



**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, January 20, 2021 at 1:30 p.m.  
**PLACE OF MEETING:** This meeting will be held exclusively via Zoom (virtually) as follows:

**Zoom Meeting Information<sup>1</sup>:**  
<https://zoom.us/j/91546548605?pwd=UGsrUU54N3VrZDE2bGk4RmNaTG9SUT09>  
**Zoom Meeting Telephone Number: 669-900-9128\***  
**Meeting ID: 915 4654 8605**  
**Passcode: 419023**

\*Please Note: If you choose to participate via telephone, your telephone number may be displayed in the Zoom public platform.

**MEMBERS OF THE PUBLIC ARE INVITED TO SUBMIT WRITTEN PUBLIC COMMENT  
WHICH WILL BE SUBMITTED INTO THE RECORD OF THE PUBLIC MEETING.**

**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](mailto: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.
<b>For Possible Action</b>	3. Approval of Minutes of the November 18, 2020 Commission Meeting.

<sup>1</sup> Sections 1 and 2 of Directive 006 of the Governor's COVID-19 Declaration of Emergency suspend the requirements of NRS 241.023(1)(b) requiring a public body to hold a public meeting at a physical location. This Notice provides the public with the opportunity to attend the meeting virtually including providing public comment via Zoom's virtual platform which permits the public to attend by video or telephonically. Alternatively, public comment may be provided by email at [ncoe@ethics.nv.gov](mailto:ncoe@ethics.nv.gov).

For Possible Action	<p>4. Report and recommendations by Executive Director on agency status and operations and possible direction thereon. Items to be discussed include, without limitation:</p> <ul style="list-style-type: none"> <li>• Case Status Update</li> <li>• FY21 Budget Status</li> <li>• Upcoming Biennial Budget – Governor’s Recommended Budget</li> <li>• 2021 BDR Status (AB 65)</li> <li>• 2021 Legislative Session Outline</li> <li>• Update on COVID-19 Emergency Protocols</li> <li>• Education and Outreach</li> </ul>
	<p>5. 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.</p>
	<p>6. 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.</p>
For Possible Action	<p>7. Adjournment.</p>

**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](mailto: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](mailto:ncoe@ethics.nv.gov) or call 775-687-5469.
- ❖ This Agenda and supporting materials are posted and are available not later than the 3<sup>rd</sup> 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](http://www.ethics.nv.gov).
- ❖ Any meeting or hearing held by the Commission pursuant to NRS 281A.760 to receive information or evidence regarding the conduct of a public officer or employee and deliberations of the Commission concerning an ethics complaint are exempt from the provisions of NRS Chapter 241, Nevada’s Open Meeting Law. As a result, these agenda items, or any portion of them, may be heard in closed session.

**This Notice of Public Meeting and Agenda was posted in compliance with NRS 241.020, as amended by the Governor’s COVID-19 Declaration of Emergency, Directive 006<sup>2</sup>, 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>

<sup>2</sup> Sections 4 and 5 of Directive 006 of the Governor’s COVID-19 Declaration of Emergency suspends the requirements of NRS 241.020(4)(a) requiring a public notice to be posted at physical locations within the State of Nevada and maintains continued compliance with NRS 241.020(4)(b) and 241.020(4)(c) for public notices and agendas to be posted to Nevada’s notice website and the public body’s website, along with providing a copy to any person who has requested one via U.S. mail or electronic mail. Supporting meeting material is also available on the Commission’s website or by contacting Commission staff.

# **Agenda Item 3**



**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, November 18, 2020, at 9:30 a.m.  
at the following location:

**Ethics Commission Office  
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. A recording of the meeting is available for public inspection at the Commission's office.

**1. Call to Order and Roll Call.**

Chair Kim Wallin, CPA, CMA, CFM appeared via videoconference and called the meeting to order at 9:30 a.m. Also appearing via videoconference were Vice-Chair Brian Duffrin and Commissioners Barbara Gruenewald, Esq., Teresa Lowry, Esq., Damian R. Sheets, Esq., Thoran Towler, Esq. and Amanda Yen, Esq. Present for Commission staff in Carson City and via videoconference was Executive Assistant Kari Pedroza. Executive Director Yvonne M. Nevarez-Goodson, Esq., Commission Counsel Tracy L. Chase, Esq., Associate Counsel Ann Wilkinson, Esq., Investigator Erron Terry and Senior Legal Researcher Darci Hayden appeared via videoconference.

Chair Wallin welcomed Commissioner Towler to the Commission and informed the Commissioners that she worked with Commissioner Towler when she was the State Controller.

The pledge of allegiance was conducted.

**2. Public Comment.**

There was no public comment.

**3. Discussion and approval of Commission Proclamation honoring Commissioner Philip 'P.K.' O'Neill's years of service to the Commission.**

Chair Wallin commended Commissioner O'Neill for his service to the Commission.

Executive Director Nevarez-Goodson congratulated Commissioner O'Neill on his recent election to the Nevada State Assembly. She read the Proclamation into the record and shared her personal appreciation and gratitude for Commissioner O'Neill.

Chair Wallin thanked Commissioner O'Neill for encouraging her to join the Commission and expressed her gratitude for his warm welcome and assistance when she was a newly appointed Commissioner.

Commissioner Yen congratulated Commissioner O'Neill on his election to the Assembly and stated that his wise counsel and unique perspective would be missed by the Commission.

Commissioner Gruenewald echoed the sentiments of her fellow Commissioners and shared her interest in working with Commissioner O'Neill in his role as Assemblyman.

Commissioner Lowry stated that it had been a pleasure to serve on the Commission with Commissioner O'Neill. She expressed her appreciation for his collegiality and the contribution of his perspectives based on his law enforcement background.

Vice-Chair Duffrin congratulated Commissioner O'Neill on his recent election. He thanked him for his service to the Commission and shared that he looked forward to his continued service with Commissioner O'Neill on the Carson-Tahoe Hospital Board.

Commission Counsel Chase conveyed her appreciation of working with Commissioner O'Neill. She thanked him for his sense of humor and outlook, and the contribution that these traits brought to the Commission.

Commissioner O'Neill thanked the Executive Director, staff and his fellow Commissioners. Commissioner O'Neill shared that he looked forward to working with the Commission and staff in the future and again thanked the Commissioners and staff.

Commissioner Gruenewald moved to approve the Proclamation honoring former Commissioner O'Neill. Vice-Chair Duffrin seconded the motion. The Motion was put to a vote and carried unanimously.

#### 4. Approval of Minutes of the October 21, 2020 Commission Meeting.

Chair Wallin stated that all Commissioners were present for the October meeting except Commissioners Sheets and Yen who were both excused from that meeting and would abstain from participating on this item. Further, Commissioner Towler was not yet appointed to the Commission and therefore not present during the October meeting. Accordingly, he abstained from participating or voting on the approval of the minutes.

Commissioner Lowry moved to approve the October 21, 2020 Commission Meeting Minutes as presented. Commissioner Gruenewald seconded the motion. The Motion was put to a vote and carried as follows:

Chair Wallin:	Aye.
Vice-Chair Duffrin:	Aye.
Commissioner Gruenewald:	Aye.
Commissioner Lowry:	Aye.
Commissioner Sheets:	Abstain.
Commissioner Towler:	Abstain.
Commissioner Yen:	Abstain.

5. Discussion and approval of a Proposed Stipulation concerning Ethics Complaint No. 18-060C regarding John Brig Lawson, Former Senior Director of Business Partnerships, Las Vegas Convention and Visitors Authority, State of Nevada.

In accordance with NRS 281A.420 and the advice of Commission Counsel Chase, Commissioner Yen disclosed for the record that she is a partner with the law firm of McDonald Carano, and the Las Vegas Convention and Visitors Authority (LVCVA) is a client of the firm. Accordingly, Commissioner Yen disclosed that she has a commitment in a private capacity to the interest of her firm and its clients. As the Subject of Ethics Complaint 18-060C is Mr. Lawson, the former Senior Director of Business Partnerships of the LVCVA, and the underlying facts of the ethics complaints occurred while Mr. Lawson was employed by the LVCVA, the interests of Commissioner Yen's firm and its client, the LVCVA, would be reasonably and materially affected by this agenda item. Therefore, to avoid any appearance of impropriety and comply with the Ethics Law and Judicial Canons applicable to the Commission, Commissioner Yen disclosed this conflict and abstained from participation in this matter.

Commission Counsel Tracy Chase stated for the record that Chair Wallin and Commissioners Lowry and O'Neill served as members of the Review Panel and would therefore be statutorily precluded from participating in this item.

Appearing before the Commission in this matter on behalf of subject John Brig Lawson was Jessie Folkestad, Esq. of The Law Office of Christopher R. Oram. Associate Counsel Wilkinson appeared on behalf of Executive Director Nevarez-Goodson.

Associate Counsel Wilkinson provided an overview of Ethics Complaint Case No. 18-060C regarding John Brig Lawson, former Senior Director of Business Partnerships of the LVCVA. The Ethics Commission initiated this ethics complaint against Lawson alleging violations of NRS 281A.400(1), (2), (5), (7) and (9) for misusing his position and authority to purchase Southwest Airline gift cards on behalf of the LVCVA, some of which he ultimately used, in part, for personal flights for himself, his domestic partner and domestic partner's family members.

The Proposed Stipulated Agreement reflects that Mr. Lawson's personal use of Southwest Airline gift cards for himself and family members constitutes a single course of conduct resulting in a willful violation of the Ethics Law implicating the provisions of NRS 281A.400(1), (2), (5) and (7) for which Mr. Lawson agrees to pay a civil penalty in the amount of \$5,000. Pursuant to NRS 281A.790(3), Lawson will pay an additional civil penalty in the amount \$8,881.36, which penalty represents two-times the approximate financial personal benefit realized by Lawson, his domestic partner, and his partner's parents in using Southwest Airlines gift cards purchased with LVCVA funds for personal travel. Associate Counsel Wilkinson summarized the total penalty owed by Mr. Lawson would be \$13,881.36 and the penalty may be collected by the Commission in monthly installments with the full amount due in approximately two years. She outlined mitigating factors identified in the proposed stipulated agreement which were taken into account to reach the penalty amounts proposed in the Agreement.

Mr. Lawson's counsel stated that her client felt that the stipulation was a fair resolution and asked for the Commission's approval of the agreement.

Commissioner Gruenewald made a motion to accept the terms of the Stipulated Agreement as presented by the parties and direct Commission Counsel to finalize the Stipulated Agreement in appropriate form. Commissioner Sheets seconded the motion. The Motion was put to a vote and carried as follows:

Chair Wallin:

Abstain.

Vice-Chair Duffrin:	Aye.
Commissioner Gruenewald:	Aye.
Commissioner Lowry:	Abstain.
Commissioner Sheets:	Aye.
Commissioner Towler:	Aye.
Commissioner Yen:	Abstain.

6. Consideration and approval of the Fiscal Year 2020 Annual Report presented by the Executive Director pursuant to NAC 281A.180(2).

Executive Director Nevarez-Goodson summarized the Fiscal Year 2020 Annual Report presentation, which she had provided to the Commission at its previous meeting and had obtained certain direction thereon. She thanked the Commissioners for their valued feedback and highlighted their requested changes which have been incorporated into the Annual Report.

Commissioner Lowry moved to approve the Fiscal Year 2020 Annual Report as presented. Commissioner Towler seconded the motion. The Motion was put to a vote and carried unanimously.

7. Consideration and approval of the Commission's procedures for reviewing and approving staff recommendations and proposed orders/documents related to ethics complaints and requests for advisory opinions during confidential phases of proceedings, including, without limitation: (1) jurisdictional, evidentiary and investigatory recommendations, proposed orders and proposed confidential letters of caution or instruction related to ethics complaints; and (2) jurisdictional recommendations, recommendations regarding the Commission's review and consideration of requests for advisory opinions via hearing or written submission, and proposed opinions related to requests for advisory opinions.

Executive Director Nevarez-Goodson introduced the item and explained that this item was included in the previous meeting Agenda to go over the Commission's procedures with new Commissioners and had been tabled at that meeting because not all Commissioners were able to attend the October meeting.

Executive Director Nevarez-Goodson presented the procedures currently utilized by the Commission and detailed Staff's and the Commission's roles in reviewing jurisdictional matters related to complaints and advisory opinions. She confirmed that these processes were established based upon the legislation adopted during the 2017 Legislative Session (Senate Bill 84).

Commissioner Yen moved to approve the Commission's procedures for reviewing and approving staff recommendations and proposed orders/documents related to ethics complaints and requests for advisory opinions during confidential phases of proceedings as presented. Commissioner Gruenewald seconded the motion. The Motion was put to a vote and carried unanimously.

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

- Commissioner Appointments/ Vacancies
- FY21 Budget Status
- Upcoming Biennial Budget Reductions
- 2021 BDR Status
- Case Status Update
- Commission Meeting Schedule
- Media Outreach Status; Twitter Profile

- Update on COVID-19 Emergency Protocols
- Education and Outreach

Commissioner Appointments/ Vacancies: Executive Director Nevarez-Goodson welcomed newly appointed Commissioner Thoran Towler, Esq. to the Commission and provided a brief biography of Commissioner Towler's experience for the record.

Executive Director Nevarez-Goodson recognized former Chair Lau's service to the Commission, which officially expired with the appointment of Commissioner Towler.

Executive Director Nevarez-Goodson informed the Commission of the new vacancy on the Commission resulting from the resignation of Commissioner O'Neill after his election to the Nevada Assembly. She encouraged Commissioners to promote the vacancy to those qualified to apply.

FY21 Budget Status: Executive Director Nevarez-Goodson reiterated that during the Special Session of the Nevada Legislature held in July, the Commission's proposed budget cuts were approved for the FY21 budget to address the budget shortfalls as a result of the COVID-19 pandemic. She reminded the Commission that the cuts included travel funds, court reporting and the closure of the Las Vegas office.

Upcoming Biennial Budget Reductions: Executive Director Nevarez-Goodson informed the Commission that budget reductions for the upcoming biennium have been requested by the Governor's Office of Finance ("GFO"), however the reductions will be included in the Governor's Recommended Budget which remains confidential until the Governor releases the Recommended Budget. She notified the Commission that she is coordinating with GFO regarding the scope of the reductions for the Commission's budget and is hopeful the GFO can assist in mitigating the effects that drastic budget reductions would have the Commission's already limited resources.

2021 BDR Status: Executive Director Nevarez-Goodson reported that she received a draft of the Commission's BDR from the Legislative Counsel Bureau the day before the Commission meeting. She further informed the Commission that the pre-file date for the BDR is November 18, the same day as the Commission meeting and the BDR will be pre-filed upon the conclusion of the meeting. Executive Director Nevarez-Goodson referenced the 1-page summary of the Commission's BDR requested and approved by the Chair and Vice-Chair which will be provided to members of the Legislature. She noted that Zoom meetings with leadership regarding the bill will be scheduled in the near future.

Case Status Update: Executive Director Nevarez-Goodson referenced the quarterly case log spreadsheet included in the meeting materials which provides the current status of pending cases including over 20 cases currently pending investigation, the oldest from FY19.

Commission Meeting Schedule: Executive Director Nevarez-Goodson requested that Commissioners reserve the third Wednesday of each month for Commission Meetings. She notified the Commission that the December meeting may be cancelled and that she would inform them by electronic mail of a cancellation.

Media Outreach Status: Twitter Profile: Executive Director Nevarez-Goodson provided an update to the Commission on its enhanced media outreach and increased Twitter presence. She informed the Commission of the public's interest in a Commission profile picture or branded logo. Executive Director Nevarez-Goodson stated that a press release would be posted after the Commission meeting highlighting action taken at the meeting.



Update on COVID-19 Emergency Protocols: Executive Director Nevarez-Goodson reported that in compliance with the Governor's most recent "Statewide Pause" directive, office staff have been and will continue to work remotely through at least the Thanksgiving holiday.

Education and Outreach: Executive Director Nevarez-Goodson provided the Commission with the Commission Training log which reflects the education and outreach opportunities already held as well as projected training sessions in FY21. She informed the Commission of her intent to collaborate with the University of Nevada Reno's Conflicts of Interest Professor on an online interactive training tool in hopes of reaching the Nevada school system employees and officials.

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

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.

There were no Commissioner comments.

10. Public Comment.

There was no public comment.

11. Adjournment.

Commissioner Gruenewald made a motion to adjourn the public meeting. Commissioner Lowry seconded the motion. The Motion was put to a vote and carried unanimously.

The meeting adjourned at 11:00 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 January 20, 2021:

Kim Wallin, CPA, CMA, CFM  
Chair

Brian Duffrin  
Vice-Chair

# **Agenda Item 4**

# STATUS OF ACTIVE COMPLAINTS AS OF 1/20/2020

## Cases Pending Hearing or Deferral Agreement

	Complaint Rec'd/ Init'd	Waiver	Response Due/Rec'd	Hearing	Subject's Attorney	Location	Deadlines/Notes
20-007C (XXXX) 281A.420(1),(3) <b>STAYED</b> Pending outside Litigation	1/23/20	No	Received 4/13/20	Pending	XXXXX	XXXXX	Pending - Disco Requests (for 5-day Response Time - ) Pending - Discovery Deadline Pending - Disco Motion Pending - Opposition to Disco Motion Pending - Dispositive Motion Pending - Opposition to Dispositive Motion Pending - Reply in Support of Dispositive Motions Pending - Proposed Stipulations Pending - Hearing Motions/Stips Pending - Pre-hearing Statement Pending - Motions in Limine/ Objections/Procedural Motions Pending - Opposition to Motions in Limine/Procedural Motion Pending - Reply in Support of Motion in Limine/Procedural Motion Pending - Exhibit Books Pending - Proposed Stipulations for Adjudicatory Hearing Pending - Adjudicatory Hearing - Hrqs re: Motions in Limine/Procedural Motions

## Pending Investigations

	Complaint Rec'd/ Init'd	Waiver	Response Due/Rec'd	Panel Rec. Due	Subject's Attorney	Location	Next Steps/Notes
20-063C (XXXX) 281A.400(10); 281A.420(1)	9/8/20	No	11/30/20	1/4/2021	XXXXX	XXXXX	January 14 Panel
19-128C (XXXX) 281A.400(1),(2),(7)	12/30/19	Yes	8/3/20	NA	XXXXX	XXXXX	January 20 Panel
19-129C (XXXX) 281A.400(1),(2),(7)	12/30/19	Yes	8/3/20	NA	XXXXX	XXXXX	January 20 Panel
19-065C (XXXX) 281A.400(1),(2); 281A.420(1),(3)	8/1/19	Yes	12/23/19	NA	XXXXX	XXXXX	Panel Pending - January 20?
19-095C (XXXX) 281A.400(2),(9)	10/1/19	Yes	12/9/19	NA	XXXXX	XXXXX	Panel Pending - February ?
19-088C (XXXX) 281A.400(1),(2),(3),(4),(7); 281A.420(1),(3); 281A.430	9/21/19	Yes	8/18/20	NA	XXXXX	XXXXX	Panel Pending - March ?
19-111C (XXXX) 281A.400(1),(2),(3),(7),(10); 281A.420(1),(3); 281A.430(1)	11/5/19	Yes	5/6/20	NA	XXXXX	XXXXX	Panel Pending - March ?
19-102C (XXXX) 281A.400(1),(10); 281A.550	10/22/19	Yes	2/12/20	NA	XXXXX	XXXXX	Panel Pending - March ?
20-010C (XXXX) 281A.400(1),(2),(5),(7); 281A.420(1)(3)	2/10/20	Yes	6/29/20	NA	XXXXX	XXXXX	Investigation/Panel Pending
20-027C (XXXX) 281A.400(2),(6),(9)	3/30/20	Yes	7/20/20	N/A	XXXXX	XXXXX	Investigation/Panel Pending
20-043C (XXXX) 281A.400(1),(2),(5),(6),(9); (10); 281A.420(1),(3)	5/4/20	Yes	7/21/20	8/27/20	XXXXX	XXXXX	Investigation/Panel Pending
20-001C (XXXX) 281A.400(2),(9); 281A.420(1),(3)	1/6/20	Inv Only	7/29/20	NA	XXXXX	XXXXX	Investigation/Panel Pending
20-023C (XXXX) 281A.400(1),(2),(3),(5),(6),(7); 281A.420(3)	3/17/20	Yes	8/31/20	NA	XXXXX	XXXXX	Investigation/Panel Pending
20-048C (XXXX) 281A.400(1),(2),(7),(10); 281A.420(1),(3); 281.430	5/18/20	Yes	10/5/20	NA	XXXXX	XXXXX	Investigation/Panel Pending
20-064C (XXXX) 281A.400(1),(2),(3),(4),(10); 281A.420	9/8/20	Inv Only	12/14/2020	NA	XXXXX	XXXXX	Awaiting Response
20-018C (XXXX) 281A.400(10); 281A.410(1); 281.420(1)(3)	3/4/20	Yes	Due 1/29/21	NA	XXXXX	XXXXX	Awaiting Response
19-126C (XXXX) 281A.400(1),(2),(6),(7),(9); 281A.420(1),(3)	12/27/19	Yes	Due 1/27/21	NA	XXXXX	XXXXX	Awaiting Response
20-060C (XXXX) 281A.400(2),(5),(9),(10); 281A.420(1)	8/6/20	Yes	Due 1/27/21	NA	XXXXX	XXXXX	Awaiting Response
20-075C (XXXX) 281A.400(1),(2),(10); 281A.420(1),(3)	10/22/20	Yes	Due 2/10/21	2/15/21	XXXXX	XXXXX	Awaiting Response
20-076C (XXXX) 281A.400(1),(2),(10); 281A.420(1),(3)	10/22/20	Yes	Due 2/10/21	2/15/21	XXXXX	XXXXX	Awaiting Response
20-077C (XXXX) 281A.400(1),(2),(3),(7),(10); 281A.420(1),(3)	10/22/20	Yes	Due 2/10/21	2/15/21	XXXXX	XXXXX	Awaiting Response
20-081C/ 20-085C (XXXX) 281A.400(1),(2),(7),(9); 281A.420(1),(3)	11/12/20	No	Due 2/1/21	3/8/21	XXXXX	XXXXX	Awaiting Response
20-083C (XXXX) 281A.410(1)(b)	11/12/20	No	Due 2/1/21	3/8/21	XXXXX	XXXXX	Awaiting Response
20-084C (XXXX) 281A.400(2),(9); 281A.420(1)	11/17/20	No	Due 2/8/21	3/16/21	XXXXX	XXXXX	Awaiting Response

