

Agenda
Kansas Governmental Ethics Commission
901 S Kansas Ave
Topeka, KS 66612
August 28, 2024
1:00 p.m.

1:00 p.m. Call meeting to order

Review and approve today’s meeting agenda and the June 26, 2024, meeting minutes.

Advisory Opinion

- Opinion 2024-02

Executive Director’s Report

- Agency budget consideration
- Campaign finance update

Civil Penalty Assessments

Candidates and Treasurers

Rebecca Faurot, Candidate for Retention Judge	Renee Henry, Candidate for District Judge
Paula Hofaker, Candidate for District Judge	Phillip Journey, Candidate for District Judge
Joe Lee, Candidate for District Magistrate Judge	Mark Llamas, Candidate for County Treasurer
Christopher Parisho, Candidate for State Representative	Ryan Petrik, Treasurer for Candidate for City Council
Matthew Schoonover, Candidate for City Council	

Discussion Item: Appointment of Secondary Hearing Officer

Civil Fine Hearings

- Complaint No. 774 - Brad Boyd, Candidate for State Representative - Continuance Requested
- Complaint No. 775 - Stephanie Yeager, Candidate for State Representative
- Complaint No. 777 - Paula Roegge, Treasurer for Kansas First Congressional District Democrats - Continuance requested

Recessed Sessions

Next Meeting Date: September 25, 2024

4:00 p.m. Adjournment

Minutes
Kansas Governmental Ethics Commission
901 S. Kansas Ave.
Topeka, KS 66612
June 26, 2024
1:00 p.m.

Members Present

Nick Hale, Chair - via videoconference
Jerry Hellmer, Vice Chair
Chris Burger
Andrew Harrison - via videoconference
Earl Glynn
Beau Jackson
Tess Ramirez
Samuel Klaassen

Staff Present

Mark Skoglund, Executive Director
Kaitlyn Bull-Stewart, General Counsel
Payge Quintana-Padgett, Office Manager
Jesse Burris, Conflict Counsel

The monthly meeting for the Kansas Governmental Ethics Commission was called to order at 1:00 p.m. by Chairman Hale.

Minutes

After review of the agenda and the May 22, 2024, meeting minutes, Chairman Hale asked for a motion to approve the agenda and minutes as written, unless anyone could identify any corrections. Mr. Glynn moved to approve. Mr. Hellmer seconded the motion. The motion passed unanimously.

Introduction of new Commissioner

Introductions of Commissioners and staff who were in attendance occurred.

Executive Session

At 1:05 p.m., Mr. Glynn stated, “I move that the Commission recess this open meeting to executive session, with Office Manager Payge Quintana-Padgett; Executive Director Mark Skoglund; General Counsel Kaitlyn Bull-Stewart; and Conflict Counsel Jesse Burris present, to discuss matters related to potential federal court litigation and for good cause as provided by K.A.R. 19-6-2. Justification for executive session is so the Commission can consult with its attorney regarding matters that would be deemed privileged in the attorney-client relationship, as contemplated by K.S.A. 75-4319(b)(2). The open meeting shall be resumed here at 1:17 p.m.” Ms. Ramirez seconded the motion. The motion passed unanimously.

The Commission returned to open session at 1:17 p.m.

Advisory Opinion

Ms. Bull-Stewart provided a synopsis for Advisory Opinion 2024-02, which was requested by Mr. John Cozine. The request pertained to lobbyist registration and gift exceptions in Chapter 46 and

whether EdChoice, a nonprofit organization that promotes state programs to expand school choice policies, fit within the element test established by K.S.A. 46-237(h). Discussion ensued.

The Commission requested additional information be provided by Mr. Cozine prior to coming to a determination. Further discussion ensued.

General Counsel's Update

Ms. Bull-Stewart first discussed the four applicable proof thresholds - reasonable suspicion, sufficiency, probable cause, and clear and convincing. Discussion ensued among the Commissioners.

Secondly, Ms. Bull-Stewart discussed how Commission complaint proceedings could coincide with criminal prosecution. Further discussion ensued among the Commissioners.

Lastly, Ms. Bull-Stewart discussed how the Office of Administrative Hearings handles default matters since the recent civil fine hearings have been default proceedings. Further discussion ensued among the Commissioners.

General Topics

Mr. Skoglund presented Policy 2024-01 and Policy 2024-02 to the Commission. Policy 2024-01 discussed restrictions on recordings of Commission meetings under the Kansas Open Meetings Act. Policy 2024-02 discussed the process of making a Kansas Open Records Act request of the Commission. Discussion ensued. Mr. Hellmer moved to adopt Policy 2024-01 and Policy 2024-02 with the amendments discussed. Mr. Burger seconded the motion. The motion passed unanimously.

Civil Penalty Assessments

Amended January 10, 2024, Receipts and Expenditures Report

Robert Phillips, Treasurer	\$300
The Right Way PAC for Government Efficiency	

Robert Wing, Treasurer	\$300
Tri-County Labor Council COPE	

Civil Fine Hearings

Ms. Bull-Stewart requested dismissal of Complaint Nos. 772 and 773 since the outstanding Receipts and Expenditures Reports for the campaign had been filed and compliance was achieved. Discussion ensued. Mr. Jackson moved to adopt the proposed orders of dismissal. Mr. Glynn seconded the motion. The motion passed unanimously. Ms. Bull-Stewart requested a motion to authorize Mr. Hellmer to sign both orders of dismissal. Mr. Burger made the motion. Mr. Glynn seconded the motion. The motion passed unanimously.

Ms. Bull-Stewart requested to continue the prehearing conferences and hearings in Complaint Nos. 774, 775, and 777 for service issues. Mr. Glynn made the motion. Ms. Ramirez seconded the

motion. The motion passed with Mr. Harrison recusing himself from consideration in Complaint No. 774.

Mr. Hellmer called the hearing in Complaint No. 769, Mark Skoglund v. Joshua White, to order at 2:38 p.m. Ms. Bull-Stewart announced her appearance and Mr. Skoglund's appearance for the record. The respondent did not appear. Ms. Bull-Stewart provided a summary of Complaint No. 769. Ms. Bull-Stewart stated that Mr. White subjected himself to the Commission's jurisdiction by filing to run for office and has failed to file the requisite reports. Ms. Bull-Stewart requested that Mr. Skoglund be sworn in to provide testimony regarding the outstanding reports. Mr. Hellmer granted that request. Ms. Quintana-Padgett swore in Mr. Skoglund to which Mr. Skoglund responded in the affirmative. Ms. Bull-Stewart asked Mr. Skoglund to walk through the allegations of the complaint. Upon conclusion of Ms. Bull-Stewart's questioning, Mr. Hellmer asked if any Commissioners had further questions for the witness. No further questions were asked.

