



# The K.A.C.M. Docket

Volume 48

May 15, 2007

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## **THE PRESIDENT'S CORNER**

**By Bettina Jamerson**

Happy Spring!?!?

What strange weather we have been having in Kansas. I'm ready for Spring to come out in full bloom! It was good to see so many of you at the Spring Conference. A new training format was implemented for the new court clerks' orientation and it went over very well. Friday we heard from Bernie Hayen who's always a joy to have. Leslie Moore, with KBI, and our own Rod Edmondson walked us through filling out the KADR and answered our questions. We had the opportunity to ask Marcy, with DMV, all of our DL related questions and learn more about the electronic data submission that becomes mandatory July 1 of this year. And of course we had our roundtable discussions, which are always helpful for networking and talking about procedures.

I received a letter this month from the League of Kansas Municipalities extending an invitation to KACM members to attend their 2007 Annual Conference. It's their 99th Annual Conference and will be held October 6-9 at the Overland Park Convention Center. It brings together about 800 local government officials each year. This mainly includes mayors, council members, commissioners, city clerks, city managers, etc. They offer a number of general sessions and workshop breakout sessions on a variety of local government issues. If you're interested in attending please contact Jessica Roberts at (785) 354-9565 or e-mail her at [jroberts@lkm.org](mailto:jroberts@lkm.org).

Soon the membership renewals will be mailed out, so watch for those and get your renewals in. Update any names of clerks who have left your city or clerks that have been added. Also make sure you provide a current e-mail address. We hope to continue to e-mail newsletters to those with e-mail. This will save postage and trees!

*(continued on page 2)*

**The President's Corner** (continued from page 1)

Then it will be time for you to start thinking about the Fall Conference in Wichita. It is scheduled for September 20-21 at the Marriott Courtyard in Old Town. We will be having our annual Silent Auction to support the Polly Mains Scholarship Fund, so start creating fun things you could donate to the auction - jewelry, wraps, ponchos, candles, figurines, etc. Or create a basket of goodies from your city, or donate tickets to sporting events or theatrical performances. Be creative!

Enjoy your Spring!

Bettina Jamerson

**KADR – Electronic Submission**

The KBI has information listed on their website as to electronically submitting KDAR's (<http://www.kansas.gov/kbi/gjxdm.shtml>). The information is very technical, but in short, it provides the required data schema for these submissions. The KBI is using an XML format, which is an increasingly common means of structuring data and can be understood by the KBI's computers, interpreted, and pumped directly into their database. Any courts interested in submitting KADR's electronically should have their I.T. person review this information.

Are any courts already submitting KADR's electronically? If your court is processing these electronically, perhaps you would be willing to provide some comments on your experience to publish in the next newsletter; please contact Greg Nickel at [ghnickel@yahoo.com](mailto:ghnickel@yahoo.com)

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**Silent Auction to be held at the Fall Conference**

**Wichita, Kansas**

**Sept. 20th-21st, 2007**

Proceeds from the auction will be used to pay for the KACM Scholarships for the Fall Conference. Donations from all cities will be greatly appreciated; such items as crafts, sports memorabilia, Kansas goods or products, tickets to sporting events, theatre or other activities or any other items of your choice.

So please help out with this great cause and plan to bring something to the Silent Auction.

If you know of anyone who could benefit from the scholarship fund please let us know. There will be applications in an upcoming newsletter. The deadline to apply is August 3rd, 2007.

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**Replaced?** Police Blotter: A woman in Bozeman, Mont., complained in March of "strange noises" from underneath her house being made by "people from the 'Underworld.'" She told police that her house had been "replaced" in the middle of the night and that the original was being stored at an undisclosed location. [Bozeman Daily Chronicle, 3-18-07]

## Resource - List of Statutes

The Kansas Sentencing Commission has a list of statutes available online. This is an extensive list that identifies the misdemeanor designations, as well as the person/non-person classifications of a wide range of offenses. This reference tool is in an Excel spreadsheet format and can be downloaded from <http://www.kansas.gov/ksc/2006desk.shtml> (click on "Felony and Misdemeanor Statutes", listed under Appendix E and F)

### Record PBT of .47 – Still Walking & Talking???

REDMOND, Wash. (AP) — A Woodinville woman arrested following two car crashes last week registered a .47 blood-alcohol content on a breath test -- nearly six times the legal intoxication threshold and possibly a state record.

