



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

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

June 11, 2014

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, June 11, 2014, at 8:30 a.m. at the following location:

**Grant Sawyer State Building
Room 4412
555 E. Washington Avenue
Las Vegas, NV 89101**

Public Meeting:

OPEN SESSION:

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

Vice-Chairman Gregory J. Gale called the meeting to order at 8:36 a.m.

Present in Las Vegas, Nevada were Vice-Chairman Gregory J. Gale, CPA, Commissioners Tim Cory, Esq., Keith Weaver, Esq., Cheryl A. Lau, Esq., and James M. Shaw. Also present were Executive Director Caren Cafferata-Jenkins, Esq., Commission Counsel Yvonne Nevarez-Goodson, Esq., Associate Counsel Jill C. Davis, Esq., and Executive Assistant Valerie M. Carter.

Commissioners John C. Carpenter and Magdalena Groover joined the meeting after it began. Their arrival is noted in the minutes below.

Chairman Lamboley was excused from the meeting.

2. Open Session for Public Comment.

No public comment.

3. Open Session pursuant to NRS 233B.061 to conduct a public hearing to adopt, amend and repeal permanent regulations set forth in NAC Chapter 281A to reflect amendments to NRS Chapter 281A enacted pursuant to Senate Bill 228 of the 2013 Legislative Session (Chapter 551, 2013 Statutes of Nevada), including provisions relating to Commission procedures regarding jurisdiction, notice and investigations of third-party requests for opinion, confidentiality of certain information and documents, the applicability of certain relationships as those within the third degree of consanguinity and other matters related thereto. (See Proposed Regulations set forth in LCB File No. R048-14) The Notice of Intent to Act upon a Regulation was posted on May 8, 2014 in accordance with the provisions of NRS 233B.060 and 233B.0603.

Commission Counsel Yvonne Nevarez-Goodson, Esq. gave an overview of the process the Commission had undertaken to amend, add or repeal parts of NAC Chapter 281A. Ms. Nevarez-Goodson confirmed that Commissioners had received the most recent version of LCB File No. R048-14 (attached hereto), the Small Business Impact Statement had been issued, a public workshop was noticed and held, and Legislative Counsel had revised and approved the language.

Ms. Nevarez-Goodson stated that the public had properly been given notice of the opportunity to provide both oral and written comments regarding the proposed changes. Neither staff nor the Commission received any written or oral comments.

Executive Director Caren Cafferata-Jenkins, Esq. reported that Commissioner Carpenter had contacted her stating that if he was not present for this agenda item, she was to report that he saw no problem with the proposed regulations as they were presented.

Commissioner Lau moved to adopt the proposed regulations set forth in LCB File No. R048-14 and to direct staff to move the regulations for adoption. Commissioner Shaw seconded the motion. The motion was put to a vote and carried as follows:

Commissioner Cory:	Aye.
Commissioner Shaw:	Aye.
Commissioner Lau:	Aye.
Commissioner Weaver:	Aye.
Commissioner Gale:	Aye.

Chairman Lamboley, Commissioner Carpenter and Commissioner Groover were not present for this agenda item.

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

Executive Director Cafferata-Jenkins reported that she and Executive Assistant Valerie Carter have been developing the agency budget request for FY16 and FY17. Ms. Cafferata-Jenkins stated that the requested budget will change little from the current biennium, although she hopes to continue to pursue title and salary changes to various positions. She hopes to have the same authority she did last session to move forward with these requests, and will ask for the same when she brings those proposals and the entire budget before the Commission for approval.

Commissioner Magdalena Groover joined the meeting.

Executive Director Cafferata-Jenkins reported that more than 20 applications for the Senior Investigator position had been received, and many applicants had extraordinary experience. She and Associate Counsel Jill C. Davis, Esq. will conduct interviews over the next week with the hope to fill the position by July 1, 2014.

