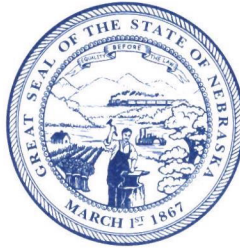


State of Nebraska

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 #21-02

Action Taken on January 21, 2022

Respondent: Jeremy Moss

Jeremy Moss was a member of the Elkhorn Township Board in Dodge County. After the 2019 flooding damaged roads in the Township, the three member Township Board voted to pay each member of the board an additional \$1,000 per week for a number of weeks. Prior to the vote, compensation for board members was \$600 for the entire year. In a prior case (#21-02) the Respondent entered into a settlement agreement by which he agreed to repay the sum of \$22,000 to the Township. This represented 22 weeks of \$1,000 payments.

It was subsequently discovered that the payments had occurred for a total of 33 weeks. The Executive Director commenced a second Preliminary Investigation on January 28, 2021 alleging that the Respondent used his public office on multiple occasions for personal financial gain in violation of §49-14,101.01 of the NPADA by voting to increase his compensation in the additional amount of \$11,000. The parties entered into a settlement agreement by which the Commission found that the Respondent violated §49-14,101.01. By the terms of the agreement, the Respondent agreed to reimburse Elkhorn Township the extra compensation in the amount of \$11,000 with a credit of \$850 in unpaid lawful compensation.

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 four violations of §49-14,101.01 of the NPADA.

Civil Penalty: None.

Attorney for the Commission: Neil B. Danberg

Attorney for the Respondent: Linsey Moran Bryant

Other: The Respondent will reimburse Elkhorn Township in the amount of \$11,000 with a credit of \$850 for unpaid lawful compensation.

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 Jeremy Moss,

Respondent

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Case #21-02

ORDER

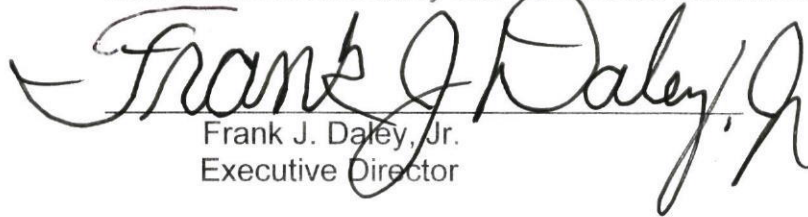
Now on this 21st day of January 2022, this matter comes before the Nebraska Accountability and Disclosure Commission. Commissioners Anderson, Ashford, Callahan, Carlson, Davis, Evnen, Hegarty and Sullivan are present with Commissioner Davis presiding. The Respondent is not present. The Commission notes the submission of a proposed Settlement Agreement, and it is attached to this Order.

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 four violations by the Respondent of §49-14,101.01(1) of the NPADA as alleged in the Notice of Preliminary Investigation.

In accordance with the Settlement Agreement, the Commission directs that the Respondent repay Elkhorn Township of Dodge County, Nebraska a total of \$10,150.00, according to the terms of the Installment Payment Agreement, which is attached to and is a part of the Settlement Agreement. No civil penalty is assessed in this matter.

Issued this 21st day of January 2022.

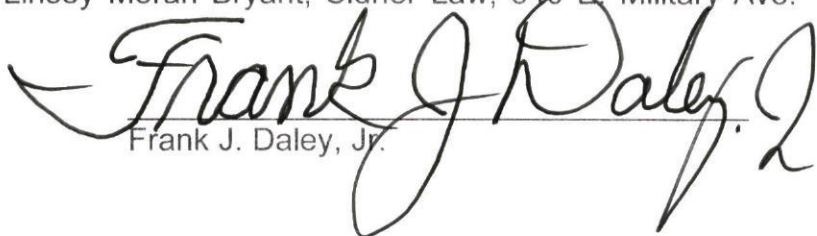
Nebraska Accountability and Disclosure Commission



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 21st day of January 2022, to the following address: Jeremy Moss, 6781 E. Hwy 30, Fremont, NE 68025; and on said day was sent by regular U.S. Mail, postage prepaid, to Linsey Moran Bryant, Sidner Law, 340 E. Military Ave. Suite 1, Fremont, NE 68025.



Frank J. Daley, Jr.

