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July 15, 2026

VIA EMAIL

Attorney General Brenna Bird
Iowa Attorney General's Office
Hoover Building
1305 East Walnut Street
Des Moines, Iowa 50319

Re: Referral of Matter for Potential Investigation

Dear Attorney General Bird:

Our law firm represents the Madison County Board of Supervisors. On behalf of the Board, I am writing to refer a matter to your office that, in the Board's view, warrants your attention, investigation, and potential referral to the Division of Criminal Investigation.

Background

On June 4, 2026, the Board held a closed session under Iowa Code § 21.5(1)(c) to discuss three pending litigation matters with outside counsel: a complaint submitted to IPIB by County Attorney Stephen Swanson and Supervisor Diane Fitch; an imminent litigation matter adverse to County Auditor Michele Brant; and a pending litigation matter adverse to County Auditor Michele Brant.¹ The meeting was held in the Board's meeting room in the County's Annex Building.

During the closed session, it was discovered that Supervisor Fitch was attempting to audio record the meeting using a concealed recording device. Supervisor Fitch voluntarily departed the closed session mid-meeting. She then disclosed confidential information learned during the closed session to third parties, including directly to County Auditor Michele Brant.²

The two remaining Board members were concerned that other audio recording devices could have been placed in the Board's meeting room. After the meeting, the

¹ According to IPIB, it considers a discussion of a pending IPIB complaint to fall within Iowa Code § 21.5(1)(c). The other two litigation matters are docketed in Madison County at CVCV036154 and CVCV036143 respectively.

² All this information is derived from Supervisor Fitch's recorded statements outside the closed session, which recording is publicly available. The recording is included with this letter for your convenience.

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Board Chair contacted the County's authorized IT security vendor, Summit Technologies, who maintains administrator-level control over the camera system in the Annex Building. The Board Chair wanted to determine whether the County's video recording system in its Annex Building picked up anything that would be helpful to shed light on that issue. The Board Chair also wanted to determine if either the County Attorney or County Sheriff were viewing the closed session or had attempted to log onto the system to watch the meeting or potentially hear audio from the closed session.

During his review, the authorized vendor for the Annex Building camera system discovered the incident prompting this letter. On June 19, 2026, three individuals are seen entering the server room housing the Annex Building's camera system: County Attorney Swanson, County Sheriff Jason Barnes, and a third individual from another IT security vendor company, Johnson Controls. Johnson Controls is the County's vendor for the County courthouse's camera system; however, any permissions Johnson Controls had related to the Annex Building camera system were expressly terminated by the Board, via resolution, in March 2026. The March resolution clarified that Summit Technologies was (and is) the only authorized vendor for the County's Annex Building camera system—a permission Johnson Controls has never had.³

During the same time, approximately ten unsuccessful attempts were made to log into the Annex camera system to grant administrative login credentials, which belong to the County's authorized vendor. Administrator access allows the user to, among other things, activate microphones in Annex Building meeting rooms and delete files within the Annex camera system. Although the County Attorney and Sheriff have access to the camera system for law-enforcement and investigatory purposes, they do not have administrator-level access. The Board does not know why the County Attorney or Sheriff would have been logging on or attempting to grant access to an unauthorized vendor.

As a general matter, the County considers ten continuous, unauthorized attempts to access the County's camera system as a threat to the County's cyber infrastructure. The County Attorney and the County Sheriff were therefore notified of the incident on July 2, 2026. The County Attorney indicated he would look into the issue on Monday, July 6. On that date, the County Attorney indicated he didn't actually know what happened, because the incident was not reported to him. Ultimately, neither the County Attorney nor the County Sheriff provided an explanation of what occurred on June 19. Neither official acknowledged they were physically present in the Annex building at the time of the unsuccessful login attempts.

³ The information related to the June 19 incident is derived from video footage from the Annex camera system server. The recording is included with this letter for your review.

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On July 7, the Board Chair contacted the County Attorney and County Sheriff, notifying them the Board was planning to meet to discuss the matter on July 9. The County Attorney responded that the “complaining person needs to contact the sheriff so he knows what is going on.” Ultimately, the County Attorney and the County Sheriff declined to attend the Board’s July 9 meeting. The County Sheriff declined to provide any update in lieu of attending and stated he would defer to the County Attorney.

On July 9, the Board met in open session and determined it still had a number of questions regarding the June 19 incident, to which the County Attorney and Sheriff were either refusing to acknowledge or failing to investigate. Given the Board’s understanding that the County Attorney and Sheriff were personally present in the server room on June 19, it determined a referral to your office, and potentially the Division of Criminal Investigation, would be the appropriate next step.

Basis for Referral

The Board has significant concerns surrounding the June 19 incident, especially with no additional explanation or acknowledgment of the incident provided by the County Attorney or Sheriff. The Board is not in a position to investigate this matter internally, and in the Board’s view, neither the County Attorney’s office nor the County Sheriff’s office is the appropriate investigating entity considering the background described above.⁴

The Board—unequivocally—makes no prejudgment regarding the findings of an investigation into the June 19 access attempts. It is not known, for example, whether the matter arises to unauthorized access to the County’s computer network system as prohibited by state or federal law, either through the direct or facilitating acts of an unauthorized vendor or the other individuals allowing an unauthorized vendor into the server room.

The Board also recognizes the peculiar posture of this matter, in that it likely involves the County Attorney and County Sheriff as persons with direct knowledge relating to a potential investigation. As noted, the Board believes both officials are conflicted from investigating or prosecuting any cases arising from this matter. The Board thus believes the Attorney General’s Office and the Department of Public Safety are the appropriate referring agencies. *See* Iowa Code §§ 13.2(1)(b); 13.2(1)(g); § 80.9A(6)(h).

The Board therefore respectfully requests that your office open an investigation into the June 19 access attempts to the County’s IT and camera systems as described

⁴ The County Attorney is also counsel of record for the County Auditor in two pending litigation matters directly adverse to the Board (and adverse to two members of the Board of Supervisors, named in their official capacities).

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above, including but not limited to a referral to the Division of Criminal Investigation, if needed.

The Board stands ready to cooperate. I have enclosed copies of the relevant documents obtained in my review of this matter. Please notify me if you require any additional available security footage, any additional documents or records revoking the prior vendor's purported authorization, or any other records your offices may require. Thank you for your time and attention to this matter.

Sincerely,



Michael S. Boal
For the Firm

Enclosures

With copy (via email) to:

Director Ryan Moore
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Catherine Lucas
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