

State of Nebraska

Accountability and Disclosure Commission

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Lincoln, Nebraska 68509
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Synopsis Case #18-15 and #18-16 Action Taken on December 7, 2018

Respondents: Kevin Belding (18-15) and Diana Belding (18-16)

Kevin Belding and Diana Belding, husband and wife, were members of the Village Board of the Village of Jansen. On July 30, 2018 the Auditor of Public Accounts issued a report detailing certain financial transactions of the Village of Jansen. A copy of the report was forwarded to the Nebraska Accountability and Disclosure Commission. Preliminary Investigations were commenced by the Executive Director against Kevin Belding and Diana Belding on August 27, 2018.

Kevin Belding (18-15) The three allegations against Kevin Belding were that, as a Village Board member, he used his public office for personal financial gain for himself or a business with which he was associated in violation §49-14,101.01 of the Nebraska Political Accountability and Disclosure Act (NPADA). Specifically, he caused or participated in transferring payments totaling \$20,750.00 from the Village to his company, K&B Construction. The payments were in connection with a street contract between the Village and K&B, but were made prior to authorization by the Village Board. The fourth allegation is that Kevin Belding had an interest, through K&B Construction, in a contract with the Village of Jansen and that he failed to properly disclose that interest in violation of §49-14,103.01(5) of the NPADA.

The essence of the allegations against Kevin Belding is that he had a contract with the Village of Jansen and that he used his position on the Village Board to take advanced unauthorized payments on the contract. In addition, he failed to properly disclose his interest in the contract.

Diana Belding (18-16) The two allegations against Diana Belding were that, as a member of the village board, she had an interest in a contract with the Village of Jansen. The interest existed through her spouse and his company. Specifically it was alleged that she: 1) failed to disclose the interest in violation of §49-14,103.01(5)(a) of the NPADA and 2) that she voted in favor of the contract in violation of §49-14,103.01(6)(b) of the NPADA.

The essence of the allegations against Diana Belding is that she had an interest in a contract with the Village of Jansen through her spouse and that she failed to disclose that interest. Further, she allegedly voted in favor of the contract.

The parties entered into a settlement agreement by the terms of which the Commission could find two violations of §49-14,101.01 and one violation of §49-14,103.01(5) against Kevin Belding. One allegation of a violation of §49-14,103.01 against Kevin Belding would be dismissed. The terms further provide that both allegations against Diana Belding would be dismissed.

The agreement provides for a civil penalty of up to \$5,000.00 against Kevin Belding. The Commission approved the Settlement Agreement and assessed a civil penalty of \$5,000.00 with six Commissioners concurring, no Commissioners dissenting, no Commissioners abstaining and one Commissioner recused.

Violation: Pursuant to the Settlement Agreement, the Commission found that Kevin Belding violated §49-14,101.01 on two occasions by using his public office to secure payments from the Village of Jansen to his company prior to approval by the Village and that he failed to disclose an interest in the contract with the Village in violation of §49-14,103.01 of the NPADA. The remaining allegation against him was dismissed. The two allegations against Diana Belding were dismissed.

Civil Penalty: \$5,000.00

Attorney for Commission: Neil Danberg

Attorney for the Respondent: Jeffrey B. Hubka, Beatrice

Synopsis Prepared by: Frank Daley, Executive Director
Nebraska Accountability & Disclosure Commission
P.O. Box 95086
Lincoln, NE 68509
402-471-2522

BEFORE THE NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION

**In the Matters of Kevin Belding
and Diana Belding,
Respondents**

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Case #18-15 and #18-16

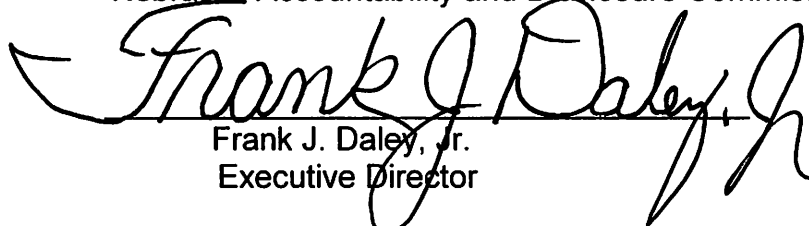
ORDER

Now on this 7th day of December 2018, this matter comes before the Nebraska Accountability and Disclosure Commission. Commissioners Carlson, Davis, Enenbach, Gale, Hegarty, Peetz and Sullivan are present with Commissioner Enenbach presiding and Commissioner Davis recused. The Respondents are not present. The Commission notes the submission of a proposed Settlement Agreement.

