

# State of Nebraska Accountability and Disclosure Commission

P.O. BOX 95086  
Lincoln, Nebraska 68509  
www.nadc.nebraska.gov



Centre Terrace, 1225 L St. #400  
Phone (402) 471-2522  
Fax (402) 471-6599

## **Synopsis Case #21-34** Action Taken on March 3, 2023

**Respondents:** Lathan for District 2 and Jonathan Lathan, Candidate

Jonathan Lathan was a candidate for Omaha City Council in the 2021 Omaha Primary Election. Lathan for District 2 was his candidate committee. The Respondents were required to file a 2<sup>nd</sup> Primary Campaign Statement on or before March 29, 2021 and a Post Primary Campaign Statement on or before May 17, 2021. They failed to do in violation of §49-1459(1)(b) and §49-1459(1)(c), respectively, of the Nebraska Political Accountability and Disclosure Act. A Preliminary Investigation was commenced in November 2021.

The parties entered into a settlement agreement by the terms of which the Commission found violations of §49-1459(1)(b) and §49-1459(1)(c) of the NPADA and by which the Respondents agreed to pay late filing fees in the total amount of \$1,400.00. The Commission approved the Settlement Agreement with eight Commissioners concurring, no Commissioners dissenting, and no Commissioners abstaining.

**Violation:** Pursuant to the Settlement Agreement, the Commission found that the Respondents failed to file the 2<sup>nd</sup> and Post Campaign Statements for the 2021 Omaha City Election in violation of §49-1459(1)(b) and §49-1459(1)(c) of the State Statutes.

**Civil Penalty:** None

**Late Filing Fees:** \$1,400.00

**Other:** The delinquent campaign statements are now on file

**Attorney for the Commission:** Neil B. Danberg

**Synopsis Prepared by:** Frank Daley  
Executive Director  
Nebraska Accountability & Disclosure Commission  
P.O. Box 95086  
Lincoln, NE 68509  
402-471-2522

**BEFORE THE NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION**

**In the Matter of  
Lathan for District 2 and  
Jonathan Lathan**

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**Case #21-34**

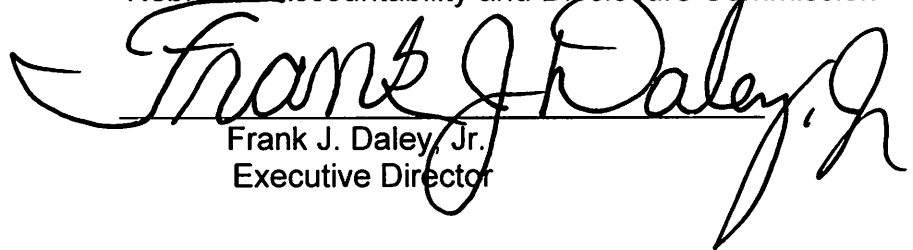
**ORDER**

Now on this 3<sup>rd</sup> day of March 2023, this matter comes before the Nebraska Accountability and Disclosure Commission. Commissioners Anderson, Callahan, Carlson, Chung, Davis, Evnen, Reuss and Sullivan are present with Commissioner Sullivan presiding. The Respondents are not present. The Commission notes the submission of a proposed Settlement Agreement.

Whereupon, the Commission, with eight Commissioners concurring, no Commissioners dissenting, and no Commissioners abstaining, finds that the attached Settlement Agreement should be and hereby is approved and incorporated into this Order. Pursuant to that Agreement, the Commission finds that the Respondents have violated §49-1459(1)(b) and §49-1459(1)(c) of the Nebraska Revised Statutes as more fully set forth in the attached Settlement Agreement. Pursuant to the terms of the Settlement Agreement, the Respondents shall pay late filing fees of \$1,400.00.

Issued this 3<sup>rd</sup> day of March 2023

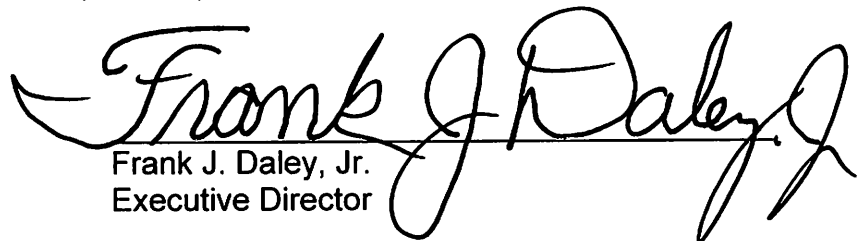
Nebraska Accountability and Disclosure Commission



Frank J. Daley, Jr.  
Executive Director

**Certificate of Service**

A copy of this Order was sent by Certified U. S. Mail, postage prepaid and return receipt requested, on the 3<sup>rd</sup> day of March 2023, to the following person at the following address:  
Jonathan Lathan, 6520 Holdrege Street, Lincoln, NE 68505.



