



**STATE OF NEVADA
COMMISSION ON ETHICS**

<http://ethics.nv.gov>

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

May 15, 2017

The Commission on Ethics held a public meeting on
Wednesday, May 15, 2017, at 10:30 a.m.
at the following location:

**Old Assembly Chambers
Capitol Building
101 North 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 at 10:30 a.m. in Carson City, Nevada. Also present in Carson City were Vice-Chair Keith Weaver, Esq. and Commissioners Brian Duffrin, Barbara Gruenewald, Esq., Philip "P.K." O'Neill, Lynn Stewart and Amanda Yen. 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 Executive Assistant Valerie M. Carter, CPM.

The pledge of allegiance was conducted.

2. Public Comment.

No public comment.

3. Approval of Minutes of the April 19, 2017 Commission Meeting.

Commissioner Yen abstained from this matter as she did not attend the April 19, 2017 meeting. Commissioner Stewart moved to approve the April 19, 2017 Meeting Minutes. Commissioner Duffrin seconded the Motion. The Motion was put to a vote and carried unanimously, with Commissioner Yen abstaining.

///
///
///

4. Consideration and determination of willfulness concerning violation of Ethics Law by Gerald Antinoro, Sheriff, Storey County pursuant to Third-Party Request for Opinion No. 16-54C, submitted pursuant to NRS 281A.440(2), including imposition of possible sanctions under NRS 281A.480.

Chair Lau opened Agenda Item 4 stating that Commissioners had received Briefs from both parties regarding the willfulness of the ethics violation by Gerald Antinoro of NRS 281A.400(7), and stated the Commission would go into a closed session for deliberations.

Commission Counsel, Tracy L. Chase, Esq., stated under NRS 281A.440(16) the Commission may deliberate on a request for opinion in a closed session. Ms. Chase stated that after deliberations, members of the public would be invited back into the meeting prior to any vote by the Commission.

Chair Lau called the meeting into closed session.

Chair Lau called the meeting back into to open session.

Commissioner Gruenewald moved that Commission Counsel draft a final opinion based on the totality of the circumstances, including consideration of the record and applicable law with reference to the mitigating factors contained in NRS 281A.475 and preponderance of the evidence standard established in NRS 281A.480, finding that Antinoro's violation of NRS 281A.400(7) was willful, and a fine of \$1,000 be imposed. Commissioner Yen seconded the Motion. The Motion was put to a vote and carried unanimously.

5. Discussion and approval of Commission's interest before the 79th Legislative Session (2017), including the Commission's 2018-2019 Budget, Senate Bill 84 and Senate Concurrent Resolution 6, including providing direction thereon.

Executive Director, Yvonne Nevarez-Goodson, reminded the Commission that the Agency's Budget for the next biennia (FY18-FY19) had been approved by the Legislature as recommended by the Governor. She reported that the legislative budget committees approved a technical amendment adding \$7,200/FY for the ongoing costs associated with the Commission's new Case Management System and Opinion Database. She reported the next biennial budget includes funding for 5 new staff computers in accordance with EITS' replacement schedule and a reduced court reporting budget. Director Nevarez-Goodson stated the court reporting budget was averaged over the last 5 years to come up with the adjusted amount, and she believed the reduction in those fees over the last 2 years is attributable to holding more efficient meetings less frequently.

Director Nevarez-Goodson summarized the salary enhancement requests that were provided to the Governor and the Legislature in prior legislative sessions as well as the current 79th session, and stated that she will continue to advocate for the parity requests for Commission staff. She is pleased with the introduction of S.C.R. 6, which requests an interim study regarding the pay scales within the unclassified pay bill, and directly names the Commission on Ethics, among other agencies, to be reviewed. However, she is concerned that the current requested enhancements will be placed on hold until the results of the study are released. She reported that the Resolution is scheduled for hearing before the Senate Legislative Operations and Elections Committee today and she plans to testify.

Director Nevarez-Goodson reported that the Commission's Bill, S.B. 84, underwent significant amendment in the Senate and was approved, as amended, as the first reprint. She and Commission Counsel presented the first reprint version of S.B. 84 at the hearing on May 2, 2017 before Assembly Legislative Operations and Elections Committee. She stated some members of the Committee raised concern with language relating to the requester's right of

judicial review of advisory opinions. Director Nevarez-Goodson stated an amendment may surface in response to some of the concerns, but she and Commission Counsel Chase have likewise voiced their concerns regarding the proposed language and will continue to meet with Chair Diaz and other members of the Committee to ensure they are aware of the Commission's concerns.

Director Nevarez-Goodson stated that another issue presented during the Committee hearing included a request that the Bill affirmatively require the Executive Director to disclose any exculpatory evidence in the context of a formal evidentiary hearing related to an ethics complaint. Director Nevarez-Goodson stated her concerns with such language, including that this obligation is not a requirement under the Constitution with respect to administrative hearings, other Nevada administrative agencies do not have similar requirements and several questions remain unanswered about the details of the suggested process. Director Nevarez-Goodson reported that she will continue to work with Committee members towards getting the bill passed by the next deadline.

6. Report and recommendations by Executive Director on agency status and operations and possible direction thereon.

Director Nevarez-Goodson provided a brief overview of the Commission's current FY17 Budget. She stated the end of the fiscal year is near, and in summary, the Commission has a significant amount of cost savings due to several commissioner vacancies and a reduced number of meetings which created significant savings in travel and court reporting. She reported that the Commission has also seen a slight reduction in the number of cases before the Commission. She reported this in not a base budget year so she doesn't expect the agency will lose any future funding and it also demonstrates responsible spending by the Commission.

Director Nevarez-Goodson provided an update regarding education and outreach, stating that she plans to reach more of the rural communities in the next few months, including Churchill County at the end of June. She plans to reach out to eastern Nevada, including Elko, West Wendover and Ely, and parts of Southern Nevada, including Mesquite and Nye County. She reported she will also focus on some of the larger local entities including Clark County, City of Las Vegas and the Stadium Authority. Director Nevarez-Goodson stated the goal is to be proactive instead of reactive towards the Commission's outreach goals.

Director Nevarez-Goodson discussed requests by some Commissioners for official business cards. She reminded the Commission that the Executive Director is the official contact for the Commission and Commissioners remain mindful of any potential ex-parte communication with respect to any pending or future cases and public records issues. She requested that commissioner business cards provide the contact information for the office.

Director Nevarez-Goodson provided a brief update regarding future meeting dates.

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 Gruenewald moved to adjourn the meeting. Commissioner Weaver seconded the Motion. The Motion was put to a vote and carried unanimously. The meeting adjourned at 12:15 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 19, 2017:

/s/ Cheryl A. Lau

Cheryl A. Lau, Esq.
Chair

/s/ Keith A. Weaver

Keith A. Weaver, Esq.
Vice-Chair