Deana F. Jarrett, 54, was taken to Evergreen Hospital as a precaution following her arrest April 11, the Washington State Patrol said Wednesday. No one was injured in the accidents.

Jarrett blew the .47 on a portable breath tester after she collided with two other vehicles in quick succession, the patrol said. A check of all 356,000 breath tests administered since 1998 in Washington turned up only 35 above .40 -- and none of those was higher than .45.

The legal intoxication threshold in Washington is .08.

Jarrett did not appear to have a listed phone number, and it was not clear if she had obtained a lawyer.



### Wanted: Better Criminals

Andre Henry was convicted on 27 criminal counts in Philadelphia in February (e.g., bank robbery, threatening witnesses and police officers), despite his cocky attitude on the witness stand. After the prosecution played back a recording of Henry confessing his crimes to a wire-wearing inmate, Henry was unfazed, quickly declaring that the confessor was really Henry's "twin brother" (except that the prosecutor easily showed that he doesn't have one). [Philadelphia Inquirer, 2-21-07]

Michael J. DeWitt, 39, was arrested for DUI in Fort Wayne, Ind., in February after he drove erratically into the parking lot of an Indiana State Police station early in the morning and told officers that he was there "to get a room." (A Holiday Inn was next door.) (Police later said they matched DeWitt's Hummer to the vehicle that minutes earlier had collided with a car nearby and left the scene.) [Chronicle-Tribune (Marion, Ind.), 2-1-07]

Brook Akins, 34, was arrested in January in a Salt Lake City suburb after calling 911 12 times in five hours to complain of a toothache and demand to speak to someone who could help him. [KTVX-TV (Salt Lake City), 1-31-07]

## MEMBERSHIP COMMITTEE UPDATE

Shelly Allenbach, Moundridge  
Amy Hankins, Gardner  
Hillary Pappan, Winfield  
**Rodney Edmondson, Baxter Springs – Chairman**  
[rod\\_edmondson@earthlink.net](mailto:rod_edmondson@earthlink.net)  
620-856-3825

### Please join us in welcoming the following new members to KACM!

- Michelle Bounds - Edwardsville
- Letha Harris - Weir
- Denise Streeter – Valley Falls
- Jami Walker - Pratt
- Jackie Leon – Leawood
- Sarah Ackerman-Hale – Spring Hill
- Laurie Harding – Enterprise
- Dana Kenneson – Eureka
- Mindy Graham – Olathe

Membership renewals will be mailed out in May. Please be watching for them. July 1st will begin a new membership year for K.A.C.M. If you receive a renewal form for a clerk that no longer works there, please let us know so we may correct our records.

If your court has a change of personnel, please let us know so we can update our records.

If you have any questions concerning your membership status please give us a call or e-mail.

### Legislative Update

**Seatbelt is Primary Violation if Under 18 Years Old:** STO 182.1 is amended by SB 8 allowing officers to effect a traffic stop and cite a 14-18 year old driver for only a seatbelt violation. Previously (and currently for other age groups), a seatbelt was a secondary violation and any ticket issued must also contain primary violation. Until January 1, 2008, such tickets may only be issued as warnings.

**Juveniles Also to be Fingerprinted:** HB 2074 specifies that juveniles also must be fingerprinted when convicted of a class A or B Misdemeanor.

**Cannot Use A Crime That Occurred After The Present Offense To Enhance The Sentence On The Present Offense:** State v. Ruiz-Reyes, \_\_\_ Kan.App.2d \_\_\_ (January 12, 2007) the Kansas Court of Appeals held that a defendant's sentence could not be enhanced for convictions for offenses that occurred after the present offense but before sentencing on it.

In other words, if a defendant commits another crime and is sentenced on it after he commits the offense for which he is before the court, his sentence cannot be enhanced due to the subsequent offense and conviction.

