



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

MINUTES
of the meeting of the
NEVADA COMMISSION ON ETHICS

August 15, 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, August 15, 2012, at 8:30 a.m. at the following locations:

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

and via video-conference to

Grant Sawyer State Building
Room 4401
555 E. Washington Avenue
Las Vegas, NV 89101

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 8:41 a.m. on Wednesday, August 15, 2012.

The following persons appeared in Carson City, Nevada: Chairman Erik Beyer, Vice Chairman Paul H. Lamboley, Commissioner James M. Shaw, Executive Director Caren Cafferata-Jenkins, Commission Counsel Yvonne Nevarez-Goodson, Esq., and Executive Assistant Valerie Carter. Appearing in Las Vegas, Nevada via video-teleconference were Commissioners Gregory J. Gale, Keith Weaver, Magdalena Groover, Tim Cory and Senior Investigator Michael E. Lawrence. Participating via video-teleconference from Elko, Nevada was Commissioner John C. Carpenter.

The Pledge of Allegiance to the Flag was conducted.

2. Open Session for Public Comment.

No public comment.

3. 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. 12-40A, submitted pursuant to NRS 281A.440(1).

This agenda item was confidential, held in closed session, and is not available to the public.

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

Commissioner Lamboley moved to approve the July 10, 2012 Subcommittee meeting minutes. Commissioner Cory seconded the Motion. The motion was put to a vote by the Subcommittee Members (Commissioners Lamboley, Beyer, Cory and Carpenter) and passed unanimously.

Commissioner Shaw moved to approve the Minutes of the July 31, 2012 Commission meeting. Commissioner Carpenter seconded the motion. The Motion was put to a vote and passed unanimously.

5. Open Session for report on agency status and operations:

Executive Director Caren Cafferata-Jenkins presented the final agency BDR requests for the 2013-2015 Biennium, along with the final table of Proposed Amendments to NRS 281A which included specific language for each. She reported that these documents have been submitted to the Governor and she will be meeting with the Department of Administration to discuss them in detail.

The Executive Director reported that the NCOE has been given permission from the Administrative Division to add in its request, the enhancement of an additional position of Associate Counsel, including related costs such as equipment and travel for the position.

Executive Director stated that the Commission has also been given authority by the Administration Division to request items for special consideration. The Executive Director sought approval to request the following as items for special consideration:

1. Adjustment to salaries for the NCOE staff. Executive Director provided the Commission with a memo dated August 9, 2012 which enclosed a table titled "History of NCOE Staff Salaries". Executive Director explained the chart and where she obtained the data.
2. Enhancement of the NCOE travel budget. Executive Director reiterated the importance of Commissioners being in-person at Commission meetings where witnesses testify, to better determine credibility. The Executive Director stated that the Executive Assistant prepared an estimate for eight (8) traveling meetings, which reflected the need for a budget enhancement of at least \$25,000.

3. Furniture for the proposed additional position of Associate Counsel.

Commissioner Gale moved that the Commission direct the Executive Director to include these three items for special consideration in the budget package. Commissioner Shaw seconded the Motion.

A discussion ensued regarding the motion.

The Motion was put to a vote and passed unanimously.

The Executive Director presented a letter received from the Nevada Association of Counties regarding the conduct of the Commission and the comments of some commissioners at the hearing regarding Nye County Assessor, Shirley Matson. Executive Director provided the Commissioners with excerpts from meetings where County Commissioners, the District Attorney and other public officers were the subject of some comments. She reminded the Commission to refrain from commenting on these issues in an open hearing. Executive Director entertained ideas on how to properly respond to the letter, and requested direction from the Commission. Commissioner Lamboley suggested offering additional training on Ethics to county employees and officials, and suggested that education is a key response.

A discussion ensued regarding the letter and the Executive Director's response.

In addition, the Executive Director reported that the initial request to go before the BOE for consideration of a temporary contract attorney was denied and would not be placed on the BOE agenda. However, since that was announced, Executive Director stated she has spoken with the Governor's office and was told that on September 11, 2012, the BOE will hear the NCOE's request for an interim Associate Counsel position for the period of December 1, 2012 through June 2013. The Executive Director asked Chairman Beyer and Commissioner Lamboley to attend that hearing before BOE. If the request is approved by the BOE, the request will then go before the Interim Finance Committee. The Executive Director is not sure that the Governor will support the request, but would like to go forward with the request anyway.

Commissioner Lamboley expressed his position on personally appearing at the hearing before the BOE and explained that he will not appear due to possible conflicts of interest with the Attorney General and the Secretary of State.

Executive Director Cafferata-Jenkins stated she is extraordinarily pleased with the Governor's response to the agency's requests and his support of the NCOE.

The Executive Director introduced her letter to the BOE which outlined the need for the interim Associate Counsel position and the funds needed to fulfill the requested temporary position.

Commission Counsel deferred her comments to Agenda Item #7.

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

Commissioner Carpenter clarified that the Commissioners in the North will be traveling to Las Vegas for the September 2012 Commission meeting. The Executive Director confirmed the meeting will take place in Las Vegas on September 19th and 20th at which time the Commission will hear RFO Nos. 11-76C and 11-77C regarding Roger Tobler and Vicki Mayes as well as other matters.

Commission Counsel also added that she received confirmation from the State's Tort Claims Manager that the NCOE has insurance coverage for each of the five staff members, and the Executive Director's presentation of evidence at the September hearing falls within that coverage.

7. Closed Session to discuss potential or pending litigation.

This agenda item was confidential, held in closed session, and is not available to the public.

8. Open Session for Public Comment.

No public comment.

9. Adjournment.

Chairman Beyer adjourned the meeting at 11:35 a.m.

Minutes prepared by:

/s/ Valerie Carter
Valerie Carter
Executive Assistant

Minutes approved September 20, 2012:

/s/ Erik Beyer
Erik Beyer
Chairman