

## Law Enforcement Advisory Board Meeting APRIL 11, 2018

x denotes presence

X	Paul Soptick
X	Patrick Dunn
X	Scott Mackey
X	Reed Partridge
	Lee Brown
	Lt Col Bob Gunja
X	Dixie Kaster
	Don Jolley
	Tony Carter
	Maria Cecilia Ysaac
X	Terry Zeigler
	Tyrone Garner
	Irene Caudillo
X	Don Ash
	Mary Hopkins
	Rodney Smith
	Kelli Bailiff
X	Joan DeMoss
	Carol Diehl
	Dan Soptic
	Jeffry Fewell
	Michael York
X	Terry Brockman
	Curtis Nicholson
X	Kevin Steele

Paul Soptick opened the meeting at 4:00pm

We have a new member of the LEAB appointed by Commissioner Tom Burrows. Mr Kevin Steel introduced himself. Kevin was on our police department retiring as an assistant chief approx. 2 years ago. He currently teaches at the Kansas City Kansas Community College. Thank you Kevin for serving.

Reed Partridge said we have a re-appointment , Greg Collins who could not make this meeting.

Reed Partridge said we have a re-appointment , Terry Brockman by Sheriff Ash

Reed reported on the Mortgage Foreclosure Sales Follow-Up Audit

## **BACKGROUND**

### **January 2017 Mortgage Foreclosure Sales Audit**

The Mortgage Foreclosure Sales Audit was issued January 2017. The audit recommended the Wyandotte County Sheriff's Office (WYSO) consider charging fees to offset the costs associated with selling properties subject to mortgage foreclosure. The following are some of the key steps in the sale of mortgage foreclosure properties. Further information regarding the WYSO's sale of mortgage foreclosure properties can be found in the January 2017 report.

### **Mortgage Foreclosure in Kansas**

Mortgage foreclosure is a judicial process in Kansas. After borrowers (defendants) default on their mortgage, lenders (plaintiffs) petition the court for an order to foreclose. The Order of Sale from the court directs the WYSO to sell the property at auction to satisfy the debt.

### **Taxes Due, Other Costs and Publication**

The Order of Sale adds to the judgment real estate taxes due and various other fees such as title search fees, late charges, attorney fees and other court costs. The WYSO determines if real estate taxes are outstanding on the property. In most cases auctions do not go forward with taxes due. Statutes require publication of the sale. The WYSO verifies the notice is published in a local paper and includes the date and time of the sale for the property.

### **Sheriff's Sale of Property**

Sales take place on the foyer of the 1<sup>st</sup> floor of the Wyandotte County Courthouse at 10:00 a.m. on most Tuesdays. WYSO staff conducts the sale by auction. The WYSO returns to the court a report documenting the results of the sale. If the amount bid is less than the judgment the plaintiff may pursue the amount of deficiency after foreclosure.

### **Court Order Confirming the Sheriff's Sale and Redemption Period**

After the auction, the court issues an order confirming the sale. This court order authorizes the WYSO to issue a Certificate of Purchase to the purchaser and establishes a redemption period for the defendant. The redemption period allows the defendant to redeem the property for the amount paid plus other expenses by the current holder of the Certificate of Purchase. The length of the redemption period can be up to one year but can vary based on the amount remaining on the original mortgage.

### **Sheriff's Deed**

The holder of the Certificate of Purchase is entitled to a Sheriff's Deed for the premises after the end of the redemption period if the defendant does not redeem the property. The foreclosure process comes to a close when the purchaser has the Sheriff's Deed recorded by the Wyandotte County Register of Deeds.