Whereupon, the Commission, with six Commissioners concurring, no Commissioners dissenting, no Commissioners abstaining and one recused, finds that the attached Settlement Agreement should be and hereby is approved and incorporated into this Order. Pursuant to that Agreement, the Commission finds two violations of §49-14,101.01 of the Nebraska Revised Statutes and one violation of §49-14,103.01 of the Nebraska Revised Statutes by Respondent Kevin Belding as more fully set forth in the attached Settlement Agreement. The remaining allegation against Kevin Belding of a violation of §49-14,101.01 is dismissed. The two allegations against Diana Belding of violations of §49-14,103.01 are dismissed. Pursuant to the terms of the Settlement Agreement, the Commission imposes a civil penalty of \$5,000.00 in this case against Kevin Belding.

Issued this 7th day of December, 2018

Nebraska Accountability and Disclosure Commission



Frank J. Daley, Jr.
Executive Director

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 7th day of December 2018, to the following persons at the following address: Kevin Belding, P.O. Box 96, Jansen, NE 68377 and Diana Belding, P.O. Box 96, Jansen, NE 68377



Frank J. Daley, Jr.
Executive Director

BEFORE THE NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION

In the Matters of)

Kevin Belding and Diana Belding)

**CASES # 18-15 and 18-16
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 Kevin Belding and Diana Belding, hereinafter referred to as the "Respondents".
 - 2) **Jurisdiction:** The Respondents acknowledge the jurisdiction of the Commission pursuant to the Nebraska Political Accountability and Disclosure Act ("NPADA").
 - 3) **Intention:** The parties hereby agree and intend that this Agreement shall constitute a waiver of further proceedings including any further proceedings before the Nebraska Accountability and Disclosure Commission, and, including any formal administrative hearing on the alleged violations as described in Paragraph 4 of this Agreement, thereby resolving the matter without further delay and expense to the parties.
 - 4) **The Alleged Violations.**
 - (a) **Case # 18-15: Kevin Belding.** The alleged violations of Respondent Kevin Belding in case #18-15 have been stated in the Notice of Preliminary Investigation, which was served upon him. Those allegations are as follows:
 1. That on or about July 7, 2016, Kevin Belding, Chairman of the Village of Jansen Board of Trustees, caused a check to be issued by the Village in the amount of \$6,000.00 to K & B Construction, a company which he owned and in which he had a business association, and said check was in an amount and based upon a contract which had not yet been approved by said Board, and this act constituted the use of public office for financial gain for himself or the said business with which he was associated, in violation of Section 49-14,101.01 of the Nebraska Revised Statutes.
 2. That on or before July 11, 2016, Kevin Belding, Chairman of the Board of Trustees, had an interest in a contract between K&B Construction Co-- a company which he owned and in which he had a business association—and the Village of Jansen, which contract he was proposing to be accepted by the said Board of Trustees, and he failed to make a public disclosure of the nature and extent of his interest in the contract in violation of Section 49-14,103.01(5) of the Nebraska Revised Statutes.

3. That on or about July 16, 2016, Kevin Belding, Chairman of the Village of Jansen Board of Trustees, caused a check to be issued by the said Village in the amount of \$6,000 to K&B Construction Co., a company which he owned and in which he had a business association, and said check was in an amount which had not yet been approved by the said Board, and this act constituted the use of public office for financial gain for himself or the said business with which he was associated, in violation of Section 49-14,101.01 of the Nebraska Revised Statutes.
4. That on or about July 27, 2016, Kevin Belding, Chairman of the Village of Jansen Board of Trustees, caused a check to be issued by the said Village in the amount of \$8,750.00 to K&B Construction Co., a company which he owned and in which he had a business association, and said check was in an amount which had not yet been approved by the said Board, and this act constituted the use of public office for financial gain for himself or the said business with which he was associated, in violation of Section 49-14,101.01 of the Nebraska Revised Statutes.

