

18 th DISTRICT COURT FOR THE STATE OF COLORADO 7325 S. Potomac St., Centennial, CO 80112		
Plaintiff(s)/Petitioner(s): Frank Sturgell v. Defendant(s)/Respondent(s): Elbert County Elbert County Commissioner Danny Wilcox Elbert County Commissioner Chris Richardson Elbert County Commissioner Grant Thayer Elbert County Sheriff Shayne Heap Elbert County Administrator Kyrei Zion		▲ COURT USE ONLY ▲
Attorney or Party Without Attorney (Name and Address): Pro Se Mailing Address: PO Box 150609, Lakewood, CO 80215 Phone Number: None E-mail: fsturgell@yahoo.com FAX Number: None Atty. Reg. #: None		
		Case Number: Division: Courtroom:
COMPLAINT FOR DAMAGES		

PARTIES

Plaintiff:

Frank Sturgell and the People of the State of Colorado

Defendants:

1. Elbert County of the State of Colorado
Elbert County Board of Commissioners
Elbert County Commissioner Danny Willcox in his official capacity and as himself;
Elbert County Commissioner Chris Richardson in his official capacity and as himself;
Elbert County Commissioner Grant Thayer in his official capacity and as himself;
Elbert County Administrator Kyrei Zion in her official capacity and as herself;
215 Comanche Street
Kiowa, CO 80117
2. The Elbert County Sheriff's Office
Elbert County Sheriff Shayne Heap in his official capacity and as himself;
751 Ute Avenue
Kiowa, CO 80117

JURISDICTION & VENUE

1. The matter presented to this court concern violations of the Revised Statutes of the State of Colorado.

2. The Defendants are all officers or employees of the State of Colorado.
3. The Defendants are all presumed to be residents of the State of Colorado and citizens of the United States.
4. All of the Defendants' actions are bound to the Constitution of the United States, the Constitution of the State of Colorado, and the Colorado Revised Statutes.
5. The action that caused this matter to be filed in a court of law happened in the 18th Judicial District of the State of Colorado.
6. The 18th Judicial District of the State of Colorado has all matters over the Constitution of the United States, the Constitution of the State of Colorado, and the Colorado Revised Statutes.
7. The Plaintiff is a resident of the State of Colorado and a natural born citizen of the United States.
8. The 18th Judicial District of the State of Colorado has jurisdiction over all matters of this lawsuit, the Plaintiff, and all of the Defendants.
9. The 18th Judicial District of the State of Colorado is located at 1790 Littleton Blvd., Littleton, CO 80120

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A. INTRODUCTION

- A1-1. The purposes of this complaint are the following:
1. Compel Elbert County Commissioners and the Elbert County Sheriff's Department to give the documents that Mr. Sturgell requested to Mr. Sturgell. Elbert County states that they do have the documents, but refuse to give the documents based on illegal statements.

2. Remove the illegal policies that Elbert County and the Elbert County Sheriff's Department are hiding behind for the purpose of giving Mr. Sturgell the documents that he requested and is entitled to per law.
- A1-2. Mr. Sturgell sent his 14 day notice as demanded per **C.R.S. 24-72-204 (5)(a)** on August 31, 2018 via email to the Elbert County Commissioners, Sheriff Heap, and Kyrei Zion. He did not receive any response.

FIRST CLAIM FOR RELIEF

Violations of C.R.S. 24-72-203 - Failure to Release Records (Elbert County, Willcox, Thayer, Richardson, Zion)

- B1-1. On July 8, 2018, Mr. Sturgell sent a request for records via email to the Commissioners of Elbert County including Danny Willcox, Grant Thayer, and Chris Richardson per the Colorado Open Records law asking for the following:

"per CORA any documents asking for Sheriff's Deputy Chris Dickey to resign, demand his firing, and/or be suspended and/or be placed on administrative leave until he can stop killing."

Please see **Exhibit A**.

- B1-2. On July 9, 2018, Elbert County Commissioner Chris Richardson replied via email to Mr. Sturgell with an attached form and a copy of Elbert County's illegal CORA policy. Please see Exhibit B.

- B1-3. Mr. Richardson demanded that Mr. Sturgell fill out an illegally demanded form that is obviously meant to slow down any request. Please see **Exhibit D** for Elbert County's illegal CORA policy.

- B1-3. Mr. Richardson's response stated the following,
"Thank you for contacting me. In regard to your email requesting documents, attached is our current County Policy regarding requests pursuant to the Colorado Open Records Act and our CORA request form. Once we receive a properly documented request, we will process it appropriately."

