



Marion County RECORD

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WEDNESDAY, **AUG. 14, 2024** — MARION, HILLSBORO, and PEABODY, Kansas

14 pages

Promoted to clerk, felon vanishes ... but then sends mysterious emails to townsfolk

By **PHYLLIS ZORN**
Staff writer

Ten days after his disappearance, there's still no sign of Peabody interim city clerk Jonathan Clayton, the convicted financial felon promoted from dog-catcher to interim city clerk after mass resignations and firings in Peabody.

Questions about his disappearance have mounted in the wake of reports that he may be wanted in another county and that he sent townsfolk mysterious emails after he vanished Aug. 3.

According to Peabody Police Chief Philip Crom, Clayton is under investigation by Kansas Highway Patrol Troop

O, which works to "gather evidence surrounding complex criminal cases in preparation for prosecution."

City computers used by Clayton will be forensically examined by KHP, Crom said.

KHP has reviewed video from cameras that read license tags but has found no sign of Clayton, Crom said. He added that no Peabody money has been reported missing, but it's unclear whether Clayton's city computer has been forensically analyzed.

No one from Troop O has responded to calls from the *Record*.

He also is under investigation by the

Kiowa County Sheriff's office. Sheriff Kendal Lothman said his agency was not looking in relation to Clayton being missing.

"We're working on an investigation," Lothman said. "I can't tell you more because it's just an investigation."

Clayton and his husband, city council member Christopher King, moved to Peabody from Mullinville, located in Kiowa County.

Clayton was convicted in 2016 in Pennsylvania of forgery, theft, and conspiracy to commit theft and is late in making court-ordered restitution in that case.

Council members promoted him to interim city clerk June 3 after firing Jylle Wilson. His term recently was extended after a woman hired to fill the vacancy changed her mind about taking the job.

After King reported Clayton missing Aug. 3, Clayton's description — but no photo or information about the vehicle he was driving — was posted Aug. 5 on the Kansas Bureau of Investigation's "missing persons" web page.

On Aug. 7, four days after Clayton went missing, an email purporting to be from him was sent to a number of



Jonathan Clayton

PLEASE SEE **CLAYTON** PAGE 14

Hooked on summer break?



STAFF PHOTO BY DEBBIE STEELE

Taking time out before school begins, Leigh Ann Swigert, grandmother of Tanner, Sawyer and Emily (not pictured) Swigert, and family friend, Eli Mushrush all from Chase County enjoy one last summer day together Tuesday at Marion County Lake. Plans included lots of fun and fishing and cooking hotdogs for lunch. Classes in most area school districts will begin this week. **See Page 6.**

Ex-chief charged with coverup

By **PHYLLIS ZORN**
Staff writer

A year and a day after an unprecedented raid on *Marion County Record*, former Marion Police Chief Gideon Cody formally was charged Monday with interference with judicial process.

Program looks back at raid

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The charge is not because he raided the *Marion County Record* and two homes but because he allegedly tried to cover up communication immediately after the raid.

Interference with judicial process is knowingly or intentionally inducing a witness or informant to withhold or unreasonably delay testimony, information, document, or other thing.

It is a Level 8 felony that could result in five to seven months in prison if Cody has



Gideon Cody during his raid of the *Record* newsroom

no prior convictions. Sentencing guidelines suggest a year's probation instead.

A probable-cause affidavit outlining the case that special prosecutors Mark Bennett and Barry Wilkerson have against Cody was not available as of press time. Under state law, such affidavits are not released unless requested and approved. The *Record* and four other news organizations have filed requests for the affidavit.

Court records indicate that Cody has hired Wichita lawyer Salvatore "Sal" Intagliata to defend him. Intagliata has not formally entered an appearance on Cody's behalf.

According to the complaint against Cody, between Aug. 11, the day of the raids, and Aug. 17 Cody knowingly or intentionally induced a witness to withhold information.

PLEASE SEE **CODY** PAGE 2

Unpaid taxes soar 43% to record levels

By **ERIC MEYER**
Staff writer

Inflated appraisals and rising tax rates sent real estate delinquencies soaring to record levels this year.

Compared to last year, 19.3% more properties owe 43.4% more unpaid taxes.

Overall, a record 631 properties owe a record \$510,582.66 in real estate taxes for 2023, according to a *Record* analysis of the county's official delinquency list published in this week's newspaper.

That's in addition to taxes that might still be owed from previous years.

Although large unpaid bills on expensive properties often inflate overall delinquency totals, this year's delinquencies seem to focus more on smaller properties of more modest value.

Peabody continues to be the county's most delinquent large city per capita.

It has by far the largest number of unpaid tax bills — 112, up 13.1% from a year ago.

Marion is next at 88, up 10.0%. It is followed by Flor-

ence at 76, up 10.1%, and Hillsboro at 58, up 26.1%.

In dollar amounts, Hillsboro property owners owe the most — \$72,030.65, up 39.9% from a year ago.

However, Peabody property owners, though much less numerous, are close behind, owing \$70,264.97, down 0.3% from last year.

Marion property owners are third, owing \$68,184.06, up 18.0% from last year. Florence property owners are fourth, owing \$47,391.44, up a whopping 68.2%.

Here's a complete breakdown:

Cities	Number	Amount
Burns	29	18,981.44
Durham	4	694.10
Florence	76	47,391.18
Goessel	13	10,887.47
Hillsboro	58	72,030.65
Lehigh	17	9,267.93
Lincolntonville	21	15,459.34
Lost Springs	23	8,297.40
Marion	88	68,184.06
Peabody	112	70,264.97
Ramona	14	9,846.33
Tampa	6	4,321.25

Townships	Number	Amount
Catlin	11	17,357.81
Centre	14	12,792.44

PLEASE SEE **UNPAID** PAGE 14

Notices detail likely property tax impact

By **ERIC MEYER**
Staff writer

Marion County taxpayers have begun receiving so-called "revenue neutral" notices about real estate taxes to be imposed later this year.

The notices are required by state law. What they show is not only how much governments plan to charge taxpayers but also how changes in appraised

property values will impact individual taxpayers' bills.

Marion County, for example, chose to adopt a so-called revenue-neutral tax rate.

That means, in the aggregate, the county will receive for this coming year the same total amount of real estate property tax revenue as it did this year.

That doesn't mean, however,

PLEASE SEE **NOTICES** PAGE 14

After 23 years, Kentucky man to be reunited with class ring

By **PHYLLIS ZORN**
Staff writer

County commissioner Randy Dallke was mowing grass on property he owns when a glint in a garage caught his eye.

Dallke turned off his mower and went to see what had caused the glint.

It turned out to be a silver and alexandrite 2002 class ring from Henderson County.

"It was in this rusty, muddy garage," Dallke said. "I'm surprised it's in as good of condition as it is."

When he got home, he showed it to his wife and daughter, Roxy.

They had to use a magnifying glass to make out a name inside the band of the ring.

The ring was inscribed with the name Joseph Bender.

The only Henderson County Dallke knew about is in Texas.

Roxy did an online check and found other Henderson Counties in North Carolina, Nevada, and Kentucky.

The one in Kentucky has a school with the team name Colonels, which appeared on the ring.

Roxy set about searching for Joseph Bender from Henderson County. She posted on social

media and not long afterward got a response from Bender.

Bender was at first suspicious of the unknown woman looking for him. He asked why she was looking for him.

She explained, but he remained suspicious.

Bender said he lost the ring after prom when he left it in a hotel room. Although he returned to the hotel, there was no sign of it.

Bender had no idea how the ring had found its way to Peabody.

Roxy said she would mail it to him.

"If we can do something good for somebody, that's what matters," Dallke said.



Commissioner Randy Dallke holds a 2002 class ring he found in a shed on property he purchased in Peabody.

CLAYTON

FROM PAGE 1

people.

It said that if he disappeared or died, the Kansas Department of Commerce and its director, Dave Toland, were among people who should “be looked at.”

Department of Commerce spokesman Pat Lowry said the email has been read by Commerce officials. He made no comment on it.

Although Peabody officials remain quiet about Clayton’s disappearance, Peabody Main Street Association sent an email Monday telling members that Clayton had not fulfilled requirements of a \$1.5 million grant from Kansas Department of Commerce.

“Property owners,” the email says, “received new roofs, updated electrical work, foundation repair, repair and stabilization of limestone load bearing walls, doors replaced, HVAC systems upgraded or installed for the first time, installation of an oil burner heating system, asbestos removal, and property purchase.

“On July 25, PMSA was notified that our reports had deficiencies. We had understood that all documents had been submitted by Jonathan.”

“We began working directly with Commerce to rectify any errors or omissions in documentation. Being out of compliance could have a negative impact on whether the second disbursement is provided or not, and could have a long-term impact on the community. We are working very hard to provide all missing documentation in a very short amount of time.”

Clayton’s disappearance appears to have been discussed behind closed doors in two city council meetings.

One was a special meeting Friday; the other, a regular meeting Monday.

King was absent from both meetings.

Council members Friday opened the meeting, called for a half-hour executive session to discuss “personnel matters,” then came out of the secret session and announced that no action had been taken.

