

# **IOWA PUBLIC INFORMATION BOARD**

## **MEMBERS**

**Joan Corbin, Pella (Government Representative, 2024-2028)**  
**E. J. Giovannetti, Urbandale (Public Representative, 2022-2026)**  
**Barry Lindahl, Dubuque (Government Representative, 2024-2028)**  
**Catherine Lucas, Johnston (Government Representative, 2024-2028)**  
**Luke Martz, Ames (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**  
**Charissa Flege, Deputy Director**  
**Alexander Lee, Agency Counsel**

**Use the following link to watch the IPIB meeting live:**

<https://youtube.com/@IowaPublicInformationBoard>

**Note: If you wish to make public comment to the Board, please send an email to [IPIB@iowa.gov](mailto:IPIB@iowa.gov) prior to the meeting.**

## **Agenda**

**December 18, 2025, 1:00 p.m.**  
**Conference Room**  
**Jessie Parker Building, East**  
**510 East 12<sup>th</sup> Street, Des Moines**

### **1:00 PM – IPIB Meeting**

- I. Approval of agenda\***
- II. Approval of the November 20, 2025 minutes \***
- III. Public Forum (5-minute limit per speaker)**
- IV. Comments from the board chair. (Lucas)**
- V. Cases involving Board Deliberation/Action.\* (Miller)**
  - 1. 25FC:0012 (Matt Loffer - Chapter 22- City of Marengo, Marengo Police Department) 2/3/2025 - Board Acceptance of IR
  - 2. 25FC:0018 (Tammy Wise - Chapter 21- Tama County) 2/10/2025 -Final Report Completed IR/Final Report
  - 3. 25FC:0073 (Justin Scott - Chapter 21- Denver Community School District) 6/12/2025 -Final Report Board Acceptance of IR
  - 4. 25FC:0083 (Amber Turner - Chapter 21- Mitchellville City Council and Mayor) 6/30/2025 - Information Gathering/IR Process
  - 5. 25FC:0116 (Crystal Davis - Chapter 21- Larchwood City Council and Mayor) 8/27/2025 - Information Gathering/IR Process

6. 25FC:0130 (Kellen Garfield - Chapter 22- City of Iowa City) 9/16/2025 -Investigative Report Probable Cause Investigation
7. 25FC:0182 (Amy Hill - Chapter 22- Ottumwa Police Department) 11/13/2025 - Information Gathering/IR Process

## **VI. Consent Agenda \***

### **1. Dismissals**

1. Dismiss 25FC:0123 (Jack Elder - Chapter 22- City of Lake City, Iowa) 9/9/2025 - Board Approval of A/D
2. Dismiss 25FC:0124 (Jack Elder - Chapter 22- City of Lake City, Iowa) 9/9/2025 - Board Approval of A/D
3. Dismiss 25FC:0178 (Shawn Harden - Both- Buchanan County Supervisor) 11/7/2025 - Draft Order
4. Dismiss 25FC:0179 (Shawn Harden - Chapter 22- Buchanan County Board of Supervisors) 11/13/2025 - Draft Order

### **2. Acceptance**

1. Accept 25FC:0151 (Gregory Armstrong - Chapter 22- Hamburg Community School Board) 10/8/2025 - Board Approval of A/D
2. Accept 25FC:0160 (Michael Benson - Chapter 22- City of Merville) 10/21/2025 - Board Approval of A/D
3. Accept 25FC:0174 (Lance Miller - Chapter 21- City of Marion Iowa) 11/4/2025 - Complaint Opened/Acknowledged
4. Accept 25FC:0175 (Timothy Gray - Both- Woodbury county) 11/4/2025 - Accept/Dismiss
5. Accept 25FC:0180 (David Boll - Chapter 22- Dubuque County) 11/9/2025 - Board Approval of A/D
6. Accept 25FC:0181 (April Armstrong - Public Records Law- City of Pisgah Iowa, City Council) 11/11/2025 - Board Approval of A/D
7. 25FC:0182 (Amy Hill - Chapter 22- Ottumwa Police Department) 11/13/2025 - Information Gathering/IR Process
8. Accept 25FC:0185 (Marisa Schneider - Public Records Law- Madison County Treasurer) 11/14/2025 - Board Approval of A/D
9. Accept 25FC:0194 (Justin Brady - Chapter 22- Des Moines Public Schools, State Department of Education) 12/1/2025 - Board Approval of A/D
10. Accept 25FC:0196 (Nick Cattell - Chapter 22- City of Chariton) 12/2/2025 - Complaint Opened/Acknowledged
11. Accept 25FC:0197 (Linda Smithson - Open Meetings Law- Bettendorf school board) 12/3/2025 - Board Approval of A/D
12. Accept 25FC:0198 (OpenRec2025 - Chapter 22- Iowa Western Community College) 12/5/2025 - Complaint Opened/Acknowledged

## **VII. Matters Withdrawn, No Action Necessary. (Miller)**

1. 25FC:0067 (EyesOffCR - Chapter 22- City of Cedar Rapids) 6/6/2025 -Withdrawn Information Gathering/IR Process
2. 25FC:0088 (Jaicy Skaggs - Chapter 22- City of Kellogg) 7/7/2025 -Withdrawn Resolved/Withdrawn
3. 25FC:0122 (Tim Ferguson - Chapter 22- Muscatine County) 8/30/2025 -Withdrawn Information Gathering/IR Process
4. 25FC:0152 (Justin Williams - Chapter 22- Atlantic Community School District) 10/12/2025 - Withdrawn Resolved/Withdrawn

5. 25FC:0148 (Gary Clear - Chapter 21- East Union Community School District Board of Education) 9/24/2025 - Withdrawn Resolved/Withdrawn
6. 25FC:0117 (Gary Clear - Chapter 21- East Union Community School District Board of Education) 8/27/2025 - Withdrawn Resolved/Withdrawn

#### **VIII. Potential Closed Session under Iowa Code § 21.5(1)(a). (Lee)**

To review or discuss records which are required or authorized by state or federal law to be kept confidential or to be kept confidential as a condition for that governmental body's possession or continued receipt of federal funds.

1. 25FC:0083 (Amber Turner - Chapter 21- Mitchellville City Council and Mayor) 6/30/2025 - Information Gathering/IR Process

#### **IX. Questions for the Board.\* (Lee and Flege)**

1. **Contested Cases Questions.** Board discussion, direction for staff on the use of contested cases and first violation provision in informal resolution agreements.
2. **Investigative Reports Precedent Questions.** Board discussion, *Hawk Eye* precedent and IPIB interpretation of Iowa Code § 22.7(5)

#### **X. Pending Complaints. Informational Only. (Miller)**

1. 24FC:0092 (Aubrey Burress - Both- Pleasant Grove township) 10/21/2024 - Contested Case
2. 25FC:0027 (Jerry Hamelton - Chapter 22- Keokuk Police Department) 3/12/2025 - Probable Cause Investigation
3. 25FC:0031 (Michael Chapman - Chapter 21- Waterloo Community School District Board of Education) 3/26/2025 - Information Gathering/IR Process
4. 25FC:0054 (Tim Ferguson - Chapter 22- City of Davenport) 5/19/2025 - Information Gathering/IR Process
5. 25FC:0055 (Justin Cole - Chapter 21- Mount Union Benefited Fire District) 5/21/2025 - Information Gathering/IR Process
6. 25FC:0061 (Dylan Southall - Chapter 22- Cedar Falls Utilities - Cedar Falls, Iowa) 5/23/2025 - Information Gathering/IR Process
7. 25FC:0058 (Rachel Doyle - Both- City of Rolfe) 5/27/2025 - Information Gathering/IR Process
8. 25FC:0065 (John Rasmussen - Chapter 21- Pottawattamie County Board of Supervisors) 6/3/2025 - Information Gathering/IR Process
9. 25FC:0070-2 (Keith Wieland - Chapter 22- Buchanan County, Iowa) 6/10/2025 - Information Gathering/IR Process
10. 25FC:0070-4 (Keith Wieland - Chapter 22- Buchanan County, Iowa) 6/10/2025 - Information Gathering/IR Process
11. 25FC:0070-1 (Keith Wieland - Chapter 22- Buchanan County, Iowa) 6/10/2025 - Information Gathering/IR Process
12. 25FC:0070-3 (Keith Wieland - Chapter 22- Buchanan County, Iowa) 6/10/2025 - Information Gathering/IR Process
13. 25FC:0072 (Jonathan Uhl - Chapter 22- Scott County / Scott County Attorney's Office) 6/13/2025 - Information Gathering/IR Process
14. 25FC:0074 (Noelle Bolibaugh - Chapter 22- Oskaloosa School District) 6/16/2025 - Information Gathering/IR Process
15. 25FC:0075 (Chris Stevens - Chapter 22- City of Swea City IA) 6/17/2025 - Information Gathering/IR Process
16. 25FC:0076 (Ken Allsup - Both- Oskaloosa School Board) 6/17/2025 - Information Gathering/IR Process
17. 25FC:0079 (Judith Lee - Chapter 22- City of Davenport) 6/24/2025 - Information Gathering/IR Process

18. 25FC:0082 (Tim Ferguson - Chapter 22- Davenport Police Department) 6/24/2025 - Complaint Opened/Acknowledged
19. 25FC:0089 (Charlie Comfort - Chapter 22- Oskaloosa Community School District) 7/7/2025 - Information Gathering/IR Process
20. (John Rasmussen - Chapter 21- Pottawattamie County Board of Supervisors) 7/9/2025 - Information Gathering/IR Process
21. 25FC:0092 (Keith Wieland - Chapter 21- Buchanan County Solid Waste Commission) 7/9/2025 - Information Gathering/IR Process
22. 25FC:0099 (Mount Pleasant Municipal Utilities - Chapter 21- Resale Power Group of Iowa) 7/28/2025 - Information Gathering/IR Process
23. 25FC:0104 (Tim Ferguson - Chapter 22- City of Davenport and Davenport Police Department) 8/13/2025 - Information Gathering/IR Process
24. 25FC:0106 (Bradley Thrasher - Chapter 21- City of Le Grand board of adjustments) 8/14/2025 - IR Agreed to by Parties
25. 25FC:0109 (Jaicy Skaggs - Chapter 21- City of Kellogg) 8/18/2025 - Information Gathering/IR Process
26. 25FC:0111 (Jennifer Benbow - Chapter 21- City of Granger City Council) 8/19/2025 - Information Gathering/IR Process
27. 25FC:0112 (Robert Alvarez - Chapter 22- University of Iowa) 8/20/2025 - Information Gathering/IR Process
28. 25FC:0119 (Tim Ferguson - Chapter 22- City of Davenport custodian) 8/21/2025 - Information Gathering/IR Process
29. 25FC:0120 (Tim Ferguson - Chapter 22- Davenport Police Department & City of Davenport) 8/26/2025 - Complaint Opened/Acknowledged
30. 25FC:0121 (Tim Ferguson - Chapter 22- Scott County) 8/26/2025 - Information Gathering/IR Process
31. 25FC:0114 (Andrew Smith - Chapter 22- Cedar Rapids Police Department) 8/27/2025 - Information Gathering/IR Process
32. 25FC:0128 (Kellen Garfield - Chapter 22- Iowa City Community School District) 9/11/2025 - Information Gathering/IR Process
33. 25FC:0129 (Robert Stewart - Chapter 22- Oelwein Police Department) 9/15/2025 - Complaint Opened/Acknowledged
34. 25FC:0131 (Gregory Armstrong - Chapter 21- Hamburg city council.) 9/16/2025 - Information Gathering/IR Process
35. 25FC:0132 (Melissa Hannover - Chapter 21- City of Havelock) 9/16/2025 - Information Gathering/IR Process
36. 25FC:0134 (Richard Francis - Chapter 22- Fort Dodge Police Department) 9/20/2025 - Information Gathering/IR Process
37. 25FC:0135 (Marisa Schneider - Chapter 22- Madison County Iowa) 9/22/2025 - Information Gathering/IR Process
38. 25FC:0138 (Carlton Beers - Chapter 22- City Council Of Pisgah And Todd Noah/Admin Of Pisgah) 9/24/2025 - Information Gathering/IR Process
39. 25FC:0141 (Eulando Hayes - Chapter 22- Black Hawk County Attorney's Office) 9/25/2025 - Information Gathering/IR Process
40. 25FC:0142 (Eulando Hayes - Chapter 22- Waterloo Police Department) 9/25/2025 - Information Gathering/IR Process
41. 25FC:0144 (Tony Hamson - Chapter 22- Rake City) 9/26/2025 - Complaint Opened/Acknowledged
42. 25FC:0143 (Brandon Talsma - Chapter 21- Jasper County Conservation) 10/1/2025 - Information Gathering/IR Process
43. 25FC:0150 (Vickie Pyevich - Chapter 22- Bettendorf Community School District) 10/8/2025 - Information Gathering/IR Process

44. 25FC:0161 (Melissa Smith - Chapter 21- Hamburg city hall) 10/23/2025 - Information Gathering/IR Process
45. 25FC:0162 (Wendy Frost - Chapter 22- County Supervisor) 10/24/2025 - Information Gathering/IR Process
46. 25FC:0166 (James Possehl - Chapter 21- City of Parnell - city council) 10/27/2025 - Information Gathering/IR Process
47. 25FC:0164 (Jared McDonald - Chapter 21- Madison County Iowa Board of Supervisors) 10/27/2025 - Complaint Opened/Acknowledged
48. 25FC:0165 (Brooklyn Krings - Chapter 21- Madison County Board of Supervisors) 10/28/2025 - Complaint Opened/Acknowledged
49. 25FC:0167 (Jacob Hall - Chapter 22- City of Storm Lake) 10/28/2025 - Information Gathering/IR Process
50. 25FC:0168 (Ted Clark - Public Records Law- Dallas County Sheriff's Department) 10/29/2025 - Complaint Opened/Acknowledged
51. 25FC:0171 (David Kakavand Kordi - Chapter 22- University of Iowa ) 10/30/2025 - Information Gathering/IR Process
52. 25FC:0159 (Ashley Richards - Chapter 22- North Liberty Police Department Records Division) 10/31/2025 - Information Gathering/IR Process
53. 25FC:0169 (Dale Alison - Chapter 21- Des Moines County Board of Supervisors) 11/4/2025 - Information Gathering/IR Process
54. 25FC:0176 (Mikayla Simpson - Chapter 22- Madison County Board of Supervisors) 11/6/2025 - Information Gathering/IR Process
55. 25FC:0183 (Nicole Jimmerson - Chapter 22- Clarke County Public Health) 11/12/2025 - Complaint Opened/Acknowledged
56. 25FC:0184 (Charles Nocera - Chapter 22- Department of Administrative Services) 11/14/2025 - Complaint Opened/Acknowledged
57. 25FC:0157 (Byron Jimmerson - Open Meetings Law- Clarke County Board of Health) 11/19/2025 - New / Complaint Information Reviewed
58. 25FC:0186 (Wendy Frost - Chapter 22- Madison County Board of Supervisors) 11/19/2025 - Complaint Opened/Acknowledged
59. 25FC:0187-2 (Mikayla Simpson - Chapter 22- Madison County Board of Supervisors) 11/19/2025 - Complaint Opened/Acknowledged
60. 25FC:0187-1 (Mikayla Simpson - Chapter 22- Madison County) 11/19/2025 - Complaint Opened/Acknowledged
61. 25FC:0192 (Rachel Doyle - Chapter 22- City of Rolfe) 11/27/2025 - New / Complaint Information Reviewed
62. 25FC:0195 (Teri Patrick - Both- West Des Moines Community School District) 12/3/2025 - Complaint Opened/Acknowledged
63. 25FC:0193 (William Hendrikson - Chapter 22- Cerro Gordo County) 12/3/2025 - Complaint Opened/Acknowledged
64. 25FC:0199 (Joshua Haynes - Both- Madison County) 12/4/2025 - Complaint Opened/Acknowledged
65. 25FC:0200 (John Doe - Chapter 22- Keokuk, IA Police Department) 12/8/2025 - New / Complaint Information Reviewed
66. 25FC:0191 (Jonathan Uhl - Chapter 22- City of Davenport) 12/9/2025 - New / Complaint Information Reviewed
67. 25FC:0201 (Lori White - Public Records Law- City of Missouri Valley Iowa) 12/9/2025 - New / Complaint Information Reviewed
68. 25FC:0202 (Lori White - Public Records Law- City of Missouri Valley) 12/9/2025 - New / Complaint Information Reviewed
69. 25FC:0188 (Kyle Ocker - Chapter 22- City of Pleasantville) 12/10/2025 - Complaint Opened/Acknowledged

70. 25FC:0203 (Christopher Wyant - Chapter 21- Lewis, Iowa) 12/10/2025 - Complaint  
Opened/Acknowledged
71. 25FC:0136 (Alisha Beers - Chapter 22- City council of Pisgah and Clerk Heather) 9/22/2025 -  
Information Gathering/IR Process
72. 25FC:0126 (Don McGregor - Chapter 22- Kossuth County Board of Supervisors) 9/11/2025 -  
Information Gathering/IR Process
73. 25FC:0127 (Vince Johnson - Chapter 22- Kossuth County board of supervisors and trustees of  
Drainage district DD4) 9/11/2025 - Information Gathering/IR Process
74. 25FC:0153 (Michael Merritt - Chapter 22- Iowa Attorney General's Office) 10/16/2025 -  
Information Gathering/IR Process
75. 25FC:0154 (Iowa Pulse - Chapter 22- Des Moines Public Schools (DMPS)) 10/17/2025 -  
Information Gathering/IR Process
76. 25FC:0155 (Paullina Resident - Chapter 21- Paullina City Council Paullina Personnel Board

**XI. Committee Reports**

1. Training – (Lee)
2. Legislative – (Miller)
3. Rules – (Miller)

**XII. Office status report.**

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

**XIII. Next IPIB Board Meeting will be held on January 15, 2026 at 1:00 p.m.**

**XIV. Adjourn**

**\* Attachments**

# **IOWA PUBLIC INFORMATION BOARD**

**DRAFT**

**November 20, 2025, 1:00 p.m.  
UNAPPROVED MINUTES**

The Iowa Public Information Board (IPIB) met on November 20, 2025, for its monthly meeting at 1 p.m. at the offices of the Iowa Public Information Board located at 510 East 12<sup>th</sup> Street, Des Moines. The following members participated: E.J. Giovannetti, Barry Lindahl, Catherine Lucas, Luke Martz, Joel McCrea, Jackie Schmillen (remote), and Monica McHugh (remote). Also present were IPIB Executive Director, Charlotte Miller; IPIB Deputy Director, Charissa Flege; IPIB Agency Counsel, Alexander Lee. Also present was John Lundgren, Attorney General Counsel for IPIB. A quorum was declared present.

