Final Agenda

Governmental Ethics Commission Videoconference June 24, 2020 1:00 p.m.

1:00 p.m. <u>Call Meeting to Order</u>

Review and Approve Minutes of the April 22, 2020 Meeting

Executive Director's Report

Civil Penalty Lobbyists

David Galvan,	Brian Burch,
IBEW Local Union 304	Catholic Vote Civic Action
Nancy Low-Smith,	Erin Montroy,
KC Healthy Kids	KS Cannabis Business Association (2)
Scott Schneider,	
Associated General Contractors of KS, Hinkle	
Law Firm, KS Metro Business& Healthcare	
Coalition, KS Restaurant & Hospitality Assoc.,	
NAPEO, Pharmacare Health Specialists	

Civil Penalty Waiver Requests

Evan Gates, Treasurer, KS Values PAC Ryan Wilson, Treasurer **Clay County Democrats** Christian Ramirez, submitted by Andrew Lee Kansas Young Democrats PAC Stan Frownfelter, Candidate for BPU Ajay Sood, Candidate for Mayor Kevin Barone Lobbyist, The Human Solution, The Capitol Lobby Group, KS Pawnbrokers Assoc., KS. Naturopathic Providers, KS Massage Therapy Assoc., KS Bail Agents, Assoc. Ks. Association of Oriental Medicine, CBD American, Shaman, Grown Hemp in KS, KS Farmers for Alternative Crop Megan Kilgore Lobbyist, Kansas Veterinary Medical Association Nancy Low-Smith, Lobbyist, KC Healthy Kids Scott Schneider Lobbyist, Associated General Contractors of Kansas, Hinkle Law Firm, Kansas Metro Business & Healthcare Coalition, Kansas Restaurant & Hospitality Assoc, NAPEO Abigail Blick,

Treasurer for Joshua Blick

Paid for by Attribution Review

- Pam Shernuk
- Julie Saker
- Dan Donaldson
- Don (Sparky) Schroeder
- Michael Capps
- Stacy Obringer-Varhall

1:30 <u>Public Hearing</u>

• James Price, candidate for State Representative

Date of next meeting: July 22, 2020

3:00 p.m. <u>Adjournment</u>

Draft Minutes Governmental Ethics Commission April 22, 2020 Videoconference

<u>Members Present</u> Nick Hale, Chairman Patty Dengler Jane Deterding Jerome Hellmer, Vice Chair Amy James Kyle Krull Ken Moore Todd Scharnhorst John Solbach <u>Staff Present</u> 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 1:01 p.m. by Chair Hale.

Minutes

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

Chair Hale introduced new Commissioner Ms. Patty Dengler. Introductions were made by all Commissioners and staff.

M. Skoglund thanked the Commissioners for their flexibility and willingness to adapt so that meetings can be held and continue to perform the Commission's business during changing times.

Executive Director Report

M. Skoglund reported on the current legislation related to the Governmental Ethics Commission. Seven legislative recommendations were made in the annual report. Three of these were never introduced in a bill: the fix to express advocacy to resolve a loophole in terminology, increase ability to coordinate with federal investigators and an exemption to the Kansas open meetings act for the Commission's executive session. There were no specific concerns expressed by the Legislators as to why they were not introduced as bills. Different approaches will be explored for next session to determine what the concerns are that prevented being introduced as bills. The four recommendations that were turned into bills followed similar paths:

HB 2560: requiring electronic filing by state candidates,

HB 2559: technical correction fixing the lobbyist civil penalty date grace period.

HB 2562: technical correction for social media attribution placement of social media attribution technical correction, to allow disclaimers on electronic communications to appear anywhere if the language is clear.

HB 2561: To resolve the issue allowing legislative assistant bonuses paid with campaign funds

All four of these bills received House Election Committee Hearings, all were overwhelmingly recommended by the Committee and had no opponents. In particular, the mandatory electronic filing had a more overwhelming recommendation this year than last year. None of the bills were scheduled for floor debate by Leadership. Numerous attempts have been made to identify what the concerns are with these items of legislation, especially with overwhelming approval by the House Election Committee. There were no reasons given as to why these bills were not scheduled for floor debate and as they had no floor debate, these proposals are dead this year. Efforts will continue to be made to work with leadership to identify and preempt concerns in future years, so that legislation will continue to improve the Campaign Finance Act and ethics laws. M. Skoglund answered questions by the Commission.

Action on Advisory Opinion Request

Mr. Berry presented the request submitted by Bradley Jurgenson, employee of the Kansas Correctional Industries, for an interpretation of K.S.A. 46-233, regarding post state employment Under the facts provided, it was determined that Mr. Jurgenson could accept immediate employment with one of a group of associated businesses. Discussion ensued. Mr. Moore recommended to add the word "contract" in the first sentence of the paragraph before the conclusion and moved to adopt the draft opinion with that change. Mr. Solbach seconded the motion. The motion carried unanimously. This opinion will be issued as Opinion No. 2020-02.

Civil Penalty Assessment Orders

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

Amended October 28, 2019 Receipts & Expenditure Report:	
Stan Frownfelter, candidate for BPU	\$ 80
January 10, 2020 Receipts & Expenditures Report	
Jeffrey King, candidate for Senate	\$ 20
Ajay Sood, candidate for Mayor	\$120
Stan Frownfelter, candidate for BPU	\$130
Benjamin Hodge, candidate for County Commission	\$160
Phillip Journey, candidate for Senate	\$160
Phillip Journey, candidate for District Judge	\$160
Mark Gietzen, candidate for Senate	\$300
Jim Price, candidate for State Representative	\$300
Desarae Lindsay, Treasurer for Vermin Supreme	\$300
Vermin Supreme, candidate for Attorney General	\$300
Michael Gaughan, candidate for County Commission	\$300
Holly Krebs, Treasurer for Michael Gaughan	\$300
Mark Gietzen, treasurer/candidate for City Commission	\$300
Christian Ramirez, candidate for City Council	\$300
Brandie Armstrong, Treasurer for Christian Ramirez	\$300
Troy Smith, candidate for County Commission	\$300
Sarde Doutherd, Treasurer for Troy Smith	\$300
LaRon Thompson, candidate for BPU	\$300

