

OPEN SESSION
MINUTES OF THE MEETING OF THE
NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION
Friday, October 16, 2015
State Capitol, Room 1525
Lincoln, Nebraska

Call to Order – Chairman Schulz called the meeting to order at 9:00 a.m. and announced the location in the meeting room of a copy of the Public Meetings Law.

Roll Call –

Sean Conway – Present
Matthew Enenbach - Present
John Gale – Present
Andrew Loudon - Present
Jeffrey Peetz - Present
Timothy Schulz - Present
Brad von Gillern – Present
James Ziebarth – Excused for late arrival

Approval of the Open Session Minutes of the September 11, 2015 Meeting – Chairman Schulz referred the Commissioners to their copies of the Open Session Minutes of the previous meeting.

Motion by Peetz, second by Conway, that the Open Session Minutes as of the September 11, 2015 meeting be approved as presented - Roll Call Vote: Commissioners Conway, Enenbach, Gale, Peetz and Schulz voted yes. Commissioners Loudon and von Gillern abstained. Motion carried (5-0-2).

Chairman Schulz opened the public hearing and indicated that it would be recorded by a court reporter for public record.

Public hearings on adoption of amendments to:

- a) **Title 4, Chapter 6, Rules and Regulations for Lobbying**
- b) **Title 4, Chapter 10, Rules and Regulations Governing Campaign Practices**

Chairman Schulz closed the hearing and dismissed the court reporter.

Consideration of approval of amendments to:

- a) **Title 4, Chapter 6, Rules and Regulations for Lobbying**
- b) **Title 4, Chapter 10, Rules and Regulations Governing Campaign Practices**

Motion by Conway, second by Enenbach, to adopt the amendments to Title 4, Chapter 6, Rules and Regulations for Lobbying – Roll Call Vote: Commissioners Conway, Enenbach, Gale, Loudon, Peetz, Schulz and von Gillern voted yes. Motion carried (7-0-0).

Motion by Conway, second by Enenbach, to adopt the amendments to Title 4, Chapter 10, Rules and Regulations Governing Campaign Practices – Roll Call Vote: Commissioners Conway, Enenbach, Gale, Loudon, Peetz, Schulz and von Gillern voted yes. Motion carried (7-0-0).

Commissioner Gale recused himself from this relief request by the Nebraska Realtors PAC.

Report on late filing fees and requests for relief: Nebraska Realtors PAC – Executive Director Daley explained that the Nebraska Realtors PAC asked the Commission to reconsider their denial of request for relief from late filing fees. The matters are the failure to file a Report of Late Contribution that required a special report that was due March 30th 2015, but was filed as part of a campaign statement and received on April 27th 2015 the statutory late filing fees of \$1,100 were assessed. The Request for Relief was denied by the Executive Director based upon the fact that late filing fees had been required to be paid within the last two years prior to the late filing due. Mr. Daley further indicated that two representatives from the Realtors PAC were present at the last Commission meeting and had requested relief under the Good Cause Shown statute.

Commissioner Ziebarth was present at 9:28 a.m.

The Executive Director indicated that two representatives from the Nebraska Realtors PAC were present to speak before the Commission.

Rebecca Schultz and Tammy Brookhouser appeared for the Nebraska Realtors PAC and gave a presentation.

Discussion followed. Executive Director Daley at the request of Chairman Schulz explained about the authority delegated by the Commission to the Executive Director, late filing fees procedure and statutory criteria for the new Commissioners.

Motion by Peetz, second Loudon, that the Commission reduce the assessed late filing fees to \$350 - Roll Call Vote: Commissioners Loudon, Peetz, Schulz, and Ziebarth voted yes. Commissioners Conway, Enenbach and von Gillern voted no. Commissioner Gale recused. Motion failed (4-3-1).

