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IN THE SUPREME COURT OF IOWA
Supreme Court No. 25-0750
Jasper County No. CVCV123759

JEREMY CHEDESTER AND CHEDESTER PROPERTIES, LLC,

*Plaintiffs–Appellants*,

vs.

CITY OF NEWTON,

*Defendants–Appellees*.

Appeal from the Iowa District Court
For Jasper County
The Honorable Terry Rickers, District Judge

# STATE OF IOWA'S AMICUS CURIAE BRIEF SUPPORTING NEITHER PARTY

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## INTEREST AND FUNDING OF AMICUS CURIAE

The State of Iowa is a "government body" subject to the requirements of Chapter 22. Iowa Code § 22.1. Indeed, the Open Records Act applies to the State and each "branch, department, board, bureau, commission, council, committee, official, or officer" that is part of the State. *Id.*

Accordingly, the State has a compelling interest in ensuring that open records requests are made in the manner prescribed by Chapter 22. Chapter 22 states that the examination and copying of public records "shall be done under the supervision of the lawful custodian of the records or the lawful custodian's authorized designee." Iowa Code § 22.3(1)(*a*). It also enables government entities to "adopt and enforce reasonable rules regarding the examination and copying of the public records." Iowa Code § 22.3(3). Thus, if a government body has enacted such reasonable rules, a proper records request should comply with them.

Here, the City has identified one of its employees to be its custodian of records. And Plaintiffs sent a records request to a different employee. Holding a municipality—or other governmental entity—liable when records requests are sent to the wrong employee risks dramatically expanding chapter 22's scope.

And by adopting a broad test, that is what the Court of Appeals did. The panel opinion appears to conclude that serving a records request on *any* "agent" of a government body is a proper records request under

Chapter 22. Slip Op. at 9. Indeed, the panel stated that a government body has a duty to fulfill "open-records requests sent to its other employees or officials" even if it has delegated its responsibility to enforce Chapter 22 to a particular employee or official. Slip Op. at 10. Left undisturbed, the panel's approach will improperly render thousands of State of Iowa employees proper recipients of open records requests for wholly unrelated State employees, officials, agencies, and universities. That is not what Chapter 22 requires.

Even so, the State takes no position on the Plaintiffs' alternative grounds for affirmance—whether the City Attorney was a proper agent to receive a records request under the facts here, whether the City forfeited arguments it presses in favor of affirming the district court by not developing them below, or whether the City's delayed response after this case was filed itself may demonstrate a violation of Chapter 22. Regardless of whether the Court affirms or vacates the Court of Appeals, it should clarify that, when a government entity adopts regulations regarding the receipt of open records requests and makes them available to the public, a requester is obligated to follow them.

No party's counsel authored this brief in whole or in part. No party's counsel contributed money to fund the preparation or submission of this brief. No other person contributed money to fund the preparation or submission of this brief, except to the extent that all Iowa taxpayers fund the Iowa Attorney General's Office.

## BACKGROUND

Following collateral litigation on whether a building Plaintiffs ("Chedester") own in Jasper County should be abated for being an unsafe structure, Chedester and the City of Newton reached a settlement in October 2023 that included Chedester agreeing to demolish a building. (D0014, Statement of Undisputed Material Facts ¶ 1–3 (1/20/2025).) But by April 2024, the building had not been demolished. (D0014 ¶ 4.)

Suspecting that the City had made assurances to a neighboring property owner that complicated the demolition process, Chedester's attorney sent the City attorney an email on April 24, 2024. (Attachment to D0017, Exh. A at 3 (2/4/2025).) The email stated in relevant part:

> Second, it is obvious that Dr. Koenen has received certain assurances from the city administrator or other city staff about what will or will not happen with the common wall. As you know, the repair obligations for a common wall are shared between the property owners. To assist us in moving forward, my client requests pursuant to Iowa Code Chapter 22 that we be provided a copy of all communications, whether by letter, email, text message, or other form, between Dr. Koenen or his representatives and any city employee, officer, or representative. This request specifically includes communications with your office.

Att. D0017 at 3.

The City Attorney responded the next day, stating in relevant part, "No assurances have been made to the Koenens other than their northern wall will be left in a condition that complies with the adopted codes for the City." (Att. D0017 at 4.)

Chedester never followed up with the City Attorney, and no public records request was filed with the City's custodian of records. At the time of this exchange, the City Clerk was the City's custodian of the records at issue. (D0018, Reply at 4 (2/11/2025).)

Two and a half months after the email communication between Chedester's attorney and the City Attorney, Chedester filed a petition against the City, alleging that the City unreasonably failed to provide records requested pursuant to Iowa Code Chapter 22. (D0001 ¶ 12.)

In response to Chedester's November 11, 2024 discovery request, the City provided documents responsive to Chedester's email on December 11, 2024. (D0011, Notice of Serving Discovery Responses at 1 (12/11/2024).)

