



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Public Officer**, Member,
Public Body, State of Nevada,

Advisory Opinion No.19-049A

_____ Public Officer. /

ABSTRACT OPINION

I. STATEMENT OF THE CASE

Public Officer ("Public Officer"), a member of Public Body, State of Nevada, requested this confidential advisory opinion from the Nevada Commission on Ethics ("Commission") pursuant to NRS 281A.675, regarding the propriety of Public Officer's anticipated future conduct as it relates to the Ethics in Government Law ("Ethics Law") set forth in Chapter 281A of the Nevada Revised Statutes ("NRS"). Pursuant to Section 13 of the Commission's approved regulation, LCB File No. R108-18, a quorum of the Commission considered this matter by submission, without holding an advisory-opinion hearing.¹ The Commission considered the request for an advisory opinion, information provided by Public Officer that was affirmed as true, and available public information.

Public Officer sought an opinion from the Commission regarding Public Officer's responsibilities under the Ethics Law, including Public Officer's disclosure and abstention obligations as a member of Public Body, associated with Public Officer's continuing long-term volunteer affiliation with another public entity ("Public Entity"), which is under the authority of Public Body. After fully considering Public Officer's request and analyzing the facts, circumstances and information presented, the Commission deliberated and advises Public Officer that, in performing Public Officer's public duties as a member of the Public Body, Public Officer must comply with all disclosure and abstention requirements of NRS 281A.420, which may include consideration of the presumption set forth in NRS 281A.420(3) and (4).

Public Officer has elected to retain confidentiality with respect to the Commission's proceedings. Therefore, the Commission publishes this Abstract Opinion. The facts in this matter were obtained from documentary evidence provided by Public Officer and available public information. For the purposes of the conclusions offered in this opinion, the Commission's findings of fact are set forth below. Facts and circumstances that differ from those presented in the record and relied upon by the Commission may result in different findings and conclusions than those expressed in this opinion. Although the full written opinion was served on Public Officer, for confidentiality reasons, this Abstract Opinion redacts certain Findings of Fact, provides a summary of issues and removes other identifying information to protect the confidentiality of the subject.²

¹ The following Commissioners participated in this opinion: Chair Lau, Vice-Chair Weaver and Commissioners Duffrin, Gruenewald, Lowry, O'Neill, Wallin and Yen.

² The Commission reserves its statutory authority should an ethics complaint be filed presenting contrary circumstances. See *In re Howard*, Comm'n Op. No. 01-36 (2002) (notwithstanding first-party opinion, public is not precluded from bringing ethics complaint) and *In re Rock*, Comm'n Op. No. 94-53 (1995) (reservation of right to review until time issue is raised).

II. QUESTION PRESENTED

As a member of Public Body and a volunteer for Public Entity, Public Officer requests the Commission provide guidance on Public Officer's disclosure and abstention requirements under the Ethics Law pertaining to matters affecting the Public Entity.

III. FINDINGS OF FACT

1. Public Officer is a member of Public Body and is a public officer pursuant to NRS 281A.160.
2. Public Officer continues to serve and has served as a long-term volunteer for Public Entity and is provided certain salary and benefits for such service.
3. As a member of Public Body, Public Officer anticipates considering certain matters pertaining to Public Entity including salaries, benefits and certain personnel matters.
4. Public Officer recognizes that he/she must disclose and abstain pursuant to NRS 281A.420 on any personnel matters affecting Public Officer's own status and working conditions as a volunteer and questions whether Public Officer should disclose and abstain on matters affecting the Public Entity and its personnel that supervise Public Officer.

IV. STATEMENT AND DISCUSSION OF ISSUES AND RELEVANT STATUTES

A. OVERVIEW OF ISSUES

The citizens of Nevada have a right to be assured to the fullest possible extent that the private financial dealings of their governmental representatives present no conflict of interest between public trust and private gain. The Ethics Law promotes the appropriate separation between public duties and private interests. The Commission has long maintained the intent of the Ethics Law, currently set forth in NRS Chapter 281A, as follows:

The apparent intent of the provisions of NRS Chapter 281 [now NRS Chapter 281A]...is to prevent public officers and employees from becoming involved in situations generating conflicts between private and public interests so as to preserve and enhance impartiality of public office and faith in the integrity of government. Policy objectives for ethics in government laws in general include:

- Impartiality, fairness and equality of treatment toward those dealing with government.
- Assurance that decisions of public importance will not be influenced by private considerations.
- Maintenance of public confidence in government (wherein enters the matters of appearances).
- Prevention of use of public office for private gain.

