



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

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

**November 19, 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, November 19, 2014, at 9:00 a.m. at the following locations:

**Nevada State Contractors Board  
9670 Gateway Drive, Ste. 100  
Reno, NV 89521**

and via video-conference to:

**Nevada State Contractors Board  
2310 Corporate Circle, Ste. 200  
Henderson, NV 89074**

**OPEN SESSIONS:**

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

Chairman Lamboley called the meeting to order at 9:04 a.m. Present in Reno, Nevada were Chairman Paul H. Lamboley, Esq., Vice-Chairman Gregory J. Gale, CPA and Commissioners Cheryl A. Lau, Esq., James M. Shaw, and Tim Cory, Esq. Also present in Reno were Commission Counsel and Acting Executive Director Yvonne M. Nevarez-Goodson, Esq., Executive Assistant Valerie M. Carter, Senior Legal Researcher Darci Hayden and Senior Investigator Anthony Freiberg. Present in Henderson, Nevada was Associate Counsel Jill C. Davis, Esq.

Commissioner John C. Carpenter appeared via telephone.

Commissioners Magdalena Groover and Keith A. Weaver, Esq. were excused from this meeting.

**2. Open Session for Public Comment.**

No public comment.

3. Open Session for consideration and approval of Minutes from the August 20, 2014 and September 10, 2014 Commission meetings.

Commissioner Lau moved to approve the minutes of the August 20, 2014 and September 10, 2014 Commission meetings. The motion was seconded by Commissioner Shaw.

Commissioner Gale noted a typo in the September 10, 2014 minutes on pg. 2, under agenda item no. 5; October 15, 2015 should be October 15, 2014. The maker of the Motion and the second adopted the change. The motion was put to a vote and carried unanimously.

4. Open Session for ratification of appointment of acting interim Executive Director and discussion regarding recruitment process for Executive Director position.

Chairman Lamboley stated he had taken the initiative to appoint Commission Counsel Yvonne Nevarez-Goodson, Esq. as the Acting Executive Director with the resignation of Caren Cafferata-Jenkins, Esq., and the decision had to be ratified by the full Commission. Commissioner Cory moved to ratify the Chairman's decision to appoint Ms. Nevarez-Goodson as Acting Executive Director. Commissioner Lau seconded the motion. The motion was put to a vote and carried unanimously.

Chairman Lamboley discussed the Climate Study which was requested by the Commission through the State of Nevada Division of Human Resource Management (HR). Mr. Ron Grogan with HR discussed the process of the climate study. He then gave a presentation summarizing the results of the climate study and the recommended steps for the Commission to take going forward. The presentation is attached hereto as "Exhibit A".

Chairman Lamboley discussed the process for selecting a new Executive Director and appointed a Subcommittee consisting of Commissioners Tim Cory, Gregory Gale and Cheryl Lau to review the current job description for the position and form a job announcement for posting. He stated that he would like a solicitation in place by the first of December.

A brief recess was taken at 9:55 a.m. The Commission went into closed session at 10:05 a.m.

11. Closed Session for presentation, discussion and consideration of a proposed Motion concerning Third-Party Requests for Opinion Nos. 14-21C and 14-22C, submitted pursuant to NRS 281A.440(2).

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

12. Closed Session for discussion and consideration of a proposed Stipulation concerning Third-Party Request for Opinion No. 14-43C regarding Mark Hutchison, State Senator, submitted pursuant to NRS 281A.440(2).

This agenda Item was called out of order, was held in closed session and will not be available to the public.

13. Closed Session for discussion and consideration of a proposed Stipulation concerning Third-Party Request for Opinion No. 14-15C regarding Gary Lambert, Commissioner, Nevada Commission on Off Highway Vehicles, submitted pursuant to NRS 281A.440(2).

This agenda Item was called out of order, was held in closed session and will not be available to the public.

The Commission took a lunch recess at 12:30 p.m. The meeting reconvened in closed session at 1:50 p.m.

The Chairman called the meeting into Open Session at 2:03 p.m.

7. Open Session for consideration and approval of a proposed Stipulation concerning Third-Party Request for Opinion No. 14-43C regarding Mark Hutchison, State Senator, submitted pursuant to NRS 281A.440(2).

This agenda Item was called out of order. Appearing before the Commission was Jacob Reynolds, counsel for the subject Mark Hutchison. Commissioner Cory disclosed that he had contributed to the recent campaign of Mark Hutchison for Lt. Governor but did not believe such a contribution constituted a pecuniary interest or established a bias such that he could remain neutral and will participate in the proceedings as usual.

