

**Subject:** The Form of the Constitutional Maverick – Iowa Open Records Request – Iowa Municipal Government Bodies – Consolidated – CM-X2 – Elimination of the Fog of War – Section 04 of 05

**From:** cipher.hunter@phoenixharbor.net

**Date:** 1/16/24, 14:31

**To:** "cityclerk@dmgov.org" <cityclerk@dmgov.org>, "citymanager@cedar-rapids.org" <citymanager@cedar-rapids.org>, "contactus@davenportiowa.com" <contactus@davenportiowa.com>, "ndubois@sioux-city.org" <ndubois@sioux-city.org>, "communicationsteam@iowa-city.org" <communicationsteam@iowa-city.org>, "julius.arrington@wdm.iowa.gov" <julius.arrington@wdm.iowa.gov>, "myuska@ankenyiowa.gov" <myuska@ankenyiowa.gov>, "leann.even@waterloo-ia.org" <leann.even@waterloo-ia.org>, "jquakenbush@councilbluffs-ia.gov" <jquakenbush@councilbluffs-ia.gov>, "abreitfe@cityofdubuque.org" <abreitfe@cityofdubuque.org>, "nlunders@urbandale.org" <nlunders@urbandale.org>, "rbolender@cityofmarion.org" <rbolender@cityofmarion.org>, "jacque.danielsen@cedarfalls.com" <jacque.danielsen@cedarfalls.com>, "dploehn@bettendorf.org" <dploehn@bettendorf.org>, "clerk@marshalltown-ia.gov" <clerk@marshalltown-ia.gov>, "aburnett@masoncity.net" <aburnett@masoncity.net>, "creinhardc@ottumwa.us" <creinhardc@ottumwa.us>, "webmaster@fortdodgeiowa.org" <webmaster@fortdodgeiowa.org>, "clerk@cityofclintoniowa.us" <clerk@cityofclintoniowa.us>, "crhames@cityofjohnston.com" <crhames@cityofjohnston.com>, "musick@burlingtoniowa.org" <musick@burlingtoniowa.org>, "bschuett@waukee.org" <bschuett@waukee.org>, "Chilger@muscatineiowa.gov" <chilger@muscatineiowa.gov>, "tjohnson@coralville.org" <tjohnson@coralville.org>, "tmulcahey@northlibertyiowa.org" <tmulcahey@northlibertyiowa.org>, "doconnor@altoona-iowa.com" <doconnor@altoona-iowa.com>, "mgraham@cityofclive.com" <mgraham@cityofclive.com>, "alent@indianolaiowa.gov" <alent@indianolaiowa.gov>, "cityofnewton@newtongov.org" <cityofnewton@newtongov.org>, "matt.brick@brickgentrylaw.com" <matt.brick@brickgentrylaw.com>, "rwilliams@grimesiowa.gov" <rwilliams@grimesiowa.gov>, "clerk@norwalk.iowa.gov" <clerk@norwalk.iowa.gov>, "clerk@city.boone.ia.us" <clerk@city.boone.ia.us>, "info@spenceriowacity.com" <info@spenceriowacity.com>, "derragon@stormlake.org" <derragon@stormlake.org>, "cityhall@lemarsiowa.com" <cityhall@lemarsiowa.com>, "msmith@cityofpella.com" <msmith@cityofpella.com>, "cguyer@waverlyia.com" <cguyer@waverlyia.com>, "cityofcarroll@cityofcarroll.com" <cityofcarroll@cityofcarroll.com>, "mblind@fortmadison-ia.com" <mblind@fortmadison-ia.com>, "dspooner@pleasanthilliowa.org" <dspooner@pleasanthilliowa.org>, "celanfaoui@cityofkeokuk.org" <celanfaoui@cityofkeokuk.org>, "awingerter@grinnelliowa.gov" <awingerter@grinnelliowa.gov>, "cityadmin@fairfieldiowa.gov" <cityadmin@fairfieldiowa.gov>, "lori@citymtpia.com" <lori@citymtpia.com>, "cityclerk@denisonia.com" <cityclerk@denisonia.com>, "elinorp@siouxcenter.org"

