

2023

Kansas Open Meetings Act Kansas Open Records Act Annual Report

Kansas Fiscal Year 2023

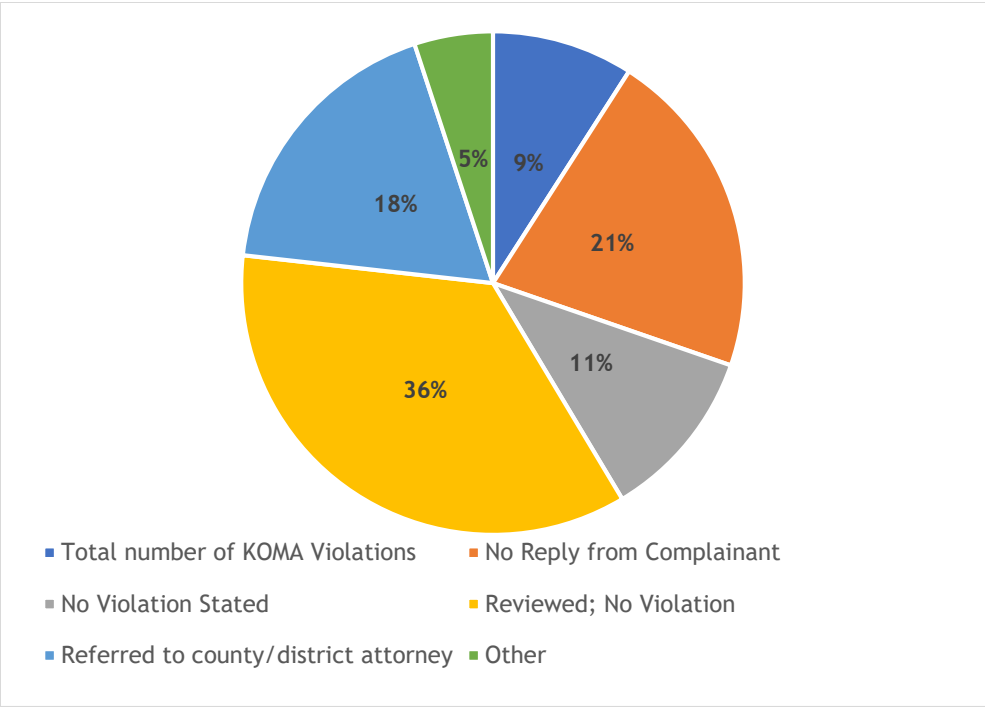
(July 1, 2022 – June 30, 2023)
Pursuant to K.S.A. 75-753



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KOMA			
Total number of KOMA Complaints	99		
Civil Penalties - \$75			
Total number of KOMA Violations	9	9%	
No Reply from Complainant	21	21%	
No Violation Stated	11	11%	
Reviewed; No Violation	35	35%	
Referred to county/district attorney	18	18%	
Other	5	5%	



KOMA Complaints Resulting in Corrective Action

Centre Unified School District 397 - *Allegation of KOMA violation*

Nature of complaint: Improper executive session

Findings: When recessing into executive session using the ‘non-elected personnel’ justification, the board failed to include a statement describing the subject to be discussed.

Resolution: Technical violation determined; remedial action was required and completed.

City of Pleasanton - *Allegation of KOMA violation*

Nature of complaint: Improper executive session.

Findings: When entering into executive sessions, the council consistently failed to state the subject to be discussed and the place the open meeting would resume. Additionally, the council improperly used the “legal purposes” justification when a third party participated in the executive session.

Resolution: Violation determined; no fine assessed. However, we required the council to take several remedial actions, including attending KOMA training, and establishing and using a checklist when entering into executive sessions to ensure all statutory requirements are met. The council complied with these requirements.

City of Salina - *Allegation of KOMA violation*

Nature of complaint: An individual filed a complaint with this office alleging he was denied access to meetings.

Findings: Our review determined that, due to human error, an incorrect Zoom link was provided for a particular meeting.

Resolution: Violation determined; no fine assessed. However, we required remedial actions which were completed.

Lincoln County Board of Commissioners - *Allegation of KOMA violation*

Nature of complaint: Failure to provide notice of meeting.

Findings: Our review determined a majority of the county commission attended a meeting of the Lincoln County Hospital Board, where the commissioners engaged in discussion concerning the business or affairs of the county commission.

Resolution: Consent Agreement and fine assessed.

Osborne County Commission - *Allegation of KOMA violation*

Nature of complaint: Improper use of executive session.

Findings: Our review determined that, while the discussion during the executive session was not improper, the commission misstated the justification in its motion for executive session.

Resolution: Technical violation determined; remedial action required.

Rice County Commission - *Allegation of KOMA violation*

Nature of complaint: Binding action without public vote.

Findings: Our review determined that the Commission routinely approved employee raises as a noncontroversial consent agenda item without taking formal action to issue its binding decision in an open meeting.

Resolution: Violation determined; no fine assessed.

USD 241 Board of Education - *Allegation of KOMA violation*

Nature of complaint: Self-report of improper use of executive session.

Findings: Our review determined that the school board improperly held an executive session to discuss filling a board vacancy using the nonelected personnel exemption, when the board vacancy is an elected position.

Resolution: Technical violation determined; remedial action required.

KOMA Complaints Referred to County or District Attorney Offices

Baldwin City & Douglas County - *Allegation of KOMA violation*

Nature of complaint: Improper expenditures

Resolution: Referred to county/district attorney

City of Goddard Council Members and Mayor Larkin - *Allegation of KOMA violation*

