

State of Nebraska

Accountability and Disclosure Commission

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



Centre Terrace, 1225 L St. #400
Phone (402) 471-2522
Fax (402) 471-6599

Synopsis Case #22-26

Action Taken on October 21, 2022

Respondent: Tim Kusek, Respondent

The Respondent is a member of the Board of Trustees of the Village of Rockville. Based upon information received from the Auditor of Public Accounts, the Executive Director commenced a Preliminary Investigation on September 9, 2022. The allegation was that the Respondent, as a board member, was required to take actions or make decisions that would have a financial effect on him and that he failed to disclose the interest in writing as required by §49-1499.03(2)(a) of the Nebraska Political Accountability and Disclosure Act. The parties entered into a settlement agreement by the terms of which the Commission found a violation of §49-1499.03(2) and assessed a civil penalty of \$175.00. The Commission approved the Settlement Agreement with seven Commissioners concurring, no Commissioners dissenting, and no Commissioners abstaining.

Violation: Pursuant to the Settlement Agreement, the Commission found that the Respondent failed to file a written statement disclosing a conflict of interest in violation §49-1499.03(2) of the NPADA.

Civil Penalty: \$175.00.

Attorney for the Commission: Neil B. Danberg

Attorney for the Respondent: Heather Sikyta

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
Tim Kusek**

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Case #22-26

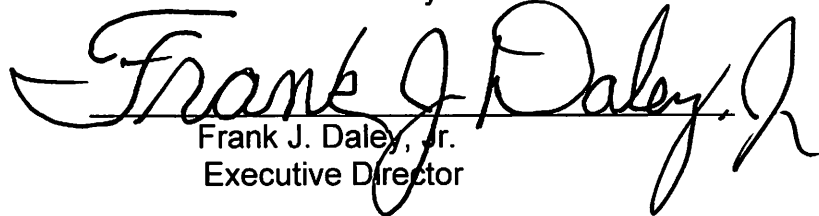
ORDER

Now on this 21st day of October 2022, this matter comes before the Nebraska Accountability and Disclosure Commission. Commissioners Anderson, Ashford, Callahan, Carlson, Davis, Evnen, 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 seven 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 violated §49-1499.03(2)(a) of the Nebraska Revised Statutes as more fully set forth in the attached Settlement Agreement. Pursuant to the terms of the Settlement Agreement, a civil penalty of \$175.00 is assessed against the Respondent.

Issued this 21st day of October 2022

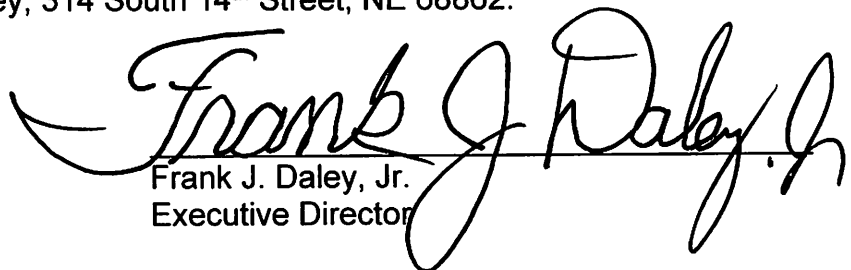
Nebraska Accountability and Disclosure Commission



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 21st day of October 2022 to the following persons at the following address: Tim Kusek, P.O. Box 175, Rockville, NE 68871 and by regular U.S. Mail to Heather Sikyta, Attorney, 314 South 14th Street, NE 68862.



Frank J. Daley, Jr.
Executive Director

BEFORE THE NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION


In the Matter of Tim Kusek

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**CASE No. 22-26
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 Tim Kusek, hereafter 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 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 alleged the Respondent, on January 18, 2021, as a member of the Board of Trustees of Rockville, Nebraska, was required to take actions or make decisions that might cause financial benefit or detriment to himself, but failed to prepare a written statement describing the matter and the nature of the potential conflict as required by Section 49-1499.03(2)(a) of the NPADA.
- 5) The Alleged Violation: Stipulation: The Respondent and the Commission stipulate and agree that at the time of the alleged violation, the Respondent was a public official as a member of the Village of Rockville Board of Trustees.
- 6) The Alleged Violation: Agreement: With respect to the Violation, as described above in Paragraph 4, the Respondent and the Commission hereby agree that the Respondent will accept a finding by the Commission of a violation of Section 49-1499.03(2). In this regard, the Respondent states that it was not his intention to violate Nebraska law as alleged. Nonetheless, the Respondent agrees and stipulates that if this matter proceeded to a hearing, there is sufficient evidence from which the Commission could make a finding that there has been a violation as alleged in the Notice of Preliminary Investigation and as described in Paragraph 4, above. Respondent Tim Kusek further agrees that the Commission may enter an order in accordance with said findings, and he would not contest such an order. The parties further agree that any similar violations of the said Statute described in paragraph 4, above, occurring up to the effective date of this Settlement Agreement, are hereby released and may not be the subject of additional violations of the NPADA. This release does not extend to any alleged violations of the NPADA occurring after the effective date of the Settlement Agreement.

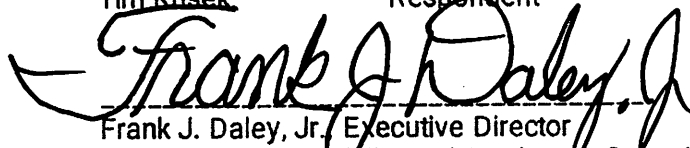
- 7) Limitation of Civil Penalty: The parties have agreed that, upon acceptance of this Agreement by the Commission, the Commission may, but is not required to, impose a civil penalty upon the Respondent, Tim Kusek. The parties further agree that in the event the Commission elects to impose a civil penalty, such penalty will not exceed the amount of \$175.00.
- 8) The Commission 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.
- 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 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. The parties further acknowledge that, upon adoption, this Settlement 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 states that he has had an opportunity to seek the advice of his attorney in connection with the terms of this agreement.



Tim Kusek Respondent

9-18-2022


Date



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

10-21-22

Date



Heather Sikyta, Attorney for Respondent
Agreement as to form

9-19-22

Date