

SENATE COMMITTEE ON LOCAL GOVERNMENT  
TESTIMONY IN SUPPORT OF SB 86  
SUBMITTED BY Debra Witwer Cramer

January 25, 2023

Chairwoman Senator McGinn and members of the committee, my name is Debra Cramer, a private citizen. I am a fifth-generation Kansan, and for the last forty-four years lived in Mound Valley, a small town in Labette County of fewer than 500 residents located in southeast Kansas.

I appreciate the opportunity to submit this testimony in support of SB86, which I believe is necessary because of what has taken place in Labette County, Kansas when RWE Renewables (RWE) proposed the Elm Creek-West Wind Generation Farm for our county.

Addressed in my testimony is information as one wrote, **“Sheds light on suspicious activities, discrepancies between words & actions, and what some would view as unethical behavior by elected officials.”** The testimony is backed up by verified sources from either, newspaper reporting, public Facebook posts, Facebook live videos, phone videos, audio recordings, county records, documents from the AG of the State of Kansas, as well as direct mail flyers paid by APA landowners Action PAC, and information provided by the residents of Labette County & their representatives.

I have written this with the utmost integrity, and with great strain to make sure that every event included in this testimony is to the best of my knowledge and provable beyond a reasonable doubt.

**WHAT HAPPEN WHEN (RWE) PROPOSED A WIND DEVELOPMENT FOR LABETTE COUNTY!**

Citizens petition for recall

**Commissioner Kinzie goes to court**

Commissioner's Cole Proehl and Brian Kinzie **KOMA** violation

**CITIZENS WIN RECALL ELECTION**

Attorney General Investigates

Sheriff investigates

Advanced Power Alliance support Commissioner Brian Kinzie's recall election through APA Landowners Action PAC \$21,837.79

APA Landowners Action PAC

LABETTE COUNTY, IT'S UP TO YOU.

Labette County Neighbors UNITED FILES LAWSUITE

**BIG GOVERNMENT TAKE OVER???**

**VOTE NO ON THE RECALL DECEMBER 7!**

On Tuesday, either you can choose to protect our property rights, keep lowering taxes, and preserve our way of life, or give in to this big government takeover. Labette County needs you to show up and **VOTE NO** on the recall on Tuesday, December 7!

\$10,000 on Direct Mail ads

The Advanced Power Alliance introduced Labette County Commissioner Cole Proehl at the State house.

County Commissioner

Advanced Power ALLIANCE

BRIAN

COLE

I would be willing to come before the committee if they would like to visit more.

**From what I alone, and the aid of information from Labette County Neighbors United** of what has taken place in Labette County concerning **Commissioners Brian Kinzie and Cole Prohel, RWE Renewables** (RWE) shared in this testimony you should pass SB86.

**A Story of Labette County** Visual that shares parts of what I shared in my testimony.

<https://www.facebook.com/LCNUnted/videos/5376332495756190/>

It was not until the **spring of 2021** that I or the majority of residents of Labette County were aware of **RWE Renewables (RWE) Elm Creek-West Wind Generation Farm** project until Labette **County Commissioners, Cole Prohel, Brian Kinzie, and Lonnie Addis** began holding town hall-style meetings to ask residents as to our thoughts. Note: First meeting Feb 22, 2021 Edna Ks

Testimony will prove that **plans for the wind development in Labette County by RWE Renewables (RWE) project begin as early as 2018**, as conversations were taking place between (RWE) and certain individuals. A few of those individuals were **soon-to-be Labette county commissioners Cole Prohel, Brian Kinzie**, Brian's son Walter Kinzie, and a big land and business owner with previous ties to a wind project.



According to **Labette County Neighbors United** (LCNU), formed in May 2021 with the specific regard to the proposed (RWE) project, and to raise public awareness, provide factual information and data, and promote members to become involved.

Disclose that

- **March 2018** Brian Kinzie's son, Walter purchases 46.32 acres near the footprint of the (RWE) proposed wind farm.

- **September 2019** – Brian Kinzie, son Walter states he receives a call from (RWE) and is offered a lease as a courteous call because of a big land owner, that owned a company that worked with a wind energy project, and who leases his rural land and is a friend of his dad Brian Kinzie, who would later run for Labette County Commissioner!

By 2019 (RWE) plans for meetings in private homes with landowners of Labette County to lease were taking place. **In January, 2020**, a rural land owner **Duane Johnson** of Labette County hosted a gathering in his home, where (RWE) representative Brandon Hernandez shared and offers to lease their land. Information provided by one attending.

