

Agenda
Governmental Ethics Commission
Videoconference
September 23, 2020
1:00 p.m.

The livestream link for the meeting <https://www.youtube.com/watch?v=HCA5RaFTGCQ>
is available on the homepage of the website: <https://ethics.kansas.gov/>

1:00 p.m. Call Meeting to Order

Review and Approve Minutes of the August 26, 2020 Meeting

Executive Director's Report

- Statements of Substantial Interest update
- Budget Discussion

Civil Penalties: Candidates & Treasurers

Kevin Straub, candidate for city council	Monet Straub, treasurer for Kevin Straub
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Civil Penalty: PACS & Parties

Forest Emke, treasurer Kansas Peoples Action Political Fund	Holly Denton, treasurer Morton County Democratic CC
Tim Tarkelly, Treasurer Neosho County CC	Esau Freeman, Treasurer Sedgwick Co Democratic CC

Civil Penalties: Lobbyist

Dan Morgan, (2) Kansas City Chapter Associated General, The Builders Association	Jennifer Baysinger, The Kansas Chamber
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Civil Penalty Waiver Request

- Oscar Irenia, candidate for state representative
- Susan Watt, treasurer for Dan Wasyk
- Dan Wasyk, candidate for state representative
- Arlyn Briggs, candidate for state representative
- Randy Unruh, candidate for county commissioner

Paid for by Attribution Statement Waiver requests

- Stop Coleman PAC, Jamie Jarvis, chair

Executive Session

1:30

Public Hearings

- Complaint 682, Troy Smith, candidate for county commission
- Complaint 686, Carol Brewer, candidate for Representative
- Complaint 687, Arlyn Briggs, candidate for Representative

Date of next meeting: October 28, 2020

3:00 p.m. Adjournment

Draft Minutes
Governmental Ethics Commission
August 26, 2020
Videoconference

Members Present

Nick Hale, Chairman
Patty Dengler
Jane Deterding
Jerome Hellmer, Vice Chair
Kyle Krull
Ken Moore
Amy Scott
John Solbach

Staff Present

Mark Skoglund, Executive Director
Brett Berry, General Counsel
Sherry Fergel, Office Manager

The regular monthly meeting of the Governmental Ethics Commission was called to order at 1:03 p.m. by Chair Hale.

Minutes

Commissioners reviewed the minutes from the July 22, 2020 meeting. Ms. Deterding moved to approve the minutes as written. Mr. Krull seconded the motion. The motion carried unanimously.

Executive Director Report

Mr. Skoglund reviewed budget information. The agency is funded by the state general fund, (taxpayer dollars) and fees from lobbyist, candidate, and PAC registrations as well as penalties and fines. Two Legislative sessions ago, the agency was concerned with the decade long trend where the portion of the budget of the Ethics Commission funded by the state general fund had steadily reduced, causing repeated agency cuts and increased pressure on the fee fund. In the 2019 session the Legislature agreed with the concern and increased the portion of the agency budget that came from the general fund with the intent that this would last through FY21. In the 2020 session the Legislature also approved to moving our staff attorney to a full-time position. The agency budget for FY21 is \$734,424, of which \$ 470,000, approximately 64%, comes from the state general fund. Of the agency budget, over 75% is for staff salaries. The investigator is contracted, and those wages are from a different fund. Our budget is not discretionary. After the budget bill is signed, in situations where the state general fund can be problematic, the Governor can issue allotments. Agency budget cuts which happen after the budget process has concluded. Allotments were issued to 18 state agencies, Governmental Ethics being one. The amount of our allotment is \$20,756 which is a substantial amount for our small agency to absorb. A plan to address the allotment had been addressed in seven budget categories : deferred salary increase, deferred computer replacements, eliminated data entry temporary assistance, office supplies, stationery, postage, and printing. The services the agency provides will not be reduced because of these cuts. Mr. Skoglund had three considerations for changes to the 20-21 budget submission. The first being transferring the amount that was cut from the state general fund for FY21 and FY22 to the fee fund. On a short-term basis, confident that the fee fund has a balance that could sustain this; however, not something to maintain in the long run. Second, change the fee fund to unlimited,

currently the budget bill includes a specific amount that can be utilized each year from the fee fund. This agency conducts investigation and the costs can be unpredictable. As a result, it would be best if the fee fund was a no limit fund. Mr. Skoglund stated that he will continue to look for ways to adhere to the salary plan.

Mr. Skoglund requested that the Commission appoint a sub-committee to approve the budget as the due date was September 15, 2020. The Commissioners volunteering for the sub-committee were Mr. Hellmer, Ms. Deterding and Ms. Dengler.

Mr. Skoglund reviewed the statistics for the July 27, 2020 Receipts & Expenditures Report for state candidates, county candidates, Parties and Political Action Committees. The statistics included the total number required to file; number which filed an affidavit of exception, reports filed in a timely manner and the number of failure to file notices sent for each entity.

Mr. Skoglund presented the statistics on the number of people required to file a Statement of Substantial Interest, the total received to date and those not yet filed. Noting the circumstances this year making submittal more difficult and He noted that the total number of 81 shown on the chart as not received had dropped to 68 after printing of the information for the Commission.

Civil Penalty Assessment Orders

Commissioners reviewed civil penalty assessments for the late filing of the following documents:

Appointment of Treasurer form:

Arlyn Briggs
Candidate for State Representative \$220

Statement of Substantial Interest:

Arlyn Briggs
Candidate for State Representative \$300

July 27, 2020 Receipts & Expenditure Report:

Oscar Irenia
Candidate for State Representative \$ 400
Daniel Waslyk
Candidate for State Representative \$ 1000
Arlyn Briggs
Candidate for State Representative \$1000
Christopher Boys
Candidate for County Commissioner \$ 200
Mike Rhodes
Candidate for County Commissioner \$ 250
Fritz Blaske, Jr.
Candidate for County Commissioner \$ 300
Richard Garza
Candidate for Sheriff \$ 650
Randy Unruh
Candidate for County Commissioner \$ 650

Susan Watt
Treasurer for Daniel Wasyk \$100
Mary Ann Duorachek, Treasurer
Allen County Democrat Central Committee \$ 40

Civil penalty assessments will be sent to those listed above.

