



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

NOTICE OF PUBLIC MEETING

NAME OF ORGANIZATION: NEVADA COMMISSION ON ETHICS
DATE & TIME OF MEETING: Wednesday, May 22, 2019 at 9:30 a.m.
PLACE OF MEETING: This meeting will be held at the following location:

**Nevada State Capitol Building
Guinn Room
101 N. Carson Street, Second Floor
Carson City, NV 89701**

***Commissioners may appear telephonically**

AGENDA

NOTES:

- Two or more agenda items may be combined for consideration.
- At any time, an agenda item may be taken out of order, removed, or delayed.
- Public comment will be accepted at the beginning of the open session and again before the conclusion of the open session of the meeting. Comment and/or testimony by the public may be limited to three (3) minutes. No action may be taken on any matter referred to in remarks made as public comment. Members of the public may also submit written public comment to the Commission at NCOE@ethics.nv.gov.

	1. Call to Order, Roll Call, and Pledge of Allegiance to the Flag.
	2. Public Comment. Comment and/or testimony by any member of the public will be limited to three (3) minutes. No action will be taken under this agenda item.
For Possible Action	3. Approval of Minutes of the April 17, 2019 Commission Meeting.
For Possible Action	4. Discussion and consideration of Proposed Stipulation regarding Ethics Complaint Case No. 18-005C (Cooper).
For Possible Action	5. Discussion and consideration of Proposed Stipulation regarding Ethics Complaint Case No. 18-039C (Allan).

For Possible Action	<p>6. Report and recommendations by Executive Director on agency status and operations and possible direction thereon. Items to be discussed include, without limitation:</p> <ul style="list-style-type: none"> • Quarterly Case Status Update • Complaint/ Advisory Cases by City and County (FY17-FY19) • Upcoming Commission Meetings • FY19 Budget Status • 2019 Legislative Updates, including, without limitation: <ul style="list-style-type: none"> ○ Commission’s Bill (SB 129); ○ Bills affecting the Commission; ○ Commission’s Biennial Budget (FY20-FY21)
For Possible Action	<p>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.</p>
	<p>8. Public Comment. Comment and/or testimony by any member of the public may be limited to three (3) minutes. No action will be taken under this agenda item.</p>
For Possible Action	<p>9. Adjournment.</p>

NOTES:

- ❖ The Commission is pleased to make reasonable accommodations for any member of the public who has a disability and wishes to attend the meeting. If special arrangements for the meeting are necessary, please notify the Nevada Commission on Ethics, in writing at 704 W. Nye Lane, Ste. 204, Carson City, Nevada 89703; via email at ncoe@ethics.nv.gov or call 775-687-5469 as far in advance as possible.
- ❖ To request an advance copy of the supporting materials for any open session of this meeting, contact Executive Director Yvonne M. Nevarez-Goodson, Esq. at ncoe@ethics.nv.gov or call 775-687-5469.
- ❖ This Agenda and supporting materials are posted and are available not later than the 3rd working day before the meeting at the Commission’s office, 704 W. Nye Lane, Ste. 204, Carson City, Nevada, or on the Commission’s website at www.ethics.nv.gov. A copy also will be available at the meeting location on the meeting day.

This Notice of Public Meeting and Agenda was posted in compliance with NRS 241.020 before 9:00 a.m. on the third working day before the meeting at the following locations:

- Nevada Commission on Ethics, 704 W. Nye Lane, Suite 204, Carson City
- Nevada Commission on Ethics' website: <http://ethics.nv.gov>
- Nevada Public Notice Website: <http://notice.nv.gov>
- State Library & Archives Building, 100 North Stewart Street, Carson City
- Blasdel Building, 209 E. Musser Street, Carson City
- Washoe County Administration Building, 1001 East 9th Street, Reno
- Grant Sawyer State Office Building, 555 E. Washington Ave., Las Vegas

Agenda Item 3



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.

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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

Agenda Item 4



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Lisa Cooper**, Former Executive Director, Board of Massage Therapy, State of Nevada,

Ethics Complaint
Case No. **18-005C**

Subject. /

**PROPOSED DRAFT
STIPULATED AGREEMENT**

1. **PURPOSE:** This Stipulated Agreement resolves Ethics Complaint Case No. 18-005C (“Complaint”) before the Nevada Commission on Ethics (“Commission”) concerning Lisa Cooper (“Cooper”), the former Executive Director for the Board of Massage Therapy (“Board”) in the State of Nevada.

2. **JURISDICTION:** At all material times, Cooper 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 Cooper in this matter.

3. **PROCEDURAL HISTORY BEFORE COMMISSION**

- a. On or about February 2, 2018, the Commission received this Complaint from a member of the public (“Requester”), alleging that Cooper used her public position to receive additional unauthorized annual leave and compensation in violation of NRS 281A.400(1) and (2).
- b. On March 22, 2018, the Commission issued its *Order on Jurisdiction and Investigation* and directed the Executive Director to investigate this matter.
- c. On March 22, 2018, the Executive Director issued a *Notice of Complaint and Investigation* pursuant to NRS 281A.720 and Cooper was provided an opportunity to provide a written response to the Complaint.

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- d. On November 2, 2018, in lieu of submitting a written response, Cooper and her legal counsel, Lyn Beggs, Esq., elected to meet with Commission staff to provide an oral response.
- e. On March 14, 2019, the Executive Director presented a recommendation relating to just and sufficient cause to a three-member review panel pursuant to NRS 281A.720.
- f. In a Panel Determination issued on March 20, 2019, the Panel unanimously found and concluded that:
 - 1) Credible evidence supported just and sufficient cause for the Commission to render an opinion in the matter regarding the alleged violations of NRS 281A.400(1) and (2) related to Cooper's use of her public position to receive additional unauthorized annual leave and compensation; and
 - 2) The matter should be referred to the Commission for further proceedings.
- g. In lieu of an adjudicatory hearing before the Commission, Cooper now enters into this Stipulated Agreement.

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

- a. Cooper was appointed as the Executive Director of the Board on or about September 25, 2006 and remained in that position until March 2016.
- b. The Board was created in 2005 as the licensing and regulatory agency for the practice of massage therapy in Nevada. NRS Chapter 640C specifies the authorized activities of the Board.
- c. The Board consists of nine voting members, including eight massage therapy practitioners and a representative of the public, and one nonvoting advisory member appointed by the Governor. The nonvoting advisory member must be a resident of Clark County, certified by P.O.S.T., and a current or former police officer with the Las Vegas Metropolitan Police Department.

¹ Stipulated Facts do not constitute part of the "Investigative File" as that term is defined by NRS 281A.755. All statutory and common law protections afforded to the Investigative File shall remain and are not affected by this Stipulated Agreement.

- d. Pursuant to NRS 284.013(1), the Board's staff is not subject to the terms and conditions of employment outlined in NRS Chapter 284 and applicable to persons within the State Personnel System. The terms and conditions of employment applicable to Board staff, including salaries and leaves of absence, must be fixed by the Board, which is the appointing or employing authority. See NRS 284.013(2).
- e. The Board approved Cooper's starting salary of \$58,488 and subsequently authorized raises for Cooper in 2007 (\$67,272), 2008 (\$80,000) and 2013 (\$92,000).
- f. Pursuant to NRS 353.005, the Board is excluded from the State Budget Act and the associated provisions governing the administration of state funding. Accordingly, the State's Department of Administration does not provide oversight of the Board's annual budgeting and accounting practices and procedures.
- g. The Board's fiscal records are audited annually by an outside accountant and a report of the audit is submitted to the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of each fiscal year. NRS 218G.400.
- h. Pursuant to NRS 640C.200, the Board employs an Executive Director to serve as the chief administrative officer of the Board at a level of compensation set by the Board.
- i. Board staff is paid bimonthly and receives a paycheck on the 15th and the last day of every month, for a total of 24 paychecks per year. Board paychecks are processed at the Board office through Quickbooks and paychecks get issued to Board staff by the Executive Director without any Board approval or oversight.
- j. During her tenure as Executive Director, Cooper was solely responsible for payroll administration and the retention of all payroll records.
- k. Sandra Anderson ("Anderson") is the current Board Executive Director and has served in the position since 2016.

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- I. Anderson was notified in an October 10, 2017 letter from the Governor’s Finance Office that an audit of the Board was being conducted (“Governor’s Audit”). The October 2017 letter included a request for information about the salary history for the Board’s Executive Director and other staff members for fiscal years 2014-2017.
- m. While reviewing and collecting the information requested for the Governor’s Audit, Anderson discovered that Cooper had paid herself 10 extra paychecks between 2011 and 2014, resulting in total net compensation of \$29,907.73 and the payout of 244 hours of accrued, unused annual leave and 324 hours of sick leave. The annual breakdown of extra paychecks received was as follows:

PAY DATE	GROSS PAY	NET PAY	LEAVE PAID OUT EARLY	LEAVE PAYOUT ENTITLED TO AT TERMINATION²
09/28/11	\$3,333.33	\$2,749.00	44 hours sick 44 hours annual	22 hours sick (\$687.25) 44 hours annual (\$1374.56)
01/31/12	\$3,333.33	\$2,753.00	None	NA
11/21/12	\$3,333.33	\$2,817.00	80 hours sick	40 hours sick (\$1408.50)
01/09/13	\$3,333.33	\$2,817.00	None	NA
07/11/13	\$3,333.33	\$2,824.00	40 hours sick 40 hours annual	20 hours sick (\$706.00) 40 hours annual (\$1412.00)
09/19/13	\$3,833.33	\$3,194.75	40 hours sick 40 hours annual	20 hours sick (\$798.70) 40 hours annual (\$1597.40)
11/21/13	\$3,833.33	\$3,194.74	40 hours sick 40 hours annual	20 hours sick (\$798.70) 40 hours annual (\$1597.40)
01/02/14	\$3,833.33	\$3,202.75	None	NA
03/26/14	\$3,833.33	\$3,202.75	40 hours sick 40 hours annual	20 hours sick (\$800.70) 40 hours annual (\$1601.40)
07/10/14	\$3,833.33	\$3,152.74	40 hours sick 40 hours annual	20 hours sick (\$788.18) 40 hours annual (\$1576.35)
TOTAL	\$35,833.33	\$29,907.73	324 hours sick 244 hours annual	162 hours sick leave plus 244 hours annual leave \$15,147 total

² As further described in paragraph 4.aa, the Board agreed to pay out all of Cooper’s accrued unused annual leave and half of her accrued unused sick time upon her termination.