Nature of complaint: Serial communications

Resolution: Referred to county/district attorney

City of Merriam Council - *Allegation of KOMA violation*

Nature of complaint: Serial communications

Resolution: Referred to county/district attorney

Johnson County Commissioners - *Allegation of KOMA violation*

Nature of complaint: Public comment

Resolution: Referred to county/district attorney

Kansas Governmental Ethics Commission - *Allegation of KOMA violation*

Nature of complaint: Serial communications

Resolution: Referred to county/district attorney

Merriam City Council - *Allegation of KOMA violation*

Nature of complaint: Serial communications

Resolution: Referred to county/district attorney

Merriam City Council - *Allegation of KOMA violation*

Nature of complaint: Serial communications

Resolution: Referred to county/district attorney

Merriam City Council - *Allegation of KOMA violation*

Nature of complaint: Serial communications

Resolution: Referred to county/district attorney

Merriam City Council - *Allegation of KOMA violation*

Nature of complaint: Meeting agendas

Resolution: Referred to county/district attorney

Newton USD 373 Board of Education - *Allegation of KOMA violation*

Nature of complaint: Improper use of executive session

Resolution: Referred to county/district attorney

Renwick Board of Education - *Allegation of KOMA violation*

Nature of complaint: Binding action in executive session

Resolution: Referred to county/district attorney

Unified Government of Wyandotte County

Board of County Commissioners - *Allegation of KOMA violation*

Nature of complaint: Serial communications

Resolution: Referred to county/district attorney

Unified Government of Wyandotte County

Board of County Commissioners - *Allegation of KOMA violation*

Nature of complaint: Serial communications

Resolution: Referred to county/district attorney

Unified Government of Wyandotte County

Board of County Commissioners - *Allegation of KOMA violation*

Nature of complaint: Serial communications

Resolution: Referred to county/district attorney

Unified Government of Wyandotte County

Board of County Commissioners - *Allegation of KOMA violation*

Nature of complaint: Serial communications

Resolution: Referred to county/district attorney

Unified Government of Wyandotte County
Board of County Commissioners - *Allegation of KOMA violation*

Nature of complaint: Serial communications

Resolution: Referred to county/district attorney

Unified Government of Wyandotte County
Board of County Commissioners - *Allegation of KOMA violation*

Nature of complaint: Serial communications

Resolution: Referred to county/district attorney

USD 373 Board of Education - *Allegation of KOMA violation*

Nature of complaint: Improper use of executive session

Resolution: Referred to county/district attorney

USD 373 Board of Education - *Allegation of KOMA violation*

Nature of complaint: Improper use of executive session

Resolution: Referred to county/district attorney

KOMA Complaints Resulting in a Finding of No Violation

Bourbon County Commission - *Allegation of KOMA violation*

Nature of complaint: Failure to provide requested records

Resolution: File closed due to no reply from complainant

Bourbon County Commissioner Clifton Beth - *Allegation of KOMA violation*

Nature of complaint: Meeting outside of public

Resolution: Following review, no violation was determined

Bourbon County Commissioner Jim Harris - *Allegation of KOMA violation*

Nature of complaint: Monetary scam

Resolution: Following review, no violation was determined

Bourbon County Commissioners and County Counselor - *Allegation of KOMA violation*

Nature of complaint: Binding action in executive session

Resolution: Following review, no violation was determined

Bourbon County Court - *Allegation of KOMA violation*

Nature of complaint: PFA/PFS

Resolution: Complaint did not state a violation of the KORA or KOMA

Bourbon County District Court - *Allegation of KOMA violation*

Nature of complaint: Arrest

Resolution: Complaint did not state a violation of the KORA or KOMA

Cherokee County District Court - *Allegation of KOMA violation*

Nature of complaint: Failure to provide requested records

Resolution: Petition for review denied

City Commissioners of Fort Scott, Kansas - *Allegation of KOMA violation*

Nature of complaint: Improper use of executive session

Resolution: File closed due to no reply from complainant

City of Fort Scott, Kansas - *Allegation of KOMA violation*

Nature of complaint: Training

Resolution: Following review, no violation was determined

City of Fort Scott, Kansas;