Civil Penalty Waiver request

Mr. Skoglund presented the letter submitted by Brian Burch, lobbyist for Catholic Vote Civic Action. Discussion ensued. The Commission took no action on the waiver request.

Paid for by Attribution Statements Waiver requests

Before reviewing the documents submitted by candidates regarding the lack of paid for by attribution statements, Mr. Skoglund stated that typically the Commission would waive the first offense, including a strongly worded letter to the candidate, unless there are extenuating circumstances that would lead the Commission not to waive.

Stacy Nielson, Candidate for Edwards County Register of Deeds submitted an email regarding the newspaper ad and Facebook page which lacked the paid for by attribution. She assured the Commission that all future ads would have the required statement of attribution and she corrected the Facebook page.

Mike Brown, candidate for Johnson County Commission, had a GoFundMe page which lacked the attribution statement. Mr. Skoglund saw the page on a neighborhood social media networking site. Mr. Skoglund contacted Mr. Brown, who immediately corrected the error.

Mr. Krull moved that the first-time offenses be waived, a letter be sent, and a copy be placed in each file. Mr. Solbach seconded the motion. There was no discussion. The motion passed with Ms. Deterding voting no.

Chair Hale stated the next agenda item is the executive session, the time being 1:22p.m.

Mr. Skoglund interjected that there was a respondent who had joined the meeting. As the Executive session would a lengthy one, there was little that could be accomplished in 8 minutes. As Mr. Ramirez was available and if he did not object to beginning 7 minutes early, the public hearings could begin.

Public Hearings

Complaint No. 684

The Public Hearing on Complaint No. 684, Mark Skoglund vs. Christian Ramirez was called to order at 1:23 p.m. by Hearing Officer Mr. Solbach. The hearing was recorded. Mr. Solbach asked if there was a consent agreement. Mr. Skoglund responded that there was none. Mr. Berry confirmed there was no consent decree, but Mr. Ramirez had submitted a request for consideration at the last meeting (executive session). Mr. Solbach reviewed the hearing procedures and asked Mr. Berry to state appearances for the record.

Mr. Berry stated that he appears on behalf of Commission Director Mark Skoglund, the Complainant, who also appears. The Respondent appears in person, remotely per Zoom (videoconference) as all the meeting participants appear, and he appears pro se. There are no other appearances. Mr. Solbach directed Mr. Berry to give his opening statement. Mr. Berry asked the Hearing Officer to inquire if Mr. Ramirez disputes the fact that his report was not timely filed, by February 2, 2020. Mr. Solbach asked Mr. Ramirez if he would like to respond. Mr. Ramirez stated that he did not dispute that point. Mr. Solbach asked if Mr. Berry wanted to make an opening statement. Mr. Berry submitted that based upon the Respondent not contesting the fact that the report was not filed by the deadline of February 2, 2020 that there would probably not be a need for presentation of evidence. That there would be an opportunity for the parties to comment on what they would like to see for a disposition. Mr. Solbach asked Mr. Berry to proceed with his recommendation for the disposition. Mr. Berry stated that he had an opportunity to confer with Mr. Skoglund, the Executive Director, and there was no specific recommendation for the Commission. Mr. Solbach asked Mr. Skoglund for his recommendation. Mr. Skoglund stated his recommendation was solely to remind the Commission that normally once the report is filed, we typically dismiss these violations as the report was filed; however in this instance, there had been three previous violations as treasurer of a PAC. Mr. Skoglund did not have a specific recommendation. A small amount is sufficient so the individual would take the deadlines seriously.

Mr. Solbach asked Mr. Ramirez if he wished to address the Commission.

Mr. Ramirez said that he was a first-time candidate and elected official and there were a number of items to deal with right after taking office and to learn many things in a very small time span. By the end of March, he knew he had to file the report, but in his best judgment the safety and prosperity of his district had to be the priority and deal with first.

Mr. Solbach asked Mr. Ramirez if he had a recommendation for a fine. Mr. Ramirez stated that he had no recommendation. Discussion ensued.

Ms. James made a motion that a fine of \$750 be assessed and paid within 60 days. Mr. Hellmer seconded the motion. There was no additional discussion. The motion passed unanimously.

Mr. Solbach stated that the matter would be referred to the Attorney General or the District Attorney as is appropriate and required to do, with a recommendation that no criminal action be taken. Mr. Solbach stated as there was nothing further in this matter, this hearing is now closed. (1:38)

Mr. Skoglund stated that there were three more public hearings. As attempts at contacting Troy Smith had not been successful, he recommends that the Troy Smith hearing be continued rather than hold in absentia.

Complaint No. 685

Ms. Solbach stated that he had been appointed as hearing officer in the Complaint No. 685 Mark Skoglund vs Brandie Armstrong . He asked if Ms. Armstrong was present. Ms. Armstrong replied that she was in attendance. Mr. Solbach stated that the Executive Director had offered to make a statement. Mr. Skoglund noted that Ms. Armstrong was treasurer for Mr. Ramirez. She had no priors and had not been late on reports previously. The report in issue has been filed. Mr. Berry recommended that someone on the Commission make the motion to dismiss the complaint, as the report had been filed and Ms. Armstrong had no previous violations.

Mr. Hellmer, based on the recommendation of the Director and Counsel of the Commission, moved that the Commission find sufficiency and dismiss. Ms. Dengler seconded the motion. There was no further discussion. The motion carried with Ms. Deterding voting no. Mr. Solbach stated that there was nothing further in this matter and the hearing in this matter is now closed.

