



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

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

April 16, 2014

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, April 16, 2014, at 8:30 a.m. at the following location:

**Grant Sawyer State Building
Room 4401
555 E. Washington Avenue
Las Vegas, NV 89101**

CLOSED SESSION:

1. 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. 14-33A, submitted pursuant to NRS 281A.440(1).

This agenda item was held in closed session and will not be available to the public.

2. Closed Session pursuant to NRS 281A.440(15) for discussion and consideration of a proposed Stipulation concerning Third-Party Request for Opinion No. 13-43C regarding Cam Walker, City Councilman, Boulder City, submitted pursuant to NRS 281A.440(2).

This agenda item was held in closed session and will not be available to the public.

3. Closed Session pursuant to NRS 281A.440(15) for discussion and consideration of a proposed Stipulation concerning Third-Party Request for Opinion No. 13-85C regarding Dean Bullock, Commissioner, Lander County, submitted pursuant to NRS 281A.440(2).

This agenda item was held in closed session and will not be available to the public.

4. Closed Session to consider a jurisdictional matter regarding Third-Party Request for Opinion No. 14-32C, submitted pursuant to NRS 281A.440(2).

This agenda item was held in closed session and will not be available to the public.

5. Closed Session to discuss potential or pending litigation.

This agenda item was held in closed session and will not be available to the public.

OPEN SESSION:

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

Chairman Paul H. Lamboley, Esq. called the meeting into open session at 1:28 p.m.

Present in Las Vegas, Nevada were Chairman Paul H. Lamboley, Esq., Vice-Chairman Gregory J. Gale, CPA, Commissioners Tim Cory, Esq., Keith Weaver, Esq., Magdalena Groover, Cheryl A. Lau, Esq., and James M. Shaw. Also present were Executive Director Caren Cafferata-Jenkins, Esq., Commission Counsel Yvonne Nevarez-Goodson, Esq., Associate Counsel Jill C. Davis, Esq., and Executive Assistant Valerie M. Carter.

Commissioner John C. Carpenter was excused from this meeting.

2. Open Session for Public Comment.

No public comment.

3. Open Session pursuant to NRS 281A.440(8) for discussion and consideration of a proposed Stipulation concerning Third-Party Request for Opinion No. 13-43C regarding Cam Walker, City Councilman, Boulder City, submitted pursuant to NRS 281A.440(2).

Vice Chairman Gale and Commissioner Groover were excused from participating in this agenda item as they served on the Panel.

Commissioner Lau made a disclosure regarding her friendship with the Subject's mother-in-law, and stated she had no knowledge of the allegations in the RFO until it was presented to the Commission, and stated she could be fair and objective in the consideration of the matter.

Brian Hardy, Esq., counsel for Subject Cam Walker, and Jill C. Davis, Esq., Associate Counsel to the Commission appeared before the body.

Commission Counsel Yvonne Nevarez-Goodson, Esq. gave a brief summary of the RFO and the Stipulated Agreement. Chairman Lamboley stated that the proposed Stipulated Agreement had been discussed in a prior closed session where a few changes were made to the language. Chairman Lamboley questioned whether Brian Hardy, Esq. had authority to accept the changes to the Stipulation on behalf of his client. Mr. Hardy explained that he had authority to accept the most recent Stipulation and believes his client will be agreeable to the terms as discussed. Associate Counsel stated she was in agreement with the language as well.

Commissioner Shaw moved to approve the Stipulated Agreement with the modifications discussed. Commissioner Lau seconded the Motion. Commission Counsel summarized the general terms of the Stipulated Agreement. The Motion was put to a vote and carried unanimously.

4. Open Session pursuant to NRS 281A.440(8) for discussion and consideration of a proposed Stipulation concerning Third-Party Request for Opinion No. 13-85C regarding Dean Bullock, Commissioner, Lander County, submitted pursuant to NRS 281A.440(2).

