

from: **Leah Patton** <leah.patton@aclu-ia.org>  
to: "Langholz, Sam" <sam.langholz@ag.iowa.gov>  
cc: Rita Bettis Austen <rita.bettis@aclu-ia.org>  
date: Feb 3, 2022, 12:26 PM  
subject: objection in Belin v. Reynolds  
CVCV062945

In reviewing the cover letters and open records request responses from the Governor's Office to the Plaintiffs, there are records that have been withheld or redacted, citing the confidentiality provisions set forth in Iowa Code sections 22.7(5), (18), and (50). Please see the attached cover letters that withhold or redact records under these confidentiality provisions.

Iowa Code Chapter 22 sets forth an outside deadline for a record custodian to determine "whether a confidential record should be available for inspection and copying to the person requesting the right to do so." *Horsfield Materials, Inc. v. City of Dyersville*, 834 N.W.2d 444, 461 (Iowa 2013). Section 22.8(4) specifically provides that the determination "shall not exceed twenty calendar days and ordinarily should not exceed ten business days."

The cover letters containing the confidentiality provisions at issue were sent on January 3, 2022. The records requests in this case were made eighteen months to almost five months before January 3rd. This is outside of the 20-day timeframe allowed under section 22.8(4) for a record custodian to determine whether the records are confidential and communicate that determination. Therefore, it is our position that any claim that the records are confidential under the listed provisions has been waived in this case, and the records must be provided.

Sincerely,

**Leah Patton**  
Staff Attorney  
ACLU of Iowa  
505 Fifth Ave., Suite 808  
Des Moines, IA 50309

pronouns: she/her/hers

[www.aclu-ia.org](http://www.aclu-ia.org)



Kim Reynolds  
GOVERNOR

**OFFICE OF THE GOVERNOR**

Adam Gregg  
LT. GOVERNOR

January 3, 2022

Laura Belin

Bleeding Heartland blog

desmoinesdem@bleedingheartland.com / laurabelin@bleedingheartland.com

Dear Laura,

Thank you for contacting the Governor's Office. It is our understanding you are seeking the following:

- Copies of all written correspondence to Governor Kim Reynolds or staff in the Governor's Office asking the Governor to sign or veto Division XXXIII of House File 2643, relating to electric transmission lines.
- Copies of memos or staff summaries of telephone messages left for the Governor or her staff, regarding the same part of House File 2643 on transmission lines.

For email communications, we initially directed our technology office to search all Governor's Office email accounts from June 13, 2020 through June 30, 2020 for emails that contain any of the following keywords: "transmission", "electric", "utilities", "Division 33", "Division XXXIII", or "Section 128". Those search criteria returned an unreasonable number of unresponsive emails. We therefore directed our technology office to search for all emails in that same time period that contain at least one of three identified keywords ("transmission" or "electric" or "utilities") and one of five identified keywords ("division 33" or "division XXXIII" or "section 128" or "HF2643" or "House File 2643"). Any emails returned based on the search criteria identified above were reviewed to determine whether they were responsive to your request.

Our response to your request is contained in the attached PDF. One file contains electronic copies of responsive records and those requiring redaction ("R75\_Belin.pdf"). Redactions were made, where necessary, pursuant to section 22.7(18) of the Iowa Code. No responsive records were withheld as part of this response.

This response does not waive the confidentiality of any document or record under any applicable provision of the Iowa Open Records Act, chapter 22 of the Iowa Code, or other law.

Sincerely,

A handwritten signature in blue ink that reads "Michael Boal".

Michael Boal  
Senior Legal Counsel



Kim Reynolds  
GOVERNOR

**OFFICE OF THE GOVERNOR**

Adam Gregg  
LT. GOVERNOR

January 3, 2022

Laura Belin  
Bleeding Heartland blog  
desmoinesdem@bleedingheartland.com / laurabelin@bleedingheartland.com

Dear Laura,

Thank you for contacting the Governor's Office. It is our understanding you are seeking the following:

- Copies of all records the Governor's Office provided to the Des Moines Register or its reporters, including but not limited to Tony Leys, Barbara Rodriguez, Jason Clayworth, Stephen Gruber-Miller, or Brienne Pfannenstiel, from March 15, 2020 through July 17, 2020.
- Copies of all records the Governor's Office provided to the Associated Press or its reporters, including but not limited to Ryan Foley or David Pitt, from March 15, 2020 through July 17, 2020.
- Copies of all records the Governor's Office provided to Iowa Public Radio or its reporters, including but not limited to Natalie Krebs or Katarina Sostaric, from March 15, 2020 through July 17, 2020.
- Copies of all records the Governor's Office provided to the Cedar Rapids Gazette or its reporters, including but not limited to James Lynch, Rod Boshart, Erin Jordan, or Vanessa Miller, from March 15, 2020 through July 17, 2020.
- Copies of all records the Governor's Office provided to Caroline Cummings from March 15, 2020 through July 17, 2020.
- Copies of all records related to COVID-19 that the Governor's Office provided to any other news organization or member of the media from March 15, 2020 through July 17, 2020.

