

September 7, 2024

Sean Smith
Jackson County Courthouse
415 E.12th Street, 2nd floor
Kansas City, Missouri 64106

RE: Rules Committee Public Hearing

Sean Smith:

I am writing this letter in hopes that the County Legislature will take action regarding reforming the Assessment Department and the County Leadership. The following is not all-inclusive, but is intended to provide documentation and testimony to support the need for reform and change at the highest levels of the County government. I will outline two of my observations and make a few suggestions.

SUNSHINE LAW REQUEST

Jackson County has withheld information pertaining to a Sunshine Law request that I submitted on **August 12, 2023**. I have provided documentation of the request in the attachments. The request was to provide *“All documents (including receipts, payment information and confirmation of mailing to the Post Office) regarding the mailing of the 2023 Reassessment Notice for the following property. If there was a mass mailing (such as an entire zip code) provide that in lieu of the specific address.” (ATTACHMENT A)*

The County responded on **August 28, 2023**, and provided me with information that in no way fulfilled the Sunshine Law request. They provided the documents and photos used in the 2023 valuation of my property. **(ATTACHMENT B)**

On **September 6, 2023**, I filed a complaint with the Jackson County Ethics, Human Relations and Citizen Complaints Commission. The first item in the complaint addressed the lack of transparency in the Sunshine Law Request. Mr. Chris Crawford (Ethics, Human Relations and Citizen Complaints Department Director) attempted to resolve the records request with the County by contacting the County Councilor’s Office. The County Councilor’s Office stated in **January of 2024** that the information could not be provided exactly as requested because of the ongoing litigation at the time of the request. They said that this information could be provided at the conclusion of the litigation.

I requested a written response as to why this information, as outlined in the Sunshine Request, would not be provided. On **January 31, 2024** the County Assessment Department responded as follows: 610.021(1) Legal Actions Causes of Action or Litigation Involving a Public Governmental Body. (**ATTACHMENT C**)

It appears that the legal actions referred to in **ATTACHMENT C** is the Attorney General's lawsuit filed in **December 2023** in which it is stated that Jackson County either did not notify all applicable real property owners of increases in the valuations of their properties or only provided notifications after the June 15 deadline set out by Section 137.180, RSMo. Defendants did not consistently postmark notices that were received late.

I do not believe that Jackson County has the right to withhold the information for the following reasons:

First, I submitted my Sunshine Law Request on **August 12, 2023**...four months BEFORE the lawsuit was filed. I should have had the information in August of 2023.

Second, the information that I requested could help people with their appeals. During a neighborhood meeting, it was apparent that everyone received their notice late (I am confident that the notices went out, in bulk, on the same day). Furthermore, like myself, there were no post marks on the envelopes. I believe that the lack of a postmark was intentional, designed to cover up inadequate notice. Consequently, the homeowners in my neighborhood are lacking evidence that would confirm that the Jackson County Assessment Department did not comply with Section 137.180 RSMo. It appears that the Jackson County Assessment Department is using section 610.021(1) RSMo as an excuse to deprive Jackson County property owners from obtaining needed information for their appeals to the Jackson County BOE and the State Tax Commission.

The litigation with the Attorney General was dismissed on August 7, 2024. After over a year, I have yet to receive the requested information from the County Assessment Department.

The situation that the Jackson County Assessment Department finds itself in constitutes a self-created hardship. The public's right to information, especially if it is needed during an appeal, should not be infringed upon due to the Assessment Department's incompetence and/or corruption.

ASSESSMENT MAINTENANCE PLAN

Gail McCann Beaty made it clear at your April 1, 2024 meeting that the Legislature did not have the authority to amend the Assessment Maintenance Plan. She continued by stating that the County Legislature is limited to only making changes regarding the funding of the Assessment Department during the process of approving the approval of the Assessment Maintenance Plan and cannot amend the plan itself.

After what appeared to be an attempt to circumvent the County Legislature by using State mandated deadlines, I was skeptical about what Gail McCann Beaty said at the April 1, 2024 meeting. I contacted the State Tax Commission and asked them if the County Legislature could amend the Assessment Maintenance Plan. Their response was yes, the Legislature could have amended the plan. **(ATTACHMENT D)**

The people elected the Legislature to represent us. A few of our elected officials failed to do so with the approval of the Assessment Maintenance Plan. Is this a show of support of Gail McCann Beaty and Frank White? Are these officials happy with the way the 2023 Assessment went? If so, just come out and say it. Their silence has been deafening.

