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Special Report: Government Transparency

Watch story: <http://www.abc17news.com/news/special-report-government-transparency/332187477>

By Marissa Hollowed

COLUMBIA, Mo. - If your friend asks to borrow money, you may ask them, "What for?" Missouri's Sunshine Law is designed to make sure we, as taxpayers, know what our state and local entities are doing with our money.

Is the law being followed and enforced? In an ABC 17 News Special Report, Marissa Hollowed found your government may be shutting you out.

"They didn't want to turn these records over, so they wanted to make it as burdensome as they possibly could on us," Daniel Kolde told ABC 17 News in his St. Louis office.

Kolde is the attorney for a group called Beagle Freedom Project.

"We are trying to identify lab animals that are being used in research that could be potentially be adoptable," said Kolde about the group's mission.

Beagle Freedom Project filed a records request with the University of Missouri asking for information about 179 cats and dogs the university uses for research.

The university responded by asking for \$82,222.33 in exchange for the information.

"I thought it had to be a mistake. That was my first thought. We were like, no, the comma is in the wrong place," said Kolde.

"When we got the \$82,000 back we turned around and filed a lawsuit," said Kolde. Beagle Freedom Project is suing the University of Missouri for violation of Sunshine Law.

ABC 17 News reached out to the University of Missouri about the lawsuit. The university said it will not comment on pending litigation.

"The average citizen is probably getting shut out of their local government when they make these type of records requests," said Missouri State Auditor Nicole Galloway.

It is Galloway's responsibility to act as watchdog. She said her focus is to hold state and local agencies accountable and promote transparency.

"That's my job and I take it seriously," said Galloway.

A few months ago, Galloway sent records requests at random to 309 state entities mimicking the way an average citizen would send a request.

"What we found was disappointing."

Seventy percent of agencies did not fully comply with Galloway's request.

"I think with a 30 percent compliance rate for our records request, that there is a problem with transparency and accountability," said Galloway.

ABC 17 News also put out a request to 16 mid-Missouri schools, law enforcement departments and city governments that all rely on taxpayer money.

Each request was exactly the same. ABC 17 News asked for all documents related to travel expenses for 2015 within their department.

Under the Sunshine Law, each request has to be acknowledged in three days. For our request, each agency complied with this.

The law also says, the fees for a request can be waived if the information is in the "public's interest."

The law does say though that agencies can charge for research time as long as they use their lowest-paid employee who can get the job done.

For my request, I got bills ranging anywhere from \$0.00 to more than \$7,000.

Here are some of the big findings:

- Lincoln University did not have a report already available, so it quoted me at \$7,256.66 for the information.
- The Missouri State Highway Patrol quoted me at \$429.04.
- The Cole County Commission quoted me at \$720 for the information.
- Hallsville Schools gave me the information at \$0.00.
- The City of Columbia gave me the information at \$0.00.
- Jefferson City gave me the information for \$0.00.
- The University of Missouri declined to put together a request. It told me it could still provide me with a cost estimate. I asked for the cost estimate. Fifty-five days later I still have not gotten a cost estimate.

"We also found instances in which government agencies were charging excessive fees for the public records," said Galloway.

The Springfield Police Department quoted ABC 17 News a fee of \$60,294 for a request we made in 2016 asking for five years of traffic crash data.

A Columbia resident, Ken Midkiff, forwarded ABC 17 News the response he got from the city of Columbia. He was quoted upward of \$1,700 for information regarding a new company coming to the city.

In 2015, ABC 17 News was quoted more than \$1,500 from the Columbia Police Department for information about the number of heroin deaths and overdoses in the city.

Steve Sapp, spokesperson for the city of Columbia tells ABC 17 News the city recently spent \$12,000 on a software system in hopes of speeding up and organizing the records request process.

"At the end of the day, certainly, we don't want to become involved in a lawsuit. It's expensive, it's time-consuming, and quite frankly it gives us a black eye," said Sapp.

But Kolde says entities are getting off too easy for breaking the law.

