

Agenda
 Governmental Ethics Commission
 Video Conference
November 18, 2020
1:00 p.m.

The livestream link for the meeting will be 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 October 28, 2020 Meeting

Executive Director's Report

- Campaign Finance Update
- Media contact
- Annual Report

Advisory Opinion: paid for by attribution

- Consideration of an all interested persons opinion regarding placement of attribution statement for text messages.

Civil Penalties: Candidates & Treasurers

Ethan Caylor, candidate for state representative	Steve Huebert, candidate for state representative
J.C. Moore, candidate for state representative	Scott Morris, candidate for district magistrate judge
James Thompson, candidate for district judge	Julie Fletcher Cowell, candidate District Magistrate Judge
Trevor Jacobs, candidate for state representative	Courtney Mikesic, candidate for district judge
Josh Harris, candidate for state board of education	Timothy Reed, candidate for state representative
Harold Zajic, Candidate for state senate	Gary Wilson, candidate for county commission
Jay Bailey, candidate for county commission	Kenneth Higley, candidate for sheriff
Nicholas Noland, candidate for county commission	Sara Woods, candidate for county commission
Dustin Roths candidate for county commissioner	Adam Potts, Sheriff candidate
David Horner, Sheriff candidate	Randall Eitzen, candidate for county commission
Jenny Niblock, candidate for county commission	Michael Haley, candidate for county commission
Vonda Finley, candidate for Register of Deeds	Curtis Oroke, candidate for CO commission
Scott Hamblin, candidate for city council	Tara Brune, treasurer for Scott Hamblin
Mark Gietzen, (2) candidate for mayor	

Civil Penalties: PACS & Parties

Allen Gallaway, treasurer United Teachers of Wichita COPE	Robert Wing, treasurer Tri County Labor Council COPE
Thad Lauritzen treasurer Club 64 Firefighters	

Civil Penalty Waiver Requests

Audrey Hill, Lobbyist	Jenny Niblock, candidate for county commissioner
JC Moore, candidate for state representative	Tom Byers, lobbyist
Doug Anstaett lobbyist	Adam Potts, Candidate for Sheriff

Paid for by Attribution Review

- Laura Allen, candidate for Ellis County Clerk
- Avery Anderson, candidate for state representative
- Mark Farr, Kansas NEA Political Action Committee Chair

Executive Session

Date of next meeting: January 27, 2021

3:00 p.m. Adjournment

Draft Minutes
Governmental Ethics Commission
October 28, 2020
Videoconference

Members Present

Nick Hale, Chairman
Patty Dengler
Jane Deterding
Jerome Hellmer, Vice Chair
Amy James
Kyle Krull
Ken Moore
Todd Scharnhorst
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 1:02 p.m. by Chair Hale.

Minutes

Commissioners reviewed the minutes from the September 23, 2020 meeting. Mr. Scharnhorst moved to approve the minutes after amending by adding him to the attendees for the regular meeting. Mr. Hellmer seconded the motion. The motion carried unanimously.

Executive Director Report

Mr. Skoglund presented the four following Legislative recommendations:

1. Electronic filing for state candidates has passed favorably out of the House Elections Committee multiple times, but it is not known why it has not been scheduled for debate on the House floor.
2. Disposal of campaign assets is a new recommendation for the 2021 Legislature. The language of K.S.A. 24-4157a would be well served by providing additional clarity to prevent campaign assets from being kept after the candidate is defeated in an election.
3. Lobbyist and Statement of Substantial Interest late filers: K.S.A. 46-280 provides the Commission will send a notice to those who have not filed these documents. 2018 HB 2642 increased lobbyist civil penalties and shortened the grace period to submit reports before civil penalties would be assessed. The recommendation is to clarify that the grace period provided would begin when the notices are mailed, not received, as is done for the candidates. This recommendation has passed favorably out of the House Elections Committee multiple times, but it is not known why it has not been scheduled for debate on the House floor.
4. Placement of attribution for social media attribution amendment to K.S.A. 25-4156(b)(1)(E). Rather than the attribution being at the end of an item, require clear and conspicuous attribution on social media platforms. This recommendation has passed favorably out of the House Elections Committee multiple times, but it is not known why it has not been scheduled for debate on the House floor.

Discussion ensued. Mr. Skoglund answered questions from the Commission.

Mr. Skoglund stated that the four following recommendations from last year would not be included for the 2021 Legislative session:

1. The Executive Session KOMA exemption for the Commission. we are currently operating under an exemption that applies to our process, provided they do not narrow the KOMA exceptions.
2. The “Only Reasonable Interpretation” test for express advocacy. We have the statutory authority to pass a regulation, which would be the best course of action.
3. Federal investigation coordination, though important, at this time best to focus on the four recommendations previously outlined.
4. The bonus for Legislative assistants provided by Legislature for their work during session being illegal per statute. We asked the Legislature to provide an exception to the statute. The purpose was to allow the Legislature to decide if they wanted to resolve the problem. The Legislature did not act; therefore, the bonuses will be illegal, and we will begin enforcing this issue.

Advisory Opinion

Mr. Berry presented an advisory opinion for all interested persons regarding the proper placement of the paid for by attribution statement for campaign text messages. Discussion ensued.

Mr. Solbach moved to approve the opinion as written. Discussion continued. The motion died for lack of a second. It was decided to amend the opinion and review at the next meeting.

Civil Penalty Assessment Orders

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

Amended January 10, 2020 Receipts & Expenditures Report

Maynard Estes

Candidate for state senate \$90

Paul Lehmkuhler

Treasurer for Bud Estes \$90

September 10, 2020 Lobbyist Employment & Expenditures Report:

Tom Byers

Magellan Midstream Partners LP \$ 450

Douglas Anstaett

Kansas Press Association \$ 500

Audrey Hill

Saint Luke’s Health System \$ 1000

Erin Montroy

Kansas Cannabis Business Association \$ 1000

Civil penalty assessments will be sent to those listed above.

Civil Penalty Waiver requests

Mr. Skoglund presented the letter submitted by Fritz Blaske, county commission candidate. Mr. Skoglund had conferred with the staff Local Campaign Finance Coordinator, who had no objection to this waiver.

Mr. Scharnhorst moved to waive in its entirety. Mr. Hellmer seconded the motion. There was no additional discussion. The motion passed unanimously.

Mr. Skoglund presented the email submitted by Glenn Daniel Morgan, lobbyist for the Kansas City Chapter Associated General and The Builders Association requesting waiver for both penalties assessed. Mr. Skoglund had conferred with the staff Lobbyist Coordinator, who had no objection to this waiver.

Mr. Hellmer moved to waive in its entirety. Mr. Scharnhorst seconded the motion. No additional discussion ensued. Motion passed with Ms. Deterding voting no.

Mr. Skoglund presented the letter submitted by Holly Denton, treasurer for the Morton County Democratic Central Committee. Mr. Skoglund noted that the certified mail receipt had not been signed, but COVID-19 written in as signature line. Mr. Skoglund had conferred with the staff PAC/Party coordinator, who had no objection to this waiver.

Ms. James moved to waive in its entirety. Mr. Moore seconded the motion. There was no additional discussion. The motion passed unanimously.

Mr. Skoglund presented the letter submitted by Tim Tarkelly, treasurer for the Neosho County Democratic Central Committee. Mr. Skoglund stated that this group had not filed the last 3 finance reports. The staff PAC/Party coordinator had directed them as to what they needed to do.