- n. Cooper's extra paychecks resulted in her receiving annual compensation that exceeded the annual gross compensation levels approved by the Board between 2011 and 2014, as follows:

	Board Approved	Actual
2011	\$80,000	\$83,333
2012	\$80,000	\$86,667
2013	\$86,000 ³	\$99,833
2014	\$92,000	\$103,500

- o. Cooper did not obtain Board approval before she issued the extra paychecks to herself. Additionally, Cooper did not notify any individual Board member or the Board's legal counsel that she was doing so.
- p. The extra paychecks received by Cooper were not noticed by Board members because only lump sum payroll numbers were reflected in the financial records that Cooper prepared and shared with the Board.
- q. Cooper characterizes the extra paychecks as appropriate "payouts" of accrued and unused annual and/or sick leave, paid in lieu of time off. However, the extra paychecks dated 09/28/11, 01/09/13 and 01/02/14 indicate that no annual or sick leave was being paid out to Cooper.
- r. No existing Board records or written policies exist authorizing the payout of unused annual or sick leave during employment.
- s. No other Board staff members were permitted to receive payouts of accrued unused leave, in lieu of taking time off, during their employment with the Board.
- t. The Board's annual financial reports that were prepared by an independent auditor and submitted to the Legislative Auditor were based upon annual budgets prepared by the Board's Executive Director and reviewed by the Board and complete QuickBooks files for each year subject to an audit. The Board did not review the complete QuickBooks files provided to the auditor at the time of Board meetings, but rather reviewed financial statements prepared by the Board's Executive Director. None of the information contained in the financial statements provided to the Board was specific enough to reveal the extra

³ On July 12, 2013, the Board approved a salary increase for Cooper and her annual salary increased from \$80,000 to \$92,000. With the salary increase effective during the second half of 2013, Cooper's total annual compensation should have equaled approximately \$86,000.

- paychecks received by Cooper as purported leave payouts. Only general totals for “Personnel” and “Salaries” were provided. However, the independent auditor did have access to more detailed records.
- u. Budget documents prepared by Cooper for the Board’s review failed to report Cooper’s purported annual and sick pay buy-outs during fiscal years 2012, 2013, 2014 and 2015.
 - v. Before 2016, the Board did not have any written policies or procedures in place to govern the terms and conditions of employment for Board staff.
 - w. The Board Employee Manual dated April 2016 reflected the Board’s existing practice and policy regarding annual leave accrual - employees with less than 10 years of continuous service earn 10 hours of annual leave per month (5 hours per pay period). After 10 years of continuous service, employees earn 12 hours of annual leave per month; 14 hours of annual leave per month are earned after 15 years of service.
 - x. The Board Employee Manual permits payment of unused accrued annual leave upon termination if the employee has worked at least six months. Payout of unused accrued sick leave is not permitted.
 - y. Cooper was accruing 8 hours of annual leave per month (4 hours per pay period) between 2011 and 2014. However, she increased her annual leave accrual to 14 hours per month (7 hours per pay period), beginning with her paycheck dated March 14, 2014. As a result, Cooper accumulated over 100 hours of annual leave, worth approximately \$5,263 (net) that she was not entitled to, as calculated by the Board.
 - z. Cooper did not obtain Board approval before she increased her vacation accrual. Additionally, Cooper did not notify any individual Board member or the Board’s legal counsel that she was doing so.
 - aa. During a December 31, 2015 public meeting of the Board, the Board unanimously accepted Cooper’s resignation as Executive Director and agreed to pay out all of Cooper’s accrued unused annual leave and half of her accrued unused sick time upon her termination. As a result, Cooper received a net

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amount of \$24,702.46 for her accrued unused annual and sick leave in March 2016.

bb. Had she not received the unauthorized payouts of 244 hours of annual leave and 324 hours of sick leave during her employment, Cooper would have been entitled to an additional net amount of approximately \$15,147 upon termination.

5. TERMS / CONCLUSIONS OF LAW: Based on the foregoing, Cooper 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. Cooper was a public officer, which constitutes a public trust to be held for the sole benefit of the people of the State of Nevada.
- c. As a former public officer, Cooper should not have sought or accepted any gift, service, favor, emolument or economic opportunity which would tend improperly to influence a reasonable person in her position to depart from the faithful and impartial discharge of her public duties (NRS 281A.400(1)). Cooper also should not have used her public position to secure unwarranted privileges, preferences, exemptions or advantages for herself (NRS 281A.400(2)). The Commission considers whether an action is unwarranted pursuant to NRS 281A.400(2) if the action was contrary to statute or otherwise against written policies that are applicable to the public officer.
- d. Cooper violated NRS 281A.400(1) because the receipt of unauthorized compensation and leave accrual was not consistent with Cooper's responsibility to carry out the faithful and impartial discharge of her public duties as the Executive Director of the Board.
- e. Cooper secured unwarranted privileges or advantages for herself, in violation of NRS 281A.400(2), because the Board did not have a policy, custom or practice of providing payouts of annual or sick leave during employment and Cooper used her position to issue additional checks to herself and increase her accrual of annual leave without obtaining Board approval to receive additional compensation or annual leave.

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- f. Cooper's actions constitute a single course of conduct resulting in one violation of the Ethics Law, implicating the provisions of NRS 281A.400(1) and (2) as interpreted and applied in accordance with the provisions of NRS 281A.020.
- g. Cooper's violation was willful pursuant to NRS 281A.170 because she acted intentionally and knowingly, as those terms are defined in NRS 281A.105 and 281A.115, respectively.
- h. For an act to be intentional, NRS 281A.105 does not require that Cooper acted in bad faith, or with ill will, evil intent or malice. However, Cooper acted in reckless disregard of the Ethics Law when she voluntarily or deliberately caused extra paychecks to be issued to herself and increased her vacation accrual without Board approval. See *In re McNair*, Comm'n Op. Nos. 10-105C, 10-106C, 10-108C, 10-109C and 10-110C (2011) ("the relevant inquiry regarding willful misconduct is an inquiry into the intentional nature of the actor's conduct . . . The fact that an actor may have acted with the best of intentions does not relieve the actor of liability.") (citation omitted).
- i. 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 Cooper had actual knowledge that his 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). Even if Cooper was deemed to have no actual knowledge that her conduct would violate the provisions of NRS 281A, Cooper's career in public service should have made her aware of the statutes and regulations governing public officers.
- j. Pursuant to the factors set forth in NRS 281A.775 in determining whether a violation is willful and the penalty to be imposed, the Commission has considered the following factors:
 - 1) Cooper has not previously violated the Ethics Law.
 - 2) Cooper has been diligent to cooperate with and participate in the Commission's investigation and resolution of this matter.

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- k. However, these mitigating factors are offset by the seriousness of Cooper's conduct when measured against the public's trust that public officers will not use their public position or influence to acquire economic opportunities or advantages for themselves that are not available to the general public.
- l. For the willful violation, Cooper will pay a civil penalty of \$5,000.00 pursuant to NRS 281A.790(1)(a). Pursuant to NRS 281A.790(3), Cooper will pay an additional civil penalty in the amount of \$20,023.00, which penalty is described in the chart below and equals the financial benefit realized by Cooper. The total \$25,023.00 penalty may be paid in one lump sum or in monthly installment payments, as arranged with the Commission's Executive Director, with final payment due not later than June 30, 2021.

\$29,907.00	Total net pay received from 10 unauthorized extra paychecks (paragraph 4.m)
<u>minus</u> \$15,147.00	244 hours of accrued annual leave and half (162 hours) of accrued sick leave that would have been paid to Subject upon termination if she did not receive the unauthorized extra paychecks (see 5 th column in paragraph 4.m)
= \$14,760.00	Total financial benefit realized by Subject from extra paychecks
<u>plus \$5,263.00</u>	Value of over 100 hours of unauthorized accrued annual leave that was paid to Subject upon termination (paragraph 4.y)
= \$20,023.00	Total financial benefit realized by Subject for purposes of additional civil penalty (NRS 281A.790(3))

- m. This Stipulated Agreement depends on and applies only to the specific facts, circumstances and law related to the Ethics Complaint 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.
- n. This Agreement is intended to apply to and resolve only this Ethics Complaint and is not intended to be applicable to or create any admission of liability for any other proceeding, including administrative, civil, or criminal regarding

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Cooper. If the Commission rejects this Stipulated Agreement, none of the provisions herein shall be considered by the Commission or be admissible as evidence in a hearing on the merits in this matter.

6. WAIVER

- a. Cooper knowingly and voluntarily waives her right to a hearing before the full Commission on the allegations in Ethics Complaint Case No. 18-005C and all rights she may be accorded with regard to this matter pursuant to the Ethics Law (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. Cooper knowingly and voluntarily waives her right to any judicial review of this matter as provided in NRS Chapter 281A, NRS Chapter 233B 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 May 22, 2019.⁴

DATED this ____ day of _____, 2019. DRAFT
Lisa Cooper

FOR LISA COOPER,
Subject

DATED this ____ day of _____, 2019. DRAFT
Lyn Beggs, Esq.
Counsel for Subject

⁴ Subject waived any right to receive written notice pursuant to NRS 241.033 of the time and place of the Commission's meeting to consider his character, alleged misconduct, professional competence, or physical or mental health.

The above Stipulated Agreement is approved by:

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

DATED this ____ day of _____, 2019. DRAFT

Judy A. Prutzman, Esq.
Associate Counsel

Approved as to form by:

FOR NEVADA COMMISSION ON ETHICS

DATED this ____ day of _____, 2019. DRAFT

Tracy L. Chase, Esq.
Commission Counsel

The above Stipulated Agreement is accepted by the majority of the Commission.⁵

DATED _____.

By: DRAFT

Keith A. Weaver, Esq.
Vice-Chair

By: DRAFT

Kim Wallin
Commissioner

By: DRAFT

Barbara Gruenewald, Esq.
Commissioner

By: DRAFT

Amanda Yen, Esq.
Commissioner

By: DRAFT

Philip K. O'Neill
Commissioner

⁵ Chair Lau and Commissioners Duffrin and Lowry participated in the Review Panel hearing and are therefore precluded from participating in this Stipulated Agreement pursuant to NRS 281A.220(4).



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Lisa Cooper**, Former Executive
Director, Board of Massage Therapy,
State of Nevada,

Ethics Complaint
No. 18-005C

Subject. /

FIRST-AMENDED NOTICE OF HEARING AND SCHEDULING ORDER

NRS 281A.745

PLEASE TAKE NOTICE, the Nevada Commission on Ethics ("Commission") will hold a public meeting to consider a **Proposed Stipulated Agreement** regarding the allegations submitted in Ethics Complaint No 18-005C at the following time and location:

When: Wednesday, **May 22, 2019** at **9:35 a.m.**

Where: Nevada State Capitol Building
Guinn Room
101 N. Carson Street, Second Floor
Carson City, NV 89701

Subject has waived the personal notice requirements of NRS 241.033 (Nevada's Open Meeting Law) and is provided the opportunity to appear at the hearing in person or telephonically.