Questions regarding hiring policy and practices for law enforcement officers should be directed to the Elbert County Sheriff's Office."

Please see **Exhibit B**.

- B1-4. Mr. Sturgell previously had sent a *"properly documented"* and legal CORA request.

- B1-5. The form included the demand for Mr. Sturgell's signature.

- B1-6. On July 10, 2018, despite his objections, Mr. Sturgell filled out the form, signed the form, scanned the form, and replied back via email by ask for "
" with the completed form as an attachment. Please see Exhibit E.

- B1-7. On July 16, 2018, Kyrei Zion of Elbert County replied via email and an attached unsigned letter to Mr. Sturgell demanding in addition to the illegally demanded form that he also send a valid driver's license or identification card before any documents could be released. Please see **Exhibit G**.

- B1-8. The email of Kyrei Zion of Elbert County to Mr. Sturgell dated July 16, 2018 stated that the documents were attached, which is in direct contradiction to the

letter that stated Mr. Sturgell had to show the driver's license/identification that he does not have.

B1-9. No documents were attached to this email or any email from Elbert County that stated were in any way a response to Mr. Sturgell's CORA request

B1-10. Kyrei Zion's email dated July 16, 2018 stated the following:

"In this instance, Elbert County must receive proof of your identification prior to providing any documents related to this records request (and will be required at the time of making an open records request in the future) in order to be deemed a completed open records request."

B1-11. On July 16, 2018, Mr. Sturgell replied via email that he did not have a driver's license or an Identification Card due to the fact that the Department of Revenue had purposely stolen it without legal reason to do so.

B1-12. Mr. Sturgell stated that if Elbert County wanted Mr. Sturgell to present a driver's license that they needed to contact Lt. Governor Donna Lynne, Governor Hickenlooper, and imposter Executive Director of the Department of Revenue, Michael Hartman since they are the people responsible for the theft and the continued illegal keeping of Mr. Sturgell's driver's license, **C.R.S. 18-4-401 - Theft**.

B1-13. Mr. Sturgell's statement that Mr. Hartman is an imposter as the Executive Director of the Department of Revenue is due to his failure to qualify for office with a written Oath of Office per Article 12, Sections 8 and 9 of the Colorado Constitution and his failure to file a \$200,000 bond per C.R.S. 24-35-104.

B1-14. Mr. Sturgell has not had a driver's license or identification card on his person since December 5, 2014 when it was stolen by a Jefferson County Sheriff's Deputy Brian Corbin on illegal orders from the Department of Revenue's Division of Motor Vehicles.

B1-15. Elbert County Commissioners and Elbert County Sheriff's Department have continued to prevent Mr. Sturgell from obtaining legal records pertaining to the firing and/or resignation of (former) Elbert County Chris Dickey.

B1-16. This withholding of records is in violation of **C.R.S. 24-72-203 (1)** that states very clearly that anyone, regardless of who they are or what they objects they possess including a driver's license or identification card that they are entitled to government records.

B1-17. There is always irreparable harm in a dishonest government, particularly one that demands to hide information and documents.

SECOND CLAIM FOR RELIEF

Violations of C.R.S. 24-72-203 - Failure to Release Records

(Elbert County Sheriff's Department, Sheriff Shayne Heap, Elbert County, Kyrei Zion)

B2-1. On July 8, 2018, Mr. Sturgell sent a request for records via email to the Sheriff of Elbert County, Shayne Heap per the Colorado Open Records law asking for the following:

"per CORA any documents asking for Sheriffs Deputy Chris Dickey to resign, demand his firing, and/or be suspended and/or be placed on administrative leave until he can stop killing."

Please see **Exhibit E**.

B2-2. On July 11, 2018, Mr. Sturgell sent a reminder of the CORA request for records with a statement that the Sheriff was in violation of the CORA law, C.R.S. 24-72-203 via email to the Sheriff of Elbert County, Shayne Heap by failing to respond within 3 days.

B2-3. Mr. Sturgell has not received any documents to this request.

B2-4. On July 16, 2018, Mr. Sturgell received an email from Elbert County's administrator Kyrei Zion.. Please see **Exhibit F**.

B2-5. The body of the email stated that there was a record attached for the request. The only other attachment to the email was CORA request that Mr. Sturgell had sent to Elbert County Sheriff Shayne Heap.

B2-6. The email for the CORA request is not a record for that particular request and by no means satisfies Mr. Sturgell's CORA request.

