



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

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

The Commission on Ethics held a public meeting on
Wednesday, February 19, 2020, at 9:00 a.m.
at the following location:

**Grant Sawyer State Building
555 E. Washington Avenue
Room 1100
Las Vegas, NV 89101**

These minutes constitute a summary of the above proceedings of the Nevada Commission on Ethics. A recording of the meeting is available for public inspection at the Commission's office.

1. Call to Order and Roll Call.

Chair Cheryl A. Lau, Esq. appeared in Las Vegas and called the meeting to order at 9:00 a.m. Also appearing in Las Vegas were Commissioners Brian Duffrin, Barbara Gruenewald, Esq., Philip K. (P.K.) O'Neill, Damian R. Sheets, Esq., Kim Wallin, CPA, and Amanda Yen, Esq. Commissioner Teresa Lowry, Esq. was excused from the meeting. Present for Commission staff in Las Vegas were Executive Director Yvonne M. Nevarez-Goodson, Esq., Commission Counsel Tracy L. Chase, Esq., Associate Counsel Casey Gilham, Esq., Senior Legal Researcher Darci Hayden, Investigator Erron Terry, and Executive Assistant Kari Pedroza.

The pledge of allegiance was conducted.

2. Public Comment.

There was no public comment.

3. Election of Commission Vice-Chair for the remainder of Fiscal Year 2020, pursuant to NAC 281A.150.

Commissioner O'Neill nominated Commissioner Wallin for the position of Vice-Chair and provided some background information and accolades of Commissioner Wallin noting her history of public service, including 8 years as the State of Nevada Controller. Commissioner Gruenewald seconded the nomination. Commissioner Duffrin moved to appoint Commissioner Wallin as Vice-Chair and Commissioner Yen seconded the motion. The Motion was put to a vote and carried unanimously.

Commissioner Wallin thanked the Commissioners for their support in nominating her and accepted the nomination. She further recognized former Vice-Chair Weaver's exemplary service in the role.

4. Approval of Minutes of the November 13, 2019 Commission Meeting.

Chair Lau stated that all Commissioners were present for the November meeting except Commissioners Duffrin and O'Neill who were both excused from that meeting and would abstain from participating on this item. Further, Commissioner Sheets was not present during the November meeting and therefore abstained from the approval of the minutes.

Commissioner Gruenewald moved to approve the November 13, 2019 Minutes as presented. Commissioner Yen seconded the motion. The Motion was put to a vote and carried as follows:

Chair Lau:	Aye.
Commissioner Duffrin:	Abstain.
Commissioner Gruenewald:	Aye.
Commissioner O'Neill:	Abstain.
Commissioner Wallin:	Aye.
Commissioner Sheets:	Abstain.
Commissioner Yen:	Aye.

5. Discussion and approval of Commission Proclamation honoring former Vice-Chair Keith Weaver's years of service to the Commission.

Chair Lau acknowledged that the Proclamation had been presented to Vice-Chair Weaver and Executive Director Nevarez-Goodson read the Proclamation into the record.

Vice-Chair Wallin stated that former Vice-Chair Weaver will be missed, and it was an honor to serve on the Commission with him.

Commissioner Duffrin expressed his gratitude to former Vice-Chair Weaver for his mentorship when Commissioner Duffrin was appointed to the Commission.

Commissioner O'Neill conveyed his appreciation to former Vice-Chair Weaver and wished to personally thank him for translating "lawyer" into English for him in his early days as a Commissioner.

Commissioner Yen agreed that former Vice-Chair Weaver had been very welcoming to her and stated that his well-reasoned voice would be missed on the Commission.

Commissioner Gruenewald echoed the other Commissioners' sentiments and added that she appreciated former Vice-Chair Weaver's ability to tactfully structure solutions.

Commissioner Gruenewald moved to accept and approve the Proclamation. Vice-Chair Wallin seconded the Motion. The Motion was put to a vote and carried unanimously.

6. Consideration and approval of Executive Director's proposed budgetary plan for additional interim resources from IFC and BOE due to increased caseload.

