



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

**MINUTES
of the meeting of the
NEVADA COMMISSION ON ETHICS**

April 17, 2013

These minutes constitute a summary of the above proceedings of the Nevada Commission on Ethics. Verbatim transcripts of the open sessions are available for public inspection at the Commission's office in Carson City.

The Commission on Ethics held a public meeting on Wednesday, April 17, 2013, at 9:00 a.m. at the following locations:

**Nevada State Gaming Control Board
1919 College Parkway
Carson City, Nevada 89706**

and via video-conference to:

**Grant Sawyer State Office Building
Gaming Control Board Room
Room 2450
555 E. Washington Avenue
Las Vegas, NV 89101**

1. Call to Order, Roll Call and Pledge of Allegiance to the Flag.

Chairman Paul H. Lamboley, Esq. called the meeting to order and introduced the Commissioners at 9:08 a.m. on Wednesday, April 17, 2013.

The following persons appeared in Carson City, Nevada: Chairman Paul H. Lamboley, Esq., Commissioners Cheryl A. Lau, Esq. and James M. Shaw, Executive Director Caren Cafferata-Jenkins, Esq., Commission Counsel Yvonne Nevarez-Goodson, Esq., Senior Legal Researcher Janet Jacobsen and Executive Assistant Valerie Carter. Present in Las Vegas, Nevada were Commissioners Tim Cory, Esq., Keith Weaver, Esq., Gregory Gale, CPA and Senior Investigator Michael E. Lawrence.

Commissioners John Carpenter and Magdalena Groover were excused from this meeting.

The Pledge of Allegiance was conducted.

2. Open Session for Public Comment.

No public comment.

3. Open Session for consideration and approval of Minutes from the March 15, 2013 Emergency Legislative Subcommittee Meeting and the March 20, 2012¹ Commission Meeting, Legislative Subcommittee Meeting and the Personnel Manual Subcommittee Meeting.

Executive Director Cafferata-Jenkins noted a few ministerial changes to the proposed Minutes that were offered by Commissioner Gale and noted by Executive Assistant Valerie Carter. Commissioner Lau moved to approve the Minutes with the changes. Commissioner Shaw seconded the motion. The motion was put to a vote and carried unanimously.

Commissioner Lamboley noted for the record that Commission Intern Jessica Atkinson was present in Carson City.

4. Closed Session pursuant to NRS 281A.440(7) to hear testimony, receive evidence, deliberate and render an advisory opinion regarding Confidential First-Party Request for Advisory Opinion No. 13-28A, submitted pursuant to NRS 281A.440(1).

This confidential agenda item was held in closed session, and is not available to the public.

5. Closed Session pursuant to NRS 281A.440(7) to hear testimony, receive evidence, deliberate and render an advisory opinion regarding Confidential First-Party Request for Advisory Opinion No. 13-29A, submitted pursuant to NRS 281A.440(1).

This confidential agenda item was held in closed session, and is not available to the public.

6. Closed Session to discuss potential or pending litigation.

This confidential agenda item was held in closed session, and is not available to the public.

7. Open Session for report on the 77th Legislative Session, S.B. 228 and other Legislative matters by Executive Director.

Executive Director Caren Cafferata-Jenkins gave a brief update on AB 438, AB 443 and AB 57. She reported that SB 228, the Ethics Bill, had gone through the Senate Committee on Legislative Operations and Elections by a bare margin vote of three to two along party lines, and expects that the bill, with amendments, will be sent to the Senate floor before the deadline of April 23, 2013.

Executive Director Cafferata-Jenkins reported that she worked closely with Senator Hardy regarding proposed changes to SB 283, which was also voted "amend, and do pass" by the Senate Committee on Legislative Operations and Elections.

Executive Director Cafferata-Jenkins reported that the Commission's Budget will go before Senate Finance and Assembly Ways and Means on April 24, 2013 for final approval. She expects that there will be no surprises at the hearings, however when she initially presented the budget in March, there were some questions about the proposed salary adjustments that will be dealt with in the Unclassified Pay Bill. She stated that she and Executive Assistant Valerie Carter continue to work closely with LCB Fiscal and the

¹ The Nevada Commission on Ethics' Agenda Item No. 3 inadvertently stated that the minutes of March 20, 2012 were to be considered for approval; however, the correct date of the minutes presented to, and approved by, the Commission was March 20, 2013.

Administration Budget Division to make sure that the Legislators have the information they need.

Caren Cafferata-Jenkins, Esq applauded the Legislative Subcommittee members for being so responsive and available to her when things come up with the Legislature. She hopes to implement a new practice of emailing all of the Commission members once a week on Mondays to update them on the measures the Commission is tracking. She believes that Legislators are seeking a more active representation from the agency than has ever been allowed, much less requested in the past; she has been reaching out more than in previous sessions in order to address any questions or concerns regarding SB 228.

Commissioner Lamboley complimented Executive Director Cafferata-Jenkins as well as the rest of Staff that have had input in this process. He urged Commission members to contact any Legislators they know in order to reach out to “both sides of the aisle” and avoid a partisan split.

8. Open Session for report and recommendations from the *Legislative Subcommittee* and for consideration and possible action on the matters presented.

Chairman of the Legislative Subcommittee Gregory Gale stated that he has nothing new to report at this time, but asked the Executive Director if it was her understanding that the Mock-up Amendment that was approved by the Senate Committee on Legislative Operations and Elections is what will come out in the First Reprint of SB 228. Executive Director Cafferata-Jenkins responded that LCB will create its own language, but it will be similar in nature. She said the Legislative Subcommittee would not need to review it unless there was some issue with the language, but that most likely won't be the case. Executive Director Cafferata-Jenkins said once it is referred to an Assembly Committee she will be able to present it again and answer any questions that come up.

Commissioner Gale expressed his appreciation for the mock-up the Executive Director prepared which explained the sections in SB 228 which were being modified. Commissioner Gale hopes she can prepare those same explanation boxes on the First Reprint of the Bill once it becomes available.

9. Open Session for report on agency status and operations by Executive Director and Commission Counsel.

Executive Director Caren Cafferata-Jenkins reported that Staff is working hard to organize some topics for the Personnel Manual Subcommittee to consider as they will be meeting in the next week to discuss those ideas.

The Executive Director reported that she was invited to attend and speak at the National Attorney General Training and Research Institute conference in Austin, TX last week. At the conference she gained insight into how the Attorney General's office in Nevada, and all over the country, deals with Ethics in government, as well as attorney ethics and how they affect attorneys.

Executive Director Cafferata-Jenkins reported that Commission Intern Jessica Atkinson has continued working with Janet Jacobsen preparing Digests and all is going well. She reported again that the Commission's Budget is going before the Assembly and Senate for final approval and shortly thereafter, staff will start planning for the new associate counsel position which will begin July 1, 2013.

Commission Counsel Yvonne Nevarez-Goodson, Esq. did not have anything to report under this agenda item.

10. Open Session for Commissioner Comments on matters including, without limitation, future agenda items, upcoming meeting dates and meeting procedures.

No Commissioner comments.

11. Open Session for Public Comment.

No public comment.

12. Adjournment.

Commissioner Lau moved to adjourn the meeting at 1:06 p.m. Commissioner Shaw seconded the motion. The motion was put to a vote and carried unanimously.

Minutes prepared by:

/s/ Valerie Carter
Valerie Carter
Executive Assistant

Minutes approved: May 15, 2013:

/s/ Paul H. Lamboley, Esq.
Paul H. Lamboley, Esq.
Chairman