

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 prior to the meeting.

Agenda

January 15, 2026, 1:00 p.m.
Conference Room Jessie
Parker Building, East
510 East 12th Street, Des Moines

1:00 PM – IPIB Meeting

- I. Approval of agenda***
- II. Approval of the December 18, 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:0130 (Kellen Garfield - Chapter 22- City of Iowa City) 9/16/2025 - Investigative Report Draft Order
 - 2. 25FC:0012 (Matt Loffer - Chapter 22- City of Marengo, Marengo Police Department) 2/3/2025 -Final Report Draft Order
 - 3. 25FC:0027 (Jerry Hamelton - Chapter 22- Keokuk Police Department) 3/12/2025 -Investigative Report Draft Order
 - 4. 25FC:0070-2 (Keith Wieland - Chapter 22- Buchanan County, Iowa) 6/10/2025 - Investigative Report Draft Order

5. 25FC:0070-4 (Keith Wieland - Chapter 22- Buchanan County, Iowa) 6/10/2025 - Investigative Report Draft Order
6. 25FC:0070-1 (Keith Wieland - Chapter 22- Buchanan County, Iowa) 6/10/2025 - Investigative Report Draft Order
7. 25FC:0070-3 (Keith Wieland - Chapter 22- Buchanan County, Iowa) 6/10/2025 - Investigative Report Draft Order
8. 25FC:0072 (Jonathan Uhl - Chapter 22- Scott County / Scott County Attorney's Office) 6/13/2025 -Investigative Report Draft Order
9. 25FC:0074 (Noelle Bolibaugh - Chapter 22- Oskaloosa School District) 6/16/2025 -Investigative Report Draft Order
10. 25FC:0111 (Jennifer Benbow - Chapter 21- City of Granger City Council) 8/19/2025 -Investigative Report Draft Order
11. 25FC:0141 (Eulando Hayes - Chapter 22- Black Hawk County Attorney's Office) 9/25/2025 -Investigative Report Probable Cause Investigation Draft Order
12. 25FC:0142 (Eulando Hayes - Chapter 22- Waterloo Police Department) 9/25/2025 -Investigative Report Probable Cause Investigation Draft Order
13. 25FC:0159 (Ashley Richards - Chapter 22- North Liberty Police Department Records Division) 10/31/2025 -Investigative Report Probable Cause Investigation
14. 25FC:0161 (Melissa Smith - Chapter 21- Hamburg city hall) 10/23/2025 - Investigative Report Probable Cause Investigation
15. 25FC:0169 (Dale Alison - Chapter 21- Des Moines County Board of Supervisors) 11/4/2025 - Information Gathering/IR Process Draft Order
16. 25FC:0175 (Timothy Gray - Both- Woodbury county) 11/4/2025 -Investigative Report Information Gathering/IR Process Draft Order
17. 25FC:0180 (David Boll - Chapter 22- Dubuque County) 11/9/2025 -Investigative Report Probable Cause Investigation Draft Order
18. 25FC:0181 (April Armstrong - Chapter 22- City of Pisgah Iowa, City Council) 11/11/2025 -Investigative Report Probable Cause Investigation Draft Order
19. 24FC:0092 (Aubrey Burress - Both- Pleasant Grove township) 10/21/2024 - Contested Case – Status Update and Board discussion for scheduling of special session to address the contested case 24FC:0092- 26IPIB0001

VI. Consent Agenda *

1. Dismissals

- a. Dismiss 25FC:0164 (Jared McDonald - Chapter 21- Madison County Iowa Board of Supervisors) 10/27/2025 - Draft Order
- b. Dismiss 25FC:0165 (Brooklyn Krings - Chapter 21- Madison County Board of Supervisors) 10/28/2025 - Draft Order
- c. Dismiss 26FC:0007 (Matthew Knowles - Both- City of Charter Oak Iowa) 1/6/2026 – Draft Order

2. Acceptance

- 1) Accept 25FC:0144 (Tony Hamson - Chapter 22- Rake City) 9/26/2025 - Board Approval of A/D
- 2) Accept 25FC:0187-1 (Mikayla Simpson - Chapter 22- Madison County) 11/19/2025 - Information Gathering/IR Process

- 3) Accept 25FC:0187-2 (Mikayla Simpson - Chapter 22- Madison County Board of Supervisors) 11/19/2025 - Information Gathering/IR Process
- 4) Accept 25FC:0188 (Kyle Ocker - Chapter 22- City of Pleasantville) 12/10/2025 - Information Gathering/IR Process
- 5) Accept 25FC:0190 (David Woods - Chapter 22- Muscatine County) 12/18/2025 - Board Approval of A/D
- 6) Accept 25FC:0193 (William Hendrikson - Chapter 22- Cerro Gordo County) 12/17/2025 - Board Approval of A/D Accept 25FC:0195 (Teri Patrick - Both- West Des Moines Community School District) 12/3/2025 - Board Approval of A/D
- 7) Accept 25FC:0200 (John Doe - Chapter 22- Keokuk, IA Police Department) 12/8/2025 - Board Approval of A/D
- 8) Accept 25FC:0203 (Christopher Wyant - Chapter 21- Lewis, Iowa) 12/10/2025 - Information Gathering/IR Process
- 9) Accept 25FC:0204 (Elaine Johnson - Chapter 22- Waterloo Police Department Black Hawk County Attorney) 12/18/2025 - Board Approval of A/D
- 10) Accept 25FC:0205 (John Johnson - Chapter 22- Hancock County) 12/18/2025 - Board Approval of A/D
- 11) Accept 25FC:0206 (William Hendrikson - Chapter 22- City of clear lake police department) 12/18/2025 - Board Approval of A/D
- 12) Accept 25FC:0207 (William Hendrikson - Chapter 22- Cerro Gordo County Attorney's Office) 12/17/2025 - Board Approval of A/D
- 13) Accept 25FC:0208 (William Hendrikson - Chapter 22- Cerro Gordo County) 12/17/2025 - Board Approval of A/D
- 14) Accept 25FC:0209 (William Hendrikson - Chapter 22- Cerro Gordo County) 12/17/2025 - Board Approval of A/D
- 15) Accept 25FC:0212 (Travis Petsche - Chapter 22- City of Fayette) 12/18/2025 - Accept/Dismiss
- 16) Accept 25FC:0214 (Shannon Martinez - Chapter 22-) 12/18/2025 - Accept/Dismiss
- 17) Accept 25FC:0215 (William Daggett - Chapter 22- City of Baxter) 12/16/2025 - Information Gathering/IR Process
- 18) 25FC:0216 (Jason Boge - Chapter 22-) 12/18/2025 - New / Complaint Information Reviewed
- 19) Accept 25FC:0218 (Nick Cattell - Chapter 22- City of Chariton) 12/19/2025 - Information Gathering/IR Process
- 20) Accept 25FC:0219 (Thomas Green - Chapter 22- Humboldt Police Department) 12/18/2025 - Accept/Dismiss
- 21) Accept 25FC:0221 (Gregory Armstrong - Chapter 22- School board) 12/22/2025 - Board Approval of A/D
- 22) Accept 25FC:0222 (Richard Francis - Chapter 22- Jessica Hammen is the Police Chief of Manson Iowa- she Is also a Sheirff Deputy for Calhoun County & Dave Anderson is the Mayor of Manson Iowa.) 12/22/2025 - Board Approval of A/D

- 23) Accept 25FC:0224 (Marc Craig - Chapter 22- Iowa HHS Open Records)
12/27/2025 - Information Gathering/IR Process
- 24) Accept 25FC:0225 (Timothy Carey - Chapter 22- City of Parkersburg)
12/31/2025 - Information Gathering/IR Process
- 25) Accept 26FC:0001 (Coltin Hatfield - Chapter 21- City of Kellerton)
1/1/2026 - Information Gathering/IR Process
- 26) Accept 26FC:0005 (Stephen Swanson - Chapter 21- Madison County
Board of Supervisors) 1/5/2026 - Information Gathering/IR Process

VII. Questions for the Board.* (Lee)

- 1. **Course of Training Qualification Question.** Board discussion, direction for staff on determining “course of training” qualifications for the purposes of Iowa Code section 21.12.

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

- 1. 25FC:0129 (Robert Stewart - Chapter 22- OELWEIN POLICE DEPARTMENT)
9/15/2025 -Withdrawn Resolved/Withdrawn
- 2. 25FC:0150 (Vickie Pyevich - Chapter 22- Bettendorf Community School
District) 10/8/2025 -Withdrawn Resolved/Withdrawn
- 3. 25FC:0162 (Wendy Frost - Chapter 22- County Supervisor) 10/24/2025 -
Withdrawn Resolved/Withdrawn
- 4. 25FC:0220 (Jason Bumpus - Chapter 22- MUSL - multi state lottery association)
12/18/2025 -Withdrawn Resolved/Withdrawn
- 5. 25FC:0065-2 (John Rasmussen - Chapter 21- Pottawattamie County Board of
Supervisors) 7/9/2025 -Withdrawn Information Gathering/IR Process
- 6. 25FC:0135 (Marisa Schneider - Chapter 22- Madison County Iowa) 9/22/2025
Withdrawn Resolved/Withdrawn
- 7. 25FC:0185 (Marisa Schneider - Chapter 22- Madison County Treasurer)
11/14/2025 -Withdrawn Resolved/Withdrawn
- 8. 25FC:0211 (Michael Adams - Chapter 22- City of Winterset, Iowa) 12/12/2025 –
Withdrawn Resolved/Withdrawn

IX. Pending Complaints. Informational Only (Miller)

- 1. 25FC:0031 (Michael Chapman - Chapter 21- Waterloo Community School District
Board of Education) 3/26/2025 - Information Gathering/IR Process
- 2. 25FC:0054 (Tim Ferguson - Chapter 22- City of Davenport) 5/19/2025 - Information
Gathering/IR Process
- 3. 25FC:0055 (Justin Cole - Chapter 21- Mount Union Benefited Fire District)
5/21/2025 - Information Gathering/IR Process
- 4. 25FC:0061 (Dylan Southall - Chapter 22- Cedar Falls Utilities - Cedar Falls, Iowa)
5/23/2025 - Information Gathering/IR Process
- 5. 25FC:0058 (Rachel Doyle - Both- City of Rolfe) 5/27/2025 - Information
Gathering/IR Process
- 6. 25FC:0065-1 (John Rasmussen - Chapter 21- Pottawattamie County Board of
Supervisors) 6/3/2025 - Information Gathering/IR Process
- 7. 25FC:0075 (Chris Stevens - Chapter 22- City of Swea City IA) 6/17/2025 -

Information Gathering/IR Process

8. 25FC:0076 (Ken Allsup - Both- Oskaloosa School Board) 6/17/2025 - Information Gathering/IR Process
9. 25FC:0079 (Judith Lee - Chapter 22- City of Davenport) 6/24/2025 - Information Gathering/IR Process
10. 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
11. 25FC:0089 (Charlie Comfort - Chapter 22- Oskaloosa Community School District) 7/7/2025 - Information Gathering/IR Process
12. 25FC:0092 (Keith Wieland - Chapter 21- Buchanan County Solid Waste Commission) 7/9/2025 - Information Gathering/IR Process
13. 25FC:0099 (Mount Pleasant Municipal Utilities - Chapter 21- Resale Power Group of Iowa) 7/28/2025 - Information Gathering/IR Process
14. 25FC:0104 (Tim Ferguson - Chapter 22- City of Davenport and Davenport Police Department) 8/13/2025 - Information Gathering/IR Process
15. 25FC:0106 (Bradley Thrasher - Chapter 21- City of Le Grand board of adjustments) 8/14/2025 - IR Agreed to by Parties
16. 25FC:0109 (Jaicy Skaggs - Chapter 21- City of Kellogg) 8/18/2025 - Information Gathering/IR Process
17. 25FC:0112 (Robert Alvarez - Chapter 22- University of Iowa) 8/20/2025 - Information Gathering/IR Process
18. 25FC:0119 (Tim Ferguson - Chapter 22- City of Davenport custodian) 8/21/2025 - Information Gathering/IR Process
19. 25FC:0120 (Tim Ferguson - Chapter 22- Davenport Police Department & City of Davenport) 8/26/2025 - Complaint Opened/Acknowledged
20. 25FC:0121 (Tim Ferguson - Chapter 22- Scott County) 8/26/2025 - Information Gathering/IR Process
21. 25FC:0114 (Andrew Smith - Chapter 22- Cedar Rapids Police Department) 8/27/2025 - Information Gathering/IR Process
22. 25FC:0116 (Crystal Davis - Chapter 21- Larchwood City Council and Mayor) 8/27/2025 - Board Acceptance of IR
23. 25FC:0117 (Gary Clear - Chapter 21- East Union Community School District Board of Education) 8/27/2025 - Resolved/Withdrawn
24. 25FC:0122 (Tim Ferguson - Chapter 22- Muscatine County recorder@muscatinecountyiowa.gov) 8/30/2025 -Withdrawn Information Gathering/IR Process
25. 25FC:0126 (Don McGregor - Chapter 22- Kossuth County Board of Supervisors) 9/11/2025 - Information Gathering/IR Process
26. 25FC:0127 (Vince Johnson - Chapter 22- Kossuth County board of supervisors and trustees of Drainage district DD4) 9/11/2025 - Information Gathering/IR Process
27. 25FC:0131 (Gregory Armstrong - Chapter 21- Hamburg city council.) 9/16/2025 - Information Gathering/IR Process

28. 25FC:0132 (Melissa Hannover - Chapter 21- City of Havelock) 9/16/2025 - Information Gathering/IR Process
29. 25FC:0134 (Richard Francis - Chapter 22- Fort Dodge Police Department) 9/20/2025 - Information Gathering/IR Process
30. 25FC:0136 (Alisha Beers - Chapter 22- City council of Pisgah and Clerk Heather) 9/22/2025 - Information Gathering/IR Process
31. 25FC:0148 (Gary Clear - Chapter 21- East Union Community School District Board of Education) 9/24/2025 - Resolved/Withdrawn
32. 25FC:0138 (Carlton Beers - Chapter 22- CITY COUNCIL OF PISGAH AND TODD NOAH/ADMIN OF PISGAH) 9/24/2025 - Information Gathering/IR Process
37. 25FC:0143 (Brandon Talsma - Chapter 21- Jasper County Conservation) 10/1/2025 - Information Gathering/IR Process
38. 25FC:0151 (Gregory Armstrong - Chapter 22- Hamburg Community School Board) 10/8/2025 - Information Gathering/IR Process
39. 25FC:0153 (Michael Merritt - Chapter 22- Iowa Attorney General's Office) 10/16/2025 - Information Gathering/IR Process
40. 25FC:0154 (Iowa Pulse - Chapter 22- Des Moines Public Schools (DMPS)) 10/17/2025 - Information Gathering/IR Process
41. 25FC:0155 (Paullina Resident - Chapter 21- Paullina City Council
42. Paullina Personnel Board) 10/20/2025 - Information Gathering/IR Process
43. 25FC:0160 (Michael Benson - Chapter 22- City of Moville) 10/21/2025 - Information Gathering/IR Process
44. 25FC:0166 (James Possehl - Chapter 21- City of Parnell - city council) 10/27/2025 - Information Gathering/IR Process
45. 25FC:0167 (Jacob Hall - Chapter 22- City of Storm Lake) 10/28/2025 - Information Gathering/IR Process
46. 25FC:0168 (Ted Clark - Public Records Law- Dallas County Sheriff's Department) 10/29/2025 - Complaint Opened/Acknowledged
47. 25FC:0171 (David Kakavand Kordi - Chapter 22- University of Iowa Office of Transparency) 10/30/2025 - Information Gathering/IR Process
48. 25FC:0174 (Lance Miller - Chapter 21- City of Marion Iowa) 11/4/2025 - Information Gathering/IR Process
49. 25FC:0176 (Mikayla Simpson - Chapter 22- Madison County Board of Supervisors) 11/6/2025 - Information Gathering/IR Process
50. 25FC:0183 (Nicole Jimmerson - Chapter 22- Clarke County Public Health) 11/12/2025 - Complaint Opened/Acknowledged
51. 25FC:0184 (Charles Nocera - Chapter 22- Department of Administrative Services) 11/14/2025 - Complaint Opened/Acknowledged
52. 25FC:0157 (Byron Jimmerson - Open Meetings Law- Clarke County Board of Health) 11/19/2025 - New / Complaint Information Reviewed
53. 25FC:0186 (Wendy Frost - Chapter 22- Madison County Board of Supervisors) 11/19/2025 - Complaint Opened/Acknowledged
54. 25FC:0189 (Frank Lee - Chapter 21-) 12/18/2025 - New / Complaint Information Reviewed
55. 25FC:0192 (Rachel Doyle - Chapter 22- City of Rolfe) 11/27/2025 - New /

Complaint Information Reviewed

56. 25FC:0194 (Justin Brady - Chapter 22- Des Moines Public Schools, State Department of Education) 12/1/2025 - Information Gathering/IR Process
57. 25FC:0196 (Nick Cattell - Chapter 22- City of Chariton) 12/2/2025 - Information Gathering/IR Process
58. (Agnitsch - Public Records Law- Iowa Valley Community College Board of Directors) 12/3/2025 - New / Complaint Information Reviewed
59. 25FC:0197 (Linda Smithson - Chapter 21- Bettendorf school board) 12/3/2025 - Information Gathering/IR Process
60. 25FC:0199 (Joshua Haynes - Both- Madison County) 12/4/2025 - Complaint Opened/Acknowledged
61. 25FC:0198 (OpenRec2025 - Chapter 22- Iowa Western Community College) 12/5/2025 - Information Gathering/IR Process
62. 25FC:0191 (Jonathan Uhl - Chapter 22- City of Davenport) 12/9/2025 - New / Complaint Information Reviewed
63. 25FC:0201 (Lori White - Public Records Law- City of Missouri Valley Iowa) 12/9/2025 - New / Complaint Information Reviewed
64. 25FC:0202 (Lori White - Public Records Law- City of Missouri Valley) 12/9/2025 - New / Complaint Information Reviewed
65. 25FC:0217 (Matthew Rollinger - Chapter 22- IOWA Attorney General's office) 12/12/2025 - Complaint Opened/Acknowledged
66. 25FC:0210 (Matthew Rollinger - Chapter 22- Iowa department of education) 12/12/2025 - Complaint Opened/Acknowledged
67. 25FC:0213 (Toni Moore - Chapter 22- Hardin county sheriff's department) 12/15/2025 - Complaint Opened/Acknowledged
68. 26FC:0002 (Lori White - Chapter 22- Harrison County Sherrif) 1/2/2026 - New / Complaint Information Reviewed
69. 26FC:0003 (Jacob Hall - Chapter 22- City of Sioux Center) 1/2/2026 - New / Complaint Information Reviewed
70. 26FC:0004 (Rebecca Bianchi - Both- City of Mitchellville) 1/4/2026 - New / Complaint Information Reviewed
71. 26FC:0006 (Jacob Hall - Chapter 22- Sioux Center Library - City of Sioux Center) 1/5/2026 - New / Complaint Information Reviewed
72. 26FC:0008-1 (Torry Peck - Chapter 22- Seymour Community School District) 1/6/2026 - New / Complaint Information Reviewed
73. 26FC:0008-2 (Caleb Housh - Chapter 22- Seymour Community School District) 1/6/2026 - New / Complaint Information Reviewed
74. 26FC:0010 (Jennifer Benbow - Chapter 22- Marshall County Sheriff's Office) 1/8/2026 - New / Complaint Information Reviewed

X. Committee Reports

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

XI. Office status report.

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

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

XIII. Adjourn

*** Attachments**

DRAFT MINUTES
December 18, 2025, 1:00 p.m.
APPROVED MINUTES

The Iowa Public Information Board (IPIB) met on December 18, 2025, for its monthly meeting at 1 p.m. at the offices of the Iowa Public Information Board located at 510 East 12th Street, Des Moines. The following members participated: E.J. Giovannetti, Barry Lindahl (remote), Catherine Lucas, Joel McCrea, Joan Corbin (remote), and Monica McHugh. Also present were IPIB Executive Director, Charlotte Miller; IPIB Deputy Director, Charissa Flege; and IPIB Agency Counsel, Alexander Lee. Also present was John Lundgren, Attorney General Counsel for IPIB. A quorum was declared present.

- I. Approval of agenda***
- II. Approval of the November 20, 2025 minutes *.** On a motion by Lindahl, second by McCrea, to approve November Minutes. Corbin recused herself. Approved 5-0.
- III. Public Forum** (5-minute limit per speaker)
 Ms. Garfield asked about interpreter, her case is moved to January to fulfill the interpreter request.
- IV. District Court Update.** John Lundquist provided the Board with update on pending litigation.
- V. Comments from the board chair.** Lucas made note that staff received additional holiday date off (December 24 and 25).
- VI. 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.** Lee presented on behalf of the IPIB staff. Marengo Police Chief as present and available for questions. Both parties submitted statements for the Board. Board Discussion occurred. On a motion by Lindahl, second by Giovannetti, to approve option one of the staff recommendation. **Approved, 6-0.**
 - 2. **25FC:0018 (Tammy Wise - Chapter 21- Tama County) 2/10/2025 -Final Report Completed IR/Final Report.** Lee presented on behalf of the IPIB staff. Board Discussion occurred. On a motion by McCrea, second by Lindahl, to approve staff recommendation. **Approved, 6-0.**

3. **25FC:0073 (Justin Scott - Chapter 21- Denver Community School District) 6/12/2025 - Final Report Board Acceptance of IR.** Lee presented on behalf of the IPIB staff. Board Discussion occurred. On a motion by McHugh, second by Giovanetti, to accept the final report. **Approved, 6-0.**
4. **25FC:0083 (Amber Turner - Chapter 21- Mitchellville City Council and Mayor) 6/30/2025 - Information Gathering/IR Process.** Lee requested the matter be moved to end of meeting to allow closed session if needed.
5. **25FC:0116 (Crystal Davis - Chapter 21- Larchwood City Council and Mayor) 8/27/2025 - Information Gathering/IR Process.** Lee presented on behalf of the IPIB staff. Board Discussion occurred. On a motion by Lindahl, second by Corbin, to approve infomral resolution report. **Approved, 6-0.**
6. **25FC:0130 (Kellen Garfield - Chapter 22- City of Iowa City) 9/16/2025 -Investigative Report Probable Cause Investigation.** McHugh moved to table the matter until an interepreter for the complainant can be provided, second by Giovanetti. **Approved 6-0.**
7. **25FC:0182 (Amy Hill - Chapter 22- Ottumwa Police Department) 11/13/2025 - Information Gathering/IR Process.** Lee presented on behalf of the IPIB staff. Board Discussion occurred. On a motion by Giovanetti, second by McCrea, to approve staff recommendation to dismiss for lack of probable cause. **Approved, 6-0.**

VII. Consent Agenda.

1. **Dismissals.** On a motion by Lindahl, second by Giovanetti, to approve the dimissal agenda with typographical errors corrected. **Approved, 6-0.**
 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.** On a motion by McHugh, second by Lindahl, to approve the acceptance consent agenda. **Approved, 6-0.**
 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

VIII. Matters Withdrawn, No Action Necessary.

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

IX. Potential Closed Session under Iowa Code § 21.5(1)(a). 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.** Lee presented on behalf of the IPIB staff. Thomas Hendersen, counsel on behalf of the City of Mitchellville, presented on behalf of the City. Board Discussion occurred. On a motion by Giovanetti, second by Corbin, to dismiss the matter for lack of probable cause. **Approved, 6-0.**

X. 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.* Lee presented the questions on behalf of IPIB staff. Board discussion and staff discussion transpired.
2. **Investigative Reports Precedent Questions.** *Board discussion, Hawk Eye precedent and IPIB interpretation of Iowa Code § 22.7(5).* Flege and Lee presented on behalf of the IPIB staff. Discussion occurred between Board members and staff.

XI. 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

XII. Committee Reports

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

XIII. Office status report.

- 1. **Office Update.** Miller provided an update on the status of the office.
- 2. **Financial/Budget Update (FY25).** Miller provided an update on IPIB financials.
- 3. **Presentations/Trainings.** Lee and Miller provided an update regarding upcoming IPIB trainings.

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

XV. Adjourn. Board Meeting adjourned at 3:17PM.

The Iowa Public Information Board

<p>In re the Matter of:</p> <p>Kellen Garfield, Complainant</p> <p>And Concerning:</p> <p>Iowa City Police Department, Respondent</p>	<p>Case Number: 25FC:0130</p> <p>Investigative Report</p>
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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. Therefore, the records sought were properly withheld.

IPIB Action

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

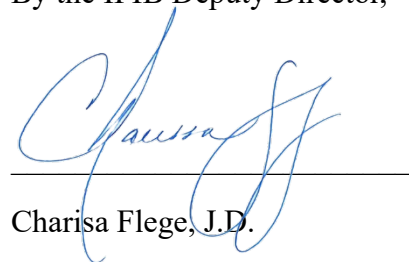
- a. Redirect the matter for further investigation;
- b. Dismiss the matter for lack of probable cause to believe a violation has occurred;
- c. Make a determination that probable cause exists to believe a violation has occurred, but, as an exercise of administrative discretion, dismiss the matter; or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



Charisa Flege, J.D.

CERTIFICATE OF MAILING

This document was sent on January 9, 2026, to:

Kellen Garfield, Complainant

Iowa City Police Department, Respondent

The Iowa Public Information Board

<p>In re the Matter of:</p> <p>Matt Loffer, Complainant</p> <p>And Concerning:</p> <p>City of Marengo, Respondent</p>	<p>Case Number: 25FC:0012</p> <p>Final Report</p>
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COMES NOW, Alexander Lee, Agency Counsel for the Iowa Public Information Board (IPIB), and enters this Final 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 at its meeting on February 20, 2025.

Background

On December 9, 2024, the complainant, Matt Loffer, submitted a Chapter 22 request seeking copies of “call for service” records involving abandoned vehicles. Twelve records were ultimately released, with an accompanying fee of \$78.97. The City provided a breakdown of this fee as follows: \$42.47 was charged for one hour of the city police chief’s time as the official or employee who responded to the request, \$36.00 for the production of the calls for service, and \$0.50 for a single highlighted copy of the Municipal Code of Ordinances which described the criteria for when a vehicle is considered an “abandoned vehicle.” The \$36.00 cost was based on the City’s official fee policy, which included a \$3.00 flat fee for each copy of a call for service record produced by the City’s police department. In this case, each record was two pages each, for a total of twenty-five pages, delivered electronically.

