



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

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

**February 15, 2017**

The Commission on Ethics held a public meeting on Wednesday, February 15, 2017, at 9:00 a.m. at the following location:

**Gaming Control Board  
1919 College Parkway  
Carson City, NV 89706**

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 at 9:00 a.m. Also present in Carson City, Nevada were Vice-Chair Keith Weaver, Esq. and Commissioners Brian Duffrin, Barbara Gruenewald, Esq., Philip "P.K." O'Neill, Lynn Stewart and Amanda Yen, Esq. Present for Commission staff in Carson City 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.

The pledge of allegiance was conducted.

**2. Public Comment.**

No public comment.

**3. Approval of Minutes of the December 5, 2016 Commission Meeting.**

Vice-Chair Weaver moved to approve the December 5, 2016 Meeting Minutes. Commissioner Grunewald seconded the Motion. The Motion was put to a vote and carried unanimously, with Commissioners O'Neill, Stewart and Yen abstaining, as they were not members of the Commission at the time of the December 5, 2016 meeting.

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4. Discussion and approval of a Proposed Stipulation concerning Third-Party Request for Opinion No. 16-59C regarding Kimberlie Buffington, Member, Lander County Planning Commission, submitted pursuant to NRS 281A.440(2).

Appearing before the Commission in this matter was Subject's attorney Anthony Walsh, Esq., of Walsh, Baker & Rosevear. Appearing on behalf of the Executive Director was Associate Counsel Judy A. Prutzman, Esq.

Commission Counsel Chase provided a brief overview of the Request for Opinion and the process for approving the Stipulated Agreement.

Associate Counsel Prutzman provided a synopsis of the Stipulated Agreement affirming that the Subject and the Executive Director proposed a finding of a single course of conduct resulting in one willful violation of the Ethics Law, implicating the provisions of NRS 281A.020 and NRS 281A.420 (1) and (3), related to Ms. Buffington's failure to disclose and abstain from voting on certain agenda items involving her real estate client. Associate Counsel Prutzman stated that Buffington also agreed to pay a fine of \$500, with the agreement also serving to establish clear guidelines regarding conflicts affiliated with real estate clients to all similarly situated public officers.

Associate Counsel Prutzman stated that the allegations implicating NRS 281A.400(2) and (3) and NRS 281A.410(1)(b) are recommended to be dismissed through the Stipulated Agreement because the investigation did not yield a preponderance of the evidence to support a violation with regard to those specific allegations.

Commissioner O'Neill raised various questions relating to Ms. Buffington's business relationship at issue and the associated real property involved in her business dealings, as well as the property that was at issue before the Planning Commission at the time of the vote.

Specifically, Commissioner O'Neill requested clarification regarding whether Ms. Buffington had a history of listing properties for this client that appeared before the Planning Commission. Further, Commissioner O'Neill inquired as to the value of any commissions Ms. Buffington may have earned later on various listings affiliated with these properties.

Several Commissioners echoed questions related to these matters, including clarifications regarding the proposed mitigating factors. In particular, the Commission raised questions relating to the nature of legal advice sought and acquired by Ms. Buffington and whether Ms. Buffington had disclosed and abstained during prior meetings as related to agenda items that involved her private real estate clients.

Executive Director Nevarez-Goodson clarified various factual circumstances and legal questions, including that several district attorneys had represented the Planning Commission over the years of Ms. Buffington's term and had provided general advice that Ms. Buffington could vote on agenda items involving property which she did not have a specific listing or pecuniary interest. Executive Director Nevarez-Goodson stated that this legal advice was not specific and could not be corroborated to qualify for safe harbor protection from a willful violation. Nevertheless, the general legal advice was relied upon and was offered for consideration as a mitigating factor because the advice did not properly or fully address circumstances in which an agenda item might impact the interests of a client on property that was not listed by Ms. Buffington, as was the case in this RFO.

Executive Director Nevarez-Goodson clarified that Ms. Buffington voted on land use matters that reasonably and materially affected her client on various parcels of property that Ms. Buffington did not list. Because they were not her listings and she had no pecuniary interest in these properties, she believed she could vote and did. Executive Director Nevarez-Goodson stated that conflicts of interest related to relationships were commonly overlooked, even by attorneys, and this Stipulation would offer broad guidance in this area. It wasn't until after Ms. Buffington's vote that she acquired the listings of the property at issue. No evidence supported improper influence or attempt to approve the land use to later acquire the listings. Nevertheless, the Executive Direct and Subject's counsel would determine the amount of commissions earned on those properties and return with that information.

Chair Lau tabled the matter until Mr. Walsh was able to speak with his client and provide the requested information to the Commission.

5. Discussion and approval of a Proposed Stipulation concerning Third-Party Request for Opinion No. 16-83C regarding Clay Hendrix, Trustee, Churchill County School District Board of Trustees, submitted pursuant to NRS 281A.440(2).

Appearing before the Commission in this matter was Sharla Hales, attorney for Churchill County School District. Appearing on behalf of the Executive Director was Associate Counsel Judy A. Prutzman, Esq.

Commission Counsel Chase provided a brief overview of the Request for Opinion.

Associate Counsel Prutzman provided a synopsis of the Request for Opinion which alleged a violation of the Ethics Law related to Trustee Hendrix's failure to disclose a conflict of interest at the February 5, 2015 Board of Trustees Meeting, which involved an agenda item for the School Board to pay costs for a college program that was available to all students, including Hendrix's children.

Associate Counsel Prutzman stated that the Subject and the Executive Director recommended dismissal of the Request for Opinion through the Stipulated Agreement after an investigation revealed that the allegations against Trustee Hendrix were not supported by a preponderance of evidence, in particular that Mr. Hendrix's children were never interested nor participated in the program. Associate Counsel Prutzman stated that the terms of the Stipulated Agreement encourage both parties to promote the Commission's outreach efforts, and although no violation was found, the terms do encourage Trustee Hendrix to attend an ethics training provided by the Commission's Executive Director.

A brief discussion ensued regarding the time-frame for completing the ethics training.

Commissioner Gruenewald moved to accept the terms of the Stipulated Agreement as presented by the parties and direct Commission Counsel to finalize the Stipulated Agreement in an appropriate form, provided that such form does not materially change the terms as approved by the Commission. Commissioner Stewart seconded the Motion.

Commission Counsel Chase asked the Commission if they wanted to include specific language in the Stipulated Agreement regarding a time-frame for completing the ethics training. Commissioner O'Neill requested that the Stipulation reflect the training be completed within one year from the date of the Stipulated Agreement.

Commissioner Grunewald amended her motion to include the training time frame. Commissioner Stewart seconded the amended Motion. The Motion was put to a vote and carried unanimously. (See Exhibit 1, Executed Stipulation)

Chair Lau called the meeting into recess for five minutes.

4. Discussion and approval of a Proposed Stipulation concerning Third-Party Request for Opinion No. 16-59C regarding Kimberlie Buffington, Member, Lander County Planning Commission, submitted pursuant to NRS 281A.440(2).

This agenda item was called out of order.

Chair Lau reopened this agenda item regarding the proposed Stipulated Agreement. Mr. Walsh returned to provide additional information to the Commission regarding certain commissions Ms. Buffington later earned on the sale of the properties that she ended up listing months after her vote on the matter. Ms. Buffington earned approximately \$1,400 on one of the properties and the other hasn't sold. Mr. Walsh also provided information regarding two specific instances in which Ms. Buffington disclosed her private business relationship with an individual appearing before the Planning Commission and abstained from voting on those same matters.

Chair Lau called the meeting into confidential closed session for deliberations. Executive Director Yvonne Nevarez-Goodson, Associate Counsel Judy Prutzman and counsel for the Subject, Mr. Walsh, were excused from the meeting during the closed deliberations.

Chair Lau called the meeting back into open session. Chair Lau again tabled Agenda Item 4 and opened Agenda Item 6.

6. Discussion and approval of a Proposed Stipulation concerning Third-Party Request for Opinion No. 16-84C regarding Matt Hyde, Trustee, Churchill County School District Board of Trustees, submitted pursuant to NRS 281A.440(2).

Appearing before the Commission in this matter was Sharla Hales, attorney for Churchill County School District. Appearing on behalf of the Executive Director was Associate Counsel Judy A. Prutzman, Esq.

Commission Counsel Chase provided a brief overview of the Request for Opinion.

Associate Counsel Prutzman provided a synopsis of the Request for Opinion which alleged violations of the Ethics Law, specifically NRS 281A.020 and NRS 281A.420(1) and (3) related to Trustee Hyde's failure to disclose a conflict of interest at the February 5, 2015 and August 13, 2015 Board of Trustees Meetings related to approving a program to provide funding for a college program available to all students, including Mr. Hyde's children and the approval of Mr. Hyde's assignment to a volunteer coaching position.

Associate Counsel Prutzman stated that the Subject and the Executive Director proposed dismissal of the Request for Opinion after an investigation revealed that the allegations against Trustee Hyde were not supported by a preponderance of evidence. In particular, the evidence confirmed that his children were not interested and did not participate in the college program and the coaching position was unpaid and did not create a significant pecuniary interest. Associate Counsel Prutzman stated that the terms of the Stipulated Agreement encourage both parties to promote the Commission's outreach efforts, and although no violation was found, the terms do encourage Trustee Hyde to attend an ethics training provided by the Commission's Executive Director.

Commissioner O'Neill requested that the Stipulated Agreement include a time frame of 12 months for the training to be completed.

Commissioner Yen moved to accept the terms of the Stipulated Agreement as presented by the parties and direct Commission Counsel to finalize the Stipulation in the appropriate form, with the addition of one-year time within which the ethics training needs to occur, provided that such form does not materially change what has been approved today. Commissioner Duffrin seconded the Motion. The Motion was put to a vote and carried unanimously. (See Exhibit 2, Executed Stipulation)

7. Discussion and approval of a Proposed Stipulation concerning Third-Party Request for Opinion No. 16-85C regarding Tricia Strasdin, Trustee, Churchill County School District Board of Trustees, submitted pursuant to NRS 281A.440(2).

