

OPEN SESSION
MINUTES OF THE MEETING OF THE
NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION
Friday, October 24, 2014
State Capitol, Room 1525
Lincoln, Nebraska

Call to Order – Chairman Brostrom called the meeting to order at 9:02 a.m. and announced the location in the meeting room of a copy of the Public Meetings Law.

Roll Call –

Kevin Brostrom – Present
Sean Conway - Present
John Gale – Present
Joseph Grant – Present
Paul Hosford – Present
Andrew Loudon - Present
Jan Mumm - Present
Timothy Schulz - Excused
Brad von Gillern - Present

Approval of the Open Session Minutes of the August 15, 2014 Meeting – Chairman Brostrom referred the Commissioners to their copies of the Open Session Minutes of the previous meeting.

Motion by Gale, second by von Gillern that the Open Session Minutes of the August 15, 2014 meeting be approved as presented - Roll Call Vote: Commissioners Brostrom, Conway, Gale, Grant, Loudon, Mumm, and von Gillern voted yes. Commissioner Hosford abstained. Motion carried (7-0-1).

Report on Late Filing Fees, including requests for relief - Executive Director Daley indicated that there were no applications for relief.

Executive Director's Report (includes personnel activity, budget status, budget process and litigation status) – Executive Director Daley noted that Commissioner Hosford's term on the Commission holds over until the Governor appoints a successor.

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The Executive Director indicated that the Commission is now 3 months into the current budget year and has expended approximately 10% of its budget.

Executive Director indicated that in regard to the electronic filing project, the Office of the CIO approved the NADC's Request for Proposal for the electronic filing project. It now goes to the Material Division for processing.

The Executive Director reported that the 1st General Election Campaign Statements were due on October 6 and those filed were available for review on the Commission website. The 2nd General Election Campaign Statements are due on October 27, 2014.

Executive Director Daley reported that the COGEL-Council on Governmental Ethics Laws conference will be from December 7th through the 10th. The Commission expects to send 2 staff members to attend the conference. Mr. Daley indicated that any Commission member who wished to attend the conference should contact him.

The Executive Director next reported that 3rd Quarter Lobbyist and Principal Reports are due on October 30th.

The Executive Director indicated that Mr. Danberg would report on pending litigation.

General Counsel Danberg indicated that there were two matters to report on. The first are the Skinner (10-15) and Tlustos (10-16) cases. Mr. Danberg indicated that the Nebraska Supreme Court had reversed the decision by the District Court of Lincoln County on August 15th. The attorney for Skinner and Tlustos filed a motion asking for reconsideration of the decision. This motion was denied last week by the Nebraska Supreme Court. The matter will now return to the Lincoln County District Court and Judge Rowlands.

General Counsel Danberg next reported on the Scott Japp case. Mr. Danberg indicated that Mr. Japp had refused to comply with a subpoena which the Commission had sent to him. Both Mr. Japp and his lawyer and business partner Mr. K.C. Engdahl were named in a law suit filed by the Commission in Lancaster County District Court. The Commission's Motion to Compel was heard on October 3rd. A decision by Judge Burns is pending.

Consideration of resolution to modify filing dates for 2015 Lincoln elections

- Executive Director Daley explained that the Accountability and Disclosure Act establishes a statutory schedule for filing campaign statements which presumes a May primary and a November general election. However, in the case of the city elections of Lincoln and Omaha the primary election is in April and the general election is in May. Strict adherence to the statutory filing schedule for campaign statements results in overlapping reporting periods. Mr. Daley indicated that in

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the past the Commission has used its statutory authority to modify the filing requirements to prevent the overlapping of reports.

Discussion followed.

Motion by Hosford, second by Mumm, to adopt the Resolution to modify filing dates for the 2015 Lincoln Elections - Roll Call Vote: Commissioners Brostrom, Conway, Gale, Grant, Hosford, Loudon, Mumm, and von Gillern voted yes. Motion carried (8-0-0).

Consideration and action to administratively Dissolve; Leadership Committee – Executive Director Daley indicated that the Commission has the authority to administratively dissolve committees that have lapsed into inactivity. Mr. Daley stated that there have been several attempts to contact the committee treasurer without success. The committee’s last statement shows that it has no debts or cash balance.

Motion by Conway, second by Hosford, to approve the administrative dissolution the Leadership Committee - Roll Call Vote: Commissioners Brostrom, Conway, Gale, Grant, Hosford, Loudon, Mumm, and von Gillern voted yes. Motion carried (8-0-0).

Consideration and action to administratively Dissolve; Task Force for Kids – Executive Director Daley indicated that this is committee that has formed and dissolved on several occasions. The committee filed its last campaign statement in 2012 which showed no receipts or expenditures and a cash balance of \$169.00. There has been no response to attempts at contact. The committee does not appear to be active. The Executive Director recommended to the Commission that the Task Force for Kids be administratively dissolved.

Motion by Mumm, second by von Gillern, to approve the administrative dissolution of Task Force for Kids- Roll Call Vote: Commissioners Brostrom, Conway, Gale, Grant, Hosford, Loudon, Mumm, and von Gillern voted yes. Motion carried (8-0-0).

Review of Agency Transition Plan – Chairman Brostrom indicated that the special sub-committee will meet following the Commission meeting. Committee Chair von Gillern indicated that the purpose of the meeting would be to develop a strategy and to fine tune the transition plan.

Discussion followed.

Report of Conflicts Committee – Commissioner Grant indicated that there are no challenges or anything unusual to report.

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Report of Executive Committee – Chairman Brostrom indicated that there are no issues to present at this time.

Closed Session - Motion by Conway, second by Hosford, that the NADC go into Closed Session pursuant to the confidentiality provisions of the NPADA - Roll Call Vote: Commissioners Brostrom, Conway, Gale, Grant, Hosford, Loudon, Mumm, and von Gillern voted yes. Motion carried (8-0-0).

The NADC went into Closed Session at 10:58 a.m.

The NADC returned to Open Session at 11:10 a.m.

Action on or Announcement of Closed Session matters - Executive Director Daley indicated there was one item from Closed Session. In the matter of John Bauerkemper case 14-14 the Commission approved a settlement agreement. The Commission found two violations of section 49-1499.02(1). A civil penalty was assessed of \$2,000 with eight Commissioners concurring, none dissenting and none abstaining.

Adjournment – Motion by Mumm, second by von Gillern, that the NADC adjourn. Roll Call Vote: Commissioners Brostrom, Conway, Gale, Grant, Hosford, Loudon, Mumm, and von Gillern voted yes. Motion carried (8-0-0).

Chairman Brostrom declared the meeting adjourned at 11:12 a.m.