

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

**Friday, January 21, 2022**

**Room 1507 State Capitol**

**Lincoln, Nebraska**

**Call to Order** – Chairman Davis 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.

Roll Call –

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

**Approval of the Open Session Minutes of the October 22, 2021 Meeting** – Chairman Davis referred the Commissioners to their copies of the Open Session minutes of the previous meeting.

**Motion by Sullivan, second by Anderson, that the Open Session Minutes of the October 22, 2021 meeting be approved as presented** - Roll Call Vote: Commissioners Anderson, Ashford, Callahan, Davis, Evnen, and Sullivan voted yes. Commissioner Hegarty abstained. Motion carried (6-0-1).

**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.

The Executive Director indicated that six months into the current fiscal year, the Commission had expended approximately 45% of the agency budget.

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Executive Director Daley indicated that the electronic filing project was initially launched last year for Statements of Financial Interests. Mr. Daley reported that in November the portion of the system for campaign filings was launched. He stated that the next big test for the system will be the annual campaign statements due on January 31<sup>st</sup>. Daley noted that a number of committees have already filed and the new system seems to be working well.

The Executive Director expressed his sincere gratitude to Deputy Director David Hunter for his diligence and hard work from the very beginning of the project. Director Daley also expressed gratitude to Serena Dunn for her involvement and work with the project.

**Legislative Update including consideration of position on new legislative bills** – The Executive Director referred the Commissioners to their packets and the list of Legislative bills in which the Commission had an interest

LB 733 – This bill by Senator John Cavanaugh would prohibit foreign nationals from making campaign contributions or expenditures in connection with ballot questions in Nebraska. The Executive Director recommended that the Commission support this bill.

LB 734 – This bill by Senator John Cavanaugh would prohibit any person or entity from making contributions to a candidate in an election year in amounts totaling more than \$5,000. It would also require candidates to refund amounts exceeding that limit. The Executive Director recommended that the Commission take a neutral position on LB 734.

LB 786 – This bill by Senator Groene would amend the provision on the required contents of the Statement of Financial Interests. Currently, a personal residence does not have to be included on the statement. The amendment provides that a person may have more than one residence. The Executive Director recommended that the Commission support this bill.

LB 843 – This bill by Senator Brewer would amend the election code. One section of the bill amends the NPADA by eliminating a provision relating to Statements of Financial Interests. The eliminated provision applies to a situation that can no longer occur. The Executive Director recommended that the Commission support that portion of the bill amending the NPADA and remain neutral as to the balance.

LB 928 – This bill by Senator Sanders would require candidates for constitutional officers and legislators to include close captioning on TV and internet campaign advertising. It also requires candidates to include the transcript of audio advertisement on the candidates' websites. The Executive Director recommended that the Commission support the bill.

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LB 930 – This bill by Senator Hunt that would expand the permissible use of campaign funds. Currently, campaign funds may be used to pay for meals, lodging and travel of a candidate, their staff and immediate family when engaged in campaign activity. When engaged in officeholding activity, campaign funds may not be used for the expenses of immediate family members. The bill would allow campaign funds to be used for meals, lodging and travel of a minor child, including the use of campaign funds for childcare services incurred by the officeholder for activity related to holding public office. The Executive Director recommended that the Commission take a neutral position on the bill.

**Motion by Evnen, second by Anderson, that the Commission take a Neutral position on LB 930** – Roll Call Vote: Commissioners Anderson, Ashford, Callahan, Davis, Evnen, Hegarty, and Sullivan voted yes. Motion carried (7-0-0).

Discussion followed.

LB 742 – This bill by Senator Erdman would amend the Open Meetings Act and permit that the minutes of meetings to be maintained in written or electronic form. The Executive Director recommended that the Commission monitor this bill.

LB 743 – This bill by Senator Erdman would amend the Open Meetings Act in two ways. First, it would provide that subcommittees of government bodies may go into closed session upon a vote. Second, the bill would limit the reasons for which a public body can go into closed session. The Executive Director recommended the Commission monitor this bill.

LB 823 – This bill by Senator Ben Hansen would amend the Administrative Procedures Act so as to prohibit state agencies from imposing any requirements on charities other than those proved by statute. The Executive Director recommended that the Commission monitor this bill.

LB 908 – This bill by Senator McDonnell would expand the permissible use of virtual meetings under the Open Meetings Act. LB 908 as written could be interpreted as only allowing for virtual meetings for the purpose of receiving information, but not taking action. The Executive Director recommended that the Commission oppose as written but, remain neutral if redrafted.

LB 975 – This bill by Senator Wayne would prohibit any State official or State employee, with the exception of the Legislative Council, from testifying before the Legislature except in a neutral capacity unless they were on unpaid leave. The Executive Director recommended that the Commission oppose this bill.

The Executive Director referred the Commissioners to their packets and the supplement list of Legislative bills that had been introduced within the last week.

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LB 1134 – This bill by Senator Morfeld would amend §49-14,101.02 of the NPADA. Currently, this section provides that a public official or public employee shall not use public resources for the purpose of campaigning for or against the nomination or election of a candidate. LB 1134 would extend this prohibition to employees and members of the board of directors of corporations formed under the Electric Cooperative Cooperation Act. The bill redefines the assets of this type of corporation as public resources. The Executive Director recommended that the Commission oppose this bill.

