

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

Friday, August 12, 2022

Room 1524 State Capitol

Lincoln, Nebraska

Call to Order – Chairman Sullivan called the meeting to order at 9:00 a.m. and announced the location in the meeting room of a copy of the Open Meetings Law. She stated that notice of the meeting was posted on the Commission’s website and on the State’s Public Meeting Calendar.

Roll Call –

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

Approval of the Open Session Minutes of the June 3, 2022 Meeting – Chairman Sullivan referred the Commissioners to their copies of the Open Session minutes of the previous meeting.

Motion by Anderson, second by Evnen, that the Open Session Minutes as amended of the June 3, 2022 meeting be approved as amended - Roll Call Vote: Commissioners Anderson, Ashford, Callahan, Evnen, and Sullivan voted yes. Commissioner Davis abstained. Motion carried (5-0-1).

Report on late filing fees and requests for relief: Citizens to Elect John Arch – Executive Director Daley indicated that the committee received five late campaign contributions which triggered an obligation to file five Reports of Late Contribution (NADC Form B-5) on or before May 2 and May 4, 2022. These reports were filed on June 21, 2022. Late filing fees of \$5,800 were assessed. A Request for Relief was partially granted and partially denied by the Executive Director. The Executive Director reduced the total amount of the late filing fees from \$5,800 to \$1,500. He did not grant further relief as one of the late contributions was for \$5,000 and did not meet the statutory criteria. The Executive Director indicated to the Commission that a letter was received on July 14, 2022 from Citizens for John Arch asking for its reconsideration of the

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remaining \$1,500 late fee. Executive Director Daley asked if there were anyone from Citizens to Elect John Arch present at the meeting. There were none.

Discussion followed.

Motion by Davis, second by Callahan, that the Commission reduce the late filing fees from \$1,500 to \$750 - Roll Call Vote: Commissioners Anderson, Callahan, Davis, Evnen, and Sullivan voted yes. Commissioner Ashford voted no. Motion carried (5-1-0).

Discussion followed. Commissioner Evnen stated his intent to amend the Davis motion. Both Commissioners Davis and Callahan agreed to the amendment.

Motion by Evnen, second by Callahan, that the Commission reduce the late filing fees from \$1,500 to \$500 - Roll Call Vote: Commissioners Anderson, Callahan, Davis, Evnen, and Sullivan voted yes. Commissioner Ashford voted no. Motion carried (5-1-0).

Report on late filing fees and requests for relief: Nebraska Association of Nurse Anesthetists PAC – Executive Director Daley indicated that in this matter the Nebraska Association of Nurse Anesthetists PAC received three late contributions. It was required to file three Reports of Late Contribution (NADC Form B-5). These were due on April 28, May 8, and May 9, 2022 and filed June 21, 2022. Late filing fees in the total amount of \$3,325.00 were assessed. A Request for Relief was partially granted and partially denied by the Executive Director. He reduced the first late fee from \$1,125 to \$0. He reduced the second late fee from \$1,000 to \$25. By reason of the \$25 late fee, relief was denied on the third late fee of \$1,200.

The Executive Director indicated to the Commission that David McBride, Adrian Sanchez and Janet Seelhoff were present representing the PAC. They addressed the Commission and submitted a letter stating that the individual who prepared filings for the past 30 years retired March 31, 2022.

Discussion followed.

Motion by Davis, second by Evnen, that the Commission grant relief and reduce the late filing fees from \$3,325 to \$408.33 - Roll Call Vote: Commissioners Davis, Evnen, and Sullivan voted yes. Commissioners Anderson, Ashford, and Callahan voted no. Motion failed (3-3-0).

Discussion followed.

Motion by Ashford, second by Anderson, that the Commission reduce the late filing fees from \$3,325 to \$25 - Roll Call Vote: Commissioners Anderson, Ashford, Callahan, Davis, Evnen, and Sullivan voted yes. Motion carried (6-0-0).

Report on late filing fees and requests for relief: Minimally Invasive Therapeutics – The Executive Director indicated Minimally Invasive Therapeutics filed a Report of Political Contribution of Corporation (NADC Form B-7) of a \$5,000 political contribution. The report was due on January 10, 2022 and received on April 22, 2022. A statutory late fee of \$750 was assessed. A request for relief from late filing fees was denied by the Executive Director based upon the fact that expenditures were \$5,000 or more and did not meet the statutory requirements. Executive Director Daley asked if there was anyone from Minimally Invasive Therapeutics present at the meeting. There were none.

Discussion followed.

Motion by Evnen, second by Callahan, that the Commission reduce the late filing fee from \$750 to \$250 - Roll Call Vote: Commissioners Anderson, Ashford, Callahan, Davis, Evnen, and Sullivan voted yes. Motion carried (6-0-0).

