



**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, April 17, 2019, at 9:00 a.m.
at the following location:

**State Bar of Nevada
3100 West Charleston Boulevard
Suite 100
Las Vegas, NV 89102**

These minutes constitute a summary of the above proceedings of the Nevada Commission on Ethics. Except for Agenda Item 4, verbatim transcripts are available for public inspection at the Commission's office.

1. Call to Order and Roll Call.

Chair Cheryl A. Lau, Esq. appeared in Las Vegas and called the meeting to order at 9:02 a.m. Also appearing in Las Vegas were Vice-Chair Keith A. Weaver, Esq. and Commissioners Brian Duffrin, Barbara Gruenewald, Esq., Philip K. (P.K.) O'Neill, Teresa Lowry, Esq., and Kim Wallin, CPA. Commissioner Amanda Yen, Esq. was excused. Present for Commission staff in Las Vegas were Executive Director Yvonne M. Nevarez-Goodson, Esq., Commission Counsel Tracy L. Chase, Esq., Associate Counsel Judy Prutzman, Esq., Senior Legal Researcher Darci Hayden, 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 March 20, 2019 Commission Meeting.

Chair Lau stated that all Commissioners were in attendance for the March meeting and that she would entertain a motion.

Commissioner Wallin moved to approve the March 20, 2019 Minutes. Commissioner Lowry seconded the motion. The Motion was put to a vote and carried unanimously.

4. Training session regarding the Nevada Open Meeting Law (NRS Chapter 241) presented by the Nevada Office of the Attorney General, Rosalie M. Bordelove, Esq., Deputy Attorney General.

Deputy Attorney General Rosalie M. Bordelove, Esq. provided Open Meeting Law Training to the Commission and its application under the Nevada Ethics in Government Law. An audio recording of this Agenda Item is available for public inspection at the Commission's office.

5. 80th Legislative Session (2019) update regarding proposed legislation effecting the Nevada Commission on Ethics including, without limitation, the following bills:
 - Commission's Bill (Senate Bill 129)

Executive Director Nevarez-Goodson provided an update regarding the Legislative Session and status of the Commission's Bill, SB 129. She informed the Commission that the Bill had passed out of the Senate Committee on Legislative Operations and Elections on April 12, 2019, with various amendments as requested by the Commission based upon feedback from working groups of interested state and local government stakeholders, as well as amendments requested by the Committee and Senate Caucus. The Amendments included the following:

1. The requirement for public officers and employees to cooperate in an investigation would be subject to legal rights and privileges;
2. The prohibited abuse of power language would be based upon reasonable person standard;
3. To eliminate the fiscal impact of the bill, the Amendment would eliminate the administrative fines for failures to file Acknowledgement forms and return to original language in the statute;
4. Eliminate the right to legal representation in an Advisory matter or defense of an Ethics Complaint to local government officials and employees;
5. Eliminate the duty of law enforcement to serve legal process for the Commission;
6. Limit application of "cooling-off" provisions for state officers and employees to management-level employees;
7. Eliminate inclusion of fiduciary and volunteer relationships from definition of a commitment in a private capacity; and
8. Eliminate Commission's ability to initiate a complaint based upon an anonymous source.

She further explained that the Commission's priorities related to Open Meeting Law changes, language regarding referring an Ethics Complaint against a State Legislator to the Nevada State Legislature and various procedural changes.

Executive Director Nevarez-Goodson summarized the next steps in the process with the Assembly Committee on Legislative Operations and Elections and stated that she would be meeting with Committee members prior to the next bill hearing to discourage any further amendments. She agreed to provide the revised Bill to the Commissioners once available.

Commission Counsel Chase noted that Executive Director Nevarez-Goodson worked closely with local government representatives to address concerns through numerous meetings.

Commissioner Duffrin asked if the "cooling-off" carve-out provisions were specific to employees of the Public Utilities Commission and Executive Director Nevarez-Goodson responded that the carve-out provisions would apply to all management level employees within the Executive Branch of State Government.

Executive Director Nevarez-Goodson also provided an update on Assembly Bill 70 (AB 70) which pertains to the Open Meeting Law. She confirmed that the Bill passed addressing delegation of litigation decisions to staff and authorizing Open Meeting Law trainings and Ethics Training as exempt from Open Meeting Law requirements.

Commissioner Duffrin moved to accept the Executive Director's report on the Legislative Session and the Commission's Bill as presented. Commissioner Wallin seconded the motion. The motion was put to a vote and carried unanimously.