Ms. Bull-Stewart requested the Commission find Mr. White liable under the Campaign Finance Act for failure to file a July 2022 Receipts and Expenditures Report and an October 2022 Receipts and Expenditures Report. Mr. Burger made the motion. Mr. Jackson seconded the motion. The motion passed unanimously.

Ms. Bull-Stewart then requested the Commission impose a \$5,000.00 fine on Mr. White with a reduction if the reports are filed and the reduced amount is paid within thirty days of the order. Discussion ensued. Mr. Burger moved to fine Mr. White \$2,000.00 with a total reduction if the outstanding reports are filed within thirty days. Mr. Glynn seconded the motion. Discussion ensued. The motion passed unanimously.

Mr. Hellmer asked for a motion to authorize him to sign the order for Complaint No. 769. Mr. Burger made the motion. Ms. Ramirez seconded the motion. The motion passed unanimously.

Mr. Hellmer called the hearing in Complaint No. 770, Mark Skoglund v. Melvin Williams, Jr., to order at 2:52 p.m. Ms. Bull-Stewart announced her appearance and Mr. Skoglund's appearance for the record. The respondent did not appear. Ms. Bull-Stewart provided a summary of Complaint No. 770. Ms. Bull-Stewart stated that Mr. Williams subjected himself to the Commission's jurisdiction by filing to run for office and has failed to file the requisite reports. Ms. Bull-Stewart requested that Mr. Skoglund be sworn in to provide testimony regarding the outstanding reports. Mr. Hellmer granted that request. Ms. Quintana-Padgett swore in Mr. Skoglund to which Mr. Skoglund responded in the affirmative. Ms. Bull-Stewart asked Mr. Skoglund to walk through the allegations of the complaint. Upon conclusion of Ms. Bull-Stewart's questioning, Mr. Hellmer asked if any Commissioners had further questions for the witness. Discussion ensued.

Ms. Bull-Stewart requested the Commission find Mr. Williams liable under the Campaign Finance Act for failure to file a January 2023 Receipts and Expenditures Report and a January 2024 Receipts and Expenditures Report. Mr. Hale made the motion. Ms. Ramirez seconded the motion. The motion passed unanimously.

Mr. Harrison inquired about the total civil liabilities Mr. Williams owes to the Commission. Ms. Bull-Stewart informed the Commission that Mr. Williams has been assessed \$1,900.00 in civil

penalties and had a \$5,000.00 fine previously imposed for failing to file the January 2022 Receipts and Expenditures Report. Discussion ensued. Mr. Burger moved to fine Mr. Williams \$2,000.00 with a total reduction if the outstanding reports are filed within thirty days. Ms. Ramirez seconded the motion. The motion passed unanimously.

Mr. Hellmer asked for a motion to authorize him to sign the order for Complaint No. 770. Mr. Burger made the motion. Ms. Ramirez seconded the motion. The motion passed unanimously.

Mr. Skoglund asked for the Commission's opinion on how to provide information to aid in consistency in fine amounts. Discussion ensued.

Recessed Sessions

At 3:09 p.m., Mr. Glynn stated, "I move that the Commission recess this open meeting with the Executive Director, Mark Skoglund; the Office Manager, Payge Quintana-Padgett; the General Counsel, Kaitlyn Bull-Stewart; and Conflict Counsel, Jesse Burris, present, to discuss matters related to confidential investigations pursuant to K.S.A. 25-4165 and K.S.A. 25-4161 and for good cause as provided by K.A.R. 19-6-2. Justification for recess is so the Commission can exercise quasi-judicial functions when deliberating matters relating to said confidential investigations, as contemplated by K.S.A. 75-4318(g)(1). The open meeting shall be resumed here at 3:16 p.m." Mr. Hellmer seconded the motion. The motion passed unanimously.

The Commission returned to open session at 3:16 p.m.

Upon return from the first recessed session, Mr. Hellmer moved to find Complaint Nos. 782 and 783 sufficient. Ms. Ramirez seconded the motion. The motion passed unanimously for Complaint No. 782. Mr. Glynn voted no for Complaint No. 783.

At 3:18 p.m., Mr. Glynn stated, "I move that the Commission recess this open meeting, with conflict counsel, Jesse Burris, present, to discuss matters related to confidential investigations pursuant to K.S.A. 25-4165 and K.S.A. 25-4161 and for good cause as provided by K.A.R. 19-6-2. Justification for recess is so the Commission can exercise quasi-judicial functions when deliberating matters relating to said confidential investigations, as contemplated by K.S.A. 75-4318(g)(1). The open meeting shall be resumed here at 3:48 p.m." Ms. Ramirez seconded the motion. The motion passed unanimously.

The Commission returned to open session at 3:48 p.m.

At 3:49 p.m., Mr. Glynn stated, "I move that the Commission recess this open meeting, with conflict counsel, Jesse Burris, present, to discuss matters related to confidential investigations pursuant to K.S.A. 25-4165 and K.S.A. 25-4161 and for good cause as provided by K.A.R. 19-6-2. Justification for recess is so the Commission can exercise quasi-judicial functions when deliberating matters relating to said confidential investigations, as contemplated by K.S.A. 75-4318(g)(1). The open meeting shall be resumed here at 4:05 p.m." Mr. Harrison seconded the motion. The motion passed unanimously.

The Commission returned to open session at 4:05 p.m.

Upon return to open session, Mr. Burger moved to dismiss Complaint No. 781. Ms. Ramirez seconded the motion. The motion passed. Mr. Harrison recused himself from consideration.

Mr. Burger moved to dismiss Complaint Nos. 776, 780, 753, and 754. Mr. Jackson seconded the motion. The motion passed unanimously.

Mr. Burger moved to find probable cause for Complaint No. 771. Ms. Ramirez seconded the motion. The motion passed unanimously.

Mr. Burger moved to dismiss Counts 1 through 36 and 40 through 41 and find probable cause for Counts 37 through 39 in Complaint No. 750. Mr. Jackson seconded the motion. The motion passed unanimously.

Mr. Jackson will serve as hearing officer for Complaint Nos. 750 and 771.

Next Meeting Date

Chairman Hale announced that the next meeting would be held on July 24, 2024.

Adjournment

At 4:10 p.m., Chairman Hale stated that if there were no further items to discuss, he would entertain a motion to adjourn. Mr. Glynn made the motion. Mr. Hellmer seconded the motion. The motion passed unanimously.

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

August 28, 2024

Opinion No. 2024-02

John Cozine, Esq.
State and Federal Communications, Inc.
222 South Main Street, Ste 300
Akron, Ohio 44308

Synopsis: A person must register as a lobbyist in Kansas if they expend more than \$1,000.00 for lobbying on behalf of a client, regardless of whether the legislature is in session. The process for a nonprofit organization to register a lobbyist is no different than the process for any other person under K.S.A. 46-265. EdChoice does not fall within the narrow K.S.A. 46-237(h) exception for entities established to serve, inform, educate, and strengthen legislatures in all states. However, Kansas legislators who attend EdChoice's annual program may accept meals pursuant to K.S.A. 46-237(d).

