



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

**MINUTES**  
**of the meeting of the**  
**COMMISSION ON ETHICS**  
**July 17, 2008**

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's offices in Carson City and Las Vegas.

The Commission on Ethics held a public meeting on Thursday, July 17, 2008, beginning at 10:00 a.m. at the following locations:

The Legislative Counsel Bureau, 401 South Carson St., Room 3143, Carson City, Nevada and the Grant Sawyer State Building, Legislative Counsel Bureau, 555 E. Washington Avenue, Room 4401, Las Vegas, Nevada.

The sites were connected by videoconference.

1. Call to Order, Roll Call.

Chair Mark Hutchison called the meeting to order at 10:00 a.m., Thursday, July 17, 2008. Present in Carson City were Commissioners George M. Keele, Esq., Paul H. Lamboley, Esq. and James M. Shaw. Present in Las Vegas were Chair Mark Hutchison, Esq., Vice Chair Timothy Cashman and Commissioner John T. Moran, III, Esq. Absent was Commissioner Randall V. Capurro.

Also present were Executive Director Patricia D. Cafferata, Esq., Adriana G. Fralick, Esq., General Counsel, Tami E. DeVries, Research Analyst, and Michelle A. Ené, Executive Assistant. Members of the public were asked to sign in, and the sign-in sheets are attached to the original minutes as Exhibit A.

2. Action to elect a Chair and Vice Chair of the Nevada Commission on Ethics Commission for new fiscal year, pursuant to NAC 281.0245.

Vice Chair Cashman recommended Mark Hutchison to be the Chair for Fiscal Year 2008-2009. Commissioner Keele seconded the motion. The motion passed unanimously.

Hutchison recommended Timothy Cashman to be Vice Chair for Fiscal Year 2008–2009. Commissioner Moran seconded the motion. The motion passed unanimously.

Keele thanked Hutchison and Cashman for the excellent job that they have done serving as Chair and Vice Chair during the last fiscal year.

3. Action on the Matter of the Request for Advisory Opinion, 08-29A, pursuant to NRS 281A.440.1 and .5, to hear testimony, receive evidence, deliberate, and render an opinion relating to the conduct of BILLIE SHEA, Chair of Nevada Board of Massage Therapists.

This item was on the agenda. A phone call was received the same day that the agenda was posted, asking that this matter be removed from the agenda. Therefore, the materials were not included in the Commission packets. Miss Shea then appeared before the Commission and asked the Commission to render an opinion because the Commissioners did not have any information on this case, and they were not prepared to make a determination.

Moran moved that the Commission hold this matter in abeyance until the next regularly scheduled meeting. Commissioner Shaw seconded the motion. The motion passed unanimously.

4. Action on proposed regulations to amend NAC 281A, known as LCB File No. R084-08. Notice of the intent to adopt regulation was posted on or about May 31, 2008, pursuant to NRS 233B.061. A copy of the Notice of Intent to Adopt or Amend Regulation and full text of the proposed amendments to Chapter 281A of the NAC may be found on the Commission website.

Hutchison called for any members of the public in Carson City or Las Vegas to make any comments on the proposed regulations to amend NAC 281A. Executive Director Cafferata stated that there were no members of the public in Carson City. Hutchison stated that there were no members of the public in Las Vegas. Hutchison asked the Commission for clarifications or comments before adopting the regulations. Keele said that he had some suggestions in style changes. Keele submitted the style changes to Cafferata. Hutchison moved that the Commission adopt the proposed regulations of the Commission on Ethics LCB File NO. R084-08 dated May 28, 2008, as provided in Tab 4 of the materials, with the amendments that Keele will provide to the Executive Director, having accepted his representation that those are more stylistic, grammatical changes than material changes. Shaw seconded the motion. The motion passed unanimously.

