

Updated Agenda
Governmental Ethics Commission
901 S. Kansas Ave.
Topeka, Kansas
May 25, 2022
1:00 p.m.

1:00 p.m. Call Meeting to Order

Review and Approve today's meeting agenda and April 27, 2022 meeting minutes

Opinions

- 2022-03 Consideration of an all interested persons opinion regarding the interpretation of K.S.A. 25-4143(i) and (k)
- Request pursuant to K.A.R. 19-2-2(b) for longer period of time to prepare opinion

Civil Penalties

PAC

- HJ Swender, Treasurer
The Right Way Kansas PAC for Economic Growth

Candidate

- Scott Callaway, City council candidate

Lobbyist

- Patty Markley,
Cornerstones of Care, Markley Strategies, LLC, The Shawnee Tribe

Civil Penalty Waiver Request

- Thomas Bogardus, People Keeping America Great PAC

Paid for by attribution statement

- Mic McGuire, State Representative candidate

Public Hearings

- Complaint 715, Chengny Thao-continuation of hearing
- Complaint 716, James Muir- continuation of hearing
- Complaint 724, Jeff Underhill
- Complaint 725, Monte Dibben
- Complaint 726, Melvin Williams
- Complaint 727, Taiasha Nichols
- Complaint 730, Ryan Spencer

Executive Session

Date of next meeting: June 22, 2022

3:00 p.m. Adjournment

**Draft Minutes
Governmental Ethics Commission
901 S. Kansas Ave.
Topeka, KS 66612
April 27, 2022
1:00 p.m.**

Members Present

Nick Hale, Chair
Jerome Hellmer, Vice Chair
Patty Dengler
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 1:01 p.m. by Chair Hale.

Minutes

After review of today's agenda and the March 23, 2022 meeting minutes, Chair Hale asked for any corrections needed for agenda or minutes, or a motion to approve the agenda and minutes as written.

Ms. Dengler made a motion to approve today's agenda and the amended minutes from the March 23, 2022 meeting after one correction is made to the minutes as written. Mr. Scharnhorst seconded the motion. There was no discussion and the motion passed unanimously.

Civil Penalty Assessment Orders

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

April 10, 2022 Lobbyist Employment & Expenditures Report

Tracy Russell,	
Nurture KC	\$100
Juanita Ramos,	
Independent lobbyist	\$200
Shannon Little,	
Little Government Relations, LLC	\$250

January 10, 2022 Receipts & Expenditures Report

Kandy Dowell,	
Elk CO. Republican Central Committee	\$300

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

Waiver request for Civil Penalty Assessment

Mr. Skoglund requested an administrative waiver for all penalties assessed for Virginia Graham, now deceased. Mr. Solbach moved to waive the civil penalties in full. Mr. Moore seconded the motion. There was no discussion. The waiver passed unanimously.

Mr. Skoglund presented the letter submitted by Ric Koehn, lobbyist for KS Cannabis Business Association PAC, assessed a \$300 civil penalty for late filing of a report. Mr. Skoglund recommended a waiver. Discussion ensued. Mr. Hellmer moved to waive the civil penalty in full. Ms. James seconded the motion. There was no further discussion. The waiver passed unanimously.

Mr. Skoglund presented the letter from Derick Burke, Sheriff candidate, assessed a \$300 civil penalty for late filing of a report. Mr. Skoglund had no recommendation. Discussion ensued. Ms. James moved to waive the civil penalty in full. Mr. Solbach seconded the motion. There was no further discussion. The waiver passed unanimously.

Mr. Skoglund presented the email from Tonya Hudson, county commission candidate, assessed a \$130 civil penalty for late filing of a report. Mr. Skoglund recommended waiver of the penalty. Discussion ensued. Mr. Hellmer moved to waive the civil penalty in full. Mr. Moore seconded the motion. There was no further discussion. The waiver passed unanimously.

Mr. Skoglund presented the letter Bob Reese, state representative candidate, submitted regarding the \$300 civil penalty for late filing of a report. He also took responsibility for the \$300 civil penalty assessed for his treasurer, Marsha Reese. Mr. Skoglund recommended waiver of both penalties. Mr. Moore moved to waive both civil penalties in full. Mr. Krull seconded the motion. There was no discussion. The motion passed unanimously.

Mr. Skoglund presented the email submitted by Tara Brune, former treasurer for Scott Hamblin, requesting waiver of all civil penalties and a civil fine. Penalties were assessed in November 2020, March 2021, March 2022 and a civil fine assessed in April, 2021 totaling \$6170. Mr. Skoglund had no recommendation. Discussion ensued. The Commission took no action on the request.

Public Hearings

Chair Hale announced the continuation of public hearing for Complaint 715, respondent Chengny Thao and Complaint 716, respondent Mr. Muir. Chair Hale asked Mr. Solbach to conduct the hearing. Presiding member Solbach called the hearing to order at 1:24 p.m.

Mr. Berry said he appears on behalf of complainant, Mark Skoglund, who also appears. Respondents' counsel, Josh Nye, entered appearances for both respondents, and appears on their behalf. Presiding member Solbach stated the matter at hand was to discuss the motion to dismiss and alternative motion for rehearing entered by the respondents' counsel.

Mr. Berry submitted a motion to clarify and ratify testimony and an affidavit from the complainant.

Mr. Nye entered a reply from the respondents regarding the motion to dismiss and alternative

motion for rehearing and response to complainant's motion to clarify and ratify testimony. At 1:44 p.m. Mr. Moore stated that per K.S.A. 75-4318(3) (g)(1) there is no violation of KOMA to adjourn to executive session until 1:54 p.m. Mr. Krull seconded the motion. There was no discussion. The motion passed unanimously. The Commission returned to open session at 1:54 p.m.

As a matter of record: the recording device had failed. The remainder of the meeting is recorded.