The district court entered summary judgment for the City, finding that Chedester failed to make a proper records request under Chapter 22. (D0024, Order for Judgment at 6 (4/30/2025).) The Court of Appeals reversed, concluding that "nothing in the text of sections 22.1(2), 22.3, or 22.4 that implies the City's delegation of open-records-implementation responsibility to the city clerk means that the City can ignore—rather than fulfill—open-records requests sent to its other employees or officials." Slip Op. at 10.

Judge Chicchelly dissented, stating that "[r]ead together, [Chapter 22] requires that each government body create a procedure for requesting public records and communicate it to the public. Requiring a government

body to honor requests made to any agent or employee by any manner makes those provisions meaningless." Slip Op. at 16.

This Court granted further review.

## ARGUMENT

### I. An open records request should be made in the manner provided for by the governmental entity and communicated to the public.

The Iowa General Assembly has determined that "free and open examination of public records is generally in the public interest." Iowa Code § 22.8(3). To help Iowans gain access to public records, the Legislature enacted Iowa Code Chapter 22, Iowa's Open Records Act. The Act provides a relatively simple process for citizens to request public records from government entities.

But that does not mean serving such requests on any agent or employee of a government entity will do. Indeed, several provisions of Chapter 22 permit government entities to enact reasonable rules and regulations governing the examination of public records. Allowing a requester to bypass those regulations by sending a request on any agent or employee of the governmental entity renders those rules meaningless.

Regardless of whether the Court affirms or vacates, it should make clear that record requests under Chapter 22 should comply with the process adopted by the government entity and made available to the public.

### A. Read as a whole, Chapter 22 requires requests to comply with the regulations enacted by the government entity regarding the inspection of public records.

A core canon of statutory interpretation requires a court to construe the statute as a whole. *See Mid Am. Constr. LLC v. Sandlin*, 2 N.W.3d 838, 849 (Iowa 2024); Antonin Scalia & Bryan A. Garner, Reading Law: The Interpretation of Legal Texts 167–169 (2012) (stating that this canon "calls on the judicial interpreter to consider the entire text, in view of its structure and of the physical and logical relation of its many parts"). Indeed, Iowa Code requires as much. *See* Iowa Code § 4.4(2) ("The entire statute is intended to be effective.").

Here, Section 22.4 states that Iowans may exercise their rights under two enumerated circumstances: in person and "[i]n writing, by telephone, or by electronic means." Iowa Code § 22.4. It then directs government entities to "post information for making such requests in a manner reasonably calculated to apprise the public of that information." Iowa Code § 22.4(2).

Chapter 22 also states that the examination of public records "shall be done under the supervision of the lawful custodian of the records or the lawful custodian's authorized designee." Iowa Code § 22.3(1)(*a*). It also affirmatively grants government entities the right to "adopt and enforce reasonable rules regarding the examination and copying of the public records." Iowa Code § 22.3(3).

The Court of Appeals' contrary conclusion that a government entity must respond to any records request served on any of its agents or employees by any method undercuts that entity's right to supervise the examination and copying of the records. Indeed, there is no way to enforce a reasonable rule regarding the examination of a public record if a requester need not follow it.

Relegated in a footnote, the panel majority concedes that whether "a government official or employee other than the person designated by the lawful custodian to receive requests may well be an appropriate factor to consider in deciding whether the lawful custodian has unreasonably delayed in responding to the request." Slip Op. at 10 n.5. But Section 22.3 allows government entities to "adopt and enforce rules and regulations" about how to make requests to examine and copy records. Thus, whether a requester complied with the regulations an entity has adopted to enforce Chapter 22 does not go to the unreasonable delay inquiry. Rather, it goes to whether a proper records request under Chapter 22 was made in the first place.

Perhaps the Court of Appeals' contrary view owes to its belief that enforcing a government entity's regulations on how to make requests may allow it to "ignore" open-records requests made to its employees and agents. Slip Op. at 10. Not true. Adopting and enforcing reasonable regulations on records requests allows those requests to reach the government employees best suited to respond to them in a timely

manner. It is the Court of Appeals' approach that encourages unreasonable delay—and litigation arising therefrom—by permitting requests to employees and agents who may not know what to do with them.

Consider the consequences of the panel majority's approach to the State of Iowa. The State employees thousands of Iowans across the State in various capacities—assistant attorneys general, University professors, Department of Health and Human Services workers, among hundreds of other categories. The panel's conclusion that any employee or agent of the State is a proper recipient of a records request against any State entity would lead to absurd results. Taken to its logical end, the panel deems an employee of the Iowa Judicial Branch in Des Moines a proper recipient of a records request for documents maintained by the University of Iowa in Iowa City. Worse, it increases the delay in responding to such requests by allowing them to be made to inappropriate agents or employees.

And this Court "tr[ies] to avoid conclusions which lead to absurd results." *State v. McGuire*, 200 N.W.2d 832, 833 (Iowa 1972); *Janson v. Fulton*, 162 N.W.2d 438, 442 (Iowa 1968); *Graham v. Worthington*, 146 N.W.2d 626, 633 (1966). The Court should reject the Panel's reading of Chapter 22.