"Maybe they'll get a fine... They are not paying it anyway; the taxpayers are paying it," said Kolde.

The maximum fine for a Sunshine Law violation is \$5,000.

In the Brandon Ellingson drowning case, the Missouri State Highway Patrol was fined \$5,000 for withholding records from Ellinson's death investigation.

"When these agencies are allowed to stonewall, then they can just keep everything hidden, the public never gets to see it, the issue is over," said Kolde.

Here are more detailed findings regarding ABC 17 News's records request responses:

Schools

Columbia Public Schools:

CPS responded the same day I sent the request (Dec. 20). The custodian told me they would get back to me after the district's winter break. They did and provided me with a PDF of the information for \$0.00.

Mizzou:

The University of Missouri declined to create a report. I still asked for a cost estimate. As of Feb. 13 I have not heard back. Here is what the response said:

"The maintenance of back-up documentation for travel expenses is a decentralized process and the records do not reside in one place. Because they are stored in every department across all four campuses, the estimate of costs to gather all of these records would be large. Nevertheless, if you would like us to proceed with an estimate of costs or if you would like to narrow or clarify your request before we proceed with an estimate, please let me know.

I have inquired as to whether there is an existing report that contains the location of travel, reason for travel and expense, as described in your request. I have been informed there is not an existing report. As you may be aware, the Missouri Sunshine Law does not require that a public governmental body create a document where such a document does not already exist; rather, it provides a mechanism for the public to

obtain copies of existing records. The staff time required to complete this request is extensive and the University declines to create such a report.”

Lincoln University:

Lincoln University did not have a readily available report.

The university responded:

“According to our Accounting Office there is no readily available report that would provide this type of detailed travel information. They are calculating the cost to research and compile the requested materials. Lincoln University will be closed from Thursday, December 22, through Monday, January 2. We will contact you after the Holidays with the projected cost for these documents.”

Jan. 3 response:

“There is no readily available report that provides this type of detailed information. We can run reports for this period but this will be for all travel (including students, athletics, speakers, etc.) and will not have location/reason for the trip.”

"If we are required to look into each expense for the details and create a spreadsheet of the information, we are estimating that it will take three employees approximately two (2) weeks' worth of time to research and compile the data. The cost for their time (wages and benefits) totals \$7,256.66.”

Hallsville Schools:

Hallsville Schools responded Dec. 22 with the information for \$0.00.

Ashland Schools:

Ashland Schools did not already have a report compiled with this information. We spoke on the phone twice to clarify the request. They told me the total dollar amount for travel. If they were to compile the report it would cost me \$173.04.

Law Enforcement

Columbia police:

Columbia Police responded to my request two days later with a receipt of my request. A few days later I got a quote for “total estimated cost for your request is \$8.98.” The actual cost ended up being \$12.27, so I ended up owing \$3.29 more.

Jefferson City police:

Jefferson City Police responded three days after my request. He forwarded it to the City Clerk. The clerk was able to get me a report for the city (which included law enforcement) for \$0.00.

Boone County:

I heard from the Boone County Sheriff's Department in two days. The custodian asked for clarification on a few things. I was quoted \$21.11 for the research time to put together the report.

Highway Patrol:

I heard back from the Missouri State Highway Patrol three days after my request in a mailed letter. I was quoted for \$429.04 and was told it would take about 20 days to compile the report.

Sunrise Beach Police Department:

I heard from the Sunrise Beach Police Department the same day as my request and was told, "We do not have travel expenses for any of our employees, Our employees do not travel. It is not in our budget."

City Government

City of Columbia:

I heard back from the City of Columbia the same day and was sent a PDF of the information for \$0.00.

Jefferson City:

I heard back from Jefferson City the same day I made my request. I was asked to clarify a few things about my request. The information was sent over to me two days later for \$0.00.

Boone County Commission:

I heard back from the Boone County Commission three days after my request. I sent a reminder Feb. 5 asking if a cost estimate was ready yet. The custodian apologized for the delay and sent me the records for \$0.00.

