

STATE OF NEVADA
COMMISSION ON ETHICS -
ANNUAL REPORT
JULY 1, 2020

A public office is a public trust, to be held for the sole benefit of the people.

Nevada Commission on Ethics
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MISSION STATEMENT

The Nevada Commission on Ethics, by the authority granted under Chapter 281A of NRS, strives to enhance the public's faith and confidence in government by ensuring that public officers and public employees uphold the public trust by committing themselves to avoid conflicts between their private interests and their public duties.

ANNUAL REPORT TO THE COMMISSION ON ETHICS REGARDING FISCAL YEAR 2020

Pursuant to Nevada Administrative Code 281A.180(2), the Executive Director provides an Annual Report to the Commission on Ethics (“Commission”) regarding the fiscal, legislative, regulatory and other business undertaken by and on behalf of the Commission in the past fiscal year. This report details the Commission's actions and accomplishments between July 1, 2019 and June 30, 2020 (FY20) and includes goals set for the coming year.

The information presented is based upon public records of the Commission. The Commission’s website at ethics.nv.gov provides public access to the Commission's database of opinions, meeting minutes and agendas, press releases and general information about the Commission. It also has instructions and forms for filing Ethics Complaints and requesting Advisory Opinions. The Commission meeting agendas are also on the Nevada Public Notice statewide website at notice.nv.gov.

Dear Commissioners:

This Annual Report is a summary of the Commission's activities and accomplishments during Fiscal Year 2020 (FY20) and its goals for the next fiscal year. The Commission should be proud of its achievements during FY20 and its response to the COVID-19 Pandemic. In fact, the Commission received an increase in requests for advisory opinions over FY19 of 29%. Although the Commission experienced a 28% decrease in complaints in FY20, the number of complaints it was investigating increased by 38%. In the latter portion of FY20, the Pandemic forced the Commission to spend time adapting to a new working environment. This meant learning how to work remotely, meet virtually and operate on a much smaller budget. Despite the altered working conditions that increased the Commission's investigatory/adjudicatory backlog, we were still able to resolve 93% more cases over FY19. During this time, the Commission continued to provide outreach and training to public officers and employees and remain accessible to the public and governmental agencies. The Commission also updated all of its information technology resources to establish secure communications, a web-based filing platform, online opinion database and a case management system.

The Commission works within statutory mandates set by the Legislature. From time to time, the Commission petitions the Legislature for statutory changes that will help the Commission achieve its mission. With the passage of Senate Bill 84 in 2017, the Commission reformed all of its systems and documents related to advisory requests and complaint cases during FY18 and FY19, including the adoption of new administrative regulations set forth in the Nevada Administrative Code (Chapter 281A).

This year, the Commission's Bill Draft Request ("BDR") Subcommittee, consisting of Vice-Chair Wallin and Commissioners Duffrin and Gruenewald, reviewed the Executive Director's recommendations for the 2021 Legislative Session. The subcommittee focused on ways the Commission can operate more efficiently while continuing to uphold the mission of the Commission. Upon the Subcommittee's review and approval, the full Commission adopted the proposed legislation. This new legislation started with several provisions from SB 129 which did not pass in 2019 and made new provisions to confront fiscal limitations, due process considerations, standards of conduct applicable to public

officers and employees and advisory resources. If this BDR is successful, the need for more legislation in the coming years should be minimal.

In the 2019 Legislative Session, the Legislature approved the Commission's request to receive services through the State's Enterprise Information Technology Services ("EITS"). This was implemented at the beginning of FY20 and within the first few months the staff had new computers, the Commissioners' tablets were updated and secured, and the Commission had access to immediate desktop support services for the first time in its history. This technical support improved the Commission's ability to advance its mission, communicate with the public and enhance staff efficiency. As the Pandemic hit, EITS was immediately able to ensure that each staff member could work remotely and securely with access to documents from the Commission's server.

Had the COVID-19 Pandemic not occurred, the Commission would have sought an increase to its next operating budget to provide for additional staff to address the increased case load, and additional resources for investigations and outreach and education efforts. However, in light of the fiscal impacts of COVID-19, the Commission instead made significant cuts to its existing operating budget, and it anticipates additional cuts for the next fiscal year and the future biennium. The Commission will continue to consider areas where additional cuts can be made even as we strive to add any necessary enhancements that are essential for agency operations. It will be a balancing act between respect for the current fiscal crises and the needs of the agency to ensure the Commission's continued operation and integrity.

The Commission maintains its presence on Social Media via its Twitter account to post news of its meetings, trainings and case/opinion determinations. Ethics Commissions throughout the Country share data on Twitter and reflect on the issues and decisions made by similar agencies. Many state and local government agencies and public officers and employees follow the Commission on Twitter and receive additional outreach and education. Our social media focus is to increase the general public's awareness and involvement in the coming year. Other media outreach in the next fiscal year will be through traditional media platforms via press releases, public statements and interviews. The Commission continued with its traditional training and education programs with 25 training sessions throughout Nevada to provide education to public officers and employees.

The FY20 Annual Report would not be complete without recognizing the incredible volunteer contributions of the members of the Ethics Commission, who themselves are public servants and volunteer their time, experience and expertise to the interpretation and enforcement of the Ethics Law. FY20 represented the last year for the storied tenures of two tremendous leaders, Chair Cheryl Lau, Esq. and Vice-Chair Keith Weaver, Esq. Chair Lau and Vice-Chair Weaver have served the Commission with distinction, innovation and grace for two full terms (8 years), the last five years being in their respective leadership roles. Highlights from their tenures are too many to recount in this Report, but most notable include their: (1) dedication to the Commission's mission in all forums- administrative, judicial and legislative; (2) legal acumen; (3) respect for all parties appearing before the Commission; and (4) unwavering support of staff. The end of their terms marked the unprecedented realities of COVID-19 and their proactive responses to ensure the Commission and its staff remained available as a resource for the public officers and employees throughout the State. The State of Nevada, its local governments, elected and appointed public officers and employees, and the members of the public will forever benefit from the resolute contributions of these leaders: the finest demonstration of political independence, transparency, and unrelenting nerve to do the right thing, even when nobody was watching ... the very definition of integrity.

With the end of Vice-Chair Weaver's term, the Commission welcomed its newest Commissioner, Damian Sheets, Esq. Commissioner Sheets' legal experience and knowledge in his former role as a public employee brings a fresh perspective on the application of the Ethics Law. As Chair Lau's second term did not expire until the end of the fiscal year, the Commission awaits the appointment of a new commissioner in the next fiscal year. Of course, the Commission continued to be incredibly well served by all of its members, including Commissioners Duffrin, Gruenewald, Lowry, O'Neill, Wallin and Yen.

Upon the completion of Vice-Chair Weaver's second term, the Commission unanimously elected Commissioner Wallin to serve as its new Vice Chair, recognizing her talent and experience to lead the Commission's vision into the future. In FY20, Commissioner Wallin dedicated countless volunteer hours to attend various administrative, budget and training presentations and chair the Commission's BDR Subcommittee. Her innumerable contributions have included her fiscal expertise and insights into the Commission's statistical information and budget forecasting. She

participated in several review panels and offered her experience as a former elected official to guide the Commission's endeavors. She also worked diligently with staff to accommodate the challenges presented by COVID-19.

Commissioner Duffrin spent the majority of the Fiscal Year emphasizing the Commission's mission and ideas to promote the importance of the Ethics Law for public officers and employees. Of particular notice in the last fiscal year, Commissioner Duffrin displayed his talents at mediation by participating as a "settlement judge" in a contested case to help the parties reach a mutually agreeable result that most importantly served the best interests of the public. He likewise served as a quasi-judicial member during a contested adjudicatory hearing in which he heard evidence, asked questions of the parties, deliberated with his colleagues and voted on the applicability of the Ethics Law to the circumstances. Commissioner Duffrin also served on the Commission's BDR Subcommittee. His experience as the former Chief of the Administration Division of the Nevada Gaming Control Board was an asset to the Commission as it sought to understand the legislative and fiscal impacts of our changing environment.

Commissioner Gruenewald has continued to serve the public's best interests through her tenure with the Ethics Commission. Most significantly, Commissioner Gruenewald has raised the bar with her legal preparation of complaint and advisory cases before the Commission, most often responsible for preparing and asking complicated questions to address the legal implications of the Ethics Law. Commissioner Gruenewald served as the presiding officer in many review panels tasked with evaluating the investigatory recommendations in complex cases. Rounding out her service this year, Commissioner Gruenewald volunteered her expertise to the BDR Subcommittee, where she prompted her colleagues and staff to address the legal, ethical and political implications of various legislative amendments.

Commissioner Lowry has continued her approach to the interpretation and enforcement of the Ethics Law through legal proficiency and her emphasis on integrity of public service, as exemplified by her former career in public service for the Clark County District Attorney's Office. Commissioner Lowry participated in a number of training presentations and offered her expertise to review panels and hearings/stipulations in contested cases. Most notably, Commissioner Lowry's legal experience and understanding of evidentiary principles has shaped various review panels and adjudicatory

proceedings. She has helped educate her colleagues and staff on important evidentiary issues and contributed to the Commission's legal positions in litigation.

