

**COUNTIES REPORTING KOMA OR KORA COMPLAINTS
JULY 1, 2011 THROUGH JUNE 30, 2012**

COUNTY	COUNTY OR DISTRICT ATTORNEY	REPORT
ALLEN	Wade H. Bowie II	No complaints.
ANDERSON	Frederick B. Campbell	No complaints.
ATCHISON	Gerald R. Kuckelman	No complaints.
BARBER	Richard N. Raleigh	No complaints.
BARTON	Douglas A. Matthews	No complaints.
BOURBON	Terri L. Johnson	No complaints.
BROWN	Kevin M. Hill	No complaints.
BUTLER	Darrin C. Devinney	No complaints.
CHASE	William T. North	A complaint against Lyon County Rural Water District No. 2 was referred to the Chase County Attorney for investigation by the Lyon County Attorney because of a conflict of interest. The complaint was that the chairman of the District was calling members of the board to vote on matters by telephone to avoid KOMA. Upon investigation, a violation was found, but after meeting with the officers of the District, it was determined that the violation was not intentional. The governing body of the District was required to attend training on the requirements of KOMA.
CHAUTAUQUA	Larry Markle	No complaints.
CHEROKEE	Nathan Coleman	A complaint was made regarding possible KOMA violations by the City Council of Baxter Springs. Due to a conflict of interest, the case was referred to the Kansas Attorney General's Office.
CHEYENNE	Karan M. Thadani	No complaints.
CLARK	Gerald Woolwine	No complaints.
CLAY	Richard E. James	No complaints.
CLOUD	Robert A. Walsh	No complaints.
COFFEY	Douglas P. Witteman	No complaints.
COMANCHE	James H. Herd	No complaints.
COWLEY	Christopher E. Smith	No complaints.
CRAWFORD	Michael Gayoso, Jr.	No complaints.
DECATUR	Steven W. Hirsch	No complaints.
DICKINSON	Daryl E. Hawkins	No complaints.
DONIPHAN	Charles D. Baskins	No complaints.

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DOUGLAS	Charles E. Branson	<p>A citizen requested information from the City of Lawrence as part of an effort to determine if not-for-profit entities funded by the City are complying with their obligation under KSA 45-240(b)(1) to report how the funds received from the City are being expended. A complaint was made that the records were not provided. Upon investigation, it was determined that the information the complainant requested did not exist. The complainant was advised to contact the Freedom of Information Officer for the City of Lawrence.</p> <p>A complaint was made that an unspecified agency violated KOMA. The complainant requested information regarding how to file a formal complaint to get an action voided that was taken in the meeting at issue. A letter was sent to the complainant requesting additional information so that the matter could be fully investigated. No response was received, so the matter was closed.</p> <p>Three separate complaints were received that the University of Kansas University Senate violated KOMA by refusing to allow a meeting to be videotaped and by taking a vote by secret ballot during the meeting. The complainants asked that the vote be voided and a new vote be taken at the next public meeting. Upon investigation, it was determined that the University of Kansas University Senate was not subject to KOMA, per Kansas Attorney General Opinion 77-174. Therefore, there was no KOMA violation.</p>
EDWARDS	Mark Frame	No complaints.
ELK	Kimberly B. King	No complaints.
ELLIS	Thomas J. Drees	No complaints.
ELLSWORTH	Joe Shepack	No complaints.
FINNEY	John P. Wheeler, Jr.	No complaints.
FORD	Terry J. Malone	No complaints.
FRANKLIN	Stephen A. Hunting	No complaints.
GEARY	Steven L. Opat	No complaints.
GOVE	Mark F. Schmeidler	No complaints.
GRAHAM	Tony A. Potter	No complaints.
GRANT	David C. Black	No complaints.
GRAY	Curtis E. Campbell	No complaints.
GREELEY	Charles F. Moser	No complaints.
GREENWOOD	Joe E. Lee	No complaints.
HAMILTON	Robert H. Gale, Jr.	No complaints.

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HARPER	Janis Knox	Newly elected county attorney; no known complaints.
HARVEY	David E. Yoder	No complaints.
HASKELL	Lynn Koehn	No complaints.
HODGEMAN	Craig S. Crosswhite	No complaints.
JACKSON		No report.
JEFFERSON	Jason W. Belveal	<p>A complaint was made that the Oskaloosa City Council went into executive session to discuss issues with the swimming pool and failed to state a clear reason for the executive session. Upon investigation, the Council and Counsel reported that the stated reason was to discuss attorney-client privileged matters. As such, no violation of KOMA was found to have occurred.</p> <p>A complaint was made that during an Oskaloosa City Council meeting, after opening sealed bids, the Mayor reportedly asked, "Do you guys wish to go into executive session ... to discuss these [bids]?" The Council then voted to and went into executive session. Later in the meeting, the Council went into executive session to discuss personnel matters and emerged from the meeting and appointed a councilwoman to oversee a department. The allegation made was that executive session was being used to discuss matters behind closed doors that should be public. Upon investigation, the Council reported that it went into executive session to discuss the bids being higher than expected; the discussion was not which bid to accept. As such, no violation was found.</p>
JEWELL	Darrell E. Miller	No complaints.