Appearing before the Commission via telephone were Dean Bullock, Subject of RFO 13-85C and his counsel, Rebecca Bruch, Esq. Also present was the Commission's Associate Counsel, Jill C. Davis, Esq.

Commission Counsel Yvonne Nevarez-Goodson, Esq. gave a brief summary of the factual background and the terms the Commission had agreed upon. Mr. Bullock and Ms. Bruch stated they both had reviewed the Stipulation in its entirety and were in agreement with the language. Associate Counsel Jill C. Davis, Esq. stated she agreed to the Stipulation.

Commissioner Lau moved to approve the Stipulated Agreement as presented. Commissioner Cory seconded the Motion. The Motion was put to a vote and carried unanimously.

5. Open Session for report and recommendation from the Commission on Ethics' 2015 BDR Subcommittee.

Commissioner Gale, Chairman of the BDR Subcommittee, introduced Commissioner Lau and Commissioner Weaver as appointed Subcommittee members. Commissioner Gale discussed the BDR Matrix that was provided to the Commission which detailed the recommendation of the Subcommittee to the full Commission (attached hereto). The Matrix detailed which items the Subcommittee identified as priority to bring to the 2015 Legislature. Commissioner Gale described the seven changes/additions in details. A brief discussion regarding the proposed amendments ensued.

Pursuant to BDR Subcommittee Chairman Gale's request, Commission Counsel Yvonne Nevarez-Goodson, Esq. discussed her memo to the Commission explaining the proposed language amendments for 2 of the 7 recommendations to provide the reasoning for the changes. She noted LCB will likely come up with different language, and that her memo was for informational/discussion purposes only. A discussion regarding the recommended amendments to NRS 281A ensued.

Commissioner Lau moved to adopt section I of the proposed amendments to NRS 281A for the 2015 Legislative Session. Commissioner Shaw seconded the Motion. The Motion was put to a vote and carried unanimously.

A brief recess was taken at 2:49 p.m. and the meeting was called back to order at 3:04 p.m.

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

Commission Counsel Yvonne Nevarez-Goodson, Esq. discussed the current status of the opinion backlog and the RFO Log that is provided quarterly to the Commission. Ms. Nevarez-Goodson discussed the contents of the log, how long some of the Commission's processes take and how delayed things can become in the process. A lengthy discussion ensued regarding the backlog of Opinions and the probable causes of the same.

The Executive Director Caren Cafferata-Jenkins, Esq. reported that the agency recently underwent a routine audit by the Department of Administration- Division of Internal Audits with respect to our accounts payable/receivable. She stated there were only five, very minor, infractions which have been accepted and will be addressed.

Executive Director Cafferata-Jenkins stated that she and Commission Counsel have been invited, at the suggestion of Chairman Lamboley, to present at the Annual State Bar Conference in Newport Beach, CA in July. She reported that the topic for their presentation will be civility in the legal profession and she is looking forward to the conference.

Executive Director Cafferata-Jenkins, Esq. discussed her hopes of making her Ethics presentation available on video to provide to entities requesting training. She has been in contact with POOL PACT and they currently have the funds and desire to get an ethics presentation together for use on an individualized basis. She stated that her hope is that once it is completed, the NCOE will be able to point people to that web based training or obtain a copy to provide to entities or individuals requesting the same.

Executive Director Cafferata-Jenkins, Esq. reported that she met with Michon Martin at the Governor's office. She reported that she asked that the agency's BDR be adopted and endorsed by the Governor this session.

Executive Director Cafferata-Jenkins, Esq. stated that the Senior Investigator position is currently vacant, and will not be filled in any short amount of time, as the job description for that position is in need of being updated. She stated that once the description is updated, it may come before the commission or the Chair, depending on timing. She will provide an update at the next meeting regarding the position.

Executive Director Cafferata-Jenkins, Esq. reported that she and executive assistant Valerie Carter have begun to prepare for the FY15-FY17 biennial budget and will continue to do so over the next several months.