Executive Director Nevarez-Goodson informed the Commission that she was preparing materials and ascertaining whether an interim budget request for additional funds could be processed before the IFC and BOE this fiscal year to secure temporary assistance with the increasing investigatory backlog and caseload. She reiterated that the caseload in Fiscal Year 2019 was double that of the prior fiscal year and the pace has continued into the beginning of Fiscal Year 2020, which has resulted in a backlog of cases during the investigatory phase. She

reiterated the Commission's prior direction to pursue a plan to obtain assistance in the form of a temporary contact attorney/investigator position to assist with the backlog, which could justify a later request for an additional permanent full-time staff member or members to handle the increased workload. The Executive Director provided that the Commission's new analyst at the Governor's Finance Office (GFO) agreed that a temporary position could help with justification for a future request for a permanent position. However, the Commission's GFO analyst met with the Director at GFO regarding whether this type of proposal would be recommended by the GFO Director to the Governor and the feedback was that Interim state contingency fund allocations from the State General Fund are typically reserved for emergent purposes and GFO would need to review the circumstances to determine whether the backlog and temporary position would be considered an emergency. She notified the Commission that the GFO analyst requested statistics showing cases pending investigation per year to help demonstrate the need for funds and assured them that she is working closely with their office to provide the supporting materials needed.

Executive Director Nevarez-Goodson outlined the process and timeline for the interim budgetary request and explained the next step upon GFO approval of contingency funds would be to submit a work program to the Board of Examiners (BOE). The Board of Examiners is comprised of the Governor, the Attorney General and the Secretary of State and is the deciding authority for contingency funds in the Interim. She further explained that if the request is approved by the BOE, the Interim Finance Committee (IFC) would also review the request. Any final contract would go back before BOE for final approval. She explained that the process can be lengthy and asked the Commission if it thought it prudent to move forward with the request in the Interim or include it while building the budget for the next Biennium.

Commissioner Gruenewald asked about the timeframe for building the next biennial budget and Executive Director Nevarez-Goodson provided the upcoming deadlines for the budget building process and explained that if approved any new position wouldn't start until October 2021. Commissioner Gruenewald emphasized that if the Commission waited to request the funds for the additional position during budget building, the length of time without that assistance would be too long.

Executive Director Nevarez-Goodson's formal recommendation to the Commission was that she provide the requested additional statistics to the GFO and receive GFO feedback regarding the probability of processing the interim budget request this fiscal year. She noted that the Commission should include in its consideration that the next biennial budget is being prepared and the interim funding request may assist the Commission in its future budget proposal and associated recommendations to the Governor.

Commissioner Duffrin asked Executive Director to expand on the urgency of the request and provide information about the investigatory backlog, including whether the Commission had violated its statutory timelines in any of the cases still pending investigation. Executive Director Nevarez-Goodson replied that the Commission had not violated any timeline, in part because the Commission received waivers in many cases. Executive Director Nevarez-Goodson reported that the backlog was due to increased filings in addition to the current caseload, a temporary vacancy in the Associate Counsel position and the complexity of various cases. She confirmed that subjects are notified of the complaint and have an opportunity to respond to the allegations. Many who waive statutory timelines must then wait for the investigation to be completed, which in some cases has been over a year. She further provided the complications that can arise when there is a lengthy investigation delay, such as loss of witness recall, the possibility of the subject performing their own investigation or in the event the Commission did not receive a waiver and did not meet the statutory deadlines, the Commission would have to dismiss the case. Commissioner Duffrin offered that he would support seeking additional funds in the Interim to address the backlog.

Vice-Chair Wallin stated that she believes the acquisition of a temporary interim position could help build a better case in requesting a permanent position in the future. She proposed that the Commission pursue it and work on promoting our budget earlier in the process.

Commissioner O'Neill asked some clarification questions about the amount of money being requested and if there were any existing funds in the budget that could be used for the interim position. Executive Director Nevarez-Goodson responded that there isn't a specific amount at this time and that she would get some information from the Attorney General's office to determine the appropriate attorney contract amount. She also provided that any remaining money in the existing budget would be included in a work program to alleviate the amount of requested funds, but there would be minimal cost savings. Commissioner O'Neill commented that he feels that justice delayed is justice denied and reiterated that tracking investigatory time could help to justify the need for assistance in an additional position. The Executive Director assured Commissioner O'Neill that his feedback was taken and that she has implemented a time tracking process for staff.

Vice-Chair Wallin and Commissioner Sheets agreed that case time tracking could demonstrate the lack of available staff time to accommodate the increased caseload.

Commissioner Yen moved to accept and approve the budget plan for interim resources including direction to the Executive Director to continue to process these matters as discussed by the Commission. Commissioner Gruenewald seconded the motion. The Motion was put to a vote and carried as follows:

Chair Lau:	Aye.
Vice-Chair Wallin:	Aye.
Commissioner Duffrin:	Aye.
Commissioner Gruenewald:	Aye.
Commissioner O'Neill:	Aye.
Commissioner Sheets:	Aye.
Commissioner Yen:	Aye.