RFO No.	Date Filed	Jurisdiction	Local or State	Subject	Requester	Status
21-002A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Pending Submission/Opinion
21-001C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Pending Jurisdictional Review
20-094C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Pending Jurisdictional Review
20-085C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Investigation Pending; Consolidated w/20-081C
20-084C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Investigation Pending
20-083C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Investigation Pending
20-081C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Investigation Pending; Consolidated w/20-085C
20-079A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Opinion issued 12/30/20; Abstract Opinion Pending
20-077C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Investigation Pending
20-076C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Investigation Pending
20-075C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Investigation Pending
20-064C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Investigation Pending
20-063C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Panel Hearing Pending - January
20-060C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Investigation Pending
↑ FISCAL YEAR 2021 ↑						
20-048C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Investigation Pending
20-043C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Investigation Pending
20-027C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Investigation Pending
20-023C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Investigation Pending
20-018C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Investigation Pending
20-010C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Investigation Pending
20-007C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Adjudicatory Proceedings Pending
20-001C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Investigation Pending
19-129C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Panel Hearing Pending - January
19-128C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Panel Hearing Pending - January
19-126C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Investigation Pending
19-111C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Panel Hearing Pending - March

19-105C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Stipulated Agreement 9/3/20; Compliance Pending - \$6,500 Civil Penalty due 1/31/21; Consolidated with 19-081 & 19-082C
19-102C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Panel Hearing Pending - March
19-095C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Panel Hearing Pending - February
19-088C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Panel Hearing Pending - March
19-082C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Stipulated Agreement 9/3/20; Compliance Pending - \$6,500 Civil Penalty due 1/31/21; Consolidated with 19-081 & 19-105C
19-081C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Stipulated Agreement 9/3/20; Compliance Pending - \$6,500 Civil Penalty due 1/31/21; Consolidated with 19-082 & 19-105C
19-065C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Panel Hearing Pending - January
↑ FISCAL YEAR 2020 ↑						
19-044C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Deferral Agreement 2/20/20; Compliance Period expires 2/20/25
19-039C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Deferral Agreement 10/14/19; Compliance Period expires 10/14/21
19-018C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Stipulated Agreement 6/17/19 Compliance Pending - \$8,700 Civil Penalty due 7/31/21 (\$4,501.31 Remaining)
19-004C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Deferral Agreement 6/4/20; Compliance Pending - Compliance Period expires 6/4/22, Must Attend Ethics Training
18-060C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Stipulated Agreement 11/18/19 Compliance Pending - \$13,881.36 Civil Penalty due 6/30/23 (monthly payments begin 1/31/21)
18-057C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Deferral Agreement 3/11/19; Compliance Pending - Compliance Period expires 3/11/21
18-043C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed in Part by Panel 2/20/19 w/Ltr of Caution; Deferral Agreement 3/14/19; Compliance Pending - Compliance Period expires 3/14/21
↑ FISCAL YEAR 2019 ↑						

RFO No.	Date Filed	Jurisdiction	Local or State	Subject	Requester	Status
21-002A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Pending Submission/Opinion
21-001C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Pending Jurisdictional Review
20-095C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
20-094C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Pending Jurisdictional Review
20-093C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
20-092C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
20-091A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed - No Jurisdiction
20-090A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Withdrawn (see 20-091A Duplicate)
20-89C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
20-88C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
20-087C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
20-086C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed w/Ltr of Instruction 1/7/21 (Jurisdiction; No Investigation)
20-085C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Investigation Pending; Consolidated w/20-081C
20-084C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Investigation Pending
20-083C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Investigation Pending
20-082C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Withdrawn (see 20-083C Duplicate)
20-081C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Investigation Pending; Consolidated w/20-085C
20-080C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
20-079A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Opinion issued 12/30/20; Abstract Opinion Pending
20-078C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
20-077C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Investigation Pending

20-076C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Investigation Pending
20-075C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Investigation Pending
20-074C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed w/Ltr of Instruction 12/7/20 (Jurisdiction; No Investigation)
20-073C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
20-072A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn (see 20-071A Duplicate)
20-071A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed - No Supplemental Info
20-070C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed w/Ltr of Caution 11/5/20 (Jurisdiction; No Investigation)
20-069A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 11/30/20; Confidentiality Waived
20-068C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
20-067C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
20-066C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
20-065C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
20-064C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Investigation Pending
20-063C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Panel Hearing Pending - January
20-062C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed w/Ltr of Caution 10/1/20 (Jurisdiction; No Investigation)
20-061C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
20-060C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Investigation Pending
20-059C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
20-058A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 9/1/20; Abstract issued 9/16/20
20-057C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
20-056C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed w/Ltr of Instruction 9/3/20 (Jurisdiction; No Investigation)

20-055C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
20-054A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn (see 20-053A Duplicate)
20-053A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 8/24/20; Abstract issued 9/16/20



RFO No.	Date Filed	Jurisdiction	Local or State	Subject	Requester	Status
20-052C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
20-051C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
20-050C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
20-049C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
20-048C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Investigation Pending
20-047A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn (see 20-046A Duplicate)
20-046A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn
20-045C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn - Confidentiality denied
20-044C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
20-043C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Investigation Pending
20-042A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed - Incorrect Filing (Advisory filed instead of complaint)
20-041C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
20-040C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
20-039A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn (see 20-038A Duplicate)
20-038A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 5/28/20; Amended Abstract issued 7/9/20
20-037C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction - 2 yr statute of limitations)
20-036A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 5/27/20; Abstract issued 6/25/20
20-035C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
20-034C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)

20-033C	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
20-032C	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
20-031C	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
20-030C	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
20-029C	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
20-028C	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
20-027C	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Investigation Pending
20-026C	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
20-025A	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Opinion issued 4/23/20; Abstract issued 6/25/20
20-024A	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Withdrawn (see 20-025A Duplicate)
20-023C	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Investigation Pending
20-022A	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Opinion issued 4/21/20; Abstract issued 6/25/20
20-021A	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Opinion issued 4/7/20; Abstract issued 6/25/20
20-020A	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Opinion issued 4/20/20; Abstract issued 6/24/20
20-019C	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (Jurisdiction; No Investigation)
20-018C	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Investigation Pending
20-017A	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction)
20-016C	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (Jurisdiction; No Investigation)
20-015C	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (Jurisdiction; No Investigation)
20-014A	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Withdrawn

20-013A	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction)
20-012A	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Withdrawn (see 20-011A Duplicate)
20-011A	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Opinion issued 3/30/20; Abstract issued 6/22/20
20-010C	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Investigation Pending
20-009C	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Withdrawn
20-008A	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Opinion issued 3/9/20; Abstract issued 6/1/20
20-007C	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Adjudicatory Proceedings Pending
20-006A	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Opinion issued 3/9/20; Abstract issued 6/18/20
20-005C	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
20-004A	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Opinion issued 2/10/20; Revised issued 6/24/20
20-003A	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Opinion issued 3/25/20; Abstract issued 6/8/20
20-002C	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
20-001C	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Investigation Pending
19-130C	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed by Panel w/Ltr of Instruction 5/13/20
19-129C	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Panel Hearing Pending - January
19-128C	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Panel Hearing Pending - January
19-127C	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
19-126C	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Investigation Pending
19-125C	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed w/Ltr of Instruction 2/13/20 (No Jurisdiction; No Investigation)
19-124A	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Opinion issued 2/10/20; Abstract issued 6/1/20
19-123C	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)

19-122C	XXXXX	XXXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
19-121A	XXXXX	XXXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Opinion issued 1/23/20; Confidentiality Waived
19-120A	XXXXX	XXXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Opinion issued 1/16/20; Abstract issued 6/1/20
19-119C	XXXXX	XXXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
19-118C	XXXXX	XXXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
19-117A	XXXXX	XXXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Withdrawn
19-116C	XXXXX	XXXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
19-115A	XXXXX	XXXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Jurisdictional Deficiency
19-114A	XXXXX	XXXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Withdrawn
19-113C	XXXXX	XXXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed by Panel 11/18/20 (Jurisdiction; No Investigaton)
19-112C	XXXXX	XXXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Withdrawn (see 19-113C Duplicate)
19-111C	XXXXX	XXXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Panel Hearing Pending - March
19-110C	XXXXX	XXXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Withdrawn
19-109C	XXXXX	XXXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
19-108C	XXXXX	XXXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
19-107C	XXXXX	XXXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
19-106C	XXXXX	XXXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
19-105C	XXXXX	XXXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Stipulated Agreement 9/3/20; Compliance Pending - \$6,500 Civil Penalty due 1/31/21; Consolidated with 19-081 & 19-082C
19-104C	XXXXX	XXXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
19-103C	XXXXX	XXXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
19-102C	XXXXX	XXXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Panel Hearing Pending - March

19-101C	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
19-100A	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Opinion issued 11/25/19; Abstract issued 1/29/20
19-099C	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
19-098A	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Opinion issued 11/25/19; Abstract issued 1/23/20
19-097A	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Withdrawn
19-096A	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Opinion issued 12/2/19; Abstract issued 2/6/20
19-095C	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Panel Hearing Pending - February
19-094C	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
19-093C	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed by Panel 10/21/20 (Jurisdiction; No Investigaton)
19-092A	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Opinion issued 11/26/19; Abstract issued 1/23/20
19-091C	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Withdrawn
19-090C	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Withdrawn
19-089C	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Withdrawn
19-088C	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Panel Hearing Pending - March
19-087C	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed w/Ltr of Instruction 11/4/19 (Jurisdiction; No Investigaton)
19-086C	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
19-085C	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
19-084C	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
19-083A	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Opinion issued 10/2/19; Abstract issued 12/11/19
19-082C	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Stipulated Agreement 9/3/20; Compliance Pending - \$6,500 Civil Penalty due 1/31/21; Consolidated with 19-081 & 19-105C

19-081C	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Stipulated Agreement 9/3/20; Compliance Pending - \$6,500 Civil Penalty due 1/31/21; Consolidated with 19-082 & 19-105C
19-080A	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Opinion issued 10/8/19; Confidentiality waived
19-079C	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (Jurisdiction; No Investigation)
19-078A	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Withdrawn
19-077A	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Opinion issued 10/15/19; Confidentiality waived
19-076A	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed No Response Rec'd from Subject
19-075C	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed by Panel w/Ltr of Instruction 11/14/19
19-074C	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed by Panel w/Ltr of Instruction 11/14/19
19-073A	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Withdrawn
19-072C	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
19-071C	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed w/Ltr of Instruction (Jurisdiction; No Investigation)
19-070C	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
19-069C	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
19-068A	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Opinion issued 10/8/19; Abstract issued 12/11/19
19-067C	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed by Panel 10/21/20 (Jurisdiction; No Investigation)
19-066A	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Withdrawn
19-065C	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Panel Hearing Pending - January
19-064C	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
19-063C	XXXXX	XXXXXXX	XXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)

19-062C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
19-061C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
19-060C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
19-059A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 9/3/19; Confidentiality waived
19-058C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed w/Ltr of Caution 8/15/19 (Jurisdiction; No Investigation)
19-057C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed by Panel (Jurisdiction; No Investigation)
19-056C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed by Panel (Jurisdiction; No Investigation)
19-055A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 8/13/19; Confidentiality waived
19-054C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn
19-053C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (Jurisdiction; No Investigation)

## 1<sup>st</sup> Half FY21 Statistics

### **Ethics Complaints Received: 34**

<u>Dismissed, without a Letter of Caution or Instruction</u>	<u>Dismissed, with a Letter of Caution or Instruction</u>	<u>Withdrawn</u>	<u>Pending Investigation</u>
17	5	1	11

### **Ethics Complaints Received in FY20, which the NCOE Investigated in FY21: 22**

<u>Panel Dismissed, with or without a Letter of Caution or Instruction</u>	<u>Panel Deferral Agreements</u>	<u>Stipulations/Opinions</u>	<u>Investigations Remain in Progress for FY21</u>
3	0	3	16 <sup>1</sup>

### **Ethics Complaints Received in FY19; Investigated/Resolved in FY21: 4<sup>2</sup>**

<u>Panel Dismissed, with or without a Letter of Caution or Instruction</u>	<u>Panel Deferral Agreements</u>	<u>Stipulations/Opinions</u>
1	0	3

## FY20 Statistics

### **Ethics Complaints Received: 89**

<u>Dismissed, without a Letter of Caution or Instruction</u>	<u>Dismissed, with a Letter of Caution or Instruction</u>	<u>Withdrawn</u>	<u>Investigated</u>
52	4	8	25

### **Ethics Complaints Received in FY20, which the NCOE Investigated: 25**

<u>Panel Dismissed, with or without a Letter of Caution or Instruction</u>	<u>Panel Deferral Agreements</u>	<u>Stipulations/Opinions</u>	<u>Investigations Remain in Progress for FY21</u>
3	0	0	22

### **Ethics Complaints Received in FY18 & FY19; Investigated/Resolved in FY20: 19**

<u>Panel Dismissed, with or without a Letter of Caution or Instruction</u>	<u>Panel Deferral Agreements</u>	<u>Commission Motion Hearings/Adjudicatory Hearings</u>	<u>Stipulations/Opinions</u>
11	3	0	5

## FY19 Statistics

### **Ethics Complaints Received: 123**

<u>Dismissed, without a Letter of Caution or Instruction</u>	<u>Dismissed, with a Letter of Caution or Instruction</u>	<u>Withdrawn</u>	<u>Investigated</u>
71	10	14	28

### **Ethics Complaints Received in FY 19, which the NCOE Investigated: 28**

<u>Panel Dismissed, with or without a Letter of Caution or Instruction</u>	<u>Panel Deferral Agreements</u>	<u>Stipulations/Opinions</u>	<u>Investigations Remain in Progress for FY20</u>
1	4	1	22

### **Ethics Complaints Received in FY17 & FY18; Investigated/Resolved in FY19: 7**

<u>Panel Dismissed, with or without a Letter of Caution or Instruction</u>	<u>Panel Deferral Agreements</u>	<u>Commission Motion Hearings/Adjudicatory Hearings</u>	<u>Stipulations/Opinions</u>
3	0	1	3

<sup>1</sup> 22 Complaints received in FY20 carried forward to FY21; Complaint Nos. 19-065C, 19-067C - panel dismissal on 10/21/20, 19-081C – stipulation executed 9/3/20 (consolidated with 19-082C & 19-105C), 19-082C – stipulation executed 9/3/20 (consolidated with 19-081C & 19-105C), 19-088C, 19-093C - panel dismissal on 10/21/20, 19-095C, 19-102C, 19-105C – stipulation executed 9/3/20 (consolidated with 19-081C & 19-082C), 19-111C, 19-113C - panel dismissal on 11/18/20, 19-126C, 19-128C, 19-129C, 20-001C, 20-007C, 20-010C, 20-018C, 20-023C, 20-027C, 20-043C & 20-048C.

<sup>2</sup> From FY19 - Complaint Nos. 18-060C – stipulation executed 11/18/20, 18-061C – stipulation executed 8/24/20 (consolidated with 18-139C), 18-139C – stipulation executed 8/24/20 (consolidated with 18-061C) and 19-035C - panel dismissal with letter of instruction on 8/19/20.



<b>Complaints Comparison</b>	<b>FY19 Totals</b>	<b>FY20 Totals</b>	<b>1st Half FY21 Totals</b>
Complaints Received	123	89	34
Withdrawn	22	8	1
Dismissed	63	52	17
Dismissed with Letter of Instruction	5	6	3
Dismissed with Letter of Caution	7	1	2
Resolved by Stipulation	2	0	0
Resolved by Deferral Agreement	3	0	0
Complaint Case withdrawn/dismissed for case received in Prev. FY	2	3	7
Case resolved by Letter of Instruction for case received in Prev. FY	0	4	1
Case resolved by Letter of Caution for case received in Prev. FY	2	4	0
Case resolved by Stipulation for case received in Prev. FY	2	5	5
Case resolved by Deferral Agreement for case received in Prev. FY	0	3	0

<b>Requests for Advisory Opinions Comparison</b>	<b>FY19 Totals</b>	<b>FY20 Totals</b>	<b>1st Half FY21 Totals</b>
Requests for Advisory Opinions Received	32	41	9
Advisory Opinions Withdrawn/ Dismissed	14	17	5
Advisory Opinions Issued	14	24	4
Abstract Opinions Issued	8	19	2
Advisory Opinions Issued for Request Received in Prev. FY	3	5	0
Abstract Opinions Issued for Request Received in Prev. FY	5	4	0
Abstract Opinions Received in FY carried forward to next FY	5	0	0

Kim Wallin, CPA, CMA, CFM  
Chair

Brian Duffrin  
Vice-Chair

Yvonne Nevarez-Goodson, Esq.  
Executive Director  
(D) 775-687-4312  
[ynevarez@ethics.nv.gov](mailto:ynevarez@ethics.nv.gov)



**State of Nevada**  
**COMMISSION ON ETHICS**  
704 W. Nye Lane, Suite 204  
Carson City, Nevada 89703  
(775) 687-5469 • Fax (775) 687-1279  
<http://ethics.nv.gov>

### **Summary of AB 65 - 2021 Legislative Session**

#### **1. Requests for Advisory Opinion**

- Confidential, informal advice by Executive Director and Commission Counsel
  - o Consistent with published Commission precedent
  - o Subject to review by Commission
- Filing/Processing amendments and jurisdictional clarifications
- Commission authority to extend deadlines for good cause

#### **2. Ethics Complaints**

- Due Process/transparency enhancements
  - o Revised notices of investigations/hearings
  - o Discovery/Settlement processes
  - o Confidentiality protections (Subject and Requester)
- Enhanced Safe Harbor protections for violations if reliance on legal counsel
- Access to personnel records of public employees for related ethics allegations
- Commission authority to extend deadlines for good cause

#### **3. Ethical Standards of Conduct – Enhancements/Clarifications**

- Cooling-Off (Revolving Door) Enhancements/Limitations
  - o Limited to management-level employees
  - o Expanded prohibitions for private employment by agency vendors
- Abuse of Power/Authority (not bias, error or abuse of discretion)
- Misuse of Government Resources (clarify limited use exceptions)
- Disclosure/Abstention – Protect confidential information/relationships

#### **4. Open Meeting Law Exemptions/Application**

- Exemption for hearings/decisions
- Litigation Delegation in Closed Session for confidential proceedings

#### **5. Administrative Amendments**

- Assignment of Chair's duties
- Executive Director as licensed attorney
- Executive Director's status as party in adjudicatory proceedings
- Confidential referrals to appropriate governmental agencies for matters outside jurisdiction
- Procedural requirements from governmental entities for Acknowledgment of Statutory Ethical Standards Forms

Kim Wallin, CPA, CMA, CFM  
Chair

Brian Duffrin  
Vice-Chair

Yvonne Nevarez-Goodson, Esq.  
Executive Director  
(D) 775-687-4312  
[ynevarez@ethics.nv.gov](mailto:ynevarez@ethics.nv.gov)



**State of Nevada**  
**COMMISSION ON ETHICS**  
704 W. Nye Lane, Suite 204  
Carson City, Nevada 89703  
(775) 687-5469 • Fax (775) 687-1279  
<http://ethics.nv.gov>

## **Summary of the AB 65 - 2021 Legislative Session**

### **1. Requests for Advisory Opinions/Ethics Complaints**

Authorizing the Executive Director and Commission Counsel to provide immediate, informal confidential advice to a public officer or employee on issues regarding which the Commission has already issued precedential opinions, subject to review by the Commission, and which may be relied upon by the public officer or employee. Additional amendments clarify jurisdictional issues and procedures related to filing/processing requests for and issuance of advisory opinions.

Clarifying and enhancing procedures for transparency and due process for ethics complaints. Specifically, the Commission recommends additional rights to requesters and subjects of complaints regarding jurisdictional/investigatory processes, issuance of notices of investigations and hearings, discovery and settlement processes, confidentiality protections, and increased safe harbor protections for reliance on legal counsel. Authorizing Commission access to personnel records of public employees for related allegations under Ethics Law and expands safe harbor protections against violations of the Ethics Law for reasonable reliance on legal counsel.

Finally, given budgetary/staff limitations, the Commission requests statutory discretion to grant appropriate extensions of statutory deadlines for good cause to issue advisory opinions and conduct investigations and adjudications of complaints.

### **2. Ethical Standard of Conduct**

Clarifying scope of ethical standards that apply to public officers and employees. Specifically, the Commission seeks to limit cooling-off prohibitions to certain management-level employees, while expanding the one-year prohibitions against private employment with agency contract vendors to employees who have material influence in management or administration of those contracts, instead of just influence in awarding the contracts. Expanding and clarifying the standards of conduct to prohibit abuses of power/authority (not including allegations of bias, error or abuse of discretion in carrying out public duties), misuse of government resources, and disclosure and abstention obligations to protect confidential information/relationships.

### **3. Open Meeting Law (“OML”) Exemption/Application**

Under current law, the Commission is exempt from OML for requests for advisory opinions, review panels and deliberations regarding ethics complaints. Final actions taken in an ethics complaint must comply with OML. This bill requests full exemption from OML given confidential investigations, documents, scheduling/noticing for cases and confidential settlement negotiations, and instead provides that the Commission will take final action in an open meeting defined under its regulations. All final actions will remain public records and Ethics Law already includes notice, due process and transparency.

