



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

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

April 20, 2016

The Commission on Ethics held a public meeting on
Wednesday, April 20, 2016, at 1:00 p.m.
at the following locations:

**Nevada Commission on Tourism
Laxalt Building - Second Floor Chambers
401 North Carson Street
Carson City, NV 89701**

and via video-conference to:

**Governor's Office of Economic Development
555 E. Washington Ave, Suite 5400
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 Carson City, Nevada at 1:00 p.m. Also present in Carson City were Vice-Chair Keith A. Weaver, Esq., and Commissioners Barbara J. Gruenewald, Esq., James M. Shaw and Dan H. Stewart. Present for Commission Staff in Carson City were Executive Director, Yvonne M. Nevarez-Goodson, Esq., Commission Counsel, Tracy L. Chase, Esq., Associate Counsel, Judy A. Prutzman, Esq. and Senior Legal Researcher Darci Hayden, PP.

Present in Las Vegas, Nevada was Executive Assistant, Valerie M. Carter, CPM.

Commissioners John C. Carpenter and Magdalena Groover were excused from this meeting.

The pledge of allegiance was conducted.

2. Public Comment.

No public comment.

3. Approval of Minutes of the March 16, 2016 Commission Meeting.

Commission Counsel Tracy L. Chase confirmed a quorum was present to vote on the approval of the March 16, 2016 Meeting Minutes.

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

4. Discussion and consideration of final disposition concerning Third-Party Request for Opinion No. 14-70C regarding Shirley Matson, Former Nye County Assessor, submitted pursuant to NRS 281A.440(2), including determination of willfulness and imposition of possible sanctions under NRS 281A.480.

Jim Hoffman, Esq. of the Law Office of Lisa Rasmussen, Esq., appeared before the Commission, representing the Subject in RFO 14-70C, Shirley Matson.

Executive Director, Yvonne M. Nevarez-Goodson, Esq., appeared on behalf of the Commission.

Commission Counsel Tracy L. Chase, Esq. introduced the agenda item, summarized the factual background and advised the Commission to focus on the definition of a "Willful Violation" set forth in NRS 281A.170, the standards for determining whether a violation is willful pursuant to NRS 281A.475, and the amount of civil penalty which may be appropriately imposed pursuant to NRS 281A.480.

Counsel Chase reminded the Commission that it already made a determination that Matson violated the Ethics Law pursuant to the Executive Director's Motion for Summary Judgment. Accordingly, the only issue currently before the Commission was whether Matson's violations were willful and whether civil penalties should be issued pursuant to NRS 281A.480. Ms. Chase discussed each of these statutes in detail for the Commission.

Mr. Hoffman concurred with the facts as presented by Counsel Chase and provided his opening remarks regarding the willfulness of the violations committed by Ms. Matson.

Executive Director Yvonne Nevarez-Goodson, Esq. offered opening comments and recommended the Commission conclude that Matson engaged in two separate courses of conduct subject to two willful violations of the Ethics Law with associated civil penalties of \$5,000 each. Director Nevarez-Goodson argued that Matson's conduct included separate and distinct acts that could have warranted five or more violations. However, consistent with the Commission's prior Opinions, Ms. Nevarez-Goodson supported the imposition of only two courses of conduct.

Mr. Hoffman acknowledged the Commission's prior determination that Matson's conduct violated the Ethics Law, but he argued that all conduct could be considered as one course of conduct. Mr. Hoffman offered closing remarks and requested that any penalties imposed be light in nature.

Executive Director Yvonne Nevarez-Goodson, Esq. offered closing remarks reminding the Commission that this case represented the kind of behavior by Public Officers that is

unacceptable and the Commission's Opinion in this matter should serve as a strong message from the Commission regarding conduct of this nature.

Chair Lau asked that the Commission take the matter under consideration and called the meeting into a closed session at 1:24 p.m.¹ Chair Lau called the meeting back into open session at 1:28 p.m.