Bourbon County Commissioners & County Counselor - *Allegation of KOMA violation*

Nature of complaint: Failure to comply with K.S.A. 19-211

Resolution: Following review, no violation was determined

City of Kinsley - *Allegation of KOMA violation*

Nature of complaint: Failure to provide requested records

Resolution: File closed due to no reply from complainant

City of Leavenworth Probation Division - *Allegation of KOMA violation*

Nature of complaint: Performance of probation officer

Resolution: Complaint did not state a violation of the KORA or KOMA

City of McCune, Kansas - *Allegation of KOMA violation*

Nature of complaint: Failure to provide notice of meeting

Resolution: Following review, no violation was determined

City of Merriam, Kansas - *Allegation of KOMA violation*

Nature of complaint: Reconsidering a past vote

Resolution: Following review, no violation was determined

City of Paxico - *Allegation of KOMA violation*

Nature of complaint: Improper use of executive session

Resolution: Following review, no violation was determined

City of Paxico - *Allegation of KOMA violation*

Nature of complaint: Improper use of executive session

Resolution: File closed due to no reply from complainant

City of Paxico - *Allegation of KOMA violation*

Nature of complaint: Failure to publish budget

Resolution: Following review, no violation was determined

City of Paxico - *Allegation of KOMA violation*

Nature of complaint: Improper use of executive session

Resolution: Following review, no violation was determined

City of Paxico - *Allegation of KOMA violation*

Nature of complaint: Failure to provide requested records

Resolution: File closed due to no reply from complainant

City of Paxico - *Allegation of KOMA violation*

Nature of complaint: Improper use of executive session

Resolution: Following review, no violation was determined

City of Paxico - *Allegation of KOMA violation*

Nature of complaint: Binding action in executive session

Resolution: Following review, no violation was determined

City of Paxico - *Allegation of KOMA violation*

Nature of complaint: Improper use of executive session

Resolution: Following review, no violation was determined

City of Paxico - *Allegation of KOMA violation*

Nature of complaint: Serial communications

Resolution: Following review, no violation was determined

City of Paxico - *Allegation of KOMA violation*

Nature of complaint: Human resource practices

Resolution: Following review, no violation was determined

City of Paxico - *Allegation of KOMA violation*

Nature of complaint: Inaccurate minutes; communication outside of open meeting

Resolution: Following review, no violation was determined

City of Paxico - *Allegation of KOMA violation*

Nature of complaint: State liquor laws

Resolution: Following review, no violation was determined

City of Paxico - *Allegation of KOMA violation*

Nature of complaint: Improper use of executive session

Resolution: Following review, no violation was determined

City of Paxico - *Allegation of KOMA violation*

Nature of complaint: Failure to provide notice of meeting

Resolution: File closed due to no reply from complainant

City of Paxico - *Allegation of KOMA violation*

Nature of complaint: Binding action in executive session

Resolution: File closed due to no reply from complainant

City of Paxico - *Allegation of KOMA violation*

Nature of complaint: Communication outside of open meeting

Resolution: File closed due to no reply from complainant

City of Paxico - *Allegation of KOMA violation*

Nature of complaint: Communication outside of open meeting

Resolution: File closed due to no reply from complainant

City of Pittsburg - *Allegation of KOMA violation*

Nature of complaint: Serial communications

Resolution: Following review, no violation was determined

City of Turon, Kansas - *Allegation of KOMA violation*

Nature of complaint: Improper use of executive session

Resolution: File closed due to no reply from complainant

City of Turon, Kansas - *Allegation of KOMA violation*

Nature of complaint: Unspecified

Resolution: File closed due to no reply from complainant

City of Turon, Kansas - *Allegation of KOMA violation*

Nature of complaint: Unspecified

Resolution: File closed due to no reply from complainant

City of Wamego Commissioners - *Allegation of KOMA violation*

Nature of complaint: Failure to provide notice of meeting

Resolution: File closed due to no reply from complainant

Clay County Commissioners - *Allegation of KOMA violation*

Nature of complaint: Failure to provide notice of meeting

Resolution: Following review, no violation was determined

Eudora Public Schools Board of Education, USD 491 - *Allegation of KOMA violation*

Nature of complaint: Public comment

Resolution: Following review, no violation was determined

Fort Scott City Admin, City Attorney & Commissioners - *Allegation of KOMA violation*

Nature of complaint: Improper use of executive session

Resolution: Following review, no violation was determined

Harvey County Commissioners Randy Hague & Chip Wesfall - *Allegation of KOMA violation*

Nature of complaint: Unspecified

Resolution: File closed due to no reply from complainant

Jackson County District Court - *Allegation of KOMA violation*

Nature of complaint: Kidnapping

Resolution: Complaint did not state a violation of the KORA or KOMA

Jefferson County Sheriff's Office - *Allegation of KOMA violation*

Nature of complaint: Revealing confidential information

Resolution: Complaint did not state a violation of the KORA or KOMA

Junction City Commission - *Allegation of KOMA violation*

Nature of complaint: Communication outside of open meeting

Resolution: File closed due to no reply from complainant

Kansas City, Kansas Police Department - *Allegation of KOMA violation*

Nature of complaint: Booking photo on internet

Resolution: Complaint did not state a violation of the KORA or KOMA

KU Medical Center - *Allegation of KOMA violation*

Nature of complaint: Communication outside of open meeting

Resolution: Complaint did not state a violation of the KORA or KOMA

KU Medical Center - *Allegation of KOMA violation*

Nature of complaint: Communication outside of open meeting

Resolution: Complaint did not state a violation of the KORA or KOMA

Lyndon Zoning & Planning Commission - *Allegation of KOMA violation*

Nature of complaint: Meeting held in secret

Resolution: Following review, no violation was determined

Lyndon Planning & Zoning Commission - *Allegation of KOMA violation*

Nature of complaint: Voted via secret ballot

Resolution: Following review, no violation was determined

Marysville City Council - *Allegation of KOMA violation*

Nature of complaint: Communication outside of open meeting

Resolution: Following review, no violation was determined

Office of the Attorney General - Allegation of KOMA violation

Nature of complaint: Records request denied

Resolution: File closed due to no reply from complainant

Overland Park, Kansas Police Department - Allegation of KOMA violation

Nature of complaint: Records request denied

Resolution: Following review, no violation was determined

Pat Proctor, Kansas State Representative - Allegation of KOMA violation

Nature of complaint: Social media restrictions

Resolution: Complaint did not state a violation of the KORA or KOMA

Pat Proctor, Kansas State Representative - Allegation of KOMA violation

Nature of complaint: Social media restrictions

Resolution: Complaint did not state a violation of the KORA or KOMA

Pleasanton City Council - Allegation of KOMA violation

Nature of complaint: Voting and abstention

Resolution: Following review, no violation was determined

Pleasanton City Council & Linn County District Attorney - Allegation of KOMA violation

Nature of complaint: Voting and abstention

Resolution: Complaint did not state a violation of the KORA or KOMA

Pleasanton City Council and Linn County District Attorney - Allegation of KOMA violation

Nature of complaint: Voting and abstention

Resolution: Following review, no violation was determined

Republic County Commissioners - Allegation of KOMA violation

Nature of complaint: Improper use of executive session

Resolution: Following review, no violation was determined

Riley County Police Department Law Board - Allegation of KOMA violation

Nature of complaint: Technical difficulties with virtual meeting

Resolution: Following review, no violation was determined

Shawnee County Community Developmental Disability Organization –

Allegation of KOMA violation

Nature of complaint: Failure to provide notice of meeting

Resolution: Following review, no violation was determined

Smith Center Economic Advisory Board - *Allegation of KOMA violation*

Nature of complaint: Improper use of executive session

Resolution: Following review, no violation was determined

Stafford County Economic Development - *Allegation of KOMA violation*

Nature of complaint: Failure to respond

Resolution: File closed due to no reply from complainant

State of Kansas Crime Victims Compensation Board - *Allegation of KOMA violation*

