



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, February 20, 2019, at 9:00 a.m.
at the following location:

Nevada Commission on Ethics
704 W. Nye Lane
Suite 204
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 and Roll Call.

Chair Cheryl A. Lau, Esq. appeared in Carson City and called the meeting to order at 9:00 a.m. Also appearing in Carson City was Commissioner Philip K. (P.K.) O'Neill. Appearing telephonically were Commissioners Brian Duffrin, Barbara Gruenewald, Esq., Teresa Lowry, Esq., Kim Wallin, CPA and Amanda Yen, Esq. Vice-Chair Keith A. Weaver, Esq. was excused from the meeting. Present for Commission staff in Carson City were Executive Director Yvonne M. Nevarez-Goodson, Esq., Commission Counsel Tracy L. Chase, Esq., Associate Counsel Judy Prutzman, Esq., and Executive Assistant Kari Pedroza.

The pledge of allegiance was conducted.

2. Public Comment.

The Chair asked for public comment. No public comment was provided.

3. Approval of Minutes of the January 16, 2019 Commission Meeting.

Commissioner Wallin moved to approve the January 16, 2019 Minutes. Commissioner O'Neill seconded the motion. The Motion was put to a vote and carried unanimously.

4. Discussion and approval of a Written Opinion concerning Ethics Complaint No. 17-21C regarding Gerald Antinoro, Sheriff, Storey County. (Portions of this Item may be exempt from the Open Meeting Law.)

Chair Lau called the item. Participating Commission members were Chair Lau and Commissioners Duffrin, Lowry, O'Neill and Wallin. Commissioners Gruenewald and Yen did not

participate in the item because they served as members of the Review Panel and were precluded from further participation pursuant to NRS 281A.220(4).

Katherine Parks, Esq., of Thorndal, Armstrong, Delk, Balkenbush, and Eisinger appeared telephonically before the Commission on behalf of subject Gerald Antinoro, Storey County Sheriff.

Associate Counsel Judy A. Prutzman, Esq. appeared on behalf of Executive Director Nevarez-Goodson.

Chair Lau asked the Commission whether they had any revisions to the proposed Written Opinion and there were none. The Proposed Written Opinion included in meeting materials reflects the Commission's determination that Sheriff Antinoro willfully violated the Ethics Law by using governmental property in furtherance of his significant personal interest and the imposition of a \$2,500 civil penalty. Chair Lau provided an opportunity for Ms. Parks to comment on the proposed written opinion on behalf of her client, Sheriff Antinoro, and no comment was provided. The Chair then called for a motion.

Commissioner O'Neill made a motion to approve the Written Opinion as presented and instruct Commission Counsel to finalize the opinion as to legal form and cause it to be properly served on all parties. Commissioner Lowry seconded the motion. The Motion was put to a vote and carried as follows:

Chair Lau:	Aye.
Commissioner Duffrin:	Aye.
Commissioner Lowry:	Aye.
Commissioner O'Neill:	Aye.
Commissioner Wallin:	Aye.

Chair Lau directed Commission Counsel to finalize the form of the opinion and serve it on the parties.

5. Discussion and approval of Commission's 2019 Bill Draft Request No. 23-191 (Senate Bill 129) and any amendments thereto.

Executive Director Nevarez-Goodson informed the Commission that the Bill Hearing for SB 129 was scheduled for February 25, 2019 at 4:00 p.m. and they were welcome to attend. She summarized the Commission's bill as falling within each of ten topics:

1. Chair, Commission and Staff Qualifications, Duties and Responsibilities
2. Requests for Advisory Opinions
3. Ethics Complaints
4. Ethical Standards of Conduct
5. Acknowledgment Forms – Fines
6. Cooling-Off Standards
7. Legal Defense of Public Officers/Employees Before Commission
8. Open Meeting Law Exemption/Application
9. Jurisdiction over State Legislators
10. Administrative Amendments

With regard to the sections of the bill intended to impose fines for failure to properly file an Acknowledgment of Ethical Standards Form, Executive Director Nevarez-Goodson informed the Commission that the process was similar to the Secretary of State's process for collecting fines for failure to file financial disclosure statements. Commissioner Wallin asked the Executive Director if she knew how much the Secretary of State's (SOS) Office collected enforcing penalties for disclosures not filed and Executive Director Nevarez-Goodson responded that the Secretary

of State's office informed that was a small amount as the Secretary of State's Office often waives these fees, but the Secretary of State's Office emphasized that the fees are an incentive to comply. The Executive Director noted the likely fiscal impact of the bill to require additional staff and the potential for this section to be amended out of the bill should the fiscal impact not be supported.

Commissioner O'Neill asked if late filings were a big issue, how many late filings there currently are and who would have the authority to waive such fees. Executive Director Nevarez-Goodson answered that the staff cannot accurately determine how many filings are deficient since there is not a master list of public officers who are required to file, and that the Executive Director or her appointee would authorize such waivers. Further, the Executive Director suggested a proposed amendment to require state and local governments to provide a list of public officers similar to that provided to the Secretary of State for Financial Disclosure Statements.