OML requires that a public body take legal action regarding litigation in an open, public meeting under OML, unless the agency delegates such decisions to the Chair or Executive Director of the agency in an open meeting. (AB 70, 2019). This bill authorizes the Commission to delegate litigation decisions to its Chair, Executive Director or both and to allow Commission Counsel to initiate, defend, participate and appeal in legal proceedings in a closed session (no open meeting) for legal actions related to confidential advisory opinions and ethics complaints that are still in the confidential phase of proceedings.

### **4. Administrative**

Additional proposed amendments include: (1) assignment of the Chair’s duties in certain circumstances; (2) requirements of the Executive Director to be a licensed attorney; (3) clarifications regarding the Executive Director’s status as a party to adjudicatory proceedings; (4) confidential referrals to appropriate governmental agencies for matters not within the Commission’s jurisdiction; (5) cooperation with ethics investigations by public officers and employees who are witnesses; and (6) procedural requirements of governmental entities related to Acknowledgment of Statutory Ethical Standards Forms.

ASSEMBLY BILL NO. 65—COMMITTEE ON  
LEGISLATIVE OPERATIONS AND ELECTIONS

(ON BEHALF OF THE COMMISSION ON ETHICS)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to ethics in government.  
(BDR 23-257)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 11)  
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to ethics in government; making various changes relating to the provisions governing ethics in government; providing penalties; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

With certain exceptions, the Nevada Ethics in Government Law (Ethics Law) governs the conduct of public officers and employees and, in certain situations, former public officers and employees after the end of their period of public service or employment. The Ethics Law is carried out and enforced by the Commission on Ethics, which is authorized to issue opinions interpreting the statutory ethical standards established by the Ethics Law and applying those standards to a given set of facts and circumstances. The Ethics Law also authorizes any state agency or the governing body of a county or city to establish a specialized or local ethics committee to complement the functions of the Commission. (Chapter 281A of NRS)

Under the Ethics Law, the Commission is authorized to issue advisory opinions requested by current and former public officers and employees who are: (1) seeking guidance on matters which directly relate to the propriety of their own past, present or future conduct under the statutory ethical standards; or (2) requesting relief from certain provisions of the Ethics Law that allow the Commission to grant such relief. (NRS 281A.670-281A.690) The Commission is also authorized to issue opinions in response to ethics complaints filed with or initiated by the Commission regarding the propriety of the conduct of current and former public officers and employees under the statutory ethical standards. (NRS 281A.700-281A.790)



This bill amends the Ethics Law by clarifying, revising and adding to existing provisions which govern: (1) the operation, powers, functions and duties of the Commission, its members and staff and any specialized or local ethics committees; (2) the statutory ethical standards that apply to the conduct of current and former public officers and employees; and (3) the proceedings concerning requests for advisory opinions and ethics complaints and the issuance of opinions and the imposition of remedies and penalties by the Commission.

**Sections 3, 8, 9, 12, 20-24 and 26-28** of this bill make various changes to existing provisions of the Ethics Law which govern the operation, powers, functions and duties of the Commission, its members and staff and any specialized or local ethics committees. (NRS 281A.200-281A.350) Under the Ethics Law, the Commission is required to annually elect a Chair and Vice Chair who are assigned certain powers, functions and duties. (NRS 281A.210, 281A.220, 281A.240, 281A.300) **Sections 3 and 20** of this bill provide for the Chair's powers, functions and duties to be assigned for a particular matter to the Vice Chair or another member of the Commission under certain circumstances. **Section 27** of this bill additionally authorizes the administration of oaths by a member of the Commission when appointed by the Chair to preside over any meetings, hearings or proceedings and by a certified court reporter. **Section 27** also specifically authorizes the Chair to issue a subpoena during the course of an investigation for information, records and documentation regarding confidential personnel records maintained by a state or local governmental agency that relate to issues under consideration in an ethics complaint. Under **section 47** of this bill, these records are made part of the investigative file. **Section 27** further provides that any court proceeding commenced relating to a subpoena is deemed good cause for the Commission to grant an extension of the time limits that apply to proceedings concerning ethics complaints.

The Ethics Law requires the Chair to appoint review panels, consisting of three members of the Commission, to review ethics complaints during the investigatory stage of the proceedings, and if a review panel determines that there is just and sufficient cause for the Commission to render an opinion in a matter, the members of the review panel generally cannot participate in any further proceedings of the Commission relating to that matter. (NRS 281A.220) However, the Ethics Law allows the members of the review panel to authorize the development of and approve a deferral agreement in the proceedings. (NRS 281A.730) **Section 21** of this bill allows one or more members of the review panel, with the consent of the parties, to participate as mediators or facilitators in any settlement negotiations between the parties that are conducted in the proceedings before the Commission holds an adjudicatory hearing in the matter.

The Ethics Law requires the Commission to appoint and prescribe the duties of the Executive Director who must have experience in administration, investigations and law. (NRS 281A.230) **Section 22** of this bill adds to these qualifications by requiring the Executive Director to be an attorney who is licensed to practice law in Nevada.

Under the Ethics Law, the Commission may conduct investigations and proceedings and secure the participation and attendance of witnesses and the production of any books and papers. (NRS 281A.290, 281A.300) **Section 8** requires public officers and employees to cooperate with the Commission in its investigations and proceedings and to furnish information and reasonable assistance to the Commission, except to the extent that they are entitled to the protection of certain rights, privileges or immunities or any confidentiality or other protection recognized by law. **Section 8** is modeled, in part, on similar provisions governing the Commission on Judicial Discipline. (NRS 1.460)



**Section 12** authorizes the Commission to cooperate in investigations of other state and local governmental agencies to make appropriate referrals of ethics complaints.

The Ethics Law requires the Commission on Ethics to appoint and prescribe the duties of the Commission Counsel who is the legal adviser to the Commission and who, in most cases, is directed by the Commission to act as legal counsel in any litigation in which the Commission or its members or staff are parties in an official capacity. (NRS 281A.250, 281A.260) Under Nevada's Open Meeting Law, the Commission may receive information regarding any litigation from its legal counsel and deliberate toward a decision regarding the litigation without holding a public meeting that complies with the Open Meeting Law. (NRS 241.015) Existing law authorizes a public body to delegate authority to the chair or the executive director of a public body, or an equivalent position, to make any decision regarding litigation concerning any action or proceeding in which the public body or any member or employee of the public body is a party in an official capacity or participates or intervenes in an official capacity. (NRS 241.0357)

**Section 9** provides that during any period in which proceedings concerning a request for an advisory opinion or an ethics complaint are confidential under the Ethics Law, the Open Meeting Law does not apply to any meetings, hearings, deliberations or actions of the Commission involving: (1) any decisions in litigation concerning any judicial action or proceeding related to the request for an advisory opinion or the ethics complaint; and (2) any delegation of authority to make such decisions in the litigation to the Chair or the Executive Director, or both. **Section 24** of this bill specifies the powers and duties of the Commission Counsel regarding any litigation in which the Commission or its members or staff are parties in an official capacity. **Section 24** clarifies that the Commission Counsel does not represent the interests of the Executive Director in a judicial action or proceeding in which the Executive Director is named as a party based on the conduct of the Executive Director in his or her official conduct as a party to an adjudicative proceeding.

Under the Ethics Law, the Commission is required to adopt procedural rules to carry out the functions of the Commission, accept acknowledgments of statutory ethical standards, conduct necessary investigations, recommend legislation to promote ethics in government and publish a manual explaining the Ethics Law. (NRS 281A.290) The Executive Director is required to conduct training on the requirements of the Ethics Law for public officers and employees. (NRS 281A.240) **Section 26** of this bill replaces the requirement to publish a manual with a requirement to publish materials to educate public officers and employees on the requirements of the Ethics Law.

Under the Ethics Law, a specialized or local ethics committee may: (1) establish its own code of ethical standards suitable for the particular ethical problems encountered in its sphere of activity; and (2) render opinions upon the request of public officers and employees subject to its jurisdiction seeking an interpretation of its own ethical standards on certain questions. However, a specialized or local ethics committee may not attempt to interpret or render an opinion regarding the statutory ethical standards subject to the jurisdiction of the Commission, but it may refer such questions to the Commission. (NRS 281A.350) **Section 28** of this bill clarifies the circumstances when such questions may be referred to the Commission as a request for an advisory opinion. **Section 28** also makes conforming changes to ensure consistency with the other revisions that this bill makes to the Ethics Law. **Section 28** of this bill also removes the authority of a specialized or local ethics committee in existing law to require the filing of financial disclosure statements if the form has been approved by the Secretary of State. **Section 1** of this bill makes a conforming change related to the removal of this authority.



The Ethics Law establishes statutory ethical standards that are intended to enhance the people's faith in the integrity and impartiality of public officers and employees by requiring appropriate separation between the roles of persons who are both public servants and private citizens in order to avoid conflicts between their private interests and the interests of the general public whom they serve. (NRS 281A.020, 281A.400-281A.550) **Sections 6, 7, 10, 16 and 29-33** of this bill make various changes to the statutory ethical standards.

**Sections 6 and 7** restate more clearly the existing scope of the statutory ethical standards and their applicability to the conduct of current and former public officers and employees. **Section 7** also codifies the existing rule of construction that the standards are cumulative and supplement each other and all such standards are enforceable to the extent that they apply to the given set of facts and circumstances.

The Ethics Law prohibits public officers and employees from engaging in certain unethical conduct that benefits themselves, any business entities in which they have a significant pecuniary interest or any persons to whom they have a commitment in a private capacity. (NRS 281A.400, 281A.420) The Ethics Law defines the persons to whom public officers and employees have a "commitment in a private capacity" to include: (1) the spouse or domestic partner of the public officer or employee, any member of his or her household or any relative within the third degree of consanguinity or affinity; (2) any person who employs the public officer or employee, his or her spouse or domestic partner or any member of his or her household; (3) any person with whom the public officer or employee has a substantial and continuing business relationship; or (4) any person with whom the public officer or employee has any other commitment, interest or relationship that is substantially similar to the foregoing commitments, interests or relationships. (NRS 281A.065) **Section 16** makes technical revisions to the definition of "commitment in a private capacity" that do not change its substantive meaning.

The Ethics Law prohibits public officers and employees from using their position in government to secure or grant any unwarranted privileges, preferences, exemptions or advantages for themselves, any business entities in which they have a significant pecuniary interest or any persons to whom they have a commitment in a private capacity. (NRS 281A.400) **Section 10** adds to the statutory ethical standards by prohibiting public officers and employees from using their position or power in government to take any actions or compel a subordinate to take any actions that a reasonable person would find, based on the given set of facts and circumstances, to be a gross or unconscionable abuse of official position or power that would undermine the integrity or impartiality of a reasonable person in the public officer's or employee's position under the same or similar facts and circumstances. However, the prohibition in **section 10** does not apply to any allegations claiming only bias, error or abuse of discretion in any actions taken by public officers and employees within the normal course and scope of their position or power in government.

The Ethics Law contains a general provision that prohibits public officers and employees from using governmental time, property, equipment or other facility to benefit a significant personal or pecuniary interest of the public officers and employees or any persons to whom they have a commitment in a private capacity. By contrast, the Ethics Law also contains a specific provision that prohibits State Legislators from using governmental time, property, equipment or other facility for a nongovernmental purpose or for the private benefit of the Legislators or any other persons. Both of these prohibitions contain separate limited-use exceptions that allow a limited use of governmental property, equipment or other facility for personal purposes if the limited use meets certain requirements. (NRS 281A.400) **Section 29** of this bill revises these prohibitions and limited-use exceptions in several ways.





First, **section 29** aligns the prohibitions so they employ the same prohibitive language for Legislators and other public officers and employees. As a result, subject to the limited-use exceptions, **section 29** prohibits all public officers and employees from using governmental time, property, equipment or other facility to benefit a significant personal or pecuniary interest of the public officers and employees or any persons to whom they have a commitment in a private capacity.

Second, with regard to the limited-use exceptions that apply to public officers and employees other than Legislators, one of the existing requirements for the exceptions is that the public officer or employee who is responsible for and has authority to authorize the limited use for personal purposes must have established a policy allowing the limited use. (NRS 281A.400) **Section 29** clarifies the exception by providing that the limited use must be authorized by a written policy which was adopted before the limited use occurs.

Finally, with regard to the limited-use exceptions that apply to Legislators and other public officers and employees, one of the existing requirements for the exceptions is that the limited use for personal purposes must not create the appearance of impropriety. (NRS 281A.400) **Section 29** defines the term "appearance of impropriety" to mean a reasonable person would find, based on the given set of facts and circumstances, that the limited use for personal purposes is inappropriate, disproportionate, excessive or unreasonable under that given set of facts and circumstances.

With certain exceptions, the Ethics Law prohibits public officers and employees from acting upon a matter in which their personal or private interests may create potential conflicts of interests unless, at the time the matter is considered, they make a disclosure that is sufficient to inform the public of their potential conflicts of interests. (NRS 281A.420) **Section 31** of this bill provides that, when public officers and employees make such a public disclosure, they are not required to disclose any information which is confidential as a result of a bona fide relationship that protects the confidentiality of the information under the terms of a contract or as a matter of law, such as the attorney-client relationship, if they: (1) disclose all nonconfidential information and describe the general nature of the protected relationship; and (2) abstain from acting upon the matter.

The Ethics Law allows certain public officers to represent or counsel private persons for compensation before state or local agencies in which they do not serve. In addition, although the Ethics Law requires public officers to disclose such private representation or counseling when it may create potential conflicts of interests with their public duties, they are not required to abstain from acting on a matter because of those potential conflicts of interests. (NRS 281A.410, 281A.420) **Section 31** requires public officers to abstain from acting on a matter under certain circumstances when such private representation or counseling results in conflicts of interests with their public duties.

The Ethics Law prohibits certain former public officers and employees, for a 1-year "cooling-off" period after the termination of their public service or employment, from soliciting or accepting private employment from any entities regulated or awarded certain contracts by the agencies that employed the former public officers and employees. However, the Ethics Law also allows the Commission to grant relief from the strict application of the prohibition in specified circumstances. (NRS 281A.550) **Section 33** of this bill provides that certain current and former public officers and management-level public employees are subject to the "cooling-off" period both during and after their public service or employment and cannot solicit or accept private employment from such entities under similar circumstances. **Section 33** also provides that the "cooling-off" period applies when certain current and former public officers and employees are or were materially involved in the implementation, management or administration of certain contracts awarded by their employing agencies.



The Ethics Law requires public officers to execute and timely file with the Commission written acknowledgments that they have received, read and understand the statutory ethical standards and that they have a responsibility to become familiar with any amendments to those standards. (NRS 281A.500) **Section 11** of this bill requires the appropriate appointing authorities and administrative officials at the state and local level to: (1) compile a list of the public officers within their purview who must file the written acknowledgment of the statutory ethical standards; and (2) submit the list annually to the Commission. Under existing law, these same appointing authorities and administrative officials must compile and submit a similar list annually to the Secretary of State concerning public officers who must file financial disclosure statements with the Secretary of State. (NRS 281.574)

The Ethics Law contains existing provisions which govern the proceedings concerning requests for advisory opinions and ethics complaints and the issuance of opinions and the imposition of remedies and penalties by the Commission. (NRS 281A.665-281A.790) **Sections 4, 5, 14, 15, 17-19, 25 and 34-54** of this bill make various changes to these existing provisions.

Under the Ethics Law, the Commission issues opinions interpreting the statutory ethical standards and applying those standards to a given set of facts and circumstances. (NRS 281A.680, 281A.710) The Ethics Law also directs the Legislative Counsel to prepare annotations of the Commission's published opinions for inclusion in the Nevada Revised Statutes. (NRS 281A.290) **Section 5** defines "published opinion" as an opinion issued by the Commission that is publicly available on the Internet website of the Commission. **Sections 26 and 34** of this bill move and recodify within the Ethics Law the existing provision that directs the Legislative Counsel to prepare annotations of the Commission's published opinions for inclusion in the Nevada Revised Statutes.

The Ethics Law authorizes public officers and employees to file with the Commission requests for advisory opinions to: (1) seek guidance relating to the propriety of their own past, present or future conduct under the statutory ethical standards; or (2) request relief from the strict application of certain provisions of the Ethics Law. (NRS 281A.675) **Section 35** of this bill authorizes the Commission to request additional information relating to the request for an advisory opinion from the requester or his or her legal counsel.

If the requester properly files a request for an advisory opinion, the Ethics Law requires the Commission to render an advisory opinion in the matter within a certain time limit after receiving the request, unless the requester waives the time limit. (NRS 281A.680) **Sections 25 and 36** of this bill revise the Commission's jurisdiction and procedures regarding a request for an advisory opinion. Under the Ethics Law, the Commission generally has jurisdiction over ethics complaints filed or initiated within 2 years after the alleged violation or reasonable discovery of the alleged violation. (NRS 281A.280) **Section 25** similarly provides that the Commission's jurisdiction over a request for an advisory opinion extends only to past conduct occurring within 2 years before the date on which the request is filed. **Section 36** allows the Commission to stay or dismiss the proceedings concerning the request for an advisory opinion under certain circumstances when an ethics complaint is also filed or pending that involves some or all of the same issues or facts and circumstances as the request for an advisory opinion or when the requester has not complied with any procedural requirements of the Ethics Law. **Section 36** further requires the requester to confirm in writing, signed under oath, that any written information related to the request is truthful. **Section 36** also requires the Commission to render a decision regarding the request for an advisory opinion within the existing time limit, subject to certain exceptions. However, **section 36** provides the Commission with more time to prepare the written advisory



opinion in the matter by requiring the Commission to issue the written advisory opinion within a specified time limit after the decision is rendered.

**Section 36** further authorizes the Commission to determine which decisions and opinions related to a request for an advisory opinion will be binding on a requester and constitute administrative precedent to be followed in the adjudication and disposition of future requests for an advisory opinion or ethics complaint. **Section 36** confirms that a written advisory opinion related to a request for relief from the strict application of the cooling-off provisions or to the past conduct of the requester are not subject to judicial review under the Nevada Administrative Procedure Act. Finally, **section 36** authorizes the Executive Director and the Commission Counsel to issue informal advice to a public officer or employee regarding the application of the statutory ethical standards to a given set of facts and circumstances that is not contrary to a published opinion of the Commission. **Section 36** provides that such advice is not binding on the requester or subject to judicial review and good faith reliance on such advice protects the public officer or employee from a future finding of a violation of the Ethics Law. **Section 36** provides that any dispute related to such advice is resolved pursuant to a request for an advisory opinion from the Commission and any decision or opinion of the Commission or advice provided by the Executive Director or Commission Counsel does not divest the Commission of its jurisdiction over an ethics complaint which alleges facts separate from those relied upon to render advice.

Under the Ethics Law, certain materials relating to a request for an advisory opinion are confidential and not public records unless the requester: (1) authorizes the Commission to disclose the materials; or (2) voluntarily discloses the materials to persons other than those specified in the statute. (NRS 281A.685) **Section 37** of this bill clarifies that any authorization given by the requester is limited to the specific materials that the requester authorizes the Commission to disclose. **Section 37** also revises the specified persons to whom the requester may voluntarily disclose the materials without waiving the confidentiality of the materials. In addition, **section 37** provides that a request for advice from the Executive Director or Commission Counsel receives the same confidentiality protections as a request for an advisory opinion from the Commission.

With certain exceptions, the Commission is subject to the Open Meeting Law, which generally requires most meetings of public bodies to be open to the public. (Chapter 241 of NRS) However, under the Ethics Law, the Open Meeting Law does not apply to meetings, hearings, deliberations and actions of the Commission relating to requests for advisory opinions, although the requester of the advisory opinion may file a request with the Commission to hold a public meeting or hearing regarding the matter. (NRS 281A.690) **Section 38** of this bill provides that if the Commission grants such a request for a public meeting or hearing regarding the matter, the Commission must provide public notice of the meeting or hearing and the meeting or hearing must be open to the public and conducted in accordance with the regulations of the Commission, but the meeting or hearing is not subject to specific requirements of the Open Meeting Law.

In addition to rendering advisory opinions, the Commission is also authorized by the Ethics Law to render opinions regarding the propriety of the conduct of public officers and employees under the statutory ethical standards in response to ethics complaints. (NRS 281A.710) Not later than 45 days after receiving an ethics complaint, the Ethics Law requires the Commission to determine initially whether it has jurisdiction over the ethics complaint and whether an investigation is warranted in the matter, unless the subject of the ethics complaint waives the time limit. (NRS 281A.715) **Section 41** of this bill authorizes the Executive Director, during this initial period, to conduct a preliminary investigation to obtain additional information concerning the allegations in the ethics complaint to assist the Commission in making its initial determination. In addition, **section 41**: (1) allows



the Commission to extend the time limit for good cause but requires the Commission to set a specific and reasonable time period for such an extension; and (2) eliminates, as unnecessary, the provision authorizing the subject to waive the time limit because the subject does not receive notice of the matter during this initial period, but only receives notice of the matter if the Commission determines that it has jurisdiction and an investigation is warranted. **Section 41** also allows the Commission to dismiss an ethics complaint initiated on its own motion if it determines that the evidence is not sufficient to warrant an investigation in the matter but requires the Commission to issue a letter of caution or instruction in those circumstances.

Under the Ethics Law, if the Commission determines that it has jurisdiction over an ethics complaint and an investigation is warranted, the subject of the ethics complaint is served with a notice of the investigation and provided with an opportunity to submit a response to that notice. (NRS 281A.720) **Section 42** of this bill authorizes the Executive Director to grant, under certain circumstances, extensions of the time limit to submit the response, including that the subject must waive the time limit for the investigation, but the Executive Director must set a specific and reasonable time period for such an extension.

As part of the investigation, the Ethics Law permits the Executive Director to secure the subject's participation, attendance as a witness or production of books and papers under existing procedures. (NRS 281A.300) **Section 42** clarifies that, regardless of whether the subject submits a response to the investigation, the Executive Director retains the authority during the course of the investigation to secure the subject's participation, attendance as a witness or production of books and papers under those existing procedures.