Nature of complaint: Civil rights violation

Resolution: Complaint did not state a violation of the KORA or KOMA

Topeka City Council - *Allegation of KOMA violation*

Nature of complaint: Failure to provide notice of meeting

Resolution: Complaint did not state a violation of the KORA or KOMA

Topeka Public Schools - *Allegation of KOMA violation*

Nature of complaint: Failure to respond

Resolution: Following review, no violation was determined

USD 270 Plainville Schools - *Allegation of KOMA violation*

Nature of complaint: Failure to provide notice of meeting

Resolution: Following review, no violation was determined

USD 299 Sylvan Lucas Unified School District - *Allegation of KOMA violation*

Nature of complaint: Failure to provide notice of meeting

Resolution: File closed due to no reply from complainant

USD 386 Board of Education - *Allegation of KOMA violation*

Nature of complaint: Improper use of executive session

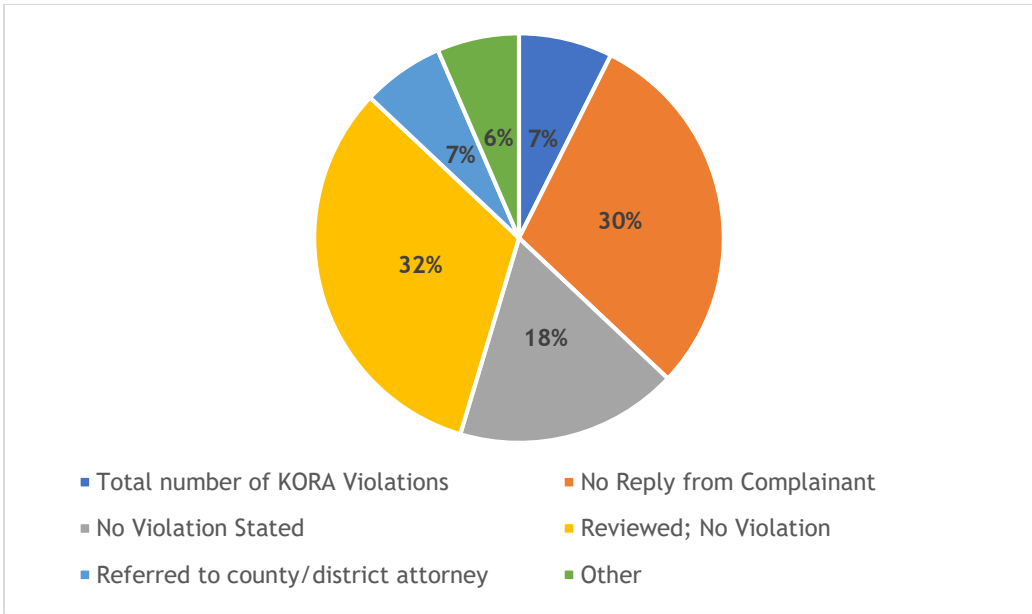
Resolution: Following review, no violation was determined

Vernon Bailey, Jr., Osage County Commissioner - *Allegation of KOMA violation*

Nature of complaint: Communicaiton on social media

Resolution: File closed due to no reply from complainant

KORA		
Total number of KORA Complaints	107	
Civil Penalties - \$0		
Total number of KORA Violations	8	7%
No Reply from Complainant	32	30%
No Violation Stated	19	18%
Reviewed; No Violation	35	33%
Referred to county/district attorney	7	7%
Other	7	7%



KORA Complaints Resulting in Corrective Action

City of Salina - *Allegation of KORA violation*

Nature of complaint: Failure to provide requested records

Findings: The city received a KORA request for a city official's emails during a specified timeframe containing certain keywords. Our review determined that due to human error in executing the search for electronic records, not all responsive records were returned in the search. As a result, not all responsive records were provided to the requestor.

Resolution: Violation determined; no fine assessed

Kansas Department of Commerce - *Allegation of KORA violation*

Nature of complaint: Failure to respond

Findings: Our review determined that the subject KORA request was incorrectly routed internally resulting in a delay in the agency's response and production of records.

Resolution: Resolved Informally

Kansas Department of Health & Environment

Livestock Waste Management Section - *Allegation of KORA violation*

Nature of complaint: Failure to provide requested records

Findings: Our review determined that the department fell slightly short in its efforts to provide an explanation of the cause for delay when requested records were not immediately available.

Resolution: Resolved Informally

Kansas Department of Health and Environment - *Allegation of KORA violation*

Nature of complaint: Failure to provide requested records

Findings: Our review determined the department properly responded to a portion of the subject records request but failed to respond to the portion of the request seeking emails and instant messages.

Resolution: Violation determined; no fine assessed. However, remedial action was required and completed.

Lyon County Board of County Commissioners - *Allegation of KORA violation*

Nature of complaint: Failure to provide requested records

Findings: Our review determined the county clerk failed to forward requested records due to an administrative oversight. Upon learning of the oversight, the clerk promptly forwarded the requested records.

Resolution: Resolved Informally

Osage County - *Allegation of KORA violation*

Nature of complaint: Failure to respond

Findings: Our review determined that, upon receipt of the subject KORA request, the county clerk forwarded it to the individuals thought to be able to respond to the request. For unknown reasons, no response was provided. Ultimately, it was determined the county did not maintain records responsive to the request.

Resolution: Violation determined; no fine assessed

Prairie View City Council - *Allegation of KORA violation*

Nature of complaint: Failure to respond

Findings: An individual requested the city provide certain complaints made to the city. Our review determined the city originally declined to provide the requested records in favor of offering anonymity to complainants. However, following our inquiry, the city provided the requested records.

Resolution: Resolved Informally

Washburn University - *Allegation of KORA violation*

Nature of complaint: Failure to provide requested records

Findings: Our review determined the university failed to locate responsive due to delays and interruptions caused by the medical absence of two key players in the university's KORA process. Based on the totality of circumstances, we determined the failure was not intentional and the records were ultimately provided.

Resolution: Resolved Informally

Washburn University - *Allegation of KORA violation*

Nature of complaint: Failure to provide requested records

Findings: An individual filed a complaint with this office alleging not all records relating to compensation of certain university officials were provided. Following inquiry from our office, the university provided requested records.

Resolution: Resolved Informally

KORA Complaints Referred to County or District Attorney Offices

Butler County Sheriff's Department - *Allegation of KORA violation*

Nature of complaint: Failure to provide requested records

Resolution: Referred to county/district attorney

Coffey County Housing Authority Director, Ronda Gilbert - *Allegation of KORA violation*

Nature of complaint: Failure to respond

Resolution: Referred to county/district attorney

Kevin Johnson, General Counsel for Emporia State University - *Allegation of KORA violation*

