

State of Nebraska Accountability and Disclosure Commission

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Lincoln, Nebraska 68509
nadc.nol.org



11th Floor, State Capitol
Phone (402) 471-2522
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Synopsis Case #14-35 Action Taken on January 16, 2015

Respondent: Kenneth Kester

The Respondent is a former member of the State Board of Health. Members of the State Board of Health are required to file Statements of Financial Interests upon taking office, annually while holding office and within 30 days after leaving office. The Respondent left his position in August of 2014. The Executive Director of the Commission commenced a Preliminary Investigation on October 14, 2014 alleging a failure to file a Statement of Financial Interests in violation of section 49-14 of the Nebraska Political Accountability and Disclosure Act. The required statement was filed on December 30, 2014. The parties entered into a settlement agreement by the terms of which the Commission finds a violation of section 49-1493 and no civil penalty is assessed. The Commission approved the Settlement Agreement with six Commissioners concurring, no Commissioners dissenting, and no Commissioners abstaining.

Violation: Pursuant to the Settlement Agreement, the Commission found that the Respondent failed to file a Statement of Financial Interests within 30 days of leaving office in violation section 49-1493 of the NPADA.

Civil Penalty: None

Other: Required statement is now on file.

Synopsis Prepared by: Frank Daley
Executive Director
Nebraska Accountability & Disclosure Commission
P.O. Box 95086
Lincoln, NE 68509
402-471-2522

BEFORE THE NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION

)	CASE No. 14-35
In the Matter of)	
)	
Kenneth Kester)	ORDER
Respondent)	
)	
)	

Now on this 16th day of January, 2015, this matter comes before the Nebraska Accountability and Disclosure Commission. Commissioners Brostrom, Gale, Grant, Hosford, Conway, and Schulz are present with Commissioner Brostrom presiding. The Respondent is not present. Frank Daley appears on behalf of the Commission. The Commission notes the submission of a proposed settlement agreement.

Whereupon, the Commission with 6 Commissioners concurring, 0 Commissioners dissenting, and 0 Commissioners abstaining, finds that, in accordance with the settlement agreement, there is sufficient evidence to find, and the Commission so finds, that the Respondent failed to file a Statement of Financial Interests within 30 days after leaving his position as a member of the State Board of Health, said failure being in violation of §49-1493 of the Nebraska Accountability and Disclosure Act.

In accordance with the settlement agreement he Commission assesses no civil penalty. The attached settlement agreement, and the terms thereof are approved and incorporated into this Order as if fully set forth herein.

Issued this 16th day of January 2015

Kevin Brostrom, Chairman
Nebraska Accountability and Disclosure
Commission

Certificate of Service

I hereby certify that a copy of this Order was sent by certified U.S. Mail, postage prepaid, return receipt requested on this 16th day of January, 2015, to the following at the following address or addresses: Kenneth Kester, 1835 High Street, Lincoln, NE 68502

Frank J. Daley, Jr.
Executive Director

BEFORE THE NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION

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In the Matter of Kenneth Kester)
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CASE #14-35

Settlement Agreement

- 1) Parties: The parties to this Settlement Agreement are the Nebraska Accountability and Disclosure Commission, hereafter referred to as the "Commission" and Kenneth Kester of Lincoln, Nebraska, hereafter referred to as the "Respondent".
- 2) Jurisdiction: The parties acknowledge the jurisdiction of the Commission pursuant to the Nebraska Political Accountability and Disclosure Act.
- 3) Intention: The parties enter into this Settlement Agreement after a finding of probable cause by the Commission and agree that this Agreement shall constitute a waiver of a formal hearing thereby resolving the matter without further delay and expense to the parties.
- 4) Admissions and Findings: The Respondent admits that Section §49-1493 provides that as a member of the State Board of Health he was to file a Statement of Financial Interests (NADC Form C-1) within 30 days after leaving that position on August 1, 2014 and that he failed to do so in violation of the provisions of said statute. The parties acknowledge that the required statement was filed with the Commission on December 30, 2014.
- 5) Penalty: The parties acknowledge that violation of Section §49-1493 may result in a maximum civil penalty of two thousand dollars. In this case, the parties agree that no civil penalty shall be assessed.
- 6) Future Compliance: Respondent agrees that in the future, he will use all reasonable diligence in complying with all of the provisions of the Nebraska Political Accountability and Disclosure Act.
- 7) Commission Order. The parties agree that the Commission shall enter an Order finding the violation as set out in paragraph 4 above and order the payment of no civil penalty as agreed herein.
- 8) Effective Date of Agreement: This Agreement shall not be binding upon the parties until approved by the Commission. The date upon which the

Commission enters its Order shall be deemed the effective date. If this Agreement is not approved in whole by the Commission, the Settlement Agreement shall be void and may not be used in this or any other proceeding.

- 9) Acknowledgement: The parties acknowledge that this Settlement Agreement and any subsequent Order shall be announced at an open public meeting of the Commission and that the vote on such matter shall take place at the Closed Session portion of the meeting. The parties further acknowledge that upon adoption this Settlement Agreement and Order shall become open and public.
- 10) Address the Commission: The parties agree that the Respondent or his representative shall have the opportunity to address the Commission on the matter of the approval of this Settlement Agreement. The presentation of the Respondent may be made in person, through an attorney, or in written form. However, no appearance by the Respondent is required.
- 11) Advice of Counsel: The Respondent acknowledges that he has had the opportunity to seek the advice of an attorney in this matter.

1-8-15

Date



Kenneth Kester, Respondent

12-30-14

Date



Frank J Daley, Jr., Executive Director
Nebraska Accountability and Disclosure Commission

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