The council then adjourned but closed the door after spectators left and continued talking for several minutes.

With a quorum of four members present during council members’ after-meeting discussion, any comments made about Clayton or any other city business would have been a violation of state open meeting law.

“The council members owe the public an explanation as to what they discussed when they continued talking after the audience left the meeting last week,” Kansas Press Association legal consultant Max Kautsch said. “If those discussions involved public business, they needed to be had in public or in executive session subject to a valid motion to recess. Discussing the public’s business as a majority of the body in any other forum violates open meetings laws.”

During the open portion of the meeting, no clerk or treasurer was present to take notes. Instead, council member Julia Ensminger had a spiral notebook in front of her.

“Although public bodies are not required to take minutes generally, they are required to take minutes of motions and rationale before recessing to executive session,” Kautsch said. “If the only means for documenting the meeting is one person with a spiral notebook, the public is right to wonder whether such motions will be accurately reflected in the minutes. Taking notes this way is particularly puzzling when the technology for documenting the meeting is readily available to public bodies in 2024.”

At the end of Friday’s meeting, Mayor Catherine Weems told an

out-of-county reporter that the city was aware of Clayton’s criminal background and had taken steps to ensure he had no access to city money.

The agenda packet for Monday’s meeting indicates otherwise. An invoice from St. Luke Hospital was paid with a city credit card issued with Clayton’s name on it.

After the television crew left, Weems spoke with Roxy Dallke and a public works employee.

Clayton was sentenced March 13, 2018, to five years’ probation and placed under house arrest, permitted to go to work and religious services and to perform community service.

He was ordered to pay \$210,000 restitution at \$600 a month. As of last month, he still owed \$195,712.50.

Weems has not responded to multiple emails asking about Clayton.

Peabody treasurer Rayna Crawford confirmed Aug. 8 that Clayton hadn’t been in the office “for a couple days.”

Asked whether his city computer had been checked to see whether any money was missing, she said she would refer the *Record* to Clayton’s supervisor.

Asked for the name of the supervisor, Crawford said she did not know. Pressed, she put the reporter on

hold, then returned to the line and said she had nothing further to say.

Callers to the *Record* have suggested that the password on Clayton’s computer was changed and other officials could not access it.

Clayton and King’s retail store, CK Vintage, was advertising a clearance sale the week Clayton disappeared but on Aug. 3 posted on social media that the store would be closed “due to illness.”

Undersheriff Larry Starkey said the sheriff’s office was notified Aug. 3 that Clayton had failed to return as expected from a trip to Newton, but that Peabody police were investigating.

Clayton is 6 feet tall, weighs 215 pounds, and has brown hair and hazel eyes.

Crom’s missing person report lists the location of the “offense” as 610 Division Ave. in Peabody, which appraiser’s records show belongs to Clayton and King.

The report lists Clayton’s address as 300 N. Walnut St., which appraiser data indicate is owned by Peabody Housing Authority.

Clayton and King’s retail store is listed on the appraiser’s website as belonging to Peabody Main Street Association.

UNPAID

FROM PAGE 1

Clark.....	8	6,600.54
Clear Creek	16	12,023.04
Colfax.....	3	2,332.64
Doyle.....	5	26,675.14
Durham Park.....	4	3,210.99
East Branch.....	9	4,277.94
Fairplay.....	10	6,717.34
Gale	9	4,335.09
Grant.....	15	8,253.91
Lehigh.....	3	1,558.50
Liberty.....	5	5,471.33
Logan.....	5	3,692.06
Lost Springs.....	5	2,935.98
Menno.....	10	11,695.16
Milton.....	2	1,761.96
Moore.....	2	40.93
Peabody Twp.....	8	5,764.77
Risley.....	3	993.92
Summit.....	5	5,098.26
West Branch.....	10	24,023.02
Wilson.....	8	7,343.77

Individual taxpayers

By far the biggest scofflaw, according to data from the treasurer’s office, is **Morning Star Ranch LLC**, a camp east of Florence on the Cottonwood River.

In recent years, it has served as a retreat for churches, youth groups, pastors, and their families. According to appraisal records, it was exempt from most real estate taxes until 2023.

The ranch owes \$25,705.60 in 2023 taxes on three parcels along Banner Rd. in Doyle Township. The property was

sold to its current owners May 27, 2022.

Next are **Shane and Shannon Rives**, who owe \$11,413.69 on two farm parcels near 80th and Limestone Rds. in Catlin Township. Previous year’s taxes on that property appear to have been paid.

Hillsboro Community Child Care Center is third, owing \$11,201.73 on a former church building that will become a day-care center at 211 S. Elm St. in Hillsboro.

The amount due was unpaid the list initially came out but was paid before the list was published.

Like Morning Star Ranch, the property was exempt from most real estate taxes until 2023.

Also in Hillsboro, a partnership that owns **Oakwood Manor Apartments**, 401 N. Ash St., owes \$8,757.09. Last year, the same partnership was the county’s single largest delinquent taxpayer, owing \$9,227.09 on the complex.

According to appraisal records, the complex has not paid real estate taxes for any year since 2020 and paid its 2019 taxes after deadline.

Under county policies, it could qualify for inclusion in a future tax sale if taxes are not paid.

Among other businesses on the list is **DLH Enterprises**, a partnership primarily owned by Kurt M. Cogburn of Walsh, Colorado. It owes \$5,699.96 on two duplexes in the 200 block of S. Lincoln St. in Hillsboro.

The same partnership was on the list in previous years. According to online appraisal data, its 2022 taxes also are unpaid, and it was late in paying taxes for 2019 through 2021.

Variations in specific ownership listings make it difficult to be sure, but these appear to be the other county property owners owing more than \$4,000 in unpaid 2023 real estate taxes:

Mark and Sara Meisinger . . . \$7,342.81
Lyle and Ann Leppke. 7,022.50
Gary and Lisa Suderman . . . 6,913.63
Michael Bass. 6,702.00
Steven Meyer. 6,550.90
Helen Selsor trust 5,615.74
Ron and Patricia Dirksen . . . 5,237.72
Rocky and Shirley Jo Hett . . 5,190.77
Mitchell Moffett 5,106.40
Kansas Home Solutions . . . 4,757.51
Hett Oil and Gas 4,755.31
Laramie Siebert. 4,709.77
Gerald and Billie Brooks . . . 4,619.26
Victor Buckner 4,457.77
Ralph and Christine Bestvater. 4,328.36
Colton Glenn 4,328.36

Other notable entities owing more than \$500 include:

- Peabody Main Street Association, owing \$1,427.40.
- Joe and Trish Vinduska, owners of Pilsen Packrats, \$1,112.03.
- The owner, whose name inexplicably is listed as “restricted,” of property just north of Taco’s Food Truck and That One Place in Marion, \$705.75.

- Sherry and Keith Hess, owners of Wagon Wheel Express in Marion, \$588.15.
- Sunflower Theater Foundation in Peabody, \$546.39.

Data reflect information as

initially provided by the treasurer’s office.

Some bills may have been paid since then, and some may appear on the list only because they are enrolled in payment plans that generally are part of mortgage escrow agreements.

Whether it causes embarrassment or serves as a reminder, publication of delinquent

tax lists each year typically results in many unpaid bills being cleared up.

The county adds cost of publication to each bill owed.

This year’s list appears in this week’s Classified section. In accordance with state law, it will appear there for three consecutive weeks.



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NOTICES

FROM PAGE 1

er, that taxes on any individual property will remain the same.

Many properties, especially in the Marion area, were reappraised at the height of a boom in real estate values. Because of that, individual tax bills will increase even with revenue neutrality.

On a typical Marion home, valued at around \$150,000 on Zillow and originally appraised at \$100,000 by the county, that increase could be substantial.

Now valued by county assessors at nearly 15% more than it was a year ago, the home will be billed almost 10% more for county taxes even though the county adopted revenue neutrality.

That translates into a tax increase of around \$90 despite the county’s stated claim of holding the line on taxes.

The increase also would be just one of several affecting the property.

Governmental units like the cities of Marion and Hillsboro voted earlier this year to say they planned to ignore revenue neutrality in their budgeting.

Hillsboro’s city council has discussed its budget in detail and agreed on a proposed budget to be presented at a public hearing.

Marion’s city council has not yet met to discuss specific budget amounts and has not produced a proposed budget.

Without asking the council, Marion’s city clerk merely submitted a proposed tax rate equivalent to last year’s rate.

That rate exceeds revenue neutrality by 7.6%.

Combined with reassessment, taxing at that rate would result in an additional \$122.95, or 14.18%, in city taxes for the owner of a typical Marion home formerly assessed at around \$100,000.

Marion still could retreat from that rate before proposing a final budget, and taxes could — but almost never are — be reduced after public hearings that the revenue-neutral notice advertises.

However, the final impact of abandoning revenue neutrality by multiple taxing units, including the Marion-Florence school district, recreation district, hospital district, and extension district is likely to be sizeable.

