

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 #20-06

Action Taken on December 4, 2020

Respondents: Fennessy for Papio NRD and Sean Fennessy, Candidate

Sean Fennessy was an unsuccessful candidate in the 2018 primary election for director of the Papio Natural Resources District. His candidate committee is Fennessy for Papio NRD. He did not dissolve his candidate committee after the election and was therefore required to file an annual campaign statement on or before January 31, 2020, but failed to do so. The Executive Director commenced a Preliminary Investigation on June 24, 2020 alleging a failure to file an Annual Campaign Statement in violation of section 49-1462 of the Nebraska Political Accountability and Disclosure Act. The required campaign statement was filed on September 27, 2020. The parties entered into a settlement agreement by the terms of which the Commission finds a violation of section 49-1462. It was noted by the Commission that a late filing fee of \$750 was assessed against the Respondent by operation of law and it therefore assessed no 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 Respondent failed to file an Annual Campaign Statement on or before January 31, 2020 in violation section 49-1462 of the NPADA.

Civil Penalty: None.

Other: Required statement is now on file. The committee is prepared to dissolve. A late filing fee of \$750 was assessed by operation of law and is subject to a separate process for seeking relief.

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 Fennessy for Papio NRD
and Sean Fennessy, Candidate**

) **CASE #20-06**
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Settlement Agreement

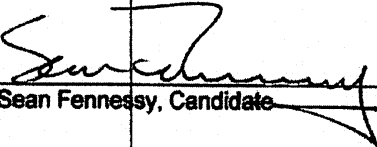
- 1) **Parties:** The parties to this Settlement Agreement are the Nebraska Accountability and Disclosure Commission, hereafter referred to as the "Commission" and Fennessy for Papio NRD and Sean Fennessy, candidate, hereafter referred to as the "Respondents".
- 2) **Jurisdiction:** The parties acknowledge 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 failed to file an annual campaign statement on or before January 31, 2020 in violation of §49-1462 of the Nebraska Revised Statutes. The parties acknowledge that the required statement was filed with the Commission on September 27, 2020.
- 5) **Penalty:** The parties acknowledge that any violation of Section §49-1462 may result in a maximum civil penalty of up to five thousand dollars. However, the Commission notes the filing of the required campaign statement and the filing of a Statement of Dissolution and therefore agrees to assess no civil penalty. The parties agree that any late filing fee resulting from the late filing of the campaign statement shall be resolved by the Commission's Executive Director outside of the terms of this agreement.
- 6) **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.
- 7) **Commission Order:** The parties agree that the Commission shall enter an Order finding the violation set out in paragraph 4, above, and order the payment of no civil penalty as agreed herein.

- 8) **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.
- 9) **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.
- 10) **Address the Commission:** The parties agree that the Respondents 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.
- 11) **Advice of Counsel:** The Respondents acknowledge that they have had the opportunity to seek the advice of an attorney in this matter.

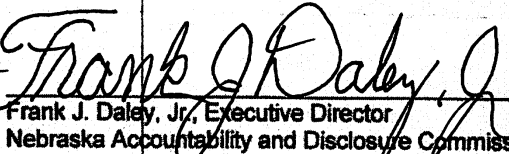
11/24/2020
Date


Fennessy for Papio NRD by Sean Fennessy

11/24/2020
Date


Sean Fennessy, Candidate

12-4-20
Date


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

BEFORE THE NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION

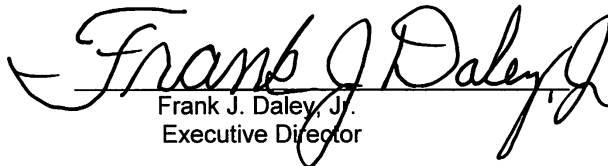
In the Matter of Sean Fennessy for)
Papio NRD and Sean Fennessy,) Case #20-06
Candidate, Respondents) ORDER
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Now on this 4th day of December 2020, this matter comes before the Nebraska Accountability and Disclosure Commission. Commissioners Anderson, 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 violated §49-1462 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.

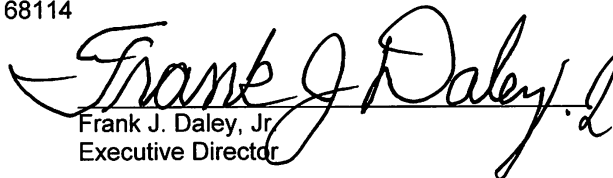
Issued this 4th day of December, 2020

Nebraska Accountability and Disclosure Commission


Frank J. Daley, Jr.
Executive Director

Certificate of Service

I hereby certify that a copy of this Order 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: Fennessy for Papio NRD, Sean Fennessy, Candidate, 518 Ridgewood Avenue, Omaha, NE 68114


Frank J. Daley, Jr.
Executive Director