

**BEFORE THE IOWA PUBLIC INFORMATION BOARD  
PURSUANT TO IOWA CODE CHAPTERS 23 AND 17A**

<b>IN THE MATTER OF:</b>	)	
	)	
	)	
<b>SILVIA QUEZADA,</b>	)	<b>Complaint No. <u>16FC:0087</u></b>
<b>Complainant;</b>	)	
	)	<b>PRELIMINARY ORDER</b>
	)	<b>for DISMISSAL</b>
<b>and</b>	)	
	)	
	)	
<b>CITY OF UNIVERSITY HEIGHTS,</b>	)	
<b>Subject of Complaint.</b>	)	

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Comes now, W. Charles Smithson, Executive Director for the Iowa Public Information Board (IPIB), and enters this Preliminary Order for Dismissal:

1. On September 20, 2016, Silvia Quezada filed a complaint against the City of University Heights (City) alleging violation of the open records laws in Iowa Code chapter 22.
2. The Complainant is a member of the City Council. On September 20, 2016, Complainant sent an email to the Mayor requesting records. That same morning, the Mayor responded that the records would not be produced as the Mayor was working on other projects and the Complainant would get the same information that everyone else on the City Council would get. Later that day, the complaint was filed.
3. On September 21, 2016, IPIB's staff forwarded the complaint to the City Attorney. Apparently on September 23, 2016, an attempt was made to provide the records to the Complainant and this was finally accomplished on September 26, 2016.<sup>1</sup>

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<sup>1</sup> September 23, 2016 was a Friday with September 26, 2016, therefore being a Monday.

4. IPIB's Deputy Director reviewed the City's public record policy and recommended the City adopt a revised plan. The City revised its plan and the City Attorney conducted training on open records and open meetings for the Mayor and the City Council on October 17, 2016.


5. There remain personality conflicts and other issues between the Complainant and other members of the City Council that are not under IPIB's jurisdiction to resolve.

6. It is understandable why this complaint was filed. The initial response to the records requested indicated to the Complainant that the records were not going to be produced. As a result of the complaint, the records were released within four business days. The City's public records policy has been revised, and the Mayor and members of the City Council have received training. As such, it does not appear that moving forward with this complaint would be useful.

**IT IS SO ORDERED:** Complaint No. 16FC:0087 is dismissed under IPIB rule 497—2.1(2)(b) as there has been compliance and additional training.

Pursuant to IPIB rule 497—2.1(3), IPIB may “delegate acceptance or dismissal of a complaint to the executive director, subject to review by the board.” IPIB will review this Preliminary Order on December 15, 2016, and will make its final decision. Pursuant to IPIB rule 497—2.1(4), the parties will be notified in writing of its final decision.

**By the Board's Executive Director**

  
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W. Charles Smithson  
Executive Director  
Iowa Public Information Board  
502 E. 9<sup>th</sup> Street  
Des Moines, Iowa 50319

Dated this 16<sup>th</sup> day of November, 2016.

**CERTIFICATE OF SERVICE**

This document was sent by electronic mail on the 15<sup>th</sup> day of December, 2016, to:

Silvia Quezada  
Steve Ballard, City Attorney