

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

Charlotte Miller, Executive 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

August 21, 2025, 1:00 p.m.

Conference Room

Jessie Parker Building, East

510 East 12th Street, Des Moines

1:00 PM – IPIB Meeting

- I. Approval of agenda***
- II. Approval of the July 17, 2025 minutes ***
- III. Public Forum (5-minute limit per speaker)**
- IV. Comments from the board chair. (Lucas)**
- V. Consent Agenda ***
 - A. Dismissals**
 - 1. Dismiss 25FC:0088 (Jaicy Skaggs - Chapter 22- City of Kellogg) 7/7/2025 - Draft Order
 - 2. Dismiss 25FC:0098 (Herbert Reidel – Chapter 21 - Northeast Iowa Community College) 7/21/2025 – Draft Order
 - B. Acceptance**
 - 1. Accept 25FC:0088 (Jaicy Skaggs - Chapter 22- City of Kellogg) 7/7/2025 - Draft Order
 - 2. Accept 25FC:0092 (Keith Wieland - Chapter 21- Buchanan County Solid Waste Commission) 7/9/2025 - Information Gathering/IR Process
 - 3. Accept 25FC:0091 (Kalen McCain - Chapter 22- City of Washington) 7/10/2025 - Information Gathering/IR Process
 - 4. Accept 25FC:0096 (Kirk Lager - Chapter 22- Iowa Department of Corrections) 7/21/2025 - Information Gathering/IR Process

5. 25FC:0099 (Mount Pleasant Municipal Utilities - Chapter 21- Resale Power Group of Iowa) 7/28/2025 - Complaint Opened/Acknowledged

C. HF 706 Training Providers Approval (Lee)

1. Ahlers & Cooney, P.C.
2. Iowa State Extension and Outreach Community and Economic Development
3. Linn County
4. League of Cities

VI. Advisory Opinion – Deliberation/Action.

1. 25AO:0011 (Alexander Lee - -) 7/31/2025 - Acknowledgement of Opinion - Who is required to complete mandatory training on Chapters 21 and 22 under Section 21.12?

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

1. Dismiss 24FC:0089 (Curtis Wagler - Chapter 22- Henry County Sheriff's Office) 10/8/2024 – Draft Order
2. 24FC:0092 (Aubrey Burress - Both- Pleasant Grove township) 10/21/2024 - Contested Case
3. 25FC:0040 (Stephanie Erickson - Chapter 21- Indianola City Council) 4/10/2025 -Informal Resolution Report
4. 24FC:0120 (Paul Dorr - Both- Osceola County, Iowa) 11/27/2024 – Final Report

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 Matters Withdrawn, No Action Necessary.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

1. 25FC:0068 (Kelley DeLong - Chapter 22- Benton County Sheriffs department) 6/5/2025
2. 25FC:0084 (Lucian Diaconu - Chapter 22- Great Prairie AEA) 7/1/2025
3. 25FC:0094 (Barclay Woerner - Chapter 21- Cedar Rapids Community School District) 7/17/2025
4. 25FC:0095 (Kevin Terdal - Chapter 22- IPERS) 7/18/2025

IX. Pending Advisory Opinion and Complaints. Informational Only (Lee)

1. (Nicole Cox - - City of Centerville) 8/7/2025 - New / Question Information Reviewed- Is a letter/email sent to a city by the attorney of an opposing party considered to be a confidential public record?
2. 24AO:0013 (Erika Eckley - -) 12/12/2024 - New / Question Information Reviewed - How should interviews for public employees be conducted after the Teig v. Loeffler decision?
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 Reviewed - What 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:0110-1 (Keegan Jarvis - Chapter 21- City of Swan IA) 11/6/2024 - Information Gathering/IR Process
7. 25FC:0012 (Matt Loffer - Chapter 22- City of Marengo, Marengo Police Department) 2/3/2025 - Information Gathering/IR Process
8. 25FC:0018 (Tammy Wise - Chapter 21- Tama County) 2/10/2025 - Information Gathering/IR Process

9. 25FC:0022 (Steve St. Clair - Chapter 22- The Winneshiek County Board of Supervisors and the City of Ossian. The governmental entities associated with the other government employees/officials listed above were also involved, less directly.) 2/17/2025 - Board Acceptance of IR
10. 25FC:0027 (Jerry Hamelton - Chapter 22- Keokuk Police Department) 3/12/2025 - Probable Cause Investigation
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 - Information Gathering/IR Process
13. 25FC:0055 (Justin Cole - Chapter 21- Mount Union Benefited Fire District) 5/21/2025 - Information Gathering/IR Process
14. 25FC:0061 (Dylan Southall - Chapter 22- Cedar Falls Utilities - Cedar Falls, Iowa) 5/23/2025 - Information Gathering/IR Process
15. 25FC:0058 (Rachel Doyle - Both- City of Rolfe) 5/27/2025 - Information Gathering/IR Process
16. 25FC:0065 (John Rasmussen - Chapter 21- Pottawattamie County Board of Supervisors) 6/3/2025 - Information Gathering/IR Process
17. 25FC:0069 (Cassie Rochholz - Chapter 21- City of Solon) 6/4/2025 - Information Gathering/IR Process
18. 25FC:0067 (EyesOffCR - Chapter 22- City of Cedar Rapids) 6/6/2025 - Information Gathering/IR Process
19. 25FC:0070-2 (Keith Wieland - Chapter 22- Buchanan County, Iowa) 6/10/2025 - Information Gathering/IR Process
20. 25FC:0070-4 (Keith Wieland - Chapter 22- Buchanan County, Iowa) 6/10/2025 - Information Gathering/IR Process
21. 25FC:0070-1 (Keith Wieland - Chapter 22- Buchanan County, Iowa) 6/10/2025 - Information Gathering/IR Process
22. 25FC:0070-3 (Keith Wieland - Chapter 22- Buchanan County, Iowa) 6/10/2025 - Information Gathering/IR Process
23. 25FC:0073 (Justin Scott - Chapter 21- Denver Community School District) 6/12/2025 - Information Gathering/IR Process
24. 25FC:0072 (Jonathan Uhl - Chapter 22- Scott County / Scott County Attorney's Office) 6/13/2025 - Information Gathering/IR Process
25. 25FC:0074 (Noelle Bolibaugh - Chapter 22- Oskaloosa School District) 6/16/2025 - Information Gathering/IR Process
26. 25FC:0075 (Chris Stevens - Chapter 22- City of Swea City IA) 6/17/2025 - Information Gathering/IR Process
27. 25FC:0076 (Ken Allsup - Both- Oskaloosa School Board) 6/17/2025 - Information Gathering/IR Process
28. 25FC:0077 (Terra Helmers - Chapter 21- Tripoli City Council) 6/20/2025 - Complaint Opened/Acknowledged
29. 25FC:0079 (Judith Lee - Chapter 22- City of Davenport) 6/24/2025 - Information Gathering/IR Process
30. 25FC:0082 (Tim Ferguson - Public Records Law- Davenport Police) 6/24/2025 - Complaint Opened/Acknowledged
31. 25FC:0083 (Amber Turner - Chapter 21- Mitchellville City Council and Mayor) 6/30/2025 - Information Gathering/IR Process
32. 25FC:0089 (Charlie Comfort - Chapter 22- Oskaloosa Community School District) 7/7/2025 - Information Gathering/IR Process

33. (John Rasmussen - Chapter 21- Pottawattamie County Board of Supervisors) 7/9/2025 - Information Gathering/IR Process
34. 25FC:0097 (EyesOffCR - Chapter 22- City of Storm Lake) 7/21/2025 - Complaint Opened/Acknowledged
35. 25FC:0100 (William Hendrikson - Chapter 22- Clear Lake Police Department, Cerro Gordo County Jail, Cerro Gordo County Attorney's Office, and Iowa State Patrol) 7/30/2025 - Complaint Opened/Acknowledged
36. 25FC:0101 (Monte Jacobsen - Chapter 22- Grundy County Attorney's Office; Grundy County Sheriff) 8/12/2025 - Complaint Opened/Acknowledged
37. 25FC:0105 (Vicky Brenner - Chapter 22- Madison County Appointed Auditor) 8/12/2025 - New / Complaint Information Reviewed

X. Committee Reports

1. Training – (Lee)

XI. Office status report.

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

XII. Next IPIB Board Meeting will be held on September 18, 2025, at 1:00 p.m.

XIII. Adjourn

*** Attachments**

IOWA PUBLIC INFORMATION BOARD

DRAFT

July 17, 2025

Unapproved Minutes

The Iowa Public Information Board (IPIB) met on July 17, 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: Joan Corbin (remote), E.J. Giovannetti, Barry Lindahl (remote), Catherine Lucas, Luke Martz, Joel McCrea, Monica McHugh, and Jackie Schmillen (remote). Also present were IPIB Executive Director, Erika Eckley; IPIB Deputy Director, Kimberly Murphy; IPIB Agency Counsel, Alexander Lee. Also present was the incoming Executive Director, Charlotte Miller. A quorum was declared present.

On a motion by Martz and second by Giovannetti, to approve the agenda. Adopted, 8-0.

On a motion by Martz and second by McCrea, to approve the June 19, 2025 minutes. Corbin abstained. Adopted, 7-0.

On a motion by Martz and second by McCrea, to approve the July 1, 2025 minutes. Corbin abstained. Adopted, 7-0.

Public Forum

Brett Toresdahl provided public comment.

Comments from the Board Chair

1. Election of Board Chair for FY26.
 - Catherine Lucas was nominated as Chair of the Board for FY 2026. On a motion by McCrea and second by Martz, to close the nominations and elect Lucas as the Chair of the Board for FY26. Lucas abstained. Approved, 7-0; one abstention.
 - Barry Lindahl was nominated as Vice Chair of the Board for FY 2026. On a motion by Giovannetti and second by Lucas, to close the nominations and elect Lindahl as the Chair of the Board for FY26. Lindahl abstained. Approved, 7-0; one abstention.
2. Introductions. Charlotte Miller was present and introduced to the Board as the new IPIB Executive Director. Miller addressed the Board.
3. Goodbyes. The Board made comment regarding outgoing staff.

Consent Agenda –

1. **Dismissals.** On a motion by Martz and second by Lucas, to approve the dismissals within the consent agenda. Approved, 8-0.

2. **Acceptances.** On a motion by Martz and second by Giovannetti, to approve the acceptances within the consent agenda. Approved, 8-0.
3. **HF 706 Training Provider Approvals.** Eckley gave an overview of the requirements for training. Siobhan Schneider, representing the Iowa Association of School Boards, addressed the Board. Board discussion occurred. On a motion by Giovannetti and second by Martz, to approve the training proposed to be utilized by the Iowa Association of School Boards. Approved, 8-0.

Advisory Opinion. The Board was briefed on the Advisory Opinion and acted as follows:

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?** Board discussion occurred. On a motion by Lindahl and second by Giovannetti, to approve the Advisory Opinion. Approved, 8-0.

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

1. **24FC:0120 (Paul Dorr - Both- Osceola County, Iowa) 11/27/2024 -Investigative Report.** James Theobald, representing Osceola County, addressed the Board. Nolan McGowan, former attorney for Osceola County, addressed the Board. Board discussion occurred. On a motion by Martz and second by Lucas, to determine probable cause exists to believe a violation occurred and to dismiss the complaint at the next meeting of the Board if the records are provided to Dorr by August 1, 2025. Giovannetti abstained. Approved, 7-0; one abstention.
2. **25FC:0027 (Jerry Hamelton - Chapter 22- Keokuk Police Department) 3/12/2025 -Status Report.** Counsel for the Department addressed the Board. Board discussion occurred. On a motion by Giovannetti and second by McCrea, to order release of the bodycam footage by August 15, 2025 and order dismissal of the complaint at the next meeting of the Board if the records are provided. Roll call vote:

Corbin – aye
Giovannetti – aye
Lindahl – aye
Lucas – nay
Martz – aye
McCrea – aye
McHugh – nay
Schmillen – aye

The motion passed; 6-2.

3. **25FC:0049 (Cody Edwards - Chapter 22- Iowa Department of Revenue) 5/2/2025 - Investigative Report.** Edwards addressed the Board. Angela Stuedemann, from the Iowa Attorney General's Office and representing the Iowa Department of Revenue, addressed the Board. Board discussion occurred. Lucas abstained. On a motion by Martz and second by Corbin, to dismiss the complaint for lack of probable cause and order the Department to release any additional records that have not already been released. Approved, 7-0; one abstention.

4. **25FC:0050 (Kenneth Brown - Chapter 21- City of Sidney) 5/10/2025 -Investigative Report.** Bri Sorensen addressed the Board. Board discussion occurred. On a motion by Lucas and second by Schmiller, to dismiss the complaint for lack of probable cause. Approved, 8-0.
5. **25FC:0062 (Kayla Brown - Chapter 22- Kirkwood Community College) 5/27/2025 - Investigative Report.** Board discussion occurred. On a motion by Giovannetti and second by Lindahl, to dismiss the complaint for lack of probable cause. Approved, 8-0.
6. **25FC:0063 (Miguel Puentes - Chapter 22 - City of Davenport and the Davenport Police Department) 5/28/2025 -Investigative Report.** Board discussion occurred. On a motion by Martz and second by Giovannetti, to dismiss the complaint for lack of probable cause. Approved, 8-0.
7. **25FC:0064 (Alisha Beers – Both - The City Council of Pisgah) 5/30/2025 -Investigative Report.** Board discussion occurred. On a motion by Lucas and second by Giovannetti, to dismiss the complaint for lack of probable cause and direct staff to offer a training to the City of Pisgah. Approved, 8-0.

Matters Withdrawn, No Action Necessary.

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

Pending Complaints. Informational Only No Action or Deliberation.