The notices being sent to taxpayers do not add up all the increases, but for the typical house described in this article they would amount to a total tax increase of nearly \$300 or 12.24%.

Inflation, by comparison, has been only 3% over the past year, according to the Bureau of Labor Statistics.

At the bottom of the notice being sent to taxpayers are the dates, times, and locations of hearings local governments are required to convene on whether to exceed revenue neutrality.


Typically, these meetings occur immediately before the units present their proposed budgets for questioning by taxpayers.

Rarely do taxpayers actually appear at these meetings. Proposed budgets, which under law must be published in the public notices section of this newspaper at least 10 days be-

fore budget hearings, typically are adopted without change.

Final tax rates will not be set until shortly before tax bills are sent out in the fall.

Typically, rates are slightly above those approved after budget hearings because valuation appeals reduce the overall assessed value to which levies approved after those hearings are applied.



Salina Regional Pulmonology welcomes

Jorge Cedano, M.D.

Pulmonology/Critical Care

Joining Dr. Kent Berquist at Salina Regional Pulmonology, Dr. Jorge Cedano specializes in pulmonology care in the clinic, hospital and intensive care unit at Salina Regional Health Center.





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Dr. Cedano completed his pulmonary medicine/critical care fellowship at the University of Kansas School of Medicine in Kansas City, and his internal medicine residency at Rutgers New Jersey Medical School in Elizabeth, New Jersey.

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Celebrating

Parkview
Mennonite
celebrates 150th

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Choosing

Time to choose
Medicare is
coming

► **PAGE 14**



Cleaning

County cleans
up after storm
last week

► **PAGE 3**



Marion County RECORD

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Hillsboro Star-Journal
PEABODY Gazette-Bulletin

Vols. 155, 116 and 150 — No. 49 WEDNESDAY, **AUG. 21, 2024** — MARION, HILLSBORO, and PEABODY, Kansas 14 pages

Mystery of missing clerk grows deeper

*Money disappears
in former hometown*

By PHYLLIS ZORN
Staff writer

The mystery of the disappearance Aug. 3 of Peabody's interim city clerk seems to grow deeper by the day, but recent revelations from his hometown of Mullinville may hold some of the answers.

Convicted financial felon Jonathan Clayton, promoted from dogcatcher to interim city clerk amid a spate of firings and resignations in Peabody, is being in-

vestigated by the Kiowa County Sheriff's office in relation to alleged theft of \$120,000 from Mullinville Community Foundation and \$70,000 from a cemetery board.

Kansas Department of Commerce filed suit Aug. 7 against the foundation. Commerce seeks return of \$425,398 in grant money awarded July 15, 2022, to repair recreation equipment.

The grant was a Building a Stron-

PLEASE SEE **SUIT PAGE 8**



Jonathan Clayton

*Record of wrongdoing
pervades case*

By PHYLLIS ZORN
Staff writer

Peabody's interim city clerk, who disappeared Aug. 3 and has not been found, left suspicion of wrongdoing in his wake.

Jonathan Clayton disappeared soon after the Department of Commerce, where he formerly worked, began examining COVID-19 grants given to organizations in Mullinville and Peabody with which Clayton was affiliated.

Mullinville Community Foundation received \$425,398 on July 15, 2022, to repair storm damage to recreation equipment.

Peabody Main Street Association received the first half of a \$1.5 million grant April 25, 2023, to restore historic downtown businesses.

Clayton has three financial felony convictions in Pennsylvania and still owes \$195,712.50 in restitution there

PLEASE SEE **RECORD PAGE 7**



STAFF PHOTOS BY PHYLLIS ZORN

A blue crane stands on a rock Tuesday on the north side of Marion County Lake.



A couple speed across the lake Tuesday on a jet ski.

*Here's
looking
at you*

Moderatug temperature Tuesday provided a perfect opportunity for a bit of recreation and sightseeing at Marion County Lake.

Unclear is who was doing which — whether jet skiers were enjoing an apparence by a blue crane or the bird was craning his neck to check out the skiers.

Heat is expected to return by the weekend.

*Cleaning job has
its ups and downs
— then doesn't*

By PHYLLIS ZORN
Staff writer

When Durham resident Larry Schafer of L&L Cleaning was cleaning the MB Foundation building Sunday evening, he wasn't planning to spend an hour between the building's two floors.

Luckily, Fire Chief Ben Steketee said, Schafer remained calm and patient as firefighters figured out how to get him out of a stuck elevator.

An equipment malfunction was the cause of the incident, Steketee said.

Firefighters were able to get the elevator door to open using a key, but Schafer couldn't crawl out from either the top or the bottom of the door.

"We ended up using our rescue struts and lifted the elevator up just enough so he could climb out," Steketee said. "The fortunate thing is, he's not claustrophobic. He was not panicking."

If Schafer had been in an emergency state,

PLEASE SEE **RESCUE PAGE 6**

Marion budget again to be last-minute

By ERIC MEYER
Staff writer

Despite widespread concern — including from a majority of current council members — that Marion's city budget was prepared too late and without sufficient council involvement last year, this year's budget appears headed down the same path.

Mayor Mike Powers blames the situation on how "screwed up" the city is.

In a heated discussion after a council meet-

ing Monday, he pleaded that his "new council" was "doing the best it can."

An official budget proposal, increasing property taxes by as much as 15% on a typical Marion home, is being published in this week's newspaper, as required by law.

It does not, however, reflect council consideration of specific items of city spending, Powers confirmed after Monday's meeting, at which the budget was not discussed.

He insisted that interim administrator Mark McAnarney was preparing a list of items for

council members to consider before the city's final hearing on the budget Sept. 16.

However, the council is scheduled to meet only one time before that meeting.

Asked about budget preparation, Powers confirmed that council members had not yet, as councils have done in the past, met with department heads to review requests.

They have not yet, as other councils routinely do, looked at line items for payroll, con-

PLEASE SEE **BUDGET PAG 6**

City objects to releasing raid texts

By ERIC MEYER
Staff writer

The City of Marion is asking a court to reject an open-records request designed to determine whether elected officials may have encouraged last summer's raid of the *Record* newsroom and the homes of the *Record*'s owners and council member Ruth Herbel.

The *Record*'s initial request came last fall, after other documents revealed that Mayor David Mayfield had told restaurant owner Kari



CONTINUING COVERAGE

Transcript explains
Cody's charges
Prosecutor wary
of raid liability

► **PAGE 3**

Newell that the only way he could oust Herbel from the council was if she were convicted of a crime.

That same day, Police Chief Gideon Cody

ignored instructions from city Administrator Brogan Jones and began an investigation of the *Record* and Herbel.

Special prosecutors confirmed earlier this month that neither the *Record* nor Herbel had committed any crimes, that Cody's investigation had been cursory and mistaken, and that search warrants he obtained should not have been granted.

In October, the *Record* — and, a month later,

PLEASE SEE **RAID PAGE 6**

RECORD

FROM PAGE 1

Commerce spokesman Pat Lowry said the department was unaware of Clayton's record when he was hired Feb. 23, 2020.

Court records show that Clayton, husband of Peabody council member Christopher King, pleaded guilty Dec. 13, 2016, in Philadelphia County, Pennsylvania, to forgery, theft, and conspiracy to commit theft.

He was sentenced March 13, 2018, to five years' probation and placed under house arrest, permitted to go to work and religious services and to perform community service work.

He was ordered to pay \$210,000 restitution at a rate of \$600 a month. Since then, court records indicate, he has made 48 payments ranging from \$5 to \$1,000, the most recent monthly payment being made Dec. 17.

After his convictions in Pennsylvania, Clayton and King moved to Clayton's hometown of Mullinville, then to Peabody.

During this time, Clayton worked for Commerce.

After he left that job in November, Clayton was Peabody's animal control and health and safety officer until June 3, when council members fired city clerk Jylle Wilson and appointed him interim city clerk.

His disappearance

Clayton disappeared the same weekend as a state lawyer demanded almost immediate return of \$740,000 from Main Street for a grant that Clayton had helped obtain.

Before the demand became known publicly, city officials repeatedly suggested there had been no financial wrongdoing.

Last week, Mayor Catherine Weems responded to a question from the *Marion County Record* by saying: "Citizens need to be reassured and confident that our city funds have not been compromised. All appears to be in order here."

Asked Aug. 12 whether anything was amiss at grant recipient Peabody Main Street, a private group operating out of city hall, Police Chief Philip Crom said he was unaware of any problems with that group and reiterated that no city money had been reported as missing.

Peabody Main Street, for its part, sent an email to its members Aug. 12 saying only that a second installment of a \$1.5 million grant might not be made because necessary paperwork had not been submitted by Clayton.

A Department of Commerce letter dated Aug. 5 indicates otherwise. The letter states that the state wants the first part of that grant back, has questioned Clayton's steward-

ship of it, and set a deadline of today for reimbursement to be received.

The deadline later was extended to Sept. 4.

Commerce's letter, addressed to Peabody Main Street at city hall, stated that Commerce notified the group July 25 that it had terminated the grant for failure to provide required financial and project reports.

