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AG official travels state pushing Sunshine law education

Transparency leads to better government

By John Hacker

jhacker@carthagepress.com

It's better to educate than to litigate.

Those are the watchwords for Tom Durkin, public education director for Missouri Attorney General Chris Koster as he travels the state talking to anyone who will listen about Missouri's Open Meetings Open Records Law, better known by the name

Sunshine Law.

That's the law that mandates that state, city and county governments, school districts and groups that receive public taxpayer money hold public meetings, maintain open records and respond to public requests for open records.

It also describes what records can be kept from the public and what topics can be discussed in

meetings that are closed to the public.

Durkin's assignment from Koster is to go to all 114 counties in Missouri, and the city of St. Louis, and try to educate anyone

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On the Net:

To see the Missouri Sunshine Law on line, people can go to <http://ago.mo.gov/sunshinelaw/sunshinelaw.htm>

People can also order booklets describing the law and the court decisions and attorney general opinions related to the law by calling the Missouri Attorney General's office in Jefferson City at 573-751-3321.



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who will listen, from public officials to the media to groups that accept public money and are subject to the Sunshine Law to the public, about the importance of knowing the law and the benefits of the law to a free society.

"All of us don't give real concentrated thought about what we are as a nation," Durkin said. "In junior high school we hear Lincoln's Gettysburg Address and we hear government of the people, by the people and for the people and we go oh yeah, that sounds really pretty. We don't take it to heart what that means, so I'd like to see myself as a messenger to remind us what our forefather was talking about and what this cry for freedom that we hold so dear is manifested in this law.

"As a nation we seem to be willing to fight for freedom and willing to die for freedom, but so I ask you are you willing to be inconvenienced for freedom. They are good people that I talk to and sometimes we just need to be reminded of who we are and I try to do that."

Durkin said the philosophy of the law is described in the text of the law in the paragraph labeled 610.011 that says the "liberal construction of the law" is public policy.

That paragraph says; "It is the public policy of this state that meetings, records, votes, actions and deliberations of public governmental bodies be open to the public unless otherwise provided by law. Sections 610.010 to 610-020 shall be liberally construed and their exceptions strictly construed to promote this public policy."

"Other than these statutory provisions that say some things must be closed for privacy actions, everything else about this law is permissive," Durkin said. "In other words it allows a body to close a record, but it doesn't mandate it."

Durkin said most of the questions he encounters in his travels around the state are about what records or meetings should be open and which should be closed.

"The issue of what is closed and what is open probably precipitates more of the complications that I have to deal with than any other particular issue," Durkin said. "Is it open or

is it closed. I try to create this sense of understanding that one of the problems that we face is that we're all raised by the same mother and she taught us to mind our own business. This law goes diametrically opposed to this and that is this is everyone's business and transparency leads to better government. It leads to citizens being more actively involved in their government."

Kaylene Cole, a member of the Carthage Humane Society Board of Directors, attended the meeting and put just such a question to Durkin when she asked whether the group was correct in withholding specific details about which animals in its care were euthanized and which were adopted out.

"Let's say somebody who turned in their little poodle last week and they came in the door and they want to know what happened to their poodle," Cole said in the meeting. "We say its standard policy to not tell you whether we euthanized it or adopted it, and definitely not policy and say yes it was adopted to, say, John Smith on River Street. We have run into that where

people want to know what happened to a particular animal."

Durkin said that kind of information is not specifically dealt with in the Sunshine Law, but the group could probably protect itself by putting in its open meetings, open records policy a provision that specifically says it does not release information about specific animals.

Durkin said questions

like the one Cole asked are common in his travels across the state.

"There are times when somebody asks me a question, and I know this law very well and I'll go and try to find the answer in the book, and the answer isn't really in the book," Durkin said. "It happened today in talking to the Humane Society person. I never expected that question and that just isn't in the book. We'll have some of the finest legal minds who are working on this sit together in a room and they'll disagree and we'll try to reach a consensus of what is our interpretation, where are we going to come down on this."

Durkin said his goal is to educate all parties so the work together to follow the law and try to avoid confrontations over the law.

"I do believe that, in the end, if we can establish a climate of good relationship and that the people have a belief that they really are a process, whether or not they go and they ask for open records or not, the fact that they know that they can, I think, is instructive," Durkin said. "The fact that they know that a body will be operating in the open, I think that that engenders a spirit of belief in their elected officials that I think can be very helpful to our state and our nation."

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