

DEPARTMENT OF ADMINISTRATIVE SERVICES

PETITION BY STATE HISTORICAL SOCIETY, INC. for a DECLARATORY ORDER ON IOWA CODE § 8A.707 and § 8A.711	PETITION FOR DECLARATORY ORDER
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COMES NOW Petitioner State Historical Society, Inc., by and through counsel, and pursuant to Iowa Code § 17A.9, § 17A.19, and Iowa Administrative Code § 11—8.1, submits this Petition for Declaratory Order and states:

FACTS

1. In 1857, the Iowa Legislature authorized the creation of the State Historical Society of Iowa in Iowa City.
2. In 1960, the Centennial Building, located at 402 Iowa Avenue in Iowa City, was opened to house and care for a wide variety of historical collections.
3. There is no other similar state-sponsored archive in Iowa City.
4. The Centennial Building archives and research center houses a variety of materials, including print materials, special collections, photographs, sound and video recordings, and fine art.
5. Many of the materials at the Centennial Building archives and research center were donated with the express or implied condition that they remain in Iowa City.
6. In 1983, as a result of litigation, Petitioner the State Historical Society, Inc. (“SHS”) was created as a separate entity from the State Historical Society of Iowa.
7. The SHS’s mailing address and telephone number are as follows:

State Historical Society, Inc.
402 Iowa Avenue
Iowa City, IA 52240
(319) 335-3926

8. The SHS is a private, non-profit entity organized for the purpose of carrying out the work of collecting and preserving materials related to Iowa's history, assisting in the maintenance of the library housing those materials and its collections, conducting historical studies, carrying out the original purpose of the State Historical Society of Iowa, and otherwise disseminating knowledge of the history of Iowa. SHS also owns and manages the trust fund intended to support historical research and preservation in Iowa.

9. The State Historical Society of Iowa is a governmental organization housed in the Department of Administrative Services ("DAS") and authorized by Iowa Code § 8A.706.

10. DAS is an administrative division of the Iowa executive branch whose duties are set out by Iowa Code Chapter 8A, including managing and coordinating the major resources of the State government.

11. DAS is responsible for managing the State Historical Society of Iowa and its two research centers in Des Moines and Iowa City.

12. The State Historical Society of Iowa is governed by a Board of Trustees.

13. The State Historical Society of Iowa—as an arm of DAS—is subject to the requirements set out in Iowa Code Chapter 8A.

14. Pursuant to a reversionary clause in the 1983 Settlement Agreement creating SHS, Petitioner has a right of reversion in the materials housed in or donated to the Centennial Building Archives prior to 1974.

15. On or about June 17, 2025, the State Historical Society of Iowa announced that it would close the Iowa City research facility and archives located at the Centennial Building.

16. The decision was made and announced abruptly and without allowing for public notice and comment.

17. The press release mistakenly implied that \$5 million in infrastructure funding for shelving in Des Moines could be used to house collections transferred from the Iowa City location, despite the fact that this funding was earmarked for replacing faulty shelving at existing archives.

18. The rationale for the closure of the Centennial Building archive and research center included deferred maintenance costs estimated at \$878,000 (despite the building being in stable condition with low operating costs) and the state's budget deficit.

19. Upon information and belief, and based on public statements by the State, approximately 40% of the Iowa City collections will be moved to Des Moines, with the remaining 60% to be dispersed, deaccessioned, or disposed of.

20. Removal of much of the collections from the Iowa City research center is contrary to donor intent.

21. The State Historical Society of Iowa lacks a plan for managing the collections and has not consulted with professional staff or stakeholders.

22. The State seeks to cease most operations at the Centennial Building by December 31, 2025.

23. The State has already begun moving the collections housed at the Centennial Building to undisclosed, unsuitable, or otherwise inappropriate locations, risking damage to the collections.

24. Petitioner is interested in the outcome of this request for a declaratory order because its continued functioning is dependent on the operations of the Centennial Building archives.

RELEVANT STATUTES

25. Iowa Code § 8A.707 mandates that DAS “shall . . . Maintain research centers in Des Moines and Iowa City.” Iowa Code § 8A.707(2)(b).

26. Iowa Code § 8A.711 requires DAS to use gifts and requests “in accordance with the desires of the donor if expressed.” Iowa Code § 8A.711(1).