Appearing before the Commission in this matter was Sharla Hales, attorney for Churchill County School District. Appearing on behalf of the Executive Director was Associate Counsel Judy A. Prutzman, Esq.

Commission Counsel Chase provided a brief overview of the Request for Opinion.

Associate Counsel Prutzman provided a synopsis of the Request for Opinion which alleged violations of the Ethics Law, specifically NRS 281A.020 and NRS 281A.420 as they related to Trustee Strasdin's disclosure and abstention obligations at the August 6, 2016 and October 27, 2016 Board of Trustees meetings involving the Board's approval of certain employment/coaching positions, including a position for a school district employee to whom Strasdin had a commitment in a private capacity because they resided together and had a relationship that was substantially similar to a domestic partnership.

Associate Counsel Prutzman stated that the Stipulated Agreement provides that Trustee Strasdin had an obligation to disclose her relationship at the Board meetings and should have also abstained from voting on the consent agenda items related to her partner's employment with the school district. Associate Counsel Prutzman stated that the Subject and the Executive Director proposed a finding of one non-willful violation, implicating NRS 281A.020 and NRS281A.420 (1) and (3), and Trustee Strasdin agreed to attend ethics training that will be provided by the Commission's Executive Director.

Commissioner O'Neill inquired about the hiring process for the specific employee mentioned in the RFO. Associate Counsel Prutzman stated that counsel for Trustee Strasdin, Sharla Hales, confirmed that the interviews and selection of coaches is conducted by the School Superintendent and approved by the School Board.

Commissioner Gruenewald moved to accept the terms of the Stipulation as presented by the parties and directed Commission Counsel to finalize the Stipulation in appropriate form, provided that such form does not materially change the terms as approved by the Commission, and to add Commissioner O'Neill's request that the training be held within 12 months. Commissioner Stewart seconded the Motion. The Motion was put to a vote and carried unanimously. (See Exhibit 3, Executed Stipulation)

A brief five minute recess was taken.

8. Report by Executive Director on agency status and operations.

Executive Director Yvonne M. Nevarez-Goodson, Esq. discussed the recent resignations of Commissioner Magdalena Groover and Commissioner Dan Stewart. She thanked them both for their service to the State and the Commission.

Director Nevarez-Goodson welcomed and introduced newly appointed Commission members Philip "P.K." O'Neill, Amanda Yen and Lynn Stewart.

Director Nevarez-Goodson stated that the Commission's primary mission is to provide outreach and education to Nevada's Public officers and public employees, and stated she has seen a rise in the number of requests for training since the November election and will continue to work with those entities and provide outreach as appropriate. Director Nevarez-Goodson reported that in January she presented Ethics training to the Clark County Bar Association and approximately 80 – 100 attorneys attended. She was very pleased with the questions that were asked and felt the presentation was well received.

Commissioner Grunewald asked Director Nevarez-Goodson to let her know the next time she plans a training in Northern Nevada as she would like to attend.

Commissioner Stewart inquired about whether or not any ethics presentations have been given to the Boyd School of Law. Director Nevarez-Goodson stated that she had previously been in touch with the Dean of the Law School and plans to follow-up with the law school again in the near future for outreach in the form of ethics training or the opportunity for interns to assist Commission Staff.

Commissioner O'Neill suggested that trainings be scheduled 6 months to a year in advance so that the word can get out and the agency can reach the rural communities more efficiently. Director Nevarez-Goodson stated it can be tricky to plan trainings in advance at the local levels. She stated that staff has offered trainings to state employees with several months' notice through the state's NEATS system, but have had very little interest. Director Nevarez-Goodson plans to reach out and coordinate with the State's Human Resources Department to collaborate on "advertising" the trainings. Director Nevarez-Goodson stated she will continue to work with the local governments to come up with a similar outreach strategy.

Director Nevarez-Goodson stated she will be providing an overview of the Ethics Commission before the Senate Committee on Legislative Operations. She welcomed members of the Commission to attend in person or watch online via the Legislature's website.

Director Nevarez-Goodson reported the current case status of the Commission, referring to the case log that was provided to the Commission members. She reported that Staff is up-to-date on all cases including the Third-party (complaint) cases being investigated as well as all First-Party Requests for Opinion. She reported briefly on the number of cases that have resulted in litigation and which are currently pending in various courts.

Director Nevarez-Goodson reported that she currently expects the next Commission meeting will be held April 19, 2017 and as the agenda for the meeting takes shape she will keep the Commission informed of any travel requirements.

4. Discussion and approval of a Proposed Stipulation concerning Third-Party Request for Opinion No. 16-59C regarding Kimberlie Buffington, Member, Lander County Planning Commission, submitted pursuant to NRS 281A.440(2).

This agenda item was called out of order.

Chair Lau reopened this agenda item regarding the proposed Stipulated Agreement.

Mr. Walsh returned before the Commission and stated that based on negotiations between the parties, his client Ms. Buffington had agreed to pay a fine of \$1,000. Mr. Walsh stated that his client also agreed to the Commission's proposal to direct the Executive Director to issue an educational letter to the Real Estate Division explaining the types of conflicts that confront realtors who contemporaneously serve as public officers.

Executive Director Nevarez-Goodson stated that there had been a recent increase of realtors who are also serving as public officers, with associated questions regarding conflicts of interest before the Commission, and this Stipulated Agreement may be an educational opportunity, expanding beyond this particular Request for Opinion, to inform the Real Estate Division of the heightened awareness about the type of conflicts that affect realtors in their professional lives and their public capacities. Mr. Walsh agreed to the contents of the letter as described.

Commissioner O'Neill moved to approve the Stipulated Agreement as amended and as agreed to by the parties to include a \$1000 fine and a Commission letter to the Real Estate Division offering ethics education to realtors. Commissioner Stewart seconded the Motion. The Motion was put to a vote and carried unanimously. (See Exhibit 4, Executed Stipulation)

9. Update regarding the Governor's Recommended Biennial Budget (FY18-FY19) for the Commission.

Executive Director Yvonne Nevarez-Goodson reported on the Commission's FY18-FY19 Budget Request and reported that the majority of the budget request is similar to the last biennial budget request and reminded the Commission that all of the requested enhancements were denied. She reported that in FY19 the Commission requested funding for new computers pursuant to the State's IT replacement schedule. She also stated that the Commission's travel budget may need to be increased for future biennia to accomplish the Commission's main mission of outreach and education. Director Nevarez-Goodson stated that she will be closely tracking those associated costs over the next biennium to determine if an increase in funds for outreach will be appropriate.

Director Nevarez-Goodson reported on the current status of the Commission's request to bring certain staff members' salaries in line with similar positions within the Executive Branch and also the Commission on Judicial Discipline. She provided an overview of those specific positions and the changes to salaries and titles that the Commission put before the Governor's office which were denied, and have now been brought back before the Legislature. A discussion ensued regarding testimony before the Senate Finance Committee and the Assembly Committee on Ways and Means. Commissioner Weaver offered that it was his perception that some members of the Assembly Committee do not see the value of what the Commission does, and that is an opportunity for the Commission and staff to really highlight the importance of the issues the Commission deals with and the accomplishments of the agency.

10. 2017- 79th Legislative Session update regarding proposed legislation effecting the Nevada Commission on Ethics including, without limitation, the following pre-filed bills:

Executive Director Yvonne Nevarez-Goodson provided a brief overview of the Commission's Bill, SB 84, and reported that the bill mainly focuses on the Commission's efforts to streamline the Commission's case management and investigative processes. She stated her biggest efforts have been directed at outreach to some of the local governments to ensure there was not going to be any issues about some of the Commission proposed processes. She stated so far most have been supportive of the Commission's efforts to streamline Third-Party cases.

Director Nevarez-Goodson discussed SB 36 which was sponsored by the Governor and related to the separation of powers issues related to State Legislators that was initiated in 2009 with the Supreme Court's *Hardy* decision. She reported that SB 36 would exempt State Legislators from the jurisdiction of the Ethics Commission and changes the make-up of the Commission, making all appointments solely by the Governor. Director Nevarez-Goodson recommended that the Commission's position remain neutral to the proposed legislation and she will make herself available to answer any questions that arise regarding the measure. She stated that an obvious question regarding this bill, including from members of the public, is how ethics issues would be handled in the legislative branch.

A brief discussion ensued regarding the current Ethics Law and the Commission's jurisdiction over State Legislators outside of their core legislative functions.

Director Nevarez-Goodson discussed SB 30 which was brought by the Nevada Attorney General and is intended to prohibit the Attorney General from accepting certain gifts, and defining those gifts and exemptions thereto. She reported that she has not yet met with General Laxalt or his office, but her initial concern is whether the legislation would be treating certain public officers differently with regard to gifts. She stated that the Legislature made a specific policy about not defining gifts because a gift that improperly influences a public officer or employee may be different in various contexts. Director Nevarez-Goodson stated that at this point, she will offer testimony regarding the bill's different treatment of public officers. She stated that will be her approach unless the Commission directs her otherwise.

11. Commissioner Comment on matters including, without limitation, future agenda items, upcoming meeting dates and meeting procedures.

Vice-Chair Weaver thanked the newly appointed Commissioners for their participation in the meeting, and stated that he was encouraged by the depth of Commission debate and deliberation and new energy brought to the Commission.

Commissioner Stewart thanked his fellow Commissioners and Commission staff for the warm welcome he received and looks forward to working with everyone. Commissioner Yen echoed Commissioner Stewart's comments.

Commissioner O'Neill echoed Commissioner Stewart's sentiments and also commended staff, stating he had the privilege to sit down with them prior to the meeting to be educated on the Commission's procedures.

12. Open Session for Public Comment.

No public comment.

