

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

March 29, 2023

Kyle Lindhorst
506 West 6th Street 2nd Street
Lindsay, NE 68644

Fred Hoefer
Village of Lindsay
121 Pine Street
P.O. Box 66
Lindsay, NE 68644

Re: C-2 Potential Conflict of Interest Statement

Dear Mr. Lindhorst

This will acknowledge receipt of a C-2A, Potential Conflict of Interest Statement ("Statement"). It is our understanding that you filed this Statement with the Village of Lindsay. The Village, through Board of Trustees Chairman Fred Hoefer has forwarded the Statement to the Nebraska Accountability and Disclosure Commission ("NADC"). We received the Statement on March 24, 2023. In his forwarding letter, Chairman Hoefer has requested that the NADC respond to the Statement. This letter will constitute that response. The response is being sent both to you and to Chairman Hoefer.

In the Statement, you have said that you are a Trustee of the Village Board of Lindsay, Nebraska (Board).

In your Statement, you have also said that you are a party (along with three others) to a lawsuit or claim for damages which the parties filed on December 17, 2020, against the Village of Lindsay. Your Statement further indicates that, as a member of the Lindsay Village Board, you will be making a recommendation with respect to the merits of the lawsuit. In your Statement, you say (and we agree) that this recommendation may result in a financial benefit or detriment to the parties in the lawsuit.

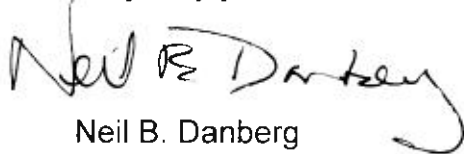
Under the terms of Section 49-1499.03 of the Nebraska Political Accountability and Disclosure Act ("NPADA") you would have a potential conflict of interest in those circumstances where you are: "...required to take any action or make any decision in the discharge of his or her official duties that may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

Based upon the information which you have provided to us in your Statement, we conclude that you do have a financial interest in the subject lawsuit or claim which will be coming before the Board. Consequently, you may not participate in the discussion and the vote with respect to that lawsuit or claim.

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

Please contact me directly if you have any questions concerning this opinion.

Very truly yours,

A handwritten signature in black ink, appearing to read "Neil B. Danberg". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Neil B. Danberg
General Counsel

NEBRASKA
ACCOUNTABILITY AND
DISCLOSURE COMMISSION
1225 L St., Suite 400
P.O. Box 95086
Lincoln, NE 68509
(402) 471-2522

POTENTIAL CONFLICT OF INTEREST STATEMENT

POSTMARK
DATE 3-23-23

MICROFILM
NUMBER

OFFICE USE ONLY

BEFORE COMPLETING THIS FORM
READ THE FILING REQUIREMENTS
ON PAGE 3

NADC FORM C-2A

(Village, City, School Officials Except
Omaha and Lincoln Officials)

REC'D

APR 17

RECEIVED

- An official of a village or city holding elective office or an official of a school district holding elective office must file this form if he or she has a potential conflict of interest.
- **Officials of the cities of Lincoln and Omaha holding elective office with a potential conflict of interest should not use this form.** Use Form C-2.
- This form should be filed with the person who normally keeps records for the school district, city or village. **There is no requirement to file this form with the Nebraska Accountability and Disclosure Commission.**
- Persons who fail to disclose a potential conflict of interest or who otherwise do not comply with the law are subject to penalties.

ITEM 1 NAME, ADDRESS AND TELEPHONE NUMBER

Name Lindhorst Kyle J. Telephone No. (402) 920-0683
Last First Middle
Address 506 West 6th Street 2nd Street Lindsay NE 68644
STREET ADDRESS OR RURAL ROUTE City STATE ZIP CODE

ITEM 2 TITLE, AGENCY (City, Village, School), ADDRESS AND PHONE

Your Title Publicly Elected Trustee of the Board Agency Village of Lindsay Town Board
Agency Address 121 Pine Street Lindsay, NE, 68644
Agency Phone (402) 428-4010

ITEM 3 DESCRIBE POTENTIAL CONFLICT OF INTEREST IN DETAIL (Use Item 6 Continuation, if necessary)

Date action is to be taken or decision is to be made: From 12/05/2022 until Case is Closed or I am not an Elected Official

Description of Potential Conflict:

I am a member of a four-party group who has filed a lawsuit for damages incurred December 17, 2020 which will be requesting official action of the Village of Lindsay Board of Trustees which I am an Elected Public Official of.

ITEM 4 PERSONS WHO MAY RECEIVE FINANCIAL BENEFIT OR DETRIMENT☒ You☒ Member of your Immediate Family: Gabrielle Lindhorst

NAME

Business With Which You

☐ Are Associated (See Definitions)

NAME OF BUSINESS

ITEM 5 NATURE OF FINANCIAL BENEFIT OR DETRIMENT

The four-parties who have filed a lawsuit against the Village of Lindsay for damages incurred December 19, 2020 which I am associated with, will be making recommendations which may result in a financial benefit or a financial detriment to the claimants to the Village of Lindsay Board of Trustees which I am an Elected Public Official of, for actions requiring approval and authorization for the use of their public resources, personnel, property or funds under the official care and control of the Villages Board, thus requiring actions to make official decisions which may result in a financial benefit or a financial detriment for the Village of Lindsay.

ITEM 6 CONTINUATION

(SIGNATURE)

(DATE)

Village of Lindsay

121 Pine St. - P.O. Box 66

Lindsay, Nebraska 68644

(402) 428-4010

To: State of Nebraska
Accountability and Disclosure Commission
11th Floor State Capitol
P.O. Box 95086
Lincoln, NE. 68509

3/22/2023

Re: Potential Conflict of Interest Kyle Lindhorst

The Village of Lindsay is requesting the Counsel review and make a determination on the NADC Form C-2A Potential Conflict of Interest Statement received from Board of Trustee Kyle Lindhorst in reference to a Lawsuit filed for damages incurred December 17, 2020 to his property the Board will be requested to take official action on.



Board Chairman Fred Hoefer