**State Fines Doubled If Speeding In A**

**School Zone:** SB 8 provides that state fine amounts will double for speeding in a school zone.

**Providing Driving Records To Employers:**

HB 2374 allows the Director of Vehicles of the Kansas Department of Revenue to provide an employer with an employee's motor vehicle driving record if the employee is required to drive in the course of their job.

**Presentation Of Certified Driving Record Showing Two Prior Dui Convictions Sufficient To Establish Felony For**

**Purposes Of Preliminary Hearing:** In State v. Shaw, Kan.App.2d \_\_\_ (March 30, 2007), the Court held that, for purposes of the preliminary hearing, a certified driving record showing two prior convictions was sufficient evidence to hold the defendant over for trial on a felony DUI charge.

**Breath Test Do-Over:** In State v. Shaw, \_\_\_ Kan.App.2d \_\_\_ (March 30, 2007), the Court found that the results of a second breath test were admissible. Shaw had been arrested for a DUI. At the station, he agreed to take a breath test. The officer administered the test, with a result of 0.12. Then, the officer realized he had forgotten to give Shaw the oral and written implied consent advisory. The officer did so and the defendant again agreed to and took the breath test. The second test result was 0.09. At trial, the defense moved to suppress the breath test results. The Court found the second breath test results admissible.

**No Diversion with Illegal Resident:** SB 31 amends 12-4415 to specify that a city prosecutor can not knowingly and willingly enter a diversion agreement in lieu of further criminal proceedings with an illegal alien.

**DUI Jurisdiction Granted on Felonies:**

Signed by governor May 9<sup>th</sup>, this is significant for Municipal Courts. More extensive background notes are available at <http://www.kslegislature.org/supplemental/2008/SN0031.pdf>. In short, this bill is a response to the KS Supreme Court decision holding that Municipal Court convictions on DUI's are voided if later discovered to be a felony level (3<sup>rd</sup> or subsequent), citing a lack of jurisdiction.

SB 31 addresses this problem by granting concurrent jurisdiction to municipal courts on 3<sup>rd</sup> and subsequent DUI's, and also references Theft, Domestic Battery, Worthless Checks, and Possession of Marijuana.

*Editor's note: You may wish to ask your prosecutor about how this impacts your municipal court. One prosecutor indicated that we could technically prosecute 3rd and subsequent DUI's, if filed as misdemeanors. However, although we can, we should not knowingly prosecute them in our courts; any crime that qualifies as a felony ought to be prosecuted as such, and should be sent to district court. Defense attorney's may press us to have their client's prosecuted in the municipal court to avoid a felony level conviction. The intent of this law is only to protect our convictions from nullification in the event that they are later discovered to be a felony level.*

# K.A.C.M Blackboard

## Call for articles and announcements:

Would anyone like to see a specific topic addressed, or would like the opportunity to be published in our newsletter? Many of you have great insight into our profession and could pass on this knowledge to the rest of our fine members. Even "old topics" are new to our newest members and are worth reviewing for our "older" members.

Perhaps you have a special occasion or event coming up that you would like to be posted. We want to be aware of exciting, meaningful, and significant events in our members' lives.

### Wedding News!

Sherri Adams' son, Jerrod Wilson, will be getting married to Bree Knight on June 9<sup>th</sup> in Kansas City. They are both Pittsburg State University graduates.

### Email Usage Reminder

Even though someone's email address is accessible through KACM, please be considerate and check with the person to be sure they are able to receive personal emails at their workplace. Some of these email addresses are only meant for business emails, not for any personal ones, so please take the time to check with the person to see where to send personal emails.

### Dates to Remember Fall Conference

Sept 20 & 21, 2007

Marriott Courtyard in  
Wichita Old Town

Please email Greg Nickel at [gnickel@newtonkansas.com](mailto:gnickel@newtonkansas.com). The value of our newsletter relies on you for announcements and contributions.

### Departing Guest.

Janeice Rawles has a foreign exchange student, Tommy from Germany, who will be leaving America on the 6th of June. Janeice says, "I really don't know what kind of feelings this will bring about, as he calls me Mom already. It has been a great 9 months and he will really be missed."

