

STATE OF KANSAS

Administration of  
Campaign Finance,  
Conflict of Interest  
& Lobbying Laws



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**GOVERNMENTAL ETHICS COMMISSION**

<https://ethics.kansas.gov>

Gregg Kipers  
Treasurer for Patrick Kucera  
908 Branchwood Drive  
Lawrence, KS 66049

October 5, 2018

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

RE: Receipts and Expenditures Report Due July 30, 2018  
(Covering the Period January 1, 2018 thru July 26, 2018)

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 by filing an amended report.

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 black ink, appearing to read "MSK", written over a horizontal line.

Mark Skoglund  
Executive Director

1. K.S.A. 25-4146(b) states, "No contribution or other receipt shall be received or expenditure made, by or on behalf of a candidate, except payment of a filing fee: (1) until such candidate appoints a treasurer and makes the report required to the Secretary of State..." Numerous contributions were received prior to the date the candidate's Appointment of Treasurer or Candidate Committee form was filed with the Secretary of State on February 8, 2018. These contributions should not have been accepted. No amendment to the July 30, 2018 report is necessary for this error.
2. Schedule A (Contributions and Other Receipts) of the July 30, 2018 report lists a \$2000 contribution being received on 2-7-18 from 3<sup>rd</sup> Rock. 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 October 29, 2018 report.
3. Schedule C (Expenditures and Other Disbursements) of the July 30, 2018 report lists expenditures totaling \$320,655.77, yet the cash available this period indicates a balance of \$320,580.00. An amended July 30, 2018 report must be filed disclosing the source of funds used to make \$75.77 in expenditures.
4. Schedule C (Expenditures and Other Disbursements) of the July 30, 2018 report shows expenses in the amount of \$9037.18 for fuel costs, bus repairs and parts. Pursuant to Advisory Opinion 2007-14, the candidate can only be reimbursed for mileage at the state mileage reimbursement rate. The candidate can not 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, parts and repairs. This reimbursement will need to be disclosed on Schedule A (Contributions and Other Receipts) on the October 29, 2018 Receipts and Expenditures Report. The candidate can be reimbursed for the miles driven at the state rate of 53.5 cents per mile through June 30, 2018 and 54.5 cents from July 1, 2018. If done, this expenditure would be disclosed on Schedule C (Expenditures and Other Disbursements) on the October 29, 2018 report.

5. Schedule C (Expenditures and Other Disbursements) lists an expenditure in the amount of \$2,792.23 on 7-26-18 with no name and address for the vendor(s) and the purpose of the expenditure as "Miscellaneous". It will be necessary for you to provide the name and address of each person or vendor to whom expenditures have been made in an aggregate amount in excess of \$50, as well as the purpose of each expenditure.
6. Schedule C (Expenditures and Other Disbursements) lists a \$10,000.00 expenditure to Marilyn Witbeck on 3-16-18 and expenditures totaling \$12,595.62 to Patrick Kucera for reimbursement of expenses. It will be necessary for you to provide a more detailed description of the types of expenses which were reimbursed. If any one expense was over \$50 it must be itemized. An amended Schedule C (Expenditures and Other Disbursements) must be filed listing these itemizations.
7. Schedule C (Expenditures and Other Disbursements) lists the following expenditures being made by the Kucera for Kansas campaign:

<u>Date</u>	<u>Expenditure</u>	<u>Amount</u>
Various	Marriott - Overland Park	\$5074.00
Various	Orbitz	\$1266.20
06-28-18	America Best Value Inn St.Louis	\$67.76
06-22-18	City of Shawnee - Interview	\$444.00

Various	American Airlines	\$2180.40
06-14-18	Delta Air	\$422.20
06-14-18	Southwest Airlines	\$294.98
05-29-18	Ted Squires Group	\$20,000.00

Further explanation as to the purpose of these expenditures and how they are campaign expenses must be provided in a letter to the Commission.

8. Schedule C (Expenditures and Other Disbursements lists 3 expenditures totaling \$1855.96 to Amazon.com for Supplies - Campaign Staff. It will be necessary for you to provide a more detailed description for the purpose of these supplies.
9. Schedule C (Expenditures and Other Disbursements) lists numerous expenditures to vendors in the amount of \$2097.92 with the purpose of the expenditure listed as "Supplies". It will be necessary for you to provide a more detailed description for the purpose of these supplies.
10. K.S.A. 25-4148 (b) (7) requires that when an expenditure is made by payment to an advertising agency, public relations firm or political consultants for disbursement to vendors, the report of such expenditure shall show in detail the name of each such vendor and the amount, date and purpose of the payment to each.

Expenditures amounting to \$36,500.00 were made to Strategic Media Placement. Please submit the required supplemental information as an amendment to Schedule C on the July 30, 2018 Receipts and Expenditures Report.

11. Schedule C (Expenditures and Other Disbursements) lists expenditures totaling \$27,500.00 to Patricia Reitz for consultant, fiduciary and admin services and \$1500 on 3-2-18 for consultant/campaign travel expense reimbursement. Further detail and documentation for the \$27,500.00 paid to Patricia Reitz for services and itemization for the \$1500 reimbursement must be provided to the Commission.

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