Presiding member Solbach stated that a motion to accept the affidavit was on the floor and had not been seconded. Mr. Moore withdrew his motion and, in the alternative, moved to accept the affidavit for a rehearing from the respondent, and deny the motion for dismissal as there was no substantive error that could not be cured, and grant the request for rehearing from the respondent. Mr. Scharnhorst seconded the motion. There was no discussion. The motion passed unanimously.

Mr. Ney asked to engage in full discovery because of the restart of these proceedings.

Mr. Berry stated that both he and Mr. Nye agreed a prehearing would be appropriate.

Mr. Scharnhorst confirmed with Mr. Nye that any alleged violation of due process rights is cured by the grant of a rehearing.

Chair Hale asked for Mr. Solbach to conduct a prehearing scheduling conference with the two counsels within the next month. Presiding member Solbach said that a preliminary pretrial order could be presented to the Commission at that time.

At 2:19 p.m. presiding member Solbach closed the hearing.

Chair Hale announced that Complaints 719 and 720 would be addressed at this time.

Mr. Skoglund stated that the outstanding report for which the complaints were filed had been submitted. He asked for dismissals for Complaint 719, respondent Carmen Anello and Complaint 720, respondent Josh Luttrell. Mr. Moore moved to dismiss both complaints. Mr. Krull seconded the motion. There was no discussion. The motion passed unanimously.

Chair Hale announced Complaint 710, respondent John Gunter would begin. He asked Mr. Solbach to be the hearing officer. Mr. Solbach called the hearing to order at 2:22 p.m. The hearing was recorded. Presiding member Solbach asked Mr. Berry if the respondent was present. Mr. Berry said the respondent appears not. Mr. Berry stated he was General Counsel for the Governmental Ethics Commission appearing on behalf of the complainant, Executive Director Skoglund, who also appears. Presiding member Solbach asked if there were no objections from the Commission if Mr. Berry wanted to present a proffer. Mr. Berry presented his proffer. Discussion ensued. Mr. Moore moved to find there was a violation in counts 1-74. Mr. Hale seconded the motion. There was no discussion. The motion passed unanimously.

Mr. Skoglund was asked for a recommendation for a fine. Discussion continued.

Mr. Moore moved to fine for counts 1-6, \$1000 for each count, counts 7-32, \$500 for each count and counts 33-74 \$250 for each count, totaling \$28,750. Refer the matter to the authorities

At 2:43 the presiding member closed the hearing.

Complaint 718, respondent Hophine Bwosinde

Chair Hale asked Mr. Solbach to be the hearing officer for complaint 718. Mr. Solbach called the hearing to order at 2:44 p.m. The hearing was recorded. Presiding member Solbach asked Mr. Berry to state appearances. Mr. Berry stated he was General Counsel for the Governmental Ethics

Commission appearing on behalf of the complainant, Executive Director Skoglund, who also appears. The respondent appears not. Presiding member Solbach asked if there were no objections from the Commission if Mr. Berry wanted to present a proffer. Mr. Berry presented his proffer. Discussion ensued. Mr. Krull moved to find violation for counts 1-3. Mr. Moore seconded the motion. There was no discussion. The motion was approved unanimously. Mr. Skoglund was asked for his recommendation regarding fine amount. Discussion ensued. Mr. Hale moved to fine \$5000 reduced to \$1000 on the conditions that all outstanding reports be submitted and the \$1000 paid within 90 days. Mr. Scharnhorst seconded the motion. There was no further discussion. The motion passed unanimously. Hearing Officer Solbach closed the hearing at 2:52 p.m.

The Commission took a brief break.

Executive Session

At 2:58 p.m., Mr. Krull stated that for good cause pursuant to K.A.R. 19-6-2, I move to recess this open meeting until 3:10 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. Solbach seconded the motion. There was no discussion. The motion passed unanimously.

The Commission returned to regular session at 3:10.

Public hearings and next meeting date

Chair Hale announced public hearings would be held for Complaints 724, respondent Jeff Underhill 725, respondent Monte Dibben, 726, respondent Melvin Williams 727, and 730 at the next meeting on May 25, 2022.

Chair Hale asked if there were questions, concerns, or items to discuss. As there were none, he asked for a motion to adjourn.

Adjournment

At 3:12 p.m. Mr. Hellmer moved to adjourn the meeting. Ms. James seconded the motion. There was no discussion and the motion passed unanimously.



GOVERNMENTAL ETHICS COMMISSION

<https://ethics.kansas.gov>

May 25, 2022

Opinion No. 2022-03

Cited herein: K.S.A. 25-4143(i) and (k).

TO ALL INTERESTED PERSONS:

Pursuant to K.S.A. 25-4159, the Kansas Governmental Ethics Commission issues this opinion regarding political committees (PACs) subject to the Kansas campaign finance act in response to recent inquiries about application of the act to joint fundraising agreements.

ISSUE

May a political committee subject to the Kansas campaign finance act include a candidate committee or a party committee?

ANALYSIS AND OPINION

K.S.A. 25-4143(j) defines a person as meaning “any individual, committee, corporation, partnership, trust, organization or association.” Candidate committees and party committees meet the “any...committee” portion of this definition. It follows that candidate and party committees are persons for purposes of the Kansas campaign finance act.

K.S.A. 25-4143(k) defines a political committee:

- (1) “Political committee” means any combination of two or more individuals or any person other than an individual, a major purpose of which is to expressly advocate the nomination, election or defeat of a clearly identified candidate for state or local office or make contributions to or expenditures for the nomination, election or defeat of a clearly identified candidate for state or local office.
- (2) “Political committee” shall not include a candidate committee or a party committee.

