



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

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

July 15, 2015

The Commission on Ethics held a public meeting on
Wednesday, July 15, 2015, at 9:00 a.m. at the following location:

**Gaming Control Board
1919 College Parkway
Carson City, NV 89706**

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.

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

Chairman Paul H. Lamboley, Esq. called the meeting to order at 9:20 a.m. Also present in Carson City, Nevada were Vice-Chairman Gregory J. Gale, CPA and Commissioners John C. Carpenter, Timothy Cory, Esq., Magdalena Groover, Cheryl A. Lau, Esq., Keith A. Weaver, Esq., and James M. Shaw.

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 Legal Researcher, Darci Hayden, PP and Executive Assistant, Valerie M. Carter, CPM.

The pledge of allegiance was conducted.

2. Open Session for Public Comment.

No public comment.

The meeting was called into CLOSED session at 9:23 a.m.

CLOSED SESSION:

A. Discussion and consideration of a Proposed Stipulated Agreement 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 held in closed session and will not be available to the public.

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

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

C. Discussion and consideration of a Proposed Stipulated Agreement concerning Third-Party Requests for Opinion Nos. 15-02C¹, 15-07C and 15-08C regarding Paul Murphy, Member, Board of Directors, Fernley Swimming Pool District, State of Nevada, submitted pursuant to NRS 281A.440(2).

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

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

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

A brief recess was taken.

The meeting was called into OPEN session at 10:15 a.m.

OPEN SESSION:

Chairman Paul H. Lambolely called the roll. All Members of the Commission and staff were present.

2. Open Session for Public Comment.

No public comment.

3. Open Session for consideration and approval of proposed Stipulated Agreement pursuant to NRS 281A.440(8) 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).

Commissioners Gregory J. Gale and Cheryl A. Lau participated in the Panel Hearing for RFO 14-59C and were statutorily precluded from participating in this agenda item pursuant to NRS 281A.220(4).

Commission Counsel, Tracy L. Chase, Esq. summarized the issues of the case and the current status of the Stipulated Agreement.

Chairman Lambolely invited the parties to come forward. Appearing before the Commissioner were Brent Kolvet, Esq., counsel for Subject, and Jill C. Davis, Esq., Associate Counsel for the Commission.

Chairman Lambolely opened Commission deliberations regarding the proposed stipulated facts and terms, and the Commission directed questions for factual clarification to the parties' counsel. The Commission and Subject agreed to various modifications to the language of the Stipulation.

¹ The Commission's July 15, 2015 Meeting Agenda inadvertently stated Agenda Item C was regarding Requests for Opinion Nos. **15-03C**, 15-07C and 15-08C, and it should have read **15-02C**, 15-07C and 15-08C.

Commissioner Cory expressed his appreciation to Sheriff Antinoro for handling this matter in a forth right manner and moved to approve the Stipulated Agreement as presented, holding that Sheriff Antinoro non-willfully violated NRS 281A.400 (2) and (9) and NRS 281A.020. Commission Shaw seconded the Motion.

Commission Cory amended his to Motion authorize Commission Counsel to make ministerial corrections and adjustments as needed to the Stipulated Agreement. Commissioner Shaw seconded the amended Motion.

Commission Carpenter requested that the Sheriff furnish the Commission with a copy of any updated internal policies. Sheriff Antinoro agreed to provide a copy of updated policies as they become available.

The Motion was put to a vote and carried unanimously. See *In Re Antinoro*, Comm'n Opinion No. 14-59C (2015) (Stipulated Agreement).

Mr. Kolvet confirmed that Sheriff Antinoro consented to the amendments to the Stipulated Agreement. Chairman Lamboley thanked all parties involved for their participation in this overall meaningful case.

4. Consideration and approval of proposed Stipulated Agreement, including possible dismissal, pursuant to NRS 281A.440(8) concerning Third-Party Request for Opinion No. 14-64C regarding Ashok Mirchandani, Deputy Director, Nevada Department of Business and Industry, submitted pursuant to NRS 281A.440(2).

Present before the Commission for this agenda item was counsel for the subject John Wicket, Esq. and Associate Counsel for the Commission, Jill C. Davis, Esq. Although not present, Wicket's partner, attorney Chan Lengsavath, Esq., also represented Mr. Mirchandani in this matter.

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 that, in his capacity as a private attorney, he previously represented a client in a private matter unrelated to this RFO or the Subject. However, he stated he would participate and vote in this matter unless Subject's counsel opposed it, but he did not think this personal business relationship would establish a conflict of interest on the matter.

Commission Counsel Tracy L. Chase, Esq. summarized the RFO and the procedural history of the case. Chairman Lamboley opened Commission deliberation. A discussion ensued regarding the language in paragraph "n" and the suggested addition of a new paragraph "r" by Commissioner Gale.

Mr. Wicket, Counsel for the Subject, clarified that Mr. Mirchandani was a member of the Board of Directors of Home Means Nevada (HMN) and as a member he was secretary and treasurer, and that was the extent of his role in that particular organization.

Commissioner Gale asked for confirmation from both parties that they were in agreement with the changes to the Stipulation that had been proposed. Both Mr. Wicket and Ms. Davis agreed. Commissioner Gale moved that the Commission approve the Stipulated Agreement as

presented, holding that Mr. Mirchandani did not violate NRS Chapter 281A. Commissioner Carpenter seconded the Motion. The Motion was put to a vote and carried unanimously. See *In Re Mirchandani*, Comm'n Opinion No. 14-64C (2015) (Stipulated Agreement).

Chairman Lamboley thanked Mr. Mirchandani and his counsel. Mr. Mirchandani offered comments regarding the status of NAHAC when he began his service and reiterated that he was not compensated for his service with NAHAC and HMN, and he is glad that he had the opportunity to help the housing crisis. He stated the process with the Commission has made him more eager to serve (the state) and serve better.

A brief recess was taken.

6. Approval of Minutes of the May 20, 2015 Commission Meeting.

This Agenda Item was called out of order.

Commissioner Lau moved to approve the May 20, 2015 Commission Meeting Minutes as submitted. Commissioner Shaw seconded the Motion. Commissioner Gale stated there were minor typographical errors in the Minutes that will be corrected.

The Motion was put to a vote and carried unanimously.

7. Election of Commission Chair and Vice Chair for Fiscal Year 2015-16, pursuant to NAC 281A.150.

Commissioner Lau moved that the current Chair and Vice-Chair designations remain until Chairman Lamboley's and Vice-Chairman Gale's terms expire. Commissioner Groover seconded the Motion.

Commissioner Carpenter suggested that it could take time before replacements will be named and thus, the Motion should designate that the Chair and Vice-Chair remain until replacements are named for both Commissioner Lamboley and Commissioner Gale.

Commissioner Lau amended her original Motion to reflect Commissioner Carpenter's comments. The Motion was put to a vote and carried unanimously.

Commissioner Gale requested that the Executive Director place the election of Chair and Vice-Chair on the next meeting Agenda.

8. Review and possible direction regarding the requirements of NRS 281A.500 to public officers holding multiple offices, including clarification of the filing requirements for, and revision of, the Nevada Acknowledgement of Ethical Standards form, prescribed by the Commission under NRS 281A.500(4).

Commission Counsel Tracy L. Chase, Esq. introduced the agenda item and asked the Commission for its guidance regarding the applicability of NRS 281A.500 (Acknowledgement of Ethical Standards) under certain circumstances. Ms. Chase explained that the current statute does not give direction to public officers holding more than one public office concurrently and whether or not an Acknowledgement of Ethical Standards form is required to be filed for each public office. Ms. Chase requested direction from the Commission to consider changing the statute next legislative session and in the meantime addressing the issue through an administrative regulation and updating the form to give more clear direction. A brief discussion ensued regarding NRS 281A.500 and Counsel's proposal.

Chairman Lamboley directed Commission Counsel to explore the possibility of addressing the issue through an administrative regulation and report back to the Commission when those details had been fleshed out.

11. Legislative Updates on certain Bills adopted in the 2015 Legislative Session of the State of Nevada, relating to operations of public agencies and public officers, including the informal codification of AB 60, relating to Ethics in Government Law.

This agenda item was called out of order.

Commission Counsel Tracy L. Chase, Esq. provided the Commission with an overview of the Bills adopted in the 2015 Legislative Session that effect the Commission. Ms. Chase discussed Assembly Bill No. 53 – Nevada Administrative Procedure Act (NRS Chapter 233B), Assembly Bill No. 135 – Nevada Public Records Law (NRS Chapter 239), Assembly Bill No. 179 – Security of Personal Information (NRS Chapter 603A), Senate Bill No. 70 – Nevada Open Meeting Law (NRS Chapter 241) and Senate Bill No. 307 – Financial Disclosure Statements and Gifts to Public Officers (NRS Chapters 218H and 281).

Ms. Chase informed the Commission that staff would implement necessary administrative changes to comply with this legislation.

A Lunch recess taken at 11:57 a.m. The meeting reconvened at 1:00 p.m.

9. Presentation on and direction for publication of Annual Report prepared by the Executive Director pursuant to NAC 281A.180(2).

This agenda item was called out of order.

The Executive Director, Yvonne M. Nevarez-Goodson, Esq., provided a Draft of the 2014-2015 Annual Report to the Commission and summarized the same. The final 2014-2015 Annual Report of the Commission on Ethics is attached to these minutes as “Exhibit 1.”

Chairman Lamboley suggested that staff begin tracking inquiries that come in via telephone/email that require a substantive follow-up so the agency can illustrate it is not only responsive but that staff spends a great deal of time explaining statutes and referencing prior Commission Opinions in order to streamline what issues ultimately require the Commission’s attention. The Executive Director agreed and confirmed that staff will start logging those calls/inquiries. Chairman Lamboley also suggested that staff track time spent on motions and litigation, as Requests for Opinion are becoming much more legally complex and time consuming.

Due to a scheduling issue, the Chairman tabled the remainder of this agenda item until the conclusions of agenda item no. 5.

5. Consideration and approval of proposed Stipulated Agreement pursuant to NRS 281A.440(8) concerning Third-Party Request for Opinion Nos. 15-02C², 15-07C and 15-08C regarding Paul Murphy, Member, Board of Directors, Fernley Swimming Pool District, State of Nevada, submitted pursuant to NRS 281A.440(2).

Present via telephone was the Subject Paul Murphy and his counsel Rebecca Bruch, Esq., of Erickson, Thorpe & Swainston, Ltd. Present in Carson City was the Commission's Associate Counsel Jill C. Davis, Esq.

Commission Counsel Tracy L. Chase, Esq. summarized the issues in the Request for Opinion and the current status of the proposed Stipulated Agreement. A discussion ensued regarding the issues and facts presented in the proposed Stipulated Agreement.

Commissioner Weaver moved to approve the Stipulated Agreement as presented, holding that Mr. Murphy's actions constitute a single course of conduct resulting in a single violation of the Ethics in Government Law, implicating NRS 281A.020(1), 281A.420(1) and (3) and 281A.500, and that the allegations pertaining to violations of NRS 281A.400(2), (5), (6) and (9) lack sufficient evidence to support a violation by a preponderance of the evidence and are therefore dismissed.

Commissioner Groover seconded the Motion.

Chairman Lamboley suggested reducing the Civil Penalty associated with the willful violation from the proposed amount of \$1,500 to \$500. Commissioners Groover and Weaver agreed to amend the Motion accordingly. The Motion was put to a vote and carried unanimously. See *In Re Murphy*, Comm'n Opinion No. 15-02C. et al (2015) (Stipulated Agreement).

9. Presentation on and direction for publication of Annual Report prepared by the Executive Director pursuant to NAC 281A.180(2).

This agenda item was reconvened by the Chairman.

The Executive Director continued her presentation of the Annual Report. Chairman Lamboley complimented the Executive Director and the rest of the staff on their hard work over the past year. Chairman Lamboley suggested that his fellow Commissioners send any feedback/edits to the Annual Report to the Executive Director before publication.

10. 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, educational outreach, Externship Program with UNLV's Boyd School of Law, State of Official website for Commission, and Budget report and other Fiscal Year-end matters.

This Agenda Item was called out of order. Executive Director, Yvonne Nevarez-Goodson, Esq., referred to the updates presented in the Annual Report and gave an update regarding the externship program with UNLV's Boyd School of Law stating that not much progress had been made since her last update but she had been in contact with the Director of the Externship Program at Boyd and they continue to work together to get the externship details finalized in the hopes of having an intern by next Spring.

² The Commission's July 15, 2015 Meeting Agenda inadvertently stated Agenda Item C was regarding Requests for Opinion Nos. **15-03C**, 15-07C and 15-08C, and it should have read **15-02C**, 15-07C and 15-08C.

Ms. Nevarez-Goodson reported that the Commission staff currently has an intern Timothy Eacobacci, who is a graduate from the UNLV Boyd School of Law. She reported Mr. Eacobacci has agreed to intern for the Commission while he seeks permanent employment and takes the bar exam. Ms. Nevarez-Goodson reported that he has already engaged in a good amount of legal research on behalf of the legal staff of the Commission, and she hopes he will be able to attend a Commission meeting in the future.

Ms. Nevarez-Goodson gave an update on the Commission's website. She reported that staff is in the process of working with EITS to create a new website which will be up and running within the next several months.

The Executive Director discussed the current status of several pending Requests for Opinion. She noted there are several investigations pending and several stipulations in the works which will be presented to the Commission in the upcoming months. Ms. Nevarez-Goodson was happy to report there is currently no backlog of Opinions and the staff is current with the issuance of Opinions.

In conclusion, Ms. Nevarez-Goodson offered her gratitude and appreciation to Chairman Lamboley and Vice-Chairman Gale for their dedicated service over the past several years.

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

The Commission discussed scheduling logistics of the Commission's August meeting and follow-up requirements /suggestions regarding EEOC training for Commission members and the availability of such training. The Executive Director confirmed that she will follow-up and provide that information to the Commission at its next meeting.

13. Open Session for Public Comment.

No Public comments.

14. Adjournment.

Chairman Lamboley adjourned the meeting at 2:33 p.m.

Minutes prepared by:

/s/ Valerie M. Carter

Valerie M. Carter, CPM
Executive Assistant

/s/ Yvonne M. Nevarez-Goodson

Yvonne M. Nevarez-Goodson, Esq.
Executive Director

Minutes approved: September 16, 2015:

/s/ Paul H. Lamboley

Paul H. Lamboley, Esq.
Chairman

/s/ Gregory J. Gale

Gregory J. Gale, CPA
Vice-Chairman

Exhibit 1

STATE OF NEVADA
COMMISSION ON ETHICS -
ANNUAL REPORT
JULY 1, 2015

A public office is a public trust, to be held for the sole benefit of the people.

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ANNUAL REPORT TO THE COMMISSION ON ETHICS REGARDING FISCAL YEAR 2015

Pursuant to Nevada Administrative Code 281A.180(2), the Executive Director must report to the Commission on Ethics (“Commission”) annually regarding the fiscal, legislative, regulatory and other business undertaken by and on behalf of the Commission in the past fiscal year and the goals for new fiscal year. This Report recognizes the Commission's business, activities and accomplishments between July 1, 2014 and June 30, 2015. The Annual Report further contains various statistical information evaluating certain trends and patterns.

The information contained herein is based upon public records of the Commission which are available upon request for review at the Commission’s office during business hours. Additionally, the Commission maintains a public website at <https://ethics.nv.gov/> on which the public may search the Commission's database of opinions, review minutes and agendas, find instructions and forms for filing requests for the Commission's opinion and access other public information. The Commission also posts its agendas on the Nevada Public Notice statewide website at <https://notice.nv.gov/>.

July 1, 2015

Commissioners:

As required by Nevada Administrative Code 281A.180(2), submitted for your consideration is this annual report of the fiscal, legislative, regulatory and other business undertaken by and on behalf of the Commission during the past fiscal year (“FY15”) and the Commission’s goals for the new fiscal year.

The Commission confronted and embraced considerable change and growth in the past fiscal year, including changes to the Commission’s personnel, employment policies and overall goals to provide outreach and education to Nevada’s public officers and employees. Most notably, FY15 brought the Commission new staff leadership and revitalized staff energy. In Fall 2014, the Commission appointed me as its new Executive Director, having served the prior 5 years as its Commission Counsel. I’m honored to represent the Commission in this capacity and proud to embrace this position and serve as the face of the Commission for all of our outreach and education in the State. Moreover, I will continue to provide my legal knowledge and experience to the Commission.

The vacancy left open by my transfer brought the significant and well-respected legal talents and experience of Ms. Tracy L. Chase, Esq. as the new Commission Counsel. Ms. Chase brings a diverse legal background to the Commission, including, among various private sector and other government-related experience, having represented the City of Reno and its local government public officers and employees. As the newly appointed professionals charged to lead the Commission’s mission, Ms. Chase and I have created and fostered a professional and dedicated team to maintain the integrity of this Commission.

Continuing to serve the Commission in the past fiscal year and provide outstanding public service include the Associate Counsel, Jill C. Davis, Esq., Executive Assistant, Valerie Carter, CPM, Senior Legal Researcher, Darci Hayden, and Senior Investigator, Anthony Freiberg. As true growth develops from challenges and successes, the past fiscal year presented the Commission with a climate study performed by the State Division of Human Resource Management of the Department of Administration regarding the Commission’s team and internal personnel governance. The depth of information learned from these evaluations has put in place an environment rich in renewed staff resources and energies and a revitalized relationship between the Commission and its

staff. It's a pleasure to report a few of these journeys and successes in this Report and expectations for the coming fiscal year.

Ms. Davis has remained vigilant and dedicated to investigating and negotiating settlements in all of our Third-Party Requests for Opinions and providing quality legal information to the Commission in contested cases. She also travels throughout the State to benefit the Commission's outreach efforts. Her contributions are likewise commendable in her assistance with the legal team's case load, including requests for advisory opinions. Ms. Carter had both professional and personal growth in the last fiscal year with her graduation and certification from the Nevada Certified Public Manager's Program. Her leadership and innovative ideas streamlined Commission practices, resulting in significant savings to staff resources, and provided smooth transition for administrative and budgetary matters during the 2015 Legislative Session.