A copy of the lease between **Duane Johnson** and (RWE) was signed by the VP of (RWE) Sean Logsdon on **Jan 7, 2020**, but it was NOT filed until **March 14, 2022**, nearly two years later. *Full size copy of document provided at end of testimony*

# RWE Memorandum of lease and Easement Agreement h

RWE LEASE WITH DUANE JOHNSON RECORDED OVER  
2 YEARS AFTER SIGNING B EXAMPLE

RWE LEASING IN JAN 2020

Date recorded  
Deeds Office  
4/14/22

Register of Deeds  
Book: X0129 Page: 67  
Receipt #: 48019 Recording Fee: \$123.00  
Pages Recorded: 7

Date Recorded: 3/14/2022 8:35:33 AM  
(ELECTRONICALLY FILED)

DOCUMENT PREPARED BY:  
Shirrie Garcia  
RECORDING REQUESTED BY:  
RWE RENEWABLES AMERICAS, LLC

AND WHEN RECORDED MAIL TO:  
RWE RENEWABLES AMERICAS, LLC  
701 Brazos St, Ste 1400  
Austin, TX 78701  
ATTN: Shirrie Garcia

THIS SPACE FOR RECORDER'S USE ONLY

Memorandum of Lease and Easement Agreement

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by Law  
Shirrie Garcia

Duane L. Johnson & Nancy F. Johnson Revocable Trust

Elm Creek Wind Farm  
Labette County Recording  
Prepared by Shirrie Garcia

Date lease signed  
By RWE 1/07/20

RWE RENEWABLES DEVELOPMENT, LLC,  
a Delaware limited liability company

By: Sean Logsdon  
Name: Sean Logsdon  
Title: Vice President

Address:  
701 Brazos Street, Suite 1400  
Austin, Texas 78701

APPROVED BY LEGAL  
Feb 11/2022

STATE OF TEXAS §  
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 7<sup>th</sup> day of January, 2020,  
by Sean Logsdon, Vice President of RWE Renewables Development, LLC, a Delaware limited  
liability company, on behalf of such company.

Shirrie Garcia  
Notary Public, State of Texas  
My Commission Expires: 3/31/2020

Documents obtained through Kansas Open Records Request (KORA).

Full sized copy of documents provided at the end of the testimony.

## Brian Kinzie citizen and large land and business owner attend Labette County Meeting (Stated as citizen as he has not yet been elected as a county commissioner.)

2020 (February 17th) Information from Labette County Neighbors (LCNU) states, "Brian Kinzie, as a citizen of Labette County, attends a commissioners meeting. He arrives with a (large landowner/business man) and sits next to him, and they are seen whispering back and forth through the meeting. Brian Kinzie gets up to address commissioners, board, & RWE Rep Brandon Hernandez.

- "If and when you can work with Sandy, (county employee) she can hopefully present them to the county as soon as possible that may not delay us down the road as we get closer to possible construction." (Facebook Live Video of the meeting)
- He also states, "Also, an exciting thing is our industrial park, as you know, has a company there that's putting in a,
- that has put in a lay-down yard and we have UP (railroad) access by rail and that is going by road outside there. I know Sandy's working on some of that, those routes too. Currently, they're going to go to Missouri and eventually into Neosho County. Hopefully, we can utilize that on your (RWE) wind farm in our (Labette) county and keep that local." (Facebook Live Video of the meeting.
- FYI The big land owner leased his cement trucks to the construction of the APEX Neosho Ridge Wind farm as well as having a significant amount of land in Labette County. He would benefit greatly through his business as well as through leases on his properties if the wind farm is approved in Labette County. "

## **THINGS can go wrong when the right people GET INTO POWER that make the correct decisions that work for the wind developer ...**

### **Brian Kinzie and Cole Prohel file for Labette County Commissioners**

- **May, 13 2020** – Brian Kinzie files for County Commissioner 2<sup>nd</sup> District
- **By June 2020** - Cole Prohel files for August primary election for County Commissioner 3<sup>rd</sup> District.
- **Aug 2020** - Cole Prohel wins the August primary election and his name was the only one on the Nov 3 ballot for the third district seat.
- **Oct 2020** - **the Labette County Republican Party nominated Cole to complete the unexpired seat of third district Labette County Commissioner Doug Allen.**  
[https://www.parsonssun.com/news/article\\_ca4946d6-0f7d-11eb-8b0f-8345b34ced7c.html](https://www.parsonssun.com/news/article_ca4946d6-0f7d-11eb-8b0f-8345b34ced7c.html)

### **BRIAN KINZIE AND COLE PROHEL ELECTED AS LABETTE COUNTY COMMISSIONERS**

- **Nov 2020** – Brian Kinzie is elected as County Commissioner 2 district.
- **Nov 2020** - Cole Prohel is elected as County Commissioner 3<sup>rd</sup> District.

### **Town hall-style meetings begin in February of 2021**



READ ARTICLE IN K.C. STAR – READY TO GO TO WAR!

**From my view, things about the (RWE) proposed wind project began to smell really fishy by that time.** As one said *“Ultimately it was the industrial wind facility that caused constituents to get involved and the magnifying glass that opened the eyes of so many dishonesty, flat out lies, lack of ethics, and disregard for citizens of the district and Labette County.”*

**May 2021 Labette County Neighbors United is formed.** This group allowed the residents of Labette County to unite and be informed of what was not printed in the papers, or heard on the radio, or taking place that most of us were unaware of. Wind energy was paying for lots of advertisements by then.

They were relentless in their pursuit of the truth, meticulous in details provided documentation when sharing with the residents of Labette County what was discovered.