Our response to your request is contained in the attached PDF ("R76\_Belin.pdf"). Any redaction of records was made, where necessary, pursuant to section 22.7(18) of the Iowa Code. No responsive records were withheld as part of this response.

This response does not waive the confidentiality of any document or record under any applicable provision of the Iowa Open Records Act, chapter 22 of the Iowa Code, or other law.

Sincerely,

A handwritten signature in blue ink that reads "Michael Boal".

Michael Boal  
Senior Legal Counsel



Kim Reynolds  
GOVERNOR

**OFFICE OF THE GOVERNOR**

Adam Gregg  
LT. GOVERNOR

January 3, 2022

Laura Belin  
Bleeding Heartland blog  
desmoinesdem@bleedingheartland.com / laurabelin@bleedingheartland.com

Dear Laura,

Thank you for contacting the Governor's Office. It is our understanding you are seeking the following:

- A list of all nonprofits or for-profit entities for which Governor Reynolds has donated time and/or a meal or private tour at Terrace Hill, from May 24, 2017 to June 1, 2021.
- Copies of written correspondence related to scheduling or making arrangements for any meals or tours at Terrace Hill involving winners of charity auctions and their guests.
- Copies of records showing food and staffing costs for each event at Terrace Hill involving winners of charity auctions and their guests.
- Copies of records showing who covered the costs of food and staffing for any events at Terrace Hill involving winners of charity auctions and their guests.
- Copies of records related to any legal opinion (whether produced within the office of the governor or from an outside attorney) on the practice of the Governor donating her time and/or the use of Terrace Hill space to a private for-profit or nonprofit organization.

Regarding your first request, the following is a list of charities the Governor supported through auction lunches, dinners, or tours in the requested timeframe:

- 2018 Legacy Gala - Girls & Boys Club
- All Star Evening Robert D. Ray & Billie Ray Center
- Benefit for Canyon "Moose" Hopkins
- Camping the Night Away
- Celebrity Chef Gala
- Heart Ball
- Hy-Vee Charity Auction
- Inner Visions Healthcare Gala
- James Arthur Foundation Books & Bricks
- Kickin' It Giving Gala St. Vincent de Paul
- Leukemia & Lymphoma Society
- Make -A Wish Gala
- Michael Myers Memorial Golf Classic
- Science Center of Iowa
- Wildwood Hills Ranch - Wild About The Child Shindig
- Camping the Night Away
- Count the Kicks
- DM Christian School True-Blue Gala

- Jeff and Deb Hansen Foundation
- Saint Francis Harvest Ball
- Young Women's Resource Gala
- Rotary Club of Des Moines

Regarding your second request, to locate potentially responsive email correspondence, we directed our technology office to search for all emails exchanged between Diane Becker, Administrator at Terrace Hill, and the Governor's chiefs of staff or schedulers from May 24, 2017 through June 1, 2021, that contain any one of the terms "auction", "lunch", or "dinner". These email accounts were identified because searching all Governor's Office accounts using those terms would return an unreasonable amount of potentially unresponsive emails. Any emails returned based on the search criteria identified above were reviewed to determine whether they were responsive to your request.

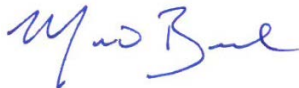
Our response to your second request is contained in the attached PDFs. One file contains electronic copies of responsive records ("R161\_Belin.pdf"). A second file contains electronic copies of responsive records that required redaction ("R161\_Belin\_Redacted.pdf"). Any redaction of records was made, where necessary, pursuant to section 22.7(18) of the Iowa Code. No responsive records were withheld as part of this portion of your response.

Regarding your third and fourth requests, our office is only in the possession, custody, and control of records of the Governor's Office, not of other entities. We therefore have no records responsive to these requests.

Regarding your fifth request, any records responsive to your request would be withheld pursuant to the attorney-client work product privilege.

This response does not waive the confidentiality of any document or record under any applicable provision of the Iowa Open Records Act, chapter 22 of the Iowa Code, or other law.

Sincerely,



Michael Boal  
Senior Legal Counsel



Kim Reynolds  
GOVERNOR

**OFFICE OF THE GOVERNOR**

Adam Gregg  
LT. GOVERNOR

January 3, 2022

Laura Belin  
Bleeding Heartland blog  
desmoinesdem@bleedingheartland.com / laurabelin@bleedingheartland.com

Dear Laura,

Thank you for contacting the Governor's Office. It is our understanding you are seeking the following:

- Copies of all written correspondence from March 8, 2021 to June 16, 2021, sent to Governor Reynolds or staff of the Governor's Office regarding Senate File 567.
- Copies of all communication between staff of the Governor's Office and members of the Iowa House or Senate, or legislative staff, regarding Senate File 567.
- Copies of all memos or written communication internally circulated within the Governor's Office from March 8, 2021 to June 16, 2021, regarding Senate File 567.

