



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

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

June 15, 2016

The Commission on Ethics held a public meeting and Workshop to Solicit Comments on Proposed Temporary Regulations on Wednesday, June 15, 2016, at 1:00 p.m. at the following locations:

**Grant Sawyer State Building
Room 4412
555 E. Washington Avenue
Las Vegas, NV 89101**

and via video-conference to:

**Nevada Legislative Building
Room 3138
401 S. Carson Street
Carson City, NV 89701**

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

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

Chair Cheryl A. Lau, Esq. called the meeting to order in Las Vegas, Nevada at 1:02 p.m. Also present in Las Vegas were Vice-Chair Keith A. Weaver, Esq., and Commissioners Magdalena Groover, Barbara J. Gruenewald, Esq., James M. Shaw and Dan H. Stewart. Present for Commission Staff in Las Vegas were Executive Director, Yvonne M. Nevarez-Goodson, Esq., Commission Counsel, Tracy L. Chase, Esq., Associate Counsel, Judy A. Prutzman, Esq., and Executive Assistant, Valerie M. Carter, CPM.

Present in Carson City, Nevada was Senior Legal Researcher Darci Hayden, PP-SC.

Commissioner John C. Carpenter was excused from this meeting.

The pledge of allegiance was conducted.

2. Public Comment.

No public comment.

3. Workshop to solicit data, views, arguments or other comments from interested persons regarding the Commission's intent to adopt, amend and repeal regulations set forth in NAC Chapter 281A.

Chair Lau invited Executive Director Nevarez-Goodson to introduce the purpose of the proposed regulations.

Executive Director Yvonne M. Nevarez-Goodson, Esq. explained that procedures under NRS Chapter 233B provide an opportunity for the public to bring suggestions and concerns to the Commission with respect to any amendments to NAC Chapter 281A. No public members offered any such proposals for the Commission's consideration, and Commission staff proposed several suggestions for the Commission's consideration. Additionally, NRS Chapter 233B procedures require a public body to hold a workshop to provide further opportunity for the public to discuss any concerns about proposed regulations that are being put forth by the Commission, which is the purpose of this meeting.

Executive Director Nevarez-Goodson directed the Commission to a draft of the proposed regulations and explained the areas with suggested amendments as follows:

- NAC 281A.265 – Motions – Current provisions authorize motion practice in Third-Party Requests for Opinion only after a panel hearing has issued its determination. However, motions are appropriate and filed for various reasons at various stages in proceedings, including First-Party Requests for Opinions. This amendment would authorize and establish guidelines for such motion practice.
- NAC 281A.355 and 281A.485 - Withdrawals of Requests for Advisory and "Cooling-Off" Opinions – This amendment is intended to clarify and define when First-Party Requests for Advisory or "Cooling-Off" Opinions may be withdrawn and under what circumstances. This amendment will require withdrawal before the Commission commits resources to hearing the matter and issuing the opinion. This clarification is consistent with the Commission's most recent decision on this issue.
- NAC 281.405 - Jurisdictional Appeals – this amendment is intended to refine provisions that were enacted in NAC Chapter 281A in 2014 that have resulted in an administrative backlog in handling appeals of staff jurisdictional determinations. The original intent of the 2014 amendment was for the Commission, rather than a Panel, to hear appeals of staff jurisdictional determinations. The 2014 amendment clarified that both a requester and the subject may appeal this determination, which is proper, but it also added more layers of procedure, including notices and jurisdictional responses in what is essentially an intermediate internal level of appeal and strictly a legal jurisdictional determination. The majority of responses to an appeal include defenses to the allegations which confuse the issues and procedural timing. This substantive amendment will maintain the appeal process through a streamlined, preliminary procedure and remove much of the additional administrative work.

Executive Director Nevarez-Goodson explained that this temporary regulation will provide an opportunity for full reform to take place after the 2017 Legislative Session and any resulting amendments to NRS Chapter 281A. Following the Session, a full scale effort to adopt permanent regulations to NAC Chapter 281A will take place.

Commission Counsel Tracy L. Chase, Esq. added that the changes to NAC Chapter 281A relating to the process on review of a jurisdictional determination would be more consistent with the laws and the judicial review provisions of NRS Chapter 233B.

Vice-Chair Weaver asked for some clarification on NAC Chapter 281A's chart dealing with the third-degree of consanguinity and where the "second cousin once removed" falls within the chart. Executive Director Nevarez-Goodson explained that in the official publication of this chapter, the chart is in color which helps to designate the degrees of consanguinity and which persons fall within that third-degree as designated by numbers 1, 2 and 3. All other persons on the chart are outside of the third-degree. Executive Director Nevarez-Goodson further explained that the chart is a guideline to help define relationships and to put into context the definition of "a commitment in a private capacity" and that there are instances where a person may fall outside of the third-degree on the chart but still constitute a commitment in a private capacity due to the nature of the relationship, such as a third-cousin who lives in the same household.

Chair Lau moved to adopt the proposed regulations and schedule a public hearing on the regulations and Commissioner Stewart seconded the motion. The motion carried unanimously.

4. NRS 233B.0608, NRS 233B.0609 and NRS 233B.060 Presentation and possible acceptance of Statement Regarding Small Business Impact.

Chair Lau opened the discussion concerning the Statement Regarding Small Business Impact for possible acceptance.

Executive Director Nevarez-Goodson explained that NRS 233B.0608(3) requires that the Commission provide a signed statement regarding the analysis and determination of whether any proposed regulations have an economic impact on small businesses in the State ("Statement"). Executive Director Nevarez-Goodson continued explaining that the Commission's jurisdiction is limited to public officers and public employees. Therefore, the Commission has consistently determined, in any of its rulemakings regarding NAC 281A, that the amendments typically do not have an impact on small businesses. Executive Director Nevarez-Goodson concluded that the amendments in this proposed regulation have no impact on small businesses, and a signed Statement pursuant to NRS 233B.0608(3) has been provided to the Commission for approval, which states the analysis and determination undertaken by the Commission regarding a potential impact on small businesses.

Commission Counsel Chase advised that it is appropriate for the Commission to have a motion to accept this Statement or advise the Executive Director of its concerns or requested modifications.

Chair Lau asked for any public comments regarding the Statement on Small Business Impact.

Hearing no public comment, Commissioner Gruenewald moved for the Commission to accept the Statement and Commissioner Shaw seconded. The motion carried unanimously.

5. Commissioner comments relating to Agenda Items 3 and 4.

Executive Director Nevarez-Goodson advised the Commission that this was an opportunity for any of the Commissioners to express any ideas or concerns to the Executive Director about existing regulations and whether or not any further amendments might be offered to go forward to the public hearing on the proposed regulations.

No Commissioner had any comments.

6. Public Comment.

No public comment.

7. Adjournment.

Commissioner Shaw moved to adjourn the meeting. Commissioner Stewart seconded the Motion. The Motion was put to a vote and carried unanimously. The meeting adjourned at 1:23 p.m.

Minutes prepared by:

[/s/ Darci Hayden](#)

Darci Hayden, PP-SC
Senior Legal Researcher

[/s/ Yvonne M. Nevarez-Goodson](#)

Yvonne M. Nevarez-Goodson, Esq.
Executive Director

Minutes approved August 17, 2016:

[/s/ Cheryl A. Lau](#)

Cheryl A. Lau, Esq.
Chair

[/s/ Keith A. Weaver, Esq.](#)

Keith A. Weaver, Esq.
Vice-Chair