- I. Approval of agenda.** On a motion by Lindahl, second by Giovannetti, to approve the agenda. **Approved, 7-0.**
- II. Approval of the October 16, 2025 minutes.** On a motion by McCrea, second by Lindahl, to approve the October Minutes with edits. **Approved, 7-0.**
- III. Public Forum** (5-minute limit per speaker)  
No Public Comments
- IV. Comments from the board chair.** (Lucas)  
**Made note that State Employees received an additional holiday date off, therefore, staff is off next week for Thanksgiving holiday (November 26-28).**
- V. Potential Closed Session under Iowa Code § 21.5(1)(c).** To discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation. John Lundquist provided the Board updates on pending litigation. The Board decided it did not need to go into close session to discuss strategies for the pending litigation.
- VI. Cases involving Board Deliberation/Action.\***
  - 1. 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.** Lee presented on behalf of the IPIB staff. Board Discussion occurred. On a motion by Lindahl, second by Martz, to approve staff recommendation. **Approved, 7-0.**
  - 2. 25FC:0069 (Cassie Rochholz - Chapter 21- City of Solon) 6/4/2025 - Investigative Report Draft Order.** Flege presented on behalf of IPIB. City of Solon was represented by Kevin Olson, counsel for the City, Cami Rasmussen, Marlin Sjaarda, Mr. Olson addressed the Board. Board discussion occurred. On a motion by Giovannetti, second by McCrea, to approve the investigative report. **Approved, 7-0.**
  - 3. 25FC:0073 (Justin Scott - Chapter 21- Denver Community School District) 6/12/2025 -Informal Resolution IR Agreed to by Parties.** Lee presented on

behalf of IPIB. Emily Ellington, counsel for the school board, addressed the Board. Board discussion occurred. On a motion by Martz, second by Lindahl, to approve the informal resolution. **Approved, 7-0.**

4. **25FC:0091 (Andy Hallman - Chapter 22- City of Washington) 7/10/2025 - Investigative Report Draft Order.** Lee presented on behalf of IPIB. Counsel for the City of Washington, Kevin Olson, counsel for the City, addressed the Board. Board discussion occurred. On a motion by McCrea, second by Martz, to make a determination that probable cause exists to believe a violation has occurred, but, as an exercise of administrative discretion, dismiss the matter. **Approved, 7-0.**
5. **25FC:0112 (Robert Alvarez - Chapter 22- University of Iowa) 8/20/2025 - Investigative Report Draft Order.** Lee presented on behalf of IPIB. Robert Alvarez addressed the Board. Board discussion occurred. On a motion by Giovannetti, second by Lindahl, to redirect the matter for further investigation. **Approved, 7-0.**
6. **25FC:0113 (Mariah Oliver - Chapter 21- Paullina City Council) 8/22/2025 - Investigative Report Draft Order.** Lee presented on behalf of IPIB. Marlin Sjaarda, Mayor of the City of Paullina, addressed the Board. Board discussion occurred, McHugh raised concerns. On a motion by Giovannetti, second by McCrea, to dismiss the matter for lack of probable cause to believe and ongoing violation exists. **Approved, 7-0.**
7. **25FC:0130 (Kellen Garfield - Chapter 22- City of Iowa City) 9/16/2025 - Investigative Report Draft Order.** Flege presented on behalf of IPIB. Susan Dulek, First Assistant City Attorney for City of Iowa City, addressed the Board. Board discussion ensued on the use of Hawkeye balancing test. On a motion by Giovannetti, second by Martz, to amend the investigative report consistent with the discussion of the Board. **Approved, 7-0.**
8. **25FC:0139 (Ronald May - Chapter 22- Iowa Board of Parole) 9/26/2025 - Investigative Report Draft Order.** Lee presented on behalf of IPIB. John Lundgren addressed the Board. Board discussion occurred. On a motion by Lindahl, second by Giovannetti, to dismiss for lack of probable cause. **Approved, 7-0.**

## **VII. Staff Questions and Request for Guidance.**

1. **Request for guidance on the Boards recommendation for provider's use of pre-recorded trainings for HF 706 training requirements and certification.** Lee presented on behalf of IPIB staff. Board discussion occurred. The Board directed staff to update policy to bring before the Board for approval regarding training requirements.

## **VIII. Consent Agenda.** On a motion by Martz, second by Lindahl, to approve the consent agenda. **Approved, 7-0.**

### **1. Dismissals.**

1. Dismiss 25FC:0118 (Paullina Resident - Both- Paullina City Council) 8/27/2025 - Draft Order
2. Dismiss 25FC:0147 (Jacquelynn Zugg - Chapter 21- City of Centerville) 10/6/2025 – Draft Order



3. Dismiss 25FC:0156 (Raymond White - Chapter 21- Pleasant Grove Township) 11/13/2025 - Accept/Dismiss
  4. Dismiss 25FC:0163 (Curtis Rickets - Public Records Law- Winterset Iowa Attorney) 10/27/2025 - Complaint Opened/Acknowledged
  5. Dismiss 25FC:0172 (Heather Nejedly - Chapter 22- City of Pisga) 11/2/2025 - Accept/Dismiss
  6. Dismiss 25FC:0173 (Todd Noah - Chapter 22- City of Pisgah) 11/3/2025 - Accept/Dismiss
- b. **Acceptance.** On a motion by x, second by X, to approve the dismissals within the consent agenda. **Approved, 7-0.**
1. Accept 25FC:0107 (Christopher Wyant - Chapter 21- Mayor, city clerk and 2 council members) 8/14/2025 -Withdrawn Resolved/Withdrawn
  2. Accept 25FC:0117 (Gary Clear - Chapter 21- East Union Community School District Board of Education) 8/27/2025 - Information Gathering/IR Process
  3. Accept 25FC:0123 (Jack Elder - Chapter 22- City of Lake City, Iowa) 9/9/2025 - Complaint Opened/Acknowledged
  4. Accept 25FC:0124 (Jack Elder - Chapter 22- City of Lake City, Iowa) 9/9/2025 - Information Gathering/IR Process
  5. Accept 25FC:0126 (Don McGregor - Chapter 22- Kossuth County Board of Supervisors) 9/11/2025 - Information Gathering/IR Process
  6. Accept 25FC:0127 (Vince Johnson - Chapter 22- Kossuth County board of supervisors and trustees of Drainage district DD4) 9/11/2025 - Information Gathering/IR Process
  7. Accept 25FC:0130 (Kellen Garfield - Chapter 22- City of Iowa City) 9/16/2025 - Information Gathering/IR Process
  8. Accept 25FC:0138 (Carlton Beers - Chapter 22- City Council of Pisgah and Todd Noah/Admin of Pisgah) 9/24/2025 - Accept/Dismiss
  9. Accept 25FC:0141 (Eulando Hayes - Chapter 22- Black Hawk County Attorney's Office) 9/25/2025 - Accept/Dismiss
  10. Accept 25FC:0142 (Eulando Hayes - Chapter 22- Waterloo Police Department) 9/25/2025 - Accept/Dismiss
  11. Accept 25FC:0143 (Brandon Talsma - Chapter 21- Jasper County Conservation) 10/1/2025 - Information Gathering/IR Process
  12. Accept 25FC:0152 (Justin Williams - Chapter 22- Atlantic Community School District) 10/12/2025 - Information Gathering/IR Process
  13. Accept 25FC:0153 (Michael Merritt - Chapter 22- Iowa Attorney General's Office) 10/16/2025 - Information Gathering/IR Process
  14. Accept 25FC:0154 (Iowa Pulse - Chapter 22- Des Moines Public Schools (DMPS)) 10/17/2025 - Information Gathering/IR Process
  15. Accept 25FC:0155 (Paullina Resident - Chapter 21- Paullina City Council Paullina Personnel Board) 10/20/2025 - Information Gathering/IR Process
  16. Accept 25FC:0161 (Melissa Smith - Chapter 21- Hamburg city hall) 10/23/2025 - Accept/Dismiss

17. Accept 25FC:0162 (Wendy Frost - Chapter 22- County Supervisor) 10/24/2025 - Information Gathering/IR Process
18. Accept 25FC:0166 (James Possehl - Chapter 21- City of Parnell - city council) 10/27/2025 - Information Gathering/IR Process
19. Accept 25FC:0167 (Jacob Hall - Chapter 22- City of Storm Lake) 10/28/2025 - Accept/Dismiss
20. Accept 25FC:0171 (David Kakavand Kordi - Chapter 22- University of Iowa Office of Transparency 351 Plaza Centre One Iowa City, IA 52242) 10/30/2025 - Complaint Opened/Acknowledged
21. Accept 25FC:0159 (Ashley Richards - Chapter 22- North Liberty Police Department Records Division) 10/31/2025 - Accept/Dismiss
22. Accept 25FC:0169 (Dale Alison - Chapter 21- Des Moines County Board of Supervisors) 11/4/2025 - Information Gathering/IR Process
23. Accept 25FC:0174 (Lance Miller - Chapter 21- City of Marion Iowa) 11/4/2025 - Complaint Opened/Acknowledged
24. Accept 25FC:0176 (Mikayla Simpson - Chapter 22- Madison County Board of Supervisors) 11/6/2025 - Information Gathering/IR Process

**IX. Matters Withdrawn, No Action Necessary. (Miller)**

1. 25FC:0097 (EyesOffCR - Chapter 22- City of Storm Lake) 7/21/2025 - Withdrawn Resolved/Withdrawn
2. 25FC:0103 (Charlie Comfort - Chapter 22- Oskaloosa School District) 8/13/2025 -Withdrawn Resolved/Withdrawn
3. 25FC:0107 (Christopher Wyant - Chapter 21- Mayor, city clerk and 2 council members) 8/14/2025 -Withdrawn Resolved/Withdrawn
4. 25FC:0149 (Christopher Wyant - Chapter 22- Lewis, IA cass county) 9/23/2025 - Withdrawn Resolved/Withdrawn
5. 25FC:0140 (Sam McIntire - Chapter 21- City of Fontanelle) 9/26/2025 - Withdrawn Resolved/Withdrawn
6. 25FC:0145 (Jazmin Morrison - Both- Pleasantville Public Library) 10/2/2025 - Withdrawn Resolved/Withdrawn
7. 25FC:0146 (Matthew Rollinger - Chapter 22- Iowa Department of Education) 10/2/2025 -Withdrawn Resolved/Withdrawn
8. 25FC:0177 (Michael Ayele (a.k.a) W - Chapter 22- AOL, Bing/MSN, Google, Yahoo) 11/6/2025 -Withdrawn Resolved/Withdrawn
9. 25FC:0170 (Mike Jones - Chapter 22- City of Mystic Lake) 11/7/2025 - Withdrawn Resolved/Withdrawn

**X. Pending Complaints. Informational Only (Miller).** Board discussion on caseload and the backlog of case.

1. 24FC:0092 (Aubrey Burress - Both- Pleasant Grove township) 10/21/2024 - Contested Case
2. 25FC:0012 (Matt Loffer - Chapter 22- City of Marengo, Marengo Police Department) 2/3/2025 -Informal Resolution Board Acceptance of IR

3. 25FC:0018 (Tammy Wise - Chapter 21- Tama County) 2/10/2025 - Board Acceptance of IR
4. 25FC:0027 (Jerry Hamelton - Chapter 22- Keokuk Police Department) 3/12/2025 - Probable Cause Investigation
5. 25FC:0031 (Michael Chapman - Chapter 21- Waterloo Community School District Board of Education) 3/26/2025 - Information Gathering/IR Process
6. 25FC:0054 (Tim Ferguson - Chapter 22- City of Davenport) 5/19/2025 - Information Gathering/IR Process
7. 25FC:0055 (Justin Cole - Chapter 21- Mount Union Benefited Fire District) 5/21/2025 - Information Gathering/IR Process
8. 25FC:0061 (Dylan Southall - Chapter 22- Cedar Falls Utilities - Cedar Falls, Iowa) 5/23/2025 - Information Gathering/IR Process
9. 25FC:0058 (Rachel Doyle - Both- City of Rolfe) 5/27/2025 - Information Gathering/IR Process
10. 25FC:0065 (1 of 2) (John Rasmussen - Chapter 21- Pottawattamie County Board of Supervisors) 6/3/2025 - Information Gathering/IR Process
11. 25FC:0065 (2 of 2) (John Rasmussen - Chapter 21- Pottawattamie County Board of Supervisors) 7/9/2025 - Information Gathering/IR Process
12. 25FC:0067 (EyesOffCR - Chapter 22- City of Cedar Rapids) 6/6/2025 - Information Gathering/IR Process
13. 25FC:0070-2 (Keith Wieland - Chapter 22- Buchanan County, Iowa) 6/10/2025 - Information Gathering/IR Process
14. 25FC:0070-4 (Keith Wieland - Chapter 22- Buchanan County, Iowa) 6/10/2025 - Information Gathering/IR Process
15. 25FC:0070-1 (Keith Wieland - Chapter 22- Buchanan County, Iowa) 6/10/2025 - Information Gathering/IR Process
16. 25FC:0070-3 (Keith Wieland - Chapter 22- Buchanan County, Iowa) 6/10/2025 - Information Gathering/IR Process
17. 25FC:0072 (Jonathan Uhl - Chapter 22- Scott County / Scott County Attorney's Office) 6/13/2025 - Information Gathering/IR Process
18. 25FC:0074 (Noelle Bolibaugh - Chapter 22- Oskaloosa School District) 6/16/2025 - Information Gathering/IR Process
19. 25FC:0075 (Chris Stevens - Chapter 22- City of Swea City IA) 6/17/2025 - Information Gathering/IR Process
20. 25FC:0076 (Ken Allsup - Both- Oskaloosa School Board) 6/17/2025 - Information Gathering/IR Process
21. 25FC:0079 (Judith Lee - Chapter 22- City of Davenport) 6/24/2025 - Information Gathering/IR Process
22. 25FC:0082 (Tim Ferguson - Chapter 22- Davenport Police Lieutenant Dennis Colclasure of the Davenport Police department informed me as well as per the document says I will be provided in writing of the outcome of the investigation. I would like to know any and all information pertaining to the) 6/24/2025 - Complaint Opened/Acknowledged
23. 25FC:0083 (Amber Turner - Chapter 21- Mitchellville City Council and Mayor) 6/30/2025 - Information Gathering/IR Process

24. 25FC:0088 (Jaicy Skaggs - Chapter 22- City of Kellogg) 7/7/2025 - Draft Order
25. 25FC:0092 (Keith Wieland - Chapter 21- Buchanan County Solid Waste Commission) 7/9/2025 - Information Gathering/IR Process
26. 25FC:0089 (Charlie Comfort - Chapter 22- Oskaloosa Community School District) 7/7/2025 - Information Gathering/IR Process
27. 25FC:0106 (Bradley Thrasher - Chapter 21- City of Le Grand board of adjustments) 8/14/2025 - Information Gathering/IR Process
28. 25FC:0099 (Mount Pleasant Municipal Utilities - Chapter 21- Resale Power Group of Iowa) 7/28/2025 - Information Gathering/IR Process
29. 25FC:0104 (Tim Ferguson - Chapter 22- City of Davenport and Davenport Police Department) 8/13/2025 - Information Gathering/IR Process
30. 25FC:0109 (Jaicy Skaggs - Chapter 21- City of Kellogg) 8/18/2025 - Information Gathering/IR Process
31. 25FC:0111 (Jennifer Benbow - Chapter 21- City of Granger City Council) 8/19/2025 - Information Gathering/IR Process
32. 25FC:0119 (Tim Ferguson - Chapter 22- City of Davenport custodian) 8/21/2025 - Information Gathering/IR Process
33. 25FC:0120 (Tim Ferguson - Chapter 22- Davenport Police Department & City of Davenport) 8/26/2025 - Complaint Opened/Acknowledged
34. 25FC:0121 (Tim Ferguson - Chapter 22- Scott County) 8/26/2025 - Information Gathering/IR Process
35. 25FC:0114 (Andrew Smith - Chapter 22- Cedar Rapids Police Department) 8/27/2025 - Information Gathering/IR Process
36. 25FC:0116 (Crystal Davis - Chapter 21- Larchwood City Council and Mayor) 8/27/2025 - Information Gathering/IR Process
37. 25FC:0122 (Tim Ferguson - Chapter 22- Muscatine County recorder@muscatinecountyiowa.gov) 8/30/2025 - Information Gathering/IR Process
38. 25FC:0128 (Kellen Garfield - Chapter 22- Iowa City Community School District) 9/11/2025 - Information Gathering/IR Process
39. 25FC:0129 (Robert Stewart - Chapter 22- OELWEIN POLICE DEPARTMENT) 9/15/2025 - Complaint Opened/Acknowledged
40. 25FC:0131 (Gregory Armstrong - Chapter 21- Hamburg city council.) 9/16/2025 - Information Gathering/IR Process
41. 25FC:0134 (Richard Francis - Chapter 22- Fort Dodge Police Department) 9/20/2025 - Information Gathering/IR Process
42. 25FC:0135 (Marisa Schneider - Chapter 22- Madison County Iowa) 9/22/2025 - Information Gathering/IR Process
43. 25FC:0136 (Alisha Beers - Chapter 22- City council of Pisgah and Clerk Heather) 9/22/2025 - Information Gathering/IR Process
44. 25FC:0144 (Tony Hamson - Chapter 22- Rake City) 9/26/2025 - Complaint Opened/Acknowledged
45. 25FC:0148 (Gary Clear - Chapter 21- East Union Community School District Board of Education) 9/24/2025 - Information Gathering/IR Process

46. 25FC:0150 (Vickie Pyevich - Chapter 22- Bettendorf Community School District) 10/8/2025 - Information Gathering/IR Process
47. 25FC:0151 (Gregory Armstrong - Chapter 22- Hamburg Community School Board) 10/8/2025 - Complaint Opened/Acknowledged
48. 25FC:0160 (Michael Benson - Chapter 22- City of Merville) 10/21/2025 - Complaint Opened/Acknowledged
49. 25FC:0164 (Jared McDonald - Chapter 21- Madison County Iowa Board of Supervisors) 10/27/2025 - Complaint Opened/Acknowledged
50. 25FC:0165 (Brooklyn Krings - Chapter 21- Madison County Board of Supervisors) 10/28/2025 - Complaint Opened/Acknowledged
51. 25FC:0168 (Ted Clark - Public Records Law- Dallas County Sheriff's Department) 10/29/2025 - Complaint Opened/Acknowledged
52. 25FC:0175 (Timothy Gray - Both- Woodbury county) 11/4/2025 - Complaint Opened/Acknowledged
53. 25FC:0178 (Shawn Harden - Both- Buchanan County Board of Supervisors) 11/7/2025 - Complaint Opened/Acknowledged
54. 25FC:0179 (Shawn Harden - Chapter 22- Buchanan County Board of Supervisors) 11/13/2025 - Complaint Opened/Acknowledged
55. 25FC:0180 (David Boll - Public Records Law- ) 11/9/2025 - New / Complaint Information Reviewed
56. 25FC:0181 (April Armstrong - Public Records Law- City of Pisgah Iowa, City Council) 11/11/2025 - New / Complaint Information Reviewed
57. 25FC:0182 (Amy Hill - Chapter 22- ) 11/13/2025 - Complaint Opened/Acknowledged
58. 25FC:0183 (Nicole Jimmerson - Chapter 22- Clarke County Public Health) 11/12/2025 - Complaint Opened/Acknowledged

#### **XI. Committee Reports**

1. **Training.** Lee provided an update on trainings provided by IPIB.
2. **Legislative.** Miller provided an update on the legislative committee.
3. **Rules.** Miller provided an update on the status on the submitted administrative rules.

