



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Public Employee**, Public Entity,
State of Nevada,

Advisory Opinion No. 20-020A

_____ Public Employee. /

ABSTRACT OPINION

Public Employee ("Public Employee"), Public Entity, State of Nevada, requested this confidential advisory opinion from the Nevada Commission on Ethics ("Commission"), regarding the propriety of conduct as it relates to the Ethics in Government Law ("Ethics Law") set forth in Chapter 281A of the Nevada Revised Statutes ("NRS"). Pursuant to 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 Employee and publicly available information.

Public Employee sought an opinion from the Commission regarding the applicability of or relief from the strict application of the "cooling-off" requirements established in NRS 281A.550(5) because Public Employee anticipates retiring from public service and is interested in seeking employment from certain firms ("Firms"), some of which are contract vendors for Public Entity. If Public Employee's prospective employment opportunities are subject to NRS 281A.550(5), relief is sought pursuant to NRS 281A.550(6).

After fully considering Public Employee's request and analyzing the facts presented by Public Employee, the Commission deliberated and advised that the anticipated employment with each of the Firms is within the scope of conduct regulated by the "cooling-off" provisions of NRS 281A.550(5). Under the limited circumstances presented, the Commission determines that Public Employee should be provided relief from the strict application of the "cooling-off" provisions under NRS 281A.550(6), which would permit Public Employee to accept the proposed employment. However, Public Employee must comply with the mandatory prohibitions of NRS 281A.410(1)(b) against providing representation or consulting services for compensation to any of the Firms or any other person or entity on any issue that was under consideration by the Public Entity during the term of Public Employee's public service.

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 Employee and public records. For the purposes of the conclusions offered in the written opinion, the Commission's findings of fact set forth below accept as true those facts Public Employee presented. Facts and circumstances that differ from those presented to and relied upon by the Commission may result in

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

different findings and conclusions than those expressed in this opinion.² Although a full written opinion was served on Public Employee, 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.

I. QUESTIONS PRESENTED

Public Employee questions whether the “cooling-off” provisions of the Ethics Law set forth in NRS 281A.550(5) prohibit Public Employee during the 12 months after separation from public service, from seeking employment with certain Firms who have contracts with Public Entity. If NRS 281A.550(5) applies, Public Employee requests the Commission grant relief pursuant to NRS 281A.550(6). In addition, Public Employee seeks guidance regarding the application of the cooling-off restrictions set forth in NRS 281A.410(1)(b).

II. FINDINGS OF FACT

1. Public Employee is employed by Public Entity, State of Nevada and anticipates leaving public service in the near future.
2. Public Employee’s public duties require particular expertise and include overseeing certain staff related to a specific public service.
3. Public Employee desires to perform work in a particular field of expertise and would like to seek work with certain firms that are contract vendors for Public Entity, all of which have been awarded a contract or amendments during the past 12 months that exceed \$25,000.
3. Public Employee did not participate in preparing bids or as a member of selection committees or in any other matter pertaining to awarding any of the contracts or amendments for any of the Firms.
4. Although Public Employee did not participate in the processing or award of the associated contracts/amendments for the Firms, Public Employee supervised personnel who performed these public duties.
5. Public Employee’s position for Public Entity would have provided the opportunity for Public Employee to influence the contract award or any associated extensions/amendments, although there is no evidence that this occurred.
6. Public Employee has not sought or applied for future employment with any of the Firms, but Public Employee did have a couple of conversations with a former colleague who worked for one of the Firms. The former colleague provided information about obtaining an advisory opinion from the Commission related to application of NRS 281A.550 before even discussing or applying for a position with a contract vendor.
7. Public Employee confirms that Public Employee will comply with the limitations set forth in NRS 281A.410(1)(b) that restrict any representing or counseling for compensation provided to any private person (including an employer) on any

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

issues that were under consideration by Public Entity during the tenure of Public Employee's public service for that agency.