B2-7. The attached letter of the email stated that there were records pertaining to Mr. Sturgell's CORA request, but Mr. Sturgell could not have them because he had to submit a driver's license or identification.

B2-8. Mr. Sturgell does not have a driver's license due to the extreme vindictiveness of Governor John Hickenlooper.

B2-9. Elbert County Sheriff's Department has continued to prevent Mr. Sturgell from obtaining legal records pertaining to the firing and/or resignation and/or suspension and/or administrative leave of (former) Elbert County Chris Dickey.

B2-10. This withholding of records is in violation of **C.R.S. 24-72-203 (1)** that states very clearly that anyone, regardless of who they are or what they objects they possess including a driver's license or identification card that they are entitled to government records.

B2-11. **C.R.S. 24-72-203 (1) (a) - Public Records Open To Inspection** states the following:

"All public records shall be open for inspection by any person at reasonable times, except as provided in this part 2 or as otherwise provided by law, but the official custodian of any public records may make such rules with reference to the inspection of such records as are reasonably necessary for the protection of such records and the prevention of unnecessary interference with the regular discharge of the duties of the custodian or the custodian's office."

B2-12. Whether a person has identification or not has nothing to do with any task that is "*reasonably necessary for the protection of such records*" unless it would be to protect personal records that only that person could inspect per law. This is not that case.

B2-13. There is always irreparable harm in a dishonest government, particularly one that demands to hide information and documents.

THIRD CLAIM FOR RELIEF

**Violations of 14TH Amendment – Equal Treatment Clause
(Elbert County Sheriff's Department, Sheriff Heap, Elbert County, Willcox,
Thayer, Richardson, Zion)**

- B3-1. On August 2, 2018, Mr. Eric Brandt made a CORA request at the Elbert County Sheriff's Department.
- B3-2. Mr. Brandt's CORA request to obtain records was live streamed and recorded by video on Youtube, <https://www.youtube.com/watch?v=8O7KPGf8NIE>
- B3-3. The video is 55:08 minutes long. The demand for the CORA request starts at 8:00 minutes into the video.
- B3-4. Mr. Brandt receives documents that he asked for at 27:24 minutes into the video from Kelly Davis of the Sheriff's Department.
- B3-5. Mr. Brandt received a compact disk that is stated to have a video that Mr. Brandt had requested via CORA 40:30 minutes into the video Kelly Davis of the Sheriff's Department.
- B3-6. Mr. Brandt walks out of the Sheriff's Office at 42:40 minutes into the video with records requested.
- B3-7. At no point does anyone from the Elbert County Sheriff's Office ask Mr. Brandt if he had any state issued identification of any kind despite the Elbert County's illegal CORA policy demanding that any CORA request.
- B3-8. At no point does Mr. Brandt show or present any state issued identification of any kind despite the Elbert County's illegal CORA policy demanding that any CORA request.
- B3-9. Mr. Sturgell knows that Mr. Brandt does not own or carry any Colorado identification or driver's license.
- B3-10. The fact that Mr. Brandt can obtain records upon request without any identification, particularly while videoing the event, but Mr. Sturgell cannot is a very clear violation of **the Equal Treatment Clause of the 14th Amendment of the Constitution of the United States**.
- B3-11. The fact that Mr. Brandt can obtain records that he has requested via CORA, but Mr. Sturgell cannot prove that the Elbert County CORA policy regarding forms and demands for driver's licenses or identification are a sham and must be stricken from the policy to never return.
- B3-12. It's quite obvious that the employees of Elbert County know the policy to demand a driver's license and a form is burdensome or they would have complied with the illegal policy in this circumstance and presumably others.
- B3-13. Mr. Sturgell's rights to an Equal Treatment of the Law have been violated and they must be fully restored.

FOURTH CLAIM FOR RELIEF

Violations of the 4th Amendment - Right to Remain Free of Searches (Elbert County Sheriff's Department, Sheriff Heap, Elbert County, Willcox, Thayer, Richardson, Zion)

- B4-1. The 4th Amendment to the Constitution of the United States states the following:

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

B4-2. A CORA request is also a public record. With an electronic submission of a picture of an identification card being sent with the CORA request, the picture of the identification card becomes a public record.

B4-3. Any person in the world may then perform a CORA request for Mr. Sturgell's identification card or driver's license if he had either card.

B4-4. Proof of this CORA request becoming a record came in the form of Kyrei Zion's response email stating mysteriously that Mr. Sturgell's CORA response was a record to his CORA request.

B4-5. It was not a response to Mr. Sturgell's CORA request, but may be a record requested by someone in the future.

