

The K.A.C.M. Docket

Volume 69

January, 2013

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THE PRESIDENT'S CORNER

By Shelli Adams



I am sitting here on a sunny gorgeous day in January with a projected high in the 70s! What? Thankfully we were blessed with some much needed rain in the last 48 hours. The holiday is behind us and I hope it was joyous for everyone. I feel like each holiday there is something new (and different) to feel blessed about and I hope everyone was able to come away with that same sentiment. The KACM board meeting was held in Wichita last Friday and we were able to enjoy our travels in sunny, brisk weather! Thank you to all of the members who were able to attend the meeting.

I hope everyone has had the opportunity to finish all of your yearend reports, including that final ADSAP report! I always feel like this is the time of the year court – staff seems to have major job security!

This is the time of the year to keep your eyes and ears open for upcoming legislative topics that may have an impact on our municipalities. I encourage everyone to keep abreast of those topics the next several months.

The spring conference that is hosted by OJA is just around the corner. It will be March 21 and 22 in Salina. I hope all of the new clerks are able to attend the new clerk orientation sessions on Thursday. I also look forward to seeing everyone else there on Friday for a great day of education and networking.

I hope everyone is blessed with a safe and healthy winter and I can't wait to see everyone in the spring!

Shellina Adams

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Membership Committee Update

Nioma Cook, chair (Andover) ncook@andoverks.com
 Hilary Pappan (Winfield) hpappan@winfieldks.org
 Sandi Reitchek (Hoxie) hoxietreas@ruraltel.net

Membership Committee would like everyone to welcome our new members.

Randall DeBeeld (Baxter Springs)

r.debeeld@bax66mail.com

Pamila Brummer (Cawker City)

cawcty@nckcn.com

Kelly Gaston (Council Grove)

cgpd@tctelco.net

Betty Gordon (Dodge City)

bettygordon@dodgecity.org

Denise Schomaker (Iola)

denise.schomaker@cityofiola.com

Stephen Powell (Shawnee)

Stephanie Ashby (Walton)

cityofwalton@pixius.net

Sherri Estes (Wellington)

Sherriestes@cityofwellington.net

Thank you.

Appeal Timeframe

Appeals from municipal courts are governed by KSA 22-3609, which states:



“No appeal shall be taken more than 14 days after the date of the judgment appealed from.”

There is occasionally some confusion about when these 14 days start. What is considered to be the “date of the judgment?” An easy, and maybe logical mistake is to take a cue from the wording used by the KADR form. It divides the disposition into two dates, “Date of Judgement” and “Date of Sentencing.” If sentencing is set for a month after plea, one could conclude that an appeal would be filed in the middle of this month before sentencing. But beware the trap!

(See “Appeal”, page 3)

DMV News

Susan Kotsch, the DMV’s Public Service Administrator, sends the following introductions:

Central Office has two new supervisors in the Driver Control line of Business and they are Grady Walker and Katherine Hockenbarger.

Grady comes to the Division of Vehicles, Central Office Operations after a 27 year law enforcement career. He was hired as a Public Service Administrator which serves as one of the Call Center Supervisors for the DC line of business. Grady looks forward to the new job opportunity and challenges that come with it.

Katherine comes to the Division of Vehicles, Central Office Operations after spending the last several years as a District Manager for a financial services company, and previously working in the legal field. She was hired as a Public Service Administrator which serves as the Processing Supervisor for the DC line of business.

On another note, the telephone number that has been given for courts to contact our office is (785) 368-8902. Our phone lines are shut down to the public between the hours of 4PM and 5PM Monday thru Friday and this line is strictly open for court use only during those times.

Job Posting:

The City of Basehor is accepting applications for the position of Police-Court Clerk. Primary responsibilities will include, but not limited to, processing police reports, animal control registration, records request, processing state and federal mandated reports. This employee will also assist with processing court citations, collecting fines, assisting with court sessions, along with daily operations of Police and Court administration.

<http://www.cityofbasehor.org/departments/administration/employment>

Appeal *(continued from page 2)*

Jeannine was kind enough to circulate a copy of a 1992 appeal case (*City of Halstead v. Mayfield*, 865 p.d 222, no. 69,313), in which a defendant filed an appeal prior to sentencing. I've excerpted some of the decision below. Notice that it was rejected. Ultimately, the court ruled that filing an appeal must wait until after sentencing.

"Prior to sentencing by the municipal court, Mayfield appealed to the district court which, after a trial de novo, found Mayfield guilty and Sentenced him.

