



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

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

**September 16, 2015**

The Commission on Ethics held a public meeting on  
Wednesday, September 16, 2015, at 8:30 a.m.  
at the following location:

**Desert Regional Center  
1391 S. Jones Blvd.  
Las Vegas, NV 89146**

These minutes constitute a summary of the above proceedings of the Nevada Commission on Ethics. Verbatim transcripts of the Open Session 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.

Chair Paul H. Lamboley, Esq., present in Las Vegas, Nevada, called the meeting to order at 8:34 a.m. Also present in Las Vegas, Nevada were Vice-Chair Gregory J. Gale, CPA and Commissioners Timothy Cory, Esq., Magdalena Groover, Cheryl A. Lau, Esq., Keith A. Weaver, Esq., and James M. Shaw. Appearing telephonically was Commissioner John C. Carpenter.

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 L. Hayden, PP, and Commission Intern, Timothy Eacobacci.

The pledge of allegiance was conducted.

The meeting was called into CLOSED Session at 8:36 a.m. pursuant to NRS 281A.440.

The meeting was called into OPEN session at 12:40 p.m. Chair Lamboley noted for the record that Commissioner Carpenter was excused from participation in the afternoon session.

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. 14-79C, regarding Mike Lemich, Commissioner, White Pine County, submitted pursuant to NRS 281A.440(2).

Commission Counsel, Tracy L. Chase, Esq., noted on the record the telephonic presence of the Subject, Mr. Lemich, and his legal counsel, Richard W. Sears, Esq. Executive Director, Yvonne Nevarez-Goodson, Esq., noted for the record her recusal as Executive Director due to her participation at the beginning of this matter as Commission Counsel acting on behalf of the Commission and that Associate Counsel, Jill C. Davis, Esq., was acting on behalf of the Executive Director in this matter. The Chair noted Ms. Davis' participation in the development of the proposed stipulated agreement.

Ms. Chase summarized the issues of the case which included the allegations that Mr. Lemich had certain conflicts of interest and that he failed to properly disclose such conflicts and abstain from voting on certain matters during a White Pine County Commission meeting. The proposed stipulated agreement indicated that Mr. Lemich, acting as White Pine County Commissioner, made inconsistent disclosures of conflicts of interest during multiple commission meetings and the attenuated nature of certain incidents and totality of circumstances, established a single violation. Mitigating circumstances that support the issuance of a non-willful violation, include the facts that Mr. Lemich no longer serves as a Commissioner, he had no prior violations, he did not acquire any financial gain as a result of his conduct and he had fully cooperated with the investigation.

Ms. Chase requested a certain minor amendment to the language of the proposed stipulated agreement and the Chair asked if counsel agreed to the changes. Mr. Sears stated that he and his client had just finished reviewing the amendment and that Mr. Lemich now has some concerns about the overall case, specifically regarding the lack of any significant pecuniary interest at stake and whether it should warrant a violation.

The Chair tabled the matter for the next Commission meeting and directed counsel to confer on these issues.

A brief lunch recess was taken.

5. Approval of Minutes of the July 15, 2015 Commission Meeting.

This Agenda Item was called out of order.

Vice-Chair Gale was recognized by the Chair for a motion on approval of the minutes. Vice-Chair Gale moved to approve the July 15, 2015 Commission Meeting Minutes without amendment. Commissioner Lau seconded the Motion.

The Motion was put to a vote and carried unanimously.

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

This Agenda Item was called out of order.

Chair Lamboley opened the floor for nominations for the position of Chair. Commissioner Cory nominated Commissioner Cheryl Lau for Chair. Commissioner Shaw seconded the Motion. No other nominations were made and the Chair closed nominations.

The Motion was put to a vote and carried unanimously.

The Commission agreed that it would take effect following the current meeting.

Due to scheduling issues, the Commission tabled the election of Vice-Chair until later in the meeting.

4. Consideration and approval of proposed Stipulated Agreement, pursuant to NRS 281A.440(8) concerning Third-Party Request for Opinion No. 15-21C regarding Melody Van Camp, Mayor, City of Ely, submitted pursuant to NRS 281A.440(2).