B4-6. Due to this fact, Mr. Sturgell or anyone cannot be secure in their persons or papers or effects against unreasonable searches.

B4-7. Having a police force have a permanent file to possibly target smacks in the face of what the 4th Amendment that demands us all to have the right to be secure in their persons, houses, papers and effects.

B4-8. This is a very unreasonable search and a seizure of information that has large possible repercussions including abuse by vindictive government officials and the police.

B4-9. There is no probable cause for this demand for this unreasonable search and seizure of this personal information.

B4-10. No warrant was asked nor given to demand these papers and effects.

B4-11. It is an unnecessary burden particularly on effects and papers that are not demanded for all to have in their possession.

B4-12. Mr. Sturgell's rights to unwarranted searches have been violated.

B4-13. Any violation of a right is irreparable. Mr. Sturgell must have his 4th Amendment rights restored and be made whole from the violation.

FIFTH CLAIM FOR RELIEF

Violations of C.R.S. 24-72-203 – CORA Policy That Violates CORA (Elbert County Sheriff's Department, Sheriff Heap, Elbert County, Willcox, Thayer, Richardson, Zion)

B5-1. A government agency can only make demands to protect records for any CORA policy they create.

B5-2. **C.R.S. 24-72-203 (1) (a) - Public Records Open To Inspection** states the following:

*"All public records shall be open for inspection by any person at reasonable times, except as provided in this part 2 or as otherwise provided by law, but the official custodian of any public records **may make such rules with reference to the inspection of such records as are reasonably necessary for the protection of such records** and the prevention of unnecessary interference with the regular discharge of the duties of the custodian or the custodian's office."*

B5-3. There are no reasons for this unnecessary and burdensome rule and certainly no reasons that are necessary for the protection of such records. Please see **Exhibit A** for burdensome rules.

B5-4. Forcing a form after a records request has been placed in writing is a burdensome demand that does nothing to protect records.

B5-5. Forcing a form only adds to time and costs for the purpose of restricting access to records, which is in direct contradiction to the law and the stated purpose of the policy.

B5-6. A photo of a driver's license or identification is quite easy to manipulate and forge to appear valid with the graphic enhancement software available today. A photo of a driver's license or identification card proves absolutely nothing. The demand for identification particularly for an email request does not prove who a person is.

B5-7. According to an article published by Jeffrey Roberts, the Executive Director of Colorado FOIC on August 29, 2018, Elbert County Attorney Bart Greer, stated in a public hearing on March 14, 2018 stated that the reason for the demand for a driver's license/identification is that is common practice throughout the State of Colorado.

B5-8. Neither Colorado FOIC, who is primarily an organization of journalists or Mr. Sturgell who has filed numerous CORA requests himself have ever heard of any demand for any identification to obtain Open Records.

B5-9. Since Mr. Sturgell is unable to ask for a CORA request from Elbert County until a judge removes this ridiculous policy, Mr. Sturgell will have to subpoena the meeting minutes of this March 14, 2018 for proof of what exactly Mr. Greer stated and subpoena Mr. Greer for the documents that would prove his claim or the lack of documents that would prove that he made a false statement in a public meeting. The Administrative Procedures Act documents will also be necessary to be subpoenaed.

B5-10. This rule will only slow down the due process of obtaining records. Any intent to slow down due process is a denial of a right since any delay is a right denied. This violates the 5th and 14th Amendments of the U.S. Constitution.

B5-11. This rule is illegal as described in the Third Claim of a lack of Equal Treatment of the Law as a violation of the 14th Amendment of the Constitution of the United States,

B5-12. This rule is illegal as described in the Fourth Claim of an illegal search and the potential for further illegal searches.

B5-13. The "Purpose" of the policy states the following,

"To assure prompt and equitable service to citizens requesting access to public records, in accordance with the requirements of the Colorado Open Records Act ("CORA"), C.R.S. 24-72-201 et seq"

B5-14. The policy is NOT in accordance with the stated CORA law, **C.R.S. 24-72-201 et seq.**

B5-15. The policy has delayed service to Mr. Sturgell to the point that only a court trial can give Mr. Sturgell service on a simple CORA request where Elbert County states that the indeed do have the documents asked for.

B5-16. The policy has proven not to give any reasonable idea of what "equitable" service.

B5-15. This rule is illegal for a multitude of reasons including the demand for a form with a signature and a driver's license or government issued identification. Mr.

Sturgell's rights to request information in Elbert County via CORA must be restored and be made whole for the damage of rights, privileges, and liberties that he has incurred.

