



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

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

March 16, 2016

The Commission on Ethics held a public meeting on
Wednesday, March 16, 2016, at 9:00 a.m.
at the following locations:

**Grant Sawyer State Office Building
555 E. Washington Ave, Room 4412
Las Vegas, NV 89101**

These minutes constitute a summary of the above proceedings of the Nevada Commission on Ethics. Verbatim transcripts 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 Cheryl A. Lau, Esq. called the meeting to order in Las Vegas, Nevada at 9:12 a.m. Present in Las Vegas were Commissioners Magdalena Groover, James M. Shaw and Dan H. Stewart. Present for Commission Staff in Las Vegas were Executive Director, Yvonne M. Nevarez-Goodson, Esq., Commission Counsel, Tracy L. Chase, Esq., Associate Counsel, Judy A. Prutzman, Esq. and Executive Assistant Valerie M. Carter.

Present via video teleconference from Elko, Nevada was Commissioner John C. Carpenter. Commissioner Barbara Gruenewald, Esq. appeared via telephone and participated in agenda items 1, 2, 3, 4 and 5.

The pledge of allegiance was conducted.

2. Public Comment.

No public comment.

3. Authorization for the Commission Chair and/or Executive Director, as appropriate, to seek a written opinion from the Nevada Attorney General's office pursuant to NRS 228.150 to obtain clarification on State laws establishing confidentiality in State administrative proceedings for professional licensing matters, which may implicate provisions of NRS Chapter 281A, the Ethics in Government Law, and matters relating thereto.

Commission Counsel, Tracy L. Chase, Esq., explained that the Ethics Law requires public officers who represent individuals in their private capacity before Executive Branch agencies of State Government, to file with the Commission a Notice of Representation indicating the name of

their client(s), the nature of the representation and the state agency. Ms. Chase expressed the concern that certain State agencies have independent confidentiality provisions which require the name of the subject remain confidential. Ms. Chase explained the conflict between the Ethics Law requiring disclosure and the provisions of other agencies and licensing boards requiring confidentiality, and she recommended that the Commission request an Attorney General Opinion to interpret any discrepancies.

Ms. Chase briefly explained her understanding of the process to request an Attorney General Opinion.

Commissioner Stewart moved to authorize the Commission Chair and/or the Executive Director as appropriate, to seek a written Opinion from the Nevada Attorney General's Office pursuant to NRS 228.150 regarding this matter. Commissioner Shaw seconded the Motion. The Motion was put to a vote and carried unanimously.

5. Approval of Minutes of the September 16, 2015, December 16, 2015 and January 20, 2016 Commission Meetings.

This agenda item was called out of order. Commission Counsel Tracy L. Chase, Esq. stated that a quorum of the members who participated in the September 16, 2015 and January 20, 2016 meetings was not present at the time to vote on the related Minutes, but a quorum was present to vote on the December 16, 2015 Meeting Minutes. Approval of the remaining Minutes was tabled until later in the meeting.

Commissioner Shaw abstained from voting on the December 16, 2015 minutes as he was excused from that Meeting.

Commissioner Groover moved to approve the Minutes of the December 16, 2016 Commission Meeting. Commissioner Stewart seconded the Motion. The Motion was put to a vote and carried unanimously.

4. Discussion and consideration of Motion for Summary Judgment ("Motion") and Offer of Proof based upon Panel Determination concerning Third-Party Request for Opinion No. 14-70C regarding Shirley Matson, Former Nye County Assessor, submitted pursuant to NRS 281A.440(2).

Commissioner Carpenter disclosed that he served on the Panel regarding RFO 14-70C and thus would not participate in the matter.

Lisa A. Rasmussen, Esq. appeared on behalf the Subject Shirley Matson. Executive Director, Yvonne M. Nevarez-Goodson, Esq., appeared on behalf of the Commission.

As exempt from the Open Meeting Law pursuant to NRS 281A.440(16), the meeting was called into closed session at 9:26 a.m. to discuss and consider the Motion and Offer of Proof, as such records contained confidential content.

The meeting was called into open session at 10:44 a.m.

