



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

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

June 19, 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, June 19, 2013, at 8:30 a.m. at the following locations:

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

and via video-teleconference to:

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

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 8:31 a.m. on Wednesday, June 19, 2013.

The following persons appeared in Las Vegas, Nevada: Chairman Paul H. Lamboley, Esq., Vice-Chairman Gregory J. Gale, CPA, Commissioners Keith A. Weaver, Esq., Magdalena Groover, Tim Cory, Esq., Executive Director Caren Cafferata-Jenkins, Esq., Commission Counsel Yvonne Nevarez-Goodson, Esq., and Executive Assistant Valerie Carter. Present in Carson City, Nevada were Commissioners James M. Shaw and Cheryl A. Lau, Esq., and Senior Legal Researcher Janet Jacobsen. Commissioner John C. Carpenter was excused from this meeting.

The Pledge of Allegiance was conducted.

2. Open Session for Public Comment.

Mr. Keith Carson, Requester of RFO 13-05C appeared and stated that he learned the hearing regarding RFO 13-05C had been cancelled. He stated that he was concerned that Mr. Derbidge would just pay a fine and the RFO would go away, allowing for more issues to arise

regarding Mr. Derbidge's conduct. Chairman Lamboley explained that the Commission had been negotiating a stipulation and those negotiations would be discussed under Agenda Item No. 6. Chairman Lamboley invited Mr. Carson to monitor the agenda item.

3. Open session for consideration and approval of Minutes of the April 25, 2013 Personnel Manual Subcommittee meeting and May 15, 2013 Commission meeting.

Commissioner Lau moved to approve the Minutes of the May 15, 2013 Commission meeting, Commissioner Weaver seconded the Motion. A brief discussion ensued regarding a suggested change by Commissioner Gale to a date referenced in the Minutes. Commissioner Lau amended her Motion to include the change, Commissioner Weaver seconded the amended Motion. The Motion was put to a vote and carried unanimously.

Commissioner Cory moved to approve the Minutes of the April 25, 2013 Personnel Manual Subcommittee meeting, Commissioner Gale seconded the Motion. The Motion was put to a vote and carried unanimously.

4. Closed session pursuant to NRS 281A.440(7) to hear testimony, receive evidence, deliberate and render an advisory opinion regarding Confidential First-Party Request for Advisory Opinion No. 13-44A, submitted pursuant to NRS 281A.440(1).

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

5. Closed session pursuant to NRS 281A.440(7) to hear testimony, receive evidence, deliberate and render an advisory opinion regarding Confidential First-Party Request for Advisory Opinion No. 13-46A, submitted pursuant to NRS 281A.440(1).

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

6. Open session pursuant to NRS 281A.440(8) to consider a proposed Stipulation regarding Third-Party Request for Opinion 13-05C, regarding the conduct of Dale Derbidge, Councilman, City of Ely, and Trustee, White Pine County Hospital Board of Trustees, submitted pursuant to NRS 281A.440(2).

Commissioners James Shaw and Magdalena Groover were excused from this agenda item, as they served on the Panel regarding RFO 13-05C.

Chairman Lamboley closed this agenda item to the public at 11:36 a.m. This agenda item was opened to the public at 11:51 a.m.

Commission Counsel Yvonne Nevarez-Goodson, Esq. stated that she had received written confirmation from both Mr. Derbidge and his counsel approving the terms of the proposed Stipulation as presented to the Commission under this agenda item.

Chairman Lamboley welcomed Mr. and Mrs. Carson back into the meeting room. Mr. Carson was the Requester of RFO 13-05C.

Commission Counsel Yvonne Nevarez-Goodson, Esq. presented the general findings and facts of the proposed Stipulated Agreement. Commissioner Weaver moved to adopt the proposed Stipulation as articulated; Commissioner Gale seconded the Motion. The Motion was put to a vote and carried unanimously.

Chairman Lamboley reminded Mr. and Mrs. Carson that a requester of an RFO is not considered a party to the action and has no standing in the process; however, he believed it was appropriate to permit Mr. and Mrs. Carson to observe the Commission in action regarding the proposed Stipulation. Mr. Carson asked for clarification regarding abstention and disclosure as it was outlined in the Stipulation. Chairman Lamboley explained the violation and willful violation

found for Mr. Derbidge's lack of disclosure and abstention. Mr. Carson thanked the Commission for its time and consideration.

7. Closed session pursuant to NRS 281A.440(15) to consider a proposed Stipulation 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).