Nature of complaint: Failure to respond

Resolution: Referred to county/district attorney

Johnson County Commissioner Mike Kelly - *Allegation of KORA violation*

Nature of complaint: Public comment

Resolution: Referred to county/district attorney

Johnson County Sheriff's Department - *Allegation of KORA violation*

Nature of complaint: Excessive fees

Resolution: Referred to county/district attorney

Kansas State Board of Technical Professions - *Allegation of KORA violation*

Nature of complaint: Failure to provide requested records

Resolution: Referred to county/district attorney

Office of the Kansas Governor - *Allegation of KORA violation*

Nature of complaint: Meeting closed to the public

Resolution: Referred to county/district attorney

KORA Complaints Resulting in a Finding of No Violation

21st Judicial District Court Administrator - *Allegation of KORA violation*

Nature of complaint: Failure to provide requested records

Resolution: File closed due to no reply from complainant

Allen County - *Allegation of KORA violation*

Nature of complaint: Failure to provide requested records

Resolution: Following review, no violation was determined

Allen County District Court - *Allegation of KORA violation*

Nature of complaint: Failure to provide requested records

Resolution: File closed due to no reply from complainant

Arkansas City Police Department - *Allegation of KORA violation*

Nature of complaint: Failure to respond

Resolution: File closed due to no reply from complainant

Bonner Springs City Clerk - *Allegation of KORA violation*

Nature of complaint: Records request denied

Resolution: File closed due to no reply from complainant

Bonner Springs Police Department - *Allegation of KORA violation*

Nature of complaint: Excessive fees

Resolution: Following review, no violation was determined

Bonner Springs Police Department,

Administration Bureau - *Allegation of KORA violation*

Nature of complaint: Failure to provide requested records

Resolution: File closed due to no reply from complainant

Bourbon County Attorney - *Allegation of KORA violation*

Nature of complaint: Records request denied

Resolution: Following review, no violation was determined **Bourbon County Regional Economic Development** - *Allegation of KORA violation*

Nature of complaint: Failure to provide requested records

Resolution: Following review, no violation was determined

Bourbon County Sheriff's Department - *Allegation of KORA violation*

Nature of complaint: Body camera footage not retained

Resolution: File closed due to no reply from complainant

Bourbon County Sheriff's Department - *Allegation of KORA violation*

Nature of complaint: Records request denied

Resolution: File closed due to no reply from complainant

Burton Police Department - *Allegation of KORA violation*

Nature of complaint: Denied access to records

Resolution: File closed due to no reply from complainant

Butler County Sheriff's Office - *Allegation of KORA violation*

Nature of complaint: Failure to provide badge number

Resolution: Following review, no violation was determined

Cherokee County, Kansas - *Allegation of KORA violation*

Nature of complaint: Failure to respond

Resolution: File closed due to no reply from complainant

City Clerk of Columbus, Kansas - *Allegation of KORA violation*

Nature of complaint: Failure to provide requested records

Resolution: File closed due to no reply from complainant

City of Arma - *Allegation of KORA violation*

Nature of complaint: Phone service provider

Resolution: Complaint did not state a violation of the KORA or KOMA

City of Arma, Kansas - *Allegation of KORA violation*

Nature of complaint: Failure to provide requested records

Resolution: Following review, no violation was determined

City of Ellsworth, Kansas - *Allegation of KORA violation*

Nature of complaint: Records request denied

Resolution: Following review, no violation was determined

City of Lenora - *Allegation of KORA violation*

Nature of complaint: Excessive fees

Resolution: No standing to review; complaint did not show or establish a KORA request was submitted

City of Lyndon Records Custodian - *Allegation of KORA violation*

Nature of complaint: Records request denied

Resolution: Following review, no violation was determined

City of Paxico - *Allegation of KORA violation*

Nature of complaint: Failure to answer questions

Resolution: Following review, no violation was determined

City of Paxico - *Allegation of KORA violation*

Nature of complaint: Failure to provide notice of meeting

Resolution: File closed due to no reply from complainant

City of Paxico - *Allegation of KORA violation*

Nature of complaint: Failure to provide requested records

Resolution: File closed due to no reply from complainant

City of Paxico - *Allegation of KORA violation*

Nature of complaint: Failure to provide requested records

Resolution: Following review, no violation was determined

City of Pleasanton - *Allegation of KORA violation*

Nature of complaint: Records request denied

Resolution: File closed due to no reply from complainant

City of Wichita - *Allegation of KORA violation*

Nature of complaint: Failure to provide requested records

Resolution: Following review, no violation was determined

City of Wichita; City Attorney, Mayor and City Council - *Allegation of KORA violation*

Nature of complaint: Unspecified

Resolution: File closed due to no reply from complainant

City of Wichita Police Department - *Allegation of KORA violation*

Nature of complaint: Records request denied

Resolution: Following review, no violation was determined

Clay Center Public Library - *Allegation of KORA violation*

Nature of complaint: Failure to provide requested records

Resolution: File closed due to no reply from complainant

Comerica Bank - *Allegation of KORA violation*

Nature of complaint: Excessive fees

Resolution: Complaint did not state a violation of the KORA or KOMA

Election Officials of Wyandotte, Shawnee, Sedgwick, Johnson and Anderson Counties - *Allegation of KORA violation*

Nature of complaint: Failure to respond

Resolution: File closed due to no reply from complainant

Ellsworth Correctional Facility - *Allegation of KORA violation*

Nature of complaint: Records request denied

Resolution: Following review, no violation was determined

Elwood Police Department and Doniphan County Jail - *Allegation of KORA violation*

Nature of complaint: Failure to provide requested records

Resolution: File closed due to no reply from complainant

Federal Aviation Administration, Olathe, KS Office - *Allegation of KORA violation*

Nature of complaint: Allegation of assault

Resolution: Complaint did not state a violation of the KORA or KOMA

Fort Scott City Commission, City Attorney & City Clerk - *Allegation of KORA violation*

Nature of complaint: Serial communications

Resolution: Following review, no violation was determined

Herington Housing Authority - *Allegation of KORA violation*

Nature of complaint: Failure to respond

Resolution: File closed due to no reply from complainant

Iola Police Department - *Allegation of KORA violation*

Nature of complaint: Failure to respond

Resolution: Following review, no violation was determined

Johnson County District Court Judge Paul Burmaster - *Allegation of KORA violation*

Nature of complaint: Denied access to records

Resolution: Declined review due to pending litigation

Johnson County Wastewater - *Allegation of KORA violation*

Nature of complaint: Failure to respond

Resolution: File closed due to no reply from complainant

Judge Douglas Thompson, Abilene Municipal Court - *Allegation of KORA violation*

Nature of complaint: Records request denied

Resolution: File closed due to no reply from complainant

Judge Pearline Hardy, Office of Hearings Operations, U.S. Social Security Administration -
Allegation of KORA violation