1. 24AO:0013 (Erika Eckley) 12/12/2024 - New / Question Information Reviewed How should interviews for public employees be conducted after the Teig v. Loeffler decision?
2. 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?
3. 25AO:0008 (Kalen McCain) 6/27/2025 - Acknowledgement of Questionwork product of an attorney and 22.7 11a (1) through (5,)
4. 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?
5. 24FC:0089 (Curtis Wagler - Chapter 22- Henry County Sheriff's Office) 10/8/2024 - Information Gathering/IR Process
6. 24FC:0110-1 (Keegan Jarvis - Chapter 21- City of Swan IA) 11/6/2024 - Information Gathering/IR Process

7. 25FC:0012 (Matt Loffer - Chapter 22- City of Marengo, Marengo Police Department) 2/3/2025 - Information Gathering/IR Process
8. 25FC:0018 (Tammy Wise - Chapter 21- Tama County) 2/10/2025 - Information Gathering/IR Process
9. 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
10. 25FC:0031 (Michael Chapman - Chapter 21- Waterloo Community School District Board of Education) 3/26/2025 - Information Gathering/IR Process
11. 25FC:0054 (Tim Ferguson - Chapter 22- City of Davenport) 5/19/2025 - Accept/Dismiss
12. 25FC:0055 (Justin Cole - Chapter 21- Mount Union Benefited Fire District) 5/21/2025 - Information Gathering/IR Process
13. 25FC:0067 (EyesOffCR - Chapter 22- City of Cedar Rapids) 6/6/2025 - Information Gathering/IR Process
14. 25FC:0069 (Cassie Rochholz - Chapter 21- City of Solon) 6/4/2025 - Information Gathering/IR Process
15. 25FC:0077 (Terra Helmers - Chapter 21- Tripoli City Council) 6/20/2025 - Complaint Opened/Acknowledged
16. 25FC:0082 (Tim Ferguson - Public Records Law- Davenport Police) 6/24/2025 - Complaint Opened/Acknowledged
17. 25FC:0084 (Lucian Diaconu - Chapter 22- Great Prairie AEA) 7/1/2025 - Complaint Opened/Acknowledged
18. 25FC:0088 (Jaicy Skaggs - Chapter 22- City of Kellogg) 7/7/2025 - Complaint Opened/Acknowledged
19. 25FC:0091 (Kalen McCain - Chapter 22- City of Washington) 7/10/2025 - Complaint Opened/Acknowledged

Contested Case Proceedings. The Board was briefed on the contested case proceeding acted as follows:

1. **24FC:0092 (Aubrey Burress - Both- Pleasant Grove Township) 10/21/2024 - Contested Case.** Lee addressed the Board and provided an overview and update of the contested case. Board discussion occurred. On a motion by McCrea and second by Giovannetti, to hire an administrative law judge to address the contested case. Approved, 8-0.

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. The Rules Committee recommended advancing the administrative rules to the rulemaking process. Board discussion occurred.

On a motion by Martz and second by Lindahl, to advance the draft administrative rules to the rulemaking process. Approved, 8-0.

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 August 21, 2025, at 1:00 p.m.; meeting adjourned.

The Iowa Public Information Board

In re the Matter of:	Case Number: 25FC:0088
Jaicy Skaggs, Complainant	Partial Dismissal Order
And Concerning:	
City of Kellogg, Respondent	

COMES NOW, Alexander Lee, Agency Counsel for the Iowa Public Information Board (IPIB), and enters this Partial Dismissal Order:

On July 7, 2025, Jaicy Skaggs filed formal complaint 25FC:0088, alleging that the City of Kellogg (City) violated Iowa Code Chapter 22.

Facts

Kellogg is a small city in Jasper County, Iowa. The complainant, Jaicy Skaggs, was formerly employed by the City as an assistant city clerk, though she was terminated from this position.

On June 11, 2025, following her termination, Skaggs submitted a Chapter 22 request seeking “City Council meeting minutes, personnel decisions, and communications concerning [her] employment as the Assistant City Clerk.” A reminder of this request was sent on June 26.

On July 7, 2025, Skaggs filed formal complaint 25FC:0088, alleging that the City had violated Chapter 22, as the delay had exceeded ten business days and she had not received any justification or timeline for production.

On July 3, prior to the filing of this complaint, the City’s mayor emailed Skaggs to inform her that the City had received her requests and was working on them, with an estimated release date shortly after the Fourth of July weekend. Based on this, Skaggs was informed that the criteria for “unreasonable delay” likely had not been met, and that the complaint was premature given the nature of the request and the City’s responsive updates. IPIB staff offered to reach out informally to check on the status of the documents.

On August 1, 2025, the City’s mayor responded to IPIB to inform them that the records had been released in early to mid-July, shortly after the update was given. Not all documents were released,

as the City determined that multiple portions of the personnel record were confidential. On August 11, Skaggs confirmed that she “did receive part of [her] request,” though she did not offer any additional information at that time.

On August 13, after being asked whether the matter was resolved, Skaggs provided a copy of a demand letter addressed to the City, which reiterated her assertion that the City had violated Chapter 22 by responding more than ten to twenty days after the request was made. The letter also contained several additional allegations, most of which were outside the scope of the original complaint, meaning they would be more appropriately reviewed in a separate case.

However, Skaggs also alleged that she had been improperly denied copies of the City’s personnel policies, which are separate from her personnel file and not associated with any particular official, officer, or employee.

Applicable Law

“Good faith, reasonable delay by a lawful custodian in permitting the examination and copying of a government record is not a violation of this chapter if the purpose of the delay is any of the following:

- c. To determine whether the government record in question is a public record, or confidential record.
- d. To determine whether a confidential record should be available for inspection and copying to the person requesting the right to do so. A reasonable delay for this purpose shall not exceed twenty calendar days and ordinarily should not exceed ten business days.” Iowa Code § 22.8(4)(c), (d).

Analysis

Chapter 22 does not contain firm time limits for public records requests, except for the limited provision of Iowa Code § 22.8(4)(d) for delays involved in determining “whether a confidential record should be available for inspection and copying to the person requesting the right to do so.” The general standard is otherwise that “[g]ood faith, reasonable delay” is not a violation if the delay is to determine whether a record qualifies as a public record or is protected by confidentiality, along with other less common purposes provided in Iowa Code § 22.8. In *Belin v. Reynolds*, the Iowa Supreme Court interpreted the language of Iowa Code § 22.10(2), which considers amongst other things whether a respondent has “refused to make [requested] government records available for examination and copying,” to imply six additional factors which could establish constructive denial due to an unreasonable delay. 989 N.W.2d 166, 174 (Iowa 2023). These factors include prompt acknowledgement and assurances related to a request, explanation of delays, whether the requester received rolling production upon availability, and similar communication. *Id.* at 175; *see also* 24AO:0010, *Clarification on the Definition of “Reasonable Delay.”*

Implicit in both Iowa Code § 22.8 and the *Belin* test is the expectation that response times are affected by the nature and scope of a Chapter 22 request. In this case, the complainant sought personnel records and communications about her employment, alongside a routine records request for meeting minutes. Neither party has provided an exact date for when the records were released, but it is apparent from IPIB's brief, informal inquiry into the matter that the City used its time to consult legal counsel about confidentiality concerns and the effects of anticipated litigation brought by the complainant. Multiple potential sources of responsive records had to be checked, and meaningful review would presumably have been necessary to properly apply the personnel records confidentiality exception of Iowa Code § 22.7(11). Although communication likely could have been better, forwarded emails from the complainant also show that the request was acknowledged by the City, with updates from the mayor on delays and an estimated release date, which is relevant to *Belin* analysis.

The total time for responding to the complaint was approximately a month. For the purposes of facial review, the facts presented do not provide a potential basis to find the City's delay was unreasonable or made in bad faith. The original complaint cited Iowa Code § 22.8(4)(d) to support the argument that the City had exceeded its allotted time to respond. However, as discussed above, Iowa Code § 22.8(4)(d) does not impose a general time limit.

IPIB accepts this case for further review on the limited issue of whether the complainant was improperly denied access to the City's personnel policies, which would not facially be covered by Iowa Code § 22.7(11)'s confidentiality exception for personal information in confidential personnel files.

Conclusion

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

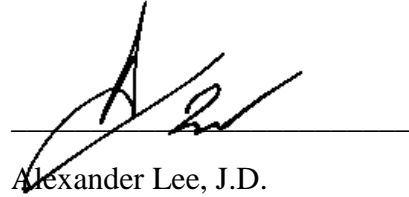
Because the facts presented suggest the City was required to seek records from multiple sources and consult with outside legal counsel to make confidentiality determinations for most of the records sought, and because the City provided sufficient updates and assurances to satisfy the *Belin* standard, the roughly one-month delay does not present a potential unreasonable delay on its face.

IPIB accepts the portion of this complaint alleging that the City improperly refused to provide copies of the City's personnel policies, which are not specific to any particular employee.

IT IS SO ORDERED: Formal complaint 25FC:0088 is partially 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 Agency Counsel,



Alexander Lee, J.D.

CERTIFICATE OF MAILING

This document was sent on August 15, 2025, to:

Jaicy Skaggs, Complainant

Statement for IPIB (Jaicy Skaggs)

Good morning, members of the Board, and thank you for giving me the opportunity to be heard. My name is **Jaicy Skaggs**, and I filed two complaints against the City of Kellogg — one under Chapter 22, Iowa's open records law, and another under Chapter 21, the open meetings law.

I want to be clear about why I am here. This is not about getting my job back or asking for damages from this Board. I understand the IPIB cannot order compensation. What I am asking for is accountability and a finding that violations of Iowa's open records and open meetings laws occurred. That finding matters, not only for me, but for the public, because it shows that even in a small community, the law applies and compliance is required.

Why Chapter 22 (Public Records) Matters Here

On **June 11, 2025**, I submitted a lawful records request. Under Iowa Code §22.8(4)(d), the lawful custodian is required to either provide the records or issue a written explanation within 20 business days. No such explanation was provided within that period. The first acknowledgment I received came only after my **June 26 follow-up letter**, which I sent because the City had not communicated within the statutory timeframe.

When I finally received a response on **July 16th**, the City provided only partial records and refused others, personnel policies, emails discussing my status, and closed session minutes, **without** citing a single statutory exemption as chapter §22.7 requires. To this day, my **July 23 follow-up request** has gone unanswered. That silence itself is part of why I'm here.

These are not complicated or burdensome requests. These are records that should be public, and I followed every step required under Iowa law.

Why Chapter 21 (Open Meetings) Matters Here

I also requested confirmation of whether my probationary status was extended or changed by the City Council. Under §21.5(3), **final actions must be taken in open session**.

The **April, May, and June 2025 meeting minutes** do not contain any record of such an action. If the City Council acted on my probation behind closed doors, that would directly violate Iowa's open meetings law.

Additionally, chapter §21.5(2) requires that the date, time, and subject matter of any closed session be recorded in the open meeting minutes. In 2019, Kellogg properly recorded this when discussing property. But in 2025, there is no such record, leaving a gap that prevents the public from knowing whether lawful procedures were followed.

My Role as a Citizen

I want to acknowledge something important. Not many people, especially in a small town like Kellogg, go as far as I have gone. Many residents might accept being ignored or discouraged, but I persisted because the law is clear, and compliance is not optional.

I know there are things that have happened to me in Kellogg that are outside your jurisdiction, and I am not asking you to address those. Those matters will be for the courts. What I am asking you to do is uphold the integrity of Iowa's open meetings and open records laws, because that is exactly what this Board was created to do.

Closing Request

At minimum, I respectfully request the Board to find that:

- The City of Kellogg failed to provide timely and complete responses to my lawful Chapter 22 requests; and
- The City failed to ensure compliance with Chapter 21's requirements for transparency in personnel-related actions.

I have provided exhibits to show each step of my requests, the City's delayed or incomplete responses, and the gaps in meeting records.

I do not expect perfection from my City. But I do expect compliance with Iowa law, and I do expect accountability when those laws are not followed.

Thank you for your time and consideration.

The Iowa Public Information Board

In re the Matter of:	Case Number: 25FC:0098
Herbert Riedel, Complainant	Dismissal Order
And Concerning:	
Northeast Iowa Community College, Respondent	

COMES NOW, Alexander Lee, Agency Counsel for the Iowa Public Information Board (IPIB), and enters this Dismissal Order:

On July 21, 2025, Herbert Riedel filed formal complaint 25FC:0098, alleging that the Northeast Iowa Community College Board of Trustees (Trustees) violated Iowa Code Chapter 22.

Facts

The Northeast Iowa Community College (NICC) is a public, tax-supported, two-year educational institution with two campuses in Calmar and Peosta, Iowa. The NICC is represented by a none-member Board of Trustees, who are elected by the public for four-year terms.

On July 21, 2025, the Trustees held a regularly scheduled monthly meeting, which was conducted at the Calmar Campus and also streamed over Zoom. Meeting agendas are typically posted in advance in a public Google Docs folder available through the NICC website. However, the complainant, Herbert Riedel, alleges that the folder was password protected prior to the July 21 meeting, meaning he was unable to view any of the information provided in the online notice. Riedel asserts that multiple other people, including his attorney, were similarly unable to access the file.

Riedel submitted formal complaint 25FC:0098 the same day, alleging that the lack of access violated Chapter 21, as the Trustees failed to provide “reasonable notice” of their meeting, as required by Iowa Code § 21.4(1)(a). While Riedel did not make any claims about whether or not physical notice was posted, he argued that restricted access to the online posting unreasonably impaired public access, as a bulletin board on campus was not “easily accessible” to the general

public served by a state community college. Riedel himself may be uniquely burdened by issues with online postings, as the current Board President has apparently requested that Riedel not enter NICC's campuses and Riedel therefore could not view any notice which was exclusively posted on campus without violating this request.