Ms. James asked Ms. Armstrong if she had any questions. Ms. Armstrong asked if there was anything more for her to do. Mr. Solbach said there was not.

Complaint No. 683

The Public Hearing on Complaint No. 683, Mark Skoglund vs. Sarde Douthard was called to order at 1:47 p.m. by Hearing Officer Mr. Solbach. The hearing was recorded. Mr. Solbach reviewed the hearing procedures and asked Mr. Berry to state appearances for the record.

Mr. Berry stated that Executive Director Mark Skoglund appears, with counsel Brett Berry on behalf of the Commission. The Respondent, Sarde Douthard appears pro se, personally by Zoom teleconference. Mr. Solbach asked if Ms. Douthard wanted to make an opening statement now or wait until after the Complainant's counsel made an opening statement and presented evidence. Ms. Southard stated that she wanted to wait.

Mr. Berry called Jennifer Schneider, Local Level Campaign Finance Coordinator, present online through Zoom. Ms. Schneider was placed under oath by Judge Hellmer. Ms. Schneider responded to questions from Mr. Berry. Ms. Douthard said she had no questions for the witness.

Judge Hellmer swore in Ms. Douthard.

Ms. Douthard stated that she was not aware that there was a report due January 2020. The campaign had ended March 2019, two months after, she had no contact with the candidate.

Ms. Douthard explained this being her first campaign, she was learning quickly and did not know all the information or responsibilities as the treasurer, and if she could file with what she had, she would.

Mr. Hellmer, made a motion that based upon the evidence presented by the Counsel for the Commission, the preponderance of the evidence had proven the complaint, and therefore should enter a finding that Ms. Douthard was in violation. Ms. Deterding seconded the motion. There was no further discussion. The motion passed unanimously. Discussion ensued.

Mr. Moore made a motion that the Commission assess a \$250 fine which would be waived in its entirety if the Respondent cooperated with Commission staff to the extent possible in 30 days and recommended that no further action be taken. Ms. James seconded the motion. Discussion ensued. The motion passed unanimously.

Mr. Hellmer recommended that Ms. Douthard complete the report as best she can and resign to protect herself.

Mr. Solbach stated that there was nothing further in this matter and the hearing in this matter is now closed. (2:18p.m.)

At 2:19 p.m., Mr. Krull made a motion that the Commission recess this open meeting until 3:00 pm, for executive session to discuss matters limited to confidential complaints with staff present to participate in the discussions, pursuant to K.S.A. 75-4319(b)(1), (b)(2), and K.A.R. 19-6-2.

Mr. Moore seconded the motion which passed unanimously.

The Commission returned to open session at 2:45 p.m.

Next meeting date

Chair Hale noted the next meeting would be September 23, 2020. Mr. Skoglund stated should circumstances arise that require the Commission meet in person arrangements have been made; however, most likely the meeting would be by Zoom.

Mr. Berry asked if there were people in attendance (for the meeting) at the Governmental Ethics Office. Office manager Fergel confirmed neither Mr. Smith nor any members of the public were present.

Adjournment

At 2:48 p.m. Mr. Moore moved to adjourn the meeting. Ms. James seconded the motion. There was no additional discussion and the motion carried unanimously.

**Statement of Substantial Interests
Report of Activity**

As of Sept. 22, 2020	Number Required to File	SSI's Received as of Report Date	SSI's Not on File with Secretary of State.
Employees Listed As Designee	4969	4958	11
Elected Officials	184	184	0
Appointees, Subject to Senate Confirmation	34	34	0
Board Members Listed as Designees	314	313	1
General Counsels	29	29	0
Commissioners Grain, Sorghum, Sunflower, Corn & Wheat	27	25	2
Totals	5557	5543	14

Governmental Ethics Commission

FY 2021 - FY 2023 Budget Request

For Commission Consideration

Budget by Category

	FY 2020 Actual	FY 2021 Approved	FY 2021 Request	FY 2022 Request	FY 2023 Request
Salaries and Wages	507,230	554,874	553,401	562,636	565,411
Contractual Services	134,553	170,415	156,485	153,628	162,666
Commodities	2,707	6,500	6,500	6,500	6,500
Capital Outlay	8	2,635	925	1,000	1,000
TOTALS	644,498	734,424	717,311	723,764	733,848

Funding Source

	FY 2020 Actual	FY 2021 Approved	FY 2021 Request	FY 2022 Request	FY 2023 Request
State General Fund	395,474	470,227	449,471	450,388	450,388
KGEC Fee Fund	249,024	264,197	267,840	273,376	285,189

I. Fiscal Year 2021

Changes from Amounts Approved by 2020 Legislature:

	FY 2021 Approved	FY 2021 Request	Difference
Salaries and Wages	554,874	553,401	-1,473
Contractual Services	170,415	156,485	-13,930
Commodities	6,500	6,500	\$0
Capital Outlay	2,635	925	-1,710
TOTALS	734,424	717,311	-16,573

A. Salaries and Wages:

Salaries and Wages decreases by \$1,473 below the amount approved by the 2020 Legislature. This reduction is attributable to the following changes:

Increases:

- ~\$1,400 – Base and fringe benefit correction related to a salary raise
- \$576 – Adjustments to fringe benefits, largely due to health insurance adjustments

Reductions:

- -\$3,682 – Temporarily delaying salary raises per Governor’s Allotment Plan
- Adjustments related to budgeting for Commissioner meeting stipends (this change does not impact amounts received by Commissioners)

B. Contractual Services:

Contractual Services decreases by \$13,930 below the amount approved by the 2020 Legislature. This reduction is attributable to the following several changes:

Increases:

- \$2,000 – Court reporter fees, in anticipation of hearings that may require these services
- \$1,776 – Westlaw corrected improperly low billing rate and this category is properly reflected in the budget
- \$418 – Adjustment in state mandated fee required for any agency with office in Shawnee County
- \$400 – Projected increased load for in-office copier

Reductions:

- -\$13,644 – Altered IT billing structure results in a significant reduction.
- -\$3,000 – Did not hire temporary data entry assistance to ensure budget stability after the Governor’s Allotment Plan
- -\$1,206 – COGEL conference is virtual and not charging registration fee
- -\$507 – Janitorial building cost adjustment
- -\$175 – COGEL membership fee adjustment

C. Commodities:

Commodities is unchanged from the amount approved by the 2020 Legislature.

