



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

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

Advisory Opinion No. 20-008A

_____ Public Officer. /

ABSTRACT OPINION

I. STATEMENT OF THE CASE

Public Officer ("Public Officer"), Member of Public Body, Public Entity, State of Nevada, requested this 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. Pursuant to NAC 281A.352, 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, a list of proposed facts that were affirmed as true by Public Officer and publicly available information.

Public Officer sought an opinion from the Commission regarding Public Officer's responsibilities under the Ethics Law applicable to personnel matters relating to Public Officer's family member, who is employed by Public Entity. After fully considering Public Officer's request and analyzing the facts and circumstances Public Officer presented, the Commission deliberated and advises Public Officer to make a proper disclosure and abstain on any personnel or administrative matters ("Personnel Matters") pertaining to the family member's public employment with Public Entity, as required by NRS 281A.420 and this opinion.

The Commission further advises Public Officer that the Ethics Law does not preclude performing other official duties with respect to the establishment or revision of policies for Public Entity provided that such matters do not affect the interests of the family member greater or less than other employees similarly affected by the matter based upon application of the presumption set forth in NRS 281A.420(4). However, If Public Officer's official duties in this regard implicate the individual interests of the family member, Public Officer is advised to properly disclose and abstain from participation with respect to the matter. If there are additional questions relating to any other matters affecting the family member, such as whether the presumption applies, Public Officer may consult with official legal counsel for Public Entity or Public Officer may utilize the Commission's advisory opinion process.

The Commission now renders this Abstract Opinion stating its formal findings of fact and conclusions of law. The facts in this matter were obtained from documentary evidence provided by Public Officer. For the purposes of the conclusions offered in this

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

opinion, the Commission's findings of fact set forth below accept as true those facts Public Officer presented. Facts and circumstances that differ from those presented to and relied upon by the Commission may result in different findings and conclusions than those expressed in this opinion. Although a 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 requester.²

II. QUESTIONS PRESENTED

As a member of Public Body, Public Officer is charged with designated public duties including certain personnel and budgetary matters. Public Officer is seeking guidance on Public Officer's conduct relating to the family member's Personnel Matters. Further, Public Officer seeks guidance on whether Public Officer may participate in revisions relating to personnel policies affecting Public Entity.

III. FINDINGS OF FACT

1. Public Officer is a member of the Public Body for Public Entity, State of Nevada.
2. Public Officer and the family member who was employed by Public Entity are related within the third-degree of consanguinity.
3. The hiring process for the family member was managed by the administrative officer of Public Entity ("Administrative Officer") without discussion with Public Officer or Public Body.
4. Once Public Officer knew the family member was considered for hire, Public Officer advised Administrative Officer about the familial relationship.
5. Administrative Officer informed Public Officer about certain personnel matters pertaining to the family member that could and did result in an adverse employment determination affecting the family member.
6. Public Officer confirms that Public Officer did not ask for any favoritism for the family member.
7. After the adverse employment determination was implemented by Administrative Officer, the family member asked Public Officer certain related questions that Public Officer could not answer. Public Officer referred the family member to another member of Public Body and promptly advised the Administrative Officer accordingly. In particular, Public Officer discussed the Personnel Matters with Administrative Officer, including providing limited guidance thereon, after first inquiring whether the Administrative Officer had any concerns regarding talking with Public Officer about such matters.
8. Public Officer anticipates Public Entity will consider revisions to certain personnel policies and requests guidance on whether Public Officer may participate on such matters.

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 an advisory opinion, public is not precluded from bringing ethics complaint) and *In re Rock*, Comm'n Op. No. 94-53 (1995) (Commission reservation of right to review until time issue is raised).

IV. STATEMENT AND DISCUSSION OF ISSUES AND RELEVANT STATUTES

A. OVERVIEW OF ISSUES

The questions Public Officer poses relating to the connectivity between the family member's private interests and Public Officer's public duties, which implicate the provisions of NRS 281A.020 (maintaining proper separation between public duties and private interests); NRS 281A.400(1) (seeking a favor for any person to whom the public officer has a commitment in a private capacity); NRS 281A.400(2) (use of government position to secure or grant unwarranted privileges, preferences, etc. to a person to whom the public officer has a commitment in a private capacity); NRS 281A.400(9) (improper influence of a subordinate for a personal purpose) and NRS 281A.420 (disclosure of conflicts of interest and abstention).

