



PRESS RELEASE

State of Iowa
Office of Ombudsman

December 20, 2018

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“No Model of Transparency,” a Report on Two Votes by the Iowa Public Information Board

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DES MOINES – The Iowa Public Information Board (IPIB) twice violated the state’s Open Meetings Law in 2017 when it voted on matters without adequately explaining what it was voting on, the Office of Ombudsman has concluded.

In a 25-page report released Thursday, the Ombudsman found that IPIB emerged from private, closed-session meetings on July 20 and August 25 and publicly voted to take unspecified or vague actions. In its votes, board members referenced discussions known only to them.

Although the votes created obvious confusion for those in attendance, IPIB declined at the time to elaborate on its actions. One IPIB board member, Keith Luchtel, later told us IPIB isn’t responsible for ensuring the public can understand its proceedings. “If they want to get involved in something and they don’t understand it, why, that’s not our problem,” he said.

Iowa law requires that “the basis and rationale of government decisions, *as well as those decisions themselves*” should be “easily accessible to the people.” The law further says that any ambiguity in the law’s requirements “should be resolved in favor of openness.”

The Ombudsman concluded that IPIB’s two official decisions were not easily accessible to the people and recommended that IPIB admit fault for the missteps. With the exception of one of its board members, Rick Morain, IPIB rejected the recommendation. The board majority also rejected three other recommendations.

IPIB refused to comply with an Ombudsman’s subpoena for recordings of its two closed-session meetings. The Ombudsman sought to determine whether the meetings were legally closed after an open-government advocate alleged they were not. The Ombudsman assured IPIB that it would keep the recordings confidential, but to no avail.

IPIB’s primary mission is to police governments’ compliance with the Open Meetings and Open Records laws. IPIB has stated several times in its annual reports that its goal is to be “the state’s most transparent state agency.”

“IPIB’s handling of this matter has been anything but a model of transparency,” concluded Ombudsman Kristie Hirschman. “When IPIB resists others’ efforts to fully evaluate its actions, even despite assurances of confidentiality, it sends the signal to other government agencies that they may do the same.”

The Ombudsman’s full report can be viewed at: <https://www.legis.iowa.gov/Ombudsman/>