

# **IOWA PUBLIC INFORMATION BOARD**

## **MEMBERS**

**Daniel Breitbarth, Des Moines (Government Representative, 2022-2026)**

**Joan Corbin, Pella (Government Representative, 2020-2024)**

**E. J. Giovannetti, Urbandale (Public Representative, 2022-2026)**

**Barry Lindahl, Dubuque (Government Representative, 2020-2024)**

**Joel McCrea, Pleasant Hill (Media Representative, 2022-2026)**

**Monica McHugh, Zwingle (Public Representative, 2022-2026)**

**Julie Pottorff, Des Moines (Public Representative, 2020-2024)**

**Jackie Schmillen, Urbandale (Media Representative, 2022-2026)**

**vacant**

## **STAFF**

**Erika Eckley, Executive Director**

**Brett Toresdahl, Deputy Director**

**Daniel Strawhun, Legal Counsel**

**Dial-in number: 877-304-9269    Conference Code: 664760#**

***Note: ALL phones MUST remain on mute unless you are addressing the Board***

## **Agenda**

**July 20, 2023, 1:00 p.m.**

**3<sup>rd</sup> Floor E/W Conference Room**

**Wallace Building**

**502 East 9<sup>th</sup> Street, Des Moines**

### **1:00 PM – IPIB Meeting**

- I. Approval of agenda\*
- II. Approval of the June 15, 2023 minutes \*
- III. Public Forum (5-minute limit per speaker)
- IV. Comments from the board chair. (Pottorff)
- V. Election of Board Chair & Vice Chair for FY24
- VI. Advisory Opinion – Deliberation/Action.
  1. None
- VII. Cases involving Board Deliberation/Action. (Eckley)
  1. Beck, Tim (22FC:0036 – Both Chapters – Pleasant Valley School District 5/5/22) \* Probable Cause
  2. Citizen, Concerned (23FC:0035- Chapter 21 – O’Brien County Conservation Board 3/9/23) \* Report

3. Colwell, Robert (23FC:0029 – Chapter 22 – IA Dept. of Health & Human Services 3/2/23); & Colwell, Robert (23FC:0050 – Chapter 22 – IA Dept. of Health & Human Services 4/18/23) \* Consolidate & Dismiss
4. Hackman, Jacob (23FC:0055 – Chapter 22 – Chickasaw County 5/7/23) \* Dismiss
5. Huffman, David (22FC:0047 – Both Chapters – Batavia City Council 5/25/22) \* Probable Cause
6. Larson, Michael (23FC:0067 – Chapter 22 – City of Cedar Rapids 6/20/23) \* Dismiss
7. Merritt, Michael (23FC:0023 – Chapter 22 – City of Newton 2/12/23); & Merritt, Michael (23FC:0057 – Chapter 22 – City of Newton 5/1/23) \* Consolidate & Dismiss
8. Merritt, Michael (22FC:0126 – Chapter 22 – Jasper County 12/14/22) \* Dismiss
9. Morris, Chuck (23FC:0062 – Chapter 21 – Page Co. Board of Supervisors 6/16/23) \* Accept
10. Neumann, Helen (23FC:0054 – Chapter 22 – Iowa Dept. of Corrections 5/3/23) \* Dismiss
11. Schnormeier, Richard (23FC:0010 – Chapter 21 - City of Zearing 1/27/23) \* Final Report
12. Sellers, Darran (23FC:0047 – Chapter 21 – Vinton City Council 4/12/23) \* Report
13. Sheakley, Cliff (23FC:0044 – Chapter 22 – Tama County Auditor 3/31/23) \* Report
14. Stratton, James (23FC:0041 – Chapter 22 – Iowa Dept. of Corrections 3/29/23) \* Dismiss
15. Stratton, James (23FC:0045 – Chapter 22 – Iowa Dept. of Corrections 4/4/23) \* Dismiss

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

1. Menke, Steven (23FC:0008 – Chapter 22 – Kossuth County 1/26/23); Menke, Steven (23FC:0011 – Chapter 22 – Kossuth County Auditor 1/28/23) \* withdrawn

IX. Pending Complaints. Informational Only (Eckley)

1. Arnold, Neetu (23FC:0065 – Chapter 22 – University of Northern Iowa 6/14/23) Intake
2. Benedict, Don (23FC:0072 – Chapter 22 – City of Sidney 7/11/23) Intake
3. Bolinger, Ruth (23FC:0056 – Chapter 21 – Creston City Council 5/19/23) Intake
4. Burgmaier, Don (23FC:0073 – Chapter 22 – Iowa Attorney General 7/13/23) Intake
5. Havenstrite, Michelle (23FC:0061 – Chapter 21 – PCM School Board 6/14/23) Intake
6. Henely, Eric (23FC:0070 – Both Chapters – Gilbert Comm. School Board 7/10/23) Intake
7. Hurlberg, Roger (23FC:0069 – Chapter 22 – Montgomery Co. Assessor 6/26/23) Intake
8. Kreijanovsky, William (23FC:0059 – Chapter 22 – Polk County 6/2/23) Intake
9. Laurie (23FC:0063 – Chapter 21 – City of Delhi 6/13/23) Intake
10. Madden, Julie Ann (23FC:0064 – Both Chapters – Akron Care Center 6/13/23) Intake
11. McGowan, Nolan (23FC:0068 – Chapter 21 – Osceola Co. Board of Supervisors 6/21/23) Intake
12. Miller, Chad (23FC:0074 – Chapter 21 – Scott County Board of Review 7/9/23) Intake
13. Preussner, Greg (23FC:0066 – Chapter 21 – Delhi City Council 6/19/23) Intake
14. Radtke, Mari (22FC:0069 – Chapter 22 – City of Paullina 7/21/22) \* Pending
15. Raley, Dina (23FC:0060 – Chapter 22 – Delaware Co. Sheriff Office 6/5/23) Intake
16. Schiel-Larson, Debra (23FC:0053 – Indianola Community School District 5/1/23) Intake
17. Sellers, Dakota (22FC:0119 – Chapter 22 – City of Vinton 11/11/22) Pending
18. Wendt, Bradley/Sell, Terra/Karns, Shari (23FC:0071 - Chapter 21 – Adair City Council 7/11/23) Intake

X. Committee Reports

1. Communications – (Toresdahl)
2. Legislative – (Eckley)
3. Rules – (Strawhun)

XI. Office status report.

1. Office Update \* (Eckley)
2. Financial/Budget Update (FY23) \* (Toresdahl)

3. Presentations/Trainings (Eckley)

4. District Court Update (Eckley)

XII. Next IPIB Board Meeting will be held in the Wallace Building, 3rd Floor, E/W Conference Room  
August 17, 2023 at 1:00 p.m.

XIII. Adjourn

**\* Attachment**

# IOWA PUBLIC INFORMATION BOARD

June 15, 2023

## Unapproved Minutes

The Board met on June 15, 2023 for its monthly meeting at 1:02 in the 3rd floor E/W Conference Room in the Wallace Building with the following members participating: E. J. Giovannetti, Urbandale; Barry Lindahl, Dubuque; Joel McCrea, Pleasant Hill; Monica McHugh, Zwingle; Julie Pottorff, Des Moines; Jackie Schmillen, Urbandale (phone); Absent: Joan Corbin, Pella; Daniel Breitbarth, Des Moines. Also present were IPIB Executive Director Erika Eckley; Brett Toresdahl, Deputy Director; and Daniel Strawhun, Legal Counsel. A quorum was declared present.

Others identified present or by phone: Clark Kauffman, Rick Morain, Randy Evans, James Stratton, Brian Guillaume, Susan Patterson-Planke, Cliff Sheakley.

On a **motion** by McHugh, **second** by Giovannetti, the agenda was unanimously adopted 6-0.

On a **motion** by Giovannetti, **second** by Lindahl, to approve the May 18, 2023 minutes. Unanimously adopted 6-0.

**Public Forum** – none

**Board Chair Comments** – Commented on asking for waivers from people who want to speak at the Board meetings.

Pottorff indicated that she would not be remaining as Chair of the IPIB following the July Board elections.

**Legal Memo from Staff** – Strawhun presented a memo regarding Iowa Code §22.7(5) Confidentiality of police investigative files. It will be further reviewed by staff.

**Advisory Opinions** –

1. None

**The board was briefed on cases and took action as indicated:**

1. Bax, Kay (22FC:0100 – Chapter 21 – City of Fontanelle & Council 9/14/22). A motion by Lindahl and second by McHugh to approve the informal resolution final report and dismissal order. Unanimously approved, 6-0.
2. Carver, Matthew (23FC:0031 – Chapter 22 – Urbandale Community School District 3/3/23). A motion by McHugh and second by Lindahl to approve the dismissal order. Unanimously approved, 5-0 with Giovannetti abstaining.
3. Crnkovich, Sidney (23FC:0026 – Chapter 22 – Carroll Co. Sheriff Office 2/22/23). A motion by Giovannetti and second by McCrea to approve the dismissal order. Unanimously approved, 6-0.
4. Mathern, Elijah (23FC:0058 – Both Chapters – GMG School Board 5/10/23). A motion by Giovannetti and second by McCrea to approve the dismissal order. Unanimously approved, 6-0.

5. Palmer, Zach (22FC:0123 – Chapter 22 – Iowa Department of Corrections 11/22/22). A motion by Giovannetti and second by Lindahl to accept the probable cause report and dismiss the complaint as a matter of administrative discretion. Unanimously approved, 6-0.
6. Siri, Aaron (22FC:0128 – Chapter 22 – University of Iowa 12/20/22). A motion by McHugh and second by McCrea to approve the informal resolution final report and dismissal order. Unanimously approved, 6-0.
7. Sheakley, Cliff (23FC:0044 – Chapter 22 – Tama County Auditor 3/31/23). Cliff Sheakley and the Assistant Tama County Auditor spoke. A motion by McCrea and second by Lindahl to table the matter and refer back to staff to gather further information. Unanimously approved 6-0.
8. Stratton, James (23FC:0041 – Chapter 22 – Iowa Dept. of Corrections 3/29/23); & Stratton, James (23FC:0045 – Chapter 22 – Iowa Dept. of Corrections 4/4/23). James Stratton and Michael Savala spoke. A motion by Giovannetti and second by Lindahl to table the matter and refer back to staff to gather further information. Unanimously approved 6-0.
9. Ward, Ben (23FC:0036 – Chapter 22 – Altoona Police Department 3/9/23); & Ward, Ben (23FC:0043 – Chapter 22 – Altoona Police Department 3/30/23). A motion by Lindahl and second by McHugh to approve the consolidation and dismissal order. Unanimously approved, 6-0.
10. Worthington, Marc (23FC:0049 – Pleasant Grove Township Trustees 4/17/23). A motion by Lindahl and second by Giovannetti to approve the dismissal order. Unanimously approved, 6-0.

**Matters Withdrawn. No Action -**

1. None

**Pending complaints that required no board action. Informational**

1. Beck, Tim (22FC:0036 – Both Chapters – Pleasant Valley School District 5/5/22)
2. Bolinger, Ruth (23FC:0056 – Chapter 21 – Creston City Council 5/19/23) Intake
3. Citizen, Concerned (23FC:0035- Chapter 21 – O’Brien County Conservation Board 3/9/23) Pending
4. Colwell, Robert (23FC:0029 – Chapter 22 – IA Dept. of Health & Human Services 3/2/23); & Colwell, Robert (23FC:0050 – Chapter 22 – IA Dept. of Health & Human Services 4/18/23) Intake
5. Hackman, Jacob (23FC:0055 – Chapter 22 – Chickasaw County 5/7/23) Intake
6. Huffman, David (22FC:0047 – Both Chapters – Batavia City Council 5/25/22) Pending
7. Kreijanovsky, William (23FC:0059 – Chapter 22 – Polk County 6/2/23) Intake
8. Menke, Steven (23FC:0008 – Chapter 22 – Kossuth County 1/26/23); Menke, Steven (23FC:0011 – Chapter 22 – Kossuth County Auditor 1/28/23)
9. Merritt, Michael (22FC:0126 – Chapter 22 – Jasper County 12/14/22) Intake
10. Merritt, Michael (23FC:0023 – Chapter 22 – City of Newton 2/12/23) Intake
11. Merritt, Michael (23FC:0057 – Chapter 22 – City of Newton 5/1/23) Intake

12. Neumann, Helen (23FC:0054 – Chapter 22 – Iowa Dept. of Corrections 5/3/23)  
Intake
13. Radtke, Mari (22FC:0069 – Chapter 22 – City of Paullina 7/21/22) Pending
14. Raley, Dina (23FC:0060 – Chapter 22 – Delaware Co. Sheriff Office 6/5/23)  
Intake
15. Schnormeier, Richard (23FC:0010 – Chapter 21 - City of Zearing 1/27/23)  
Pending
16. Sellers, Darran (23FC:0047 – Chapter 21 – Vinton City Council 4/12/23) Pending
17. Sellers, Dakota (22FC:0119 – Chapter 22 – City of Vinton 11/11/22) Pending
18. Schiel-Larson, Debra (23FC:0053 – Indianola Community School District 5/1/23)  
Intake

### **Committee Reports**

1. Communications – No report
2. Legislative – The Committee met at Noon on June 15, 2023 to review past session and consider items to move forward.
3. Rules – No report

### **Updates for the board.**

- a. Executive Director Report:
  - Updating case management system
  - Website change over is progressing
  - Office move in the Fall
- b. Toresdahl shared the FY23 financials and FY24 appropriations update.
- c. Upcoming presentations – Attorney General’s Office training  
Iowa School Board Attorneys Training
- d. A district court case – An answer has been file and a resistance has been filed.

The next IPIB meeting will be in the Wallace Building, **3rd Floor, E/W Conference Room**, July 20, 2023, at 1:00 p.m.

At 2:40 p.m. the meeting adjourned on a motion by Lindahl and a second by Giovannetti. Unanimously approved.

Respectfully submitted  
Brett Toresdahl, Deputy Director

---

IPIB, Chair  
Approved

## Before The Iowa Public Information Board

In re the Matter of: Tim Beck, Complainant And Concerning: Pleasant Valley School District, Respondent	Case Number: 22FC:0036  Probable Cause Report
---	---

COMES NOW Erika Eckley, Executive Director for the Iowa Public Information Board (IPIB), and respectfully submits this probable cause report for formal complaint 22FC:0036.

### Background

On May 5, 2022, Tim Beck filed formal complaint 22FC:0036, alleging that the Pleasant Valley School District (District) violated Iowa Code chapters 21 and 22 on April 29, 2022.

Mr. Beck stated that on April 30, 2022, a group known as the Pleasant Valley School District Reconsideration Committee (PVSDRC) went into closed session without stating a reason. He added that while they were in closed session, the public was told there would be no formal vote when they returned.

In addition, Mr. Beck alleged that he had requested a copy of the minutes from the April 29, 2022, meeting, which he had not yet received. He added that the PVSDRC policy required that all meetings observe open meetings laws.

Legal counsel for the District responded to the complaint on May 23, 2022. Counsel stated that the PVSDRC is a group formed by District policy to review instructional materials and is not a governmental/government body required to follow Iowa Code chapters 21 and 22.

Counsel added that the group is not formally and directly established by the District. The group is chosen by the superintendent, meets at the direction of the superintendent, and recommends action only to the superintendent, who can choose whether to adopt the group's recommendation.

The PVSDRC can appeal the superintendent's decision to the school board.

In reply, Mr. Beck provided copies of District school board minutes from July and August of 2016 that show that the District did formally and directly approve the District policies, including Policy 603.8R2 establishing the PVSDRC and requiring that this committee follow the open meetings law.

The IPIB accepted this complaint on September 15, 2022. Pursuant to Iowa Code section 23.9, IPIB staff proposed an Informal Resolution with the following terms:

1. The school board will acknowledge at a public meeting that the PVSDRC did not post a notice for an open meeting on April 29, 2022 that provided an agenda in a manner reasonably calculated to apprise the public of action that it would be taking at that meeting. This acknowledgement shall be recorded in the minutes of said meeting.
2. The Superintendent will fulfill any outstanding public record requests as part of this complaint from Mr. Beck pursuant to Iowa Code chapter 22. Confirmation shall be provided to the IPIB.
3. The District shall conduct training during an open meeting for all Board members and District Committee members, on Iowa Code chapters 21 and 22 (Sunshine Laws). The District may utilize the power point training available on the IPIB website. The District shall work with the Iowa School Board Association to provide the training to the District and officials.
4. The School Board shall approve this resolution during an open meeting and include the full text in the minutes of said meeting. Said minutes shall be provided to the IPIB.

The terms of the informal resolution were to be completed within 60 days of acceptance by all parties. Upon showing proof of compliance, the IPIB would then dismiss this complaint as successfully resolved.

### **Legal Analysis**

Iowa Code section 21.2(1) defines a governmental body for the purposes of open meetings laws. Subsections 1(c) and 1(h) state that certain advisory groups can be considered a governmental body:

*c. A multimembered body formally and directly created by one or more boards, councils, commissions, or other governing bodies subject to paragraphs "a" and "b" of this subsection.*

*h. An advisory board, advisory commission, advisory committee, task force, or other body created by statute or executive order of this state or created by an executive order of a political subdivision of this state to develop and make recommendations on public policy issues.*

Both subsections describe the PVSDRC. The District formally and directly created the PVSDRC at the August 8, 2016, school board meeting. The group does "*develop and make recommendations on public policy issues*" to the District.

The information provided by the parties indicates that Iowa Code chapters 21 and 22 were not properly followed by the PVSDRC.

### **Summary**

On September 15, 2022, the Iowa Public Information Board accepted this complaint. IPIB Staff attempted to negotiate an informal resolution with all parties. The complainant, Mr. Beck, signed the agreement on November 24, 2022. The Pleasant Valley School District was not agreeable to the term in the informal resolution acknowledging the alleged violation of provisions within Iowa Code chapter 22.



The terms within the draft informal resolution were adjusted to address the comments from the school district. This version was then rejected by Mr. Beck. One final draft was provided to both parties but an agreement could not be reached.

The Pleasant Valley School District scheduled and held a training on June 26, 2023. This satisfied the main term within the draft resolution, which calls for training during an open meeting for all Board members and District Committee members, on Iowa Code chapters 21 and 22 (Sunshine Laws). This training was provided by the Iowa Association of School Boards. The District provided the IPIB with the training materials that were used.

The District has voluntarily completed the recommended remediation terms and provided documentation to IPIB staff. Staff is satisfied that an acceptable resolution has been reached for this complaint without having an informal resolution upon which the parties could agree.

### **IPIB Action**

The IPIB has several options upon receipt of a probable cause report. According to Iowa Administrative Rule 497 - 2.2(4):

“Board action. Upon receipt and review of the staff investigative report and any recommendations, the board may:

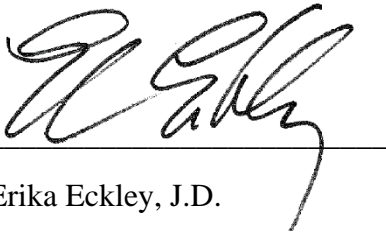
- a) Redirect the matter for further investigation;
- b) Dismiss the matter for lack of probable cause to believe a violation has occurred;
- c) Make a determination that probable cause exists to believe a violation has occurred, but, as an exercise of administrative discretion, dismiss the matter; or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

### **Recommendation**

Based upon investigation of the complaint, I recommend that the IPIB determine probable cause does exist to believe the Pleasant Valley School District did violate Iowa Code chapter 21 by failing to properly notice the PVSDRC meeting on April 29, 2022.

