



## TRUSTEES UPDATE & REPORT AUGUST 2013

# A COALITION OF JOURNALISTS, LIBRARIANS, LAWYERS, EDUCATORS AND OTHER IOWANS INTERESTED IN OPEN GOVERNMENT

## ANNUAL MEETING TO BE HELD WITH IOWA CITY SYMPOSIUM, BANQUET

The 2013 annual business meeting of the Iowa Freedom of Information Council will be held in Iowa City on Thursday, Oct. 3, as part of a daylong series of events celebrating open government and public affairs journalism.

The new Iowa Public Information Board will hold its October meeting in the morning and will sponsor a symposium of panel discussions and guest speakers addressing current issues in open government in the afternoon, hosted by the University of Iowa and moderated by Sen. Liz Mathis, a Democrat from Robins.

In the evening, the Iowa Center for Public Affairs Journalism, which is based at the University of Iowa School of Journalism and Mass Communication, is holding an awards banquet to celebrate investigative reporting. The Iowa FOI Council is one of the sponsors of the banquet, and the Council's annual Harrison "Skip" Weber Friend of the First Amendment Award will be given during the banquet.

The day's schedule of events:

**10 a.m.:** Iowa Public Information Board meeting, Old Capitol Building, 21 N. Clinton St., Iowa City, IA 52242

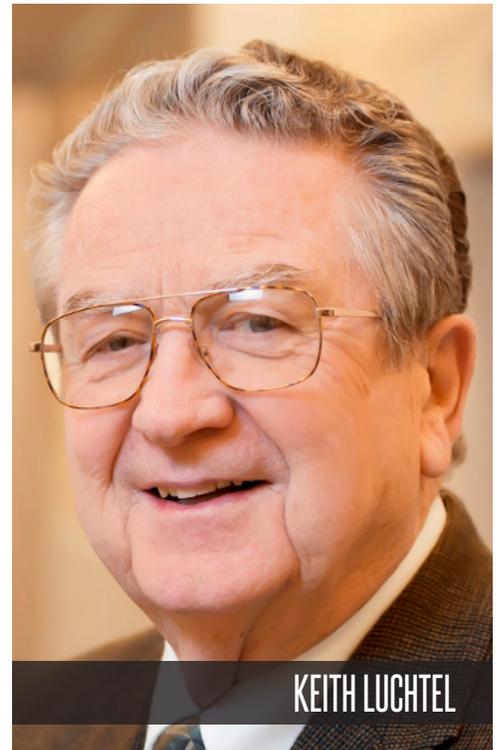
**1 p.m.:** Annual IFOIC business meeting, Iowa Memorial Union, Iowa Theater, University of Iowa

**2 p.m.:** Symposium on open government, Iowa Memorial Union, Iowa Theater

**5:30 p.m.:** "Celebrating a Free Press" awards banquet, Clarion Hotel Highlander Conference Center, 2525 N. Dodge St., Iowa City, IA 52245

All events are open to the public. The evening dinner is a fundraiser for the Center for Public Affairs Journalism. A reception begins at 5:30 p.m. with dinner at 6:30 p.m. Tickets are \$50 and reservations can be made at [www.iowawatch.org/celebrating-a-free-press/](http://www.iowawatch.org/celebrating-a-free-press/)

For more information, contact Kathleen Richardson at [kathleen.richardson@drake.edu](mailto:kathleen.richardson@drake.edu) or 515-271-2295. ●



KEITH LUCHEL

## IOWA PUBLIC INFORMATION BOARD BEGINS ITS WORK

The highly anticipated and much watched Iowa Public Information Board opened for business in July 2013 after a year of rule making, hiring staff and setting up shop. The board's plate immediately started to fill as a pent-up demand for its legal resources became apparent.

