

REPORT TO
THE KNOX COUNTY BOARD OF SUPERVISORS
REGARDING BREACHES OF PRIVACY
AT THE KNOX COUNTY COURTHOUSE

Prepared and submitted by:

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"You need to move to a small town where the rule of law still exists."

Benicio Del Toro as Alejandro, *Sicario*, screenplay by Taylor Sheridan (2015)

Jurisdiction and Authority

On March 19, 2025, attorney David D. Begley was hired and appointed by the Knox County Board of Supervisors to conduct an investigation into possible violations of the County's Employee Handbook, possible breaches of courthouse security and any violations of Nebraska law. Attorney Eric M. Hagen was appointed as Special Deputy County Attorney on this matter. Attorneys Begley and Hagen were hired per Neb. Rev. Stat. §23-1203. The civil investigation was conducted per Neb. Rev. Stat. §86-2,112.

Burden of Proof

In analyzing the facts in this case, I have applied the burden of proof for civil cases: the greater weight of the evidence. NJI 2d Civ. 2.12A. "Generally, the burden of proof in an action at law is a greater weight of the evidence...." *Malousek v. Meyer*, 309 Neb. 803, 825, 962 N.W.2d 676, 692 (2021).

Preliminary Facts

The genesis of this entire matter was when some kids broke the hood ornament off Joann Fischer's car. When the cameras were checked, it was discovered that the system didn't have good coverage throughout the courthouse campus. (6:13-25; 7:1-20) It was also older technology. The old system had a microphone in the Board of Supervisors' meeting room. A button was installed on the Supervisors' desk or dais. When the button was lit red, that meant it was recording. When the Board went into closed session, the button was depressed and the red light didn't show. The Supervisors thought that the kill or cutoff switch was functional until the incident described below.

Some Covid ARPA and NIRMA money was available and so an upgrade was ordered. On October 23, 2023, Deputy County Attorney Hanna Jensen approved Applied Connective Technologies, LLC's quote #014409 in the amount of \$75,099.77. It reads, in part, "Audio Toggle Switch, On/Off, Qty 1." Attached. (Ex #3 to Hanna Knox Jensen sworn statement).

Applied Connective did the work and billed in two segments. A claim of \$64,346.21 was approved on May 29, 2024 while the claim of \$4,323.50 was approved on July 10, 2024.

Two incidents informed the Board that there was no functional kill or privacy switch in the Supervisors' room. One incident was about a second round of raises for the Sheriff's staff on January 22, 2025. That is discussed below.

The other incident that informed the Board that there was no functional toggle or cutoff switch was when the County Clerk, Joann Fischer, was counseling an employee

about a personal health and HIPPA issue in the Boardroom. Other courthouse employees found out about this person's health problem. (15:17-25; 16:1-6). Mrs. Fischer was alarmed as she, and other department chiefs, had consistently used the Board of Supervisors' room to discuss private and confidential matters; including HIPPA matters and employee discipline.¹

On or about January 23, 2025, Chief Deputy Dan Henery, Rhonda Surface and Joann Fischer met. It was first learned that the toggle switch in the basement conference room didn't work. It didn't record. (17:2-18). There was no functioning audio in the basement. (17:19-24). Dan Henery then admitted, "[B]ut I can hear everything up in the boardroom." (17:25; 18:1-2). This was news to Mrs. Fischer. (18:2-3). Dan Henery then demonstrated this on his laptop that he could see and hear everything in the boardroom. (18:3-7). Per Dan Henery, Sheriff Don Henery could also hear and see everything in the boardroom (18:7).

Mrs. Fischer's reaction to this information was, "And then it just back to when I was – all the things and all the people that I had talked to throughout the year, to know that people had access to that and were listening to it was very upsetting." (16:12-17).

Later that same day, Sheriff Don Henery came into the Clerk's office and told her that he "will take care of that with Applied." (18:12-15).

On January 24, 2025. Mrs. Fischer contacted Supervisor Marty O'Connor about the above events. In this conversation, Mrs. Fischer was very distraught and upset which is contrary to her normal levelheaded and calm manner.

On January 27, 2025, an emergency meeting of the Board of Supervisors was held commencing at 2:00 p.m. Chairman Sokol and Supervisor O'Connor removed what they believed to be the only microphone in the Boardroom.

At this same meeting, Sheriff Don Henery and 911 Coordinator Heather Kienow were invited to attend this closed session. During this meeting, Sheriff Henery demonstrated to the Board how he could see and hear conversations in the Board of Supervisors' room notwithstanding that a microphone had already been removed.

Marty O'Connor then used a presentation pointer to tap around the ceiling of the Supervisors' room. It was a trial-and-error method to move the pointer around the ceiling and learn if the pointer was closer to the microphone. After some time, the Board discovered an odd object near the fire detector. It was a microphone that was not subject to any cutoff switch. The microphone was connected by a cord to a camera in the corner of the room. This device looked like it was part of the fire alarm and detection system. Supervisor Sokol removed and disconnected the listening device. On January 27, 2025, and in the presence of the Knox County Board, Sheriff Don Henery freely admitted that the device was a microphone and it had been in place for over a year. In other words,

¹ To her credit, Mrs. Fischer counseled an employee who was considering suicide. She helped this person get treatment. (14:1-24).

there were two microphones in the Supervisors' room and one was unknown to the Board. Furthermore, the newly installed microphone was not subject to a cutoff switch. Applied Connective didn't touch the old system which explains why there were two microphones in the room. (Applied Connective;16:8-11).

At some point, the Board placed a conference call to Ed Knott, the owner of Applied Connective. Mr. Knott told the Board that an unknown person "from the courthouse" called his company and cancelled the installation of the privacy or cutoff switch. The cost of the audio cutoff switch was \$12.00.

Supervisor O'Connor took possession of the newly discovered microphone. He delivered it to Special Deputy County Attorney Hagen. Mr. Hagen showed it to Justin Niewwohner and Ryan Robinson. They confirmed it was the microphone that Applied Connective installed in the Knox County courthouse in 2024.

Employee Handbook

The Knox County Employee Handbook was adopted on August 1, 2023. It was revised on March 6, 2024. In my job with the Nebraska Department of Labor I saw hundreds of employee handbooks. In my opinion, the Knox County Employee Handbook is well-written and it is fairly standard as these documents go.

On page one, the Employee Handbook recites that it is not a contract between employer and employee. It also states that employees are "at will." Employees are also advised, **"PLEASE READ THE HANDBOOK CAREFULLY...."**

The Code of Ethics is all mandatory ("employees shall") with one exception. The mandatory actions of a Knox County employee are:

- Shall not use County property for unauthorized activities; and
- **Shall adhere to all laws** and regulations. (emphasis added)

Employees are expected to disclose fraud and corruption to appropriate authorities.

At page 39, performance and conduct rules are set out as examples of what the County considers to be improper behavior. "The level of severity of any infraction and the disciplinary action to be taken is solely at the County's discretion."

The two relevant rules are:

- Dishonesty; and
- Violation of the County's Code of Ethics.

Normally the County exercises progressive discipline, but the County reserves the right to depart from progressive discipline and immediately terminate an employee in cases involving "serious misconduct." This is typical employee handbook language.

Finally, department heads "may dismiss any employee under their supervision."

The last page of the Employee Handbook states, "We expect to follow and enforce these policies as closely as possible, knowing, in some instances, that interpretations will be required, which will be made by the County in its sole discretion."

In my legal opinion, violating the civil law would constitute a violation of the County's Code of Ethics for purposes of employee discipline. The Code of Ethics requires employees to "adhere to all laws." All laws include federal and Nebraska laws; civil and criminal. Additionally, dishonesty is grounds for discipline.