This Agenda Item was called out of order.

Chair Lamboley began by recognizing Subject's counsel, City Attorney Chuck Odgers, Esq., and the Commission's Associate Counsel, Jill C. Davis, Esq., for their efforts in developing the proposed stipulated agreement and opened the floor for Commission Counsel, Tracy L. Chase, Esq., to summarize the proposed stipulated agreement and any minor changes to the language that had been brought out in questions from the Commissioners.

Ms. Chase summarized that the stipulated agreement addressed alleged violations regarding Mayor Van Camp's failure to properly disclose a conflict of interest involving her private property during a city council meeting and that she did not seek legal advice regarding abstention from the matter.

Ms. Chase indicated that mitigating factors supported a non-willful violation of NRS Chapter 281A based upon certain findings that Mayor Van Camp: 1) Did not participate or vote on the matter as the mayor is a non-voting member of the City Council (however, the mayor can be called on to vote in the event of a tie or when vetoing an item); 2) Was a newly elected public officer at the time, and has no prior ethics violations; 3) Has not received any personal financial gain as a result of her conduct; 4) Has been diligent in her cooperation with the investigation and resolution of the matter; and 5) The matter involved a project that began before Mayor Van Camp took office.

The only change to the proposed stipulated agreement requested by the Commission was to add the word "timely" in regard to the violation of failing to file an Acknowledgment of Ethical Standards Form. Ms. Chase indicated that the date of the filing is still being confirmed and that the word "timely" more accurately reflects the current status. Mr. Odgers then added a clarification for the record noting that Mayor Van Camp began her appointment in March 2014 following the death of the previous mayor and confirmed that, though her Acknowledgment form was untimely, he believed it was due to his client's late start in office.

The parties agreed to the minor changes. Commissioner Shaw moved to approve the proposed stipulated agreement as modified. Commissioner Lau seconded the motion. Vice-Chair Gale added to the Motion to include the authority for Commission Counsel to make minor changes, and the matter was put to a vote and carried unanimously.

7. Report by Executive Director.

This Agenda Item was called out of order.

Executive Director, Yvonne Nevarez-Goodson, Esq. provided a status report of the Commission's personnel policy manual noting that the manual was in draft stage in cooperation with State Human Resource personnel to ensure compliance with state policies. The goal for completion is for the end of this calendar year.

Ms. Nevarez-Goodson updated the Commission regarding outreach and education and advised that many training sessions have taken place since the last update and many more were already scheduled for the near future in local jurisdictions and state boards and commissions. Chair Lamboley asked whether the current outreach efforts includes sheriff associations and city and district attorney associations. Ms. Nevarez-Goodson responded that the current schedule does not include these entities, and that she was recently informed of a potential ethics reform matter from the Attorney General's office via invitations to a Law Enforcement Summit.

Ms. Nevarez-Goodson then summarized the results of her direct inquiry to the Attorney General regarding what was sought by the Summit's ethics reform. It is the Attorney General's understanding that law enforcement, in particular, the sheriff's association, had some concerns about the Ethics Commission and its jurisdiction given recent decisions, and they wanted the opportunity to vent those concerns and see if the Attorney General could offer guidance. Ms. Nevarez-Goodson said that the Attorney General, in his words, is attempting to be a buffer for the Commission in that effort.

Ms. Nevarez-Goodson then stated that she assured the Attorney General that the Commission would want to be invited to the table for any collaborative effort regarding any ethics reform rather than having such reform be a surprise during the next legislative session. Ms. Nevarez-Goodson believes the message was heard but the Commission was still not invited to the summit.

Chair Lamboley stated again that outreach to the trade associations is an opportunity to ensure transparent government and solicit feedback from the sheriff's association while informing the presenters (i.e., city attorneys) with a better understanding of ethics in government when representing clients before the Commission. Chair Lamboley stated the importance of the Commission's Executive Director and Commission Counsel keeping both the Attorney General's Office and the Governor's Office informed about what the Commission is doing, and keeping the lines of communication open.