Appointment of Treasurer of Candidate Committee form: Jordan Mackey, candidate for State Representative	\$80
January 10, 2020 Receipts & Expenditures Report Barbara Paulus, Treasurer Leavenworth CO Republicans for Responsible Governmen Michael Blood II, Treasurer	\$130 t
Friends of Police	\$160
Benjamin Hodge, Treasurer Kansas for State & Local Reform	\$160
Sarah Swift, Treasurer Young Republicans of North East Kansas	\$190
Evan Gates, Treasurer Kansas Values PAC	\$300
Christian Ramirez, Treasurer Kansas Young Democrats	\$300
Ryan Wilson, Treasurer Clay CO Dem Central Committee (CC)	\$300
Jennifer Weaver, Treasurer Neosho CO Dem (CC)	\$300
Jeanette Stamm, Treasurer Washington CO Dem (CC)	\$300
Lavonia Ragsdale, Treasurer Third District Libertarian Party of Kansas	\$300
January 10, 2020 Lobbyist Employment & Expenditures Re	
	eport
Jeremy LaFaver	eport
	<u>eport</u> \$1000
Jeremy LaFaver	-
Jeremy LaFaver Aligned	\$1000
Jeremy LaFaver Aligned Foster Adopt Connect Kansas	\$1000 \$1000
Jeremy LaFaver Aligned Foster Adopt Connect Kansas LaFaver Assoc., LLC	\$1000 \$1000 \$1000 \$1000
Jeremy LaFaver Aligned Foster Adopt Connect Kansas LaFaver Assoc., LLC Stateline Strategies, LLC	\$1000 \$1000 \$1000 \$1000
Jeremy LaFaver Aligned Foster Adopt Connect Kansas LaFaver Assoc., LLC Stateline Strategies, LLC February 10, 2020 Lobbyist Employment & Expenditures H	\$1000 \$1000 \$1000 \$1000
Jeremy LaFaver Aligned Foster Adopt Connect Kansas LaFaver Assoc., LLC Stateline Strategies, LLC February 10, 2020 Lobbyist Employment & Expenditures H Kevin Barone	\$1000 \$1000 \$1000 \$1000 <u>\$1000</u> <u>Report</u>
Jeremy LaFaver Aligned Foster Adopt Connect Kansas LaFaver Assoc., LLC Stateline Strategies, LLC February 10, 2020 Lobbyist Employment & Expenditures H Kevin Barone The Human Solution	\$1000 \$1000 \$1000 \$1000 \$1000 <u>Report</u> \$100
Jeremy LaFaver Aligned Foster Adopt Connect Kansas LaFaver Assoc., LLC Stateline Strategies, LLC February 10, 2020 Lobbyist Employment & Expenditures H Kevin Barone The Human Solution The Capitol Lobby Group	\$1000 \$1000 \$1000 \$1000 \$1000 <u>Report</u> \$100 \$100
Jeremy LaFaver Aligned Foster Adopt Connect Kansas LaFaver Assoc., LLC Stateline Strategies, LLC <u>February 10, 2020 Lobbyist Employment & Expenditures H</u> Kevin Barone The Human Solution The Gapitol Lobby Group KS Pawnbrokers Assoc.	\$1000 \$1000 \$1000 \$1000 <u>Report</u> \$100 \$100 \$100
Jeremy LaFaver Aligned Foster Adopt Connect Kansas LaFaver Assoc., LLC Stateline Strategies, LLC February 10, 2020 Lobbyist Employment & Expenditures H Kevin Barone The Human Solution The Capitol Lobby Group KS Pawnbrokers Assoc. KS Naturopathic Providers	\$1000 \$1000 \$1000 \$1000 Report \$100 \$100 \$100 \$100
Jeremy LaFaver Aligned Foster Adopt Connect Kansas LaFaver Assoc., LLC Stateline Strategies, LLC February 10, 2020 Lobbyist Employment & Expenditures H Kevin Barone The Human Solution The Capitol Lobby Group KS Pawnbrokers Assoc. KS Naturopathic Providers KS Massage Therapy Assoc.	\$1000 \$1000 \$1000 \$1000 Report \$100 \$100 \$100 \$100 \$100
Jeremy LaFaver Aligned Foster Adopt Connect Kansas LaFaver Assoc., LLC Stateline Strategies, LLC February 10, 2020 Lobbyist Employment & Expenditures H Kevin Barone The Human Solution The Human Solution The Capitol Lobby Group KS Pawnbrokers Assoc. KS Naturopathic Providers KS Massage Therapy Assoc. KS Bail Agents Assoc.	\$1000 \$1000 \$1000 \$1000 Report \$100 \$100 \$100 \$100 \$100 \$100
Jeremy LaFaver Aligned Foster Adopt Connect Kansas LaFaver Assoc., LLC Stateline Strategies, LLC February 10, 2020 Lobbyist Employment & Expenditures H Kevin Barone The Human Solution The Capitol Lobby Group KS Pawnbrokers Assoc. KS Naturopathic Providers KS Massage Therapy Assoc. KS Bail Agents Assoc. KS Assoc. of Oriental Medicine	\$1000 \$1000 \$1000 \$1000 Report \$100 \$100 \$100 \$100 \$100 \$100 \$100
Jeremy LaFaver Aligned Foster Adopt Connect Kansas LaFaver Assoc., LLC Stateline Strategies, LLC February 10, 2020 Lobbyist Employment & Expenditures H Kevin Barone The Human Solution The Capitol Lobby Group KS Pawnbrokers Assoc. KS Naturopathic Providers KS Massage Therapy Assoc. KS Bail Agents Assoc. KS Assoc. of Oriental Medicine CBD American Shaman	\$1000 \$1000 \$1000 \$1000 Report \$100 \$100 \$100 \$100 \$100 \$100 \$100
Jeremy LaFaver Aligned Foster Adopt Connect Kansas LaFaver Assoc., LLC Stateline Strategies, LLC February 10, 2020 Lobbyist Employment & Expenditures H Kevin Barone The Human Solution The Capitol Lobby Group KS Pawnbrokers Assoc. KS Naturopathic Providers KS Massage Therapy Assoc. KS Bail Agents Assoc. KS Assoc. of Oriental Medicine CBD American Shaman George Wingert	\$1000 \$1000 \$1000 \$1000 Report \$100 \$100 \$100 \$100 \$100 \$100 \$100 \$10
Jeremy LaFaver Aligned Foster Adopt Connect Kansas LaFaver Assoc., LLC Stateline Strategies, LLC February 10, 2020 Lobbyist Employment & Expenditures H Kevin Barone The Human Solution The Capitol Lobby Group KS Pawnbrokers Assoc. KS Naturopathic Providers KS Massage Therapy Assoc. KS Massage Therapy Assoc. KS Assoc. of Oriental Medicine CBD American Shaman George Wingert Ruffin Company	\$1000 \$1000 \$1000 \$1000 Report \$100 \$100 \$100 \$100 \$100 \$100 \$100 \$10
Jeremy LaFaver Aligned Foster Adopt Connect Kansas LaFaver Assoc., LLC Stateline Strategies, LLC February 10, 2020 Lobbyist Employment & Expenditures H Kevin Barone The Human Solution The Capitol Lobby Group KS Pawnbrokers Assoc. KS Naturopathic Providers KS Massage Therapy Assoc. KS Massage Therapy Assoc. KS Assoc. of Oriental Medicine CBD American Shaman George Wingert Ruffin Company Cathy Nugent BHCMC, LLC Jennifer Baysinger	\$1000 \$1000 \$1000 \$1000 Report \$100 \$100 \$100 \$100 \$100 \$100 \$100 \$10
Jeremy LaFaver Aligned Foster Adopt Connect Kansas LaFaver Assoc., LLC Stateline Strategies, LLC February 10, 2020 Lobbyist Employment & Expenditures H Kevin Barone The Human Solution The Capitol Lobby Group KS Pawnbrokers Assoc. KS Naturopathic Providers KS Massage Therapy Assoc. KS Massage Therapy Assoc. KS Assoc. of Oriental Medicine CBD American Shaman George Wingert Ruffin Company Cathy Nugent BHCMC, LLC	\$1000 \$1000 \$1000 \$1000 Report \$100 \$100 \$100 \$100 \$100 \$100 \$100 \$10
Jeremy LaFaver Aligned Foster Adopt Connect Kansas LaFaver Assoc., LLC Stateline Strategies, LLC February 10, 2020 Lobbyist Employment & Expenditures H Kevin Barone The Human Solution The Capitol Lobby Group KS Pawnbrokers Assoc. KS Naturopathic Providers KS Massage Therapy Assoc. KS Massage Therapy Assoc. KS Assoc. of Oriental Medicine CBD American Shaman George Wingert Ruffin Company Cathy Nugent BHCMC, LLC Jennifer Baysinger	\$1000 \$1000 \$1000 \$1000 Report \$100 \$100 \$100 \$100 \$100 \$100 \$100 \$10

March 10, 2020 Lobbyist Employment & Expenditures Report

Jennifer Baysinger	-
The Kansas Chamber	\$ 300
Kevin Barone	
Grown Hemp Kansas	\$1000
Kansas Farmers for Alternative Crop	\$1000

Civil Penalty Assessment Orders will be mailed to the above listed individuals.

Waiver requests for Civil Penalty Assessment Orders

Lindsay Campbell, lobbyist for Pioneer Electric Cooperative, Inc., and Southern Pioneer Electric Company, submitted an email requesting waiver of the civil penalty for the late filing of the December 10, 2019 Lobbyist & Expenditure Report. Discussion ensued. Asked for a recommendation, Mr. Skoglund commented that waivers including medical concerns are often waived, that they were several reasons presented as to why the reports were filed late but had no specific recommendation. Ms. James made a motion that \$300 of the \$400 civil penalty be waived if \$100 is paid within 30 days. Mr. Solbach seconded the motion. The motion passed with Jane Deterding voting no.

Cathy Nugent, lobbyist for BHCMC, LLC submitted an email requesting waiver of the civil penalty for the late filing of the February 10, 2020 Lobbyist & Expenditure Report. Discussion ensued. Mr. Skoglund said that due to the Coronavirus, it had not been possible to confirm with the Secretary of State's office regarding attempts to submit the report in question. He noted that there have been issues in the past with submitting the forms electronically. Mr. Hellmer made a motion to waive the civil penalty. Ms. James seconded the motion. The motion passed unanimously.