Commission Counsel Yvonne Nevarez-Goodson, Esq. summarized the RFO and the terms of the Stipulation as presented to the Commission and amended by the parties.

Jacob Reynolds, counsel for Subject stated that he agreed to the terms of the Stipulation as summarized by Commission Counsel. Jill Davis, Esq., Associate Counsel for the Commission also stated she was in agreement with Stipulation as presented.

Commissioner Lau moved to accept the stipulated agreement as presented in RFO 14-43C; seconded by Commissioner Shaw. The Motion was put to a vote and carried unanimously.

8. Open Session for consideration and approval of a proposed Stipulation concerning Third-Party Request for Opinion No. 14-15C regarding Gary Lambert, Commissioner, Nevada Commission on Off Highway Vehicles, submitted pursuant to NRS 281A.440(2).

This agenda Item was called out of order. This agenda item was tabled until the next Commission meeting.

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

Yvonne Nevarez-Goodson, Esq., Commission Counsel and Acting Executive Director reported on several topics. She gave an update on the recent Ethics in Government Law trainings she and Associate Counsel Jill Davis have been presenting to various entities over the last month and discussed upcoming trainings. She briefly discussed the updated draft of the agency's Organizational Chart that had been developed as well as the updated job descriptions for each of the Staff members. She asked that Commissioners review each of those items for discussion at a future meeting.

Ms. Nevarez-Goodson introduced the Informal Codification of the Regulations LCB File: (R048-14) which were provided to the Commission in hard copy. She also discussed the new jurisdictional appeal process which is outlined in the new regulations and how those changes will affect the appeal process going forward.

Ms. Nevarez-Goodson reported to the Commission that the Chairman has requested she complete the EEO training as well as the mandatory supervisory courses which she is in the process of completing. The Chairman asked that she remind all Commissioners that they will be requested to take online training as well, and she will forward that information to Commission members in the near future.

Ms. Nevarez-Goodson reported that all changes to the FY14 Annual Report suggested by the Commission had been made and the updated version was provided to the members. She reported that she plans to make the document final and available on the Commission's website barring any additional changes brought forward.

Ms. Nevarez-Goodson discussed the RFO log and gave an update on the status of pending RFOs.

Ms. Nevarez-Goodson gave an update on the agency's budget request for fiscal years 2016 and 2017. She specifically discussed the salary increases and title changes that were put forward in the agency's final request.

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

Chairman Lamboley reminded the Subcommittee to review the current job description for Executive Director so that the announcement can be posted by December 1, 2014. He requested the recruitment remain open for 3 weeks.

9. Open Session for Public Comment.

No public comment.

10. Adjournment.

The open portion of the meeting was adjourned at 2:39 p.m.

Minutes prepared by:

/s/ Valerie M. Carter

Valerie M. Carter  
Executive Assistant

Minutes approved: January 21, 2015:

/s/ Paul H. Lamboley


Paul H. Lamboley, Esq.  
Chairman

# Exhibit A

*Public Doc*

State of Nevada  
Commission on Ethics

EMPLOYEE OPINION SURVEY  
2014 CLIMATE STUDY  
CONDUCTED BY THE  
DIVISION OF HUMAN RESOURCE  
MANAGEMENT  
SEPTEMBER 2014

 Department of Administration  
Division of Human Resource  
Management

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Ethic Commission Climate Study

- Objectives
  - Assess current workplace climate
  - Determine drivers
  - Offer recommendations for improvement
- Process
  - Face to face interviews
  - Used a 40 question survey (used previously with 1200 employees)
  - Discussion with employees to further understand key issues

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Survey Components

- The Department
- Communication
- Leadership
- Culture and Attitude
- Overall Satisfaction

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The Department

- Key Issues
  - Unprofessional behavior
  - Disrespectful treatment
  - Lack of consistency (favoritism)
  - No training for new hires
- Drivers
  - Conflict in leadership
  - Bullying by Commission
  - Leadership structure (access to the board)
  - Employee input not sought on key issues
  - Employees prohibited from speaking with the Board