Executive Director Cafferata-Jenkins reported that she has been working closely with Pool/PACT to develop a web-based ethics training tool, which Pool/PACT is funding, but has authorized the Commission to utilize as it sees fit. Ms. Cafferata-Jenkins stated she is excited about the training tool and the final product. She asked that each Commissioner take the web-based training when it is completed and offer her feedback as appropriate.

A brief discussion ensued regarding relocating the Senior Investigator position from Las Vegas to Carson City.

A discussion ensued regarding the proposed staff salary and title adjustments, how they may be viewed by the Governor's office, and how to approach the topic again to get a different outcome from the last session. Executive Director Cafferata-Jenkins assured the Commission she will bring the budget proposals to the next meeting.

Commission Counsel Yvonne Nevarez-Goodson, Esq. reported that with Associate Counsel Davis' assistance first drafts of all 10 outstanding opinions have been provided to commissioners for review. Ms. Nevarez-Goodson hopes to finalize those outstanding opinions and issue them to the subjects by July 1, 2014. She also stated, however, that abstracts remain to be written for each subject unwilling to waive confidentiality. Ms. Nevarez-Goodson stated that she hopes to have all required abstracts completed by August 1, 2014. She hopes to deliver opinions within 30-60 days going forward.

5. Open Session for presentation by Executive Assistant Valerie M. Carter, participant in the Nevada Certified Public Manager Program, regarding requested data and recommendations to increase agency efficiency.

Vice-Chairman Gale introduced agenda item no. 5 and stated that he had received an email request from the Chairman, requesting that the Commission hear Ms. Carter's presentation, but not to advance the item or make any decisions today, as he has some comments and questions regarding the proposal.

Executive Assistant Valerie Carter gave a PowerPoint presentation to the Commission regarding her Certified Public Manager Program "Quality Improvement Project" capturing potential areas to improve with regard to efficiencies in the timely issuance of Commission Opinions and other areas related to staff tasks and commission hearings. She addressed several questions presented by Commissioners during her last presentation in April.

Commissioner John C. Carpenter joined the meeting via video teleconference in Elko, Nevada.

A lengthy discussion ensued regarding Ms. Carter's recommendations. Commissioner Cory stated that all of his previous questions had fully been answered. He suggested allowing Ms. Carter to move forward with her recommendations as it is important to the success of her project and the Commission. Ms. Carter reiterated that she hopes to gain approval from the Commission to begin holding bi-monthly meetings as a result of a decreased case load and fewer hearings.

Commission Counsel Yvonne Nevarez-Goodson, Esq. offered her support for the proposal and confirmed how the additional time between meetings, by not holding a May meeting, aided in her accomplishment of eliminating the Opinion backlog.

Commissioner Groover expressed concerns with changing how often the Commission meets.

Vice-Chairman Gale suggested giving Ms. Carter authority to move forward on her project, but reminded the Commissioners a decision was not going to be made regarding bi-monthly meetings. Vice-Chairman Gale suggested addressing the bi-monthly meeting policy at the next Commission meeting.

Commissioner Lau moved to conceptually accept the preliminary information and findings provided by Ms. Carter in regards to her Quality Improvement Project, and to allow her to go forward with her project and report back to the Commission further findings on the efficiency of the Commission at a later time. Commissioner Shaw seconded the motion. The motion was out to a vote and carried unanimously.

A brief recess was taken at 10:08 a.m., the meeting reconvened at 10:28 a.m.

6. Open Session for consideration and approval of Minutes from the March 19, 2014 and April 16, 2014 Commission meetings, and the May 22, 2014 Commission meeting to conduct a workshop regarding proposed permanent regulations.

Executive Director Caren Cafferata-Jenkins, Esq. stated that Chairman Lamboley suggested the first full paragraph on page 3 of the March 19, 2014 meeting minutes to read "Chairman Lamboley introduced." Vice-Chairman Gale agreed and offered ministerial changes to the same set of minutes.

