

State of Nebraska Accountability and Disclosure Commission

P.O. BOX 95086
Lincoln, Nebraska 68509
nadc.nol.org



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

Synopsis of Case 12-16 Action Taken March 1, 2013

Respondent: Mike Hilgers

The respondent, Mike Hilgers, was a candidate for State Legislature in 2012. His candidate committee was Friends of Mike Hilgers. On November 5, 2012 John Yoakum filed a complaint alleging that Mike Hilgers failed to include on certain printed campaign literature the street address of Friends of Mike Hilgers as required by law. It was noted that the printed campaign literature in question included a post office box address and email address. The parties reached a settlement agreement. By the terms of the agreement the respondent agrees that the Commission may find a violation of §49-1474.0.1. The agreement provides for no civil penalty. The Commission approved the settlement agreement with eight Commissioners concurring, none dissenting and none abstaining from participating and voting.

Violation: The Commission found that the respondent failed to include on certain printed campaign literature the street address of the committee as required by §49-1474.01 of the Nebraska Political Accountability and Disclosure Act.

Civil Penalty: None

Other: Future compliance required

Attorney for the Respondent: None

Attorney for the Commission: Neil Danberg

Synopsis Prepared by: Frank Daley
Executive Director
Nebraska Accountability & Disclosure Commission
11th Floor State Capitol, P.O. Box 95086
Lincoln, NE 68509
402-471-2522

BEFORE THE NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION

In the Matter of

Mike Hilgers

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CASE No. 12-16

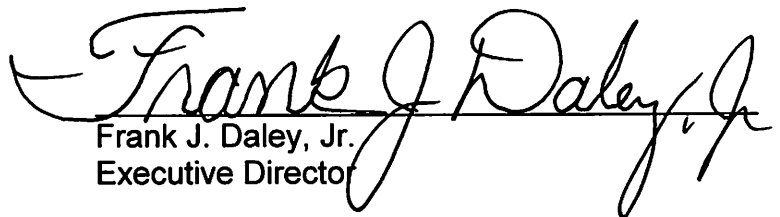
ORDER

Now on this 15th day of March, 2013, this matter comes before the Nebraska Accountability and Disclosure Commission. Commissioners Hosford, Gale, Grant, Mumm, Nelson, Conway, Schulz and Von Gillern are present with Commissioner Hosford presiding. The Respondent, Mike Hilgers does not appear. Neil Danberg appears on behalf of the Commission. The Commission notes the submission of a proposed settlement agreement.

Whereupon, the Commission with nine Commissioners concurring, no Commissioners dissenting, and no Commissioners abstaining, finds that there has been a violation of Nebraska Revised Statutes, §49-1474.01 and approves the attached Settlement Agreement, and the terms thereof are incorporated into this order as if fully set forth herein. As provided by the settlement agreement, the Respondent shall not pay a civil penalty.

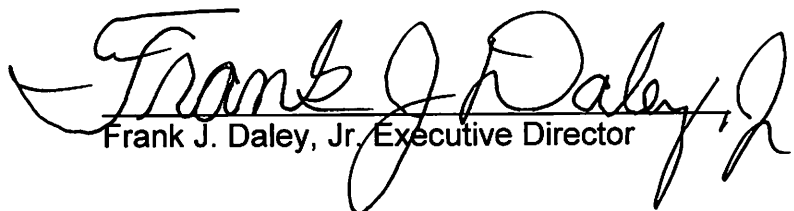
Issued this 15th day of March, 2013

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 13th day of March, 2013 to the following persons at the following addresses: Mike Hilgers, 508 W. Keating Circle, Lincoln, Nebraska 68521; John Yoakum, 330 NW 13th Street, Lincoln, Nebraska 68528.


