



**STATE OF NEVADA
COMMISSION ON ETHICS**

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**NEVADA COMMISSION ON ETHICS
POLICY ON ACCESS TO PUBLIC RECORDS**

Purpose: To comply with the Nevada Public Records Act (Chapter 239 of NRS).

Policy Statement:

1. Access to Public Records. It is the policy of the Nevada Commission on Ethics ("Commission") to provide the public access to public records unless a record is confidential pursuant to NRS 281A.440.

Staff shall make every effort to accommodate each request for non-confidential documents in a timely manner, however, to maintain the efficiency of the agency, staff time and effort must not be monopolized to address public records requests to the detriment of regular duties. The Commission will respond to public records requests as quickly as practicable. Archived records may require up to thirty (30) days to be identified, requested and retrieved from storage before the documents may be reviewed by Commission staff. Requesters must allow a reasonable time for documents created more than two (2) years prior to the request.

2. Confidential Records. Pre-hearing documents which reflect the opinions, recommendations, investigation, advice or thought processes of

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Commissioners or staff regarding a hearing or any part of reaching decisions made or to be made in a hearing are, and remain, confidential pursuant to NRS 281A.440. In addition to information specifically designated as confidential by NRS 281A the Commission acknowledges *Donrey of Nevada v. Bradshaw*, 106 Nev. 630, 798 P.2d 144 (1990) limited the provisions of the Nevada Public Records Act. This common law limitation requires an agency to balance the public interest in disclosure against the public interest served by nondisclosure to determine whether information is confidential.

The Commission may deny any request for information if, on balance, the public interest in nondisclosure outweighs the public interest in disclosure. A request for public records shall state the reason for the request so the Commission can weigh the public interest in disclosure.

3. Standard Fees for Copies Responding to Public Records Requests.

A summary of the Commission's fees is attached hereto as Exhibit "A." Fees will be estimated based on the request and must be paid before the request is filled. The actual cost of responding to the public records request shall be charged. In the absence of specific information showing actual cost, the attached fee schedule shall apply. Copy fees are charged separate from and in addition to any fee for extraordinary use of Commission personnel or technology. Documents that have already been scanned onto the Commission's server may be provided via email at no charge. Requests for documents that are not already scanned onto the Commission's server or that predate the Commission's scanning process may be charged a scanning fee. Copies of current agendas, minutes or proposed regulations shall be provided electronically at no cost. At the discretion of the

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Executive Director or her designee, fees for providing public information to the news media, government or other members of the public may be waived.

4. Extraordinary Fees for Public Records. A summary of the Commission's fees is attached hereto as Exhibit "A." These fees are in addition to any fee authorized by other provisions of this policy. NRS 239.055. If extraordinary use of personnel is required to respond to a public records request, the requester shall be charged a reasonable fee for the extraordinary use of personnel. The fee shall be calculated in one-tenth of an hour increments at the gross hourly wage rate, or portion thereof, of the lowest compensated staff member reasonably available and qualified to respond to the request. The time shall be either the actual time required, or the time it should reasonably have taken to respond to the request, whichever is shorter. No charge shall be assessed for the first thirty (30) minutes of any employee's time. Any time in excess of thirty (30) minutes shall be deemed extraordinary.

Should extraordinary use of technology be required to comply with a public records request, the requester shall be charged the actual cost for the use of the technology, exclusive of overhead.

Prior to responding to a request that requires extraordinary use of personnel or technology, the processing employee shall prepare an estimate of the time required to comply and the Executive Director shall inform the requester of the actual estimated charge. The estimated fees shall be collected before compiling or providing the Commission's response. If the actual expense is less than the estimate, any prepaid balance shall be returned to the requester. Any costs in

excess of the prepaid estimate will be billed with the Commission's responsive documents and must be paid within thirty (30) days of receipt of the related invoice.