Nature of complaint: Delay in hearing date

Resolution: Complaint did not state a violation of the KORA or KOMA

Junction City Police Department - *Allegation of KORA violation*

Nature of complaint: Records request denied

Resolution: File closed due to no reply from complainant

Kansas Board of Tax Appeals - *Allegation of KORA violation*

Nature of complaint: Failure to respond

Resolution: Following review, no violation was determined

Kansas Board of Tax Appeals - *Allegation of KORA violation*

Nature of complaint: Failure to respond

Resolution: File closed due to no reply from complainant

Kansas Department of Children and Families - *Allegation of KORA violation*

Nature of complaint: Failure to respond

Resolution: Following review, no violation was determined

Kansas Department of Commerce

Office of Rural Opportunity - *Allegation of KORA violation*

Nature of complaint: Confidential documents

Resolution: Complaint did not state a violation of the KORA or KOMA

Kansas Department of Corrections,

Hutchison Correctional Facility - *Allegation of KORA violation*

Nature of complaint: Records request denied

Resolution: Following review, no violation was determined

Kansas Department of Health and Environment - *Allegation of KORA violation*

Nature of complaint: Failure to provide requested records

Resolution: Following review, no violation was determined

Kansas Department of Labor - *Allegation of KORA violation*

Nature of complaint: Unemployment claim

Resolution: Complaint did not state a violation of the KORA or KOMA

Kansas Department of Labor & Unemployment Contact Center - *Allegation of KORA violation*

Nature of complaint: Unemployment claim

Resolution: Complaint did not state a violation of the KORA or KOMA

Kansas Department of Revenue

Driver's License Examining Bureau - *Allegation of KORA violation*

Nature of complaint: Driver's license not issued

Resolution: Complaint did not state a violation of the KORA or KOMA

Kansas Department of Revenue - Property Valuation Department - *Allegation of KORA violation*

Nature of complaint: Failure to provide requested records

Resolution: Complaint was premature

Kansas Department of Wildlife & Parks - *Allegation of KORA violation*

Nature of complaint: Failure to respond

Resolution: File closed due to no reply from complainant

Kansas Insurance Department - *Allegation of KORA violation*

Nature of complaint: Failure to provide requested records

Resolution: Resolved Informally

KU Medical Center - *Allegation of KORA violation*

Nature of complaint: Letter of recommendation

Resolution: Complaint did not state a violation of the KORA or KOMA

Labette County Counselor, Brian Johnson - *Allegation of KORA violation*

Nature of complaint: Records request denied

Resolution: Following review, no violation was determined

Lane County Attorney & Lane County Treasurer's Office - *Allegation of KORA violation*

Nature of complaint: Property subject to tax sale

Resolution: Complaint did not state a violation of the KORA or KOMA

Leavenworth County - *Allegation of KORA violation*

Nature of complaint: Failure to provide requested records

Resolution: File closed due to no reply from complainant

Leavenworth County District Court - *Allegation of KORA violation*

Nature of complaint: Diversion

Resolution: Complaint did not state a violation of the KORA or KOMA

Leavenworth County Jail - *Allegation of KORA violation*

Nature of complaint: Denied access to records

Resolution: Complaint did not state a violation of the KORA or KOMA

Linn County Attorney - *Allegation of KORA violation*

Nature of complaint: Failure to provide requested records

Resolution: File closed due to no reply from complainant

Lyndon Planning & Zoning Commission - *Allegation of KORA violation*

Nature of complaint: Voted via secret ballot

Resolution: Following review, no violation was determined

Lyndon Planning and Zoning Commission - *Allegation of KORA violation*

Nature of complaint: Zoning authority

Resolution: Following review, no violation was determined

Marion City Council - *Allegation of KORA violation*

Nature of complaint: Meeting agendas

Resolution: File closed due to no reply from complainant

Montgomery County District Attorney's Office - *Allegation of KORA violation*

Nature of complaint: Failure to respond

Resolution: Following review, no violation was determined

Municipal Court of Mission, Kansas - *Allegation of KORA violation*

Nature of complaint: Records request denied

Resolution: Following review, no violation was determined

Norton County Clerk, Robert Wyatt - *Allegation of KORA violation*

Nature of complaint: Unspecified

Resolution: File closed due to no reply from complainant

Norton County Hospital - *Allegation of KORA violation*

Nature of complaint: Failure to provide requested records

Resolution: File closed due to no reply from complainant

Norton County Hospital - *Allegation of KORA violation*

Nature of complaint: Failure to provide requested records

Resolution: Following review, no violation was determined

**Osage County Commissioner Jay Bailey
and County Treasurer Christine Foster** - *Allegation of KORA violation*

Nature of complaint: Personnel discussion in open meeting

Resolution: Following review, no violation was determined

Overland Park Police Department - *Allegation of KORA violation*

Nature of complaint: Denied access to records

Resolution: File closed due to no reply from complainant

Pat Proctor for Senate - *Allegation of KORA violation*

Nature of complaint: Social media restrictions

Resolution: Complaint did not state a violation of the KORA or KOMA

Pat Proctor for State Representative - *Allegation of KORA violation*

Nature of complaint: Unauthorized photography

Resolution: Complaint did not state a violation of the KORA or KOMA

Pat Proctor for State Representative - *Allegation of KORA violation*

Nature of complaint: Social media restrictions

Resolution: Complaint did not state a violation of the KORA or KOMA

Pleasanton City Council - *Allegation of KORA violation*

Nature of complaint: Voting and abstention

Resolution: Following review, no violation was determined

Republic County Commissioners - *Allegation of KORA violation*

Nature of complaint: Serial communications

Resolution: File closed due to no reply from complainant

Roeland Park Police Department - *Allegation of KORA violation*

Nature of complaint: Records request denied

Resolution: Declined review due to pending investigation by District/County Attorney

