



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

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

May 20, 2015

The Commission on Ethics held a public meeting on Wednesday, May 20, 2015, at 9:00 a.m. at the following location:

**Grant Sawyer State Office Building
Gaming Control Board
Room 2450
555 E. Washington Avenue
Las Vegas, NV 89101**

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.

OPEN SESSION:

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

Chairman, Paul H. Lamboley, Esq. called the meeting to order at 9:00 a.m. Also attending were Vice-Chairman Gregory J. Gale and Commissioners John C. Carpenter, Timothy Cory, Esq., Magdalena Groover, Cheryl A. Lau, Esq., and Keith A. Weaver, Esq. Commissioner James M. Shaw appeared via telephone.

Present for Commission Staff was Executive Director, Yvonne M. Nevarez-Goodson, Esq., Commission Counsel, Tracy L. Chase, Esq., Associate Counsel Jill C. Davis, Esq., Senior Investigator, Anthony Freiberg and Senior Legal Researcher, Darci Hayden.

2. Open Session for Public Comment.

No public comment.

The meeting was called into CLOSED session at 9:33 a.m.

CLOSED SESSION:

A. Closed Session pursuant to NRS 281A.440(8) for consideration of a Jurisdictional Appeal by the Requesters of Third-Party Request for Opinion No. 15-13N and Request for Opinion No. 15-17N, submitted pursuant to NAC 281A.405.

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

B. Closed Session for presentation, discussion and consideration of a Motion concerning Third-Party Request for Opinion No. 14-59C, regarding Gerald Antinoro, Sheriff, Storey County, State of Nevada, submitted pursuant to NRS 281A.440(2). Although this RFO is no longer confidential under NRS 281A.440(8) after the determination of the Investigatory Panel, the Motion presented contains otherwise protected confidential information and materials, and the Motion will be considered in a Closed Session pursuant to NRS 281A.440(15).

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

The meeting was called into OPEN session at 10:54 a.m.

OPEN SESSION:

1. Call to Order, Roll Call.
2. Open Session for Public Comment.

No public comment.

3. Open Session for determination of a Motion concerning Third-Party Request for Opinion No. 14-59C regarding Gerald Antinoro, Sheriff, Storey County, State of Nevada, submitted pursuant to NRS 281A.440(2).

This Agenda Item was called out of order. Chairman Lamboley began by explaining that after hearing presentations of the facts by counsel in Closed Session Item B, the item will move to an Open Session for deliberation by the Commission. The Chairman first expressed his appreciation to counsel, Mr. Brent Kolvet, Esq., counsel for Subject and Ms. Jill C. Davis, Esq., Associate Counsel for the Commission, for presenting the facts and then proceeded with housekeeping matters by asking for the Roll Call and Public Comment, and excusing from the proceeding Commissioners Gale and Lau because they were members of the Investigatory Panel in this matter.

The Chairman asked for questions from the Commission regarding Subject's Motion to Dismiss which resulted in a Motion by Commissioner Cory to Deny the Motion to Dismiss in the matter of Request for Opinion No. 14-59C regarding Sheriff of Storey County, Gerald Antinoro. Commissioner Shaw seconded the Motion and the motion was put to a vote and carried unanimously.

The meeting returned to CLOSED session at 11:06 a.m.

CLOSED SESSION:

C. Closed Session for discussion and consideration of a Proposed Stipulated Agreement concerning Third-Party Request for Opinion No. 14-64C regarding Ashok Mirchandani, Director, Nevada Department of Business and Industry, submitted pursuant to NRS 281A.440(2).

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

The meeting returned to OPEN session at 11:29 a.m.

OPEN SESSION:

2. Open Session for Public Comment.

This Agenda Item was called out of order. Chairman Lamboley called for Public Comment. No public comment.

4. Open Session for consideration and approval of a Proposed Stipulated Agreement concerning Third-Party Request for Opinion No. 14-64C regarding Ashok Mirchandani, Director, Nevada Department of Business and Industry, submitted pursuant to NRS 281A.440(2)

This Agenda Item was called out of order. Chairman Lamboley began by welcoming participants for the parties; Mr. John Wickett and Mr. Chan Lengsavath, counsel for Subject, and Ms. Jill C. Davis, Esq., Associate Counsel for the Commission.

Vice-Chairman Gale disclosed for the record that Mr. Lengsavath worked for him in his previous position with the Gaming Control Board in the Audit Division, but that the employment relationship concluded six years in the past and he did not believe it would have any bearing on his decision-making in this matter.

