

**KOMA/KORA COMPLAINTS RECEIVED BY THE
ATTORNEY GENERAL'S OFFICE
REPORT PURSUANT TO K.S.A. 2013 SUPP. 75-753**

**July 1, 2011 through June 30, 2012
(FY 2012)**

KORA COMPLAINTS

STATE AGENCIES

Kansas Department of Administration

Contact: A reporter made a request to the Kansas Department of Administration for information about employees of the Kansas Department of Social and Rehabilitation Services that had recently been laid off, terminated or hired and salary information for certain state agency positions. Portions of the request were denied based on exceptions contained in the KORA. The reporter disagreed with the denial, and a contact was made to this office.

Allegation: The Department improperly denied the reporter's request.

Action Taken: The matter was resolved informally, and no action by this office was required.

Office of Judicial Administration

Contact: A requester requested the names of the employees in the Sedgwick County District Court Clerk's office with whom the requester attempted to file a case, as well as any related audio or video recordings made while the requester was present in the office. The requester was concerned when told that no responsive records existed, because he believed such records must exist. A contact was made to this office.

Allegation: Requested records were not provided.

Action Taken: This office asked the Office of Judicial Administration to conduct another review of available records to ensure that no responsive records existed. No responsive records were located. The Office of Judicial Administration advised that it had offered to provide the requester with an employee roster for the Clerk's office, but the offer was declined because the requester wanted "information," not a list of district court employees. This office advised the requester that the KORA does not require agencies to create records in order to respond to a request or to answer questions asking for

information. Therefore, no KORA violation was found. No further action was necessary by this office, and the matter was closed.

Kansas Governor's Office

Contact: A reporter made a request to the Department of Administration for salary information for various current cabinet members and Governor's Office staff, and comparable information for these positions in the previous administration. The request was referred to the Governor's Office. The reporter was concerned about the length of time required to obtain the information. A contact was made to this office.

Allegation: The Governor's Office did not provide the requested information in a timely fashion, and the requester had to repeatedly request the information.

Action Taken: Upon review, it was determined that the complainant had received all the materials requested, and no KORA violation was found. No further action was necessary by this office, and the matter was closed.

Kansas Department of Corrections

Contact: An inmate contacted this office to determine the status of a KORA complaint against the Department of Corrections reportedly sent 1–2 months earlier. No record of the complaint was located, so this office contacted the inmate and requested he resend the complaint.

Allegation: Unknown KORA complaint.

Action Taken: Although this office requested the inmate resend the complaint, no further contact or complaint was received from the inmate, and this matter was closed.

COUNTIES

Johnson County

Contact: A requester requested all content available to Johnson County employees, staff and commissioners on a password-protected website, or alternatively, the site's password. The requester was concerned when the request was denied on the grounds that the website was not owned or maintained by the County and thus was not subject to the KORA, and further, that any County records maintained on the website were not

available elsewhere. A contact was made to this office. A second contact was made to this office concerning a similar concern a short time after the first.

Allegation: In both instances, the allegation was that access to public records was improperly denied.

Action Taken: This office contacted the Johnson County Legal Department regarding the denial. The Legal Department indicated that the County was willing to provide the requester any public records that were on the website, but would not agree to provide the secure login password to the requester, and denied that other non-public records created or maintained by and on a third party website were subject to the KORA. The County subsequently provided the requested public records to the requester, who advised this office that he believed the response was compliant with the KORA. No further action was necessary by this office, and the matter was closed.

CITIES

City of Great Bend

Contact: A newspaper requested documents identifying a deceased minor victim of a sexual offense and related investigation documents from Police Department and County Attorney's Office, and was concerned when the request was refused under K.S.A. 45-221(a)(10)(F), a provision of the KORA exempting from disclosure criminal investigation records that reveal the names of victims of sexual offenses. A contact was made to this office.

Allegation: Access to records was improperly denied.

Action Taken: This office contacted the county attorney to obtain further information about this matter. The cited provision is a permitted reason to decline to release records. This information was communicated to requester, who advised that he had obtained the identity of the victim through alternative means. No KORA violation was found. No further action was necessary by this office, and the matter was closed.

REFERRALS TO COUNTY OR DISTRICT ATTORNEY OFFICES

- Butler County (Butler County) – failure to provide a requested document. Resolution of this matter occurred in FY 2013 and will be reported on the FY 2013 county report.

- City of Chapman (Dickinson County) – improperly delaying response to request, charging excessive fees, and improperly questioning the reason for the request. No information on resolution.
- Jail Administrator and County Counselor (Montgomery County) – failure to provide requested records and specify provisions supporting denial of access. See county report for details.
- District Court Clerk (Reno County) – charging unreasonable fees; failure by county to designate information officer for Reno County. Review of this matter is still pending.
- City of Edwardsville (Wyandotte County) – failure to provide requested records. See county report for details.
- Kansas City, Kansas Housing Authority (Wyandotte County) – Referral of two related complaints - improper denial of access to records and charging excessive fees for records in connection with two KORA requests. Resolution of these related matters occurred in FY 2013 and will be reported on the FY 2013 county report.

KOMA COMPLAINTS

STATE AGENCIES

Kansas Board of Cosmetology

Contact: The Board self-reported a possible and unintentional KOMA violation through a series of one-on-one telephone calls and personal contacts between the Executive Director and a majority of the members of the Board to discuss the Director's authority to interpret and apply statutory requirements to the contents of applications.

Allegation: The contacts may have violated KOMA by discussing the business of the body outside of an open meeting.

Action Taken: Upon review of the circumstances, relevant statutes, court decisions and prior interpretations by the Attorney General, it was determined that no KOMA violation occurred, because neither the Director nor the Board members contacted by the Director shared the individual conversations with one another. However, the Board was cautioned that the practice of contacting individual members could lead to inadvertent KOMA violations and that a better practice would be to discuss such issues in regularly scheduled open meetings. It was also noted that the Board was already scheduled to receive KOMA/KORA training. Because no KOMA violation was found, no further action was necessary by this office, and the matter was closed.

COUNTIES

No KOMA complaints concerning counties were made to the Office of the Attorney General during the reporting period.

CITIES

No KOMA complaints concerning cities were made to the Office of the Attorney General during the reporting period.

REFERRALS TO COUNTY OR DISTRICT ATTORNEY OFFICES

- Chetopa City Council (Lafayette County) – making a decision to purchase equipment with city funds outside of a regular city council meeting in violation of KOMA. See county report for details.
- Coffeyville City Commission (Montgomery County) – holding secret meetings in violation of KOMA. See county report for details.
- Saline County Commission (Saline County) – meeting at a secretary's residence in violation of KOMA. See county report for details.
- Wellington Recreation Commission (Sumner County) – meetings in violation of KOMA. No information on resolution.