Cited herein: K.S.A. 46-222, K.S.A. 46-223, K.S.A. 46-225, K.S.A. 46-228, K.S.A. 46-237, K.S.A. 46-265.

Dear Mr. Cozine:

In response to your May 7, 2024, email request, this opinion is provided by the Kansas Governmental Ethics Commission ("Commission"), concerning application of the state governmental ethics law, K.S.A. 46-214a *et seq.* The Commission's jurisdiction is limited to applicability of this law. This opinion, provided pursuant to K.S.A. 46-254, does not address whether some other statutory system, common law theory, agency rule, or regulation applies to your inquiry.

FACTUAL STATEMENT

EdChoice is a 501(c)(3) nonprofit organization that promotes state programs to expand school choice policies. EdChoice offers an "annual educational program" to which all Kansas legislators may be invited to. Legislators may participate in the program by offering their opinions on educational choice policies and how such policies have impacted Kansas. EdChoice would like to pay for the invited Kansas legislators to attend its annual program. This would include covering travel, lodging, food, and beverage for the legislators.

QUESTIONS

1. If EdChoice exceeds the \$1,000.00 registration threshold within K.S.A. 46-222(a)(3), is EdChoice required to register a lobbyist even if the legislature is no longer in session when the expenditures are made?
2. If EdChoice is required to register a lobbyist, do any additional steps need to be taken to register a nonprofit organization as opposed to registering any other person?
3. Would EdChoice be permitted to pay for Kansas legislators' travel, lodging, food, and beverage under the K.S.A. 46-237(h) exception?

ANALYSIS AND OPINION

K.S.A. 46-222(a) lists four actions that could render a person a "lobbyist" under Kansas law. Relevant here, K.S.A. 46-222(a)(3) states that a lobbyist includes "any person who makes expenditures in an aggregate amount of \$1,000 or more, exclusive of personal travel and subsistence expenses, in any calendar year for lobbying[.]" K.S.A. 46-223 defines "person" to mean "an individual, proprietorship, partnership, limited partnership, association, trust, estate, business trust, group, or corporation, whether or not operated for profit, or a governmental agency unit, or subdivision." Finally, K.S.A. 46-265 requires every lobbyist in Kansas to register with the Secretary of State.

EdChoice, as a nonprofit organization, is a "person" under K.S.A. 46-223. The first question posed is whether EdChoice expending over \$1,000.00 on lobbying outside of the duration of the regular session changes whether it must register a lobbyist.

The test of K.S.A. 46-222(a)(3) is indifferent to whether the Legislature is in session or not. The only deciding factor is whether the \$1,000.00 expense threshold for lobbying is exceeded. The question, as posed, indicates that \$1,000.00 would be expended for lobbying. Consequently, if EdChoice exceeds the \$1,000.00 registration threshold within K.S.A. 46-222(a)(3), then it must register as a lobbyist with the Kansas Secretary of State.

Additionally, a nonprofit organization does not register any differently than any other person under Kansas law. EdChoice must select an individual representative to register as a lobbyist in Kansas and that representative would list EdChoice as the "person compensating the lobbyist for lobbying" pursuant to K.S.A. 46-265(a).

Finally, regarding your gift question, K.S.A. 46-237 provides, in pertinent part:

Except as provided by this section, no state officer or employee, candidate for state office or state officer elect shall accept, or agree to accept any:

(1) economic opportunity, gift, loan, gratuity, special discount, favor, hospitality or service having an aggregate value of \$40 or more in any calendar year . . . from any one person known to have a special interest, under circumstances where such person knows or should

know that a major purpose of the donor is to influence such person in the performance of their official duties or prospective official duties.

As mentioned above, EdChoice, as a nonprofit organization, is a “person” as defined by K.S.A. 46-223. K.S.A. 46-228 defines “special interest” to mean “an interest of any person concerning action or non-action by the legislature on any legislative matter affecting such person as distinct from affect upon the people of the state as a whole.” Based on EdChoice’s policy advocacy, EdChoice has a special interest concerning action or nonaction by Kansas legislators.

There are exceptions to the gift prohibition for legislators, with one such exception being K.S.A. 46-237(h), which relevantly provides:

. . . but nothing in this act . . . shall be construed to prohibit any legislator from accepting reimbursement for actual expenses for travel, subsistence, hospitality, entertainment and other expenses incurred in attending and participating in meetings, programs and activities sponsored by . . . any national, nonprofit, nonpartisan organization established for the purpose of serving, informing, educating and strengthening state legislatures in all states of the nation, when paid from funds of such organization and nothing shall be construed to limit or prohibit the expenditure of funds of and by any such organization for such purposes.

Two requirements must be met for an organization to fit its gift under the exception: (1) the organization must be a national, nonprofit, nonpartisan organization and (2) the organization must be established for the purpose of serving, informing, educating, and strengthening state legislatures in all states.

The Commission has previously interpreted K.S.A. 46-237(h) narrowly. In Advisory Opinion 2012-09, the Commission considered whether K.S.A. 46-237(h) applied to scholarships offered to Kansas legislators by the Foundation for Government Accountability. In addition to finding that the Foundation failed to satisfy the national organization requirement, the Commission also found that the Foundation failed the exception’s second requirement because the Foundation was not established for the purpose of serving, informing, educating, and strengthening state legislatures in all states.

Applying the narrow K.S.A. 46-237(h) exception to EdChoice, it appears that EdChoice is likely a national nonprofit organization because it regularly interacts with legislatures of most states. Thus, EdChoice likely meets the first requirement for the exception.

Regarding the second requirement of the exception, based on the additional information submitted by EdChoice, it does not appear that EdChoice was established to serve, inform, educate, and strengthen legislatures in all states. Instead, EdChoice was established to advocate for certain education policies. “Serving, informing, educating and strengthening” is specific and narrow language and a national, nonprofit, nonpartisan organization seeking the K.S.A. 46-237(h) exception must have been established for all four reasons.

For the foregoing reasons, the Commission finds that EdChoice does not meet the K.S.A. 46-237(h) exception. So, Kansas legislators may not be offered, nor may they accept the payment of their travel and lodging to the EdChoice annual program.

K.S.A. 46-237(d), however, offers an additional exception that allows for the gifting of food and beverages. Specifically:

Hospitality in the form of food and beverages is presumed not to be given to influence a state officer or employee, candidate for state office or state officer elect in the performance of official duties or prospective official duties . . . except when a particular course of official action is to be followed as a condition thereon.

So long as no course of official action is conditioned on the giving of the food or beverage to the legislators, then EdChoice may pay for the food and beverages that the Kansas legislators receive at the annual program and not run afoul of the general gift prohibition of K.S.A. 46-237.