They made excellent timelines and videos of what was discovered, which I use to share with you. They established a Facebook page <https://www.facebook.com/LCNUnited> where residents could voice their opinions and share information they had discovered.

**A KORA request is made by a resident** which discloses that Brian Kinzie has phone conversations with (RWE) 14 times from Jan through April 15, 2021

- 2021 (January) KORA record dates provided by permission
  - o 1/25 4:06pm Brian Kinzie contacts Brandon Hernandez (RWE)
  - o 1/25 6:03pm Brandon Hernandez (RWE) contacts Brian Kinzie
  - o 1/27 1:23pm Brian Kinzie contacts Brandon Hernandez (RWE)
  - o 1/27 1:32pm Brandon Hernandez (RWE) contacts Brian Kinzie
- 2021 (February)
  - o 2/16 3:38pm Brian Kinzie contacts Brandon Hernandez (RWE)
  - o 2/22 1:36pm Brian Kinzie contacts Brandon Hernandez (RWE)
  - o 2/22 2:55pm Brian Kinzie contacts Brandon Hernandez (RWE)
  - o 2/22 9:39pm Brandon Hernandez (RWE) contacts Brian Kinzie
  - 2/26 8:24am Brian Kinzie contacts Brandon Hernandez (RWE)
- 2/26 9:00am Commission meeting called to order.
- 2021 (March)
  - o 3/02 5:57pm Brian Kinzie contacts Brandon Hernandez (RWE)
  - o 3/02 5:59pm Brandon Hernandez (RWE) contacts Brian Kinzie
  - o 3/08 5:51pm Brian Kinzie contacts Brandon Hernandez (RWE)
  - o 3/08 6:04pm Brandon Hernandez (RWE) contacts Brian Kinzie
- 2021 (March 15) Commissioner meeting, the meeting adjourned at 11:09 a.m.
  - 3/15 12:10pm Brian Kinzie contacts Brandon Hernandez (RWE)



**Labette County Neighbors file law suit against Labette County** – Link to article from Wind Watch Organization June 12, 2021 [Lawsuit seeks KOMA compliance, other action from county commission](https://www.windwatch.org/news/2021/06/12/lawsuit-seeks-koma-compliance-other-action-from-county-commission/) June 12, 2021 • Kansas <https://www.windwatch.org/news/2021/06/12/lawsuit-seeks-koma-compliance-other-action-from-county-commission/>

**May 14, 2021 Attorney General of Kansas begins an investigation into an alleged violation of the Kansas Open Meetings (KOMA) Act by Commissioner Brian Kinzie & Cole Proehl.** The following statement from Kansas AG: *“The only topic that may be discussed by a majority outside of a meeting is to determine a mutually acceptable meeting time so notice of that meeting may be provided. Discussion alone triggers the KOMA requirements, regardless of whether an agreement is reached or a survey of how members are going to vote takes place. None of those actions are permitted.”*  
Kansas Attorney General Derek Schmidt

**May 20, 2021 Attorney General of Kansas find KOMA Violation of County Commissioners Brian Kinzie and Cole Proehl** The following statement by Kansas AG *“Based on the commissioners’ statement, all the elements of a meeting were present during their April 27, 2021, phone call. The phone call was a gathering for interactive communication, the two commissioners constituted a majority, and they discussed the business or affairs of the body. Additionally, individuals who requested notice of commission meetings did not receive notice of this phone call meeting. Thus, the commissioners violated the KOMA.”*

**KGGF RADIO Matt Jordan-** <https://kggfradio.com/local-news/archives/2021-05/>

**Citizens petition for the right of a recall election due to KOMA violation.** The Associated Press (AP) article explains it best “Before recall petitions can be circulated in Kansas, a district attorney or county attorney must certify that it meets specific legal grounds. The grounds are “conviction of a felony, misconduct in office or failure to perform duties prescribed by law,” according to The Wichita Eagle. The petition against Kinzie was allowed to circulate due to misconduct. The Office of the Attorney General of Kansas found that Kinzie and fellow commissioner Cole Proehl violated the Kansas Open Meetings Act when they discussed county business on a phone call outside of a public commission meeting.”

**LABETTE COUNTY NEIGHBORS UNITED with the support of registered voters in District Two accomplished something that has not been done in nearly 30 some years.**

**RARE RECALL PETITION TAKES PLACE IN LABETTE COUNTY** - the pressure was on to collect enough signatures and an article by the Wichita Eagle explains it best. “To get the recall on the ballot, supporters had to collect 1,202 signatures in 90 days. They submitted 1,582 signatures on August 30, 2021. The county verified enough signatures on September 24, 2021, to put the recall on the ballot.”

**What took place in our community was hard to watch,** and it will have wounds that may never heal. One might say things got a bit dirty and stressful during that time in Labette County.

**If matters were not bad enough** Kinzie filed a challenge to the sufficiency declaration in Labette County District Court, and thankfully a senior judge denied his requests to stop the recall process. Not only filed a challenge in court and loses, but according to the Parsons Sun on Dec 4, 2021.