A conflict of interest (either actual or potential) is a situation requiring a public officer to serve two masters, presenting a potential; rather than an actuality, of wrongdoing. The wrongdoing does not have to actually occur in

order for a prohibited conflict to exist. A public official may have done no wrong in the ordinary sense of the word, but a conflict of interest may put Public Officer in danger of doing wrong. It is avoiding even the potential of doing wrong which is the focus of ethics in government laws.

For this purpose, ethics in government laws identify certain types of conflicts of interest and prohibit conduct by public officials that would allow these conflicts to affect decisions of the public official...

In re Public Officer, Comm'n Op. No. 99-57 (2000), at p. 3, cited by *In re Dressler*, Comm'n Op. No. 00-12 (2000), *In re Public Officer*, Comm'n Op. No. 01-14 (2001) and *In re Public Officer*, Comm'n Op. No. 02-01 (2002).

In this opinion, the Commission advises on the disclosure and abstention requirements set forth in NRS 281A.420 applicable to Public Officer, as a member of the Public Body, to ensure that proper separation is maintained between Public Officer's public duties and private interests and commitments in a private capacity to Public Entity.

B. RELEVANT STATUTES

1. Public Trust and Duty to Avoid Conflicts of Interest

NRS 281A.020 provides:

1. It is hereby declared to be the public policy of this State that:
 - (a) A public office is a public trust and shall be held for the sole benefit of the people.
 - (b) A public officer or employee must commit himself or herself to avoid conflicts between the private interests of the public officer or employee and those of the general public whom the public officer or employee serves.
2. The Legislature finds and declares that:
 - (a) The increasing complexity of state and local government, more and more closely related to private life and enterprise, enlarges the potentiality for conflict of interests.
 - (b) To enhance the people's faith in the integrity and impartiality of public officers and employees, adequate guidelines are required to show the appropriate separation between the roles of persons who are both public servants and private citizens.
 - (c) In interpreting and applying the provisions of this chapter that are applicable to State Legislators, the Commission must give appropriate weight and proper deference to the public policy of this State under which State Legislators serve as "citizen Legislators" who have other occupations and business interests, who are expected to have particular philosophies and perspectives that are necessarily influenced by the life experiences of the Legislator, including, without limitation, professional, family and business experiences, and who are expected to contribute those philosophies and perspectives to the debate over issues with which the Legislature is confronted.
 - (d) The provisions of this chapter do not, under any circumstances, allow the Commission to exercise jurisdiction or authority over or inquire into, intrude upon or interfere with the functions of a State Legislator that are protected by legislative privilege and immunity pursuant to the Constitution of the State of Nevada or NRS 41.071.

2. Misusing Public Position for Personal Purpose

NRS 281A.400(1), (2), (3), (9) and (10) provided:

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

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

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

...
9. A public officer or employee shall not attempt to benefit the public officer's or employee's personal or financial interest 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.

3. Disclosure

NRS 281A.420(1) provides:

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

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

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

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

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

↳ without disclosing information concerning the gift or loan, the significant pecuniary interest, the commitment in a private capacity to the interests of the other person or the nature of the representation or counseling of the private person that is sufficient to inform the public of the potential effect of the action or abstention upon the person who provided the gift or loan, upon the public officer's or employee's significant pecuniary interest, upon the person to whom the public officer or employee has a commitment in a private capacity or upon the private person who was represented or counseled by the public officer or employee. Such a disclosure must be made at the time the matter is considered. If the public officer or employee is a member of a body which makes decisions, the public officer or employee shall make the disclosure in public to the chair and other members of the body. If the public officer or employee is not a member of such a body and holds an appointive office, the public officer or employee shall make the disclosure to the supervisory head of the public officer's or employee's organization or, if the public officer holds an elective office, to the general public in the area from which the public officer is elected.

4. Abstention

NRS 281A.420(3) and (4) provide:

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

- (a) The public officer's acceptance of a gift or loan;
- (b) The public officer's significant pecuniary interest; or
- (c) The public officer's commitment in a private capacity to the interests of another person.

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 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, 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.

5. "Commitment in a Private Capacity" Defined.

NRS 281A.065 provides:

"Commitment in a private capacity," with respect to the interests of another person, means a commitment, interest or relationship of a public officer or employee to a person:

1. Who is the spouse or domestic partner of the public officer or employee;
2. Who is a member of the household of the public officer or employee;
3. Who is related to the public officer or employee, or to the spouse or domestic partner of the public officer or employee, by blood, adoption or marriage or domestic partnership within the third degree of consanguinity or affinity;
4. Who employs the public officer or 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 whom the public officer or employee has a substantial and continuing business relationship; or
6. With whom the public officer or employee has any other commitment, interest or relationship that is substantially similar to a commitment, interest or relationship described in subparagraphs 1 to 5, inclusive.