Discussion followed.

LB 1139 – This bill by Senator Matt Hansen would amend §49-1469 of the NPADA. Currently, corporations, unions and other entities are permitted to make campaign contribution and expenditures. They are required to report any contributions or expenditures. This bill would prohibit 501(c)(12) entities from making campaign contributions or expenditures and would also prohibit them from engaging in any lobbying activity. The Executive Director recommended that the Commission oppose this bill.

LB 1174 – This bill by Senator Wayne would require all state entities created by the constitution or by statute to file a report every five years. The report would cover the previous five years and include a statement as to whether the continued operation of the entity was necessary. The Executive Director recommended that the Commission take a neutral position on this bill.

**Motion by Anderson, second by Callahan, that the Commission adopt the recommended positions on legislation with the exception of LB 930 suggested by the Executive Director** – Roll Call Vote: Commissioners Anderson, Ashford, Callahan, Davis, Evnen, Hegarty, and Sullivan voted yes. Motion carried (7-0-0).

**Consideration and adoption of Resolutions:**

**Resolution #22-01 Agency Transition**

**Resolution #22-02 Delegation of Duties to Executive Director**

Executive Director Daley indicated that the purpose of the proposed Transition Plan is to ensure the smooth and continued operation of the Commission in the event of a planned or sudden departure of the Executive Director.

Proposed Resolution #22-01 provides a process by which the Commission will operate if the position of Executive Director is vacant. It also establishes a process by which the position will be filled. The plan calls for the formation of a search committee which would review the job description and qualifications of a

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successor Executive Director. The committee would also establish a timeline for hiring the Executive Director and develop a budget for the search.

Proposed Resolution #22-02 would amend and update the delegation of duties to the Executive Director of the Commission pursuant to §49-14,121 of the NPADA. Currently the Executive Director has the authority to hire and terminate any Commission employee. Resolution #22-02 amends this authority by requiring Commission approval of the hiring and termination of the Deputy Director and General Counsel by the Executive Director.

Discussion followed.

**Motion by Evnen, second by Hegarty, that the Commission adopt Resolution #22-01 and Resolution #22-02** - Roll Call Vote: Commissioners Anderson, Ashford, Callahan, Davis, Evnen, Hegarty, and Sullivan voted yes. Motion carried (7-0-0).

**Report of Conflicts Committee** – Commissioner Hegarty indicated that committee members Ashford, Callahan and Hegarty reviewed all conflict filings and were satisfied that there were no concerns or issues to report.

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

Commissioner Carlson was present at 9:50 a.m.

**Closed Session - Motion by Hegarty, second by Sullivan, that the NADC go into Closed Session pursuant to the confidentiality provisions of the NPADA** – Roll Call Vote: Commissioners Anderson, Ashford, Callahan, Carlson, Davis, Evnen, Hegarty, and Sullivan voted yes. Motion carried (8-0-0).

The NADC went into Closed Session at 9:50 a.m.

The NADC returned to Open Session at 10:40 a.m.

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

**Executive Director v. Nick Siedschlag (20-26)** – The Executive Director announced that based upon the record of the hearing, the Commission adopted findings of fact and conclusions of law by which they found the Respondent failed to file a Statement of Financial Interests covering calendar year 2019 in violation of §49-1493 of the NPADA. The Commission entered an Order requiring the Respondent to file the statement and assessed civil penalty of \$2,000 and directed the Respondent to pay the cost of the hearing. The findings and

conclusions and Order were adopted with eight Commissioners concurring, none dissenting, and none abstaining.

**Executive Director v. Michael Cruikshank (21-24)** – The Executive Director announced that based upon the record of the hearing, the Commission adopted findings of fact and conclusions of law by which they found the Respondent failed to file a Statement of Financial Interests covering calendar year 2020 on or before March 1, 2021 in violation of §49-1493 of the NPADA. The Commission entered an Order by which it assessed a civil penalty of \$1,000 and directed the Respondent to pay the cost of the hearing. The Order was adopted with eight Commissioners concurring, none dissenting, and none abstaining.

**Executive Director v. Goldenrod Pastries, LLC (#20-44)** – The Executive Director announced that the Commission approved a settlement agreement by which the Commission found a violation of §49-1469 of the NPADA, failure to file a report of a contribution by an LLC. By terms of the agreement, the Respondent would accept the findings of the Commission and pay a \$750 late filing fee. All civil penalties would be waived. The Commission approved the settlement agreement with eight Commissioners concurring, none dissenting, and none abstaining.

**Executive Director v. Jeremy Moss (#21-02)** – The Executive Director announced that the Commission approved a settlement agreement by which the Commission found violations of §49-14,101.01, use of public office for financial gain. By terms of the agreement the Respondent would reimburse Elkhorn Township \$11,000 in accordance with a payment schedule with no civil penalty assessed. The Commission approved the settlement agreement with eight Commissioners concurring, none dissenting, and none abstaining.

Discussion followed.

**Adjournment – Motion by Evnen, second by Anderson, that the NADC adjourn.** Roll Call Vote: Commissioners Anderson, Ashford, Callahan, Carlson, Davis, Evnen, Hegarty, and Sullivan voted yes. Motion carried (8-0-0).

Chairman Davis declared the meeting adjourned at 10:45 p.m.