Executive Director's Report (includes personnel activity, budget status, budget process and litigation status) - The Executive Director referred the Commissioner's to their packets.

Executive Director Daley indicated that Commissioner Jeffery Peetz resigned from the Commission effective February 22, 2022. Mr. Peetz's successor will be appointed at-large by the Secretary of State.

The Executive Director indicated that the term of Commissioner Douglas Hegarty expired on June 30, 2022. Mr. Hegarty is not eligible for reappointment. Commissioner Hegarty will continue to serve until his successor is appointed by the Governor.

Daley stated that the Commission had expended approximately 80% of the agency budget as of the close of the fiscal year on June 30.

The Executive Director indicated that the new website was launched July 12, 2022. The new website is usable on most mobile devices. The Director expressed special thanks to Deputy Director David Hunter for his thorough and diligent work on the project.

Executive Director Daley indicated that the 2nd Quarterly Lobbyist and Principal Report were due on August 1st. Lobbyist Statements of Activity were due on June 6, 2022. Those statements that were filed are available to the public for review on the Clerk of the Legislature's website.

The Executive Director next reported that Post Primary Campaign Statements were due on June 12, 2022. Those filed are available for viewing in the First

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Tuesday system. The 1st General Election Campaign Statements are due on October 11, 2022.

In response to questions, Executive Director Daley reported that the First Tuesday filing system thus far has been going well. He noted there have been a few glitches. Deputy Director Hunter has worked with the developer to get those matters resolved. Ms. Serena Dunn also has been of great help by assisting new filers with the new system.

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

Executive Director Daley announced the upcoming meeting dates; September 9, and October 21, 2022.

Discussion followed.

Consideration and action on proposed budget for the upcoming Biennium (FY23/24 and FY24/25) - Executive Director Daley explained that the State of Nebraska has a two year budget process. The upcoming biennium budget will include fiscal years 2023/2024 and 2024/2025. The Commission is required to submit a proposed budget to the Budget Division of the Department of Administrative Services by September 15, 2022. Mr. Daley described the budget as a continuation budget. That is there are no changes other than those mandated by the budget instructions and those based upon announced increases on agency to agency transfers. After consideration, the Commission may either approve the proposed budget as submitted or give direction to the staff as to modifications. Daley stated that Deputy Director Dave Hunter prepared the budget pursuant to budget instructions issued by the Budget Division of the Department of Administrative Services. Daley described the budget process, the Personal Services Limitation (PSL), and the agency funding from the State's General Fund and the NADC Cash Fund. He also addressed the concept of the modification budget.

Deputy Director Dave Hunter addressed the Commission and provided information on certain aspects of the budget.

Discussion followed.

Motion by Evnen, second by Anderson, that the Commission approve the proposed budget for the upcoming biennium - Roll Call Vote: Commissioners Anderson, Ashford, Callahan, Davis, Evnen and Sullivan voted yes. Motion carried (6-0-0).

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Consideration and action on proposed Resolution #22-03, Modification of the filing dates for the 2023 Lincoln City Election - Executive Director Daley indicated that the proposed Resolution would modify the filing dates for campaign statements filed in connection with the 2023 Lincoln City Elections. He noted that the 2023 City of Lincoln Primary Election will be held on April 4th. The 2023 City of Lincoln General Election will be held on May 2nd. Therefore, if committees follow the statutory schedule, the filings will overlap.

The resolution provides for a more logical and orderly filing schedule by which all candidates will file 1st and 2nd Primary Campaign Statements. Unsuccessful Primary candidates will file a Post Primary Statement. Successful Primary candidates will file a 2nd General Campaign Statement and a Post General Campaign Statement.

Discussion followed.

Motion by Davis, second by Ashford, that the Commission adopt the Resolution #22-03 - Roll Call Vote: Commissioners Anderson, Ashford, Callahan, Davis, Evnen, and Sullivan voted yes. Motion carried (6-0-0).

Report of Conflicts Committee – Commissioner Callahan indicated that there was no report from the committee.

Report of Executive Committee – Commissioner Sullivan indicated that there are no issues to report.

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

The NADC went into Closed Session at 10:17 a.m.

The NADC returned to Open Session at 11:43 a.m.

Announcements from Closed Session – Executive Director Daley announced the following actions taken by the Commission in closed session. He stated that in the matter of Jody Delaney (#20-11) the Commission adopted the findings of fact and conclusions of law of the Hearing Officer, found that there were 13 violations of §49-14,101.02 by the Respondent and assessed a total civil penalty of \$1,300.

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

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Chairman Sullivan declared the meeting adjourned at 11:44 a.m.