



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

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

The Commission on Ethics held a public meeting on
Wednesday, June 20, 2018, at 9:30 a.m.
at the following locations:

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

and via video-conference to:

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

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

1. Call to Order and Roll Call.

Chair Cheryl A. Lau, Esq. called the meeting to order in Las Vegas, Nevada at 9:30 a.m. Also present in Las Vegas were Vice-Chair Keith A. Weaver, Esq. and Commissioners Brian Duffrin, Barbara Gruenewald, Esq., Teresa Lowry, Esq., and P.K. O'Neill. Commissioner Amanda C. Yen, Esq. was excused. Present for Commission staff in Las Vegas were Executive Director Yvonne M. Nevarez-Goodson, Esq., and Commission Counsel Tracy L. Chase, Esq. Present for Commission staff in Carson City, Nevada was Associate Counsel Judy Prutzman, Esq.

The pledge of allegiance was conducted.

2. Public Comment.

No public comment.

3. Approval of Minutes of the May 9, 2018 Commission Meeting.

Commissioners O'Neill and Lowry were excused from voting on this matter as Commissioner O'Neill was excused from the May 9, 2018 meeting and Commissioner Lowry was not yet a member of the Commission during that meeting.

Executive Director Nevarez-Goodson and Commissioner Duffrin noted the need for a correction to the minutes. The May 9, 2018 Commission Meeting minutes should reflect that Commissioner Duffrin abstained from voting on the approval of the April 18, 2018 meeting minutes.

Vice-Chair Weaver moved to accept the May 9, 2018 Minutes with the correction. Commissioner Gruenewald seconded the motion. The Motion was put to a vote and carried as follows:

Chair Lau:	Aye
Vice-Chair Weaver:	Aye.
Commissioner Gruenewald:	Aye.
Commissioner Duffrin:	Aye.

4. Discussion and consideration of Cross Motions for Summary Judgment ("Motions") concerning Ethics Complaint Case No. 17-21C regarding Gerald Antinoro, Sheriff, Storey County, submitted pursuant to NRS 281A.710.

- The Commission may discuss and consider the Cross Motions in a closed session pursuant to NRS 281A.750.
- The Commission will take action on the Cross Motions in an open session.

Chair Lau confirmed Commissioner Gruenewald reviewed this matter as a member of the Review Panel and would be precluded from participating in this item. Commissioner Gruenewald confirmed that she would not participate in the item.

Appearing before the Commission in this matter was subject Gerald Antinoro, Storey County Sheriff and his counsel, Katherine Parks, Esq., of Thorndal, Armstrong, Delk, Balkenbush, and Eisinger. Appearing on behalf of the Executive Director was Associate Counsel Judy A. Prutzman, Esq.

Chair Lau outlined that the Commission would be considering Cross Motions for Summary Judgment and that each party had 20 minutes to present including opening and closing remarks.

Associate Counsel Prutzman provided a brief overview of the case for the record. Associate Counsel Prutzman summarized that Request for Opinion (RFO) Case No. 17-21C alleged Sheriff Antinoro violated the Ethics Law when he authorized the personal use of a meeting room in the sheriff's office on a Saturday for him and his wife to conduct a two-hour visitation between his stepdaughter and her father, the requester of the RFO. She reported that the Review Panel determined that there was sufficient credible evidence for the Commission to render an opinion regarding the allegations pertaining to NRS 281A.400(2) and (7) and that the conduct could be appropriately addressed through corrective action under the terms of a deferral agreement. However, Sheriff Antinoro declined to enter into a deferral agreement and therefore the matter was referred to the Commission.

Associate Counsel Prutzman informed the Commission that if it was determined that Sheriff Antinoro violated the Ethics Law the Executive Director's motion must be granted and

Sheriff Antinoro's motion denied. She pointed out that this would be Sheriff Antinoro's second willful violation of the Ethics Law and the accompanying penalty was recommended to be \$8,000. Associate Counsel Prutzman summarized the circumstances surrounding the Sheriff's previous ethics law violation for the Commission involving his use of official government letterhead to make a personal endorsement.

Associate Counsel Prutzman informed the Commission that she had additional confidential information for them to consider and requested a brief closed session.