///

6. Report and recommendations by Executive Director on agency status and operations and possible direction thereon. Items to be discussed include, without limitation:
- Education and Outreach by the Commission
 - Upcoming Commission Meetings
 - FY19 Budget Status
 - Commission's FY20-FY21 Biennial Budget
 - Informal Codification of Regulation R108-18 in NAC 281A

Education and Outreach by the Commission: Executive Director Nevarez-Goodson noted that the number of Education and Outreach opportunities have been less this year in comparison to last year which is attributed to the Legislature being in session. She assured the Commission that she is continuing to research other resources to provide education and may provide rural training at the end of the Fiscal Year to utilize remaining travel funds.

Upcoming Commission Meetings: Executive Director Nevarez-Goodson confirmed that the May meeting will be held on May 22 instead of May 15 and Southern Nevada Commissioners might be asked to travel to Northern Nevada for a half day meeting. She added that the June Meeting may also be held in Northern Nevada and there may not be a need for a July meeting.

FY19 Budget Status: Executive Director Nevarez-Goodson informed the Commission that staff has been utilizing travel funds for investigatory purposes which has reduced the travel for meetings. She acknowledged the feedback from Commissioners that in person collaboration during Commission Meetings is beneficial. She provided that she will continue to track available funds in the travel, operating and court reporting budgets for the current fiscal year and expects to use all of the budgetary resources.

Commission's FY20-21 Biennial Budget: The Executive Director reiterated that the agency's enhancement requests were not included in the Governor's Recommended Budget; however in compliance with the Commission's direction she has continued to advocate for increased salary enhancements based upon the Interim Salary Study. She expressed her gratitude to Commissioner Wallin for her assistance in coordinating and participating in pre-hearing budget meetings. Executive Director Nevarez-Goodson informed the Commissioners that she received requests for clarification and additional information from the Budget Committee and the Fiscal Analysis Division of the Legislative Counsel Bureau (LCB) in regard to caseload, trainings, an additional staff position and the EITS conversion. She informed the Commission that she provided the data to LCB and noted that the budget closing hearing had not yet been scheduled but that she would keep the Commissioners apprised of the schedule.

Commissioner Duffrin asked the name of the Budget Analyst assigned to the Commission and the process for the flat budget with a request for salary enhancements. The Executive Director informed the Commission that the Budget Analyst is Stephanie Day. She further provided a general overview of the budget process, including the Agency Requested Budget, Governor's Recommended Budget and the request for salary enhancements.

Commissioner Duffrin expressed his support of the enhancements and recognized the need for additional support on the record.

Commissioner Wallin commented that she viewed the request for additional information from the Legislative Budget Committee as a positive indication and noted that any salary enhancement would be addressed in the Unclassified Pay Bill. Executive Director explained the Unclassified Pay Bill process to the Commissioners.

Commissioner O'Neill inquired about the possibility of commencing outreach to civilians and media sources now that the Legislature is slowing down. Executive Director Nevarez-Goodson responded that the request could be accommodated.

Commissioner Wallin suggested public radio stations as an avenue for outreach. The Executive Director offered that she would promote that outreach and invited Commissioner participation in that endeavor.

Chair Lau asked for clarification about Senator Goicoechea's comment during the budget hearing in regard to local government contributions. Executive Director Nevarez-Goodson explained NRS 281A.270 to the Commission regarding the counties and cities who are assessed and indicated she would provide a list of complaints by location of subject to the Commission.

Commission Duffrin asked the Executive Director if she knew the percentage of local government entities not contributing and how that number corresponds to the counties to which we are spending time investigating complaints. She replied that she did not have that information but that she would look into it and provide that information to the Commissioners.

Commissioner O'Neill asked what the cut-off was for local government contributions and Executive Director Nevarez-Goodson shared that counties with a population of less than 10,000 and cities with a population less than 15,000 are not currently assessed. Commissioner O'Neill requested more information on case time per county and city to be provided and Executive Director Nevarez-Goodson agreed to distribute this data to the Commission.

Informal Codification of Regulation R108-18 in NAC 218A: Executive Director Nevarez-Goodson shared that it could be another year until LCB finalized the formal codification of the Commission's recently Adopted Regulation (R108-18) and referred the Commissioners to the informal codification of the Regulation provided by staff for any procedural questions.

Commissioner Duffrin moved to accept the Executive Director's report and recommendations on agency status as presented. Commissioner Lowry 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 Wallin made a motion to adjourn the public meeting. Vice-Chair Weaver seconded the motion. The Motion was put to a vote and carried unanimously.

The meeting adjourned at 11:00 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 May 22, 2019:

/s/ Cheryl A. Lau

Cheryl A. Lau, Esq.
Chair

/s/ Keith A. Weaver

Keith A. Weaver, Esq.
Vice-Chair