Commissioner Lau moved to approve the minutes with corrections for the March 19, 2014 meeting, and moved to approve the submitted minutes for the April 16, 2014 and the May 22, 2014 meetings. Commissioner Groover seconded the motion. The motion was put to a vote and carried unanimously.

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

No Commissioner comments.

Vice-Chairman Gale called the meeting into closed session at 10:33 a.m.

8. Closed Session pursuant to NRS 281A.440(15) for discussion and consideration of a proposed Stipulation concerning Third-Party Request for Opinion No. 13-81C regarding Gary Wilson, Member, McDermitt Fire District, submitted pursuant to NRS 281A.440(2).

This agenda item was held in closed session and will not be available to the public.

9. Closed Session pursuant to NRS 281A.440(15) for discussion and consideration of a proposed Stipulation concerning Third-Party Request for Opinion No. 14-12C regarding Brian Garner, Commissioner, Lander County, submitted pursuant to NRS 281A.440(2).

This agenda item was held in closed session and will not be available to the public.

Vice-Chairman Gale called the meeting into open session at 11:17 a.m.

10. Open Session pursuant to NRS 281A.440(8) for discussion and consideration of a proposed Stipulation concerning Third-Party Request for Opinion No. 13-81C regarding Gary Wilson, Member, McDermitt Fire District, submitted pursuant to NRS 281A.440(2).

Gary Wilson appeared via telephone before the Commission. Associate Counsel Jill C. Davis appeared on behalf of the Commission. Commission Counsel Yvonne Nevarez-Goodson, Esq. presented the terms of the proposed Stipulation.

Mr. Wilson stated that he had no objection to the Stipulation as presented. Ms. Davis also agreed. A brief discussion ensued regarding the actions Mr. Wilson took and how he should have handled the circumstances in the RFO. Mr. Wilson wanted to ensure that he did not come up against the same problem in the future.

Commissioner Lau moved to approve and accept the Stipulated Agreement, as presented in the open meeting, in Request for Opinion 13-81C concerning the conduct of Gary Wilson. Commissioner Groover seconded the Motion. The motion was put to a vote and carried unanimously.

11. Open Session pursuant to NRS 281A.440(8) for discussion and consideration of a proposed Stipulation concerning Third-Party Request for Opinion No. 14-12C regarding Brian Garner, Commissioner, Lander County, submitted pursuant to NRS 281A.440(2).

Brent Kolvet, counsel for subject Brian Garner, appeared via telephone before the Commission. Associate Counsel Jill C. Davis, Esq. appeared on behalf of the Commission. Commission Counsel Yvonne Nevarez-Goodson, Esq. presented the terms of the proposed Stipulation.

Mr. Kolvet stated that he and his client, Brian Garner, are in agreement with the Stipulation as presented and had no objection. Ms. Davis also had no objections to the Stipulation as presented.

Commissioner Lau moved to approve and accept the Stipulated Agreement in Request for Opinion 14-12C concerning the conduct of Brian Garner. Commissioner Groover seconded the Motion. The motion was put to a vote and carried unanimously.

12. Open Session for Public Comment.

No public comment.

13. Adjournment.

The open portion of the meeting was adjourned at 11:42 a.m.

CLOSED SESSION:

A. Closed Session to discuss potential or pending litigation.

This agenda item was held in closed session and will not be available to the public.

B. 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 Opinion No. 14-46A, submitted pursuant to NRS 281A.440(1).

This agenda item was held in closed session and will not be available to the public.

C. 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 Opinion No. 14-49A, submitted pursuant to NRS 281A.440(1).

This agenda item was held in closed session and will not be available to the public.

Minutes prepared by:

/s/ Valerie M. Carter

Valerie M. Carter
Executive Assistant

Minutes approved: August 20, 2014:

/s/ Gregory J. Gale

Gregory J. Gale
Vice-Chairman