D. Capital Outlay:

Capital Outlay decreases by \$1,710 below the amount approved by the 2020 Legislature. This reduction is due to computer replacements being reclassified by the state IT service as a contractual service rather than capital outlay (-\$2,035), offset slightly by adding expenditures for office furniture (\$325).

II. Fiscal Year 2022

Changes from FY 2021 Request:

	FY 2021 Request	FY 2022 Request	Difference
Salaries and Wages	553,401	562,636	9,235
Contractual Services	156,485	153,628	-2,857
Commodities	6,500	6,500	0
Capital Outlay	925	1,000	75
TOTALS	713,483	719,000	5,517

A. Salaries and Wages:

Salaries and Wages increases by \$9,235 above the budget request for FY 2021. This increase is attributable to the following changes:

Increases:

- \$3,682 – Temporarily delayed salary increases in FY 2021 that are not delayed in FY 2022
- \$2,529 – Expiration of the Governor’s moratorium regarding KPERs Death and Disability
- Fringe benefit increases (\$843 KPERs, \$2,158 health insurance)

B. Contractual Services:

Contractual Services decreases by \$2,857 below the budget request for FY 2021. This reduction is attributable to the following changes:

Increases:

- \$2,718 – Anticipated adjustment in IT expenses
- \$2,000 – Printing in preparation for FY 2023 state election cycle
- \$1,437 – Rent adjustment
- \$926 – COGEL conference attendance
- \$704 – Computer replacements
- \$429 – Adjustment in state mandated fee required for any agency with office in Shawnee County
- \$200 – Janitorial contract adjustment
- \$29 – Mileage rate projection

Reductions:

- -\$10,500 – Postage costs during non-state election year
- -\$1,000 – Anticipated need for court reporter

C. Commodities:

Commodities is unchanged from the budget request for FY 2021.

D. Capital Outlay:

Capital Outlay increases by \$75 above the budget request for FY 2021. The increase is attributable to furniture replacement.

III. Fiscal Year 2023

Changes from FY 2022 Request:

	FY 2022 Request	FY 2023 Request	Difference
Salaries and Wages	562,636	565,411	2,775
Contractual Services	153,628	162,666	9,038
Commodities	6,500	6,500	0
Capital Outlay	1,000	1,000	0
TOTALS	719,000	733,848	14,848

A. Salaries and Wages:

Salaries and Wages increases by \$2,775 above the budget request for FY 2022. This increase is attributable to fringe benefits adjustments in group health insurance, offset slightly by decreases in KPERS benefits.

B. Contractual Services:

Contractual Services increases by \$9,038 above the budget request for FY 2022. This increase is attributable to the following changes:

Increases:

- \$6,500 – Postage costs during statewide election year
- \$3,000 – Data entry temporary assistance
- \$1,292 – Building rent adjustment
- \$638 – Computer replacements
- \$353 – Adjustment in state mandated fee required for any agency with office in Shawnee County
- \$231 – Mileage rate projection

Reductions:

- -\$3,000 – Printing costs during election year

C. Commodities:

Commodities is unchanged from the budget request for FY 2022.

D. Capital Outlay:

Capital Outlay is unchanged from the budget request for FY 2022.

