



Superintendent of Central Inspection
Office of Central Inspection
City Hall, 7th floor
455 N. Main
Wichita, Kansas 67202

January 17, 2013

Dear Sirs:

I hereby submit the following complaint against Ms. Julie Burkhart; Kellogg Investments, LLC; and South Wind Women's Center, LLC for significant violations of the Wichita/Sedgwick County Unified Building and Trade Codes occurring at 5101-5107 E. Kellogg Ave, Wichita, KS 67218.

Upon information and belief, violations occurring at this location include, but are not limited to:

- 1) Failure to obtain required permits for building alteration and repair (Title 18 City Code §18.50.100 – IBC § 105.1, amended; Ord. No. 47-548, § 10, 8-21-07)
- 2) Failure to obtain required permits for repair of outdoor paved area (Title 18 City Code §18.50.100 – IBC § 105.1, amended; Ord. No. 47-548, § 10, 8-21-07)
- 3) Commencement of work requiring a permit before posting an inspection record card (Title 18 City Code §18.50.100 – IBC § 105.7, amended; Ord. No. 47-548, § 18, 8-21-07)
- 4) Failure to obtain required permits for building demolition, i.e., extraction of furnace/industrial crematorium (Title 18 City Code §18.50.100 – IBC § 105.1, amended; Ord. No. 47-548, § 10, 8-21-07; Title 22 City Code § 22.01.040; Ord. No. 48-882, § 4, 10-26-2010)
- 5) Failure to obtain required trade permits for electrical rewiring, plumbing, heating and air conditioning systems related to remodeling and reparation work (Title 19 City Code § 19.08.150; Ord. No. 46-678 § 3; Ord. No. 44-483 § 1; Ord. No. 46-824, § 20, 11-22-05; Ord. No. 48-102, § 8, 10-28-08, eff. 1-1-09; Ord. No. 49-152, § 3, 11-22-2011; Title 21 City Code § 21.04.040; Ord. No. 44-716 § 1; Ord. No. 47-883, § 3, 5-13-08; Title 22 City Code § 22.01.040 – IMC § 102.8.1; Ord. No. 48-882, § 4, 10-26-2010; Title 22 City Code § 22.01.060 – IMC § 102.8.2; Ord. No. 48-882, § 5, 10-26-2010)

Evidence of these violations is set forth below:

- 1) Removal of the industrial size incinerator in 2009
- 2) Resurfacing of the facility parking lot in Nov 2012 (See Exhibits 3-4)
- 3) Landscaping of clinic exterior (See Exhibit 3)
- 4) Completion of architectural plans for clinic redesign in Nov 2012 (See Exhibit 3)
- 5) Meeting with construction contractors in Dec 2012 (See Exhibit 3)
- 6) Remodeling of clinic to comply with new clinic regulations (See Exhibit 2)
- 7) Non-existence of any permits issued to the address 5101-5107 E. Kellogg from Jan. 1, 2009 to Jan. 16, 2013 (See Exhibit 1)

In light of these multiple violations of city code, I request that the Office of Central Inspection issue forthwith a notice of infraction to the Register of Deeds office and a cease and desist letter to the parties responsible for this infractions,

requiring the immediate cessation of all construction activities at 5101-5107 E. Kellogg until proper application, review, and issuance of permits is complete. Furthermore, I request that the perpetrators of these actions be held accountable to the fullest extent of the law, and subject to any and all fines, penalty fees, and jail time as set forth in City Code.

Contact information for responsible parties:

Ms. Julie Burkhart
161 Belmont St
Wichita, KS 67218

Kellogg Investments, LLC
Resident Agent: Robert V. Eye
112 SW 6th Ave, Ste 202
Topeka, KS 66603

South Wind Women's Center, LLC
6505 E. Central Ave, #112
Wichita, KS 67206

Applicable Statutes:

Title 18 City Code § 18.50.100. - Section 105.1 amended.

