

# AMERICANS FOR PROSPERITY<sup>®</sup>

FOUNDATION  
KANSAS

December 13, 2022

## **VIA COMPLAINT FORM**

Office of the Attorney General  
120 SW 10th Ave., 2nd Floor  
Topeka, KS 66612

### **Re: Kansas Open Records Act Complaint:**

We write on behalf of the Kansas Chapter of Americans for Prosperity Foundation (“AFPF”), a 501(c)(3) nonprofit organization committed to educating and training Americans to be courageous advocates for the ideas, principles, and policies of a free and open society.<sup>1</sup> AFPF respectfully requests the Office of the Attorney General require the Kansas Department of Commerce (“Commerce”) to provide the final batch of records responsive to AFPF’s Kansas Open Records Act (“KORA”) request, which AFPF [submitted over one year ago](#). For the last seven months, Commerce has not only failed to produce those records, which appear to be e-mails from the accounts of Commerce Secretary David Toland and his chief of staff about a controversial economic development program, but the agency has not offered any detailed explanation for the delay.

AFPF’s [November 4, 2021 KORA request](#) sought information about the Commerce-run Sales Tax and Revenue (“STAR”) Bonds financing program that allows private development projects to be financed by government bonds backed by taxpayers. The STAR Bond program creates an unfair advantage for privileged businesses and there is scant evidence that they are accomplishing their stated objectives. An [audit](#) by the Kansas Legislative Division of Post Audit raises serious concerns about the projects funded by STAR Bonds and potential harm to taxpayers.<sup>2</sup> Previous studies have also questioned the claims of job creation from the STAR Bonds program.<sup>3</sup>

### **The AFPF KORA Request**

Pursuant to the KORA, Kan. Stat. Ann. § 45-215 *et seq.*, [AFPF requested](#) the following records from Commerce on November 4, 2021 (attached as Exhibit 1):

1. All internal or external reports, including those commissioned or contracted, which examine the STAR Bonds financing program from 2007 to the present.
2. All STAR Bond feasibility studies from 2007 to the present.
3. All e-mail communications regarding the STAR Bond financing program sent to or from the following employees between January 1, 2021 to September 1, 2021:
  - a. Secretary of Commerce
  - b. Chief of Staff
  - c. Chief Counsel

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<sup>1</sup> See AMS. FOR PROSPERITY FOUND., <https://americansforprosperityfoundation.org/> (last visited Dec. 5, 2022).

<sup>2</sup> Kan. Legislative Div. of Post Audit, *STAR Bonds Financing Program* (2021), available at <https://www.kslpa.org/audit-report-library/star-bonds-financing-program/>.

<sup>3</sup> Kan. Policy Inst., *Wichita’s Key STAR Bonds Didn’t Create New Jobs* (2020), available at <https://kansaspolicy.org/press-release-ict-star-bonds/>.

### Timeline of Responses from an Attorney for the Kansas Department of Commerce

- **November 10, 2021:** Commerce acknowledged receiving AFPF's KORA request and advised it the agency is extending its response to November 19, 2021. (Exhibit 2)
- **November 19, 2021:** Commerce again extended its response until December 6, 2021. The agency also asked for \$500 in fees before working on the request. (Exhibit 3)
- **December 6, 2021:** Commerce noted it had not yet received AFPF's \$500 payment and that the agency anticipates "it will take 15 days after we have received your payment for Commerce to fully complete your request." AFPF proceeded to pay the \$500 fee to Commerce. (Exhibit 4)
- **January 21, 2022:** Commerce extended its response a third time until February 4, 2022. (Exhibit 5)
- **February 4, 2022:** Commerce advised it would send the first batch of records by February 7, 2022 but extended its response for all remaining records until March 4, 2022. (Exhibit 6)
- **February 14, 2022:** AFPF received the first batch of records. The production included STAR Bond Feasibility studies as requested under Item 2 of AFPF's request. (Exhibit 7)
- **March 4, 2022:** Commerce provided a second interim release for documents responsive to Item 1 of AFPF's request. (Exhibit 8)
- **April 1, 2022:** Commerce again extended its response of the "final collection of records" until April 29, 2022. (Exhibit 9)
- **April 29, 2022:** Commerce provided a link to a record production with responsive records to Item 3 of AFPF's request—namely, e-mails from Commerce's Chief Counsel. The agency also extended its response for the remaining records until May 27, 2022. (Exhibit 10)
- **May 27, 2022:** Commerce extended its response a seventh time until June 30, 2022. (Exhibit 11)
- **July 1, 2022:** Commerce extended its response an eight time until July 31, 2022. (Exhibit 12)
- **July 30, 2022:** Commerce extended its response a ninth time until August 19, 2022. (Exhibit 13)
- **August 27, 2022:** Commerce extended its response a tenth time until September 30, 2022. (Exhibit 14)
- **September 30, 2022:** Commerce extended its response an eleventh time until October 28, 2022. (Exhibit 15)
- **November 29, 2022:** When asked for an update on the processing of AFPF's request, Commerce responded without setting a date certain: "We are still working on processing the final part of this request. I'll be in touch when that is complete." AFPF responded to Commerce's communication on December 2, 2022 with a request for more information: "Does the agency have a more detailed explanation for the continued delays in processing the final part of this request? The last record production occurred over 7 months ago on April 29, 2022." AFPF has yet to receive a response to this question as of December 7, 2022. (Exhibit 16)