Frank J. Daley, Jr.  
Executive Director

BEFORE THE NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION

In the Matter of Lathan for  
District 2, and Jonathan  
Lathan, Candidate

RECEIVED  
2/23/23  
FEB 27 2023  
NEBRASKA ACCOUNTABILITY  
AND  
DISCLOSURE COMMISSION

CASE No. 21-34


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 Jonathan Lathan for District 2, and Jonathan Lathan, Candidate, hereafter referred to as the "Respondents."
- 2) Jurisdiction: The Respondents acknowledge that the Commission has jurisdiction in this matter pursuant to the terms of Nebraska Statutes 49-1401 et seq., known as the Nebraska Political Accountability and Disclosure Act ("NPADA").
- 3) Intention: The parties hereby agree and intend that this Agreement shall constitute a waiver of any further proceedings in this matter, thereby resolving the matter without further delay and expense to the parties.
- 4) The Alleged Violations: In its Notice of Preliminary Investigation in this case, the Commission has alleged that the Respondents failed to file a 2nd Primary Campaign Statement, which was due on March 29, 2021, covering the period from March 3 to March 22, 2021, in violation of Section 49-1459(1)(b) of the NPADA; and that the Respondents failed to file a Post Primary Campaign Statement on or before May 17, 2021, covering the period of March 23, 2021 to May 11, 2021, in violation of Section 49-1459(1)(c) of the NPADA.
- 5) Stipulation: The Respondents and the Commission stipulate and agree that at the time of the alleged violation, the Respondents had an obligation to file the Statements, as described above in Paragraph 4, and as detailed in the Notice of Preliminary Investigation in this matter, but they did not do so.
- 6) The Alleged Violations, Agreement: The Respondents state that it was not their intent to violate the NPADA as alleged, but Respondents agree and stipulate that there is sufficient evidence to support the Commission's findings of a violation with respect to each of the alleged violations as stated in the Notice of Preliminary Investigation in this matter, and as fully described in Paragraph 4, above. The Respondents further agree that will not contest the Commission's Order in this case. The Respondents further represent that the Statements in question have now been filed. Respondents further acknowledge that the total late filing fees due and owing with respect to failing to file the Statements, as described, total \$1,900.00

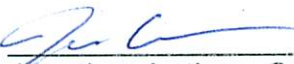
- 7) Waiver of Civil Penalty and Agreement on late filing fees: The parties have agreed that, in view of the Respondents' willingness to resolve this matter, accept the finding of the Commission in this case, and pay late filing fees in the amount of \$1,400, and their filing of the required Statements, the Commission will waive a civil penalty in this matter. The Respondents further agree to pay \$233 each month for a period of five months, with a final payment of \$235.00 on the sixth month. The payments will fall due on the 15<sup>th</sup> day of each month, starting on April 15, 2023.

In the event a required payment is not made within fifteen (15) days of the due date, as described above, the NADC, in its full discretion, may declare a default. Once a default has been declared the full amount of the late filing fees in this matter, which total \$1,900 will be due, less any payments paid.

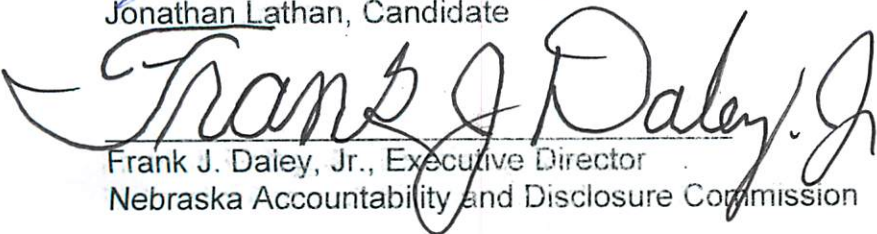
- 8) The Commission must approve this Agreement in order for it to be effective: The parties agree that for this Agreement to become effective, the Commission must approve it, and enter an Order according to the terms of the Agreement.
- 9) Effective Date of Agreement: This Agreement shall not be binding upon the parties until the date it is approved by the Commission and the Commission issues an Order in accordance with the terms of this Agreement. The date of the Order shall be deemed its effective date. If this Agreement is not approved by the Commission, this Agreement shall be void and may not be used in this or any other proceeding. The parties acknowledge that this Agreement and any subsequent Order shall be announced at an open public meeting of the Commission. The parties further acknowledge that, upon adoption, this Agreement, the Order, and the Commission's file pertaining to this matter shall become open and public.
- 10) Right to Address the Commission: The Respondents have a right to address the Commission on the matter of the approval of this Settlement Agreement.
- 11) Advice of Counsel: The Respondents acknowledge that they have had an opportunity to seek the advice of an attorney concerning this Agreement.

  
Lathan for District 2, by an authorized  
representative

22 FEB 23  
Date

  
Jonathan Lathan, Candidate

22 FEB 23  
Date

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

3-3-23  
Date