Clayton was responsible for making those reports.

"Despite assurances from your organization that it would immediately remedy its non-compliance, Peabody has yet to provide substantial documentation," the letter states.

The letter states that if repayment is not received, the letter stated, "Commerce will pursue any and all legal alternatives to collect outstanding amounts due and associated costs, including payment for legal fees and expenses."

Main Street's response

Reached Aug. 14, Peabody Main Street board member Morgan Marler admitted the association knew about the grant termination and should have been more forthcoming about it in its email.

She said Main Street regretted not telling people that the grant program, and thus the community, was at risk.

The email was written before board members knew the full scope of the problem, Marler said, and someone else on the board was tasked with sending it out. It was intended to reassure grant recipients that everything possible was being done to salvage the grant.

"Then we got the termination letter from the state," she said.

She said she was sure that Commerce learning about Clayton's felony record factored into the decision to terminate the grant.

"We're a private organization and we are trying to rectify the situation," Marler said. "We're doing everything we can."

When state troopers investigating Clayton's disappearance called her, she told them what she could, she said.

"I was very happy to see somebody was here investigating and moving forward trying to figure out the facts," she said.

Main Street board members are working to gather information Commerce wanted, she said.

"We are not aware of any misappropriation of funds in our grant," she said.

Clayton merely organized files and managed paperwork for the grant, Marler said, but Commerce wants proof that he did nothing more.

"We've gotten confirmation in writing from the bank that we did provide to the Department of Commerce," she said.

"Everybody is trying to do due diligence."

Marler said the situation was emotionally hard on everyone involved. Everyone has been working hard to save the downtown project.

Marler thinks the same thing could happen to any small town without a capacity to hire a grant administrator.

"We were blindsided by it," she said. "You trust the people that you're working with, like Jonathan Clayton, who had worked for the Department of Commerce. We would have never guessed we would be in this position."

Lack of transparency wasn't purposeful, she said.

"For our organization, we are going to our jobs and plugging away to try and salvage our community and the grant," she said. "We regret doing that. I'm sure that the next time we face this, we'll jump right out and make some press statements."

"I admit we made mistakes about not notifying our recipients earlier. None of us have ever been through something like that before. We're doing the best we can do to move our community forward."

Attempts were made to contact Weems and Crom, but calls were not returned.

Commence comments

The Commerce Department sent Main Street the first half of its grant money June 15, 2023.

Lowry said termination of the grant was related to alleged misconduct by Clayton after he left the department.

"The Kansas Department of Commerce has been made aware of allegations of misconduct against a former employee in connection to activity that occurred after they left state employment," Lowry said. "We are reviewing the matter to determine what, if any, impact the alleged activity may have to the agency or community partners. We are also assisting state and federal law enforcement, as appropriate."

In its email last week, Peabody Main Street stated that property owners had used grant money to make various improvements.

"Property owners," the email states, "received new roofs, updated electrical work, foundation repair, repair and stabilization of limestone load-bearing walls, doors replaced, HVAC systems upgraded or installed for the first time, installation of an oil burner heating system, asbestos removal, and property purchase."

It is unclear how money already spent could be recovered. Nor is it clear what deficiencies in financial reporting are involved.

Clayton's rise to clerk

City council members promoted Clayton to interim city clerk June 3 after firing Jylle

Email purportedly from Clayton

From: Jonathan Clayton <jonathanlclayton@gmail.com>

Date: Thu, Aug 8, 2024, 9:01 AM

Subject: Message from Jonathan Clayton following his death or incapacitation

To: Jonathan Clayton <jonathanlclayton@gmail.com>

Cc: <ssmith@kansasreflector.com>, <abahl@gannett.com>, <jshorman@kcstar.com>, <clawhorn@ljworld.com>, <david.toland@ks.gov>, <governor@ks.gov>, <abby.works1@ks.gov>, <robert.north@ks.gov>, <braxton.hutchinson@ks.gov>, <erin.starr1@ks.gov>, Susan Clayton <ronandsusanc@yahoo.com>, Susan Clayton <susan.deann.clayton@gmail.com>, <horsecrazy9@hotmail.com>, NINA LIGGETT <njliggett@hotmail.com>, Boyd McFadden <gpamac78@gmail.com>, Ann Leppke <annleppke@gmail.com>, Panda Smith <pandeasmith@gmail.com>, Linda Martinez <linda.martinez1966@gmail.com>, Peabody Market <peabodymarketkansas@gmail.com>, Rodger Charles <peabodytownshiplibrary@gmail.com>, Colton Glenn <coltonglenn85@yahoo.com>, Kelly Penner <kpenner5@hotmail.com>, <Janicemoffett@yahoo.com>, Jessica Favela <JLfavela217@gmail.com>, Yahoo <shaneandmorgan@yahoo.com>

This message has been automatically sent following the death or incapacitation of Jonathan Clayton.

I, Jonathan Clayton, am providing the following information in writing as I am no longer capable of testifying or providing a sworn statement. As this message is only being provided after my death, I pray that those named below may be reviewed for any participation in my untimely demise.

The Kansas Department of Commerce, under the direction of Lieutenant Governor David Toland, concocted a scheme to alter the results of the BASE Grant program. The resulting awards from both rounds of the program are inaccurate due to the orders from Toland to alter the application scores after a pre-selected group of awardees were determined. The pre-selected awardees were based on agreements and conversations with the State House Speaker and State Senate President at the time of selection. According to multiple conversations between myself, Toland, Chief of Staff Abby Works, and Chief Counsel Bob North, the BASE program was only in effect due to the prearranged agreement for a majority of the funds to be directed to applications from the Speaker and Senate President's constituencies. This can be evidenced by the inordinate number of awards for the first round of the BASE program awarded to Butler and Johnson Counties.

A KORA request of the timestamps of the scores in the Submittable application platform can corroborate these allegations. It was under these demands that I was ordered to change these scores by Abby Works and Bob North at the request of Toland. Additionally, after reviewing the matter privately with the Commerce Department's consulting firm, Wit O'Brien, I was told by a consultant that these activities were the definition of fraud. After refusing to alter the scores on the second round, I believe this was the cause for my forced resignation. The allegations of a conflict of interest with two awardees on my part by the Commerce Department was never proved.

Secondly, I was requested by Toland in December 2022 to join the Lola Theater Association board in their hopes of obtaining grant funds for the restoration of the Lola Theater. This request was not given to me as an option but as a demand. In December 2022, I was requested by Toland to travel to lola during a workday, using a State vehicle, to visit with him in person regarding the board position and the status of the theater's condition. During this visit, I was told by Toland, "You are on the Board now." I felt due to my position reporting indirectly to him at the Commerce department that I was not given a choice in the manner.

During 2023, I was requested multiple times to pursue grant funding for the Lola Theater that was in direct conflict with other non-profit entities across the state. I was encouraged to use my work connections and office time to obtain grant funding and was eventually successful in working with the Board to obtain a \$300,000 grant from the Sunderland Foundation in September 2023. Toland had resigned from the Board without my knowledge in July 2023. I was told to resign from the Commerce Department on October 6, 2023.

Finally, the allegations by the Commerce Department that I did not provide sufficient documentation for two BASE Grant awards is unilaterally unfounded and I believe to be a form of retaliation. These allegations have been escalating since my October 2023 departure from the Commerce Department.

I sincerely apologize to those whom I am no longer here to help alleviate these situations. There are individuals who were made aware of these preceding events, but I am not naming them for their privacy. They can make a determination if they choose to step forward and assist any investigation to corroborate my statement.

I have made several mistakes in my past and have most likely paid for them with my life. That is why I have assured a life insurance policy that will hopefully accommodate those errors in judgment. An optional life insurance policy through KPERs has been established and all those who feel owed may speak with the Trustee of my estate.

Again, my deepest regrets to those whom I've hurt, betrayed, or misled. Please understand that this message is only sent after my passing so that the truth may come forward to hold those duly accountable.

Thanks so much,
Jonathan Clayton

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RECORD

FROM PAGE 7

Wilson. His term recently was extended after a woman hired to fill the vacancy changed her mind about taking the job.

Peabody city council members conducted a special closed-door council meeting Aug. 9. Afterward, Mayor Catherine Weems told an out-of-county reporter that the city had been aware of Clayton’s criminal background and had taken steps to ensure he had no access to city money.

However, the agenda packet for the meeting indicates otherwise. Included in it was an invoice from St. Luke Hospital paid with a city credit card bearing Clayton’s name.

Separate investigation

Clayton faces a separate investigation in Kiowa County, where he and King lived before moving to Peabody in 2023 and opening a store, CK Vintage, in a building listed on appraisal records as being owned by Peabody Main Street.

Kiowa County Sheriff Kendall Lothman told the *Record* his department was looking into an undisclosed matter not related to Clayton’s disappearance.

“We’re working on an investigation,” Lothman said. “I can’t tell you more because it’s just an investigation.”

At the time the couple moved to Peabody, Clayton was working for Commerce. He transferred from a Dodge City office to Topeka and planned to commute after moving.