### Relief Requested

AFPF requests that the Kansas Department of Commerce process the final responsive records and provide them to AFPF in electronic format within the next 10 working days. Further, we respectfully request the Attorney General's Office open an investigation into how Commerce

responds to KORA requests—including AFPF’s request at issue here. This is not the first-time complaints have been made about how the Department of Commerce handles KORA requests related to its economic-development programs.<sup>4</sup>

**Contact Information**

If you have any questions about this KORA complaint, please contact us at KSchmidt@afphq.org and EPatton@afphq.org. Thank you for your attention to this matter.



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ELIZABETH PATTON  
STATE DIRECTOR, AFPF KANSAS



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KEVIN SCHMIDT  
DIRECTOR OF INVESTIGATIONS, AFPF

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<sup>4</sup> See e.g., *What is Kansas Department of Commerce hiding from public scrutiny?*, THE SENTINEL, Jan. 8, 2020, available at <https://sentinelksmo.org/what-is-kansas-department-commerce-hiding-public-scrutiny/>.

# EXHIBIT

1

# AMERICANS FOR PROSPERITY<sup>®</sup>

FOUNDATION  
KANSAS

November 4, 2021

**VIA E-MAIL**

Kansas Department of Commerce  
Dena Sattler, Senior Director of Public Affairs  
1000 SW Jackson, Suite 100  
Topeka, KS 66612  
dena.sattler@ks.gov

**Re: Kansas Open Records Act Request**

Dear Ms. Sattler:

We write on behalf of the Kansas Chapter of Americans for Prosperity Foundation (“AFPF”), a 501(c)(3) nonprofit organization committed to educating and training Americans to be courageous advocates for the ideas, principles, and policies of a free and open society.<sup>1</sup> Economic development programs like the Kansas Department of Commerce-run Sales Tax and Revenue (“STAR”) Bonds financing program create an unfair advantage for privileged businesses and impose costs on taxpayers. A recent [audit](#) by the Kansas Legislative Division of Post Audit raises serious concerns about the projects funded by STAR Bonds and potential harm to taxpayers.<sup>2</sup> Previous studies have also questioned the claims of job creation from the STAR Bonds program.<sup>3</sup>

Pursuant to the Kansas Open Records Act (“KORA”), Kan. Stat. Ann. § 45-215 *et seq.*, AFPF hereby requests the following records:

1. All internal or external reports, including those commissioned or contracted, which examine the STAR Bonds financing program from 2007 to the present.
2. All STAR Bond feasibility studies from 2007 to the present.
3. All e-mail communications regarding the STAR Bond financing program sent to or from the following employees between January 1, 2021 to September 1, 2021:
  - a. Secretary of Commerce
  - b. Chief of Staff
  - c. Chief Counsel

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<sup>1</sup> See AMS. FOR PROSPERITY FOUND., <https://americansforprosperityfoundation.org/> (last visited Oct. 8, 2021).

<sup>2</sup> Kan. Legislative Div. of Post Audit, *STAR Bonds Financing Program* (2021), available at <https://www.kslpa.org/audit-report-library/star-bonds-financing-program/>.

<sup>3</sup> Kan. Policy Inst., *Wichita’s Key STAR Bonds Didn’t Create New Jobs* (2020), available at <https://kansaspolicy.org/press-release-ict-star-bonds/>.