#### **XII. Office status report.**

1. Office Update. Miller provided an update on the office.
2. Financial/Budget Update (FY25). Miller provided an update regarding FY25 financials.
3. Presentations/Trainings. Lee and Miller provided an update regarding upcoming trainings.
4. District Court Update. John Lundquist provided an update on pending litigation.

#### **XIII. Next IPIB Board Meeting will be held on December 18, 2025, at 1:00 p.m.**

#### **XIV. Adjourn**

**\* Attachments**

# The Iowa Public Information Board

In re the Matter of:	Case Number: 25FC:0012
Matt Loffer, Complainant	Status Report
And Concerning:	
City of Marengo, Respondent	

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

On February 3, 2025, Matt Loffer filed formal complaint 25FC:0012, alleging that the City of Marengo (City) violated Iowa Code Chapter 22.

The IPIB accepted this Complaint on February 20, 2025. An Informal Resolution was adopted on September 18, 2025. This Status Report is presented to update the Board on the status of the complaint and to seek additional guidance.

## Background & Status

On December 9, 2024, the complainant, Matt Loffer, submitted a Chapter 22 request seeking records related to abandoned vehicles tagged by the Marengo Police Department in 2024. Loffer was charged \$78.97 for this request, and the records were released following payment.

The City provided a breakdown of this fee as follows:

- \$42.47 was charged for one hour of the city police chief's time in responding to the request
- \$36.00 was charged for twelve responsive "call for service" records, based on the City's then-existing fee schedule, which listed a \$3.00 flat fee for each copy of a call for service record produced by the City's police department
- \$0.50 was charged for the printing costs associated with a single-page copy of the Municipal Code of Ordinances which described the criteria for when a vehicle is considered an "abandoned vehicle"

The parties eventually reached an Informal Resolution to resolve this complaint, which was signed by both parties as of September 8, 2025. Pursuant to this agreement, members of the city council

conducted a training with IPIB staff and adopted a revised fee policy. Only Term #4 from the Informal Resolution remains in dispute:

Following the adoption of a new policy pursuant to Term #3, the City will work with IPIB staff to recalculate the fees charged for Mr. Loffer's December 2024 records request, considering only the costs associated with delivering electronic records. As part of this recalculation, the City will provide a brief explanation of how the Chief of Police responded to the request, for the purpose of determining whether the time spent on the request was reasonable. If the recalculated cost is less than \$78.97, the City will issue a partial refund equal to the difference. In the event that the recalculated cost is equal to or greater than \$78.97, this term will be considered satisfied. Fulfillment of this term will be subject to a final review by IPIB.

The City's recalculated fee is \$35.00, reflecting one hour of the Police Chief's time, for a proposed refund of \$43.97.<sup>1</sup> Loffer has asked IPIB to direct a full refund, on the basis that the request should not reasonably have taken more than thirty minutes and thus should have been a routine request provided at no cost other than copying costs, of which there were none.

### **Applicable Law**

"Although fulfillment of a request for a copy of a public record may be contingent upon receipt of payment of reasonable expenses, the lawful custodian shall make every reasonable effort to provide the public record requested at no cost other than copying costs for a record which takes less than thirty minutes to produce." Iowa Code § 22.3(1).

### **Issue Presented**

The sole dispute remaining between the parties to this case is whether the City reasonably took an hour to fulfill Loffer's Chapter 22 request. Under Iowa Code § 22.3(2), a fee charged by a lawful custodian may not exceed "the actual cost of providing the service," defined to include "only those reasonable expenses directly attributable" to fulfillment of the request. For routine requests for copies taking less than thirty minutes, Iowa Code § 22.3(1) provides that "the lawful custodian shall make every reasonable effort to provide the public record requested at no cost other than copying costs." The term "reasonable expenses" does not require the fastest possible response time. However, if it was *not* reasonable for the City to have taken more than thirty minutes for the disputed request, this would be a routine request, and Loffer would be entitled to a full refund.

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<sup>1</sup> The Police Chief's hourly rate at the time the request was fulfilled was correctly stated to be \$42.47. The \$35.00 rate is based on the first draft of the City's revised fee policy, which was not the version ultimately adopted by the City. Under the final version approved by IPIB staff, the fee for one hour would be \$42.47, but the City has opted to maintain the lower number from its first draft, as this was the initial figure quoted to Loffer to fulfill Term #4.

As part of Term #4, the City provided an official explanation of how the request was handled, which was prepared by the Police Chief who responded to the request. In this explanation, the Police Chief states that a request for abandoned vehicle records would ordinarily only take “a few minutes,” but additional time was needed to comply with Loffer’s specific instructions.

Loffer’s original request was submitted through a voicemail on December 9, 2024, seeking a record of the number of abandoned vehicles which received a 24-hour notice tag from the Police Department in 2024. On December 23, the Police Chief emailed Loffer to seek clarification on the request, as he claimed he was “not able to provide the exact request of how many vehicles have had tags placed on them in 2024,” but he could “provide a number of calls for service that were labeled as an abandoned vehicle” (as, according to the City’s explanation, calls for service are always generated but the notice sticker is not always placed).

In Loffer’s December 24 response, he replied:

What I am looking for is information from 2024, on any vehicle that has been determined to be an “abandoned vehicle by the Marengo Police Department pursuant to Chapter 80 of the Marengo Code of Ordinances, (or applicable state code) including time, date, location, and registered owner of the vehicle. [...] Are you suggesting that you don't keep documentation of each vehicle on which an orange abandoned vehicle sticker is placed? I'm not looking for calls for service that have been labeled as abandoned vehicles, as I am looking for accurate information of documented incidents.

The Police Chief summarized his understanding of this request as follows:

Mr. Loffer responded indicating that he did not want copies of abandoned vehicle calls for service, rather he only wanted copies of calls for service in which a vehicle received a sticker, along with other information surrounding the vehicle and their owner(s). This required a more complex examination of all records of 2024 that involved potential abandoned vehicles (e.g. Some vehicles get a sticker but can also be labeled as: traffic hazard, disabled vehicle, motorist assist etc. ). Due to the detailed and narrowly tailored request, this took much more time to produce records for that request.

However, the Chief went on to say:

A simple request of all abandoned vehicle records would take a few minutes. Due to Mr. Loffers’ narrowly tailored request, this required approximately one hour of my time to examine all the potential records and compile them. This was also required so that Mr. Loffer was not charged for records he did not want.



This suggests that the longer response resulted *both* from Loffer's specific instructions for the request, which the Chief says created additional work in sorting through the initial set of potentially responsive records, *and* from the City's previous fees policy, as the improper \$3.00 per record flat rate was the only reason Loffer would have been "charged for records he did not want" had they not been excluded (rather than for additional time spent responding to the request).

### **Request for Guidance**

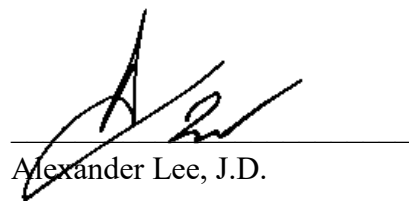
Because the language of Term #4 of the Informal Resolution provides that its fulfillment is subject to final review by IPIB, the Board's guidance is now requested to resolve the factual dispute over whether the City's proposed refund is appropriate.

Two options are recommended:

1. If the Board determines that the City's justification is sufficient to explain why an hour was reasonably taken to fulfill the request, it should approve the proposed \$43.97 refund as sufficient to satisfy the remaining term of the Informal Resolution.
2. If the Board determines that the City could not have reasonably taken more than thirty minutes to fulfill the request, it should direct the City to offer a full refund of \$78.97 to resolve the case pursuant to the Informal Resolution.

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

By the IPIB Agency Counsel,



Alexander Lee, J.D.

### **CERTIFICATE OF MAILING**

This document was sent on December 11, 2025, to:

Matt Loffer, Complainant  
City of Marengo, Respondent

## **Marengo Explanation – Term #4 (25FC:0012)**

To be clear as to why the 'one hour of staff time' was applied to Mr. Loffer's open records request, I would like to provide the following explanation. Mr. Loffer made a request City Hall for a police department records of the number of vehicles that had 'tags' placed on them during the calendar year of 2024. The 'tag' I believed him to be referring to is the 24-hour notice stickers that abandoned vehicles often receive when the vehicle has not moved within the lawful time frame allowed by city code. This was a challenging request because when a vehicle is "abandoned" and we address the issue, we do not always place a tag on the vehicle even though a call for service is always generated. Due to the challenge of fulfilling that request, I wanted to get clarification on what exactly what Mr. Loffer was requesting.

After several failed attempts to contact Mr. Loffer, both in person and via phone, I eventually sent an email to an email address I had on file for Mr. Loffer asking for clarification and an attempt to explain that the specific request he made was not easily available. I thought that with further clarification, I may be able to better assist him in getting the information he was trying to seek.

Mr. Loffer responded indicating that he did not want copies of abandoned vehicle calls for service, rather he only wanted copies of calls for service in which a vehicle received a sticker, along with other information surrounding the vehicle and their owner(s). This required a more complex examination of all records of 2024 that involved potential abandoned vehicles (e.g. Some vehicles get a sticker but can also be labeled as: traffic hazard, disabled vehicle, motorist assist etc. ). Due to the detailed and narrowly tailored request, this took much more time to produce records for that request. A simple request of all abandoned vehicle records would take a few minutes. Due to Mr. Loffers' narrowly tailored request, this required approximately one hour of my time to examine all the potential records and compile them. This was also required so that Mr. Loffer was not charged for records he did not want.

Ben Gray, Chief of Police

Dear Iowa Public Information Board Members,

I am Matt Loffer, the complainant in Case 25FC:0012 (Matt Loffer v. City of Marengo). First and foremost, I want to extend my deepest gratitude and highest praise to Agency Counsel Alexander Lee for his exemplary handling of this matter. Mr. Lee's professionalism, thoroughness, impartiality, and clear communication throughout the investigation and informal resolution process have been truly outstanding, setting a gold standard for public service and restoring faith in government accountability. His diligent work has already secured meaningful reforms (training for city officials and a revised, compliant fee policy), and I am profoundly appreciative of his dedication to upholding Iowa's open records law.

With that foundation of progress, I respectfully but strongly urge the Board to select Option 2 and direct the City to issue a full refund of \$78.97, as the evidence clearly shows this was a routine request that reasonably required far less than 30 minutes. The Police Chief's own explanation, quoted in the Status Report, unequivocally supports a full refund:

- He admits that "(a) simple request of all abandoned vehicle records would take a few minutes."
- The claimed additional time stemmed solely from sorting to exclude non-responsive records, work driven entirely by the City's now-admitted unlawful \$3.00 flat fee per record, which the resolution explicitly corrects.

Critically, any perceived complexity did not arise from my request's specificity but from the custodian's actions:

- My initial December 9, 2024, voicemail was precise: records of 2024 vehicles receiving 24-hour orange sticker tags under Chapter 80.
- The Chief's December 23 email introduced ambiguity by offering broader "calls for service" instead, prompting my December 24 clarification, a reasonable, good-faith response to ensure accuracy.

Requiring citizens to pay for time spent correcting a custodian's misinterpretation or navigating flawed internal systems directly contradicts Chapter 22's core purpose: maximizing free, barrier-free access to public records. Iowa Code 22.3(1) mandates "every reasonable effort" to provide routine records taking less than 30 minutes at no cost beyond copying (zero here, as electronic). 22.3(2) strictly limits fees to "actual costs directly attributable" to fulfillment, not inefficiencies in the agency's record-keeping or clarifications necessitated by the custodian himself. A partial refund (\$43.97) would effectively penalize me for seeking precision in response to the custodian's query, while rewarding the very practices the resolution corrects. A full refund aligns with the statute's consumer-friendly intent and encourages efficient record-keeping. Approving even a partial charge here would:

- Reward the very practices the Board found unlawful.
- Create a chilling effect on citizens seeking precise public safety enforcement data.

- Undermine the resolution's remedial intent and the Board's credibility in protecting transparency.

A full refund is not only statutorily required but essential to send a clear message: government custodians must maintain efficient, accessible systems, and requesters should never bear costs for agency shortcomings. The Chief's admission of "a few minutes" for the core task leaves no reasonable basis for any charge.

I am fully available for questions, additional documentation, or to address the Board directly. Thank you again, especially to Mr. Lee, for your steadfast commitment to open government. I trust the Board will act decisively to close this case with the full remedy Chapter 22 demands.

Sincerely,

Matt Loffer  
(319) 660-0406  
[mattloffer@gmail.com](mailto:mattloffer@gmail.com)

## The Iowa Public Information Board

In re the Matter of:	Case Number: 25FC:0018
Tammy Wise, Complainant	Final Report
And Concerning:	
Tama County Board of Supervisors, Respondents	

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

On February 10, 2025, Tammy Wise filed formal complaint 25FC:0018, alleging that the Tama County Board of Supervisors (Board) violated Iowa Code Chapter 21.

The IPIB accepted this Complaint on February 20, 2025.

### Background

In early 2025, the Tama County Board of Supervisors contracted with Paul Gruefe, an independent contractor, to perform an audit of the county's office of human resources. On February 3, 2025, the Board held a regularly scheduled meeting, which included the agenda item "Possible closed session for discussion and possible action under Iowa Code 21.5.1 (g), 21.5.1 (h), 21.5.1 (i)." During this session, which lasted approximately one hour, the five Supervisors met privately with Gruefe and the complainant, Tammy Wise, to consider the latter's potential discharge. Following the closed session, the Board returned to open session and voted 3-2 to terminate Wise's employment with Tama County, a decision which was formalized on February 10, 2025.

Both the vote to enter closed session and the vote to terminate Wise's employment upon returning open session were conducted appropriately, the discussion during the closed session was properly within the scope of Iowa Code § 21.5(1)(i), which permits closure "when necessary to prevent needless and irreparable injury to" the reputation of "an individual whose appointment, hiring, performance, or discharge is being considered." The only dispute was whether Wise affirmatively requested a closed session during a private hallway conversation with Gruefe within the five-minute recess immediately before the closure vote, as the individual's consent is also required by Iowa Code § 21.5(1)(i).

The Tama County Board of Supervisors formally denies any wrongdoing or violations of the law, and IPIB never reached any official finding on the above factual dispute. Nevertheless, the parties

were able to reach an informal resolution intended to prevent similar open meetings issues from arising in future closed sessions.

### **Informal Resolution**

Following mediation, all parties agreed to an Informal Resolution to resolve the complaint, which IPIB approved on October 16, 2025. Pursuant to that Informal Resolution, the following remedial actions were taken:

1. This Informal Resolution was formally approved at a meeting of the Tama County Board of Supervisors, with the terms of the Informal Resolution read into the record. The Board included a copy of the Informal Resolution in its meeting minutes and provided IPIB staff with a copy of the minutes demonstrating approval.
2. The Board developed an official policy for the conduct of closed session meetings held pursuant to Iowa Code § 21.5(1)(i), including a requirement that future requests for closed session based on this justification either be received in writing or confirmed during open session in a manner which allows Board members to consider the request and memorialize it in the minutes of the meeting, prior to entering closed session.
3. All members of the Tama County Board of Supervisors completed a training with IPIB staff during an open meeting on December 8, 2025.

IPIB staff certify that the Tama County Board of Supervisors has satisfied its obligations under the Informal Resolution as of December 8, 2025.

