



**STATE OF NEVADA**

**BEFORE THE NEVADA COMMISSION ON ETHICS**

In the Matter of the First-Party Request for  
Advisory Opinion Concerning the Conduct  
of **Public Employee**, Appointed Employee,  
Local Government Entity, State of Nevada,

Request for Opinion No. **13-78A**

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Employee. /

**ABSTRACT OPINION**

**I. STATEMENT OF THE CASE**

Public Employee of Local Government Entity ("Local Government"), requested this confidential advisory opinion from the Nevada Commission on Ethics ("Commission") pursuant to NRS 281A.440(1), regarding the propriety of Public Employee's anticipated future conduct as it relates to the Ethics in Government Law ("Ethics Law") set forth in Chapter 281A of the Nevada Revised Statutes ("NRS"). A quorum<sup>1</sup> of the Commission heard this matter on December 18, 2013. Public Employee appeared telephonically and provided sworn testimony.

Public Employee sought an opinion from the Commission regarding a potential contract with the Local Government to purchase real property owned by the Local Government, and any associated disclosure responsibilities.

After fully considering Public Employee's request and analyzing the facts, circumstances and testimony presented by Public Employee, the Commission deliberated and orally advised Public Employee of its decision that Public Employee may purchase the government property from the Local Government in accordance with NRS 281A.420(1) and (3) and NRS 481A.430(1) and (6). The Commission now renders this final written Opinion stating its formal findings of fact and conclusions of law.

Public Employee elected to retain confidentiality with respect to the Commission's proceedings. Therefore, the Commission publishes this abstract of the Opinion.

The facts in this matter were obtained from documentary and testimonial evidence provided by Public Employee. For the purposes of the conclusions offered in this 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 in this Opinion may result in different findings and conclusions than those expressed in this Opinion.

<sup>1</sup> The following Commissioners participated in this opinion: Chairman Lamboley, Vice Chairman Gale and Commissioners Carpenter, Cory, Groover, Lau, Shaw, and Weaver.

## **II. QUESTION PRESENTED**

Public Employee questions whether Public Employee's role as the appointed Administrator of the Local Government prohibits Public Employee's private purchase of certain real property owned by the Local Government under the provisions of the Ethics Law regarding contracting with a governmental entity.

## **III. STATEMENT AND DISCUSSION OF ISSUES AND RELEVANT STATUTES**

### **A. ISSUES**

NRS 281A.430 generally prohibits Public Employee from entering into contracts with a governmental entity regarding which Public Employee has a significant pecuniary interest, unless the contracting process is governed by open, competitive bidding, and Public Employee has not participated in the contracting process. However, NRS 281A.430(6) permits the Commission to grant relief from the strict application of the provisions of NRS 281A.430 under certain circumstances. If Public Employee is granted such relief, Public Employee must disclose Public Employee's private pecuniary interests related to the contract to Public Employee's supervisor and abstain from participating in any matter before the Local Government related to the contract.

Public Employee seeks to purchase certain real property from the Local Government ("Property"). The Local Government advertised the Property for public auction and no bids were received. After the bidding closed, the Governing Body contracted with a realtor to sell the Property, but it has remained on the market for several years at its original appraised value. The Local Government continues to maintain the Property.

Public Employee questions whether Public Employee's status as an employee of the Local Government prohibits Public Employee's contemplated purchase of the Property under the provisions of NRS 281A.430, as effective on January 1, 2014. Public Employee seeks additional guidance regarding Public Employee's disclosure and abstention obligations in Public Employee's employment role pursuant to NRS 281A.420(1) and (3) with regard to the Property and any contract to purchase the Property. To purchase the Property, Public Employee would have to enter into a contract with the Local Government. The same contract would have to be approved by the Governing Body, the entity which appoints Public Employee's position. Public Employee is responsible for various activities, including some ministerial matters related to the sale of the Local Government Property.