If the Proposed Stipulated Agreement is approved, it will serve as the final written opinion in this matter pursuant to NRS 281A.135. If the Proposed Stipulated Agreement is not approved, the Commission will issue an amended Notice of Hearing and Scheduling Order setting the date, time and location for further proceedings in this matter.

DATED: May 13, 2019

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

CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada Commission on Ethics and that on this day in Carson City, Nevada, I transmitted a true and correct copy of the **First-Amended Notice of Hearing and Scheduling Order** in Ethics Complaint No. 18-005C via electronic mail to the Parties as follows:

Yvonne M. Nevarez-Goodson, Esq.
Executive Director
Judy A. Prutzman, Esq.
Associate Counsel
704 W. Nye Lane, Suite 204
Carson City, NV 89703

Email: ynevarez@ethics.nv.gov

Email: jprutzman@ethics.nv.gov

Lisa Cooper
c/o Lyn E. Beggs, Esq.
Law Offices of Lyn E. Beggs, PLLC
316 California Ave. #863
Reno, Nevada 89509

Email: lyn@lbeggslaw.com

DATED: May 13, 2019



Employee of the Nevada Commission on Ethics



**STATE OF NEVADA
BEFORE THE NEVADA COMMISSION ON ETHICS**

In re **Lisa Cooper**, Former Executive
Director, Board of Massage Therapy,
State of Nevada,

Ethics Complaint
Case No. 18-005C

Subject. /

**WAIVER OF NOTICE REQUIRED UNDER NRS 241.033(1)
TO CONSIDER CHARACTER, MISCONDUCT, OR COMPETENCE
OF PERSON IN ETHICS COMPLAINT ADJUDICATORY HEARING AND
OTHER PROCEEDINGS TO BE HEARD
BY THE STATE OF NEVADA COMMISSION ON ETHICS**

The Nevada Commission on Ethics ("Commission") will be holding hearings and other proceedings (collectively "Proceedings") to consider the Subject's character, misconduct or competence as related to this Ethics Complaint. If the Proceedings are not exempt from Nevada's Open Meeting Law pursuant to NRS Chapters 241 or 281A, NRS 241.033(1) requires notice be personally served on Subject of the time and place of the meeting at least 5 working days before the meeting or sent by certified mail to the last known address at least 21 working days before the meeting. The parties, through their respective counsel, have agreed to comply with all deadlines and dates for proceedings as established by the Commission, including those set forth in the Notice of Adjudicatory Hearing and Scheduling Order and any issued amendments thereto.

I, Lisa Cooper, understand the statutory requirements of NRS 241.033 and hereby knowingly and voluntarily waive my rights to written notice as required under NRS 241.033 for any Proceedings related to this Ethics Complaint. In doing so, I expressly consent to any discussion during the applicable meeting and resultant action of the Commission, including any discussion of my qualifications, competence and character in relation thereto. Prior to signing this waiver, I either had the opportunity to discuss this matter with my attorney or have voluntarily determined to proceed on my own accord, thereby waiving the right to consult with an attorney.

Dated this 18 day of April, 2019.

By: 
Lisa Cooper



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Lisa Cooper**, Former Executive Director, Board of Massage Therapy, State of Nevada,

Ethics Complaint No. **18-005C**

Subject. /

**REVIEW PANEL DETERMINATION AND
REFERRAL ORDER¹
NRS 281A.725**

The Nevada Commission on Ethics (“Commission”) received this Ethics Complaint No. 18-005C (“Complaint”) regarding the alleged conduct of Lisa Cooper (“Cooper”), the former Executive Director of the State of Nevada Board of Massage Therapy (“Board”), in violation of Nevada’s Ethics in Government Law set forth in NRS Chapter 281A (“Ethics Law”). The Commission instructed the Executive Director to investigate alleged violations of NRS 281A.400(1) and (2) regarding Cooper’s use of her position as the Executive Director to receive additional unauthorized annual leave and compensation to further her own pecuniary interest and her use of the Board’s credit cards for personal expenses.

Cooper is a former public officer as defined in NRS 281A.160. The Commission has jurisdiction over this matter pursuant to NRS 281A.280 because the allegations contained in the Complaint relate to the Subject’s conduct as a public officer and have associated implications under the Ethics Law.

On March 20, 2019, a Review Panel (“Panel”) consisting of Chair Cheryl A. Lau, Esq. (Presiding Officer) and Commissioners Brian Duffrin and Teresa Lowry, Esq., reviewed the following: 1) the Complaint; 2) the *Order on Jurisdiction and Investigation*; 3) Investigator’s Report; and 4) Executive Director’s Recommendation to the Review Panel.²

Under NAC 281A.430, the Panel unanimously finds and concludes that the facts establish credible evidence to support a determination that just and sufficient cause exists for the Commission to render an opinion in the matter regarding the alleged violations of NRS 281A.400(1) and (2) related to Cooper’s use of her position as the Board’s Executive Director to receive additional unauthorized annual leave and compensation.

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¹ Except as provided by law, a Panel Determination shall not be cited as precedent.

² All materials provided to the Panel, except the Complaint and the *Order on Jurisdiction and Investigation*, represent portions of the investigatory file and remain confidential pursuant to NRS 281A.750.

However, the Panel unanimously finds and concludes that there is not just and sufficient cause for the Commission to render an opinion in the matter for alleged violations of NRS 281A.400(1) and (2) regarding Cooper's use of the Board's credit card for personal expenses. Therefore, there will be no further action regarding these allegations.

IT IS HEREBY ORDERED:

The Review Panel refers the Complaint to the Commission to render an opinion in the matter in furtherance of this just and sufficient cause determination.

Dated this 20th day of March, 2019.

NEVADA COMMISSION ON ETHICS

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

By: /s/ Teresa Lowry
Teresa Lowry, Esq.
Commissioner

By: /s/ Brian Duffrin
Brian Duffrin
Commissioner

CERTIFICATE OF MAILING

I certify that I am an employee of the Nevada Commission on Ethics and that on this day in Carson City, Nevada, I transmitted a true and correct copy of the foregoing **PANEL DETERMINATION** via U.S. Certified Mail and electronic mail as follows:

Lisa Cooper
c/o Lyn Beggs, Esq.
316 California Ave., #863
Reno, NV 89509

Certified Mail: 9171 9690 0935 0037 6376 72
Email: lyn@lbeggslaw.com

Dated: 3/20/19



Employee, Nevada Commission on Ethics

Case No. 18-005

For official use only

Submitted Electronically on 02-02-2018



NEVADA COMMISSION ON ETHICS

ETHICS COMPLAINT

[Sec. 3.6 to 13, inclusive, of S.B. 84 \(2017\)](#)

1. Provide the following information for the **public officer or employee** you allege violated the Nevada Ethics in Government Law, NRS Chapter 281A. **(If you allege that more than one public officer or employee has violated the law, use a separate form for each individual.)**

Name: <i>(Last, First)</i>	Cooper, Lisa		Title of Public Office: <i>(Position)</i>	Executive Director
Public Entity: <i>(Name of the entity employing this position)</i>	Nevada State Board of Massage Therapy			
Address:	1456 Kinglet Drive		City, State, Zip Code:	Sparks, NV 89441
Telephone:	<i>Work:</i>	<i>Other (home/cell):</i>	Email:	
		775-530-5023		

2. Describe in specific detail the public officer's or employee's conduct that you allege violated NRS Chapter 282A. *(Include specific facts and circumstances to support your allegation: times, places, and the name and position of each person involved.)*

Ms. Cooper began her employment as Executive Director with the Nevada State Board of Massage Therapy (formerly Board of Massage Therapists) ("Board") on September 25, 2006. Prior to her employment with the Board she worked for the NV Board of Cosmetology from August 2005 through August 2006. The Board's employee manual provided that employees are entitled to vacation time. Pursuant to the manual, employees who had been employed by the Board for less than 10 years were entitled to receive 10 hours of vacation time per month. Employees who had been employed by the Board for 10 years but less than 15 years were entitled to 12 hours of vacation time per month. Employees who were employed for 15 years or more were entitled to 14 hours of vacation time per month. On or about March 2014 Ms. Cooper, without approval or even notification to the Board, began providing herself 14 hours of vacation time per month. Ms. Cooper's employment with the Board terminated in March 2016. As part of her separation agreement, Ms. Cooper received a payout of her accrued vacation time. At the time Ms. Cooper began accruing 14 hours of vacation time per month, she had been employed by the Board for 8.5 years and would have been eligible to receive 10 hours of vacation time per month. The Board's employee manual is not clear if the employee is eligible to count other state service when calculating the number of years employed. As such, if we give Ms. Cooper the one year credit that she had worked for the Board of Cosmetology, she would still have been eligible for 10 hours of vacation time per month at the time she began accruing 14 hours per month, however, she would have been eligible to receive 12 hours per month beginning in September 2015. If we calculate the excess vacation time using the credit, Ms. Cooper received a total of 88 hours beginning in March 2014 through her termination in March 2016. Her hourly rate of pay was \$44.23 per hour, which results in an overpayment of vacation hours of \$3,892.24. In addition to the overpayment of vacation hours, the current Executive Director discovered that Ms. Cooper had been paying herself extra paychecks from on or about September 2011 through July 2014. The Governor's Office has conducted an audit of all Title 54 Boards. As part of this Audit, the Governor's Office asked specific questions regarding the Executive Director's salary for a specified period of time. In

conducting a search to provide that information the current Executive Director (ED) first used the minutes of the Board to provide the information regarding salary and increases over the time period. To confirm the information from the minutes, the ED then verified the income through QuickBooks. The QuickBooks payroll logs had multiple occurrences where 3 paychecks were issued to the former ED during a month. The next step was to confirm from the bank statements that these payments all had cleared the bank. Due to records retention criteria some information was no longer available. The listing of 10 times when an additional check was issued to Ms. Cooper was compiled from the QuickBooks Payroll and Bank Reconciliation data. After this was completed, the current ED noticed that the vacation hours accrual for Ms. Cooper was above that allowed in the Employee Handbook. Additional, calculations were completed to find the number of additional hours accrued above the amount allowed for in Board policies. A questionnaire was developed to address if any of the previous Board officers were aware of the payroll function or were provided with information regarding payroll during their term of office. It was found that Ms. Cooper only shared lump sum amounts for the payroll accounts with the Board members and did not provide any documentation that would have revealed the additional payroll checks she issued to herself. The additional checks began being issued in September of 2011 and continued to happen a few times a year until in 2014 Diane Huleva was elected Treasurer and began to ask questions. At that point the additional paychecks stopped. The total amount of excess paychecks Ms. Cooper provided herself was \$41,456.26. Furthermore, Ms. Cooper would pay personal expenses by using the Board's credit card. Lastly, she employed a state employee who was out on long term disability to proof the Board's minutes.

