



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

**MINUTES**

**of the meeting of the**

**COMMISSION ON ETHICS**

**July 13, 2011 – July 15, 2011**

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

The Commission on Ethics held a public meeting which began on Wednesday, July 13, 2011, at 1:00 p.m. and continued until Friday, July 15, 2011, at the following location:

State of Nevada  
Grant Sawyer State Building  
555 East Washington Avenue  
Room 4412  
Las Vegas, Nevada 89101

and via video conferencing to:

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

Some Commissioners appeared via video-conferencing and via tele-conferencing.

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

Chairman Erik Beyer called the meeting to order and introduced the Commissioners at 1:20 p.m. Wednesday, July 13, 2011.

Present in Las Vegas, Nevada were Commissioners Magdalena Groover, Gregory Gale, George M. Keele, Esq., and Keith Weaver, Esq. Also present in Las Vegas were Executive Director Caren Jenkins, Esq., Commission Counsel Yvonne Nevarez-Goodson, Esq., and Investigator Michel Vavra, M.P.A.

Present via video-conferencing in Carson City, Nevada was Vice Chairman Paul H. Lamboley, Esq. Also present via tele-conferencing from another location was Commissioner James Shaw. Commissioner John W. Marvel was excused.

The Pledge of Allegiance to the Flag was conducted.

2. Open Session to elect Chair and Vice Chair for Fiscal Year 2011-2012.

Election of officers had been postponed due to cancellation of the June 2011 meeting. Chairman Beyer opened the nomination process. Commissioner Keele nominated Chairman Beyer to serve as Chair for fiscal year 2011-2012. Commissioner Gale seconded the motion. The motion passed unanimously.

Chairman Beyer nominated Commissioner Lamboley to serve as the Vice Chair for fiscal year 2011-2012. Commissioner Gale seconded the motion. The motion passed unanimously.

3. Open Session for Presentation and Discussion of Annual Report pursuant to NAC 281A.180(2).

Executive Director Caren Jenkins presented the Nevada Commission on Ethics Annual Report ("Report") for fiscal year 2010-2011. The Commissioners engaged in discussion regarding the contents of the report. Commissioner Keele moved to adopt the Report as written with some ministerial corrections. Commissioner Shaw seconded the motion. Commissioner Lamboley commented on his concerns regarding preparation of the digests of opinions being delayed and being assisted by interns from the Executive branch. Commissioner Keele amended his motion to include the comments of Commissioner Lamboley. Commissioner Shaw, who had seconded the initial motion, agreed with adding Commissioner Lamboley's comments. The amended motion was passed unanimously.

4. Open Session for Status Update by Executive Director and Commission Counsel, including, without limitation, a report on agency operations, procedural issues and pending matters.

Executive Director Caren Jenkins outlined the recent change in the Commission's department status. The Commission now has its own department in state government. It is no longer a sub-agency as part of the Governor's office. This change has streamlined personnel changes, such as the addition of a new Executive Assistant, Valerie Carter, and the shift of former Executive Assistant Janet Jacobsen to the Senior Legal Researcher position.

Ms. Jenkins announced that the Commission's office hours will be changing effective August 1, 2011, to Monday through Thursday from 7:00 a.m. to 5:30 p.m.

In light of the *Carrigan* status, Ms. Jenkins requested that the Commission consider the possibility of requests for additional funding for out-of-state travel for purposes of attending speaking engagements.

In terms of office operations, Ms. Jenkins reported that replacement of the server is pending.

As part of the Commission's outreach efforts, Ms. Jenkins distributed a proposed 'disclosure and abstention cheat sheet'. Comments and discussion on the contents of the proposed document ensued.

7. Closed Session pursuant to NRS 281A.440(15) to hear testimony, receive evidence, deliberate and render an advisory opinion regarding Request for Opinion No. 11-50A, submitted pursuant to NRS 281A.440(1). This portion of the meeting will not be available to the public.

This portion of the meeting was closed to the public.

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

The transcript does not reflect that there were comments or discussion concerning the above agenda item.

6. Closed Session to Discuss Pending Litigation. This portion of the meeting will not be available to the public.

This portion of the meeting was closed to the public and concluded at 5:06 p.m.

The Commission re-convened on Thursday, July 14, 2011, at 9:02 a.m. In attendance in Las Vegas were Chairman Beyer, Commissioners Keele, Groover and Gale. Commissioners Lamboley and Weaver were excused due to scheduling conflicts while Commissioners Marvel and Shaw were excused due to their participation in the Panel. Also in attendance in Las Vegas were Executive Director Caren Jenkins, Commission Counsel Yvonne Nevarez-Goodson, Esq., and Investigator Michel Vavra, M.P.A.

