



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

MINUTES

of the meeting of the

COMMISSION ON ETHICS

January 12 - 13, 2011

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

The Commission on Ethics held a public meeting on Wednesday, January 12, 2011, beginning at 8:30 a.m., and Thursday, January 13, 2011, at the following locations:

State of Nevada, Department of Personnel
209 East Musser Street, Room 105
Carson City, Nevada 89701

and

State of Nevada, Department of Personnel
555 East Washington Street, Suite 1400
Las Vegas, Nevada 89101

Some Commissioners appeared via video tele-conferencing.

1. Call to Order, Roll Call.

Chairman J. T. Moran, III, Esq. called the meeting to order and called the roll at 8:45 a.m. Wednesday, January 12, 2011.

Present in Carson City were Chairman, J. T. Moran, III, Esq., Vice Chairman Erik Beyer, P.E., Commissioners George M. Keele, Esq., James Shaw, Paul H. Lambole, Esq., and John W. Marvel. Also present in Carson City were Executive Director Caren Jenkins, Esq., Commission Counsel Yvonne Nevarez-Goodson, Esq. and Executive Assistant Janet Jacobsen.

Vice Chairman Erik Beyer and Commissioner Gale were excused from participation due to their participation on the Panel. Vice Chair Beyer remained in the hearing room only as an observer.

2. Open session to hear testimony, receive evidence, deliberate, and render an opinion relating to Request for Opinion No 10-48C submitted pursuant to NRS 281A.440(2), alleging that certain conduct of Dennis W. Stark, former County Manager of Lyon County, violated the provisions of NRS 281A.400(1), (2), (5) and (9).

This hearing was continued from the Commission's November 10, 2010 Public Meeting.

Present for the hearing, representing Mr. Stark, was Brent T. Kolvet, Esq, and witnesses Sharon Stark, Theresa Kenneston, Deborah Aquino, Josh Foli, Mr. Englert and Lura Weaver. These witnesses were sworn in by the court reporter. Michael Florio arrived later in the proceedings and was sworn in prior to his testimony.

Following a full day of testimony of witnesses and consideration of exhibits, Commissioner Lamboley moved for a finding of a violation of NRS 281A.400(1) . Motion seconded by Commissioner Shaw. The motion passed unanimously.

Commissioner Lamboley moved for a finding of a violation of NRS 281A.400(1). Seconded by Commissioner Shaw. The motion passed unanimously.

Commissioner Keele moved to enter the penalty phase and then withdrew his motion.

Commissioner Lamboley moved to dismiss allegation number 11. Commissioner Keele seconded the motion. The motion passed unanimously.

Chairman Moran moved to dismiss allegation number 4, pertaining to NRS 281A.400(2), allegations numbered 3 and 5, pertaining to NRS 281A.400(5) and allegation number 8 pertaining to NRS 281A.400(9). Motion seconded by Commissioner Keele. Commissioners Marvel, Shaw Keele and Chairman Moran voted in favor. Commissioner Lamboley voted against. The motion carried by a majority.

Commissioner Keele moved for a finding of one (1) willful violation of NRS 281A.400(1). Motion seconded by Commissioner Lamboley. The motion passed unanimously.

Commissioner Keele moved for a finding of one (1) non-willful violation of NRS 281A.400(1). Seconded by Commissioner Marvel. Commissioners Keele, Marvel, Shaw and Chairman Moran voted in favor. Commissioner Lamboley voted against. The motion carried by a majority.

Chairman Moran left the meeting. Commissioner Keele assumed the Chair.

Commissioner Marvel moved to impose a sanction of \$1,000 for the willful violation. Motion seconded by Commissioner Shaw. Executive Director Caren Jenkins brought to the Commission's attention the possibility of payment arrangements. Commissioner Marvel amended his motion to include this option. Commissioner Shaw amended his second. The amended motion passed unanimously.

Public comment by Mr. Stark.

This meeting recessed at 5:08 p.m.

Thursday, January 13, 2011, Vice Chairman Erik Beyer called the meeting to order and called the roll at 8:37 a.m.

Present in Carson City were Vice Chairman Erik Beyer, Commissioners George M. Keele, Esq., James Shaw and John W. Marvel. Arriving after roll call was Commissioner Paul H. Lamboley, Esq. Also present in Carson City were Commission Counsel Yvonne Nevarez-Goodson, Esq. and Executive Assistant Janet Jacobsen. Executive Director Caren Jenkins joined the meeting later.

Attending via video-conferencing to Las Vegas were Commissioners Gregory Gale and Magdalena Groover.

3. Closed Session pursuant to NRS 281A.440(15) to hear testimony, receive evidence, deliberate and render an opinion regarding Request for Opinion No. 10-97A, submitted pursuant to NRS 281A.440(1).

This portion of the meeting was closed to the public.

Chairman J. T. Moran, III, Esq., arrived in Las Vegas.

4. Open session pursuant to NRS 233B.061 to conduct a workshop to solicit public comment regarding proposed permanent regulations of the Commission (LCB File 134-10).

Chairman J. T. Moran, III, Esq. assumed the Chair.

Discussion and comments by Commissioners.

No public comment.

5. Closed Session pursuant to NRS 281A.440(15) to hear testimony, receive evidence, deliberate and render an opinion regarding Request for Opinion No. 11-02A, submitted pursuant to NRS 281A.440(1).

This portion of the meeting was closed to the public.

6. Closed Session pursuant to NRS 281A.440(15) to hear testimony, receive evidence, deliberate and render an opinion regarding Request for Opinion No. 10-121A, submitted pursuant to NRS 281A.440(1).

This portion of the meeting was closed to the public.

7. Open Session for Agency Status and Operations Update.

Ms. Nevarez-Goodson summarized the status of the United States Supreme Court's granting of the Commission's Petition for Writ of Certiorari in Carrigan, together with the status of "Carrigan II" in the Nevada Supreme Court. There was discussion regarding planning for the United States Supreme Court deadlines and argument.

Ms. Jenkins reported on Governor Sandoval's recent Executive Order regarding ethics for the Executive Branch, her work with Brenda Erdoes, Esq., of LCB in preparation for pre-legislative session training, her recent training session in Lyon County, recent changes in the Secretary of State's office and the departure of Legal Research Analyst Kelly Buschman.

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

Commissioner Gale suggested that the Commission follow up with the Attorney General's office regarding their recent investigations into the possibility that employees of state agencies had entered into contracts in violation of the ethics in government laws. Commissioner Gale and Ms. Nevarez-Goodson will follow up on this.

Commissioner Gale commented on a recent newspaper article regarding a 'boss of your boss' issue.

Commissioner Lamboley commented on the investigative and adjudicatory activities of the Commission.

9. Open Session for public comment.

No public comment was made.

10. Adjournment.

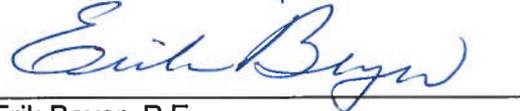
Chairman Moran adjourned the meeting at 1:10 p.m.

Minutes prepared by:



Janet Jacobsen
Senior Legal Researcher

Minutes approved 10/25, 2011:



Erik Beyer, P.E.
Chairman