

OPEN SESSION
MINUTES OF THE MEETING OF THE
NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION
Friday, June 7, 2019
State Capitol, Room 1507
Lincoln, Nebraska

Call to Order – Commissioner Davis called the meeting to order at 9:00 a.m. and announced the location in the meeting room of a copy of the Public Meetings Law.

Roll Call –

Marty Callahan - Present
Tom Carlson – Present
Jeffrey Davis - Present
Matthew Enenbach – Excused
Robert Evnen – Present
Douglas Hegarty - Excused
Andrew Loudon - Present
Jeffery Peetz – Present
Kate Sullivan – Present

Approval of the Open Session Minutes of the March 1, 2019 Meeting – Acting Chairman Davis referred the Commissioners to their copies of the Open Session minutes of the previous meeting.

Motion by Callahan, second by Carlson, that the Open Session Minutes of the March 1, 2019 meeting be approved as presented - Roll Call Vote: Commissioners Callahan, Carlson, Davis, Evnen, and Peetz voted yes. Commissioner Loudon and Sullivan abstained. Motion carried (5-0-2).

Report on late filing fees and requests for relief: Scott M. Stevens & Associates, LLC - The Executive Director indicated that this was a request for relief from late filing fees assessed due to the late filing of three Reports of Political Contribution of Corporation or other Entity. Daley reported that the application of the statutory criteria allowed him to reduce the late fees from \$2,250.00 to \$775. The filer is requesting that the late fees be reduced to \$0.

Discussion followed.

Motion by Peetz, second by Loudon, to deny the request for further relief from late filing fees for Scott M. Stevens & Associates, LLC - Roll Call Vote; Commissioners Callahan, Carlson, Davis, Evnen, Loudon, Peetz and Sullivan voted yes. Motion carried (7-0-0).

Report on late filing fees and requests for relief: Magnum Development Corporation - The Executive Director indicated that this was a request for relief from Magnum Development Corporation. Daley reported that a late filing fees of \$750.00 was assessed for failure to timely file a Report of Political Contribution of Corporation or other Entity. Daley stated that he denied the request for relief because the filing disclosed at least \$5,000 in expenditures and did not therefore qualify for relief.

Discussion followed.

Motion by Peetz, second by Carlson, to deny the request for relief from late filing fees for Magnum Development Corporation - Roll Call Vote; Commissioners Callahan, Carlson, Davis, Evnen, Loudon, Peetz and Sullivan voted yes. Motion carried (7-0-0).

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

Executive Director Daley indicated that the term for Commissioner Andrew Loudon expires on June 30, 2019. Mr. Loudon's successor will be appointed by the Secretary of State.

Daley stated that as of the end of May, the Commission had expended 67.6% of its budget with one month remaining in the fiscal year.

Executive Director Daley reported that the electronic filing project continues the process of testing the new system, and advising the developer of any issues to be addressed.

Executive Director Daley indicated that the 1st Quarterly Lobbyist and Principal Reports were due April 30th. Those statements that were filed are available to the public for review on the Clerk of the Legislature website. The 3rd Quarter Reports are due on July 30, 2019. Lobbyist Statements of Activity are due within 45 days after the end of the Legislative Session.

Executive Director Daley advised that the Lincoln City Primary and General Elections were held on April 9th and May 7th, respectively. Post General Election Campaign Statements are due on June 17.

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

Discussion followed.

Legislative Update/Report of Legislative Subcommittee - Executive Director Daley stated that the Legislature had adjourned sine die on May 31st. Daley referred to his written report which provided the status of seven legislative bills and one legislative resolution. Daley stated that LB 280 was a bill supported by the Commission that would increase the maximum civil penalty the Commission may assess from \$2,000 to \$5,000 per violation. LB 101 would create an exception to the conflicts of interest provision for elected city and school official under specific circumstances involving business associations. Both bills were supported by the Commission and the language of both was amended into LB 411. LB 411 was passed by the Legislature, signed by the Governor and becomes law on September 1st.

