

Subject: The Form of the Reynolds Wrap Utilized to Store and Preserve Iowa's Public Records – Section 03 of 04 – Supplemental – 01

From: cipher.hunter@phoenixharbor.net

Date: 3/19/24, 08:43

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MEMORANDUM

From: Michael J. Merritt, USN Retired/Writer
cipher.hunter@phoenixharbor.net

To: Office of the Governor
1007 East Grand Ave
Des Moines, IA 50319

Attorney Disciplinary Board
Judicial Branch Building
1111 East Court Ave
Des Moines, Iowa 50319

Senate General Assembly 90, State of Iowa
(Electronic Service)

House of Representatives General Assembly 90, State of Iowa
(Electronic Service)

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

Office of Ombudsman
Ola Babcock Miller Building
1112 East Grand
Des Moines, Iowa 50319

Iowa Civil Rights Commission
6200 Park Avenue, Suite 100
Des Moines, IA 50321-1270

City of Council Bluff, IA
209 Pearl Street
Council Bluffs, IA 51503

City of Davenport, IA
226 West 4th Street
Davenport, IA 52801

City of Dubuque, IA
50 W 13th Street
Dubuque, IA 52001

Subj: THE FORM OF THE REYNOLDS WRAP UTILIZED TO STORE AND PRESERVE IOWA'S PUBLIC RECORDS - SECTION 03 OF 04 - SUPPLEMENTAL - 01

- Ref: 1. Iowa Code Title I State Sovereignty and Management, Chapter 22 Examination of Public Records (Open Records)
2. Iowa Code Title I State Sovereignty and Management, Chapter 22 Examination of Public Records (Open Records) – Section 22.3 – Supervision—fees
 3. Iowa Code Title I State Sovereignty and Management, Chapter 22 Examination of Public Records (Open Records) – Section 22.8(4)(d.) – Injunction to restrain examination
 4. Iowa Code Title I State Sovereignty and Management, Chapter 22 Examination of Public Records (Open Records) – Section 22.10 – Civil enforcement
 5. Iowa Code Title I State Sovereignty and Management, Chapter 23 Public Access to Government Information (Iowa Public Information Board Act) – Section 23.7 – Filing of complaints with the board
 6. Rule 32:4.1(a.) TRUTHFULNESS IN STATEMENTS TO OTHERS
 7. Rule 32:4.1(b.) TRUTHFULNESS IN STATEMENTS TO OTHERS
 8. Rule 32:4.4(a.) RESPECT FOR RIGHTS OF THIRD PERSONS
 9. Rule 32:8.4(a.) MISCONDUCT
 10. Rule 32:8.4(c.) MISCONDUCT

- Enc: 1. Electronic Mail - City of Newton, IA Attorney Matthew Brick - 08 AUG 2023
2. Electronic Mail - Jasper County, IA IT Help Desk Supervisor Ryan Eaton - 12 APR 2023
 3. City Council Meeting - City of Newton, IA - 17 APR 2023

No video with supported format and MIME type found.

4. Electronic Mail – Iowa Public Information Board – Consolidated – 11/12 JUL 2023
5. Electronic Mail – Iowa Public Information Board Executive Director Erika Eckley – 08 AUG 2023
6. Electronic Mail – Iowa Public Information Board Executive Director Erika Eckley – 13 SEP 2023
7. Electronic Mail – Jasper County, IA IT Help Desk Supervisor Ryan Eaton – 13 SEP 2023
8. The Form of the Constitutional Maverick – Iowa Open Records Request – Iowa State Government Bodies – Consolidated – CM-X2 – Elimination of the Fog of War – Section 04 of 05

– 16 JAN 2024

9. The Form of the Constitutional Maverick – Iowa Open Records Request – Iowa State Government Bodies – Consolidated – CM-X2 – Elimination of the Fog of War – Section 04 of 05 – *****PUBLIC RECORDS REQUEST DELINQUENCY NOTICE***** – 20 FEB 2024

10. Kauffman, Clark. "Persistent Newton Requester Inspires Proposal That Could Limit Iowa Public Records Access." The Des Moines Register, Iowa Capital Dispatch, 25 Sept. 2023, www.desmoinesregister.com/story/news/2023/09/25/iowa-public-records-access-could-be-restricted-in-reaction-to-one-man/70936174007/.

