

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 #21-28

Action Taken on October 22, 2021

Respondent: Tobias Tempelmeyer

Tobias Tempelmeyer is the City Administrator of the City of Beatrice. On August 10, 2021, the Executive Director commenced a Preliminary Investigation alleging that the Respondent used public resources other than in accordance with law in violation of §49-14,101.01(2) of the Nebraska Political Accountability and Disclosure Act. Specifically, it was alleged that the Respondent used \$270.36 in Beatrice City funds to purchase a voter registration list from the Gage County Clerk for a purpose which was not in accordance with State election law.

The parties entered into a settlement agreement by which the Commission found a violation of §49-14,101.01(2). A civil penalty of \$1,000.00 was assessed.

The Commission approved the Settlement Agreement and assessed the civil penalty with six Commissioners concurring, no Commissioners dissenting, and no Commissioners abstaining.

Violation: Pursuant to the Settlement Agreement, the Commission found that the Respondent violated §49-14,101.01(2) of the NPADA.

Civil Penalty: \$1,000.00

Other: The Respondent has reimbursed the City of Beatrice in the amount of \$270.36

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

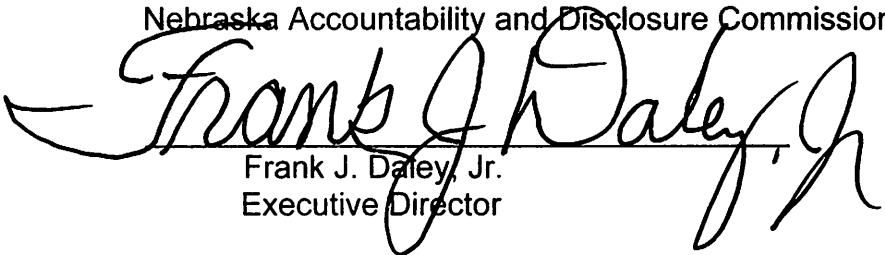
In the Matter of Tobias Tempelmeyer)
Respondent)
Case # 21-28
ORDER

Now on this 22nd day of October 2021, this matter comes before the Nebraska Accountability and Disclosure Commission. Commissioners Anderson, Ashford, Callahan, Carlson, Davis, Evnen, and Sullivan are present with Commissioner Sullivan presiding. Commissioner Davis recused himself. The Respondent is not present. The Commission notes the submission of a proposed Settlement Agreement which is attached to this Order.

Whereupon, the Commission, with six Commissioners concurring, no Commissioners dissenting, 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 Respondent violated Section 49-14,101.01(2) of the NPADA by using government resources other than in accordance with law.

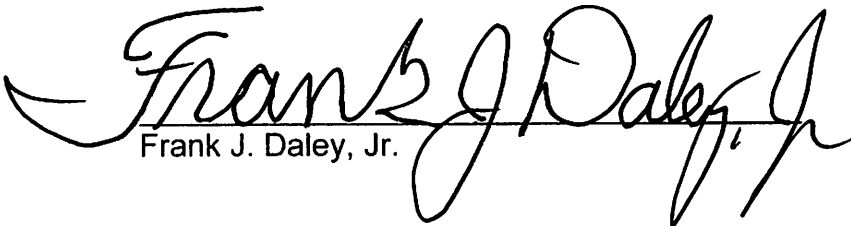
In accordance with the Settlement Agreement, a civil penalty \$1,000.00 is assessed against the Respondent.

Issued this 22nd day of October 2021.

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 22nd day of October 2021, to the following address: Tobias Tempelmeyer, 808 Quail Ridge Circle, Beatrice, NE 68310.


Frank J. Daley, Jr.

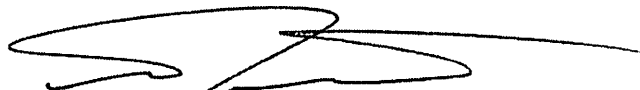
BEFORE THE NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION

In the Matter of Tobias Tempelmeyer

**Case # 21-28
SETTLEMENT AGREEMENT**

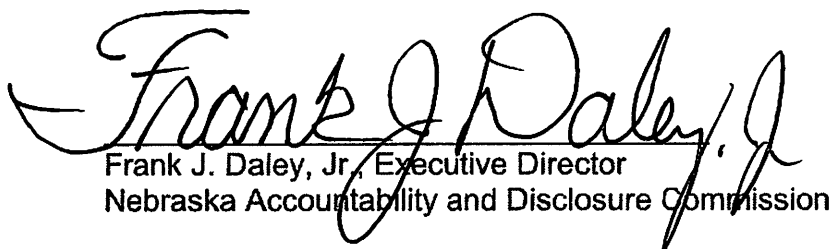
- 1) Parties: The parties to this Settlement Agreement (hereinafter "Agreement") are the Nebraska Accountability and Disclosure Commission, hereafter referred to as the "Commission" and Tobias Tempelmeyer, hereafter referred to as the "Respondent."
- 2) Jurisdiction: The Respondent acknowledges that 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 Violation: In its Notice of Preliminary Investigation in this case, the Commission has alleged that the Respondent has expended \$270.36 in public funds for a purpose other than in accordance with prescribed constitutional, statutory or regulatory procedures for the purchase of a voter registration list from the Gage County Clerk in violation of Section 49-14,101.01(2) of the NPADA.
- 5) Stipulation: The Respondent and the Commission stipulate and agree that subsequent to the filing of the Notice of Preliminary Investigation in this matter, the Respondent has repaid the City of Beatrice the \$270.36 at issue in this case.
- 6) The Alleged Violation, Agreement: The Respondent states that it was not his intent to violate the NPADA as alleged, but Respondent agrees and stipulates that if this matter proceeded to a Hearing, there is sufficient evidence from which the Commission could make findings of a violation with respect to the alleged violation as described in Paragraph 4, above. The Respondent further agrees that the Commission may enter an order in accordance with said findings, and that the Respondent would not contest such a finding or order.
- 7) Civil Penalty. The maximum civil penalty for the alleged violation in question is \$5,000. In view of the Respondent's repayment of the public funds at issue in this case and his intention to resolve this matter at an early stage of the proceedings in this case, the Commission agrees that if a civil penalty is imposed in this matter, it will not exceed the maximum amount of \$1,000.00.

- 8) 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 the Commission 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 has a right to address the Commission on the matter of the approval of this Settlement Agreement.
- 11) Advice of Counsel: The Respondent acknowledges that he has an opportunity to seek the advice of an attorney in connection with the terms of this Agreement.



Tobias Tempelmeyer

8-27-21
Date



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

10-22-21
Date