13. Adjournment.

Commissioner O'Neill moved to adjourn the meeting. Commissioner Stewart seconded the Motion. The Motion was put to a vote and carried unanimously. The meeting adjourned at 2:42 p.m.

Minutes prepared by:

/s/ Valerie Carter

Valerie Carter, CPM  
Executive Assistant

/s/ Yvonne M. Nevarez-Goodson

Yvonne M. Nevarez-Goodson, Esq.  
Executive Director

Minutes approved April 19, 2017:

/s/ Cheryl A. Lau

Cheryl A. Lau, Esq.  
Chair

/s/ Keith A. Weaver

Keith A. Weaver, Esq.  
Vice-Chair

# Exhibit 1



## STATE OF NEVADA

### BEFORE THE NEVADA COMMISSION ON ETHICS

In the Matter of the Third-Party Request  
for Opinion Concerning the Conduct of  
**Clay Hendrix**, Member, Churchill County  
School District Board of Trustees,  
State of Nevada,

Request for Opinion No. **16-83C**

Subject. /

### STIPULATED AGREEMENT

**1. PURPOSE:** This Stipulated Agreement resolves Third-Party Request for Opinion (“RFO”) No. 16-83C before the Nevada Commission on Ethics (“Commission”) concerning Clay Hendrix (“Hendrix”), Member of the Board of Trustees (“Board”) of the Churchill County School District (“CCSD”), State of Nevada, and serves as the final opinion in this matter.

**2. JURISDICTION:** At all material times, Hendrix served as a member of the CCSD Board. As such, Hendrix is a public officer, as defined in NRS 281A.160. The Ethics in Government Law (“Ethics Law”) set forth in NRS Chapter 281A gives the Commission jurisdiction over elected and appointed public officers and public employees whose conduct is alleged to have violated the provisions of NRS Chapter 281A. See NRS 281A.280. Accordingly, the Commission has jurisdiction over Hendrix in this matter.

**3. PROCEDURAL HISTORY BEFORE COMMISSION:**

- a. On or about December 1, 2016, the Commission received RFO No. 16-83C from a member of the public (“Requester”), alleging that Hendrix:
  - 1) Failed in his commitment to avoid conflicts between his personal interests and his public duties (NRS 281A.020(1)); and
  - 2) Failed to disclose a conflict of interest for which disclosure is required (NRS 281A.420(1)).

- b. On or about December 13, 2016, Staff of the Commission issued a Notice to Subject under NRS 281A.440(2), stating that the Commission accepted jurisdiction to investigate the allegations regarding violations of NRS 281A.020(1) and NRS 281A.420(1). Hendrix was provided an opportunity to respond to the RFO.
- c. On or about January 18, 2017, Hendrix, through legal counsel, filed his response to the RFO.
- d. Hendrix executed a Panel Waiver and Waiver of Confidentiality to permit the Commission to consider this Stipulated Agreement.
- e. In lieu of a panel determination and a hearing, Hendrix and the Commission now enter into this Stipulated Agreement, pursuant to NAC 281A.275, finding no violation of NRS 281A.020(1) or NRS 281A.420(1).
- f. This Stipulated Agreement provides an opportunity for the Commission to promote and clarify the goals of the Ethics Law and to educate all public officers similarly situated to Hendrix.

**4. STIPULATED FACTS:** At all material times, the following events were relevant to this matter:<sup>1</sup>

- a. Hendrix was elected as a Member of the CCSD Board in November, 2010 and was reelected in 2014. He is a public officer as defined in NRS 281A.160.
- b. CCSD is a political subdivision as defined in NRS 281A.145.
- c. Hendrix has two sons who attended Churchill County High School during school year 2014-15.
- d. Sharla Hales, Esq., is a lawyer licensed in the State of Nevada and serves as legal counsel for the CCSD Board and, in such capacity, represents Hendrix in these RFO proceedings.
- e. The Jump Start College program is a dual-enrollment opportunity for students in selected Nevada high schools, including Churchill County High School. Jump Start participants enroll in college courses through Western Nevada

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<sup>1</sup> Stipulated Facts do not constitute part of the "Investigative File" as that term is defined by NRS 281A.440(17). All statutory and common law protections afforded to the Investigative File shall remain and are not affected by this Stipulated Agreement.

- College and earn an Associates Degree while simultaneously earning high school credits.
- f. At the February 5, 2015 CCSD Board meeting, Agenda Item B, under New Business, related to the Jump Start College program and was noted on the agenda as follows:

B. For Discussion and Possible Action: Regarding the Jump Start Tuition Costs (BMAR-16)

- g. Hendrix did not disclose that his sons attended Churchill County High School because he knew that they were not interested in the Jump Start College program.
- h. Hendrix voted with other Board members to unanimously approve a motion to cover the cost of the Jump Start tuition in the amount of \$1,402.50 per student, the one-time application fee, lab fees, and the cost of books. The Board also voted to have the District purchase a set of books for Jump Start students to use and return at the end of the semester.
- i. Hendrix's sons did not participate in the Jump Start College program and have since left Churchill County High School.

5. **TERMS / CONCLUSIONS OF LAW:** Based on the foregoing, Hendrix and the Commission agree as follows:

- a. Each of the stipulated facts enumerated in Section 4 of this Stipulated Agreement is agreed to by the parties.
- b. Hendrix holds public office which constitutes a public trust to be held for the sole benefit of the people of the State of Nevada (in particular, the citizens of Churchill County).
- c. Hendrix had a commitment in a private capacity to the interests of his children. See NRS 281A.065(3).
- d. Public officers have a duty to avoid conflicts of interest. See NRS 281A.020. As a public officer, the conflict of interest provisions of the Ethics Law apply to Hendrix's conduct. Specifically, Hendrix must commit to avoid actual and perceived conflicts of interest, including publicly disclosing sufficient information concerning certain private relationships and significant pecuniary

interests which would reasonably affect his decision on matters before the CCSD Board, as provided in NRS 281A.420(1). As a public officer, Hendrix is also required to abstain from voting or otherwise acting on matters in which such relationships would clearly and materially affect the independence of judgment of a reasonable person in his position. NRS 281A.420(3).

- e. Hendrix understands that he must disclose his relationship with and the interests of his school-aged children whenever any matter that directly involves his children comes before the Board. However, he was not required to disclose those relationships before voting on the Jump Start College program at the February 5, 2015 Board meeting. There is no evidence that Hendrix's children were interested in or intended to participate in the program, or that Hendrix and/or his children would receive any individual benefit from the Board's decision to cover costs for the Jump Start College program. Accordingly, Hendrix's action on the matter would not reasonably be affected by his commitments to the interests of his children.
- f. Based on the lack of evidence requiring disclosure, Hendrix had no obligation to abstain from voting on the Jump Start College program pursuant to NRS 281A.420(3).
- g. In appreciation of the public's concerns regarding the disclosure and abstention responsibilities of public officers in the context of the CCSD matters, Hendrix and the Commission agree to promote the Commission's outreach efforts by sponsoring an Ethics in Government Law training conducted by the Executive Director of the Commission to encourage continued compliance with the Ethics Law. This training will be conducted no later than twelve months after the date this Stipulated Agreement is executed.
- h. This Stipulated Agreement depends on and applies only to the specific facts, circumstances and law related to this RFO now before the Commission. Any facts or circumstances that may come to light after its entry that are in addition to or differ from those contained herein may create a different resolution of this matter.

q. This agreement is intended to apply to and resolve only this specific proceeding before the Commission and is not intended to be applicable to or create any admission of liability for any other proceeding, including administrative, civil or criminal regarding Hendrix.

**6. WAIVER:**

- a. Hendrix has waived his right to an Investigatory Panel proceeding and, upon approval of this Stipulation by the Commission, Hendrix knowingly and voluntarily waives his right to any related hearing before the full Commission on the allegations in this RFO (No. 16-83C) and of any and all rights he may be accorded with regard to this matter pursuant to NRS Chapter 281A, the regulations of the Commission (NAC Chapter 281A), the Nevada Administrative Procedures Act (NRS Chapter 233B) and any other applicable provisions of law.
- b. Hendrix also knowingly and voluntarily waives his right to any judicial review of this matter, as provided in NRS Chapter 281A, NRS Chapter 233B, any extraordinary writs as provided in NRS Chapter 32, or any other applicable provisions of law.

**7. ACCEPTANCE:** We, the undersigned parties, have read this Stipulated Agreement, understand each and every provision therein, and agree to be bound thereby. The parties orally agreed to be bound by the terms of this agreement during the regular meeting of the Commission on February 15, 2017.

DATED this 27<sup>th</sup> day of Feb, 2017

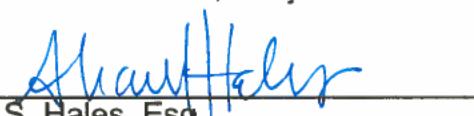


Clay Hendrix

The above Stipulated Agreement is approved by:

FOR CLAY HENDRIX, Subject

DATED this 24<sup>th</sup> day of Feb, 2017.



Sharla S. Hales, Esq.

FOR YVONNE M. NEVAREZ-GOODSON, ESQ.  
Executive Director, Commission on Ethics

DATED this 10<sup>th</sup> day of March, 2017.

Judy A. Prutzman  
Judy A. Prutzman, Esq.  
Associate Counsel

Approved as to form by:

FOR NEVADA COMMISSION ON ETHICS

DATED this 10<sup>th</sup> day of March, 2017.

Tracy L. Chase  
Tracy L. Chase, Esq.  
Commission Counsel

The above Stipulated Agreement is accepted by the Commission.<sup>2</sup>

DATED February 15, 2017.