Commissioner O'Neill continued his service with a focus on ethics policy, public transparency, and outreach and education. Having previously served as a public investigator for the Department of Public Safety and as an elected legislator, Commissioner O'Neill promoted an emphasis on the Commission's mission to teach, not catch. As a practical matter, Commissioner O'Neill further impressed staff and his colleagues with his experience in investigations and understanding of performance measures. He has made various suggestions for tracking additional data in the next fiscal year to showcase much of the Commission's work which is not otherwise reflected in our current statistics.

Commissioner Yen has been a steward of the Commission's legal and fiscal efforts, while upholding the demands of her private legal practice. Commissioner Yen has not only challenged the Commission with insightful questions and perspectives to the legal application of the Ethics Law but has also offered her resources and insights about the Commission's legal positions in litigation, whether legal process/strategy or substantive legal arguments. Moreover, Commissioner Yen has actively supported the Commission to better understand the fiscal uncertainties amid the COVID-19 Pandemic, including outreach to our political leaders. As a final note of appreciation, Commissioner Yen has set the standard for proper disclosures and abstentions under the Ethics Law when confronted with conflicts of interest. Commissioner Yen's law firm represents various clients that may appear before the Commission. In consultation with Commission Counsel, she has established protocols with the Commission to identify conflicts between her private business relationships and public duties to make proper disclosures and abstentions.

It has been the continued privilege of Executive Director Yvonne M. Nevarez-Goodson, Esq., in partnership with Commission Counsel Tracy L. Chase, Esq., to lead the Commission's mission and governance before the various State and local agencies and judicial forums. This fiscal year there were two separate vacancies in the Associate Counsel position, whose duties the Commission staff rallied to fulfill in spite of the increased number of cases and challenges associated with the COVID-19 Pandemic. The Commission's staff was rounded out by its remarkable members, including the Commission's Investigator, Erron Terry, Senior Legal Researcher, Darci Hayden, PP-SC,

and Executive Assistant, Kari Pedroza. Each team member brings special talents to their respective positions, along with incredibly positive attitudes and trust in our mission that I am so proud to lead.

The Commission continues to monitor its role amid the Country's state and local government ethics agencies and anticipates an update to the nationwide study regarding ethics commissions and agencies throughout the Country, including the strength of their enforcement and sanctioning powers and transparency of outcomes. Early in the fiscal year, Nevada was ranked 8th in the Country. See *Enforcement of Ethics Rules by State Ethics Agencies: Unpacking the S.W.A.M.P. Index, Coalition for Integrity, September 12, 2019* (<http://unpacktheswamp.coalitionforintegrity.org/>). Notably, the data relied upon in the study was based upon case statistics from FY18, yet the FY19 and FY20 data reflect the Commission's significantly increased case load, sanctions and proceedings. The Commission will monitor any future reports that may assess state ethical rankings in the areas of enforcement and transparency.

When considering our goals and accomplishments during FY20, it is important to remember that the majority of the fiscal year was business as usual. Only the last quarter was significantly affected by the unprecedented circumstances resulting from the Pandemic. Yet even then, we continued to pursue our mission effectively. It will be more important than ever for this Commission to be focused on accountability in government to protect the public trust and ensure that government continues to operate in an ethical, transparent manner as we tackle the Pandemic response in this State. I am immensely proud of the Commission and its staff in response to the increased case load and outreach and education throughout the entire State, while navigating the public health challenges from COVID-19. Thank you for the opportunity to continue serving the Commission, its staff and the public for these last 11 years. I look forward to reinforcing the Commission's mission in the coming fiscal year.

Sincerely,

/s/ Yvonne M. Nevarez-Goodson
Yvonne M. Nevarez-Goodson, Esq.
Executive Director

I. About the Nevada Commission on Ethics

Nevada Commission on Ethics - Ethics in Government Law:

The Nevada Commission on Ethics is an independent public body appointed by the Governor and Legislative Commission to interpret and enforce the provisions of Nevada's Ethics in Government Law set forth in NRS Chapter 281A ("Ethics Law"). The Ethics Law preserves the public's trust in government and ensures that elected and appointed public officers and employees avoid conflicts between their private interests and the interests of the public in carrying out their public duties. The Ethics Law sets forth various standards of conduct to guide public officers and employees to avoid such conflicts and maintain integrity in public service.

The Commission's primary mission includes providing outreach and education to Nevada's public officers, employees and attorneys regarding conflicts of interest and the provisions of the Ethics Law. Encompassed in its educational efforts, the Commission provides confidential advisory opinions to public officers and employees to guide them in compliance with the Ethics Law ("Requests for an Advisory Opinion"). The Commission also enforces the provisions of the Ethics Law by investigating and adjudicating alleged conduct of public officers and employees in violation of the Ethics Law ("Ethics Complaints").

Membership:

The Commission consists of 8 members, appointed equally (4 each) by the Governor and the Nevada Legislative Commission. The Governor and Legislative Commission must each appoint at least two former public officers or employees and one attorney licensed in the State of Nevada. No members may be actively involved in any political activity or campaign or conduct lobbying activities for compensation on behalf of private parties. Finally, no more than half of the total commissioners may be members of the same political party or residents of the same county in the State. The appointment criteria secures independence and objectivity in addressing Requests for Advisory Opinions and Ethics Complaints as applicable to all State and local government elected and appointed public officers and employees.

Requests for Advisory Opinions and Ethics Complaints:

The Legislature established the Commission to interpret and enforce the provisions of the Ethics Law. In particular, the Legislature has emphasized the public policy behind the Ethics Law to ensure the public's trust in government against conflicts between private interests and public duties, while balancing Nevada's form of citizen-based, representative government. The Commission renders its opinions regarding the applicability of the Ethics Law to public officers and employees via Requests for Advisory Opinion and Ethics Complaints. The Commission's primary goal to provide outreach and education to public officers and employees is consistent with its responsiveness to requests for advisory opinion and efforts to prevent ethics complaints. The Commission staff is responsible for reviewing and preparing all case-related matters, including jurisdictional recommendations, legal research and analysis and preparation and presentation of evidence for hearings and determinations by the Commission. The Commission sets the standard for objectivity and political independence while balancing the best interests of the public and the public officers and employees who serve the public.

Requests for Advisory Opinions:

A public officer or employee may request a confidential advisory opinion from the Commission regarding the applicability of the Ethics Law to his/her own past, present or future circumstances. If the request relates to a conflict of interest between a public duty and private interest, the Commission will conduct a closed hearing or consider the written request under submission and render a confidential opinion in the matter advising the public officer or employee whether there is a conflict of interest and whether or how the ethical standards of conduct apply to the circumstances.

To assist the Commission in this process, the Commission Counsel and staff work directly with the requester to identify all relevant facts and circumstances related to the request. The Commission Counsel researches the Commission's opinion precedent, prepares proposed findings of fact, and presents a legal recommendation to the Commission for its review. Once the Commission renders its decision, it is published as a formal written opinion on its website, the Legislative Law Library, and LexisNexis. If the public officer or employee retains the confidentiality of the opinion, the Commission will publish an abstract opinion in the matter, which is a version of the original opinion that

redacts or sanitizes factual circumstances that may otherwise identify the requester of the opinion. The Commission's advice is binding with respect to future conduct and certain advice related to present or future conduct may be subject to judicial review for errors of law or abuses of discretion.

Ethics Complaints:

Any person may file, and the Commission may initiate an ethics complaint against a public officer or employee alleging a violation of the Ethics Law for which the Commission may investigate the allegations, conduct hearings and impose various penalties or sanctions. If the Commission has jurisdiction regarding an ethics complaint and it is properly filed with sufficient information to support the allegations, the Commission may direct the Executive Director to investigate the matter and make a recommendation to a three-member review panel of the Commission regarding whether the evidence is sufficient to warrant a hearing and written opinion in the matter.

If the Review Panel determines that the matter supports just and sufficient cause of a potential violation, it may refer the matter to the Commission for adjudicatory proceedings, or for more minor conduct, resolve the matter through the approval of a deferral agreement between the Executive Director and the subject of the ethics complaint. A Deferral Agreement is an agreement between the Executive Director and subject of the Complaint acknowledging sufficient evidence of a violation but deferring any finding of a violation through the imposition of various terms and conditions, including corrective action and education. If the terms and conditions are satisfied, the complaint is dismissed. Otherwise, it is referred back to the Commission for adjudicatory proceedings.

Many ethics complaints have been resolved via other appropriate resolutions such as letters of caution or instruction. If a matter is referred for adjudicatory proceedings, the Commission may hold a formal adjudicatory (evidentiary) hearing and deliberate toward a decision. Alternatively, it may resolve the matter through legal motions or negotiated stipulations. The majority of contested cases that are referred to the Commission by a Review Panel are resolved through deferral agreements and stipulated agreements. If the Commission makes a finding that conduct was willful, i.e., knowing and intentional, it may impose monetary sanctions. For non-willful conduct and willful conduct that may not warrant monetary penalties, the Commission may impose administrative penalties in the

form of appropriate corrective action, referrals for disciplinary action, requirements for education and public apologies.