8. If NRS 281A.550(5) applies to the circumstances, Public Employee seeks relief from its strict application pursuant to NRS 281A.550(6) based upon the following:
 - a. Public Employee has been employed in public service in a particular field of expertise for a number of years and leaving public service does not reflect a revolving door situation.
 - b. There is a shortage of professionals in Nevada in Public Employee's field of expertise and it benefits the public to retain trained personnel in this area in Nevada, including in the private sector.
 - c. Public Employee's home is in the State of Nevada and Public Employee desires to remain in this State and not be required to seek a position out-of-state.
 - d. Public Employee desires to continue working in the field of expertise and will not pursue employment with any contract vendor unless the vendor would permit Public Employee to work only on matters unrelated to Public Entity for the 12-month period following separation from public service.
 - e. Public Employee confirms that Public Employee will not work on any issues under consideration by Public Entity for 12-months after separation from public service, including providing services related to any of Public Entity's vendor contracts.
 - f. Public Employee has not used a public position to seek future private employment.

III. STATEMENT AND DISCUSSION OF RELEVANT STATUTES AND ISSUES

A. OVERVIEW OF ISSUES

The Ethics Law promotes public integrity through the appropriate separation between public duties and private interests by Nevada's public officers and employees. In furtherance of that mission, the Ethics Law imposes a one-year "cooling-off" requirement applicable to public officers and employees to prevent these government actors from using any proprietary or regulatory information or relationships belonging to the public to create competitive disadvantages or otherwise misuse government information in the private sector regulated by the governmental entity. See NRS 281A.410(1)(b) and NRS 281A.550. NRS 281A.550(5) prohibits a public officer/employee from soliciting or accepting employment from certain vendors. The Commission has authority to grant relief from the employment restrictions under NRS 281A.550(6) if such relief is not contrary to the interests of the public, the continued ethical integrity of the affected agency and the Ethics Law.

In this opinion, the Commission provides guidance to Public Employee on whether NRS 281A.550(5) or NRS 281A.410(1)(b) restrict seeking private employment with the Firms that serve as Public Entity's contract vendors, and considers whether Public Employee should be granted relief from the strict application of the one-year "cooling-off" period under NRS 281A.550(6).

B. RELEVANT STATUTES

1. Duty to Avoid Conflicts of Interest

NRS 281A.020(1) 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. Improper Use of Public Position

NRS 281A.400(1), (2), (5) and (10) 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.

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

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

3. "Cooling-Off" – Accepting Employment

NRS 281A.550(5) provides:

5. Except as otherwise provided in subsection 6, a former public officer or employee of the State or a political subdivision, except a clerical employee, shall not solicit or accept employment from a person to whom a

contract for supplies, materials, equipment or services was awarded by the State or political subdivision, as applicable, for 1 year after the termination of the officer's or employee's service or period of employment, if:

- (a) The amount of the contract exceeded \$25,000;
- (b) The contract was awarded within the 12-month period immediately preceding the termination of the officer's or employee's service or period of employment; and
- (c) The position held by the former public officer or employee at the time the contract was awarded allowed the former public officer or employee to affect or influence the awarding of the contract.

4. Exception to "Cooling-Off" Requirements for Employment – Relief from Strict Application

NRS 281A.550(6), (7), (8) and (9) provide:

6. A current or former public officer or employee may file a request for an advisory opinion pursuant to NRS 281A.675 concerning the application of the relevant facts in that person's case to the provisions of subsection 3 or 5, as applicable, and determine whether relief from the strict application of those provisions is proper. If the Commission determines that relief from the strict application of the provisions of subsection 3 or 5, as applicable, is not contrary to:

- (a) The best interests of the public;
 - (b) The continued ethical integrity of the State Government or political subdivision, as applicable; and
 - (c) The provisions of this chapter,
- ↳ it may issue an advisory opinion to that effect and grant such relief.