While not determinative for this complaint, IPIB notes that any access restrictions on the Google Docs folder have been lifted since the July 21 meeting, and a recording of the meeting has been posted to the NICC's website.

Applicable Law

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

"A governmental body shall provide for hybrid meetings, teleconference participation, virtual meetings, remote participation, and other hybrid options for the members of the governmental body to participate in official meetings. A governmental body conducting a meeting pursuant to this subsection shall comply with all of the following:

b. The governmental body complies with section 21.4. For the purpose of this paragraph, the place of the meeting is the place from which the communication originates or where public access is provided to the conversation." Iowa Code § 21.8(1)(b).

Analysis

Iowa Code § 21.4(1)(a) provides the minimum requirements for "reasonable notice" which must be posted before any meeting of a governmental body. In addition to describing the contents of the notice, this section explains that "reasonable notice" includes "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." While the complainant contends that notice is not

“easily accessible to the public” if the only online posting is password protected and thus effectively unavailable, the phrase “easily accessible to the public” refers to the “bulletin board or other prominent place” where the notice may be physically posted, rather than setting a general standard. In a recent advisory opinion, IPIB found that “Chapter 21 does not have any requirement that notice of a meeting be posted on the government entity's website,” though “there would be a violation if [a] notice was not physically posted and was only posted on the website.” 24AO:0005, *Required Notice Pursuant to Chapter 21*.

In a recent case with analogous facts, IPIB specifically held that a library board did not violate the notice requirement when it failed to update its website after a meeting date was changed until the same day the meeting took place, as the physical posting was made for the changed time at least twenty-four hours in advance. That is to say, although the library's normal practice was to post its agendas online and individuals relying on the website alone would not have had sufficient notice of the change unless they visited the library in person, only an accurate physical posting was required to comply with Chapter 21. 24FC:0073, *Gail Bonath/Drake Community Library* (“While Chapter 21 has not kept pace with the manner in which government[al] bodies conduct business, the IPIB must make decisions within the law as it currently exists. Failure to accurately post meeting information on a governmental body's website is not currently a violation.”).

The courts have made similar findings in their own cases. *See, e.g., City of Postville v. Upper Explorerland Reg'l Plann. Comm'n*, No. 14-1082, 2015 WL 3624336, at *3–4 (Iowa Ct. App. Jun. 10, 2015) (finding no violation where notice was posted to an indoor bulletin board in a hallway rarely accessed by the general public, which was visible but not readable from a public reception area, as “[t]he statute does not require the notice of the meeting be viewable twenty-four hours a day, or that it be in the most visible place available,” so long as posting “substantially complied” with Chapter 21); *Hummel v. Des Moines Indep. Cmty. Sch. Dist.*, No. 08-0763, 2009 WL 777929, at *6 (Iowa Ct. App. Mar. 26, 2009) (finding no violation by a school board where an incorrect location was initially published in the Des Moines Register but a sufficient notice with the correct location was later physically posted in the foyer of the school district's main office).

Because the complaint does not assert that the Trustees failed to post the required physical notice and notify the media, IPIB cannot find insufficient notice from the facts alleged, as Chapter 21 does not currently require any form of online notice be provided alongside proper physical notice.

Finally, with respect to the complainant’s specific barriers to accessing physically posted notices, multiple online news sources report on a 2023 meeting in which the current NICC Board President publicly told Riedel: “Effective immediately, we appreciate you not going to the campus.” This statement was made at an open session meeting of the NICC Trustees, and the President apparently

spoke on behalf of the governmental body. If the complainant were truly barred from entering NICC property, this could create a potential violation if it would prevent him from accessing an otherwise proper physical posting or attending any public meeting of the Trustees. However, because the Board President's comment was phrased as a request on its face, and because the complaint does not allege that a campus entry ban is actually being enforced, the facts presented do not describe a violation for the purposes of facial review.

Conclusion

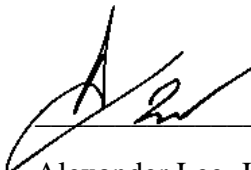
Iowa Code § 23.8 requires that a complaint be within the IPIB's jurisdiction, appear legally sufficient, and have merit before the IPIB accepts a complaint. Following a review of the allegations on their face, it is found that this complaint does not meet those requirements.

Because Iowa Code § 21.4(1)(a) does not require any form of online notice for meetings of governmental bodies, the issues described by the complaint in accessing the June meeting agenda on the NICC's website do not present a potential violation of Chapter 21.

IT IS SO ORDERED: Formal complaint 25FC:0098 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 August 21, 2025. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Agency Counsel,



Alexander Lee, J.D.

CERTIFICATE OF MAILING

This document was sent on August 15, 2025, to:

Herbert Riedel, Complainant

IPIB Case Number	Contact Name	Name of Entity Involved	Complaint Type	Description	Board Meeting Consent
25FC:0088	Jaicy Skaggs	City of Kellogg	Chapter 22	My name is Jaicy Skaggs, and I am submitting this formal complaint regarding the City of Kellogg's failure to comply with Iowa's Open Records Law, codified under Chapter 22 of the Iowa Code. On June 11, 2025, I submitted a written request to the City of Kellogg requesting public records relating to City Council meeting minutes, personnel decisions, and communications concerning my employment as the Assistant City Clerk. This request was made in full compliance with Iowa Code Chapter 22 and clearly outlined the scope of the records sought. On June 26th, 2025, a reminder of the original FOIA request was served upon the City of Kellogg. As of today's date, the City has failed to acknowledge receipt of the request or provide any timeline for production. No written justification for delay has been provided as required under Iowa Code§ 22.8(4)(d), which mandates a written explanation and an estimated delivery date if the production exceeds ten (10) business days. I believe this constitutes a violation of my right to public access and transparency, and I respectfully request that the Iowa Public Information Board investigate this matter and take the appropriate steps to ensure compliance. Please contact me with any questions or additional information you may require. On or about 5/22/25, 5/25/25, 5/26/25, et al, John Kurtz initiated a vote by email to approve language removing the City of Independence from a landfill agreement. Four emails and one voicemail attached.	Accept
25FC:0092	Keith Wieland	Buchanan County Solid Waste Commission	Chapter 21		Accept
25FC:0091	Kalen McCain	City of Washington	Chapter 22	The city of Washington has declined to sufficiently provide information about the documented reasons and rationale for former employee JJ Bell's resignation in lieu of resignation, under Iowa Code 22.7, 11a, (5). In response to repeated records requests seeking the reasons and rationale for Bell's resignation in lieu of termination, city staff offered the following explanation: "Pursuant to Section 22.7(11)(a)(5) of the Code of Iowa, Mr. Bell resigned in lieu of termination because of the unauthorized use of city equipment in violation of city policy and the general failure to improve the performance and general work environment for employees in the M/C department." The Southeast Iowa Union alleges that this response is insufficient, as it declines to provide information about "which law, rule, or policy, if any, they believe the employee violated? or to, "include details, such as the date(s) of alleged behavior, location, and how it was discovered," despite an explicit request to provide those details in accordance with the guidance of IPIB cases 18AO:0008 and 24FC:0077.	Accept
25FC:0096	Kirk Lager	Iowa Department of Corrections	Chapter 22	On the morning of June 7th, 2025 Fort Dodge was having a city celebration that included a parade in the downtown corridor. While parade participants were marshalling prior to the event, a figured 8 or demolition car came into contact with a structure located at 311 1st Avenue South in Fort Dodge. The building located at 311 1st Avenue South is a residential correctional facility, owned by the State of Iowa for the 2nd Judicial District of the Department of Corrections. This building takes up about one half a city square block, and has no perimeter fencing. The structure is surrounded by public property on 3 of the 4 sides of the structure. The property has visible external video monitoring cameras in plain view of the general public. On June 8th, I submitted an Open Records Request with the Iowa Department of Corrections via https://iowaopenrecords.nextrequest.com . My request was assigned number 25-2152. The narrative of my request was for 'video footage of the figure 8 car that struck the Residential Correctional Facility in Fort Dodge at 311 1st Avenue South on the morning of June 7th, 2025'. On June 12th, I was notified that All security footage is considered confidential and not subject to public disclosure, in accordance with Iowa Code section 904.602(10). 904.602(10) in whole reads "Regulations, procedures, and policies that govern the internal administration of the department and the district departments, which if released may jeopardize the secure operation of a correctional institution operation or program, are confidential unless otherwise ordered by a court. These records include procedures on inmate movement and control; staffing patterns and regulations; emergency plans; internal investigations; equipment use and security; building plans, operation, and security; security procedures for inmates, staff, and visitors; daily operation records; and contraband and medicine control. These records are exempt from the public inspection requirements in section 17A.3 and section 22.2" The particular records I requested are not related to regulations, procedures, and policies. It would be a far stretch of the imagination to correlate video footage as a regulation, procedure or policy. I don't care about camera specifications, recommended placement, what type/rating of wiring is called for, etc. It is well established that the camera(s) exist - they are visible by simply walking around the block on the public sidewalk or through the alleyway, and are also visible on Google Street View website.	Accept
25FC:0099	Mount Pleasant Municipal Utilities	Resale Power Group of Iowa	Chapter 21	The complainants, Mount Pleasant Municipal Utilities (MPMU) and West Liberty Electric, submitted a joint complaint against the Resale Power Group of Iowa (RPGI), as member agencies of the RPGI. Based on the petition, the complainants request that IPIB: a. accept their complaint and petition; b. find the Resale Power Group of Iowa's posting of meeting notices and agendas on a Google Drive protected by an online login wall and administrator permissions fails to satisfy the reasonable and timely meeting notice requirements of Iowa Code section 21.4; c. find the Resale Power Group of Iowa's posting of meeting notices and agendas on a Google Drive protected by an online login wall and administrator permissions fails to allow for adequate public access to its conversations during electronic meetings under Iowa Code section 21.8(1); d. find the Resale Power Group of Iowa's attempt to materially change the action item on its July 25, 2025 meeting agenda and subsequently take action thereon, as amended, is a violation of Iowa Code sections 21.3 and 21.4's requirements for public notice; and e. issue a declaratory order declaring any and all official actions taken at RPGI's July 24, 2025 Administrative Board meeting and its July 25, 2025 special meeting of its membership void as a result of having been taken in violation of Iowa Code chapter 21. [See Complaint & Petition for details]	Accept



Ahlers & Cooney, P.C.
Attorneys at Law

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Des Moines, Iowa 50309-2231

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Maria E. Brownell

515.246.0322

mbrownell@ahlerslaw.com

August 4, 2025

Iowa Public Information Board
c/o Charlotte Miller, Executive Director
Jessie Parker Building
510 E 12th Street
Des Moines, IA 50319
ipib@iowa.gov

RE: Public Officials Training Submission

Dear Ms. Miller,

Included with this letter, please find Ahlers & Cooney, P.C.'s application materials to provide training on Iowa's Open Meetings and Open Records laws as a third-party entity.

Ahlers & Cooney, P.C. is a law firm located in Des Moines, Iowa, which has represented municipalities, educational institutions, and private entities for over 135 years. Our attorneys counsel public bodies throughout Iowa, including city councils, county boards of supervisors, utilities boards, K-12 school boards, and boards of trustees for institutions of higher education. Attorneys in the Firm's public law practice area have experience presenting on the topic of open meetings and open records compliance for local government client audiences.

The specific speaker(s) for a training will vary based upon audience and attorney availability. Individual attorney qualifications, including recent presentations, can be located on the Firm's website, at <https://www.ahlerslaw.com/attorneys>. A list of upcoming and archived speaking engagements can be located on the "Speaking Engagements" page of the Firm's website, at <https://www.ahlerslaw.com/speaking-engagements/archive/2025>.

Public officials can request to schedule a live in-person or virtual training by contacting Spencer Jones at sjones@ahlerslaw.com. Registration cost would be \$50 per registrant, up to a maximum of \$200 for a group training. The Firm would not charge for a training conducted as part of a seminar requiring paid registration to attend (regardless of whether the seminar is hosted by the Firm or by a third party).

The training will be at least one hour, but not more than two hours in length. Program participants will receive a certificate of completion after the session. The Firm will maintain an electronic record in a separate file of all participants who have completed the approved training for the duration of time required by Iowa law or IPIB. The Firm will advise participants of the requirement to present their certification to the relevant public office, and that certificates must be available for public inspection. The Firm will verify and reissue lost or missing certificates.

August 4, 2025

Page 2

The PowerPoint is attached to this application, along with a table documenting IPIB's required components and the corresponding slide number in our presentation. We look forward to working with IPIB as a provider of this training for Iowa's newly elected and appointed officials.

Very truly yours,

AHLERS & COONEY, P.C.

