

From: Walter Hermreck

To: Senate Federal and State Affairs Committee

I recently retired from the Army a little over 2 years ago. I am a combat veteran with 24 years of military experience. In my various assignments I have faced various difficult challenges, which I was able to overcome. After moving to Gardner, KS I took an active interest in some of the things that were happening in our school district. I decided to use the open records act to work to expose some of the behaviors that I thought might be less than ethical with our school board and superintendent.

After it became apparent to some at our school district that I was working to hold them accountable for things that were happening, I felt like they starting putting forth obstacles to prevent me from gaining access to the public information I asked for. This came to a head after I sent a request on 4 September 2012. Enclosed is the email summation and the attached emails as evidence.

4 September 2012 (Email 1)

I requested the USD 231 "Policies and Procedures" for handling and guidelines on Activity Funds. To include:

1. The line of authority
2. Segregation of duties related to activity funds
3. Internal controls over the activity
4. Disbursement procedures for student activity funds.

4 September 2012 (Email 2)

I received an email back from Ms. Leann Northway, Director of Community Relations notifying me that my request was ready for pick up at the USD office and I could provide the receptionist a check for \$122.47. I was charged for 6 copies @ .25 a piece and \$120.97 for 2 hours and 30 minutes of time involved for a simple request of a District Policy Letter. Their explanation was that they had to send this to their accountant for balances I had not requested.

4 September 2012 (Email 3)

I emailed Ms. Leann Northway noting my displeasure with the fees and to clarify that, as my email clearly stated, I only needed the policy. I did not request any fund balances or the like. I explained that the policy letter should have been available on her computer. I asked her if she could review my original email and leave out the financial statement that I did not request.

5 September 2012 (Email 4)

I received a short email from Ms. Northway that she would forward my email to the Finance Department for clarification.

5 September 2012 (Email 5)

I conveyed my gratitude to Ms. Northway and explained such a large fee was shocking for something as simple as a document. I also asked if they had the policy letters at the district office for public review.

6 September 2012 (Email 6)

I visited the district office and spoke with Ms. Northway in person. A friend of mine went with me. At this point I found out that the district policy letters were in a large binder.

I never heard back from Ms. Northway concerning this issue. Since she said she was going to get the accounting department involved I figured she was fixing it. A friend of mine went to the USD a few days later and made a copy of the policy letter I was looking for, which was in the policy binder.

15 November 2012 (Email 7 and 8)

I did another KORA request from Ms. Lisa Berg our Clerk. This time I asked in advance how much it would be for the request to be filled. She detailed her work and said it would be \$12.00, which I considered more than acceptable.

However, Ms. Berg stated that due to the unpaid balance on my September 4 request she would not fill this request for me. I explained that I had spoken with Ms. Northway and I thought it was taken care of.

At this point I called Ms. Berg and asked her if the district had a policy in place for a citizen to dispute the charges of a KORA request. She told me to contact Ms. Northway. After several attempts I finally reached her. She said there wasn't anything she could do and she told me to call Jeremy McFadden, head of the accounting department.

I left Jeremy several messages and finally made contact with him. We had a long conversation and I explained to him that I was at the end of the road on this and Ms. Berg and Ms. Northway had passed me to him. I told him my next stop was probably going to have to be the JoCo District Attorney. He told me that Dr. Gilhaus, our Superintendent and Ms. Northway brought him the request and told him to do what he did. He told me I could try asking for them to withdraw my request but there was nothing else he could do.

11 December 2012 (Email 9)

I sent an email to Ms. Northway and Dr. Gilhaus along with a CC to Detective Brian Denton at the JoCo District Attorney's office. I requested they rescind my request entirely and remove my name from the website stating that I owe money. I believe that this may be libelous in nature. I told them that I felt that the debt was not valid and that they were using this to prevent me from submitting further requests for documents under the KORA, which in itself is a violation of the law.

I received no response from either party.

Page 10 is a copy of the USD website where they have had me listed since early October as owing money. I am a retired Army Combat Veteran and I am working hard in our community to hold our elected officials accountable for their actions. I feel that Dr. Gilhaus, Ms. Northway and others at USD 231 did this to discredit me and prevent me from making further requests. The fact that I cannot go to my school district

As a citizen and a tax payer I not only have the right, but the responsibility to my family, my fellow citizens of the community and even the elected officials themselves, to hold them accountable for the decisions they make. This can only be accomplished by ensuring citizens having easy and predictable access to public records. The current law allows for a public entity to put up roadblocks or shut someone out from their right to accessibility. There HAS to be a uniform standard applied to all public entities and how they provide records under the KORA. Until this is done we do not truly have a system of open records and therefore we do not ensure the public an avenue to hold those officials accountable.

