



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

NOTICE OF PUBLIC MEETING

NAME OF ORGANIZATION: NEVADA COMMISSION ON ETHICS

DATE & TIME OF MEETING: Wednesday, August 17, 2016 at 9:00 a.m.

PLACE OF MEETING: This meeting will be held at the following locations:

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

and via video-conference to:

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

AGENDA

NOTES:

- Two or more agenda items may be combined for consideration.
- At any time, an agenda item may be taken out of order, removed, or delayed.
- Public comment will be accepted at the beginning of the open session and again before the conclusion of the open session of the meeting. Comment and/or testimony by the public may be limited to three (3) minutes. No action may be taken on any matter referred to in remarks made as public comment. Members of the public may also submit written public comment to the Commission at NCOE@ethics.nv.gov.

	1. Call to Order, Roll Call, and Pledge of Allegiance to the Flag.
	2. Public Comment. Comment and/or testimony by any member of the public will be limited to three (3) minutes. No action will be taken under this agenda item.
For Possible Action	3. Approval of Minutes of the June 15, 2016 Commission Meeting.

For Possible Action	4. Authorization for the Executive Director to respond to alleged violations of NRS 281A.500 regarding requirements for filing Acknowledgement of Statutory Ethical Standards forms with a compliance letter instead of investigation.
For Possible Action	5. Report by Executive Director on agency status and operations, including: <ul style="list-style-type: none"> • Commissioner Appointments • Legislative updates • Quarterly RFO update and Opinion status. • Education and outreach by the Commission • Upcoming Commission meetings • Commissioner tablets
For Possible Action	6. Presentation of Commission Budget Request for FY18-FY19 biennium by Executive Director and direction to Executive Director to submit the Budget Request on behalf of Commission in consultation with the Chair for any further amendments/decisions consistent with the Commission's approved budget concepts.
For Possible Action	7. Presentation on and direction for publication of FY16 Annual Report prepared by the Executive Director pursuant to NAC 281A.180(2).
For Possible Action	8. Election of Commission Chair and Vice Chair for Fiscal Year 2016-17, pursuant to NAC 281A.150.
	9. Commissioner Comments on matters including, without limitation, identification of future agenda items, upcoming meeting dates and meeting procedures. No action will be taken under this agenda item.
	10. Public Comment. Comment and/or testimony by any member of the public may be limited to three (3) minutes. No action will be taken under this agenda item.
	11. Adjournment.

***A meeting or hearing held by the Commission pursuant to NRS 281A.440 to receive information or evidence regarding the conduct of a public officer or employee, and deliberations of the Commission regarding such a public officer or employee, are exempt from the provisions of NRS Chapter 241, The Open Meeting Law. As a result, these agenda items, or any portion of them, may be heard in closed session.**

NOTES:

- ❖ The Commission is pleased to make reasonable accommodations for any member of the public who has a disability and wishes to attend the meeting. If special arrangements for the meeting are necessary, please notify the Nevada Commission on Ethics, in writing at 704 W. Nye Lane, Ste. 204, Carson City, Nevada 89703; via email at ncoe@ethics.nv.gov or call 775-687-5469 as far in advance as possible.
- ❖ To request an advance copy of the supporting materials for any open session of this meeting, contact Executive Director Yvonne M. Nevarez-Goodson, Esq. at ncoe@ethics.nv.gov or call 775-687-5469.
- ❖ This Agenda and supporting materials are posted and are available not later than the 3rd working day before the meeting at the Commission's office, 704 W. Nye Lane, Ste. 204, Carson City, Nevada, or on the Commission's website at www.ethics.nv.gov. A copy also will be available at the meeting location on the meeting day.