**Request for a Public Interest Fee Waiver**

AFPF requests a waiver of any and all applicable fees. The KORA gives agencies discretion on whether to charge fees, noting that a “**public agency may charge** and require advance payment of a fee for providing access to or furnishing copies of public records, subject to K.S.A. 45-219.” Kan. Stat. Ann. § 45-218(f) (emphasis added).

AFPF’s KORA request is in the public interest because the records requested would shed light on the activities of government and AFPF intends to educate the public with the results of this KORA request. Further, AFPF is a non-profit organization as defined under Section 501(c)(3) of the Internal Revenue Code, and it has no commercial interest in making this request.

If fees cannot be waived, AFPF authorizes the Kansas Department of Commerce to fulfill this KORA request and bill AFPF for any fees, provided the amount does not exceed \$100. If processing this request will cost more than \$100, please contact AFPF before proceeding.

**Record Production and Contact Information**

To facilitate document review, please provide the responsive documents in electronic form in lieu of a paper production. If a certain portion of responsive records can be produced more readily, AFPF requests that those records be produced first and the remaining records be produced on a rolling basis as circumstances permit. If you have any questions about this request, please contact us at [KSchmidt@afphq.org](mailto:KSchmidt@afphq.org) and [EPatton@afphq.org](mailto:EPatton@afphq.org). Thank you for your attention to this matter.



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ELIZABETH PATTON  
STATE DIRECTOR, AFPF KANSAS



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KEVIN SCHMIDT  
DIRECTOR OF INVESTIGATIONS, AFPF

# EXHIBIT

2

## Kevin Schmidt

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**From:** Amber Cabrera [KDC] <Amber.Cabrera@ks.gov>  
**Sent:** Wednesday, November 10, 2021 4:13 PM  
**To:** Kevin Schmidt  
**Cc:** Elizabeth Patton  
**Subject:** KORA request

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Mr. Schmidt,

The Kansas Department of Commerce (Commerce) has received your request for records pursuant to the Kansas Open Records Act (KORA) dated November 10, 2021. Per statute, Commerce is required to act on a KORA request within three business days after the day it was received. See K.S.A. 45-218(d). The letter that documented the specific records you are requesting was received on November 10, 2021, and Commerce has determined that date as the date of receipt. Please consider this message as notification of Commerce acting on your request for open records.

Specifically, the records mentioned in your request include:

1. All internal or external reports, including those commissioned or contracted, which examine the STAR Bonds financing program from 2007 to the present.
2. All STAR Bond feasibility studies from 2007 to the present.
3. All e-mail communications regarding the STAR Bond financing program sent to or from the following employees between January 1, 2021 to September 1, 2021:
  - a. Secretary of Commerce
  - b. Chief of Staff
  - c. Chief Counsel

Unfortunately, the Kansas Department of Commerce is working to identify and review any records which may be responsive to your request, Commerce needs additional time to respond to your request in full. While not all of your requested records may be available, we are committed to responding to your request as quickly as possible. The earliest date that records may be provided to you is November 19, 2021.

Amber Cabrera  
Attorney  
Kansas Department of Commerce  
1000 S.W. Jackson St., Suite 100  
Topeka, KS 66612-1354  
Phone: 785.296.1913  
Fax: 785.296.6809

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# EXHIBIT

3

## Kevin Schmidt

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**From:** Amber Cabrera [KDC] <Amber.Cabrera@ks.gov>  
**Sent:** Friday, November 19, 2021 5:31 PM  
**To:** Kevin Schmidt  
**Cc:** Elizabeth Patton  
**Subject:** RE: KORA request

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Mr. Schmidt,

The Kansas Department of Commerce (Commerce) has received your request for records pursuant to the Kansas Open Records Act (KORA) dated November 10, 2021. Specifically, the records mentioned in your request include:

1. All internal or external reports, including those commissioned or contracted, which examine the STAR Bonds financing program from 2007 to the present.
2. All STAR Bond feasibility studies from 2007 to the present.
3. All e-mail communications regarding the STAR Bond financing program sent to or from the following employees between January 1, 2021 to September 1, 2021:
  - a. Secretary of Commerce
  - b. Chief of Staff
  - c. Chief Counsel

Commerce needs additional time to respond to your request in full. While not all of your requested records may be available, we are committed to responding to your request as quickly as possible. The earliest date that records may be provided to you is December 6, 2021.

Commerce anticipates this request will result in approximately 2,000 pages, at a rate of 25 cents per page, and require at least 3 hours of attorney staff time, at a rate of \$60.00 per hour. The total estimated cost to process this record request is \$680.00. Any additional costs incurred by the department will also be assessed at the time the request is complete.

