



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

**NOTICE OF PUBLIC MEETING**

**NAME OF ORGANIZATION:** NEVADA COMMISSION ON ETHICS

**DATE & TIME OF MEETING:** Wednesday, March 18, 2015 at 10:00 a.m.

**PLACE OF MEETING:** This meeting will be held telephonically. Members of the public may attend at the following location:

**Nevada Commission on Ethics  
704 W. Nye Lane, Suite 204  
Carson City, Nevada 89703**

**AGENDA**

**NOTES:**

- Two or more agenda items may be combined for consideration.
- At any time, an agenda item may be taken out of order, removed, or delayed.
- Public comment will be accepted at the beginning of the open session and again before the conclusion of the open session of the meeting. Comment and/or testimony by the public may be limited to three (3) minutes. No action may be taken on any matter referred to in remarks made as public comment. Members of the public may also submit written public comment to the Commission at [NCOE@ethics.nv.gov](mailto:NCOE@ethics.nv.gov).

	1. <b>Call to Order</b> and Roll Call.
	2. <b>Open Session</b> for Public Comment. Comment and/or testimony by any member of the public may be limited to three (3) minutes. No action will be taken under this agenda item.
<b>For Possible Action</b>	3. <b>Open Session</b> for consideration and approval of Minutes from the January 5, 2015 Personnel Subcommittee Meeting, January 13, 2015 Commission Meeting, February 10, 2015 Personnel Subcommittee Meeting and February 18, 2015 Commission Meeting.
<b>*For Possible Action</b>	4. <b>Closed Session</b> pursuant to NRS 281A.440(8) for consideration of a Jurisdictional Appeal by the Requester of <b>Third-Party Request for Opinion No. 14-89N</b> , submitted pursuant to NAC 281A.405.
<b>*</b>	5. <b>Closed Session</b> for discussion and consideration of a Proposed Stipulation concerning <b>Third-Party Request for Opinion No. 14-15C</b> regarding <b>Gary Lambert, Commissioner, Nevada Commission on Off-Highway Vehicles</b> , submitted pursuant to NRS 281A.440(2).

<b>*For Possible Action</b>	6. <b>Open Session</b> pursuant to NRS 281A.440(8) for consideration and approval of a proposed Stipulation concerning <b>Third-Party Request for Opinion No. 14-15C regarding Gary Lambert, Commissioner, Nevada Commission on Off-Highway Vehicles</b> , submitted pursuant to NRS 281A.440(2).
	7. <b>Open Session</b> for report by the Executive Director on agency status and operations.
<b>For Possible Action</b>	8. <b>Open Session</b> for discussion and potential direction to the Executive Director regarding the 2015 Session of the Nevada Legislature, including an update on the Commission's legislative measures (A.B. 60) and budget presentations before the Nevada Legislature.
	9. <b>Open Session</b> for Commissioner comments on matters including, without limitation, future agenda items, upcoming meeting dates and meeting procedures.
	10. <b>Open Session</b> for Public Comment. Comment and/or testimony by any member of the public may be limited to three (3) minutes. No action will be taken under this agenda item.
<b>For Possible Action</b>	11. <b>Adjournment.</b>

**\*A meeting or hearing held by the Commission pursuant to NRS 281A.440 to receive information or evidence regarding the conduct of a public officer or employee, and deliberations of the Commission regarding such a public officer or employee, are exempt from the provisions of NRS Chapter 241, The Open Meeting Law. As a result, these agenda items, or any portion of them, may be heard in closed session.**

**NOTES:**

- ❖ The Commission is pleased to make reasonable accommodations for any member of the public who has a disability and wishes to attend the meeting. If special arrangements for the meeting are necessary, please notify the Nevada Commission on Ethics, in writing at 704 W. Nye Lane, Ste. 204, Carson City, Nevada 89703; via email at [ncoe@ethics.nv.gov](mailto:ncoe@ethics.nv.gov) or call 775-687-5469 as far in advance as possible.
- ❖ To request an advance copy of the supporting materials for any open session of this meeting, contact Acting Executive Director Yvonne Nevarez-Goodson, Esq. at [ncoe@ethics.nv.gov](mailto:ncoe@ethics.nv.gov) or call 775-687-5469.
- ❖ This Agenda and supporting materials are posted and are available not later than the 3<sup>rd</sup> working day before the meeting at the Commission's office, 704 W. Nye Lane, Ste. 204, Carson City, Nevada, or on the Commission's website at [www.ethics.nv.gov](http://www.ethics.nv.gov). A copy also will be available at the meeting location on the meeting day.

**This Notice of Public Meeting and Agenda was posted in compliance with NRS 241.020 before 9:00 a.m. on the third working day before the meeting at the following locations:**

- Nevada Commission on Ethics, 704 W. Nye Lane, Suite 204, Carson City
- Nevada Commission on Ethics' website: <http://ethics.nv.gov>
- Nevada Public Notice Website: <http://notice.nv.gov>
- State Library & Archives Building, 100 North Stewart Street, Carson City
- Blasdel Building, 209 E. Musser Street, Carson City
- Washoe County Administration Building, 1001 East 9<sup>th</sup> Street, Reno
- Grant Sawyer State Office Building, 555 E. Washington Ave., Las Vegas

AGENDA ITEM NO. 3

AGENDA ITEM NO. 3



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

**MINUTES  
of the meeting of the  
NEVADA COMMISSION ON ETHICS' PERSONNEL SUBCOMMITTEE**

**January 5, 2015**

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

The Commission on Ethics held a public telephonic meeting on Monday, January 5, 2015, at 9:30 a.m. at the following location:

**Nevada Commission on Ethics  
704 W. Nye Lane, Suite 204  
Carson City, Nevada 89703**

1. Call to Order and Roll Call.

Chairman Paul H. Lambole, Esq. called the meeting to order at 9:21 a.m. Present via teleconference were the members of the Commission's Personnel Subcommittee: Chairman Paul H. Lambole, Esq., Vice-Chairman Gregory J. Gale, CPA, and Commissioners Tim Cory, Esq. and Cheryl A. Lau, Esq. Present in Carson City, Nevada was Commission Counsel/ Acting Executive Director Yvonne M. Nevarez-Goodson, Esq.

2. Open Session for Public Comment.

No public comment.

3. Open session for review and consideration of the applications for the Executive Director position and recommendation of the applicants to be interviewed by the Commission.

Chairman Lambole opened the agenda item by stating that twenty-five applicants had applied for the Executive Director position and he was particularly impressed in the aggregate and overall qualifications of those who expressed interest for the position. The applicants included: Doug Aman, Bryce Carter, Jill Davis, Thomas Finn, Agata Gawronski, David Gordon, David Hall, Phillip Han, Brett Kandt, William Kohbarger, Mark Krueger, Bonnie Long, Michael McMahon, Yvonne Nevarez-Goodson, Robert Pawley, Jorge Pierrott, Neil Rombardo, Karen Salm, Brian Scroggins, Jason Shaw, Dennis Stoddard, Gary Turner, William Valentine, Steve Woodbury and Steve Zuelke. Chairman Lambole confirmed that the Subcommittee members had received the application materials and had a chance to review them.

Yvonne M. Nevarez-Goodson, Esq., Acting Executive Director and Commission Counsel disclosed that she was an applicant for the Executive Director position and she would not be advising the Commission with respect to this agenda item to avoid any conflicts and appearances of bias. She stated that all administrative tasks related to the recruitment, including receipt of all applications, had been delegated by the Chairman to the Commission's Executive Assistant, Valerie Carter.

