

STATE OF KANSAS

Administration of  
Campaign Finance,  
Conflict of Interest  
& Lobbying Laws



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Topeka, Kansas 66612  
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**GOVERNMENTAL ETHICS COMMISSION**

<https://ethics.kansas.gov>

Brian Cunningham  
Treasurer for Sean Tarwater  
15916 Overbrook Lane  
Overland Park, KS 66224

June 24, 2020

Notification of Material Error or Omission  
In A Receipts and Expenditures Report

RE: Receipts and Expenditures Report Due January 10, 2020  
(Covering the Period January 1, 2019 thru December 31, 2019)

A review of your Receipts and Expenditures Report identified above indicates the material error(s) or omission(s) listed on the other side of this page. Such error(s) and omission(s) must be corrected within thirty (30) days of the date of this notice.

File the amended report within thirty (30) days with:

Secretary of State  
120 SW 10<sup>th</sup>  
Memorial Hall  
Topeka, KS 66612

As provided by law, a copy of this notice has been made a part of your record in the Secretary of State's Office. The intentional failure to file an amended report within thirty (30) days is a class A misdemeanor. In addition, you may not accept contributions or make expenditures following the end of the thirty (30) day period if the amended report has not been filed.

Additional information and assistance may be obtained by writing or calling this office. If after having contacted this office substantial issues remain unresolved, you may within ten (10) days of receipt of this notice request a hearing before the Commission.

Sincerely,

A handwritten signature in cursive script that reads "Karina Renna".

Karina Renna  
State Campaign Finance Coordinator

1. The January 10, 2020 Receipts and Expenditures Report filed by the Tarwater campaign did not reflect the return of the excess contributions from the Kansas City Regional Association of Realtors PAC or the Kansas Auto Dealers Election Action Committee. A Notification of Material Error or Omission In A Receipts and Expenditures Report was sent to the candidate & treasurer on July 8, 2019 regarding the \$500 in excess contributions. **The excess contributions must be refunded immediately. The return of these contributions must be noted on Schedule C (Expenditures and Other Disbursements) of the July 27, 2020 Receipts and Expenditures Report.**
  
2. Schedule A (Contributions and Other Receipts) of the January 10, 2020 report lists a \$500 contribution being received on 1-1-19 from QC Holdings. K.S.A. 25-4153a states that no registered lobbyist, political committee or person, other than an individual, shall make a contribution and no legislator or candidate for the legislature shall accept a contribution from a lobbyist, political committee or person, other than an individual after January 1 and prior to sine die adjournment of the regular session of the legislature or any other time the legislature is in session. This contribution should not have been accepted and should be returned. **The return of this contribution must be shown on Schedule C (Expenditures and Other Disbursements) of the July 27, 2020 report.**
  
3. Schedule C (Expenditures and Other Disbursements) of the January 10, 2020 report shows expenses in the amount of \$153.32 for "gas". Pursuant to Advisory Opinion 2007-14, the candidate can only be reimbursed for mileage at the state mileage reimbursement rate. The candidate cannot be reimbursed for fuel. The Commission opined "due to the difficulty in determining the allocation of vehicle expenses between a candidate's personal use of a vehicle and the candidate's use of a vehicle for holding political office or for campaign purposes, the Commission now determines that beginning January 1, 2008, the use of campaign funds to pay for otherwise un-reimbursed vehicle expenses will be limited to the state mileage reimbursement rate." When claiming reimbursement for mileage from campaign funds, the treasurer needs to keep detailed records for mileage expenditures showing the dates of travel, the necessity for and specific purpose of the travel, and the actual mileage traveled. It will be necessary for the candidate to reimburse the campaign account for the fuel purchased. This reimbursement will need to be disclosed on Schedule A (Contributions and Other Receipts) on the July 27, 2020 Receipts and Expenditures Report. The candidate can be reimbursed for the miles driven at the state rate of 58 cents per mile. If done, this expenditure would be disclosed on Schedule C

(Expenditures and Other Disbursements) on the July 27, 2020 report.

4. Schedule C (Expenditures and Other Disbursements) of the January 10, 2020 report lists a \$172.40 expenditure to Enterprise on 1-11-19 for care rental 1/10 - 1/17. Further explanation for this expense must be provided in a letter to the Commission.
5. Schedule C (Expenditures and Other Disbursements) must be amended to include the street or mailing addresses for all individuals and vendors to whom expenditures were made during the January 10, 2020 reporting period.

If you have any questions, please feel free to contact this office.