



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

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

March 21, 2012 and March 22, 2012

These minutes constitute a summary of the above proceedings of the Nevada Commission on Ethics. Verbatim transcripts of the open sessions are available for public inspection at the Commission's office in Carson City.

The Commission on Ethics held a public meeting on Wednesday, March 21, 2012, at 8:30 a.m., at the following location:

**State of Nevada Gaming Control Board
1919 College Parkway
Carson City, Nevada 89706**

and via video-conference to:

**State of Nevada Gaming Control Board
555 East Washington Avenue
Room 2450
Las Vegas, NV 89101**

March 21, 2012

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 8:30 a.m. on Wednesday, March 21, 2012.

Present in Carson City, Nevada were Chairman Erik Beyer, Vice Chairman Paul H. Lambole, Esq. and Commissioner James M. Shaw. In Las Vegas were Commissioners Keith A. Weaver, Esq., Gregory J. Gale, Magdalena Groover and Tim Cory, Esq. Also present in Las Vegas was Investigator Michael E. Lawrence. Also present in Carson City were Executive Director Caren Jenkins, Esq., Commission Counsel Yvonne Nevarez-Goodson, Esq. and Executive Assistant Valerie Carter.

Commissioner John Carpenter appeared via telephone from Elko, NV.
The Pledge of Allegiance to the Flag was conducted.

Chairman Beyer introduced newly appointed Commissioner John C. Carpenter

2. Open Session for Public Comment.
No public comment.

Commissioner Groover arrived in Las Vegas shortly after this agenda item was called, Chairman Beyer acknowledged her presence.

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

Commissioner Lamboley moved that the October 4, 2010 Minutes be approved as presented. Commissioner Shaw seconded the motion. The motion passed unanimously.

Commissioner Cory then arrived in Las Vegas and participated in the next motion.

Commissioner Shaw moved to approve the February 15, 2012 Minutes as presented. Commissioner Lamboley seconded the motion. The Motion passed unanimously.

4. Open Session for discussion of Bill Draft Request Subcommittee report and possible approval of proposed changes to NRS 281A.

Commissioner Gale, Chair of the BDR Subcommittee, discussed the BDR process and gave a brief overview of the Nevada Commission on Ethics' experience during the 2011 legislative session.

The Commission considered Senate Bill 391, first reprint, from the 2011 legislative session. A discussion ensued regarding how or if the Commission will proceed with submitting similar language during the 2013 session.

Ms. Cafferata-Jenkins discussed how the state requires BDRs be submitted in an online module, which requires concepts rather than specific language. She provided insight on the priority of ethics in government laws with past and future legislatures and how the Commission can raise its chance to have its bills passed in the upcoming session. She offered the possibility of presenting a budgetary BDR for a new position within the NCOE staff in addition to housekeeping and more substantive changes to statute.

A discussion ensued regarding Commissioner Gale's memorandum which outlined proposed changes to NRS 281A. The BDR Subcommittee will meet again to narrow down the subject matter for the full commission to consider for approval at the next meeting.

5. Closed session pursuant to NRS 281A.440(15) to discuss a proposed stipulation concerning Third-Party Request for Opinion No. 11-63C, regarding the conduct of Shari Buck, Mayor, City of North Las Vegas, submitted pursuant to NRS 281A.440(2).

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

6. Open session pursuant to NRS 281A.440(8) to consider and take action on a proposed stipulation concerning Third-Party Request for Opinion No. 11-63C, regarding the conduct of Shari Buck, Mayor, City of North Las Vegas, submitted pursuant to NRS 281A.440(2).

Commission Counsel stated there was one change on page 7 of 9 of the proposed Stipulation, in the second to the last sentence of paragraph "e", which should now read "The failure to satisfy the requirements of the Nevada Ethics in Government Law was not willful because of the unique circumstances involving her reliance upon counsel and the city attorney's office and noting her absence from North Las Vegas attending to other city business during the relevant time frame." The one addition is the use of the word "noting" before "her absence."

Ms. Buck's attorney, Mr. Reynolds, accepted the Stipulation with that change on behalf of his client.

Commissioner Lamboley made a Motion to accept the Stipulation with these changes. Commissioner Weaver seconded the Motion. The Motion passed unanimously.

7. Closed Session pursuant to NRS 281A.440(7) to hear testimony, receive evidence, deliberate and render an advisory opinion regarding Confidential First-Party Request for Advisory Opinion No. 12-06A, submitted pursuant to NRS 281A.440(1).

