

Agenda

Governmental Ethics Commission
901 S. Kansas
Topeka KS
April 28, 2021
1:00 p.m.

1:00 p.m. Call Meeting to Order

Review and Approve March 24, 2021 meeting minutes

Executive Directors Report

- Enforcement guidance regarding overcontributions
- Form Updates

Lobbyist Civil Penalties

Delaney Tholen, Kansas Heritage Farms	Erika DeVore Kansas Recreation & Parks Association
Dennis Hupe Kansas Soybean Association	Debra Mize Kansans for Health Freedom, Inc.
Rob Fillon Americans for Prosperity Foundation	

Civil Penalty Waiver Requests

- Matthew Hall, lobbyist

Public Hearings

- Complaint No. 696, Scott Hamblin,
- Complaint No. 697, Tara Brune
- Complaint No. 700, Benjamin Hodge

Executive Session

Date of next meeting: May 26, 2021

3:00 p.m. Adjournment

Draft Minutes
Governmental Ethics Commission
March 24, 2021
1:00 p.m.
901 S. Kansas Ave
KGEC office

Members Present

Nick Hale, Chair
Jerome Hellmer, Vice Chair
Patty Dengler
Jane Deterding (by phone)
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 March 24, 2021 meeting agenda and the minutes from the February 24, 2021 meeting. Mr. Krull moved to approve the agenda and meetings minutes as written. Mr. Hellmer seconded the motion. The motion passed unanimously.

Executive Director Report

Mr. Skoglund presented an update of the proposed legislation for this session.

1. Mandatory Electronic filing passed the House Committee, was not scheduled for a floor vote. The Senate had a hearing, no vote.
2. Disposal of Campaign assets was not introduced in the House. It was introduced in the Senate but had no hearing.
3. Lobbyist late filing cleanup was introduced in the House, no hearing was held. It was not introduced in the Senate.
4. Social Media Attribution passed the Elections House Committee. It was not introduced in the Senate.

Mr. Skoglund answered questions from the Commission.

Civil Penalty Assessment Orders

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

January 10, 2021 Receipts & Expenditures Report

Benjamin Hodge, candidate for State Board of Education	\$250
Chad McCubbin, 2019 candidate City Commission	\$240
Sarah Chenoweth, 2019 candidate City Commission	\$270
Megan Johnson, Treasurer for Sarah Chenoweth	\$270

Stan Frownfelter, candidate for BPU	\$300
Scott Hamblin, 2019 candidate City Council	\$300
Tara Brune, treasurer for Scott Hamblin	\$300
Richard Garza, candidate for Sheriff	\$300
Mandy Peters, treasurer for Richard Garza	\$300
Mark Gietzen, mayoral candidate	\$300
Chad Ulepich, 2019 candidate County Commission	\$300
Jason Lee, treasurer for Chad Ulepich	\$300
Casey Schrag, candidate for Sheriff	\$300
Benjamin Hodge, treasurer Kansans for State and Local Reform	\$240
Joseph Elmore, treasurer Kansas Black Republican Council	\$300
Merriam Langdon, treasurer KS Democratic Party Disability Caucus	\$300
Karla Lisle, treasurer Kansans for Conservative Values	\$300
Rachel Phipps, treasurer Chase CO Rep Central Committee	\$300
Lavonia Ragsdale, treasurer 3 rd Dist. Libertarian Party of KS	\$300
Tim Tarkelly, treasurer Neosho CO Dem Central Committee	\$300
John Todd, treasurer United Forward PAC	\$300
<u>Amended January 10, 2020 Receipts & Expenditures Report:</u>	
Joseph Elmore, treasurer Kansas Black Republican Council	\$300
<u>Amended July 27, 2020 Receipts & Expenditures Report:</u>	
Joseph Elmore, treasurer Kansas Black Republican Council	\$300
<u>Appointment of Treasurer or Committee Form</u>	
Max Stucky Halley 2022 State representative candidate	\$120
<u>February 10, 2021 Lobbyist Employment & Expenditure Report</u>	
Jennifer Baysinger, Kansas Chamber	\$500
<u>March 10, 2021 Lobbyist Employment & Expenditure Report</u>	
Matthew Hall, Teamsters Local 696	\$250
Jennifer Baysinger, Kansas Chamber	\$450

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

Waiver requests for Civil Penalty Assessments

City Council candidate Sara Chenoweth submitted a letter requesting waiver of the civil penalty for the late filing of the January 10, 2021 Receipts & Expenditure Report. Mr. Skoglund presented the request and answered questions from the Commission. He had no recommendation. Ms. James moved to waive the civil penalty in its entirety. Mr. Hellmer seconded the motion. There was no additional discussion. The motion passed unanimously.