Mr. Skoglund recommended this waiver request not be granted.

The Commission took no action on the waiver request.

Paid for by Attribution Statements Waiver request

Being a first-time offense, Mr. Skoglund stated that typically the Commission would waive the first offense, and send a strongly worded letter to the candidate, unless there are extenuating circumstances that would lead the Commission not to waive.

Mr. Skoglund presented the following waiver requests for failing to include attribution statements: Ron J. Davis Sr., candidate for Montgomery County Commission, had submitted a letter for campaign letters sent.

Holly Pittman submitted an email on behalf of Jeff Pittman, candidate for state representative, for a newspaper ad.

Tonya Hudson, candidate for Sedgwick County Commission, submitted an email regarding Facebook ads.

Wendy Budetti, candidate for state senate, submitted email for door literature.

Carol Hull submitted an email on behalf of Richard Hull, candidate for Marshall County commission, for cards and flyers.

Nick Graham, candidate for Bourbon County commission, sent an email for campaign postcards.

Aimee Beemer, treasurer for the Help Students Learn & Play PAC, submitted an email on behalf of Paul Schmidt, chair, as the Facebook post did not include the treasurer in the attribution.

Mr. Skoglund recommended a waiver for all, following past practice.

Discussion ensued.

Mr. Moore moved to approve the waiver request and send letter. Mr. Solbach seconded the motion. The motion passed unanimously.

Public Hearing

Complaint No. 693

Appointed Hearing Officer, Mr. Solbach, called the Public Hearing on Complaint No. 693, Mark Skoglund vs. Charlene Brubaker to order at 1:52 p.m. Mr. Solbach stated that being a complaint, the Commission can recommend that the prosecuting attorney take no further action.

Mr. Berry stated the Respondent nor her attorney, John Ambrosio, appear. Mr. Berry presented the consent decree which has a joint recommendation in regard to findings and conclusions as well as an agreed fine recommendation of \$500. The Respondent had submitted a mitigating statement.

Mr. Berry asked that the Commission adopt the findings, conclusion and fine in the consent decree.

Mr. Solbach stated for the record that the Complainant Mark Skoglund appears in person and by Counsel, Brett Berry.

Mr. Hellmer moved to accept the consent decree, which enters a finding of a violation and a recommended fine and recommends no further action be taken by the prosecuting authority.

Mr. Scharnhorst seconded the motion. There was no additional discussion. The motion passed unanimously.

Mr. Solbach closed the hearing at 1:57 p.m.

Executive Session

At 2:00 p.m., Mr. Moore moved that the Commission recess this open meeting until 2:10 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 The motion was seconded by Mr. Solbach. The motion passed unanimously.

The Commission returned to open session at 2:10 p.m.

Next meeting date

Chair Hale noted the next meeting would be November 18, 2020. Mr. Skoglund stated that arrangements would be made to ensure social distancing for an in-person meeting.

Adjournment

At 2:13 p.m. Ms. Deterding moved to adjourn the meeting. Mr. Krull seconded the motion. There was no additional discussion and the motion carried unanimously.

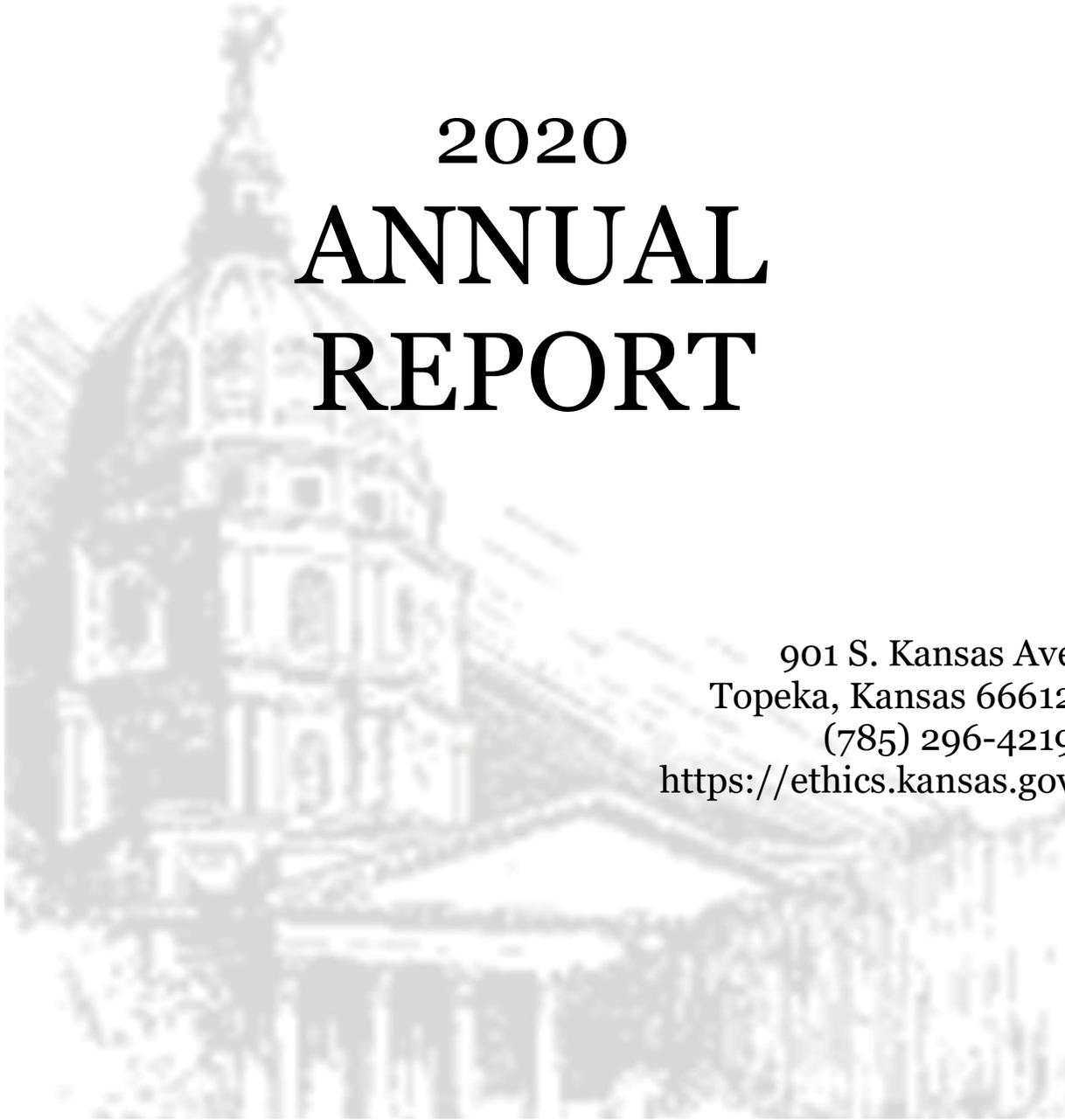
**STATUS OF FILINGS FOR OCTOBER 26, 2020
RECEIPTS & EXPENDITURES REPORTS**

	Number Required to File	Number of Affidavits	Number of Reports Filed In A Timely Manner	Number of Failure to File Notices Sent
STATE CANDIDATES				
State Representative	262	15	234	13
Senate	84	1	80	3
State Board of Education	11	2	7	2
District Attorney	11	0	9	2
District Judge	59	26	29	4
District Magistrate Judge	61	41	18	2
Retention Judge	54	54	0	0
COUNTY CANDIDATES FOR 2020	1084	790	267	27
TOTAL CANDIDATES	1625	929	644	53
PARTY COMMITTEES				
State Party Committees	4	0	4	0
Congressional District Committees	9	0	8	1
Recognized Party Committees	4	0	4	0
Democratic Co. Central Committees	45	24	40	5
Republican Co. Central Committees	58	41	47	11
Libertarian Co. Central Committee	1	0	0	1
TOTAL PARTY COMMITTEES	121	65	103	18
POLITICAL COMMITTEES				
General	202	25	184	18
Democratic Women's Clubs	11	0	10	1
Republican Women's Clubs	8	1	7	1
TOTAL POLITICAL COMMITTEES	221	26	204	20