"Defendant argues the district court lacked jurisdiction to hear his appeal because it was filed prematurely.

"We agree and reverse and remand.

"As a general proposition, **an order finding a defendant guilty is not appealable until sentence is imposed** or suspended pursuant to K.S.A. 22-3608.

This case is also interesting because of the plot twist: the defendant filed the appeal and then grumbled about it being filed improperly after receiving an unfavorable outcome!

If you would like to read the entire appeal ruling, which is short, it can be easily found online with a Google search for "City of Halstead v. Mayfield."

Kansas Court Clerk Sentenced For Theft

This was reported by KAKE news, Wichita. It is not pleasant to report, but a good reminder to us of the importance of doing our jobs with honesty and integrity. While our "customers" remind us daily of the fact that crime does not pay, temptations and human nature can be strong.



Reported November 9, 2012:

A western Kansas woman has been sentenced to a year of probation for stealing about \$4,500 from the city of Holcomb while she worked as a court clerk.

Thirty-seven-year-old Susan Marie Dreiling of Deerfield will have to serve two years in prison if she violates terms of her probation, which includes paying back the money within 60 days.

Dreiling was sentenced Thursday for two misdemeanor counts of theft after reaching a plea deal with Finney County prosecutors. She was arrested in September on a charge of felony theft.

Finney County Prosecutor Brent Watson says Dreiling took money people had paid to the court for such things as city ordinance offenses.

The Garden City Telegram reports (<http://bit.ly/Uzllol>) Dreiling was accused of stealing \$4,500 from December 2011 to July 31.

<http://www.kake.com/home/headlines/Kansas-Court-Clerk-Sentenced-For-Theft-178091221.html>



Spotlight on Legal Terminology

Prima facie / Prima facie/prī-mə-'fā-shə/

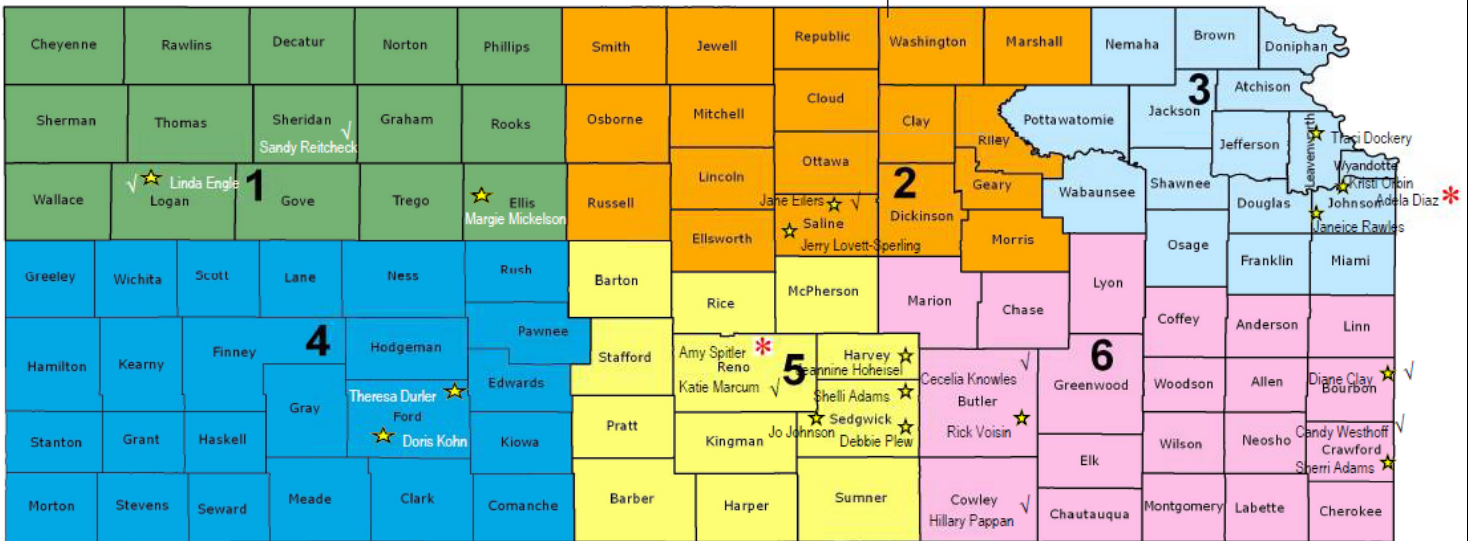
PRIMA FACIE – At first sight. "Sufficient to establish a fact or raise a presumption unless disproved or rebutted."