If you know someone who is retiring from their court clerk position, please let a board member know this information.

## CHECK OUT OUR WEBSITE!!

[www.ksmunicipalcourts.com](http://www.ksmunicipalcourts.com)

Our website contains information useful for court clerks, including contact information for other court clerks, our past & current newsletters, plus links to a lot of other informative sites. It also has a listing of Board and Committee members and the entire KACM membership list. If you have any additional information for our website, please contact one of the committee members by email or by phone... we would love your input!!!

### 2 Babies Born!

Candy Westhoff had a new grandbaby (her 8<sup>th</sup>!) - on March 21<sup>st</sup>, Orin Cale Weiss was born to her youngest daughter, Rebekah.

Janet Mitchell has a new granddaughter, Alyssa Maria, who was born April 3<sup>rd</sup>. In character with an excellent grandmother, Janet says, "she is beautiful."

**Award!** Bettina's 12-year old daughter, Sedona, received an "Outstanding Academic Achievement" award from People to People Student Leader Programs. She graduated from the 2007 World Leadership Forum in Washington, D.C., which she attended the week of March 26th. The program promotes citizenship and leadership training.

# K.A.C.M. Blackboard

## Karen Kuffler's Retiring.

Every so often we have the bittersweet duty of "celebrating" the retirement of a dedicated, long-serving member of KACM. We will certainly miss you Karen, but we are at the same time excited for you. You have well earned this. Here is a memo from Karen:

I am retiring from Parsons Municipal Court on August 1, 2007 and so I am also retiring from the association also. I just wanted to take a moment to that everyone for all the wonderful times and memories I have had over the past ten years. My replacement will be Jamie Kramer. She is excited about taking my job on and I know she will do a fine job. She will be coming to conference in September so I hope y'all will catch up with her and show her the ropes. I am submitting her name for membership so she can get her package for conference.

Once again, it has been a pleasure working and playing with the association.

concerts; craft items; cookbooks; floral arrangements; quilts; music CD's; knick-knacks; the possibilities are endless.

The Scholarship Committee encourages you to create, buy, build or request donated items to bring for the Silent Auction. Just bring them to the Fall Conference and we'll set up on Thursday morning. The Auction is open all day during the conference Thursday. The winners will be announced either Thursday evening or Friday morning and asked to pick up their items and pay for them before leaving the conference.

**KBI Training** to be held July 11, 2007, 9 am to 5pm in Belle Plaine, KS at the Belle Plaine Elementary School. The cost is \$15. Please contact Quinnda McMullen, Belle Plaine Municipal Court Clerk at 620-488-3525 or 620-488-1126 for more information. Deadline July 6, 2007.

**Should you have any questions please feel free to contact the Scholarship Committee Chair, Candy Westhoff (Girard) at 620-724-6219 or committee member, Janet Reimer (Newton) at 316-284-6057.**

## Scholarship Silent Auction

The Polly Mains Memorial Scholarship was awarded for the first time in September 2000 to a KACM member. The Scholarship was created with the intention of providing financial assistance to clerks whose city cannot afford to send them. The Scholarship pays for the clerks lodging and sometimes reimbursement for gas to and from the conference. The registration fee is also waived. Nine scholarships have been awarded since then.

To fund the scholarship a Silent Auction is held at the Fall Conference with donated items from KACM members and sometimes from their court or city. There are usually a variety of items brought for the auction. For example, handmade items, crocheted/knitted blankets, wraps, doilies, cross-stitched pictures; candles; baskets with goodies from the respective city; tickets to sporting events, plays,

## KAMPO Conference

The Kansas Association of Municipal Probation Officer's, which also warmly welcomes diversion officers, will be holding their annual conference Nov 1-2 in Salina. Contact Janet Reimer for more information at [jreimer@newtonkansas.com](mailto:jreimer@newtonkansas.com).

