

DCCR moves CORA action forward

FOR IMMEDIATE RELEASE

CONTACT:

JoAnn Kalenak, President, Board of Directors

DELTA COUNTY CITIZEN REPORT

PO BOX 1321

Paonia, CO 81428

970.527.7519

citizenreport1@gmail.com

<http://www.citizenreport.info>

DELTA COUNTY, CO. (Oct. 27, 2021) – The Knight FOI Fund, a legal war chest administered by the National Freedom of Information Coalition (NFOIC), has awarded a \$4,600 grant to support legal action to obtain records previously withheld by Delta County officials.

JoAnn Kalenak, President of Delta County Citizen Report (DCCR) said she will begin legal action on behalf of DCCR contending that the county previously withheld public records on two occasions in 2019 and later required a payment of more than \$4,000 to fulfill a third open records request in 2021 for virtually the same information asked for in the earlier requests.

The Knight FOI Fund award was made to defray the legal costs DCCR will incur in their challenge of the county's CORA practices. DCCR is currently running a fundraising campaign to fund attorney fees which are not covered by the grant. To date, local community members have contributed almost \$3,000 of the estimated \$6,500 needed to challenge Delta County and continue DCCR's regular coverage of public meetings and government activities. (*To contribute, visit <https://fundrazr.com/DCCR-2022>*)

“Open records are a vital transparency right afforded to all Americans. Delta County must be held accountable for violations and improvements to the system must be made,” said Kalenak.

All three open records requests (CORA) asked for the credit card spending records of County Administrator Robbie LeValley. The county's response to a Sept. 6 and Sept. 12 CORA request contends that no such records existed prior to Nov. 14, 2018. On July 20, 2021, however, one former County Commissioner and two former Delta County employees testified in sworn statements to the Colorado Independent Ethics Commission that LeValley possessed and used a county-issued credit card prior to Nov. 14, 2018.

When a third request for virtually the same information was made on March 24, 2021, County Public Relations Officer Darnell Place-Wise told DCCR that the information would cost more than \$4,000 to obtain.

“It's obvious to us that the county does not want to provide the information. After the second request, administration even brought in County Attorney John Baier to write a letter stating that Ms. LeValley did not have a credit card for the first six years of her employment as Administrator,” Kalenak said. “Mind you, we're talking about the highest-ranking county

employee, and the county wants us to believe that she did not have a count-issued credit card in all that time.”

DCCR attorney Chris Mochulsky of Schumacher & O'Loughlin, LLC will send a notice to the county informing county officials that DCCR intends to file CORA action in the next few weeks. Attorney Steve Zansberg, a widely-recognized expert in media law and President of the Colorado Freedom of Information Coalition, has agreed to consult with Mochulsky during the process.

DCCR received funding from the National Freedom of Information Coalition through a grant from the John S. and James L. Knight Foundation.

Established in 1950, the John S. and James L. Knight Foundation makes national grants in journalism, education, and arts and culture. Its fourth program, community initiatives, is concentrated in 26 communities where the Knight brothers published newspapers, but the foundation is wholly separate from and independent of those newspapers. For more, visit knightfoundation.org/

The National Freedom of Information Coalition is a national network of state freedom of information advocates, citizen-driven nonprofit freedom of information organizations, academic and First Amendment centers, journalistic societies and attorneys. Its mission is to foster government transparency at the state and local level. A unit of the Missouri School of Journalism, the NFOIC is an affiliate of the Donald W. Reynolds Journalism Institute. NFOIC is based at the University of Missouri, home to the nation's oldest Freedom of Information Center. For more, visit nfoic.org/

Delta County Citizen Report is an apolitical, 501(c)(3) nonprofit media organization that maintains a fundamentally critical lens towards power by providing reporting and commentary on Delta County, Colorado government activities. We seek to promote community engagement that leads to transformational change. Our blogs will include but are not limited to: Reports on County Commissioner public meetings, county projects, county development plans, county policies, and county budget and finance. citizenreport.info

###