Ms. Nevarez-Goodson confirmed that monthly meetings were ongoing with the Commission's liaison at the Governor's office. Ms. Nevarez-Goodson also highlighted ongoing efforts regarding the UNLV Boyd School of Law intern program, and the focus on outreach to publicly appointed and elected attorneys, both of which have been very positive.

Ms. Nevarez Goodson next updated the Commission regarding its website to reassure the Commission that a new website was in progress and that it will be utilizing significant staff resources to transfer all documents to the new website. However, the current website continues to serve its purpose. Chair Lamboley asked about the budget impact and Ms. Nevarez-Goodson explained that it would be a significant impact on staffing requirements, but that it was unclear exactly how much at this time until staff will know more about what it will entail technically to transfer the Commission's documents to the new website.

Ms. Nevarez-Goodson added that information was being gathered regarding utilizing a portal (intranet) on our website that would have secure access to Commission staff and members so that meeting materials could be uploaded by staff and downloaded from the same site directly by the Commissioners without having to transfer large data files via email. This is a tool that the Judicial Discipline Commission is currently utilizing and it works well with their commissioners. Ms. Nevarez-Goodson stated she was bringing this to the Commission's attention along with other ideas like getting tablets for the Commissioners to upload meeting materials to as part of the new proposed budget package.

Ms. Nevarez-Goodson then gave a verbal update on the status of the Commission's opinions stating that the opinions are current and on-track and that plans for handling the work from this meeting have already been made between Commission Counsel and the Associate Counsel.

Ms. Nevarez-Goodson returned to the topic of the budget by mentioning ongoing discussions with the Commission's liaison at the Governor's Office about the significant budget enhancements approved during this last legislative session for the Judicial Discipline Commission, including significant salary and job title adjustments. She explained that this Commission is looking for some parity in salary extensions to Commission staff in the next session. In the interim, Ms. Nevarez-Goodson stated that she has found some money that might be available from the local government reserves but that the Commission is likely limited in using it for salaries due to the legal restrictions associated with the Unclassified Pay Bill. Vice-Chair Gale asked about whether it was a real possibility to obtain salary adjustments through the Interim Finance Committee and Ms. Nevarez-Goodson responded that discussions are underway with the Director of the Office of Finance and the Commission's liaison at the Governor's Office to determine whether this is possible.

Ms. Nevarez-Goodson updated the Commissioners regarding EEO training. Commission staff has completed this training and the Commission, as members of state boards and commissions, will be given a printed packet that they can read and sign indicating their understanding of state policies. Another option is to have in-house training.

Ms. Nevarez-Goodson formally introduced the Commission's intern, Timothy Eacobacci, and indicated that he had been providing valuable service for several months and would be able to continue to do so until he obtains full-time employment.

As a final matter, Ms. Nevarez-Goodson thanked Chair Lamboley, Vice-Chair Gale and Commissioner Cory for outstanding service and dedication to the Commission, noting that all three were ending their terms of service over the next couple of months.

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

This Agenda Item was called out of order.

Returning to the matter of elections, Chair Lamboley opened the floor for nominations of a Vice-Chair. Commissioner Shaw nominated Keith Weaver and Commissioner Lau seconded the Motion. No other nominations were made and the Chair closed nominations for Vice-Chair.

The Motion was put to a vote and carried unanimously.

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

Commissioner comments centered on goodbyes from the outgoing commissioners. Commissioner Cory asked Vice-Chair Gale whether he would be available to read the draft minutes before his term was up at the end of October and Vice-Chair Gale responded in the affirmative.

9. Open Session for Public Comment.

No Public comments.

10. Adjournment.

Chair Lambolely adjourned the meeting at 2:50 p.m.

Minutes prepared by:

/s/ Darci Hayden

Darci Hayden, PP  
Senior Legal Researcher

/s/ Yvonne M. Nevarez-Goodson

Yvonne M. Nevarez-Goodson, Esq.  
Executive Director

Minutes approved March 16, 2016:

/s/ Cheryl A. Lau

Cheryl A. Lau, Esq.  
Chair

/s/ Keith A. Weaver

Keith A. Weaver, Esq.  
Vice-Chair