Commencement of process for amending Title 4, Chapter 2, Designation of Individuals Required to File Statement of Financial Interests - Executive Director Daley stated that §49-1493 authorizes the Commission to require certain public officials and public employees to file Statements of Financial Interests if the duties of their positions meet certain criteria. Rule 2 was last amended in 2009. Since that time state agencies have merged, positions have been eliminated and created and duties in existing positions have changed. This requires that Rule 2 be updated. Daley described the rule making process to be followed.

Discussion followed.

Motion by Evnen, second by Sullivan, to commence the rule making process for amending Title 4, Chapter 2 - Roll Call Vote; Commissioners Callahan, Carlson, Davis, Evnen, Loudon, Peetz and Sullivan voted yes. Motion carried (7-0-0).

Report on the Council of Governmental Ethics Laws Conference – General Counsel Danberg gave a report on the topics covered at the annual conference of the Council on Governmental Ethics Laws.

Evaluation of the Executive Director and setting salary – Acting Chairman Davis discussed the evaluation of the Executive Director and the setting of the Executive Director’s salary.

Discussion followed.

Motion by Evnen, second by Peetz, to approve a salary increase of 2.0% for the Executive Director effective July 1, 2019 – Roll Call Vote: Commissioners Callahan, Carlson, Davis, Evnen, Loudon, Peetz, and Sullivan voted yes. Motion carried (7-0-0).

Report of Conflicts Committee – Acting Chairman Davis indicated that there were no conflicts.

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

Closed Session - Motion by Peetz, second by Callahan, that the NADC go into Closed Session pursuant to the confidentiality provisions of the NPADA - Roll Call Vote: Commissioners Callahan, Carlson, Davis, Evnen, Loudon, Peetz and Sullivan voted yes. Motion carried (7-0-0).

The NADC went into Closed Session at 9:48 a.m.

The NADC returned to Open Session at 10:36 a.m.

Action on or Announcement of Closed Session matters - Executive Director Daley announced that the Commission had taken the following action in closed session:

- a) In the matter of Al Riskowski (#18-08) entered into a settlement agreement by which the Commission found that the respondent had violated §49-1474.01. The Commission assessed no civil penalty. The action was taken with seven Commissioners concurring, none dissenting and none abstaining.
- b) In the matter of Sanford Goshorn (#19-01) entered into a settlement agreement by which the Commission found that the respondent had violated §49-14,101.01(2). The Commission assessed civil penalty of \$250.00. The action was taken with seven Commissioners concurring, none dissenting and none abstaining.
- c) Amanda O'Donnell (#19-03) entered into a settlement agreement by which the Commission found that the respondent had violated §49-1499.03(2)(a). The Commission assessed civil penalty of \$100.00. The action was taken with seven Commissioners concurring, none dissenting and none abstaining.
- d) Pamela Handy (#19-04) entered into a settlement agreement by which the Commission found that the respondent had violated §49-99.03 (2)(a). The Commission assessed civil penalty of \$250.00. The action was taken with seven Commissioners concurring, none dissenting and none abstaining.

Election of Commission Officers – Commissioner Loudon stated that he had prepared a slate of officers. He proposed Commissioner Matthew Enenbach, Commissioner Jeffery Davis and Commissioner Jeffery Peetz as Chairman, Vice-Chairman and Secretary, respectively. Commissioner Davis asked if there were any other nominations. There were none.

Motion by Loudon, second by Sullivan, to approve and accept the proposed slate and elect Matthew Enenbach as Chairman, Jeffery Davis as Vice-Chairman and Jeffery Peetz as Secretary – Roll Call Vote: Commissioners Callahan, Carlson, Davis, Evnen, Loudon, Peetz and Sullivan voted yes. Motion carried (7-0-0).

Recognition of the service of Commissioner Andrew Loudon – Executive Director Daley spoke of the role that Commissioner Loudon had played during his time on the Commission and thanked him for his service to the Commission and to the people of the State of Nebraska. He presented Commissioner Loudon with a commemorative clock. Secretary of State Evnen presented Commissioner Loudon with a certificate of appreciation.

Adjournment – Motion by Evnen, second by Peetz, that the NADC adjourn. Roll Call Vote: Commissioners Callahan, Carlson, Davis, Evnen, Loudon, Peetz and Sullivan voted yes. Motion carried (7-0-0).

Acting Chairman Davis declared the meeting adjourned at 11:40 a.m.