

IN THE DISTRICT COURT OF KAY COUNTY  
STATE OF OKLAHOMA

DEC 18 2008

In Re: GRAND JURY  
OF KAY COUNTY )

CASE NO. CV-2008-28

MARY RAMEY, Court Clerk

BY  DEPUTY

**FINAL REPORT OF THE GRAND JURY**

We, the Grand Jury, duly empanelled on the 9<sup>th</sup> day of December, 2008, and charged with the responsibility of investigating all public offenses against the State committed or triable within Kay County, as contained in the Petition for the calling of the Grand Jury duly filed in the Office of the Court Clerk of Kay County on the 12<sup>th</sup> day of August, 2008, and having in a fair and impartial manner, to the best of our abilities and understanding and with due regard to the Court's Instructions and the law of the State of Oklahoma, and after having received over eighty (80) written inquiries and substantial documentation attached thereto which were submitted through the District Court, and after having heard testimony of seven (7) witnesses, and received 92 exhibits and having fully investigated complaints alleged to exist within Kay County, and after having been in session for seven (7) working days, and having heretofore after due deliberation voted according to law, the Grand Jury submits to this Honorable Court its final report as follows:

**I. JAILS IN KAY COUNTY**

On the 9<sup>th</sup> day of December, 2008, the Grand Jury visited the Kay County Jail and the Grand Jury finds as follows:

- (A) That the Kay County Jail is clean and very well maintained and the Sheriff is to be commended.
- (B) The Kay County Jail has several serious security concerns due to design flaws in the original construction and an inability to keep pace with needed repairs to security systems due to funding issues.
- (C) That the plans for a new jail which have been approved by the voters of Kay County should alleviate any structural or security problems and the voters of Kay County are to be commended for approving funding for a new facility.

On the 15<sup>th</sup> day of December, 2008, the Grand Jury reviewed numerous documentation, including jail inspection reports, meal plans and jail prisoner logs, for the City Jails located in Ponca City, Tonkawa and Blackwell, and based upon that review the Grand Jury finds as follows:

- (A) That each of these facilities are being operated in a safe, healthy and secure manner with no reported deficiencies or concerns.

**II. PRISONERS CONFINED IN KAY COUNTY AND CITY JAILS WITHIN KAY COUNTY**

The Grand Jury has inquired into the legal status of every prisoner confined in Kay County and finds that all of said persons are being lawfully detained.

**III. THE CITY OF BLACKWELL, BLACKWELL MUNICIPAL AUTHORITY AND  
BLACKWELL INDUSTRIAL AUTHORITY**

The Grand Jury received over eighty (80) packets of information from various citizens of Kay County, almost all of which concerned complaints, allegations of improper conduct, or requests for investigation of matters involving the City of Blackwell, Blackwell Municipal Authority and the Blackwell Industrial Authority, including commission members, trustees and/or employees of the three organizations. The Grand Jury spent several days pouring over each and every one of the requests and the supporting documents.

Based upon our review of these matters and the testimony of witnesses before the Grand Jury, we make the following observations and recommendations:

This Grand Jury investigated over 80 requests of which the majority of these were submitted by three to four individuals. It should be noted that a Grand Jury has limited authority by State law.

A Grand Jury must have direct evidence of criminal wrongdoing by public officials, it cannot act on hear-say evidence or one's suspicion of wrongdoing. A Grand Jury cannot act upon criminal cases already tried or being tried in court.

A Grand Jury cannot act upon matters that are civil in nature or determine liability of parties in lawsuits or provide an opinion regarding merits of any potential lawsuits.

A Grand Jury has no jurisdiction regarding whether a public official always acts or behaves in the best interest of citizens and not their own political or personal gain.

Therefore, if there are no criminal violations of the rules as shown by the evidence, the only recourse for those unhappy is through the election process.

1. Many of the complaints and allegations presented to the Grand Jury appear to be a result of, or at least influenced by, the ongoing litigation and disputes between Get Real Cable System and the City of Blackwell. We recommend that the right of citizens to seek redress of grievances through the Grand Jury System should not be used to influence or replace the civil process of the judicial system.

2. We recognize and respect the right of all citizens and taxpayers to expect transparency by all levels of government. We believe that all public and private organizations charged with the responsibility of expending public funds in any form, should be accountable to the public in open meetings for the expenditure of those funds. An informed electorate is a better electorate. We therefore recommend that the City of Blackwell, Blackwell Municipal Authority, Blackwell Industrial Authority, and the Tourism Board of the Blackwell Chamber of Commerce should strive diligently and in good faith to always:

A) Make sure that notice of any and all meetings of public bodies be posted, not only as required by law, but in every manner possible to ensure that the media and the public can easily determine when these bodies will meet.

B) That all agendas of public meetings be as specific as possible so that any citizen can easily understand what public business will be discussed or considered at the meeting.

C) That all open meetings be held in locations easily accessible and comfortable for the public that choose to participate in the meeting.

D) That executive sessions be used sparingly and only when absolutely necessary to protect the interest of the public body and in accordance with laws of the State of Oklahoma.

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E) That all effort be made by all public bodies in Kay County to keep its citizens fully informed of the public business. There is no such thing as too much information when it comes to public business.

**IV. DISTRICT ATTORNEY MARK L. GIBSON**

Based on the evidence presented, the Grand Jury finds no evidence of official misconduct by District Attorney Mark Gibson or his office.

**V. ACCUSATION**

The Grand Jury has rendered no official accusations against public officials of Kay County.

**VI. INDICTMENTS**

The Grand Jury has returned no indictments.

**VII. EXPRESSION OF APPRECIATION**

The Grand Jury wished to express its appreciation for the assistance of District Attorneys John Wampler of District Three and Dennis Smith of District Two, as well as Special Agent Shawn Wright of the Oklahoma State Bureau of Investigation during the course of these proceedings. We also wish to acknowledge the assistance of Court Reporters: Lois Parsons, Lea McBride, Sherrie Powell and Vicky Hamilton and Bailiffs: Carolyn Kahle and Sheralyn Eubank and thank them for making us feel welcome and comfortable during this process.

**VIII. CONCLUSION**

This final report concludes the investigation of the Grand Jury and we respectfully request that we be adjourned.

Dated this 18<sup>th</sup> day of December, 2008, in the City of Newkirk, County of Kay, State of Oklahoma.

William A. Subella  
Foreman of the Grand Jury

Dennis Bond

Kathleen Annis

Barbara J. Moore

Rhonda L. Rhodes

Loretta Sawyer

Paula R. Surley

Leona W. Wain

Mark W. Harts

Mark Swopes

Jan R. Hoff

A stylized, cursive handwritten signature, possibly reading "J. Hoff", written on a horizontal line.