II. Case Statistics – FY20 (7/2019 – 6/2020)

The Commission's case statistics are calculated based on the number of cases received during the fiscal year; however, many cases are not resolved during the same fiscal year they are received, in particular those cases that are received toward the end of the fiscal year or which require significant investigation, negotiation or hearings, or other Commission resources. Accordingly, the statistics outlined below are intended to denote not only the cases received and processed during the current fiscal year, but also those that were received in prior years and resolved during the current fiscal year.

The Commission experienced an increase in the number of advisory opinions received from FY19, including more than double the number received in FY18. Through the first three quarters of the current fiscal year, the Commission continued to experience the same pace of new ethics complaints as were received in FY19, which also represents more than double the number of complaints received from FY18. The last quarter of FY20 reflected a decrease in complaint filings, presumably caused by the effects of the COVID19 Pandemic. Despite the decrease in the number of complaints *received* in the last Quarter of the fiscal year, the statistics reflect that the Commission *investigated* a greater number of complaints during FY 20 than it did in FY19. Moreover, the Commission continued to address the increased complaint case load from years prior, along with two separate vacancies in our Associate Counsel position this year, which contributed to a backlog of investigations/adjudications, as represented in the case statistics below. The Commission prioritizes investigations based upon whether there is a waiver of statutory timelines and/or the dates the written responses to the allegations are filed with the Commission. Many cases with waivers result in extensions to file written responses.

Requests for Advisory Opinions:

The Commission responded to the increased number of advisory requests received during this fiscal year with the issuance of all opinions and abstract opinions within the same fiscal year. In other words, no opinions or abstracts were carried over into the next fiscal year. Consistent with the Commission's adopted regulations from FY18, Commission Counsel continued to implement a streamlined system of communication and procedures to ensure the efficient review of advisory requests by written submission and approval of written opinions. The majority of requests for advisory opinion received in FY20

were resolved on written submission, rather than formal, in-person hearings. The efficiencies accomplished by the Commission through its regulatory changes have prompted the Commission to seek additional statutory changes to its advisory process in the next legislative session. Specifically, the Commission believes that it be able to issue opinions even more timely and be more responsive to urgent requests (in as few as days or even hours in urgent circumstances) by authorizing the Executive Director and Commission Counsel to issue informal advice consistent with its established precedent that may be relied upon by public officers and employees. Checks and balances will continue to exist through administrative review by the Commission, as necessary, and judicial review of a Commission opinion.

It is anticipated that the Commission will continue to receive more requests for advisory opinions as the State's public officers and employees are better educated regarding the applicability of the Ethics Law and their responsibilities thereunder. Moreover, State and local government agencies have significantly changed the manner in which they are operating in light of the COVID-19 Pandemic and it is anticipated that questions will arise regarding appropriate conduct while telecommuting or responding to emergency circumstances and protocols. It is also reasonable to expect an increase in the number of requests for relief from the cooling-off provisions as government agencies tackle the fiscal impacts of COVID-19.

In reflecting on the substantive issues presented in the advisory opinions during FY20, approximately half of the opinions dealt with the cooling-off restrictions, in particular requests by public officials and employees to leave public service (either through resignation or retirement) to pursue employment in the private sector from vendors who contracted with their public agencies. The cooling-off provisions of the Ethics Law prohibit former public officers and employees from seeking or accepting employment with private persons/entities who were awarded contracts worth more than \$25,000 from their agencies within the immediately preceding year, and regarding which they had influence or control in the awarding of the contract. In the majority of the opinions, the former public officers or employees were permitted to seek or accept the employment because they were found not to have been involved in the awarding of the contracts to the vendors, even if they had material involvement in the administration or implementation of the contracts after they were awarded. Nevertheless, the Commission has expressed its concern and

heightened scrutiny in approving these employment opportunities to avoid “pay-to-play” scenarios. The Commission has also sought the Legislature’s consideration whether the restrictions should be expanded to preclude former public officers or employees from accepting employment by such vendors for one year if they otherwise had an active role in administering or managing the contracts – and not simply awarding them.

Requests for Advisory Opinions Received: 41

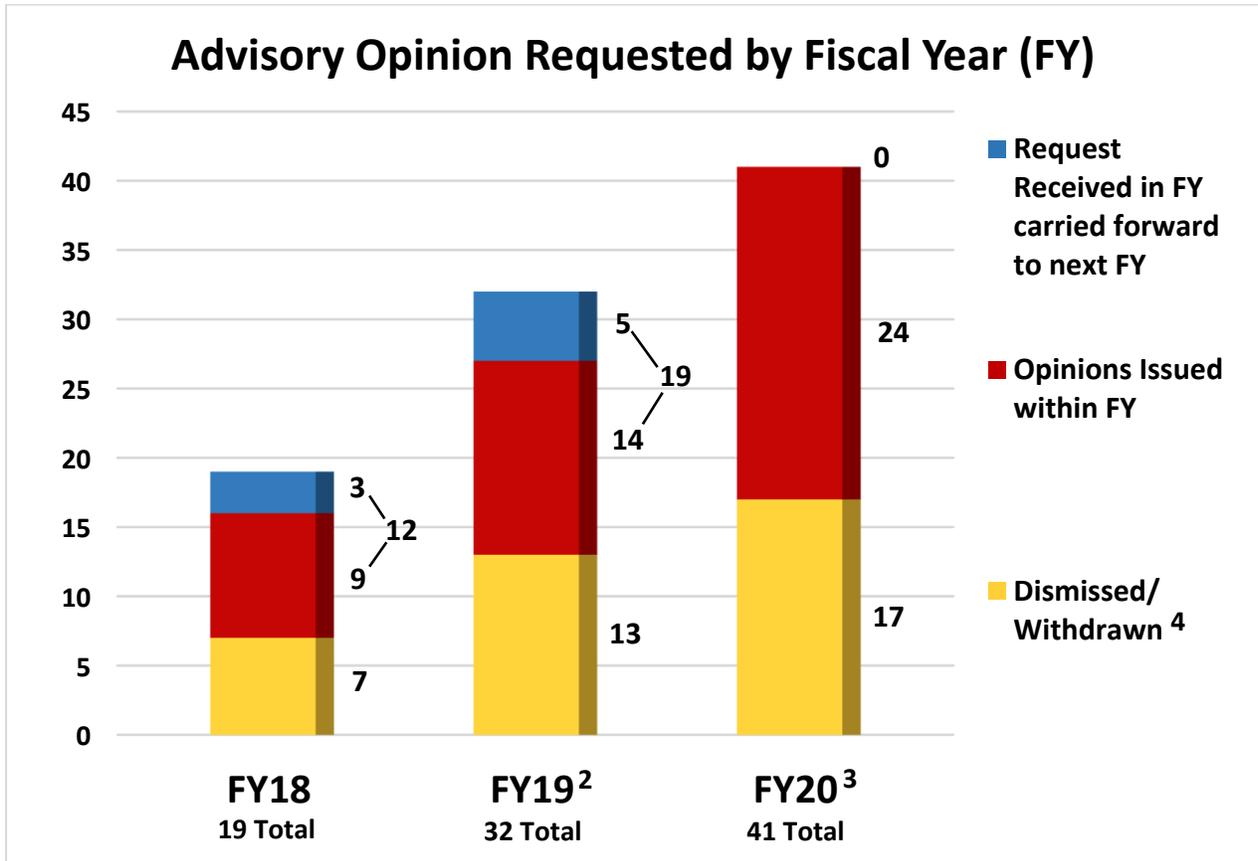
<u>No Jurisdiction Withdrawn/Dismissed or Duplicate</u>	<u>Processed by Commission</u>	<u>Stayed by Order</u>	<u>Written Opinions Issued</u>	<u>Abstract Opinions Issued from Written Opinions (No Waiver of Confidentiality)</u>
17	24	0	24	19 of 24 ¹

For Comparison - Requests for Advisory Opinions Received – FY19: 32

<u>No Jurisdiction Withdrawn/Dismissed or Duplicate</u>	<u>Processed by Commission</u>	<u>Stayed by Order</u>	<u>Written Opinions Issued</u>	<u>Abstract Opinions Issued from Written Opinions (No Waiver of Confidentiality)</u>
13	19	1 of 19	14 of 19 ²	8 of 14

¹ 5 of the 24 written Opinions issued in FY20 waived confidentiality and an additional 19 Abstract Opinions were issued for the cases which remained confidential during FY20.

² The Commission also issued opinions for the remaining 5 advisory requests pending from FY19 (Case Nos. 19-045A, 19-049A, 19-005A, 19-051A & 19-052A). Of these 5, there were an additional 4 abstract opinions issued.



¹ FY18

The Commission received 19 Advisory Opinion Requests in FY18, 7 of which were dismissed or withdrawn. In the 12 remaining cases, the Commission issued 9 Opinions in FY18 and 3 in FY19.

Abstract Opinions: Of the 12 cases, 11 remained confidential and required 11 additional Abstract Opinions. The Commission completed 6 of the 11 Abstract Opinions in FY18 and 5 Abstract Opinions in FY19.

² FY19

The Commission received 32 Advisory Opinion Requests in FY19, 13 of which were dismissed or withdrawn. In the 19 remaining cases, the Commission issued 14 Opinions in FY19 and 5 Opinions in FY20.

