

BEFORE THE OFFICE OF THE KANSAS ATTORNEY GENERAL  
120 SW 10<sup>th</sup> Avenue, 2<sup>nd</sup> Floor  
Topeka, Kansas 66612-1597  
Shawnee County, Kansas

In the Matter of the )  
Morris County )  
Rural Water District #1 )

Case No. 2025-OG-0003

CONSENT ORDER

NOW on this 16<sup>th</sup> day of September, 2025 this matter comes before the Attorney General for the purposes of resolving the above-captioned matter pursuant to the provisions of K.S.A. 45-251(a)(1), which grants the Attorney General authority to enter into consent orders.

In lieu of further legal proceedings concerning violations of the Kansas Open Records Act (KORA), K.S.A. 45-215 *et seq.*, the undersigned hereby knowingly and voluntarily agree as follows:

1. On or about July 1, 2024, the Attorney General's Office received a complaint alleging the Morris County Rural Water District #1 ("the Water District") violated the KORA. Following this complaint, the Kansas Attorney General's Office conducted an investigation into the allegations that the Water District intentionally failed to respond to a request and denied requests because the requestor did not use the Water District's internal request form in violation of K.S.A. 45-218(a) and (d), which provides that public records shall be open for public inspection and access unless otherwise provided by law. The Water District's actions are also in violation of K.S.A. 45-220(b), which provides that a public agency cannot require a request be made on a particular form.

2. The Water District is a public agency that is subject to the requirements of the KORA, and it must permit access to records as set forth in the KORA.

3. Investigation and/or statements provided on behalf of the Water District confirm the following violation of the KORA by a preponderance of the evidence:

a. On April 9, 2024, the Water District's attorney instructed employees of the Water District to deny any requests submitted by the complainant after the third request.

b. On May 23, 2024, the complainant submitted a KORA request to the Water District seeking "Current Water Budget 2024 spreadsheet".

c. The Water District refused to acknowledge the complainant's request because the attorney to the Water District instructed the Water District employees to only allow internal request forms to be used for KORA requests.

d. On June 12, 2024, the complainant gave a copy of the request to the Board Chairman, who stated he did not want the request and attempted to return the request.

4. Based upon the above information, the Water District admits and agrees that it violated the KORA as set out in paragraph 3 above when it failed to respond to the request submitted on May 23, 2024.

5. The Water District agrees it fully understands and agrees that it will comply with the requirements of the KORA as set out in K.S.A. 45-215 *et seq.* in responding to each KORA request it receives.

6. The Attorney General and the Water District mutually desire to enter into this Consent Order in lieu of further adjudicative proceedings.

7. The Water District understands and waives all rights to further adjudication of facts and law that could be determined pursuant to other enforcement proceedings conducted in accordance with K.S.A. 45-222(a), 45-251(a)(2), or 45-253, concerning this matter.

8. The Water District waives any claim or assertion that the Kansas Judicial Review Act (KJRA), K.S.A. 77-601 *et seq.*, applies to agency actions that are governed by the provisions of K.S.A. 45-215 *et seq.*, and amendments thereto, relating to open records (the KORA), and subject to an action for civil penalties or enforcement, and thus it does not have a right to appeal under the KJRA.

9. The Attorney General accepts the waivers and stipulations by the Water District.

**WHEREAS**, the Attorney General finds that the above facts have been established by a preponderance of the evidence, and that it is proper that the Water District be subject to this Order based on the provisions of K.S.A. 45-251(a)(1), which permits the Attorney General to impose conditions or requirements on a public agency for violation of the KORA in a Consent Order;

**AND WHEREAS** the Attorney General and the Water District mutually desire to enter into a Consent Order in lieu of further adjudicative proceedings to resolve the violation.

**NOW THEREFORE**, the Water District consents to the following terms and conditions, and the Attorney General orders that:

10. The Water District shall:

a. Ensure that Water District staff, including the Water District's freedom of information officer, the Water District's record custodian(s), and any other staff responsible for assuring compliance with the requirements of the KORA obtain at least one (1.0) hour of training on the provisions of the KORA to be presented by an attorney experienced in dealing with open records issues, within three (3) months of the date of this Consent Order;

b. Provide the Attorney General's Office with a copy of the brochure required and adopted pursuant to the provisions of K.S.A. 45-227(a);

c. Provide the Attorney General's Office with a written statement confirming that Water District staff responsible for assuring compliance with the KORA have obtained the required KORA training;

d. Pay a civil penalty of \$250.00. Such payment shall be made payable to the Office of the Attorney General pursuant to K.S.A. 75-760;

e. Not engage in any future violations of the KORA.