Ms. Hayden has broadened her paralegal and legal researching skills and contributions by taking on various administrative and legislative tasks and continuing her educational training through her participation in and leadership as the Treasurer of the Douglas-Carson Legal Professionals, a Nevada chapter affiliate of NALS, the Association for Legal Professionals. She has also adapted responsively and efficiently to support the needs of our new Commission Counsel while maintaining the Commission's case management systems. Though Anthony Freiberg is by now a familiar face, he joined the Commission staff during the first quarter of the last fiscal year as our new Senior Investigator. He has worked cooperatively with the Commission's Executive Director and Associate Counsel to investigate the Commission's Third-Party RFOs and has fostered respect and trust in the Commission's investigatory processes and outreach efforts throughout the State. I'm proud of these accomplishments and teamwork, and I look forward to our ability to achieve much more together in the coming year, continuing to turn our climate into one of respect and collaboration.

Looking forward into the next fiscal year, the Commission will again be confronted with personnel changes. In the Fall 2015, we expect to miss fondly the dedicated commitment and talents of the Commission's Chair, Paul H. Lamboley, Esq., and Vice-Chair, Gregory J. Gale, CPA, both having served two terms. The Commission can stand proud of their legacy and unwavering pledge to promote the integrity and importance of Ethics in Government Law in all government forums, executive, legislative and judicial,

as well as the public. Among the many accomplishments achieved under their watch include the precedent-setting legal decisions in *Carrigan* before the Supreme Court of the United States (Nev. Comm'n on Ethics v. Carrigan, 562 U.S. 1127, 131 S. Ct. 857 (2001)) and the Nevada Supreme Court (*Carrigan v. Comm'n on Ethics of Nev.*, 313 p. 3d 880, 129 Nev. Adv. Rep. 95 (2013)); Senate Bill 228 of the 2013 Legislative Session; Assembly Bill 60 of the 2015 Legislative Session; and approximately 300 Commission decisions. The Commission and staff will openly welcome the new Commissioners to be appointed, one each by the Governor and Legislative Commission, bringing new ideas and perspectives.

As a unique, self-governing agency within State Government, the Commission has significant independence from various State systems, including certain administrative, budget and personnel requirements. Although the flexibility is a great resource, it also has its limitations, and the human resources climate study presented an opportunity to clarify certain administrative responsibilities and personnel/employment policies. In collaboration with the Division of Human Resource Management, the next fiscal year will introduce certain employment policies and procedures to ensure clarity and consistency for Commissioners and its Staff.

In addition to the personnel-related matters, the Commission achieved important success and met certain challenges with various legislative efforts before the 2015 Nevada Legislature, including passage of the Commission's Budget and Assembly Bill 60, and reinforced its goals to engage in outreach and education to Nevada's public officers and employees. This Report will highlight those achievements, challenges and continued goals for the next fiscal year.

As you review the information in this Annual Report, I hope you will be as proud as I am about the Commission's growth and diversity, and the direction in which the agency is headed.

Thank you for the opportunity to be of service to the Commission, its staff and the public for these last 6 years, and I look forward to continuing in this important role to implement the Commission's goals for the next fiscal year.

Sincerely,

Yvonne M. Nevarez-Goodson, Esq.
Executive Director

I. Background/Requests for Opinion

Nevada Commission on Ethics - Ethics in Government Law:

The Nevada Commission on Ethics is an independent public body appointed equally by the Governor and Legislative Commission to enforce and interpret the provisions of Nevada's Ethics in Government Law, NRS Chapter 281A ("Ethics Law"). In Nevada's citizen-based representative government, the primary mission of the Ethics in Government Law is to preserve the public trust and to ensure that the public officers and employees avoid conflicts between their private interests and the interests of the public whom they serve. The Ethics Law sets forth various standards of conduct to guide public officers and employees to avoid such conflicts.

The Commission's primary goals include providing outreach and education to Nevada's public officers and employees regarding the provisions of the Ethics Law and understanding potential conflicts of interest. In addition to its educational efforts, the Commission provides advisory opinions to public officers and employees regarding their own circumstances ("First-Party Requests for Advisory Opinions") and investigates and opines on conduct of public officers and employees alleged to be in violation of the Ethics Law ("Third-Party Requests for Opinion"), hereafter collectively referred to as "Requests for Opinion" or "RFOs".

Requests for Opinion:

The majority of the Commission's work is undertaken by staff at the agency's office in Carson City, in addition to that accomplished by Commissioners in the scheduled public meetings of the Commission. The primary work of the Commission and its staff involves acting upon the requests for opinion the Commission receives. The Commission's mission to provide outreach and education is consistent with its desire and ability to provide advisory opinions in hopes of forestalling or preventing third-party complaints.

Over a 7-year period ending June 30, 2015, the Commission received an annual average of 75 Third-Party RFOs. However, the Commission only accepted jurisdiction, investigated and adjudicated an annual average of 23 Third-Party RFOs.

The Commission received an average of 18 First-Party RFOs in which hearings were held and advisory opinions were issued.

Historic RFO Volume and Outcomes:

<u>Fiscal Year/Dates</u>	<u>Total 1st Party RFOs Rec'd</u>	<u>Total 3rd Party RFOs Rec'd</u>	<u>REJECTED 3rd Pty</u>	<u>ACCEPTED 3rd Pty</u>
FY09: 7/08-6/09	14	81	55	26
FY10: 7/09-6/10	25	80	53	27
FY11: 7/10-6/11	26	87	52	35
FY12: 7/11-6/12	31	72	58	14
FY13: 7/12-6/13	12	79	59	20
FY14: 7/13-6/14	13 ¹	70	50	20
FY15: 7/14-6/15	6	60	43	17
AVERAGE	18	75	52	23

Of the Third-Party RFOs which the NCOE accepted jurisdiction:

<u>Fiscal Year/Dates</u>	<u>Investigated</u>	<u>Panel Dismissed</u>	<u>Panel Waived/ Forwarded to Hearing</u>	<u>3rd Pty to Hearings</u>	<u>3rd Pty Stips./Orders</u>
FY09: 7/08-6/09	26	12	14	10	4
FY10: 7/09-6/10	27	16	11	3	8
FY11: 7/10-6/11	35	14	21	2	19
FY12: 7/11-6/12	14	7	7	6	1
FY13: 7/12-6/13	20	11	9	0	9
FY14: 7/13-6/14	21 ²	4	15	0	15
FY15: 7/14-6/15	17 ³	N/A	N/A	N/A	N/A
AVERAGE	23	11	13	3.5	9

¹The reduction in the volume of First-Party RFOs in FY 15 may be attributable to the Commission's renewed efforts to promote education and outreach to the State's public officers and employees and the public attorneys who represent them and Commission staff's ability to refer potential requesters to existing Commission Opinions as precedent.

² All RFOs accepted in FY 14 have been resolved except for 2 which are presently the subject of litigation before the First Judicial District Court of the State of Nevada (Carson City).

³ As of the date of this Annual Report, 15 out of the 17 RFOs investigated in FY15 remain pending resolution; 1 was dismissed by the Investigatory Panel and 1 was resolved by stipulation. Of the remaining 15 RFOs: 5 are pending resolution by stipulation during the Commission's July 2015 Meeting; 1 is pending a Panel Determination during the Commission's July 2015 Meeting; 2 are pending stipulations during the Commission's August/September 2015 Meeting; 1 is pending a Hearing during the Commission's August/September 2015 Meeting; 1 is pending a legal motion for the Commission's October/November 2015 Meeting; and 5 continue to be investigated.

The Commission has had a slight decrease in the number of Third-Party RFOs accepted during this fiscal year as compared to prior years. However, the majority of these RFOs have continued to involve complex analysis and increased adversarial administrative proceedings before the Commission, including legal challenges to jurisdiction, the scope and nature of investigations and other legal challenges. These legal motions have increased the volume of matters requiring consideration and resolution by the Commission during its proceedings. However, it is expected again that most, if not all, Third-Party RFOs the Commission considers from this fiscal year will result in stipulated resolutions. This denotes the role of the Executive Director and Commission’s Associate Counsel and the lawyering efforts of Subjects’ counsel to resolve matters in a timely fashion and mitigate the strain on Commission resources. Consistent with the 2013 amendments to the Ethics Law, the Commission continues to consider various mitigating factors in its determination of willful violations. The Commission’s consideration of these factors in each case continues to favor stipulated outcomes by Subjects.

Commission Opinions:

The Commission resolved its backlog of written opinions during FY14. During FY15, the Commission complied with the budgetary performance measure to complete all written opinions within 60 days of its hearings. Many changes have contributed to the Commission’s ability to satisfy this objective, including the Commission’s outreach and education efforts, the Associate Counsel’s contribution to the legal demands on Commission staff, the continued efforts of dedicated staff, the increased involvement of the Executive Director in Commission investigations and case proceedings and fewer Commission meetings.

Sanctions Imposed:

In FY15, the Commission imposed \$1,500 in civil penalties. Pursuant to State law, the entirety of any financial sanctions the Commission collects is deposited into the State General Fund.

2015 Sanctions Imposed or Received	Statute(s) violated	Civil Penalty
David Olsen, City Attorney, City of Boulder City, State of Nevada 14-17C	NRS 281A.400(5) and (7), and NRS 281A.420(1), willful violation	\$1,500 (9/10/14)

II. Fiscal Matters

Commission Budget:

Albeit an Executive/Legislative agency of State Government, the Nevada Commission on Ethics proposes a biennial budget to the Governor for consideration to be presented to the Legislature as part of the Executive Budget. The Commission has had limited to no success in achieving legislative approval of requests outside of the Executive Budget, yet has consistently attempted consideration of various budgetary issues affecting the Commission, including salary disparities for certain personnel.

The Commission's legislatively approved budget for fiscal year 2014-15 was \$760,983, including personnel (salaries/benefits), travel, operating expenses, court reporting, information technology equipment and services and other State-related cost allocations and assessments. Continuing for the last fiscal year, the Governor ordered all State employees to undertake mandatory unpaid furloughs for 48 hours each fiscal year, and maintained the freeze on salaries of State employees imposed in 2009. However, furlough requirements have been eliminated for future years.

Other than personnel and operating costs, the Commission's primary mission to provide outreach and education regarding Ethics in Government Law and respond to requests for opinions establish the largest fiscal impacts on the Commission's budget. The 2013 Legislature approved a biennial budget which increased the Commission's travel and court reporting budget categories to provide the Commission and its staff with sufficient funding to hold Commission meetings and hearings and to provide outreach and education to Nevada's public officers and employees. The Commission made consistent efforts during the last fiscal year to spend responsibly from those categories. On average, the Commission met in person as a body every other month and engaged in various other meetings via video-teleconference and/or teleconference. Commission staff has travelled frequently throughout Nevada, and primarily to Las Vegas, Nevada, to attend meetings, provide outreach and education and conduct investigations of Third-Party RFOs.

Although the last fiscal year did not establish the Commission's base budget year for purposes of the 2015-17 biennial budget planning, the amount allotted for costs associated with Commission meetings is fairly consistent with the amounts projected for the next biennium in hopes to continue the same meeting, training and investigatory trends. Notably, the biennial budgets in the past (including the next biennial budget) have not included funding for investigatory travel costs. The sophistication of Third-Party RFOs and other matters being filed with the Commission necessitate significant travel and related resources to conduct investigations throughout the State by the Commission's Executive Director, Associate Counsel and Senior Investigator, including witness interviews. Accordingly, the Commission will require additional funding in the future for its investigatory purposes. Commission staff has documented all travel-related costs for investigations during the past fiscal year and will continue to track these expenses to provide proper budget projections for the next budget cycle, for inclusion in the 2017-2019 Biennial Budget Proposal.

The Commission's proposed biennial budget for 2015-2017 requested increased salaries for Commission staff, primarily the Executive Director and Commission Counsel. During the 2013 Legislative Session, the Commission requested an additional staff position, the Associate Counsel. The position was proposed to be appointed by the Executive Director, and provide support to the Commission's Executive Director in Third-Party RFOs and support to the Commission Counsel in all other legal matters. The proposed budget listed the Associate Counsel salary at the current salary for the Executive Director and Commission Counsel, as the lowest level salary range for an attorney in State government. The proposed budget also requested salary enhancements for the Executive Director and Commission Counsel in line with equivalent positions in State government and to address the salary disparity with the new position. The Legislature approved the new position at the proposed salary range, but did not approve the increased salary ranges for the Executive Director and Commission Counsel due to confusion and/or inconsistent information and oversight in salary adjustments. The Commission again sought enhancements during the 2015 Legislative Session to address these disparities and was not successful. The Commission will attempt to draw attention to the significant salary disparity of the Commission's Executive Director and Commission Counsel in the next biennial budget, along with appropriate salary adjustments for other

staff positions. Notably, similar staff positions are funded at significantly higher rates in the Commission’s sister agency in the Judicial Branch, the Judicial Discipline Commission.

The Commission derives the majority of its funding from financial participation of Nevada's Local Governments (cities and counties). The remaining portion is provided from the State General Fund. The number of requests for opinion the Commission receives regarding public officers or public employees in the various jurisdictions in the prior two fiscal years forms the basis for each entity's proportional contribution. In the 2011-13 biennium (FY12 & FY13), the distribution of requests was 24% State and 76% local governments. In the 2013-15 biennium (FY14 & FY15), the agency's financial support was derived 31% from the State General Fund and 69% from local government contribution. The Fiscal Year 2013 and Fiscal Year 2014 caseload forms the basis for the distribution of resources for the 2015-17 biennium, based upon the information in the chart that follows.

FY 13 & FY 14 Basis for FY 16 - FY 17 State/Local share Total RFOs filed	STATE (State officer or employee was the subject)	LOCAL (Local government officer or employee was the subject)
176	36	140
	21%	79%

The Commission presented this proportion to the 2015 Legislature to be allocated to the State and local governments to participate in funding the legislatively-approved budget for the 2016-17 biennium (FY16 and FY17) and the Legislature approved this funding allocation.

(See Appendix A – Commission’s Legislatively Approved 2015-2017 Biennial Budget)

III. Legislative Matters

The Commission submitted a limited and focused legislative measure for consideration during the 2015 Legislative Session, sponsored by the Governor and carried by the Commission. Assembly Bill 60 sought various revisions based on the Commission's practices and procedures relating to requests for opinions and its interpretations of the statutory standards of ethical conduct, and its desire to promote the overall mission to protect and preserve the public trust against conflicts of interest. The bill became effective upon passage and approval, May 27, 2015.

In particular, AB 60 clarified statutory timelines for Commission investigations and hearings, authorized additional confidentiality of certain information, proceedings and investigatory files related to requests for opinions, revised factors for consideration of mitigating factors related to willful violations of the Ethics in Government Law, and clarified requirements related to "safe-harbors" from willful violations for appropriate reliance on legal counsel. The statutory timelines related to Third-Party RFOs were revised to provide appropriate timing for jurisdictional analysis and review of matters before the commencement of investigatory timelines. The Bill also confirmed the confidentiality of the Commission's investigatory file, including information related to the Investigatory Panel, subject to certain discovery and due process requirements. For First-Party RFOs, the Bill authorized the Requesters to report the Commission's decision to certain employers and certain other individuals without waiving confidentiality. Finally, the Commission clarified the mitigating factors to be considered in determinations of willful violations, including the timing of good faith reliance on legal counsel as a "safe harbor" from a willful violation in advance of the conduct.

The Commission proposed a suggestion to the Legislature regarding anonymous complaints to confront, in part, a few distinct concerns. First, the Commission has been concerned that members of the public are reluctant to file legitimate Third-Party RFOs regarding alleged conduct of public officers and employees because the Requesters must publicly identify themselves. In certain cases, the public disclosure creates fear of retribution and/or retaliation, particularly if the requesters are filing complaints against persons within their own government agency. Furthermore, the Commission has been concerned that while it is statutorily required to maintain the confidentiality of any

complaint to protect the integrity of the investigations prior to a determination of credible evidence by an Investigatory Panel, the Requesters are not prohibited from disclosing the Commission's jurisdiction and investigation of such matters. While the Legislature did not approve of anonymous complaints in A.B. 60, it did enact a compromise allowing government personnel to file complaints against individuals within their agencies without disclosing the requestor's name. This protection exists in the law with the continued requirements for evidence in support of any such allegations and potential disclosure if the matter results in a hearing. The Commission will be able to track any trends in this area in the coming fiscal year to determine whether it results in more Third-Party RFOs filed.

In addition to the Commission's legislative measures, the Commission also sought legislative approval to increase the respective salaries of the Commission staff, in particular the Commission's Executive Director and Commission Counsel, which were not included in the Governor's Recommended Budget to the Legislature. (See Fiscal Matters). **(See Appendix B – A.B. 60, Effective May 27, 2015.)**

IV. Regulatory Matters

In 2014, the Commission adopted permanent regulations in the Nevada Administrative Code which were approved by the Legislative Commission on October 24, 2014. These regulations implemented various changes from the 2013 Legislation (S.B. 228) and provided for appellate review by the Commission of staff's jurisdictional determinations of Third-Party Requests for Opinion. Under the new regulatory procedures, the Requester may appeal staff's denial of jurisdiction and the Subject may appeal staff's acceptance of jurisdiction. **(See Appendix C - Agency Adopted Regulations, LCB File No. R048-14.)**

As a result of these regulatory changes, the Commission received 9 jurisdictional appeals of the 60 Third-Party RFOs received. One of the appeals was submitted by the Subject of an RFO challenging staff's acceptance of jurisdiction, and the Commission upheld staff's determination and confirmed jurisdiction. The other 8 appeals were filed by the Requesters of RFOs challenging staff's denial of jurisdiction. The Commission overturned staff's determinations in 2 of the 8 appeals and accepted jurisdiction of those

matters. Five of the 8 appeals were denied such that staff’s determinations were upheld and one remains pending a determination from the Commission.

