

BEFORE THE IOWA PUBLIC INFORMATION BOARD
PURSUANT TO IOWA CODE CHAPTERS 23 AND 17A

IN THE MATTER OF:)	
)	
)	
Des Moines Independent Community)	Complaint No. <u>14FC:0027</u>
School District)	
)	SETTLEMENT AGREEMENT
)	and ORDER
)	
)	
)	
<u>Respondent.</u>)	

This settlement is by and between the Iowa Public Information Board (IPIB) and the Des Moines Independent Community School District (District) pursuant to IPIB administrative rule 497—2.4 and resolves the matter of complaint 14FC:0027.

1. On April 21, 2014, Analisa Pearson submitted a request to the Des Moines Independent Community School District for information concerning certain e-mails sent to and from a building principal during a certain date range, and a listing of all outgoing telephone calls and text/instant message phone numbers, dates and times for a certain phone number from May 2013 through April 2014.

2. The District provided information and documents in response to the request concerning e-mails. With respect to the information concerning telephone calls and text/instant messages, the phone number for which the information was requested was the personal cell phone of a building principal. The records containing the information requested were documents in the principal's possession and control. The District did not provide the cell phone to the principal, nor reimburse the principal for the expenses of the cell phone, and did not possess or

control any records relating to the cell phone. As such, the District originally declined to provide information or documents concerning the cell phone records.

3. On April 25, 2014, Analisa Pearson filed a complaint with IPIB alleging a violation of Iowa Code chapter 22.

4. On July 30, 2014, IPIB accepted the complaint.

5. Between July 30, 2014, and October 16, 2014, attempts were made to resolve this matter without agreement.

6. In October of 2014, IPIB directed that a contested case proceeding be initiated.

7. Prior to the filing of the contested case, IPIB hired a new Executive Director due to a retirement. The new Executive Director met with the District's attorney to discuss settlement of this matter.

8. The District has stated that the principal turn over to the District the records in question with personal information redacted. The records exist and the District is willing to release the records to Analisa Pearson for a cost of \$75.00. This is a reduction from the anticipated cost of \$250 to \$350 that was previously discussed between the parties. Analisa Pearson has been notified that the District has the records, and is willing to release them upon payment of the \$75.00.

9. As the District is now willing to release the records and do so at a cost of \$75.00, IPIB believes that this matter is resolved and that a contested case proceeding is no longer necessary.

10. Upon approval by IPIB, this settlement will resolve any and all disputes between IPIB and the District concerning complaint 14FC:0027 and said complaint shall be deemed closed.

Dated this 19th day of May, 2015.

By: W. Charles Smithson
W. Charles Smithson
Executive Director
Iowa Public Information Bd.

By: Patrick Smith
Patrick Smith
Counsel for the District