



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

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

June 19, 2017

The Commission on Ethics held a public meeting on
Monday, June 19, 2017, at 2:30 p.m.
at the following location:

**Governor's Office of Economic Development
808 W. Nye Lane
Carson City, NV 89703**

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 2:30 p.m. in Carson City, Nevada. Also present in Carson City were Commissioners Brian Duffrin and Philip "P.K." O'Neill. Present via telephone were Vice-Chair Keith A. Weaver, Esq. and Commissioners Barbara Gruenewald, Esq. and Lynn Stewart. 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.

Commissioner Amanda C. Yen, Esq. was excused from the meeting.

The pledge of allegiance was conducted.

2. Public Comment.

No public comment.

3. Approval of Minutes of the May 15, 2017 Commission Meeting.

Commissioner O'Neill moved to approve the May 15, 2017 Meeting Minutes. Commissioner Duffrin seconded the Motion. The Motion was put to a vote and carried unanimously.

4. Discussion and approval of a Proposed Stipulation concerning Third-Party Request for Opinion No. 16-78C regarding Brad Bonkowski, Supervisor, Ward 2, Carson City, submitted pursuant to NRS 281A.440(2).

Commissioner Gruenewald and Commissioner Stewart were statutorily excused from participating in this agenda item as they served on the Investigatory Panel for this matter.

Appearing before the Commission in this matter was Subject Brad Bonkowski and his counsel, Adriana Fralick, Chief Deputy District Attorney for Carson City. Appearing on behalf of the Executive Director was Associate Counsel Judy Prutzman, Esq.

Commissioner O'Neill disclosed that Subject Bonkowski and he were professional acquaintances who regularly attend the same community events and each supported one another's campaigns in 2016, Mr. Bonkowski's campaign for reelection to the Board of Supervisors and Commissioner O'Neill's campaign for reelection to the Nevada State Assembly. Commissioner O'Neil stated he consulted with Commission Counsel Chase, and concluded he did not have a commitment in a private capacity to Mr. Bonkowski and could otherwise act impartially with respect to this agenda item.

Mr. Bonkowski stated he had no objection to Commissioner O'Neill's participation.

Ms. Prutzman stated the Request for Opinion alleged that Mr. Bonkowski used his public position to further his private interests related to certain commercial property and improperly voted on a matter that had a material effect on his property during a Board of Supervisors meeting on July 7, 2016.

Ms. Prutzman stated that the Stipulated Agreement before the Commission proposed to resolve the Request for Opinion with a finding of one willful violation of the Ethics Law, implicating NRS 281A.420(1)and(3), with an associated civil penalty in the amount of \$2,500. She stated the Stipulated Agreement also dismissed allegations implicating NRS 281A.400(2), as the investigation did not yield a preponderance of evidence to support a violation of that statute.

Ms. Prutzman provided an overview of Mr. Bonkowski's private business interests and the effect of those interests on the Board of Supervisors' agenda item on July 7, 2016.

Both Ms. Prutzman and Ms. Fralick provided brief closing statements. Commissioner O'Neill requested a closed session of the Commission for discussion on the Stipulated Agreement.

Chair Lau excused the public and the parties and called the meeting into closed session for Commissioner deliberations, as exempt from the Open Meeting Law.

Chair Lau called the meeting back into open session and opened Agenda Item No. 9 to take public comment prior to the decision of the Commission on Agenda Item 4.

9. Open Session for Public Comment.

This agenda item was called out of order.

Jerry Vaccaro, Requester in RFO 16-78C, commented on his view of the allegations in his Complaint, believing that Mr. Bonkowski violated the Ethics Law.

Jim Shirk, former Carson City Supervisor, stated he was not commenting for or against Mr. Bonkowski, but wanted to inform the Commission that he served on the Board at the time of the July 7, 2016 meeting at issue, and voted against the relevant agenda item such that it was not a unanimous approval as Mr. Bonkowski had indicated in his testimony before the Commission. Mr. Shirk stated he believed the agenda item was presented incorrectly by the City and that the disclosure should have been part of the agenda item.

At the close of public comment, Chair Lau called Agenda Item 4 back for consideration.

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4. Discussion and approval of a Proposed Stipulation concerning Third-Party Request for Opinion No. 16-78C regarding Brad Bonkowski, Supervisor, Ward 2, Carson City, submitted pursuant to NRS 281A.440(2).

Commissioner Duffrin moved to accept the terms of the proposed Stipulation as presented by the parties and directed Commission Counsel to finalize the Stipulation in appropriate form, provided that such form would not materially change the terms as approved by the Commission. Vice-Chair Weaver seconded the Motion.

Commissioner O'Neill thanked Mr. Bonkowski for accepting his responsibility and stated he appreciated the comments made by members of the public, as well as the work of Commission staff and Ms. Fralick.

The Motion was put to a vote and carried unanimously.