**GOVERNMENTAL
ETHICS
COMMISSION**

**2020
ANNUAL
REPORT**

901 S. Kansas Ave
Topeka, Kansas 66612
(785) 296-4219
<https://ethics.kansas.gov>



PREFACE

This annual report is submitted to the Governor and the Legislative Coordinating Council for transmittal to the Legislature pursuant to K.S.A. 25-4119a and K.S.A. 46-1212c. With some exceptions, the report covers Fiscal Year 2020, the period from July 1, 2019 through June 30, 2020. Occasionally, data for the first quarter of Fiscal Year 2021 is used to provide a more complete picture of the Commission's operations.

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Mission:

The Governmental Ethics Commission works to foster public trust and confidence in state government decision-making through education, administration, and enforcement of the Campaign Finance Act and State Governmental Ethics Laws.

The Kansas Governmental Ethics Commission was established by the Kansas Legislature in 1974 to administer, interpret, and enforce the Campaign Finance Act (K.S.A. 25-4142 *et seq.*) and laws relating to conflict of interests, financial disclosure, and the regulation of lobbying (K.S.A. 46-215 *et seq.*). These laws establish the public's right to information about the financial affairs of Kansas' public officials, lobbyists, and candidates for state and local office. The Commission also renders advisory opinions and can adopt rules and regulations under a less comprehensive conflict of interest law covering local government officials and employees (K.S.A. 75-4301 *et seq.*).

Agency Philosophy:

The Kansas Governmental Ethics Commission believes the strongest safeguard against unethical conduct by public officials and employees is an informed and active public. For the disclosure elements of the legislation to have meaning, the public must be made aware of the legislation and the financial disclosure information must be accessible to the public. To this end, the Commission and its staff will approach their duties with a dedicated sense of purpose and responsibility to the individuals subject to the Campaign Finance Act and State Governmental Ethics Laws and the citizens of Kansas by performing their activities in an efficient and impartial manner. The Commission places a high priority on providing assistance to those subject to the Commission's jurisdiction in order to prevent violations.

Commission Members

The Kansas Governmental Ethics Commission is a nine member, bipartisan, citizen commission authorized by K.S.A. 25-4119a. Members serve two-year terms with the Commission's Chairperson appointed by the Governor. The Vice-Chairperson is elected by the membership. Commission appointments are made by the Governor, Attorney General, Secretary of State, Chief Justice of the Supreme Court, President of the Senate, Minority Leader of the Senate, Speaker of the House of Representatives, and the Minority Leader in the House. The Governor makes two appointments, each from a different political party.

The Commission usually meets once a month. The Commission's meetings are open to the public and information prepared by the staff for each meeting is available to the public. During FY 2020, the Commission held 7 meetings. This number is drastically reduced due to the COVID-19 pandemic. Meetings are scheduled to address a variety of matters including the review of and action on complaints filed, investigations undertaken, and audits performed. In addition, the Commission issues advisory opinions to answer questions involving interpretation of a particular section of the law, makes policy decisions, amends and adopts new administrative regulations and handles administrative matters including personnel, budget preparations, and office procedures.

Commission Staff

The staff of the Commission assumes all responsibility for the daily operations of the agency which include administration, legal, investigation, audit, information technology, and clerical functions. As a service oriented agency, the staff strives to assist individuals in complying with applicable laws by responding quickly, efficiently, and impartially. Commission staff also works diligently to ensure campaign finance and lobbying data is compiled, entered, and posted on the Internet to be viewed by the people of Kansas.

Current Commission Members

Nick Hale, Chairperson, Democrat, Prairie Village

Term expires January 31, 2021

Jerome Hellmer, Vice-Chairperson, Republican, Salina

Term expires January 31, 2022

Amy James, Democrat, Overland Park

Term expires January 31, 2021

John Solbach, Democrat, Lawrence

Term expires January 31, 2021

Todd Scharnhorst, Republican, Olathe

Term expires January 31, 2021

Kenneth Moore, Democrat, Kansas City

Term expires January 31, 2021

Kyle Krull, Republican, Overland Park

Term expires January 31, 2022

Jane Deterding, Republican, Wichita

Term expires January 31, 2022

Patricia Dengler, Republican, Wichita

Term expires January 31, 2022

Commission Staff

Executive Director – Mark Skoglund
Commission & Staff Attorney – Brett Berry
Office Manager – Sherry Fergel
State Candidate Report Examiner – Karina Renna
Local Candidate Report Examiner – Jennifer Schneider
Lobbyist Coordinator – Jessica White
PACs/Parties Coordinator, Auditor – Kaitlin Hubbell
Substantial Interests Coordinator/IT Specialist – Roxie Valdivia

Budget

In FY 2020, the Commission was originally appropriated \$395,476 from the State General Fund with a fee fund limitation of \$288,443. The following chart reflects revenue and expenditures for the fiscal year.

Fiscal Year 2020 Budget	Actual
Revenue:	
State General Fund Utilized	\$395,476
Fee Fund Utilized	\$249,024
Total Revenue Utilized	\$644,500
Expenditures:	
Salaries & Benefits	\$507,230
Contractual Services	\$134,555
Commodities	\$ 2,707
Capital Outlay	\$ 8
Total Expenditures	\$644,500

Legislative Activity

The 2020 Legislature did not pass any bills that impacted the Commission or the laws under its jurisdiction.

Organization & Operation

The Commission's efforts focus on full compliance with the Kansas campaign finance, conflict of interests, and lobbying statutes. Each year the Commission receives thousands of financial disclosure reports filed by candidates, political and party committees, public officials, and lobbyists. Staff time is devoted to assuring the accurate and timely disclosure of required financial information about those in state and local government. The processing and evaluation of filed reports and statements and an analysis of the supporting records, where appropriate, are crucial to the Commission's efforts. It is through the initial and comprehensive review of these reports, and the later audit and investigation when necessary, that the Commission can determine compliance with the laws.

The Commission's work encompasses five areas:

- (1) education and public awareness;
- (2) advisory opinions;
- (3) reviews and audits;
- (4) enforcement (including inquiries and investigations, the filing of complaints, holding public hearings and assessing civil penalties); and
- (5) general administrative activities.

