



Pen City Current

Monday, July 30, 2018 | 6 pages | Volume 2 • Issue 178

Our argument is with the principle...not the principal

So it's news literally heard across the world that Pen City Current is seeking visual evidence of an alleged incident from a December assembly at the Fort Madison Middle School involving Principal Todd Dirth. We've been seeking recorded evidence of the video for seven months, working with the district and through what we believed to be proper channels.

That's all we're going to say about that issue of the assembly. Other than to write here that if anyone has video evidence of the assembly and would like to anonymously submit a copy, they can put it on a jump drive and mail it without return address to P.O. Box 366, Fort Madison, Iowa 52627.

The rest of this editorial will focus on what can be best described as an arbitration between Pen City Current and the Fort Madison School District for the release of the video through the Iowa Public Informa-



Beside The Point

Chuck Vandenberg,
Pen City Current - Editor

tion Board.

The assembly occurred on Dec. 13 and Pen City Current received several anonymous messages that evening about the assembly. We asked several of those reaching out to us to go on record, but none would whether out of fear of retribution or lack of interest in talking about the issue publicly - a phenomenon we're accustomed to in the news reporting business.

We had a story written using anonymous sources, a move that we've never engaged in to this point. Despite

several nationally renowned journalists who believe that the use of anonymous sources provides another avenue for journalists to make public bodies discuss issues they choose not to discuss, we chose to hold the story.

Instead, we reached out to the district for a copy of the video. On Dec. 13 we requested the document under federal open records laws governed by the Freedom of Information Act. According to the FOIA's site at www.foia.gov, "... since 1967, the Freedom of Information Act (FOIA) has provided the public the right to request access to records from any federal agency. Federal agencies are required to disclose any information requested under the FOIA unless it falls under one of nine exemptions which protect interests such as personal privacy, national security, and law enforcement."

See RECORDS, page 5

RiverFest countdown - 3 days



Photo by Chuck Vandenberg/PCC

Dragon Boat sighting

A team of dragon boat racers gets in a little workout on the Mississippi River for the upcoming Dragon Boat Races this weekend at RiverFest 2018. There is room for a couple more teams to join in the competition. Practice sessions are filling up on Friday with races happening on Saturday. RiverFest kicks off Thursday this week with a full lineup of entertainment for the whole family including nine national music acts and seven more local and regional performers. Conner Family Amusments will be on hand again as well daily attractions including the RiverFest Games which go on throughout the festival. For a complete listing, go to www.riverfestfm.com.

Brooklyn case brings focus to missing teens

BY CHUCK VANDENBERG
PCC EDITOR

LEE COUNTY - A Brooklyn, Iowa girl who's been missing for about two weeks, along with several other missing teens in the state has created a hyper awareness locally about the safety of juveniles in Iowa.

Lee County Sheriff Stacy Weber said the actual numbers of missing juveniles in the state is on par with previous years and the Iowa Department of Criminal Investigation is backing that claim up. But the disappearance of Mollie Tibbits in Brooklyn, near Iowa City, has everyone on high alert.

The DCI released a statement on Friday about the number of missing juveniles in the state.

"In light of the missing person investigation of Mollie Tibbits, concerns have come to light about the number of juveniles reported missing in Iowa in recent weeks. In FY 2017 4,311 juveniles were reported missing to The Missing Person Information Clearinghouse. This is an average of approximately 12 juveniles a day. The vast majority of which are found or returned home within 24 hours. Typically these cases are runaway situations. The number of missing juveniles reported in recent weeks is in line with historical numbers."

See MISSING, page 6

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Obituaries/Lottery Numbers

OBITUARIES

AARON DEWAYNE HENTZEL

Aaron Dewayne Hentzel, 90, died on July 27, 2018 at the Mayflower Community Health Center in Grinnell, Iowa.

Dewayne was born on May 26, 1928 in Keokuk, Iowa to Aaron and Ella (Weber) Hentzel. He grew up on the family farm in New Boston, Iowa. On February 1, 1953, Dewayne was united in marriage to Earlene Trump and they began farming together in the Donnellson area.

