

# **Tenth Judicial District Judicial Nominating Commission Minutes January 18, 2013 Meeting**

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**Date:** January 18, 2013

**Time:** 8:00 a.m.

**Location:** Johnson County Courthouse, 100 N. Kansas, Room 337, Olathe, KS

(notice was placed prominently on Room 319 of location change)

**In attendance:** Justice Lee Johnson, Chair; Hon. Karen Arnold-Burger, Secretary, Edna Baginsky, Ron Ryckman, Charley German, Gregory Doring, Steve Howe, Brett Milbourn, Marcia Rinehart, Lee Smithyman, Richard Merker, Michelle Kinzer, Judge Kevin Moriarty, Terry Presta and Vivien Jennings.

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The meeting was called to order by Justice Lee Johnson at 8:08 a.m. and a quorum declared. It was announced that Ron Ryckman contacted the Secretary in advance of the meeting to indicate he had a conflict with a meeting of the Kansas Legislature in Topeka but would be present by 9:20 when the interviews started. Marcia Rinehart moved to approve the minutes of the January 7, 2013 meeting and Brett Milbourn seconded the motion, which passed unanimously, 13-0.

A brief discussion ensued regarding selection of a new Secretary. Judge Arnold-Burger advised that she would not be seeking another term on the Commission and if there were not any more openings between now and March 2014 there would not be another chance to select a Secretary. By consensus, the Commissioners decided to defer this item to a later meeting.

At 8:15 a.m., Justice Johnson opened the meeting up for public comment. There being no members of the public present, the public comment portion of the meeting was closed.

At 8:17 a.m. a motion was made by Commissioner Presta and seconded by Commissioner Milbourn to adjourn to executive session until no later than 9:10 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, 13-0.

At 9:10 a.m., the public portion of the meeting resumed and the Commissioners proceeded to interview applicants. Ron Ryckman arrived before the first interview. After completing the morning round of interviews, at 12:55 p.m. a motion was made by Commissioner Merker and seconded by Commissioner Moriarty to adjourn to executive session until no later than 1:15 p.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, 14-0.

At 1:15 p.m. the public portion of the meeting resumed and at 1:15 p.m. the meeting was open for public comment. Two members of the public were present to observe, but did not have any comments. Chief Judge Thomas Foster addressed the Commission and thanked the members for their service. At 1:20 p.m. the public comment portion of the meeting was closed and the Commissioners proceeded to interview applicants. After completing interviews, at 2:10 p.m. a motion was made by Commissioner Smithyman and seconded by Commissioner Kinzer to adjourn to executive session until no later than 2:50 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, 14-0.

The public portion of the meeting reconvened at 2:50 p.m. and Commissioners proceeded to cast their signed ballots. At the conclusion of the first ballot it was determined, pursuant to the voting rules, that Jacquelyn Rokusek and Paul Gurney had each received 8 or more votes, so they were declared the first two nominees. Applicants Goodenow, McCulloch, Schoenig, Smith and Wetzler were removed from the ballot for the second round of voting due to a failure to receive 2 or more votes. The Commissioners cast their second signed ballot for the remaining position to be filled. Justice Johnson tallied the votes and it was determined that applicant Timothy McCarthy had received 8 or more votes and therefore would be selected for the first panel.

The Commissioners proceeded to cast their first signed ballot for the #4 position with all interviewees eligible except the three already nominated. Justice Johnson tallied the votes and it was determined that no applicant received 8 or more votes. Applicants Schoenig, Smith and Wetzler were removed from the ballot due to a failure to receive two or more votes. The Commissioners proceeded to cast their second signed ballot for position #4 and Justice Johnson tallied the votes and it was determined that the Hon. Daniel Vokins had received 8 or more votes, and would therefore be the nominee added on the second panel. The applicants were notified that the final three names to be sent to Gov. Brownback were Jacquelyn Rokusek, Paul Gurney and Timothy McCarthy, with the Hon. Daniel Vokins submitted after the first selection was made by the Governor.

The meeting was adjourned at 3:20 p.m.

Approved this 18th day of June, 2013.

*Karen Arnold-Burger*

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Karen Arnold-Burger  
Secretary