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 <mparsons@crestoniowa.org>, "trudy@cityofcharlescity.org" <trudy@cityofcharlescity.org>,
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 <info@cityofasbury.com>, "brigdon@cityfoelwein.org" <brigdon@cityfoelwein.org>,
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 "redoakcity@redoakia.city" <redoakcity@redoakia.city>, "support@polkcityia.gov"
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 <jsmith@cityofharlan.com>, "gloriac@cityofhumboldt.org" <gloriac@cityofhumboldt.org>,
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 "vickiw@newtongov.org" <vickiw@newtongov.org>, "stacys@newtongov.org"
 <stacys@newtongov.org>, "joelm@newtongov.org" <joelm@newtongov.org>,

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nibrs@fbi.gov" <ucr-nibrs@fbi.gov>  
**X-Mozilla-Status:** 0001  
**X-Mozilla-Status2:** 00000000  
**Message-ID:** <133798615549504512.0.v2@titan.email>  
**MIME-Version:** 1.0  
**Content-Type:** multipart/related;  
boundary="----=\_Part\_3454877\_2015238565.1705437103380"  
**X-Titan-TID:** 4488402:1998681486420996



**MEMORANDUM**

From: Michael J. Merritt, USN Retired/Writer  
[cipher.hunter@phoenixharbor.net](mailto:cipher.hunter@phoenixharbor.net)

To: Iowa Municipal Government Bodies (Consolidated)  
(Electronic Service – See: Enclosure: (28.))

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950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Federal Bureau of Investigation  
4411 South 121st Court  
Omaha, NE 68137-2112

Office of the Attorney General of Iowa  
Hoover State Office Building  
1305 E. Walnut Street  
Des Moines IA 50319

Secretary of State Paul Pate, State of Iowa  
First Floor, Lucas Building  
321 E. 12th St.  
Des Moines, IA 50319

Iowa Department of Public Safety  
Oran Pape State Office Building  
215 E. 7th St  
Des Moines IA 50319

Poweshiek County, IA Attorney  
4802 Barnes City Rd.  
Montezuma, IA 50171

Poweshiek County, IA Sheriff  
4802 Barnes City Rd.  
Montezuma, IA 50171

Grinnell, IA Police Department  
1020 Spring Street  
Grinnell, IA 50112

Microsoft Corporation  
One Microsoft Way  
Redmond, Washington 98052-6399

**Subj: THE FORM OF THE CONSTITUTIONAL MAVERICK - IOWA OPEN RECORDS REQUEST - IOWA MUNICIPAL GOVERNMENT BODIES - CONSOLIDATED - CM-X2 - ELIMINATION OF THE FOG OF WAR - SECTION 04 OF 05**

- 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. [Iowa Code Title XV Judicial Branch and Judicial Procedures, Chapter 659 Libel and Slander - Section 659.1 Pleading](#)
7. [Iowa Code Title XV Judicial Branch and Judicial Procedures, Chapter 659 Libel and Slander - Section 659.2 Libel — retraction — actual damages.](#)
8. [Iowa Code Title XV Judicial Branch and Judicial Procedures, Chapter 659 Libel and Slander - Section 659.3 Retraction — actual, special, and exemplary damages.](#)
9. [Title XVI – Criminal Law and Procedure – Iowa Code Chapter 708 – Assault – Iowa Code Section 708.7 – Harassment](#)

