



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

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

March 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 located in Carson City.

The Commission on Ethics held a public meeting on Wednesday, March 18, 2015, at 10:00 a.m. at the following location:

**Nevada Commission on Ethics
704 W. Nye Lane, Suite 204
Carson City, NV 89703**

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 10:02 a.m. Commissioners John C. Carpenter, Tim Cory, Esq., Cheryl A. Lau, Esq., James M. Shaw and Keith A. Weaver appeared via telephone.

Present in Carson City, Nevada were Executive Director, Yvonne Nevarez-Goodson, Esq., Commission Counsel, Tracy L. Chase, Esq. and Senior Legal Researcher, Darci Hayden. Associate Counsel, Jill C. Davis, Esq. appeared via telephone.

Chairman Paul H. Lambole, Esq., and Commissioner Magdalena Groover 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 January 5, 2015 Personnel Subcommittee Meeting, January 13, 2015 Commission Meeting, February 10, 2015 Personnel Subcommittee Meeting and February 18, 2015 Commission meeting.

Vice-Chairman Gale called for approval of the meeting Minutes and asked if the Minutes from the Subcommittee meetings and the Commission Meetings should be voted on together or separately. Commission Counsel, Tracy L. Chase, Esq., recommended approving the Minutes separately so that a commissioner could abstain from voting to approve Minutes from a meeting in which the commissioner did not serve and/or was not present. The Commission proceeded accordingly with Commissioners Carpenter, Shaw and Weaver abstaining from voting to approve the January 5, 2015 and February 10, 2015 Personnel Subcommittee meeting Minutes.

The January 5, 2015 Personnel Subcommittee consisted of Chairman Lamboley, Vice-Chairman Gale, and Commissioners Cory and Lau. Commissioner Lau moved to approve the January 5, 2015 Personnel Subcommittee meeting minutes. Commissioner Cory seconded the motion. The motion was put to a vote and carried unanimously, with Chairman Lamboley absent.

Vice-Chairman Gale noted a timeline discrepancy in the draft Minutes for the January 13, 2015 Commission meeting at Page 2, Item 3, regarding the notation for the break, and Executive Director Yvonne Nevarez-Goodson confirmed that the clerical error would be corrected before publishing.

Commissioner Lau moved to approve the January 13, 2015 Commission Meeting Minutes. Commissioner Cory seconded the motion. The motion was put to a vote and carried unanimously, with Chairman Lamboley and Commissioner Groover absent.

Commissioner Lau moved to approve the February 10, 2015 Personnel Subcommittee Meeting Minutes. Commissioner Cory seconded the motion. The motion was put to a vote and carried unanimously, with Chairman Lamboley absent.

Commissioner Lau moved to approve the February 18, 2015 Commission Meeting Minutes. Commissioner Shaw seconded the motion. The motion was put to a vote and carried unanimously, with Chairman Lamboley and Commissioner Groover absent.

The meeting was called into closed session at 10:28 a.m.

CLOSED SESSION:

4. Closed Session pursuant to NRS 281A.440(8) for consideration of a Jurisdictional Appeal by the Requester of Third-Party Request for Opinion No. 14-89N, submitted pursuant to NAC 281A.405.

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

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

The meeting was called back into open session at 10:53 a.m.

OPEN SESSION:

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

Commissioner Weaver disclosed his private representation of a client in a lawsuit brought by Mr. Honey, Counsel for the Subject in RFO 14-15C, on a matter involving the private interests of Mr. Honey and his spouse. Commissioner Weaver abstained from participating in the matter based on the nature of his private representation and his role in the matter, even though it did not involve Mr. Lambert's specific matter before the Commission.

Ms. Nevarez-Goodson summarized the terms of the proposed Stipulated Agreement regarding Gary Lambert, Commissioner of the Nevada Commission on Off-Highway Vehicles

("NCOHV") to include a single, non-willful violation of the Ethics in Government Law for his failure to adequately disclose his conflict of interest and his advocacy on behalf of that private interest. Ms. Nevarez-Goodson also noted two amendments to the draft Stipulated Agreement proposed by Chairman Lamboley and advised the Commission to go into Closed Session with Subject's counsel and Commission's Associate Counsel to approve the changes before returning to the open record.

The meeting was called briefly called back into closed session at 10:58 a.m.

The meeting was reconvened in open session at 11:00 a.m.

Vice-Chairman Gale commented that the resolution proposed through the Stipulated Agreement would provide NCOHV with training from the Ethics Commission to adjust their internal policies and practices consistent with ethics laws.

Commissioner Lau moved to approve the Stipulated Agreement as proposed and revised regarding RFO No. 14-15C in the matter of conduct of Gary Lambert, Vice Chair, Nevada Commission on Off-Highway Vehicles. Commissioner Shaw seconded the motion and the motion carried unanimously.

Ms. Nevarez-Goodson then summarized for the record the facts and issues in the Stipulated Agreement and noted that the final Stipulated Agreement would be available to the public upon formal execution by the Parties.