V. COMMISSION DECISION

A. DISCLOSURE REQUIREMENTS

NRS 281A.420 requires a proper disclosure when a public officer or public employee is carrying out public duties to approve, disapprove, vote, abstain or otherwise act upon a matter: (a) regarding a gift or loan, (b) in which a public officer or employee has a significant pecuniary interest, (c) which would reasonably be affected by public officer's or employee's commitment in a private capacity to the interests of another person, or (d) which would be related to any representation or counseling of a private person for compensation before another agency within the preceding year.

In detailing the public trust aspects associated with a proper disclosure, the Commission explained in *In re Public Officer*, Comm'n Op. No. 13-71A (2014), citing *In re Weber*, Comm'n Opinion No. 09-47C (2009):

In keeping with the public trust, a public officer's disclosure is paramount to transparency and openness in government. The public policy favoring disclosure promotes accountability and scrutiny of the conduct of government officials. ...Such disclosures dispel any question concerning conflicts of interest and may very well ward off complaints against the public officer based on failure to disclose. NRS 281A.420(1) requires a proper disclosure when the public officer or employee is carrying out Public

Officer's public duties to approve, disapprove, vote, abstain or otherwise act upon a matter in which Public Officer has a significant pecuniary interest.

As with any required disclosure for a member of a governing body, the disclosure must inform the public attending the extent of the potential conflict at each meeting at which an implicated matter is on the agenda. (NRS 281A.420(1)). The purpose of disclosure is to provide sufficient information regarding the conflict of interest to inform the public of the nature and extent of the conflict and the potential effect of the action or abstention on the public officer's private interests. Silence based upon a prior disclosure at a prior meeting fails *to inform the public* of the nature and extent of the conflict. See *In re Buck*, Comm'n Opinion No. 11-63C (2011)(holding that incorporation by reference of a prior disclosure, even though based upon the advice of counsel, did not satisfy the disclosure requirements of NRS 281A.420(1)).

B. SIGNIFICANT PECUNIARY INTEREST AND COMMITMENTS IN A PRIVATE CAPACITY

Under the Ethics Law a "pecuniary interest" is defined under NRS 281A.139 as "any beneficial or detrimental interest in a matter that consists of or is measured in money or is otherwise related to money, including without limitation:

1. Anything of economic value; and
2. Payments or other money which a person is owed or otherwise entitled to by virtue of any statute, regulation, code, ordinance or contract or other agreement."

The Merriam-Webster dictionary defines "significant" as having or likely to have influence or effect, important or probably caused by something other than mere chance. Merriam-Webster's Collegiate Dictionary 1159 (11th ed. 2003). Similarly, *The American Heritage College Dictionary* 1268 (3rd ed. 1997) defines "significant" as "meaningful" or "important." The statute, as originally enacted, did not contain the word "significant." The term was added by the Nevada Legislature in 2013 with the enactment of Senate Bill ("SB") 228. The Commission's Executive Director at the time testified that "significant" was being added to several subsections of the Ethics Law, to eliminate a *de minimis* interest from being seen as a true conflict. See Exhibit C submitted at Hearing on SB 228 before the Assembly Legislative Operations & Elections Comm., 77th Leg. (Nev. May 14, 2013). Therefore, a significant pecuniary interest means that the associated benefits or detriments are important and not incidental, trivial or *de minimis*.

In addition, the Legislature has identified relationships that establish the type of private commitments that implicate conflicts of interest. Based upon the facts presented, the Commission reviews the application of NRS 281A.065(4) (employer relationship) and NRS 281A.065(6) (substantially similar relationship), which establish a private commitment to employers and those relationships that are substantially similar thereto.

Public Officer confirms that the volunteers for Public Entity are provided certain salary and benefits and are managed by paid supervisory staff. Therefore, by virtue of Public Officer's service as a volunteer for Public Entity, Public Officer has a significant pecuniary interest in this position. Further, there are sufficient attributes of an employment relationship for Public Officer to have a commitment in a private capacity to Public Entity including supervisors pursuant to NRS 281A.065(4). Even if the volunteer service could be asserted to differ from a traditional employment relationship, it certainly has articulable corollaries making it substantially similar to the employment relationship to constitute a

commitment in a private capacity under NRS 281A.065(6). Moreover, while the Commission has opined in *In re Romero*, Comm'n Op. No. 19-059A (2019), that a public officer or employee does not have a separate commitment in a private capacity to the interests of a co-worker, the Commission herein distinguishes circumstances in which a public duty impacts the interests of a colleague whose public position is within the same collective bargaining agreement or established pay and benefit rates and as that of the public officer or employee.

