

**COUNTIES REPORTING KOMA/KORA COMPLAINTS
TO THE OFFICE OF THE ATTORNEY GENERAL
Fiscal Year 2015
(JULY 1, 2014 through JUNE 30, 2015)
Report Pursuant to K.S.A. 2015 Supp. 75-753(a)
Updated September 30, 2016**

County	County or District Attorney	Report
ALLEN	Jerry B. Hathaway	No report.
ANDERSON	Brandon L. Jones	No complaints.
ATCHISON	Gerald R. Kuckelman	No complaints.
BARBER	Gaten T. Wood	No report.
BARTON	Douglas A. Matthews	No report.
BOURBON	Justin Meeks	No complaints.
BROWN	Kevin M. Hill	No complaints.
BUTLER	Darrin C. Deviney	No report.
CHASE	William R. Halvorsen	No complaints.
CHAUTAUQUA	Larry Markle	No complaints.
CHEROKEE	Nathan R. Coleman	The County Attorney's Office received a complaint by way of a form letter signed and mailed to the office by over 100 individuals. The complaint alleged that the Mayor and Council Members of the City of Galena must have violated the KOMA in order to reach a consensus at the regular council meeting held July 7, 2014, to pass ordinances regarding the annexation of land and establishing a post-closure fund for a proposed landfill. The complaining individuals alleged they did not receive proper notice. An agreement was reached with the City of Galena in which the City agreed to rescind its July 7, 2014 actions, to re-open the issues, and to obtain KOMA training for council members.
CHEYENNE	Nicole M. Romine	No complaints.
CLARK	Allison D. Kuhns	No complaints.
CLAY	Richard E. James	No report.
CLOUD	Robert A. Walsh	No report.
COFFEY	Christopher B. Phelan	No complaints.
COMANCHE	James H. Herd	No complaints.

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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 report.
DOUGLAS	Charles E. Branson	No report.
EDWARDS	Mark Frame	No report.
ELK	Joe Lee	No complaints.
ELLIS	Thomas J. Drees	No complaints.
ELLSWORTH	Joe Shepack	No report.
FINNEY	Susan H. Richmeier	No complaints.
FORD	Natalie K. Randall	No complaints.
FRANKLIN	Stephen Hunting	No report.
GEARY	Steven L. Opat	A complaint was made that the Milford City Council may have violated the KOMA in connection with a personnel matter. Upon investigation, no grounds were found to conclude that a violation of the KOMA had occurred.
GOVE	Mark F. Schmeidler	No report.
GRAHAM	Tony A. Potter	No complaints.
GRANT	Jessica Akers	No complaints.
GRAY	Curtis Campbell	A complaint was made regarding the conduct of the Ensign City Council and individual Council members. The County Attorney's office spoke with the complainant about the concerns and addressed the alleged violations with the Ensign City Attorney.
GREELEY	Charles F. Moser	No complaints.
GREENWOOD	Joe Lee	No complaints.
HAMILTON	Robert H. Gale, Jr.	A complaint was made that three members of the Hamilton County Hospital Board of Trustees violated the KOMA by remaining behind after the end of a public meeting to hear public comments. Upon investigation, the County Attorney determined that because the Board consisted of seven members, three members did not constitute a majority of the Board, and thus no meeting as defined by the KOMA took place.