Saline County District Court Clerk - *Allegation of KORA violation*

Nature of complaint: Unspecified

Resolution: File closed due to no reply from complainant

Saline County Sheriff's Office - *Allegation of KORA violation*

Nature of complaint: Failure to knock and announce

Resolution: Complaint did not state a violation of the KORA or KOMA

Secretary of State - *Allegation of KORA violation*

Nature of complaint: Disable access to public report

Resolution: Declined review due to pending litigation

Sedgwick County District Attorney - *Allegation of KORA violation*

Nature of complaint: Wrongful conviction

Resolution: Complaint did not state a violation of the KORA or KOMA

Sedgwick County District Court - *Allegation of KORA violation*

Nature of complaint: Failure to respond

Resolution: Following review, no violation was determined

Shawnee Mission School District - *Allegation of KORA violation*

Nature of complaint: Failure to provide notice of meeting

Resolution: Declined review due to pending litigation

Shawnee Mission School District - *Allegation of KORA violation*

Nature of complaint: Records request denied

Resolution: Following review, no violation was determined

Stockton Municipal Court - *Allegation of KORA violation*

Nature of complaint: Failure to provide requested records

Resolution: Following review, no violation was determined

Sunflower House, Lawrence, Kansas - *Allegation of KORA violation*

Nature of complaint: Failure to respond

Resolution: Following review, no violation was determined

The University of Kansas - *Allegation of KORA violation*

Nature of complaint: Records request denied

Resolution: Following review, no violation was determined

Unified Government of Wyandotte County - *Allegation of KORA violation*

Nature of complaint: Failure to provide requested records

Resolution: File closed due to no reply from complainant

University of Kansas - *Allegation of KORA violation*

Nature of complaint: Records request denied

Resolution: Following review, no violation was determined

University of Kansas - *Allegation of KORA violation*

Nature of complaint: Records request denied

Resolution: Following review, no violation was determined

USD 266, Maize Unified School District - *Allegation of KORA violation*

Nature of complaint: Records request denied

Resolution: Following review, no violation was determined

Wabaunsee County District Court - *Allegation of KORA violation*

Nature of complaint: Failure to provide requested records

Resolution: File closed due to no reply from complainant

Walgreens, Ra-Field OKC - *Allegation of KORA violation*

Nature of complaint: Unspecified

Resolution: Complaint did not state a violation of the KORA or KOMA

Wilson County District Court - *Allegation of KORA violation*

Nature of complaint: Speeding ticket

Resolution: Complaint did not state a violation of the KORA or KOMA

Wyandotte County DCF/KVC - *Allegation of KORA violation*

Nature of complaint: Terminated parental rights

Resolution: Complaint did not state a violation of the KORA or KOMA

Wyandotte County District Attorney - *Allegation of KORA violation*

Nature of complaint: Denial of motion

Resolution: No standing to review; complaint did not show or establish a KORA request was submitted

Wyandotte County District Attorney - *Allegation of KORA violation*

Nature of complaint: Failure to respond

Resolution: Following review, no violation was determined

Annual Report of County and District Attorneys

Pursuant to K.S.A. 75-753

Complaints Resulting in Corrective Action

South Hutchinson City Council - *Allegation of KOMA violation*

Nature of complaint: A citizen complained that the South Hutchinson City Council had taken action on the acquisition of land in an Executive Session and then voted on that decision without complying with KOMA.

Resolution: The City entered into a consent decree admitting there was a KOMA violation. The remedy was a requirement for ongoing KOMA Training, and an agreement to not violate KOMA in the future.

Clearwater Recreation Commission - *Allegation of KOMA violation*

Nature of complaint: A concern about serial e-mail communications between members of the Board and staff constituting an improper "meeting" of the Commission.

Resolution: We found violations, and the end result was (1) commissioners volunteered to perform work that saved the public money; and (2) a request for staff to "workshop" a time-sensitive document that was later approved publicly at the next commissio???

Complaints Resulting in a Finding of No Violation

USD 489 - *Allegation of KORA violation*

Nature of complaint: A group of citizens are up in arms because they believe the new high school being built includes a bunch of transgendered bathroom areas and they feel like the school board was not being open and honest about the building plans.

Resolution: Mr. Ficken, the complainant, contacted the AG's office before my office. I made it clear to Mr. Ficken and the AG's office that my office would not be handling the matter and that the AG's office should/would. ???

City of Spring Hill - Allegation of KORA violation

Nature of complaint: DA 21-37/P22-1204: On March 1, 2021, this office received a KORA self-report made by the City of Spring Hill regarding two possible complaints of KORA violations. These complaints related to the distribution of police policies, documents regarding the legal and administrative authority of the Spring Hill Council President, and a document referenced in a council meeting.

Resolution: On August 19, 2022, we determined there were no actionable violations of the KORA, and we closed the matter.

Johnson County Planning Department and Commission - Allegation of KOMA violation

Nature of complaint: DA 21-385/P22-1692: On November 12, 2021, we received a complaint made by Joyce Whittier alleging numerous violations by the Johnson County Planning Department and Johnson County Planning Commission, including allegations that the publication of meeting notices violated the KOMA.

Resolution: On August 22, 2022, our office sent a letter to Ms. Whittier advising that after a thorough investigation, this office determined there were no actionable violations of the KOMA.

Johnson County Board of Commissioners - Allegation of KORA violation

Nature of complaint: P22-3475: On September 15, 2021, we received a complaint made by Thad Snider alleging the Johnson County Board of Commissioners violated the KORA related to requests for documents related to masks, vaccines and Covid-19.

Resolution: On May 17, 2023, our office sent a letter to Mr. Snider advising that after a thorough investigation, we determined there were no actionable violations of the KORA.

Johnson County Elections Office - Allegation of KORA violation

Nature of complaint: DA21-298: On September 15, 2021, we received a complaint made by Thad Snider alleging the Johnson County Election Office violated the KORA related to video of ballot drop boxes deployed for the November 3, 2020, general election.

Resolution: On September 6, 2022, our office sent a letter to Mr. Snider advising that after a thorough investigation, we determined there were no actionable violations of the KORA.**Johnson County Elections Commission - Allegation of KORA violation**

Nature of complaint: P22-3477: On July 16, 2021, we received a complaint made by Thad Snider alleging the Johnson County Election Commission violated the KORA related to a request for election documents.

Resolution: On May 17, 2023, we sent a letter to Mr. Snider advising that after a thorough investigation, this office determined there were no actionable violations of the KORA.

Shawnee Mission School District - *Allegation of KORA violation*

Nature of complaint: DA 22-26/P22-1781: On February 24, 2022, we received a complaint made by Debbie Detmer alleging the Shawnee Mission School District violated the KORA related to her request for a surety liability policy.

Resolution: On August 3, 2022, we sent a letter to Ms. Detmer advising that after a thorough investigation, this office determined there were no actionable violations of the KORA.