Case law and statutes

Civil actions for electronic breach of privacy are exceptionally rare in Nebraska; at least according to the reported appellate cases. The only reported case is *Brumbaugh v. Bendorf*, 306 Neb. 250, 945 N.W.2d 116 (2020). It was filed by an attorney against his ex-wife. Per her request, Bank of America sent his credit card statements and account activity to a separate email she created. The opinion recites that "the email was a joint account that she created either before or during her marriage to Brumbaugh."

The statutes that Brumbaugh relied on were 18 U.S.C. §2520 and Neb. Rev. Stat. §86-297. The jury found for Brumbaugh.

The federal statute is very broad, "[a]ny person whose wire, oral, or electronic communication is intercepted, disclosed, or intentionally used in violation of this chapter may in a civil action recover from the person or entity...."

Neb. Rev. Stat. §86-297 reads, "Any person whose wire, electronic, or oral communication is intercepted, disclosed, or intentionally used in violation of sections 86-271 to 86-295 and 86-298 to 86-2,103 may in a civil action recover from the person or entity which engaged in that violation such relief as may be appropriate."

"The court instructed the jury that if it found in favor of Brumbaugh, he was entitled to recover '[s]tatutory damages of whichever is the greater of \$100.00 per day, for each day of violation, or \$10,000.00.' The jury found that Brumbaugh met his burden of proof as to both the federal and state wiretapping claims and awarded damages of \$4,800. Brumbaugh promptly filed a motion for judgment notwithstanding the verdict and a motion to alter or amend, both based on the jury's award of damages. The court sustained the motions, entering judgment in favor of Brumbaugh on both wiretapping claims and awarding statutory damages of \$10,000." *Brumbaugh v. Bendorf*, 306 Neb. at 252.

Conduct of government attorneys

A county attorney and his or her deputies are government attorneys. "The conduct of a government attorney is thus required to be more circumspect than that of a private

lawyer. This is the inevitable result of the fact that government attorneys are invested with the public trust and are more visible to the public. As such, improper conduct on the part of a government attorney is *more likely to harm the entire system of government in terms of public trust.*" *State ex rel. Nebraska State Bar Ass'n v. Douglas*, 227 Neb. 1, 62, 416 N.W.2d 515, 550 (1987) (emphasis added)

"Throughout the United States, public officers have been characterized as fiduciaries and trustees, charged with honesty and fidelity in administration of their office and execution of their duties." *Douglas*, 227 Neb. at 24, 416 N.W.2d at 529-30. Per the cases cited in *Douglas*, this rule applies to county board members and sheriffs.

Investigation

Hanna Knox Jensen

I previously sent to the Board the entire transcript of Hanna Knox Jensen's sworn and transcribed statement of July 16, 2025.

At the outset it is noted that Mrs. Jensen did not want to be interviewed under oath. Her letter of July 15, 2025 states, "I do not believe a sit-down interview is necessary." See attached; Exhibit 6 to the sworn statement of July 16, 2025. I immediately responded at 4:19 p.m. and told her that she was ordered to appear and her failure to do so would be considered insubordination. See attached email of David D. Begley dated July 15, 2025.

At the beginning of the sworn statement, Mrs. Jensen wanted to read into the record her letter of July 15th. I wouldn't allow it. (9:14-25; 10:1-13).

When I began questioning Mrs. Jensen about her July 15th letter, the following exchange took place,

"Mr. Begley: Okay. First paragraph, second sentence, you wrote, 'I do not believe a sit down interview is necessary.' Now, why do you have that opinion, ma'am?

Mrs. Jensen: Because I believed that everything I had included in this letter would be sufficient, and quite frankly, it would save the county some money. And I also told you, if you have any additional questions, you're welcome to send me those which I would have responded to you.

Mr. Begley: Well, I think you understand and appreciate the County Board has hired Mr. Hagen and I to conduct this investigation, and we want to be thorough, and we want to put people on the record and under oath; do you understand that?

Mrs. Jensen: I understand that." (20:5-13).

The point here is that Mrs. Jensen was trying to control and limit the Special Knox County Attorney's investigation. My charge was to conduct a thorough investigation and a self-serving unsworn statement was not acceptable to me.

There were some elements of defiance and obstruction by Hanna Jensen with the investigation.

Hanna Knox Jensen testified, under oath, that she did not know if a Supervisor clicked a switch prior to going into closed session (13:2-6) despite sitting 10' to 15' away from the Board of Supervisors' desk. (12:13-25; 13:1). She further testified that she didn't know how the switch worked. (13:12-15).

Kelsy Jelinek was hired as zoning administrator in December 2022. (6:22-25; 7:1). Mrs. Jensen began working as deputy Knox County Attorney in 2022. (9:1-13). Both women attended Supervisors' meetings. Mrs. Jelinek was familiar with the use of the cutoff switch when the Board went into closed sessions because, "Don [Henery] would stand at the door and say, make sure you hit the switch. And I assume that that meant, before we went into closed session, that there was a switch that somebody was supposed to hit." (17:13-21). She understood that hitting the switch "would stop anybody from hearing what was happening in closed session." (7:22-25; 8:1).

Mrs. Jensen agreed that it is important for the Supervisors to preserve the confidentiality of their conversations during closed session, but she did not know how the Supervisors did so. (14:5-19).

Mrs. Jensen was the only lawyer on the courthouse security committee; the other two being Sheriff Don Henery and Zoning Administrator Kelsy Jelinek. (17:15-17). Mrs. Jensen put the duty on the Board of Supervisors to order a toggle kill switch for its meeting room. She stated that the since the "Board didn't ask" for the kill switch, she wasn't going to put it in the work order. (16:4-25; 17-19).

Mrs. Jensen's view of how the Knox County committee system worked is to be contrasted with that of John Thomas. Mr. Thomas knew that the Board of Supervisors was not micro-managing every aspect of committee work. (23:5-25; 24:1-3).

Mrs. Jensen also put the duty to order a toggle switch for the Board's meeting room upon Applied Connective employee Justin Niewohner. (21:10-25; 22:1-25; 23: 1-11). Her explanation was that no one on "that committee is a security person." (23: 12-21).

One explanation about the lack of a kill switch was that she "didn't think about it at the time" regarding the need for a kill switch in the boardroom. (25:4-7). Another rationalization was that there didn't need to be audio "anywhere." (25:8-22).

The following exchange occurred,

"Mr. Begley: So further on you write, 'To my recollection, I did not have any conversations with any Applied Connective representative while they were installing the new system; did I read that correctly?

Mrs. Jensen: Yes.

Mr. Begley: And that's your sworn statement and recollection under oath, ma'am?

Mrs. Jensen: Yes.

Mr. Begley: Okay. I'll tell you that Mr. Hagen interviewed people at Applied Connective, and what they told him was that a female, in person, told him, don't install the kill switch, toggle switch, the toggle switch, in this room. What's your reaction to that?

Mrs. Jensen: Okay. If that's what they said.

Mr. Begley: Was it you?

Mrs. Jensen: No.

Mr. Begley: The only other female on that committee was Kelsy Jelinek?

Mrs. Jensen: That is correct. You'll see on the work order; there's Joann Fischer's name. There's also Krista Nix's name. It states the contact name is Joann Fischer. There's probably about 20 women who work in this Courthouse. Maybe that's too many. But this Courthouse is mostly women who work inside here. **No, I never told them that.**" (26:25; 27:1-24) (emphasis added)

Joann Fischer, Kelsy Jelinek and Rhonda Surface all stated under oath that they did not tell Applied Connective to not install a kill switch in the Board room. (10:13-15), (8:7-11), (13:9-13).