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

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

9. For the purposes of this section:

- (a) A former member of the Public Utilities Commission of Nevada, the Nevada Gaming Control Board or the Nevada Gaming Commission; or
 - (b) Any other former public officer or employee governed by this section,
- ↳ is employed by or is soliciting or accepting employment from a business, industry or other person described in this section if any oral or written agreement is sought, negotiated or exists during the restricted period pursuant to which the personal services of the public officer or employee are provided or will be provided to the business, industry or other person, even if such an agreement does not or will not become effective until after the restricted period.

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5. “Cooling-Off” – Representing or Counseling

NRS 281A.410(1)(b) provides, in relevant part:

In addition to the requirements of the code of ethical standards:

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

* * *

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

V. DECISION

This matter signifies concerns triggering the “cooling-off” prohibitions of the Ethics Law under NRS 281A.550(5) and NRS 281A.410(1)(b). The Legislature has identified limited circumstances in which a public employee may be restricted in future employment endeavors in the private sector so as not to dilute the public’s faith in government. Notably, the Legislature, in enacting the distinct and separately enforceable restrictions in NRS 281A.550 and NRS 281A.410, has not prohibited all future private income or employment opportunities. Each statute has a varied focus, but similarly serves to protect the public trust and associated relationships acquired during public service, or expertise obtained as a result of public duties. The Commission considers whether NRS 281A.550(5) applies and, if applicable, whether Public Employee should be granted relief pursuant to NRS 281A.550(6).³ The Commission also provides guidance on the mandatory provisions of NRS 281A.410(1)(b), which prohibit, for one-year, providing paid counseling and representation on issues under consideration by Public Agency during Public Employee’s public service.

A. NRS 281A.550(5) APPLIES TO PUBLIC ENTITY’S CONTRACT VENDORS

NRS 281A.550(5) prohibits seeking or accepting employment with a private entity that contracts with the State or a political subdivision if the contract amount exceeds \$25,000, the contract was awarded within the 12 months immediately preceding the termination of public service, and the position held by the former public officer or employee at the time the of the contract award allowed the former public officer or employee to affect or influence the award of the contract. All conjunctive requirements of NRS 281A.550(5) must be present for the one-year “cooling-off” prohibition to apply to restrict the employment.

Notably, affecting an award of a contract is not restricted to the final decision maker. In *In re Public Employee*, Comm’n Op. No. 16-61A (2016), the Commission specified that pursuant to the language of NRS 281A.550(5), the public officer or public employee need only be part of the process rather than the final decision maker for

³ NRS 281A.550(3) is not implicated by the presented circumstances because none of the identified contract vendors are regulated by Public Entity.

applicability of NRS 281A.550. See also *In re Public Employee*, Comm'n Op. No. 17-28A (2018) (public employee not required to be final decision maker or hold a position directly responsible for making recommendations because public duties performed even under supervision may be sufficient for application of the restrictions set forth in NRS 281A.550). Further, even without an actual affect, the language of NRS 281A.550(5) extends to those contracts where the position held by the public officer/employee, at the time of the contract award, would have permitted the public officer/employee the ability to influence the award. The ability to influence even without conduct of actual influence is therefore sufficient for application of NRS 281A.550. See *In re Public Employee*, Comm'n Op. No. 18-137A (2019), at p. 8.

Here, Public Employee confirms that the Firms all had contracts exceeding \$25,000 awarded within the past 12 months. Public Employee also confirms that there was no participation in the processing or award of the associated contacts/amendments for the Firms. Nevertheless, Public Employee supervised personnel who performed these public duties and confirms that the public position held would have allowed Public Employee to influence the contract award or any associated extensions/amendments applicable to the Firms. Therefore, the Commission finds that all requirements of NRS 281A.550(5) are present and the statutory restriction applies to Public Employee and precludes employment with any of the Firms, unless the Commission grants relief pursuant to NRS 281A.550(6).

