

## **Commission Hearings**

Commission hearings are open to the public. Matters are heard by the six members who did not serve on the Panel. The Subject is entitled to be represented by legal counsel, hear and respond to the evidence presented to the Commission, and present evidence on his or her own behalf.

The Requester may submit written questions to the executive director, who determines whether the questions are relevant and appropriate. The Commission is not required to ask any question submitted by a Requester. Both the Commission and the Subject may subpoena and question witnesses.

Following a hearing, the Commission may make one of these determinations:

1. **Willful violation.** *A majority of the Commission finds, by a preponderance of the evidence, that the public officer or employee violated one or more provisions of NRS 281A, and that the conduct was knowing and intentional as those terms are defined in statute.*
2. **Non-willful violation.** *A majority of the Commission finds, by a preponderance of the evidence, that the public officer or employee violated one or more provision of NRS 281A, but that the conduct was not knowing and intentional as those terms are defined in statute.*
3. **No ethics violation.**

## **Sanctions**

Only if the Commission finds a willful violation may it impose a civil penalty up to:

- \$ 5,000 for the first willful violation
- \$10,000 for a second willful violation
- \$25,000 for a third or additional willful violation

## **Commission on Ethics**

The Nevada Commission on Ethics is a blended executive/legislative commission responsible for administering and enforcing Nevada's Ethics in Government Law found in NRS chapter 281A.

The Ethics Commission consists of eight members appointed to serve 4-year terms - four are appointed by the Governor, and four are appointed by the Legislative Commission.

Not more than four members may be residents of the same county and no more than four members may be of the same political party.

No Commission member may hold another public office or be actively involved in the work of any political party or political campaign.

The state-wide staff to the Commission consists of an executive director and commission counsel selected by the Commission and a paralegal, investigator and executive assistant.

### **Nevada Commission on Ethics**

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## **NEVADA COMMISSION ON ETHICS**



## **CITIZEN'S GUIDE TO NEVADA'S ETHICS IN GOVERNMENT LAW**

In Nevada, a public office is a public trust held for the sole benefit of the people.

**Public officers and employees must commit to avoid conflicts of interest between their private interests and public duties.**

### **Public Officer**

A public officer is a person elected or appointed to a position established by the Nevada constitution, state statute, or county or city ordinance who exercises a public power, trust or duty. (See NRS 281A.160.)

### **Public Employee**

A public employee is any person who performs duties under the direction and control of a public officer for compensation paid by the state or a county or city. (See NRS 281A.150)

### **Ethics in Government Law**

The Nevada Ethics in Government Law is limited to Chapter 281A of the Nevada Revised Statutes. It consists of five sections:

**General Provisions**

NRS 281A.010 - 281A.185

**Commission on Ethics**

NRS 281A.200 - 281A.300

**Code of Ethical Standards**

NRS 281A.400 - 281A.480

**Miscellaneous Provisions**

NRS 218A.500 - 281A.550

**Financial Disclosure Statement**

### **Conflicts of Interest**

A "conflict of interest" is the private or personal interest of a public officer or employee, or of someone close to a public officer or employee, that is sufficient to affect his or her independence of judgment or the objective exercise of public duty. (See NRS 281A.420.)

### **Disclosure**

Public officers and employees must disclose conflicts of interest at the time a matter is being considered - often at the opening of an item on a public meeting agenda. (See NRS 281A.420.)

### **Statutory Ethical Standards**

Public officers and employees must not violate the provisions of NRS 281A.400. Please review the statute for a full understanding of:

Gifts

Unwarranted privileges

Contracting with government

Private compensation for public duties

Private use of confidential information

Suppressing information for pecuniary interests

Misuse of government resources

Improper influence over subordinates

Use of position for self-dealing

PLEASE NOTE: Ethics-related provisions may exist in Nevada law that do not fall within NRS Chapter 281A, and therefore are not within the jurisdiction of the Commission on Ethics.

### **Requests for the Opinion of the Commission (RFO)**

Any person may file a request for opinion (RFO) with the Commission regarding a public officer's or public employee's conduct. The person filing the complaint is the "**requester**." The public officer or employee who is the subject of the request is the "**subject**." The request must be submitted on a form which is available from the Commission's office or on its website (<http://ethics.nv.gov>).

The requester must affirm the truth of the allegations and provide some evidence to support them. The subject is provided a copy of the RFO and has an opportunity to respond. The entire matter is confidential until after the panel proceedings.

### **Investigation**

The Executive Director and Commission staff investigate the RFO and recommend to a two-member Commission panel whether just and sufficient cause is present for the Commission to hear the matter.

### **Panel Proceedings**

A panel of two Commission members reviews the allegations, the investigation results and the Executive Director's recommendation and determines just and sufficient cause. Just and sufficient cause requires that some credible evidence of an ethics violation is present.

*If the Panel does not find some credible evidence to support the allegations, the matter is dismissed.*

*If the Panel finds some credible evidence of a potential violation, the remaining Commissioners hold a public hearing.*

The RFO, the Subject's response, Panel materials and Panel transcript are open for public inspection after the panel proceedings conclude.