8. Open Session to hear testimony, receive evidence, deliberate, and render an opinion relating to Consolidated Requests for Opinion Nos. 10-105C, 10-106C, 10-108C, 10-109C and 10-115C submitted pursuant to NRS 281A.440(2), alleging that certain conduct of Sharon McNair, former Member and Treasurer, Governing Board of Beacon Academy of Nevada, a public charter school, violated the provisions of NRS 281A.020; NRS 281A.400(1), (2), (3), (4), (5), (9) and (10); 281A.420(1) and (3); and 281A.430. The Commission may consider and take action on any matter related to the requests for opinion under this agenda item, including relevant motions, stipulations and similar issues.

Ms. Jenkins clarified that the original requests for opinion concerning Ms. McNair contain allegations concerning Stacy Ginoza and Hadassa Lefkowitz. The requester, John Matsis asked that allegations against Ms. Ginoza and Ms. Lefkowitz be dismissed. Those allegations have been withdrawn with the approval of Ms. Jenkins.

Chairman Beyer disclosed that he had a past business association with two potential witnesses, Gary Waters and Bob Seale. Chairman Beyer asserted that his association many years ago with these gentlemen would not affect his judgment in this matter in any way.

Present in Las Vegas for the hearing, representing Sharon McNair, was Chara Allen, Esq. Also present was Sharon McNair. Witnesses present in Las Vegas were Gary Waters, Amy Billey, Terry DeZoete, Kimberly McNair-Styles, Stacy Ginoza, Hadassa Lefkowitz, Karen

Wilkes and Investigator Michel Vavra, M.P.A. Present in Carson City via telephone was Thomas McMillan who was excused until his testimony was required. The witnesses present were sworn. Expected to be present via telephone were Michael Opp, William Carrico and Bob Seale.

Commissioner Keele moved to adopt the recommendation of Commission Counsel to dismiss the allegations with respect to McNair receiving legal services inappropriately. The motion was seconded by Commissioner Gale. The motion carried unanimously.

Testimony was taken and evidence received. Testimony for Thursday, July 14, 2011, concluded at 4:56 p.m. Testimony for Friday, July 15, 2011, commenced at 9:32 a.m. and concluded at 3:24 p.m. The matter was continued to the regularly scheduled August meeting.

There was no public comment.

9. Open Session to hear argument, deliberate, and render an opinion relating to a Motion to Dismiss in Consolidated Requests for Opinion Nos. 11-09C, 11-10C, 11-11C, 11-12C, 11-13C and 11-14C submitted pursuant to NRS 281A.440(2), alleging that certain conduct of Guy Wells, Stephen Quinn, William King, Nathaniel Hodgson, Michael Efstratis and Kevin Burke, individual members of the Nevada State Contractor's Board, violated the provisions of NRS 281A.420(1) and (3).

Joining the meeting in Las Vegas was Commissioner Weaver and via telephone was Commissioner Shaw. Commissioners Lambole and Marvel were excused due to their participation on the Panel. Carson City attendees included Louis Ling, Esq., Counsel to the State Contractor's Board and Cy Ryan of the Las Vegas Sun.

Commissioner Gale disclosed that he had made a claim against the Contractor's Board recovery fund in approximately 2004. Although payments were made, Commissioner Gale did not recover the full amount of his claim. Commissioner Gale disclosed a direct pecuniary interest against the contractor and an indirect pecuniary interest with the Contractor's Board. After careful consideration, Commissioner Gale concluded that his voting on this matter would not result in his personal financial benefit or detriment. Commissioner Gale did not believe that the independence of judgment of a reasonable person in his situation would be materially affected by his pecuniary interest with the contractor.

Commissioner Groover disclosed that she has known Stephen Quinn for a considerable period and that the independence of judgment of a reasonable person in her position would be materially affected. Therefore, Commissioner Groover abstained from further participation in this matter, and left the meeting.

Chairman Beyer disclosed that, more than twenty (20) years ago, his engineering consulting business had a matter before the Board of Professional Engineers and Surveyors to which Bruce Robb, Esq. was counsel. Chairman Beyer characterized the association as indirect. Additionally, Chairman Beyer disclosed that in his engineering and consulting business he has worked with contractors, but has had no personal contact with any of these. He believes that these circumstances would not affect the independence of judgment in this matter.

Attending the hearing in Las Vegas were Bruce Robb, Esq., Counsel to the State Contractor's Board, Chairman of the Board Kevin Burke, Members Guy Wells, Nathaniel Hodgson and Bruce King. Also present was Margi Grein, Executive Officer of the Board.

Mr. Robb requested withdrawal of the Board's Motion without prejudice. Commissioner Weaver moved to allow Mr. Robb to withdraw the Motion. Commissioner Shaw seconded. Commissioner Weaver clarified the motion as a Motion to Dismiss without prejudice. Commissioner Shaw agreed with the clarification. The motion carried unanimously.

At the suggestion of Commission Counsel, the Commission moved into a closed session. This portion of the meeting was closed to the public.

10. Open Session for Public Comment. Limited to not more than three (3) minutes per person. No action may be taken on any matter referred to in remarks made hereunder.

No public comment.

The meeting was adjourned.

Minutes prepared by:



Janet Jacobsen  
Senior Legal Researcher

Minutes approved September 13, 2011:



Erik Beyer, P.E.  
Chairman