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

8. Open Session for report and recommendations from the Personnel Subcommittee (FKA Personnel Manual Subcommittee) and for consideration and possible action on the matters presented.

Chairman of the Personnel Subcommittee, Tim Cory, Esq. reported that the Subcommittee had met and discussed what kind of organizational model will fit best for the Staff of the Commission. After many discussions the Subcommittee recommended, and Commissioner Cory moved that, to the extent necessary, the Commission delegates or should delegate necessary authority to the Executive Director to hire, supervise and evaluate the newly approved position of Associate Counsel, with the expectation that Commission Counsel will have input into the hiring, supervision and evaluation of the new position. Commissioner Gale seconded the Motion. A discussion ensued regarding the Motion.

Commissioner Lamboley stated that the Subcommittee's work is not yet done, as the Commission anticipates a flow chart and detailed job descriptions will need to be addressed. Chairman Cory agreed and added that the Subcommittee will also be addressing topics for the Personnel Manual at a later date.

The Motion was put to a vote and carried unanimously.

A discussion ensued regarding the Subcommittee process.

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

Executive Director Cafferata-Jenkins, Esq. reported that in addition to S.B. 228, the Legislature passed three other measures that directly affect the Commission; A.B. 65, A.B. 445 and A.B. 31. A brief summary of each bill and how it affects the Commission was presented by the Executive Director.

The Executive Director gave an overview of S.B. 228 and expressed her gratitude to Staff, Commissioners and Legislators for getting this bill passed at the very end of the session.

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

Executive Director Cafferata-Jenkins, Esq. presented Commissioners with Request for Opinion (RFO) statistics which reported the number of RFOs from 2007 – 2013 received, rejected, investigated, dismissed by a panel, and sent to a full hearing. She discussed these numbers and the reasoning behind them.

Executive Director Cafferata-Jenkins reported that the Commission's Budget was approved with the exception of the requested adjustments to the Unclassified Pay Bill which was part of the Agency's original Proposal. She stated that when she proposed the agency Budget to the Assembly Ways and Means Committee and the Senate Finance Committee, both Chairs, as well as members of the Committees, said that salary adjustments would be made in the separate, unclassified pay bill. She reported that she followed up with several emails to Committee

members, but when the Unclassified Pay Bill came out the changes to the Executive Director and Commission Counsel's salary ranges were not included. She stated that she again reached out to both chairs and the Commission's assigned LCB Fiscal Analyst to figure out why, but the only response she received was that it was not in the bill and it would not be considered.

Executive Director Cafferata-Jenkins reported that there is a section in the Unclassified Pay Bill which states that funds have been allotted to the Board of Examiners (BOE) and the Interim Finance Committee (IFC) to make adjustments to the budget of the State for any errors or adjustments that are required for oversights. She stated that it is difficult for her to advocate on behalf of a salary adjustment for her own salary, and hopes that a member of the Commission could work with her to address the oversight and advocate for adjustments to the Executive Director's and Commission Counsel's salaries before BOE and IFC.

A brief discussion ensued regarding the Commission's original budget request to the Governor, and the procedural history of that request to date. Commissioner Gale offered to assist and advocate before the BOE to request that the salaries be reviewed and adjusted to those of similar positions within the state system.

Executive Director Cafferata-Jenkins reported that she is negotiating an additional 131 sq. feet of office space in the Carson City office, rather than doing tenant improvements to adjust the current space to accommodate a closed space for the Executive Assistant. She stated she will keep the Commission apprised as the negotiations progress. A brief discussion ensued regarding the possible changes to the Carson City office.

Commission Counsel Yvonne Nevarez-Goodson, Esq. gave a status update on outstanding Opinions to be written, reporting that after this meeting there will be five outstanding Opinions. She briefly discussed what she expects over the next couple of months as far as hearings are concerned; she will keep Commissioners apprised as RFOs progress.

11. Closed Session to discuss potential or pending litigation.

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

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

Commissioner Weaver offered his thanks to the Executive Director and Commission Counsel and everyone who worked so diligently during the legislative session.

13. Open Session for Public Comment. Comment and/or testimony by any member of the public will be limited to three (3) minutes. No action will be taken under this agenda item.

No public comment.

14. Adjournment.

Commissioner Weaver moved to adjourn the meeting at 3:01 p.m. Commissioner Gale seconded the motion. The motion was put to a vote and carried unanimously.

Minutes prepared by:

Minutes approved: October 16, 2013:

Valerie Carter
Executive Assistant

Paul H. Lamboley, Esq.
Chairman