3. Is the alleged conduct the subject of any action or matter currently pending before another administrative or judicial body? If yes, describe:

This information has been reported to the Attorney General's Office

4. NRS Chapter 281A requires public officers and employees to hold public office as a public trust and avoid conflicts between public duties and private interests. (NRS 281A.020) What provisions of NRS Chapter 281A are relevant to the conduct alleged? **Please check all that apply.**

<input checked="" type="checkbox"/> NRS 281A.400(1)	Seeking or accepting any gift, service, favor, employment, engagement, emolument or economic opportunity for himself or person to whom he has a commitment in a private capacity which would tend improperly to influence a reasonable person in his position to depart from the faithful and impartial discharge of his public duties.
<input checked="" type="checkbox"/> NRS 281A.400(2)	Using his position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for himself, any business entity in which he has a significant pecuniary interest, or any person to whom he has a commitment in a private capacity.
<input type="checkbox"/> NRS 281A.400(3)	Participating as an agent of government in the negotiation or execution of a contract between the government and himself, and any business entity in which he has a significant pecuniary interest or any person to whom he has a commitment in a private capacity.
<input type="checkbox"/> NRS 281A.400(4)	Accepting any salary, retainer, augmentation, expense allowance or other compensation from any private source for himself or any person to whom he has a commitment in a private capacity for the performance of his duties as a public officer or employee.
<input type="checkbox"/> NRS 281A.400(5)	Acquiring, through his public duties or relationships, any information which by law or practice is not at the time available to people generally, and using the information to further the pecuniary interests of himself or any other person or business entity.
<input type="checkbox"/> NRS 281A.400(6)	Suppressing any governmental report or other document because it might tend to affect unfavorably his pecuniary interests, or any person to whom he has a commitment in a private capacity.
<input type="checkbox"/> NRS 281A.400(7)	Using governmental time, property, equipment or other facility to benefit his significant person or financial interest, or any person to whom he has a commitment in a private capacity. <i>(Some exceptions apply)</i>
<input type="checkbox"/> NRS 281A.400(8)	A State Legislator using governmental time, property, equipment or other facility for a nongovernmental purpose or for the private benefit of himself or any other person, or requiring or authorizing a legislative employee, while on duty, to perform personal services or assist in a private activity. <i>(Some exceptions apply)</i>
<input type="checkbox"/> NRS 281A.400(9)	Attempting to benefit his personal or financial interest or any person to whom he has a commitment in a private capacity through the influence of a subordinate.
<input type="checkbox"/> NRS 281A.400(10)	Seeking other employment or contracts for himself or any person to whom he has a commitment in a private capacity through the use of his official position.
<input type="checkbox"/> NRS 281A.410(1)	Representing or counseling a private person for compensation on an issue pending before a public agency while employed, or within 1 year after leaving the service of a public agency, including before any state agency of the Executive or Legislative Department. (State and local legislators and part time public officers and employees may represent/counsel private persons before agencies they do not serve, except local legislators may not represent/counsel private persons before other local agencies within the same county.)
<input type="checkbox"/> NRS 281A.420(1)	Failing to sufficiently disclose his acceptance of a gift or loan, pecuniary interest, or commitment in a private capacity to the interest of another person that is reasonably affected by an official matter.
<input type="checkbox"/> NRS 281A.420(3)	Failing to abstain from acting on an official matter which is materially affected by his acceptance of a gift or loan, pecuniary interest, or commitment in a private capacity to the interest of another person.
<input type="checkbox"/> NRS 281A.430	Negotiating, bidding on or entering into a government contract in which he has a significant pecuniary interest.
<input type="checkbox"/> NRS 281A.500	Failing to file or timely file a Nevada Acknowledgement of Ethical Standards for Public Officers form. (Some exceptions apply)
<input type="checkbox"/> NRS 281A.510	Accepting or receiving an improper honorarium.
<input type="checkbox"/> NRS 281A.520	Requesting or otherwise causing a governmental entity to incur an expense or make an expenditure to support or oppose a ballot question or candidate during the relevant timeframe.
<input type="checkbox"/> NRS 281A.550	Negotiating or accepting employment from a business or industry regulated by or contracted with former public agency within one year after leaving the service of the agency. (Failing to honor the applicable "cooling off" period after leaving public service).

*Pursuant to NRS 281A.065, a public officer or employee has a commitment in a private capacity to the following persons:

1. Spouse; domestic partner
2. Household member
3. Family member within 3rd degree of consanguinity
4. Employer or spouses/domestic partners employer
5. Substantial and continuing business relationship, i.e. partner or associate
6. Substantially similar relationships

5. YOU MUST SUBMIT EVIDENCE TO SUPPORT YOUR ALLEGATIONS. Attach all documents or items you believe support your allegations. [NAC 281A.400\(6\)](#) defines evidence which supports the allegation as any reliable and competent form of proof provided by witnesses, public and private records, audio or visual recordings, documents, exhibits, concrete objects, and such forms of proof that support a reasonable belief in the truth of the allegation. A newspaper article or other media report will not support your allegations if it is offered by itself, but may be included with evidence that corroborates the article or report.

6. Witnesses: Identify all persons who have knowledge of the facts and circumstances you have described, as well as the nature of the testimony the person will provide.

Name and Title:			
Address:		City, State, Zip:	
Telephone:	<u>Work</u>	<u>Other (home/cell)</u>	Email:
Nature of Testimony:			

Name and Title:	Sandra Anderson		
Address:		City, State, Zip:	Reno, NV 89502
Telephone:	<u>Work</u>	<u>Other (home/cell)</u>	Email:
Nature of Testimony:		775-687-9951	sjanderson@lvmt.nv.gov

7. Requesters Information:

Your Name:	Platt Colleen		
Your Address:		City, State, Zip:	Reno, NV 89502
Your Telephone:	<u>Day</u>	<u>Evening</u>	Email:
	775-440-1052		cplatt@plattlawgroupreno.com

* NOTE: Your identity as the Requester and a copy of this Complaint will be provided to the Subject if the Commission accepts jurisdiction of the matter, unless:

Pursuant to Sec. 8 of S B. 84, I request that my identity as the requester of this Ethics Complaint remain confidential.

Please check appropriate box:

I am a public officer or employee who works for the same public body, agency or employer as the subject of this Ethics Complaint. Provide evidence of your employment with the same public body, agency or employer.

OR

I can show a reasonable likelihood that disclosure of my identity will subject me or a member of my household to a bona fide threat of physical force or violence. Describe the facts and circumstances which support a reasonable likelihood of a bona fide threat of physical force or violence.

The Commission may decline to maintain the confidentiality of your identity as the Requester for lack of sufficient evidence of your employment status with the same public body, agency or employer, or proof of a bonafide threat of physical harm.

If the Commission declines to maintain my confidentiality, I wish to:

Withdraw my Complaint, **OR**

Submit the Complaint understanding that the Subject will know my identity as the Requester.

By my signature below, I affirm that the facts set forth in this document and all of its attachments are true and correct to the best of my knowledge and belief. I am willing to provide sworn testimony regarding these allegations. I acknowledge that, pursuant to NRS 281A, this Ethics Complaint, the materials submitted in support of the allegations, and the Commissions investigation are confidential unless and until the Commissions Review Panel renders a determination. The Commission's Investigatory File remains confidential pursuant to Sec. 9 of SB 84.



Date: 02-02-2018

Signature:

You must submit this form bearing your signature to:

Executive Director
Nevada Commission on Ethics
704 W. Nye Lane, Suite 204
Carson City, Nevada 89703

Or through the Commissions website: www.ethics.nv.gov



**STATE OF NEVADA
COMMISSION ON ETHICS**

MEMO TO FILE

DATE: March 8, 2018

TO: File

FROM: Darci Hayden
Senior Legal Researcher

RE: Requester in Ethics Complaint Case No. 18-005C (Cooper)

Coleen Platt, Esq., confirmed for our records that she is serving as legal counsel on behalf of requester Sandra Anderson. As such, she signed as the requester on Ethics Complaint Case No. 18-005C due to the electronic submission requirements of the Nevada Commission on Ethics electronic filing system.

**Supplemental Materials to be
Available to the Commission and the
Public on or before the Meeting Date**

Agenda Item 5



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Judie Allan**, Member,
Lander County Board of
County Commissioners,
State of Nevada,

Ethics Complaint
Case No. 18-039C

Subject. /

PROPOSED DRAFT STIPULATED AGREEMENT

1. **PURPOSE:** This Stipulated Agreement resolves Ethics Complaint Case No. 18-039C (“Complaint”) before the Nevada Commission on Ethics (“Commission”) concerning Judie Allan (“Allan”), a member of the Lander County Board of County Commissioners (“Board”) in Nevada.

2. **JURISDICTION:** At all material times, Allan 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 Allan in this matter.

3. **PROCEDURAL HISTORY BEFORE COMMISSION**

- a. On or about June 18, 2018, the Commission received this Complaint from an individual who works for Lander County (“Requester”).¹
- b. On August 6, 2018, the Chair of the Commission issued an *Order on Jurisdiction and Investigation* accepting jurisdiction and directing the Executive Director to investigate alleged violations of the following provisions of the Ethics Law:²

- 1) NRS 281A.400(1) – Seeking or accepting any gift, service, favor, employment, engagement, emolument or economic opportunity which

¹ Requester’s identity has been kept confidential pursuant to NRS 281A.750.

² The Commission declined to investigate the alleged violation of NRS 281A.400(3) for lack of sufficient evidence.

- would tend improperly to influence a reasonable person in her position to depart from the faithful and impartial discharge of her public duties;
- 2) NRS 281A.400(2) - Using her public position to secure or grant an unwarranted advantage for herself or any person to whom she has a commitment in a private capacity; and
 - 3) NRS 281A.400(9) - Attempting to benefit a significant personal or pecuniary interest of hers or any person to whom she has a commitment in a private capacity through the influence of a subordinate.
- c. On August 6, 2018, staff of the Commission issued a *Notice of Complaint and Investigation* and Allan was provided an opportunity to provide a written response to the Complaint.
 - d. On September 10, 2018, the Commission received Allan's written response to the Complaint.
 - e. On March 13, 2019, the Executive Director presented a recommendation relating to just and sufficient cause to a three-member review panel pursuant to NRS 281A.720.
 - f. A Panel Determination issued on March 20, 2019 concluded that:
 - 1) Credible evidence supports just and sufficient cause for the Commission to render an opinion in the matter regarding the allegations pertaining to NRS 281A.400(1), (2) and (9) regarding Allan's use of her public position and influence of a subordinate to secure an unwarranted economic opportunity for a person to whom she has a commitment in a private capacity; and
 - 2) The matter should be referred to the Commission for further proceedings.
 - g. In lieu of an adjudicatory hearing before the Commission, Allan 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 the requirements of the Ethics Law.

