

# State of Nebraska Accountability and Disclosure Commission

P.O. BOX 95086  
Lincoln, Nebraska 68509  
nadc.nol.org



11th Floor, State Capitol  
Phone (402) 471-2522  
Fax (402) 471-6599

## Synopsis of Case 14-04 Action Taken June 13, 2014

**Respondent:** Robby Thompson

The respondent is the Superintendent of Kenesaw Public Schools. A report of the Auditor of Public Accounts disclosed that the respondent appeared to have an interest in a contract with the school system. A preliminary investigation was commenced by the Executive Director on May 9, 2014 alleging that the respondent had an interest in a contract valued at more than \$2,000 which was not entered into through an open public process in violation of §49-14,102 of the Nebraska Political Accountability and Disclosure Act. The parties entered into a settlement agreement by which they agreed that in 2013 the respondent was a co-owner of Kenesaw Market which entered into a series of contracts to provide goods to Kenesaw Public Schools. The settlement agreement provides for future compliance and a civil penalty of not more than \$1,000.00. The Commission approved the settlement agreement with seven Commissioners concurring, none dissenting and none abstaining and assessed a civil penalty of \$250.00.

**Allegation:** The allegation was that the respondent entered into a contract valued at more than \$2,000 with his governmental body and that the contract was not entered into through an open and public process in violation of §49-14,102 of the Nebraska Political Accountability and Disclosure Act.

**Violation:** Commission found the respondent had an interest in a contract with the school without an open public process in violation of §49-14,102

**Civil Penalty:** \$250.00

**Attorney for the Respondent:** Gregory Perry

**Attorney for the Commission:** Neil Danberg

**Synopsis Prepared by:** Frank Daley, Executive Director  
Nebraska Accountability & Disclosure Commission  
11<sup>th</sup> Floor State Capitol, P.O. Box 95086  
Lincoln, NE 68509  
402-471-2522

**BEFORE THE NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION**

In the Matter of )

CASE No. 14-04

Robby Thompson )

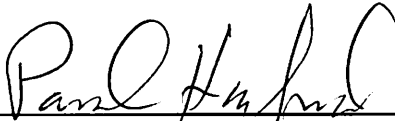
ORDER

Now on this 13th day of June, 2014, this matter comes before the Nebraska Accountability and Disclosure Commission. Commissioners Hosford, Brostrom, Grant, Mumm, Conway, Schulz and Von Gillern are present with Commissioner Hosford presiding. The Commission notes the submission of a proposed Settlement Agreement.

Whereupon, the Commission with seven Commissioners concurring, no Commissioners dissenting, and no Commissioners abstaining, finds that there has been a violation of Nebraska Revised Statutes, §49-14,102 and approves the attached Settlement Agreement, and the terms thereof are incorporated into this order as if fully set forth herein. Consistent with the terms of the Settlement Agreement, the Respondent shall pay a civil penalty in the amount of \$250.00 .

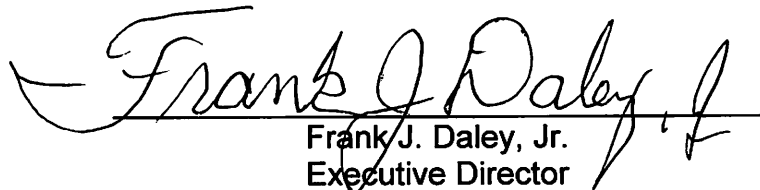
Issued this 13 day of June, 2014

Nebraska Accountability and Disclosure Commission

  
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Paul Hosford  
Chairman

**Certificate of Service**

I hereby certify that a copy of this Order was sent by certified U.S. Mail, postage prepaid, return receipt requested on this 13<sup>th</sup> day of June, 2014, to Robby Thompson, P.O. Box 32, Kenesaw, NE 68956; and a copy of the Order was also sent by regular U.S. Mail to Gregory Perry, 233 South 13<sup>th</sup> Street, Suite 1400, Lincoln, NE 68508.

