



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

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

June 15, 2016

The Commission on Ethics held a public meeting on
Wednesday, June 15, 2016, at 1:00 p.m.
at the following locations:

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

and via video-conference to:

**Nevada Legislative Building
Room 3138
401 S. Carson Street
Carson City, NV 89701**

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 1:23 p.m. Also present in Las Vegas were Vice-Chair Keith A. Weaver, Esq., and Commissioners Magdalena Groover, Barbara J. Gruenewald, Esq., 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, CPM.

Present in Carson City, Nevada was Senior Legal Researcher Darci Hayden, PP.

Commissioner John C. Carpenter was excused from this meeting.

The pledge of allegiance was conducted.

2. Public Comment.

No public comment.

3. Approval of Minutes of the April 7, 2016, April 14, 2016 and April 20, 2016 Commission Meetings.

Commissioner Stewart moved to approve the Minutes of the April 7, 2016 Commission Meeting. Commissioner Groover seconded the Motion. Counsel Chase reminded Vice-Chair Weaver that he was not present at the April 7, 2016 meeting and he abstained from voting on the Motion. The Motion was put to a vote and carried unanimously, with Vice-Chair Weaver abstaining.

Commissioner Shaw moved to approve the Minutes of the April 14, 2016 Commission Meeting. Commissioner Gruenewald seconded the Motion. Counsel Chase reminded Vice-Chair Weaver and Commissioner Stewart that they were not present at the April 14, 2016 meeting. The Motion was put to a vote and carried unanimously, with Vice-Chair Weaver and Commissioner Stewart abstaining.

At the request of Director Nevarez-Goodson, Counsel Chase confirmed that a quorum was present to approve the April 14, 2016 meeting Minutes.

Commissioner Shaw moved to approve the Minutes of the April 20, 2016 Commission Meeting. Commissioner Stewart seconded the Motion. Counsel Chase stated that Commissioners Groover and Carpenter were excused from the April 20, 2016 meeting. The Motion was put to a vote and carried unanimously, with Commissioner Groover abstaining.

4. Discussion and possible approval of final determination including Proposed Stipulation submitted under the standards set forth in NRS 281A.465, concerning Third-Party Request for Opinion No. 14-71C regarding Jim Pitts, Sheriff, Elko County.

Thomas P. Beko, Esq. of Erickson, Thorpe & Swainston, Ltd., appeared before the Commission, representing the Subject in Request for Opinion (RFO) 14-71C, Jim Pitts.

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

Chair Lau excused herself from this agenda item pursuant to NRS 281A.224, as she participated in the Panel Hearing in this matter. Vice-Chair Weaver served as Chair for the remainder of the agenda item.

Commission Counsel Tracy L. Chase, Esq. introduced the agenda item, summarized the allegations and discussed the factual background surrounding the RFO. Counsel Chase stated that the central issue in all the alleged violations was one of first impression for the Commission with regard to whether an incumbent sheriff may use certain accoutrements as elected officials in his campaign for re-election. Counsel Chase summarized the proposed Stipulated Agreement explaining that it served to dismiss the allegations because there was a lack of State and/or local law governing or clarifying the duties of an official incumbent in this arena.

Mr. Beko provided opening remarks and testified that he believed the proposed Stipulated Agreement was an appropriate resolution to this matter and he and his client were in agreement with the language as presented.

Executive Director Yvonne Nevarez-Goodson, Esq. disclosed her role in this RFO as Commission Counsel prior to her appointment as the Executive Director. Ms. Nevarez-Goodson stated that Mr. Beko and his client consented to Ms. Nevarez-Goodson's continued involvement as the Executive Director in this matter.

Ms. Nevarez-Goodson explained that it was unorthodox to enter into a stipulated agreement that dismisses all allegations rather than a request for dismissal because the parties agreed it would provide an avenue for the Commission to provide guidance in this scenario. Director Nevarez-Goodson stated she was in agreement with the terms as presented and commends Sheriff Pitts for accepting the Stipulated Agreement and final Opinion where there has been uncertainty in the law on these particular issues, and providing the Commission an opportunity to highlight those issues for other public officers and employees.