Prima Facie Evidence is "evidence that will establish a fact or sustain a judgment unless contradictory evidence is produced." (*Quoted from Black's Law Dictionary – 7th ed.*)

KACM Ambassadors

Region 1	Linda Engel Margie Mickelson	Oakley Ellis	oakleyap@st-tel.net ellisclerk2@eaglecom.net
Region 2	Jerry Lovett-Sperling Jane Eilers	Lindsborg Salina	jls@lindsborgcity.org jane.eilers@salina.org
Region 3	Janeice Rawles Traci Dockery	Edgerton Basehor	edgertonkscourt@yahoo.com tdockery1@kc.rr.com
Region 4	Theresa Durler Doris Kohn	Dodge City Dodge City	theresad@dodgecity.org dorisk@dodgecity.org
Region 5	Jo Johnson Debbie Plew	Clearwater Mulvane	johbj@clearwaterks.org dplew@mulvaneks.com
Region 6	Sherri Adams Diane Clay	Pittsburg Fort Scott	sherri.adams@police.pittks.org dclay@fscity.org

- ★ Ambassadors
- * Officers
- √ Trustees



Fall Conference – Hutchinson!



Plans are already underway for the fall conference, in Hutchinson this year.

An option in the works is a package deal with the Kansas Cosmosphere – with luck we'll have full evening passes to the museum and a ticket to the planetarium. It's all too early for any promises, but mark your calendar for September 26 & 27, 2013!



Legislative Committee Update

Gail Garrett, Chair



The Kansas Legislature kicked off this year’s session on January 14, so they really haven’t had time to get much going yet in the way of changes that will impact our courts. There are a couple of bills that were introduced right off the bat regarding the uniform traffic act, and I’ll be watching over the next few months to see what, if anything, develops with respect to those.

Gail Garrett

Promotions Committee

Amy Spitler did a great job heading up the promotions committee, but has now been moved into the vice-presidency.



We are looking or a few good men/women to work on this committee. This is a fun way to be involved in KACM.

Please email Shelli Adams or Amy Spitler to learn more – maybe this is your destiny!

Ordering Fingerprint Forms & KADR Forms

The screenshot shows the FBI website with the following elements highlighted:

- Browser address bar: <http://www.fbi.gov/>
- Navigation menu: **STATS & SERVICES**
- Sub-menu: **Criminal Justice Information Services**
- Service list: **Ordering Fingerprint Cards and Training Aids**
- Section header: **Ordering Fingerprint Cards**
- Text: "How can I order fingerprint cards for my agency?"
- Text: "In order to request fingerprint cards and training aids, you must have an ORI Number..."
- List of forms: **1-178 Supply Requisition Form**

Fingerprint cards need to be ordered from the FBI. This can be done online at www.fbi.gov, as shown here.

KADR forms can be ordered from the KBI Mailroom at 785-296-8268 or by emailing Ross at ross.liskey@kbi.state.ks.us.

Please include agency name and mailing address.

K.A.C.M. Blackboard

Congratulations, **Carla Rains (Wellington)** on your retirement! Here are pictures from her reception. You deserved everything



She sends this farewell note:

“Good morning all. This sounds like a great conference, like we always have. We did have a lovely Thanksgiving. I am retiring December 14, 2012. KACM has been such a big part of the last nearly 25 years. The friends are special and lasting I will miss the fellowship and excellent conferences. My replacement is Sherri Estes, she is younger, of course, and full of ideas and energy. It is bittersweet knowing that she will do an excellent job, yet good to know she can handle it. You have the best on this committee and the new people will share in the honor of belonging.

Have a good year. Carla”

KACM received this note about **Carol Scott's (Burden)** battle with cancer: We did have a good Christmas, I hope you did too :) Carol had to go in the 19-24th for Chemo, but may not have felt good on Christmas day or was napping or something. She came home the 24th, she'll be home for 3 weeks and then in for 1 week of Chemo - she'll do that pattern until springtime & see what happens then. They will do a bone marrow biopsy before they start chemo each time. She has lost her hair, and is still hoping for straight blonde hair :) Her leukemia is in remission, so that's good. It's still a guessing game at this point to see what will happen.

Rod Edmondson (Baxter Springs) was elected as Cherokee County Clerk! We will greatly miss his presence in the KACM. He has served very capably, has worked with the new clerk orientation for many years, served on the KACM board, and has earned the Outstanding Court Clerk Award.