Chairman Lamboley asked each Subcommittee member to recommend their top candidates for an interview by the full Commission at the January 13, 2015 Commission meeting. Commissioner Gale suggested advancing the following seven (7) candidates to interview before the entire Commission: Jill Davis, David Hall, Brett Kandt, Mark Krueger, Yvonne Nevarez-Goodson, Neil Rombardo and Brian Scroggins.

Commissioner Lau suggested advancing the following six (6) candidates to interview before the full Commission: Jill Davis, David Hall, Michael McMahon, Yvonne Nevarez-Goodson, Neil Rombardo and Brian Scroggins.

Commissioner Cory suggested advancing his top three (3) candidates to interview before the full Commission, including: Yvonne Nevarez-Goodson, Neil Rombardo and Brian Scroggins.

Chairman Lamboley suggested advancing his top five (5) candidates for an interview before the full Commission. Those individuals were Jill Davis, Brett Kandt, Mark Krueger, Yvonne Nevarez-Goodson and Neil Rombardo.

Chairman Lamboley suggested inviting each of the candidates who were recommended by the Subcommittee members to interview before the full Commission on January 13, 2015. Commissioner Lau withdrew her recommendation of Michael McMahon. The Subcommittee voted to invite the following applicants to interview before the full Commission: Jill Davis, David Hall, Brett Kandt, Mark Krueger, Yvonne Nevarez-Goodson, Neil Rombardo and Brian Scroggins.

A discussion ensued regarding the logistics of the January 13, 2015 Commission meeting and Commissioner travel plans.

Chairman Lamboley requested that the Commission's Executive Assistant prepare letters inviting the seven candidates to interview before the full Commission on January 13, 2015 starting at 12:00 p.m. He also requested that letters be prepared and sent to those individuals who were not selected to interview.

Commissioner Gale briefly discussed the fact that this recruitment is subject to the Open Meeting law and thus, all applications and background materials sent in by the applicants are deemed a public record, and in the future, that should be noted on the Job Announcement.

Commissioner Gale suggested having the Commission's Investigator, Anthony Freiberg conduct Internet and social media research/background investigations on the candidates. He also suggested giving the candidates an option to submit letters of recommendation prior to the interviews on January 13, 2015, since they were not requested in the original Job Announcement. Chairman Lamboley also proposed having the Nevada Department of Human Resource Management contact the references listed by the candidates on their resumes.

#### 4. Open Session for Public Comment.

No public comment.

5. Adjournment.

The meeting adjourned at 10:04 a.m.

Minutes prepared by:

Minutes approved: March 18, 2015:

---

Valerie M. Carter  
Executive Assistant

---

Paul H. Lamboley, Esq.  
Chairman



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

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

**January 13, 2015**

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  
Tuesday, January 13, 2015, at 12:00 p.m. at the following locations:

**Nevada State Contractors Board  
9670 Gateway Drive, Ste. 100  
Reno, NV 89521**

and via video-conference to:

**Nevada State Contractors Board  
2310 Corporate Circle, Ste. 200  
Henderson, NV 89074**

**OPEN SESSION:**

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

Chairman Paul H. Lamboley, Esq. called the meeting to order at 12:00 p.m. Present in Reno, Nevada were Chairman Paul H. Lamboley, Esq., Vice-Chairman Gregory J. Gale, CPA and Commissioners Cheryl A. Lau, Esq., James M. Shaw and John C. Carpenter. Also present in Reno was Executive Assistant Valerie M. Carter. Appearing from Las Vegas, Nevada were Commissioners Tim Cory, Esq. and Keith A. Weaver, Esq.

Commissioner Magdalena Groover was excused from this meeting.

The pledge of allegiance was conducted.

2. Open Session for Public Comment.

No public comment.

3. Open session for interviews and consideration of candidates for the Commission's Executive Director position, and appointment of a candidate as the Executive Director.

Chairman Lamboley introduced the agenda item stating that the Commission received 25 applications from several very qualified individuals for the Executive Director position. He reported that the Personnel Subcommittee (Commissioners Gale, Cory, Lau and Lamboley) vetted each of the applicants on January 5, 2015 and recommended seven of those candidates to interview before the full Commission.

Chairman Lamboley stated that the Agenda and tentative schedule allowed for 30 minute interviews of each of those seven candidates, and after the interviews the Commission would invite all candidates back to listen to the deliberations and selection of the new Executive Director.

The Commission then interviewed each of the seven candidates in the following order: Jill Davis, David Hall, Brett Kandt, Mark Krueger, Yvonne Nevarez-Goodson, Neil Rombardo and Brian Scroggins.

A brief recess was taken between 3:35 p.m. and 4:45 p.m.

Chairman Lamboley expressed his gratitude to each of the applicants and remarked how impressed he was with the quality of the applicants, stating it was a very difficult decision for the Commission to select one final candidate. Chairman Lamboley looked to his colleagues for their views on which applicant should be appointed as the Executive Director.

Commissioner Cory concurred with Chairman Lamboley and his comments regarding the quality of the applicants. He stated that his recommendation for appointment as the Executive Director was current Commission Counsel and Acting Executive Director, Yvonne Nevarez-Goodson, Esq.

Commissioner Weaver echoed the comments of Chairman Lamboley and Commissioner Cory regarding the quality of all the applicants. Commissioner Weaver stated that his first choice was also Yvonne Nevarez-Goodson, Esq.

Commissioner Shaw stated how difficult of a decision this was, because in his opinion, each of the candidates interviewed could step in and carry out the responsibilities of the Executive Director. However, he agreed with the other Commissioners and his first selection would also be Yvonne Nevarez-Goodson. He stated that he was also very impressed with Mark Krueger, and he was his second choice.

Commissioner Carpenter agreed that the decision was difficult, but that he also selected Yvonne Nevarez-Goodson and believed she had shown great leadership for the last five years with the Commission, and especially for the last three months as the Acting Executive Director.

Commissioner Lau also echoed the comments of her colleagues, stating that she would like to extend the offer of the Executive Director position to Yvonne Nevarez-Goodson, recognizing her work as the Interim Director.

Vice-Chairman Gale concurred with his fellow Commissioners, stating that they have all worked with Ms. Nevarez-Goodson for several years, and with her background and history with the Commission, and doing a very, very good job, he believed the job should be extended to her as well.

Chairman Lamboley stated his agreement with his fellow Commissioners' views about the quality of the applicants and also extending the job offer to Yvonne Nevarez-Goodson. He noted that appointing Ms. Nevarez-Goodson would leave a vacancy for the Commission's Counsel position, and he invited those applicants that were interviewed to notify the Commission if they would like to keep their applications on file for that position.



Vice-Chairman Gale moved that the Commission extend an offer of the Executive Director position to the current Commission Counsel, Yvonne Nevarez-Goodson. Commissioner Carpenter seconded the motion. The motion was put to a vote and carried unanimously.

9. Open Session for Public Comment.

Mark Krueger thanked the Commission for the opportunity to interview with the Commission and congratulated Ms. Nevarez-Goodson on her nomination. He further expressed his interest in keeping his application on file for the Commission Counsel position.

Brett Kandt thanked the Commission for all of their hard work.

Jill Davis echoed the comments of Mr. Krueger and Mr. Kandt and offered her pleasure with the Commission's selection of Ms. Nevarez-Goodson as she believed it would be a great working relationship.