I further recommend that this complaint be dismissed in its entirety as an exercise of administrative discretion pursuant to Iowa Administrative Code Rule 497 - 2.2(4)(c), as the Council has completed appropriate remediation pursuant to the request of IPIB staff.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'E. Eckley', is written over a horizontal line.

Erika Eckley, J.D.

Executive Director

CERTIFICATE OF MAILING

This document was sent by electronic mail on July 12, 2023, to:

Tim Beck

Mikkie Schiltz, legal counsel for the Pleasant Valley School District

13 July 2023

Response to Beck22FC0036 Probable Cause Report

To Board Members,

Thank you for hearing my response.

Let me start with the **Recommendation**.

Recommendation

Based upon investigation of the complaint, I recommend that the IPIB determine probable cause does exist to believe the Pleasant Valley School District did violate Iowa Code chapter 21 by failing to properly notice the PVSDRC meeting on April 29, 2022.

I further recommend that this complaint be dismissed in its entirety as an exercise of administrative discretion pursuant to Iowa Administrative Code Rule 497 - 2.2(4)(c), as the Council has completed appropriate remediation pursuant to the request of IPIB staff.

*If the IPIB board believes that the Pleasant Valley did violate Iowa Code 21, that means that an Open Meeting did take place. The issue is not that the district did not give proper notice; in fact, everyone knew about the meeting and the meeting room was packed.*

*The issue is once an Open Meeting was occurring, the participants could not go into closed session without a legal, valid reason. None was offered. In addition, the vote by the committee occurred in the closed session. Both of these actions fly in the face of the intent of the Open Meetings legislation.*

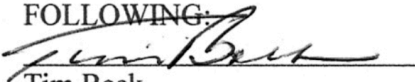
*I hope you will not dismiss my complaint in its entirety for the reasons stated above. I implore the board to accept the Informal Resolution that I signed on 24 Nov 2022. The key provisions of the resolution are shown below. Why should the resolution be changed because the Pleasant Valley School District did not like them? They were the ones that did not comply with the legislation.*

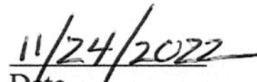
Pursuant to Iowa Code 23.9, the parties negotiated and reached an informal resolution. The parties agree to the following terms:

1. The school board will acknowledge at a public meeting that the PVSDRC did not comply with provisions within Iowa Code chapter 21 for an open meeting on April 30, 2022. The Pleasant Valley School District Reconsideration Committee:
  - Went into closed session without proper notice.
  - The vote taken by the committee was not taken in a public setting.
  - Minutes were not drafted for the open meeting.This acknowledgement shall be recorded in the minutes of said meeting.
2. The District shall conduct training during a meeting open to the public for District administrators and staff in charge of setting committee meetings, on Iowa Code chapters 21 and 22 (Sunshine Laws). Board members are encouraged to participate. The District may utilize the power point training available on the IPIB website. The District shall work with the Iowa School Board Association to provide and conduct the training.
3. The School Board shall approve this resolution during an open meeting and include the full text in the minutes of said meeting. Said minutes shall be provided to the IPIB.

The terms of this informal resolution will be completed within 60 days of acceptance by all parties. Upon showing proof of compliance, the IPIB shall dismiss this complaint as successfully resolved.

THIS INFORMAL RESOLUTION HAS BEEN REVIEWED AND APPROVED BY THE FOLLOWING:

  
Tim Beck

  
Date

Next turning to the **Summary**.

On September 15, 2022, the Iowa Public Information Board accepted this complaint. IPIB Staff attempted to negotiate an informal resolution with all parties. The complainant, Mr. Beck, signed the agreement on November 24, 2022. The Pleasant Valley School District was not agreeable to the term in the informal resolution acknowledging the alleged violation of provisions within Iowa Code chapter 22.

The terms within the draft informal resolution were adjusted to address the comments from the school district. This version was then rejected by Mr. Beck. One final draft was provided to both parties but an agreement on the wording of the resolution could not be agreed to.

*I rejected the revised draft informal resolution proposed by the school district because the school district did not admit to any wrong doing. Consequently, how can I be assured that they won't commit these violations in the future? Again, I agreed to the initial resolution presented. The PV school district did not comply. Why should they get preferential treatment?*

The draft resolution proposed by the School District is shown below.

Pursuant to Iowa Code 23.9, the parties negotiated and reached an informal resolution. The parties agree to the following terms:

1. The school board will acknowledge at a public meeting that the PVSDRC **may have** not complied with provisions within Iowa Code chapter 21 for an open meeting on April 29, 2022. ~~The Pleasant Valley School District Reconsideration Committee:~~
  - ~~Went into closed session without proper notice.~~
  - ~~The vote taken by the committee was not taken in a public setting.~~
  - ~~Minutes were not drafted for the open meeting.~~This acknowledgement shall be recorded in the minutes of said meeting.
2. The District shall conduct training during a meeting open to the public for District administrators and staff in charge of setting committee meetings, on Iowa Code chapters 21 and 22 (Sunshine Laws). Board members are encouraged to participate. The District may utilize the power point training available on the IPIB website. The District shall work with the Iowa School Board Association to provide and conduct the training.
3. The School Board shall approve this resolution during an open meeting and include the full text **or a link to the full text** in the minutes of said meeting. Said minutes shall be provided to the IPIB.

The terms of this informal resolution will be completed within 60 days of acceptance by all parties. Upon showing proof of compliance, the IPIB shall dismiss this complaint as successfully resolved.

The Pleasant Valley School District scheduled and held a training on June 26, 2023. This satisfied the main term within the draft resolution which calls for training during an open meeting for all Board members and District Committee members, on Iowa Code chapters 21 and 22 (Sunshine Laws). This training was provided by the Iowa Association of School Boards. The District provided the IPIB with the training materials that were used.

*The District did, in fact, conduct training at the scheduled board meeting on June 26, 2023. However, for those in the audience, the training materials were not shown on the screens in the room. The training material was included in the 198 pages of supporting material for that meeting; however, it is not customary to print out accompanying material. As a general rule, pertinent presentation material is shown on the screens in the board room.*

*In addition, since this was a board meeting, this was an open meeting. However, at the end of the training presentation, I was not allowed to ask a question. The board policy is that questions cannot be asked during the public forum. Or, at least, the board or administration will not respond. For agenda items, those in the audience can ask questions. I was not allowed to ask my question.*

The District has voluntarily completed the recommended remediation terms and provided documentation to IPIB staff. Staff is satisfied that an acceptable resolution has been reached for this complaint without having an informal resolution agreed to.

*How can there be effective training if the trainers are not addressing the particular reason for the training? That's like a student taking a lecture over again without understanding what questions they got wrong.*

*How can there be an acceptable resolution reached for the complaint when the offending party will not admit they committed any violations of the Open Meetings legislation?*

As a side note, the School District has spent \$6,078 so far on legal fees on my complaint and the book meeting. My complaint should have been settled as soon as it was raised.

Thank you for your consideration of my complaint.

Sincerely,  
Tim Beck  
2985 Pleasant Ridge Ct  
Bettendorf, IA 52722

Joe R. Lane (1858-1931)  
Charles M. Waterman (1847-1924)  
Richard A. Davidson  
Michael P. Byrne  
Theodore F. Olt III  
Judith L. Herrmann  
Joseph C. Judge  
Jason J. O'Rourke  
Mikkie R. Schiltz  
Diane E. Puthoff  
Wendy S. Meyer  
Ian J. Russell  
Benjamin J. Patterson  
Douglas R. Lindstrom, Jr.  
Abbey C. Furlong  
Samuel J. Skorepa  
Kurt P. Spurgeon  
Joshua J. McIntyre  
Brett R. Marshall  
Timothy B. Gulbranson  
Alexander C. Barnett  
Eric M. Hartmann  
Maegan M. Gorham^  
Grace E. Mangieri  
David C. Waterman  
Jenny L. Juehring  
Jessica Y. Kirkpatrick\*\*  
Samuel P. Cropper

**LANE & WATERMAN** LLP  
ATTORNEYS AT LAW SINCE 1854

220 North Main Street, Suite 600  
Davenport, Iowa 52801-1953  
Telephone (563) 324-3246  
Fax (563) 324-1616

Writer's Direct Dial: (563) 333-6620  
E-Mail Address: [mschiltz@l-wlaw.com](mailto:mschiltz@l-wlaw.com)  
[www.L-WLaw.com](http://www.L-WLaw.com)

July 13, 2023

**Via E-Mail Only**

Brittany A. Kammerer  
Sarah T. Oberg Ramirez

*Registered Patent Attorney*  
Kathryn E. Cox±\*

*Of Counsel*  
Thomas N. Kamp\*  
C. Dana Waterman III\*  
James A. Mezvinsky\*  
David A. Dettmann\*  
Terry M. Giebelstein  
Robert V. P. Waterman, Jr.  
R. Scott Van Vooren  
Edmund H. Carroll  
Diane M. Reinsch\*  
Jeffrey B. Lang  
Kyle R. Day

Admitted in Iowa and Illinois

\* Only Admitted in Iowa  
\*\* Admitted in California  
± Admitted in Florida  
^ Admitted in Missouri

Illinois Office  
3551 7<sup>th</sup> Street, Suite 110  
Moline, IL 61265

Mr. Brett J. Toresdahl, CPM  
Deputy Director  
Iowa Public Information Board  
502 East 9th Street  
Wallace Building, 3rd Floor  
Des Moines, Iowa 50319  
Email: [brett.toresdahl@iowa.gov](mailto:brett.toresdahl@iowa.gov)

**Re: Complaint 22FC:0036**

Dear Mr. Toresdahl:

I am writing to express my thoughts on the proposed Probable Cause finding. Please provide this correspondence and additional attachments to the Board. Pleasant Valley Community School District ("PVCSD") respectfully objects to the findings for the reasons set forth in prior correspondence provided, specifically the May 23, 2022, and August 11, 2022, letters, attached hereto.

As expressed, the Reconsideration Committee was not a committee subject to the open meetings law pursuant to the law of the State of Iowa. It was not a policy-making committee. It provided no recommendation to the PVCSD Board; it was not appointed by the PVCSD Board.

Pleasant Valley Community School District followed Iowa law, including information published by IPIB, specifically, the training materials provided by IPIB which note that only advisory bodies that make recommendations are subject to the open meetings law, and the Supreme Court has said that policy-making is more than advising what should be done, but deciding with authority a course of action. (See IPIB Training Materials, Slide 9, attached hereto). PVCSD Board policy makes clear the Reconsideration Committee makes no policy and provides no recommendation to the Board. The Reconsideration Committee made no

LANE & WATERMAN<sup>LLP</sup>  
ATTORNEYS AT LAW SINCE 1854

Mr. Brett J. Toresdahl  
July 13, 2023  
Page 2

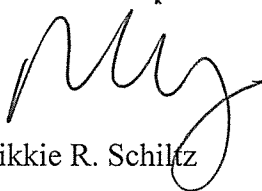
recommendation or policy-course for the Board but provided only input to the Superintendent. This matter never came before the PVCSD Board for any decision.

PVCSD objects to the Probable Cause Finding but agrees the matter should otherwise be dismissed as an exercise of administrative discretion. PVCSD conducted extensive training and made all materials available to the public. The training was interactive, lasted two hours, and focused on open meetings with questions and interaction regarding advisory committees.

Very truly yours,

LANE & WATERMAN LLP

By

  
Mikkie R. Schiltz

MRS/vr  
Enclosures



# SUNSHINE LAWS

Open Meetings and Open Records in Iowa

Government Belongs to the People .



# FAQ

## **Does the definition apply to all task forces, subcommittees, etc?**

Yes, if membership includes a quorum of the main body, the group is likely to be covered by the law.

Legal guidelines include the following-

- ✓“Advisory bodies created by school boards and county boards of supervisors and other governmental agencies by executive order to develop and make recommendations on public policy issues” are subject to the provisions of the open meetings law. (Tabor to Stilwill and Sarcone, 93-11-5)
- ✓The Iowa Supreme Court has said that policy-making “is more than recommending or advising what should be done. Policy-making is deciding with authority a course of action.”  
Mason v. Vision Iowa Bd, 2005
- ✓If they are acting within scope of duty to develop and make recommendations Mason v. Vision Iowa Bd.

Joe R. Lane (1858-1931)  
Charles M. Waterman (1847-1924)  
R. Scott Van Vooren  
Richard A. Davidson  
Michael P. Byrne  
Theodore F. Olt III  
Judith L. Herrmann  
Joseph C. Judge  
Jason J. O'Rourke  
Troy A. Howell  
Mikkie R. Schiltz  
Diane E. Puthoff  
Wendy S. Meyer  
Ian J. Russell  
Benjamin J. Patterson  
Douglas R. Lindstrom, Jr.  
Abbey C. Furlong  
Samuel J. Skorepa  
Kurt P. Spurgeon  
Joshua J. McIntyre  
Brett R. Marshall  
Timothy B. Gulbranson  
Alexander C. Barnett  
Eric M. Hartmann  
Maegan M. Gorham  
Grace E. Mangieri  
David C. Waterman

**LANE & WATERMAN** LLP  
ATTORNEYS AT LAW SINCE 1854

220 North Main Street, Suite 600  
Davenport, Iowa 52801-1953  
Telephone (563) 324-3246  
Fax (563) 324-1616

Writer's Direct Dial: (563) 333-6620  
E-Mail Address: mschiltz@l-wlaw.com  
www.L-WLaw.com

August 11, 2022

*Via Email Only*

Jenny L. Juchring  
Michelle M. Weiser\*\*  
Jessica Y. Kirkpatrick

*Registered Patent Attorney*  
Kathryn E. Cox±\*

*Of Counsel*  
Thomas N. Kamp\*  
C. Dana Waterman III\*  
James A. Mezvinsky\*  
David A. Dettmann\*  
Terry M. Giebelstein  
Robert V. P. Waterman, Jr.  
Edmund H. Carroll  
Diane M. Reinsch\*  
Jeffrey B. Lang  
Courtney M. Kay-Decker  
Kyle R. Day

Admitted in Iowa and Illinois

\* Only Admitted in Iowa  
\*\*Admitted in New York  
± Admitted in Florida

Illinois Office  
3551 7<sup>th</sup> Street, Suite 110  
Moline, IL 61265

Margaret Johnson, J.D.  
Executive Director  
Iowa Public Information Board  
502 East 9th Street  
Wallace Building, 3rd Floor  
Des Moines, Iowa 50319

Re: Case No. 22FC:0036

Dear Ms. Johnson:

I am counsel for Pleasant Valley Community School District ("PVCSD") and am writing to the Board to provide PVCSD's objection to the Proposed Order in the above case.

The Book Reconsideration Committee is not a public board or advisory board subject to Iowa Code § 21.2. A finding as in the Proposed Order is contrary to Iowa Supreme Court interpretations of the Code.<sup>1</sup>

The Iowa Supreme Court has determined a negotiating committee is not a governmental body and did not hold a meeting as defined by the Iowa Code. *See Mason v. Vision Iowa Bd.*, 700 N.W.2d 349 (Iowa 2005). In *Mason*, the negotiating committee was directly appointed by the Board, filled with Board members and was charged with reviewing an agreement and advising the Board whether an agreement was acceptable. Meetings of the negotiating committee were closed and did not follow notice requirements of the statute. The committee further reported directly to the Board regarding its recommendation on the project. The Board then followed that recommendation. The Court determined that the negotiating committee had no authority to make a decision; it only recommended or advised what should be done.

---

<sup>1</sup> I attach the court decisions referenced herein for ease of reference by the Iowa Public Information Board.

Iowa Public Information Board  
August 11, 2022  
Page 2

“‘[P]olicy-making’ is more than recommending or advising what should be done.” *Mason*, 700 N.W.2d at 354. This is true even though the legislature added advisory boards and commissions to Iowa Code § 21.2. The court determined that because these groups make recommendations instead of making policy, they do not hold meetings governed by Iowa Code Chapter 21. A meeting is still defined as a location where policy is made. Furthermore, the *Mason* court determined the negotiating committee appointed by the public board was not created by statute or executive order.

Likewise, in the current situation, the Book Reconsideration Committee did not hold a “meeting” as defined by Iowa Code. It met and made no policy decisions. It was not appointed by the PVCSD Board; it did not make a policy decision. It made a simple recommendation to the Superintendent, which is not policy-making as required by Iowa Code Chapter 21.

Similarly, in *Hummel v. Des Moines Indep., Comm’t, Sch. Dist.*, 767 N.W.2d 420 (Iowa App. 2009), the Iowa Court of Appeals followed *Mason* and determined a school board committee responsible only for recommending or suggesting development proposals was not governed by Iowa Code Chapter 21. This was especially true because in that case, as here, the committee forwarded recommendations to the Superintendent, not the Board. In *Hummel*, the Board met and created a Review Committee which met at separate meetings and provided recommendations regarding the sale of property. The *Hummel* court determined the review committee was not created by the governor, by the general assembly, by statute, or by executive order of a political subdivision to fall within paragraphs 21.2 (e) or (h).

Finally, the proposed Order ignores the fact the Book Reconsideration Committee history of deliberating in closed session and the fact an individual made a verbal threat at the meeting.

There is no authority in Iowa law which supports the findings of the proposed Order.

Very truly yours,

LANE & WATERMAN LLP

By   
Mikkie R. Schiltz

MRS/vr  
Encl.