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		<p>Therefore, there was no KOMA violation.</p> <p>A complaint was made that the Hamilton County Hospital Board of Trustees violated the KOMA by improperly going into executive session at one meeting and incorrectly stating events related to the executive session in the meeting's minutes; and by initially preventing the public from attending another meeting. Regarding the first meeting, the County Attorney determined that the manner of entering executive session was a procedural violation of the KOMA but that the topic of the session was appropriate; he further determined that it was proper to amend the meeting minutes and that there was no evidence that the incorrect minutes were anything but a mistake. Regarding the second meeting, the County Attorney noted that there would have been a serious the KOMA violation if the public had been prevented from attending the meeting; however, the public was allowed to enter the meeting location in time for the meeting. The County Attorney requested that all members of the Board participate in KOMA training by March 1, 2015.</p> <p>A complaint was made that the Hamilton County Hospital Board of Trustees failed to give personal notice of public meeting to a specific requestor. Upon investigation, the County Attorney determined that an inadvertent violation occurred, minor in nature, and the person responsible resigned. KOMA training will take place.</p>
HARPER	Janis I. Knox	A complaint was made that the Harper Police Department improperly refused to respond to a request for records without providing legal grounds for the refusal. Upon investigation, the County Attorney noted that the complainant's first request was broad and too vague to allow the Department to respond, and the second request was for a type of record that is not maintained by the Department.
HARVEY	David E. Yoder	No report.
HASKELL	Lynn Koehn	No report.
HODGEMAN	Mark A. Cowell	No report.
JACKSON	Shawna R. Miller	No complaints.
JEFFERSON	Jason Belveal	No report.
JEWELL	Darrell E. Miller	No complaints.
JOHNSON	Stephen M. Howe	The District Attorney received a complaint that the Johnson County Board of County

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		<p>Commissioners violated the KOMA by not properly stating the justification for certain executive sessions and making a binding decision in executive session to appeal denial of the County's solid waste management plan. Upon investigation, the District Attorney's Office determined that the reasons for entering executive session (to receive legal advice) were proper, and the notices given for the sessions were statutorily sufficient. Further, the Office found that the actual appeal decision was made by the County's legal counsel, not the Board, so the Board did not make a binding decision in executive session. Therefore, no KOMA violation was found during the meetings in question.</p> <p>A complaint was made that various Miami County Commissioners violated the KOMA by having meetings with each other outside of open meetings. The complaint was referred by the Miami County Attorney to the office of the Attorney General due to a potential conflict of interest. The Attorney General referred the complaint to the Johnson County District Attorney due to a potential conflict of interest. Upon investigation, the Johnson County District Attorney's Office found that no violation occurred.</p>
KEARNY	Kenny Estes	No report.
KINGMAN	Matthew W. Ricke	No complaints.
KIOWA	J. Scott James	No report.
LABETTE	Stephen Jones	A complaint was made that the Labette Community College Board of Trustees violated the KOMA by not providing a justification for going into executive session. Upon investigation, the Deputy County Attorney determined that the Board had made a technical, but not willful, violation of the KOMA by only giving a subject for the executive session and not a justification. The Board agreed to receive training on the KOMA, and the training has been completed.
LANE	Dale E. Pike	No complaints.
LEAVENWORTH	Todd Thompson	No report.
LINCOLN	Jennifer R. O'Hare	No complaints.
LINN	John Sutherland	No complaints.
LOGAN	Margaret P. Mahoney	No complaints.

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LYON	Marcus Goodman	No complaints.
MARION	Susan C. Robson	No report.
MARSHALL	Laura E. Johnson-McNish	A complaint was made that the Frankfort Community Care Homes, Inc., had violated the KOMA. Upon investigation, the County Attorney determined that the entity is not a taxing subdivision of the State subject to the KOMA.
MCPHERSON	Torrance R. Parkins	No complaints.
MEADE	Laura H. Lewis	No complaints.
MIAMI	Elizabeth H. Sweeney-Reeder	An allegation was made that the Mayor of Louisburg had been involved in quorums outside the public meeting and without all city council present. The County Attorney's office requested additional information from the complainant because the complaint was vague and further action could not be taken without additional information. The complainant did not respond to the request for further information. (See also the Johnson County report regarding a complaint against the Miami County Commissioners.)
MITCHELL	Mark J. Noah	No complaints.
MONTGOMERY	Larry Markle	No complaints.
MORRIS	Laura E. Allen	No complaints.
MORTON	Eric Witcher	No report.
NEMAHA	Brad M. Lippert	No complaints.
NEOSHO	Linus Thuston	No report.
NESS	Craig Crosswhite	No report.
NORTON	R. Douglas Sebelius	The family of a suspended student alleged that the Board of Unified School District No. 212 held closed, unpublicized meetings on February 2, 2015, to discuss the suspension. Investigation of allegations did not support the claim that any meetings, serial calls, serial texts or other discussions among the board members took place. No action was taken, other than communication of decision to the family's attorney.
OSAGE	Brandon L. Jones	No report.
OSBORNE	Paul S. Gregory	A complaint was made that the Osborne County Appraiser did not provide records requested though the KORA. Upon investigation, the County Attorney determined that

