487	112%	112%
301	Office Supplies	-	129	304	255	148	120	120	147	790	120	158	-	-	-	-	2,290	2,290	3,000	76%	76%
309	Printing & Binding	-	-	-	-	61	-	-	0	-	-	-	-	-	-	-	61	61	500	12%	12%
313	Postage	-	6	8	3	6	4	4	9	5	4	4	8	4	-	-	61	65	150	41%	43%
401	Communications	-	174	160	221	139	139	139	139	139	139	139	(1,450)	139	-	-	82	221	3,000	3%	7%
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	2,219	2,235	-	-	20,803	23,038	12,000	173%	192%
416	ITD Reimbursements	-	299	11,271	(6,376)	309	276	276	276	277	277	274	276	276	-	-	7,435	7,711	15,820	47%	49%
418	IT Outside Services	-	146	146	146	146	146	146	146	146	146	146	146	146	-	-	1,610	1,756	1,000	161%	176%
701	Licenses	-	-	-	-	-	-	-	275	500	-	-	-	-	-	-	775	775	-	0%	0%
Total Expenditures:		**19,896**	**21,459**	**33,596**	**31,842**	**26,097**	**26,803**	**27,576**	**27,400**	**31,716**	**38,320**	**27,297**	**25,902**	**10,062**	**-**	**-**	**337,905**	**347,966**	**363,227**	**93%**	**96%**
Current Month Operations		**343,331**	**(21,459)**	**(33,596)**	**(31,842)**	**(26,097)**	**(26,803)**	**(27,576)**	**(27,400)**	**(31,716)**	**(38,320)**	**(27,297)**	**(25,902)**	**(10,062)**	**-**	**-**					
Cash Balance		**343,331**	**321,872**	**288,276**	**256,434**	**230,337**	**203,533**	**175,958**	**148,558**	**116,842**	**78,522**	**51,224**	**25,322**	**15,261**	**15,261**	**15,261**					

Footnotes:

Unit should be managed to $0 at year end.

Expenditures

101 - Slip was budgeted for retirement, but is not being utilized in FY25.
Months of October and April have 3 payroll warrants written.
July actual included retirement vacation payout.

309 - November actual was B&W General Copy - October 17 packet from Kim Murphy Per Board.

401 - June is move of ICN charges to P22T.

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 **FY2025**
Approp: P22 **Iowa Public Information Board**

EDas Customer Number: 1882
Percent of Year Complete 100.00%

Percent Actual

Obj/Rev Class	Obj/Rev Class Name	JULY Actual	AUG Actual	SEPT Actual	OCT Actual	NOV Actual	DEC Actual	JAN Actual	FEB Actual	MAR Actual	APR Actual	MAY Actual	JUNE Actual	HO13 Forecast	HO14 Forecast	HO15 Forecast	YTD Actual	End of Year Forecast (C=A+B)	Annual Budget (D)	Percent of Budget To Date	Percent of Budget Forecasted EOY
	Appropriation	-																			
	Deappropriation	-																			
	BBF (T&T)	18,225																			
Expenditures																					
401	Communications	-	-	-	-	-	-	-	-	-	-	-	1,589		-	-	1,589	1,589	-	0%	0%
406	Outside Services	-	-	-	3,900	-	-	-	-	-	2,452	-	-	-	-	-	6,352	6,352	-	0%	0%
416	ITD Reimbursements	-	-	-	6,688	-	-	-	1,109	-	-	1,470	-	1,018	-	-	9,267	10,285	-	0%	0%
503	Equipment-Non Inventory	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%	0%
Total Expenditures:		**-**	**-**	**-**	**10,588**	**-**	**-**	**-**	**1,109**	**-**	**2,452**	**1,470**	**1,589**	**1,018**	**-**	**-**	**17,208**	**18,225**	**-**	**#DIV/0!**	**#DIV/0!**
Current Month Operations		**18,225**	**-**	**-**	**(10,588)**	**-**	**-**	**-**	**(1,109)**	**-**	**(2,452)**	**(1,470)**	**(1,589)**	**(1,018)**	**-**	**-**					
Cash Balance		**18,225**	**18,225**	**18,225**	**7,637**	**7,637**	**7,637**	**7,637**	**6,528**	**6,528**	**4,076**	**2,607**	**1,018**	**(0)**	**(0)**	**(0)**					

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

Expenditures

Spent FY25	17,207.60
Obligated FY25	1,017.86
Revert FY25	(0.00)
	18,225.46

401 - June is move of communication charges from 0P22.
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 0P22 edas bill.
HO13 is estimate for Carasoft work.