In isolation, K.S.A. 25-4143(j) and (k)(1) would allow a candidate or party committee to comprise one of the two or more persons required to have a political committee. However, the language of subparagraph (k)(2) overrides it by specifying that a political committee shall not include a candidate committee or a party committee. The word include means “to contain as a part of something.” See *Black’s Law Dictionary*, 8th ed.

(2004), p. 777. The only components of a political committee are individuals and persons other than individuals. Read together, the language of K.S.A. 25-4143(k)(1) and (k)(2) is clear and unambiguous. When statutory language is clear and unambiguous, Kansas courts have opined that resorting to the traditional rules of statutory construction is unwarranted.

CONCLUSION

We conclude that candidate committees and party committees may not combine with each other or with another individual or person to form political committees as defined by K.S.A. 25-4143(k). We understand Federal Election Commission guidance allows candidates and political parties to form joint fundraising committees, which are registered PACs for reporting purposes. This guidance is not viable in Kansas due to the K.S.A. 25-4143(k)(2) prohibition. Conceivably, a joint fundraising agreement could utilize a political committee that only includes persons other than candidate committees and party committees, but still benefiting candidate committees and party committees that are not otherwise included in the political committee.

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: May 25, 2022

RE: Political Action Committee (PAC) and Candidate 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 (CC) & PACs which file 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. The following individuals did not file paperwork in a timely manner:

<u>Name</u>	<u>Date Filed</u>	<u>Days Late</u>	<u>Amount</u>
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January 10, 2021 Receipts & Expenditures Report

HJ Swender, treasurer

The Right Way Kansas PAC for Economic Growth

N/A

30+

\$300

Amended October 26, 2020 Receipts & Expenditures Report

HJ Swender, treasurer

The Right Way Kansas PAC for Economic Growth

N/A

30+

\$300

Amended January 10, 2022 Receipts & Expenditures Report

Scott Callaway,

City Council candidate

N/A

30+

\$300



GOVERNMENTAL ETHICS COMMISSION

<https://ethics.kansas.gov>

TO: Commission Members

FROM: Mark Skoglund, Executive Director

DATE: May 25, 2022

RE: Lobbyist Civil Penalties

The following individuals 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>
May 10, 2022 Lobbyist Employment & Expenditures Report			
Patty Markley, Cornerstones of Care	5 /16/22	2	\$150
Markley Strategies, LLC	5 /16/22	2	\$150
The Shawnee Tribe	5 /16/22	2	\$150

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>

TO: Commission Members

FROM: Mark Skoglund, Executive Director

DATE: May 25, 2022

RE: Civil Penalty Waiver Request

Name	Violation- late filing of Receipts & Expenditures Report unless otherwise noted	Amount
Thomas Bogardus, Treasurer People Keeping America Great PAC		\$40

To The Ethics Committee:

This is from Thomas Bogardus, the creator and head of the PAC,
"People Keeping America Great".

RECEIVED

MAY 05 2022

KS Governmental Ethics Commission

I am requesting a waiver of all fees and penalties for the following reasons:

- (1) Everyone who originally planned to work for the PAC has dropped out.
- (2) NO funds have been raised.
- (3) I have only deposited enough to the bank account since its creation to meet the monthly banking fee of \$10 in order to keep the account open.
- (4) The UPS Store does not notify boxholders of the arrival of certified mail and in our case failed to give it to me even though I had been in the store several times since its arrival.
- (5) I want to dissolve the PAC as soon as is legally possible.
- (6) I have been dealing with severe COPD, advanced rheumatoid arthritis and a severe infection in my right eye for the past three months and have unintentionally fallen behind on dealing with many matters.
- (7) I have no funds with which to pay any penalties because my medical expenses, home mortgage and other associated bills eat up all of my income, which is from Social Security and SSI and less than \$1000 a month.

Please contact me by phone at:

913-766-5168

by email:

rivercitytalk@aol.com.

by mail at the address you have on file.

Thanks you for your consideration.

A handwritten signature in cursive script, reading "Hans Bogenius". The signature is written in dark ink and is positioned below the typed text.

From: [Mic McGuire](#)
To: [KGEC_Ethics](#)
Subject: [O365 HAS DESIGNATED THIS MESSAGE AS SUSPICIOUS] Self-reporting
Date: Wednesday, May 4, 2022 9:36:12 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.

To the Kansas Ethics Commission,

I am self-reporting an issue on my first fund raising letter. I forgot to include the disclaimer
Paid for by Mic McGuire for Kansas House / Justin Toso, Treasurer.

The email was sent only to individual persons (friends and family).

There was a link to my ActBlue account. The disclaimer is listed on that account.

I apologize for this error.

Sincerely,

Mic McGuire
Mic McGuire For Kansas House

Paid for by Mic McGuire for Kansas House / Justin Toso, Treasurer



Virus-free. www.avast.com

BEFORE THE KANSAS GOVERNMENTAL ETHICS COMMISSION

(Commission Use Only)

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

)

)

)

)

CHENGNY THAO,
Constituent member of Fresh Vision OP, Inc.,
Respondent

)

)

)

)

Complaint No. 715

FIRST AMENDED COMPLAINT

- A. Complainant: Executive Director Mark Skoglund
Kansas Governmental Ethics Commission
901 S. Kansas Ave.
Topeka, Kansas 66612
- B. Respondent: Chengny Thao
17813 England St
Overland Park, Kansas 66013
- C. Complainant alleges:

Count 1—Failure to File Statement of Organization

On, about or between February 25, 2021 and August 10, 2021, Chengny Thao, an individual in combination with other individuals or persons, formed Fresh Vision OP, Inc., a political committee which received contributions or made expenditures, and did then and there fail to appoint a chairperson and a treasurer or make a statement of organization and file it with the secretary of state not less than 10 days after establishment of such committee, in violation of K.S.A. 25-4145(a), 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 pursuant to K.S.A. 25-4181, and as a Class A Misdemeanor pursuant to K.S.A. 25-4167, if an intentional 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

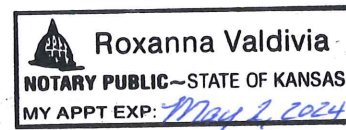
Subscribed and sworn (affirmed) to before me this 24 day of May 2022.