Dewayne was a farmer, husband, father, grandfather, and great grandfather in his lifetime and he excelled in all of those roles. He enjoyed working with tools and wood — made toys for his grandchildren and great-grandchildren, created many projects for his family's business, and helped build numerous houses for Habitat for Humanity.

Dewayne was a life-long member of the United Church of Christ—first at St. Paul UCC in Donnellson, Iowa, and later at the United Church of Christ in Grinnell, Iowa.

Dewayne was preceded in death by his parents: Aaron and Ella (Weber) Hentzel; his brother: Aaronell Hentzel; his three sisters: Angeline Powell, Violet Jean Hirschler, Ellarona Gunter; his wife: Earlene, and great-granddaughter: Baby Conlee.

He is survived by his wife: Phyllis Wood of Grinnell, Iowa; his daughter: Kathy (Greg) Hohl; grandchildren: Adam (Julie) Hohl of Donnellson, Iowa, Amber (Blake) Conlee of Donnellson, Iowa; and great-grandchildren: Jacob and Addison Hohl and Gunner Conlee.

A memorial service will be held on August 1, 2018 at 1:00 p.m. at the Carmen Center in the Mayflower Community in Grinnell, Iowa.

A private family burial will be held later in the week in the Evangelical Cemetery in Donnellson, Iowa.

In lieu of flowers, memorials may be made to the Heifer Project International or the Mayflower Human Needs Fund.

Memorials may be mailed to the Schmitz Funeral Home at P.O. Box 56 Donnellson, Iowa 52625.

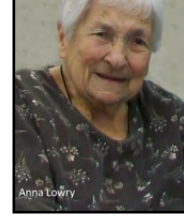
Schmitz Funeral Home of Donnellson is assisting the family with arrangements. Online condolences to the family may be left at www.schmitzfuneralhomes.com.

OBITUARIES

ANNA MAE ALLEN LOWRY

Anna Mae Allen Lowry, 94 of Keokuk, died Saturday, July 28, 2018 at River Hills Village in Keokuk.

Anna was born on February 21, 1924 in Corning, Ohio the daughter of Paul and Gertrude Schlingerman Allen. On July 1, 1944 Anna was united in marriage to Hubert E.



LOWRY

Lowry in Nelsonville, Ohio. He preceded her in death on May 21, 1975.

She had graduated from the Nelsonville, OH High School with the Class of 1942.

Anna had resided in Kissimmee, FL, St. Cloud, FL and Sandusky, OH prior to moving to Keokuk.

She had been employed in a variety of factory and retail jobs, then obtained her certification as a LPN and had worked in hospitals in Ohio and Florida.

She was a member of the First Christian Church Disciples of Christ in Keokuk. Anna enjoyed working on jig-saw puzzles and word puzzles. She also enjoyed needlecraft and had made many beautiful pieces that her family will cherish. Anna especially loved going on cruises with her family.

Anna is survived by three daughters, Andrea (Michael) Kline of Keokuk, Patricia Lowry of Brandon, MS, Barbara (Edward) Foster of St. Cloud, FL, four grandchildren, Matthew Kline of St. Louis, MO, Erin Foster of Kissimmee, FL, Shannon Foster of Orlando, FL, and Brent Foster of St. Cloud, FL.

Besides her husband, she was also preceded in death by her parents, one sister, Leora Riley and a daughter, Nancy Lowry.

A memorial service will be held at a later date.

Memorials may be made to the First Christian Church (Disciples Women) or the River Hills Village Activity Department.

The Vigen Memorial Home in Keokuk is assisting the family with arrangements.

Online condolences may be made to the family at www.vigenmemorialhome.com.

Pen City Current obituary policy

The Current runs obituaries at no charge to funeral homes and they run the day they are submitted in most cases. They are also run as submitted by the funeral homes.

