

Olathe News  
Olathe, KS  
Circ. 4424  
From Page:  
4  
10/8/2011  
33555

## JCCC faces lawsuit in records case

By **MARA ROSE WILLIAMS**  
The Olathe News

Johnson County Community College is being sued by a student journalist who claims it tried to skirt the Kansas Open Records Law by requiring excessive charges for public documents.

The student newspaper, the Campus Ledger, requested seven months of emails between a former JCCC employee, who had been abruptly let go, and the employee's supervisor.

Administrators responded that would require "a significant amount of time and expense," and documents would be released once the newspaper paid \$47,426.

"That struck us as excessive," said Christopher Grenz, Kansas

City attorney for Marcus Clem, 21, of Stilwell as well as the Student Press Law Center, based near Washington, D.C.

"The college never indicated that the records requested did not fall under the purview of the Kansas Open Records Act..."

The lawsuit, filed Tuesday, contends "the college's attempt to charge excessive fees ... is an effort to chill the public's access to information that should be readily available."

Joe Sopcich, JCCC's executive vice president of administrative services, declined to discuss details of the suit but said, "There was no intent to do what the lawsuit contends we did."

When the college receives a records request, he said, "we do





Olathe News  
 Olathe, KS  
 Circ. 4424  
 From Page:  
 4  
 10/8/2011  
 33555



take it very serious and respond as accurately and as quickly as possible.

"But this request was unusual in scope. It was of a very broad scope."

The Ledger, which is not a party in the suit, and the law center made several attempts to get the information at a "reasonable cost." Eventually, the request was pared to emails between two people over one day.

According to the suit, school officials said even that request for about 20 emails would cost nearly \$10,000 because an outside firm would have to work 45 hours to retrieve those missives.

Clem, whose semester working with the student paper ended in May, said he was shocked by the price tag.

"I would like to know their motivation for ignoring their responsibility to state law to produce public documents at a reasonable cost..." he said. "I was prepared to pay several hundred dollars."

Neither Clem nor the newspaper had uncovered any wrongdoing by JCCC involving the employee leaving the school.

But Clem said, "There must be something in those emails that they are desperate to cover up..."

There's no coverup, responded Sopcich. "When you have to go back a bit in time for electronic information it becomes a bit more complicated."

The law center and Clem also had asked for all the open-record requests and responses the school had received in fiscal years 2010 and 2011. The suit contends they were told it would cost \$1,120 for a lawyer to review 4,350 pages of documents before being released.

Clem said he wanted the school to back down on the charges and produce the originally requested emails for much less money.

"My primary objective is for all student journalists; that they can make open record requests in the future and not have to be confronted with ridiculous charges," Clem said.

*To reach Mard Rose Williams, call 816-234-4419.*