Recall Investigation is underway KBI states, Commissioner Kinzie contacts Labette County Sheriff asks for an investigation into voter duplication on the recall petition. Parsons Sun <https://www.parsonssun.com/news/article/51f90168-54cc-11ec-9194-dfc30cf0afb8.html#tncms-source=logn>

**PETITION SIGNATURES CERTIFIED AND RARE RECALL ELECTION WAS SCHEDULED FOR December 7, 2021.**

**How important was this election?** If commissioner Kinzie was recalled in the election, and replaced by a commissioner that is opposed to the proposed RWE Renewables Development in Labette County, it would be more difficult for the development to go forward as Commissioner Addis stands opposed to the development.

**WIND ENERGY JOINS IN ON THE RECALL ELECTION PROVIDING SUPPORT TO KINZIE**

The image is a composite of three parts. On the left is a campaign sign featuring a photograph of a woman and a man. Below the photo, the sign reads "VOTE NO ON THE RECALL DECEMBER 7!". At the bottom of the sign, it says "PAID FOR BY APA LANDOWNERS ACTION PAC, SHANNON MOG, TREASURER". In the center is a "STATEMENT OF ORGANIZATION" form for the "APA Landowners Action PAC". The form includes fields for committee name, chairperson, and treasurer, all of which are filled out with handwritten information. On the right is a black box with white text that reads "APA LANDOWNERS ACTION PAC" and "PRIMARY INTEREST Landowner rights, private property rights ENERGY".

**How important was this election to (RWE) and the wind industry?** The **Advanced Power Alliance (APA)**, formerly "The Wind Coalition" out of Austin Texas, where RWE Renewables has offices came alongside Commissioner Kinzie in his recall campaign and through a Political Action Committee (PAC) formed with the primary interest listed as landowner and private property rights of energy paid for newspaper ads in the local The Parsons Sun, advertisement on local radio KLKC, sent out direct mail advertisement.

As (LCNU) states **“To make this clear, Commissioner Brian Kinzie’s ad campaign is being paid for by the very people that he is negotiating with as a commissioner on behalf of his constituents.”**

From Labette County Neighbors and in my research of we discovered the following:

**APA Political Action Committee**

1 of 1

STATEMENT OF ORGANIZATION FOR POLITICAL ACTION COMMITTEES AND PARTY COMMITTEES

COMMITTEE: **APA**

NAME: **Jeffrey Clark**

ADDRESS: **PO Box 25, Labette, MO 64501**

TELEPHONE: **572-252-2894**

**PARSON IS LOCATED IN LABETTE COUNTY**

**APA Advance Power Alliance Austin, Texas**

**Jeffrey Clark**  
Representing the industries leading the energy transition.

Full sized copy of documents provided at the end of the testimony.



**Moderator: Kevin Gresham**  
SVP, Government Relations & External Affairs  
RWE Renewables Americas, LLC



**Jeff Clark**  
President and CEO  
Advanced Power Alliance



**Mark Stover**  
Director of State Affairs, ERCOT/SPP  
Apex Clean Energy

**APA Landowners Action PAC Receipt and Expenditures Report disclosed they spent \$10,000.00 on direct mail flyers!**

*Full sized copy of documents provided at the end of the testimony*

Example of mailer below states **VOTE NO TO REMOVE KINZIE** to

- **PROTECT PROPERTY RIGHTS**
- **KEEP LOWER TAXES**
- **PRESERVE OUR WAY OF LIFE**

If they **DON'T** vote no they will give in to **BIG GOVERNMENT TAKEOVER!** **WHAT!** It was the citizens of District 2 of Labette County upholding rights to remove an elected official that had a KOMA violation, party due because of his involvement in **BIG WIND BUSINESS!** Good grief, this is something like you see in big state and federal elections.



*Provided by permission*

**(APA) LANDOWNER ACTION PAC reported they spent \$21,837.79 in total on the election for Commissioner Kinzie, AND THAT WAS to reach only the 4,745 REGISTERED VOTERS IN DISTRICT 2**

“You will find the amount of money spent by (APA) to keep Kinzie in office quite staggering”, said a citizen, and it was staggering in comparisons to what the average citizens supporting the recall elections and Labette County Neighbors United group could afford to spend.

# APA Landowners Action PAC

**APA SPENT \$21,837.79**

**SCHEDULE C**

**KANSAS GOVERNMENTAL ETHICS COMMISSION**  
**RECEIPTS AND EXPENDITURES REPORT**  
**OF A POLITICAL OR PARTY COMMITTEE**  
 January 10, 2022  
**FILE WITH SECRETARY OF STATE**  
**SEE REVERSE SIDE FOR INSTRUCTIONS**

**FILED**  
 JAN 07 2022  
 MISSOURI  
 DIVISION OF STATE

**A. Name of Committee:** APA Landowners Action PAC  
**Address:** PO Box 928  
**City and Zip Code:** Parsons, KS 67357  
 This is a (check one):  Party Committee  Political Committee