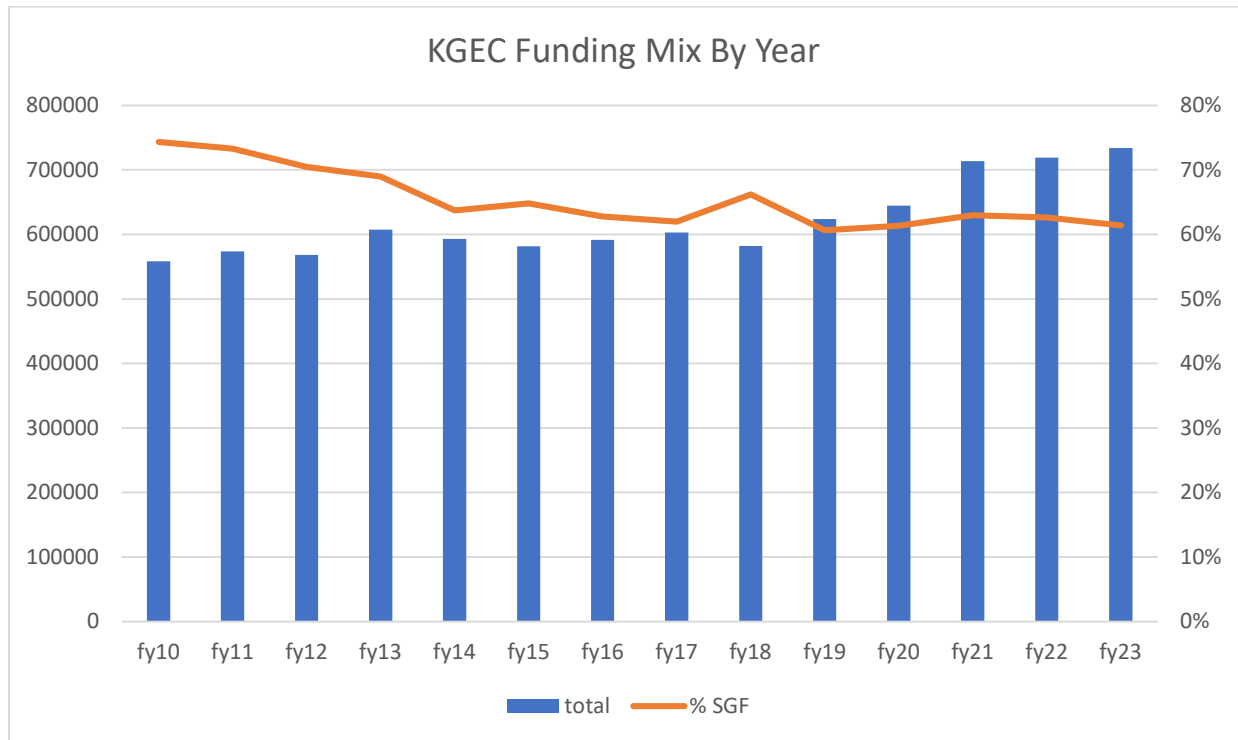
IV. Fee Fund Balance

	FY 2020 Actuals	FY 2021 Request	FY 2022 Request	FY 2023 Request
Initial Balance	334,594	350,369	285,854	246,303
PAC Fees	43,550	34,575	39,375	35,125
Lobbyist Fees	139,300	141,100	143,400	146,000
Candidate Fees	57,166	27,650	51,050	14,600
Fines/Penalties	24,783	0*	0*	0*
Total Revenue	267,799	203,325	233,825	195,725
Expenditures	246,024	267,840	273,376	285,189
Ending Balance	350,369	285,854	246,303	156,839

*The Ethics Commission budget traditionally does not budget planning to receive fines and penalties due to variance and perception of actions taken by the Commission, though of course these values will not be zero in reality.

Budgeted years (FY 2021-FY 2023) are higher than actual expenditures out of necessity, since budgets set maximum expenditures. This contributes to what appears to be a reducing ending balance in the fee fund.

Below is a chart comparing the total Ethics Commission budget (blue bars) to the proportion of that budget that comes from the state general fund (orange line). The Legislature and the Director worked together in the 2018 legislative session to obtain a larger percentage of the budget from the state general fund. FY 2021-FY2023 lines represent the budget request, while FY 2010-FY 2020 represents actual expenses.



V. Reduced Resource Package

For FY 2022, the Governor has required the Ethics Commission and any other agency funded with the state general fund to prepare a reduced resource package amounting to a 10.0% reduction in funding from that source. This reduction option is included parallel to the budget submission as a choice the Governor and Legislature makes during the budget process.

The Ethics Commission budget does not include a significant amount of discretionary expenses, which limits options for preparing a reduced resource package. However, below details the package prepared by the Director, with notes regarding impact:

Category	FY 22 Requested Amount	Reduced Resource Package Reduction	Impact on Agency
Postage	\$16,000	-\$4,000	Postage costs would be below actual postage expenditures for the agency at any point in the last decade. The agency's ability to enforce the campaign finance and ethics laws would be delayed as Failure to File notices and similar would not be able to be sent timely. Additionally, reductions in postage expenses has a multiplier effect, as it would reduce the ability to seek payment owed to the agency for assessed fines and penalties.
Printing	\$11,000	-\$5,000	Printing costs would be significantly below actual printing expenditures for the agency at any point in the last decade. The agency would not print reports, instructional guides, or statute books. The agency predicts this would result in an increase in violations of the ethics, lobbying, and campaign finance laws.
Commission Meeting Costs	\$7,447	-\$3,000	The Commission would be required to cancel meetings and hold others virtually. Some Commission business is statutorily required to occur in person, delaying investigations.
Computer Replacements	\$2,464	-\$2,464	All computer replacements would be delayed to FY 2023. The Commission has several computers that are already out of warranty and experiencing difficulties in functionality.
Court Reporter	\$1,000	-\$1,000	Elimination of court reporter costs may result in increased costs to the agency in future years, as transcripts of recordings and appeals are likely to be more expensive and more difficult to defend without a court reporter present for more complicated hearings.
Miscellaneous	n/a	-\$2,700	This category includes copier expenses, office supplies, computer supplies, computer equipment, and office furniture.
Fee Fund Coverage		+\$26,875	See below.

The identified substantial reductions in the few discretionary categories in the agency budget result in a decrease of \$18,164. The Reduced Resource Package requires a state general fund reduction of \$45,039. The remaining \$26,875 presents two options for the agency. Either the contracted investigator position is eliminated or the agency fee fund would increase by \$26,875 to cover the outstanding amount. Eliminating the investigator position would have substantial impacts on the agency's ability to enforce the laws under its jurisdiction and therefore is not included in the reduced resource package.

In response to agency concerns regarding projected balances in the Governmental Ethics Commission Fee Fund as a result of decreased state general funding over time, the 2018 Legislature provided an increased proportion of the agency budget from the state general fund to begin in FY 2021, intending for the budget share to continue in future years. I strenuously oppose the use of Commission fee funds for any purpose aside from actions in support of the Ethics Commission's central mission.

**GOVERNMENTAL ETHICS COMMISSION**<https://ethics.kansas.gov>

TO: Commission Members

FROM: Mark Skoglund, Executive Director

DATE: September 23, 2020

RE: Civil Penalties- Candidate & Treasurer

The following individuals failed to file reports by the due date for penalty free filing. K.S.A. 25-4152 provides that a certified notice shall be sent, and that the individual shall have 15 days from the date such notice is placed in the mail to file the report. After that date, the civil penalty is \$10 per day up to a maximum of \$300. The following individuals did not file in a timely manner:

<u>Name</u>	<u>Date Filed</u>	<u>Days Late</u>	<u>Amount</u>
Amended January 10, 2020 Receipts & Expenditures Report			
Kevin Straub, Candidate for City Council	9/7/2020	13	\$130
Monet Straub, Treasurer for Kevin Straub	9/7/2020	13	\$130

**GOVERNMENTAL ETHICS COMMISSION**<https://ethics.kansas.gov>

TO: Commission Members

FROM: Mark Skoglund, Executive Director

DATE: September 23, 2020

RE: Party Committees and Political Action Committees (PAC) Civil Penalties

The following individual failed to file the required report by the due date for penalty free filing. K.S.A. 25-4152 provides that a certified notice shall be sent, and that the individual shall have a specified number of days from the date of such notice to file the report. Central Committees & PACs which report 5 days from the date of the notice are imposed a civil penalty of \$10 per day the report remains unfiled, up to a maximum of \$300.