11. Clark Kauffman, Iowa Capital Dispatch September 15. "Proposed Bill Would Block 'vexatious' Citizens from Accessing Public Records." Iowa Capital Dispatch, 15 Sept. 2023, iowacapitaldispatch.com/2023/09/15/proposed-bill-would-block-vexatious-citizens-from-accessing-public-records/

12. Clark Kauffman, Iowa Capital Dispatch September 22. "How One Man's Actions Led to Proposed New Limits on Public-Records Access." Iowa Capital Dispatch, 23 Sept. 2023, iowacapitaldispatch.com/2023/09/22/how-one-mans-actions-led-to-proposed-new-limits-on-public-records-access

13. Electronic Mail - Iowa Public Information Board Member Barry Lindahl - 09 NOV 2023

14. Electronic Mail - Iowa Public Information Board Executive Director Erika Eckley - 25 JAN 2024

15. Electronic Mail - City of Davenport, IA Assistant City Attorney Mallory Bagby - 25 JAN 2024

16. Electronic Mail - City of Dubuque Clerk Adrienne Breitfelder - 20 FEB 2024

17. Complaint – ISCADRB/ICRC/IPIB/OOO – Story County, IA – The Form of Fictional County, IA – 05 MAR 2024

18. Memorandum – The Form of the Reynolds Wrap Utilized to Store and Preserve Iowa's Public Records – Section 01 of 04 – 11 MAR 2024

19. Memorandum – The Form of the Reynolds Wrap Utilized to Store and Preserve Iowa's Public Records – Section 02 of 04 – 14 MAR 2024

20. Memorandum – The Form of the Reynolds Wrap Utilized to Store and Preserve Iowa's Public Records – Section 03 of 04 – 17 MAR 2024

21. Electronic Mail - City of Council Bluffs Deputy Assistant Attorney Graham C. Jura - 13 MAR 2024

22. 16 JAN 2024 – Iowa Municipal Public Record Request Inventory

23. Opsahl, Robin. "House Bill Requires Training on Open Meetings Laws, Raises Fines for Violations • Iowa Capital Dispatch." Iowa Capital Dispatch, 2023, iowacapitaldispatch.com/briefs/house-bill-requires-training-on-open-meetings-laws-raises-fines-for-violations/. Accessed 18 Mar. 2024.

24. "Staff Directory • Legal." *Councilbluffs-Ia.gov*, 2020, www.councilbluffs-ia.gov/directory.aspx?did=4. Accessed 18 Mar. 2024.

25. "Staff Directory • Barry Lindahl." *Cityofdubuque.org*, 2020, www.cityofdubuque.org/directory.aspx?EID=68. Accessed 18 Mar. 2024.

26. "About the Iowa Public Information Board." *Iowa Public Information Board*, 25 July 2023, ipib.iowa.gov/about-ipib. Accessed 18 Mar. 2024.

1. Introduction

18 MAR 2024 City of Newton, IA City Council Meeting

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Re: [EXT] Proposed IPIB Legislation

Eckley, Erika <erika.eckley@iowa.gov>

Thu 1/25/2024 11:53 AM

To: Barry Lindahl <balesq@cityofdubuque.org>

Cc: Bagby, Mallory <Mallory.Bagby@davenportiowa.com>; Dick Wade <rwade@councilbluffs-ia.gov>; Elizabeth Jacobi <ejacobi@cedar-rapids.org>; Eric Goers <eric-goers@iowa-city.org>; James Wainwright <JWAINWRI@ahlerslaw.com>; Kristine Stone <kstone@ahlerslaw.com>; Lester, Jeff <jdlester@dmgov.org>; Maria Brownell <mbrownell@ahlerslaw.com>; Nicole DuBois <ndubois@sioux-city.org>; Vanessa Chavez <V.Chavez@cedar-rapids.org>; Zollhoefer, Dave <Dave.Zellhoefer@waterloo-ia.org>; Heyer, Brian <Brian.Heyer@davenportiowa.com>; Vandewoestyne, Scott J. <Scott.Vandewoestyne@davenportiowa.com>; Krup, Brian <Brian.Krup@davenportiowa.com>