If the Commission determines that certain provisions of the Ethics Law would otherwise prohibit the contract, Public Employee seeks relief from the prohibition which would permit the purchase of the Property through and with the consent of the Governing Body. Public Employee also intends to disclose any interests related to the contract to the Governing Body and defer any and all related employment activities within Public Employee's office related to the matter. If the contract is permitted, Public Employee's private attorney will negotiate and coordinate all of Public Employee's interests in the contract with the Governing Body.

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## **B. RELEVANT STATUTES**

### **1) Public Policy**

**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) Prohibited contracts**

**NRS 281A.430 (Effective January 1, 2014) in relevant part provides:**

1. Except as otherwise provided in this section and NRS 218A.970 and 332.800, a public officer or employee shall not bid on or enter into a contract between an agency and any business entity in which the public officer or employee has a significant pecuniary interest.

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4. Except as otherwise provided in subsection 2, 3 or 5, a public officer or employee may bid on or enter into a contract with an agency if:

(a) The contracting process is controlled by the rules of open competitive bidding or the rules of open competitive bidding are not employed as a result of the applicability of NRS 332.112 or 332.148;

(b) The sources of supply are limited;

(c) The public officer or employee has not taken part in developing the contract plans or specifications; and

(d) The public officer or employee will not be personally involved in opening, considering or accepting offers.

↳ If a public officer who is authorized to bid on or enter into a contract with an agency pursuant to this subsection is a member of the governing body of the agency, the public officer, pursuant to the requirements of NRS 281A.420, shall disclose the public officer's interest in the contract and shall not vote on or advocate the approval of the contract.

6. The Commission may relieve a public officer or employee from the strict application of the provisions of this section if:

(a) The public officer or employee requests an opinion from the Commission pursuant to subsection 1 of NRS 281A.440; and

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

(1) The best interests of the public;

(2) The continued ethical integrity of each agency affected by the matter;

and

(3) The provisions of this chapter.

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### 3) Disclosure

#### **NRS 281A.420(1) provides:**

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

- (a) Regarding which the public officer or employee has accepted a gift or loan;
  - (b) In which the public officer or employee has a significant pecuniary interest;
- or

(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, →without disclosing information concerning the gift or loan, significant pecuniary interest or commitment in a private capacity to the interests of the 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, or upon the person to whom the public officer or employee has a commitment in a private capacity. Such a disclosure must be made at the time the matter is considered. If the public officer or employee is a member of a body which makes decisions, the public officer or employee shall make the disclosure in public to the chair and other members of the body. If the public officer or employee is not a member of such a body and holds an appointive office, the public officer or employee shall make the disclosure to the supervisory head of the public officer's or employee's organization or, if the public officer holds an elective office, to the general public in the area from which the public officer is elected.

### 4) Abstention

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

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

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

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

(a) It must be presumed that the independence of judgment of a reasonable person in the public officer's situation would not be materially affected by the public officer's acceptance of a gift or loan, significant pecuniary interest or commitment in a private capacity to the interests of another person where the resulting benefit or detriment accruing to the public officer, or if the public officer has a commitment in a private capacity to the interests of another person, accruing to the other person, is not greater than that accruing to any other member of any general business, profession, occupation or group that is affected by the matter. The presumption set forth in this paragraph does not affect the applicability of the requirements set forth in subsection 1 relating to the disclosure of the acceptance of a gift or loan, significant pecuniary interest or commitment in a private capacity to the interests of another person.

(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 has properly disclosed 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 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.

#### **IV. COMMISSION DECISION**

##### **A. INTRODUCTION**

Nevada's Ethics Law mandates that public officers and employees hold public office for the public benefit and avoid conflicts of interest. NRS 281A.020. The Ethics Law is concerned with situations involving public officers and employees that create appearances of impropriety and conflicts of interest, as well as actual impropriety and conflicts to promote integrity in public office. Public Employee holds an appointed public office, and must therefore commit to avoid both actual and perceived conflicts between Public Employee's private interests and those of the public the Public Employee serves. Specifically, Public Employee has public responsibilities to the interests of the Local Government that Public Employee must separate from Public Employee's private interests in the contemplated purchase of the Local Government Property.