Name	Date Filed	Days Late	Amount
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July 27, 2020 Receipts and Expenditures Report

Forrest Emke, Treasurer Kansas Peoples Action Political Action Fund	n/a	+30	\$300
Holly Denton, Treasurer Morton County Democratic Central Committee	n/a	+30	\$300
Tim Tarkelly, Treasurer Neosho County Democratic Central Committee	n/a	+30	\$300

Amended January 10, 2019 Receipts and Expenditures Report

Esau Freeman, Treasurer Sedgwick County Democratic Central Committee	n/a	+30	\$300
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**GOVERNMENTAL ETHICS COMMISSION**<https://ethics.kansas.gov>

TO: Commission Members

FROM: Mark Skoglund, Executive Director

DATE: September 23, 2020

RE: Lobbyist Civil Penalties

The following individual failed to file the required September 10, 2020 Lobbyist Employment & Expenditures Report by the due date for penalty free filing. K.S.A. 46-280 provides that a certified notice shall be sent to a lobbyist failing to file any required report, and that the lobbyist shall have 2 days from the day the notice was sent to file the report. After that date, the civil penalty is \$100 the first day and \$50 for each subsequent day up to a maximum of \$1000. The following individuals did not file in a timely manner:

<u>Name</u>	<u>Date Filed</u>	<u>Days Late</u>	<u>Amount</u>
Dan Morgan Kansas City Chapter Associated General The Builders Association	9/15/20	1	\$100
	9/15/20	1	\$100
Jennifer Baysinger The Kansas Chamber	9/21/20	7	\$400

**GOVERNMENTAL ETHICS COMMISSION**<https://ethics.kansas.gov>

TO: Commission Members

FROM: Mark Skoglund, Executive Director

DATE: September 23, 2020

RE: Civil Penalty Waiver Requests

Name	Violation- late filing of Receipts & Expenditures report unless otherwise noted	Amount
Oscar Irenia, Candidate for state representative		\$400
Daniel Waslyk Candidate for state representative		\$1000
Susan Watts, Treasurer for Daniel Waslik		\$100
Arlyn Briggs, Candidate for state representative		\$1000
	appointment of Treasurer/committee form	\$220
	Statement of Substantial Interest form	\$300
Randy Unruh, Candidate for county commissioner		\$650

Governmental Ethics Commission
901 S. Kansas Avenue
Topeka, Kansas 66612

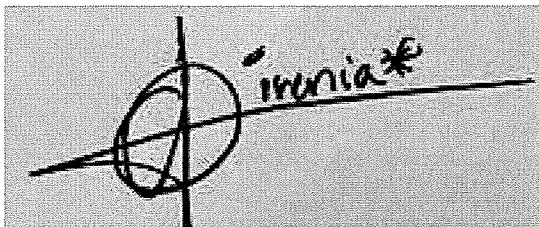
CIVIL PENALTY ASSESSMENT ORDER

To Whom It May Concern:

Hello! My name is Oscar Irenia, ex-Candidate for Kansas House State Representative District 32nd in Kansas City, Kansas. I ran for State Rep to be the voice for all the 62 spoken in my community and to represent all the families in the district. One of my favorite quotes is, "You must be the change you wish to see in the world." ~Mahatma Gandhi~ Since I was in high school, I've been putting into practice this quote.

On July 21st, 2020, my campaign treasurer and I mailed the Finance Report for July to the Secretary of State. Maybe we didn't mail it to the right place, but we did the report to the best of our knowledge. This was my first time running for office, so I had a lot to learn. I can say that my team and I tried our best to reach out to voters in the middle of a pandemic.

I am writing this letter to request a waiver of the civil penalty of \$400 dollars, and I believe that the Commission should waive the civil penalty. I believe that I did my best, I ran a positive and honest campaign to show the state that the young generation can take the lead. But now it's the time for me to move on with my life, to finish my Associates at Johnson County Community College and a bachelor's degree in business management at University of Kansas. All the cost is coming out of my pocket, and I hope the Commission considers waiving the civil penalty. Thank you so much for your attention.

A handwritten signature in black ink. The signature consists of a stylized circular mark on the left, followed by the name "Irenia" written in a cursive-like script. There is a small asterisk or flourish at the end of the name.

Oscar Irenia
Candidate for State Representative
34 S. 25th St
Kansas City, KS 66102

Date	Description	Account Number	Debits	Credits
5/13/2020	Vantiv eCommerce Funds Disb 200513	27500709374142		\$ 190.00
5/14/2020	Vantiv eCommerce Funds Disb 200513	27500710664242		\$ 105.00
5/15/2020	Vantiv eCommerce Funds Disb 200513	27500711814549		\$ 160.00
5/18/2020	Vantiv eCommerce Funds Disb 200513	27500712965449		\$ 50.00
5/19/2020	Vantiv eCommerce Funds Disb 200513	27500714253547		\$ 440.00
5/20/2020	Vantiv eCommerce Funds Disb 200513	27500715688246		\$ 25.00
5/21/2020	Vantiv eCommerce Funds Disb 200513	27500716978448		\$ 50.00
5/28/2020	Vantiv eCommerce Funds Disb 200513	27500722081344		\$ 75.00
				\$ 1,095.00