Within 70 days after the Commission directs the Executive Director to investigate an ethics complaint, the Ethics Law requires the Executive Director to present a written recommendation to the review panel regarding the sufficiency of the evidence concerning the ethics complaint, unless the subject waives the time limit. (NRS 281A.725) **Section 43** of this bill allows the presiding officer of the review panel to grant the Executive Director extensions of the time limit for good cause but requires the presiding officer to set a specific and reasonable time period for such an extension.

Within 15 days after the Executive Director presents the written recommendation to the review panel, the Ethics Law requires the review panel to determine whether there is just and sufficient cause for the Commission to render an opinion regarding the ethics complaint, unless the subject waives the time limit. (NRS 281A.730) **Section 44** of this bill extends the time for the panel to issue its determination to 45 days. If the review panel determines that there is not just and sufficient cause, the Ethics Law requires the review panel to dismiss the matter, but the review panel may issue a confidential letter of caution or instruction to the subject as part of the dismissal. If the review panel determines that there is just and sufficient cause but reasonably believes that the conduct at issue may be appropriately addressed through additional training or other corrective action, the Ethics Law authorizes the review panel to approve a deferral agreement between the Executive Director and the subject to defer further proceedings in the matter under the terms and conditions of the deferral agreement. If the subject complies with the terms and conditions of the deferral agreement, the matter must be dismissed. However, if the subject fails to comply with the terms and conditions of the deferral agreement, the deferral agreement may be vacated and further proceedings conducted in the matter before the Commission. If the review panel does not believe that a deferral agreement is appropriate or if the subject declines to enter into such a deferral agreement, the Ethics Law requires the review panel to refer the matter to the Commission for further proceedings. (NRS 281A.730, 281A.740)



**Section 44** of this bill provides that after the review panel makes its determination in the matter, it must serve written notice of its determination on the subject.

The Ethics Law establishes various requirements regarding the adjudication of ethics complaints referred to the Commission for further proceedings. (NRS 281A.745-281A.760) **Sections 4 and 45** of this bill clarify that the parties to the proceedings are: (1) the Executive Director or his or her designee, who present the case to the Commission at the adjudicatory hearing in the matter; and (2) the subject of the ethics complaint, who has the right to written notice of the hearing, to be represented by legal counsel and to hear the evidence presented to the Commission and to present his or her own case. **Section 45** also requires: (1) the Executive Director to issue a formal notice of charges to the subject of the ethics complaint regarding the allegations to be presented at an adjudicatory hearing; and (2) the Commission to provide the parties with a written schedule for discovery in order to prepare for the hearing.

The Ethics Law requires the Commission to hold the hearing and render an opinion in the matter within a certain time limit, unless waived by the subject, and requires the opinion to include findings of fact and conclusions of law. (NRS 281A.745, 281A.765) **Section 45** requires the Commission to hold a hearing and render a decision in the matter within the existing time limit, unless waived by the subject or extended by the Commission for good cause with a specific and reasonable time period, but **section 45** provides the Commission with more time to prepare the written opinion in the matter by requiring the Commission to issue the written opinion within a specified time limit after the decision is rendered. **Section 45** also clarifies that, in addition to including findings of fact and conclusions of law, the written opinion must otherwise comply with the requirements for a final decision under Nevada's Administrative Procedure Act. (NRS 233B.125) **Section 49** of this bill makes a conforming change related to the contents of a written opinion.

With certain exceptions, the Ethics Law requires, or in some cases allows, the Commission to keep the identity of certain persons who file ethics complaints confidential in order to protect those persons from potential harm. (NRS 281A.750) **Section 46** of this bill extends the confidentiality of the requester to persons who worked for the same public body, agency or employer as the subject of the ethics complaint at the time of the alleged conduct, or if revealing the identity of the requester would otherwise reveal the identity of witnesses who work for the same public body, agency or employer. **Section 46** also clarifies that such confidentiality extends to all materials that, if disclosed, would reveal the identity of the confidential requester. **Section 46** also clarifies that the identity of the confidential requester remains protected if the Executive Director does not intend to present the testimony of the confidential requester as evidence in the matter. However, if the Executive Director intends to present the testimony of the confidential requester as evidence in the matter, **section 46** provides that the Executive Director must disclose the name of the confidential requester only as a proposed witness in accordance with the schedule for discovery in the matter.

Under the Ethics Law, the subject of an ethics complaint may submit a written discovery request for a list of proposed witnesses and a copy of any materials in the investigative file that the Executive Director intends to present as evidence in the matter. The Ethics Law also provides that the materials in the investigative file are confidential, except that any materials which the Executive Director presents as evidence in the matter become public records. (NRS 281A.755) **Section 47** requires any written discovery request to be submitted in accordance with the schedule for discovery in the matter. **Section 47** also provides that any materials which the Executive Director presents as evidence in the matter become public records after the Commission takes final action concerning the ethics complaint in a public



meeting or hearing held under **section 48** of this bill, but provides an exception if any of the materials are declared confidential by another law.

In proceedings concerning an ethics complaint, the Ethics Law exempts from the Open Meeting Law: (1) any meeting or hearing held by the Commission to receive information or evidence concerning the ethics complaint; and (2) any deliberations of the Commission on such information or evidence. However, the Ethics Law does not exempt the Commission's actions concerning the ethics complaint from the Open Meeting Law. (NRS 281A.760) **Section 48** generally exempts the Commission's actions concerning the ethics complaint from the Open Meeting Law. However, **section 48** requires the Commission to take final action concerning the ethics complaint in a public meeting or hearing for which the Commission provides public notice and which is open to the public and conducted in accordance with the regulations of the Commission, but the meeting or hearing is not subject to specific requirements of the Open Meeting Law.

The Ethics Law establishes various requirements regarding the disposition of ethics complaints and the imposition of remedies and penalties. (NRS 281A.765-281A.790) Under the Ethics Law, there are two types of violations: (1) willful violations that require proof of specific mental elements showing that the subject of an ethics complaint committed the violations intentionally and knowingly; and (2) other violations that do not require proof of those specific mental elements. (NRS 281A.170) To determine whether violations are willful, the Ethics Law requires the Commission to: (1) consider a nonexclusive list of aggravating and mitigating factors, as well as any other reasonably related factors; and (2) ensure when it applies those factors that the disposition of the matter bears a reasonable relationship to the severity of the violations. (NRS 281A.775) For any violations, whether or not willful, the Ethics Law authorizes the Commission to impose certain remedies, such as training, a remedial course of action or public admonishment. (NRS 281A.785) However, for willful violations, the Ethics Law also authorizes more severe remedies and penalties, such as substantial civil penalties and public reprimand or censure. In some cases involving willful violations, the Ethics Law further requires the Commission to seek removal of certain public officers through court proceedings or to submit the matter to the appropriate House of the Legislature for consideration of additional remedies and penalties against certain public officers, including removal through impeachment or expulsion. (NRS 281A.785, 281A.790) With respect to certain dispositions of ethics complaints and in determining whether a violation is willful, existing law requires the Commission to treat comparable situations in a comparable manner. (NRS 281A.770, 281A.775) **Sections 50 and 51** of this bill require the Commission to carry out that duty to the extent practicable based on the given set of facts and circumstances. **Section 54** of this bill clarifies that in determining whether the subject has committed one or more violations, each separate act or event that constitutes a violation, or course of conduct that the Commission interprets as constituting a separate violation, must be treated as a separate violation that is cumulative to all other violations, whenever committed, without regard to the sequence of the violations or whether the violations are established in the same or separate proceedings.

The Ethics Law prohibits any person from preventing, interfering with or attempting to prevent or interfere with investigations or proceedings or the discovery of violations under the Ethics Law and authorizes the Commission to impose civil penalties and, under certain circumstances, assess against such a person certain attorney's fees and costs incurred by others as a result of the act. (NRS 281A.790) **Sections 25 and 54** of this bill: (1) deem the person's act to be a violation of the Ethics Law; (2) specify that the Commission has jurisdiction to investigate and take appropriate action regarding the violation in any proceeding commenced within 2 years after the violation or reasonable discovery thereof; and (3) require the Commission, before taking appropriate action, to provide the person



with a written notice of the charges and an opportunity for a hearing in accordance with the regulations of the Commission. **Section 54** also authorizes the Commission, under certain circumstances, to assess against the person certain attorney's fees and costs incurred by the Commission as a result of the violation.

**Section 55** of this bill makes a conforming change relating to the confidentiality of materials provided by the Commission pursuant to **section 12**. **Section 56** of this bill makes a conforming change relating to **section 9**. **Section 58** of this bill addresses the applicability of the amendatory provisions of this bill to administrative proceedings and conduct that occurred before July 1, 2021.

---

---

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** NRS 281.5584 is hereby amended to read as follows:

281.5584 “Financial disclosure statement” or “statement” means a financial disclosure statement in the electronic form or other authorized form prescribed by the Secretary of State pursuant to NRS 281.5555 to 281.581, inclusive. ~~[, or in the form approved by the Secretary of State for a specialized or local ethics committee pursuant to NRS 281A.350.]~~

**Sec. 2.** Chapter 281A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 12, inclusive, of this act.

**Sec. 3. “Chair” means:**

*1. The Chair of the Commission; or*

*2. The Vice Chair or another member of the Commission serving in the capacity of the Chair pursuant to NRS 281A.210.*

**Sec. 4. “Party” means, for the purposes of the adjudication and disposition of proceedings concerning an ethics complaint pursuant to this chapter:**

*1. The Executive Director or his or her designee; and*

*2. The public officer or employee who is the subject of the ethics complaint.*

**Sec. 5. “Published opinion” means an opinion issued by the Commission that is publicly available on the Internet website of the Commission.**

**Sec. 6. “Statutory ethical standards” means the statutory ethical standards set forth in the provisions of this chapter.**

**Sec. 7. 1. The provisions of this chapter establish statutory ethical standards to govern the conduct of:**

*(a) Public officers and employees; and*

*(b) Former public officers and employees in situations where the statutory ethical standards apply to the conduct of former public officers and employees after the end of any period of public service or employment.*



2. The statutory ethical standards are cumulative and supplement each other, and the application of any one of the statutory ethical standards to a given set of facts and circumstances does not bar the application of any other of the statutory ethical standards that also apply to the given set of facts and circumstances.

**Sec. 8.** 1. Except as otherwise provided in this section, every public officer or employee of the State or one of its political subdivisions, regardless of whether he or she is otherwise subject to the provisions of this chapter, shall cooperate with the Commission in any lawful investigations or proceedings of the Commission and furnish information and reasonable assistance to the Commission or its authorized representative, except to the extent that the public officer or employee is entitled to:

(a) Any right, privilege or immunity recognized by law, other than any common-law privilege or immunity abrogated pursuant to NRS 281A.185; or

(b) Any confidentiality or other protection recognized by law.

2. If a public officer or employee is entitled to any protection pursuant to paragraph (a) or (b) of subsection 1, that protection extends only to matters within the scope of the protection, and the public officer or employee shall comply with the provisions of subsection 1 to the fullest extent possible regarding all matters outside of the scope of the protection.

3. Before a public officer or employee is required to comply with the provisions of subsection 1 and during the course of any investigations or proceedings of the Commission or its authorized representative, the public officer or employee is entitled to be represented by and consult with legal counsel, including, without limitation, the legal counsel of his or her public body, agency or employer.

**Sec. 9.** During any period in which proceedings concerning a request for an advisory opinion or an ethics complaint are confidential pursuant to this chapter, the provisions of chapter 241 of NRS do not apply to any meeting or hearing held by the Commission or any deliberations or actions of the Commission involving:

1. Any decisions in litigation concerning any judicial action or proceeding related to the request for an advisory opinion or the ethics complaint; or

2. Any delegation of authority to make such decisions in the litigation to the Chair or the Executive Director, or both, pursuant to NRS 241.0357.

**Sec. 10.** 1. A public officer or employee shall not use the public officer's or employee's position or power in government to





1 *take any actions or compel a subordinate to take any actions that a*  
2 *reasonable person would find, based on the given set of facts and*  
3 *circumstances, to be a gross or unconscionable abuse of official*  
4 *position or power that would undermine the integrity or*  
5 *impartiality of a reasonable person in the public officer's or*  
6 *employee's position under the same or similar facts and*  
7 *circumstances.*

8     2. *The provisions of this section must not be interpreted to*  
9 *apply to any allegations claiming only bias, error or abuse of*  
10 *discretion in any findings, decisions, policy-making or other*  
11 *actions taken by a public officer or employee within the normal*  
12 *course and scope of his or her position or power in government.*

13     **Sec. 11.** *A list of each public officer who is required to file an*  
14 *acknowledgment of the statutory ethical standards in accordance*  
15 *with NRS 281A.500 must be submitted electronically to the*  
16 *Commission, in the form prescribed by the Commission, on or*  
17 *before December 1 of each year by:*

18     1. *For an appointed public officer, the appointing authority*  
19 *of the public officer, including, without limitation:*

20     (a) *The manager of each local agency for a public officer of a*  
21 *local agency;*

22     (b) *The Director of the Legislative Counsel Bureau for a*  
23 *public officer of the Legislative Department of the State*  
24 *Government; and*

25     (c) *The Director of the Department of Administration, or his*  
26 *or her designee, for a public officer of the Executive Department*  
27 *of the State Government; and*

28     2. *For an elected public officer of:*

29     (a) *A county and other political subdivisions within the county*  
30 *except cities, the county clerk;*

31     (b) *A city, the city clerk;*

32     (c) *The Legislative Department of the State Government, the*  
33 *Director of the Legislative Counsel Bureau; and*

34     (d) *The Executive Department of the State Government, the*  
35 *Director of the Department of Administration, or his or her*  
36 *designee.*

37     **Sec. 12.** 1. *After the resolution of an ethics complaint, the*  
38 *Commission may provide any information obtained during the*  
39 *course of an investigation of the ethics complaint to:*

40     (a) *The Attorney General or appropriate district attorney for*  
41 *the purpose of prosecuting a criminal action in this State; or*

42     (b) *Any federal law enforcement agency investigating a*  
43 *criminal violation of federal law by a public officer or employee.*

44     2. *If the Commission determines that it does not have*  
45 *jurisdiction or does not direct the Executive Director to conduct an*



1 *investigation of an ethics complaint pursuant to NRS 281A.715,*  
2 *and the Executive Director reasonably believes that the alleged*  
3 *conduct may be properly addressed within the jurisdiction of*  
4 *another state or local agency, the Executive Director may refer all*  
5 *or a portion of the information, communications, records,*  
6 *documents or other materials in the possession of the Commission*  
7 *or its staff that are related to the allegations in the ethics*  
8 *complaint to that state or local agency. Such a referral must not*  
9 *include a copy of any ethics complaint or reveal the identity of the*  
10 *requester of any such ethics complaint.*

11 *3. All information, communications, records, documents and*  
12 *other materials that are related to the allegations in an ethics*  
13 *complaint that are provided to another agency pursuant to this*  
14 *section are confidential and are not public records pursuant to*  
15 *chapter 239 of NRS, unless those materials become publicly*  
16 *available in a manner authorized by applicable state law.*

17 **Sec. 13.** NRS 281A.030 is hereby amended to read as follows:  
18 281A.030 As used in this chapter, unless the context otherwise  
19 requires, the words and terms defined in NRS 281A.032 to  
20 281A.170, inclusive, *and sections 3 to 6, inclusive, of this act* have  
21 the meanings ascribed to them in those sections.

22 **Sec. 14.** NRS 281A.032 is hereby amended to read as follows:  
23 281A.032 "Adjudicatory hearing" means a hearing held by the  
24 Commission pursuant to NRS 281A.745 to receive evidence *and*  
25 *render a decision* concerning an ethics complaint . ~~[and render an~~  
26 ~~opinion in the matter.]~~

27 **Sec. 15.** NRS 281A.033 is hereby amended to read as follows:  
28 281A.033 "Advisory opinion" means an advisory opinion  
29 ~~[rendered]~~ *issued* by the Commission pursuant to NRS 281A.670 to  
30 281A.690, inclusive.

31 **Sec. 16.** NRS 281A.065 is hereby amended to read as follows:  
32 281A.065 "Commitment in a private ~~[capacity," with respect to~~  
33 ~~the interests of another person.]~~ *capacity*" means a *private*  
34 commitment, interest or relationship of a public officer or employee  
35 to : ~~[a person:]~~

36 1. ~~[Who is the]~~ *The* spouse or domestic partner of the public  
37 officer or employee;

38 2. ~~[Who is a]~~ *A* member of the household of the public officer  
39 or employee;

40 3. ~~[Who is related to]~~ *A relative of* the public officer or  
41 employee, or ~~[to]~~ the spouse or domestic partner of the public  
42 officer or employee, by blood, adoption, marriage or domestic  
43 partnership within the third degree of consanguinity or affinity;

44 4. ~~[Who employs]~~ *The employer of* the public officer or  
45 employee, the spouse or domestic partner of the public officer



or employee or a member of the household of the public officer or employee;

5. ~~[With]~~ *A person with* whom the public officer or employee has a substantial and continuing business relationship; or

6. ~~[With]~~ *A person with* whom the public officer or employee has any other *private* commitment, interest or relationship that is substantially similar to a *private* commitment, interest or relationship described in subsections 1 to 5, inclusive.

**Sec. 17.** NRS 281A.088 is hereby amended to read as follows:

281A.088 “Ethics complaint” means ~~[a request for an opinion]~~ *an ethics complaint* which is filed with the Commission or initiated by the Commission on its own motion pursuant to NRS 281A.710 regarding the propriety of the conduct of a public officer or employee under the statutory ethical standards . ~~[set forth in this chapter.]~~

**Sec. 18.** NRS 281A.135 is hereby amended to read as follows:

281A.135 1. “Opinion” means an opinion ~~[rendered]~~ *issued* by the Commission in accordance with the provisions of this chapter.

2. The term includes, without limitation, the disposition of an ethics complaint by stipulation, agreed settlement, consent order or default as authorized by NRS 233B.121.

**Sec. 19.** NRS 281A.161 is hereby amended to read as follows:

281A.161 “Request for an advisory opinion” means a request for an advisory opinion which is filed with the Commission pursuant to NRS 281A.675 . ~~[by a public officer or employee who is:~~

~~—1. Seeking guidance on matters which directly relate to the propriety of his or her own past, present or future conduct as a public officer or employee under the statutory ethical standards set forth in this chapter; or~~

~~—2. Requesting relief pursuant to NRS 281A.410, 281A.430 or 281A.550.]~~

**Sec. 20.** NRS 281A.210 is hereby amended to read as follows:

281A.210 1. The Commission shall ~~;~~

~~—(a) At]~~ *at* its first meeting and annually thereafter elect a Chair and Vice Chair from among its members.

~~[(b) Meet]~~

*2. If the Chair is prohibited from acting on a particular matter or is otherwise unable to act on a particular matter, the Vice Chair shall exercise the powers and functions and perform the duties of the Chair concerning that particular matter. If the Chair and Vice Chair are prohibited from acting on a particular matter or are otherwise unable to act on a particular matter, another member of the Commission who is designated in*



*accordance with the regulations of the Commission shall exercise the powers and functions and perform the duties of the Chair concerning that particular matter.*

**3. The Commission shall meet** regularly at least once in each calendar quarter, unless there are no ethics complaints or requests for advisory opinions pursuant to this chapter, and at other times upon the call of the Chair.

~~[2.]~~ **4.** Members of the Commission are entitled to receive a salary of not more than \$80 per day, as fixed by the Commission, while engaged in the business of the Commission.

~~[3.]~~ **5.** While engaged in the business of the Commission, each member and employee of the Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

~~[4.]~~ **6.** The Commission may, within the limits of legislative appropriation, maintain such facilities as are required to carry out its functions.

**Sec. 21.** NRS 281A.220 is hereby amended to read as follows:

281A.220 1. The Chair shall appoint one or more review panels of three members of the Commission on a rotating basis to perform the functions assigned to such review panels pursuant to this chapter.

2. The Chair and Vice Chair of the Commission may not serve together on a review panel.

3. Not more than two members of a review panel may be members of the same political party.

4. If a review panel determines that there is just and sufficient cause for the Commission to render *a decision and issue* an opinion in a matter, the members of the review panel shall not participate in any further proceedings of the Commission relating to that matter

~~H~~, *except that:*

*(a) One or more members of the review panel may, with the consent of the parties, participate as mediators or facilitators in any settlement negotiations between the parties that are conducted before an adjudicatory hearing in the matter.*

*(b) The members of the review panel may authorize the development of or approve a deferral agreement pursuant to NRS 281A.730.*

**Sec. 22.** NRS 281A.230 is hereby amended to read as follows:

281A.230 1. The Commission shall appoint, within the limits of legislative appropriation, an Executive Director who shall perform the duties set forth in this chapter and such other duties as may be prescribed by the Commission.



2. The Executive Director must *be an attorney who is licensed to practice law in this State and must* have experience in administration, investigations and law.

3. The Executive Director is in the unclassified service of the State.

4. The Executive Director shall devote the Executive Director's entire time and attention to the business of the Commission and shall not pursue any other business or occupation or hold any other office of profit that detracts from the full and timely performance of the Executive Director's duties.

5. The Executive Director may not:

(a) Be actively involved in the work of any political party or political campaign; or

(b) Except in pursuit of the business of the Commission, communicate directly or indirectly with a State Legislator or a member of a local legislative body on behalf of someone other than the Executive Director to influence:

(1) The State Legislator with regard to introducing or voting upon any matter or taking other legislative action; or

(2) The member of the local legislative body with regard to introducing or voting upon any ordinance or resolution, taking other legislative action or voting upon:

(I) The appropriation of public money;

(II) The issuance of a license or permit; or

(III) Any proposed subdivision of land or special exception or variance from zoning regulations.