C. ANALYSIS ON DISCLOSURE AND ABSTENTION PERTAINING TO PRESENTED CIRCUMSTANCES

Public Officer has verified that Public Officer intends to make a full disclosure and abstain pursuant to NRS 281A.420 on any matter affecting Public Officer's own status and working conditions as a volunteer. The Commission agrees that pursuant to NRS 281A.420(1), these and any other personnel matters affecting Public Officer's volunteer service would materially affect the judgment of a reasonable person in Public Officer's situation so as to require abstention pursuant to NRS 281A.420(3) and (4). See *In re Murnane*, Comm'n Op. No. 15-45A (2016) ("*Murnane*"), in which, the Commission identifies several personnel matters that constituted a significant pecuniary interest, including employment, salary, benefits, personnel, union contract issues, grievances, special assignments, promotions, discipline, litigation or similar matters, either as a benefit or detriment. If there is a question in the future, the Commission advises Public Officer to seek the advice of the legal counsel for Public Agency or request another advisory opinion from the Commission, based upon the applicable given set of facts.

NRS 281A.420(1) further requires a proper disclosure when the public officer or employee is carrying out Public Officer's public duties for Public Agency to approve, disapprove, vote, abstain or otherwise act upon a matter in which Public Officer holds a commitment in a private capacity to the interests of another person. The Commission has determined that Public Officer holds a private commitment to Public Entity. In reviewing this issue, the Commission considers the public policy attributes of NRS 281A.420(4), which instruct that appropriate weight and proper deference is to be given 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 appointed and to otherwise act upon a matter, and instructs Public Officer to properly disclose any commitment in a private capacity to the interests of another person, and then determine whether the presumption set forth in NRS 281A.420(3) or (4) applies to the circumstances.

1) Personnel Matters

Public Officer's private commitments to Public Entity and the significant pecuniary interest in the volunteer employment raise similar issues to those discussed by the Commission in *Murnane*. *Id.* In *Murnane*, the Commission advised City Manager Murnane to be vigilant and properly disclose and abstain from participation with respect to his private commitment to a nephew who also employed by the City and was part of a recognized union that collectively bargained on behalf of its members. The commitment means that the interests of Murnane's nephew are to be imputed to him for purposes of application of the Ethics Law. Similarly, here the interests of Public Entity are imputed to be those of Public Officer under the Ethics Law. It is difficult to imagine that any reasonable person in Public Officer's situation would not be materially affected by participation on personnel matters affecting oneself or one's own employer and supervisors. Therefore, the Commission advises that a full disclosure is required on all matters that would affect Public Officer's commitments to Public Entity, its supervisory

personnel, or personnel within the same established pay and benefit rates as Public Officer. Without specific facts demonstrating a contrary result, the Commission does not perceive many circumstances where the presumption (NRS 281.420(3) and (4)) would alleviate the duty to abstain on such personnel matters.

2) Budget of Public Entity

With respect to administering the budget for Public Entity, the Commission does not perceive any situations where abstention would not be required on Public Officer's volunteer position and associated salary and benefit matters. The judgment of a reasonable person in Public Officer's situation would be materially affected because the volunteer service, including monetary and benefit interests, are significant and personal in nature. However, Public Officer will need to conduct an abstention analysis for other budget matters affecting Public Entity to ascertain whether the presumption set forth in NRS 281A.420(3) and (4) is applicable. To assist Public Officer in this endeavor, Public Officer is advised to seek legal direction from the official legal counsel to determine whether a particular matter requires only a disclosure or also abstention.

If there is a proper disclosure, Public Officer may apply the presumption set forth in NRS 281A.420(3) and (4). However, the application of the presumption is fact specific and will depend on the type of budget matter and associated funding allocations. The presumption permits participation on the matter if 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 where the resulting benefit or detriment accruing thereto, is not greater or less than that accruing to any other member of any general business, profession, occupation or group that is affected by the matter.

After making a proper disclosure, Public Officer will need to explain the presumption and confirm for the public that Public Officer's participation on the matter would not provide a greater or lesser benefit or a detriment to Public Officer or to Public Entity, including the agency and supervisors of Public Officer. Then, Public Officer would be entitled to participate on the matter. In addition, the Ethics Law provides what is referred to as a "safe harbor." Pursuant to NRS 281A.790(5), a public officer or employee is provided certain protections from a willful violation of the Ethics Law provided Public Officer relies in good faith upon the advice of legal counsel retained by Public Officer's public agency or public employer and if the legal advice is provided prior to the act or omission and is based upon a reasonable legal determination premised upon the requirements of the Ethics Law and associate opinion. In addition, the Commission's advisory opinion process is available to Public Officer.