RELIEF

C1-1. Any relief thought to be fair and just by the court.

C1-2. Documents requested concerning Chris Dickey's resignation, firing, suspension, or administrative leave from both the Elbert County Commissioners and the Sheriff's Department.

C1-3. Order to remove any reference to any identification card and driver's license or any method of identifying oneself unless the law specifically states that there is a specific record to protect such as personal records that only that specific person can review.

C1-4. A statement or order that draws clear distinction between when identification can be demanded and when it is unnecessary such as one is asking for their own personal records that only the person asking for can inspect.

PLAINTIFF REQUESTS A TRIAL TO A JURY ON ALL ISSUES SO TRIABLE.

For the above complaint, I, Frank Sturgell state that the contents of this lawsuit are factual to the best of my knowledge.

Signed this ____ day of September, 2018.

Frank Sturgell
Pro Se Plaintiff
fsturgell@yahoo.com
720-422-3418
Mailing Address
P.O. Box 150609
Lakewood, CO 80215

Exhibit A: CORA Request to County Commissioners from Frank Sturgell dated July 8, 2018.

9/10/2018

Print Window

Subject: CORA Request - Chris Dickey's Resignation Demands

From: fsturgell@yahoo.com

To: grant.thayer@elbertcounty-co.gov; Danny.Willcox@elbertcounty-co.gov; chris.richardson@elbertcounty-co.gov

Date: Sunday, July 8, 2018, 8:22:00 PM MDT

Dear Commissioners,

I am requesting per CORA any documents asking for Sheriff's Deputy Chris Dickey to resign, demand his firing, and/or be suspended and/or be placed on administrative leave until he can stop killing.

Why is someone who had a record of unnecessary injury and death from a police department that was so out of control that it was under supervision of the US Department of Justice be hired let alone be continued to be allowed to a Deputy in Elbert County after more unnecessary killing and injury?

Sincerely,

Frank Sturgell

Exhibit B: Email response by Elbert County Commissioner Chris Richardson, July 9, 2018.

Chris Richardson <Chris.Richardson@elbertcounty-co.gov>

To: Frank Sturgell

Cc: Grant Thayer, Danny Willcox

Jul 9 at 4:52 PM

ELBERT COUNTY COMMISSIONER DISTRICT 1

Mr. Sturgell,

Thank you for contacting me. In regard to your email requesting documents, attached is our current County Policy regarding requests pursuant to the Colorado Open Records Act and our CORA request form. Once we receive a properly documented request, we will process it appropriately.

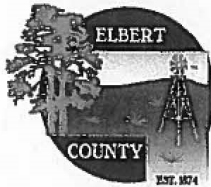
Questions regarding hiring policy and practices for law enforcement officers should be directed to the Elbert County Sheriff's Office.

Respectfully,

Christopher A. Richardson

Commissioner District 1
Elbert County

Exhibit C: Elbert County CORA Request Form completed and signed by Frank Sturgell dated July 8, 2018 and sent on July 10, 2018.



COUNTY OF ELBERT

215 Comanche Street
P.O. Box 7
Kiowa, Colorado 80117

Chris Richardson, Commissioner District 1
Danny Willcox, Commissioner District 2
Grant Thayer, Commissioner District 3

OPEN RECORDS REQUEST

Date: July 8, 2018

Please be specific on what information you are requesting so that your request can be filled in a timely manner and to insure that you get the correct information.

I request: I am requesting per CORA any documents asking for Elbert

County Sheriff's Deputy Chris Dickey to resign, demand his firing, and/or
be suspended and/or be placed on administrative leave until he can stop
killing, which we can be certain is NEVER.

Your form spaces irregularly and isn't necessary for the protection of any record.

Attach additional sheets if necessary

Frank Sturgell

Print Name

Frank Sturgell
Signature

**Address: _____

Email: fsturgell@yahoo.com

Phone Number: _____

****You must provide your address or email.**

Exhibit D: Elbert County CORA Policy (6 Pages)



DRAFT-Policy# B-02: Open Records Policy

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Dallas Schroeder Recorder, Elbert County, Co

Title: Open Records Policy

1. Purpose: To assure prompt and equitable service to citizens requesting access to public records, in accordance with the requirements of the Colorado Open Records Act ("CORA"), C.R.S. § 24-72-201, et seq.

2. Applicability: This policy applies to all county departments and offices. This policy does not apply to criminal justice records, records protected by HIPAA or other public records protected from release by state or federal statute.

