

State of Nebraska

Accountability and Disclosure Commission

P.O. BOX 95086
Lincoln, Nebraska 68509
nadc.nebraska.gov



Centre Terrace, 1225 L St. #400
Phone (402) 471-2522
Fax (402) 471-6599

May 10, 2024

Mark Coleman
4600 Valley Road
Suite #100
Lincoln, Nebraska 68510

Re: Potential Conflict of Interest Statement

Dear Mr. Coleman,

This will acknowledge receipt of a Potential Conflict of Interest Statement ("Statement") which you filed with the Nebraska Accountability and Disclosure Commission ("NADC") on May 8, 2024.

You are the Client Resource Counsel at the Nebraska Center for the Blind, which is a program within the Nebraska Commission for the Blind and Visually Impaired (the "Commission"). The Nebraska Center for the Blind is, as you have described it, an intensive residential training and orientation center for blind adults. In that position, we understand that you are not tasked with making decisions with respect to your position.

You have also been elected to a position as Chapter President of the National Federation of the Blind Nebraska Affiliate.

With respect to possible conflict of interest issues, the applicable Statute under the NPADA would be Section 49-1499.02, which states in pertinent part as follows:

"(1) An official or employee of the executive branch of state government who would be 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 him or her, a member of his or her immediate family, or a business with which he or she is associated...shall take the following actions...[prepare a written statement describing such potential conflict]"

Based upon the information which you have provided, there does not appear to be any potential conflict of interest. In particular, we note that you have said that,

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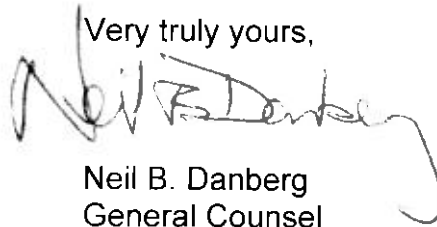
as a Counselor, you are not in a decision-making position with respect to the Commission.

In the event that you are confronted with a situation in which you are required to take an action or decision on behalf of the Commission which would result in a financial benefit or detriment to you or an organization with which you are associated, then you may have a potential conflict of interest, and you should report that matter to us in a new Statement.

In preparing this opinion, we are relying upon the accuracy of the facts, as you have presented in your Statement and which we have expressed above. If any of these facts are incorrect or incomplete, please advise us immediately.

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 dark ink, appearing to read "Neil B. Danberg", with a long, sweeping horizontal stroke extending to the right.

Neil B. Danberg
General Counsel

NBD/sl

To: Nebraska Accountability and Disclosure Commission

1225 L St., Suite 400

PO Box 9586

Lincoln, NE 68509

(402)471-2522

em C-2,

Item 1

Mark Coleman

2629 S. 15th Street

Lincoln, NE 68502

Work cell" (402)290-6461

Item 2

My title Client Resource Counselor

Agency: Nebraska Commission for the Blind and Visually Impaired

Agency Address: 4600 Valley Road, Suite 100 Lincoln, NE 68510

Agency Phone: (402)471-2891

Immediate superior: Jessica Bartenbach

Title: Nebraska Center for the Blind Supervisor

Item 3

Describe potential conflict of interest in detail:

I have been working as a Client Resource Counselor at the Nebraska Center for the Blind (a program within the NCBVI) since August 2022. In February of this year I was elected as the chapter president of the National Federation of the Blind Nebraska Affiliate. On Friday, May 3 I received an email from my supervisor, Jessica Bartenbach, suggesting that I complete a Potential Conflict of Interest form. After briefly reviewing the form on my iPhone (the document would not read on my Windows computer) I talked to Jessica about the form and told her that I was not sure that I met any of the criteria for requiring a Potential Conflict of Interest form. Jessica indicated that it would be precautionary and would be to protect myself as much as anything. Jessica gave the example of a former state president of the NFB Nebraska affiliate who was also a Vocational Rehabilitation Counselor for the NCBVI who completed a form. It is the practice of the NCBVI to encourage and sometimes provide financial assistance for our

consumers to attend the conventions of one of the two primary consumer groups for the blind (the NFB and the American Council of the Blind). In the case of the former state president of NFB-N it was decided that she should not sign up her clients for the NFB state convention, but instead should allow a colleague to address options of attending consumer group conventions instead of doing it herself.