Clayton was hired Commerce as an economic development representative and later promoted to a director.

Not a typical case

From the start, law enforcement officials did not treat Clayton’s disappearance as a typical missing person case even as Peabody officials gave no indication it was anything other than that.

Although his description was placed on a Kansas Bureau of Investigation website for missing persons and a missing persons report was filed, no description of his clothing or other items typically included in such notices was provided to KBI.

Bizarre email received

The façade that Clayton was missing, and that dogs and airplanes might be brought in to search for him was punctured Aug. 7, four days after he went missing, when an email purporting to be from him was sent to townsfolk.

It stated that if he disappeared or died, the Kansas Department of Commerce and its director, Lieutenant Governor David Toland, were among people who should “be looked at.”

The email, later claimed to have been sent automatically if Clayton failed to register his presence, said his disappearance was related to his role in a “scheme” by Lieutenant Governor David Toland to steer pandemic aid toward organizations selected by Toland.

In both Mullinville and Peabody, Clayton also operated a business called Clutch Professionals, which according to its website offered “customized, unique strategies” for community economic development.

Before termination of the Peabody grant was publicly revealed, Crom told the *Re-*

cord that the case was being investigated by a new unit of the Kansas Highway Patrol, Troop O, which works to “gather evidence surrounding complex criminal cases in preparation for prosecution.”

City computers used by Clayton will be forensically examined by KHP, Crom said.

KHP also has reviewed video from roadside cameras that

read license tags but has found no sign of Clayton.

A spokesman for Troop O acknowledged the investigation but provided no details.

Lowry did not mention

Troop O but said Commerce was working with Kansas Bureau of Investigation, Federal Bureau of Investigation, and the Office of Inspector General.

Timeline sheds light on events with missing interim clerk

A timeline on disappearance of interim Peabody city clerk Jonathan Clayton:

Feb. 23, 2020 — Clayton hired by Department of Commerce.

July 15, 2022 — Mullinville Community Foundation receives a \$425,398 Building a Stronger Economy grant from the Department of Commerce. The grant was targeted to repair recreation equipment damaged by a storm. Clayton was a foundation board member.

Aug. 15, 2022 — Clayton and Commerce coworker Braxton Hutchinson registered a grant consulting business with the secretary of state’s office.

April 25, 2023 — Peabody Main Street Association receives a \$1.5 million BASE grant to restore historic downtown buildings.

Nov. 20 — Clayton quits his employment with Commerce.

April 15 — Clayton’s business listing with the secretary of state’s office expires for failure to send reports.

June 3 — Clayton, who had been working as dog catcher and safety officer, was promoted to interim city clerk after a spate of Peabody resignations and firings.

June 30, July 2, July 8, and July 16 — Commerce notified Mullinville Community Foundation that it was not in compliance with Commerce requirements on its grant. Documentation had not been submitted. The community foundation was told it would have time to cure defaults.

July 24 — Newton Healthcare Corp. files suit against Clayton and his husband, Christopher King, for \$335.95 in unpaid medical bills.

July 25 — Commerce sends Peabody Main Street a letter warning that required paperwork was not filed and that its grant needed to be brought into compliance. Clayton was responsible for sending in the paperwork. Main Street board members begin working to bring the grant into compliance but failed to notify affected businesses.

Aug. 3 — Clayton disappears and is reported missing.

Aug. 5 — Commerce sends letter demanding that a \$740,000 first installment of grant money to Peabody must be repaid by today.

Two weeks ago — Mullinville Cemetery Board discovers \$70,000 had been removed from its bank accounts since 2021. Clayton was a board member.

Aug. 7 — Department of Commerce files suit against Mullinville Community Foundation seeking return of grant money in full.

Aug. 8 — An email purporting to be arranged in advance by Clayton if anything ever happened to him was sent to townsfolk saying that if he disappeared or was found dead, people including Lieutenant Governor Dave Toland, director of Commerce, “should be looked at.” Peabody Police Chief Philip Crom says Clayton’s disappearance is under investigation by Kansas Highway Patrol.

Aug. 12 — Main Street notifies business owners by email that a second installment of grant money might not be sent.

Last week — Commerce extends its deadline for Main Street to return grant money until Sept. 4 and sends staff to Peabody to assist with required paperwork.

Monday — Commerce releases information that it is investigating Mullinville and Peabody grants in conjunction with Kansas Bureau of Investigation, Federal Bureau of Investigation, and Office of the Inspector General.

SUIT

FROM PAGE 1

The grant was a Building a Stronger Economy grant — the same program Peabody Main Street Association is now trying to salvage because Clayton did not file required paperwork.

Main Street got \$1.5 million to repair historic downtown buildings in April, 2023. Clayton was responsible for submitting paperwork. After paperwork was not submitted, Commerce gave Main Street until today to refund the first installment of the grant.

Commerce has since extended the deadline to Sept. 4, spokesman Pat Lowry said. At the request of Mayor Catherine Weems, Commerce has staff members at Peabody providing technical assistance and explaining the reporting requirements, he said.

Commerce is investigating both the Mullinville and the Peabody grants, he said.

“We have had communication with the KBI, FBI, and Office of Inspector General regarding the situation as well as the one in Peabody,” Lowry said.

The Mullinville Community Foundation has the same address as a grant consulting business, Clutch Professionals, registered Aug. 15, 2022, with the secretary of state as being founded by Clayton and a partner, Braxton Hutchinson.

Its corporate registration expired April 15 after the partners failed to make required reports to the secretary of state.

Besides having the same business address as

Clutch Professionals, Mullinville Community Foundation’s 2022 annual report lists Clayton as a foundation board member.

When Clayton and Hutchinson opened their business, both were employed by Commerce. Clayton worked for the agency from Feb. 23, 2020, until Nov. 20. Hutchinson has worked for Commerce since April 17, 2002, and is still employed there.

The suit against Mullinville Community Foundation

According to a complaint filed against Mullinville Community Foundation, Commerce gave the foundation four notices — June 30, July 2, July 8, and July 16 — to correct grant defaults.

The defaults are:

- Failing to request prior written approval for budget line changes and changes in the scope and or nature of the grant project.
- Failing to maintain adequate business systems to comply with federal grant requirements.
- Failing to provide quarterly financial and narrative project reports.
- Failing to comply with procurement processes.
- Failing to provide proof of ownership and permission from owners for renovations at the locations specified in the grant agreement.
- Failing to submit documentation as required.

The complaint says Commerce thinks the

community foundation is in possession of \$211,251.67 in unexpended grant money.

Money allegedly is missing from from more than the foundation.

Mullinville Cemetery Board President Max Liggett said board members were reviewing records of withdrawals from its bank account that go back to 2021.

At that time, Clayton and his husband, Peabody city council member Christopher King, lived in Mullinville and were remodeling a house, Liggett said.

Thefts from the cemetery board, of which Clayton is a member, came to light about two weeks ago.

Clayton’s business

At the time Clayton and Hutchinson registered Clutch Professionals as a business entity, Clayton was a regional project manager for Kansas Department of Commerce.

Hutchinson was hired by Commerce April 17, 2022, and works as a specialist in the BASE program, the same program used by both Peabody and Mullinville foundations.

His profiles on social media list him as working in administrating American Rescue Plan Act funding for the Commerce department.

The same profile includes career history as a freelance brand manager on social media and an infantry soldier.

On another social media site, Hutchinson describes himself as “former President of the United States, astronaut, blacksmith, cowboy, ghost, cast iron skillet, groundhog, content cre-

ator, twitch streamer, disappointment, dad kisser, and nose picker.”

Commerce’s policy

Commerce employees are subject to the agency’s conflict of interest policy and state ethics laws, Lowry said.

While Clayton and Hutchinson operated their consulting business, employees were prohibited from:

- Charging fees or receiving compensation from anyone for assistance that is part of their Commerce responsibility.

- Knowingly participating in any aspect of a review for the granting of funds to any entity in which they are shareholders.

The policy was updated this year.

Under the new policy, employees are prohibited from being involved with awarding, drafting, finalizing, or executing a Commerce grant or contract to which the employee’s outside employment, board, or commission is a party.

“A Commerce employee’s failure to notify their supervisor of a potential conflict of interest raised by their outside employment or service, or engagement in discussion or decision that pertain or in any way relate to service on an outside employment or service shall be subject to employee discipline up to, and including termination,” the policy states.

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► PAGE 6

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► PAGE 3

Cheer

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► PAGE 6



Marion County RECORD

Joint issue with

Hillsboro Star-Journal

PEABODY Gazette-Bulletin

Vols. 155, 116 and 150 — No. 50

WEDNESDAY, **AUG. 28, 2024** — MARION, HILLSBORO, and PEABODY, Kansas

12 pages



Third grade students at Marion Elementary School dance Friday to the song “Let it Grow.” STAFF PHOTOS BY PHYLLIS ZORN

Heading back to school comes naturally

Marion Elementary School students had a day of enjoying being back in school together to celebrate the beginning of the school year Thursday.

This year’s school theme is “Naturally Better Together,” and students visited stations to learn messages about both nature and being together.