4. STIPULATED FACTS: At all material times, the following facts were relevant to this matter:³

- a. Allan is an elected member of the Lander County Board of County Commissioners (“Board”). She was elected in November 2016 and is serving her first term on the Board.
- b. Keith Westengard (“Westengard”) is the County Manager/Executive Director for Lander County. Pursuant to Lander County Ordinance No. 2.06.030, the County Manager is appointed by and serves at the pleasure of the Board and may be removed from office by a majority vote of the Board.
- c. Doug Mills (“Mills”) served as a member of the Board from 2014 to January 7, 2019 and was Chair of the Board in 2017 and 2018.
- d. Donald Negro (“Negro”) was hired by Lander County in October 2009 as a Road and Bridge North Foreman in the Public Works Department.
- e. Negro and Allan cohabitated in a non-marital relationship for approximately 15 years until sometime in June 2017. During their cohabitation, Allan and Negro resided in a home owned by Negro and his brother, Bart Negro (“Bart”), and the two held themselves out to the public as spousal equivalents.
- f. Negro was terminated by Westengard in January 2016 for disruption of the workplace and disruption of production. In May 2016, the Board ratified the decision to terminate Negro’s employment.
- g. On January 24, 2017, shortly after Allan took office as a Commissioner, Negro filed an employment lawsuit against Lander County and Westengard in federal district court (the “County Lawsuit”), alleging claims for retaliation under the First Amendment of the Constitution, tortious discharge, intentional infliction of emotional distress and negligence.
- h. Rebecca Bruch, Esq. (“Bruch”), was the legal counsel retained to represent Lander County and Westengard in Negro’s County Lawsuit.

³ Stipulated Facts do not constitute part of the “Investigative File” as that term is defined by NRS 281A.755. All statutory and common law protections afforded to the Investigative File shall remain and are not affected by this Stipulated Agreement.

- i. In June 2017, Negro accepted a job in Sparks, Nevada and started residing in his motorhome in Fernley, Nevada to be closer to his place of employment. Allan remained in the Battle Mountain home owned by Negro and his brother, who permitted Allan to reside there rent-free while paying utilities.
- j. At some point between June and October 2017, the romantic relationship between Allan and Negro ended.
- k. In October 2017, Negro was involved in an accident that prevented him from working and he returned to Battle Mountain to live in his motorhome on the property he owns with his brother. Allan continued to live in the home owned by Negro and his brother.
- l. On or about December 1, 2017, Allan called Westengard to discuss Negro's County Lawsuit and requested that Mr. Negro be paid a settlement amount of \$50,000.
- m. Westengard advised Allan that he did not have authority to authorize a settlement without the Board's approval and he recommended that she pursue the request with Board Chair Mills.
- n. Allan met with Mills at his place of business in Battle Mountain and requested that he place the issue of settling Negro's County Lawsuit for \$50,000 on the agenda for a future Board meeting. Mills was uncomfortable with the conversation and declined Allan's request, but indicated that he would be willing to bring a lower settlement amount to the Board for consideration at a Board meeting.
- o. On December 15, 2017, Bruch filed a Motion for Summary Judgment ("Motion") in the County Lawsuit, seeking to dismiss all of Negro's claims.
- p. Allan contacted Bruch to inquire about the status of any settlement offers in Negro's County Lawsuit and also requested an extension of time to file a response to the Motion.
- q. Negro did not ask Allan to seek a settlement payment for him and did not know about Allan's conversations with Westengard, Mills and Bruch until later.

- r. At the time Allan contacted Westengard, Mills and Bruch, Allan was still residing in the home owned by Negro and his brother and Negro was residing in his motor home adjacent to the home. Allan did not pay rent but otherwise paid for utilities and served as a caretaker.
- s. Negro's lawsuit was resolved with a Court Order issued on July 13, 2018 that dismissed all claims in favor of the County and Westengard.

5. **TERMS / CONCLUSIONS OF LAW**: Based on the foregoing, Allan 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. In her capacity as an elected member of the Board, Allan is a public officer pursuant to NRS 281A.160, 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. Allan has a commitment in a private capacity to the interests of Negro, as defined in NRS 281A.065(6), because her relationship with Negro was substantially similar to a spousal/domestic partner relationship for approximately 15 years. After the relationship ended, Allan's commitment in a private capacity to the interests of Negro continued based on her remaining ties with Negro, including Allan's pecuniary interest related to the home she resided in that is owned by Negro and his brother. *See, e.g., In re Public Officer, Comm'n Op. No. 16-14A (2016)* (explaining that a relationship with a former spouse can qualify as a commitment in a private capacity).
- d. In his capacity as the County Manager/Executive Director for Lander County, Westengard is Allan's subordinate.
- e. As a public officer, Allan may not seek or accept any gift, service, favor, emolument or economic opportunity for herself or Negro which would tend improperly to influence a reasonable person in her position to depart from the faithful and impartial discharge of her public duties (NRS 281A.400(1)). Allan also must not use her public position to secure unwarranted privileges, preferences, exemptions or advantages for herself or Negro (NRS

281A.400(2)) or attempt to benefit herself or Negro through the influence of a subordinate (NRS 281A.400(9)).

- f. Allan violated NRS 281A.400(1) when she contacted Westengard and Mills to request a settlement payout for Negro because she was seeking an “emolument or economic opportunity” for Negro, a person to whom she had a commitment in an private capacity, which would tend to improperly influence a reasonable person in Allan’s position as a Commissioner to depart from the impartial discharge of her public duties owed to the County.
- g. Allan used her position as a Commissioner to influence her subordinate, the County Manager, to issue settlements funds in an effort to secure an unwarranted privilege or advantage for Negro, a person with whom she has a commitment in a private capacity, in violation of NRS 281A.400(2). Allan’s attempt to influence her subordinate in a matter related to Negro’s lawsuit also implicates NRS 281A.400(9).
- h. Allan’s actions constitute a single course of conduct resulting in one willful violation of the Ethics Law, implicating the provisions of NRS 281A.400(1), (2) and (9), as interpreted and applied in accordance with the provisions of NRS 281A.020.
- i. Allan’s violation was willful pursuant to NRS 281A.170 because she acted intentionally and knowingly, as those terms are defined in NRS 281A.105 and 281A.115, respectively.
- j. For an act to be intentional, NRS 281A.105 does not require that Allan acted in bad faith, or with ill will, evil intent or malice. However, Allan acted voluntarily or deliberately when she sought to secure a financial settlement for a person to whom she had a commitment in a private capacity through the improper influence of a subordinate. *See In re McNair*, Comm’n Op. Nos. 10-105C, 10-106C, 10-108C, 10-109C and 10-110C (2011) (“the relevant inquiry regarding willful misconduct is an inquiry into the intentional nature of the actor’s conduct”) (citation omitted).

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- k. 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 Allan 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).
- l. Pursuant to the factors set forth in NRS 281A.775 in determining whether a violation is willful and the penalty to be imposed, the Commission has considered the following factors:
 - 1) Allan has not previously violated the Ethics Law.
 - 2) Allan has been diligent to cooperate with and participate in the Commission’s investigation and resolution of this matter.
 - 3) Neither Allan nor Negro received any financial benefit from Allan’s conduct.
- m. However, these mitigating factors are offset by the seriousness of Allan’s conduct when measured against the public’s trust that public officers will not misuse their public position or influence to acquire economic opportunities or advantages for others.
- n. For the willful violation, Allan will pay a civil penalty of \$500.00 pursuant to NRS 281A.790(1)(a), not later than June 30, 2020. Allan may pay the penalty in one lump sum payment or in monthly installment payments as arranged with the Commission’s Executive Director.
- o. This Stipulated Agreement also signifies the Commission’s public reprimand of Allan’s conduct described herein.
- p. Allan must file with the Commission, on or before July 1, 2019, an Acknowledgment of Statutory Ethics Standards form to acknowledge that she received, read and understand the statutory ethical standards for public officers and public employees provided in NRS Chapter 281A.
- q. On or before December 1, 2019, Allan agrees to attend an Ethics in Government Law training session presented by the Commission’s Executive Director or her designee.

The above Stipulated Agreement is approved by:

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

DATED this ___ day of _____, 2019.

DRAFT

Judy A. Prutzman, Esq.
Associate Counsel

Approved as to form by:

FOR NEVADA COMMISSION ON ETHICS

DATED this ___ day of _____, 2019.

DRAFT

Tracy L. Chase, Esq.
Commission Counsel

The above Stipulated Agreement is accepted by the majority of the Commission.⁵

DATED: _____

By: DRAFT

Keith A. Weaver, Esq.
Vice-Chair

By: DRAFT

Philip K. O'Neill
Commissioner

By: DRAFT

Barbara Gruenewald, Esq.
Commissioner

By: DRAFT

Amanda Yen, Esq.
Commissioner

By: DRAFT

Kim Wallin, CPA
Commissioner

⁵ Chair Lau and Commissioners Duffrin and Lowry participated in the Panel hearing and are therefore precluded from participating in this Stipulated Agreement pursuant to NRS 281A.220(4).



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Judie A. Allan**, Member, Lander
County Board of County Commissioners,
State of Nevada,

Ethics Complaint
No. 18-039C

Subject. /

FIRST-AMENDED NOTICE OF HEARING AND SCHEDULING ORDER

NRS 281A.745

PLEASE TAKE NOTICE, the Nevada Commission on Ethics ("Commission") will hold a public meeting to consider a **Proposed Stipulated Agreement** regarding the allegations submitted in Ethics Complaint No 18-039C at the following time and location:

When: Wednesday, **May 22, 2019** at **10:00 a.m.**

Where: Nevada State Capitol Building
Guinn Room
101 N. Carson Street, Second Floor
Carson City, NV 89701

Subject has waived the personal notice requirements of NRS 241.033 (Nevada's Open Meeting Law) and is provided the opportunity to appear at the hearing in person or telephonically.

If the Proposed Stipulated Agreement is approved, it will serve as the final written opinion in this matter pursuant to NRS 281A.135. If the Proposed Stipulated Agreement is not approved, the Commission will issue a second-amended Notice of Hearing and Scheduling Order setting the date, time and location for further proceedings in this matter.