"Since 1989 I've had the honor of serving the citizens of Baxter Springs as a Police Officer and as the Municipal Court Clerk. I also had the privilege to serve as Cherokee County Commissioner representing District #3 from 2005-2009. As County Clerk I'll bring the same hard work and dedication to the clerk's office by being honest, helpful, and fully committed to the citizens of Cherokee County.

Congratulations Rod! You will be a great county clerk.

JoAnn Brown (Basehor) has accepted a position as a patrol officer. Congrat's on a new career shift!

Congratulations **Tiffany Hartson (Harper)** on the birth of her new baby!

Congratulations on marriage!
Sara Butterfield (Maize) has officially changed her name to **Sara Javier**. She got married January 4th and has returned to work after her honeymoon.

Looking for Personal News. The only way we know what is happening is if you let us know! If you, or a clerk from your city has news to share with the rest of us – we want to know. The can be **news of retirement, new babies, marriage, medical concerns...** Anything. Send an email to Greg Nickel: gnickel@newtonkansas.com



KANSAS ASSOCIATION FOR COURT MANAGEMENT
ANNUAL BUSINESS MEETING
September 27, 2012

The KACM annual business meeting was called to order on Thursday, September 27, 2012 at 2:30 p.m. at the Courtyard by Marriott in Salina, Kansas. Acting President Shellina Adams called the meeting to order, roll was taken by Secretary, Sandi Reitcheck. The following officers and board members were present:

Acting President Shellina Adams, Derby; Secretary Sandi Reitcheck, Hoxie; Treasurer Kristi Orbin, Olathe; Sgt. At Arms Rick Voisin, Towanda; Board of Trustees: Diane Clay, Fort Scott; Adela Diaz, Prairie Village; Linda Engel, Oakley; Amy Spittler, Hutchinson; Candy Westhoff, Girard; Jeannine Hoheisel, Hesston.

Absent: Jane Eilers, Salina.

Members present were: Nichi Larson, Shawnee; Traci Dockery, Basehor; Cindy Burkemper, Eastborough; Greg Nickel, Newton; Ellen Harper, Bronson; Peggy Ybarra, Altamont; Janeice Rawles, Edgerton; Anna Rusche, Seneca; Kim Benson, Mulvane; Debbie Garrett-Smith, El Dorado; Debbie Plew, Mulvane; Sherilyn Brown, Junction City; Jill McKim, Junction City; Jewell Montagne, McPherson; Margie Michelson, Ellis; Kim Perry, McLouth; Brianne Heiman, Beloit; Tippi Flerlage, St. Marys; Kandi Williams, Medicine Lodge; Christina Land, Norton; Jamie Reese, Overland Park; Tiffany Hartson, Harper; Tracey O'Brien, Salina; Carol Gatlin-Willey, Osawatomie; Leslie Stephan, Mount Hope; Donna Cinotto, Kechi; Kellie Barker, Bel Aire; Shelly Allenbach, Moundridge; Cecelia Knowles, Augusta; Sheila Hopkins, Prairie Village; Theresa Kasten, Herington; Dana Carney, Solomon; Michele Zimmer, Junction City; Debra Metzger, Lyons; Carol Mast, Burlington; Stephanie Taylor, Erie; Katie Marcum, South Hutchinson; Sarah Britton, Ulyssis; Kim Martin, Galena; Hillary Pappan, Winfield; Kim Waldrop, Arkansas City; Janet Reimer, Newton; Amber Thomas, Cimarron; Sharon Lock, Scott City; Cheryl Coffman, Pleasanton; Linda Macklin, Pleasanton; Tiffany Peters, Dodge City; Rebecca Dyer, Prairie Village; Katie Mather, Meade; Carla Rains, Wellington; Tresa Tong, Oxford; Patty Duncan, Cimarron; Jeanette Ward, Hiawatha; Rhonda Mollenkamp, Garden Plains; Terry Hensel, Lenexa; Nicole Armstrong, Lenexa; Jamie Loughmiller, Gardner; Stacey McLennan, Gardner; Carol Holda, Olathe; Jeanann Ketzner, Colwich; Sandy Turner, Elkhart; Camille Tullis, Haysville; Nioma Cook, Andover; Carol Gregg, Eudora; Wanda Gabel, Ness City; Terri Fultz, Osage City; Lois M. Robertson, Osage City; Janice Vandelelge, St Marys.

Additions to the agenda: NONE

MINUTES AND TREASURER'S REPORT:

Nicole Armstrong, Lenexa made a motion to accept the minutes as presented. The motion was seconded. Motion carried.