Commissioner Gruenewald discussed the extensive procedural history of the Request for Opinion, noting the 18 months that Commission staff had worked on this case, the preliminary review by an Investigatory Panel, and the five continuances granted with no response from the

Subject. Commissioner Gruenewald further identified the factual support of the Motion for Summary Judgment and lack of any statements under oath or other documents by Matson. Based on her comments, Commissioner Gruenewald and moved that the Commission grant the Motion for Summary Judgment in Request for Opinion 14-70C. Commissioner Shaw seconded the Motion.

The Motion was put to a vote and carried as follows:

Commissioner Shaw:	Aye.
Commissioner Groover:	No.
Commissioner Gruenewald:	Aye.
Commissioner Stewart:	Aye.
Commissioner Lau:	Aye.

Commission Counsel Tracy L. Chase, Esq. stated that with the passage of the Motion, the Commission would need to determine whether or not the violations of the Ethics Law are “willful” and whether or not there will be an associated fine.

Commissioner Shaw moved that the Subject appear before the Commission at its next meeting to review any mitigating factors relating to the willfulness of the violations found. Commissioner Stewart seconded the Motion.

The Motion was put to a vote and carried as follows:

Commissioner Shaw:	Aye.
Commissioner Groover:	No.
Commissioner Gruenewald:	Aye.
Commissioner Stewart:	Aye.
Commissioner Lau:	Aye.

A discussion ensued regarding the scheduling of the hearing to determine the willfulness.

Ms. Rasmussen confirmed her availability to appear on Wednesday April 20, 2016. She agreed to submit arguments in writing if Ms. Matson would not be in attendance. Ms. Rasmussen stated she would notify the Commission by April 16, 2016 regarding Ms. Matson’s attendance at the April 20th hearing.

A brief recess was taken at 10:55 a.m. The meeting reconvened at 11:05 a.m.

Vice-Chair Keith Weaver joined the meeting in Las Vegas, Nevada.

Commissioner Gruenewald was excused from the remaining agenda items.

5. Approval of Minutes of the September 16, 2015 and December 16, 2015 and January 20, 2016 Commission Meetings.

This agenda item was re-opened and called out of order. Chair Lau stated that a quorum was now present to consider the September 16, 2015 and January 20, 2016 Commission Meeting Minutes.

Commissioner Stewart stated that he was not a member of the Commission at the time of the September 16, 2016 Commission meeting and he would abstain from voting on those minutes.

Commissioner Carpenter stated that he was excused from the January 20, 2016 Commission meeting and he would abstain from voting on those minutes.

Commissioner Shaw moved to approve the Minutes of the September 16, 2015 Commission Meeting. The motion was seconded by Commissioner Groover. The motion was put to a vote and carried unanimously.

Commissioner Shaw moved to approve the Minutes of the January 20, 2016 Commission Meeting. The motion was second by Commissioner Stewart and Commissioner Groover. The motion was put to a vote and carried unanimously.

6. Discussion and consideration of a Proposed Stipulation concerning Third-Party Request for Opinion No. 14-79C regarding Mike Lemich, Commissioner, White Pine County Board of Commissioners, submitted pursuant to NRS 281A.440(2).

Richard Sears, Esq. appeared via telephone on behalf of the Subject Mike Lemich. Associate Counsel Judy A. Prutzman, Esq. appeared on behalf of the Commission.

Commissioner Carpenter disclosed he knew the Lemich family for many years, but he did not believe this relationship would hinder his ability to be unbiased with respect to this matter.

Executive Director Yvonne Nevarez-Goodson, Esq. disclosed that she served as the Commission Counsel at the time this Request for Opinion was received and therefore, upon her appointment by the Commission as Executive Director, the investigation was handled exclusively by Associate Counsel with no involvement from the Executive Director.

Commission Counsel Tracy L. Chase, Esq. gave an overview of the Request for Opinion and the proposed Stipulated Agreement. Ms. Chase stated that the Stipulated Agreement includes one willful violation and imposes a fine of \$500.

Mr. Sears concurred with Commission Counsel's presentation.

Associate Counsel Judy A. Prutzman, Esq. presented the history and summary of the Stipulated Agreement.

Mr. Sears stated he and his client were in agreement with the terms of the Stipulation; however, he commented that Lemich found it offensive that donating land to the County has been construed in the Request for Opinion as Lemich trying to line his own pockets.

Commissioner Carpenter moved to accept the Stipulated Agreement in Request for Opinion 14-79C regarding Mike Lemich. Commissioner Groover seconded the Motion. The motion was put to a vote and carried unanimously.