11. The Water District understands and agrees that if it fails to comply with the terms of this Consent Order, the Attorney General may take action to enforce its provisions as authorized by K.S.A. 45-251(c) and amendments thereto.

12. The Water District understands and agrees that if it engages in any future violations of the KORA, the facts and statements contained herein may be considered in determining the appropriate enforcement action and remedy.

13. The Water District agrees and understands that this Consent Order does not resolve future and/or currently unknown unlawful conduct that may occur or be brought to the attention of the Attorney General or any other prosecutor, and any such alleged violations of the KORA may be subject to investigation proceedings as provided by K.S.A. 45-228 and/or enforcement proceedings conducted in accordance with K.S.A. 45-222, 45-251(a)(2), or 45-253.

14. In consideration of these admissions and agreements by the Water District and the above-agreed remedies, the Attorney General agrees to forgo further prosecution for the violations of the KORA set forth herein.

15. The Water District agrees that this Consent Order conforms to Kansas and federal law and that the Attorney General has the authority to enter into this Consent Order.

16. Except as provided in paragraphs 11 and 12, this Consent Order shall operate as a complete release of all claims the Water District may have against the Attorney General, his agents or employees, arising out of the investigation of this matter. The Water District agrees not to file, or cause to be filed, any litigation or claims in any federal or state court of law or federal or state administrative agency against the Attorney General, the Office of the Attorney General, its agency or employees, individually or in their official capacity. Such litigation or claims include, but are not limited to, any K.S.A. Chapter 60 or Chapter 61 civil action regarding negligence and/or a 42 United States Code action and/or any administrative petition for redress. The Water District agrees that all actions in this matter were a bona fide use of discretion and authority granted to the Attorney General, the Office of the Attorney General, its agents or employees, which is a statutory exception to liability within the Kansas Tort Claims Act, K.S.A. 75-6104(b), (c) or (e).

17. The Water District understands that this Consent Order shall be maintained and made available for public inspection pursuant to the provisions of K.S.A. 45-251(e) and amendments thereto.

18. This Consent Order shall be a public record in the custody of the Office of the Attorney General.

19. This Consent Order constitutes the entire agreement of the parties and may only be modified by a subsequent writing signed by the parties. This Consent Order shall be interpreted in accordance with the laws of the State of Kansas.

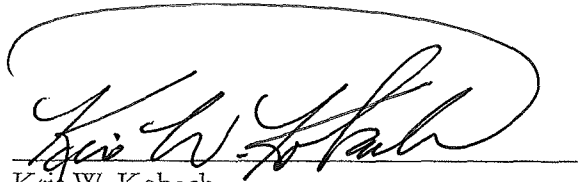
20. Should any court, agency or tribunal with authority and jurisdiction to do so, find that a provision or term of this Consent Order is invalid or unenforceable, the remaining provisions and terms of the Order shall remain in full force and effect.

21. This Consent Order shall become effective on the date indicated in the Certificate of Service.

**WHEREFORE**, the Attorney General and the Water District consent to these provisions.

**IT IS SO ORDERED.**

**OFFICE OF THE ATTORNEY GENERAL**

A handwritten signature in black ink, appearing to read "Kris W. Kobach", is written over a horizontal line. The signature is enclosed within a large, hand-drawn oval.

Kris W. Kobach  
Kansas Attorney General

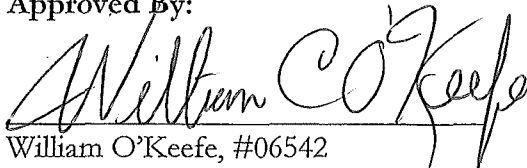
Prepared By:



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Amber Smith, #23911  
Deputy Attorney General  
Office of the Kansas Attorney General  
120 SW 10<sup>th</sup> Avenue, Second Floor  
Topeka, KS 66612-1597  
Phone: (785) 296-2215

Approved By:



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William O'Keefe, #06542  
Morris County Rural Water District #1  
609 Main St.  
PO Box 146  
Dwight, KS 66849

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of August, 2025, a true and correct copy of the foregoing Consent Order was deposited in the United States mail, first class postage prepaid, addressed to:

William O'Keefe  
Morris County Rural Water District #1  
609 Main St.  
PO Box 146  
Dwight, KS 66849



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Amber Smith  
Deputy Attorney General  
Public Protection Division