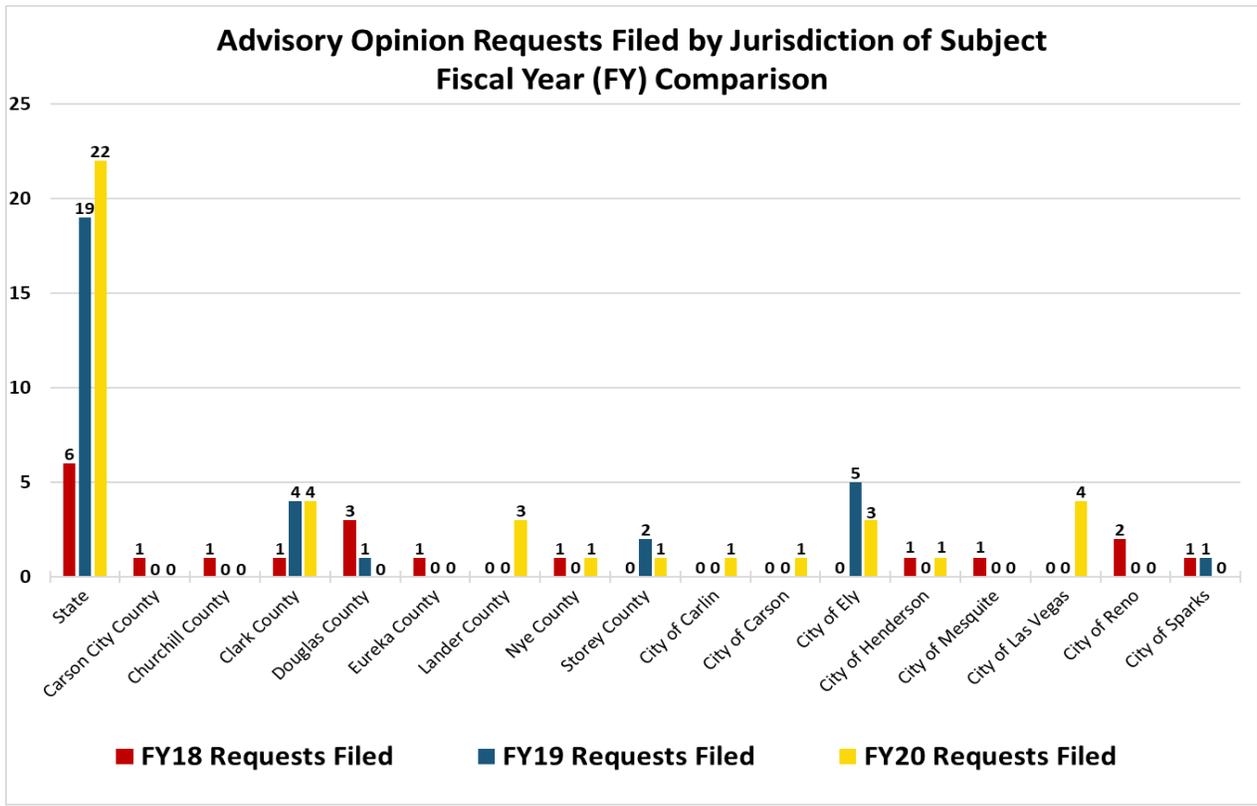
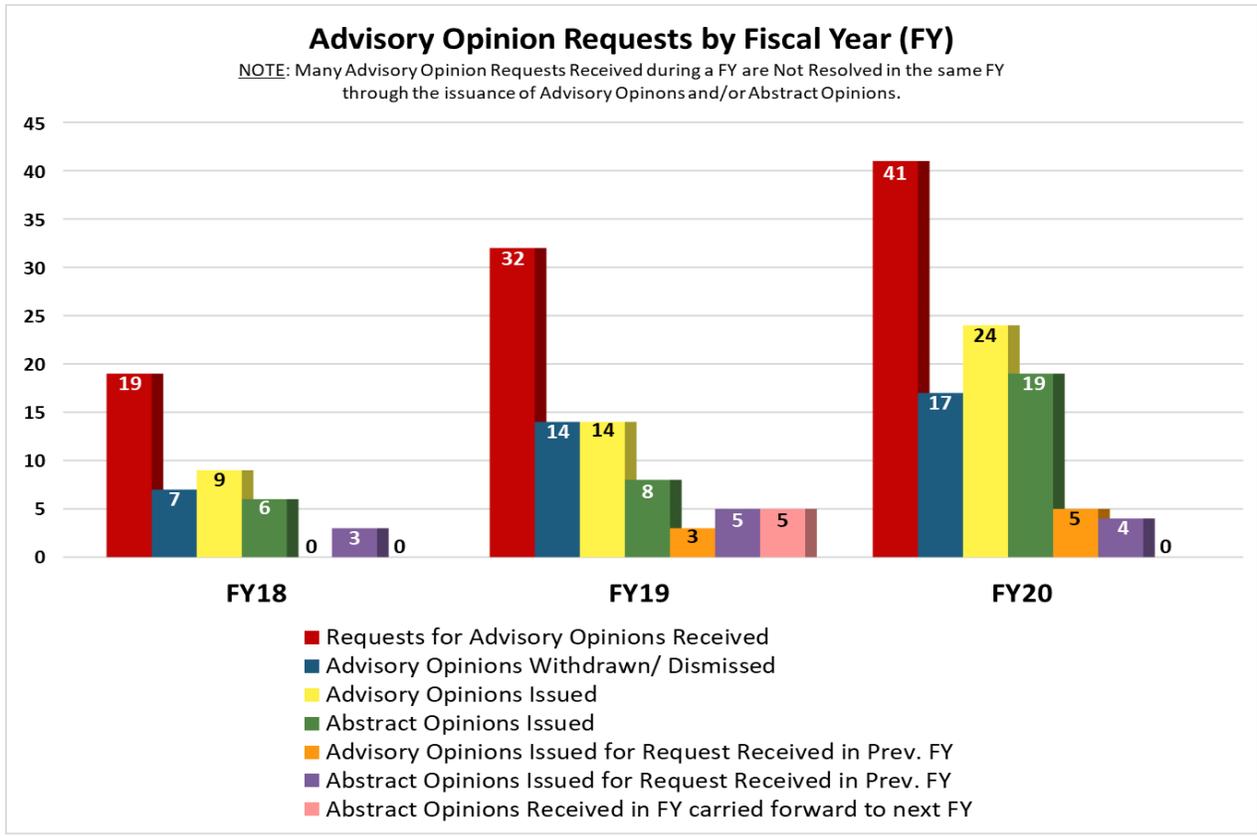
Abstract Opinions: Of the 19 cases, 12 remained confidential and required an additional 12 Abstract Opinions. The Commission completed 8 Abstract Opinions in FY19, and 4 Abstract Opinions in FY20.

³ FY20

The Commission received 41 Advisory Opinion Requests in FY20, 17 of which were dismissed or withdrawn. In the remaining 24 Requests, the Commission issued 24 Opinions in FY20. 5 additional Opinions were issued in FY20 for requests received in FY19.

Abstract Opinions: Of the 24 cases, 19 remained confidential and required an additional 19 Abstract Opinions, all of which were completed within the FY.

⁴ A Dismissed or Withdrawn case occurs prior to submission to the Commission for deliberation and does not take into account the many staff hours expended on jurisdictional analysis, factual development, legal analysis and communications with the Requester.



Ethics Complaints:

With regard to ethics complaints, the Commission received and investigated more than twice the amount of complaints this fiscal year than FY18 (similar to the case load from FY19), through the first 3 quarters of the year. Again, the COVID-19 Pandemic resulted in a decrease in the overall complaints *filed* between FY 19 and FY20, but the number of cases *investigated* in FY20 increased significantly over FY19, even with fewer complaints. The majority of cases received waivers of statutory deadlines by the subjects of the complaints. The subjects of complaints who did not waive the 70-day deadline for investigation were given investigatory priority. Consequently, older cases take longer to investigate.

The Commission and its staff reviewed and vetted every complaint that was filed to make a recommendation regarding jurisdiction and whether an investigation was warranted. Each staff recommendation includes legal and factual research, written recommendations and legal analysis, and the Commission deliberates and issues orders and/or confidential letters of caution or instruction, as applicable. Notably, despite the increased case load and staff vacancies during the fiscal year, the Commission has continued to satisfy its 45-day statutory deadline to issue jurisdictional orders in every case.

The Commission reviews each complaint case that is filed to assure the public that its concerns receive the highest level of review. Even when a case is dismissed by the Commission before an investigation, the Commission issues a formal order in the case explaining its decision. In those cases that did not warrant a full investigation, but nevertheless supported additional outreach by the Commission, a letter of caution or instruction was issued. Most cases that are dismissed fail to allege a private interest in conflict with public duties, which is a prerequisite to jurisdiction of the Commission. The Commission will not investigate allegations that a public officer or employee failed to perform his/her job duties or made allegedly poor decisions or errors in carrying out job duties, unless those official actions (or failures to act) affected a private interest.