Cole County Commission:

The custodian for the Cole County Commission sent over a response and basic travel information one day later. I asked for a more detailed report. I was quoted \$720 for the information to be delivered electronically.

Callaway County Commission:

I heard back from the Callaway County Commission a day after my request. I reached out Feb. 5 to remind them of my request. The custodian responded Feb. 6 with a cost estimate of \$33.

City of Sedalia:

I heard back the same day. I was sent a letter in the mail with a cost estimate of \$300.

ST. LOUIS POST-DISPATCH

Editorial: Higher education and technology are job creators, so why is the governor cutting their funding?

NO MU MENTION

Gov. Eric Greitens' state spending plan cuts \$17.9 million from a fund that invests in startups and \$90 million from Missouri's colleges and universities. These are perplexing actions from a man who campaigned on a pledge to grow jobs.

Greitens may have pinned his hopes on the right-to-work law that he signed Tuesday, but economic development studies show that one of the most important factors for companies looking to relocate is an educated and trained work force.

Investing in new technology is another option for states without mountains or oceans that want to attract companies offering jobs with a future for younger workers. That was the goal of the Missouri Technology Corp., a public-private partnership that has invested more than \$33 million in 97 tech startups since it launched a funding program in 2011. The state's return on one of those companies, St. Louis-based LockerDome, was twice its investment of \$200,000.

Missourians need good, high-paying jobs, which Greitens pledged to deliver during his State of the State address. His plans include passing the right-to-work law barring mandatory union fees and scaling back government regulations.

But the value of those measures as job creators is still being debated. Missouri is one of 28 states with a right-to-work law. A Pew study from October shows other factors do more to create high-paying jobs. The study says employment is rising faster in fields that require more educational and specialized preparation. Employment and wages have increased most in occupations that require higher social or analytical skills, the study says.

In other words, higher-paying jobs are going to where employers have access to a ready, well-trained workforce. The politically motivated right-to-work law doesn't rank that highly as a factor.

Yet Greitens' budget plan slices nearly 80 percent in funding for the Missouri Technology Corp., an arm of the state's Department of Economic Development. The corporation co-invests directly in startups by matching venture capital funds from other investors. It used money from last year's \$18.27 million budget to raise about \$142 million in venture capital and create 150 jobs.

Greitens understands the importance of education, having attended Duke University and Oxford as a Rhodes Scholar. His toughest task as governor was to trim \$146 million from the state's \$27.6 billion budget to balance a revenue shortfall. He suggested that state colleges and universities may not have to raise tuition to cover the \$90 million he cut from their budgets.

Greitens suggested they follow Purdue University's example, cutting "administrative bureaucracy" and costly contracts. Purdue, a state university in Indiana, has kept tuition flat the past five years, partly by reducing spending.

A governor in a state with declining revenue needs to think creatively. It's essential that the governor not work at cross ends with the workforce he claims to be fighting for.

ST. LOUIS POST-DISPATCH

University of Missouri system raises dorm rate to more than \$10,000 per year

University of Missouri System curators have approved an increase in rates for student housing and dining at the system's four campuses.

The university will see its predominant room and board plan increase to more than \$10,000 for the academic year. The plan includes a renovated double room and a dining plan with 225 meals per semester.

Junior Elsa Brodarick said the increase will significantly impact current students and won't look good to prospective students considering the university has already seen a more than 20 percent decline in its incoming class this year.

The UM System is also facing budget cuts from the governor, who restricted \$31.4 million last month from the system's 2017 budget.



Mizzou Athletics Receive \$2 Million Anonymous Gift

Watch the story: <http://mms.tveyes.com/PlaybackPortal.aspx?SavedEditID=2d37ebf8-2342-4b46-b54b-4a81cc6e1def>

COLUMBIA - The University of Missouri Athletic Department has received a new gift toward the new south end zone facility at Faurot Field. An anonymous donor contributed \$2 million towards the facility, scheduled to open ahead of the 2019 football season.