Thank you for the information, Ms. Bagby. IPIB is gathering information regarding the issue, but has not proposed a bill to be considered by the legislature. We are working to put together a report or some type of documentation regarding the issue.

Erika Eckley, Executive Director
Iowa Public Information Board (IPIB)

On Thu, Jan 25, 2024 at 11:45 AM Barry Lindahl <balesq@cityofdubuque.org> wrote:

I am going to forward this to the IPIB Executive Director Erika Eckley for a response on the status of the project. Thank you.

From: Bagby, Mallory <Mallory.Bagby@davenportiowa.com>

Sent: Thursday, January 25, 2024 11:42 AM

To: Barry Lindahl <balesq@cityofdubuque.org>

Cc: Dick Wade <rwade@councilbluffs-ia.gov>; Elizabeth Jacobi <ejacobi@cedar-rapids.org>; Eric Goers <eric-goers@iowa-city.org>; James Wainwright <JWAINWRI@ahlerslaw.com>; Kristine Stone <kstone@ahlerslaw.com>; Lester, Jeff <jdlester@dmgov.org>; Maria Brownell <mbrownell@ahlerslaw.com>; Nicole DuBois <ndubois@sioux-city.org>; Vanessa Chavez <V.Chavez@cedar-rapids.org>; Zollhoefer, Dave <Dave.Zellhoefer@waterloo-ia.org>; Heyer, Brian <Brian.Heyer@davenportiowa.com>; Vandewoestyne, Scott J. <Scott.Vandewoestyne@davenportiowa.com>; Krup, Brian <Brian.Krup@davenportiowa.com>

Subject: RE: [EXT] Proposed IPIB Legislation

Good morning,

Has there been any traction with the proposed legislation regarding vexatious litigation? We have one frequent requestor who takes a lot of our time. Currently, they have submitted 11 requests

since January 1 and it is taking significant staff time to respond to the requests and respond to the follow ups on our responses.

Mallory Bagby

Assistant City Attorney | Legal Department

City of Davenport

T 563.326.6158 | **F** 563.328.6767

226 W 4th St, Davenport, IA 52801

davenportiowa.com

From: Barry Lindahl <balesq@cityofdubuque.org>

Sent: Thursday, November 9, 2023 8:42 AM

To: Dick Wade <rwade@councilbluffs-ia.gov>; Elizabeth Jacobi <ejacobi@cedar-rapids.org>; Eric Goers <eric-goers@iowa-city.org>; James Wainwright <JWAINWRI@ahlerslaw.com>; Kristine Stone <kstone@ahlerslaw.com>; Lester, Jeff <jdlester@dmgov.org>; Maria Brownell <mbrownell@ahlerslaw.com>; Nicole DuBois <ndubois@sioux-city.org>; Warner, Tom <Tom.Warner@davenportiowa.com>; Vanessa Chavez <V.Chavez@cedar-rapids.org>; Zollhoefer, Dave <Dave.Zellhoefer@waterloo-ia.org>

Subject: [EXT] Proposed IPIB Legislation

ATTENTION: This is an external email.

IPIB is researching the question whether we should propose legislation for vexatious public records requesters. A draft statute based on statutes in several states is attached. The question is whether Iowa governmental entities are experiencing records requesters who would fall within the terms of such a statute. I would appreciate hearing from you whether you think such a statute is necessary based on any experiences may have had or are having.