**Sec. 23.** NRS 281A.240 is hereby amended to read as follows:

281A.240 1. In addition to any other duties imposed upon the Executive Director, the Executive Director shall:

(a) Maintain complete and accurate records of all transactions and proceedings of the Commission.

(b) Receive ethics complaints and requests for advisory opinions pursuant to this chapter.

(c) Gather information and conduct investigations regarding ethics complaints and requests for advisory opinions pursuant to this chapter.

(d) ~~Submit~~ *Present* recommendations to the review panel regarding whether there is just and sufficient cause for the Commission to render *a decision and issue* an opinion in a matter.

(e) Recommend to the Commission any regulations or legislation that the Executive Director considers desirable or necessary to improve the operation of the Commission and maintain high standards of ethical conduct in government.

(f) Upon the request of any public officer or the employer of a public employee, conduct training on the requirements of this



chapter, the rules and regulations adopted by the Commission and ~~previous~~ *the published* opinions of the Commission. In any such training, the Executive Director shall emphasize that the Executive Director is not a member of the Commission and that only the Commission may issue opinions concerning the application of the statutory ethical standards to any given set of facts and circumstances. The Commission may charge a reasonable fee to cover the costs of training provided by the Executive Director pursuant to this paragraph.

(g) Perform such other duties, not inconsistent with law, as may be required by the Commission.

2. The Executive Director shall, within the limits of legislative appropriation, employ such persons as are necessary to carry out any of the Executive Director's duties relating to:

(a) The administration of the affairs of the Commission; and

(b) The investigation of matters under the jurisdiction of the Commission.

3. If the Executive Director is prohibited from acting on a particular matter or is otherwise unable to act on a particular matter, the Chair ~~[of the Commission]~~ shall designate a qualified person to perform the duties of the Executive Director with regard to that particular matter.

**Sec. 24.** NRS 281A.260 is hereby amended to read as follows:

281A.260 1. The Commission Counsel is the legal adviser to the Commission. For each *written* opinion of the Commission, the Commission Counsel shall prepare, at the direction of the Commission ~~and~~ *or as required pursuant to this chapter*, the appropriate findings of fact and conclusions as to *the* relevant *statutory ethical* standards and the propriety of particular conduct. The Commission Counsel shall not issue written opinions concerning the applicability of the statutory ethical standards to a given set of facts and circumstances except as directed by the Commission.

2. The Commission may rely upon the legal advice of the Commission Counsel in conducting its daily operations.

3. *Except as otherwise provided in this section or directed by the Commission, in litigation concerning any judicial action or proceeding in which the Commission or any member or employee of the Commission is a party in an official capacity or participates or intervenes in an official capacity, the Commission Counsel shall represent and act as legal counsel to the Commission or any member or employee of the Commission in the action or proceeding.*



1       4. *The provisions of subsection 3 do not apply to litigation*  
2 *concerning any judicial action or proceeding in which the*  
3 *Commission:*

4       (a) *Requests that the Attorney General appoint a deputy to act*  
5 *in the place of the Commission Counsel; or*

6       (b) *Employs outside legal counsel.*

7       5. *The Commission Counsel shall not represent and act as*  
8 *legal counsel for the Executive Director in any judicial action or*  
9 *proceeding in which the Executive Director is named as a party*  
10 *based upon conduct in the official capacity of the Executive*  
11 *Director as a party to an adjudicatory proceeding.*

12       6. If the Commission Counsel is prohibited from acting on a  
13 particular matter or is otherwise unable to act on a particular matter,  
14 the Commission may:

15       (a) Request that the Attorney General appoint a deputy to act in  
16 the place of the Commission Counsel; or

17       (b) Employ outside legal counsel.

18       **Sec. 25.** NRS 281A.280 is hereby amended to read as follows:  
19       281A.280 1. Except as otherwise provided in this section, the  
20 Commission has jurisdiction to ~~investigate~~ :

21       (a) *Gather information and issue an advisory opinion in any*  
22 *proceeding commenced by a request for an advisory opinion that*  
23 *is filed with the Commission, except that the Commission does not*  
24 *have jurisdiction to issue an advisory opinion on matters which*  
25 *directly relate to the propriety of past conduct occurring more than*  
26 *2 years before the date on which the request for an advisory*  
27 *opinion is filed with the Commission.*

28       (b) *Investigate* and take appropriate action regarding an alleged  
29 violation of this chapter by a ~~public officer or employee~~ *current* or  
30 former public officer or employee in any proceeding commenced by  
31 an ethics complaint, which is filed with the Commission or initiated  
32 by the Commission on its own motion, within 2 years after the  
33 alleged violation or reasonable discovery of the alleged violation.

34       (c) *Investigate and take appropriate action regarding an*  
35 *alleged violation of subsection 3 of NRS 281A.790 by a current or*  
36 *former public officer or employee or any other person in any*  
37 *proceeding commenced by a written notice of the charges, which*  
38 *is initiated by the Commission on its own motion, within 2 years*  
39 *after the alleged violation or reasonable discovery of the alleged*  
40 *violation.*

41       2. The Commission does not have jurisdiction regarding  
42 alleged conduct by a ~~public officer or employee~~ *current* or former  
43 public officer or employee for which:

44       (a) A complaint may be filed or, if the applicable limitations  
45 period has expired, could have been filed with the United States





Equal Employment Opportunity Commission or the Nevada Equal Rights Commission; or

(b) A complaint or employment-related grievance may be filed or, if the applicable limitations period has expired, could have been filed with another appropriate agency with jurisdiction to redress alleged discrimination or harassment, including, without limitation, a state or local employee-management relations board or similar state or local agency,

↳ but any bar on the Commission's jurisdiction imposed by this subsection applies only to the extent that it pertains to the alleged discrimination or harassment, and this subsection does not deprive the Commission of jurisdiction regarding the alleged conduct if such conduct is sanctionable separately or concurrently under the provisions of this chapter, irrespective of the alleged discrimination or harassment.

3. For the purposes of this section, a proceeding is commenced ~~[-]~~ *by an ethics complaint:*

(a) On the date on which ~~[-an]~~ *the* ethics complaint is filed in the proper form with the Commission in accordance with the regulations of the Commission; or

(b) If the ethics complaint is initiated by the Commission on its own motion, on the date on which the Commission serves the ~~[-public officer or employee]~~ *current* or former public officer or employee with *a written* notice of the *investigation of the* ethics complaint in accordance with the regulations of the Commission.

**Sec. 26.** NRS 281A.290 is hereby amended to read as follows:

281A.290 The Commission shall:

1. Adopt procedural regulations that are necessary and proper to carry out the provisions of this chapter, including, without limitation:

(a) To facilitate the receipt of inquiries by the Commission;

(b) For the filing of an ethics complaint or a request for an advisory opinion with the Commission;

(c) For the withdrawal of an ethics complaint or a request for an advisory opinion by the person who filed the ethics complaint or request;

(d) To facilitate the prompt rendition *of decisions and the issuance* of opinions by the Commission; and

(e) For proceedings concerning an ethics complaint, to facilitate written discovery requests submitted pursuant to NRS 281A.750 and 281A.755 and the disclosure of evidence in the manner required by those sections, including, without limitation, the disclosure of evidence obtained by or on behalf of the Executive Director during the course of the investigation that affirmatively and substantively disproves any alleged violation of this chapter that is related to the





1 ethics complaint and has been referred to the Commission for an  
2 adjudicatory hearing.

3 2. Prescribe, by regulation, forms and procedures for the  
4 submission of ~~{statements of acknowledgment}~~ *acknowledgments*  
5 *of the statutory ethical standards* filed by public officers pursuant  
6 to NRS 281A.500, maintain files of such ~~{statements}~~  
7 *acknowledgments* and make the ~~{statements}~~ *acknowledgments*  
8 available for public inspection.

9 3. Cause the making of such investigations as are reasonable  
10 and necessary for the rendition *of decisions and the issuance* of  
11 ~~{its}~~ opinions pursuant to this chapter.

12 4. Inform the Attorney General or district attorney of all cases  
13 of noncompliance with the requirements of this chapter.

14 5. Recommend to the Legislature such further legislation as the  
15 Commission considers desirable or necessary to promote and  
16 maintain high standards of ethical conduct in government.

17 6. Publish ~~{a manual}~~ *materials* for the use of public officers  
18 and employees that ~~{explains}~~ *explain* the requirements of this  
19 chapter.

20 ~~{The Legislative Counsel shall prepare annotations to this chapter~~  
21 ~~for inclusion in the Nevada Revised Statutes based on the published~~  
22 ~~opinions of the Commission.}~~

23 **Sec. 27.** NRS 281A.300 is hereby amended to read as follows:

24 281A.300 1. The Chair ~~{and Vice Chair}~~ *or a member* of the  
25 Commission *appointed by the Chair to preside over any meetings,*  
26 *hearings and proceedings* may administer oaths ~~{}~~ *or direct a*  
27 *certified court reporter or other authorized person to administer*  
28 *oaths.*

29 2. The Commission, upon majority vote, may issue a subpoena  
30 to compel the attendance of a witness and the production of any  
31 books and papers for any hearing before the Commission.

32 3. ~~{Upon}~~ *Except as otherwise provided in this subsection,*  
33 *upon* the request of the Executive Director, the Chair ~~{or, in the~~  
34 ~~Chair's absence, the Vice Chair,}~~ *may issue a subpoena during the*  
35 *course of any investigation* to compel the participation of a  
36 potential witness and the production of any books and papers  
37 ~~{during the course of any investigation.}~~ *, including, without*  
38 *limitation, information, records and documentation regarding*  
39 *personnel records maintained by an agency concerning the*  
40 *conduct of a public officer or employee, including,*  
41 *notwithstanding any other provision of law to the contrary,*  
42 *records otherwise deemed by law to be confidential, that relate to*  
43 *issues under consideration in an ethics complaint. A request by*  
44 *the Executive Director for a subpoena pursuant to this subsection*  
45 *may not include a request for records related to a concurrent,*



*pending criminal investigation where such records are otherwise protected as confidential.*

4. Upon the request of the Executive Director or the public officer or employee who is the subject of an ethics complaint, the Chair ~~for, in the Chair's absence, the Vice Chair,~~ may issue a subpoena to compel the attendance of a witness and the production of any books and papers for any hearing before the Commission. A public officer or employee who requests the issuance of a subpoena pursuant to this subsection must serve the subpoena in the manner provided in the Nevada Rules of Civil Procedure for service of subpoenas in a civil action and must pay the costs of such service.

5. Before ~~issuing~~ *the Chair issues* a subpoena *directed* to ~~the~~ the public officer or employee who is the subject of an ethics complaint to compel his or her participation in any investigation, his or her attendance as a witness or his or her production of any books and papers, the Executive Director shall submit a written request to the public officer or employee requesting:

(a) The voluntary participation of the public officer or employee in the investigation;

(b) The voluntary attendance of the public officer or employee as a witness; or

(c) The voluntary production by the public officer or employee of any books and papers relating to the ethics complaint.

6. Each written request submitted by the Executive Director pursuant to subsection 5 must specify the time and place for the voluntary participation of the public officer or employee in the investigation, attendance of the public officer or employee as a witness or production of any books and papers, and designate with certainty the books and papers requested, if any.

7. If the public officer or employee fails or refuses to respond to the Executive Director's written request pursuant to subsection 5 to voluntarily participate or attend at the time and place specified or produce the books and papers requested by the Executive Director within 5 business days after receipt of the written request, the Chair ~~for, in the Chair's absence, the Vice Chair,~~ may issue the subpoena. Failure of the public officer or employee to comply with the written request of the Executive Director shall be deemed a waiver by the public officer or employee of the time limits set forth in NRS 281A.700 to 281A.790, inclusive, *and section 12 of this act*, that apply to proceedings concerning the ethics complaint.

8. If any witness fails or refuses to participate, attend, testify or produce any books and papers as required by the subpoena, the Chair ~~for, in the Chair's absence, the Vice Chair,~~ may report to the district court by petition, setting forth that:



(a) Due notice has been given of the time and place of the participation or attendance of the witness or the production of the books and papers;

(b) The witness has been subpoenaed pursuant to this section; and

(c) The witness has failed or refused to participate, attend, testify or produce the books and papers as required by the subpoena, or has failed or refused to answer questions propounded to the witness,

➤ and asking for an order of the court compelling the witness to participate, attend, testify or produce the books and papers as required by the subpoena.

9. Upon such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and there show cause why the witness has not participated, attended, testified or produced the books or papers as required by the subpoena. A certified copy of the order must be served upon the witness.

10. If ~~it appears to~~, *at the hearing to show cause*, the court *finds* that the subpoena was regularly issued pursuant to this section ~~and that the witness has not proven a reason recognized by law for the failure to comply with its provisions~~, the court shall enter an order that the witness comply with the subpoena, at the time and place fixed in the order, and participate, attend, testify or produce the required books and papers. Upon failure to obey the order, the witness must be dealt with as for contempt of court.

*11. Any court proceeding commenced pursuant to this section is deemed good cause for the Commission to grant an extension of the time limits set forth in NRS 281A.700 to 281A.790, inclusive, and section 12 of this act, that apply to proceedings concerning the ethics complaint.*

**Sec. 28.** NRS 281A.350 is hereby amended to read as follows:

281A.350 1. Any state agency or the governing body of a county or an incorporated city may establish a specialized or local ethics committee to complement the functions of the Commission. A specialized or local ethics committee may:

(a) Establish a code of ethical standards suitable for the particular ethical problems encountered in its sphere of activity. The standards may not be less restrictive than the statutory ethical standards.

(b) Render *a decision and issue* an opinion upon the request of any public officer or employee of its own organization or level seeking an interpretation of its *code of* ethical standards on questions directly related to the propriety of the public officer's or



employee's own future official conduct ~~[or]~~, *but the committee may* refer the request to the Commission ~~[.]~~ *if the response to the request requires the Commission to interpret the statutory ethical standards and apply those standards to the given set of facts and circumstances. If the request is referred to the Commission, it shall be deemed to be a request for an advisory opinion filed by the public officer or employee with the Commission pursuant to NRS 281A.675.* Any public officer or employee subject to the jurisdiction of the committee shall direct the public officer's or employee's ~~[inquiry]~~ *request* to that committee *first* instead of the Commission.

~~[(c) Require the filing of financial disclosure statements by public officers on forms prescribed by the committee or the city clerk if the form has been:~~

~~—— (1) Submitted, at least 60 days before its anticipated distribution, to the Secretary of State for review; and~~

~~—— (2) Upon review, approved by the Secretary of State. The Secretary of State shall not approve the form unless the form contains all the information required to be included in a financial disclosure statement pursuant to NRS 281.571.]~~

2. ~~[The Secretary of State is not responsible for the costs of producing or distributing a form for filing a financial disclosure statement pursuant to the provisions of subsection 1.~~

~~—3.]~~ A specialized or local ethics committee shall not attempt to interpret *the statutory ethical standards* or render *a decision and issue* an opinion regarding the statutory ethical standards.

~~[4.]~~ 3. Each request for an opinion submitted *by a public officer or employee* to a specialized or local ethics committee, each hearing held *by the committee* to obtain information on which to ~~[base]~~ *render a decision and issue* an opinion, all deliberations *by the committee* relating to ~~[an]~~ *the decision and* opinion, each ~~[opinion]~~ *decision* rendered *and opinion issued* by ~~[a]~~ *the* committee and any motion relating to the *decision and* opinion are confidential unless:

(a) The ~~[public officer or employee]~~ *requester* acts in contravention of the *decision or* opinion; or

(b) The requester discloses the ~~[content]~~ *contents* of the *decision or* opinion.

**Sec. 29.** NRS 281A.400 is hereby amended to read as follows:

281A.400 ~~[A code of ethical standards is hereby established to govern the conduct of public officers and employees:]~~

1. A public officer or employee shall not seek or accept any gift, service, favor, employment, engagement, emolument or economic opportunity, for the public officer or employee or any person to whom the public officer or employee has a commitment in a private capacity, which would tend improperly to influence a



1 reasonable person in the public officer's or employee's position to  
2 depart from the faithful and impartial discharge of the public  
3 officer's or employee's public duties.

4 2. A public officer or employee shall not use the public  
5 officer's or employee's position in government to secure or grant  
6 unwarranted privileges, preferences, exemptions or advantages for  
7 the public officer or employee, any business entity in which the  
8 public officer or employee has a significant pecuniary interest or  
9 any person to whom the public officer or employee has a  
10 commitment in a private capacity. As used in this subsection,  
11 "unwarranted" means without justification or adequate reason.

12 3. A public officer or employee shall not participate as an agent  
13 of government in the negotiation or execution of a contract between  
14 the government and the public officer or employee, any business  
15 entity in which the public officer or employee has a significant  
16 pecuniary interest or any person to whom the public officer or  
17 employee has a commitment in a private capacity.

18 4. A public officer or employee shall not accept any salary,  
19 retainer, augmentation, expense allowance or other compensation  
20 from any private source, for the public officer or employee or any  
21 person to whom the public officer or employee has a commitment in  
22 a private capacity, for the performance of the public officer's or  
23 employee's duties as a public officer or employee.

24 5. If a public officer or employee acquires, through the public  
25 officer's or employee's public duties or relationships, any  
26 information which by law or practice is not at the time available to  
27 people generally, the public officer or employee shall not use the  
28 information to further a significant pecuniary interest of the public  
29 officer or employee or any other person or business entity.

30 6. A public officer or employee shall not suppress any  
31 governmental report or other official document because it might  
32 tend to affect unfavorably a significant pecuniary interest of the  
33 public officer or employee or any person to whom the public officer  
34 or employee has a commitment in a private capacity.

35 7. Except for State Legislators who are subject to the  
36 restrictions set forth in subsection 8, a public officer or employee  
37 shall not use governmental time, property, equipment or other  
38 facility to benefit a significant personal or pecuniary interest of the  
39 public officer or employee or any person to whom the public officer  
40 or employee has a commitment in a private capacity. This  
41 subsection does not prohibit:

42 (a) A limited use of governmental property, equipment or other  
43 facility for personal purposes if:

44 (1) ~~[The]~~ *At the time that the use occurs, the use is:*



(I) *Authorized by a written policy which was adopted before the use occurs by the* public officer or employee who is responsible for and has authority to authorize the use of such property, equipment or other facility ~~has established a policy allowing the use or the use is necessary~~; *or*

(II) *Necessary* as a result of emergency circumstances ~~is~~, *whether or not the use is authorized by such a written policy*;

(2) The use does not interfere with the performance of the public officer's or employee's public duties;

(3) The cost or value related to the use is nominal; and

(4) The use does not create the appearance of impropriety;

(b) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or

(c) The use of telephones or other means of communication if there is not a special charge for that use.

➤ If a governmental agency incurs a cost as a result of a use that is authorized pursuant to this subsection or would ordinarily charge a member of the general public for the use, the public officer or employee shall promptly reimburse the cost or pay the charge to the governmental agency.

8. A State Legislator shall not:

(a) Use governmental time, property, equipment or other facility ~~for a nongovernmental purpose or for the private~~ to benefit *a significant personal or pecuniary interest* of the State Legislator or any ~~other~~ person ~~to whom the State Legislator has a commitment in a private capacity~~. This paragraph does not prohibit:

(1) A limited use of ~~state~~ *governmental* property ~~and resources~~, *equipment or other facility* for personal purposes if:

(I) The use does not interfere with the performance of the State Legislator's public duties;

(II) The cost or value related to the use is nominal; and

(III) The use does not create the appearance of impropriety;

(2) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or

(3) The use of telephones or other means of communication if there is not a special charge for that use.

(b) Require or authorize a legislative employee, while on duty, to perform personal services or assist in a private activity, except:

(1) In unusual and infrequent situations where the *legislative* employee's service is reasonably necessary to permit the State



Legislator or legislative employee to perform that person's official duties; or

(2) Where such service has otherwise been established as legislative policy.

9. A public officer or employee shall not attempt to benefit a significant personal or pecuniary interest of the public officer or employee or any person to whom the public officer or employee has a commitment in a private capacity through the influence of a subordinate.

10. A public officer or employee shall not seek other employment or contracts for the public officer or employee or any person to whom the public officer or employee has a commitment in a private capacity through the use of the public officer's or employee's official position.

*11. As used in this section, "appearance of impropriety" means a reasonable person would find, based on the given set of facts and circumstances, that a public officer's or employee's limited use of governmental property, equipment or other facility for personal purposes is inappropriate, disproportionate, excessive or unreasonable under that given set of facts and circumstances.*

**Sec. 30.** NRS 281A.410 is hereby amended to read as follows:

281A.410 ~~[In addition to the requirements of the code of ethical standards and the other provisions of this chapter:]~~

1. If a public officer or employee serves in a state agency of the Executive Department or an agency of any county, city or other political subdivision, the public officer or employee:

(a) Shall not accept compensation from any private person to represent or counsel the private person on any issue pending before the agency in which that public officer or employee serves, if the agency makes decisions; and

(b) If the public officer or employee leaves the service of the agency, shall not, for 1 year after leaving the service of the agency, represent or counsel for compensation a private person upon any issue which was under consideration by the agency during the public officer's or employee's service. As used in this paragraph, "issue" includes a case, proceeding, application, contract or determination, but does not include the proposal or consideration of legislative measures or administrative regulations.

2. Except as otherwise provided in subsection 3, a State Legislator or a member of a local legislative body, or a public officer or employee whose public service requires less than half of his or her time, may represent or counsel a private person before an agency in which he or she does not serve.

3. A member of a local legislative body shall not represent or counsel a private person for compensation before another local





1 agency if the territorial jurisdiction of the other local agency  
2 includes any part of the county in which the member serves. The  
3 Commission may relieve the member from the strict application of  
4 the provisions of this subsection if:

5 (a) The member files a request for an advisory opinion from the  
6 Commission pursuant to NRS 281A.675; and

7 (b) The Commission determines that such relief is not contrary  
8 to:

9 (1) The best interests of the public;

10 (2) The continued ethical integrity of each local agency  
11 affected by the matter; and

12 (3) The provisions of this chapter.