In order for Commerce to begin work on this request please, please remit at least \$500.00 to the following:

Kansas Department of Commerce  
1000 SW Jackson St., Ste. 100  
Attn: Legal - KORA  
Topeka, Kansas 66612

The remaining balance of actual costs will need to be paid prior to the records being released.

If you have any questions, please let me know.

Amber Cabrera  
Attorney  
Kansas Department of Commerce  
1000 S.W. Jackson St., Suite 100  
Topeka, KS 66612-1354

Phone: 785.296.1913

Fax: 785.296.6809

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---

**From:** Kevin Schmidt <KSchmidt@afphq.org>  
**Sent:** Wednesday, November 10, 2021 3:14 PM  
**To:** Amber Cabrera [KDC] <Amber.Cabrera@ks.gov>  
**Cc:** Elizabeth Patton <EPatton@afphq.org>  
**Subject:** RE: KORA request

**EXTERNAL:** This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Thank you for the reply. Please let us know if we can assist in any way.

Kevin Schmidt  
Director of Investigations  
Americans for Prosperity Foundation  
1310 North Courthouse Road, 7<sup>th</sup> Floor  
Arlington, VA 22201  
[kschmidt@afphq.org](mailto:kschmidt@afphq.org)  
571-329-4234

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**From:** Amber Cabrera [KDC] <[Amber.Cabrera@ks.gov](mailto:Amber.Cabrera@ks.gov)>  
**Sent:** Wednesday, November 10, 2021 4:13 PM  
**To:** Kevin Schmidt <[KSchmidt@afphq.org](mailto:KSchmidt@afphq.org)>  
**Cc:** Elizabeth Patton <[EPatton@afphq.org](mailto:EPatton@afphq.org)>  
**Subject:** KORA request

Mr. Schmidt,

The Kansas Department of Commerce (Commerce) has received your request for records pursuant to the Kansas Open Records Act (KORA) dated November 10, 2021. Per statute, Commerce is required to act on a KORA request within three business days after the day it was received. See K.S.A. 45-218(d). The letter that documented the specific records you are requesting was received on November 10, 2021, and Commerce has determined that date as the date of receipt. Please consider this message as notification of Commerce acting on your request for open records.

Specifically, the records mentioned in your request include:

1. All internal or external reports, including those commissioned or contracted, which examine the STAR Bonds financing program from 2007 to the present.

2. All STAR Bond feasibility studies from 2007 to the present.
3. All e-mail communications regarding the STAR Bond financing program sent to or from the following employees between January 1, 2021 to September 1, 2021:
  - a. Secretary of Commerce
  - b. Chief of Staff
  - c. Chief Counsel

Unfortunately, the Kansas Department of Commerce is working to identify and review any records which may be responsive to your request, Commerce needs additional time to respond to your request in full. While not all of your requested records may be available, we are committed to responding to your request as quickly as possible. The earliest date that records may be provided to you is November 19, 2021.

Amber Cabrera  
Attorney  
Kansas Department of Commerce  
1000 S.W. Jackson St., Suite 100  
Topeka, KS 66612-1354  
Phone: 785.296.1913  
Fax: 785.296.6809

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# EXHIBIT

4

## Kevin Schmidt

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**From:** Amber Cabrera [KDC] <Amber.Cabrera@ks.gov>  
**Sent:** Monday, December 6, 2021 8:00 PM  
**To:** Kevin Schmidt  
**Cc:** Elizabeth Patton  
**Subject:** RE: KORA request

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Mr. Schmidt,

The Kansas Department of Commerce has yet to receive the \$500 to act on your KORA request dated November 10, 2021. Commerce will inform you when we have received the initial payment and anticipate that it will take 15 days after we have received your payment for Commerce to fully complete your request. Thank you.

Amber

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**From:** Kevin Schmidt <KSchmidt@afphq.org>  
**Sent:** Tuesday, November 30, 2021 9:42 AM  
**To:** Amber Cabrera [KDC] <Amber.Cabrera@ks.gov>  
**Cc:** Elizabeth Patton <EPatton@afphq.org>  
**Subject:** RE: KORA request

**EXTERNAL:** This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Thank you for the response on this. The \$500 should be in the mail today or tomorrow to get the work started on this request. Could you please let me know when it is received by your office?