### **Procedure**

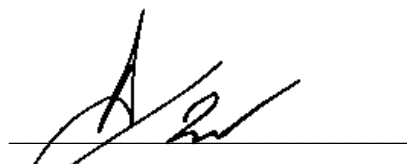
Tammy Wise approved the Informal Resolution on October 2, 2025.

The Tama County Board of Supervisors approved the Informal Resolution on September 17, 2025.

IPIB approved the Informal Resolution Report on October 16, 2025.

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

By the IPIB Agency Counsel,

  
Alexander Lee, J.D.

**CERTIFICATE OF MAILING**

This document was sent on December 16, 2025, to:

Tammy Wise, Complainant

Tama County Board of Supervisors, Respondent

## The Iowa Public Information Board

In re the Matter of:	Case Number: 25FC:0073
Justin Scott, Complainant	Final Report
And Concerning:	
Denver Community School District, Respondents	

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

On June 12, 2025, Justin Scott filed formal complaint 25FC:0073, alleging that the Denver Community School District Board of Directors (Board) violated Iowa Code Chapter 21.

The IPIB accepted this Complaint on March 20, 2025.

### Background

On June 12, 2025, the complainant, Justin Scott, filed formal complaint 25FC:0073, alleging that the Board had violated Iowa Code § 21.4(1)(a) by failing to provide proper agenda notice of personnel contract renewal decisions approved at the Board's June meeting. Prior meeting agendas and minutes showed that the Board's common practice has been to act on contract renewals under a one-word "Personnel" agenda item, which appeared under the "Reports" heading, alongside other non-action informational reports such as "Middle School Principal," "Superintendent," and "Board President." Concerns were also raised after the complaint was accepted about whether the Board was properly identifying individual items to be voted on within its general consent agendas.

For the purposes of informal resolution, the Board worked with IPIB to update its practices for preparing meeting agendas to better satisfy the notice requirements of Chapter 21.

### Informal Resolution

Following mediation, all parties agreed to an Informal Resolution to resolve the complaint, which IPIB approved on November 20, 2025. Pursuant to that Informal Resolution, the following remedial actions were taken:

1. This Informal Resolution was formally approved at a November meeting of the Denver Community School District Board of Directors. The Board included a copy of the Informal Resolution in its meeting minutes and provided IPIB staff with a copy of the minutes demonstrating approval.



2. In adopting the Informal Resolution, the Board agreed that items requiring deliberation or action by the Board, including consent agenda items, will be listed on the tentative agenda under a heading or subheading which sufficiently apprises the public that action may be taken, including but not limited to “Old Business” or “New Business.”
3. With regards to routine contract renewal decisions, the Board agreed to include language in its agendas which differentiates these types of decisions from other personnel matters and makes it clear that the Board may consider official action, rather than merely receiving a report (e.g. “Approve consent agenda personnel contracts.”).

IPIB staff certify that the Denver Community School District has satisfied its obligations under the Informal Resolution as of December 5, 2025.

### **Procedure**

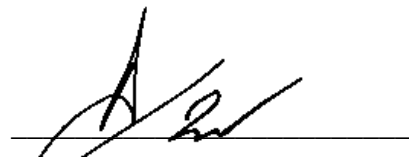
Justin Scott approved the Informal Resolution on October 17, 2025.

The Denver Community School District approved the Informal Resolution on October 17, 2025.

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

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

By the IPIB Agency Counsel,

  
\_\_\_\_\_  
Alexander Lee, J.D.

### **CERTIFICATE OF MAILING**

This document was sent on December 11, 2025, to:

Justin Scott, Complainant  
Denver Community School District, Respondent

## The Iowa Public Information Board

In re the Matter of:	Case Number: 25FC:0116
Crystal Davis, Complainant	Informal Resolution Report
And Concerning:	
City of Larchwood, Respondent	

On August 27, 2025, Crystal Davis filed formal complaint 25FC:0116, alleging that the City of Larchwood (City) violated Iowa Code Chapter 21.

The IPIB accepted this complaint at its meeting on September 18, 2025.

### Background

On August 27, 2025, the complainant, Crystal Davis, filed formal complaint 25FC:0116, alleging two violations of Iowa Code Chapter 21.

### Public Recording of City Council Meetings

On August 25, 2025, the complainant's husband, Zac Davis, attended a city council meeting, which he livestreamed from his phone. Shortly before the meeting was called to order, two city council members approached Mr. Davis, informed him that city policy no longer allowed him to record meetings, and asked him to turn off the livestream. The City has acknowledged this interaction, which was recorded, though they note that Mr. Davis was ultimately able to create a recording of the full meeting. Counsel for the City has also stated that there is no ordinance in the City's Code of Ordinances restricting the public's right to use recording devices at meetings.

### Deliberation and Action on Agenda Items Without Sufficient Notice

Ms. Davis's complaint also raised concerns about the City's practice of adding agenda items for deliberation or action on less than twenty-four hours' notice. Shortly after IPIB accepted the complaint, Ms. Davis provided a video from the City's September 8, 2025 council meeting, in which the City voted to certify an application for a third-party grant to improve the condition of the City's public baseball fields. There was no corresponding agenda item for this vote.

The City provided context for this discussion. While the topic of field leveling was not included on the agenda for September 8, the agenda did include consideration of funding for a robotic field painter, which would be used to paint stripes on the City's baseball diamonds. After hearing from the representative invited to speak on this topic, the condition of the baseball fields was discussed more generally, and the city council was informed about the possibility that Larchwood's baseball club could apply for an open grant from the Lyon County Riverboat Foundation for funding to level its baseball fields. This application required both official approval from the City and verification that the baseball club was a qualifying social welfare non-profit. Because the grant application was due on September 19 and the baseball club would be unable to proceed without the City's approval, the Mayor determined that there was a qualifying emergency for the purposes of Iowa Code § 21.4(2)(a). The matter was deliberated and voted on at the September 8 meeting.

### **Applicable Law**

"The public may use cameras or recording devices at any open session. Nothing in this chapter shall prevent a governmental body from making and enforcing reasonable rules for the conduct of its meetings to assure those meetings are orderly, and free from interference or interruption by spectators." Iowa Code § 21.7.

"Except as provided in subsection 3, a governmental body shall give notice of the time, date, and place of each meeting including a reconvened meeting of the governmental body, and the tentative agenda of the meeting, in a manner reasonably calculated to apprise the public of that information." Iowa Code § 21.4(1)(a).

### **Analysis**

#### **Public Recording of City Council Meetings**

The City agrees that Iowa Code § 21.7 gives members of the public the right to record city council meetings held in open session, including livestreams. While Chapter 21 does not require the City to record or broadcast its own open session meetings, a policy or ordinance which infringed on the public's ability to do the same, if one existed, would contradict open meetings law.

#### **Deliberation and Action on Agenda Items Without Sufficient Notice**

Iowa Code § 21.4(1)(a) requires public notice of any meeting of a governmental body to include a "tentative agenda of the meeting." In general, a governmental body may only deliberate or act on a matter with sufficient notice in a tentative agenda, though the Iowa Supreme Court has found that "proper construction of the notice provision in [Iowa Code § 21.4] allows discussion and action on emergency items that are first ascertained at a meeting for which proper notice was given," though "if action can be reasonably deferred to a later meeting, this should be done."

*KCOB/KLVN, Inc. v. Jasper Cnty. Bd. of Sup'rs*, 473 N.W.2d 171, 174 (Iowa 1991). However, “an item not included on the agenda cannot be discussed if the governmental body had predetermined to discuss an item and omit it from the agenda” *Id.* at 174.

In reaching its conclusion in *KCOB/KLVN*, the Court referenced the language of Iowa Code § 21.4(2)(a), a related section which generally requires notice be posted at least twenty-four hours prior to commencement of a meeting, except where “good cause” makes such notice “impossible or impractical.” IPIB’s precedent on Iowa Code § 21.4(2)(a), based in part on *KCOB/KLVN*’s findings on emergency agenda items, has established the following three elements for consideration of whether a sufficient emergency existed to justify a meeting held on shorter notice:

1. The emergency which justifies the lack of sufficient notice must be genuinely “emergent” from the perspective of the governmental body, such that the governmental body could not have avoided the need for an emergency meeting with reasonable diligence;
2. The emergency must pose a sufficient risk of harm, including threats to public health or safety, risk of significant financial loss or property damage, legal jeopardy, or other circumstances which could undermine the core purposes of the government; and
3. The emergency meeting must be reasonably necessary to avoid or mitigate that risk, meaning it could not be reasonably deferred to a later time to allow for proper notice

25FC:0113, *Mariah Oliver/City of Paullina*. See also 24FC:0036, *Jason Foust/City of Eldridge*; 23FC:0100, *Travis Johnson/Eddyville-Blakesburg-Fremont Community School District*.

While the tentative agenda requirement is legally distinct from the general notice requirement for meetings, and amendments to add emergency items to properly noticed meetings are not subject to Iowa Code § 21.4(2)(b)’s rule on including a “good cause” justification in meeting minutes, the key considerations are the same for emergencies in both cases. As with “good cause” for reduced notice, (1) emergency items added to a tentative agenda must not be the product of a lack of reasonable diligence on the part of the government, (2) there must be a sufficient risk to public health or public safety, a risk of significant financial loss or property damage, or other circumstances related to the core purposes of the government which require immediate response, and (3) an immediate response must be reasonably necessary to avoid or mitigate the risk, such that deferral to a later meeting would not be reasonable under the circumstances.

In this case, the third element of an “emergency” was unmet, as the City could have reasonably deferred its vote to approve the baseball club’s grant application to a later meeting sometime between September 8 and September 19 without sacrificing the opportunity. While having a special session outside the City’s normal schedule may have been inconvenient for council members, this inconvenience alone did not justify emergency action in lieu of deferral, regardless of whether the application deadline constitute a sufficient emergency.

The second element was also unmet. Aside from disappointing a constituent group, the only material risk to the City's interests in this scenario was the loss of an opportunity to receive a grant which could be used to improve the condition of the City's baseball fields. Although emergencies may be established from risks of property damage or significant financial loss, these types of risks were not present in the situation at hand, and a failure to apply for the grant would not have sufficiently interfered with the City's ability to pursue its core purposes as a governmental body.

There is some disagreement between the parties on the first element, as the complainant alleges the city council had sufficient reason to know of the pending grant application deadline in advance of the meeting based on connections between individual council members and the baseball team, while the City maintains a lack of prior notice. Because the parties have agreed to informal resolution to resolve this case and because this issue would not change the overall conclusion, IPIB makes no findings on this element.

### **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 Larchwood City Council. The City will include a copy of this Informal Resolution in its meeting minutes and will provide IPIB staff with a copy of the minutes demonstrating approval.
2. In adopting this Informal Resolution, the City acknowledges the standard described in IPIB's analysis as the appropriate standard for emergency items to be added to a tentative agenda for a meeting which was otherwise held with proper notice.
3. Pursuant to Iowa Code § 21.7, the City will rescind any ordinance or policy which would prevent members of the public from using recording devices during open session meetings of the Larchwood City Council. If no such ordinance or policy exists, the City will provide a written statement to IPIB which certifies this fact.
4. The City will formally recertify its approval of the grant application from the September 8, 2025 meeting during a future open session meeting of the Larchwood City Council, with sufficient and timely agenda notice. Fulfillment of this term will not void the original resolution or make it retroactively invalid.
5. Members of the Larchwood City Council will complete training on Iowa's open meetings and public records laws. This training will be arranged by the City and conducted with IPIB staff during an open session meeting.

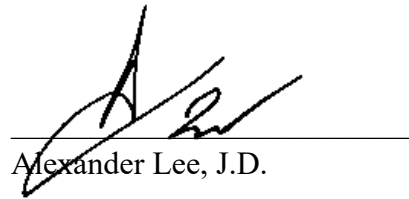
The terms of the Informal Resolution will be completed within 60 days of the date of approval of this Informal Resolution by all parties. Upon a showing of proof of compliance, the IPIB will dismiss this complaint as successfully resolved.

Crystal Davis approved the Informal Resolution on November 21, 2025.

The City of Larchwood approved the Informal Resolution on December 8, 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 December 11, 2025, to:

Crystal Davis, Complainant  
City of Larchwood, Respondent

## The Iowa Public Information Board

In re the Matter of:	Case Number: 25FC:0130
Kellen Garfield, Complainant	Investigative Report
And Concerning:	
Iowa City Police Department, Respondent	

COMES NOW, Charissa Flege, Deputy Director for the Iowa Public Information Board (IPIB), and enters this Investigative Report:

On September 16, 2025, Kellen Garfield filed formal complaint 25FC:0130, alleging that the Iowa City Police Department (ICPD) violated Iowa Code Chapter 22.

The Iowa Public Information Board accepted this complaint at its meeting on September 16, 2025.

### Facts

On September 5, the Complainant reported a suspected incident of child abuse to the Iowa City Police Department. The investigation included a recorded conversation between an officer and the Complainant. Complainant then submitted a request to the Iowa City Police Department on September 11, 2025 for “all records, reports, finding, notes, and related materials” from the investigation conducted by the Iowa City Police Department. The complainant specifically requested “[t]he full written investigation report and any summaries or findings; [a]ll officer notes, internal communications, and supporting materials; [a]ny associated evidence logs, including photos or video if applicable, [and m]etadata or certification to confirm authenticity and chain of custody.” The Iowa City Police Department responded by asserting confidentiality under Chapter 22.5(7) as an exception to the obligation to produce the records.

The police department admits, through counsel, that at least some of the requested records exist, including a video recording of the interview and a written report generated through the investigation of the report of child abuse. The Respondent also admits that the police department does have discretion to release investigative reports and they are declining to exercise their discretion to release the records.

Complainant asserts that the police department told her that the matter was not a criminal one; therefore, she believes the records cannot be withheld as a confidential record.

The Complainant had additional concerns that the city did not provide adequate language access. The IPIB only has jurisdiction to enforce Chapter 21 and Chapter 22; therefore, the matter of language access is outside our jurisdiction.

### **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. However, the date, time, specific location and immediate facts and circumstances surrounding a crime or incident shall not be kept confidential under this section, except in those unusual circumstances where disclosure would plainly and seriously jeopardize an investigation or pose a clear and present danger to the safety of an individual. Specific portions of electronic mail and telephone billing records may only be kept confidential under this subsection if the length of time prescribed for commencement of prosecution or the finding of an indictment or information under the statute of limitations applicable to the crime that is under investigation has not expired.” Iowa Code § 22.7. The Iowa Public Information Board interprets peace officers’ investigative reports to include “all of the information gathered by officers as part of an investigation into a crime or incident.” 20FC:0127, *Robert Corry/ Iowa City Police Department*.

In addition to showing that a record is part of a police investigative report, the governmental entity claiming privilege must also show “(1) a public officer is being examined, (2) the communication was made in official confidence, and (3) the public interest would suffer by disclosure.” *Mitchell v. City of Cedar Rapids*, 926 N.W.2d 222, 232 (Iowa 2019) (citing *Hawk Eye v. Jackson*, 521 N.W.2d 750, 752 (Iowa 1994)).

Part one of this test has been interpreted to include to “protect[] the communication itself, including any written report of the communication, and not just oral examination of the public office.” *State ex rel. Shanahan*, 356 N.W.2d 523, 528 (Iowa 1984). A record that has been determine to be part of an investigative report satisfies part one because “the privilege may be invoked at any stage of proceedings where confidential communications would otherwise be disclosed, not just when a witness is testifying.” *Id.* Part two concerns whether the information requested was communicated to the official in official confidence. 23AO0003. The last part considers weighing the public interest in disclosing the records against the potential harm that such a disclosure would cause. *Hawk Eye v. Jackson*, 521 N.W.2d 750, 753 (Iowa 1994).



## Analysis

Considering the applicable legal standard, the Complainant argues either that the record is not an investigative report under §22.7(5), or, alternatively, that if it is an investigative report, the factors in the *Hawk Eye* balancing test weigh in favor of disclosure of the requested records.

In this instance, the Respondent has provided sufficient evidence that a criminal investigation regarding the abuse of a minor is open and ongoing. The Complainant argues that because she did not receive any notice of case closure, there must not be a criminal investigation. However, there is no requirement that such specific notice or proof be provided to a requestor to establish the existence of a criminal investigation. The IPIB is satisfied that the information provided by the Respondent is sufficient to substantiate the existence of the investigation. Therefore, the records at issue here are clearly part of an investigative report.

Iowa Code §22.7(5) grants discretion to the custodian of a police investigative report to disclose a confidential report. In *Mitchell v. City of Cedar Rapids*, the Iowa Supreme Court held that Iowa Code §22.7(5) creates 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 that *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 apply the *Hawk Eye* balancing test, derived from Iowa Code §622.11. As the Court explained 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 in the context of public records requests often hinge on the third prong, which balances the public interest in disclosure against potential harm. *See* 23AO:0003, *Confidentiality of Police Investigative Files*.

In past decisions, the IPIB has interpreted 911 calls and similar communications, such as witness or victim reports, to be part of a police investigative file and, despite the qualified privilege, generally confidential. *See* 23FC:0026, *Sydney Crnkovich/Carroll County Sheriff’s Office* (finding that the *Hawk Eye* test favored confidentiality for a 911 call made by an individual reporting a dead body, where the minimal public interest in accessing the call audio—beyond the information already disclosed—was outweighed by the potential harm of disclosure).

While a public entity must consider each record separately, rather than asserting blanket confidentiality for an entire investigative file, the individual records sought here—video of a

witness interview, police notes, photographs, and other attached evidence—can be analyzed under the same framework.

While there is a public interest in government transparency, *Hawk Eye* also recognizes the public interest in protecting victims' information to encourage reporting and disclosure of criminal activity to authorities. Furthermore, the records in the investigative report here involve an interview with a potential witness to a child's injuries, which is analogous to precedent protecting the confidentiality of witness statements. *See* 23FC:0026, *Sydney Crnkovich/Carroll County Sheriff's Office*. The records at issue are particularly sensitive because they involve a minor child, which weighs heavily in favor of confidentiality. It is not relevant to this analysis that the requestor is a witness. If the police were to release this information to one individual under Chapter 22, they would be required to release it to all members of the public, not just the parent.