Joe R. Lane (1858-1931)  
Charles M. Waterman (1847-1924)  
R. Scott Van Vooren  
Richard A. Davidson  
Michael P. Byrne  
Theodore F. Olt III  
Judith L. Herrmann  
Joseph C. Judge  
Jason J. O'Rourke  
Troy A. Howell  
Mikkie R. Schiltz  
Diane E. Puthoff  
Wendy S. Meyer  
Ian J. Russell  
Benjamin J. Patterson  
Douglas R. Lindstrom, Jr.  
Abbey C. Furlong  
Samuel J. Skorepa  
Kurt P. Spurgeon  
Joshua J. McIntyre  
Brett R. Marshall  
Timothy B. Gulbranson  
Alexander C. Barnett  
Eric M. Hartmann  
Maegan M. Gorham  
Grace E. Mangieri  
David C. Waterman

**LANE & WATERMAN** LLP  
ATTORNEYS AT LAW SINCE 1854

220 North Main Street, Suite 600  
Davenport, Iowa 52801-1953  
Telephone (563) 324-3246  
Fax (563) 324-1616

Writer's Direct Dial: (563) 333-6620  
E-Mail Address: [mschiltz@l-wlaw.com](mailto:mschiltz@l-wlaw.com)  
[www.L-WLaw.com](http://www.L-WLaw.com)

May 23, 2022

**Via E-Mail Only**

Jenny L. Juehring  
Michelle M. Weiser\*\*

*Registered Patent Attorney*  
Kathryn E. Cox±\*

*Of Counsel*  
Thomas N. Kamp\*  
C. Dana Waterman III\*  
James A. Mezvinsky\*  
David A. Dettmann\*  
Terry M. Giebelstein  
Robert V. P. Waterman, Jr.  
Edmund H. Carroll  
Diane M. Reinsch\*  
Jeffrey B. Lang  
Courtney M. Kay-Decker  
Kyle R. Day

Admitted in Iowa and Illinois

\* Only Admitted in Iowa  
\*\* Admitted in New York  
± Admitted in Florida

Illinois Office  
3551 7<sup>th</sup> Street, Suite 110  
Moline, IL 61265

Margaret Johnson, J.D.  
Executive Director  
Iowa Public Information Board  
502 East 9th Street  
Wallace Building, 3rd Floor  
Des Moines, Iowa 50319

**Re: Formal Complaint 22FC:0036**

Dear Ms. Johnson:

On March 23, 2022, an interested parent of Pleasant Valley Community School District (“PVCSD”) submitted a Reconsideration of Instructional Materials, objecting to a book, *All Boys Aren't Blue*, contained in the Pleasant Valley High School library.<sup>1</sup> (PVCSD 1-2)

Objections to materials are handled according to PVCSD Board policy 603.8E2. (PVCSD 3) Despite the material not being “instructional materials” but simply library material, PVCSD elected to follow the method of previous objections to materials and Board Policy 603.8E2. *All Boys Aren't Blue* is not used as “instructional material” in any classroom in the District.

**PVCSD Policy**

Board Policy 603.8R1 governs the selection of “instructional materials” which is not otherwise defined in any policy. The Policy further notes that materials selected for use in libraries and classrooms should meet various guidelines, present information about controversial issues in a balanced collection, and in regard to the use of profanity and sexual content, be subjected to a

---

<sup>1</sup> The objector’s name and address have been redacted from the documents. She is not a party to this Complaint.

Margaret Johnson, J.D., Executive Director  
Iowa Public Information Board  
May 23, 2022  
Page 2

test of literary merit and realistic representation. (PVCSD 6-7) Board Policy 603.8E2 provides that any member of the school district may challenge instructional materials. (PVCSD 3) It further provides, “The task of the reconsideration committee is to provide an open forum for discussion of the challenged materials and to make an informed recommendation on the challenge.” It goes on to state that meetings of the committee are subject to the open meetings law.<sup>2</sup> The Policy further provides instructions regarding the oral presentation and listening to the viewpoints of all. Finally, the Committee is tasked with answering “Is the material appropriate for its intended educational use?” in determining a final recommendation to remove the challenged material, taking no removal action, or limiting the educational use of the materials.

Board Policy 603.8R2 provides the details regarding objections to instructional materials. The Reconsideration Committee is appointed by the superintendent to include seven voting members and a chair. The seven members include: one teacher representing the level of the curricular material being reviewed, one teacher-librarian, one school board member, two community members, and two high school students. (PVCSD 4-5) The committee is first tasked with reviewing the objection and challenged material. The committee can then decide if the objection is to be dismissed (without any meeting). If the challenge is accepted by the committee, a meeting is scheduled for the objecting individual to share their views. Other individuals also can be invited to provide information. The Committee is then to make a recommendation. The superintendent is then tasked with making an independent recommendation. In fact, the recommendation of the Committee only comes into play if the Superintendent’s independent recommendation is appealed to the PVCSD Board.<sup>3</sup> Following the superintendent’s decision (taking into account the committee’s recommendation), the individual challenger may appeal the decision to the board within five school days following the superintendent’s decision. (PVCSD 4-5)

### **Challenge Procedures in April-May 2022 Regarding *All Boys Aren’t Blue***

A Reconsideration Committee was appointed, consisting of one teacher from the high school level, one teacher-librarian (the PV Junior High teacher-librarian was asked to participate because she did not have input on the PV High School selection of the book), one school board member, two community members, and two high school students. A district administrator chaired the Committee. No individuals associated with selection of the book for the library were on the Committee. The Committee members were all given a chance to review the objection and the challenged material (which consisted of reading the book, *All Boys Aren’t Blue*). The

---

<sup>2</sup> The policy, however, does not make any meeting subject to Iowa Code Chapter 21.

<sup>3</sup> There was no appeal to the Board.

Margaret Johnson, J.D., Executive Director  
Iowa Public Information Board  
May 23, 2022  
Page 3

committee looked at the challenge and the material and accepted the objection for review.<sup>4</sup> A meeting was scheduled for April 29, 2022, and Notice was provided of this meeting to allow interested persons to have the opportunity to share views regarding the challenged material's continued availability in the high school library. (PVCSD 8-10)

At the meeting, the objector was given the opportunity to provide additional comments regarding the objection. Members of the community were also given the opportunity to provide comments. 19 community members spoke at the meeting, split between favorable comments regarding the continuance of the book in the library and objecting to the book's presence in the library. There were at least 72 people present at the meeting. The criterion for the committee's consideration was: the appropriateness of the material for its intended educational use (presence in the high school library).

During the meeting and public comments, a member of the public made threatening remarks to the Reconsideration Committee. He specifically said, "I know who you are, and I know where you live." After the completion of the public comments, there was a short break. Upon reconvening, the Chair mentioned that an individual had made comments perceived to be threatening and invited the member of the public to clarify his comments. The member of the public then talked about his military experience, made additional comments for several minutes, continued with veiled verbal threats to the committee members, and failed to yield the floor causing many public members to voice objections. He did not back off his previous comments.<sup>5</sup> The Committee then voted to change the deliberations to a closed session due to the threatening comments and failure to yield the floor, the fact that the Reconsideration Committee was made up of public volunteers and high school students, along with employees of PVCSD. The Reconsideration Committee ultimately voted 6-1 to take no removal action, thus recommending leaving *All Boys Aren't Blue* in the PVHS library. (PVCSD 11)

Pursuant to the policy, PVCSD Superintendent Strusz independently reviewed the book and recommended a no-removal action. He informed the parent objecting to the PVHS library book. (PVCSD 12). The parent elected not to appeal the decision. (PVCSD 13-26)

### **Open Meetings Law**

The Reconsideration Committee was not governed by the open meetings law in Iowa. Iowa law provides that meetings of governmental bodies must be open (subject to various exceptions).

---

<sup>4</sup> At the April 29, 2022 meeting, the Reconsideration Committee Chair told the public the Committee accepted the objection because the Committee was not unanimous.

<sup>5</sup> A recording of the meeting is available for review.

Margaret Johnson, J.D., Executive Director  
Iowa Public Information Board  
May 23, 2022  
Page 4

Iowa Code Chapter 21. The Reconsideration Committee is not a “governmental body”. Only one PVCSD Board member was part of the Reconsideration Committee. The Committee contained members of the public, employees of the District, and students of the District. Administrative panels are not subject to the open meetings law; they are not “governmental bodies.” *Donahue v. State*, 474 N.W.2d 537 (Iowa 1991).

The Reconsideration Committee is not created by any statute or any elected Board. The Reconsideration Committee is also not an “advisory board, advisory commission, advisory committee, task force, or other body created by statute or executive order of this state or created by an executive order of a political subdivision of this state to develop and make recommendations on public policy issues.” Iowa Code § 21.2(h). The Reconsideration Committee was not created nor appointed by the PVCSD Board. The parent did not appeal the Superintendent’s recommendation to the Board. The Reconsideration Committee’s recommendation did not go to the Board. The Committee made no policy considerations but simply made a recommendation, the Superintendent then independently reviewed the book, and recommended no-removal action, thus leaving the book in the PVHS library.

The Reconsideration Committee is not a policymaking Board and took no action, such that the April 29, 2022, meeting is not a “meeting” subject to Iowa Code Chapter 21. *See Mason v. Vision Iowa Bd.*, 700 N.W.2d 349 (Iowa 2005). “[P]olicy-making’ is more than recommending or advising what should be done. ‘Policy-making’ is deciding with authority a course of action.” *Mason*, 700 N.W.2d at 354. “[O]nly gatherings in which a governmental body establishes and directs policy are encompassed in the statutory definition of ‘meeting.’” *Id.* at 355. Because a committee had no policy-making duties, its meetings are not subject to the open meetings law. *See id.* at 358; *see also Hummel v. Des Moines Ind. Comm. Sch. Dist.*, 767 N.W.2d 420 (Iowa App. 2009) (finding a review committee recommending items to the school board is not subject to Iowa Code Chapter 21; advisory committees do not conduct a “meeting” as defined by Iowa law).

The Reconsideration Committee in this case is even less of a policy-making entity. The PVCSD Board Policies make clear that the Superintendent makes a separate and independent decision after the Reconsideration Committee. The individual objecting to the book only has the right to appeal from the Superintendent’s independent decision. A Book Reconsideration Committee is not a policy-making body; it contains members of the public, employees of the district, and students of the district. The Committee made no decision, and no “meeting” was held as defined by Iowa law.

Furthermore, the book reconsideration decision was a library book, not instructional materials governed by the PVCSD policy. In previous book reconsiderations (even those which governed



**LANE & WATERMAN** LLP  
ATTORNEYS AT LAW SINCE 1854

Margaret Johnson, J.D., Executive Director  
Iowa Public Information Board  
May 23, 2022  
Page 5

classroom use), PVCSD has followed the procedure of holding a public meeting for discussion and input by the objector and the public with private deliberation and vote. Finally, a decision to not remain a public meeting was made after a member of the public made threats to the Reconsideration Committee. Those threats were directed at the members of the committee, which included students.

**Conclusion**

The Reconsideration Committee is not subject to the open meetings statute according to Iowa law, and this Complaint should be dismissed.

Very truly yours,

LANE & WATERMAN LLP

By   
Mikkie R. Schiltz

MRS/vr  
Enclosures

# The Iowa Public Information Board

In re the Matter of:	Case Number: 23FC:0035
Concerned Citizen, Complainant	Informal Resolution Report
And Concerning:	
O'Brien County Conservation Board, Respondent	

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

On March 9, 2023, Concerned Citizen filed formal complaint 23FC:0035, alleging that O'Brien County Conservation Board (Board) violated Iowa Code chapter 21.

IPIB accepted this formal complaint on May 18, 2023. Pursuant to Iowa Code section 23.9, the parties agreed to the following terms:

1. The O'Brien County Conservation Board will acknowledge that there are sufficient facts to show that on February 8, 2023, the Board held a meeting in violation of Iowa Code Chapter 21 at the Prairie Heritage Center. This meeting included a majority of the Board who held a discussion about issues within the scope of the policy-making role of the Board after an official board meeting ended.
2. The O'Brien County Conservation Board will acknowledge that Iowa Code Chapter 21 requires that all meetings of the Board require public notice and an agenda provided at least 24 hours in advance of a meeting and that all discussion of Board policy is to be done within the scope of Chapter 21.
3. All members of the O'Brien County Conservation Board will attend training on Iowa Code chapters 21 and 22 during an open and public meeting, to be scheduled and presented by the Iowa Public Information Board staff.
4. Members of the O'Brien County Conservation Board will acknowledge that under Iowa Code § 21.6(3) that continued violations of Iowa's Open Meetings Law can result in fines assessed to individual members of the Board in addition to removal from office.

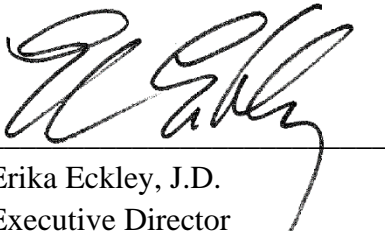
5. The O'Brien County Conservation Board will approve this Informal Resolution at an open and public meeting and will include this Informal Resolution in the official minutes of said meeting.

The date of this agreement is the date upon which all parties have signed it, as evidenced by the signature dates below. The parties shall complete all terms of this agreement no later than 60 days from the date of this agreement, except that IPIB staff may allow for reasonable extensions. Upon successful completion of all terms, IPIB shall dismiss this complaint.

The parties approved and signed the Informal Resolution on June 23, 2023.

It is recommended that the IPIB approve the proposed informal resolution and set the matter for compliance review in accordance with the terms of the informal resolution.

Respectfully submitted,



A handwritten signature in black ink, appearing to read 'Erika Eckley', is written over a horizontal line. The signature is fluid and cursive.

Erika Eckley, J.D.  
Executive Director

#### CERTIFICATE OF MAILING

This document was sent on July 11, 2023, to:

Concerned Citizen  
Katie Morgan, attorney for O'Brien Conservation Board

# The Iowa Public Information Board

In re the Matter of:	Case Numbers: 23FC:0029 and 23FC:0050
Robert Colwell, Complainant	Consolidation and Dismissal Order
And Concerning:	
Iowa Department of Health and Human Services, Respondent	

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

### **Complaint 23FC:0029**

On March 2, 2023, Robert Colwell filed formal complaint 23FC:0029, alleging that Iowa Department of Health and Human Services (DHHS) violated Iowa Code chapter 22 on December 27, 2022.

### **Facts**

On November 11, 2022, Dr. Colwell submitted a records request to the DHHS for “documents, audits, or requirements on MCNA Dental or other PAHPs<sup>1</sup> that require the PAHPs to have all surgical notes, anesthesia records, and moderate sedation records for dental procedures for payment of dental services” and “any information, letters, documents, addendums, etc. that allow MCNA Dental or other PAHPs to require more administrative burden than the existing Fee for Service Medicaid Program.” Colwell also asked DHHS a number of questions.

On December 27, 2022, DHHS responded to Dr. Colwell’s request. DHHS provided written responses addressing the questions of policy and applicable portions of DHHS administrative code for support. The response, in essence, was that DHHS did not have any records responsive to the stated requests.

On March 2, 2023, Dr. Colwell filed complaint 23FC:0029, alleging that DHHS had ignored his requests. DHHS responded to the complaint on March 10. In its response, DHHS provided IPIB copies of DHHS’s December 27, 2022, response to Colwell’s request and explained that many of Colwell’s requests were in fact policy questions, not records requests.

---

<sup>1</sup> Pre-paid ambulatory health plan (PAHP). Iowa Health and Human Services Department contracts with one or more PAHP to provide dental health care services to Iowa’s the Medicaid and Children’s Health Insurance Program (CHIP) participants.

### **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). 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.

Further, Chapter 22 does not grant every person the right to serve interrogatories on a governmental body. Requests or demands that seek anything other than the production of public records are not Chapter 22 requests, and therefore cannot result in Chapter 22 violations.

### **Analysis**

The facts show DHHS fulfilled its legal obligation under Chapter 22 when it responded to Colwell’s request. DHHS tried to respond to Dr. Colwell’s questions by directing him to the policies applicable to the questions. While the response could have more clearly stated that there were no specific records in response to the request, DHHS cannot be faulted for trying to direct Dr. Colwell to the agency’s policies applicable to his questions.

### **Conclusion**

DHHS responded to Dr. Colwell’s records request. DHHS could have more clearly stated that it did not have any records in its possession in response to the request. But, DHHS is not required to create records it does not possess. DHHS’ response did not violate Iowa Code chapter 22.

### **Complaint 23FC:0050**

On April 18, 2023, Robert Colwell filed formal complaint 23FC:0050, alleging that Iowa Department of Health and Human Services (DHHS) violated Iowa Code chapter 22 on March 28, 2023.

On March 28, 2023, Dr. Colwell submitted a records request to the DHHS for “all emails produced by MCNA aka MCNA Dental during actions as a PAHP for the State of Iowa regarding denials and purported payment of the claim attached to this email. This would include all reviews, correspondence between MCNA Dental and Rodney Dahlquist regarding the need to pay this claim. Please redact any HIPAA protected information, but provide a short narrative of what was redacted.”

On April 17, 2023, DHHS responded to Dr. Colwell’s request and stated, “Regarding your March 28 request for records related to an MCNA claim and your April 11 follow up email, Iowa Code chapter 22 requires a government body to provide access to public records when the government body is the custodian of the record. Iowa HHS is not the custodian of the records you are requesting, and therefore, has no records responsive to your request.”

Dr. Colwell argues in his complaint that the request was for a specific dental claim for a specific patient. The emails are kept as part of the administration of the Dental Wellness Program or another name for the Iowa Medical Dental Program. The Department of Health and Human Services in Iowa is the administrator and MCNA Dental is the contractor who does the payment processing. MCNA as part of its work for Medicaid is require [sic] to keep all records regarding claims and payment issues.”

In responding to the complaint, DHHS provided some additional information regarding Dr. Colwell’s request and the contractual relationship between DHHS and MCNA Dental. DHHS stated that it did a review of all of its email and did not find any records responsive to the request within its system and any records that exist would be in the custody of MCNA Dental, a private company. DHHS also clarified that Robert Dahlquist is an attorney who provides legal counsel to MCNA Dental, so communication between Mr. Dahlquist and MCNA Dental would be subject to attorney-client privilege.

### **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.

In review of a similar issues, IPIB Advisory Opinion 20AO:0005 stated that “A subsidy, in and of itself, from a public body to a private entity does not subject the private entity’s records to public records laws. As such, Iowa Code chapter 22 makes no mention of subsidies and their effect on records.

In order for records to be subject to the open records laws found in Iowa Code chapter 22, they must meet the definition of public records. Public records are defined in Iowa Code § 22.1(3)(a-b).”

### **Analysis**

In his complaint, Dr. Colwell sought records related to payment or denials of claims for medical services related to an individual patient. DHHS responded to the request. DHHS did not provide any documents because it claimed it was not the custodian of the records. The records sought by Dr. Colwell were individual emails submitted between MCNA Dental and their attorney about the claims. There is no reason that DHHS would be the custodian of email records belonging to MCNA Dental, a private company.

Dr. Colwell, however, argues that because Medicaid oversees the managed care program, it should have control of individual email documents between the contracted entity, MCNA Dental, related to billing and denials of individual claims in the Medicaid program managed by the company.

Iowa Code § 294A.4 gives DHHS the ability to contract with a private entity to handle the processing of and payment of claims in managing the Medicaid program, including the dental program in which MCNA Dental participates. This relationship is laid out in Contract # MED-19-008, the contract between HHS and MCNA Dental, includes a number of provisions related to data and information collected by MCNA Dental in the course of its business as a managed care organization for the Medicaid program, including: Data Collection; Ownership and Disposition of

Agency [HHS] Information; Financial Record Retention and Access; Public Records – Procurement and Contracts; and Federal Regulatory Terms – 42 CFR § 438.604.

The contract does not address ownership of internal MCNA Dental email records that discuss the resolution of individual claims. Nor does it address ownership of email communications between MCNA Dental and its external legal counsel that discuss resolution of individual claims.

It would be an expansive and illogical interpretation of Iowa Code Chapter 22 if all internal communications of a company that contracted with a government agency automatically became subject to Chapter 22 requirements public records due to the contractual relationship. Previous IPIB guidance agreed.