Mr. Skoglund presented the letter submitted by Jerry Gum, District Magistrate Judge candidate, for the late filing of his Appointment of Treasurer or Committee form and the October 26, 2020 and January 10, 2021 Receipts & Expenditures Reports. Mr. Skoglund explained that Mr. Gum was a write in candidate and his campaign was self-funded. Mr. Skoglund felt the \$2300 penalty was more than needed to deter the behavior in the future. He recommended waiver, but not in full. He answered the Commissions questions. Mr. Krull moved to abate the \$2300 penalty to \$500 and waive \$250 of the \$500 if \$250 is paid within 30 days. Mr. Scharnhorst seconded the motion. Discussion continued. The motion passed unanimously.

Melissa Panettiere, lobbyist for Blue Cross & Blue Shield of Kansas City, submitted a letter requesting waiver of the civil penalty for the late filing of the January 10, 2021 Lobbyist Employment & Expenditure Report. Mr. Skoglund presented the request and recommended a full waiver. Ms. James moved to waive the civil penalty in its entirety. Mr. Scharnhorst seconded the motion. Discussion ensued. The motion passed unanimously.

Mr. Skoglund presented the letter submitted by Charles Posson, Treasurer, Norton County Republican Central Committee, requesting waiver of the civil penalty assessed for failure to file the January 10, 2021 Receipts & Expenditures Report in a timely manner. Mr. Skoglund did not recommend waiver of the penalty. The Commission took no action on the request.

Michael Ginsberg, treasurer for Liberty Press Farm PAC, submitted a letter requesting waiver of the civil penalty for the late filing of the January 10, 2021 Lobbyist Employment & Expenditure Report. Mr. Skoglund presented the request and recommended a full waiver. Ms. James moved to waive the civil penalty in its entirety. Mr. Scharnhorst seconded the motion. Discussion ensued. The motion passed unanimously.

Mr. Skoglund presented the email submitted by Sherrelyn Smith, State Representative candidate, requesting waiver of the civil penalty assessed for failure to file January 10, 2021 Receipts & Expenditures Report in a timely manner. Mr. Skoglund answered questions from the Commission. He did not recommend waiver of the penalty. The Commission took no action on the request.

Civil Fine Hearing

2021 CF-01

The Civil Fine Hearing for Mark Skoglund vs. Mark Hutton, Case No. CF 2021-01 was called to order at 1:27 p.m. by Mr. Solbach, appointed as Hearing Officer by Chair Hale. The hearing was recorded. Hearing Officer Solbach stated he understood there was a Consent Order.

Mr. Berry stated he was appearing on behalf of the Petitioner, Mark Skoglund, and the Respondent appeared in person pro se. Mr. Berry confirmed there was a Consent Decree that would need to be signed by the presiding officer.

Mr. Berry summarized the Respondent's three allegations as submitted. The first was failing to itemize for contributions over \$50 on the January 10, 2021 Receipts & Expenditures Report; the second was failure to file the amended January 10, 2021 Receipts & Expenditures Report and the third count was failure to maintain records in support of the January 10, 2021 Receipts & Expenditures Report. Mr. Berry stated there was no dispute from the Respondent regarding the allegations, part of the basis for the failing to file these reports was the inability to access the records that would demonstrate the source of the contributions.

Hearing Officer Solbach explained that the Commission would decide whether to adopt the Consent Decree and if adopted, would discuss the amount of the civil fine. Mr. Hutton would have the opportunity at that time to give his recommendations on the civil fine, and Mr. Berry would then present his recommendations.

Mr. Scharnhorst moved to adopt the consent decree. Mr. Moore seconded the motion. There was no discussion and the motion passed unanimously.

Hearing Officer Solbach stated that as the Consent Decree was adopted. He asked Mr. Berry to present his opinion on the civil fine amount and added that this would not go on to the prosecuting authority, being a civil fine hearing and not a complaint.