By: /s/ Cheryl A. Lau  
Cheryl A. Lau, Esq.  
Chair

By: /s/ Phillip K. O'Neill  
Phillip K. O'Neill  
Commissioner

By: /s/ Keith A. Weaver  
Keith A. Weaver, Esq.  
Vice-Chair

By: /s/ Lynn Stewart  
Lynn Stewart  
Commissioner

By: /s/ Brian Duffrin  
Brian Duffrin  
Commissioner

By: /s/ Amanda Yen  
Amanda Yen, Esq.  
Commissioner

By: /s/ Barbara Gruenewald  
Barbara Gruenewald, Esq.  
Commissioner

<sup>2</sup> Hendrix waived his right to an Investigatory Panel pursuant to NRS 281A.440. Accordingly, this Stipulated Agreement was executed prior to a Panel hearing in this matter and no Commissioner was precluded from participating in this Stipulated Agreement pursuant to NRS 281A.220.

# **Exhibit 2**



## STATE OF NEVADA

### BEFORE THE NEVADA COMMISSION ON ETHICS

In the Matter of the Third-Party Request  
for Opinion Concerning the Conduct of  
**Matt Hyde**, Member, Churchill County  
School District Board of Trustees,  
State of Nevada,

Request for Opinion No. **16-84C**

Subject. /

### STIPULATED AGREEMENT

**1. PURPOSE:** This Stipulated Agreement resolves Third-Party Request for Opinion ("RFO") No. 16-84C before the Nevada Commission on Ethics ("Commission") concerning Matt Hyde ("Hyde"), a Member of the Board of Trustees ("Board") for the Churchill County School District ("CCSD"), State of Nevada, and serves as the final opinion in this matter.

**2. JURISDICTION:** At all material times, Hyde served as a member of the CCSD Board. As such, Hyde is a public officer, as defined in NRS 281A.160. The Ethics in Government Law ("Ethics Law") set forth in NRS Chapter 281A gives the Commission jurisdiction over elected and appointed public officers and public employees whose conduct is alleged to have violated the provisions of NRS Chapter 281A. See NRS 281A.280. Accordingly, the Commission has jurisdiction over Hyde in this matter.

**3. PROCEDURAL HISTORY BEFORE COMMISSION:**

- a. On or about December 1, 2016, the Commission received RFO No. 16-84C from a member of the public ("Requester"), alleging that Hyde:
  - 1) Failed in his commitment to avoid conflicts between his personal interests and his public duties (NRS 281A.020(1));
  - 2) Failed to disclose a conflict of interest for which disclosure is required (NRS 281A.420(1)); and

- 3) Failed to abstain from acting on a matter in which he had a conflict of interest (NRS 281A.420(3)).
- b. On or about December 13, 2016, staff of the Commission issued a Notice to Subject under NRS 281A.440(2) stating that the Commission accepted jurisdiction to investigate the allegations regarding violations of NRS 281A.020(1) and NRS 281A.420(1) and (3). Hyde was provided an opportunity to respond to the RFO.
- c. On or about January 18, 2017, Hyde, through legal counsel, provided a written Response to the RFO.
- d. Hyde executed a Panel Waiver and Waiver of Confidentiality to permit the Commission to consider this Stipulated Agreement.
- e. In lieu of a panel determination and a hearing, Hyde and the Commission now enter into this Stipulated Agreement, pursuant to NAC 281A.275, finding no violation of NRS 281A.020(1) or NRS 281A.420(1) and (3).
- f. This RFO presented a case of first impression for the Commission with respect to a public officer voting on a consent agenda item that approves his appointment to a volunteer coaching position that does not involve anything of economic value. This Stipulated Agreement provides an opportunity for the Commission to promote and clarify the goals of the Ethics Law and to educate all public officers similarly situated to Hyde.

4. **STIPULATED FACTS:** At all material times, the following facts were relevant to this matter:<sup>1</sup>

- a. Hyde was elected as a Member of the CCSD Board in November, 2015. He is a public officer as defined in NRS 281A.160.
- b. CCSD is a political subdivision as defined in NRS 281A.145.
- c. Hyde has two sons who attended Churchill County High School as sophomores during school year 2014-15.

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<sup>1</sup> Stipulated Facts do not constitute part of the "Investigative File" as that term is defined by NRS 281A.440(17). All statutory and common law protections afforded to the Investigative File shall remain and are not affected by this Stipulated Agreement.

- d. Sharla Hales, Esq., is a lawyer licensed in the State of Nevada and serves as legal counsel for the CCSD Board and, in such capacity, represents Hyde in these RFO proceedings.
- e. The Jump Start College program is a dual-enrollment opportunity for students in selected Nevada high schools, including Churchill County High School. Jump Start participants enroll in college courses through Western Nevada College and earn an Associates Degree while simultaneously earning high school credits.
- f. The CCSD Board approves certain recommended personnel actions in the District and such actions are regularly listed in Board materials and included on consent agendas which contain items that the District staff believe to be routine and without any reasonable basis for the Board to vote against the items.

#### **Jump Start College Program**

- g. At the February 5, 2015 CCSD Board meeting, Agenda Item B, under New Business, related to the Jump Start College program and was noted on the agenda as follows:
  - B. For Discussion and Possible Action: Regarding the Jump Start Tuition Costs (BMAR-16)
- h. Hyde did not disclose that his sons attended Churchill County High School because, although they were academically qualified to participate, he knew that they were not interested in the Jump Start College program.
- i. Hyde voted with other Board members to unanimously approve a motion to cover the cost of the Jump Start tuition in the amount of \$1,402.50 per student, the one-time application fee, lab fees, and the cost of books. The Board also voted to have the District purchase a set of books for Jump Start students to use and return at the end of the semester.
- j. In fact, Hyde's sons did not participate in the Jump Start College program.

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### **Volunteer JV Football Coaching Position**

- k. At the August 13, 2015 CCSD Board Meeting, there were five items placed on the Consent Agenda. Consent Agenda Item A related to a recommended personnel action that involved Hyde and was noted on the agenda as follows:
  - A. Approval of Recommended Personnel Action (Attachment A)
- l. The Board Agenda included Attachment A, which indicated that Hyde was recommended to fill the position of Assistant JV Football Coach, a part-time non-paid position.
- m. Hyde was the only applicant interested in and considered for the assistant JV coaching position. Hyde's sons played football on the varsity team and therefore would not interact with the JV Football Coach.
- n. The minutes reflect the following:

Trustee Hyde stated that his name is listed under Item 6, Extra Curricular Activities Assistant JV Football Coach, which is a non-paid strictly volunteer position.

- o. Hyde voted with the Board to unanimously approve the Consent Agenda.
- p. At the August 13, 2015 meeting, Hyde conferred with Sharla Hales, Esq., and was advised that he did not need to abstain from voting on his coaching position because there was no pay or benefits attached to the volunteer position.
- q. The volunteer coaching position did not provide remuneration for Hyde's services and Hyde had no expectation of receiving anything of value for his coaching assistance.
- r. Hyde did not travel with the JV football team and received no per diem reimbursements or meals. Hyde received a polo shirt and a sweatshirt from the head coach, who received these items free from a company with which the coach did business for the team.
- s. At the end of the football season, the high school boosters club gave \$500 to Hyde as a gift for his volunteer services. This gift was unexpected by Hyde and funds for this gift were acquired from private donations and did not include any public funds from the District.

**5. TERMS / CONCLUSIONS OF LAW:** Based on the foregoing, Hyde and the Commission agree as follows:

- a. Each of the stipulated facts enumerated in Section 4 of this Stipulated Agreement is agreed to by the parties.
- b. Hyde holds public office which constitutes a public trust to be held for the sole benefit of the people of the State of Nevada (in particular, the citizens of Churchill County).
- c. Hyde has a commitment in a private capacity to the interests of his children. See NRS 281A.065(3).
- d. Public officers have a duty to avoid conflicts of interest. See NRS 281A.020. As a public officer, the conflicts of interest provisions of the Ethics Law apply to Hyde's conduct. Specifically, Hyde must commit to avoid actual and perceived conflicts of interest, including publicly disclosing sufficient information concerning certain private relationships and significant pecuniary interests which would reasonably affect his decision on matters before the CCSD Board, as provided in NRS 281A.420(1). As a public officer, Hyde is also required to abstain from voting or otherwise acting on matters in which such relationships would clearly and materially affect the independence of judgment of a reasonable person in his position. NRS 281A.420(3).
- e. The disclosure and abstention requirements of NRS 281A.420 extend to consent agenda items. See *In re Tobler and Mayes*, Comm'n Op. Nos. 11-76C and 11-77C (2012). Each matter on a consent agenda requires action for final approval. Without a formal vote of the Board, the consent item is not approved and any staff action does not become effective. Accordingly, when considering items on a consent agenda, public officers are required to properly disclose any significant pecuniary interests or commitments in a private capacity to the interests of others and undertake the statutorily directed abstention analysis on the record to determine whether abstention is appropriate.

**Jump Start College Program**

- f. Hyde understands that he must disclose his relationship with and the interests of his school-aged children whenever any matter that directly involves his

children comes before the Board. However, he was not required to disclose those relationships before voting on the Jump Start College program at the February 5, 2015 Board meeting. There is no evidence that Hyde's children were interested in or intended to participate in the program, or that Hyde and/or his children would receive any individual benefit from the Board's decision to cover costs for the Jump Start College program. Accordingly, Hyde's action on the matter would not reasonably be affected by his commitments to the interests of his children.

- g. Based on the lack of evidence requiring disclosure, Hyde had no obligation to abstain from voting on the Jump Start College program pursuant to NRS 281A.420(3).