Because (1) a public officer is being examined when investigative files are sought by a member of the public under Iowa Code Chapter 22; (2) the communications sought were made in official confidence; and (3) the minimal public interest in disclosure is outweighed by the confidentiality interest in protecting records relating to a potential victim of child abuse, the qualified privilege of Iowa Code §22.7(5) applies. To the extent that *Hawk Eye* applies in this instance, it weighs in favor of confidentiality and the records sought were properly withheld.

### **IPIB Action**

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

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

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

### **Recommendation**

It is recommended the Board dismiss for a lack of probable cause. Because the records at issue are confidential records under Iowa Code section 22.7(5) and the extremely sensitive nature of records related to the criminal abuse of a minor child weighs in balance of preserving confidentiality.

By the IPIB Deputy Director,



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Charisa Flege, J.D.

#### CERTIFICATE OF MAILING

This document was sent on December 11, 2025, to:

Kellen Garfield, Complainant

Iowa City Police Department, Respondent

# The Iowa Public Information Board

In re the Matter of:	Case Number: 25FC:0182
Amy Hill, Complainant	Investigative Report
And Concerning:	
Ottumwa Police Department, Respondent	

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

On November 7, 2025, Amy Hill filed formal complaint 25FC:0182, alleging that the Ottumwa Police Department (Department) violated Iowa Code Chapter 22.

Facial acceptance of this case is presented to the IPIB on its consent agenda for December 18, 2025. If the acceptance is approved, this statement will be updated accordingly.

## Facts

On November 25, 2024, the Ottumwa Police Department responded to a call from a member of the public reporting a lost or abandoned dog. An animal control officer picked up the dog and dropped it off at a local shelter. The complainant, Amy Hill, believes that this was her pet dog.

On June 5, 2025, Hill submitted a Chapter 22 request seeking records from the Department related to this incident, including body/vehicle camera recordings of the dog being picked up, an audio recording of the phone call reporting the dog, and any related records. The Department responded by asserting that there was no responsive video of the pickup, though Hill was provided the written report from the incident. The Department also released the audio from the original phone call, though Hill overlooked the file at the time.

On October 22, 2025, Hill submitted a new request, seeking the same records and asserting that she still had not been provided the original phone call or the body/vehicle camera records. The Department responded that there were no additional records to disclose.

On November 7, 2025, Hill filed formal complaint 25FC:0182, alleging that the Department was improperly withholding responsive records without justification.

On December 5, 2025, IPIB staff notified the Department of the complaint. The same day, the Department responded with screenshots of the video record logs for the officer in question on the day of the incident, showing nothing recorded from the time the dog was picked up. The Department also re-released the written report and the phone call recording, with an additional screenshot showing that these files had been shared on June 6, in response to the initial request. Hill has since acknowledged that the phone call record had been included in the disclosure on that date and she had unintentionally overlooked it.

### **Analysis**

The complainant agrees that the written report of the incident and the phone call record described in the complaint were released upon request. While no footage from the responding officer's body-worn camera or dashcam have been shared, the Department has provided evidence which suggests that the officer's pickup of the dog was never recorded in the first place, and there is no other evidence available which contradicts this assertion. It appears that all responsive records were properly released in June, the day after the complainant's first Chapter 22 request.

Any remaining issues regarding the Department and animal shelter's handling of the underlying incident or the dog's ownership are outside of IPIB's statutory jurisdiction under Chapter 21 and Chapter 22.

### **IPIB Action**

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

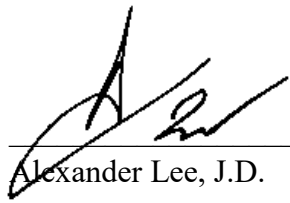
- a. Redirect the matter for further investigation;
- b. Dismiss the matter for lack of probable cause to believe a violation has occurred;
- c. Make a determination that probable cause exists to believe a violation has occurred, but, as an exercise of administrative discretion, dismiss the matter; or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

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

### **Recommendation**

The evidence presented to IPIB suggests that all responsive records in the Department's possession were either promptly disclosed upon request or do not exist. Because any remaining matters in the dispute are outside of IPIB's jurisdiction, it is recommended that the Board dismiss for lack of probable cause to believe a violation has occurred.

By the IPIB Agency Counsel,



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### CERTIFICATE OF MAILING

This document was sent on December 11, 2025, to:

Amy Hill, Complainant  
Ottumwa Police Department, Respondent

## The Iowa Public Information Board

In re the Matter of:

Jack Elder, Complainant

And Concerning:

City of Lake City, Respondent

Case Number: 25FC:0123

Dismissal Order

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

On August 28, 2025, Jack Elder filed formal complaint 25FC:0123, alleging Lake City violated Iowa Code Chapter 22.

### Facts

In their initial complaint to IPIB, the Complainant alleged that Lake City refused to provide records of property transfers in violation of Chapter 22. IPIB staff attempted to reach the complainant for additional details on October 5 and 15, 2025 and received no response. On October 28, the complainant emailed the general inbox asking for an explanation as to why he hadn't heard from IPIB. A staff member responded to the inquiry in the general inbox on October 29 and resent all prior communications. We received one response on October 30<sup>th</sup> restating that he hadn't received prior communications. It did not include any of the information staff had requested. We attempted to communicate with the complainant on November 3<sup>rd</sup> and finally on November 20<sup>th</sup>. IPIB has received no additional communication from the complainant or additional information to proceed with an investigation.

### Applicable Law

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

1. Determine that, on its face, the complaint is within the board's jurisdiction, appears legally sufficient, and could have merit. In such a case the board shall accept the complaint, and shall notify

the parties of that fact in writing.

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

### **Analysis**

Chapter 22 only delegates enforcement power to this Board when 1) “the defendant is subject to the requirements of this chapter, [] the records in question are government records, and [] the defendant refused to make those government records available for the examination and copying by the plaintiff...” Iowa Code § 22.10(2) In this case, IPIB does not have sufficient information to proceed with an investigation or make a determination regarding a violation.

### **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. Due to abandonment by the complainant and insufficient evidence before IPIB, it is found that this complaint does not meet those requirements.

IT IS SO ORDERED: Formal complaint 25FC:0123 is dismissed as legally insufficient for IPIB to proceed with an investigation 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 December 18, 2025. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Executive Director

A handwritten signature in cursive script, reading "Charlotte J.M. Miller".

Charlotte J.M. Miller, J.D.

### **CERTIFICATE OF MAILING**

This document was sent via email on December 11, 2025, to:

Jack Elder, Complainant



## The Iowa Public Information Board

In re the Matter of:

Jack Elder, Complainant

And Concerning:

City of Lake City Police Department,  
Respondent

Case Number: 25FC:0124

Dismissal Order

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

On August 28, 2025, Jack Elder filed formal complaint 25FC:0124, alleging the Lake City Police Department violated Iowa Code Chapter 22.

### Facts

In their initial complaint to IPIB, the Complainant alleged that Lake City Police Department improperly refused to provide records of police investigative records in violation of Chapter 22. IPIB staff attempted to reach the complainant for additional details on October 5 and 15, 2025 and received no response. On October 28, the complainant emailed the general inbox asking for an explanation as to why he hadn't heard from IPIB. A staff member responded to the inquiry in the general inbox on October 29 and resent all prior communications. We received one response on October 30<sup>th</sup> restating that he hadn't received prior communications. It did not include any of the information staff had requested. We attempted to communicate with the complainant on November 3<sup>rd</sup> and finally on November 20<sup>th</sup>. IPIB has received no additional communication from the complainant or additional information to proceed with an investigation.

### Applicable Law

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

1. Determine that, on its face, the complaint is within the board's jurisdiction, appears legally sufficient, and could have merit. In such a case the board shall accept the complaint, and shall notify

the parties of that fact in writing.

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

### **Analysis**

Chapter 22 only delegates enforcement power to this Board when 1) “the defendant is subject to the requirements of this chapter, [] the records in question are government records, and [] the defendant refused to make those government records available for the examination and copying by the plaintiff...” Iowa Code § 22.10(2) In this case, IPIB does not have sufficient information to proceed with an investigation or make a determination regarding a violation.

### **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. Due to abandonment by the complainant and insufficient evidence before IPIB, it is found that this complaint does not meet those requirements.

IT IS SO ORDERED: Formal complaint 25FC:0124 is dismissed as legally insufficient for IPIB to proceed with an investigation 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 December 18, 2025. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Executive Director:

A handwritten signature in cursive script, reading "Charlotte J.M. Miller". The signature is written in dark ink and is positioned above a horizontal line.

Charlotte J.M. Miller, J.D.

### **CERTIFICATE OF MAILING**

This document was sent via email on December 11, 2025, to:

Jack Elder, Complainant

## The Iowa Public Information Board

In re the Matter of:	Case Number: 25FC:0178
Shawn Harden, Complainant	Dismissal Order
And Concerning:	
Buchanan County Supervisor, Respondent	

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

On November 6, 2025, Shawn Harden filed formal complaint 25FC:0178, alleging that a member of the Buchanan County Board of Supervisors (Supervisor) violated Iowa Code Chapter 22.

### Facts

On November 6, 2025, a member of the Buchanan County Board of Supervisors sent an email to the County's Environmental Health, Zoning and Floodplain Administrator requesting a building permit for a particular structure at a particular address in the County. The Administrator responded by informing the Supervisor that she would not provide the building permit absent a request from the full Board, based on Buchanan County Resolution 25-61, which provides that official requests based on supervisors' Chapter 331 duties could only be made to department heads and other elected officials through official actions of the Board as a whole.

The Supervisor responded by stating that the Administrator was "withholding information publicly available" and suggesting non-compliance could lead to "personnel action including reprimand and possibly termination."

This email copied the County HR Manager, who responded by citing Resolution 25-61, which she understood to mean Supervisor's request was not valid without a Board vote. The Supervisor then forwarded the email chain to IPIB and the complainant, Shawn Harden, in his capacity as Buchanan County Attorney.

Harden responded that the Supervisor was violating County policies by sending the aforementioned emails from his government email account. Harden's response copied the other two members of the Board of Supervisors, the Sheriff, the County Auditor, and the County IT

Director into the conversation. In the ensuing conversation, the Supervisor added a member of the Iowa House of Representatives and a public contact email for the state judicial branch. Later, the Supervisor also shared the email with the editor of a local newspaper, another state representative, and a private attorney involved in lobbying.

After several additional messages were exchanged between Harden and the Supervisor, Harden requested that IPIB open a formal complaint (25FC:0178) against the Supervisor for the unlawful disclosure of confidential records. Specifically, Harden alleged the Supervisor's second email to the Administrator in which he "contemplate[d] adverse employment consequences" for her lack of response to his records request was a confidential personnel record pursuant to Iowa Code § 22.7(11), based on the Supervisor's duties in overseeing other County officials and employees. Harden also alleged the email was entitled to confidentiality under Iowa Code § 22.7(60), as it contained information which would permit a governmental body to enter into a closed session under Iowa Code § 21.5(1)(i) to review the Administrator's professional competency. Because this email was included within the email thread forwarded by the Supervisor to multiple individuals outside the County, Harden asserts that the Supervisor violated Chapter 22.

### **Applicable Law**

"The following public records shall be kept confidential, unless otherwise ordered by a court, by the lawful custodian of the records, or by another person duly authorized to release such information." Iowa Code § 22.7.

"Once a party seeking judicial enforcement of this chapter demonstrates to the court that the defendant is subject to the requirements of this chapter, that the records in question are government records, and that the defendant refused to make those government records available for examination and copying by the plaintiff, the burden of going forward shall be on the defendant to demonstrate compliance with the requirements of this chapter." Iowa Code § 22.10(2).

### **Analysis**

Dismissal is required on facial review, for one of two reasons.

First, assuming without deciding that the email in question was a confidential record, the first sentence of Iowa Code § 22.7 grants discretion to waive confidentiality to the "lawful custodian of the records," or to any other "person duly authorized to release such information," *See Nahas v. Polk County*, 991 N.W.2d 770, 784 (Iowa 2023), *overruled on other grounds by Doe v. W. Dubuque Cmty. Sch. Dist.*, 20 N.W.2d 798 (Iowa 2025) (holding a County Board of Supervisors did not violate Iowa Code § 22.7 by releasing information about a former employee's termination, as the enumerated confidentiality provisions merely "allow[ed] a lawful custodian of government documents to refuse to release documents that contain confidential information"). *See also City of Riverdale v. Diercks*, 806 N.W.2d 643, 657 (Iowa 2011) (finding that a mayor waived possible confidentiality for security video footage by sharing the recording with a reporter, as the mayor

was authorized to release the record in question); 24FC:0119, *Tony Reed/Central Iowa Juvenile Detention Center* (finding no violation of Chapter 22 in a government commission's decision to release a personnel report over the objections of the employee named in that report). To the extent the Supervisor would be considered the lawful custodian of his email or otherwise be authorized to release it, the plain language of Iowa Code § 22.7 would expressly permit this.

Alternatively, assuming the record in question was confidential *and* the Supervisor lacked the authority to release it, IPIB does not interpret its jurisdiction over Chapter 22 to include investigation or enforcement of allegedly improper disclosures of confidential records. The Iowa Supreme Court has previously declined to find any implied private cause of action in Chapter 22 for negligent release of confidential records, relying on the existence of other explicit statutory remedies for violation and on the underlying statutory purpose of transparency, where allowing for private suits “would not enforce disclosure but would hinder it and counteract the primary purpose for which the statute was passed.” *Marcus v. Young*, 538 N.W.2d 285, 289–90 (Iowa 1995). Notably, the *Marcus* Court stated that the proposed cause of action for improper disclosures specifically “would not be necessary, as the injunction procedure set forth in section 22.8 would provide a remedy” and legislative intent could be inferred from the lack of additional private remedies. *Id.* at 290.

Based on available precedent, the framing of Iowa Code § 22.10(2)'s burden of proof for civil enforcement in terms of “refus[al] to make [requested] government records available for examination and copying,” Chapter 22's predominant focus on the public's rights to access records, and the lack of clear authorizing language in either Iowa Code § 23.6 or Iowa Code § 23.10, it is not apparent that the legislature intended to grant IPIB the power to investigate complaints based on improper disclosure of confidential records, and these complaints have consistently been dismissed for this reason in the past. *See also, e.g.*, 25FC:0048, *Kaikobad Irani/University of Iowa* (declining to investigate the allegedly unauthorized leak of an investigation document prepared by a university about a former professor). While Chapter 22 does reference other statutory provisions which strictly mandate confidentiality, IPIB may only interpret those sections insofar as it is empowered to interpret the corresponding language, and Chapter 23 does not grant IPIB the authority to enforce those statutes directly.

Lastly, the record in question also does not facially appear to be entitled to confidentiality under either of the exceptions asserted, meaning it likely could be shared freely. However, because facial dismissal is appropriate regardless of confidentiality, IPIB does not reach this issue.

### **Conclusion**

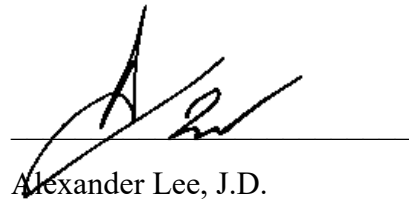
Iowa Code § 23.8 requires that a complaint be within the IPIB's jurisdiction, appear legally sufficient, and have merit before the IPIB accepts a complaint. Following a review of the allegations on their face, it is found that this complaint does not meet those requirements.

Because disclosure of the email would have been expressly permitted regardless of confidentiality to the extent the Supervisor was lawful custodian of the record or otherwise authorized to release it, and because unauthorized disclosure of a confidential record is outside of IPIB's jurisdiction over Chapter 22, dismissal is appropriate on facial review.

IT IS SO ORDERED: Formal complaint 25FC:0178 is dismissed as it is legally insufficient or outside of IPIB's jurisdiction pursuant to Iowa Code § 23.8(2) and Iowa Administrative Rule 497-2.1(2)(b).

Pursuant to Iowa Administrative Rule 497-2.1(3), the IPIB may "delegate acceptance or dismissal of a complaint to the executive director, subject to review by the board." The IPIB will review this Order on December 18, 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 December 11, 2025, to:

Shawn Harden, Complainant

## The Iowa Public Information Board

In re the Matter of:	Case Number: 25FC:0179
Shawn Harden, Complainant	Dismissal Order
And Concerning:	
Buchanan County Supervisor, Respondent	

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

On November 12, 2025, Shawn Harden filed formal complaint 25FC:0179, alleging that a member of the Buchanan County Board of Supervisors (Supervisor) violated Iowa Code Chapter 22.

### Facts

On November 4, 2025, a member of the Buchanan County Board of Supervisors allegedly released confidential text message and email records received in the Supervisor's official capacity to the editor of a local newspaper. According to the complaint, the records in question were part of a conversation between the Supervisor and the County Sheriff, in which the latter shared details of an investigation into a named deputy on allegations of harassment, threats, and intimidation. Following receipt of these records, the editor contacted the complainant, Shawn Harden, in his capacity as Buchanan County Attorney.

On November 12, 2025, the complainant, Shawn Harden, filed formal complaint 25FC:0179, alleging the records were improperly disclosed in violation of Chapter 22, as he believed they were confidential pursuant to Iowa Code § 22.7(5) (as peace officers' investigative reports), Iowa Code § 22.7(11) (as personal information belonging to the deputy's personnel file), Iowa Code § 22.7(60) (as information which would permit a governmental body to enter into a closed session under Iowa Code § 21.5(1)(i)), and Iowa Code Chapter 80F (the peace officer, public safety, and emergency personnel bill of rights).