2. Whose Side Is the Iowa Public Criminilization Board On?

(a.) City of Davenport, IA

"Rep. Gary Mohr, R-Bettendorf, said he introduced the bill in the wake of open meetings and records law violations in Davenport. Following the [collapse of a six-story apartment building in May 2023](#) that resulted in three deaths, the Davenport city government was "very reluctant" or refused to provide information on inspections of the building, Mohr said."

Opsahl, Robin. "House Bill Requires Training on Open Meetings Laws, Raises Fines for Violations • Iowa Capital Dispatch." Iowa Capital Dispatch, 2023, iowacapitaldispatch.com/briefs/house-bill-requires-training-on-open-meetings-laws-raises-fines-for-violations/. Accessed 18 Mar. 2024.

No video with supported format and MIME type found.

"In January, a [lawsuit was filed](#) alleging the city of Davenport and former city attorney Tom Warner had broken open meetings laws by reaching settlements with three city employees without the city council's approval. The Davenport city council [ratified the settlement agreements in December](#) after a closed session."

Opsahl, Robin. "House Bill Requires Training on Open Meetings Laws, Raises Fines for Violations • Iowa Capital Dispatch." Iowa Capital Dispatch, 2023, iowacapitaldispatch.com/briefs/house-bill-requires-training-on-open-meetings-laws-raises-fines-for-violations/. Accessed 18 Mar. 2024.

At the same time, Enclosure (15.) shows the City of Davenport, IA Assistant City Attorney Mallory Bagby reaching out for a "vexatious" lifeline from what evidence indicates is Iowa Governor Kim Reynold's [Iowa Public Criminilization Board](#) led by Executive Director Erika Eckley on 25 JAN 2024 at 11:42 a.m. while communicating,

"Has there been any traction with the proposed legislation regarding vexatious litigation? We have one frequent requestor who takes a lot of our time. Currently, they have submitted 11 requests since January 1 and it is taking significant staff time to respond to the requests and respond to the follow ups on our responses.[sic]"

Enclosure (15.) [Electronic Mail - City of Davenport, IA Assistant City Attorney Mallory Bagby - 25 JAN 2024](#)

Executive Director Eckley would later respond on 25 MAR 2024 at 11:53 a.m.,

"Thank you for the information, Ms. Bagby. IPiB is gathering information regarding the issue, but has not proposed a bill to be considered by the legislature. We are working to put together a report or some type of documentation regarding the issue."

[Enclosure \(14.\) Electronic Mail - Iowa Public Information Board Executive Director Erika Eckley - 25 JAN 2024](#)

"Rep. Adam Zabner, D-Iowa City, echoed Mohr's comments, saying that "what happened in Davenport is simply unacceptable." He said that in speaking with Iowans about the legislation, he saw a need for measures to improve transparency at all levels of government."

Opsahl, Robin. "House Bill Requires Training on Open Meetings Laws, Raises Fines for Violations • Iowa Capital Dispatch." Iowa Capital Dispatch, 2023, iowacapitaldispatch.com/briefs/house-bill-requires-training-on-open-meetings-laws-raises-fines-for-violations/. Accessed 18 Mar. 2024.

Enclosure (22.) reports zero available evidence indicating that the City of Davenport, IA, responded to the 16 JAN 2024 record request shown in Enclosure (8.).

Enclosures (13.), (14.), and (15.) provide evidence of the City of Davenport's involvement in electronic communications requested in the public records request evidence shows the City of Davenport, IA, disregarded shown in Enclosure (8.).

[\(b.\) IPIB Complaint - City of Dubuque, IA - Evidence Supporting False Representation of the Non-Existence of Requested Public Records](#)

Enclosure (25.) shows that Barry Lindahl is the Senior Legal Counsel for the City of Dubuque, IA, and Enclosure (26.) shows that he is an Iowa Public Information Board government representative.