Commissioner Weaver disclosed for the record that, in his capacity as a private attorney, he previously participated in a client matter in which he was opposing counsel to Subject's counsel in an unrelated matter but he did not think this personal business relationship would prevent him from voting on the matter. However, he gave Subject's counsel the opportunity to raise any concerns regarding his participation.

Subject's counsel consented to the participation of Vice-Chairman Gale and Commissioner Weaver in the respective matters.

Commission Counsel Tracy L. Chase, Esq., stated for the record that a correction should be made for this item regarding the title of Subject. Mr. Mirchandani's title should indicate "former Deputy Director" of the Nevada Department of Business and Industry.

Chairman Lamboley proceeded by opening Commission deliberation in which questions for factual clarifications were directed to parties' counsel.

Following questions and answers, Commissioner Weaver made a motion to reject the Stipulated Agreement on the grounds that the inadvertent use of the credit card is not an ethics violation and to dismiss any remaining allegations. Commission Counsel Chase recommended amending the Motion to include only the first part to reject the Stipulated Agreement because the second part regarding dismissal of remaining allegations was not part of the agenda item. Commissioner Weaver amended his motion accordingly and the motion was seconded by Commissioner Lau. The Motion was put to a vote carried unanimously. Chairman Lamboley added that the matter is considered by the Commission as still open and active.

The meeting was returned to CLOSED session at 12:04 p.m.

CLOSED SESSION:

D. Closed Session for discussion and consideration of potential or pending litigation.

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

The meeting reconvened in OPEN session at 12:15 p.m.

OPEN SESSION:

2. Open Session for Public Comment.

This Agenda Item was called out of order. Chairman Lambolely called for Public Comment. No public comment.

7. 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.

This Agenda Item was called out of order. Ms. Nevarez-Goodson reported that A.B. 60 passed unanimously through the Senate and that it was currently waiting for enrollment, printing and the Governor's signature.

Ms. Nevarez-Goodson informed the Commission of the recent meetings with various legislators, local government representatives and Lieutenant Governor Hutchison regarding establishing quarterly or semiannual meetings going forward during the next biennium to talk about relevant ethics law reform, if any. Some of the ideas being discussed concern providing the Commission with more discretion in its ability to resolve third-party cases. These meetings would give the Commission an opportunity to invite interested parties to come forward prior to the next session with any concerns or input on proposed legislation. This will help to prevent being surprised during session with opposition to proposed changes.

Chairman Lambolely suggested that staff evaluate administrative rulemaking procedures, which are designed to solicit public comment on our proposed regulations as a comparable idea for pursuing public comment on proposed legislation.

5. Open Session for consideration and approval of Minutes from the March 18, 2015 Commission Meeting.

This Agenda Item was called out of order. Chairman Lambolely called for approval of the March 18, 2015 Commission Meeting Minutes. Commissioner Carpenter moved to approve the Minutes. Commissioner Lau seconded the motion. The motion was put to a vote and carried unanimously.

The Chairman excused himself from the meeting. Vice-Chairman Gale presided over the remainder of the meeting.

7. 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.

This Agenda Item was called back into order. Ms. Nevarez-Goodson concluded her report on legislative issues with an update on the budget, reminding the Commission that the budget did close before the Senate Finance and Assembly Ways and Means Committees but that the Executive Director and Commission Counsel salaries still need to be corrected to clarify the salary issues with the addition last session of the Associate Counsel position. Based on the legislators' perspective, an affirmative decision was made last session through committee meetings to add only the new Associate Counsel positions but not to adjust the other two salaries accordingly.

However, the Legislative communications to the Commission suggested that any salary correction be made through the unclassified pay bill. This Session, however, the Commission was not provided an opportunity to request adjustments after the Governor's final budget was issued. Ms. Nevarez-Goodson suggested that testifying for budget enhancements is not normally done after the Governor has made his decision on an agency budget, but because the Commission has a unique status as a half legislatively appointed body, it might be possible to testify at the unclassified pay bill meeting, similar to what was suggested last session, if that meeting occurs and we are invited. However, Ms. Nevarez-Goodson did not think we would be invited to the table for this discussion.

Ms. Nevarez-Goodson requested that the Commissioners reach out to any of their respective contacts at the Legislature to discuss these adjustments. Ms. Nevarez-Goodson mentioned that she had spoken with Lt. Governor Hutchison regarding this issue who discussed it with Senator Kieckhefer. According to Lt. Governor Hutchison, Senator Kieckhefer indicated he had no problem with correcting the title disparity in the unclassified pay bill, but not the salaries. Ms. Nevarez-Goodson reminded the Commission that the impact to the State's General Fund from these salary enhancements would only be \$12,000 with \$60,000 spread over the local government contributions.