This Notice of Public Meeting and Agenda was posted in compliance with NRS 241.020 before 9:00 a.m. on the third working day before the meeting at the following locations:

- Nevada Commission on Ethics, 704 W. Nye Lane, Suite 204, Carson City
- Nevada Commission on Ethics' website: <http://ethics.nv.gov>
- 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

AGENDA ITEM NO. 3

AGENDA ITEM NO. 3



**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:

Valerie Carter, CPM
Executive Assistant

Yvonne M. Nevarez-Goodson, Esq.
Executive Director

Minutes approved August 17, 2016:



Cheryl A. Lau, Esq.
Chair

Keith A. Weaver, Esq.
Vice-Chair



AGENDA ITEM NO. 5

AGENDA ITEM NO. 5

**State of Nevada Commission on Ethics
Request for Opinion Log**

RFO No.	Date Filed	Jurisdiction	Subject of RFO	Requester	Jurisdictional Appeal Hrg Date	Panel date	Hearing Date	Final Disposition Issued (date)
16-63	8/8/16	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Jurisdictional Determination pending			
16-62A	8/3/16	XXXXXXXXXX	XXXXXXXXXX	Self			Hrg Date Pending	
16-61A	8/2/16	XXXXXXXXXX	XXXXXXXXXX	Self			Hrg Expected 8/17/16	
16-59C	8/1/16	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Appeal deadline Pending			
16-58A	7/25/16	XXXXXXXXXX	XXXXXXXXXX	Self			Hrg Expected 8/17/16	
 FISCAL YEAR 2016-2017 								
16-54C	6/2/16	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX		Pending Investigation		
16-49A	5/24/16	XXXXXXXXXX	XXXXXXXXXX	Self			6/15/16	Opinion Issued 7/11/16, abstract pending
16-40C	3/21/16	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX		Waived Panel	Hrg on Stip. expected 10/19/16	
16-33C	2/11/16	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	J.A. by Subject, Staff J.D. upheld 6/15/2016	Pending Investigation		
16-20C	2/4/16	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	J.A. by Requester, Staff J.D. overturned 6/15/2016	Pending Investigation		

**State of Nevada Commission on Ethics
Request for Opinion Log**

RFO No.	Date Filed	Jurisdiction	Subject of RFO	Requester	Jurisdictional Appeal Hrg Date	Panel date	Hearing Date	Final Disposition Issued (date)
16-12A	1/15/16	XXXXXXXXXX	XXXXXXXXXX	Self			Stayed pending AG Opinion	
16-11C	1/25/16	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX		Pending Investigation		
15-74A	12/10/15	XXXXXXXXXX	XXXXXXXXXX	Self			1/20/2016 Rehearing 6/15/16	Opinion issued 3/30/16, Opinion regarding re-hearing Pending
15-73C	12/2/15	Nevada Public Employees' Benefits Program	Donna Lopez, Quality Control Officer	Damon Haycock, Executive Officer		Panel forwarded to Hrg 3/16/2016	Hearing Expected 10/19/16	
15-70C	11/5/15	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX		Pending Investigation		
15-45A	9/24/15	XXXXXXXXXX	XXXXXXXXXX	Self			12/16/15	Original Opinion Issued 2/3/16, re-issued opinion pending
 FISCAL YEAR 2015-2016 								

AGENDA ITEM NO. 7

AGENDA ITEM NO. 7

STATE OF NEVADA COMMISSION ON ETHICS - ANNUAL REPORT JULY 1, 2016

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

Nevada Commission on Ethics
704 W. Nye Lane, Suite 204
Carson City, NV 89703
Tel. 775-687-5469
Fax 775-687-1279
www.ethics.nv.gov
ncoe@ethics.nv.gov

ANNUAL REPORT TO THE COMMISSION ON ETHICS REGARDING FISCAL YEAR 2016

Pursuant to Nevada Administrative Code 281A.180(2), the Executive Director provides an annual report to the Commission on Ethics (“Commission”) 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, 2015 and June 30, 2016. The Annual Report further contains various statistical information related to the Commission’s work and performance.

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 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 notice.nv.gov.

July 1, 2016

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 (“FY16”) and the Commission’s goals for the new fiscal year.

The Commission successfully navigated and adapted to various changes in the this last fiscal year, including changes to the Commission’s personnel, case and hearing processes and overall efforts to provide outreach and education to Nevada’s public officers and employees. Under the continued leadership and experience of Chair Cheryl Lau, Esq. and Vice-Chair Keith Weaver, Esq., the Commission decided multiple precedent-setting cases, confronted constitutional considerations and streamlined and formalized various procedures to ensure more efficient meetings and case management. Together with the Chair and Vice-Chair, Commissioners John Carpenter, Magdalena Groover, and James Shaw continued to foster an environment rich in cooperation and diverse perspectives in establishing policy for the Commission, deciding cases and supporting staff efforts and initiatives for effective reforms. The Commission also welcomed two newly appointed Commissioners to its team, Barbara Gruenewald, Esq. and Dan Stewart.