13 4. For the purposes of subsection 3, the request for an advisory  
14 opinion, *the decision rendered*, the advisory opinion and all  
15 meetings, hearings and proceedings of the Commission in such a  
16 matter are governed by the provisions of NRS 281A.670 to  
17 281A.690, inclusive.

18 5. Unless permitted by this section, a public officer or  
19 employee shall not represent or counsel a private person for  
20 compensation before any state agency of the Executive or  
21 Legislative Department.

22 **Sec. 31.** NRS 281A.420 is hereby amended to read as follows:

23 281A.420 1. Except as otherwise provided in this section, a  
24 public officer or employee shall not approve, disapprove, vote,  
25 abstain from voting or otherwise act upon a matter:

26 (a) Regarding which the public officer or employee has accepted  
27 a gift or loan;

28 (b) In which the public officer or employee has a significant  
29 pecuniary interest;

30 (c) Which would reasonably be affected by the public officer's  
31 or employee's commitment in a private capacity to the interests of  
32 another person; or

33 (d) Which would reasonably be related to the nature of any  
34 representation or counseling that the public officer or employee  
35 provided to a private person for compensation before another  
36 agency within the immediately preceding year, provided such  
37 representation or counseling is permitted by NRS 281A.410,

38 ↪ without disclosing information concerning the gift or loan, the  
39 significant pecuniary interest, the commitment in a private capacity  
40 to the interests of the other person or the nature of the representation  
41 or counseling of the private person that is sufficient to inform the  
42 public of the potential effect of the action or abstention upon the  
43 person who provided the gift or loan, upon the public officer's or  
44 employee's significant pecuniary interest, upon the person to whom  
45 the public officer or employee has a commitment in a private





1 capacity or upon the private person who was represented or  
2 counseled by the public officer or employee. Such a disclosure must  
3 be made at the time the matter is considered. If the public officer or  
4 employee is a member of a body which makes decisions, the public  
5 officer or employee shall make the disclosure in public to the chair  
6 and other members of the body. If the public officer or employee is  
7 not a member of such a body and holds an appointive office, the  
8 public officer or employee shall make the disclosure to the  
9 supervisory head of the public officer's or employee's organization  
10 or, if the public officer holds an elective office, to the general public  
11 in the area from which the public officer is elected.

12 2. The provisions of subsection 1 do not require ~~that~~ :

13 (a) A public officer to disclose:

14 ~~that~~ (1) Any campaign contributions that the public officer  
15 reported in a timely manner pursuant to NRS 294A.120 or  
16 294A.125; or

17 ~~that~~ (2) Any contributions to a legal defense fund that  
18 the public officer reported in a timely manner pursuant to  
19 NRS 294A.286.

20 (b) *A public officer or employee to disclose any information*  
21 *which is confidential as a result of a bona fide relationship that*  
22 *protects the confidentiality of the information under the terms of a*  
23 *contract or as a matter of law, including, without limitation, the*  
24 *attorney-client relationship, if the public officer or employee:*

25 (1) *In the disclosure made pursuant to subsection 1,*  
26 *discloses all nonconfidential information that is required to be*  
27 *disclosed and describes the general nature of the relationship that*  
28 *protects the confidential information from being disclosed; and*

29 (2) *Abstains from advocating the passage or failure of and*  
30 *from approving, disapproving, voting or otherwise acting upon the*  
31 *matter, regardless of whether the public officer or employee would*  
32 *be required to abstain pursuant to subsection 3.*

33 3. Except as otherwise provided in this section, in addition to  
34 the requirements of subsection 1, a public officer shall not vote upon  
35 or advocate the passage or failure of, but may otherwise participate  
36 in the consideration of, a matter with respect to which the  
37 independence of judgment of a reasonable person in the public  
38 officer's situation would be materially affected by:

39 (a) The public officer's acceptance of a gift or loan;

40 (b) The public officer's significant pecuniary interest; ~~that~~

41 (c) The public officer's commitment in a private capacity to the  
42 interests of another person ~~that~~; or

43 (d) *The public officer's representation or counseling of a*  
44 *private person for compensation before another agency within the*



*immediately preceding year, provided such representation or counseling is permitted by NRS 281A.410.*

4. In interpreting and applying the provisions of subsection 3:

(a) It must be presumed that the independence of judgment of a reasonable person in the public officer's situation would not be materially affected by the public officer's acceptance of a gift or loan, significant pecuniary interest, ~~or~~ commitment in a private capacity to the interests of another person *or representation or counseling of a private person for compensation as permitted by NRS 281A.410* where the resulting benefit or detriment accruing to the public officer, or if the public officer has a commitment in a private capacity to the interests of another person ~~or~~ *or has represented or counseled a private person for compensation as permitted by NRS 281A.410*, accruing to the other person, is not greater than that accruing to any other member of any general business, profession, occupation or group that is affected by the matter. The presumption set forth in this paragraph does not affect the applicability of the requirements set forth in subsection 1 relating to the duty of the public officer to make a proper disclosure at the time the matter is considered and in the manner required by subsection 1.

(b) The Commission must give appropriate weight and proper deference to the public policy of this State which favors the right of a public officer to perform the duties for which the public officer was elected or appointed and to vote or otherwise act upon a matter, provided the public officer makes a proper disclosure at the time the matter is considered and in the manner required by subsection 1. Because abstention by a public officer disrupts the normal course of representative government and deprives the public and the public officer's constituents of a voice in governmental affairs, the provisions of this section are intended to require abstention only in clear cases where the independence of judgment of a reasonable person in the public officer's situation would be materially affected by the public officer's acceptance of a gift or loan, significant pecuniary interest, ~~or~~ commitment in a private capacity to the interests of another person ~~or~~ *or representation or counseling of a private person for compensation as permitted by NRS 281A.410*.

5. Except as otherwise provided in NRS 241.0355, if a public officer declares to the body or committee in which the vote is to be taken that the public officer will abstain from voting because of the requirements of this section, the necessary quorum to act upon and the number of votes necessary to act upon the matter, as fixed by any statute, ordinance or rule, is reduced as though the member abstaining were not a member of the body or committee.



6. The provisions of this section do not, under any circumstances:

(a) Prohibit a member of a local legislative body from requesting or introducing a legislative measure; or

(b) Require a member of a local legislative body to take any particular action before or while requesting or introducing a legislative measure.

7. The provisions of this section do not, under any circumstances, apply to State Legislators or allow the Commission to exercise jurisdiction or authority over State Legislators. The responsibility of a State Legislator to make disclosures concerning ~~gifts, loans, interests or commitments~~ a matter and the responsibility of a State Legislator to abstain from voting upon or advocating the passage or failure of a matter are governed by the Standing Rules of the Legislative Department of the State Government which are adopted, administered and enforced exclusively by the appropriate bodies of the Legislative Department of the State Government pursuant to Section 6 of Article 4 of the Nevada Constitution.

8. As used in this section, “public officer” and “public employee” do not include a State Legislator.

**Sec. 32.** NRS 281A.500 is hereby amended to read as follows:

281A.500 1. On or before the date on which a public officer swears or affirms the oath of office, the public officer must be informed of the statutory ethical standards and the duty to file an acknowledgment of the statutory ethical standards in accordance with this section by:

(a) For an appointed public officer, the appointing authority of the public officer; and

(b) For an elected public officer of:

(1) The county and other political subdivisions within the county except cities, the county clerk;

(2) The city, the city clerk;

(3) The Legislative Department of the State Government, the Director of the Legislative Counsel Bureau; and

(4) The Executive Department of the State Government, the Director of the Department of Administration, or his or her designee.

2. Within 30 days after a public employee begins employment:

(a) The Director of the Department of Administration, or his or her designee, shall provide each new public employee of a state agency with the information prepared by the Commission concerning the statutory ethical standards; and

(b) The manager of each local agency, or his or her designee, shall provide each new public employee of the local agency with the



1 information prepared by the Commission concerning the statutory  
2 ethical standards.

3 3. Each public officer shall acknowledge that the public  
4 officer:

5 (a) Has received, read and understands the statutory ethical  
6 standards; and

7 (b) Has a responsibility to inform himself or herself of any  
8 amendments to the statutory ethical standards as soon as reasonably  
9 practicable after each session of the Legislature.

10 4. The acknowledgment must be executed on a form prescribed  
11 by the Commission and must be filed with the Commission:

12 (a) If the public officer is elected to office at the general  
13 election, on or before January 15 of the year following the public  
14 officer's election.

15 (b) If the public officer is elected to office at an election other  
16 than the general election or is appointed to office, on or before the  
17 30th day following the date on which the public officer swears or  
18 affirms the oath of office.

19 5. Except as otherwise provided in this subsection, a public  
20 officer shall execute and file the acknowledgment once for each  
21 term of office. If the public officer serves at the pleasure of the  
22 appointing authority and does not have a definite term of office,  
23 the public officer, in addition to executing and filing the  
24 acknowledgment after the public officer swears or affirms the oath  
25 of office in accordance with subsection 4, shall execute and file the  
26 acknowledgment on or before January 15 of each even-numbered  
27 year while the public officer holds that office.

28 6. For the purposes of this section, the acknowledgment is  
29 timely filed if, on or before the last day for filing, the  
30 acknowledgment is filed in one of the following ways:

31 (a) Delivered in person to the principal office of the  
32 Commission in Carson City.

33 (b) Mailed to the Commission by first-class mail, or other class  
34 of mail that is at least as expeditious, postage prepaid. Filing by mail  
35 is complete upon timely depositing the acknowledgment with the  
36 United States Postal Service.

37 (c) Dispatched to a third-party commercial carrier for delivery to  
38 the Commission within 3 calendar days. Filing by third-party  
39 commercial carrier is complete upon timely depositing the  
40 acknowledgment with the third-party commercial carrier.

41 (d) Transmitted to the Commission by facsimile machine or  
42 other electronic means authorized by the Commission. Filing by  
43 facsimile machine or other electronic means is complete upon  
44 receipt of the transmission by the Commission.



7. If a public officer is serving in a public office and executes and files the acknowledgment for that office as required by the applicable provisions of this section, the public officer shall be deemed to have satisfied the requirements of this section for any other office held concurrently by him or her.

8. The form for making the acknowledgment must contain:

(a) The address of the Internet website of the Commission where a public officer may view the statutory ethical standards and print a copy of the standards; and

(b) The telephone number and mailing address of the Commission where a public officer may make a request to obtain a printed copy of the statutory ethical standards from the Commission.

9. Whenever the Commission, or any public officer or employee as part of the public officer's or employee's official duties, provides a public officer with a printed copy of the form for making the acknowledgment, a printed copy of the statutory ethical standards must be included with the form.

10. The Commission shall retain each acknowledgment filed pursuant to this section for 6 years after the date on which the acknowledgment was filed.

11. ~~[Willful refusal]~~ *A public officer who refuses* to execute and file the acknowledgment required by this section shall be deemed to ~~be:~~

~~—(a) A willful]~~ *have committed a* violation of this chapter for the purposes of NRS 281A.785 and 281A.790 . ~~]; and~~

~~—(b) Nonfeasance in office for the purposes of NRS 283.440 and, if the public officer is removable from office pursuant to NRS 283.440, the Commission may file a complaint in the appropriate court for removal of the public officer pursuant to that section. This paragraph grants an exclusive right to the Commission, and no other person may file a complaint against the public officer pursuant to NRS 283.440 based on any violation of this section.]~~

12. As used in this section, “general election” has the meaning ascribed to it in NRS 293.060.

**Sec. 33.** NRS 281A.550 is hereby amended to read as follows:

281A.550 1. A former member of the Public Utilities Commission of Nevada shall not:

(a) Be employed by a public utility or parent organization or subsidiary of a public utility; or

(b) Appear before the Public Utilities Commission of Nevada to testify on behalf of a public utility or parent organization or subsidiary of a public utility,

↳ for 1 year after the termination of the member's service on the Public Utilities Commission of Nevada.



2. A former member of the Nevada Gaming Control Board or the Nevada Gaming Commission shall not:

(a) Appear before the Nevada Gaming Control Board or the Nevada Gaming Commission on behalf of a person who holds a license issued pursuant to chapter 463 or 464 of NRS or who is required to register with the Nevada Gaming Commission pursuant to chapter 463 of NRS; or

(b) Be employed by such a person,   
 ➤ for 1 year after the termination of the member's service on the Nevada Gaming Control Board or the Nevada Gaming Commission.

3. In addition to the prohibitions set forth in subsections 1 and 2, and except as otherwise provided in subsections 4 and 6, a *current or* former public officer or *management-level public* employee of a board, commission, department, division or other agency of the Executive Department of *the* State Government ~~[except a clerical employee.]~~ shall not solicit or accept employment from a business or industry whose activities are governed by regulations adopted *or administered* by the board, commission, department, division or other agency, *as applicable, during the public officer's or employee's period of public service or employment or* for 1 year after the termination of ~~[the former public officer's or employee's]~~ *his or her period of public* service or ~~[period of]~~ employment if:

(a) The ~~[former]~~ public officer's or employee's principal duties *include or* included the formulation of policy contained in the regulations governing the business or industry;

(b) ~~[During]~~ *Within* the immediately preceding year, ~~[the former]~~ *during the public officer's or employee's period of public service or employment or within the year immediately preceding the termination of the public officer's or employee's period of public service or employment, the* public officer or employee directly performed activities, or controlled or influenced an audit, decision, investigation or other action, which significantly affected the business or industry; ~~[which might, but for this section, employ the former public officer or employee;]~~ or

(c) As a result of the ~~[former]~~ public officer's or employee's governmental service or employment, the ~~[former]~~ public officer or employee possesses knowledge of the trade secrets of a direct business competitor.

4. The provisions of subsection 3 do not apply to a *current or* former ~~[public officer who was a]~~ member of a board, commission or similar body of the State if:

(a) The ~~[former public officer]~~ *member* is engaged in the profession, occupation or business regulated by the board, commission or similar body;



(b) The ~~former public officer~~ *member* holds a license issued by the board, commission or similar body; and

(c) Holding a license issued by the board, commission or similar body is a requirement for membership on the board, commission or similar body.

5. Except as otherwise provided in subsection 6, a *current or former public officer or employee of the State or a political subdivision, except a clerical employee, shall not solicit or accept employment from a person to whom a contract for supplies, materials, equipment or services was awarded by the State or political subdivision, as applicable, or was implemented, managed or administered by the State or political subdivision, as applicable, during the public officer's or employee's period of public service or employment or* for 1 year after the termination of ~~the officer's or employee's~~ *his or her period of public service or* ~~period of~~ employment, if:

(a) The amount of the contract exceeded \$25,000;

(b) The contract was awarded *or was implemented, managed or administered by the State or political subdivision, as applicable, within the immediately preceding year during the public officer's or employee's period of public service or employment or* within the ~~12-month period~~ *year* immediately preceding the termination of the *public officer's or employee's period of public service or* ~~period of~~ employment; and

(c) The position held by the ~~former~~ public officer or employee at the time the contract was awarded *or while it was implemented, managed or administered by the State or political subdivision, as applicable,* allowed the ~~former~~ public officer or employee to *materially* affect or influence the awarding of the contract ~~or its implementation, management or administration.~~

6. A current or former public officer or employee may file a request for an advisory opinion pursuant to NRS 281A.675 concerning the application of the relevant facts in that person's case to the provisions of subsection 3 or 5, as applicable, and *the Commission may* determine whether relief from the strict application of those provisions is proper. *For the purposes of submitting all necessary information for the Commission to render a decision and issue an advisory opinion in the matter, a current or former public officer or employee may request information concerning potential employment from any business, industry or other person without violating the provisions of subsection 3 or 5, as applicable.* If the Commission determines that relief from the strict application of the provisions of subsection 3 or 5, as applicable, is not contrary to:

(a) The best interests of the public;





(b) The continued ethical integrity of the State Government or political subdivision, as applicable; and

(c) The provisions of this chapter,

➤ it may issue an advisory opinion to that effect and grant such relief.

7. For the purposes of subsection 6, the request for an advisory opinion, *the decision rendered*, the advisory opinion and all meetings, hearings and proceedings of the Commission in such a matter are governed by the provisions of NRS 281A.670 to 281A.690, inclusive.

8. The advisory opinion does not relieve the current or former public officer or employee from the strict application of any provision of NRS 281A.410.

9. ~~For~~ *Except as otherwise provided in subsection 6, for* the purposes of this section:

(a) A former member of the Public Utilities Commission of Nevada, the Nevada Gaming Control Board or the Nevada Gaming Commission; or

(b) Any other *current or* former public officer or employee governed by this section,

➤ is employed by or is soliciting or accepting employment from a business, industry or other person described in this section if any oral or written agreement is sought, negotiated or exists during the restricted period pursuant to which the personal services of the public officer or employee are provided or will be provided to the business, industry or other person, even if such an agreement does not or will not become effective until after the restricted period.

10. As used in this section, “regulation” has the meaning ascribed to it in NRS 233B.038 and also includes regulations adopted *or administered* by a board, commission, department, division or other agency of the Executive Department of *the* State Government that is exempted from the requirements of chapter 233B of NRS.

**Sec. 34.** NRS 281A.665 is hereby amended to read as follows:

281A.665 *1. The Legislative Counsel shall prepare annotations to this chapter for inclusion in the Nevada Revised Statutes based on the published opinions of the Commission.*

*2. The ~~Commission's~~ opinions of the Commission may include guidance to a public officer or employee on questions whether:*

*~~1-~~ (a) A conflict exists between the public officer's or employee's personal interest and the public officer's or employee's official ~~duty-~~ duties.*





~~[2.]~~ (b) The public officer's or employee's official duties involve the use of discretionary judgment whose exercise in the particular matter would have a significant effect upon the disposition of the matter.

~~[3.]~~ (c) The conflict would materially affect the independence of the judgment of a reasonable person in the public officer's or employee's situation.

~~[4.]~~ (d) The public officer or employee possesses special knowledge which is an indispensable asset of ~~[the public officer's or employee's public]~~ *his or her public body*, agency *or employer* and is needed by it to reach a sound decision.

~~[5.]~~ (e) It would be appropriate for the public officer or employee to withdraw or abstain from participation, disclose the nature of the public officer's or employee's conflicting personal interest or pursue some other designated course of action in the matter.

**Sec. 35.** NRS 281A.675 is hereby amended to read as follows:  
281A.675 1. ~~[A]~~ *Except as otherwise provided in this section and NRS 281A.280, a* public officer or employee may file with the Commission a request for an advisory opinion to:

(a) Seek guidance on matters which directly relate to the propriety of his or her own past, present or future conduct as a public officer or employee under the statutory ethical standards ; ~~[set forth in this chapter;]~~ or

(b) Request relief pursuant to NRS 281A.410, 281A.430 or 281A.550.

2. The request for an advisory opinion must be:

(a) Filed on a form prescribed by the Commission; and

(b) Submitted with all necessary information for the Commission to render *a decision and issue* an advisory opinion in the matter.

3. *At any time after a request for an advisory opinion is filed with the Commission, the Commission may request additional information relating to the request for an advisory opinion from the requester and his or her legal counsel.*

4. The Commission may decline to render *a decision and issue* an advisory opinion if the ~~[public officer or employee]~~ *requester* does not:

(a) Submit all necessary information for the Commission to render *a decision and issue* an advisory opinion in the matter; or

(b) Declare by oath or affirmation that he or she will testify truthfully regarding the matter ~~[ ]~~ *or confirm in writing, signed under oath, that any facts provided to the Commission for consideration of the request for an advisory opinion is truthful.*



**Sec. 36.** NRS 281A.680 is hereby amended to read as follows:

281A.680 1. ~~[If a public officer or employee]~~ *Except as otherwise provided in this section, if a requester* properly files a request for an advisory opinion, the Commission shall render *a decision and issue* an advisory opinion that interprets the statutory ethical standards and applies those standards to the given set of facts and circumstances.

2. The Commission shall render *a decision concerning* the request for an advisory opinion within 45 days after receiving *a written confirmation, signed under oath, from the requester of the truth of the proposed findings of fact to be submitted to the Commission for consideration of* the request, unless ~~[the]~~ :

(a) *The requester waives this time limit* ~~[~~ *—2.]* ;

(b) *The Commission determines that there is good cause to extend this time limit and sets a specific and reasonable time period for such an extension;*

(c) *The Commission stays or dismisses the proceedings concerning the request for an advisory opinion because:*

(1) *An ethics complaint is filed or pending that involves some or all of the same issues or facts and circumstances that are involved in the request for an advisory opinion; and*

(2) *The Commission determines that staying or dismissing the proceedings concerning the request for an advisory opinion is necessary for the just adjudication and disposition of the proceedings concerning the ethics complaint; or*

(d) *The requester has not complied with any applicable procedural requirements related to the request for an advisory opinion as set forth in this chapter or regulations adopted thereto.*

3. *If the Commission renders a decision concerning the request for an advisory opinion pursuant to this section, the Commission shall issue a written advisory opinion for any decision which the Commission determines:*

(a) *To be binding upon the requester with regard to the future conduct of the requester; or*

(b) *Constitute administrative precedent with persuasive value that the Commission may consider and follow in the adjudication and disposition of any request for an advisory opinion or ethics complaint.*

4. *If the Commission issues a written advisory opinion* ~~[rendered by the Commission]~~ *to a requester who filed the request for an advisory opinion pursuant to paragraph (a) of subsection 1 of NRS 281A.675 and the advisory opinion* relates to the propriety of the present or future conduct of the requester, the advisory opinion is ~~[~~ :



~~—(a) Binding upon the requester with regard to the future conduct of the requester; and~~

~~—(b) A] a~~ final decision that is subject to judicial review pursuant to NRS 233B.130.

~~[3.]~~ If the requester seeks judicial review pursuant to NRS 233B.130, any proceedings concerning such judicial review must be confidential and held in closed court without admittance of persons other than those necessary to the proceedings, unless the requester waives this right to confidential proceedings.