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JOHNSON	Stephen M. Howe	<p>An inquiry was made regarding whether the Gardner City Council had violated KOMA through a series of emails and a work session. Upon investigation, it was determined that there were KOMA violations. No action was filed because after the investigation began, the Kansas Attorney General's Office conducted training on KOMA and KORA for the Mayor and members of the Gardner City Council. The District Attorney advised that should future violations occur, he would reconsider this decision.</p> <p>A complaint was received that The City of Mission Mayor and City Council may have violated KOMA in connection with the purchasing of real estate property in Mission. Upon investigation, it was determined that the purchase of the Neff Building was a KOMA violation. The District Attorney did not file an action alleging these violations. In lieu of bringing an action, the Mayor and City Council were asked to attend KOMA training within the next six months to insure the understanding of their statutory obligations. The District Attorney advised that should future violations occur, he would reconsider this decision.</p>
KEARNY	Dennis C. Jones	No complaints.
KINGMAN	Matthew W. Ricke	No complaints.
KIOWA	J. Scott James	No complaints.
LABETTE	Hillary McKinney	A complaint was made that the City of Chetopa Mayor and two Chetopa City Council members violated KOMA by making a decision to purchase a piece of equipment outside of a regular city council meeting. Upon investigation, it was determined that no violation of KOMA had occurred because a meeting (as defined by the KOMA statute) had not taken place.
LANE	Dale E. Pike	No complaints.
LEAVENWORTH	Todd Thompson	No complaints.
LINCOLN	Jennifer R. O'Hare	No complaints.
LINN	John Sutherland	No complaints.
LOGAN	Margaret P. Mahoney	No complaints.
LYON	Marc Goodman	<i>See Chase County.</i>
MARION	Susan Robson	A complaint was made that the Peabody School Board met in violation of KOMA to discuss the superintendent. The matter was referred to outside counsel for investigation due to a conflict of interest.
MARSHALL	Laura Johnson-McNish	No complaints.
MCPHERSON	David A. Page	No complaints.
MEADE	Laura H. Lewis	No complaints.

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MIAMI	David L. Miller	No complaints.
MITCHELL	Mark J. Noah	No complaints.
MONTGOMERY	Larry Markle	A complaint was made that the Montgomery County Department of Corrections denied a KORA request. Upon investigation, the complainant was advised that no violation was found. A complaint was made that the Independence Community College Board of Trustees improperly went into executive session. Upon investigation, a violation was found. The Board entered into a settlement agreement under which it reversed its actions taken during the improper session and the Trustees took additional KOMA training and paid a fine of \$500 each. A complaint was received that the Coffeyville City Commission held secret meetings in violation of KOMA. After a letter was sent to the alleged complainant, it was found that the complaint was sent using the alleged complainant's name without consent. No violation was found.
MORRIS	Laura E. Allen	No complaints.
MORTON	Eric L. Witcher	No complaints.
NEMAHA	Brad M. Lippert	No complaints.
NEOSHO	Linus A. Thuston	No complaints.
NESS	Craig S. Crosswhite	No complaints.
NORTON	R. Douglas Sebelius	No complaints.
OSAGE	Brandon L. Jones	A complaint was made that the USD 421 Board of Education violated KOMA by holding a special meeting to discuss a personnel matter without giving proper notice. Upon investigation, it was determined that a KOMA violation had occurred. The Board was offered a settlement agreement requiring it to receive KOMA training.
OSBORNE	Paul S. Gregory	No complaints.
OTTAWA	Jason C. Parks	No complaints.
PAWNEE	John M. Settle	No complaints.
PHILLIPS	David O. Baumgartner	No complaints.
POTTAWATOMIE	Sherri Schuck	No complaints.
PRATT	Kenneth Van Blaricum	No complaints.
RAWLINS	Jared Holste	No complaints.
RENO	Keith E. Schroeder	No complaints.
REPUBLIC	Marlea James	No complaints.
RICE	Scott E. McPherson	No complaints.