3. Proponent: County Attorney

4. General Information: In keeping with the BOCC belief that that openness and transparency requires that that the business of County Government should be accessible to effective public review, this policy describes our implementation of the Colorado Open Records Act, C.R.S. § 24-72-201, et seq. Therefore, most records are public and open for inspection. This document is subject to modifications to CORA, or other State Statutes, which shall supersede any conflicting provisions in this document. Generally, and unless extenuating circumstances exist, properly requested records will be responded to within three working days.

5. Policy:

a.) Access to Records. The CORA guarantees that the public has access to the records of government bodies at all levels in Colorado. Most records are public and open for inspection.

1) Public records. Public records are defined as "all writings made, maintained, or kept by the state or any agency, institution... or political subdivision... for use in the exercise of functions required or authorized by law or administrative rule or involving the receipt or expenditure of public funds." C.R.S. § 24-72-202(6). Criminal justice records are not included in this definition.

2) Writings. Writings are further defined to include "all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials, regardless of physical form or characteristics. Writings include digitally stored data, including without limitation electronic mail messages, but does not include computer software." C.R.S. § 24-72-202(7).

3) General Information and Interpretation of Records. While the CORA does not require that any new public record be produced in response to a request, the County recognizes that altering a public record to remove information that cannot be disclosed under CORA will not constitute the creation of a new record. nor does it require the county to interpret the meaning of documents provided in response to a request. However, the BOCC does expect that reasonable requests for assistance to better understand our county and its operations made by citizens will be addressed. Such requests, however, cannot be allowed to unduly disrupt the day-to-day activities of that specific office or department.

ELBERT COUNTY GOVERNMENT
Open Records Policy

4) Restricted Records. Records that are prohibited from disclosure under CORA or other statute(s) cannot be made available to the public. The County may also withhold certain private and/or financial information about individuals that will not be released except upon the approval of that individual.

b) Records Custodians. The records custodians are designated by each department head or elected official.

c) Physical Review of Public Records. Citizens may request to physically review publicly available county documents. The Custodian of Records and/or responding parties may set the location where the records may be viewed for inspection by the requestor. In no event shall a requestor remove records or add records to those provided for inspection, nor will photography or scanning be allowed of such records, unless such is being conducted by the Custodian of Records and/or responding parties on behalf of the County. Should the requestor desire to obtain copies of the records, the request shall notify the Custodian of Records and copies will be made at the rates set forth in the section entitled Applicable Fees.

1) In order to protect the integrity of original public records, citizens may:

(a) Be supervised by a county employee within the area where the records are stored and/or maintained;

(b) Be required to review records in a designated area or be asked to schedule for a particular time of day in order to not unduly disrupt the day-to-day activities of that specific office or department;

(c) Be required to submit the request in writing if the records custodian believes it is reasonable and appropriate based on the specific and unique circumstances of the request or will help the county to better serve citizen needs for identifying the records requested.

(2) Records that are prohibited from inspection under CORA and other statute(s) shall not be made available for public inspection. The denial of inspection shall be specific and based on reasons provided under CORA as listed in C.R.S. 24-72-204.

d. Requests for Records.

(1) Citizen Request Procedures.

(a) To request public records, citizens may contact Elbert County Administrative offices at 303-621-3138 to obtain the records request form, or download the request form from the county website. The County has determined that the use of an official request form

ELBERT COUNTY GOVERNMENT

Open Records Policy

to be used by the citizen is necessary for the efficient handling of such public records requests. Requests must be submitted in legible form, with the records request form completely filled out, to include full name, address, and contact information including phone number and email, and signature of the requesting party. Such party must present a valid form of identification when collecting the contents of any request, to authenticate identification of the individual making the request, and receiving the information.

(b) In the event that an open record request is made via email, such request will include a scanned copy of a valid form of identification to authenticate the identification of the individual making the request, and receiving the information. Electronic requests must contain a copy of the records request form completely filled out to include full name, address, and contact information including phone number and email, and signature of the requesting party. Any electronic request for records must include a copy of valid identification. Such electronic requests must be sent to openrecords@elbertcounty-co.gov. Any electronic request outside of normal work hours will be deemed submitted at 9:00 am the following work day.

(c) All requests must state with as much specificity as possible, as to the record(s) sought. If a citizen is uncertain about which records contain the information desired, a reasonably specific description of the type of information being sought shall be required in writing on the Open Records Request Form and every attempt will be made to locate the relevant records. Vague, broadly stated, or voluminous requests may be returned to the requestor and staff may require additional clarification in order to obtain appropriate limiting criteria which can be used to narrow the search parameters.


e. Response to Requests for Records.