<u>Fiscal Year /Dates</u>	<u>Total 3rd Party RFOs Rec'd</u>	<u>Total Jurisdictional Appeals</u>	<u>Jurisdictional Appeals by Subject (Upheld/Overtured)</u>	<u>Jurisdictional Appeals by Requester (Upheld/Overtured)</u>
FY15: 7/14-6/15	60	9	1 (Upheld) Jurisdiction Confirmed	8 Total 2- Overtured (Jurisdiction Granted) 5 - Upheld (Jurisdiction Denied) 1 - Pending

Having the last fiscal year to create this appellate process, including development of the forms, timelines and practices to implement the appellate process, the Commission will be in a good position in the next year to evaluate the effectiveness and appropriateness of the regulation and refine its forms and processes.

Looking forward to the next fiscal year, the Executive Director expects to recommend various regulatory changes to NAC 281A in response to 2015 legislative changes and revised internal processes and procedures for case management and filings of requests for opinion, particularly with regard to the nature of Third-Party RFO proceedings.

V. Administrative Matters

Outreach and Education:

In FY15, the Commission revitalized and strengthened its efforts to provide outreach and education to Nevada’s public officers and employees. In particular, the Commission promoted outreach to the publicly appointed attorneys representing public officers and employees. Outreach and education regarding the Commission’s substance and procedure enhanced the awareness of, and compliance with, the Ethics in Government Laws and have resulted in increased public trust. These efforts assist the agency in promoting and fulfilling its core mission.

The Executive Director has sought and obtained significant opportunities throughout the State to provide this outreach and education in the last fiscal year, with tremendous outreach planned in the next fiscal year. Consistent with its efforts to reach public attorneys, the fiscal year began with a presentation by the Executive Director and

Commission Counsel of an administrative law seminar with an emphasis on Ethics in Government at the State Bar Conference in Newport Beach, CA.

Progressing from the State Bar training, the Executive Director provided training sessions throughout Nevada, reaching hundreds of public officers, public employees and members of the public, with special invitations to the public attorneys. Of particular note for the last fiscal year included training and outreach to most of Northern and Eastern Nevada's rural communities, including the various publicly elected and appointed officials and employees throughout Douglas County (Minden/Gardnerville), Eureka County, White Pine County (including City of Ely), Elko County, Lander County (Battle Mountain) and Humboldt County (City of Winnemucca). With our staff located in Northern Nevada, the Executive Director has also ably reached the Cities of Reno, Carson City, and Fernley and will continue to reach other geographically close jurisdictions in the next year. The Executive Director has also initiated outreach with the greater urban jurisdictions throughout Clark County and some of the smaller jurisdictions in Southern Nevada, including Nye County, early in FY 16.

Training also was provided at meetings and conferences of entities such as Nevada Association of Counties' and Nevada League of Cities and Municipalities' P.O.W.E.R. conference, PoolPACT, and Southern Nevada Workforce Connections. The Commission also continues to offer Ethics in Government Law training as a portion of the coursework for the Certified Public Manager programs in Nevada.

One of the more recent attempts at Ethics in Government Law outreach and education has involved the training of State employees and various State Boards such as the Public Employees' Benefits Program Board. The Commission continues its participation with the Department of Employment, Training and Rehabilitation's outreach titled "The Ethics of Excellence." Moreover, larger State departments such as the Department of Taxation and the Gaming Control Board have also been reached in FY 15. The Commission also participated in outreach after the 2014 election to newly elected Sheriffs and officers that are second- or next-in-command to the Sheriff. These entities have shown great recognition of Ethics Law and have encouraged and assisted the promotion of training to similar agencies throughout State and local government.

Prior legislation adopted in 2013 revised provisions in NRS 281A.500 and imposed the requirement that certain state and local government administrators provide new state and local government employees with information about NRS 281A, the Ethics in Government Law. Although significant efforts were made by various jurisdictions to become compliant and initiate efforts to solicit training from the Executive Director, the Commission will need to be certain to provide continued outreach to the administrative personnel responsible for informing public officers and employees of the Ethics requirements.

As we attempt to reach more public employees throughout the State, the Commission's outreach efforts may increase in the coming fiscal year. Certainly the Commission's efforts and resources are better spent with this proactive approach, and will continue to serve as one of the Commission's primary goals.

Offices:

The Commission operates a statewide office located in Carson City. The agency maintains a small non-public workspace in Las Vegas located in the Grant Sawyer State Office Building from which traveling staff may work, prepare meeting materials or meet with others while conducting an investigation or otherwise working in southern Nevada. As the sophistication and geographic diversity of the Commission expands, the Commission may consider re-opening a more visible and accessible Las Vegas office, to be included in the proposed budget for the 2017-19 biennium. Further, the Commission may consider the necessity for a Northern and Southern office with video-teleconference capabilities as office space to hold public meetings is becoming limited. These resources will ensure continued outreach and education throughout the State, and appropriate office and work station in Southern Nevada and Commissioner access to attend various meetings via video-teleconference.

Documents Filed:

Pursuant to NRS 281A.500, public officers filed 888 Acknowledgment of Ethical Standards forms with the Commission for calendar year 2014. The Commission received 1,075 such Acknowledgments for 2013, 423 for 2012, 667 for 2011 and 725 for 2010. Most public officers must file these forms at the beginning of a term of office, so the

number of forms filed from year to year does not indicate a rise or fall in overall compliance. The number of Acknowledgements generally increases as the awareness of this requirement is implemented throughout State and local jurisdictions.

NRS 281A.410 requires certain public officers to disclose their paid representation or counseling of private persons before a state agency of the Executive branch. The Commission received 24 disclosures of agency representation for 2014, 18 filings for 2013 and 12 filings for 2012. For 2011, 11 such disclosures were filed, and for 2010, the Commission received 14. Again, the Commission is unable to determine whether the change in the number of filings is indicative of compliance, as it is impossible to determine how many representations requiring disclosure took place.

Litigation:

The Commission had two Third-Party RFOs subject to litigation during the last fiscal year, both of which were consolidated and continue into the current fiscal year. The Commission's proceedings are identified as: (1) In the Matter of the Third-Party Request for Opinion Concerning the Conduct of Public Officer Ira Hansen, Assemblyman, State of Nevada (RFO 14-21C); and (2) In the Matter of the Third-Party Request for Opinion Concerning the Conduct of Public Officer Jim Wheeler, Assemblyman, State of Nevada (RFO 14-22C). After the Commission's acceptance of jurisdiction of these matters, Subjects Hansen and Wheeler filed a joint Petition for Judicial Review and/or Petition and Application for Writ of Certiorari, Review or Prohibition entitled "*Hansen and Wheeler v. Nevada Commission on Ethics*" in the First Judicial District Court of the State of Nevada in and for Carson City, Case No.150C000761B, to prevent the Commission's review of these matters alleging a lack of subject matter jurisdiction. The Subjects assert protection from the Commission's jurisdiction based upon certain principles of legislative privilege and immunity. However, in part, the Commission objects to these assertions on the basis that they are premature and the Commission must have an opportunity to investigate the facts and determine whether the alleged conduct constitutes legislative acts subject to the privileged immunity. The matters are currently pending resolution in the District Court.

Nevada Certified Public Manager Program Participation:

Although it is a two-year program, during the last fiscal year the Commission's Executive Assistant, Valerie M. Carter, was awarded a certificate as a Certified Public Manager from the prestigious Nevada Certified Public Manager Program (CPM Program), a state-sponsored, nationally recognized and nationally accredited leadership and management development program designed for public administrators to develop management theory and techniques in public service. After months of devoted study in various management and professional development courses, the CPM Program culminates in a Capstone Quality Improvement Project that must involve an agency-related project developed and implemented by each of the participants with a focus on improving agency efficiency and effectiveness related to its mission and result in a high organizational impact and a realized cost savings to the State.

Ms. Carter's Capstone Project implemented new Commission practices to improve the efficiency of written opinions and reduce costs to the State by reducing the number of Commission meetings necessary to resolve the business of the Commission, including the costs associated with travel, court reporting and staff resources. During the Project's implementation, the Commission began meeting bi-monthly, as appropriate, to provide staff sufficient time between meetings to address old and new Commission business, including completion of the Commission's backlog of opinions while new matters remained current. These practices will serve to provide the backdrop for the estimated cost-savings in travel, court reporting and meeting-related costs during the development of the Commissions 2015-2017 biennial budget.

This past fiscal year also included the Executive Director's acceptance to the Nevada Certified Public Manager Program with an anticipated graduation date in February 2017.

Commission and Commissioner Information

Nevada Commission on Ethics
as of 06/30/15

Commissioners

*=Appointed by Governor

**=Appointed by Legislative Commission

Magdalena Groover (R)*
(05/03/10 – 06/30/11)
(07/01/11 - 06/30/15)

Chair - Paul Lamboley, Esq. (D)**
(05/07/08 – 09/30/11)
(10/01/11 - 09/30/15)

Tim Cory, Esq. (R)**
(10/01/11 - 09/30/15)

James M. "Jim" Shaw (D)**
(07/01/08 – 06/30/12)
(07/01/12 - 06/30/16)

John C. Carpenter (R)**
(02/15/12 - 09/30/13)
(10/01/13 - 09/30/17)

Vice Chair - Gregory J. Gale, CPA (D)*
(07/01/09 – 10/31/11)
(11/01/11 - 10/31/15)

Cheryl Lau, Esq. (R)*
(01/31/13 - 06/30/16)

Keith A. Weaver, Esq. (D)*
(04/26/2011 – 09/30/11)
(10/01/11 - 09/30/15)

Staff

Yvonne M. Nevarez-Goodson, Esq.
Executive Director

Tracy L. Chase, Esq.
Commission Counsel

Jill C. Davis, Esq.
Associate Counsel

Darci L. Hayden, PP
Senior Legal Researcher

Valerie M. Carter, CPM
Executive Assistant

Anthony L. Freiberg
Senior Investigator



Nevada Commission on Ethics

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Appendix A

Commission's Legislatively Approved 2015-2017
Biennial Budget

Appendix A

COMMISSION ON ETHICS

101-1343

PROGRAM DESCRIPTION

The Nevada Commission on Ethics' mission is to enhance the faith and confidence of Nevadans in the integrity and impartiality of government, specifically state and local public officers and employees. The eight-member commission is tasked with numerous responsibilities, but its six-person staff focuses on four main functions: 1) interpreting and applying NRS Chapter 281A - the Ethics in Government Laws - and guiding public officers and employees on its provisions; 2) investigating and adjudicating public complaints alleging ethics violations by public officers and employees; 3) outreach and education to public officers and employees to enhance their awareness of ethics requirements and prohibitions under Nevada law; and 4) accepting and monitoring various filings required of certain public officers.

BASE

This request continues funding for six positions and associated operating costs. One-time expenditures have been eliminated and partial year costs have been annualized.

	2013-2014 ACTUAL	2014-2015 WORK PROGRAM	2015-2016 LEGISLATIVE Y APPROVED	2016-2017 LEGISLATIVE Y APPROVED
RESOURCES:				
2501 APPROPRIATION CONTROL	238,104	234,376	170,133	170,376
2510 REVERSIONS	-25,688	0	0	0
2511 BALANCE FORWARD FROM PREVIOUS YEAR	14,379	67,219	52,840	52,840
2512 BALANCE FORWARD TO NEW YEAR	-67,218	0	0	0
3818 PHOTOCOPY SERVICE CHARGE	20	0	0	0
4103 COUNTY REIMBURSEMENTS	535,306	512,228	592,140	593,053
4203 PRIOR YEAR REFUNDS	57	0	0	0
TOTAL RESOURCES:	694,960	813,823	815,113	816,269
EXPENDITURES:				
CATEGORY 01 PERSONNEL:				
5100 SALARIES	413,674	448,750	454,839	454,839
5120 FURLOUGH ADJUSTMENT [M150] Eliminate one-time expenditures per the Budget Instructions.	-8,984	0	0	0
5200 WORKERS COMPENSATION	6,797	6,222	6,222	6,222
5300 RETIREMENT	65,305	59,459	70,860	70,860
5320 PERS HOLD HARMLESS FOR FURLOUGH	0	711	0	0
5400 PERSONNEL ASSESSMENT	0	0	2,773	2,773
5500 GROUP INSURANCE	41,669	50,064	50,064	50,064
5660 FURLOUGH LEAVE [M150] Eliminate one-time expenditures per the Budget Instructions.	8,984	0	0	0
5700 PAYROLL ASSESSMENT	718	718	729	729
5750 RETIRED EMPLOYEES GROUP INSURANCE	9,972	12,116	12,098	12,098
5800 UNEMPLOYMENT COMPENSATION	895	539	592	592
5840 MEDICARE	6,385	6,507	6,594	6,594

COMMISSION ON ETHICS
101-1343

	2013-2014 ACTUAL	2014-2015 WORK PROGRAM	2015-2016 LEGISLATIVE Y APPROVED	2016-2017 LEGISLATIVE Y APPROVED
5860 BOARD AND COMMISSION PAY [M150] Annualize commission members pay 8 members x 12 meetings x 80 = 7,680	6,080	9,440	7,680	7,680
5930 LONGEVITY PAY [M150] Adjustments to longevity - see Longevity Schedule.	0	0	300	350
5970 TERMINAL ANNUAL LEAVE PAY [M150] Eliminate one-time expenditures per the Budget Instructions.	7,374	0	0	0
TOTAL FOR CATEGORY 01:	558,869	594,526	612,751	612,801
CATEGORY 02 OUT-OF-STATE TRAVEL:				
6100 PER DIEM OUT-OF-STATE	0	1,901	0	0
6140 PERSONAL VEHICLE OUT-OF-STATE	0	151	0	0
6150 COMM AIR TRANS OUT-OF-STATE	0	1,057	0	0
TOTAL FOR CATEGORY 02:	0	3,109	0	0
CATEGORY 03 IN-STATE TRAVEL:				
6200 PER DIEM IN-STATE [M150] This adjustment annualizes costs for anticipated meeting expenditures due to board member changes and position location changes.	6,621	14,982	8,655	8,655
6210 FS DAILY RENTAL IN-STATE [M150] This adjustment annualizes costs for anticipated meeting expenditures due to board member changes and position location changes.	507	1,092	1,102	1,102
6215 NON-FS VEHICLE RENTAL IN-STATE	223	257	223	223
6240 PERSONAL VEHICLE IN-STATE [M150] This adjustment annualizes costs for anticipated meeting expenditures due to board member changes and position location changes.	3,225	3,051	3,856	3,856
6250 COMM AIR TRANS IN-STATE [M150] This adjustment annualizes costs for anticipated meeting expenditures due to board member changes and position location changes.	6,662	15,023	9,876	9,876
TOTAL FOR CATEGORY 03:	17,238	34,405	23,712	23,712
CATEGORY 04 OPERATING EXPENSES:				
7020 OPERATING SUPPLIES	763	669	763	763
7026 OPERATING SUPPLIES-F	208	0	208	208
7030 FREIGHT CHARGES	1,279	2,207	1,279	1,279
7040 NON-STATE PRINTING SERVICES	0	2,373	0	0

COMMISSION ON ETHICS
101-1343

	2013-2014 ACTUAL	2014-2015 WORK PROGRAM	2015-2016 LEGISLATIVE Y APPROVED	2016-2017 LEGISLATIVE Y APPROVED
7044 PRINTING AND COPYING - C	1,275	0	1,275	1,275
7045 STATE PRINTING CHARGES	62	78	62	62
7050 EMPLOYEE BOND INSURANCE	16	16	16	16
7051 AGENCY OWNED - PROP. & CONT. INSURANCE [M150] Adjustment to property and contents insurance - see Agency-Owned Property and Contents Schedule.	36	0	0	0
7054 AG TORT CLAIM ASSESSMENT	722	722	722	722
705A NON B&G - PROP. & CONT. INSURANCE [M150] Adjustment to property and contents insurance - see Building Rent Non-Buildings and Grounds Schedule.	0	12	13	13
705B B&G - PROP. & CONT. INSURANCE [M150] Adjustment to property and contents insurance - see B&G-Owned Building Rent Schedule.	0	24	24	24
7060 CONTRACTS	92	0	92	92
7080 LEGAL AND COURT	500	1,344	500	500
7100 STATE OWNED BLDG RENT-B&G	3,409	3,588	3,409	3,409
7103 STATE OWNED MEETING ROOM RENT	1,486	2,275	1,486	1,486
7110 NON-STATE OWNED OFFICE RENT [M150] Adjustment to rent - see Building Rent Non-Buildings and Grounds Schedule.	24,598	24,179	26,777	27,457
7240 HOST FUND	0	787	0	0
7241 HOST FUND -A [M150] Eliminate one-time expenditures per the Budget Instructions.	455	0	0	0
7250 B & G EXTRA SERVICES [M150] Eliminate one-time expenditures per the Budget Instructions.	577	0	0	0
7255 B & G LEASE ASSESSMENT [M150] Adjustment to B&G lease assessment - see Building Rent Non-Buildings and Grounds Schedule.	293	273	442	454
7285 POSTAGE - STATE MAILROOM	4,407	4,532	4,407	4,407
7290 PHONE, FAX, COMMUNICATION LINE	1,309	1,289	1,309	1,309
7291 CELL PHONE/PAGER CHARGES	960	948	960	960
7292 EITS VOICE MAIL [M150] Adjustment to an Enterprise Information Technology (EITS) service - see EITS Schedule.	38	456	0	0
7294 CONFERENCE CALL CHARGES	329	392	329	329
7295 EITS STATE PHONE LINE [M150] Adjustment to an Enterprise Information Technology (EITS) service - see EITS Schedule.	202	326	0	0
7296 EITS LONG DISTANCE CHARGES	137	244	137	137
7299 TELEPHONE & DATA WIRING [M150] Eliminate one-time expenditures per the Budget Instructions.	418	0	0	0
7301 MEMBERSHIP DUES	445	0	445	445
7340 INSPECTIONS & CERTIFICATIONS	47	0	47	47