Final dispositions of an ethics complaint, including deferral agreements and stipulations, reflect significant negotiation and legal procedure between the Executive Director/Associate Counsel and the subject of a complaint, after a full investigation has

been conducted. The staff time required to review each ethics complaint, conduct investigations, prepare legal motions or negotiations and compile and present evidence for hearing or settlement is not adequately reflected in the final statistics. However, the Commission started tracking staff time on jurisdictional analyses and investigations half-way through this fiscal year and will be able to more accurately reflect this time commitment as of the Commission's next Annual Report.

The Commission does not control the number of ethics complaints that may be filed in any particular year; however, the Commission's outreach and education, accessibility of complaint forms through the Commission's website and the statutory protection of the identity of certain requesters/complainants may be attributable to the increased number of complaints in recent years. If requested, the Commission is required to protect the identity of a requester who works for the same agency as the subject of the complaint. The Commission may also protect the identity of the requester if evidence is provided that the requester or his/her family will be subject to a bona fide threat of physical harm for filing the complaint. As we continue to deal with the changing, remote/virtual working environments and public meetings as a result of the COVID-19 Pandemic, it is reasonable to assume we will continue to see an increased number of complaints and public concerns regarding ethical conduct of public officers and employees.

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 ³

Ethics Complaints Received in FY18 and FY19; Investigated/Resolved in FY20: 19⁴

<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

Ethics Complaints Received in FY18 and FY19; Still Pending in FY21: 3⁵

For Comparison – Ethics Complaints Investigated in FY19 (7/18-6/19): 28

<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>3rd Pty Stipulations/ Opinions</u>
1	4	0	1

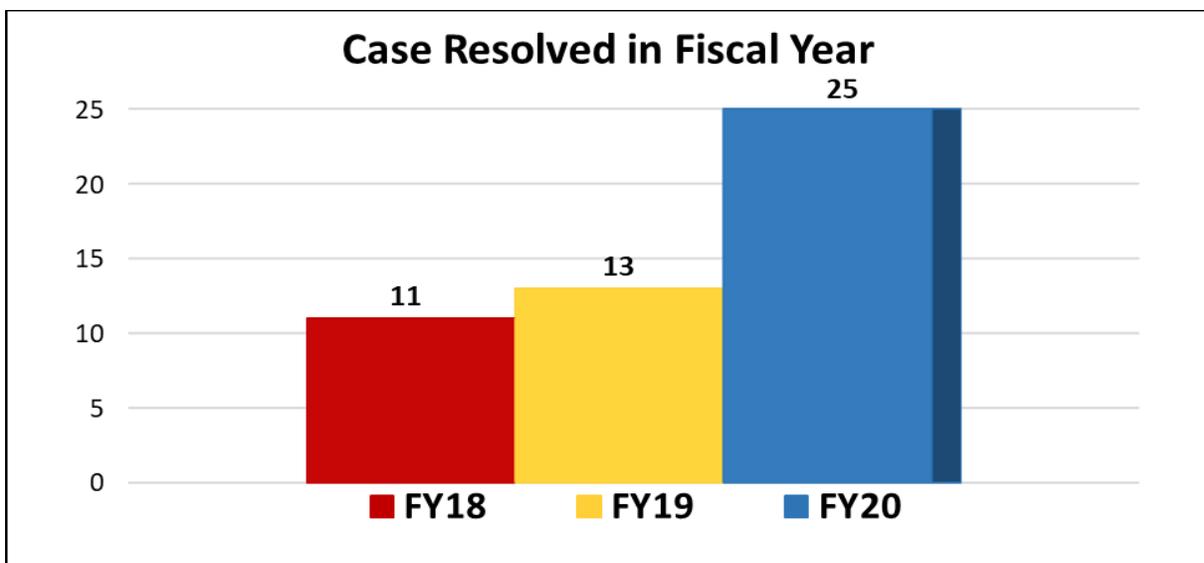
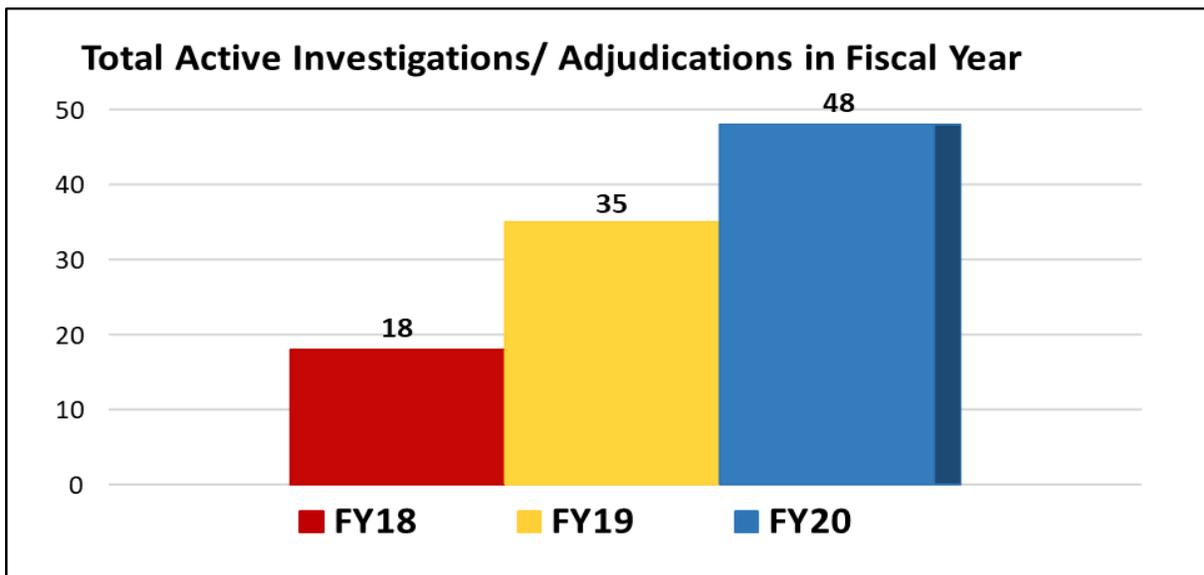
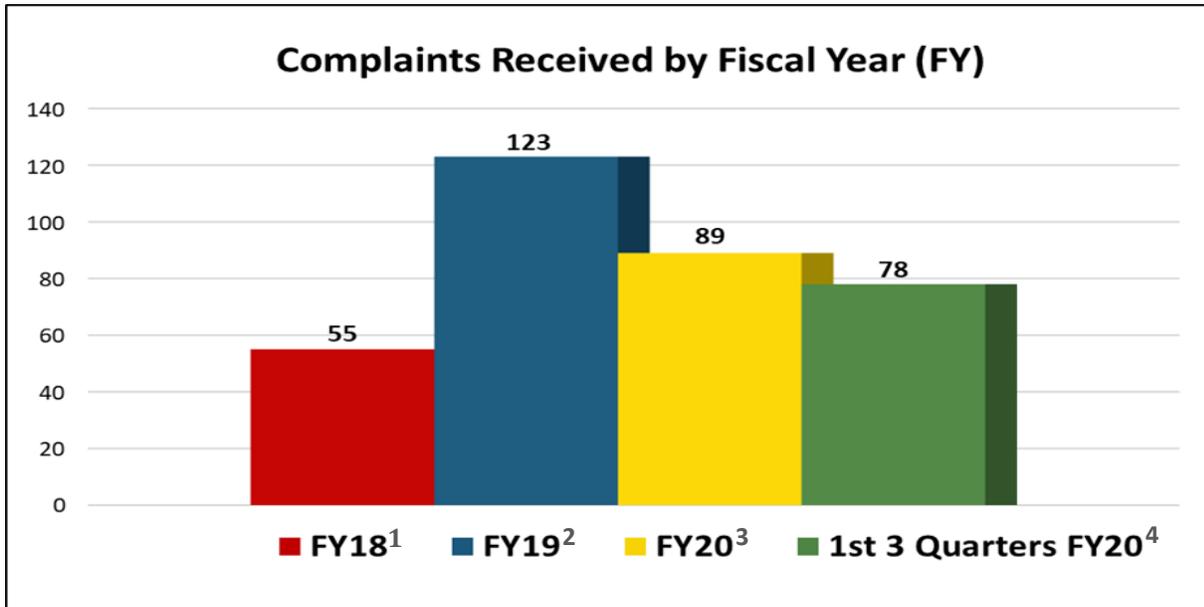
Ethics Complaints Resolved by Letters of Caution/Instruction or Deferral Agreements:

	<u>Letters of Caution</u>	<u>Letters of Instruction</u>	<u>Deferral Agreements</u>
Pre-Panel	1	2	
By Panel		3	
11 FY19 Cases Resolved in FY20 By Panel	4	4	3

³ 22 Complaints remained pending in FY21 from cases received in FY20; Complaint Nos. 19-065C, 19-067C, 19-081C, 19-082C, 19-088C, 19-093C, 19-095C, 19-102C, 19-105C, 19-111C, 19-113C, 19-126C, 19-128C, 19-129C, 20-001C, 20-007C, 20-010C, 20-018C, 20-023C, 20-027C, 20-043C & 20-048C. (1 additional Complaint remained pending from FY19 - Complaint Case No. 18-060C).