5. Action on Proposed Budget for 2010-2011.

Cafferata gave a brief review of the budget for Fiscal Year 2008 which ended in June. Cafferata reviewed each budget category and stated that the Commission had exceeded the 2008 budget for Court Reporting. Cafferata stated that the Commission needs to stay focused more on exactly what the standard is for a panel and for a hearing. Cafferata stated that she will be moving money to cover the deficit. Cafferata then stated what categories she reduced in order to meet the Fiscal Year 2009 budget cuts. She stated that the proposed budget cuts for Fiscal Year 2010-2011 are 14 percent. Cafferata explained that state agencies do not have any control over purchasing assessments, cost allocation and the Attorney General Cost Allocation.

The Commission is being charged for Attorney General services that are not being provided to this agency now that general counsel is on Commission staff. Executive Assistant Ene explained that she has requested an explanation and the breakdown for that cost. A lengthy discussion followed. The AG's costs for 2008 were \$25,000 but for 2009 they are \$54,000. Legal Researcher Tami DeVries provided a handout from the budget instructions from the Department of Administration to Hutchison which he read to the Commission which explained the Attorney General Cost Allocation Plan Assessment. Ene stated that she had spoken with the Commission's budget analyst, Katrina Willis, who informed her that there was nothing that could be done to reduce the \$54,000 AG cost for the 2009 fiscal year even though the Commission has no need of AG services. Cafferata stated that she will research this matter further.

Cafferata stated that the other concern is funding the investigator position. Cafferata stated that DeVries is working outside of her classification when she does investigative duties. DeVries is to stop all investigative work as of July 18, 2008. Cafferata stated that the new investigator will begin working beginning August 1, 2008.

The Commission directed the Chair and the Vice Chair to work with the Executive Director to come up with a proposal on the budget issues that were discussed at this meeting and to present the proposal to the Commission at the next scheduled Commission meeting.

Shaw moved that the Commission direct the Chair and Vice Chair to work with Cafferata to come up with a budget proposal before the next Commission meeting. Keele seconded the motion. The motion was passed unanimously.

6. Action to Approve or Amend the draft of the Executive Director's Annual Report on fiscal, legislative and other business from the 2007-2008 fiscal year and on the goals for the 2008-2009 year.

Cafferata gave a brief overview of the drafted Executive Director's Annual Report for Fiscal Year 2007-2008. Hutchison asked the Commissioners to review the annual report and

make their recommendations to Cafferata, so that she could put together a final proposal before the next Commission meeting.

7. Action on Commission's priorities on website, Ethics Manual, and other related Commission matters.

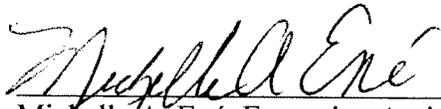
Cafferata asked the Commissioners for direction on priorities for staff. Cashman stated that the priorities are to work on the website and work on the Ethics Manual with some focus on the strategic plan for training. There was a brief discussion on the possibility of obtaining grants from some organization to help alleviate part of the budget problem. Hutchison directed staff to at least investigate this option. The Outreach Strategic Plan was calendared for further discussions at the next Commission meeting.

8. Public comment.

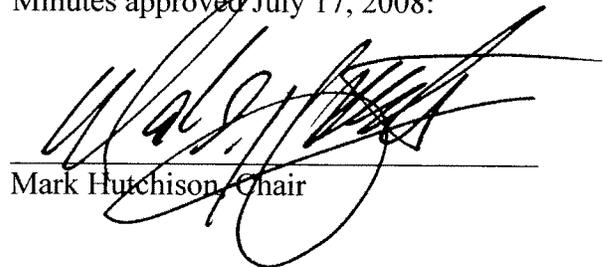
A letter was received from Mr. McDonald from Pahrump that requested that a comment be read into the record regarding the Commission's handling of RFO #08-07C, Laurayne Murray. All of the Commissioners were provided a copy of the letter with their Commission meeting materials.

Hutchison adjourned the meeting at 1:16 p.m.

Minutes transcribed by:

  
Michelle A. Ené, Executive Assistant

Minutes approved July 17, 2008:

  
Mark Hutchison, Chair



