



**STATE OF NEVADA
COMMISSION ON ETHICS**

<http://ethics.nv.gov>

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

January 17, 2018

The Commission on Ethics held a public meeting on
Wednesday, January 17, 2018, at 9:30 a.m.
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 4401
555 E. Washington Avenue
Las Vegas, NV 89101**

These minutes constitute a summary of the above proceedings of the Nevada Commission on Ethics. Verbatim transcripts are available for public inspection at the Commission's office located in Carson City.

1. Call to Order and Roll Call.

Chair Cheryl A. Lau, Esq. called the meeting to order in Carson City, Nevada at 9:30 a.m. Also present in Carson City were Commissioners Brian Duffrin, and Philip K. O'Neill. Present in Las Vegas, Nevada were Commissioners Lynn Stewart and Amanda Yen, Esq. Commissioner Barbara Gruenewald, Esq. appeared telephonically. Present for Commission staff in Carson City were Executive Director Yvonne M. Nevarez-Goodson, Esq., Commission Counsel Tracy L. Chase, Esq., Associate Counsel Judy Prutzman, Esq., Senior Legal Researcher Darci Hayden and Executive Assistant Kari Pedroza. Vice-Chair Keith A. Weaver, Esq. was excused for the majority of the meeting, however, he appeared telephonically under Agenda Item 5.

The pledge of allegiance was conducted.

2. Public Comment.

No public comment.

3. Approval of Minutes of the November 15, 2017 Commission Meeting.

Commissioner O'Neill moved to accept the November 15, 2017 Minutes as presented, Commissioner Duffrin seconded the motion. The Motion was put to a vote and carried unanimously.

4. Discussion and approval of a Proposed Stipulation concerning Ethics Complaint No. 17-37C regarding Bryce B. Boldt, Administrative Officer, Boulder City, Nevada.

Bryce B. Boldt, Administrative Officer, Boulder City, Nevada appeared before the Commission telephonically. Appearing on behalf of the Executive Director was Associate Counsel Judy A. Prutzman, Esq.

Commission Counsel Chase presented a brief overview of the Proposed Stipulation in Ethics Complaint Case No. 17-37C to the Commission.

Associate Counsel Prutzman gave an overview of the Ethics Complaint Case No. 17-37C, stating that the Complaint alleged that Mr. Boldt violated the Ethics Law when he stayed overnight in the storage area of a city owned building adjacent to the city hall building where he was employed. The Complaint alleged that Mr. Boldt violated NRS 281A.400(2) and (7) in the use of government property for personal purposes.

Associate Counsel Prutzman stated that material facts in this case were not disputed and Mr. Boldt admitted that he used the storage area for his personal purposes.

The Proposed Stipulation Agreement reflects that Mr. Boldt's conduct would result in a willful violation of the Ethics Law and a \$1,000 civil penalty.

Commissioner Gruenewald moved to accept the terms of the Proposed Stipulation as 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 as approved by the Commission. Commissioner Yen seconded the Motion. The Motion was put to a vote and carried as follows:

Chair Lau:	Aye.
Commissioner Gruenewald:	Aye.
Commissioner Yen:	Aye.
Commissioner Stewart:	Aye.
Commissioner Duffrin:	No.
Commissioner O'Neill:	No.

The Motion Passed. See Exhibit A, Boldt Proposed Stipulated Agreement.

5. Discussion and approval of a Proposed Stipulation concerning Third-Party Request for Opinion No. 16-81C regarding Terrence Taylor, Captain/ Fire Investigator for the East Fork Fire Protection District, Douglas County, Nevada.

Appearing before the Commission in this matter was Subject Terrence Taylor and his counsel, Rich R. Hsu, Esq., of Maupin, Cox, and LeGoy. Appearing on behalf of the Executive Director was Associate Counsel Judy A. Prutzman, Esq.

Commission Counsel Chase provided a brief overview of the Proposed Stipulation in Case No. 16-81C to the Commission.

Associate Counsel Prutzman provided a synopsis of the Proposed Stipulation affirming that the Subject and the Executive Director proposed a finding of a single course of conduct resulting in one willful violation of the Ethics Law, implicating NRS 281A.400(2), as interpreted by the provisions of NRS 281A.020. The Request for Opinion alleged that Terrence Taylor, a captain and fire investigator for the East Fork Fire Protection District in Douglas County used his public position to further his private interests related to his private fire investigation business, Terry Taylor Investigations. Associate Counsel Prutzman stated that the Proposed Stipulation reflects that Mr. Taylor's conduct results in one willful violation and a \$500 civil penalty, with an additional penalty in the amount of \$1,659.40, which equals the financial benefit realized by Mr. Taylor. Associate Counsel Prutzman summarized similar Ethics decisions and settlements addressed by the Commission and asserted that the proposed penalty amount in this case results in a settlement that treats the Subject comparably to other similar decisions and agreements approved by the Commission as required by NRS 281A.465.