7. Open Session for report by the Executive Director on agency status and operations.

Ms. Nevarez-Goodson began her report by welcoming the Commission's new Commission Counsel, Tracy Chase, Esq., and noted that Ms. Chase will be sharing in the agency status update in future sessions with the Commission.

Ms. Nevarez-Goodson reported that staff has been busy finalizing outstanding investigations and that all first-party requests are up to speed. Ms. Nevarez-Goodson further reported the status of outreach and training regarding the Ethics in Government Law has stalled recently, primarily due to early training conducted in the northern jurisdictions at the beginning of the calendar year. However, Ms. Nevarez-Goodson planned to schedule training in the southern jurisdictions coordination with the May meeting of the Commission in Las Vegas.

Ms. Nevarez-Goodson also reported that a temporary administrative employee would be hired to cover Valerie Carter's upcoming leave and the goal was to have the temporary employee start while Ms. Carter was still here to provide training. Vice-Chairman Gale asked where the funds were coming from to pay for the temporary employee and Ms. Nevarez-Goodson explained that the Commission had available funds remaining from the court reporter budget, and she clarified that the temporary employee would be in place for approximately 12 weeks and that there were sufficient funds within our existing budget through a work program without needing to get approval for additional funds from the Interim Finance Committee.

Vice Chairman Gale asked one last question regarding scheduling Ethics Law training with the Nevada Commission on Off-Highway Vehicles, and Ms. Nevarez-Goodson reported that she would be reaching out to that Commission to schedule training as soon as possible.

8. Open Session for discussion and potential direction to the Executive Director regarding the 2015 Session of the Nevada Legislature, including an update on the Commission's legislative measures (A.B. 60) and budget presentations before the Nevada Legislature.

Ms. Nevarez-Goodson reported that, with regard to A.B. 60, she was still waiting for the mock amendment from LCB's legal division to place it on the agenda for the Assembly Committee

on Legislative Operations and Election, with the deadline to get it through the first house coming up April 10, 2015. Ms. Nevarez-Goodson reported that she was hopeful that the efforts undertaken in the working group for the bill would satisfy the local governments who had some concerns about that legislation so that it would be placed on the work session of the Assembly Committee.

Ms. Nevarez-Goodson reported that she was notified only two days ago that our budget closing would occur on Monday, March 23 in the morning before both House budget committees, and that we still had not been able to fully vet the issue about salary enhancements, which the Governor had not approved. The Commission directed Ms. Nevarez-Goodson to pursue those budget proposals before the Legislature and follow any possible avenues for getting the salary enhancements through the legislative process, i.e., fixed through the unclassified pay bill. Ms. Nevarez-Goodson stated that with full respect for the Governor's recommended budget, the Commission has historically pursued legislative approval given our unique agency status including appointments by the legislature. Ms. Nevarez-Goodson pointed out that Legislators were receptive to the salary issues during her meetings in prior weeks.

Ms. Nevarez-Goodson also reminded the Commission regarding the history of acquiring the new Associate Counsel position in the last legislative session, including that the position was intended to be subordinate to the duties of the Executive Director regarding third-party cases and the Commission Counsel for Legal support in all other matters. The position was listed in the Unclassified Pay Bill at the last minute as another Commission Counsel position to get a competitive salary for the Associate Counsel position. However, this resulted in a conflict with the statute that allows for only one Commission Counsel position in our agency and an equivalent salary as the Executive Director and Commission Counsel. Staff has been trying to correct this since the last legislative session, though unsuccessful to date. Staff was told that the primary way to correct the problem (resulting in an increase to the Executive Director and Commission Counsel salary and a correction to the Associate Counsel title in the pay bill) was to work it through this legislative session's Unclassified Pay Bill.

Ms. Nevarez-Goodson then asked the Commission to advise as to how to proceed from this point forward. Discussion ensued regarding the Commission's support for the salary and title adjustments, noting that the Governor did not support any pay raises this session, but also noting that it is the right thing for the agency and employees to proceed with aligning the salaries and titles that were left incomplete from last session. The Commission asked Ms. Nevarez-Goodson to provide further information on the status and next steps before the Legislature.

Commissioner Cory asked to be excused from the meeting and dropped off the conference call.

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

Vice-Chairman Gale noted his approval and acceptance of the Commission Counsel's offer to meet with the individual Commissioners and the Executive Director to discuss goals and to brainstorm ideas for the agency. Ms. Nevarez-Goodson confirmed that efforts to schedule meetings in the various locations with the respective Commissioners would ensue, starting with the travel already scheduled for Las Vegas for the May meeting. No other items were offered for discussion.

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10. Open Session for Public Comment. Comment and/or testimony by any member of the public may be limited to three (3) minutes. No action will be taken under this agenda item.

No public comment.

11. Adjournment.

Vice-Chairman Gale adjourned the meeting at 11:40 a.m.

Minutes prepared by:

Minutes approved: May 20, 2015:

[/s/ Darci Hayden](#)

Darci Hayden
Senior Legal Researcher

[/s/ Gregory J. Gale](#)

Gregory J. Gale
Vice-Chairman

[/s/ Yvonne M. Nevarez-Goodson](#)

Yvonne M. Nevarez-Goodson, Esq.
Executive Director