Enclosures (13.), (14.), and (15.) provide evidence that on 20 FEB 2024 at 15:28 shown in Enclosure (16.) Adrienne Breitfelder Abreitfe@cityofdubuque.org misrepresented the availability of public records that evidence indicates were in the possession of the City of Dubuque, IA, including the electronic mail address erika.eckley@iowa.gov and the keyword "vexatious." At the same time, she communicated, *"Mr. Merritt, The City of Dubuque does not have any records pertaining to your request. Adrienne Breitfelder City Clerk Sent from my iPad"* At the same time, the evidence indicates Adrienne Breitfelder Abreitfe@cityofdubuque.org misrepresented the alleged existence of an electronic mail public record City of Dubuque, IA Attorney and Iowa Public Information Board member Barry Lindahl was involved in related to the proposed vexatious records request legislation as supported by Enclosures (13.), (14.), and (15.). This misrepresentation communicated by the City of Dubuque, IA, included an electronic mail sent by the City of Dubuque, IA City Attorney Lindahl (Enclosure (26.) shows he is also a member of the Iowa Public Information Board) on 09 NOV 2023 at 08:42 shown in Enclosure (13.) where he communicated a keyword "vexatious" the City of Dubuque, IA, was requested to provide.

[\(c.\) IPIB Complaint - City of Council Bluffs, IA - Evidence Supporting False Representation of the Non-Existence of Requested Public Records](#)

Enclosure (24.) shows the professional connection between Deputy Assistant Attorney Jura and City of Council Bluffs, IA Attorney Wade.

Deputy Assistant Attorney Jura communicated in Enclosure (21.) on 13 MAR 2024 at 10:23,

"Greetings – as we have stated in our previous emails, we are not, and never have been, involved in the allegations of criminal conduct the Iowa Public Information Board Executive Director Erica Eckley communicated to the Iowa Press as stated in your request. We have no knowledge of this whatsoever. This does not involve the City of Council Bluffs."

Enclosure (21.) Electronic Mail - City of Council Bluffs Deputy Assistant Attorney Graham C. Jura - 13 MAR 2024

Evidence supporting this is a misrepresentation of historical facts and a falsified response to a request for public records is shown in Enclosures (13.), (14.), and (15.) where Deputy Assistant Attorney Jura's boss, City of Council Bluffs, IA City Attorney Wade is included in several electronic mail public records including the electronic mail address erika.eckley@iowa.gov and the keyword "vexatious" which the City of Council Bluffs, IA, was requested to provide.

3. Request to Identify

James Wainwright (jwainwri@ahlerslaw.com), Kristine Stone (kstone@ahlerslaw.com), and Maria Brownell (mbrownell@ahlerslaw.com) are requested to provide Iowa government body contractual documents showing their government body association and purpose in Enclosures (13.), (14.), and (15.).

4. The Form of Betrayal

The state provides evidence of its true and proper form when the honorable that have served it execute orders and adhere to laws while producing a sum that reveals the truth the state lacks the courage to face.

During these times, the honorable must hold onto and adhere to the spirit of the country they serve and ensure the actions of the dishonorable bounce off the sides of their hull while they work to restore that which they served in accordance with our laws.

My heart is permanently lost at sea. At the same time, my soul has a firm grip on the ship's wheel.

<https://youtu.be/kEfdsgMgUao?si=WAgazjz0P0ziXEa8>

The Form of the Future Public Records Private Investigator.

<https://www.youtube.com/watch?v=S3caKy8fYOW>

Cipher Hunter: *"Excuse me Executive Director my name is Michael Merritt I would like to talk to you about the City of Dubuque IA's public records response."*

IPIB Executive Director: *"I'll be with you in just a minute."*

Cipher Hunter: *"Ok."*

IPIB Executive Director: *"One more time, just for the record, so you don't have any public records that fit the criteria being requested?"*

The City of Dubuque, IA: *"Well everything happened so fast, as far as I know we don't have any public records that fit that criteria."*

IPIB Executive Director: *"Well, Mr. Merritt it looks like you filed another complaint for nothing."*