The citizens of Nevada have a right to be assured to the fullest possible extent that the private 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 him 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 confirms that Public Officer has a conflict of interest associated with the family member's Personnel Matters and advises on the

associated compliance obligations under the Ethics Law in order to maintain the public's trust. Public Officer must maintain proper separation between Public Officer's public duties and Public Officer's private interests, including Public Officer's commitment in a private capacity to the interests of the family member. The Commission appreciates Public Officer's recognition of these potential conflicts and implications to the Ethics Law set forth in NRS Chapter 281A.

B. RELEVANT STATUTES

1. Public Trust and Duty to Avoid Conflicts of Interest - NRS 281A.020, in relevant part, 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. "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.

3. Standards of Conduct – NRS 281A.400(1), (2) and (9) provide:

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.

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

4. 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.

5. 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.

V. DECISION

A. **A *PER SE* CONFLICT EXISTS RELATING TO A FAMILY MEMBER'S PERSONNEL MATTERS**

The requirements of NRS 281A.400(1) preclude seeking a favor to benefit a person to whom Public Officer has a private commitment. NRS 281A.400(2) instructs that Public Officer may not use a public position to secure or grant unwarranted privileges, preferences, exemptions or advantages (collectively "preferences") to any person to whom Public Officer has a commitment in a private capacity, as defined in NRS 281A.065. The Commission has confirmed that "a public officer has a *per se* commitment in a private capacity to the interests of a person to whom Public Officer is related within the third degree of consanguinity or affinity." *In re Public Officer*, Comm'n Op. No. 10-35A (2010), at p. 3. The relationship with a family member within the "third degree of consanguinity" is encompassed in the definition of a "commitment in a private capacity," as set forth in NRS 281A.065(3). *Also see* NAC 281A.310 (consanguinity chart).

In a recent opinion, the Commission provided guidance to the City Manager of Henderson regarding his supervision over his family member, a sergeant with the Henderson Police Department. *See In re Murnane*, Comm'n Op. No. 15-45A (2016). In *Murnane*, the City Manager was the Chief Executive Officer of the City and he supervised

the Police Chief and had authority over the police department budget. The Commission determined:

Both the Commission and Murnane appropriately recognize that Murnane should not be involved in matters associated with his family member because such participation not only has an appearance of impropriety, it creates an impermissible conflict under the Ethics Law. Separately, the Commission and *Murnane* have identified that Murnane's supervision of the Police Chief has potential for conflicts and should be evaluated under the Ethics Law.

Id. at p. 12.

Likewise, here the family member has a private interest in public employment and assuring any Personnel Matters are properly processed. Public Officer appropriately recognizes an inherent conflict of interest between Public Officer's official duties and private commitment to the family member and the Personnel Matters. Public Officer has attempted to navigate this conflict by seeking guidance from the Administrative Officer, a subordinate. However, in doing so, Public Officer discussed the family member's Personnel Matters making some limited recommendations associated therewith. In this regard, Public Officer requests the Commission review Public Officer's past conduct to make sure Public Officer properly separated Public Officer's public duties from Public Officer's private commitment to the family member. Public Officer also seeks direction on whether Public Officer may participate as a member of Public Body in policy revisions.

1. Disclosure and Abstention

Foremost, Public Officer must be vigilant to avoid this conflict and to fulfill Public Officer's duties to the public. In doing so, Public Officer is obligated, in accordance with the Ethics Law and interpretive opinions, to properly disclose the full nature and extent of Public Officer's familial relationship as it relates to any matter affecting Public Entity, and abstain on any actions or decisions that materially affect the family member, including the Personnel Matters.³ Public Officer is reminded that a disclosure required by the Ethics Law during a public meeting must occur "each time the matter is considered." (NRS 281A.420(1)). The statute precludes any participation or voting or otherwise acting upon a matter prior to a proper disclosure and determination of whether abstention is required by NRS 281A.420(3) and (4). Further, care must be taken to avoid participating on a matter on which there is a conflict before, after or outside of the confines of a public meeting because directions to staff or other actions are captured by the plain language of NRS 281A.420 and are restricted.

When making a disclosure, the Ethics Law does not recognize a continuing disclosure or a disclosure by reference. 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 at the meeting where no actual disclosure occurred. See *In re Buck*, Comm'n Op. No. 11-63C (2011) (holding that incorporation by

³ The Commission's published opinions interpreting disclosure requirements include, but are not limited to, *In re Woodbury*, Comm'n Op. No. 99-56 (1999), *In re Public Officer*, Comm'n Op. No. 13-86A (2014), *In re Public Employee*, Comm'n Op. No. 13-78A (2014), *In re Public Officer*, Comm'n Op. No. 13-72A (2014), citing *In re Weber*, Comm'n Op. No. 09-47C (2009) and *In re Murnane*, Comm'n Op. No. 15-45A (2016).

reference of Public Officer's prior disclosure, even though based upon the advice of counsel, did not satisfy the disclosure requirements of NRS 281A.420(1)).