Mr. Hagen had the following exchange with Mrs. Jensen,

"Mr. Hagen: -- okay? So when I talked to them, they told me that initially there was no audio anywhere on the work order, but that during the quoting process, you asked that it be put to the boardroom and the conference room. You sent that to them over e-mail, they said.

And then later, you also said, we're going to want it in the Courtroom. And then while on site, they said that you told them no audio in either of those meeting rooms, only the Courtroom. **And then another conversation occurred again during the installation that said, there should be audio here in the boardroom, and then no toggle switch.**

So I know that was a lot, and so I can always come back to it, but what -- what's correct or incorrect about that summary from what I was told?

Mrs. Jensen: So they said me specifically on all of those things?

Mr. Hagen: So to be fair, you specifically -- most of them, **they couldn't be certain it was you during the installation, but they believe it was you that they were speaking to.**

Mrs. Jensen: Okay. I have zero memory of that. During the installation -- yeah. I -- **I do not think we had any conversations.**" (40: 2-25).

Mrs. Jensen did not participate in any walkthroughs with Applied Connective regarding how the new camera and audio system was to be set up. (36:2-9).

Contrast and compare Mrs. Jensen's actions and concerns that there be a kill or privacy switch in the Knox County courtroom with her inaction with regard to the Knox County Board room. (36:10-25; 37:1-25; 38:1-3).

Special Deputy Knox County Attorney Eric M. Hagen jointly interviewed Justin Niewohner and Ryan Robinson of Applied Connective.

Hanna Jensen was their primary contact for the 2023 camera upgrade. (8:20-22; 9:2-3). Mr. Niewohner said any change orders would have likely come from Hanna, but he couldn't be sure. (15:15-21).

Applied Connective did not touch the existing audio system that was in place. (16:3-11).

There was a changing of the work order during the course of the project. Mr. Niewohner's and Mr. Robinson's information about this project was from their on-site technicians. It is hearsay, but I judge it to be reliable. The colloquy with Mr. Hagen was as follows,

"MR. HAGEN: And then Hannah (sic) Jensen on not on site, but ahead of time, right?

MR. ROBINSON: Yeah. Pre-install.

MR. HAGEN: Pre-install says --

MR. NIEWOHNER: Just through e-mail, they said, 'Hey, can we -- can we look add an audio for the two Meeting Rooms/Board Rooms?'

MR. HAGEN: Okay. And then the Courtroom as well?

MR. NIEWOHNER: Revised, and sent back and then came back and said, 'Hey, we want to add audio to the Courtroom as well.'

MR. HAGEN: Okay.

MR. NIEWOHNER: And then they finally -- that's when they approved it then --

MR. HAGEN: Okay.

MR. NIEWOHNER: And then when we went on site for install, that's when they told our guys, 'Hey, we changed our mind again.'

MR. HAGEN: Got it. Okay.

MR. NIEWOHNER: 'We no longer want audio in anything.' But they must have at least said, 'But we'll keep it into one Board Room,' because then we did end up putting in an external mic

MR. ROBINSON: Yeah. I think they were just talking about the Courtrooms.

MR. NIEWOHNER: Yeah.

MR. HAGEN: Okay.

MR. NIEWOHNER: At the time.

MR. HAGEN: And so as far as you know, the only one that had audio attached to it would've been that Board of Supervisors' Room?

MR. NIEWOHNER: Yeah. Yeah.

MR. HAGEN: Okay.

MR. NIEWOHNER: Yeah

MR. HAGEN: And who was it that was kind of working with you that was changing their mind back and forth during the install?

MR. NIEWOHNER: I think it was mostly Hannah (sic), is what was kind of relayed to me from our guys on site.

MR. HAGEN: Okay.

MR. NIEWOHNER: Because —

MR. HAGEN: Okay. Because she was overseeing their install?

MR. NIEWOHNER: Right. Yeah." (10:25: 11:1-25; 12:1-20).

No kill switch was installed by Applied Connective in the Board of Supervisors' meeting room. (19:15-17). There is a lack of clarity as to why no kill switch was installed in the Supervisors' meeting room. Mr. Niewohner attributed it to fuzzy communication and Mr. Robinson said, "something maybe fell apart there." (19:3-15).

I judge Mrs. Jensen's testimony that she did not speak with the on-site Applied Connective technicians while they were installing the system to be false. She was dishonest.

Mrs. Jensen did order that audio be installed in the boardroom. I cannot, however, determine if she affirmatively told the technicians not to install a kill switch in the boardroom or if she didn't address the matter. But as the deputy county attorney, she had a duty to see that the Board's closed session communications be kept private and that she did not do. In order to comply with the Open Meetings Act, she should have taken action and insisted that a kill switch be installed.² The fact that she did require a kill switch be installed in the courtroom informs my decision and is in sharp contrast to her lack of action for the Board of Supervisors' meeting room. She knew how to keep private conversation private in the courtroom, but she chose not to do so in the Board room. **Therefore, Mrs. Jensen violated the County's Code of Ethics as she did not adhere to the Open Meetings Act.** There is, however, no evidence that Mrs. Jensen used boardroom audio for personal or improper gain.

I recommend that the Board impose discipline on Knox County Attorney Hanna Jensen for dishonesty and violations of the County's Code of Ethics. In making my recommendation I am mindful that Mrs. Jensen has only been licensed to practice law for three years, but her job as Knox County Attorney is of considerable importance and responsibility and I have taken that into consideration also.

² Sheriff Henery, a member of the courthouse security committee, was of the opinion that the on/off switch in the Boardroom should have been functioning. (37:11-16).

John Thomas

John Thomas was the Knox County Attorney until January 2, 2025. He was Knox County Attorney for 42 years and his terms were consecutive with the exception of one four-year term served by Steve Scholer.

A County Attorney is the chief legal officer of a county. As to civil matters, "The county attorney shall without fee or reward give opinions and advice to the board of county commissioners and other civil officers of their respective counties, when requested so to do by such board or officers, upon all matters in which the state or county is interested, or relating to the duty of the board or officers in which the state or county may have an interest...." Neb. Rev. Stat. §23-1203.

The Board of Supervisors' room is relatively small. When the County Attorney is in attendance, he or she sits approximately ten feet away from the table or dais of the Supervisors. Mr. Thomas attended Board of Supervisors meetings in the past and he remained in the room when requested by the Supervisors. (9:2-12).

Mr. Thomas knew that there was audio-recording system in the Board of Supervisors' room that predated the installation of the new system by Applied Connective, Inc. in 2023. (10:5-18). The audio feed went to the 911 area of the Sheriff's office. (10:19-25). He further knew that employees in the 911 Center were supposed to listen to the Board's meetings in order to dispatch deputies in the event that there "were raised voices or a ruckus." (11:1-6)

The following exchange occurred,

"Mr. Begley: Well, would you agree with me that if the Knox County Board went into closed session as it's permitted to for certain reasons under the Nebraska Open Meetings Act, that the information should stay confidential with the Board?"

"Mr. Thomas: Yes" (12:2-7)."

Notwithstanding the above, Mr. Thomas claimed not to know that the Board's process was to depress a cutoff or kill switch on the desk of the Supervisors in order to ostensibly stop the audio recording when the Board went into closed session. He stated he "didn't believe" he saw the Board depress the cutoff switch when it went into closed session. (9:13-25; 10:1). Mr. Thomas claimed that he had not even thought about the Board stopping recording during closed sessions. (10:2-4). He did not know if Applied Connective installed a cutoff or kill switch in the boardroom. (11:7-10).

I judge Mr. Thomas's answers not to be credible.

In particular, the Knox County Attorney's office has a duty to see that the Board is in compliance with the Nebraska Open Meetings Act. Neb. Rev. Stat. §84-1407 *et seq.* That means taking appropriate steps and advising the Board that action should be taken

so that their private and confidential discussions during closed sessions are not electronically transmitted outside the closed session.