Both the fee policy and the specific fee charged for Loffer’s Chapter 22 request were disputed, on the basis that they did not reflect the actual, direct, and reasonable costs associated with the production of records.

Informal Resolution

Following mediation, the parties reached an Informal Resolution to resolve the complaint, which IPIB approved on September 18, 2025. Pursuant to that Informal Resolution, the following remedial actions were taken:

1. The Informal Resolution was formally approved at a meeting of the Marengo City Council. The City included a copy of the Informal Resolution in its meeting minutes and provided IPIB staff with a copy of the minutes demonstrating approval.
2. Members of the Marengo City Council, along with the City's Chief of Police, completed training on Iowa's open meetings and public records laws on November 12, 2025, during an open session meeting.
3. The City worked with IPIB staff to amend the records request fees portion of their official fees policy to conform to the requirements of Iowa Code § 22.3(2). This revised policy was adopted by a vote of the City Council on November 12, 2025.
4. Following the adoption of a new policy pursuant to Term #3, the City worked with IPIB staff to recalculate the fees charged for Loffer's December 2024 records request, considering only the costs associated with delivering electronic records. As part of this recalculation, the City provided 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. In fulfillment of this term, the City has offered a partial refund of \$43.97. IPIB's executive board approved this refund as appropriate on December 18, 2025. A check for \$43.97 has been issued and made available to Loffer at City Hall.

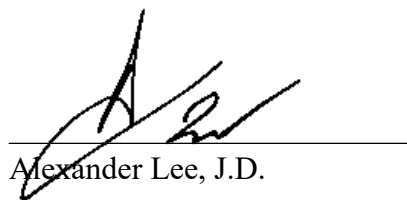
Matt Loffer approved the Informal Resolution on September 8, 2025.

The City of Marengo approved the Informal Resolution on August 27, 2025.

IPIB approved the Informal Resolution Report on September 18, 2025.

All terms of the Informal Resolution have been satisfied. 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 January 9, 2026, to:

Matt Loffer, Complainant
City of Marengo, Respondent

The Iowa Public Information Board

<p>In re the Matter of:</p> <p>Jerry Hamelton, Complainant</p> <p>And Concerning:</p> <p>Keokuk Police Department, Respondent</p>	<p>Case Number: 25FC:0027</p> <p>Investigative Report</p>
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COMES NOW, Charlotte Miller, Executive Director for the Iowa Public Information Board (IPIB), and enters this Investigative Report:

On March 12, 2025, Jerry Hamelton filed formal complaint 25FC:0027, alleging the Keokuk Police Department (Department) violated Iowa Code chapter 22. IPIB accepted this complaint on April 17, 2025. IPIB directed this complaint to informal resolution on May 15, 2025. An informal resolution could not be found and a Status Report was developed to update the IPIB at the July 17, 2025 Board Meeting. IPIB ordered release of the bodycam footage by August 15, 2025. On July 28, 2025, the requested record was made available for release to Mr. Hamelton.

Facts

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

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

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

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

Unable to reach an informal resolution, IPIB staff presented a status report requesting guidance from the Board on July 17, 2025. Applying the balancing test, IPIB found that the records should be released by August 15, 2025.

The City provided Mr. Hamelton access to the bodycam footage IPIB directed to be released, on July 28, 2025, seeking actual costs for the production of some of the requested records, including costs of redaction of confidential records.

On July 30, 2025, Mr. Hamelton, at his request, was provided the access to the records that did not require redaction. The remainder of the records from Mr. Hamelton's request are available upon prepayment of production costs.

IPIB staff reached out to the parties on October 9, 2025, inquiring whether Mr. Hamelton still wanted to retrieve the redacted records at the costs assessed him. Mr. Hamelton alleged that the fee assessed is not reasonable.

On November 14, the attorney for the City provided an itemize receipt of costs incurred by the City to redact Mr. Hamelton's requested records.

Applicable Law

"The lawful custodian may charge a reasonable fee for the services of the lawful custodian or the custodian's authorized designee in supervising the examination and copying of the records. If copy equipment is available at the office of the lawful custodian of any public records, the lawful custodian shall provide any person a reasonable number of copies of any public record in the custody of the office upon the payment of a fee. The fee for the copying service as determined by the lawful custodian shall not exceed the actual cost of providing the service. Actual costs shall include only those reasonable expenses directly attributable to supervising the examination of and making and providing copies of public records. Actual costs shall not include charges for ordinary expenses or costs such as employment benefits, depreciation, maintenance, electricity, or insurance associated with the administration of the office of the lawful custodian. Costs for legal services should only be utilized for the redaction or review of legally protected confidential information." Iowa Code § 22.3(2).

“d. An electronic public record shall be made available in the format in which it is readily accessible to the government body if that format is useable with commonly available data processing or database management software. The government body may make a public record available in a specific format requested by a person that is different from that in which the public record is readily accessible to the government body and may charge the reasonable costs of any required processing, programming, or other work required to produce the public record in the specific format in addition to any other costs allowed under this chapter.” Iowa Code § 22.3A(2)(d).

“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.

Analysis

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

The complainant’s remaining contention in his complaint is that the Department’s quote of \$694.00 for the production of redacted records is unreasonable. Upon review, it appears the fee is reasonable and directly attributable to the cost of providing the public record. The nature of the public records requested by the complainant is relevant. The redaction of a video or audio recording is more specialized than that of redacting a pdf, word document, or email. The Department does not have the capability, either with the required redaction equipment or with qualified personnel, to perform the redactions internally. According to the itemized quote provided to Department from the redaction services used, the services charge \$7.00/minute for the first 3 hours of footage review and \$5.00/minute for audio redaction only. The records requiring redaction include two video files that are 57 minutes long, and an audio file that is 59 minutes long. Department provided an itemized invoice provided by the third-party vendor that showed the actual costs to redact the videos and audio records cost \$694.00. The cost was calculated by minute and not on a flat rate. Based on the nature of the records, this is not per se unreasonable.

As lawful custodian, the Department may decide to release portions or all of the video with redactions. *See* Iowa Code § 22.7: “[t]he following public records shall be kept confidential, unless otherwise ordered by a court, by the lawful custodian of the records, or by another person duly authorized to release such information.” If a governmental body determines a video or audio footage should be released with redaction, the law allows a governmental body to charge redaction costs.

Another relevant portion of Chapter 22 involves data processing software provides that “[a]n electronic public record shall be made available in the format in which it is readily accessible to the government body if that format is useable with commonly available data processing or database management software. The government body may make a public record available in a specific format requested by a person that is different from that in which the public record is readily accessible to the government body and may charge the reasonable costs of any required processing, programming, or other work required to produce the public record in the specific format in addition to any other costs allowed under this chapter.” Iowa Code § 22.3A(2)(d). In whole, these code sections “demonstrate that Iowa Code Chapter 22 allows government bodies to redact public records as necessary for disclosure and to assess the costs for redaction.”

24AO:0014, *Is a government body required to produce bodycam video and lifeguard statements in response to a public record request pursuant to Chapter 22?*

Furthermore, the Supreme Court found in *Teig v. Chavez*, that the legislative intent of Iowa Code Chapter 22 was to allow for recovery of expenses for production of public records beyond just copying costs. *Teig v. Chavez*, 8 N.W.3d 484 (Iowa 2024). “Iowa law supports the ability of the City to charge for redactions of public records.” *See* 24AO:0014. Based on the request and the breakdown from the City, the fee requested for the redaction of the records does not appear to be unreasonable.

IPIB Action

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

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

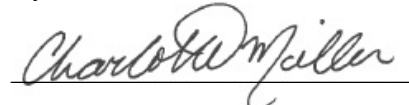
Iowa Admin. Code r. 497-2.2(4).

Recommendation

The records requested involve confidential material. The Department was charged minutely rates of \$7 and \$5 by the third-party redaction for this work. Department obtain a quote from a third-party and provided an estimate for the costs to the requestor. Further, the Department is within its rights to seek prepayment of the costs prior to releasing the records even if the costs may hamper

some access. Based on this, it is recommended IPIB dismiss the matter for lack of probable cause to believe a violation has occurred.

By the IPIB Executive Director,

A handwritten signature in cursive script, reading "Charlotte J.M. Miller", is written over a horizontal line.

Charlotte J.M. Miller, J.D.

CERTIFICATE OF MAILING

This document was sent on January 9, 2026, to:

Jerry Hamelton, Complainant

Keokuk Police Department, Respondent

The Iowa Public Information Board

<p>In re the Matter of:</p> <p>Keith Wieland, Complainant</p> <p>And Concerning:</p> <p>Buchanan County, Respondent</p>	<p>Case Number: 25FC:0070</p> <p>Investigative Report</p>
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COMES NOW, Alexander Lee, Agency Counsel for the Iowa Public Information Board (IPIB), and enters this Investigative Report:

On June 10, 2025, Keith Wieland filed formal complaint 25FC:0070, alleging that Buchanan County (County) violated Iowa Code Chapter 22.

IPIB accepted this Complaint on July 17, 2025.

Facts

Buchanan County is represented by a three-member Board of Supervisors. At all times relevant to this case, the complainant, Keith Wieland, has served as an elected supervisor.

Between March 25, 2025 and May 29, 2025, Wieland sent four separate records requests to the County Auditor, seeking (1) records related to the lease of a particular county-owned farm (25FC:0070-1), (2) the by-laws of the Buchanan County Landfill Commission (25FC:0070-2), (3) a roster of county-owned vehicles (25FC:0070-3), and (4) copies of a particular business contract entered into by the County. The Auditor responded to these requests by asking why Wieland was seeking the information or, later, asserting that Wieland lacked the authority to make the demands as an individual supervisor.

On June 10, 2025, Wieland filed formal complaints for each of the four sets of requests, alleging that the County had violated Chapter 22 by failing to properly respond to any of his requests. These complaints were investigated jointly.

In its response to these allegations, the County argued that the Auditor had understood Wieland's emails as a communication between county officials, sent from Wieland's government-issued email address, and had therefore responded as if the requests were made in Wieland's official

capacity as an elected representative, rather than treating them as Chapter 22 requests from a member of the public.

During the course of IPIB's investigation and mediation process, the Board of Supervisors adopted Resolution 25-61, which states that official requests for records or other information made pursuant to Chapter 331 (County Home Rule Implementation) must be issued by action of the full Board, rather than by individual supervisors. This resolution also clarifies that individual supervisors are still permitted to submit Chapter 22 requests as members of the public.

On October 17, 2025, following mediation of other issues and in light of Resolution 25-61, IPIB staff directed the County to proceed with Wieland's records requests on the assumption that they had been made pursuant to Chapter 22, despite the County's arguments about ambiguity. On December 1, 2025, the County produced a final response for all four requests, including an explanation of portions of the requests for which the Auditor asserted there were no responsive records. The parties do not dispute the completeness of this response.

Applicable Law

"Every person shall have the right to examine and copy a public record and to publish or otherwise disseminate a public record or the information contained in a public record." Iowa Code § 22.2(1).

Analysis

The complainant was ultimately provided either responsive records or provided a statement verifying a lack of responsive records. During resolution of this case, the County also enacted a new policy Resolution 25-61, clarifying how supervisors may make requests for county records.

Iowa Code § 22.2(1) applies to "[e]very person," a term IPIB has interpreted broadly to include not only natural persons, but also legal entities such as corporations and government agencies. *See* Iowa Code § 4.1(20) (defining "person" for the purposes of statutory construction). As the County recognized in its adoption of Resolution 25-61, this includes public officials like the complainant, even if they may also be entitled to special access based on their fiduciary duties as government representatives. It is undisputed that the complainant had equal rights to any other member of the public to file records requests under Chapter 22.

Chapter 22 also does not require any specific language to make a valid request. Generally, it is enough that a requester communicate that they are seeking access to public records, and requesters do not need to accurately cite Chapter 22 by name in order to invoke their statutory rights.

This case presents an exception. The Iowa Supreme Court has recognized that public officials may generally receive "access to both public and private records that are necessary for the proper discharge of their duties," based on their fiduciary positions as government representatives. *Gabrilson v. Flynn*, 554 N.W.2d 267, 275 (Iowa 1996). As the complainant was a county

supervisor, he may have had special rights related to his duties under Chapter 331 to access county records which would have otherwise been confidential to the general public. However, there are also situations in which a county supervisor may wish to take advantage of Chapter 22 for non-confidential records, as Chapter 22 may allow them to avoid procedural requirements for official requests and may provide clearer guidelines for things like unreasonable delay.

Because (1) the Auditor could have reasonably understood the requests as ambiguous with regards to the intended applicable law and (2) the Auditor would have had *conflicting* duties depending on which law applied, it would have been appropriate to seek clarification about whether the request was being made pursuant to Chapter 22 or Chapter 331 to resolve that ambiguity before proceeding with the request.¹ Under this specific fact pattern, waiting for clarification would have been reasonably necessary to the fulfillment of the custodian's statutory obligations while imposing only a negligible barrier to public records access guaranteed by Chapter 22. *C.f.* 23AO:0005, *Limits on Electronic Records Requests* (advising that a government body may adopt a digital security policy requiring requests be submitted in the body of an email, rather than through downloadable attachments or links to an external site, as such a policy was reasonable in light of a custodian's cybersecurity obligations and represented only a negligible restraint on requests).

All four records requests in this case were properly responded to within approximately four weeks of IPIB's direction resolving the ambiguity, not counting the Thanksgiving holiday period. Under the circumstances, in which the Auditor was directed to coordinate her response with outside counsel, this was not an unreasonable delay.

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

¹ This situation is the exception, not the norm. This should not be read to suggest that a custodian needs to rule out all possible alternative laws which could apply to a request for public records, nor to suggest that Chapter 22 needs to be ruled out in situations where another law simply provides greater access without conflicting duties.

The County agrees that the complainant has the right to file Chapter 22 requests. In this case, the underlying requests were reasonably ambiguous with regards to the applicable law, in a way which affected the lawful custodian's duties in responding to the requests. Because responsive records were produced without unreasonable delay once the ambiguity was resolved, it is recommended that IPIB dismiss the matter 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 January 9, 2026, to:

Keith Wieland, Complainant
Buchanan County Board of Supervisors, Respondent

The Iowa Public Information Board

<p>In re the Matter of:</p> <p>Jennifer Benbow, Complainant</p> <p>And Concerning:</p> <p>City of Granger, Respondent</p>	<p>Case Number: 25FC:0111</p> <p>Investigative Report</p>
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COMES NOW, Alexander Lee, Agency Counsel for the Iowa Public Information Board (IPIB), and enters this Investigative Report:

On August 20, 2025, Jennifer Benbow filed formal complaint 25FC:0111, alleging that the City of Granger (City) violated Iowa Code Chapter 21.

The IPIB accepted this Complaint on September 18, 2025.

Facts

On August 19, 2025, the City of Granger held a special meeting to review the City Administrator's resignation, based on a letter of resignation submitted in June 2025. The resignation had not been discussed by the City in either of its previous two monthly meetings. However, the discussion during the August 19 meeting made multiple references to prior discussion, including phrases like "the response that we got, when you asked us to consider your resignation," "what him and [the Mayor] have talked about," and "additional compensation that we talked about." One individual also mentioned having "sent every one of you a message" about the issue.¹ At the end of the discussion, the City voted to increase the City Administrator's salary as an incentive for the remainder of the underlying employment contract. The meeting was recorded and made available to IPIB staff.

On August 20, 2025, the complainant, Jennifer Benbow, submitted formal complaint 25FC:0111, citing these and other comments as evidence that the City had deliberated on the matter of the City Administrator's resignation outside of open session, in violation of Chapter 21.

¹ The complainant refers to this individual with the title of "Council Member," but it was later determined that this was the City Administrator whose resignation was being reviewed.

In its response, the City released eighteen pages of email records related to the City Administrator's resignation. These emails reflected discussions between the Mayor and City Administrator about the pending resignation, as well as updates from the Mayor to the city council about potential options available to the City in either hiring a new City Administrator or trying to convince the existing officeholder to stay. According to the City, each of the comments from the August 19 meeting flagged in Benbow's complaint referred either to conversations between City officials who were not members of the city council or one-way updates sent to city council members which did not result in deliberation between council members. The City also included affidavits from each of the four city council members affirming the City's response, which stated that there had been no deliberation between city council members prior to the open session discussion.

Applicable Law

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

Analysis

For discussion to create a “meeting” subject to the requirements of Chapter 21, there must be 1) a gathering of members of a governmental body as defined in Iowa Code § 21.2(1), in which 2) a majority of the body’s members are present, 3) members engage in action or deliberation, and 4) the deliberation or action is on a matter within the scope of the body’s policy-making duties, as opposed to purely ministerial or social purposes. Iowa Code § 21.2(2).

Based on the evidence presented, including the submitted affidavits, it does not appear that any meeting on the topic of the City Administrator’s resignation ever took place, aside from the special meeting on August 19, which all parties agree was properly held in open session. Although the city council is a governmental body and the City’s response to the resignation of the City Administrator was a matter within the council’s policy-making duties, the evidence shows that negotiations and research prior to the meeting were handled by the Mayor and City Attorney, neither of whom were members of the governmental body. *See* Iowa Code § 372.4(2) (stating that a “mayor is not a member of the council and shall not vote as a member of the council” for cities like Granger, which use the mayor-council form of city government). Nothing in Chapter 21 prevented the Mayor and City Administrator from discussing the latter’s employment outside of open session.

Similarly, nothing in Chapter 21 prevented the Mayor from sending one-way informational emails to members of the city council, which included updates from negotiations, a list of possible options for the City to consider in responding to the resignation, and research into the compensation given

for comparable positions in other cities. Because none of these emails involved action or deliberation between a majority of council members, the requirements for a “meeting” were unmet.

The issue of a *Hutchison*-style meeting was raised during the course of IPIB’s investigation. *See Hutchison v. Shull*, 878 N.W.2d 221, 234 (Iowa 2016) (finding a board of supervisors may have created “meetings” when county supervisors held a series of one-on-one sessions with a county administrator to restructure their annual budget, as the administrator effectively acted as a “conduit” for a majority of members to deliberate with one another by proxy); *see also* 24FC:0090, *Sarah Weber/Orange City* (finding “2x2 meetings” in which council members met two at a time with the mayor and city administrator to “build consensus” amongst council members on a controversial livestock ordinance in advance of a public meeting could constitute a majority within the *Hutchison* framework).

Certain comments in the Mayor’s emails raised red flags for this type of meeting (e.g. “I would love to hear the Council's thoughts, separately, on what in your mind are the City's top 3 priorities from what Kirk presented in his emails” and “Please respond SEPARATELY on your thoughts/concerns or ideas”). Nevertheless, the City has maintained that none of the council members actually responded to these requests, and the Mayor therefore never acted as a conduit or proxy for council members to hold a “meeting” under the *Hutchison/Orange City* precedent.

The City has been warned that these types of comments may lead to a meeting if they result in indirect deliberation between council members, and setting “priorities” in this manner may also amount to “action” regardless of whether those priorities are shared between members. However, because the evidence does not suggest either of these possibilities occurred in this case, there is no probable cause to find a violation has occurred.

IPIB Action

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

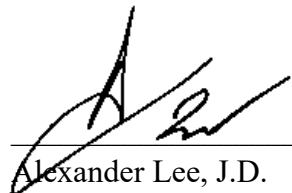
- a. Redirect the matter for further investigation;
- b. Dismiss the matter for lack of probable cause to believe a violation has occurred;
- c. Make a determination that probable cause exists to believe a violation has occurred, but, as an exercise of administrative discretion, dismiss the matter; or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

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

Recommendation

Because the evidence presented does not suggest that there was ever a meeting between city council members on the issue of the City Administrator's resignation, aside from the meeting held in open session on August 19, it is recommended that the IPIB dismiss this matter for lack of probable cause to believe that a violation has occurred.

By the IPIB Agency Counsel,



Alexander Lee, J.D.

CERTIFICATE OF MAILING

This document was sent on January 9, 2026, to:

Jennifer Benbow, Complainant
City of Granger, Respondent

The Iowa Public Information Board

<p>In re the Matter of:</p> <p>Eulando Hayes, Complainant</p> <p>And Concerning:</p> <p>Black Hawk County Attorney, Respondent</p>	<p>Case Number: 25FC:0141</p> <p>Investigative Report</p>
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COMES NOW, Charissa Flege, Deputy Director for the Iowa Public Information Board (IPIB), and enters this Investigative Report:

On September 25, 2025, Eulando Hayes filed formal complaint 25FC:0141, alleging that the Black Hawk County Attorney's Office violated Iowa Code Chapter 22.

The Iowa Public Information Board accepted this complaint at its meeting on November 20, 2025.

Facts

The circumstances of this complaint relate to a traffic citation issued by the Waterloo Police Department against Mr. Hayes.

On September 9, 2025, Mr. Hayes submitted a public records request to the Black Hawk County Attorney's Office for records related to the stop and citation by the Waterloo Police Department. Specifically, he requested the details of the radar device used by the police department, calibration records, maintenance logs, certificates, manufacturer manuals, internal test results, distance measurements, radar training/certification records, and police officer continuing education records from the Black Hawk County Attorney's office.

On September 17, Mr. Hayes received some of the requested records from the county attorney's office before filing this complaint with the IPIB. On the same date he filed this complaint, Mr. Hayes also filed complaint against the Waterloo Police Department for failure to produce other records under Chapter 22.

Mr. Hayes also has a pending Motion for Discovery, that may address some of the same records; however, discovery disputes are beyond the scope of the Iowa Public Information Board and are not addressed here.

Additionally, a separate record request to the Waterloo Police Department and related complaint have also been filed by the complainant. Disposition of this complaint does not affect that investigation.

Applicable Law

“‘Lawful custodian’ means the government body currently in physical possession of the public record. The custodian of a public record in the physical possession of persons outside a government body is the government body owning that record. The records relating to the investment of public funds are the property of the public body responsible for the public funds. Each government body shall delegate to particular officials or employees of that government body the responsibility for implementing the requirements of this chapter and shall publicly announce the particular officials or employees to whom responsibility for implementing the requirements of this chapter has been delegated. ‘Lawful custodian’ does not mean an automated data processing unit of a public body if the data processing unit holds the records solely as the agent of another public body, nor does it mean a unit which holds the records of other public bodies solely for storage.” Iowa Code 22.1(2).

Analysis

Mr. Hayes submitted records requests to both the police department and the county attorney for records belonging to the Waterloo Police Department. The question is whether the county attorney’s office has violated Chapter 22 by failing to produce the records at issue.

In a prior advisory opinion, IPIB distinguished between “access” to records and ownership of records by a lawful custodian. 21AO:0001, *Possession in the Context of the Definition of Lawful Custodian*. In that case, as in the matter presently before IPIB, a county attorney had access to records belonging to a police department due to the nature of the attorney’s responsibilities; however, that access did not confer ownership of the records merely because the attorney could access them to discharge official duties.

Similar to the facts presented to IPIB in 21AO:0001, the Black Hawk County Attorney’s Office has already produced the records over which the office has ownership. The county attorney has asserted that they are not the “lawful custodian” of the remaining records for purposes of Chapter 22. The type of records requested, such as police department equipment records and officer education are records that, if they exist, would ordinarily be generated and maintained by the police department, not the county attorney’s office.

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

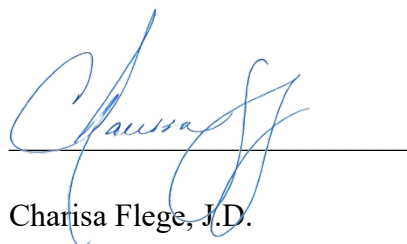
- d. Make a determination that probable cause exists to believe a violation has occurred, designate a prosecutor and direct the issuance of a statement of charges to initiate a contested case proceeding.

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

Recommendation

It is recommended the Board dismiss for a lack of probable cause. Because the Respondent's access to Waterloo Police Department records does not amount to ownership of the records, the request and any subsequent complaint should be directed to the proper lawful custodian and the complaint against the Black Hawk County Attorney's office should be dismissed.

By the IPIB Deputy Director,

A handwritten signature in blue ink, appearing to read "Charisa Flege", is written over a horizontal line.

Charisa Flege, J.D.

CERTIFICATE OF MAILING

This document was sent on January 9, 2026, to:

Eulando Hayes, Complainant

Black Hawk County Attorney's Office, Respondent

The Iowa Public Information Board

<p>In re the Matter of:</p> <p>Eulando Hayes, Complainant</p> <p>And Concerning:</p> <p>Waterloo Police Department, Respondent</p>	<p>Case Number: 25FC:0142</p> <p>Investigative Report</p>
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COMES NOW, Charissa Flege, Deputy Director for the Iowa Public Information Board (IPIB), and enters this Investigative Report:

On September 25, 2025, Eulando Hayes filed formal complaint 25FC:0142, alleging that the Waterloo Police Department violated Iowa Code Chapter 22.

The Iowa Public Information Board accepted this complaint at its meeting on November 20, 2025.

Facts

Mr. Hayes submitted a public records request to the Waterloo Police Department for records generated under Policy 431.4(a)—the department’s monthly video audit policy—and bias reviews conducted under Policy 401.5. In his IPIB complaint, Mr. Hayes stated he had requested and been denied “supervisor audit records”, “video audits”, and “bias reviews”. He did not state he requested or was denied copies of specific body camera footage.

Under Waterloo Police Department Policy 431.4, “all WPD Sergeants and Lieutenants shall conduct monthly reviews of randomly selected videos that would establish a statistically significant sample. The review will search for violations of state law, infractions of Department policy, conduct requiring further training, and identify positive examples of camera use.”

Under Policy 431.3(s)(4), violations observed during video reviews may be used for training, education, or mentoring, or, in serious situations, referred for an internal investigation. Infractions identified during video audits may also be “cited in an officer’s performance evaluation.” (Policy 431.3(s)(4)(a).) In another section of the department manual, supervisors are required to document the periodic video reviews and “initiate investigations of any actual or alleged violations” of the department’s bias policy. (Policy 401.5.)

The police department initially asserted that the requested records were not available and later clarified that the records were confidential because the nature of the audit-generated records is akin to a performance review. During IPIB's investigation, the Records Manager further explained: "We understand that the video reviewed may be a public record in most cases. The city attorney has indicated that the supervisor's evaluation and feedback of the video is in the nature of a performance evaluation."

The audit records are addressed in this complaint as distinct from the video footage itself. Although Mr. Hayes submitted arguments to IPIB regarding the public-record nature of body-camera footage, IPIB did not receive information indicating that the complainant actually requested copies of the video from the police department. Rather, the request concerned only video audit records generated under the department policies identified above.