DATED: May 13, 2019

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

CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada Commission on Ethics and that on this day in Carson City, Nevada, I transmitted a true and correct copy of the **First-Amended Notice of Hearing and Scheduling Order** in Ethics Complaint No. 18-039C via electronic mail to the Parties as follows:

Yvonne M. Nevarez-Goodson, Esq.
Executive Director
Judy A. Prutzman, Esq.
Associate Counsel
704 W. Nye Lane, Suite 204
Carson City, NV 89703

Email: ynevarez@ethics.nv.gov

Email: jprutzman@ethics.nv.gov

Judie A. Allan
Lander County Commission
50 State Route 305
Battle Mountain, NV 89820

Email: jallan@landercountynv.org

DATED: May 13, 2019



Employee of the Nevada Commission on Ethics



STATE OF NEVADA
BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Judie A. Allan**, Member,
Lander County Board of County
Commissioners, State of Nevada,

Ethics Complaint
Case No. 18-039C

Subject. /

**WAIVER OF NOTICE REQUIRED UNDER NRS 241.033(1)
TO CONSIDER CHARACTER, MISCONDUCT, OR COMPETENCE
OF PERSON IN ETHICS COMPLAINT ADJUDICATORY HEARING AND
OTHER PROCEEDINGS TO BE HEARD
BY THE STATE OF NEVADA COMMISSION ON ETHICS**

The Nevada Commission on Ethics ("Commission") will be holding hearings and other proceedings (collectively "Proceedings") to consider the Subject's character, misconduct or competence as related to this Ethics Complaint. If the Proceedings are not exempt from Nevada's Open Meeting Law pursuant to NRS Chapters 241 or 281A, NRS 241.033(1) requires notice be personally served on Subject of the time and place of the meeting at least 5 working days before the meeting or sent by certified mail to the last known address at least 21 working days before the meeting. The parties, through their respective counsel, have agreed to comply with all deadlines and dates for proceedings as established by the Commission, including those set forth in the Notice of Adjudicatory Hearing and Scheduling Order and any issued amendments thereto.

I, Judie A. Allan, understand the statutory requirements of NRS 241.033 and hereby knowingly and voluntarily waive my rights to written notice as required under NRS 241.033 for any Proceedings related to this Ethics Complaint. In doing so, I expressly consent to any discussion during the applicable meeting and resultant action of the Commission, including any discussion of my qualifications, competence and character in relation thereto. Prior to signing this waiver, I either had the opportunity to discuss this matter with my attorney or have voluntarily determined to proceed on my own accord, thereby waiving the right to consult with an attorney.

Dated this 1 day of April, 2019.

By: Judie A. Allan
Judie A. Allan



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Judie A. Allan**, Member,
Lander County Board of County
Commissioners, State of Nevada,

Ethics Complaint No. **18-039C**

Subject. /

**REVIEW PANEL DETERMINATION AND
REFERRAL ORDER¹**
NRS 281A.725

The Nevada Commission on Ethics ("Commission") received this Ethics Complaint No. 18-039C ("Complaint") regarding the alleged conduct of Judie Allan ("Allan"), a Member of the Lander County Board of County Commissioners, State of Nevada, in violation of the Ethics in Government Law set forth in NRS Chapter 281A ("Ethics Law"). The Commission instructed the Executive Director to investigate alleged violations of NRS 281A.400(1), (2) and (9) regarding Allan's use of her public position and influence of a subordinate to secure an unwarranted economic opportunity for a person to whom she has a commitment in a private capacity.

Allan is a public officer as defined in NRS 281A.160. The Commission has jurisdiction over this matter pursuant to NRS 281A.280 because the allegations contained in the Complaint relate to the Subject's conduct as a public officer and have associated implications under the Ethics Law.

On March 20, 2019, a Review Panel ("Panel") consisting of Chair Cheryl A. Lau, Esq. (Presiding Officer) and Commissioners Brian Duffrin and Teresa Lowry, Esq., reviewed the following: 1) the Complaint; 2) the *Order on Jurisdiction and Investigation*; 3) Subject's Response to the Complaint; 4) Investigator's Report; and 5) Executive Director's Recommendation to the Review Panel.²

Under NAC 281A.430, the Panel unanimously finds and concludes that the facts establish credible evidence to support a determination that just and sufficient cause exists for the Commission to render an opinion in the matter regarding the alleged violations of NRS 281A.400(1), (2) and (9).

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¹ Except as provided by law, a Panel Determination shall not be cited as precedent.

² All materials provided to the Panel, except the Complaint and the *Order on Jurisdiction and Investigation*, represent portions of the investigatory file and remain confidential pursuant to NRS 281A.750.

IT IS HEREBY ORDERED:

The Review Panel refers the Complaint to the Commission to render an opinion in the matter in furtherance of this just and sufficient cause determination.

Dated this 20th day of March, 2019.

NEVADA COMMISSION ON ETHICS

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

By: /s/ Teresa Lowry
Teresa Lowry, Esq.
Commissioner

By: /s/ Brian Duffrin
Brian Duffrin
Commissioner

CERTIFICATE OF MAILING

I certify that I am an employee of the Nevada Commission on Ethics and that on this day in Carson City, Nevada, I transmitted a true and correct copy of the foregoing **REVIEW PANEL DETERMINATION AND REFERRAL ORDER** via U.S. Certified Mail and electronic mail as follows:

Judie A. Allan
Lander County Commission
50 State Route 305
Battle Mountain, NV 89820

Certified Mail: 9171 9690 0935 0037 6376 27
Email: jallan@landercountynv.org

Dated: 3/20/19



Employee, Nevada Commission on Ethics



RECEIVED
 JUN 18 2018
 COMMISSION
 ON ETHICS

**NEVADA COMMISSION ON ETHICS
 ETHICS COMPLAINT**

Sec. 3.6 to 13, inclusive, of S.B. 84 (2017)

1. Provide the following information for the public officer or employee you allege violated the Nevada Ethics in Government Law, NRS Chapter 281A. (If you allege that more than one public officer or employee has violated the law, use a separate form for each individual.)

NAME: <small>(Last, First)</small>	Allan, Judie		TITLE OF PUBLIC OFFICE: <small>(Position)</small>	County Commissioner
PUBLIC ENTITY: <small>(Name of the entity employing this position)</small>	Lander County, NV			
ADDRESS:	50 State Route 305	CITY, STATE, ZIP CODE	Battle Mountain, NV 89820	
TELEPHONE:	<small>Work:</small> 775 635 2885	<small>Other: (Home, cell)</small> 775 455 7802	E-MAIL:	jallan@landercountynv.org

2. Describe in specific detail the public officer's or employee's conduct that you allege violated NRS Chapter 281A. (Include specific facts and circumstances to support your allegation: times, places, and the name and position of each person involved.)

Check here if additional pages are attached.

[REDACTED] Commissioner Allan was attempting [REDACTED] to authorize a payout in the amount of \$50,000 to the plaintiff in a lawsuit that the County was involved in. Commissioner Allan was attempting [REDACTED] to authorize payment without commission approval. [REDACTED] she would need to speak to Commission Chairman Doug Mills and get it on an agenda.

The plaintiff in this case is Commissioner Allan's significant other Donald Negro. Mr. Negro was terminated in January 2016 from Lander County and subsequently filed a lawsuit against the County. [REDACTED] she did contact Commissioner Mills in an attempt to get him to authorize settlement payment without Commission approval as well.

3. Is the alleged conduct the subject of any action or matter currently pending before another administrative or judicial body? If yes, describe:

No

4. NRS Chapter 281A requires public officers and employees to hold public office as a public trust and avoid conflicts between public duties and private interests. (NRS 281A.020) What provisions of NRS Chapter 281A are relevant to the conduct alleged? Please check all that apply.

	Statute	Statutory Summary:
<input checked="" type="checkbox"/>	NRS 281A.400(1)	Seeking or accepting any gift, service, favor, employment, engagement, emolument or economic opportunity for himself or person to whom he has a commitment in a private capacity which would tend improperly to influence a reasonable person in his position to depart from the faithful and impartial discharge of his public duties.
<input checked="" type="checkbox"/>	NRS 281A.400(2)	Using his position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for himself, any business entity in which he has a significant pecuniary interest, or any person to whom he has a commitment in a private capacity.
<input checked="" type="checkbox"/>	NRS 281A.400(3)	Participating as an agent of government in the negotiation or execution of a contract between the government and himself, and any business entity in which he has a significant pecuniary interest or any person to whom he has a commitment in a private capacity.
<input type="checkbox"/>	NRS 281A.400(4)	Accepting any salary, retainer, augmentation, expense allowance or other compensation from any private source for himself or any person to whom he has a commitment in a private capacity for the performance of his duties as a public officer or employee.
<input type="checkbox"/>	NRS 281A.400(5)	Acquiring, through his public duties or relationships, any information which by law or practice is not at the time available to people generally, and using the information to further the pecuniary interests of himself or any other person or business entity.
<input type="checkbox"/>	NRS 281A.400(6)	Suppressing any governmental report or other document because it might tend to affect unfavorably his pecuniary interests, or any person to whom he has a commitment in a private capacity.
<input type="checkbox"/>	NRS 281A.400(7)	Using governmental time, property, equipment or other facility to benefit his significant personal or financial interest, or any person to whom he has a commitment in a private capacity. (Some exceptions apply).
<input type="checkbox"/>	NRS 281A.400(8)	A State Legislator using governmental time, property, equipment or other facility for a nongovernmental purpose or for the private benefit of himself or any other person, or requiring or authorizing a legislative employee, while on duty, to perform personal services or assist in a private activity. (Some exceptions apply).
<input checked="" type="checkbox"/>	NRS 281A.400(9)	Attempting to benefit his personal or financial interest or any person to whom he has a commitment in a private capacity through the influence of a subordinate.
<input type="checkbox"/>	NRS 281A.400(10)	Seeking other employment or contracts for himself or any person to whom he has a commitment in a private capacity through the use of his official position.
<input type="checkbox"/>	NRS 281A.410	Representing or counseling a private person for compensation on an issue pending before a public agency while employed, or within 1 year after leaving the service of a public agency, including before any state agency of the Executive or Legislative Department. (State and local legislators and part-time public officers and employees may represent/counsel private persons before agencies they do not serve, except local legislators may not represent/counsel private persons before other local agencies within the same county.)
<input type="checkbox"/>	NRS 281A.420(1)	Failing to sufficiently disclose his acceptance of a gift or loan, pecuniary interest, or commitment in a private capacity to the interest of another person that is reasonably affected by an official matter.
<input type="checkbox"/>	NRS 281A.420(3)	Failing to abstain from acting on an official matter which is materially affected by his acceptance of a gift or loan, pecuniary interest, or commitment in a private capacity to the interest of another person.
<input type="checkbox"/>	NRS 281A.430	Negotiating, bidding on or entering into a government contract in which he has a significant pecuniary interest. (some exceptions apply).
<input type="checkbox"/>	NRS 281A.500	Failing to file or timely file a Nevada Acknowledgement of Ethical Standards for Public Officers form.
<input type="checkbox"/>	NRS 281A.510	Accepting or receiving an improper honorarium.
<input type="checkbox"/>	NRS 281A.520	Requesting or otherwise causing a governmental entity to incur an expense or make an expenditure to support or oppose a ballot question or candidate during the relevant timeframe.
<input type="checkbox"/>	NRS 281A.550	Negotiating or accepting employment from a business or industry regulated by or contracted with former public agency within one year after leaving the service of the agency. (Failing to honor the applicable "cooling off" period after leaving public service).