This gift marks the ninth, seven-figure gift contributed toward the project in the past eight months, a fiscal record year for Mizzou Athletics. The project, currently pending approval from the Board of Curators, has raised over \$46 million to date. The project's final cost is estimated to be \$96.7 million.

“We’re really excited to continue the momentum from our donors, and coming on the heels of the Board’s action last week, this is great news,” said Mizzou Head Football Coach Barry Odom. “We are very grateful to the Board of Curators for their support of this project, and I’m looking forward to working with the Populous team as we design a facility that will be one of the best in the country.”



[IBM plans to hire 100 in Columbia, regain tax credits](#)

By Jodie Jackson

IBM plans to hire 100 new employees with an eye on again qualifying for state tax breaks suspended last summer.

Big Blue, which came to Columbia in 2010 with a promise of as many as 800 jobs, reported 287 employees last June, less than the 300 jobs required for job training tax credits through the Missouri Department of Economic Development. A year earlier, the company had reported 453

employees at the Columbia IBM Innovation Center at 2810 LeMone Industrial Blvd. IBM stood to gain as much as \$28 million in state incentives for creating 800 jobs.

IBM is hosting a job fair from 5 to 8 p.m. Wednesday at the Columbia facility.

“We’ll be hiring over 100 new folks from the Columbia area ... in the next couple of months,” said IBM spokesman Clint Roswell. He said the hiring will show “a real strong commitment and investment in the future of IBM in Columbia.”

IBM is promoting the jobs as “new collar,” a description of technical jobs that do not always require a four-year college degree. Roswell said the “new collar initiative” is focused on “upskilling our local workforce” and new career opportunities for people with diverse skills and experience.

The jobs are in some of the technology industry’s fastest-growing fields, he said, from cloud computing and cybersecurity to digital design and data science.

“What matters most is having the right mix of skills companies like IBM need to deliver the advanced cloud and cognitive capabilities our clients demand,” Roswell said in an email. He said the company expects to return to the job number threshold “where the incentives would kick in.”

Mayor Brian Treece heralded the IBM job announcement as “great news for Columbia’s economy.”

“One hundred new employees eating in our restaurants and shopping in our stores,” Treece said. “They are new jobs. High-tech, high-wage jobs.”

Treece said he was notified last week of the probable job announcement.

“We’d been optimistic” that IBM would “continue to climb where their initial projections were,” he said.

The news comes soon after the unveiling of Aurora Organic Dairy’s plan to build a \$90 million organic milk and butter processing plant in north Columbia. The plant has projected hiring as many as 140 employees to generate an annual payroll of \$4 million.

Dave Griggs, chairman of the Regional Economic Development Inc. incentives subcommittee, said IBM’s job announcement on Monday was “spectacular news.”

“I knew they were working on some exciting things,” he said. “This is a good opportunity for a lot of people and particularly great news” for University of Missouri engineering and information technology graduates.

Griggs said IBM falling short on job numbers was a result of economic cycles that are difficult to predict.

When IBM reported 287 active employees last June, it was the first time the company's Columbia job numbers dipped below 300. The \$4 million in job training tax credits through the BUILD program were suspended until IBM meets the minimum employment threshold of 500 workers. Another \$3 million incentive required an employment level of at least 300.

Treece, who was not a part of city government when IBM came to town, said that although the state incentives were withdrawn, "Columbia has been whole this entire time" in regard to IBM rental payments for the \$3 million city-owned building where the company is housed.

"In terms of Columbia's investment in this project, we've had those dividends all along," Treece said.

Roswell also said the company has reassigned some work-from-home employees to the IBM office in Columbia. Roswell declined to say how many employees who were considered mobile were instructed to work from the office. The number is not included, however, among the new jobs that are being added, he said.

He said Columbia was not the only location where that shift has happened.

"This is something we've done throughout the U.S.," Roswell said. "It's something we see as a way to have a better work environment and to be more collaborative. This has been afoot for a while now."