10. Iowa Code Title XVI - Criminal Law and Procedure, Chapter 714 Theft, Fraud, and Related Offenses - Section 714.8(4.) Fraudulent practices defined.
11. Iowa Code Title XVI - Criminal Law and Procedure, Chapter 714 Theft, Fraud, and Related Offenses - Section 714.9 Fraudulent practice in the first degree.
12. Iowa Code Title XVI - Criminal Law and Procedure, Chapter 714 Theft, Fraud, and Related Offenses - Section 714.10 Fraudulent practice in the second degree.
13. Iowa Code Title XVI - Criminal Law and Procedure, Chapter 714 Theft, Fraud, and Related Offenses - Section 714.11 Fraudulent practice in the third degree.
14. Iowa Code Title XVI - Criminal Law and Procedure, Chapter 714 Theft, Fraud, and Related Offenses - Section 714.12 Fraudulent practice in the fourth degree.
15. Iowa Code Title XVI - Criminal Law and Procedure, Chapter 714 Theft, Fraud, and Related Offenses - Section 714.13 Fraudulent practice in the fifth degree.
16. Iowa Code Title XVI - Criminal Law and Procedure, Chapter 802 Limitations of Criminal Actions - Section 802.3 Felony—aggravated or serious misdemeanor.
17. Iowa Code Title XVI - Criminal Law and Procedure, Chapter 802 Limitations of Criminal Actions - Section 802.4 Simple misdemeanor—ordinance.
18. Iowa Rules of the Court Chapter 32:8.4

- Enc: 1. 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/](http://www.desmoinesregister.com/story/news/2023/09/25/iowa-public-records-access-could-be-restricted-in-reaction-to-one-man/70936174007/).
2. 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/](http://iowacapitaldispatch.com/2023/09/15/proposed-bill-would-block-vexatious-citizens-from-accessing-public-records/)
  3. 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/](http://iowacapitaldispatch.com/2023/09/22/how-one-mans-actions-led-to-proposed-new-limits-on-public-records-access/)
  4. The Form of the Iowa Class Battleship and the Sea of Tyranny Manifested By Iowa's Alleged Information Concealment Board, 29 SEP 2023
  5. The Form of the Iowa Class Veteran, 07 OCT 2023
  6. The Final Deployment, The Race Between Good and Evil, 21 NOV 2023
  7. Lions, Tigers, Vexatious Records Requesters Oh My!, 06 DEC 2023
  8. Declaration and Response to Iowa Civil Rights Commission Correspondence, 13 DEC 2023
  9. The Form of the Constitutional Maverick – Iowa Open Records Request – Iowa Public Information Board – 1797 – CM-X2 – Elimination of the Fog of War – Section 01 of 05, 11 JAN 2024
  10. The Form of the Constitutional Maverick – Iowa Open Records Request – Iowa State Government Bodies – Consolidated – CM-X2 – Elimination of the Fog of War – Section 02 of 05, 12 JAN 2024

11. The Form of the Constitutional Maverick – Iowa Open Records Request – Iowa State Government Bodies – Consolidated – CM-X2 – Elimination of the Fog of War – Section 03 of 05, 14 JAN 2024
12. State of Iowa Notarized Affidavit - Chief of Police Michael Tupper - Marshalltown, IA Police Department - 16 AUG 2022 - \$54,915
13. Electronic Mail - Chief of Police Michael Tupper - Marshalltown, IA Police Department - 19 DEC 2022 - (Attachment)
14. Iowa Open Records Request – IT/IS Provider: Microsoft 365 – Consolidated – CM-X2 - 12 JUN 2023
15. Public Records Request Fee Invoice - Des Moines, County, IA - 23 JUN 2023 - \$9,293
16. Electronic Mail - Lee County, IA - 11 AUG 2023 - \$6,800
17. Electronic Mail - Greene County, IA - 24 JUN 2023 - \$1,558.44
18. Electronic Mail - Mills County, IA - 14 JUN 2023 - \$0
19. Public Records Request Fee Invoice - Iowa State University - 19 JUN 2023 - \$60
20. Electronic Mail - Madison County, IA - 27 JUN 2023 - \$320.43
21. Electronic Mail - Mahaska County, IA - 05 JUL 2023 - \$30.72
22. Electronic Mail - Clinton County, IA - 18 JUL 2023 - \$0
23. Electronic Mail - Clayton County, IA - 18 JUL 2023 - \$0
24. Electronic Mail - University of Iowa - 01 AUG 2023 - \$0
25. Electronic Mail - State of Iowa Attorney General - 01 AUG 2023 - \$0
26. Electronic Mail - State of Iowa Secretary of State - 11 AUG 2023 - \$0
27. Microsoft 365 Government- Iowa Government Bodies
28. 16 JAN 2024 – Iowa Municipal Government Body Public Records Request Inventory