The Commission went into a brief closed session to hear the confidential information and returned to an open, public session.

Counsel Parks, legal representative for Sheriff Antinoro, presented her client's motion to the Commission and argued that there is no evidence in the case that the Sheriff's wife received preferential treatment and that the Sheriff's office is available to the public after the posted hours of operation, including weekends. She requested that the Commission grant her client's motion and order summary judgment in favor of Sheriff Antinoro.

Vice-Chair Weaver and Commissioners Duffrin and O'Neill asked clarification questions of Counsel Parks and she provided answers to their questions.

Associate Counsel Prutzman presented closing remarks to the Commission and answered questions posed by Vice-Chair Weaver and Commissioner O'Neill.

Counsel Parks presented closing remarks to the Commission and answered a question posed by Vice-Chair Weaver.

The Commission then went into a closed session to deliberate on the motions. The Commission then went back into an open, public session.

Vice-Chair Weaver moved to deny both motions for summary judgment and for the Commission to hold a hearing to determine credibility of the facts presented, specifically request testimony on the applicable policy, dispatch training and deputy timing of events and assignments as they relate to the issues in the matter including similar after-hours requests from the public. Vice-Chair Weaver's motion also included direction to Commission Counsel to prepare an order and issue a notice of adjudicatory hearing. Commissioner O'Neill seconded the motion. The Motion was put to a vote and carried unanimously.

5. Consideration and approval of proposed additional Bill Draft Request Concepts for consideration during the 2019 Legislative Session based on recommendations of the Executive Director pursuant to NRS 281A.240(1)(e).

Executive Director Nevarez-Goodson reminded the Commission of the original BDR concepts previously approved by the Commission and provided an overview of her recommendation for additional proposed BDR concepts, explaining that the majority of the additional concepts were housekeeping measures and only a few proposed substantive changes. The following is a summary of the concepts proposed by Executive Director Nevarez-Goodson:

1. Eliminate Designation of "Willful" Violations from the Ethics Law.
2. Authorize Commission/Staff to issue a "Notice of Formal Charges" to the Subject of a Complaint instead of turning over the Ethics Complaint filed by the Requestor.

3. Authorize an Investigation (or Preliminary Investigation) Before Notice of Formal Charges – No opportunity to respond at this juncture.
4. Exempt stipulated agreements and other negotiations for deferral agreements from public records and OML.
5. Authorize the Commission to decline to investigate and issue a letter in an ethics complaint that it initiates on its own.
6. Clarify the 45-day timeline to “render an advisory opinion.”
7. Confirm written opinions as precedential value – not ad hoc rulemaking.
8. Protect confidential requestors who are public officers or employees from producing records relating to ethics complaints they file pursuant to a public records request.
9. Allow Panel members to serve as settlement judges for proposed stipulated agreements or other settlement negotiations.
10. Confirm Exemption from OML even if Subject waives confidentiality.
11. Clarify jurisdiction in advisory context.
12. Abstention on matters that materially affect private client representations.
13. Cooling-Off regarding Contracts with Agency.
14. Clarify advisory confidentiality – to entire public agency.
15. Legal Representation of subject in complaint case.
16. Clarify that failure to file written response to allegations should not be basis to refuse to participate in investigation.
17. Deadlines for Deferral Agreements - by order of the Panel.
18. Authorize Review Panel to dismiss a complaint and issue a Letter of Caution or Instruction even if it determines that just and sufficient cause exists.
19. Define “render an opinion” or “make a determination.”
20. Clarify confidentiality of requestor in discovery.
21. Clarify timing of discovery – NRS 281A.755.
22. Clarify Executive Director role in adjudicatory hearing as a party.
23. Require the Executive Director to be an attorney.
24. Provide process for adjudicating when a person has interfered with an investigation.
25. Eliminate requirement for the Commission to treat stipulated agreements in a comparable manner.

Executive Director Nevarez- Goodson directed the Commissioners to the report she provided them in regards to this item and provided additional justification for each proposal listed above. She answered the Commissioner’s questions in regards to her proposed concepts and provided clarifying information as requested.