**B. Check only if appropriate:**  Amended Filing  Transmittal Report

**C. Summary (covering the period from January 1, 2021 through December 31, 2021)**

1. Cash on hand at beginning of period	\$
2. Total Contributions and Other Receipts (See Schedule A)	\$21,837.79
3. Cash available this period (Add Lines 1 and 2)	\$21,837.79
4. Total Expenditures and Other Disbursements (See Schedule C)	\$21,837.79
5. Cash on hand at close of period (Subtract Line 4 from 3)	\$
6. In-Kind Contributions (See Schedule B)	\$
7. Other Transactions (See Schedule D)	\$

**D. I declare that this report, including all accompanying schedules and statements, has been examined by me and to the best of my knowledge and belief it truly, correctly and completely represents the financial picture of the law document or instrument. (Print name and title in a class A subdivision.)**

Signature: [Signature]  
 Date: January 2022  
 Title: Secretary of State

RECEIVED  
 JAN 07 2022  
 CBC Para 2022

**SCHEDULE C**  
**EXPENDITURES AND OTHER DISBURSEMENTS**

APA Landowners Action PAC  
 (Name of Party Committee or Political Committee)

Date	Name and Address To Whom Expenditure is Made	Purpose of Expenditure <small>(If independent or in-kind expenditure in name of DRI is made for a candidate, list candidate name &amp; address)</small>	Amount
11/19/21	Kansas Secretary of State 120 SW 10th Ave Topeka, KS 66612	PAC Filing Fee	\$300.00
11/19/21	Parsons Sun PO Box 656, Parsons, KS 67357	Newspaper Advertising	\$6,348.00
11/19/21	KLKO Radio 1812 West St, Parsons, KS 67357	Radio Advertising	\$6,000.00
11/24/21	Valley Offset Printer PO Box 298 Valley Center, KS 67147	Direct Mail	\$1,200.00
12/02/21	Valley Offset Printer PO Box 298 Valley Center, KS 67147	Printing	\$181.00
12/02/21	Valley Offset Printer PO Box 298 Valley Center, KS 67147	Direct Mail	\$1,500.00
12/02/21	Valley Offset Printer PO Box 298 Valley Center, KS 67147	Direct Mail	\$2,000.00

Documents obtained through Kansas Open Records Request (KORA).

Full sized copy of documents provided at the end of the testimony.

## Application for Advance Ballot by Mail

If campaign mailers, newspaper, and radio advertisement was not enough, (APA) Landowners Action PAC participated in mailing "Application for Advance Ballot by Mail" sent by Commissioner Brian Kinzie with the voter name, birth date, and address already filled out. Enclosed was a returned envelope with the stamp attached and a reminder by APA to "VOTE NO ON THE RECALL DECEMBER 7".

Office of the Kansas Secretary of State  
**Application for Advance Ballot by Mail**  
 DOWNLOAD THIS FORM: [www.sos.ks.gov](http://www.sos.ks.gov)

**1. Affirmation**

Affirmation of an Elector of the County of Laborie and State of Kansas Desiring to Vote an Advance Voting Ballot  
 State of Kansas, County of Laborie, KS, as: (where application is completed)

**2. Voter Identification Requirements**

I understand that my current and valid Kansas driver's license number or Kansas nondriver's identification card number must be provided in order to receive a ballot.

Current Kansas driver's license number or nondriver's identification card number: REQUIRED

If I do not have a current and valid Kansas driver's license number or Kansas nondriver's identification card number, I must provide a copy of one of the following forms of photo identification with this application in order to receive a ballot.

- Driver's license issued by Kansas in another state
- Identification card issued by Kansas in another state
- U.S. passport
- Certified copy of non-Kansas ID card issued by Kansas or another state
- Employee badge or ID document issued by a government office
- U.S. military ID
- Student ID card issued by an approved Kansas postsecondary educational institution
- Public assistance ID card issued by a government office
- ID card issued by an Indian tribe

**3. Personal information** Please print.

**Backburn**  
 814 Hickory St  
 Parsons, KS 67357

Education: Bachelor Profession: Fire News Address: Mount Valley City: KS Date of Birth: 10/07/1971

Political Party (to be filled in only when requesting a primary election ballot):  Democratic  Republican

**4. Address to Mail Ballot (if different from residential address)**

State: KS Zip Code: 67354 9276

Note: The ballot may be mailed only to the voter's residential or mailing address as indicated on the county voter registration list. To the voter's temporary residence, business, or to a medical care facility where the voter resides. (If the voter is a member of a voting unit, the voter must be a member of that voting unit.)

**5. Voter Signature** Note: False statement on this affirmation is a severity level 9, nonperson felony.

I do solemnly affirm under penalty of perjury that I am a qualified elector residing at the address listed above, or I am authorized to sign for the above named voter who has a disability preventing him or her from signing an application. I am entitled to vote an advance voting ballot and I have not voted and will not otherwise vote at the election to be held on December 7, 2022.

**REQUIRED** Signature of Voter: [Signature] Date: \_\_\_\_\_

FOR OFFICIAL USE ONLY - DO NOT WRITE  
 Received by the Office of the Secretary of State, 1400 West 15th Street, 10th Floor, Topeka, KS 66604-1599.  
 KSA 85-1-101(a); Rev. 10/22/2019

Full sized copy of documents provided at the end of the testimony.