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:

11. a. Personal information in confidential personnel records of government bodies relating to identified or identifiable individuals who are officials, officers, or employees of the government bodies. However, the following information relating to such individuals contained in personnel records shall be public records, except as otherwise provided in section 80G.3 [a provision protecting the confidentiality of personnel information for undercover law enforcement officers]:

(1) The name and compensation of the individual including any written agreement establishing compensation or any other terms of employment excluding any information otherwise excludable from public information pursuant to this section or any other applicable provision of law. [definition of "compensation" omitted]

(2) The dates the individual was employed by the government body.

(3) The positions the individual holds or has held with the government body.

(4) The educational institutions attended by the individual, including any diplomas and degrees earned, and the names of the individual's previous employers, positions previously held, and dates of previous employment.

(5) The fact that the individual resigned in lieu of termination, was discharged, or was demoted as the result of a disciplinary action, and the documented reasons and rationale for the resignation in lieu of termination, the discharge, or the demotion. For the purposes of this subparagraph, "*demoted*" and "*demotion*" mean a change of an employee from a position in a

given classification to a position in a classification having a lower pay grade.” Iowa Code § 22.7(11)(a).

Analysis

From the plain language of the policy, it is clear the respondent likely generates documents in relation to these policies, including supervisor notes, investigation referrals, performance reviews, etc. The question is whether the records generated under the audit policies are properly withheld under the personal information exception in 22.7(11)(a).

In *ACLU Foundation*, the Court diverged from existing case law, outlining a two-part process for evaluating the § 22.7(11) exemption:

In summary, to determine if required information is exempt under section 22.7(11), we must first determine whether the information fits into the category of “[p]ersonal information in confidential public records.” We do this by looking at the language of the statute, our prior caselaw, and caselaw from other states. If we conclude the information fits into this category, then our inquiry ends. If it does not, we will then apply the balancing test under our present analytical framework. 818 N.W.2d at 235.

Accordingly, once requested material falls within a category protected by the statute, it is deemed confidential, and no additional analysis is necessary. *ACLU v. Atlantic Community School District*, 818 N.W.2d 231, 235 (Iowa 2012). The confidentiality provided by § 22.7(11) is categorical. See *Mitchell v. City of Cedar Rapids*, 926 N.W.2d 222, 234 (Iowa 2019) (explaining that § 22.7(11) affords categorical protection from disclosure, unlike the qualified protection available under § 22.7(5)).

The specific category protected by § 22.7(11) consists of “personal information in confidential personnel records.” *Id.* at 233. Iowa courts have further clarified what documents qualify as “personal information in confidential personnel records.” In *Des Moines Independent Community School District v. Des Moines Register & Tribune*, the court concluded that investigative materials addressing concerns about a school principal and maintained in the employee’s personnel file functioned as performance evaluations and were therefore confidential under § 22.7(11). 487 N.W.2d 666, 670 (Iowa 1992). Similarly, in *ACLU v. Atlantic Community School District*, the court explained that disciplinary records and information concerning discipline contained in employee files “are nothing more than in-house job performance records or information.” 818 N.W.2d at 235. As a result, records and information relating to disciplinary actions fall squarely within the exemption set forth in Iowa Code § 22.7(11)(a), because they constitute “personal information in confidential personnel records.” *Id.* In 23AO:0004, the IPIB analyzed the legal precedent and found that “[u]nder the court’s interpretation of ‘personal information in confidential personnel records,’ any records in the personnel file of the employee related to job

performance are protected from disclosure under § 22.7(11), which would include positive or exculpatory performance records.” 23AO:0004, *Confidentiality of Documents in Personnel Investigation*.

The records sought here in relation to the performance review of fellow officers, clearly is particular to the identified or identifiable officers who completed the reviews as part of their job duties and those who were the subject to the reviews by senior officers. The records generated belong within the category of records which would naturally be included within confidential personnel files.

Mr. Hayes points to the purpose of the policy in support of his argument that these audit records are not personal information: “The WPB introduced the BWC program to assist in building trust in policing; protecting the public’s civil liberties; ensuring professional behavior; and providing a neutral and objective viewpoint for officer misconduct investigations.” (Policy 431.4(a)(1)).

While a secondary benefit of improved officer conduct is certainly greater community trust and better protection of the public’s rights, it does not negate that the police department’s policy manual mandates that the video audit records must be used to educate, correct, and at times investigate officers for misconduct. The additional provisions requiring that supervisors review a majority of videos of their own supervisees and that the violations they find may be used as part of the officer’s performance review make it more persuasive that the records generated during the video review process properly belong within the confidentiality exception in 22.5(11)(a). The policy details demonstrate the primary purpose is to address officer misconduct, either informally or formally. Therefore, the records requested here should fall within the “personal information in confidential personnel records” exception to public records.

The respondent concedes that public record requests for the actual video footage of policing incidents are treated differently than the “mandatory monthly video audits” and “bias review” records requested here; and would be analyzed differently.

IPIB Action

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

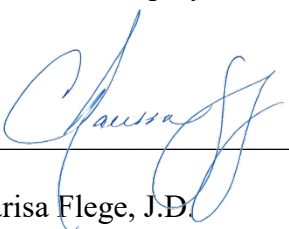
- a. Redirect the matter for further investigation;
- b. Dismiss the matter for lack of probable cause to believe a violation has occurred;
- c. Make a determination that probable cause exists to believe a violation has occurred, but, as an exercise of administrative discretion, dismiss the matter; or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

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

Recommendation

The respondent's policies make clear the primary purpose of the records generated under the police department's video audit policy is to assess, improve and address officer mistakes and misconduct. Because the records generated under these policies are akin to confidential job performance evaluations, they fall within the categorical confidential exception under Chapter 22.7(11)(a) and withholding the records at issue does not constitute a violation of Chapter 22. It is recommended the Board dismiss for a lack of probable cause.

By the IPIB Deputy Director,



Charisa Flege, J.D.

CERTIFICATE OF MAILING

This document was sent on January 9, 2026, to:

Eulando Hayes, Complainant

Waterloo Police Department, Respondent

THE IOWA PUBLIC INFORMATION BOARD

EULANDO HAYES,)	Case Number: 25FC:0142
)	
Complainant,)	
)	
vs.)	COMPLAINANT'S REBUTTAL
)	
Waterloo Police Department,)	
)	
Respondent)	

COMES NOW Eulando Hayes, Complainant in the above-captioned matter, and respectfully submits this Rebuttal to the Investigative Report dated January 9, 2026, and in support thereof states as follows:

STATEMENT OF THE CASE

On September 18, 2025, Complainant submitted a public records request to the Waterloo Police Department seeking records generated under WPD Policy 431.4(a)—the department's monthly video audit policy and bias reviews conducted under Policy 401.5. The Waterloo Police Department denied this request, asserting

that such audit records are confidential personnel records exempt from disclosure under Iowa Code § 22.7(11)(a).

Following a formal complaint filed with this Board, the IPIB Deputy Director issued an Investigative Report recommending dismissal for lack of probable cause. This Rebuttal challenges that recommendation on both factual and legal grounds.

ARGUMENT

I. THE IPIB MISCHARACTERIZES THE PRIMARY PURPOSE OF THE REQUESTED RECORDS

A. The Department's Stated Purpose Is Public Accountability, Not Employee Performance Management

The Investigative Report acknowledges that WPD Policy 431.4(a)(1) explicitly states the body-worn camera program was introduced “to assist in building trust in policing; protecting the public’s civil liberties; ensuring professional behavior; and providing a neutral and objective viewpoint for officer misconduct investigations.”

See Investigative Report at 1; WPD Policy Manual 431.4(a)(1). The policy further declares that the goal of the in-car video and body-worn camera systems is “to enhance public trust in the Waterloo Police Department (WPD) by providing greater transparency into officer actions.” WPD Policy Manual 431.1(a).

Despite this unambiguous policy language, the Deputy Director dismisses these transparency objectives as merely a “secondary benefit” of improved officer conduct. *See* Investigative Report at 4. This characterization inverts the

Department's own explicit policy hierarchy. The policy does not state that building public trust is incidental to improving officer performance; rather, the camera program exists *primarily* to achieve transparency and accountability to the public. Any improvement in individual officer performance is the mechanism by which those primary goals are achieved, not the ultimate objective.

B. Video Audit Records Serve Systemic Compliance Monitoring, Not Individual Performance Evaluation

WPD Policy 431.4(a)(2) mandates that the Department “implement an audit and inspection function to conduct monthly reviews to ensure compliance with the law and this policy.” The policy explicitly states that these reviews will “identify training needs and assist supervisors with the recognition of exceptional performance.” WPD Policy Manual 431.4(a)(2).

The Deputy Director's analysis focuses exclusively on the performance recognition aspect while disregarding the primary compliance-monitoring function. The audit policy requires supervisors to conduct monthly reviews of randomly selected videos to assess three distinct areas:

- I. Whether WPD officers adhere to the BWC/ICV policy, specifically whether 100% of incidents have corresponding video recordings;
- II. Whether officers comply with legal standards for recording, including avoiding prohibited recording in private areas; and

III. Whether cameras are positioned properly to capture encounters with the public. *See* WPD Policy Manual 431.4(a)(6).

These audit criteria assess whether the *department* is achieving its stated transparency and accountability goals, not whether any particular officer meets individual performance standards. The records document systemic policy compliance across a random sample of officers, rather than comprehensive evaluations of identified individuals.

Moreover, Policy 431.4(a)(7) requires the Patrol Captain to “review the previous month’s audit compliance” and “check for any irregularities in compliance.” This command-level review demonstrates that the audit function exists to assess departmental adherence to transparency policies, not to evaluate individual employee performance.

II. THE REQUESTED RECORDS DO NOT CONSTITUTE ‘PERSONAL INFORMATION IN CONFIDENTIAL PERSONNEL RECORDS’ UNDER IOWA CODE § 22.7(11)(a)

A. The Investigative Report Misapplies the Two-Part Test Established in *ACLU v. Atlantic Community School District*

The Deputy Director correctly identifies the analytical framework established in *ACLU v. Atlantic Community School District*, 818 N.W.2d 231, 235 (Iowa 2012), which requires courts to first determine whether requested information fits within the statutory category of “personal information in confidential personnel records.” If

the information falls within this category, disclosure is categorically prohibited without further balancing of interests. *Id.*

However, the Investigative Report fails to properly analyze whether the video audit records genuinely constitute such personnel information. The Deputy Director appears to assume that because infractions identified during audits *may* be cited in performance evaluations, the audit records themselves must be personnel records. This reasoning conflates the potential *use* of information with the *nature* and *primary purpose* of the records.

B. Iowa Case Law Requires Focus on the Primary Purpose of the Records

In *Des Moines Independent Community School District v. Des Moines Register & Tribune*, 487 N.W.2d 666, 670 (Iowa 1992), the Iowa Supreme Court found that investigative materials addressing concerns about a school principal and *maintained in the employee's personnel file* functioned as performance evaluations and were therefore confidential. Critically, those records were: (1) specifically about an identified individual; (2) maintained in that individual's personnel file; and (3) created for the primary purpose of evaluating that individual's job performance.

The video audit records at issue here share none of these characteristics:

- I. **Random Selection Across Multiple Officers:** The audits involve randomly selected videos from multiple officers, not targeted investigations of specific individuals. The majority of videos reviewed are

from the supervisor's own subordinates, but the selection is random, not performance-driven.

- II. **Departmental Compliance Assessment:** The stated purpose is to “ensure compliance with the law and this policy” at a systemic level, not to evaluate individual officers. Policy 431.4(a)(2).
- III. **Command-Level Review:** The Patrol Captain reviews aggregate audit compliance for “irregularities in compliance,” suggesting a focus on systemic problems rather than individual performance issues. Policy 431.4(a)(7).
- IV. **Transparency and Accountability Purpose:** The audit function exists to verify that the body camera program achieves its stated goals of building public trust and ensuring transparency.

C. Potential Use in Performance Evaluations Does Not Transform Compliance Records Into Personnel Records

WPD Policy 431.3(s)(4)(a) provides that infractions identified during video audits may be “cited in an officer's performance evaluation.” The Deputy Director treats this permissive, conditional possibility as determinative, concluding that the potential for performance evaluation use renders the audit records themselves confidential personnel information. *See Investigative Report at 4.* This interpretation is overly broad and inconsistent with Iowa's strong presumption favoring disclosure. Under the Deputy Director's reasoning, virtually any

government record documenting employee conduct could be deemed confidential simply because it might eventually inform personnel decisions. Traffic stop data, use-of-force statistics, citizen complaint logs, training records, and disciplinary referrals could all theoretically influence performance evaluations, yet these are routinely disclosed as essential accountability mechanisms. The proper inquiry is not whether a record could be used in personnel decisions, but whether the record's primary purpose is personnel management or public accountability. Here, the Department's own policies unambiguously identify the primary purpose as ensuring transparency and public trust, not evaluating individual employee performance.

III. THE DEPARTMENT'S TRANSPARENCY POLICIES CREATE A PRESUMPTION OF PUBLIC ACCESS TO AUDIT RECORDS

A. WPD Policy 431.4(b) Explicitly Promotes Video Release to Build Public Trust WPD Policy 431.4(b)(1) states: "The release of Body Worn Camera and In-Car Video footage increases organizational transparency and builds public trust. All sworn employees are reminded to conduct yourselves with the highest degree of professionalism, and to respect all of those we serve." The policy continues: "*The goal of this program is to remain open to public review and input.*" WPD Policy Manual 431.4(b)(4).

It would be fundamentally inconsistent for the Department to promote transparency and public review of camera footage while simultaneously asserting that audit records of the foregoing camera footage are confidential personnel

information. The audit records are the very mechanism by which the Department demonstrates its commitment to the transparency goals articulated in its own policies.

If the public cannot access audit records showing whether officers comply with policing policies, the transparency promises underlying the entire body-worn camera program become hollow. Citizens have no way to verify whether the Department is fulfilling its commitment to accountability and professional conduct.

B. The Distinction Between Video Footage and Audit Records Undermines the Department's Position

The Investigative Report notes that “the respondent concedes that public record requests for the actual video footage of policing incidents are treated differently than the ‘mandatory monthly video audits’ and ‘bias review’ records requested here.” Investigative Report at 4. This concession is significant and undermines the Department’s claim that audit records are confidential personnel information.

If the *underlying video footage* depicting officer conduct during public interactions is subject to disclosure, the *summary audit records* documenting whether officers complied with established policies should be even less sensitive and more appropriate for public disclosure. The audit records do not contain subjective performance assessments, or employment recommendations; they document objective, factual compliance metrics.

The Department cannot logically maintain that actual video recordings of officer-citizen encounters are public records while claiming that administrative summaries documenting camera compliance are confidential personnel files.

IV. THE INVESTIGATIVE REPORT’S ANALYSIS VIOLATES IOWA’S REQUIREMENT TO NARROWLY CONSTRUE EXEMPTIONS

A. Iowa Law Mandates Narrow Construction of Statutory Exemptions

The Iowa Supreme Court has consistently held that exemptions to the open records law must be construed narrowly. In *Mitchell v. City of Cedar Rapids*, 926 N.W.2d 222, 234 (Iowa 2019), the Court reaffirmed: “Although we should not thwart legislative intent, the specific exemptions contained in freedom of information statutes are to be construed narrowly.” (quoting *Iowa Film Prod. Servs.*, 818 N.W.2d at 219). The Court further emphasized that Iowa Code Chapter 22 embodies “a liberal policy in favor of access to public records.” *Hall v. Broadlawns Med. Ctr.*, 811 N.W.2d 478, 485 (Iowa 2012).

The Deputy Director’s interpretation—that any record which *might potentially* be used in performance evaluations is categorically confidential—violates this narrow construction principle. Such an expansive reading would permit government agencies to shield virtually any accountability record by asserting it *could* theoretically inform personnel decisions, thereby eviscerating the public’s right to monitor government conduct.

B. Public Interest in Police Accountability Counsels Against Broad Construction of the Personnel Records Exemption

Even if the statutory language were ambiguous—which it is not—the strong public interest in law enforcement transparency and accountability should inform the Board’s interpretation. Body-worn camera programs exist precisely because of sustained public demands for police accountability and transparency.

The audit records document whether officers comply with policies designed to protect civil liberties, ensure professional conduct, and provide objective evidence of police-citizen interactions. Shielding these compliance records from public scrutiny fundamentally undermines the transparency rationale that justified implementing body cameras in the first place.

The Department cannot simultaneously tout body cameras as tools for building public trust while refusing to disclose records showing whether those cameras are actually being used as promised.

V. ACCEPTING THE DEPARTMENT’S INTERPRETATION WOULD CREATE PERVERSE INCENTIVES AND UNDERMINE ACCOUNTABILITY

If the Investigative Report’s reasoning is adopted, law enforcement agencies could systematically evade accountability by characterizing any oversight mechanism as “personnel-related.” Citizen complaint investigations, use-of-force reviews, policy compliance audits, and disciplinary records could all be deemed confidential simply because they *might* eventually inform employment decisions.

This outcome would particularly harm oversight of body camera programs. Departments could implement camera policies with great fanfare, promising transparency and accountability, while refusing to disclose whether officers actually activate cameras, whether they record prohibited interactions, or whether they comply with constitutional and statutory recording requirements—the very information citizens need to assess whether transparency promises are genuine.

The Board should reject an interpretation that would allow police departments to unilaterally shield accountability mechanisms from public view by invoking the personnel records exemption.

VI. THE DEPARTMENT HAS FAILED TO MEET ITS BURDEN OF DEMONSTRATING EXEMPTION APPLICABILITY

A. The Department's Initial "N/A" Response Suggests These Records Either Do Not Exist or Are Not Maintained as Personnel Files

In response to Complainant's initial records request, the Department indicated that items #3 and #4 (supervisor reviews and bias audits) were "N/A." This response raises serious questions about whether the audit records exist in the form the Department now claims, whether the mandatory audits are actually being conducted as policy requires, or whether any documentation is so minimal that it cannot constitute the detailed personnel evaluations the Department now asserts.

The government body asserting an exemption bears the burden of demonstrating that the exemption applies. *Diercks v. City of Riverdale*, 806 N.W.2d

643, 652 (Iowa 2011). The Department’s vague assertion that audit records are “akin to” performance evaluations, without producing evidence of what these records actually contain or how they are maintained, fails to meet this burden.

**B. Even if Some Portions Were Protected, Aggregated or Redacted
Information Should Be Disclosed**

Iowa Code § 22.7 requires partial disclosure of non-confidential portions of records even when some information is properly withheld. Iowa Code § 22.7 (“When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.”).

Even assuming *arguendo* that some aspects of individual audit findings could be protected—a position Complainant disputes—the Department could readily produce aggregate compliance data that serves the public interest in transparency while protecting any genuinely personal information:

- I. Aggregate statistics showing the percentage of audited videos demonstrating proper camera activation;
- II. Total number of policy violations identified during audits;
- III. Categories of training needs identified through the audit process;
- IV. Summary findings from the Patrol Captain’s review of audit compliance.

This aggregated information would directly serve the transparency and accountability purposes underlying the body camera program without disclosing individual personnel information.

CONCLUSION

The Deputy Director's recommendation to dismiss this complaint rests on a flawed legal and factual analysis that:

- I. Ignores the primary stated purpose of the body camera program and its audit function as articulated in the Department's own policies;
- II. Conflates systemic compliance monitoring records with traditional personnel evaluations focused on identified individuals;
- III. Adopts an overbroad interpretation of the personnel records exemption that is inconsistent with Iowa's requirement to narrowly construe exemptions to the open records law;
- IV. Contradicts the Department's own transparency policies and stated commitment to building public trust through accountability;
- V. Would create perverse incentives permitting law enforcement agencies to shield accountability mechanisms by characterizing them as personnel-related.

The requested video audit records and bias review documentation are not confidential personnel files—they are public accountability mechanisms designed to ensure the Waterloo Police Department fulfills its commitment to transparency and

professional conduct. They document whether officers comply with policies established to protect the civil liberties of Waterloo's citizens and to provide objective oversight of police-citizen interactions.

WHEREFORE, Complainant Eulando Hayes respectfully requests that this Board: Find that probable cause exists to believe the Waterloo Police Department violated Iowa Code Chapter 22 by withholding records that do not fall within the personnel records exemption; Initiate a contested case proceeding to adjudicate this matter; Order the Waterloo Police Department to produce the requested video audit records and bias review documentation generated under Policies 431.4(a) and 401.5, with any necessary redactions strictly limited to genuinely confidential personal information, if such information exists; and Grant such other and further relief as the Board deems just and proper.

Respectfully submitted,

Eulando S. Hayes

Eulando Hayes, Defendant
Complainant, Pro Se

The Iowa Public Information Board

<p>In re the Matter of:</p> <p>Ashley Richards, Complainant</p> <p>And Concerning:</p> <p>North Liberty Police Department, Respondent</p>	<p>Case Number: 25FC:0159</p> <p>Investigative Report</p>
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COMES NOW, Charissa Flege, Deputy Director for the Iowa Public Information Board (IPIB), and enters this Investigative Report:

On October 24, 2025, Ashley Richards filed formal complaint 25FC:0159, alleging that the North Liberty Police Department (ICPD) violated Iowa Code Chapter 22.

The Iowa Public Information Board accepted this complaint at its meeting on November 20, 2025.

Facts

On September 18, 2025, a minor family member of Ms. Richards was interviewed by the North Liberty Police Department. The interview was recorded. Ms. Richards then submitted a public records request to the North Liberty Police Department on October 18, 2025 for the “unaltered audio recording” of the interview, “a complete list of questions posed during the interview”, and “any notes, reports, or supplemental documentation generated from the interview.” In her request to the police department, Ms. Richards named the officer and date of the interview.

On October 22, 2025, the city’s attorney responded, denying the request based upon Chapter 22.7(5). In further exchanges, the attorney noted some of the records did not exist (the description and list of questions posed), and that Chapter 22 did not require the government to create new records to comply with a records request. Ms. Richards then filed this complaint, alleging the denial is a violation of Chapter 22.

During IPIB’s investigation, Ms. Richards noted her special relationship to the interviewee and argued that interest in transparency outweighed the confidentiality exception. She also stated the respondent did not provide the specific exemptions from public records production; however,

this was contradicted in the communications provided between the two parties in which the city attorney explained in detail the reasoning used to deny each requested record.

The city attorney noted that the minor individual interviewed only did so on the condition it would be kept confidential, implicating 22.7(18) in addition to 22.7(5). The city attorney argued that even if 22.7(5) didn't apply, the records couldn't be redacted to protect the identity of the interview under 22.7(18)(b) and were therefore protected under 22.7(18)(b).

Lastly, the Complainant raised several concerns related to special education violations which are outside the scope of IPIB's jurisdiction and will not be addressed in this complaint.

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 "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 determined 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, *Confidentiality of Police Investigative Files*. 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

The complainant alleges that the police department violated Chapter 22 by issuing a ‘blanket denial’, failing to desegregate the confidential and non-confidential material, and failing to identify which records don’t exist. Upon reviewing communications between the parties, the police department and counsel for the police department identified the specific reasons for the failure to produce the records. They cited three separate legal reasons for withholding the requested records: the non-existence of the records, §22.7(5), and §22.7(18). The city attorney also explained that the city “has no list of descriptions responsive to your request,” specifically identifying which record could not be produced because it did not exist. The records indicate that the respondent did in fact analyze each record, provide specific legal exceptions, and an explanation for the lack of production of records.

The complainant also alleges that withholding the existing records is a violation of Chapter 22 because the balancing test under Chapter 22.7(5) weighs in favor of disclosure.

IPIB must first determine whether the requested records are part of a police investigative report. In past decisions, IPIB has interpreted 911 calls, witness and victim reports to be part of a police investigative file. *See* 23FC:0026, *Sydney Crnkovich/Carroll County Sheriff’s Office*. Both the recording of the witness interview and the other records requested (“notes, reports and supplemental documentation generated by the officer in the court of the interview”) are of the same type of records that have been repeatedly been held by courts to be part of a police investigative report. Therefore, the requested records are properly considered part of a police investigative report for purposes of Chapter 22.7(5).

In determining whether a police investigative report is entitled to confidentiality under Chapter 22.7(5), 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 hinge on the third prong, which balances the public interest in disclosure against potential harm. *See* 23AO:0003, *Confidentiality of Police Investigative Files*.

In this case, the evidence provided to IPIB demonstrates several factors that weigh heavily in favor of confidentiality. The recorded witness statement at issue was given by a minor child who requested that the interview be kept confidential. The police investigation involves a potential

criminal offense against a minor by another unidentified minor. The identities and victim-related information of minors are particularly sensitive. The reports also contain information about an unidentified suspect. Furthermore, the records at issue in this investigative report involve an interview with a potential witness, which is analogous to precedent protecting the confidentiality of witness statements. *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). Finally, the investigation remains open.

The factors weighing in favor of disclosure are limited. While there is a public interest in government transparency, *Hawk Eye* also recognizes a counter public interest in protecting victims' information to encourage reporting and disclosure of criminal activity to authorities. Unlike other cases that have come before IPIB in which the balancing test has weighed in favor of disclosure, the records at issue here do not involve matters of general public interest, such as the conduct of public officials or preferential treatment by the government.

Like many public record requests received by police departments, this request involves a requester with an interest in a specific investigation due to a personal relationship with a victim, witness, or defendant. However, for purposes of Chapter 22, the relationship between the requester and the parties to the investigation is not relevant. When a government entity determines that a record is “public” under Chapter 22, the information must be released to all members of the public. Anyone who receives a public record then has the right to publish the information. In this matter, such disclosure would result in serious harm to potential victims and witnesses.

Given the strong public interest in protecting victims, promoting witness cooperation with law enforcement, and avoiding the serious privacy violations and harm that would result from public disclosure of a minor's identity and statement, and in light of the absence of any compelling public interest beyond general government transparency, the balance in this case weighs heavily in favor of confidentiality.

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. Therefore, 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

Because the sensitive nature of records in an open investigation involving minor children weighs in balance of preserving confidentiality under Iowa Code section 22.7(5) and therefore, no violation of Chapter 22 has occurred, it is recommended the Board dismiss for a lack of probable cause.

By the IPIB Deputy Director,



Charisa Flege, J.D.

CERTIFICATE OF MAILING

This document was sent on January 9, 2026, to:

Ashley Richards, Complainant

North Liberty Police Department, Respondent

To the Iowa Public Information Board:

Thank you for the opportunity to provide written comments regarding Case 25FC:0159 and the Investigative Report dated January 2026.

