



STATE OF NEVADA
COMMISSION ON ETHICS
<http://ethics.nv.gov>

AMENDED NOTICE OF PUBLIC MEETING

NAME OF ORGANIZATION: NEVADA COMMISSION ON ETHICS
DATE & TIME OF MEETING: Wednesday, January 15, 2014 at 9:00 a.m.
PLACE OF MEETING:

**Nevada Legislative Building
Room 3143
401 S. Carson Street
Carson City, NV 89701**

and via video-conference to:

**Grant Sawyer State Building
Room 4412
555 E. Washington Avenue
Las Vegas, NV 89101**

Members of the public may attend any open session at the above locations.

AGENDA

NOTES:

- Two or more agenda items may be combined for consideration.
- At any time, an agenda item may be taken out of order, removed, or delayed.
- Public comment will be accepted at the beginning of the open session and again before the conclusion of the open session of the meeting. Comment and/or testimony by the public will be limited to three (3) minutes. No action may be taken on any matter referred to in remarks made as public comment.

PUBLIC MEETING

The following agenda lists all items the Commission will consider at its Public Meeting:

OPEN SESSION:

	1. Call to Order , Roll Call, and Pledge of Allegiance to the Flag.
	2. Open Session for Public Comment. Comment and/or testimony by any member of the public will be limited to three (3) minutes. No action will be taken under this agenda item.
For Possible Action	3. Open Session for consideration and approval of Minutes from the November 20, 2013 Commission meeting.

	4. Open Session for report by Executive Director and Commission Counsel on agency status and operations.
	5. Open Session for Commissioner comments on matters including, without limitation, future agenda items, upcoming meeting dates and meeting procedures.
	6. Open Session for Public Comment. Comment and/or testimony by any member of the public will be limited to three (3) minutes. No action will be taken under this agenda item.

CLOSED SESSION:

To be held upon completion of the open session.
These matters are exempt from the provisions of NRS Chapter 241, the Open Meeting Law.

*	7. Closed Session pursuant to NRS 281A.440(7) to hear testimony, receive evidence, deliberate and render an advisory opinion regarding Confidential First-Party Request for Advisory Opinion No. 13-86A , submitted pursuant to NRS 281A.440(1). This agenda item will not be available to the public.
*	8. Closed Session pursuant to NRS 281A.440(8) for discussion and consideration of proposed Stipulations regarding Confidential Third-Party Requests for Opinion Nos. 13-82C and 13-83C , submitted pursuant to NRS 281A.440(2).
*	9. Closed Session pursuant to NRS 281A.440(8) for discussion and consideration of proposed Stipulations regarding Confidential Third-Party Requests for Opinion Nos. 14-01C and 14-02C submitted pursuant to NRS 281A.440(2).
	10. Closed Session to discuss potential or pending litigation. This portion of the meeting will not be available to the public.
	11. Adjournment.

***A meeting or hearing held by the Commission pursuant to NRS 281A.440 to receive information or evidence regarding the conduct of a public officer or employee, and deliberations of the Commission regarding such a public officer or employee, are exempt from the provisions of NRS Chapter 241, known as The Open Meeting Law. As a result, these agenda items, or any portion of them, may be heard in closed session.**

NOTES:

- ❖ The Commission is pleased to make reasonable accommodations for any member of the public who has a disability and wishes to attend the meeting. If special arrangements for the meeting are necessary, please notify the Nevada Commission on Ethics, in writing at 704 W. Nye Lane, Ste. 204, Carson City, Nevada 89703; via email at ncoe@ethics.nv.gov or call 775-687-5469 as far in advance as possible.
- ❖ To request an advance copy of the supporting materials for any open session of this meeting, contact Executive Director Caren Cafferata-Jenkins, Esq. at ncoe@ethics.nv.gov or call 775-687-5469.
- ❖ This Agenda and supporting materials are posted and are available not later than the 3rd working day before the meeting at the Commission's office, 704 W. Nye Lane, Ste. 204, Carson City, Nevada, or on the Commission's website at www.ethics.nv.gov. A copy also will be available at the meeting location on the meeting day.

