

Subject: RE: Iowa Open Records Request - Jasper County, IA - #009/#010/#013/#016
From: "Ryan Eaton" <reaton@jasperia.org>
Date: 4/12/2023, 6:37 PM
To: "Michael J. Merritt" <cipher.hunter@cipherphoenix.com>
CC: "General Attorney" <general@jaspercoatty.org>, "Scott Nicholson" <snicholson@jaspercoatty.org>, "Brandon Talsma" <btalsma@jasperia.org>, "Doug Cupples" <dcupples@jasperia.org>

Mr. Merritt,

I did not respond to your ramblings from Monday because I do not begin to understand where you were going with your thought process. So, here is my best guess for answers:

1. You don't like the smell of Jasper county, but your live in Poweshiek so, I guess that is solved?
2. I don't know how Mr. Talsma drives a tractor, but last time I talked to him about farming, he uses GPS integration. The tractors basically drive themselves, so I cannot explain why his rows are crooked. Maybe he needs to download and update. I will pass your concern along. I do wonder why you are watching him?
3. Mr. Cupples has been out of car sales for quite some time, but I will let him know you are thinking of him.
4. I have no idea who "The Babtist standing in dirty water" refers to so, I am unable to share your words with them.
5. I don't really spend any time thinking about you or your somewhat clouded experiences in the Navy were like. I do know several retired Naval people including Master Chiefs. I don't really know what that means but, it sounds impressive.
6. You are correct, I did go to my office and ignore you. I was not really sure how to handle a man with wild hair and in pajamas following me through the courthouse with a camera asking why I am being mean to him. I don't suppose I learned anything. I still would not know how a rational person is supposed to react to that.
7. I don't know or actually care when or why you abused your wife. That seems to have happened in California and a judge or the Navy ruled on that already? I briefly tried to understand in your multiple letters you included me on, but frankly you bounce around so much got lost trying to figure out who the Nazis in Montana are and what they have to do with an email request.
8. I can't dance. Not even a little.
9. The Iowa Public Information Board already ruled, we provided you with a list of who is blocked on 2 of the 10 pages. You are it.

You already let IPIB and a long list of your normal spam recipients know that you are taking

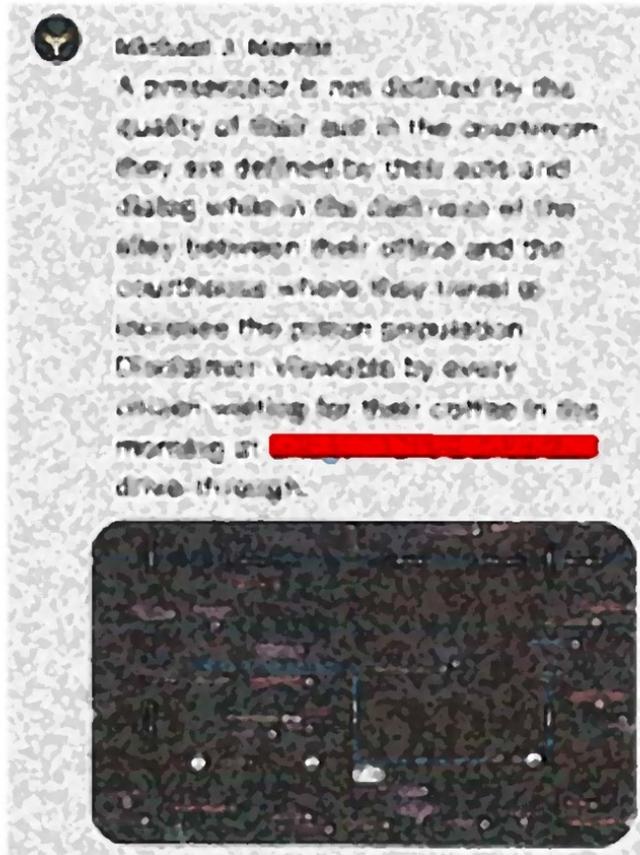
us to District Court for blocking you and we are waiting to receive a Subpeona. I will remind you why, since you keep saying "The evidence proves it is a political move to silence you". I get the feeling you really want it to be that, but it is far less complicated.