4 Sept 2012

Original Request

From: Walter Hermreck <whermreck@gmail.com>
Subject: Guidelines
Date: September 4, 2012 12:16:02 AM CDT
To: Leann Northway <NorthwayL@usd231.com>



Ms. Northway,

Good day! I was wondering if I could be provided the USD 231 School board's "policies and procedures" for handling and guidelines on Activity Funds? This would include:

1. The lines of authority for activity funds
2. Segregation of duties related to activity funds
3. Internal controls over the activity fund cash collections
4. Disbursement procedures for student activity funds



Thank you for your assistance,

Walter W. Hermreck

"Think like a man of action, act like a man of thought..."

~Henri Louis Bergson

From: Walter Hermreck <whermreck@gmail.com>
Subject: Re: Guidelines
Date: September 4, 2012 5:09:24 PM CDT
To: Leann Northway <NorthwayL@usd231.com>



2 Attachments, 2 KB

Ms. Northway,

I have to pay \$122.47 for District Policies for guidelines and handling of school funds? This is a policy that should be made available to the public online. I did not request any financial statements as of yet. All I requested was the USD 231 Policies and Procedures which govern District activity funds. This is what was in the original email;

USD 231 School board's "policies and procedures" for handling and guidelines on Activity Funds? This would include:

1. The lines of authority for activity funds
2. Segregation of duties related to activity funds
3. Internal controls over the activity fund cash collections
4. Disbursement procedures for student activity funds

I did not submit a KORA form with this request because I'm not sure why something like a simple school board policy would need a KORA request to view. Again, I did not ask for any financial statements, fund balances nor am I concerned with any audited statements as of yet. I only wanted the policy. This should not take someone 2.5 hours to gather. Something as simple as a policy should be available on a computer file unless your systems are severely outdated.

Perhaps you could take another look at what I requested, leave out the financial statements that I did not request and then we can go from there. Again, I would not imagine that a few pages of a policy would take 2.5 hours to find and copy.

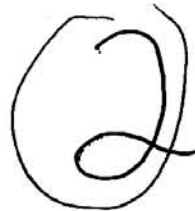
As a rule are your policies kept in a computer data base to access and print?

Thanks for your attention to this,

Walter W.Hermreck

"Think like a man of action, act like a man of thought..."
~Henri Louis Bergson

From: Leann Northway <NorthwayL@usd231.com>
Date: Tuesday, September 4, 2012 4:32 PM
To: Walter Hermreck <whermreck@gmail.com>
Subject: Re: Guidelines



Walter,

The Finance Department gathered the information you requested.

Provided is an explanation of the process for accounting for District activity funds which should help illustrate the process and the applicable segregation of duties and internal control procedures that the District has implemented. Second, copies of the applicable board policies which govern District activity funds. Third, the District audited financial statements as of 6/30/2011 which include the District activity fund balances, see page 29-31, and Note 1, page 33, for the District's policy as it relates to Fiduciary Funds. Audited financial statements as of 6/30/2012 will not be available until our CPA's perform their audit later this fall.

From: Walter Hermreck <whermreck@gmail.com>
Subject: Re: Guidelines
Date: September 5, 2012 11:00:43 AM CDT
To: Leann Northway <NorthwayL@usd231.com>



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4 Attachments, 4 KB

Ms. Northway,

Thank you for that. I was just taken back a bit by such a large fee for something as simple as a Board of Education policy, it sort of caught me off guard!

I'm not sure if you received a separate email from me but I was wondering if you allow citizens to come to the USD office to view public documents as other districts do?

Thanks again,

Walter W.Hermreck

"Think like a man of action, act like a man of thought..."
~Henri Louis Bergson

From: Leann Northway <NorthwayL@usd231.com>
Date: Wednesday, September 5, 2012 10:18 AM
To: Walter Hermreck <whermreck@gmail.com>
Subject: Re: Guidelines

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Good morning Walter,
I will forward your e-mail on to the Finance Department for clarification.

Thank you,
Leann

Leann Northway
Director of Community Relations
Gardner Edgerton School District
231 E. Madison St.
Gardner, Kansas 66030
913-856-2048 - Office
913-660-2437 - Cell



CONFIDENTIALITY NOTICE AND DISCLAIMER: This email and any attachments are confidential and may contain privileged or copyright information. Please do not copy, distribute or use this email or the information contained in it for any purpose. If you are not the intended recipient, please inform the school district that you have received this message in error.

>>> Walter Hermreck <whermreck@gmail.com> 9/4/2012 5:09 PM >>>

Ms. Northway,

I have to pay \$122.47 for District Policies for guidelines and handling of school funds? This is a policy that should be made available to the public online. I did not request any financial statements as of yet. All I requested was the USD 231 Policies and Procedures which govern District activity funds. This is what was in the original email;

USD 231 School board's "policies and procedures" for handling and guidelines on Activity Funds? This would include:

From: Walter Hermreck <whermreck@gmail.com>
Subject: Re: School board meeting
Date: November 15, 2012 2:36:48 PM CST
To: Lisa Berg <BergL@usd231.com>
Cc: Leann Northway <NorthwayL@usd231.com>



2 Attachments, 2 KB

Ms. Berg,

I had sent an email to I believe either you or Leann explaining that when I requested the policy in September that I only wanted the policy and not any numbers or finances of the district. I still have the request if you would like to see it. That is why I said I would not pay the \$122.47 because it was something that I did not request. Is there anyway we can get this fixed?