This Notice of Public Meeting and Agenda was posted in compliance with NRS 241.020 before 9:00 a.m. on the third working day before the meeting at the following locations:

- Nevada Commission on Ethics, 704 W. Nye Lane, Suite 204, Carson City
- Nevada Commission on Ethics' website: <http://ethics.nv.gov>
- State Library & Archives Building, 100 North Stewart Street, Carson City
- Blasdel Building, 209 E. Musser Street, Carson City
- Washoe County Administration Building, 1001 East 9th Street, Reno
- Grant Sawyer State Office Building, 555 E. Washington Ave., Las Vegas

AGENDA ITEM NO. 3

AGENDA ITEM NO. 3



**STATE OF NEVADA
COMMISSION ON ETHICS
704 W. NYE LANE, STE. 204
CARSON CITY, NEVADA 89703
<http://ethics.nv.gov>**

**MINUTES
of the meeting of the
NEVADA COMMISSION ON ETHICS**

November 20, 2013

These minutes constitute a summary of the above proceedings of the Nevada Commission on Ethics. Verbatim transcripts of the open sessions are available for public inspection at the Commission's office in Carson City.

The Commission on Ethics held a public meeting on Wednesday, November 20, 2013, at 9:00 a.m. at the following location:

**Grant Sawyer State Building
Room 4412
555 E. Washington Avenue
Las Vegas, NV 89101**

1. Call to Order, Roll Call and Pledge of Allegiance to the Flag.

Chairman Paul H. Lamboley, Esq. called the meeting to order and introduced the Commission members at 9:05 a.m.

Present in Las Vegas, Nevada were Chairman Paul H. Lamboley, Esq.; Vice-Chairman Gregory J. Gale, CPA; Commissioners John C. Carpenter, Tim Cory, Esq., Magdalena Groover, Cheryl A. Lau, Esq., James M. Shaw, and Keith A. Weaver, Esq.; Executive Director Caren Cafferata-Jenkins, Esq.; Commission Counsel Yvonne Nevarez-Goodson, Esq.; Associate Counsel Jill C. Davis, Esq.; and Executive Assistant Valerie Carter.

The pledge of allegiance was conducted.

CLOSED SESSION:

(These matters are exempt from the provisions of NRS Chapter 241, the Open Meeting Law.)

2. Closed Session pursuant to NRS 281A.440(7) to hear testimony, receive evidence, deliberate and render an advisory opinion regarding Confidential First-Party Request for Advisory Opinion No. 13-75A, submitted pursuant to NRS 281A.440(1).

This agenda item was held in closed session and is not available to the public.

3. Closed Session pursuant to NRS 281A.440(7) to hear testimony, receive evidence, deliberate and render an advisory opinion regarding Confidential First-Party Request for Advisory Opinion No. 13-77A, submitted pursuant to NRS 281A.440(1).

This agenda item was held in closed session and is not available to the public.

4. Closed session pursuant to NRS 281A.440(8) to consider a proposed Stipulation regarding Third-Party Request for Opinion 13-24C, regarding the conduct of Carolyn Edwards, Member, Clark County School District Board of Trustees, District F, submitted pursuant to NRS 281A.440(2).

This agenda item was held in closed session and is not available to the public.

5. Closed session pursuant to NRS 281A.440(8) to consider a proposed Stipulation regarding Third-Party Request for Opinion 13-25C, regarding the conduct of Joyce Haldeman, Associate Superintendent for Community and Government Relations, Clark County School District, submitted pursuant to NRS 281A.440(2).

This agenda item was held in closed session and is not available to the public.

6. Closed Session to discuss potential or pending litigation.

This agenda item was held in closed session and is not available to the public.