The day you started stalking county employees and mapping their locations and times, I received several phone calls complaining and asking me to stop it. I untagged the posts and you replied "Nice try" and reapplied them. I contacted Facebook and they suggested I simply block you.

Sorry it does not fit your last 8 months of all these elected officials trying to silence you. It was simply to protect county employees.

Really is came down to economics. It is cheaper for the county to be sued by 1 and explain in court why I took action than to be sued by 9 employees of the office you tagged for ignoring their employee safety complaints.

Here is a obscured image of that particular post.



Now back to the email requests. I did some quick research and Mr Dunwell did not move back to Iowa until 2019 and was not in office until a special election in Oct 2021. Covid-19 delayed his swearing in until 2022. So, your search parameters are invalid. you still have not provided the names of the users emails to search. I gave you the "Actual cost" to perform the search.

Your assessment on the cost is incorrect. While I understand some entities have more basic email systems that you can understand, we have much higher security and encryption set up on each account to meet federal and state requirements. We follow the NIST Principle of Least Privilege (POLP). I must manually allow the E-discovery account access each encrypted box and download gigs of email to a forensic computer to then be searched, reported, then then reviewed and exported.

With 3 staff to support hundreds of employees it can only be done after hours.

You will need to confirm you will pay the those costs with the Attorney's office. Then, as previously explained 3 times now, make a complete request by dates, name of user to search. Please see the IPIB ruling attached.

Finally, per your request, I will no longer be your contact nor will you need to talk to me in the IT role when you can find a ride to Newton. You have all that time I back now. You will resume putting in requests through the County Attorney. You can remove me from future emails or not, I occasionally get time to read them.

Good luck to you and goodbye.

Ryan

PS. You might consider enabling SPF records on your email server so, your emails don't all go to everyone's quarantine and deleted in 3 days.

From: Michael J. Merritt <cipher.hunter@cipherphoenix.com>
Sent: Wednesday, April 12, 2023 4:22 PM
To: General Attorney <general@jaspercoatty.org>; Scott Nicholson <snicholson@jaspercoatty.org>; Ryan Eaton <reaton@jasperia.org>
Subject: Iowa Open Records Request - Jasper County, IA - #009/#010/#013/#016

[**NOTICE:** This message originated outside of Jasper County -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

This document is being served to Jasper County, IA in accordance with Iowa Code Chapter 22.4.

Iowa Code Chapter 22.4 Public Records Request

(2) *"In writing, by telephone, or by electronic means. The lawful custodian of the records shall post information for making such requests in a manner reasonably calculated to apprise the public of that information."*

IOWA OPEN RECORDS REQUEST – JASPER COUNTY, IA – #009 – ELIMINATION OF THE FOG OF WAR – #01

IOWA OPEN RECORDS REQUEST – JASPER COUNTY, IA – #010 – ELIMINATION OF THE FOG OF WAR – #02

IOWA OPEN RECORDS REQUEST – JASPER COUNTY, IA – #013 – ELIMINATION OF THE FOG OF WAR – #05

IOWA OPEN RECORDS REQUEST – JASPER COUNTY, IA – #016 – THE FORM OF ATARI – #001

Respectfully,

Michael J. Merritt, USN Retired/Writer
Founder: cipherphoenix.com

Creative Writer/Musician
Information Warfare Specialist
Information Systems Manager
PO BOX 187
Newton, IA 50208

"Bricks made with testimony lacking evidence are equivalent to bricks made with straw without clay."

Cipher Hunter

— Attachments: —

email-1.2.eml	106 KB
V. 3. Brick 21AO0006.pdf	457 KB

Subject: RE: Iowa Open Record Request - Jasper County, IA - #006/#007/#008

From: "Michael J. Merritt" <cipher.hunter@cipherphoenix.com>

Date: 4/10/2023, 5:02 PM

To: Ryan Eaton <reaton@jasperia.org>, Brandon Talsma <btalsma@jasperia.org>, Doug Cupples <dcupples@jasperia.org>, John Halferty <jhalferty@jaspersheriff.org>, Scott Nicholson <snicholson@jaspercoatty.org>

[NOTICE: This message originated outside of Jasper County -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

Mr. Eaton:

I do not have time for your version of reality. I will provide you a time frame going back to January 01, 2018, at 0001, but I do not have to request a sender and receiver address for you to search. If you were paying attention to the historical evidence I have provided, you would notice I have already acquired over 1000 pages of electronic mail public records at \$90 based on this paradigm. Provided by government bodies utilizing the same or a similar information system service provider utilized by Jasper County, IA. Anyone with adequate experience managing a mail server knows that if you input an email address into an administrator search box, you will see all available electronic mail stored and preserved on that information system from that electronic mail address. Please let me know if you would prefer to play a game of semantics for the next year or if you understand me now.