Yvonne Nevarez-Goodson thanked the Commission for its confidence in inviting her to accept the position. She accepted the offer and expressed her continued desire to work with the Commission. She also echoed the comments of the Commissioners regarding the quality of the applicants and was honored to be paired in the same group with each of them.

10. Adjournment.

Commissioner Shaw moved to adjourn the meeting at 4:06 p.m. Commissioner Lau seconded the motion. The motion was put to a vote and carried unanimously.

Minutes prepared by:

Minutes approved: March 18, 2015:

---

Valerie M. Carter  
Executive Assistant

---

Paul H. Lamboley, Esq.  
Chairman



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

**MINUTES  
of the meeting of the  
NEVADA COMMISSION ON ETHICS' PERSONNEL SUBCOMMITTEE**

**February 10, 2015**

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

The Commission on Ethics held a public telephonic meeting on Tuesday, February 10, 2015, at 11:00 a.m. at the following location:

**Nevada Commission on Ethics  
704 W. Nye Lane, Suite 204  
Carson City, Nevada 89703**

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

Chairman Paul H. Lamboley, Esq. called the meeting to order at 11:05 a.m. Present via teleconference were the members of the Personnel Subcommittee: Chairman Paul H. Lamboley, Esq., Vice-Chairman Gregory J. Gale, CPA and Commissioners Tim Cory, Esq. and Cheryl A. Lau, Esq. Present in Carson City, Nevada were Executive Director Yvonne M. Nevarez-Goodson, Esq., Associate Counsel Jill C. Davis and Executive Assistant Valerie Carter.

Also present in Carson City was Mark Krueger, an applicant for the Commission Counsel position.

**2. Open Session for Public Comment.**

No public comment.

**3. Open session under NRS 241.020 for review and consideration of the applications for the Commission Counsel position and recommendation of the applicants to be interviewed by the Commission. Under NRS 241.020(2)(d)(5), the Commission may consider the character and professional competence of the following applicants for appointment as the Commission Counsel: 1.) Erin Albright, 2.) Richard D. Brown, 3.) Tracy Chase, 4.) James P. Conway, 5.) Jill C. Davis, 6.) Angie Elquist, 7.) Mark Krueger, 8.) Mark T. Liapis, 9.) Joan Neuffer, 10.) Joseph L. Ward, Jr., 11.) Kelly S. Werth.**

Chairman Lamboley opened the agenda item, stating that eleven applicants had submitted resumes.

Executive Director Yvonne Nevarez-Goodson, Esq. reported that one of the candidates, Erin Albright, had requested to withdraw her application.

Chairman Lamboley invited the Subcommittee members to identify those individuals they thought should be interviewed by the full Commission at the February 18, 2015 Commission meeting.

Commissioner Gale offered his top candidates: Tracy Chase, Jill Davis, Angie Elquist and Mark Krueger. Commissioner Gale stated that he was looking at those candidates who had government experience in addition to litigation experience, with particular experience advising public Boards, Commissions or City Councils.

Commissioner Lau stated she too was looking at the applicants for the same experience identified by Commissioner Gale. She stated her top candidates were Jill Davis, Angie Elquist, Mark Krueger and Joan Nueffer.

Commissioner Cory stated that his top candidates had already been named and he does not disagree with any of the other names mentioned. He identified Jill Davis and Mark Krueger to move forward to interview before the full Commission.

Commissioner Lamboley stated that he was more than pleased with the applicants and agrees with the names mentioned by his colleagues. He also stated that he thought Richard Brown would provide some additional interest to the Commissioners.

Commissioner Gale suggested that Mr. Brown did not have much, if any, administrative law background. He also suggested that although Ms. Nueffer had worked for a couple of judges, her background was mainly litigation. Commissioner Gale stated he was in support of his colleagues suggestions. A brief discussion ensued regarding the qualifications of the applicants.

Chairman Lamboley reported that the Subcommittee would recommend the following applicants to interview with the full Commission: Tracy Chase, Jill Davis, Angie Elquist and Mark Krueger.

Chairman Lamboley requested that the Executive Director undertake notifying the applicants as well as the remaining applicants who will not move forward in the selection process.

4. Open Session for Public Comment.

No public comment.

5. Adjournment.

The meeting adjourned at 11:24 a.m.

Minutes prepared by:

---

Valerie M. Carter  
Executive Assistant

Minutes approved: March 18, 2015:

---

Paul H. Lamboley, Esq.  
Chairman



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

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

**February 18, 2015**

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, February 18, 2015, at 9:30 p.m. at the following location:

**Public Utilities Commission  
Hearing Room A  
1150 East William Street  
Carson City, NV 89706**

**OPEN SESSION:**

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

Chairman Paul H. Lambole, Esq. called the meeting to order at 9:34 a.m. Present in Carson City, Nevada were Chairman Paul H. Lambole, Esq., Vice-Chairman Gregory J. Gale, CPA and Commissioners Cheryl A. Lau, Esq., Magdalena Groover, John C. Carpenter, Tim Cory, Esq. and Keith A. Weaver. Also present in Carson City were Executive Director Yvonne Nevarez-Goodson, Esq., Associate Counsel Jill Davis, Esq., and Executive Assistant Valerie Carter.

Commissioner James M. Shaw appeared via telephone.

The pledge of allegiance was conducted.

**2. Open Session for Public Comment.**

No public comment.

**3. Open Session for consideration and approval of Minutes from the January 21, 2015 Commission meeting.**

Executive Director Yvonne Nevarez-Goodson stated a timeline discrepancy was found in the draft minutes and that timeline would be checked against the meeting transcript for accuracy and changed as appropriate.

Commissioner Lau moved to approve the January 21, 2015 meeting minutes. Commissioner Carpenter seconded the motion. The motion was put to a vote and carried unanimously.

4. Open Session for report by the Executive Director on agency status and operations; including an update on the Commission's legislative measures (A.B. 60) and budget presentations before the Nevada Legislature.

Ms. Nevarez-Goodson reported that she presented A.B. 60 to the Assembly Committee on Legislative Operations and Election and received a good amount of feedback regarding the bill. She reported on the primary concerns regarding the bill, including the acceptance of anonymous complaints, as well as the effect of the willfulness standards and the Commission's ability to impose willful violations under NRS 281A.475. Lastly, Ms. Nevarez-Goodson reported there was some feedback from the Local Governments about the application of the abstention standards to public employees.

The Executive Director reported that a few days after the hearing, a working group was held regarding A.B. 60 to address certain concerns with some of the proposed language identified during the Legislative Committee. She reported that LCB Legal Division would be drafting a mock amendment for approval by the Commission and ultimately for approval from the Assembly Committee on Legislative Operations and Elections.

Ms. Nevarez-Goodson discussed the Commission's budget that she presented before the Senate and Assembly budget committees, including the agency's enhancement requests. She reported that she did not receive much feedback at the budget hearings which was a good sign. She also discussed the feedback and discussions she had with the Governor's office and the Chairs of the budget committees regarding the salary enhancement requests which have landed her in a contradictory position with how to proceed. She will continue to meet with the Governor's office and will tread carefully going forward with respect to the salary enhancements.

A brief discussion ensued regarding the proposed language in A.B. 60.

5. Open session for interviews and consideration of candidates for the Commission Counsel position, and appointment of a candidate as the Commission Counsel. Under NRS 241.020(2)(d)(5), the Commission may consider the character and professional competence of the following applicants for appointment as the Commission Counsel: 1.) Tracy Chase, 2.) Jill C. Davis, 3.) Angie Elquist and 4.) Mark Krueger

The Commission interviewed each of the four candidates in the following order: Tracy Chase, Jill Davis, Angie Elquist and Mark Krueger.