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8/7	Strolling Down Broadway	\$102 pp
8/11	Cubs vs. Nationals at Wrigley	\$155 pp
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8/14	Iowa State Fair	\$65 pp
8/15	Cubs vs. Brewers at Wrigley	\$128 pp
8/21	The Henry Ford & Rouge Factory Tour	\$450 pp double
8/29	Cubs vs. Mets at Wrigley	\$110 pp

SEPTEMBER

9/12	A Comedy of Tenors at Old Creamery	\$98 pp
9/12-15	Legends of Louisville, KY	\$550 pp double
9/15	Cubs vs. Reds at Wrigley	\$145 pp
9/21-30	The Gold of Colorado Trains	\$2790 pp double
9/26	Mama Won't Fly at Circa '21	\$98 pp
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Lotto America™	Wed & Sat	8:59 pm	10:00 pm
Pick 3 - Midday	Daily	Noon	12:20 pm
Pick 3 - Evening	Daily	9:40 pm	10:00 pm
Pick 4 - Midday	Daily	Noon	12:20 pm
Pick 4 - Evening	Daily	9:40 pm	10:00 pm



7/28
2 13 38 39 51
Star Ball: 10
All Star Bonus: 3



7/28
22 27 46 56 65
Powerball: 13
Power Play: 2



7/28 MID-DAY
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5 4 9



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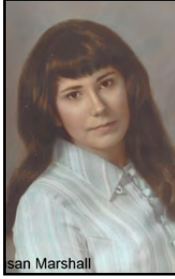
Obituaries/Opinion

OBITUARIES

SUSAN MARIE MARSHALL

Susan Marie Marshall, 66, of Montrose, IA, died Friday, July 27, 2018 at her home.

She was born on October 17, 1951 in Topeka, KS, the daughter of Rollie and June Cooper Dinwiddie. Susan graduated from Central Lee High School with the Class of 1969.



MARSHALL

She married Paul Marshall in 1970 and they later divorced. She had been employed at Keokuk Steel Castings, Pinnacle (Dial) and numerous other customer service jobs.

Susan was a member of the Southside Boat Club in Keokuk. She was of the Catholic faith.

She was an avid fan of the Chicago Cubs and the Iowa Hawkeyes. She loved to watch Jeopardy and work on crossword puzzles. Through the years, Susan's greatest joy was spending time with her grandchildren.

She is survived by two sons, Jeff Marshall of Auxvasse, MO and Matt Marshall of Burlington, IA, one daughter, Adrienne Burdette and her husband Steve of Waterloo, IA, four grandchildren, Jakota McGee, Taylor and Conner Marshall and Owen Burdette, one brother, Ron Dinwiddie and wife Sue of Montrose, one sister, Patti Dinwiddie of Pittsburgh, PA, a sister-in-law, Karen Dinwiddie of Montrose and numerous nieces and nephews.

She was preceded in death by her parents, one brother, Garry Dinwiddie and a special friend, Chuck Gardner.

A Gathering of Remembrance for family and friends will be held Tuesday from 5 - 7 p.m. at the Vigen Memorial Home in Keokuk.

In lieu of flowers, memorials may be made to the Montrose Fire Department.

On-line condolences may be sent to the family at www.vigenmemorialhome.com

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Case of the missing ring solved

Ginnie told me to rent the metal detector again and search for the ring one more time before she bought me a new one. My 70th birthday was fast approaching (70!) and Ginnie was going to buy me a new wedding ring as a present. You may recall that Blossom, our Angus heifer calf, had sucked the wedding ring off my finger. I figured scanning her pen again was useless, that there was no way I was going to find that wedding ring.

Several veterinarians had told me that, considering a cow has four stomachs, there was no way a small wedding ring was going to pass through. I would have to wait until slaughter and have the butcher find it.

For two months, I had patiently and diligently, like a surgeon performing brain surgery, picked through Blossom's cow pies with a trowel, hoping to uncover my wedding ring. I did this twice a day. Nada. I even prayed to St. Anthony, the pa-

EMPTY NEST

By Curt Swarm



tron saint of lost objects.

But I always do what Ginnie tells me. (Hardy har har.) I bit the bullet, rented the metal detector again, and gave it one more try. I wouldn't pray this time. It would either be there or it wouldn't.