I respectfully submit the following clarifications and objections, as several material facts and legal issues central to this complaint were either misstated or omitted from the Investigative Report.

1. Failure to address the statutory requirement to segregate non-confidential information

The Investigative Report concludes that the City properly withheld all records under Iowa Code §§ 22.7(5) and 22.7(18). However, it does not address the City's independent obligation under Iowa Code § 22.7 and § 22.3(1) to:

- segregate non-confidential portions of a record,
- produce any portion not subject to an exemption, and
- provide a factual basis for withholding each specific portion.

The City did not identify which portions of the audio could be redacted, whether any officer-generated notes or procedural documentation were independently confidential, or whether any portion of the requested materials could be lawfully released. The Investigative Report treats the request as an "all-or-nothing" matter, which is inconsistent with Iowa law.

2. Inaccurate characterization of the City's explanations and identification of records

The Investigative Report states that the City "explained in detail the reasoning used to deny each requested record." This is not supported by the documented communications.

- On October 22, 2025, the City issued a blanket denial citing § 22.7(5) without identifying any specific portion of the interview or any specific document.
- The City did not identify which "notes, reports, or supplemental documentation" existed or did not exist until after the denial.
- No certification or sworn statement was provided regarding the completeness of the search, despite multiple requests for clarification.

These omissions are material and directly relevant to compliance with Iowa Code § 22.3(1).

3. Omission of legally relevant factors in the Hawk Eye balancing test

The Investigative Report applies the Hawk Eye test but omits several required considerations:

- The City did not provide evidence that disclosure would jeopardize an active investigation, nor did it provide an incident number, case status, or description of ongoing investigative steps.
- The report does not address the statutory requirement to release "immediate facts and circumstances" under § 22.7(5).
- The report incorrectly states that the requester's relationship is irrelevant, without acknowledging that the balancing test requires evaluating the *public interest* in disclosure, which includes the accuracy and propriety of law enforcement conduct.

These omissions materially affect the analysis.

4. Context of the interview and the basis for requesting the unaltered audio

The Investigative Report does not acknowledge the circumstances under which the interview occurred, which are directly relevant to the basis of my request.

The interview was supposed to be conducted as a non-verbal interview, a condition agreed upon by the advocate and attorney present. Despite this, my daughter—who was 16 at the time—was subjected to verbal questioning that included explicit sexual questions unrelated to the incident she reported. She was not asked basic clarifying questions such as her age or the other minor's age, but was asked to describe sexual acts she did not report experiencing. She left the interview visibly distressed and disclosed these details to me immediately afterward. This context is central to understanding why I requested the unaltered audio recording and related documentation. The Investigative Report does not acknowledge this context, which is directly relevant to the need for transparency regarding how the interview was conducted.

This information is not offered for the Board to adjudicate the conduct itself, but to explain the necessity of obtaining the complete and unaltered record.

5. Cumulative delay and prejudice not addressed

The Investigative Report treats each communication in isolation and does not address the cumulative effect of the City's actions, including:

- the absence of timely updates,
- inconsistent explanations, and
- the need for repeated follow-ups to obtain basic information.

Iowa Code Chapter 22 does not permit unexplained or indefinite delays, and the cumulative impact is a legally relevant factor that should be considered.

Conclusion

My intent is to ensure compliance with Iowa Code Chapter 22 and to safeguard the public's ability to obtain accurate and complete records. The omissions and mischaracterizations in the Investigative Report materially affect the analysis of this complaint. I respectfully request that the Board consider the full documented record, including the unresolved discrepancies, the failure to segregate non-confidential information, and the context surrounding the interview that necessitated my request for the unaltered audio.

Thank you for your time and attention to this matter.

Sincerely, Ashley Richards

The Iowa Public Information Board

<p>In re the Matter of:</p> <p>Melissa Smith, Complainant</p> <p>And Concerning:</p> <p>City of Hamburg, Respondent</p>	<p>Case Number: 25FC:0161</p> <p>Investigative Report</p>
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COMES NOW, Charissa Flege, Deputy Director for the Iowa Public Information Board (IPIB), and enters this Investigative Report:

On October 21, 2025, Melissa Smith filed formal complaint 25FC:0161, alleging the city of Hamburg violated Iowa Code Chapter 21. The Iowa Public Information Board accepted this complaint at its meeting on November 20, 2025.

Facts

In the initial complaint to IPIB, Ms. Smith alleged that a city council meeting for Hamburg occurred on October 6, 2025 without proper notice. The complaint stated that individual council members were contacted separately to provide notice of a special meeting, but not all council members were contacted and the agenda was not posted properly twenty-four hours in advance. Ms. Smith also alleged that the minutes were not properly posted.

IPIB staff emailed both parties on November 7th asking for their response to the complaint and any additional information or evidence they would like IPIB to consider. Neither party responded. On November 21, 2025, IPIB staff emailed both parties asking that they respond within two weeks and notifying them that failure to respond would either mean the investigation would move forward with only one party's information or result in closure for abandonment. Hamburg's clerk responded on December 8, 2025 stating she would notify the mayor of the complaint. On December 15, the clerk relayed that the complaint had been considered at the city council meeting and in response to the concerns raised, the city had updated its policies to address notice to council members and the public to ensure compliance with Chapter 21. The city did not admit a violation. Updated policies were provided to IPIB for approval through another complaint investigation filed against Hamburg.

No response or additional information has been received from Ms. Smith since the initial complaint was filed.

Applicable Law

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

Each meeting shall be held at a place reasonably accessible to the public and at a time reasonably convenient to the public, unless for good cause such a place or time is impossible or impracticable. Special access to the meeting may be granted to persons with disabilities.” Iowa Code § 21.4(1)(a)-(b).

“Except as otherwise provided in paragraph “c”, notice conforming with all of the requirements of subsection 1 shall be given at least twenty-four hours prior to the commencement of any meeting of a governmental body unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given.” Iowa Code § 21.4(2)(a).

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

1. Determine that, on its face, the complaint is within the board’s jurisdiction, appears legally sufficient, and could have merit. In such a case the board shall accept the complaint, and shall notify the parties of that fact in writing.
2. Determine that, on its face, the complaint is outside its jurisdiction, is legally insufficient, is frivolous, is without merit, involves harmless error, or relates to a specific incident that has previously been finally disposed of on its merits by the board or a court.” Iowa Code § 23.8.

Analysis

IPIB only has the information provided in the initial complaint from Ms. Smith and the response from the city’s clerk. In the initial complaint, Ms. Smith did not provide information about when she believed the improper notice was posted or where it was posted. The city also did not provide any information indicating a violation occurred, but pointed to its proactive steps to create agenda and notice policies that meet or exceed the requirements in Chapter 21. It appears there is insufficient evidence to meet the probable cause standard to find a violation of Chapter 21.

IPIB Action

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

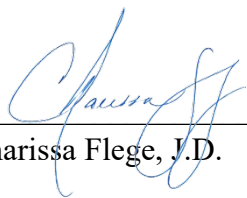
- a. Redirect the matter for further investigation;
- b. Dismiss the matter for lack of probable cause to believe a violation has occurred;
- c. Make a determination that probable cause exists to believe a violation has occurred, but, as an exercise of administrative discretion, dismiss the matter; or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

Without participation from the complainant, the evidence presented to IPIB is insufficient to find probable cause that a violation occurred. Because of this, it is recommended that the Board dismiss for lack of probable cause to believe a violation has occurred.

By the IPIB Deputy Director,



Charissa Flege, J.D.

CERTIFICATE OF MAILING

This document was sent on January 9, 2026, to:

Melissa Smith, Complainant
City of Hamburg, Respondent

The Iowa Public Information Board

<p>In re the Matter of:</p> <p>Dale Alison, Complainant</p> <p>And Concerning:</p> <p>Des Moines County Board of Supervisors, Respondent</p>	<p>Case Number: 25FC:0169</p> <p>Investigative Report</p>
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COMES NOW, Alexander Lee, Agency Counsel for the Iowa Public Information Board (IPIB), and enters this Investigative Report:

On October 28, 2025, Dale Alison filed formal complaint 25FC:0169, alleging that the Des Moines County Board of Supervisors (Board) violated Iowa Code Chapter 21.

The IPIB accepted this Complaint on November 20, 2025.

Facts

On September 9, 2025, the Des Moines County Board of Supervisors entered into closed session for approximately twenty minutes, pursuant to an agenda item citing Iowa Code § 21.5(1)(j), to discuss the sale of the County’s former public health building. Upon reconvening in open session, the Board announced that it would be moving forward with a sealed bidding process, with the minimum price for bids set at \$125,000.

On October 28, 2025, the complainant, Dale Alison, filed formal complaint 25FC:0169, alleging closure in this instance did not satisfy the requirements of Iowa Code § 21.5(1)(j), which allows a governmental body to hold a closed session “[t]o discuss the purchase or sale of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property or reduce the price the governmental body would receive for that property.”

The sealed bids were opened during the course of IPIB’s investigation, with a winning bid of \$162,000. After the transaction was finalized, the Board released the materials from the closed session, as Iowa Code § 21.5(1)(j)’s temporary confidentiality had expired at that time.

The audio shows that the Board began its deliberation with a brief phone call to the County Assessor, who offered clarifications on a \$210,800 appraisal given earlier in 2025. Supervisors then discussed the appropriate percentage reduction from the appraised value to set their minimum price, beginning around \$150,000 and eventually dropping to the final \$125,000 threshold. Several considerations went into this decision, including the favorable downtown location of the property, the unattractiveness of the lot itself, the minimal value of the property to the government, and likely renovation costs prospective bidders would need to pay to adapt the existing structure (e.g. one member mentioned “the amount of asbestos and things like that”). While discussing the method of sale, the Board weighed the risk that having a low minimum might prevent bidders from “put[ting] their best foot forward” or make the property appear less valuable against the possibility the County might not receive any bid above the minimum if the minimum were too high (e.g. one suggested any price above \$150,000 would “scare people away”). The discussion lasted approximately twenty minutes.

At multiple points during the discussion, members also expressed that the Board’s priority was to quickly dispose of the property, as the building was no longer of use to the County. Alison argues that this indicates “[t]he major concern in the meeting was to move the property, not to maximize the money received” and that there was “[n]owhere in the meeting” where “the county’s financial interests were negatively affected.”

Alison also argues that, even if some of the comments might have been prejudicial to the County’s position, this was nullified by the \$125,000 minimum set for sealed bids. Specifically, he states:

I maintain a minimum bid could have been discussed in open session with no adverse impact on the county. The property in question is 83 years old and was the first structure built in Iowa specifically designed to house a public health department. Bidders would have to calculate what they were willing to pay for the 9,500-square-foot property and weigh that against possible interest from other parties. The possibility of getting less than the minimum bid was zero, thus there was no potential harm to the county.

Applicable Law

“A governmental body may hold a closed session only by affirmative public vote of either two-thirds of the members of the body or all of the members present at the meeting. A governmental body may hold a closed session only to the extent a closed session is necessary for any of the following reasons:

- j.* To discuss the purchase or sale of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property or reduce the price the governmental body would receive for that property. The minutes and the audio recording of a session closed under this paragraph

shall be available for public examination when the transaction discussed is completed.” Iowa Code § 21.5(1)(j).

Analysis

The applicable standard for closure pursuant to Iowa Code § 21.5(1)(j) is a matter of first impression, as there is no available appellate court precedent interpreting this section, and IPIB’s past opinions have thus far focused on peripheral issues. *See, e.g.*, 19AO:0006, *When a Property Transaction is “Complete” Pursuant to Iowa Code § 21.5(1)(j)*. However, two requirements are apparent on the face of the law: 1) closure is only permitted to discuss “the purchase or sale of particular real estate,” meaning the subject must involve a specific property rather than real estate transactions generally, and 2) closure requires that “premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property or reduce the price the governmental body would receive for that property.”

In interpreting this section, IPIB looks to apparent legislative intent. Here, the legislature clearly intended the provision to *exclude* discussion about pending real estate transactions which could *not* reasonably be expected to negatively affect the price paid or received. The temporary nature of the protection and the framing based on “premature disclosure” further indicate that the legislature’s objective was to allow governmental bodies the leeway necessary to negotiate and strategize without undermining their own bargaining positions, as opposed to protecting something more fundamental about information itself. *See also* Iowa Code § 22.7(7) (providing public records confidentiality for “[a]ppraisals or appraisal information concerning the sale or purchase of real or personal property for public purposes, prior to the execution of any contract for the sale or the submission of the appraisal to the property owner or other interest holders”).

IPIB also highlights the specific language chosen in drafting the exception. The subsection presents an objective test, but the phrase “could be reasonably expected” suggests a determination should be upheld so long as it is reasonable, even if others may reasonably disagree. *C.f. Ripperger v. IPIB*, 967 N.W.2d 540, 553 (Iowa 2017) (finding the phrase “could reasonably believe,” used in Iowa Code § 22.7(18), should be understood from the perspective of the records custodian, not IPIB or a district court, and that, where “the record custodian could reasonably believe disclosure of the list would deter such communications, that determination should be upheld, not second-guessed, even if others could reasonably disagree with the custodian”).

I. Application of Iowa Code § 21.5(1)(j) to the Board’s Discussion

Review of the closed session audio recording, which is no longer entitled to confidentiality, reveals the Board discussed numerous factors in deciding to proceed with a sealed bidding process and setting the \$125,000 minimum bid. The majority of these factors were negative, including but not limited to comments by members calling the lot “unattractive” and difficult to build on, concerns about the renovation costs a successful bidder would need to pay to convert the existing structure

to other uses or satisfy code requirements, the possibility that these costs might be so great as to prevent the County from receiving *any* serious bids, and specific concerns raised by prospective buyers known to the Board.

The complainant argues that none of these comments could have actually affected the price if they were raised in open session, as they would either be included in mandatory disclosures (e.g. the presence of asbestos) or could be readily ascertained by researching the property. However, this is not the standard set by Iowa Code § 21.5(1)(j), which focuses on whether “premature disclosure could be reasonably expected . . . to reduce the price the governmental body would receive,” regardless of what a prospective buyer could independently ascertain. Even if each of these facts were readily available, this would not account for the prejudice which would result from the disclosure of the government’s summary evaluation of the property and board members’ concerns that even the minimum bid (already significantly lower than the appraisal value) might not be a worthwhile investment. The discussion of specific concerns from known interested parties would similarly have been an issue, as knowledge of these concerns could reasonably be expected to undermine prospective bidders’ willingness to bid above the minimum if this knowledge led the prospective bidders to anticipate minimal competition, something the board expressly considered in opting for sealed bids.

The complainant also emphasized multiple comments made by members which indicated the Board’s interest in disposing of the property even it meant accepting a lower price. The complainant argues that “the county’s principal intent to dispose of the property rather than getting the highest price possible runs exactly opposite of what is written in [Iowa Code] § 21.5(1)(j).” Again, however, this is not the standard described in the statute. While the section is principally concerned with preventing premature disclosures which could negatively affect purchase price, nothing in the section prevents a governmental body from having additional priorities. Meanwhile, the fact that this *was* a priority could have been significantly prejudicial, as premature disclosure of these comments would have informed prospective bidders 1) that the Board's members and staff did not actually believe that the property was worth its appraised value, 2) that the Board would have been unlikely to reopen the bidding process to seek additional bids if the offers received were clustered around the minimum, 3) that the Board might have been willing to drop its minimum to complete the sale if nobody had bid above the threshold.

While the complainant correctly states that Iowa Code § 21.5(1)(j) requires more than mere reference to a real estate transaction to justify closed session, the exception was crafted to protect precisely the type of discussion at issue in this case, in which the government is openly and critically assessing its own bargaining position in a prospective sale. Adopting the more restrictive standard suggested, which the complainant acknowledges would exclude most discussion related to the sale of property, would conflict with the plain language of the law.

II. The Effect of the Minimum Bid & Sealed Bidding Process

The complainant has maintained that the decision to set a minimum bid amount and utilize a sealed bidding process fully negated any risk attributable to the aforementioned comments, as the Board “did not have to accept a bid lower than the minimum they set” and there was thus “no danger of [the Board] being financially disadvantaged.” This argument must be rejected under the framework of Iowa Code § 21.5(1)(j) for two reasons.

First, while the \$125,000 threshold might have automatically barred consideration of bids below the amount, any bidders still had to determine how far *above* the threshold they would be willing to offer, based on each bidder’s subjective valuation of the property and their expectations of what their competitors might be willing to pay. Given the actual winning bid was \$162,000, there would have been at least \$37,000 of possible reduction in the price received from premature disclosure. There would also be the parallel risk that prejudicial discussion could discourage bidders from offering at all if they did not perceive the property to be worth at least \$125,000, a possibility the Board itself considered in deciding to drop from \$150,000 to \$125,000. In either case, the standard of Iowa Code § 21.5(1)(j) would be met from these anticipated harms.

Second, the question of whether closure is appropriate rests on what “could be reasonably expected” at the time the governmental body votes to go into closed session, without knowledge of future events, including future discretionary action which may be taken by the governmental body after returning to open session.¹ Thus, even if IPIB were to adopt the complainant’s position that the sealed bidding process retroactively cured any prejudice which would have resulted from premature disclosure of the discussion, this would not affect the appropriateness of the closed session at the time of the vote, so long as the Board could have chosen a different route. *See also* 19AO:0001, *Closed Session for Purposes of Discussing the Sale or Purchase of Real Estate* (advising that discussion under Iowa Code § 21.5(1)(j) “could reasonably include a discussion of not going forward with either a purchase or a sale” or discussion of “what other options could exist”). To hold otherwise would require the government to either commit to a final decision before any discussion or forego the closed session altogether in order to keep their options open.

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

¹ As an illustration of this point, if a governmental body were presented with a simple yes-or-no decision of whether to accept a fixed offer from a single bidder, it may be the case that a vote to accept the offer would “cure” any prejudice which might result from publicly weighing the pros and cons of selling at that price (assuming the vote would be instantly binding on both parties). At the time of the vote to enter closed session, however, members would have no way of knowing which way the discussion might go, and comments which harm the government’s bargaining position would remain prejudicial in the event of a rejection or a vote to table for another day.

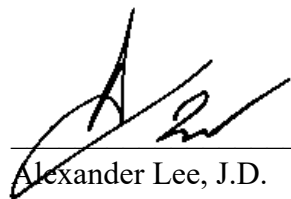
d. Make a determination that probable cause exists to believe a violation has occurred, designate a prosecutor and direct the issuance of a statement of charges to initiate a contested case proceeding.

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

Recommendation

The facts presented support the Board of Supervisors' position that premature disclosure of their closed session discussion could have been "reasonably expected . . . to reduce the price [the County] would receive for" the former public health building at the time the vote was taken, and the decision made following closed session to set a minimum bid threshold and use a sealed bidding process did not negate this justification, retroactively or otherwise. Because the use of closed session was consistent with Iowa Code § 21.5(1)(j), 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 January 6, 2026, to:

Dale Alison, Complainant
Des Moines County Board of Supervisors, Respondent

Jan. 11, 2026

Iowa Public Information Board

510 E. 12th St.

Des Moines, Iowa

On Sept. 12, 2025, the Des Moines County Board of Supervisors adjourned to a closed meeting to discuss the disposal of its former public health building. In setting a minimum bid for the property, I believe the meeting failed to meet the standards outlined in Chapter 21 § 21.5(1)(j) of the Iowa Code regarding when a governmental body can excuse itself and enter a closed session. Such permission is allowed, “to discuss the purchase or sale of particular real estate only where premature disclosure could be reasonably expected to ... reduce the price the governmental body would receive for that property.”

My complaint focuses on the words “reasonably expected” and “reduce the price.”

By agreeing to accept sealed bids and setting a minimum price, there was no way Des Moines County could be financially disadvantaged by disclosure. The Board could set a ridiculously high price or an absurdly low sum and a successful bid could not be lower than what the Supervisors set. With sealed bids, interested parties had to establish their own value to the property and try to gauge others’ interest. The successful bid might be \$1 more than the minimum or thousands of dollars over the minimum, but in no way could it be lower than the minimum. In my mind, that meant the county could not be financially disadvantaged by its discussions.

As the tape of the meeting demonstrates, the Board of Supervisors was **not** interested in maximizing what it could get for the property it wished to sell. The parcel in question was 82 years old, it was built by the county for use as a public health facility (the first such building in Iowa), and as such had never been assessed and had never been on the tax rolls.

During the closed meeting, the supervisors called the county assessor for his opinion on the property’s value, something that could have been done in open session as, as you know, assessed valuations are readily available for any privately owned piece of

property. The assessor said it was worth \$210,800. From that point, the supervisors arbitrarily set a minimum bid of \$175,000, then lowered it to \$150,000, and finally, \$125,000. The supervisors were reducing the price themselves!

The Iowa Board of Public Information's lawyer has chosen to recommend that my complaint be dismissed, saying, in essence, the Board of Supervisors was engaging in activity for which that section of the Code was designed. I'm simply reading the words in the exemption and failing to see how the county would have been to accept a reduced price had the Supervisors' discussion taken place before the public, thus the reason for this letter restating my concern.

Attached is a recording of the meeting. I will not be able to participate in your meeting as it interferes with my job. And as the Assistant Des Moines County Attorney discovered in researching my complaint, there is little to no case law regarding this matter, a favorable interpretation of my complaint will go far to satisfying the intent of Chapter 21 — to make the public's business as open as possible.

Sincerely,

Dale Alison

721 Court St.

Burlington, Iowa

319.572.0685

The Iowa Public Information Board

<p>In re the Matter of:</p> <p>David Boll, Complainant</p> <p>And Concerning:</p> <p>Dubuque Co. Auditor, Respondent</p>	<p>Case Number: 25FC:0180</p> <p>Investigative Report</p>
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COMES NOW, Charissa Flege, Deputy Director for the Iowa Public Information Board (IPIB), and enters this Investigative Report:

On November 9, 2025, David Boll filed formal complaint 25FC:0180, alleging that the Dubuque County Auditor violated Iowa Code Chapter 22.

The Iowa Public Information Board accepted this complaint at its meeting on December 18, 2025.

Facts

On August 25, 2025, Mr. Boll mailed a public records request to the Dubuque County Auditor. The request was somewhat unclear, as it cited several statutes and contained two subject headings. Under the first subject heading, the letter requested the certificate of appointment of County Attorney Brigit Barnes, followed by two paragraphs discussing various laws and procedures governing county attorney appointments. Under the second subject heading, the request included several paragraphs describing the requirements of Iowa Code § 64 related to official bonds. At the conclusion of the letter, Mr. Boll requested “certified copies” bearing the county auditor’s official stamp of the “certificate of appointment, office, and oath,” rather than “a plain photocopy of the certificates of appointment and oaths.” He also requested “the same as to the bond.” Mr. Boll provided evidence that this request was delivered via certified mail on August 27, 2025.

The parties dispute whether a response was mailed following the initial request. The county auditor asserts that a response to the records request was sent, but not via certified mail, and therefore no record of delivery exists.

Mr. Boll sent a second request via certified mail, which was delivered on October 9, 2025. In both mailings, the only contact information Mr. Boll provided to the county was his mailing

address. Mr. Boll filed the present complaint on November 9, 2025. IPIB opened the complaint on November 17, 2025.

In response to the investigation, Mr. Lucy sent more than thirty pages of records to Mr. Boll by certified mail, which were delivered on December 23, 2025. IPIB reviewed a copy of this production. The records package included a copy of the oath of office of the identified attorney and thirty-two pages of Dubuque County bond records.

Mr. Boll responded that he did not believe the production was complete because it did not include a “certificate of appointment” demonstrating that the county attorney was properly appointed and because, although records were provided, they did not constitute proper “certified copies” as required by Iowa Code § 331.502. In response, Mr. Lucy provided additional records consisting of Board of Supervisors meeting materials documenting the appointment process for the assistant county attorney. The auditor stated that he was unaware of any additional records responsive to Mr. Boll’s request.

Mr. Boll maintains that the county auditor and the copies produced are not in compliance with Iowa Code §§ 331.502 and 622.46, and therefore, the county has violated Chapter 22. Additionally, it appears Mr. Boll believes there are additional records that exist that haven’t been produced.

Applicable Law

“Every person shall have the right to examine and copy a public record and to publish or otherwise disseminate a public record or the information contained in a public record. Unless otherwise provided for by law, the right to examine a public record shall include the right to examine a public record without charge while the public record is in the physical possession of the custodian of the public record. The right to copy a public record shall include the right to make photographs or photographic copies while the public record is in the possession of the custodian of the public record. All rights under this section are in addition to the right to obtain a certified copy of a public record under section 622.46.” Iowa Code § 22.2(1).

Analysis

The county made the requested public records available to Mr. Boll. Although a delay occurred between the submission of the request and the production of the records, the auditor appears to have acted in good faith. The delay can be attributed to the confusing nature of the request and the limitations associated with conducting business exclusively by mail. The respondent possessed no contact information for the requester other than a mailing address, which necessarily slowed communications and left no practicable means of contact other than written correspondence until the IPIB complaint was filed. At no time did the auditor deny the records request.

Furthermore, when the complainant asserted that the records produced were not responsive to his request to produce the records associated with the assistant county attorney's appointment, the respondent provided additional records related to that appointment. All records were provided without charge.

Mr. Boll has demanded his records be provided in compliance with Iowa Code § 622.46 and 311.502. IPIB's jurisdiction, however, is limited to Iowa Code chapters 21 and 22. Mr. Boll's complaints about improper certification under Iowa Code § 622.46 and 311.502 are beyond the enforcement jurisdiction of IPIB and do not constitute a violation of Iowa Code §22.

IPIB Action

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

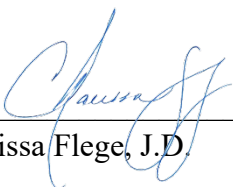
- a. Redirect the matter for further investigation;
- b. Dismiss the matter for lack of probable cause to believe a violation has occurred;
- c. Make a determination that probable cause exists to believe a violation has occurred, but, as an exercise of administrative discretion, dismiss the matter; or
- 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 county's possession directly related to the two items requested were either 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 Deputy Director,



Charissa Flege, J.D.

CERTIFICATE OF MAILING

This document was sent on January 9, 2026, to:

David Boll, Complainant

Dubuque County Auditor, Respondent

The Iowa Public Information Board

<p>In re the Matter of:</p> <p>April Armstrong, Complainant</p> <p>And Concerning:</p> <p>City of Pisgah, Respondent</p>	<p>Case Number: 25FC:0181</p> <p>Investigative Report</p>
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COMES NOW, Charissa Flege, Deputy Director for the Iowa Public Information Board (IPIB), and enters this Investigative Report:

On November 11, 2025, April Armstrong filed formal complaint 25FC:0181, alleging the city of Pisgah violated Iowa Code Chapter 22.

