

**KANSAS BOARD OF TAX APPEALS
POLICY AND PROCEDURE FOR OBTAINING COPIES OF OR ACCESS TO
PUBLIC RECORDS PURSUANT TO THE KANSAS OPEN RECORDS ACT
K.S.A. 45-215 ET SEQ.**

OFFICE HOURS: 9:00 AM to 5:00 PM Monday through Friday, except official state holidays. Requests received after 5:00 PM will not be logged and processed until the next business day.

DESIGNATED CUSTODIAN: Stephen Bauchum, General Counsel

ACCESS TO OPINIONS OF THE BOARD OF TAX APPEALS:

Copies of opinions may be obtained by emailing BOTA.MailDesk@ks.gov. An open records act request is NOT required to obtain copies of Board of Tax Appeals' opinions. The requested copies of opinions will be provided within five (5) business days.

FEES:

One (1) record request in a twelve (12) month period that can be provided with less than one hour of staff time or which is less than 25 pages will be provided at no charge. Any request that requires in excess of one hour of staff time or is more than 25 pages, or any additional requests within a twelve (12) month period will be subject to the applicable fee schedule.

For requests exceeding one hour of staff time or that are more than 25 pages in length, the following fees shall apply:

- **COPIES** will be charged at a rate of \$0.25 per page for paper copies or \$0.125 per page for electronic copies;
- **MAILING** will be done through U.S. Mail and charged at the estimated cost of first class postage; if delivery is requested by other means (FedEx, DHL, etc.) the requestor is responsible for arranging pickup and payment of all associated fees;
- **FAXES** will be charged at \$0.65 per ten (10) pages;
- **STAFF TIME** will be charged at the rate of pay for each person(s) whose time is used in order to assist and/or respond to a specific request. This includes, but is not limited to, time spent to access records maintained in or on computer

facilities or equipment, review of records to determine whether closure exceptions apply and/or whether redaction is required and time required to redact records. For most requests, time will be charged as follows:

- Clerical time: \$18 per hour;
- Staff Attorney time: \$35 per hour;
- General Counsel time: \$50 per hour;
- IT Services Time: \$35 per hour;
- Board Member time: \$65 per hour;
- Time for other classifications of employees will be charged based upon actual costs.

Additional fees, including other costs incurred by the agency in complying with a record request, may be assessed to the requestor.

ADVANCE PAYMENT OF FEES REQUIRED:

The Agency will provide the requestor with an estimate of the fees before gathering, processing, or providing access to the records. The estimated fees **MUST BE PAID BEFORE** the Agency will process the request or provide access to the requested records.

While the Agency does its best to provide an accurate estimate of the fee, it is possible that records may be produced for LESS than the estimated amount. In that event, any excess fees paid will be refunded.

It is also possible, however, that the Agency will begin processing a request and determine that the original estimate of time necessary to complete the request was too low. If the Agency discovers that the original estimated fee was too low, the Agency will promptly advise the requestor of any correction to the fee and **will request advance payment of any additional costs before continuing the work**. In this event, the additional fees estimated must be paid before the Agency will continue processing the request.

Payment may be made by check or money order payable to the Kansas Board of Tax Appeals, or by credit card through the KanPay payment portal. Returned checks will incur an additional fee of \$30.00. Individuals wishing to pay by credit card must email the Agency at BOTA.MailDesk@ks.gov to request access to the secure payment portal.

WRITTEN REQUEST:

To ensure that any request is clearly understood, the Agency requires requests for information or copies of records to be made **IN WRITING**. All records for requests **MUST** state:

- The requestor's name;
- Mailing address;
- A phone number where the requestor can be contacted; and
- Detailed information about the records being requested. The more detailed the information given about the request, the better the Agency can determine whether the requested records exist and are in the Agency's possession, how best to retrieve said records, and the cost to provide said records.

For the convenience of requestors, a form that may be used to make the request is attached at the end of this policy. This form is NOT required to be used.

Requests may be mailed to the Agency at:

Records Custodian
Kansas Board of Tax Appeals
Eisenhower State Office Building
700 S.W. Harrison St., 10th Floor
Topeka, Kansas 66603

or may be emailed to the Agency at BOTA.MailDesk@ks.gov.

FAXING AND AIR EXPRESS DELIVERY:

Records may generally be faxed if the request is for fewer than 20 pages and fax facilities are readily available.

If air express delivery is requested, the requestor **MUST** arrange for a pick up and packaging of the records and **ALL** associated costs for such delivery **MUST** be paid by the requestor.

The agency records custodian has the sole discretion as to whether to honor a request for fax or air express delivery.

REQUESTS FOR ELECTRONIC FORMAT RECORDS:

The records custodian will be the sole judge of the ability of the Agency to comply with any request for records to be provided in an electronic format or for records that must be produced in a special computer-generated format.

RESPONSE TIME:

The Agency endeavors to act upon requests as soon as possible. The Agency will verify receipt of the request within three (3) business days. Some requests may be made available to the requestor no later than the third business day following the receipt of the request. Pursuant to K.S.A. 45-218(d), if it appears that additional time will be needed to process the request, fees will be assessed, or redaction is necessary, a written response will be provided to the requestor as soon as possible indicating the fee(s) required and the earliest time and date the requested item(s) will be available.

**KANSAS BOARD OF TAX APPEALS
KANSAS OPEN RECORDS ACT REQUEST FORM**

This form is provided to potential requestors as a helpful guide for composing an effective request for public information under the Kansas Open Records Act. Use of this form is not mandatory.

Date: _____

Records Custodian
Kansas Board of Tax Appeals
Eisenhower State Office Building
700 S.W. Harrison St., 10th Floor
Topeka, Kansas 66603

Re: Open Records Request

Dear Records Custodian:

Under the Kansas Open Records Act (KORA), K.S.A. 45-215 et seq., I request access to or copies of the following records (please be as specific as possible in the description of the records that you want to review and the time period your request covers; attach additional pages if necessary):

I request the information be provided in the following format, if possible (check one):

_____ Paper

_____ Electronic

My contact information is:

Name: _____

Daytime Phone: _____

Address: _____
(Street Address) (City) (State) (Zip)

Email Address: _____

I certify that I do not intend to, and will not: (a) use any list of names or addresses contained in or retrieved from the records or information provided for the purpose of selling or offering for sale any property or service to any person listed or to any person who resides at any address listed; or (b) sell, give, or otherwise make available to any person any list of names or addresses contained in or derived from the records or information provided for the purpose of allowing that person to sell or offer for sale any property or service to any person listed or any person who resides at any address listed.

Sincerely,

(Signature of Requestor)

(Print Name of Requestor)