The Iowa Supreme Court has not taken such a broad reading of DHHS's relationship with contracted managed care organizations. In *Colwell v. Iowa Department of Human Services*, 923 N.W.2d 225 (Iowa 2019), the court held that payment disputes in the managed care setting are essentially contract disputes between the medical provider and the contracted private company. The Iowa Supreme Court has found that the agency (DHHS) may act as adjudicator of the payment claim if provided in the statutes and regulations for the program, but that the review and payment is first submitted and addressed by the contracted entity. *Id.* at 235. This analysis of the relationship between DHHS and the managed care entity shows a separation of the entities and their functions as described by DHHS in response to the records request.

Based on the separation of day-to-day billing and claims decisions appropriately delegated to MCNA Dental, the company retains ownership and custody of the email records.

### **Conclusion**

DHHS has statutory authority to contract with MCNA Dental to handle all of the processing of and payment of claims under Medicaid. The Legislature expressly granted to DHHS the ability to utilize private entities for these purposes. It is not unreasonable that MCNA Dental would retain ownership of its email records for the day-to-day activities related to their contracted purpose.

Payment disputes in the managed care setting are essentially contract disputes between the medical provider and the contracted private company. *See Colwell*, 923 N.W.2d 225. The Iowa Supreme Court has held that the review and payment of managed care claims is first submitted and addressed by the contracted entity. *Id.* at 235. This analysis of the relationship between DHHS and the managed care entity shows a separation of the entities and their functions as described by DHHS in response to the records request.

Based on these factors, DHHS properly notified Dr. Colwell that it was not the custodian of the records requested and no violation of Chapter 22 occurred.

### **Consolidation and Dismissal**

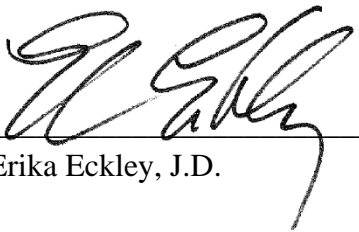
Before filing complaint 23FC:0050, Dr. Colwell asked the Board to wait to address complaint 23FC:0023 and to consolidate his complaints for consideration together. The Board agreed to consolidate the complaints. Therefore, the complaints are consolidated.

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. This complaint does not meet those requirements.

IT IS SO ORDERED: Formal complaints 23FC:0029 and 23FC:0050 are dismissed as legally insufficient pursuant to Iowa Code section 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 June 15, 2023. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Executive Director



Erika Eckley, J.D.

#### CERTIFICATE OF MAILING

This document was sent on the 11<sup>th</sup> day of July, 2023, to:

Dr. Robert Colwell  
Alex Carfrae, Iowa Department of Health and Human Services



# The Iowa Public Information Board

In re the Matter of: Jacob Hackman, Complainant And Concerning: Chickasaw County, Respondent	Case Number: 23FC:0055  Dismissal Order
---	---

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

## Facts

Jacob Hackman filed formal complaint 23FC:0055 on May 7, 2023, alleging that Chickasaw County (“County”) violated Iowa Code chapter 22 on April 17, 2023.

Mr. Hackman alleged that the County failed to appropriately respond to his record request by providing a redacted version of the document. Mr. Hackman is a member of the Board of Supervisors. The record that he requested was a copy of an email correspondence that was sent to another Supervisor and read out loud at the Board meeting on April 17, 2023.

The requested email was provided to Mr. Hackman on April 25, 2023 after being reviewed and redacted by County Attorney David Laudner. A notation on the record stated, “Confidential Records pursuant to the Iowa Code 22.7(18).” The sender of the email indicated that they wanted it read during a meeting but did not want their name disclosed. Mr. Hackman wants to see the entire email in an unredacted form.

County Attorney David Laudner provided a response to the complaint on behalf of the County. He confirmed that Supervisor Breitbach had received an email from a constituent, he read it out loud, but the individual stated, “they wanted to keep their name out of it.” Upon receiving the record request, the County retrieved the email record from Mr. Breitbach, which he provided.

Mr. Laudner authenticated the email as received on an official government email account. He also confirmed with the Auditor that the sender of the email was not an employee of the County. He therefore determined that the author of the email should be considered a person “outside of government.” His office determined the author would be discouraged from making a statement to the government body if the email was available for general public examination.

Therefore, Mr. Laudner provided a copy of the record with the email address, name, and telephone number of the author as well as a small portion of the email that would indirectly indicate the identity of the author, redacted from the document. The document was provided to Mr. Hackman on April 25, 2023.

## **Law**

Iowa Code § 22.7(18) states that certain records are confidential when the communication is sent by persons outside of government:

*18. Communications not required by law, rule, procedure, or contract that are made to a government body or to any of its employees by identified persons outside of government, to the extent that the government body receiving those communications from such persons outside of government could reasonably believe that those persons would be discouraged from making them to that government body if they were available for general public examination. As used in this subsection, “persons outside of government” does not include persons or employees of persons who are communicating with respect to a consulting or contractual relationship with a government body or who are communicating with a government body with whom an arrangement for compensation exists. Notwithstanding this provision:*

*a. The communication is a public record to the extent that the person outside of government making that communication consents to its treatment as a public record.*

*b. Information contained in the communication is a public record to the extent that it can be disclosed without directly or indirectly indicating the identity of the person outside of government making it or enabling others to ascertain the identity of that person.*

*c. Information contained in the communication is a public record to the extent that it indicates the date, time, specific location, and immediate facts and circumstances surrounding the occurrence of a crime or other illegal act, except to the extent that its disclosure would plainly and seriously jeopardize a continuing investigation or pose a clear and present danger to the safety of any person. In any action challenging the failure of the lawful custodian to disclose any particular information of the kind enumerated in this paragraph, the burden of proof is on the lawful custodian to demonstrate that the disclosure of that information would jeopardize such an investigation or would pose such a clear and present danger.*

As stated in IPIB 17AO:0009: *A communication to a government body can be kept confidential under Iowa Code section 22.7(18) only if all of the following exist:*

1. *The communication is not required by law, rule, procedure, or contract.*
2. *It is from identified persons outside of government.*
3. *The government body could reasonably believe those persons would be discouraged from communicating with government if the information was made public.*
4. *And, nevertheless, the information can still be released if the person communicating with government consents to its release or if it can be released without identifying the person.*

### **Analysis**

The requested record was

1. an email sent to an elected official.
2. sent by a member of the public from outside of the County government.
3. The County reasonably believed that persons would be discouraged from communicating with the government if their information was made public.
4. The person who sent the email indicated that their statement could be shared at a Board of Supervisors meeting but they did not want their identity to be disclosed.

It appears that the redactions to the public record were only to remove identifying information from the document. The individual would have otherwise been discouraged from sending the communication and it therefore is confidential pursuant to Iowa Code § 22.7(18). The County did not violate Iowa Code chapter 22 by redacting the public record.

### **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.

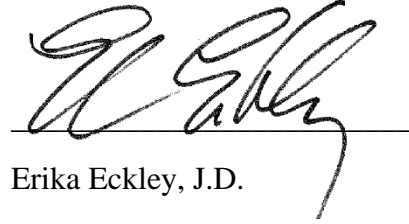
Mr. Hackman requested a record from the County. The County provided the record with personally identifiable information redacted from the document. The redaction was done after an analysis of the likelihood that providing the information would discourage individuals from communicating with the government if their information was made public and the individual did not consent to the release. Complaint 23:FC0067 is without merit and should be dismissed.

IT IS SO ORDERED: Formal complaint 23FC:0055 is dismissed as it is without merit pursuant to Iowa Code § 23.8(2) and Iowa Administrative Rule 497-2.1(2)(b).

Pursuant to Iowa Administrative Rule 497-2.1(3), the IPIB may “delegate acceptance or dismissal of a complaint to the executive director, subject to review by the board.” The IPIB will review

this Order on July 20, 2023. 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 black ink, appearing to read 'E. Eckley', is written over a horizontal line. The signature is fluid and cursive.

Erika Eckley, J.D.

#### CERTIFICATE OF MAILING

This document was sent on July 11, 2023, to:

Jacob Hackman  
David Laudner, Chickasaw County Attorney

## Before The Iowa Public Information Board

In re the Matter of: David Huffman, Complainant And Concerning: Batavia City Council, Respondent	Case Number: 22FC:0047  Probable Cause Report
---	---

COMES NOW Erika Eckley, Executive Director for the Iowa Public Information Board (IPIB), and respectfully submits this probable cause report for formal complaint 22FC:0047.

### Background

On May 25, 2022 David Huffman filed formal complaint 22FC:0047, alleging that the Batavia City Council (Council) violated Iowa Code chapters 21 and 22.

Mr. Huffman alleged that the Council failed to post a meeting notice for the May 9, 2022, Council meeting. He further alleged that the Council took action on a matter that was not on the agenda.

Legal counsel for the Council responded to the complaint on May 27, 2022, and noted that the meeting notice and agenda was properly posted. He provided a copy of the agenda and minutes for the meeting in question.

The agenda provided by legal counsel included this item: "Discussion on selling of 400 4th." However, the meeting minutes indicated that the Council not only discussed this sale, but also opened sealed bids and accepted a bid for the sale of the property.

If the Council planned to open bids and sell the property in question, that should have been specified on the agenda so that the public would be fully advised of the action to be taken.

Mr. Huffman also alleged a violation of Iowa Code chapter 22 (public records law) occurred, but did not provide any information regarding this allegation.

The IPIB accepted this complaint on July 21, 2022. Pursuant to Iowa Code section 23.9, IPIB staff proposed an Informal Resolution with the following terms:

1. The Council will acknowledge at a public meeting that the Batavia City Council did not post a notice for the meeting on May 9, 2022 that provided an agenda in a manner reasonably calculated to apprise the public of action that it would be taking at that meeting. This acknowledgement shall be recorded in the minutes of said meeting.
2. The Mayor and the Clerk shall work with the League of Cities to develop a check list to be used in the development of agendas pursuant to Iowa Code chapter 21. Said document shall be provided to the IPIB.

3. The Council shall conduct training during an open meeting for all council members and city officials, on Iowa Code chapters 21 and 22 (Sunshine Laws). The Council may utilize the power point training available on the IPIB website. The Council shall work with the Iowa League of Cities to provide the training to the council and officials.
4. The Council shall approve this resolution during an open meeting and include the full text in the minutes of said meeting. Said minutes shall be provided to the IPIB.

The terms of the informal resolution were to be completed within 60 days of acceptance by all parties. Upon showing proof of compliance, the IPIB would then dismiss this complaint as successfully resolved.

### **Legal Analysis**

Iowa Code section 21.4(1)(a) requires that the posted meeting agenda provide details in a manner reasonably calculated to apprise the public of that information.

1. *a. 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.*

The agenda item in this matter did not meet the expectations of this code section. Additional detail in the agenda was needed to notify the public that bids would be opened and accepted.

The information provided by the parties indicates that Iowa Code chapters 21 was not properly followed by the Batavia City Council.

### **Summary**

On July 21, 2022, the Iowa Public Information Board accepted this complaint. IPIB Staff attempted to negotiate an informal resolution with all parties. The complainant, Mr. Huffman, signed the agreement on October 11, 2022. The Batavia City Council was not agreeable to the term in the informal resolution acknowledging the alleged violation of provisions within Iowa Code chapter 21.

The terms within the draft informal resolution were adjusted to address the comments from the Council. This version was not signed by Mr. Huffman or the Council. The Council agreed to comply with the training requirements set forth in terms #2 & #3 at their January 9, 2023 meeting.

The Batavia City Council scheduled and held a training on April 10, 2023, conducted by the Iowa League of Cities. This satisfied the main term within the draft resolution which calls for

training during an open meeting for all Council members and City officials, on Iowa Code chapters 21 and 22 (Sunshine Laws). At their April 24, 2023, the Council approved a check list for the development of agendas and it also approved the terms of the informal resolution which they have completed. Minutes of both meetings were provided to the IPIB.

The Council has completed the recommended remediation terms and provided documentation to IPIB staff. Staff is satisfied that an acceptable resolution has been reached for this complaint without having an informal resolution agreed to.

### **IPIB Action**

The IPIB has several options upon receipt of a probable cause report. According to Iowa Administrative Rule 497 - 2.2(4):

“Board action. Upon receipt and review of the staff investigative report and any recommendations, the board may:

- 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”.

### **Recommendation**

Based upon investigation of the complaint, I recommend that the IPIB determine probable cause does exist to believe the Batavia City Council did violate Iowa Code chapter 21 by failing to properly notice the Council meeting on May 9, 2022.

I further recommend that this complaint be dismissed in its entirety as an exercise of administrative discretion pursuant to Iowa Administrative Code Rule 497 - 2.2(4)(c), as the Council has completed appropriate remediation pursuant to the request of IPIB staff.

Respectfully submitted this 20th day of July, 2023.

---

Erika Eckley, J.D.  
Executive Director

### **CERTIFICATE OF MAILING**

This document was sent by electronic mail on July 12, 2023, to:

David Huffman  
Lucas Helling, legal counsel for the Batavia City Council

# The Iowa Public Information Board

In re the Matter of:	Case Numbers: 23FC:0067
Michael Larson, Complainant	Dismissal Order
And Concerning:	
City of Cedar Rapids, Respondent	

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

## Facts

On June 20, 2023, Michael Larson filed formal complaint 23FC:0067, alleging that the City of Cedar Rapids violated Iowa Code chapter 22.

Mr. Larson alleges that he has submitted two public records requests to the city of Cedar Rapids (City) for any human resources or library documents pertaining to a June 2, 2022, incident at the city's public library that resulted in his dismissal from employment with the City.

He alleges he submitted his first request on March 29, 2023, but it was not fulfilled until May 3, 2023, after he sent a follow-up email checking on the status of the request. He found "obvious and blatant omissions," which required him to submit a second records request on May 12, 2023, specifying the documents missing and restating the original request for any and all documentation related to the library incident. He sent a reminder on May 30, 2023, after which he received a phone call that his documents were available to be picked up that day.

His complaint focuses on some "obvious omissions" some communications among management about the incident between June 2 and June 6, 2022, as well as an updated illness/injury form referred to in an email. He also alleged that the investigatory notes are run off the page so they are partially illegible, and "in all likelihood there is missing documentation one could only guess at." The City's response, he alleges, "has been careless at best and obstructionist at worst."

In response, the City states that Mr. Larson's request was promptly acknowledged, and an email was sent to Mr. Larson on April 6, 2023, informing him that his request would be ready by April



11, 2023. Mr. Larson did not respond to the email. After Mr. Larson's email on April 25, 2023, the HR director called Mr. Larson directly on May 3, 2023, and he picked up the records.

In response to Mr. Larson's request for records, the City did a search "regarding any emails sent about Michael Larson between any Library and City staff between June 2, 2022, through yesterday [March 29, 2022]." A search was conducted through Microsoft 365's Compliance Center for the term "Michael Larson" for the dates June 2, 2022 – March 29, 2023. The emails were reviewed for any confidential information and a packet of 274 pages was provided to Mr. Larson.<sup>1</sup>

Mr. Larson's second records request was more specific in the documentation he was seeking.<sup>2</sup> The City searched for these records and provided an additional 102 pages of records to Mr. Larson, some of which were documents already provided to him. The second request was provided within eleven days of his request.

The City denied that it did not intentionally or in bad faith withhold any information or documents from Mr. Larson. The records he sought in the second request were inadvertently and unintentionally omitted in the first response, were not responsive based on the parameters of the request, or simply do not exist.

### **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 "The examination and copying of public records shall be done under the supervision of the lawful custodian of the records or the custodian's authorized designee. The lawful custodian shall not require the physical presence of a person requesting or receiving a copy of a

---

<sup>1</sup> The packet included, but was not limited to: emails between City HR Department employees and the Occupational Health Coordinator ("OHC"); a physician's report to the employer dated 7/8/22; emails from Mr. Larson to Mr. Simonson explaining the incident; an email from CRPD Lieutenant Jeremy Paulsen to Mr. Simonson regarding the call for service report on 6/2/22; injury report from the OHC; Ms. Schmidt's email to all staff informing them Mr. Larson was no longer employed at the library, as well as a response from a staff member regarding the termination; email from Mary Beth McGuire, Programming Specialist and Union Representative for Communications Workers of America, Local 7101, requesting investigative material; and emails regarding the grievance process.

<sup>2</sup> Specifically, he sought the following: 1. Communication among staff/management of the Library through Microsoft Teams. 2. Call for service report attached to email from CRPD Lieutenant Jeremy Paulsen. 3. Original employee/witness statements from Rebecca Vernon, Penny Frischkorn, and MJ Eyzaguirre. Statements from Curtis Kraetsch, Wes Shirley, and Jacob Kohl. Emails forwarding these statements to HR. 4. Ms. Ernst's original notes from interviews with employees/witnesses. 5. Emails from Mr. Simonson to employees/witnesses informing them of a meeting regarding the incident. 6. Mr. Simonson's email to all staff on June 2, 2022. 7. Ms. Ernst's reply email to Mr. Simonson's email dated June 17, 2022, asking her opinion of his addendum to the Injury/Illness report, the email forwarding this to the OHC, and the updated Injury/Illness report. 8. Work status report from June 9, 2022, and several other medical reports. 9. Mr. Simonson's email from July 12, 2022, titled "RE: Incident from 6/2." 10. Heather Meyer-Boothby's email to Mr. Simonson on November 8, and attached document.

public record and shall fulfill requests for a copy of a public record received in writing, by telephone, or by electronic means.” Iowa Code § 22.3.

Chapter 22 is silent as to the time for response to a records request. The time to locate a record can vary considerably depending on the specificity of the request, the number of potentially responsive documents, the age of the documents, the location of the documents, and whether documents are stored electronically. The large number of variable factors affecting response time makes it very difficult, and probably unwise, to establish any hard and fast objective standards.

According to an Iowa Attorney General Sunshine Advisory Opinion from August 2005, “Delay is never justified simply for the convenience of the governmental body, but delay will not violate the law if it is in good faith or reasonable.” “[P]ractical considerations can enter into the time required for responding to an open records request, including ‘the size or nature of the request.’ But the records must be provided promptly, unless the size or nature of the request makes that infeasible” *Horsfield Materials, Inc. v. City of Dyersville*, 834 N.W.2d 444, 461 (Iowa 2013).

### **Analysis**

Mr. Larson made a public records request on March 29, 2023. The City responded to the request promptly and notified Mr. Larson his documents would be available by April 11, 2023. This would have been only thirteen days from his request. Mr. Larson apparently did not receive the email, so he did not respond, but he did receive a phone call and was able to pick up records responsive to his first request on May 3, 2023. This was twenty-two days later. The additional delay was not for the convenience of the governmental body, but was instead due to communication errors. The time between request and receipt with the communication difficulties was not an unreasonable amount of time.

The City also promptly searched for documents responsive to Mr. Larson’s request and provided 274 pages to him. After reviewing these documents, Mr. Larson made a more specific request for documents on May 12, 2023, which the city promptly searched for and provided to Mr. Larson within eighteen days of his request.

