



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

MINUTES

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

December 14, 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's office in Carson City.

The Commission on Ethics held a public meeting on Wednesday, December 14, 2011, at 8:30 a.m., at the following location:

Desert Research Institute
Phase I Building, Room 181
755 East Flamingo Road
Las Vegas, NV 89119

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 8:49 a.m. on Wednesday, December 14, 2011.

Present in Las Vegas, Nevada were Chairman Erik Beyer and Commissioners Keith A. Weaver, Esq., Gregory J. Gale, Magdalena Groover and Tim Cory, Esq. Also present in Las Vegas were Executive Director Caren Jenkins, Esq., Commission Counsel Yvonne Nevarez-Goodson, Esq. and Senior Legal Researcher Janet Jacobsen.

Vice Chairman Paul H. Lamboley, Esq. was expected to join the meeting at a later time. Commissioners Shaw and Marvel were excused from the meeting.

The Pledge of Allegiance to the Flag was conducted.

2. Open Session for Public Comment.

No public comment.

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

Commissioner Gale moved to approve the Minutes of the November 16, 2011 meeting. Commissioner Cory seconded the Motion. The Motion carried unanimously.

4. Open Session for an update from Staff regarding steps to address the Commission's Opinion Backlog.

Executive Director Caren Jenkins reported on her appearance and testimony before the Board of Examiners regarding the request for assistance to address the opinion backlog. The Board of Examiners granted the request in a unanimous vote. Ms. Jenkins will appear before the Interim Finance Committee on December 15, 2011 for the final determination as to whether the request will be approved.

Commissioner Groover requested additional information concerning staff operations. Ms. Nevarez-Goodson addressed those questions. Chairman Beyer and Commissioner Gale commented on the approach to opinions.

Commissioner Weaver moved that, if approved by the Interim Finance Committee, the Executive Director engage by contract an attorney as an independent contractor to provide the assistance.¹ Commissioner Cory seconded the motion. The motion carried unanimously. Remaining items on the public agenda were tabled until later in the meeting.

Commissioner Lamboley arrived at 9:40 a.m., just prior to the following agenda item.

5. Closed Session pursuant to NRS 281A.440(15) to hear testimony, receive evidence, deliberate and render an advisory opinion regarding Confidential First-Party Request for Advisory Opinion No. 11-95A, submitted pursuant to NRS 281A.440(1).

This portion of the meeting was confidential and thus was closed to the public.

6. Closed Session pursuant to NRS 281A.440(15) to hear testimony, receive evidence, deliberate and render an advisory opinion regarding Confidential First-Party Request for Advisory Opinion No. 11-96A, submitted pursuant to NRS 281A.440(1).

This portion of the meeting was confidential and thus 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 Confidential First-Party Request for Advisory Opinion No. 11-98A, submitted pursuant to NRS 281A.440(1).

This portion of the meeting was confidential and thus was closed to the public.

¹ The original Motion presented by Commissioner Weaver on December 14, 2011 stated "if approved by the Interim Finance Committee, the Executive Director hire, direct and supervise the person(s) providing the assistance." The wording was changed at the next meeting (1/18/12) and the revisions are shown in these minutes.

8. 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 reported that the Commission is among several agencies to be evaluated for elimination, consolidation or continuation by the Legislature's Interim Sunset Committee. Ms. Jenkins stated she would prepare a compilation of data requested by the Committee. Ms. Jenkins addressed the areas of primary concern.

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

Ms. Jenkins requested that the Commissioners schedule two full days for all Commission meetings. Commissioner Lamboley suggested implementation of a timeline for first-party requests for opinions to alleviate burdens of last-minute requests for agenda items. The Commission also discussed the role of local counsel in a request for a first-party opinion.

Commissioners Cory, Lamboley and Weaver, together with Ms. Jenkins and Ms. Nevarez-Goodson, discussed possible procedures for retention or waiver of the confidentiality of first-party requests for opinions.

10. Open Session for Public Comment.

No public comment.

11. Closed Session to discuss potential or pending litigation. This portion of the meeting will not be available to the public.

This portion of the meeting was confidential and thus was closed to the public.

12. Adjournment

The meeting adjourned at 4:44 p.m.

Minutes prepared by:



Janet Jacobsen
Senior Legal Researcher

Minutes approved 7th of Feb, 2012:



Erik Beyer, P.E.
Chairman