

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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May 9, 2023

Aimee Melton
1324 North 129th Circle
Omaha, Nebraska 68154

COPY

Re: C-2 Potential Conflict of Interest Statement

Dear Ms. Melton,

This will acknowledge receipt of a C-2, Potential Conflict of Interest Statement ("Statement"), which you filed with the Nebraska Accountability and Disclosure Commission ("NADC") on May 5, 2023.

In the Statement, you have stated that you are a member of the Omaha City Council ("Council"). You have also advised that you are a partner in the law firm of Reagan, Melton & Delaney, LLP. You have noted that your firm is currently representing Police Union President Tony Connor with respect to his divorce.

In your Statement, you note that within the next several months the Council will be addressing an agenda item concerning the Omaha Police Officer's Association (Association). In view of your firm's representation of the President of that Association, you have noted a possible potential conflict of interest.

In the subject Statement, you have said that you do not believe that you have a disqualifying conflict of interest with respect to discussing or voting upon the Council agenda item concerning the Association.

Under the terms of Section 49-1499.03 of the Nebraska Political Accountability and Disclosure Act ("NPADA"), you would have a potential conflict of interest in those circumstances where you are: "...required to take any action or make any decision in the discharge of... [your] official duties that may cause financial benefit or detriment to [you] or..., a member of [your] immediate family, or a business with which [you..are] associated.."

The term "immediate family member" is defined in Section 49-1424 of the NPADA. The term is defined as follows: "Immediate family shall mean a child residing in an individual's household, a spouse of an individual, or an individual claimed by that individual or that individual's spouse as a dependent for federal income tax purposes."

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As I understand the facts, no financial benefit or detriment to your immediate family would result from your action upon the agenda item in question.

The term "business with which you are associated" is defined in Section 49-1408 of the NPADA. It would mean either a business in which you had a financial interest in the stock of the business or a business in which you are a, "partner, limited liability company member, director, or officer." Your law firm would be a business with which you are associated, but action upon the subject agenda item would not financially affect your firm's representation of Mr. Connor.

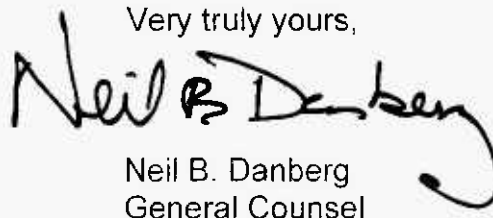
Based upon the information which you have provided to us in your Statement and in the supplementary telephone calls, we conclude that you do not have a financial interest in the Council's agenda item concerning the Association. Consequently, you may participate in the discussion and the vote with respect to that agenda item.

In preparing this opinion, we are relying upon the accuracy of the facts, as we have expressed them in the letter, and in our subsequent telephone conversations. If our expressed understanding of these facts is incorrect or incomplete, please advise us immediately.

We also note that the concept of "appearance of conflict" is not addressed by the terms of the NPADA. This would be a matter which may fall within the jurisdiction of the Nebraska Counsel for Discipline

Thank you for your timely filing of the subject Statement. Please contact me directly if you have any questions concerning this opinion.

Very truly yours,

A handwritten signature in black ink that reads "Neil B. Danberg". The signature is written in a cursive, flowing style. The "N" is large and loops around the "B". The "Danberg" part is also cursive and ends with a long, sweeping underline.

Neil B. Danberg
General Counsel

NBD/sf