OPEN SESSION:

7. Open Session for Public Comment.

Joe Spencer offered public comment regarding the Clark County School District Board of Trustees and submitted two new Third-Party Requests for Opinion to the Executive Director.

Michael Silbergleid, Requester of RFO Nos. 13-24C and 13-25C, offered public comment and urged the Commission to reject the proposed Stipulated Agreements.

8. Open session pursuant to NRS 281A.440(8) to act on a proposed Stipulation regarding Third-Party Request for Opinion 13-24C, regarding the conduct of Carolyn Edwards, Member, Clark County School District Board of Trustees, District F, submitted pursuant to NRS 281A.440(2).

Commissioner Shaw and Commissioner Groover were excused from participating in this agenda item, as they served on the Panel regarding RFO 13-24C.

Appearing before the Commission for this agenda item was Jacob Reynolds, Esq., Counsel for the Subject, Carolyn Edwards.

Chairman Paul H. Lamboley, Esq. briefly discussed the process the Commission staff has taken to get to the Stipulated Agreement. Commission Counsel Yvonne Nevarez-Goodson, Esq. summarized the proposed terms and conclusions of law with respect to this matter. Counsel for the Subject, Jacob Reynolds, Esq., stated for the record that Ms. Edwards has agreed to the terms as presented by Commission Counsel. The Commission's Associate Counsel, Jill C. Davis, Esq., stated for the record that she also agreed with the terms.

Commissioner Cheryl A. Lau, Esq. moved to accept the Stipulated Agreement as outlined by Commission Counsel, including the changes discussed under agenda item no. 4, and as agreed to by the Subject. The Motion was put to a vote and carried as follows:

Commissioner Lau: Aye.
Commissioner Gale: Aye.
Commissioner Cory: No.
Commissioner Weaver: Aye.
Commissioner Carpenter: Aye.
Commissioner Lamboley: Aye.

The Motion passed on a 5 to 1 vote.

9. Open session pursuant to NRS 281A.440(8) to act on a proposed Stipulation regarding Third-Party Request for Opinion 13-25C, regarding the conduct of Joyce Haldeman, Associate Superintendent for Community and Government Relations, Clark County School District, submitted pursuant to NRS 281A.440(2).

Commissioner Shaw and Commissioner Groover were excused from participating in this agenda item, as they served on the Panel regarding RFO 13-25C.

Appearing before the Commission for this agenda item was Carlos McDade, Esq., Counsel for the Clark County School District and Subject, Joyce Haldeman.

Commission Counsel Yvonne Nevarez-Goodson, Esq. summarized the proposed terms and conclusions of law with respect to this matter. Carlos McDade, Esq., counsel for the Subject, stated that Ms. Haldeman agreed with the terms and conditions as presented by Commission Counsel. The Commission's Associate Counsel, Jill C. Davis, Esq., stated for the record that she also agreed. Commissioner Cheryl A. Lau, Esq. moved to accept the presented Stipulated Agreement, especially the terms and conclusions of law presented by Commission Counsel. Commissioner Keith A. Weaver, Esq. seconded the Motion. The Motion was put to a vote and carried as follows:

Commissioner Lau: Aye.
Commissioner Gale: Aye.
Commissioner Cory: No.
Commissioner Weaver: Aye.
Commissioner Carpenter: Aye.
Commissioner Lamboley: Aye.

The motion passed on a 5 to 1 vote.

10. Open Session for report by Executive Director and Commission Counsel on agency status and operations.

Executive Director Caren Cafferata-Jenkins, Esq. reported that Janet Jacobsen, the Commission's former Senior Legal Researcher has left the Commission for a higher paying position with the Commission on Judicial Discipline, and the Commission and Staff congratulate her and wish her well. Executive Director Cafferata-Jenkins is beginning the process to fill the position.

Executive Director Cafferata-Jenkins reported that construction in the office has begun, and hopes that by the time Staff returns from the Thanksgiving break, the Associate Counsel's new office will be completed.