7. Open Session for presentation by Valerie M. Carter, participant in the Nevada Certified Public Manager Program, regarding her recommendations to increase agency efficiency.

Executive Director Cafferata-Jenkins introduced Valerie Carter and gave a brief overview of the Nevada CPM program. Ms. Carter summarized her memorandum to the Commission regarding her progress in the NVCPM program and her idea for the "Quality Improvement Project". Ms. Carter proposed holding bi-monthly meetings, the streamlining of staff processes, and eliminating the opinion backlog. A discussion ensued regarding the proposals.

Chairman Lamboley and Commissioner Cory expressed a desire to see more information to support the suggested changes. Commissioners explained they would like to see more data related to the agency's case load and Staff's time, and how the project's success will be measured. Ms. Carter agreed and stated she will gather more information for presentation at the next Commission Meeting as requested.

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

Commissioner Lau requested the Commission consider changing the date of the June 18th Commission meeting to June 11th. A discussion regarding scheduling ensued. Chairman Lamboley indicated the May and June meeting will be combined and held on June 11, 2014.

9. Open Session for Public Comment.

No public comment.

10. Adjournment.

Commissioner Shaw moved to adjourn the meeting. Commissioner Lau seconded the Motion. The motion was put to a vote and carried unanimously. The meeting was adjourned at 4:20 p.m.

Minutes prepared by:

/s/ Valerie Carter
Valerie M. Carter
Executive Assistant

Minutes approved: June 11, 2014:

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

**NEVADA COMMISSION ON ETHICS'
2015 BDR SUBCOMMITTEE**

REPORT AND RECOMMENDATION TO THE FULL COMMISSION

The 2015 BDR Subcommittee considered a full range of potential changes to NRS 281A, including vetting a variety of new ideas and re-evaluating proposals that the Commission considered in 2013. All of those concepts are presented in this document, however, only the seven (7) concepts in Section I are recommended to the Commission to be pursued in the upcoming 2015 Legislative session. However, we have provided Section II (NRS 281A AMENDMENTS CONSIDERED FOR 2013 LEGISLATIVE SESSION (NOT recommended for 2015)), and Section III (*NEW* NRS 281A AMENDMENTS NOT RECOMMENDED FOR 2015) for your review, in the event a majority of the Commission wishes to move an item from one of those sections into the Bill Draft Request, or to move an item from Section I to another section.

SECTION I: PROPOSED NRS 281A AMENDMENTS RECOMMENDED FOR 2015 LEGISLATIVE SESSION:

Item #	Statute Change	Reason for Change
1	Amend NRS 281A.480(5) to provide that for safe harbor to apply, the subject must be able to prove that s/he sought specific legal advice related to the conduct, advice was given by the appropriate counsel and that subject determined that no prior commission opinion applied BEFORE taking action. <u>Also require request, date and advice to be memorialized or proven by substantial evidence.</u>	During a third-party request for opinion process, the Commission may at times determine that a public officer's or employee's past conduct violated NRS 281A, although if the subject relied in good faith on the advice of counsel and the advice was not contrary to a published Commission opinion, the violation could not be deemed "willful." Since this safe harbor provision was amended in 2013, many subjects and their attorneys have argued that the conduct was on the advice of counsel, though it was not clear whether the subject sought the advice or came by it second hand, and whether or when the attorney considered prior Commission opinions and statutes before offering the advice. Reasonable application of the "safe harbor" provisions is important, but should not be available unless both the subject and the attorney have acted within narrow circumstances and in good faith. If affidavits or other evidence are presented that attempt to manipulate the application of the intent of the safe harbor or are vague attempts to obtain safe harbor when the officer or employee knew the conduct violated ethics laws, safe harbor should not be offered.
2	Allow NCOE to accept anonymous Third-Party RFOs, so long as they contain sufficient supporting evidence. (NRS 281A.440(2)(c)) (NRS 281A.440(12))	Currently NRS 281A.440 (2)(c) prohibits the Commission from initiating an RFO based solely on an anonymous complaint. NRS 281A.440(12) prohibits the Commission from accepting an anonymous complaint from a third-party by requiring the requester to testify. The Legislature should delete NRS 281A.440(12)(b) and the language which prohibits the anonymous complaint in NRS 281A.440(2)(c). It has been the practice of the Commission to reject anonymous complaints as a matter of course; however should sufficient evidence come to its attention, such evidence should not be ignored.
3	Amend willful standards so not too restrictive. (NRS 281A.475) (NRS 281A.480(5))	NRS 281A.480(5) and NRS 281A.475 have made it nearly impossible for the Commission to find a willful violation. Change "shall" to "may" for Commission's duty to consider the factors.

