

**COUNTIES REPORTING KOMA/KORA COMPLAINTS
TO THE OFFICE OF THE ATTORNEY GENERAL
Fiscal Year 2014
(JULY 1, 2013 through JUNE 30, 2014)
Report Pursuant to K.S.A. 2014 Supp. 75-753(a)
Updated March 9, 2015**

ALLEN	Wade H. Bowie II	No report filed.
ANDERSON	Brandon L. Jones	No complaints.
ATCHISON	Gerald R. Kuckelman	No complaints.
BARBER	Gaten Wood	No complaints.
BARTON	Douglas A. Matthews	No complaints.
BOURBON	Terri L. Johnson	The City of Redfield would not authorize access to records subject to the KORA. The County Attorney contacted the City Attorney, and access was granted to the records.
BROWN	Kevin M. Hill	No complaints.
BUTLER	Darrin C. Devinney	<p>A complaint was made that the City of Augusta improperly denied a request for records from the Department of Public Safety under the KORA exception for criminal investigation records. Upon investigation, it was determined that the denial was valid.</p> <p>A complaint was made that Augusta Progress, Inc., municipal economic development corporation, was not complying with KOMA requirements regarding executive sessions. Complanant was advised that corporation was exempt from the KOMA as a not for profit corporation.</p>
CHASE	William T. North	No report filed.
CHAUTAUQUA	Larry Markle	A complaint was made that the Mayor and City Council of Chautauqua violated the KORA by failing to provide answers to twenty questions received from a citizen. Upon investigation, no violation was found.
CHEROKEE	Nathan R. Coleman	No report filed.
CHEYENNE	Karan M. Thadani	No complaints.
CLARK	Gerald Woolwine	No complaints.

CLAY	Richard E. James	No report filed.
CLOUD	Robert A. Walsh	No report filed.
COFFEY	Douglas P. Witteman	No report filed.
COMANCHE	James H. Herd	No complaints.
COWLEY	Christopher E. Smith	No report filed.
CRAWFORD	Michael Gayoso Jr.	No complaints.
DECATUR	Steven W. Hirsch	No complaints.
DICKINSON	Daryl E. Hawkins	No report filed.
DONIPHAN	Charles D. Baskins	No report filed.
DOUGLAS	Charles E. Branson	<p>The District Attorney received a complaint against the Lawrence City Commission, the Douglas County Commission, the Board of Trustees of Lawrence Memorial Hospital, and the Board of Directors of the Lawrence-Douglas County Health Department regarding use of executive sessions and compliance with the statutory requirements for entering executive sessions. The complaint was referred to the Kansas Attorney General's Office because of a conflict of interest. The outcome will be included on the Attorney General's report for Fiscal Year 2015.</p> <p>The District Attorney received a complaint that the City of Lawrence violated the KORA by neglecting to respond to a request relating to the number of calls to the city police department during calendar year 2012 for each business licensed to sell alcoholic beverages, where the number of calls exceeded ten. It was determined that the city failed to respond to the KORA request within the statutory time frame, although the failure to comply with the statutory requirement was unintentional.</p>
EDWARDS	Mark Frame	No report filed.
ELK	Joe Lee	No complaints.
ELLIS	Thomas J. Drees	No complaints.
ELLSWORTH	Joe Shepack	No report filed.

FINNEY	Susan H. Richmeier	No complaints.
FORD	Natalie K. Randall	No complaints.
FRANKLIN	Stephen A. Hunting	<p>A complaint was received that the Franklin County Agricultural Society, Inc., aka the Franklin County Fair Board, did not provide meeting minutes requested under the KORA. Upon investigation, it was determined that the KORA did not apply to the Society, a private, not-for-profit corporation.</p> <p>An individual complained that the two of the three members of the Pomona City Council were discussing city business after council meetings were adjourned in violation of the KOMA. The County Attorney determined that there was insufficient evidence to support the allegation.</p>
GEARY	Steven L. Opat	A former Milford City Councilor complained that the Council had taken binding action in an executive session. The County Attorney spoke with the City Attorney regarding the complaint, and based upon the County Attorney's investigation, he was unable to find that any binding action was taken; therefore, he did not find that there was a KOMA violation.
GOVE	Mark F. Schmeidler	No report filed.
GRAHAM	Tony A. Potter	No complaints.
GRANT	Jessica Akers	No complaints.
GRAY	Curtis E. Campbell	No report filed.
GREELEY	Charles F. Moser	The County Attorney received a report that following the adjournment of a meeting of the Board of Supervisors of Unified Greeley County, a quorum of the Board may have had a discussion regarding how offices in the courthouse are staffed. The County Attorney sent the Board members a memorandum and email that made them aware of the complaint, that if such did occur it was a violation of the KOMA, and that such should not occur further. The County Attorney also provided the following information: informal discussions before, at breaks, or following meetings of the board have been determined to be subject to the KOMA (<i>Coggins v. Public Employee Relations</i>