Maria E. Brownell

Iowa Code Chapter 21	Slide Number
What are government bodies subject to Chapters 21 (Iowa Code § 21.2(1))	8
What is a meeting, including defining deliberation and action? (Iowa Code § 21.2(2))	9
Open meetings, public rights and government body permissions (Iowa Code §§ 21.3(1); 21.4(1)(b); 21.7)	12-18
- 21.3(1)	13
- 21.4(1)(b)	13
- 21.7	14
What is notice and the requirements for effecting notice? (Iowa Code § 21.4)	13-18
Electronic meetings (Iowa Code § 21.8)	20
Requirements for agendas and minutes under chapter 21 and legal precedent? (Iowa Code §§ 21.3(2); 21.4(2))	15-20
- 21.3(2)	13, 17
- 21.4(2)	14
- Legal precedent	13, 16
What is a closed session? (Iowa Code § 21.5)	22
Procedure for going into closed session and statutory reasons allowed? (Iowa Code § 21.5)	23-39 generally
Procedure during closed session, legal requirements, and actions as a result of closed session? (Iowa Code §§ 21.5(2)-(5))	23-39 Procedure – 24
- 21.5(2)	24
- 21.5(3)	24
- 21.5(4)	24
- 21.5(5)	24
Penalties and enforcement for violations (Iowa Code § 21.6)	40
<i>IPIB Advisory Opinions, Chapter 21</i>	
-24AO:0004 -social and ministerial (included in IPIB sample)	11
-24AO:0006 – electronic meetings (included in IPIB sample)	20
-24AO:0005 – open meetings (included in IPIB sample)	13
Iowa Code Chapter 22	
Who is subject to Chapter 22 (public records)? (Iowa Code § 22.1(1))	42
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	43-44
- Iowa Code § 22.1(3)	43
- Linder v. Eckard	44
- Kirkwood Institute v. Sand	44
What is a lawful custodian and how to handle the records request (Iowa Code § 22.1(2))	46
Who may request public records and how (Iowa Code §§ 22.2; 22.4)	47, 48

Time frame for responding to a records request and precedent on “unreasonable delay” Iowa Code § 22.8; see also <i>Horsfield Materials. v. City of Dyersville</i> ; <i>Belin v. Reynolds</i>	49-51
- Iowa Code § 22.8	50
- <i>Horsfield Materials. v. City of Dyersville</i>	51
- <i>Belin v. Reynolds</i>	51, 52
Costs allowed, small requests, estimates of costs, and pre-payment of estimated costs (Iowa Code § 22.3)	54
Costs for legal review for redaction and confidentiality. (Iowa Code § 22.3(2))	54
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 <i>Mitchell v. City of Cedar Rapids</i>)	55-59
- Iowa Code § 22.7	55, 56
- <i>Mitchell v. City of Cedar Rapids</i>	57
Settlements by government bodies (Iowa Code § 22.13)	60
Enforcement (Iowa Code § 22.10)	62
<i>IPIB Advisory Opinions, Chapter 22</i>	
-24AO:0007 and 24AO:0008 public and private records (included in IPIB sample)	44
-24AO:0010 reasonable delay	51
-23AO:0002 – costs for legal services 25AO:0001: fees charged by county attorneys	54
-23AO:0008 Draft documents	Presentation oral note on slide 56
-23AO:0003 -Applying Mitchell test	57
-24AO:0014 – Mitchell test for bodycam footage	57
-22AO:0004	53

Verification of Open Meetings and Open Records Training Requirements:

Iowa State University Extension and Outreach Community and Economic Development (ISUEO CED) confirms that its **Open Meetings and Open Records training program** is designed to support transparency, accountability, and compliance with Iowa Code Chapters 21 and 22.

This training will be delivered in a structured format that will last **no less than one hour and no more than two hours**, depending on the delivery method and participant engagement. The training may be offered **in-person or virtually upon request** and will include instructional content, discussion, and opportunities for questions.

Upon successful completion of the training, **each participant will receive a certificate of completion** issued by ISUEO CED (participants in virtual trainings will receive a PDF file of their certificate). This certificate serves as formal recognition that the individual has completed an approved training program in accordance with the Iowa Public Information Board's Open Meetings and Open Records requirements.

ISUEO CED will **maintain a record of all individuals who have completed the training**, including names, dates of completion, and certificate issuance. These records will be retained for verification purposes and to support administrative and legal compliance.

In the event that a certificate is **lost, misplaced, or otherwise unavailable**, ISUEO CED will verify the participant's completion status using its internal records and will **reissue the certificate upon request**.

This training reflects ISUEO CED's commitment to supporting Iowa's communities and public officials in understanding and applying open government principles.

Public Officials can register with Iowa State University Registration Services, and the cost of the training is \$50 per person for the training.

BOARD OF SUPERVISORSDistrict 1 | **Kirsten Running-Marquardt**District 2 | **Sami Scheetz**District 3 | **Brandy Z. Meisheid****JEAN OXLEY LINN COUNTY PUBLIC SERVICE CENTER**

935 2ND ST. SW
CEDAR RAPIDS, IA 52404
PH: 319-892-5000
LinnCountyIowa.gov



July 30, 2025

Submitted via email

Iowa Public Information Board
502 East 9th Street
Des Moines, IA 50319

Re: Public Officials Training Submission

Dear Board,

On behalf of Linn County, I respectfully submit this request for approval of our proposed training course on Iowa's "sunshine laws" in accordance with the requirements of H.F. 706. The course is designed to fulfill the statutory training obligation for all public officials who are newly elected or appointed on or after July 1, 2025.

The training will be conducted by the following Linn County staff:

- Darrin Gage, Director of Policy and Administration
 - Master of Public Policy, University of Northern Iowa
 - City Clerk, City of Dayton, Iowa (1995 – 1996)
 - City Administrator, City of Lisbon, Iowa (1996 – 1999)
 - Director of Policy and Administration, Linn County (2009 – present)
 - Board Member, Mount Vernon Community School District (2010 – 2014)
 - Board Member, East Central Iowa Council of Governments (2011 – 2022)
- Lisa Epp, Assistant County Attorney
 - Juris Doctor, University of Iowa
 - Assistant Benton County Attorney (2007 – 2010)
 - Assistant Linn County Attorney (2010 – present)
- Amanda Brown, Deputy County Auditor
 - Associate of Arts – Paralegal, Kirkwood Community College
 - Confidential Executive Assistant, Linn County's Auditor's Office (2011 – 2024)
 - Deputy Linn County Auditor (2024 – present)

Attached to the email sent with this letter is the proposed PowerPoint presentation titled "Iowa's Sunshine Laws: Understanding Open Meetings & Open Records Requirements." The two tables below identify where in the presentation each required training component appears.

Iowa Code Chapter 21 – Open Meetings

Training Requirement	Code Section(s) or Legal Precedent(s)	Slide(s)
What are government bodies subject to Chapter 21?	Iowa Code § 21.2(1)	5 & 7
What is a meeting, including defining deliberation and action?	Iowa Code § 21.2(2)	8–13
Open meetings, public rights, and government body permissions	Iowa Code §§ 21.3(1); 21.4(1)(b); 21.7	21&22
What is notice and the requirements for effecting notice?	Iowa Code § 21.4	14
Electronic meetings	Iowa Code § 21.8	20
Requirements for agendas and minutes under chapter 21 and legal precedent	Iowa Code §§ 21.3(2); 21.4(2)	15–19
What is a closed session?	Iowa Code § 21.5	23
Procedure for going into closed session and statutory reasons allowed	Iowa Code § 21.5	24&25
Procedure during closed session, legal requirements, and actions as a result of closed session	Iowa Code § 21.5(2)–(5)	25&26
Penalties and enforcement for violations	Iowa Code § 21.6	47&48

Iowa Code Chapter 22 – Public Records

Training Requirement	Code Section(s) or Legal Precedent(s)	Slide(s)
Who is subject to chapter 22	Iowa Code § 22.1(1)	29
What is a record, including discussion of public versus private and the content of the record	Iowa Code § 22.1(3) <i>Linder v. Eckard</i> <i>Kirkwood Institute v. Sand</i>	31&32
What is a lawful custodian and how to handle a records request?	Iowa Code § 22.1(2)	35
Who may request public records and how?	Iowa Code §§ 22.2; 22.4	33&34
Time frame for responding to a records request and precedent on “unreasonable delay”	Iowa Code § 22.8 <i>Horsfield Materials v. City of Dyersville</i> <i>Belin v. Reynolds</i>	36&37
Costs allowed, small requests, estimates of cost, and prepayment of estimated costs	Iowa Code § 22.3	38
Cost for legal review for redaction and confidentiality	Iowa Code § 22.3(2)	38
Redaction and confidential records, including commonly relied upon provisions, and any required balancing tests or factors	Iowa Code § 22.7 <i>Mitchell v. City of Cedar Rapids</i>	39–44, 46
Settlements by government bodies	Iowa Code § 22.13	45
Enforcement	Iowa Code § 22.10	47&48

The training session will last a minimum of one (1) hour and will not exceed two (2) hours in length.

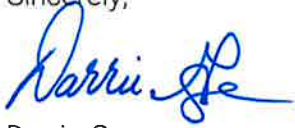
Linn County will issue a Certificate of Completion (see attached) to all participants who complete the training, maintain a record attendance, and verify and reissue lost or missing certificates upon request.

Linn County plans to offer the training course twice per year – once in January and once in July – to newly elected or appointed officials. The Board of Supervisors' Office will invite participants to register for the training by email and participants may register by responding to that invitation. There will be no cost to attend the training.

We respectfully request that the Iowa Public Information Board review and approve this training program. Please do not hesitate to contact me if you need any additional documentation or clarification.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Darrin Gage", with a stylized flourish at the end.

Darrin Gage
Director of Policy & Administration



Miller, Charlotte <charlotte.miller@iowa.gov>

Fwd: Iowa League of Cities - Public Officials Training Submission

2 messages

IPIB, IPIB <ipib@iowa.gov>

Mon, Aug 18, 2025 at 3:26 PM

To: Charlotte Miller <charlotte.miller@iowa.gov>

Forwarded from IPIB account: Here are the training provider materials from the Iowa League of Cities.

~ Alexander Lee

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

From: **Mickey Shields** <mickeyshields@iowaleague.org>

Date: Mon, Aug 18, 2025 at 2:45 PM

Subject: Re: Iowa League of Cities - Public Officials Training Submission

To: IPIB, IPIB <ipib@iowa.gov>

Thank you very much! Here's more information related to our submittal, and please let me know if anything is unclear or missing:

Person(s) Responsible for Training

Mickey Shields, Deputy Director

Grace Hillock, Membership Services Coordinator

Registration/Costs

We are tentatively planning to host quarterly virtual sessions that would be free of charge; we typically use Zoom Webinars for such training sessions and have people register through our website.

We also have done Open Meetings/Open Records training at our Municipal Leadership Academy (MLA), which has a cost of \$60/workshop. Registration for the workshops is done through our website. For a little extra information, MLA is done in three parts and each part includes a few different topics of interest to city officials.

Documentation of Required Components

Iowa Code Chapter 21

What are government bodies subject to Chapters 21. (Iowa Code § 21.2(1)) | [Slides 6-7](#)

What is a meeting, including defining deliberation and action? (Iowa Code § 21.2(2)) | [Slides 4-5](#)

Open meetings, public rights and government body permissions (Iowa Code §§ 21.3(1); 21.4(1)(b); 21.7) | [Slides 3, 14](#)

What is notice and the requirements for effecting notice? (Iowa Code § 21.4) | [Slides 9-12](#)

Electronic meetings (Iowa Code § 21.8) | [Slides 20-21](#)

Requirements for agendas and minutes under chapter 21 and legal precedent? (Iowa Code §§ 21.3(2); 21.4(2); | [Slides 9, 15](#)

What is a closed session? (Iowa Code § 21.5) | [Slides 16-17](#)

Procedure for going into closed session and statutory reasons allowed? (Iowa Code § 21.5) | [Slides 18-19](#)

Procedure during closed session, legal requirements, and actions as a result of closed session? (Iowa Code §§ 21.5(2)-(5)) | [Slides 18-19](#)

Penalties and enforcement for violations (Iowa Code § 21.6) | [Slides 25-28](#)

Iowa Code Chapter 22

Who is subject to Chapter 22 (public records)? (Iowa Code § 22.1(1)) | [Slide 30](#)

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 | [Slide 31](#)

What is a lawful custodian and how to handle the records request (Iowa Code § 22.1(2)) | [Slides 30, 33-35](#)

Who may request public records and how (Iowa Code §§ 22.2; 22.4) | [Slide 32](#)

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 | [Slide 34](#)

Costs allowed, small requests, estimates of costs, and pre-payment of estimated costs (Iowa Code § 22.3) | [Slides 36-38](#)

Costs for legal review for redaction and confidentiality. (Iowa Code § 22.3(2)) | [Slide 38](#)

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*) | [Slides 39=42](#)
Settlements by government bodies (Iowa Code § 22.13) | [Slide 43](#)
Enforcement (Iowa Code § 22.10) | [Slide 47](#)

Thanks again!

Mickey Shields

Deputy Director

Direct: (515) 974-5316

Office: (515) 244-7282

Web: www.iowaleague.org



On Mon, Aug 18, 2025 at 8:39 AM IPIB, IPIB <ipib@iowa.gov> wrote:

Good morning,

Thank you very much for your submission. We are, of course, well aware of the League's existing training and we are eager for you to roll out an approved program.

With that in mind, there are a few things we're asking all applications to include, including the person(s) responsible for providing the training within your organization, information on registration and costs, and documentation for where each of the required components listed on our website may be found in your training materials. See [Additional Guidance on Training Requirements](#) for more.

Looking through the PowerPoint, I'm sure any tweaks needed to include everything would be minor, so I'm going to see if we can get you onto our agenda for this Thursday on a provisional basis, just because the League already had a program that we sometimes referred governmental bodies to as an alternative to our own training before HF 706. Assuming we can get the additional information from you, would you or someone else from the League be potentially available to answer questions about your training on Thursday afternoon? No guarantees but, as mentioned, we knew in advance you were looking to get a training program certified.

And to your digital certificate question, almost all the certificates IPIB will be issuing will be electronic, so this would not be a concern.

Best,

On Mon, Aug 18, 2025 at 8:26 AM Mickey Shields <mickeyshields@iowaleague.org> wrote:

Greetings,

The Iowa League of Cities would like to be an approved trainer for open meetings/open records classes under HF706. We have long provided training on these topics and have worked with IPIB regularly in the past to provide general guidance to city officials along with conducting direct training to city councils when ordered by IPIB.

I believe we would likely do a mix of in-person and virtual classes with both using the attached PowerPoint template (which can be modified as needed to suit IPIB's directive). We may offer quarterly virtual classes (via Zoom) and then embed workshops within various events, such as our Municipal Leadership Academy (which is held every other after city elections and is designed for newly elected officials). I'm sure we will continue doing direct training for individual cities as well.