Item #	Statute Change	Reason for Change
4	Make materials provided to panels and panel transcripts confidential. (NRS 281A.440(8)(9) and (16))	NRS 281A.440 may need to be modified to determine when such materials become public records, if ever. Under current language, the record of the proceedings of the investigatory panel are confidential until the panel determination or waiver. The definition of "investigatory file" does not specify that (investigatory) panel materials are part of the investigatory file.
5	Amend NRS 281A.420 (3) and (4) to also discuss abstention by public <u>employees</u> .	These abstention laws, as written, are only directed to public officers. There may be instances (e.g., advisory board members who make recommendations to a governing body) where public employees may vote on agenda items or otherwise participate in decision-making actions. Therefore, these two paragraphs should be amended to include public employees.
6	Clarify NRS 281A.270 State and Local Government funding for Commission operations to address return of money during biennia. Our current process is not reflected in the statute, but is necessary to avoid IFC requests for 100% State funds (if needed) when unspent Local Government funds are available during a biennium.	SB 228 amended NRS 281A.270 consistent with Commission intent offered in 2011 legislative BDR solely to prevent budget reversions to local governments when the State imposed budget reductions. (In 2009/2010 the State imposed mandatory budget reductions, requiring the Commission to reimburse the local governments in proportion to the legislatively approved state/local distributions.) However, the language in SB 228 created confusion regarding reversions of excess local government funds, and the State Executive Budget Office and LCB Fiscal Division did not understand the original intent. The Commission should clarify the language to ensure that excess local government funds are reserved until after the following fiscal year in the event the Commission requests additional interim funds. (This structure will ensure proportionate distribution between the State General Fund and the Local Government shares)
7*	Amend NRS 281A.440(7)(b) and NRS 281A.550(7)(b) to allow a public officer or employee to disclose the results of an ethics opinion to certain individuals while retaining confidentiality.	After the Commission opines on a first-party opinion request, a public officer should be able to disclose the disposition of the request to an employer or agency attorney for internal use only, and still preserve the confidentiality of the opinion. Similarly, if a witness accompanies the public officer or employee to a first-party request for opinion Commission hearing, confidentiality should still be retained. NRS 281A.440(7) and NRS 281A.550(7)(b) currently deem such disclosures a waiver.

*= Initially presented in 2013, S.B. 228

**NEVADA COMMISSION ON ETHICS'
2015 BDR SUBCOMMITTEE**

REPORT AND RECOMMENDATION TO THE FULL COMMISSION

SECTION II: NRS 281A AMENDMENTS CONSIDERED FOR 2013 LEGISLATIVE SESSION (NOT recommended for 2015):