The nine-member volunteer board—comprised of representatives from media, government and the public—hired Keith Luchtel, an attorney and former lobbyist for the Iowa Newspaper Association and Iowa Broadcasters Association, as its first executive director. *Continued on page 2*

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Margaret Johnson, former Fremont County attorney, was hired as deputy director. Cindy Meyerdirk was hired as administrative assistant.

While the board was laying the groundwork for its work, the Legislature was debating its funding. Gov. Terry Branstad, a proponent of the IPIB, had allocated \$490,000 to the new agency. The House budgeted \$100,000 and the Senate \$450,000. A conference committee settled on \$275,000 and supporters of the board secured an additional \$75,000 in one-time funding for a total of \$350,000. Clearly, ensuring that the board has enough money to work effectively will be an issue in the 2014 legislative session as well.

Among the activities of the IPIB in 2012 and 2013:

Board members met once a month, beginning in July 2012. Subcommittees met more frequently.

Board chair Bill Monroe and other IPIB members traveled the state, meeting with constituencies from journalists to government officials. They reported being warmly received, even by groups that had been initially opposed to the creation of the board, because they see the potential value of a free source of legal advice for access issues.

The board wrote, held public hearings on and approved its administrative rules and procedures, and wrote an ethics and conflict of interest policy.

A board subcommittee created a website, with information about Chapters 21 and 22 and forms for filing requests for information and also formal complaints. The site can be found at: [www.ipib.iowa.gov](http://www.ipib.iowa.gov)

The board issued a formal advisory opinion to the Iowa Civil Rights Commission that settlement agreements resolving complaints should be open records in most circumstances. The board also informally advised that a city council member’s private Facebook page fell under the

open records law when it was used for public business.

The board accepted two complaints submitted by The Des Moines Register about records requests the newspaper made with the Iowa Juvenile Home and a request for a declaratory order from the Register regarding overtime fees charged for a public records search.

The board’s jurisdiction is limited to issues involving Chapters 21 and 22, the Iowa open meetings and records laws, and to addressing complaints submitted within 60 days of an alleged violation of the law. The board has the authority to give informal and formal advice, issue declaratory orders with the force of law, attempt to mediate disputes, and enforce the law through contested-case proceedings under the Administrative Procedures Act. Communication with the board is public record, unless the communicator requests confidentiality and the board grants it pursuant to an exception in Chapter 22.7. The board will also conduct training and disseminate information about open meetings and public records.

The initial board members are:

**Robert Andeweg**, Urbandale mayor

**Tony Gaughan**, Drake University law professor

**Jo Martin**, vice president of Times-Citizen Communications

**Andy McKean**, Anamosa attorney and retired legislator

**Gary Mohr**, Bettendorf community college administrator

**Bill Monroe**, retired executive director of the Iowa Newspaper Association

**Kathleen Richardson**, executive secretary of the Iowa FOI Council

**Suzan Stewart**, attorney for MidAmerican Energy Co.

**Peggy Weitzl**, Carroll County treasurer ●

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## MORE EXCEPTIONS ADDED TO PUBLIC RECORDS LAW

The Legislature was relatively quiet on the open meetings and records front this year, but three exceptions were added to Chapter 22, the public records law. Among legislative action:

22.7(62), the exception addressing the Iowa Department of Aging, was amended to comply with a federal law mandating confidentiality of client records.

An exception was added for electronic medical information that drivers will voluntarily provide to the Iowa Department of Transportation to imbed on their licenses to allow first responders to know serious health issues in case of emergency.

An exception was added that would allow government agencies to keep confidential their email lists for mass emails that they send out with routine information and notices. The exception is meant to shield the email addresses of people who sign up for email alerts from being released to commercial interests or spammers.

An exception was added that provides confidentiality for the details of bills submitted by lawyers for work done for the state public defender's office for indigent defense.

A new Code section, 331.339, explicitly states that the new Mental Health and Disability Services Regions, which are replacing county mental health services, are subject to the sunshine laws.