Commissioner Shaw clarified with Mr. Hoffman whether his client, Ms. Matson, was aware of the hearing today and what was being decided. Mr. Hoffman confirmed that she was aware.

Commissioner Shaw moved that the Commission find Ms. Matson committed two willful violations of the Ethics in Government law based on two separate courses of conduct and recommended a civil penalty of \$5,000 for two violations. The motion was seconded by Commissioner Gruenewald. Commissioner Gruenewald requested clarification on the Motion regarding the sanctions. Commissioner Shaw expressed his intention that each willful violation include a civil penalty of \$2,500 for a total of \$5,000. Commissioner Gruenewald confirmed her second to the Motion. The Motion was put to a vote and carried unanimously.

Chair Lau requested that Commission Counsel Tracy L. Chase, Esq. prepare a written Opinion to reflect the Commission's decision and notify the parties.

5. Discussion and approval of a Proposed Stipulation concerning Third-Party Request for Opinion No. 14-73C regarding Leonard Lance Gilman, Commissioner, Storey County Commission, submitted pursuant to NRS 281A.440(2).

Chair Lau excused Commissioner Weaver from participating in this agenda item as he served on the Investigatory Panel.

Appearing before the Commission on behalf of the Subject was Rick Hsu, Esq. Judy A. Prutzman, Esq., Associate Counsel appeared on behalf of Executive Director Nevarez-Goodson.

Commission Counsel, Tracy L. Chase, Esq., summarized the Request for Opinion and the facts presented in the Stipulated Agreement that was before the Commission for approval.

Associate Counsel Judy A. Prutzman, Esq. concurred with the facts presented by Commission Counsel and expressed the Executive Director's support of the Stipulated Agreement.

Rick Hsu, Esq. confirmed his approval and satisfaction with the language of the proposed Stipulated Agreement as presented.

Commissioner Gruenewald moved to approve the Stipulated Agreement in RFO 14-73C. The Motion was seconded by Commissioner Shaw.

Commission Counsel Tracy L. Chase, Esq. sought clarification whether the Motion included direction for Commission Counsel to prepare the final Stipulated Agreement and publish it on the Commission's Website. Commissioner Gruenewald agreed to amend the motion to include that direction. Commissioner Shaw seconded the amended Motion. The Motion was put to a vote and carried unanimously.

¹ Pursuant to NRS 281A.440(15) the Commission's deliberations in a Third-Party Request for Opinion may be held in a closed session, not subject to the Open Meeting Law.

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

Executive Director Yvonne M. Nevarez-Goodson, Esq. updated the Commission regarding Commissioner Appointments. She informed the Commission that Commissioner Shaw's second term will expire on June 30th of this year, and she plans to remind the Legislative Commission of the pending vacancy. Ms. Nevarez-Goodson also reported that the Governor reappointed Commissioner Weaver for another four-year term.

Ms. Nevarez-Goodson informed the Commission regarding the schedule for upcoming meetings, including a full day meeting expected on June 15, 2016 in Las Vegas and a possible brief telephonic meeting in May to hold a workshop for proposed regulations.

Ms. Nevarez-Goodson updated the Commission regarding its outreach and education program, stating that training requests were starting to pick up again with more invitations from State agencies. Ms. Nevarez-Goodson reported that she recently provided training to the Washoe County School District and various State agencies.

Ms. Nevarez-Goodson reported that she has submitted the Commission's approved BDR concepts to the Governor's office and expects to hear back within the next couple of weeks regarding the Governor's support. Without the Governor's approval, she stated that the Commission will have to consider whether it wishes to seek a legislative sponsorship of its BDR.

Ms. Nevarez-Goodson next explained the regulatory process for amendments to the Commission's Regulations (NAC 281A) and discussed possible amendments, including the jurisdictional appeal process, the provisions regarding hearings and withdrawal, and any other provisions that might assist the commission in carrying out its business.