Notary Public

My appointment expires:

(Seal)



GEC FORM, REV. 11/2016

BEFORE THE KANSAS GOVERNMENTAL ETHICS COMMISSION

(Commission Use Only)

MARK SKOGLUND, Executive Director,)
Kansas Governmental Ethics Commission,)
Complainant)
JAMES MUIR,)
Constituent member of Fresh Vision OP, Inc.,)
Respondent)

Complaint No. 716

FIRST AMENDED COMPLAINT

- A. **Complainant:** Executive Director Mark Skoglund
Kansas Governmental Ethics Commission
901 S. Kansas Ave.
Topeka, Kansas 66612
- B. **Respondent:** James Muir
4901 W 136th St
Leawood, Kansas 66224
- C. **Complainant alleges:**

Count 1—Failure to File Statement of Organization

On, about or between February 25, 2021 and August 10, 2021, James Muir, an individual in combination with other individuals or persons, formed Fresh Vision OP, Inc., a political committee which received contributions or made expenditures, and did then and there fail to appoint a chairperson and a treasurer or make a statement of organization and file it with the secretary of state not less than 10 days after establishment of such committee, in violation of K.S.A. 25-4145(a), 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 pursuant to K.S.A. 25-4181, and as a Class A Misdemeanor pursuant to K.S.A. 25-4167, if an intentional violation.



Signature of complainant

D. Verification:

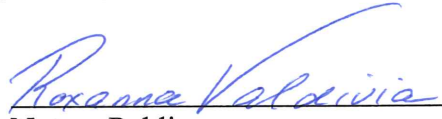
State of Kansas)
)
County of Shawnee)

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 24 day of May 2022.



Notary Public

My appointment expires:

(Seal)



GEC FORM, REV. 11/2016

2021 Kansas Statutes

60-226. General provisions governing discovery. (a) Discovery methods. Parties may obtain discovery by one or more of the following methods: Depositions on oral examination or written questions; written interrogatories; production of documents or things or permission to enter onto land or other property under K.S.A. 60-234, K.S.A. 60-245(a)(1)(A)(iii) or K.S.A. 60-245a, and amendments thereto; physical and mental examinations; and requests for admission.

(b) Discovery scope and limits. (1) Scope in general. Unless otherwise limited by court order, the scope of discovery is as follows: Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense and proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues and whether the burden or expense of the proposed discovery outweighs its likely benefit. Information within this scope of discovery need not be admissible in evidence to be discoverable.

(2) Limitations on frequency and extent. (A) On motion, or on its own, the court may limit the frequency or extent of discovery methods otherwise allowed by the rules of civil procedure and must do so if it determines that:

- (i) The discovery sought is unreasonably cumulative or duplicative, or can be obtained from some other source that is more convenient, less burdensome or less expensive;
- (ii) the party seeking discovery has had ample opportunity to obtain the information by discovery in the action; or
- (iii) the proposed discovery is outside the scope permitted by subsection (b)(1).

(B) A party need not provide discovery of electronically stored information from sources that the party identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the party from whom discovery is sought must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of subsection (b)(2)(A). The court may specify conditions for the discovery.

(3) Insurance agreements. A party may obtain discovery of the existence and contents of any insurance agreement under which an insurance business may be liable to satisfy part or all of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment. Information concerning the insurance agreement is not by reason of disclosure admissible in evidence at trial. For purposes of this paragraph, an application for insurance is not a part of an insurance agreement.

(4) Trial preparation; materials. (A) Documents and tangible things. Ordinarily, a party may not discover documents and tangible things that are prepared in anticipation of litigation or for trial by or for another party or its representative, including the other party's attorney, consultant, surety, indemnitor, insurer or agent. But, subject to subsection (b)(5), those materials may be discovered if:

- (i) They are otherwise discoverable under paragraph (1); and
- (ii) the party shows that it has substantial need for the materials to prepare its case and cannot, without undue hardship, obtain their substantial equivalent by other means.

(B) Protection against disclosure. If the court orders discovery of those materials, it must protect against disclosure of the mental impressions, conclusions, opinions or legal theories of a party's attorney or other representative concerning the litigation.

(C) Previous statement. Any party or other person may, on request and without the

required showing, obtain the person's own previous statement about the action or its subject matter. If the request is refused, the person may move for a court order, and K.S.A. 60-237, and amendments thereto, applies to the award of expenses. A previous statement is either:

- (i) A written statement that the person has signed or otherwise adopted or approved; or
- (ii) a contemporaneous stenographic, mechanical, electrical or other recording, or a transcription of it, that recites substantially verbatim the person's oral statement.

(5) Trial preparation; experts.

(A) Deposition of an expert who may testify. A party may depose any person who has been identified as an expert whose opinions may be presented at trial. If a disclosure is required under subsection (b)(6), the deposition may be conducted only after the disclosure is provided.

(B) Trial-preparation protection for draft disclosures. Subsections (b)(4)(A) and (b)(4)(B) protect drafts of any disclosure required under subsection (b)(6), and drafts of a disclosure by an expert witness provided in lieu of the disclosure required by subsection (b)(6), regardless of the form in which the draft is recorded.

(C) Trial-preparation protection for communications between a party's attorney and expert witnesses. Subsections (b)(4)(A) and (b)(4)(B) protect communications between the party's attorney and any witness about whom disclosure is required under subsection (b)(6), regardless of the form of the communications, except to the extent that the communications:

- (i) Relate to compensation for the expert's study or testimony;
- (ii) identify facts or data that the party's attorney provided and that the expert considered in forming the opinions to be expressed; or
- (iii) identify assumptions that the party's attorney provided and that the expert relied on in forming the opinions to be expressed.