Section 105.1 of the International Building Code, is amended to read as follows:

105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or outdoor paved area, of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Title 18 City Code § 18.50.180. - Section 105.7 amended.

Section 105.7 of the International Building Code, is amended to read as follows:

105.7 Placement of permit. Work requiring a permit shall not be commenced until the permit holder or an agent of the permit holder has posted or has made available an inspection record card such as to allow the building official to conveniently make the required entries thereon regarding inspection of the work. This card shall be maintained and made available by the permit holder until final approval has been granted by the building official.

Title 19 City Code § 19.08.150. - Electrical permit required

It is unlawful for any person to do or cause to be done any electrical wiring for light, heat or power within any building or on any premises in the city without first obtaining a permit from the Office of Central Inspection. Applications for permits shall be made on forms furnished by the Office of Central Inspection, duly executed and signed by a person properly authorized to obtain permits for the applicant.

(Ord. No. 46-678 § 3; Ord. No. 44-483 § 1; Ord. No. 46-824, § 20, 11-22-05; Ord. No. 48-102, § 8, 10-28-08, eff. 1-1-09; Ord. No. 49-152, § 3, 11-22-2011)

Title 21 City Code § 21.04.040. - Certificates, examinations, cancellations, licenses and permits.

- (a) It is unlawful for any person to engage in the business of plumbing, plumbing repair or gas fitting either as a master plumber or master gas fitter, or to do plumbing work, plumbing repair or gas fitting in the city, unless and until a certificate has been obtained therefore, and a license has been issued for such business and a permit has been issued for such work, all in accordance with the provisions of this Code.

Title 22 City Code § 22.01.040. - Building Code provisions.

Section 102.8.1 of the International Mechanical Code, as adopted by reference herein, shall be created to read as follows: The provisions of Title 18 of the Code of Wichita shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

(Ord. No. 48-882, § 4, 10-26-2010)

Title 22 City Code § 22.01.060. - Electrical.

Section 102.8.2 of the International Mechanical Code, as adopted by reference herein, shall be created to read as follows: The provisions of Title 19 of the code of the City of Wichita shall apply to the installation of electrical systems, including alterations, repairs, replacement equipment, appliances, fixtures, fittings and appurtenances thereto.

(Ord. No. 48-882, § 5, 10-26-2010)

Title 18 City Code § 22.01.130. - Stop work orders.

Section 108.5 of the International Mechanical Code, as adopted by reference herein, shall be amended to read as follows: Upon notice from the code official that mechanical work is being done contrary to the provisions of this Code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work, or shall be posted in writing at the site of the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for the violation penalties set forth in Title 22.16 of the Code of the City of Wichita.

(Ord. No. 48-882, § 12, 10-26-2010)

Title 22 City Code § 22.01.100. - Investigation fee.

Section 106.5.1 of the International Mechanical Code, as adopted by reference herein, shall be amended to read as follows: Any person who commences work on mechanical system before obtaining the necessary permits shall be subject to a one hundred fifty dollar and investigation fee in addition to the required permit fees. If a contractor has a second investigation within a twelve month period from the first investigation fee, the fee will be three hundred dollars in addition to the required permit fees. If a contractor has a third investigation fee or any thereafter, within a twelve month period, the fee shall be six hundred dollars in addition to the required permit fees.

(Ord. No. 48-882, § 9, 10-26-2010)

Title 18 City Code § 18.40.230. - Notice of infraction. (Building Code, Nonresidential Premise Standards)

Whenever an order has been issued for any infraction of this chapter, the superintendent of central inspection or the board of code standards and appeals may file a statement that this chapter has been violated in the office of the county clerk to be filed in the deed records. Such recording shall constitute sufficient notice of the impending action to any subsequent purchaser, transferee, grantee, mortgagee, or lessee of the property affected. Once compliance with the chapter has been established the superintendent of central inspection shall certify such compliance in the office of the county clerk to be filed in the deed records.

(Ord. No. 41-502 § 35)

Title 18 City Code § 18.40.260. - Violation—Penalty.