**B. The Court of Appeals' cases are inapposite.**

The Court of Appeals relied on *Meredith Outdoor Advertising., Inc. v. Iowa Department of Transportation, Office of Right of Way* to conclude that "'notice to an agent is notice to a principal if the agent was acting within his duties,' including agents of government bodies." Slip Op. at 9 (quoting 648 N.W.2d 109, 114 (Iowa 2002)).

But *Meredith* is distinguishable in several respects. First, the Court in *Meredith* "conclude[d] [that] the Department properly effectuated service of process *under department regulations*." *Meredith*, 648 N.W.2d at 214 (emphasis added). Here, there is no dispute that Chedester did not serve its records request in accordance with the City's regulations. Indeed, Chedester admits as much. *See* Appellants' Brief at 10 ("The district court held that an email to the city attorney was not a proper public records request because it was not made to the city's designated custodian of records. But the city attorney is the custodian's agent and notice to the agent is notice to the principal.")

Second, the agent who received process in *Meredith* "was authorized to accept service of a notice of appeal" on behalf of the principal on who notice was required. *Meredith*, 648 N.W.2d at 214. In reviewing that situation, this Court concluded "if notice must be delivered to a particular officer listed by statute, notice to a *designated representative* of the officer should normally be sufficient." *Id.* Here, the

authorized representative of the City to receive Chapter 22 requests was the City Clerk. But Chedester never sent that clerk a records request.

The Court of Appeals' reliance on *Dillon v. City of Davenport* to conclude that "[a] city attorney is an agent of a city" similarly overextends the principle announced in that case. Slip Op. at 9 (citing 366 N.W.2d 918, 923–24 (Iowa 1985)). In *Dillon*, a City "claim[ed] its attorney either lacked authority to settle or exceeded his authority by agreeing to a final settlement." *Dillon*, 366 N.W.2d at 923. There, the Court concluded that "[w]hile an attorney is presumed to act with authority, this presumption is not conclusive and may be rebutted." *Id.* The Court reasoned that "[a]n attorney cannot settle or compromise a case without authority. However, a settlement made with authority is binding on the client." *Id.* at 924.

The Court then relied on the trial court's findings of fact to conclude that the City had conferred actual authority on its attorney to settle the case. *Id.* at 925. But those are not the facts here. That an attorney may settle a case for his clients when given the authority to do so does not make him an agent to receive records requests under Chapter 22. This is especially when the government entity has designated a different agent to receive such requests.

In *Vermeer v. Sneller*, this Court concluded that "the principal is chargeable with, and bound by, the knowledge of or notice to his agent received while the agent is acting as such within the scope of his

authority and in reference to a matter over which his authority extends." 190 N.W.2d 389, 393 (Iowa 1971).

But the Court of Appeals relied on *Vermeer* to conclude that servicing notice on any agent of a government body constituted notice to that body so long as the agent "was acting on behalf of the" body. Slip Op. at 9 (citing *Vermeer*, 190 N.W.2d at 393–94). Indeed, the panel majority concluded that a government official must fulfill every "open-records requests sent to its other employees or officials" not designated in any rule or regulation without any discussion of whether accepting such requests is within the scope of their authority.

The parties dispute over whether the City Attorney communicated the records request here to the City. The State takes no position on that factual dispute. Even if the Court believes that the City Attorney was a proper recipient of a records request under the facts of this case, it should clarify that the panel erred to the extent that the panel opinion may be read to hold that all government employees are proper recipients for records requests merely because they are "agents" of the government.

## II. The Court should provide clarity on who is a proper recipient of a records request no matter how it resolves this case.

The parties quarrel over several other issues other than those addressed by the State above—whether the City Attorney actually communicated the request here to the City Clerk, whether the City forfeited its contention on appeal that this is an inappropriate request by

failing to develop it in district court, and whether the City's delay in producing records after this case was filed itself violates Chapter 22, among others. The State takes no position on those disputes.

But the State agrees with the City that this "decision will significantly affect both the obligations of Iowa municipalities and other government bodies under Iowa Code chapter 22 and how requesters must seek records." Further Review App. at 7.

## CONCLUSION

Now that the Court has granted further review, it should make clear that Chapter 22 records request should comply with the regulations enacted by a government entity to enforce the Chapter regardless of whether it affirms or vacates the Court of Appeals. The Court should ensure that its opinion clarifies that other employees and agents of a government entity aside from those expressly designated are not proper recipients of Chapter 22 records requests.

Respectfully submitted,

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## CERTIFICATE OF COMPLIANCE

This brief complies with the typeface requirements and type-volume limitation of Iowa Rs. App. P. 6.906(4) and 6.903(1) because this brief has been prepared in a proportionally spaced typeface using Century Schoolbook in size 14 and contains 2,777 words, excluding the parts of the brief exempted by Iowa R. App. P. 6.903(1)(*i*)(1).

*/s/ Rudra Reddy*
RUDRA REDDY

## CERTIFICATE OF FILING AND SERVICE

I hereby certify that on the 4th day of September, 2026, I, or a person acting on my behalf, filed this brief and served it on counsel of record to this appeal via EDMS.

*/s/ Rudra Reddy*
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