Among legislation that failed to pass was a bill that would have kept confidential the identities of the holders of gun permits; efforts to expunge court records when a criminal charge is dismissed or a person is acquitted, and a bill that would have placed additional transparency requirements on the Board of Regents. Anti-bullying legislation was also introduced that would have given schools the authority to punish students for offensive comments written on social media outside of school. The proposal was criticized as violating students' First Amendment right to free speech.

Also during the session, the office of Citizens' Aide/Ombudsman and the attorney general's office were at odds over access to tapes and transcripts of closed meetings of government bodies. The ombudsman's office supported legislation that would make it clear that it has access to the material from closed meetings, arguing that it needed the recordings and transcripts to fully investigate citizen complaints about government agencies and boards. The attorney general countered that allowing access to closed-door transcripts would encourage second-guessing of volunteer boards. ●

## DCI AGENT'S FIRING LEADS TO CALL FOR CHANGE TO PERSONNEL EXCEPTION

Department of Criminal Investigation agent Larry Hedlund was put on leave shortly after he reported Gov. Terry Branstad's trooper-driven vehicle speeding on a state highway in April. Hedlund was fired in July, but the state insisted that his dismissal was the result of a longstanding disciplinary investigation and had nothing to do with his whistleblowing about the governor's speeding.



The Iowa public records law was implicated when Branstad complained that the state couldn't release Hedlund's disciplinary report to clear up the matter, because of an exception in Chapter 22 that makes confidential "personal information in confidential personnel records" of government officials and employees. Hedlund's attorney refused to release the report because he said it was erroneous and defamatory.

Branstad then appointed retired Iowa Supreme Court chief justice Louis Lavorato to investigate the situation. The governor also called for a change in the law that would clarify that record custodians have the discretion to release personnel information. Lavorato's report, released in August, said there was no direct evidence the governor's office was involved in Hedlund's dismissal. ●

### IOWA FREEDOM of INFORMATION COUNCIL UPDATE & REPORT

Vol. 24, No. 1

August 2013

Published by the Iowa FOI Council, incorporated in 1977, a 501(c)(3) organization.

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## FORMER D.M. SCHOOL SUPERINTENDENT SUES OVER RELEASE OF EXPLICIT EMAILS

Nancy Sebring, who quit her job as superintendent of the Des Moines public schools in 2012 after it was discovered that she had sent sexually explicit emails to a lover via government computers and email account, sued the district, two district employees and a member of the school board in June over the public release of those emails.

In her lawsuit, Sebring claimed that her correspondence was “purely personal and private emails disclosing intimate details about her personal life,” and that Teree Caldwell-Johnson, then president of the school board; school district spokesperson Phil Roeder, and district attorney Patricia Lantz released the emails “with malicious intent to harm and punish Sebring and to cause her severe embarrassment, humiliation and emotional distress.” Sebring claimed that the scandal has so damaged her reputation that her career is a “shamble” and she can’t get a job.

Sebring has sued for invasion of privacy, intentional infliction of emotional distress and interference with contract. Sebring had been slated to become superintendent of the Omaha school district, but the job fell through after her racy emails were released in response to public records requests from the Omaha World-Herald and The Des Moines Register. Sebring’s lawsuit alleges that district insiders who knew about the emails leaked the information to The Register.

In another lawsuit related to Sebring’s resignation, the American Civil Liberties Union of Iowa has sued the Des Moines district on behalf of former school board member Graham Gillette, claiming that a board meeting held in May 2012 to discuss Sebring’s departure was closed illegally. Polk County District Court Judge Karen Romano reviewed the audio tapes and minutes of the closed meeting and in July ruled that the school board did go off-topic several times during the meeting, and those portions of the meeting should be made available to the plaintiffs. Iowa open meetings law says that officials “shall not discuss any business during a closed session which does not directly relate to the specific reason announced as justification for the closed session.”

