

**For Immediate Release
September 9, 2015**

Press Release

Last Friday, I submitted a written request to Frank Daley, the Executive Director of the Nebraska Accountability and Disclosure Commission (NADC), for an advisory opinion regarding the performance of my duties as Auditor of Public Accounts (APA) for the State of Nebraska.

In that request, I asked whether my business activities as President and CEO of RTG Medical, a Nebraska-based medical staffing company that has contracts with certain State agencies and other political subdivisions, conflict in any way with my official auditing duties.

To provide for full transparency and public accountability, as well as to address possible unforeseen contingencies, I drafted my request as broadly as possible. In addition to asking the advisory opinion to examine any likely concerns under Nebraska's conflict of interest laws, I posed the following specific questions:

- **Does my business relationship with RTG Medical give rise to any potential conflicts of interest with my official duties as APA or to any other concerns under the Act?**
- **Does contracting with an outside audit firm to carry out my office's financial examination work at DHHS effectively mitigate any potential conflicts of interest or other concerns that might arise under the Act due to my business relationship with RTG Medical and my official duties as APA?**
- **If potential conflicts of interest or other concerns under the Act continue to exist, what remedial action should I take to address them appropriately?**
- **Given the likelihood that RTG Medical will enter into future contracts with governmental entities, including possibly DHHS, what specific steps should I take to ensure that such agreements do not give rise to any potential conflicts of interest or other concerns under the Act?**

I will abide by the directives in the requested advisory opinion to ensure effective fulfillment of my official role as APA.

Until issuance of the now pending NADC advisory opinion, I will reserve any further comment on this issue.

State Auditor's web site at the following address: www.auditors.state.ne.us





NEBRASKA AUDITOR OF PUBLIC ACCOUNTS

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September 4, 2015

Mr. Frank Daley
Executive Director
Nebraska Accountability and Disclosure Commission
State Capitol Building, 11th Floor
P.O. Box 95086
Lincoln, NE 68509

RE: Advisory Opinion Request

Dear Mr. Daley:

The purpose of this letter is to request, pursuant to Neb. Rev. Stat. § 49-14,100 (Reissue 2010), an advisory opinion regarding the performance of my duties as Auditor of Public Accounts (APA). Specifically, I would like your advice regarding the propriety under the Nebraska Political Accountability and Disclosure Act (Act) of my serving as President and CEO of RTG Medical (trade name for ReadyTech-Go, Inc.), a Nebraska-based medical staffing agency that deals with businesses of all sizes, both public and governmental. Currently, RTG Medical does have contracts with a few State agencies and political subdivisions, while my duties as APA include auditing of some of those same governmental entities.

In particular, RTG Medical contracts with the Department of Health and Human Services (DHHS), which the APA audits. In determining whether I should file a Potential Conflict of Interest Statement (NADC Form C-2) as a result of my business relationship with RTG Medical and duties as the APA, I have reviewed carefully Neb. Rev. Stat. § 49-1499.02 (Reissue 2010), which addresses potential conflicts of interest involving officials and employees in the executive branch of State government. Subsection (1) of that statute requires the filing of a NADC Form C-2 when an executive branch official or employee “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”

Although RTG Medical clearly falls within the definition of a business with which I am associated¹, I do not believe that any exercise of my official duties as the APA would result, either directly or otherwise, in a financial benefit or detriment to me, a member of my immediate family, or RTG Medical.

¹ Neb. Rev. Stat. § 49-1408 (Reissue 2010) provides, in relevant part, “Business with which the individual is associated or business association shall mean a business: (1) In which the individual is a partner, limited liability company member, director, or officer”

Nevertheless, for the sake of transparency, I have directed APA staff to contract with an outside independent audit firm to carry out the financial examination work at DHHS for the RTG Medical contracts and related services utilized by that agency. By doing so, I have effectively removed myself from the oversight of that audit work – thereby, ensuring that it will be performed independently, without the possibility of any actual or perceived conflict of interest on my part.

To ensure both statutory compliance and complete transparency, I would appreciate it greatly if the requested advisory opinion would please address, in addition to any other matters of importance, the following:

- Does my business relationship with RTG Medical give rise to any potential conflicts of interest with my official duties as APA or to any other concerns under the Act?
- Does contracting with an outside audit firm to carry out my office's financial examination work at DHHS effectively mitigate any potential conflicts of interest or other concerns that might arise under the Act due to my business relationship with RTG Medical and my official duties as APA?
- If potential conflicts of interest or other concerns under the Act continue to exist, what remedial action should I take to address them appropriately?
- Given the likelihood that RTG Medical will enter into future contracts with governmental entities, including possibly DHHS, what specific steps should I take to ensure that such agreements do not give rise to any potential conflicts of interest or other concerns under the Act?

I appreciate your guidance regarding these inquiries, as well as any other matters not specifically addressed herein, as to the steps that I should take to ensure strict compliance with all relevant provisions of the Act.

Should you have any questions about this advisory opinion request or seek additional information relating thereto, please do not hesitate to contact me at your convenience. I will be more than happy to cooperate fully by providing you with anything that you need and assisting in every way possible.

Sincerely,

A handwritten signature in cursive script, appearing to read "C. J. Janssen", with a long horizontal flourish extending to the right.

Charlie Janssen