COMMISSION ON ETHICS
101-1343

	2013-2014 ACTUAL	2014-2015 WORK PROGRAM	2015-2016 LEGISLATIVEL Y APPROVED	2016-2017 LEGISLATIVEL Y APPROVED
7370 PUBLICATIONS AND PERIODICALS	198	0	198	198
7430 PROFESSIONAL SERVICES [M150] Eliminate one-time expenditures per the Budget Instructions.	249	0	0	0
7980 OPERATING LEASE PAYMENTS [M150] Adjustment to operating lease payments - see Vendor Services Schedule.	5,053	5,480	5,008	5,008
TOTAL FOR CATEGORY 04:	49,563	52,214	49,908	50,600
CATEGORY 05 EQUIPMENT:				
8241 NEW FURNISHINGS <\$5,000 - A [M150] Eliminate one-time expenditures per the Budget Instructions.	3,538	0	0	0
TOTAL FOR CATEGORY 05:	3,538	0	0	0
CATEGORY 11 COURT REPORTING SERVICES:				
7060 CONTRACTS [M150] Adjustment to contract services - see Vendor Services Schedule.	13,403	36,000	30,189	30,189
7750 NON EMPLOYEE IN-STATE TRAVEL	1,066	0	1,066	1,066
TOTAL FOR CATEGORY 11:	14,469	36,000	31,255	31,255
CATEGORY 15 INVESTIGATIONS/PARALEGAL COSTS:				
7060 CONTRACTS [M150] Adjustment to contract services - see Vendor Services Schedule.	1,317	1,284	2,861	2,947
7294 CONFERENCE CALL CHARGES	0	6	0	0
TOTAL FOR CATEGORY 15:	1,317	1,290	2,861	2,947
CATEGORY 26 INFORMATION SERVICES:				
7020 OPERATING SUPPLIES	310	155	310	310
7023 OPERATING SUPPLIES-C	25	0	25	25
7060 CONTRACTS	1,430	1,767	1,430	1,430
7290 PHONE, FAX, COMMUNICATION LINE	1,392	1,332	1,392	1,392

COMMISSION ON ETHICS
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	2013-2014 ACTUAL	2014-2015 WORK PROGRAM	2015-2016 LEGISLATIVE Y APPROVED	2016-2017 LEGISLATIVE Y APPROVED
7460 EQUIPMENT PURCHASES < \$1,000 [M150] This requests funding for a three-year average for equipment less than \$1,000. 2012 \$ 0.00 2013 \$511.98 2014 \$328.85 Total \$840.83 / 3 = \$280.27 \$280.27 - \$328.85 = -\$48.58 M-150	329	0	280	280
7532 EITS WEB HOSTING	1,560	1,464	1,560	1,560
7533 EITS EMAIL SERVICE [M150] Adjustment to an Enterprise Information Technology (EITS) service - see EITS Schedule.	411	409	448	448
7542 EITS SILVERNET ACCESS	2,386	2,751	2,386	2,386
7545 EITS VPN SECURE LINK [M150] Adjustment to an Enterprise Information Technology (EITS) service - see EITS Schedule.	36	47	0	0
7554 EITS INFRASTRUCTURE ASSESSMENT	775	625	626	626
7556 EITS SECURITY ASSESSMENT	610	470	470	470
7771 COMPUTER SOFTWARE <\$5,000 - A [M150] Eliminate one-time computer software expenditures per the Budget Instructions.	1,694	0	0	0
8371 COMPUTER HARDWARE <\$5,000 - A [M150] Eliminate one-time computer hardware expenditures per the Budget Instructions.	8,444	0	0	0
TOTAL FOR CATEGORY 26:	19,402	9,020	8,927	8,927
CATEGORY 82 DEPT COST ALLOCATION:				
5450 14-15 CENTRALIZED PERSONNEL SERVICES COST ALLOC [M150] This request funds the Centralized Agency Human Resource Services cost allocation for the services provided by the Division of Human Resource Management, budget account 1363.	2,497	2,409	0	0
7389 16-17 CENTRALIZED PERSONNEL SERVICES COST ALLOC	0	0	2,698	2,770
7439 DEPT OF ADMIN - ADMIN SER DIV [M150] Adjustments to cost allocation - see Administration - Administrative Services Division Cost Allocation Schedule.	22,875	22,875	25,004	25,260
TOTAL FOR CATEGORY 82:	25,372	25,284	27,702	28,030
CATEGORY 86 RESERVE:				
9178 RESERVE - BAL FWD TO SUBSEQUENT FY	0	52,840	52,840	52,840
TOTAL FOR CATEGORY 86:	0	52,840	52,840	52,840

	2013-2014 ACTUAL	2014-2015 WORK PROGRAM	2015-2016 LEGISLATIVEL Y APPROVED	2016-2017 LEGISLATIVEL Y APPROVED
CATEGORY 87 PURCHASING ASSESSMENT:				
7393 PURCHASING ASSESSMENT	203	203	203	203
TOTAL FOR CATEGORY 87:	203	203	203	203
CATEGORY 88 STATEWIDE COST ALLOCATION PLAN:				
9159 STATEWIDE COST ALLOCATION	1,211	3,598	1,211	1,211
TOTAL FOR CATEGORY 88:	1,211	3,598	1,211	1,211
CATEGORY 89 AG COST ALLOCATION PLAN:				
7391 ATTORNEY GENERAL COST ALLOC	3,743	1,334	3,743	3,743
TOTAL FOR CATEGORY 89:	3,743	1,334	3,743	3,743
CATEGORY 93 RESERVE FOR REVERSION TO GENERAL FUND:				
9169 TRANSFER OF GENERAL FD APPROPS [M150] Eliminate one-time expenditures per the Budget Instructions.	35	0	0	0
TOTAL FOR CATEGORY 93:	35	0	0	0
TOTAL EXPENDITURES:	694,960	813,823	815,113	816,269
TOTAL POSITIONS:	6.00	6.00	6.00	6.00

MAINTENANCE

M100 STATEWIDE INFLATION

This request funds rate changes for internal service funds such as the Attorney General, Fleet Services, information technology services, state-owned building rent, vehicle insurance, personnel assessments, and property and contents insurance.

	2013-2014 ACTUAL	2014-2015 WORK PROGRAM	2015-2016 LEGISLATIVEL Y APPROVED	2016-2017 LEGISLATIVEL Y APPROVED
RESOURCES:				
2501 APPROPRIATION CONTROL	0	0	435	631
4103 COUNTY REIMBURSEMENTS	0	0	5,256	-2,578
TOTAL RESOURCES:	0	0	5,691	-1,947
EXPENDITURES:				
CATEGORY 04 OPERATING EXPENSES:				
7050 EMPLOYEE BOND INSURANCE	0	0	-9	-9
7054 AG TORT CLAIM ASSESSMENT	0	0	-28	-28
705A NON B&G - PROP. & CONT. INSURANCE	0	0	10	10
705B B&G - PROP. & CONT. INSURANCE	0	0	19	19
7100 STATE OWNED BLDG RENT-B&G	0	0	25	165
TOTAL FOR CATEGORY 04:	0	0	17	157
CATEGORY 26 INFORMATION SERVICES:				
7532 EITS WEB HOSTING	0	0	782	1,329
7533 EITS EMAIL SERVICE	0	0	-198	-173
7542 EITS SILVERNET ACCESS	0	0	1,001	942
7554 EITS INFRASTRUCTURE ASSESSMENT	0	0	265	302
7556 EITS SECURITY ASSESSMENT	0	0	115	170
TOTAL FOR CATEGORY 26:	0	0	1,965	2,570
CATEGORY 87 PURCHASING ASSESSMENT:				
7393 PURCHASING ASSESSMENT	0	0	91	280
TOTAL FOR CATEGORY 87:	0	0	91	280
CATEGORY 88 STATEWIDE COST ALLOCATION PLAN:				
9159 STATEWIDE COST ALLOCATION	0	0	7,361	-1,211
TOTAL FOR CATEGORY 88:	0	0	7,361	-1,211

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	2013-2014 ACTUAL	2014-2015 WORK PROGRAM	2015-2016 LEGISLATIVEL Y APPROVED	2016-2017 LEGISLATIVEL Y APPROVED
CATEGORY 89 AG COST ALLOCATION PLAN:				
7391 ATTORNEY GENERAL COST ALLOC	0	0	-3,743	-3,743
TOTAL FOR CATEGORY 89:	0	0	-3,743	-3,743
TOTAL EXPENDITURES:	0	0	5,691	-1,947

M300 FRINGE BENEFITS RATE ADJUSTMENT

This request funds changes to fringe benefits rates.

	2013-2014 ACTUAL	2014-2015 WORK PROGRAM	2015-2016 LEGISLATIVE Y APPROVED	2016-2017 LEGISLATIVE Y APPROVED
RESOURCES:				
2501 APPROPRIATION CONTROL	0	0	471	593
4103 COUNTY REIMBURSEMENTS	0	0	1,772	2,229
TOTAL RESOURCES:	0	0	2,243	2,822
EXPENDITURES:				
CATEGORY 01 PERSONNEL:				
5100 SALARIES	0	0	-837	-837
5200 WORKERS COMPENSATION	0	0	-1,001	-1,104
5300 RETIREMENT	0	0	6,297	6,297
5400 PERSONNEL ASSESSMENT	0	0	-5	-49
5500 GROUP INSURANCE	0	0	462	282
5700 PAYROLL ASSESSMENT	0	0	-94	-94
5750 RETIRED EMPLOYEES GROUP INSURANCE	0	0	-2,429	-1,385
5800 UNEMPLOYMENT COMPENSATION	0	0	-138	-276
5840 MEDICARE	0	0	-12	-12
TOTAL FOR CATEGORY 01:	0	0	2,243	2,822
TOTAL EXPENDITURES:	0	0	2,243	2,822

ENHANCEMENT

E225 EFFICIENT AND RESPONSIVE STATE GOVERNMENT

This request funds attendance at trainings and conferences directly related to the nature of business conducted by the staff.

	2013-2014 ACTUAL	2014-2015 WORK PROGRAM	2015-2016 LEGISLATIVE Y APPROVED	2016-2017 LEGISLATIVE Y APPROVED
RESOURCES:				
2501 APPROPRIATION CONTROL	0	0	1,622	1,622
4103 COUNTY REIMBURSEMENTS	0	0	6,102	6,102
TOTAL RESOURCES:	0	0	7,724	7,724
EXPENDITURES:				
CATEGORY 30 TRAINING:				
6100 PER DIEM OUT-OF-STATE	0	0	2,454	2,454
6130 PUBLIC TRANS OUT-OF-STATE	0	0	155	155
6140 PERSONAL VEHICLE OUT-OF-STATE	0	0	216	216
6150 COMM AIR TRANS OUT-OF-STATE	0	0	2,759	2,759
7300 DUES AND REGISTRATIONS	0	0	2,140	2,140
TOTAL FOR CATEGORY 30:	0	0	7,724	7,724
TOTAL EXPENDITURES:	0	0	7,724	7,724

E226 EFFICIENT AND RESPONSIVE STATE GOVERNMENT

This request funds cellular phone reimbursement for the Executive Director, Commission Counsel, Associate Counsel, and Investigator for agency business while away from the office.

	2013-2014 ACTUAL	2014-2015 WORK PROGRAM	2015-2016 LEGISLATIVE Y APPROVED	2016-2017 LEGISLATIVE Y APPROVED
RESOURCES:				
2501 APPROPRIATION CONTROL	0	0	504	504
4103 COUNTY REIMBURSEMENTS	0	0	1,896	1,896
TOTAL RESOURCES:	0	0	2,400	2,400
EXPENDITURES:				
CATEGORY 04 OPERATING EXPENSES:				
7291 CELL PHONE/PAGER CHARGES	0	0	2,400	2,400
Requests funding for four employees that are out in the field continually and need to keep in contact with the office.				
TOTAL FOR CATEGORY 04:	0	0	2,400	2,400
TOTAL EXPENDITURES:	0	0	2,400	2,400

E672 SALARY ADJUSTMENT FOR 2015-2017 BIENNIUM

This request eliminates longevity payments. A Bill Draft Request has been submitted to support this request.

	2013-2014 ACTUAL	2014-2015 WORK PROGRAM	2015-2016 LEGISLATIVE Y APPROVED	2016-2017 LEGISLATIVE Y APPROVED
RESOURCES:				
2501 APPROPRIATION CONTROL	0	0	-63	-73
4103 COUNTY REIMBURSEMENTS	0	0	-237	-277
TOTAL RESOURCES:	0	0	-300	-350
EXPENDITURES:				
CATEGORY 01 PERSONNEL:				
5929 ELIMINATE LONGEVITY PAY	0	0	-300	-350
TOTAL FOR CATEGORY 01:	0	0	-300	-350
TOTAL EXPENDITURES:	0	0	-300	-350

E711 EQUIPMENT REPLACEMENT

This request funds the replacement of an outdated telephone system that is over ten years old. Additional telephone lines can no longer be added to the existing telephone system.

	2013-2014 ACTUAL	2014-2015 WORK PROGRAM	2015-2016 LEGISLATIVE Y APPROVED	2016-2017 LEGISLATIVE Y APPROVED
RESOURCES:				
2501 APPROPRIATION CONTROL	0	0	1,352	0
4103 COUNTY REIMBURSEMENTS	0	0	5,088	0
TOTAL RESOURCES:	0	0	6,440	0
EXPENDITURES:				
CATEGORY 05 EQUIPMENT:				
7060 CONTRACTS	0	0	1,200	0
7460 EQUIPMENT PURCHASES < \$1,000	0	0	2,655	0
7771 COMPUTER SOFTWARE <\$5,000 - A	0	0	200	0
8271 SPECIAL EQUIPMENT <\$5,000 - A	0	0	2,385	0
TOTAL FOR CATEGORY 05:	0	0	6,440	0
TOTAL EXPENDITURES:	0	0	6,440	0

E804 COST ALLOCATION

This request funds the Centralized Agency Human Resource Services cost allocation for the services provided by the Division of Human Resource Management, budget account 1363.

	2013-2014 ACTUAL	2014-2015 WORK PROGRAM	2015-2016 LEGISLATIVEL Y APPROVED	2016-2017 LEGISLATIVEL Y APPROVED
RESOURCES:				
2501 APPROPRIATION CONTROL	0	0	35	48
4103 COUNTY REIMBURSEMENTS	0	0	134	180
TOTAL RESOURCES:	0	0	169	228
EXPENDITURES:				
CATEGORY 82 DEPT COST ALLOCATION:				
7389 16-17 CENTRALIZED PERSONNEL SERVICES COST ALLOC	0	0	169	228
TOTAL FOR CATEGORY 82:	0	0	169	228
TOTAL EXPENDITURES:	0	0	169	228

SUMMARY

	2013-2014 ACTUAL	2014-2015 WORK PROGRAM	2015-2016 LEGISLATIVE Y APPROVED	2016-2017 LEGISLATIVE Y APPROVED
RESOURCES:				
2501 APPROPRIATION CONTROL	238,104	234,376	174,489	173,701
2510 REVERSIONS	-25,688	0	0	0
2511 BALANCE FORWARD FROM PREVIOUS YEAR	14,379	67,219	52,840	52,840
2512 BALANCE FORWARD TO NEW YEAR	-67,218	0	0	0
3818 PHOTOCOPY SERVICE CHARGE	20	0	0	0
4103 COUNTY REIMBURSEMENTS	535,306	512,228	612,151	600,605
4203 PRIOR YEAR REFUNDS	57	0	0	0
TOTAL RESOURCES:	694,960	813,823	839,480	827,146
EXPENDITURES:				
CATEGORY 01 PERSONNEL:				
5100 SALARIES	413,674	448,750	454,002	454,002
5120 FURLOUGH ADJUSTMENT	-8,984	0	0	0
5200 WORKERS COMPENSATION	6,797	6,222	5,221	5,118
5300 RETIREMENT	65,305	59,459	77,157	77,157
5320 PERS HOLD HARMLESS FOR FURLOUGH	0	711	0	0
5400 PERSONNEL ASSESSMENT	0	0	2,768	2,724
5500 GROUP INSURANCE	41,669	50,064	50,526	50,346
5660 FURLOUGH LEAVE	8,984	0	0	0
5700 PAYROLL ASSESSMENT	718	718	635	635
5750 RETIRED EMPLOYEES GROUP INSURANCE	9,972	12,116	9,669	10,713
5800 UNEMPLOYMENT COMPENSATION	895	539	454	316
5840 MEDICARE	6,385	6,507	6,582	6,582
5860 BOARD AND COMMISSION PAY	6,080	9,440	7,680	7,680
5929 ELIMINATE LONGEVITY PAY	0	0	-300	-350
5930 LONGEVITY PAY	0	0	300	350
5970 TERMINAL ANNUAL LEAVE PAY	7,374	0	0	0
TOTAL FOR CATEGORY 01:	558,869	594,526	614,694	615,273
CATEGORY 02 OUT-OF-STATE TRAVEL:				
6100 PER DIEM OUT-OF-STATE	0	1,901	0	0
6140 PERSONAL VEHICLE OUT-OF-STATE	0	151	0	0
6150 COMM AIR TRANS OUT-OF-STATE	0	1,057	0	0

