

OPEN SESSION
MINUTES OF THE MEETING OF THE
NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION
Friday, December 7, 2018
State Capitol, Room 1510
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 - Excused
Tom Carlson – Present
Jeffrey Davis - Present
Matthew Enenbach – Present
John Gale – Present
Douglas Hegarty - Present
Andrew Loudon - Excused
Jeffery Peetz – Present
Kate Sullivan – Present

Approval of the Open Session Minutes of the October 26, 2018 Meeting – Chairman Enenbach referred the Commissioners to their copies of the Open Session minutes of the previous meeting.

Motion by Carlson, second by Davis, that the Open Session Minutes of the October 26, 2018 meeting be approved as presented - Roll Call Vote: Commissioners Carlson, Davis, Enenbach, Gale, Hegarty, and Sullivan voted yes. Commissioner Peetz abstained. Motion carried (6-0-1).

Report on late filing fees and requests for relief: Keith Kube for Legislature, Keith Kube - The Executive Director indicated that Keith Kube for Legislature was requesting relief from a late filing fee of \$250.00. It was required to file a 1st Primary Election Campaign Statement on or before April 16, 2018. The statement was filed on April 26, 2018. A request for relief was denied by the Executive Director and the committee was not eligible based on receipts and expenditures of more than \$5,000 as disclosed by the campaign statement as originally filed.

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The Executive Director indicated to the Commission that Mr. Kube was unable to be present at the meeting and had submitted a letter for their reconsideration that also pointed out a difference in records.

Discussion followed.

Motion by Peetz, second by Davis, to deny the request for relief from late filing fees for Keith Kube for Legislature, Keith Kube - Roll Call Vote: Commissioners Carlson, Davis, Enenbach, Gale, Hegarty, Peetz and Sullivan voted yes. Motion carried (7-0-0).

Executive Director's Report (includes personnel activity, budget status, budget process and litigation status) - The Executive Director referred the Commissioner's to their packets. He noted that this was Secretary of State John Gale's last Commission meeting. The Executive Director indicated it had been previously announced that Deputy Director Mark Hinman retired on November 30th.

Executive Director Daley indicated that Mr. Hinman had sent a note that expressed his gratitude to the Commission for the gift certificate.

The Executive Director reported that the electronic filing project. He noted that progress is being made every week. Mr. Daley also expressed appreciation to staff member David Hunter, for the inordinate amount of time and work that he has put into the electronic project.

The Executive Director announced that the conference of the Council on Governmental Ethics Laws (COGEL) is scheduled for December 9-12, 2018 in Philadelphia. Mr. Danberg and Mr. Daley will attend the conference this year.

Executive Director Daley indicated that the 3rd Quarterly Lobbyist and Principal Reports were due October 30th. Those statements that were filed are available for review on the Clerk of the Legislature website. The 4th Quarter Lobbyist and Principal Reports are due on January 30, 2019.

The Executive Director indicated that the 2nd General Election Campaign Statements disclosing campaign activity were due October 29th. Statements filed are available for review on the Commission website. The Post General Election Campaign Statements are due on January 15, 2019.

The Executive Director indicated that in the matter of litigation there is nothing to report.

Discussion followed.

Report of Deputy Director vacancy - Executive Director Daley reported that the vacancy had been posted as an internal job opening. One application for the position has been submitted and it is from a well-qualified individual. The Executive Director indicated that he is working with the Division of Personnel of the Department of Administrative Services on the matter of salary. Mr. Daley explained that the position of Deputy Director is a classified position and subject to DAS rules regarding compensation.

