

KCC fines AT&T \$60,000

Cited for failure to promptly mark underground lines for excavators

Tim Carpenter
The Kansas Reflector

TOPEKA - The Kansas Corporation unanimously issued a \$60,000 fine to AT&T for racking up dozens of violations of a state law requiring the marking of its buried infrastructure within two days of requests made by excavating companies operating in Wichita, Olathe,

Overland Park, Burrton and Kansas City, Ks.

KCC staff conducted an investigation of non-response tickets submitted by excavators from April 30, 2024, to May 30, 2024, in which AT&T failed to mark underground lines within the allotted time.

A \$1,000 fine was attached to each of 60 infractions sited by KCC staff in a report submitted to the state regulatory commission. The company didn't challenge 60 violations documented by KCC staff, but did contest noncompliance in 20

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KCC engineer Paul Owings

instances.

AT&T asserted the company either performed the utility location work on time or the property in question was cleared because there were no buried utilities in that area.

Kansas law required excavators to provide at least two days notice of intent to dig and utility companies were mandated

to mark the underground lines within two days.

The KCC's chief engineer told the three-member commission that AT&T apparently made a decision to save money by not completing in a timely manner a portion of requests submitted to the company for flagging underground utility lines.

"I do think it could possibly be a systemic

problem that we need to continue to look into," said KCC engineer Paul Owings. "It's a calculated risk they're making in terms of locating utilities. Potentially, screening tickets that they view as low risk and saying, 'It costs X amount to locate. We can screen out whatever percentage - 10, 20, 30% - and save this much money.'"

Mark Ciga, an AT&T spokesperson, said the company was disappointed by the KCC's decision to levy a fine. AT&T was reviewing the order to determine "appropriate

next steps," he said.

"Locate requests are marked by third-party contractors and we work closely with them to ensure they complete the work in a timely and accurate manner," Ciga said.

He said violations cited by the commission represent just 0.18% of the 33,000 location requests AT&T responded to in Kansas during that time frame.

KCC attorney Ahsan Latif said the commission's staff was concerned

(See KCC on page 24)

Foster care leaders accused of swindling millions want to change 'not guilty' pleas

Grace Hills
The Kansas Reflector

TOPEKA - Former Kansas foster care leaders accused of defrauding their old employer of millions of dollars indicated in court that they plan to change their not guilty pleas, avoiding a trial.

William Whymark, the former IT director for the regional foster care provider Saint Francis Ministries, is expected to change his plea later this year as attorneys continue to negotiate a deal.

His co-defendant and former Saint Francis

CEO Robert Smith is also "actively engaged in plea negotiations," Smith's attorney said at a hearing last week.

Smith faces federal charges of conspiracy to commit wire fraud, 15 counts of wire fraud and one count of money laundering amounting to \$4.7 million in damages. Whymark faces federal charges of conspiracy to commit wire fraud and 10 counts of wire fraud. A federal grand jury indicted the two in November 2022.

U.S. District Judge Toby Crouse set a May 28 hearing for Smith,

whose attorney expressed concern Wednesday with some of the case's numbers and calculations for alleged fraud. Whymark is expected to change his plea at a Sept. 3 hearing.

The two defendants were not present at last Wednesday's status conference. Whymark's attorney said Whymark was in the emergency room the night before and is scheduled to receive additional treatment. Smith, who lives in Tennessee, waived his right to appear.

A court filing from Feb. 25 showed Whymark and Smith are "presently involved in plea nego-

tiations and anticipate resolving this case without a trial." They face a maximum sentence of 20 years in federal prison, plus fines and restitution.

Court documents allege that Smith used Saint Francis Ministries' credit cards for personal expenses and that "materially false invoices" paid Whymark's IT company more than \$10 million.

Court documents say Saint Francis Ministries had to spend an estimated \$3.2 million to repair Whymark's "grossly deficient and overpriced" work.

Public Notice

(Published in The Scott County Record Thurs., May 8, 2025)1t

ORDINANCE NO. 1276

CITY OF SCOTT CITY, SCOTT COUNTY, KANSAS
AN ORDINANCE granting a conditional use permit of certain land located within the Three-mile extraterritorial zone of the City of Scott City under the authority granted by statute and the scott city code.

WHEREAS, on April 10, 2025, the Scott City Planning and Zoning Commission considered an application and recommended that the Governing Body approve a conditional use permit of certain ground.

THEREFORE, BE IT ORDAINED, by the Governing Body of the City of Scott City, Kansas:

1) That having received a recommendation from Scott City Planning and Zoning Commission, the proper notice having been given and hearing having been held as provided by law and under the authority of and subject to the provisions of State Statute and the Scott City Code; a conditional use permit is granted as follows:

260 N Kansas Road, legally described as S13, T18, R33, ACRES 4.6, BEG INTER S LI RR R/W & E LI CO RD TH S 380(S), E 530(S), N 380(S), W 530(S) TO POB, is granted a Conditional Use Permit to allow use as an RV Park.

2) This Ordinance shall take effect and be in full force from and after its publication in the official City newspaper.

ADOPTED this May 5, 2025, by the City Council, City of Scott City, Kansas.

Everett M. Green, Mayor

ATTEST:
Ruth Becker, City Clerk

Public Notice

(First published in The Scott County Record Thurs., April 24, 2025; last published Thurs., May 8, 2025)3t
IN THE DISTRICT COURT OF SCOTT COUNTY, KANSAS
In the Matter of the Estate of MANUEL CASTILLO, Deceased

Case No.
SC-2-25-PR-000003
(Petition Pursuant to K.S.A. Chapter 59)

NOTICE OF HEARING
THE STATE OF KANSAS TO ALL PERSONS CONCERNED:

You are notified that a Petition has been filed in this Court by Elizabeth Castillo one of the heirs of Manuel Castillo, deceased, requesting: Descent be determined of the following described property: One fifth interest in real estate described below

A parcel of land in the Southwest Quarter of Section 33, Township 17 South, Range 31 West of the 6th P.M., in Scott County, Kansas, being further described as follows:

Beginning at the West one-quarter corner of Section 33, T17S, R31, thence S 89°31'01"E on the North line of the Southwest quarter for a distance of 992.15 feet; thence S01°44'21"W for

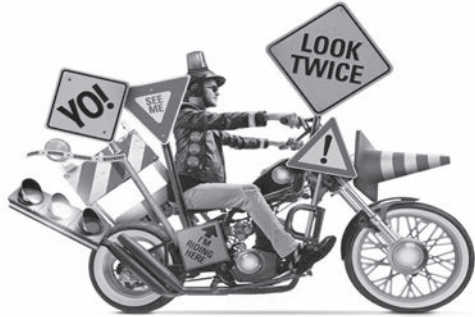
a distance of 824.15 feet; thence N89°01'52"W for a distance of 992.00 feet to a point on the West line of the Southwest quarter; thence N01°44'21"E on said West line for a distance of 815.74 feet to the Point of Beginning, and all personal property owned by decedent at the time of death. And that such property and all personal property owned by the decedent at the time of death be assigned pursuant to the laws of intestate succession.

You are required to file your written defenses to the Petition on or before May 30, 2025 at 10:30 a.m. in the city of Scott City in Scott County, Kansas, at which time and place the cause will be heard. Should you fail to file your written defenses, judgment and decree will be entered in due course upon the Petition.

Elizabeth Castillo,
petitioner

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