#### **Volunteer JV Football Coaching Position**

- h. A "pecuniary interest" means any beneficial or detrimental interest in a matter that consists of or is measured in money or is otherwise related to money, including anything of economic value. NRS 281A.139.
- i. Hyde's volunteer coaching position is not the type of *significant* pecuniary interest that would reasonably affect his decision on the consent agenda item involving personnel matters, because Hyde's interest in the position did not include the expectation of anything of economic value. However, it is the avoidance of conflict and appearance of impropriety, even though actual impropriety is lacking, that the Ethics Law requires. See *In re Collins*, Comm'n Op. No. 11-78A (2011). A public officer's disclosure is important even where the conflict is remote in some aspects. In *In re Weber*, Comm'n Op. No. 09-47A (2009), the Commission held:

In keeping with the public trust, a public officer's disclosure is paramount to transparency and openness in government. The public policy favoring disclosure promotes accountability and scrutiny of the conduct of government officials...Such disclosures dispel any question concerning conflicts of interest and may very well ward off complaints against the public officer based on failure to disclose.

Therefore, Hyde properly sought legal advice from the Board's legal counsel and disclosed the perceived conflict regarding his recommended appointment to the JV Assistant Football Coach position.

- j. Abstention is only required when a reasonable person's independence of judgment is "materially affected by" the public officer's significant pecuniary interest or commitment in a private capacity. See NRS 281A.420 and *In re Woodbury*, Comm'n Op. No. 99-56 (1999). The evidence does not indicate that Hyde had a significant pecuniary interest that would be materially affected by a volunteer coaching position in which there was no expectation of economic value associated with the position.
- k. In appreciation of the public's concerns regarding the disclosure and abstention responsibilities of public officers in the context of the CCSD matters, Hyde and the Commission agree to promote the Commission's outreach efforts by sponsoring an Ethics in Government Law training conducted by the Executive Director of the Commission to encourage continued compliance with the Ethics Law. This training will be conducted no later than twelve months after the date this Stipulated Agreement is executed.
- l. This Stipulated Agreement depends on and applies only to the specific facts, circumstances and law related to this RFO now before the Commission. Any facts or circumstances that may come to light after its entry that are in addition to or differ from those contained herein may create a different resolution of this matter.
- m. This agreement is intended to apply to and resolve only this specific proceeding before the Commission and is not intended to be applicable to or create any admission of liability for any other proceeding, including administrative, civil or criminal regarding Hyde.

**6. WAIVER:**

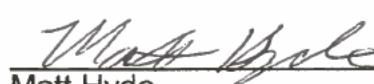
- a. Hyde has waived his right to an Investigatory Panel proceeding and, upon approval of this Stipulation by the Commission, Hyde knowingly and voluntarily waives his right to any related hearing before the full Commission on the allegations in this RFO (No. 16-84C) and of any and all rights he may be

accorded with regard to this matter pursuant to NRS Chapter 281A, the regulations of the Commission (NAC Chapter 281A), the Nevada Administrative Procedures Act (NRS Chapter 233B) and any other applicable provisions of law.

- b. Hyde also knowingly and voluntarily waives his right to any judicial review of this matter, as provided in NRS Chapter 281A, NRS Chapter 233B, any extraordinary writs as provided in NRS Chapter 34, or any other applicable provisions of law.

7. **ACCEPTANCE:** We, the undersigned parties, have read this Stipulated Agreement, understand each and every provision therein, and agree to be bound thereby. The parties orally agreed to be bound by the terms of this agreement during the regular meeting of the Commission on February 15, 2017.

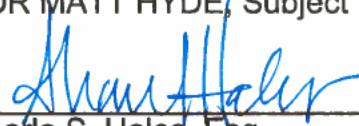
DATED this 19 day of Feb., 2017.

  
Matt Hyde

The above Stipulated Agreement is approved by:

FOR MATT HYDE, Subject

DATED this 24<sup>th</sup> day of Feb., 2017.

  
Sharla S. Hales, Esq.

FOR YVONNE M. NEVAREZ-GOODSON, ESQ.  
Executive Director, Commission on Ethics

DATED this 10<sup>th</sup> day of March, 2017.

  
Judy A. Prutzman, Esq.  
Associate Counsel

Approved as to form by:

FOR NEVADA COMMISSION ON ETHICS

DATED this 6<sup>th</sup> day of March, 2017.

  
Tracy L. Chase, Esq.  
Commission Counsel

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The above Stipulated Agreement is accepted by the Commission.<sup>2</sup>

DATED February 15, 2017.

By: /s/ Cheryl A. Lau  
Cheryl A. Lau, Esq.  
Chair

By: /s/ Phillip K. O'Neill  
Phillip K. O'Neill  
Commissioner

By: /s/ Keith A. Weaver  
Keith A. Weaver, Esq.  
Vice-Chair

By: /s/ Lynn Stewart  
Lynn Stewart  
Commissioner

By: /s/ Brian Duffrin  
Brian Duffrin  
Commissioner

By: /s/ Amanda Yen  
Amanda Yen, Esq.  
Commissioner

By: /s/ Barbara Gruenewald  
Barbara Gruenewald, Esq.  
Commissioner

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<sup>2</sup> Hyde waived his right to an Investigatory Panel pursuant to NRS 281A.440. Accordingly, this Stipulated Agreement was executed prior to a Panel hearing in this matter and no Commissioner was precluded from participating in this Stipulated Agreement pursuant to NRS 281A.220.

# Exhibit 3



## STATE OF NEVADA

### BEFORE THE NEVADA COMMISSION ON ETHICS

In the Matter of the Third-Party Request  
for Opinion Concerning the Conduct of  
**Tricia Strasdin**, Member, Churchill  
County School District Board of Trustees,  
State of Nevada,

Request for Opinion No. **16-85C**

Subject. /

### STIPULATED AGREEMENT

**1. PURPOSE:** This Stipulated Agreement resolves Third-Party Request for Opinion (“RFO”) No. 16-85C before the Nevada Commission on Ethics (“Commission”) concerning Tricia Strasdin (“Strasdin”), a Member of the Board of Trustees (“Board”) for the Churchill County School District (“CCSD”), State of Nevada, and serves as the final opinion in this matter.

**2. JURISDICTION:** At all material times, Strasdin served as a member of the CCSD Board. As such, Strasdin is a public officer, as defined in NRS 281A.160. The Ethics in Government Law (“Ethics Law”) set forth in NRS Chapter 281A gives the Commission jurisdiction over elected and appointed public officers and public employees whose conduct is alleged to have violated the provisions of NRS Chapter 281A. See NRS 281A.280. Accordingly, the Commission has jurisdiction over Strasdin in this matter.

**3. PROCEDURAL HISTORY BEFORE COMMISSION:**

- a. On or about December 1, 2016, the Commission received RFO No. 16-85C from a member of the public (“Requester”), alleging that Strasdin:
  - 1) Failed in her commitment to avoid conflicts between her personal interests and her public duties (NRS 281A.020(1));
  - 2) Failed to disclose a conflict of interest for which disclosure is required (NRS 281A.420(1)); and

- 3) Failed to abstain from acting on a matter in which she had a conflict of interest (NRS 281A.420(3)).
- b. On or about December 13, 2016, staff of the Commission issued a Notice to Subject under NRS 281A.440(2), stating that the Commission accepted jurisdiction to investigate the allegations regarding violations of NRS 281A.020(1) and NRS 281A.420(1) and (3). Strasdin was provided an opportunity to respond to the RFO.
- c. On or about January 18, 2017, Strasdin, through legal counsel, Sharla Hales, Esq., provided a written Response to the RFO.
- d. Strasdin waived her right to a panel determination pursuant to NRS 281A.440 and acknowledges that credible evidence establishes just and sufficient cause for the Commission to render an opinion regarding the allegations implicating NRS 281A.020 and 281A.420(1) and (3).
- e. In lieu of a panel determination and a hearing, Strasdin now enters into this Stipulated Agreement acknowledging her duty as a public officer to commit herself to protect the public trust and conform her conduct to Chapter 281A of the Nevada Revised Statutes.

**4. STIPULATED FACTS:** At all material times, the following facts were relevant to this matter:<sup>1</sup>

- a. Strasdin was appointed as a Member of the CCSD Board on June 23, 2016. She is a public officer as defined in NRS 281A.160.
- b. CCSD is a political subdivision as defined in NRS 281A.145.
- c. Michelle Dalager (“Dalager”) resides with and has a relationship with Strasdin that is substantially similar to a domestic partnership, and she is employed by CCSD as a teacher at Churchill County High School.
- d. Sharla Hales, Esq., is a lawyer licensed in the State of Nevada and serves as legal counsel for the CCSD Board and is representing Strasdin in these RFO proceedings.

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<sup>1</sup> Stipulated Facts do not constitute part of the “Investigative File” as that term is defined by NRS 281A.440(17). All statutory and common law protections afforded to the Investigative File shall remain and are not affected by this Stipulated Agreement.

- e. The CCSD Board approves certain recommended personnel actions in the district and such actions are regularly listed on the Board agenda and materials and are included on consent agendas which contain items that the District staff believe to be routine and without any reasonable basis for the Board to vote against the items.
- f. As a Board member, Strasdin holds final authority over decisions that affect Ms. Dalager's terms and conditions of employment with CCSD, including her benefits and salary.

**August 11, 2016 CCSD Board Meeting**

- g. At the August 11, 2016 meeting, the Consent Agenda included seven items. Consent Agenda Item A involved Ms. Dalager and was noted on the agenda as follows:
  - A. Approval of Recommended Personnel Action (Attachment A)
- h. Attachment A to the agenda listed Ms. Dalager as the person recommended to fill the position of 8<sup>th</sup> Grade Girls Basketball Coach, a part-time paid position.
- i. The August 11, 2016 meeting was the second full Board meeting attended by Strasdin as a new Board member.
- j. Strasdin does not recall that Consent Agenda Item A involved Ms. Dalager. Consequently, she did not provide a disclosure regarding her relationship with Ms. Dalager and voted with the Board to approve the Consent Agenda unanimously.

