

## The Iowa Public Information Board

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| In re the Matter of:<br>Michael Merritt, Complainant<br>And Concerning:<br>Jasper County, Respondent | Case Number: 22FC:0091<br><br>Dismissal Order |
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COMES NOW, Margaret E. Johnson, Executive Director for the Iowa Public Information Board (IPIB), and enters this Dismissal Order.

Michael Merritt filed formal complaint 22FC:0091 on September 7, 2022, alleging that Jasper County (County) violated Iowa Code chapter 22.

Mr. Merritt provided a ten page complaint document, alleging numerous violations by the County. The only issue that appears to be a Chapter 22 allegation concerns a request he alleges he sent on August 17, 2022 for “public records regarding the list of citizens blocked from social media assets managed by Jasper County, IA, during the 2022 election year.”

He added that on August 18, 2022, the County sheriff responded that he could not fulfill the request, as “I do not have access to that information.” (Page 2 of complaint, lines 6 to 10.)

Mr. Merritt followed up with an email to the county attorney on August 29, 2022, which had not been answered by the date of the filing of this complaint.

The Jasper County attorney contacted the IPIB on September 16, 2022, and filed a response on September 22, 2022. In response to the complaint, the County attorney stated that the County “has no such list. It does not exist anywhere. There is no ‘public record’ of such a list kept anywhere in Jasper County, including in its computer systems. Because such a list does not exist, it is impossible to comply with Mr. Merritt’s request.”

Public records are defined in Iowa Code section 22.1(3)(a) as records “stored or preserved in any medium, of or belonging to... any county...” If the government body does not store or preserve a specific record, then there is no record to be released to a record requester.

Iowa Code section 23.8 requires that a complaint be within the IPIB’s jurisdiction, appear legally sufficient, and could have merit before the IPIB accepts a complaint. This complaint does not meet the necessary requirements for acceptance.

IT IS SO ORDERED: Formal complaint 22FC:0091 is dismissed as legally insufficient pursuant to Iowa Code section 23.8(2) and Iowa Administrative Rule 497-2.1(2)(b).

Pursuant to Iowa Administrative Rule 497-2.1(3), the IPIB may “delegate acceptance or dismissal of a complaint to the executive director, subject to review by the board.” The IPIB will

review this Order on October 20, 2022. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Executive Director

  
Margaret E. Johnson

CERTIFICATE OF MAILING

This document was sent by electronic mail on the 11<sup>th</sup> day of October, 2022, to:

Michael Merritt  
Scott Nicholson, Jasper County Attorney