Chair Lau made a motion to approve the BDR concepts to be coordinated with the Governor’s Office based upon the Executive Director’s recommendation. Commissioner Gruenewald seconded the motion. The motion was put to a vote and carried unanimously.

The Commission briefly went into a closed session to deliberate on a confidential advisory matter.

6. Report by the Executive Director on agency status and operations and possible direction thereon. Items to be discussed include:

- Codification of S.B. 84 (New NRS provisions)
- Update regarding Proposed Regulations
- Interim Salary Study (S.C.R. 6) Update
- Quarterly Case Status Update

- Education and Outreach by the Commission
- Commission Appointments
- Meeting Schedule
- FY18 Budget Update
- Upcoming Biennial Budget

Executive Director Nevarez-Goodson commenced her report by welcoming newly appointed Commissioner Teresa Lowry, Esq.

Codification of S.B. 84 (New NRS provisions): Executive Director Nevarez-Goodson directed the Commissioners to newly codified NRS 281A as provided in their meeting book. She noted that there was a significant repeal and replacement of the provisions of NRS 281A.440 through 281A.480, which are now located under provisions set forth in NRS 281A.670 through 281A.790.

Update regarding Proposed Regulations: The Executive Director shared that staff has been working diligently on reviewing and revising the language of the proposed regulations and that the language has been submitted to the Legislative Council Bureau (LCB). She further explained that LCB has worked with her to essentially rewrite the entire chapter for the Commission and expressed her view that the new language will benefit both the Commission and anyone who requests direction from the Commission. She informed the Commission that the August 15 Commission meeting will also be the regulation adoption hearing.

Interim Salary Study (S.C.R. 6) Update: Executive Director Nevarez-Goodson referred to the materials provided to the Commission in regard to this item. She noted that for purposes of the study, the committee determined it would review the Commission's Executive Director position, the Commission Counsel position and the Associate Counsel position. She offered that preliminary results showed that each of the positions is underpaid from an average based on a national scale and the next step in the process for salary parity would be through the Governor's recommended budget.

Quarterly Case States Update: Executive Director Nevarez-Goodson summarized the Case Status Log which identifies all pending cases before the Commission.

Education and Outreach by the Commission: Executive Director Nevarez-Goodson provided an update of the ongoing efforts to increase the outreach and education to public employees throughout the State. She included a list of the jurisdictions throughout Nevada that she has provided training for this fiscal year. Commissioner O'Neill requested Commissioner support to encourage more outreach to the general public.

Commission Appointments: Executive Director Nevarez-Goodson commented that there is still one vacant position on the Commission to be appointed by the Legislative Commission.

Meeting Schedule: Executive Director Nevarez-Goodson requested that Commissioners reserve the third Wednesday of every month and she will let Commissioners know in advance if a meeting will be canceled. She also informed the Commission that there would not be a formal meeting in July but most likely a teleconference to address certain case deadlines.

FY18 Budget Status: Executive Director briefly summarized the current status of the FY18 Budget. Specifically, the Commission spent down the majority of the travel funds and will be requesting additional funds in the next budget to accommodate travel for staff for educational purposes.

Upcoming Biennial Budget: Executive Director Nevarez-Goodson informed the Commission that she will be requesting training funds in the new budget to allow for further

outreach. She also disclosed that the Commission office lease is due to expire and that staff will be looking into a new location.

Chair Lau made a motion to approve the Executive Director's report. Commissioner O'Neill seconded the motion. The motion was put to a vote and carried unanimously.

7. 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.

There were no comments from the Commissioners.

8. Open Session for Public Comment.

No public comment.

9. Adjournment.

Vice-Chair Weaver moved to adjourn the meeting. Commissioner Gruenewald seconded the Motion. The Motion was put to a vote and carried unanimously. The meeting adjourned at 3:40 p.m.

Minutes prepared by:

/s/ Kari Pedroza

Kari Pedroza
Executive Assistant

/s/ Yvonne M. Nevarez-Goodson

Yvonne M. Nevarez-Goodson, Esq.
Executive Director

Minutes approved August 15, 2018:

/s/ Cheryl A. Lau

Cheryl A. Lau, Esq.
Chair

/s/ Keith A. Weaver

Keith A. Weaver, Esq.
Vice-Chair