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		the complainant had already received some of the requested records and the other records did not exist.
OTTAWA	Jason C. Parks	No report.
PAWNEE	John M. Settle	A complaint was made that the mayor and city council members of the City of Garfield violated the KOMA on multiple occasions by meeting outside of open meetings (including continuing discussions after a public meeting adjourned) and improperly calling an executive session to discuss “legal issues” when the Council’s attorney was not present. Upon investigation, the County Attorney found no evidence that violations had occurred. Although it was possible there had been discussion after one meeting about a particular matter, no action was taken at that time, so no violation was found. The County Attorney recommended to the Council that in the future, the Council should delay adjournment if there was a need for continuing discussion. Regarding the executive session, the stated purpose was to discuss “personnel and legal issues.” The County Attorney found from a reading of the minutes that the purpose of the meeting was to discuss personnel issues, and that “legal issues” was simply intended to describe “personnel issues.”
PHILLIPS	Melissa M. Schoen	A complaint was made that the Phillips County Hospital Board violated the KOMA by failing to advise the complainant that his request to be notified of focus group meetings would expire at the end of the fiscal year. Upon investigation, it was determined that the Board had failed to notify the complainant that his request for notice would expire before it stopped sending him notices. It was noted that the focus group is no longer meeting, and that dates and times of the meetings were discussed in normal Board meetings at which complainant was present. The County Attorney is working to have the Board and all County officials receive KOMA and KORA training.
POTTAWATOMIE	Sheri Schuck	No report.
PRATT	Kenneth Van Blaricum	No report.
RAWLINS	Chris Rohr	No report.
RENO	Keith E. Schroeder	No complaints.
REPUBLIC	Marlea James	No report.
RICE	Scott E. McPherson	No complaints.
RILEY	Barry R. Wilkerson	No complaints.

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ROOKS	Edward C. Hageman	No report.
RUSH	Tony W. Rues	No report.
RUSSELL	Daniel W. Krug	No complaints.
SALINE	Ellen Mitchell	No report
SCOTT	Rebecca J. Faurot	No complaints.
SEDGWICK	Marc A. Bennett	<p>An allegation was made that the purchase of a fire truck was approved by three City of Cheney council members in a series of phone calls outside of a public meeting. Upon investigation, it was determined that purchase of the fire truck was authorized by a private entity. No phone calls were made to council members for approval of the purchase. No KOMA violation was found.</p> <p>A complaint was made that the Wichita Police Department did not provide complainant with Policy 510 regarding crime scene investigations. Complainant was asked to provide additional information relative to the complaint. He did not respond. He was subsequently advised that if he did not provide the requested information by a certain date, his complaint would be considered withdrawn. He did not respond by the set date so his complaint was considered withdrawn.</p> <p>Go Wichita Convention and Tourism Bureau (GWCVB) refused to provide a copy of a contract that it had executed with another entity. It was determined that GWCVB is not a public agency for the purposes of the KORA and, therefore, there was no violation of its requirements.</p>
SEWARD	Russell Hasenbank	No report.
SHAWNEE	Chadwick Taylor	No report.
SHERIDAN	Steven W. Hirsch	No complaints.
SHERMAN	Charles F. Moser	No complaints.
SMITH	Tabitha D.R. Owen	No complaints.
STAFFORD	Joe Shepack	No report.
STANTON	David C. Black	No report.
STEVENS	Paul F. Kitzke	No report.

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SUMNER	Kerwin L. Spencer	No report.
THOMAS	Kevin N. Berens	No report.
TREGO	Tony A. Potter	No complaints.
WABAUNSEE	Timothy Liesmann	No report.
WALLACE	Charles F. Moser	No complaints.
WASHINGTON	Elizabeth Baskerville Hiltgen	No complaints.
WICHITA	Laura L. Lewis	No complaints.
WILSON	Jill E. Chard	No report.
WOODSON	Zelda Schlotterbeck	No complaints.
WYANDOTTE	Jerome A. Gorman	No report.