

**Looten, Kathy**

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**Subject:** Missouri Freedom of Information Act Request

**From:** Jeff Thomas <jefthomas1972@gmail.com>  
**Date:** Sunday, June 21, 2015 at 1:48 PM  
**To:** John Jungmann <jejungmann@spsmail.org>  
**Subject:** Re: Missouri Freedom of Information Act Request

Dear John Jungmann:

Under the **Missouri Sunshine Law § 610.023 et seq.**, I am requesting an electronic copy of the following public records:

An itemized list of expense making up the \$1,55,945.50, Cost of issuance of The School District Of Springfield R-XII: General Obligation School Refunding Bonds Series 2015 \$2,19,05,000, and also underwriters discounts, if any . According to the Official Statement, this amount includes fees of bond counsel, municipal advisory, verification agent, trustee, dissemination agent, rating agency, bond insurance, printing costs, etc. I am seeking more detail about the composition of this total cost.

I am a researcher and my current study involves reviewing cost of issuance of bond issuers across different issuers. Hence the aforesaid information would be helpful for my study.

The Missouri Sunshine Law requires a response within three business days. If access to the records I am requesting will take longer than this amount of time, please contact me with an anticipated release date.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering my request.

Sincerely,

Jeff Thomas



*Helping today's kids fill tomorrow's promise.*

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**John E. Jungmann, Ed.D.**  
**Superintendent**

June 25, 2015

Mr. Jeff Thomas  
jefthomas1972@gmail.com

Dear Mr. Thomas:

This letter will respond to your email dated June 21, 2015, and received in my office on June 22, 2015. Your email requests certain public records pursuant to the Missouri Sunshine Statute. More specifically, your letter requests the following:

“An itemized list of expense making up the \$1,55,945.50, Cost of issuance of The School District Of Springfield R-XII: General Obligation School Refunding Bonds Series 2015 \$2,19,05,000, and also underwriters discounts, if any . According to the Official Statement, this amount includes fees of bond counsel, municipal advisory, verification agent, trustee, dissemination agent, rating agency, bond insurance, printing costs, etc. I am seeking more detail about the composition of this total cost.”

Note: Clarification on the request was requested and received on June 22, 2015.

Initially, in order to be subject to disclosure under the Missouri Sunshine Law, documents must constitute “public records” of the “public governmental body.” In this case, the “public governmental body” is the Board of Education for the School District of Springfield, R-12. The term “public records” is defined in Section 610.010(6) RSMo. as follows:

(6) “Public record” -- *any record*, whether written or electronically stored, retained by or of any public governmental body including any report, survey, memorandum, or other document or study prepared and presented to the public governmental body by a consultant or other professional service paid for in whole or in part by public funds; including records created or maintained by private contractors under an agreement with a public governmental body or on behalf of a public governmental body; provided, however, that personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of eighteen years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen years. The term “public record” shall not include any internal memorandum or letter received or prepared by or on behalf of a member of a public governmental body consisting of advice, opinions and recommendations in connection with the deliberative decision-making process of said body, unless such records are retained by the public governmental body or presented at a public meeting.”

Thus, the term "public record" includes only those records, either written or electronic, that are already in existence that the public governmental body is "holding" or "retaining" in its possession. *Jones v Jackson County Circuit Court*, 162 S.W.3d 53, 59 (Mo App 2005).

The District will not provide you with public documents which may be encompassed by your request that are closed records. Included in these closed public documents are the following:

- The minutes of closed meetings of the Board of Education which were closed pursuant to Section 610.021 RSMo, and not otherwise required to be revealed;
- Privileged communications between the Board of Education or its representatives and its attorneys pursuant to Section 610.021(1) RSMo;
- Records involving the hiring, firing, disciplining or promoting of particular employees by the Board of Education when personal information about the employee is discussed or recorded, except those public records which have been made public pursuant to Section 610.021(3) RSMo;
- Records involving software codes for electronic data processing and documentation thereof pursuant to Section 610.021(10) RSMo;
- Documents related to a negotiated contract until a contract is executed, pursuant to Section 610.021(12) RSMo;
- Documents which constitute individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, pursuant to Section 610.021(13) RSMo;
- Records which are protected from disclosure by law pursuant to Section 610.021(14) RSMo;
- Confidential or privileged communications between a public governmental body and its auditors, including all auditor work product pursuant to Section 610.021(17) RSMo;
- Records that identify the configuration of components or the operation of a computer, computer system, computer network, or telecommunications network, and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network, or telecommunications network of the District pursuant to Section 610.021(20) RSMo;
- Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between the Board of Education and a person or entity doing business with the Board pursuant to Section 610.021(21) RSMo.

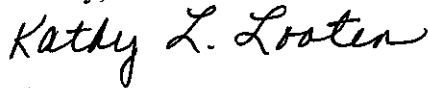
With this explanation in mind, the Board responds as follows to your request:

The fees for the Series \$21,905,000 were estimated at \$155,945.50. The actual fees assessed totaled \$154,822.50:

Legal Fees	\$44,000.00
Rating Agency	\$11,000.00
Paying Agent & Trustee (New Bonds)	\$250.00
State Auditor's Registration Fee	\$1,000.00
Underwriter's Discount .45% of Par Issued	\$98,572.50
Total	\$154,822.50

Thank you for your request.

Sincerely,



Kathy L. Looten  
Executive Office Liaison/Records Custodian

cc: Ransom Ellis, III