

State of Nebraska

Accountability and Disclosure Commission

P.O. BOX 95086
Lincoln, Nebraska 68509
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Centre Terrace, 1225 L St. #400
Phone (402) 471-2522
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Synopsis Case #20-11

Action Taken on August 12, 2022

Respondent: Jody Delaney

Jody Delaney was a member of the Elkhorn Township Board in Dodge County. Floods in 2019 caused severe damage to the roads in the Township. The three member Township Board spent a great deal of time addressing flooding issues. Each member of the Township Board voted, without legal authority, to pay themselves an additional \$1,000 per week for 33 weeks. Prior to the vote, compensation for each board members was \$600 for the entire year.

Based upon information received from the Auditor of Public Accounts, the Executive Director commenced a Preliminary Investigation on June 29, 2020. The allegation was that the Respondent voted to increase her compensation by \$33,000 and that this constituted the use her public office for personal financial gain in violation of §49-14,101.01 of the NPADA. A hearing was held on March 31, 2022 before Hearing Officer Karen Flowers. The Respondent appeared in person with her attorney. Thereafter, Hearing Officer Flowers submitted her recommended Findings of Fact and Conclusions of Law. On August 12, 2022, the Commission with 6 members concurring, no members dissenting and no members abstaining, adopted Findings of Fact and Conclusions of Law. It found 13 violations of §49-14,101.01 by the Respondent, use of public resources for personal financial gain. In assessing a civil penalty, the Commission considered certain mitigating factors. It ordered the Respondent to pay a civil penalty of \$100 per violation or a total of \$1,300.00

Violation: The Commission found that the Respondent on 13 occasions voted to pay herself compensation not provided by law, each vote being a violation of §49-14,101.01 of the NPADA.

Civil Penalty: \$1,300.00

Other: A formal order will be issued.

Attorney for the Commission: Neil B. Danberg

Attorney for the Respondent: James R. Place

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

RECEIVED
7/16/22
AUG 17 2022

In the Matter of Jody Delaney) Case #20-11

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Findings of Fact and Conclusions of Law and Order

NEBRASKA ACCOUNTABILITY
and
DISCLOSURE COMMISSION

Statement of Case

The Nebraska Accountability and Disclosure Commission (the Commission) charged Jody Delaney with thirteen violations of the Nebraska Political Accountability and Disclosure Act, Neb. Rev. Stat. §49-1401 et. seq. The Commission found probable cause to believe that on thirteen occasions in 2019 Delaney, while a member of the Elkhorn Township Board in Dodge County, voted for and took compensation greater than that provided by law. Pursuant to notice, a hearing was held on March 31, 2022 before the Honorable Karen Flowers, Hearing Officer. Neil Danberg appeared for the Commission. James Place appeared with Jody Delaney. Evidence was presented and the matter was submitted. Following the hearing, Exhibits N, O and P were submitted by counsel for Ms. Delaney. Exhibit N, an email dated August 30, 2019 from Kevin Blackwell was received. Exhibit O, an Interlocal Agreement between Dodge County and Elkhorn Township for Cost Sharing of the Flood Disaster of 2019 was received. Counsel for the Commission objected to Exhibit P which appeared to be an undated agenda of what was likely an Elkhorn Township Board meeting with handwritten notes by an unknown person. There being no foundation laid, the objection was sustained and Exhibit P was not received.

Findings of Fact and Conclusions of Law

In the fall of 2019 the Auditor of Public Accounts alerted the Commission to the possibility that members of the Elkhorn Township Board in Dodge County may have violated certain provisions of the Nebraska Accountability and Disclosure Act (the Act). The Respondent, Jody Delaney, was one of the members of that Board. The Commission filed case #20-11 and sent Delaney a Notice of Preliminary Investigation alleging that Delaney had violated the Act by voting herself additional compensation, not provided by law, and taking that compensation in violation of Neb. Rev. Stat. §49-14,101.01. The