Sincerely,

Nick Hale, Chairman

By Direction of the Commission

NH: KBS: pqp

DRAFT

Kaitlyn Bull-Stewart [KGEC]

From: John Cozine <jcozine@stateandfed.com>
Sent: Friday, June 28, 2024 2:57 PM
To: Kaitlyn Bull-Stewart [KGEC]
Cc: Mark Skoglund [KGEC]
Subject: RE: [EXT]-RE: [EXT]-RE: Request for Advisory Opinion

Follow Up Flag: Follow up
Flag Status: Flagged

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.

Thank you Kaitlyn. EdChoice has asked me to pass along the following information in the hopes it will assist you in reaching a decision:

“The EdChoice mission is to advance educational freedom and choice for all as a pathway to successful lives and a stronger society. EdChoice is a 501(c)(3) nonprofit, nonpartisan organization committed to understanding and pursuing a K–12 education system that empowers every family to choose the schooling environment that fits their children’s needs best. We are here to bring people together and equip them with high-quality research, data analysis, policy expertise, messaging strategies plus legal and fiscal analysis, and legal defense of enacted programs. We proudly promote educational choice as the intellectual legacy of Nobel laureate Milton Friedman and economist Rose D. Friedman, original founders of our charitable nonprofit. The Friedmans believed that when people learn about the potential education opportunities offered by school choice, they would like it and want it. Our mission is to educate so that people can make their own decisions about whether they like and want school choice. What is school choice? School choice allows public education funds to follow students to the schools or services that best fit their needs —whether that’s to a public school, private school, charter school, home school or any other learning environment families choose.

Our Mission Activities:

Educate diverse audiences about school choice and its benefits.

EdChoice is a national leader in school choice research. We publish dozens of studies, surveys, legislative analyses and blog posts each year to help the public, the media and key stakeholders understand how school choice is affecting families and students across the United States and internationally. Our premise is simple: The more people know about and understand educational choice, the more they can help advance the movement.

Train supporters and policymakers to advocate for high-quality choice programs.

For too long, parents have been told to sit down, be quiet and let the professionals handle their kids. Policymakers have similarly been bullied by those who seek to protect and preserve an educational system that has chronically failed many of those who most depend on it as their pathway to a successful life. We offer a selection of trainings to help school choice supporters learn how to advocate for high-quality programs that put students first.

Engage in activities that generate results for students and families.

We know from experience that bringing new school choice programs to fruition takes a lot of hard work, and we know true educational choice faces long odds in places where allegiance to the past comes before serving students. That’s why we’re focused on engaging at the state level where it makes the most sense while supporting school choice efforts more broadly with our research, outreach and trainings.

EdChoice educates about all aspects of educational choice. We answer every question or find someone who knows the answer. People look to us for information and education about the issue. This is the reason we exist; ever-

growing interest in school choice is the reason why we continue to grow as an organization. We educate legislators because they asked for it. Legislators face questions from constituents about school choice, but the details are complicated. We teach legislators everything they need to know about the issue so they can respond knowledgeable to their constituents and decide whether or not to adopt school choice based on facts and knowledge. We were not established to engage in ideological battles, positions or politics of any kind, and we do not engage at that level. We were established by brilliant economists to educate, and that's what we do."



John Cozine, Esq.

Associate Director, Compliance Services

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330.761.9965 (fax)

<https://stateandfed.com>

From: Kaitlyn Bull-Stewart [KGEC] <Kaitlyn.Bull-Stewart@ks.gov>

Sent: Thursday, June 27, 2024 3:20 PM

To: John Cozine <jcozine@stateandfed.com>

Cc: Mark Skoglund [KGEC] <Mark.Skoglund@ks.gov>

Subject: [EXT]-RE: [EXT]-RE: Request for Advisory Opinion

Hi John,

The Commissioners considered your advisory opinion at their meeting yesterday. We had some follow up. Specifically, can you please provide us with additional information regarding what purpose EdChoice was established for?

The Commissioners will consider the opinion again at their July 24, 2024, meeting.

Thanks,

Kaitlyn

Kaitlyn R. Bull-Stewart

General Counsel

Kansas Governmental Ethics Commission

kaitlyn.bull-stewart@ks.gov

(785) 296-4219

From: John Cozine <jcozine@stateandfed.com>

Sent: Thursday, May 23, 2024 3:49 PM

To: Kaitlyn Bull-Stewart [KGEC] <Kaitlyn.Bull-Stewart@ks.gov>

Cc: Mark Skoglund [KGEC] <Mark.Skoglund@ks.gov>

Subject: RE: [EXT]-RE: Request for Advisory Opinion

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Thank you for the update.

From: [KGEC_Ethics](#)
To: [Kaitlyn Bull-Stewart \[KGEC\]](#)
Subject: FW: Request for Advisory Opinion
Date: Tuesday, May 7, 2024 10:09:09 AM
Attachments: [image001.png](#)

From: John Cozine <jcozine@stateandfed.com>
Sent: Tuesday, May 7, 2024 08:11
To: KGEC_Ethics <KGEC_Ethics@ks.gov>
Subject: Request for Advisory Opinion

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

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

To whom it may concern:

I am respectfully writing to request an advisory opinion on behalf of a client that currently does not have lobbyists registered to lobby on its behalf in Kansas. Please let me know if you require any additional information.

Request:

In light of the registration requirements in Kansas, and the gift provisions and exceptions applicable to legislators and organizations, we request an advisory opinion to assist in determining whether registration as an entity is required under the lobbying laws, and whether travel, lodging, food and beverage may be paid for by a non-profit organization sponsoring educational programs for legislators in most* states.

Background:

Our client, EdChoice, is a 501(c)(3) nonprofit, nonpartisan organization which promotes state programs that expand educational opportunities for as many students as possible. As part of this goal, EdChoice offers an annual educational program to which all legislators from most* states are invited to learn about educational choice. The event is structured as a classroom setting, and experts in various areas of education (e.g., history of education in the US, legal history and constitutional issues, budgeting and fiscal matters, educational outcomes, accountability, regulation) instruct legislators. Legislators may speak to educational choice legislation that was successful, or not, in their own states as conversation in shared experiences; what works, what doesn't work. No pending or "in progress" legislation in any state is discussed during these programs. Where permitted by state ethics laws, EdChoice pays for the economy travel, reasonable lodging, food and beverage of the attendees.

Under Kansas lobbying law, a *lobbyist* is, among other things, any person who makes expenditures in an aggregate amount of \$1,000 or more, exclusive of personal travel and subsistence expenses, in any calendar year for lobbying [K.S.A. §46-222(a)(3)]. The definition of *lobby* includes entertaining any state officer or employee or giving any gift, honorarium or payment to a state officer or employee in an aggregate value of \$40 or more within any calendar year, if at any time during such year the person supplying the entertainment, gifts, honoraria or payments has a financial interest in any contract with, or action, proceeding or other matter before the state agency in which such state officer or employee serves, or if such person is the representative of a person having such a financial interest [K.S.A. §46-225(a)(3)]. While EdChoice does not promote or oppose legislative action during its program, it is possible EdChoice may have an eventual interest in legislation introduced in the legislature during future calendar years. Due to that possible future interest, and due to the number of legislators from Kansas expected to attend the program and accept travel, lodging, and food, EdChoice believes it may be required to register.