Associate Counsel Prutzman stated that the allegations implicating NRS 281A.400(1) and (10) are recommended to be dismissed through the Proposed Stipulation because the investigation did not yield a preponderance of the evidence to support a violation with regard to those specific allegations.

Commissioner Gruenewald moved to accept the terms of the stipulation as 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 as approved by the Commission. Chair Lau seconded the Motion. The Motion was put to a vote with results as follows:

Chair Lau:	Aye.
Commissioner Gruenewald:	Aye.
Commissioner Duffrin:	Aye.
Commissioner O'Neill:	No.
Commissioner Stewart:	No.
Commissioner Yen:	No.

The Motion Failed.

Commission Counsel Chase informed the Commission that in the event of a three-three tie with a Commissioner not present, the item would be brought before the Commission again at the next meeting so that Vice-Chair Keith A. Weaver, Esq. may consider the matter and at that point in time the stipulation would be considered. Executive Director Nevarez-Goodson asked whether the chair would table the matter to provide staff the opportunity to contact Vice-Chair Weaver to determine his availability to appear telephonically to address the matter later in the agenda. Commission Counsel Chase agreed that if Vice-Chair Weaver could participate telephonically, the matter could be revisited at another time during the meeting.

Chair Lau tabled the matter to provide staff an opportunity to consult with Vice-Chair Weaver regarding his availability later in the meeting to address this matter.

A five minute recess was taken.

6. Report and recommendations by Executive Director on agency status and operations and possible direction thereon. Items to be discussed include, without limitation:

- Upcoming Commission Meetings
- FY18 Budget Status/ Upcoming Biennial Budget Cycle (2020 – 2021)
- Administrative Regulation Planning
- Interim Salary Study (S.C.R. 6)

- Education and Outreach by the Commission
- Case Management System, Opinion Database and Commission Website
- Commission Appointments

Upcoming Commission Meetings: Executive Director requested that Commissioners reserve the third Wednesday of every month and she will let Commissioners know in advance if a meeting will be canceled. She also informed the Commission that there would not be a formal meeting in February but that there may be a need for a teleconference which she would announce as soon as possible.

FY18 Budget Status/ Upcoming Biennial Budget Cycle (2020 – 2021): Executive Director briefly summarized the current status of the FY18 Budget, highlighting the increase in contract amounts such as Lexis, cost savings from court reporting due to fewer Commission meetings than anticipated and work programs to accommodate allocated funds transferred to other categories. She outlined possible enhancements to the upcoming biennial budget and requested Commission input on these enhancements. She stated the enhancements could include additional salary enhancements, possible increase in staff positions and any bill draft housekeeping changes necessary as the result of Senate Bill 84.

Administrative Regulation Planning: Executive Director Nevarez-Goodson explained the administrative rulemaking procedure and the need to revise current regulations to ensure compliance with changes brought by SB 84. She stated that draft regulations could be brought to the Commissioners over the next few months.

Interim Salary Study (S.C.R. 6): Executive Director Nevarez-Goodson provided an update that Commission staff salaries would be included in an interim study and that she would work in cooperation with staff members of the Public Utilities Commission and the Gaming Control Board to provide necessary data to assist with the study.

Education and Outreach by the Commission: Executive Director Nevarez-Goodson briefly summarized the education and outreach presentations she has provided to the public agencies across the state. She noted that there has been an increase in training requests from state agencies and intends to research additional methods by which the Commission staff can provide trainings through technology to meet the demands and make the resources available on a broader scale.

Case Management System, Opinion Database and Commission Website: Executive Director Nevarez-Goodson asked the Commissioners to view the recently launched online searchable database of published opinions and provide any feedback regarding the case management system to Commission staff about the functionality of the features. She stated that the majority of acknowledgement forms received this year were submitted online which has resulting in time savings for Commission staff in that there is no need for further processing of those forms.

Commission Appointments: Executive Director Nevarez-Goodson informed the Commissioners that the recent appointee to the Commission currently served in a different public office which created a conflict and that we are awaiting a determination from the Legislative Commission whether this appointee would be confirmed. If the position remained vacant, the Legislative Commission would make another appointment.