On the last day of FY16, Commissioner Jim Shaw completed his second consecutive 4-year term as a member of the Commission. The Commission commends Commissioner Shaw for his dedicated service to the Commission and the people of the State of Nevada, in particular, his contribution and experience as a former public officer and employee in Washoe County, Nevada and his decades-long career as a Nevada educator. Looking forward into the next fiscal year, the Commission will again be confronted with personnel changes. The Commission has two outstanding commissioner vacancies to be filled, one each by the Governor and Legislative Commission.

Under the direction and leadership of the Executive Director Yvonne M. Nevarez-Goodson, Esq. and Commission Counsel Tracy L. Chase, Esq., the Commission and its staff have effectively carried out the Commission’s mission of outreach and education regarding the Ethics in Government Law to Nevada’s state and local government officers and employees. Also serving the Commission during the past fiscal year and providing unsurpassed public service were the Commission’s Executive Assistant, Valerie Carter,

CPM, Senior Legal Researcher, Darci Hayden, PP, Senior Investigator, Anthony Freiberg, and the newest member of the staff, Associate Counsel Judy Prutzman, Esq.

In addition to the personnel-related matters, the Commission achieved important success in efficiently resolving cases before the Commission to prevent a backlog of written opinions and refocused its efforts at outreach and education. The Commission also cleared the path in FY16 for modernization with new technologies; the Commissioners will receive government-issued tablets for the transaction of Commission business and secure communications with staff through email and secured websites, and the Commission will launch its new Website in the next fiscal year. This Report will highlight those achievements and continued goals for the next fiscal year.

It is with pride and optimism that I present this report highlighting our past accomplishments and promoting our future efforts. As you review the information in this Annual Report, I hope you will be as proud as I am about the Commission's successes and efforts to accomplish meaningful reforms in the upcoming year. Thank you for the opportunity to serve the Commission, its staff and the public for these last 7 years. 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"). The Ethics Law preserves the public's trust in government and ensures that public officers and employees avoid conflicts between their private interests and the interests of the public. The Ethics Law sets forth various standards of conduct to guide public officers and employees to avoid such conflicts.

The Commission's primary mission includes providing outreach and education to Nevada's public officers, employees and attorneys regarding the provisions of the Ethics Law and conflicts of interest. Encompassed in its educational efforts, the Commission provides advisory opinions to public officers and employees regarding their own circumstances ("First-Party Requests for Advisory Opinion") 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 Commission responds to First-Party and Third-Party RFOs during its scheduled public meetings and confidential hearings. The Commission's mission to provide outreach and education is consistent with its responsiveness to requests for advisory opinions and efforts to prevent third-party complaints.

Over the last 5-year period ending June 30, 2016, the Commission received an annual average of 72 Third-Party RFOs. However, the Commission only accepted jurisdiction, investigated and adjudicated an annual average of 16 Third-Party RFOs.

The Commission received an average of 16 First-Party RFOs in which it held hearings and issued advisory opinions.

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>
FY12: 7/11-6/12	31	72	58	14
FY13: 7/12-6/13	12	79	59	20
FY14: 7/13-6/14	13	70	50	20
FY15: 7/14-6/15	6	60	43	17
FY16: 7/15-6/16	16	77	68	9
AVERAGE	16	72	56	16

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>
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 ¹	4	15	0	15
FY15: 7/14-6/15	17	6	11	1	10
FY16: 7/15-6/16	9 ²	N/A	N/A	N/A	N/A
AVERAGE	16	7	11	2	9

The Commission experienced a notable decrease in the number of Third-Party RFOs accepted/investigated during this fiscal year as compared to prior years. The Commission does not control the number of Third-Party RFOs that may be filed in any particular year. It is anticipated that most, if not all, Third-Party RFOs the Commission considers from this fiscal year will result in stipulated resolutions. This denotes the nature of alleged violations of the Ethics Law and the role of the Executive Director and Associate Counsel along with the Subjects' counsel to resolve matters in a timely fashion and mitigate the strain on Commission resources.