	2013-2014 ACTUAL	2014-2015 WORK PROGRAM	2015-2016 LEGISLATIVE Y APPROVED	2016-2017 LEGISLATIVE Y APPROVED
TOTAL FOR CATEGORY 02:	0	3,109	0	0
CATEGORY 03 IN-STATE TRAVEL:				
6200 PER DIEM IN-STATE	6,621	14,982	8,655	8,655
6210 FS DAILY RENTAL IN-STATE	507	1,092	1,102	1,102
6215 NON-FS VEHICLE RENTAL IN-STATE	223	257	223	223
6240 PERSONAL VEHICLE IN-STATE	3,225	3,051	3,856	3,856
6250 COMM AIR TRANS IN-STATE	6,662	15,023	9,876	9,876
TOTAL FOR CATEGORY 03:	17,238	34,405	23,712	23,712
CATEGORY 04 OPERATING EXPENSES:				
7020 OPERATING SUPPLIES	763	669	763	763
7026 OPERATING SUPPLIES-F	208	0	208	208
7030 FREIGHT CHARGES	1,279	2,207	1,279	1,279
7040 NON-STATE PRINTING SERVICES	0	2,373	0	0
7044 PRINTING AND COPYING - C	1,275	0	1,275	1,275
7045 STATE PRINTING CHARGES	62	78	62	62
7050 EMPLOYEE BOND INSURANCE	16	16	7	7
7051 AGENCY OWNED - PROP. & CONT. INSURANCE	36	0	0	0
7054 AG TORT CLAIM ASSESSMENT	722	722	694	694
705A NON B&G - PROP. & CONT. INSURANCE	0	12	23	23
705B B&G - PROP. & CONT. INSURANCE	0	24	43	43
7060 CONTRACTS	92	0	92	92
7080 LEGAL AND COURT	500	1,344	500	500
7100 STATE OWNED BLDG RENT-B&G	3,409	3,588	3,434	3,574
7103 STATE OWNED MEETING ROOM RENT	1,486	2,275	1,486	1,486
7110 NON-STATE OWNED OFFICE RENT	24,598	24,179	26,777	27,457
7240 HOST FUND	0	787	0	0
7241 HOST FUND -A	455	0	0	0
7250 B & G EXTRA SERVICES	577	0	0	0
7255 B & G LEASE ASSESSMENT	293	273	442	454
7285 POSTAGE - STATE MAILROOM	4,407	4,532	4,407	4,407
7290 PHONE, FAX, COMMUNICATION LINE	1,309	1,289	1,309	1,309
7291 CELL PHONE/PAGER CHARGES	960	948	3,360	3,360
7292 EITS VOICE MAIL	38	456	0	0
7294 CONFERENCE CALL CHARGES	329	392	329	329

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	2013-2014 ACTUAL	2014-2015 WORK PROGRAM	2015-2016 LEGISLATIVE Y APPROVED	2016-2017 LEGISLATIVE Y APPROVED
7295 EITS STATE PHONE LINE	202	326	0	0
7296 EITS LONG DISTANCE CHARGES	137	244	137	137
7299 TELEPHONE & DATA WIRING	418	0	0	0
7301 MEMBERSHIP DUES	445	0	445	445
7340 INSPECTIONS & CERTIFICATIONS	47	0	47	47
7370 PUBLICATIONS AND PERIODICALS	198	0	198	198
7430 PROFESSIONAL SERVICES	249	0	0	0
7980 OPERATING LEASE PAYMENTS	5,053	5,480	5,008	5,008
TOTAL FOR CATEGORY 04:	49,563	52,214	52,325	53,157
CATEGORY 05 EQUIPMENT:				
7060 CONTRACTS	0	0	1,200	0
7460 EQUIPMENT PURCHASES < \$1,000	0	0	2,655	0
7771 COMPUTER SOFTWARE <\$5,000 - A	0	0	200	0
8241 NEW FURNISHINGS <\$5,000 - A	3,538	0	0	0
8271 SPECIAL EQUIPMENT <\$5,000 - A	0	0	2,385	0
TOTAL FOR CATEGORY 05:	3,538	0	6,440	0
CATEGORY 11 COURT REPORTING SERVICES:				
7060 CONTRACTS	13,403	36,000	30,189	30,189
7750 NON EMPLOYEE IN-STATE TRAVEL	1,066	0	1,066	1,066
TOTAL FOR CATEGORY 11:	14,469	36,000	31,255	31,255
CATEGORY 15 INVESTIGATIONS/PARALEGAL COSTS:				
7060 CONTRACTS	1,317	1,284	2,861	2,947
7294 CONFERENCE CALL CHARGES	0	6	0	0
TOTAL FOR CATEGORY 15:	1,317	1,290	2,861	2,947
CATEGORY 26 INFORMATION SERVICES:				
7020 OPERATING SUPPLIES	310	155	310	310
7023 OPERATING SUPPLIES-C	25	0	25	25
7060 CONTRACTS	1,430	1,767	1,430	1,430
7290 PHONE, FAX, COMMUNICATION LINE	1,392	1,332	1,392	1,392
7460 EQUIPMENT PURCHASES < \$1,000	329	0	280	280
7532 EITS WEB HOSTING	1,560	1,464	2,342	2,889

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	2013-2014 ACTUAL	2014-2015 WORK PROGRAM	2015-2016 LEGISLATIVE Y APPROVED	2016-2017 LEGISLATIVE Y APPROVED
7533 EITS EMAIL SERVICE	411	409	250	275
7542 EITS SILVERNET ACCESS	2,386	2,751	3,387	3,328
7545 EITS VPN SECURE LINK	36	47	0	0
7554 EITS INFRASTRUCTURE ASSESSMENT	775	625	891	928
7556 EITS SECURITY ASSESSMENT	610	470	585	640
7771 COMPUTER SOFTWARE <\$5,000 - A	1,694	0	0	0
8371 COMPUTER HARDWARE <\$5,000 - A	8,444	0	0	0
TOTAL FOR CATEGORY 26:	19,402	9,020	10,892	11,497
CATEGORY 30 TRAINING:				
6100 PER DIEM OUT-OF-STATE	0	0	2,454	2,454
6130 PUBLIC TRANS OUT-OF-STATE	0	0	155	155
6140 PERSONAL VEHICLE OUT-OF-STATE	0	0	216	216
6150 COMM AIR TRANS OUT-OF-STATE	0	0	2,759	2,759
7300 DUES AND REGISTRATIONS	0	0	2,140	2,140
TOTAL FOR CATEGORY 30:	0	0	7,724	7,724
CATEGORY 82 DEPT COST ALLOCATION:				
5450 14-15 CENTRALIZED PERSONNEL SERVICES COST ALLOC	2,497	2,409	0	0
7389 16-17 CENTRALIZED PERSONNEL SERVICES COST ALLOC	0	0	2,867	2,998
7439 DEPT OF ADMIN - ADMIN SER DIV	22,875	22,875	25,004	25,260
TOTAL FOR CATEGORY 82:	25,372	25,284	27,871	28,258
CATEGORY 86 RESERVE:				
9178 RESERVE - BAL FWD TO SUBSEQUENT FY	0	52,840	52,840	52,840
TOTAL FOR CATEGORY 86:	0	52,840	52,840	52,840
CATEGORY 87 PURCHASING ASSESSMENT:				
7393 PURCHASING ASSESSMENT	203	203	294	483
TOTAL FOR CATEGORY 87:	203	203	294	483
CATEGORY 88 STATEWIDE COST ALLOCATION PLAN:				
9159 STATEWIDE COST ALLOCATION	1,211	3,598	8,572	0
TOTAL FOR CATEGORY 88:	1,211	3,598	8,572	0

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CATEGORY 89 AG COST ALLOCATION PLAN:

7391 ATTORNEY GENERAL COST ALLOC	3,743	1,334	0	0
TOTAL FOR CATEGORY 89:	3,743	1,334	0	0

CATEGORY 93 RESERVE FOR REVERSION TO GENERAL FUND:

9169 TRANSFER OF GENERAL FD APPROPS	35	0	0	0
TOTAL FOR CATEGORY 93:	35	0	0	0

TOTAL EXPENDITURES:	694,960	813,823	839,480	827,146
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PERCENT CHANGE:		17.10%	3.15%	-1.47%
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TOTAL POSITIONS:	6.00	6.00	6.00	6.00
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Appendix B

Assembly Bill 60
2015 Nevada Legislature

Appendix B

Assembly Bill No. 60—Committee on
Legislative Operations and Elections

CHAPTER.....

AN ACT relating to ethics in government; revising provisions relating to ethics in government; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under the Nevada Ethics in Government Law, the Commission on Ethics is required to determine whether it has jurisdiction over a request for an opinion. (NRS 281A.280; NAC 281A.360, 281A.405) The Ethics Law also imposes time limits on the Commission to carry out certain duties. With respect to a request for an opinion regarding the conduct of a public officer or employee which is made by a third party and is more commonly known as a third-party request, the Executive Director of the Commission is required to complete an investigation and make a recommendation regarding the third-party request within 70 days after receipt of the request, unless the public officer or employee waives the time limit. (NRS 281A.440)

To accommodate the time required for the Commission to determine whether it has jurisdiction concerning a third-party request, **section 3** of this bill provides that within 45 days after receiving the request, the Commission shall determine whether it has jurisdiction concerning the request, unless the public officer or employee waives the time limit. If the Commission determines that it has jurisdiction concerning the request, the Executive Director must complete the investigation and make a recommendation regarding the request within 70 days after the jurisdictional determination, unless the public officer or employee waives the time limit.

Under the Ethics Law, the investigative file relating to a request for an opinion, which includes any information obtained by the Commission during the course of an investigation related to the request, is confidential. (NRS 281A.440) **Section 3** clarifies that the investigative file includes any information provided to or obtained by an investigatory panel consisting of Commission members or by the staff of the Commission.

The Ethics Law further provides that all information that is not included in the investigative file relating to a request is confidential for a limited time until an investigatory panel determines whether there is just and sufficient cause to render an opinion in the matter or until the public officer or employee authorizes disclosure, whichever occurs first. (NRS 281A.440) **Section 3** authorizes additional confidentiality which allows a person who makes a third-party request to ask for the person's name to be kept confidential under certain limited circumstances. In particular, **section 3** states that the Commission: (1) shall keep the person's name confidential if the person is a public officer or employee who works for the same public body, agency or employer as the public officer or employee who is the subject of the request; and (2) may keep the person's name confidential if the person offers sufficient facts and circumstances showing a reasonable likelihood that disclosure of the person's name will subject the person or a member of the person's household to a bona fide threat of physical force or violence. However, if the Commission keeps the person's name confidential, the Commission may not render an opinion in the matter unless there is sufficient evidence without the person's testimony to consider the request. Additionally, if the Commission intends



to present the person's testimony as evidence, the Commission must disclose the person's name within a reasonable time before the Commission's hearing on the matter.

Under the Ethics Law, the Commission is required to consider various aggravating and mitigating factors when determining whether a violation of the Ethics Law is a willful violation and, if so, the amount of any civil penalty to be imposed for such a willful violation of the Ethics Law. (NRS 281A.170, 281A.475) **Sections 1 and 4** of this bill clarify that the factors listed in the Ethics Law which must be considered by the Commission are not exclusive or exhaustive, and the Commission may consider other factors in the disposition of the matter if they bear a reasonable relationship to the determination of the severity of the violation.

The Ethics Law includes a "safe harbor" provision, whereby any act or failure to act by a current or former public officer or employee is deemed to not be a willful violation if the public officer or employee establishes by sufficient evidence that: (1) the public officer or employee relied in good faith upon the advice of the legal counsel retained by his or her public body, agency or employer; and (2) the act or failure to act by the public officer or employee was not contrary to a prior published opinion issued by the Commission. (NRS 281A.480) **Section 5** of this bill clarifies that to qualify for protection under the "safe harbor" provision, the advice of the legal counsel must have been: (1) provided to the public officer or employee before he or she acted or failed to act; and (2) based on a reasonable legal determination by the legal counsel under the circumstances when the advice was given that the act or failure to act would not be contrary to any prior published opinion issued by the Commission which was publicly available on the Internet website of the Commission.

With certain exceptions, the Ethics Law imposes a 1-year "cooling off" period on former public officers and employees during which they are prohibited from soliciting or accepting employment from a business or industry over which they had regulatory authority in some capacity. However, the Ethics Law authorizes a current or former public officer or employee to request an opinion from the Commission to obtain relief from the strict application of the prohibition. The Ethics Law also authorizes a current public officer or employee to request the Commission to render an opinion providing guidance regarding his or her past, present or future conduct as a public officer or employee, which is known as a first-party request for an opinion. Under the Ethics Law, a request for an opinion regarding the application of the "cooling-off" prohibition or a first-party request for an opinion, as well as any opinion rendered by the Commission in response to such a request and any motion, determination, evidence or record of a hearing relating to such a request, are confidential unless, in part, the public officer or employee discloses the request for an opinion, opinion or related motion, evidence or record. (NRS 281A.440, 281A.550) **Sections 3 and 6** of this bill allow a public officer or employee who made such a request to disclose the request for the opinion, the opinion and any motion, evidence or record related to the opinion to certain persons without waiving the confidentiality of the request for the opinion, opinion and any related motion, evidence or record.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 281A.170 is hereby amended to read as follows:

281A.170 “Willful violation” means a violation where ~~1.~~ ~~The~~ *the* public officer or employee:
~~(a)~~ *1.* Acted intentionally and knowingly; or
~~(b)~~ *2.* Was in a situation where this chapter imposed a duty to act and the public officer or employee intentionally and knowingly failed to act in the manner required by this chapter ~~;~~ *and*
~~2.~~ ~~The~~ ,
↪ *unless the* Commission determines, after applying the factors set forth in NRS 281A.475, that the public officer’s or employee’s act or failure to act *has not* resulted in a sanctionable violation of this chapter.

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 281A.440 is hereby amended to read as follows:

281A.440 1. The Commission shall render an opinion interpreting the statutory ethical standards and apply the standards to a given set of facts and circumstances within 45 days after receiving a request, on a form prescribed by the Commission, from a public officer or employee who is seeking guidance on questions which directly relate to the propriety of the requester’s own past, present or future conduct as a public officer or employee, unless the public officer or employee waives the time limit. The public officer or employee may also request the Commission to hold a public hearing regarding the requested opinion. If a requested opinion relates to the propriety of the requester’s own present or future conduct, the opinion of the Commission is:

(a) Binding upon the requester as to the requester’s future conduct; and

(b) Final and subject to judicial review pursuant to NRS 233B.130, except that a proceeding regarding this review must be held in closed court without admittance of persons other than those necessary to the proceeding, unless this right to confidential proceedings is waived by the requester.

2. The Commission may render an opinion interpreting the statutory ethical standards and apply the standards to a given set of facts and circumstances:

(a) Upon request from a specialized or local ethics committee.



(b) Except as otherwise provided in this subsection, upon request from a person, if the requester submits:

(1) The request on a form prescribed by the Commission; and

(2) All related evidence deemed necessary by the Executive Director and the investigatory panel to make a determination of whether there is just and sufficient cause to render an opinion in the matter.

(c) Upon the Commission's own motion regarding the propriety of conduct by a public officer or employee. The Commission shall not initiate proceedings pursuant to this paragraph based solely upon an anonymous complaint.

↳ The Commission shall not render an opinion interpreting the statutory ethical standards or apply those standards to a given set of facts and circumstances if the request is submitted by a person who is incarcerated in a correctional facility in this State.

3. *Within 45 days after receiving a request for an opinion pursuant to paragraph (a) or (b) of subsection 2, the Commission shall determine whether it has jurisdiction concerning the request, unless the public officer or employee who is the subject of the request waives this time limit.* Upon ~~receipt of~~ a determination by the Commission that it has jurisdiction concerning a request for an opinion ~~by the Commission~~ pursuant to paragraph (a) or (b) of subsection 2, or upon the motion of the Commission initiating a request for an opinion pursuant to paragraph (c) of subsection 2, as applicable, the Executive Director shall investigate the facts and circumstances relating to the request to determine whether there is just and sufficient cause for the Commission to render an opinion in the matter. The Executive Director shall notify the public officer or employee who is the subject of the request and provide the public officer or employee an opportunity to submit to the Executive Director a response to the allegations against the public officer or employee within 30 days after the date on which the public officer or employee received the notice of the request. The purpose of the response is to provide the Executive Director with any information relevant to the request which the public officer or employee believes may assist the Executive Director and the investigatory panel in conducting the investigation. The public officer or employee is not required in the response or in any proceeding before the investigatory panel to assert, claim or raise any objection or defense, in law or fact, to the allegations against the public officer or employee and no objection or defense, in law or fact, is waived,



abandoned or barred by the failure to assert, claim or raise it in the response or in any proceeding before the investigatory panel.

4. The Executive Director shall complete the investigation and present a written recommendation relating to just and sufficient cause, including, without limitation, the specific evidence or reasons that support the recommendation, to the investigatory panel within 70 days after the ~~receipt of~~ *determination by the Commission that it has jurisdiction concerning the request* or *after* the motion of the Commission ~~for~~ *initiating* the request, *as applicable*, unless the public officer or employee waives this time limit.

5. Within 15 days after the Executive Director has provided the written recommendation in the matter to the investigatory panel pursuant to subsection 4, the investigatory panel shall conclude the investigation and make a final determination regarding whether there is just and sufficient cause for the Commission to render an opinion in the matter, unless the public officer or employee waives this time limit. The investigatory panel shall not determine that there is just and sufficient cause for the Commission to render an opinion in the matter unless the Executive Director has provided the public officer or employee an opportunity to respond to the allegations against the public officer or employee as required by subsection 3. The investigatory panel shall cause a record of its proceedings in each matter to be kept.

6. If the investigatory panel determines that there is just and sufficient cause for the Commission to render an opinion in the matter, the Commission shall hold a hearing and render an opinion in the matter within 60 days after the determination of just and sufficient cause by the investigatory panel, unless the public officer or employee waives this time limit.

7. Each request for an opinion that a public officer or employee submits to the Commission pursuant to subsection 1, each opinion rendered by the Commission in response to such a request and any motion, determination, evidence or record of a hearing relating to such a request are confidential unless the public officer or employee who requested the opinion:

(a) Acts in contravention of the opinion, in which case the Commission may disclose the request for the opinion, the contents of the opinion and any motion, evidence or record of a hearing related thereto;

(b) Discloses the request for the opinion, the contents of the opinion, or any motion, evidence or record of a hearing related thereto ~~to~~ *in any manner except to:*



(1) The public body, agency or employer of the public officer or employee; or

(2) A person to whom the Commission authorizes the current or former public officer or employee to make such a disclosure; or

(c) Requests the Commission to disclose the request for the opinion, the contents of the opinion, or any motion, evidence or record of a hearing related thereto.

8. Except as otherwise provided in ~~subsection 9,~~ *subsections 9 and 10*, all information, communications, records, documents or other material in the possession of the Commission or its staff that is related to a request for an opinion regarding a public officer or employee submitted to or initiated by the Commission pursuant to subsection 2, including, without limitation, the record of the proceedings of the investigatory panel made pursuant to subsection 5, are confidential and not public records pursuant to chapter 239 of NRS until:

(a) The investigatory panel determines whether there is just and sufficient cause to render an opinion in the matter and serves written notice of such a determination on the public officer or employee who is the subject of the request for an opinion submitted or initiated pursuant to subsection 2; or

(b) The public officer or employee who is the subject of a request for an opinion submitted or initiated pursuant to subsection 2 authorizes the Commission in writing to make its information, communications, records, documents or other material which are related to the request publicly available,

↳ whichever occurs first.