		<i>Board</i> , 2 Kan. App. 416, 423 (1978)). Binding action or voting is not necessary; discussion itself triggers the KOMA (Kansas Attorney General Opinion 79-200). Two of the Board members involved admitted that such a discussion did occur and now understand that it cannot in the future.
GREENWOOD	Joe E. Lee	No report filed.
HAMILTON	Robert H. Gale, Jr.	No report filed.
HARPER	Janis I. Knox	No complaints.
HARVEY	David E. Yoder	No report filed.
HASKELL	Lynn Koehn	No complaints.
HODGEMAN	Mark A. Cowell	No report filed.
JACKSON	Shawna R. Miller	No complaints.
JEFFERSON	Jason W. Belveal	No report filed.
JEWELL	Darrell E. Miller	No report filed.
JOHNSON	Stephen M. Howe	<p>A complaint was made that the City of Shawnee violated the KOMA when the city manager sent a questionnaire to each of the city council members. This questionnaire was then used to create an agenda for the 6/13/2013 city council meeting. Following an investigation, the District Attorney found that no KOMA violation had occurred.</p> <p>A complaint was made that the City of Overland Park violated the KOMA by convening closed meetings by a majority of the members of an "Investment Committee." Upon investigation, the District Attorney found that this group was not an "agency" within the meaning of the KOMA because it had no authority beyond the authority of the City Manager.</p> <p>A complaint was made that the USD 231 School Board violated the KOMA when a series of emails was disseminated among several board members. A further violation was alleged regarding a subsequent request by the Board president for an executive session at the next meeting to discuss the subject of the emails with the Board's legal counsel. Following an</p>

		investigation, the District Attorney found that no KOMA violation had occurred.
KEARNY	Lori L. Jensen	No complaints.
KINGMAN	Matthew W. Ricke	The County Attorney received a complaint that three of five city council members met together to discuss the hiring of a new police chief and the person applying for the position was present. The Kingman County Sheriff's Office investigated and determined that the complainant was incorrect in her facts and that no KOMA violation took place.
KIOWA	J. Scott James	A complaint was made that the Mullinville City Council fired a city employee during an executive session and never ratified the decision in an open meeting. The Council and City Attorney were required to attend KOMA training. The matter was considered settled once proof of training was furnished to the Kiowa County Attorney's Office.
LABETTE	Hillary McKinney	A complaint was made that the Oswego City Council may have violated the KOMA by holding an "informational meeting" about an upcoming sales tax election without providing requested notice. Upon investigation, it was determined that there was never a majority of the Council present at the meeting; therefore it did not qualify as a meeting subject to the KOMA, and there was no KOMA violation.
LANE	Dale E. Pike	No complaints.
LEAVENWORTH	Todd Thompson	No report filed.
LINCOLN	Jennifer R. O'Hare	No complaints.
LINN	John Sutherland	No complaints.
LOGAN	Margaret P. Mahoney	No report filed.
LYON	Marc Goodman	The Board of North Lyon County School District #251 self-reported a violation resulting from a majority of members having an informal discussion concerning applicants for employment prior to a scheduled meeting. The County Attorney's Office found that a violation had occurred. Because it was self-reported, no formal action was taken by the County Attorney. However, the County Attorney strongly recommended that the