7. Report by Executive Director on agency status and operations and possible direction thereon. Items to be discussed include, without limitation:
- Quarterly Case Status Update
 - Education and Outreach by the Commission
 - Commission Appointments
 - Meeting Schedule
 - FY20 Budget Update

Quarterly Case Status Update: Executive Director Nevarez-Goodson referenced the quarterly case log spreadsheet included in the meeting materials which provides an overview of the current pending cases. She pointed out that the log does not show all of the cases received this Fiscal Year as the resolved cases have been removed, but it does show the cases still outstanding, including over 20 cases currently pending investigation. She noted that the number of Advisory Opinion Requests have increased to about 4 or 5 per month and Commission Counsel Chase has done a great job in keeping up with the requests within the statutory timeframe as waivers are not common with Advisory Opinion Requests.

Commission Counsel Chase provided statutory detail regarding the timeframe for Advisory Opinion Requests.

Executive Director Nevarez-Goodson notified the Commission that she and Commission Counsel Chase would be asking them to assist in identifying strategies to further streamline the Advisory Opinion Request process in the future.

Chair Lau asked if the Advisory Opinion Request data would be included in the Budget Proposal and Executive Director Nevarez-Goodson assured her that it would be included.

Commissioner O'Neill asked if more detail could be provided on the case log to identify what compliance was pending for each deferral case, and Executive Director Nevarez-Goodson confirmed that such information would be included in future case logs.

Education and Outreach by the Commission: Executive Director Nevarez-Goodson informed the Commission that in the current Fiscal Year the Commission has seen a decrease in the number of requests for training. She proposed this may be an opportunity for the Commission to initiate outreach to state agencies and local government entities. She highlighted an upcoming opportunity to present the Ethics in Government Law training to over 400 employees with the Nevada Gaming Control Board with an emphasis on the cooling off provision of NRS Chapter 281A.

Vice-Chair Wallin suggested a mass email distribution announcing training opportunities to department heads and Executive Director Nevarez-Goodson responded in the affirmative.

Commissioner Duffrin shared his thought that the Commission's workload may increase after a mass email.

Executive Director informed the Commission that staff has recently created a training flyer that could be sent to state agencies and local government entities.

Commissioner Duffrin suggested coordinating with the Nevada State Department of Personnel in providing training to all state employees. Executive Director Nevarez-Goodson shared that there used to be a training provided to state employees through the NEATS system, but noted that it is not mandatory.

Executive Director Nevarez-Goodson confirmed that there would be a future agenda item to appoint a subcommittee of the Commission to assist in formulating BDR proposals and priorities.

Commissioner O'Neill reiterated his interest in initiating public outreach regarding the Commission's purpose in the form of additional trainings and media outreach and requested more outreach be initiated.

Meeting Schedule: Executive Director Nevarez-Goodson requested that Commissioners reserve the third Wednesday of the month to attend regularly scheduled Commission meetings and stated she would provide notification of any cancellations in advance of the meeting. She projected that due to the caseload, the Commission would need to hold meetings in March and April for at least half of the day.

FY20 Budget Update: Executive Director Nevarez-Goodson informed the Commission that there would be cost savings in the court reporting budget category since the Commission has transitioned to audio recordings of meetings instead of transcription services. She further informed the Commission that other than the court reporting funds the remainder of the budget will be utilized which is important as this is a base budget year and future fund allocations are based on this fiscal year.

Commission Appointments: Executive Director Nevarez-Goodson welcomed newly appointed Commissioner Damian Sheets, Esq. to the Commission. Commissioner Sheets thanked the Executive Director and the Commission for allowing him the opportunity to serve as

Commissioner. He provided a brief summary of his background, including his legal career, and expressed his enthusiasm for working with the Commission.

Commissioner Duffrin moved to accept the Executive Director's agency status report as presented. Vice-Chair Wallin seconded the motion. The motion was put to a vote and carried unanimously.

8. Commissioner comments and identification of future agenda items. No action will be taken under this agenda item.

There were no Commissioner comments.

9. Public Comment.

No public comment.

10. Adjournment.

Vice-Chair Wallin made a motion to adjourn the public meeting. Commissioner Sheets seconded the motion. The Motion was put to a vote and carried unanimously.

The meeting adjourned at 10:05 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 18, 2020:

/s/ Cheryl A. Lau

Cheryl A. Lau, Esq.
Chair

/s/ Kim Wallin

Kim Wallin, CPA
Vice-Chair