

**GOVERNMENTAL ETHICS COMMISSION**

www.kansas.gov/ethics

April Stowe
Treasurer for James Clendenin
3656 S Tyler Road
Wichita, KS 67215

September 10, 2010

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

RE: Receipts and Expenditures Report Due July 26, 2010
(Covering the Period January 1, 2010 thru July 22, 2010)

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 (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 10th
Memorial Hall
Topeka, KS 66612

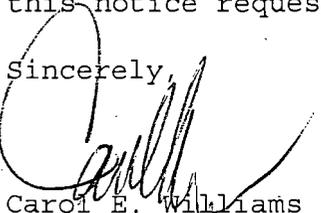
AND

The Candidate's
Home County Election
Officer

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,


Carol E. Williams
Executive Director

1. Schedule C (Expenditures and Other Disbursements) of the July 26, 2010 report indicates an expenditure to JC Penney Co, Inc. on 7-10-10 in the amount of \$96.56 for campaign apparel.

To be a permissible use of campaign funds, an expenditure must be for a legitimate campaign purpose, or an expense of holding political office. The expenditure must have a "direct connection with or effect upon the campaign of the candidate or the holding of public office". In prior years, the Commission has ruled expenditures for the purchase of clothing, by its very nature, is personal and has no "direct connection with or effect upon the campaign of the candidate or the holding of public office". Therefore, it will be necessary for you to personally reimburse the campaign the \$96.56. The reimbursement must be shown on Schedule A (Contributions and Other Receipts) of the October 25, 2010 report.

2. The July 26, 2010 report did not disclose a payment to the Secretary of State for the candidate's filing fee. If the filing fee was paid by the candidate from personal funds, it should be recorded on Schedule B (In-Kind Contributions) as an "in-kind" contribution from the candidate to the campaign. If the filing fee was paid from campaign funds, this expenditure should be listed on Schedule C (Expenditures & Other Disbursements). The July 26, 2010 report must be amended by showing the payment of the filing fee either on Schedule B or Schedule C and on the cover summary page.

3. Schedule C (Expenditures and Other Disbursements) shows expenses in the amount of \$152.50 for fuel costs. 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 not be necessary for the candidate to reimburse the campaign account for the fuel purchased for this reporting period. However, for future reimbursement, please be sure to keep detailed records and that the candidate is reimbursed for the miles driven at the state rate of 52 cents per mile. This expenditure would be disclosed on Schedule C (Expenditures and Other Disbursements) of future reports.

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