



**STATE OF NEVADA
COMMISSION ON ETHICS**
<http://ethics.nv.gov>

**MINUTES
of the meeting of the
NEVADA COMMISSION ON ETHICS**

May 15, 2013

These minutes constitute a summary of the above proceedings of the Nevada Commission on Ethics. Verbatim transcripts of the open sessions are available for public inspection at the Commission's office in Carson City.

The Commission on Ethics held a public meeting on Wednesday, May 15, 2013, at 8:30 a.m. at the following locations:

**Office of the Attorney General
100 North Carson Street
Mock Court Room
Carson City, Nevada 89701**

and via video-teleconference to:

**Grant Sawyer State Building
555 E. Washington Avenue
Attorney General Conference Room, Suite 4500
Las Vegas, Nevada 89101**

1. Call to Order, Roll Call and Pledge of Allegiance to the Flag.

Chairman Paul H. Lamboley, Esq. called the meeting to order and introduced the Commissioners at 8:35 a.m. on Wednesday, May 15, 2013.

The following persons appeared in Carson City, Nevada: Chairman Paul H. Lamboley, Esq., Commissioner James M. Shaw, Executive Director Caren Cafferata-Jenkins, Esq., Commission Counsel Yvonne Nevarez-Goodson, Esq., Senior Investigator Michael E. Lawrence and Senior Legal Researcher Janet Jacobsen. Present in Las Vegas, Nevada were Commissioners Gregory Gale, CPA and Magdalena Groover. Commissioner Tim Cory, Esq. and Executive Assistant Valerie Carter appeared by telephone.

Commissioner John Carpenter was excused from this meeting for family reasons. Commissioners Cheryl Lau, Esq. and Keith Weaver, Esq. were excused from agenda items 1 through 4, as they served on the Panel regarding RFOs 12-50C and 12-54C.

The Pledge of Allegiance was conducted.

2. Open Session for Public Comment.

No public comment.

3. Open Session for consideration and approval of Minutes of the April 17, 2013 Commission meeting.

Commissioner Shaw moved to approve the Minutes of the April 13, 2013 Commission Meeting. Commissioner Cory seconded the Motion. Commissioner Gale noted on page 2, item no. 3 of the Minutes, the agenda item says "open session for consideration and approval of minutes from March 20, 2012 Commission meeting"; however, the date should have been March 20, 2013. Chairman Lamboley suggested adding a footnote to clarify the correct date. Commissioner Shaw modified his Motion to accept the suggested change; Commissioner Cory seconded the motion. The Motion was put to a vote and carried unanimously.

4. Open Session pursuant to NRS 281A.440(8) to hear testimony, receive evidence, deliberate and render an opinion regarding Consolidated Third-Party Requests for Opinion Nos. 12-50C and 12-54C, regarding the conduct of Donald Parsons, Former City Councilman, City of Fernley, submitted pursuant to NRS 281A.440(2). Pursuant to NRS 281A.440(15)*, a portion of this agenda was held in closed session.

Chairman Lamboley noted for the record this matter had been subject to a prehearing conference to consider procedural issues, and discussions and negotiations continued after that conference between Commission Counsel, Yvonne Nevarez-Goodson, Esq. and counsel for Mr. Parsons, Brent Kolvet, Esq. Chairman Lamboley stated that a consideration for settlement would come before the Commission for this agenda item.

Chairman Lamboley called for a closed session to discuss the terms of this settlement, which was confidential pursuant to NRS 281A.440(15). This agenda item went into closed session at 8:45 a.m.

Chairman Lamboley called the meeting back into open session at 9:41 a.m. and introduced Mr. Parsons and his counsel, Brent Kolvet, Esq.

Mr. Kolvet stated that he and Commission Counsel had reached a tentative agreement, subject to the Commission's approval. He stated that the substance of the agreement would be that Mr. Parsons would acknowledge a willful violation of NRS 281A.420(1) regarding his failure to properly disclose prior to the votes he took in June 2012 as a City Council member related to the reduction of fees and account balances for the water utility of the City of Fernley, as he did in fact at the time of the vote have accounts with the City that were not current. Mr. Kolvet explained some of the mitigating circumstances related to these accounts being in arrears at the time. However, because he was behind on his payments for the time his name was on the accounts, he was willing to accept the willful violation.