In response to the Executive Director's report on agency operations, Commissioner Stewart moved that the Commission be supportive in actively pursuing salary increases for staff to bring them on par with other Commissions in the Executive, Legislative and Judicial branches of the Government of the State of Nevada. Commissioner Duffrin seconded the motion. The Motion was put to a vote and carried unanimously.

7. 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.

No Commissioner comment.

A five minute recess was taken.

Vice-Chair Keith A. Weaver, Esq. joined the meeting telephonically.

5. Discussion and approval of a Proposed Stipulation concerning Third-Party Request for Opinion No. 16-81C regarding Terrence Taylor, Captain/ Fire Investigator for the East Fork Fire Protection District, Douglas County, Nevada.

Chair Lau reopened this agenda item regarding the Proposed Stipulation in this matter. Vice-Chair Weaver confirmed that he had been provided the meeting materials related to this matter along with the other Commissioners in advance of the meeting and he had reviewed the information.

Associate Counsel Prutzman, with the permission of the Commission, streamlined her presentation and represented the comparable cases with regard to the proposed penalty for Third-Party Request for Opinion No. 16-81C concerning Terrance Taylor to Vice-Chair Weaver. Subject Taylor and his counsel did not object to the presentation or appearance by Vice-Chair Weaver.

Commissioner Gruenewald renewed her motion to accept the terms of the Proposed Stipulation as 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 as approved by the Commission. Chair Lau seconded the Motion. The Motion was put to a vote and carried as follows:

Chair Lau:	Aye.
Vice-Chair Weaver:	Aye.
Commissioner Gruenewald:	Aye.
Commissioner Duffrin:	Aye.
Commissioner O'Neill:	No.
Commissioner Stewart:	No.
Commissioner Yen:	No.

The Motion Passed. See Exhibit B, Taylor Proposed Stipulated Agreement.

8. Open Session for Public Comment.

No public comment.

9. Adjournment.

The meeting adjourned at 11:05 a.m.

Minutes prepared by:

/s/ Kari Pedroza

Kari Pedroza
Executive Assistant

/s/ Yvonne M. Nevarez-Goodson

Yvonne M. Nevarez-Goodson, Esq.
Executive Director

Minutes approved March 21, 2018:

/s/ Cheryl A. Lau

Cheryl A. Lau, Esq.
Chair

/s/ Keith A. Weaver

Keith A. Weaver, Esq.
Vice-Chair

Exhibit A
Boldt Proposed Stipulated Agreement

Nevada Commission on Ethics
January 17, 2018 Meeting Minutes



STATE OF NEVADA
BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Bryce B. Boldt**, Administrative
Officer, Boulder City, State of Nevada,

Ethics Complaint Case No. **17-37C**

Subject. /

DRAFT

PROPOSED STIPULATED AGREEMENT

1. **PURPOSE:** This Stipulated Agreement resolves Ethics Complaint Case No. 17-37C before the Nevada Commission on Ethics (“Commission”) concerning Bryce B. Boldt (“Boldt”), Administrative Officer, Boulder City (“City”), Nevada.

2. **JURISDICTION:** At all material times, Boldt was employed by the City and is a public employee, as defined in NRS 281A.150. The Ethics in Government Law (“Ethics Law”) set forth in NRS Chapter 281A¹ gives the Commission jurisdiction over elected and appointed public officers and public employees whose conduct is alleged to have violated the provisions of NRS Chapter 281A. See NRS 281A.280. Accordingly, the Commission has jurisdiction over Boldt in this matter.

3. **PROCEDURAL HISTORY BEFORE COMMISSION**

- a. On or about September 11, 2017, the Commission received Ethics Complaint No. 17-37C (“Ethics Complaint”) from a member of the public (“Requester”), alleging that Boldt used his public position to secure or grant unwarranted privileges or advantages for himself (NRS 281A.400(2)) and used governmental time, property, equipment or other facility to benefit his significant personal or pecuniary interest (NRS 281A.400(7));
- b. On October 26, 2017, the Commission issued its *Order on Jurisdiction* accepting jurisdiction and directing the Executive Director to investigate this matter.

¹ Senate Bill 84 (“S.B. 84”) of the 79th Session of the Nevada Legislature (2017) amends and enacts various provisions of NRS Chapter 281A, which statutes have yet to be formally codified. The amendatory provisions of S.B. 84 control over any contrary provisions of NAC Chapter 281A.