The selection in March of Sebring’s successor as superintendent in Des Moines was also criticized for its lack of transparency. None of the candidates were identified except the three finalists, and closed screening interviews were held in a warehouse while a reporter was watched by a guard in a separate office. The board met in closed

session to discuss its selection, then announced its choice at a press conference and in a news release without any public discussion or vote. During the late-night closed session, board members left the meeting room, telling a waiting reporter that they were just “taking a little break,” but then sneaked out of the building. When they tried to resume the meeting the next day, they had to be reminded that the open meetings law requires them to post new notice if the recess lasts for more than four hours. ●

## FOI RESOURCES

### IOWA PUBLIC INFORMATION BOARD:

[ipib.iowa.gov](http://ipib.iowa.gov)  
515-725-1781

### IOWA SUPREME COURT:

[www.iowacourts.gov](http://www.iowacourts.gov)  
515-281-5911

### OFFICE OF CITIZENS' AIDE/OMBUDSMAN:

[www.legis.state.ia.us/ombudsman](http://www.legis.state.ia.us/ombudsman)  
515-281-3592

### IOWA CENTER FOR PUBLIC AFFAIRS JOURNALISM:

[iowawatch.org](http://iowawatch.org)  
319-389-4477

### OFFICE OF THE ATTORNEY GENERAL:

[www.IowaAttorneyGeneral.org](http://www.IowaAttorneyGeneral.org)  
515-281-5164

### REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS:

[www.rcfp.org](http://www.rcfp.org)

### STUDENT PRESS LAW CENTER:

[www.splc.org](http://www.splc.org)

### NATIONAL FREEDOM OF INFORMATION COALITION:

[www.nfoic.org](http://www.nfoic.org)

## REGENTS TRANSPARENCY TASK FORCE RECOMMENDS CHANGES

In response to criticism of lack of openness at both the Board of Regents and the public universities, the Regents named a transparency task force in February. The task force was charged with recommending best practices for responding to public information requests and also for providing additional access to public information.

The 11 committee members included representatives from the three state public universities, the Board of Regents and its staff, the public, the new Iowa Public Information Board and two legislators. The task force met three times during the spring and summer, and held a series of public hearings around the state. The public hearings were dominated by testimony from members of Iowa Citizens for Community Improvement, who expressed concern about corporate influence and conflict of interest on the Regents and at the state universities.

The task force's recommendations, submitted in August, included:

Each of the Regents institutions and the board itself appoint a transparency officer to track and ensure compliance with public records requests, including posting records requests on the web.

Each Regents institution and the board hold an hourlong public comment hearing prior to each board meeting to allow opportunity for comment on issues affecting the board and the upcoming agenda.

Require that academic program closures occur only at in-person meetings of the Regents.

Provide each board member with a state email account.

Establish a transparency data page on each institution and board website.

The task force minutes and report can be found on the Regents' website:

<http://www.regents.iowa.gov/TransparencyTaskForce/ttf.htm> ●

## GARTNER SUES IOWA PUBLIC RADIO

Michael Gartner—former president of the Board of Regents, former editor of the Ames Tribune and current owner of the Iowa Cubs and a member of the Iowa Freedom of Information Council—filed two lawsuits against Iowa Public Radio this spring, claiming that the IPR board twice violated the Iowa open meetings laws.

IPR board officials held a closed-door session in December 2012 to discuss the job performance of chief executive

Mary Grace Herrington, who was subsequently fired in a closed meeting in February 2013. Iowa open meetings law allows a closed session to discuss job performance, but only when the employee requests the closed session and confidentiality is necessary to prevent needless and irreparable damage to the individual's reputation.

When challenged, the IPR board argued that it was not legally required to comply with the open meetings law. In May, the Iowa Attorney General's Office said in an informal opinion requested by state Sen. David Johnson that IPR was subject to open records law and "likely" required to comply with meetings law. The Iowa Board of Regents, which created IPR to run the state's public radio station, in June approved an operating agreement with IPR that requires the station to adhere to the state's sunshine laws. The agreement runs through June 30, 2019. ●

## SUPREME COURT SAYS VOLUNTEER COMMISSIONERS IMMUNE IN OPEN MEETINGS CASE

The Iowa Supreme Court ruled in June that volunteer members of a regional planning commission were immune from personal liability for admitted violation of the open meetings law because the violation was not intentional.