The Treasurer's report was presented in the conference packets. Candy Westhoff and Diane Clay did the audit and everything was ok. Jeannine Hoheisel, Hesston made a motion to accept the audit report and Diane Clay, Fort Scott seconded the motion. Motion carried.

COMMITTEE REPORTS –

Ambassador: Diane Clay reported that Region 1 and 3 are without an Ambassador. Contact Diane if you're interested in becoming an Ambassador for those regions.

CORRESPONDENCE: No report.

COURTESY: Jeannine Hoheisel reported that she sent flowers to the following people:

Candy Westhoff for the loss of her aunt
Kristi Orbin for the loss of her father
Patty Wolf for the loss of her mother-in-law
Linda Engel for the birth of her granddaughter
Brenda Landis because she had surgery.

EDUCATION: Shellina Adams reported that she made preparations for the conference.

HISTORIAN: Candy Westhoff reported some people are wanting her to put together another picture booklet. She will look into doing that at a later date

HOSPITALITY: Janet Reimer reported that the Hospitality Room would be open on Thursday night from 8:00 p. m. until 10:00 p. m. in room 136.

LEGISLATIVE UPDATE: Gail Garrett was not present for the meeting. There was no update.

MANUAL: Jane Eilers was not present for the meeting. There was no report.

MEMBERSHIP: Nioma Cook reported that we have 13 new members attending the conference.

NEWSLETTER: Greg Nickel reported that next week is the deadline for getting information to him for the newsletter.

PAST PRESIDENTS: Jeannine Hoheisel presented the Outstanding Court Clerk Award to Kristi Orbin of Olathe. Congratulations, Kristi.

PROMOTION/SALES: Amy Spitler reported that this is her last year on the committee, so someone please sign up to help Asa Galloway next year.

SCHOLARSHIP: Kellie Barker reported that ticket sales for the 50/50 pot and the Silent Auction will end today and that there were 2 scholarships given at this conference.

OLD BUSINESS: None.

NEW BUSINESS: The following proposal was presented and voted on.

Article V Section 2. Dues. Annual dues for membership classifications will be established by the Board of Directors. Any member who fails to pay dues by March 1st of the current year shall not be entitled to vote and shall be dropped from the membership roster until dues are paid. Late fees as established by the Board of Directors will be assessed after March 1st. The Board of Directors shall fix dues for each subsequent year, which begins the first day of January of each calendar year. New members paying any time during the calendar year up until September 30th of the calendar year shall be considered to have their dues paid for that calendar year. Dues paid October 1st and thereafter shall be considered to have paid their dues for the next calendar year. All dues shall be payable as specified by the Board of Directors. Annual dues shall be in the same amount for all members of the same membership class. The annual dues may vary for each membership class where there is more than one such class.

A motion was made by Linda Engel to accept the change. The motion was seconded. Motion carried.

Lifetime memberships for retiring members: Pauline Burnor (Cherryvale), Tina Postier (McPherson), Carol Scott (Burden). Janeice Rawles, Edgerton made a motion to accept them as lifetime members and Carla Rains, Wellington seconded it. Motion carried.

The following slate of officers for the year 2012 – 2013 was presented by: Jeannine Hoheisel

OFFICERS:

President: Shellina Adams – Derby
 Vice President: Amy Spitler – Hutchinson
 Secretary: Adela Diaz – Prairie Village
 Treasurer: Kristi Orbin – Olathe
 Sgt At Arms: Rick Voisin – Towanda

TRUSTEES:

Diane Clay – Fort Scott
 Jane Eilers – Salina
 Linda Engel – Oakley
 Cecelia Knowles – Augusta
 Katie Marcum – South Hutchinson
 Candy Westhoff – Girard

ALTERNATE TRUSTEES:

Sandi Reitcheck – Hoxie
 Hillary Pappan – Winfield

Bettina Jamerson, Prairie Village made a motion to accept the slate as presented and Sharon Lock of Scott City seconded the motion. Motion carried.

Installation and introduction of new officers was conducted by Jeannine Hoheisel, Hesston.

Linda Engel made a motion to adjourn the meeting. The motion was seconded. Motion carried. Meeting adjourned.

Respectfully submitted,

Sandi Reitcheck - Secretary

KANSAS ASSOCIATION FOR COURT MANAGEMENT
 BOARD MEETING
 January 25, 2013

CALL TO ORDER AND ROLL CALL

The KACM Board Meeting was held on Friday, January 25, 2013 at 11:30 a.m. at Louie's Restaurant in Wichita, KS. The meeting was called to order by President Shellina Adams.