⁴ From FY18 - Complaint No. 18-031C – stipulation (consolidated with 18-052C). From FY19 – Complaint Nos. 18-049C – panel dismissal, 18-052C – stipulation (consolidated with 18-031C), 18-064C - panel dismissal with letter of instruction, 18-077C - panel dismissal with letter of instruction, 18-114C – panel dismissal, 18-121C - panel dismissal with letter of instruction, 18-130C - panel dismissal with letter of caution, 19-004C – panel deferral agreement, 19-021C – stipulation, 19-022C - panel dismissal, 19-026C – stipulation (consolidated with 19-027C), 19-027C – stipulation (consolidated with 19-026C), 19-028C - panel dismissal with letter of caution, 19-029C - panel dismissal with letter of caution, 19-031C - panel dismissal with letter of caution, 19-039C – panel deferral agreement, 19-042C - panel dismissal with letter of instruction & 19-044C – panel deferral agreement.

⁵ 3 Complaints received and investigated in FY19 remained pending in FY20; Complaint Nos. 18-060C, 18-061C, 18-139C.



Complaint Case Statistics by Fiscal Year (FY) Footnotes

¹ **FY18**

13 Active Investigations of Complaints received in FY18; 5 additional Active Investigations from prior Fiscal Years.

-Total Active Investigations = 18

-Total Cases Resolved in FY18 = 11

-Total Investigations Remaining Pending for FY19 = 7

² **FY19**

28 Active Investigations of Complaints received in FY19; 7 additional Active Investigations from prior Fiscal Years.

-Total Active Investigations = 35

-Total Cases Resolved in FY19 = 13

-Total Investigations Remaining Pending for FY20 = 22

³ **FY20**

25 Active Investigations of Complaints received in FY20; 23 additional Active Investigations from prior Fiscal Years (including 1 from FY18).

-Total Active Investigations = 48

-Total Investigations Resolved = 25

-Total Investigations Remaining Pending for FY21 = 23

⁴**1st 3 Quarters FY20**

78 Complaint Cases were received during the 1st 3 Quarters of FY20 (July 2019 – March 2020). The Commission experienced a significant decrease in new complaints during the final Quarter of FY20 due to the COVID-19 Pandemic. If the trend of incoming Complaint Cases continued throughout the last quarter of FY20 during the COVID-19 Pandemic, the Commission likely would have received approximately 104 Complaint Cases for the year, based on an average receipt of 26 Complaints per month. This would have been consistent with FY19 cases.

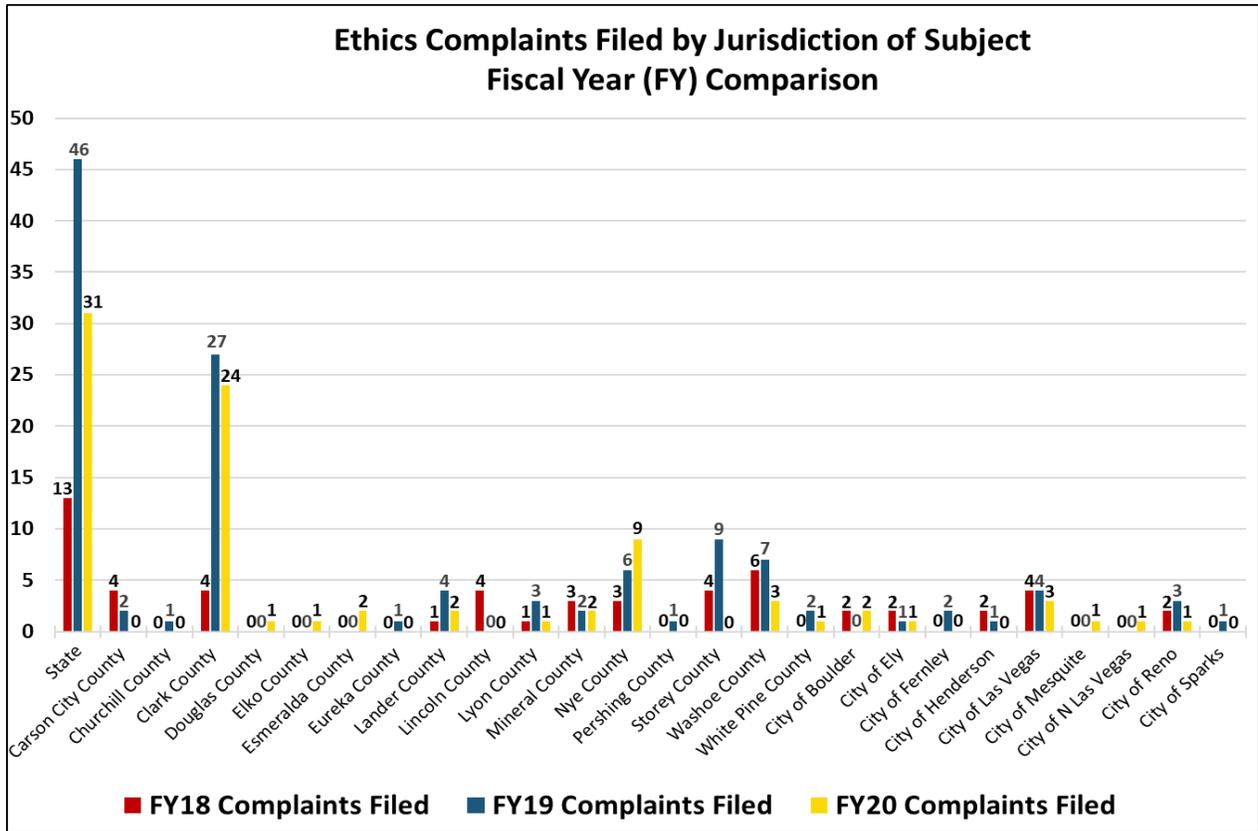
Dismissed/ Withdrawn Cases – No Investigation

In FY18, 25 of the 39 Complaints were dismissed/ withdrawn.

In FY19, 81 of the 123 Complaints were dismissed/ withdrawn.

In FY20, 64 of the 89 Complaints were dismissed/ withdrawn.

The Commission reviews every Complaint and issues a Formal Order in each case regarding its jurisdiction and determination whether to formally investigate the allegations. Staff prepare a written recommendation in every case regarding whether the Commission has jurisdiction in the matter and whether the Complaint is filed with sufficient evidence in support of the allegations to warrant an investigation. The recommendation includes preliminary investigation, legal research and legal analysis with 4-5 staff members working on each case. Many cases are dismissed with a separate Letter of Caution or Instruction.



Penalties/ Sanctions Imposed:

In FY20, the Commission imposed \$5,000.00 in civil penalties for willful violations of the Ethics Law and collected \$32,292.56 for civil penalties imposed from FY19. Pursuant to State law, the Commission collects and deposits all funds received from the imposition of sanctions into the State General Fund. Subjects who fail to remit payment of a civil sanction are reported to the State Controller for collection. Many of the sanctions imposed authorize the payment of these penalties in monthly installments for 1 or 2 years.

<u>FY 2019 Sanctions Imposed or Received</u>	<u>Date Imposed</u>	<u>Statute(s) violated</u>	<u>Civil Penalty Amount Imposed</u>	<u>Civil Penalty Amount Rec'd in FY20</u>
<u>Gerald Antinoro, Sheriff, Storey Co.</u>	<u>10/17/2018</u>	<u>NRS 281A.400(2) and (7)</u>	<u>\$2,500</u>	<u>\$2,500</u>
<u>Lawrence Weekly, Chair, Las Vegas Convention & Visitors Authority</u>	<u>1/16/2019</u>	<u>NRS 281A.400(1), (2), (7) and (9)</u>	<u>\$2,398.64</u>	<u>\$2,000⁶</u>
<u>Judie Allan, Commissioner, Lander Co.</u>	<u>5/22/2019</u>	<u>NRS 281A.400(1), (2) and (9)</u>	<u>\$500</u>	<u>\$500</u>
<u>Lisa Cooper, Former Executive Director, Board of Massage Therapy</u>	<u>5/22/2019</u>	<u>NRS 281A.400(1) and (2)</u>	<u>\$25,023</u>	<u>\$25,023</u>
<u>Cathy Tull, Chief Marketing Director, Las Vegas Convention & Visitors Authority</u>	<u>6/17/2019</u>	<u>NRS 281A.400(1), (2), (7) and (9)</u>	<u>\$8,700</u>	<u>\$2,269.56⁷</u>
<u>FY 2020 Sanctions Imposed or Received</u>	<u>Date Imposed</u>	<u>Statute(s) violated</u>	<u>Civil Penalty Amount Imposed</u>	<u>Civil Penalty Amount Rec'd in FY20</u>
<u>Joel Dunn, Former Executive Director, Carson City Culture & Tourism Authority</u>	<u>11/13/2019</u>	<u>NRS 281A.420(1)</u>	<u>\$5,000</u>	<u>\$5,000</u>
<u>FY 2021 Outstanding Sanctions Owed</u>	<u>Date Imposed</u>	<u>Statute(s) violated</u>	<u>Civil Penalty Amount Imposed</u>	<u>Civil Penalty Amount Owed in FY21</u>
<u>Cathy Tull, Chief Marketing Director, Las Vegas Convention & Visitors Authority</u>	<u>6/17/2019</u>	<u>NRS 281A.400(1), (2), (7) and (9)</u>	<u>\$8,700</u>	<u>\$6,433.</u>

⁶ Weekly paid the remaining \$400 during FY19.