Court Sides With Drug Legalization Group in Speech Dispute

U.S. appeals court says Iowa State can't bar a student group from using the university's logo when advocating for marijuana legalization.

By Jake New, February 14, 2017

Iowa State University cannot bar a student group from using the university's logo and mascot on T-shirts advocating the legalization of marijuana, a [federal appeals court ruled](#) Monday.

The lawsuit, sponsored by the Foundation for Individual Rights in Education as part of its [Stand Up for Free Speech Litigation Project](#), was filed by two former Iowa State students in 2014. At the time, the students were officers with the university's chapter of the National Organization for

the Reform of Marijuana Laws. They had repeatedly sought permission to use the Iowa State logo alongside a cannabis leaf on their shirts, but their requests were denied, with the university saying it did not want to appear to be endorsing the group's agenda.

But the court's opinion noted that the university allows 800 other student groups to use the logo, including organizations with differing political viewpoints, such as the Iowa State Democrats and the ISU College Republicans. "NORML ISU's use of the cannabis leaf does not violate ISU's trademark policies because the organization advocates for reform to marijuana laws, not the illegal use of marijuana," the panel wrote.

The university had originally allowed the group to use its logo and mascot on the shirts, until the chapter's president was quoted in a local newspaper suggesting that the university supported NORML's mission. According to emails shared among university officials and included in the lawsuit, local politicians pressured the university to revoke its approval of the T-shirts. One such email came from the governor's office.

"Any time someone from the governor's staff calls complaining, yeah, I'm going to pay attention," Steven Leath, Iowa State's president, said during his deposition.

When NORML requested permission to use the trademarked logo in a new order of the shirts, the request was put on hold while the university changed its trademark guidelines. The new rules suddenly prohibited "designs that suggest promotion of dangerous, illegal or unhealthy products, actions or behaviors," or "drugs and drug paraphernalia that are illegal or unhealthful."

After the rules were updated, university officials told NORML they would have to approve any future shirt designs before they were submitted to the university's trademark office. No other student groups were subject to such a review.

Two of the group's officers sought FIRE's help in suing the university. The lawsuit alleged that Iowa State had "manipulated its trademark policy" specifically to prevent NORML from using the Iowa State cardinal mascot and logo. Erin Furleigh, one of the student plaintiffs, said she was hesitant to resort to legal action but had no other option after attempts to handle the conflict internally, including submitting several other designs, failed.

"We're little students and they're big university officials, and it can be intimidating," Furleigh said. "We approached FIRE just to ask, 'Are we really wrong here? Because I feel bad, and I don't think that I should feel bad.'"

Last year, a federal court issued a permanent injunction prohibiting Iowa State from using its trademark policy to prevent NORML from printing new T-shirts featuring university trademarks and cannabis leaves. Because the university had rejected the group's designs over the "messages they expressed" and in an attempt to "maintain favor with Iowa political figures," the court ruled that Iowa State had discriminated against the group and violated the First Amendment.

Iowa State chose to appeal, but Monday's ruling by the higher court reaffirms the initial decision. John McCarroll, a university spokesman, said Iowa State is reviewing the appellate court's decision and has not decided yet whether to appeal again.

Monday's [ruling is another win](#) for FIRE's Stand Up for Free Speech project, in which the organization supports students looking to sue colleges over First Amendment issues.

Four of the project's initial six lawsuits have ended in settlements. Last February, Ohio University agreed to revise several of its policies after it was sued for ordering a student group to stop wearing T-shirts featuring the slogan "We get you off for free." The group, which provides free legal assistance to students accused of disciplinary infractions, had used the slogan for three decades before being told to stop.

In recent months, FIRE has also spoken out about another T-shirt case involving a NORML chapter at the University of Missouri. The group had asked to use the university's name on a T-shirt depicting a cannabis leaf. The university rejected the request because of "drug-related imagery."

"I think Monday's ruling sends the message to universities that they can't use their trademark policies to discriminate against students who want to advocate for marijuana legalization," Marieke Tuthill Beck-Coon, FIRE's director of litigation, said. "I think the court made it clear that you can't offer a benefit to student groups, then deny that to a particular campus organization whose message you don't like."