9. *Except as otherwise provided in this subsection, if a person who submits a request for an opinion pursuant to paragraph (b) of subsection 2 asks for the person's name to be kept confidential, the Commission:*

(a) Shall keep the person's name confidential if the person is a public officer or employee who works for the same public body, agency or employer as the public officer or employee who is the subject of the request.

(b) May keep the person's name confidential if the person offers sufficient facts and circumstances showing a reasonable likelihood that disclosure of the person's name will subject the person or a member of the person's household to a bona fide threat of physical force or violence.

↳ *If the Commission keeps the person's name confidential, the Commission shall not render an opinion in the matter unless there*



is sufficient evidence without the person's testimony to consider the propriety of the conduct of the public officer or employee who is the subject of the request. If the Commission intends to present the person's testimony for consideration as evidence in rendering an opinion in the matter, the Commission shall disclose the person's name within a reasonable time before the Commission's hearing on the matter.

~~10.~~ Except as otherwise provided in this ~~section,~~ subsection, the investigative file ~~of the Commission~~ related to a request for an opinion regarding a public officer or employee, as described in subsection 17, is confidential. At any time after being served with written notice of the determination of the investigatory panel regarding the existence of just and sufficient cause for the Commission to render an opinion in the matter, the public officer or employee who is the subject of the request for an opinion may submit a written discovery request to the Commission for a copy of any portion of the investigative file that the Commission intends to present for consideration as evidence in rendering an opinion in the matter and a list of proposed witnesses. Any portion of the investigative file which the Commission presents as evidence in rendering an opinion in the matter becomes a public record as provided in chapter 239 of NRS.

~~10.~~ ~~11.~~ Whenever the Commission holds a hearing pursuant to this section, the Commission shall:

- (a) Notify the person about whom the opinion was requested of the place and time of the Commission's hearing on the matter;
- (b) Allow the person to be represented by counsel; and
- (c) Allow the person to hear the evidence presented to the Commission and to respond and present evidence on the person's own behalf.

↳ The Commission's hearing may be held no sooner than 10 days after the notice is given unless the person agrees to a shorter time.

~~11.~~ ~~12.~~ If a person who is not a party to a hearing before the Commission, including, without limitation, a person who has requested an opinion pursuant to paragraph (a) or (b) of subsection 2, wishes to ask a question of a witness at the hearing, the person must submit the question to the Executive Director in writing. The Executive Director may submit the question to the Commission if the Executive Director deems the question relevant and appropriate. This subsection does not require the Commission to ask any question submitted by a person who is not a party to the proceeding.

~~12.~~ ~~13.~~ If a person who requests an opinion pursuant to subsection 1 or 2 does not:



- (a) Submit all necessary information to the Commission; and
- (b) Declare by oath or affirmation that the person will testify truthfully,

↳ the Commission may decline to render an opinion.

~~§3.1~~ **14.** For good cause shown, the Commission may take testimony from a person by telephone or video conference.

~~§4.1~~ **15.** For the purposes of NRS 41.032, the members of the Commission and its employees shall be deemed to be exercising or performing a discretionary function or duty when taking an action related to the rendering of an opinion pursuant to this section.

~~§5.1~~ **16.** A meeting or hearing that the Commission or the investigatory panel holds to receive information or evidence concerning the propriety of the conduct of a public officer or employee pursuant to this section and the deliberations of the Commission and the investigatory panel on such information or evidence are not subject to the provisions of chapter 241 of NRS.

~~§6.1~~ **17.** For the purposes of this section, the investigative file ~~[of the Commission]~~ which relates to a request for an opinion regarding a public officer or employee includes, without limitation, any information *provided to or* obtained by the Commission, *its staff or an investigatory panel* through any form of communication during the course of an investigation and any records, documents or other material created or maintained during the course of an investigation which relate to the public officer or employee who is the subject of the request for an opinion, *including, without limitation, a transcript*, regardless of whether such information, records, documents or other material are obtained by a subpoena.

Sec. 4. NRS 281A.475 is hereby amended to read as follows:

281A.475 1. In determining whether a violation of this chapter is a willful violation and, if so, the amount of any civil penalty to be imposed on a public officer or employee or former public officer or employee pursuant to NRS 281A.480, the Commission shall consider ~~§1~~, *without limitation:*

(a) The seriousness of the violation, including, without limitation, the nature, circumstances, extent and gravity of the violation;

(b) The number and history of previous warnings issued to or violations of the provisions of this chapter by the public officer or employee;

(c) The cost to the Commission to conduct the investigation and any hearing relating to the violation;

(d) Any mitigating factors, including, without limitation, any self-reporting, prompt correction of the violation, any attempts to



rectify the violation before any complaint is filed and any cooperation by the public officer or employee in resolving the complaint;

(e) Any restitution or reimbursement paid to parties affected by the violation;

(f) The extent of any financial gain resulting from the violation; and

(g) Any other matter justice may require.

2. *The factors set forth in this section are not exclusive or exhaustive, and the Commission may consider other factors in the disposition of the matter if they bear a reasonable relationship to the Commission's determination of the severity of the violation.*

3. In applying the factors set forth in this section, the Commission shall treat comparable situations in a comparable manner and shall ensure that the disposition of the matter bears a reasonable relationship to the severity of the violation.

Sec. 5. NRS 281A.480 is hereby amended to read as follows:

281A.480 1. In addition to any other penalties provided by law and in accordance with the provisions of NRS 281A.475, the Commission may impose on a public officer or employee or former public officer or employee civil penalties:

(a) Not to exceed \$5,000 for a first willful violation of this chapter;

(b) Not to exceed \$10,000 for a separate act or event that constitutes a second willful violation of this chapter; and

(c) Not to exceed \$25,000 for a separate act or event that constitutes a third willful violation of this chapter.

2. In addition to any other penalties provided by law, the Commission may, upon its own motion or upon the motion of the person about whom an opinion was requested pursuant to NRS 281A.440, impose a civil penalty not to exceed \$5,000 and assess an amount equal to the amount of attorney's fees and costs actually and reasonably incurred by the person about whom an opinion was requested pursuant to NRS 281A.440 against a person who prevents, interferes with or attempts to prevent or interfere with the discovery or investigation of a violation of this chapter.

3. If the Commission finds that a violation of a provision of this chapter by a public officer or employee or former public officer or employee has resulted in the realization of a financial benefit by the current or former public officer or employee or another person, the Commission may, in addition to any other penalties provided by law, require the current or former public officer or employee to pay a civil penalty of not more than twice the amount so realized.



4. In addition to any other penalties provided by law, if a proceeding results in an opinion that:

(a) One or more willful violations of this chapter have been committed by a State Legislator removable from office only through expulsion by the State Legislator's own House pursuant to Section 6 of Article 4 of the Nevada Constitution, the Commission shall:

(1) If the State Legislator is a member of the Senate, submit the opinion to the Majority Leader of the Senate or, if the Majority Leader of the Senate is the subject of the opinion or the person who requested the opinion, to the President Pro Tempore of the Senate; or

(2) If the State Legislator is a member of the Assembly, submit the opinion to the Speaker of the Assembly or, if the Speaker of the Assembly is the subject of the opinion or the person who requested the opinion, to the Speaker Pro Tempore of the Assembly.

(b) One or more willful violations of this chapter have been committed by a state officer removable from office only through impeachment pursuant to Article 7 of the Nevada Constitution, the Commission shall submit the opinion to the Speaker of the Assembly and the Majority Leader of the Senate or, if the Speaker of the Assembly or the Majority Leader of the Senate is the person who requested the opinion, to the Speaker Pro Tempore of the Assembly or the President Pro Tempore of the Senate, as appropriate.

(c) One or more willful violations of this chapter have been committed by a public officer other than a public officer described in paragraphs (a) and (b), the willful violations shall be deemed to be malfeasance in office for the purposes of NRS 283.440 and the Commission:

(1) May file a complaint in the appropriate court for removal of the public officer pursuant to NRS 283.440 when the public officer is found in the opinion to have committed fewer than three willful violations of this chapter.

(2) Shall file a complaint in the appropriate court for removal of the public officer pursuant to NRS 283.440 when the public officer is found in the opinion to have committed three or more willful violations of this chapter.

↳ This paragraph grants an exclusive right to the Commission, and no other person may file a complaint against the public officer pursuant to NRS 283.440 based on any violation found in the opinion.

5. Notwithstanding any other provision of this chapter, any act or failure to act by a public officer or employee or former public



officer or employee relating to this chapter is not a willful violation of this chapter if the public officer or employee establishes by sufficient evidence that:

(a) The public officer or employee relied in good faith upon the advice of the legal counsel retained by his or her public body, agency or employer; and

(b) The *advice of the legal counsel was:*

(1) Provided to the public officer or employee before the public officer or employee acted or failed to act; and

(2) Based on a reasonable legal determination by the legal counsel under the circumstances when the advice was given that the act or failure to act by the public officer or employee ~~was~~ would not be contrary to ~~the~~ any prior published opinion issued by the Commission ~~the~~ which was publicly available on the Internet website of the Commission.

6. In addition to any other penalties provided by law, a public employee who commits a willful violation of this chapter is subject to disciplinary proceedings by the employer of the public employee and must be referred for action in accordance to the applicable provisions governing the employment of the public employee.

7. The provisions of this chapter do not abrogate or decrease the effect of the provisions of the Nevada Revised Statutes which define crimes or prescribe punishments with respect to the conduct of public officers or employees. If the Commission finds that a public officer or employee has committed a willful violation of this chapter which it believes may also constitute a criminal offense, the Commission shall refer the matter to the Attorney General or the district attorney, as appropriate, for a determination of whether a crime has been committed that warrants prosecution.

8. The imposition of a civil penalty pursuant to subsection 1, 2 or 3 is a final decision for the purposes of judicial review pursuant to NRS 233B.130.

9. A finding by the Commission that a public officer or employee has violated any provision of this chapter must be supported by a preponderance of the evidence unless a greater burden is otherwise prescribed by law.

Sec. 6. NRS 281A.550 is hereby amended to read as follows:

281A.550 1. A former member of the Public Utilities Commission of Nevada shall not:

(a) Be employed by a public utility or parent organization or subsidiary of a public utility; or



(b) Appear before the Public Utilities Commission of Nevada to testify on behalf of a public utility or parent organization or subsidiary of a public utility,

↳ for 1 year after the termination of the member's service on the Public Utilities Commission of Nevada.

2. A former member of the State Gaming Control Board or the Nevada Gaming Commission shall not:

(a) Appear before the State Gaming Control Board or the Nevada Gaming Commission on behalf of a person who holds a license issued pursuant to chapter 463 or 464 of NRS or who is required to register with the Nevada Gaming Commission pursuant to chapter 463 of NRS; or

(b) Be employed by such a person,

↳ for 1 year after the termination of the member's service on the State Gaming Control Board or the Nevada Gaming Commission.

3. In addition to the prohibitions set forth in subsections 1 and 2, and except as otherwise provided in subsections 4 and 6, a former public officer or employee of a board, commission, department, division or other agency of the Executive Department of State Government, except a clerical employee, shall not solicit or accept employment from a business or industry whose activities are governed by regulations adopted by the board, commission, department, division or other agency for 1 year after the termination of the former public officer's or employee's service or period of employment if:

(a) The former public officer's or employee's principal duties included the formulation of policy contained in the regulations governing the business or industry;

(b) During the immediately preceding year, the former public officer or employee directly performed activities, or controlled or influenced an audit, decision, investigation or other action, which significantly affected the business or industry which might, but for this section, employ the former public officer or employee; or

(c) As a result of the former public officer's or employee's governmental service or employment, the former public officer or employee possesses knowledge of the trade secrets of a direct business competitor.

4. The provisions of subsection 3 do not apply to a former public officer who was a member of a board, commission or similar body of the State if:

(a) The former public officer is engaged in the profession, occupation or business regulated by the board, commission or similar body;



(b) The former public officer holds a license issued by the board, commission or similar body; and

(c) Holding a license issued by the board, commission or similar body is a requirement for membership on the board, commission or similar body.

5. Except as otherwise provided in subsection 6, a former public officer or employee of the State or a political subdivision, except a clerical employee, shall not solicit or accept employment from a person to whom a contract for supplies, materials, equipment or services was awarded by the State or political subdivision, as applicable, for 1 year after the termination of the officer's or employee's service or period of employment, if:

(a) The amount of the contract exceeded \$25,000;

(b) The contract was awarded within the 12-month period immediately preceding the termination of the officer's or employee's service or period of employment; and

(c) The position held by the former public officer or employee at the time the contract was awarded allowed the former public officer or employee to affect or influence the awarding of the contract.

6. A current or former public officer or employee may request that the Commission apply the relevant facts in that person's case to the provisions of subsection 3 or 5, as applicable, and determine whether relief from the strict application of those provisions is proper. If the Commission determines that relief from the strict application of the provisions of subsection 3 or 5, as applicable, is not contrary to:

(a) The best interests of the public;

(b) The continued ethical integrity of the State Government or political subdivision, as applicable; and

(c) The provisions of this chapter,

↳ it may issue an opinion to that effect and grant such relief. The opinion of the Commission in such a case is final and subject to judicial review pursuant to NRS 233B.130, except that a proceeding regarding this review must be held in closed court without admittance of persons other than those necessary to the proceeding, unless this right to confidential proceedings is waived by the current or former public officer or employee.

7. Each request for an opinion that a current or former public officer or employee submits to the Commission pursuant to subsection 6, each opinion rendered by the Commission in response to such a request and any motion, determination, evidence or record of a hearing relating to such a request are confidential unless the



current or former public officer or employee who requested the opinion:

(a) Acts in contravention of the opinion, in which case the Commission may disclose the request for the opinion, the contents of the opinion and any motion, evidence or record of a hearing related thereto;

(b) Discloses the request for the opinion, the contents of the opinion or any motion, evidence or record of a hearing related thereto ~~§~~ *in any manner except to:*

(1) The public body, agency or employer of the public officer or employee or a prospective employer of the public officer or employee; or

(2) Any person to whom the Commission authorizes the current or former public officer or employee to make such a disclosure; or

(c) Requests the Commission to disclose the request for the opinion, the contents of the opinion, or any motion, evidence or record of a hearing related thereto.

8. A meeting or hearing that the Commission or an investigatory panel holds to receive information or evidence concerning the propriety of the conduct of a current or former public officer or employee pursuant to this section and the deliberations of the Commission and the investigatory panel on such information or evidence are not subject to the provisions of chapter 241 of NRS.

9. As used in this section, "regulation" has the meaning ascribed to it in NRS 233B.038 and also includes regulations adopted by a board, commission, department, division or other agency of the Executive Department of State Government that is exempted from the requirements of chapter 233B of NRS.

Sec. 7. This act becomes effective upon passage and approval.



Appendix C

Adopted Commission Regulations (NAC 281A)
LCB File No. R048-14

Appendix C

ADOPTED REGULATION
OF THE COMMISSION ON ETHICS

LCB File No. R048-14

Effective October 24, 2014

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1-23, NRS 281A.290.

A REGULATION relating to ethics in government; revising provisions relating to the procedures of the Commission on Ethics and the staff of the Commission; revising provisions relating to the confidentiality of certain information and documents which are used by the Commission and the staff of the Commission; revising provisions relating to the determination of a commitment in a private capacity of a public officer or employee; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides a code of ethical standards which prohibits a public officer or employee from using the public officer’s or employee’s position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for any person to whom the public officer or employee has a commitment in a private capacity to the interests of that person. (NRS 281A.400) Senate Bill No. 228 of the 77th Session of the Nevada Legislature revised the definition of the term “commitment in a private capacity” to include, with respect to the interests of another person, a commitment, interest or relationship of a public officer or employee to: (1) a person who is the domestic partner of the public officer or employee; and (2) a person who is related to the domestic partner of the public officer or employee, by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity. (NRS 281A.065)

Section 9 of this regulation revises a chart used by the Commission on Ethics to determine relationships within the third degree of consanguinity or affinity to include relationships based on domestic partnership and adoption. (NAC 281A.310)

Under existing law, the Commission is required to render an opinion interpreting the statutory ethical standards and apply the standards to a given set of facts and circumstances upon its own motion or upon receiving a request for such an opinion from certain persons and entities. Upon receipt of such a request for an opinion, the Executive Director of the Commission is required to first investigate the facts and circumstances relating to the request to determine whether there is just and sufficient cause for the Commission to render an opinion in the matter. (NRS 281A.440) Under existing regulations, when the request for an opinion is from a person making a third-party request relating to a public officer or employee, the Executive Director must confer with the Commission Counsel to determine whether the Commission has jurisdiction concerning the

request and whether the third-party request was properly filed. (NAC 281A.400, 281A.403, 281A.405) If the Executive Director and the Commission Counsel determine that the Commission has jurisdiction concerning the request and the third-party request was properly filed, the Executive Director is required to begin an investigation. If the Executive Director and the Commission Counsel determine that the Commission does not have jurisdiction concerning the request or that the third-party request was not properly filed, the Executive Director must notify the requester of that determination. The requester may appeal the determination by requesting a review of the determination by an investigatory panel appointed by the Chair of the Commission. (NAC 281A.405) **Section 13** of this regulation revises this procedure. First, **section 13** provides that the Executive Director and Commission Counsel must notify: (1) both the requester and the subject of the request if a determination is made that the Commission has jurisdiction and the request was properly filed; and (2) only the requester if a determination is made that the Commission does not have jurisdiction or that the request was not properly filed. Second, **section 13** allows a person who receives such a notification to request a review of the determination by the entire Commission instead of an investigatory panel of the Commission. Third, **section 13** prescribes a list of documents which must be provided to a person who requests such a review and provides that the Commission may, based on the findings of the Commission after conducting the review, dismiss the matter with or without prejudice or accept jurisdiction of the matter.