⁷ Tull will continue to make payments during FY21 in accordance with the terms of the Stipulated Agreement.

Documents Filed:

Pursuant to NRS 281A.500, public officers filed 717 Acknowledgment of Ethical Standards Forms (“Acknowledgment Forms”) with the Commission for calendar year 2019. The number of filings remains consistent with the prior calendar year of 695 Acknowledgment Forms filed in 2018. Public officers (not public employees) are required to file an Acknowledgment Form within 30 days of any appointment and reappointment to a public office or special election, and on or after January 15 following a general election for each term of office. Public officers who are appointed to serve an indefinite term of office at the pleasure of the appointing authority must file an Acknowledgment Form within 30 days of appointment and again on or before January 15 of each even-numbered year. The number of Acknowledgment Forms filed generally increases following educational outreach by the Commission as the awareness of this requirement is implemented throughout the State and local jurisdictions. To assist with enforcement, the Commission is seeking a legislative amendment to require all State and local agencies to provide a master list of public officers throughout the state, as they are currently required to provide to the Secretary of State for Financial Disclosure Statements.

The Commission’s website allows for submission of Acknowledgment Forms directly through the website and the Commission anticipates it will make the filed forms publicly available in searchable format on the Commission’s website during the next fiscal year.

III. Legislative Matters

During FY20, the Commission approved a recommendation by its Bill Draft Request (“BDR”) Subcommittee, consisting of Vice-Chair Wallin and Commissioners Duffrin and Gruenewald, for a bill in the 2021 Legislative Session to amend various provisions of the Nevada Ethics in Government Law (“Ethics Law”) in NRS Chapter 281A. The Governor has agreed to sponsor the bill.

The bill is an effort by the Commission, through several years of public meetings and stakeholder input, to address issues that have become apparent since the 2017 legislative amendments (SB 84). The new BDR will clarify due process, improve transparency in the Commission’s processes, promote additional outreach and education, enhance confidentiality protections, streamline procedural requirements and address jurisdictional issues. The Commission and the BDR Subcommittee focused on amendments/additions that would improve and enhance access to the Commission and streamline its processes within the anticipated limitations on its fiscal resources. The proposed BDR includes amendments to address these issues:

1. Requests for Advisory Opinions

Increase accessibility to and responsiveness of the Commission to requests for advisory opinions by authorizing the Commission’s Executive Director and Commission Counsel to provide immediate informal, confidential advice to a public officer or employee on issues which the Commission has already issued precedential opinions. Such advice will still be subject to review by the Commission, and it may be relied upon by the public officer or employee as protection against potential violations of the Ethics Law. Additional amendments clarify process related to requests for and issuance of advisory opinions. Finally, the Commission requests statutory discretion to grant appropriate extensions of statutory deadlines for good cause. to issue such opinions.

2. Ethics Complaints

Significant clarifications and procedures are recommended to enhance transparency and due process for ethics complaints, including jurisdictional determinations, investigations and adjudication. Specifically, the Commission requests statutory discretion to grant appropriate extensions of statutory deadlines for good cause

to conduct investigations and render decisions. The Commission seeks to streamline its processes and provide transparent direction and additional rights to requesters and subjects of complaints. , including its 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.

3. Ethical Standards of Conduct

Clarify 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. Moreover, the Commission seeks to expand and clarify 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.

4. Open Meeting Law (“OML”) Exemption/Application

Under current law, the Commission is exempt from the OML for its proceedings regarding requests for advisory opinion and review panels, and for its receipt of information and deliberations regarding ethics complaints. Final actions taken in an ethics complaint must comply with the OML. Given the dynamics of the confidential adjudicatory process, including confidential negotiations of settlement, this bill would make the final action of the Commission exempt from the procedural requirements of the OML, which require special notice and public meeting materials. Instead, the final decision of the Commission, including any records relied upon by the Commission that are not otherwise confidential, would be transparent and made public records, but the procedural requirements of the OML would not apply.

In 2019, the OML was amended as applicable to all public bodies (including the Commission) to delegate litigation decisions to its Chair or Executive Director of the agency. Such delegation must occur in an open public meeting in compliance with the OML. This amendment occurred as a result of OML litigation involving the Commission in prior years that affected all public bodies and their decisions regarding litigation. This OML

amendment did not take into account the specific exemptions of the OML applicable to the Commission under NRS Chapter 281A, including litigation decisions related to confidential proceedings regarding advisory opinions and ethics complaints. Therefore, the Commission seeks specific language to authorize an exemption from OML for the delegation of litigation decisions related to confidential proceedings before the Commission. The Commission would continue to maintain its transparency by publishing all decisions on its website, which is accessible to the public.

5. Administrative Amendments

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.

IV. Litigation & Appellate Review:

During FY20, the Commission defended several of its decisions that were the subject of petitions for judicial review and other litigation initiated in State courts.

Commission Case No. 16-54C (Antinoro) – Nevada Supreme Court Case No. 74206 and First Judicial District Court Case No. 17 OC 00138

The Commission issued a final opinion finding that Subject Antinoro committed a willful violation of the Ethics Law by using government letterhead as a mechanism to endorse a political candidate and the Commission imposed a \$1,000 sanction. Subject Antinoro filed a Petition for Judicial Review of the Commission's decision in the First Judicial District Court of the State of Nevada in and for Carson City, Case No. 17 OC 00138, asserting that the Commission committed legal error and asserting a constitutional challenge to NRS 281A.400(7). The Commission filed a motion to dismiss, asserting the Court lacked jurisdiction to consider the petition due to noncompliance with the mandatory requirements of Nevada's Administrative Procedures Act set forth in NRS Chapter 233B, including failing to name all parties of record in the administrative proceedings and failing to exhaust administrative remedies. The District Court granted the motion to dismiss in favor of the Commission. Subject Antinoro filed a Notice of Appeal with the Nevada Supreme Court, Case No. 74206. The issues presented on appeal were briefed by the parties and the appeal was directed by the Nevada Supreme Court to the Nevada Court of Appeals for consideration.

On May 24, 2019, the Nevada Court of Appeals issued an Order of Reversal and Remand indicating, in part, that at the time the District Court dismissed the petition, it did not have the benefit of the Nevada Supreme Court's opinion in *Prevost v. State, Dep't of Admin.*, 134 Nev Adv. Op. No. 42, ___, 418 P. 3d 675, 676 (2018), which clarified prior case precedent and determined that the failure to identify a party in the caption of the petition for judicial review is not a fatal jurisdictional defect when the petitioner attached a copy of the underlying administrative decision that identified the parties. The Court of Appeals also determined that exhaustion of remedies was not required by application of NRS Chapter 281A and NAC Chapter 281A. Upon remand, the parties filed their respective briefs on the merits.

On October 30, 2019, the district court issued an Order and Judgment Denying Petitioner's Petition for Judicial Review and Affirming the Final Decision of the Nevada Commission on Ethics. In doing so, the district court confirmed that NRS 281A.400(7) is constitutional on its face and as applied in the case because it is a content-neutral statute that does not restrict the private rights of free speech under the First Amendment, is not view-point discriminatory and serves a legitimate governmental interest. The court also affirmed the Commission's final decision that Antinoro violated NRS 281A.400(7) when he used official letterhead to endorse a political candidate because the decision was supported by substantial evidence in the record. After expiration of the appeal deadline, the Commission published the final decision on its website.

Smith v. Review Panel of the Nevada Commission on Ethics, State of Nevada. - Eighth Judicial District Court Case No. A-20-812778-J

Donald Smith is the subject of three ethics complaints administratively identified as complaint numbers 19-081C, 19-082C and 19-105C ("Complaints"). On March 24, 2020, Smith filed a petition for judicial review to challenge the three-member Review Panel's determination referring certain allegations set forth in the Complaints to the Commission for adjudicatory proceedings pursuant to NRS 281A.730, and he also filed an Application to Stay the pending administrative proceedings before the Commission.

On April 22, 2020, the Review Panel filed a motion to dismiss asserting the District Court lacked jurisdiction to consider the petition due to noncompliance with the mandatory requirements of Nevada's Administrative Procedures Act set forth in NRS Chapter 233B and provisions of NRS Chapter 281A which assert that a Review Panel's determination is not a final decision, but is an interlocutory order, and the final decision to be issued by the Commission and related rights of judicial review provide petitioner with an adequate remedy at law. Further, the motion asserted that petitioner did not properly name all parties and comply with other statutory requirements.

On April 22, 2020, The Review Panel also filed an opposition to petitioner's Application for Stay and a Motion to Stay the briefing schedule related to the merits of the judicial review until such time as the Court ruled upon the motion to dismiss and whether it had jurisdiction to consider the petition. The parties thereafter stipulated to the Review Panel's requested stay of proceedings, which stipulation was confirmed by court order issued on June 3, 2020.