¹ All RFOs accepted in FY 14 have been resolved except for 2 which are presently the subject of litigation before the Supreme Court of the State of Nevada.

² As of the date of this Annual Report, 6 out of the 9 RFOs investigated in FY16 remain pending resolution, 3 were dismissed by the Investigatory Panel. Of the remaining 6 RFOs: 1 is pending a Hearing during the Commission's October 2016 Meeting; 5 continue to be investigated.

Jurisdictional Appeals:

The regulations set forth in NAC Chapter 281A require the Executive Director and Commission Counsel to review each Third-Party Request for Opinion and make a determination whether the Commission has jurisdiction to investigate the matter based upon confirmation of the Subject as a public officer or employee, alleged conduct within the scope of NRS 281A, and credible evidence in support of the allegations. In 2014, the Commission adopted procedural regulations to authorize administrative appeals of staff's jurisdictional determinations to the Commission; the Requester may appeal staff's denial of jurisdiction and the Subject may appeal staff's determination to accept jurisdiction.

The Commission has experienced a significant number of jurisdictional appeals during the last two years. The Commission must notify the Requester and Subject of staff's jurisdictional determination and provide an opportunity for appeal and various responses, as applicable. This process has proven cumbersome and costly for the Commission. The Commission has reevaluated its processes and determined that it may eliminate certain procedures and review jurisdiction as a matter of law without depriving a Subject of appropriate due process. The Commission will continue to provide administrative appeal rights while streamlining the process in the next fiscal year, but the statistics below highlight the number of jurisdictional appeals processed during the last two years.

<u>Fiscal Year /Dates</u>	<u>Total 3rd Party RFOs Rec'd</u>	<u>Total Jurisdictional Appeals</u>	<u>Jurisdictional Appeals by Subject (Upheld/Overturned)</u>	<u>Jurisdictional Appeals by Requester (Upheld/Overturned)</u>
FY15: 7/14-6/15	60	9	1 Total (Upheld) Jurisdiction Confirmed	8 Total 2- Overturned (Jurisdiction Granted) 6 - Upheld (Jurisdiction Denied)
FY16: 7/15-6/16	68	18	1 Total (Upheld) Jurisdiction Confirmed	17 Total 1- Overturned (Jurisdiction Granted) 16 - Upheld (Jurisdiction Denied)

Commission Opinions:

The Commission did not experience a significant backlog of written opinions during FY16. The Commission complied on average with its goal for budgetary performance measures to complete all written opinions within 60 days of the related hearings. Many changes have contributed to the Commission's ability to satisfy this

objective, including the dedicated efforts of a full-time staff, decreased case load, the Commission's outreach and education efforts, and fewer Commission meetings. Specific cases that took longer than 60 days to issue a written opinion resulted from a 3-month vacancy in the Associate Counsel position during this fiscal year.

Sanctions Imposed:

In FY16, the Commission imposed \$6,000 in civil penalties for willful violations of the Ethics in Government Law. Pursuant to State law, the Commission collects and deposits all funds received from the imposition of sanctions into the State General Fund. Subjects who do not pay the civil sanction are reported to the State Controller for collection.

FY 2016 Sanctions Imposed or Received	Statute(s) violated	Civil Penalty
Paul Murphy, Member, Board of Directors, Fernley Swimming Pool District	NRS 281A.020(1) and NRS 281A.420(1)(3) and NRS 281A.500,	\$500
Mike Lemich, Commissioner, White Pine County	NRS 281A.020(1) and NRS 281A.420(1)(3)	\$500
Shirley Matson, Former Assessor, Nye County	NRS 281A.020(1) and NRS 281A.400(1)(2)(7)(9)	\$5,000

II. Fiscal Matters

Commission Budget:

FY16 established the base budget for budget planning in the next biennium. For budget planning purposes, the Commission accurately projected actual and necessary expenses and spent the majority of its operating budget in the base year. It is expected that these expenditures will support the same level of funding in the Commission's next biennial budget. The Commission's legislatively approved budget for FY16 was \$839,480 including personnel (salaries/benefits), travel, operating expenses, court reporting, information technology equipment and services and other State-related cost allocations and assessments. The legislatively approved budget for FY16 eliminated all State-mandated employee furloughs and incorporated a 1 percent cost-of-living increase.