Education & Public Awareness

The Commission's goal remains to improve communications regarding the reporting requirements of those subject to one or more of the disclosure laws, and to increase public awareness with respect to the impact and importance of information contained in the reports filed. The Commission's website has become an efficient instrument for disseminating and distributing Commission information. Information concerning the Commission, the advisory opinions it issues, scanned copies of state level candidate, party committee and political action

committee campaign finance reports, campaign finance and lobbying reporting forms, and campaign election and lobbying statistics can be found at <https://ethics.kansas.gov>.

The Commission utilizes informational brochures, the Internet, the news media, and speaking engagements to inform not only those under the Commission’s jurisdiction, but also the public about the laws and their meaning. Statistical information is summarized and printed, in addition to being posted on the Commission’s website, in the areas of campaign finance and lobbying. However, most time in this area is devoted to informing those directly covered by the laws of their duties and responsibilities. To accomplish this task, the Commission conducts informational seminars, and prepares and distributes handouts, campaign finance handbooks, lobbying handbooks, and conflict of interest laws brochures. In addition, staff fields calls to provide information and advice. In FY 2020 the Commission’s staff made 13 presentations, all of which occurred prior to the COVID-19 pandemic.

Advisory Opinions

Advisory opinions are issued by the Commission to clarify the application of the statutes in a particular situation. The Commission can issue these opinions on its own initiative or in response to individual inquiries. If an individual requests an opinion and conducts themselves according to the guidelines in the opinion, they are presumed to be in compliance with the law.

Four opinions were issued in FY 2020. All four opinions were issued in response to inquiries by individuals. Since 1974, the year the Commission was established, through June 30, 2020, the Commission has issued a total of 1,255 advisory opinions. A synopsis of the four advisory opinions issued in FY 2020 can be found at the conclusion of this report.

FY 2020 Advisory Opinions
State Conflict of Interests – 3
Local Conflict of Interests – 1

Review & Audit Program

Complete, accurate and timely disclosure of certain kinds of financial information by candidates, elected officials, state employees and lobbyists is the key requirement of the legislation. Active review and auditing of reports is essential for the proper administration of the law.

CAMPAIGN FINANCE

In the area of campaign finance, the Commission's procedures include a preliminary review and post-election comprehensive desk review of all receipts and expenditures reports filed. In addition, a certain number of campaigns and committees are selected for field audits.

Candidates, party committees, and political committees filed 1,377 receipts and expenditures reports in FY 2020. All receipts and expenditures reports received a comprehensive desk review.

Additionally, staff processed 517 state candidates, 1070 county candidates, 242 city candidates, and 435 party and political action committees. The candidates, their treasurers, and the party and political committee officers all received handbooks, guides, statutes, and other material to assist them in understanding their responsibilities under the Campaign Finance Act.

Audits

Audits of the records of candidates and political action committees are conducted using generally accepted auditing standards and are conducted on a priority basis. Accorded first priority are situations involving formal complaints. The next priority is assigned to situations in which it is necessary to clarify problems identified during the desk reviews. A general investigation may also be authorized at this point.

Finally, a random sample of candidates and committees is audited. If a candidate is selected for a random audit, his or her opponent is also examined. In FY 2020, 1 campaign finance audit was conducted.

FY 2020 Campaign Finance Statistics

- Candidates for 2020 State Office - 517
- Carryover State Candidates – 129
- Candidates for 2020 County Office – 1070
- Carryover County Candidates - 95
- Candidates for 2019 First Class City Office – 242
- Carryover First Class City Candidates – 69
- Political Action Committees – 246
- Party Committees - 189
- Campaign Finance Reports Filed – 1,377
- Failure to File Notices Issued – 134
- Error or Omission Notifications Issued - 263

CONFLICT OF INTERESTS

The Kansas conflict of interests statutes provide for (1) the filing of statements of substantial interests; (2) a code of conduct making it illegal for state officials and employees to be involved in certain conflicts; and (3) the issuance of advisory opinions.

The Commission's staff processed and reviewed 5,557 financial disclosure statements filed by state officers, state employees, and elected officials in FY 2020. Throughout the year, staff updates computer databases as appointments are made, officials resign or their terms end, and new positions are created. Financial disclosure forms and instructions are mailed to new appointees and candidates as the Commission receives official notice of their appointment or eligibility. Thereafter, forms and instructions are emailed or mailed on an annual basis to all persons subject to the filing requirements. All financial disclosure statements are public records and may be reviewed during regular business hours in the Secretary of State's office or on the Secretary of State's website. Those required to file Statements of Substantial Interests are elected state officials and candidates for such office, individuals whose appointments are subject to confirmation by the Senate, general counsels for state agencies, and state officers, employees, and members of boards, councils or commissions meeting the definition of a "designee" and so listed by the head of their agency.

2020 Statements of Substantial Interests Filings

- Employees Listed as Designees – 4,970
- Elected Officials – 184
- Appointees Subject to Senate Confirmation – 34
- Board Members Listed as Designees – 340
- General Counsels - 29

The Commission has found that the conflict statutes are not widely understood either by state officers, state employees or the public at large, yet these laws are of fundamental importance to the workings of state government. They draw the line between private interests and the public trust which must be guarded carefully. Efforts to clarify and enforce the line are increasingly important as public concern mounts over abuses of the public trust.

Many state officials and employees are in a position to make or influence decisions which could directly affect their personal interests. The state conflict of interest laws prohibit such activity. To assist these individuals, the Commission issues advisory opinions upon its own initiative and upon the request of any person to whom the relevant law applies.

REPRESENTATION CASE DISCLOSURE

There were zero Representation Case Disclosure Statements filed in FY 2020. It is possible that individuals required to file such statements have not done so. However, given the structure of the statutory requirements, there is no way of knowing who should file such statements.

LOBBYING PROVISIONS

There are 552 lobbyists registered for calendar year 2020 as of November 16, 2020. This compares with the total of 560 registered lobbyists in calendar year 2019. Of the 552 registered, some are registered on behalf of more than one person or organization. To date, 1,644 organizations or persons have been represented this year. This compares to 1,543 organizations being represented by a lobbyist in 2019. The Commission's statistical analysis of the lobbyist employment and expenditures reports filed shows that \$769,979 has been spent on lobbying activities through August 31, 2020. Registered lobbyists are required to file a lobbyist employment and expenditures report six times a year. These reports show expenditures if the lobbyist spent more than \$100 in a reporting period. To date this calendar year, 7,752 Lobbyist Employment and Expenditures Reports have been filed. A lobbyist can file an Affidavit of Exemption from filing the Lobbyist Employment and Expenditures Report if they do not expend in excess of \$100 in any reporting period.

Lobbyist Registrations and Expenditures

To Date for Calendar Year 2020

- Number of Registered Lobbyists – 552
- Number of Lobbyist Registration Statements Filed – 1,644
- Number of Reports Filed by Lobbyists – 7,752
- Number of Affidavits of Exemption Filed – 554
- Total of Expenditures for Year to Date – \$769,979
- Number of Failure to File Notices Issued - 111

Enforcement Program

INQUIRES & INVESTIGATIONS

In FY 2020, the Commission conducted 30 investigations. Investigations can be conducted prior to a complaint being filed or following the filing of a complaint. Inquiries and investigations remain confidential until a complaint has been filed and a probable cause determination has been made regarding the complaint. Whenever an investigation does not disclose facts sufficient to warrant further action, the Commission may issue a report concerning the findings of the Commission to the person or persons investigated. This report can be made public by the person or persons investigated.