Mr. Kolvet discussed the alleged violations of NRS 281A.400(2) and (7) regarding Mr. Parsons' health insurance premiums. Mr. Kolvet explained that his client and the City of Fernley were equally confused about the premium payments and reimbursements. However, citing his responsibility to properly manage his private health insurance benefits, Mr. Parsons agreed to a non-willful violation of NRS 281A.400(7). Mr. Kolvet believed the alleged violation of NRS 281A.400(2) should be dismissed, as there was no evidence that Mr. Parsons used his official position to manipulate the circumstances.

Commission Counsel Yvonne Nevarez-Goodson, Esq. stated that Mr. Kolvet had correctly outlined the general terms of the agreement as they had discussed.

A brief discussion ensued regarding the alleged violation of NRS 281A.420(3) and the vote in June 2012. Mr. Kolvet explained to the Commission why he believed abstention would

not have been a requirement under any circumstance, but that disclosure would have been, and his client was willing to agree to that violation. The Commission agreed to a dismissal of that allegation.

Commission Counsel Nevarez-Goodson reported that she and Mr. Kolvet have proposed a sanction of \$500 for the willful violation of NRS 281A.420(1).

Chairman Lamboley read into the record a recap of the settlement discussions. Mr. Kolvet was in agreement with Chairman Lamboley's reiteration of the terms. Chairman Lamboley moved to continue this agenda item to the next Commission meeting to accept and approve the written Stipulation.

A recess was taken at 10:02 a.m., the meeting reconvened at 10:08 a.m.

5. Open Session for report and recommendations from the *Personnel Manual Subcommittee* and for consideration and possible action on the matters presented.

Commissioner Weaver joined the meeting via telephone at 10:08 a.m. and Commissioner Lau joined the meeting from the Carson City location at 10:08 a.m.; both participated in the remainder of this meeting.

Commissioner Cory, Chairman of the Personnel Manual Subcommittee, reported that the Subcommittee met, and voted on some issues; however, Commissioner Carpenter was unable to participate. Chairman Cory stated he would like to reconvene the Subcommittee as soon as possible to give Commissioner Carpenter an opportunity to participate, and invited Chairman Lamboley to join the discussion. He will be ready to report to the full Commission at the next Commission meeting.

Commissioner Lamboley stated that there had been consideration of re-naming this Subcommittee by removing the word "manual" and calling it the "Personnel Subcommittee". Commissioner Lamboley stated he has no problem with that change, although it denotes a much broader responsibility of the Subcommittee.

With regard to the new Associate Counsel position, Commissioner Lamboley suggested beginning the hiring process by having the Executive Director and Commission Counsel fielding and reviewing potential candidates' resumes and getting a group together for interviews, at which point certain Commission members could facilitate those interviews. He believes it worked well that way when the Contract Attorney was hired.

A discussion ensued regarding the various possible job duties of the new Associate Counsel.

Executive Director Cafferata-Jenkins suggested the need for a standing personnel subcommittee, to use as a resource for the Executive Director to assist in interviewing candidates, i.e. where do we recruit, when will the interviews take place, who might be leading the interview and what types of questions to ask. She also suggested the standing committee could assist in resolving issues within the Staff, rather than consulting with the entire 8-member Commission.

Another discussion ensued regarding the possible duties of the new Associate Counsel. Commissioner Lamboley raised concern that the original intent of requesting the new counsel was to assist in Third-Party cases in order to eliminate any due process issues; however, he believes Third-Party cases only consume 20% - 25% of the Commission's case load and did not constitute a full-time job. Commissioner Gale suggested that the Associate Counsel could also assist the Executive Director with trainings, as S.B. 228, in its current form, mandates that all new State and Local employees receive Ethics training within the first six months of employment. Commissioner Gale believes this will help round out a 40-hour work week if and when there are

no Third-Party cases pending, and to assist the Executive Director with this rather large, demanding task.

