



GOVERNMENTAL ETHICS COMMISSION

www.kansas.gov/ethics

October 8, 2010

Guy Marlin
Treasurer for David Powell
844 S Stagecoach Street
Wichita, KS 67230

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

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 "Carol E. Williams".

Carol E. Williams
Executive Director

1. Schedule A (Contributions and Other Receipts) of the July 26, 2010 report lists a \$100 contribution being received on 1-13-10 from The Insurance Center of Kansas and a \$1400 contribution on 5-21-10 from Weckworth Langdon. 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 (May 28, 2010) of the regular session of the legislature or any other time the legislature is in session. These contributions should not have been accepted and must be returned. The return of these contributions must be shown on Schedule C (Expenditures and Other Disbursements) of the October 25, 2010 report.

2. Schedule D (Other Transactions) of the January 10, 2010 Receipts and Expenditures Report lists loans payable totaling \$9499.15 to David Powell. These loans are not carried forward as loans payable to the July 26, 2010 Receipts and Expenditures Report, nor are they disclosed on Schedule C (Expenditures and Other Disbursements). All loans should be listed on Schedule D (Other Transactions) until such time as they are repaid or forgiven. An amended July 26, 2010 report must be filed disclosing the disposition of these debts.

3. Schedule D (Other Transactions) of the July 26, 2010 report indicates \$9310.97 for out-of-pocket expenditures (In-Kind Contributions) the candidate made to the campaign during this reporting period. Any expenditures made from personal funds which are not deposited into a campaign bank account are to be reported on Schedule B as in-kind contributions from the donor in addition to being disclosed as a loan on Schedule D. An amended Schedule B (In-Kind Contributions) must be filed listing the in-kind contributions.

4. Schedule D (Other Transactions) of the July 26, 2010 report shows loans to the candidate in the amount of \$1794.35 for gas. 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. The candidate can be reimbursed for

the miles driven at the state rate of 50 cents per mile. If you have such records, the campaign account can reimburse you for miles driven. This expenditure would be disclosed on Schedule C (Expenditures and Other Disbursements).

5. Schedule C (Expenditures and Other Disbursements) of the July 26, 2010 report lists an expenditure to Doug Lampton on 4-29-10 in the amount of \$244 for "Tickets Palin Speech". Further explanation of how this expenditure has a direct connection with or effect upon the campaign of the candidate must be provided in a letter to the Commission.

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