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Delta County Citizen Report

FOR IMMEDIATE RELEASE

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WATCHDOG GROUP SUES DELTA COUNTY FOR CORA VIOLATIONS

DELTA COUNTY, CO. (Feb. 9, 2022) – With support from the National Freedom of Information Coalition’s Knight FOI Fund and members of the community, Delta County Citizen Report (DCCR), a nonprofit media organization, filed a lawsuit yesterday against Delta County and Delta County Administration citing four violations of the Colorado Open Records Act (CORA).

JoAnn Kalenak, President of DCCR, said the organization is taking legal action alleging the county withheld public records on four occasions starting in 2019. On each occasion, DCCR asked for virtually the same information and was denied, charged an exorbitant fee, or provided misleading and irrelevant records by county record custodians.

“DCCR has tried every avenue to obtain records we know exist and the County has blocked our requests using several tactics,” said Kalenak. “After two-plus years, DCCR had no other recourse. The County has brought this action on themselves.”

All four open records requests asked for the credit card spending records of County Administrator Robbie LeValley. The County’s response to a Sept. 6 and Sept. 12, 2019, CORA request said that no such records exist 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 CORA request was made on March 24, 2021, County Public Relations Officer Darnell Place-Wise told DCCR that the information existed but would take 187 hours to gather and cost between \$4,170 and \$4,620 to obtain.

And finally, on November 11, 2021, DCCR submitted a fourth CORA request and received no formal response prompting DCCR attorney Chris Mochulsky of Schumacher & O'Loughlin, LLC to file a letter of intent to sue on Dec. 1, 2021.

After Mochulsky's December letter, the County responded with more than 100 pages containing unrelated and irrelevant financial records of credit card charges, most of which were made by IT Director John Latta. No credit card purchasing information was provided for LeValley herself.

Mochulsky filed a formal complaint in Delta County District Court yesterday, Feb. 8, 2022, after a review by consulting attorney Steve Zansberg, a widely-recognized expert in media law, past chairman of the American Bar Association's Forum on Communications Law and current board president of the Colorado Freedom of Information Coalition.

The Knight FOI Fund, a legal war chest administered by the National Freedom of Information Coalition (NFOIC), awarded DCCR a \$4,600 grant to offset filing expenses in this complaint and members of the community have stepped to help fund additional costs.

[READ THE COMPLAINT](#)

BACKGROUND

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/**](http://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

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