## BOARD OF DIRECTOR'S MEETING MINUTES

March 29, 2007

The K.A.C.M. Board of Director's meeting was held Thursday, March 29, 2007 at Clarion Hotel in Manhattan Kansas. President, Bettina Jamerson (Prairie Village) called the meeting to order. Roll call was taken and the following officers and board members were present:

President, Bettina Jamerson (Prairie Village)  
 Vice-President, Jeannine Hoheisel (Hesston)  
 Trustee, Theresa Durler (Dodge City)  
 Trustee, Sherri Adams (Pittsburg)  
 Trustee, Amy Spitler (Hutchinson)  
 Trustee, Candace Westhoff (Girard)  
 Trustee, Janeice Rawles (Edgerton)

Trustee, Evelyn Thomas (Topeka)  
 Alternate, Diane Clay (Fort Scott)  
 Alternate, Debbie Pickell (Gardner)  
 Member, Toni Rogers (Haysville)  
 Member, Sheila Hopkins (Prairie Village)  
 Member, Rod Edmondson (Baxter Springs)

Absent were:

Secretary, Barb Inselman (Lenexa)  
 Treasurer, Kristi Orbin (Shawnee)

Sergeant at Arms, Rick Voisin (Towanda)

Additions to Agenda – None

### MINUTES AND TREASURER REPORT

The minutes from the board meeting of January 19, 2007 were presented as printed in the newsletter. Corrections were made. Amy Spitler (Hutchinson) made a motion to accept the board minutes as amended. Candy Westhoff, (Girard) seconded. Motion carried.

Treasurer's Report – Bettina Jamerson (Prairie Village) gave update. There is a balance of \$4,262.49 after paying for NACM expenses and the newsletter. The balance in the scholarship fund is \$1,046.14. Janeice Rawles (Edgerton) made a motion to accept the Treasurer's Report. Sherri Adams (Pittsburg) seconded. Motion carried.

### CORRESPONDENCE

No correspondence was reported.

### COMMITTEE REPORTS

**Ambassador** – Debra Metzger (Lyons) – none

**Courtesy** – Barb Nelson (Ottawa) – none

**Education** – Jeannine Hoheisel (Hesston) – The fall conference is ready for Wichita. The July 20th board meeting will be held in Wichita with conference facilities being toured. Hotel reservations must be made by August 17th.



**Hospitality** – Janet Reimer (Newton) – none. Bettina reported that Hospitality Room will be open at 7:00 p.m.

**Legislative** – Greg Nickel (Newton) – Committee member Sheila Hopkins reported on SB #31.

**Membership** – Rod Edmondson (Baxter Springs) – New membership lists were emailed to everyone. He presented a list of the newest members. Membership renewal letters will go out the first week of May.

**Newsletter** – Barb McGuire (Wichita) – Barb has resigned due to her job change. Greg Nickel (Newton) is the new chairperson. All information for the May newsletter needs to be to him by April 20th.

**Promotion/Sales** – Karen Kuffler (Parsons) – Karen has resigned from committee. Amy Spitler (Hutchinson) is the new chairperson. She and Theresa Durler (Dodge City) will choose new items for the fall conference.

**Scholarship** – Candy Westhoff (Girard) – Candy is getting the information for the newsletter ready and asked everyone to be thinking about Silent Auction items.

**Manual** – Toni Rogers (Haysville) – New manuals were handed out at the new court clerk training. Everyone else will receive a manual in the summer.

**Past Presidents Committee** - Sherri Adams (Pittsburg) – None.

**Historian** – Barb McGuire (Wichita) – Barb has resigned due to her job change. Candy Westhoff (Girard) is the new chairperson.

#### OLD BUSINESS

The website has added the Ambassadors with contact information and a regional map. The by-laws will be added to the website.

KACM now has a credit card with a \$750 limit. The credit card can be used for the newsletter if the chairperson isn't located near a Staples office supply store.

#### NEW BUSINESS

The annual audit will be done at the July 20 board meeting so the information can be in the Fall Conference (Annual Meeting) packet. The July 20 meeting will be in the Courtyard by Marriott in Old Town in Wichita.

Vendor fees were discussed. There will be a \$100 vendor fee.

Amy Spitler (Hutchinson) made a motion to adjourn. Candy Westhoff (Girard) seconded. Motion carried; the meeting was adjourned.

