

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 #20-14

Action Taken on December 4, 2020

Respondents: American Council of Engineering Companies NE PAC and Jeanne McClure, Treasurer

The American Council of Engineering Companies NE PAC (ACEC) is a separate segregated political fund and Jeanne McClure is its treasurer. Based upon its activity, ACEC was required to file campaign statements reporting receipts and expenditures on March 22, May 4 and June 22, 2020. It failed to do so. The Executive Director commenced a Preliminary Investigation on July 8, 2020 alleging a failure to file a Special Election Campaign Statement, a 2nd Primary Campaign Statement and a Post Primary Campaign Statement, each being in violation of §49-1459 of the Nebraska Political Accountability and Disclosure Act. The required campaign statements were filed on September 2, 2020. The parties entered into a settlement agreement by the terms of which the Commission finds three violations of section 49-1459. The agreement provides that ACEC will pay late filing fees of \$2,250 and the Commission will assess no additional civil penalty.

The Commission approved the Settlement Agreement with 8 Commissioners concurring, no Commissioners dissenting, and no Commissioners abstaining.

Violation: Pursuant to the Settlement Agreement, the Commission found that the Respondents failed to file three Campaign Statements in violation section 49-1459 of the NPADA.

Civil Penalty: None. A late filing fee of \$2,250.00 will be paid by ACEC.

Other: Required statements are now on file.

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 American Council of
Engineering Companies NE PAC and
Jeanne McClure, Treasurer**

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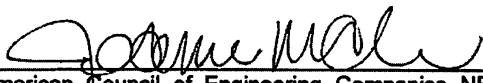
CASE #20-14

Settlement Agreement

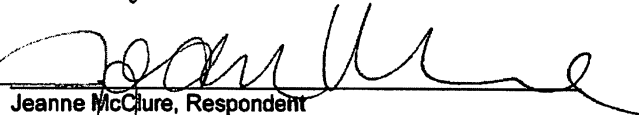
- 1) **Parties:** The parties to this Settlement Agreement are the Nebraska Accountability and Disclosure Commission, hereafter referred to as the "Commission" and American Council of Engineering Companies NE PAC and Jeanne McClure, Treasurer, hereafter referred to as the "Respondents".
- 2) **Jurisdiction:** The parties acknowledge the jurisdiction of the Commission pursuant to the Nebraska Political Accountability and Disclosure Act.
- 3) **Intention:** The parties enter into this Settlement Agreement after a finding of probable cause by the Commission and agree that this Agreement shall constitute a waiver of a formal hearing thereby resolving the matter without further delay and expense to the parties.
- 4) **Admissions and Findings:** The Respondents admit that they: a) failed to file a Post Special Election Campaign Statement on or before March 22, 2020; b) failed to file a 2nd Primary Campaign Statement on or before May 4, 2020; and c) failed to file a Post Primary Campaign Statement on or before June 22, 2020, each in violation of §49-1459 of the Nebraska Revised Statutes. The parties acknowledge that the required statements were filed with the Commission on September 2, 2020.
- 5) **Dismissal of One Allegation:** The Commission agrees to dismiss the allegation that the Respondents failed to file a 1st Primary Campaign Statement on or before April 22, 2020 since it appears that the filing was not required.
- 6) **Penalty:** The parties acknowledge that each violation of Section §49-1459 may result in a maximum civil penalty of five thousand dollars. The parties acknowledge that the Respondents owe and will pay \$2,250 in late filing fees for the late filing of the above noted statements. Accordingly, the parties agree that no civil penalty shall be assessed.
- 7) **Future Compliance:** Respondents agree that in the future, they will use all reasonable diligence in complying with all of the provisions of the Nebraska Political Accountability and Disclosure Act.

- 8) **Commission Order:** The parties agree that the Commission shall enter an Order finding the violations as set out in paragraph 4 and dismissing the allegation set forth in paragraph 5, above, and order the payment of no civil penalty as agreed herein. Late filing fees in the amount of \$2,250 are due and owing by Respondents.
- 9) **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 shall be deemed the effective date. If this Agreement is not approved in whole by the Commission, the Settlement Agreement shall be void and may not be used in this or any other proceeding.
- 10) **Acknowledgement:** The parties acknowledge 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 matter shall take place at the Closed Session portion of the meeting. The parties further acknowledge that upon adoption this Settlement Agreement and Order shall become open and public.
- 11) **Address the Commission:** The parties agree that the Respondent or their representative shall have the opportunity to address the Commission on the matter of the approval of this Settlement Agreement. The presentation of the Respondents may be made in person, through an attorney, or in written form. However, no appearance by the Respondents is required.
- 12) **Advice of Counsel:** The Respondents acknowledge that they have had the opportunity to seek the advice of an attorney in this matter.

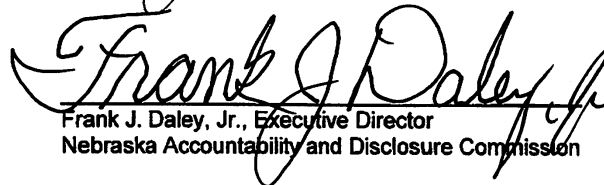
11-30-20
Date


American Council of Engineering Companies NE PAC,
Respondent, By Jeanne McClure

11-30-20
Date


Jeanne McClure, Respondent

12-4-20
Date


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

BEFORE THE NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION

In the Matter of American Council)
Of Engineering Companies NE PAC) **Case #20-14**
and Jeanne McClure, Treasurer) **ORDER**
Respondents)

Now on this 4th day of December 2020, this matter comes before the Nebraska Accountability and Disclosure Commission. Commissioners Anderson, Callahan, Carlson, Davis, Enenbach, Evnen, Peetz and Sullivan are present with Commissioner Davis presiding. The Respondent is not present. The Commission notes the submission of a proposed Settlement Agreement.

Whereupon, the Commission, with 8 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, on three occasions, violated §49-1459 of the Nebraska Revised Statutes as more fully set forth in the attached Settlement Agreement. Pursuant to the terms of the Settlement Agreement, the Commission imposes no civil penalty in this case.

Issued this 4th day of December, 2020

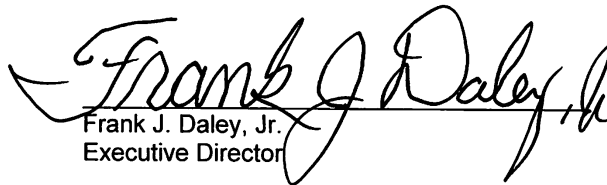
Nebraska Accountability and Disclosure Commission



Frank J. Daley, Jr.
Executive Director

Certificate of Service

I hereby certify that a copy of this ~~Order~~ ^{Order} was sent by certified U.S. Mail, postage prepaid, return receipt requested on this 4th day of December, 2020, to the following persons at the following address: American Council of Engineering Companies-NE PAC, Jeanne McClure, Treasurer, 211 N 14th Street, Lincoln, NE 68508



Frank J. Daley, Jr.
Executive Director