

KEVIN M. MCGILL
President

ROGER C. MAYFIELD
Business Manager/Financial Secretary

KEITH A. JONES
Recording Secretary

ZACHARY D. HOHLT
Vice President

PAUL M. TUTER
Treasurer

INTERNATIONAL
ELECTRICAL



BROTHERHOOD
WORKERS

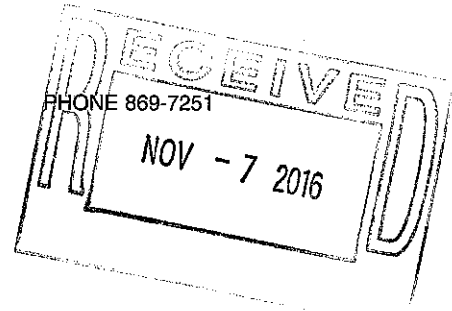
AFL-CIO

LOCAL UNION NO. 453

2902 EAST DIVISION

SPRINGFIELD, MO 65803

November 3, 2016



Ms. Kathy Looten, Superintendent
Springfield R-12 School District
1359 E. St. Louis Street
Springfield, MO 65802

This is a request for records under the Missouri Sunshine Law, Chapter 610, Revised Statutes of Missouri.

I request that you make available to me the following records:

Certified payroll of Davis Electric, for hours worked on the Kraft Administration Building.

The purpose of my request is for the possibility of employment and the safety of the public.

I request that the records responsive to my request be copied and sent to me at 2902 E. Division, Springfield, MO, 65803. I request that all fees for locating and copying the records be waived. The information I obtain through this request will be used to protect the prevailing wage in Missouri.

Please let me know in advance of any search or copying if the fees will exceed \$10.00. I may be reached at 417-869-7251, or if you prefer to provide the information electronically, my e-mail is Boots.Wilson@ibew453.com.

Thank you for your assistance with this matter.

Very truly yours

Raymond D. Wilson
Organizer
Local 453, IBEW

RW:slb

Looten, Kathy

From: Looten, Kathy
Sent: Tuesday, November 08, 2016 2:53 PM
To: 'Boots.Wilson@ibew453.com'
Subject: 11/7 Sunshine Law Request Response
Attachments: DOC110716-004.pdf; DOC110716-003.pdf; DOC110716-002.pdf; DOC110716-001.pdf; DOC110716.pdf; Wilson - SSRequest - KAC - 11.07.16.pdf

Mr. Wilson,

Attached please find the response to your November 3, 2016, Sunshine Law Request.

Thank you,

Kathy L. Looten
Executive Office Liaison
Office of the Superintendent
Springfield Public Schools
1359 E. Saint Louis Street
Springfield, MO 65802
417-523-0026



*Engaging. Relevant. Personal.
Every Learner – Every Day*

November 8, 2016

Mr. Raymond D. Wilson
Organizer, Local 453, IBEW
Boots.Wilson@ibew453.com

Dear Mr. Wilson:

This letter will respond to your letter dated November 3, 2016. Your letter requests certain public records pursuant to the Missouri Sunshine Statute. More specifically, your letter requests the following:

“...certified payroll records for Davis Electric, for hours worked on the Kraft Administrative Building.”

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 records you have requested are attached.

Thank you for your request.

Sincerely,

Kathy L. Looten

Kathy L. Looten
Executive Office Liaison/Records Custodian

cc: Ransom Ellis, III