BEFORE THE NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION

In the Matter of Jeremy Moss


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CASE No. 21-02
SETTLEMENT AGREEMENT
with ADDENDUM

- 1) Parties: The parties to this Settlement Agreement (hereinafter "Agreement") are the Nebraska Accountability and Disclosure Commission, hereafter referred to as the "Commission" and Jeremy Moss, 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 Violations: In its Notice of Preliminary Investigation in this case, the Commission has alleged four (4) violations of the NPADA, which may be summarized as follows: The alleged violations relate to payments which the Respondent allegedly accepted in a total amount of \$11,000 which constituted unauthorized extra compensation for himself as a member of the Board of Elkhorn Township in Dodge County in violation of Section 49-14,101.01 of the NPADA.
- 5) Stipulation: The Respondent and the Commission stipulate and agree that at the time of the alleged violation, the Respondent was a public official in that he was a member of the Elkhorn Township Board of Dodge County, Nebraska.
- 6) The Alleged Violations, Agreement: The Respondent and the Commission agree that the Notice of Preliminary Investigation (attached hereto as Exhibit "A") states the alleged violations of Section 49-14,101.01 of the NPADA, which relate to unauthorized extra compensation from the Elkhorn Township to the Respondent in the total amount of \$11,000.00. With respect to said violations, the Respondent states the following: it was not his intent to violate the NPADA as alleged, but he agrees and stipulates that: (a) if this matter proceeded to a hearing, there is sufficient evidence from which the Commission could make a finding that there have been violations as alleged in the four violations referred to above in this paragraph and paragraph 4, above, and as more fully set forth in the Notice of Preliminary Investigation; and (b) the Commission may enter an order that there have been violations as alleged in the Notice of Preliminary Investigation, and as described above.



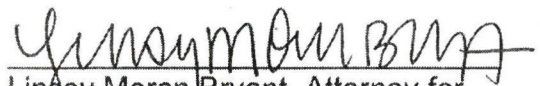
- 7) Agreement to pay Restitution less credit for past unpaid salary: With respect to the violations as stated in the Notice of Preliminary Investigation, the Respondent, as a material part of this Agreement, agrees to repay \$11,000 in restitution to the Elkhorn Township Board of Dodge County, Nebraska, less a credit for past lawful salary due but unpaid as follows: In 2019, \$600.00, which was his annual salary from the Township; in 2020, \$250.00, which was five months of his lawful salary until the time of his departure from the Board in May of 2020. The credits total \$850.00, and this amount will be subtracted from the \$11,000 in restitution. Therefore, a total of \$10,150 will be paid by the Respondent in restitution in this matter. Restitution payments shall be made according to the Addendum, Ex. A, attached hereto and is a material part of this Agreement.
- 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) Release of Claims. The Commission hereby releases and forever discharges the Respondent from any and all claims, demands, damages, actions, causes of action, or suits of any kind or nature whatsoever, which are within scope of the alleged violations as stated in the Notice of Preliminary Investigation, as summarized in Paragraph 4, above.
- 12) Full and Final Compromise. The parties hereto enter into this Settlement Agreement for the purpose of making a full and final compromise, adjustment and settlement of all claims asserted by the Commission in the Notice of Preliminary Investigation, as summarized in Paragraph 4, above.
- 13) Advice of Counsel: The Respondent acknowledges that he has had an opportunity to seek the advice of an attorney in connection with the terms of this Agreement.



Jeremy Moss

12-23-21

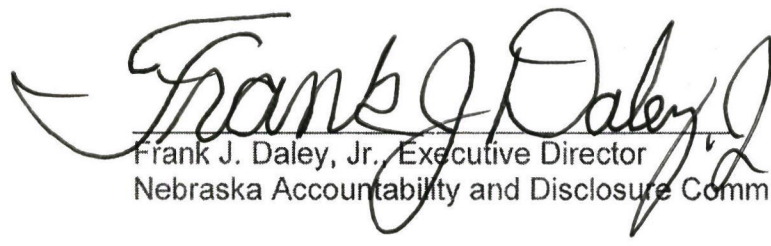
Date



Linsey Moran Bryant, Attorney for
Jeremy Moss—approved as to form

12/27/21

Date



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

1/21/2022

Date

BEFORE THE NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION

In the Matter of Jeremy Moss.

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CASE No. 21-02

SETTLEMENT AGREEMENT

**“EXHIBIT A”
INSTALLMENT PAYMENT AGREEMENT**

WHEREFORE, Respondent has agreed to pay Ten Thousand One Hundred Fifty and no/Dollars (\$10,150.00) in restitution to the Elkhorn Township Board of Elkhorn, Nebraska. These payments will be made to his attorney, who will then deposit the funds into the bank account utilized by Elkhorn Township of Dodge County. **Payments will be made as follows:**


<u>Due Date</u>	<u>Amount Due</u>
February 28, 2022	\$1,000.00
March 31, 2022	\$1,000.00
April 30, 2022	\$1,000.00
May 31, 2022	\$1,000.00
June 30, 2022	\$1,000.00
July 31, 2022	\$1,000.00
August 31, 2022	\$1,000.00
September 30, 2022	\$1,000.00
October 31, 2022	\$1,000.00
November 30, 2022	\$1,000.00
December 31, 2022	\$ 150.00

1. **Receipt of Payment:** A receipt for each deposit of restitution payment shall be sent directly to the Nebraska Accountability and Disclosure Commission.
2. **Acceleration Clause:** Should there be a material breach the amount remaining due and unpaid under this Installment Payment Agreement, the remaining balance due may be accelerated by the Nebraska Accountability and Disclosure Commission and collected

through legal means, with the Respondent paying all costs, including reasonable attorney's fee, incident to said collection.