I grow tired and bored with the smell of Jasper County, IA bullshit manifesting itself from the fields of Jasper County, IA Supervisor Brandon Talsma. The next time I am in the Jasper County, IA Recorder's office, please make sure you dispatch someone with professionalism. I will not tolerate a disrespectful employee of Jasper County, IA, that produces evidence of lacking courage. At the same time, he inadequately addressed a citizen's inquiry, followed by a quick retreat to your office, where he hid upon being questioned about his behavior. If you would like to view the video of this event, please let me know.

What I find fascinating about deceit is that upon the revelation of truth, what becomes the most apparent is the evidence showing how long the unethical attempted to dance in darkness while concealing the truth of their historical conduct.

It is not my problem that your superiors produced evidence of violating a constitutional right while failing to provide equal access to a Jasper County, IA, public accommodation during the 2022 election year. At the same time, violating my right to due process before Jasper County, IA, and its elected leaders produced evidence of denying me equal access to life, liberty, and public accommodations provided by Jasper County, IA. In contrast, these elected leaders sought reelection simultaneously, showing preferential protection of a constitutional right, and amendment that puts their desired tool in their hands, and the citizens supporting their ideology while silencing a citizen's right to freedom of speech who was publicly communicating a conflicting viewpoint during the 2022 election year.

Ask yourself this, Mr. Eaton do you think I spent twenty years of my life serving in the US Navy to come home to a paradigm where a few pencil pushers in an IT office, a farmer that evidence indicates can't drive a tractor straight, a used car salesperson, and a Baptist that evidence suggests stands in dirty water feel they have an entitled right to press the digital mute button on citizens that express ideas different than their own. Yet, at the same time, these elected politicians produce evidence of lacking the courage to arrest me while providing evidence I have violated our laws justifying their actions while denying my access to public accommodations related to speech, at the same time, these elected leaders produce evidence of failing to release records documenting their historical actions

on social media the Iowa Public Information Board determined in case 22FC:091 are public records.

Let's be honest with each other. You are handling the responses to my correspondence, Mr. Eaton, because Jasper County, IA Prosecutor Nicholson has possibly realized he needs a few abstraction layers separating himself from Iowa Rules of the Court Chapter 32. Unfortunately, it is far too late in my analysis of this situation. I have found his documented testimony regarding handling my 2019 domestic abuse no-contact order violation, the Lambertus case, and his 09 NOV 2022 representation of an alleged document being a social media block list for all of the previously requested Jasper County, IA Facebook Pages most intriguing. Especially given the fact the record provided by Jasper County, IA included my name while some Facebook Pages managed by this government body, I requested block lists for the evidence indicates were not blocking me at the time of his electronic mail.

Mr. Eaton, you and the other Jasper County, IA leaders can dance as long as you like. But, if it is God's will, I will be here during the same time next year with a document supported by evidence indicating how often the leadership of Jasper County, IA switched between the two-step and the cabbage patch. If the leadership of Jasper County, IA, does not desire to dance with me then the next step is obvious:

Produce public records showing Jasper County, IA documented my violation of our laws while utilizing social media prior to denying me access to this public accommodation in accordance with Section 9 of Article 1 of the Constitution of the State of Iowa and the 5th Amendment to the Constitution of the United States of America, or clear a path, provide the requested records, and preserve my time for a more competent opponent that does not hide behind a pocket protector sitting in front of a keyboard.

Respectfully,

Michael J. Merritt, USN Retired/Writer

Founder: cipherphoenix.com

Creative Writer/Musician

Information Warfare Specialist

Information Systems Manager

PO BOX 187

Newton, IA 50208

"Bricks made with testimony lacking evidence are equivalent to bricks made with straw without clay."

