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Kansas Liberty: 22 January 2009

**Commission seeks to punish Van Meteren for discussing a complaint with the press**

## **Ethics commission charges against whistleblower heard**

A campaign consultant faced a Kansas Governmental Ethics Commission meeting Wednesday in Topeka on charges that he provided the press with details of a complaint he filed with the commission about a rival's possible misuse of campaign finances.

An ethics commission investigator claimed Kris Van Meteren filed a complaint with the commission alleging Sen. Dwayne Umbarger, an influential Thayer Republican, had misused campaign funds - then discussed the complaint with the media, a violation of ethics commission rules that require confidentiality once a complaint has been lodged.

Van Meteren helped his mother, Iris Van Meter, in her unsuccessful primary fight last year against Umbarger. Van Meteren then reported Umbarger had used his campaign funds for a personal project - building a carport. Umbarger repaid the money after the complaint became public.

A Kansas Liberty reporter and a Topeka Capital-Journal reporter were cited by the committee in their charge against Van Meteren.

According to a report by Earl F. Glynn in *Kansas Meadowlark*, the ethics commission's exhibits in the case against Van Meteren includes the complaint filed by Van Meteren on Sept. 8, a receipt confirming the complaint dated Sept. 18 and articles from *Kansas Liberty* and the *Topeka Capital-Journal* in which Van Meteren provided information about the complaint.

The *Kansas Liberty* article was dated Oct. 15, and the *Topeka Capital-Journal* article was dated Oct. 19.

Van Meteren's attorney, Ryan Kriegshauser, declined to discuss details of the case with *Kansas Liberty* but said that enforcing the Campaign Finance Act statute, which Van Meteren is accused of breaking, had "obviously violated" Van Meteren's constitutional right to free speech, a point he made during the hearing.

According to the commission, the Campaign Finance Act requires anyone who files a complaint with the commission to not disclose the contents of the complaint once the complaint has been filed.

*Kansas Liberty* attorney, and former State Rep. Eric Carter, said he agreed with Kriegshauser's argument.

“No compelling government interest is served by that law and certainly not one as sufficient, in my estimation, to compensate for violating Mr. Van Meteren’s first amendment rights,” Carter said. “A citizen could go to the press and explain verbatim the content of the complaint and there is no bar or sanction of that, but then if they do it in reverse order, all of a sudden it’s a sanctionable offence.”

Van Meteren faces fines of up to \$5,000 for talking to Kansas Liberty, and \$10,000 for speaking with the Topeka Capital-Journal. Both reporters were initially subpoenaed to appear at the hearing to provide information about correspondence with Van Meteren, but were excused from appearing in exchange for offering affidavits in which they said they stood by their stories.

Kansas Liberty Managing Editor Phil LaCerte was also required to turn over correspondence with Van Meteren that occurred between a specific date range, some of which was introduced at the hearing.

"Kansas Liberty is a young company dedicated to giving citizens information about their elected officials, and when Kansas Liberty delivered a story about the facts of a case, the Ethics Commission clamped down by forcing one of our Kansas Liberty reporters to discuss information provided by a source," Kansas Liberty Publisher Mary Pilcher Cook, a Republican state Senator from Shawnee, said in a statement. "This is a first amendment issue, and we take it quite seriously."

Kriegshauser, a Kansas City attorney with Graves, Bartle, Marcus & Garrett, said Van Meteren would not be able to be reached for comment on the case, as he is still prohibited from speaking about the complaint.

Carol Williams, executive director for the Kansas Governmental Ethics Commission, told Kansas Liberty in December that complaints filed with commission are to be kept confidential.

“The documentation that goes to the plaintiff and respondent states that information,” Williams told Kansas Liberty.

No formal decision was made Wednesday, and the deliberations will continue Feb 18.

- Holly Smith

### **Previously in Kansas Liberty:**

- Talking to press attracts *Ethics Commission* ire
- Umbarger yields to ethics pressure, repays fund

### **From Kansas Meadowlark:**

- First Amendment Defense Thorny Issue for Ethics Commission

The Week in Review

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## **Ethics Commission**

When it comes to "ethics" the only thing that's a bigger joke than the so called Kansas Ethics Commission is Senator Umbarger. Despite receiving substantial income from methane gas production Umbarger fails to disclose this on his statement of substantial interest with impunity. Evidently the only punishment Umbarger will receive for using campaign funds for personal gain is the demotion from being Chairman of Senate Ways & Means to Chairman of Senate Transportation . Van Meter only touched the surface on Umbargers questionable campaign spending habits which continued until December 30,2008 when he purchased a laptop at Best Buy in Tulsa, Oklahoma (Will he pay Kansas compensation use tax on this out of state purchase ?).

Moral don't mess with crooks as you will be prosecuted.

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