The Upper Explorerland Regional Planning Commission, which serves a five-county area in northeast Iowa, in 2009 debated whether to expand the Postville post office or locate alternative space elsewhere in the region. The commission conducted a secret vote in September 2010 to buy property in Decorah. Immediately after the vote, members questioned the legality of the process. (Iowa open meetings law requires all final action to be taken in open session.) The Office of Citizens' Aide/Ombudsman advised the commission to hold a second vote via written ballot, which the agency did.

The city of Postville and a Postville resident sued the commission, alleging various violations of Chapter 21. The commission admitted violations related to the September 2010 secret vote, but denied the rest of the allegations. Among the relief sought, the plaintiffs wanted each individual commission member to be fined \$500 and 11 commissioners to be removed.

The Iowa Supreme Court said that even though the Iowa open meetings law provides for fines for members of governmental bodies who violate the law, a separate section of the Iowa Code, 28H.4(2), provides immunity for citizens who volunteer to serve on government councils. The Court said the volunteers are not personally liable unless the violations were intentional or knowing, or the person derived improper personal benefit.

*Supreme Court continued from page 5*

However, the Court left the door open to further examination of the issue, noting that the plaintiffs argued that this immunity does not apply to open meetings violations, but did not properly raise this issue in the district court.

The Postville plaintiffs also claimed the commission did not provide adequate meeting notice and violated the publication law. The Court rejected the publication claim, but sent the notice issue back to the trial court for further determination. [*City of Postville v. Upper Explorerland Regional Planning Commission, No. 12-1002, June 7, 2013.*] ●



### SUPREME COURT RULES IN 'LIBEL PER SE' CASE

The Iowa Supreme Court ruled in January that Internet publishers should be afforded the same protections in defamation lawsuits as other media defendants, but declined to change Iowa law that recognizes libel per se and distinguishes between media and non-media defendants. Libel per se involves those statements considered so clearly defamatory that malice need not be proved.

The case involved a self-published memoir in which the author claimed that his ex-wife had been molested by her father as a child and suffered from bipolar disorder as a result. The ex-wife and her father sued both the former husband and his Internet publisher, Author Solutions, for libel, invasion of privacy and intentional infliction of emotional distress. A trial court had granted summary judgment to the plaintiffs on the defamation claims, ruling that the published statements were libel per se, or libel “on the face of it,” and that because the defendants were not members of the mainstream media, they were not protected by the First Amendment safeguards laid out in the landmark U.S. Supreme Court case *New York Times v. Sullivan*. The defendants were supported in their appeal by an amicus brief filed by the Iowa Freedom of Information Council and seven media organizations.

The Supreme Court established a two-part test for determining whether an entity is a publisher and media defendant: “a person or entity whose regular practice is to (1) receive written materials prepared by a number of third parties and (2) make finished products from the materials that are designed to be more suitable and accessible for the public to read.” The Court said that Author Solutions could be considered a media defendant and as such should have been granted summary judgment on both the defamation and false light claims because it could not be found liable for libel per se. [*Bierman v. Weir and Author Solutions Inc., No. 10-1503, Jan. 18, 2013*] ●

### SUPREME COURT RULES DYERSVILLE VIOLATED PUBLIC RECORDS LAW

The city of Dyersville violated the public records law when it took more than two months to fulfill a records request, the Iowa Supreme Court ruled in July.

The case involved a construction supply business that fought with Dyersville after being denied the opportunity to submit a bid for a wastewater treatment facility project in 2010. Part of the resulting lawsuit involved the business’ claim that the city violated the public records law by failing to respond to a request for records in a timely manner: the city took from approximately Jan. 25, 2010, to April 6, 2010, to produce 617 pages.