The school has a theme each year, and activities are often centered on that theme.



Kindergartners learn how plants respond to being spoken to with nice words and being spoken to with bullying words. The plant on the left was bullied.



Second graders paint wood slices with a nature theme and their names Friday. The slices will be hung around the school as decorations and students will look for their names later.

Autopsy needed to identify body in clerk’s truck

By **ERIC MEYER** and **PHYLLIS ZORN**
Staff writers

An autopsy will be needed to identify a body found Sunday in a pickup truck registered to interim Peabody city clerk Jonathan Clayton.

Clayton vanished Aug. 3 while the target of several still-pending investigations.

The body was found at 2:45 p.m. Sunday in Clayton’s crashed pickup truck near the US-50 / I-135 interchange northeast of Newton. Identification papers from Clayton reportedly were found on the badly decayed remains.

State troopers were seen soon afterward in Peabody, apparently notifying Clayton’s husband, city council member Christopher King.

Clayton, a convicted financial felon promoted from dogcatcher to interim clerk after a wave of resignations and firings in Peabody, last was seen Aug. 3 in his red 2011 Chevrolet Silverado.

A farmer notified Harvey County sheriff’s deputies the truck had been found down a steep incline where west-bound US-50 merges onto I-135.

Kansas Bureau of Investigation, which has taken over the case, confirmed that the truck was registered to Clayton.

According to the Highway Patrol,



Jonathan Clayton’s truck was found Sunday crashed into a tree near I-135 and US-50.

KBI called in members of the Highway Patrol’s critical accident reconstruction team to investigate the accident.

It remains unclear when the wreck might have occurred, whether it was accidental or intentional, and how long the truck and body might have remained undiscovered.

The location is less than half a mile from a Highway Patrol office but is some distance off the highway and is not easily viewed from roads passing by.

A woman who works as a nurse

PLEASE SEE **CLAYTON** PAGE 12

Towns fail to ‘get the lead out’ in starting survey

By **ERIC MEYER**
Staff writer

As far behind as Marion appears to be in preparing this year’s budget, it seems to be even further behind in completing a required survey about lead and copper pipes.

Hillsboro may not be much better off. It had a head start in completing part of the survey but still has not sent out customer surveys as required. Marion did so just last week.

Kansas Department of Health and Environment announced in January, 2022, that all water systems in the state must develop a complete inventory of materials used in lines serving all water customers and submit it to the state by Oct. 16, 2024.

Hillsboro did that with lines to residences and businesses when replaced water meters four years ago, City Administrator Matt Stiles said Tuesday.

It plans to send a survey to customers about water lines within their

premises next week. Marion sent its survey Thursday. Other cities, however, sent surveys months if not years ago and still are awaiting complete results.

A year and a half after the requirement was announced, but exactly one year away from the deadline for submitting results, planning commission chairman Darvin Markley asked at a Marion City Council meeting Oct. 16, 2023, how the customer survey was progressing.

No answer was recorded in minutes for that meeting. However, a recording of the meeting indicates that the city was aware of the situation.

“That’s a big issue that they’re pushing,” City Administrator Brogan Jones told Markley.

Markley expressed concern that the city had learned of the requirement in March, 2022, but more than 1½ years

PLEASE SEE **WATER** PAGE 12



CONTINUING COVERAGE

‘If ever a defendant weren’t entitled to special consideration, it’s Cody’

By **PHYLLIS ZORN**
Staff writer

A Wichita attorney representing six newspapers and eight broadcasters filed documents Tuesday opposing former Police Chief Gideon Cody’s attempt to ban cameras from his trial on felony charges brought against him.

He wrote that White’s arguments against allowing audio and video coverage already had been rejected in court cases.

“The irony of this defendant seeking to limit media access in this case is striking,” attorney Lyndon Vix says in his motion. “The genesis of the case was defendant’s decision to go to the war with a member of the media.”

“Now, when he is called to at least partially account for his actions, he wants the media to have less access to his proceedings than they would have in any other defendant’s case.”

“If there was ever a defendant who was not entitled to special consideration in this re-

PLEASE SEE **CODY** PAGE 10

Licensing agency reviewing raid report

By **PHYLLIS ZORN**
Staff writer

A 124-page special prosecutors’ report about a raid Aug. 11, 2023, on the *Marion County Record* and the homes of its publishers and a city councilwoman is being reviewed by a state agency that credentials law enforcement officers in Kansas.

Doug Schroeder, executive director of Kan-

sas Commission on Peace Officers’ Standards and Training, fell short of calling the review “an investigation.”

Investigations by the commission are confidential, Schroeder said. By law, he would not be able to say whether CPOST was conducting a formal investigation.

PLEASE SEE **RAID** PAGE 10



Marion Boy Scouts help load the shelves of the Marion food bank after gathering up donations Sunday.

STAFF PHOTO BY PHYLLIS ZORN

Scouting for food yields haul for food bank

Marion Boy Scouts spent Sunday afternoon gathering 470 pounds of food during their Scouting for Food service project.

The troop and the pack combined have 15 members who come from Marion, Lincolnville, and Hillsboro, Scoutmaster Jess Snyder said.

Before gathering food donations Sunday, troop members put flyers on doors and

then drove past houses Sunday to look for bags of food set out for the project.

After gathering at Marion's Sports and Aquatic Center, members divided into three groups to gather food.

Last year, the troop collected 300 pounds of food. The year before, the boys collected 1,500 pounds.

The county has only one troop and one pack. Snyder said. A recruitment event

is planned from 2 to 4 p.m. Saturday at SAC.

Scouts begin working on Eagle Scout projects as early as sixth grade, and anyone with an idea for an Eagle Scout project is encouraged to make suggestions.

Snyder can be reached by text at (620) 877-0235 or email at allthingscreatures@gmail.com.

CLAYTON: Background check, probation skipped

FROM PAGE 1

reportedly found the location while looking for horses on a farm and noticing buzzards and a scent of decay.

The vehicle had been driven off the road and crashed into a tree, KBI said.

Clayton, a former director of COVID aid grants with Kansas Department of Commerce, is believed to be at the center of investigations into grant programs in Peabody and Mullinville, where he and King resided before moving to Peabody.

While Peabody officials continue to emphasize that no money has been found to be missing there, Mullinville officials have stated that \$190,000 appears to be missing in their city.

The Commerce Department has filed suit, asking for the return of \$425,398 in grant money awarded in Mullinville and has given Peabody Main Street until Sept. 4 to complete paperwork or return \$740,000 in grant money awarded there.

Commerce, where Clayton worked from February, 2020, until November, 2023, began examining grants he was involved with after it was reported that Clayton had been sentenced in 2018 for financial felonies in Pennsylvania and still owed \$195,712.50 of \$210,000 in restitution he was ordered to pay.

Five years' probation was ordered in Pennsylvania. Clayton still would have been on probation when he moved back to Kansas.

When a probationer or parolee moves from one state to another, an interstate compact requires the new state to be responsible for tracking the offender.

A parole officer would have been aware Clayton went to work for Commerce and might have contacted Commerce to let them know Clayton's background.

That did not happen, however. Clayton never was supervised by Department of Corrections, department spokeswoman Jennifer King told the Record.

Why Clayton was not assigned a parole officer in Kansas is not known. King has not responded to a question about it.

Commerce spokesman Pat Lowry said that his department had not checked Clayton's background before hiring him.

He referred to an executive order issued May 18, 2018, by Governor Jeff Colyer saying that state agencies were to remove from employment applications a box asking whether applicants had a criminal record and that a criminal record "shall not automatically disqualify an applicant from receiving an interview."

The executive order also states "nothing in the order prevented the conduct of a criminal background check as a condition of employment."

The Department of Administration said only certain agencies, each under legislative order to do so, were allowed to ask the Federal Bureau of Investigation to do a background checks and that Commerce was not one of them.

Authorities have declined to release any further information on the wreck of Clayton's truck and the status of KBI's investigation.

WATER: Cities' surveys come at last minute

FROM PAGE 1

later still hadn't acted, as required, to survey homeowners.

City council member Zach Collett testily questioned him.

"I don't know that that's true," he said. "You know that we haven't acted on it?"

Markley responded: "You've got towns that have already been doing it for the last year and a half — sending out surveys to residents inquiring what kind of copper lines and lead pipes they have in their house. That has to get done, and nobody has done anything with it."

No one replied. However, minutes for the following meeting state that Jones told council members on Oct. 30, 2023, that the city was "active on the lead and copper rule and would be sending surveys in upcoming bills."

Ten months later, on Thursday of last week — in a separate mailing, not with utility bills — city residents finally received the survey.

It arrived just 54 days before the city must submit compiled results, requested 2½ years earlier, to the state.

The letter didn't come from the city. It came from an outside consultant, Waterwise Enterprises of Oxford, Kansas, the hiring of which was never mentioned or approved during any city council meeting.

It is not known whether the firm was hired with a no-bid contract nor the amount of money the city has agreed to pay the firm. The city already pays more than \$1,000 a month

to a Wichita firm to mail its water bills.