Sarah Swift, Treasurer for The Young Republicans of North East Kansas PAC submitted an email requesting a waiver of the civil penalty assessed for the late filing of the January 10, 2020 Receipts & Expenditures Report. Mr. Skoglund said there was no way to confirm whether the document was mailed as stated, as there have been issues with the mail system. He had no specific recommendation. Discussion ensued. Mr. Solbach made a motion to waive the civil penalty. Mr. Scharnhorst seconded the motion. The motion passed unanimously.

Jeanette Stamm, Treasurer for The Washington County Democratic Committee submitted an email requesting a waiver of the civil penalty assessed for the late filing of the January 10, 2020 Receipts & Expenditures Report. Mr. Skoglund had no specific recommendation. Mr. Hellmer made a motion to waive the civil penalty. Ms. James seconded the motion. The motion passed unanimously.

The Public Hearing on Complaint No. 675, Mark Skoglund vs. Lonnie G. Clark, State Representative, at 1:32 p.m. by John Solbach, appointed Hearing Officer. The hearing was recorded. The Respondent, Lonnie Clark was present with no counsel. Hearing Officer Solbach asked if there was a consent order. Mr. Berry confirmed that there was, signed and included in the materials. Hearing officer Solbach asked if Mr. Clark wished to make a statement supporting the consent order. Mr. Clark stated that the consent order was accurate. Hearing Officer Solbach asked the counsel for the Commission's to summarize the consent order and explain why the Commission should adopt it. Mr. Berry stated that the consent decree, which contains findings and fact and conclusions of law, was prepared in advance of today's hearing and approved by both Representative Clark, Commission counsel, on behalf of the Complainant, and Mr. Skoglund who also appears. After the summation, Hearing Officer Solbach asked that counsel state appearances for the record. Mr. Berry stated that on behalf of the Complainant Mark Skoglund, both counsel Brett Berry appear, and Mark Skoglund appears, and Mr. Lonnie Clark appears pro se by conference call Hearing Officer Solbach asked if counsel had any recommendations. Mr. Berry stated that Mr. Skoglund wished to speak on the recommendations. Mr. Skoglund stated that typically violations of this statue ranged from \$50 to \$500 with one outlier of \$1000. Mr. Skoglund recommended that the fine be on the lower end of this range. Hearing Officer Solbach asked Mr. Clark if he had any recommendations. Mr. Clarke stated that at this time with the facts presented, and the incident that did take place, he would listen to what the recommendations might be. Hearing Officer Solbach asked if the Commission had any questions. Questions were answered by Mr. Berry. Discussion ensued.

Mr. Hellmer made a motion that the Commission accept the stipulations as filed of record in this matter and consented to by Mr. Clark who does appears pro se. And those particular stipulations, conclusions and findings agreed upon should be accepted and based upon that, there is a basis of a finding of a violation under the statute as set forth in this matter and enter a finding that there is a violation.

Mr. Moore seconded the motion. The motion passed unanimously.

Mr. Hellmer made a motion that a fine of \$100 be assessed, recommending that the prosecuting authorities take no further action. Mr. Scharnhorst seconded the motion. The motion passed unanimously.

Stating that the consent decree was adopted, a fine of \$100 imposed and recommending the prosecuting authorities take no further reaction, Hearing Officer Solbach asked Mr. Clark if he had any questions. Mr. Clark did not. Hearing Officer Solbach closed the hearing on this matter at 1:45 pm.

Complaint No. 676

The Public Hearing on Complaint No. 676, Mark Skoglund vs. Joseph Norwood was called to order at 1:46 p.m. by Mr. John Solbach, appointed Hearing Officer. The hearing was recorded. For the record, Mr. Berry stated appearances. The Complainant, Mark Skoglund appears in person and by and through counsel, Brett Berry. The Respondent, Joseph Norwood appears by teleconference as well as his counsel, Mr. Randy Debenham. Hearing Officer Solbach stated that normally the hearing procedures summary would be presented at this time, but as there is a consent decree, asked that Mr. Berry present a summary of the decree at this time.

Mr. Berry stated that the consent decree, which contains facts both elicited by the Commission's investigation and those supplied by Mr. Norwood through his counsel.

After the conclusion of Mr. Berry's summation of the consent decree, Hearing Officer Solbach asked if Mr. Norwood or his counsel had any comments to present to the Commission regarding the consent decree.

Mr. Debenham presented comments regarding Mr. Norwood's unknowing violation and offered recommendations regarding sanctions for Mr. Norwood. Hearing Officer Solbach asked if Mr. Norwood had any comments

Mr. Norwood wanted to point out that the issue was not regarding the initial contract which went through the competitive bid process, but an amendment to it which did not change any value of the contract.

Mr. Debenham responded to questions from the Commission.

Mr. Berry requested an opportunity to address the comments from Mr. Debenham and Mr. Norwood. Hearing Officer Solbach allowed Mr. Berry to do so. Mr. Berry responded to questions from the Commission.

Mr. Hellmer commented that based upon the record and consent that is presented, that there is a violation, and this would be appropriate time to entertain a motion to make that finding.

Mr. Hellmer moved that based upon the record presented, that the Commission accept the consent decree as published and presented to the Commission. That based upon those findings therein of that consent decree, to find there is a violation under the statute as alleged by the Director. Mr. Scharnhorst seconded the motion. The motion passed unanimously.

Hearing Officer Solbach asked if Mr. Hellmer wished to make a motion regarding the fine. Mr. Hellmer asked that additional comments be heard from Commissioners regarding the penalty phase.

Mr. Scharnhorst asked Mr. Skoglund if there was a range identified for this type of violation.

Mr. Skoglund stated that revolving door violations were not common and there was no history of this type of violation, not enough to make a reasonable sample of a range. Mr. Skoglund viewed this as a particularly serious offense particularly when individuals profit from the position held. He viewed this as a significant violation, and the maximum violation of \$5000 could be assessed.

Hearing Officer Solbach asked if Mr. Skoglund had a recommendation.

Mr. Skoglund recommended treating this violation as a serious offense in the upper range of the civil fines allowed. These violations are rare and the revolving door issues speak to a central concern of the ability of people to trust government. Those in state government are part of the contracting process, that they should not then leave state government and go and work for the entities with which contracts were made.

Hearing Officer Solbach asked if Mr. Norwood or his counsel have any recommendations. Mr. Debenham offered that Mr. Norwood be admonished that he should seek counsel. Hearing Officer Solbach requested a specific number that the penalty should be.

Me. Debenham recommended that there be no penalty but an admonishment.

As there was no documentation, Mr. Scharnhorst asked if Mr. Norwood had made any profit was derived from this in any way, and to what extent.

Mr. Norwood answered that the past year's taxable income from the business was \$100,000.

Mr. Hellmer moved that based upon the previous finding that the Commission has made, the comments made by Mr. Norwood and his counsel, the inquiry by the Commission members, the recommendations by the Commission's Director, the significant monetary amount of the contract signed, immediately going to work for the entities that were part of the contract, and acknowledging benefitting from receiving income, to assess the maximum fine of \$5,000 for the first offense.

Ms. Deterding seconded the motion. There was no discussion. The motion passed unanimously.

Mr. Hellmer recommended that this matter be further investigated by the appropriate authorities. There was no objection from the Commission.

Hearing Officer Solbach closed the hearing on this matter at 2:06 pm

Complaint No. 677

The Public Hearing on Complaint No. 677, Mark Skoglund vs. James Price was called to order at 2:07 p.m. by Mr. John Solbach, appointed Hearing Officer. The hearing was recorded.

Mr. Berry, appearing on behalf of Mark Skoglund, the Complainant, noted that there is a motion to continue based upon the stay at home non-essential Executive Order.

Mr. Berry was unable to arrange for Mr. Price to appear by Teams platform teleconferencing.

Mr. Price had several questions and concerns regarding what evidence there would be, and the like. Mr. Berry thought it would be best to continue the matter until there could be a hearing in person. During the interim, there would be an opportunity to sort out the issues with Mr. Price, and give him a clearer understanding of this matter. This matter may be a candidate for a consent decree, but the case is not there yet. It has been difficult at times to communicate with Mr. Price, but this has been resolved.

