

State of Nebraska Accountability and Disclosure Commission

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Lincoln, Nebraska 68509
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Synopsis Case #24-01

Action Taken on April 12, 2024

Respondents: Rural Nebraskans for Barry DeKay and Barry DeKay, Candidate

The Respondents are Senator Barry DeKay and his campaign committee. A Complaint was filed against the Respondents, alleging that Campaign Statements filed by the Respondents in 2023 failed to report the name and address of the contributors who had contributed more than \$250.00.

After a review of the 2023 Campaign Statements at issue, the NADC initiated a Preliminary Investigation, alleging that the Respondents had failed to identify contributors' names and addresses where more than \$250.00 had been contributed.

After notifying the Respondents of the Complaint, Senator DeKay immediately met with Executive Director Hunter, and, shortly thereafter, provided amended Statements containing the missing names and addresses.

The parties then entered into a Settlement Agreement, by the terms of which the Respondents accepted a violation of §49-1455(d) of the Nebraska Statutes, and agreed to pay a civil penalty not to exceed \$250.00.

The Commission adopted the Settlement Agreement with six Commissioners concurring, no Commissioners dissenting, and no Commissioners abstaining.

Violations: Pursuant to the Settlement Agreement, the Commission found that the Respondent failed to provide names and addresses of contributors who had made contributions over \$250.00, in Campaign Statements in 2023. The Commission found a violation of §49-1455(d), and assessed a civil penalty in the amount of \$250.00.

Civil Penalty: \$250.00

Attorney for the Commission: Neil B. Danberg

Synopsis Prepared by: David Hunter, Executive Director

Nebraska Accountability and Disclosure Commission

P.O. Box 95086, Lincoln, NE 68509 (402)-471-2522

BEFORE THE NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION

In the Matter of Rural Nebraskan for)

Case #24-01

Barry DeKay and Barry DeKay,)

ORDER

Candidate, Respondents)

Now on this 12th day of April, 2024, this matter comes before the Nebraska Accountability and Disclosure Commission. Commissioners Anderson, Callahan, Chung, Davis, Reuss, and Sullivan are present with Commissioner Sullivan presiding. The Respondent is not present. The Commission notes the submission of a proposed Settlement Agreement.

Whereupon, the Commission with six (6) 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 Respondents failed to provide names and addresses in Campaign Statement filed in 2023, in violation of §49-1455(d) of Nebraska Revised Statutes, as recited in the attached Settlement Agreement.

In accordance with the Settlement Agreement, the Commission imposes a civil penalty of \$250.00 upon the Respondents.

Issued this 12th day of April, 2024.

Nebraska Accountability and Disclosure Commission



David M. Hunter.
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 12th day of April, 2024 to the following parties and address: Rural Nebraskans for Barry DeKay and Barry DeKay, Candidate, Nebraska State Capitol, Room 1015, P.O. Box 94604, Lincoln, NE 68509.



David M. Hunter Executive Director

BEFORE THE NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION

IN THE MATTER OF:

CASE No. 24-01

**RURAL NEBRASKANS FOR DEKAY
and SENATOR BARRY DEKAY,
CANDIDATE**

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 Rural Nebraskans for DeKay and Senator Barry DeKay, Candidate, hereafter referred to as the "Respondents."
- 2) **Jurisdiction:** The Respondents acknowledge that the Commission has jurisdiction in this matter pursuant to the terms of Nebraska Statutes 49-1401 et seq., known as the Nebraska Political Accountability and Disclosure Act ("NPADA").
- 3) **Intention:** The parties hereby agree and intend that this Agreement shall constitute a waiver of any further proceedings in this matter, thereby resolving the matter without further delay and expense to the parties.
- 4) **The Alleged Violation:** In its Notice of Preliminary Investigation in this case, the Commission has alleged that the Respondents, during calendar year 2022 were required to file Campaign Statements, which reported the name and street address of each individual or organization who contributed to the campaign more than \$250.00 during each reported period covered by the Statement, but the Respondents failed to so do in violation of Section 49-1455(d) of the NPADA.
- 5) **Stipulation:** The Respondent and the Commission stipulate and agree that at the time of the alleged violation, the Respondents in filing their Campaign Statements, had an obligation to report the names and addresses of individuals or organizations who contributed more than \$250 during each reporting period, but did not do so.
- 6) **The Alleged Violation, Agreement:** The Respondents state that it was not their intent to violate the NPADA as alleged, but they agree and stipulate that there is sufficient evidence to support the Commission's findings of a violation Section 49-1455(d) of the NPADA, as stated in the Notice of Preliminary Investigation in this matter, and as described in Paragraph 4, above. The Respondents further agree that they will not contest the Commission's Order in this case. The Respondents further represent that they have amended the 2022 Campaign Statements which they filed to include the names and addresses of individuals or organizations who contributed more than \$250 during each reporting period.

- 7) Civil Penalty and Agreement: The parties have agreed that, in view of the Respondent's willingness to resolve this matter, accept the finding of the Commission in this case, and amend the Campaign Statements at issue, the Commission will impose a civil penalty in this matter not to exceed \$250.00.
- 8) The Commission must approve this Agreement in order for it to be effective: The parties agree that for this Agreement to become effective, the Commission must approve it, and enter an Order according to the terms of the 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 of the Order shall be deemed its effective date. If this Agreement is not approved by the Commission, this Agreement shall be void and may not be used in this or any other proceeding. The parties acknowledge that this Agreement and any subsequent Order shall be announced at an open public meeting of the Commission. The parties further acknowledge that, upon adoption, this Agreement, the Order, and the Commission's file pertaining to this matter shall become open and public.
- 10) Right to Address the Commission: The Respondent has a right to address the Commission on the matter of the approval of this Settlement Agreement.
- 11) Advice of Counsel: The Respondent acknowledges that he has had an opportunity to seek the advice of an attorney concerning this Agreement.



Rural Nebraskans for Barry DeKay

2-20-24

Date



Senator Barry DeKay, Candidate

2-20-24

Date



David M. Hunter, Executive Director
Nebraska Accountability and Disclosure Commission

4/12/2024

Date