The Iowa Public Information Board accepted this complaint at its meeting on December 18, 2025.

Facts

In the initial complaint to the IPIB, it was alleged that Pisgah refused to provide public records consisting of “five years of grant information.” The complaint included the response Ms. Armstrong received from legal counsel representing Pisgah. According to the complaint, the city responded to Ms. Armstrong’s request by explaining that the request appeared to seek general information and that additional information or clarification was necessary to identify the specific records being requested so the city could process the request. The complaint did not allege an unreasonable delay or improper fees.

On November 17, IPIB staff emailed both parties requesting their responses to the complaint and any additional information or evidence they wished IPIB to consider. Neither party responded. On December 9, 2025, IPIB staff again emailed both parties, requesting a response within two weeks and advising that failure to respond would result either in the investigation proceeding based on the information available or in closure for abandonment. The city’s attorney responded the same day, informing IPIB that he had been in communication with Ms. Armstrong, that the request had not been denied, and that the city was willing to process the records request once Ms. Armstrong clarified which records she sought and approved the cost of production. IPIB staff contacted Ms. Armstrong again on

December 9, requesting that she respond to the complaint by December 23. No response or additional information was received from Ms. Armstrong after the initial complaint.

Applicable Law

“Every person shall have the right to examine and copy a public record and to publish or otherwise disseminate a public record or the information contained in a public record. Unless otherwise provided for by law, the right to examine a public record shall include the right to examine a public record without charge while the public record is in the physical possession of the custodian of the public record. The right to copy a public record shall include the right to make photographs or photographic copies while the public record is in the possession of the custodian of the public record. All rights under this section are in addition to the right to obtain a certified copy of a public record under section 622.46.” Iowa Code § 22.2(1).

Analysis

Chapter 22 only delegates enforcement power to this Board when 1) “the defendant is subject to the requirements of this chapter, 2) the records in question are government records, and 3) 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, the information IPIB received in the initial complaint from Ms. Armstrong and the response from the city’s attorney indicates that the city responded to the request by asking for additional clarification about which records were the subject of the request. At no time did the city deny the request. Reasonable requests for clarification by the governmental entity are not a violation of 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.

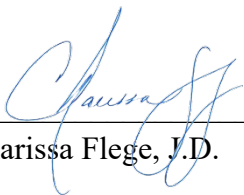
Iowa Admin. Code r. 497-2.2(4).

Recommendation

The evidence presented to IPIB suggests that the city responded in a timely manner and in good faith to the request for records. Because Pisgah’s request for clarification before processing the public records

request was reasonable and timely, it is recommended that the Board dismiss for lack of probable cause to believe a violation has occurred.

By the IPIB Agency Counsel,



Charissa Flege, J.D.

CERTIFICATE OF MAILING

This document was sent on January 9, 2026, to:

April Armstrong, Complainant
City of Pisgah, Respondent

The Iowa Public Information Board

<p>In re the Matter of:</p> <p>Jonathon Uhl, Complainant</p> <p>And Concerning:</p> <p>Scott County, Respondent</p>	<p>Case Number: 25FC:0072</p> <p>Investigative Report</p>
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COMES NOW, Charlotte Miller, Executive Director for the Iowa Public Information Board (“IPIB”), and enters this Investigative Report:

On June 6, 2025, Jonathan Uhl (“Complainant”) filed formal complaint 25FC:0072, alleging Scott County (“County”) violated Iowa Code chapter 22.

The IPIB accepted this Complaint on June 10, 2025

Facts

The complainant alleges County violated Iowa Code Chapter 22 by failing to disclose records responsive to each request, unreasonable delay for production of the records, and unreasonable fees charged for production.

On April 27, 2025, Complainant emailed Ms. Wierman, an employee of the County, a formal public records request to County seeking information pertaining to conflicts of interest within the Scott County Attorney’s office. Complainant filed numerous other public record requests with County since.

On May 16, 2025, Complainant followed up with the Ms. Wierman asking the status of the request. On May 19, 2025, Ms. Wierman responded stating that the public records “request is currently being processed with our Risk Management department and remains in progress.” On the same date, Complainant asked the follow up questions to County regarding the risk management department and an anticipated production date.

On May 21, 2025, Complainant reached out to Ms. Wierman asking her to comply with Chapter 22 law in regards to his public records requests. On May 22, Ms. Wierman responded asserting the County commitment to complying with Iowa Code Chapter 22 and indicated that production

of records for Complainant other public records request have been provided and that County is continuing to review responsive records that are related to the record request that 25FC:0072 arise from.

On June 6, 2025, Complainant contacted IPIB to file a formal complaint against County. IPIB accepted the complaint on June 10, 2025.

On June 30, Complainant followed up with County and requested an update on the status of the public records request.

County responded on July 1, 2025, providing a partial response, completed by County on June 26, 2025, responsive to the public records complain and stated that County had additional materials to review that may be relevant to the request.

On August 19, 2025, Complainant provided a memorandum in support of pending formal complaint 25FC:0072. Complainant followed up on October 3, 2025 to check the status of the formal complaint.

On October 6, 2025, IPIB reached out to County and Complainant inquiring the status of the production of the remaining records. Complainant alleged that he has not received any response in regards to his complaint.

On October 15, 2025, County outreached to Complainant and indicated that the documents were ready to be received. County stated the payment for release of the records for \$678.84 which was based on 12 hours of work at the rate \$56.57 per hour.

On October 29, Kristina Lyon, Scott County Civil Attorney, updated IPIB on the status of the information requested indicating that they had not received a response from the Complainant regarding the prepayment for the production of the outstanding public records. On the same date the complainant alleges that the Iowa Code Chapter 22 responses received “were inaccurate, misleading, malicious, harassing in nature, and remain in violation of Iowa[] laws.”

Both parties have maintained these positions since October 29, 2025 correspondence.

Applicable Law

Payment of Fees and Access to Records. Iowa Code § 22.3 is clear that governmental bodies can charge reasonable fees for the production of public records and can produce the public records contingent upon receipt of payment. Iowa Code § 22.3(1) states as follows:

Although fulfillment of a request for a copy of a public record may be contingent upon receipt of payment of reasonable expenses, the lawful custodian shall make every

reasonable effort to provide the public record requested at no cost other than copying costs for a record which takes less than thirty minutes to produce. In the event expenses are necessary, such expenses shall be reasonable and communicated to the requester upon receipt of the request.

Iowa Code § 22.3(2) goes on to define reasonable fees and states,

The fee for the copying service as determined by the lawful custodian shall not exceed the actual cost of providing the service. Actual costs shall include only those reasonable expenses directly attributable to supervising the examination of and making and providing copies of public records. Actual costs shall not include charges for ordinary expenses or costs such as employment benefits, depreciation, maintenance, electricity, or insurance associated with the administration of the office of the lawful custodian. Costs for legal services should only be utilized for the redaction or review of legally protected confidential information.

Timeframe for Production of Records. Iowa Code § 22.8(4) provides a foundation for defining a good-faith and reasonable delay in the production of public records:

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

- a. To seek an injunction under this section.
- b. To determine whether the lawful custodian is entitled to seek such an injunction or should seek such an injunction.
- c. To determine whether the government record in question is a public record, or confidential record.
- d. To determine whether a confidential record should be available for inspection and copying to the person requesting the right to do so. A reasonable delay for this purpose shall not exceed twenty calendar days and ordinarily should not exceed ten business days.
- e. Actions for injunctions under this section may be brought by the lawful custodian of a government record, or by another government body or person who would be aggrieved or adversely affected by the examination or copying of such a record.
- f. The rights and remedies provided by this section are in addition to any rights and remedies provided by section 17A.19.

Iowa Code § 22.8(4).

Analysis

Complainant raises the following concerns: failure to disclose all public records responsive to the request, unreasonable delay for production, and unreasonable fees charged for production. This analysis addresses each issue.

Failure to Disclose All Public Records. Complainant alleges that County failed to disclose all public records. Complainant's request included very broad search terms had responsive records consisting of more than 3,000 pages. County reviewed additional documents generated from the search terms generated from the Complainant's record request.

County informed Complainant that County was working in good faith to comply with Iowa Code Chapter 22 and respond to all of the Complainant's public record requests. County reiterated its willingness to provide Complainant the responsive records upon payment of production costs.

Unreasonable Delay. Complainant argues that County has unreasonably delayed production of public records under Iowa Code section 22.8, subsection 4. The Iowa Supreme Court has found that the standard for determining good faith, reasonable delay is based on size and nature of the request, rather than a firm timeline for production. *Horsfield Materials, Inc. v. City of Dyersville*, 834 N.W.2d 444, 461 (Iowa 2013). Complainant submitted his request for public records on April 27, 2025. County produced partial response to the request on June 26, 2025, and compiled the remaining records to be released by October 15, 2025. County had to review over 3,000 pages to release of confidential information in regards to the Complainant's April 27, 2025. County communicated the volume of public record requests by the Complainant is as reason for delay on production of the records.

Furthermore, the Supreme Court held in *Belin v. Reynolds* that the reasonability of a delay is fact specific and the nature of communications between the parties is relevant. 989 N.W.2d 166 (Iowa 2023). The County did not meet many of the criteria that justify a longer delay pursuant to the *Belin*.¹ Applying the *Horsfield* standard, the size and nature of the Complainant's request did not require prompt responsiveness to the request. Nevertheless, even with the volume of the request a six month delay likely exceeds the standard for good-faith reasonable delay.

Excessive Fees. The complainant alleges the fees charged in this case are improper. Complainant received a quote of \$678.84 on October 15, 2025. The quote was based upon County's standard practice to recover the actual costs of the staff time used to locate, retrieve, and review records prior to release for anytime over 30 minutes. County provides that the actual time spent by the risk manager assigned to reviewing and retrieving the records took 12 hours of

¹ See also, *Kirkwood Inst. Inc. v. Sand*, 6 N.W.3d 1 (Iowa 2024); IPIB Advisory Opinion, 24AO:0010, Clarification on the definition of "reasonable delay" as it pertains to the period of time for a record's custodian to determine the confidentiality of records.

labor at a rate of \$56.57 per hour. Complainant has refused to pay any fees for the production of the records. County provided the following invoice:

Request Date	Staff Member / Role	Hours	Hourly Rate	Total
June 5, 2025	Investigator	6	\$44.31	\$265.86
	IT Security Analyst	4	\$53.88	\$215.52
	Subtotal			\$481.38
April 27, 2025	Risk Manager	12	\$56.57	\$678.84
	Subtotal			\$678.84
	Total for Both Requests			\$1,160.22

Iowa law provides clear guidelines regarding the production of records under Iowa Code Section 22.3, subsection 1 and 2. The County fully complied with those requirements.

The Complaint's request was very broad and involved document potential privilege information. The County communicated the cost to the Complainant in form of an invoice. Expenses related to the cost of production were actual costs directly attributable to the work done by County risk management staff. The fees charged to the Complainant for the retrieval and production of records resulting in over 3,000 pages are appropriate and reasonable.

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.

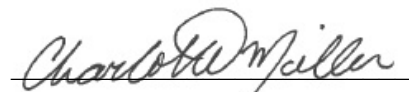
Iowa Admin. Code r. 497-2.2(4).

Recommendation

Probable cause could be found that the County created an unreasonable delay in the production of public records when it took nearly six months to provide the Complainant with ability to retrieve the requested public records. County was not consistent in providing a timeline of the release of the records to Complainant. However, while County has erred in the untimely

production of the records, the County has compiled the requested records and is willing to produce the records upon payment of a reasonable production fee, which the Complainant has declined to pay. Therefore, IPIB staff recommends that the Board dismiss this complaint as an exercise of administrative discretion if the Board finds that the County's fee for the records is reasonable.

By the IPIB Executive Director


Charlotte J.M. Miller, J.D.

CERTIFICATE OF MAILING

This document was sent on January 9, 2026, to:

Jonathan Uhl, Complainant
Scott County Iowa, Respondent



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

Notice of IPIB Consideration of Case# 25FC:0072 on January 15, 2026

Lyon, Kristina <Kristina.Lyon@scottcountyiowa.gov>

Fri, Jan 9, 2026 at 3:23 PM

To: "Miller, Charlotte" <charlotte.miller@iowa.gov>, Jonathan Uhl <uhl.jonathan@yahoo.com>, "Wierman, Vanessa" <Vanessa.Wierman@scottcountyiowa.gov>, Alison Kanne <akanne@wandrolaw.com>, "Cunningham, Kelly" <Kelly.Cunningham@scottcountyiowa.gov>, "Maxwell, John" <John.Maxwell@scottcountyiowa.gov>, Gary Mohr <gary.mohr@legis.iowa.gov>, "Bribiesco, Maria" <Maria.Bribiesco@scottcountyiowa.gov>, "Paustian, Ross" <Ross.Paustian@scottcountyiowa.gov>, "Dickson, Jean" <Jean.Dickson@scottcountyiowa.gov>, "Beck, Ken" <Ken.Beck@scottcountyiowa.gov>

Ms. Miller-

Thank you for your time and attention to this matter. I wish to briefly address the board and agree to the following statement.

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

Regards,

Kristina

Kristina K. Lyon

Kristina K. Lyon

Assistant County Attorney - Civil

Scott County Attorney's Office

[400 West 4th St, Davenport, IA 52801](#)

(563) 326-8600

Kristina.lyon@scottcountyiowa.gov

From: Miller, Charlotte <charlotte.miller@iowa.gov>**Sent:** Friday, January 9, 2026 12:16 PM**To:** Jonathan Uhl <uhl.jonathan@yahoo.com>; Wierman, Vanessa <Vanessa.Wierman@scottcountyiowa.gov>; Alison Kanne <akanne@wandrolaw.com>; Cunningham, Kelly <Kelly.Cunningham@scottcountyiowa.gov>; Maxwell, John <John.Maxwell@scottcountyiowa.gov>; Gary Mohr <gary.mohr@legis.iowa.gov>; Lyon, Kristina



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

Notice of IPIB Consideration of Case# 25FC:0072 on January 15, 2026

Jonathan Uhl <uhl.jonathan@yahoo.com>

Mon, Jan 12, 2026 at 10:35 PM

To: "Wierman, Vanessa" <vanessa.wierman@scottcountyiowa.gov>, Alison Kanne <akanne@wandrolaw.com>, "Cunningham, Kelly" <kelly.cunningham@scottcountyiowa.gov>, "Maxwell, John" <john.maxwell@scottcountyiowa.gov>, Gary Mohr <gary.mohr@legis.iowa.gov>, "Lyon, Kristina" <kristina.lyon@scottcountyiowa.gov>, "Bribiesco, Maria" <maria.bribiesco@scottcountyiowa.gov>, "Paustian, Ross" <ross.paustian@scottcountyiowa.gov>, "Dickson, Jean" <jean.dickson@scottcountyiowa.gov>, "Beck, Ken" <ken.beck@scottcountyiowa.gov>, "Miller, Charlotte" <charlotte.miller@iowa.gov>, Todd McGreevy <todd@rcreader.com>, "Webster Scott [LEGIS]" <scott.webster@legis.iowa.gov>, "Brooke [LEGIS] Boden" <brooke.boden@legis.iowa.gov>, "Thomson Charley [LEGIS]" <charley.thomson@legis.iowa.gov>, "chris.cournoyer@legis.iowa.gov" <chris.cournoyer@legis.iowa.gov>, Iowa Office of Ombudsman <ombudsman@legis.iowa.gov>, Randy Evans <iowafoicouncil@gmail.com>, Matthew Christensen <matthew.christensen@kwqc.com>, Barb Ickes <barb.ickes@wqad.com>, Linda Cook <lcook@whbf.com>, "bbird@ag.iowa.gov" <bbird@ag.iowa.gov>, John Lundquist <john.lundquist@ag.iowa.gov>, "PhD D. Ezra Sidran" <ezra@riverviewai.com>, Judith Lee <jleeeeps@gmail.com>, Erin Hardisty <erin.hardisty@ag.iowa.gov>, Lindsey Browning <lindsey.browning@ag.iowa.gov>, "Mike meloylaw.com" <mike@meloylaw.com>, IOWA Public Information Board <ipib@iowa.gov>, Alison Kanne <akanne@2501grand.com>

Good evening,

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

I intent to provide a link to a Google Drive folder prior to 10am on the 13th of January, 2026. I ask IPIB to consider the materials provided as they consider the complaint. I ask the board to consider:

I.

1. Unreasonable Delay / Failure to Respond (§22.8): Failure to respond to FOIA requests, extended silence, and nonresponse following determinations that no charging decision would be made.
2. Constructive Denial (§§22.8, 22.10): Delay so prolonged that it effectively denies access to public records.
3. Failure to Issue Written Denial (§22.8(4)): Absence of written denials citing specific statutory exemptions.
4. Improper Fee Practices (§22.3): Delay or discouragement through lack of fee estimates or post-hoc fee assertions.
5. Inadequate or Bad-Faith Search (§22.8): Claims that no records exist despite contradictory evidence.
6. Refusal to Retrieve Known Records (§22.8): Confirmation of record existence followed by refusal to retrieve or disclose.
7. Imposition of Non-Statutory Conditions (§22.8): Requiring subpoenas or other unlawful prerequisites for access.
8. Knowing or Flagrant Noncompliance (§22.10(3)(b)): Repeated violations after notice and pattern-based evidence of bad faith.

II. Retaliatory or Chilling Conduct (Aggravating Factors)

9. Retaliatory Actions Affecting Access: Filing a police report concerning a FOIA requester, relevant to bad faith and chilling lawful access.

III. Conflicts of Interest and Misrepresentations

10. False or Misleading Assertions Regarding Record Existence: Claims that no conflict-related records exist while litigating or transferring conflicts.
11. Failure to Disclose Conflict-Related Records (§22.7): Withholding without proper exemption analysis.

IV. Investigatory and Oversight Failures (Contextual, Non-IPIB)

12. Failure to Act on Reports of Official Misconduct: Lack of follow-up on reported wrongdoing.
13. Suppression of Evidence of Official Misconduct: Non-retrieval or withholding of reports alleging perjury or falsification by public officials.

Conclusion

The cumulative record supports findings of multiple violations of Iowa Code Chapter 22, aggravated by a pattern of conduct demonstrating bad faith. These findings support immediate disclosure, remedial orders, training requirements, and consideration of enhanced enforcement measures.

Respectfully,

Jonathan Uhl

Cell: (563) 723-2230

[Quoted text hidden]

Response related to 25FC:0072

Page 1 of 6:

-On April 27, 2025, Complainant emailed Ms. Wierman, an employee of the County, a formal public records request to County seeking information pertaining to conflicts of interest within the Scott County Attorney's office. Complainant filed numerous other public record requests with County since.

Comment: A previous FOIA requests is noted and I have yet to receive an adequate response. I simply asked for a PI report, a report in my possession that is stamped "received" by the SCAO. Mrs Cunningham failed to produce the record. Upon information and belief, Mrs Cunningham called the PI to confirm the record existed, but rather than provide the public record or request it personally for her review, Mrs Cunningham directed the PI to only provide the report if required by subpoena. (Reference: Documented call with Mr James Sweeney).

Page 1 of 6:

On May 21, 2025...

-“Ms. Wierman responded asserting the County commitment to complying with Iowa Code Chapter 22”

Comment: The county was already in violation of FOIA requests. No response from the city was received from April 27th to May 16th. It was only after I requested an update that any response was given.

Page 2 of 6.

-“County responded on July 1, 2025, providing a partial response, completed by County on June 26, 2025, responsive to the public records complain and stated that County had additional materials to review that may be relevant to the request.”

Comment: The partial response is incomplete, misleading, inaccurate, and was provided almost 60 DAYS after the original request. I believe IPIB forced a response and many other FOIA requests remain unresponsive.

Page 2 of 6:

-On October 15, 2025, County outreached to Complainant and indicated that the documents were ready to be received. County stated the payment for release of the records for \$678.84 which was based on 12 hours of work at the rate \$56.57 per hour.

Comment: I believe a quote is to be provided prior to completing the request. This invoice, not quote, was provided 6+ months after the original request.

-On October 29, Kristina Lyon, Scott County Civil Attorney, updated IPIB on the status of the information requested indicating that they had not received a response from the Complainant regarding the prepayment for the production of the outstanding public records. On the same date the complainant alleges that the Iowa Code Chapter 22 responses received "were inaccurate, misleading, malicious, harassing in nature, and remain in violation of Iowa[] laws."

Comment: I sought legal advice due the gross negligence to comply with Iowa law. In the interim, it was determined SCAO is in gross violation of chapter 22 laws.

Page 3 of 6:

-Timeframe for Production of Records. Iowa Code § 22.8(4) provides a foundation for defining a good-faith and reasonable delay in the production of public records: Good-faith, reasonable delay by a lawful custodian in permitting the examination and copying of a government record is not a violation of this chapter if the purpose of the delay is any of the following.

Comment: It is not reasonable to delay the quote for records. The country never provided a reasonable timeframe to respond to the records, but rather, forced IPIB oversight. It should be noted that 13+ FOIA requests remain unresponsive, implying that 0072 responses are in large part due to IPIB involvement.

-Complainant raises the following concerns: failure to disclose all public records responsive to the request, unreasonable delay for production, and unreasonable fees charged for production. This analysis addresses each issue.

Comment: Based on information and belief (all FOIA's to be considered), I believe the following applies:

1. Unreasonable Delay / Failure to Respond (§22.8): Failure to respond to FOIA requests, extended silence, and nonresponse following determinations that no charging decision would be made.

2. Constructive Denial (§§22.8, 22.10): Delay so prolonged that it effectively denies access to public records.
3. Failure to Issue Written Denial (§22.8(4)): Absence of written denials citing specific statutory exemptions.
4. Improper Fee Practices (§22.3): Delay or discouragement through lack of fee estimates or post-hoc fee assertions.
5. Inadequate or Bad-Faith Search (§22.8): Claims that no records exist despite contradictory evidence.
6. Refusal to Retrieve Known Records (§22.8): Confirmation of record existence followed by refusal to retrieve or disclose.
7. Imposition of Non-Statutory Conditions (§22.8): Requiring subpoenas or other unlawful prerequisites for access.
8. Knowing or Flagrant Noncompliance (§22.10(3)(b)): Repeated violations after notice and pattern-based evidence of bad faith.

Page 5 of 6:

-Excessive Fees. The complainant alleges the fees charged in this case are improper. Complainant received a quote of \$678.84 on October 15, 2025. The quote was based upon County's standard practice to recover the actual costs of the staff time used to locate, retrieve, and review records prior to release for anytime over 30 minutes. County provides that the actual time spent by the risk manager assigned to reviewing and retrieving the records took 12 hours of labor at a rate of \$56.57 per hour. Complainant has refused to pay any fees for the production of the records. County provided the following invoice: Request Date Staff Member / Role June 5, 2025 Investigator IT Security Analyst Subtotal April 27, 2025 Risk Manager Subtotal Total for Both Requests Hours Hourly Rate Total 6 4 12 \$44.31 \$53.88 \$56.57 \$265.86 \$215.52 \$481.38 \$678.84 \$678.84 \$1,160.22

Comment: The invoice was provided after the county conducted the search. No estimate was provided prior. Further, I've requested the meta-data and public data that surrounds such search. I am concerned that the search parameters are too wide. I am also concerned that the requested search and may have been performed after a reasonable amount of time. I ask the country to provide the dates of search and correspondence that surrounds.

Page 5 of 6:

-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

Comment:

I note that this is highlighted. I ask IPIB to consider the additional FOIA requests, communication with SCAO, and additional statements to be considered.

Reflection:

I ask for IBIP to rule on 0072 with its full authority. I ask IPIB to consider the gross negligence, failure to comply with Iowa Law, and pattern provided in supplemental response. I acknowledge that the FOIA was uncomfortable to the SCAO at a time they were preparing a defense to allegations that the SCAO had a conflict (the judge ultimately ruled a conflict existed).

I ask IPIB to request the Scott CO Attorney's office to produce all FOIA requests and communication between myself and the Scott Co attorneys Office, so that IPIB may understand the gross negligence and failure to comply with Iowa Law.

Potential Violations of Law – Iowa Code Chapter 22 and Related Authorities

Purpose and Scope

This document identifies potential violations of Iowa law based on accepted IPIB Complaint 25FC-0072, the associated public records requests, and supplemental pattern evidence. It is intended as a professional issue-spotting analysis and does not assert criminal liability.

I. Iowa Code Chapter 22 – Public Records (Primary Violations)

1. Unreasonable Delay / Failure to Respond (§22.8): Failure to respond to FOIA requests, extended silence, and nonresponse following determinations that no charging decision would be made.
2. Constructive Denial (§§22.8, 22.10): Delay so prolonged that it effectively denies access to public records.
3. Failure to Issue Written Denial (§22.8(4)): Absence of written denials citing specific statutory exemptions.
4. Improper Fee Practices (§22.3): Delay or discouragement through lack of fee estimates or post-hoc fee assertions.
5. Inadequate or Bad-Faith Search (§22.8): Claims that no records exist despite contradictory evidence.
6. Refusal to Retrieve Known Records (§22.8): Confirmation of record existence followed by refusal to retrieve or disclose.
7. Imposition of Non-Statutory Conditions (§22.8): Requiring subpoenas or other unlawful prerequisites for access.
8. Knowing or Flagrant Noncompliance (§22.10(3)(b)): Repeated violations after notice and pattern-based evidence of bad faith.

II. Retaliatory or Chilling Conduct (Aggravating Factors)

9. Retaliatory Actions Affecting Access: Filing a police report concerning a FOIA requester, relevant to bad faith and chilling lawful access.

III. Conflicts of Interest and Misrepresentations

10. False or Misleading Assertions Regarding Record Existence: Claims that no conflict-related records exist while litigating or transferring conflicts.

11. Failure to Disclose Conflict-Related Records (§22.7): Withholding without proper exemption analysis.

IV. Investigatory and Oversight Failures (Contextual, Non-IPIB)

12. Failure to Act on Reports of Official Misconduct: Lack of follow-up on reported wrongdoing.

13. Suppression of Evidence of Official Misconduct: Non-retrieval or withholding of reports alleging perjury or falsification by public officials.

Conclusion

The cumulative record supports findings of multiple violations of Iowa Code Chapter 22, aggravated by a pattern of conduct demonstrating bad faith. These findings support immediate disclosure, remedial orders, training requirements, and consideration of enhanced enforcement measures.