### Applicable Law

“The following public records shall be kept confidential, unless otherwise ordered by a court, by the lawful custodian of the records, or by another person duly authorized to release such information.” Iowa Code § 22.7.

“Once a party seeking judicial enforcement of this chapter demonstrates to the court that the defendant is subject to the requirements of this chapter, that the records in question are government records, and that the defendant refused to make those government records available for examination and copying by the plaintiff, the burden of going forward shall be on the defendant to demonstrate compliance with the requirements of this chapter.” Iowa Code § 22.10(2).

### Analysis

Dismissal is required on facial review, for one of two reasons.

First, assuming without deciding that the records shared with the reporter were confidential, the first sentence of Iowa Code § 22.7 grants discretion to waive confidentiality to the “lawful custodian of the records,” or to any other “person duly authorized to release such information,” *See Nahas v. Polk County*, 991 N.W.2d 770, 784 (Iowa 2023), *overruled on other grounds by Doe v. W. Dubuque Cmty. Sch. Dist.*, 20 N.W.2d 798 (Iowa 2025) (holding a County Board of Supervisors did not violate Iowa Code § 22.7 by releasing information about a former employee’s termination, as the enumerated confidentiality provisions merely “allow[ed] a lawful custodian of government documents to refuse to release documents that contain confidential information”). *See also City of Riverdale v. Diercks*, 806 N.W.2d 643, 657 (Iowa 2011) (finding that a mayor waived possible confidentiality for security video footage by sharing the recording with a reporter, as the mayor was authorized to release the record in question); 24FC:0119, *Tony Reed/Central Iowa Juvenile Detention Center* (finding no violation of Chapter 22 in a government commission’s decision to release a personnel report over the objections of the employee named in that report). To the extent the Supervisor would be considered a lawful custodian or otherwise be authorized to release these records, the plain language of Iowa Code § 22.7 would expressly permit this.

Alternatively, assuming the records in question were confidential *and* the Supervisor lacked the authority to release them, IPIB does not interpret its jurisdiction over Chapter 22 to include investigation or enforcement of allegedly improper disclosures of confidential records. The Iowa Supreme Court has previously declined to find any implied private cause of action in Chapter 22 for negligent release of confidential records, relying on the existence of other explicit statutory remedies for violation and on the underlying statutory purpose of transparency, where allowing for private suits “would not enforce disclosure but would hinder it and counteract the primary purpose for which the statute was passed.” *Marcus v. Young*, 538 N.W.2d 285, 289–90 (Iowa 1995). Notably, the *Marcus* Court stated that the proposed cause of action for improper disclosures specifically “would not be necessary, as the injunction procedure set forth in section 22.8 would provide a remedy” and legislative intent could be inferred from the lack of additional private remedies. *Id.* at 290.



Based on available precedent, the framing of Iowa Code § 22.10(2)'s burden of proof for civil enforcement in terms of "refus[al] to make [requested] government records available for examination and copying," Chapter 22's predominant focus on the public's rights to access records, and the lack of clear authorizing language in either Iowa Code § 23.6 or Iowa Code § 23.10, it is not apparent that the legislature intended to grant IPIB the power to investigate complaints based on improper disclosure of confidential records, and these complaints have consistently been dismissed for this reason in the past. *See also, e.g.,* 25FC:0048, *Kaikobad Irani/University of Iowa* (declining to investigate the allegedly unauthorized leak of an investigation document prepared by a university about a former professor). While Chapter 22 does reference other statutory provisions which strictly mandate confidentiality, IPIB may only interpret those sections insofar as it is empowered to interpret the corresponding language, and Chapter 23 does not grant IPIB the authority to enforce those statutes directly.

As IPIB has not reviewed the specific records in question, no determination is made as to whether they would be entitled to confidentiality under Chapter 22 or any other provisions of the law.

### **Conclusion**

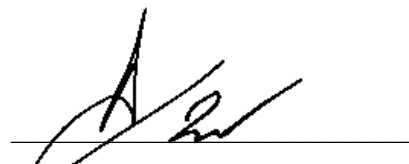
Iowa Code § 23.8 requires that a complaint be within the IPIB's jurisdiction, appear legally sufficient, and have merit before the IPIB accepts a complaint. Following a review of the allegations on their face, it is found that this complaint does not meet those requirements.

Because disclosure of the records would have been expressly permitted regardless of confidentiality to the extent the Supervisor was lawful custodian of the records or otherwise authorized to release them, and because unauthorized disclosure of confidential records is outside of IPIB's jurisdiction over Chapter 22, dismissal is appropriate on facial review.

IT IS SO ORDERED: Formal complaint 25FC:0178 is dismissed as it is legally insufficient or outside of IPIB's jurisdiction pursuant to Iowa Code § 23.8(2) and Iowa Administrative Rule 497-2.1(2)(b).

Pursuant to Iowa Administrative Rule 497-2.1(3), the IPIB may "delegate acceptance or dismissal of a complaint to the executive director, subject to review by the board." The IPIB will review this Order on December 18, 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 December 11, 2025, to:

Shawn Harden, Complainant

IPIB Case Number	Contact Name	Name of Entity Involved	Complaint Type	Description	Board Meeting Co
25FC:0151	Gregory Armstrong	Hamburg Community School Board	Chapter 22	I asked for information about the new construction going on at the school building over twenty days ago. I have yet to receive any information in regards to the contractor they have hired. I believe there could possibly be a conflict of interest with a person on the	Accept
25FC:0160	Michael Benson	City of Merville	Chapter 22	City clerk refused to accept FOI requests on 3 separate occasions with no reason or solution offered	Accept
25FC:0174	Lance Miller	City of Marion Iowa	Chapter 21	On 10-9-2025 the Marion City Council entered into a closed meeting session for the stated reason of discussing pending litigation concerning the discontinuation of insurance benefits for retired disabled employees. I have been involved in discussion with the City of Marion on this topic since May 2025. Litigation concerning this topic has never been threatened and has not been filed. I believe the City of Marion entered into closed session under false pretenses.	Accept
25FC:0175	Timothy Gray	Woodbury county	Both	On oct 2 I asked for a copy of my educational file I was provided with a four page made up document. I know this because there was pre-trial information in the same file from 1991 and they use this file to try and have my property sold on taxes because it was a felony conviction that was later overturned.the actual I was denied the actual education file	Accept
25FC:0180	David Boll	Dubuque County	Chapter 22	Failure to respond to Open Records Requests August 27, 2025 and the October 9, 2025, additional request	Accept
25FC:0181	April Armstrong	City of Pisgah Iowa, City Council	Public Records Law	<p>sent email to the city of Pisgah, Iowa requesting the last 5 years of Grant information. Received an email with the following response on November 6th from the city attorney Clint Fichter:</p> <p>Small City Resource Institute Nov 6, 2025, 10:22 AM (5 days ago) to me, cityofpisgah</p> <p>This request is not specific enough for us to process and appears to be a request for information and not for records. If you'd like to make a proper request please consult Iowa Code Chapter 22 and restate what records you are actually requesting so we can process it.</p> <p>Thanks,</p> <p>Clint</p> <p>Small City Resource Institute 119 N. Elm Street Avoca, IA 51521 712-307-6461 frontdesk@smallcity.org</p>	Accept
25FC:0182	Amy Hill	Ottumwa Police Department	Chapter 22	<p>Hi, My dog was taken by animal control last November 2024. I was given 5 hours to come up with money for her release. The officer that picked her up wasn't available and went out on vacation for Thanksgiving holiday. When he came back he said I couldn't pay and I was pasty time limit which I wasn't per municipal law. I could not reason with him on getting my dog back.</p> <p>I was put out on Facebook by a supporter of the humane society as a homeless drug addict who didn't deserve a dog.</p> <p>At court the officer said my dog was loose and the mail carrier called my dog in.</p> <p>In June 2025 I requested information about body cameras and the phone calls made into the police department. I was given a copy of the written report of my dog being picked up.</p>	Accept
25FC:0185	Marisa Schneider	Madison County Treasurer	Public Records Law	<p>I again requested body camera and phone calls recordings to be sent by email a response of this</p> <p>On November 10, 2025 I, Marisa Schneider, in an open records request requested all email/ electronic correspondence (digital) between Kylee Barber and Steve Swanson, County Attorney, regarding the vacancy and removal of Auditor Schwarz, from the courthouse on July 16, 2025 Please include all emails from July 7 through August 30, 2025. Ms. Barber replied that all these communications are protected under attorney/client privilege. This has become the frequent response in Madison county with all communications between county employees and the county attorney. Can the board confirm that all communications are subject to</p>	Accept

25FC:0194	Justin Brady	Des Moines Public Schools, State Department of Education	Chapter 22	<p>Failure to provide public records request.</p> <p>Oct 3 - Rasa Rios acknowledged public records request</p> <p>Oct 14 - Tanya Stark responded to public records request saying criteria would cost "thousands of dollars."</p> <p>Oct 14 - Justin Brady responded with revised criteria</p> <p>Oct 30 - Tanya Stark updated Brady: "we'll need to review and redact for student and confidential personnel information. We estimate it will take another week or so complete, yet wanted you to know we are working on it."</p> <p>Nov 14 - Stark updated Brady again: "Good morning, please note, we are still working through the spreadsheet and estimate an additional wee of work on the request."</p> <p>Nov 14 - Brady notified Stark a complaint would be filed if no information arrived by their own deadline.</p>	Accept
25FC:0196	Nick Cattell	City of Chariton	Chapter 22	<p>This complaint is submitted pursuant to Iowa Code §23.8. We request immediate review and enforcement action regarding repeated, deliberate violations of Iowa's Public Records Law (Iowa Code Chapter 22) by the City of Chariton and its City Manager, Mr. Douglas Anderson.</p> <p>The City has engaged in obstruction, retaliation, unreasonable fees, and intentional delays, effectively denying access to public records that are simple, discrete, and unquestionably available under Iowa law.</p> <p>BACKGROUND</p> <p>On November 24, 2025, we submitted a lawful written public records request to the City of Chariton requesting:</p> <ol style="list-style-type: none"> <li>1. All sewer-related engineering records directly connected to the abandoned sewer plant located on our private property;</li> <li>2. A copy of the City's liability insurance policy and coverage limits;</li> <li>3. A list or documentation of City-owned real estate.</li> </ol> <p>These are basic records that should require minimal time, minimal copying, and are routinely available.</p>	Accept
25FC:0197	Linda Smithson	Bettendorf school board	Chapter 21	<p>I have also emailed my full complaint to IPiB@iowa.gov. The email is more detailed and contains more information. I am filing a complaint regarding a potential violation of Iowa Code Chapter 21 by members of the Bettendorf Community School District Board of Education.</p> <p>Statements published in the Quad-City Times on November 15 2025, indicate that multiple sitting board members along with newly elected but not yet sworn-in members, engaged in advance deliberations that constituted an unnoticed board meeting. (<a href="https://qctimes.com/news/local/education/article_c26b902d-2220-4409-a07e-d5f3c6bf8533.html">https://qctimes.com/news/local/education/article_c26b902d-2220-4409-a07e-d5f3c6bf8533.html</a>) includes a statement from Board Member Michelle Bruty indicating that a decision had already been made prior to the November 13, 2025 Annual and Organizational</p>	Accept

25FC:0198	OpenRec2025	Iowa Western Community College	Chapter 22	<p>I am requesting formal assistance regarding Iowa Western Community College's continued obstruction of access to public salary data.</p> <p>Despite narrowing my request to only the current fiscal year (FY 2025), IWCC continues to:</p> <ul style="list-style-type: none"><li>impose an excessive fee of \$300–\$500 for salary data that should be readily available in digital payroll records</li><li>require 50% prepayment before work begins</li><li>require that I provide my legal name and physical address</li><li>restrict delivery of the data to hard-copy mail or in-person pickup, despite the data being digital</li><li>refuse to provide the hourly rates or job classifications of the individuals performing the work</li><li>demonstrate consistent delay and discouragement throughout the process</li></ul> <p>Iowa Code Chapter 22 allows anonymous requests. Requiring identity and address in order to invoice and mail printed copies imposes unnecessary barriers not aligned with Iowa's transparency laws or the spirit of open access.</p> <p>Employee name, title, and compensation are pu</p>	Accept
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Lee, Alexander &lt;alexander.lee@iowa.gov&gt;

**Notice of New IPIB Complaint (25FC:0067)****Eyes Off Cedar Rapids** <eyesoffcr@proton.me>

Sun, Nov 2, 2025 at 2:15 PM

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

Cc: "McAreavy, Patrick SD." &lt;P.McAreavy@cedar-rapids.org&gt;, "Hawkins, Sherri D." &lt;S.Hawkins@cedar-rapids.org&gt;

If the city is so hard up that it needs \$100+ for a spreadsheet, send an invoice for the fee so we can close this out. Tried to pay online but wasn't able to.

EyesOffCR  
PO box 2556  
Cedar Rapids Iowa 52406

Its pretty clear that public records laws are smoke and mirrors in this state. Every City is just doing whatever they want. No need to waste everyone's time even further.

Sent with [Proton Mail](#) secure email.

On Monday, October 27th, 2025 at 12:32 PM, Lee, Alexander <alexander.lee@iowa.gov> wrote:

Dear Mr. McAreavy,

We are not looking for anything from the City at this time, especially if the fees owed are still unpaid. This complaint has been something of an anomaly, both because of the intervening issue with the metadata spreadsheet that the parties worked out between themselves as a potential solution and because of its timing, as it came shortly before our staffing turnover and everything else that's happened over the past few months. I'll take my share of the responsibility for that, but I'm hoping to wrap up whatever remaining issues may exist within this complaint, as I acknowledge it has been pending for some time.

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.gov](mailto:alexander.lee@iowa.gov)  
[www.ipib.iowa.gov](http://www.ipib.iowa.gov)

On Mon, Oct 27, 2025 at 12:23 PM McAreavy, Patrick SD. <P.McAreavy@cedar-rapids.org> wrote:

Mr. Lee,

Thank you for your guidance. The City is prepared to respond to the original complaint, but I believe that the original complaint has been resolved. Is there something that IPIB would like from the City, whether that be response or anything? Thanks!

**Patrick McAreavy (he/him)**

Assistant City Attorney

City of Cedar Rapids

Office: 319-286-5025

[www.cedar-rapids.org](http://www.cedar-rapids.org)

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

**Sent:** Monday, October 27, 2025 12:17 PM

**To:** Eyes Off Cedar Rapids <eyesoffcr@proton.me>

**Cc:** McAreavy, Patrick SD. <P.McAreavy@cedar-rapids.org>; Hawkins, Sherri D. <S.Hawkins@cedar-rapids.org>

**Subject:** Re: Notice of New IPIB Complaint (25FC:0067)

**CAUTION:** This email originated from outside the organization. Do not click links or open attachments unless you know the content is safe. Never provide your user ID and password!

Good afternoon,

I wanted to follow up on the status of this complaint, as it has been some time since I last heard from the complainant. As far as I'm aware, the current status of this case is that the government body has provided the metadata spreadsheet required as part of the informal resolution process, meaning that Mr. Vandalay should now have access to the subject lines and other relevant information to refine the scope of the original request. Reasonable fees were charged, but these were not paid as of the last communication, and no further records requests were being processed pending that payment.

Please let me know if this is inaccurate in any way, and if there are remaining issues within IPIB's jurisdiction to address.

Best,



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

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## Follow-Up on 25FC:0097

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**Eyes Off Cedar Rapids** <eyesoffcr@proton.me>

Sun, Nov 2, 2025 at 2:02 PM

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

Just consider our cases closed please. After even more cities started ignoring our public records requests, we've basically given up. Flock won.

Its clear that a single individual doesn't have the time or resources or time to deal with how often public records laws are violated.

Sent with [Proton Mail](#) secure email.

[Quoted text hidden]



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

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## Additional evidence, City of Kellogg complaint

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**Jaicy Skaggs** <jaicyskaggs@gmail.com>

Mon, Nov 17, 2025 at 1:20 PM

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

Dear Mr. Lee,

Thank you for the update. I appreciate the timeline regarding 25FC:0109. I wanted to let you know that I have now submitted my initial concerns directly to the City's attorney in the shared email thread, as you suggested. I will await the City's response and will share any additional observations with you if needed.

Regarding 25FC:0088, thank you for the clarification. Based on the City's repeated statements that no additional records exist and your explanation, I am comfortable considering that complaint resolved on my end.

Please let me know if you need anything further from me while you complete your review of 25FC:0109.

[Quoted text hidden]





Miller, Charlotte &lt;charlotte.miller@iowa.gov&gt;

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**Iowa Public Information Board Complaint 25FC:0122 Acceptance**

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**Tim** <twin5303l@gmail.com>

Thu, Dec 11, 2025 at 7:46 PM

To: "Miller, Charlotte" &lt;charlotte.miller@iowa.gov&gt;

Cc: Jim Barry &lt;jim.barry@muscatinecountyiowa.gov&gt;, Danielle Young &lt;danielle.young@muscatinecountyiowa.gov&gt;, "Lee, Alexander" &lt;alexander.lee@iowa.gov&gt;, "heidivanwinkleattorney@gmail.com" &lt;heidivanwinkleattorney@gmail.com&gt;

Yes and thank you for your assistance.

On Thursday, December 11, 2025, Miller, Charlotte <charlotte.miller@iowa.gov> wrote:

Mr. Ferguson,

It appears you have received your requested records. Would you like to withdraw your IPIB complaint 25FC:0122?

Thanks,  
Charlotte Miller

On Wed, Nov 26, 2025 at 1:45 PM Tim <twin5303l@gmail.com> wrote:

Thank you and have a Happy Thanksgiving!

On Wed, Nov 26, 2025 at 1:11 PM Jim Barry <jim.barry@muscatinecountyiowa.gov> wrote:

Mr. Ferguson,

Attached are the redacted emails that I received and then sent with Mr. Kirkendall regarding your case.

