

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

Friday, April 22, 2022
Room 1507 State Capitol

Lincoln, Nebraska

Call to Order – Chairman Davis called the meeting to order at 9:06 a.m. and announced the location in the meeting room of a copy of the Open Meetings Law.

Roll Call –

Roderic Anderson – Present
Ann Ashford - Excused
Marty Callahan – Present
Tom Carlson – Excused
Jeffery Davis - Present
Robert Evnen – Present
Douglas Hegarty – Present
Kate Sullivan – Present

Approval of the Open Session Minutes of the January 21, 2022 Meeting – Chairman Davis referred the Commissioners to their copies of the Open Session minutes of the previous meeting.

Chairman Davis noted an error in the Open Session minutes on page 6, Adjournment. He stated that on the last line the abbreviation “p.m.” should be changed to “a.m.”.

Motion by Evnen, second by Sullivan, that the Open Session Minutes of the January 21, 2022 meeting as amended be approved - Roll Call Vote: Commissioners Anderson, Callahan, Davis, Evnen, Hegarty, and Sullivan voted yes. Motion carried (6-0-0).

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) - The Executive Director referred the Commissioner’s to their packets.

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Executive Director Daley indicated that Commissioner Douglas Hegarty's term expires June 30, 2022. He is not eligible for reappointment. Commissioner Hegarty's successor will be appointed at-large by the Governor.

The Executive Director reported that nine months into the current fiscal year, the Commission had expended approximately 62% of the agency budget.

Executive Director Daley noted that the campaign finance portion of the electronic filing project was launched in December of last year. He stated that the 1st Primary campaign statements were filed in or uploaded into the FirstTuesday system.

The Executive Director indicated that a preliminary design for the new Commission website had been submitted to the staff for review. The plan is for the Commission to migrate its website to a new platform that would be usable on most mobile devices and update the website appearance. Daley noted Nebraska.gov will no longer be supporting the platform on which the current website is based.

Discussion followed.

Legislative Update including consideration of position on new legislative bills – The Executive Director stated that all legislative bills not passed during the session died when the Legislature adjourned sine die. He advised he would discuss three bills that had passed.

LB 786 by Senator Groene amended the NPADA on the required contents of Statements of Financial Interests. The amendment clarifies that a person may have more than one residence.

LB 843 by Senator Brewer primarily amends the election code. As passed, it also:

- Removes language relating to Statements of Financial Interests which no longer serves a purpose after a prior change to the election code.
- Prohibits foreign nationals from making contributions or expenditures in connection with Nebraska ballot questions.
- Requires candidates for certain offices to include closed captioning in their TV and internet advertising and to have the script of their audio ads on their websites. The offices affected are Governor, Lt. Governor, Attorney General, Secretary of State, State Treasurer, Auditor of Public Accounts, State Board of Education, Board of Regents, Public Service Commission and Legislature.

Daley advised that the bill as amended included the provisions of LB 733 and LB 928.

LB 908 by Senator McDonnell expands the permissible use of virtual meetings under the Open Meetings Act. Last year the Act was amended to allow a public body to hold up to 50% of its meetings virtually. LB 908 allows additional meetings to be held virtually if the meeting is held for the purpose of receiving information, but not taking action.

Determination of process for June election of officers – Chairman Davis indicated that Commissioner Hegarty had volunteered to put together a slate of officers to present at the June meeting.

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

Report of Conflicts Committee – Commissioner Hegarty and Commissioner Callahan stated that there were no issues to report.

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

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

The NADC went into Closed Session at 9:25 a.m.

The NADC returned to Open Session at 10:58 a.m.

Announcements from Closed Session – Executive Director Daley announced the following actions taken by the Commission in closed session.

Michael Goldfish v. Joseph Leslie (19-51), The Executive Director announced that based upon the record of the hearing, the Commission adopted findings of fact and conclusions of law by which it found the Respondent in violation of §49-14,103.01(1) and §49-14,103.01(5(b)). The Commission entered an Order by which it assessed a civil penalty of \$750 on each count for a total of \$1,500.00. The Order was adopted with five Commissioners concurring, none dissenting, none abstaining and one recused.

Executive Director v. Friends of Stephany Pleasant & Stephany Pleasant (21-05) - The Executive Director announced that the Commission approved a settlement agreement by which the Commission found the respondents failed to file campaign statements in violation of §49-1459(1)(b) and §49-1459(1)(c). By

terms of the agreement, the Respondent will pay \$750 in late filing fees. No civil penalty will be assessed. The Commission approved the settlement agreement with six Commissioners concurring, none dissenting, and none abstaining.

Executive Director v. Brad Alexander (21-32) – The Executive Director announced that pursuant to a settlement agreement the Commission found that the respondent failed to file a Statement of Financial Interests for calendar year 2020 in violation of §49-1493. A civil penalty of \$150.00 was assessed. The Commission approved the Settlement Agreement with six Commissioners concurring, none dissenting and none abstaining.

Executive Director v. Dianne Jackson (21-33) – The Executive Director announced that pursuant to a settlement agreement the Commission found that the respondent failed to file Statements of Financial Interests for calendar years 2019 and 2020 in violation of §49-1493. No civil penalty was assessed. The Commission approved the Settlement Agreement with six Commissioners concurring, none dissenting and none abstaining.

Executive Director v. Doug Egbers (21-36) – The Executive Director announced that the parties entered into a settlement. By the terms of the settlement agreement, the Commission found that the respondent violated §49-14,102(1) by entering into a contract with his governing body without an open and public process and that he violated §49-14,101.01(1) by using his office for personal financial gain by voting on his own claims. The Commission assessed a civil penalty in the amount of \$200. The Commission approved the settlement agreement with six Commissioners concurring, none dissenting and none abstaining.

Executive Director v. Steve Breunig (21-37) – The Executive Director announced that the parties entered into a settlement agreement. By the terms of the settlement agreement, the Commission found that the respondent violated §49-14,102(1) by entering into a contract with his governing body without an open and public process and that he violated §49-14,101.01(1) by using his office for personal financial gain by voting on his own claims. The Commission assessed a civil penalty in the amount of \$200. The Commission approved the settlement agreement with six Commissioners concurring, none dissenting and none abstaining.

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

Chairman Davis declared the meeting adjourned at 11:04 a.m.