- c. On October 26, 2017, staff of the Commission issued a *Notice to Subject* under NRS 281A.440(2), stating that the Commission accepted jurisdiction to investigate the allegations regarding alleged violations of NRS 281A.400(2) and (7). Boldt was provided an opportunity to provide a written response to the Ethics Complaint.
- d. On December 6, 2017, in lieu of a written response, Boldt elected to meet with Commission staff to provide an oral response.
- e. Boldt waived his right to a panel determination pursuant to NRS 281A.440 and acknowledges that credible evidence establishes just and sufficient cause for the Commission to render an opinion regarding the allegations implicating NRS 281A.400(2) and (7).

4. PROPOSED STIPULATED FACTS: At all material times, the following facts were relevant to this matter:²

- a. Boldt is an Administrative Officer in Human Resources of Boulder City and a public employee as defined by NRS 281A.150. Boldt has worked for Boulder City since December 2009.
- b. Employees of Boulder City must use a key card to enter secure spaces within the Boulder City City Hall during normal working hours and to enter other city-owned buildings adjacent to City Hall after normal working hours. The key card system records employee entries but does not record employee departures.
- c. Boldt works a 4-day, 10-hour schedule and his normal work hours are Monday through Thursday, 7:00 am to 6:00 pm.
- d. Many of the files and documents retained by Boulder City Human Resources are stored in a first floor storage area (“Records Storage Area”) in a public building adjacent to the City Hall building where Boldt’s office is located. Accordingly, Boldt must access the Records Storage Area to obtain those files and documents.

² Stipulated Facts do not constitute part of the “Investigative File” as that term is defined by NRS 281A.440(17). All statutory and common law protections afforded to the Investigative File shall remain and are not affected by this Stipulated Agreement.

- e. Boldt's key card records indicate that between July 18, 2016 and February 14, 2017, he used his Boulder City employee key card to enter the Records Storage Area on a daily basis, including 162 entry times after the end of normal work hours over the course of 80 days. Boldt's after-hours entries to the Records Storage Area consistently occurred on Monday, Tuesday and Wednesday nights and some of the entry times were as late as 9 pm. Boldt entered this City facility for personal purposes, including on several occasions to stay overnight.
- f. On May 15, 2017, Boldt received a letter from then City Manager, David Fraser, reprimanding Boldt for his admitted use of a City facility for personal reasons.
- g. As a consequence of his personal use of a City facility, Boldt was suspended and placed on leave without pay for two days in 2017.
- h. Boldt's leave without pay resulted in lost wages in the amount of \$1,203.60, in addition to a \$337.01 reduction in employee contributions to the Public Employees Retirement System of Nevada ("PERS").

5. TERMS / CONCLUSIONS OF LAW: Based on the foregoing, Boldt and the Commission agree as follows:

- a. Each of the stipulated facts enumerated in Section 4 of this Stipulated Agreement is agreed to by the parties.
- b. Boldt is a public employee, which constitutes a public trust to be held for the sole benefit of the people of the State of Nevada (in particular, the citizens of Boulder City).
- c. As a public employee, Boldt may not use his public position to secure or grant unwarranted privileges, preferences, exemptions or advantages for himself (NRS 281A.400(2)) or use government resources to benefit a significant personal or pecuniary interest. (NRS 281A.400(7)).
- d. Boldt did not adequately avoid the conflict of interest between his public duties and private interests when he used the Records Storage Area as a place to stay overnight.
- e. In using the Records Storage Area for personal purposes, Boldt used his position in government to secure an unwarranted privilege or advantage for

himself, in violation of NRS 281A.400(2). His use of governmental property to benefit his significant personal or pecuniary interest also violated NRS 281A.400(7).

- f. Boldt's actions constitute a single course of conduct resulting in one violation of the Ethics Law, implicating the provisions of NRS 281A.400(2) and (7), as interpreted and applied in accordance with the provisions of NRS 281A.020(1).
- g. Boldt's violation of NRS Chapter 281A was willful pursuant to NRS 281A.170 because he acted intentionally and knowingly, as those terms are defined in NRS 281A.105 and 281A.115, respectively.
- h. Without limitation, the Commission considered the following factors in determining whether Boldt's violation is willful and the amount of the civil penalty to be imposed on Boldt:
 - 1) Boldt has not previously violated the Ethics Law.
 - 2) Boldt has been diligent to cooperate with and participate in the Commission's investigation and resolution of this matter.
 - 3) Boldt has been reprimanded by his employer for the conduct described in this Complaint and suffered a loss of income and benefits equal to approximately \$1,500.
- i. Despite the consideration and application of the statutory mitigating criteria set forth in NRS 281A.475 and other mitigating circumstances presented in this matter, the Commission concludes that Boldt's violation in this case should be deemed a willful violation pursuant to NRS 281A.170.
- j. For the willful violation, Boldt will pay a civil penalty of \$1,000.00, pursuant to NRS 281A.480, on or before June 30, 2018. Boldt may pay the penalty in one lump sum payment or in monthly installment payments as negotiated with the Commission's Executive Director.
- k. This Stipulated Agreement depends on and applies only to the specific facts, circumstances and law related to the Ethics Complaint now before the Commission. Any facts or circumstances that may come to light after its entry that are in addition to or differ from those contained herein may create a different resolution of this matter.