## **1. Navigating the Strait of Hormuz**

Iowa Public Information Board Executive Director Eckley is documented in reference (2.) communicating the following:

*"We've had some issues with individuals filing hundreds of requests and engaging in abuse – what many would consider abusive and harassing conduct related to those," Eckley told the committee. "And so looking at it there's not a lot that individuals can do if they're in that situation. There's very little that they can do other than to continue to just take the harassment and continue to have to review the information from that individual to make sure they are complying with their (Open Records Law) requirements."*

*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/](https://iowacapitaldispatch.com/2023/09/15/proposed-bill-would-block-vexatious-citizens-from-accessing-public-records/).*

*"She added that she has "become aware of an individual basically automating across all counties, all school boards, all cities, and such, seeking extensive records and then the communications*

*after that can be quite abusive and harassing.”*

*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/](https://iowacapitaldispatch.com/2023/09/15/proposed-bill-would-block-vexatious-citizens-from-accessing-public-records/).*

## **2. Records Requested**

- (a.) Any public records showing a criminal complaint against the originator of this correspondence regarding the allegations of criminal conduct the Iowa Public Information Board Executive Director Erica Eckley communicated to the Iowa Press leading to the publishing of Enclosures (1.), (2.) and (3.).
- (b.) Electronic mail, including attachments stored and preserved by government bodies shown in Enclosure (28.), including the name “Merritt,” not including public records produced or transmitted by the originator of this request.
- (c.) Electronic mail, including attachments stored and preserved by government bodies shown in Enclosure (28.), including the word “vexatious,” not including public records produced or transmitted by the originator of this request.
- (d.) Electronic mail, including attachments stored and preserved by government bodies shown in Enclosure (28.), including the electronic mail address [erika.eckley@iowa.gov](mailto:erika.eckley@iowa.gov) as the originator or recipient of an electronic mail public record during the calendar year 2023, not including public records produced or transmitted by the originator of this request.
- (e.) Electronic mail, including attachments stored and preserved by government bodies shown in Enclosure (28.), including the electronic mail address [brett.toresdahl@iowa.gov](mailto:brett.toresdahl@iowa.gov) as the originator or recipient of an electronic mail public record during the calendar year 2023, not including public records produced or transmitted by the originator of this request.
- (f.) Electronic mail, including attachments stored and preserved by government bodies shown in Enclosure (28.), including the electronic mail address [daniel.strawhun@iowa.gov](mailto:daniel.strawhun@iowa.gov) as the originator or recipient of an electronic mail public record during the calendar year 2023, not including public records produced or transmitted by the originator of this request.
- (g.) Electronic mail, including attachments stored and preserved by government bodies shown in Enclosure (28.), including the electronic mail address [ipib@iowa.gov](mailto:ipib@iowa.gov) as the originator or recipient of an electronic mail public record during the calendar year 2023, not including public records produced or transmitted by the originator of this request.

## **3. Request Guidance**

- (a.) The originator requests to be informed of any estimated fees in accordance with Iowa Code Section 22.3 before performing the requested search.

(b.) The desired format of requested data: Thumb drive (at the government body published rate) or electronically submitted portable document formatted (PDF) files.