In regard to the Cooling-off Standards, Executive Director Nevarez-Goodson informed the Commission that the Commission receives many requests for relief from the "cooling-off" prohibitions established in NRS 281A.550 from public officers and employees and the Commission had asked her to inform the affected agencies about the potential impacts of "cooling-off" and how to educate affected employees about the scope of the restriction. The Executive Director conducted this outreach during the last year. In particular, she had conferred with General Counsel for the Public Utilities Commission of the State of Nevada (PUCN) regarding the application of the cooling-off standards to the agency. The Executive Director explained the PUCN indicates it has two divisions, commission staff and regulatory staff, which have specialized positions that may not be otherwise employable, except by regulated business or industry. The PUCN views its regulatory staff as a party in proceedings, which has no influence over the regulated business or industry in the view of the PUCN. The PUCN's General Counsel raised the issue and suggested the Commission consider an amendment to its pending bill to "carve-out" the regulatory staff of the PUCN and address other matters to exclude a restriction on employment with a regulated business or industry in exchange for a strict prohibition against appearing before the PUCN for a regulated business or otherwise assisting a regulated business on matters before the PUCN for one year.

The Executive Director asked for Commission direction regarding the possibility of a carve-out to the standards as it relates to certain employees of the PUCN. Commissioner Wallin expressed her concern about creating carve-outs for one agency rather than clarifying the application of the statute universally. Commissioner Duffrin agreed that a carve-out for certain positions is difficult referencing a comparison to employees of the gaming control board who similarly have access to confidential information. Duffrin expressed concern about any carve-out given confidentiality issues. However, he further indicated his concerns pertaining to challenges in recruitments for regulatory agencies such as Gaming and PUCN, and the lack of understanding public employees have about restricted conduct when seeking outside careers. Commissioner O'Neill explained his opposition to a carve-out and his misgivings about the ability to enforce confidentiality and protect proprietary information if divulged to a future private employer after having access to State of Nevada confidential information. He opposed the amendment and believed it to be best to maintain current provisions so the Commission could determine the merits of individual cases. Commissioner Lowry agreed with Commissioner O'Neill's comments. In discussion, the Commission was inclined to maintain the statute as proposed in its bill and the Chair instructed the Executive Director to provide feedback to the PUCN. The Executive Director confirmed she is in the process of coordinating certain other bill amendments from Washoe County and Clark County, in part, pertaining to the provisions addressing legal representation before the Commission.

Commissioner O'Neill made a motion to approve BDR 23-191, including providing authority to the Executive Director to navigate issues as they arise in the legislative session, which

are consistent with the intent and direction of the Commission, including providing email updates. The motion confirmed the prior direction to the Executive Director to exclude any amendment to provide a specific carve-out to PUCN and provide feedback to the PUCN pertaining to “cooling-off” issues and advising of the concern regarding unintended consequences in carving out certain situations. Commissioner Wallin seconded the motion. The Motion was put to a vote and carried unanimously.

6. Report by the Executive Director on agency status and operations and possible direction thereon. Items to be discussed include:
 - Agency Update and Operations
 - Meeting Schedule
 - 2019 Legislative Updates, including, without limitation:
 - Commission’s Bill (SB 129);
 - Bills affecting the Commission (including, without limitation, AB 70);
 - Commission’s Biennial Budget (FY20-FY21); and
 - Scheduled Hearings

Agency Update and Operations: Executive Director Nevarez-Goodson reiterated that the Commission’s bill hearing for SB 129 was scheduled for February 25, 2019 at 4:00 p.m. She informed the Commissioners of her upcoming meetings with each member of the Senate Legislative Operations and Elections Committee prior to the Bill Hearing and affirmed that she would provide information to the Commissioners about the scheduled meetings and invited them to attend.

Meeting Schedule: Executive Director Nevarez-Goodson referenced the 2019 Commission Meeting schedule provided to the Commission, reiterating that meetings would be scheduled for the third Wednesday of each month and asked that Commissioners be available on these days. She stated that the next meeting in March would be held in Carson City and the following April meeting would likely take place in Las Vegas with Northern Nevada Commissioners and Commission Staff traveling.

2019 Legislative Updates: Executive Director informed the Commission that Commission Staff is currently tracking numerous legislative measures slated to go forward during the Legislative Session and were applicable to the Commission and she would keep the Commissioners apprised of the status of any relevant bills. She also explained the coverage of AB 70 and its proposed amendments to Nevada’s Open Meeting Law (NOML), which were facilitated through a task force established by the Attorney General. The Executive Director let them know that Commission staff during a meeting of the task force had provided some amended language to AB70 pertaining to the ability for a public agency or board to delegate certain matters to their public attorneys or executive staff, as the agency/board deems appropriate. Amendments to AB 70 will be monitored by Commission staff including whether the suggested amendment is pursued.

Executive Director Nevarez-Goodson notified the Commissioners that the Commission’s analyst with the Governor’s Finance Office relayed that the Budget Enhancements submitted by the Commission were not reviewed under the direction not to approve any items for special consideration and she hopes to have further discussion with the Governor’s office on these matters. She let them know about the Budget Hearing scheduled for March 21, 2019, the day after the next Commission Meeting.

Commissioner Yen made a motion to accept the Executive Director’s report on agency status and to provide her the authority to navigate other bills that are proposed during the legislative session. Commissioner Duffrin seconded the motion. The Motion was put to a vote and carried unanimously.

7. Commissioner comments and identification of future agenda items. No action will be taken under this agenda item.

No commissioner comments.

8. Public Comment.

No public comment.

9. Adjournment.

Commissioner Gruenewald made a motion to adjourn the public meeting. Commissioner O'Neill seconded the motion. The Motion was put to a vote and carried unanimously.

The meeting adjourned at 10:15 a.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 by quorum of Commission
at Meeting held on March 20, 2019:

/s/ Cheryl A. Lau

Cheryl A. Lau, Esq.
Chair