6. Consideration and approval of a salary enhancement for the Commission's Executive Director, Yvonne M. Nevarez-Goodson, Esq., for the next biennium (FY 18-19), up to and including the maximum allowable salary for this position (\$110,132) in the unclassified service of the State of Nevada, as established by Assembly Bill 517 of the 79th Legislative Session of the Nevada Legislature (2017), effective on July 1, 2017.

This agenda item was called out of order.

Executive Director Nevarez-Goodson explained that after several requests for salary enhancements for Commission staff to obtain parity in pay with similar positions in other State agencies, the Legislature approved the Unclassified Pay Bill of the 79th Legislative Session (2017) with minor salary enhancements for the Executive Director, Commission Counsel and Senior Legal Researcher. She stated that although the Commission greatly appreciates the Legislature's approval of the salary enhancements for three of the staff positions, the enhancements were below the amount that was requested by the Commission and would likely be addressed again next session. Director Nevarez-Goodson explained this Agenda Item satisfied the Open Meeting Law requirements for discussion of any employee's character or competence when considering a pay increase.

Commissioner Duffrin stated he believed the Executive Director should be paid more than the Unclassified Pay Bill allows, but understands the maximum limit of salaries in the Bill.

Chair Lau moved to approve the salary enhancement for the Executive Director for the next biennium, up to and including the maximum allowable salary for this position. Commissioner Stewart seconded the Motion. The Motion was put to a vote and carried unanimously.

7. Consideration and approval of a salary enhancement for the Commission's Commission Counsel, Tracy L. Chase, Esq., for the next biennium (FY 18-19), up to and including the maximum allowable salary for this position (\$110,132) in the unclassified service of the State of Nevada, as established by Assembly Bill 517 of the 79th Legislative Session of the Nevada Legislature (2017), effective on July 1, 2017.

This agenda item was called out of order.

Commissioner Duffrin stated he appreciated having such good counsel and believed the position should be paid more than the Unclassified Pay Bill allows, but understand the limit of salaries in the Bill. He indicated he hoped both the Executive Director, Commission Counsel, and all other staff are still around next legislative session to continue to fight for parity in pay.

Chair Lau moved to approve the salary enhancement for the Commission Counsel for the next biennium, up to and including the maximum allowable salary for this position. Commissioner Stewart seconded the Motion. The Motion was put to a vote and carried unanimously.

Vice-Chair Weaver was excused from the remainder of the meeting.

5. Update regarding the 79th Legislative Session (2017), including, without limitation, the Commission's 2018-2019 Budget, Assembly Bill 517, Senate Bill 84 and Senate Concurrent Resolution 6.

Executive Director Nevarez-Goodson reminded the Commission that the Agency's Budget for the next biennium (FY18-FY19) had been approved by the Legislature as recommended by the Governor. She reported that the legislative budget committees approved a technical amendment adding \$7,200/FY for the ongoing costs associated with the Commission's new Case Management System and Opinion Database.

Director Nevarez-Goodson reported that A.B. 517, the Unclassified Pay Bill, as discussed earlier in the meeting, included minor salary enhancements for the Commission's Executive Director, Commission Counsel, and Senior Legal Researcher, but did not provide the level of enhancements the Commission requested to bring parity in pay to similar positions in similar State agencies. In particular, the Executive Director and Commission Counsel salaries were raised to be equivalent only to the Judicial Discipline Commission's Associate Counsel position and the Senior Legal Researcher position was raised only to the equivalent of a non-senior level paralegal in the Unclassified Pay Bill. The requested title change for the Associate Counsel position, which had originally gone into the 2013 Unclassified Pay Bill as a second "Commission Counsel" was approved without the requested salary enhancement. Director Nevarez-Goodson reported the title change to Management Analyst III and associated salary enhancement similar to that in the Judicial Commission for the Executive Assistant was likewise not approved. The Executive Director stated she appreciates that the Legislature granted a portion of the requested enhancements but believes the Commission will have to continue to address the disparities to keep its great staff. She plans to participate in the Legislature's interim salary study approved via SCR 6 to shed light on the unparalleled pay of similar positions in similar agencies.

Director Nevarez-Goodson reported that the Commission's Bill, S.B. 84, passed through the Legislature as intended and had been signed by the Governor. She stated the majority of the statutory changes will go into effect on July 1, 2017. She reported the Commission's Senior Legal Researcher was preparing an informal codification so Commissioners and Staff can review the statutory changes in the near future.

8. Commissioner Comments on matters including, without limitation, identification of future agenda items, upcoming meeting dates and meeting procedures. No action will be taken under this agenda item.

No Commissioner comments.

9. Open Session for Public Comment.

No public comment.

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10. Adjournment.

Commissioner O'Neill moved to adjourn the meeting. Commissioner Duffrin seconded the Motion. The Motion was put to a vote and carried unanimously. The meeting adjourned at 4:07 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 August 23, 2017:

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

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