Commissioner Lamboley tabled this agenda item to the next Commission meeting.

6. Open Session for report on the 77th Legislative Session, S.B. 228 and other Legislative matters by Executive Director.

Executive Director Cafferata-Jenkins reported that S.B. 228 was heard before the Assembly Committee on Legislative Operations and Elections on May 14, 2013. She reported that there were a large number of questions from the members, most of which came from Assemblywomen Flores and Assemblyman Anderson, both of whom are attorneys; and many questions from Chairman Ohrenschall who collected questions from his committee members, as several of them were in other meetings. Executive Director Cafferata-Jenkins stated that she felt the hearing went well as she was able to clarify some issues of concern; Senator Parks believed it would have no problem getting out of Committee by the deadline of May 17, 2013.

Executive Director Cafferata-Jenkins discussed Senator Hardy's Bill, S.B. 283, which was also heard on May 14, 2013 before the Assembly Committee on Legislative Operations and Elections. The Executive Director briefly mentioned A.B. 77 and A.B. 438 both of which have to do with cooling-off periods. Both have been heard in the Senate, but no action had been taken. She was unsure what would happen with those measures. She stated she would keep the Commission apprised as deadlines approach and the status of these bills change.

Executive Director Cafferata-Jenkins reported that the Agency's budget had been approved by the money committees and remains closed. The adjustments to Commission Counsel's and Executive Director's salary will be dealt with through the Unclassified Pay Bill, which has not yet been introduced. She stated that she has been in contact with the Chairs of the money committees and their LCB staff person to see what, if anything, she can do to enhance the possibility of adjustments to the salaries.

7. Open Session for report on agency status and operations by Executive Director and Commission Counsel.

Executive Director Cafferata-Jenkins reported that the end of the fiscal year is near, and unlike last fiscal year, there are some additional funds remaining in certain categories. She reported that her intention is to utilize any additional funds to prepare the facility and the systems in any way she can for the additional staff member in the way of workspace, telephones, cabling and networking adjustments. The Executive Director stated her fear was that if the funds go unspent, it would be assumed that the Commission is never going to need those funds in the future.

Executive Director Cafferata-Jenkins reported that staff held one of their three-times-a-year staff meetings on May 14, 2013, and everyone is working well together and all systems are positive. She stated that there is some anticipation about the new position and everyone is looking forward to understanding what, how and where the new position will fit in with the social dynamic of the office.

Commission Counsel Yvonne Nevarez-Goodson, Esq. gave a brief update on what Commissioners can expect by way of meetings/hearings over the next two months. She reported there are at least four Third-Party cases pending, two of which she hopes to settle. She reported that the June meeting will likely be in the North, but she will inform the Commissioners as soon as possible. She believes it would be beneficial for Commissioners and Staff to be all together in June for the end of the fiscal year and also for the first meeting of the next fiscal year, as there will be several business matters to be discussed, including the addition of the new Associate Counsel.

8. Closed Session to discuss potential or pending litigation.

This confidential agenda item was held in closed session, and is not available to the public.

9. Open Session for Commissioner comments on matters including, without limitation, future agenda items, upcoming meeting dates and meeting procedures.

Executive Director asked that the Commission consider holding the Personnel Subcommittee meeting sooner rather than later, as time is quickly passing and the next Commission meeting is scheduled for June 19, 2013 which is awfully close to July 1, 2013 when the new Associate Counsel is to be hired. Chairman Lamboley requested Staff to provide information so that the Subcommittee and Commission can have a better idea of where the new position will need to fill in.

10. Open Session for Public Comment.

No public comment.

11. Adjournment.

Commissioner Lau moved to adjourn the meeting at 11:18 a.m. Commissioner Shaw seconded the motion. The motion was put to a vote and carried unanimously.

Minutes prepared by:

/s/ Valerie Carter
Valerie Carter
Executive Assistant

Minutes approved: June 19, 2013:

/s/ Paul H. Lamboley, Esq.
Paul H. Lamboley, Esq.
Chairman