

COUNTIES REPORTING KOMA/KORA COMPLAINTS
Fiscal Year 2016
(JULY 1, 2015 through JUNE 30, 2016)
Report Pursuant to K.S.A. 2016 Supp. 75-753(a)

County	County or District Attorney	Report
Allen	Jerry B. Hathaway	No KOMA/KORA complaints to report
Anderson	Brandon L. Jones	No KOMA/KORA complaints to report
Atchison	Gerald R. Kuckelman	No KOMA/KORA complaints to report
Barber	Gaten T. Wood	No KOMA/KORA complaints to report
Barton	Amy Mellor	No KOMA/KORA complaints to report
Bourbon	Justin Meeks	<p>A KORA complaint was filed against the Garland Fire District No. 2 requesting an audit be performed. Although not a violation of the KORA, the county attorney determined that the statutory threshold for an audit was not met.</p> <p>A KOMA complaint was filed against the Garland Fire District No. 2 alleging a meeting was held and not posted or advertised anywhere. No violation was found.</p>
Brown	Kevin M. Hill	No KOMA/KORA complaints to report
Butler	Darrin C. Devinney	A KORA complaint was filed against the City of Rose Hill. A city councilman requested a PowerPoint presentation made to a tax abatement issue that was offered during a business presentation. It was agreed that at the conclusion of business negotiations with the private company, the presentation would be made available to the councilman.
Chase	William F. Halvorsen	No KOMA/KORA complaints to report
Chautauqua	Ruth Ritthaler	No KOMA/KORA complaints to report
Cherokee	Jacob A. Conard	No report
Cheyenne	Nicole Romine	No KOMA/KORA complaints to report
Clark	Allison Kuhns	No KOMA/KORA complaints to report
Clay	Richard E. James	No KOMA/KORA complaints to report
Cloud	Robert A. Walsh	No report
Coffey	Christopher B. Phelan	No KOMA/KORA complaints to report
Comanche	Allison Kuhns	No report

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Cowley	Larry Schwartz	A complaint alleged that the Cowley County Community College Board of Trustees selected a new trustee by secret ballot in violation of the KOMA. All Board members were required to successfully complete KOMA training by the Attorney General's office.
Crawford	Michael Gayoso Jr.	No KOMA/KORA complaints to report
Decatur	Steven W. Hirsch	No KOMA/KORA complaints to report
Dickinson	Andrea Purvis	No KOMA/KORA complaints to report
Doniphan	Charles D. Baskins	No report
Douglas	Charles E. Branson	<p>A complaint was made that the Douglas County Zoning and Codes Department did not timely respond to a KORA request. Upon investing this complaint, it was deemed that the DG CO Zoning and Codes Department did not timely respond within the statutory time period. The evidence suggests the delay was not done knowingly or intentionally. No action was taken under the statute for damages. However, Douglas County was found to be not fully compliant with KORA. Douglas County was required to 1) Create an open records policy; 2) Department heads and freedom of information officer attend training provided by the AG's Office; and 3) Each department should counsel employees regarding procedures and legal obligation to timely respond to open record requests. Douglas County complied with the three requests.</p> <p>A KORA complaint referred by the Attorney General's office alleged that Douglas County did not have a KORA process or form and had not appointed a freedom of information officer; the complaint also alleged he had not received records he requested from Douglas County. Upon investigation of the complaint, it was deemed that Douglas County did not timely respond within the statutory time period. The evidence suggested that the delay was not done knowingly or intentionally. No action was taken under the statute for damages. Douglas County Department Heads and Freedom of Information Officers attended in-house training provided by the Attorney General's office.</p>
Edwards	Mark Frame	No KOMA/KORA complaints to report
Elk	Joe Lee	No KOMA/KORA complaints to report
Ellis	Thomas J. Drees	No KOMA/KORA complaints to report
Ellsworth	Joe Shepack	No report

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Finney	Susan H. Richmeier	No KOMA/KORA complaints to report
Ford	Kevin Salzman	No KOMA/KORA complaints to report
Franklin	Stephen A. Hunting	No KOMA/KORA complaints to report
Geary	Krista Blaisdell	No KOMA/KORA complaints to report
Gove	Mark F. Schmeidler	No KOMA/KORA complaints to report
Graham	Jill Elliott	No KOMA/KORA complaints to report
Grant	Jessica Akers	No KOMA/KORA complaints to report
Gray	Curtis E. Campbell	No KOMA/KORA complaints to report
Greeley	Charles F. Moser	No KOMA/KORA complaints to report
Greenwood	Joe E. Lee	No KOMA/KORA complaints to report
Hamilton	Robert H. Gale, Jr.	No KOMA/KORA complaints to report
Harper	Michael Grimmett	No KOMA/KORA complaints to report
Harvey	David E. Yoder	No KOMA/KORA complaints to report
Haskell	Lynn Koehn	No KOMA/KORA complaints to report
Hodgeman	Mark A. Cowell	No KOMA/KORA complaints to report
Jackson	Shawna R. Miller	No KOMA/KORA complaints to report
Jefferson	Josh Ney	No KOMA/KORA complaints to report
Jewell	Darrell E. Miller	No KOMA/KORA complaints to report