Existing law provides for the confidentiality of certain proceedings, information, documents and other materials related to an investigation of certain requests for an opinion of the Commission. (NRS 281A.440) Senate Bill No. 228 revised those provisions to provide that the investigative file of the Commission is confidential and generally defined the term “investigative file” to include any information obtained by the Commission during the course of an investigation and any records, documents or other materials created or maintained during the course of an investigation which relate to the public officer or employee who is the subject of the investigation. **Section 15** of this regulation revises a provision relating to the confidentiality of information relating to a third-party request for an opinion to reflect the confidentiality in statute of the investigative file. (NAC 281A.420)

Existing regulations provide that the proceedings of an investigatory panel to determine whether there is just and sufficient cause for the Commission to render an opinion on a third-party request for an opinion are closed to all persons except the parties to the third-party request for an opinion and any other person the investigatory panel deems necessary to the proceedings. (NAC 281A.425) **Section 16** of this regulation revises that provision to make such proceedings closed to all persons except the staff of the Commission.

Existing law prohibits the Commission Counsel from issuing written opinions concerning the applicability of the statutory ethical standards to a given set of facts and circumstances except as directed by the Commission. (NRS 281A.260) Existing law also provides that each opinion rendered by the Commission in response to a request for an opinion from a public officer or employee is confidential unless the public officer or employee: (1) acts in contravention of the opinion; (2) discloses the contents of the opinion; or (3) requests the Commission to disclose the contents of the opinion. (NRS 281A.440, 281A.550) Existing regulations require the Commission Counsel to prepare a written opinion for requests for an opinion that are heard by the Commission. (NAC 281A.185) **Section 23** of this regulation repeals that requirement, and

section 20 of this regulation authorizes the Commission to direct the Commission Counsel to prepare written opinions of requests for an opinion that are heard by the Commission. Existing regulations provide requirements for the contents of any written opinion of the Commission and requirements for the provision of copies of the written opinion to each person who is a party to the matter, the posting of the written opinion on the Internet website of the Commission and the delivery of a copy of the written opinion to any person who requests such a copy. (NAC 281A.550) **Section 20** authorizes the Commission to direct the Commission Counsel to prepare an abstract for a written opinion which is confidential under the applicable statute. The abstract is defined as a version of a confidential written opinion that has been redacted or amended to keep the identity of the requester of the opinion confidential. **Section 20** also revises the requirements for the posting of written opinions on the Commission’s Internet website to include the posting of abstracts and to prohibit the posting of a written opinion which is confidential.

Section 1. NAC 281A.060 is hereby amended to read as follows:

281A.060 “Party” means the subject *or his or her counsel, any staff of the Commission who investigate a third-party request for an opinion* and any other person who the Commission reasonably determines will be treated as a party in a matter before the Commission.

Sec. 2. NAC 281A.075 is hereby amended to read as follows:

281A.075 “Proceedings of an investigatory panel” means ~~†~~

~~1.—A review and determination by an investigatory panel pursuant to NAC 281A.405 as to whether the Commission has jurisdiction over a third party request for an opinion.~~

~~—2.—A) a review pursuant to NAC 281A.430 and determination by an investigatory panel as to whether there is just and sufficient cause for the Commission to render an opinion on a matter presented in a third-party request for an opinion.~~

~~†→~~ For the purposes of this chapter, the proceedings of an investigatory panel do not constitute a hearing.

Sec. 3. NAC 281A.090 is hereby amended to read as follows:

281A.090 “Requester” means a person ~~for group of persons~~ who ~~file~~ *files* with the Commission a third-party request for an opinion.

Sec. 4. NAC 281A.195 is hereby amended to read as follows:

281A.195 1. If any member of the Commission participates in an ex parte communication, the member must disclose to the Commission that he or she participated in an ex parte communication.

2. If a member of the Commission discloses that he or she participated in an ex parte communication or the Commission otherwise determines that a member of the Commission participated in an ex parte communication, the Commission may require the member to abstain from participating with the Commission in any hearing or determination to be made by the Commission concerning the matter that was the subject of the ex parte communication.

3. As used in this section, “ex parte communication” means any written or oral communication between *a party or* a person who has any *interest in a* matter pending before the Commission, or any agent of such *party or* person, and a member of the Commission which:

- (a) Is communicated outside the presence of the entire Commission;
- (b) Is not communicated during a formal proceeding of the Commission; and
- (c) Includes any comment, response or argument regarding any:
 - (1) Ongoing investigation by the Commission; or
 - (2) Matter that is pending before the Commission.

Sec. 5. NAC 281A.250 is hereby amended to read as follows:

281A.250 1. Except as otherwise provided in subsection 3, the provisions of NAC 281A.250 to ~~281A.290,~~ **281A.310**, inclusive, govern all practice and procedure before the Commission.

2. The Commission will liberally construe the provisions of NAC 281A.250 to ~~{281A.290,}~~ **281A.310**, inclusive, to determine all matters before the Commission in a just, speedy and economical manner.

3. For good cause shown, the Commission may deviate from the provisions of NAC 281A.250 to ~~{281A.290,}~~ **281A.310**, inclusive, if the deviation will not materially affect the interests of the ~~{party who is the}~~ subject of the request.

Sec. 6. NAC 281A.255 is hereby amended to read as follows:

281A.255 1. Each written communication or document filed with the Commission must:

(a) Be ~~{in proper}~~ **on the** form ~~{;}~~ **provided by the Commission;**

(b) Be ~~{clearly and legibly typed or printed on 8 1/2 by 11 inch paper, on one side only;~~

~~—(c) Be addressed to the principal office of the Commission;}~~ **submitted in the manner prescribed on the form;** and

~~{(d)}~~ (c) Include any ~~{duplicate}~~ :

(1) **Duplicate** copy required to be included with the form, as specified on the form ~~{;}~~ ;
and

(2) **Necessary exhibits in a form and format, including, without limitation, digital or electronic format, which is reasonably accessible to the Commission.**

2. Except as otherwise provided in NRS 281A.410 and 281A.500, the Commission will consider a written communication or document which is required to be filed with the Commission to have been filed with the Commission on the date on which the communication or document is received at the principal office of the Commission. ~~{A written communication or document that is required to be filed with the Commission may not be submitted via facsimile transmission.}~~

Sec. 7. NAC 281A.265 is hereby amended to read as follows:

281A.265 1. Motions related to a third-party request for an opinion may only be made:

(a) After an investigatory panel has made a determination that there is just and sufficient cause for the Commission to render an opinion pursuant to NRS 281A.220; and

(b) Before the hearing on the matter unless the cause for the motion arises for the first time during the hearing on the matter.

2. A motion that is made before the hearing on the matter must be in writing and must be filed at the principal office of the Commission not later than ~~15 days before the date of the hearing.~~ *the close of business on the date set by an order of the Commission after the investigatory panel has made a determination that there is just and sufficient cause for the Commission to render an opinion.*

3. A written motion must contain:

(a) A brief statement of the facts and the points and authorities upon which the motion is based;

(b) A description of the relief sought; and

(c) A certificate of mailing which indicates that the motion was served upon all other parties to the matter.

4. The Commission, in its discretion, may allow a party making a motion to argue the motion before the Commission.

5. The Commission, in its discretion, may allow a party or any other person to respond to a motion.

6. The Chair, in his or her discretion, may accept and rule upon a motion on a matter, except a motion for disposition of a matter, at any time before, during or after the hearing by the Commission on the matter.

7. A motion for rehearing or for the reconsideration of an opinion on a third-party request for an opinion issued by the Commission must be filed with the Commission not later than 15 days after the date on which the opinion of the Commission is served.

Sec. 8. NAC 281A.285 is hereby amended to read as follows:

281A.285 ~~{H}~~ A subject of a third-party request for an opinion may request that a subpoena be issued by filing a written request for a subpoena at the principal office of the Commission. A subject of a third-party request for an opinion who requests the issuance ~~{and service}~~ of a subpoena pursuant to this section shall *serve the subpoena in accordance with NRS 281A.300 and* pay ~~{all expenses}~~ *the costs* related to the ~~{issuance and}~~ service of the subpoena.

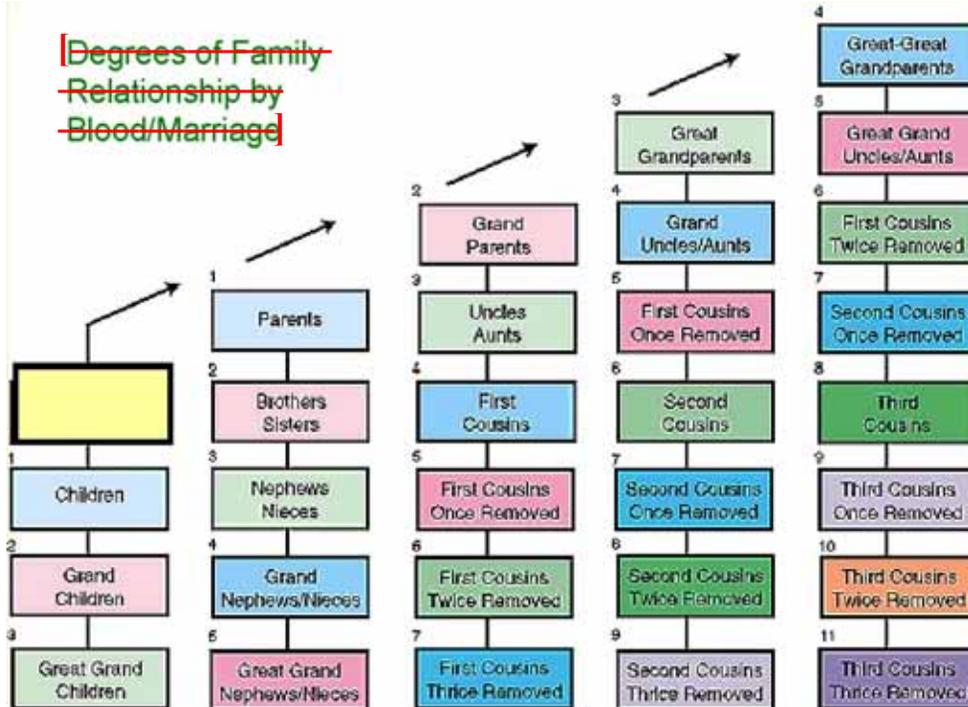
~~{2. Service of a subpoena issued pursuant to this section or NRS 281A.300 must be made in the manner provided by Rule 45 of the Nevada Rules of Civil Procedure.}~~

Sec. 9. NAC 281A.310 is hereby amended to read as follows:

281A.310 *1.* For the purposes of NRS ~~{281.571 and 281A.420,}~~ *281A.065*, the Commission will determine *the* relationships *of a public officer or employee, or the spouse or domestic partner of the public officer or employee, by blood, adoption, marriage or domestic partnership* within the third degree of consanguinity or affinity pursuant to the following chart and instructions:

Consanguinity/Affinity Chart

~~Degrees of Family Relationship by Blood/Marriage~~



INSTRUCTION:

For Consanguinity (relationship by blood) calculations:

Place the public officer/employee for whom you need to establish relationships by consanguinity in the blank box. The labeled boxes will then list the relationship by title to the public officer/employee and the degree of distance from the public officer/employee.

Anyone in a box numbered 1, 2, or 3 is within the third degree of consanguinity.

~~{Nevada Ethics in Government Law addresses consanguinity within the third degree by blood, adoption or marriage.}~~

For Affinity (relationship by *adoption, marriage* ~~or~~ *or domestic partnership*) calculations:

Place the spouse *or domestic partner* of the public officer/employee for whom you need to establish relationships by affinity in the blank box. The labeled boxes will then list the relationship by title to the spouse *or domestic partner* and the degree of distance from the public officer/employee by affinity.

~~{A husband and wife}~~ *Spouses* are related in the first degree *of affinity* by marriage ~~{}~~ *and domestic partners are related in the first degree of affinity by domestic partnership.* For *adoption and* other relationships by marriage ~~{}~~ *or domestic partnership,* the degree of relationship is the same as the degree of underlying relationship by blood.

2. As used in this section:

(a) “Domestic partner” has the meaning ascribed to it in NRS 281A.085; and

(b) “Domestic partnership” has the meaning ascribed to it in NRS 281A.086.

Sec. 10. NAC 281A.350 is hereby amended to read as follows:

281A.350 The Commission will only consider a first-party request for an opinion filed by a public officer or public employee that is ~~{submitted to the Commission in proper}~~ *on the* form ~~{}~~ *provided by the Commission and submitted in the manner prescribed on the form.*

Sec. 11. NAC 281A.365 is hereby amended to read as follows:

281A.365 1. The Chair or presiding officer of a hearing concerning a first-party request for an opinion shall:

(a) Ascertain whether the subject of the first-party request for an opinion and all persons requested by the subject to testify are present and whether all documents, books, records and other evidence under subpoena are present in the hearing room before the hearing begins.

(b) Ensure that an oath is administered, in accordance with NAC 281A.280, to the subject of the first-party request for an opinion and all persons whose testimony will be taken.

2. ~~The~~ *Except as otherwise provided in subsection 3 of NAC 281A.353, the* subject of the first-party request for an opinion must be present at the hearing.

3. The Chair or presiding officer shall allow the subject of the first-party request for an opinion to:

- (a) Present opening comments;
- (b) Present any evidence on his or her own behalf; and
- (c) Examine any witnesses on his or her own behalf.

4. The subject of the first-party request for an opinion, any witnesses or any counsel retained by the subject may be questioned by any member of the Commission at any time during the proceeding.

5. Upon the conclusion of the presentation of evidence by the subject of the first-party request for an opinion and the examination of any witnesses, the Chair or presiding officer shall allow the subject to present closing comments.

6. Upon the conclusion of the closing comments by the subject of the first-party request for an opinion, the Commission will:

- (a) Deliberate the issues of fact presented at the hearing, make a final determination of the findings of fact and apply the applicable law to the findings of fact;
- (b) Render an opinion on the matter; and
- (c) Submit a copy of the opinion to the subject.

7. The opinion rendered by the Commission ~~{shall be}~~ *is* binding upon the subject of the first-party request for an opinion as to his or her future conduct pursuant to subsection 1 of NRS 281A.440.

8. The Commission may waive any provision of this section if the Commission determines that such a waiver is necessary to expedite the hearing or is in the interest of justice.

9. The first-party request for an opinion and the information presented during the proceedings set forth in this section must be kept confidential, unless the subject of the opinion acts in a manner set forth in subsection 7 of NRS 281A.440 to waive the confidentiality of such information.

Sec. 12. NAC 281A.400 is hereby amended to read as follows:

281A.400 1. The Commission will only consider a third-party request for an opinion filed pursuant to paragraph (a) or (b) of subsection 2 of NRS 281A.440 which is ~~{submitted in proper}~~ *on the* form ~~{with the Executive Director at the principal office of}~~ *provided by* the Commission ~~{}~~ *and submitted in the manner prescribed on the form.*

2. A third-party request for an opinion filed pursuant to paragraph (a) or (b) of subsection 2 of NRS 281A.440 must contain:

(a) The original completed form for a third-party request for an opinion ; ~~{in the format required by the Commission;}~~

(b) Two copies of the completed form; and

(c) Three copies of all supporting documents and evidence.

3. A third-party request for an opinion filed pursuant to paragraph (a) or (b) of subsection 2 of NRS 281A.440 must be accompanied by evidence which supports the allegation that the subject has violated a statutory ethical standard set forth in the third-party request for an opinion

and demonstrates that the alleged conduct of the subject would constitute a violation of chapter 281A of NRS.

4. Once a third-party request for an opinion has been filed with the Commission pursuant to paragraph (a) or (b) of subsection 2 of NRS 281A.440, the requester may only withdraw the third-party request for an opinion with the consent of the Executive Director.

5. A request to withdraw a third-party request for an opinion filed pursuant to paragraph (a) or (b) of subsection 2 of NRS 281A.440 must be in writing and set forth the specific reasons for requesting the withdrawal of the third-party request for an opinion.

6. As used in this section, “evidence which supports the allegation” means any reliable and competent form of proof provided by witnesses, public and private records, audio or visual recordings, documents, exhibits, concrete objects and other such forms of proof that support a reasonable belief in the truth of the allegation made in the third-party request for an opinion. The term includes any evidence which is offered that corroborates a newspaper article or other media report. The term does not include a newspaper article or other media report if the article or report is offered as the only evidence to support the allegation.

Sec. 13. NAC 281A.405 is hereby amended to read as follows:

281A.405 1. The Executive Director shall confer with the Commission Counsel to determine whether:

(a) The Commission has jurisdiction concerning a third-party request for an opinion filed pursuant to paragraph (a) or (b) of subsection 2 of NRS 281A.440; and

(b) The third-party request for an opinion was ~~properly~~ filed with the Commission in ~~accordance~~ *compliance* with *the requirements of subsections 1, 2 and 3 of* NAC 281A.400.

2. If the Executive Director and Commission Counsel determine *pursuant to subsection 1* that the Commission has jurisdiction concerning the third-party request for an opinion and that the third-party request for an opinion was ~~{properly}~~ filed ~~{pursuant to}~~ *in compliance with the requirements of subsections 1, 2 and 3 of* NAC 281A.400, the Executive Director shall ~~{investigate and proceed in the matter pursuant to NRS 281A.440.}~~ *notify the requester and the subject of the request of the determination.*

3. The Executive Director shall notify the requester *of the determination* if the Executive Director and Commission Counsel determine *pursuant to subsection 1* that:

(a) The Commission lacks jurisdiction concerning the third-party request for an opinion pursuant to subsection 1; or

(b) The third-party request for an opinion was not ~~{properly}~~ filed with the Commission in ~~{accordance}~~ *compliance* with *the requirements of subsections 1, 2 and 3 of* NAC 281A.400.

