

State of Nebraska

Accountability and Disclosure Commission

P.O. BOX 95086
Lincoln, Nebraska 68509
www.nadc.nebraska.gov



11th Floor, State Capitol
Phone (402) 471-2522
Fax (402) 471-6599

Synopsis Case #16-28

Action Taken on September 8, 2017

Respondent: Tom Brewer

The Respondent was a candidate in the 2016 General Election for State Legislature, District 43. His candidate committee was Tom Brewer for Nebraska. A complaint was filed by Richard Schommer of Alliance on October 28, 2016. The complaint alleged that Brewer and his committee failed to disclose on a campaign statement one or more campaign expenditures of more than \$250 in violation of §49-1455 of the Nebraska Political Accountability and Disclosure Act (NPADA). The expenditures were related to the Respondent's Freedom Ride Across Nebraska. Expenditures of \$2,122.33 for horse feed, food, lodging and fuel were paid by the Respondent personally. By law, the use of a candidate's own funds for the benefit of the campaign is reportable by the candidate's committee. The parties entered into a settlement agreement by the terms of which the Commission may find a violation of section 49-1455 and assess a civil penalty of no more than \$500. The Commission approved the Settlement Agreement with five Commissioners concurring, no Commissioners dissenting, and no Commissioners abstaining.

Violation: Pursuant to the Settlement Agreement, the Commission found that the Respondent failed to disclose an expenditure of more than \$250.00 in violation section 49-1455 of the NPADA.

Civil Penalty: \$500.00

Other: Amended campaign statement is now on file disclosing transactions at issue.

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

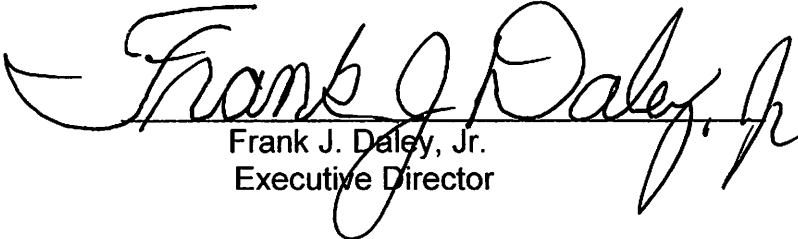
In the Matter of Tom Brewer)
) **CASE No. 16-28**
)
Respondent) **ORDER**
)
)

Now on this 8th day of September, 2017, this matter comes before the Nebraska Accountability and Disclosure Commission. Commissioners Davis, Enenbach, Gale, Hegarty and Peetz are present with Commissioner Enenbach presiding. The Respondent is not present. The Commission notes the submission of a proposed Settlement Agreement.

Whereupon, the Commission with five Commissioners concurring, no Commissioners dissenting, and no Commissioners abstaining, finds that the attached Settlement Agreement should be and hereby is approved and incorporated into this Order. Pursuant to that Agreement, the Commission finds that the Respondent has committed a violation of Nebraska Revised Statutes, Section 49-1455, as more fully set forth in the attached Settlement Agreement. Pursuant to the agreement, the Commission imposes civil penalty \$500.00.

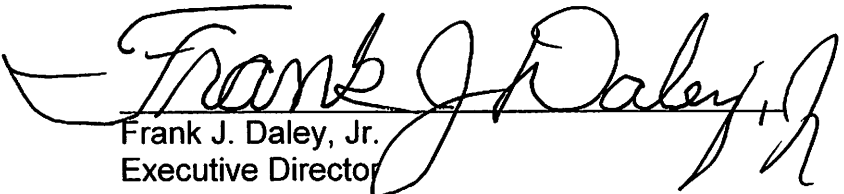
Issued this 8th day of September, 2017

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 8th day of September, 2017, to the following at the following address or addresses: Tom Brewer, 550 West 10th Street, Gordon, NE 69343.