Oral Comments – Case 25FC:0072

Respected Members of the Board, thank you for the opportunity to appear today. I also want to thank each of you for your public service. The work of this Board is essential, because our democracy depends on transparency to function effectively.

At the outset, I want to clarify the scope of my request. I am asking the Board to rule on Complaint 25FC:0072. Although I am providing additional correspondence and FOIA requests for the Board's consideration, I am not asking the Board to adjudicate or issue individual findings on each separate request referenced in the materials submitted. Those matters are reserved for separate proceedings.

However, I do ask the Board to consider this additional correspondence for a limited and appropriate purpose: to assess whether the violation identified in this case occurred within a broader pattern of noncompliance or flagrant disregard for Iowa Code Chapter 22. These materials reflect repeated failures involving production, timeliness, invoicing, and the use of legal review in a manner that undermines transparency.

Complaint 25FC:0072 concerns conflict-of-interest disclosures requested after a community member provided information suggesting that the Scott County Attorney's Office was prosecuting a case while operating under a conflict of interest. That concern was later confirmed. A judge agreed that a conflict existed, and the case was removed from the Scott County Attorney's Office and transferred to Muscatine County. I am also concerned, based on information and belief, that the Scott County Attorney's Office has conflicts of interest related to prosecutorial decisions involving City of Davenport inspection department fraud.

The FOIA request at issue sought records directly related to these conflict disclosures—records the public is entitled to review so conflicts are identified and addressed transparently, rather than discovered only after harm has occurred. Instead of a timely and lawful response under Chapter 22, the request went unanswered or was inadequately addressed, despite the seriousness of the issue and the clear public interest involved.

For the Board's consideration, I have provided copies of all communications and FOIA requests submitted to the Scott County Attorney's Office, as well as publicly provided responses relating to conflicts of interest. These materials are not submitted for separate rulings, but to inform the Board's evaluation of good faith, reasonable delay, and compliance in this case.

Consistent with my prior comments, I respectfully request Attorney General involvement. This request is based not only on the Investigative Report's finding of a clear violation of Iowa Code § 22.8(4) and the demonstrated disregard for Chapter 22 obligations, but also on concerns that warrant independent review of prosecutorial charging decisions related to alleged fraud within the City of Davenport Building Inspection Department. Independent

oversight is necessary to preserve public confidence in both open records enforcement and the integrity of prosecutorial decision-making.

For clarity, the pattern reflected in the supplemental materials implicates multiple Chapter 22 concerns relevant to the Board's analysis, including unreasonable delay and failure to respond; constructive denial through prolonged delay; failure to issue written denials citing specific statutory exemptions; improper fee practices used to delay or discourage access; inadequate or bad-faith searches; confirmation of record existence followed by refusal to retrieve or disclose; and the imposition of non-statutory conditions on access. Taken together, these actions reflect repeated noncompliance after notice and raise concerns of knowing or flagrant violations under Iowa Code § 22.10(3)(b).

The record also reflects aggravating factors relevant to the Board's consideration, including conduct that reasonably chills lawful access to public records, as well as conflict-of-interest concerns involving false or misleading assertions about the existence of conflict-related records and the failure to disclose such records without proper exemption analysis.

I respectfully ask the Board to rule solely on Complaint 25FC:0072, apply Chapter 22 as written, and require full statutory compliance going forward, including corrective compliance where required by law.

Thank you for your time, your careful consideration, and your continued service to open government.

Respectfully submitted,

Jonathan Uhl
Complainant, Case 25FC:0072

There are 14 original open records requests in the pasted documents. These are counted based on distinct emails or forms that initiate a new set of records requests (with the request text explicitly shown or quoted). Follow-up communications (e.g., status inquiries, demands for explanations, clarifications on prior requests, or escalations without new request items) are noted as such but not counted as originals.

1. February 4, 2025: Request for the full DCI report, prior investigative reports on the Davenport building inspection department (including a 2004-2006 PI report), and emails between the Scott County Attorney's Office and the Davenport Legal Department related to the DCI report.
2. April 27, 2025: Request for records on conflict of interest disclosures (past 5 years), documented conflicts or potential conflicts (past 5 years), policies/procedures on conflicts, internal emails/memos/communications on cases with bias/conflicts (past 2 years), records of discussions/meetings on conflicts/bias, and records on specific cases with allegations of confirmation bias/conflicts.
3. May 3, 2025: Request for all previous and future documents related to any communications between the Bettendorf Police Department and the Scott County Attorney's Office regarding an ongoing investigation.
4. June 5, 2025: Request for records related to the DCI report, including receipt/review/evaluation, follow-up/investigation/action, communications with DCI/law enforcement/officials/third parties, and internal discussions on due diligence/prosecutorial action.
5. July 14, 2025: Request for the number of cases referred to other counties due to conflicts (past 5 years), cases referred to Muscatine County due to conflicts (past 5 years), communications with other counties on referred cases, internal memos on referral decisions, and any other records on case referrals due to conflicts.
6. September 4, 2025: Request for personal cell phone records for any attorney in the Scott County Attorney's Office related to public business (past unspecified period) and all internal communications related to conflicts of interest (past 12 months). (Note: This also asks who Kelly Cunningham's civil attorney is, but that is not a records request.)
7. October 5, 2025: Request for phone records/emails/text messages to/from Richard Kirkendall (last 90 days), notices/communications on Ryan McCord's lawsuit, public data from Hong Lee/Robert Gallagher's office/Mrs. Lyons (last 60 days), and court orders/dismissals (last 12 months).

8. October 6, 2025: Request for all conflict of interest disclosures (formal or informal) involving any attorney/staff related to matters involving the Scott County Attorney's Office, including recusals, memos, emails, or reporting to HR/risk/supervisors.
9. October 7, 2025: Request for all policies, guidelines, or handbooks used by the Scott County Attorney's Office related to conflicts of interest, disclosure requirements, recusal procedures, and ethics rules.
10. October 8, 2025: Request for internal emails or memos discussing potential/confirmed conflicts of interest (past 2 years) and any public data related to motions/testimony on conflicts of interest, including cases sent to Muscatine County due to conflicts.
11. October 9, 2025: Request for text messages, call logs, and audio recordings (including voicemails/conversations) on personal devices related to public business (April 1, 2023–October 1, 2025) for Kelly Cunningham, Mrs. Lyons, and Richard Kirkendall (last 6 months only).
12. October 21, 2025 (from Tim, not Jonathan Uhl): Request for source material provided to Lori Thompson for drafting Trial Information in the Ferguson case, communications to/from Lori Thompson on the case (July 1–23, 2024), metadata/document properties for the Trial Information, review/handling documentation, and file movement/access logs.
13. October 29, 2025: Request for all correspondence sent by the requester to the Scott County Attorney's Office on prior records requests, internal memoranda/notes/communications on handling those requests, logs/indices/tracking records/metadata on those requests, and any additional records on processing/fulfillment status.
14. February 26, 2025 (forwarding an earlier request): Request for the DCI report, prior investigative report on the Davenport building inspection department (2004-2006 PI report), and emails between the Scott County Attorney's Office and Davenport Legal Department related to the DCI report. (Note: This appears to reference and resend a similar request from February 4, 2025, but is treated as original since the full text is pasted here.)

Additionally:

- Several documents reference prior requests without showing the original text (e.g., misdemeanor data from 2024 or earlier, payroll/vacation data for Oostenryk from May 2025 or earlier, Davenport Police records from December 2025 or earlier). These are not counted as originals here but are noted as referenced.

- There are numerous follow-ups noted, including but not limited to: July 15, 2025; July 17, 2025; August 21, 2025; September 24, 2025; October 9, 2025 (status update); October 16, 2025; December 17, 2025 (meeting request); December 31, 2025 (response to unshown request); January 2, 2026; and various status inquiries/complaints in May–June 2025 and August 2025.
- The pasted documents include an IPIB complaint (25FC:0072) from June 10, 2025, and a request for advisory opinion from Scott County (February 6, 2025), but these are not open records requests to Scott County—they are complaints/advisory requests to IPIB and are not counted.

Lawful Record Custodians in Scott County, Iowa

Based on official sources, the lawful custodian of public records under Iowa Code Chapter 22 is generally the government body, office, or official currently in physical possession of the record (e.g., the department head or elected official responsible for those records). However, Scott County has a centralized process for handling requests:

- **County-Wide Oversight:** The Human Resources Director oversees the public records request process for Scott County. Requests can be submitted via a FOIA form emailed to FOIA@scottcountyiowa.gov. The Assistant County Administrator is designated to implement procedures and requirements for public records requests, including fee recovery and compliance.
- **For Specific Departments (e.g., Scott County Attorney's Office):** The lawful custodian is the County Attorney (currently Kelly Cunningham), as they have possession and control over office-specific records. However, requests are often routed through HR or the Risk Department for coordination, as seen in the pasted documents (e.g., handled by Vanessa Wierman in Risk/HR and Kristina Lyon as Assistant County Attorney).
- **Process Notes:** Requests can be made to a specific department (e.g., directly to the County Attorney's Office) or centrally via HR. The county policy emphasizes prompt access (within 10 business days where feasible), with consultation to the County Attorney's Office if confidentiality concerns arise. Fees may apply for retrieval/copying, but waivers are possible for public interest. Confidential records (e.g., personnel details under Iowa Code §22.7) may be redacted or withheld.

If you need more details on a specific department or record type, provide clarification.

The Iowa Public Information Board

<p>In re the Matter of:</p> <p>Noelle Bolibaugh, Complainant</p> <p>And Concerning:</p> <p>Oskaloosa Community School District, Respondent</p>	<p>Case Number: 25FC:0074</p> <p>Investigative Report</p>
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COMES NOW, Charlotte Miller, Executive Director for the Iowa Public Information Board (“IPIB”), and enters this Investigative Report:

On June 16, 2025, Noelle Bolibaugh (“Complainant”) filed formal complaint 25FC:0074, alleging Oskaloosa Community School District (“District”) violated Iowa Code chapter 22.

The IPIB accepted this Complaint on June 16, 2025

Facts

On June 10, 2025, Complainant sent an email to Mike Fisher, the Superintendent of District, requesting a copy of the records released in response to a public records request from journalist obtaining a personal letter submitted by Complainant referencing Complainant’s child that were released.

On June 12, 2025, Complainant sent another email to the Justin Devore, the Director of Marketing, Communications, and Development, asking for a list of all documents released under the public records request.

On June 13, 2025, Devore responded to Complainant indicating a summary list of all documents produced does not exist and notified the complainant that to produce the documents pursuant to her request, the cost would be \$102.50.

On July 2, 2025, District acknowledged that confidential information was improperly released.

On July 11, 2025, IPIB recommend release of all records produced in response to the public record request that result in the improper release of the complainant’s information and records.

On July 31, District sent a letter to Complainant which addressed Complainant's request for the records produced to the Oskaloosa Herald and reinstating the actual cost of production of records and referencing Devore's June 13, 2025 email to Complainant stating "It is my understanding that you never responded to that email indicating your desire to move forward with your request. Please contact Mr. Devore if you wish to proceed."

On August 15, 2025, District provided that District is ready and willing to comply with Complainant's request if she contacts District "proceed to provide her with the records that she has requested and is entitled to under the law, and provides District with the payment of the actual and reasonable costs of complying with the request in the amount of \$102.50."

On August 19, 2025, Complainant contends that the production of records is not a public records request but are a duty of correction and accountability therefore not subject to Iowa Code Chapter 22. Complainant was informed by IPIB that a governmental body is allowed to charge for the production of a public record.

Upon request from IPIB, District provided an itemization of the record request production fees on December 12, 2025 to Complainant. On December 15, 2025, Complainant refused to pay the fees for the production of the records.

Applicable Law

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

Iowa Code § 22.3(2) goes on to define reasonable fees and states, "The fee for the copying service as determined by the lawful custodian shall not exceed the actual cost of providing the service. Actual costs shall include only those reasonable expenses directly attributable to supervising the examination of and making and providing copies of public records. Actual costs shall not include charges for ordinary expenses or costs such as employment benefits, depreciation, maintenance, electricity, or insurance associated with the administration of the office of the lawful custodian. Costs for legal services should only be utilized for the redaction or review of legally protected confidential information."

Analysis

Complainant alleges the fees charged in this case are improper. Complainant received an estimate of fees on June 13, 2025. The estimate was based on the staff time to gather and prepare the records. District provided this took staff 3.5 hours of labor at a cost of \$30.00 per hour. The

total estimate being \$105.00. When Complaint requested the public records, fees totaling \$102.50 were assessed. The District provided the following itemization:

The costs associated with fulfilling this request relate to staff time for gathering and preparing the records. Specifically, the Communications Director and the Technology Director spent a combined 3.5 hours on this request. In accordance with Iowa Code Chapter 22 and district procedure, staff time is charged at \$30.00 per hour. As a result, the cost estimate is \$105.00.

Complainant's request arises from the unlawful release of involved documents containing student information, which is considered confidential information under Iowa Codes Section 22.7, subsection 1, resulting in likely need for additional care and supervision of "the examination of and making and providing copies of public record." Iowa Code Section 22.3(2). District communicated costs to Complainant in an itemization of the proposed fee. The itemization provided was higher than the actual costs assessed. Expenses related to the cost of production were actual costs directly attributable to the work done by District staff.

Based on the request and the breakdown from District, the fees requested for the retrieval of the records does not appear to be unreasonable. Complainant can pay the estimate and receive the records.

IPIB Action

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

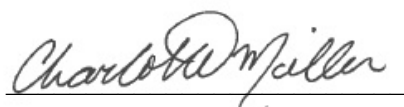
- a. Redirect the matter for further investigation;
- b. Dismiss the matter for lack of probable cause to believe a violation has occurred;**
- c. Make a determination that probable cause exists to believe a violation has occurred, but, as an exercise of administrative discretion, dismiss the matter;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

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

Recommendation

The records request sought records containing confidential student information. District charged hourly rates of \$30 which appears to be reasonable rate for a Communication Director and a Technology Director. District was within its rights to seek prepayment of the costs prior to releasing the records even if the costs may hamper some access. Based on this, it is recommended IPIB dismiss the matter for lack of probable cause to believe a violation has occurred.

By the IPIB Executive Director,

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

Charlotte J.M. Miller, J.D.

CERTIFICATE OF MAILING

This document was sent on January 9, 2026, to:

Noelle Bolibaugh, Complainant

Oskaloosa Community School District, Respondent



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

Notice of IPiB Consideration of Case# 25FC:0074 on January 15, 2026

Noelle Bolibaugh <noellebolibaugh@gmail.com>

Tue, Jan 13, 2026 at 1:04 PM

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

To the Iowa Public Information Board:

I respectfully submit this statement, together with Exhibits A and B, in advance of the Board's January 15, 2026 consideration of the staff Investigative Report and recommendation in this matter.

This complaint did not arise from a routine public records request. It arose because the District admitted in writing on July 2, 2025 that it improperly released confidential student information about my child to a journalist (Exhibit A). That admission establishes a disclosure of protected information governed by Iowa Code section 22.7(1) and federal FERPA.

Following that disclosure, I requested copies of the records that had been released and a complete accounting of what information about my child had been shared. Those records already existed because they had already been produced to a third party. I was not asking the District to create or locate new records; I was asking for the same records that had been disseminated as part of an acknowledged privacy breach.

The District refused to provide those records unless I paid a fee. I did not refuse access to the records. I refused to accept that I should be charged to learn what private information about my child the District had already unlawfully released. That distinction is critical.

Rather than providing transparency, the District instead retained legal counsel and, in a letter dated July 31, 2025, redirected the affected parent into a fee-based public records process, asserting that I had not "moved forward" with payment in order to see what was released (Exhibit B). That correspondence demonstrates how the District responded to its admitted confidentiality breach by placing procedural and financial barriers between a parent and the truth about her child's records.

The staff Investigative Report frames this matter as a fee dispute under Iowa Code section 22.3. That framing omits the legal and ethical consequence of the District's admitted disclosure of confidential student records. Section 22.7(1) does not merely allow confidentiality, it imposes a duty on governmental bodies to protect student records from release. When that duty is violated, the affected parent has a right to transparency and correction, not a paywall.

I anticipate the District will focus its presentation on staff hours, hourly rates, and the labor involved in reviewing and redacting records. Those mechanics do not resolve the core issue. This case exists only because the District unlawfully released protected student information. The District cannot convert its obligation to account for that breach into a billable public-records transaction. Whether redaction took three hours or thirty minutes does not answer whether it is lawful or appropriate to require a parent to pay to see what was disclosed about her own child as a result of the District's violation.

The Board is not being asked whether \$30 per hour is reasonable. The Board is being asked whether a governmental body that admits it improperly released confidential student information may then require the affected parent to pay in order to see what was released.

Those are not the same question.

For these reasons, I respectfully request that the Board decline to dismiss this matter and instead direct further investigation or proceedings so that the improper disclosure and the District's response to it can be fully examined.

Respectfully submitted,

Noelle Bolibaugh

Exhibit A



Public record request

**Inbox****Dustin Zeschke** Jul 2, 2025

to me ^

From Dustin Zeschke zeschke@s-c-law.com**To** noellebolibaugh@gmail.com
noellebolibaugh@gmail.com**Date** Jul 2, 2025 at 4:49 PM

Standard encryption (TLS)

[Learn more](#)

Ms. Bolibaugh,

I represent the Oskaloosa CSD. I'm writing because I was made aware that complaints have been filed arising from the District's response to a public records request. The basis of the complaint was that an email/letter that you sent to the Board regarding your student was produced in response to the request. Upon receipt of the public records request, the District provided us with the request and the responsive documents to determine what documents should be produced, and which should be deemed confidential. Upon hearing of your complaint, I went back and looked at the documents produced, and see that a copy of your email and letter was accidentally produced. This error falls

1/13/26, 2:15 PM

State of Iowa Mail - Notice of IPB Consideration of Case# 25FC:0074 on January 15, 2026

letter was accidentally produced. This error has

109 of 141

letter was accidentally produced. This error falls squarely on me. Upon learning of this error, we have contacted the Herald and asked that they return the document and not disseminate it. They have agreed to do so.

I wanted to send this message to you personally from me since I was the source of the error, and also to notify you of the steps that we took to try and remedy it. If you think any further steps need to be taken, please let us know and we're happy to discuss it. I sincerely apologize that this record was inadvertently produced.

To the extent you would like to discuss it further, please do not hesitate to contact me.

Dustin T. Zeschke

Swisher & Cohrt, P.L.C.

528 W. 4th Street

PO Box 1200

Waterloo, IA 50704-1200

Telephone: (319) 232-6555

Facsimile: (319) 232-4835

← Reply

→ Forward



Exhibit B

SWISHER & COHRT, PLC

ATTORNEYS AT LAW ESTABLISHED 1903

STEVEN A. WEIDNER
HENRY J. BEVEL III
KARLA J. SHEA
NATALIE WILLIAMS BURRIS
DUSTIN T. ZESCHKE

WATERLOO OFFICE
528 WEST FOURTH STREET
P.O. BOX 1200
WATERLOO, IOWA 50704-1200
TELEPHONE 319-232-6555
FACSIMILE 319-232-4835

BENJAMIN F. SWISHER (1878-1959)
LEO J. COHRT (1896-1974)
CHARLES F. SWISHER (1919-1986)

WWW.SWISHERCOHRT.COM

WRITER'S E-MAIL
WASCHKAT@S-C-LAW.COM

July 31, 2025

Noelle Bolibaugh
250 Terrace Drive
Oskaloosa, IA 52577

Re: Outstanding matters

Ms. Bolibaugh,


I understand you have sent several emails. I also understand that you have filed complaints against the District and/or the Superintendent. Those complaints I believe are an IPIB complaint and a BOEE complaint. Legal counsel has been retained to defend each of those complaints. The District wants to make sure that those complaint processes are followed, and the District will cooperate with the investigations of those entities. Accordingly, your questions or comments regarding those are better directed either to the entities that you submitted your complaint, or the legal counsel that are defending each of those. For the IPIB complaint, the District has retained Brett Nitzschke with Ahlers & Cooney. For the BOEE complaint, Mr. Fisher has retained Nicole Proesch with Dickinson Bradshaw.

Regarding your request for the records produced to the Herald, Justin Devore sent you an email response on June 13, 2025, indicating that if you desired to have those records, the cost estimate was \$102.50. It is my understanding that you never responded to that email indicating your desire to move forward with your request. Please contact Mr. Devore if you wish to proceed.

Very truly yours,

SWISHER & COHRT, P.L.C.

By:


Dustin T. Zeschke

[Quoted text hidden]

The Iowa Public Information Board

<p>In re the Matter of:</p> <p>Timothy Gray, Complainant</p> <p>And Concerning:</p> <p>Woodbury Central Community School District, Respondent</p>	<p>Case Number: 25FC:0175</p> <p>Investigative Report</p>
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COMES NOW, Charlotte Miller, Executive Director for the Iowa Public Information Board (“IPIB”), and enters this Investigative Report:

On November 6, 2025, Timothy Gray filed formal complaint 25FC:0175, alleging Woodbury Central Community School District (“District”) violated Iowa Code chapter 22.

The IPIB accepted this Complaint on December 11, 2025

Facts

On October 2, 2025, Mr. Gray requested a copy of his educational file from the District. On the same date, the District provided the Complainant with a copy of the public record.

On November 6, 2025, the Complainant filed this complaint alleging that the District was improperly withholding responsive records.

On December 11, 2025, IPIB staff notified the District of the complaint. The same day, the Superintendent of the District spoke with IPIB staff on the phone and informed IPIB the steps taken to comply with Complainant’s public record request including an explanation of how the record was located and scanned by the custodian and, upon request, emailed to the Complainant. The District also had the custodian, the high school principal, confirm over the phone that those were actions taken.

Complainant alleged on December 11, 2025, that due to history of interactions with law enforcement, communication of guidance counselor with Complainant’s father, and the nature of being a child in need, that the District would have more records those produced.

The District has held that it has provided all responsive records in relation to Complainant to him.

Applicable Law

Chapter 22 grants every person the right to examine or request a copy of a public record. Iowa Code § 22.2(1). Public records are “all records, documents, tape, or other information, stored or preserved in any medium” by a government body. Iowa Code § 22.1(3).

Analysis

If a records custodian does not possess the records requested, the custodian may respond by stating that it has no records responsive to the request. Nothing in Chapter 22 requires a lawful custodian to create records that it does not possess. The facts show the District fulfilled its legal obligation under Chapter 22 when it responded to Complainant’s request.

IPIB Action

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

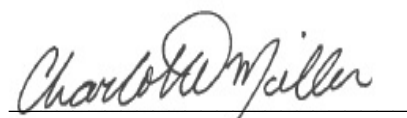
- a. Redirect the matter for further investigation;
- b. Dismiss the matter for lack of probable cause to believe a violation has occurred;
- c. Make a determination that probable cause exists to believe a violation has occurred, but, as an exercise of administrative discretion, dismiss the matter; or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

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

Recommendation

Because the District provided the requested records to Complainant, IPIB staff recommends that the Board dismiss the matter for lack of probable cause to believe a violation has occurred.

By the IPIB Executive Director:

A handwritten signature in cursive script, reading "Charlotte J.M. Miller", is written over a horizontal line.

Charlotte J.M. Miller, J.D.

CERTIFICATE OF MAILING

This document was sent on January 9, 2026, to:

Timothy Gray, Complainant

Woodbury Central Community School District, Respondent

The Iowa Public Information Board

<p>In re the Matter of:</p> <p>Jared McDonald, Complainant</p> <p>And Concerning:</p> <p>Madison County Board of Supervisors, Respondent</p>	<p>Case Number: 25FC:0164</p> <p>Dismissal Order</p>
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COMES NOW, Charlotte Miller, Executive Director for the Iowa Public Information Board (IPIB), and enters this Dismissal Order:

On October 27, 2025, Jared McDonald filed formal complaint 25FC:0164, alleging that the Madison County Board of Supervisors (Board) violated Iowa Code Chapter 21.

Facts

On October 27, 2025, the Madison County Board of Supervisors held a special session meeting, with the only substantive item being a closed session pursuant to Iowa Code § 21.5(1)(c), which allows closure for a governmental body “[t]o 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.” Prior to the meeting, the Board had hired private legal counsel to represent them in lieu of the County Attorney, and this attorney attended remotely via telephone.

After the meeting commenced and the agenda was approved, the Board voted 2-1 to enter closed session and requested all persons present to leave. The County Attorney and Auditor both refused to leave at this time, citing their statutory duties. The dissenting supervisor also disputed the necessity of closure. A heated argument ensued, and the Board ultimately voted to end the close session and adjourn without discussing legal strategy or substantively addressing any other county policy-making business. Multiple members of the public and media remained present for the entirety of this incident, which was recorded by several in attendance.

On the same day, the complainant, Jared McDonald, filed formal complaint 25FC:0164, alleging four related violations:

1. That the Board Chair never motioned to go into closed session, although a vote was held;

2. That the Board had improperly attempted to exclude the County Attorney and Auditor;
3. That two of the supervisors had improperly met outside of official meetings; and
4. That outside counsel had conducted the roll call and kept minutes instead of the Auditor.

Applicable Law

“A governmental body may hold a closed session only by affirmative public vote of either two-thirds of the members of the body or all of the members present at the meeting. A governmental body may hold a closed session only to the extent a closed session is necessary for any of the following reasons:

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.” Iowa Code § 21.5(1)(c).

“Who may attend. A governmental body has the discretion as to who it may invite to attend a closed session. However, if the governmental body holds a closed session under [Iowa Code § 21.5(1)(c)] to discuss strategy with counsel, the legal counsel for the governmental body shall be in attendance at the closed session either in person or by electronic means.” Iowa Admin. Code r. 497–8.2(1).

Analysis

None of the allegations made in this complaint present a facial violation within the scope of Chapter 21, and IPIB lacks the jurisdiction to consider potential violations based on other chapters.

First, although Iowa Code § 21.5(1) requires a vote to enter into closed session for any purpose, Chapter 21 does not address the manner in which this vote is conducted. While the public available footage of the October 27 special session shows that the Board Chair asked for a roll call vote without a motion, any requirement for a motion would be found elsewhere, including potentially in the Board’s own policies. For IPIB’s purposes, Iowa Code § 21.5(1) was satisfied when two-thirds of the Board voted to go into closed session with an “affirmative public vote.”

