

Correction: A Tuesday Tulsa World story incorrectly reported the last name of a Yukon couple who filed an open records lawsuit against their local school district. Randy and Debbie Wright prevailed in their lawsuit against Yukon Public Schools. This story has been corrected. The state Open Records Act gives a good deal of power to residents seeking records from public agencies but offers few choices when it comes to enforcing that law. The act's presumption of openness makes government records public unless a specific exemption exists. Willful violations are considered misdemeanors punishable by up to a year in jail and a \$500 fine. But statewide, few district attorneys have filed such charges.

In the past decade, court records show that two such cases - involving officials in Grove and Boynton - have been filed. Individuals may file lawsuits if denied records under the law and are entitled to attorney's fees if they prevail. However, few lawsuits are filed because plaintiffs must bear the cost up front of filing them. A Yukon couple took the rare path of filing an open records lawsuit after their school district refused to turn over records involving an investigation into a school agricultural program. Joey Senat, associate professor of journalism at Oklahoma State University and an expert in media law, noted that Gov. Mary Fallin's office has cited "executive privilege" in refusing several recent records requests. He said the state's constitution and laws do not specify such an exemption for the governor. Senat said that as a candidate, Fallin signed an open government pledge when she spoke at a conference sponsored by Freedom of Information Oklahoma Inc., a statewide nonprofit group that advocates for openness in government. "It violates her promise of open government," Senat said of the governor's claim of executive privilege. "What her legacy would be is more government secrecy. ...

If she wants this privilege to exist, she should go to the people and ask that the constitution be amended." When the city of Owasso refused last year to turn over video of a police officer elbowing a man, the Tulsa World sued the city and won. Last month, Tulsa County District Judge Mary Fitzgerald ordered

the city to pay the newspaper's attorney's fees, \$6,778. The World sued the city of Owasso in December, seeking access to video of Owasso Police Lt. Mike Denton during an arrest on June 30, 2011. The city fired Denton for using what the city termed excessive force during the arrest. After a grievance hearing, an arbitrator reduced Denton's discipline to a written reprimand and reinstated the officer. The World obtained the videos in July, more than a year after the arrest, showing Denton's arrest of Bryan Scott Spradlin of Collinsville. Spradlin later pleaded guilty to a public intoxication charge. Before the World filed the lawsuit, it requested the video from Owasso city officials, but the request was refused. Joe Worley, the World's executive editor, said government officials have a responsibility to understand the state Open Records Act. The Oklahoma Press Association and Attorney General's Office offer training courses to government officials on state open meetings and open records laws. Former Attorney General Drew Edmondson and now Attorney General Scott Pruitt advise public officials to follow the law's spirit of openness rather than look for reasons to deny requests. "Public officials need to make themselves aware of the state's Open Meeting and Open Records acts," Worley said. "These are the laws of our state, and the citizens expect the people they elect and pay to follow the law. Citizens and their representatives in the media should not have to resort to filing lawsuits to make public agencies comply with the law." Schaad Titus, the World's attorney in the case, said police videos will become increasingly important as open records to residents in the future. "Video of law enforcement arrests are core open records that show the arrestee's description, the facts concerning the arrest, and it provides a chronology of the events concerning the arrest for all to see, hear and understand the functions of law enforcement." In 2001, the World sued the Oklahoma Department of Public Safety over its failure to produce records related to traffic citations, arrests, searches and policies. The state Court of Civil Appeals issued an opinion in the World's favor in 2007. The newspaper has filed other suits involving juvenile records

and records involving the state's foster-care system. After Randy and Debbie Wright prevailed in their open records lawsuit against the Yukon Public Schools district, a judge ordered the district to pay \$18,000 in legal fees. The Wrights and another parent have since sued the district again, alleging that their daughters were bullied after the parents sought information about alleged skimming by a former agriculture instructor. "We teach our kids to do what's right," said Randy Wright, president of a Yukon bank. "I've taken a lot of heat in the business I'm in because of this, but it's kind of time to put our kids first." Debbie Wright said she learned through the process how difficult it is for people to fight a secretive government agency. "The government and schools need to be more transparent," she said. "If there's something wrong, just put it out in the open, take care of it, put it behind you and move on." Oklahoma Open Records Act State law contains the following language regarding violation of the state Open Records Act: A. "Any public official who willfully violates any provision of the Oklahoma Open Records Act, upon conviction, shall be guilty of a misdemeanor, and shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for a period not exceeding one (1) year, or by both such fine and imprisonment. B. Any person denied access to records of a public body or public official: 1. May bring a civil suit for declarative or injunctive relief, or both, but such civil suit shall be limited to records requested and denied prior to filing of the civil suit; and 2. If successful, shall be entitled to reasonable attorney fees. C. If the public body or public official successfully defends a civil suit and the court finds that the suit was clearly frivolous, the public body or public official shall be entitled to reasonable attorney fees. D. A public body or public official shall not be civilly liable for damages for providing access to records as allowed under the Oklahoma Open Records Act." Source: Oklahoma Statutes, Title 51, Section 24A.17 Open meetings and

records training The Oklahoma Press Association, the Oklahoma Newspaper Foundation and the state Attorney General's Office are leading free public workshops on the state Open Records and Open Meeting acts throughout the state. Sessions were held earlier this year in Lawton, Weatherford and Oklahoma City. Three more training sessions will be held through the end of the year. Attorneys can receive three continuing legal education credits from the Oklahoma Bar Association for attending the seminar. Superintendents, school board members and technology center board members can also earn continuing education credits for attending. There is no cost, and registration is not required to attend. The seminars are held from 1 to 4 p.m. and are open to the public. For more information, call 888-815-2672 or go online to tulsaworld.com/openworkshops. The upcoming events are: Thursday: McAlester, Kiamichi Technology Center, 30 Dec. 6: Tulsa, Tulsa Technology Center-Riverside Campus, 801 E. 91st St. Dec. 13: Enid, Autry Technology Center, 1201 W. Willow Road. Source: Oklahoma Press Association Ziva Branstetter 918-581-8300

SUBHEAD: Few district attorneys file charges over openness violations.