*Pursuant to NRS 281A.065, a public officer or employee has a commitment in a private capacity to the following persons:

1. Spouse; domestic partner
2. Household member
3. Family member within 3rd degree of consanguinity
4. Employer or spouse's/domestic partner's employer
5. Substantial and continuing business relationship, i.e. partner or associate
6. Substantially similar relationships

5. YOU MUST SUBMIT EVIDENCE TO SUPPORT YOUR ALLEGATIONS.

Attach all documents or items you believe support your allegations. [NAC 281A.400\(6\)](#) defines "evidence which supports the allegation" as "any reliable and competent form of proof provided by witnesses, public and private records, audio or visual recordings, documents, exhibits, concrete objects, and such forms of proof that support a reasonable belief in the truth of the allegation." A newspaper article or other media report will not support your allegations if it is offered by itself, but may be included with evidence that corroborates the article or report.

State the total number of additional pages attached (including evidence) 0.

6. Witnesses: Identify all persons who have knowledge of the facts and circumstances you have described, as well as the nature of the testimony the person will provide. Check here if additional pages are attached.

NAME and TITLE: (Person #1)	Doug Mills- Lander County Commission Chair		
ADDRESS:	50 state route 305	CITY, STATE, ZIP	Battle Mountain, NV 89820
TELEPHONE:	<i>Work:</i> 775 635 2885	<i>Other: (Home, cell)</i> 775 374 1951	E-MAIL: dmills@landercountynv.org
NATURE OF TESTIMONY:	Commissioner Allan approached Commissioner Mills with the same request		
NAME and TITLE: (Person #2)			
ADDRESS:		CITY, STATE, ZIP	
TELEPHONE:	<i>Work:</i>	<i>Other: (Home, cell)</i>	E-MAIL:
NATURE OF TESTIMONY:			

7. REQUESTER INFORMATION:

YOUR NAME:	[REDACTED]		
YOUR ADDRESS:	[REDACTED]	CITY, STATE, ZIP:	[REDACTED]
YOUR TELEPHONE:	Day: [REDACTED]	Evening: [REDACTED]	E-MAIL: [REDACTED]

***NOTE*: Your identity as the Requester and a copy of this Complaint will be provided to the Subject if the Commission accepts jurisdiction of the matter, unless:**

Pursuant to Sec. 8 of S.B. 84, I request that my identity as the requester of this Ethics Complaint remain confidential because (please check appropriate box):

I am a public officer or employee who works for the same public body, agency or employer as the subject of this Ethics Complaint. Provide evidence of your employment with the same public body, agency or employer.

OR

I can show a reasonable likelihood that disclosure of my identity will subject me or a member of my household to a bona fide threat of physical force or violence. Please describe the facts and circumstances which support a reasonable likelihood of a bona fide threat of physical force or violence below.

The Commission may decline to maintain the confidentiality of your identity as the Requester for lack of sufficient evidence of your employment status with the same public body, agency or employer, or proof of a bonafide threat of physical harm.

If the Commission declines to maintain my confidentiality, I wish to:

- Withdraw my Complaint OR
 Submit the Complaint understanding that the Subject will know my identity as the Requester.

By my signature below, I affirm that the facts set forth in this document and all of its attachments are true and correct to the best of my knowledge and belief. I am willing to provide sworn testimony regarding these allegations. I acknowledge that this Ethics Complaint, the materials submitted in support of the allegations, and the Commission's investigation are confidential unless and until the Commission's Review Panel renders a determination. The Commission's Investigatory File remains confidential pursuant to Sec. 9 of S.B. 84.

[REDACTED SIGNATURE]

6-14-18

Date:

Print Name:

You must submit this form bearing your signature to:
Executive Director
Nevada Commission on Ethics
704 W. Nye Lane, Suite 204
Carson City, Nevada 89703
Or through the Commission's website: www.ethics.nv.gov

Agenda Item 6

RFO No.	Date Filed	Jurisdiction	Local or State	Subject of RFO	Requester	Status
19-038C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Review
19-037C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Review
19-036C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Review
19-035C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Review
19-034A	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn
19-033C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Review
19-032A	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Review
19-031C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Review
19-030C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Review
19-029C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Review
19-028C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Review
19-027C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Review
19-026C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Review
19-025A	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn (see Duplicate, No. 19-024A)
19-024A	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
19-023C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Review
19-022C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Review
19-021C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Investigation Pending
19-020C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed w/letter of Instruction (Jurisdiction; No Investigation)
19-019C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn (see Duplicate, No. 19-019C)
19-018C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Panel Determination Pending 6/13/19
19-017C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
19-016A	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 4/15/19; Confidentiality waived
19-015C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed w/letter of Instruction (Jurisdiction; No Investigation)

19-014C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
19-013C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
19-012C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
19-011C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
19-010C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn
19-009A	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 3/13/19; Abstract Opinion issued 4/24/19
19-008A	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn
19-007A	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn
19-006C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
19-005A	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 2/19/19; Abstract Opinion issued 3/14/19
19-004C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Investigation Pending
19-003A	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 2/27/19; Confidentiality waived
19-002C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn (see Duplicate, No. 19-001C)
19-001C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (Jurisdiction; No Investigation)
18-145A	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Stayed by Order of the Commission pending related Ethics Complaint Matter
18-144C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (Jurisdiction; No Investigation)
18-143C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed with Ltr of Caution (No Jurisdiction - past statute of limitations)

18-142C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (Jurisdiction; No Investigation)
18-141C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed with Ltr of Caution (No Jurisdiction - past statute of limitations)
18-140C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (Jurisdiction; No Investigation)
18-139C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Investigation Pending
18-138C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (Jurisdiction; No Investigation)
18-137A	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 1/29/19; Abstract Opinion issued 3/11/19
18-136A	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 12/18/18; No Abstract Opinion
18-135C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
18-134C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
18-133C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
18-132C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
18-131A	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
18-130C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Investigation Pending
18-129A	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Order of Dismissal
18-128A	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Order of Dismissal
18-127C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
18-126C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)

18-125C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
18-124C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
18-123A	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn
18-122A	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn
18-121C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Investigation Pending
18-120C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
18-119C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
18-118A	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 12/18/18; Confidentiality waived
18-117C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
18-116A	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 11/1/18; Abstract Opinion issued 11/28/18
18-115C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (Jurisdiction; No Investigation)
18-114C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Investigation Pending
18-113C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (Jurisdiction; No Investigation)
18-112C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed by Panel 4/17/19 w/letter of instruction
18-111C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed with Letter of Caution (Jurisdiction; No Investigation)
18-110C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn
18-109C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
18-108A	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn (see Duplicate, No 18-107A)

18-107A	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 11/1/18; Confidentiality waived
18-106C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Panel Determination 4/22/19 Deferral Agreement Pending
18-105C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
18-104C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
18-103C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
18-102C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
18-101C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
18-100C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
18-099C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
18-098C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
18-097C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
18-096C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
18-095C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)

18-094C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
18-093C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
18-092C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
18-091C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
18-090C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
18-089C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
18-088C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
18-087C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
18-086C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
18-085C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
18-084C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn (see Duplicate, No. 18-085C)
18-083C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn (see Duplicate, No. 18-082C)
18-082C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)

18-081C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed with Letter of Caution (Jurisdiction; No Investigation)
18-080A	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 11/21/18; Abstract Opinion issued 1/29/19
18-079C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
18-078A	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 10/10/18; Abstract Opinion issued 11/7/18
18-077C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Investigation Pending
18-076C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn (see 18-075C Duplicate)
18-075C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed with Letter of Caution (Jurisdiction; No Investigation)
18-074C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed by Panel
18-073C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn (see 18-072C Duplicate)
18-072C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Deferral Agreement 1/16/19
18-071C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
18-070C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
18-069C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
18-068C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
18-067C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
18-066C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn (see 18-065C Duplicate)

18-065C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
18-064C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Investigation Pending
18-063C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
18-062C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Stipulated Agreement 1/16/19
18-061C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Investigation Pending
18-060C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Investigation Pending
18-059C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed with Letter of Caution (Jurisdiction; No Investigation)
18-058C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn (see 18-057C Duplicate)
18-057C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Deferral Agreement 3/11/19
18-056C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
18-055C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn (see 18-056C Duplicate)
18-054C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
18-053C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
18-052C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Investigation Pending
18-051C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed with Letter of Instruction (Jurisdiction; No Investigation)
18-050C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed with Letter of Instruction (Jurisdiction; No Investigation)
18-049C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Investigation Pending
18-048C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (Jurisdiction; No Investigation)

18-047C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn (see 18-046C Duplicate)
18-046C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
18-045C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn (see 18-046C Duplicate)
18-044C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn (see 18-046C Duplicate)
18-043C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed in Part by Panel 2/20/19 with Letter of Caution; Deferral Agreement 3/14/19; Compliance Pending
↑ FISCAL YEAR 2019 ↑						
18-042C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
18-041C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
18-040C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
18-039C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Review Panel Pending 5/22/19
18-038C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
18-037C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed with Letter of Caution (Jurisdiction; No Investigation)
18-036C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
18-035A	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn
18-034C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)

18-033A	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn (see 18-032C Duplicate)
18-032A	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 7/18/18; Abstract Opinion issued 7/26/18
18-031C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Adjudicatory Hearing
18-030C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation; Improper Filing)
18-029A	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 7/18/18; Abstract Opinion issued 8/9/18
18-028C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed by Panel with Letter of Caution 2/20/19
18-027A	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 7/18/18; Abstract Opinion issued 10/10/18
18-026C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
18-025C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (Jurisdiction; No Investigation)
18-024C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed by Panel with Letter of Instruction 12/4/18
18-023C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed with Letter of Instruction (Jurisdiction; No Investigation)
18-022C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (Jurisdiction; No Investigation)
18-021A	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 6/1/18; Abstract Opinion issued 7/26/18
18-020C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn (see 18-019C Duplicate)
18-019C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed with Letter of Caution (Jurisdiction; No Investigation)
18-018C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (Jurisdiction; No Investigation)
18-017C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (Jurisdiction; No Investigation)

