



NEVADA COMMISSION ON ETHICS REQUEST FOR AN ADVISORY OPINION

Sec. 3.1 to 3.5, inclusive, of S.B. 84 & NRS 281A.430 & 281A.550, as amended by Sec. 20.7 and 27, respectively, of S.B. 84 (2017)

(CONFIDENTIAL)

| | | | |
|--|-------------|--|----------------|
| NAME: <i>(Last, First)</i> | | TITLE OF PUBLIC OFFICE: <i>(Your position)</i> | |
| PUBLIC ENTITY: <i>(Name of the entity employing this position)</i> | | DATE APPOINTED OR ELECTED TO OFFICE: <i>(Current term: day, month, year)</i> | |
| ADDRESS: | | CITY, STATE, ZIP CODE: | |
| TELEPHONE: | <i>Day:</i> | <i>Evening:</i> | E-MAIL: |

1) YES NO

I request the Commission's advice concerning the propriety of my own past, present or future conduct in my public position under the statutory ethical standards set forth in NRS Chapter 281A. (Sec. 3.2 of S.B. 84). **You must detail all necessary facts and circumstances.**

2) YES NO

I request advice regarding my own circumstances whether relief from the strict application of NRS 281A.430, as amended by Sec. 20.7 of S.B. 84 (prohibited government contracts) is proper (NRS 281A.430(6)). **You must detail all necessary facts and circumstances.**

3) YES NO

I request advice regarding my own circumstances whether relief from the strict application of the provisions of NRS 281A.550.3 or 281A.550.5 ("cooling off" or "revolving door" prohibitions) is proper. (NRS 281A.550.(6)). **You must detail all necessary facts and circumstances.** NOTE: Relief under NRS 281A.550 is not available for cooling off requirements under NRS 281A.410. (NRS 281A.550 was amended by Sec. 27 of S.B. 84)

4) YES NO

This request, any related proceedings and any opinion rendered by the Commission are confidential unless I expressly waive confidentiality or it is deemed to have been waived by my conduct. I understand that any release of the fact of or the content of this request may be considered a waiver. (Sec. 3.4 of S.B. 84)

5) YES NO

My past, present or anticipated future conduct is the subject of an action currently pending before another administrative or judicial body? If yes, describe:

6) YES NO

I have sought guidance from an attorney who advises my public body or public employer. Explain why or why not.

7) NRS 281A requires public officers and employees to hold public office as a public trust and avoid conflicts between public duties and private interests. (NRS 281A.020) What provisions of NRS Chapter 281A cause you concern in this matter? Please check all that apply.

| | Statute: | Statutory Summary: |
|--|------------------|--|
| | NRS 281A.400(1) | Seeking or accepting any gift, service, favor, employment, engagement, emolument or economic opportunity for himself or person to whom he has a commitment in a private capacity which would tend improperly to influence a reasonable person in his position to depart from the faithful and impartial discharge of his public duties. |
| | NRS 281A.400(2) | Using his position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for himself, any business entity in which he has a significant pecuniary interest, or any person to whom he has a commitment in a private capacity. |
| | NRS 281A.400(3) | Participating as an agent of government in the negotiation or execution of a contract between the government and himself, and any business entity in which he has a significant pecuniary interest or any person to whom he has a commitment in a private capacity. |
| | NRS 281A.400(4) | Accepting any salary, retainer, augmentation, expense allowance or other compensation from any private source for himself or any person to whom he has a commitment in a private capacity for the performance of his duties as a public officer or employee. |
| | NRS 281A.400(5) | Acquiring, through his public duties or relationships, any information which by law or practice is not at the time available to people generally, and using the information to further the pecuniary interests of himself or any other person or business entity. |
| | NRS 281A.400(6) | Suppressing any governmental report or other document because it might tend to affect unfavorably his pecuniary interests, or any person to whom he has a commitment in a private capacity. |
| | NRS 281A.400(7) | Using governmental time, property, equipment or other facility to benefit his significant personal or financial interest, or any person to whom he has a commitment in a private capacity. (Some limited use exceptions apply). |
| | NRS 281A.400(8) | A State Legislator using governmental time, property, equipment or other facility for a nongovernmental purpose or for the private benefit of himself or any other person, or requiring or authorizing a legislative employee, while on duty, to perform personal services or assist in a private activity. (Some exceptions apply). |
| | NRS 281A.400(9) | Attempting to benefit his personal or financial interest or any person to whom he has a commitment in a private capacity through the influence of a subordinate. |
| | NRS 281A.400(10) | Seeking other employment or contracts for himself or any person to whom he has a commitment in a private capacity through the use of his official position. |
| | NRS 281A.410 | Representing or counseling a private person on an issue pending before the agency while employed, or within 1 year after leaving the service of the agency, including before any state agency of the Executive or Legislative Department. (Exceptions apply for state and local legislators and part time public officers and employees before agencies they do not serve, except local legislators may not represent/counsel private persons for compensation before other local agencies within the same county) |
| | NRS 281A.420(1) | Failing to sufficiently disclose an official matter that is reasonably affected by his acceptance of a gift or loan, pecuniary interest, or commitment in a private capacity to the interest of another person. |
| | NRS 281A.420(3) | Failing to abstain from acting on an official matter which is materially affected by his acceptance of a gift or loan, pecuniary interest, or commitment in a private capacity to the interest of another person. |
| | NRS 281A.430 | Negotiating, bidding on or entering into a government contract in which he has a significant pecuniary interest. |
| | NRS 281A.500 | Failing to file or timely file a Nevada Acknowledgement of Ethical Standards for Public Officers form. |
| | NRS 281A.510 | Accepting or receiving an improper honorarium. |
| | NRS 281A.520 | Requesting or otherwise causing a governmental entity to incur an expense or make an expenditure to support or oppose a ballot question or candidate during the relevant timeframe. |
| | NRS 281A.550 | Negotiating or accepting employment from a business or industry regulated by or contracted with former public agency within one year after leaving the service of the agency. (Failing to honor the applicable "cooling off" period after leaving public service). |

*Pursuant to NRS 281A.065, a public officer or employee has a commitment in a private capacity to the following persons:

1. Spouse; domestic partner
2. Household member
3. Family member within 3rd degree of consanguinity
4. Employer or spouse's/domestic partner's employer
5. Substantial and continuing business partner/associate
6. Substantially similar relationships