Mr. Berry deferred to Mr. Skoglund for recommendation of the fine. Mr. Skoglund asked that the Commission see the three violations as one instance, being that all three were regarding the same dollar amount where the donor was unknown. This was self-reported, and the Respondent wanted to resolve the issue. Mr. Skoglund explained that in normal like situations, the auditor would work with the candidate and audit records; however, the records were not available in this case. The civil fine would be the only avenue to resolve the issue. Mr. Skoglund stated that \$2,496.64 is the amount of contribution with an unknown source. The Respondent had donated that amount to charity as part of resolving this issue. Mr. Skoglund stated that candidates should be held accountable to keep proper records and maintain access to the records. Mr. Skoglund's stated that his opinion was that \$5,000 would not be any more a deterrent for any candidate. Especially, in this self-reported case in which the Respondent had donated the amount in question to charity, he did not think \$5,000 would be appropriate. Mr. Skoglund's recommendation is a civil fine between \$250 and \$1000.

Mr. Skoglund responded to questions from the Commission.

Hearing Officer Solbach asked if Mr. Hutton wished to make a recommendation regarding the civil fine amount, to which the Executive Director could respond if he chooses.

Mr. Hutton explained that after extensive research, the source of the money in question could not be found. He had no recommendation for the fine and would leave that to the Commission. Mr. Hutton answered questions from the Commission.

Hearing Officer Solbach asked Mr. Hutton if he had anything further. Mr. Hutton responded that he wanted to reiterate that he had not ignored any notifications but had written a letter stating he and was unable to figure out the source of contributions.

Hearing Officer Solbach asked Mr. Skoglund if had anything further. Mr. Skoglund did not.

Hearing Officer Solbach told the Commission that the Consent Decree had been adopted. The amount of the civil fine needed to be determined. The recommendation from Mr. Skoglund was between \$250 and \$1000.

Mr. Hellmer moved to assess a fine of \$250. Mr. Moore seconded the motion. There was no further discussion. The motion carried unanimously.

Hearing officer Solbach stated this matter was concluded and closed the hearing at 1:40 p.m.

Executive Session

At 1:44 p.m., Mr. Krull stated, for good cause pursuant to K.A.R. 19-6-2, I move to recess this open meeting until 2:15 p.m. for executive session, with staff present, to discuss matters related to complaints, audits, or investigations, made confidential pursuant to K.S.A. 25-4161 and 25-4165. Justification for executive meeting is to consult with the commission's attorney, which is within the attorney-client privilege, as provided for in K.S.A. 75-4319(b)(2). Mr. Moore seconded the motion. The motion passed unanimously.

The Commission returned to open session at 2:15 p.m.

Next meeting date

Chair Hale announced the next meeting will be held April 28, 2021 either by Zoom or at the Ethics office, Mr. Skoglund would inform later. Public hearings would be held at that meeting for Scott Hamblin, Complaint No. 696, Tara Brune Complaint No. 697 and Benjamin Hodge, Complaint No. 700.

Adjournment

At 2:17 p.m. Mr. Hellmer moved to adjourn the meeting. Mr. Moore seconded the motion. There was no discussion and the motion passed unanimously.



GOVERNMENTAL ETHICS COMMISSION

<https://ethics.kansas.gov>

TO: Commission Members

FROM: Mark Skoglund, Executive Director

DATE: April 28, 2021

RE: Lobbyist Civil Penalty

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

<u>Name</u>	<u>Date Filed</u>	<u>Days Late</u>	<u>Amount</u>
April 10, 2021 Lobbyist Employment & Expenditures Report			
Delaney Tholen Kansas Heritage Farms	4/16/21	1	\$100
Dennis Hupe Kansas Soybean Association	4/16/21	1	\$100
Erika DeVore Kansas Recreation & Parks Association	4/20/21	5	\$300
Debra Mize Kansans for Health Freedom, Inc.	4/21/21	6	\$350
Rob Fillon Americans for Prosperity Foundation	4/26/21	11	\$600



GOVERNMENTAL ETHICS COMMISSION

<https://ethics.kansas.gov>

TO: Commission Members

FROM: Mark Skoglund, Executive Director

DATE: April 28, 2021

RE: Civil Penalty Waiver Requests

Name	Violation- late filing of Receipts & Expenditures Report unless otherwise noted	Amount
Matt Hall	Lobbyist for Teamsters Local 696	\$250

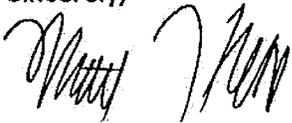
April 8th 2021

Dear Director Skoglund and members of the commission,

I hereby request a waiver of the civil penalty assessed on March 24th 2021. The reason for my untimely filing was that I was ill, out of the office, and was unable to file my report in the timely fashion. I can assure you in the future that I will take the necessary steps to file reports in a timely manner, and this will not be a problem again. Thank you for your time and consideration of that matter.

