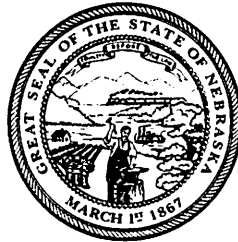


State of Nebraska Accountability and Disclosure Commission

P.O. BOX 95086
Lincoln, Nebraska 68509
nadc.nol.org



11th Floor, State Capitol
Phone (402) 471-2522
Fax (402) 471-6599

Synopsis of Case 13-03 Action Taken April 19, 2013

Respondent: Greg Shepard

The respondent is the Superintendent of Louisville Public Schools. The report of an audit of Louisville Public Schools by the Auditor of Public Accounts disclosed that the respondent appeared to have an interest in a contract with the school system. A preliminary investigation commenced by the Executive Director on March 15, 2013 alleging that the respondent had an interest in a contract valued at more than \$2,000 which was not entered into through an open public process in violation of §49-14,102 of the Nebraska Political Accountability and Disclosure Act. The parties entered into a settlement agreement by which they agreed that in 2012 the respondent entered into a contract with Louisville Public Schools to refurbish a gymnasium floor. The contract had a value of approximately \$3,800 and was not entered into through an open and public process. The settlement agreement provides for future compliance and a civil penalty of not more than \$250.00. The Commission approved the settlement agreement with 8 Commissioners concurring, none dissenting and none abstaining from participating and voting and assessed a civil penalty of \$250.00.

Allegation

The allegation was that the respondent entered into a contract valued at more than \$2,000 with his governmental body and that the contract was not entered into through an open and public process in violation of §49-14,102 of the Nebraska Political Accountability and Disclosure Act.

Civil Penalty: \$250.00

Attorney for the Respondent: Steve Williams and Karen Haase

Attorney for the Respondent: Neil Danberg

Synopsis Prepared by: Frank Daley
Executive Director
Nebraska Accountability & Disclosure Commission
11th Floor State Capitol, P.O. Box 95086
Lincoln, NE 68509

BEFORE THE NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION

)	CASE No. 13-03
In the Matter of)	
)	
Greg Shepard)	ORDER
Respondent)	
)	
)	

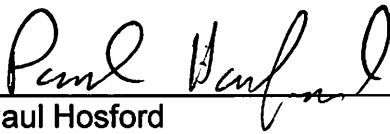
Now on this 19th day of April 2013, this matter comes before the Nebraska Accountability and Disclosure Commission. Commissioners Brostrom, Gale, Grant, Hosford, Nelson, Schulz, Conway, and von Gillern are present with Commissioner Hosford presiding. The Respondent is not present. Neil Danberg appears on behalf of the Commission. The Commission notes the submission of a proposed settlement agreement.

Whereupon, the Commission with 8 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, a violation of Section 49-14,102 of the Nebraska Accountability and Disclosure Act, in that the Respondent entered into a contract valued at more than \$2,000, which was not awarded in an open and public process.

The Commission assesses a civil penalty in the amount of \$250. The attached settlement agreement, and the terms thereof are approved and incorporated into this Order as if fully set forth herein.

Issued this 19th day of April, 2013.

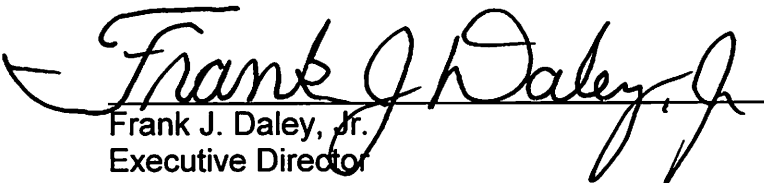
Nebraska Accountability and Disclosure Commission



 Paul Hosford
 Chairman

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 19th day of April, 2013, to the following at the following address or addresses: Greg Shepard, P.O. Box 353, Louisville, Nebraska 68037; and Karen A. Haase, Harding & Schultz, 121 South 13th Street, Suite 800, Lincoln, NE 68501-2028



