

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

Friday, July 28, 2023
State Capitol Room 1525

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 – Present
Jeffery Davis - Present
Robert Evnen – Present
Andrew Reuss – Present
Kate Sullivan – Present

Approval of the Open Session Minutes of the June 2, 2023 Meeting – Chairman Sullivan referred the Commissioners to their copies of the Open Session minutes of the previous meeting.

Motion by Davis, second by Anderson, that the Open Session Minutes of the June 2, 2023 meeting be approved - Roll Call Vote: Commissioners Anderson, Callahan, Chung, Davis, Evnen, Reuss, and Sullivan voted yes. Motion carried (7-0-0).

Report on late filing fees and requests for relief: Erik Serves Nebraska, Erik Servellon – In the matter of Erik Serves Nebraska, Erik Servellon, Mr. Daley indicated additional information had been provided to the Commission. The additional information allowed the Executive Director to grant relief. He stated that the matter was no longer before the Commission.

Executive Director’s Report (includes personnel activity, budget status, budget process and litigation status) – The Executive Director referred the Commissioner’s to their packets.

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Executive Director Daley indicated that his retirement would be effective on September 10, 2023.

The Executive Director noted that the Auditor position remains vacant.

The Executive Director stated that the fiscal year ended on June 30, 2023. The Commission expended approximately 65% of the agency budget. He noted that based upon encumbrances the final figure is estimated to be approximately 67%.

Executive Director Daley indicated that the 2nd Quarterly Lobbyist and Principal Reports are due July 31st 2023. Lobbyist Statements of Activity are available for review on the Clerk of the Legislature's website.

The Executive Director stated that the Lincoln City Elections Post-General Campaign Statements were due on June 12th. 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.

Discussion followed.

Chairman Sullivan excused the three finalists for the Executive Director position from the meeting room.

Report of Executive Director Search Committee – Chairman Sullivan deferred to Commissioner Anderson for his report.

Commissioner Anderson indicated that the search committee consisted of Commissioner Jeff Davis, Chairman Kate Sullivan and himself. Commissioner Anderson reported that committee consulted with Mr. Daley and Mr. Danberg, about the search process. The process included the development of a job description, qualifications, and a timeline. It also included a determination that the search would include local and national candidates. The deadline for applications was June 30, 2023. The Commission received 77 applications for the position of Executive Director. After the deadline the search committee members exchanged the names of favored applicants. It met by conference call on July 7th to discuss the most qualified candidates. He indicated that there was general agreement from the outset on the 3 most qualified candidates whose names would be forwarded to the Commission for an interview. The following are the 3 finalists:

- 1) Tag Herbek, Attorney at the Nebraska Department of Banking;
- 2) David Hunter, Deputy Director at the Nebraska Accountability and Disclosure Commission; and

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- 3) Jamie Karl, Managing Director of Communication Services for the Ohio Manufacturing Association, and formerly with the Nebraska Chamber of Commerce.

Commissioner Anderson stated to the Commission that the candidates will be asked to:

- 1) State why they feel they are qualified to perform the duties of Executive Director.
- 2) Describe their understanding of the role of the Commission in Nebraska.

The Commissioners will then have the opportunity to question each finalist.

Interview of finalists for position of Executive Director – Chairman Sullivan indicated to the Commission that the candidates will interview in alphabetical order. Executive Director Daley invited the first candidate back into the room.

Tag Herbek gave his presentation.

Questions and discussion by the Commission followed.

David Hunter gave his presentation.

Questions and discussion by the Commission followed.

Jamie Karl next gave his presentation.

Questions and discussion by the Commission followed.

Motion by Sullivan, second by Anderson, that the Commission go into Closed Session at approximately 10:20 a.m. for the purpose of avoiding needless injury to the reputation of individuals - Roll Call Vote: Commissioners Anderson, Callahan, Chung, Davis, Evnen, Reuss, and Sullivan voted yes. Motion carried (7-0-0).

The NADC went into Closed Session at 10:20 a.m. for deliberation. Mr. Daley, Mr. Danberg and the Commissioners remained in the room.

