

Kansas Administrative Regulations
Agency 19 – Governmental Ethics Commission

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Effective July 1, 1998, the Kansas commission on governmental standards and conduct was redesignated as the governmental ethics commission. Rules and regulations of the Kansas commission on governmental standards and conduct were by law specifically retained in force and effect and became the rules and regulations of the governmental ethics commission until amended or revoked by the successor commission.

Effective July 1, 1991, the Kansas commission on governmental standards and conduct was created to replace the Kansas public disclosure commission. Rules and regulations of the Kansas public disclosure commission were by law specifically retained in force and effect and became the rules and regulations of the Kansas commission on governmental standards and conduct until amended or revoked by the successor commission.

Current through Volume 42, No. 39, September 28, 2023. Some sections may be more current. See credits for details.

K.A.R. 19-5-1

19-5-1. Filing of complaint.

- (a) Any complainant shall sign and file with the commission a verified complaint in writing. Assistance in drafting and filing complaints shall be available through the commission and its staff.
- (b) If a commissioner files a complaint, that commissioner shall be disqualified from the commission's consideration of the complaint. The commissioner shall have the rights, duties, and liabilities of a party to a proceeding thus initiated.
- (c) The executive director shall file a complaint following the completion of an investigation conducted pursuant to K.A.R. 19-3, if in the executive director's judgment there is probable cause to believe that a provision of relevant law has been violated.
- (d) The executive director shall file a complaint when any person has failed to file any report at the time and in the manner required by relevant law, unless the executive director finds that for good cause a complaint should not be filed. In either case, the executive director shall report to the commission at its next meeting.

Credits

(Authorized by K.S.A. 25-4119a, 46-253; implementing K.S.A. 25-4160, 46-255.)

(Effective, E-76-52, Oct. 24, 1975; effective, E-77-20, May 1, 1976; amended, E-77-47, Sep. 30, 1976; effective Feb. 15, 1977; amended May 1, 1980; amended May 1, 1982.)

Current through Volume 42, No. 39, September 28, 2023. Some sections may be more current. See credits for details. Kan. Admin. Regs. 19-5-1, KS ADC 19-5-1

K.A.R. 19-5-2

19-5-2. Form and content of complaint.

The complaint shall be in writing on a form obtained at the commission office. The original complaint shall be signed and verified before a notary public or other person duly authorized by law to take acknowledgements. A complaint shall contain the full name and address of the complainant and the full name and address of the respondent. The complaint shall also contain simple and concise statements of the facts or information and belief upon which the allegation of a violation is based. It shall include, where known, the dates and places of occurrences that are described and the names of the participants and the section or sections of law which are alleged to have been violated.

Credits

(Authorized by K.S.A. 25-4119a, 46-253; implementing K.S.A. 25-4160, 46-255.)

(Effective, E-76-52, Oct. 24, 1975; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977; amended May 1, 1980; amended May 1, 1982.)

Current through Volume 42, No. 39, September 28, 2023. Some sections may be more current. See credits for details. Kan. Admin. Regs. 19-5-2, KS ADC 19-5-2

K.A.R. 19-5-3

19-5-3. Amendment and withdrawal.

The commission or the complainant shall have the power to reasonably amend the complaint as a matter of right at any time before hearing thereon, and thereafter at the discretion of the presiding member. The respondent and the complainant shall be notified of any such amendment in writing by the commission. The complaint may be withdrawn by the complainant at any time before a final determination of probable cause. After service of a notice of hearing, the complainant may request and the commission shall decide whether or not a complaint may be withdrawn.

Credits

(Authorized by K.S.A. 1976 Supp. 25-4119a, 46-253.)

(Effective, E-76-52, Oct. 24, 1975; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977.)

Current through Volume 42, No. 39, September 28, 2023. Some sections may be more current. See credits for details. Kan. Admin. Regs. 19-5-3, KS ADC 19-5-3

K.A.R. 19-5-4

19-5-4. Service of complaint.

A copy of the complaint and any amendments shall be promptly served by the commission on the respondent.