Blossom was quite curious as to what I was doing. She came up behind me and nibbled at my shirt tail, wanting attention.

The metal detector beeped. I grew hopeful and started digging with the trowel. The detector indicated the object was six inches deep. There was no way a ring was going to be embedded that deep. But I had to check it out. Digging a hole six inches deep in a dried up, tramped down, cow pen with a trowel isn't easy. Blossom tried to suck on my elbow. I was sweating bullets. My

trowel stuck something. My heart skipped a beat. I dug harder. A small chunk of pop-can aluminum appeared.

I continued the search. This was ridiculous. What a waste of time! I could be mowing, picking tomatoes, updating my website, any one of a dozen jobs that needed to be done other than this. I might as well just call the jeweler and order another white gold wedding band and be done with it. Five-hundred dollars ain't nothing to sneeze at, but it is what it is.

One veterinarian told me that I should have Blossom x-rayed to find out where the ring is, then have it surgically removed. Yeah, right. What would a surgery cost compared to the price of a ring? But there

See SWARM, page 6

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From the Front/Weather

IPIB says time's up on Pen City Current's claim

RECORDS - Continued from Page 1

On Feb. 13., 60 days after our original request for access, the district denied access under Iowa Code Chapter 22, which protects "personal" information in an employees personnel file. For the record, the Current did not request any personal information. On March 2, the Current filed an appeal with the district following FOIA appeal protocol expressing that we did not request "personal" information, but a copy of a video in the district's possession. On May 11th, 69 days later, the district emailed a second denial. On June 18th the Current filed a formal request the IPIB, a board charged with arbitrating these vary issues in hopes of securing an informal resolution to the dispute.

One of the questions looming is that the FOIA governs federal agencies. Is a public school district a "federal agency"? That's up for dispute, but do they take any federal funds....for any incentives or program at any levels, possibly from the U.S. Dept. of Education? If they do, would that lump them into having to abide by federal open records law? It's our contention they do. However, the IPIB draws a distinction.

It's a stretch...and that point was never argued between the district and Pen City Current. However IPIB director Margaret Johnson said FOIA guidelines did not apply to our request. Let's put that aside for the moment.

A synopsis of Iowa's Open Records Law is provided at www.nfoic.org and reads as follows:

"The Iowa Open Records Law is a series of laws designed to guarantee that the public has access to public records of government bodies at all levels. The law includes all records of government agencies except where the documents have been deemed confidential. Exemptions include: Personal information on accepted students, current students, and past students; Medical records; Trade Secrets; Records of attorneys who represent the state; Reports that result in unfair competition; Appraisal information for public land purchases; Criminal files; Military confidential records; Personal information in records of employees and elected officials of public agencies (emphasis added); Library records; Information on the donors of charitable contributions; Corrections department information that would jeopardize security; Communications made to the government but not required by statute; Examinations; Archaeological and historical ecologically sensitive material locations and information; Marketing and advertising budgets and strategies for non-profits; Information maintained by mediators employed to solve the disputes with government agencies. Anyone can request public records and the law does not require a statement of purpose for records requests. There are no restrictions for use of the records in the law and you must allow 10-20 days for a record request response to be completed.

We list the whole thing

here, but only a couple issues pertain to this matter. Note the 10-20 days response time in the law and remember that it took the district 60 days to respond and then an additional 69 days to respond to the Current's appeal of the denial. It should also be noted here that the district and its attorney did not contest the appeal on the grounds that there was no mechanism in place for an appeal. They addressed the appeal like it was properly submitted.

On July 19, the IPIB dismissed our complaint against the district on the grounds that our complaint was filed more than 60 days after the original denial.

In doing the math, the district can take 129 days to respond to two requests for access to the video, but the IPIB can dismiss it because our complaint... wait for it... was 60 days old. We contend the IPIB's jurisdiction began when we were denied on appeal, because that's the date we had exhausted all measures known to us in working with the district to gain access to the record.