(D) Expert employed only for trial preparation. Ordinarily, a party may not, by interrogatories or deposition, discover facts known or opinions held by an expert who has been retained or specially employed by another party in anticipation of litigation or to prepare for trial and who is not expected to be called as a witness at trial. But a party may do so only:

- (i) As provided in K.S.A. 60-235(b), and amendments thereto; or
- (ii) on showing exceptional circumstances under which it is impracticable for the party to obtain facts or opinions on the same subject by other means.

(E) Payment. Unless manifest injustice would result, the court must require that the party seeking discovery:

- (i) Pay the expert a reasonable fee for time spent in responding to discovery under subsection (b)(5)(A) or (b)(5)(D); and
- (ii) for discovery under subsection (b)(5)(D), also pay the other party a fair portion of the fees and expenses it reasonably incurred in obtaining the expert's facts and opinions.

(6) Disclosure of expert testimony. (A) Required disclosures. A party must disclose to other parties the identity of any witness it may use at trial to present expert testimony. The disclosure must state:

- (i) The subject matter on which the expert is expected to testify; and
- (ii) the substance of the facts and opinions to which the expert is expected to testify.

(B) Witness who is retained or specially employed. Unless otherwise stipulated or ordered by the court, if the witness is retained or specially employed to provide expert testimony in the case, or is one whose duties as the party's employee regularly involve giving expert testimony, the disclosure under subsection (b)(6)(A) must also state a summary of the grounds for each opinion.

(C) Time to disclose expert testimony. A party must make these disclosures at the times

and in the sequence that the court orders. Absent a stipulation or court order, the disclosures must be made:

- (i) At least 90 days before the date set for trial or for the case to be ready for trial; or
- (ii) if the evidence is intended solely to contradict or rebut evidence on the same subject matter identified by another party under subsection (b)(6)(B), within 30 days after the other party's disclosure.

(D) Supplementing the disclosure. The parties must supplement these disclosures when required under subsection (e).

(E) Form of disclosures. Unless otherwise ordered by the court, all disclosures under this subsection must be:

- (i) In writing, signed and served; and
 - (ii) filed with the court in accordance with K.S.A. 60-205(d), and amendments thereto.
- (7) Claiming privilege or protecting trial preparation materials. (A) Information withheld.

When a party withholds information otherwise discoverable by claiming that the information is privileged or subject to protection as trial preparation material, the party must:

- (i) Expressly make the claim; and
- (ii) describe the nature of the documents, communications or things not produced or disclosed, and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim.

(B) Information produced. If information produced in discovery is subject to a claim of privilege or of protection as trial preparation material, the party making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The producing party must preserve the information until the claim is resolved.

(c) Protective orders. (1) In general. A party or any person from whom discovery is sought may move for a protective order in the court where the action is pending, as an alternative on matters relating to a deposition, in the district court where the deposition will be taken. The motion must include a certification that the movant has in good faith conferred or attempted to confer with other affected parties in an effort to resolve the dispute without court action and must describe the steps taken by all attorneys or unrepresented parties to resolve the issues in dispute. The court may, for good cause, issue an order to protect a party or person from annoyance, embarrassment, oppression or undue burden or expense, including one or more of the following:

- (A) Forbidding the disclosure or discovery;
- (B) specifying terms, including time and place or the allocation of expenses, for the disclosure or discovery;
- (C) prescribing a discovery method other than the one selected by the party seeking discovery;
- (D) forbidding inquiry into certain matters, or limiting the scope of disclosure or discovery to certain matters;
- (E) designating the persons who may be present while the discovery is conducted;
- (F) requiring that a deposition be sealed and opened only on court order;
- (G) requiring that a trade secret or other confidential research, development or commercial information not be revealed or be revealed only in a specified way; and
- (H) requiring that the parties simultaneously file specified documents or information in

sealed envelopes, to be opened as the court orders.

(2) Ordering discovery. If a motion for a protective order is wholly or partly denied the court may, on just terms, order that any party or person provide or permit discovery.

(3) Awarding expenses. The provisions of K.S.A. 60-237, and amendments thereto, apply to the award of expenses.

(d) Sequence of discovery. Unless the parties stipulate or the court orders otherwise for the parties' and witnesses' convenience and in the interests of justice:

(1) Methods of discovery may be used in any sequence; and

(2) discovery by one party does not require any other party to delay its discovery.

(e) Supplementing disclosures and responses. (1) In general. A party who has made a disclosure under subsection (b)(6), or who has responded to an interrogatory, request for production or request for admission, must supplement or correct its disclosure or response:

(A) In a timely manner if the party learns that in some material respect the disclosure or response is incomplete or incorrect, and if the additional or corrective information has not otherwise been made known to the other parties during the discovery process or in writing; or

(B) as ordered by the court.

(2) Expert witness. For an expert to whom the disclosure requirement in subsection (b)(6) applies, the party's duty to supplement extends both to information included in the disclosure and to information given during the expert's deposition. Any additions or changes to this information must be disclosed at least 30 days before trial, unless the court orders otherwise.

(f) Signing disclosures and discovery requests, responses and objections. (1) Signature required; effect of signature. Every disclosure under subsection (b)(6) and every discovery request, response or objection must be signed by at least one attorney of record in the attorney's own name, or by the party personally, if unrepresented, and must state the signor's address, e-mail address and telephone number. By signing, an attorney or party certifies that to the best of the person's knowledge, information and belief formed after a reasonable inquiry:

(A) With respect to a disclosure, it is complete and correct as of the time it is made;

(B) with respect to a discovery request, response or objection, it is:

(i) Consistent with the rules of civil procedure and warranted by existing law or by a nonfrivolous argument for extending, modifying or reversing existing law or for establishing new law;

(ii) not interposed for any improper purpose, such as to harass, cause unnecessary delay or needlessly increase the cost of litigation; and

(iii) neither unreasonable nor unduly burdensome or expensive considering the needs of the case, prior discovery in the case, the amount in controversy and the importance of the issues at stake in the action.