In addition to the timeframes, Mr. Larson’s complaint seems to be a speculative concern that the City has withheld documents he requested. [The City has confirmed that it has done a thorough search based on Mr. Larson’s requests and has provided all appropriate documents to him.]

### **Conclusion**

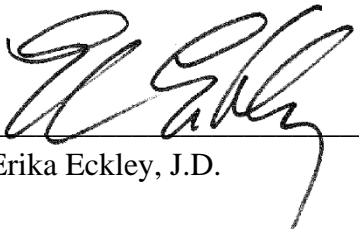
Iowa Code § 23.8 requires that a complaint be within the IPIB's jurisdiction, appear legally sufficient, and have merit before the IPIB accepts a complaint. Following a review of the allegations on their face, it is found that this complaint does not meet those requirements.

Mr. Larson requested records from the City. The City has provided the records. Any delay in delivering the records was based on a lack of receipt or response to an email. The City has complied with its requirements under Chapter 22. Complaint 23:FC0067 is without merit and should be dismissed.

IT IS SO ORDERED: Formal complaint 23FC:0067 is dismissed as it is without merit pursuant to Iowa Code § 23.8(2) and Iowa Administrative Rule 497-2.1(2)(b).

Pursuant to Iowa Administrative Rule 497-2.1(3), the IPIB may “delegate acceptance or dismissal of a complaint to the executive director, subject to review by the board.” The IPIB will review this Order on July 20, 2023. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Executive Director



---

Erika Eckley, J.D.

#### CERTIFICATE OF MAILING

This document was sent on July 11, 2023, to:

Michael Larson  
Callie Madsen, attorney for City of Cedar Rapids

July 17, 2023

Iowa Public Information Board  
502 E 9th Street  
Wallace Building, Third Floor  
Des Moines, IA 50319

Members of the Board,

Thank you for this opportunity to address you today regarding the matter of my records requests to the City of Cedar Rapids Public Library and Human Resources Department.

I filed a request with these departments at the end of March, 2023, and, finding their response to be both unreasonably delayed and incomplete, filed a second in May, restating my original request as well as specifying documents I knew to have been omitted from the city's first response. When their reply to the second request was again plainly incomplete, I turned to the Public Information Board for assistance.

It is to be expected that any institution facing a complaint from IPIB would deny deliberate attempts to obscure or obstruct records requests. But it is surprising that, in this instance, IPIB's response seems to have been to simply take the institution in question at their word—despite a detailed challenge to the City of Cedar Rapids' statement of denial pointing out inconsistencies and outright untruths in their statement, including an admission that some documents were deliberately withheld. However, while I maintain that the city's Human Resources Department did, in fact, intentionally limit and delay their response to my requests, I recognize that if the Board chooses to dismiss my claim, there the matter must lie.

Thank you for your time and consideration.

Michael Larson

# The Iowa Public Information Board

In re the Matter of:	Case Numbers: 23FC:0023 and 23FC:0057
Michael Merritt, Complainant	
And Concerning:	Consolidation and Dismissal Order
City of Newton, Respondent	

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

## **Complaint 23FC:0023**

On February 12, 2023, Michael Merritt filed formal complaint 23FC:0023, alleging that City of Newton violated Iowa Code chapter 22.

Mr. Merritt's complaint lists a number of grievances, but among the list there is only one that is within the jurisdiction of the Iowa Public Information Board, so this complaint will address only the relevant claim. Mr. Merritt alleges that on December 14, 2022, he requested the city of Newton provide body cam footage produced by Officer Oldfield for incident 22-32247, body camera footage from Officer Watson for case number CFS-19016725, and body camera footage for Officer Watson on November 18, 2022, during an interaction between Officer Watson and Mr. Merritt.

The city responded to his request through their attorney, Matt Brick. Mr. Brick informed Mr. Merritt that body camera footage for incident 22-32247 and CFS-19016725 was available and would cost \$20 to provide copies. He also stated that no footage existed for the November 18, 2022, incident.

To date, Mr. Merritt has not paid for the body camera footage, so it has not been provided to him.

## **Applicable Law**

Section 22.3 allows a government body to 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." Prepayment can be required prior to fulfilling the request or releasing the records.

## **Analysis**

Mr. Merritt requested body camera recordings from the City of Newton. The city responded and stated that one of the records did not exist, so it could not be provided, but the other two body camera records were available and would cost \$20 to copy the footage for Mr. Merritt. Mr. Merritt has not paid the \$20, so the city has not provided the footage.

Nothing in Iowa Code Chapter 22 requires a city to create a record when none exist, so there is no violation in telling Mr. Merritt that no body camera footage could be provided for the November 18, 2022 incident.

Iowa Code § 22.3 allows a city to charge reasonable fees for the examination and copying of records. Rather than paying for the videos, Mr. Merritt filed a complaint with the Board. Since filing the complaint, Mr. Merritt has not paid for the requested records, so he has not received them. Under these facts, there is no violation by the city of Newton.

## **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.

Mr. Merritt requested records from the city of Newton. Mr. Merritt was informed that some records did not exist and that the remaining records were available upon payment of \$20. Rather than paying for and retrieving the records, Mr. Merritt filed this complaint with the Board. Complaint 23:FC0023 is without merit and should be dismissed.

## **Complaint 23FC:0023**

On May 1, 2023, Michael Merritt filed formal complaint 23FC:0057, alleging that City of Newton violated Iowa Code chapter 22. Mr. Merritt's complaint 23FC:0057 lists a significant number of grievances with 56 exhibits dating back into March 2022 regarding previous complaints he has had and the ability of the Newton newspaper to collect information from the city related to police incidents. There were two potential complaints among these that might fall within the jurisdiction of IPIB. These are the two issues Mr. Merritt specifically asked IPIB to review: whether he received all of the incident reports he requested and to ensure that consistent fees and access to records are provided.

No additional facts were provided to support a concern about not receiving all records requested. In support of his concern that the city was discriminating in its responses to records requests, Mr. Merritt cited articles in the Newton newspaper.

The city responded through their attorney Matt Brick and stated that all records requested by Mr. Merritt on January 4, 2023, were paid for by Mr. Merritt and provided on March 13, 2023. The city also provided IPIB with copies of their non-discrimination policy and non-discrimination agreement with the Iowa Department of Transportation agreement for receipt of federal funds.

Mr. Merritt's response to the city's statements appears to be comments in regard to his disagreement with the resolution of a previous complaint that was before this Board and was dismissed as successfully resolved on January 19, 2023.<sup>1</sup>

### **Applicable Law**

Iowa Code § 22.1(2) requires that "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 § 22.3(2) provides that "All reasonable expenses of the examination and copying shall be paid by the person desiring to examine or copy. 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."

Together these code sections require government entities to not discriminate in the availability or access to public records, but due to the unique nature of each individual records request and the requirement to charge the actual costs of providing the records to each individual based on the specific individual request, the amounts of separate and unique records requests may not be the same for every requester.

### **Analysis**

Mr. Merritt's complaint was to ask IPIB to ensure he received all of the documents requested. The city affirmed that it has provided all of the records requested to Mr. Merritt. Aside from his displeasure with the resolution of a previous IPIB complaint, Mr. Merritt has provided no further information or facts to support his concern that he has not received all the records he requested. A complaint should be based on more than a general concern or mere speculation to be actionable.

---

<sup>1</sup> See 22FC:0071 Final Report and Order.

In this case, there are no facts to support Mr. Merritt's general and unspecified concern that he is not certain whether he has received all of the records in this particular records request.

Mr. Merritt's claim that a female was treated differently than he appears to have been previously adjudicated by IPIB.<sup>2</sup> Regardless, the city has non-discrimination policies in place and there is no evidence aside from Mr. Merritt's speculation that a female has been treated differently.

### **Conclusion**

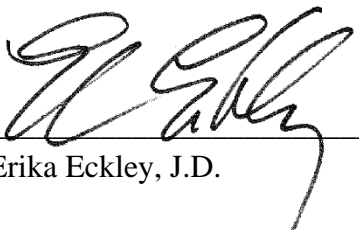
Iowa Code § 23.8 requires that a complaint be within the IPIB's jurisdiction, appear legally sufficient, and have merit before the IPIB accepts a complaint. Following a review of the allegations on their face, it is found that this complaint does not meet those requirements.

Mr. Merritt requested records from the city of Newton. Mr. Merritt received the records he requested. Mr. Merritt filed this complaint with the Board asking us to confirm that he has received the records. There is no evidence that he has not received the records he requested nor is there any evidence that the City of Newton has treated Mr. Merritt differently than a female because of his sex. Complaint 23:FC0057 is without merit and should be dismissed.

IT IS SO ORDERED: Formal complaints 23FC:0023 and 23FC:0057 are dismissed as they are without merit pursuant to Iowa Code § 23.8(2) and Iowa Administrative Rule 497-2.1(2)(b).

Pursuant to Iowa Administrative Rule 497-2.1(3), the IPIB may "delegate acceptance or dismissal of a complaint to the executive director, subject to review by the board." The IPIB will review this Order on July 20, 2023. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Executive Director



Erika Eckley, J.D.

### **CERTIFICATE OF MAILING**

This document was sent on July 11, 2023, to:

Michael Merritt

---

<sup>2</sup> See 22FC:0071 Acceptance Order.



Matt Brick, Attorney for city of Newton

# The Iowa Public Information Board

---

In re the Matter of:	Case Numbers: 23FC:0126
Michael Merritt, Complainant	Dismissal Order
And Concerning:	
Jasper County, Respondent	

---

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

On December 14, 2022, Michael Merritt filed formal complaint 22FC:0126, alleging that Jasper County (County) violated Iowa Code chapter 22 on December 7, 2022.<sup>1</sup>

## Facts

Mr. Merritt alleged that he submitted a request on October 18, 2022, for various records. His request has been summarized by IPIB staff (see Attachment 1).

On November 7, 2022, the Jasper County Attorney responded to his record request and stated that the County IT department had advised him that most of the request was for confidential records.

At that time, Mr. Merritt was advised by the County that he could provide salary information for employees if Mr. Merritt would provide the names of the employees. The records identified in request 1(b) were provided.

On January 31, 2023, Jasper County provided additional information to IPIB staff concerning the confidential records that were withheld:

*This is against basic our network and cyber security policies based on CISA (Cyber Security and Infrastructure Security Agency, Division of Home Land Security),*

---

<sup>1</sup> Mr. Merritt's complaint was not opened until December 22, 2022, as IPIB waited for copies of his record request and the County response. The County was notified on this date. Further, this matter has been held due to various personal issues among the parties.

*NIST (National Institute of Standards and technology, US Department of Commerce).*

*Jasper County also has to meet cyber security policies for HIPAA (Jasper County is a Hybrid Entity), CJIS, Elections Infrastructure Sharing and Analysis Center, and The Iowa Secretary of State Elections Security Legislative Rules.*

*Such discussions on topics are protected by 21.5(k) and I normally ask for closed public meetings to discuss with the Board of Supervisors.*

*<https://www.cisa.gov/cybersecurity>*

*<https://www.nist.gov/cyberframework>*

*<https://le.fbi.gov/cjis-division-resources/cjis-security-policy-resource-center>*

*<https://www.hhs.gov/hipaa/for-professionals/security/index.html>*

*I also work with the Sheriff's office on Cybercrimes and execute warrants to search computers and online accounts.*

This response was provided to Mr. Merritt. Mr. Merritt then filed a reply with 21 attachments disputing the response from Jasper County.

The original record request from Mr. Merritt was framed as a request for answers to questions or confirmations of statements made by Mr. Merritt. He also requested the identification of certain employees with specific access to electronic communications, not for the records that may have been generated by these Jasper County employees.

### **Rule**

Iowa Code § 22.7(50) states that certain records concerning cyber security are confidential:

*50. Information and records concerning physical infrastructure, cyber security, critical infrastructure, security procedures or emergency preparedness information developed, maintained, or held by a government body for the protection of life or property, if disclosure could reasonably be expected to jeopardize such life or property.*

*a. Such information and records include but are not limited to information directly related to vulnerability assessments; information contained in records relating to security measures such as security and response plans, security codes and combinations, passwords, restricted area passes, keys, and security or response procedures; emergency response protocols; and information*

*contained in records that if disclosed would significantly increase the vulnerability of critical physical systems or infrastructures of a government body to attack.*

*b. For the purpose of this subsection, "cyber security information and records" include but are not limited to information and records relating to cyber security defenses, threats, attacks, or general attempts to attack cyber system operations.*

### **Analysis**

As explained by the County, the release of these records would jeopardize the security of the information maintained by the County. The release of such records could disclose critical infrastructure utilized by the County to protect personal information, medical information, and state and federal laws, rules, and regulations.

Certain parts of the original record request were framed as requests for records. Request 1(b) was provided. Any records responsive to requests 1(a) and 3 are confidential pursuant to Iowa Code § 22.7(50). The County did not violate Iowa Code chapter 22 by withholding this information.

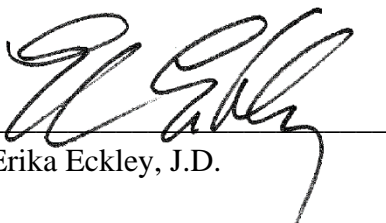
### **Conclusion**

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. This complaint does not meet those requirements. Mr. Merritt received all the requested information that was not confidential under Iowa Code § 22.7.

IT IS SO ORDERED: Formal complaints 22FC:0126 is dismissed as it is without merit pursuant to Iowa Code § 23.8(2) and Iowa Administrative Rule 497-2.1(2)(b).

Pursuant to Iowa Administrative Rule 497-2.1(3), the IPIB may "delegate acceptance or dismissal of a complaint to the executive director, subject to review by the board." The IPIB will review this Order on July 20, 2023. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Executive Director



Erika Eckley, J.D.

CERTIFICATE OF MAILING

This document was sent on July 11, 2023, to:

Michael Merritt

Matt Brick, Attorney for city of Newton

## Attachment 1

On October 18, 2022, Mr. Merritt submitted a request to the Jasper County Sheriff's Office to produce a number of records. The records Merritt requested are listed below:

1. Confirmation co.jasper.ia.us is hosted, stored, and preserved at: co-jasper-ia.us.mail.protection.outlook.com
  - a. 12 months of billing records for this commercially hosted cloud-based information system service.
  - b. All Jasper County, IA electronic mail correspondence, including attachments mentioning Mike Merritt, Mike J Merritt, Mike J. Merritt, Mike James Merritt, Michael Merritt, Michael J Merritt, Michael J. Merritt, Michael James Merritt, Facebook, block, social media, phoenixharbor.com, and castlephoenix.com during 01 JAN 2019 at 0001 local time through 18 OCT 2022 at 2359 local time stored and preserved at domain: jasperia.org – or any other maintained automated information system (AIS), information system (IS), or commercial cloud-based information system belonging to Jasper County, IA.

2. Name and annual income of the Jasper County, IA elected, appointed, contracted, hired employee(s) or authorized users that are authorized to access and maintain the following social media assets:

<https://www.facebook.com/JasperCountyIowa>

<https://www.facebook.com/dougcouplesjaspercountysupervisor>

<https://www.facebook.com/brandontalsmajaspercountysupervisor>

3. Jasper County, IA web traffic history showing elected, appointed, contracted, hired employee(s), or authorized users accessing the following web address (URL) on any maintained domain, automated information system (AIS), information system (IS), or commercial cloud-based information system belonging to Jasper County, IA:

<https://www.facebook.com/JasperCountyIowa>

1. <http://netflix.com>

2. <https://netflix.com>

3. <http://www.netflix.com>

4. <https://www.netflix.com>

5. <http://hulu.com>

6. <https://hulu.com>

7. <http://www.hulu.com>

8. <https://www.hulu.com>

9. <http://hbomax.com>
10. <https://hbomax.com>
11. <http://www.hbomax.com>
12. <https://www.hbomax.com>
13. <http://disneyplus.com>
14. <https://disneyplus.com>
15. <http://www.disneyplus.com>
16. <https://www.disneyplus.com>
17. <http://paramountplus.com>
18. <https://paramountplus.com>
19. <http://www.paramountplus.com>
20. <https://www.paramountplus.com>
21. <http://youtube.com>
22. <https://youtube.com>
23. <http://www.youtube.com>
24. <https://www.youtube.com>
25. <http://music.youtube.com>
26. <https://music.youtube.com>
27. <http://www.music.youtube.com>
28. <https://www.music.youtube.com>
29. <http://spotify.com>
30. <https://spotify.com>
31. <http://www.spotify.com>
32. <https://www.spotify.com>
33. <http://music.apple.com>
34. <https://music.apple.com>
35. <http://www.music.apple.com>
36. <https://www.music.apple.com>
37. <http://music.amazon.com>
38. <https://music.amazon.com>
39. <http://www.music.amazon.com>
40. <https://www.music.amazon.com>
41. <http://xbox.com>
42. <https://xbox.com>
43. <http://www.xbox.com>
44. <https://www.xbox.com>
45. <http://steampowered.com>
46. <https://steampowered.com>
47. <http://www.steampowered.com>
48. <https://www.steampowered.com>

# The Iowa Public Information Board

In re the Matter of:  Chuck Morris, Complainant  And Concerning:  Page County Board of Supervisors, Respondent	Case Number: 23FC:0062  Acceptance Order
---	--

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

On June 16, 2023, Chuck Morris filed formal complaint 23FC:0062, alleging that Page County Board of Supervisors violated Iowa Code chapter 21.

## Facts

Mr. Morris alleged that on June 14, 2023, the Page County Board of Supervisors (“Page County”) held a joint meeting to discuss the levy of a jointly-managed drainage ditch in Page County, but failed to post an agenda and notice of the meeting in advance of the meeting.

Page County responded through their attorney. Page County agreed that an agenda for the joint meeting was not posted 24 hours prior to the meeting. Page County also provided minutes that showed that the meeting date had been discussed in earlier Page County meetings. It also stated that Page County was addressing the lack of notice by holding an additional meeting to ensure public input. Page County also stated that it was because of the unique nature of the meeting that the failure to post an agenda was not caught in time.

The minutes provided do not comply with all Chapter 21 requirements.

## Applicable Law

Iowa Code § 21.4 requires that “a governmental body shall give notice of the time, date, and place of each meeting including a reconvened meeting of the governmental body, and the tentative agenda of the meeting, in a manner reasonably calculated to apprise the public of that information. 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...notice ... 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.”

“The governing body of a drainage or levee district as provided in chapter 468, including a board as defined in section 468.3, regardless of how the district is organized” is a governmental body subject to Iowa Code chapter 21. Iowa Code § 21.2.

Iowa Code § 21.3 requires that “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**

There is sufficient evidence to establish that a violation of Iowa’s open meetings has occurred in Page County based on the lack of posted notice for a governmental body meeting. While the time of the drainage district meeting was included in previous minutes for Page County, that notice does not comply with the requirements of Iowa Code § 21.4.

Further, the meeting minutes fail to show all requirements under Iowa Code § 21.3. While the minutes are extensive in their documentation of public comments and discussion, they fail to provide the results of each vote taken and information sufficient to indicate the vote of each member present.

