



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

MINUTES
of the meeting of the
COMMISSION ON ETHICS

September 13, 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 Tuesday, September 13, 2011, at 9:00 a.m., at the following location:

State of Nevada
Commission on Economic Development
808 West Nye Lane
First Floor Conference Room
Carson City, Nevada 89703

and via video conferencing to:

State of Nevada
Commission on Economic Development
555 East Washington Street, Suite 5400
Las Vegas, Nevada 89101

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 9:13 a.m. Tuesday, September 13, 2011.

Present in Carson City, Nevada were Chairman Erik Beyer, Vice Chairman Paul H. Lamboley, Esq., Commissioners George M. Keele, Esq., and John W. Marvel. Also present in Carson City were Executive Director Caren Jenkins, Esq., Commission Counsel Yvonne Nevarez-Goodson, Esq., and Senior Legal Researcher Janet Jacobsen.

Present via video-conferencing in Las Vegas, Nevada were Commissioners Magdalena Groover and Gregory Gale, C.P.A, and Investigator Michel Vavra, M.P.A. Also present via tele-conferencing from another location was Commissioner James Shaw.

The Pledge of Allegiance to the Flag was conducted.

2. Open Session for Public Comment. 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 under this agenda item.

There was no public comment.

Commissioner Keith Weaver arrived at approximately 9:25 a.m.

4. Open Session to notice, consider and ratify Commission actions taken during the July 13-15, 2011 and August 11-12, 2011 Commission meetings for compliance with Chapter 241 of NRS (Open Meeting Law), as amended by Assembly Bills 257 and 59 of the 2011 Nevada Legislative Session. Such actions include: 1) "Election of Chair and Vice Chair for Fiscal Year 2011-2012"; 2) "Presentation and discussion of Annual Report pursuant to NRS 281A.180 (2)"; and 3) "Consideration and approval of Minutes from prior commission meetings".

This agenda item was taken out of order. Ms. Nevarez-Goodson highlighted recent legislative changes with respect to the Open Meeting Law. A motion was made by Commissioner Marvel to ratify the election of the Chair and Vice Chair for fiscal year 2011-2012, the presentation and discussion of the annual report and the consideration and approval of minutes from prior Commission meetings. Seconded by Commissioner Keele. The motion carried unanimously.

8. Closed Session pursuant to NRS 281A.440(15) to hear testimony, receive evidence, deliberate and render an advisory opinion regarding First-Party Request for Advisory Opinion No. 11-65A, submitted pursuant to NRS 281A.440(1).

This portion of the meeting was taken out of order and was closed to the public.

9. Closed Session pursuant to NRS 281A.440(15) to hear testimony, receive evidence, deliberate and render an advisory opinion regarding First-Party Request for Advisory Opinion No. 11-79A, submitted pursuant to NRS 281A.440(1).

This portion of the meeting was closed to the public.

10. Closed Session pursuant to NRS 281A.440(15) to hear testimony, receive evidence, deliberate and render an advisory opinion regarding First-Party Request for Advisory Opinion No. 11-78A, submitted pursuant to NRS 281A.440(1).

This portion of the meeting was closed to the public.

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. 11-84A, 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 taken out of order and was closed to the public.

3. Open Session for consideration and approval of Minutes of prior Commission Meetings.

Commissioner Groover was excused from the meeting at 3:30 p.m. Commissioner Lamboley moved to approve the content of the minutes from January 14 and 15, 2010; March 11, 2010; May 13, 2010; June 10, 2010; November 9 and 10, 2010; December 9, 2010; January 12 and 13, 2011; February 10 and 11, 2011; March 7, 2011; April 14, 2011; July 13, 14 and 15, 2011; and August 11 and 12, 2011. Commissioner Lamboley qualified his motion to include votes by Commissioners for only those meetings at which each was in attendance. Seconded by Commissioner Marvel. The Motion carried unanimously.

5. 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 provided an update on agency operations. Vice Chair Lamboley and Commissioner Weaver were reappointed by their respective appointing authorities. Commissioner Gale has been recommended for reappointment, however, the Governor's office has yet to undertake that evaluation.

Also discussed was the upcoming 35th anniversary of the Commission on Ethics and the celebration and acknowledgment which will take place November 16, 2011.

Ms. Jenkins distributed via email the approved disclosure and abstention guide via email to every public officer who filed a Financial Disclosure Statement. There was no cost to the Commission. Ms. Jenkins has received a great deal of positive feedback.

The Commission has been approached by LCB to add the Commission's opinions to their publication of the Nevada Law Library CD-ROM Collection. There was discussion and agreement that non-confidential opinions and abstracts of the confidential first-party opinions could be included.

Ms. Jenkins provided an update on expenses related to the Carrigan matter. The matter has been remanded to the Nevada Supreme Court. Should oral argument be granted, Mr. Elwood and Mr. Marwell of Vinson and Elkins (the firm which has provided pro bono services in the Supreme Court of the United States) will be travelling to Nevada. If the Commission agrees, Ms. Jenkins will approach the Board of Examiners at their November 2011 meeting for additional funding the approximate amount of \$2,000 to defray Mr. Elwood's and Mr. Marwell's travel costs. The success of her request will not impact their representation of the Commission.

Ms. Jenkins also requests approval from the Commission to request additional funding from the Board of Examiners for a contract attorney to assist in catching up with opinions and digests. After discussion, the Commissioners agreed on the necessity of the request.

Ms. Nevarez-Goodson requested the Commission's thoughts on the letters which she has been preparing in advance of opinions for those first party requesters who express a need. The letters require nearly the same time as an opinion. She suggests that a cover letter be provided, together with a copy of the transcript. Additionally, Ms. Nevarez-Goodson requested the Commission's input on the practice of preparing bench memos and extensive hearing materials. Review of previous transcripts has brought to light some concerns about the specificity of the Commissioner's motions. She suggests that the Commission move forward utilizing proposed motions containing the elements of each consideration. There was additional discussion concerning recent changes to the Open Meeting Law and the possibility of bifurcating the meetings to better provide public access to those portions which are subject.

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

Commissioner Lamboley stated that he has some concerns regarding agency operations which he will bring to the Chair for possible inclusion in the next agenda.

7. Closed Session to discuss pending litigation.

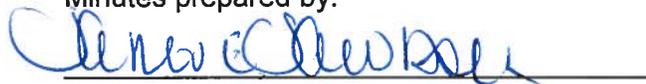
This portion of the meeting was closed to the public.

11. 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.

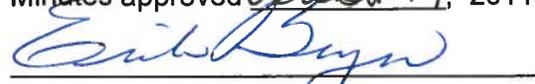
The meeting adjourned at 4:46 p.m.

Minutes prepared by:



Janet Jacobsen
Senior Legal Researcher

Minutes approved ^{10/25} ~~October 19~~, 2011:



Erik Beyer, P.E.
Chairman