

Complaint 25FC:0014 heard on May 15, 2025

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

To pyrebird@phoenixharbor.net, Scott Nicholson <snicholson@jaspercoatty.org>, reaton@jasperia.org

Date Monday, May 19th, 2025 at 10:32 AM

Good Morning:

The Iowa Public Information Board (IPIB) approved this Order at its meeting on May 15, 2025.



Erika Eckley, JD, MPA

Executive Director

Iowa Public Information Board (IPIB)

510 E 12th Street

Jessie M. Parker Building, East

Des Moines, Iowa 50319

(515) 393-8339

erika.eckley@iowa.gov

www.ipib.iowa.gov

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

From: **Eckley, Erika** <erika.eckley@iowa.gov>

Date: Fri, May 9, 2025 at 11:34 AM

Subject: Complaint 25FC:0014 to be heard on May 15, 2025

To: pyrebird@phoenixharbor.net pyrebird@phoenixharbor.net <pyrebird@phoenixharbor.net>, Scott Nicholson <snicholson@jaspercoatty.org>, Ryan Eaton <reaton@jasperia.org>

Good Morning:

The Iowa Public Information Board (IPIB) will review this matter at its meeting on **May 15, 2025 The meeting will begin at 1:00 p.m.** The meeting agenda will be posted to the IPIB website (<https://ipib.iowa.gov/iowa-public-information-board-meetings/2025-board-meetings>) on the afternoon of Tuesday, May 13, 2025.

The IPIB normally allows brief (under five minutes) comments from the parties. You are under no obligation, but if you wish to speak at the meeting, please reply to this email and indicate your agreement to this statement:

_____ I want to address the Board and respond to any questions Board members may have when the initial processing of this complaint is considered. In the event this complaint proceeds to a contested case, I waive any objection that I might have concerning personal investigation of this complaint by a Board member.

The IPIB meeting is open to the public. We are now utilizing Google Meet and live streaming of our meetings. You may attend in person at the Jessie Parker Building in Des Moines or remotely. If you would like to attend remotely, you may log into the following meeting:

Google Meet joining info

Video call link: <https://meet.google.com/ipw-qoxn-cxo>

Or dial: (US) +1 386-401-8443 PIN: 229 458 626#

If you prefer, you can provide brief, written comments to the Board prior to the meeting, please forward those to me no later than 10:00 a.m. on Tuesday, May 13, 2025, so they may be included in the meeting packet. Please make sure you copy all parties on the email as well.



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124.26 KB 2 files attached

24FC_0014 Merritt Investigative Report.pdf 101.59 KB

24FC_0014 Merritt PCO.pdf 22.67 KB

The Iowa Public Information Board

In re the Matter of:	Case Number: 25FC:0014
Michael Merritt, Complainant	Investigative Report
And Concerning:	
Jasper County, Respondent	

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

On February 5, 2025, Michael Merritt filed formal complaint 25FC:0014, alleging Jasper County (County) violated Iowa Code chapter 22.

The IPIB accepted this Complaint on March 20, 2025

Facts

Michael Merritt has a long history with and has made voluminous accusations and filed numerous complaints against the County (and other entities across Iowa). In the current complaint, Merritt alleges he made a records request to the County for an invoice of their Office 365 software.¹

The County responded that Merritt has filed extensive public records requests and had provided more than 40 hours of time at no charge in fulfilling the requests, but that Merritt would need to pay for the costs of responding to his previous request submitted prior to the records request that is the subject of this complaint. The County had spent significant time developing an estimate and notified Merritt he would need to address the pending request before they proceeded with future requests.

In reviewing the Complaint, IPIB suggested an informal resolution under Iowa Code § 23.9 that Merritt would withdraw the outstanding request that was sitting unresolved and any others that

¹ Although this complaint is against Jasper County, Merritt included all 99 county attorneys in Iowa on the emailed records request.

had not yet been resolved. The County would immediately provide the most recent records request at no charge.