Due to safety concerns with the ongoing pandemic I do not wish to be present in person.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Hall", written in a cursive style.

Matt Hall
Lobbyist Teamsters Local 696

BEFORE THE KANSAS GOVERNMENTAL ETHICS COMMISSION

(Commission Use Only)

MARK SKOGLUND, Executive Director,)
Kansas Governmental Ethics Commission,)
Complainant)

Complaint No. 696

SCOTT HAMBLIN,)
Candidate for City Council of)
Overland Park,)
Respondent.)

COMPLAINT

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

B. Respondent: Scott Hamblin
17735 Garnett St
Overland Park, Kansas 66221

C. Complainant alleges:

Count 1—Failure to File Report

On or about July 26, 2020, Scott Hamblin, as a candidate, treasurer of a candidate, or candidate committee appointed under the campaign finance act, did then and there fail to file an amended January 10, 2020, Receipts and Expenditures Report for the October 25, 2019, through December 31, 2019, reporting period in response to a notice sent certified mail on June 25, 2020, which notified him of the requirement to do so, in violation of K.S.A. 25-4148(a)(3), 25-4148(f), and 25-4152, punishable as a Class A Misdemeanor pursuant to K.S.A. 25-4167, 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—Prohibited Use of Contribution Moneys

On or about July through October, 2019, in Kansas, as a candidate, treasurer of a candidate, or candidate committee appointed under the campaign finance act, Scott Hamblin did then and there use moneys received as a contribution and the use was not for (1) legitimate campaign purposes; (2) expenses of holding political office; (3) contributions to the party committees of the political party of which such candidate is a member; (4) any membership dues related to the candidate's campaign paid to a community service or civic organization in the name of the candidate; (5) any donations paid to any organization which is recognized as a 501(c)(3) tax exempt organization or any religious organization, community service or civic organization in the name of the candidate but only if the candidate receives no goods or services unrelated to the candidate's campaign as a result of the payment of such donations; (6) expenses incurred in the purchase of tickets to meals and special events sponsored by any organization the major purpose of which is to promote or facilitate the social, business, commercial or economic well being of the local community; or (7) expenses incurred in the purchase and mailing of greeting cards to voters and constituents; to-wit spent \$87.57 from contribution moneys to purchase personal attire at Men's Wearhouse, in violation of K.S.A. 25-4157a(a) and punishable by assessment of 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 in addition to any other penalty prescribed under the campaign finance act, pursuant to K.S.A. 25-4181.

Count 3—Failure to File Report

On or about January 10, 2021, Scott Hamblin, as a candidate, treasurer of a candidate, or candidate committee appointed under the campaign finance act, did then and there fail to file a January 10, 2021, Receipts and Expenditures Report, in violation of K.S.A. 25-4148(a)(4), punishable as a Class A Misdemeanor pursuant to K.S.A. 25-4167, 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

BEFORE THE KANSAS GOVERNMENTAL ETHICS COMMISSION

(Commission Use Only)

MARK SKOGLUND, Executive Director,)
Kansas Governmental Ethics Commission,)
Complainant)

Complaint No. 697

TARA BRUNE, Treasurer for Scott Hamblin)
Candidate for City Council of)
Overland Park,)
Respondent.)

COMPLAINT

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

B. Respondent: Tara Brune
6712 W 157th St
Overland Park, Kansas 66223

C. Complainant alleges:

Count 1—Failure to File Report

On or about July 26, 2020, Tara Brune, as a candidate, treasurer of a candidate, or candidate committee appointed under the campaign finance act, did then and there fail to file an amended January 10, 2020, Receipts and Expenditures Report for the October 25, 2019, through December 31, 2019, reporting period in response to a notice sent certified mail on June 25, 2020, which notified him of the requirement to do so, in violation of K.S.A. 25-4148(a)(3), 25-4148(f), and 25-4152, punishable as a Class A Misdemeanor pursuant to K.S.A. 25-4167, 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—Prohibited Use of Contribution Moneys