A brief recess was taken at 10:35 a.m. Interviews resumed at 10:47 a.m.

The interviews concluded and a lunch recess was taken at 11:48 a.m.

The meeting reconvened at 1:22 p.m.

Chairman Lamboley discussed how qualified each of the applicants were and believed each of them would be more than capable of fulfilling the duties of the Commission Counsel. Chairman Lamboley opened up the deliberations for comments and suggestions from his colleagues.

Commissioner Cory stated that the differences in the candidates were subtle and each of them likeable people. He specified his top choice for the Commission Counsel position as Tracy Chase, as he believed she had the right experience and the right qualifications for the position.

Commissioner Shaw reiterated Commissioner Cory's comments regarding the candidates and specified his first choice for the Commission Counsel position as Mark Krueger.

Commissioner Lau stated that the Commission was lucky to have received interest from so many well-qualified candidates, and thanked each of them for taking their time to be at the meeting. Commissioner Lau reported that her top selection for the position was Tracy Chase.

Commissioner Carpenter recognized what a tough decision it was to select only one candidate, but specified his top selection as Tracy Chase.

Commissioner Weaver recognized the difficulty in interviewing in an open, public meeting and discussed his admiration of the candidates for putting themselves in the arena. He stated his choice for the position was Tracy Chase.

Commissioner Groover thanked each of the applicants. She stated that she was very impressed with Ms. Chase as well, especially her qualifications and her statements about working in collaboration with Commission Staff.

Commissioner Gale concurred with his fellow Commissioners regarding the selection of Tracy Chase.

Chairman Lamboley echoed all comments of his fellow Commissioners and thanked each of the candidates for their willingness to interview in an open public meeting. He stated that he joined his colleagues with respect to the selections that they had indicated and that his selection was Tracy Chase.

Commissioner Cory moved that the Commission select Tracy Chase to fill the vacancy for the Commission Counsel position. Commissioner Lau seconded the motion. The motion was put to a vote and carried unanimously.

Tracy Chase thanked the Commission and echoed all of their comments as she agreed it was a very nerve-wracking interview, but that the Commissioners are always very polite and professional and the process was very appropriate.

The meeting was called into closed session at 1:41 p.m.

A. Closed Session for discussion and consideration of a Proposed Stipulation concerning Third-Party Request for Opinion No. 14-15C regarding Gary Lambert, Commissioner, Nevada Commission on Off-Highway Vehicles, submitted pursuant to NRS 281A.440(2).

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

The meeting was called back into open session at 2:28 p.m.

6. Open Session pursuant to NRS 281A.440(8) for discussion and consideration of a proposed Stipulation concerning Third-Party Request for Opinion No. 14-15C regarding Gary Lambert, Commissioner, Nevada Commission on Off-Highway Vehicles, submitted pursuant to NRS 281A.440(2).

Commissioner Weaver disclosed that in his private capacity he represented a client in a lawsuit brought by Mr. Honey, Counsel for the Subject in RFO 14-15C, and because of the nature of that representation and his role in the matter, he would be abstaining from the agenda item.

Chairman Lambole stated that the Commission had been presented with a confidential proposed Stipulation regarding RFO 14-15C, and that Stipulation had been reviewed by the Commissioners and was not acceptable as presented.

Commissioner Cory moved that the Stipulation in RFO 14-15C, in its present form, be rejected and that this matter be set for an evidentiary hearing at some point in the near future. Commissioner Groover seconded the motion. The motion was put to a vote and carried unanimously.

9. Open Session for Public Comment.

This agenda item was called out of order.

Paul Jackson, Requester of RFO 14-15C, stated that given the Commission's decision to hear this matter (RFO 14-15C), he felt it would be reasonable to hold any comment until that time.

Executive Director Yvonne Nevarez-Goodson reported that she had received an email from Sue Baker, member of the Nevada Commission on Off-Highway Vehicles, requesting to have her comments read into the record. Her email is attached hereto as Exhibit A.

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

No Commissioner comments.

8. Open Session for discussion and consideration of Commission's appointment processes and procedures for Commission staff.

Executive Director Yvonne Nevarez-Goodson, Esq. discussed the historical and current process for Commission staff to be hired through the Executive Director with input from Commissioners and when appropriate the Commission Counsel.

Chairman Lambole agreed with the current process, emphasizing that staff should work together, namely the Commission Counsel and the Executive Director, when filling a vacancy.

9. Open Session for Public Comment.

No further public comment.

The meeting was called into closed session at approximately 2:43 p.m.

B. Closed Session to discuss potential or pending litigation.

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

10. Adjournment.

Commissioner Shaw moved to adjourn the meeting at 2:44 p.m. Commissioner Lau seconded the motion. The motion was put to a vote and carried unanimously.

Minutes prepared by:

Minutes approved: March 18, 2015:

---

Valerie M. Carter  
Executive Assistant

---

Paul H. Lamboley, Esq.  
Chairman



**Valerie M. Carter**

---

**Subject:** FW: 14-15C Notice of Hearing

---

**From:** Sue Baker [<mailto:Sue.Baker@ClarkCountyNV.gov>]

**Sent:** Wednesday, February 18, 2015 12:47 PM

**To:** Yvonne M. Nevarez

**Subject:** RE: 14-15C Notice of Hearing

Thank you.

I would just like to state that while I understand the average citizen might not be privy to all the ethical situations and right/wrongs associated with a governmental appointment, as part of our appointment process we were provided the ethics manual and asked to sign formal documentation that we understood and agreed to abide by those rules. I also believe that in many situations people inadvertently and certainly unintentionally violate an ethical law. However, I believe that even the average citizen would take exception to a person overseeing and voting on grant applications, and then turning around and representing his own organization by asking for grant funding during that same process. The actions of Mr. Lambert during those two day grant award hearings was very unsettling to me, and his actions since that date with regard to the award process have been equally disturbing. In our OHV meetings since then, it seems apparent that Mr. Lambert feels he has done no wrong, and as such, I am equally concerned that his future choices with regard to ethical situations would be compromised. It is based on these observations that I truly believe it is in the best interest of the public and the OHV Commission that he be removed from that public duty.

Thank you for your consideration.

Sue Baker

## AGENDA ITEM NO. 6

## AGENDA ITEM NO. 6

FEB 19 2014

**NEVADA COMMISSION ON ETHICS  
THIRD-PARTY REQUEST FOR OPINION**

NRS 281A.440(2)

**COMMISSION  
ON ETHICS**

1. Provide the following information for the public officer or employee you allege violated the Nevada Ethics in Government Law, NRS Chapter 281A. *(If you allege that more than one public officer or employee has violated the law, use a separate form for each individual.)*

<b>NAME:</b> (Last, First)		LAMBERT, GARY Jackson, Paul		<b>TITLE OF PUBLIC OFFICE:</b> (Position: e.g. city manager)		Chairman Nevada Commission on Off Highway Vehicles	
<b>PUBLIC ENTITY:</b> (Name of the entity employing this position: e.g. the City of XYZ)		Nevada Commission on Off Highway Vehicles					
<b>ADDRESS:</b> (Street number and name)		3870 Royer CT		CITY, STATE, ZIP CODE		Reno, NV 89509	
<b>TELEPHONE:</b>		<b>Work:</b> 775-219-5764		<b>Other: (Home, cell)</b> 775-219-5764		<b>E-MAIL:</b> photo1215@aol.com	

2. Describe in specific detail the public officer's or employee's conduct that you allege violated NRS Chapter 281A. *(You must include specific facts and circumstances to support your allegation: times, places, and the name and position of each person involved.)*

Check here ☐ if additional pages are attached.