Hillsboro's similar survey will go out next week, Stiles said Tuesday.

"The goal is to collect all the surveys and do any personal follow-ups by the end of September," he said.

However, both cities may be overly optimistic on how many residents will respond to their surveys.

Last-minute efforts in Marion County are in stark contrast to what some other Kansas cities have been doing with their water surveys.

In Abilene, for example, the first attempt at a survey — much like the one Marion fielded last week — came in March, 2023.

It yielded responses from only 19.1% of water customers, prompting the city to spring into action with additional initiatives.

An online initiative, with numerous illustrations and step-by-step guides to help customers identify pipe types, was posted in November, 2023. Online forms were posted in December, 2023, and more flyers were mailed as well.

Results still lagged — with just 31.4% responding — so in February, 2024, Abilene adopted what it called a "boots on the ground" initiative.

City employees began knocking on doors to help residents complete the survey. If no one answered, they left door hangers offering to come back and provide assistance.

Even with that effort, Abilene to date has received responses from only 58.6% of water customers.

To encourage participation, Abilene has been measuring its response rate on prominently posted "thermometer" like those used in fund drives.

The thermometer has goals for various dates: April 1, 2023; July 1, 2023; October 1, 2023; Jan. 1, 2024; April 1, 2024; and July 1, 2024.

Despite 18 months of effort, the city remains 41.7% short of meeting its goal even as Marion and Hillsboro are just beginning to make their initial efforts.

Under state rules, properties for which responses are not made will be assumed to have lead pipes, and the city's percentage of homes with lead

pipes will be adjusted accordingly.

That percentage will be publicly released, according to KDE program rules, and is almost assured of finding its way onto websites that measure the supposed safety of cities' water lines as a guide to prospective residents.

According to the Centers for Disease Control, lead can be present in tap water because of lead pipes, brass or chrome-plated faucets, galvanized pipes, and plumbing soldered with lead.

No safe level of lead exposure has been established. Lead in drinking water can lead to health problems even at minimal levels, CDC says, with infants particularly at risk.

Filters certified for that purpose may remove most lead at the tap. Boiling does not. Using hot tap water for cooking or for beverages dramatically increases risk, CDC says.



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WEDNESDAY, **SEPT. 4, 2024** — MARION, HILLSBORO, and PEABODY, Kansas

24 pages, 2 sections



Sekou Sheriff Buller

All-too-brief time with adopted Liberian

By **PHYLLIS ZORN**
Staff writer

A Durham family's adopted son, born in Liberia and brought to his adoptive parents' Kansas home for medical treatment, will be buried near Durham after his death in a Liberia hospice.

Sekou Sheriff Buller, 12, adopted son of Eric and Pam Buller, died Aug. 7 at Eternal Love Winning Africa Hospital, Liberia.

He was born April 17, 2012, in Harbel, Liberia, to Varney Sheriff and Lucy Binda.

When he was 14 months old, Sekou's mother died. Four months later, he was admitted to

the hospital with cerebral malaria. It was followed by a stroke.

Sekou spent two months in a coma, then began to wake up one eye at a time. After a couple of months, he would sit in the nurse's station in a box. He became attached to hospital staff, including Alexandria Buller, part of a missionary family who was training as a nurse assistant.

In March, 2014, ebola began to spread in Liberia, and the hospital prepared to open a treatment unit. Its priority was to dismiss patients who were able to leave and recover elsewhere. A physician and nurse found Sekou's father.

"While it was evident he loved Sekou, he couldn't afford the hospital bill and wasn't able to care for Sekou's needs," Pam Buller said.

The Bullers were asked to foster Sekou, who was unable to walk, speak, or feed himself.

As ebola spread, part of the family was evacuated from Liberia. Pam stayed behind six weeks to get travel clearance, and the family was partially reunited in Kansas that summer.

"Sekou was a student at Hillsboro Elementary School when we were stateside during his medical treatment," Pam Buller said. "All four

PLEASE SEE **SEKOU** PAGE 3

Clerk's death spurs push for more checks

By **ERIC MEYER**
and **PHYLLIS ZORN**
Staff writers

Controversy surrounding the disappearance and death, confirmed Thursday, of Peabody's interim city clerk has prompted the governor and lieutenant governor to promise to be "pursuing changes to the background check statutes this upcoming legislative session."

"Clearly, Jonathan Clayton was able to avoid the discovery of his criminal convictions," Will Lawrence, chief of state to Governor Laura Kelly, said in a release Thursday. "His financial crimes coming to light, and questions about his involvement with local organizations that received ARPA grants, appear to have set off the chain of events that have occurred over the last several weeks."

Clayton, a convicted financial felon, disappeared Aug. 3 amid a cloud of suspicion regarding handling of COVID-related money. His pickup was found wrecked Sunday in a field near Newton. An autopsy Thursday identified his badly decayed body.

"Currently, investigators has not found evidence of foul play," KBI spokesman Melissa Underwood said in a news release Thursday. "The investigation is continuing."

Shortly before Clayton disappeared, Kansas Department of Commerce, which employed him to oversee COVID-related grants until last fall, began investigating grants given in Mullinville, where he formerly lived, and Peabody, where he moved while still working for Commerce.

Mullinville Community Foundation received \$425,398 on July 15, 2022, to repair storm damage to recreation equipment. Peabody Main Street received the first half of \$1.5 on April 25, 2023, to restore historic downtown businesses. Those investigations are continuing.

Lawrence said Kelly and Lieutenant Governor David Toland would be "working to sort out issues with those impacted at the local level and will

PLEASE SEE **CLAYTON** PAGE 3

A purple pineapple



STAFF PHOTO BY CHERI BENTZ

To some this is a weed; to others, it's a pretty wildflower. At first glance, it may look like a thistle, but it's actually Leavenworth Eryngo, named after explorer Conklin Leavenworth. This prickly annual, in full bloom this week in the Flint Hills, has a metallic purple color and is a favorite for nectar loving insects and birds. It can be picked and used in dried flower arrangements.

County drafts wind farm moratorium

By **PHYLLIS ZORN**
Staff writer

Further development of Sunflower Wind Farm won't take place until a moratorium of at least six months.

After lengthy discussion and hearing from people who support expansion of the wind farm, commissioners voted Tuesday to have county counsel Brad Jantz draft a six-month moratorium so planning and zoning could review the county's existing requirements.

Tuesday's meeting brought an overflow crowd of 24 to discuss or listen to conversation about westward expansion of Sunflower Wind Farm.

Steven Voth, a landowner who has signed a lease with the wind farm as it seeks to expand into four additional townships, said opponents have given "a lot of missing information and disinformation."

"We don't believe the city or the county has a right to tell us

what to do or not to do," Voth said.

He said development would be an economic boost to the county.

Calling himself an advocate of both the farm economy and communities, Newton resident Jim Graber, who owns most of his farmland in the county, said further development would mean \$144 million to landowners with leases and \$149 million in cash influx to the community.

Wind farm proceeds will mean better roads and better school funding, he said.

"I ask only that people and the officials making the decision carefully weigh the facts and benefits before making a decision," Graber said.

Orsted land agent Jerry Moritz, who is talking to landowners about turbine leases, said Orsted was exploring its options.

PLEASE SEE **WIND** PAGE 6

Chase ends in crash on Hillsboro street

By **PHYLLIS ZORN**
Staff writer

A high-speed chase through the county ended Aug. 28 when a Hillsboro police car was struck by a car driven by a Hillsboro man.

At 7:32 p.m., Deputy Josh Meliza clocked a car being driven at a high speed by Tanner M. Jasper, 25, Hillsboro, on Sunflower Rd. south of 150th Rd.

Meliza gave chase. Originally headed north on Sunflower Rd., Jasper turned west on 150th Rd., drove to Quail Creek Rd., then

went north on Quail Creek to 160th Rd.

On 150th Rd., which is gravel, Jasper was driving between 70 and 90 mph, Undersheriff Larry Starkey said. On paved roads, he was driving at speeds approaching 90 mph.

On 150th Rd., Meliza backed off far enough amid rising dust but still could see and continued following.

"He wasn't right on top of him or anything," Starkey said. "He was staying back far enough he

PLEASE SEE **CHASE** PAGE 6

Laboring to celebrate the holiday



STAFF PHOTO BY PHYLLIS ZORN

A team of cowboys prepare to take down a steer Monday in Burdick's steer mugging competition on Labor Day weekend. Full coverage of the rodeo and events in Burdick and Florence is on **Pages 3 and 8**.



Gloria Martin, a native Swede who raised her family in the area, was honored for organizing its Labor Day parades by being named grand marshal Monday,



STAFF PHOTOS BY ROWENA PLETT
Centre High School band rides through Monday's Labor Day parade in Burdick in a flatbed trailer. Labor Day weekend in Burdick included the second consecutive restoration of a holiday weekend rodeo. **Story and pictures on Page 8.**

Marion still hasn't released budget

By **PHYLLIS ZORN**
Staff writer

Marion City Council has yet to release its budget or conduct a public hearing.