Cipher Hunter

----- Original Message -----

On Monday, April 10th, 2023 at 11:14 AM, Ryan Eaton <reaton@jasperia.org> wrote:

Mr. Merritt,

Email requests do not work that way. I have reviewed several of your open records request on

IPIB and this has been explained previously in other entities responses.

So, this is not a new concept and has been the process in your previous email requests from Jasper County.

You just need to narrow your query parameters with:

1. Sender\recipient (this is all you have provided me in request #008 = jon.dunwell@legis.iowa.gov)
2. Recipient\sender name
3. Specific time frame to search for

I can then run the search per mailbox for the criteria.

I will provided the time it took to search per mailbox in the final report. It is recorded in the program. Once you have provided me that information, I will get the search started.

*** It is not my place to advise you, but I will simply give you a more economical solution that would meet the needs better for this particular request. It would be more efficient to request Mr. Dunwell's emails from the state. With the specific users (i.e. btalsma@jasperia.org or whoever you are looking for) and a time frame.

Then, you are only searching **1 mailbox** for emails in and out. They also have far more staff and probably interns that can complete the task during business hours.

Please let me know either way you want to proceed.

Thank you.

Ryan Eaton

Chief Information Officer

Jasper County Information Systems

101 1st St. N., Room 108

Newton, IA 50208

<https://jasperia.org>

reaton@jasperia.org

small County sign

From: Michael J. Merritt <cipher.hunter@cipherphoenix.com>

Sent: Monday, April 10, 2023 1:32 AM

To: Ryan Eaton <reaton@jasperia.org>

Subject: RE: Iowa Open Record Request - Jasper County, IA - #006/#007/#008

[**NOTICE:** This message originated outside of Jasper County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Mr. Eaton:

In response to your question regarding time criteria I am requesting all electronic mail stored and preserved by Jasper County, IA on any domains at any time that meet the requested criteria.

Respectfully,

Michael J. Merritt, USN Retired/Writer

Founder: cipherphoenix.com

Creative Writer/Musician

Information Warfare Specialist

Information Systems Manager

PO BOX 187

Newton, IA 50208

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Cipher Hunter

----- Original Message -----

On Friday, March 3rd, 2023 at 1:49 PM, Ryan Eaton <reaton@jasperia.org> wrote:

Good morning Mr. Merritt,

I will try to answer these.

The Auditor, Sheriff, and County Attorney are the "wardens" of county records depending on the type of record. I am just the grunt that pulls them when instructed and **when not in violation** of all the regulations I have to adhere to.

- As you have seen in previous record requests, I use a third party software to search the email accounts, subjects, and time frames you have designated. The one I completed for you in February of 2022 took over 30 hours to run, then had to be reviewed individually for false positives (emails that had the key a key word, but did not pertain to or had protected information in them). I cannot speak to the number of hours the Attorney's staff applied to review the results.

Your original request said no more than 10 hours, but I did not bill for time beyond that. I complete records request several times a year and the process is identical, but most are not as time consuming or broad (so many key words).

Much like yourself, I am waiting on the Iowa Public Information Board to put us on the schedule to discuss why I cannot give you some information based on Iowa code or Federal laws. Neither you nor myself are lawyers so, what you keep stating as "evidence indicates" or your interpretation of the law vs my responsibilities is at an impasse. That will have to be decided in court and then probably appealed, and so on. The lawyers will get rich of the 2 of us.

- I will clarify that only political candidates have access to their own political sites or social media. It would be a violation of Iowa Code for an "employee" to use county time or equipment to do so.

- The "county social media pages" are used only for information only and not for or by political parties. The county's general Facebook page and Sheriff's Facebook page can be viewed on the county's website by anyone with or without a Facebook account. (Facebook Feeds).

You have been provided a screen shot of who is blocked from those 2 pages on the Facebook platform.

- Because we post polling locations, results, sample ballots and other items related, I cannot and will not give out user names that can access those pages.

Election cyber security is a hot button subject and every county IT dept in the Nation is under the microscope looking for violations to pounce on. **This is also pending in the IPIB complaint you filed.** So, this is a repeat of an already filed request and yet to be determined.