I recommend that the Board impose discipline on Deputy County Attorney John Thomas for dishonesty and violations of the County's Code of Ethics.

Records from Applied Connective regarding access to the computer system

See the attachment for the names and permissions of Knox County employees to access the computer system. There is also an attachment showing user access dates and times.

Heather Kienow is the admin user in this record. The archived footage being watched is the timeframe depicted in the data from Applied Connective. We are just unable to know how much of that particular footage they viewed. For example, on January 23, 2205, 8:45 a.m. to 9:29 a.m., admin use was watching the archive. We know that Ms. Kienow accessed the video from January 23 during the 8:54 a.m. until 9:29 a.m. We just do not know whether she watched the entire 35 minutes or just a few seconds; nor do we know what portion of the video she watched.

I only asked for Applied Connective to search the computer log for December 2024 and January 2025 and not from the time the Applied Connective upgrade was installed.

Sheriff Don Henery

In the first instance, the Board has no ability or authority to impose discipline upon the elected county sheriff. The Board, however, can file a civil action to remove the Sheriff per Neb. Rev. Stat. §23-2001. There are seven grounds for removing a county officer. These include "habitual and willful neglect of duty... willful maladministration in office ... or official misconduct as defined in section 28-924." Neb. Rev. Stat. §28-924 states, "A public servant commits official misconduct if he **knowingly** violates any statute or lawfully adopted rule or regulation relating to his official duties." (emphasis added) I would consider the Employee Handbook to be a regulation related to his official duties.

Sheriff Henery gave his sworn statement interview to Eric Hagen on June 13, 2025. He declined to appear for a second interview on July 16, 2025. I went to his office on that day and he told me that he had sent a USPS letter informing me he would not appear for another sworn statement. He did, however, answer two sets of written questions drafted by Eric Hagen. The questions didn't require that they be answered under oath.

Don Henery knew that the button in the supervisors' room was used to kill the audio and not let it be transmitted outside the room. He knew that if the switch was lit red that it was recording. (16:22-25; 17:1-8). He also knew that the cutoff switch in the board room was functional. (18:18-22). John Thomas and Hanna Knox Jensen, however, claimed not to know that fact.

A discussion arose at the Board meeting of January 22, 2025 regarding additional raises for the Sheriff's staff even though the staff had already received raises on May 15, 2024. The Sheriff's staff was listening to the Board meeting and knew that the second round of raises had been denied. Per the minutes, the discussion occurred during an open session but Supervisors O'Connor and Schlote thought that the kill switch had been activated and the discussion was private. When the Supervisors learned at dinner at the Red Door of these facts, they were surprised. (23:19-25). The key thing here is that the Board now suspected that the kill switch wasn't working.

Following the incident regarding the denied raise and the failure of the kill switch, the Sheriff did his own tests and "it wasn't working right." He then talked to the Supervisors about it. (28:7-12). He didn't know when the button stopped working. (30:4-5). It was his understanding that the kill switch would be working and active after Applied Connective installed the new cameras. (31:12-15).

Mr. Hagen informed the Sheriff that a woman had told Applied Connective to cancel the kill switch. The Sheriff speculated that it was Rhonda Surface who, while she wasn't on the security committee, was "very active in all that stuff." (36:6-13).

Along the same lines that Hanna Knox Jensen testified to, the Sheriff thought that the Board might have some responsibility regarding the ordering or cancellation of the cutoff switch. (37:11-25; 38:1). The security committee, however, was established for a reason and it certainly was required to manage the details and see that this installation was done correctly. Most importantly, the security committee had a duty to see that the Board's confidentiality was preserved in closed sessions.

The following exchange took place,

"Mr. Hagen: Okay. And then with respect to the, you know, audio security situation, are you aware if anyone in your office with access to that had ever listened to any of that information in closed session?"

Sheriff Henery: I am not." (42: 20-24).

The evidence established that both Chief Deputy Dan Henery and 911 Coordinator Heather Kienow did listen to closed sessions, but I won't assume that the Sheriff had knowledge of their actions.

Sheriff Don Henery accessed the computer live from his phone during the closed session of the emergency Board meeting of January 27, 2025. The computer log shows that he did so from 4:14 p.m. to 4:26 p.m. This is consistent with the Supervisors' account that the Sheriff demonstrated his access to the audio and video system in front of them during the emergency meeting.

There is no evidence that the Sheriff spoke with the Chief Deputy or the 911 Coordinator about the discussions the Board had in closed session and I won't speculate that they did.

There were some unhelpful comments by Sheriff Henery about the investigation and the short press releases. His brother echoed the same comments.

The Sheriff's statements were,

"[b]ut what you need to understand is because of the news releases that have been put out, every elected official, every employee in this courthouse feels like they're under extreme scrutiny and that they're under – they're being called dishonest and – and it's just you should have worded your news releases better, I guess is what I'm saying.

It really – Knox County don't (sic) need that. We're trying to hire people to come work here and you're putting out news releases that are saying, well, there's something going on in that courthouse." (24:15-25).

"We don't need rumors and accusations floating around that disrupt this – the – it's disrupted my operation. I've had to waste time answering questions and – and stuff when I should be doing my job. I've got employees that are scared they did something wrong when they never. They're second guessing themselves when they didn't do a damn thing wrong, and it's just not right." (26:5-12).

For the sake of completeness, the three press releases are attached to this report.

Even if the Board could impose discipline on Don Henery, I would not recommend it. His substantive testimony appears truthful and consistent with external data. Mr. Hagen is of the opinion that the Sheriff was defiant, non-cooperative and unnecessarily difficult. Since he is the Sheriff, he should have taken courthouse security more seriously.³ His interview testimony about a standard procedure regarding the Board going into closed sessions was contradicted by his written answers to the same question. Some of his answers were non-responsive and he refused to answer some questions.

I have reviewed Sheriff Henery's sworn statement and his answers to written questions and I agree with Mr. Hagen's opinions.

Chief Deputy Dan Henery

Dan Henery is the brother of Don Henery and has been the Chief Deputy Sheriff of Knox County since 2015-16. (6:19-22; 12:2-4).

The following exchange, under oath, occurred:

³ When I first met the Board in August 2024, the Board went into a closed session on a matter unrelated to the North Fork Wind lawsuit. I had brought my large briefcase into the room. As I got up to leave the room, the Sheriff told me to take my suitcase with me as "we have had problems with that before." This suggested to me that someone had previously tried to leave hidden recording devices in the boardroom during closed sessions.

"Mr. Begley: Have you ever heard any audio from the county boardroom being transported down to the 911 center either to the jailer side or the 911 side?

Mr. Dan Henery: **I'm going to say no.** Because I know, like, during court we can hear the courtroom. But I guess when there's boardrooms (sic) or supervisor meetings going on, I guess if I'm over at 911, it's – go over there, grab some stuff I may need, take it back to my office, or drop stuff off." (15:19-25; 16:1-2). (emphasis added)

The computer records establish that Dan Henery was a regular viewer of the county's computer system for the cameras and microphones in the courthouse. See attachment.

Dan Henery was dishonest. Dan Henery violated 18 U.S.C. §2520 and Neb. Rev. Stat. §86-297.

I recommend that the Board impose discipline on Deputy County Sheriff Dan Henery for dishonesty and violations of the County's Code of Ethics.

Heather Kienow

Heather Kienow was interviewed twice: June 12, 2025 and **July 16, 2025**.⁴ Prior to July 2025, she was listed on the system as an admin user. In July 2025, she was given her own credentials or password. (19:1-20). She has not given her credentials to anyone else. (9:24-25; 10:1-4).