---

**From:** Amber Cabrera [KDC] <[Amber.Cabrera@ks.gov](mailto:Amber.Cabrera@ks.gov)>  
**Sent:** Friday, November 19, 2021 5:31 PM  
**To:** Kevin Schmidt <[KSchmidt@afphq.org](mailto:KSchmidt@afphq.org)>  
**Cc:** Elizabeth Patton <[EPatton@afphq.org](mailto:EPatton@afphq.org)>  
**Subject:** RE: KORA request

Mr. Schmidt,

The Kansas Department of Commerce (Commerce) has received your request for records pursuant to the Kansas Open Records Act (KORA) dated November 10, 2021. Specifically, the records mentioned in your request include:

1. All internal or external reports, including those commissioned or contracted, which examine the STAR Bonds financing program from 2007 to the present.
2. All STAR Bond feasibility studies from 2007 to the present.
3. All e-mail communications regarding the STAR Bond financing program sent to or from the following employees between January 1, 2021 to September 1, 2021:
  - a. Secretary of Commerce
  - b. Chief of Staff

c. Chief Counsel

Commerce needs additional time to respond to your request in full. While not all of your requested records may be available, we are committed to responding to your request as quickly as possible. The earliest date that records may be provided to you is December 6, 2021.

Commerce anticipates this request will result in approximately 2,000 pages, at a rate of 25 cents per page, and require at least 3 hours of attorney staff time, at a rate of \$60.00 per hour. The total estimated cost to process this record request is \$680.00. Any additional costs incurred by the department will also be assessed at the time the request is complete.

In order for Commerce to begin work on this request please, please remit at least \$500.00 to the following:

Kansas Department of Commerce  
1000 SW Jackson St., Ste. 100  
Attn: Legal - KORA  
Topeka, Kansas 66612

The remaining balance of actual costs will need to be paid prior to the records being released.

If you have any questions, please let me know.

Amber Cabrera  
Attorney  
Kansas Department of Commerce  
1000 S.W. Jackson St., Suite 100  
Topeka, KS 66612-1354  
Phone: 785.296.1913  
Fax: 785.296.6809

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---

**From:** Kevin Schmidt <[KSchmidt@afphq.org](mailto:KSchmidt@afphq.org)>  
**Sent:** Wednesday, November 10, 2021 3:14 PM  
**To:** Amber Cabrera [KDC] <[Amber.Cabrera@ks.gov](mailto:Amber.Cabrera@ks.gov)>  
**Cc:** Elizabeth Patton <[EPatton@afphq.org](mailto:EPatton@afphq.org)>  
**Subject:** RE: KORA request

**EXTERNAL:** This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Thank you for the reply. Please let us know if we can assist in any way.

# EXHIBIT

5



## Kevin Schmidt

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**From:** Amber Cabrera [KDC] <Amber.Cabrera@ks.gov>  
**Sent:** Friday, January 21, 2022 5:52 PM  
**To:** Kevin Schmidt  
**Cc:** Elizabeth Patton  
**Subject:** KORA Request

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Mr. Schmidt,

Unfortunately, the Department of Commerce is still working to identify and review any records which may be responsive to your request, Commerce needs additional time to respond to your request in full. While not all your requested records may be available, we are committed to responding to your request as quickly as possible. The earliest date that records may be provided to you is February 4, 2022. Thank you.

Amber Cabrera  
Attorney  
Kansas Department of Commerce  
1000 S.W. Jackson St., Suite 100  
Topeka, KS 66612-1354  
Phone: 785.296.1913  
Fax: 785.296.6809

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# EXHIBIT

6

## Kevin Schmidt

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**From:** Amber Cabrera [KDC] <Amber.Cabrera@ks.gov>  
**Sent:** Friday, February 4, 2022 5:08 PM  
**To:** Kevin Schmidt  
**Cc:** Elizabeth Patton  
**Subject:** RE: KORA Request

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Mr. Schmidt,

We are going to send you the first collection of records that we have complied on February 7, 2022. We do need additional time to acquire the rest and anticipate the earliest we can provide you with any remaining records is March 4, 2022.

Thank you.