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

8. Closed Session pursuant to NRS 281A.440(7) to hear testimony, receive evidence, deliberate and render an advisory opinion regarding Confidential First-Party Request for Advisory Opinion No. 12-10A, submitted pursuant to NRS 281A.440(1).

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

9. Closed Session pursuant to NRS 281A.440(7) to hear testimony, receive evidence, deliberate and render an advisory opinion regarding Confidential First-Party Request for Advisory Opinion No. 12-12A, submitted pursuant to NRS 281A.440(1).

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

10. Closed Session pursuant to NRS 281A.440(7) to hear testimony, receive evidence, deliberate and render an advisory opinion regarding Confidential First-Party Request for Advisory Opinion No. 12-13A, submitted pursuant to NRS 281A.440(1).

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

11. Closed Session to discuss potential or pending litigation.

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

12. Open Session to consider and take action on a request filed with the Commission pursuant to Chapter 239 of NRS for access to certain documents related to Consolidated Third-Party Requests for Opinion Nos. 11-76C and 11-77C regarding Roger Tobler, Boulder City Mayor, and Vicki Mayes, Boulder City Manager.

Commissioner Gale was excused from participating in this agenda item as he served on the Investigatory Panels.

David Duncan, Esq. of Marquis, Urbach, Coffing, counsel for Roger Tobler, Mayor of Boulder City and Vicki Mayes, Boulder City Manager, appeared before the Commission.

Commissioner Cory moved that the Commission grant the request for public information, with the express understanding that the materials are being made public by statute.

Commissioner Shaw seconded the Motion.

Commissioner Lamboley suggested the motion include that the response to the request will be subject to cost reimbursement pursuant to the Public Records Policy of the Commission.

Commissioner Cory agreed to include that wording in his Motion. Commissioner Shaw again seconded the Motion with the changes.

Ms. Cafferata-Jenkins clarified that the Motion before the Commission addresses a public records request and not a discovery request, and that the Commission's Public Records Policy makes these records available to the public.

The Motion was then put to a vote and passed unanimously.

Meeting recessed at 5:04 p.m.

March 22, 2012

The continued meeting was called to order at 10:04 a.m. on March 22, 2012 at the Nevada Commission on Ethics. Commissioners appeared telephonically.

13. Open Session to consider and take action regarding potential adoption of a temporary regulation pursuant to NRS 233B.060 concerning investigative materials and information related to third-party requests for opinions.

This item was removed from the agenda.

14. 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, Cafferata-Jenkins, reported that LCB has codified the Commission's regulations which were provided to the Commissioners.

Ms. Cafferata-Jenkins discussed her attendance at the State Budget Kick-off meeting. The Governor has directed agencies to propose a flat budget. However, Ms. Cafferata-Jenkins would like permission to pursue a proposal for an additional staff member in an agency request for items for special consideration.

A discussion ensued regarding why the Commission does not have a designated Attorney General and what other possibilities may be available to the Commission. The Commission requested that the Executive Director evaluate and investigate time constraints and needs for additional staff, present her findings, and move forward once that information has been given to the Commission.

Ms. Cafferata-Jenkins provided Commissioners with two brochures she had developed: Nevada Written Disclosures Required of Public Officers and Citizen's Guide to Nevada's Ethics in Government Law. A discussion ensued regarding both brochures.

Ms. Cafferata-Jenkins noted that she had attended the National Attorneys General Training and Resource Institute in Las Vegas. She was invited to discuss the kinds of structural framework of the Ethics Commission and how it works with and is separate from the office of the Attorney General in Nevada.

Ms. Cafferata-Jenkins discussed the Center for Public Integrity's report card in which Nevada received a D minus. A discussion ensued regarding the report and how the Commission can improve in its mission.

Ms. Cafferata-Jenkins reported that the contract attorney has now submitted 17 opinions for consideration and is well ahead of schedule.

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

Commissioner Gale suggested having Commission Counsel prepare a summary version of her draft opinion for the Commission rather than one with details in order to expedite the deliberations process. Ms. Nevarez-Goodson suggested that having the specifics is probably more helpful to most commissioners, but she and contract attorney, Janette Bloom, will look into that idea.

16. Open Session for Public Comment. Comment and/or testimony by any member of the public will be limited to three (3) minutes. No action will be taken under this agenda item.

No public comment.

17. Adjournment.

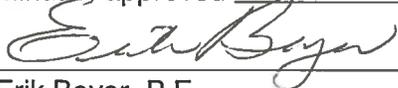
The meeting was adjourned at 11:00 a.m.

Minutes prepared by:



Valerie Carter
Executive Assistant

Minutes approved June 20, 2012:



Erik Beyer, P.E.
Chairman