3) Other Matters affecting Public Entity

Without being provided the context of other matters affecting Public Entity, the Commission is only able to provide general advice and refer Public Officer to Public Officer's official legal counsel. Any matters directly affecting Public Officer's status as a volunteer and associated significant pecuniary interests, disclosure and abstention are required. The Ethics Law does not distinguish the disclosure and abstention requirements based upon the type of matter, i.e., contract or ordinance, and there is not a specific exclusion based thereon contained in NRS 281A.420.

Therefore, after a proper disclosure, the Ethics Law requires Public Officer to conduct the abstention analysis set forth in NRS 281A.420(3) and (4), including detailing

the extent of the item's effect on Public Officer's pecuniary interests or private commitments. In other words, Public Officer must ascertain and explain to the public whether the item to be considered provides either a benefit or detriment to Public Officer's pecuniary interests and commitment in a private capacity and whether the private interests and commitments of the group would be affected any differently than Public Officer's pecuniary interests and private commitments. If the effect on the matter is the same, the Ethics Law presumes that the public officer will be independent in judgment. Therefore, Public Officer would be permitted to participate on such a matter.

D. USE OF GOVERNMENT POSITION

The Commission takes this opportunity to commend Public Officer for Public Officer's recognition and appreciation of the Ethics Law, and to generally advise Public Officer about the requirements of NRS 281A.400 pertaining to improper use of a public position. A review of this statute will assist Public Officer in properly performing Public Officer's public duties. For example, NRS 281A.400(2) does not prohibit a public officer from acting in a manner consistent with Public Officer's personal interests. Rather, the intent of this statute prohibits a public officer from acting in a manner that creates unwarranted privileges, preferences or advantages for Public Officer's personal interests and private commitments, including non-profits or other persons to whom Public Officer has a commitment in a private capacity. See *In re Public Officer*, Comm'n Opinion No. 12-15A (2012).

VI. CONCLUSIONS OF LAW

The public judges its government by the way public officials and employees conduct themselves in the posts to which they are elected or appointed. The people have a right to expect that every public official and employee will conduct himself in a manner that will tend to preserve public confidence in and respect for the government Public Officer represents. Such confidence and respect can best be promoted if every public official and employee uniformly avoids both actual and potential conflicts between their private interests and the interests of the public. Helping public officials and employees achieve these goals is one of the objectives of the Ethics Law and therefore the Commission concludes:

1. Public Officer is a public officer as defined by NRS 281A.160.
2. Pursuant to NRS 281A.675, the Commission has jurisdiction to render an advisory opinion in this matter and such opinion may include guidance from the Commission to the public officer or employee under NRS 281A.460.
3. Public Officer has a significant pecuniary interest in Public Officer's status as a volunteer and associated personnel matters.
4. Pursuant to NRS 281A.065(4) or (6) and based upon the record before the Commission, Public Officer has a commitment in a private capacity to Public Agency and Public Entity including, without limitation, Public Officer's supervisors.
5. Pursuant to NRS 281A.420(1), Public Officer must make a proper public disclosure, at the time each matter pertaining to Public Officer's significant private interests and private commitments is considered, detailing sufficient information concerning Public Officer's personal interests and private commitments and their potential effect on Public Officer's participation on the matter.

6. Pursuant to NRS 281A.420(3) and (4), abstention should be considered in future matters affecting Public Officer's private commitments depending on the scope of the issue before Public Agency. Specifically, Public Officer is advised to abstain from participation on matters involving decisions that affect Public Officer's direct pecuniary interests and personnel matters and private commitments to Public Entity. For other matters, Public Officer should consider whether it is appropriate, based on the nature of the issue, to conduct the abstention analysis in consultation with the agency's legal counsel to determine if Public Officer is entitled to apply the presumption set forth in NRS 281A.420(3) and (4).

Any Finding of Fact hereafter construed to constitute a Conclusion of Law, or any Conclusion of Law hereafter construed to constitute a Finding of Fact, is hereby adopted and incorporated as such to the same extent as if originally so designated.

Dated this 25th day of November, 2019.

NEVADA COMMISSION ON ETHICS

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

By: /s/ Teresa Lowry
Teresa Lowry, Esq.
Commissioner

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

By: /s/ Philip K. O'Neill
Philip K. O'Neill
Commissioner

By: /s/ Brian Duffrin
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Amanda Yen, Esq.
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