

State of Nebraska

Accountability and Disclosure Commission

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



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

Synopsis Case #16-01

Action Taken on August 5, 2016

Respondent: Bill Kintner

The Respondent is a member of the Nebraska Legislature. On January 7, 2016 a preliminary investigation was commenced against the Respondent by the Executive Director of the Nebraska Accountability and Disclosure Commission. The allegation was that the Respondent used public resources under his official care and control other than in accordance with statutory or regulatory procedures in violation of §49-14,101.01(2) of the Nebraska Political Accountability and Disclosure Act. The allegations arose as the result of a report prepared by the Nebraska State Patrol indicating an improper use of a state owned laptop computer assigned to the Respondent.

The parties entered into a settlement agreement by the terms of which the Commission could find a violation of §49-14,101.01(2) and assess a civil penalty of not more than \$1,000.00. The Commission approved the Settlement Agreement, found a violation and assessed a civil penalty of \$1,000.00 with seven Commissioners concurring, no Commissioners dissenting, and no Commissioners abstaining.

Violation: Pursuant to the Settlement Agreement, the Commission found that the Respondent had used public resources other than in accordance with law in violation section 49-14,101.01(2) of the NPADA.

Civil Penalty: \$1,000.00

Attorney for Commission: Neil Danberg

Attorney for Respondent: J. L. Spray, Lincoln

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

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|-------------------------|---|--------------------|
| In the Matter of |) | Case #16-01 |
| |) | |
| Bill Kintner |) | Order |
| Respondent |) | |
| |) | |

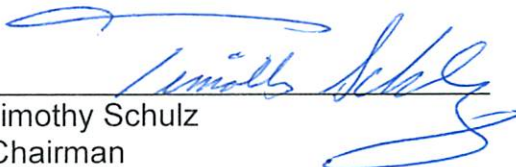
Now on this 5th day of August, 2016, this matter comes before the Nebraska Accountability and Disclosure Commission. Commissioners Gale, Peetz, Conway, Schulz, Hegarty, Ziebarth, and Davis, are present with Commissioner Schulz presiding as Chairman. Respondent is not present. Neil Danberg appears on behalf of the Commission. The submission of a proposed settlement agreement is noted.

Whereupon, the Commission with seven (7) Commissioners concurring, no Commissioners dissenting, and no Commissioners abstaining, finds that, in accordance with the Settlement Agreement, there is sufficient evidence from which the Commission could find, and the Commission does so find, a violation of Section 49-14,101.01(2) of the Nebraska Political Accountability and Disclosure Act, in that on or about July, 2015, the Respondent used public property, to wit a computer owned by the State of Nebraska, for purposes other than in accordance with prescribed constitutional, statutory and regulatory procedures.

The Commission, pursuant to the terms of the Settlement Agreement, assesses a civil penalty in the amount of \$1,000.00. The attached Settlement Agreement, and the terms thereof are approved and incorporated into this Order as if fully set forth herein.

Issued this 5th day of August, 2016


Nebraska Accountability and Disclosure Commission



Timothy Schulz
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 5 day of August, 2016 to Senator Bill Kintner 2103 Lakewood Drive, Papillion, NE, 68046; and by regular U.S. Mail to his attorney, J.L. Spray, Mattson Ricketts Law Firm, 134 South 13th Street, Suite 1200, Lincoln, NE 68508



Frank J. Daley, Jr.
Executive Director

BEFORE THE NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION

CASE No. 16-01

In the Matter of Senator Bill Kintner

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 Senator Bill Kintner, 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 hereby agree and intend that this Agreement shall constitute a waiver of an investigation or a formal hearing on the alleged violation as described in Paragraph 4 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 in this case, the Commission alleged the Respondent committed a violation of the NPADA, Section 49-14.101.01(2), as follows: On or about July 30-31, 2015, he utilized public resources or public property, to wit: a personal computer, owned by the State of Nebraska, and under his official care and control for the transaction of State business, for purposes other than in accordance with prescribed constitutional, statutory and regulatory procedures.
- 5) The Alleged Violation: Stipulations and Agreements. The Respondent and the Commission stipulate and agree that at the time of the alleged violation, the Respondent was a Nebraska State Senator. He had been provided with a personal computer, owned by the State of Nebraska, and under his official care and control for the transaction of State business. He utilized said computer for purposes other than in accordance with prescribed constitutional, statutory and regulatory procedures.
- 6) The Alleged Violation: Findings. With respect to the Violation, as described above in Paragraphs 4 and 5, the Respondent agrees and stipulates that if this matter proceeded to a hearing, there is sufficient evidence from which the Commission could make a finding that there has been a violation as alleged, and the Commission may enter an order that there has been a violation as alleged, and that he would not contest such a finding or order.

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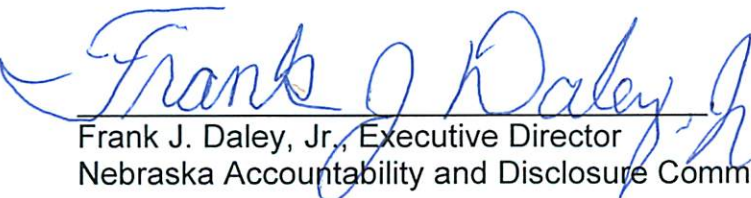
- 7) Limitation of Civil Penalty: The parties have agreed that, upon acceptance of this Agreement by the Commission, the Commission may, but is not required to, impose a civil penalty upon the Respondent. The parties further agree that In the event the Commission elects to impose a civil penalty, such penalty will not exceed the amount of \$1,000.
- 8) The NADC 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.
- 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 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 shall be announced at an open public meeting of the Commission .The parties further acknowledge that, upon adoption, this Settlement Agreement, the Order, and the Commission's file pertaining to this matter shall become open and public.
- 10) Right to Address the Commission: The Respondent and his attorney have a right to address the Commission on the matter of the amount of civil penalty and approval of this Settlement Agreement.
- 11) Advice of Counsel: The Respondent acknowledges that he has had an opportunity to seek the advice of his attorney in connection with the terms of this agreement.



Senator Bill Kintner, Respondent

6/2/16


Date



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

8/5/16

Date



Approved as to Form, J.L. Spray,
Attorney for Respondent, Senator Bill Kintner

6/2/16

Date