Questions:

1. Even if EdChoice exceeds the \$1,000 registration threshold, is registration required if the legislature is no longer in session when the program is held, thus making it unlikely legislation in which EdChoice would have a possible interest would be introduced during that year?

2. If registration is required, is there a mechanism for registering as a non-profit entity? Would any special steps need to be taken compared to the process for registering an individual as a lobbyist?
3. Regardless of whether registration is required, K.S.A. §46-237 limits gifts and other payments legislators may accept. However, subsection (h) permits legislators to accept, and organizations are permitted to expend, reimbursement for actual expenses for travel, subsistence, hospitality, entertainment and other expenses incurred in attending and participating in meetings, programs and activities sponsored by any national, nonprofit, nonpartisan organization established for the purpose of serving, informing, educating and strengthening state legislatures in all states of the nation, when paid from funds of such organization. Would EdChoice, as a nonprofit formed to educate legislators and citizens in all states on the policy of school choice, be permitted to provide reimbursement to legislators under this exception?

*States with severe or total restrictions against travel, or which have limited interest or need to learn about school choice, may not be included. For each invited state, all legislators are invited.



John Cozine, Esq.

Associate Director, Compliance Services

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GOVERNMENTAL ETHICS COMMISSION

<https://ethics.kansas.gov>

Budget Request for Commission Consideration

FY 2025-FY 2027

August 28, 2024

Expenditures	FY 2024 Actual	FY 2025 Approved	FY 2025 Request	FY 2026 Request	FY 2027 Request
Salaries and Wages	\$681,537	\$700,272	\$700,124	\$708,167	\$713,736
Contractual Services	\$117,092	\$153,231	\$158,095	\$163,538	\$169,958
Commodities	\$3,612	\$4,500	\$5,050	\$5,050	\$5,050
Capital Outlay	\$4,844	\$600	\$600	\$600	\$600
TOTAL	\$807,085	\$858,603	\$863,869	\$877,355	\$889,344

Funding	FY 2024 Actual	FY 2025 Approved	FY 2025 Request	FY 2026 Request	FY 2027 Request
State General Fund	\$524,036	\$554,784	\$560,050	\$560,191	\$560,191
KGEC Fee Fund	\$283,049	\$303,819	\$303,819	\$317,164	\$329,153
TOTAL	\$807,085	\$858,603	\$863,869	\$877,355	\$889,344

I. Fiscal Year 2025 – Change from Approved

The agency's revised FY 2025 budget totals \$863,869, which includes \$560,050 from the State General Fund. This request is an increase of \$5,266 (0.6%) above the approved amount, but due to a reappropriation – unused funds - from FY 2024 of the same amount, no additional funding is necessary. The most significant changes are categorized below:

Reductions

- Database fees due to termination of a contract (-\$6,024),
- Commission mileage due to some Commissioner preference to attend virtually and reflecting current usage (-\$3,356),
- Printing based on updated plans (-\$1,500), and
- Internet and phone updated pricing (-\$507).

Increases

- Employee parking, paid for with reductions elsewhere in the budget (\$7,542),
- Janitorial service for the office due to a transition in building management (\$2,756),
- Postage costs reflecting increases in price (\$2,000),
- Software to support campaign finance database infrastructure (\$1,628),
- Office 365 costs and computer replacements (\$866),
- Meals and lodging for the COGEL conference based on actual locality data (\$641), and
- Water cooler increased costs (\$550).

Fringe benefits also includes adjustments (e.g., agency KPERS costs increase by \$590) but they are largely offset by other salary and wage fringe benefit changes. In total, fringe benefit changes are a reduction of \$148 below the approved amount.

The budget also includes some recategorization of expenses. For example, an increase of \$8,500 for attorneys is offset by a corresponding decrease in “other contractual services” which is where that line item had previously been budgeted.

II. Fiscal Year 2026

The agency's FY 2026 budget totals \$877,355, an increase of \$13,486 (1.6%) above the FY 2025 request. The increase is attributable to rent and health insurance costs largely out of the control of the agency. The most significant changes are:

Reductions

- Postage due to decreased need in less active election cycle (-\$6000),
- Software to support campaign finance database infrastructure since it is a one-time cost in FY 2025 (-\$1,220), and
- Meals and lodging for the COGEL conference since the December 2025 conference location has yet to be announced, so standard US rates are used for budgeting purposes (-\$573).

Increases

- Building rent due to the completion of the current lease (\$12,557),
- Agency-funded health insurance (\$7,327),
- The Monumental Building Surcharge, an amount that is charged to all state agencies in Shawnee County (\$4,236),
- Commissioner mileage reverting to standard budgeting (\$1,268), and
- Agency KPERs contributions (\$690).

III. Fiscal Year 2027

The agency's FY 2027 budget totals \$889,344, an increase of \$11,989 (1.4%) above the FY 2026 request. The increase is largely attributable to increased health insurance costs, postage costs, and the Monumental Building Surcharge. The most significant changes are:

Reductions

- Agency KPERs contributions (-\$1,773).

Increases

- Agency-funded health insurance (\$7,261),
- Postage due to increased need in statewide and House election cycle (\$2,000),
- The Monumental Building Surcharge, an amount that is charged to all state agencies in Shawnee County (\$1,765),
- Computer replacements and increased Office 365 costs (\$1,330),
- Meals and lodging for the COGEL conference based on average current locality rates for Canada (\$1,145).

IV. Enhancement Package – FY 2026 - FY 2027

Due to space constraints in the current office, the end of our current lease and subsequent expected rent increases in FY 2026, and the significant benefit that would accrue to the public with additional staff, the following enhancement package is submitted for consideration.

Office relocation - Commission staff currently occupy every possible space for an office, including our investigator utilizing a very small space. No hiring of additional staff is possible without a relocation.

New attorney - State agencies with regulatory enforcement roles benefit substantially from having a division of labor between multiple attorneys – one who handles enforcement and litigation, and another who primarily provides compliance guidance and serves the board. Currently, the overlap between these responsibilities creates logistical, planning, and legal issues, and the workload in both areas has increased substantially over the preceding five years.

New full-time investigator – The investigation workload has increased substantially over the preceding six years both in quantity and complexity. While we are lucky to have a very talented part-time investigator, hiring an additional full-time investigator would provide the necessary support to rapidly resolve investigation needs. In a possible future scenario with a decreased investigatory caseload, this position would serve as an auditor, assisting campaign finance compliance staff.