Iowa Code Section 22.1(a)3 reads as follows: It's the policy of this chapter that free and open examination of public records is generally in the public interest even though such examination may cause inconvenience or embarrassment to public officials or others.

The district is keeping the video privileged because, as Ellingson indicated in her arguments, a school district employee was disciplined as a

result of an investigation into the assembly. They have yet to identify who that individual was. The district contends that because the record was used as part of the disciplinary process it now becomes part of the employee's personnel file, even though it contains no "personal" information.

Chapter 22 is very specific as to documents including "personal" information as part of the employee's personnel records. Chapter 22 does not prescribe protection for any records involving discipline. Ellingson used rulings in court cases at the state level to indicate a precedent for denying access and we contested that as the case law had no equal relevance to requesting a video of an assembly where no expectation of privacy exists. However, a strict interpretation of the Code does not guarantee the protection of those records. In fact the Code goes on to say that in the event of a termination, resignation in lieu of termination or change of employee status, the details of that discipline policy will be considered public record.

The Current decided to appeal the Feb. 13 decision rather than file a complaint. Johnson said in her ruling that Chapter 22 of the Iowa Code doesn't have an appeal remedy. She's correct in that it doesn't. It does provide for a district review, but that requires the general public to, in essence, file suit and petition the district. At what cost? Why should the public be saddled with court costs in an effort to have a

governmental body, operating with no expectation of privacy, turn over a record of a school assembly? The IPIB was specifically set up to arbitrate these very complaints, yet it refused to give equal weight to our contention that we filed an appeal and were working that appeal process. Johnson quickly, following an argument filed by Ellingson just days prior to an anticipated ruling, sided with the district on the time issue.

Some could deduce that the district was involved in delaying the process with addressing the issue on its merits, knowing that a clock was ticking behind the scenes, while we also engaged in debating the record on its merits. If that was the district's intention, it would certainly seem they didn't have faith in their legal arguments, but were playing a game to run out the clock. But ignorance is not bliss, and we should have been better prepared.

When reporters have

called, we've kept our comments on the issue to the release of the record and not the specific incident because we just haven't seen it and think writing about those allegations is presumptuous at this point. However, as we've said in recent articles published elsewhere, how can there be any expectation of privacy, whatsoever of a school administrator in front of an entire student body, faculty, staff, and who knows who else was there? We believe that expectation is disingenuous to the people of the district and we ask that the video be released.

Either way, the IPIB's decision to not recognize any appeal process on our part is a disservice to public records processes at all levels, the tax payers of the Fort Madison School District, the Freedom of Information Act, and in general to the spirit of state and federal laws that were written to preserve the free and open examination of public records.

5-DAY WEATHER FORECAST

MON 30 Jul



Heavy Rain
High – 72.0° F | Low – 66.0° F

TUE 31 Jul



Moderate Rain
High– 76.5° F | Low – 67.4° F

WED 01 Aug



Light Rain
High–79.3° F | Low – 67.6° F

THU 02 Aug



Light Rain
High – 81.0° F | Low – 71.6° F

FRI 03 Aug



Light Rain
High– 85.1° F | Low – 70.5° F

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Pen City Current

Founded in 2016



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From the Front/Opinion

Number of missing on par with previous years

MISSING - Continued from Page 1

Weber said the county regularly gets calls about missing girls and typically they are runaway situations.

"There's always runaways in our county. The question now is the awareness," Weber said. "Something tragic as this girl coming up missing in Brooklyn, and now everyone is paying more attention."

Weber said missing children is nothing to take lightly and the sheriff's department is available for anyone with any concerns about the whereabouts or welfare of any child or anyone possibly suffering from mental health issues.

He said there is a human trafficking problem in the United States and parts of the state close to Interstate 80 are extra susceptible.

"I don't think there's an unusually high number right now. Kids go missing all the time," Weber said.

"The problem is with the influx of trafficking. We talk about porous borders, but that works both ways. It's very easy to come across into the United States, but it's also easy to go out into Mexico and Canada. They take 'em and get 'em hooked on drugs then sell them. Do I think that's what's happening here in southeast Iowa? No. Do I think that's what's happened in Brooklyn, Iowa? I think that's not going to end well."