SUGGESTED NEXT STEPS

2023 Reassessment Notice. Post all documents (including receipts, payment information and confirmation of mailing to the Post Office) regarding the mailing of the 2023 Reassessment Notice online so everyone in Jackson County will have access to it. If there was a mass mailing (such as an entire zip code) provide that in lieu of the specific address. Let the people have the information so that they can use it during their appeal. If Jackson County was in compliance with State Law...then why withhold the information? Be transparent.

Elected Assessor. Proceed with an alternative to Ordinance #5864 which would amend the Jackson County Charter and allow the people to choose whether or not we have an elected Assessor. We may not get the question in the November 2024 election, but at least we can move forward. Please start very early and don't give up on this!

This will also allow Jeanie Lauer, Megan Marshall, Jalen Anderson and Charlie Franklin ample time to explain to the voters why they denied the people the opportunity to choose their Assessor.

Donna Peyton, Manuel Abarca, Venessa Huskey, DaRon McGee and Sean E. Smith...
Thank you!

The Budget. Gail McCann Beaty stated that the County Legislature is limited to only making changes regarding the funding of the Assessment Department during the process of approving the approval of the Assessment Maintenance Plan and cannot amend the plan itself. Perhaps the County Legislature should substantially shrink the Assessment Department Budget until certain things are accomplished such as: hiring a new director; being transparent; reducing the number of appeals to a manageable level; and compelling Frank White to attend meetings with the Legislature.

Hiring Outside Council. The County Legislature should hire outside council that is experienced in these matters to advise on matters with the County Assessment Department/Process. It certainly appears that the County Counselor answers solely to Frank White.

Jackson County Ethics, Human Relations and Citizen Complaints Commission. After I filed a complaint with the Jackson County Ethics, Human Relations and Citizen Complaints Commission I was told that they could not address violations of the law. My complaint would have to go forward as a “complaint”. This needs to be changed. The Ethics Commission should have the ability to address, and take action on, violations of the law.

CONCLUSION

Years of mismanagement have resulted in property taxes that are not consistent throughout the County. Some people pay less than they should, some pay more than they should and some don't pay at all. We move forward into 2025 with the same people in charge, the same Assessment Maintenance Plan and a large number of unresolved appeals from the 2023 assessment.

With no changes, it is reasonable that we can expect:

- The County will not do physical inspections as required by State Law.
- The County will not notify people in a timely manner as outline in State Law.
- The County will withhold information that people can use in their appeals.
- The County will make the appeals process as difficult and cumbersome as possible.
- The County will make it difficult, if not impossible, to get a refund if the property owner is successful in their appeal.

The actions of Gail McCann Beaty, Frank White and a few of the legislators have inflicted irreputable harm to the public trust. The consequences of their actions (or lack thereof) will result in people being taxed out of their homes and will inflict financial hardship on many people. Furthermore, this will result in tens of millions of dollars of ill-gotten tax

revenue (every year) taken from the very people who entrusted the officials to run their county government.

Sincerely,

John (Rick) DeLuca
236 SW Raintree Drive
Lee's Summit, MO 64082
Rdeluca229@gmail.com
816-582-4864

ATTACHMENT A

[Records Center] COUNTY PRR :: R004644-081223

1 message

JACKSONCOUNTYMO Support <jacksoncountymo@govqa.us>
To: "rdeluca229@gmail.com" <rdeluca229@gmail.com>

Wed, Aug 16, 2023 at 2:23 PM

--- Please respond above this line ---



RE: PUBLIC RECORDS REQUEST of August 12, 2023, Reference # R004644-081223.

Dear Mr. John DeLuca,

Jackson County received a Missouri Sunshine Law request from you on August 12, 2023. Your request mentioned:

"All documents (including receipts, payment information and confirmation of mailing to the Post Office) regarding the mailing of the 2023 Reassessment Notice for the following property. If there was a mass mailing (such as an entire zip code) provide that in lieu of the specific address.

Property Information: 236 SW Raintree Drive, Lee's Summit, Missouri 64082 and parcel ID 70-940-08-08-02-0-00-000."

We have received your request and begun collecting responsive records. However, due to the high volume of requests and limited staff, please allow an additional **30** business days to complete your request.

If your request will not be completed in that time, you will receive an email update on **September 28, 2023** from our office with additional details.

If you have any questions or need additional information, please feel free to contact my office at 816-881-3238.