The requested enhancement would be funded from the State General Fund as follows:

Description	FY 2026	FY 2027
Office Rent	\$100,000	\$100,000
Moving Expenses	\$10,000	\$0
New Attorney Position Including Benefits	\$107,623	\$107,399
New FT Investigator Position Including Benefits	\$79,788	\$79,628
Conflict Counsel	-\$8,500	-\$8,500
Previous Building Rent	-\$59,640	-\$59,640
TOTAL	\$229,271	\$218,887

EXPENDITURE_CLASS	DESCRIPTION	CODE	FY 2025 Approved	FY 2025 Request	FY 2026 Request	FY 2027 Request	Detail
Salaries and Wages	UNCLASSIFIED REGULAR	511100	492546	492552	492552	492552	Base salaries
Salaries and Wages	UNCLASSIFIED TEMPORARY	511110	3780	3780	3780	3780	Commission per diem
Salaries and Wages	LEAVE PAYMENT ASSESSMENTS	517600	3572	2777	3074	3448	Fringe benefits
Salaries and Wages	PUBLIC EE RETIREMENT SYSTEM	518100	61175	61765	62455	60682	Fringe benefits
Salaries and Wages	MEDICARE	519101	7189	7195	7198	7142	Fringe benefits
Salaries and Wages	OASDI	519102	30747	30777	30776	30538	Fringe benefits
Salaries and Wages	GROUP HEALTH HOSPITALIZATION	519500	100353	100642	107969	115230	Fringe benefits
Salaries and Wages	WORKERS COMPENSATION	519700	634	636	363	364	Fringe benefits
Salaries and Wages	UNEMPLOYMENT COMPENSATION	519800	276	0	0	0	Fringe benefits
Contractual Services	INTERGOV LCL COMM SVC OP DISC	520500	11248	10741	11237	11237	Phones and internet
Contractual Services	INTERGOV LCL COMM SVC CAP DISC	520510	282	215	225	225	IT administrative fee
Contractual Services	INTERGOV POSTAGE OP DISC	520600	19000	21000	15000	17000	Postage costs
Contractual Services	OTHER COMMUNICATION	520900	50	0	0	0	Previously used for conference calls
Contractual Services	PRINT BIND STATE FACILITY ONLY	522100	4000	2500	2500	2500	Bulk printing
Contractual Services	COPY PRINTING EQUIPMENT RENTAL	523100	2200	2200	2200	2200	Copier rental
Contractual Services	BUILDING SPACE RENTAL	523200	47260	47260	59817	59640	Building rent
Contractual Services	EQUIPMENT RENTAL	523300	100	114	114	114	Water cooler
Contractual Services	COMPUTER EQUIPMENT RENTAL	523600	4836	5441	0	0	Database data storage
Contractual Services	COMPUTER SOFTWARE RENTAL	523700	345	1973	753	753	Adobe licenses and database software
Contractual Services	OTHER RENTALS	523900	0	7782	7782	7782	Employee parking and shredder contract
Contractual Services	REPAIR AND SVC BLDG GROUND	524400	2004	4800	4800	4800	Janitorial services
Contractual Services	PRIVATE VEHICLE MILES	525510	8298	4942	6210	6390	Commissioner mileage
Contractual Services	AIR RAIL AND BUS FARE	525570	600	600	600	750	COGEL flight
Contractual Services	MEALS AND LODGING	525580	787	1428	855	2000	COGEL meals and lodging
Contractual Services	NON SUBSISTENCE	525590	477	226	226	226	Commissioner tolls
Contractual Services	COMPUTER PROGRAMMING OP DISC	526300	9252	10118	10226	11556	Office 365 and computers
Contractual Services	COMPUTER PROGRAMMING CAP DISC	526310	136	203	205	232	IT administrative fee
Contractual Services	COMPUTER PROGRAMMING NOT DISC	526320	1100	1500	1500	1500	Dept of Admin accounting
Contractual Services	DATABASE ACCESS FEES NOT DISC	526330	13964	7940	7940	7940	Website and Westlaw
Contractual Services	JOB RELATED TRAIN & CONF REG	526610	900	900	900	900	CLE and COGEL conference registration
Contractual Services	OTHER FEES	526900	12599	12599	16835	18600	Environmental bonding surcharge and opinion publication
Contractual Services	ATTORNEYS AND LAWYERS	527200		8500	8500	8500	Conflict counsel with Atty
Contractual Services	DUES AND SUBSCRIPTIONS	529100	785	605	605	605	COGEL membership, Sunflower State Journal
Contractual Services	SURETY BOND AND INS PREMIUMS	529600	8	8	8	8	Surety bond
Contractual Services	OTHER CONTRACTUAL SERVICES	529900	13000	4500	4500	4500	Office of Admin Hearings
Commodities	FOOD FOR HUMAN CONSUMPTION	532010	450	1000	1000	1000	Water cooler
Commodities	STATIONERY AND OFFICE SUPPLIES	537100	2600	4050	4050	4050	Office supplies
Commodities	DATA PROCESSING SUPPLIES	537200	1450				Office supplies
Capital Outlay	OFFICE EQUIPMENT NON CAP	540390	400	400	400	400	Office furniture
Capital Outlay	MICROCOMPUTER EQUIPMENT	541310	200	200	200	200	Office computer needs

**STATUS OF FILINGS FOR JULY 29, 2024
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				
Senate	89	7	81	1
State Representative	229	9	213	7
District Attorney	12	0	12	0
State Board of Education	15	1	14	0
District & Magistrate Judges	102	72	27	2
COUNTY CANDIDATES FOR 2024	1078	846	229	3
TOTAL CANDIDATES	1525	935	576	13
PARTY COMMITTEES				
State Party Committees	6	0	5	0
Congressional District Committees	8	0	8	0
Recognized Party Committees	4	0	4	0
Democratic Co. Central Committees	66	11	45	10
Republican Co. Central Committees	99	13	65	21
Libertarian Co. Central Committee	1	0	1	0
TOTAL PARTY COMMITTEES	184	24	128	31
POLITICAL COMMITTEES				
General	204	7	190	14
Democratic Women's Clubs	10	0	9	0
Republican Women's Clubs	4	0	2	0
TOTAL POLITICAL COMMITTEES	218	7	201	14

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

TO: Commission Members

FROM: Mark Skoglund, Executive Director

DATE: August 28, 2024

RE: Candidate and Treasurer Civil Penalties

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 of such notice 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:

Name	Date Filed	Days Late	Amount
Amended October 30, 2023, Receipts & Expenditures Report			
Ryan Petrik Treasurer for Matthew Schoonover	8/5/2024	23	\$230
Matthew Schoonover Candidate for City Council	8/5/2024	23	\$230
2024 Appointment of Treasurer Form			
Rebecca Faurot Candidate for Retention Judge	6/26/2024	5	\$50
Paula Hofaker Candidate for District Judge	7/15/2024	21	\$210
Phillip Journey Candidate for District Judge	7/15/2024	3	\$30
Joe Lee Candidate for District Magistrate Judge	7/30/2024	23	\$230