While Page County states that there sufficient understanding of the requirements of Iowa Code chapter 21 and there was no intention to not comply with the requirements, working with IPIB on an informal resolution to address these issues to ensure compliance with Iowa’s Open Meeting laws could be beneficial.

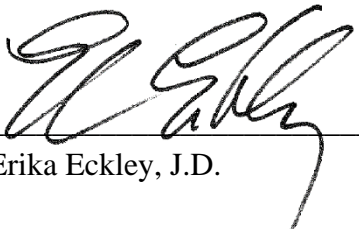
### **Conclusion**

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. This complaint meets the necessary requirements for acceptance due to a failure to properly provide notice and an agenda 24 hours before a meeting of jointly-managed drainage or levee district and for failing to comply with the legal requirements for minutes of the Page County meetings.

IT IS SO ORDERED: Formal complaint 23FC:0062 is accepted pursuant to Iowa Code § 23.8(1) and Iowa Administrative Rule 497-2.1(2)(a).

Pursuant to Iowa Administrative Rule 497-2.1(3), the IPIB may “delegate acceptance or dismissal of a complaint to the executive director, subject to review by the board.” The IPIB will review this Order on July 20, 2023. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Executive Director



Erika Eckley, J.D.

CERTIFICATE OF MAILING

This document was sent on July 11, 2023, to:

Chuck Morris  
Carl M. Sonksen, Page County Attorney

July 17, 2023

Iowa Public Information Board  
502 East 9<sup>th</sup> Street  
Wallace Building, 3<sup>rd</sup> Floor  
Des Moines, IA 50319

RE: Case Number: 23FC:0062  
Complainant: Chuck Morris  
Respondent: Page County Board of Supervisors

ATTENTION: Ms. Erica Eckley, J.D.; Board

Thank you for allowing time for Page County to be heard. My name is Jacob Holmes, and I am chair of the Page County Board of Supervisors.

On May 26, a Fremont County deputy auditor sent an email to an email address ([agenda@co.page.ia.us](mailto:agenda@co.page.ia.us)) within the Page County Auditor's office that is dedicated to agenda information. The purpose of that email was to request a joint meeting with the Fremont County and Page County Boards of Supervisors. The email specifically requested Page County to join the Fremont County meeting on either June 7 or 14, at 9:00 a.m.

On May 30, during a Special Page County Board of Supervisors' meeting, the following is chronicled in the minutes: *"There was board communication. Fremont County would like to have a joint conference call on June 7th or June 14th at 9 am. Maher stated the 14th at 9 am would work better."* Later that day, I sent an email to Fremont County advising the decision accepting June 14 for the joint meeting. Fremont County replied, *"Thanks, I will get you on the agenda"*; she also suggested *"you will need to reach out to the Page County Auditor's office to get the fund balance, so then you can see how much funding may be needed for the coming year"*.

The minutes for the regular, weekly meeting of the Page County Board held on June 8, included this sentence: *"The board will zoom with Fremont County Board of Supervisors for Johnson Run on the 14th at 9 am."*

In retrospect, since the requisite agenda for the Page County Board did not materialize, it is obvious that information from within the discussion during our supervisors' meetings, nor information emailed from Fremont County, was acted upon to generate the required agenda.

On Tuesday, June 13, at 11:48 a.m., Fremont County sent an email to [agenda@co.page.ia.us](mailto:agenda@co.page.ia.us), and attached their agenda for the Supervisors' joint meeting the following day; this was an FYI to Page County. Item #6 on the Fremont County agenda was: *"Discuss/Action Johnson Run Levy (Conference Call with Page County Supervisors)"*.

Minutes from Fremont County for the June 14 joint meeting include the following: *"At 9:01 a.m., Jacob Holmes, Judy Clark, and Todd Maher with Page County Board of Supervisors met by telephone with the board to discuss the Johnson Run Drainage District levy for 2023/2024. They discussed that there are no current projects anticipated and the fund balance is healthy. Motion by Sheldon [Dustin Sheldon, Fremont County Supervisor/ added by me] for no levy for Johnson Run this coming year. Motion carried unanimously. Clark [Page County/ added by me] made a motion for no levy for Page County, Maher seconded. Motion carried unanimously."*

I believe if this had been an in-person meeting, that we would have, rather quickly, realized the lack of an agenda, and could have adjourned immediately. Once we learned the meeting on June 14 was absent an agenda, we repeated the joint meeting, again by phone, in an effort to 'correct' the situation. The repeated meeting occurred at the beginning of

a regularly scheduled Page County Board meeting. Again, the only action taken was to set no levy for the Johnson Run levy.

I can also tell you, as Chair of the Board of Supervisors, that I sincerely regret this error occurred, and I am sorry that Page County caused additional work for this Board, being non-compliant with the Open Meetings statute of Iowa Code Chapter 21.

I commend Ms. Eckley for an excellent job summarizing the complaint in the Acceptance Order. That Order also states that the Page County Board of Supervisors meeting minutes do not comply with Iowa Code 21. While the Supervisors' meeting minutes in Page County have been a point of contention during the past six months, specifically, where the Board has asked the Clerk to the Board to be sure the minutes meet Code, and also to eliminate all public comments and extraneous discussion. Obviously, that has not happened. Further, the Board has not regularly received minutes, timely (prior to next meeting) for amendment or approval; therefore, draft/unofficial minutes are being published, thereby providing to the public unapproved minutes that may contain inaccurate and incomplete information, all contrary to motions and directions by Supervisors.

We have found that, while the Code states that the Auditor is Clerk to the Board, it is silent on what the Board can request of the Clerk, especially relative to Minutes. The county attorney unearthed an Attorney General's opinion from 1982 which he interpreted as giving the auditor full authority over the minutes including contents, text and format thereof. A later AG opinion from 1992 (1992 Iowa Op. Atty. Gen. 167 (Iowa A.G.), 1992 WL 470371) states: "*a county auditor merely acts as a board of supervisors' agent to make sure that the board's proceedings are recorded in an accurate and correct manner*", and contradicts the county attorney's opinion.

Under Chapters 21 and 22, it is the responsibility of the Board of Supervisors to ensure minutes are accurate AND that approved minutes are recorded. The question remains, how can our Board meet these requirements when we are not given the draft minutes timely (in less than seven days to meet code, and as we requested), and any corrections or amendments we make and approve, are currently neither published nor recognized, where the Auditor chooses to publish and post to the website, her draft, unofficial, minutes.

I recognize that we have two problems: failure to provide notice through an agenda, and minutes that are non-compliant. I trust we can survive the absence of public notice and never repeat the problem. However, regarding the minutes, I am contrite about any violation, at the same time, given the lack of specific directions in Iowa code regarding the clerk acting as agent to the board, I am unable to make promises, unless and until the Board of Supervisors are identified as being accountable for our minutes, in which case I assure you, we can and will fix it.

Thank you.

Jacob Holmes

Page County Supervisor

Page Co minutes and agendas: <https://pagecounty.iowa.gov>

Fremont Co, minutes June 14 meeting:

[https://www.fremontcountya.gov/vimages/shared/vnews/stories/5c855601bd281/June\\_2023.pdf](https://www.fremontcountya.gov/vimages/shared/vnews/stories/5c855601bd281/June_2023.pdf)

# The Iowa Public Information Board

In re the Matter of:	Case Number: 23FC:0054
Helen Neumann, Complainant	
And Concerning:	<b>Dismissal Order</b>
Iowa Department of Corrections, Respondent	

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

On May 3, 2023, Helen Neumann filed formal complaint 23FC:0054, alleging that the Iowa Department of Corrections (IDOC) violated Iowa Code chapter 22.

### Background

From January 2018 to February 2020, Ms. Neumann worked as a volunteer at the Iowa Medical and Classification Center (IMCC). On March 14, 2023, Ms. Neumann submitted a public records request to IDOC seeking a full copy of her volunteer file. Additionally, Ms. Neumann requested “all correspondence and communication regarding me and inmate #6885680, Bradley Woods from March 2020 to March 2023 regardless of whether that is contained within my volunteer file.”

On March 24, 2023, IDOC released a number of documents from the file to Ms. Neumann. IDOC stated that the remaining documents from the file were being withheld pursuant to Iowa Code §§ 904.602(2)(k) and 904.602(10). Ms. Neumann appealed IDOC’s decision to withhold the remaining documents. IDOC reviewed and affirmed its decision to withhold the documents, and as a result, Ms. Neumann filed the present complaint with IPIB.

On June 5, 2023, IDOC provided a response to the complaint. IDOC’s response included the following background information, the accuracy of which Ms. Neumann disputes:

Helen Neumann was a volunteer at the Iowa Medical & Classification Center prison and engaged in behavior with an inmate that compromised the safe, secure, and orderly functioning of the prison. As such, Ms. Neumann was no longer allowed to serve as a

volunteer with the Department of Corrections and her communication with the inmate was restricted.

The inmate was transferred to the Anamosa State Penitentiary (ASP) and Ms. Neumann continued communicating with the inmate by unauthorized means. An oversight occurred and Helen Neumann had a few visits with the inmate at the prison. When ASP discovered Helen Neumann was not to have contact with the inmate, her visitation was terminated and she could reapply in 6 months. Ms. Neumann filed an appeal of her visitation and it was denied.

While Ms. Neumann disputes the accuracy of this background information, she does not dispute that she was prohibited from volunteering because of her alleged behavior as a volunteer. Along with this background information, IDOC reiterated that the remaining documents in Ms. Neumann's volunteer file were being withheld pursuant to §§ 904.602(2)(k) and 904.602(10).

### Analysis

The sections IDOC relies on to withhold the remaining documents that are responsive to Ms. Neumann's request appear in Chapter 904 of the Code, which governs the Department of Corrections.<sup>1</sup> Section 904.602(10) makes all internal investigations of IDOC confidential, unless otherwise ordered by a court.<sup>2</sup> Section 904.602(2)(k) makes confidential investigations by IDOC or other agencies that are contained in the file of an individual who is receiving or has received services from IDOC.<sup>3</sup>

Ms. Neumann's request consists of two parts: 1) a full copy of her volunteer file; and 2) all correspondence and communication regarding Ms. Neumann and inmate #6885680, Bradly

---

<sup>1</sup> Section 22.7 is not the exclusive source of confidentiality for public records. *Calcaterra v. Iowa Bd. of Med.*, 965 N.W.2d 899, 906 (Iowa 2021).

<sup>2</sup> Regulations, procedures, and policies that govern the internal administration of the department and the judicial district departments of correctional services under chapter 905, which if released may jeopardize the secure operation of a correctional institution operation or program are confidential unless otherwise ordered by a court. These records include procedures on inmate movement and control; staffing patterns and regulations; emergency plans; internal investigations; equipment use and security; building plans, operation, and security; security procedures for inmates, staff, and visitors; daily operation records; and contraband and medicine control. These records are exempt from the public inspection requirements in section 17A.3 and section 22.2. Iowa code § 904.602(10).

<sup>3</sup> The following information regarding individuals receiving or who have received services from the department or from the judicial district departments of correctional services under chapter 905 is confidential and shall not be disseminated by the department to the public: . . . Investigations by the department or other agencies which are contained in the individual's file. Iowa Code § 904.602(2)(k)

Woods, from March 2020 to March 2023 regardless of whether that is contained within Ms. Neumann's volunteer file.

IDOC did release some documents to Ms. Neumann. Her complaint stems from the incompleteness of the information released: her request was for her "*full* volunteer file" and "*all* correspondence," but she received less than all of these documents.

IDOC has stated that the information it withheld is confidential either because it is part of an internal investigation of IDOC, or because it is part of an investigation contained in the file of an individual who has received services from IDOC (presumably inmate #6885680, Bradley Woods).

In essence, IDOC's position can be summarized as follows:

- 1.) That IDOC cannot release Ms. Neumann's "full volunteer file" because the remaining documents within it are part of a internal investigation into Ms. Neumann's volunteer work at IMCC, which makes those documents confidential under § 904.602(10); and
- 2.) That IDOC cannot release all correspondence and communication regarding Ms. Neumann and inmate #6885680, Bradley Woods, from March 2020 to March 2023, regardless of whether that is contained within Ms. Neumann's volunteer file" because, to the extent the information is not contained within Ms. Neumann's volunteer file, it is investigatory information contained in Bradley Wood's file (i.e., the file of an individual who has received correctional services), which makes that information confidential under § 904.602(2)(k).

IDOC's statements regarding the nature and location of the withheld information, along with the background information provided regarding Ms. Neumann's volunteer history, support the conclusion that IDOC appropriately withheld the information pursuant to §§ 904.602(2)(k) and 904.602(10).

Ms. Neumann argues that because IDOC stated that parts of the volunteer file consist of letters from third parties to IDOC regarding Ms. Neumann's behavior as a volunteer, they should not be considered part of the internal investigation into her. Letters regarding Ms. Neumann's alleged behavior as a volunteer, which alleged behavior precipitated the internal investigation into her, do not seem out of place in an investigatory file investigating those very allegations.

#### Conclusion

Ms. Neumann requested a full copy of her volunteer file and all correspondence and communication regarding Ms. Neumann and inmate #6885680, Bradley Woods, from March 2020 to March 2023 regardless of whether that is contained within her volunteer file. Ms. Neumann

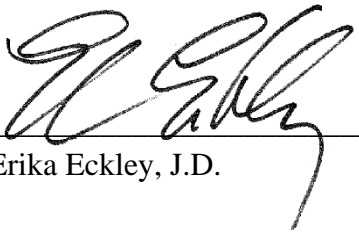
does not dispute the fact that she was ultimately prohibited from volunteering at the IMCC because of alleged actions she took as a volunteer. Nor does Ms. Neumann dispute that Bradley Woods is an inmate, and therefore is an individual receiving services from IDOC. These undisputed facts, along with IDOC's statements regarding the location and nature of the withheld information, support the conclusion that IDOC appropriately withheld the remaining information and did not violate Chapter 22.

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 23FC:0054 is dismissed as 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), IPIB may "delegate acceptance or dismissal of a complaint to the executive director, subject to review by the board." IPIB will review this Order on July 20, 2023. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By IPIB Executive Director



Erika Eckley, J.D.

#### CERTIFICATE OF MAILING

This document was sent on July 17, 2023, to:

Helen Neumann  
Jennifer Bonnett, Iowa Department of Corrections  
Michael Savala, Iowa Department of Corrections



## Before The Iowa Public Information Board

In re the Matter of:  Richard Schnormeier, Complainant  And Concerning:  City of Zearing, Respondent	Case Number: 23FC:0010  Informal Resolution Final Report
--	--

COMES NOW, Brett Toresdahl, Deputy Director for the Iowa Public Information Board (IPIB), and respectfully submits this informal resolution final report for formal complaint 23FC:0010.

On January 27, 2023, Richard Schnormeier filed formal complaint 23FC:0010, alleging that the City of Zearing (City) violated Iowa Code chapter 21 by not including a member's vote in the minutes from the December 14, 2022, city council meeting.

A review of the minutes from the December 12, 2022, council meeting shows that no individual votes are noted on any matters considered by the city council, except for one vote. A review of the January 9, 2023, council minutes also included votes without proper identification.

Iowa Code section 21.3 provides the requirements for proper minutes:

*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.*

Mr. Schnormeier also alleged a violation of Iowa Code chapter 22. However, he did not provide any details to determine that this allegation has merit. Therefore, this allegation is not considered.

Iowa Code section 23.8 requires that a complaint be within the IPIB's jurisdiction, appear legally sufficient, and could have merit before the IPIB accepts a complaint. This complaint meets the necessary requirements for acceptance as to the matter of the minute's insufficiencies only.

The formal complaint was accepted by the IPIB on March 3, 2023.

Pursuant to Iowa Code 23.9, the parties negotiated and reached an informal resolution. The parties agree to the following terms:

1. The City Council will acknowledge at a public meeting that the minutes of meetings held on December 12, 2022 and January 9, 2023 were insufficient pursuant to Iowa Code chapter 21.3. This acknowledgement shall be recorded in the minutes of said meeting.
2. The City shall conduct training during an open meeting for all council members and administrative staff on Iowa Code chapters 21 and 22 (Sunshine Laws). The City may utilize

the power point training available on the IPIB website. The Council shall work with City Attorney and the Iowa League of Cities to provide the training to the Council and officials.

3. The City Council shall approve this resolution during an open meeting and include the full text in the minutes of said meeting. Said minutes shall be provided to the IPIB.

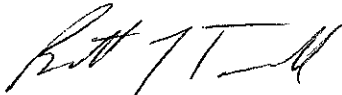
The Zearing City Council approved and signed this resolution on April 11, 2023. Mr. Schnormeier agreed to this resolution and signed it on April 24, 2023. All parties had 60 days to meet the terms of this resolution. The Iowa Public Information Board approved this resolution on May 18, 2023.

The City Council acknowledged a violation of Iowa Code chapter 21. It approved the informal resolution at its April 11, 2023 Board meeting and included the full text in its minutes. A copy of the minutes has been provided to the IPIB on June 22, 2023.

On June 22, 2023, the Council and Clerk participated in training led by the Iowa League of Cities. All Council members were present. Mickey Shields presented the training. The minutes of this meeting were provided to the IPIB on June 26, 2023.

The proof of compliance has been provided. Therefore, the IPIB should dismiss this complaint as successfully resolved.

By the IPIB Deputy Director



---

Brett J. Toresdahl

#### CERTIFICATE OF MAILING

This document was sent by electronic mail on the July 11, 2023, to:

Richard Schnormeier  
Sarah Franklin, Legal Counsel City of Zearing Attorney

# The Iowa Public Information Board

In re the Matter of:	Case Number: 23FC:0047
Darran Sellers, Complainant	Informal Resolution Order
And Concerning:	
Vinton City Council, Respondent	

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

On April 12, 2023, Darran Sellers filed formal complaint 23FC:0047, alleging that City of Vinton (City) violated Iowa Code chapter 21.

IPIB accepted this formal complaint on May 18, 2023. Pursuant to Iowa Code section 23.9, the parties agreed to the following terms:

1. City of Vinton acknowledges the requirement under Iowa Code § 21.3 to ensure minutes are prepared of all Council Work Sessions or other similar meetings as defined by Iowa Code § 21.2.
2. City of Vinton agrees it will ensure appropriate policies are in place to prepare minutes for all public meetings, including work sessions, that include the required elements under Iowa Code § 21.3, which are the date, time and place, the members present, and the action taken at each meeting, results of each vote taken and information sufficient to indicate the vote of each member present. The minutes shall be public records open to public inspection.
3. City of Vinton agrees to continue its past practice of providing public notice of all public meetings, including work session, as required under Iowa Code § 21.4, which requires notice of the time, date and place of each meeting, including a reconvened meeting of a 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, if applicable, 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.


4. The City of Vinton will document its implementation of the changes acknowledged by Ms. Schwan in her letter to IPIB on May 11, 2023, to ensure minutes are kept of all work sessions that comply with the requirements under Iowa Code § 21.3.
5. The City of Vinton agrees to go beyond the requirements of Iowa Code § 21.3 to post council meeting minutes, including work session, to the City's website in addition to other mandated publishing location requirements under Iowa law, so long as reasonably feasible and economically viable.