Hearing Officer Solbach asked if there was a motion to continue after hearing the request of counsel. Mr. Scharnhorst moved to continue the public hearing for Mr. Price. Mr. Hellmer seconded the motion. There was no discussion and the motion passed unanimously.

Paid for by Attribution Statements Reviews

Before reviewing the documents submitted for the three lack of paid for by attribution statements, M. Skoglund offered that the Commission traditionally would waive the first offense unless there are extraneous were factors extenuating circumstances that would lead the Commission not to waive. M. Skoglund said he would present all three and then the Commission would be able to recommend a combined waiver at the end.

Mr. Skoglund presented the email waiver request submitted by Damien Gilbert on behalf of Matthew Joyce, candidate for state representative who self-reported that letters soliciting campaign contributions had been mailed without the paid for by attribution.

Mr. Skoglund presented the email waiver request submitted by Adam Potts, candidate for Atchison County Sheriff who self-reported that business cards had been distributed without the paid for by attribution.

Mr. Skoglund presented the email waiver request submitted by Patricia Giordano, candidate for Geary County commission, regarding her Facebook page which lacked the paid for by attribution.

Mr. Krull moved that the first-time offenses be waived, a letter be sent, and a copy be placed in each file. Ms. James seconded the motion. The motion carried with Jane Deterding voting no.

Next meeting date

Chair Hale noted the correct next meeting will be held May 27, 2020.

Executive Sessions

Mr. Berry presented a non-agenda item regarding executive sessions. There was a statutory change in the 2017 session laws to K.S.A. 75-4319, which is part of the Kansas Open Meeting Act (KOMA) laws. It added an additional requirement to adjourn to executive session. That requirement is there must be a basis enumerated among the 15 items listed in K.S.A. 75-4319(b) to adjourn to executive session. Review of fines or facts of an adjudication process is not provided for in the list. Mr. Berry will send a copy of the state to the Commissioners for review. Mr. Berry answered questions form the Commissioners.

Adjournment

At 2:22 p.m. Mr. Hellmer moved to adjourn the meeting. Ms. James seconded the motion. There was no discussion and the motion carried unanimously.

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

TO: Commission Members

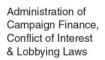
FROM: Mark Skoglund, Executive Director

DATE: June 24, 2020

RE: Lobbyists Civil Penalties

The following individuals failed to file the required reports 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:

Name	Date Filed	Days Late	Amount
April 10, 2020 Lobbyist Employment & Expen	ditures Report		
David Galvan			
IBEW Local Union 304	4/18/20	1	\$100
Brian Burch		10	*==
Catholic Vote Civic Action	4/27/20	10	\$550
Nancy Low-Smith			
KC Healthy Kids	5/08/20	N/A	\$1000
Ke Healthy Klus	5/08/20	11/7	\$1000
Erin Montroy			
KS Cannabis Business Association	5/11/20	N/A	\$1000
May 10, 2020 Lobbyist Employment & Expend	itures Report		
Erin Montroy			± / = 0
KS Cannabis Business Association	5/18/20	2	\$150
Scott Schneider			
Associated General Contractors of Kansas	6/1/20	N/A	\$1000
Hinkle Law Firm	6/1/20	N/A	\$1000
Kansas Metro Business & Healthcare Coalition	6/1/20	N/A	\$1000
Kansas Restaurant & Hospitality Assoc.	6/1/20	N/A	\$1000
NAPEO	6/1/20	N/A	\$1000
	6/1/20	N/A	\$1000
Pharmacare Health Specialists	0/1/20	$\perp \mathbf{N} / \mathbf{A}$	\$1000







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

GOVERNMENTAL ETHICS COMMISSION

https://ethics.kansas.gov

- TO: Commission Members
- FROM: Mark Skoglund, Executive Director
- DATE: June 24, 2020
- RE: Civil Penalty Waiver Requests

Name

Evan Gates, Treasurer KS Values PAC

Ryan Wilson, Treasurer Clay County Democrats

Christian Ramirez, Treasurer, Kansas Young Democrats PAC, submitted by Andrew Lee

Stan Frownfelter, Candidate for BPU, submitted by Connie Nichols

Ajay Sood, Candidate for Mayor

Kevin Barone Lobbyist, The Human Solution, The Capitol Lobby Group, KS Pawnbrokers Assoc., KS. Naturopathic Providers, KS Massage Therapy Assoc., KS Bail Agents, Assoc. Ks. Association of Oriental Medicine, CBD American, Shaman, Grown Hemp in KS, KS Farmers for Alternative Crop

Megan Kilgore Lobbyist, Kansas Veterinary Medical Association

Nancy Low-Smith, Lobbyist, KC Healthy Kids

Scott Schneider Lobbyist, Associated General Contractors of Kansas, Hinkle Law Firm, Kansas Metro Business & Healthcare Coalition, Kansas Restaurant & Hospitality Association & NAPEO

Abigail Blick, Treasurer for Joshua Blick

RECEIVED

APR 20 2020

Dear Commissioners,

KS Governmental Ethics Commission

I am writing you today as the treasurer of the KS Values PAC to ask the commission to wave the penalty before you all today. I believed that we had filed the appropriate paperwork prior to January 10, 2020 terminating the PAC. On Monday April 20, I discovered our name was listed on the docket for today, I took swift action to reach out to Katie Hubbell to clarify what the issue was. When she let me know we had not in fact properly terminated the PAC I filled out the termination paperwork and filed it with the Kansas Secretary of State office the same day. It was emailed directly to Bryan Caskey on April 21, 2020 and he confirmed receipt of the paperwork at 4:20 pm. I hope the commission will recognize the missing paperwork was not intentionally left unfiled and that we acted swiftly and in good faith to correct the error.

Thank you for your time and the work you do.

Sincerely,

Evan Gates

From:	news@claycenter.com
То:	KGEC Ethics
Subject:	request for waiver of penalty
Date:	Tuesday, April 28, 2020 3:47:43 PM
Attachments:	news.vcf

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.

Dear Mr. Mark Skogland and the Government Ethics Commission:

I am requesting a waiver from the civil penalty of \$300 that has been assessed to me for failure to file the Jan. 10 receipts and expenditures report in a timely manner for the following reasons:

1. I've attempted to file this report by mail three times -- by regular first class mail just before the Jan. 10 deadline; by priority mail in mid-January after receiving notification that my party has not filed the reported, and a third time in February after receiving a second notification that my party still had not filed this report. After the second notification, I sent the report by certified mail, and called the Government Office Ethics Commission to confirm that they had received this report. I was assured by the woman who answered the phone that your office had received something from Clay County.

2. There was no activity by the Clay County Democrats between the fall election in 2016 and until we reorganized in on the third Wednesday in November 2019. There were no expenditures, income or donations of any kind in 2019. We did have some cash on hand from the group that last met in 2016 -- a checking account that had about \$250.

3. I've made reasonable attempts to file this report in a timely manner in accordance with the rules for filing such reports, to include having my signature of this report witnessed and notarized.

Frankly, I'm at a loss to what more I can do or precisely what I've wrong to not meet the requirements for this report. I ask that you take these factors into consideration and waive the civil penalty.

I also ask to be informed of when the Ethics Commission will be meeting to consider my request so that I can make this plea in person.

Sincerely and with respect,

Ryan D. Wilson, treasurer, Clay County Democrats



Kansas Governmental Ethics Commission 109 SW 9^a, Suite 504 Topeka, KS 66612

Andrew P. Lee Treasurer Kansas Young Democrats 5129 Kenton St. Shawnee, KS 66226

To Whom It May Concern:

On April 23rd, 2020, the Kansas Young Democrats Political Action Committee was served a civil penalty of \$300.00 for failure to report the 2019 yearly filing to the Kansas Governmental Ethics Commission. I am submitting this request to waive the penalty for the reasons stated below.

The new Executive Board of Kansas Young Democrats was elected on March 7^{th} , 2020. At that time, the past president failed to inform the new Board that the 2019 yearly report had not been filed. Three members of the newly elected Executive Board were elected members from the past term, and were also not aware of any failure to file the report to the Commission.