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Johnson	Stephen M. Howe	<p>A KOMA complaint alleged the Leavenworth County Board of County Commissioners briefly discussed budget requests at the conclusion of an executive session and of the adjourned BOCC meeting. The District Attorney’s office investigated the complaint following a request for assistance from the Leavenworth County Attorney and the Attorney General’s office. Following the investigation, a letter was sent to the Leavenworth County Attorney indicating there was a technical violation of the KOMA, but that the Board’s actions were in good faith. It was recommended that the commissioners attend a KOMA seminar to ensure continued compliance with the Act.</p> <p>A KOMA complaint alleged that some members of the Northwest Consolidated Fire District Board organized a meeting and did not notify or invite two of the Board members. Following investigation of the complaint, it was determined that the Board did not violate the KOMA.</p> <p>A KOMA complaint referred by the Attorney General’s office alleged that the Olathe School Board’s email response to a state representative’s email that contained all the names of the Board members at the bottom of the email was a “closed meeting.” Following investigation, it was determined that the Board did not engage in serial communications in violation of the KOMA.</p> <p>A KORA complaint was made by a prisoner that the Johnson County Jail, Johnson County Sheriff, and Johnson County Jail contractor Correct Care Solutions violated the KORA by failing to provide requested records. Upon investigation, the District Attorney's office determined the Sheriff's office provided the requested records to the extent that they were not covered by a KORA exemption. Regarding the contractor, the DA's office advised that medical records pertaining to identifiable patients are not subject to the KORA, and further, it did not appear the contractor was an entity covered by the KORA.</p>
Kearny	Lori L. Jensen	No report
Kingman	Matthew W. Ricke	No KOMA/KORA complaints to report
Kiowa	J. Scott James	No report

County	County or District Attorney	Report
Lafayette	Stephen P. Jones	A KOMA complaint against the Lafayette Community College Board of Trustees alleged that when the Board went into executive session they did not give a justification for the session. The Board was instructed to do training on the KOMA.
Lane	Dale E. Pike	No KOMA/KORA complaints to report
Leavenworth	Todd Thompson	A complaint was filed alleging that the Leavenworth County Commission violated the KOMA with regard to executive sessions. The county attorney requested the Attorney General's office handle the complaint due to a conflict. <i>See Attorney General Annual Report for outcome.</i>
Lincoln	Jennifer R. O'Hare	No KOMA/KORA complaints to report
Linn	James Matthew Brun	No KOMA/KORA complaints to report
Logan	Craig Uhrich	No KOMA/KORA complaints to report
Lyon	Marc Goodman	No KOMA/KORA complaints to report
Marion	Susan Robson	No KOMA/KORA complaints to report
Marshall	Laura Johnson-McNish	<p>A KOMA complaint was filed against the Marysville City Council alleging the city council and mayor met outside of a regular open meeting to discuss/decide city business. The county attorney referred the complaint to the Attorney General's office since it was handling another complaint against the city council; this request for assistance was declined. The county attorney then referred the complaint to the sheriff's office for investigation. The sheriff verbally advised the county attorney he was waiting for the outcome of an earlier investigation against the city council by the Attorney General's Office. The county attorney had previously provided the mayor with KOMA educational material, a verbal warning against phone calls/meetings outside open meetings, and was present when the mayor and city council received KOMA training. No further action was taken on this complaint.</p> <p>A verbal KOMA complaint was filed against the Marysville City Council alleging the mayor interrupted a presentation to the council and that the council changed an ordinance. The county attorney determined the KOMA was not violated and provided the complainant with an educational brochure on the KOMA and the KORA.</p>
McPherson	Torrance R. Parkins	No KOMA/KORA complaints to report

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Meade	Laura H. Lewis	No KOMA/KORA complaints to report
Miami	Elizabeth Sweeney-Reeder	No KOMA/KORA complaints to report
Mitchell	Mark J. Noah	No KOMA/KORA complaints to report
Montgomery	Larry Markle	A complaint alleged that the Independence Community College Trustee Board violated the KOMA in its procedures for electing/appointing members to the board. Following investigation, it was determined that the Board did not violate the KOMA.
Morris	Laura E. Allen	No KOMA/KORA complaints to report
Morton	Eric L. Witcher	No KOMA/KORA complaints to report
Nemaha	Brad M. Lippert	No KOMA/KORA complaints to report
Neosho	Linus A. Thuston	No KOMA/KORA complaints to report
Ness	Kevin B. Salzman	No report
Norton	R. Douglas Sebelius	No KOMA/KORA complaints to report
Osage	Brandon L. Jones	No KOMA/KORA complaints to report
Osborne	Paul S. Gregory	A KORA complaint alleged that the Osborne County Appraiser failed to provide requested records. Upon investigation, the County Attorney determined that the complainant had already received some of the requested records, and the other records did not exist.
Ottawa	Jason C. Parks	No report
Pawnee	Douglas W. McNett	No report
Phillips	Melissa M. Schoen	No report
Pottawatomie	Sherri Schuck	A KOMA complaint alleged that the St. Marys City Commission conducted an improper executive session. The commission believed it was acting properly as a proffer was provided whereby the members believed they would be discussing performance issues involving an employee. As soon as it was realized there were other issues, they ended the session and took no action as a result of the session.
Pratt	Kenneth VanBlaricum	No report
Rawlins	Charles A. Peckham	No KOMA/KORA complaints to report