To ensure proper separation between Public Officer's private interests and public duties in the future, Public Officer must also abstain from acting upon matters affecting a family member's personal interests. Public Officer is advised to refrain from any discussions related to the family member's Personnel Matters or private interests with other members of Public Body or any Public Entity personnel under Public Officer's supervision.

2. Improper Influence of a Subordinate – NRS 281A.400(9)

Both the Commission and Public Officer appropriately recognize that Public Officer should not be involved in matters associated with the family member because such participation not only has an appearance of impropriety, but it also creates an impermissible conflict under the Ethics Law. In furtherance thereof, the Commission identifies that Public Officer's authority over subordinates likewise implicates Public Officer's conflict. In particular, NRS 281A.400(9) prohibits a public officer or employee from attempting to benefit a significant personal or pecuniary interest of themselves or any person to whom there is a commitment in a private capacity through the influence of a subordinate.

An attempt to influence a subordinate may occur in various ways and is fact dependent. For example, a public officer's use of a public position to provide specific direction for purposes of seeking a benefit related to the conflict certainly implicates NRS 281A.400(9). However, improper influence of a subordinate may be more subtle such as budgetary influences, influence by couching the issue in general terms when there is connectivity to the conflict or other forms of pressure that seek influence, favors, benefits or privileges. See *a/so* NRS 281A.400(1) and (2).

Public Officer confirmed that discussions were held with a subordinate and limited direction was provided associated with the family member's Personnel Matters. The discussion placed the subordinate in a position to talk about the same matters on which Public Officer had abstained. Even though the subordinate advised Public Officer that the conversations were appropriate, the Commission expresses significant concern that a discussion occurred on a matter in which Public Officer was required to abstain based upon a *per se* conflict, and the context of the discussion also causes concern.

At a minimum, the discussion creates an appearance of impropriety and it could rise to a violation of NRS 281A.400(9) if Public Officer attempted to or received a benefit pertaining to the family member. Examples of possible benefits include seeking or receipt of confidential information that would assist the family member, such as confidential strategy, internal legal positions or other matters relating to defending the personnel matter and/or any associated litigation, if there be any. Further, given Public Officer's abstention, the fairness of the family member's administrative process and the personnel determination were under the authority of a subordinate. Pursuant to NRS 281A.420(3) and (4), Public Officer was precluded from acting thereon because a reasonable person in Public Officer's position would be materially affected by the family member's private interests.

The Commission advises Public Officer that Public Officer should have fully abstained on the family member's Personnel Matters and Public Officer's disclosure and abstention must be restated each time the conflict arises. Full compliance with the Ethics Law means that Public Officer should not have discussed the specifics of the Personnel

Matters with the subordinate. If there was no discussion, it would be difficult to claim that Public Officer attempted to influence or obtain information about such matters. Past facts may serve to receive guidance on compliance with the Ethics Law, but they are not alterable. The Commission perceives that Public Officer was trying to properly carry out Public Officer's public duties given the conflict because Public Officer sought guidance, and this mitigation will be considered should there be an ethics complaint.⁴ Should Public Officer have a question about the legal boundaries of interactions with subordinates in a conflict situation, they are more appropriately addressed by the official legal advisor for Public Entity, not directly with the subordinate. In addition, the Commission's advisory opinion process is available to assist with compliance with the Ethics Law.

B. PERSONNEL POLICIES

Public Entity has authority over certain administrative matters for the organization and may adopt policies governing personnel matters. It is anticipated that revisions to Public Entity's personnel policies will be needed in the future. In reviewing this issue, the Commission recognizes two provisions of NRS 281A.420:

1. NRS 281A.420(4) establishes a legal presumption that instructs 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 or elected and to otherwise act upon a matter, provided the public officer has properly disclosed the public officer's commitment in a private capacity to the interests of another person in the manner required. The presumption permits participating and voting on a matter if the resultant effect on the public officer's private interests or commitment are not greater or less than others affected by the matter. Notably, a proper disclosure is a condition precedent to entitlement to the presumption.
2. NRS 281.420(6) establishes that NRS 281A.420 does not preclude a member of a local legislative body from requesting or introducing a legislative measure. However, the public officer may be precluded from voting or other participation after the introduction of legislation depending on whether the presumption applies to the circumstances.

