

AMERICANS FOR PROSPERITY[®]

FOUNDATION
KANSAS

November 4, 2021

VIA E-MAIL

Kansas Department of Commerce
Dena Sattler, Senior Director of Public Affairs
1000 SW Jackson, Suite 100
Topeka, KS 66612
dena.sattler@ks.gov

Re: Kansas Open Records Act Request

Dear Ms. Sattler:

We write on behalf of the Kansas Chapter of Americans for Prosperity Foundation (“AFPF”), a 501(c)(3) nonprofit organization committed to educating and training Americans to be courageous advocates for the ideas, principles, and policies of a free and open society.¹ Economic development programs like the Kansas Department of Commerce-run Sales Tax and Revenue (“STAR”) Bonds financing program create an unfair advantage for privileged businesses and impose costs on taxpayers. A recent [audit](#) by the Kansas Legislative Division of Post Audit raises serious concerns about the projects funded by STAR Bonds and potential harm to taxpayers.² Previous studies have also questioned the claims of job creation from the STAR Bonds program.³

Pursuant to the Kansas Open Records Act (“KORA”), Kan. Stat. Ann. § 45-215 *et seq.*, AFPF hereby requests the following records:

1. All internal or external reports, including those commissioned or contracted, which examine the STAR Bonds financing program from 2007 to the present.
2. All STAR Bond feasibility studies from 2007 to the present.
3. All e-mail communications regarding the STAR Bond financing program sent to or from the following employees between January 1, 2021 to September 1, 2021:
 - a. Secretary of Commerce
 - b. Chief of Staff
 - c. Chief Counsel

¹ See AMS. FOR PROSPERITY FOUND., <https://americansforprosperityfoundation.org/> (last visited Oct. 8, 2021).

² Kan. Legislative Div. of Post Audit, *STAR Bonds Financing Program* (2021), available at <https://www.kslpa.org/audit-report-library/star-bonds-financing-program/>.

³ Kan. Policy Inst., *Wichita’s Key STAR Bonds Didn’t Create New Jobs* (2020), available at <https://kansaspolicy.org/press-release-ict-star-bonds/>.

Request for a Public Interest Fee Waiver

AFPF requests a waiver of any and all applicable fees. The KORA gives agencies discretion on whether to charge fees, noting that a “**public agency may charge** and require advance payment of a fee for providing access to or furnishing copies of public records, subject to K.S.A. 45-219.” Kan. Stat. Ann. § 45-218(f) (emphasis added).

AFPF’s KORA request is in the public interest because the records requested would shed light on the activities of government and AFPF intends to educate the public with the results of this KORA request. Further, AFPF is a non-profit organization as defined under Section 501(c)(3) of the Internal Revenue Code, and it has no commercial interest in making this request.

If fees cannot be waived, AFPF authorizes the Kansas Department of Commerce to fulfill this KORA request and bill AFPF for any fees, provided the amount does not exceed \$100. If processing this request will cost more than \$100, please contact AFPF before proceeding.

Record Production and Contact Information

To facilitate document review, please provide the responsive documents in electronic form in lieu of a paper production. If a certain portion of responsive records can be produced more readily, AFPF requests that those records be produced first and the remaining records be produced on a rolling basis as circumstances permit. If you have any questions about this request, please contact us at KSchmidt@afphq.org and EPatton@afphq.org. Thank you for your attention to this matter.



ELIZABETH PATTON
STATE DIRECTOR, AFPF KANSAS



KEVIN SCHMIDT
DIRECTOR OF INVESTIGATIONS, AFPF