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Reno	Keith E. Schroeder	No report
Republic	Marlea James	No report
Rice	Scott E. McPherson	No KOMA/KORA complaints to report
Riley	Barry R. Wilkerson	A KORA complaint alleged that Kansas State University (KSU) failed to provide the documentation requested/required upon the termination of an employee. Upon investigation, the county attorney concluded there was no violation and that KSU acted reasonably. The complainant sought excessive documentation, findings, and/or complaints involving other persons employed at KSU. Other items sought were protected by attorney-client privilege. KSU attorneys made numerous attempts to assist the complainant. The complainant also requested items that did not exist, such as a form letter used for terminations.
Rooks	Edward C. Hageman	No KOMA/KORA complaints to report
Rush	Tony Rues	No KOMA/KORA complaints to report
Russell	Daniel W. Krug	No KOMA/KORA complaints to report
Saline	Ellen H. Mitchell	No KOMA/KORA complaints to report
Scott	Rebecca J. Fautot	A KORA complaint alleged that Scott County Hospital, Inc. failed to provide requested records, communicate via the complainant's preferred method of communication, and provide guidelines for making KORA requests. Upon investigation, the County Attorney determined that the Hospital did not dispute that it was subject to the KORA and was willing to provide the requested records. The County Attorney did not find evidence that the Hospital had committed an intentional KORA violation. The Hospital was ordered to provide the records within 14 days.

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Sedgwick	Marc A. Bennett	<p>A KOMA complaint alleged the Sedgwick County Board of County Commissioners recessed into two executive session without proper motions and took binding action in one of those sessions. Upon investigation, it was determined that the motions to recess into executive session were improperly made as they each lacked a justification statement. No binding action was taken in executive session. The County Counselor's office agreed to and did modify the form used to make executive session motions to ensure justification statements would be made in the future. No further action required.</p> <p>A KORA complaint alleged the Haysville School District, USD 261, requested unreasonable fees for records and refused to provide timely access to the records. Upon investigation, no violation was found.</p> <p>A KORA complaint alleged the City of Wichita refused to provide all requested police documents without sufficient justification. Upon investigation, it was determined that the requested records that did not constitute criminal investigation records were provided to the complainant by the City.</p>
Seward	Russell Hasenbank	No report
Shawnee	Mike Kagay	<p>A KORA complaint alleged the Office of the Attorney General denied access to records related to ongoing litigation involving the Kansas Lottery Commission. After review of the facts and the applicable law, it was determined that the matter was properly handled by the Attorney General's Office.</p> <p>A KORA complaint alleged the Secretary of State's Office denied access to voter identification records. After review of the facts and applicable law, it was determined that the Secretary of State's Office provided appropriate legal justification for denial of access to the records.</p>
Sheridan	Harry Joe Pratt	No KOMA/KORA complaints to report
Sherman	Charles F. Moser	No KOMA/KORA complaints to report
Smith	Tabitha D. Rempe Owen	No KOMA/KORA complaints to report
Stafford	Joe Shepack	No report

County	County or District Attorney	Report
Stanton	David C. Black	No KOMA/KORA complaints to report
Stevens	Paul F. Kitzke	No KOMA/KORA complaints to report
Sumner	Kerwin L. Spencer	No KOMA/KORA complaints to report
Thomas	Rachel Lamm	No KOMA/KORA complaints to report
Trego	Christopher Lyon	No report
Wabaunsee	Timothy Liesmann	No KOMA/KORA complaints to report
Wallace	Charles F. Moser	No KOMA/KORA complaints to report
Washington	Elizabeth Baskerville-Hiltgen	No KOMA/KORA complaints to report
Wichita	Laura L. Lewis	No KOMA/KORA complaints to report
Wilson	Kenley Thompson	A KOMA complaint alleged that Neodesha School District #461 violated the KOMA by the unintentional use of reply all on emails to board members. The violation was not prosecuted. Board members received training from the Kansas Association of School Boards (KASB).
Woodson	Zelda Schlotterbeck	No KOMA/KORA complaints to report
Wyandotte	Mark Dupree	No report