

**OPEN SESSION**  
**MINUTES OF THE MEETING OF THE**  
**NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION**

**Friday, April 12, 2024**  
**State Capitol Room 1510**

**Lincoln, Nebraska**

**Call to Order** – Chairman Sullivan called the meeting to order at 9:00 a.m. and announced the location in the meeting room of a copy of the Open Meetings Law. She stated that notice of the meeting was posted on the Commission’s website and on the State’s Public Meeting Calendar.

Roll Call –

Roderic Anderson – Present  
Marty Callahan – Present  
Janet Chung – Present  
Jeffery Davis – Present  
Robert Evnen – Excused  
Andrew Reuss – Present  
Kate Sullivan – Present

**Approval of the Open Session Minutes of the January 26, 2024 Meeting** – Chairman Sullivan referred the Commissioners to their copies of the Open Session minutes of the previous meeting.

**Motion by Davis, second by Reuss, that the Open Session Minutes of the January 26, 2024 meeting be approved** - Roll Call Vote: Commissioners Callahan, Chung, Davis, Reuss, and Sullivan voted yes. Commissioner Anderson Abstained. Motion carried (5-0-1).

**Report on late filing fees and requests for relief:** The Executive Director indicated that there were no requests for relief.

**Executive Director’s Report (includes personnel activity, budget status, budget process and litigation status)** – Executive Director Hunter indicated to the Commission that the term of Commissioner Marty Callahan will expire on June 30, 2024. Mr. Callahan’s successor will be appointed by the Governor from a list supplied by the Legislature. There are currently two vacancies on the Commission.

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The Executive Director reported that the Auditor position had been filled. Mr. Hunter announced our new Auditor Mackenzie Doyle was present in the audience and noted that the Deputy Director position remains open.

Executive Director Hunter, accompanied by General Counsel Danberg, made a presentation at an Independent Agencies Meeting at the Governor's mansion. Topics included filing the Statement of Financial Interests, Conflicts of Interest, Gifts, and Use of Public Resources.

The Executive Director indicated that the agency is currently working with State Personnel Training and Development in the creation and development of an ethics video on demand.

Executive Director Hunter and Serena Dunn completed Procurement training.

The Executive Director indicated that nine months into the current fiscal year the Commission had expended approximately 60% of the agency budget.

Executive Director Hunter indicated that the 1st Quarterly Lobbyist and Principal Reports are due April 30th 2024. Reports that are filed will be available for review on the Clerk of the Legislature's website.

The Executive Director indicated that the 1st Primary Campaign Statements are due April 15th, The remaining primary campaign statements are due May 6 and June 24. Statements that are filed will be available for review on the FirstTuesday website.

The Executive Director indicated that there is no litigation.

The Executive Director indicated that upcoming Commission Meeting dates are June 7, 2024, and August 23, 2024.

Discussion followed.

**2024 Legislative Update including consideration of position on new legislative bills** – The Executive Director next discussed legislative bills that are of interest to the Commission. He advised the following bills were passed and signed into law unless stated otherwise.

LB 43 – This is a bill by Senator Sanders that does not have significant effect on the NADC, but it may affect how courts operate on appeal of Commission orders. He noted that an amendment would not affect the agency as the Commission already allows for public attendance and comment at open session meetings, with the exception of closed session.

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LB 304 – This is a bill by Senator Linehan that would require political subdivisions to disclose on their websites, associations to whom they pay dues and lobbying fees that are included in the membership dues. Executive Director Hunter indicated that the NADC is not tasked with enforcement under this bill.

LB 569 – Is a bill by Senator Bostelman which limits or prevents county boards and planning commissions and their immediate family members from having a contractual interest in virtually all phases of electric generation facilities. Mr. Hunter indicated the bill states “it shall not affect any conflict-of-interest provisions of the NPADA”.

LB 1104 – This is a bill by Senator Aguilar that would amend the allotment percentage and amount of the annual lobbyist registration fees. The receipts would be split 50% each by the NADC and the Clerk of the Legislature.

LB 287 – A bill by Senator Brewer. Currently the Potential Conflict of Interests provisions apply only to certain public officials and employees. This bill would amend the NPADA and extend the Conflict of Interests provisions to all public officials and also to employees of political subdivisions that earn more than \$150,000 in salary and benefits. This bill has passed on final reading. Commission position: Support.

LB 302 – A bill by Senator Linehan would change provisions relating to conflicts of interest by certain officeholders and public employees. This bill was essentially added into LB 287.

LB 1070 – This bill by Senator Bostar would amend the NPADA and change the reporting period and deadlines for monthly campaign statements filed by a ballot question committees. LB 1070 includes an emergency clause, and so if passed, the NADC would directly contact all committees this bill would affect. This bill has passed on final reading. Commission position: Support.

Discussion followed.

**Determination of process for June election of officers** – Chairman Sullivan asked Executive Director Hunter to review the election of officers’ process for the Commission. The Chairman announced she would put together a slate of officers to be presented at the June meeting by Commissioner Anderson.

Discussion followed.

**Determination of process for June evaluation of the Executive Director** – Chairman Sullivan announced that she would draw up an evaluation instrument that would give each Commissioner the opportunity to provide feedback on the evaluation of the Executive Director.

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**Report of Conflicts Committee** – Commissioner Davis indicated that there were no questions or concerns to report.

**Report of Executive Committee** – Commissioner Sullivan indicated that there are no issues to report.

Director Hunter asked Chairman Sullivan to introduce and welcome our new Staff Auditor Mackenzie Doyle. Ms. Doyle is from Texas and she attended UNL where she received her Bachelor of Science Degree in Mathematics.

**Closed Session - Motion by Sullivan, second by Davis, that the NADC go into Closed Session pursuant to the confidentiality provisions of the NPADA** – Roll Call Vote: Commissioners Anderson, Callahan, Chung, Davis, Reuss, and Sullivan voted yes. Motion carried (6-0-0).

The NADC went into Closed Session at 9:22 a.m.

The NADC returned to Open Session at 9:47 a.m.

**Announcements from Closed Session** - Executive Director Hunter announced the following actions taken by the Commission in closed session.

**Carol Tschampl-Diesing v. Rusty Hike (#21-35)** – The Executive Director announced that pursuant to settlement agreement the Commission found a violation of §49-1499.03(2)(a) of the NPADA for failure to file a Potential Conflict of Interest Statement and a violation of §49-14,101.01(1) in which the Respondent used his public office for personal financial gain. By terms of the agreement, the Respondent was assessed a civil penalty of \$5,000. The Commission approved the settlement agreement, with six Commissioners concurring, none dissenting, and none abstaining.

**Kathryn High v. Senator Barry DeKay and Rural Nebraskans for Barry DeKay (#24-01)** – The Executive Director announced that pursuant to settlement agreement the Commission found that the Respondent violated §49-1455(d) for failure to disclose addresses of reportable contributors. The Commission assessed a civil penalty in the amount of \$250. The Commission approved the settlement agreement with six Commissioners concurring, none dissenting, and none abstaining.

**Adjournment – Motion by Anderson, second by Reuss, that the NADC adjourn.** Roll Call Vote: Commissioners Anderson, Callahan, Chung, Davis, Reuss, and Sullivan voted yes. Motion carried (6-0-0).

Chairman Sullivan declared the meeting adjourned at 9:50 a.m.