The prior Board failed to hand over any financial information to the new Board during the transition process. The prior president, Katie Sullivan, moved to Washington, D.C. without transferring access to the bank account to me or providing me with any financial records. The past Treasurer, Christian Ramirez, did not have access to the bank account or financial records during his term.

In order to remedy the situation before the Commission had levied a penalty against Kansas Young Democrats, multiple steps had been taken. The new Board attempted multiple times to contact past leadership in order to obtain the documentation needed to ensure a peaceful transition to the new Executive Board. The current President, Ryan Reza, and myself had multiple phone and text conversations with Damien Gilbert, a past Kansas Young Democrats President, who had access to the bank account and financial information, about gaining access to financial records. None of the information he provided included contribution or expenditure data. On April 27th, 2020, I had eventually resorted to messaging Katie Sullivan, immediate past-President of Kansas Young Democrats, on Facebook in a last-ditch effort to remedy the financial situation the new Board was facing. No response has been received. I have since reviewed what little financial information I have thus far and submitted a report on May 18, 2020. This report is the extent of the available information I have received from the past Executive Board members. It is inevitably incomplete. No documentation of check donations exists, to my knowledge. No documentation of expenditure information exists, to my knowledge. No documentation of in-kind contributions or loan information exists, to my knowledge.

For these reasons, we hope the Commission can work with Kansas Young Democrats to come to a solution in this matter and waive the \$300.00 civil penalty.

Thank you for your consideration, and we hope to find a remedy to this situation with you.

Sincerely,

Andrew P. Lee Treasurer Kansas Young Democrats *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.

To Whom it May Concern:

This is in response to the fine issued to Candidate Stan Frownfelter. I work with Stan, and help him with his ethics reports.

Regarding his late January report, I did not realize that a report was required since he lost his election. I submitted that report as soon as I discussed this with Stan and he instructed me that is was still needed.

I also had to wait for him to submit the amended October report. He was out of town, and I could not get the information I needed to complete it until he returned.

I hope this is sufficient information to have these fees waived.

Thank you

Connie Nichols

То

The Executive Director (Mark Skoglund)

Governmental Ethics Commission.

901 S Kansas Ave.

Topeka, Kansas 66612.

Dear Mr. Mark Skoglund,

I am Acknowledging receipt of a letter dated April 23rd 2020 from you, duly not signed by you.

I would like to draw your attention further into this important matter as it seems you had to open your office specially for me during the pandemic lockdown of the entire nation.

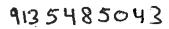
I would like to request a waiver of the Civil penalties accessed by your commissioners on April 22, 2020 without knowing the following facts of this particular issue. My Primary Elections were held on August 6th for the Shawnee Mayor which I had lost. My dad had passed away on August 31st 2019 after a brief illness leaving me in grief and Trauma.

As per the request of Jenn Schneider Local Campaign Finance Supervisor, my Accountant with me, had filed a zero report on our Receipts and Expenditure for the Election year on the 28th of October 2019 covering the period from July 26th 2019 to October 24th 2019. After filling this GEC Form Rev ,2019 required by K.S.A.25-4148 provided by Jenn I started planning to send my mom to India after my dads' death. I was in depression but then my greatest challenge was to carry dads' ashes to India with me and I owed \$6000 for the funeral cost which I did not have.

Now I had to arrange my ticket money and make arrangement to go to India my car broke down on a middle of the night and I was stranded on the road on a winter cold night. I believe during that time I spoke to Jenn making her aware of my situation. She mentioned that I have to say **closed** on the same form which I was confused. My accountant was confused too, we could not figure out what was expected of us since the last form had Zero balance and I had withdrawn automatically from losing primary Elections on August 6th 2019.

We could not get the sense of the papers we had last filed because the last form does not say that there has to be a follow up paperwork after a Zero Report.

Now I had already gone to India for the Final Funeral rites of my dad. On 30 January Mom and me came sick from India with acute pneumonia and were taken to the Overland Park Hospital. Mom was in the hospital for 7 days and I spent two days. We both were bed ridden and one morning I got a call from Jenn on 13th February I have a recording of that conversation where I explained my life journey and I did tell her that we both are sick and my car is not starting and my electricity was supposed to be shut off. On Feb 14th after recovering a little I spoke to Sherry Fergel the office Manager explaining her my entire situation since Jenn was not in the office. After listening to me sherry promised to let Jenn know



5/11/2020

about my phone call and at the same time she was committed to get back to me after checking with my filed paperwork (I have a recording of the conversation with her). Till date I have not received any communication but received this latter dated 23th April 2020 during the entire lockdown of the country going through this epidemic.

I have spoken to Sherry Fergal two times and she requested me to write this letter explaining the lack of communications by your office three times which might have delayed some papers which I am not aware of.

Since receiving this last letter, we tried reaching Mark Skoglund a few times but no one answers till date 5/11/2020.

I can be reached for further communications pertaining to this matter.

Looking forward to hearing from you.

Thanking you

Sincerely

Ajay Sood. CC: copy to Nick Hale (Chairman).

913 5485043

Kevin Barone
KGEC Ethics
Dakota Loomis; Kevin Barone
Barone: Waiver of Fines Request
Friday, June 5, 2020 12:51:16 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.

Please respond to confirm receipt.

Re: Waiver of fines for failure to file February 10, 2020 and March 10, 2020 Lobbyist Employment and Expenditures Reports

Dear Mr. Skogland and Members of the Governmental Ethics Commission,

My name is Kevin Barone and I am requesting this Commission grant a waiver of the \$2800.00 fines I was assessed for failing to timely file my Lobbyist Employment and Expenditures Reports for February 10, 2020 and March 10, 2020. Please find below my grounds for the waiver and forgiveness of these fines.

An explanation of what occurred may help the Commission in reaching a decision. In February and March of 2020, Jessica White sent certified letters to my office at 909 1/2 Suite, Kansas Avenue alerting me to my mistake. My office is in a building that unless I am physically in the office mail cannot be delivered as the doors are locked and mail carriers do not have access to my personal office.

Second, 2020 was a special year in that we had the issue of Covid-19. On March 12, 2020, Governor Laura Kelly issued Executive Order 20-03 declaring a state of disaster emergency. <u>On March 17</u>, Governor Kelly issued Executive Order 20-04 limiting mass gatherings and establishing social distancing. The Kansas Legislature adjourned the 2020 Kansas legislative session on March 19, 2020 with the goal of returning noting for the veto session on April 29, 2020.

The suspension of the Kansas Legislature made my presence in Topeka unnecessary. At the time, I was attempting to limit my contact with other people and decided it best to not return to my office building. As such, I did not access my mail, certified or otherwise. Therefore, I did not see the notices that would have alerted me to my failure to file the required reports.

On April 14, 2020, I received an email from Jessica White notifying me of my failure to file the necessary reports. Upon receiving the email, I attempted to make contact by calling the provided phone number. However, due to COVID-19, I was unable to contact staff by phone.

The next step I took was to try and log into my lobbyist account so I could submit the

reports. I could not access my account due to a password issue. After not being able to reach anyone in the office or access my account, I emailed Jessica White. She assisted me in resetting my password and explained what needed to be done to correct the situation.

I subsequently filed the necessary reports and came into compliance with my responsibilities as a registered lobbyist. Jessica White emailed me to confirm that I was in compliance and thanking me for quickly correcting the issue. See attached email.

I am requesting the Governmental Ethics Commission waive the potential files levied against me on the grounds that I did not intentionally or willfully fail to comply. Once I received notification in the form of an email, I filed the necessary reports within 48 hours. Had I received the original certified mail the issues would have been corrected immediately.

I would also direct the Commission to a review of my lobbyist filings. I have been a registered lobbyist in the state of Kansas since November of 2000. Over that twenty-year period, I have always complied with my filing requirements. I would ask the Commission to take into consideration my past performance and the circumstances surrounding the past few months and COVID-19 when making its decision.

In conclusion, I would ask the committee for mercy and for a waiver of all fines associated with this mistake. For twenty years my record has been spotless regarding the filing of reports. My oversight has been corrected, was corrected immediately upon notification, and given the time-period when I was not in compliance, there was no harm to the public caused by my delayed filing. Again, I would ask the Governmental Ethics Commission for mercy and understanding by waiving the fines currently pending against me.

Thank you.