Item #	Statute Change	Reason for Change
A	Move the counseling disclosure filing requirement of NRS 281A.410(3) to a new section in NRS 281A.	The form filing requirements for counseling a private party before a State agency should be a separate section in law, rather than being a subsection of NRS 281A.410. This change should make NRS 281A more user friendly.
B	Clarify the "public officer" definition by adding words to explain how such position is created or allowed to be created. (NRS 281A.182)	<p>For example, county school superintendents and county hospital administrators have been determined by the Commission <u>not</u> to be public officers due to the wording of the current definition. Accordingly, they are not required to comply with requirements that are unique to public officers (e.g., the filing of a financial disclosure statement). By expanding the definition, superintendents and hospital administrators, among other government positions of trust, will meet the public officer criteria.</p> <p>(S.B. 228 from 2013 included school administrators, but excluded county hospital administrators from definition of "Public Officer". County hospital administrators should be added to the list of officers that were added by the 2013 Legislature at NRS 281A.182.)</p>
C	Amend NRS 281A.290 to allow for <u>any</u> necessary regulations to be adopted by the Commission.	Current statute wording is too limiting regarding the Commission's authority to adopt only certain types of <u>procedural</u> regulations.
D	Make several changes to the Code of Ethical Standards (NRS 281A.400)	Amend NRS 281A.400(3) and (10) to clarify potential conflicts involving contracts. Amend provisions to include "commitments in a private capacity" to all sections (same as conflicts involving pecuniary interests).
E	Amend NRS 281A.410(1)(a) to clarify that government employees can't accept compensation from a private person to counsel that person on any issues pending before a government body. Also, reword NRS 281A.410(1)(b) for clarity.	Several public employees have requested guidance regarding NRS 281A.410(1) due to the current wording of this law. These changes should provide better guidance.

Item #	Statute Change	Reason for Change
F	Move NRS 281A.550 to NRS 281A.410.	By combining these statutes, all employment-related statutes (post government service) will be located in the same section. The one-year cooling off period for employment will also apply to local government officers and employees. The waiver provisions of NRS 281A.550(6) will be expanded to include waivers of NRS 281A.410(1) and (2).
G	Amend NRS 281A.500 to require all public officers to attend an ethics training class conducted by the Ethics Commission within 6 months of taking office. Statute should allow waivers or extensions of 6-month requirement for just cause.	Although reading the ethics laws is important, attending a course where such laws are explained and past Commission opinions are discussed is an important step in understanding the ethics requirements with which all new public officers must comply. Several times the Commission has observed that where ethics violations have occurred, the officer has not read the ethics laws and/or attended an ethics training class.
H	Expand definition of "unwarranted" in NRS 281A.400(2)	The Commission may wish to provide more guidance as to what is considered "unwarranted" based on past Commission opinions.
I	Define "personal interest".	A new "personal interest" definition was removed from the Commission's bill draft request before the introduction of SB 391 in the Senate in 2011. Reconsider defining this term, and using in the definition of "commitment in a private capacity to the interests of others" and throughout NRS 281A.400 and NRS 281A.420 (see Commission Counsel's BDR Request for 2011 Legislature for wording). This approach would clarify that other interests, not pecuniary in nature, may cause a conflict of interest (e.g., revenge, personal agendas)
J	Amend NRS 281A.230(4) and NRS 281A.250(4) to allow the Executive Director and Commission Counsel to have outside employment upon approval of the Commission.	The issue of outside employment for the Executive Director and Commission Counsel should be addressed either through Commission regulations or internal policies and procedures. However, these two statutes require amending to allow both individuals to pursue outside employment, and for the Commission to establish an approval process to include types of outside employment that cannot be pursued.
K	Amend NRS 281A.020 so that this statute may form the basis for a violation or be exempt from the same.	This statute currently reads as a statement of public policy. There may be times when the actions of a public officer or employee are a violation of the public trust, but such actions may not be a clear violation of a specific requirement within NRS 281A. Similarly, the Commission may also provide advice on future conduct through the request for first-party opinion process, and NRS 281A may not specifically address the future conduct. In such limited instances, it may be beneficial to cite NRS 281A.020(1)(b) as a basis for such advice or violation. This statute should be amended, as appropriate and if necessary, to provide the Commission with such regulatory discretion.