On or about July through October, 2019, in Kansas, as a candidate, treasurer of a candidate, or candidate committee appointed under the campaign finance act, Tara Brune did then and there use moneys received as a contribution and the use was not for (1) legitimate campaign purposes; (2) expenses of holding political office; (3) contributions to the party committees of the political party of which such candidate is a member; (4) any membership dues related to the candidate's campaign paid to a community service or civic organization in the name of the candidate; (5) any donations paid to any organization which is recognized as a 501(c)(3) tax exempt organization or any religious organization, community service or civic organization in the name of the candidate but only if the candidate receives no goods or services unrelated to the candidate's campaign as a result of the payment of such donations; (6) expenses incurred in the purchase of tickets to meals and special events sponsored by any organization the major purpose of which is to promote or facilitate the social, business, commercial or economic well being of the local community; or (7) expenses incurred in the purchase and mailing of greeting cards to voters and constituents; to-wit spent \$87.57 from contribution moneys to purchase personal attire at Men's Wearhouse, in violation of K.S.A. 25-4157a(a) and punishable by assessment of 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 in addition to any other penalty prescribed under the campaign finance act, pursuant to K.S.A. 25-4181.

Count 3—Failure to File Report

On or about January 10, 2021, Tara Brune, as a candidate, treasurer of a candidate or candidate committee appointed under the campaign finance act, did then and there fail to file a January 10, 2021, Receipts and Expenditures Report, in violation of K.S.A. 25-4148(a)(4), punishable as a Class A Misdemeanor pursuant to K.S.A. 25-4167, 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.

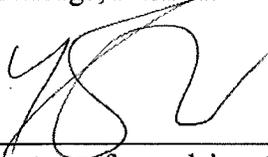


Signature of complainant

D. Verification:

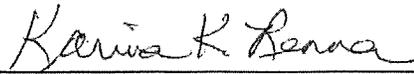
State of Kansas)
)
County of Shawnee)

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 18th day of February 2021.



Notary Public

My appointment expires: July 29, 2024

 **Karina K. Renna**
Notary Public
State of Kansas
My Appt. Expires July 29, 2024

GEC FORM, REV. 11/2016

GOVERNMENTAL ETHICS
COMMISSION

COMPLAINT

(Commission Use Only)

Mark Skoglund
Complainant

Complaint No. 700

Benjamin Hodge
Respondent

A. Complainant or attorney:

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

Phone: 785-296-4219
Zip Code: 66612

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

Name: Benjamin Hodge, 2020 Treasurer & Candidate for State Board of Education
Address: 12109 Mastin Street
City, State, Zip Code: Overland Park, KS 66213

C. Complaint alleges:

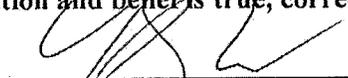
Benjamin Hodge, 2020 Treasurer & Candidate for State Board of Education, failed to file the January 10, 2021 Receipts and Expenditures Report as required by K.S.A. 25-4148, and due on February 23, 2021 in response to a notice sent by certified mail January 21, 2021 and first class mail on February 18, 2021, pursuant to K.S.A. 25-4152. K.S.A. 25-4167 provides that the intentional violation of K.S.A. 25-4148 is a class A misdemeanor. K.S.A. 25-4181 provides that, in addition to any other penalty prescribed under the Campaign Finance Act, the Commission may assess a civil fine not to exceed \$5,000 for the first violation, \$10,000 for the second violation, and \$15,000 for the third violation and for each subsequent violation.



(Signature of Complainant)

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

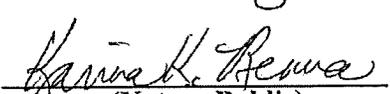
I, Mark Skoglund, do swear (or affirm) that this complaint has been examined by me and to the best of my knowledge, information and belief is true, correct and complete.



(Signature of Complainant)

Subscribed and sworn to (affirmed) before me this 25th day of February, 2021.

 **Karina K. Renna**
Notary Public
State of Kansas
My Appt. Expires July 29, 2024



(Notary Public)

My appointment expires July 29, 2024

Attachment to Commission Meeting Minutes

April 28, 2021

Motion for Executive Session

(statutory confidential matters review)

For good cause pursuant to K.A.R. 19-6-2, I move to recess this open meeting until _____ p.m. for executive session, with staff present, to discuss matters related to complaints, audits, or investigations, made confidential pursuant to K.S.A. 25-4161 and 25-4165. Justification for executive meeting is to consult with the commission's attorney, which is within the attorney-client privilege, as provided for in K.S.A. 75-4319(b)(2).