Other than personnel and operating costs, the Commission's primary efforts to provide outreach and education regarding the Ethics in Government Law and respond to requests for opinions establish the largest fiscal impacts on the Commission's budget. On average, the Commission met in person as a body in either Las Vegas or Carson City every other month and engaged in various other meetings via video-teleconference and/or teleconference. Commission staff has travelled throughout Nevada, and primarily to Las Vegas, Nevada, to attend meetings, provided outreach and education and conduct investigations of Third-Party RFOs.

In FY 16, the Commission had sufficient cost savings in its budget to provide for the necessary construction for its leased office building to accommodate fiber optic cables to update its technology resources, including more efficient delivery of Internet and email services. The Commission's current technology is significantly outdated, frustrating staff efficiencies and is no longer supported by the State division of Enterprise Information Technology Services.

Furthermore, the cost-savings allowed the Commission to acquire tablet laptops for the Commissioners to streamline and modernize the delivery of Commission materials and documents, increase security of confidential information and ensure significant cost

savings, including staff time and printing and mailing costs for the voluminous materials provided to the Commissioners each month.

The Commission spent the last quarter of FY 16 and continuing into the current fiscal year to develop its next biennial Commission budget for FY18-FY19. The State has mandated that all State agency budgets for the next biennium not exceed the existing budget's legislatively approved appropriation. Agencies are also required to present a budget with a five percent reduction. The Commission again directed the Executive Director to seek appropriate salary enhancements for certain staff positions to establish parity with similar positions in other agencies. These efforts will be pursued in the next fiscal year and upcoming Legislative Session in 2017.

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. In the current 2015-2017 biennium (FY16 & FY17) Fiscal Year 2013 and Fiscal Year 2014 caseloads form the basis for the distribution of resources 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%

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

Notably, the Commission's case load in FY15 and FY16 will see a change in funding to approximately 40% State General Fund and 60% local governments. The Commission will work with the Budget Office in the next biennium to evaluate its methodologies to ensure consistent funding splits for budget purposes. The methodologies should accurately reflect the work of the Commission attributable to State and local governments, including the overall jurisdiction of the Commission.

III. Legislative Matters

At the end of FY16, the Commission approved and submitted proposed legislative amendments for consideration and sponsorship by the Governor during the 2017 Legislative Session. The measures include efforts to streamline the Commission's investigatory and case management processes, adopt criteria regarding abuse of public positions and personal interests, address the applicability of the Ethics Law to independent contractors of governmental agencies, update the contracting prohibitions, clarify the applicability and discretion of cooling-off provisions and update filing requirements. Specifically, the Commission seeks to eliminate investigatory panels and provide for certain administrative decisions and less formal resolutions of minor violations, including letters of caution, deferred discipline with education, corrective action or censures/reprimands. The Commission also intends to confront conduct that does not comport with the public trust as an abuse of power. These proposals will be vetted and considered by the Nevada Legislature during the next fiscal year.

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 the Commission's appellate review 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.

As a result of these regulatory changes, the Commission received 9 jurisdictional appeals of Third-Party RFOs in FY15 and 18 appeals in FY16. The extensive administrative work and delays generated by these appeals was not anticipated by the Commission in its adoption of this regulation and given a 2-year cycle to review the effects of this regulation, the Commission has determined it would be prudent to streamline the process for reviewing jurisdictional determinations.

Accordingly, the Commission has coordinated efforts to adopt a temporary regulation in the next fiscal year which will continue to provide the appropriate due process opportunities to appeal staff jurisdictional determinations to the Commission while streamlining the process and timeframe for accomplishing such appeals. The Commission will hold its public hearing to adopt these temporary regulations in FY17. Given the Commission's efforts to further streamline case processing and other matters via legislative amendments to statute, the Commission will determine whether it is appropriate for the temporary regulation to become permanent at the end of the 2017 Legislative Session.

V. Administrative Matters

Outreach and Education:

In FY16, the Commission continued its efforts to provide outreach and education to Nevada's public officers and employees and public attorneys. 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. A notable trend regarding training during the last fiscal year focused on training for State and local government agency employees. Though the outreach has a regular focus on elected and appointed public officials, the breakdown of training shows a stronger effort during the last FY to reach public employees.