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 of such notice 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 \$1,000. The following individuals did not file in a timely manner:

July 29, 2024, Receipts & Expenditures Report

Renee Henry			
Candidate for District Judge	8/4/2024	2	\$150
Mark Llamas			
Candidate for County Treasurer	N/A	19+	\$1,000
Christopher Parisho			
Candidate for State Representative	8/9/2024	7	\$400

BEFORE THE KANSAS GOVERNMENTAL ETHICS COMMISSION

(Commission Use Only)

MARK SKOGLUND, Executive Director,)
Kansas Governmental Ethics Commission,)
Complainant.)
)
vs.)
)
BRAD BOYD, Candidate for)
State Representative,)
Respondent.)
)

Complaint No. 774

COMPLAINT

- A. Complainant:** **Mark Skoglund, Executive Director**
Kansas Governmental Ethics Commission
901 S. Kansas Ave.
Topeka, Kansas 66612
(785) 296-4219
- B. Respondent:** **Brad Boyd**
Candidate for State Representative
13130 S. Raintree Dr.
Olathe, KS 66062
- C. Complainant alleges:** **Failure to File January 2024 Report**

1. Brad Boyd was a candidate for state representative in the 2022 election cycle and also served as his own treasurer after his former treasurer resigned on January 22, 2024. Mr. Boyd was required to file a Receipts and Expenditures Report for the applicable time periods under K.S.A. 25-4148(a); however, no such report was filed.
2. On January 23, 2024, the Commission sent notice, via certified mail return receipt requested, to Mr. Boyd notifying him of the requirement to file a January 10, 2024, Receipts and Expenditures Report (“January 2024 Report”).
3. The notice further stated that failure to file the January 2024 Report may be punishable as a class A misdemeanor.

4. Finally, the notice informed Mr. Boyd that he had until February 7, 2024, to file the January 2024 Report to comply with the reporting requirements to avoid a civil penalty being assessed against him.
5. Notwithstanding the notice of the filing requirement under K.S.A. 25-4148, Mr. Boyd has failed to file the January 2024 Report.

WHEREFORE, Complainant respectfully requests the Commission find Respondent, Brad Boyd, liable under the Kansas Campaign Finance Act for failing to file the report required by K.S.A. 25-4148, and that the Commission impose a fine pursuant to K.S.A. 25-4181, in an amount 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

PREPARED BY:

/s/ Kaitlyn R. Bull-Stewart
Kaitlyn R. Bull-Stewart, #28892
General Counsel
Kansas Governmental Ethics Commission
901 S. Kansas Ave.
Topeka, KS 66612
(785) 296-4219; (785) 296-2548 (fax)
Kaitlyn.bull-stewart@ks.gov

D. Verification:

State of Kansas)
) ss
County of Shawnee)

Mark Skoglund, being first duly sworn, upon oath states:

I am the Complainant above-named; I have read the Complaint; I know the contents thereof, and all the statements made therein are true.



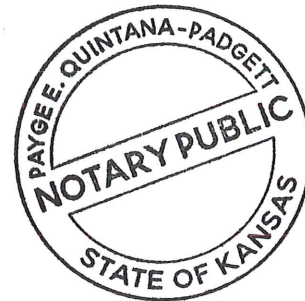
Signature of complainant

Subscribed and sworn to before me this 19th day of April 2024.



Notary Public

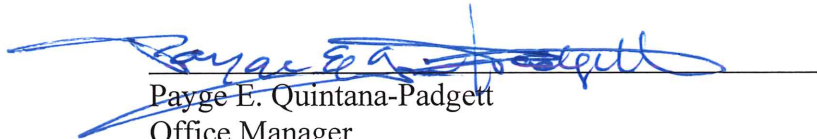
My appointment expires: August 30, 2027



CERTIFICATE OF SERVICE

This is to certify that on the 19th day of April 2024, the foregoing Complaint was deposited in the U.S. mail, certified postage prepaid, return receipt requested, **and** deposited in the U.S. mail, first-class postage prepaid addressed to the following:

Brad Boyd
Candidate for State Representative
13130 S. Raintree Dr.
Olathe, KS 66062



Payge E. Quintana-Padgett
Office Manager
Kansas Governmental Ethics Commission
901 S. Kansas Ave.
Topeka, KS 66612
(785) 296-4219; (785) 296-2548 (fax)
KGEC_Ethics@ks.gov

BEFORE THE KANSAS GOVERNMENTAL ETHICS COMMISSION

(Commission Use Only)	
MARK SKOGLUND, Executive Director,)
Kansas Governmental Ethics Commission,)
Complainant.)
)
vs.)
)
STEPHANIE YEAGER, Candidate for)
State Representative,)
Respondent.)
)

Complaint No. 775

COMPLAINT

A. Complainant: **Mark Skoglund, Executive Director**
Kansas Governmental Ethics Commission
901 S. Kansas Ave.
Topeka, Kansas 66612
(785) 296-4219

B. Respondent: **Stephanie Yeager**
Candidate for State Representative
4480 S Meridian
Lot 94
Wichita, KS 67217

C. Complainant alleges: **Failure to File January 2024 Report**

1. Stephanie Yeager was a candidate for state representative in the 2020 election cycle. Ms. Yeager’s treasurer was required to file a Receipts and Expenditures Report for the applicable time periods under K.S.A. 25-4148(a); however, despite being responsible for filing such report under K.S.A. 25-4152(a), no such report was filed.
2. On January 23, 2024, the Commission sent notice, via certified mail return receipt requested, to Ms. Yeager notifying her of the requirement to file a January 10, 2024, Receipts and Expenditures Report (“January 2024 Report”).
3. The notice further stated that failure to file the January 2024 Report may be punishable as a class A misdemeanor.

4. Finally, the notice informed Ms. Yeager that she had until February 7, 2024, to file the January 2024 Report to comply with the reporting requirements to avoid a civil penalty being assessed against her.
5. Notwithstanding the notice of the filing requirement under K.S.A. 25-4148, Ms. Yeager has failed to file the January 2024 Report.

WHEREFORE, Complainant respectfully requests the Commission find Respondent, Stephanie Yeager, liable under the Kansas Campaign Finance Act for failing to file the reports required by K.S.A. 25-4148, and that the Commission impose a fine pursuant to K.S.A. 25-4181, in an amount 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

PREPARED BY:

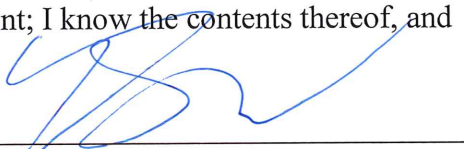
/s/ Kaitlyn R. Bull-Stewart
Kaitlyn R. Bull-Stewart, #28892
General Counsel
Kansas Governmental Ethics Commission
901 S. Kansas Ave.
Topeka, KS 66612
(785) 296-4219; (785) 296-2548 (fax)
Kaitlyn.bull-stewart@ks.gov

D. Verification:

State of Kansas)
) ss
County of Shawnee)

Mark Skoglund, being first duly sworn, upon oath states:

I am the Complainant above-named; I have read the Complaint; I know the contents thereof, and all the statements made therein are true.