**October 27, 2016 CCSD Board Meeting**

- k. At the October 27, 2016 meeting, the Consent Agenda included eleven items. Consent Agenda Item A involved Ms. Dalager and was noted on the agenda as follows:
  - A. Approval of Recommended Personnel Action (Attachment A)
- l. The original Board Material Packet included Attachment A, which did not list Ms. Dalager as the person recommended to fill the position of Head JV Boys Basketball Coach, a part-time paid position.

- m. A revised Attachment A, which included Dalager's name, was provided to Strasdin and other Board members when they arrived at the meeting.
- n. The minutes reflect the following:

Trustee Strasdin disclosed that under extra-curricular activities on the personnel sheet that her partner, Michelle Dalager, is recommended for the Head JV Boys Basketball Coaching position for which she has coached for a long time.

- o. Strasdin did not have time to confer with Sharla Hales, Esq. about her abstention obligation before she voted with the Board to approve the Consent Agenda unanimously.

**5. TERMS / CONCLUSIONS OF LAW:** Based on the foregoing, Strasdin and the Commission agree as follows:

- a. Each of the stipulated facts enumerated in Section 4 of this Stipulated Agreement is agreed to by the parties.
- b. Strasdin holds public office which constitutes a public trust to be held for the sole benefit of the people of the State of Nevada (in particular, the citizens of Churchill County).
- c. Strasdin has a commitment in a private capacity to the interests of Ms. Dalager because she has a relationship with Dalager that is substantially similar to a domestic partnership. See NRS 281A.065(6).
- d. Public officers have a duty to avoid conflicts of interest. See NRS 281A.020. As a public officer, the conflicts of interest provisions of the Ethics Law apply to Strasdin's conduct. Specifically, Strasdin must commit to avoid actual and perceived conflicts of interest, including publicly disclosing sufficient information concerning certain private relationships and significant pecuniary interests which would reasonably affect her decision on matters before the CCSD Board. See NRS 281A.420(1). As a public officer, Strasdin is also required to abstain from voting or otherwise acting on matters in which the interests of persons with whom she shares such relationships would clearly and materially affect the independence of judgment of a reasonable person in her position. NRS 281A.420(3).

- e. The disclosure and abstention requirements of NRS 281A.420 extend to consent agenda items. See *In re Tobler and Mayes*, Comm'n Op. Nos. 11-76C and 11-77C (2012). Each matter on a consent agenda requires action for final approval. Without a formal vote of the Board, the consent item is not approved and any staff action does not become effective. Accordingly, when considering items on a consent agenda, public officers are required to properly disclose any significant pecuniary interests or commitments in a private capacity to the interests of others and undertake the statutorily directed abstention analysis on the record to determine whether abstention is appropriate.
- f. Strasdin understands that she must disclose her relationship with Ms. Dalager whenever a matter involving Dalager comes before the Board, even though the relationship is a matter of public record by virtue of Strasdin's disclosure at the October 27, 2016 meeting. Such matters include, but are not limited to, the topics of labor management, discussions about salaries, job duties, employment benefits, pension plans, disciplinary matters, litigation, general terms and conditions of employment, and personnel policy issues. See *In re Murnane*, Comm'n Op. No. 15-45A (2016).
- g. Under prior Commission precedent, public officials must vigilantly search for reasonably ascertainable potential conflicts of interest and cannot remain unaware of readily knowable facts. *In re Atkinson Gates, Williams and Malone*, Comm'n Op. Nos. 97-54, 97-59, 97-66, 97-53 and 97-52 (1997). Instead, public officials must design and implement systems to spot and respond to potential ethical conflicts. *Id.*
- h. Disclosures required by the Ethics Law must occur "at the time the matter is considered." NRS 281A.420(1). The Ethics Law does not recognize a continuing disclosure or a disclosure by reference. Silence based upon a prior disclosure at a prior meeting fails to inform the public of the nature and extent of the conflict at the meeting where no actual disclosure occurred. See *In re Buck*, Comm'n Opinion No. 11-63C (2011) (holding that incorporation by reference of her prior disclosure even though based upon the advice of counsel, did not satisfy the disclosure requirements of NRS 281A.420(1)).

- i. As a public officer, Strasdin is also prohibited from voting upon or advocating for or against the passage of a matter in which the independence of judgment of a reasonable person in her situation would be materially affected by her commitment to Ms. Dalager. NRS 281A.420(3)(c). However, it is presumed that the independence of judgment of a reasonable person is not materially affected if the resulting benefits or detriments to the public officer, or the person to whom the public officer has a commitment in a private capacity, are not more or less than those accruing to any other member of the group affected by the matter. NRS 281A.420(4)(a). Accordingly, provided Strasdin makes a proper disclosure, she need not abstain on matters where the result of Board action provides no special advantage or particular benefit or detriment to either herself or Ms. Dalager, but will impact all District employees in the same manner.
- j. Strasdin understands that she has a continuing duty to conduct an abstention analysis under NRS 281A.420(3) and must abstain from acting on matters in which the independence of judgment of a reasonable person in Strasdin's situation would be materially affected by her commitment in a private capacity to the interests of Ms. Dalager. In particular, Strasdin clearly has an obligation to abstain when the Board considers the terms and conditions of Dalager's employment. Strasdin must also take responsibility for the analysis of non-employment matters that come before the Board and make a reasonable determination as to whether her relationship with Ms. Dalager would tend to influence a reasonable person in her situation in rendering votes or other decisions, including whether there would be an appearance that her vote would be influenced by her private relationship with Ms. Dalager. See *In re Public Officer*, Comm'n Op. No. 16-14A (2016) (discussing disclosure and abstention standards applicable to spouses).
- k. Strasdin's actions constitute a single course of conduct resulting in one nonwillful violation of the Ethics Law, implicating the provisions of NRS 281A.020(1) and NRS 281A.420(1) and (3).
- l. Based upon the consideration and application of the statutory mitigating criteria set forth in NRS 281A.475, the Commission concludes that Strasdin's violation

in this case should not be deemed a “willful violation” pursuant to NRS 281A.170 and the imposition of a civil penalty pursuant to NRS 281A.480 is not appropriate for the reasons that follow:

- 1) The gravity of the violation is not substantial;
  - 2) Strasdin has not previously been the subject of any violation of the Ethics Law;
  - 3) Strasdin has not received any personal financial gain as the result of her conduct in this matter;
  - 4) Strasdin has been diligent to cooperate with and participate in the Commission’s investigation and analysis, as well as the resolution of this matter; and
  - 5) Strasdin, as a recently appointed Board member, is holding her first public office.
- m. Strasdin agrees to attend an Ethics in Government Law training session with the Commission’s Executive Director for the CCSD Board members, to ensure that the Board members understand the disclosure and abstention requirements, including responsibilities related to consent agenda items. See, e.g., *In re Woodbury*, Comm’n Op. No. 16-40C (2016). This training will be conducted no later than twelve months after the date this Stipulated Agreement is executed.
- n. This Stipulated Agreement depends on and applies only to the specific facts, circumstances and law related to this RFO now before the Commission. Any facts or circumstances that may come to light after its entry that are in addition to or differ from those contained herein may create a different resolution of this matter.
- o. This agreement is intended to apply to and resolve only this specific proceeding before the Commission and is not intended to be applicable to or create any admission of liability for any other proceeding, including administrative, civil or criminal regarding Strasdin.

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**6. WAIVER:**

- a. Strasdin knowingly and voluntarily waives her right to an Investigatory Panel proceeding and any related hearing before the full Commission on the allegations in this RFO (No. 16-85C) and of any and all rights she may be accorded with regard to this matter pursuant to NRS Chapter 281A, the regulations of the Commission (NAC Chapter 281A), the Nevada Administrative Procedures Act (NRS Chapter 233B) and any other applicable provisions of law.
- b. Strasdin knowingly and voluntarily waives her right to any judicial review of this matter, as provided in NRS Chapter 281A, NRS Chapter 233B, any extraordinary writs as provided in NRS Chapter 34, or any other applicable provisions of law.

**7. ACCEPTANCE:** We, the undersigned parties, have read this Stipulated Agreement, understand each and every provision therein, and agree to be bound thereby. The parties orally agreed to be bound by the terms of this agreement during the regular meeting of the Commission on February 15, 2017.

DATED this 27 day of Feb, 2017.

  
Tricia Strasdin

The above Stipulated Agreement is approved by:

FOR TRICIA STRASDIN, Subject

DATED this 24<sup>th</sup> day of Feb., 2017.

  
Sharla Hales, Esq.

FOR YVONNE M. NEVAREZ-GOODSON, ESQ.  
Executive Director, Commission on Ethics

DATED this 16<sup>th</sup> day of March, 2017.

  
Judy A. Prutzman, Esq.  
Associate Counsel

Approved as to form by:

FOR NEVADA COMMISSION ON ETHICS

DATED this 6th day of March, 2017.

Tracy L. Chase  
Tracy L. Chase, Esq.  
Commission Counsel

The above Stipulated Agreement is accepted by the Commission.<sup>2</sup>

DATED February 15, 2017.

By: /s/ Cheryl A. Lau  
Cheryl A. Lau, Esq.  
Chair

By: /s/ Phillip K. O'Neill  
Phillip K. O'Neill  
Commissioner

By: /s/ Keith A. Weaver  
Keith A. Weaver, Esq.  
Vice-Chair

By: /s/ Lynn Stewart  
Lynn Stewart  
Commissioner

By: /s/ Brian Duffrin  
Brian Duffrin  
Commissioner

By: /s/ Amanda Yen  
Amanda Yen, Esq.  
Commissioner

By: /s/ Barbara Gruenewald  
Barbara Gruenewald, Esq.  
Commissioner

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<sup>2</sup> Strasdin waived her right to an Investigatory Panel pursuant to NRS 281A.440. Accordingly, this Stipulated Agreement was executed prior to a Panel hearing in this matter and no Commissioner was precluded from participating in this Stipulated Agreement pursuant to NRS 281A.220.