[illegible]

3. Is the alleged conduct the subject of any action currently pending before another administrative or judicial body?  
If yes, describe:

NO

- 4. What provisions of NRS Chapter 281A are relevant to the conduct alleged? Please check all that apply.**

	Statute	Essence of Statute:
<input type="checkbox"/>	NRS 281A.020(1)	Failing to hold public office as a public trust; failing to avoid conflicts between public and private interests.
<input type="checkbox"/>	NRS 281A.400(1)	Seeking or accepting any gift, service, favor, employment, engagement, emolument or economic opportunity which would tend improperly to influence a reasonable person in his position to depart from the faithful and impartial discharge of his public duties.
<input type="checkbox"/>	NRS 281A.400(2)	Using his position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for himself, any business entity in which he has a significant pecuniary interest, or any person to whom he has a commitment in a private capacity to the interests of that person.
<input type="checkbox"/>	NRS 281A.400(3)	Participating as an agent of government in the negotiation or execution of a contract between the government and any business entity in which he has a significant pecuniary interest.

<input type="checkbox"/>	NRS 281A.400(4)	Accepting any salary, retainer, augmentation, expense allowance or other compensation from any private source for the performance of his duties as a public officer or employee.
<input type="checkbox"/>	NRS 281A.400(5)	Acquiring, through his public duties or relationships, any information which by law or practice is not at the time available to people generally, and using the information to further the pecuniary interests of himself or any other person or business entity.
<input type="checkbox"/>	NRS 281A.400(6)	Suppressing any governmental report or other document because it might tend to affect unfavorably his pecuniary interests.
<input checked="" type="checkbox"/>	NRS 281A.400(7)	Using governmental time, property, equipment or other facility to benefit his personal or financial interest. (Some exceptions apply).
<input type="checkbox"/>	NRS 281A.400(8)	A State Legislator using governmental time, property, equipment or other facility for a nongovernmental purpose or for the private benefit of himself or any other person, or requiring or authorizing a legislative employee, while on duty, to perform personal services or assist in a private activity. (Some exceptions apply).
<input checked="" type="checkbox"/>	NRS 281A.400(9)	Attempting to benefit his personal or financial interest through the influence of a subordinate.
<input type="checkbox"/>	NRS 281A.400(10)	Seeking other employment or contracts through the use of his official position.
<input type="checkbox"/>	NRS 281A.410	Failing to file a disclosure of representation and counseling of a private person before public agency.
<input type="checkbox"/>	NRS 281A.420(1)	Failing to sufficiently disclose a conflict of interest.
<input type="checkbox"/>	NRS 281A.420(3)	Failing to abstain from acting on a matter in which abstention is required.
<input type="checkbox"/>	NRS 281A.430/530	Engaging in government contracts in which public officer or employee has a significant pecuniary interest.
<input type="checkbox"/>	NRS 281A.500	Failing to timely file an ethical acknowledgment.
<input type="checkbox"/>	NRS 281A.510	Accepting or receiving an improper honorarium.
<input type="checkbox"/>	NRS 281A.520	Requesting or otherwise causing a governmental entity to incur an expense or make an expenditure to support or oppose a ballot question or candidate during the relevant timeframe.
<input type="checkbox"/>	NRS 281A.550	Failing to honor the applicable "cooling off" period after leaving public service.

5. Identify all persons who have knowledge of the facts and circumstances you have described, as well as the nature of the testimony the person will provide. Check here ☒ if additional pages are attached.

<b>NAME and TITLE:</b> (Person #1)		Charlie Cox, Commissioner	
<b>ADDRESS:</b>		550 W. Pioneer Blvd. #144	<b>CITY, STATE, ZIP</b> Mesquite, NV 89027
<b>TELEPHONE:</b>	<b>Work:</b> 970-379-0362	<b>Other: (Home, cell)</b>	<b>E-MAIL:</b> ckblinds@hotmail.com
<b>NATURE OF TESTIMONY:</b>	was present at the Commission meetings in question		

<b>NAME and TITLE:</b> (Person #2)		Darin Elmore, Commissioner	
<b>ADDRESS:</b>		3230 Green River Dr.	<b>CITY, STATE, ZIP</b> Reno, NV 89503
<b>TELEPHONE:</b>	<b>Work:</b> 775-742-1968	<b>Other: (Home, cell)</b> 775-747-4777	<b>E-MAIL:</b> dmelmor@att.net
<b>NATURE OF TESTIMONY:</b>	was present at the Commission meetings		

**6. YOU MUST SUBMIT EVIDENCE TO SUPPORT YOUR ALLEGATIONS PURSUANT TO NRS 281A.440(2)(b)(2).**

Attach all documents or items you believe provide credible evidence to support your allegations. NAC 281A.435(3) defines credible evidence as any reliable and competent form of proof provided by witnesses, records, documents, exhibits, minutes, agendas, videotapes, photographs, concrete objects, or other similar items that would reasonably support the allegations made. A newspaper article or other media report will not support your allegations if it is offered by itself.

State the total number of additional pages attached (including evidence) \_\_\_\_\_.

**7. REQUESTER'S INFORMATION:**

YOUR NAME:	Paul Jackson		
YOUR ADDRESS:	3870 Royer CT	CITY, STATE, ZIP:	Reno, NV 89509
YOUR TELEPHONE:	Day: 775-219-5764	Evening: 775-219-5764	E-MAIL: photo1215@aol.com

By my signature below, I affirm that the facts set forth in this document and all of its attachments are true and correct to the best of my knowledge and belief. I am willing to provide sworn testimony if necessary regarding these allegations.

I acknowledge that, pursuant to NRS 281A.440(8) and NAC 281A.255(3), this Request for Opinion, the materials submitted in support of the allegations, and the Commission's investigation are confidential until the Commission's Investigatory Panel renders its determination, unless the Subject of the allegations authorizes their release.



February 15, 2014

Signature:

Date:

Paul Jackson

Print Name:

**You must submit an original and two copies of this form bearing your signature, and three copies of the attachments to:**

Executive Director  
Nevada Commission on Ethics  
704 W. Nye Lane, Suite 204  
Carson City, Nevada 89703



Forms submitted by facsimile will not be considered as properly filed with the Commission.  
NAC 281A.255(3)

TELEPHONE REQUESTS FOR OPINION ARE NOT ACCEPTED.

---

3870 Royer CT  
Reno, NV 89509

Nevada Commission on Ethics  
704 West Nye Lane, Suite 204  
Carson City, NV 89703

February 15, 2014

Dear Honorable Commissioners:

It is with great regret that I must inform you of the actions of Commissioner Gary Lambert, Vice Chairman of the Nevada Commission on Off Highway Vehicles.

The NCOHV is a Commission appointed by the Governor and created by NRS 490. One of its principal responsibilities is to distribute grant monies gathered from the sale of Off Highway Vehicle Registration decals. The grants are to be used in promotion of Off Highway vehicle activities in Nevada.

There are a number of issues that need to be brought to your attention.

