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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, IOWA,
Defendant-Appellee.

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

APPELLEE'S RESPONSE TO THE AMICUS CURIAE BRIEF OF THE STATE OF IOWA

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INTRODUCTION

The City of Newton files this response under Iowa R. App. P. 6.906(2)(e) for one purpose: to bring to the Court's attention a single authority that no party and no amicus have cited, and that bears directly on the question the State asks the Court to resolve.

ARGUMENT

The State asks the Court, "no matter how it resolves this case," to make clear "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." State's Amicus Br. 5, 14. The Iowa Public Information Board has weighed in on that question with a written advisory opinion the Board adopted by vote.

I. The Board has construed the provisions the State asks this Court to construe and reached the same conclusion.

Advisory Opinion 24AO:0016, issued February 20, 2025, poses the question: "Is a contracted city attorney the appropriate custodian of a records request?" Iowa Public Information Board, Advisory Opinion 24AO:0016 (February 2025). The facts the Board recited are the facts of this case. *Id.* A city clerk was "the designated lawful custodian for Iowa

Code chapter 22." *Id.* The city "provides an online 'Public Records Request Form,'" and city "policy asks that online requests be made through this form." *Id.* On April 24, 2024, "the Newton city attorney received an email asking several questions, which ended with a request for records." *Id.* The city "provided a prompt response to the questions in the email, but it did not provide the requested documents." *Id.* The requester "did not follow up on the email until two months later," and the city "subsequently provided responsive records." *Id.*

Reading Iowa Code sections 22.1(2), 22.3(1), 22.4(1) and 22.4(2) together, the Board concluded that "the legislature's clear intent is that valid requests must be made to the proper lawful custodian for the records sought, and appropriate venue for records requests within a government body is the official(s) or employee(s) who are identified to the public for this purpose." *Id.* Because section 22.1(2) requires a government body to delegate responsibility for implementing chapter 22 to particular officials or employees and to publicly announce them, the Board "reads this requirement to limit the government body's responsibility for requests submitted to an improper recipient." *Id.* It followed, the Board held, that "where a government body has provided

information about how and where to submit a request, a requestor has the responsibility to submit the request through the designated channels," and that "where a city has appropriately designated an individual as the lawful custodian to receive and respond to public records requests, it would not [be] an unreasonable delay if the city failed to respond to a request improperly sent to individuals outside the government or unconnected to the records." *Id.*

The Board then reached the precise question this case presents. "This is particularly true where outside legal counsel is concerned." Chapter 22, the Board explained, "clearly does not contemplate the contracted attorney would be the appropriate contact in a typical records request outside an explicit designation as the lawful custodian by the government body for such purposes." *Id.* And while an attorney "may have other professional or ethical obligations external to Chapter 22 which could require them to redirect a requester to the proper channel," chapter 22 itself "does not impose such a requirement when another official or employee has been designated to receive and respond to public records requests." *Id.*

The Court of Appeals wrote that "[t]he City cites no precedent interpreting chapter 22 as it urges," and that the panel "too ha[d] found none." May 13, Iowa Court of Appeals Decision at 10. The panel did not have Advisory Opinion 24AO:0016 before it.

II. The General Assembly has charged the Board with interpreting chapter 22 and has recognized the Board's written advisory opinions.

The Board's reading of chapter 22 is not that of a volunteer. Iowa Code section 23.6(2) (2026) directs the Board to adopt rules "calculated to implement, enforce, and interpret the requirements of chapters 21 and 22." Section 23.6(3) authorizes the Board to issue declaratory orders "with the force of law determining the applicability of chapter 21 or 22 to specified fact situations." Section 23.6(8) authorizes it to issue orders, also with the force of law, determining whether chapter 22 has been violated and imposing the civil penalties of section 22.10. The General Assembly gave one body the job of construing this chapter, and that body has construed it.

Chapter 22 itself speaks to the weight of the Board's advisory opinions. Section 22.10(3)(b)(3) provides that a person found to have violated the chapter "shall not be assessed" damages upon proof that the

person "[r]easonably relied upon . . . an advisory opinion of the Iowa public information board . . . given in writing." A written advisory opinion of the Board is therefore an instrument the legislature has made sufficient, when relied upon, to defeat the damages the chapter otherwise commands. An instrument of that character warrants the Court's consideration when the Court construes the same provisions on the same facts.

III. Disclosure.

The City states the following so that the Court has it from the City rather than by inference. The request that produced Advisory Opinion 24AO:0016 was submitted by counsel for the City. The opinion issued on February 20, 2025, which is after the April 24, 2024, records request, after this suit was filed, and after the City's December 11, 2024, production. Iowa Public Information Board, Advisory Opinion 24AO:0016 (February 2025).

The City therefore does not assert the reliance defense of section 22.10(3)(b)(3), nor does the City contend that an advisory opinion binds this Court; section 23.6 gives the force of law to the Board's declaratory orders and its enforcement orders, not to its advisory opinions. The City

offers 24AO:0016 as the considered construction of the agency the General Assembly charged with interpreting chapter 22, and as nothing more than that.

CONCLUSION

The State asks this Court to provide clarity on who is a proper recipient of a chapter 22 records request. In providing it, the Court should have before it the construction already adopted by the Board. The City respectfully asks the Court to consider Advisory Opinion 24AO:0016.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

This filing complies with the typeface requirements and format requirements of Iowa Rs. App. P. 6.1007(1) and 6.903(1)(g) because it has been prepared in a proportionally spaced typeface using Century Schoolbook in size 14 and contains 1,42 words, excluding the caption, signature block, and certificates.



Matthew S. Brick

CERTIFICATE OF FILING AND SERVICE

I certify that on the 8th day of September 2026, I, or a person acting on my behalf, filed this response with the Clerk of the Supreme Court and served it on all counsel of record in this appeal via EDMS.

/s/Janelle Valadez