Vice-Chairman Gale asked the Commissioners to send emails to their respective contacts at the Legislature and asked Ms. Nevarez-Goodson to provide language they could use. Vice-Chairman Gale stated that the Commission is not trying to go against the Governor's position, but simply trying to fix a salary problem that has been in effect since last session. Ms. Nevarez-Goodson agreed that we are not trying to ask for special treatment from other agencies with regard to salaries but rather seeking to fix this error before next Session because it would then turn into a six-year problem.

6. Open Session for report by the Executive Director and Commission Counsel on agency status and operations, including, without limitation, an update regarding the status of pending Requests for Opinions, the Executive Director's proposed outreach and education program, and the development of an externship program with UNLV's William S. Boyd School of Law.

This Agenda Item was called out of order. Ms. Nevarez-Goodson began by directing the Commission to the Request for Opinion ("RFO") Chart in their meeting materials. Ms. Nevarez-Goodson said this was being shared per the request of the Commission for a quarterly update on the status of our cases. She noted there was one outstanding first-party opinion that would be completed soon, and that all other cases were on track and being completed timely, highlighting some third-party matters from last year that are still pending, but which have waivers of statutory timelines.

Ms. Nevarez-Goodson then updated the Commission on the outreach and education program. Some of this effort was stalled due to case load and staff turnover in recent months, but outreach is getting back on track. Ms. Nevarez-Goodson and Ms. Chase have met with various public officers and department heads this week in Las Vegas and will be scheduling future training with their respective staff, in particular establishing an increased presence in the southern jurisdictions.

Ms. Nevarez-Goodson turned next to discussion of her meeting with Dean Hamilton of UNLV's Boyd School of Law, regarding an externship program with the law school for the Ethics Commission. The Dean's reception to an externship program was positive based on a discussion of the interesting and unique legal issues that would provide a great experience for law students. Having an extern to bolster the Commission's staff will also be a plus. This partnership will also help put the Commission more on the map throughout the State. The Dean has externship

programs with other state agencies and the Governor's Office, but he was not familiar with the Ethics Commission, our jurisdiction, or the very significant legal issues we have faced in the last five years. Ms. Nevarez-Goodson stated she has also spoken with Boyd's Extern Coordinator and they are working on developing a program that might begin in the Fall 2015 Semester or at least get advertising to the Fall students, then begin for the Spring 2016 Semester.

Ms. Nevarez-Goodson reported further that Mr. Timothy Eacobacci, a recent graduate of Boyd School of Law, and current intern for the Attorney General's Office, contacted her to intern for the Commission. An internship has been arranged with him over the next several months while he secures a permanent job. Commission staff is sending him a package of materials, finalizing human resource matters and developing research projects. He is expected to start in June.

Vice-Chairman Gale asked for clarification between an externship and internship. Ms. Nevarez-Goodson explained that both will provide the same assistance to us from a law student but that the externship with Boyd will include a formal program developed specifically for the Commission and the students will obtain university credit from their work with the Commission. The Commission will also need to follow guidelines and terms developed for the program for evaluating the students' work.

Ms. Nevarez-Goodson continued her report by noting the upcoming election in July for a Chairman and Vice-Chairman and that several commissioner terms will be expiring over the next several months. She then went on to discuss upcoming Commission meetings noting that the full June 24 meeting will be cancelled. However, there is a first-party that will need a meeting of the commissioners via teleconference and she will be following up with emails regarding scheduling.

Ms. Nevarez-Goodson also informed the Commission that she was accepted into the Certified Public Manager program with the state and will begin the 18-month training in June. Ms. Nevarez-Goodson received congratulations from the Commissioners regarding her acceptance into the program.

In conclusion, Ms. Nevarez-Goodson brought to the Commission's attention the recent trend in calls regarding questions about what constitutes a gift for the purposes of NRS 281A. While she has been able to generally assist these callers with some guidance from past Commission cases, she has had to clarify that NRS 281A does not define "gift." Ms. Nevarez-Goodson stated that this appears to be a hot-button topic the Commission might want to address in a future legislative package or policy.

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

No Commissioner comments.

9. 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 comments

10. Adjournment.

Vice-Chairman Gale adjourned the meeting at 12:50 p.m.

Minutes prepared by:

Minutes approved: July 15, 2015:

[/s/ Darci Hayden](#)

Darci Hayden
Senior Legal Researcher

[/s/ Paul H. Lamboley](#)

Paul H. Lamboley, Esq.
Chairman

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

Yvonne M. Nevarez-Goodson, Esq.
Executive Director

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

Gregory J. Gale
Vice-Chairman