Johnson County Legal Department - *Allegation of KORA violation*

Nature of complaint: DA 22-241: On July 20, 2022, we received a complaint made by Shara Collins alleging the Johnson County Legal Department violated the KORA by requiring advance payment of fees prior to production.

Resolution: On January 23, 2023, we sent a letter to Ms. Collins advising that after a thorough investigation, this office determined there were no actionable violations of the KORA.

Johnson County Sheriff's Office - *Allegation of KORA violation*

Nature of complaint: DA23-62/P23-2113: On February 21, 2023, we received a complaint made by John Patton alleging the Johnson County Sheriff's Office violated the KORA by requiring advance payment of fees prior to production.

Resolution: On May 17, 2023, we sent a letter to Mr. Patton advising that after a thorough investigation, this office determined there were no actionable violations of the KORA.

Roeland Park Police Department - *Allegation of KORA violation*

Nature of complaint: DA 22-401: On November 15, we received a complaint made by Albert Spiegelhalter alleging the Roeland Park Police Department violated the KORA by failing to disclose body camera footage.

Resolution: On May 15, 2023, we sent a letter to Mr. Spiegelhalter advising that after a thorough investigation, this office determined there were no actionable violations of the KORA.

Leavenworth County - *Allegation of KORA violation*

Nature of complaint: Ms. Frantz requested evidence regarding her trial. Although, she did have access to those reports, she requested this through a KORA request and did not receive a reply. She said she sent this to the County, County Attorney, and Sheriff of Leavenworth County

Resolution: Due to the numerous motions filed by Ms. Frantz, the only thing necessary was to ensure a policy to not over look KORA requests in the future.

Lansing USD 469 School Board - *Allegation of KOMA violation*

Nature of complaint: There was a meeting held outside of a board meeting in which a majority of the USD 469 school board attended and school board business was discussed.

Resolution: After an investigation it was determined no majority was actually present during the discussion of any school business. The board realizing they had a majority sent one of the members home to prevent a KOMA from occurring.

Kansas Governmental Ethcis Commission - *Allegation of KOMA violation*

Nature of complaint: legislative amendments being discussed outside of open meetings

Resolution: pending

Lyon County - *Allegation of KORA violation*

Nature of complaint: Complaining party requested a proposed engineering agreement from a Lyon County Action Session and claimed that the agreement had not been received.

Resolution: Request agreement was emailed to complaining party

Bicycle and Pedestrian Advisory Committee - *Allegation of KOMA violation*

Nature of complaint: The Attorney for the City Of Manhattan made a Self-Report to the Riley County Attorney's Office. The self-reported conduct involved two members of the Committee engaging in e-mail communications. All eight (8) members of BPAC were on the e-mail with City Staff.

Resolution: The Riley County Attorney found that BPAC did not violate KOMA. Five (5) members would constitute a majority. Although all eight (8) members could "hear" the conversation through viewing the e-mail, the other six members refrained from engaging in an inte

Office of the Governor - *Allegation of KOMA violation*

Nature of complaint: COVID Task Force held non-public meetings

Resolution: pending

Goddard City Council - *Allegation of KOMA violation*

Nature of complaint: A series of events at a City Council meeting quickly led to votes to remove the mayor, elect a remaining board member as the new mayor, fire the City Administrator, and appoint two new members to the council to fill one pre-existing vacancy and a new one caused by the resignation of the original mayor. Complainant surmised some degree of pre-planning must have occurred that would have amounted to an unscheduled "meeting" of the Council.

Resolution: There was insufficient evidence found that a majority of the pre-existing council met before the meeting that reconstituted the council on 1/17/23. During the investigation, some technical violations were found related to the requirements for an executive

USD 259 - *Allegation of KOMA violation*

Nature of complaint: Two identical complaints from separate individuals: 1) Limitations on number of people able to attend board meetings in-person during Spring 2021; and 2) Mask requirements for those attending board meetings from 6/30/21 through 2/22/22

Resolution: 1) As all meetings remained available to the public through live audio-video television broadcast or streaming on the District's website, there was no violation. Any restrictions on in-person attendance were included in public notices of the meetings. 2) Similarly, KOMA was not implicated by mask requirements due to the availability of the public to view/hear the meeting remotely.

USD 267 - Allegation of KOMA violation

Nature of complaint: Concerns about hiring process of new superintendent and the role that prior executive sessions had in "pre-determining" who would be hired such that the public vote was merely a ratification of a quasi-binding action reached in executive session.

Resolution: No evidence of binding action having occurred in executive session. Consensus is permitted.

USD 373 - Allegation of KOMA violation

Nature of complaint: Three complaints from separate individuals referred to us because of a conflict with the Harvey County Attorney related to executive sessions at 2/22/23 board meeting. Question was whether discussion of student discipline policy within context of discussion of applying that policy to a particular student violated content restrictions on executive sessions.

Resolution: No violation found. Reasonable to discuss legitimacy and prior application of discipline policy in context of discussing current application to a student (which is permitted in executive session). Binding action to amend policy occurred in public session.

**City of Wichita Economic Development Department
and Law Department - Allegation of KORA violation**

Nature of complaint: Complainant requested documents 10/1/21 and was told no responsive records. Complainant learns city councilmember made similar request to law department and received two documents in November 2021.

Resolution: No violation found. In correspondence, complainant acknowledged difference between his request and the councilmember's. Further, the passage of time could have led to different records being available.

Sedgwick County Election Office - Allegation of KORA violation

Nature of complaint: General frustration with response from County on existence of some records and potential for fees associated with any reply.

Resolution: No violation found. County requested clarification of request and complainant had yet to reply at time of complaint. Similarly, the fees projected by the county were consistent with guidance from the AG's office.

USD 259 - *Allegation of KORA violation*

Nature of complaint: Two substantially similar complaints from separate individuals about potential incomplete production of records and the fees assessed.

Resolution: Insufficient evidence responsive records were withheld. As for the fees, the amounts assessed were reasonable. Accordingly, no violation was found. However, the investigation revealed the Board Clerk has discretion in when to request fees for production of documents. A discussion occurred with the Board's attorney about the perils of inconsistent application of fees for KORA requests, and he agreed the Board would review and refine that policy.