



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

**MINUTES**

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

**February 15, 2012**

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, February 15, 2012, at 8:30 a.m., at the following location:

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

and via video-conference to:

Grant Sawyer State Building  
Room 4412  
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 8:58 a.m. on Wednesday, February 15, 2012.

Present in Carson City, Nevada were Chairman Erik Beyer, Vice Chairman Paul H. Lamboley, Esq. and Commissioner James Shaw. Commissioners Gregory J. Gale, Magdalena Groover, Tim Cory, Esq. and Senior Investigator Michael E. Lawrence appeared via video teleconference in Las Vegas. Also present in Carson City were Executive Director Caren Cafferata-Jenkins, Esq., Commission Counsel Yvonne M. Nevarez-Goodson, Esq. and Executive Assistant Valerie Carter.

Commissioner Weaver was excused from the meeting.

Commissioner Marvel tendered his resignation from service on the Commission as of February 14, 2012, and thus was not present at this 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 Meeting.

Executive Director, Caren Cafferata-Jenkins, reported that Commissioner Gale suggested changing the wording in the second sentence of the last paragraph of the minutes from January, 2012 on Page 4 of 6 to read "The request for dismissal of the allegations regarding disclosure under NRS 281A.420(1) and advocacy under NRS 281A.420(3) should be denied as requested on the basis that there has not been sufficient and adequate evidence considered in this particular circumstance, and secondly, the spoken statements by the speaker, Mayor Buck, may be advocacy but cannot be found to be willful due to the totality of the unusual circumstances in this matter, including application of the safe harbor provision in NRS 281A.480."

Commissioner Shaw moved that the Commission approve said minutes with the corrections offered.

Commissioner Lamboley seconded the motion.

The Motion was put to a vote and carried unanimously.

4. 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. 12-04A, submitted pursuant to NRS 281A.440(1).

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

5. 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. 12-05A, submitted pursuant to NRS 281A.440(1).

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

6. Closed Session to discuss potential or pending litigation.

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

7. Closed 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).

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

8. 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, Yvonne Nevarez-Goodson, reviewed the status of RFO 11-63C and the continued settlement discussions.

Commissioner Lamboley stated that the Commission had reviewed the proposed stipulation included in the meeting materials, and moved that the Commission reject the proposed stipulation.

Commissioner Cory seconded the Motion.

Commissioner Gale stated that he found the Stipulation fine as it was presented.

The Motion was put to a vote and carried as follows:

Commissioner Gale:	No
Commissioner Groover:	No.
Commissioner Cory:	Aye.
Commissioner Lamboley:	Aye.
Chairman Beyer:	Aye.

Commission Counsel stated that the Commission had refrained from discussing the terms of the proposed stipulation in an open session because it might reveal confidential settlement negotiations.

9. 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 Cafferata-Jenkins, briefly outlined the process of a Request for Opinion and the duties of Staff regarding the same. A discussion ensued regarding the forms and process of a Request for Opinion and what may change in the future to better the process.

Caren Cafferata-Jenkins also discussed her conversation with a professor at Boyd School of Law who has a student interested in doing an internship with the Commission. Executive Director hopes to meet with this individual next time she is in Las Vegas.

Caren Cafferata-Jenkins discussed The Board of Examiner's approval of Jeannette Bloom's contract to write opinions.

Also discussed was the Center for Public Integrity and its "report card" on the Commission.

Caren Cafferata-Jenkins mentioned that the Legislative Commission was also meeting today and that hopefully, it would appoint a new Commissioner to replace Mr. Marvel.

Finally, Caren Cafferata-Jenkins discussed the moot court in Las Vegas regarding the Carrigan matter, and offered information to Commissioners who would like to attend.

Commissioner Lamboley added that the State Bar's meeting is in June and asked whether or not the Executive Director and Commission counsel would make a presentation on ethics in order to get information out there.

Caren Cafferata-Jenkins added NAGTRI contacted her and Commission Counsel to discuss the Carrigan matter at a conference in Las Vegas. The Executive Director will attend the conference and serve on a panel about ethical considerations for attorneys general other than those imposed by the rules of professional responsibility placed upon lawyers.

10. Open Session to discuss Bill Draft Request Subcommittee report and for possible approval of statutory changes and concepts to be proposed.

Commissioner Gale reported on the memo he prepared and circulated to all of the Commissioners and staff in hope that all could weigh in on the subject matter before the Subcommittee goes into the details of drafting Bill Draft Requests. It was decided that all comments regarding the memo would go directly to Commissioner Gale who would in turn, discuss with the BDR Subcommittee to formulate solid concepts to be discussed and voted upon by the entire commission in order to narrow the field for issues the Commission wishes to address in amending the statutes.

A discussion ensued regarding the upcoming session and priorities of the same.

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

Commissioner Lamboley proposed that the Commission issue a certificate of appreciation to John Marvel for his service. Chairman Beyer agreed and will work with the Executive Director to do so.

12. 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.

No public comment.

13. Adjournment

The meeting adjourned at 1:17 p.m.

Minutes prepared by:

  
\_\_\_\_\_  
Valerie Carter  
Executive Assistant

Minutes approved March 21, 2012:

  
\_\_\_\_\_  
Erik Beyer, P.E.  
Chairman