##### **B. GOVERNMENT CONTRACT PROHIBITIONS/EXCEPTIONS**

###### **1) General Prohibition - (NRS 281A.430(1))**

NRS 281A.430 generally prohibits a public officer or employee from engaging in government contracts in which the public officer or employee has a significant pecuniary interest. However, Public Employee requests relief from the strict application of those provisions, and the Commission evaluates the nature of the purchase agreement Public Employee contemplates under the exceptions provided in NRS 281A.430(6).

This RFO presents a unique situation where a public employee is seeking to buy real property from the governmental entity which employs the public employee. Accordingly, this is not simply *any* government contract, but rather a contract with the employing governmental agency. In this matter, the Property has twice been advertised for public bid under an open, competitive bidding process. On both occasions, no bids were tendered for the property. In accordance with State and local law, the Governing Body retained the services of a private realtor to advertise and coordinate the sale of the Property. The Property has been listed and available on the open market for more than one year at the original appraised value.

Pursuant to NRS 281A.430(4), the Commission has previously permitted public officers and employees to contract with government agencies in limited circumstances where the contracting process was open and transparent and the public officer or employee did not have a role in developing the contract specifications or considering the offers. *See bid opinions: In re Public Employees*, Comm'n Opinion Nos. 99-34 and 99-35 (2000); *In re Harris*, Comm'n Opinion No. 02-08 (2002); *In re Public Employee*, Comm'n Opinion No. 12-13A (2012); and *In re Blackburn*, Comm'n Opinion No. 09-90A (2009).



However, Public Employee did not submit a bid when the competitive bidding process was available. As the Property has remained vacant for more than one year, Public Employee is now considering Public Employee's options to purchase the Property. Since there is no current open bidding in progress, NRS 281A.430(4) does not apply.

## **2) Relief from Strict Prohibition – (NRS 281A.430(6))**

NRS 281A.430(6) was enacted in the 2013 legislative session, effective on January 1, 2014, to provide an exception to the government contracting prohibitions by authorizing the Commission to grant a waiver from the strict prohibition of government contracting by public officers for good cause. Accordingly, the Commission analyzes whether Public Employee satisfies the relief requirements stated in NRS 281A.430(6)(b) which require that relief would not be contrary to:

- (1) The best interests of the public;
- (2) The continued ethical integrity of each agency affected by the matter; and
- (3) The provisions of this chapter.

Before determining the appropriateness of relief from the strict prohibition of government contracting in this circumstance, the Commission is mindful of the significant public policy of the Ethics Law which requires public officers and employees to preserve the public trust and commit to avoid conflicts between their public duties and private interests. NRS 281A.020. Under the record provided by Public Employee, the purchase of the Property involves a significant pecuniary interest and private undertaking by Public Employee which triggers interplay with the Local Government's interests and Public Employee's role as an employee. Public Employee could easily avoid the conflict of interest by choosing not to purchase the property while Public Employee is employed by the Local Government.

Under the rules of statutory construction, the Commission must and does interpret the provisions of the Ethics Law consistent with the recognized and declared public policy set forth in NRS 281A.020. See *Colello v. Administration of Real Estate Div.*, 100 Nev. 344, 347, 683 P.2d 15 (1984) ("Where the purpose of the legislation is expressly stated, that purpose is a factor to be considered in interpreting a given statute.") (Citing *Alper v. State ex rel. Dep't Hwys.*, 96 Nev. 925, 621 P.2d 492 (1980) and *Sheriff, Washoe County v. Smith*, 91 Nev. 729, 542 P.2d 440 (1975)); see also, *Hotel Employees & Restaurant Employees Int'l Union v. State*, 103 Nev. 588 (1987) (Reversed in part or other grounds, 984 F.2d 1507 (9<sup>th</sup> Cir. 1993)). Failing to do so would render the provisions, and their exceptions, of NRS Chapter 281A meaningless. Where relief from the strict application may be available and reasonable, the Commission considers the standards for relief in the context of the overriding public policy requiring public officers and employees to preserve the public trust and avoid conflicts of interest.