Sent from the Desk of

Kevin Barone J.D.

The Capitol Lobby Group

785.213.1111

On May 29, 2020, at 1:56 PM,

Mr. Barone,

Your extension request has been received.

As I read, you will have the waiver request for the civil penalties submitted to this office by the end of next week, June 5.

If this is incorrect, please let me know.

Respectfully,

Sherry

Sherry Fergel

Office Manager

Governmental Ethics Commission

785-296-4219

Sherry.P.Fergel@ks.gov

Website:

https://ethics.kansas.gov

From: Kevin Barone <kbarone01@yahoo.com> Sent: Friday, May 29, 2020 1:39 PM To: KGEC_Ethics <KGEC_Ethics@ks.gov> Cc: Kevin Barone <kbarone01@yahoo.com>; Dakota Loomis <Dakotaloomis@gmail.com> Subject: Ext of time request; Commissions hearing

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Mrs. Fergel,

First of all I appreciate your email and thank you for working with me. I have never been through this before.

I sending this to request some additional time. Between the marathon ending of the session last week, the special session called this week for next week, my lobbyist world just keeps going.

A week should be fine, I just have not been able to get my letter together and be

able to meet with my advisor. I apologize for the delay but do look forward to getting this resolved and behind me as soon as we can.

Thank you for your time and consideration.

From the mobile desk of:

Kevin Barone J.D,

The CLG

785.213.1111

On May 21, 2020, at 2:58 PM, KGEC_Ethics <<u>KGEC_Ethics@ks.gov</u>> wrote:

Mr. Barone,

If you would submit your waiver request by May 29, 2019.

Should you not be able to do so by that date, please submit an extension request to submit the waiver.

Please let me know if you have additional questions.

Respectfully,

Sherry

Sherry Fergel

Office Manager

Governmental Ethics Commission

785-296-4219

Sherry.P.Fergel@ks.gov

Website:

https://ethics.kansas.gov

From: Kevin Barone <<u>kbarone01@yahoo.com</u>> Sent: Thursday, May 21, 2020 12:18 PM To: KGEC_Ethics <<u>KGEC_Ethics@ks.gov</u>> Cc: Kevin Barone <<u>kbarone01@yahoo.com</u>> Subject: Commissions hearing

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 back to my office and received the ethics letter charging me \$2800.00. for a simple mistake. The letter states that I have 30 days to reply however the 30th day is. on a holiday weekend. Does this allow me the opportunity to respond til and including Tuesday 26th. Or do I have to have a return letter seeking tomorrow seeking to address the commission in person. I would also question it states "the Commission would have to receive such a request within thirty days after you have received the enclosed assessment order." I received it today. do I have 30 days today?

Sent from the Desk of Kevin Barone J.D. The Capitol Lobby Group 785.213.1111



May 20, 2020

Mark Skoglund, Executive Director Government Ethics Commission 901 S. Kansas Avenue Topeka, KS 66612

Dear Mr. Skoglund:

The Kansas Veterinary Medical Association is a relatively small organization with just one staff member, me. My legislative activity over the last several years has been minimal and by past expense reports you will see that the KVMA doesn't typically have expenses to report.

During the month of January, I was taken away from the office to care for my ailing parents. My mother was diagnosed with cancer in November. We began chemotherapy treatments in December. In January, just after the 2020 session began, both of my parents were hospitalized with extended stays.

I sincerely apologize for the delay in filing the February 10, 2020 Lobbyist Employment and Expenditures Reports. I would ask the commission for reconsideration of the \$600 civil penalty assessed. Please accept this written request for consideration.

Thank you.

Sincerely,

Megan l. Kilgor

Megan L. Kilgore Executive Director

kchealthykids^{**}

May 18, 2020

RECEIVED

MAY 18 2020

KS Governmental Ethics Commission

Kansas Governmental Ethics Commission 901 S Kansas Avenue Topeka, Kansas 66612 <u>KGEC Ethics@ks.gov</u>

Dear Commissioners,

We are all facing unique challenges as a result of the COVID-19 pandemic and adapting as best we can. I am writing you today to respectfully request your consideration regarding one such challenge.

Since registering as a lobbyist in Kansas in January 2017, I have always complied with required reporting, and have never earned a civl penalty. Unfortunately, recent circumstances during the pandemic resulted in a blemish on this otherwise clean record; late submission of my March 2020 expenditure report. It was due on or before April 10, 2020, but was not submitted until May 8, 2020. After speaking with KGEC staff, I understand that a civil penalty will be assessed, and may be as much as \$1,000. I write this letter to respectfully request that the Kansas Governmental Ethics Commission waive these penalties in light of extraordinary circumstances and my otherwise clean track-record. In support of this request, I will outline the circumstances leading to my tardy report.

My normal system for ensuring timely filing of expenditure reports failed as a result of switching to a new phone and computer at the beginning of April; my calendar auto reminders simply did not appear. Amidst the increased work demands and general upheaval of my schedule at that time, this went unnoticed. Normally, the arrival of certified mail from KCEG regarding "Notification of Failure to File", dated April 14, 2020, would have provided a fail-proof reminder and quick response. Unfortunately, circumstances beyond my control meant that letter did not reach me until May 15. This was a full week after I discovered the missing report in the normal process of filing my April report on May 8. Once discovered, I filed the report immediately and, as usual, it showed no expenditures.

The long delay in delivery of KGEC's certified letter is a direct result of the pandemic. My workplace, to which the mail was addressed, closed on March 12, 2020 in response to local state-of-emergency announcements and has not yet reopened. Over the next two weeks, administrative staff at my agency picked up the mail at the office weekly. When stay-at-home orders were announced at the end of March, administrative staff set about arranging a forwarding address for delivery of office mail. Unfortunately, there was a problem with the mail forwarding request. As a result, the certified letter sent by KGEC was not received by KC Healthy Kids until Monday, May 11. Pushing this entire debacle past a mere "series of unfortunate events" and into a "total fiasco", the staff member who received the letter incorrectly forwarded it on to someone else on staff whose first name is also



650 Minnesota Avenue | Kansas City, KS | 66101 | 816.523.5353 | Fax 913.387.4558 | kchealthykids.org

Nancy. I finally received the letter on Friday, May 15, and promptly contact KGEC's office, where I received prompt and clear guidance.

This entire fiasco brings to mind the old axiom, "Man plans and God laughs." The creator's sense of humor aside, a \$1,000 fine is no laughing matter under normal circumstances, let alone those we all presently face. I truly regret that I was tardy in submitting my March 2020 expenditure report, and offer my humble apology to the commission. I have, to the best of my ability, made adjustments to ensure that this will not happen again.

As you consider whether to enforce or waive civil penalties in my case, I hope you will consider the broader context of my prior reliability in filing timely reports, the unique challenges present in recent weeks, and that you will choose to waive the fines.

Thank you in advance for your consideration.

Sincerely,

Marray E. Jud Smith

Nancy Elizabeth Low-Smith VP Policy <u>blsmith@kchealthykids.org</u> (816) 585 4738 (816) 804 0369

hinklaw.com

LAW FIRM LLC

HINKLE

Reply to Wichita Office Scott J. Schneider Direct fax: (316) 630-8466 <u>sschneider@hinklaw.com</u>

June 1, 2020

Mr. Nicholas Hale Chairman, Kansas Governmental Ethics Commission 901 South Kansas Avenue Topeka, KS 66612

Re: Waiver Request

Commissioners:

I am writing to request a waiver of any and all civil penalties associated with the untimely filing of my April 2020 governmental ethics lobbying report. Please know, I have been a registered lobbyist for nearly 20 years and have not been subject to any formal action or fines during this time. I have done my best to uphold all statutory obligations so this mistake is regrettable. While I am not contesting the fact I missed the deadline, I would like to request a waiver due to the circumstances. First, the extended adjournment and the subsequent stay at home order provided no opportunity for me to engage in my normal spending. On March 19th, the Legislature left Topeka and would not fully return until May 21st.¹ ² Additionally, on March 24th, Governor Laura Kelly issued the first of a series of "stay home" orders.³

April was simply a challenging month. My government relations practice quickly changed to an emergency management practice as my primary clients service the hospitality, construction and medical industries. These clients are in sectors that were most affected by the COVID-19 national emergency and had significant issues that required me to make a hard pivot into unchartered assistance. For example, since March 1, the hospitality sector lost over \$325 million dollars of sales in Kansas. I can attest, the Kansas Restaurant and Hospitality Association worked non-stop to coordinate our response with our elected leaders to attempt to minimize any damage possible to the businesses.