7. Report by Executive Director on agency status and operations.

Executive Director Yvonne Nevarez-Goodson, Esq. reported a vacancy on the Commission remains and she has no specific timeline from the Governor's office as to when an

appointment might be made. She reported that Commissioner Shaw will be coming to the end of his second term in June and she will be seeking a subsequent appointment from the Legislative Commission.

Ms. Nevarez-Goodson discussed the redacted Request for opinion Log (Case Log) that was provided to the Commission in their materials. She reported on the current number of pending investigations and pending written opinions. She commended Commission staff for working diligently to get Opinions drafted and published.

Ms. Nevarez-Goodson reported that the Commission's outreach and education has had a small recession during the winter months but expects to present several trainings scheduled during the next couple of weeks.

Ms. Nevarez-Goodson discussed the upcoming Budget Request for FY18-19 as well as any Bill Draft Requests the Commission may propose. She reported that April 15, 2016 is the deadline for the agency to submit a legislative concept summary to the Governor's office for approval. She requested that the Chair form a Legislative subcommittee to work with the Executive Director on the proposed statutory changes.

Ms. Nevarez-Goodson reported that the Budget office has directed all State agencies to prepare a flat Budget Request, as well as back-up Budget Request that reflects a 5% cut that will be used in the event the State's revenues fall short.

Ms. Nevarez-Goodson stated she would request the Commission's continued support for staff salary increases and certain title changes more in-line with the equivalent positions at the Commission on Judicial Discipline as well as other executive branch agencies. Ms. Nevarez-Goodson acknowledged that the same positions within the Commission are not being budgetarily respected and she hopes to bring the issue to the Governor's and Legislature's attention next session, with the approval of the Commission. She said this could be accomplished in two ways, either by seeking an enhancement to the agency budget or by finding appropriate cost savings in the current budget.

Ms. Nevarez-Goodson again requested the Chair form a Subcommittee to vet legislative and budgetary issues for the 2017 Legislative Session. The Chair acknowledged the request and confirmed she would appoint a Subcommittee at this meeting.

Ms. Nevarez-Goodson reported that staff may propose regulatory changes and she is working with Commission Counsel Chase to determine the best approach going forward. She hopes the Legislative Subcommittee can assist with any regulatory changes in addition to the legislative issues. Ms. Nevarez-Goodson discussed her participation in the Nevada Certified Public Manager Program and her Capstone Project which relates to the streamlining and improvement of the Commission's case management and investigatory processes, which might be accomplished, in part, through these regulatory changes. She stated the statutory deadline to submit these regulatory changes is July 1, 2016.

Ms. Nevarez-Goodson discussed some of the digital upgrades staff has put in place in order to reduce staff time and other resources to compile meeting books. She discussed the need to go digital for security reasons and explained that within the next few months each commissioner will have his/her own, state issued email address so that confidential information is not being sent to their personal email addresses. She also discussed the hope of getting Commission-issued tablets for each Commission to use to access their electronic meeting materials and their state issued email. She will continue to update the Commission as these changes come to fruition. Ms. Nevarez-Goodson welcomed feedback from the Commissioner's regarding the digital upgrades.

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

Chair Lau commended the Commission staff for all of their work on preparing the materials, and expressed her appreciation of the staff time to assist the Commissioners, making their jobs easier.

A Lunch recess was taken at 11:47 a.m. The meeting reconvened at 12:46 p.m.

Chair Lau appointed Commissioners Groover, Shaw and Carpenter to the Legislative and Regulatory Subcommittee. Executive Director Yvonne Nevarez-Goodson thanked the Chair for creating the Subcommittee.

9. Open Session for Public Comment.

No public comment.

10. Adjournment.

Commissioner Weaver moved to adjourn the meeting. Commissioners Shaw and Groover seconded the motion. The motion was put to a vote and carried unanimously. The meeting adjourned at 1:45 p.m.

Minutes prepared by:

[/s/ Valerie Carter](#)

Valerie Carter, CPM
Executive Assistant

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

Yvonne M. Nevarez-Goodson, Esq.
Executive Director

Minutes approved April 20, 2016:

[/s/ Cheryl A. Lau](#)

Cheryl A. Lau, Esq.
Chair

[/s/ Keith A. Weaver, Esq.](#)

Keith A. Weaver, Esq.
Vice-Chair