COMPLAINTS

There were 15 complaints filed in FY 2020. Seven complaints were dismissed on the basis that there was insufficient evidence to support a probable cause determination or were dismissed after being set for hearing. One complaint was dismissed after probable cause was found before a hearing was held. Seven complaints had public hearings. It should be understood that after an investigation, if the Commission concludes there is no evidence to establish probable cause that there was an intentional violation of law, a complaint is dismissed and no public hearing is held. The determination as to whether an intentional violation has occurred is a decision which is not reached until the conclusion of a public hearing. Anyone who suspects that any of the provisions administered by the Commission have been violated may file a complaint in writing with the Commission.

CIVIL PENALTIES & FINES

The statutes enforced by the Commission provide for the assessment of civil penalties for failure to file certain reports or statements under the campaign finance, lobbying and state conflict of interest statutes. Individuals can be subject to a \$10 per day penalty for each day the report or statement remains unfiled up to a maximum of \$300. Effective July 1, 2018, for primary and general election campaign finance reports, as well as for lobbyist expenditure reports, the civil penalty is \$100 for the first day and \$50 for each day the report remains unfiled up to a maximum of \$1000. The Commission is authorized to waive any imposed civil penalty upon a finding of good cause. There were civil penalties totaling \$38,610 assessed and \$10,680 in civil penalties waived in FY 2020. The Commission collected \$14,205 in civil

penalties. A few civil penalties which were assessed in prior years were collected in FY 2020. Some of the civil penalties assessed in previous years still remain outstanding.

In addition to any other penalty prescribed under the campaign finance, lobbying or state conflict of interest statutes, the Commission can 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 and each subsequent violation. Before a civil fine can be assessed, the person must be given proper notice and an opportunity to be heard. Civil fines in the amount of \$14,100 were assessed in FY 2020 as a result of four civil fine hearings. Of these fines, \$5,800 has been collected. In FY 2020, \$10,578 in civil fines was collected, which includes fines assessed in previous fiscal years.

FY 2020 Civil Penalties and Fines

Campaign Finance Civil Penalties Assessed - \$19,520

Lobbying Civil Penalties Assessed – \$19,050

Statement of Substantial Interests Civil Penalties Assessed - \$40

Total Civil Penalties Assessed – \$38,610

Total Civil Penalties Waived – \$10,680

Total Civil Penalties Collected - \$14,205

Total Civil Fines Assessed – \$14,100

Total Civil Fines Collected - \$10,578

Commission Recommendations

The Commission is directed by statute to make recommendations to the Governor and Legislature. It recognizes that any major piece of legislation periodically needs revision, modification, and in some cases, major changes. To that end, the Commission makes the following recommendations:

1. **Electronic Filing for State Candidates** - K.S.A. 25-4148 permits state and local candidates, other than for statewide office, to file their campaign finance reports on paper or electronically. Candidates for statewide office must file all forms electronically. Requiring electronic campaign finance reporting would provide a wide variety of benefits, including but not limited to:
 - Cost and efficiency savings regarding data entry reductions and more rapid report processing;
 - Cost savings from decreased numbers of Errors and Omissions notices sent due to errors that could be prevented by filling fields in an electronic form, such as calculation errors and required fields not being left blank;
 - Decreased costs for printing forms and reports;
 - Increased accuracy of data presented to the public as it would reduce avenues for errors;
 - Increased transparency and decreased time delay in presenting campaign finance data to the public.

Due to these benefits and others, the Commission believes that significant benefits warrant requiring electronic submission of all campaign finance reports for state office. In doing so, Kansas would be joining 40 states that already have this requirement.

The Commission supports the granting of exemptions for good cause shown, determined by the discretion of the Executive Director.

2. **Disposal of Campaign Assets** – K.S.A. 24-4157a prohibits candidates from using campaign contributions “for the personal use of the candidate,” and indicates that campaign contributions may only be utilized for one of seven itemized exceptions. Candidates are specifically prohibited from making expenditures that “defray normal living expenses for the candidate or the candidate’s family” or that are “for the personal benefit of the candidate having no direct connection with or effect upon the campaign of the candidate or the holding of political office.”

While the statute’s intention is clear that candidates should not be permitted to make a purchase of equipment such as a laptop or cell phone and then keep the item personally after the campaign has terminated, the language in the statute would be well served with additional clarity. The Commission believes there are scenarios where equipment is legitimately purchased for a campaign and then after terminating the campaign account, the candidate keeps the item for personal use rather than for continued campaign purposes. This scenario presents an impermissible use of campaign assets, and the statute could be altered accordingly to more clearly prohibit this situation.

For federal candidates, the FEC requires that when closing their campaign accounts, they must sell campaign assets for fair market value, or purchase the items from the campaign for fair market value, rather than keeping the items personally. A similar model could exist for Kansas with some statutory clarity.

3. **Lobbyist and Statement of Substantial Interest Late Filing** – K.S.A. 46-280 provides that the Commission shall send a notice to any lobbyist who has not timely filed a report and any individual who has not timely filed a Statement of Substantial Interest form. The statute, as amended by 2018 HB 2642, increased the civil penalties for lobbyist expenditure reports and shortened the applicable grace period to file the form without penalty. The amended statute creates a potential conflict in the notice provision regarding whether the grace period begins from receipt of the notice or from the sending of the notice. Since lobbyists and individuals subject to filing Statements of Substantial Interest are aware of the relevant deadlines and in order to create consistency with similar statutory provisions in other areas, the Commission recommends a procedural amendment so that the grace period provided in statute begins running from the time the Commission sends the notice of failure to file, rather than from the time of receipt.

4. **Other social media attribution** - K.S.A. 25-4156(b)(1)(E) defines corrupt political advertising as any person making (or causing to be made) any website, e-mail or other type of internet communication which expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office to follow such matter with a statement which states: "Paid for" or "Sponsored by" followed by the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor. Appending such attributions to e-mails is analogous to printed matter and compliance with the attribution requirement is simple and straightforward. Compliance for some websites and some social media websites can be difficult or impossible.

The Commission believes that the rigid formats of certain websites or other internet communications make appending the required attributions problematic or impossible. The Commission believes the Legislature should consider methods to require clear and conspicuous attribution on social media platforms.

Appendix I

**SUMMARY
OF
ADVISORY OPINIONS
ISSUED IN
FY 2020**

Opinion No. 2019-04 – Issued July 24, 2019

A former state employee is not prohibited from accepting employment with a private business when the employee was not substantially involved in the making of contracts between the state and the business. Additionally, the employee's request to return to work for the state in a different state agency while retaining their position with the private business would not violate the ethics laws.

Opinion No. 2019-05 – Issued October 23, 2019

A local government employee does not have a substantial interest in a business that employs the employee's sibling.

Opinion No. 2020-01 – Issued January 22, 2020

Under the facts presented, a state employee may accept employment with Business A that is associated with, but meaningfully distinctly separate from, Business B, when the employee participated in the making of a contract between the state and Business B. The two-year waiting period would not apply.

Opinion No. 2020-02 – Issued April 22, 2020

A state employee may accept employment with a business where the employee participated in the making of a competitively bid contract between the state and the business, and where amendments to the contract were not renegotiations or new negotiated terms to the underlying competitively bid contract. The two-year waiting period would not apply.