Voting members present: Shellina Adams, Derby; Amy Spitler, Hutchinson; Adela Diaz, Prairie Village(12:30 pm); Linda Engel, Oakley; Cecelia Knowles, Augusta; Katie Marcum, South Hutchinson; Sandie Reitcheck, Hoxie; Hillary Pappan, Winfield.

Others present: Nioma Cook; Andover; Kellie Barker, Bel Aire; Greg Nickel, Newton.

Absent: Kristi Orbin, Olathe; Rick Voisin, Towanda; Diane Clay, Fort Scott; Jane Eilers; Salina; Candy Westhoff, Girard

There were no additions to proposed agenda.

MINUTES

Linda Engel made a motion to accept the minutes as corrected from the KACM annual business meeting, September 27, 2012. Shellina Adams seconded the motion. Motion passed. Amy Spitler

made a motion to accept the minutes as corrected from the KACM board meeting, September 28, 2012. Linda Engel seconded the motion. Motion passed.

TREASURER'S REPORT

No report. Shellina Adams had the checking balance of \$15,055.59.

CORRESPONDENCE

Thank you cards received were distributed to members present.

COMMITTEE REPORTS

Ambassador: No Report

Courtesy: . Flowers have been sent to Tiffany Hartson, baby; Linda Macklin and Carla Rains, retirement; Candy Westhoff, get well.

Education: The fall conference will be held in Hutchinson, KS, the committee is brainstorming ideas; information will be posted in the newsletter.

Historian: No Report.

Hospitality: No Report.

Legislative: No Report.

Manual: No Report

Membership: Nioma reports we have 8 new members. She will put a reminder on the list serve for membership renewal.

Newsletter: Greg reports the newsletter will be released by approximately January 31.

Past President: No Report.

Promotion: Chairperson needed.

Scholarship: No Report.

OLD BUSINESS

Discussion about tax exempt status meeting year end exemption status. Amy Spitler expressed concerns about conference budget with the change in membership renewals in 2013 as the reason she did not pursue any major purchases prior to the end of the year.

NEW BUSINESS

Conference date will be September 26, 27, 2013, Ramada Inn, Hutchinson, Kansas. The Spring board meeting will be held on Thursday, March 21, 2013, time will be announced.

ADJOURNEMENT

There is no further business to come before the Board. Amy Spitler made a motion to adjourn. Katie Marcum seconded and the motion carried. Meeting adjourned.

Respectfully submitted,



Amy Spitler- Secretary pro tem

Our Goals

Find out more about KACM on our website at www.ksmunicipalcourts.com, which includes a listing of our goals as follows:

- Continuing education for Court Managers, Clerks, Administrators, and Assistants
- Interaction between members with problem-solving ideas
- Organization input into Legislation that will affect Municipal Courts
- An organized voice to State agencies
- Consistency within the Municipal Courts
- Promoting public trust and confidence

KACM Board of Directors: Officers & Trustees



Left to right: Candy Westhoff (trustee), Sandi Reitcheck (Alt Trustee), Cecelia Knowles (trustee), Adela Diaz (Secretary), Linda Engel (Trustee), Kristi Orbin (Treasurer), Diane Clay (Trustee), Amy Spitler (Vice President), Katie Marcum (Trustee), Shellina Adams (President), Rick Voisin (Sgt at Arms)

Committee List:

Ambassador.....	Diane Clay (Ft. Scott)
Courtesy.....	Kim Perry (McLouth)
Education.....	Amy Spitler (Hutchinson)
Historian.....	Candy Westhoff (Girard)
Hospitality.....	Janet Reimer (Newton)
Legislative.....	Gail Garrett (Lansing)
Manual Liaison.....	Jane Eilers (Salina)
Membership.....	Nioma Cook (Andover)
Newsletter.....	Greg Nickel (Newton)
Past Presidents.....	Jerri Lovett-Speling (Lindsborg)
Promotion.....	Asa Gallowoy (Sedgwick)
Scholarship.....	Kellie Barker (Bel Aire)

KANSAS ASSOCIATION FOR COURT MANAGEMENT

Newsletter Editor Greg Nickel
704 E 4th
Newton, KS 67114

Visit our website at:

www.ksmunicipalcourts.com

Upcoming Dates:



Spring Conference

Salina, Ramada Inn

March 22, 2013

Fall Conference

Hutchinson, Ramada Inn

September 26-27, 2013