I do not have a potential conflict of interest that closely parallels that of the former NFB-N president. In recent years, the Nebraska Center for the Blind (which is an intensive residential training and orientation center for blind adults) has attended both the NFB-N and the Nebraska affiliate of the ACB state conventions as a group with all students being expected to attend. Because this practice has predated my employment with the NCB and because I am not personally involved in this decision making I do not perceive a potential conflict of interest. On one occasion, I helped ensure that one of our students who had missed a number of days of class due to illness, completed her registration form for NFB-N state convention before the deadline. In this case, I was not involved in the decision that led her to attend the convention, I merely played a supporting role in helping her complete her form on time as a deadline loomed.

Because the NCB attended the convention as a group, I did attend the NFB-N convention at the NCBVI's expense. Attending was a job duty which was expected as an employee in pursuance of a practice that long pre-dated my election to the NFB Lincoln chapter presidency. In recent years the NCBVI has also been funding attendance by employees to the national convention of either the NFB or the ACB. I am registered to attend the NFB national convention in Orlando this upcoming July. This also is in accordance with an established practice of the NCBVI and is an opportunity afforded to all NCBVI staff. Therefore I do not perceive a conflict of interest.

In my role as a Client Resource Counselor, one of my duties is assisting students in accessing community resources. The NFB is often referred to as a blind consumer organization, and as president one of my activities has also involved working on behalf of the blind community as it relates to accessibility of community resources. Therefore, it has occurred and may happen in the future that work I do on behalf of the NCB may cover similar ground as areas of interest to the NFB Lincoln chapter. For instance, earlier this year several of our students were having difficulties commuting from the training center back to the NCB apartments downtown because often the StarTran buses our students boarded had their final downtown stop on a different block than where it was supposed to be according to the published schedule. This created enough problems that I made multiple attempts to contact StarTran and also attended a StarTran Advisory Board meeting with several students who were interested in the issue and in self advocacy. At about the same time, some of our NFB chapter members showed interest in the changes that were occurring at StarTran regarding the moving of the transfer center and the longer term plan to build a multi-modal transportation center in the downtown area. When I was having difficulties reaching administrators at StarTran, NCBVI Director Carlos Servan, who also serves on the StarTran Advisory Board, asked one of the StarTran assistant directors to give me a call regarding making contact with the NFB chapter and the center students. I received a call from the StarTran assistant director on my work phone during work hours. The assistant director told me she would be willing to schedule a time to

meet with the NFB chapter. Because I was at work and on work time and a work phone, I suggested we schedule a meeting with the NCB students first, then work out a date for meeting with the NFB chapter.

In this particular case, I avoided a potential conflict of interest by maintaining an awareness of the fact that the contact came from the NCBVI Director and I was receiving a call on work time and on a work phone, which made it obvious that I should use the opportunity first to schedule a meeting with the NCB students. In most cases, any overlapping themes in work done on behalf of the NCB and on behalf of the NFB are more likely to be an asset to my work as a state employee rather than a conflict of interest. For instance, as in my duties with the NFB, I will be attending a meeting at Bryan Medical to discuss accessibility within the My Chart app and web page. What I learn in this meeting may be useful to students at the NCB, but there is no conflict of interest that I can foresee.

While I am not aware of any conflict of interests likely to arise as a result of my position within the NFB Lincoln Chapter, I do plan to maintain an awareness of this potential and avoid any such conflicts. In addition, I am open to any advice or counsel from the Nebraska Accountability and Disclosure Commission to avoid such potentialities.

Item 4

Persons who may receive financial benefit or detriment

You: I do not anticipate any scenario where I would receive any financial benefit from serving as an officer in the Lincoln Chapter of the NFB.

Member of your immediate family: N/A

Business with which you are associated: N/A

Item 5

Nature of financial benefits or detriment

I do not believe there is any financial benefit or detriment associated with my role in the NFB. As noted above, I have attended an NFB state convention and will be attending an NFB national convention through my position with the NCBVI. Both of these conventions would have been or will be attended regardless of my position within the NFB.

Item 6

For members of the legislature only

N/A