- I. This agreement is intended to apply to and resolve only this specific proceeding before the Commission and is not intended to be applicable to or create any admission of liability for any other proceeding, including administrative, civil, or criminal regarding Boldt. If the Commission rejects this Stipulated Agreement, none of the provisions herein shall be considered by the Commission or be admissible as evidence in a hearing on the merits in this matter.

6. WAIVER

- a. Boldt knowingly and voluntarily waives his right to an Investigatory Panel proceeding and any related hearing before the full Commission on the allegations in Ethics Complaint Case No. 17-37C and all rights he may be accorded with regard to this matter pursuant to NRS Chapter 281A, S.B. 84, the regulations of the Commission (NAC Chapter 281A), the Nevada Administrative Procedures Act (NRS Chapter 233B) and any other applicable provisions of law.
- b. Boldt knowingly and voluntarily waives his right to any judicial review of this matter as provided in NRS 281A, NRS 233B or any other applicable provisions of law.

7. ACCEPTANCE: We, the undersigned parties, have read this Stipulated Agreement, understand each and every provision therein, and agree to be bound thereby. The parties orally agreed to be bound by the terms of this agreement during the regular meeting of the Commission on January 17, 2018.³

DATED this ____ day of _____, 2018. DRAFT
Bryce B. Boldt

³ Subject waived any right to receive written notice pursuant to NRS 241.033 of the time and place of the Commission's meeting to consider his character, alleged misconduct, professional competence, or physical or mental health.

The above Stipulated Agreement is approved by:

FOR YVONNE M. NEVAREZ-GOODSON, ESQ.
Executive Director, Commission on Ethics

DATED this ____ day of _____, 2018.

DRAFT

Judy A. Prutzman, Esq.
Associate Counsel

Approved as to form by:

FOR NEVADA COMMISSION ON ETHICS

DATED this ____ day of _____, 2018.

DRAFT

Tracy L. Chase, Esq.
Commission Counsel

The above Stipulated Agreement is accepted by the Commission.⁴

DATED _____, 2018.

By: DRAFT
Cheryl A. Lau, Esq.
Chair

By: DRAFT
Philip K. O'Neill
Commissioner

By: DRAFT
Keith A. Weaver, Esq.
Vice-Chair

By: DRAFT
Lynn Stewart
Commissioner

By: DRAFT
Brian Duffrin
Commissioner

By: DRAFT
Amanda Yen, Esq.
Commissioner

By: DRAFT
Barbara Gruenewald, Esq.
Commissioner

⁴ Subject waived his right to an Investigatory Panel pursuant to NRS 281A.440. Accordingly, this Stipulated Agreement was executed prior to a Panel hearing in this matter and no Commissioner was precluded from participating in this Stipulated Agreement pursuant to NRS 281A.220.

Exhibit B
Taylor Proposed Stipulated Agreement

Nevada Commission on Ethics
January 17, 2018 Meeting Minutes



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In the Matter of the Third-Party Request
for Opinion Concerning the Conduct of
Terrence Taylor, Captain/Inspector,
East Fork Fire Protection District,
Douglas County, State of Nevada,

Request for Opinion No. **16-81C**

Subject. /

DRAFT

PROPOSED STIPULATED AGREEMENT

1. **PURPOSE**: This Stipulated Agreement resolves Third-Party Request for Opinion (“RFO”) No. 16-81C before the Nevada Commission on Ethics (“Commission”) concerning Terrence Taylor (“Taylor”), a Captain/Fire Investigator for the East Fork Fire Protection District (“District”) in Douglas County, Nevada.

2. **JURISDICTION**: At all material times, Taylor was employed by the District and is a public employee, as defined in NRS 281A.150. The Ethics in Government Law (“Ethics Law”) set forth in NRS Chapter 281A gives the Commission jurisdiction over elected and appointed public officers and public employees whose conduct is alleged to have violated the provisions of NRS Chapter 281A. See NRS 281A.280. Accordingly, the Commission has jurisdiction over Taylor in this matter.