Cipher Hunter: *"With all due respect, Executive Director Eckley, I'd like to recommend cross-referenced public records requests with other Iowa government bodies, and an independent check of the City of Dubuque, IA's information systems to confirm the testimony being provided by the City of Dubuque, IA Attorney Lindahl's government body is accurate."*

IPIB Executive Director: *"Whoa, Whoa, Whoa, Whoa wait a minute. The requested public records do not exist. The only thing additional verification is going to accomplish is wasting time and flooding my office with calls."*

Cipher Hunter: *"Well Executive Director Eckley I would hate to see that happen so I guess I will start my own independent citizen resource that protects their right to public records access."*

IPIB Executive Director: *"On what authority?"*

Cipher Hunter: *"Sections 1, 2, 7, and 20 of Article 1 of the Constitution of the State of Iowa, Iowa Code Chapter 22, and the Holy Bible."*

IPIB Executive Director: *"Alright fine, you want jurisdiction over this mess, you got it. Alright Toresdahl, Strawhun gather around here and listen up. We're shutting it down, Spock is here to mop up."*

Doc: *"Excuse me, Merritt."*

Cipher Hunter: *"Oh Wow, Gee Whiz, look here. You know we are always fascinated when we receive public records from other Iowa government bodies produced by government bodies that have already reported the public records do not exist. Who sent this email, Sir?"*

The City of Dubuque, IA City Attorney Lindahl: *"Me."*

Cipher Hunter: *"Why didn't the City of Dubuque, IA, provide this public record, Sir?"*

The City of Dubuque, IA City Attorney Lindahl: *"I don't know."*

OG: *"Does the City of Dubuque, IA, care to revise their public records response, Sir?"*

The City of Dubuque, IA City Attorney Lindahl: *"What?"*

Cipher Hunter: *"Does your government body want to update what evidence indicates is a bullshit response Sir?"*

The City of Dubuque, IA City Attorney Lindahl: *"We might have those public records."*

Cipher Hunter: *"You might have those public records."*

IPIB Executive Director: *"What's going on here, a minute ago you said the requested public record doesn't exist and now you are saying it does?"*

Cipher Hunter: *"Listen up ladies and gentlemen the public records we are looking for include the word "vexatious" and public records that may exist showing a possible violation of [Iowa Code Section 708.7\(1\)\(a\)\(4\)](#) stored and preserved by the Iowa Department of Public Safety whom*

evdience indicates has failed to provide a response. What I want out of each and every one of you is a law-abiding cross referenced search of all Iowa government body information systems, state trooper lunch boxes, and Iowa government body social media accounts. Your fugitive's name is Cyberstential Tyranny."

Lord, bless those who provide truth, light, and hope.

Legal Disclaimer: This correspondence does not communicate a past, present, or future violation of the United States or Iowa Codes. This correspondence provides evidence of the passion within a constitutional poet who refuses to allow the rights and liberties of those he served for twenty years in the United States Navy to be impacted unethically or unlawfully by those who sit around public particle board tables in the State of Iowa who have produced evidence of not possessing the life experience, competence, ownership, or responsibility required to defend the rights, life, and liberty of others. The creative writing "The Form of the Future Public Records Private Investigator" contains a fictional dialog inspired by the screenplay from the Warner Bros film "[The Fugitive](#)." At the same time, the modifications to the screenplay dialog reflect the originator of this correspondence interpretation of available evidence in a creative writing form.

Respectfully,

[Michael J. Merritt](#), USN Retired/Writer

Founder: phoenixharbor.net

Creative Writer/Musician

Information Warfare Specialist

Information Systems Manager

cipher.hunter@phoenixharbor.net

"Lies and misrepresentations pay for the Iowa Legislature's bills in [Erika's mErika](#)."

Cipher Hunter

— Attachments: —

| | |
|--|--------|
| IPIB Complaint - City of Dubuque IA.pdf | 1.1 MB |
| IPIB Complaint - City of Council Bluffs IA.pdf | 1.0 MB |