Frank J. Daley, Jr. Executive Director

BEFORE THE NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION

In the Matter of Mike Hilgers)
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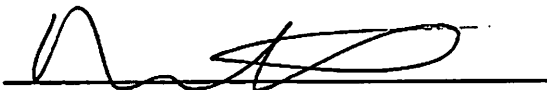
CASE No. 12-16

SETTLEMENT AGREEMENT

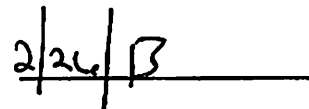
- 1) **Parties:** The parties to this Settlement Agreement (hereinafter “Agreement”) are the Nebraska Accountability and Disclosure Commission, hereafter referred to as the “Commission” and Mike Hilgers, hereinafter referred to as the “Respondent.”
- 2) **Jurisdiction:** The Respondent acknowledges the jurisdiction of the Commission pursuant to the Nebraska Political Accountability and Disclosure Act (“NPADA”).
- 3) **Intention:** The parties enter into this Agreement with the understanding that this Agreement shall constitute a waiver of a formal hearing on the alleged violation as described in Paragraph 6 of this agreement, thereby resolving the matter without further delay and expense to the parties.
- 4) **The Alleged Violation.** In its Notice of Preliminary Investigation, the Commission alleged that the Respondent had failed to include his street address in certain campaign literature in violation of Section 49-1474.01 of the NPADA.
- 5) **Admissions and Findings:** Mr. Hilgers states and admits that he was a candidate for the Nebraska Legislature in the general election held on November 6, 2012, and that in the course of his campaign he caused campaign literature to be prepared and distributed. Although his campaign literature prepared and distributed at the time of the primary election in May of 2012 had listed his street address, certain literature prepared and distributed at the time of the general election omitted his street address. However, Respondent wishes to note that the literature did contain a valid Post Office Box at which the campaign received mail and with which the campaign regularly corresponded with voters and other individuals, and he further wishes to state that he believes he was always identifiable and accessible, particularly by mail, throughout the course of the campaign.
- 6) **Violation of the NPADA.** Nebraska Statute, Section 49-1474.01 of the NPADA (hereinafter, the “Statute”), requires campaign literature to contain the name and street address of the person who has paid for its production, distribution or posting. The Respondent states that it was not his intent to violate this Statute in that he provided his name and address on certain literature at the time of the primary election, and further put a Post Office Box address on certain literature after the primary at which the campaign received mail and through which the campaign

regularly corresponded with voters and other individuals, and thereafter provided information demonstrating how his website could be accessed and that the website contained his name and address. Nonetheless, the Respondent agrees and stipulates that if this matter proceeded to a Hearing there is sufficient evidence for the Commission to find that the street address was lacking on certain campaign literature and that the Commission could therefore find a violation of the Statute, and that he would not contest such a finding. He further agrees that the Commission may enter an order in accordance with such a finding.

- 7) Civil Penalty. The parties have agreed that in view of all the circumstances, there will be no civil penalty assessed in this case. In this regard, the Respondent particularly wishes to note his other efforts to clearly identify himself and his street address and to be easily accessible to all individuals in the district, including information with respect to his web address and the material thereon, his e-mail and voters' access to his cell phone telephone number.
- 8) Future Compliance: The Respondent agrees that he will in the future use all reasonable diligence in complying with all the provisions of the Statute, and that he will ensure that any future campaign literature will display a street address.
- 9) 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.
- 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 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 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 matters shall take place during the Closed Session portion of the meeting. The parties acknowledge that upon adoption, this Settlement Agreement, the Order and the Commission's file pertaining to this matter shall become open and public.
- 11) Waiver of Right to Address the Commission: The Respondent waives his right to address the Commission on the matters of the amount of the civil penalty and of the approval of this Settlement Agreement.

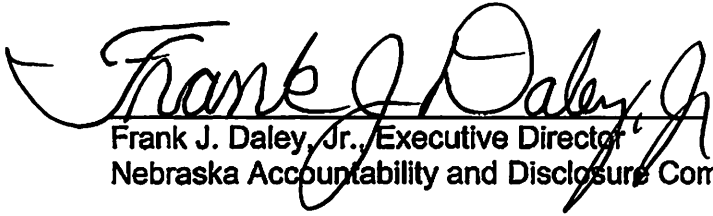


2/26/13



Mike Hilgers, Respondent

Date


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

2-27-13
Date