

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

In the Matter of the)
City of Bucklin, Kansas)

Case No. 2025-OG-0005

CONSENT ORDER

NOW on this 19th 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. 75-4320d, which grants the Attorney General authority to enter into consent orders.

In lieu of further legal proceedings concerning violations of the Kansas Open Meetings Act (KOMA), K.S.A. 75-4317 *et seq.*, the undersigned hereby knowingly and voluntarily agree as follows:

1. On or about June 24, 2025, the Attorney General's Office received a complaint alleging the City of Bucklin, Kansas, specifically Cody Warden, Justin Engel, Liz Albert, Noel Stiles, Kerry Christian, and Nichole Pearce (hereinafter "Respondents") violated the KOMA. Following this complaint, the Kansas Attorney General's Office conducted an investigation into the allegations that the city intentionally conducted a meeting of the city council, (for the purposes of this Order "city council" includes the office of the mayor) via text messaging, in violation of K.S.A. 75-4318.

2. The city is a public agency that is subject to the requirements of the KOMA, and it must conduct meetings regarding the affairs and business of the city that are open to the public.

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

That on June 10, 2025, the mayor of the city, Cody Warren, initiated a meeting of the city council, conducted via text messaging, to the exclusion of the public, to discuss the affairs and business of the city regarding a substantive financial transaction. Further, that the city council took binding action during said meeting.

4. Based upon the above information, Respondents individually admit and agree that they violated the KOMA as set out in paragraph 3 above concerning the June 10, 2025 meeting conducted in violation of K.S.A. 75-4318.

5. Respondents agree they fully understand and agree that they will comply with the requirements of the KOMA as set out in K.S.A. 75-4317 *et seq.*, in conducting meetings of the city council.

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

7. Respondents understand and waive 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. 75-4320a, 75-4320a(a), 75-4320b, 75-4320d and 75-4320f concerning this matter.

8. Respondents waive 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. 75-4317 *et seq.*, and amendments thereto, relating to open meetings (the KOMA), 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 Respondents.

WHEREAS, the Attorney General finds that the above facts have been established by a preponderance of the evidence, and that it is proper that Respondents be subject to this Order based on the provisions of K.S.A. 75-4320d, which permits the Attorney General to impose conditions or requirements on a public agency for violation of the KOMA in a Consent Order;

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

NOW THEREFORE, Cody Warden, Justin Engel, Liz Albert, Noel Stiles, Kerry Christian, and Nichole Pearce consent to the following terms and conditions, and the Attorney General orders that:

10. Respondents agree and shall:

a. For the open meeting violation on June 10, 2025, Cody Warden, Justin Engel, Liz Albert, Noel Stiles, Kerry Christian, and Nichole Pearce agree and shall individually pay a civil penalty of \$50 each. Such payment shall be made payable by certified check, personal check, or money order to the Office of the Attorney General pursuant to K.S.A. 75-760 within 30 days of the effective date of this Consent Order.

b. Ensure that each members of the city council, obtain at least one (1.0) hour of training on the provisions of the KOMA to be presented by an attorney experienced in dealing with open meetings issues, within 90 days of the date of this Consent Order;

c. Provide the Attorney General's Office with a written statement confirming that city council member has obtained the required KOMA training within ten (10) days of receiving the training; and;

d. Not engage in any future violations of the KOMA.

11. Respondents 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. 75-4320d(c) and amendments thereto.

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

13. Respondents agree and understand 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 KOMA may be subject to investigation proceedings as provided by K.S.A. 75-4530b and/or enforcement proceedings conducted in accordance with K.S.A. 75-4320(a), 75-4320a(a), 75-4320b, 75-4320d or 75-4320f.

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

15. Respondents agree 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, 12 and 13, this Consent Order shall operate as a complete release of all claims Respondents may have against the Attorney General, his agents or employees, arising out of the investigation of this matter. Respondents agree 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. Respondents agree 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. Respondents understand that this Consent Order shall be maintained and made available for public inspection pursuant to the provisions of K.S.A. 75-4320d(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.

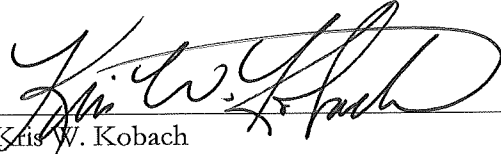
20. Should any court, agency or tribunal with authority and jurisdiction to do so, find that any provision or term of this Consent Order is invalid or unenforceable, the remaining provisions and terms of the Order shall remain in full force and effect.

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

WHEREFORE, the Attorney General and Cody Warden, Justin Engel, Liz Albert, Noel Stiles, Kerry Christian, and Nichole Pearce consent to these provisions.

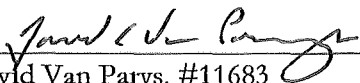
IT IS SO ORDERED.

OFFICE OF THE ATTORNEY GENERAL

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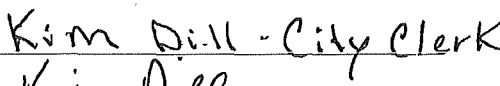
Kris W. Kobach
Kansas Attorney General

Prepared By:



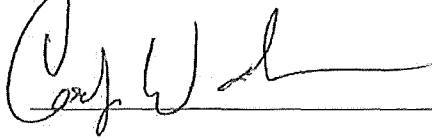
David Van Parys, #11683
First Assistant Attorney General
Office of the Kansas Attorney General
120 SW 10th Avenue, Second Floor
Topeka, KS 66612-1597
Phone: (785) 296-2215

Approved By:



Kim Dill

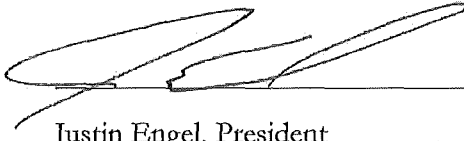
City Council for the City of Bucklin, Kansas



Cody Warden, Mayor

9-15-2025

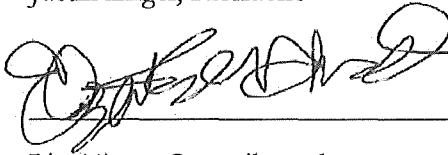
Date



Justin Engel, President

09-15-2025

Date



Liz Albert, Councilmember

9-15-2025

Date



Noel Stiles, Councilmember

9-15-25

Date



Kerry Christian, Councilmember

9/16/25

Date



Nichole Pearce, Councilmember

9-15-2025

Date


CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of September, 2025, a true and correct copy of the foregoing Consent Order was deposited in the United States mail, first class postage prepaid, addressed to:

Cody Warden, Mayor
City of Bucklin
PO Box 458
Bucklin, KS 67834

and

Kim Dill, City Clerk
City of Bucklin
PO Box 458
Bucklin, KS 67834



David C. Van Parys
First Assistant Attorney General