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Every Learner – Every Day*

John E. Jungmann, Ed.D.
Superintendent

August 24, 2016

Michael Gott
Plumbers & Pipefitters
Local Union 178
2501 W. Grand
Springfield, MO 65802

Dear Mr. Gott:

This letter will respond to your four letters dated August 22, 2016. Your letters requests certain public records pursuant to the Missouri Sunshine Statute. More specifically, your letter requests the following:

“...copies of the certified payroll records for employees working for **Platinum Service Group, INC**, on all phases of the **Sequiota Elementary School boiler project**. This request includes information regarding the names, address, job classifications, annual wage order, proof of OSHA 10 training, and wages of the employees working on this project.

...copies of the certified payroll records for employees working for **Springfield Plumbing**, on all phases of the **Fremont Elementary School addition and remodel project**. This request includes information regarding the names, address, job classifications, annual wage order, proof of OSHA 10 training, and wages of the employees working on this project.

...copies of the certified payroll records for employees working for **Kimberling City Plumbing**, on all phases of the **Kickapoo High School addition and remodel project**. This request includes information regarding the names, address, job classifications, annual wage order, proof of OSHA 10 training, and wages of the employees working on this project.”

...copies of the certified payroll records for employees working for **Gold Mechanical**, on all phases of the **Kickapoo High School addition and remodel project**. This request includes information regarding the names, address, job classifications, annual wage order, proof of OSHA 10 training, and wages of the employees working on this project.”

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;

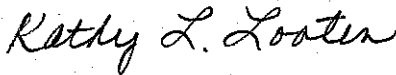
- Confidential or privileged communications between a public governmental body and its auditors, including all auditor work product pursuant to Section 610.021(17) RSMo;
- Records that identify the configuration of components or the operation of a computer, computer system, computer network, or telecommunications 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 work on the Sequiota project has not yet started, therefore there are no documents that match your request. The remainder of your requests are approved by the District and the documents will be made available in the next seven business days. I will notify you when they are ready to be picked up.

Thank you for your request.

Sincerely,

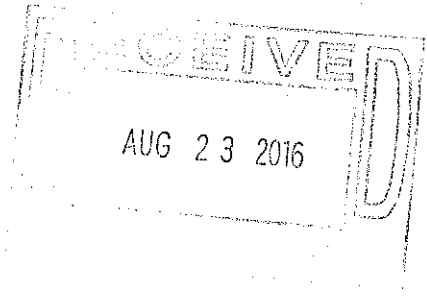


Kathy L. Looten
Executive Office Liaison/Records Custodian

cc: Ransom Ellis, III

9/26

Kathy Looten
Executive Office Liaison
Springfield Public Schools
1359 E. St Louis Street
Springfield, MO 65802



Ms. Looten,

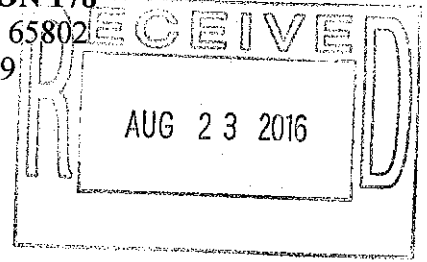
I hope that back to school is going well for you all, I have enclosed four separate certified payroll request. Platinum Service on Sequiota Elementary, Springfield Plumbing on Fremont Elementary, Kimberling City on Kickapoo High School, and Gold Mechanical on Kickapoo High School. Thank you to the R-12 school district for their time and the willingness to return the payrolls to me. Like in the past we are more than happy to pay for research time and copy fees.

Thanks again,

A handwritten signature in black ink, appearing to read "Michael Gott". The signature is stylized and cursive.

Michael Gott
Plumbers and Pipefitters
Local Union 178
2501 W. Grand
Springfield, MO 65802
417-869-0633
Lu178or@uanet.org

PLUMBERS and PIPEFITTERS LOCAL UNION 178
2501 W. GRAND, SPRINGFIELD, MISSOURI 65802
PHONE 417-869-0633 FAX 417-866-1609



RE: REQUEST FOR CERTIFIED PAYROLL RECORDS

August 22, 2016

To Whom It May Concern:

Plumbers and Pipefitters Local 178 hereby requests, pursuant to the Missouri Open Records Act, R.S. Mo. Sec. 610.010, et seq., that it be provided with copies of the certified payroll records for employees working for **Platinum Service Group INC.**, on all phases of the **Sequoiata Elementary School boiler replacement project**. This request includes information regarding the names, address, job classifications, annual wage order, proof of OSHA 10 training, and wages of the employees working on this project.

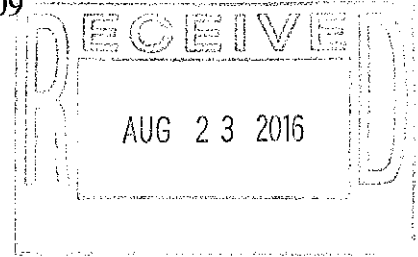
Should you require payment in advance for copies of the information requested, please notify the undersigned and I will promptly forward payment to you. I look forward to hearing from you.

Very Best Regards

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Michael Gott
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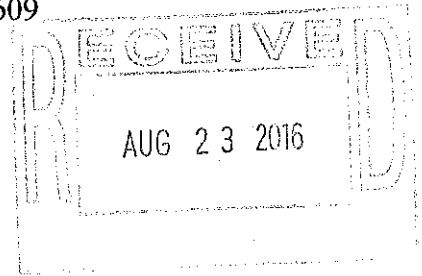
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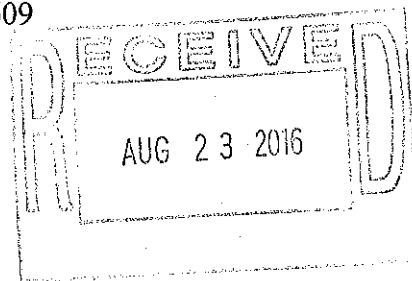
Plumbers and Pipefitters Local 178 hereby requests, pursuant to the Missouri Open Records Act, R.S. Mo. Sec. 610.010, et seq., that it be provided with copies of the certified payroll records for employees working for **Kimberling City Plumbing**, on all phases of the **Kickapoo High School addition and remodel project**. This request includes information regarding the names, address, job classifications, annual wage order, proof of OSHA 10 training, and wages of the employees working on this project.

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