Appendix II

STATISTICAL COMPARISON OF LOBBYING EXPENDITURES 2010-2020

Statistical Comparison of Lobbying Expenditures 2010-2020

Year	Number of Lobbyists/Registrations		Food and Beverage	Recreation	Entertainment Gifts Honoria and Payments	Mass Media	Communications	Other	Total
2010	541	1505	\$416,821	\$18,638	\$15,395	\$632,498	\$306,451	\$21,063	\$1,410,868
2011	568	1562	\$468,229	\$12,621	\$19,245	\$185,944	\$16,657	\$19,746	\$722,445
2012	550	1531	\$475,936	\$9,613	\$16,143	\$134,899	\$114,851	\$12,791	\$764,236
2013	542	1506	\$551,649	\$26,126	\$13,154	\$642,475	\$60,457	\$10,279	\$1,304,140
2014	548	1585	\$523,393	\$15,813	\$24,495	\$507,340	\$104,323	\$12,037	\$1,187,401
2015	557	1672	\$570,815	\$14,926	\$21,532	\$609,551	\$505,443	\$23,242	\$1,745,509
2016	552	1491	\$456,850	\$9,271	\$9,491	\$144,365	\$370,759	\$3,074	\$993,810
2017	556	1520	\$564,296	\$8,360	\$20,367	\$134,048	\$766,018	\$13,110	\$1,506,199
2018	538	1478	\$527,483	\$6,993	\$7,553	\$76,192	\$309,068	\$13,781	\$941,071
2019	560	1543	\$500,852	\$4,470	\$8,775	\$126,785	\$664,674	\$18,941	\$1,324,497
2020 YTD	552	1644	\$364,559	\$1,862	\$18,769	\$27,826	\$343,631	\$13,332	\$769,979



GOVERNMENTAL ETHICS COMMISSION

<https://ethics.kansas.gov>

November 18, 2020

Opinion No. 2020-03

Synopsis: Text messages are a means of contacting persons telephonically. If a text message expressly advocates for the nomination, election or defeat of a clearly identified candidate for state or local office, any such paid for matter must be *preceded* by a statement which states: "Paid for" or "Sponsored by" followed by the name of the sponsoring organization and the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor.

Cited herein: K.S.A. 25-4156 and 25-4181.

TO ALL INTERESTED PERSONS:

Pursuant to K.S.A. 25-4159, the Kansas Governmental Ethics Commission issues this opinion regarding the requirement for paid for by attributions as part of text messages.

ISSUE

The frequency of text messages containing express advocacy for the election or defeat of clearly identified candidates for state and local office is increasing with each election. The commission takes this opportunity to give notice regarding the requirement for such text messages to contain paid for by attributions.

ANALYSIS AND OPINION

A variety of technologies make text messaging possible. Among the most common in use on smart phones today are short message service (SMS), multimedia messaging service (MMS) and iMessage. SMS text messages are only sent over cellular networks. MMS messages are SMS text messages which include images, videos and other media. Text messages using Apple iMessage software can be sent over cellular networks or Wi-Fi using Apple's servers and bypass phone company servers. Whether SMS, MMS, or iMessage, each technology utilizes telephonic means to contact persons.

Contacting persons to expressly advocate by telephonic means requires an attribution as provided in K.S.A. 25-4156(b)(1)(C):

Telephoning or causing to be contacted by any telephonic means including [...] wireless telephone, any paid matter which expressly advocates the nomination, election or defeat of a

clearly identified candidate for a state or local office unless such matter is preceded by a statement which states: “Paid for” or “Sponsored by” followed by the name of the sponsoring organization and the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor[.]

Therefore, we conclude that text messages which include paid express advocacy are generally required to be preceded by a *paid for by* or a *sponsored by* attribution as provided in K.S.A. 25-4156(b)(1)(C). Failure to include such an attribution as required is a violation subject to a civil fine as provided in K.S.A. 25-4181 and punishable as a class C misdemeanor as provided in K.S.A. 25-4156(b)(3). We suggest that affected persons contact Commission staff for further guidance as needed.

Sincerely,

Nick Hale, Chairman
By Direction of the Commission

NH:BB:sf

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

TO: Commission Members

FROM: Mark Skoglund, Executive Director

DATE: November 18, 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 2 days from the date such notice is placed in the mail to file the report. After that date, the civil penalty is \$100 for the first day and \$50 per day up to a maximum of \$1000. The following individuals did not file in a timely manner:

Name	Date Filed	Days Late	Amount
October 26, 2020 Receipts & Expenditures Report – due October 29, 2020			
Ethan Caylor, Candidate for state representative	10/30/20	1	\$100
Steven Huebert, Candidate for state representative	10/30/20	1	\$100
J.C. Moore, Candidate for state representative	10/30/20	1	\$100
Scott Morris, Candidate for District Magistrate Judge	10/30/20	1	\$100
James Thompson, Candidate for District Judge	11/1/20	3	\$200
Julie Fletcher Cowell, Candidate for District Magistrate Judge	11/2/20	4	\$250
Trevor Jacobs, Candidate for state representative	11/4/20	6	\$350
Courtney Mikesic, Candidate for District Judge	11/7/20	9	\$500

Josh Harris, Candidate for State board of Education	N/A	+19	\$1000
Timothy Reed, Candidate for State Representative	N/A	+19	\$1000
Harold Zajic, Candidate for State Senate	N/A	+19	\$1000

October 26, 2020 Receipts & Expenditures Report – due October 30, 2020

Gary Wilson Candidate for county commissioner	10/31/20	1	\$100
Jay Bailey Candidate for county commissioner	11/2/20	3	\$200
Kenneth Higley Candidate for Sheriff	11/2/20	3	\$200
Nicholas Noland Candidate for county commissioner	11/2/20	3	\$200
Sara Woods Candidate for county treasurer	11/2/20	3	\$200
Dustin Roths Candidate for county commissioner	11/2/20	3	\$200
Adam Potts Candidate for Sheriff	11/3/20	4	\$250
David Horner Candidate for Sheriff	11/3/20	4	\$250
Randall Eitzen Candidate for county commissioner	11/3/20	4	\$250
Jenny Niblock Candidate for county commissioner	11/4/20	5	\$300
Michael Haley Candidate for county commissioner	11/4/20	5	\$300
Vonda Finley Candidate for Register of Deeds	11/5/20	6	\$350

Curtis Oroke			
Candidate for county commissioner	11/7/20	7	\$400

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:

Amended January 10, 2020 Receipts & Expenditures Report- due August 25, 2020

Scott Hamblin			
Candidate for city council	N/A	+30	\$300
Tara Brune			
Treasurer for Scott Hamblin	N/A	+30	\$300
Mark Gietzen			
candidate for mayor	N/A	+30	\$300

Amended October 28, 2019 Receipts & Expenditures Report- due September 11, 2020

Mark Gietzen			
candidate for mayor	N/A	+30	\$300

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

TO: Commission Members

FROM: Mark Skoglund, Executive Director

DATE: November 18, 2020

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

The following individuals failed to file the required 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 a number of days from the date such notice is placed in the mail to file the report. Central Committees & PACs having less than \$2500 in contributions which report 15 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. For PACS having more than \$2500 in contributions, failing to file a required report within 2 days of the notice date are imposed a civil penalty of \$100 for the first day and \$50 per day the report remains unfiled thereafter up to a maximum of \$1000. Unless otherwise noted, the following individuals did not file the **October 26, 2020** Receipts and Expenditures Report in a timely manner:

<u>Name</u>	<u>Date Filed</u>	<u>Days Late</u>	<u>Amount</u>
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October 26, 2020 Receipts and Expenditures Report

Allen Gallaway, Treasurer United Teachers of Wichita COPE	11/13/20	3	\$30
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Over \$2500 in contributions PACS

Robert Wing, Treasurer Tri County Labor Council COPE	n/a	+19	\$1000
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Thad Lauritzen, Treasurer Club 64 Firefighters	n/a	+19	\$1000
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**GOVERNMENTAL ETHICS COMMISSION**<https://ethics.kansas.gov>

TO: Commission Members

FROM: Mark Skoglund, Executive Director

DATE: November 18, 2020

RE: Civil Penalty Waiver Requests

Name	Violation- late filing of Receipts & Expenditures Report unless otherwise noted	<u>Amount</u>
Audrey Hill, Lobbyist for Saint Luke's Health System		\$1000
Jenny Niblock, County commissioner candidate		\$ 300
JC Moore, Candidate for State Representative		\$ 100
Tom Byers, Magellan Midstream Partners, LLC		\$450
Doug Anstaett, Lobbyist for Kansas Press Association		\$500
Adam Potts, Candidate for Sheriff		\$250

November 2, 2020

Kansas Governmental Ethics Commission
901 S Kansas Ave.
Topeka, KS 66612

Dear Chairman Hale and Members of the Governmental Ethics Commission,

Please accept my regrets related to late filing of my September 10, 2020 Lobbyist Employment & Expenditure Report. I am writing to formally request a waiver of the assessed penalty.

On January 10, 2020 I registered as a lobbyist to represent my employer Saint Luke's Health System in the 2020 legislative session. In May of this year I transitioned to a new role within the Health System in response to shifting operational needs resulting from the COVID-19 pandemic. Like many people, I began working remotely under a new set of norms and logistical challenges. One such challenge was limited access to paper mail correspondence, which proved to be a barrier for receiving lobbyist filing deadline notices. Furthermore I neglected to act on a reminder set for myself to ensure timely filing of a September lobbyist report.

My new role within the health system does not include lobbying or advocacy work. I have therefore not conducted any lobbying efforts subsequent to changing roles in May of this year and will not be engaging in lobbying activity going forward.

As you know this is the first penalty assessed in my record as a Kansas resisted lobbyist. In light of the developments related to my role at Saint Luke's and the unique circumstances surrounding this event, I respectfully request a waiver of the civil penalty assessed on October 28, 2020.

Sincerely,

A handwritten signature in cursive script that reads "Audrey Hill".

Audrey Hill

From: [Jenny Niblock](#)
To: [KGEC_Ethics](#)
Subject: Report for expenditures for Jenny Niblock
Date: Wednesday, November 4, 2020 8:23:07 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.

Sherry-

Thank you for your assistance on the phone this morning. I am attaching my campaign termination report. I have not spent any money or received any money for my campaign since my last report. I have a zero balance.

I apologize for my lack of understanding on completing the paperwork. I am requesting a waiver of any penalties for failure to report. Please let me know if there is any else I need to complete.

Jenny Niblock
Cell 785-443-1191

CONFIDENTIALITY NOTICE: This e-mail transmission contains confidential information, some or all of which may be protected health information as defined by the federal Health Insurance Portability & Accountability Act (HIPAA) Privacy Rule. This transmission is intended for the exclusive use of the individual or entity to whom it is addressed and may contain information that is proprietary, privileged, confidential and/or exempt from disclosure under applicable law. If you are not the intended recipient (or an employee or agent responsible for delivering this facsimile transmission to the intended recipient), you are hereby notified that any disclosure, dissemination, distribution or copying of this information is strictly prohibited and may be subject to legal restriction or sanction. Please notify the sender by telephone (number listed above) to arrange the return or destruction of the information and all copies.

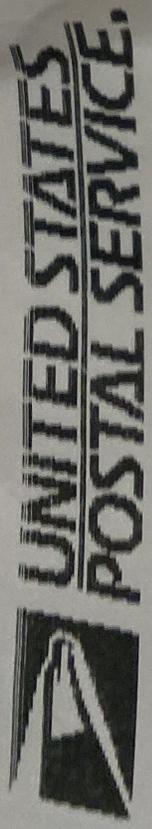
From: [jc Moore](#)
To: [KGEC_Ethics](#)
Subject: Waiver Request
Date: Sunday, November 8, 2020 7:34:40 PM
Attachments: [Receipt.pdf](#)

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 received a letter that you had not received my campaign finance report by the deadline. I would like to request a waiver as I mailed it on October 22. The mailing receipt is attached.

Cordially,
J.C. Moore

Sent from my iPhone



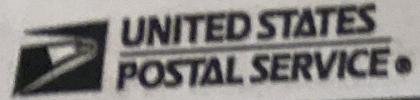
HAYSVILLE
 224 W GRAND AVE
 HAYSVILLE, KS 67060-9998
 (800)275-8777

10/22/2020 01:46 PM

Product	Qty	Unit Price	Price
First-Class Mail® Large Envelope	1		\$1.20
Topeka, KS 66612			
Weight: 0 lb 1.80 oz			
Estimated Delivery Date			
Mon 10/26/2020			
Cert of Mailing			\$1.50
Total			\$2.70
Grand Total:			\$2.70
Cash			\$10.00
Change			(\$7.30)

 Due to limited transportation availability as a result of nationwide COVID-19 impacts package delivery times may be extended. Priority Mail Express® service will not change.

Preview your Mail



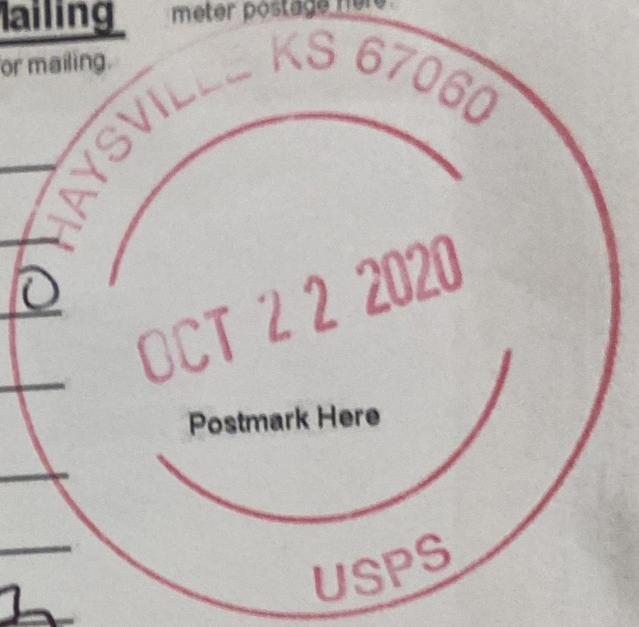
Certificate Of Mailing

To pay fee, affix stamps or meter postage here.

This Certificate of Mailing provides evidence that mail has been presented to USPS® for mailing. This form may be used for domestic and international mail.

