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**STATE AUDITOR ROB SAND VOTES AGAINST LEGAL SETTLEMENT THAT  
USES TAXPAYER FUNDS TO REPLACE PERSONAL RESPONSIBILITY  
FOR INSIDERS WHO HID PUBLIC RECORDS**

FOR IMMEDIATE RELEASE

Des Moines, IA – State Auditor Rob Sand today released a statement on his decision to vote no to using nearly \$175,000 of taxpayers’ money to settle two lawsuits filed against Governor Kim Reynolds and her administration for violating open records laws.

“These insiders have no shame. They abuse your rights, and then want to use your money to pay for having abused you,” said Auditor Sand. “I will not go along with this disgusting abuse of power.”

Members of the media and the Freedom of Information Council sued Governor Reynolds, her office, and members of her staff after they ignored multiple deadlines to fulfill public records requests between April 2020 and November 2021. Only after the lawsuits were filed, more than a year after the request came in, did the Governor and her administration produce the requested records. The Iowa Supreme Court called it an “unreasonable delay.”

Iowa Code Chapter 22.10(3) requires insiders who violate the law to pay the fees and costs associated with the violation and a fine. The law also allows for the removal from office if the violator is found to have committed the same offense twice within one term. The settlement Sand voted against instead uses taxpayer dollars to pay fees and costs, has no fine, and won’t count as an offense towards removal from office.

“The Iowa Supreme Court, with all justices appointed by Republican governors, ruled unanimously that Governor Reynolds’ arguments in these cases held no water,” said Sand. “This is a brazen scam by those whose salaries are paid by taxpayers, to skirt a law requiring their own personal responsibility for the fees and fines for hiding public records and using taxpayer funds instead.”

Sand’s letter to his fellow State Appeal Board members sent prior to the vote is attached.



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June 21, 2023

Dear Fellow Members of the State Appeal Board:

Government insiders abused the public's right to public information, and now want to skirt a law holding them personally responsible to instead use the public's money to pay for the costs of that abuse. We should not support this settlement.

The Reynolds administration received multiple requests for public records and gave no response at all well past the legal deadline. Sometimes, they didn't bother to respond until over a year later, only after the requestors sued to get the public records they were owed. These are obvious violations of the law.

When the government loses a public records lawsuit, Iowa Code 22.10(3) requires the court do three things to the insiders who participated in withholding public records:

1. assess personal fines, which increase if the violation was a knowing one;
2. have those insiders, not taxpayers, pay for lawsuit fees and costs; and
3. remove from office any person who had already done this during their term.

While reasonable grounds to withhold records can stop those things from happening, there is no reasonable argument to have no response whatsoever to a records request for months and even years.

So of course, the Iowa Supreme Court (all justices appointed by Republican governors) ruled unanimously that Governor Reynolds' administration's arguments for not responding to requests held no water. The Defendants claimed as long as they didn't say "no," they could just never respond, and it wouldn't violate the requirement to provide public records. No shame. The people responsible for the arguments know that: the Court cited a law review article by the Attorney General herself, Brenna Bird, extolling the importance of prompt open records responses.

And regarding removal from office: does this settlement count as a first offense for anyone? Nope. The settlement agreement says it isn't an admission of violating the law. No accountability.

We should not go along with this disgusting skirting of the law to use taxpayer money to pay for what the law says insiders owe. I will vote no—please join me.

Sincerely,

A handwritten signature in black ink that reads "Rob Sand". The signature is stylized, with the first letters of the first and last names being capitalized and prominent.

Rob Sand  
Auditor of State