While this timeline does not mean I could not have spent any reportable money, I have included this background to show the commission there was no intent to avoid my obligation to file the required disclosure. I am sure a Commission notice will be in my Topeka office mailbox, but unfortunately I have worked nearly exclusively out of Wichita during my transition into a new firm, while attempting to stay at home as much as possible, pursuant to the government's requests.

³ Executive Order 20-14, issued by Governor Laura Kelly March 24.

Wichita Office

1617 North Waterfront Parkway, Suite 400 • Wichita, Kansas 67206-6639 • 316.267.2000 • Fax 316.630.8466

Kansas City Office

Lenexa City Center - Penn I, 8711 Penrose Lane, Suite 400 • Lenexa, Kansas 66219-8197 • 913.345.9205 • Fax 913.345.4832

¹ Journal of the House, forty-fourth day, "On motion of Rep. Hawkins, the House adjourned until 11:00 a.m., Monday, April 27, 2020" on page 2637.

² On May 6th, the Legislative Coordinating Council decided to return for the veto session on May 21st.

Kansas Governmental Ethics Commission June 1, 2020 Page 2 of 2

I have attached my entire American Express statement for April and attest that these expenditures were not associated with lobbying as this COVID-19 time period would have made it nearly impossible. Even if these expenses were associated with lobbying they would not have reached any amount above the \$100 safe harbor provisions which I have retroactively filed for the period. I have additionally, changed my office address from Topeka to Wichita and also changed my e-mail to my new work e-mail to better deal with any future communications issues.

Please let me know if you have any questions regarding the contents of this letter or regarding this matter generally. If there is any additional information needed, please know I am willing to assist. Thanks in advance for your attention to this matter and my request for waiver of all civil fines and related to my inadvertent failure to timely file my April 2020 governmental ethics lobbying report.

Sincerely, him Alli

Scott J. Schneider

From:	Pam Shernuk
To:	KGEC Ethics
Subject:	Facebook disclaimer
Date:	Thursday, April 30, 2020 1:50:10 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.

Mr. Skoglund,

I am in receipt of your letter dated April 27 explaining that my Facebook page must contain proper "paid for by" verbiage in order to be in compliance with K.S.A. Supp. 25-4156. Since the Facebook page was free to create, it did not occur to me to include the disclaimer. I, also, originally intended to replicate my Facebook page using best practices observed on other Kansas candidate Facebook pages, which did not have this disclaimer either.

At present, my Facebook page is already registered as a political candidate page. My one boosted ad to date contained the disclaimer "Paid for by Pam Shernuk for Johnson County Commission," which is in line with other Kansas political candidates facebook ads. However, I have now updated the wording for future boosted content to include "Paid for by Pam Shernuk for Johnson County, Karen Weber, treasurer." I will also make sure that all future ads and Facebook posts will include that exact disclaimer. Do regular posts need to include this disclaimer or just the boosted ads?

I have also added the wording, "Paid for by Pam Shernuk for Johnson County, Karen Weber, treasurer" to both *About* sections of my Facebook page (in the "About" menu on the left, and the "About Pam Shernuk for Johnson County Commission" section on the right). Could you please let me know if that will suffice or if it needs to be placed in another location on the page? I worked very hard to do my due diligence in making sure all campaign material met the standards set by the Kansas Ethic Commission. I apologize for the misinterpretation.

I appreciate you bringing this to my attention and have included the copy text from my Facebook page for your review.

About

Candidate for Johnson County Commission, District 3. Paid for by Pam Shernuk for Johnson County Commission, Karen Weber, Treasurer

Thank you, Pam Shernuk

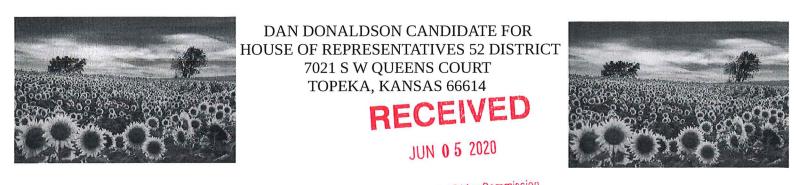
From:	Julie Saker
To:	KGEC Ethics
Date:	Friday, May 22, 2020 10:41:56 AM

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Mr. Skoglund,

This is Julie Saker was not aware that I didn't have "paid for by" on my Facebook page for candidate for sheriff. But I recieved your letter and read it and changed it on my Facebook page. And when I do anymore advertising it will be on there. This is my first time running for sheriff or anything else and I am my Treasurer also.

Thank you Julie Saker



KS Governmental Ethics Commission

Please accept my apoligies for my error of omission of the attribution statement according to K.S.A. Supp. 25-4156. Rest assured that the below statement shall be on all connunication in the fuure. Again my apoligies.

ser 18

Daniel R. Donaldson

Paid for by: Daniel R Donaldson for State Repersentiive, Gary Guienty, Treasurer

From:	Schneider, Jennifer [KGEC]
To:	Skoglund, Mark [KGEC]
Cc:	Fergel, Sherry [KGEC]
Subject:	FW: flyer printing mistake
Date:	Thursday, June 4, 2020 3:22:54 PM
Attachments:	campaign flyer sent to state.pdf

From: Don Schroeder <sparkyd6c@gmail.com>
Sent: Thursday, June 04, 2020 1:06 PM
To: Schneider, Jennifer [KGEC] <Jennifer.Schneider@ks.gov>
Subject: flyer printing mistake

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Jenn

Here is a pic of my flyer that I had printed. I had read the Information sent out on campaign rules but, I missed that I had to put paid by on the flyer.

I have only handed out two or three dozen before I realized the mistake. I am in the process of correcting the mistake.

Thank You Sparky(Don) Schroeder For district 2 county commissioner 2309 Kansas Rd. Fort Scott Kansas 66701



My name is Sparky (Don) Schroeder

I am running for District 2 County Commissioner for Bourbon County.

My wife and I moved to Fort Scott in 2005. I moved here to take the job as Maintenance Manager for Smith and Chambers (they cleaned up train derailments over 23 States). I was in charge of all maintenance and repair for all of their trucks, trailers, heavy equipment and vehicles.

I started my own business when I was 23 years old buying my first truck (1978). Over the next ten years we had several trucks. In 1987 we bought out a construction company. We did all kinds of work from hauling gravel, demolition work, and land clearing, building dams and had township contracts.

In 2000 my wife started her own construction company (as a WBE) doing underground work (sewer and water installation).

Jim sold the company in 2007 to Progress Rail and three years later they closed the shop and moved. After a short while I started my own business again doing mobile mechanic work and later started trucking again (hauling rock and gravel) which I still do today.

In the Years living in South Dakota I was fire chief for a number of years for our local volunteer fire department. I was on the city council a couple different times. In 1996 I was the President of the South Dakota chapter of LICA (Land Improvement Contractors Association).

I feel I can bring a lot to Bourbon County as Commissioner. As commissioner I would like to see more transparency and communication with the people in the district.

I feel we need to be better stewards of the tax payers' money. I would like to hear your thoughts on the needs of District 2. I would greatly appreciate you support.

Thank You

Sparky Schroeder for District #2 County Commissioner email address <u>sparkyd6c@gmail.com</u> On face book Sparky Schroeder for District 2 Commissioner



My name is Sparky (Don) Schroeder

I am running for District 2 County Commissioner for Bourbon County.

My wife and I moved to Fort Scott in 2005. I moved here to take the job as Maintenance Manager for Smith and Chambers (they cleaned up train derailments over 23 States). I was in charge of all maintenance and repair for all of their trucks, trailers, heavy equipment and vehicles.

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I feel I can bring a lot to Bourbon County as Commissioner. As commissioner I would like to see more transparency and communication with the people in the district.

I feel we need to be better stewards of the tax payers' money. I would like to hear your thoughts on the needs of District 2. I would greatly appreciate you support.