This request seeks Commission authorization for Public Employee to enter into a significant, contractual agreement with the governmental entity Public Employee serves. For purposes of this First-Party RFO, the Commission may rely upon the views and information expressed only by Public Employee concerning the nature of the Property and the Local Government's intentions for selling it. Much of the terms and conditions of such a contract are unknown at this time as negotiations have not begun and Public Employee is uncertain whether Public Employee will enter into the contract as an individual or controlling stakeholder in a limited-liability company. Although Public Employee intends to offer the appraised value for the Property, Public Employee's offer is based on the original appraisal made more than one year ago. However, Public Employee asserts that Public Employee's private financial advisors have advised that the

appraisal is still accurate and the real estate market has remained relatively stable in the area despite the market variation throughout the State in the recent economic recession.

The specific circumstances presented in this matter assure the Commission that the process has been open and available to the public for a lengthy period of time along with Local Government efforts to maintain the Property to protect its value for sale. Public Employee intends to submit an offer based on the original appraised value, which Public Employee understands and believes to have remained accurate and fair despite declining economic conditions otherwise impacting the State and its real estate markets. Further, Public Employee will obtain private financing and conduct all negotiations and administration with the Local Government through a private attorney. Public Employee has also agreed to defer any public duties related to the sale on behalf of the Local Government, as directed by Public Employee's supervisors. Under these unique and limited circumstances, the Commission grants relief from the strict prohibition against a public officer contracting with a governmental entity and stresses the limited application of such a waiver as described herein.

**a) Best Interests of the Public are Served by the Sale of the Property - (NRS 281A.430(6)(b)(1))**

The best interests of the public are served when real property is fully utilized. Currently, the Property is underutilized by the Local Government. To secure the continued value of the Property, the Local Government is maintaining the real estate, and such maintenance incurs costs to the tax payers every year the Property is underutilized. Local governments do not have the resources to maintain property that does not yield some economic (rent) or social benefit to the community or its residents. In the current situation, the Property is draining rather than filling the Local Government coffers.

A sale of the Property is in the best interests of the citizens and would provide instant cost benefits to the Local Government such as: 1) generating revenue minus sales commissions for the sale of the Property; 2) savings in building maintenance expenses; 3) returning the Property back to taxable property status through a sale to a private entity; 4) promoting economic development in the community; and 5) ending the waste of the Property.

Moreover, a sale of the Property benefits the Local Government in ways other than the immediate sale, tax revenue and cost savings. Public Employee intends to fully utilize the property by leasing existing space and developing additional spaces. The full utilization of the Property will provide additional revenue to the Local Government. The Property is located in a small business district of the Local Government, and Public Employee plans to purchase and develop the Property to attract much needed local businesses. The influx of new small businesses would improve the retail quality and professional services available to the residents. Furthermore, new businesses create new jobs, new revenue streams and new taxes, all of which would benefit the Local Government. Public Employee plans to expand in the future utilizing the full acreage of the Property which would further stimulate the economic prosperity of the Local Government.

The foregoing satisfies the public policy requirement of NRS 281A.430(6)(b)(1) because it is anticipated that the sale of the Property to a private party will have a revitalizing effect on the Local Government's small business district and expand the local economy.

**b) The Sale of the Property to Public Employee is Not Inconsistent with the Ethical Integrity of the Local Government – (NRS 281A.430(6)(b)(2))**

Although Public Employee is seeking to purchase the Property in Public Employee's private capacity, Public Employee has agreed to defer Public Employee's official duties related to any such action and otherwise negotiate the deal with the Local Government through Public Employee's private attorney. Public Employee has not yet discussed Public Employee's intentions to purchase the property with any Local Government staff or Public Employee's supervisors, and plans to continue appropriate discretion if the contract is permitted. Public Employee's past and future contemplated actions do not undermine the ethical integrity of the Local Government or the Governing Body. The Local Government's purpose was to sell the Property, which was publically advertised and auctioned twice with no bidders, and has been for sale on the open and competitive market for more than one year without a sale. The potential sale of the Property to Public Employee after such efforts and delays does not violate the ethical integrity of the Local Government as all aspects of the sale have been public.