(c.) Distribution of Requested Records: Priority United States Postal Service (USPS) mail or electronic mail sent to the originator of this request.

#### **4. The Form of Government Body Public Records Contract Bidding**

When a government body produces evidence of conduct that is inconsistent with Iowa Code Chapter 22, the Light identifies a path forward through the submission of identical record requests to other government bodies within the same jurisdiction, producing a test bed of data that will assist with confirming or disputing preliminary theories or speculation.

Enclosures (14.) through (25.) represent responses to Enclosure (13.) from government bodies that public domain name system (DNS) MX records show utilize commercial information technology/information system services provided by Microsoft Corporation ([Microsoft 365](#)).

The originator of this records request is in the process of completing the development of a public database of public records retrieval data to assist Iowans with a free resource to assist in the protection of their rights. The originator of this request is anticipating having request completion receipts transmitted for all previous requests by 15 FEB 2024.

<https://phoenixharbor.net/iw/blog/2024/01/16/the-form-of-the-marshalltown-ia-bobcat/>

Enclosures (17.) through (25.) provide evidence of honorably and ethically performed government body public record searches utilizing modern commercial information system data storage solutions. Enclosures (18.), (19.), and (20.) provide evidence of acceptable levels of deviation in light of government body articulated and detailed communications of specific government body variables.

#### **5. The Form of the Iowa Public Information Board**

The form of the Iowa Public Information Board is displayed by the evidence that shows that upon receipt of evidence showing Iowa government body behavior against an Iowa public records requester consistent with the requirements of [Iowa Code Section 708.7\(1\)\(a\)\(4\)](#) the Iowa Public Information Board did nothing to protect the rights of citizens. On the contrary, the Iowa Public Information Board utilized tax dollars to produce a proposed addition to Iowa Code Chapter 23, allowing it to terminate citizens' rights to request public records *"for a specified period of time, but not to exceed one year,"* (**See:** Proposed [Iowa Code Section 23.8A\(f\)](#)) At the same time, the Iowa Public Information Board spread a false criminal allegation supported by zero evidence against that public records requester (**See:** Enclosures (1.), (2.) and (3.) to fuel and justify this proposed legislation while protecting government bodies from accountability regarding evidence of their abuse of power and hostility toward an Iowa public records requester regarding requested public records evidence indicates these government bodies desired not to release (**Note:** [Section 9 of Article 1 of the Constitution of the State of](#)



*Iowa states: “Right of trial by jury—due process of law. The right of trial by jury shall remain inviolate; but the general assembly may authorize trial by a jury of a less number than twelve men in inferior courts; but no person shall be deprived of life, liberty, or property, without due process of law.”)*

Ultimately, this behavior manifested by the Iowa Public Information Board is the responsibility of Iowa Governor Kim Reynolds and the Iowa Legislature as articulated in [Iowa Code Sections 23.3\(1.\)](#).

*“An Iowa public information board is created consisting of nine members appointed by the governor, subject to confirmation by the senate. No more than three members appointed shall be representatives from the media including newspapers and no more than three members appointed shall be representatives of cities, counties, and other political subdivisions of the state.”Iowa Code Title I State Sovereignty and Management, Chapter 23 Public Access to Government Information (Iowa Public Information Board Act) – Section 23.3(1.) – Board appointed —executive director.*

Evidence showing that Iowa Public Information Board Executive Director Erika Eckley’s actions, selection, and continued appointment are the responsibility of the Iowa Public Information Board is shown in [Iowa Code Section 23.3\(6.\)](#).