Ms. Kienow claimed that she "never attempted to listen in on" closed sessions. (6:24-25; 7:1-2). "Ms. Kienow: Okay, No, I don't go into closed sessions. ... I do not listen to closed sessions." (9:16-21). If the Board went into a closed session, she would turn off the camera or disengage the camera. (7:3-6). But in her June 12, 2025 sworn statement, she said she would pull out her earbuds and not listen. (23:15-24). It was an honor system.

"Mr. Hagen: Well, specifically, there were a couple of times during closed session where you would, or at least what the data shows is that your user credentials would log in during the closed-session period and stay logged in for a period of time before logging out?

Ms. Kienow: No.

Mr. Hagen. That didn't happen?

Ms. Kienow: No.

Mr. Hagen: Okay. Well, how would you explain the data?

⁴ Bolded citations to the record are for the July 16, 2025 sworn interview. Regular typeface citations are to the June 12, 2025 interview.

Ms. Kienow: I don't know how to explain it. I did not listen to any closed session.

Mr. Hagen: Okay. Specifically on January 9th, the Board was in closed session for roughly 32 minutes, and it shows that you were logged in at that time; do you remember that?

Ms. Kienow: No." (8:10-25).

The computer records show that Heather Kienow watched the emergency closed session of January 27, 2025 from 3:13 p.m. to 3:17 p.m. She watched the closed session of January 9, 2025 from 11:43 a.m. to 12:15 p.m. She accessed the archives on December 11, 2024, December 23, 2024, January 9, 2025, January 22, 2025, and January 23, 2025.

Kendra Holtz now works for the County Assessor. She previously worked for the Sheriff as a dispatcher and jailer. She stated that Chief Deputy Dan Henery and 911 Coordinator Heather Kienow had audio access through their computers. She incorrectly thought that the Supervisors used a white noise machine during closed sessions.

Apparently, part of Kienow's job duties were to monitor the courthouse's video cameras,⁵ Kienow would comment to others about the location of people in the courthouse. There was a running joke in the Sheriff's office about how Kienow seemed to be aware of everyone's movements, leading to feelings of being constantly watched. Holtz was of the opinion it was excessive and gossipy.

Lorene Thomas was formerly a dispatcher and jailer. Her last day of work was June 20, 2025. She knew that Heather Kienow wore headphones frequently at work, but didn't know what she was listening to. (20:6-22).

Justine Wagner is the administrative assistant for the Knox County Sheriff's office and has worked in that role since 2018 or 2019. She personally observed Kienow with her earbuds on "during the time of a supervisor (sic) meeting" and Kienow admitted she "was listening to the [Board] meetings." Kienow claimed to have a reason for listening but Wagener could not recall it. The date of the meeting was not known. Kienow was known in the office to specifically listen on Board meeting days. Once the controversy was publicly known about courthouse security issues, Kienow started prefacing her comments about listening only to open Board sessions. (10:19-25; 11:1-6; 15:18-25; 16:1-18; 25:18-22).

According to Wagner, Kienow excessively and unnecessarily commented on the presence of people, and their locations, in the courthouse. (27:1-25; 28: 1-25).

Ms. Kienow was not a cooperative witness. She routinely interrupted Mr. Hagen's questions, failed to answer questions and expressed her displeasure with the investigation. She voluntarily brought up the fact that the Nebraska State Patrol concluded

⁵ "Mr. Hagen: [W]hat are Heather's duties?

Ms. Wagner: To be honest, I've asked the same question." (26:3-15).

its investigation and no criminal charges were brought. But that result was completely irrelevant to this civil investigation.

Heather Kienow was dishonest. Heather Kienow violated 18 U.S.C. §2520 and Neb. Rev. Stat. §86-297.

I recommend that the Board impose discipline on Heather Kienow for dishonesty and violations of the County's Code of Ethics.

Conclusion

I was admitted to the Nebraska Bar in 1982. I've tried many cases – both jury and non-jury – in state and federal court. Most of my trials were when I was associated with Kennedy, Holland, DeLacy & Svoboda n/k/a Lamson Dugan & Murray in Omaha. I will be arguing *In re Estate of Walker*, S-24-0680 to the Nebraska Supreme Court on August 26, 2025. This will be the second appearance of this case before Nebraska's highest court. The first decision appears at 315 Neb. 510, 997 N.W.2d 595 (2023). The case is a will contest which I won on the grounds of undue influence and lack of testamentary capacity. The credibility of the will contestant was a key issue.

From 2010 to 2017, I heard thousands of cases as an Administrative Law Judge or Hearing Officer for the Nebraska Department of Labor. In those cases, I had to make decisions regarding the credibility of witnesses.

At my request, and as approved by the Board, I brought in attorney Eric M. Hagen. I met Mr. Hagen when he officed in the same building as I do. Mr. Hagen has considerable experience as a criminal defense attorney. I have always worked the civil side of the law. Mr. Hagen recently argued *State v. Stephen D.*, A-24-940 (July 15, 2025) to the Nebraska Court of Appeals. That case involved the appeal of the transfer of a juvenile's case to regular adult criminal court. The underlying charge is first degree murder. One thing I wanted from Mr. Hagen is a criminal defense lawyer's view of the evidence. We also split up the interviews. Mr. Hagen and I engaged in dialogue about this case and he played the Devil's Advocate for me. Given the importance and magnitude of this case, I wanted another experienced trial attorney's opinion on this matter.

Mr. Hagen has reviewed my report and agrees with its contents and my legal opinions.

This report represents my best professional judgment and legal opinion based upon my education, training, and experience.

As an attorney, I am bound by Nebraska Rules of Professional Conduct. Neb. Ct. R. of Prof. Cond. §3-508.3 states, "A lawyer who knows that another lawyer has committed a violation of the Rules of Professional Conduct that raises a **substantial question** as to that lawyer's honesty, trustworthiness or fitness as a lawyer in other respects, shall inform the appropriate professional authority." (emphasis added)

Comment 1 to §3-508.3 states that the legal profession is self-regulating. Because of that, members of the profession are required to, "initiate [a] disciplinary investigation when they know of a violation of the Rules of Professional Conduct."

Comment 3 emphasizes that a reporting lawyer must apply a "measure of judgment" in complying with this rule. Comment 3 goes on to state, "The term 'substantial' refers to the seriousness of the possible offense and not the quantum of evidence of which the lawyer is aware."

Professional misconduct is defined as, "engag[ing] in conduct involving dishonesty, fraud, deceit or misrepresentation...." Neb. Ct. R. of Prof. Cond. §3-508.4(c).

Because of my conclusion about Hanna Knox Jensen's and John Thomas's conduct in this matter, I have forwarded this report to the Counsel for Discipline as I am required to do. It will be up to him to decide how to proceed regarding Mrs. Jensen's and Mr. Thomas's licenses to practice law. I'm mindful that Mr. Thomas is 74 or 75 years old, but he is still admitted to practice law in Nebraska and may continue to do so.

Finally, Eighty-five percent of the eligible Knox County electorate voted in the 2020 general election. That's an outstanding number. What it really tells me is that the citizens of Knox County are extraordinarily interested in their government. That's a good thing. This report is ultimately directed to them via their elected representatives. American citizens have the right to know what is going on with their government.

Dated this 15th day of August, 2025.

Special Knox County Attorney

By: /s/ David D. Begley

Appendix – list of people interviewed

Betty Boggs

Vanessa Clairmont

Joann Fischer

Matt Fischer

Dan Henery

Don Henery

Kendra Holtz

Kelsy Jelinek

Hanna Knox Jensen (twice)

Corrie Key

Heather Kienow (twice)

Justin Niewohner (Applied Connective)

Ryan Robinson (Applied Connective)

Rhonda Surface

John Thomas (twice)

Lorene Thomas

Justine Wagner

Appendix – Closed sessions times of the Knox County Board

1. January 9, 2025; closed session from 11:43 a.m. to 12:15 p.m. regarding the federal court litigation.
2. January 22, 2025; closed session from 12:08 p.m. to 12:30 p.m. regarding the federal court litigation.
3. January 27, 2025; emergency meeting; closed session from 2:16 p.m. to 4:40 p.m. regarding courthouse security issues.
4. January 30, 2025; closed session from 8:35 a.m. to 9:36 p.m. regarding courthouse security issues.