The main staff that will provide this training is our Membership Services team of myself and Grace Hillock, our Membership Services Coordinator. When we've done these over the years, the training typically lasts 60-90 minutes (depending on how many questions a group asks).

The League will be happy to issue certificates, although we do have a question on that - are we able to issue digital certificates to attendees?

Lastly, I do not believe we will charge a fee for the quarterly virtual classes - but if we're able to include an open meetings/open records workshop within an event, registrants would need to pay for such a workshop.

Please let me know if there are any questions. Thank you for your consideration!

Mickey Shields

Deputy Director

Direct: (515) 974-5316

Office: (515) 244-7282

Web: www.iowaleague.org



IPIB, IPIB <ipib@iowa.gov>

Mon, Aug 18, 2025 at 3:26 PM

To: Charlotte Miller <charlotte.miller@iowa.gov>

Forwarded from IPIB account: Here are the training provider materials from the Iowa League of Cities (original email with PowerPoint).

[Quoted text hidden]



OMORLeagueTemplate25.pptx

235K



510 East 12th Street
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Charlotte Miller, JD
Executive Director
(515) 393-8339
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Advisory Opinion 25AO:0011

DATE: August 21, 2025

SUBJECT: Individuals Subject to Section 21.12 Training Requirements

This advisory opinion offers clarification on which individuals are subject to new training requirements described in Iowa Code § 21.12, as enacted by the 91st General Assembly as part of House File 706. According to Iowa Code § 21.12(1), the new mandatory training requirement is applicable to any “newly elected or appointed public official who is a member of a governmental body.” Since the law came into effect on July 1, 2025, IPIB has received numerous inquiries about who is subject to this requirement, which have been merged into this opinion.

“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:

On June 6, 2025, Governor Reynolds signed House File 706 into law. By its own terms, HF 706 is “an Act relating to open meetings and open records, providing penalties, and making penalties applicable.” Amongst other things, the Act creates a new section, Iowa Code § 21.12, which imposes a “member education course” requirement. Iowa Code § 21.12(1) provides as follows:

A newly elected or appointed public official who is a member of a governmental body shall complete a course of training of not less than one and not more than two hours regarding the responsibilities of the governmental body and the governmental body’s members under this chapter and chapter 22 not later than the ninetieth day after the date the member does one of the following, as applicable:

- a. Takes the initial oath of office.
- b. Assumes responsibilities, if the member is not required to take an oath of office.
- c. Is elected to the office.

Board Members

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

IPIB has received numerous questions from across the state. While some are easy to answer based on the plain text of the statute, others present ambiguities which require interpretation in an advisory opinion. Questions considered for this opinion include:

1. Whether Section 21.12 applies to trustees of a benefitted fire district appointed by a county board of supervisors, elected township clerks, or county medical examiners.
2. Whether Section 21.12 applies to the Sioux City Mayor's Youth Commission. The Youth Commission is a board with both policy-making and advisory duties, comprised of local ninth and tenth grade high school students appointed by resolution of the Sioux City Council. The Commission manages a small budget, currently set at \$6,000, which it uses to coordinate community service and host local events and fundraisers. Members also advocate on behalf of the interests of local youth with the help of adult advisors.
3. Whether Section 21.12 applies to the boards of nonprofit corporations licensed to conduct pari-mutuel wagering pursuant to Chapter 99D or gambling games pursuant to Chapter 99F, as these nonprofits are classified as "governmental bodies" subject to other open meetings requirements of Chapter 21.
4. Whether Section 21.12 applies to individuals who are not otherwise public officials or employees who serve as community representatives on 28E boards. For example, if a city council enters into a 28E agreement with a private high school to host community events at the school's events center, would a faculty member who represents the school on the resulting 28E board be subject to mandatory training?
5. Whether an individual who held a qualifying position as of July 1, 2025 and was thus not "newly elected or appointed" after that date would become subject to Section 21.12 after a gap in which they did not hold any qualifying position with any governmental body.

QUESTION POSED:

Who is required to complete mandatory training on Chapters 21 and 22 under Section 21.12?

OPINION:

Disclaimer: To the extent that advice in this advisory opinion conflicts with IPIB's opinion 25AO:0008, *Training Requirements for Newly Elected and Appointed Officials*, this opinion should be considered to take precedence.

Executive Summary

I. Who is subject to the mandatory training requirements of Section 21.12?

Any individual with membership in a governmental body, as defined by Iowa Code § 21.2(1), is potentially subject to Section 21.12. In reaching this interpretation, IPIB concludes that the term "public official" should not be read to impose any additional restrictions on the law, as the term is not defined or otherwise used anywhere else in the new section or in Chapter 21 as a whole. Only members of the boards, councils, commissions, or other governing bodies who are subject to Chapter 21 are required to complete training, including members of state agency boards or commissions, city council members, county supervisors, and school board members, as well as trustees of benefitted fire districts, members of 28E boards, and directors of 99D or 99F non-profits involved in pari-mutuel wagering or gambling games. Mandatory training does *not* apply to other officials and employees, such as mayors, clerks, city or county attorneys, school superintendents, and others, except where these individuals are also members of a governmental body in another capacity.

Section 21.12 does not apply to the state judicial or legislative branches or their employees, nor does it apply to the governor or the governor's office.

II. What does it mean to be “newly” elected or appointed?

Section 21.12 only applies to members of governmental bodies who are newly elected or appointed after the new law’s effective date of July 1, 2025. Individuals who held their positions on or before June 30, 2025 are exempted by virtue of their pre-existing roles, including if they are later reelected or reappointed to a new term in the same position. *However*, this exemption does not extend to individuals who were previously members of a governmental body but were not active in that position at the time the law came into effect, those who are initially exempt but who leave their position and later return after a period of inactivity, or those who were exempt based on a legacy position with one governmental body who are later elected or appointed to a new governmental body.

Once an individual has received a certified training, that training will continue to satisfy their obligations under Section 21.12 for any committees or subcommittees of their governmental body, as well as any future service as an elected or appointed member of any other governmental body.

III. How is the 90-day deadline measured for elected individuals?

The 90-day deadline is satisfied so long as a newly elected or appointed member of a governmental body completes an approved Section 21.12 training within ninety days of such time that the member a) takes their oath of office, b) assumes the responsibilities of their position, if they are not required to take an oath of office or c) is elected to the position. For elected individuals with two qualifying events, a training taken between the time of their election and the time they either take their oath of office or assume the responsibilities of their position will satisfy the requirement. However, such an individual would not be found in violation of Section 21.12 until ninety days after the later of the two events.

If one person is elected or appointed to two or more positions covered by Section 21.12, they should use the earliest deadline between those positions to determine their due date for training.

I. Public Official Who Is a Member of a Governmental Body

IPIB interprets the phrase “public official who is a member of a governmental body” to describe *any* individual with membership in any governmental body, as the term is defined in Iowa Code § 21.2(1).

Of the two substantive terms used in this description, only “member of a governmental body” is clearly defined by Chapter 21. At the time this opinion is issued, the legislature has identified ten specific types of bodies which are governmental bodies subject to the requirements of Chapter 21, including any “board, council, commission, or other governing body expressly created by the statutes of this state or by executive order,” including executive boards of state agencies like IPIB (subsection *a*), and equivalent governing bodies for any “political subdivision or tax-supported district in this state,” including entities such as county boards of supervisors, city councils, school boards, and township trustees (subsection *b*).

The remaining eight categories include multimembered bodies “formally and directly created” by either of the previous two types of governmental bodies (subsection *c*), governing bodies responsible for overseeing intercollegiate athletic programs of state universities (subsection *d*), certain types of advisory boards and task forces created to make recommendations on public policy issues (subsections *e* and *h*), certain nonprofit corporations licensed to conduct pari-mutuel wagering under Chapter 99D or gambling games pursuant to Chapter 99F (subsections *f* and *g*), the governing bodies of drainage or levee districts organized pursuant to Chapter 468 (subsection *i*), and the boards or commissions of entities organized under Chapter 28E for the joint or cooperative exercise of government powers (subsection *j*). If additional categories are added to the statute in the future, members of newly included types of governmental bodies would also be subject to Section 21.12.

A governmental body, as the term is used in Chapter 21, is legally distinct from the broader “government body,” which describes entities subject to Chapter 22 public records laws. *Compare, e.g.,* Iowa Code § 21.2(1)(b) (“[a] board, council, commission, or other governing body of a political subdivision or tax-supported district in this state”), *with* Iowa Code § 22.1(1) (“any county, city, township, school corporation, political subdivision, tax-supported district”). While other individuals may be closely associated with governmental bodies, only those who have the ability to create a Chapter 21 “meeting” of a governmental body under Iowa Code § 21.2(2) are considered members. For this reason, a city council member may be subject to the Section 21.12 training requirement, but a mayor would not be unless they were also a member of another governmental body, as mayors are not members of city councils. *See* Iowa Code § 372.4(2) (“[a] mayor is not a member of the [city] council and shall not vote as a member of the council”).

In reaching this conclusion, IPIB finds that the term “public official” was not intended to add any additional restrictions to the scope of the training requirement, as the term is not defined anywhere in Chapter 21, and it does not appear in any other location in the chapter, including in any of the new language added by HF 706. In every other reference to persons covered by the rule, Section 21.12 speaks only of a “member” or “members” of a governmental body, without any mention of “public official” as an additional qualifier. *See* Iowa Code § 21.12(3), (3)(a), (3)(b), (4), (5). Nothing in the legislative discussion in either chamber of the General Assembly indicates “public official” was intended as a key term. Rather, Representative Jennifer J. Smith (HF 706’s floor manager in the House) used the phrase “elected and appointed members of government bodies,” with no mention of “public officials” to describe the individuals she expected to be subject to mandatory training in her closing remarks,¹ while Senator Scott Webster (the floor manager in the Senate) stated that the bill created mandatory training for “those that are following under the Public Information Act” in his opening comments.²

While certain individuals, like the directors of a Chapter 99D nonprofit licensed to conduct pari-mutuel wagering, do not hold any public office, they are nevertheless subject to all the requirements of Chapter 21’s open meetings laws *and* the statutory penalties increased by HF 706. It follows that the legislature intended the new training to apply to all members of governmental bodies, as restriction based on the use of the term “public official” would create a counterproductive outcome in which at least some governmental bodies would have no members required to attend a training, despite their responsibilities for following open meetings law in every other context.

Practically speaking, this interpretation also limits ambiguity in applying the law, as “governmental body” is a well-defined term with considerable case law and minimal gray area. To answer the first four questions laid out at the top of this opinion, IPIB advises that Section 21.12 mandatory training applies to fire district trustees, appointees to the Sioux City Mayor’s Youth Commission, the directors of Chapter 99D and 99F nonprofit corporations which qualify as governmental bodies, otherwise private citizens elected or appointed to represent private agencies on 28E boards. Section 21.12 would *not* apply to non-members, such as clerks, county medical examiners, or other prominent officials such as the executive directors of state agencies, city mayors, county attorneys, or school superintendents – unless these individuals qualified through another role.

Lastly, per Iowa Code § 21.12(5), Section 21.12 also does not apply to any member or governmental body who is excluded from IPIB’s jurisdiction under Iowa Code § 23.12. This includes “the judicial [and] legislative branches of state government [and] any entity, officer, or employee of those branches, [and] the governor [and] the office of the governor.”

¹ H.R., *Closing Comments on HF 706*, 91st Gen. Assemb., 2025 Leg. Sess. (Iowa Apr. 23, 2025), <https://www.legis.iowa.gov/perma/0801202515215>.

² S., *Opening Remarks on HF 706*, 91st Gen. Assemb., 2025 Leg. Sess. (Iowa Apr. 17, 2025), <https://www.legis.iowa.gov/perma/0801202515216>.

II. Newly Elected or Appointed

Iowa Code § 21.12(1)’s “newly elected or appointed” clause indicates that only members of governmental bodies who are elected or appointed after the bill’s effective date (July 1, 2025) are subject to mandatory training. Any member who held a qualifying position on or before June 30, 2025 is therefore exempted by virtue of their pre-existing role, meaning they do not have to take a training, including if they are reelected or reappointed to a new term in the same position.

According to Iowa Code § 21.12(3)(a), “[c]ompleting the required training as a member of [a] governmental body satisfies the requirements of [Section 21.12] with regard to the member’s service on a committee or subcommittee of the governmental body and the member’s service on any other governmental body.” In other words, if a city council member takes the required training after being elected to the council, they would not need to attend a new training if they were also appointed to the city’s public works committee or if they are later elected to serve as a county supervisor.

However, because the plain language of Iowa Code § 21.12(3)(a) refers only to completing a “required training,” IPIB does *not* interpret this section to waive the training requirement for those who are “newly elected or appointed” after initially being exempted but who are later elected or appointed to a new position. This includes anyone who was previously a member of a governmental body before July 1, 2025 but who was not actively serving in that role when the law came into effect, anyone who was a member of a governmental body at the time the law came into effect who leaves that position and later returns after a period of inactivity, and anyone who was exempt from training based on a legacy position with one governmental body who later becomes a member of another governmental body.

This interpretation aligns with the legislative intent in enacting Section 21.12 by requiring training for all those who are elected or appointed to a new office, including those who were previously exempted due to their legacy status. It also avoids the potential burden of administering a permanent exemption as an individual moves between governmental bodies, which would otherwise conflict with a government body’s duty to “maintain and make available for public inspection the record of the governmental body’s members’ completion of the training.” Iowa Code § 21.12(3).

III. The Ninety-Day Window

The final component of Iowa Code § 21.12 which needs to be addressed in this advisory opinion is the ninety-day window, based on the requirement that a qualifying individual must complete mandatory training “not later than the ninetieth day after the date the member does one of the following, as applicable: a) [t]akes the initial oath of office; b) [a]ssumes responsibilities, if the member is not required to take an oath of office, or c) [i]s elected to the office.”