Thanks

Jim Barry

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**From:** Tim <twin5303l@gmail.com>**Sent:** Monday, November 24, 2025 4:05 PM**To:** Jim Barry <jim.barry@muscatinecountyiowa.gov>**Cc:** Miller, Charlotte <charlotte.miller@iowa.gov>; Danielle Young <danielle.young@muscatinecount  
yiowa.gov>; Lee, Alexander <alexander.lee@iowa.gov>**Subject:** Re: Iowa Public Information Board Complaint 25FC:0122 Acceptance

Mr. Barry,

Only the emails that would reference me that is all.

Thanks.



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

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## Notice of New IPIB Complaint (25FC:0152)

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**Justin Williams** <jwilliams8711@gmail.com>

Thu, Nov 20, 2025 at 8:07 PM

To: "McClean, Laura" &lt;lmcclean@atlanticiaschools.org&gt;

Cc: "Johnsen, Beth" &lt;bjohnsen@atlanticiaschools.org&gt;, "Lee, Alexander" &lt;alexander.lee@iowa.gov&gt;, Lisa Jones &lt;lisajones@atlanticiaschools.org&gt;, Josh McLaren &lt;jmclaren@atlanticiaschools.org&gt;

Dear Mr. Lee,

I understand that the school and its staff are currently managing significant personal and operational challenges, and my intent is certainly not to add undue burden during this time. I am writing to conclude the matter of my recent public records request and complaint.

At this point, I believe the existing documentation regarding the violation of open records laws serves its purpose. My goal was never to embarrass the district, but rather to use this process as a necessary measure to uphold the fundamental right of taxpayers to receive public information in a timely and appropriate manner.

While I am formally concluding this specific complaint, I must urge the district to take this documentation seriously. I sincerely hope that this experience will prompt a commitment to greater transparency and a clear understanding of the district's responsibility to adhere strictly to public information laws and reasonable time frames for disclosure in the future.

I look forward to seeing the district adopt more transparent practices.

Regards,

Justin

[Quoted text hidden]



Miller, Charlotte &lt;charlotte.miller@iowa.gov&gt;

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**IPIB Formal Complaint 025FC:0148 - East Union Community School District**

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**Gary Clear** <gclear@windstream.net>  
To: Charlotte Miller <charlotte.miller@iowa.gov>

Mon, Dec 15, 2025 at 9:30 PM

Yes, that is correct  
Sent from my iPhone

On Dec 15, 2025, at 7:02 PM, Miller, Charlotte <charlotte.miller@iowa.gov> wrote:

Mr. Clear,

Just to be clear, you are satisfied with the mitigation taken by the District and would like to withdraw your current complaints: 25FC0117 and 25FC:0148. Please note that if you believe a violation has occurred in the future you are able to submit a new complaint.

Best,  
Charlotte Miller

On Sun, Dec 14, 2025 at 11:22 PM Gary Clear <gclear@windstream.net> wrote:  
If the school continues to follow their policy and complies with the law, yes.  
Sent from my iPhone

On Dec 11, 2025, at 1:19 PM, Miller, Charlotte <charlotte.miller@iowa.gov> wrote:

Mr. Clear,

I am following up at this time regarding whether you feel the mitigation steps taken by the District is adequate and you would like to withdraw your complaints (25FC0117 and 25FC:0148)?

Best,  
Charlotte Miller

On Wed, Nov 12, 2025 at 2:23 PM Miller, Charlotte <charlotte.miller@iowa.gov> wrote:  
Mr. Clear,

It appears that the District has remedied the issue of proper notice by enacting a new procedure for posting the meeting agenda as stated below.

"Nevertheless, in a good-faith effort to resolve this complaint informally, the District is agreeable to modifying its meeting notice practice to include posting a hard copy of the meeting agenda so that it is visible from the vestibule outside the central administrative office. This step will mean no entry into the lobby is required, such that access to the agenda can be provided outside regular business hours (in addition to the website). The District has already implemented this step."

Considering the mitigation steps taken by the District, do you feel those steps have adequately redressed the harm and would like to withdraw your complaint?

If not, then IPIB would recommend an informal resolution accepting the policy change as adequate to prevent any future harm and a simple vote recertification at the next meeting should address any prior harm.

Best,  
Charlotte

On Thu, Oct 30, 2025 at 3:02 PM Anne Stokely <[astokely@ahlerslaw.com](mailto:astokely@ahlerslaw.com)> wrote:

Ms. Miller, as you know, our firm represents the East Union Community School District. Attached is our response to the above-referenced complaint that was filed with your office against the East Union Community School District.

If you have any questions, please do not hesitate to contact us.

Thank you.

Anne

**Anne Stokely**

***Legal Secretary to Danielle Haindfield, Kristy Latta, Brad Beaman and Siobhan Schneider***

<image001.png>

Ahlers & Cooney, P.C.  
[100 Court Avenue, Suite 600](#)  
Des Moines, Iowa 50309-2231  
**Phone:** (515) 246-4401 | **Fax:** (515) 243-2149

[astokely@ahlerslaw.com](mailto:astokely@ahlerslaw.com)

# The Iowa Public Information Board

In re the Matter of:	Case Number: 25FC:0083
Amber Turner, Complainant	Investigative Report
And Concerning:	
City of Mitchellville, Respondent	

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

On June 30, 2025, Amber Turner filed formal complaint 25FC:0083, alleging that the City of Mitchellville (City) violated Iowa Code Chapter 21.

The IPIB accepted this Complaint on July 17, 2025.

## Facts

The City of Mitchellville is represented by a five-person city council. The complainant, Amber Turner, is a member of the city council.

On June 24, 2025, the City held a special meeting to discuss a controversy between city employees which was under investigation by the city at the time. Two city employees involved in the conflict were invited for separate personnel evaluations, with possible administrative action to be taken after each evaluation. The first employee opted to have their evaluation in open session and, following this evaluation, the council voted 3-2 to table possible action against this employee for a later date. The second employee requested a closed session, held pursuant to Iowa Code § 21.5(1)(i), which allows a governmental body to enter closed session “[t]o evaluate the professional competency of an individual whose appointment, hiring, performance, or discharge is being considered when necessary to prevent needless and irreparable injury to that individual’s reputation and that individual requests a closed session.”

The closed session lasted approximately ten minutes. During this session, Turner alleges that another council member made inappropriate comments which were not directly related to the evaluation of the employee. On June 30, 2025, Turner filed formal complaint 25FC:0083, alleging a violation of Iowa Code § 21.5(2) based on these comments.

In its response, the City maintained that each of the disputed comments were “clearly related to the consideration” of the professional competency of the employee who had requested a closed session and “were therefore directly related to the council’s evaluation” of that employee.

There is no dispute between the parties in this case that the closed session itself had a sufficient justification and was properly entered, meaning that the audio recording of the meeting is entitled to confidentiality under Iowa Code § 21.5(5)(b)(1). This audio recording was shared with IPIB for its examination pursuant to Iowa Code § 23.6(6), and IPIB members and employees are legally obligated to preserve its confidentiality. Because the resolution of this complaint depends on the contents of the confidential recording, key facts and analysis are necessarily omitted.

### **Applicable Law**

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

*i.* To evaluate the professional competency of an individual whose appointment, hiring, performance, or discharge is being considered when necessary to prevent needless and irreparable injury to that individual’s reputation and that individual requests a closed session.” Iowa Code § 21.5(1)(i).

“A governmental body shall not discuss any business during a closed session which does not directly relate to the specific reason announced as justification for the closed session.” Iowa Code § 21.5(2).

### **Analysis**

The parties do not dispute that the closed session was held for a proper purpose. The only matter in contention is whether specific comments made by a council member during this session exceeded the scope, as governmental bodies “shall not discuss any business during a closed session which does not directly relate to the specific reason announced as justification for the closed session.” Iowa Code § 21.5(2).

Case law interpreting this provision of Iowa Code § 21.5(2) is limited, in part due to the hidden nature of closed session meetings. In *Barrett v. Lode*, the Court found that a school board would have violated Chapter 22 during a potential “de facto closed session” held as a performance evaluation for the school superintendent when they discussed “the administrative needs of the district with respect to the hiring of a full-time superintendent and the abandonment of a sharing arrangement with another school district” pursuant to which the superintendent served multiple

districts. 603 N.W.2d 766, 770–71 (Iowa 1999).<sup>1</sup> These other considerations, while relevant to the superintendent’s employment, were *not* relevant to the board’s evaluation of the superintendent’s professional competency. The Court therefore concluded that this discussion would have exceeded the scope of a closed session held pursuant to Iowa Code § 21.5(1)(i).

IPIB’s own interpretation is also limited, though one past case interpreting Iowa Code § 21.5(1)(i) held that the justification does not permit evaluation of a different employee’s competency or performance, if that other employee did not also request a closed session. 17FC:0088, *Sam Cain/City of Sheffield*.

Based on these precedents, it is clear that Iowa Code § 21.5(2) requires a direct relationship between any and all discussion in closed session and the justification(s) asserted for closed session, with all other business kept in open session as otherwise required by Chapter 21. Nevertheless, this requirement is phrased in terms of a restriction on the “governmental body,” rather than any individual member, and the use of the term “discuss” in this context similarly denotes a conversation between multiple members, as opposed to isolated comments. Such an interpretation would be consistent with the overarching structure of Chapter 21, which is limited to “meetings of governmental bodies” (involving action or deliberation between a majority of members of a governmental body on a matter within the scope of the body’s policy-making duties). Iowa Code §§ 21.2(2), 21.3(1).

On review of the confidential audio, only one council member made any comments which might have exceeded the scope of permissible discussion, and the other council members correctly chose not to engage with them further. Although individual statements by this member were inappropriate, they did not result in deliberation between members, and they did not prevent the governmental body as a whole from substantially complying with Iowa Code § 21.5(2).

### **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).

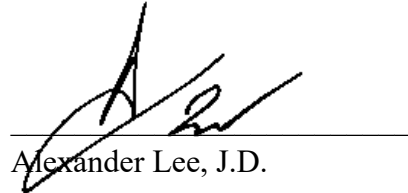
### **Recommendation**

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<sup>1</sup> The *Barrett* Court discussed the potential violation as a hypothetical, as the question of whether a “de facto closed session” had been held was a factual issue to be resolved by the lower court on remand.

The confidential audio does not show that the city council as a whole discussed any business which did not directly relate to the justification for its closed session, despite certain isolated remarks by an individual council member. Based on the standard described in Iowa Code § 21.5(2), it is recommended that the Board dismiss for lack of probable cause to believe a violation has occurred.

By the IPIB Agency Counsel,



Alexander Lee, J.D.

#### CERTIFICATE OF MAILING

This document was sent on December 11, 2025, to:

Amber Turner, Complainant  
City of Mitchellville, Respondent



**Iowa Public Information Board**  
Staff Questions & Request for Guidance

December 18, 2025

Pursuant to Iowa Code § 23.9, upon acceptance of a formal complaint, IPIB is directed to “promptly work with the parties, through employees of the board, to reach an informal, expeditious resolution of the complaint.” The vast majority of cases are resolved through the informal resolution process, and IPIB staff make every effort to keep parties at the mediation table, consistent with the legislative intent that our board provide “an efficient, informal, and cost-effective process for resolving disputes.” Iowa Code § 23.1. Historically, contested cases under Iowa Code § 23.10 have primarily come from one of two types of cases:

1. Cases in which the government acts in good faith but firmly disagrees with IPIB’s interpretation of the law, and a formal hearing is necessary to compel action
2. Cases in which the government refuses to participate in informal resolution or violates the terms of an informal resolution, leaving a contested case as the only method for securing compliance with the law

**Question 1:** In light of the above, IPIB staff seek guidance on whether the Board has a threshold for intentional and egregious violations where staff should no longer push to continue with mediation, assuming the complainant is not interested in an informal resolution (e.g. a hypothetical case in which a city deliberately destroys records to avoid disclosure under Chapter 22)

As part of House File 706, the legislature amended Iowa Code § 21.6(3)(d), the “second-strike” provision, which allows a court to order removal of a member for a second violation. The section previously included language requiring damages to have been assessed for the first violation, but Chapter 21 now permits court removal of a member “if that member has engaged in a prior violation of this chapter” without additional qualifiers (note: IPIB lacks this power, though Iowa Code § 23.10(3)(c) allows us to petition a court for removal following a contested case).

**Question 2:** For rare cases like those described in Question #1, IPIB staff also seek guidance on whether the Board would consider informal resolutions with “first violation” terms, in which a part of the agreement to resolve the case would be an acknowledgement of a violation without statutory damages (which could serve as the basis for a future court to invoke Iowa Code § 21.6(3)(d)).

## ***Court Cases***

### ***Hawk Eye v. Jackson, 521 N.W.2d 750 (Iowa 1994)***

**Facts:** Case arose out of investigations by journalists at The Hawk Eye into police brutality. DCI had conducted an investigation into the complaints and no finding of wrongdoing was made. Later, a jury returned a verdict against the officer and the city. The paper requested a copy of the report by DCI. DCI argued against it based on 22.7 and confidentiality interests.

**Analysis:** While the public good of confidentiality (encouraging reporting) should be considered, it is not the only or determinative factor to be considered. Other factors could include the nature of the investigation and whether it's ongoing or closed. Public interest in this case also included the interest in determining whether the allegations of leniency or cover-up with respect to how the officers were disciplined were founded.

**Finding:** Established the *Hawk Eye* balancing test for 22.7 police investigative records.

### ***Mitchell v. City of Cedar Rapids, 926 N.W.2d 222 (Iowa 2019)***

**Facts:** Case arose out of a police shooting that resulted in injury. Mitchell sought investigative reporting including a recording of the shooting. The police agreed to produce reports for litigation, but requested a restriction barring public disclosure. In this case, the investigation at issue was closed.

**Findings:** Reports do not lose their confidential status just because the investigation is closed. *Hawk Eye* balancing test is the controlling precedent for disputers over police investigative reports under Chapter 22.7(5): "We hold that *Hawk Eye* remains the controlling precedent for disputes over access to police investigative reports." *Mitchell* at 234. The court upheld the district court ruling that publicity over the release of the records at issue would not "jeopardize any party's right to a fair trial." *Mitchell* at 235.

## ***IPIB Precedent***

### **23AO:0001**

**Question:** Can a person's access to public records that are otherwise accessible under Iowa Code Chapter 22 be limited by a court's discovery rulings made in the course of litigation?

**Answer:** Under *Mitchell*, the Court repeatedly notes that Chapter 22 and discovery are fundamentally distinct processes for obtaining documentations and have no application or effect on each other.

## **23AO:0003**

**Question:** Under Iowa Code § 22.7(5), what information in police investigative reports is protected from disclosure and to what extent?

**Answer:** As of this opinion, 911 call, body camera video, dash cam (*Klein v. Iowa Public Information Board*, 968 N.W.2d 220, 222), lab reports generated with a criminal investigation (*AFSCME v. Iowa Dep't of Pub. Safety*, 434 N.W.2d 401, 403 (Iowa 1988)), use of force reports and pursuit reports related to an arrest (*Neer v. State*, 798 N.W.2d 349, 349 (Iowa Ct. App. 2011) (Iowa App. Feb. 23, 2011)) were all considered part of investigative records. Whether they had qualified privilege of confidentiality is determined under the 3-part test from *Mitchell*.

## **25FC:0027 – Jerry Hamelton v. Keokuk PD**

**Facts:** Keokuk City police department refused to release body camera footage of a public official (former city administrator) related to a charge of operating under the influence and possession of marijuana. Department applied the correct *Hawk Eye* balancing test standard and felt that the circumstances weighed in favor of confidentiality – specifically that the footage is part of an investigative report and that the release would interfere with the suspect's right to a fair trial.

**Analysis & Decision:** Relying on the application of 22.7(5), *Mitchell v. City of Cedar Rapids*, 926 N.W.2d 222 (Iowa 2019), and *Hawk Eye v. Jackson*, 521 N.W.2d 750 (Iowa 1994), the IPIB directed Deputy Director Murphy to order the release of the bodycam footage. The order also noted that IPIB agreed with *Mitchell* that the disclosure of body cam footage before the conclusion of prosecution would not necessarily jeopardize any party's right to a fair trial. *Mitchell*, 926 N.W.2d at 235.

## **25FC:0102 – Nancy Johnson v. Polk City Police Department**

**Facts:** Police were called to the private residence of the complainant, Nancy Johnson, on a noise complaint filed by a neighbor concerning Johnson's dogs. The neighbor who made the call was a city council member. Johnson filed an Iowa Code Chapter 22 request seeking records of the incident, including body cam footage, dispatch logs, call records, and other written reports or documents from the police investigative file. The Police Department in this case denied based on the 22.7 investigative records exception.

**Analysis & Decision:** IPIB applied the *Hawk Eye* balancing test, using factors from precedent to determine whether the circumstances weighed in favor of disclosure. The decision found the factors weighed in favor of confidentiality. The decision distinguished between precedent based upon the lack of public interest in a noise complaint and situations like a prosecution of a public official or allegation of official misconduct.

**Department 592**  
**Iowa Public Information Board**

To: Charlotte Miller  
cc: Mirela Jusic  
  
From: Jennifer Caldwell  
  
Date: December 3, 2025

Re: **FY 2026 FINANCIAL ANALYSIS**  
**Period 5 - November 2025**

Unit	Current Cash Balance	Projected FYE Cash Balance	CB - Iowa Advantage	Difference
0P22 - General Fund	329,601.17	23,123.47		
P22T - Training and Technology	6,079.94	6,079.94		
<b>Totals</b>	<b>\$ 335,681.11</b>	<b>\$ 29,203.41</b>	<b>\$ 335,681.11</b>	<b>\$ -</b>

**Areas to Monitor:**

**RED:**

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**YELLOW:**

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**GREEN:**

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**Outstanding issues that may affect the financial statements**

**Questions and review of financials:**

**Accounting conventions:**

Financial statements that have been prepared are on Cash basis.

For Fiscal 2026, September and March are "3 Payroll" months.