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

Consideration and action to appoint an Executive Director -

Motion by Callahan, second by Evnen, that the Commission offer David Hunter the position of Executive Director of the Nebraska Accountability and Disclosure Commission – Roll Call Vote: Commissioners Anderson,

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Callahan, Chung, Davis, Evnen, Reuss, and Sullivan voted yes. Motion carried (7-0-0).

Chairman Sullivan asked Executive Director Daley to usher Mr. Hunter back into the room. Whereupon she offered the position of Executive Director to candidate David Hunter. He accepted and expressed his thanks.

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

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

Closed Session - Motion by Sullivan, second by Reuss, that the NADC go into Closed Session pursuant to the confidentiality provisions of the NPADA – Roll Call Vote: Commissioners Anderson, Callahan, Chung, Davis, Evnen, Reuss, and Sullivan voted yes. Motion carried (7-0-0).

The NADC went into Closed Session at 11:24 a.m.

The NADC returned to Open Session at 11:30 a.m.

Announcements from Closed Session - Executive Director Daley indicated that there was nothing to report from closed session.

Recognition of retiring Executive Director Frank Daley - Chairman Sullivan recalled Frank often stating that recognizing departing Commissioners is the least desirable part of his job. She finds herself in the same position. Given Frank's length of service, she thought additional comment was appropriate. Sullivan stated that Frank started at the Commission as Legal Counsel in 1987. He continued in that role until 1999, when he became the Executive Director. She noted that Frank has been active in the State and Lincoln Bar Associations and in the Council of Governmental Ethics Laws. Sullivan stated that in her estimation he embodies the best of a public servant here in Nebraska who has run the Commission with efficiency and professionalism. Commissioner Sullivan stated that Frank came from New Jersey to Nebraska to attend the Creighton Law School. After law school he worked for the Legal Aid Society of Omaha and later practiced law in Hebron. Sullivan also noted that Frank and his wife Linda reside in Seward where they raised three children and have three grandchildren. He was a swimmer in college and has served as a lifeguard in Seward, where he also teaches lifeguard classes. Sullivan stated that if you were in Seward on the 4th of July, you would have seen Frank playing the trumpet with the Seward Municipal Band. Commissioner Sullivan invited the Commissioners to share their memories.

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Commissioner Anderson was first to express his appreciation to Frank Daley for his service to the Commission and the State of Nebraska. The Commissioner stated that when he was contacted about serving on the Commission, he accepted immediately because he knew of Frank's reputation and the reputation he had established for the Commission. Mr. Anderson stated he was very pleased to have served with Frank, both professionally and personally. He wished him well.

Commissioner Callahan stated that it was an honor and a privilege to serve on the Commission with Frank Daley. He noted that the most impressive thing about Frank was after 6 years as a member on the Commission, he had no idea if Frank Daley is a Republican, a Democrat, or an Independent. Mr. Callahan expressed the belief that Frank is above the fray and that it reflects his integrity, knowledge, temperance, and most of all common sense.

Commissioner Davis expressed his appreciation to Frank Daley. He related that in addition to the work on the Commission, he served with Frank at the Society of St. Vincent de Paul. The society is a relief organization whose members visit people in their homes and provide assistance with rent, utilities or car repair. He noted that Frank is not only a competent professional but a good person, a man that lives his life for others.

Commissioner Chung next expressed her appreciation and, as the newest member of the Commission, was sorry she hadn't gotten to serve longer with Frank. She noted that every person that she talked to about Frank spoke glowingly about him and the work of the Commission.

Commissioner Reuss expressed his appreciation. He echoed Commissioner Chung statements. He added that Frank has been proactive without being aggressive, prudent without being too reactive or passive.

Secretary of State Robert B. Evnen expressed his gratitude, stating that it was his honor and privilege as the Secretary of State of the State of Nebraska to issue a Secretary Citation.

Chairman Kate Sullivan presented Executive Director Daley with an engraved commemorative clock in gratitude for his service to the Commission.

Executive Director Frank Daley expressed his gratitude to the Commissioners and staff.

Adjournment – Motion by Anderson, second by Evnen, that the NADC adjourn. Roll Call Vote: Commissioners Anderson, Callahan, Chung, Davis, Evnen, Reuss, and Sullivan voted yes. Motion carried (7-0-0).

Chairman Sullivan declared the meeting adjourned at 11:50 a.m.