Any person who willfully and knowingly violates any provision of this chapter, or any provision of any rule or regulation adopted by the superintendent of central inspection pursuant to authority granted by this chapter, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred dollars or by imprisonment in the city jail, for a period of not exceeding six months, or by both such fine and imprisonment. Each day that any violation of this chapter continues shall constitute a separate offense and shall be punishable hereunder as a separate violation.

(Ord. No. 40-094 § 1)

Title 19 City Code § 19.04.140. - Penalties for violation.

Any person violating any of the provisions of this title shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars, or imprisoned in the city not more than six months, or by both such fine and imprisonment. Each and every day during which any violation of any provision of this title is committed, continued or permitted shall be deemed a separate violation.

(Ord. No. 40-095 § 1)

Thank you for your attention to this matter. I would appreciate being apprised of any action taken on this letter of complaint. I can be reached at [REDACTED] or at 316-516-3034.

Sincerely,



Cheryl Sullenger

Cc: Lavonta Williams, Wichita City Councilmember, District 1
Pete Meitzner, Wichita City Councilmember, District 2
James Clendenin, Wichita City Councilmember, District 3
Paul Gray, Wichita City Councilmember, District 4
Jeff Longwell, Wichita City Councilmember, District 5
Janet Miller, Wichita City Councilmember, District 6
Carl Brewer, Mayor of Wichita
Dave Unruh, Sedgwick County Commissioner, District 1
Tim Norton, Sedgwick County Commissioner, District 2
Karl Peterjohn, Sedgwick County Commissioner, District 3
Richard Ranzau, Sedgwick County Commissioner, District 4
James Skelton, Sedgwick County Commissioner, District 5


Exhibit 1

Open Records Request and Responses
indicating no permits have been obtained for any work
at 5101-5107 E. Kellogg, Wichita, KS
from January, 2009 to present

For additional instruction see AR 70

REQUEST FOR RECORDS INSPECTION/COPY
CITY OF WICHITA, KANSAS

(To be completed by Requester)

NAME: Troy NewmanADDRESS: 3013 E Central Wichita, KS 67214SIGNATURE: PHONE: 316-683-6790

RECORD(S) SOUGHT: Please provide as specific a description as possible of the record(s) you desire to inspect or copy. Include record(s) titles and dates, as well as the names of city agencies or departments which produced or hold the record(s):

Record Title/Date	Dates: Jan 1, 2012 to present	No. of Copies Desired
1) Building Permit(s) for 5101-5107 E Kellogg, Wichita, KS		1 ea
2) Electrical, Mechanical, Plumbing Permits (same addresses)		1 ea
3) Commercial Plan, Site Utility Plan (same addresses)		1 ea

CHARGES: A charge for providing inspection to or copies of public records is authorized by state law. These charges are set as a level to compensate the city for the actual costs incurred in honoring your request.

The charge to you for access to the record(s) you request is:

\$ _____

\$ _____

Prepayment of the above amount

☒ is required☐ is not required.

(To be completed by Department Records Custodian and/or City Clerk)

Time of Request:

Date

Time

AM PM

Charges:

Staff Time

\$

hrs. @ _____ rate

Time Access Provided:

Date

Time

AM PM

Copying:

#pages

\$

Other (specify):

\$

TOTAL CHARGES:

Prepaid ; _____

Paid ; _____

Billed _____

(Department Records Custodian)

**CERTIFICATION FOR ACCESS TO LISTS
OF NAMES AND ADDRESSES FROM PUBLIC RECORDS**

Identification of requested records

Building Permit(s); Electrical, Mechanical, Plumbing
Permit(s); Commercial Plan, Site Utility Plan for 5101-5107 E Kellogg, Wichita

The undersigned hereby certifies as follows concerning the requested information obtained from public records:

I do not intend to, and will not: (A) Use any list of names or addresses contained in or derived from the records or information for the purpose of selling or offering for sale any property or service to any person listed or to any person who resides at any address listed; or (B) sell, give, or otherwise make available to any person, any list of names or addresses contained in or derived from the records or information for the purpose of allowing that person to sell or offer for sale any property or service to any person listed or to any person who resides at any address listed, except as may be specifically allowed by law.