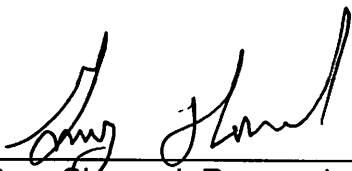
 Frank J. Daley, Jr.
 Executive Director

BEFORE THE NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION

In the Matter of Greg Shepard) **CASE No. 13-03**
)
)
) **SETTLEMENT AGREEMENT**
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)

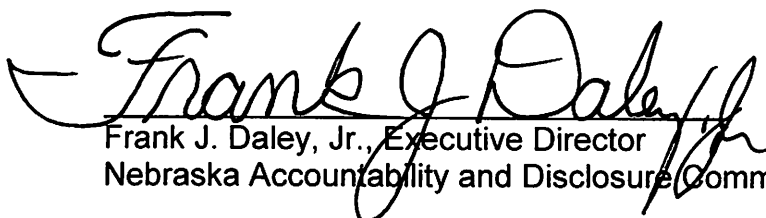
- 1) Parties: The parties to this Settlement Agreement (hereinafter "Agreement") are the Nebraska Accountability and Disclosure Commission, hereafter referred to as the "Commission" and Greg Shepard, hereinafter referred to as the "Respondent."
- 2) Jurisdiction: The Respondent acknowledges the jurisdiction of the Commission pursuant to the Nebraska Political Accountability and Disclosure Act ("NPADA").
- 3) Intention: The parties enter into this Agreement with the understanding that this Agreement shall constitute a waiver of a formal hearing on the alleged violation as described in Paragraphs 4 and 6 of this Agreement, thereby resolving the matter without further delay and expense to the parties.
- 4) The Alleged Violation: In its Notice of Preliminary Investigation, the Commission alleged that the Respondent violated the NPADA, Section 49-14,102 in that on or about July 2012, he entered into a contract with the Louisville Public Schools, which contract was valued at more than \$2,000 and was not awarded by an open and public process.
- 5) Admissions and Statements of the Respondent: The Respondent states and admits that in July of 2012, he entered into a contract with the Louisville Public Schools to refinish the Louisville High School gymnasium floor, and the work contemplated by the contract was thereafter performed. The value of the contract was \$3800.00
- 6) Violation of the NPADA: With respect to the alleged violation, the Respondent states that it was not his intent to violate this Statute in that he anticipated and believed that the contract in question had been appropriately awarded. Nonetheless, the Respondent agrees and stipulates that if the alleged violation proceeded to a Hearing, there is sufficient evidence for the Commission to find that the contract in question was not awarded through an open and public process. Respondent further states that the Commission could therefore find a single violation of the Statute as described in the Alleged Violation as recited in Paragraph 4 ,above, and as further described in Paragraph 5 and this Paragraph. He further states that he would not contest such a finding, and he agrees that the Commission may enter an order in accordance with such a finding.

- 7) Civil Penalty: The parties have agreed that in the event the Commission imposes a civil penalty in this case, it will not exceed \$250.00
- 8) Future Compliance: The Respondent agrees that should he enter into any further contracts with the Louisville Public Schools, any such contracts will comply fully with the NPADA and be subject to an open and public process.
- 9) The NADC Must Approve this Agreement in Order for it to be Effective: The parties agree that in order for this Agreement to become effective, the Commission must approve it and shall, if it approves the Settlement, enter an Order in accordance with the terms of this Agreement.
- 10) 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 approving this Agreement shall be deemed its effective date. If this Agreement is not approved in whole by the Commission, this Settlement Agreement shall be void and may not be used in this or any other proceeding. The parties acknowledge that this Settlement Agreement and any subsequent Order relating to it shall be announced at an open public meeting of the Commission and that the vote on such matters shall take place during the Closed Session portion of the meeting. The parties acknowledge that upon adoption, this Settlement Agreement, the Order and the Commission's file pertaining to this matter shall become open and public.
- 11) Waiver of Right to Address the Commission: The Respondent waives his right to address the Commission on the matters of the amount of the civil penalty and of the approval of this Settlement Agreement, contingent upon this Agreement being approved by the Commission.



Greg Shepard, Respondent

3-21-13
Date



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

4-19-13
Date