The date of this agreement is the date upon which all parties have signed it, as evidenced by the signature dates below. The parties shall complete all terms of this agreement no later than 60 days from the date of this agreement, except that IPIB staff may allow for reasonable extensions. Upon successful completion of all terms, IPIB shall dismiss this complaint.

The parties approved and signed the Informal Resolution on June 22, 2023.

It is recommended that the IPIB approve the proposed informal resolution and set the matter for compliance review in accordance with the terms of the informal resolution.

Respectfully submitted,



A handwritten signature in black ink, appearing to read 'E. Eckley', is written over a horizontal line.

Erika Eckley, J.D.  
Executive Director

#### CERTIFICATE OF MAILING

This document was sent on July 11, 2023, to:

Darran Sellers  
Douglas Herman, attorney for City of Vinton

## The Iowa Public Information Board

In re the Matter of: Cliff Sheakley, Complainant And Concerning: Tama County Auditor, Respondent	Case Number: 23FC:0044  <b>Order to Accept Informal Resolution</b>
---	--

On March 31, 2023, Cliff Sheakley filed formal complaint 23FC:0044, alleging that the Tama County Auditor violated Iowa Code chapter 22.

The Iowa Public Information Board accepted this formal complaint on May 18, 2023. Pursuant to Iowa Code section 23.9, the parties have agreed to the terms of an informal resolution.

The Complainant and Respondent approved the informal resolution on June 19, 2023.

The Board has reviewed the informal resolution and approves it pursuant to Iowa Administrative Rule 497-2.4(3). The IPIB chair is directed to sign the Informal Resolution on behalf of the IPIB.

The parties have 90 days from the date of this order to complete the terms of the informal resolution. Upon completion of the terms, the Board will dismiss the complaint.

So Ordered on July 20, 2023.

---

IPIB Chair

### CERTIFICATE OF MAILING

This document was sent by electronic mail on July 17, 2023, to:

Cliff Sheakley  
Laura Kopsa, Tama County Auditor

## Before The Iowa Public Information Board

In re the Matter of: Cliff Sheakley, Complainant And Concerning: Tama County Auditor, Respondent	Case Number: 23FC:0044  <b>Informal Resolution Report</b>
---	---

COMES NOW, Daniel M. Strawhun, Legal Counsel for the Iowa Public Information Board (IPIB), and submits this Informal Resolution Report:

On March 31, 2023, Cliff Sheakley filed formal complaint 23FC:0044, alleging that the Tama County Auditor violated Iowa Code chapter 22.

Sheakley requested all shapefiles of Tama County from the Tama County Auditor. The Auditor informed Sheakley that she could provide Excel datafiles (on which the shapefiles are based) at no cost. However, she stated that production of the shapefiles would incur a fee of ten cents per parcel, bringing the total cost of Sheakley's request to \$2,297. Sheakley filed this complaint seeking IPIB's review of the fee quoted for the request.

IPIB accepted this formal complaint on May 18, 2023. At the IPIB meeting on June 15, 2023, the Board directed IPIB staff to revise the informal resolution to incorporate the additional terms the respondent requested. IPIB staff revised the terms accordingly, and both parties have now agreed to informally resolve the complaint pursuant to those revised terms. A signed copy of the informal resolution follows this Report.

It is recommended that the IPIB approve the proposed informal resolution, direct the IPIB chair to sign the informal resolution, and set the matter for compliance review in accordance with the terms of the informal resolution.

Respectfully submitted,



---

Daniel M. Strawhun  
Legal Counsel, IPIB

CERTIFICATE OF MAILING

This document was sent by electronic mail on July 17, 2023, to:

Cliff Sheakley  
Laura Kopsa, Tama County Auditor

# INFORMAL RESOLUTION

23FC:0044

Sheakley/Tama County Auditor

---

On March 31, 2023, Cliff Sheakley filed formal complaint 23FC:0044, alleging that the Tama County Auditor violated Iowa Code chapter 22.

Mr. Sheakley requested all shapefiles of Tama County from the Tama County Auditor. In response to the request, the Auditor quoted Sheakley a fee of \$2,297 for the production of the shapefiles, based on a fee of ten cents per parcel. Mr. Sheakley sought review of this fee estimate and policy from IPIB.

IPIB accepted this complaint on May 18, 2023. Pursuant to Iowa Code section 23.9, the parties approve an Informal Resolution with the following terms:

1. The Tama County Auditor acknowledges that the fees at issue were not reasonable and were not based upon actual costs.
2. The Tama County Auditor shall revise its fee policy such that the fees charged for public record production comply with all applicable requirements under Iowa Code Chapter 22, including section 22.2(4)(a).
3. The Tama County Auditor shall send the revised fee policy to IPIB for review and guidance before implementing the revised fee policy.
4. The Tama County Auditor shall implement the revised fee policy and produce the records requested accordingly.

The terms of the Informal Resolution will be completed within 60 days of the approval of all parties. Upon successful completion of the terms, IPIB will dismiss this complaint.

THIS INFORMAL RESOLUTION HAS BEEN REVIEWED AND APPROVED BY THE FOLLOWING:

/

/

/

/

/

/

/



Cliff Sheakley  
Cliff Sheakley

6/19/2023  
Date

Laura Kessa  
Tama County Auditor

6/19/23  
Date

By: \_\_\_\_\_  
(Print Name)

IPIB:

Chair \_\_\_\_\_

Date \_\_\_\_\_

# The Iowa Public Information Board

In re the Matter of:  James Stratton, Complainant  And Concerning:  Iowa Department of Corrections, Respondent	Case Number: 23FC:0041  <b>Dismissal Order</b>
---	--

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

On March 29, 2023, James Stratton filed formal complaint 23FC:0041, alleging that the Iowa Department of Corrections (IDOC) violated Iowa Code chapter 22.

### Background

On March 2, 2023, Mr. Stratton submitted a public records request to IDOC for a “termination or resignation letter” between IDOC and Anna Armstrong, a former employee of the Fort Dodge Correctional Facility. He also requested “any and all documents relating to an investigation into Anna Armstrong and her work” at the Fort Dodge facility. IDOC refused to release much of the information requested, prompting Mr. Stratton to file this complaint.

IDOC asserts that the resignation letter is confidential under Iowa Code § 22.7(11)(a)(5) and that the documents related to the internal investigation into Ms. Armstrong are confidential under Iowa Code §§ 904.602(2)(k), (10), and 22.7(11); as well as the *Prison Rape Elimination Act of 2003*, a piece of federal legislation.

### Analysis

#### *The Resignation Letter*

As a general matter, section 22.7(11) makes confidential “[p]ersonal information in confidential personnel records of government bodies relating to identified or identifiable individuals who are . . . employees of the government bodies.” Section 22.7(11)(a)(5) provides an exception to the general rule that personnel records are confidential:

[T]he following information relating to such individuals contained in personnel records shall be public records . . . 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.

IDOC admits that Ms. Armstrong resigned from her employment, but argues that because she did not resign “in lieu of termination,” her resignation letter does not fall within this exception and remains confidential.

Resignation in lieu of termination means that the employer gave the employee the choice to either resign or be terminated from employment. It requires that termination be a definite outcome if the employee chooses not to resign. An employee who merely resigns from employment, even if such resignation is motivated by a fear of potential future termination, cannot be said to have “resigned in lieu of termination.” In such a situation, termination is not a definite, explicit consequence of the employee’s choosing not to resign; it is merely a potential outcome that the employee fears is probable.

Here, Ms. Armstrong voluntarily resigned from her employment at the Fort Dodge facility without having been given an ultimatum by IDOC to either resign or be terminated. Therefore, she did not resign in lieu of termination, she merely resigned. As such, her resignation letter does not fall within the confidentiality exception provided under § 22.7(11)(a)(5). Therefore, the letter remains confidential as personal information contained in personnel records under the general protections of § 22.7(11).

#### *The Investigatory File*

One of the code sections that IDOC cited in response to this complaint is Iowa Code § 904.602(10), which is quoted below in its entirety:

Regulations, procedures, and policies that govern the internal administration of the department and the judicial district departments of correctional services under chapter 905, which if released may jeopardize the secure operation of a correctional institution operation or program *are confidential* unless otherwise ordered by a court. These records include procedures on inmate movement and control; staffing patterns and regulations; emergency plans; *internal investigations*; equipment use and security; building plans, operation, and security; security procedures for inmates, staff, and visitors; daily operation records; and contraband and medicine

control. *These records are exempt from the public inspection requirements in section 17A.3 and section 22.2.*

(emphasis added).

This section appears in Chapter 904 of the Code, which governs the Department of Corrections. It explicitly states that internal investigations of IDOC are confidential,<sup>1</sup> and that such records are exempt from the public inspection requirements of § 22.2.

Here, the records Mr. Stratton seeks are documents from IDOC's internal investigation into Ms. Armstrong during her employment with the Department. Therefore, they are confidential under § 904.602(10), and IDOC was not required to release them to Mr. Stratton.

#### Conclusion

Mr. Stratton requested a resignation letter and all documents related to the internal investigation into an employee of the IDOC Fort Dodge facility, Anna Armstrong. Ms. Armstrong voluntarily resigned from employment with IDOC. IDOC did not force her to choose between resignation or termination. Therefore, she did not resign in lieu of termination, and her resignation letter does not fit within the § 22.7(11)(a)(5) exception to confidentiality of personnel records. Further, internal investigations of IDOC are explicitly confidential under § 904.602(10). Therefore, both the resignation letter and the documents related to the internal investigation into Ms. Armstrong are confidential. IDOC was not required to release these records, and this complaint should be dismissed accordingly.

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.

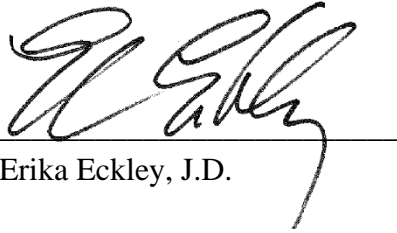
IT IS SO ORDERED: Formal complaint 23FC:0041 is dismissed as legally insufficient pursuant to Iowa Code § 23.8(2) and Iowa Administrative Rule 497-2.1(2)(b).

Pursuant to Iowa Administrative Rule 497-2.1(3), the IPIB may “delegate acceptance or dismissal of a complaint to the executive director, subject to review by the board.” The IPIB will review this Order on July 20, 2023. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

---

<sup>1</sup> Section 22.7 is not the exclusive source of confidentiality for public records. *Calcaterra v. Iowa Bd. of Med.*, 965 N.W.2d 899, 906 (Iowa 2021).

By the IPIB Executive Director



Erika Eckley, J.D.

CERTIFICATE OF MAILING

This document was sent on July 17, 2023, to:

James Stratton  
Jennifer Bonnett, Iowa Department of Corrections  
Michael Savala, Iowa Department of Corrections

# The Iowa Public Information Board

In re the Matter of:  James Stratton, Complainant  And Concerning:  Iowa Department of Corrections, Respondent	Case Numbers: 23FC:0045  <b>Revised Dismissal Order</b>
---	---

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

On April 4, 2023, Mr. Stratton filed a second formal complaint, 23FC:0045, which alleges that IDOC violated chapter 22 in response to a separate request of Mr. Stratton's.

## **23FC:0045**

### Background

On March 21, 2023, Mr. Stratton submitted a public records request to IDOC for the staffing levels, particularly correctional officer staffing levels, of each correctional facility from 2016 to the present. He also requested records indicating the number of mandated overtime shifts at each correctional facility from 2016 to the present. IDOC refused to release this information to Mr. Stratton, prompting him to file this complaint.

In response to the complaint, IDOC stated that it was withholding the records pursuant to Iowa Code § 904.602(10). IDOC also noted that it had released the "overall staffing numbers for the past several years" to Mr. Stratton in response to his request, which Mr. Stratton confirmed.

### Analysis

The issue is whether the records Mr. Stratton requested are confidential under § 904.602(10).

Section 904.602(10) can be divided into two parts. The first part of the statute states that the following records are confidential: "[r]egulations, procedures, and policies that govern the internal administration of the department . . . which if released may jeopardize the secure operation of a correctional institution operation."

The second part of the statute lists several distinct types of records that fall within its protective scope. Iowa Code 904.602(10) (“These records include . . .”). “Staffing patterns and regulations” are one type of records that the statute explicitly protects. *Id.*

If the records Mr. Stratton requested are considered to be any one of the various types of records listed in the second part of the statute, then the records are confidential and the complaint lacks merit. However, even if the records are not a type that is listed as explicitly confidential, they may still be confidential if they fit within the general category of records described in the first part of the statute.

It is a criminal offense to disclose information made confidential under § 904.602. Iowa Code § 904.602(11) (“Violation of this section is a serious misdemeanor.”).

Mr. Stratton requested the staffing levels, particularly correctional officer staffing levels, of each correctional facility from 2016 to the present. He also requested records indicating the number of mandated overtime shifts at each correctional facility from 2016 to the present.

These records requested constitute “staffing patterns and regulations.” A “pattern” is “a reliable sample of traits, acts, tendencies, or other observable characteristics of a person, group, or institution.” *Pattern*, Merriam-Webster. The records requested—the staffing and overtime levels over a period of time for particular correctional institutions—therefore constitute “staffing patterns” because they represent a reliable sample of observable characteristics of an institution (i.e., staffing and overtime levels), and they relate to staffing.

Even if the records at issue are not “staffing patterns,” they still may be confidential if they can be considered “[r]egulations, procedures, [or] policies that govern the internal administration of the department . . . which if released may jeopardize the secure operation of a correctional institution operation.” Releasing the records Mr. Stratton requested may jeopardize the secure operation of a correctional institution through public disclosure of internal policy information related to the current and historical security levels of specific correctional facilities.

Iowa Code § 904.602(10) expressly states that “[t]hese records are exempt from the public inspection requirements in section 17A.3 and section 22.2.” Further, if the records requested are confidential under any subsection of § 904.602, it is a criminal offense to release them. Iowa Code § 904.602(11).

#### Conclusion

Mr. Stratton requested correctional officer staffing levels and mandated overtime shifts for each correctional facility from 2016 to the present. These records are confidential pursuant to § 904.602(10), which states that, among other things, records of staffing patterns and regulations,

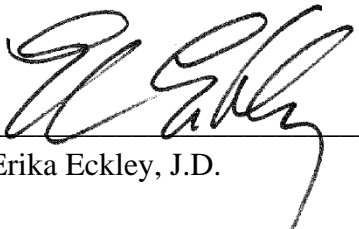
as well as any internal policy information that may jeopardize the secure operation of a correctional institution if released, are confidential. Therefore, IDOC is prohibited from releasing the records to Mr. Stratton, as it is a criminal offense to release records that are confidential under § 904.602 without a court order. The complaint should be dismissed. If Mr. Stratton disagrees with the dismissal, he may seek judicial review of this action in the district court.

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 23FC:0045 is dismissed as legally insufficient. pursuant to Iowa Code § 23.8(2) and Iowa Administrative Rule 497-2.1(2)(b).

Pursuant to Iowa Administrative Rule 497-2.1(3), the IPIB may “delegate acceptance or dismissal of a complaint to the executive director, subject to review by the board.” The IPIB will review this Order on July 20, 2023. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Executive Director



Erika Eckley, J.D.

#### CERTIFICATE OF MAILING

This document was sent on July 17, 2023, to:

James Stratton  
Jennifer Bonnett, Iowa Department of Corrections  
Michael Savala, Iowa Department of Corrections



BRENNA BIRD  
ATTORNEY GENERAL

Christine Louis  
Assistant Attorney General



IOWA DEPARTMENT OF JUSTICE  
OFFICE OF THE ATTORNEY GENERAL  
CIVIL LITIGATION DIVISION

1305 E Walnut St.  
Des Moines, IA 50319  
Main: 515-281-5164 Direct: 515-281-  
6662 Email:  
[christine.louis@ag.iowa.gov](mailto:christine.louis@ag.iowa.gov)  
[www.iowaattorneygeneral.gov](http://www.iowaattorneygeneral.gov)

July 13, 2023

Iowa Public Information Board  
Wallace Building, Third Floor  
502 East 9<sup>th</sup> Street  
Des Moines IA 50319

Re: Complaint 23FC 0045; James Stratton v. Iowa Department of Corrections

Board Members:

I represent the Iowa Department of Corrections ("IDOC"). I understand that Mr. Stratton's complaint against the IDOC was discussed and tabled at your last meeting in June 2023. I am writing to provide our office's position on Mr. Stratton's request for information and his complaint.

Specifically, Mr. Stratton requested information regarding:

1. Staffing levels, particularly Correctional Officers, broken down by each prison, from 2016 to present.
2. Mandated staff overtime shifts performed, broken down by each prison, from 2016 to present.

As an initial matter, the Iowa Public Information Board ("IPIB") lacks jurisdiction to consider this complaint. The IPIB has jurisdiction to review and enforce the requirements of open meetings (Chapter 21) and public records (Chapter 22) laws. The records requested by Mr. Stratton are "exempt from the public inspection requirements in section 17A.3 and section 22.2." Iowa Code section 904.602(10) (copy of complete statute attached) The IPIB does not have the authority to release records that are exempt from public inspection.

Iowa Code section 23.8 requires that a complaint be within the IPIB's jurisdiction, appear legally sufficient, and have merit before the IPIB accepts a complaint. This complaint does not fulfill those requirements and should be dismissed.

Even if IPIB had jurisdiction over Mr. Stratton's complaint, the requested information is confidential by law. As you are likely aware by now, the Iowa legislature specifically addressed disclosure of this type of information in Iowa Code subsection 904.602(10). It states:

Regulations, procedures, and policies that govern the internal administration of the department and the judicial district departments of correctional services under chapter 905, which if released may jeopardize the secure operation of a correctional institution operation or program are confidential unless otherwise ordered by a court.

The subsection goes onto state:

These records include procedures on inmate movement and control; staffing patterns and regulations; emergency plans; internal investigations; equipment use and security; building plans, operation, and security; security procedures for inmates, staff, and visitors; daily operation records; and contraband and medicine control.

Please note that this list is not exclusive. The list describes what is included, but does not necessarily limit, the records that may be deemed confidential.

It is noteworthy that violation of the code section is a serious misdemeanor pursuant to subsection 904.602(11).

The Iowa Attorney General's Office has historically interpreted Iowa Code section 904.602 strictly and has made every effort to keep confidential information that could negatively impact the safety of both staff and incarcerated individuals within Iowa's prisons. While the term "staffing patterns" is not defined by the Iowa Code, its common sense meaning covers staffing levels of correctional officers and mandated overtime at each prison.

As noted in the affidavit provided by IDOC Director of Security Operations Brian Foster, providing this information will allow incarcerated individuals to determine if the prison where they are incarcerated (or could be transferred) is particularly short staffed. Incarcerated individuals have access to the news and will see the information that is released. The IDOC knows from experience that escape plans can be highly sophisticated and that staffing patterns are often a primary focus of those plans. As Mr. Stratton notes in his own complaint, if correctional officer numbers are low and mandated overtime shifts are high, the former correctional officers allege "they are at more danger than ever before." The IDOC denies those allegations, but to the extent there is any truth to them, providing the requested information to incarcerated individuals will only compound that danger.