1) Elbert County will generally respond to requests made pursuant to the Colorado Open Records laws within three working days of the date of receipt of the records request. The custodian of the records requested shall set a date and time when the records will be available for inspection.

2) The period of providing requested records for inspection may be extend up to ten days if the County determines that one of the following conditions exists and states such condition in writing to the requestor within the first three working days that the request was received:

a) A broadly stated request is made that encompasses all or substantially all of a large category of records and the request is without sufficient specificity to allow the custodian reasonably to prepare or gather the records within the three-day period; or

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Dallas Schroeder Recorder, Elbert County, Co


ELBERT COUNTY GOVERNMENT
Open Records Policy

b) A broadly stated request is made that encompasses all or substantially all of a large category of records and the agency is unable to prepare or gather the records within the three-day period because:

(1) The custodian or department needs to devote all or substantially all of its resources to meeting an impending deadline or period of peak demand that is either unique or not predicted to recur more frequently than once a month; or

(2) A request involves such a large volume of records that the custodian cannot reasonably prepare or gather records within the three-day period without substantially interfering with the custodian's obligation to perform his or her other public service responsibilities.

(3) If the public records requested are not in the custody or control of a Custodian of Records or the County, but a Custodian of Records has knowledge that another entity subject to Colorado Open Records Law is in possession, the party responding to the Open Record Request shall notify the requestor of this fact in writing.

(4) An attorney should review all open records requests. The County Attorney is available to Department Heads and Elected Officials for review of each department's records requests. The County Attorney shall also review all open records requests for the BOCC unless otherwise reviewed by an attorney.

f. Format and Media for Delivery of Records.

1) If the public record requested is stored in "sortable" or "searchable" formats, the County will provide the record in this format if requested. However, the County may refuse any request requiring data manipulation on the basis that CORA does not require manipulation.

2) Responses to requests will be made via email of attached documents if possible in order to reduce expenditure of County resources and reduce costs to citizens.

3) If records requested exceed 5MB of data, citizens will be provided the information requested on a USB Thumb Drive (USB) or alternative method provided by the county at the cost indicated below. In order to preserve the security of the County data network, under no circumstances shall a memory device or other media not authorized by the County Information Technology Department be used to transfer data to a citizen.

4) If requested, paper copies of records will be provided and fees will be charged in accordance with the paragraph below.

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g. Applicable Fees.

1) Costs for standard photocopies will not exceed the limit set by CORA unless actual costs exceed that amount. Current amounts are as follows:

- (a) Copies (legal or letter) \$0.25 per page
- (b) Color Copies 1.00 per page
- (c) Copies of Meeting Audio (USB) 5.00 per USB
- (d) USB drive or other media distribution method (\$5.00 for USB drive, or the cost of alternative distribution method)
- (e) Staff search and/or administrative fee associated with fulfilling a request (\$30.00/hr. after one hour's time has been surpassed)
- (f) Specialized equipment, technology, or other resource needed to fulfill a request (\$ the cost associated with procuring the equipment, technology, or other resource) should such accommodation be reasonable/not imposing undue burden to the County.

2) Elbert County seeks to meet public information requests in the most economical fashion possible. When applicable, an estimated cost of the requested information may be provided when requesting a substantial number of copies or research time by the Custodian is required. In the event research or retrieval of records is required, the fee for researching and retrieving requested information shall be \$30.00 per hour for employee time utilized (but there will be no charge for the first hour of time expended in connection for the research and retrieval of public records by a County employee), or the cost associated with any labor and fees required for an outside entity to complete such a request. The requestor may be required to pay all or a portion of the estimated cost before compilation of the information is performed.

h. Web Accessible Information. A great deal of information concerning Elbert County is available on the County web site, www.elbertcounty-co.gov. This information may help formulate an open records request or may provide the information being sought.

i. Periodic Review of Public Record Requests. On a quarterly basis, Records Custodians will review all requests made for records in order to identify such records which may be appropriate for regular publication on the county website in an effort to preemptively provide requested records. This will ensure that records of high interest to our citizens are easily available and reduce the workload associated with responding to individual requests for records.

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j. Open Records Request Contact Information.