3. **PROCEDURAL HISTORY BEFORE COMMISSION:**

a. On or about November 23, 2016, the Commission received RFO No. 16-81C from a member of the public, Timothy Lomprey (“Lomprey” or “Requester”), alleging that Taylor violated:

- (1) NRS 281A.020(1) - avoiding conflicts between public and private interests;
- (2) NRS 281A.400(1) - accepting employment or economic opportunities which would tend improperly to influence a reasonable person in public position to depart from an impartial discharge of public duties;

DRAFT

- (3) NRS 281A.400(2) – using public position to secure or grant unwarranted advantages;
 - (4) NRS 281A.400(4) – accepting compensation from private source for performance of duties as a public employee;
 - (5) NRS 281A.400(5) - acquiring, through his public duties or relationships, information not available to the public to further the pecuniary interests;
 - (6) NRS 281A.400(7) - using governmental resources for nongovernmental purpose or private benefit;
 - (7) NRS 281A.400(10) - seeking other employment or contracts through the use of public position;
 - (8) NRS 281A.420(1) - failure to disclose conflict of interest; and
 - (9) NRS 281A.420(3) -failure to abstain.
- b. On December 12, 2016, staff of the Commission issued a Notice to Subject under NRS 281A.440(2), stating that the Commission accepted jurisdiction to investigate the allegations regarding violations of: (1) NRS 281A.020(1); (2) NRS 281A.400(1); (3) NRS 281A.400(2); and (4) NRS 281A.400(10). Taylor was provided an opportunity to respond to the RFO.
 - c. On or about February 23, 2017, Taylor, through his legal counsel, Rick R. Hsu, Esq., of Maupin, Cox and LeGoy, provided a written Response to the RFO.
 - d. Taylor waived his rights to a panel determination pursuant to NRS 281A.440 and acknowledges that credible evidence establishes just and sufficient cause for the Commission to render an opinion regarding the allegations implicating NRS 281A.400(2).

4. PROPOSED STIPULATED FACTS: At all material times, the following facts were relevant to this matter: ¹

- a. Taylor has been employed as a Captain/Fire Investigator for the East Fork Fire Protection District (“District”) since 1997. As such, he is a public employee as defined in NRS 281A.150.

¹ Stipulated Facts do not constitute part of the “Investigative File” as that term is defined by NRS 281A.440(17). All statutory and common law protections afforded to the Investigative File shall remain and are not affected by this Stipulated Agreement.

- b. The District is a political subdivision as defined in NRS 281A.145.
- c. The District provides emergency services to Douglas County, Nevada, which includes approximately 1,000 fire-related responses a year.
- d. As the Captain/Fire Investigator for the District, Taylor is responsible for the investigation of fires and explosions within the District's jurisdiction. Taylor's public-sector investigations are primarily focused on determining the origin and cause of a fire, including whether a crime such as arson has been committed.
- e. Policy number 200.27 of the Douglas County Administrative Policies and Procedures states that "[e]mployees are required to obtain authorization from their Department Head/Elected Official prior to engaging in outside employment."
- f. Pursuant to this policy, on April 30, 2001, Taylor requested permission from the District to engage in outside work to conduct investigations of fires in the private sector outside of Douglas County, which was granted by the District Fire Chief on May 4, 2001.
- g. According to the District Fire Chief, the District benefits from Taylor's outside employment because fire investigations in the private sector expose him to a wider array of experiences and training not otherwise possible in the public sector, which make him a more proficient investigator for the District.
- h. The District submitted letters outlining the terms of its approval of Taylor's outside employment to the Nevada Private Investigators Licensing Board ("PILB") in 2003 and 2011 to activate Taylor's private investigator's license to allow him to conduct fire investigations in the private sector.
- i. The District's 2011 letter to the PILB sets forth the District's restrictions on Taylor's outside employment:
 - 1. Taylor is not to perform any duties associated with his private fire investigator's license while on duty for the District and cannot use any District equipment, supplies or staff for that private activity.
 - 2. Taylor is not to perform any private fire investigator activities for cases that arise in Douglas County.