The IDOC wants to be open and transparent with the public, but also has the duty to balance the very important interest of protecting staff members, especially correctional officers, who truly do put their lives on the line each and every time they go to work in the name of providing public safety for Iowans. Toward that end, the IDOC has provided Mr. Stratton with overall staffing numbers for the last several

years and is also aware that the Iowa Department of Administrative Services will be providing Mr. Stratton with information regarding the total, gross amount of overtime wages that have been paid to employees at each Iowa prison going back to 2016. But providing information any more detailed than this unnecessarily puts the lives of IDOC staff in danger.

For these reasons, our office would advise the IDOC not to release the requested information. We also respectfully ask the Board to dismiss Mr. Stratton's complaint.

Thank you,

*/s/ Christine Louis*

Christine Louis

Attachments

## The Iowa Public Information Board

<p>In re the Matter of:</p> <p>James Stratton, Complainant</p> <p>And Concerning:</p> <p>Iowa Department of Corrections, Respondent</p>	<p>Case Number: 23FC:0045</p> <p><b>AFFIDAVIT OF BRIAN FOSTER</b></p>
---	---

State of Iowa            )  
                                  )ss:  
County of Polk         )

I, Brian Foster, having been first duly sworn upon depose and state as follows:

1. I am the Director of Security Operations for the Iowa Department of Corrections (“IDOC”). I have worked in corrections since 1985. I have served in this particular position since May 2021. Prior to that, I was the Security Chief for the Wisconsin Department of Corrections.

2. My job duties require me to oversee security related functions and initiatives for each of the correctional facilities that fall under the IDOC.

3. I am aware of Reporter James Stratton’s request for information regarding staffing levels, particularly Correctional Officers, broken down by each prison, and for mandated overtime shifts performed, broken down by each prison.

4. It is my professional opinion that providing this level of detailed information will allow incarcerated individuals to determine if the facility where they are incarcerated (or could

request transfer to in the future) is particularly short staffed. Incarcerated individuals have access to the news and will be able to see any information that is disclosed.

5. The IDOC knows from experience that escape plans can be highly sophisticated and that staffing patterns are often a primary focus of those plans.

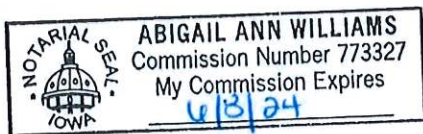
6. All IDOC staff members, but particularly Correctional Officers, put their lives on the line every time they go to work. In my professional opinion, providing detailed information regarding staffing levels at each prison unnecessarily puts IDOC employees' lives at further risk.

7. Further affiant sayeth not.

  
BRIAN FOSTER

Subscribed and sworn to before me on this 12<sup>th</sup> day of July, 2023.

  
NOTARY PUBLIC, STATE OF IOWA



Iowa Code Annotated

Title XVI. Criminal Law and Procedure [Chs. 687-916] (Refs & Annos)

Subtitle 3. Criminal Corrections [Chs. 900-916]

Chapter 904. Department of Corrections (Refs & Annos)

Subchapter VI. Records--Confidentiality (Refs & Annos)

I.C.A. § 904.602

904.602. Confidentiality of records--penalty

Effective: July 1, 2022

[Currentness](#)

1. The following information regarding individuals receiving or who have received services from the department or from the judicial district departments of correctional services under chapter 905 is public information and may be given to anyone:

a. Name.

b. Age.

c. Sex.

d. Status (inmate, parolee, or probationer).

e. Location, except home street address.

f. Duration of supervision.

g. Offense or offenses for which the individual was placed under supervision.

h. County of commitment.

i. Arrest and detention orders.

j. Physical description.

k. Type of services received.

l. Disciplinary reports and decisions which have been referred to the county attorney or prosecutor for prosecution, and the following information of all other disciplinary reports:

- (1) The name of the subject of the investigation.
- (2) The alleged infraction involved.
- (3) The finding of fact and the penalty, if any, imposed as a result of the infraction.

2. The following information regarding individuals receiving or who have received services from the department or from the judicial district departments of correctional services under chapter 905 is confidential and shall not be disseminated by the department to the public:

- a. Home street address of the individual receiving or who has received services or that individual's family.
- b. Department evaluations.
- c. Medical, psychiatric or psychological information.
- d. Names of associates or accomplices.
- e. Name of employer.
- f. Social security number.
- g. Prior criminal history including information on offenses where no conviction occurred.
- h. Family and personal history.
- i. Financial information.
- j. Information from disciplinary reports and investigations other than that identified in subsection 1, paragraph "l".
- k. Investigations by the department or other agencies which are contained in the individual's file.

l. Department committee records which include any information identified in paragraphs "a" through "k". A record containing information which is both public and confidential which is reasonably segregable shall not be confidential after deletion of the confidential information.

m. Presentence investigations as provided under chapter 901.

n. Pretrial information that is not otherwise available in public court records or proceedings.

o. Correspondence directed to department officers or staff from an individual's family, victims, or employers of a personal or confidential nature. If the custodian of the record determines that the correspondence is confidential, in any proceeding under chapter 22 the burden of proof shall be on the person seeking release of the correspondence, and the writer of the correspondence shall be notified of the proceeding.

3. Information identified in subsection 2 shall not be disclosed or used by any person or agency except for purposes of the administration of the department's programs of services or assistance and shall not, except as otherwise provided in this section, be disclosed by the department or be used by persons or agencies outside the department unless they are subject to, or agree to, comply with standards of confidentiality comparable to those imposed on the department by this section.

4. This section does not restrict the disclosure or use of information regarding the cost, purpose, number of persons served or assisted by or results of any program administered by the department, and other general statistical information so long as the information does not identify particular individuals served or assisted except as provided in subsection 1 of this section.

5. Information restricted in subsection 2 may be disclosed to persons or agencies with the approval of the director for the limited purpose of research and program evaluation or educational purposes when those persons or agencies agree to keep confidential that information restricted in subsection 2, and any reports of the research shall not contain any of the information restricted in subsection 2 except as allowed in subsection 4. However, the persons or agencies eligible to receive information under this subsection include only those which are state employees or those whom the department retains under contract to perform the services.

6. Confidential information described in subsection 2 may be disclosed to public officials for use in connection with their official duties relating to law enforcement, audits and other purposes directly connected with the administration of their programs. Full disclosure by the department of any information on an individual may be made to the board of parole and to judicial district departments of correctional services created under chapter 905, and the board and those departments are subject to the same standards as the department in dissemination or redissemination of information on persons served or supervised by those departments, and all provisions of this section pertain to the board of parole and to the judicial district departments as if they were a part of the department. Information may be disseminated about individuals while under the supervision of the department to public or private agencies to which persons served or supervised by the department are referred for specific services not otherwise provided by the department but only to the extent that the information is needed by those agencies to provide the services required, and they shall keep information received from the department confidential.

7. Information described in subsection 2 which pertains to the name and address of the employer of an individual who is receiving or has received services shall be released upon request to an individual for the purpose of executing a judgment resulting from the individual's current or past criminal activity.



8. If it is established that a provision of this section would cause any of the department's programs of services or assistance to be ineligible for federal funds, the provision shall be limited or restricted to the extent which is essential to make the program eligible for federal funds. The department shall adopt, pursuant to chapter 17A, rules necessary to implement this subsection.

9. A supervised individual or former supervised individual shall be given access to the individual's own records in the custody of the department, except that records which could result in physical or psychological harm to another person or the supervised individual or adversely affect an investigation into a supervised individual's possible violation of departmental rules, shall not be disclosed without a court order. Psychiatric information may be withheld by the department if its release would jeopardize the supervised individual's treatment. Upon the supervised individual's written authorization, that information which the supervised individual has access to may be released to any third party. A reasonable fee for copying and services may be charged.

10. Regulations, procedures, and policies that govern the internal administration of the department and the judicial district departments of correctional services under chapter 905, which if released may jeopardize the secure operation of a correctional institution operation or program are confidential unless otherwise ordered by a court. These records include procedures on inmate movement and control; staffing patterns and regulations; emergency plans; internal investigations; equipment use and security; building plans, operation, and security; security procedures for inmates, staff, and visitors; daily operation records; and contraband and medicine control. These records are exempt from the public inspection requirements in [section 17A.3](#) and [section 22.2](#).

11. Violation of this section is a serious misdemeanor.

12. This section does not preclude the disclosure of otherwise confidential material if it is necessary to civil or criminal court proceedings. The review of the court may, however, limit the confidential information to an in camera inspection where the court determines that the confidential nature of the information needs to be protected.

#### Credits

Transferred from § 246.602 by the Code Editor for Code 1993. Amended by [Acts 1994 \(75 G.A.\) ch. 1142, §§ 9, 10](#); [Acts 1998 \(77 G.A.\) ch. 1090, §§ 77, 78, eff. Jan. 1, 1999](#); [Acts 2014 \(85 G.A.\) ch. 1026, S.F. 2240, § 137, eff. July 1, 2014](#); [Acts 2022 \(89 G.A.\) ch. 1021, S.F. 2295, § 177, eff. July 1, 2022](#).

I. C. A. § 904.602, IA ST § 904.602

Current with legislation effective 6/1/2023 from the 2023 Regular Session, subject to changes made by Iowa Code Editor for Code 2024.

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

From: **Steven Menke** <[smenke2040@yahoo.com](mailto:smenke2040@yahoo.com)>

Date: Wed, Jun 14, 2023 at 7:52 AM

Subject: Re: Remain records for my request.

To: Eckley, Erika <[erika.eckley@iowa.gov](mailto:erika.eckley@iowa.gov)>

Cc: <[tholmes@kossuthcounty.iowa.gov](mailto:tholmes@kossuthcounty.iowa.gov)>, Joe Goche <[joegoche@yahoo.com](mailto:joegoche@yahoo.com)>, Kossuth County Auditor <[teden@kossuthcounty.iowa.gov](mailto:teden@kossuthcounty.iowa.gov)>

I feel at this time we can will withdraw from the case. I personally want to thank IPIB for your hard work and dedication. What I am most disturbed about is the performance of the kossuth county official. It took 6 months to get records that I have a constitutional rights to. They lied, deceived , shuffled the records to deliberately to confuse me. If those people would of done there job like we paid them for there won't have been this problem. If I have anymore questions about this records I will ask and except an answer in respectively time frame.

**Case Stats 2021 - 2022 Fiscal Year**

	July	Total	Aug	Total	Sept	Total	Oct	Total	Nov	Total	Dec	Total	Jan	Total	Feb	Total	March	Total	April	Total	May	Total	June	Total	Fiscal Year Total
Formal Cc	7	7	17	24	12	36	7	43	10	53	12	65	4	69	9	78	13	91	9	100	17	117	11	128	128
Advisory C	1	1	4	5	0	5	0	5	0	5	1	6	2	8	0	8	0	8	0	8	1	9	0	9	9
Declarato	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Informal C	1	1	8	9	5	14	3	17	4	21	5	26	3	29	15	44	7	51	6	57	7	64	15	79	79
Informal F	32	32	37	69	37	106	35	141	19	160	24	184	31	215	43	258	32	290	23	313	26	339	24	363	363
Misc. Othi	4	4	9	13	8	21	5	26	8	34	8	42	13	55	13	68	13	81	7	88	10	98	11	109	109
<b>Total</b>	<b>45</b>	<b>45</b>	<b>75</b>	<b>120</b>	<b>62</b>	<b>182</b>	<b>50</b>	<b>232</b>	<b>41</b>	<b>273</b>	<b>50</b>	<b>323</b>	<b>53</b>	<b>376</b>	<b>80</b>	<b>456</b>	<b>65</b>	<b>521</b>	<b>45</b>	<b>566</b>	<b>61</b>	<b>627</b>	<b>61</b>	<b>688</b>	<b>688</b>

**Case Stats 2022 - 2023 Fiscal Year**

	July	Total	Aug	Total	Sept	Total	Oct	Total	Nov	Total	Dec	Total	Jan	Total	Feb	Total	March	Total	April	Total	May	Total	June	Total	Fiscal Year Total
Formal Cc	9	9	15	24	19	43	10	53	7	60	8	68	12	80	15	95	17	112	8	120	6	126	11	137	137
Advisory C	0	0	1	1	0	1	0	1	0	1	0	1	0	1	2	3	0	3	0	3	0	3	0	3	3
Declarato	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Informal C	12	12	16	28	8	36	14	50	13	63	14	77	16	93	16	109	12	121	10	131	5	136	5	141	141
Informal F	24	24	41	65	25	90	34	124	26	150	29	179	33	212	33	245	31	276	24	300	23	323	25	348	348
Misc. Othi	12	12	11	23	13	36	6	42	7	49	14	63	17	80	19	99	2	101	4	105	6	111	5	116	116
<b>Total</b>	<b>57</b>	<b>57</b>	<b>84</b>	<b>141</b>	<b>65</b>	<b>206</b>	<b>64</b>	<b>270</b>	<b>53</b>	<b>323</b>	<b>65</b>	<b>388</b>	<b>78</b>	<b>466</b>	<b>85</b>	<b>551</b>	<b>62</b>	<b>613</b>	<b>46</b>	<b>659</b>	<b>40</b>	<b>699</b>	<b>46</b>	<b>745</b>	<b>745</b>

**Case Stats 2022 Calendar Year**

	Jan	Total	Feb	Total	March	Total	April	Total	May	Total	June	Total	July	Total	Aug	Total	Sept	Total	Oct	Total	Nov	Total	Dec	Total	Year End Total
Formal Cor	4	4	9	13	13	26	9	35	17	52	11	63	9	72	15	87	19	106	10	116	7	123	8	131	131
Advisory O	2	2	0	2	0	2	0	2	1	3	0	3	0	3	1	4	0	4	0	4	0	4	0	4	4
Declarator	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Informal C	3	3	15	18	7	25	6	31	7	38	15	53	12	65	16	81	8	89	14	103	13	116	14	130	
Informal R	31	31	43	74	32	106	23	129	26	156	24	180	24	204	41	245	25	270	34	304	26	330	29	359	
Misc. Othe	13	13	13	26	13	39	7	46	10	56	11	67	12	79	11	90	13	103	6	109	7	116	14	130	
<b>Total</b>	<b>53</b>	<b>53</b>	<b>80</b>	<b>133</b>	<b>65</b>	<b>198</b>	<b>45</b>	<b>243</b>	<b>61</b>	<b>305</b>	<b>61</b>	<b>366</b>	<b>57</b>	<b>423</b>	<b>84</b>	<b>507</b>	<b>65</b>	<b>572</b>	<b>64</b>	<b>636</b>	<b>53</b>	<b>689</b>	<b>65</b>	<b>754</b>	

**Case Stats 2023 Calendar Year**

	Jan	Total	Feb	Total	March	Total	April	Total	May	Total	June	Total	July	Total	Aug	Total	Sept	Total	Oct	Total	Nov	Total	Dec	Total	Year End Total
Formal Cor	12	12	15	27	17	44	8	52	6	58	11	69													
Advisory O	0	0	2	2	0	2	0	2	0	2	0	2													
Declarator	0	0	0	0	0	0	0	0	0	0	0	0													
Informal C	16	16	16	32	12	44	10	54	5	59	5	64													
Informal R	33	33	33	66	31	97	24	121	23	144	25	169													
Misc. Othe	17	17	19	36	2	38	4	42	6	48	5	53													
<b>Total</b>	<b>78</b>	<b>78</b>	<b>85</b>	<b>163</b>	<b>62</b>	<b>225</b>	<b>46</b>	<b>271</b>	<b>40</b>	<b>311</b>	<b>46</b>	<b>357</b>													

Same Day	151	67%	Media	20	9%
1-5 Days	31	14%	Citizen	147	65%
6 days or n	43	19%	Government	58	26%

Report ID: FMR331A  
 Source: I/3 Finance  
 Budget FY: 2023  
 Fiscal Month: 12 (JUNE)  
 Department: 592

STATE OF IOWA  
 FINANCIAL STATUS REPORT

Page: 1 of 2  
 Run Date: 07/14/2023  
 Run Time: 10:27:10 AM

Fund: 0001 General Fund  
 Appropriation: P22 Iowa Public Information Board

Obj/Rev Class	Obj/Rev Class Name	Prior Months (A)	Current Month (B)	Total Year To Date (C=A+B)	Annual Budget (D)	Percent of Budget (E=C/D)
<b>Revenue Collected</b>						
234	Gov Transfer In Other Agencies	5,449.55	1,300.00	6,749.55	7,800.00	86.53
<b>Total Revenue Collected:</b>		<b>5,449.55</b>	<b>1,300.00</b>	<b>6,749.55</b>	<b>7,800.00</b>	<b>86.53</b>
<b>Expenditures</b>						
101	Personal Services	259,833.55	20,844.33	280,677.88	322,007.00	87.17
202	In State Travel	0.00	117.00	117.00	3,182.00	3.68
301	Office Supplies	1,938.48	120.00	2,058.48	2,000.00	102.92
309	Printing & Binding	1.27	0.00	1.27	500.00	.25
313	Postage	48.55	3.53	52.08	150.00	34.72
401	Communications	2,839.24	232.98	3,072.22	3,000.00	102.41
405	Prof & Scientific Services	6,099.55	1,300.00	7,399.55	7,000.00	105.71
406	Outside Services	0.00	325.00	325.00	0.00	0.00
414	Reimbursements To Other Agency	10,262.56	977.21	11,239.77	10,000.00	112.40
416	ITD Reimbursements	16,647.52	567.61	17,215.13	12,000.00	143.46
418	IT Outside Services	1,123.68	561.84	1,685.52	0.00	0.00
434	Gov Transfer Other Agencies	0.00	0.00	0.00	6,000.00	0.00
602	Other Expenses & Obligations	55.00	0.00	55.00	0.00	0.00
<b>Total Expenditures:</b>		<b>298,849.40</b>	<b>25,049.50</b>	<b>323,898.90</b>	<b>365,839.00</b>	<b>88.54</b>
<b>Total Obligations (Exp+Enc):</b>		<b>298,849.40</b>	<b>25,049.50</b>	<b>323,898.90</b>	<b>365,839.00</b>	<b>88.54</b>

Report ID: FMR331A  
 Source: I/3 Finance  
 Budget FY: 2023  
 Fiscal Month: 12 (JUNE)  
 Department: 592

STATE OF IOWA  
 FINANCIAL STATUS REPORT

Page: 2 of 2  
 Run Date: 07/14/2023  
 Run Time: 10:27:10 AM

Fund: 0001 General Fund  
 Appropriation: P22 Iowa Public Information Board

Obj/Rev Class	Obj/Rev Class Name	Prior Months (A)	Current Month (B)	Total Year To Date (C=A+B)	Annual Budget (D)	Percent of Budget (E=C/D)
<b>Total Commitments (Exp+Enc+Pre):</b>		298,849.40	25,049.50	323,898.90		
<b>Remaining Authority (Rev-Obl):</b>		(293,399.85)	(23,749.50)	(317,149.35)	(358,039.00)	88.58