I have been informed that the unlawful use of names and addresses derived from public records is a criminal offense.


Signature

Troy Newman
Printed Name

3013 E Central, Wichita, KS 67214
Address

Jan 9, 2013
Date

Subject: RE: Information Request for 5101 - 5107 E. Kellogg
From: Hammons, Elaine (EHammons@wichita.gov)
To: [REDACTED]
Date: Wednesday, January 16, 2013 2:16 PM

D [REDACTED] no permits have been issued for the subject address(es).

Elaine Hammons

Elaine Hammons

Administrative Secretary to the Director
Metropolitan Area Building & Construction Department
T (316) 268-4460
F (316) 858-7300

www.wichita.gov



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From: D [REDACTED] [mailto:[REDACTED]]
Sent: Wednesday, January 16, 2013 2:00 PM
To: Hammons, Elaine
Subject: Re: Information Request for 5101 - 5107 E. Kellogg

Have any permits been issued for this address since the time of our original request? (Jan 10, 2013-Jan 16, 2013)
Thank you so much for your great help!

Sincerely,

D [REDACTED] M [REDACTED]
Operation Rescue

Administrative Secretary to the Director
Metropolitan Area Building & Construction Department
T (316) 268-4460
F (316) 858-7300
www.wichita.gov



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From: D [redacted] [mailto:[redacted]]
Sent: Thursday, January 10, 2013 12:04 PM
To: Hammons, Elaine, [redacted]
Subject: Re: Information Request for 5101 - 5107 E. Kellogg

Thank you so much for the information. Could you expand the search to include any permits issued to 5101-5107 E. Kellogg since January 1, 2009 (1/1/2009-1/10/2013)?

Let me know if you need us to send another form to process this request.
(The original request is attached for reference.)

Thank you so much for your great help!

Sincerely,

D [redacted] M [redacted]
Operation Rescue

From: "Hammons, Elaine" <EHammons@wichita.gov>
To: [redacted]
Cc: " [redacted] "<[redacted]>
Sent: Thursday, January 10, 2013 11:22 AM
Subject: Information Request for 5101 - 5107 E. Kellogg

After checking our database, I was unable to locate any permits issued to any addresses from 5101 – 5107 E. Kellogg for the time period (1/1/2012 – 1/10/2013) requested.
Thank you,

Elaine Hammons

Elaine Hammons
Administrative Secretary to the Director
Metropolitan Area Building & Construction Department
T (316) 268-4460
F (316) 858-7300
www.wichita.gov



From: "Hammons, Elaine" <EHammons@wichita.gov>
To: 'D [REDACTED]' <[REDACTED]>
Sent: Friday, January 11, 2013 11:22 AM
Subject: RE: Information Request for 5101 - 5107 E. Kellogg

You're quite welcome!

Elaine Hammons

Elaine Hammons
Administrative Secretary to the Director
Metropolitan Area Building & Construction Department
T (316) 268-4460
F (316) 858-7300
www.wichita.gov



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From: D [REDACTED] [mailto:[REDACTED]]
Sent: Friday, January 11, 2013 10:55 AM
To: Hammons, Elaine
Subject: Re: Information Request for 5101 - 5107 E. Kellogg

Thanks for letting us know. We appreciate your time and help.

Sincerely,

D [REDACTED] M [REDACTED]
Operation Rescue

From: "Hammons, Elaine" <EHammons@wichita.gov>
To: 'D [REDACTED]' <[REDACTED]>
Sent: Thursday, January 10, 2013 12:53 PM
Subject: RE: Information Request for 5101 - 5107 E. Kellogg

D [REDACTED] there were no records back that far either.