Thank You

Sparky Schroeder for District #2 County Commissioner email address <u>sparkyd6c@gmail.com</u> On face book Sparky Schroeder for District 2 Commissioner Paid for Sparky Schroeder • Candidate Jim Scott Treasurer

From:	Fergel, Sherry [KGEC]
То:	Fergel, Sherry [KGEC]
Subject:	FW: "Paid for By" Error
Date:	Wednesday, June 17, 2020 8:25:34 AM
Attachments:	Capps for Kansas Palm Card 2020 (2) (Updated) png
	Capps for Kansas Palm Card 2020.png

From: Michael Capps <<u>cappsm@cappsforkansas.com</u>>
Sent: Tuesday, June 16, 2020 6:52 PM
To: Skoglund, Mark [KGEC] <<u>Mark.Skoglund@ks.gov</u>>; Renna, Karina [KGEC] <<u>Karina.Renna@ks.gov</u>>
Subject: "Paid for By" Error

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.

Mark / Karina -

In follow-up to my phone conversation with Mark on June 15, the following report is being provided.

At approximately 2:00pm on June 15, 2020, a member of my campaign team brought to my attention the absence of the statutory "Paid for By" line on my campaign's 2020 Palm Card literature (images of the content attached).

Once made aware, I immediately had all outstanding copies of the palm card pulled from staff, volunteers and storage. They are presently being prepared for recycling, which should be completed by end of week.

Based on my review of our walk lists and field operation schedules, I am estimating approximately 216 palm cards were distributed within House District 85 before I became aware and pulled the materials.

We have modified the palm card design and applied the appropriate "Paid for" tag for compliance and new palm cards will be delivered by end of week. In the meantime, my team is utilizing the remaining stock from 2018, which was fully compliant.

Responsibility for the oversight rests with me - I reviewed the content prior to production and did not pay close enough attention to catch the omission before circulation began.

Find images of the non-compliant content attached below. If I can answer any further questions for you or the commission, please do not hesitate to let me know.

Regards,

Michael Capps

Representative, 85th District State Capitol, Room 512N <u>Topeka, Kansas 66612</u> (785) 296-7473 <u>cappsm@cappsforkansas.com</u>



From:	Stacy Obringer-Varhall
To:	KGEC Ethics
Subject:	Facebook campaign issue
Date:	Monday, June 22, 2020 9:27:21 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.

Mr. Skoglund,

I am writing to you in response of a letter I just received in the mail today regarding not have a "Paid for" notation on my facebook page. I sincerely apologize and assure you it was an oversight and not intentional. I immediately updated facebook to include that language as soon as I read your letter. To be honest, I have not personally used facebook and asked my sister to create a page for me and post occasionally. I never thought to include the "Paid For" language as there was no cost associated with facebook. That was my mistake and I do have the "Paid for" language on my literature, website and other items that did cost money. Please accept my sincere apology, I truly was not aware that it was required and would never intentionally do something unethical. Please let me know if you have any additional concerns, I am happy to answer any questions you may have.

Thank you for your time, Stacy Obringer-Varhall Candidate for Johnson County Commission District 3 14020 Stearns St Overland Park, KS 66221 913-451-2511 Administration of Campaign Finance, Conflict of Interest & Lobbying Laws STATE OF KANSAS



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

GOVERNMENTAL ETHICS COMMISSION

https://ethics.kansas.gov

November 20, 2019

James L. Price 1727 S 127 Street E Wichita KS 67207

Dear Mr. Price:

Enclosed is a copy of a complaint alleging violation of the State Governmental Ethics Laws, specifically K.S.A. 25-4168.

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 November 20, 2019 meeting, it will determine whether the complaint alleges facts sufficient to constitute a violation of State Governmental Ethics Laws. If necessary, the Commission's staff will continue to investigate the alleged violation.

After completion of the staff's 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 will become a matter of public record and a public hearing on the matter will be scheduled. The hearing will be held within thirty days of the probable cause determination. You will be notified of the results of the Commission's deliberations.

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

Sincerely. Brett Berry General Counsel

BB:spf enclosure

BEFORE THE KANSAS GOVERMENTAL ETHICS COMMISSON

(Commission Use Only)	
MARK SKOGLUND, Executive Director,)	
Kansas Governmental Ethics Commission)	
Complainant)	
)	Complaint No. <u>677</u>
JAMES L. PRICE,)	
Candidate for State Representative)	
District No. 86	
Respondent.)	

COMPLAINT

A. Complainant: Executive Director Mark Skoglund Kansas Governmental Ethics Commission 901 S. Kansas Ave. Topeka, Kansas 66612

B. Respondent: James L. Price 1727 S. 127 Street E Wichita, Kansas 67207

C. Complainant alleges:

Count 1

On or about July 26, 2018, in Kansas, as a treasurer of a candidate, candidate committee appointed under the campaign finance act, did then and there intentionally make a false material statement in a report or statement made under the campaign finance act, to-wit: provided a false address of the candidate on the campaign finance report for the period from January 1, 2018, through July 26, 2018 as required by K.S.A. 25-4148(a)(1), in violation of K.S.A. 25-4168, and, and pursuant to K.S.A. 25-4181, in addition to any other penalty prescribed under the campaign finance act, punishable by assessment a civil fine in an amount not to exceed \$5,000 for the first violation, not to exceed \$10,000 for the second violation, and not to exceed \$15,000 for the third violation and for each subsequent violation.

Count 2

On or about October 31, 2018, in Kansas, as a treasurer of a candidate, candidate committee appointed under the campaign finance act, did then and there intentionally make a false material statement in a report or statement made under the campaign finance act, to-wit: provided a false address of the candidate on the campaign finance report for the period from July 27, 2018, through October 25, 2018 as required by K.S.A. 25-4148(a)(2), in violation of K.S.A. 25-4168, and, and pursuant to K.S.A. 25-4181, in addition to any other penalty prescribed under the campaign finance act, punishable by assessment a civil fine in an amount not to exceed \$5,000 for the first violation, not to exceed \$10,000 for the second violation, and not to exceed \$15,000 for the third violation and for each subsequent violation.

Count 3

On or about November 14, 2018, in Kansas, as a treasurer of a candidate, candidate committee appointed under the campaign finance act, did then and there intentionally make a false material statement in an report or statement made under the campaign finance act, to-wit: provided a false address of the candidate on the amended campaign finance report for the period from January 1, 2018, through July 26, 2018 as required by K.S.A. 25-4148(a)(1), in violation of K.S.A. 25-4168, and, and pursuant to K.S.A. 25-4181, in addition to any other penalty prescribed under the campaign finance act, punishable by assessment a civil fine in an amount not to exceed \$5,000 for the first violation, not to exceed \$10,000 for the second violation, and not to exceed \$15,000 for the third violation and for each subsequent violation.

Count 4

On or about January 28, 2019, in Kansas, as a treasurer of a candidate, candidate committee appointed under the campaign finance act, did then and there intentionally make a false material statement in a report or statement made under the campaign finance act, to-wit: provided a false address of the candidate on the campaign finance report for the period from October 26, 2018, through December 31, 2018, as required by K.S.A. 25-4148(a)(3), in violation of K.S.A. 25-4168, and, and pursuant to K.S.A. 25-4181, in addition to any other penalty prescribed under the campaign finance act, punishable by assessment a civil fine in an amount not to exceed \$5,000 for the first violation, not to exceed \$10,000 for the second violation, and not to exceed \$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 (and any accompanying schedules and statements) 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 (affirmed) to before me this <u>31</u> day of November 2019.

Aokanna I Notary Public Addia

My appointment expires: May 2, 2020

(Seal)

Roxanna Valdivia NOTARY PUBLIC-STATE OF KANSAS MY APPT EXP: 7

GEC FORM, REV. 11/2016

CERTIFICATE OF SERVICE

This is to certify that on the <u>20th</u> day of November 2019 the foregoing Complaint was deposited in the U.S. mail, first class postage prepaid <u>and</u> certified mail postage prepaid, sign return receipt requested, addressed to the following:

James L. Price 1727 S 127 Street E Wichita KS 67207

200 Sherry Fergel

Sherry Fergel *V* Construction Office Manager Kansas Governmental Ethics Commission 901 S. Kansas Avenue Topeka, Kansas 66612 Tel. 785-296-4219 KGEC Ethics@ks.gov