

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

October 13, 2023

Erich Tiemann
29735 S. 40 Ets
Beatrice, NE 68310

Re: C-2 Potential Conflict of Interest Statement

Dear Mr. Tiemann,

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 Monday, October 2, 2023.

You are a member of the Gage County Board of Supervisors (the "Board"). In your Statement, you have raised the issue of your having a possible conflict of interest with respect to a Special Use Permit for a facility which is being proposed in Liberty Township in Gage County. This matter will come before the Board for possible approval.

You note that, if approved, your "companies" may benefit since they may, "do some of the work, possibly including up to Excavation, Fabric Placement, Rock Hauling, Rock Material, Rock Placement." One of the companies which would potentially benefit you have identified as, "RL Tiemann Const., Hard Rock Quarry." You have added that, "If the project is accepted/permit approved these companies I own/run will be performing work on this job and providing materials and placement of materials."

Section 49-1499.03(1) of the Nebraska Political Accountability and Disclosure Act ("NPADA"), applies to elected county officials. That Statute imposes the following requirement:

"(1) An official of a political subdivision designated in section 49-1493 [which includes elected county officials] 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...: (i) Prepare a written statement describing the matter...; and (ii) Deliver a copy of the statement to the commission..”

The filing of your Statement complies with the terms of the Statute. We now turn to the question of whether you have a conflict of interest with respect to any action or decision on the Special Use Permit.

The term “business with which you are associated” is used in the foregoing Statute, and that term is defined in §49-1408 of the NPADA as follows:

“Business with which the individual is associated...shall mean a business: (1) In which the individual is a partner, limited liability company member, director, or officer; or (2) In which the individual...is a stockholder of closed corporation stock worth one thousand dollars or more..”

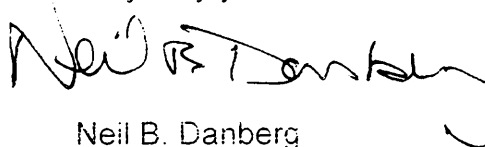
In your Statement, you have stated that one or more companies which you “own/operate” may receive a financial benefit from approval of the Special Use Permit. Your ownership and operation of the companies would constitute one or more businesses with which you are associated.

Under these circumstances, you would have a conflict of interest in taking action or making a decision on the subject Special Use Permit. Consequently, you should recuse yourself from participation in the discussion and voting with respect to the subject Special Use Permit.

Our opinion in this matter is premised upon the material facts which we have outlined above. If any of these facts are inaccurate or incomplete, please contact 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 black ink, appearing to read "Neil B. Danberg", with a stylized 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 NADC FORM C-2°	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">POSTMARK DATE</td> <td style="width: 50%; padding: 2px;">10/02/2023</td> </tr> <tr> <td style="padding: 2px;">MICROFILM NUMBER</td> <td style="padding: 2px;">EM S</td> </tr> <tr> <td colspan="2" style="text-align: center; padding: 2px;">OFFICE USE ONLY</td> </tr> <tr> <td colspan="2" style="text-align: center; padding: 10px;"> RECEIVED OCT 02 2023 NEBRASKA ACCOUNTABILITY DISCLOSURE COMMISSION </td> </tr> </table>	POSTMARK DATE	10/02/2023	MICROFILM NUMBER	EM S	OFFICE USE ONLY		RECEIVED OCT 02 2023 NEBRASKA ACCOUNTABILITY DISCLOSURE COMMISSION					
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BEFORE COMPLETING THIS FORM READ THE FILING REQUIREMENTS ON PAGE 3														
- An official or employee of the executive branch of state government or any other official or employee required to file Statements of Financial Interests must file this form if he or she has a potential conflict of interest. - Elected officials of school districts and elected officials of villages and cities (except Omaha and Lincoln) should not use this form. Use Potential Conflict of Interest Statement Form C-2A. - File this Potential Conflict of Interest Statement with the Nebraska Accountability and Disclosure Commission and with your immediate superior (if any) whenever a potential conflict of interest situation arises. - 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													
<table style="width: 100%;"> <tr> <td style="width: 15%;">Name</td> <td style="width: 35%;"> <u>TIEMANN ERICH KARL</u> Last First Middle </td> <td style="width: 15%;">Telephone No.</td> <td style="width: 35%;"> <u>402-520-0295</u> </td> </tr> <tr> <td>Address</td> <td> <u>29735 S 40 EST</u> STREET ADDRESS OR RURAL ROUTE </td> <td> <u>BEATRICE</u> City </td> <td> <u>NE 68310</u> STATE ZIP CODE </td> </tr> </table>			Name	<u>TIEMANN ERICH KARL</u> Last First Middle	Telephone No.	<u>402-520-0295</u>	Address	<u>29735 S 40 EST</u> STREET ADDRESS OR RURAL ROUTE	<u>BEATRICE</u> City	<u>NE 68310</u> STATE ZIP CODE				
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ITEM 3	DESCRIBE POTENTIAL CONFLICT OF INTEREST IN DETAIL (Use Item 7 Continuation, if necessary)													
Date action is to be taken or decision is to be made: <u>10/18/23 or 11/1/23</u> Description of Potential Conflict: <u>Special Use Permit and/or Permit for an eq facility in Liberty Township. The Facility would hire companies I own/operate to do some of the work possibly including up to Excavation, Fabric Placement, Rock Hauling, Rock Material, Rock Placement.</u>														

ITEM 4 PERSONS WHO MAY RECEIVE FINANCIAL BENEFIT OR DETRIMENT☒ You☐ Member of your Immediate Family: ERICH TIEMAN
NAME

Business With Which You

☒ Are Associated (See Definitions) RL TIEMAN CONST. HARD ROCK quarry,
NAME OF BUSINESS**ITEM 5 NATURE OF FINANCIAL BENEFIT OR DETRIMENT**

If the project is accepted/Permit approved these companies I own/run will be performing work on this job and providing materials and placement of materials.

ITEM 6 FOR MEMBERS OF THE LEGISLATURE ONLY

If you will not abstain from acting on a matter state why, despite the potential conflict, you intend to vote or otherwise participate.

ITEM 7 CONTINUATION


(SIGNATURE)

10/2/23
(DATE)

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