

convening a hearing to address the Respondent's failure to so file, and that the hearing, though commenced, has been continued until final resolution of this Agreement.

- 6) Dismissal of Original Charge in view of this Agreement and the Respondent's payment of accrued late filing fees in the amount of \$1,500. In consideration for Payment by the Respondent and receipt by the NADC of the \$1,500.00 owed by the Respondent for late filing fees as described above in Paragraph 4, and in further consideration of receipt by the Respondent of information constituting an annual campaign statement, the NADC will dismiss the charge and proceedings concerning the charge, as described above in Paragraph 5, alleging failure to file an annual campaign statement for 2011, but subject to the condition as described in the following Paragraph 7, concerning failure of Respondent's consideration.
- 7) Settlement Agreement null and void in the event there is a failure of consideration from the Respondent. This Settlement Agreement may be declared null and void, at the sole discretion of the NADC, in the event Respondent fails to provide all or any portion of the consideration in the amount of \$1,500.00, as described above in Paragraph 6. If there is such failure of consideration by the Respondent, and if, in the sole discretion of the NADC this Settlement Agreement is declared null and void, the NADC may proceed to collect the \$1500.00 in late filing fees, as discussed in Paragraph 5, and may further, upon notice to the Respondent, recommence the proceedings and proceed to a final determination concerning the alleged violation of Section 49-1462, as described in Paragraph 5. In such instance, and if a violation of said Section 49-1462 is found by the NADC, a civil penalty may be affixed by the NADC under the terms of the Act.
- 8) Future Compliance: The Respondent shall, upon approval of this agreement, agree that he will in the future use all reasonable diligence in complying with all the provisions of the NPADA.
- 9) Commission Order: The parties agree that the Commission, if it approves this Settlement Agreement, shall enter an Order accordingly.
- 10) Effective Date of Agreement: This Agreement shall not be binding upon the parties until approved by the Commission. The date upon which the Commission enters its Order approving this Agreement shall be deemed its effective date. If this Agreement is not approved in whole by the Commission, or if there is a failure of consideration by the Respondent, as described in Paragraph 7, above, this Settlement Agreement shall be void and may not be used in this or any other proceeding. The parties acknowledge and agree that this Settlement Agreement and any subsequent Order shall be announced at an open public meeting of the Commission and that the vote on such matters shall take place during the Closed Session portion of the meeting. The parties acknowledge and agree that upon

adoption, this Settlement Agreement, the Order and the Commission's file pertaining to this matter shall become open and public.

- 11) Waiver of Right to Address the Commission: The parties agree that the Respondent has the opportunity to address the Commission on the matter of the approval of this Settlement Agreement, and he hereby knowingly waives said right.
- 12) Advice of Counsel and Understanding of the Terms of this Agreement: The Respondent acknowledges that he has had an opportunity to seek the advice of an attorney in connection with the terms of this agreement, and that he has read and fully understands the terms of this Agreement.

Ken Svoboda

Svoboda for Council; Ken Svoboda,
Candidate, Respondent

Frank J. Daley, Jr.

Frank J. Daley, Jr., Executive Director
NE Accountability and Disclosure Commission