

Tenth Judicial District Judicial Nominating Commission Minutes June 28, 2012 Meeting

Date: June 28, 2012

Time: 8:00 a.m.

Location: Johnson County Courthouse, 100 N. Kansas, Room 311, Olathe, KS

In attendance: Justice Lee Johnson, Chair; Hon. Karen Arnold-Burger, Secretary, Edna Baginsky, Michelle Kinzer, Charley German, Ron Rykman, Steve Howe, Rick Merker, Marcia Rinehart, J.Brett Milbourn; Lee Smithyman, Vivien Jennings, Greg Doring, Terry Presta and the Hon. Kevin Moriarty

Absent: None.

The meeting was called to order by Justice Lee Johnson at 8:15 a.m.

After the meeting was called to order and a quorum declared, Justice Johnson opened the meeting up for public comment and called on audience members present to comment. There being none, the public comment portion of the meeting was closed.

At 8:20 a.m. a motion was made by Commissioner Rinehart and seconded by Commissioner Kinzer to adjourn to executive session until no later than 9:15 a.m. to discuss background checks and qualifications of applicants/interviewees for the position of Judge of the Tenth Judicial District as allowed by K.S.A. 75-4319(b)(1) and (b)(4). The motion passed unanimously by a show of hands, 14-0.

At 9:15 a.m., the public portion of the meeting resumed and the Commissioners proceeded to interview applicants. After completing the morning round of interviews, at 12:10 p.m. the Commission took a recess to eat lunch.

At 12:50 p.m. a motion was made by Commissioner Milbourn and seconded by Commissioner Kinzer to adjourn to executive session until no later than 1:20 p.m. to continue to discuss background checks and qualifications of applicants/interviewees for the position of Judge of the Tenth Judicial District as allowed by K.S.A. 75-4319(b)(1) and (b)(4). The motion passed unanimously by a show of hands, 13-0. Commissioner Jennings arrived during the executive session.

The public portion of the meeting reconvened at 1:20 p.m. and applicants interviews resumed. After completing the afternoon round of interviews at 2:45 p.m., Justice Johnson called upon audience members for public comment.

There being several audience members present, discussion ensued. At 3:05 p.m. the public comment section of the meeting was closed.

At 3:20 p.m. a motion was made by Commissioner Rykman and seconded by Commissioner Milbourn to adjourn to executive session until no later than 4:00 p.m. to continue to discuss background checks and qualifications of applicants/interviewees for the position of Judge of the Tenth Judicial District as allowed by K.S.A. 75-4319(b)(1) and (b)(4). The motion passed unanimously by a show of hands, 14-0.

At 4:00 p.m. the public meeting reconvened. At 4:01 p.m. a motion was made by Commissioner Kinzer and seconded by Commissioner German to adjourn to executive session until no later than 4:20 p.m. to continue to discuss background checks and qualifications of applicants/interviewees for the position of Judge of the Tenth Judicial District as allowed by K.S.A. 75-4319(b)(1) and (b)(4). The motion passed unanimously by a show of hands, 14-0.

At 4:20 p.m. the public meeting reconvened and voting began by signed written ballot. Justice Johnson tallied the votes from the First Final Ballot and announced that the names of Jon Blongewicz, Robert Caldwell, Hon. Mike Farley, Timothy McCarthy, Laura McConwell, Hon. James Phelen and the Hon. Daniel Vokins must be removed from the ballot for the second round pursuant to the voting rules. The Commissioners then proceeded to cast their ballots on the Second Final Ballot and deliver them to Justice Johnson. Justice Johnson tallied the votes and it was determined that there were two candidates with ten or more votes, Christina Dunn and Keven O'Grady. There was tie between the remaining two candidates.

A motion was made by Commissioner Milbourn and seconded by Commissioner German to consider Ms. Dunn and Mr. O'Grady as two nominees and to revote on the remaining two candidates, with the top vote getter being the #3 choice and the lower vote getter to be the #4 choice. The motion passed 10-4. Voting was conducted by third signed ballot and Justice Johnson announced that there was a 7 to 7 tie for the remaining two applicants. At 4:50 p.m. a motion was made by Commissioner Rinehart and seconded by Commissioner Kinzer to adjourn to executive session until no later than 5:00 p.m. to continue to discuss qualifications of applicants/interviewees for the position of Judge of the Tenth Judicial District as allowed by K.S.A. 75-4319(b)(1) and (b)(4). The motion passed unanimously by a show of hands, 14-0. At 5:00 p.m. the public meeting reconvened and the fourth round of voting began. Justice Johnson announced that Jacquelyn Rokusek received the majority of the votes, therefore she was declared the 3rd candidate, and Michael Joyce the 4th. It was determined that each applicant would be notified by their liaison regarding the final three nominees.

Michelle Kinzer moved to approve the minutes of the June 6, 2012 meeting. Edna Baginsky seconded the motion. The motion passed unanimously by a show of hands and the minutes were thereby approved.

The Commission then discussed the voting rules and expressed a desire to think about them and perhaps revisit them at our next meeting.

The meeting was adjourned at approximately 5:15 p.m.

Approved this 11th day of September, 2012.



Karen Arnold-Burger
Secretary