Budget or forecast updates will be discussed during the monthly financial review meetings and will be included in the next months financials.

Fund:		0001	General Fund															EDas Customer Number: 1882				Forecast Error
Unit:		0P22																Percent of Year Complete 41.67%				
Sub Unit:		Blank	FY2026																			
Approp:		P22	Iowa Public Information Board																			
Obj/Rev Class																		End of Year Forecast	Annual Budget	Percent of Budget	Percent of Budget Forecasted	
Obj/Rev Class Name		JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	HO13	HO14	HO15	YTD	(C=A+B)	(D)	To Date	EOY	
		Actual	Actual	Actual	Actual	Actual	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Actual					
Appropriation		467,227																	467,227			
Revenue Collected																						
401 Fees		-	-	-	45	-	-	-	-	-	-	-	-	-	-	-	-	45	-	0%	0%	
Total Revenue Collected:		-	-	-	45	-	-	-	-	-	-	-	-	-	-	-	-	45	467,227	0%	0%	Revenue Collected
Expenditures																						
101 Personal Services		15,883	19,083	25,865	23,061	26,676	27,195	27,195	27,195	40,793	27,195	27,195	27,195	11,238	-	-	110,568	325,768	329,979	34%	99%	
202 In State Travel		186	-	17	122	91	224	928	396	326	247	675	-	-	-	-	416	3,212	3,487	12%	92%	
301 Office Supplies		-	33	240	-	273	120	150	120	120	150	120	120	150	-	-	546	1,596	2,000	27%	80%	
309 Printing & Binding		-	-	-	-	-	-	-	0	-	-	-	-	-	-	-	-	0	100	0%	0%	
313 Postage		-	14	-	6	3	6	6	6	6	6	6	6	6	-	-	23	73	75	31%	98%	
401 Communications		-	-	115	-	489	187	187	187	187	187	187	187	187	-	-	605	2,098	2,240	27%	94%	
406 Outside Services		-	-	-	-	-	8,400	8,400	8,400	8,400	8,400	8,400	8,400	8,400	-	-	-	67,200	100,800	0%	67%	
414 Reimbursements To Other Agency		-	2,150	2,551	2,986	2,013	1,478	1,478	1,478	1,478	1,478	1,478	1,478	1,478	-	-	9,700	21,523	17,734	55%	121%	
416 ITD Reimbursements		-	2,247	2,410	(78)	10,850	294	294	1,220	294	294	1,220	294	294	-	-	15,428	19,633	7,371	209%	266%	
418 IT Outside Services		-	-	154	77	154	195	195	195	195	195	195	195	195	-	-	385	1,945	2,341	16%	83%	
701 Licenses		-	-	-	-	-	-	-	1,100	-	-	-	-	-	-	-	-	1,100	1,100	0%	100%	
Total Expenditures:		16,069	23,527	31,352	26,173	40,550	38,099	38,833	40,296	51,798	38,152	39,476	37,875	21,948	-	-	137,671	444,149	467,227	29%	95%	
Current Month Operations		451,158	(23,527)	(31,352)	(26,173)	(40,550)	(38,099)	(38,833)	(40,296)	(51,798)	(38,152)	(39,476)	(37,875)	(21,948)	-	-						
Cash Balance		451,158	427,631	396,279	370,151	329,601	291,503	252,670	212,373	160,575	122,422	82,947	45,072	23,123	23,123	23,123						

Footnotes:

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

Revenues

- 401 - Charged fees for large records requests.

Expenditures

- 101 - Months of September and March have 3 payroll warrants written.  
Temporary worker started September 2025 and Attorney 2 started 9/23 with first check posting in October.
- 202 - Costs include monthly board member cost traveling for meetings, misc training costs, and car rentals for staff to travel to training.  
Travel is being planned with new Director. Forecasts reflect FY25 actuals.  
July includes Monica McHugh special meeting costs and September reflects Alexander's travel for training costs.
- 301 - Costs include West Publishing Corporation for \$120/month, Ricoh Quarterly billings estimated at \$30/month and misc office supplies.  
September and November reflects catchup on billings for West Publishing.
- 309 - February forecast is for share of 1099/W2 printing costs.
- 313 - Costs include postage charges averaging around \$6.25 per month.
- 401 - Invoice was going to wrong location. November reflects catch up. Discussions with management on invoice status.
- 406 - Forecasted amounts are for hiring of contractor to implement mandatory training per approp language.
- 414 - Monthly costs are located on eDAS tab - \$1,574 including Finance support costs which will vary each month.
- 416 - Monthly costs are located on eDAS tab - \$350 and can vary each month depending on usage for storage.  
August, November, February, and May includes quarterly OCIO charges.  
September includes annual google emails with credits in October for incorrect email billings.  
November includes Salesforce licenses. Will pay with T&T money in the month of December.
- 418 - Insight bill for current employees.
- 701 - Forecasted amount is for annual law license renewal of \$275 per employee. This is based on FY25 actuals.

FTE's:

Name/Employee Number		WD EI	Job Class	Budgeted	Filled	Original Budget \$	Updated Budget
Charlotte Miller	80071	115682	09617 - Executive Director	1.0	1.0		
Charissa Flege	105703	115690	90644 - Attorney II	1.0	1.0		
Alexander Lee	102526	115691	90643 - Attorney I	1.0	1.0		
Jayde Hilton	95304	151623	70006 - Temporary Worker	0.0	0.2		
E.J. Giovannetti - Urbandale		N/A	115683 14000 - Board Member - Public Rep.				
Joel McCrea, Pleasant Hill		N/A	115684 14000 - Board Member - Media Rep.				
Jackie Schmillen, Urbandale		N/A	115685 14000 - Board Member - Media Rep.				
Luke Martz(per diem), Ames		94509	115686 14000 - Board Member - Public Rep.				
Joan Corbin(mileage), Pella		81714	115687 14000 - Board Member - Government Rep.				
Monica McHugh, Zwingle		75146	115688 14000 - Board Member - Public Rep.				
Barry Lindahl, Dubuque		83315	115689 14000 - Board Member - Government Rep.				
Vacant		141688	14000 - Board Member				
Total Funded Positions				3.00		\$ 329,979	\$ 325,714
Total Filled Positions					3.20		

Obj/Rev Class	Obj/Rev Class Name	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	HO13	HO14	HO15	YTD	End of Year Forecast	Annual Budget	Percent of Budget	Percent of Budget
		Actual	Actual	Actual	Actual	Actual	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Actual	(C=A+B)	(D)	To Date	Forecasted EOY
	Appropriation	-																			
	Deappropriation	-																			
	BBF (T&T)	6,080																			
Expenditures																					
401	Communications	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%	0%
406	Outside Services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%	0%
416	ITD Reimbursements	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%	0%
503	Equipment-Non Inventory	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%	0%
Total Expenditures:		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	#DIV/0!	#DIV/0!
Current Month Operations		6,080																			
Cash Balance		6,080	6,080	6,080	6,080	6,080	6,080	6,080	6,080	6,080	6,080	6,080	6,080	6,080	6,080	6,080					

Footnotes:  
T&T amounts have not been given for FY26.

Spent FY26	-
Obligated FY26	-
Revert FY26	6,079.94
	6,079.94

Active Cases Report



Active Questions



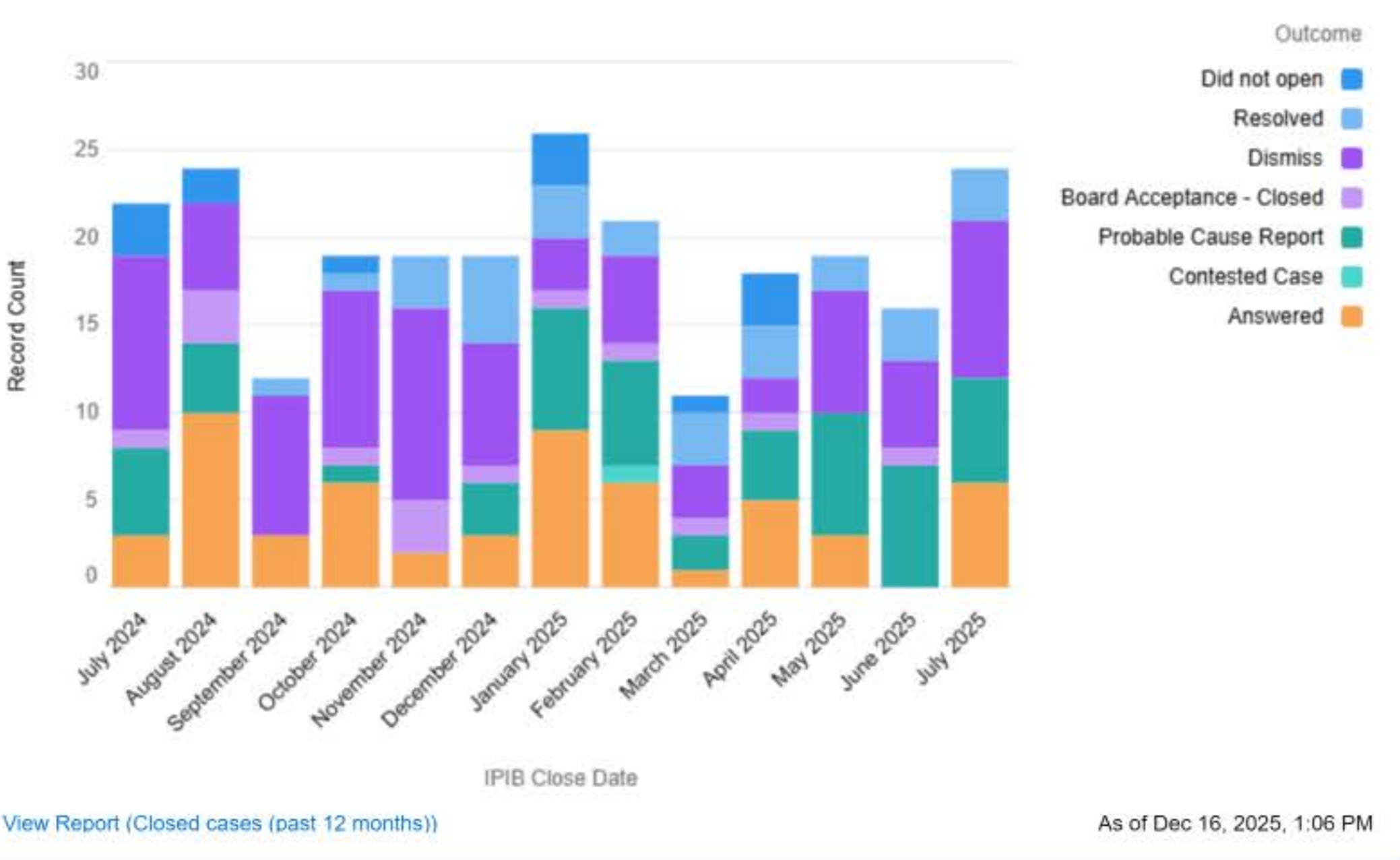
Active AO Requests



New complaints &/or question last 30 day



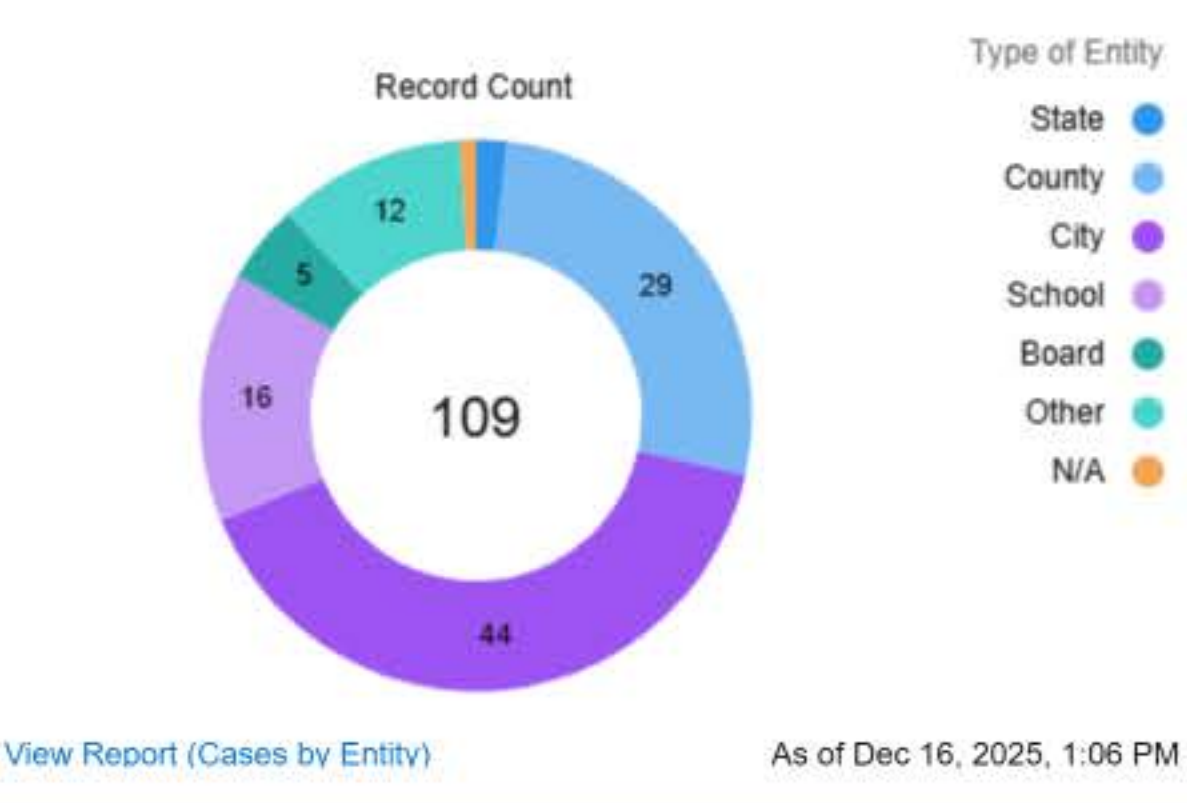
Closed cases (past 12 months)



Broad Type (Filed in Current)

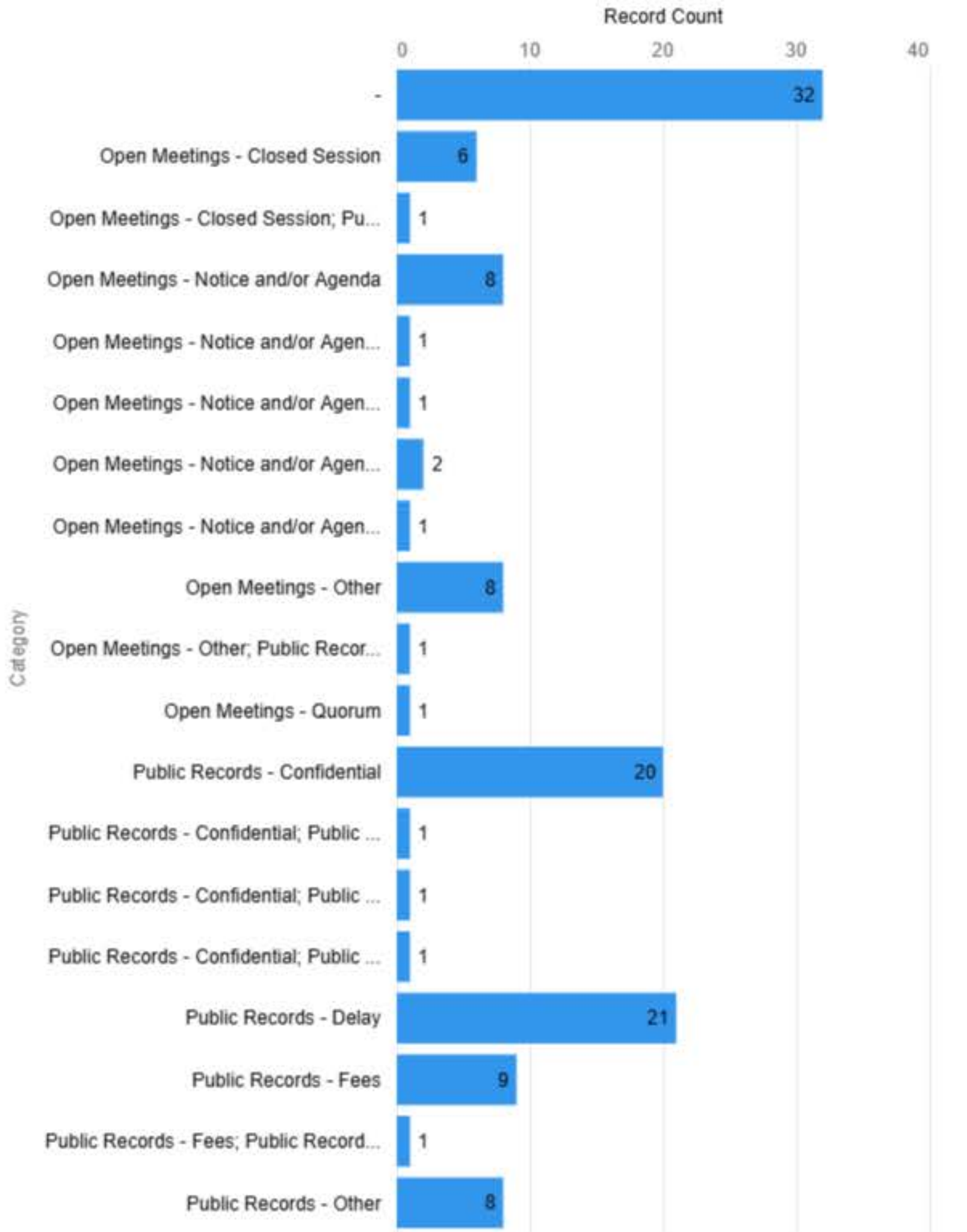


Cases by Entity





Cases by Type (Active)



Cases by Type (Filed in Current Year)

