

# 300-176 Commissioners accused of violating KOMA

## Investigation is two years old

BY BRIAN MCCAULEY  
BRIAN.MCCAULEY@MICONNEWS.COM

The Miami County Commission is under investigation by the Johnson County District Attorney's Office for alleged violations of the Kansas Open Meetings Act that occurred more than two years ago.

Former Miami County Commissioner Lyle Wobker is accusing his fellow commissioners of making decisions during study sessions without taking a vote, discussing executive session topics during lunch without officially calling for an executive session, and giving the county administrator consensus opinions of the commission even though not all of the commissioners had discussed the topic in question.

Wobker initially filed the complaint with the Miami County Attorney's Office, but former Miami County Attorney David L. Miller transferred the case to the state attorney general's office because of his conflict of interest with the commission.

Wobker said he has spent the past two years watching as the case has been pushed aside. He said he would check in every few months and rarely

get a reply, until recently, when he sent an email shortly before the August primary election to Kansas Attorney General Derek Schmidt.

"I asked him why I should vote for an elected official who will not respond to questions," Wobker said. "I got a reply in a little more than an hour."

Besides the email, Wobker also received a letter from Schmidt on Aug. 26 in which the attorney general apologized for the delay in the case.

"Your email caused me concern because of its assertion that the office of the attorney general has not acted promptly in handling this matter," Schmidt wrote. "As a result of your inquiry, I have reviewed the case status and discovered that, although investigation has in fact occurred, the lengthy delay you described in concluding the matter is essentially correct. That is not acceptable, and I regret the delay."

Schmidt went on to say that he cannot complete the investigation because he has developed a professional relationship with one of the commissioners involved that could create the appearance of a conflict of interest.

"Therefore, I have asked Johnson County District Attorney Steve Howe to complete the inquiry into this matter and to

take any action that he concludes is necessary," Schmidt said.

Part of that investigation took place at the Nov. 5 study session, during which investigator Brian Denton of the Johnson County District Attorney's Office met privately with Miami County commissioners Jim Wise, George Pretz, Ron Stiles and Danny Gallagher, who took over Wobker's seat in 2011.

Miami County Counselor David Heger also sat in on the private meetings. Miami County Commissioner Rob Roberts was not present at the meeting because he was attending a conference in Manhattan.

Wobker said he is happy to at least see that the investigation is taking place.

"It is my opinion that these guys go out of their way to keep the public in the dark, and that's not right," Wobker said of the commissioners.

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