In response, Merritt took offense an informal resolution was proposed under Iowa Code § 23.9 and provided the following notice:

As of 1600, CST on 08 MAY 2025 I will be assuming responsibility over all investigative actions in IPIB case 25FC:0014 manifested by Iowa Code Section 23.6(4.). This action is being taken due to compelling evidence of the IPIB's longstanding posture of:

- Retaliatory criminalization of complainants,
- Discrimination rooted in mental health bias, and
- Deployment of quid pro quo tactics in place of proper statutory investigative procedures in accordance with Iowa Code Section 23.6(4.).

As a veteran and citizen advocate, I do not take this step lightly. However, the evidence supporting the IPIB's failure to properly manifest Iowa Code Chapter 23 and enforce rights codified in Iowa Code Chapter 22 compels me to act in defense of citizens' rights and liberties. In service of lawful transparency, accountability, and public trust within the State of Iowa.

Please provide the proper address for the service of court documents and subpoenas for the following public officials...

Applicable Law

"An aggrieved person, any taxpayer to or citizen of this state, the attorney general, or any county attorney may seek enforcement of the requirements of chapters 21 and 22 by electing either to file an action pursuant to section 17A.19, 21.6, or 22.10, whichever is applicable, or in the alternative, to file a timely complaint with the board." Iowa Code § 23.5.

Analysis

Merritt has stated as a result of IPIB submitting an informal resolution proposal that he will be taking over the investigation of his complaint with service of court documents. Under Iowa Code § 23.5, an aggrieved party must choose their remedies. Merritt has stated he will be pursuing his complaint outside IPIB's jurisdiction, so this IPIB complaint should be dismissed under Iowa Code § 23.5.

IPIB Action

The Board may take the following actions upon receipt of a probable cause report:

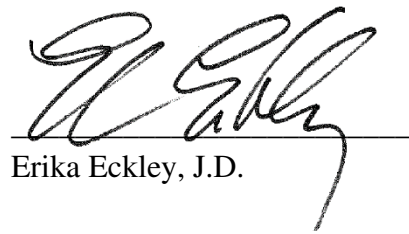
- a. Redirect the matter for further investigation;
- b. Dismiss the matter for lack of probable cause to believe a violation has occurred;
- c. Make a determination that probable cause exists to believe a violation has occurred, but, as an exercise of administrative discretion, dismiss the matter; or
- d. Make a determination that probable cause exists to believe a violation has occurred, designate a prosecutor and direct the issuance of a statement of charges to initiate a contested case proceeding.

Iowa Admin. Code r. 497-2.2(4).

Recommendation

Merritt has stated he will pursue other remedies outside the IPIB process for complaint 25FC:0014. As such, this complaint should be dismissed.

By the IPIB Executive Director



Erika Eckley, J.D.

CERTIFICATE OF MAILING

This document was sent on May 9, 2025, to:

Michael Merritt
Jasper County

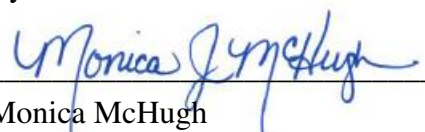
The Iowa Public Information Board

In re the Matter of:	Case Number: 25FC:0014
Michael Merritt, Complainant	Investigative Report
And Concerning:	
Jasper County, Respondent	

Under Iowa Admin. Code r. 497-2.2(4) the Board takes the following action:

- ☐ a. Redirect the matter for further investigation;
- ☒ b. Dismiss the matter for lack of probable cause to believe a violation has occurred;
- ☐ c. Make a determination that probable cause exists to believe a violation has occurred, but, as an exercise of administrative discretion, dismiss the matter; or
- ☐ d. Make a determination that probable cause exists to believe a violation has occurred, designate a prosecutor and direct the issuance of a statement of charges to initiate a contested case proceeding.

By the Board Chair



Monica McHugh

CERTIFICATE OF MAILING

This document was sent on May 19, 2025, to:

Michael Merritt
Jasper County