The issues set forth in motion to dismiss were fully briefed and oral arguments were presented to the District Court on June 10, 2020. The District Court issued a minute order dated June 16, 2020, granting the motion to dismiss in favor of the Commission/Review Panel instructing that judicial review of the final decision of the Commission will provide petitioner with an adequate remedy at law and therefore the court did not have subject matter jurisdiction under NRS 281A.130 to review the interlocutory order issued by the Review Panel. The District Court directed the parties to prepare of a proposed order consistent with the minute order and the final order was issued on July 6, 2020. Petitioner will have statutory rights to pursue an appeal to the Nevada Supreme Court. In the meantime, the Commission is proceeding with adjudication on the merits of the allegations set forth in the Complaints that were referred by the Review Panel.

V. Fiscal Matters

Commission Budget:

The Commission's biennial funding is split between the State General Fund and certain of Nevada's local governments (cities and counties). The proportions for the State Fund and local governments are based on the number of public officers and employees who serve the State compared to local governments. Legislatively-approved labor data from the Nevada Department of Employment, Training and Rehabilitation provides that 28 percent of Nevada's public officers and employees serve the State and 72 percent serve local governments.

FY20 wrapped up the first year of the Commission's biennial budget. The Commission's budget for FY20 was \$930,837, before it was amended at the end of the fiscal year to accommodate the requested agency budget cuts resulting from the Pandemic. The Commission's budget funds personnel (salaries/benefits), travel (to conduct meetings, investigations and trainings), operating expenses, court reporting, information technology equipment and services and other State-related cost allocations and assessments. Personnel and operations are the Commission's largest expenses and are essential to support the Commission's primary efforts to provide outreach and education regarding the Ethics in Government Law, respond to advisory requests and investigate and adjudicate ethics complaints.

Given the legislative priorities and demands on Commissioners and staff during FY20 to respond to its increased case load and outreach efforts, the Commission primarily met virtually and via email communications (where the Open Meeting Law was not applicable) so that Commission staff could use the travel budget for investigations and training efforts throughout the State, until the Pandemic halted all travel and in-person meetings.

The Commission's budget objectives in FY20 included seeking additional interim investigatory/adjudicatory resources from the Governor and Legislature to address the backlog of investigations/adjudications due to the increased case load and staff vacancies. The Commission sought a temporary, contract attorney to round out the interim, and to assess whether the agency needs an additional full-time attorney position next biennium.

While the case load and legal demands warranted the additional legal position, the Pandemic's devastating impacts on the State's revenues in the last quarter made this impossible.

Since the COVID-19 Pandemic resulted in restrictions/prohibitions on travel and in-person meetings, and the majority of the Commission's budget consists of travel, training and court reporting costs, the Commission was able to revert the required percentage of funding back to the State for the remainder of FY20. The Commission also had to compromise on the form of its investigations, which meant telephonic or virtual (as opposed to in-person) witness interviews and experienced delays in receiving documentation and other evidence from various governmental agencies. This has contributed to the ongoing backlog of investigations and adjudications. On a positive note, we have learned to use some alternative methods that will still serve us well even after operations return to normal.

Perhaps more daunting for all government agencies, including the Commission, will be the fiscal effects for the next fiscal year and future biennium as the State contends with the economic impacts of the Pandemic. During FY20, the Commission was asked to propose additional cuts to its FY21 Budget (for consideration at a special session to be held next fiscal year), which have again included significant cuts to travel, operations, and court reporting, along with the closure of the Commission's Las Vegas Office, which was unstaffed. The Commission will continue to do its part to respond to the crisis and develop efficiencies in its processes. In fact, the Commission's BDR Subcommittee recommended various legislative amendments that may not solve the increased case load or backlog, but will make the Commission able to respond appropriately to various statutory deadlines through extensions of time for good cause and other procedural streamlining of advisory and complaint cases.

The Executive Director will work with the Commission and the Governor's Office to determine its priorities amid the fiscal realities confronting the State. To achieve the Commission's mission of education and outreach as the case load increases and demands on staff become greater, we must consider increasing staff, achieving salary parity with similar positions in other State agencies and modernizing the Commission's technology.

VI. Outreach & Education Program

In FY20, the Commission and the Executive Director continued the program of outreach and education to Nevada's public officers and employees and public attorneys. The Executive Director continued outreach at nearly the same pace as the prior fiscal year, until the COVID-19 Pandemic shut down travel and in-person meetings. While the number of trainings reduced toward the end of the fiscal year, the Executive Director adapted to a virtual training platform for several agencies. While the level of interaction in this platform has some limits, the overall accessibility has proven effective enough that the Commission staff will be developing a formal virtual/digital training in the next fiscal year.

The Commission has continued to express its intention to increase the number and type of outreach methods in the future to promote its primary mission of education. Given the staffing and fiscal limitations confronting the State and the Commission in the next year, the Commission will strive to adapt to the virtual environment and otherwise seek creative alternatives to ensure that State and local agencies may seek and receive training from the Commission. They will also be doing more outreach to the media and the general public.

Ethics Trainings – FY20

Trainings Provided to:	Number of Ethics in Government Law Trainings Presented:
State Government Entities	11
Local Government Entities	11
Private Entities	3
Total	25

In addition to the Commission's training program, the Commission engages in other outreach efforts via staff communications and correspondence with the public. The Commission staff provides regular, often daily, feedback for the public, public officers and employees and government attorneys regarding the applicability of NRS Chapter 281A and Commission's opinion precedent.

NEVADA COMMISSION ON ETHICS ANNUAL REPORT 2020

Date	Entity	Location	Jurisdiction
7/10/19	NV State Board of Nursing	Lake Tahoe	State
7/16/19	State of NV Div. of Insurance	Carson City	State
7/19/19	NV State Board of Dental Examiners	Reno	State
8/7/19	NV State Board of Dental Examiners	Las Vegas	State
8/8/19	City of Las Vegas	Las Vegas	Local
8/8/19	Southern NV Chapter of the International Code Council	Las Vegas	Private
8/14/19	Lake Tahoe Visitors Authority	Stateline	Local
8/22/19	Institute of Internal Auditors Northern NV	Carson City	Private
9/4/19	NV State Board of Pharmacy	Reno	State
9/24/19	NV League of Cities	Henderson	Local
9/25/19	NV Association of Counties	Sparks	Local
10/21/19	Silver Springs/Stagecoach Hospital Board	Silver Springs	Local
10/23/19	City of N Las Vegas (x4)	N. Las Vegas	Local
10/23/19	City of N Las Vegas (x4)	N. Las Vegas	Local
10/23/19	City of N Las Vegas (x4)	N. Las Vegas	Local
10/23/19	City of N Las Vegas (x4)	N. Las Vegas	Local
10/24/19	NV State Public Charter School Authority	Las Vegas	State
10/24/19	Southern NV Regional Housing Authority	Las Vegas	Local
11/18/19	AG Boards and Commissions	Carson City	State
12/6/19	NV State Board of Medical Examiners	Las Vegas	State
1/7/20	Douglas County Board of Commissioners	Minden	Local
1/17/20	Association of Government Accountants	Reno	Private
1/22/20	State of NV Gov Office of Economic Dev	Carson City	State
3/4/20	NV State Board of Accountancy	Reno	State
6/30/20	Dept of Taxation	Zoom	State

VI. Closing Remarks

FY20 can be best summarized as a year of contrast in both steadiness and flexibility. Given the significant dynamics in responding to the COVID-19 Pandemic toward the end of the fiscal year, it is easy to forget the pace at which the Commission was operating for the first 3 quarters of the fiscal year. The COVID-19 Pandemic has dominated our view of FY20, as the Commission staff converted to remote, tele-working conditions and the Commission's meetings became virtual. Nevertheless, the Commission should be praised for the pace at which it responded to its increased case load with limited resources, and its ability to remain accessible to the public as well as State and local government public officers and employees do to the extenuating circumstances presented by the Pandemic.

While the number of new complaint cases slowed during the last Quarter, staff and the Commission remained steadfast in resolving a significant number of its older cases, addressed unprecedented litigation and adapted to a new virtual format for providing outreach and education. As other governmental agencies adapt to new reforms under COVID-19, including virtual meetings, telecommuting work environments and the upcoming fiscal and legislative issues in the next fiscal year, it is reasonable to assume that the Commission's case load may pick up again in the coming fiscal year. The Commission and its staff will be poised to tackle these challenges to ensure the public's trust in government oversight and transparency.

Commission and Commissioner Information

Nevada Commission on Ethics
as of 06/30/20

Commissioners

*=Appointed by Governor

**=Appointed by Legislative Commission

Chair - Cheryl Lau, Esq. (R)*
(07/01/16 – 06/30/20)

Teresa Lowry, Esq. (D)**
(05/16/18 - 05/15/22)

Vice Chair - Kim Wallin, CPA (D)**
(06/26/18 – 06/25/22)

Philip “P.K.” O’Neill (R)*
(07/01/19 – 6/30/23)

Brian Duffrin (NP)*
(11/01/19 – 10/31/23)

Damian R. Sheets, Esq. (D)*
(10/01/19 – 9/30/23)

Barbara Gruenewald, Esq. (D)**
(10/12/19 - 10/31/23)

Amanda Yen, Esq. (R)**
(12/21/16 – 12/20/20)

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Executive Director

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VACANT
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