Weber said people need to go about life, but just be aware of their surroundings and if something doesn't look right, call the authorities. He said parents should be talking to their children about how to be safe when away from home.

"Be hanging out with your buddies and don't leave

“

If something feels wrong, call the authorities. They can always sort it out and apologize to people later if they have to.”

-Stacy Weber,
Lee County Sheriff

each other. If you use the restroom, go in groups. If you go anywhere or go out into a parking lot, don't go by yourself, go in groups. Stick together and be aware of your surroundings," Weber said.

"If something feels wrong, call the authorities. They can always sort it out and apologize to people later if they have to. I'd rather they do that and maybe help identify somebody doing something they shouldn't be."

Weber also said the presence of the FBI in the cases in the middle part of the state is a telling story.

"There's been several of those missing up in the middle of the state and then I see the FBI gets involved and there's either one of two reasons for that. 'A' - they were asked to participate, or 'B' - there's more to the story that we don't know about and they came down and got involved."

Detective Clint Wray, with the sheriff's department, said he, too, thinks the numbers are common for this

time of year and most of the calls are from runaways that end up being found.

"I've seen a lot popping up," he said. "I think there's a good chance those numbers are skewed a little bit with reported runaways, but I haven't confirmed anything yet. I know there are lots of teenagers in those numbers and I'm going to assume that we have a lot of runaways. But that case in Brooklyn is a very, very, sad, bad deal. That's up by I-80 and we do have a human trafficking problem in the United States and Iowa with I-80 running through."

Wray said the recent heightened awareness through social media makes it a good time for parents to talk with their children about expectations and plans.

"If anything good can come out of it, it's that it's time for everyone to talk to their kids. And if you've got younger teenage kids, it's time to put an app on their phone and monitor where they are at."

Wray said he uses an app called Family Link and it allows him to monitor the activity and location of his children with phones. He said he can pull up the link, see where the child is, what activity have they been engaging in on social media and also allows him to lock up access to part of the phones.

He said there are other effective apps out there as well that provide location and activity services.

"I want everyone to be aware of what's going on, but I don't want them pushing misinformation out there and everyone getting startled," Wray said. "It's always good for people to talk with kids about being safe. Report things that appear suspicious. Have a game plan with your kids. Talk to them about what they need to do. Fight or flight or freeze. I prefer that if something looks suspicious close to them, they just go the other way."

He said he always recommends that kids move around with friends and be aware of surroundings.

"I don't think it's time for everybody to go into full panic mode. Just talk with your families, have good communication in place and be aware," Wray said.

Metal detector in cow's pen saves the day on Empty Nest farm

SWARM - Continued from Page 3

was the sentimental value to consider. After all, the ring is a symbol of Ginnie's and my love. I considered holding the metal detector up to Blossom, but she wouldn't hold still. She gave me a little nudge in the rear. I shooed her away.

The metal detector beeped again. Great. What is it this time? Another pop can, a screw? The detector indicated the object was two inches deep. That's not quite so bad. I dug. Nothing. I put the detector over the hole and it beeped again. I continued to dig. Blossom moored in my ear splattering slobber all over me. "Get out of here, Blossom!"

Tick. My trowel struck something. I pried up. Bingo! The ring flipped into view. I couldn't believe it. There it was, dirty, like it had been through...what?...a cow? Yep! Dirt, crud and all, I put the ring on. My long lost friend had returned. My finger felt so much better. Our marriage was saved.

I took a picture of my hand with ring on and text it to Ginnie at work. She replied immediately. "Told ya! Now what am I going to get you for your birthday?"

Never, ever doubt your wife!

I checked our Scripture reading for the day. "God works wonders! We are blessed!"

Have a good story? Call or text Curt Swarm in Mt. Pleasant at 319-217-0526, email him at curtswarm@yahoo.com or find him on Facebook. Curt's stories are also read at 106.3 FM in Farmington.



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