Second, while Iowa Code § 21.5(4) generally prevents the exclusion of any member of a governmental body from a closed session, Chapter 21 is otherwise silent as to who may be present, and IPIB’s administrative rules explicitly provide “discretion” for a governmental body to determine “who it may invite to attend a closed session.” Iowa Admin. Code r. 497–8.2(1). As the County Attorney suggested during the October 27 incident, it may be the case that other sections of the Code provide special access rights to closed session for non-members where necessary for

the fulfillment of their official duties.¹ To the extent attempted exclusion would have improperly interfered with the statutory duties of either non-member county official, it would be outside of IPIB's jurisdiction to enforce.

Iowa Code § 21.5(1)(c) also requires the presence of legal counsel. As amended in 2025, Iowa Code § 331.755(2) provides that “[a] board of supervisors may, with a majority vote of the board, obtain outside counsel to represent the board of supervisors or any other county official.” In light of this, the Board's use of outside counsel (in lieu of the County Attorney) would not have interfered with their ability to hold a meeting under Iowa Code § 21.5(1)(c).

Third, the complainant alleged that two of the supervisors may “have had meetings outside of official meetings, as they ha[d] prior information that [the dissenting supervisor] ha[d] not been provided.” This portion of the complaint appears to relate to a section of the October 27 incident in which the two supervisors in question explain that the purpose of the meeting is to justify legal expenses charged by the outside counsel, based on the concerns of the third supervisor. The third supervisor and County Attorney both question what communications the other two supervisors have had on the subject, and the other supervisors indicate that they have met individually with the outside counsel on the underlying matter, but they were not aware of each other's one-on-one conversations. While it would be inappropriate for any two of the three supervisors to have deliberated on the county's legal issues outside of open session (or a proper closed session), this discussion does not suggest deliberation of this nature ever actually occurred.

Fourth, and finally, while Iowa Code § 21.3(2) requires a governmental body to keep meeting minutes, and Iowa Code § 21.5(5)(a) specifies that a governmental body must keep detailed minutes for all closed sessions, nothing in either section assigns this duty beyond the “governmental body” as an entity. Thus, while a County Auditor may have certain statutory duties as clerk to the board under Iowa Code § 331.504, Chapter 21 requires only that minutes be created. To the extent that another chapter would make it improper for the Board to reassign this responsibility to their legal counsel, it would be outside of IPIB's jurisdiction to enforce.

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 neither the attempted exclusion of the County Attorney and Auditor from closed session nor the use of outside counsel to keep minutes are violations within IPIB's jurisdiction over Chapter 21, because Chapter 21 does not impose any specific requirements for motion before a

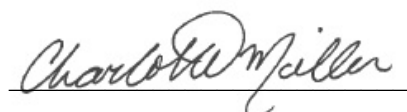
¹ There is at least one Attorney General's opinion which suggests a county board of supervisors may not be permitted to exclude a designated deputy auditor, based on their statutory responsibility to serve as secretary to the board. Op. No. 92-11-1(L), 1992 Iowa Op. Att'y. Gen. 179 (Nov. 12, 1992).

vote, and because the disputed session did not provide evidence of an improper prior meeting between supervisors, dismissal is required on facial review.

IT IS SO ORDERED: Formal complaint 25FC:0164 is dismissed as it is legally sufficient, without merit, 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 January 15, 2026. 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", is written over a horizontal line.

Charlotte J.M. Miller, J.D.

CERTIFICATE OF MAILING

This document was sent on January 9, 2026, to:

Jared McDonald, Complainant

The Iowa Public Information Board

<p>In re the Matter of:</p> <p>Brooklyn Krings, Complainant</p> <p>And Concerning:</p> <p>Madison County Board of Supervisors, Respondent</p>	<p>Case Number: 25FC:0165</p> <p>Dismissal Order</p>
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COMES NOW, Charlotte Miller, Executive Director for the Iowa Public Information Board (IPIB), and enters this Dismissal Order:

On October 28, 2025, Brooklyn Krings filed formal complaint 25FC:0165, alleging that the Madison County Board of Supervisors (Board) violated Iowa Code Chapter 21.

Facts

On October 27, 2025, the Madison County Board of Supervisors held a special session meeting, with the only substantive item being a closed session pursuant to Iowa Code § 21.5(1)(c), which allows closure for a governmental body “[t]o 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.” Prior to the meeting, the Board had hired private legal counsel to represent them in lieu of the County Attorney, and this attorney attended remotely via telephone.

After the meeting commenced and the agenda was approved, the Board voted 2-1 to enter closed session and requested all persons present to leave. The County Attorney and Auditor both refused to leave at this time, citing their statutory duties. The dissenting supervisor also disputed the basis for holding the closed session. A heated argument ensued, and the Board ultimately voted to end the close session and adjourn without discussing legal strategy or substantively addressing any other county business. Multiple members of the public and media remained present for the entirety of this incident, which was recorded.

On October 28, 2025, the complainant, Brooklyn Krings, filed formal complaint 25FC:0165, alleging that the Board had violated Chapter 21 by attempting to remove the County Attorney and Auditor from a closed session to discuss pending litigation.

During the course of IPIB's initial review, Krings also expressed the related concern that the outside counsel was representing supervisors individually, and potentially on a personal basis, rather than representing the Board or the County. This concern was based in part on the observation that the County Attorney had not been informed of the nature of the matter in litigation, and the dissenting supervisor's lack of knowledge about why the County was being billed.

Applicable Law

"A governmental body may hold a closed session only by affirmative public vote of either two-thirds of the members of the body or all of the members present at the meeting. A governmental body may hold a closed session only to the extent a closed session is necessary for any of the following reasons:

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." Iowa Code § 21.5(1)(c).

"Who may attend. A governmental body has the discretion as to who it may invite to attend a closed session. However, if the governmental body holds a closed session under [Iowa Code § 21.5(1)(c)] to discuss strategy with counsel, the legal counsel for the governmental body shall be in attendance at the closed session either in person or by electronic means." Iowa Admin. Code r. 497–8.2(1).

Analysis

While Iowa Code § 21.5(4) generally prevents the exclusion of any member of a governmental body from a closed session, Chapter 21 is otherwise silent as to who may be present, and IPIB's administrative rules explicitly provide "discretion" for a governmental body to determine "who it may invite to attend a closed session." Iowa Admin. Code r. 497–8.2(1). As the County Attorney himself stated during the October 27 meeting, it may be the case that other sections of the Code provide special access rights to closed session for non-members where necessary for the fulfillment of their official duties.¹ To the extent attempted exclusion would have improperly interfered with the statutory duties of either non-member county official, it would be outside of IPIB's jurisdiction to enforce.

Iowa Code § 21.5(1)(c) also requires the presence of legal counsel. As amended in 2025, Iowa Code § 331.755(2) provides that "[a] board of supervisors may, with a majority vote of the board, obtain outside counsel to represent the board of supervisors or any other county official." In light of this, the Board's use of outside counsel (in lieu of the County Attorney) would not have interfered with their ability to hold a meeting under Iowa Code § 21.5(1)(c).

¹ For example, IPIB is aware of at least one Attorney General's opinion which suggests a county board of supervisors may not be permitted to exclude a designated deputy auditor, based on their statutory responsibility to serve as secretary to the board. Op. No. 92-11-1(L), 1992 Iowa Op. Att'y. Gen. 179 (Nov. 12, 1992).

The complainant also expressed concerns, echoed by the County Attorney, about the nature of the outside counsel's representation. Based on information collected in other active IPIB cases and publicly available meeting information released by the Board, it is apparent that the private attorney in question has been retained by the Board to represent them on multiple legal issues, including IPIB complaints. Discussion recorded during the October 27 incident suggests that the closed session was motivated in part by concerns about certain legal fees incurred by the County during the course of representation.

If the intended discussion had taken place on matters unrelated to present or imminent litigation, or if disclosure would not have been "likely to prejudice or disadvantage the position of the governmental body in that litigation," such discussion would likely have exceeded the permissible scope of Iowa Code § 21.5(1)(c). In this case, however, the Board was unable to hold any substantive discussion due to an argument about the exclusion of other county officials, culminating in an early adjournment. There was also no point at which the Board ever actually excluded any member of the public, meaning the argument between county officials was technically still conducted in "open session," according to the definition provided by Iowa Code § 21.2(3). Under these circumstances, there would not be a violation of Iowa Code § 21.5(1)(4), which prohibits discussion in closed session "which does not directly relate to the specific reason announced as justification for the closed session."

Conclusion

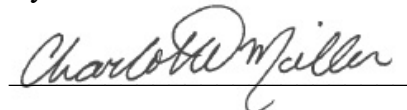
Iowa Code § 23.8 requires that a complaint be within the IPIB's jurisdiction, appear legally sufficient, and have merit before the IPIB accepts a complaint. Following a review of the allegations on their face, it is found that this complaint does not meet those requirements.

Because the attempted exclusion of the County Attorney and Auditor from closed session does not present a potential violation within IPIB's jurisdiction over Chapter 21, dismissal is required pursuant to Iowa Code § 23.8(2).

IT IS SO ORDERED: Formal complaint 25FC:0165 is dismissed as it is 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 January 15, 2026. 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", is written over a horizontal line.

Charlotte J.M. Miller, J.D.

CERTIFICATE OF MAILING

This document was sent on January 9, 2026, to:

Brooklyn Krings, Complainant

The Iowa Public Information Board

<p>In re the Matter of:</p> <p>Matthew Knowles, Complainant</p> <p>And Concerning:</p> <p>City of Charter Oak, Iowa, Respondent</p>	<p>Case Number: 26FC:0007</p> <p>Dismissal Order</p>
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COMES NOW, Charlotte Miller, Executive Director for the Iowa Public Information Board (IPIB), and enters this Dismissal Order:

On January 6, 2026, Matthew Knowles (Complainant) filed formal complaint 26FC:0007, alleging that City of Charter Oak, IA violated Iowa Code chapter 21.

Facts

Complainant requested the audio recordings for the October 2025, November 2025, and December 2025 City of Charter Oak City Council meetings. Mayor Staley informed Complainant that no audio recordings existed.

On January 6, 2025, Complainant filed this complaint.

Applicable Law

Iowa Code Section 21.3 provides the following:

1. Meetings of governmental bodies shall be preceded by public notice as provided in section 21.4 and shall be held in open session unless closed sessions are expressly permitted by law. Except as provided in section 21.5, all actions and discussions at meetings of governmental bodies, whether formal or informal, shall be conducted and executed in open session.
2. Each governmental body shall keep minutes of all its meetings showing the date, time and place, the members present, and the action taken at each meeting. The minutes shall show the results of each vote taken and information sufficient to indicate the vote of each

member present. The vote of each member present shall be made public at the open session. The minutes shall be public records open to public inspection.

Analysis

While Chapter 21 is intended to promote transparency into the government’s decision-making process, the statute only imposes requirements in relation to meetings of governmental bodies, as those terms are defined in Iowa Code § 21.3. Because the city council qualifies as a governmental body pursuant to Iowa Code § 21.2(1), the city council must adhere by rules set forth in Iowa Code § 21.3. In this case, there is no allegation that council did not follow the requirements. Rather, it appears that records requested by Complainant do not exist and the Council is not obligated under Iowa Code Chapter 21 and 22 to create such audio recordings.

The complaint alleges a violation of Iowa Code Chapter 22, the complaint is without merit.

Conclusion

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

IT IS SO ORDERED: Formal complaint 26FC:0007 is dismissed as it is without merit pursuant to Iowa Code § 23.8(2) and Iowa Administrative Rule 497-2.1(2)(b).

Pursuant to Iowa Administrative Rule 497-2.1(3), the IPIB may “delegate acceptance or dismissal of a complaint to the executive director, subject to review by the board.” The IPIB will review this Order on January 15, 2026. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Executive Director,



Charlotte J.M. Miller, J.D.

CERTIFICATE OF MAILING

This document was sent on January 9, 2026, to:

Matthew Knowles, Complainant
City of Charter Oak, Iowa, Respondent



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

Dismissal of Complaint 25FC:0007

Matt Knowles <my87benz@hotmail.com>
To: "Miller, Charlotte" <charlotte.miller@iowa.gov>

Sat, Jan 10, 2026 at 8:13 AM

I am very certain audio recordings do exist.....former City council member Ben Heyne stated to me that both Ashley and Peggy record every meeting... for a reason. To cover themselves not for transparency

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From: Miller, Charlotte <charlotte.miller@iowa.gov>
Sent: Friday, January 9, 2026 12:22:51 PM
To: my87benz@hotmail.com <my87benz@hotmail.com>; cocityclerk@frontiernet.net <cocityclerk@frontiernet.net>
Subject: Dismissal of Complaint 25FC:0007

Good Afternoon,

The Iowa Public Information Board received formal complaint 26FC:0007. Pursuant to Iowa Code § 23.8, IPIB must decline to accept a complaint after conducting an initial facial review if "the complaint is outside [IPIB's] 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." After reviewing your complaint, we have determined that dismissal is required.

Attached is an order outlining the reasons for IPIB's dismissal. The IPIB will review this Dismissal Order at its next scheduled meeting, on January 15, 2025.



Charlotte J.M. Miller, JD
Executive Director
Iowa Public Information Board (IPIB)
[510 E 12th Street](#)
Jessie M. Parker Building, East
Des Moines, Iowa 50319
(515) 393-8339
charlotte.miller@iowa.gov
www.ipib.iowa.gov



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

Dismissal of Complaint 25FC:0007

Matt Knowles <my87benz@hotmail.com>
To: "Miller, Charlotte" <charlotte.miller@iowa.gov>

Sat, Jan 10, 2026 at 8:58 AM

Attached is Facebook messenger between Mayor Staley and Local resident Deanne Hanson in which Mayor Staley denies that the city records city council meetings. In fact, it was proven the city of Charter Oak, Mayor Staley AND city clerk Ashley Mohr ALL record the meetings. I am searching for the message where Mayor Staley states the recordings are recorded on personal devices and so are not subject to this. This is also proven untrue.

Hopefully I can get the recordings this next week.

Matt Knowles

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From: Miller, Charlotte <charlotte.miller@iowa.gov>
Sent: Friday, January 9, 2026 12:22:51 PM
To: my87benz@hotmail.com <my87benz@hotmail.com>; cocityclerk@frontiernet.net <cocityclerk@frontiernet.net>
Subject: Dismissal of Complaint 25FC:0007

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Consent Agenda Accept Cases

As of 2026-01-09 12:21:40 Pacific Standard Time/PST • Generated by Charlotte Miller

Filtered By

IPIB Case #	Contact Name	Name of Entity Involved	Complaint Type	Description
25FC:0144	Tony Hamson	Rake City	Chapter 22	On July 11th 2025 I Tony Hamson Asked the Mayor Louise Hagedorn And City Clerk Vicky Mathias, for the copies of the contracts the city has with Alliant Energy The Cell phone tower And FC elevator Co Op now Landus of the Money that given for the Wind Mills good nieghor agreement . cell tower agreement , and agrerment with Landus co-op For it has been not recievedthe public information and have been told thart ther is no way they were giving me the information i requested inam here in the reference of the State omensbude opinion i file complaint withis board thankyou
25FC:0187-2	Mikayla Simpson	Madison County Board of Supervisors	Chapter 22	I submitted a records request for Stancils cell communications between the former Auditor on 10/24/2025. She said she was reviewing my request on October 24th, and November 3rd, and I have received no other communication and my records request still has not been fulfilled . She has not fulfilled any of my other records request so it seems like she is intentionally avoiding fulfilling this one, as she has well surpassed a timeline to be considered reasonable.
25FC:0187-1	Mikayla Simpson	Madison County	Chapter 22	I sent a records request for records of phone communication to the former Auditor on 10/24/2025, who left office on 09/02/2025. Until August 2nd, Schwarz exclusively used his personal cellphone as his method of communication for County business. I have not recieved a resonse. I recieved an email from a private attourney unattached to the origional email chain telling me that what I requested is not public record, and Matt is not the custodian of these records. This attounrey is not employed by or affiliated with the County and I am unsure why he is responding to public records requests or if he had even been authorized by anyone to do so. To the best of my knowledge there are no other places these records exist other than in his custody, as none of the records he created on his personal phone of county business were turned over to the county. I sent a followup email for clarification to Mr Schwarz, and I still have not recieved a response nearly a month later.
25FC:0195	Teri Patrick	West Des Moines Community School District	Both	<p>Iowa Public Information Board - State of Iowa:</p> <p>I respectfully submit this complaint regarding potential violations of Iowa Code Chapters 21 and 22 by the West Des Moines Community School District (WDMCS) in connection with the approval and documentation of the August 29, 2023 debt issuances:</p> <p>\$45.5 million School Infrastructure Sales, Services & Use Tax Revenue Bonds (Series 2023) \$11.115 million General Obligation Capital Loan Notes (Series 2023)</p> <p>A review of board minutes, district resolutions, publicly posted agendas, and documents provided through open records requests shows that the district did not properly disclose sealed bids, did not include required supporting documents in its board packet, and failed to provide required public records related to the bond sale.</p> <p>These issues significantly impeded public access to information and appear to constitute violations of the open meetings and public records laws.</p> <p>Basis for Complaint – Violations of Chapter 21 (Op</p>
25FC:0200	John Doe	Keokuk, IA Police Department	Chapter 22	I requested a digital copy of the Police Departments Policies, an invoice was requested for \$47. I then instead requested to inspect the policies at the Police Department and an invoice was requested for \$47/hr with 4 hours (\$188) to be prepaid prior to inspection. I referred to the judgement of the Chief and the requested fees were upheld.
25FC:0188	Kyle Ocker	City of Pleasantville	Chapter 22	According to City of Pleasantville's official meeting minutes from Sept. 30, 2024, Pleasantville Police Officer Emily Good was terminated from her position following a vote of the city council. Iowa Code 22.7(11)(a)(5) requires for reasons and rationale to be given when public employees are terminated from their positions.
25FC:0203	Christopher Wyant	Lewis, Iowa	Chapter 21	On Dec. 8, 2025, I filed a public records request for the reasons and rationale for the termination on behalf of the Oskaloosa Herald. On Dec. 10, 2025, Rachel Reed notified me that, after consulting with the city's attorney, the minutes of the meeting were the only responsive documents related to the request. Given that the city has not provided a document that reflects the reasons/rationale for the termination of Officer Emily Good, the city is in violation of Iowa Code 22.7(11)(a)(5).
				PDF documents of the original public records request, email correspondence and the minutes of the meeting are available upon request for IPIB staff.
				Councilman David Raymond has not taken his mandatory chapter 21 or 22 class as stated in law within 90 days of being sworn in.

25FC:0215	William Daggett	City of Baxter	Chapter 22	<p>On November 16th 2025 I sent a open records request to the custodian of records with the City of Baxter, Iowa. I requested eleven separate records including a copy of my employee contract, phone records, emails etc. On November 20th I recieved an email from city attorney Matt Brick stating I had to sign a document to obtain the records including my personnel records. He advised he attached the document to sign. I did not receive it. A few days later I advised him by email I had not gotten the form and he sent back a reply saying he sent it November 21, 2025. There was not form attached. On December 6th I sent an updated open records request minus my personnel file. I did not get a response. Today I sent a letter of demand and got back a response requiring me to complete the form again to obtain any of the records on my open records request. In addition, I was advised by Mr. Brick and then Mr. Zielinski that I was to contact them with any correspondence.</p>
25FC:0207	William Hendrikson	Carlyle Dalen, County Attorney Cerro Gordo County Attorney's Office 220 N Washington Ave Mason City, IA 50401	Chapter 22	<p>EMAIL: COUNTY ATTORNEY (CARLYLE DALEN) To: charissa.flege@iowa.gov Subject: Case No. 25FC:0193 - Complaint Against Cerro Gordo County Attorney</p> <p>IOWA PUBLIC INFORMATION BOARD FORMAL COMPLAINT - CERRO GORDO COUNTY ATTORNEY'S OFFICE</p> <p>Date: December 17, 2025 Related Case: 25FC:0193</p> <p>COMPLAINANT: William J. Hendrikson 10 3rd Street / P.O. Box 262 Ventura, IA 50482 Phone: (641) 440-0605 Email: willhendrikson@gmail.com</p> <p>RESPONDENT: Carlyle Dalen, County Attorney Cerro Gordo County Attorney's Office 220 N Washington Ave Mason City, IA 50401</p> <p>STATEMENT OF COMPLAINT: On April 22, 2025, County Attorney Carlyle Dalen responded to my Chapter 22 records request.</p>
25FC:0208	William Hendrikson	Sheriff David Hepperly Cerro Gordo County Sheriff's Office 220 N Washington Ave Mason City, IA 50401	Chapter 22	<p>EMAIL: SHERIFF'S OFFICE (HEPPERLY) To: charissa.flege@iowa.gov Subject: Case No. 25FC:0193 - Complaint Against Cerro Gordo County Sheriff</p> <p>IOWA PUBLIC INFORMATION BOARD FORMAL COMPLAINT - CERRO GORDO COUNTY SHERIFF'S OFFICE</p> <p>Date: December 17, 2025 Related Case: 25FC:0193</p> <p>COMPLAINANT: William J. Hendrikson 10 3rd Street / P.O. Box 262 Ventura, IA 50482 Phone: (641) 440-0605 Email: willhendrikson@gmail.com</p> <p>RESPONDENT: Sheriff David Hepperly Cerro Gordo County Sheriff's Office 220 N Washington Ave Mason City, IA 50401</p> <p>STATEMENT OF COMPLAINT: On April 14, 2025, I sent a formal Iowa Code Chapter 22 records request to Sheriff David</p>

25FC:0209	William Hendrikson	Cerro Gordo County	Chapter 22	<p>EMAIL 4: CERRO GORDO COUNTY JAIL</p> <p>To: charissa.flege@iowa.gov Subject: Case No. 25FC:0193 - Complaint Against Cerro Gordo County Jail</p> <p>IOWA PUBLIC INFORMATION BOARD FORMAL COMPLAINT - CERRO GORDO COUNTY JAIL</p> <p>Date: December 17, 2025 Related Case: 25FC:0193</p> <p>COMPLAINANT: William J. Hendrikson 10 3rd Street / P.O. Box 262 Ventura, IA 50482 Phone: (641) 440-0605 Email: willhendrikson@gmail.com</p> <p>RESPONDENT: Cerro Gordo County Jail Jail Administrator Andrew Steenblock 220 N Washington Ave Mason City, IA 50401</p> <p>STATEMENT OF COMPLAINT:</p> <p>On December 3, 2025, the County's lawyers (Lamson Dugan & Murray LLP) admitted in</p>
25FC:0193	William Hendrikson	Cerro Gordo County	Chapter 22	<p>On October 28, 2023, officers from the Iowa State Patrol, including Trooper D. Grell, forcibly entered my home at 10 3rd Street, Ventura, Iowa by battering down my front door with a battering ram. No warrant was presented. No exigent circumstances existed.</p> <p>The stated justification was a text message I sent to my ex-wife asking about the location of my minor children during my scheduled parenting time. This does not constitute exigent circumstances justifying warrantless entry.</p> <p>I have submitted multiple records requests to the Iowa State Patrol seeking documentation of this incident, including:</p> <p>Incident reports Bodycam footage Communications authorizing the entry Any warrants or court orders The Iowa State Patrol has failed to respond to these requests for over THREE WEEKS despite obligations under Iowa Code Chapter 22.</p> <p>SPECIFIC VIOLATIONS:</p> <p>Failure to respond to Iowa Code Chapter 22 records request within statutory timeframe Failure to provide or cite legal basis for</p>
25FC:0204	Elaine Johnson	Waterloo Police Department Black Hawk County Attorney	Chapter 22	<p>Records requested:</p> <p>Copies of two handwritten notes A copy of the knife admitted into evidence, including photos and associated documents</p> <p>(see paper mailed complaint)</p>
25FC:0190	David Woods	Muscatine County	Chapter 22	<p>I wrote a Freedom of Information Act request to Muscatine County for two different incident reports. A copy of the request and the response from the Muscatine County attorney are enclosed as well. I asked for two incident reports written by correctional officers at the jail. A guy was placed in the same jail dorm as me and threatened myself and a couple of other inmates. The reports were written by Bell, Gephart and Daupheldt. I also signed the reports.</p> <p>The Muscatine attorney noted he is required to turn over the information, but he did not. He said the US Marshal asked him not to share the information. Before my trial and during my trial the government said the person was not in the Muscatine jail, which was in a prison in Indiana.</p> <p>I need to report to set the record straight and show the instant reports for myself and the other person, choir. I'm filing a complaint against the Muscatine attorney, the US marshal, and US Attorney office says the reports are local issues and thei</p>

25FC:0206	William Hendrikson	City of clear lake police department	Chapter 22	<p>From: W <whendrikson@gmail.com> Sent: Saturday, December 6, 2025 12:32 PM To: Mike Colby <mcolby@cityofclearlake.org> Subject: Fwd: Records request under the iowa open records law iowa code chapter 22</p> <p>Hello,</p> <p>This is a renewed open records request under Iowa Code Chapter 22. I am requesting the following records involving me, William Hendrikson, from October 31, 2020 through September 19, 2025:</p> <p>1. All calls for service involving my name or my residence</p> <p>Including CAD logs, dispatch summaries, and officer notes.</p> <p>2. All incident reports, narratives, and case files that reference me</p>
25FC:0219	Thomas Green	Humboldt Police Department	Chapter 22	<p>I submitted Iowa Code Chapter 22 records requests to Humboldt Police Department on November 29, December 1st and 3rd, 2025 for three incidents (September 10, November 23, November 25, 2025) requesting police reports, body camera footage, CAD records, and related documents.</p> <p>Chief Miller responded via email December 2, 2025 saying my phone had restrictions and to call him.</p> <p>December 3, I emailed additional request for November 23 2025 incident.</p> <p>December 13, 2025: Chief Miller on the phone, said he had my email "pulled up," promised to send records electronically plus flash drive with body cam footage.</p> <p>December 15, 2025: I emailed</p> <p>December 17, I left voicemail</p> <p>December 18, 2025 (today): 19 days later, I have received NOTHING.</p> <p>Iowa Code § 22.8 requires response "as soon as reasonably possible." Chief promised records 5 days ago and has ignored all follow-up.</p> <p>These records are critical for family court.</p> <p>Request: Order immediate production of records and investigate departments viola</p>
25FC:0212	Travis Petsche	City of Fayette	Chapter 22	<p>Dear Iowa Public Information Board,</p> <p>I am submitting this complaint to request an investigation into the City of Fayette’s refusal to release records concerning Police Chief Jeremiah Owens.</p> <p>The City has cited Iowa Code §22.7(11) (“confidential personnel records”) as the basis for withholding, but I believe this classification is improper. The records in question are not routine personnel files. They are disciplinary and licensing records created by the Wyoming Peace Officers Standards and Training Commission (POST), documenting the revocation of Jeremiah Owens’ police officer certification. These records were generated by a licensing authority, not an employer, and therefore should not be categorized as “personal information in confidential personnel records” under §22.7(11).</p> <p>Key points:</p> <p>- The Wyoming POST Commission concluded that Jeremiah Owens acted as an accessory to a burglary by failing to report his brother’s involvement. This finding led to the revocation of his cert</p>
25FC:0205	John Johnson	Hancock County	Chapter 22	<p>Failure to respond to Hancock Co Open Records Response Treasurer Attendance & Accountability</p> <p>(See paper complaint)</p>