Frank J. Daley, Jr.
Executive Director

BEFORE THE NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION

HD

) CASE #16-28
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In the Matter of Tom Brewer)

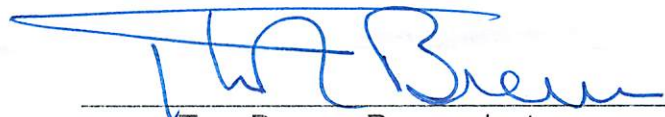
) Settlement Agreement
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NEBRASKA ACCOUNTABILITY &
DISCLOSURE COMMISSION

- 1) **Parties:** The parties to this Settlement Agreement are the Nebraska Accountability and Disclosure Commission, hereafter referred to as the "Commission" and Tom Brewer of Gordon, Nebraska, hereafter referred to as the "Respondent".
- 2) **Jurisdiction:** The parties acknowledge the jurisdiction of the Commission pursuant to the Nebraska Political Accountability and Disclosure Act.
- 3) **Intention:** The parties agree that this Agreement shall constitute a waiver of further proceedings including formal hearing on the alleged violation thereby resolving the matter without further delay and expense to the parties.
- 4) **Alleged Violation:** In its Notice of Preliminary Investigation the Commission alleges that: a) Tom Brewer for Nebraska was the candidate committee of Tom Brewer who sought election to the Nebraska Legislature during the 2016 State General Election; b) he was required to file a First General Election Campaign Statement covering the period of June 15, 2016 through October 4, 2016 which disclosed all campaign contributions and expenditures of more than \$250 during that period; and c) the First General Election Campaign Statement failed to disclose contributions or expenditures of more than \$250 made during the reporting period in a violation of §49-1455 of the Nebraska Political Accountability and Disclosure Act.
- 5) **Alleged Violation; Stipulations:** The parties agree that the First General Election Campaign Statement filed by the Respondent failed to disclose four expenditures of more than \$250 totaling \$2,122.53 and that the expenditures were for feed, food, fuel and lodging related to the Respondent's "Ride Across Nebraska" on horseback. They further agree that the Respondent's First General Election Campaign Statement has been amended to disclose the noted four expenditures.
- 6) **Alleged Violation; Findings:** The Respondent agrees and stipulates that if this matter were to go to a hearing, there would be sufficient evidence by which the Commission could find a violation of §49-1455. The Respondent agrees that the Commission may make a finding of a violation of §49-1455 and he shall not contest such a finding.

- 7) **Penalty:** The parties acknowledge that a violation of §49-1455 may result in a maximum civil penalty of two thousand dollars. However, if the Commission elects to assess a civil penalty, the parties agree that the amount of the civil penalty shall not exceed \$500.00.
- 8) **Future Compliance:** Respondent agrees that in the future, he will use all reasonable diligence in complying with all of the provisions of the Nebraska Political Accountability and Disclosure Act.
- 9) **Commission Order:** The parties agree that the Commission shall enter an Order finding the violation as set out in paragraph 6 above and may order the payment of a civil penalty as agreed herein.
- 10) **Effective Date of Agreement:** This Agreement shall not be binding upon the parties until approved by the Commission. The date upon which the Commission enters its Order shall be deemed the effective date. If this Agreement is not approved in whole by the Commission, the Settlement Agreement shall be void and may not be used in this or any other proceeding.
- 11) **Acknowledgement:** The parties acknowledge that this Settlement Agreement and any subsequent Order shall be announced at an open public meeting of the Commission and that the vote on such matter shall take place at the Closed Session portion of the meeting. The parties further acknowledge that upon adoption this Settlement Agreement and Order shall become open and public.
- 12) **Address the Commission:** The parties agree that the Respondent or his representative shall have the opportunity to address the Commission on the matter of the approval of this Settlement Agreement. The presentation of the Respondent may be made in person, through an attorney, or in written form. However, no appearance by the Respondent is required.
- 13) **Advice of Counsel:** The Respondent acknowledges that he has had the opportunity to seek the advice of an attorney in this matter.

8/18/17
Date



Tom Brewer, Respondent

8-15-17
Date



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