Sincerely,

Ashton Unger
Systems Administrator

Assessment

To monitor the progress or update this request please log into the [Public Records Center](#)



ATTACHMENT B



Rick Deluca <rdeluca229@gmail.com>

[Records Center] COUNTY PRR :: R004644-081223

1 message

JACKSONCOUNTYMO Support <jacksoncountymo@govqa.us>
To: "rdeluca229@gmail.com" <rdeluca229@gmail.com>

Mon, Aug 28, 2023 at 4:29 PM

Attachments:

70940080802000000_06092023.pdf
CA330MOJAC_-_2023-07-24T102645.168.PDF
148026_01.JPG

--- Please respond above this line ---



Hello,

Attached are all documents and photos used in the 2023 valuation of your parcel.

Thank you.



To monitor the progress or update this request please log into the [Public Records Center](#)

Powered by
GovQA

ATTACHMENT C

JACKSONCOUNTYMO Support <jacksoncountymo@govqa.us>
To: "rdeluca229@gmail.com" <rdeluca229@gmail.com>

Wed, Jan 31, 2024 at 4:43 PM

--- Please respond above this line ---



RE: PUBLIC RECORDS REQUEST of August 12, 2023., Reference # R004644-081223.

Dear Mr. John DeLuca,

Jackson County received a public information request from you on August 12, 2023. Your request mentioned:

"All documents (including receipts, payment information and confirmation of mailing to the Post Office) regarding the mailing of the 2023 Reassessment Notice for the following property. If there was a mass mailing (such as an entire zip code) provide that in lieu of the specific address.

Property Information: 236 SW Raintree Drive, Lee's Summit, Missouri 64082 and parcel ID 70-940-08-08-02-0-00-000."

Jackson County has reviewed your request and has determined that some of the records requested are exempt from disclosure under Missouri Sunshine Law for the following reasons:

610.021(1) Legal actions, causes of action or litigation involving a public governmental body

Sincerely,

Corbin Owens
Research Analyst
Assessment

To monitor the progress or update this request please log into the [Public Records Center](#)



ATTACHMENT D



Rick Deluca <rdeluca229@gmail.com>

Assessment Maintenance Plan question

3 messages

Rick Deluca <rdeluca229@gmail.com>
To: STC <stc@stc.mo.gov>
Cc: "Sean E. Smith" <sesmith@jacksongov.org>

Tue, Apr 2, 2024 at 11:54 AM

Good Afternoon!

I wanted to ask a couple of general questions about the process of adopting the Assessment Maintenance Plan and the powers of the governing body.

May the governing body make changes to the Assessment Maintenance Plan prior to the State Tax Commissions approval (assuming the changes are in compliance with State Law)?

Is the governing body limited to only making changes regarding the funding of the Assessment Department during the process of approving the approval of the Assessment Maintenance Plan?

Thank you for your time!

John (Rick) DeLuca
236 SW Raintree Drive
Lee's Summit, MO 64082

STC <stc@stc.mo.gov>
To: Rick Deluca <rdeluca229@gmail.com>, STC <stc@stc.mo.gov>

Thu, Apr 4, 2024 at 2:17 PM

Cc: "Sean E. Smith" <sesmith@jacksongov.org>

Good afternoon, Mr. DeLuca.

The county governing body can make changes to the budget and the plan prior to their approving signatures and submission to the STC.

The STC cannot approve a Maintenance Plan without an approved balanced budget submitted to the STC and the governing body must approve and sign the plan before the STC can consider approval.

If you have any additional questions, please let m know.

Thank you.

Stacey Jacobs

Administrative Secretary

State Tax Commission

421 East Dunklin Street

P.O. Box 146

Jefferson City, MO 65102-0146

573-751-1716

Stacey.Jacobs@stc.mo.gov

[Quoted text hidden]

Rick DeLuca <rdeluca229@gmail.com>
To: STC <stc@stc.mo.gov>
Cc: "Sean E. Smith" <sesmith@jacksongov.org>

Thu, Apr 4, 2024 at 3:44 PM

Ms. Jacobs,

Thank You for the information! You have been very helpful!

You may find the April, 1 2024 meeting of the Jackson County Legislature (video) which is now available on-line interesting (15:45-27:45). It certainly appears that the Jackson County Assessor (Gail McCann Beaty) has been providing misleading information to the Jackson County Legislature.

I don't know if the State Tax Commission has approved the Assessment Maintenance Plan yet, but I would imagine some within the governing body will be looking at their options as to how/if they can make changes to that plan.

Thank you!

John (Rick) DeLuca

[Quoted text hidden]