QUESTIONS FOR REVIEW

27. Does DAS’s closure of the research center and archives at the Centennial Building violate DAS’s duty to maintain a research center in Iowa City, as set out in Iowa Code § 8A.707(2)(b)?

28. Does DAS’s relocation of donated items intended to remain in Iowa City to other locations violate DAS’s duty to use gifts in accordance with the desires of the donor, as set out in Iowa Code § 8A.711(1)?

PETITIONER’S PROPOSED ANSWER AND SUPPORTING RATIONALE

29. DAS’s closure of the Centennial Building and removal of its archives violates DAS’s duty to maintain a research center in Iowa City under Iowa Code § 8A.707(2)(b).

30. DAS has a clear and unambiguous statutory mandate to maintain a research center in Iowa City.

31. The Archive at the Centennial Building is the only state-supported historical research center and archive in Iowa City.

32. DAS’s closure of the facility violates its statutory duty to maintain the center.

33. DAS's removal of artifacts and collections donated with the specific intention that the gifts remain in Iowa City violates DAS's duty to use gifts in accordance with the donor's desires under Iowa Code § 8A.711(1).

34. DAS has a clear and unambiguous statutory mandate to use donor gifts in accordance with the donor's wishes.

35. Various gifts were donated with the explicit intention that they remain in Iowa City.

36. Moving gifts received under the condition that they remain in Iowa City out of Iowa City violates donor wishes.

PENDING LITIGATION

37. Pursuant to IAC § 11—8.1(17A), Petitioner represents that it is not a party to another proceeding involving the questions at issue in this Petition.

38. Petitioner represents that similar issues are under review in Johnson County Case No. CVCV086873 and are pending determination.

39. Petitioner represents that the names of any additional persons or class of persons known to be affected by, or interested in, the questions presented includes all members of the public. However, a more specific list includes the Plaintiffs in Johnson County Case No. CVCV086873, whose names are listed below and all of whom may be contacted through counsel, James C. Larew, at 319-337-7079 or at james.larew@larewlawoffice.com.

- a. Shelton Stromquist
- b. Linda Brown
- c. Merle Davis
- d. David McCartney

- e. Kelly Plumber
- f. Linda K. Kerber,
- g. Judy Putney
- h. Kathryn Elizabeth Gourley
- i. Trudy Huskamp Peterson
- j. Mary E. Greenleaf
- k. Gregory Wickenkamp
- l. David Moore
- m. R. Tripp Evans
- n. James Beranek
- o. Forrest Heusinkveld
- p. Donnielle Wanatee
- q. Mary Josephine Bennett

MEETING NOT REQUESTED

40. Pursuant to IAC § 11—8.1(17A), Petitioner does not request an informal meeting to discuss the questions raised in this Petition.

COMMUNICATION DIRECTIVE

41. Pursuant to IAC § 11—8.1(17A), communications regarding this Petition should be directed to Petitioner's representative, Samuel Jones, at the contact information included below.

42. Petitioner requests a file stamped copy be returned to it through its counsel of record. An additional copy of this Petition is included for such purpose in the mailing to the Director's Office for filing.

WHEREFORE, Petitioner the State Historical Society, Inc. respectfully requests a declaratory order addressing the issues set forth herein and finding that DAS has violated its statutory duties by 1) failing to maintain an archive in Iowa City under § 8A.707(2)(b); and 2) moving collections out of Iowa City contrary to donor intent and in violation of § 8A.711(1), and for any other available and appropriate relief.

Dated: October 21, 2025

/s/ Samuel E. Jones

SAMUEL E. JONES AT009821
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ATTORNEYS FOR PETITIONER

CERTIFICATE OF SERVICE

I certify under penalty of perjury and pursuant to the laws of Iowa that, on October 21, 2025, I mailed copies of this Petition for Declaratory Order to Legal Counsel for the Department of Administrative Services, Director's Office, Hoover State Office Building, Third Floor, Des Moines, Iowa 50319; and to the names of the parties below through service on their counsel, James C. Larew, at Larew Law Office, 504 E Bloomington Street, Iowa City, IA 52245 and at james.larew@larewlawoffice.com by depositing the same in a United States post office mailbox with correct postage properly affixed.

Date: October 21, 2025

By: Paula Pohlpetter

a. Shelton Stromquist
b. Linda Brown
c. Merle Davis
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