B. NRS 281A.550(9) – RESTRICTION ON SOLICITING OR ACCEPTING PRIVATE EMPLOYMENT

Prior to discussing whether relief is appropriate pursuant to NRS 281A.550(6), the Commission first assesses whether Public Employee solicited, accepted or otherwise acquired employment in the regulated industry or from a contract vendor, which is restricted by NRS 281A.550(9). The Commission has confirmed that:

To do otherwise is at one's peril. At a minimum, the restricted conduct hinders and could serve to preclude the ability of the Commission to grant relief from the "cooling-off" prohibition pursuant to NRS 281A.550(6).

In re Public Employee, Comm'n Op. No. 18-80A (2019), at p.7.

In review of Public Employee's circumstances, the Commission determines there has been compliance with NRS 281A.550(9) because there was no solicitation or acceptance of employment with any of the Firms. In reaching this determination, the Commission considered whether Public Employee's discussion with a former colleague who is now employed by one of the Firms constituted solicitation under NRS 281A.550(9). The plain language of the word "solicit" is utilized to interpret the statutory restriction in accordance with the principles of statutory construction. When the plain meaning of a statute is clear on its face, then the adjudicator "will not go beyond the language of the statute to determine its meaning. *Beazer Homes Nev., Inc. v. Eighth Judicial Dist. Court*, 120 Nev. 575, 579-80, 97 P.3d 1132, 1135 (2004). "When a statute is clear on its face, this court gives the statute's plain language its 'ordinary' meaning." *UMC Physicians' Bargaining Unit of Nev. Serv. Emps. Union v. Nev. Serv. Emps. Union / SEIU Local 1107*, 124 Nev. 84, 88, 178 P.3d 709, 712 (2008).

Black Law Dictionary, 10th Edition, defines "solicitation" to be the act of or an instance of requesting or seeking to obtain something. The 2010 Ballentine's Law Dictionary, 3rd Edition, defines "solicit" as to entreat, implore, ask, attempt, or try to obtain. The Meriam-Webster's Collegiate Dictionary, 11th Edition, defines "solicit" as to promote,

approach with a request, urge or entice. Based upon the plain meaning of the term “solicit,” the Commission determines the plain meaning of the term “soliciting” in NRS 281A.550(9) is to approach, ask, request, attempt or try to obtain employment, which associated conduct will be viewed on a case-by-case basis.

Here, the context of the discussion between Public Employee and a former colleague pertained to obtaining an advisory opinion from the Commission before even applying for a job position from a contract vendor. The Commission is satisfied that there was no solicitation of an employment opportunity or any conduct that could be viewed as even an attempt to obtain future employment. The advice provided to Public Employee was not to pursue employment with any contract vendor unless it is permitted by the Ethics Law. This advice is well-counseled given the requirements of NRS 281A.550(9) and the plain meaning of “solicit.” Further, the Commission does not favor the excuse of not knowing the requirements of the law as a factor to grant relief under NRS 281A.550(6) because there is a duty on public officers and employees to comply with the Ethics Law to protect the public trust. Public Employee’s conduct is commended by the Commission because Public Employee inquired about how to navigate obtaining future private employment and sought an ethics opinion before soliciting such employment.

C. NRS 281A.550(6) – RELIEF FROM NRS 281A.550(5) IS GRANTED

The Ethics Law provides for an exception from the one-year “cooling-off” provisions of NRS 281A.550(5) under certain limited circumstances established in NRS 281A.550(6). Pursuant to NRS 281A.550(6), the Commission may grant relief from the strict application of NRS 281A.550(5) if it determines that such relief is not contrary to the best interests of the public, the ethical integrity of the State government or the Ethics Law. “The intent of the exemption statute is to facilitate beneficial moves from the public to private sectors so long as the moves do not endanger either the public or private sectors and so long as there is nothing otherwise unethical in the way that the employment relationship occurred.” *In re Public Officer*, Comm’n Op. No. 11-96A (2012). *See also In re Public Employee*, Comm’n Op. No. 13-29A (2013).