**In the mean time** Commissioners Kinzie in his campaign to save his seat said to the Parsons Sun News *“To me it is about landowners’ property rights ... I’m going to fight to the end for the landowners. **They have a right to have revenue on their property.**”* Statement from ‘The Parson Sun News’ article *“Kinzie seeks to save his commission seat.”* Nov, 23, 2021

All the time sharing how safe a wind development was: *“I feel like if it (implying wind energy) was unsafe ... the state... would be putting more regulation and tell us what setback should be. **“and that not happening”!*** Statement from Parson Sun News, article *Kinzie seeks to save his commission seat.* Nov 23, 2022

**Voters APPROVE rare recall election on Dec 7, 2022.** Regardless of the amount of money poured into the recall campaign by APA, and others **Brian Kinzie was OUSTED** out of office, as the majority of the voters cast ballots in favor of the recall.

**KINZIE WAS REMOVED FROM OFFICE**

**IN FEBRUARY OF 2020 LABETTE COUNTY I CAME TO THE KANSAS STATE HOUSE** to support a couple of Senate bills both dealing with wind energy and mentioned Commissioners Cole and Brian in my testimonies. The day after my oral testimony of SB353 in the **Utilities Committee Kimberly Svaty** speaking on behalf of **The Advanced Power Alliance** to the Utilities Committee in opposition to SB353 introduced Labette County Commissioner Cole Prohel seated to her left in the plaid shirt, in her testimony.

**IN FEBRUARY OF 2020 LABETTE COUNTY I CAME TO THE KANSAS STATE HOUSE** to support a couple of Senate bills both dealing with wind energy and mentioned Commissioners Cole and Brian in my testimonies. The day after my oral testimony of SB353 in the Utilities Committee **Kimberly Svaty** speaking on behalf of **The Advanced Power Alliance to the Utilities Committee introduced Labette County Commissioner Cole Prohel.**



(APA) KIMBERLY SVATY BEFORE THE SENATE UTILITIES COMMITTEE *“More than happy to introduce Commissioner Cole Prohel, who is a commissioner in Labette County Kansas, and has been dealing with the RWE project the last two years. “*

I and others were SHOCKED when **Kimberly Svaty of the Advanced Power Alliance** introduced **Commissioner Cole Prohel** in her opponent's testimony, but we were **GASPING when she stated Cole had been dealing with the (RWE) project for the last two years** and offered that Cole could answer questions in the committee.

By permission a link to a video of her speaking in the Utilities Committee  
<https://www.facebook.com/cami.raschen/videos/373140624636349>

**We were GASPING** as she said Cole had been **working with (RWE) Project for two years, since 2019!** Committee hearing was in Feb 2022, which means he was working with RWE in 2019 **before he ever filed for Labette County Commissioner** and was elected to office.

**Remember that Cole Prohel won an election for Labette County 3rd District for County Commissioner in Nov 2020, but filed as early as June.**

- By June 1 2020 - Cole Prohel files for Labette County Commissioner 3rd District primary election.. Deadline is June 1 for August primary election.
- Aug 2020 Cole Prohel wins the August primary election and his name was the only one on the Nov 3 ballot for the third district seat.
- Oct 2020 -The Labette county Republican Party nominated Cole to complete the unexpired seat of third district Labette County Commissioner Doug Allen.

[https://www.parsonssun.com/news/article\\_ca4946d6-0f7d-11eb-8b0f-8345b34ced7c.html](https://www.parsonssun.com/news/article_ca4946d6-0f7d-11eb-8b0f-8345b34ced7c.html)

**Commissioner Cole Prohel comes to the Kansas State House to aid an opponent to Senate Bill 353, a bill that would have given protection to all citizens in Labette County.**

**Indeed there is a great need for requiring local governmental officials to disclose substantial interests in the construction and operation of a wind or solar energy conversion system and to abstain from all local governmental actions relating to such matters.**

Personally, when I began to research (RWE) leases at the Labette County Courthouse in 2021 I was gently warned verbally that the documents obtained through my KORA (open record request) on (RWE) leases could not be shared by Jennifer Gilley the office clerk at the Register of Deeds.

I believed that I had a right to public records and could share them as I ask for this in writing and was told it was verbal by County Councilor Brian K. Johnson who gave her a that the (RWE) lease records could not be shared.

I disagree with county councilor Johnson, after reading the Kansas statute, my understanding is that public records are exactly that – public, meaning anyone can obtain them, through various legal ways, and can be shared, and I have done so because I genuinely care. I filed a complaint of that happening with the Attorney General's office, knowing it was just my word against theirs.

In Closing, I regret having to write about these matters, and I'm concerned about doing so as I'm afraid of what I am getting into in doing so. Afraid that I may end up in a legal battle with a powerful wind company that has leased land with a few powerful landowners in Labette County. Afraid of harassment locally that may come from testifying.

With that said, the purpose and wisdom of sharing this information was considered, and because I genuinely care and still have a ray of hope that justice will prevail in the Kansas State House, when it comes to wind and solar energy.