Appendix – Board meeting dates in December 2024 and January 2025

1. December 11, 2024.
2. December 23, 2024.
3. January 9, 2025.

4. January 22, 2025.
5. January 27, 2025.
6. January 30, 2025.

Special note: I only asked Applied Connective for computer logs for selected dates. I did not think it would be productive to get the logs for more dates in 2024.



Applied Connective

WWW.APPLIEDCONNECTIVE.COM

Knox County Courthouse

Hanna Jensen
hanna.jensen@knoxcountyne.gov

Justin Niewohner

jniewohner@appliedconnective.com
402-395-6924

Executive Summary

About Us

For nearly 20 years, Applied Connective Technologies, LLC, (Albion, Norfolk, Columbus) has been helping partners leverage technology to achieve maximum security, efficiency, and profitability. With 45+ highly skilled full-time staff, we provide our partners unrivaled service and support and cutting-edge solutions in managed IT (MSP) services, commercial telephone systems, security, surveillance, fiber optic, low voltage cabling, and professional audio video. Applied Connective is a one touch point vendor for all of your technology needs.

Down Payment

Please note, orders of substantial hardware, software or licensing cost could require a down payment before hardware is ordered and prior to scheduling of project. Should these costs exceed \$5,000 a down payment invoice of 35% of the total project will be sent. Once ordered and estimated lead time known, a project manager will contact you to coordinate scheduling details.

Hardware

Product Details	Qty
Axis 2MP Outdoor PTZ, 10x Zoom	1
Axis Wall & Pole Mount	1
Axis 2x 5MP Multisensor Dome Network Camera	3
Axis 15MP Multidirectional Camera	5
Axis Pendant Cap	2
Axis Corner Bracket	2
Axis Wall Mount	2
Axis 2MP Indoor Dome, Audio Support	3
Axis Audio Extension Cable, 5m	3
Axis Terminal Block to 3.5mm Audio Extension	3
Axis Indoor Analog Microphone, Single Gang Box	3
West Penn 18/2 Stranded 2 Conductor, Unshielded, Plenum, Black	50
Audio Toggle Switch, On/Off	1
Axis 4MP Network Dome Camera, Varifocal Lens	41
CommScope CAT6 Plenum Cable, Blue	11000
ICC Patch Panel, 24-Port EZ Style 1U	2

Hardware

Product Details	Qty
ICC RJ45 Keystone Jack for EZ Style, CAT6 Blue	55
ICC CAT6 Patch Cord, 3' Blue	55
Aruba Instant On 1930 48G Class4 PoE 4SFP/SFP+ 370W Switch	1
ARUBA Instant on 1930 8G 2SFP 124W PoE+ Switch	2
Wall Mount Antenna - Bracket 8" Deep	2
Ubiquiti Nanostation M2	2
Scissor Lift Rental	1
Miscellaneous J-hooks, Raceway, Etc	1
	Subtotal: \$43,763.07

Software

Product Details	Qty
Wisenet WAVE Professional License- 48 Cameras	1
	Subtotal: \$5,760.00

Professional Services

Product Details	Qty
Accommodations and Per Diem per Bid	1
Installation Services Surveillance	1
	Subtotal: \$25,500.00

V2 Replace Analog Cameras, Add New Locations



Prepared by:
Albion
Justin Niewohner
402-395-6924
jniewohner@appliedconnective.com

Prepared for:
Knox County Courthouse
206 Main St
PO Box 166
Center, NE 68724
Hanna Jensen
(402) 288-5604
hanna.jensen@knoxcountyne.gov

Quote Information:

Quote #: 014409

Version: 1
Delivery Date: 10/11/2023
Expiration Date: 11/09/2023

One-Time Products and Services Summary

Description	Amount
Hardware	\$43,763.07
Software	\$5,760.00
Professional Services	\$25,500.00
Subtotal:	\$75,023.07
Shipping:	\$76.70
Total:	\$75,099.77

Acceptance and Incorporation by Reference

This Order together with the Master Services Agreement and Service Attachments and other terms and conditions identified on Exhibit A, all of which are incorporated herein by reference (collectively, the "Agreement") is between Applied Connective Technologies (sometimes referred to as "we," "us," "our," or "Provider"), and the customer found on the signature block at the end of this Order (sometimes referred to as "you," "your," or "Client"). This Agreement is effective as of the date both parties have signed below (the "Effective Date."). Both Provider and Client are sometimes referred to individually as a "Party", or together as the "Parties". Any capitalized terms in this Order not directly defined are referred to in the applicable document identified on Exhibit A of this Order. If there is a conflict between this Order, the Master Services Agreement, any Service Attachment, or Exhibit, this Order will control.

The parties hereby agree that electronic signatures to this Order shall be relied upon and will bind them to the obligations stated herein. Each party hereby warrants and represents that it has the express authority to execute this Agreement(s). This Order supersedes all prior negotiations, proposals, orders, agreements and communications between the parties regarding Provider's Services.

The terms and conditions identified on Exhibit A are subject to change at Provider's discretion. You should review these documents periodically and prior to entering into a new Order. Client may access the current version of the terms and conditions at any time by visiting <http://appliedconnective.com/legal>.


The parties, acting through their authorized officers, hereby execute this Agreement.

IN WITNESS WHEREOF, this Order Form is agreed to by the parties below and entered into as of the Order Effective Date.

By signing below, Client acknowledges, represents, and warrants that it has read and agree to the terms and conditions in the following documents, which are incorporated herein by reference and can be found at Exhibit A.

Albion

Signature:

Justin Niewohner 

Name:

Justin Niewohner

Title:

AVS Project Manager

Date:

10/11/2023

Knox County Courthouse

Signature:

Hanna Jensen

Name:

Hanna Jensen, Deputy County Attorney

Date:

10/23/23

Exhibit A

Agreement	Description
<u>All Legal Terms and Conditions</u>	All Legal Terms and Conditions
<u>Master Services Agreement</u>	General terms and conditions applicable to all Provider products and services.
<u>Service Attachment for Managed Services</u>	Core managed services including monitoring, remote management, and help-desk.
<u>Service Attachment for Managed Security Services</u>	Advanced cyber-security services including SOC, EDR and SIEM.
<u>Service Attachment for Backup and Disaster Recovery Services</u>	Managed backup and disaster recovery services including local, cloud, and third-party backups.
<u>Service Attachment for Cloud Services</u>	Cloud and hosting services including Microsoft 365.
<u>Service Attachment for Voice-Over Internet Protocol</u>	Managed unified communication services including voice over IP.
<u>Service Attachment for Managed Surveillance Services</u>	Video surveillance services including installation and monitoring of cameras.
<u>Schedule of Third-Party Services</u>	Notice of third-party service providers and waiver of claims.
<u>Data Processing Agreement</u>	Data security and privacy agreement including statutorily required terms.
<u>Service Level Objectives</u>	Targeted response times by tier of severity.

KNOX COUNTY ATTORNEY'S OFFICE

HANNA KNOX JENSEN
KNOX COUNTY ATTORNEY
P. O. BOX 41
CENTER, NE 68724

JOHN THOMAS
DEPUTY KNOX COUNTY ATTORNEY
402-288-5603
countyattorney@knoxcountyne.gov

July 15, 2025

VIA EMAIL

David Begley
dbegley@lawyer.com

Eric Hagen
eric@libertylawnebraska.com

RE: Courthouse Security Investigation

Dear Mr. Begley & Mr. Hagen:

You recently reached out to me to coordinate when we could schedule a follow-up interview relating to your security investigation. I do not believe a sit-down interview is necessary.