The Supreme Court said that “there is no explicit time deadline in Chapter 22 for the production of public records when requested.” The law places a 20-day time limit on a “good faith, reasonable delay” in producing records in certain circumstances, such as to determine whether the record is a public or confidential record. The Iowa Uniform Rules on Agency Procedure say that record custodians should respond to requests “promptly,” though “the size and nature of the request” can be taken into account.

While the Supreme Court declined to set a standard for compliance, because it was not an issue on appeal, it referred to Dyersville’s handling of the plaintiff’s record requests as “troubling” and “unsatisfactory,” even though the amount of material requested was voluminous. [*Horsfield Materials Inc. v. City of Dyersville, No. 12-0491, July 5, 2013*] ●

### STORY COUNTY DISTRICT COURT ENJOINS ISU FROM DISCLOSING RESEARCH RESULTS

A Seattle law firm, the New York Times and others sought results for tests that an Iowa State University professor had done as a consultant for Beef Products Inc. But the

*Continued from Story County page 6*

district court for Story County ruled in March that the work, while public record because it was in the custody of the university, was exempted from disclosure because it qualified as confidential business information and could be used by competitors to steal BPI's trade secrets. The court also said that there was no public interest in disclosure, but involved "the university's providing laboratory testing services for a fee to a private entity." [*Beef Products, Inc. v. Iowa State University of Science and Technology, Iowa District Court for Story County, March 13, 2013*] ●

## WINNERS AND SINNERS

- Iowa State University this spring announced that it reported 79 infractions of the National Collegiate Athletic Association rules regarding phone calls to recruits between 2008 and 2011. But the ISU athletic department has refused to respond to media requests to provide details of the infractions, including identifying specific sports or individuals who made calls that violated NCAA rules.
- A report by The Des Moines Register in March showed that sheriffs in O'Brien and Woodbury counties were destroying gun permit applications after they were processed. A Woodbury County official explained that officials didn't want to be responsible for the record, which is public under state law.
- University of Iowa surgeon John Chaloupka was identified in March as the University Hospitals employee who resigned after being embroiled in a lengthy disciplinary dispute involving another employee. Radiologist Malik Juweid had sued the university, claiming he was the victim of racial discrimination and defamation, among other claims. Chaloupka, who directed interventional neuroradiology at U of I Hospitals and Clinics, filed an affidavit supporting Juweid's lawsuit, but subsequently resigned after being stripped of key duties. He sued as "John Doe" in 2011 to prevent the release to journalists of records that would have identified him in the case. Two courts subsequently ordered the records related to Chaloupka released, and the settlement agreement released this spring identified him. [*Iowa Court of Appeals, John Doe v. University of Iowa and the Associated Press, No. 2-1003, Jan. 9, 2013*]
- The Des Moines Register reported in February and March on the University of Iowa's longstanding but unannounced practice of investigating students, staff and faculty who had applied for gun permits. University officials had been providing the Johnson County sheriff with confidential

academic and personal information about students who had applied for the permits, but suspended the record sharing after it was questioned as a possible violation of educational privacy.