*“The board shall select one of its members to serve as chairperson and shall employ a person who shall be an attorney admitted to practice law before the courts of this state to serve as the executive director of the board.”Iowa Code Title I State Sovereignty and Management, Chapter 23 Public Access to Government Information (Iowa Public Information Board Act) – Section 23.3(6.) – Board appointed —executive director.*

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20 JUL 2023 IOWA PUBLIC INFORMATION BOARD MEETING

**Michael J. Merritt:** *“How can we trust the copied and pasted words of attorneys that your Executive Director puts on her dismissals when the evidence shows that those people, including City Attorney Brick on the intercom, are documented liars? If I harassed or threatened the City of Newton, I know that is aggressive language, and I apologize, but I have been pretty brutally attacked, and I have done nothing wrong to anybody, and I don’t appreciate it.”*

**Iowa Public Information Board Chairman:** *“The only cases that we can discuss are ones that involve Chapter 21 and Chapter 22.”*

**Michael J. Merritt:** *"I understand that Ma'am, I understand that, but the problem here is, is that you are basing a dismissal off of testimony that the evidence shows is people that are not speaking testimony that is supported by evidence. You are documenting your dismissal based on the words of people that evidence shows use manipulative and evolving language to produce a dialog and sum that will correlate to produce the sum that they are after, and it does not matter to me what this board does dismissal or otherwise the truth always perpetuates itself and as I have no children anymore to invest my life in I have plenty of time to investigate this board's failure to properly protect citizens rights in accordance with Iowa Code Chapter 22, and I respectfully submit that is what my intention is to do."*

**Note:** Chest cam device watermarked incorrect date/time.

IOWA PUBLIC INFORMATION BOARD

Dan Breitbarth, Des Moines – Government Representative

Joan Corbin, Pella – Government Representative

E. J. Giovannetti, Urbandale – Public Representative

Barry Lindahl, Dubuque – Government Representative

Joel McCrea, Pleasant Hill – Media Representative

Monica McHugh, Zwingle – Public Representative

Julie Pottorff, Des Moines – Public Representative

Jackie Schmillen, Urbandale – Media Representative

vacant – Public Representative

Iowa Public Information Board Executive Director Erika Eckley, J.D., M.P.A.

Iowa Public Information Board Deputy Director Brett J. Toresdahl

Iowa Public Information Board Legal Counsel Daniel Strawhun, J.D.

## **6. Conclusion**

The originator of this record request directs the State of Iowa to either file a criminal complaint against the originator of this request with the respective law enforcement agency or clear a flight path in accordance with the US and Iowa Codes.

## **7. The Form of the Constitutional Maverick**

An independent force fueled by theological beliefs, philosophical ethics, and inner pain that can only exist while pushing the envelope and raising the bar in accordance with our laws. A force that cannot rest and is only satisfied once the people have been provided a view of the truth and what is possible when we work together.

Leadership is a paradigm that fearlessly paves a path only to the truth and a world that provides freedom and equality for all, regardless of adversity or calculated personal loss that stands in its path.

The closer this watch brings me to this world's nails, the more my soul is filled with passion for raising my ship's sail.

**Cipher Hunter:** *"Cipher Hunter to Government Body, Entering 22.8-4-Delta threshold, confirm receipt of public records request."*

**Government Body:** *"Cipher Hunter, Government Body, receipt of public records request confirmed; however, the Iowa Public Information Board is pursuing the termination of your rights based upon an allegation of criminal conduct missing from the Iowa Court's docket."*

**Cipher Hunter:** *"Well, I am going to keep submitting them anyway, setting time to evidence of alleged Iowa government body fraud related to excessive fees required for citizen access to public records and other abuses of power, four months. File your response. Cipher Hunter inbound."*

<https://youtu.be/DqRxGuBSvIU?si=-mGdU1ETHdiBuo5->

*"Then one of them, named Caiaphas, who was high priest that year, spoke up, "You know nothing at all! You do not realize that it is better for you that one man die for the people than that the whole nation perish."*

*John 11:49-50, Holy Bible New International Version*

Respectfully,

Michael J. Merritt, USN Retired/Writer

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*"Lies and misrepresentations pay for the Iowa Legislature's bills in Erika's mErika."*

Cipher Hunter