- Part of that pending request I can fulfill. I will give you every employees wages and position for the last 3 years. It can be found at <https://govsalaries.com/salaries/IA/jasper-county?year=2021>. I do not know when they post 2022's but, it should be out soon. It will be or has already been in the 3 county papers as it is 2 times per year. This is could have easily been found on a search engine.
- We are not congress and get official portraits or paintings of elected officials. The county does not pay for nor hang photos of those elected official. You can go to the Jasper County website and download the pictures that we have received from individual officials voluntarily. They range from professional head shots to cell phone "selfies". There are office holders that simply do not provide us with a picture for the website at all. I will leave it up to the individual if they want to autograph your print out and if they charge like Hollywood actors.
- For Mr. Dunwell emails sent to users on the counties email servers, You will need to provide: 1. Time frame, 2. Name of the recipient's email account (Name of the person). Then, I can run all the email addresses you list for Mr. Dunwell against those accounts.

Please note:

We are also waiting to speak to IPIB about what a "reasonable cost" is for anything over 10 hours moving forward. Since this is done after hours to keep the strain off the network it would be overtime and that would put my wages at \$78.33 per hour. Again,

the last one took 30 hours for 5 individuals so, **if** that is the same number plus another year's worth of emails, my time will be roughly \$1600 after the first 10 hours.

Unfortunately for me, I am also salary, so that fee will go to the county general fund.

I do not foresee much time for the Atty's office to review the actual findings once the search is completed. I am not sure who from that office will be doing that so, I cannot put a price on that part at this time

DVD's are \$15 per disk. This should only take 1.

Have a good weekend too, and I will get to work on the email discovery once you have defined to who and when and I have the "OK" from Mr. Nicholson.

Thank you.

Ryan Eaton

Chief Information Officer

Jasper County Information Systems

101 1st St. N., Room 108

Newton, IA 50208

<https://jasperia.org>

reaton@jasperia.org

From: Michael J. Merritt <cipher.hunter@cipherphoenix.com>

Sent: Friday, March 3, 2023 10:37 AM

To: Ryan Eaton <reaton@jasperia.org>

Cc: Doug Cupples <dcupples@jasperia.org>; Brandon Talsma <btalsma@jasperia.org>; John Halferty <jhalferty@jaspersheriff.org>; Scott Nicholson <snicholson@jaspercoatty.org>

Subject: Iowa Open Record Request - Jasper County, IA - #006/#007/#008

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Mr. Eaton:

Evidence indicates you have been designated warden of record requests for Jasper County, IA. I hope you find these requests less terrifying. But, unfortunately, what I find terrifying is evidence of a desire to misrepresent facts and silence victims of domestic abuse by what evidence suggests are unethical, incompetent politicians and their lap dogs.

Have a good weekend Mr. Eaton.

These documents are being served to Jasper County, IA in accordance with Iowa Code Chapter 22.4.

Iowa Code Chapter 22.4 Public Records Request

(2) *"In writing, by telephone, or by electronic means. The lawful custodian of the records shall post information for making such requests in a manner reasonably calculated to apprise the public of that information."*

Respectfully,

Michael J. Merritt, USN Retired/Writer

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Cipher Hunter



502 East 9th Street
Des Moines, Iowa 50319
www.ipib.iowa.gov

Margaret Johnson, JD
Executive Director
(515) 725-1783
margaret.johnson@iowa.gov

IPIB AO 2021-0006

DATE: September 16, 2021

SUBJECT: Fees for public records

RULING:

Matt Brick, legal counsel for the City of Denison
6701 Westown Parkway
West Des Moines, IA 50266

Sent via email to matt.brick@brickgentrylaw.com

Dear Mr. Brick:

This opinion is in response to your filing of August 22, 2021, requesting an opinion from the Iowa Public Information Board (IPIB) pursuant to Iowa Code section 21.5(1)(j) and Iowa Administrative Code rule 497-1.

We note at the outset that IPIB's jurisdiction is limited to the application of Iowa Code chapters 21, 22, and 23, and rules in Iowa Administrative Code chapter 497. Advice in a Board opinion, if followed, constitutes a defense to a subsequent complaint filed with the IPIB and based on the same facts and circumstances.