It is wrong, it is dangerous for the citizens when **city, county** and **state officials** are on the same page of wind energy as from what I have witnessed they will do all they can to get a project into operation and protect it from regulations.

This is not just a LABETTE COUNTY ISSUE; THIS IS A STATE OF KANSAS ISSUE so I implore you to pass this bill!

I disclose to you that I am sharing documents with no intent to sell, in compliance with K.S.A. 45-220 (c); K.S.A. 45-230, but to disclose what I have found, or others had brought to my attention.

Debra M. Cramer

Copies of documentation provided below.

**RWE RENEWABLES DEVELOPMENT, LLC,**  
a Delaware limited liability company

By: *Sean Logsdon*  
Name: Sean Logsdon  
Title: Vice President

Address:  
701 Brazos Street, Suite 1400  
Austin, Texas 78701

APPROVED BY LEGAL  
FTH 1/6/2020

STATE OF TEXAS       §  
                                  §  
COUNTY OF TRAVIS   §

This instrument was acknowledged before me on the 7<sup>th</sup> day of January, 2020,  
by Sean Logsdon, Vice President of RWE Renewables Development, LLC, a Delaware limited  
liability company, on behalf of such company.

*Sh...*

Notary Public, State of TEXAS  
My Commission Expires: 3 31. 2020

**Book: X0129 Page: 67**

Receipt #: 48019  
Pages Recorded: 7

Recording Fee: \$123.00

*Raymond Decker*

**Date Recorded: 3/14/2022 8:35:33 AM**

[ELECTRONICALLY FILED]

DOCUMENT PREPARED BY:  
Shirrie Garcia  
RECORDING REQUESTED BY:  
RWE RENEWBLES AMERICAS, LLC

AND WHEN RECORDED MAIL TO:  
RWE RENEWBLES AMERICAS, LLC  
701 Brazos St, Ste 1400  
Austin, TX 78701  
ATTN: Shirrie Garcia

THIS SPACE FOR RECORDER'S USE ONLY

Memorandum of Lease and Easement Agreement

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by Law  
**Shirrie Garcia**

**Duane L. Johnson & Nancy F. Johnson Revocable Trust**

Elm Creek Wind Farm  
Labette County Recording  
Prepared by Shirrie Garcia

STATEMENT OF ORGANIZATION

FOR POLITICAL ACTION COMMITTEES AND PARTY COMMITTEES

(See Reverse Side For Instructions)

This is a (check one)	<input type="checkbox"/> Party Committee	<input checked="" type="checkbox"/> Political Action Committee
This is an (check one)	<input type="checkbox"/> Initial Statement	<input type="checkbox"/> Amended Statement

RECEIVED

NOV 19 2021

KS Governmental Ethics Commission

COMMITTEE (PLEASE TYPE OR PRINT)

Name <i>APA Landowners Action PAC</i>	
Mailing Address (Street, City, State, Zip Code) <i>PO Box 125 Parsons, KS 67357</i>	Business Telephone ( )

CHAIRPERSON

Name <i>Jeffrey Clark</i>	Home Telephone <i>(512) 651-0291</i>
Mailing Address (Street, City, State, Zip Code) <i>PO Box 28112 Austin, TX 78755</i>	Business Telephone <i>(512) 651-0291</i>

TREASURER

Name <i>Shannon Meg</i>	Home Telephone <i>(785) 252-7244</i>
Mailing Address (Street, City, State, Zip Code)	Business Telephone <i>(785) 252-7244</i>

AFFILIATED OR CONNECTED ORGANIZATIONS

Name <i>N/A</i>
Mailing Address (Street, City, State, Zip Code)

If not connected or affiliated with an organization, identify the trade, profession, or primary interest of the contributors.  
*landowners rights, private property rights, energy*

SIGNATURE:

"I declare that this statement has been examined by me and to the best of my knowledge and belief is true, correct and complete. I understand that the intentional failure to file this document or intentionally filing a false document is a class A misdemeanor."

*11/19/21*  
(Date)

*Jeffrey Clark*  
(Signature of Chairperson)

**KANSAS GOVERNMENTAL ETHICS COMMISSION**

**RECEIPTS AND EXPENDITURES REPORT  
OF A POLITICAL OR PARTY COMMITTEE**

**January 10, 2022**

**FILE WITH SECRETARY OF STATE  
SEE REVERSE SIDE FOR INSTRUCTIONS**

**FILED**  
JAN 07 2022  
SCOTT SCHWAB  
SECRETARY OF STATE

A. Name of Committee: APA Landowners Action PAC  
Address: PO Box 125  
City and Zip Code: Parsons, KS 67357  
This is a (check one):  Party Committee  Political Committee

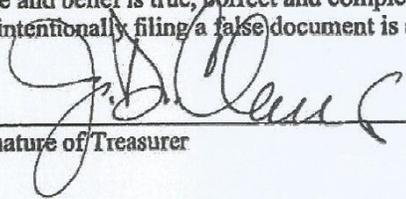
B. Check only if appropriate:  Amended Filing  Termination Report

C. Summary (covering the period from January 1, 2021 through December 31, 2021)

1. Cash on hand at beginning of period .....	0
2. Total Contributions and Other Receipts (Use Schedule A) .....	<u>\$21,837.79</u>
3. Cash available this period (Add Lines 1 and 2) .....	<u>\$21,837.79</u>
4. Total Expenditures and Other Disbursements (Use Schedule C) .....	<u>\$21,837.79</u>
5. Cash on hand at close of period (Subtract Line 4 from 3) .....	0
6. In-Kind Contributions (Use Schedule B) .....	<u>0</u>
7. Other Transactions (Use Schedule D) .....	<u>0</u>

D. "I declare that this report, including any accompanying schedules and statements, has been examined by me and to the best of my knowledge and belief is true, correct and complete. I understand that the intentional failure to file this document or intentionally filing a false document is a class A misdemeanor."