In the original draft of HF 706 presented in the Iowa House, only subsections *a* and *b* were present, offering two mutually exclusive dates for when the ninety-day timer could begin. Subsection *c*, which adds the time of election as a third possible starting point, was the result of amendment H-1088. According to Representative Jennifer J. Smith, who introduced both the bill and this amendment:

This amendment allows for individuals who have been elected to office to take the approved training. New elected school board members typically attend a conference the week following their election,

where an IPIB-approved training occurs. This amendment would allow the training received at this conference to count as the required training.³

In other words, the election alternative was included specifically to ensure that individuals were able to take advantage of training opportunities offered between the time they were elected to a governmental body and the time they either took their oath of office or assumed the responsibilities of office. Consistent with this purpose, IPIB interprets the training requirement of Iowa Code § 21.12(1) to be satisfied so long as a newly elected or appointed member completes an approved training within ninety days of *any* of the listed events. Thus, a person elected to a position on July 1 who takes their oath of office on August 1 would have until August 30 to complete their Section 21.12 training.

Notwithstanding the above, a person who is elected or appointed to membership in multiple different governmental bodies should use the earlier applicable deadline to determine when training must be completed.

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:

August 21, 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.

³ H.R., *Debate on Amendment H-1088 to HF 706*, 91st Gen. Assemb., 2025 Leg. Sess. (Iowa Mar. 24, 2025), <https://www.legis.iowa.gov/perma/0801202515214>.

The Iowa Public Information Board

In re the Matter of:	Case Number: 24FC:0089
Curtis Wagler et al., Complainant	Investigative Report
And Concerning:	
Henry County Sheriff's Office, Respondent	

COMES NOW, Alexander Lee, Agency Counsel for the Iowa Public Information Board (IPIB), and enters this Investigative Report:

On October 9, 2024, Danny Cornell, on behalf of Curtis Wagler, Lori Wagler, and Owen Wagler, filed formal complaint 24FC:0089, alleging the Henry County Sheriff's Office (Sheriff's Office) violated Iowa Code Chapter 22.

The IPIB accepted this Complaint on January 16, 2025.

Facts

This case arises in the context of an ongoing controversy in Henry County involving the Waglers, who are the individual complainants in this case, the Henry County Sheriff's Office, and the Henry County Attorney. Many of these matters are beyond the scope of IPIB's jurisdiction, but the necessary background is summarized as follows:

- In the spring of 2023, the Waglers were subject to a brief criminal investigation related to their private business, for which they were arrested and charged.
- Shortly after their arrest, the Waglers were released, and the charges were dismissed at the discretion of the County Attorney.
- The deputy responsible for the investigation and arrest was later placed on the Henry County *Brady-Giglio* list by the County Attorney as a result of these events, though the County Attorney and Sheriff's Office disagree about the merits of this decision.
- The conflict between the County Attorney and Sheriff's Office over this and related matters has been covered by local news sources and may fairly be considered a matter of public controversy within Henry County.
- The Sheriff's Office maintains that there are ongoing criminal investigations as of July 2025 which involve the Waglers and relate to the same incidents as the 2023 charges.

Danny Cornell has represented the Waglers throughout IPIB's review of formal complaint 24FC:0089, which he submitted on their behalf, but he is not legal counsel for other ongoing legal matters, including pending criminal investigations.

On May 7, 2024, Danny Cornell, acting on behalf of the Waglers, submitted a Chapter 22 request for documents and communications relating to the named deputy's placement on the *Brady-Giglio* list, along with a broad request for records relating to the county attorney's decision not to prosecute the Waglers in the dismissed criminal case.

This request was sent to both the County Attorney and the Sheriff's Office. The Sheriff received the request on May 9, acknowledged it for the first time on May 20, and provided the roughly 1,000-page investigative file to the County Attorney for review on June 3. On July 4, however, the Sheriff contacted a private law firm, seeking their assistance with the Chapter 22 request. The firm agreed to represent the Sheriff's Office on July 11, and the Sheriff subsequently directed the County Attorney not to take any further action on the Chapter 22 request, as the Sheriff's Office was the proper custodian. Cornell was first informed of this change on July 25, after contacting the County Attorney. On August 1, Cornell contacted the Sheriff's Office, indicating his intent to file an IPIB complaint if records were not released.

On August 5, 88 days after the initial request, the Sheriff's Office mailed a package with responsive records, though Cornell asserts this package was never received. On August 12, 95 days after the request, Cornell received the records via email. In an accompanying letter, the Sheriff's Office asserted that all records responsive to the request were confidential based either on Iowa Code § 22.7(5) or attorney-client privilege, though five records (seven pages total) were included because the sheriff agreed to "partially waive" confidentiality.

On October 9, 2024, Cornell filed formal complaint 24FC:0089 against the Henry County Sheriff's Office, alleging undue delay and the failure to release certain public records which he argued were improperly withheld. After opening the complaint, an additional 107-page PDF was released, consisting of public records previously released to a local newspaper in response to a similar Chapter 22 request.

On January 16, 2025, under IPIB's former complaint review process, 24FC:0089 was "accepted" for further consideration of two Chapter 22 issues: 1) the alleged unreasonable delay, based on the 88- to 95-day gap between request and production, and 2) whether the Sheriff's Office had applied the proper standard to withhold investigative files under Iowa Code § 22.7(5).

On May 12, 2025, the parties were able to reach the framework of an informal resolution. In substance, both parties agreed that the matter could be resolved if the respondents conducted a fresh analysis of the responsive investigative file records, applying the *Hawk Eye* balancing test to

determine whether the qualified privilege of Iowa Code § 22.7(5) provided confidentiality for each category of record within the file. As part of this agreement, the respondents agreed to use IPIB's interpretation of *Hawk Eye*, as described in *Mitchell v. City of Cedar Rapids*, which they had not done in their initial response. While no informal resolution agreement was ever signed, both parties signaled they would agree to the following language for the first two terms:

1. "The Henry County Sheriff's Office, with the assistance of legal counsel, will conduct a fresh review of records from the investigative file responsive to the Waglers' original records request, applying the *Hawk Eye* balancing test to determine which records, if any, may be withheld as confidential under the qualified privilege of Iowa Code § 22.7(5)."
2. "Any responsive records which are not deemed confidential based on *Hawk Eye* or another confidentiality exception provided by law will be released to the complainants."

The parties also agreed, *in spirit*, to a third term, in which the respondents would provide an explanation of how the *Hawk Eye* balancing test was applied for any investigative files withheld after the second review was completed, as reassurance that the proper standard was used. Any other confidentiality exception which was asserted would similarly be cited and explained.

The Sheriff's Office tentatively agreed to each of the three terms described above to informally resolve the case. The complainants accepted the first two terms, but disagreed with the standard set by the third. Cornell instead suggested that the resolution require the creation of a confidentiality/privilege log, which would include 1) the approximate creation date of each record withheld, 2) the general subject matter or category of the record, 3) the type of document (e.g. report, email, memo), 4) the specific statutory exemption claimed, and 5) an explanation of the confidentiality interests, potential harms of disclosure, and a justification for why these had been found to outweigh the public interests identified by the complainants. Cornell also proposed a fourth term, which would guarantee the Waglers the opportunity to review disclosures and either agree to resolution or keep the matter open for further review or enforcement actions.

The parties were unable to resolve their disagreement over the justification required to establish compliance for the purposes of the third term. As such, no informal resolution was ever signed. Nevertheless, the respondents opted to proceed under the spirit of the mediated agreement and, on June 10, 2025, they released additional records to both Cornell and IPIB, along with a three-page explanation which summarized their analysis of each category of record in the investigative file. In total, 208 pages were identified for release, including:

- Redacted incident reports, criminal complaints, and "call sheets" with complaints received against the Waglers from members of the public and responsive actions taken
- The March 2023 arrest report for the Waglers
- The search warrant application used by the deputy
- A handwritten warrant inventory and other search warrant materials
- A letter to the Waglers about a legal bill

- A search warrant to a bank with partial results
- Emails between Cornell and the County Attorney for the return of seized property

Certain information, such as phone numbers associated with members of the public who filed complaints with the Sheriff's Office, were redacted. Five general categories of records were withheld, with explanations and specific page ranges, as follows:

- Roughly 439 pages were withheld as investigator notes and internal communications, including 154 original pages and 285 which were duplicated from other records in the file.
- Roughly 83 pages were evidence obtained from the Waglers, including bills sent to the Waglers' clients and invoices for payments.
- Roughly 50 pages consisted of communications between investigators and private citizen witnesses involved in the investigation.
- Roughly 91 pages consisted of business communications between complaining parties and the Waglers concerning the matters under investigation, which were collected by or provided to the Sheriff's Office as evidence during the course of investigation.
- Roughly 92 pages were documents seized from the Waglers in execution of the search warrant or prints of searches of their computers as part of the investigation.

A second attempt was made to reach a signed informal resolution following the release of these records, but it was ultimately unsuccessful. Cornell asserts that either a more detailed index or direct review by IPIB staff would be necessary to ensure the respondents were not withholding additional records which should be disclosed under *Hawk Eye*. Cornell has also disputed the respondents' references to any ongoing investigations against the Waglers, as it has now been over two years since the 2023 investigation and the deputy's placement on the county *Brady-Giglio* list. According to Cornell, the two sets of files should be treated as entirely separate, tilting the balance in favor of public interests for the former investigation.

The respondents maintain that they have fully complied with their duties under Chapter 22 and have requested that the case be dismissed as resolved.

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:

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." Iowa Code § 22.7(5).

Analysis

I. The Qualified Privilege of Iowa Code § 22.7(5)

IPIB originally accepted this complaint to determine whether the respondents had applied the correct standard of confidentiality to withhold records from the police investigative file.

In *Mitchell v. City of Cedar Rapids*, the Iowa Supreme Court found that Iowa Code § 22.7(5) created only a qualified privilege of confidentiality for records included in police investigative reports, rather than a categorical exemption. 926 N.W.2d 222, 234 (Iowa 2019) (holding that, despite the Court’s ruling in *ACLU Foundation v. Records Custodian*, “the legislature has acquiesced in [the Court’s] interpretation of section 22.7(5)” and “*Hawk Eye* remains the controlling precedent for disputes over access to police investigative reports”). In determining whether a report is entitled to confidentiality under Chapter 22, courts use the *Hawk Eye* balancing test, as derived from Iowa Code § 622.11. As the Court held in *Hawk Eye*, “[a]n official claiming the privilege must satisfy a three-part test: (1) a public officer is being examined, (2) the communication [to the officer] was made in official confidence, and (3) the public interest would suffer by disclosure.” *Id.* at 232 (quoting *Hawk Eye v. Jackson*, 521 N.W.2d 750, 753 (Iowa 1994)).

Confidentiality determinations often hinge on the last prong, which balances the public interest in disclosure against the potential harm, including considerations like the involvement of confidentiality informants, the presence of named but innocent suspects, and any “hearsay, rumor, or libelous comment” in investigation materials. *Hawk Eye*, 521 N.W.2d at 753; *see also* 23AO:0003, *Confidentiality of Police Investigative Files*. Whether the investigation is ongoing is another important factor, as temporary confidentiality may be necessary to protect the investigative process prior to its conclusion, but this not the only factor considered, and the Court has made clear that the “ongoing investigation” language in Iowa Code § 22.7(5) itself does not apply to the confidentiality for investigative reports. *Mitchell*, 926 N.W.2d at 230–31.

In this case, the asserted public interest in disclosure is based on the alleged misconduct or wrongdoing of the particular named deputy in charge of the 2023 investigation. After the County Attorney unilaterally dropped all charges against the Waglers, the deputy became the sole law enforcement officer in Henry County placed on the county’s *Brady-Giglio* list. This means that the County Attorney had identified a credibility issue based on the deputy’s handling of the investigation which prosecutors would be required to disclose in future criminal cases involving the same deputy in order to protect defendants’ due process rights under the 5th and 14th Amendments.¹ These decisions, and the resulting conflict within Henry County government, have

¹ *See Giglio v. United States*, 405 U.S. 150, 154–55 (1972) (finding that information affecting the credibility of a key government witness was material, exculpatory evidence which a prosecutor had an affirmative duty to disclose under the precedent of *Brady v. Maryland*).

been reported on my multiple local media sources and discussed in multiple open session meetings of the Henry County Board of Supervisors.

There is therefore a significant public interest in disclosure for the portions of the investigative file relating to the deputy's potential misconduct, comparable to issues identified in cases like *Mitchell*. See 926 N.W.2d. at 234 (finding significant public concern in a highly publicized case involving a traffic stop police shooting involving a Caucasian police officer and an African-American motorist). This interest applies most heavily for several categories of records released, including redacted call sheets describing the actions taken by the deputy and the department in response to complaints about the Waglers, the criminal complaints themselves, and materials related to the search warrant carried out by the deputy.

However, the public interest is weaker in the context of the other categories of records described, such as communications made in official confidence between investigators and witnesses, evidence of financial transactions and related communications between the Waglers and complaining parties, and the contents of documents seized from the Waglers during the execution of the search warrant, including from their computers. None of these records would have more than a tangential relationship to the public's interest in the deputy's decision-making, while both witness statements and purely private records collected or seized in the process of an investigation are assigned heightened privacy interests which also weigh against disclosure. The apparent ongoing investigation by the Sheriff's Office of the Waglers' business practices is also relevant as a confidentiality factor given the overlapping facts with the 2023 investigation, but it is unlikely these types of documents would ever be produced even if the investigation were fully closed.