		Board seek KOMA training. The County Attorney was subsequently advised that Board members received training at a subsequent meeting.
MARION	Susan C. Robson	No report filed.
MARSHALL	Laura Johnson-McNish	A complaint was made that the USD No. 380 School Board held a special meeting without giving public notice and took action at the meeting to close a school-run day care facility. Upon investigation, the County Attorney learned that no one had requested notice of school board meetings. In addition, the matter was discussed in previous regular open Board meetings. The County Attorney did not find a KOMA violation.
MCPHERSON	David A. Page	No report filed.
MEADE	Laura H. Lewis	A complaint was received alleging that in connection with a proposal to change street names, the Plains City Council violated the KOMA by 1) having a work session after a regular meeting without keeping minutes; 2) preventing citizens from discussing the changes at public meetings; 3) ignoring a petition presented to the Council; and 4) making and publicizing a decision before voting in open meeting. The County Attorney investigated and determined that no actions of the council violated the KOMA. In particular: 1) The KOMA does not require minutes to be kept, except for executive sessions. Proper notice was given of the meeting. 2) The KOMA does not ensure a public right to speak, only to listen. 3) The KOMA does not address the issue of passing of petitions or the requirements for such. 4) There are no facts to support a KOMA violation.
MIAMI	Elizabeth Sweeney-Reeder	A complaint was received alleging that the Osawatomie City Council did not acquire property in the correct manner and requesting documents. No substantive KORA or KOMA violations were found.
MITCHELL	Mark J. Noah	No complaints.
MONTGOMERY	Larry Markle	A complaint was made that the Independence Community College Board of Trustees held an improper executive session. Upon investigation, no violation was found.

MORRIS	Laura E. Allen	No report filed.
MORTON	Eric L. Witcher	No complaints.
NEMAHA	Brad M. Lippert	The County Attorney received a complaint that the U.S.D. 113 Board of Education failed to provide notice of committee meetings; entered executive session without providing justification; and improperly discussed certain subjects in executive session. The County Attorney investigated and determined that the Board violated the KOMA by improperly discussing a topic in executive session that was unrelated to the topic for which they entered executive session. The Board agreed to complete KOMA training. No further action taken.
NEOSHO	Linus A. Thuston	No report filed.
NESS	Craig S. Crosswhite	No complaints.
NORTON	R. Douglas Sebelius	No report filed.
OSAGE	Brandon L. Jones	<p>Complaints were received that the Osage City Council voted by secret ballot to elect a new member in violation of the KOMA. Upon investigation, the County Attorney determined that the Council had violated the KOMA by taking binding action in a secret ballot. The County Attorney offered the Council a settlement agreement requiring it to void the action and taking KOMA training. The council agreed and complied with the terms of the settlement.</p> <p>A complaint was received that the USD 434 School Board may have violated the KOMA by improper use of executive sessions and taking binding action in executive session. Upon investigation, the County Attorney determined that the Board went into executive session for a valid reason (to discuss non-elected personnel) and did not take binding action during the session. No KOMA violation was found.</p>
OSBORNE	Paul S. Gregory	The County Attorney received a KORA complaint referred by the Kansas Attorney General's Office regarding a request for a copy of a city ordinance from the City of Downs, Kansas. The County Attorney asked the complainant to provide a copy of his written

		request for records, but no response was received.
OTTAWA	Jason C. Parks	No report filed.
PAWNEE	John M. Settle	No report filed.
PHILLIPS	Melissa M. Schoen	<p>The County Attorney received a complaint that citizens attending a Phillips County Hospital Board meeting were not given copies of the agenda. The Board requested a vote of "confidential statements," and the complainants did not know the nature of the statements. No action was taken by the County Attorney's Office in this matter.</p> <p>The editor of the local paper filed a KORA complaint concerning Phillips County Economic Development when the assistant director would not provide him with minutes from the February 24th meeting. Per AG opinion 2013-5, minutes are not public until cited in an agenda that is prepared, finalized, and provided to board members. The newspaper was told it could pick up an agenda when they are ready for board members.</p>
POTTAWATOMIE	Sherri Schuck	No complaints.
PRATT	Kenneth Van Blaricum	A complaint was received that a majority of the members of the Pratt County Zoning Board reached a "gentleman's agreement" with BP Wind Energy regarding matters involving the business of the Board outside of an open meeting. The complainants were not able to provide any proof that a side meeting was held, or if such meeting was held, that it violated the KOMA. The County Attorney offered to investigate further if the complainant could provide specific details.
RAWLINS	Jared Holste	No complaints.
RENO	Keith E. Schroeder	No report filed.
REPUBLIC	Marlea James	No report filed.
RICE	Scott E. McPherson	No complaints.
RILEY	Barry R. Wilkerson	No report filed.
ROOKS	Edward C. Hageman	No complaints.
RUSH	Tony Rues	No complaints.