For email communications, we directed our technology office to search all Governor's Office email accounts for emails received in that time period that contained the terms "Senate File 567", "SF567", "SF 567", "mortgage bankers", or "mortgage banker". Governor's Office email accounts were also searched for emails exchanged with the domain "@legis.iowa.gov" in the same time period for emails containing the same terms. Any emails returned based on the search criteria identified above were reviewed to determine whether they were responsive to your request.

Our response to your request is contained in the attached PDFs. One file contains electronic copies of responsive records ("R165\_Belin.pdf"). A second file contains electronic copies of responsive records that required redaction ("R165\_Belin\_Redacted.pdf"). Any redactions were made pursuant to section 22.7(18) of the Iowa Code. No responsive records were withheld as part of this response.

This response does not waive the confidentiality of any document or record under any applicable provision of the Iowa Open Records Act, chapter 22 of the Iowa Code, or other law.

Sincerely,

A handwritten signature in blue ink that reads "Michael Boal".

Michael Boal  
Senior Legal Counsel



Kim Reynolds  
GOVERNOR

**OFFICE OF THE GOVERNOR**

Adam Gregg  
LT. GOVERNOR

January 3, 2022

Randy Evans  
Iowa Freedom of Information Council  
iowafoicouncil@gmail.com

Dear Randy,

Thank you for contacting the Governor's Office. It is our understanding you are seeking the following:

- Copies of any registrations or any documents the State of Iowa, the Iowa Department of Public Safety or the Iowa Department of Homeland Security and Emergency Management filed with the Texas Workforce Commission or any other agency in Texas in 2021 to authorize, permit, or allow the Iowa State Patrol to have its employees working within the State of Texas, or documentation of any exemption the State of Iowa or any of its departments received from the Texas Workforce Commission's regulations, policies, or applicable statutes.
- Copies of all written agreements or memorandums of understanding that were executed by representatives of the State of Iowa and representatives of the State of Texas covering the deployment of Iowa State Patrol members to work in Texas anytime from May through July 2021. This should include agreements or memorandums dealing with the legal authority of the Iowa officers while on duty in Texas, the scope of work these Iowa officers would perform in Texas, and all agreements or memos dealing with liability matters, indemnification, immunities, authority as sworn peace officers, concealed weapon authorizations, future court proceedings in Texas, or the allocation of expenses between Texas and Iowa.
- Copies of each letter, memorandum, or email relating to the deployment in Texas of any Iowa State Patrol officer or employee from May 1, 2021, through July 31, 2021, that was sent to, or received from, Texas Gov. Greg Abbott, members of his staff, or representatives of the Texas Department of Public Safety, that are in the possession of any of the following: the Office of the Governor of the State of Iowa, Gov. Kim Reynolds, the Governor's Chief of Staff Sara Craig, and any administrator or employee of the Iowa Department of Homeland Security and Emergency Management, Iowa Department of Public Safety, or the Iowa State Patrol.

As indicated in my email to you dated August 20, 2021, our office can only provide records within the custody, control, or possession of the Governor's Office, and not of other State agencies.


Regarding the third component of your request, you have clarified that you are seeking copies of any letter, memorandum, or email that deals with the deployment of Iowa State Patrol employees to Texas sent to or sent from Governor Reynolds or Sara Craig. For email communications, you clarified that you are seeking any email sent to Governor Reynolds or Ms. Craig if the email originated with Texas Governor Greg Abbott, members of his staff, or employees of the Texas Department of Public Safety. You are seeking emails any email sent from Governor Reynolds or Ms. Craig if the recipient of the email was Texas Governor Greg Abbott, members of his staff, or employees of the Texas Department of Public Safety.

To locate potentially responsive email communications, we directed our technology office to search the email accounts of Governor Reynolds or Sara Craig for emails to or from those accounts, from May 1, 2021 through July 31, 2021, that contain the domains “@dps.texas.gov” or “@gov.texas.gov”. Any emails returned based on the search criteria identified above were reviewed to determine whether they were responsive to your request.

Our response to your request is contained in the attached PDF. One file contains electronic copies of responsive records (“R178\_Evans.pdf”). Redactions were made, where necessary, pursuant to sections 22.7(5) and 22.7(50) of the Iowa Code. No responsive records were withheld as part of this response.

This response does not waive the confidentiality of any document or record under any applicable provision of the Iowa Open Records Act, chapter 22 of the Iowa Code, or other law.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Boal".

Michael Boal  
Senior Legal Counsel



from: **Langholz,  
Sam** <Sam.Langholz@ag.iowa.gov>  
to: Leah Patton <leah.patton@aclu-  
ia.org>  
cc: Rita Bettis <rita.bettis@aclu-ia.org>  
date: Feb 3, 2022, 5:07 PM  
subject: RE: objection in Belin v. Reynolds  
CVCV062945

Leah,

Thanks for sharing your position. We disagree with your interpretation of chapter 22. The Governor's Office does not intend to provide the redacted or withheld confidential information.

Sam

**Sam Langholz**  
**Assistant Attorney General**  
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