

**OPEN SESSION**  
**MINUTES OF THE MEETING OF THE**  
**NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION**  
**Friday, October 26, 2018**  
**State Capitol, Room 1507**  
**Lincoln, Nebraska**

**Call to Order** – Chairman Enenbach called the meeting to order at 9:00 a.m. and announced the location in the meeting room of a copy of the Public Meetings Law.

Roll Call –

Marty Callahan - Present  
Tom Carlson – Present  
Jeffery Davis - Present  
Matthew Enenbach – Present  
John Gale – Excused  
Douglas Hegarty - Present  
Andrew Loudon - Excused  
Jeffery Peetz – Excused  
Kate Sullivan – Present

**Approval of the Open Session Minutes of the August 17, 2018 Meeting** – Chairman Enenbach referred the Commissioners to their copies of the Open Session minutes of the previous meeting.

**Motion by Sullivan, second by Callahan, that the Open Session Minutes of the August 17, 2018 meeting be approved as presented** - Roll Call Vote: Commissioners Callahan, Carlson, Davis, Enenbach, and Sullivan voted yes. Commissioner Hegarty abstained. Motion carried (5-0-1).

**Report on late filing fees and requests for relief: Mary Harding for NPPD, Mary Harding** - The Executive Director explained that Mary Harding for NPPD, Mary Harding had failed to timely file their 2017 Annual Campaign Statement. The filing was due on January 31, 2018 and filed on March 2, 2018. A late fee of \$750 was assessed. A Request for Relief was denied by the Executive Director based upon the fact the committee had paid late filing fees within 2 years prior to the date that the filing was due.

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The Executive Director indicated that Mary Harding, Mary Harding for NPPD was present to speak before the Commission.

Mary Harding addressed the Commission.

Discussion followed.

**Motion by Enenbach, second by Hegarty, that the Commission reduce the late filing fee to \$300** – Roll Call Vote: Commissioners Callahan, Carlson, Davis, Enenbach, Hagerty, and Sullivan voted yes. Motion carried (6-0-0).

**Report on late filing fees and requests for relief: American Council of Engineering Comp PAC, Daryoush Razavian** - Executive Director Daley asked the Commission to table the request for relief until the next Commission meeting in December. There was no disagreement.

**Executive Director's Report (includes personnel activity, budget status, budget process and litigation status)** - The Executive Director referred the Commissioner's to their packets and indicated that Deputy Director Mark Hinman had announced his retirement. Mr. Daley indicated that he was working with the Personnel Division for an internal posting for this vacancy.

Executive Director Daley reported that the agency had expended approximately 28% of the agency budget for the current fiscal year.

The Executive Director reported that the electronic filing project is nearing completion. Mr. Daley indicated that the minor issues in the system are being noted and addressed. He stated that he had planned to use the new electronic filing system for the 2019 Lincoln City Elections. However, because the system is still being tweaked, there is insufficient time to train staff and ultimate users. The project is still on budget.

Discussion followed.

The Executive Director announced that the Council on Governmental Ethics Laws (COGEL) Conference will be held in Philadelphia in December. The conference focuses on campaign finance disclosure laws, governmental ethics laws, lobbying laws, public records and election laws. Most of these subject areas fall within the jurisdiction of the Commission. Daley noted that the Commission is a founding member of COGEL. Mr. Daley and Mr. Danberg plan to attend this year.

Executive Director Daley indicated that 3rd Quarterly Lobbyist and Principal Reports are due October 30<sup>th</sup> and will available to the public on the Clerk of the Legislature's website.

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The Executive Director indicated that the 1<sup>st</sup> General Election Campaign Statements disclosing campaign activity were due October 9<sup>th</sup>. Those filed are available for review on the Commission website. The 2<sup>nd</sup> General Election Campaign Statements are due on October 29<sup>th</sup>.

The Executive Director indicated that in the matter of litigation he would defer to General Counsel Danberg.

General Counsel Danberg discussed the lawsuit filed by Robert Van Valkenburg against John Gale and Frank Daley. Mr. Van Valkenburg is a candidate for Legislature in District #26. His opponent is incumbent Matthew Hansen. Mr. Danberg explained that when Mr. Hansen filed his required Statement of Financial Interests, he checked the box for 'Annual Officeholders or State Employees Report'. He did not check the box for 'A candidate for Elective Office'. Mr. Van Valkenburg alleged that Mr. Hansen's statement was not legally sufficient and that his name should be stricken from the ballot. Mr. Danberg reported that at a hearing was held on August 30 before Lancaster County District Judge John Colburn. The Judge concluded that Mr. Hansen's statement had been properly filed, that the boxes were not jurisdictional. He noted that Mr. Van Valkenburg action was too late. An order dismissing the matter was issued September 3, 2018.

**Report on request for Attorney General's Opinion regarding the provisions of §84-305 and §84-305.01, Revised Neb. Statutes** - Executive Director Daley indicated that at the August meeting the Commission voted to seek an Attorney's General Opinion regarding the issue of confidentiality. Daley reminded the Commission that provisions of the NPADA made it a misdemeanor to disclose information about investigations. However, the provisions of §84-305 and §84-305.01 made it a misdemeanor for a state employee to refuse to provide information to the Auditor of Public Accounts on request. The Attorney General's opinion stated that the Commission must provide information to the Auditor of Public Accounts upon its request, even if that information is confidential under the NPADA. Mr. Daley further noted that the opinion further stated that the Auditor of Public Accounts must keep confidential, information acquired from the Commission which is confidential under the NPADA.

**Report of hiring process for Deputy Director** – Executive Director Daley indicated that Deputy Director Mark Hinman would be retiring on November 30<sup>th</sup>. Daley stated that he is working with the Personnel Division of the Department of Administrative Services for the internal posting of the job opening.

**Report of Conflicts Committee** – Chairman Enenbach indicated that Commissioner Callahan would be taking his place on the Conflicts Committee

**Report of Executive Committee** – Chairman Enenbach indicated that there are no issues to report at this time.

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

The NADC went into Closed Session at 9:34 a.m.

The NADC returned to Open Session at 10:08 a.m.

**Action on or Announcement of Closed Session matters** - Executive Director Daley indicated there was nothing to report from Closed Session

**Recognition of the service of Deputy Director Mark Hinman** - Executive Director Daley stated that it was 19 years ago in October that the Commission asked Mr. Hinman to become its first Deputy Director. Mark had already been with the Commission as an auditor for 9 years and prior to that, he had been employed by the Auditor of Public Accounts. Mr. Daley pointed out that this meant Mr. Hinman had developed a good grasp on how money flowed through the state system. The Executive Director indicated that the agency ended up with an incredible numbers man. He noted Mark's interest in politics and his understanding of campaigns led to the development of his skills as a forensic auditor. Daley stated that he would truly miss Mark's professionalism and miss him as a colleague and friend. The Executive Director, noting Mark's distinctive sense of humor, presented him with an appointment as an Admiral in the Great Navy of the State of Nebraska.

Commissioner Jeffery Davis, acting on behalf of Secretary of State John Gale, presented Mark Hinman with a Certificate of Service and a paperweight embossed with the Great Seal of the State of Nebraska.

Jack Gould, of Common Cause Nebraska expressed his gratitude for Deputy Director Mark Hinman's service with the Commission.

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

Chairman Enenbach declared the meeting adjourned at 10:10 a.m.