Elaine Hammons

Elaine Hammons

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Exhibit 2

News articles indicating remodeling
is currently taking place
at 5101-5107 E. Kellogg in Wichita, KS



Posted on Tue, Jan. 08, 2013

Kan. abortion clinic remodeling to meet new regs

By ROXANA HEGEMAN
Associated Press

The former Wichita clinic of slain abortion provider George Tiller is being remodeled to meet strict Kansas regulations as the abortion-rights group that bought the building prepares to open it for the first time since the doctor was gunned down in 2009 by an anti-abortion activist.

The work is taking place amid growing public opposition by anti-abortion activists who mounted a petition drive Tuesday seeking to rezone the area in a desperate effort to block the opening of a family and women's health center that will offer abortions, among other services. The Wichita-based nonprofit Trust Women Foundation Inc. purchased the building in late August.

"This effort is yet another attempt to limit access to reproductive healthcare for the women of Wichita and Kansas," Julie Burkhart, founder of Trust Women, said in an emailed statement Tuesday. "Regardless of their actions, we will continue to bring quality and comprehensive obstetrics and gynecological services to Wichita."

Anti-abortion activists held a news conference Tuesday to announce their petition drive to the Wichita City Council and the local planning commission. The event organized by Kansans for Life drew about 50 abortion opponents, including several state lawmakers who signed the petition.

"As Wichitans we know that when an abortion clinic opens in a neighborhood everything changes," said David Gittrich, an anti-abortion leader in Wichita. "Abortions means taxis and traffic, police cars and ambulances, barricades and signs. People who support abortion - and people who believe every abortion kills an innocent baby - come to demonstrate."

Robert Eye, the Topeka attorney representing Trust Women, said Tuesday that independent contractors are now modifying the building to make sure hallways and interior spaces are big enough to comply with the new requirements of the Kansas Department of Health and Environment. He said once the work is complete and the building is inspected and licensed, the new clinic will open for services.

"If you start using the zoning process to do social engineering such as this, that is a very slippery slope and I hope that the zoning and land use process is sufficiently disciplined in Sedgwick County that it wouldn't be essentially misused by those who are opposed to the operation of a women's health clinic," Eye said.

Gittrich described the clinic location as a residential area, although it is adjacent to another medical facility that offers women alternatives to abortion. But Gittrich contended it is the abortion industry that attracts huge crowds.

Tiller was one of the few remaining late-term abortion providers in the nation when he was murdered and his clinic shuttered. When Tiller operated the clinic, it was the site of regular protests by abortion opponents, including large "Summer of Mercy" demonstrations in 1991 and 2001 that led to mass arrests.

Burkhart, the Trust Women founder, was a clinic employee and from 2002 to 2009 ran ProKanDo, a PAC formed by Tiller.

Exhibit 3


Blog Entries from www.trustwomenpac.org
confirming that work had been done or is in progress
at 5101-5107 E. Kellogg in Wichita, KS

TRUST WOMEN

and change the world

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Email address ZIP code

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Updates!

ADDED NOV 16, 2012, UNDER JULIE'S BLOG

Wow! Lots happening around here this week. Thanks to your support and belief in this project – We have an architect on board to finish out plans with us. We also had the parking lot resurfaced and re-striped. It looks terrific! More good things to come.

Share this:



About Trust Women

VISIT TRUST'S WEBSITE. VIEW OTHER POSTS BY TRUST WOMEN



SUPPORT OUR WORK
BUY TRUST WOMEN MERCHANDISE!

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- ☐ Support Pro-Choice Companies
- ☐ Midwifery Legislation in Missouri