Oscar
Profit & Loss
 May and June 2020

			<u>May</u>
Ordinary Income/Expense			
	Income		
		ACH Cerdit	<u>\$1,095.00</u>
	Expense		
	05/20/2020	Van	\$133.00
	06/16/2020	Door Hangers	\$128.96
	05/07/2020	Secretary of State	<u>\$120.00</u>
	Total Expense		<u>\$381.96</u>
Net Ordinary Income			<u>\$1,095.00</u>
Net Income			<u><u>\$713.04</u></u>

Jul-20			<u>June</u>
Ordinary Income/Expense			
	Income		
		ACH Cerdit	\$178.31
		check	<u>\$100.00</u>
			\$278.31
	Expense		
	06/17/2020	Yard Sign	\$619.00
	07/02/2020	50 Yard Sign Wire	\$49.00
	Total Expense		<u>\$668.00</u>
Net Ordinary Income			<u>\$991.35</u>
Total Net Income			<u><u>\$323.35</u></u>

From: [Susan Watt](#)
To: [Fergel, Sherry \[KGEC\]](#)
Subject: Re: Receipts and Expenditures Report July 27, 2020
Date: Saturday, August 22, 2020 10:23:52 PM
Attachments: [Report.tiff](#)

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Sherry,

Thank you for the sample report and the fillable form! The fillable form was a little clunky at best and some of the fields were not fillable (see attachment). A list of the fields that were not fillable and their values are as follows:

- SCHEDULE A; Subtotal This Page, 300.00
- SCHEDULE A; TOTAL RECEIPTS THIS PERIOD (to line 2 of Summary), \$300.00
- SCHEDULE C; Name of Candidate, Daniel Wasylk
- SCHEDULE C; Purpose of Expenditure or Disbursement, Paint
- SCHEDULE D; TOTAL OTHER TRANSACTIONS (to line 7 of Summary), \$0.00

It was not my intention to fail to file this document timely. My dad entered the hospital the third weekend of July and died two weeks later. I am still in shock, as is my brother Daniel Wasylk. We have been tending to all the aftereffects associated with his death, as well as trying to maintain his business. My brother was not readily accessible, due to the demands of the business which caused further delay. I will be requesting a waiver of ALL penalties for late filing because of the unforeseen circumstances my family has faced in the past weeks.

Sincerely,

Susan Watt
Treasurer for Daniel Wasylk

On Fri, Aug 14, 2020 at 3:56 PM Fergel, Sherry [KGEC] <Sherry.P.Fergel@ks.gov> wrote:

Ms. Watt,

Per our phone conversation, the report to complete can be found on the Governmental Ethics Commission website by following this link:

<http://ethics.ks.gov/CFAForms/HouseForms.htm>

Go to number

4. Receipts and Expenditures Report. There is a sample report for your use [View Sample Report](#)

From: [Arlyn Briggs](#)
To: [Fergel, Sherry \[KGEC\]](#)
Cc: [Arlyn Briggs](#)
Subject: Waiver of fines
Date: Monday, September 14, 2020 6:43:10 AM

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

I am requesting a waiver of the fines imposed by the ethics board. I filed for the position on June 1, 2020 in person in Topeka. Immediately after doing so I went to the KS Ethics office to file all the required forms but could not make entry as the door was not open but I saw people in the office. They motioned I could not come in. Over a period of time I was able to do some of the filing electronically but others I was not due to the deadline passing for the exemption when I would spending much less than the amount to require periodic filings.

It is obvious to see I had nothing to hide but time was the limiting factor. I am a farmer and live in a rural area and attempting to make a living while supporting 4 other families due to the economic conditions in the state. I feel it is more important to help those people survive than to pay a fine to the state which will blow the money anyway.

I am awaiting a conference meeting appointment so this whole matter does not consume any more time by people who surely have better things to do with their time. If a person with the largest fine in the history of the ethics commission can not pay surely this does not warrant spend tax payers time and money on it.

Arlyn Briggs

September 16, 2020

Governmental Ethics Commission
Nick Hale, Chairman
901 South Kansas Avenue
Topeka, KS 66612

Mr. Mark Skoglund:

I received a notification of failure to file the ethics commission report along with a penalty assessment order. I do not object to paying the penalty but I would like to explain my reasons for not filing the report in a timely fashion.

My mail goes to the business office in Coldwater. These forms were mailed to my rural mailbox address which I rarely receive mail at or check.

Sincerely,

A handwritten signature in black ink, appearing to read "Randy Unruh". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Randy Unruh

From: [Jamie](#)
To: [KGEC_Ethics](#)
Subject: Stop Coleman PAC Facebook Page Attribution
Date: Wednesday, September 9, 2020 5:52:56 PM

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Kansas Ethics Commission,

We received your letter yesterday about an issue with our facebook page missing the proper paid for by attribution. We were confused on what specifically on our facebook page was in violation of K.S.A. 25-4156. After calling the KEC office and discussing the exact issue, we now know that we were missing the disclaimer in our "About" section. We have since added the following disclaimer to our social media "About" sections: "Paid for by Stop Coleman PAC, Jamie Jarvis Treasurer."

We have taken immediate action to remedy the situation and hope that this resolves the issue. We would be glad to discuss this more if needed. If there are more questions please do not hesitate to reach out by email or phone.

Email - jamiejarvis14@gmail.com
Phone - 620-794-0062

Thanks,

Jamie Jarvis
Stop Coleman PAC
Treasurer



GOVERNMENTAL ETHICS COMMISSION

<https://ethics.kansas.gov>

June 23, 2020

Troy Smith
2019 County Commissioner Candidate
419 Limit St
Leavenworth KS 66048

Dear Mr. Smith:

Enclosed is a copy of a complaint filed today alleging that you have failed to file the January 10, 2020 Receipts & Expenditures Report, in response to a notice sent by certified mail on January 28, 2020. Once a complaint is filed, such filings and the allegations contained therein are held confidential by the Commission and its staff unless and until probable cause is found on the complaint and a public hearing is scheduled.