7. Consideration, discussion and approval of Proposed Budget Enhancement Concepts pertaining to the 2017-2019 Biennial Budget of the Nevada Commission on Ethics to be submitted to the Governor's Office, and direction to the Commission's Executive Director to submit the concepts to the Governor's office.

Executive Director Yvonne M. Nevarez-Goodson, Esq. discussed the Governor's Budget Instructions for the FY17-19 Budget Request, and the process regarding agency enhancement concept requests.

Ms. Nevarez-Goodson gave an overview of the Commission's prior budget enhancement requests, including enhancements to salaries for certain staff, including the Executive Director, over the last two sessions. Ms. Nevarez-Goodson expressed the challenge with representing the Commission before the Legislature and requesting a salary enhancement for her own position. She asked for the Commission's continued support of the salary enhancement requests, and formal support on the record, to seek these enhancements on behalf of the Commission.

Ms. Nevarez-Goodson reiterated the enhancement concept process, stating that only concepts may be proposed to the Governor for approval. If approved, she will include the enhancements in her presentation to the Commission regarding the proposed Agency Budget Request in August 2016.

Ms. Nevarez-Goodson explained that the Budget Instructions have called for agencies to prepare a flat-budget, as well as a second budget that reflects an overall 5% reduction. She expects that the Commission will be able to satisfy both of those guidelines, especially since the

Commission has given her approval to consider recommendations about streamlining investigatory processes and case management processes.

Ms. Nevarez-Goodson proposed various enhancement concepts for the Commission's approval for submission to the Governor's office.

The first enhancement concept included staff title changes and salary adjustments comparable to equivalent positions with the Commission on Judicial Discipline. She explained the similarity of the agency functions as well as the similar positions of the Commission's judicial branch counterpart.

Ms. Nevarez-Goodson also suggested the addition of a part-time paralegal/legal secretary position to assist the Executive Director and Associate Counsel in the Third-Party investigatory/hearing processes. With the addition of the Associate Counsel position, the work load for the Senior Legal Researcher has significantly increased by providing legal support to the Executive Director and Associate Counsel in the investigatory functions of the Commission and the Commission Counsel on the procedural and adjudicatory functions of the Commission. Ms. Nevarez-Goodson stated that these dual roles implicate due process considerations. She hopes that the additional part-time employee would be able to assist with the more administrative tasks that are undertaken by the Executive Assistant and Senior Legal Researcher, in order to free up their time for more substantive tasks.

As an additional enhancement request, Ms. Nevarez-Goodson recommended that the Commission seek an enhancement for a Case Management System and Opinion Database. She stated that the Commission does not currently have a Case Management System, and as cases have become more formal, the appropriate Case Management System will assist in calendaring deadlines, organizing case information, generating templates and streamlining several processes currently in place.

Ms. Nevarez-Goodson also described the need for the Opinion Database, explaining that the Commission's current statutes regarding the Safe Harbor provision require Public Officers and employees to rely upon legal advice that is statutorily required to be based on the Commission's published Opinions. She explained that having the Opinions in a searchable format, available to the public on the Commission's website, would assist those to research our opinions and determine which decisions control their behavior.

Lastly, Ms. Nevarez-Goodson requested an enhancement for the cost of recording equipment. She explained that staff currently uses their personal cell phones to record interviews or meetings where a Court Report is not present.

Ms. Nevarez-Goodson asked the Commission to approve the four items to be forwarded to the Governor's office as conceptual enhancements for approval.

Commissioner Stewart moved to approve all four enhancement concepts. Commissioner Weaver seconded the Motion. The Motion was put to a vote and carried unanimously.

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

No Commissioner comments.

9. Open Session for Public Comment.

No public comment.

10. Adjournment.

Commissioner Shaw moved to adjourn the meeting. Commissioner Stewart seconded the Motion. The Motion was put to a vote and carried unanimously. The meeting adjourned at 2:19 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 June 15, 2016:

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

Cheryl A. Lau, Esq.
Chair

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

Keith A. Weaver, Esq.
Vice-Chair