State of Nebraska Accountability and Disclosure Commission

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Synopsis Case #20-26 Action Taken on January 21, 2022

Respondent: Nick Siedschlag, Respondent

The Respondent was the Saline County Surveyor who was required to file a Statement of Financial Interests on or before March 2, 2020 covering calendar year 2019. He failed to do so in violation of §49-1493 of the Nebraska Political Accountability and Disclosure Act. The Executive Director of the Commission commenced a Preliminary Investigation on August 27, 2020 alleging a failure to file a Statement of Financial Interests in of violation of §49-1493. A hearing was held on October 29, 2021 before Hearing Officer Karen Flowers. The Respondent did not appear. Thereafter, Hearing Officer Flowers submitted her recommended Findings of Fact and Conclusions of Law. On January 21, 2022, the Commission, with eight Commissioners concurring, no Commissioners dissenting and no Commissioners abstaining entered Findings of Fact, Conclusions of Law and an Order by which:

Violation: The Commission found that the Respondent failed to file a Statement of Financial Interests covering calendar year 2019 on or before March 2, 2021 in violation §49-1493 of the NPADA.

Civil Penalty: \$2,000.00 and cost of hearing

Other: The Respondent shall file the required statement and shall pay the costs of the action.

Attorney for the Commission: Neil B. Danberg

Synopsis Prepared by: Frank Daley

Executive Director

Nebraska Accountability & Disclosure Commission

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BEFORE THE NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION

In the Matter of Nick Siedschlag)	Case #20-26
)	Findings of Fact, Conclusions of Law and Order

Statement of Case

This matter was heard on October 29, 2021 before Hearing Officer Karen Flowers. The allegation is that Nick Siedschlag failed to file a Statement of Financial Interests covering calendar year 2019 in violation of §49-1493 of the NPADA. Neil Danberg appeared for the Nebraska Accountability and Disclosure Commission (the Commission). Though properly noticed, there was no appearance by or on behalf of Mr. Siedschlag. Evidence was presented by way of the testimony of Frank Daley, Jr., Executive Director of the Commission and the receipt of Exhibits 2-7. Judicial Notice was taken of the relevant statutes. Thereafter, the Hearing Officer submitted her recommended findings of fact and conclusions of law.

Findings of Fact

In 2019 Nick Siedschlag was the County surveyor for Saline County having been appointed to what is normally an elected position. Under the Nebraska Accountability and Disclosure Act (the Act), Siedschlag, even though appointed, had a duty to file a Statement of Financial interests, commonly known as a C-1. See Neb. Rev. Stat. §49-1493(10) and Neb. Rev. Stat. §49-1417. Siedschlag had made such filings for the years 2016, 2017, and 2018. E4-E6. The C-1 for the calendar year 2019 was due by March 2, 2020. When the Commission failed to receive a C-1 from Siedschlag by that date, it contacted him by letter reminding him of his duty to file and extending the deadline. In fact, it did so twice. E7, E8. Mr. Siedschlag did not respond. On August 27, 2020 Siedschlag was notified that the Commission had begun a preliminary investigation to determine whether there was probable cause to believe that he had violated the Act by

failing to file a C-1 for 2019. E9. It determined there was and sent Siedschlag notice of its finding. E11. The Commission set a hearing date on Siedschlag's failure to file his C-1 and served him personally with notice of the hearing date and time. E13. As of October 29, 2021 the Commission had not received a C-1 from Mr. Siedschlag covering the year 2019.

Conclusions of Law

Based on the foregoing, Mr. Siedschlag failed to file a Statement of Financial Interests in violation of the Nebraska Accountability and Disclosure Act, specifically Neb. Rev. Stat. §49-1493(10).

Order

Wherefore, with Commissioners concurring, Commissioners dissenting and Conclusions of Law set forth above and finds that Nick Siedschlag failed to file a Statement of Financial Interests in violation of §49-1493 of the NPADA.

Wherefore, with Commissioners concurring, Commissioners dissenting and Commissioners abstaining, the Commission orders: a) that Nick Siedschlag be assessed a civil penalty of \$2,000; b) that he be directed and required to file a Statement of Financial Interest covering the period of January 1, 2019 through December 31, 2019; and c) that he be required to pay the costs of the hearing.

Dated this A day of January 2022.

Jeffery Davis, Chairman Nebraska Accountability and Disclosure Commission