

State of Nebraska

Accountability and Disclosure Commission

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Lincoln, Nebraska 68509
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Phone (402) 471-2522
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April 17, 2023

Richard Meginnis
Lincoln City Council
555 S 10th Street
Lincoln, NE 68508

Dear Mr. Meginnis:

Reference is made to your Potential Conflict of Interest Statement which was filed with this office on April 11, 2023. As I understand it, you are a member of the Lincoln City Council. You are also the President and 5% owner of NAI FMA Realty. On April 24, 2023 the Lincoln City Council will consider three items related to the Union at Antelope Valley Redevelopment Project. These items are designated on the agenda as 23R-132, 23R-133 and 23-R53. The project is currently listed for sale by NAI FMA Realty. The sale of this project is contingent on the city council approving the three items.

In my opinion, you have a conflict of interest as to these three matters.

Section 49-1499.03 of the Nebraska Political Accountability and Disclosure Act (NPADA) provides that an official of a political subdivision designated in section 49-1493 (including an elected Lincoln City Council Member) has a potential conflict of interest if he or she is faced with taking an official action or making an official decision which may result in a financial benefit or detriment to: a) the public official; b) a member of his or her immediate family; or c) a business with which he or she is associated. This benefit or detriment must be distinguishable from that experienced by the general public or a broad segment of it.

Section 49-1407 of the NPADA defines the term business as "any corporation, partnership, limited liability company, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint-stock company, receivership, trust, activity, or entity." NAI FMA Realty fits the definition of business.

Section 49-1408 of the NPADA defines the term "business association" as a business in which the individual is "...a partner, limited liability company member, director, or officer." An individual may also have a business association if the individual or a member of that individual's immediate family own stock with a certain dollar value or which represents a certain equity interest. For closed corporate stock a business association exists if the value of the stock is one thousand dollars or more or the stock represents a five percent

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equity interest. For publicly traded stock a business association exists if the value of the stock is ten thousand dollars or more or represents a ten percent equity interest.

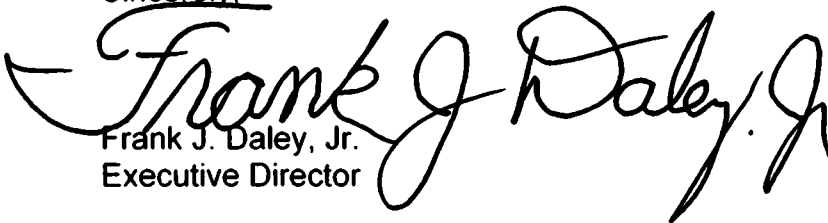
As an officer and stockholder, you have a business association with NAI FMA Realty.

The action of the Lincoln City Council would have a financial effect on a business with which you are associated. Accordingly, you have a conflict of interest.

Because you have a conflict of interest as to these three matters, you are advised to abstain from participating or voting on agenda items 23R-132, 23R-133 and 23-R53. In your filing, you state your intent to do so.

Please understand that this is a staff opinion only and not a formal Commission Advisory Opinion. It is based upon the facts that you have provided. If any of these stated facts are incorrect or incomplete, please advise me immediately as this could affect the stated conclusion.

Sincerely,



Frank J. Daley, Jr.
Executive Director

xc: Yohance Christie
Lincoln City Attorney
555 S 10th Street, #300
Lincoln, NE 68508