Amber Cabrera  
Attorney  
Kansas Department of Commerce  
1000 S.W. Jackson St., Suite 100  
Topeka, KS 66612-1354  
Phone: 785.296.1913  
Fax: 785.296.6809

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**From:** Kevin Schmidt <KSchmidt@afphq.org>  
**Sent:** Monday, January 24, 2022 9:59 AM  
**To:** Amber Cabrera [KDC] <Amber.Cabrera@ks.gov>  
**Cc:** Elizabeth Patton <EPatton@afphq.org>  
**Subject:** RE: KORA Request

**EXTERNAL:** This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Thank you for the update. Please let us know if there's anything we can do to help expedite the process. We are also open to an interim production while the rest of the records are being identified.

---

**From:** Amber Cabrera [KDC] <[Amber.Cabrera@ks.gov](mailto:Amber.Cabrera@ks.gov)>  
**Sent:** Friday, January 21, 2022 5:52 PM  
**To:** Kevin Schmidt <[KSchmidt@afphq.org](mailto:KSchmidt@afphq.org)>  
**Cc:** Elizabeth Patton <[EPatton@afphq.org](mailto:EPatton@afphq.org)>  
**Subject:** KORA Request

Mr. Schmidt,

Unfortunately, the Department of Commerce is still working to identify and review any records which may be responsive to your request, Commerce needs additional time to respond to your request in full. While not all your requested records may be available, we are committed to responding to your request as quickly as possible. The earliest date that records may be provided to you is February 4, 2022. Thank you.

Amber Cabrera  
Attorney  
Kansas Department of Commerce  
1000 S.W. Jackson St., Suite 100  
Topeka, KS 66612-1354  
Phone: 785.296.1913  
Fax: 785.296.6809

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# EXHIBIT

7

## Kevin Schmidt

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**From:** Amber Cabrera [KDC] <Amber.Cabrera@ks.gov>  
**Sent:** Monday, February 14, 2022 10:59 AM  
**To:** Kevin Schmidt  
**Cc:** Elizabeth Patton  
**Subject:** RE: KORA Request

Hi Kevin,

We mailed the first set of documents last week and FedEx informed us that they were delivered on February 10, 2022. The documents were delivered to 1310 N. Courthouse Road, 7<sup>th</sup> Floor, Arlington, VA 22201. Please let me know if you haven't received them. Thank you.

Fedex tracking number: [775977603774](https://www.fedex.com/track/775977603774)

Amber Cabrera  
Attorney  
Kansas Department of Commerce  
1000 S.W. Jackson St., Suite 100  
Topeka, KS 66612-1354  
Phone: 785.296.1913  
Fax: 785.296.6809

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**From:** Kevin Schmidt <KSchmidt@afphq.org>  
**Sent:** Monday, February 14, 2022 9:47 AM  
**To:** Amber Cabrera [KDC] <Amber.Cabrera@ks.gov>  
**Cc:** Elizabeth Patton <EPatton@afphq.org>  
**Subject:** RE: KORA Request

**EXTERNAL:** This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Good morning,

I wanted to see if the first set of records was sent last week or if there's an update on those.

Thank you,  
Kevin

---

**From:** Amber Cabrera [KDC] <[Amber.Cabrera@ks.gov](mailto:Amber.Cabrera@ks.gov)>  
**Sent:** Friday, February 4, 2022 5:08 PM  
**To:** Kevin Schmidt <[KSchmidt@afphq.org](mailto:KSchmidt@afphq.org)>  
**Cc:** Elizabeth Patton <[EPatton@afphq.org](mailto:EPatton@afphq.org)>  
**Subject:** RE: KORA Request

Mr. Schmidt,

We are going to send you the first collection of records that we have complied on February 7, 2022. We do need additional time to acquire the rest and anticipate the earliest we can provide you with any remaining records is March 4, 2022.

Thank you.

Amber Cabrera  
Attorney  
Kansas Department of Commerce  
1000 S.W. Jackson St., Suite 100  
Topeka, KS 66612-1354  
Phone: 785.296.1913  
Fax: 785.296.6809

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**From:** Kevin Schmidt <[KSchmidt@afphq.org](mailto:KSchmidt@afphq.org)>  
**Sent:** Monday, January 24, 2022 9:59 AM  
**To:** Amber Cabrera [KDC] <[Amber.Cabrera@ks.gov](mailto:Amber.Cabrera@ks.gov)>  
**Cc:** Elizabeth Patton <[EPatton@afphq.org](mailto:EPatton@afphq.org)>  
**Subject:** RE: KORA Request

**EXTERNAL:** This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Thank you for the update. Please let us know if there's anything we can do to help expedite the process. We are also open to an interim production while the rest of the records are being identified.