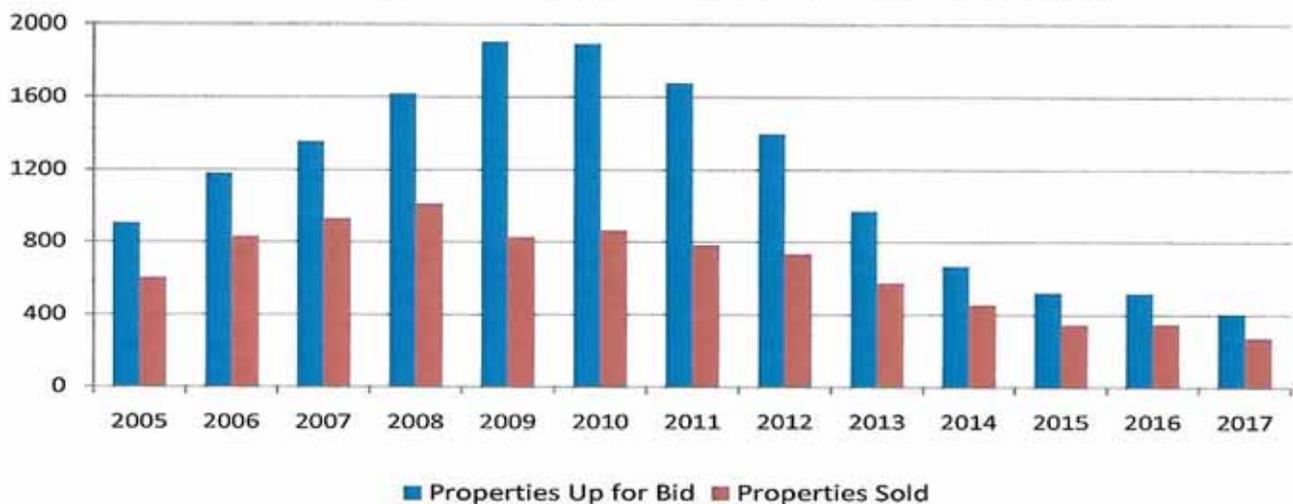
# WYANDOTTE COUNTY FORECLOSURE REVIEW

## Wyandotte County Sheriff Sale of Mortgage Foreclosure Properties

Figure 1 below presents the number of mortgage foreclosure properties up for bid and sold since 2005. Properties up for bid differ from properties sold because the plaintiff may cancel the sale prior to auction.

The chart illustrates the rise and decline of WYSO sale of properties subject to mortgage foreclosure since 2005. During 2017, properties up for bid totaled 404. The number of properties up for bid in 2017 represents a 78.8% decrease when compared to the high point of 1,903 set in 2009. Likewise, in 2017 properties sold fell 73% to 273 since 2008 when properties sold totaled 1,012.

**Figure 1**  
**Properties Subject to Mortgage Foreclosure in Wyandotte County**



Source: Wyandotte County Sheriff's Office

## AUDIT RESULTS

The January 2017 Mortgage Foreclosure Sales Audit contained one recommendation. This follow-up audit has the purpose of determining management's progress in implementing the audit recommendation made in that report.

### Finding #1 Issued January 2017

The January 2017 audit reported the WYSO does not charge fees for its role in the sale of property subject to mortgage foreclosure. A survey performed by the Legislative Auditor's Office showed some sheriff's in Kansas charged fees to offset the costs of the sale. The audit estimated the WYSO could have collected \$7,755 by charging \$15 for each property up for bid during 2016.

**January 2017 Recommendation** – We recommended the WYSO consider charging fees to offset the costs associated with selling properties subject to mortgage foreclosure.

### Status

Our follow-up audit found no changes in the fees charged related selling properties subject to mortgage foreclosure.

## MANAGEMENT RESPONSE

The Sheriff's Office reviewed the report and did not have additional comments regarding the conclusions presented.

Reed let the board know of a peer review that will be conducted of the Office of the Legislative Auditor by the Association of Local Auditors ( ALA ). They will have 2 persons for three days in the office to conduct this audit.

Chief Zeigler opened about the Police Department museum and how they had to spend \$30,000 to repair the upstairs restrooms because of the leaks that found their way downstairs, sometimes to the desks of personnel working on the first floor. The goal is to do a lions share of the work in Aug – Sept being complete by the first of the year.

One of the museums highlight will be a tribute to our fallen police officers with displays including Detective Lancasters car and parts from Captain Meltons car.

Other displays will feature the FOP, and showcase badges, motorcycles and all archives pertinent to the history of our police department.

Chief Zeigler said we are losing two officers to the DEA. Officer Sible and Officer Chronister. They will be reporting to Quantico soon.

Chief Zeigler reported on the 8 applications received for the next class with 1 “yes” 1 “maybe” and 6 “no’s” for various reasons, including but not limited to lying on the application.

Chief Zeigler reported on the summer youth program, starting on June 7<sup>th</sup>, stating they have 26 applications but will only hire 18. They will be paid \$10.00 per hour and as part of their mentoring will be working in the food kitchens in our city, touring businesses, various courts, the BPU, the Sheriffs department and others. The ages will be from 16 to 18 and at completion of their on the job training the PD will work with Workforce Partnership to find employment for the youth.

Chief Zeigler reported that they are working to receive their accreditation from KALEA in June.

The PD graduation of new officers will be May 10<sup>th</sup> graduating 15 new officers.

Sheriff Ash said because of bad weather on March 27<sup>th</sup>, the tree planting and internment of K9 Thor would be Friday April 13<sup>th</sup>, weather permitting.

Sheriff Ash said the next academy graduation will be April 26, with 5 deputies graduating. He said he has 10 applications ( with 16 vacancies in the department ) for the next class on June 14<sup>th</sup>. The following Sept or October is the target for the following class. He made mention that the quality of the applicants is better that in the recent past.

Sheriff Ash said we can successfully house 420 inmates, but have 440 in custody possibly because of the operation Triple Beam being carried out by the US Marshalls in partnership with our police department. This leads to farming out inmates to facilities in either Butler County, Shawnee County, Allen County or Leavenworth County at an average of \$40.00 per day plus manpower and transportation. The average length of stay is going up because of the charges from the District Attorney’s office.

The Police Department is having a meet and greet in the south patrol complex on 4-10-2018 with everyone invited.

The police department had a full complement of 387 and held 40 – 50 vacancies. Today's full complement of officers is 369 with no vacancies making for a more efficient use of officers and resources.

The police department has a program at Parker Elementary School where the officers will read to the kids one day a month for 30 minutes. Both the officers and students are excited about its continuation.

Adjourned 4:50 pm.

Submitted 4-14-2018