(2) Failure to sign. Other parties have no duty to act on an unsigned disclosure, request, response or objection until it is signed, and the court must strike it unless a signature is promptly supplied after the omission is called to the attorney's or party's attention.

(3) Sanction for improper certification. If a certification violates this section without substantial justification, the court, on motion, or on its own, must impose an appropriate sanction on the signer, the party on whose behalf the signer was acting, or both. The sanction may include an order to pay the reasonable expenses, including attorney's fees, caused by the violation.

History: L. 1963, ch. 303, 60-226; amended by Supreme Court order dated July 20, 1972; L. 1986, ch. 215, § 6; L. 1997, ch. 173, § 11; L. 2008, ch. 21, § 2; L. 2010, ch. 135, § 95; L. 2011, ch. 48, § 8; L. 2012, ch. 35, § 2; L. 2017, ch. 75, § 4; July 1.

2021 Kansas Statutes

60-231. Depositions by written questions. (a) When a deposition may be taken. (1) Without leave. A party may, by written questions, depose any person, including a party, without leave of court except as provided in subsection (a)(2). The deponent's attendance may be compelled by subpoena under K.S.A. 60-245, and amendments thereto.

(2) With leave. A party must obtain leave of court, and the court must grant leave to the extent consistent with K.S.A. 60-226(b)(1) and (2), and amendments thereto:

(A) If the parties have not stipulated to the deposition and:

(i) The deponent has already been deposed in the case; or

(ii) the party seeks to take the deposition before the time specified in K.S.A. 60-216(b), and amendments thereto; or

(B) if the deponent is confined in prison.

(3) Service; required notice. A party who wants to depose a person by written questions must serve them on every other party, with a notice stating, if known, the deponent's name and address. If the name is unknown, the notice must provide a general description sufficient to identify the person or the particular class or group to which the person belongs. The notice must also state the name or descriptive title and the address of the officer before whom the deposition will be taken.

(4) Questions directed to an organization. A public or private corporation, a partnership, an association, a governmental agency or other entity may be deposed by written questions in accordance with K.S.A. 60-230(b)(6), and amendments thereto.

(5) Questions from other parties. Any question to the deponent from other parties must be served on all parties as follows: cross-questions, within 14 days after being served with the notice and direct questions; redirect questions, within 14 days after being served with cross-questions; and recross-questions, within 14 days after being served with redirect questions. The court may, for good cause, extend or shorten these times.

(b) Delivery to the officer; officer's duties. The party who noticed the deposition must deliver to the officer a copy of all the questions served and of the notice. The officer must promptly proceed in the manner provided in K.S.A. 60-230(c), (e) and (f), and amendments thereto, to:

(1) Take the deponent's testimony in response to the questions;

(2) prepare and certify the deposition; and

(3) send it to the party, attaching a copy of the questions and of the notice.

(c) Notice of completion or filing. (1) Completion. The party who noticed the deposition must notify all other parties when it is completed.

(2) Filing. A party who files the deposition must promptly notify all other parties of the filing.

History: L. 1963, ch. 303, § 60-231; amended by Supreme Court order dated July 20, 1972; L. 1987, ch. 218, § 3; L. 1997, ch. 173, § 14; L. 2010, ch. 135, § 100; L. 2017, ch. 75, § 6; July 1.

2021 Kansas Statutes

60-233. Interrogatories to parties. (a) In general. (1) Availability; timing. A party may serve written interrogatories on the plaintiff after commencement of the action and on any other party with or after service of process on that party.

(2) Scope. An interrogatory may relate to any matter that may be inquired into under subsection (b) of K.S.A. 60-226, and amendments thereto. An interrogatory is not objectionable merely because it asks for an opinion or contention that relates to fact or the application of law to fact, but the court may order that the interrogatory need not be answered until designated discovery is complete, or until a pretrial conference or some other time.

(b) Answer and objection. (1) Responding party. The interrogatories must be answered:

(A) By the party to whom they are directed; or

(B) if that party is a public or private corporation, a partnership, an association, a governmental agency or other entity, by any officer or agent, who must furnish the information available to the party.

(2) Time to respond. The responding party must serve its answers and any objections within 30 days after being served with the interrogatories, except that a defendant may serve answers or objections within 45 days after being served with process. A shorter or longer time may be stipulated to under K.S.A. 60-229, and amendments thereto, or be ordered by the court.

(3) Answering each interrogatory. Each interrogatory must, to the extent it is not objected to, be answered separately and fully in writing under oath.

(4) Objections. The grounds for objecting to an interrogatory must be stated with specificity. Any ground not stated in a timely objection is waived unless the court, for good cause, excuses the failure.

(5) Signature. The person who makes the answers must sign them, and the attorney who objects must sign any objections.

(c) Use. An answer to an interrogatory may be used to the extent allowed by the rules of evidence.

(d) Option to produce business records. If the answer to an interrogatory may be determined by examining, auditing, compiling, abstracting or summarizing a party's business records, including electronically stored information, and if the burden of deriving or ascertaining the answer will be substantially the same for either party, the responding party may answer by:

(1) Specifying the records that must be reviewed, in sufficient detail to enable the interrogating party to locate and identify them as readily as the responding party could; and

(2) giving the interrogating party a reasonable opportunity to examine and audit the records and to make copies, compilations, abstracts or summaries.