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Communications

- Key Issues
  - Communication ineffective
  - Disrespectful treatment
  - Lack of consistency (favoritism)
  - No training for new hires
- Drivers
  - Conflict in leadership
  - Employee unsure who to address problems with (E.D. or Counsel)
  - Processes not in place (staff meetings are rare)
  - Leadership response sometime inappropriate and disrespectful
  - Employee input not sought on key issues
  - Employee prohibited from speaking with the Board
  - E.D. interface and communication good externally

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Leadership

- Key Issues
  - Leaderships mood swings impact climate
  - Relationship between office leaders
  - Relationship between E.D. and Board (Chair)
  - Not comfortable discussing issues with E.D.
  - Lack of consistency (favoritism)
  - Lack of guidance
  - E.D. lack of availability/lack of responsiveness
- Drivers
  - Inconsistent treatment and response by E.D.
  - Lack of knowledge of good management practices
  - Conflicts in leadership obvious to employees
  - E.D. does not support teamwork
  - Employee uncomfortable addressing problems with E.D.
  - Direction is not provided/relationship discourages seeking advice
  - Leadership response sometime inappropriate and disrespectful
  - Employee prohibited from speaking with the Board

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### Culture and Attitude

- Key Issues
  - Climate not respectful
  - Lack of fairness and equity
  - Teaming not encouraged
  - Employees don't feel they are empowered to resolve problems
  - Lack of recognition for accomplishments
  - Lack of guidance
  - Morale at work negative
- Drivers
  - Inconsistent treatment and response by E.D.
  - Lack of consistency, policy, guidance and communications (E.D. and Board)
  - E.D. does not really want to be here
  - Decision making not collaborative
  - Lack of clarity of roles and responsibilities
  - Employees Prohibited from speaking with the Board
  - Ambiguous chain of command

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### Satisfaction

- Key Issues
  - Same as cited in previous area
  - Staff frustrated:
    - "There is turmoil going on."
    - "If things stay the way they are, I would not stay with the commission, I dread coming into the office."
    - "The practices tie in with the Executive Director."
    - "The staff are committed to the commission. Everyone works hard!"
    - "...they are deflecting issues instead of dealing with it, staff can feel it."
    - "If there are issues, we should be able to talk directly to them."

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### Summary and Recommendations

Based on our findings, organizational change will need to be embraced at the top of the organization and considerable time and energy will need to be taken to engage all employees—especially the Executive Director—in changing the environment in order to realize any meaningful improvements in the workplace climate. Employees will have to see Leadership taking action to change the work environment, or the organization will become more dysfunctional.

- Leadership
- Accountability
- Communication
- Alignment

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Summary and Recommendations

- **Accountability** needs to be addressed on multiple levels, including leadership. Management behavior and consistency in application of policies and procedures is imperative. Implementation of changes must be top-down.
- The agency leadership must create an environment where respectful, professional discussion can occur at all levels, free from fear of retaliation.
- The Executive Director must create an environment where ALL employees understand and practice standards of acceptable behavior to address poor treatment; and an environment that holds all employees accountable for these standards of professional behavior and conduct.
- The Executive Director and Agency Counsel must communicate and consistently adopt and apply policies and/or procedures to bring the Commission into compliance with rules and regulations.
- There will need to be a meaningful discussion between the Chair, the Board, and Executive Director's roles and responsibilities.
- **Communication** is multi-leveled and the following will need to be considered and addressed:
  - Consideration should be given to holding employee staff meetings.
  - One-on-one meetings between management and employees need to be held consistently.
  - Staff need to be reassured they can go to the Executive Director instead of Agency Counsel to communicate their workplace concerns/issues, without reprisal.
  - The Executive Director and Agency Counsel need to be more visible and strive to have more positive interactions with each other and all of the employees.

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Summary and Recommendations

- **Alignment** is imperative at all levels: from the Board, the Chair, Executive Director, Agency Counsel, and all employees.
- As part of this alignment process, the agency policies and practices, once developed, must be consistent with the mission and objectives of the organization and will need to be widely communicated.
- Leadership will need to embrace the issues identified by staff and develop action plans to address the issues and concerns expressed by Commission employees.

Given the extent of the problems and the mistrust within the Department, outside assistance may be necessary in order to reestablish a healthy work environment. With that said, the organizational change necessary to correct the current climate will require commitment and participation from the leadership and all employees of the office in order to be successful. No outside consultant can or should independently develop a plan to "solve" the Department's problems.

It is critical that the agency leadership team take action. As a recommended next step in the process the Division of Human Resource Management is prepared to partner with the Commission on Ethics to facilitate the development of an action plan with solutions.

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