University of Missouri Offering Free Mumps Vaccines

By David McPherson

Health officials from the University of Missouri will set up a mass immunization clinic next week as the school tries to stem the spread of mumps.

Over 320 confirmed and probable cases of the disease have been recorded amongst MU students since the beginning of the fall semester last year.

The Missouri Department of Health and Senior Services and the Columbia/Boone County Department of Public Health and Human Services have combined to provide 2000 doses to the clinic free of charge.

Boone County Health Department community relations specialist Eric Stann says that the vaccines will help strengthen students' immunity against the disease.

“As of December 2015 MU Student Health Center is recommending a third MMR vaccine for MU students only as a measure to help control the outbreak,” he said.

The vaccine is available to all students with a valid student ID, however MU spokesperson Christian Basi says not everyone needs to get the shot.

“If they have already contracted the mumps then they do not need to get the vaccine because by contracting the disease they should be protected from contracting the disease a second time,” he said.

Symptoms of the mumps include fatigue, headaches, swollen glands behind the ear or under the jaw and pain opening and closing the jaw.

The clinic will be open from 10 a.m. to 6 p.m. on Wednesday to Friday next week on the second floor of the Memorial Union North building.



[Nixa teen, Bolivar senior citizen are winning composers](#)

COLUMBIA, Mo. – A 14-year-old student from Nixa and an 85-year-old pastor from Bolivar recently learned they won a statewide music composition contest. Now Olivia Bennett and William Hooper will get to hear their compositions performed in a concert next month.

Olivia entered her orchestral work, “The Hare,” in the high school category of the Missouri Composers Project competition at the University of Missouri. Olivia is a home-schooled freshman who last year won first place in the Mizzou New Music Initiative (MNMI) middle school competition for original music, and won third place in 2012 in MNMI’s elementary student competition for an instrumental piece that she composed.

Hooper's winning piece, "Crucifixus," is a choral work. Hooper is a retired music educator and senior adult pastor at First Baptist Church in Bolivar. He has degrees from Southwest Baptist College (now University), William Jewell College, University of Iowa, and the George Peabody College of Vanderbilt University. He's also written seven books about various aspects of music in worship.

The Missouri Composers Project competition is a program of the MNMI to bring attention to new large ensemble works. The MNMI offers a variety of programs supporting composers throughout their careers. This is its sixth year. The Missouri Composers Project competition is a collaborative effort of MNMI, Columbia Civic Orchestra, Columbia Chamber Choir, and the Sinquefield Charitable Foundation.

Winners are selected in two age categories, "open" and "high school." All four winners of the 2017 competition will receive a \$500 honorarium from the Sinquefield Charitable Foundation. The chamber choir and orchestra will perform their compositions in a concert at 7:30 p.m. on Sunday, March 19, at Broadway Christian Church, 2601 West Broadway, in Columbia. Admission to the concert is free.

Another 2017 winner is Robert Fruehwald's orchestral piece, "Dangerously Slick." Fruehwald, 59, is a teacher of music theory, piano and composition and former chair of the music department at Southeast Missouri State University in Cape Girardeau. He has a bachelor's degree in music from the University of Louisville, a Master's of Fine Arts in music from California Institute of the Arts, and a Ph.D. from Washington University in St. Louis.

The fourth winner is Zachary Cairns' choral piece, "Land of Nod." Cairns, 38, is an associate professor of music theory and composition at University of Missouri – St. Louis. Cairns earned his Ph.D. from Eastman School of Music and M.A. and B.S. degrees from Pennsylvania State University. He was one of the Missouri Composers Project winners in 2015 for his orchestral work, "Refracted Moonlight."

The Mizzou New Music Initiative is an array of programs aimed at positioning University of Missouri School of Music as a leading center for composition and new music. It's a direct result of the support of Jeanne and Rex Sinquefield and the Sinquefield Charitable Foundation.