

# Tenth Judicial District Judicial Nominating Commission Minutes August 22, 2008 Meeting

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**Date:** August 22, 2008

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

**Location:** Johnson County Administration Building, 111 S. Cherry, Room 200, Olathe, KS

**In attendance:** Justice Lee Johnson, Chair; Hon. Karen Arnold-Burger, Secretary, Edna Baginsky, Michelle Kinzer, Charley German, Jacob Swisher, Victor Bergman, Scott Gyllenborg, Marcia Rinehart, Larry McClain; Lee Smithyman, Janis McMillen, Brant Tidwell, Terry Presta and Hon. Kevin Moriarty

**Absent:** None.

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The meeting was called to order by Justice Lee Johnson at 8:10 a.m.

After the meeting was called to order and a quorum declared, Brant Tidwell moved to approve the minutes of the April 11, 2008 meeting. Janis McMillen seconded the motion. The motion passed unanimously and the minutes were thereby approved.

At 8:11 a.m., Justice Johnson then called upon audience members for public comment. There being no audience members present, the public comment section of the meeting was closed.

At 8:12 a.m. a motion was made by Jacob Swisher and seconded by Scott Gyllenborg to adjourn to executive session until 8:50 a.m. to discuss qualifications of applicants/interviewees for the position of Judge of the Tenth Judicial District. The motion passed unanimously, 14-0.

At 8:50 a.m. the public meeting reconvened. It was decided that all applicants would be asked a list of three standard questions by Justice Johnson. He would then turn it over to the group for follow-up and additional questions. At 9:00 a.m. the Commission proceeded to interview applicants.

At 12:00 p.m. a motion was made by Scott Gyllenborg and seconded by Jacob Swisher to adjourn to executive session until 12:55 p.m. to discuss qualifications of applicants/interviewees for the position of Judge of the Tenth Judicial District. The motion passed unanimously, 14-0.

At 12:55 p.m. the public meeting reconvened and the Commissioners proceeded to interview applicants.

At 4:00 p.m., Justice Johnson called upon audience members for public comment. There being no audience members present, the public comment section of the meeting was closed.

At 4:10 p.m. a motion was made by Scott Gyllenborg and seconded by Jacob Swisher to adjourn to executive session until 4:30 p.m. to discuss qualifications of applicants/interviewees for the position of Judge of the Tenth Judicial District. The motion passed unanimously, 14-0.

At 4:30 p.m. a motion was made by Marcia Rinehart and seconded by Terry Presta to adjourn to executive session until no later than 4:41 p.m. to continue to discuss qualifications of applicants/interviewees for the position of Judge of the Tenth Judicial District. The motion passed unanimously, 14-0.

At 4:41 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, Paul Burmaster, Henry Cox, Veronica Dersch, Ellen Goldman, Matthew Miller, Ronald Nelson, Robert Scott, Rekha Sharma-Crawford, and Jean Uvodich 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 eight or more votes, Kelly Ryan and Neil Foth.

A run-off ballot was prepared for the remaining three candidates, Gordon Atcheson, Hon. James Phelan and Hon. Daniel Vokins. The Commissioners then proceeded to cast their ballots on the First Run-Off Ballot and deliver them to Justice Johnson. Justice Johnson tallied the votes and it was determined that there were two candidates who had tied with six votes. A second run-off ballot was prepared with the names of the Hon. Daniel Vokins and the Hon. James Phelan. The Commissioners then proceeded to cast their ballots on the Second Run-Off Ballot and deliver them to Justice Johnson. Justice Johnson tallied the votes and it was determined that the Hon. James Phelan was the only candidate with 8 votes. Therefore, the Commission determined that the three names to be forwarded to the Governor would be Kelly Ryan, Neil Foth and Hon. James Phelan.

The Commission then began discussing any changes that should be put in place for the next selection. It was determined that:

- 1) A copy of the interview schedule would be made available to members of the public during the interviews.
- 2) Name placards would be prepared for the interviewees.

The meeting was adjourned at approximately 5:40 p.m.

Approved this 18<sup>th</sup> day of November, 2008

A handwritten signature in black ink, reading "Karen Arnold-Burger". The signature is written in a cursive, flowing style.

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Karen Arnold-Burger  
Secretary