Item #	Statute Change	Reason for Change
L	Amend NRS 281A.410(1)(b) to clarify that no forms of counseling or representation may be performed for compensation for one year after leaving government service.	This cooling off law could be read to apply only to consultants or other professional advisors (e.g., attorney, CPA) providing direct counseling or representation. The law should clarify that if the former government employee accepts employment with a private advisory business (e.g., law firm, CPA firm, consulting practice), the former employee cannot provide counseling or representation on behalf of his firm on any issue that was under consideration by his former agency for one year after leaving government service, even if he does not bill the client for his services. This is because his firm provides him with a compensation package. Additionally, the Commission has opined that a former government employee who accepts private sector employment cannot counsel his new employer on any issue that was under consideration by his former agency since his salary is compensation for purposes of compliance with this statute. He would have to wait one year after leaving government service before he can counsel his employer.
M	Amend NRS 281A.400 to prohibit an officer or employee from concurrently holding two government agency positions where one position is in the chain of command of the other position (“boss of boss prohibition”).	The Commission has rendered several opinions regarding this issue. For example, the Commission has advised that a school teacher may not concurrently serve as a School Board trustee. The Commission has also advised that a county hospital employee cannot also serve as an elected member of the hospital’s Board of Trustees. In both situations, as an elected member of a Board, the person would technically be supervising the agency head, who is the elected official’s “boss” when that person is performing his full-time public employee duties. Since this relationship has been determined to be a conflict of interest, the statute should clearly articulate and prohibit this conflict in the Code of Ethical Standards so that public employees who are contemplating a run for office will know they cannot hold both positions.
N	Amend NRS 281A.420 to address minimum requirements for a disclosure to be considered adequate. (NRS 281A.420(1))	This statute generally requires that “sufficient information” be disclosed, and the disclosure must be made at the time the matter is considered. The Commission has recently published materials to informally advise public officers how to make an adequate disclosure. However, there is no statutory or regulatory requirement that such guidelines be followed. This statute should be amended providing the Commission with the authority to adopt regulations that specify minimum standards for an adequate disclosure, and that a public officer must meet these minimum standards for his disclosure to be considered “sufficient”. The Commission recently heard a request for third-party opinion where a disclosure did not disclose all pertinent information, and also the disclosure referred to a past disclosure. Should this law be amended, such a disclosure would not meet the minimum standards of disclosure.

Item #	Statute Change	Reason for Change
O	Define "gift"	The term "gift" is used in NRS 281A, but no definition currently exists in the chapter. The Commission should define the term, and provide general guidance as to what is and is not a gift. Immateriality of gifts should be addressed in the definition. Additionally, the Governor's Executive Order No. 2011-02 should be reviewed for examples of the types of gifts that can be accepted by a public officer or employee. Preferably, work with Governor and Sec. of State to develop a definition that might cross into FDS and campaigns. Consider researching gift definitions in other states' ethics statutes.
P	Define "public money".	This term "public money" is used in the definition of "public officer" in NRS 281A.160(1)(b)(2). Some high ranking government officials in this state are not classified as public officers only because their agencies are funded by fees instead of from general fund appropriations. Their agencies may collect hundreds of thousands of dollars in such fees. The definition of "public money" in this chapter should include these fee collections and, as a result, these individuals will be classified as public officers and must meet the requirements unique to public officers, such as the filing of financial disclosure statements.
Q	Amend NRS 281A to indicate that if, during a request for first-party opinion, it is determined that a violation of NRS 281A may have occurred, the Commission may determine that the officer or employee has a "safe harbor" from the consequences of such violation if the request was made in good faith.	During the first-party request for opinion process, the Commission may at times determine that a public officer's or employee's past conduct was in violation of NRS 281A. The Commission should have the authority to evaluate the circumstances of the request, and the past conduct, and determine whether the Commission should act on the violation, or provide "safe harbor" to the requestor for coming forward and requesting an opinion. Such "safe harbor" determination should be concluded only if the officer or employee acted in good faith. If it is determined that a first-party request for opinion is filed in order to obtain safe harbor when the officer or employee knows that an ethics violation has occurred, safe harbor will not be offered.
R	Define "employ" and "employment" for purposes of NRS 281A.550.	Since the Commission has determined that these terms relate to independent contractors in addition to employees on a company's payroll, such determination should be made clear through a definition of terms.
S	Amend NRS 281A.200 to address changing of political parties for commission members.	This statute should clarify that NRS 281.057 does not apply to commission member appointments. It is acceptable for a member to have changed political parties within the last two years.