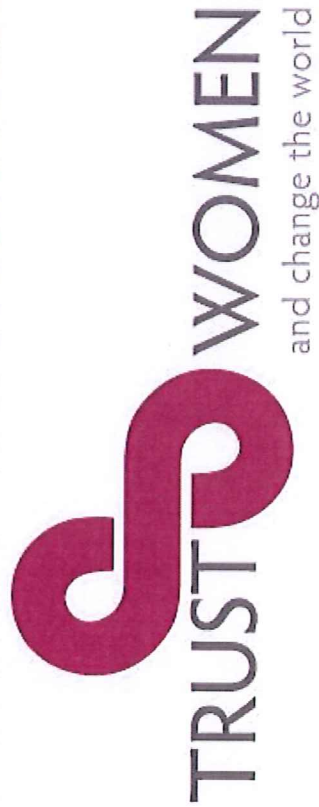
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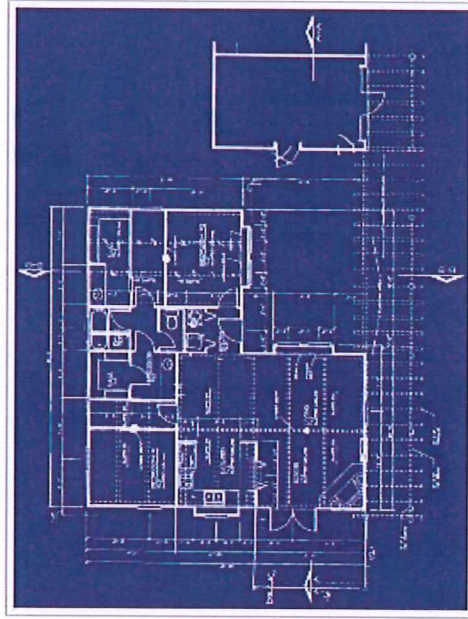
Email address

ZIP code

Submit

Construction Update

ADDED DEC 5, 2012, UNDER: FEATURED JULIE'S BLOG SLIDESHOW



We had all the contractors that will be working on our fabulous clinic here yesterday, December 4th. We are gearing up to get started very soon with this great group of professionals.

Stay tuned for construction photos! I might be able to convince the staff to pose wearing hard hats!

Share this:



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SUPPORT OUR WORK
BUY TRUST WOMEN MERCHANDISE!

POPULAR

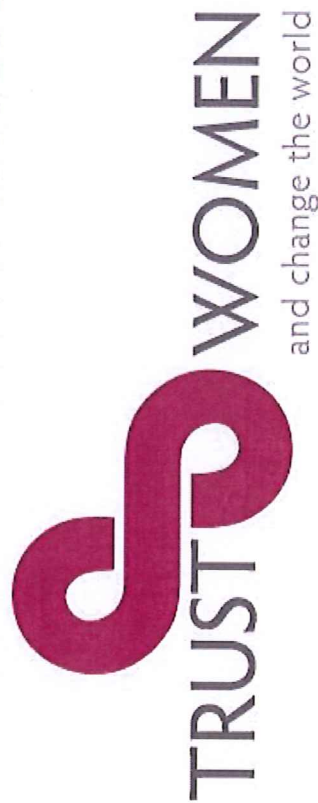
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Things To Come

ADDED JAN 9, 2013, UNDER: CLINIC PROGRESS, JULIE'S BLOG

This year is going to be an exciting one for Trust Women! We recently had landscapers out and our property is looking great! Stay tuned for more progress updates and be sure to come see us at Take Root!

Share this:



About Trust Women

VISIT TRUST'S WEBSITE. VIEW OTHER POSTS BY TRUST WOMEN

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Help Spread the Word



SUPPORT OUR WORK
BUY TRUST WOMEN MERCHANDISE!

POPULAR

RECENT COMMENTS

TAGS

Gender Inequality in the U.S. Today

Support Pro-Choice Companies

Midwifery Legislation in Missouri

Exhibit 4

Photographs showing work in progress
or having been recently completed
at 5101-5107 E. Kellogg in Wichita, KS



Parking lot at 5101-5107 E Kellogg Ave, Wichita, KS 67218 – October 2010



Men working in parking lot of 5101-5107 E Kellogg on November 10, 2012.
Pavement is old and has not been resurfaced.



Parking lot at 5101-5107 E Kellogg Ave on January 15, 2013. Pavement has been resurfaced.



Contractor truck in parking lot on January 15, 2013.