



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

Thursday, February 14, 2008
1:00 p.m.

Legislative Counsel Bureau
401 South Carson St., Room 3143
Carson City, NV 89701

and via videoconference to:
Grant Sawyer State Building
Legislative Counsel Bureau
555 E. Washington Avenue, Room 4412
Las Vegas, NV 89119

MINUTES

These minutes constitute a summary of the above proceedings of the Nevada Commission on Ethics.
A verbatim transcript of the open session proceedings, prepared by a certified court reporter,
is available for inspection at the Commission offices in Carson City and Las Vegas.

Commission Members and Staff Present in Carson City:

Jim Kosinski, Esq., Member;
Rick Hsu, Esq., Member;
George Keele, Esq., Member;
Patricia D. Cafferata, Esq., Executive Director;
Adriana G. Fralick, Esq., General Counsel;

Commission Members and Staff Present in Las Vegas:

Mark Hutchison, Esq., Vice Chair;
Tim Cashman, Member;
Randall Capurro, Member;
John T. Moran, III, Esq., Member;
Matt Di Orio, Senior Investigator;
Tami DeVries, Research Analyst.

Vice Chair Hutchison called the meeting to order at 1:03 p.m., Thursday, February 14, 2008.

Agenda Item 1 – Open Session and possible action to elect Chair and Vice Chair of Commission.

Vice Chair Hutchison stated that we will skip this item and return to it later on during the meeting.

Agenda Item 2 – Open Session and presentation by Andrew Clinger, Budget Director on the state budgetary process and procedure.

Andrew Clinger, the Budget Director, gave an informational presentation on the budgetary process and the procedures for budget cuts. The Commissioners expressed some concerns over the budget process and procedures. Clinger stated that he would take back the Commissioners' concerns to the Governor.

Cafferata introduced the new Executive Assistant, Michelle Ené, to the Commissioners.

A lunch recess was taken at 1:31 p.m. The meeting reconvened at 2:03 p.m.

Agenda Item 1 – Open Session and possible action to elect Chair and Vice Chair of Commission.

Vice Chair Hutchison thanked Commissioner Kosinski for his faithful service, dedication and leadership to the Commission during the time he was Chair. Commissioner Rick Hsu recommended Vice Chair Hutchison be the Chair and Commissioner Timothy Cashman the Vice Chair. Kosinski seconded the motion. Cashman recommended an amendment/clarification to the motion, to include that the appointments are through June 30th, 2008, at which time there will be a new election. The motion was passed unanimously.

Agenda Item 3 – Open Session for Executive Director's Report on status of pending investigations and opinions and training.

Cafferata stated that there were five panels, one was already heard, one is set for this afternoon, one was continued and two are to be heard next month. There were 21 pending opinions in November and presently there are eight left to draft - one third-party complaint and seven advisory opinions. Cafferata stated that the staff is working on opinions since the Commissioners stated that their number one priority is to finish the opinions.

Cafferata stated that Adriana Fralick, General Counsel, and Tami DeVries, Research Analyst have each done one training. DeVries is scheduled for one more in the future and Fralick is scheduled for two in the future. Ethics training in the north and south are scheduled for the presentation by the Attorney General's Office for members on boards and commissions.

Cafferata stated that the financial disclosure statements have been posted on the Nevada Commission on Ethics website. Cafferata stated that the Nevada Supreme Court, was suppose to send all of the judge's financial disclosure statements and the Court had not. Cafferata stated that she is now receiving them.

Kosinski suggested that our office give presentations to new legislators. Cafferta stated that she already spoke with Breda Erdoes at the Legislative Counsel Bureau and will arrange for the presentation. Cashman stated that he thought that it would be a good idea to have training for incoming or new Commissioners. Cafferata recommended that the Commissioners attend the Attorney General session for boards and commissions. Kosinski stated that the new Commissioners also need to be oriented on what the Ethics Commission does. Cafferata stated that staff does orient new Commissioners. The whole staff met with newly appointed Commissioner Moran for an hour and briefed him. Cafferta stated that she intends to brief new Commissioners.

Agenda Item 4 – Open Session for discussion and possible action on Commission’s priorities on regulations, forms and website, Ethics Manual, legislation and other related matters.

Cafferata stated that staff is working on standardizing forms and working on updating templates. Staff is also working on updating our website and updating citations. Cafferata stated that she is working with DeVries on proposed legislation. Cafferata asked the Commissioners for direction on priorities. Chair Hutchison stated that she should work on corrections and updates on the forms and the website, then move on to legislative session issues, the budget and then the harmonization of the statutory provisions.

Kosinski recommended that we submit legislation requesting an interim study of the Ethics Commission. Cashman suggested the Commission, in addition to asking for an interim study, submit small bills relating to two or three real specific issues of concern. This discussion will be on the next meeting agenda for the Commissioners to vote on. Devries explained the process for adopting our regulations.

Agenda Item 5 – Open Session for discussion and possible action regarding the coin set received by the Executive Director for CNFOA Association for speech on Nevada Ethics.

Cafferata stated that she received a coin set from County Fiscal Officers Association for giving a speech on Nevada Ethics and a coffee mug from Jon Ralston for appearing on his TV show. She is looking for direction from the Commissioners on what to do with the gifts. Hsu recommended that the Executive Director give the coin set to a nonprofit of her choice at her discretion and that the Commission accept the coffee cup for use at the office. After discussion, Hsu withdrew his motion and made a new motion. Hsu recommended that the Commission accept the gift of the coin set and donate the gift on behalf of the Commission, to a nonprofit selected at the discretion of the Executive Director and that the Commission accept the gift of the coffee mug for use in the office of the Commission. Commissioner Cappuro consented to the withdrawal of the motion and seconded the new motion. The motion passed five to one, with Kosinski voting no.

Agenda Item 6 – Open session for public comment.

Hsu stated that Attorney Dave Grundy from Reno was in attendance of one of our meetings and told him that he was impressed with the Commission’s proceedings and how we deliberate in open session. Hsu commended the Commission.

Kosinski requested three items be put on subsequent agenda. They are as follows: (1) establish a policy whereby the Executive Director can discuss with subjects or third-party complaints settlement; (2) establish a policy prohibiting the Executive Director from issuing advisory opinions; and (3) establish a policy whereby newspaper articles concerning ethics issues and subjects will be forwarded to all Commissioners.

Hutchison adjourned the meeting at 4:33 p.m.

Minutes transcribed by:

Minutes approved May , 2008

Michelle A. Ené, Executive Assistant

Timothy Cashman, Acting Chair