As we attempt to reach more public officers and employees throughout the State, the Commission's outreach efforts are expected to increase in the coming fiscal year. The Commission will make its trainings available on a regular basis through the State's training module and will cooperate with local governments to provide necessary outreach. Certainly, the Commission's efforts and resources are better spent with this proactive approach, and outreach will continue to serve as one of the Commission's primary goals.

Trainings Provided to:	Number of Ethics in Government Law Trainings Presented:
State Government Entities	12
Local Government Entities	10
Total	22

Offices:

The Commission operates a statewide office located in Carson City and houses the Commission's entire staff. 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 investigations or otherwise working in southern Nevada.

Documents Filed:

Pursuant to NRS 281A.500, public officers filed 764 Acknowledgment of Ethical Standards forms with the Commission for calendar year 2015. The Commission received 888 forms for 2014, 1,075 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 the 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 6 disclosures of agency representation for 2015, 24 filings 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 data is not available to determine how many representations took place.

Litigation:

The Commission had two Third-Party RFOs subject to litigation during the last 2 fiscal years, 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, challenging subject matter jurisdiction. The Subjects asserted protection from the Commission’s jurisdiction based upon certain principles of legislative privilege and immunity. The Commission objected 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 District Court granted the petition for judicial review in favor of the Subjects, holding that the Commission did not abuse its discretion or act unreasonably or arbitrarily, but the Commission nevertheless did not have jurisdiction to investigate the matters based on the application of a new law that was enacted by the Legislature during the 2015 Legislative Session. The Commission filed a Notice of Appeal of the District Court decision in the Nevada Supreme Court, and the matters are currently pending resolution in the Nevada Supreme Court Case No. 69100.

In response to the Commission’s appeal of the District Court decision, the Assemblymen filed new complaints against the Commission in the First Judicial District Court along with a related motion in the pending appeal before the Nevada Supreme Court alleging that the Commission violated various provisions of Nevada’s Open Meeting Law. The complaints and motion challenge the Commission’s process for appealing the decision and assert that the Commission did not provide appropriate notice to the Assemblymen that the Commission would evaluate their character or competence by appealing the District Court’s decision on the petition for judicial review. The Commission is opposing all allegations and is defending these claims before the First Judicial District Court of the State of Nevada in and for Carson City, Case Nos. 15OC002611B and 16OC000291B, and the Nevada Supreme Court Case No: 69100. The two open meeting law cases are consolidated and stayed pending resolution of the motion in the Nevada Supreme Court.

Nevada Certified Public Manager Program Participation:

During FY16, the Commission’s Executive Director, with the support of the Commission, applied for and was selected to participate in the 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 nearly 2 years 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.

The Executive Director's Capstone Project includes streamlining and improving the Commission's investigatory and case management processes. Included within this scope of this project are the pending regulatory efforts, technology modernization and internal controls to improve staff and Commission efficiencies. Although legislative changes may occur outside the timeframe of the project, they are consistent with this Project and if enacted, will further the Executive Director's initiatives. The Capstone Project will be submitted in the next fiscal year with an anticipated graduation date in February 2017.

The pending success of the Executive Director and the Capstone Project in this Program will mark the Commission's second representative of the CPM Program. The Commission's Executive Assistant, Valerie Carter, CPM, graduated from the program last fiscal year and successfully established a system of efficiencies to limit Commission meetings, saving travel costs and limiting case backlogs.

Commission and Commissioner Information

Nevada Commission on Ethics
as of 06/30/16

Commissioners

***=Appointed by Governor**

****=Appointed by Legislative Commission**

Chair - Cheryl Lau, Esq. (R)*
(07/01/16 – 06/30/20)

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

**Vice Chair - Keith A. Weaver,
Esq. (D)***
(04/06/16 - 09/30/19)

Barbara J. Gruenewald, Esq. (D)**
(11/01/15 - 10/31/19)

Magdalena Groover (R)*
(07/01/15 - 06/30/19)

Dan H. Stewart (R)**
(11/01/15 - 10/31/19)

