



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

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

**September 10, 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, September 10, 2014, at 10:00 a.m. at the following location:

**State of Nevada Public Utilities Commission  
9075 W. Diablo Drive, Suite 250  
Las Vegas, NV 89148**

**Public Meeting**

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

Chairman Paul H. Lamboley, Esq. called the meeting to order at 10:06 a.m.

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

Chairman Lamboley postponed the commencement of the Public Meeting agenda items by approximately 30 minutes to accommodate the change in meeting location, as advised by the Nevada Attorney General's Office, and allow the public time to travel to the new location. The originally noticed meeting location was changed due to special circumstances created by the Special Session convened by the Governor. Chairman Lamboley called the meeting into its closed session items during this postponement.

A. Closed Session for discussion and consideration of a proposed Stipulation concerning Third-Party Request for Opinion No. 14-17C regarding David Olsen, City Attorney, Boulder City, submitted pursuant to NRS 281A.440(2).

This agenda item was called out of order and was held in closed session and was not available to the public.

Chairman Lamboley called the meeting back into open session.

2. Open Session for Public Comment.

Michael Lawrence offered Public Comment. (See attached "Exhibit 1" for comments.)

3. Open Session for presentation and discussion of the procedure to consider allegations of misconduct or professional competence of an employee of the Commission.

Chairman Lamboley introduced Linda Anderson, Chief Deputy Attorney General and Counsel to the Commission with respect to certain matters which Commission Counsel may have conflicts. Ms. Anderson gave a presentation regarding the Open Meeting Law and its application to affairs of the Commission, in particular when dealing with alleged misconduct of an appointed employee of the Commission.

In summary, Ms. Anderson advised the Commission that they must consider any allegations of misconduct regarding an appointed employee, including all communications and deliberations, during an open session of a noticed public meeting.

A lunch recess was taken at 11:40 a.m., the meeting was called back to order at 1:46 p.m.

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

This agenda item was called out of order.

The Executive Director Caren Cafferata-Jenkins, Esq. reported that she had been in contact with the Legislative Counsel Bureau, which is already drafting the agency's BDR. She stated that the BDR was submitted as part of the Governor's BDR package.

Executive Director Cafferata-Jenkins reported that the Agency's Budget Request for FY16-FY17 has been submitted along with the required back-up documentation. She stated she is planning to go before the Department of Administration to explain the salary adjustments and title changes and answer any questions that may arise regarding the same.

Commission Counsel Yvonne Nevarez-Goodson, Esq. discussed the tentative Agenda for the October 15, 2014 Commission meeting.

Chairman Lamboley inquired about the process for the Orders regarding concurrent jurisdiction in two pending RFOs that will be filed with the appropriate District Courts. Commission Counsel stated the Orders had already been issued to the Subjects and she anticipates preparing brief motions, attaching those Orders, and filing them under seal with the two courts in order to maintain the confidentiality of those RFOs.

Chairman Lamboley concurred with the proposed process stating that, in summary, the Commission intends to act with respect to its primary jurisdiction responsibilities unless the Court objects. Commission Counsel agreed.

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

Chairman Lamboley confirmed that the next Commission meeting is scheduled for October 15, 2014. Commission Counsel confirmed that date and discussed the tentative agenda items which will be heard.

Chairman Lamboley called the meeting into closed session.

B. Closed session pursuant to NRS 281A.440(8) to consider a Pre-Panel Motion concerning Third-Party Request for Opinion 14-43C, submitted pursuant to NRS 281A.440(2).

This agenda item was called out of order and was held in closed session and was not available to the public.

Chairman Lamboley called the meeting back into open session.

4. Open Session for consideration and approval of a proposed Stipulation concerning Third-Party Request for Opinion No. 14-17C regarding David Olsen, City Attorney, Boulder City, submitted pursuant to NRS 281A.440(2).

This agenda item was called out of order.