Similarly, while the investigator notes and internal communications about the case may be more relevant to the asserted public interest than other non-disclosed categories, these communications are also entitled to a greater standard of protection. In cases like *Mitchell*, these types of "reports or memorand[a] generated solely for purposes of a police internal review of [an] incident" have been excluded despite *Hawk Eye* analysis which balances in favor of disclosure, due to the expected "chilling effect on the candor expected for internal investigations." *Id.* at 235. And, while the facts of this case differ from *Mitchell*, the clear precedent is that this sort of tailoring is appropriate to accommodate the public interest without compromising the interests intended to be protected by the qualified privilege of Iowa Code § 22.7(5).

The complainants object to the respondents' analysis on the basis that the investigative files relate to a police investigation which is now closed, despite the respondents' assertion that there is still an ongoing investigation against the Waglers. From what has been presented, it appears that both the 2023 and 2025 investigations relate to the Waglers' business practices and involve overlapping third party complainants, witnesses, and evidence, meaning there are similar confidentiality factors despite the formal gap between the two investigations. However, even if the investigation were

assumed to be closed for the purposes of this analysis, the presence of an ongoing investigation is only one factor considered in *Hawk Eye* analysis, and “police investigative reports do not lose their confidential status under section 22.7(5) when the investigation closes.” *Id.* at 232. When taking all factors into account, and considering that the public interest is specific to the named deputy’s alleged misconduct rather than the investigation as a whole, there is no probable cause to believe the respondents misapplied Iowa Code § 22.7(5) to claim confidentiality for the documents withheld, at least not in the second review they conducted as a result of informal resolution. Indeed, it is arguable that more was disclosed than necessary.

Other routes to access may be available outside of Chapter 22, including discovery in ongoing litigation involving the Waglers, and it seems likely that the Waglers would have access to multiple categories of withheld records which were taken as evidence from them or their business during the investigation. Regardless, IPIB’s jurisdiction is limited solely to Chapter 22, which governs access to public records for all members of the public, regardless of any special relationship to the records they may have.

Finally, the complainants argue that independent oversight is needed to ensure compliance with Chapter 22, achieved through either a requirement that the respondents create an extensive records index subject to the complainants’ final approval or that IPIB conduct a separate *in camera* review of the records. However, the potential violation addressed by IPIB in its investigation of this case was based on a purely legal disagreement about the proper standard for confidentiality under Iowa Code § 22.7(5), as opposed to anything which would suggest records were ever withheld in bad faith. The category-by-category analysis provided, which effectively creates an index of all records in the investigative file and explains how confidentiality was assessed for each, is more than sufficient to establish compliance under the circumstances.

II. Unreasonable Delay

A minimum of 88 days elapsed between the time the complainants submitted their Chapter 22 request and the eventual release of five records, and it was 95 days before the complainants received the records. The parties dispute whether this constituted unreasonable delay, though they agreed for the sake of informal resolution that the matter could be settled if the non-confidential records required to be released were properly disclosed.

Chapter 22 does not contain firm time limits for public records requests, and the general standard is that “[g]ood faith, reasonable delay” is not a violation if the delay is for a permitted purpose, including a determination of whether a record qualifies as a public record or is protected by confidentiality. Iowa Code § 22.8(4). In *Belin v. Reynolds*, the Iowa Supreme Court interpreted the language of Iowa Code § 22.10(2), which considers amongst other things whether a respondent has “refused to make [requested] government records available for examination and copying,” to imply six additional factors which could establish constructive denial due to an unreasonable

delay. 989 N.W.2d 166, 174 (Iowa 2023). These factors include prompt acknowledgement and assurances related to a request, explanation of delays, whether the requester received rolling production upon availability, and similar communication. *Id.* at 175; *see also* 24AO:0010, *Clarification on the Definition of “Reasonable Delay.”*

Implicit in both Iowa Code § 22.8 and the *Belin* test is the expectation that response times are affected by the nature and scope of a Chapter 22 request. In this case, the request sought nearly a thousand pages of records, in addition to other communications outside of the investigative file (later determined to be covered by attorney-client privilege). A response period of multiple months would not be inherently unreasonable under these circumstances.

Nevertheless, the facts presented in the record do support a possible unreasonable delay. The Sheriff’s Office did not acknowledge the request in any way until eleven days after it was submitted, and there were no further communications made by the Sheriff’s Office to the complainants between the initial email on May 21 (when they provided a two-week estimate) and the notice of mailing given on August 6. The County Attorney, who was originally tasked with handling the request on the Sheriff’s behalf, requested an additional week on June 3, but no other estimates or updates were given after this time until July 25, when the complainant’s attorney reached out and learned for the first time that the Sheriff’s Office had taken control of the request. Neither the change of government contact nor the decision to hire outside counsel – both of which led to significant delays – were ever communicated or explained. There was no rolling production of records, nor were there sufficient updates when timelines changed. And, when limited disclosures were eventually made, the respondents asserted that the entire investigative file was entitled to confidentiality, implying that record-by-record analysis was minimal during this time.

At the same time, there were clear extenuating circumstances. Under normal conditions, a sheriff’s office would rely on the county attorney to handle legally complex records requests, and the majority of the delay in this instance was the result of a perceived conflict of interest where the investigative records sought were directly related to a then-ongoing professional dispute between the two offices. As a result of these concerns, the Sheriff’s Office reclaimed possession of the investigative file and began a new, independent confidentiality review using private counsel hired by the Sheriff himself. There is no reason to believe that similar delays are likely for other, future records requests which don’t involve these specific issues.

Given these facts, there is probable cause to believe a violation occurred, based on the length of the delay itself, the timeline provided to explain the delay, and, most relevantly, based on the lack of sufficient communication required by *Belin* to avoid a finding of constructive denial. However, because the respondents have since remedied the underlying issue and because additional preventative measures would be inappropriate where any unreasonable delay was the direct result of unique circumstances which are unlikely to reoccur in future records requests, dismissal of this portion of the complaint is appropriate as an exercise of administrative discretion.

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.

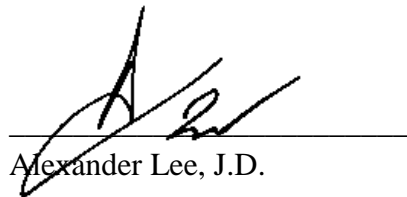
Iowa Admin. Code r. 497-2.2(4).

Recommendation

For the portion of the complaint concerning the required disclosures from the police investigative file, it is recommended that the Board dismiss the matter for lack of probable cause to believe that the Sheriff's Office is in violation of Chapter 22 following the IPIB's informal resolution process, as appropriate disclosures have now been made and Iowa Code § 22.7(5) confidentiality has been properly asserted and justified for the remaining categories of records which were not released.

For the portion of the complaint alleging unreasonable delay, it is recommended that the Board determine that probable cause exists to believe a violation has occurred but dismiss the matter as an exercise of administrative discretion based on the unique, extenuating circumstances which contributed to the delay.

By the IPIB Agency Counsel,



Alexander Lee, J.D.

CERTIFICATE OF MAILING

This document was sent on August 15, 2025, to:

Danny Cornell, on behalf of Curtis Wagler et al., Complainants
Henry County Sheriff's Office, Respondent

JUL 09 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.

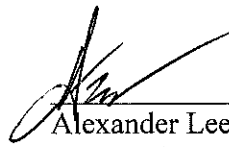
9. **Communications.** You may not contact IPIB members by phone, letter, facsimile, e-mail, or in person about this Notice of Hearing and Statement of Charges. IPIB members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing 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 09 2025

Iowa Public
Information Board

BEFORE THE IOWA PUBLIC INFORMATION BOARD

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

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 several 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**

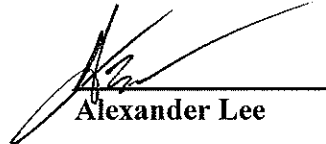
BY: 

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 09 2025

Iowa Public
Information Board

BEFORE THE IOWA PUBLIC INFORMATION BOARD

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

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 several 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

The Iowa Public Information Board

In re the Matter of:	Case Number: 25FC:0040
Stephanie Erickson, Complainant	Informal Resolution Report
And Concerning:	
City of Indianola, Respondent	

On April 10, 2025, Stephanie Erickson filed formal complaint 25FC:0040, alleging that the City of Indianola violated Iowa Code Chapter 21.

The IPIB accepted this complaint at its meeting on May 15, 2025.

Background

On April 7, 2025, the Indianola City Council considered the applications of four candidates to fill a vacant at-large council member position. After each of the four candidates had presented in open session, the council narrowed the field to two finalists using an anonymous ballot process, in which each of the five council members wrote the names of their preferred candidates on paper ballots which were then collected and the aggregate results were announced by a city employee. This same anonymous ballot process was used for four subsequent votes between the finalists, with a 3-2 vote in favor of one candidate in the first two rounds and a different 3-2 vote which favored the other candidate in the second two rounds. The matter was then tabled, as four votes were required to fill a vacancy. The votes of individual council members were not made available to the public during this meeting.

During the second phase of the selection process, two ten-minute recesses were called, with one after the first 3-2 vote and another after the second 3-2 vote on the same lines. The stated purpose for these recesses was to allow members to break into “small groups” for discussions intended to reach the requisite four vote majority needed to make an appointment. While these discussions took place within the Council Chambers or just outside those chambers in the open, the discussions did not take place in open session.

Following notice of the complaint, the City took immediate steps to remedy the issue by publicly announcing how individual members had voted at their next meeting on April 14, 2025, for both

the initial selection from the pool of four applicants and the final 3-2 ballot. These disclosures were reflected in the meeting minutes for April 14.

Applicable Law

“*Meeting*’ means a gathering in person or by electronic means, formal or informal, of a majority of the members of a governmental body where there is deliberation or action upon any matter within the scope of the governmental body’s policy-making duties. Meetings shall not include a gathering of members of a governmental body for purely ministerial or social purposes when there is no discussion of policy or no intent to avoid the purposes of [Chapter 21].” Iowa Code § 21.2(2).

“Except as provided in section 21.5, all actions and discussions at meetings of governmental bodies, whether formal or informal, shall be conducted and executed in open session.” Iowa Code § 21.3(1).

“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 the information sufficient to indicate the vote of each member present. The vote of each member present shall be made public at the open session.” Iowa Code § 21.3(2).

Informal Resolution

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

1. This Informal Resolution will be formally approved at a meeting of the Indianola City Council, and the following terms shall be read into the record. The City will include a copy of this Informal Resolution in its meeting minutes and will provide IPIB staff with a copy of the minutes demonstrating approval.
2. By adopting this Informal Resolution, the City acknowledges that the process used at the April 7, 2025 meeting and described in the Background section of this Informal Resolution to fill the vacant council member position violated Chapter 21. Specifically, the City acknowledges that the individual votes of council members should have been made available to the public at the time they were cast, and members should not have used meeting recess to conduct deliberation on the appointment outside the public’s view.
3. The City will develop an official policy for the conduct of future appointments, which shall include a requirement that each participating council member’s vote be made public during the open session in which the election is held. The City will provide IPIB staff with a copy of this policy after it is approved.

4. All city council members, along with the City's mayor, will complete training related to public meetings and records. This training will be arranged by the Board and conducted with IPIB during an open meeting.

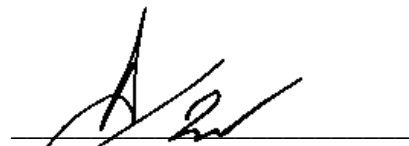
The terms of the Informal Resolution will be completed within 60 days of the date of approval of this Informal Resolution by all parties. Upon showing of proof of compliance, the IPIB will dismiss this complaint as successfully resolved.

Geralyn Jones approved the Informal Resolution on July 2, 2025.

The City of Indianola approved the Informal Resolution on July 22, 2025.

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

By the IPIB Agency Counsel,



Alexander Lee, J.D.

CERTIFICATE OF MAILING

This document was sent on August 15, 2025, to:

Stephanie Erickson, Complainant
City of Indianola, Respondent

The Iowa Public Information Board

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

COMES NOW, Charlotte Miller, Executive Director for the Iowa Public Information Board (IPIB), and enters this Final Report:

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

The IPIB accepted this Complaint on December 19, 2024.

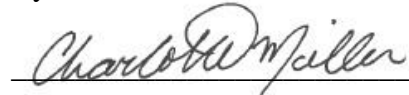
On July 17, 2025, IPIB made the determination that probable cause exists to believe a violation has occurred. The board provided that if records are provided to Dorr by August 1, 2025 the matter will be dismissed.

On July 30, 2025, IPIB was informed that the records were produced by the respondent to the complaint.

Recommendation

It is recommended that IPIB dismiss this complaint pursuant to compliance with the IPIB investigative report dated July 17, 2025.

By the IPIB Executive Director


Charlotte J.M. Miller, J.D.

CERTIFICATE OF MAILING

This document was sent on August 15, 2025, to:

Paul Dorr
James Theobald, counsel for Osceola County



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

25FC:0068 Benton County Sheriff's Office IPIB Complaint

Kelley De Long <delongkn@icloud.com>
To: Alexander Lee <alexander.lee@iowa.gov>

Mon, Jul 21, 2025 at 8:05 PM

I would like to withdrawal the complaint. They provided the materials that were requested.

Thank you,
Kelley DeLong

Sent from my iPhone

On Jul 21, 2025, at 4:28 PM, Lee, Alexander <alexander.lee@iowa.gov> wrote:

[Quoted text hidden]

<Response to IPIB Complaint.pdf>

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

Receipt of New IPIB Complaint (25FC:0084)

lucian diaconu <luciandiaconu@hotmail.com>

Wed, Jul 30, 2025 at 5:23 PM

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

Mr. Lee, firstly, I appreciate your professional follow up, expertise and your time and dedication you pit into every single answer to my questions. I have learned and continue to learn a lot from you.

Secondly, I would like to withdraw the complaint that is at the essence of this email, as it does make sense to me the nature of the complaint and the extent of IPIB reach.

I appologise for the delay in this answer.

Again, many-many thanks for all the wisdom you share.