At a grant meeting on 1/31/14 held at LCB Carson, Commissioner Lambert gave a presentation to the NCOHV as part of 3 grant requests in the amount of \$167,000 for an organization, Nevada Trail Stewards. Commissioner Lambert moved from his seat with the other Commissioners to the presentation table to present grant requests from the Nevada Trail Stewards.

Mr. Lambert told the Commission that he was the founder and President of the Nevada Trail Stewards.

He was also the sole representative of the Trail Stewards at the Grant meeting. Commissioner Lambert signed all documentation on the grant application and supporting documentations that were presented to the Commission for review for a grant. He was also the only person to give a presentation to the Commission on behalf of the Nevada Trail Stewards at this meeting. During his presentation Commissioner Lambert made the unsolicited statement that the Trail Stewards were a 501c3 (See DVD created by LCB). He first said they are a 501 and then added C3. As part of my due diligence, I checked the corporate status of all of the grant applicants. There is no record of the Nevada Trail Stewards being a 501c3 or having any other Federal tax exempt status. They have filed as a domestic non-profit, per the Secretary of State's web site; there are no officers listed, and the listing is past due and the

corporation is marked as being in Default. The Corporate paperwork was filed in 2013 by Scot Gerz, who is also listed as the registered agent. Commissioner Lambert also claimed the group had been around and doing projects since 2010. I could find no record of them until 2013.

Mr. Gerz was formerly employed by the Commission and left our employ in 2013 on bad terms. In fact he still has property belonging to the Commission.

At the February 1<sup>st</sup> grant meeting during deliberations, Mr. Lambert did not vote on votes concerning the Trail Stewards, but he actively used his position as a Commissioner and as Vice Chairman, to push the other Commissioners to vote for his grants. After the Commissioners denied the first grant request that he presented, he attempted to intimidate the other Commissioners saying that his supporters would be upset (see tape of February 1st meeting) and would challenge all of the other decisions and grants that had been awarded earlier that day. Commissioner Richardson then made a motion to get an Attorney General's opinion concerning the situation of the other two grants that were being advocated by Mr. Lambert for his organization.

That action was rescinded at the next meeting on February 6 as we were told by counsel that this matter needed to go to the Ethics Commission.

At the February 1<sup>st</sup> meeting, Commissioner Lambert also threatened that if the Commission funded the grant request of the Friends of Nevada Wilderness, his supporters and others in the OHV community would be outraged, adding "I will not vote for any organization with wilderness in the name". Friends of Nevada Wilderness were awarded 2 grants for OHV friendly projects.

As a point of disclosure, I, Paul Jackson, have volunteered for them 9 times over the past 4 years. I did not vote on their grant requests. I also handed off the gavel when the group of grants they were slotted in, came up for presentation or discussion.

Mr. Lambert has been asked many times including on the record at the Friday, January 31st meeting if he has or would have a financial interest or other gain, from the funding of this grant. He answered, "no, but they may buy him a gallon of gas". There are salaries included in his grant requests, but there is not a clear indication on the application, as to who would receive said salaries. There is a concern that he would benefit monetarily from this grant.

On February 6<sup>th</sup>, the Commission held a meeting to confirm its grant awards. Commissioner Lambert was accompanied by a Mr. Quade, an attorney for the Nevada Trail Stewards who during public comment put the Commission on notice that he intended to file suit or seek a TRO if the Commission attempted to fund any of the Grants. We, the Commission, have taken the matter under

advisement. The Commission also received many letters and public comments very few of which contain factually correct statements about what happened at the 2 day Grant meeting, criticizing the decision not to fund Commissioner Lambert's Nevada Trail Stewards, and funding the Friends of Nevada Wilderness. All of these letters and comments came before any tapes or minutes of the meetings were available. Upon checking the records, none of the authors of the letters attended any part of the grant meeting, and as far as I can see only one of the persons giving public comment criticizing the Commissions' action attended the meeting.

In closing, Commissioner Lambert has not acted in the best interests of the NCOHV. His actions representing a group asking for grants while sitting on that Commission, and speaking on behalf of that same, while in deliberation, falls well below the ethical standards expected. The fact that he misrepresented to the Commission on the record that the group he founded and was president of was a 501C3 is concerning. He has clearly tried to unduly influence the Commissioners to award grants to the organization that he founded and was Chairman of at the time of the grant meetings.

In a letter received by the Commission Feb 12th, Commissioner Lambert has resigned as president of the N.T.S.

I bring my concerns to you as I and most of the Commissioners are uncomfortable and concerned given their comments during the public meetings about potential personal gain and the exercise of undue influence in the granting of public monies. Add to that the concerns that Mr. Lambert deliberately misrepresented the Nevada Trail Stewards as being an active 501c3 corporation. The Nevada Trail Stewards corporation is in Default status according to the Secretary of States' website as of February 15, 2014.

Please do not hesitate to contact me for any concerns.

Thank you for your consideration of this matter.



Paul Jackson

Chairman of the NCOHV



Persons who have knowledge of facts and circumstances related to Ethics Third Party Request

Sue Baker, Commissioner  
702-758-6661



# NEVADA TRAIL STEWARDS

[New Search](#)
[Manage this Business \(/businessSearch/manageT7Business?businessEntityNumber=E0175112013-2\)](#)
[Calculate Fees](#)
[Print \(\)](#)

Business Entity Information			
Status:	Default	File Date:	03/29/2013
Type:	Domestic Non-Profit Corporation	Entity Number:	E0175112013-2
Qualifying State:	NV	List of Officers Due:	04/30/2013
Managed By:		Expiration Date:	
Foreign Name:		On Admin Hold:	No
NV Business ID:	NV20131213434	Business License Exp:	

Registered Agent Information			
Name:	SCOTT GERZ	Address 1:	555 WEST PLUMB LANE STE B, UNIT 274
Address 2:		City:	RENO
State:	NV	Zip Code:	89501
Phone:		Fax:	
Mailing Address 1:		Mailing Address 2:	
Mailing City:		Mailing State:	NV
Mailing Zip Code:			
Agent Type:	Noncommercial Registered Agent		
View all business entities under this registered agent ()			

Officers	<input type="checkbox"/> Include Inactive Officers
No officers found for this company	

Actions/Amendments
Click here to view 1 actions/amendments associated with this company ()

Disclaimer ()

## Caren Jenkins

---

**From:** photo1215@aol.com  
**Sent:** Sunday, February 16, 2014 12:31 PM  
**To:** Caren Jenkins  
**Subject:** Re: Request for third party review

Yes it was mailed. I will also have the DVD and audio cd sent to your attention.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

---

**From:** Caren Jenkins  
**Sent:** Sunday, February 16, 2014 7:43 AM  
**To:** paul jackson  
**Subject:** Re: Request for third party review

Thank you for your submission. May I assume it will be mailed or delivered to the Commission office along with evidence to support the allegations? The letter references a CD, for example.

I look forward to receiving the same.

Caren Cafferata-Jenkins, Esq.  
Executive Director  
Nevada Commission on Ethics  
775-687-4313

This message was sent from my iPhone, so please pardon my brevity.

On Feb 16, 2014, at 1:39 AM, "paul jackson" <[photo1215@aol.com](mailto:photo1215@aol.com)> wrote:

Thank you in advance for reviewing these concerns. I am available for any clarifications or discussions that you need to review this case.