## KANSAS ASSOCIATION FOR COURT MANAGEMENT

### Scholarship Application for Fall KACM Conference

Regular membership shall be open to any appointed Court Clerk/Court Administrator or any municipal Court in the State of Kansas. Any Assistant Court Clerk/Assistant Court Administrator or any person serving in a management position in any Municipal Court in the State of Kansas shall be eligible for regular membership in the corporation.

The Kansas Association of Court Management offers new clerk orientation (those new clerks who have been appointed within the last two years). The orientation is a basic course geared toward new clerks.

(Municipal Court Clerks attending the Municipal Court Clerks' Conference in the spring will be reimbursed directly to the Court Clerk (one clerk per city) by the Supreme Court. These reimbursements include mileage, lodging, and meals served at the Conference.) This application is not for the Spring Conference, but for the Fall Conference.

This scholarship is being offered to Court Clerks who have never been able to attend a KACM conference before. If your application is accepted, then KACM will waive registration fees, pay for the motel room and possibly mileage.

This document must be completed in its entirety and submitted by August 3rd, 2007.

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Court Name: \_\_\_\_\_

Court Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Court Phone Number \_\_\_\_\_ Court Fax Number \_\_\_\_\_

Please answer the following questions:

1. If selected, would you attend the Spring Conference? (Expenses reimbursed by Supreme Court.)  
     Yes                      No
2. If selected, would your City pay for you to attend the Fall Conference the following year?  
     Yes                      No
3. If you choose to become a regular member, would you serve on a committee or as a board member?  
     Yes                      No
4. Please state why we should select your application.  
     Yes                      No

**Please return application to:**

Candy Westhoff  
 120 N. Ozark  
 Girard, KS 66743  
 620-724-6219 or **FAX: 620-724-6878**

## **KACM Fall Conference**

**September 20 & 21, 2007**  
**Marriott Courtyard in Wichita Old Town**  
**820 E 2nd**

Fall conference is fast approaching, so you need to make plans. Your registration will be in the July newsletter for you to scan. Hotel reservations must be made by August 17th, so don't be late! Call a clerk friend(s) and room together if you must.

Come and learn,  
How laughter is good for the soul at work and home,  
How to recognize drug effects on people at work or in public,  
How to survive an attack, which we never know when it will happen, and  
How to simplify our lives, to organize and prioritize everything for work and home.

Come and enjoy,  
The hospitality room where there is always good food, good friends, and surprises.  
Mosley Street Melodrama and supper, where you can cheer and boo whenever you feel.  
The total package of the KACM conference, YOU and others just like you, a place to meet others who are walking in your shoes, love to laugh and listen, and learn tips to aid in your job and life after work.

So ask for the time off, make your reservations, and come, relax, learn, and enjoy KACM.

The KACM education committee.



**Early, Over-Zealous Court Clerk?** Wichita has a colorful history of municipal law enforcement. Carrie Nation, prohibition crusader, raided the swank Carey House bar on the southwest corner of Douglas and St. Francis, just blocks from our Fall conference location. Today the renovated Eaton offers apartment living on its upper stories and two ballrooms with original mosaic tile floor for parties and special events.

KANSAS ASSOCIATION FOR COURT MANAGEMENT

Newsletter Editor Greg Nickel  
704 E 4<sup>th</sup>  
Newton, KS 67114

Visit our website at:

[www.ksmunicipalcourts.com](http://www.ksmunicipalcourts.com)

***“I know where I will be in September!”***

**Fall Conference:**

**Wichita**

**September 20-21<sup>st</sup>  
2007**

**Marriott Courtyard  
In Old Town  
(820 E 2<sup>nd</sup>)**

***...now, do YOU??***

**Wichita’s Old Town** “is decidedly urban, distinctly Kansan. Nestled in the city’s heart among the brick-lined streets and historic lampposts are a collection of converted brick warehouses, circa 1870-1930, with native limestone accents and distinctive architectural features. More than 100 restaurants, shops, clubs, theaters, galleries, museums, and businesses have found their niche here under the unfettered Kansas sky.” ([www.oldtownwichita.com](http://www.oldtownwichita.com))