---

**From:** Amber Cabrera [KDC] <[Amber.Cabrera@ks.gov](mailto:Amber.Cabrera@ks.gov)>  
**Sent:** Friday, January 21, 2022 5:52 PM  
**To:** Kevin Schmidt <[KSchmidt@afphq.org](mailto:KSchmidt@afphq.org)>  
**Cc:** Elizabeth Patton <[EPatton@afphq.org](mailto:EPatton@afphq.org)>  
**Subject:** KORA Request

Mr. Schmidt,

Unfortunately, the Department of Commerce is still working to identify and review any records which may be responsive to your request, Commerce needs additional time to respond to your request in full. While not all your requested records may be available, we are committed to responding to your request as quickly as possible. The earliest date that records may be provided to you is February 4, 2022. Thank you.

Amber Cabrera  
Attorney  
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# EXHIBIT

8

## Kevin Schmidt

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**From:** Amber Cabrera [KDC] <Amber.Cabrera@ks.gov>  
**Sent:** Friday, March 4, 2022 4:17 PM  
**To:** Kevin Schmidt  
**Cc:** Elizabeth Patton  
**Subject:** KORA Request

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Mr. Schmidt,

The Kansas Department of Commerce is providing the second collection of records that we have compiled via the link below. We do need additional time to acquire the rest and anticipate the earliest we can provide you with any remaining records is April 1, 2022. Please let me know if you are unable to access the link and retrieve the necessary documents. Thank you.

[https://sokansas-my.sharepoint.com/:f/g/personal/amber\\_cabrera\\_kdc\\_ks\\_gov/Eohracse721MthxNHHa26-AB2b8JK5dV-78Flj5q088P1A?e=0y4d9n](https://sokansas-my.sharepoint.com/:f/g/personal/amber_cabrera_kdc_ks_gov/Eohracse721MthxNHHa26-AB2b8JK5dV-78Flj5q088P1A?e=0y4d9n)

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# EXHIBIT

9

## Kevin Schmidt

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**From:** Amber Cabrera [KDC] <Amber.Cabrera@ks.gov>  
**Sent:** Friday, April 1, 2022 4:39 PM  
**To:** Kevin Schmidt  
**Cc:** Elizabeth Patton  
**Subject:** KORA Request

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Completed

Mr. Schmidt,

Unfortunately, the Kansas Department of Commerce needs additional time to acquire the final collection of records associated with your KORA request. The earliest date we can provide you with any remaining records is April 29, 2022.

Please let me know if you have any questions. Thank you.

Amber Cabrera  
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Kansas Department of Commerce  
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# EXHIBIT

10

## Kevin Schmidt

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**From:** Amber Cabrera [KDC] <Amber.Cabrera@ks.gov>  
**Sent:** Friday, April 29, 2022 5:37 PM  
**To:** Kevin Schmidt  
**Cc:** Elizabeth Patton  
**Subject:** KORA

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Mr. Schmidt,

You will find access to a collection of records associated with your KORA request via the link below. Unfortunately, Commerce needs additional time to acquire the final collection of records associated with your request. The earliest date we can provide you with any remaining records is May 27, 2022. Please let me know if you are unable to access the link below. Thank you.

[https://sokansas-my.sharepoint.com/:f/g/personal/amber\\_cabrera\\_kdc\\_ks\\_gov/Ej-cFI464a5NmZ6gD2NsNXyB7LI6fVZIZp7ozpYiJl869w?e=MpURGe](https://sokansas-my.sharepoint.com/:f/g/personal/amber_cabrera_kdc_ks_gov/Ej-cFI464a5NmZ6gD2NsNXyB7LI6fVZIZp7ozpYiJl869w?e=MpURGe)

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# EXHIBIT

11

## Kevin Schmidt

---

**From:** Amber Cabrera [KDC] <Amber.Cabrera@ks.gov>  
**Sent:** Friday, May 27, 2022 3:53 PM  
**To:** Kevin Schmidt  
**Cc:** Elizabeth Patton; Tristin Dierking [KDC]  
**Subject:** Kansas Open Records Act

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Mr. Schmidt,

Unfortunately, Commerce needs additional time to acquire the final collection of records associated with your KORA request. The earliest date we can provide you with any remaining records is June 30, 2022. Thank you.

