

OPEN SESSION
MINUTES OF THE MEETING OF THE
NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION

Friday, December 1, 2023

State Capitol Room 1507

Lincoln, Nebraska

Call to Order – Chairman Sullivan called the meeting to order at 9:00 a.m. and announced the location in the meeting room of a copy of the Open Meetings Law. She stated that notice of the meeting was posted on the Commission's website and on the State's Public Meeting Calendar.

Roll Call –

Roderic Anderson – Present
Marty Callahan – Present
Tom Carlson - Excused
Janet Chung – Excused
Jeffery Davis - Present
Robert Evnen – Present
Andrew Reuss – Excused
Kate Sullivan – Present

Approval of the Open Session Minutes of the July 28, 2023 Meeting – Chairman Sullivan referred the Commissioners to their copies of the Open Session minutes of the previous meeting.

Motion by Evnen, second by Davis, that the Open Session Minutes of the July 28, 2023 meeting be approved - Roll Call Vote: Commissioners Anderson, Callahan, Davis, Evnen, and Sullivan voted yes. Motion carried (5-0-0).

Report on late filing fees and requests for relief: Genesis Health Clubs – Executive Director Hunter indicated that Genesis Health Clubs made a contribution of \$10,000 to a candidate committee. It was required to file a Report of Political Contribution (NADC Form B-7). The report was due on August 10, 2022. And was filed on September 19, 2023. Late filing fees of \$750 were assessed. A Request for Relief was denied by the Executive Director based upon the fact that the report showed expenditures of \$10,000. He indicated that Genesis Health Clubs were asking for Commission reconsideration of the Executive Director's decision.

Discussion followed.

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There being no motion on the request for further relief, Secretary Evnen noted that the Commission was declining to take action and that the late filing fees remain at \$750.

Executive Director's Report (includes personnel activity, budget status, budget process and litigation status) –

Executive Director Hunter indicated to the Commission that there were two vacancies on the Commission. The vacancies were created when Commissioner Peetz left the Commission February 22, 2022 and when the term of Commissioner Carlson expired June 30, 2023. Both Mr. Peetz and Mr. Carlson's successors will be appointed by the Secretary of State.

The Executive Director noted that the Auditor position and Deputy Director remain open.

The Executive Director stated that four months into the current fiscal year the Commission had expended approximately 29% of the agency budget. He noted the office of the Auditor of Public Accounts had recommended that the Commission review the balance of the NADC cash fund on a regular basis for the purpose of determining if agency fees and charges require adjustment.

The Executive Director reported that two staff members and one commissioner will attend the 2023 Conference of the Council on Governmental Ethics Laws (COGEL) in Kansas City from December 3 through 6, 2023.

Executive Director Hunter said that the 3rd Quarterly Lobbyist and Principal Reports are due October 30th 2023. Lobbyist reports are available for review on the Clerk of the Legislature's website. Lobbyist renewals are due December 31, 2023.

The Executive Director stated that all filings are available for review in FirstTuesday. The next campaign statement due is the 2023 Annual Campaign Statement which is due on January 31, 2024.

The Executive Director indicated that there is no litigation.

Discussion followed.

2024 Legislative Session – The Executive Director next reported that the Legislature will convene on January 3, 2024. He further indicated that new bills are introduced during the first 10 days of the session. Unpassed legislation, from the 2023 Session, unless indefinitely postponed, carries over into the 2024 session. However, any legislation from the 2023 session that was not advanced to General File is unlikely to receive further consideration. Executive Director Hunter noted

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that the carry over legislation from the 2023 Legislative Session and legislation that may be proposed during the 2024 Session are listed in the written report for Commission review and discussion. There was no discussion.

The Executive Director said that Resolution 19-01 authorizes the staff to provide assistance to Legislators with drafting legislation related to the NPADA. He also noted that if the Commission staff needs direction with regard to legislative matters, it consults with the Executive Committee.

Discussion followed.

Proposed meeting dates for 2024 – Executive Director Hunter presented the proposed meeting dates for 2024.

Motion by Anderson, second by Davis, that the Commission approve and adopt the proposed Commission dates for 2024 – Roll Call Vote: Commissioners Anderson, Callahan, Davis, Evnen, and Sullivan voted yes. Motion carried (5-0-0).

Report of Conflicts Committee – Commissioner Davis indicated that there were no questions or concerns to report.

Report of Executive Committee – Commissioner Sullivan indicated that there are no issues to report.

Closed Session - Motion by Sullivan, second by Anderson, that the NADC go into Closed Session pursuant to the confidentiality provisions of the NPADA – Roll Call Vote: Commissioners Anderson, Callahan, Davis, Evnen, and Sullivan voted yes. Motion carried (5-0-0).

The NADC went into Closed Session at 9:40 a.m.

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

Announcements from Closed Session - Executive Director Hunter announced the following action taken by the Commission in closed session.

Executive Director v. Christopher Killin (#23-22) - Pursuant to a Settlement Agreement, the Commission found one violation of §49-14,101.01(2), that use of public funds were utilized without proper authorization. By the terms of the Settlement Agreement, the respondent will pay a civil penalty of \$150. The Commission approved the Settlement Agreement with five Commissioners concurring, none dissenting and none abstaining.

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Adjournment – Motion by Sullivan, second by Anderson, that the NADC adjourn. Roll Call Vote: Commissioners Anderson, Callahan, Davis, Evnen, and Sullivan voted yes. Motion carried (5-0-0).

Chairman Sullivan declared the meeting adjourned at 10:12 a.m.