



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

MINUTES

**of the meeting of the
COMMISSION ON ETHICS**

April 8, 2010

These minutes constitute a summary of the above proceedings of the Nevada Commission on Ethics. A transcript of the open session proceeding is available for inspection at the Commission office in Carson City.

The Commission on Ethics held a public meeting on Thursday, April 8, 2010, beginning at 10:00 a.m. at the following location:

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

and via video-teleconference at

Nevada Legislative Building
Room 3143
401 South Carson Street
Carson City, NV

1. Call to Order, Roll Call.

In Carson City, Chairman George M. Keele, Esq. called the meeting to order and called the roll at 10:20 a.m., Thursday, April 8, 2010.

Present in Carson City were Chairman Keele, Commissioners Paul H. Lamboley, Esq., John W. Marvel and James M. Shaw. Vice-Chairman John T. Moran, III, Esq. and Commissioner Gregory Gale, C.P.A. attended in Las Vegas.

Also present in Carson City were Executive Director Caren Jenkins, Esq. and Commission Counsel Yvonne Nevarez-Goodson, Esq.

Chairman Keele reordered the numbering of the agenda items as follows: Agenda item 2 turned into agenda item 3, agenda item 3 turned into agenda item 5, agenda item 4 turned into agenda item 2 and agenda item 5 turned into agenda item 4. Agenda items 6, 7, and 8 remained as originally ordered.

2. Open session for discussion and possible action on minutes for commission meetings held August 13, 2009, September 10, 2009, September 30, 2009 and October 7, 2009.

Vice-Chairman Moran moved that the Nevada Commission on Ethics approve the minutes of the Commission meetings held August 13, September 10, and September 30, 2009. Commissioner Shaw seconded the motion and the motion carried unanimously.

Vice-Chairman Moran moved that the Nevada Commission on Ethics approve the minutes of the Commission meeting held October 7, 2009. Commissioner Shaw seconded the motion and the motion carried unanimously with Commissioner Gale abstaining from voting because he was not present at the October 7, 2009 meeting.

3. Closed session pursuant to NRS 281A.440(15) to hear testimony, receive evidence, deliberate and render an opinion regarding Request for Opinion No. 10-09A, submitted pursuant to NRS 281A.440(1).

This portion of the meeting was not available to the public.

4. Closed session pursuant to NRS 281A.440(5) for the Commission to consider the issuance of an administrative order to obtain certain confidential information by subpoena relating to the confidential investigation of Request for Opinion No. 10-05C in compliance with the federal law governing protected health information. The contents of the administrative order and subpoena, including the identity of the individuals and information requested, shall remain confidential and unavailable to the public pursuant to federal law after the information related to Request for Opinion No. 10-05C becomes a matter of public record pursuant to NRS 281A.440(5).

This portion of the meeting was not available to the public.

5. Open session for discussion and possible action regarding proposed bill draft requests for the 2011 Legislative Session, as recommended by the Commission's Subcommittee to Review Legislative Proposals.

Commissioner Lamboley moved that the Nevada Commission on Ethics' proposed bill draft request presented to the Commission and reviewed April 8, 2010, in a document that is 65 pages, be approved as a whole in terms of concepts therein embodied, as well as the language therein presented, subject to some revisions that may be deemed necessary by the Executive Director, Commission Counsel and/or suggestions by individual Commission members regarding the specific language to be employed in any given provision that would form a part of the bill draft request to the LCB for the purposes of the 2011 legislative session. Commissioner Shaw seconded the motion. There was a discussion on the motion.

Commissioner Lamboley registered his disapproval of the inclusion of the section on page 4 of 65 that deals with the acceptance of grants and contributions.

Chairman Keele called for a vote to approve the draft language with respect to grants and contributions. All of the Commissioners voted aye, except for Commissioner Lamboley, who voted nay.

Chairman Keele made a disclosure pursuant to NRS 281A.410, with respect to page 26 through 32 of 65 that he is a public officer whose public service requires less than half of his time and that he may represent or counsel a private person before an agency in which he does not serve. However, because a portion of the subject matter that was being discussed might relax certain prohibitions that exist, it would be inappropriate for him to vote, because he has an interest or a commitment to his family to earn a living. Chairman Keele disclosed that at this time under subsection (4), it must be presumed that the independence of judgment of a reasonable person in his situation would be materially affected by his pecuniary interest and his commitment in a private capacity to the interests of his family, where the resulting benefit or detriment accruing to him or his family is greater than accruing to any other member of the general business, profession, occupation or group that is affected by the matter. The Chair appointed Vice Chairman J.T. Moran, III, to Chair the balance of this matter.

Commissioner Lamboley moved to segregate the section referred to by the Chair for a separate vote in which the Chair could honor his disclosure and abstention. Chairman Keele requested that the Vice-Chair take the vote with the Chair abstaining. Commissioner Lamboley revised his motion to approve all remaining proposals contained in pages 1 through 65 of the BDR. Commissioner Shaw seconded the motion. The motion carried unanimously. Chairman Keele abstained from voting on this matter pursuant to NRS 281A.410.

6. Open session for Commissioner comments.

Commissioners had no further comments.

7. Open session for public comment.

No public comment was made.

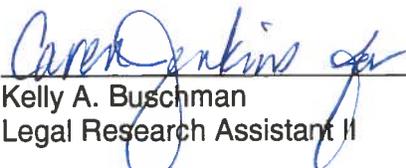
8. Adjournment.

Chairman Vice Chairman Moran adjourned the meeting at 5:40 p.m.

Executive Director Caren Jenkins stated for the record that because the agenda was concluded, there would be no meeting on April 9, 2010.

Vice Chairman Moran vacated the April 9, 2010 meeting.

Minutes prepared by:



Kelly A. Buschman
Legal Research Assistant II

Minutes approved October 4, 2010:



George M. Keele, Esq.
Chairman