Motion by Enenbach, second by Peetz, that the Commission find good cause shown and reduce the assessed late filing fees to \$550 half of the statutory amount - Roll Call Vote: Commissioners Enenbach, Loudon, Peetz, Schulz and Ziebarth voted yes. Commissioners Conway and von Gillern voted no. Commissioner Gale recused. Motion carried (5-2-1).

Introduction and welcome, new Commissioner James Ziebarth – Executive Director Daley introduced and welcomed new Commissioner James Ziebarth he is a farmer from Franklin County. He has been on various boards and commissions', where he has served on the Judicial Nominating Committee for the 10th Congressional District, the Ethanol Pricing Taskforce, the Ethanol Board and the Game and Parks Commission. Mr. Daley noted that this is only a partial list, and welcomed new Commissioner Ziebarth.

Executive Director's Report (includes personnel activity, budget status, budget process and litigation status) – Executive Director Daley announced that there was still a vacancy on the Commission resulting from the resignation of Commissioner Hruza. This is pending before Governor Ricketts.

Executive Director Daley referred the Commissioners to their packets for information on the current budget status

The Executive Director reported that the Commission's electronic filing project is an ongoing project. Mr. Daley explained that there have been daily e-mail exchanges of any information that is needed for the construction of the electronic system, plus weekly teleconferences with the staff at Quest.

Executive Director Daley announced that the Council on Governmental Ethics Laws (COGEL) Conference will be in Boston Massachusetts in December. Mr. Daley indicated that if there were any Commission member interested in attending the conference to please contact him.

The Executive Director reported that 3rd Quarter Lobbying and Principal Reports are due on October 30th and will be available for review on the Commission website.

The Executive Director indicated that campaign statements were available for review on the Commission website and Commission office for Nebraskans for the Death Penalty and Nebraskans for Public Safety, which is a statewide ballot question.

Executive Director Daley indicated that on matters of litigation, he would defer to General Counsel Danberg.

General Counsel Danberg reported that concerning the Roland Skinner (10-15) and Les Tlustos (10-16) cases, that they are essentially now over at this time. Mr. Danberg next reported that the matter of Scott Japp is currently pending. Mr. Japps deposition has been taken and it was noted that the NRD had dismissed their action against Mr. Japp. General Counsel indicated that the Commission will bring this matter by way of the Report of Preliminary Investigation to the December meeting.

Discussion followed.

Approve meeting dates for 2016 and 2017 – Executive Director Daley presented to the Commission the proposed meeting dates.

Discussion followed.

Motion by von Gillern, second by Enenbach, to approve and set the 2016 and 2017 Commission meeting dates – Roll Call Vote: Commissioners Conway, Enenbach, Gale, Loudon, Peetz, Schulz, von Gillern and Ziebarth voted yes. Motion carried (8-0-0).

Report of Conflicts Committee – Commissioner von Gillern indicated that there was nothing to report.

Report of Executive Committee – Commissioner Schulz indicated that there are no issues to report at this time.

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

The NADC went into Closed Session at 9:50 a.m.

The NADC returned to Open Session at 10:32 a.m.

Action on or Announcement of Closed Session matters - Executive Director Daley indicated in the matter of Dean Dennhardt case #14-13 the Commission

Open Session Minutes
October 16, 2015

approved a settlement agreement with seven Commissioners concurring, none dissenting, and one abstaining. The Commission found there were two violations of the NPADA §49-1446.01(1) and assessed a civil penalty of \$3,000. Mr. Daley further announced that in the matter of Doug Teaford case #14-15 the Commission approved a settlement agreement with eight Commissioners concurring, none dissenting, and none abstaining. The Commission having found a violation of the NPADA §49-14.101.01(1) a civil penalty of \$1,750 was assessed.

Adjournment – Motion by Conway, second by Enenbach, that the NADC adjourn. Roll Call Vote: Commissioners Conway, Enenbach, Gale, Loudon, Peetz, Schulz, von Gillern and Ziebarth voted yes. Motion carried (8-0-0).

Chairman Schulz declared the meeting adjourned at 10:35 p.m.