I have provided my statement to law enforcement officers, but I will also provide my statement to you.

- o I was a member of the Security Committee, along with Sheriff Don Henery and Emergency Manager/Zoning Administrator Kelsy Jelinek.
- o To my recollection the only matter the security committee handled while I was a member was the installation of the new security system.
- o I believe in July 2023 there was a discussion about getting new cameras due to the availability of ARPA Funds as well as the NIRMA ASSIST grant.
- o The buildings and grounds committee reviewed the proposal for the new security system then turned it over to the Security Committee.
- o As the Security Committee was figuring out the best placement for the cameras, I mentioned to Don Henery that if any of the cameras in the courtroom had audio, we would need permission from the judges.

Date _____

Exhibit 6

Date 7-16-25

- Don told me he wanted audio capabilities in the courtroom because the courtroom is monitored by one officer in the courtroom and the 911 center has audio/visual and can call for back up if needed.
- I asked the Clerk Magistrate and the Clerk of the District Court their thoughts on audio in the courtroom. I received a response from Judge Kube that he is okay with the new cameras as long as he has the ability to shut off audio.
- I asked Applied specifically which cameras would have audio, Justin at Applied told me the two meetings/boardrooms. I said to him that I just wanted to make sure there was no audio in the courtroom or jury room.
- Given Judge's response with respect to audio in the courtroom, I asked that the courtroom have the ability to turn off the audio. Justin responded that he adjusted the quote to include "external mic for the courtroom, with the ability to turn off audio via toggle switch."
- The Committee never discussed the need for a toggle switch in the boardroom or in the basement conference room. Justin at Applied Connective never asked if we wanted a toggle switch in the boardroom or the conference room.
- On October 12, 2023, I sent the quote to Joann Fischer and asked that she share the quote and the following information with the Board in the Board packets.
 - This is the updated quote from Applied Connective.

The first quote had mostly PTZ (pan, tilt, zoom) cameras. I requested Justin with Applied look into addressing the multiple blind spots in the exterior. His new quote includes multi-sensor cameras, which eliminates the blind spots. Even though this option is a little bit more expensive (\$8,000 more), I think it's a better option for our county since we don't have a "security person" whose sole job is to monitor the cameras.

Per Don's request, Justin also added audio to the cameras in the courtroom. The courtroom cameras will be able to be muted with a toggle switch by the Judge at the bench. This is added as a security measure as the dispatchers listen to what is happening in the courtroom and can notify a deputy if there are issues upstairs.

The only other cameras that will have audio capabilities will be the basement conference room and the boardroom.

The Security Committee recommends approval of this system to the Board of Supervisors.

- Joann stated she would include this in the Board Agenda. I saw that she provided the work order from Applied in the Board packet, but I do not know if she provided the above information.
- On October 18, 2023, the Board of Supervisors reviewed and approved the work order from Applied Connective. I was not present because I was at the county attorney meetings in Lincoln. So I do not know what was specifically discussed at the Board meeting on October 18. The meeting minutes state, "Deputy County Attorney Jensen was not present but had submitted a quote to the Board from Applied Connective Technologies for upgrading the security cameras and service in the amount of \$75,099.77. Sheriff Henery and the Board discussed the upgrades. Motion by Supr. Sokol, Jr., seconded by Supr. Schlote to approve the quote from Applied Connective Technologies in the amount of \$75,099.77 for upgrading the security cameras and service on the Courthouse Square with the cost to be paid from ARPA funds. By roll call vote. Ayes all Districts. Nays none. Motion carried.
- The work order the Board approved included "Audio Toggle Switch, On/Off" and notes that the quantity is "1."
- I signed the work order on October 23, 2023 for \$75,099.77, pursuant to the Board's approval on the 18th.
- To my recollection, I did not have any conversations with any Applied Connective representative while they were installing the new system.
- I applied for the NIRMA ASSIST grant on behalf of the county. Krista Nix, former Deputy Clerk, provided the invoice from Applied and proof of payment in order to obtain the grant funds. The invoice showed Joann Fischer was the Contact Name. The items listed on the invoice do not match the items on the work order. So I do not know if the items on the work order are the same items that were installed and shown on the invoice.
- I am not a technologically advanced person.
- I do not and have never had access to the Security Camera System. To my knowledge, no one in my office has or has ever had access to the system.
- I have never listened to a closed session unless I was invited by the Board of Supervisors to stay in the closed session.

July 15, 2025 | Page 4

- o I have never asked anyone to listen to closed sessions.
- o I have never been made aware of anyone listening to closed sessions.
- o I have never obtained recordings of the closed sessions.

If you have further questions relating to your investigation into possible breaches of courthouse security, please email them to me.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Hanna Knox Jensen', written in black ink.

Hanna Knox Jensen
Knox County Attorney



July 15, 2025

From: "David Begley" <dbegley@lawyer.com>
To: hanna.jensen@thomasjensenlaw.com
Cc: "Eric Hagen" <eric@libertylawnebraska.com>
Bcc: "Marty OConnor - Knox County" <knoxdistrictone@hotmail.com>
Date: Jul 15, 2025 4:19:24 PM

Mrs Jensen:

I am in receipt of your four-page letter dated today.

Your refusal to appear for a sworn interview with myself and Mr. Hagen is unacceptable.

As you know, Mr. Hagen and myself have been hired to investigate courthouse security. This concerns people listening in on the closed sessions of the County Board. The Board wants to know how this happened. You have information about this.

To accomodate you, we have moved your interview to 4:00 p.m. We expect you to be present for the interview.

To be clear, Mr. Hagen and myself are the agents of the Board. On behalf of Knox County Board of Supervisors, I am ordering you to appear at the Board of Supervisors' room on July 16, 2025 for a sworn interview.

This is a reasonable order issued on behalf of the Board. If you refuse to appear and answer our questions, the Board will consider your actions to be insubordination within the meaning of *Wadman v. City of Omaha*, 231 Neb. 819, 438 N.W.2d 749 (1989).

David D. Begley
Special Knox County Attorney

David D. Begley, Attorney at Law,
David D. Begley, P.C., L.L.O.
4611 S. 96th Street, Suite 253
Omaha, Nebraska 68127
Office:402-915-0097

Applied Connective User Access Logs – Board of Supervisors’ Room

1. List of Users

- **Administrator Access.** Has access to entire system and can manage it.
 - o Applied Connective
 - o “Admin User,” which was assigned to Heather Kienow from 2023 until May or June 2025.
- **Advanced Viewer Access.** Can manage all cameras and bookmarks.
 - o Daniel Dufek
 - o Deniel Henery
 - o Donna Hays
 - o Don Henery
- **Live Viewer Access.** Can view live video from all cameras.
 - o Dispatch

2. Terminology from Reports

- **Watching Live.** User was watching the Board of Supervisors’ Room live at the time noted.
- **Watching Archive.** User was watching stored video from the Board of Supervisors’ Room. The times noted indicate the time stamps of the actual archived video. The data does not indicate how long the user was watching that footage.

3. Other Matters

- Recordings from the requested timeframes are no longer available, so it is impossible to review exactly what was being watched. The data only indicates which users were watching the Board of Supervisors’ Room either live or stored videos, and the dates & times of those recordings.
- User access reports prior to November 2024 are unavailable, which limited the timeline we could review.