History: L. 1963, ch. 303, 60-233; amended by Supreme Court order dated July 20, 1972; L. 1986, ch. 215, § 7; L. 1997, ch. 173, § 16; L. 2008, ch. 21, § 3; L. 2010, ch. 135, § 102; July 1.

2021 Kansas Statutes

60-234. Production of documents, electronically stored information, tangible things and entry onto land for inspection and other purposes. (a) In general. A party may serve on any other party a request within the scope of K.S.A. 60-226(b), and amendments thereto:

(1) To produce and permit the requesting party, or its representative, to inspect, copy, test or sample the following items in the responding party's possession, custody or control:

(A) Any designated documents or electronically stored information, including writings, drawings, graphs, charts, photographs, sound recordings, images and other data or data compilations, stored in any medium from which information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form; or

(B) any designated tangible things; or

(2) to permit entry onto designated land or other property possessed or controlled by the responding party, so that the requesting party may inspect, measure, survey, photograph, test or sample the property or any designated object or operation on it.

(b) Procedure. The request may be served on the plaintiff after commencement of the action and on any other party with or after service of process on that party.

(1) Contents of request. The request:

(A) Must describe with reasonable particularity each item or category of items to be inspected;

(B) must specify a reasonable time, place and manner for the inspection and for performing the related acts; and

(C) may specify the form or forms in which electronically stored information is to be produced.

(2) Responses and objections. (A) Time to respond. The party to whom the request is directed must respond in writing within 30 days after being served, except that a defendant may serve a response within 45 days after being served with process. A shorter or longer time may be stipulated to under K.S.A. 60-229, and amendments thereto, or be ordered by the court.

(B) Responding to each item. For each item or category, the response must either state that inspection and related activities will be permitted as requested or state with specificity the grounds for objecting to the request, including the reasons. The responding party may state that it will produce copies of documents or of electronically stored information instead of permitting inspection. The production must then be completed no later than the time for inspection specified in the request or another reasonable time specified in the response.

(C) Objections. An objection must state whether any responsive materials are being withheld on the basis of that objection. An objection to part of a request must specify the part and permit inspection of the rest.

(D) Responding to a request for production of electronically stored information. The response may state an objection to a requested form for producing electronically stored information. If the responding party objects to a requested form, or if no form was specified in the request, the party must state the form or forms it intends to use.

(E) Producing the documents or electronically stored information. Unless otherwise stipulated or ordered by the court, these procedures apply to producing documents or electronically stored information:

(i) A party must produce documents as they are kept in the usual course of business or must organize and label them to correspond to the categories in the request;

(ii) if a request does not specify a form for producing electronically stored information, a party must produce it in a form or forms in which it is ordinarily maintained or in a

reasonably usable form or forms; and

(iii) a party need not produce the same electronically stored information in more than one form.

(c) Nonparties. As provided in K.S.A. 60-245 and 60-245a, and amendments thereto, a nonparty may be compelled to produce documents, electronically stored information and tangible things or to permit an inspection.

History: L. 1963, ch. 303, 60-234; amended by Supreme Court order dated July 20, 1972; L. 1986, ch. 215, § 8; L. 1997, ch. 173, § 17; L. 2008, ch. 21, § 4; L. 2010, ch. 135, § 103; L. 2017, ch. 75, § 7; July 1.

BEFORE THE KANSAS GOVERNMENTAL ETHICS COMMISSION
901 South Kansas Avenue
Topeka, Kansas 66612

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

v.

CHENGNY THAO,
Fresh Vision OP,
Respondent

Complaint No.: 715

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

v.

JAMES MUIR,
Fresh Vision OP,
Respondent

Complaint No.: 716

NOTICE OF SERVICE

COMES NOW, Complainant Mark Skoglund, by and through his Brett Berry, General Counsel for the Kansas Governmental Ethics Commission, and hereby notifies the Presiding Officer that they have served a Request for Production of Documents and a First Interrogatories to Respondents, by serving Respondents' counsel, Joshua Ney, this 11th day of May, 2022.

Respectfully submitted,

By _____

Brett Berry, KS SC 15026
Kansas Governmental Ethics Commission
901 S. Kansas Avenue
Topeka, KS 66612
Telephone: (785) 296-4219
Fax: (785) 296-2548
E-mail: Brett.Berry@ks.gov
Attorney for Complainant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 11th day of May, 2022, a true and correct copy of the above and foregoing Notice of Service was sent via e-mail, and properly addressed to:

Joshua A. Ney
Kriegshauser Ney Law Group
900 S. Kansas Ave., Ste. 402
Topeka, Kansas 66612
josh@knlawgroup.com

Presiding Member John Solbach
Kansas Governmental Ethics Commission
359 North 1600 Road
Lawrence, KS 66049
jsbachlw@aol.com

Brett Berry,
Kansas Governmental Ethics Commission

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

Complaint No.: 715

CHENGNY THAO,)
Fresh Vision OP,)
Respondent)

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

Complaint No.: 716

JAMES MUIR,)
Fresh Vision OP,)
Respondent)

THIS MATTER came before Presiding Member John Solbach of the Kansas Governmental Ethics Commission on the ____ day of May 2022 for submission of the following Case Management Order.

- a. Attorney for Complainant: Brett Berry
- b. Attorney for Respondents: Joshua Ney

- a. The statutes governing hearings in the Kansas Campaign Finance Act, K.S.A. 25-4142 through 25-4187 and Rules and Regulations for proceedings before the Kansas Governmental Ethics Commission, K.A.R. 19-7-1 through K.A.R. 19-7-16.
- b. The Kansas Code of Civil Procedure.