  
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Frank J. Daley, Jr.  
Executive Director

**BEFORE THE NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION**

In the Matter of Robby Thompson )  
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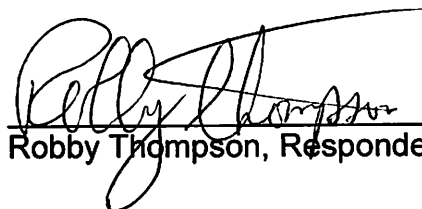
**CASE No. 14-04**

**SETTLEMENT AGREEMENT**

- 1) **Parties:** The parties to this Settlement Agreement (hereinafter "Agreement") are the Nebraska Accountability and Disclosure Commission, hereafter referred to as the "Commission" and Robby Thompson, hereinafter referred to as the "Respondent."
- 2) **Jurisdiction:** The Respondent acknowledges the jurisdiction of the Commission pursuant to the Nebraska Political Accountability and Disclosure Act ("NPADA").
- 3) **Intention:** The parties enter into this Agreement with the understanding that this Agreement shall constitute a waiver of a formal hearing on the alleged violation as described in Paragraphs 4 and 6 of this Agreement, thereby resolving the matter without further delay and expense to the parties.
- 4) **The Alleged Violation:** In its Notice of Preliminary Investigation, the Commission alleged that the Respondent violated the NPADA, Section 49-14,102 in that during calendar year 2013, as co-owner of the Kenesaw Market, he entered into a series of contracts with the Kenesaw Public Schools, which contracts were valued at more than \$2,000 and were not awarded by an open and public process.
- 5) **Admissions and Statements of the Respondent:** The Respondent states and admits that during calendar year 2013, he entered into a series of contracts whereby goods were sold from the Kenesaw Market (of which he was co-owner), to the Kenesaw Public Schools in an amount in excess of \$2,000 and that said contracts were not awarded through an open and public process.
- 6) **Violation of the NPADA:** With respect to the alleged violation, the Respondent states that it was not his intent to violate this Statute in that he anticipated and believed that the contracts in question had been properly and legally awarded. Nonetheless, the Respondent agrees and stipulates that if the alleged violation proceeded to a Hearing, there is sufficient evidence for the Commission to find that the contracts in question, which exceeded \$2,000 in the aggregate for calendar year 2013, were not awarded through an open and public process. Respondent further states that the Commission could therefore find a single violation of the Statute as described in the Alleged Violation as recited in Paragraph 4 ,above, and as further described in Paragraph 5 and this Paragraph. He further states that he

would not contest such a finding, and he agrees that the Commission may enter an order in accordance with such a finding.

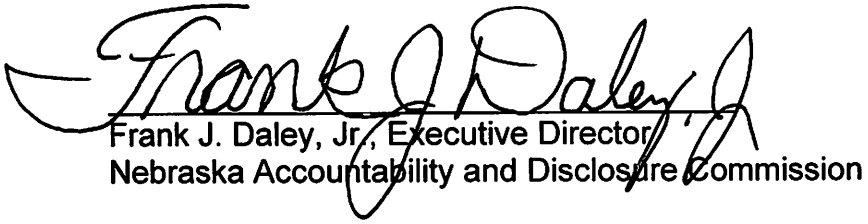
- 7) Civil Penalty: The parties have agreed that in the event the Commission imposes a civil penalty in this case, it will not exceed \$1,000.00
- 8) Future Compliance: The Respondent agrees that should he enter into any further contracts with the Kenesaw Public Schools, any such contracts will comply fully with the NPADA and be subject to an open and public process.
- 9) The Commission Must Approve this Agreement in Order for it to be Effective: The parties agree that in order for this Agreement to become effective, the Commission must approve it and shall, if it approves the Settlement, enter an Order in accordance with the terms of this Agreement.
- 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, this Settlement Agreement shall be void and may not be used in this or any other proceeding. The parties acknowledge that this Settlement Agreement and any subsequent Order relating to it 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 that upon adoption, this Settlement Agreement, the Order and the Commission's file pertaining to this matter shall become open and public. The parties further agree that, in the event that any civil penalty is assessed, as permitted by this Agreement, then such civil penalty must be paid within sixty (60) days of the Order approving this Agreement, and failure on the part of the Respondent to make complete payment within such period, will, at the option of the Commission, be sufficient to rescind or cancel this Agreement, or, alternatively, to seek to enforce any such civil penalty through appropriate legal action.
- 11) Right to Address the Commission: The Respondent has a right to address the Commission on the matters of the amount of the civil penalty and of the approval of this Settlement Agreement, and he chooses to reserve that right.

  
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Robby Thompson, Respondent

5-28-14  
Date

  
\_\_\_\_\_  
Greg Perry, Attorney for Respondent

May 30, 2014  
Date

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

6-3-14  
Date