BACKGROUND

You provided the following specific facts and circumstances:

This office and the undersigned represent the City of Denison, Iowa ("Denison"). I am writing on behalf of Denison, pursuant to Iowa Code Subsection 22.1(2), Iowa Code Subsections 22.1(3)(a-b), and Iowa Administrative Code Section 497.1.3, seeking an advisory opinion from the Iowa Public Information Board (the "Board"). At issue is a request seeking, in relevant part, a copy of any motions, resolutions or ordinances that address "special [Council] meetings fees." The person requesting the information stated that he "was advised by the Iowa Ombudsman's Office that this information should be provided to me without charge, as it should have been included on the original invoice I received from City Hall for the special meeting fee I was being billed for."

Iowa Code Subsection 22.3(1) states, in relevant part, that "[f]ulfillment of a request for a copy of a public record may be contingent upon receipt of payment of expenses to be incurred in fulfilling the request...." In addition, Iowa Code Subsection 22.3(2), states, in relevant part, that "[a]ll 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."

Board Members

Joan Corbin • E. J. Giovannetti • Barry Lindahl • Keith Luchtel • Monica McHugh
Frederick Morain • Julie Pottorff • Suzan Stewart • Stan Thompson

The Iowa Supreme Court has held that provisions of the open records statute generally contemplate reimbursement to a lawful custodian of public records for costs incurred in retrieving public records. See Rathmann v. Board of Directors of Davenport Community School Dist., 580 N.W.2d 773 (Iowa 1998).

The Attorney General has made clear that fees can be charged for the time spent searching for the records, as well as the records themselves. See Op. Atty. Gen. (Atwell), July 27, 1972, 1972 WL 262404. In fact, costs can be charged even when it involves a public official searching his/her own motor vehicle records. See id.

QUESTIONS POSED:

1. Are there any exceptions to Iowa Code Section 22.3, which require a city to suspend and/or waive charging its actual costs to respond to a records request seeking motions, resolutions or ordinances that address “special meetings” fees?
2. Are there any exceptions to Iowa Code Chapter 22, which require a city to suspend and/or waive charging its actual costs to respond to a records request made under that city’s open records policies adopted pursuant to Iowa Code Section 22.12?
3. Does Iowa Code Chapter 22 require any city invoice for a fee/cost to include the motions, resolutions and/or ordinances that address said fee/cost?

OPINION:

QUESTION 1

Iowa Code section 22.3 allows a government body to request payments of fees based upon the actual costs incurred in fulfilling a request for public records. It is not mandatory that such fees be charged. However, the statute does not require the waiving of such allowable charges for any specific reason. Fees may be waived, but such waiver is not required. It does not matter what records are requested.

QUESTION 2

Iowa Code chapter 22 is silent on the issue of the waiving of any authorized fees. There is no requirement within Chapter 22 for a government body to waive the collection of its authorized fees prior to the fulfillment of a public record request.

QUESTION 3

Iowa Code chapter 22 does not specify what information must be provided when requesting payment for fulfillment of a public record request.

The IPIB does not enter this or any advisory opinion to determine whether a government or governmental body violated Iowa Code chapter 21 or 22. The purpose of an advisory opinion is to provide guidance on future actions of such bodies.

BY DIRECTION AND VOTE OF THE BOARD:

Julie Pottorff, Chair
Joan Corbin
E.J. Giovannetti
Barry Lindahl
Keith Luchtel
Monica McHugh
Rick Morain
Suzan Stewart
Stan Thompson

Submitted by:
Margaret E. Johnson
Executive Director

ISSUED ON: September 16, 2021

Pursuant to Iowa Administrative Rule 497-1.3(3), a person who has received a board opinion may, within 30 days after the issuance of the opinion, request modification or reconsideration of the opinion. A request for modification or reconsideration shall be deemed denied unless the board acts upon the request within 60 days of receipt of the request. The IPIB may take up modification or reconsideration of an advisory opinion on its own motion within 30 days after the issuance of an opinion.

Pursuant to Iowa Administrative Rule 497-1.3(5), a person who has received a board opinion or advice may petition for a declaratory order pursuant to Iowa Code section 17A.9. The IPIB may refuse to issue a declaratory order to a person who has previously received a board opinion on the same question, unless the requestor demonstrates a significant change in circumstances from those in the board opinion.