



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

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

February 18, 2015

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, February 18, 2015, at 9:30 p.m. at the following location:

**Public Utilities Commission
Hearing Room A
1150 East William Street
Carson City, NV 89706**

OPEN SESSION:

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

Chairman Paul H. Lambole, Esq. called the meeting to order at 9:34 a.m. Present in Carson City, Nevada were Chairman Paul H. Lambole, Esq., Vice-Chairman Gregory J. Gale, CPA and Commissioners Cheryl A. Lau, Esq., Magdalena Groover, John C. Carpenter, Tim Cory, Esq. and Keith A. Weaver. Also present in Carson City were Executive Director Yvonne Nevarez-Goodson, Esq., Associate Counsel Jill Davis, Esq., and Executive Assistant Valerie Carter.

Commissioner James M. Shaw appeared via telephone.

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 January 21, 2015 Commission meeting.

Executive Director Yvonne Nevarez-Goodson stated a timeline discrepancy was found in the draft minutes and that timeline would be checked against the meeting transcript for accuracy and changed as appropriate.

Commissioner Lau moved to approve the January 21, 2015 meeting minutes. Commissioner Carpenter seconded the motion. The motion was put to a vote and carried unanimously.

4. Open Session for report by the Executive Director on agency status and operations; including an update on the Commission's legislative measures (A.B. 60) and budget presentations before the Nevada Legislature.

Ms. Nevarez-Goodson reported that she presented A.B. 60 to the Assembly Committee on Legislative Operations and Election and received a good amount of feedback regarding the bill. She reported on the primary concerns regarding the bill, including the acceptance of anonymous complaints, as well as the effect of the willfulness standards and the Commission's ability to impose willful violations under NRS 281A.475. Lastly, Ms. Nevarez-Goodson reported there was some feedback from the Local Governments about the application of the abstention standards to public employees.

The Executive Director reported that a few days after the hearing, a working group was held regarding A.B. 60 to address certain concerns with some of the proposed language identified during the Legislative Committee. She reported that LCB Legal Division would be drafting a mock amendment for approval by the Commission and ultimately for approval from the Assembly Committee on Legislative Operations and Elections.

Ms. Nevarez-Goodson discussed the Commission's budget that she presented before the Senate and Assembly budget committees, including the agency's enhancement requests. She reported that she did not receive much feedback at the budget hearings which was a good sign. She also discussed the feedback and discussions she had with the Governor's office and the Chairs of the budget committees regarding the salary enhancement requests which have landed her in a contradictory position with how to proceed. She will continue to meet with the Governor's office and will tread carefully going forward with respect to the salary enhancements.

A brief discussion ensued regarding the proposed language in A.B. 60.

5. Open session for interviews and consideration of candidates for the Commission Counsel position, and appointment of a candidate as the Commission Counsel. Under NRS 241.020(2)(d)(5), the Commission may consider the character and professional competence of the following applicants for appointment as the Commission Counsel: 1.) Tracy Chase, 2.) Jill C. Davis, 3.) Angie Elquist and 4.) Mark Krueger

The Commission interviewed each of the four candidates in the following order: Tracy Chase, Jill Davis, Angie Elquist and Mark Krueger.

A brief recess was taken at 10:35 a.m. Interviews resumed at 10:47 a.m.

The interviews concluded and a lunch recess was taken at 11:48 a.m.

The meeting reconvened at 1:22 p.m.

Chairman Lamboley discussed how qualified each of the applicants were and believed each of them would be more than capable of fulfilling the duties of the Commission Counsel. Chairman Lamboley opened up the deliberations for comments and suggestions from his colleagues.

Commissioner Cory stated that the differences in the candidates were subtle and each of them likeable people. He specified his top choice for the Commission Counsel position as Tracy Chase, as he believed she had the right experience and the right qualifications for the position.

Commissioner Shaw reiterated Commissioner Cory's comments regarding the candidates and specified his first choice for the Commission Counsel position as Mark Krueger.

Commissioner Lau stated that the Commission was lucky to have received interest from so many well-qualified candidates, and thanked each of them for taking their time to be at the meeting. Commissioner Lau reported that her top selection for the position was Tracy Chase.

Commissioner Carpenter recognized what a tough decision it was to select only one candidate, but specified his top selection as Tracy Chase.

Commissioner Weaver recognized the difficulty in interviewing in an open, public meeting and discussed his admiration of the candidates for putting themselves in the arena. He stated his choice for the position was Tracy Chase.

Commissioner Groover thanked each of the applicants. She stated that she was very impressed with Ms. Chase as well, especially her qualifications and her statements about working in collaboration with Commission Staff.

Commissioner Gale concurred with his fellow Commissioners regarding the selection of Tracy Chase.

Chairman Lamboley echoed all comments of his fellow Commissioners and thanked each of the candidates for their willingness to interview in an open public meeting. He stated that he joined his colleagues with respect to the selections that they had indicated and that his selection was Tracy Chase.

Commissioner Cory moved that the Commission select Tracy Chase to fill the vacancy for the Commission Counsel position. Commissioner Lau seconded the motion. The motion was put to a vote and carried unanimously.

Tracy Chase thanked the Commission and echoed all of their comments as she agreed it was a very nerve-wracking interview, but that the Commissioners are always very polite and professional and the process was very appropriate.

The meeting was called into closed session at 1:41 p.m.

A. 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 and was held in closed session and will not be available to the public.

The meeting was called back into open session at 2:28 p.m.

6. Open Session pursuant to NRS 281A.440(8) 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).

Commissioner Weaver disclosed that in his private capacity he represented a client in a lawsuit brought by Mr. Honey, Counsel for the Subject in RFO 14-15C, and because of the nature of that representation and his role in the matter, he would be abstaining from the agenda item.

Chairman Lamboley stated that the Commission had been presented with a confidential proposed Stipulation regarding RFO 14-15C, and that Stipulation had been reviewed by the Commissioners and was not acceptable as presented.

Commissioner Cory moved that the Stipulation in RFO 14-15C, in its present form, be rejected and that this matter be set for an evidentiary hearing at some point in the near future. Commissioner Groover seconded the motion. The motion was put to a vote and carried unanimously.

9. Open Session for Public Comment.

This agenda item was called out of order.

Paul Jackson, Requester of RFO 14-15C, stated that given the Commission's decision to hear this matter (RFO 14-15C), he felt it would be reasonable to hold any comment until that time.

Executive Director Yvonne Nevarez-Goodson reported that she had received an email from Sue Baker, member of the Nevada Commission on Off-Highway Vehicles, requesting to have her comments read into the record. Her email is attached hereto as Exhibit A.

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

No Commissioner comments.

8. Open Session for discussion and consideration of Commission's appointment processes and procedures for Commission staff.

Executive Director Yvonne Nevarez-Goodson, Esq. discussed the historical and current process for Commission staff to be hired through the Executive Director with input from Commissioners and when appropriate the Commission Counsel.

Chairman Lamboley agreed with the current process, emphasizing that staff should work together, namely the Commission Counsel and the Executive Director, when filling a vacancy.

9. Open Session for Public Comment.

No further public comment.

The meeting was called into closed session at approximately 2:43 p.m.

B. Closed Session to discuss potential or pending litigation.

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

10. Adjournment.

Commissioner Shaw moved to adjourn the meeting at 2:44 p.m. Commissioner Lau 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: March 18, 2015:

/s/ Paul H. Lamboley

Paul H. Lamboley, Esq.
Chairman