In essence, the allegations are that Respondent Kevin Belding had a contract with his governing body, the Village of Jansen Board of Trustees, but he took advanced unauthorized payments on the contract from the Village, and he used his office to do so.

(b) Case #18-16: Diana Belding. The alleged violations of Respondent Diana Belding have been stated in the Notice of Preliminary Investigation which was served upon her. Those allegations are as follows:

1. That on or before July 11, 2016, Diana Belding, a member of the Board of Trustees of the Village of Jansen, had an interest in a contract which her spouse, Kevin Belding, was proposing to be accepted by the said Board, but she failed to make a public disclosure of the nature and extent of that interest in violation of Section 49-14,103.01(5(a) of the Revised Nebraska Statutes.
2. That on or about July 11, 2016, Diana Belding, a a member of the Board of Trustees of the Village of Jansen, had an interest in a contract which her spouse, Kevin Belding, was proposing to be accepted by the said Board, but she failed to abstain from voting on the granting of said contract in violation of Section 49-14,013.01(5)(b) of the Revised Nebraska Statutes.

In essence, the allegations are that Respondent Diana Belding had an interest in a contract which her spouse had with the Village of Jansen, but, as a member of the Board of Trustees of the Village of Jansen, she failed to make a declaration of her interest or abstain from taking action on the contract.

- 5) The Alleged Violations: Stipulations and Agreements. The Respondent and the Commission stipulate and agree that at the time of the alleged violations the Respondents were both public officials in that he was Chairman of the Village Board of Trustees of the Village of Jansen and that she was a member of said Board of Trustees.
- 6) The Alleged Violations: Findings. With respect to the Alleged Violations, in order to resolve this matter without further expense and proceedings, the Commission and the Respondents hereby agree to the following:
 - (a) In case #18-15, the Commission agrees to dismiss the first alleged violation as stated in Paragraph 4, above. For his part, the Respondent Kevin Belding agrees to accept a finding by the Commission of a violation of the remaining three allegations, numbered 2, 3 and 4 in Paragraph 4, above. In this regard, the Respondent states that it was not his intention to violate Nebraska law as alleged. Nonetheless, the Respondent agrees and stipulates that if this matter proceeded to a hearing, there is sufficient evidence from which the Commission could make a finding, (with respect to the said three alleged violations (numbered 2, 3 and 4 in Paragraph 4, above) that there have been violations as alleged. Respondent Kevin Belding further agrees that he Commission may enter an order in accordance with said findings, and he would not contest such an order.
 - (b) In case 18-16, the Commission, particularly in view of the acceptance of three allegations by Respondent Kevin Belding, agrees to dismiss both allegations against Respondent Diana Belding.
- 7) Limitation of Civil Penalty: The parties have agreed that, upon acceptance of this Agreement by the Commission, the Commission may, but is not required to, impose a civil penalty upon the Respondent, Kevin Belding. The parties further agree that In the event the Commission elects to impose a civil penalty, such penalty will not exceed the amount of \$5000.00.
- 8) 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.
- 9) Effective Date of Agreement: This Agreement shall not be binding upon the parties until the date it is approved by the Commission and the Commission issues an order in accordance with the terms of this Agreement. 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 and agree that this Settlement Agreement and any subsequent Order shall be announced at an open public meeting of the Commission. The parties further acknowledge and agree that, upon adoption, this Settlement Agreement, the Order, and the Commission's file pertaining to these matters shall become open and public.

- 10) Right to Address the Commission: The Respondents themselves, or through their attorney, have a right to address the Commission on the matter of the amount of civil penalty and approval of this Settlement Agreement.

Kevin Belding
Kevin Belding, Respondent

11-26-18
Date

Diana Belding
Diana Belding, Respondent

11-26-18
Date

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

12-7-18
Date

Jeffrey B. Hubka
Jeffrey B. Hubka, Attorney for Kevin Belding
and Diana Belding, Respondents

11-27-18
Date