*5. If the Commission issues a written advisory opinion:*

*(a) To a requester who filed the request for an advisory opinion pursuant to paragraph (b) of subsection 1 of NRS 281A.675; and*

*(b) Which relates to the past conduct of a public officer or employee,*

*↳ the advisory opinion is not a final decision that is subject to judicial review pursuant to NRS 233B.130.*

*6. Upon the request of a public officer or employee, the Executive Director or Commission Counsel may advise a public officer or employee regarding the application of the statutory ethical standards to a given set of facts and circumstances. Such advice may not be contrary to a published opinion of the Commission or otherwise expand a precedential interpretation of the Commission in a published opinion. The Executive Director shall keep a written record of any advice offered to a public officer or employee pursuant to this subsection. Any act or failure to act by a current or former public officer or employee relating to this chapter is not a violation of this chapter pursuant to subsection 6 of NRS 281A.790 if the public officer or employee establishes by sufficient evidence that he or she relied upon the advice of the Executive Director or Commission Counsel pursuant to this subsection before the public officer or employee acted or failed to act. Any advice rendered by the Executive Director or Commission Counsel pursuant to this subsection is not binding on the public officer or employee and is not subject to judicial review pursuant to NRS 233B.130. Any dispute regarding the advice rendered by the Executive Director or Commission Counsel may be resolved through the filing of a request for an advisory opinion with the Commission pursuant to subsection 1.*

*7. Any decision rendered or advisory opinion issued by the Commission in response to a request for an advisory opinion or advice provided by the Executive Director or Commission Counsel pursuant to subsection 6 does not divest the Commission of its jurisdiction to initiate or accept jurisdiction of an ethics complaint and direct the Executive Director to conduct an investigation of*



*the ethics complaint if the ethics complaint alleges facts that are supported by sufficient evidence which are different from the facts relied upon by the Commission, Executive Director or Commission Counsel, as applicable, in rendering advice pursuant to this section.*

**Sec. 37.** NRS 281A.685 is hereby amended to read as follows:

281A.685 1. Except as otherwise provided in this section, the following materials are confidential and are not public records pursuant to chapter 239 of NRS:

(a) A request for an advisory opinion ~~[H]~~ *or a request for the advice of the Executive Director or Commission Counsel provided pursuant to subsection 6 of NRS 281A.680;*

(b) The *decision rendered and the* advisory opinion ~~[rendered]~~ *issued* by the Commission in response to the request ~~[H]~~ *for an advisory opinion or the advice of the Executive Director or Commission Counsel provided pursuant to subsection 6 of NRS 281A.680;*

(c) Any information, communications, records, documents or other materials in the possession of the Commission or its staff that are related to the request ~~[H]~~ *for an advisory opinion or the advice of the Executive Director or Commission Counsel pursuant to subsection 6 of NRS 281A.680;* and

(d) Any information, communications, records, documents or other materials in the possession of the requester of the *request for an advisory opinion or the request for the advice of the Executive Director or Commission Counsel provided pursuant to subsection 6 of NRS 281A.680* that are related to the request and, if disclosed by the requester, would reveal the existence, nature or content of the request, *the decision rendered* or the advisory opinion ~~[H]~~ *issued by the Commission or the advice of the Executive Director or Commission Counsel provided pursuant to subsection 6 of NRS 281A.680;*

2. The provisions of subsection 1 do not create or impose any duty on the Commission or its staff to protect or defend against the disclosure of any materials not in the possession of the Commission or its staff, regardless of whether the materials are related to ~~[the]~~ *a* request.

3. The provisions of subsection 1 do not apply to any materials in the possession of the Commission or its staff that are related to the request if the requester of ~~[the]~~ *a request for an* advisory opinion ~~[H]~~ *or the request for the advice of the Executive Director or Commission Counsel pursuant to subsection 6 of NRS 281A.680;*

(a) Acts in contravention of *the decision rendered or the* advisory opinion ~~[H]~~ *issued by the Commission or the advice of the*



1 *Executive Director or Commission Counsel provided pursuant to*  
2 *subsection 6 of NRS 281A.680*, in which case the Commission may  
3 disclose the request, *the decision rendered*, the advisory opinion or  
4 *the advice of the Executive Director or Commission Counsel*  
5 *provided pursuant to subsection 6 of NRS 281A.680* and any  
6 information, communications, records, documents or other materials  
7 in the possession of the Commission or its staff that are related to  
8 the request;

9 (b) Authorizes the Commission, in writing, to make the request,  
10 *the decision rendered*, the advisory opinion, *the advice of the*  
11 *Executive Director or Commission Counsel provided pursuant to*  
12 *subsection 6 of NRS 281A.680* or any information,  
13 communications, records, documents or other materials in the  
14 possession of the Commission or its staff that are related to the  
15 request publicly available ~~§~~, *except that any disclosure of*  
16 *materials pursuant to this paragraph is limited to the specific*  
17 *materials that the requester authorizes the Commission, in writing,*  
18 *to make publicly available; or*

19 (c) Voluntarily discloses, in any manner, the request, *the*  
20 *decision rendered*, the advisory opinion, *the advice of the*  
21 *Executive Director or Commission Counsel provided pursuant to*  
22 *subsection 6 of NRS 281A.680* or any information,  
23 communications, records, documents or other materials in the  
24 possession of the Commission or its staff that are related to the  
25 request, except to:

26 (1) The *supervisory head or the legal counsel of his or her*  
27 public body, agency or employer ~~[of the requester or the]~~ *or to any*  
28 *other public officer or employee of that public body, agency or*  
29 *employer to whom the supervisory head or the legal counsel*  
30 *authorizes such a disclosure in writing;*

31 (2) *The legal counsel of the requester* ~~§~~  
32 ~~—(2)—~~ *to facilitate legal representation when the requester is*  
33 *not represented by the legal counsel of his or her public body,*  
34 *agency or employer;*

35 (3) Any *other* person to whom the Commission authorizes  
36 the requester to make such a disclosure; or

37 ~~[(3)]~~ (4) Any *other* person to whom the requester makes  
38 such a disclosure for the purposes of judicial review pursuant to  
39 *subsection 4 of NRS 281A.680.*

40 **Sec. 38.** NRS 281A.690 is hereby amended to read as follows:

41 281A.690 1. ~~[Except as otherwise provided in this section,~~  
42 ~~the]~~ *The* provisions of chapter 241 of NRS do not apply to:

43 (a) Any meeting or hearing held by the Commission to receive  
44 information or evidence concerning a request for an advisory  
45 opinion; and



(b) Any deliberations or actions of the Commission on such information or evidence.

2. The ~~[public officer or employee]~~ *requester* who files the request for an advisory opinion may also file a request with the Commission to hold a public meeting or hearing regarding the request for an advisory opinion. *If the Commission grants the request to hold a public meeting or hearing, the Commission shall provide public notice of the meeting or hearing, and the meeting or hearing must be open to the public and conducted in accordance with the regulations of the Commission, but the meeting or hearing is not subject to the provisions of chapter 241 of NRS.*

**Sec. 39.** NRS 281A.700 is hereby amended to read as follows:  
281A.700 The provisions of NRS 281A.700 to 281A.790, inclusive, *and section 12 of this act* apply to proceedings concerning an ethics complaint.

**Sec. 40.** NRS 281A.710 is hereby amended to read as follows:  
281A.710 1. Except as otherwise provided in this section and NRS 281A.280, the Commission may render *a decision and issue* an opinion that interprets the statutory ethical standards and applies those standards to a given set of facts and circumstances regarding the propriety of the conduct of a public officer or employee if an ethics complaint is:

(a) Filed by a specialized or local ethics committee established pursuant to NRS 281A.350.

(b) Filed by any person, except a person who is incarcerated in a correctional facility in this State or any other jurisdiction.

(c) Initiated by the Commission on its own motion, except the Commission shall not initiate such an ethics complaint based solely upon an anonymous complaint.

2. An ethics complaint filed by a *specialized or local ethics committee or* person *pursuant to paragraph (a) or (b) of subsection 1* must be:

(a) Verified under oath and filed on a form prescribed by the Commission; and

(b) Submitted with sufficient evidence to support the allegations in order for the Commission to make a determination of whether it has jurisdiction in the matter and whether an investigation is warranted in the matter pursuant to NRS 281A.715 and 281A.720.

3. The Commission may decline to render *a decision or issue* an opinion if the *specialized or local ethics committee or* person ~~[who files]~~ *filing* the ethics complaint *pursuant to paragraph (a) or (b) of subsection 1* does not submit all necessary evidence in the matter.



**Sec. 41.** NRS 281A.715 is hereby amended to read as follows:

281A.715 1. Based on the evidence submitted with an ethics complaint filed with the Commission *by a specialized or local ethics committee or person* pursuant to *paragraph (a) or (b) of subsection 1 of NRS 281A.710* ~~and any additional evidence obtained by the Executive Director pursuant to subsection 2,~~ the Commission shall determine whether it has jurisdiction in the matter and whether an investigation is warranted in the matter. The Commission shall make its determination within 45 days after receiving the ethics complaint, unless the ~~public officer or employee who is the subject of the ethics complaint waives this time limit.~~ *Commission determines that there is good cause to extend this time limit and sets a specific and reasonable time period for such an extension.*

2. *To assist the Commission in making its determination pursuant to subsection 1 whether it has jurisdiction in the matter and whether an investigation is warranted in the matter, the Executive Director may conduct a preliminary investigation to obtain additional evidence concerning the allegations in the ethics complaint.*

3. If the Commission determines *pursuant to subsection 1* that it does not have jurisdiction in the matter, the Commission shall dismiss the matter.

~~3.~~ 4. If the Commission determines *pursuant to subsection 1* that it has jurisdiction in the matter but the evidence ~~submitted with the ethics complaint~~ is not sufficient to warrant an investigation in the matter, the Commission shall dismiss the matter, with or without issuing a letter of caution or instruction to the public officer or employee pursuant to NRS 281A.780.

~~4.~~ 5. If the Commission determines *pursuant to subsection 1* that it has jurisdiction in the matter and the evidence ~~submitted with the ethics complaint~~ is sufficient to warrant an investigation in the matter, the Commission may direct the Executive Director to investigate the ethics complaint pursuant to NRS 281A.720.

6. *If the Commission initiates an ethics complaint on its own motion pursuant to paragraph (c) of subsection 1 of NRS 281A.710 and the Commission determines that the evidence:*

(a) *Is not sufficient to warrant an investigation in the matter, the Commission may dismiss the matter, with or without prejudice. If the Commission dismisses the matter, it shall issue a letter of caution or instruction to the public officer or employee pursuant to NRS 281A.780.*

(b) *Is sufficient to warrant an investigation in the matter, the Commission may direct the Executive Director to investigate the ethics complaint pursuant to NRS 281A.720.*





**Sec. 42.** NRS 281A.720 is hereby amended to read as follows:

281A.720 1. If the Commission directs the Executive Director to investigate an ethics complaint pursuant to NRS 281A.715, ~~for if the Commission initiates an ethics complaint on its own motion pursuant to NRS 281A.710,~~ the Executive Director shall investigate the facts and circumstances relating to the ethics complaint to determine whether the Executive Director believes that there is just and sufficient cause for the Commission to render *a decision and issue* an opinion in the matter in order to present a written recommendation to the review panel pursuant to NRS 281A.725.

2. The Executive Director shall ~~provide~~ *prepare and serve a written* notice of the investigation ~~of the ethics complaint~~ pursuant to this section ~~to~~ *on* the public officer or employee who is the subject of the ethics complaint and provide the public officer or employee an opportunity to submit to the Executive Director a response to the ~~allegations against the public officer or employee in the ethics complaint,~~ *written notice of the investigation*. The response must be submitted within 30 days after the date on which the public officer or employee ~~receives~~ *is served with* the *written* notice of the investigation pursuant to this section, unless the *public officer or employee waives the time limit set forth in subsection 1 of NRS 281A.725 and the* Executive Director grants *one or more extensions for good cause shown and sets a specific and reasonable time period for such* an extension.

3. The purpose of the response submitted pursuant to this section is to provide the Executive Director and the review panel with any information relevant to the ethics complaint which the public officer or employee believes may assist:

(a) The Executive Director in performing his or her investigation and other functions pursuant to this section and NRS 281A.725; and

(b) The review panel in performing its review and other functions pursuant to NRS 281A.730.

4. The public officer or employee is not required in the response submitted pursuant to this section or in any proceedings before the review panel to assert, claim or raise any objection or defense, in law or fact, to the allegations against the public officer or employee, and no objection or defense, in law or fact, is waived, abandoned or barred by the failure to assert, claim or raise it in the response or in any proceedings before the review panel.

*5. Whether or not the public officer or employee submits a response pursuant to this section, the Executive Director may take action, in the manner authorized by NRS 281A.300, to secure the public officer's or employee's participation, attendance as a*





*witness and production of any books and papers during the course of the investigation.*

**Sec. 43.** NRS 281A.725 is hereby amended to read as follows:

281A.725 1. ~~{Except as otherwise provided in this subsection, the}~~ *The* Executive Director shall complete the investigation required by NRS 281A.720 and present a written recommendation to the review panel within 70 days after the Commission directs the Executive Director to investigate the ethics complaint ~~{or after the Commission initiates the ethics complaint on its own motion, as applicable.}~~, *except that:*

(a) The public officer or employee who is the subject of the ethics complaint may waive this time limit ~~{;}~~ *or*

(b) *Upon the request of the Executive Director, the presiding officer of the review panel may grant one or more extensions of this time limit for good cause shown. If the presiding officer grants such an extension, the presiding officer must set a specific and reasonable time period for such an extension.*

2. The *written* recommendation *that the Executive Director presents to the review panel* must:

(a) Set forth the factual and legal basis for the recommendation;

(b) State whether the Executive Director believes that there is just and sufficient cause for the Commission to render *a decision and issue* an opinion in the matter; and

(c) If the Executive Director believes that a disposition of the matter without an adjudicatory hearing is appropriate under the facts and circumstances, state any suggested disposition that is consistent with the provisions of this chapter, including, without limitation, whether the Executive Director believes that the conduct at issue may be appropriately addressed through additional training or other corrective action under the terms and conditions of a deferral agreement.

**Sec. 44.** NRS 281A.730 is hereby amended to read as follows:

281A.730 1. Except as otherwise provided in this section, the review panel shall determine whether there is just and sufficient cause for the Commission to render *a decision and issue* an opinion in the matter within ~~{15}~~ *45* days after the Executive Director ~~{provides}~~ *presents to* the review panel ~~{with}~~ the recommendation required by NRS 281A.725. The public officer or employee who is the subject of the ethics complaint may waive this time limit. *The review panel shall serve on the public officer or employee who is the subject of the ethics complaint a written notice of its determination.*

2. The review panel shall cause a record of its proceedings to be kept.



3. The review panel shall not determine that there is just and sufficient cause for the Commission to render *a decision and issue* an opinion in the matter unless the Executive Director has provided the public officer or employee an opportunity to respond ~~[to the allegations]~~ as required by NRS 281A.720.

4. If the review panel determines that there is not just and sufficient cause for the Commission to render *a decision and issue* an opinion in the matter, it shall dismiss the matter, with or without prejudice, and with or without issuing a letter of caution or instruction to the public officer or employee pursuant to NRS 281A.780.

5. If the review panel determines that there is just and sufficient cause for the Commission to render *a decision and issue* an opinion in the matter but reasonably believes that the conduct at issue may be appropriately addressed through additional training or other corrective action under the terms and conditions of a deferral agreement, the review panel may:

(a) Approve a deferral agreement proposed by the Executive Director and the public officer or employee instead of referring the ethics complaint to the Commission for further proceedings in the matter; or

(b) Authorize the Executive Director and the public officer or employee to develop such a deferral agreement and may thereafter approve such a deferral agreement instead of referring the ethics complaint to the Commission for further proceedings in the matter.

6. If the review panel does not approve a deferral agreement pursuant to subsection 5 or if the public officer or employee declines to enter into such a deferral agreement, the review panel shall refer the ethics complaint to the Commission for further proceedings in the matter.

7. If the review panel determines that there is just and sufficient cause for the Commission to render *a decision and issue* an opinion in the matter and reasonably believes that the conduct at issue may not be appropriately addressed through additional training or other corrective action under the terms and conditions of a deferral agreement, the review panel shall refer the ethics complaint to the Commission for further proceedings in the matter.

**Sec. 45.** NRS 281A.745 is hereby amended to read as follows:

281A.745 1. If the review panel refers an ethics complaint to the Commission for further proceedings in the matter pursuant to NRS 281A.730 or if the Commission vacates a deferral agreement and conducts further proceedings in the matter pursuant to NRS 281A.740 ~~[, the]~~:

*(a) The Executive Director shall issue a formal notice of charges to the public officer or employee who is the subject of the*



*ethics complaint regarding the allegations to be presented at an adjudicatory hearing; and*

(b) *The Commission shall hold an adjudicatory hearing and render ~~[an opinion in the matter]~~ a decision concerning the ethics complaint* within 60 days after the date on which the review panel refers the ethics complaint to the Commission or the Commission vacates the deferral agreement, as appropriate, unless the public officer or employee who is the subject of the ethics complaint waives this time limit ~~[.]~~ *or the Commission determines that there is good cause to extend this time limit and sets a specific and reasonable time period for such an extension.*

2. ~~[H.]~~ *Before* the Commission holds an adjudicatory hearing ~~[to receive evidence]~~ concerning an ethics complaint, the Commission shall:

(a) ~~[Notify]~~ *Provide* the public officer or employee who is the subject of the ethics complaint *with a written notice* of the date, time and place of the hearing; *and*

(b) *Provide the parties with a written schedule for discovery relating to the hearing.*

3. *At the adjudicatory hearing:*

(a) *The Executive Director or his or her designee shall present the case to the Commission; and*

(b) *The Commission shall:*

(1) Allow the public officer or employee to be represented by legal counsel; and

~~[(e)]~~ (2) Allow the public officer or employee to hear the ~~[evidence]~~ case presented to the Commission *by the Executive Director or his or her designee* and to ~~[respond and]~~ present ~~[evidence on]~~ his or her own ~~[behalf.]~~ *case to the Commission.*

~~[3.]~~ 4. Unless the public officer or employee agrees to a shorter time, an adjudicatory hearing may not be held less than 10 days after the date on which the *written* notice of the hearing is ~~[given]~~ *provided* to the public officer or employee.

~~[4.]~~ 5. For good cause shown, the Commission may take testimony from a person by telephone or video conference at an adjudicatory hearing or at any other proceedings concerning the ethics complaint.

6. *After the Commission renders a decision concerning the ethics complaint, the Commission shall issue a written opinion on or before the date of the next meeting of the Commission that is held after the date on which the decision is rendered, unless the Chair determines that there is good cause to extend this time limit and sets a specific and reasonable time period for such an extension.*



7. *The written opinion issued by the Commission must include findings of fact and conclusions of law and otherwise comply with the requirements for a final decision set forth in NRS 233B.125.*

**Sec. 46.** NRS 281A.750 is hereby amended to read as follows:

281A.750 1. Except as otherwise provided in this section and NRS 281A.755, all information, communications, records, documents or other materials in the possession of the Commission, the review panel or their staff that are related to an ethics complaint are confidential and are not public records pursuant to chapter 239 of NRS until:

(a) The review panel determines whether there is just and sufficient cause for the Commission to render *a decision and issue* an opinion in the matter and serves *the* written notice of its determination on the public officer or employee who is the subject of the ethics complaint ~~§~~ *pursuant to NRS 281A.730; or*

(b) The public officer or employee who is the subject of the ethics complaint authorizes the Commission, in writing, to make the information, communications, records, documents or other materials that are related to the ethics complaint publicly available,   
↳ whichever occurs first.

2. Except as otherwise provided in subsection ~~§~~ *5*, if a person who files an ethics complaint asks that his or her identity as the requester be kept confidential, the Commission:

(a) Shall keep the identity of the requester confidential if he or she is a public officer or employee who works for the same public body, agency or employer as the public officer or employee who is the subject of the ethics complaint ~~§~~ *, worked for the same public body, agency or employer during the time of the alleged conduct at issue or if revealing the identity of the requester would reveal the identity of witnesses who work for the same public body, agency or employer.*

(b) May keep the identity of the requester confidential if he or she offers sufficient facts and circumstances showing a reasonable likelihood that disclosure of his or her identity will subject the requester or a member of his or her household to a bona fide threat of physical force or violence.

3. *If the Commission keeps the identity of the requester of an ethics complaint confidential pursuant to this section, the following materials are confidential and are not public records pursuant to chapter 239 of NRS:*

(a) *All information, communications, records, documents or other materials in the possession of the Commission that, if disclosed by the Commission, would reveal that the requester filed the ethics complaint. Notwithstanding the provisions of*



chapter 239 of NRS, in denying a request for public records based on the confidentiality provided by this paragraph, the Commission is not required to provide any information that, if disclosed by the Commission in denying the request for public records, would reveal that the requester filed the ethics complaint.

(b) All information, communications, records, documents or other materials in the possession of the requester of the ethics complaint or his or her public body, agency or employer that, if disclosed by either of them, would reveal that the requester filed the ethics complaint. Notwithstanding the provisions of chapter 239 of NRS, in denying a request for public records based on the confidentiality provided by this paragraph, the requester of the ethics complaint or his or her public body, agency or employer is not required to provide any information that, if disclosed by either of them in denying the request for public records, would reveal that the requester filed the ethics complaint.