2019 Legislative Session:

- a) **Discussion of possible legislation**
- b) **Consideration and action on process for addressing legislative issues**

Executive Director Daley announced that the 2019 Legislative Session will begin on January 9th. There will be at least thirteen new senators and all the legislative positions will be up for election. This will include Speaker and all of the committee chairs. The Executive Director discussed several issues related to the Commission which may be raised during the session. They are:

- a) Increase in the amount of the civil penalty the Commission may assess from \$2,000 to \$5,000 or \$10,000;
- b) Raise the trigger for filing Reports of Late Contributions from \$1,000 to \$5,000 or some other amount;
- c) Raise the trigger for filing Reports of Independent Expenditures from \$1,000 to \$5,000 or some other amount;
- d) Require groups sponsoring "electioneering ads" immediately before an election to report the amounts spent;
- e) Create an exemption from the conflict of interest provisions for city, village and school board members when serving on the board of directors of a membership organization by virtue of their public office and when the city, village or school district is a member of the organization; and
- f) Eliminate certain restrictions on loans to candidate committees.

Daley asked the Commission to authorize the staff to consult with the Executive Committee for direction on legislative matters. He also asked that the staff be authorized to work with any Senator as to the drafting of legislative bills relating to the NPADA.

Discussion followed.

Motion by Sullivan, second by Peetz, to authorize the staff to interact with senators in crafting legislation and consult with the Executive Committee

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to direct the Commission staff on legislative issues - Roll Call Vote: Commissioners Carlson, Davis, Enenbach, Gale, Hegarty, Peetz, and Sullivan voted yes. Motion carried (7-0-0).

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 Carlson, that the NADC go into Closed Session pursuant to the confidentiality provisions of the NPADA - Roll Call Vote: Commissioners Carlson, Davis, Enenbach, Gale, Hegarty, Peetz, and Sullivan voted yes. Motion carried (7-0-0).

Jack Gould, of Common Cause Nebraska addressed the Commission and expressed his gratitude to Secretary of State John Gale for his longtime service.

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 reported on the matters of cases Kevin Belding (#18-15) and Diane Belding (#18-16). The Commission approved a settlement agreement by which it found two violations of §49-14,101.01 and one violation of §49-14,103.01 against Kevin Belding and dismissed an allegation of a violation of §49-14,101.01. By the same agreement, it dismissed two allegations of violation of §49-14.103.01 against Diana Belding. The Commission approved a settlement agreement with six Commissioners concurring, none dissenting, and none abstaining and one recused. The Commission assessed a civil penalty of \$5,000 against Kevin Belding with six Commissioners concurring, none dissenting, none abstaining and one recused.

Mr. Daley reported that in the matter of the Executive Director v. Shane Greckel for Legislature and Shane Greckel (#18-21). The Commission approved a settlement agreement by which the Commission found a violation of §49-14-1459 for the failure to timely file a post primary campaign statement. By the terms of the settlement agreement no civil penalty was assessed, as a late filing fee of \$750 was assessed by operation of law.

Recognition of the service of Secretary of State John Gale – Executive Director Daley stated to that John Gale would leaving public office as Secretary of State, and as member of the Commission. He has served in both positions for eighteen years. On behalf of the Commission Daley thanked Gale for his incredible service to the Accountability and Disclosure Commission. Mr. Daley

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continued that that John Gale has brought so much to the Commission. He has been a professional with keen insight and a thorough knowledge of the electoral and governmental process. Executive Director Daley presented Commissioner Gale with an 1895 Legislative Roster or Blue Book from recently retired Deputy Director Mark Hinman. The Executive Director thanked Commissioner Gale and presented him with an engraved clock as a token of esteem on behalf of the Commission.

Secretary of State John Gale stated his thanks and expressed gratitude for the opportunity to serve the Commission and the public of the State of Nebraska.

Commissioner Matthew Enenbach expressed his gratitude for his service to the state and to the public.

General Counsel Neil Danberg, thanked Commissioner Gale for his long dedication of service to the state and the Commission.

Adjournment – Motion by Gale, second by Enenbach, that the NADC adjourn. Roll Call Vote: Commissioners Carlson, Davis, Enenbach, Gale, Hegarty, Peetz, and Sullivan voted yes. Motion carried (7-0-0).

Chairman Enenbach declared the meeting adjourned at 10:35 a.m.