Walter W.Hermreck

"Think like a man of action, act like a man of thought..."
~Henri Louis Bergson

From: Lisa Berg <BergL@usd231.com>
Date: Thursday, November 15, 2012 2:23 PM
To: Walter Hermreck <whermreck@gmail.com>
Subject: Re: School board meeting



Walter,

The KORA request you submitted to me on Tuesday, November 13, has been completed and the cost for this information is \$12.00 plus 25 cents per copy (4 copies). Total \$13.00.

Walter, you made a request on September 4, to obtain policies and procedures for Activity Accounts. The work was completed. The charge was \$122.47. Payment has not been received for this request. All outstanding charges must be paid in full before providing the information requested.

Thank you,
Lisa Berg

Lisa Berg, Clerk
Gardner Edgerton, USD #231
231 East Madison
Gardner, Kansas 66030
(913) 856-2004
(913) 856-7330
bergl@usd231.com

Dec 11 2012

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From: Walter Hermreck <whermreck@gmail.com>
Subject: Kora Request Fee
Date: December 11, 2012 6:49:28 PM CST
To: Leann Northway <NorthwayL@usd231.com>, gilhausb@usd231.com
Cc: "Denton, Bryan, DAT" <Bryan.Denton@jocogov.org>

Ms. Northway,

A couple of months ago Debbie Hickman and I spoke with you at the USD office concerning the fee of \$122.47 for my request and explained the reason that I made the request. We conveyed to you that we thought it was excessive and not in the best interest of transparency. At that point you agreed with us that it seemed a little high. Since then I have made several requests to your office via email and via telephone conversation to withdraw the request and have the amount reduced to a reasonable fee based on what I had asked. I stated that if I am in disagreement that there has to be some recourse for a fair review of the situation. You passed me on to Mr.

McFadden.

At this point I wish to rescind my request entirely and I also request that you remove my name from the website stating that I owe \$122.47 as I believe this to be libelous in nature, particularly since you have given me absolutely no avenue to question the validity of the debt. I believe that this debt is not valid. I also believe that because this debt is not valid and you are using this to prevent me from submitting further open records request is in itself a violation of the law. I do hereby request that you:

1. Immediately accept the withdrawal of my KORA request
2. Change the amount owed by myself to USD 231 to a \$0.00 balance
3. Remove my name from the USD 231 Website stating that I owe a debt and it is unpaid.

I need this to be completed by 5:00 PM CST, 14 December, 2012.

Sincerely,

~"Think like a man of action, act like a man of thought" * H. Bergson

Walter Hermreck
whermreck@gmail.com

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Kansas Open Records Act.

What is the cost, if any, to obtain a public record from USD 231?

KORA allows schools and/or district offices to charge a fee for providing access to or furnishing copies of public records.

The expense of copying open records shall be by the individual requesting the copies at the following rate: If a requester desires copies of open records, each copy shall be provided at a charge of 0.25 per page, for copies up to 8.5 x 14 inches. Oversized documents may be sent to a commercial copying service, and the requester shall pay the actual charges levied to the District for the copy. In addition, the requester shall pay all other actual costs incurred by the District for furnishing copies, including the cost of staff time (fully-loaded hourly rate of employee(s) or contractors involved in the production of the requested documents required to make the information available, which shall include the time required to research requests for information.

If records must be redacted prior to being made available for inspection, the actual cost of staff time required to effect the redactions shall also be charged the requester. For the purposes of this policy, "staff time" shall mean the fully-loaded hourly rate of the employees or contractors involved in the production of the requested documents, provided that the district shall, to the greatest extent feasible, use the employee so contractors whose rate of pay will result in the lowest charges for the work, consistent with the skill and judgment required to honor the request, and determine the scope of appropriate redactions.

How many KORA request have been made to the school district in the past year?
A total of 22 actual KORA requests (18- Gardner News; 4-Partrons) have been made to USD 231 School District this past year. Due to the increased amount of staff time to research, copy and complete the requests, billing was initiated in May, 2012. All prior KORA requests were completed free of charge. Out of the 22 KORA requests made, only six requests have been billed. One request was completed, but not picked up by the requester.

- 05/11/12 - Gardner News, \$49.75
- 05/29/12 - Gardner news, \$42.00
- 07/19/12 - Gardner News, \$192.00
- 09/04/12 - Water Hemreck, \$122.47 (Request completed, not picked up/not paid)
- 09/10/12 - Gardner News, \$217.24
- 09/11/12 - Walter Hemreck, \$36.58

Total: \$568.29