Signature of complainant

Subscribed and sworn to before me this 19th day of April 2024.



Notary Public

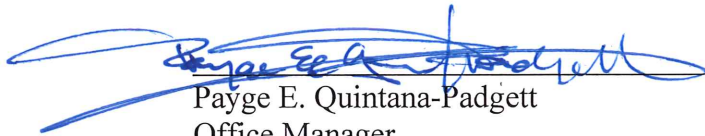
My appointment expires: August 30, 2027



CERTIFICATE OF SERVICE

This is to certify that on the 19th day of April 2024, the foregoing Complaint was deposited in the U.S. mail, certified postage prepaid, return receipt requested, **and** deposited in the U.S. mail, first-class postage prepaid addressed to the following:

Stephanie Yeager
Candidate for State Representative
4480 S Meridian
Lot 95
Wichita, KS 67217



Payge E. Quintana-Padgett
Office Manager
Kansas Governmental Ethics Commission
901 S. Kansas Ave.
Topeka, KS 66612
(785) 296-4219; (785) 296-2548 (fax)
KGEC_Ethics@ks.gov

BEFORE THE KANSAS GOVERNMENTAL ETHICS COMMISSION

(Commission Use Only)

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

vs.)

Complaint No. 777

PAULA ROEGGE, Treasurer for)
Kansas First Congressional District)
Democrats,)
Respondent.)

COMPLAINT

A. Complainant: Mark Skoglund, Executive Director
Kansas Governmental Ethics Commission
901 S. Kansas Ave.
Topeka, Kansas 66612
(785) 296-4219

B. Respondent: Paula Roegge
Treasurer for Kansas First Congressional District Democrats
436 W 6th St.
Concordia, KS 66901

OR

223 W 10th St.
Concordia, KS 66901

C. Complainant alleges: Failure to File January 2024 Report

1. Kansas First Congressional District Democrats, a political committee within the State of Kansas (“the PAC”), filed its original statement of organization in August 2022.
2. On November 6, 2023, the PAC’s treasurer resigned by providing notice to the Commission, in writing via email. Under K.S.A. 25-4146(a), the PAC’s chairperson, Paula

Roegge, became responsible for the filing of a January 10, 2024, Receipts and Expenditures Report (“January 2024 Report”).

3. The January 2024 Report was required by K.S.A. 25-4148(a); however, no such report was filed.
4. On January 23, 2024, the Commission sent notice, via certified mail return receipt requested, to Ms. Roegge notifying her of the requirement to file the January 2024 Report.
5. The notice further stated that failure to file the January 2024 Report may be punishable as a class A misdemeanor.
6. Finally, the notice informed Ms. Roegge that she had until February 7, 2024, to file the January 2024 Report to comply with the reporting requirements to avoid a civil penalty being assessed against her.
7. Notwithstanding the notice of the filing requirement under K.S.A. 25-4148, Ms. Roegge has failed to file the January 2024 Report.

WHEREFORE, Complainant respectfully requests the Commission find Respondent, Paula Roegge, liable under the Kansas Campaign Finance Act for failing to file the reports required by K.S.A. 25-4148, and that the Commission impose a fine pursuant to K.S.A. 25-4181, in an amount 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

PREPARED BY:

/s/ Kaitlyn R. Bull-Stewart
Kaitlyn R. Bull-Stewart, #28892
General Counsel
Kansas Governmental Ethics Commission
901 S. Kansas Ave.
Topeka, KS 66612
(785) 296-4219; (785) 296-2548 (fax)
Kaitlyn.bull-stewart@ks.gov

D. Verification:

State of Kansas)
) ss
County of Shawnee)

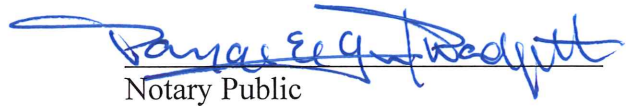
Mark Skoglund, being first duly sworn, upon oath states:

I am the Complainant above-named; I have read the Complaint; I know the contents thereof, and all the statements made therein are true.



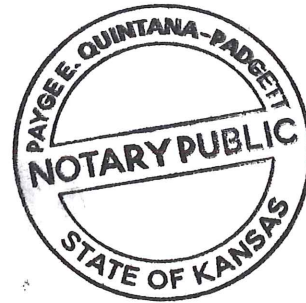
Signature of complainant

Subscribed and sworn to before me this 22nd day of April 2024.



Notary Public

My appointment expires: August 30, 2027



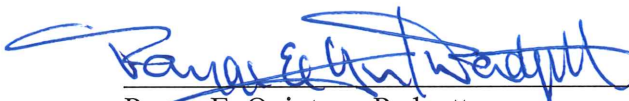
CERTIFICATE OF SERVICE

This is to certify that on the 22nd day of April 2024, the foregoing Complaint was deposited in the U.S. mail, certified postage prepaid, return receipt requested, **and** deposited in the U.S. mail, first-class postage prepaid addressed to the following:

Paula Roegge
436 W 6th St.
Concordia, KS 66901

AND

Paula Roegge
223 W 10th St.
Concordia, KS 66901



Payge E. Quintana-Padgett
Office Manager
Kansas Governmental Ethics Commission
901 S. Kansas Ave.
Topeka, KS 66612
(785) 296-4219; (785) 296-2548 (fax)
KGEC_Ethics@ks.gov

Attachment to Commission Meeting Minutes

August 28, 2024

Motion for Recess Session 1

I move that the Commission recess this open meeting with the Executive Director, Mark Skoglund; the Office Manager, Payge Quintana-Padgett; the General Counsel, Kaitlyn Bull-Stewart; and Conflict Counsel, Jesse Burris, present, to discuss matters related to confidential investigations pursuant to K.S.A. 25-4165 and K.S.A. 25-4161 and for good cause as provided by K.A.R. 19-6-2. Justification for recess is so the Commission can exercise quasi-judicial functions when deliberating matters relating to said confidential investigations, as contemplated by K.S.A. 75-4318(g)(1). The open meeting shall be resumed here at _____ p.m.

Attachment to Commission Meeting Minutes

August 28, 2024

Motion for Recess Session 2

I move that the Commission recess this open meeting, with conflict counsel, Jesse Burris, present, to discuss matters related to confidential investigations pursuant to K.S.A. 25-4165 and K.S.A. 25-4161 and for good cause as provided by K.A.R. 19-6-2. Justification for recess is so the Commission can exercise quasi-judicial functions when deliberating matters relating to said confidential investigations, as contemplated by K.S.A. 75-4318(g)(1). The open meeting shall be resumed here at _____ p.m.