The Executive Director reported on her training efforts, stating that she has completed trainings for the Gaming Control Board staff state-wide, all of the City of Henderson employees, the entire staff of the State Department of Employment, Training and Rehabilitation in addition to public employees in various other government entities throughout the State. She has recently

been invited to present to the City of Fernley, City of Reno and the City of Carson City.

Executive Director Cafferata-Jenkins reported that she is in the process of updating the Ethics Manual for public employees and public officers, to make it more user friendly. She also provided the Commission with the PowerPoint presentation handouts that she provides during her trainings. She reported that Jill C. Davis, Esq. has prepared her own version of the Ethics in Government presentation and will present to the Nevada CPM program later in the week.

Executive Director Cafferata-Jenkins reported that Commissioner Cory had suggested at a previous Commission meeting that a CLE be developed for lawyers who come before the Commission. She agreed with Commissioner Cory, but also believes that procedures within the Commission regarding the hearing process should be vetted fully before preparing said CLE.

She reported that she has requested that all staff (with the exception of Commission Counsel) report to her in writing on a weekly basis regarding duties undertaken each week, and what they hope to accomplish in the coming week, to get a better record of what each staff members' job duties entail. The Executive Director stated that these reports will be used to update job descriptions and use them as evidence to assist the Department of Administration in reclassifying pay scales.

Executive Director Cafferata-Jenkins requested that the Chairman reactivate the Personnel Subcommittee to work with her to revise position descriptions and support Staff's efforts in a salary study that will go forward in preparation for the next legislative session.

A lengthy discussion ensued regarding the formation of a CLE Subcommittee, Nevada Administrative Code Subcommittee, and the reactivation of the Personnel Subcommittee, the scope of each, and which Commission members will serve on each. Commissioner Lamboley appointed the following members to the Subcommittees:

Personnel Subcommittee: Commissioner Lau (Chair), Commissioner Shaw (Co-Chair), and Commissioner Groover.

CLE for Lawyers Subcommittee: Commissioner Cory (Chair), and Commissioner Lau.

Nevada Administrative Code (NAC) Subcommittee: Commissioner Gale (Chair), Commissioner Weaver, and Commissioner Carpenter.

The scope and meetings of these Subcommittees will be addressed in the near future.

Commission Counsel Yvonne Nevarez-Goodson, Esq. reported that approximately eight or nine opinions still need to be written, and she hopes to clear that backlog within the next few months. She stated that staff will continue to provide the Commission with a quarterly update detailing the current status of pending Requests for Opinion.

11. Open Session for consideration and approval of Minutes from the following Commission meetings: August 21, 2013, September 18, 2013 and October 16, 2013.

Commissioner Shaw moved to approve the Minutes of the August 21, 2013 Commission meeting. The Motion was seconded by Commissioner Lau. The Motion was put to a vote and carried unanimously.

Commissioner Shaw moved to approve the Minutes of the September 18, 2013 Commission meeting. The Motion was seconded by Commissioner Lau. The Motion was put to a vote and carried unanimously.

Commissioner Cory moved to approve the Minutes of the October 16, 2013 Commission meeting. The Motion was seconded by Commissioner Lau. The Motion was put to a vote and carried unanimously.

12. Open Session for Commissioner comments on matters including, without limitation, future agenda items, upcoming meeting dates and meeting procedures.

No Commissioner comments.

13. Open Session for Public Comment.

Ken Small, member of the Clark County School District Parents Association and reporter for the Las Vegas Tribune offered public comment regarding the Stipulations entered in RFO Nos. 13-24C and 13-25C, and his ongoing concerns regarding the Clark County School District.

14. Adjournment.

Commissioner Lau moved to adjourn the meeting at 3:47 p.m., Commissioner Cory seconded the Motion. The Motion was put to a vote and carried unanimously.

Minutes prepared by:

Minutes approved: January 15, 2013:

Valerie M. Carter
Executive Assistant

Paul H. Lamboley, Esq.
Chairman