3. Taylor is not to be involved with any action or case in which the State of Nevada or a political subdivision of the State is a first party defendant.
- j. Taylor's private sector fire investigations are performed under his business name of Terry Taylor Investigations. Private sector fire investigations focus on determining fault, often for use in an insurance subrogation or personal injury action, and involve more in-depth investigation techniques.
 - k. Terry Taylor Investigations employed two independent contractors, including Duane Lemons ("Lemons"), who perform private sector fire investigations.
 - l. Terry Taylor Investigations conducts approximately 30 to 40 private fire investigations each year for attorneys and insurance companies, including Farmers Group, Liberty Mutual, Safeco and Crum & Forster.
 - m. On December 22, 2015, on behalf of the District, Taylor responded to a fire located at 2617 Vicky Lane ("Vicky Lane Fire"), which is a single-family residence located in Douglas County, Nevada.
 - n. As Fire Captain/Investigator for the District, Taylor spent approximately seven hours investigating the Vicky Lane Fire on December 22, 2015. Taylor's written report concludes that a lithium battery caused the fire.
 - o. On or around January 6, 2016, Taylor was contacted by a representative of his private client, Crum & Forster, who requested that Taylor conduct a private fire investigation.
 - p. On or about January 8, 2016, Crum & Forster sent an email directly to Lemons requesting Lemons to investigate the Vicky Lane Fire. Taylor did not receive a copy of the email.
 - q. Crum & Forster is the insurance company for the manufacturer of the lithium battery found in the Vicky Lane Fire. Allstate is the insurance company for the homeowner at Vicky Lane, and requested Lomprey² to investigate the Vicky Lane Fire.

² Lomprey is the Requestor who filed the Third-Party Request for Opinion.

- r. On January 18, 2016, Lomprey and Lemons attended a joint field inspection at the Vicky Lane Fire site to meet with Taylor and discuss his investigation and findings as Captain /Fire Investigator for the District.
- s. Taylor allowed Lomprey and Lemons to interview him regarding his public-sector findings to assist them in their respective private sector investigations.
- t. As reflected in the invoice to Crum & Forster, Terry Taylor Investigations spent 8.6 hours conducting the investigation, which included the time spent at the site of the Vicky Lane Fire with Taylor as the District investigator on scene.
- u. Terry Taylor Investigations received \$1,659.40 from Crum & Forster for its investigation of the Vicky Lane Fire.

5. **TERMS / CONCLUSIONS OF LAW**: Based on the foregoing, Taylor and the Commission agree as follows:

- a. Each of the stipulated facts enumerated in Section 4 of this Stipulated Agreement is agreed to by the parties.
- b. Taylor is a public employee, whose public office constitutes a public trust to be held for the sole benefit of the people of the State of Nevada (in particular, the citizens of Douglas County).
- c. Taylor has a substantial and continuous business relationship with Terry Taylor Investigations, which creates a commitment in a private capacity to the interests of the business under NRS 281A.065(5). As the owner of Terry Taylor Investigations, Taylor also has a significant pecuniary interest in the business. NRS 281A.139.
- d. As a public employee, Taylor has a duty to avoid conflicts of interest. See NRS 281A.020. Specifically, Taylor must not use his position in government to: 1) seek any employment or economic opportunity which would tend to improperly influence a reasonable person in his position to depart from the faithful and impartial discharge of his public duties (NRS 281A.400(1)); 2) secure or grant unwarranted privileges, preferences or advantages for himself or for any business entity in which he has a significant pecuniary interest (NRS 281A.400(2)); or 3) seek other employment or contracts (NRS 281A.400(10)).

- e. By allowing Lemons to continue the private sector investigation of the Vicky Lane Fire on behalf of Terry Taylor Investigations, Taylor violated the conditions of his approval of outside employment by the District. Taylor agrees that by violating the terms of his agreement with the District, he used his position in government to secure unwarranted advantages for Terry Taylor Investigations, a business entity in which Taylor has a significant pecuniary interest, in violation of NRS 281A.400(2).
- f. Taylor's actions constitute a single course of conduct resulting in one violation of the Ethics Law, implicating the provisions of NRS 281A.400(2), as interpreted and applied in accordance with the provisions of NRS 281A.020(1).
- g. Although the private investigation work conducted by Terry Taylor Investigations on the Vicky Lane Fire implicates the provisions of NRS 281A.400(1) because it was contrary to the faithful discharge of his public duties to accept a private engagement in conflict with his employment agreement, the preponderance of evidence does not support the allegation that such employment, engagement or economic opportunity tended improperly to influence a reasonable person in Taylor's public position to depart from the faithful and impartial discharge of his public duties. Taylor conducted and made conclusions on the cause of the fire on behalf of the District before knowing that Crum and Forster had requested Terry Taylor Investigations to investigate the Vicky Lane Fire. The subsequent employment by Crum & Forster of Terry Taylor Investigations did not affect Taylor's conclusions in his public-sector investigation, which conclusions were adverse to Crum & Forster's insured, the lithium battery company. The Commission therefore dismisses the allegations regarding NRS 281A.400(1) through this Stipulated Agreement.
- h. Although the private investigation work conducted by Terry Taylor Investigations on the Vicky Lane Fire implicates the provisions of NRS 281A.400(10), the preponderance of evidence does not support the allegation that he sought employment through the use of his official position based on the undisputed evidence that Crum & Forster contacted Terry Taylor

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Investigations, unsolicited. The Commission therefore dismisses the allegations regarding NRS 281A.400(10) through this Stipulated Agreement.