Interim city administrator Mark McAnarney told council members Tuesday that the budget was "a very rough draft," which council members, basically for the first time, are scheduled to discuss at a 5 p.m. meeting on Monday.

An accountant with the Loyd Group will be at the meeting, McAnarney said.

A public budget hearing will be at 5 p.m. a week later during the council's next regular meeting.

That will give the city only 15 days to turn the completed budget over to the county clerk. Oct. 1 is the deadline.

In other matters Tuesday, McAnarney told council members that engineer Darin Neufeld had applied for a \$50,000 grant from the Kansas Water Office.

City attorney Brian Bina, expected to talk to council members about a release and settlement agreement, did not appear at the meeting.

Mayor Mike Powers announced at the end of the meeting that video recording would continue at the end of council meetings so reporters could be recorded coming to the speakers' table and ask questions.

He also warned that "negativity" in the city would make it hard to find young people to fill vacancies such as city administrator or police chief unless the city was willing to pay premium salaries.

Drugs blamed for crash into bale

In a bizarre accident Friday, a McPherson woman, apparently under the influence of drugs, drove 300 yards through a hay field and into a round bale.

According to deputy Landis Goodman's report, Julie N. Salas, 44, McPherson, was under the influence of drugs when she veered off Upland Rd. north of Marion Municipal Airport in a 2016 Chevrolet Malibu belonging to Brandon J. Liechty of Hesston.

The Chevrolet came to a stop after it ran into a round bale. x Salas was injured but not taken to a hospital, Goodman said.

The front, sides, undercarriage, windows, and windshield were damaged in the incident. It was towed.

Although a trooper trained in drug identification was summoned from Salina, Salas refused to be examined by him.

She was jailed on suspicion of driving under the influence of drugs or alcohol and released seven hours later on a \$2,500 surety bond.



STAFF PHOTO BY NICHOLAS KIMBALL
Gavin Wasmuth, a recent Marion High graduate who was starting catcher for the Warriors during their back-to-back trip to the state tournament, swings for the fences Sunday evening at the Florence Labor Day baseball game.

Having a ball: Old-time game draws remarks

By **PHYLLIS ZORN**
Staff writer

Clad in cabbie hats and vintage uniforms, The Emporia Nine spanked the Harvey Boys 28-8 Sunday — at times with one hand behind their backs.

Emporia swiftly took the lead in the Labor Day weekend event at Florence's Rosiere Field, and home runs for Emporia Nine kept stacking up.

Harvey Boys kept a goose-egg score for most of the nine-inning game.

An announcer called out players with each turn at bat, giving fans slightly snarky insight on the Florence team.

The Harvey Boys might have to change their name to "Harvey Boys and Girls." This year's team had both men and women.

When Karlee "Too Slow" Fetrow stepped to home

plate, the announcer told the crowd: "Karlee got called up this year. She's been playing in the minors. The Harvey Boys will take what they can get."

He called Tate "Tater Tot" Morgan "the son of Tater Salad," and said he "got called up a couple years ago."

Joe "Bionic" Box did most of the hurling for the Harvey Boys.

After a handful of innings, the announcer started calling for the Emporia Nine team to put one hand behind their backs.

They did, but it didn't help the Harvey Boys much. The Nine handily won the game.

One Emporia batter was told not only to put a hand behind his back, but also to stand facing the announcer, who would tell him when to swing.

When that didn't work out, the announcer relented and told him to face the pitcher again.

One Emporia Nine player took a break before his turn to swing.

"Ice water, you are on deck," the announcer called. "Quit playing with your friends. You're on deck."

One of the audience members told nearby fans that she heard that a lot in whiffleball games.

After Nine swinger Peakay Hamlin slammed a ball deep into centerfield, the announcer called out, "Is that Peakay Hamlin? Peakay, one hand on the bat."

During team switches for innings, the announcer brought fans up to speed on Monday events, such as a daylong "rock, paper, scissors" game, a car show, a market, a parade, a flag raising, children's activities, and a horseshoe tournament.

SEKOU

FROM PAGE 1

of our younger kids attended Hillsboro schools."

Soon after the Bullers formally adopted Sekou, he began to have seizures.

In October, 2021, he became very sick from several bouts of COVID-19. That caused his seizures to increase.

Sekou was diagnosed with epilepsy, dysautonomia (a nervous system disorder that disrupts automatic body functions), and severe obstructive apnea.

Eventually, his epilepsy evolved into Lennox-Gastaut Syndrome, a severe and progressive form of epilepsy that is resistant to medication.

As a result of ongoing illness, Sekou lost parts of his personality and ability to function, including his ability to eat or sit up. He was dependent on a feeding tube and had an implant to help combat seizures.

In early 2023, the family made a difficult decision to transition Sekou to hospice care.

"We could focus on spending time with him and making him comfortable

instead of desperately holding onto his life," she said. "He had already experienced so much suffering."

The family decided to take Sekou to Liberia, which had been their home for 13 years, to give him the opportunity to spend time with his biological father and his last days in his homeland.

"Over the course of his life, Sekou was a smart, ornery, tenacious, and brave guy," Pam Buller said. "He loved food, especially gari and peanut butter. He loved his Leap Frog musical turtle, and thanks to the Walker family, he loved Charlie and Lola. He also

loved music and biting his momma to communicate his needs."

Sekou is survived by his biological father; adoptive parents Pam and Eric; brothers Jacob Buller-Young, Theo Buller, and Peter Buller; half-sister Alexandria; sisters, Alexandria Buller-Parker, Elizabeth Buller, Lucille Buller, and Ruby Buller; and grandparents Fatuma Kamara, Wayne and Edna Decker, and Johnsie Buller.

He will be buried at Peace Valley Cemetery, near Pam Buller's family farm in rural Durham.

CLAYTON

FROM PAGE 1

provide whatever support they can to those communities."

Commerce spokesman Pat Lowry said his department had been unaware of Clayton's record when he was hired Feb. 23, 2020.

As initially reported July 11 by the *Record*, Clayton pleaded guilty Dec. 13, 2016, in Philadelphia County, Pennsylvania, to forgery, theft, and conspiracy to commit theft. He was sentenced March 13, 2018, to five years' probation and still owes \$195,712.50 of \$210,000 in court-ordered restitution.

Clayton moved to Kansas afterward, but his probation never was supervised, as typically occurs, by the Kansas Department of Correction.

"Under existing Kansas law, we are unable to perform national level criminal background checks for the posi-

tion that Clayton held," Lowry said in a release Thursday. "Our process for vetting prospective employees included online searches, social media reviews, and reference checks, which unfortunately failed to uncover his felony convictions. He would not have been hired by Commerce had we been aware of these convictions."

Clayton, promoted amid a rash of firings and resignations from dogcatcher to interim clerk in Peabody after leaving Commerce, attempted to shift blame for any wrongdoing onto Commerce, but Commerce is categorically denying claims made in a "dead-man switch" email that Clayton reportedly set up to be delivered after his death.

"While his death is unfortunate, the Department of Commerce believes it is necessary to provide clarity regarding allegations made publicly by former Department of Commerce employee Jonathan Clayton,"

Lowry wrote. "Clayton's allegations of wrongdoing by the Department of Commerce related to the awarding of BASE grants, along with his allegation that he was forced to serve on a volunteer theatre board, are categorically false."

Clayton had alleged in his email that Commerce, under the direction of Toland, had "concocted a scheme" to alter results of the Building a Stronger Economy (BASE) grant program so that Butler and Johnson counties were favored in awards.

He alleged that this steering of grant money was part of a deal between Toland, the speaker of the House and the Senate president.

Clayton also claimed he had been assigned by Toland to join the Iola Theater Association board in the hope of getting grant money for restoration of Iola Theater in Toland's hometown.

"This request was not given to me as an option but as a demand," Clay-

ton wrote. "In December, 2022, I was requested by Toland to travel to Iola during a workday, using a state vehicle, to visit with him in person regarding the board position and the status of the theater's condition. During this visit, I was told by Toland, 'You are on the board now.' I felt, due to my position reporting indirectly to him at the Commerce department, that I was not given a choice in the manner."

"During 2023, I was requested multiple times to pursue grant funding for the Iola Theater that was in direct conflict with other non-profit entities across the state. I was encouraged to use my work connections and office time to obtain grant funding and was eventually successful in working with the board to obtain a \$300,000 grant from the Sunderland Foundation in September, 2023."

"Allegations by the Commerce Department that I did not provide sufficient documentation for two BASE

grant awards are unilaterally unfounded," he wrote, "and I believe to be a form of retaliation. These allegations have been escalating since my October, 2023, departure from the Commerce Department."

Clayton was told to resign from Commerce on Oct. 6.

Writing Thursday for the governor, Lawrence praised Toland's work as secretary of commerce.

"He has worked to bring more, not less, accountability to the agency," Lawrence said.

Lowry said an independent contractor was performing a full review of all COVID-related grants through the department.

"Commerce has also requested and is assisting local, state and federal agencies investigating Clayton's volunteer work with community-based organizations in Kiowa and Marion counties who may be victims of fraud."