- Gov. Branstad has continued to assert that "workgroups" created by his office to provide advice are not subject to the open meetings law. Chapter 21 requires any "advisory board, advisory commission or task force" created by the governor or Legislature to develop public-policy recommendation to meet in open session. Branstad has maintained that the requirement doesn't apply to his "workgroups."
- Iowa's prisons have 86 policies that they maintain are "confidential," without citing specific exceptions, according to a report published in January by The Des Moines Register. The report was part of an investigation into the state's use of physical restraints on pregnant inmates, which was criticized as a potentially dangerous practice. Some of the policies that Iowa's Department of Corrections keep secret are routinely made available to the public by federal prison officials. The department said it would review its policies to determine whether all of them really warrant secrecy.
- Faculty and staff at the University of Iowa's College of Education complained in December 2012 that Provost P. Barry Butler and university general counsel Carroll Reasoner told them to destroy internal survey results that documented dissatisfaction with education dean Margaret Crocco. Faculty said they were told that if they didn't comply, the university would not protect them legally if someone should file a lawsuit related to the situation. The provost denied destroying the records, but said he collected copies of the documents.
- The Ankeny City Council backed away from a decision to build a casino in the Des Moines suburb after citizens responded angrily to the hasty vote in November 2012. The city had posted a meeting agenda that did not include the casino vote, but amended the agenda 24 hours and three minutes before the meeting was to begin to include the contract. (Iowa law requires 24-hour posting of the agenda for an open meeting.) The council voted to approve the memorandum of agreement with Wild Rose Entertainment after a 15-minute presentation and a brief discussion. A few days later, the city pulled out of the agreement. ●

## OMBUDSMAN HANDLES 331 SUNSHINE QUERIES IN 2012

The Office of Citizens' Aide/Ombudsman reported receiving 331 complaints and requests for information



**“The People Have the Power” workshop in Des Moines in September 2012**

*Continued from Ombudsman page 7.*

related to Chapters 21 and 22 in 2012. Among the issues the office addressed:

A small town that failed to publish or post its minutes, as required by Iowa Code. The city erroneously believed it didn't have to publish minutes because the community had no newspaper.

A woman who was denied her request for copies of dashboard-camera videos from police cars that had accompanied her to retrieve items from her ex-husband. Local police refused to release the videos, citing privacy concerns of the ex-husband.

A county conference board that failed to record the vote of each member present for an action item and broke into groups in a way that made it difficult for the public to monitor discussion.

A police chief who refused a reporter's request for records on an assault that involved juveniles.

A national publication that complained when a county sheriff wanted to charge \$5 apiece for copies of mugshots.

The ombudsman's office also worked with the Iowa State Association of Assessors to draft a model policy that would provide guidance on fees for fulfilling records requests.

While the Iowa Public Information Board has authority

to respond to issues related to Chapters 21 and 22 going forward, the ombudsman's office envisions a continuing role in handling questions and complaints related to government transparency, including records retention, publication of minutes and alleged meetings and records violations that are older than 60 days. ●

## “PEOPLE HAVE THE POWER” WORKSHOPS TO CONTINUE

The Iowa FOI Council and Iowa Newspaper Foundation are teaming up to produce regional workshops on the state's sunshine laws for a second year.

“The People Have the Power: Making a Difference in Your Community” is designed to introduce citizens to the basics of open meetings and records laws. Last year's workshops drew more than 200 people to lively sessions in Dubuque, Storm Lake, Iowa City and Des Moines.

This year's workshops are scheduled for three Thursday evenings in September:

Sept. 12 – Scheman Building, Iowa State University, Ames

Sept. 19 – PZAZZ Resort, Burlington

Sept. 26 – Hilton Garden Inn, Council Bluffs

All of the workshops run 7-8:30 p.m. and are free and open to the public. ●

### IOWA FREEDOM OF INFORMATION COUNCIL OFFICERS 2013

**Dave Vickers**, KROS Clinton, Iowa Broadcasters Association, president

**Rick Green**, The Des Moines Register, first vice president

**Brian Cooper**, Dubuque Telegraph Herald, Iowa Newspaper Association, second vice president

**Kathleen Richardson**, Drake University, executive secretary

**Chris Mudge**, Iowa Newspaper Association

**Sue Toma**, Iowa Broadcasters Association

**Dawn Work-MaKinne**, Iowa Library Association

**Kia Breaux**, Associated Press, working press trustee

**Jared Strong**, Daily Times Herald, Carroll, working press trustee

**Rox Laird**, The Des Moines Register, past president

**Randy Brubaker**, The Des Moines Register, past president

**Jeff Tecklenburg**, Cedar Rapids Gazette

**O.K. Henderson**, Radio Iowa, Iowa Broadcast News Association

**Michael Giudicessi**, Faegre Baker Daniels, of counsel

## 15TH EDITION OF OPEN MEETINGS, RECORDS HANDBOOK PUBLISHED

The Iowa FOI Council published the 15th edition of its popular “Open Meetings, Open Records Handbook” in 2013. The pocket-sized booklet is updated every two years when the Iowa Code is updated, and it is distributed to thousands of Iowans through the Council, county auditor’s offices, journalism and government organizations, libraries and the Office of Citizens’ Aide/Ombudsman.

The handbook contains the texts of Chapter 21 and 22 of the Iowa Code, the state’s open meetings and public records laws; tips for complying with the laws; frequently asked questions; a sample records request letter, and a list of suggested resources. The 15th edition was redesigned and also includes the text of Chapter 23, the new Iowa Public Information Board Act, and questions and answers about the board.

The Council sells the booklet for \$2 apiece to pay for printing and postage. The text is also available online at [www.ifoic.org](http://www.ifoic.org). Copies may be obtained by emailing [Kathleen.richardson@drake.edu](mailto:Kathleen.richardson@drake.edu) or calling 515-271-2295. ●



## NATIONAL SURVEY RANKS IOWA 19TH IN OPENNESS

The Better Government Association, a nonpartisan government watchdog group, ranked Iowa 19th in overall openness in its “Integrity Index,” released in July.

The 90-year-old Chicago-based nonprofit compared all 50 states’ laws against “best practices” in the areas of open meetings, freedom of information (public records), whistleblower protection and conflict of interest. The last “Integrity Index” was conducted in 2008.

No state scored 100 percent, with the average total score of all states being 55 percent. Rhode Island scored highest overall with 70 percent and Montana ranked lowest with 28 percent. The association said that states have been slow to address changing technology and electronic access to information.

Some of the factors considered in the grading: procedures for accessing public records, barriers to access and penalties for denying requests; public information required about government meetings and hurdles to citizens bringing action about violations; filing requirements for financial disclosure by public officials and employees and public accessibility to the information.

### IOWA’S SCORES IN THE “INTEGRITY INDEX”:

|                           |        |
|---------------------------|--------|
| TOTAL SCORE:              | 58.32% |
| FOIA (RECORDS):           | 51.8   |
| OPEN MEETINGS:            | 45.5   |
| WHISTLEBLOWER PROTECTION: | 71.9   |
| CONFLICT OF INTEREST:     | 64.1   |

The complete report can be found on the Better Government Association website:

[http://www.bettergov.org/bga\\_special\\_report\\_states\\_failing\\_when\\_battling\\_corruption/](http://www.bettergov.org/bga_special_report_states_failing_when_battling_corruption/) ●

## EXPANDED MEDIA COVERAGE

A task force of lawyers, journalists and judges continued work this year on rewriting the Iowa Supreme Court's Rules for Expanded Media Coverage to reflect changing technologies and newsgathering practices, such as live streaming, blogging and Tweeting. Among the issues the committee has addressed is defining "news media" to include non-mainstream media for purposes of who can participate in EMC; changing EMC procedures, especially as regards to initial appearances in criminal cases, and amending the technical aspect of the Rules to allow for use of mobile electronic devices in the courtroom. ●

## UPDATED LIST OF REGIONAL EMC COORDINATORS

Following is a list of the Expanded Media Coverage coordinators. The list is also available online at [www.ifoic.org](http://www.ifoic.org).

### REGION 1

*Allamakee, Clayton, Delaware, Dubuque counties*  
 Brian Cooper  
 Telegraph Herald, 801 Bluff, Dubuque, IA 52004  
 (563) 588-5662  
 ([bcooper@wcinet.com](mailto:bcooper@wcinet.com))

### REGION 2

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### REGION 6

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### REGION 7

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## REGION 9

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