4. See Table of User Access Logs - Attached

User Access Logs – Board of Supervisors’ Room

Date	Events In Boardroom	Closed Session	User Access Logs
December 11, 2024	9:30am – 12:11pm Board of Supervisors Meeting 12:00pm Knox County Employee Potluck Christmas Dinner	11:21am – 12:10pm	7:47pm – 9:28am "Admin User" Watching Archive
December 23, 2024	9:30am – 11:30am Board of Supervisors Meeting	10:47am – 11:22am	10:33am – 10:35am "Admin User" Watching Archive 1:40pm – 1:46pm "Admin User" Watching Archive 2:25pm – 2:29pm "Admin User" Watching Archive
January 9, 2025	9:00am – 12:15pm Board of Supervisors Meeting	11:43am – 12:15pm	12:00am – 7:50am "Admin User" Watching Archive 9:15am – 3:32pm "Admin User" Watching Live 9:42am – 9:49am "Dan Henery" Watching Live 10:24am – 11:00am "Dan Henery" Watching Live 11:05am – 11:21am

User Access Logs – Board of Supervisors’ Room

			"Dan Henery" Watching Live
January 21, 2025	Possible Private Conversations Regarding Staff Medical Conditions	N/A	12:09pm – 12:11pm "Dan Henery" Watching Live
January 22, 2025	9:30am – 12:30pm Board of Supervisors Meeting	12:08pm – 12:30pm	8:00am – 9:11 am "Dan Henery" Watching Live 8:54am-9:29am "Admin User" Watching Archive 9:41am – 10:27am "Admin User" Watching Live 10:00am – 10:11am "Dan Henery" Watching Live 12:32pm – 5:05pm "Admin User" Watching Live 2:11 pm – 2:30pm "Dan Henery" Watching Live 2:37pm – 2:48pm "Dan Henery" Watching Live
January 23, 2025	Possible Private Conversations Regarding Staff Medical Conditions	N/A	8:54am – 9:29am "Admin User" Watching Archive 9:41am – 10:27am "Admin User" Watching Live

User Access Logs – Board of Supervisors’ Room

			<p>11:28am – 11:43am "Dan Henery" Watching Live</p> <p>12:32pm – 5:05pm "Admin User" Watching Live</p> <p>2:11pm – 2:30pm "Dan Henery" Watching Live</p>
January 24, 2025	Possible Private Conversations Regarding Staff Medical Conditions	N/A	<p>2:49pm – 3:26pm "Dan Henery" Watching Live</p> <p>3:54pm – 3:59pm "Dan Henery" Watching Live</p>
January 27, 2025	2:00pm – 4:40pm Board of Supervisors Emergency Meeting	2:16pm – 4:40pm	<p>3:13pm – 3:17pm "Admin User" Watching Live</p> <p>4:14pm – 4:26pm "Don Henery" Watching Live *Note* This may have been when Sheriff Henery demonstrated audio/video to the Board and identified the location of the microphone.</p>
January 30, 2025	8:30am – 9:37am Board of Supervisors Emergency Meeting	8:35am – 9:36am	No User Access
February 5, 2025	9:30am – 12:28pm	11:26am – 11:33am	No User Access

User Access Logs – Board of Supervisors’ Room

	Board of Supervisors Meeting	11:35am – 11:57am 11:57am – 12:18pm	
February 19, 2025	9:30am – 3:40pm Board of Supervisors Meeting	11:53am – 11:57am 12:06pm – 12:30pm 12:45pm – 1:30pm	4:10pm “Dan Henery” Watching Live
March 5, 2025			9:21am “Dan Henery” Watching Live 9:28am “Dan Henery” Watching Live 3:56pm “Dan Henery” Watching Live
March 19, 2025	9:30am – 2:28pm Board of Supervisors Meeting	10:18am – 10:31am 10:59am – 12:07pm 1:08pm – 1:44pm	6:31am – 8:17am “Admin User” Watching Archive 10:41am “Donna Hays” Watching Live 4:06pm “Don Henery” Watching Live 4:36pm “Dan Henery” Watching Live

User Access Logs – Board of Supervisors’ Room

April 3, 2025	9:30am – 2:19pm Board of Supervisors Meeting	12:06pm – 12:20pm 1:01pm – 2:15pm	11:53am “Donna Hays” Watching Live
April 16, 2025	9:30am – 3:00pm Board of Supervisors Meeting	12:56pm – 1:14pm 1:15m – 1:48pm	No User Access
April 30, 2025	9:30 am – 3:00pm Board of Supervisors Meeting	1:14pm – 2:10pm 2:10pm – 2:47pm 2:17pm – 3:00pm	No User Access

FOR IMMEDIATE RELEASE

Knox County Board of Supervisors

Knox County Orders an Investigation

Center, Nebraska, March 19, 2025

Today, the Knox County Board of Supervisors appointed Omaha attorney David D. Begley as Special Knox County Attorney to conduct an investigation into possible violations of the County's Employee Handbook, possible breaches of courthouse security and any violations of Nebraska law. The appointment of Mr. Begley was made pursuant to Neb. Rev. Stat. §23-1203. Mr. Begley was admitted to the Nebraska Bar in 1982.

The Knox County Board of Supervisors also appointed Omaha attorney Eric M. Hagen as Special Deputy Knox County Attorney to assist Mr. Begley. Mr. Hagen was admitted to the Nebraska Bar in 2021.

Mr. Begley and Mr. Hagen will conduct the investigation per the provisions of Neb. Rev. Stat. §86-2,112.

It is the intention of Mr. Begley to conduct this investigation as expeditiously as is practicable.

Following the completion of the investigation, Mr. Begley will deliver his written report to the Knox County Board and the Board will publish it on its website for the public's review.

Media Contact: James Sokol, Jr.

Chairman of the Knox County Board

402-841-5744 (cell)

FOR IMMEDIATE RELEASE

Knox County Board of Supervisors

District Court Judge Orders a Criminal Investigation

Center, Nebraska, April 4, 2025

Knox County Board Chairman James Sokol, Jr. issued the following statement today.

"On March 24, 2025, District Court Judge James G. Kube appointed the Nebraska Attorney General's office as a Special Prosecutor to investigate possible violations of the Nebraska Open Meetings Act involving Knox County employees and/or elected officials. The Attorney General's office was appointed due to an apparent conflict of interest. The Nebraska State Patrol may be enlisted by the Special Prosecutor as part of this criminal investigation."

"The Attorney General's office will decide whether to prosecute any violations of Nebraska law and it is granted authority to proceed with prosecutions."

"Of course, no decisions have been made and all Knox County employees and elected officials are presumed innocent as is required by Nebraska law. Just because an investigation has been ordered, it doesn't mean that any civil or criminal wrongs occurred."

"Judge Kube issued his Order based upon the affidavit of David D. Begley, Special Knox County Attorney. Mr. Begley was previously appointed to investigate civil matters regarding breaches of courthouse security. Mr. Begley's affidavit was filed under seal."

"Because there is a pending investigation by the Attorney General and the State Patrol, the County Board will have no further comment. The Board, however, will publish a report regarding the results of Mr. Begley's civil investigation at the appropriate time."

Media Contact: James Sokol, Jr.
Chairman of the Knox County Board
402-841-5744 (cell)

FOR IMMEDIATE RELEASE

Knox County Board of Supervisors

District Court Judge Terminates Appointment of Special Prosecutor

Center, Nebraska, June 9, 2025

On June 2, 2025, District Court Judge James G. Kube terminated the appointment of the Nebraska Attorney General as Special Prosecutor following the completion of an investigation. The Attorney General found that no criminal charges will be forthcoming as a result of the investigation.

The civil investigation by Special County Attorney, David D. Begley, continues.

Media Contact: James Sokol, Jr.

Chairman of the Knox County Board

402-841-5744 (cell)