The presumption set forth in NRS 281A.420(4) favors the rights of public officers to perform the duties for which the public officer was elected or appointed provided the public officer properly discloses the commitment in a private capacity and the matter at issue does not affect the interests of others in the group or profession any more or less than the person to whom there is a commitment in a private capacity. In *Murnane*, the Commission determined that Murnane was not prohibited under the Ethics Law from performing his official duties regarding the budget and certain personnel matters similarly affecting all employees. However, if Murnane's public duties in this regard implicated the specific interests of his family member more or less than any other members of the employee group affected by the matter, Murnane was advised to be vigilant, properly disclose, and properly delegate the matter in consultation with the City Attorney, and the

⁴ Advisory opinions are instituted by and rely upon the facts presented by the requester pursuant to NRS 281A.675 to NRS 281A.690 and related regulations. Determination of whether the Ethics Law has been violated is appropriately considered in contested administrative proceedings associated with ethics complaint cases, during which the Commission may consider all evidence and testimony, including arguments presented by the parties relating to mitigation, as set forth in NRS 281A.710 to NRS 281A.790 and related regulations.

delegate must be instructed not to consult with Murnane but to, instead, independently consult with the City Attorney. *Id.*

Public Officer's request for guidance on whether Public Officer may participate in revisions to employment policies or enacting regulations for Public Entity is analogous to the *Murnane* opinion. Accordingly, the Commission determines the circumstances are appropriate to apply the public policy attributes of NRS 281A.420(4) to determine that Public Officer is not prohibited under the Ethics Law from participating in policy revision so long as it does not relate to the specific interests of the family member apart from matters affecting all employees of Public Entity. Public Officer must make a proper disclosure before acting thereon and describe for the public's benefit the reasons why the presumption set forth in NRS 281A.420(4) permits Public Officer's participation. In other words, if a policy is being revised and it would not affect the family member more or less than other members of the group affected by the matter, Public Officer may make a proper disclosure and then participate on the matter. However, if Public Officer's official duties implicate the specific interests of the family member more or less than any others similarly situated, Public Officer is advised to properly disclose and fully abstain from participation with respect to such matters. Consistent with *Murnane*, before Public Officer acts on any such matter, Public Officer is advised to obtain legal advice on Public Officer's potential conflict and content of Public Officer's disclosure and abstention to assure compliance with the requirements of the Ethics Law from the official legal advisor for Public Entity. In addition, the Commission's advisory opinion process is also available to provide guidance on compliance matters.

VI. CONCLUSIONS OF LAW

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 Public Officer under NRS 281A.665.
3. Public Officer has a *per se* conflict of interest between Public Officer's public duties that pertain to the private interests of a family member, who is related within the third degree of consanguinity.
4. Pursuant to NRS 281A.420(1), Public Officer must disclose the full nature and extent of the familial relationship and the associated effect of any actions taken in Public Officer in an official capacity on the family member's private interests, including Personnel Matters. Such a disclosure must be made each time the matter is heard and should include, at a minimum, disclosure to the public, Public Body, Public Entity, and any other supervisory staff, as applicable.
5. Pursuant to NRS 281A.420(3) and (4), Public Officer must abstain from participating in any Personnel Matters relating to the family member, which duty continues so long as Public Officer serves in a public position with authority over such matters.
6. Public Officer may participate in public matters pertaining to revision of policy, as would any other member of the Public Body, provided that Public Officer makes a proper disclosure as outlined herein and the specific interests of the family member are not implicated more or less than any other affected employees of Public Entity.
7. Public Officer is advised to maintain proper separation between Public Officer's public duties and Public Officer's private interests and commitments including

avoiding any influence of a subordinate on a matter affecting a family member. Proper separation of these interests includes refraining from any discussions about the family member's private interests, including Personnel Matters, with any subordinate of Public Entity.

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

The following Commissioners participated in this opinion.

Dated this 1st day of June, 2020.

THE NEVADA COMMISSION ETHICS

By: [/s/ Cheryl A. Lau](#)
Cheryl A. Lau, Esq.
Chair

By: [/s/ Teresa Lowry](#)
Teresa Lowry, Esq.
Commissioner

By: [/s/ Kim Wallin](#)
Kim Wallin, CPA
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By: [/s/ Philip K. O'Neill](#)
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