RUSSELL	Daniel W. Krug	No report filed.
SALINE	Ellen H. Mitchell	A complaint was received that the Saline County Commission's Jail Advisory Committee was violating the KOMA by not allowing members of the public to speak at meetings and not allowing them to attend some committee meetings. The County Attorney noted that the KOMA gives public the right to attend meetings, but not to speak at them. The complainant also said that a paid consultant who was making a presentation to the Committee said the public was not welcome at the presentation. The County Attorney investigated and found that the allegation was unfounded. Finally, the County Attorney confirmed that a Commissioner told the public not to attend any more Committee meetings, on the mistaken belief that the meetings were similar to staff meetings that were not open to the public. The County Attorney learned that immediately after the statement was made, the County Counselor advised that the meetings should be open, and the Commissioner advised the complainant prior to the next meeting that the meetings would be open. Therefore, no one was ever denied the opportunity to attend a Committee meeting.
SCOTT	Rebecca J. Faurot	No complaints.
SEDGWICK	Marc A. Bennett	A complaint was received that the City of Maize Police Department violated the KORA by failing to provide requested records, by failing to provide access to the city budget on the city's website, and by failing to have a freedom of information officer. No KORA violations were found.
SEWARD	Don Scott	No report filed.
SHAWNEE	Chadwick Taylor	A complaint was received that members of the Kansas Legislature violated the KOMA by holding committee meetings without proper notice. No violations were found. A complaint was received that the Topeka Police Department violated the KORA by refusing to disclose certain law enforcement records. No violations were found. A complaint was received that the Kansas Department of

		<p>Revenue violated the KORA by failing to disclose records relating to the complainant's business. No violations were found.</p> <p>A complaint was received that the Kansas Corporation Commission violated the KORA by failing to disclose records relating to the complainant's business. No violations were found.</p>
SHERIDAN	Steven W. Hirsch	No complaints.
SHERMAN	Charles F. Moser	No complaints.
SMITH	Tabitha D. Rempe Owen	No complaints.
STAFFORD	Joe Shepack	No report filed.
STANTON	David C. Black	No complaints.
STEVENS	Paul F. Kitzke	No complaints.
SUMNER	Kerwin L. Spencer	No complaints.
THOMAS	Kevin N. Berens	No complaints.
TREGO	Tony A. Potter	No complaints.
WABAUNSEE	Norbert C, Marek, Jr.	No complaints.
WALLACE	Charles F. Moser	No complaints.
WASHINGTON	Elizabeth Baskerville Hiltgen	No complaints.
WICHITA	Laura L. Lewis	No complaints.
WILSON	Jill E. Chard	A complaint was received that the Altoona City Council violated the KOMA by suspending complainant's employment after conferring in an executive session. Upon investigation, no violation was found.
WOODSON	Zelda Schlotterbeck	<p>A complaint was made that members of the Woodson County Board of County Commissioners violated the KOMA by discussing department bills a few minutes prior to the official meeting time. The County Attorney referred the matter to an outside attorney due to a conflict of interest.</p> <p>The County Attorney received a complaint that the Woodson County Board of County Commissioners violated the KOMA by discussing business that was not on the agenda without</p>

		<p>amending the agenda. The County Attorney referred the matter to an outside attorney due to a conflict of interest.</p> <p>The County Attorney received a complaint that a County Commissioner who also sits on the Woodson County Multi-Colony Health Board discussed that board purchasing another County Commissioner's building. The County Attorney referred the matter to an outside attorney due to a conflict of interest.</p>
WYANDOTTE	Jerome A. Gorman	An individual requested a record but did not respond to a request for additional information that would have allowed the request to be acted upon. The complaint was deemed abandoned.