3. **Due Date and Material Breach:** A material breach shall occur when the Respondent fails to timely submit a payment to the bank by the end of business on the due date listed above. Should the due date fall on a weekend or a holiday in which the bank is not open for regular business, the payment shall be made on the business day which immediately follows the due date.
4. **Prepayment:** Respondent may prepay any month due, or the balance in full, during the term of the installment agreement without penalty.

STATE OF NEBRASKA,)
)ss.
COUNTY OF DODGE.)

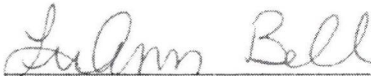


Jeremy Moss, Respondent

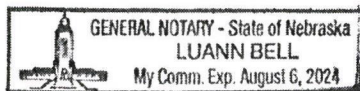
1-12-22

Date

SUBSCRIBED and sworn to before me this 12 day of ^{January, 2022.} ~~December, 2021.~~



Notary Public



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

NOTICE OF PRELIMINARY INVESTIGATION

Case No. 21-02

To: Jeremy Moss

Pursuant to the provisions of Section 49-14,124, Revised Statutes of Nebraska, also known as the Nebraska Political Accountability and Disclosure Act ("NPADA"), notice is hereby given that a Preliminary Investigation is commenced this date based upon the direction of the Executive Director of the Nebraska Accountability and Disclosure Commission. The alleged violations to be investigated are as follows:

1. That Jeremy Moss, a member of the Elkhorn Township Board of Dodge County, Nebraska, used his public office to obtain personal financial gain by voting himself additional compensation, not provided by law, and by taking said compensation on August 19, 2019 in the amount of \$2,000.00 from the said Township, and said compensation was in violation of Section 49-14,101.01 of the Nebraska Statutes
2. That Jeremy Moss, a member of the Elkhorn Township Board of Dodge County, Nebraska, used his public office to obtain personal financial gain by voting himself additional compensation, not provided by law, and by taking said compensation on September 3, 2019 in the amount of \$2,000.00 from the said Township, and said compensation was in violation of Section 49-14,101.01 of the Nebraska Statutes
3. That Jeremy Moss, a member of the Elkhorn Township Board of Dodge County, Nebraska, used his public office to obtain personal financial gain by voting himself additional compensation, not provided by law, and by taking said compensation on September 16, 2019 in the amount of \$2,000.00 from the said Township, and said compensation was in violation of Section 49-14,101.01 of the Nebraska Statutes.



4. That Jeremy Moss, a member of the Elkhorn Township Board of Dodge County, Nebraska, used his public office to obtain personal financial gain by voting himself additional compensation, not provided by law, and by taking said compensation on October 2, 2019 in the amount of \$5,000.00 from the said Township, and said compensation was in violation of Section 49-14,101.01 of the Nebraska Statutes.

Upon completion of the investigation, the matter will be submitted to the Nebraska Accountability and Disclosure Commission for a determination of whether there is probable cause to believe that the provisions of the Nebraska Political Accountability and Disclosure Act have been violated. If the Commission finds probable cause, a hearing will be held. You will be notified thereof and may appear, present evidence, and be represented by an attorney. If, after hearing, the Commission finds that you have violated the Nebraska Political Accountability and Disclosure Act, you may be ordered and required to comply with the Act, and to pay a civil penalty of up to \$5,000 for each violation occurring on or after August 1, 2019.

In the event the Commission finds that the Preliminary Investigation fails to establish probable cause, the investigation will be terminated and there will be no hearing.

You may submit statements of explanation or other documentation to be made a part of the Preliminary Investigation. Please do so within thirty (30) days from the date of this notice.

All Commission proceedings, records and actions relating to investigations and hearings, in which a violation of the Act is alleged, are to remain **confidential** unless the person alleged to be in violation requests that they be public, or until the Commission makes a final determination after hearing that the Act has been violated. [See Sections 49-14,124, 49-14,124.01 and 49-14,125 of the Nebraska Statutes, and Commission Rule 1.]

DATED this 28th day of January, 2021


Frank J. Daley, Jr.
Executive Director