# Exhibit 4



## STATE OF NEVADA

### BEFORE THE NEVADA COMMISSION ON ETHICS

In the Matter of the Third-Party Request  
for Opinion Concerning the Conduct of  
**Kimberlie Buffington**, Former Member,  
Lander County Planning Commission,  
State of Nevada,

Request for Opinion No. 16-59C

Subject. /

### STIPULATED AGREEMENT

1. **PURPOSE:** This Stipulated Agreement resolves Third-Party Request for Opinion (“RFO”) No. 16-59C before the Nevada Commission on Ethics (“Commission”) concerning Kimberlie Buffington (“Buffington”), a former member of the Lander County Planning Commission (“Planning Commission”), State of Nevada, and serves as the final opinion in this matter.

2. **JURISDICTION:** At all material times, Buffington served as a member of the Planning Commission. As such, Buffington was a public officer, as defined in NRS 281A.160. The Ethics in Government Law (“Ethics Law”) set forth in NRS Chapter 281A gives the Commission jurisdiction over elected and appointed public officers and public employees whose conduct is alleged to have violated the provisions of NRS Chapter 281A. See NRS 281A.280. Accordingly, the Commission has jurisdiction over Buffington in this matter.

3. **PROCEDURAL HISTORY BEFORE COMMISSION:**

- a. On or about August 1, 2016, the Commission received RFO No. 16-59C from a member of the public (“Requester”), alleging that Buffington:
  - 1) Failed in her commitment to avoid conflicts between her personal interests and her public duties (NRS 281A.020(1));
  - 2) Accepted favors or economic opportunities which would tend to improperly influence a reasonable person in Buffington’s position as a public officer to

- depart from the faithful and impartial discharge of her duties (NRS 281A.400(1));
- 3) Used her position to secure unwarranted privileges, preferences or advantages for herself or any business entity in which there is a significant pecuniary interest (NRS 281A.400(2));
  - 4) Represented or counseled for compensation a private person on an issue which was under consideration by the Planning Commission during Buffington's public service with the Planning Commission (NRS 281A.410(1)(b));
  - 5) Failed to disclose a conflict of interest for which disclosure was required (NRS 281A.420(1)); and
  - 6) Acted on a matter in which abstention was required (NRS 281A.420(3)).
- b. On or about December 13, 2016, staff of the Commission issued a *Notice to Subject* under NRS 281A.440(2), stating that the Commission accepted jurisdiction to investigate the allegations regarding violations of NRS 281A.020(1), NRS 281A.400(1) and (2), NRS 281A.420(1) and (3) and NRS 281A.410(1)(b). Buffington was provided an opportunity to respond to the RFO.
- c. On or about August 23, 2016, Buffington, through her legal counsel, Anthony J. Walsh, Esq. of Walsh, Baker & Rosevear, filed an *Appeal and Objection to Jurisdiction of Nevada Commission on Ethics*. A *Supplemental Brief Regarding the Jurisdiction of the Nevada Commission on Ethics* was filed on or about September 21, 2016. Accordingly, the Commission issued a *Notice of Jurisdictional Appeal* on or about September 22, 2016, to both Buffington and the Requester, setting the matter to be heard at the October 3, 2016 Commission Meeting and providing an opportunity for the Requester to submit a response to Buffington's request to review the jurisdictional determination.<sup>1</sup>
- d. On or about October 31, 2016, the Commission issued its *Order on Jurisdiction* denying the request to overturn the Executive Director's jurisdictional determination, initiating the investigation and setting the date to respond to the

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<sup>1</sup> NAC 281A.405 has since been amended by temporary regulations T03-16A, which became effective September 21, 2016, subsequent to Buffington requesting a review of the jurisdictional determination.

RFO. On or about December 3, 2016, Buffington, through her legal counsel, submitted a *Response* to the RFO.

- e. Buffington waived her rights to a panel determination pursuant to NRS 281A.440, and acknowledges that credible evidence establishes just and sufficient cause for the Commission to render an opinion regarding the allegations implicating NRS 281A.020(1) and NRS 281A.420(1) and (3).

**4. STIPULATED FACTS:** At all material times, the following facts were relevant to this matter:<sup>2</sup>

- a. Buffington was an appointed member of the Lander County Planning Commission (“Planning Commission”). She first served on the Planning Commission between 2010 and 2011, was re-appointed in 2012, and then resigned in January 2016. At all times relevant to this matter, Buffington was a “public officer,” as defined by NRS 281A.160.
- b. In her private capacity, Buffington is a licensed real estate agent in Nevada. She is the managing broker for Nolan Realty in Battle Mountain, Nevada.
- c. Theodore C. Herrera, Esq., is a lawyer licensed in the State of Nevada and serves as the elected District Attorney for Lander County.
- d. The Planning Commission is a political subdivision as defined in NRS 281A.145.
- e. The Planning Commission has decision-making authority over certain land use matters, including special use permits and variances.
- f. Jay Wintle lives in Lander County and has listed various parcels of undeveloped real estate with Buffington and Nolan Realty since approximately 2009.
- g. During 2015, Buffington was the listing real estate agent for two of Wintle’s parcels located at Chukkar Lane and 350 SR 305 and listed for \$376,000 and \$1,016,720, respectively.

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<sup>2</sup> Stipulated Facts do not constitute part of the “Investigative File” as that term is defined by NRS 281A.440(17). All statutory and common law protections afforded to the Investigative File shall remain and are not affected by this Stipulated Agreement.

- h. In July 2012, Wintle and Buffington jointly purchased a 39-acre parcel of undeveloped real estate located at 735 Bogey Drive in Lander County ("Bogey Drive Property"). This property was later separated into four separate parcels in 2013.
- i. On or about January 27, 2015, Wintle and Buffington executed quitclaim deeds that divided the Bogey Drive Property between them, with Wintle retaining one parcel and Buffington retaining three parcels.

#### **April 8, 2015 Planning Commission Meeting**

- j. At the April 8, 2015 meeting, agenda item 5 related to a zone change request submitted by Wintle and related to other property owned by Wintle (unrelated to the Bogey Drive Property). This item was noted on the agenda as follows:
  - (5) Discussion for possible action recommending to the Lander County Board Commissioners to approve/disapprove the following Zone Change request, and other matters properly related thereto.

Applicant: Jay Wintle  
Location: Lots 14, 18, and 22 of Ashcroft map #183519 within the SE4 Of 14/32/44, generally located north of the W. Humboldt Rd. and west of 28<sup>th</sup> street alignments.  
APN: 010 280 17, 010 280 21, 010 280 25  
Type: To request a zone change from Farm and Ranch District (A-3) to One-Acre Agriculture District (A-1)

- k. The minutes reflect that Buffington made no disclosure regarding her relationship with Wintle and voted with the Planning Commission to approve the agenda item unanimously.

#### **July 8, 2015 Planning Commission Meeting**

- l. At the July 8, 2015 meeting, agenda items 1 and 2 related to parcel changes requested by Wintle regarding other property he owned (unrelated to the Bogey Drive Property). These items were noted on the agenda as follows:

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(1) Information and discussion only on a Parcel Map, and other matters properly related

Applicant: Jay Wintle  
Location: Lot 18 – Ashcraft Map #183519  
Generally located west of 28<sup>th</sup> Street along the Yellow Brick Road alignment, Battle Mountain  
APN: 010 280 21  
Type: Splitting one (1) parcel into four (4) parcels.

(2) Information and discussion only on a Parcel Map, and other matters properly related thereto.

Applicant: Jay Wintle  
Location: Lot 22 – Ashcraft Map #183519  
Generally located west of 28<sup>th</sup> Street along the Yellow Brick Road alignment, Battle Mountain  
APN: 010 280 25  
Type: Splitting one (1) parcel into four (4) parcels.

- m. The minutes reflect that Buffington made no disclosure regarding her relationship with Wintle and did not participate in the discussion on these agenda items. No action was taken by the Planning Commission on either item.

**September 9, 2015 Planning Commission Meeting**

- n. At the September 9, 2015 meeting, agenda item 6 related to a street name request submitted by Wintle regarding other property he owned (unrelated to the Bogey Drive Property). These items were noted on the agenda as follows:

(6) Discussion for possible action to approve/disapprove the following Street Name request, and other matters properly related thereto.

Applicant: Jay Wintle  
Project: Parcel Maps  
APN: 002-280-21 & 010-280-25  
Type: To reserve a new street name: Faded Sage Drive

- o. The minutes reflect that Buffington made no disclosure regarding her relationship with Wintle and made the motion to approve the name conditioned upon the parcel maps approval. The motion was voted and carried unanimously.

p. At the September 9, 2015, agenda items 7 and 8 related to parcel changes requested by Wintle regarding other property he owned (unrelated to the Bogey Drive Property). These items were noted on the agenda as follows:

(7) Discussion for possible action regarding approval/disapproval of the following Parcel Map, and other matters properly related thereto.

Applicant: Jay Wintle  
Location: Lot 18 – Ashcraft Map #183519  
Generally located west of 28<sup>th</sup> Street along the Yellow Brick Road alignment, Battle Mountain  
APN: 010 280 21  
Type: Splitting one (1) parcel into four (4) parcels.

(8) Discussion for possible action regarding approval/disapproval of the following Parcel Map, and other matters properly related thereto.

Applicant: Jay Wintle  
Location: Lot 22 – Ashcraft Map #183519  
Generally located west of 28<sup>th</sup> Street along the Yellow Brick Road alignment, Battle Mountain  
APN: 010 280 25  
Type: Splitting one (1) parcel into four (4) parcels.

- q. The minutes reflect that Buffington made no disclosure regarding her relationship with Wintle and voted with the Planning Commission to approve both agenda items unanimously.
- r. District Attorney Herrera was not present at the Planning Commission's meetings on April 8, 2015, July 8, 2015 and September 9, 2015 and did not provide any legal advice to Buffington regarding her disclosure/abstention obligations with regard to matters that were agendized for these meetings.
- s. On December 10, 2015, Buffington and Wintle entered into a listing agreement for two of the parcels that resulted from the rezoning and parcel subdivision requests presented by Wintle and approved by the Planning Commission at the April 8, 2015 and September 9, 2015 meetings.