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RILEY	Barry R. Wilkerson	A potential KOMA violation by three City of Manhattan commissioners was reported by the then-mayor of Manhattan. One commissioner stated that he and two other commissioners had spoken and reached a consensus about an issue. Upon investigation, it was determined that the commissioners did not in fact confer and that the commissioner who spoke was basing his comments on statements the other commissioners had made in Commission meetings. No violation was found. A reporter alleged that the Riley County Counselor did not comply with a KORA request because he did not provide the records in a format that could be copied and pasted. Upon investigation, it was determined that although the KORA request did not comply with the law, the county counselor had provided the requested information and also re-sent it in a format that could be copied and pasted.
ROOKS	Edward C. Hageman	No complaints.
RUSH	Tony W. Rues	No complaints.
RUSSELL	Daniel W. Krug	No complaints.
SALINE	Ellen Mitchell	A complaint was made that Saline County violated KOMA because on one occasion they met at the secretary's residence instead of at the county building, which the complainant described as "an obvious effort to keep concerned citizens at bay." Upon investigation, it was determined that no violation had occurred. Notice of the meeting was published and sent to those individuals who had requested copies of the public meeting notice and agenda.
SCOTT	Rebecca J. Faurot	Newly elected county attorney; no known complaints.
SEDGWICK	Nola Tedesco Foulston	A complaint was made that the Salvation Army did not respond to a KORA request for records about the requester. Upon review, it was determined that the Salvation Army is not a public entity subject to KORA.
SEWARD	Don Scott	No complaints.

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SHAWNEE	Chadwick Taylor	<p>An allegation was made that the Kansas State Board of Education had violated KOMA by improperly going outside the boundaries of an executive sessions at a Board meeting. After investigation, the claim was determined to be unsubstantiated.</p> <p>An allegation was made against the members of the Kansas State Board of Education that business was being discussed by a majority of the Board outside the confines of a regularly scheduled meeting. After investigation, the claim was determined to be unsubstantiated.</p> <p>An allegation was made that the Topeka Metro Transit Authority violated the KOMA by conducting an "emergency" meeting of the Board of Directors without proper notice. After investigation, the claim was substantiated. However, the violation was technical in nature, and the Topeka Metro Transit Authority agreed to obtain additional training and revamp their internal procedures regarding annual notice.</p>
SHERIDAN	Michael H. Haas	No complaints.
SHERMAN	Brock R. Abbey	No complaints.
SMITH		No report.
STAFFORD	Joe Shepack	No complaints.
STANTON	David C. Black	No complaints.
STEVENS	Paul Kitzke	No complaints.
SUMNER	Kerwin L. Spencer	No complaints.
THOMAS		No report.
TREGO	Tony A. Potter	No complaints.
WABAUNSEE	Norbert C. Marek, Jr.	No complaints.

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WALLACE	Charles F. Moser	At a joint meeting of the Sharon Springs City Council and the Board of Commissioners of Wallace County, the Mayor called for executive session using the non-elected personnel exception. However, the employee in question is contract labor. The publisher of the local newspaper verbally complained to the Chair of the County Commission that this was a KOMA violation, but did not file a formal complaint. The Chair reported the incident to County Attorney, who educated the Chair of the County Commission regarding KOMA and the valid reasons for executive session and how this should be handled in the future. The Chair agreed to review the the Attorney General's handout regarding KOMA again. The Chair also published a letter to the public in the local newspaper explaining the situation, that it was wrong, and that steps would be taken to prevent any future violations of the KOMA.
WASHINGTON	Elizabeth Baskerville Hiltgen	No complaints.
WICHITA	Laura L. Lewis	No complaints.
WILSON	Jill E. Chard	No complaints.
WOODSON	Zelda Schlotterbeck	No complaints.
WYANDOTTE	Jerome A. Gorman	The U.S.D. No. 204 (Bonner Springs/Edwardsville) School Board held a public meeting in which it conducted a reorganization; with one seat being vacant due to a death, the vote for board president ended in a tie. The Board announced an executive session to discuss non-elected personnel, then reconvened in open session and followed a procedure of nomination and voting, in which an individual was appointed as board president. Counsel for the Board was not present during the meeting. The editor of a local newspaper made a complaint that the closed session of the public meeting violated the KOMA. After reviewing the complaint, a Deputy District Attorney contacted Counsel for the Board, who expressed a willingness to come into and remain in compliance with the law. At a subsequent open meeting of the Board, corrective action was taken regarding the KOMA complaint. The Board voided the questionable action by taking the School Board President vote anew and in public. The local newspaper was able to interview and report on what happened during the challenged executive session. It was determined that no further corrective action nor formal investigation needed to be conducted by the District Attorney.

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WYANDOTTE (cont'd)		<p>A citizen reported that he attended a City of Edwardsville Planning Commission meeting, at which he became aware of a proposed change in the zoning plan. He then went to Edwardsville City Hall and requested a copy of the proposed amendments to the plan. He said the City Clerk told him that he could not have a copy of the plan because it was not public information yet. Later, the citizen was told that a copy of the plan was available, and one was provided to him at no charge. A review of the public records revealed that the full proposed amended comprehensive plan was published online at the City's web site prior to the hearing attended by the complainant, along with related documents and an announcement of the hearing. The complainant said he had been unaware of these publications. Because the complainant's initial request to access the written proposal was mistakenly denied, the District Attorney recommended to the Edwardsville City Administrator that the KORA be reviewed with City staff. Aside from that, it was determined that no further corrective action nor formal investigation needed to be conducted by the District Attorney.</p>