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Sex offender records in Benton, Franklin counties requested

Published: August 9, 2013

Tyler Richardson, Tri-City Herald

The former mayor of Mesa -- who once threatened to bankrupt the town with a lawsuit -- has requested information on all Level 1 sex offenders in Benton and Franklin counties, according to both sheriff's offices.

The records requests were submitted by Donna Zink on July 15, said Benton County Deputy Prosecutor Ryan J. Lukson. The information includes offender's names, addresses, phone numbers and dates of birth.

Franklin County has already released the information. Benton County will release it Aug. 18 if someone doesn't file to prevent the release, Lukson said.

Zink has also requested a list of Level 2 and Level 3 sex offenders in Benton County, according to the sheriff's office.

Zink could not be reached by the Herald for comment.

In a May 17 email to the Benton County sheriff's office, Zink wrote that she was trying to find out why a Mesa man, who pleaded guilty to second-degree rape of a child in 2012, was not listed on the sheriff's website. The man lived less than 10 miles from her house.

A Franklin County judge ruled at the man's sentencing that he qualified for the Special Sex Offender Sentencing Alternative, which reduced his sentence to six months in jail and required him to complete sexual deviancy treatment., according to Herald archives.

"I was under the impression that requiring all sex offenders to register was a punishment as well as a deterrent to other offenders ...," Zink wrote in another e-mail. "Knowing they have raped a child might keep people from allowing their kids to visit."

Lukson said Zink has every right to make the records request.

"What she is doing is not wrong," Lukson said. "She has every right to make the records request."

Zink sued the city of Mesa in 2003 for withholding public documents she requested. The city offered her a settlement in 2012 of more than \$200,000 and the promise of a plaque at city hall.

Zink turned the offer down and instead chose to file an appeal with the state Supreme Court.

"After nine years, did they think I'd roll over and say 'Oh, gosh. All will be forgiven?'" Zink told the Herald in 2012.

Online court documents show her lawsuit was resolved. The amount of that settlement could not be determined Friday.

Level 1 offenders are deemed the lowest level to re-offend. Several have complained to the Benton County Sheriff's Office since learning of Zink's request, Det. Sgt. Kevin McCary said.

A woman who called the Herald -- but asked not to be identified because her family member is a Level 1 offender in Benton County -- said the ramifications could be costly if Zink posts the information on social media or anywhere else.

Her family member is upset and worried about his career, she said.

"A lot of them on the list are juveniles and won't be able to get a job after this," she said. "This can bring up stuff for the victims too. If he does show up on the list he could lose his job and house. She may want to think twice."

The sheriff's office recently sent out letters notifying all Level 1 offenders of Zink's request, and Zink has also requested a copy of that letter, Lukson said.

There are 420 Level 1 sex offenders in Benton County, McCary said. That number includes juvenile offenders.

Basic information about Level 2 and Level 3 offenders is routinely posted on both sheriff's websites. Information on Level 1 offenders isn't released, but is public record and can be requested.

An offender can file a request to prevent the release of the documents, Lukson said. In that case they will temporarily be withheld until a judge reviews the matter.

Lukson confirmed Zink has threatened to sue if the documents aren't released. Governments which violate the state Public Records Act face the possibility of hefty fines.

"The penalties for not releasing the documents are significant," Lukson said. "We could have to pay between zero and \$100 per day, per document, to the requester. If we were found to have violated the Publics Record Act, we would have to pay all attorney fees related to the case."

A similar records request was made by an unidentified person several months ago, Lukson said. That request was ultimately withdrawn.

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