**5. TERMS / CONCLUSIONS OF LAW:** Based on the foregoing, Buffington and the Commission agree as follows:

- a. Each of the stipulated facts enumerated in Section 4 of this Stipulated Agreement is agreed to by the parties.
- b. Buffington held a public office which constitutes a public trust to be held for the sole benefit of the people of the State of Nevada (in particular, the citizens of Lander County).
- c. Buffington had a commitment in a private capacity to the interests of Wintle because they have a substantial and continuous business relationship based on their realtor/client relationship. NRS 281A.065(5).
- d. As a public officer, Buffington had a duty to avoid conflicts of interest. See NRS 281A.020. Specifically, Buffington was required to commit to avoid actual and perceived conflicts of interest, including publicly disclosing sufficient information concerning any private relationships and pecuniary interests which would reasonably affect her decision on matters before the Planning Commission. See NRS 281A.420(1). As a public officer, Buffington was also required to abstain from voting or otherwise acting on matters in which such relationships would clearly and materially affect the independence of judgment of a reasonable person in her position. See NRS 281A.420(3).
- e. Buffington did not adequately avoid the conflict of interest between her public duties and private interests by not disclosing her relationship with Wintle during Planning Commission meetings on April 8, 2015 and September 9, 2015 before voting on agenda items that involved Wintle.
- f. Buffington now understands that she should have disclosed sufficient information regarding her relationship with Wintle, a person to whom she had a commitment in a private capacity, to inform the public of the nature and extent of the relationship. The disclosure should have occurred at every meeting and for every agenda item which the Planning Commission considered that affected Wintle's interests.
- g. The disclosure should have also included information regarding the potential effect of Buffington's action or abstention on the agenda items and the effect it may have had on her and Wintle, as the person to whom she had a commitment

- to in a private capacity. See *In re Woodbury*, Comm'n Op. No. 99-56 (1999) and *In re Derbridge*, Comm'n Op. No. 13-05C (2013).
- h. Abstention is required when a reasonable person's independence of judgment is materially affected by the public officer's significant pecuniary interest or commitment in a private capacity. NRS 281A.420 and *Woodbury*. In cases involving substantial and continuous business relationships, the interests of a business partner or client are statutorily attributed to the public officer based on the presumption that a person lacks independent judgment toward the interests of a person with whom the public officer shares an important business relationship. *In re Public Officer*, Comm'n Op. No. 13-71A (2014). Thus, a public officer must abstain on all matters before the public body which materially affect the interests of his business partner or client, including interests unrelated to the business shared with the public officer. *In re Derbridge*, Comm'n Op. No. 13-05C (2013).
- i. Although Buffington lacked any pecuniary interest in the zoning and parcel subdivision matters that Wintle brought before the Planning Commission at the meetings on April 8, 2015 and September 9, 2015, Buffington had a commitment in a private capacity to Wintle as his real estate agent. Under the circumstances presented, the nature of the realtor-client relationship necessitated abstention because the interests of Wintle were statutorily attributed to Buffington and could be materially affected by her official actions. Therefore, Buffington should have abstained from voting on the agenda items related to Wintle's property at the April 8, 2015 and September 9, 2015 Planning Commission meetings.
- j. The provisions of NRS 281A.420 contemplate formal actions (or decisions) by public officers which affect the public trust and the Commission has not interpreted the provisions to extend to meetings at which no action is taken. See *In re Stark*, Comm'n Op. No. 10-48C (2012). While the law does not require disclosure during discussions of a matter placed on an agenda for information only, to avoid an appearance of impropriety regarding potential influence or improper use of her public position, the better course of action would have been

for Buffington to disclose her relationship with Wintle when agenda items related to Wintle's property were discussed at the July 8, 2015 Planning Commission meeting.

- k. Buffington's actions are deemed to constitute a single course of conduct resulting in one violation of the Ethics Law, implicating the provisions of NRS 281A.020(1) and NRS 281A.420(1) and (3).
- l. However, the allegations pertaining to NRS 281A.400(1) and (2) and NRS 281A.410(1)(b) are not supported by a preponderance of the evidence under NRS 281A.480(9) and are therefore dismissed through this Stipulated Agreement.
- m. Based upon the consideration and application of the statutory criteria set forth in NRS 281A.475, the Commission concludes that Buffington's violation in this case should be deemed "willful" pursuant to NRS 281A.170. The Commission took into consideration the following mitigating factors:
  - 1) Buffington has not previously been the subject of any violation of the Ethics Law. This is Buffington's first violation. She has resigned from public office and does not foresee holding public office in the future.
  - 2) Buffington has been diligent to cooperate with and participate in the Commission's investigation and resolution of this matter.
  - 3) Buffington maintains that she relied upon the advice of prior District Attorneys when she decided whether to vote or abstain. This legal advice was not, however, specific to the circumstances related to this RFO and therefore does not satisfy the criteria of NRS 281A.480.
- n. Despite these mitigating factors and although Buffington did not intend to violate the Ethics Law, her violation of NRS Chapter 281A was willful because she acted intentionally and knowingly, as those terms are defined in NRS 281A.105 and 281A.115, respectively.
- o. For an act to be intentional, NRS 281A.105 requires that Buffington acted voluntarily or deliberately. The definition further states that proof of bad faith, ill

will, evil or malice is not required. Buffington's conduct was not accidental or inadvertent. Nevertheless, Buffington did not act in bad faith or with malicious intent to benefit her private interests.

- p. NRS 281A.115 defines "knowingly" as "import[ing] a knowledge that the facts exist which constitute the act or omission." NRS Chapter 281A does not require that Buffington had actual knowledge that her conduct violated the Ethics Law, but it does impose constructive knowledge when other facts are present that should put an ordinarily prudent person upon inquiry. See *In re Stark*, Comm'n Op. No. 10-48C (2010).
- q. For the willful violation, Buffington will pay a civil penalty of \$1,000.00, pursuant to NRS 281A.480, not later than 90 days after her receipt of the fully executed Stipulated Agreement in this matter. Buffington may pay the penalty in one lump sum payment or in monthly installment payments as negotiated with the Commission's Executive Director.
- r. Buffington and the Commission agree that the Commission's Executive Director will send a letter to the Nevada Real Estate Division that provides general information about RFOs recently issued by the Commission regarding the disclosure and abstention responsibilities of public officers who are real estate licensees.
- s. This Stipulated Agreement depends on and applies only to the specific facts, circumstances and law related to this RFO now before the Commission. Any facts or circumstances that may come to light after its entry that are in addition to or differ from those contained herein may create a different resolution of this matter.
- t. This agreement is intended to apply to and resolve only this specific proceeding before the Commission and is not intended to be applicable to or create any admission of liability for any other proceeding, including administrative, civil, or criminal regarding Buffington.

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**6. WAIVER AND FINAL OPINION:**

- a. Buffington knowingly and voluntarily waives her right to an Investigatory Panel proceeding and any related hearing before the full Commission on the allegations in this RFO (No. 16-59C) and of any and all rights she may be accorded with regard to this matter pursuant to NRS Chapter 281A, the regulations of the Commission (NAC Chapter 281A), the Nevada Administrative Procedures Act (NRS Chapter 233B) and any other applicable provisions of law.
- b. Buffington knowingly and voluntarily waives her right to any judicial review of this matter, as provided in NRS Chapter 281A, NRS Chapter 233B, any extraordinary writs, as provided in NRS Chapter 34, and any other applicable provisions of law.
- c. Upon approval of this Stipulated Agreement, the Stipulated Agreement will be published as the final opinion. This RFO will then be closed and no further action will be taken on the RFO, including under NRS 281A.480(7).

**7. ACCEPTANCE:** We, the undersigned parties, have read this Stipulated Agreement, understand each and every provision therein, and agree to be bound thereby. The parties orally agreed to be bound by the terms of this agreement during the regular meeting of the Commission on February 15, 2017.

DATED this 2 day of March, 2017,



Kimberlie Buffington

The above Stipulated Agreement is approved by:

FOR KIMBERLIE BUFFINGTON, Subject

DATED this 7 day of March, 2017.



Anthony J. Walsh, Esq.  
Counsel for Buffington

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FOR YVONNE M. NEVAREZ-GOODSON, ESQ.  
Executive Director, Commission on Ethics

DATED this 14<sup>th</sup> day of March, 2017.

Judy A. Putzman  
Judy A. Putzman, Esq.  
Associate Counsel

Approved as to form by:

FOR NEVADA COMMISSION ON ETHICS

DATED this 14<sup>th</sup> day of March, 2017.

Tracy L. Chase  
Tracy L. Chase, Esq.  
Commission Counsel

The above Stipulated Agreement is accepted by the Commission.<sup>3</sup>

DATED February 15, 2017.

By: /s/ Cheryl A. Lau  
Cheryl A. Lau, Esq.  
Chair

By: /s/ Phillip K. O'Neill  
Phillip K. O'Neill  
Commissioner

By: /s/ Keith A. Weaver  
Keith A. Weaver, Esq.  
Vice-Chair

By: /s/ Lynn Stewart  
Lynn Stewart  
Commissioner

By: /s/ Brian Duffrin  
Brian Duffrin  
Commissioner

By: /s/ Amanda Yen  
Amanda Yen, Esq.  
Commissioner

By: /s/ Barbara Gruenewald  
Barbara Gruenewald, Esq.  
Commissioner

<sup>3</sup> Buffington waived her right to an Investigatory Panel pursuant to NRS 281A.440. Accordingly, this Stipulated Agreement was executed prior to a Panel hearing in this matter and no Commissioner was precluded from participating in this Stipulated Agreement pursuant to NRS 281A.220.