Notably, NRS 281A.550(6) does not include a specific exception permitting employment by virtue of a promise not to work on Nevada-specific matters when hired by a contract vendor or the regulated industry. That exception, if it had been enacted by the Legislature, would by its very nature swallow the “cooling-off” provisions. However, future anticipated duties for the regulated industry or contract vendor (including abstaining on Nevada matters for the one-year period) are properly considered in granting relief but are not controlling. *See In re Public Employee*, Comm’n Op. No. 17-28A (2018). The Commission reviews the full circumstances on a case-by-case basis to determine whether or not it will render the required findings set forth in NRS 281A.550(6) to grant relief from the strict application of the “cooling-off” prohibition. *See In re Public Officer*, Comm’n Op. No. 15-74A (2016).

Public Employee indicates relief is appropriate for a number of reasons, which the Commission finds in favor of granting relief. These reasons include that Public Employee’s years of public service do not reflect a revolving door situation, Public Employee will only seek employment positions that are within a particular field of expertise, Nevada was and continues to experience a shortage of personnel in this subject field, and a demonstrated benefit to Nevadan’s to retain personnel in the subject field.

In addition, Public Employee pledges to not pursue employment with any Public Entity contract vendor unless the vendor would permit only work on matters unrelated to

Public Entity and Public Employee confirmation of compliance with NRS 281A.410(1)(b) and any other applicable laws including other provisions of the Ethics Law. Public Employee's representations to the Commission favor relief and are a material factor in granting such relief. Absent these representations, or if Public Employee does not maintain the represented commitments during the 12-month period, the Commission's decision would be to the contrary. Accordingly, the Commission makes the finding that future employment with one of the Firms would not be contrary to the public trust, ethics law or the ethical integrity of Public Entity. Therefore, the Commission grants the requested relief.⁴

In support of its opinion to grant relief under the circumstances presented herein, the Commission takes notice of its prior decision in *In re Durski*, Comm'n Op. No. 18-118A (2018) in which the Commission likewise granted relief to a former NDOT engineer to pursue employment opportunities with a contract vendor of NDOT. In its decision in that matter, the Commission was satisfied that Durski had not committed any ethical impropriety, the Nevada Board of Examiners had determined Durski was necessary to be retained for certain projects, Durski would not be working on projects in which he had been responsible under NDOT, and Durski's qualifications and experience as an engineer were critical to maintain in the State of Nevada on public works projects given the limited number of qualified engineering professionals in the State. In concept, many of these same factors are relevant in this case.

However, the Commission takes this opportunity to emphasize that this decision does not equate to a blanket waiver of the cooling-off restrictions of the Ethics Law to those public officer/employees who seek employment with Public Entity vendors by referencing a similar list of reasons. To determine the contrary would be to write in an exception to the Ethics Law that the Legislature did not establish. Instead, the Commission evaluates the circumstances on a case-by-case basis and reiterates the public policy behind cooling-off restrictions which protect the public's trust in fair and appropriate government contracts. The Commission evaluates seriously the implications of revolving-door opportunities or appearances of impropriety behind suggestions that employees who are influential in or have the opportunity to influence the awarding of contracts to private vendors on behalf of public agencies may be rewarded through promises of future employment with those vendors.

D. NRS 281A.410(1)(b) LIMITATIONS

The limitations established in NRS 281A.410(1)(b) preclude representing or counseling a private person for compensation on any matter that was an "issue under consideration" during a public officer/employee's term of service. Consequently, Public Employee is advised that under NRS 281A.410(1)(b), Public Employee may not, for the one-year period following separation from public service represent or counsel any private person (including an employer or other business entities) on any issue that was under consideration by Public Entity during Public Employee's tenure. This restriction applies to all vendor contracts with Public Entity that occurred during Public Employee's public service.