5. Certification of Public Records. Upon request, the Commission shall certify that the copies provided are true and correct copies of the records on file in the offices of the Commission as of the date provided. The copy may be certified using any legally recognized form of certification. NRS 240.100 authorizes notary fees for certification of copies. A summary of the Commission's fees is attached hereto as Exhibit "A." Each requested certification shall be subject to a separate notary fee. An unsigned acknowledgment containing the same information may be provided at no charge.

6. Postage. All public record request responses will be delivered via U.S. Mail or via email unless otherwise requested. Actual costs related to delivery of the Commission's response will be charged to the requester.

This policy was adopted by a vote of the Commission on November 16, 2011, and continues in force until it is amended or revoked.

Date: *November 16, 2011*



Caren Jenkins, Esq. Executive Director

Updated 11/16/11

EXHIBIT "A"
TO
NEVADA COMMISSION ON ETHICS
POLICY ON ACCESS TO PUBLIC RECORDS

FEES FOR COPIES OF PUBLIC RECORDS

Pursuant to Nevada Revised Statutes Chapter 239 and the Nevada Commission on Ethics ("Commission") Policy on Access to Public Records, the following is the Commission's schedule of fees for copies of public records, where not otherwise set by state or federal law or regulation.

The first thirty (30) minutes of labor/personnel time to fill the request are provided at no charge. Subsequent labor will be charged pursuant to the policy concerning extraordinary use of personnel.

The first five (5) single sided copies will be provided at no charge. After the first five (5) pages, five cents (\$.05) per page will be charged for single sided copies and seven cents (\$.07) per page for double sided copies on standard letter or legal sized paper. Copies on larger size paper will be charged at a higher rate. Copies of documents or photographs in color shall be charged at fifty cents (\$.50) per side.

Copies provided on compact discs/DVDs shall be charged at five dollars (\$5.00) per disc.

Current agendas, minutes or proposed regulations are available electronically at no charge.

Email copies of existing scanned documents shall be available at no per page charge. Scanning charges of two cents (\$.02) per page shall apply to documents not already scanned at time of request.

Requests requiring extraordinary use of personnel will be charged a fee equal to the gross hourly wage of the individual employee reasonably available and qualified to fill the request in six (6) minute increments (one tenth (1/10th) of one hour). This fee shall not include the first thirty (30) minutes of that employee's time responding to the request.

Copies of records provided via other media not specified herein shall be charged at actual cost.

Certification of copies shall be available at two dollars and fifty cents (\$2.50) per document.

An acknowledgment that the response provided contains the true and correct copies of all documents responsive to the public records request will be provided at no additional cost.

You will be provided an estimate of costs before your request is filled. Estimated fees must be paid before the request is filled. Any costs in excess of the estimate will be invoiced and provided with the responsive documents. Any balance must be paid within thirty (30) days of the requester's receipt of the invoice.

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NRS 239.053 Additional fee for transcript of administrative proceedings; money remitted to court reporter; posting of sign or notice.

1. If a person requests a copy of a transcript of an administrative proceeding that has been transcribed by a certified court reporter, a governmental entity shall charge, in addition to the actual cost of the medium in which the copy of the transcript is provided, a fee for each page provided which is equal in amount to the fee per page charged by the court reporter for the copy of the transcript, as set forth in the contract between the governmental entity and the court reporter. For each page provided, the governmental entity shall remit to the court reporter who transcribed the proceeding an amount equal to the fee per page set forth in the contract between the governmental entity and the court reporter.

2. **The governmental entity shall post, in a conspicuous place at each office in which the governmental entity provides copies of public records, a legible sign or notice which states that, in addition to the actual cost of the medium in which the copy of the transcript is provided, the fee charged for a copy of each page of the transcript is the fee per page set forth in the contract between the governmental entity and the court reporter.**

(Added to NRS by 1997, 2385)

Sunshine Reporting Services (aka Litigation Services) Transcript fees:

- **\$4.50 PER PAGE AND \$1.00 PER EXTRA PAGE FOR STANDARD DELIVERY**
- **CD: \$25.00**
- **OUTSIDE SALE COPIES:\$2.00**

The current contract is in effect through May 31, 2013