Paul Jackson

<ethics third party lambert.PDF>

## Caren Jenkins

---

**From:** paul jackson <photo1215@aol.com>  
**Sent:** Sunday, February 16, 2014 1:39 AM  
**To:** Nevada Commission on Ethics  
**Subject:** Request for third party review  
**Attachments:** ethics third party lambert.PDF

Thank you in advance for reviewing these concerns. I am available for any clarifications or discussions that you need to review this case.

Paul Jackson

## Caren Jenkins

---

**From:** Karen Boeger <kboeger1011@gmail.com>  
**Sent:** Tuesday, February 18, 2014 8:20 AM  
**To:** governor@governor.state.ms.us  
**Cc:** Nevada Commission on Ethics  
**Subject:** OHV Commission ethics issue

February 15, 2014

Dear Governor Sandoval,

I am writing on behalf of the Nevada Chapter of Backcountry Hunters and Anglers (BHA) concerning a current ethics issue related to the OHV Commission grant process.

BHA was a participant of the many long years in the struggle to pass an OHV registration bill. Finally, when we came together as a disparate group of "stakeholders" to craft a bill we could all live with and accomplish goals we had in common, we were able to get a bill passed.

Our BHA organization has many members who own and use OHVs to get to their hunt/fish areas and then proceed afoot, as is our tradition.

Our members have increasing stories of hunts ruined or solitude of fishing trips disturbed by irresponsible and even illegal OHV use. Not only have our opportunities dwindled by this phenomenon, but wildlife habitat as well has been increasingly fragmented and impacted by such OHV use. Responsible OHV users, such as many of our members, were heartened by the OHV bill with it's hope for a highly visible ID on OHVs as well as projected funds for such needed programs as education, restoration, signage and enforcement.

We have been closely following the actions of the OHV Commission since it's formation. We have both spoken and submitted comments where we felt they were needed. As the grant process was being developed, we were encouraged by the amount of appropriate data required of applicants, as well as the transparency of the decision process. The first round of grants were just awarded. The process was entirely open and the grants awarded, to a diverse group of entities, were across a range of projects such as were set out in the language of the bill.

BHA is concerned that there is a pending ethics question regarding 2 of the grant applications by NV Trail Stewards. Our primary concern is the threat of having all grants put on hold and/or the applicants having to once again go through the selection process. This result would be a significant waste of time and money for all concerned, as well as erosion of public faith in a fair process. Our hope is that there will be a speedy decision by the Ethics Committee that will allow the current approved grants to go forward and begin their much needed projects.

From the account of a BHA member who attended the grant applicant presentation meeting of the Commission, the Commissioners who had any remote connection with any of the applicant organizations carefully abstained from voting on those proposals. The chairman, Mr. Jackson, even went so far as to relinquish the gavel during discussion of requests in the same category as an organization of which he is a member.

That said, it is highly concerning to us that Commissioner Lambert, president and founder of NV Trail Stewards, was the sole person to sign their 3 grant applications, as well as to present and advocate for those proposals to the Commission. To have a sitting Commissioner be the advocate of grant proposals from an organization of which he is president and founder, to our mind, exceeds the bounds of propriety for a Commission charged with dispensing monies from owners of all registered OHVs. It is imperative that the grant disposition process be completely free of any shadow of unethical actions. Such behavior only threatens the entire worthy program.

We urge you to resolve this questionable situation as speedily and fairly as possible so that the public will see good things happening on the ground right now from their fee monies. We look forward to news of the resolution.

Thank you for your prompt attention to this troubling situation,

Karen Boeger  
Board member, NV Chapter, Backcountry Hunters and Anglers  
6205 Franktown Rd.  
Washoe valley, NV 90704

R E C E I V E D

FEB 19 2014

COMMISSION  
ON ETHICS

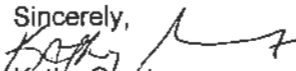
Nevada Commission on Ethics  
Caren Cafferata-Jenkins, Esq.  
704 West Nye lane.  
Suite 204  
Carson City NV 89703

To the Nevada Commission on Ethics:

Please find enclosed the audio CD from the Legislative Counsel Bureau and the thumb drive containing the audio recording from the February 1<sup>st</sup> meeting of the Nevada Off-Highway Vehicle Commission meeting. Neither recording has been altered in any way.

If you have any questions or problems with either of these recordings please feel free to call me.

Sincerely,



Kathy Grost

Executive Secretary

Nevada Commission on Off-Highway Vehicles

(517) 944-0632

kgrost@nvohv.com

## JURISDICTIONAL DETERMINATION

RFO NO.: 14-15C	NAME: Gary Lambert - Vice-Chairman
DATE REC'D: 2/19/14	POSITION: NV Commission on Off Highway Vehicles

The complaint was received ☒ **IN PROPER FORM** or ☐ **NOT IN PROPER FORM.**

**If “not in proper form” state reason:**

- ☐ Insufficient evidence which supports the allegation (NAC 281A.400(6)) ☐ Not on NCOE form  
☐ Does not include appropriate amount of copies.

**ALLEGATIONS:**

OHV Commissioner advocated for a grant to an entity he formed and is involved with and did not disclose or abstain. He signed the applications for the grants (3) despite others engaging in ethics compliant abstentions and disclosures.

**DETERMINATION BY EXECUTIVE DIRECTOR:**

<input type="checkbox"/>	IS public employee as defined in NRS 281A.150	
<input checked="" type="checkbox"/>	IS NOT public employee as defined in NRS 281A.150	
<input type="checkbox"/>		
<input checked="" type="checkbox"/>	IS a public officer as defined in NRS 281A.160	
<input type="checkbox"/>	IS NOT a public officer as defined in NRS 281A.160	
<input type="checkbox"/>		
<input checked="" type="checkbox"/>	Complaint <b>DOES</b> contain allegations of the Ethics in Government Law, NRS 281A.010-281A.660.	NRS 281A.400(7)(9)(3)(10) add 281A.420(1) and (3)
<input type="checkbox"/>	Complaint <b>DOES NOT</b> contain allegations of the Ethics in Government Law, NRS 281A.010-281A.660.	281A.020 and 400(1) and (2) and 281A.430

Based upon the foregoing analysis, I have determined that the Commission ☒ **DOES** or ☐ **DOES NOT** have the jurisdiction to investigate and take appropriate action in the above referenced matter.

Dated: 2/19/14


  
Executive Director

## GENERAL COUNSEL REVIEW:


☒ DO CONCUR or ☐ DO NOT CONCUR

General Counsel comments:

Dated: 2/24/14

  
\_\_\_\_\_  
General Counsel

**Dated:** 2/24/14

  
General Counsel



# JURISDICTIONAL DETERMINATION

RFO NO.: <u>14-15C</u>	NAME: <u>Gary Lambert</u>
DATE REC'D: <u>2/19/14</u>	POSITION: <u>Vice-chairman, NW Commission on</u>

## STATUTORY BASIS FOR COMPLAINT OFF Highway vehicles EXECUTIVE DIRECTOR DETERMINATION:

✓	Statute	Behavior alleged that implicates this statute:
✓	NRS 281A.400(1)	
✓	NRS 281A.400(2)	
✓	NRS 281A.400(3)	
	NRS 281A.400(4)	
	NRS 281A.400(5)	
	NRS 281A.400(6)	
✓	NRS 281A.400(7)	
	NRS 281A.400(8)	
✓	NRS 281A.400(9)	
✓	NRS 281A.400(10)	
	NRS 281A.410	
✓	NRS 281A.420(1)	
✓	NRS 281A.420(3)	
✓	NRS 281A.430	<u>application is "bid" for the grant</u>
	NRS 281A.500	
	NRS 281A.510	
	NRS 281A.520	
	NRS281A.550	
	NRS 281A.620	
✓	OTHER: <u>.020</u>	
	NO IMPLICATION OF VIOLATION OF ETHICS CODE:	Because:

Dated: 2/19/14

  
Executive Director

### GENERAL COUNSEL REVIEW:

☒ DO CONCUR or ☐ DO NOT CONCUR

General Counsel comments:

Dated: 2/24/14

  
General Counsel



**STATE OF NEVADA  
COMMISSION ON ETHICS**  
704 W. Nye Lane, Suite 204  
Carson City, Nevada 89703  
(775) 687-5469 • Fax (775) 687-1279  
<http://ethics.nv.gov>

In the Matter of the Request for Opinion  
Concerning the Conduct of **Gary Lambert**,  
Vice Chairman, Nevada Commission on  
Off-Highway Vehicles, State of Nevada,  
Public Officer. /

**Request for Opinion No.: 14-15C**

**NOTICE TO SUBJECT OF REQUEST FOR OPINION**

Pursuant to NRS 281A.440(2) and NAC 281A.410

NOTICE IS HEREBY GIVEN that the Nevada Commission on Ethics (Commission) received a Request for Opinion (RFO) alleging that you may have engaged in conduct contrary to certain provisions of Nevada Revised Statutes (NRS) Chapter 281A.010-281A.550, the Nevada Ethics in Government Law (see sections checked below).

√	Statute	Essence of Statute:
√	NRS 281A.020(1)	Failing to honor commitment to avoid conflicts; appropriately separating personal and public roles.
√	NRS 281A.400(1)	Seeking or accepting any gift, service, favor, employment, or economic opportunity which would tend improperly to influence a reasonable person in his position to depart from the faithful and impartial discharge of public duties.
√	NRS 281A.400(2)	Using position to secure or grant unwarranted privileges, preferences, exemptions or advantages for self, any business entity in which he has a significant pecuniary interest, or any person to whom he has a commitment in a private capacity to the interests of that person.
√	NRS 281A.400(3)	Participating as government agent in negotiating or executing a contract between the government and a business entity in which he has a significant pecuniary interest.
	NRS 281A.400(4)	Accepting a salary, retainer, augmentation, expense allowance or other compensation from any private source for performing public duties.
	NRS 281A.400(5)	Acquiring, through public duties or relationships, information which by law or practice is not at the time available to people generally, and using it to further the pecuniary interests of self or other person or business entity.
	NRS 281A.400(6)	Suppressing governmental report or other document because it might tend to unfavorably affect pecuniary interests.
√	NRS 281A.400(7)	Using government time, property, equipment or other resources for personal or financial interest. (Some exceptions apply.)

	NRS 281A.400(8)	State Legislator using government time, property, equipment or other facility for a nongovernment purpose or for the private benefit of himself or any other person, or having a legislative employee, on duty, perform personal services or assist in a private activity. (Some exceptions apply.)
√	NRS 281A.400(9)	Attempting to benefit personal or financial interest by influencing a subordinate.
√	NRS 281A.400(10)	Seeking other employment or contracts through official position.
	NRS 281A.410	Failing to file a disclosure of representation and counseling a private person before public agency for compensation.
√	NRS 281A.420(1)	Failing to sufficiently disclose a conflict of interest for which disclosure is required.
√	NRS 281A.420(3)	Acting on a matter in which abstention was required.
√	NRS 281A.430	Engaging in contracts in which the Subject has an interest.
	NRS 281A.500	Failing to timely file an ethical acknowledgment.
	NRS 281A.510	Accepting an improper honorarium.
	NRS 281A.520	Causing a government entity to support or oppose a ballot question or candidate.

A copy of the RFO is attached, together with a copy of the relevant provisions of the NRS and the Nevada Administrative Code (NAC). You may also find the relevant provisions of NRS and NAC and a searchable database of Commission Opinions on the Commission's website at [www.ethics.nv.gov](http://www.ethics.nv.gov).

Pursuant to NRS 281A.440(3) through (6), the Commission's process is as follows:

1. Within 70 days after the receipt of a request for opinion, the Executive Director investigates the allegations and makes a written recommendation to a two-Commission-member investigatory panel whether just and sufficient cause is present for the full Commission to render an opinion in the matter.

2. Within 15 days after the Executive Director provides her written recommendation, the panel considers the RFO and related materials and makes a final determination regarding whether just and sufficient cause exists for the Commission to hold a public hearing and render an opinion.

3. If the investigatory panel determines that just and sufficient cause exists, within 60 days after the panel determination (unless the statutory timelines are waived), the Commission will conduct a public evidentiary hearing and render an opinion whether the public officer or employee's conduct violated provisions of the Ethics in Government Law.

Pursuant to NRS 281A.440(3), should you wish to respond to these allegations, the Commission must receive your written response no later than 30 days after the date you receive this notice. A lack of response on your part is not deemed an admission that the allegations are true.

You may be entitled to representation by the attorney advising the public department or body you serve. Please notify the Commission if you will be represented by counsel.

Swift resolution of the RFO is beneficial to all concerned; however, you may waive any or all deadlines set forth by statute or regulation in this matter. A waiver of statutory time form is enclosed. Should you wish to request an extension of or waive any of the statutory deadlines, please complete the waiver and return it to the Commission's office as soon as possible.

Except as otherwise provided in NRS 281A.440, the Commission will hold its activities in response to this RFO (and even the fact that it received the RFO) confidential until its investigatory panel determines whether just and sufficient cause exists to hold a hearing and render an opinion. However, the Commission has no authority to require the requester to do so. As a result, information may appear in the media. Rest assured that the Commission will not be the source any public information until the investigatory panel has completed its review has rendered its determination. You will be provided notice of the Panel Determination.

If you have any questions regarding this notice, please contact me on my direct line at (775) 687-4313.

Dated this 26<sup>th</sup> day of February, 2014.

  
Caren Cafferata-Jenkins, Esq.  
Executive Director



## CERTIFICATE OF MAILING

I certify that I am an employee of the Nevada Commission on Ethics and that on this day in Carson City, Nevada, I deposited for mailing, via U.S. Postal Service, certified mail, return receipt requested, through the State of Nevada mailroom, a true and correct copy of the **Notice to Subject** addressed as follows:

Gary Lambert  
1050 Columbia Way  
Reno, NV 89502-2011

Cert. Mail No.: 7008 0150 0002 6137 3993

Dated: February 26, 2014.

  
Darci Hayden, Senior Legal Researcher

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"><li>Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li><li>Print your name and address on the reverse so that we can return the card to you.</li><li>Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>	A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to:	B. Received by (Printed Name) C. Date of Delivery
GARY LAMBERT 1050 COLUMBIA WAY RENO NV 89502-2011	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, (enter delivery address below): <input type="checkbox"/> No
2. Article Number (Transfer from service)	3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.
7008 0150 0002 6137 3993	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes
14-15C	

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

U.S. Postal Service<sup>TM</sup>  
**CERTIFIED MAIL<sup>TM</sup> RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com).

**OFFICIAL USE**

Postage	\$	1343
Certified Fee		Ethics
Return Receipt Fee (Endorsement Required)		Commission
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	8.24

Sent To  
Street, or PO Box  
City, State, ZIP+4<sup>®</sup>

GARY LAMBERT  
1050 COLUMBIA WAY  
RENO NV 89502-2011

PS Form 3811, February 2004