6 January 2022  
Date

  
Signature of Treasurer

RECEIVED

GEC Form 2021

**SCHEDULE C  
EXPENDITURES AND OTHER DISBURSEMENTS**

APA Landowner's Action PAC

(Name of Party Committee or Political Committee)

Date	Name and Address To Whom Expenditure is Made	Purpose of Expenditure	Amount
		If independent or in-kind expenditure in excess of \$300 is made for a candidate, list candidate name & address	
11/19/21	Kansas Secretary of State 120 SW 10th Ave Topeka, KS 66612	PAC Filing Fee	\$300.00
11/19/21	Parsons Sun PO Box 836, Parsons, KS 67357	Newspaper Advertising	\$6,345.00
11/19/21	KLKC Radio 1812 Main St, Parsons, KS 67357	Radio Advertising	\$5,029.20
11/24/21	Valley Offset Printer PO Box 298 Valley Center, KS 67147	Direct Mail	\$5,000.00
12/02/21	Valley Offset Printer PO Box 298 Valley Center, KS 67147	Printing	\$163.59
12/03/21	Valley Offset Printer PO Box 298 Valley Center, KS 67147	Direct Mail	\$2,500.00
12/08/21	Valley Offset Printer PO Box 298 Valley Center, KS 67147	Direct Mail	\$2,500.00
<b>Subtotal This Page</b>			<b>\$21,837.79</b>

Complete if last page of Schedule C

Total Itemized Expenditures This Period	\$21,837.79
Total Unitemized Expenditures of \$50 or less	
<b>TOTAL EXPENDITURES &amp; OTHER DISBURSEMENTS THIS PERIOD (to line 4 of Summary)</b>	<b>\$21,837.79</b>

Page \_\_\_\_ of \_\_\_\_

Office of the Kansas Secretary of State  
**Application for Advance Ballot by Mail**  
DOWNLOAD THIS FORM AT WWW.SOS.KS.GOV



**1. Affirmation**

Affirmation of an Elector of the County of Labette and State of Kansas Desiring to Vote an Advance Voting Ballot  
State of Kansas, County of Labette, ss: (where application is completed)

**2. Voter Identification Requirements**

I understand that my current and valid Kansas driver's license number or Kansas nondriver's identification card number must be provided in order to receive a ballot.

**REQUIRED**

Current Kansas driver's license number or nondriver's identification card number \_\_\_\_\_

If I do not have a current and valid Kansas driver's license number or Kansas nondriver's identification card number, I must provide a copy of one of the following forms of photo identification with this application in order to receive a ballot.

- Driver's license issued by Kansas or another state
- Nondriver's ID card issued by Kansas or another state
- U.S. passport
- Concealed carry of handgun license issued by Kansas or another state
- Employee badge or ID document issued by a government office
- U.S. military ID
- Student ID card issued by an accredited Kansas postsecondary educational institution
- Public assistance ID card issued by a government office
- ID card issued by an Indian tribe

**3. Personal Information** Please print.

**REQUIRED**

Last Name: Blackburn      First Name: Bachele      M.I.: [REDACTED]  
 Residential Address: 614 Hickory St      City: Mound Valley      State: KS      Zip Code: 67354-9275

Political Party (To be filled in only when requesting a primary election ballot):  Democratic  Republican

**4. Address to Mail Ballot (if different from residential address)**

Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

**Note:** The ballot may be mailed only to the voter's residential or mailing address as indicated on the county voter registration list, to the voter's temporary residential address, or to a medical care facility where the voter resides. These restrictions do not apply to a voter who has an illness, disability or who lacks proficiency in the English language. Ballots cannot be mailed until 20 days before the election.

**5. Voter Signature** Note: False statement on this affirmation is a severity level 9, nonperson felony.

I do solemnly affirm under penalty of perjury that I am a qualified elector residing at the address listed above, or I am authorized to sign for the above named voter who has a disability preventing the voter from signing an application. I am entitled to vote an advance voting ballot and I have not voted and will not otherwise vote at the election to be held on December 7, 2021 (date).

**REQUIRED**

Signature of Voter \_\_\_\_\_ Date (MM/DD/YY) \_\_\_\_\_ Phone Number \_\_\_\_\_

FOR OFFICE USE ONLY Date App. Rec'd. \_\_\_\_\_ Ballot Mailed \_\_\_\_\_ Transmitted by \_\_\_\_\_