From: J. C. Moore
712 W 4th
Haysville KS 67060

To: KS Sec of State
170 W. 10th Ave
Topeka KS 66612



THOMAS L. BYERS

2608 E. 18th Street, Tulsa, OK 74104 918-605-7509
Tom.jayhawk@cox.net

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

RE: Civil Penalty Assessment Order

Dear Mr. Skoglund:

This is in response to the Civil Penalty Assessment Order which I received on October 31, 2020. I am writing to request a waiver of the penalty assessed in that order.

On August 10, 2020 my position as Manager of Government & Media Affairs was eliminated by Magellan Midstream Partners, L.P. ("Magellan") and I was terminated as an employee. I had registered as a lobbyist in Kansas only because of my position with Magellan; I was not advocating for any other entities nor do I intend to do so in the future. Within two days of being notified that my employment with Magellan had been terminated, I was no longer allowed in my office nor was I given access to any of my files. My email access was shut off and I did not receive any of the mail which was sent to my business address.

The termination came as a complete surprise and to be completely candid my mind was focused on why this happened, what I would do now, etc. I admittedly failed to think about my registration as a lobbyist in Kansas and the reports that I was obligated to submit. As I said, I did not receive any business mail and therefore did not see the reminder that was sent out by the Commission.

For the foregoing reasons, I respectfully ask that the Commission waive the \$450 penalty. I live in Tulsa, Oklahoma and therefore do not wish to appear before the Commission in person.

Also, I wish to terminate my Kansas lobbyist registration; if there is anything further that I need to do to accomplish this I would appreciate it if you would please advise what action I should take.

I appreciate your time and that of the Commission and your consideration of my request. If you have questions or need any additional information, please do not hesitate to contact me. I look forward to hearing from you. Thank you.

Sincerely,



Thomas L. Byers

RECEIVED

NOV 09 2020

KS Governmental Ethics Commission



Kansas Press Association, Inc.

Dedicated to serving and advancing the interests of Kansas newspapers

5423 SW Seventh Street • Topeka, Kansas 66606 • Phone (785) 271-5304 • Fax (785) 271-7341 • www.kspress.com

Nov. 5, 2020

Mark Skoglund, Executive Director
Kansas Governmental Ethics Commission
901 S. Kansas Ave.
Topeka, Kansas 66614

Dear Mr. Skoglund:

This letter is in response to your recent decision regarding the late filing of my lobbyist report for Sept. 10, 2020.

Indeed, I did submit the report a few days late, but a number of factors contributed to the delay.

During the middle of the pandemic, the Kansas Press Association decided in May to sell its building at 5423 S.W. 7th St. in Topeka. All of our staff members then began working from home and will continue to do so for the foreseeable future.

We changed our mailing address, of course, with one staff member having the responsibility to pick up mail and distribute it to others. I didn't receive the warning from your office until several days after it was delivered to our common KPA mailbox. That original letter was addressed to the West 7th St. address, then forwarded. I believe I changed my address for mailings from your office to my home during the early summer. I still haven't received a mailing from your office to my home address, including this one.

As soon as I received notice, I did complete the report and send it in. I apologize for the delay, but I believe these extenuating circumstances warrant your consideration of a waiver of the penalty.

I had no intent to avoid reporting; in fact, I've submitted lobbying reports for 16 years without one late submission that I recall.

Thank you for your consideration.

Douglas J. Anstaett
Consultant and Lobbyist
Kansas Press Association

RECEIVED

NOV 09 2020

KS Governmental Ethics Commission

To Whom It May Concern,

I understand that my Receipts and Expenditures report, was delinquent in being filed. I ultimately take responsibility for the situation, but wanted to bring it to the Commission attention that I was not attempting to be disrespectful or defiant. I am requesting a consideration from the Commission for a waiver for penalty in regards to this delinquent filing, due to the following situation.

My treasurer had been on a vacation the week prior to the deadline of the October 26th, in Utah. In an attempt to avoid the storms that were forecasted for her travels home, she traveled south attempting to go through the areas of Arizona and Oklahoma. She became stranded in a few locations along that route, due to the storms, and power outages, that struck those areas. I was unaware of this situation until it became an issue. At that point all of the campaign financial reports were locked in her residence, due to the anticipation that she was going to be home the weekend before the filing and have it ready for her to file with the County Clerk. She was not able to return home until that Friday, October 30th. It was an unfortunate circumstance that resulted in the late filing.

I again understand it was ultimately my responsibility and take responsibility for the delinquency. I understand civil penalties may be a result of the delinquency and apologize for the inconvenience the delinquency has caused for the Commission and its staff.

If there are any questions, please contact me by email at pottsforsheriff@gmail.com or by telephone at 913-426-2512. I will also appear in person if the Commission feels it is warranted, in regards to this situation.

Sincerely,

Adam R. Potts

From: [Laura Allen](#)
To: [KGEC_Ethics](#)
Subject: Facebook Error
Date: Saturday, October 31, 2020 4:02:57 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.

Hello this email is in reference to the letter I received on 10/15/20 about my Facebook page regarding K.S.A. Supp. 25-4156 requiring candidate for office to have the words "paid for" then followed by the name of the candidate and said candidate's treasure, as required by law and by the requested of the Governmental Ethics Commission.

I simply did not realize that needed to be included on Facebook, since it is a free social media platform. It has been added, a couple of weeks ago.

Please let me know if I need to take any further actions.

Sincerely,

Laura Allen
Write in candidate for Ellis County Clerk

From: [Avery Anderson](#)
To: [KGEC_Ethics](#)
Subject: Governmental Ethics Commission
Date: Wednesday, November 4, 2020 6:57:55 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.

Dear Governmental Ethics Commission,

Thank you for letting me respond to your attribution statement inquiry.

We had our letter set up on a word document that had "Paid for by Avery Anderson for Kansas, Mark Boston, Treasurer".

Our computer restarted and we lost the file. When we reproduced the letter, the attribution statement was accidentally left off the replacement letter. Some of those letters did get mailed and we did not catch it.

We are aware of the issue and we apologize for this one-time error.

Thank you,

Avery Anderson
Anderson For Kansas

From: [Farr, Mark \[KS\]](#)
To: [KGEC_Ethics](#)
Cc: [Desetti, Mark \[KS\]](#); [Riemann, Kevin \[KS\]](#)
Subject: Letter of 10/27/2020; attribution on mail
Date: Thursday, November 5, 2020 9:40:51 AM
Attachments: [image001.png](#)

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: Mr. Mark Skoglund, Executive Director, Kansas Ethics Commission
From: Mark Farr, Chair, Kansas NEA Political Action Committee
Date: November 5, 2020
RE: Letter of 10/27/2020; attribution on mail

Mr. Skoglund,

The postcards referenced in your letter were sent only to members of Kansas NEA. It was our belief that communication to only members did not require an attribution line and that such an attribution was required only on mail to the general public.

We have discussed the issue with your office and it was explained to us more clearly. We now understand that the attribution is required even on mail directed only to our members. Going forward we will ensure that all such mail to our members includes the appropriate attribution.

Sincerely,

Mark Farr
Kansas NEA Political Action Committee Chair

Mark Farr, President
[715 SW Tenth Avenue](#) | [Topeka, KS 66612](#)-1686 | [785.232.8271](#)
Making Public Schools Great for Every Child



Kansas  National
Education Association

Motion to adjourn to Executive Session

November 18, 2020

I move that the Commission recess this open meeting until _____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.