The Local Government placed the Property for public auction pursuant to an appraisal under Nevada law and later with a realtor for sale. All aspects of the sale, whether through bidding or conventional sale have been public. The efforts to sell were made through public documents, the sealed bids were to be opened at the Governing Body meetings, and the listing of the Property with a realtor is public information. The entire process has been open to the public.

Public Employee's involvement with the attempted sale of the property on behalf of the Local Government was limited to ministerial activities. Public Employee was not involved in the decision to sell the property or set any prices or specifications for the sale of the Property. Rather, the Governing Body had the authority to take those actions.

The ethical integrity of the Local Government and the Governing Body is not affected by Public Employee's prospective purchase of the Property because the sale of the Property was the intent of the Governing Body. However, no sale has occurred despite many efforts and Public Employee is seeking to purchase the Property at the appraised value with intent to revitalize and expand the Property and benefit the Local Government.

**c) Public Employee's interest in purchasing the Property at the appraised value does not violate any other provision of NRS Chapter 281A – (NRS 281A.430(6)(b)(3))**

Public Employee's interest in purchasing the Property at the appraised value does not violate any other provision of NRS Chapter 281A. For example, Public Employee is not using Public Employee's position as the Local Government Manager to gain an unwarranted benefit in violation of NRS 281A.400(2). Public Employee intends to purchase the property at its appraised value with a private attorney representing Public Employee's interests. If Public Employee were to purchase the property for less than its appraised value or via personal representations to Governing Body members or staff, the purchase could be perceived as being sought through the improper use of Public Employee's position to secure an unwarranted benefit.

Additionally, Public Employee is not using any information that is not otherwise available to the public in violation of NRS 281A.400(5). Public Employee is seeking to purchase Property that has been publicly available and advertised for more than a year, and intends to offer the appraised value, even after it has been vacant during that time.



Moreover, Public Employee's position has not provided any inside information or competitive advantage regarding the purchase of the Property.

The provisions in Chapter 281A of the Nevada Revised Statutes seek to prohibit improper public actions and insider dealings by public officers or public employees. However, the enactment of various exceptions to the general prohibition on government contracts establishes the proper checks and balances under limited circumstances where such contracts are appropriate. In this scenario, the interests served by the Local Government in divesting itself of a financial burden and the revenue gained by selling the Property to a private party are reasons for the exception under NRS 281A.430(6).

#### **d) The Exceptions Under NRS 281A.430(6)(b) are Satisfied**

The Ethics Law recognizes that public officers and employees may encounter limited circumstances in which it may be appropriate and sometimes necessary to contract with a governmental entity. The Property at issue in this matter has been underutilized for years after several attempts to sell the Property. Public Employee is seeking to purchase the Property at its appraised value and intends to make positive use of the Property by attracting needed businesses to the Local Government, creating new jobs and economic value to the Local Government.

Viewing the facts under the framework of NRS 281A.430(6)(b), Public Employee should be permitted to submit an offer to purchase the Property without violating NRS 281A.430. In this matter, the Property has been vacant for more than a year. The continued waste of the Property would cease upon the sale of the Property and presumably add to the economic growth and development of the Local Government. The sale of the Property to a Public Employee would not diminish the ethical integrity of the Local Government.

However, if Public Employee does place an offer for the property, either individually or through a company, Public Employee should use private financing and not be involved in the matter in Public Employee's role as an employee. Public Employee has recognized this concern by agreeing to have Public Employee's private attorney negotiate and communicate all aspects of any proposal to the Local Government and defer any public duties with regard to the sale to other Local Government staff, as directed by the Governing Body.

The Commission is satisfied that although Public Employee could avoid the conflict altogether by not offering to purchase the Property, Public Employee has been conscious of the inherent conflicts and recognizes the appropriate actions to take to avoid further conflicts. This is an atypical circumstance in which the Local Government has made concerted public efforts to sell the property with no success. Public Employee has presented a circumstance which creates sufficient separation between Public Employee's public duties and private interests in the purchase of the Property.