VACANT*

VACANT**

Staff

Yvonne M. Nevarez-Goodson, Esq.
Executive Director

Tracy L. Chase, Esq.
Commission Counsel

Judy A. Prutzman, 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

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	36	0	0	0
[M150] Adjustment to property and contents insurance - see Agency-Owned Property and Contents Schedule.				
7054 AG TORT CLAIM ASSESSMENT	722	722	722	722
705A NON B&G - PROP. & CONT. INSURANCE	0	12	13	13
[M150] Adjustment to property and contents insurance - see Building Rent Non-Buildings and Grounds Schedule.				
705B B&G - PROP. & CONT. INSURANCE	0	24	24	24
[M150] Adjustment to property and contents insurance - see B&G-Owned Building Rent Schedule.				
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	24,598	24,179	26,777	27,457
[M150] Adjustment to rent - see Building Rent Non-Buildings and Grounds Schedule.				
7240 HOST FUND	0	787	0	0
7241 HOST FUND -A	455	0	0	0
[M150] Eliminate one-time expenditures per the Budget Instructions.				
7250 B & G EXTRA SERVICES	577	0	0	0
[M150] Eliminate one-time expenditures per the Budget Instructions.				
7255 B & G LEASE ASSESSMENT	293	273	442	454
[M150] Adjustment to B&G lease assessment - see Building Rent Non-Buildings and Grounds Schedule.				
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	38	456	0	0
[M150] Adjustment to an Enterprise Information Technology (EITS) service - see EITS Schedule.				
7294 CONFERENCE CALL CHARGES	329	392	329	329
7295 EITS STATE PHONE LINE	202	326	0	0
[M150] Adjustment to an Enterprise Information Technology (EITS) service - see EITS Schedule.				
7296 EITS LONG DISTANCE CHARGES	137	244	137	137
7299 TELEPHONE & DATA WIRING	418	0	0	0
[M150] Eliminate one-time expenditures per the Budget Instructions.				
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 LEGISLATIVE Y APPROVED	2016-2017 LEGISLATIVE Y APPROVED
7370 PUBLICATIONS AND PERIODICALS	198	0	198	198
7430 PROFESSIONAL SERVICES	249	0	0	0
[M150] Eliminate one-time expenditures per the Budget Instructions.				
7980 OPERATING LEASE PAYMENTS	5,053	5,480	5,008	5,008
[M150] Adjustment to operating lease payments - see Vendor Services Schedule.				
TOTAL FOR CATEGORY 04:	49,563	52,214	49,908	50,600
CATEGORY 05 EQUIPMENT:				
8241 NEW FURNISHINGS <\$5,000 - A	3,538	0	0	0
[M150] Eliminate one-time expenditures per the Budget Instructions.				
TOTAL FOR CATEGORY 05:	3,538	0	0	0
CATEGORY 11 COURT REPORTING SERVICES:				
7060 CONTRACTS	13,403	36,000	30,189	30,189
[M150] Adjustment to contract services - see Vendor Services Schedule.				
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
[M150] Adjustment to contract services - see Vendor Services Schedule.				
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
101-1343

	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

COMMISSION ON ETHICS
101-1343

	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	35	0	0	0
[M150] Eliminate one-time expenditures per the Budget Instructions.				
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

COMMISSION ON ETHICS
101-1343

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 LEGISLATIVE Y APPROVED	2016-2017 LEGISLATIVE 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

	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

COMMISSION ON ETHICS
101-1343

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

COMMISSION ON ETHICS
101-1343

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 LEGISLATIVEL Y APPROVED	2016-2017 LEGISLATIVEL 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

COMMISSION ON ETHICS
101-1343

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

COMMISSION ON ETHICS
101-1343

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 LEGISLATIVE Y APPROVED	2016-2017 LEGISLATIVE 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

COMMISSION ON ETHICS
101-1343

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

COMMISSION ON ETHICS
101-1343

	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

COMMISSION ON ETHICS
101-1343

	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

COMMISSION ON ETHICS
101-1343

	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

CATEGORY 89 AG COST ALLOCATION PLAN:

7391 ATTORNEY GENERAL COST ALLOC	3,743	1,334	0	0
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TOTAL FOR CATEGORY 89:	3,743	1,334	0	0
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CATEGORY 93 RESERVE FOR REVERSION TO GENERAL FUND:

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