Lucian.

Sent from my T-Mobile 5G Device
[Get Outlook for Android](#)

From: Lee, Alexander <alexander.lee@iowa.gov>**Sent:** Wednesday, July 30, 2025 5:34:39 PM

[Quoted text hidden]

[Quoted text hidden]

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

Receipt of New IPIB Complaint (25FC:0094)

Barclay Woerner <barclaywoerner@gmail.com>

Wed, Jul 30, 2025 at 11:44 AM

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

You can just mark it as withdrawn. I appreciate the information that you provided me as to the points that need to be met.

Thank you,

Barclay Woerner

On Jul 30, 2025, at 11:18 AM, Lee, Alexander <alexander.lee@iowa.gov> wrote:

Mr. Woerner,

Thank you. If you would like, I can mark the complaint withdrawn, if you do not feel there is a potential violation to address. On the other hand, if you would like an official dismissal order explaining everything formally, we can have one drafted for our next monthly meeting.

Best,

**Alexander Lee, JD**

Agency Counsel

Iowa Public Information Board (IPIB)

510 E 12th Street

Jessie M. Parker Building, East

Des Moines, Iowa 50319

(515) 401-4461

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

On Wed, Jul 30, 2025 at 10:22 AM Barclay Woerner <barclaywoerner@gmail.com> wrote:

Thank you for explaining the four points that need to be met. I don't think that the meeting met points 3&4.

Barclay Woerner



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

June Investment Board Recording

Kevin Terdal <kterdal@yahoo.com>

Thu, Jul 31, 2025 at 12:42 PM

To: "Lee, Alexander" <alexander.lee@iowa.gov>, "Hennessey Elizabeth [IPERS]" <elizabeth.hennessey@ipers.org>

Hello,

That format was acceptable. I was able to listen to recording yesterday.

Thank you,

Kevin Terdal

On Thursday, July 31, 2025 at 12:10:40 PM CDT, Lee, Alexander <alexander.lee@iowa.gov> wrote:

Dear Mr. Terdal,

Please let me know when you have had the chance to review. Assuming you are able to access the record in the alternative format provided, I believe it would be appropriate to mark this complaint as resolved.

Best,

**Alexander Lee, JD**

Agency Counsel

Iowa Public Information Board (IPIB)

510 E 12th Street

Jessie M. Parker Building, East

Des Moines, Iowa 50319

(515) 401-4461

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

On Tue, Jul 29, 2025 at 4:00 PM Kevin Terdal <kterdal@yahoo.com> wrote:

Thank you for this. I will listen to it tomorrow. I have been on vacation.

Kevin Terdal

Sent from Yahoo Mail for iPhone

On Thursday, July 24, 2025, 11:22 AM, Hennessey, Elizabeth [IPERS]
<Elizabeth.Hennessey@ipers.org> wrote:

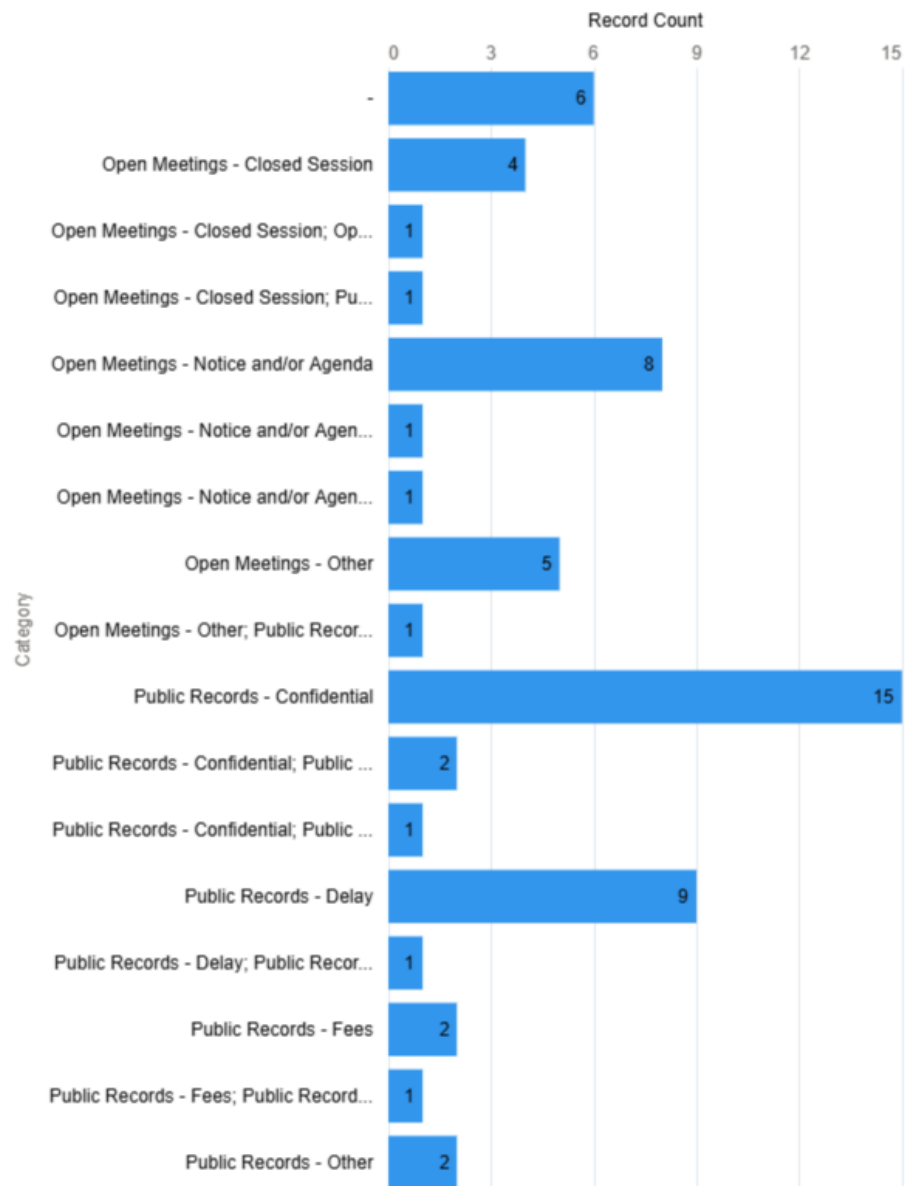
Good Morning Kevin:

Please see the link below for the audio recording of the June 2025 Investment Board meeting. Should you have any questions, feel free to contact me. Thank you.

Cases by Type

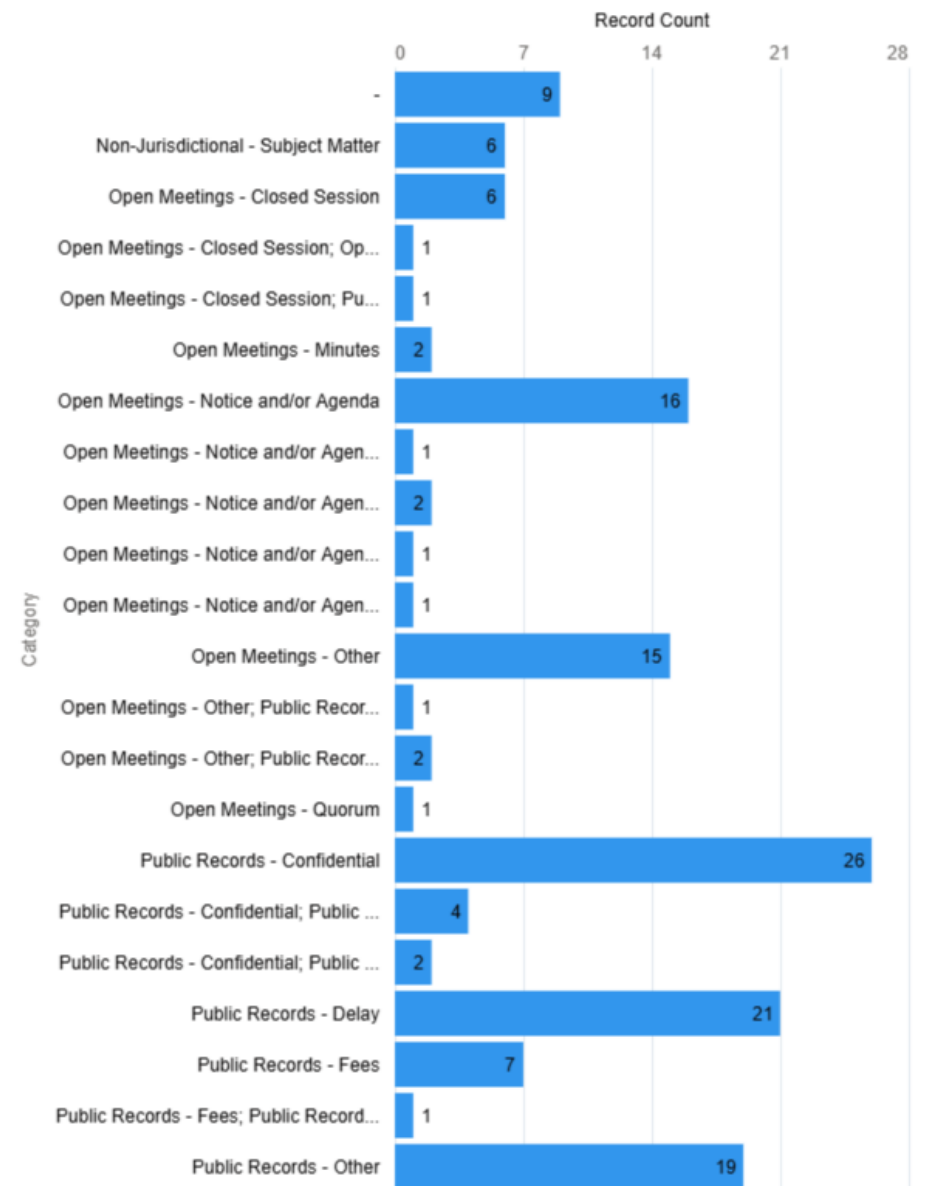
As of Aug 19, 2025, 10:57 AM · Viewing as Erika Eckley

Cases by Type (Active)

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

As of Aug 19, 2025, 10:57 AM

Cases by Type (Filed in Current Year)

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

As of Aug 19, 2025, 10:57 AM

Active Cases Report

54

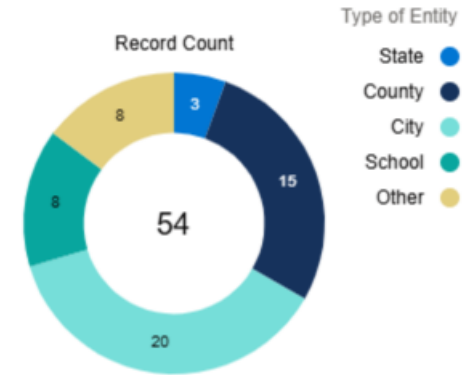
[View Report \(Active Cases\)](#) As of Aug 19, 2025, 10:58 AM

New complaints &/or question last 30 days



[View Report \(New complaints &/or questions\)](#) As of Aug 19, 2025, 10:58 AM

Cases by Entity



[View Report \(Cases by Entity\)](#) As of Aug 19, 2025, 11:12 AM

Active Questions Report

1

[View Report \(Active Questions\)](#) As of Aug 19, 2025, 10:58 AM

Active AO Report

6

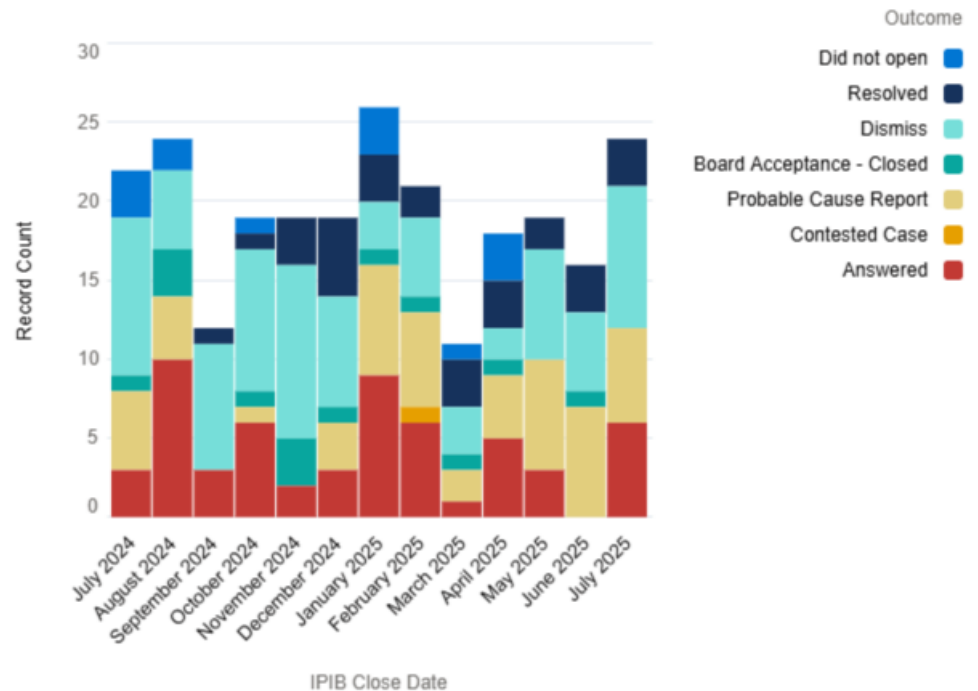
[View Report \(Active AO\)](#) As of Aug 19, 2025, 10:58 AM

Broad Type (Filed in Current)



[View Report \(Broad Type\)](#) As of Aug 19, 2025, 11:13 AM

Closed cases (past 12 months)



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

As of Aug 19, 2025, 11:10 AM