### **C. DISCLOSURE AND ABSTENTION**

The Ethics Law requires disclosures and abstentions by public officers and employees who have a significant pecuniary interest in a matter before or affecting the public body or entity. NRS 281A.420. A public officer/employee has an obligation to preserve the public trust and commit himself to avoid conflicts between Public Employee's private interests and public duties. Where these conflicts arise in the context and consideration of public matters, the public officer/employee may, under certain

circumstances, honor his/her obligations through appropriate disclosures and abstentions.

In this matter, it is clear that Public Employee has a significant pecuniary interest in the Property as a potential buyer. The Property had a prior minimum bid price at public auction based on the Property's appraised value. As identified above, Public Employee must, and intends to, fully disclose to the supervisory head of the Governing Body the Public Employee's pecuniary interest regarding any offer to purchase the Property. The disclosure must be sufficient to inform Public Employee's supervisor of Public Employee's pecuniary interest in the Property and any actions as an employee related to the same.

Public Employee's disclosure should include Public Employee's actions/involvement regarding the Property to date, and the Public Employee's duties for the Local Government. However, Public Employee should also disclose that Public Employee's role regarding the Property was limited to administrative tasks and the Governing Body made all decisions pertaining to the Property. Additionally, Public Employee should disclose any and all information or knowledge Public Employee has received in Public Employee's role regarding the sale of the Property.

Given the public nature of this proposed contract, Public Employee should also abstain from participating in any activities with respect to the consideration and approval of such a contract by the Local Government which involves Public Employee's pecuniary interests. Public Employee has already acknowledged these requirements and agreed to retain a private attorney to represent Public Employee's interests. Public Employee has further agreed to disclose Public Employee's interests in the contract to Local Government staff and defer all Local Government-related administrative functions with regard to such a proposal to other Local Government staff as directed by the Governing Body.

#### **D. OTHER STATE LAW CONTRACTING PROHIBITIONS**

The Commission does not interpret outside statutory prohibitions or limitations on government contracting by public officers set forth in other provisions of Nevada law, including NRS Chapters 338 and 245.

#### **V. CONCLUSIONS OF LAW**

1. At all times relevant to this matter, Public Employee was a public officer as defined by NRS 281A.160 and a public employee as defined by NRS 281A.150.
2. Pursuant to NRS 281A.440(1) and NRS 281A.460, the Commission has jurisdiction to render an advisory opinion in this matter.
3. Although NRS 281A.430(1) generally prohibits a public officer from entering into a contract with a governmental agency, the Commission grants relief from the strict application of those provisions pursuant to the exception provided in NRS 281A.430(6). Accordingly, consistent with the provisions of NRS 281A.020 based on the unique and limited circumstances presented in this request, Public Employee may submit an offer to purchase the Local Government Property without violating NRS 281A.430(1).

4. Pursuant to NRS 281A.420(1) and (3), Public Employee must disclose sufficient information concerning Public Employee's pecuniary interest in the private purchase of the Property to Public Employee's supervisors and abstain from participating in any matters with regard to such a contract.

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

The Following Commissioners Participated in this Opinion:

Dated this 31st day of July, 2014.

NEVADA COMMISSION ON ETHICS

By: /s/ Paul H. Lamboley  
Paul H. Lamboley  
Chairman

By: /s/ Gregory J. Gale  
Gregory J. Gale  
Vice-Chairman

By: /s/ John C. Carpenter  
John C. Carpenter  
Commissioner

By: /s/ Magdalena Groover  
Magdalena Groover  
Commissioner

By: /s/ Timothy Cory  
Timothy Cory<sup>2</sup>  
Commissioner

By: /s/ Cheryl A. Lau  
Cheryl A. Lau  
Commissioner

By: /s/ James M. Shaw  
James M. Shaw  
Commissioner

By: /s/ Keith A. Weaver  
Keith A. Weaver  
Commissioner

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<sup>2</sup> Commissioner Cory voted against the majority motion granting relief from the strict prohibition against government contracting in this circumstance, instead finding that Public Employee had an absolute duty to avoid the conflict of interest under NRS 281A.020 which could not be resolved under the circumstances.