3. DISCOVERY ISSUES.

- a. Discovery issued by Complainant to date: Request for Production and First Interrogatories to Respondents.
- b. Discovery issued by Respondents to date: Informal request for complaint files and all written documentation held by Complainant.
- c. Discovery Deadlines:
 - i. Additional written discovery by Complainant: June 22, 2022
 - ii. Additional written discovery by Respondents: June 22, 2022
 - iii. Depositions by Complainant: June 22, 2022
 - iv. Depositions by Respondents: June 22, 2022

4. MOTIONS. Motions and amendments to pleadings shall be filed by June 22, 2022.

5. PRE-TRIAL CONFERENCE. A pre-trial conference is scheduled on July 13, 2022, at _____ am/pm.

6. HEARING. The parties have stipulated, and it is agreed that the hearing is tentatively scheduled for July 27, 2022.

IT IS SO ORDERED

By _____

John Solbach, Presiding Member
Kansas Governmental Ethics Commission

GOVERNMENTAL ETHICS
COMMISSION

COMPLAINT

(Commission Use Only)

Mark Skoglund
Complainant

Jeff Underhill
Respondent

Complaint No. 724

A. Complainant or attorney:

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

Phone: 785-296-4219
Zip Code: 66612

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

Name: Jeff Underhill, 2021 City Commissioner Candidate
Address: 2014 Nottingham Dr
City, State, Zip Code: Junction City KS 66441

C. Complaint alleges:

On or about January 10, 2022, Jeff Underhill, 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, 2022, 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.

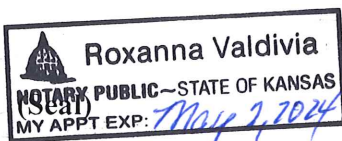

(Signature of Complainant)

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

I, Mark Skoglund, do swear (or affirm) that this complaint 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 14 day of March, 2020.




(Notary Public)

My appointment expires May 2, 20 24.

**GOVERNMENTAL ETHICS
COMMISSION**

COMPLAINT

(Commission Use Only)

Mark Skoglund)
Complainant)

Complaint No. 725

Monte Dibben)
Respondent)

A. Complainant or attorney:

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

Phone: 785-296-4219
Zip Code: 66612

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

Name: Monte Dibben, Treasurer for 2021 City Commissioner Candidate (Jeff Underhill)
Address: 1824 Wolf Rd
City, State, Zip Code: Junction City KS 66441

C. Complaint alleges:

On or about January 10, 2022, Monte Dibben, 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, 2022, 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)

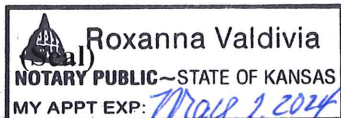
D. Verification:
State of Kansas)
County of Shawnee)

I, Mark Skoglund, do swear (or affirm) that this complaint 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 14 day of March, 2022.


(Notary Public)



My appointment expires May 2, 2024.

GEC Form Rev. 11/2017

GOVERNMENTAL ETHICS
COMMISSION

COMPLAINT

(Commission Use Only)

Mark Skoglund)
Complainant)
)
Melvin Williams)
Respondent)

Complaint No. 726

A. Complainant or attorney:

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

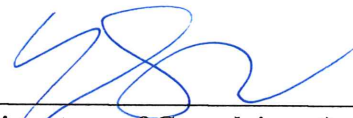
Phone: 785-296-4219
Zip Code: 66612

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

Name: Melvin Williams, 2021 UG Commissioner Candidate
Address: 2939 N 43rd St
City, State, Zip Code: Kansas City KS 66104

C. Complaint alleges:

On or about January 10, 2022, Melvin Williams, 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, 2022, 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.

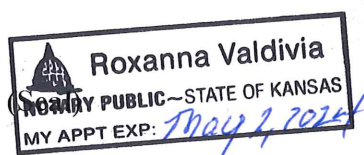

(Signature of Complainant)

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

I, Mark Skoglund, do swear (or affirm) that this complaint 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 14 day of March, 2020².




(Notary Public)

My appointment expires May 2, 20 24.

GOVERNMENTAL ETHICS
COMMISSION

COMPLAINT

(Commission Use Only)

Mark Skoglund)
Complainant)
)
)
Taiasha Nichols)
Respondent)

Complaint No. 727

A. Complainant or attorney:

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

Phone: 785-296-4219
Zip Code: 66612

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

Name: Taiasha Nichols, Treasurer for 2021 UG Commissioner Candidate (M. Williams)
Address: 3005 N 57th St
City, State, Zip Code: Kansas City KS 66104

C. Complaint alleges:

On or about January 10, 2022, Taiasha Nichols, 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, 2022, 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.

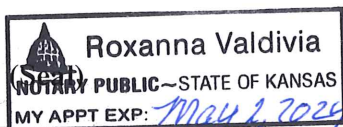

(Signature of Complainant)

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

I, Mark Skoglund, do swear (or affirm) that this complaint 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 14 day of March, 2020.




(Notary Public)

My appointment expires May 2, 20 24.

GOVERNMENTAL ETHICS
COMMISSION

COMPLAINT

(Commission Use Only)

Mark Skoglund)
Complainant)
)
Ryan Spencer)
Respondent)

Complaint No. 730

A. Complainant or attorney:

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

Phone: 785-296-4219
Zip Code: 66612

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

Name: Ryan Spencer, Candidate/Treasurer, 2021 City Council Candidate
Address: 6819 W 80th St
City, State, Zip Code: Overland Park KS 66204

C. Complaint alleges:

On or about January 10, 2022, Ryan Spencer, 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, 2022, 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.

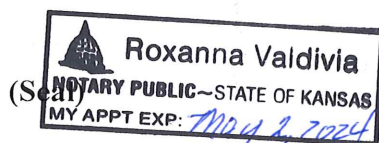

(Signature of Complainant)

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

I, Mark Skoglund, do swear (or affirm) that this complaint 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 15 day of March, 2022.



My appointment expires May 2, 20 24.


(Notary Public)

Attachment to Commission Meeting Minutes

May 25, 2022

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).