Changes to T&T Amounts:

P22 :		**CORRECTFY24P22CO**
	13,542.79	T&T CF from FY23 to FY24
	12,352.70	Expended per report to LSA
	1,190.09	Remaining FY23 to Revert
What was done to close FY24:		
	38,831.08	Remaining amount at end of FY24
	19,415.54	BG05 to Revert in FY24
	19,415.54	BG42 to CF T&T from FY24 to FY25
	-	
What Should have been done to close FY24:		
	38,831.08	Remaining amount at end of FY24
	1,190.09	Remaining FY23 to Revert - should have been reverted as a BG55
	37,640.99	Should have been the remaining FY24 Balance
	18,820.49	Should have been BG05 to revert in FY24
	18,820.50	Should have been BG42 to CF T&T from FY24 to FY25
	-	
To Correct FY24 Close Out Done Incorrectly - in FY25:		
	595.05	Should have been BG55 to Revert - is already included on the tracking spreadsheet for FY24 so no correction needed.
	595.04	Should have been BG55 to Revert - need to revert in FY25 and add to tracking spreadsheet for FY24.
	20,010.58	Total Amount avaialbe in FY24 for Appeal Board Claims

Forecasting Notes:

On Fri, Jan 31, 2025 at 1:03 PM Eckley, Erika <erika.eckley@iowa.gov> wrote:
This is approved. Please pay. If there is additional information you need for this license. I have copied Kiki Fox so she can provide it.

Erika Eckley, Executive Director
Iowa Public Information Board (IPIB)

uote 52445427.pdf Open with Google Docs

Erika Eckley, Executive Director
Iowa Public Information Board
502 East 9th Street
Wallace Building, Third Floor
Des Moines, IA 50319 USA

EMAIL: Erika.Eckley@iowa.gov
PHONE: (515) 393-8339

Ashley Messner
Carahsoft Technology Corp.
1860 Sunset Hills Road
Suite 100
Reston, Virginia 20190

EMAIL: Ashley.Messner@carahsoft.com
PHONE: (571) 591-6353

TERMS: Contract No. 2021-BUS-1026
Base Contract No. TX-DIR-4288
Expiration Date: February 21, 2025
FTIN: 52-2189693
Shipping Point: FOB Destination
Credit Cards: VISA/MasterCard/AMEX
Remit To: Same as Above
Payment Terms: Net 60 (On Approved Credit)
Sales Tax May Apply

QUOTE NO:	52445427
QUOTE DATE:	01/30/2025
QUOTE EXPIRES:	01/31/2025
RFQ NO:	
SHIPPING:	ESD
TOTAL PRICE:	$452.13
TOTAL QUOTE:	$452.13

LINE NO.	PART NO.	DESCRIPTION	QUOTE PRICE		QTY	EXTENDED PRICE
1	Salesforce	Customer Community - Enterprise Edition - Logins (Per Month) Salesforce.com, Inc. - 200005833 Start Date: 01/30/2025 End Date: 06/30/2025	$9.42	TX DIR	40	$376.80
2	Salesforce	Premier Success Plan 30% Net Price Salesforce.com, Inc. - 121-0335 Start Date: 01/30/2025 End Date: 06/30/2025	$75.33	TX DIR	1	$75.33
		SUBTOTAL:				$452.13
		TOTAL PRICE:				**$452.13**
		TOTAL QUOTE:				**$452.13**

Few tickets left

Just Added

Friday, August 15

IPIB Training for Newly Elected and Appointed Officials

Free
Aug 15 · 12:00 PM CDT

Get tickets

IPIB training for all newly elected and appointed officials as required under H.F. 706

By Iowa Public Information Board

Follow

Date and time

Friday, August 15 · 12 - 1:30pm CDT