Commissioner Grunewald moved to accept the terms of the Stipulation presented by the parties and direct Commission Counsel to finalize the Stipulation in appropriate form provided that such form does not materially change the terms approved by the Commission. Commissioner Shaw seconded the Motion. The Motion was put to a vote and carried unanimously.

Mr. Beko offered closing comments to the Commission regarding the difficulties of the allegations in the RFO and the importance of clarification in the law. Mr. Beko requested steps be taken to have the Legislature address these issues in order to clarify the associated statutes. The Commission offered feedback regarding the Legislature's role to enact laws and the Commission's role in enforcing those laws.

(Chair Lau present again for the remainder of the meeting.)

5. Presentation of and discussion on Agency Strategic Plan prepared by the Executive Director.

Executive Director Yvonne Nevarez-Goodson, Esq. discussed the requirement by all Executive Branch Agencies to update their agency Strategic Plans. Ms. Nevarez-Goodson explained the main mission of the Commission as education and outreach to Nevada's public officers and employees regarding the Nevada Ethics in Government Law. She reported that she expects to present the agency budget request for the FY18-FY19 biennium along with the agency Strategic Plan at the Commission's August meeting.

Chair Lau moved that Director Nevarez-Goodson continue the mission and objectives as stated and the specifics be brought back before the Commission along with the Budget Request at the next Commission meeting. Commissioners Weaver and Gruenewald seconded the Motion. The Motion was put to a vote and carried unanimously.

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

Ms. Nevarez-Goodson reported that the Governor reappointed Commissioner Weaver to another four-year term, and reminded the Commission that Commissioner Shaw's second term will expire on June 30th.

Ms. Nevarez-Goodson and the Commissioners thanked Commissioner Shaw for his dedication and outstanding service to the Commission over the last eight years.

Ms. Nevarez-Goodson also thanked Staff for all of their hard work over the last several months, and she reported to the Commission that the full staff that is working together like a well-oiled machine. Ms. Nevarez-Goodson was pleased to announce that when she issues the FY16 Annual Report she will be able to report there is no Opinion backlog.

Ms. Nevarez-Goodson reported that she had been officially notified that the Commission's BDR concepts submitted to the Governor's office had been approved and the concepts will be drafted into BDR form. Ms. Nevarez-Goodson ensured the Commission that she is in contact

with the Governor's office regarding these changes in order to ensure that the Commission's intent is carried out in the final language.

Ms. Nevarez-Goodson stated that she is still waiting to hear from the Governor's office regarding the enhancement concept requests regarding the FY18-19 budget request.

Ms. Nevarez-Goodson updated the Commission regarding its outreach and education program, stating that training requests have decreased this quarter, likely due to agencies being heavily involved with preparing budgets and BDR packages. She expects that the training requests will pick up once the budget/BDR planning phase is complete. She will also plan to invite newly appointed Commissioners to upcoming trainings when they are held in a location near those Commissioners.

Ms. Nevarez-Goodson reported that the next Commission meeting will be held August 17, 2016 and that will be the first meeting of the new fiscal year. Ms. Nevarez-Goodson also discussed potential meeting dates for the remainder of 2016.

Ms. Nevarez-Goodson reported that the Budget Office approved the purchase of tablets for each Commissioner as well as State-issued email accounts. Ms. Nevarez-Goodson understands the apprehension associated with this significant technology change, but it is her expectation that the tablets and emails will increase security, maintain confidentiality and transition away from the significant staff time dedicated to printing and preparing meeting materials as well as the exorbitant amount of paper. Ms. Nevarez-Goodson acknowledged that she will provide very specific policies prior to the distribution of the tablets, as well as training on how to use the devices, to protect the Commissioners as well as the government property.

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

Commissioners offered their gratitude to Commissioner Shaw for his service to the State of Nevada over the last several year.

8. Open Session for Public Comment.

No public comment.

9. Adjournment.

Commissioner Shaw moved to adjourn the meeting. Commissioner Groover seconded the Motion. The Motion was put to a vote and carried unanimously. The meeting adjourned at 2:25 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 August 17, 2016:

/s/ Cheryl A. Lau

Cheryl A. Lau, Esq.
Chair

/s/ Keith A. Weaver, Esq.

Keith A. Weaver, Esq.
Vice-Chair