- i. NRS 281A.170 defines a “willful violation” as a violation in which the public officer or employee: (1) acted intentionally and knowingly; or (2) was in a situation where this chapter imposed a duty to act and the public officer or employee intentionally and knowingly failed to act in the manner required by the Ethics Law.
- j. Taylor was under a public duty to prevent Lemons and Terry Taylor Investigations from investigating any fire that violated the terms of his outside employment agreement with the District. Instead, Taylor authorized and benefited from the private investigation. The Commission therefore determines, and Taylor agrees, that the violation of NRS 281A.400(2) was “willful” under NRS 281A.170.
- k. Pursuant to the factors set forth in NRS 281A.475 in determining whether a violation is willful and the amount of any civil penalty, if any, the Commission has considered the following factors:
 - 1) Taylor has not previously violated the Ethics Law.
 - 2) Taylor has been diligent to cooperate with and participate in the Commission’s investigation and resolution of this matter.
 - 3) Taylor is scheduled to retire from public service on or about May 2018.
 - 4) Taylor is willing to disgorge all money received by Terry Taylor Investigations from Crum & Forster.
- l. For one willful violation, Taylor will pay a civil penalty of \$500 pursuant to NRS 281A.480(1)(a). Pursuant to NRS 281A.480(3), Taylor will pay an additional civil penalty in the amount of \$1,659.40, which penalty equals the financial benefit realized by Taylor for the private investigation of the Vicky Lane Fire. Taylor may pay the penalty in one lump sum payment or in monthly installment payments as negotiated with the Commission’s Executive Director, with the full penalty amount paid not later than 90 days after Taylor’s receipt of the fully executed Stipulated Agreement.

- m. This Stipulated Agreement depends on and applies only to the specific facts, circumstances and law related to this RFO now before the Commission. Any facts or circumstances that may come to light after its entry that are in addition to or differ from those contained herein may create a different resolution of this matter.
- n. This agreement is intended to apply to and resolve only this specific proceeding before the Commission and is not intended to be applicable to or create any admission of liability for any other proceeding, including administrative, civil, or criminal regarding Taylor. If the Commission rejects this Stipulated Agreement, none of the provisions herein shall be considered by the Commission or be admissible as evidence in a hearing on the merits in this matter.

7. **ACCEPTANCE**: We, the undersigned parties, have read this Stipulated Agreement, understand each and every provision therein, and agree to be bound thereby. The parties orally agreed to be bound by the terms of this agreement during the regular meeting of the Commission on November 15, 2017³.

DATED this ____ day of _____, 2017. DRAFT
Terrence Taylor

The above Stipulated Agreement is approved by:

FOR TERRENCE TAYLOR, Subject

DATED this ____ day of _____, 2017. DRAFT
Rick R. Hsu, Esq.
Maupin, Cox and LeGoy

FOR YVONNE M. NEVAREZ-GOODSON, ESQ.
Executive Director, Commission on Ethics

DATED this ____ day of _____, 2017. DRAFT
Judy A. Prutzman, Esq.
Associate Counsel

³ Subject waived any right to receive written notice pursuant to NRS 241.033 of the time and place of the Commission’s meeting to consider his character, alleged misconduct, professional competence, or physical or mental health.

Approved as to form by:

FOR NEVADA COMMISSION ON ETHICS

DATED this ____ day of _____, 2017. DRAFT
Tracy L. Chase, Esq.
Commission Counsel

The above Stipulated Agreement is accepted by the Commission.⁴

DATED _____, 2017.

By: DRAFT
Cheryl A. Lau, Esq.
Chair

By: DRAFT
Phillip K. O'Neill
Commissioner

By: DRAFT
Keith A. Weaver, Esq.
Vice-Chair

By: DRAFT
Lynn Stewart
Commissioner

By: DRAFT
Brian Duffrin
Commissioner

By: DRAFT
Amanda Yen, Esq.
Commissioner

By: DRAFT
Barbara Gruenewald, Esq.
Commissioner

⁴ Subject waived his right to an Investigatory Panel pursuant to NRS 281A.440. Accordingly, this Stipulated Agreement was executed prior to a Panel hearing in this matter and no Commissioner was precluded from participating in this Stipulated Agreement pursuant to NRS 281A.220.