

IN THE IOWA DISTRICT COURT IN AND FOR POLK COUNTY

PRESS-CITIZEN COMPANY, INC.)
(EIN: 42-0330670),)
) No. _____
Plaintiff,)
)
v.) PETITION AT LAW
)
IOWA BOARD OF REGENTS, MICHAEL)
GARTNER, TERESA WAHLERT, AMIR)
ARBISSER, M.D., MARY ELLEN)
BECKER, TOM BEDELL, JENNY)
CONNOLLY, ROBERT. DOWNER,)
RUTH HARKIN, and ROSE VASQUEZ,)
)
Defendants.)

Preliminary Statement

“This chapter seeks to assure, through a requirement of open meetings of governmental bodies, that the basis and rationale of governmental decisions, as well as those decisions themselves, are easily accessible to the people.”

Iowa Open Meetings Law, Iowa Code § 21.1.

Petition

The Press-Citizen Company, Inc. (the “Press-Citizen”) brings this claim to remedy violations of the Iowa Open Meetings Law by the Iowa Board of Regents and its individual members. In support of the petition the Press-Citizen states:

1. The Press-Citizen is an Iowa corporation in the business of publishing a newspaper. Its principal place of business is in Johnson County, Iowa.
2. Defendant Iowa Board of Regents is a governmental body subject to the Iowa Open Meetings Law, Iowa Code § 21.1 et seq. Its principal place of business is in Polk County, Iowa.

3. Defendants Michael Gartner, Teresa Wahlert, Amir Arbisser, M.D., Mary Ellen Becker, Jenny Connolly, Robert Downer, Ruth Harkin, and Rose Vasquez are members of the Iowa Board of Regents. Defendant Tom Bedell was a member of the Iowa Board of Regents at all times material to this petition. Bedell resigned from the board on or about December 14, 2006.

4. Defendants met in closed session several times in the month of November, 2006, including but not limited to, meetings held on the following dates and at the following locations:

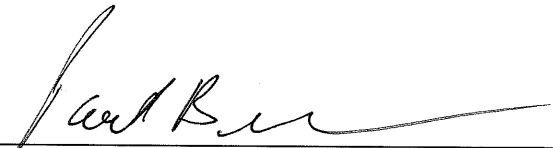
- a. November 6, 2006 (telephonic meeting);
- b. November 10, 2006 (meeting in Des Moines, Iowa);
- c. November 11, 2006 (meeting in Des Moines, Iowa);
- d. November 14, 2006 (telephonic meeting);
- e. November 15, 2006 (telephonic meeting); and
- f. November 17, 2006 (telephonic meeting).

Defendants violated the Iowa Open Meetings Law at some or all of these closed session meetings by conducting discussions on matters during closed session which are required to be conducted in open session.

5. Defendants further violated the Iowa Open Meetings Law at the closed session meetings held on November 10, 2006, November 11, 2006, November 14, 2006, November 15, 2006, and November 17, 2006, by failing to give proper notice to the public of the closed session meetings, and by failing to obtain a public, affirmative vote of 2/3 of the board members prior to holding the closed session meetings.

6. Upon information and belief, the closed session meetings were in some manner electronically recorded and notes, memoranda, minutes, or other records of the closed session meetings were made. The electronic recording and/or other documents should be preserved by Defendants and disclosed to the Press-Citizen for use in this proceeding, pursuant to Iowa Code section 21.5(4), after examination by the court in camera.

WHEREFORE, the Press-Citizen respectfully requests that the Court assess against each individual Defendant damages of not more than \$500, payable to the State of Iowa; that the Court order the payment of all costs and reasonable attorney fees to Plaintiff by either the individual Defendants or the Iowa Board of Regents; and that the Court enter an injunction, punishable by civil contempt, ordering the Defendants to refrain from further violations of the law.



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