Amber Cabrera  
Attorney  
Kansas Department of Commerce  
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# EXHIBIT

12

## Kevin Schmidt

---

**From:** Amber Cabrera [KDC] <Amber.Cabrera@ks.gov>  
**Sent:** Friday, July 1, 2022 9:56 AM  
**To:** Kevin Schmidt  
**Cc:** Elizabeth Patton  
**Subject:** Kansas Open Records Act

Mr. Schmidt,

Unfortunately, Commerce needs additional time to acquire the final collection of records associated with your KORA request. The earliest date we can provide you with any remaining records is July 31, 2022. Thank you.

Amber Cabrera  
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# EXHIBIT

13

## Kevin Schmidt

---

**From:** Amber Cabrera [KDC] <Amber.Cabrera@ks.gov>  
**Sent:** Saturday, July 30, 2022 11:09 AM  
**To:** Kevin Schmidt  
**Cc:** Elizabeth Patton  
**Subject:** KORA

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Mr. Schmidt,

Unfortunately, Commerce needs additional time to acquire the final collection of records associated with your KORA request. The earliest date we can provide you with any remaining records is August 19, 2022. Thank you.

Amber Cabrera  
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Kansas Department of Commerce  
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# EXHIBIT

14

## Kevin Schmidt

---

**From:** Amber Cabrera [KDC] <Amber.Cabrera@ks.gov>  
**Sent:** Saturday, August 27, 2022 1:15 PM  
**To:** Kevin Schmidt  
**Cc:** Elizabeth Patton  
**Subject:** KORA request

Mr. Schmidt,

Unfortunately, Commerce needs additional time to acquire the final collection of records associated with your KORA request. The earliest date we can provide you with any remaining records is September 30, 2022. Thank you.

Amber Cabrera  
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Kansas Department of Commerce  
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# EXHIBIT

15

## Kevin Schmidt

---

**From:** Amber Cabrera [KDC] <Amber.Cabrera@ks.gov>  
**Sent:** Friday, September 30, 2022 5:56 PM  
**To:** Kevin Schmidt  
**Cc:** Elizabeth Patton  
**Subject:** KORA request

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Completed

Mr. Schmidt,

Unfortunately, Commerce needs additional time to acquire the final collection of records associated with your KORA request. The earliest date we can provide you with any remaining records is October 28, 2022. Thank you.



**Amber Cabrera**  
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[kansascommerce.gov](http://kansascommerce.gov)

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# EXHIBIT

16

## Kevin Schmidt

---

**From:** Kevin Schmidt  
**Sent:** Friday, December 2, 2022 2:27 PM  
**To:** Amber Cabrera [KDC]  
**Cc:** Elizabeth Patton  
**Subject:** RE: KORA request

Good afternoon,

Does the agency have a more detailed explanation for the continued delays in processing the final part of this request? The last record production occurred over 7 months ago on April 29, 2022.

Thank you,  
Kevin

---

**From:** Amber Cabrera [KDC] <Amber.Cabrera@ks.gov>  
**Sent:** Tuesday, November 29, 2022 7:46 PM  
**To:** Kevin Schmidt <KSchmidt@afphq.org>  
**Cc:** Elizabeth Patton <EPatton@afphq.org>  
**Subject:** Re: KORA request

Mr. Schmidt,

We are still working on processing the final part of this request. I'll be in touch when that is complete. Thank you.

Amber Cabrera  
Attorney

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---

**From:** Kevin Schmidt <KSchmidt@afphq.org>  
**Sent:** Tuesday, November 29, 2022 2:57 PM  
**To:** Amber Cabrera [KDC] <Amber.Cabrera@ks.gov>  
**Cc:** Elizabeth Patton <EPatton@afphq.org>  
**Subject:** RE: KORA request

**EXTERNAL:** This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Good afternoon,

Are there any updates on the processing of this request?

Thank you,  
Kevin

---

**From:** Amber Cabrera [KDC] <[Amber.Cabrera@ks.gov](mailto:Amber.Cabrera@ks.gov)>  
**Sent:** Friday, September 30, 2022 5:56 PM  
**To:** Kevin Schmidt <[KSchmidt@afphq.org](mailto:KSchmidt@afphq.org)>  
**Cc:** Elizabeth Patton <[EPatton@afphq.org](mailto:EPatton@afphq.org)>  
**Subject:** KORA request

Mr. Schmidt,

Unfortunately, Commerce needs additional time to acquire the final collection of records associated with your KORA request. The earliest date we can provide you with any remaining records is October 28, 2022. Thank you.



**Amber Cabrera**  
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[kansascommerce.gov](http://kansascommerce.gov)

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