Appearing before the Commission in this matter was the subject David Olsen and his counsel Jacob Reynolds, Esq. Also appearing was the Commission's Associate Counsel Jill C. Davis, Esq.

Associate Counsel Davis and Mr. Reynolds briefly identified the terms of the Stipulation and their agreement with the same. In summary, the Subject and Commission agreed that Subject committed a single willful violation of the Ethics in Government Law for violating NRS 281A through his involvement as the Boulder City Attorney in his son's lawsuit against the City.

Mr. Olsen stated for the record that it was important to him to own his mistakes with respect to this matter. Chairman Lamboley offered his appreciation for Mr. Olsen's comment and insight regarding the facts surrounding this RFO.

Commissioner Cory moved to approve the Stipulation in Request for Opinion No. 14-17C as modified on the record (in closed session, agenda item A). Commissioner Lau seconded the motion. The motion was put to a vote and carried unanimously.

7. Open Session for Public Comment.

No public comment.

8. Adjournment.

Commissioner Lau moved to adjourn the meeting at 2:43 p.m. Commissioner Gale seconded the motion. The motion was put to a vote and carried unanimously.

Minutes prepared by:

/s/ Valerie M. Carter

Valerie M. Carter  
Executive Assistant

Minutes approved: November 19, 2014:

/s/ Paul H. Lamboley

Paul H. Lamboley, Esq.  
Chairman

# Exhibit 1

## Public Comment

To be presented at the September 10, 2014  
Public Meeting of the Nevada Commission on Ethics  
Held at Public Utilities Commission Building  
9075 W. Diablo Drive, Suite 250  
Las Vegas, NV 89148

Michael E. Lawrence  
11129 Rossi Avenue  
Las Vegas, NV 89144

Dear members of the Commission on Ethics,

A few months ago I approached this Commission expressing serious concerns regarding Executive Director Caren Cafferata-Jenkins. After meeting and e-mail exchanges with the chair, I was under the impression the Commission will take appropriate actions. To this day, no action was taken.

My concerns involved – what are in my opinion – serious violations of personnel policies and blatant disregard for the Ethics in Government Laws, mainly, the use of government time, property and equipment by your Executive Director.

Ms. Cafferata-Jenkins is actively involved in judicial campaign in Washoe County. In my opinion, that alone is a clear violation of NRS 281A.230(5). The fact that the Commission refused to enforce its own Statute troubles me yet, it is not my biggest concern.

According to EEOC investigator, you have a copy of report concerning harassment of commission employees by Ms. Cafferata-Jenkins. Although the next agenda item somewhat suggests discussion on the matter, it is so in general terms only, no details or the name of the employee is given. I ask the commission to stop delaying the public discussion of this matter and release the conclusion of the EEOC report to the public.

In addition, I ask the Commission to take action on the allegation that Cafferata Jenkins is using Commission's office to run her judicial campaign. Some of you are aware of the fact; yet, you keep delaying the matter and wait for other agencies to solve the problem for you. The Executive Director has the right to a due process but the same rights should be granted to Commission employees. Let me remind you that Cafferata-Jenkins is at-will employee and you don't need anyone's permission to terminate her employment. It is entirely up to you.

In 2004 the former State Controller Kathy Augustine, was found in violation of the Ethics in Government Laws as she used her office to run her campaign; she was fined \$15,000 and later impeached. What is the difference between the two? Augustine was punished, Cafferata-Jenkins was not ... she continues earning her \$95k salary and making mockery of the laws she was supposed to enforce. So far, the Commission has done nothing to stop her, which is unacceptable.

The Ethics in Government Laws must be applied equally to every public officer. [Let me assure you, this is not vendetta against Cafferata-Jenkins; this is simply about right and wrong.] For the last six years I worked on exposing dishonest public officials and I am not about to stop now. The Commission is a public agency and as such, it uses public funds ... the public has the right to know

Dishonest public officers such as your Executive Director have no place in public service, let alone sitting on a bench as a judge

Thank you.