4. If the Commission keeps the identity of the requester of an ethics complaint confidential ~~[ ]~~ pursuant to this section and the Executive Director does not intend to present the testimony of the requester as evidence for consideration by the Commission at the adjudicatory hearing or in rendering a decision and issuing an opinion in the matter, the Commission shall not render a decision and issue an opinion in the matter unless there is sufficient evidence without the testimony of the requester to consider the propriety of the conduct of the public officer or employee who is the subject of the ethics complaint. *The provisions of this subsection do not abrogate or otherwise alter or affect the confidentiality of the identity of the requester of the ethics complaint.*

5. If the Commission keeps the identity of the requester of an ethics complaint confidential pursuant to this section and the Executive Director intends to present the testimony of the requester as evidence for consideration by the Commission at the adjudicatory hearing or in rendering a decision and issuing an opinion in the matter and the public officer or employee who is the subject of the ethics complaint submits a written discovery request to the Commission pursuant to NRS 281A.755, the ~~[Commission]~~ *Executive Director* shall disclose the name of the requester only as a proposed witness ~~[within a reasonable time before the adjudicatory hearing on the matter.]~~ *in accordance with the schedule for discovery provided to the parties pursuant to NRS 281A.745.*

**Sec. 47.** NRS 281A.755 is hereby amended to read as follows:  
281A.755 1. Except as otherwise provided in this section, the investigative file related to an ethics complaint is confidential and is not a public record pursuant to chapter 239 of NRS.



2. ~~[At any time after being served with written notice of the determination of the review panel regarding the existence of just and sufficient cause for the Commission to render an opinion in the matter.]~~

*In accordance with the schedule for discovery provided to the parties pursuant to NRS 281A.745,* the public officer or employee who is the subject of the ethics complaint may submit a written discovery request to the Commission for a list of proposed witnesses and a copy of any portion of the investigative file that the Executive Director intends to present as evidence for consideration by the Commission at the adjudicatory hearing or in rendering *a decision and issuing* an opinion in the matter.

3. ~~[Any]~~ *Unless otherwise declared confidential by law, any* portion of the investigative file which the Executive Director presents as evidence for consideration by the Commission at the adjudicatory hearing or in rendering *a decision and issuing* an opinion in the matter becomes a public record and must be open for inspection pursuant to chapter 239 of NRS ~~[ ]~~ *after the Commission takes final action concerning the ethics complaint in a public meeting or hearing pursuant to subsection 2 of NRS 281A.760.*

4. For the purposes of this section:

(a) The investigative file includes, without limitation:

(1) Any response concerning the ethics complaint prepared by the public officer or employee pursuant to NRS 281A.720 and submitted to the Executive Director and the review panel during the course of the investigation and any proceedings before the review panel;

(2) Any recommendation concerning the ethics complaint prepared by the Executive Director pursuant to NRS 281A.725 and ~~[submitted]~~ *presented* to the review panel during the course of the investigation and any proceedings before the review panel; and

(3) Any other information provided to or obtained by or on behalf of the Executive Director through any form of communication during the course of the investigation, *including, without limitation, information, records and documentation obtained pursuant to subsection 3 of NRS 281A.300,* and any proceedings before the review panel and any records, documents or other materials created or maintained during the course of the investigation and any proceedings before the review panel which relate to the public officer or employee who is the subject of the ethics complaint, including, without limitation, a transcript, regardless of whether such information, records, documents or other materials are obtained pursuant to a subpoena.

(b) The investigative file does not include any deferral agreement.



**Sec. 48.** NRS 281A.760 is hereby amended to read as follows:  
281A.760 **1.** The provisions of chapter 241 of NRS do not apply to:

~~[(1)]~~ **(a)** Any meeting or hearing held by the Commission to receive information or evidence concerning an ethics complaint; and  
~~[(2)]~~ **(b)** Any deliberations *or actions* of the Commission on such information or evidence.

**2.** *The Commission shall take final action concerning an ethics complaint in a public meeting or hearing. The Commission shall provide public notice of the meeting or hearing, and the meeting or hearing must be open to the public and conducted in accordance with the regulations of the Commission, but the meeting or hearing is not subject to the provisions of chapter 241 of NRS.*

**Sec. 49.** NRS 281A.765 is hereby amended to read as follows:  
281A.765 ~~[(1. If the Commission renders an opinion in proceedings concerning an ethics complaint, the opinion must include findings of fact and conclusions of law.~~

~~—2. If, in]~~ **In** proceedings concerning an ethics complaint, *if* the Commission determines that a violation of this chapter:

~~[(a)]~~ **1.** Has not been proven, the Commission shall dismiss the matter, with or without prejudice, and with or without issuing a letter of caution or instruction to the public officer or employee pursuant to NRS 281A.780.

~~[(b)]~~ **2.** Has been proven, the Commission may take any action authorized by this chapter.

**Sec. 50.** NRS 281A.770 is hereby amended to read as follows:  
281A.770 In any matter in which the Commission disposes of an ethics complaint by stipulation, agreed settlement or consent order or in which the review panel approves a deferral agreement, the Commission or the review panel, as appropriate, shall :

**1.** *To the extent practicable based on the given set of facts and circumstances,* treat comparable situations in a comparable manner ; and ~~[shall ensure]~~

**2.** *Ensure* that the disposition of the matter bears a reasonable relationship to the severity of the violation or alleged violation.

**Sec. 51.** NRS 281A.775 is hereby amended to read as follows:  
281A.775 **1.** The Commission, in determining whether a violation of this chapter is a willful violation and, if so, the penalty to be imposed on a ~~[public officer or employee]~~ *current* or former public officer or employee pursuant to NRS 281A.785 or 281A.790, or the review panel, in determining whether to approve a deferral agreement regarding an alleged violation, shall consider, without limitation:





(a) The seriousness of the violation or alleged violation, including, without limitation, the nature, circumstances, extent and gravity of the violation or alleged violation;

(b) The number and history of previous warnings, letters of caution or instruction, deferral agreements or violations or alleged violations of the provisions of this chapter relating to the public officer or employee;

(c) The cost to conduct the investigation and any meetings, hearings or other proceedings relating to the violation or alleged violation;

(d) Any mitigating factors, including, without limitation, any self-reporting, prompt correction of the violation or alleged violation, any attempts to rectify the violation or alleged violation before any ethics complaint is filed and any cooperation by the public officer or employee in resolving the ethics complaint;

(e) Any restitution or reimbursement paid to parties affected by the violation or alleged violation;

(f) The extent of any financial gain resulting from the violation or alleged violation; and

(g) Any other matter justice may require.

2. The factors set forth in this section are not exclusive or exhaustive, and the Commission or the review panel, as appropriate, may consider other factors in the disposition of the matter if they bear a reasonable relationship to the determination of the severity of the violation or alleged violation.

3. In applying the factors set forth in this section, the Commission or the review panel, as appropriate, shall :

*(a) To the extent practicable based on the given set of facts and circumstances,* treat comparable situations in a comparable manner ; and ~~{shall ensure}~~

*(b) Ensure* that the disposition of the matter bears a reasonable relationship to the severity of the violation or alleged violation.

**Sec. 52.** NRS 281A.780 is hereby amended to read as follows:

281A.780 1. In proceedings concerning an ethics complaint, the Commission or the review panel, as appropriate, may issue a letter of caution or instruction to the public officer or employee who is the subject of the ethics complaint to caution or instruct the public officer or employee regarding the propriety of his or her conduct under the statutory ethical standards. ~~{set forth in this chapter.}~~

2. If the Commission or the review panel issues a letter of caution or instruction to the public officer or employee, the letter:

(a) Is confidential and is not a public record pursuant to chapter 239 of NRS.

(b) May be considered in deciding the appropriate action to be taken on any subsequent ethics complaint involving the public





officer or employee, unless the letter is not relevant to the issues presented by the subsequent ethics complaint.

**Sec. 53.** NRS 281A.785 is hereby amended to read as follows:

281A.785 1. ~~{Except as otherwise provided in this section,~~  
~~in}~~ In proceedings concerning an ethics complaint, the Commission, based on a finding that a violation of this chapter has been proven, or the review panel, as part of the terms and conditions of a deferral agreement, may, in addition to any other ~~{penalty}~~ *penalties* provided by law and in accordance with the provisions of NRS 281A.775:

(a) Require the public officer or employee who is the subject of the ethics complaint to:

(1) Comply in all respects with the provisions of this chapter for a specified period without being the subject of another ethics complaint arising from an alleged violation of this chapter by the public officer or employee which occurs during the specified period and for which the review panel determines that there is just and sufficient cause for the Commission to render *a decision and issue* an opinion in the matter.

(2) Attend and complete training.

(3) Follow a remedial course of action.

(4) Issue a public apology.

(5) Comply with conditions or limitations on future conduct.

(b) Publicly admonish, reprimand or censure the public officer or employee.

(c) Take any combination of such actions or any other reasonable action that the Commission or the review panel, as appropriate, determines will remedy the violation or alleged violation or deter similar violations or conduct.

2. In carrying out the provisions of subsection 1, the Commission, based on a finding that a violation of this chapter has been proven, or the review panel, as part of the terms and conditions of a deferral agreement, may publicly:

(a) Admonish a public officer or employee if it is determined that the public officer or employee has violated any provision of this chapter, but the violation is not willful, or if such an admonishment is imposed as part of the terms and conditions of a deferral agreement. An admonishment is a written expression of disapproval of the conduct of the public officer or employee.

(b) Reprimand a public officer or employee if it is determined that the public officer or employee has willfully violated any provision of this chapter, but there is no evidence that the willful violation involved bad faith, malicious intent or knowing or reckless disregard of the law, or if such a reprimand is imposed as part of the terms and conditions of a deferral agreement. A reprimand is a



1 severe written reproof for the conduct of the public officer or  
2 employee.

3 (c) Censure a public officer or employee if it is determined that  
4 the public officer or employee has willfully violated any provision  
5 of this chapter and there is evidence that the willful violation  
6 involved bad faith, malicious intent or knowing or reckless  
7 disregard of the law or there are no substantial mitigating factors  
8 pursuant to NRS 281A.775 for the willful violation, or if such a  
9 censure is imposed as part of the terms and conditions of a deferral  
10 agreement. A censure is a formal written condemnation of the  
11 conduct of the public officer or employee.

12 3. Any action taken by the Commission pursuant to this section  
13 is a final decision for the purposes of judicial review pursuant to  
14 NRS 233B.130. Any action taken by the review panel pursuant to  
15 this chapter, including, without limitation, any action relating to a  
16 deferral agreement, is not a final decision for the purposes of  
17 judicial review pursuant to NRS 233B.130.

18 **Sec. 54.** NRS 281A.790 is hereby amended to read as follows:

19 281A.790 1. In addition to any other penalties provided by  
20 law and in accordance with the provisions of NRS 281A.775, the  
21 Commission may impose on a ~~[public officer or employee]~~ *current*  
22 or former public officer or employee civil penalties:

23 (a) Not to exceed \$5,000 for a first willful violation of this  
24 chapter;

25 (b) Not to exceed \$10,000 for a separate act or event that  
26 constitutes a second willful violation of this chapter; and

27 (c) Not to exceed \$25,000 for a separate act or event that  
28 constitutes a third willful violation *or any additional violation* of  
29 this chapter.

30 2. ~~[Hn]~~ *For the purposes of this section, in determining*  
31 *whether a current or former public officer or employee has*  
32 *committed one or more violations of this chapter, each separate*  
33 *act or event that constitutes a violation of this chapter, or course*  
34 *of conduct that the Commission interprets as constituting a*  
35 *separate violation of this chapter, must be treated as a separate*  
36 *violation that is cumulative to all other violations by that person,*  
37 *whenever committed, without regard to the sequence of the*  
38 *violations or whether the violations are established in the same*  
39 *proceedings concerning the same ethics complaint or in separate*  
40 *proceedings concerning separate ethics complaints.*

41 3. *Except as otherwise provided in NRS 281A.280, in* addition  
42 *to any other penalties provided by law, if a current or former*  
43 *public officer or employee or any other person prevents, interferes*  
44 *with or attempts to prevent or interfere with any investigation or*  
45 *proceedings pursuant to this chapter or the discovery of a violation*



of this chapter, *such an act shall be deemed to be a violation of this chapter, and* the Commission may, ~~upon its own motion or upon the motion of the current or former public officer or employee who is the subject of the investigation or proceedings;~~ *after providing the person committing such an act with a written notice of the charges and an opportunity for a hearing in accordance with the regulations of the Commission:*

(a) Impose on the person committing such an act a civil penalty not to exceed \$5,000 ~~;~~ *, unless a greater civil penalty is authorized by subsection 1;* and

(b) If appropriate under the facts and circumstances, assess against the person committing such an act an amount equal to the amount of attorney's fees and costs actually and reasonably incurred *as a result of the act* by the *Commission or any* current or former public officer or employee ~~as a result of~~ *who is a subject of the investigation or proceedings and who is harmed or prejudiced by* the act.

~~3.]~~ *4.* If the Commission finds that a violation of ~~a provision of~~ this chapter by a ~~public officer or employee~~ *current* or former public officer or employee has resulted in the realization of a financial benefit by the ~~current or former~~ public officer or employee or another person, the Commission may, in addition to any other penalties provided by law, require the ~~current or former~~ public officer or employee to pay a civil penalty of not more than twice the amount so realized.

~~4.]~~ *5.* In addition to any other penalties provided by law, if ~~a proceeding results in~~ *the Commission issues* an opinion *in which it finds* that:

(a) One or more willful violations of this chapter have been committed by a State Legislator removable from office only through expulsion by the State Legislator's own House pursuant to Section 6 of Article 4 of the Nevada Constitution, the Commission shall:

(1) If the State Legislator is a member of the Senate, submit the opinion to the Majority Leader of the Senate or, if the Majority Leader of the Senate is the subject of the opinion or the person who requested the opinion, to the President Pro Tempore of the Senate; or

(2) If the State Legislator is a member of the Assembly, submit the opinion to the Speaker of the Assembly or, if the Speaker of the Assembly is the subject of the opinion or the person who requested the opinion, to the Speaker Pro Tempore of the Assembly.

(b) One or more willful violations of this chapter have been committed by a state officer removable from office only through impeachment pursuant to Article 7 of the Nevada Constitution, the Commission shall submit the opinion to the Speaker of the



1 Assembly and the Majority Leader of the Senate or, if the Speaker  
2 of the Assembly or the Majority Leader of the Senate is the person  
3 who requested the opinion, to the Speaker Pro Tempore of the  
4 Assembly or the President Pro Tempore of the Senate, as  
5 appropriate.

6 (c) One or more willful violations of this chapter have been  
7 committed by a public officer other than a public officer described  
8 in paragraphs (a) and (b), the willful violations shall be deemed to  
9 be malfeasance in office for the purposes of NRS 283.440 and the  
10 Commission:

11 (1) May file a complaint in the appropriate court for removal  
12 of the public officer pursuant to NRS 283.440 when the public  
13 officer is found in the opinion to have committed fewer than three  
14 willful violations of this chapter.

15 (2) Shall file a complaint in the appropriate court for removal  
16 of the public officer pursuant to NRS 283.440 when the public  
17 officer is found in the opinion to have committed three or more  
18 willful violations of this chapter.

19 ↪ This paragraph grants an exclusive right to the Commission, and  
20 no other person may file a complaint against the public officer  
21 pursuant to NRS 283.440 based on any violation found in the  
22 opinion.

23 ~~[5-]~~ 6. Notwithstanding any other provision of this chapter,  
24 any act or failure to act by a ~~[public officer or employee]~~ *current* or  
25 former public officer or employee relating to this chapter is not a  
26 ~~[willful]~~ violation of this chapter if the public officer or employee  
27 establishes by sufficient evidence that:

28 (a) The public officer or employee relied in good faith upon the  
29 advice of the *Executive Director or Commission Counsel pursuant*  
30 *to subsection 6 of NRS 281A.680 or* legal counsel *employed or*  
31 retained by his or her public body, agency or employer; and

32 (b) The advice of the *Executive Director, Commission Counsel*  
33 *or* legal counsel, *as applicable*, was:

34 (1) Provided to the public officer or employee before the  
35 public officer or employee acted or failed to act; and

36 (2) Based on a reasonable legal determination by the  
37 *Executive Director, Commission Counsel or* legal counsel under  
38 the circumstances when the advice was given that the act or failure  
39 to act by the public officer or employee would not be contrary to the  
40 provisions of this chapter as interpreted ~~[by]~~ *in the published*  
41 *opinions of* the Commission.

42 ~~[6-]~~ 7. In addition to any other penalties provided by law, if a  
43 public employee commits a ~~[willful]~~ violation of this chapter or fails  
44 to complete a period of compliance imposed by the Commission  
45 pursuant to NRS 281A.785 or by the review panel as part of the



terms and conditions of a deferral agreement ~~[, the public employee is subject to disciplinary proceedings by the]~~ :

(a) *The Commission shall provide that information to the public body, agency or employer of the public employee ; and [must be referred for]*

(b) *The public body, agency or employer may pursue or take appropriate disciplinary action against the public employee in accordance [to] with the applicable provisions governing [the] his or her public employment. [of the public employee.]*

~~—7.]~~ 8. The provisions of this chapter do not abrogate or decrease the effect of the provisions of the Nevada Revised Statutes which define crimes or prescribe punishments with respect to the conduct of public officers or employees. If the Commission finds that a *current or former* public officer or employee has committed a ~~[willful]~~ violation of this chapter which it believes may also constitute a criminal offense, the Commission shall refer the matter to the Attorney General or the district attorney, as appropriate, for a determination of whether a crime has been committed that warrants prosecution.

~~[8.]~~ 9. The imposition of a civil penalty pursuant to ~~[subsection 1, 2 or 3]~~ *any provision of subsections 1 to 4, inclusive,* is a final decision for the purposes of judicial review pursuant to NRS 233B.130.

~~[9.]~~ 10. A finding by the Commission that a *current or former* public officer or employee *or any other person* has violated any provision of this chapter must be supported by a preponderance of the evidence unless a greater burden is otherwise prescribed by law.

**Sec. 55.** NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,



1 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240,  
2 218G.350, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069,  
3 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239.014,  
4 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230,  
5 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030,  
6 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560,  
7 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490,  
8 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350,  
9 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068,  
10 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830,  
11 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870,  
12 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061,  
13 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725,  
14 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049,  
15 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255,  
16 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180,  
17 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008,  
18 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455,  
19 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249,  
20 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147,  
21 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335,  
22 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460,  
23 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685,  
24 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153,  
25 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350,  
26 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175,  
27 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902,  
28 432C.140, 432C.150, 433.534, 433A.360, 437.145, 437.207,  
29 439.4941, 439.840, 439.914, 439B.420, 439B.754, 439B.760,  
30 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395,  
31 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345,  
32 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188,  
33 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050,  
34 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993,  
35 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545,  
36 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536,  
37 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484E.070,  
38 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160,  
39 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090,  
40 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012,  
41 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238,  
42 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425,  
43 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069,  
44 630.133, 630.2673, 630.30665, 630.336, 630A.555, 631.368,  
45 632.121, 632.125, 632.3415, 632.405, 633.283, 633.301, 633.4715,



1 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085,  
2 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,  
3 640A.220, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745,  
4 640C.760, 640D.190, 640E.340, 641.090, 641.221, 641.325,  
5 641A.191, 641A.262, 641A.289, 641B.170, 641B.282, 641B.460,  
6 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180,  
7 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220,  
8 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330,  
9 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228,  
10 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133,  
11 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380,  
12 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800,  
13 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285,  
14 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540,  
15 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110,  
16 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696,  
17 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538,  
18 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120,  
19 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and*  
20 *section 12 of this act*, sections 35, 38 and 41 of chapter 478,

21 Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of  
22 Nevada 2013 and unless otherwise declared by law to be  
23 confidential, all public books and public records of a governmental  
24 entity must be open at all times during office hours to inspection by  
25 any person, and may be fully copied or an abstract or memorandum  
26 may be prepared from those public books and public records. Any  
27 such copies, abstracts or memoranda may be used to supply the  
28 general public with copies, abstracts or memoranda of the records or  
29 may be used in any other way to the advantage of the governmental  
30 entity or of the general public. This section does not supersede or in  
31 any manner affect the federal laws governing copyrights or enlarge,  
32 diminish or affect in any other manner the rights of a person in any  
33 written book or record which is copyrighted pursuant to federal law.

34 2. A governmental entity may not reject a book or record  
35 which is copyrighted solely because it is copyrighted.

36 3. A governmental entity that has legal custody or control of a  
37 public book or record shall not deny a request made pursuant to  
38 subsection 1 to inspect or copy or receive a copy of a public book or  
39 record on the basis that the requested public book or record contains  
40 information that is confidential if the governmental entity can  
41 redact, delete, conceal or separate, including, without limitation,  
42 electronically, the confidential information from the information  
43 included in the public book or record that is not otherwise  
44 confidential.



4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

**Sec. 56.** NRS 241.016 is hereby amended to read as follows:

241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

(a) The Legislature of the State of Nevada.

(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 228.495, 239C.140, 239C.420, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 288.590, 289.387, 295.121, 360.247, 388.261, 388A.495, 388C.150, 388D.355, 388G.710, 388G.730, 392.147, 392.467, 394.1699, 396.3295, 414.270, 422.405, 433.534, 435.610, 442.774, 463.110, 480.545, 622.320, 622.340, 630.311,





630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, *and section 9 of this act*, which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

↪ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

**Sec. 57.** The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

**Sec. 58.** 1. Except as otherwise provided in this section, the Commission on Ethics:

(a) Shall apply the amendatory provisions of this act which govern the procedures applicable to administrative proceedings arising under chapter 281A of NRS to any such proceedings that are within the jurisdiction of the Commission and are commenced on or after July 1, 2021, whether or not the conduct at issue in such proceedings occurred before July 1, 2021.

(b) May apply the amendatory provisions of this act which govern the procedures applicable to administrative proceedings arising under chapter 281A of NRS to any such proceedings that were commenced before July 1, 2021, and are still within the jurisdiction of the Commission and pending before the Commission on July 1, 2021, unless the Commission determines that such an application would be impracticable, unreasonable or unconstitutional under the circumstances, in which case the Commission shall apply the procedures in effect before July 1, 2021.

2. The amendatory provisions of sections 10, 16, 29, 30, 31 and 33 of this act do not apply to any conduct occurring before July 1, 2021.

**Sec. 59.** This act becomes effective on July 1, 2021.