**NEVADA COMMISSION ON ETHICS'
2015 BDR SUBCOMMITTEE**

REPORT AND RECOMMENDATION TO THE FULL COMMISSION

SECTION III: NEW NRS 281A AMENDMENTS NOT RECOMMENDED FOR 2015:

Item #	Statute Change	Reason for Change
T	Provide a more tangible measure for when abstention is required. (NRS 281A.420(4)(b))	NRS 281A.420(4)(b) currently requires abstention in a clear case when the independence of judgment of a reasonable person in the public officer's or employee's circumstances would be materially affected. Reasonable minds certainly have differed over the years as to when abstention is required under this standard. A more clear standard would assist the public officers and the NCOE.
U	Allow imposition of civil penalties, or required action, for non-willful violations. (NRS 281A.480)	NRS 281A.480 - Requiring civil penalties, disgorgement of benefits, restitution to damaged parties or attending ethics training are some potential penalties even if a violation is deemed non-willful.
V	Relief from the strict application of cooling off provisions for Public Utilities Commission members, Gaming Control Board members, and Gaming Commission members. (NRS 281A.550(1) and (2))	A waiver provision similar to those set forth in NRS 281A.410(3) and NRS 281A.550(6) should be made applicable to NRS 281A.550 (1) and (2), for the Commission to authorize former members of the Public Utilities Commission, Gaming Control Board and Nevada Gaming Commission to become consultants in certain circumstances. (This exemption should not extend to employment relationships.)
W	Specify the dates of service for Commission members' appointments. (NRS 281A.200)	NRS 281A.200 should provide for the staggering of Commission member terms so that no more than two members' terms expire in a year. Currently 5 of the 8 Commission members' terms expire in 2015 and 2 more in 2016. This creates an imbalance of new and more experienced members, and does not allow for a smooth transition process. The Legislature may need to grandfather in current members terms. (If a Commissioner is appointed to a new term prior to/during the Legislative Session/effective date of bill, those terms likely grandfathered.)
X	Expand reporting of Representation and Counseling before government bodies to all bodies. (NRS 281A.410(5))	NRS 281A.410(5) requires public officers to report to the Commission compensated work that goes before only State agencies of the Executive Branch. Public officers should also be required to report this type of work performed before local governments.

Item #	Statute Change	Reason for Change
Y	Expand narrow application of "incur an expense" and "make an expenditure" to support a ballot measure or candidate. (NRS 281A.520)	NRS 281A.520 should be expanded to prohibit using staff, email server, warehousing, and other existing government resources even if the agency doesn't expend additional government funds or incur an additional expense.
Z	Revise duties of Executive Director, Commission Counsel and Associate Counsel to conform to expected and current practices.	Many "E.D. shall" provisions in statute do not align with current practice and responsibility - - the Commission should take all specific tasks out of statute and refer to the staff responsibilities and Commission responsibilities. General descriptions of ED and CC positions are fine, but tasks are too specific to be in statute. Those can be in regulations if required at all.
AA	Amend NRS 281A.200(5)(b), 281A.230(5)(a), and 281A.250(5)(a) to specify whether these public officers may file for election and participate in their own campaigns.	"Be actively involved in the work of any political party or political campaign" be reworded to specifically address the issue of campaigning one way or the other. (Commission needs to decide on which approach to recommend.)