Credits

(Authorized by K.S.A. 1976 Supp. 25-4119a, 46-253.)

(Effective, E-76-52, Oct. 24, 1975; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977.)

Current through Volume 42, No. 39, September 28, 2023. Some sections may be more current. See credits for details. Kan. Admin. Regs. 19-5-4, KS ADC 19-5-4

K.A.R. 19-5-5

19-5-5. Respondent's review of evidence.

After a verified complaint has been filed with the commission, the respondent shall be entitled to examine and make copies of all evidence in the possession of the commission relating to the complaint; provided that those matters which do not constitute evidence, including the work product of the commission or its staff, need not be provided to the respondent. The materials shall be provided in a timely manner by the executive director, after approval by the commission's attorney.

Credits

(Authorized by K.S.A. 25-4119a, 46-253; implementing K.S.A. 25-4163, 46-257.)

(Effective, E-76-52, Oct. 24, 1975; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977; amended May 1, 1980; amended May 1, 1982.)

Current through Volume 42, No. 39, September 28, 2023. Some sections may be more current. See credits for details. Kan. Admin. Regs. 19-5-5, KS ADC 19-5-5

K.A.R. 19-5-6

19-5-6. Sufficiency of complaint.

Upon acceptance of a complaint for filing, the commission shall determine whether the complaint alleges facts, directly or upon information and belief, sufficient to constitute a violation of relevant law. If the complaint is found to be sufficient, the commission shall promptly conduct or cause to be conducted a preliminary investigation of the alleged violation.

Credits

(Authorized by K.S.A. 1976 Supp. 25-4119a, 46-253.)

(Effective, E-76-52, Oct. 24, 1975; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977.)

Current through Volume 42, No. 39, September 28, 2023. Some sections may be more current. See credits for details. Kan. Admin. Regs. 19-5-6, KS ADC 19-5-6

K.A.R. 19-5-7

19-5-7. Probable cause.

At the conclusion of a preliminary investigation, the commission shall determine whether probable cause exists for believing the allegations of the complaint. The commission shall give the respondent an opportunity, in person or through counsel, to submit a written statement prior to the determination. If the commission determines that probable cause does exist, the complaint and any amendments thereto shall become a public record and the commission shall fix a time for a hearing in the matter which shall be not more than thirty (30) days after a final determination of probable cause is made. Notice of this determination shall be sent to all parties.

Credits

(Authorized by K.S.A. 1979 Supp. 25-4119a, 46-253.)

(Effective, E-76-52, Oct. 24, 1975; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977; amended May 1, 1980.)

Current through Volume 42, No. 39, September 28, 2023. Some sections may be more current. See credits for details. Kan. Admin. Regs. 19-5-7, KS ADC 19-5-7

K.A.R. 19-5-8

19-5-8. Preservation of records.

Books, papers, documents, or records of any form which are relevant to the scope of any investigation as defined in the complaint shall be preserved during the pendency of any proceedings by all parties to the proceedings unless the commission specifically orders otherwise.

Credits

(Authorized by K.S.A. 1976 Supp. 25-4119a, 46-253.)

(Effective, E-76-52, Oct. 24, 1975; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977.)

Current through Volume 42, No. 39, September 28, 2023. Some sections may be more current. See credits for details. Kan. Admin. Regs. 19-5-8, KS ADC 19-5-8

K.A.R. 19-5-9

19-5-9. Dismissal before hearing.

- (a) Dismissal. If the commission finds that it lacks jurisdiction or that probable cause does not exist, the complaint shall be dismissed with or without prejudice to the respondent.
- (b) Service. When a complaint is dismissed before hearing, the commission shall issue and cause to be served upon each party a copy of the order dismissing the complaint, and stating the grounds and conditions of such dismissal.

Credits

(Authorized by K.S.A. 1979 Supp. 25-4119a, 46-253.)

(Effective, E-76-52, Oct. 24, 1975; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977; amended May 1, 1980.)

Current through Volume 42, No. 39, September 28, 2023. Some sections may be more current. See credits for details. Kan. Admin. Regs. 19-5-9, KS ADC 19-5-9