25FC:0214	Shannon Martinez	Wilton IA Police Department	Chapter 22	<p>respondent: Wilton Police Department Chief David Clark Wilton, Iowa</p> <p>Nature of the Complaint This complaint concerns the failure of the Wilton Police Department to respond to, produce, deny, or certify the non-existence of public records requested under Iowa Code Chapter 22, specifically CAD audit logs associated with a residential address in Wilton, Iowa.</p> <p>2. Records Requested</p> <p>On November 26, 2025, I submitted an Iowa Open Records request seeking all CAD activity associated with 205 Iowa Street, Wilton, IA 52778. Timeframe: January 1, 2020 - Present. The request expressly included, among other items: Full CAD address history All CAD events Calls for service Officer-initiated activity</p> <p>3. Clarification and Narrowing of Request</p> <p>On November 27, 2025, after receiving a partial response limited to three calls for service, I clarified and narrowed my request to specifically seek the CAD audit log for the same address and timeframe, including: All audit e</p>
25FC:0218	Nick Cattell	City of Chariton	Chapter 22	<p>I file this complaint under Iowa Code Chapter 22 regarding the City of Chariton's response to my public records request. On December 5, 2025, the City Manager, a DNR official, and a third-party City employee entered my private property without authorization. During the encounter, the third-party employee recorded me on a phone while I objected to the trespass. I requested all video or audio recordings from that date. On December 19, 2025, the City Manager responded that "there is no video to provide," without stating whether recordings ever existed, whether personal devices were searched, or whether any record was deleted or retained. Chapter 22 applies to recordings made by City employees or agents, including those on personal devices when conducting public business. I believe the City failed to conduct an adequate search and failed to preserve responsive records. I request IPIB review for compliance with Iowa Code §§22.1, 22.3, and record retention obligations.</p>
25FC:0221	Gregory Armstrong	School board	Chapter 22	<p>Refusing to cooperate in a public information request regarding the school releasing private information about my family moving. I have a email from her saying not to contact her otherwise she will report me for harassment.</p>
25FC:0222	Richard Francis	Manson Iowa.	Chapter 22	<p>I have Requested Public Information from Jessica Hammen Police Chief of Manson Iowa. A Request was sent on 12/3/25 for many parts or Information. All information was returned executed as asked except emails.</p> <p>I am filing this request in-regards to the City of Manson and their Police Chief, Jessica Hammen.</p> <p>Neither Jessica nor Mayor Dave Anderson have shared all of the information I've requested. In fact Jessica has claimed, in writing, she doesn't have to share the following:</p> <p>Jessica Hammen's Police Chief's contract</p> <p>Emails between Mayor Anderson and herself covering these dates: 10/14/24 to 12/3/2025</p> <p>Texts between the two covering the above dates.</p> <p>I believe Iowa Chapter 22 clear covers these items be provided to share with the public.</p> <p>Mayor Anderson and Chief Hammen have tried to cover-up the fact a non-police officer has worked at least one shift as a Manson Police Officer.</p> <p>I've received the Calhoun County's dispatch transcript clearly showing a non-officer did wo</p>
25FC:0224	Marc Craig	Iowa HHS Open Records	Chapter 22	<p>Requested the plans required by the USDA SNAP/EBT waiver and was denied, then told they did not exist, then told they fall under Iowa Code § 22.7(65). The four plans are required in the Terms And Conditions of the USDA waiver in order for the wavier to be approved. Due to this they would have been submitted by a public official either the Governor [Kim Reynolds] or someone representing the Iowa HHS, in this case any draft or document not in its finally form is exempt. Its hard to tell if they're just hiding behind the Iowa code mentioned, or if the documents don't exist as they have stated some are in draft form an not ready for a month or two, and then another time they used the Iowa code.</p>

				<p>On December 16th (followed up with additional e-mail on 12/24) I submitted an online public records request to the City of Parkersburg requesting records including:</p> <ul style="list-style-type: none">• Council minutes or resolutions regarding former Parkersburg Police Chief David Jara’s appointment or removal• Employment contracts or agreements• Payroll records• Internal memos related to his status as Chief• Resignation / termination letters of former Chief Jara <p>My request complies with Iowa Code §22.2; I am not required to state a reason.</p> <p>As of 12/30, the City has:</p> <ul style="list-style-type: none">• Failed to respond within a reasonable time, and/or• Denied or withheld records without citing a statutory exemption. <p>Legal Basis:</p> <ul style="list-style-type: none">• Iowa Code Chapter 22 guarantees access to public records.• Denial or delay without citing the applicable exemption violates §22.7(5). <p>Relief Requested:</p> <ul style="list-style-type: none">• Order the City of Parkersburg to release the requested records (or portions with legally permissible redactions).• Require the Ci
25FC:0225	Timothy Carey	City of Parkersburg	Chapter 22	
26FC:0001	Coltin Hatfield	City of Kellerton	Chapter 21	Kicking people off all City property and out of all City meetings
26FC:0005	Stephen Swanson	Madison County Board of Supervisors	Chapter 21	Held a closed meeting to discuss matters not covered by section 21.5(1)(c). The meeting did not have to do with litigation currently facing the county in which the county is a party. It involves the BOS meeting with outside counsel in a closed session regarding a potential criminal matter. They excluded the county attorney from the meeting, which makes it impossible to discuss litigation facing the county since the County Attorney was excluded and is the head of all litigation facing the county.
Total	26			

Iowa Public Information Board

Re: Courses of Training

January 15, 2026

Under the newly enacted Section 21.12, any “newly elected or appointed public official who is a member of a governmental body” is required to “complete a course of training of not less than one and not more than two hours regarding the responsibilities of the governmental body and the governmental body’s members under [Chapters 21 and 22].” Iowa Code § 21.12(1). The section further provides that IPIB has the responsibilities to “ensure that the training is made available,” that IPIB “may provide the training,” and that IPIB “may also approve any acceptable course of training offered by a governmental body or other entity.”

The law appears to provide discretion to IPIB to approve “acceptable course[s] of training” which could be used to satisfy this law, without clear guidance on the standards for approval. *See also* Iowa Code § 23.6(10) (granting IPIB “discretion” to require “periodic training approved by the board” related to Chapters 21 and 22, *outside of* the requirements of the Iowa Code § 21.12). When Section 21.12 was first enacted, IPIB’s initial guidance included a number of restrictions on which courses of training would qualify, some of which have been retracted by the board in response to specific provider applications. IPIB now certifies:

1. “On-demand” pre-recorded trainings, provided they are offered in a module format, with elements to ensure participation and full course completion; and
2. Training providers specific to individual government bodies (IPIB has reserved the right to amend this policy to restrict these types of applications if they become overwhelming)

At this time, IPIB has declined to approve trainings which are merely video recordings without interactive elements. Thus far, we have also interpreted the term “course of training” to require a “course” to be included in application materials, in addition to our other training approval requirements. Until now, this has only been relevant to applications for providers seeking to use IPIB’s own materials, and we have declined to certify individuals other than IPIB staff to be alternative providers of IPIB’s own “course of training.”

IPIB staff recently received a request from a county attorney seeking to be certified to offer trainings using the materials IPIB previously approved in certifying Linn County as a provider, borrowed with the express permission of the Linn County Attorney. In light of this application:

Question 1: IPIB staff seek guidance on whether to consider applications from prospective providers who would offer the same course of training already offered by another provider.

Question 2: If prospective providers described in Question 1 are considered for certification, what criteria should IPIB staff use in determining whether to recommend approval?



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

Receipt of New IPIB Complaint (25FC:0129)

stewwell2000@yahoo.com <stewwell2000@yahoo.com>
 Reply-To: "stewwell2000@yahoo.com" <stewwell2000@yahoo.com>
 To: alexander.lee@iowa.gov

Thu, Jan 8, 2026 at 4:13 PM

Ok I agree to it. [REDACTED]

Wish I had time but gotta do this .

Thank for your help
 Robert STEWART

Yahoo Mail: [Search, Organize, Conquer](#)

On Thu, Jan 8, 2026 at 8:48 AM, Lee, Alexander
 <alexander.lee@iowa.gov> wrote:

Dear Mr. Stewart,

If I may, I would like to tentatively recommend withdrawal of this case, with the idea that we might assist with another request sometime down the line. It's dubious whether our 60-day statute of limitations for the filing of complaints should be read to cover significant pauses in initial review, but even if it does, I don't want to put the city or police department in a position where this is opened as a complaint half a year after the last time anyone employed by either entity worked on it. I also remain skeptical about whether most of the records being sought would actually be available through the public records process, so there would be a real risk that you continue to invest significant time on your end into clarifying your complaint, only to have it closed on the basis that the records are simply confidential.

If you think it might be easier, I should be available most of the day tomorrow if you would like to discuss the case and our considerations over the phone.

Best,



Alexander Lee, JD
 Agency Counsel
 Iowa Public Information Board (IPIB)
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 Jessie M. Parker Building, East
 Des Moines, Iowa 50319
 (515) 401-4461
alexander.lee@iowa.gov
www.ipib.iowa.gov

On Wed, Jan 7, 2026 at 11:39 PM stewwell2000@yahoo.com <stewwell2000@yahoo.com> wrote:

I would like it pause for a bit, if you can't get back to it in a while I'll let you know. It's always in the back of thoughts.

Yahoo Mail: [Search, Organize, Conquer](#)

On Tue, Jan 6, 2026 at 2:57 PM, Lee, Alexander
 <alexander.lee@iowa.gov> wrote:

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

Formal Complaint 25FC:0150 – Complainant Dr. Vickie Diamandakis Pyevich

Pyevich, Vickie D <vickie-pyevich@uiowa.edu>
To: "Lee, Alexander" <alexander.lee@iowa.gov>

Tue, Jan 6, 2026 at 1:56 PM

Hi Alexander,

You are correct-please withdraw any remaining IPIB effort.

Thanks again for all your help

Vickie

From: Lee, Alexander <alexander.lee@iowa.gov>
Sent: Monday, January 5, 2026 10:59 AM
To: Pyevich, Vickie D <vickie-pyevich@uiowa.edu>
Cc: Meyer, Wendy <WMeyer@i-wlaw.com>; mmorse@bettendorf.k12.ia.us
Subject: Re: [External] Re: Formal Complaint 25FC:0150 – Complainant Dr. Vickie Diamandakis Pyevich

Dear Dr. Pyevich,

Thank you for the follow-up. When you say you would like to move forward with another avenue, would I be correct to read that as a withdrawal of the remaining issues, at least insofar as IPIB is concerned? Either way is fine - and I think it would be a reasonable course given IPIB's lack of jurisdiction for the more substantive issues beyond the production of the records themselves - but I want to ensure I'm not misinterpreting.

Happy New Year,



Alexander Lee, JD

Agency Counsel

Iowa Public Information Board (IPIB)

[510 E 12th Street](#)

Jessie M. Parker Building, East

Des Moines, Iowa 50319

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

Notice of New IPIB Complaint (25FC:0162)

Wendy Frost <jimwenfrost@gmail.com>
To: Alexander Lee <alexander.lee@iowa.gov>

Fri, Jan 2, 2026 at 11:53 AM

Thank you. We can close the complaint. I do agree that Madison County most likely has a lot of FOIA requests, but this is primarily due to two supervisors and their intentional decisions to be less than transparent with the taxpayers.

On Jan 2, 2026, at 10:27 AM, Lee, Alexander <alexander.lee@iowa.gov> wrote:

[Quoted text hidden]

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

Fw: (25FC:0220) email Request - Response - Powerball Audit Reports – Request for Additional Transparency on Procedures and Scope

Jason Bumpus <jmbgolf2002@msn.com>
To: "Lee, Alexander" <alexander.lee@iowa.gov>

Wed, Dec 31, 2025 at 1:40 PM

Dear Mr. Lee,

Thank you very much for the thorough explanation and for consulting with your colleagues on the jurisdictional question. I appreciate the time you and the IPIB staff have taken to review my complaint and provide this detailed legal analysis, including the reference to Gannon v. Board of Regents.

Given the jurisdictional limitations you've outlined, I will withdraw the formal complaint at this time so the board does not need to address it at the January 15 meeting. Please consider this my request to mark the complaint withdrawn.

Since filing, MUSL has continued to provide some records voluntarily but has now indicated that responding to additional requests may incur fees for staff review time (requiring advance payment - being used as a tactic to deter, it would appear). While I understand they are not obligated under Chapter 22, this does feel inconsistent with the public messaging around lottery transparency.

Following your helpful suggestion, my next step will be to submit a Chapter 22 request directly to the Iowa Lottery Authority for any shared or related records they may hold. I also plan to reach out to my state legislator in Ohio (as an Ohio resident and Powerball participant) to express concerns about overall transparency in MUSL's operations.

Thank you again for your guidance and for the important work the IPIB does in promoting open government in Iowa.

Jason Bumpus

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

Sent: Wednesday, December 31, 2025 2:10:50 PM

[Quoted text hidden]

[Quoted text hidden]



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

FW: open record request Re: IPIB Complaint 25FC:0211 - Received

Mike Adams <chores2do@outlook.com>
To: "Miller, Charlotte" <charlotte.miller@iowa.gov>

Tue, Jan 13, 2026 at 11:03 AM

Yes.

From: Miller, Charlotte <charlotte.miller@iowa.gov>
Sent: Tuesday, January 13, 2026 10:17 AM
To: Mike Adams <chores2do@outlook.com>
Subject: Re: FW: open record request Re: IPIB Complaint 25FC:0211 - Received

Ok, thanks for the update. Would you like to withdraw the complaint?

Best,
Charlotte Miller

On Sat, Jan 10, 2026 at 9:48 AM Mike Adams <chores2do@outlook.com> wrote:

Yes, I met with him yesterday. He promised he would get me the information on Monday. I have no reason to think he won't.

Thank you,

Mike Adams

From: Miller, Charlotte <charlotte.miller@iowa.gov>
Sent: Friday, January 9, 2026 12:25 PM
To: Mike Adams <chores2do@outlook.com>
Subject: Re: FW: open record request Re: IPIB Complaint 25FC:0211 - Received

Mr. Adams,

I spoke with Mr. Barden yesterday and he indicated he was going to reach out to you regarding your requests. Have you been in contact with him?

Thanks,
Charlotte Miller

On Thu, Jan 8, 2026 at 11:40 AM Mike Adams <chores2do@outlook.com> wrote:

This is the request I made on November 22, 2025 and the follow up on November 28, 2028. Dbarden (Drew Barden) is the city administrator and cbush (cindy bush) is the account clerk.

Mike Adams

From: Mike Adams <chores2do@outlook.com>
Sent: Friday, November 28, 2025 10:30 PM
To: dbarden@cwmu.net
Cc: cbush@cwmu.net
Subject: Re: open record request

Fund: General Fund																		EDas Customer Number:		1882			Forecast Error			
Unit: 0P22																		Percent of Year Complete		50.00%						
Sub Unit: Blank		FY2026																								
Approp: P22		Iowa Public Information Board																								
Obj/Rev Class		Obj/Rev Class Name	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	HO13	HO14	HO15	YTD	End of Year Forecast	Annual Budget	Percent of Budget	Percent of Budget				
			Actual	Actual	Actual	Actual	Actual	Actual	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Actual	(C=A+B)	(D)	To Date	Forecasted EOY				
		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	26,578	27,177	27,177	42,644	23,419	27,177	27,177	12,734	-	-	137,146	324,649	329,979	42%	98%				
202 In State Travel			186	-	17	122	91	67	928	396	326	247	675	-	157	-	-	483	3,212	3,487	14%	92%				
301 Office Supplies			-	33	240	-	273	360	150	147	790	150	120	120	150	-	-	906	2,533	2,000	45%	127%				
309 Printing & Binding			-	-	-	-	-	-	-	0	-	-	-	-	-	-	-	0	-	100	0%	0%				
313 Postage			-	14	-	6	3	10	6	6	6	6	6	6	6	-	-	33	77	75	44%	103%				
401 Communications			-	-	115	-	489	-	373	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	16,800	-	-	-	67,200	100,800	0%	67%				
414 Reimbursements To Other Agency			-	2,150	2,551	2,986	2,013	1,875	2,042	1,916	2,505	2,305	2,144	2,158	2,256	-	-	11,575	26,902	17,734	65%	152%				
416 ITD Reimbursements			-	2,247	2,410	(78)	10,850	(5,736)	354	1,280	356	356	1,279	355	355	-	-	9,692	14,027	7,371	131%	190%				
418 IT Outside Services			-	-	154	77	154	154	154	154	154	154	154	154	154	-	-	538	1,615	2,341	23%	69%				
701 Licenses			-	-	-	-	-	-	-	1,100	-	-	-	-	-	-	-	-	1,100	1,100	0%	100%				
Total Expenditures:			16,069	23,527	31,352	26,173	40,550	23,308	39,585	40,762	55,367	35,225	40,141	38,556	32,798	-	-	160,979	443,413	467,227	34%	95%				
		Current Month Operations	451,158	(23,527)	(31,352)	(26,173)	(40,550)	(23,308)	(39,585)	(40,762)	(55,367)	(35,225)	(40,141)	(38,556)	(32,798)	-	-									
		Cash Balance	451,158	427,631	396,279	370,151	329,601	306,293	266,708	225,947	170,579	135,355	95,214	56,657	23,859	23,859	23,859									

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

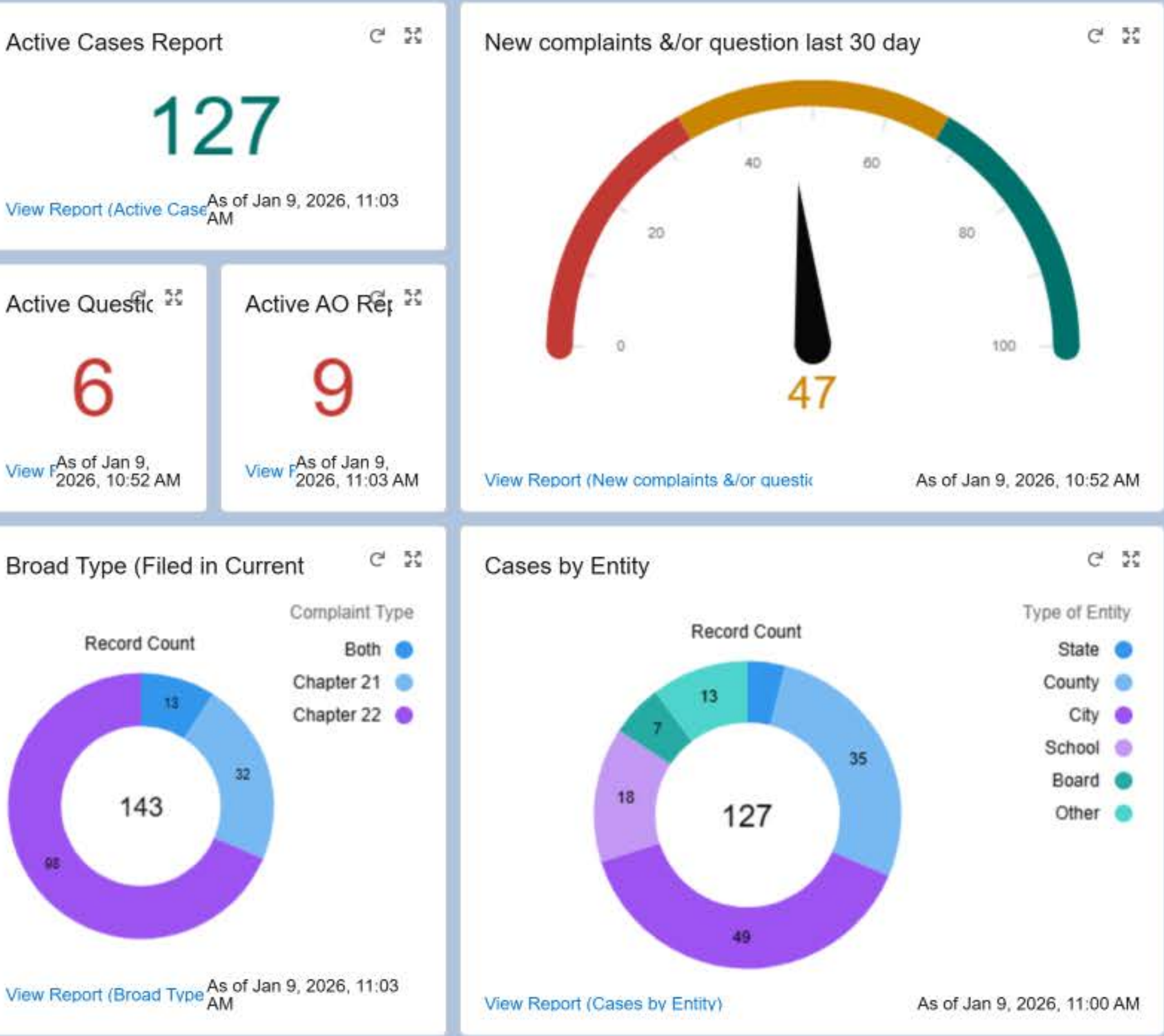
Revenues

- 401 - Charged fees for large records requests.

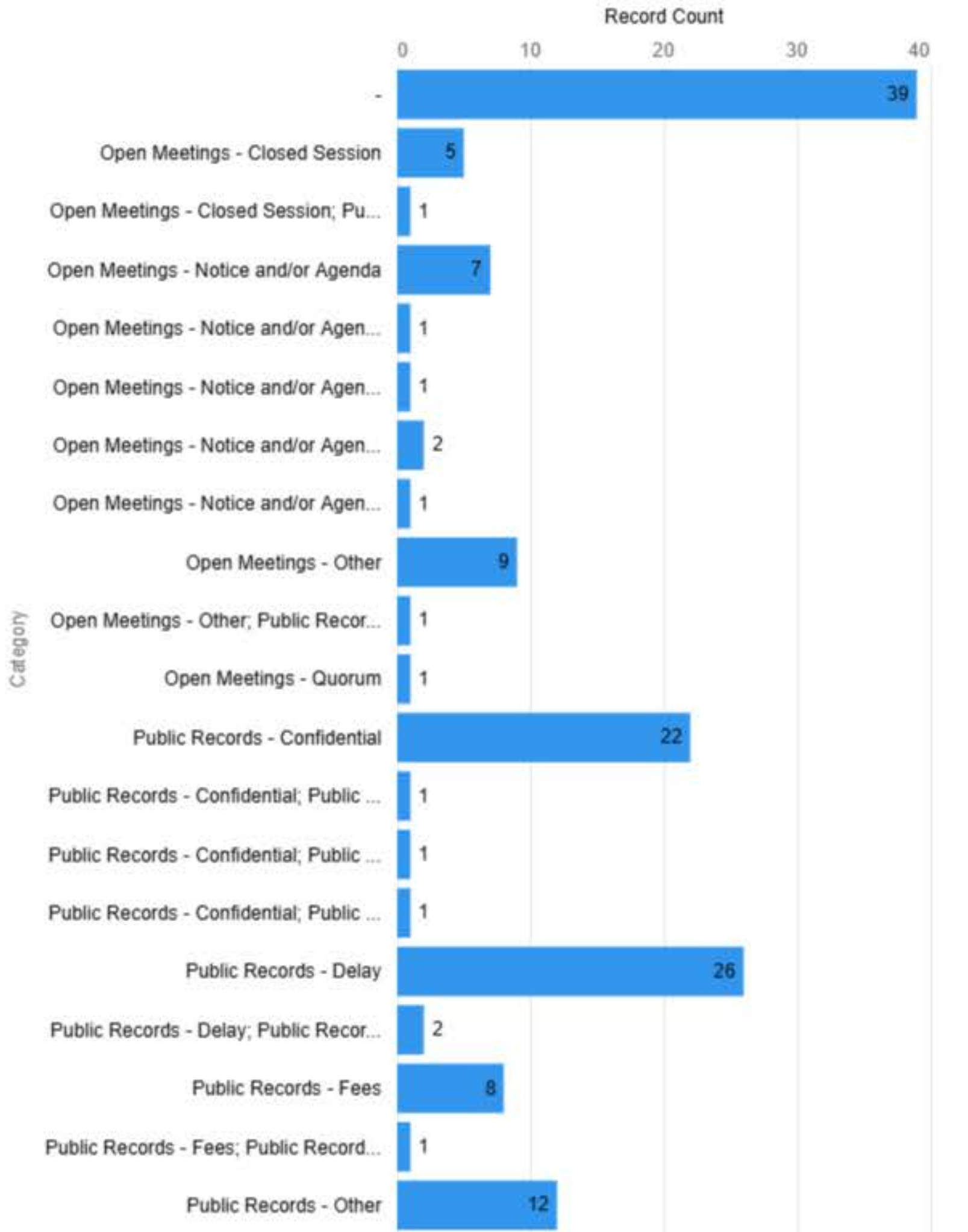
Expenditures

- 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 December 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 - Verizon Invoice was going to wrong location. November reflects catch up.
- 406 - Forecasted amounts are for hiring of contractor to implement mandatory training per approp language. Will update when we get more details.
- 414 - Monthly costs are located on eDAS tab - approx. \$2,000 including Finance support costs which will vary each month.
- 416 - Monthly costs are located on eDAS tab - approx. \$350 and can vary each month depending on usage for storage. August, November, February, and May includes quarterly OCIO charges of \$926. September includes annual google emails with credits in October for incorrect email billings. November includes Salesforce licenses. December includes moving some Salesforce license expense to P22T.
- 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:				Original		Updated	
Name/Employee Number		WD EI	Job Class	Budgeted	Filled	Budget \$	Budget
Charlotte Miller	80071	115682	09617 - Executive Director				
Charissa Flege	105703	115690	90644 - Attorney II				
Alexander Lee	102526	115691	90643 - Attorney I				
Jayde Hilton	95304	151623	70006 - Temporary Worker				
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	\$ 324,595
Total Filled Positions					3.20		



Cases by Type (Active)  



Cases by Type (Filed in Current Year)  

