



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

MINUTES
of the meeting of the
COMMISSION ON ETHICS
May 7, 2009

These minutes constitute a summary of the above proceedings of the Nevada Commission on Ethics. A certified court reporter transcribed the meeting and a transcript is available for purchase from Sunshine Reporters.

The Commission on Ethics held a public meeting on Thursday, May 7, 2009, beginning at 11:30 a.m. at the following location:

The Nevada Commission on Ethics, 3476 Executive Pointe Way, Suite 10, Carson City, NV 89706.

Call to Order, Roll Call.

In Las Vegas, Chair Mark Hutchison called the meeting to order and called the roll at 11:40 a.m., Thursday, May 7, 2009. Chair Mark Hutchison and John T. Moran, III, Esq. were present in Las Vegas via telephonically.

Present in Carson City were Commissioners Erik Beyer, George M. Keele, Esq. Paul H. Lamboley, Esq., John W. Marvel, and James M. Shaw. Also present in Carson City were Executive Director Patricia D. Cafferata, Esq., Adriana G. Fralick, Esq., General Counsel, 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.

1. Open session to hear testimony, receive evidence, deliberate and render an opinion on the future conduct of MIKE CARRIGAN, member of the Sparks City council, on his Request for Opinion No. 09-28A. This advisory request seeks guidance on abstention and disclosure on matters related to the Lazy 8 project.

Mr. Carrigan was represented by Sparks Assistant City Attorney Doug Thornley and Sparks City Attorney Chet Adams. Commissioner Jim Shaw disclosed he served as county commissioner in Sparks and Mr. Carrigan was on the city council, they attended meetings together. He also served on the Truckee Meadows Water Authority Board with Mr. Carrigan. Shaw stated that he felt that he did not have a conflict of interest that would prohibit him from participating in the proceeding.

Mr. Carrigan was administered an oath by the court reporter. Following testimony and deliberations, Keele moved that the Commission find, pursuant to NRS 281A.420.4 and NRS 281A.420.8, that Mike Carrigan, member of the Sparks City Council, must disclose his relationship to Mr. Carlos Vasquez when matters relating the Lazy 8 project come before the Sparks City Council. Lamboley seconded the motion. The motion passed unanimously.

Keele moved that the Commission find, pursuant to NRS 281A.420.4, that Mike Carrigan, member of the Sparks City Council, must abstain from voting upon or advocating the passage or failure of such matters when matters relating to the Lazy 8 project come before the Sparks City Council. Lamboley seconded the motion. The motion passed six to one, with Marvel voting no.

The finalized written Opinion will be posted on the Nevada Commission on Ethics website.

2. Open session for update by the executive director for discussion and possible action regarding issues arising from the 2009 legislative session, this item could include, but is not limited to bill draft requests, bills, committee meetings, Commission's position on bills, status of bills, amendments to bills and the Commission's budget.

Cafferata gave a brief overview of the Commission's bill and other bills that the Commission has been following in the 2009 Legislative session. She stated that the Legislature had killed the Commission's bill, SB104 and then the Legislature resurrected SB104 by adding most of it into their bill SB 160. Adriana Fralick, General Counsel, clarified that the Commission would not have jurisdiction when it has to do with conduct that happens on the floor with regard to disclosure, abstention and participation. The Commission would still have jurisdiction over legislators when it comes to prohibited contracts, honorariums, or use of their public position, etc. Cafferata stated that the bill has what the Commission wanted in it except for the enabling language to adopt regulations as necessary. Cafferata stated that the other major change is that subjects would have 30 days to respond to an Ethics complaint instead of ten days. The bill gives the Commission an extra ten days to hold a panel proceeding.

Discussion ensued among the Commission regarding the definition of the term "willful" in chapter 281A of NRS. Keele moved that the Commission recommend to the legislature that it change the definition currently found in NRS 281A.170 of willful violation to "deliberately, intentionally and knowingly", and strike the current definition. Beyer seconded. Motion carried unanimously.

3. Public Comments.

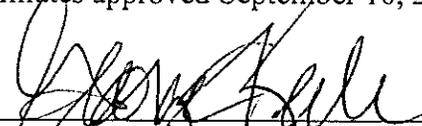
No public comment was made.

Hutchison adjourned the meeting at 1:48 p.m.

Minutes transcribed by:


Michelle A. Ené, Executive Assistant

Minutes approved September 10, 2009:


George Keele, Vice Chair