4. A person who receives a notice pursuant to ~~{paragraph (a) of}~~ subsection *2 or 3* may request a review *by the Commission* of the determination ~~{regarding jurisdiction by an investigatory panel.}~~ *made pursuant to subsection 1.* Such a request must be submitted to the principal office of the Commission in writing not later than 10 days after the date on which the person received notification. ~~{The Chair will appoint an investigatory panel to conduct the review of the determination regarding jurisdiction.}~~

5. ~~{If an investigatory panel appointed pursuant to subsection 4 determines that the Commission has jurisdiction concerning a third party request for an opinion filed pursuant to paragraph (a) or (b) of subsection 2 of NRS 281A.440, the Executive Director shall investigate and proceed in the matter pursuant to NRS 281A.440. Upon conclusion of the investigation, the Executive Director shall, to the extent possible, submit his or her recommendation regarding~~

~~whether there is just and sufficient cause for the Commission to render an opinion to the same investigatory panel that determined that the Commission has jurisdiction concerning the third-party request for an opinion.~~ Upon receipt of a request for a review pursuant to subsection 4, the Executive Director shall notify the subject if the request for a review was made by the requester of the third-party request for an opinion, or the requester of the third-party request for an opinion if the request for a review was made by the subject. Such notification must include, without limitation:

- (a) The third-party request for an opinion;
- (b) The determination of the Executive Director and Commission Counsel made pursuant to subsection 1;
- (c) The request for a review made pursuant to subsection 4;
- (d) The date on which the Commission will conduct its review; and
- (e) Instructions for filing a response to the request for a review, which must be filed not less than 5 business days before the date on which the Commission will conduct its review.

6. The Commission will review a determination made by the Executive Director and the Commission Counsel pursuant to subsection 1 on the date provided in the notification made pursuant to subsection 5. Action taken by the Commission pursuant to this subsection is a final decision. The Commission will:

- (a) Dismiss the matter without prejudice upon a finding that the third-party request for an opinion was not filed in compliance with the requirements of subsections 1, 2 and 3 of NAC 281A.400;

(b) Dismiss the matter upon a finding that the Commission lacks jurisdiction concerning the third-party request for an opinion pursuant to paragraph (a) or (b) of subsection 2 of NRS 281A.440; or

(c) Accept jurisdiction of the matter upon a finding that the third-party request for an opinion was filed in compliance with the requirements of subsections 1, 2 and 3 of NAC 281A.400 and that the Commission has jurisdiction concerning the third-party request for an opinion pursuant to paragraph (a) or (b) of subsection 2 of NRS 281A.440.

7. The Executive Director shall:

(a) Notify the subject and the requester of the third-party request for an opinion of the action taken by the Commission pursuant to subsection 6; and

(b) If the Commission accepts jurisdiction of the matter, provide the notification required by NAC 281A.410.

Sec. 14. NAC 281A.410 is hereby amended to read as follows:

281A.410 1. Once a third-party request for an opinion has been ~~properly~~ filed with the Commission by a requester *in compliance with the requirements of subsections 1, 2 and 3 of NAC 281A.400* or initiated on the motion of the Commission and the Commission has determined that the Commission has jurisdiction over the matter presented in the third-party request for an opinion ~~and~~ *pursuant to NAC 281A.405*, the Executive Director shall forthwith ~~notify~~ :

(a) Notify the public officer or public employee who is the subject of the third-party request for an opinion ~~and provide~~ ;

(b) Provide the public officer or public employee an opportunity to respond to the allegations contained in the third-party request for an opinion ~~Such a~~ ; *and*

(c) Investigate and proceed in the matter pursuant to NRS 281A.440.

2. A notification *made pursuant to subsection 1* must ~~be~~:

(a) Be in writing and sent to the subject of the third-party request for an opinion by:

~~(a)~~ *(1)* Personal delivery;

~~(b)~~ *(2)* Certified mail, return receipt requested; or

~~(c)~~ *(3)* Overnight delivery service in which proof of delivery is documented.

~~(2.—A notice of a third-party request for an opinion made pursuant to this section must include.)~~

(b) Include, without limitation:

~~(a)~~ *(1)* All information filed by the requester or information upon which the Commission based its motion, as appropriate;

~~(b) A copy of chapter 281A of NRS;~~

~~(c) A copy of this chapter;~~

~~(d)~~ *(2)* An outline of the process used by the Commission to resolve third-party requests for opinions; and

~~(e)~~ *(3)* A form prescribed by the Commission for waiving the time limits set forth in subsections 4, 5 and 6 of NRS 281A.440.

3. The subject of a third-party request for an opinion may, within the time limit set forth in subsection 3 of NRS 281A.440, file with the Commission a written response to the allegations contained in the third-party request for an opinion. If the subject of a third-party request for an opinion files with the Commission a waiver of the time limits set forth in subsections 4, 5 and 6 of NRS 281A.440, the Executive Director may, for good cause shown, authorize one or more extensions, of not more than 30 days each, of the time limit set forth in subsection 3 of NRS

~~[281.440]~~ *281A.440* for the subject to file a written response to the allegations contained in the third-party request for an opinion.

Sec. 15. NAC 281A.420 is hereby amended to read as follows:

281A.420 1. Except as otherwise provided in NRS 281A.440, until the conclusion of the proceedings of an investigatory panel to determine whether there is just and sufficient cause for the Commission to render an opinion in the matter:

(a) The Commission will not confirm or deny whether a third-party request for an opinion has been filed by a requester, or initiated upon the motion of the Commission, against a public officer or public employee; and

(b) All information related to the third-party request for an opinion in the possession of the Commission and its staff is confidential.

2. Upon the conclusion of the proceedings of an investigatory panel on a third-party request for an opinion, ~~the~~ *any* information related to the third-party request for an opinion, *except the investigative file of the Commission as described in subsection 16 of NRS 281A.440*, is a public record available for public review during normal business hours at the principal office of the Commission.

Sec. 16. NAC 281A.425 is hereby amended to read as follows:

281A.425 The proceedings of an investigatory panel to determine whether there is just and sufficient cause for the Commission to render an opinion on a third-party request for an opinion are confidential and closed to all persons except the ~~[parties to the third party request for an opinion and any other person the investigatory panel deems necessary to the proceedings of the investigatory panel.]~~ *staff of the Commission.*

Sec. 17. NAC 281A.445 is hereby amended to read as follows:

281A.445 The Executive Director shall provide and make arrangements for a *written* record *or audio recording* to be made of any proceedings of an investigatory panel.

Sec. 18. NAC 281A.475 is hereby amended to read as follows:

281A.475 The Commission will only consider those requests for an opinion filed pursuant to subsection 6 of NRS 281A.550 that are ~~submitted to the Commission in proper~~ *on the* form ~~provided by the Commission and submitted in the manner prescribed on the form.~~

Sec. 19. NAC 281A.495 is hereby amended to read as follows:

281A.495 1. The Chair or presiding officer of a hearing concerning a request for an opinion filed pursuant to subsection 6 of NRS 281A.550 shall:

(a) Ascertain whether the subject of the request for an opinion and all persons requested by the subject to testify are present and whether all documents, books, records and other evidence under subpoena are present in the hearing room before the hearing begins.

(b) Ensure that an oath is administered, in accordance with NAC 281A.280, to the subject of the request for an opinion and all persons whose testimony will be taken.

2. ~~The~~ *Except as otherwise provided in subsection 3 of NAC 281A.480, the* subject of the request for an opinion must be present at the hearing.

3. The Chair or presiding officer shall allow the subject of the request for an opinion to:

(a) Present opening comments;

(b) Present any evidence on his or her own behalf; and

(c) Examine any witnesses on his or her own behalf.

4. The subject of the request for an opinion, any witnesses or any counsel retained by the subject may be questioned by any member of the Commission at any time during the proceeding.

5. Upon the conclusion of the presentation of evidence by the subject of the request for an opinion and the examination of any witnesses, the Chair or presiding officer shall allow the subject to present closing comments.

6. Upon the conclusion of the closing comments by the subject of the request for an opinion, the Commission will:

(a) Deliberate the issues of fact presented at the hearing, make a final determination of the findings of fact and apply the applicable law to the findings of fact;

(b) Render an opinion on the matter; and

(c) Submit a copy of the opinion to the subject.

7. The Commission may waive any provision of this section if the Commission determines that such a waiver is necessary to expedite the hearing or is in the interest of justice.

8. The request for an opinion and the information presented during the proceedings set forth in this section must be kept confidential, unless the subject of the request for an opinion acts in a manner set forth in subsection 7 of NRS 281A.550 to waive the confidentiality of such information.

Sec. 20. NAC 281A.550 is hereby amended to read as follows:

281A.550 1. *The Commission Counsel shall, if directed by the Commission, prepare:*

(a) A written opinion of the Commission regarding a first-party request for an opinion, a third-party request for an opinion or a request for an opinion submitted pursuant to subsection 6 of NRS 281A.550; and

(b) An abstract of any written opinion which is confidential pursuant to subsection 7 of NRS 281A.440 or subsection 7 of NRS 281A.550.

2. A written opinion *or abstract* of the Commission must plainly state:

(a) If the opinion concerns a third-party request for an opinion, each violation alleged against the public officer or public employee who is the subject of the third-party request for an opinion;

(b) Except as otherwise provided in subsection 7 of NRS 281A.440, if the opinion concerns a first-party request for an opinion, each question for which the public officer or employee seeks guidance concerning the interpretation of a statutory ethical standard;

(c) If the opinion concerns a request for an opinion filed pursuant to subsection 6 of NRS 281A.550, the relevant facts in the case that do or do not justify relief from the strict application of the provisions of subsection 3 or 5 of NRS 281A.550, as applicable;

(d) The determination of the Commission with regard to each allegation, question or fact, as applicable; and

(e) The applicable findings of fact and conclusions of law and any specific guidance concerning the interpretation of a statutory ethical standard provided by the Commission to a public officer or public employee who is the subject of a first-party request for an opinion.

~~12.1~~ 3. Each written opinion *and abstract* must be numbered, dated and signed by the Chair or presiding officer.

~~13.1~~ 4. The Commission will:

(a) Provide a copy of each written opinion *and abstract* to each person who is a party;

(b) Post a copy of each written opinion *which is not confidential and each abstract* on the *Internet* website of the Commission at <http://ethics.nv.gov>; and

(c) Deliver a copy of a written opinion *which is not confidential or an abstract, as applicable*, to any person who requests such a copy.

5. As used in this section, “abstract” means a version of a confidential written opinion that has been redacted or amended to keep the identity of the requester of the opinion confidential.

Sec. 21. NAC 281A.560 is hereby amended to read as follows:

281A.560 1. Except as otherwise provided in this section, ~~{to obtain copies of public records from}~~ the Commission ~~{, a person must:~~

~~—(a) File a written request at the principal office of the Commission or appear personally at an office of the Commission; and~~

~~—(b) Before the copies are made, pay the actual cost of the copies or an estimate of the actual cost, as determined by the Commission’s staff, unless the Commission’s staff, in its discretion and based upon its experience with the person requesting the copies, allows the person to pay the actual cost of the copies when the copies are provided to the person.~~

~~—2.— Except as otherwise provided in this section, the cost of obtaining copies of}~~ *will make* public records ~~{from}~~ *of* the Commission ~~{is 25 cents for each page of the public record that is copied.~~

~~—3.}~~ *available for inspection and copying in accordance with the provisions of chapter 239 of NRS.*

2. Except as otherwise provided in this section, to obtain copies of a transcript concerning a matter that was recorded by the Commission, a person must file a written request at the principal office of the Commission and make arrangements directly with the court reporter.

~~{4.— A person may not obtain}~~

3. *The Commission will not authorize a court reporter to provide* copies of a transcript concerning a matter that was recorded by the Commission *to a person seeking such a transcript*

pursuant to subsection 2 unless the contents of the proceedings concerning that matter may be disclosed to that person pursuant to the provisions of chapter 281A of NRS and NAC 281A.250 to ~~281A.290,~~ *281A.310*, inclusive.

~~5.~~ 4. A court reporter ~~may~~ *shall* not provide to a person copies of a transcript concerning a matter that was recorded by the Commission or any other documents unless the court reporter has received written permission from the Commission. ~~to do so.~~

~~6.~~ 5. The Commission may waive all or a portion of the cost of obtaining copies of public records *made available pursuant to subsection 1* if the person requesting the copies files a written request for such a waiver at the principal office of the Commission and the Commission determines that:

(a) The copies requested are reasonable in quantity; and

(b) The person requesting the copies is a party to a matter before the Commission and does not have the financial ability to pay for all or a portion of the cost of the copies.

Sec. 22. NAC 281A.615 is hereby amended to read as follows:

281A.615 1. The following documents must be ~~filed in proper form;~~ *on the form provided by the Commission and submitted in the manner prescribed on the form:*

(a) A disclosure of representation and counseling required pursuant to NRS 281A.410; and

(b) An acknowledgment of the statutory ethical standards required pursuant to NRS 281A.500.

2. The form for each document specified in subsection 1 is available at the principal office of the Commission and on the *Internet* website of the Commission.

Sec. 23. NAC 281A.040, 281A.080, 281A.085 and 281A.185 are hereby repealed.

TEXT OF REPEALED SECTIONS

281A.040 “Information related to the third-party request for an opinion” defined.

(NRS 281A.290) “Information related to the third-party request for an opinion” includes, without limitation:

1. A third-party request for an opinion;
2. All investigative materials and information related to the third-party request for an opinion, including, without limitation, any investigation report;
3. Each document in the possession of the Commission or its staff related to the third-party request for an opinion; and
4. The record of the proceedings of an investigatory panel related to the third-party request for an opinion.

↪ The term does not include any confidential information unless the confidentiality of the information has been expressly or impliedly waived.

281A.080 “Proper form” defined. (NRS 281A.290) “Proper form” means a form, available from an office or website of the Commission, which is:

1. Created by the Commission for the intended purpose of the form; and
2. Submitted to the Commission at the principal office of the Commission with all required information clearly and legibly printed or typed on the form.

281A.085 “Record of the proceedings of an investigatory panel” defined. (NRS 281A.290) “Record of the proceedings of an investigatory panel” means written or audio documentation memorializing the deliberations of an investigatory panel during the proceedings of the investigatory panel.

281A.185 Preparation of written opinions by Commission Counsel. (NRS 281A.290)

In addition to any other duties imposed on him or her by the Commission, the Commission Counsel shall, in a timely manner, prepare a written opinion for each third-party request for an opinion, first-party request for an opinion and request for an opinion filed pursuant to subsection 6 of NRS 281A.550 that is heard by the Commission.

STATE OF NEVADA
COMMISSION ON ETHICS
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**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED
BY NEVADA ADMINISTRATIVE PROCEDURE ACT, NRS 233B.066
LCB FILE NO. R048-14**

The Nevada Commission on Ethics (“Commission”) submits the following informational statement for its adopted amendments to Nevada Administrative Code (NAC) 281A.

1. A clear and concise explanation of the need for the adopted regulation.

The need for and purpose of the proposed permanent regulation is to reflect amendments to NRS Chapter 281A enacted by Senate Bill 228 of the 77th Legislative Session (Chapter 551, 2013 Statutes of Nevada) and staffing changes authorized by the Commission’s Legislatively Approved FY14-15 Biennial Budget for budget account 1343, decision unit E 250, including provisions relating to Commission procedures regarding jurisdiction, notice and investigations of third-party requests for opinion, confidentiality of certain information and documents which are used by the Commission and staff of the Commission, the applicability of certain relationships as those within the third degree of consanguinity, and other matters related thereto. (NRS 233B.0603(1)(a)(1))

2. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

In accordance with NRS Chapters 233B and 241, the Commission posted the proposed permanent regulation approved by the Legislative Counsel, the notice of workshop and the notice of intent to act upon the proposed permanent regulation on Commission’s website at <http://ethics.nv.gov>, and in various other public locations, including the county libraries. In addition to the public libraries, the locations included:

- The Nevada Legislature’s Administrative Regulations Notices website:
<http://www.leg.state.nv.us/App/Notice/A/>
- Nevada Public Notice Website: <http://notice.nv.gov>
- State Library & Archives Building, 100 North Stewart Street, Carson City
- Blasdel Building, 209 E. Musser Street, Carson City
- Washoe County Administration Building, 1001 East 9th Street, Reno
- Grant Sawyer State Office Building, 555 E. Washington Ave., Las Vegas

The Commission conducted a public workshop on May 22, 2014 in Carson City, Nevada and a public hearing on June 11, 2014 in Las Vegas, Nevada. The Commission solicited

public comment on the proposed permanent regulation via written comment in advance of the respective hearings and/or personal appearance during the hearings. The Commission received no public comment.

A copy of this summary of the public response to the proposed permanent regulation may be obtained from the Nevada Commission on Ethics at 704 W. Nye Lane, Suite 204, Carson City, NV 89703, or from the Commission's website at <http://ethics.nv.gov>.

3. The number of persons who:

Attended each hearing:	None
Testified at each hearing:	None
Submitted written comments:	None

4. A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3, as provided to the agency.

No persons attended the workshop or public hearing or submitted written comments to the Commission.

5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

In accordance with NRS 233B.0608, the Commission determined that the proposed permanent regulation would not affect any small businesses because it would not impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business. The provisions of NRS 281A govern only the conduct of public officials and employees to ensure that they commit themselves to avoid conflicts between their private interests and the interests of the public that they serve.

The Commission issued a statement in accordance with NRS 233B.0608(3) outlining its concerted effort to determine no impact on small business. *See* Statement Regarding Small Business Impact. Accordingly, small businesses were solicited in the same manner as the general public identified in Question No. 2 and a copy of this summary may be obtained as identified in Question No. 2.

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The regulation was adopted without changing any part of the proposed permanent regulation approved by the Legislative Counsel because no public or small business comments were made before or during the workshop or public hearing.

- 7. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:**

a. Both adverse and beneficial effects; and

Adoption of this regulation does not create any known adverse economic or beneficial effects on the public or public officers and employees under the jurisdiction of the Commission.

b. Both immediate and long-term effects.

Adoption of this Regulation does not create any known immediate or long-term economic effects on the public or the public officers and employees under the jurisdiction of the Commission.

- 8. The estimated cost to the agency for enforcement of the adopted regulation.**

None.

- 9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates federal regulation, the name of the regulating federal agency.**

The proposed permanent regulation does not duplicate or overlap any other state, federal or other governmental agency's regulations.

- 10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

N/A

- 11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

The proposed permanent regulation does not establish any new fees or increase any existing fees.