At the Commission's next meeting, it will determine whether the complaint alleges facts sufficient to constitute a violation of the Campaign Finance Act. If necessary, the Commission's staff will continue to investigate the alleged violations.

After completion of the investigation, the Commission will determine whether probable cause exists for believing the allegations in the complaint. If the Commission determines that probable cause does exist, the complaint shall become a matter of public record and a public hearing on the matter will be set. This hearing will be held within thirty days after the probable cause determination. You will be notified of the results of the Commission's deliberations.

I have enclosed a copy of the Commission's procedural regulations for your review, which cover investigations, complaints and hearings.

Sincerely,


Mark Skoglund
Executive Director

MS:js

Enclosures

GOVERNMENTAL ETHICS
COMMISSION

COMPLAINT

(Commission Use Only)

Mark Skoglund)
Complainant)
)
Troy Smith)
Respondent)

Complaint No. 682

A. Complainant or attorney:

Name: Mark Skoglund, Executive Director
Address: 901 S Kansas Ave,
City and State: Topeka

Phone: 785-296-4219
Zip Code: 66612

B. State the name of the person alleged to have violated the Act in question:

Name: Troy Smith, 2019 County Commissioner Candidate
Address: 419 Limit St
City, State, Zip Code: Leavenworth KS 66048

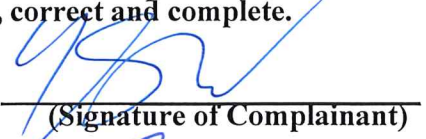
C. Complaint alleges:

Troy Smith, 2019 County Commissioner Candidate failed to file the Receipts & Expenditures Report due on January 10, 2020 as required by K.S.A. 25-4148, and due on February 4, 2020, in response to a notice sent by certified mail on January 28, 2020 pursuant to K.S.A. 25-4152. K.S.A. 25-4167 provides that the intentional violation of K.S.A. 25-4148 is a class A misdemeanor. K.S.A. 25-4181 provides that, in addition to any other penalty prescribed under the Campaign Finance Act, the Commission may assess a civil fine not to exceed \$5,000 for the first violation, \$10,000 for the second violation, and \$15,000 for the third violation and for each subsequent violation.

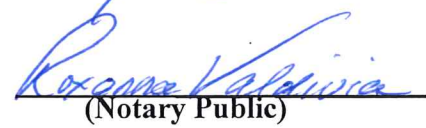

(Signature of Complainant)

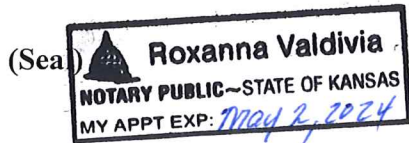
D. Verification:
State of Kansas)
County of Shawnee)

I, Mark Skoglund, do swear (or affirm) that this complaint has been examined by me and to the best of my knowledge, information and belief is true, correct and complete.


(Signature of Complainant)

Subscribed and sworn to (affirmed) before me this 23 day of June, 2020.


(Notary Public)



My appointment expires May 2, 20 24.



GOVERNMENTAL ETHICS COMMISSION

<https://ethics.kansas.gov>

July 21, 2020

Carol Brewer
2201 East MacArthur A-14
Wichita, KS 67216

Dear Ms. Brewer:

Enclosed is a copy of a complaint filed today alleging that you have failed to file the Statement of Substantial Interests form due June 11, 2020, in response to a notice sent by certified mail on June 15, 2020.

Once a complaint is filed, such filings and the allegations contained therein are confidential unless and until probable cause is found on the complaint and a public hearing is scheduled.

At the Commission's July 22, 2020 meeting, it will determine whether the complaint alleges facts sufficient to constitute a violation of the State Governmental Ethics Laws. If necessary, the Commission's staff will continue to investigate the alleged violation.

After completion of the investigation, the Commission will determine whether probable cause exists for believing the allegations in the complaint. If the Commission determines that probable cause does exist, the complaint shall become a matter of public record and a public hearing on the matter will be set. This hearing will be held within thirty days after the probable cause determination. You will be notified of the results of the Commission's deliberations.

I have enclosed a copy of the Commission's procedural regulations for your review, which cover investigations, complaints and hearings.

Sincerely,

A handwritten signature in black ink, appearing to read "MSK", written over a horizontal line.

Mark Skoglund
Executive Director

Administration of
Campaign Finance,
Conflict of Interest
& Lobbying Laws



901 S Kansas Avenue
Topeka, Kansas 66612
(785) 296-4219 (phone)
(785) 296-2548 (fax)

GOVERNMENTAL ETHICS COMMISSION

<https://ethics.kansas.gov>

July 21, 2020

Arlyn Briggs
24969 SW 130 Rd
Kincaid, KS 66039

Dear Mr. Briggs,

Enclosed is a copy of a complaint filed today alleging that you have failed to file the Statement of Substantial Interests form due June 11, 2020, in response to a notice sent by certified mail on June 15, 2020.

Once a complaint is filed, such filings and the allegations contained therein are confidential unless and until probable cause is found on the complaint and a public hearing is scheduled.

At the Commission's July 22, 2020 meeting, it will determine whether the complaint alleges facts sufficient to constitute a violation of the State Governmental Ethics Laws. If necessary, the Commission's staff will continue to investigate the alleged violation.

After completion of the investigation, the Commission will determine whether probable cause exists for believing the allegations in the complaint. If the Commission determines that probable cause does exist, the complaint shall become a matter of public record and a public hearing on the matter will be set. This hearing will be held within thirty days after the probable cause determination. You will be notified of the results of the Commission's deliberations.

I have enclosed a copy of the Commission's procedural regulations for your review, which cover investigations, complaints and hearings.

Sincerely,

A handwritten signature in black ink, appearing to read "MSK", written over a horizontal dotted line.

Mark Skoglund
Executive Director

