



**STATE OF NEVADA
COMMISSION ON ETHICS**

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

July 25, 2017

The Commission on Ethics held a public meeting on
Monday, July 25, 2017, at 1:30 p.m.
at the following location:

**Nevada Commission on Ethics
704 W. Nye Lane, Suite 204
Carson City, NV 89703**

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 and Roll Call.

Chair Cheryl A. Lau, Esq. called the meeting to order at 1:30 p.m. via telephone. Also appearing telephonically were Vice-Chair Keith A. Weaver, Esq. and Commissioners Barbara Gruenewald, Esq., Lynn Stewart and Amanda Yen, Esq. Present at the meeting location in Carson City, Nevada were Commissioner Brian Duffrin, 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.

2. Public Comment.

No public comment.

Chair Lau called the meeting into closed session for a discussion regarding pending litigation at 1:35 p.m.

Commissioner Philip "P.K." O'Neill joined the meeting telephonically at 1:42 p.m.

Chair Lau called the meeting into open session at 1:47 p.m.

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3. Authorization for Commission Counsel to represent and defend the interests of the Ethics Commission of the State of Nevada in all legal proceedings related to the litigation identified as “Gerald R. Antinoro, Petitioner, vs. Nevada Commission on Ethics” et al., Case No. 17OC001381B, filed in the First Judicial District Court of Nevada. Without limitation, the Commission provides authorization for Commission Counsel to file all notices, motions, pleadings and any other documents in any court having jurisdiction over the identified litigation, including appellate review.

Commission Counsel Tracy Chase, Esq. provided a disclosure on behalf of Commissioner O’Neill stating that Commissioner O’Neill had known Sheriff Antinoro for several years, including during his time with the State Division of Investigation and the State Legislature and that they also both serve as members of the Nevada Sheriff’s and Chief’s Association. Commission Counsel further reported Commissioner O’Neill’s disclosure in consultation with the Commission Counsel that the provisions of NRS 281A.420 and the judicial canons did not require his abstention because his professional relationship with the Sherriff and his membership with the Association did not establish personal interests or relationships that required abstention. Commissioner O’Neill believed he could be fair and impartial in participating in the matter.

Commissioner Gruenewald moved to authorize Commission Counsel to represent and defend the interests of the Commission in all legal proceedings regarding litigation identified as “Antinoro vs. The Nevada Commission on Ethics”. Commissioner Yen seconded the Motion. The Motion was put to a vote and carried unanimously.

4. Authorization for Commission Counsel to continue to represent and defend the interests of the Ethics Commission of the State of Nevada in all legal proceedings related to the litigation identified as “Nevada Commission on Ethics, Appellant, vs. Ira Hansen, Assemblyman and Jim Wheeler, Assemblyman, Respondents”, Case No. 69100, filed in the Nevada Supreme Court, including rehearing and En Banc proceedings pertaining to the recent decision of “The Commission on Ethics of the State of Nevada v. Hansen et al, 133 Nev. Op. 39, issued June 29, 2017. Without limitation, the Commission provides authorization for Commission Counsel to file all notices, motions, pleadings, petitions and any other documents in any court having jurisdiction over the identified litigation, including any appellate review.

Commissioner Stewart disclosed that he previously served in the Nevada Legislature during the same session as Assemblymen Hansen and Wheeler, but his relationships with both of them are not current, as he has not spoken to either Assemblyman in over two years. Commissioner Stewart confirmed he had conferred with Commission Counsel Chase and believed that his professional relationship with the Assemblyman did not fall within the type of personal relationships that require abstention under the Ethics Law.

Commission Counsel Chase provided a disclosure on behalf of Commissioner O’Neill that he served in the same Legislative Session as Assemblymen Hansen and Wheeler but his current relationship with the Assemblymen is not within the defined relationships listed in NRS 281A.065 that could rise to a level of conflict under the Ethics Law. However, Pursuant to Judicial Cannon 2.11, Commissioner O’Neill has personal knowledge about certain underlying facts in dispute, and combined with his prior relationships with the Assemblymen, his impartiality to consider this matter could be called into question. Accordingly, Commissioner O’Neill has disqualified himself from participating in the matter to maintain the integrity and impartiality of the process and to avoid any potential appearances of impropriety.

Commissioner Duffrin moved to authorize Commission Counsel to represent and defend the interests of the Commission on all legal proceedings regarding The Nevada Commission on Ethics, Appellant vs. Ira Hansen, Assemblyman and Jim Wheeler, Assemblyman, Respondents, in Nevada Supreme Court Case No. 69100. Commissioner Stewart seconded the Motion. The motion was put to a vote and carried unanimously, with Commissioner O’Neill abstaining.

5. Discussion and approval of the purpose and content of proposed permanent regulations of the Nevada Commission on Ethics for the Nevada Administrative Code (“NAC”) Chapter 281A which are consistent with the amendatory provisions of NRS Chapter 281A enacted by Senate Bill 84 of the 79th Legislative Session (2017) and any amendments to NAC Chapter 281A previously adopted by the Commission pursuant to temporary regulation T003-16 that remain consistent with NRS Chapter 281A and Senate Bill 84.

Executive Director Yvonne M. Nevarez-Goodson, Esq. explained the intention of the agenda item was discuss the need to amend sections of the Nevada Administrative Code Chapter 281A so they are consistent with the amendatory provisions of Senate Bill 84, which revised sections of NRS Chapter 281A. Director Nevarez-Goodson summarized the procedural process for the Commission to formally adopt new regulations pursuant to NAC 233B.

Commissioner Gruenewald moved to approve the conceptual proposed amendments to the Commission’s Regulations under NAC Chapter 281A, including any Notice of a Public Workshop and Public Hearing. Commissioner O’Neill seconded the Motion. The Motion was put to a vote and carried unanimously.

6. Open Session for Public Comment.

No public comment.

7. Adjournment.

Commissioner Yen moved to adjourn the meeting. Commissioner O’Neill seconded the Motion. The Motion was put to a vote and carried unanimously. The meeting adjourned at 2:04 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 23, 2017:

/s/ Cheryl A. Lau
Cheryl A. Lau, Esq.
Chair

/s/ Keith A. Weaver
Keith A. Weaver, Esq.
Vice-Chair