In *In re Sweeney*, Comm'n Op. No. 15-70C (2016), the Commission found a violation even where the former employee did not realize her counseling or representation of a private person (her employer) was restricted by NRS 281A.410(1)(b). The Commission reiterates that NRS 281A.410(1)(b) applies to private consulting or service

⁴ The written opinion served on requester contained specifics pertaining to particular Contract Vendors; however, this information was redacted to protect the identity of the Requester.

firms even when the ultimate service benefits a public entity because the former employee will receive a salary from the firm for advising it and representing its interests in providing client services associated with a contract for the applicable public entity. See *In re Public Employee*, Comm'n Op. No. 18-029A (2018).

The requirements of NRS 281A.410(1)(b) are mandatory and apply to Public Employee's situation even though relief has been granted from the employment restrictions of NRS 281A.550(5). Given the mandatory requirements imposed by NRS 281A.410(1)(b), the Commission advises Public Employee that for a one-year period after separation from public service the statute prohibits providing representation to or counseling for compensation a private person, on any "issue under consideration" during Public Employee's term of public service for Public Entity, including all Public Entity contracts. An "issue under consideration" includes a case, proceeding, application, contract or determination, but does not include a legislative measure or administrative regulation. See NRS 281A.410(1)(b). Based upon this request, the Commission is not in a position to render definitive advice on any particular issue without additional details. Consequently, Public Employee is advised to conduct a review of each and every issue to determine whether it has a nexus or connection to an issue under consideration by Public Entity during Public Employee's public service.

Under the presented circumstances, the Commission has no authority to waive the requirements of NRS 281A.410(1)(b) even in the presence of equitable reasons that arguably might support such relief. Accordingly, the Commission advises full compliance with the statutory requirements. If there is a concern, Public Employee may utilize the advisory opinion process established in NRS 281A.675.

VI. CONCLUSIONS OF LAW

1. Public Employee is a public employee as defined by NRS 281A.150.
2. Pursuant to NRS 281A.680(1), the Commission has jurisdiction to render an advisory opinion in this matter and such opinion may include guidance from the Commission to Public Employee under NRS 281A.665.
3. Under the circumstances as presented, Public Employee's prospective employment with any of the Firms is within the scope of the prohibitions delineated in NRS 281A.550(5) because the associated contracts or amendments exceed \$25,000, were awarded during the past 12 months, and Public Employee was in a position to influence the award of the contracts given the public duties held for Public Entity.
4. Relief from the strict application of NRS 281A.550(5) is granted pursuant to NRS 281A.550(6) because such relief is not contrary to the public interest, ethical integrity of Public Entity or the State of Nevada and the Ethics Law. Therefore, Public Employee's proposed employment under the represented conditions is permitted as delineated in the full written opinion served on Public Employee, provided that there is continued compliance therewith.
5. Pursuant to NRS 281A.410(1)(b), Public Employee may not represent or counsel a private person or entity, including any potential employer, for at least one year after separation from public service on any issues that were under consideration by Public Entity during Public Employee's tenure. Pursuant to NRS 281A.410(1)(b), the Commission determines that the Public Entity contracts and amendments awarded to the Firms were issues under consideration by Public

Entity during Public Employee's term of public service, and therefore are within the statutory restriction.

6. Based upon the circumstances provided, the Commission is not in a position to render definitive advice on what constitutes an issue under consideration by Public Entity without additional details. Consequently, Public Employee is advised to review each matter to determine whether it has a nexus or connection to an issue under consideration by Public Entity during Public Employee's public service and fully comply with the statutory restriction. If there is a concern, Public Employee may utilize the advisory opinion process established in NRS 281A.675.

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.

Dated this 24th day of June, 2020.

NEVADA COMMISSION ON ETHICS

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

By: /s/ Teresa Lowry
Teresa Lowry
Commissioner

By: /s/ Kim Wallin
Kim Wallin, CPA
Vice-Chair

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

By: /s/ Brian Duffrin
Brian Duffrin
Commissioner

By: /s/ Damian R. Sheets
Damian R. Sheets, Esq.
Commissioner

By: /s/ Barbara Gruenewald
Barbara Gruenewald, Esq.
Commissioner

By: /s/ Amanda Yen
Amanda Yen, Esq.
Commissioner