- 1) Telephone: 303-621-3138
- 2) Physical Address: 215 Comanche Street, Kiowa, Colorado
- 3) Mailing Address: PO Box 07, Kiowa, Colorado 80117
- 4) Email Address: openrecords@elbertcounty-co.gov


6. References.

- a.) Colorado Revised Statutes 24-72-201 et Seq, *Colorado Open Records Act*
- b.) Colorado Revised Statutes 24-72-301 et seq, *Criminal Justice Records*
- c.) Policy B-00, *Policy on Transparency in Local Government -TBP.*
- d.) Policy B-03, *County Document Archives Policy – TBP*

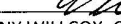
7. Adopted: February 28, 2018. This policy supersedes all prior policies on these matters in their entirety.

8. Reservation of Authority: The Board of County Commissioners reserves the right to alter, amend, add to, and/or revoke all or part of this policy at any time.


ADOPTED BY MOTION ON THE 14th DAY OF MARCH, 2018.



DANNY WILLCOX, CHAIRMAN



CHRIS RICHARDSON, VICE CHAIRMAN



GRANT THAYER, COMMISSIONER

ATTEST: DALLAS SCHROEDER
COUNTY CLERK

BY: Dallas Phooch
CLERK TO THE BOARD

Exhibit E: CORA Request to the Elbert County Sheriff from Frank Sturgell, dated July 8, 2018.

From: Frank Sturgell [<mailto:fsturgell@yahoo.com>]
Sent: Sunday, July 08, 2018 8:28 PM
To: Shayne Heap
Subject: CORA Request - Chris Dickey's Resignation Documents

Dear Sheriff Heap,

I am requesting per CORA any documents asking for Sheriff's Deputy Chris Dickey to resign, demand his firing, and/or be suspended and/or be placed on administrative leave until he can stop killing.

Why is someone who had a record of unnecessary injury and death from a police department that was so out of control that it was under supervision of the US Department of Justice be hired let alone be continued to be allowed to a Deputy in Elbert County after more unnecessary killing and injury?

Sincerely,

Frank Sturgell

Exhibit F: CORA Response email from Elbert County Administrator Kyrei Zion dated July 16, 2018.

Kyrei Zion <Kyrei.Zion@elbertcounty-co.gov>

To:fsturgell@yahoo.com

Jul 16 at 4:16 PM

Mr. Sturgell-

Please find attached the official response letter to your open records request dated 7-11-2018.
Please also find attached the documents in our possession that are responsive to your request.

Thank you,

Kyrei

Kyrei Zion

Elbert County Government

Finance Department

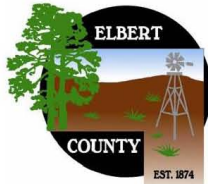
PO Box 7

Kiowa, CO 80117

303-621-3133

Hours of Operation: Monday-Thursday, 7:30am-5:00pm

Exhibit G: CORA Response letter from unsigned at Elbert County via the email response by Elbert County Administrator Kyrei Zion dated July 16, 2018.



COUNTY OF ELBERT

OFFICE OF THE BOARD OF COUNTY COMMISSIONERS

P.O. BOX 7
KIOWA, COLORADO 80117
Administrative Assistant 303-621-3138

July 16, 2018

Chris Richardson
District 1
Danny Wilcox
District 2
Grant Thayer
District 3

Frank Sturgell
fsturgell@yahoo.com

Via Electronic Mail Only

RE: Request for Public Records from Elbert County

The purpose of this correspondence is to address your request for particular documents to be made available for inspection under the Colorado Open Records statutes, C.R.S. § 24-72-201 *et seq.* Specifically, this letter is intended to address your request formally received on **July 11, 2018** (as it was received after hours on July 10, 2018) for which the records pertaining to:

“...Any documents asking for Elbert County Sheriff’s Deputy Chris Dickey to resign, demand his firing, and/or be suspended and/or be placed on administrative leave until he can stop killing, which we can be certain is NEVER.”

While we possess documents related to the above request, Elbert County Open Records policy requires a copy of identification to be provided along with any open records request. Such identification must be provided for any Open Records request to be processed. Elbert County previously sent you a copy of the policy stating this requirement, as well as the open records request form.

In this instance, Elbert County must receive proof of your identification prior to providing any documents related to this records request (and will be required at the time of making an open records request in the future) in order to be deemed a completed open records request.

The Colorado Open Records Act embodies several of our core organizational principles: open government, citizen involvement and organizational accountability. Elbert County government, its Board of County Commissioners, its Elected Officials, and all county employees support the principle of ensuring that we maintain an open and accessible governing body.

Please be advised that all records in the possession of Elbert County which are required to be made available for inspection under C.R.S. § 24-72-203 are now available for inspection. You may contact Kyrei Zion at (303) 621-3138 to arrange for payment and any copying of desired copies in accordance with established Elbert County procedures.