18-016C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (Jurisdiction; No Investigation)
18-015C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 5/30/18; Abstract Opinion issued 7/30/18
18-014C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed with Letter of Caution (Jurisdiction; No Investigation)
18-013A	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn
18-012A	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn
18-011C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Investigation Pending
18-010C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (Jurisdiction; No Investigation)
18-009A	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Closed with Notice of Jurisdiction
18-008A	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn
18-007A	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Closed with Notice of Jurisdiction
18-006A	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 4/26/18; Abstract Opinion issued 6/27/18
18-005C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Review Panel Pending 5/22/19
18-004C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed with Letter of Instruction (Jurisdiction; No Investigation)
18-003C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed with Letter of Instruction (Jurisdiction; No Investigation)
18-002C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn (see 18-004C)
18-001C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn
17-56C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (Jurisdiction; No Investigation)
17-55C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed with Letter of Instruction (Jurisdiction; No Investigation)
17-54C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed with Letter of Caution (Jurisdiction; No Investigation)
17-53C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (Jurisdiction; No Investigation)
17-52C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed with Letter of Caution (Jurisdiction; No Investigation)

17-51C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (Jurisdiction; No Investigation)
17-50C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
17-49A	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
17-48C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 12/19/17; Abstract Opinion issued 2/13/18
17-47A	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 12/5/17; Confidentiality waived
17-46C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (Jurisdiction; No Investigation)
17-45C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed with Letter of Instruction (Jurisdiction; No Investigation)
17-44C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
17-43C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
17-42A	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 12/14/17; Abstract Opinion issued 2/13/18
17-41A	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 12/11/17; Abstract Opinion issued 2/13/18
17-40C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed with Letter of Instruction (Jurisdiction; No Investigation)
17-39A	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 12/14/17; Abstract Opinion issued 2/13/18
17-38C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
17-37C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Stipulated Agreement 1/22/18
17-36C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Deferral Agreement 3/27/18

17-35C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed by Panel with Letter of Caution 1/17/18
17-34C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed with Letter of Caution (Jurisdiction; No Investigation)
17-33C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed with Letter of Instruction (Jurisdiction; No Investigation)
17-32C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (Jurisdiction; No Investigation)
17-31C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (Jurisdiction; No Investigation)
17-30C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed with Letter of Caution (Jurisdiction; No Investigation)
17-29C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed by Panel 11/20/17
17-28A	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 10/5/17; Abstract Opinion issued 2/13/18
17-27C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Deferral Agreement 1/16/18, Compliance Pending
17-26C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Stipulated Agreement 5/29/18, Compliance Pending
17-25C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed by Panel with Letter of Instruction 3/29/18
↑ FISCAL YEAR 2017-2018 ↑						
17-23C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Deferral Agreement 11/7/17, Compliance Pending
17-21C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 2/27/19; Pending Potential Reconsideration/ Judicial Review
↑ FISCAL YEAR 2016-2017 ↑						
16-54C	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Litigation
↑ FISCAL YEAR 2015-2016 ↑						

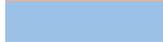
Ethics Complaint Cases by Location

FY 2017			
RFO No.	Date Filed	Location	
1	16-56N	7/20/16	Las Vegas
2	16-57N	7/20/16	Clark Co.
3	16-59C	8/1/16	Lander Co.
4	16-60N	8/1/16	State
5	16-63N	8/8/16	Storey Co.
6	16-64N	8/11/16	Storey Co.
7	16-65N	8/25/16	Washoe Co.
8	16-66N	8/25/16	Washoe Co.
9	16-67N	8/25/16	Washoe Co.
10	16-68N	9/7/16	State
11	16-69N	9/7/16	State
12	16-70N	9/26/16	Humboldt Co.
13	16-71N	9/26/16	Humboldt Co.
14	16-73N	10/24/16	State
15	16-74N	10/27/16	State
16	16-75N	10/31/16	State
17	16-76N	11/2/16	State
18	16-77N	11/2/16	State
19	16-78C	11/7/16	Carson City
20	16-79N	11/10/16	State
21	16-80C	11/22/16	State
22	16-81C	11/23/16	Douglas Co.
23	16-82N	12/1/16	Churchill Co.
24	16-83C	12/1/16	Churchill Co.
25	16-84C	12/1/16	Churchill Co.
26	16-85C	12/1/16	Churchill Co.
27	16-86N	12/1/16	Churchill Co.
28	17-05N	2/6/17	Churchill Co.
29	17-06C	2/27/17	Reno
30	17-07N	3/1/17	State
31	17-09N	3/15/17	Boulder City
32	17-12N	5/15/17	Mineral Co.
33	17-13N	5/18/17	Nye Co.
34	17-14N	5/22/17	Boulder City
35	17-15N	5/22/17	Boulder City
36	17-16N	5/22/17	Boulder City

FY 2017		
	Complaints Filed	Jurisdiction Accepted for Investigation
State	11	1
County		
Carson	2	2
Churchill	5	3
Clark	1	0
Douglas	1	1
Humboldt	2	0
Lander	1	1
Mineral	1	0
Nye	2	0
Storey	5	2
Washoe	4	0
City		
Boulder	4	0
Ely	1	1
Las Vegas	1	0
Reno	2	1
Total County/ City	32	11
Total State & Local	43	12*

*In FY 17 the Commission also Investigated/ Resolved Cases from FY14-FY16 in addition to the 12 Cases accepted for Investigation

37	17-17N	5/31/17	Nye Co.
38	17-18N	6/5/17	Reno
39	17-19N	6/6/17	Washoe Co.
40	17-21C	6/26/17	Storey Co.
41	17-22C	6/26/17	Storey Co.
42	17-23C	6/27/17	Ely
43	17-24C	6/29/17	Carson City

 Case Dismissed - With or without a Letter
 Case Investigated or Pending Investigation

Ethics Complaint Cases by Location

FY 2018			
RFO No.	Date Filed	Location	
1	17-025C	7/13/17	Carson City
2	17-026C	7/17/17	Clark Co.
3	17-027C	7/20/17	State
4	17-029C	8/2/17	State
5	17-030C	8/7/17	Lincoln Co.
6	17-031C	8/7/17	Lincoln Co.
7	17-032C	8/7/17	Lincoln Co.
8	17-033C	8/21/17	Ely
9	17-034C	8/29/17	Storey Co.
10	17-035C	9/6/17	Henderson
11	17-036C	9/6/17	Henderson
12	17-037C	9/11/17	Boulder City
13	17-038C	10/2/17	Ely
14	17-040C	10/11/17	State
15	17-043C	10/23/17	Las Vegas
16	17-044C	10/23/17	Las Vegas
17	17-045C	10/24/17	Storey Co.
18	17-046C	10/24/17	Storey Co.
19	17-049C	10/26/17	State
20	17-050C	11/13/17	State
21	17-051C	12/5/17	Las Vegas
22	17-052C	12/7/17	Nye Co.
23	17-053C	12/18/17	Carson City
24	17-054C	12/19/17	Carson City
25	17-055C	12/21/17	Carson City
26	17-056C	12/26/17	State
27	18-001C	1/17/18	Mineral Co.
28	18-002C	1/16/18	Mineral Co.
29	18-003C	1/22/18	Clark Co.
30	18-004C	1/24/18	Mineral Co.
31	18-005C	2/2/18	State
32	18-010C	2/27/18	Boulder City
33	18-011C	3/12/18	Washoe Co.
34	18-014C	4/6/18	State
35	18-016C	4/10/18	State
36	18-017C	4/10/18	State

FY 2018		
	Complaints Filed	Jurisdiction Accepted for Investigation
State	13	3
County		
Carson	4	1
Clark	4	1
Lander	1	1
Lincoln	4	1
Lyon	1	0
Mineral	3	0
Nye	3	0
Storey	4	1
Washoe	6	1
City		
Boulder	2	1
Ely	2	0
Henderson	2	2
Las Vegas	4	0
Reno	2	1
Total County/ City	42	10
Total State & Local	55	13*

*At the end of FY 17, 6 of the 12 Complaints Investigated remained pending in FY 18. 5 of the 6 were resolved in FY 18 and 1 of the 6 remained pending in FY 19.

37	18-018C	4/10/18	State
38	18-019C	4/10/18	Nye Co.
39	18-020C	4/10/18	Nye Co.
40	18-022C	4/26/18	State
41	18-023C	4/30/18	Las Vegas
42	18-024C	5/7/18	Lincoln Co.
43	18-025C	5/10/18	Reno
44	18-026C	5/16/18	Washoe Co.
45	18-028C	5/22/18	Reno
46	18-030C	5/25/18	Clark Co.
47	18-031C	5/30/18	Storey Co.
48	18-034C	6/6/18	Washoe Co.
49	18-036C	6/6/18	Lyon Co.
50	18-037C	6/13/18	Clark Co.
51	18-038C	6/14/18	State
52	18-039C	6/18/18	Lander Co.
53	18-040C	6/26/18	Washoe Co.
54	18-041C	6/26/18	Washoe Co.
55	18-042C	6/26/18	Washoe Co.

	Case Withdrawn - Duplicate Submission
	Case Dismissed - With or without a Letter
	Case Investigated or Pending Investigation

Ethics Complaint Cases by Location

FY 2019			
RFO No.	Date Filed	Location	
1	18-043C	7/3/18	Churchill Co.
2	18-044C	7/14/18	Storey Co.
3	18-045C	7/14/18	Storey Co.
4	18-046C	7/16/18	Storey Co.
5	18-047C	7/16/18	Storey Co.
6	18-048C	7/16/18	Carson City
7	18-049C	7/17/18	Eureka Co.
8	18-050C	7/23/18	Washoe Co.
9	18-051C	7/25/18	Reno
10	18-052C	7/30/18	Storey Co.
11	18-053C	7/31/18	State
12	18-054C	8/1/18	Washoe Co.
13	18-055C	8/1/18	Washoe Co.
14	18-056C	8/1/18	Washoe Co.
15	18-057C	8/13/18	State
16	18-058C	8/13/18	State
17	18-059C	8/14/18	State
18	18-060C	8/15/18	Clark Co.
19	18-061C	8/15/18	Clark Co.
20	18-062C	8/15/18	Clark Co.
21	18-063C	8/21/18	Washoe Co.
22	18-064C	8/22/18	Reno
23	18-065C	8/23/18	State
24	18-066C	8/23/18	State
25	18-067C	8/24/18	Clark Co.
26	18-068C	8/24/18	Clark Co.
27	18-069C	8/24/18	Clark Co.
28	18-070C	8/24/18	Clark Co.
29	18-071C	8/24/18	Clark Co.
30	18-072C	8/25/18	Lyon Co.
31	18-073C	8/25/18	Lyon Co.
32	18-074C	8/27/18	Clark Co.
33	18-075C	8/31/18	Fernley
34	18-076C	8/31/18	Fernley
35	18-077C	8/31/18	State
36	18-079C	9/5/18	State

FY 2019		
	Complaints Filed	Jurisdiction Accepted for Investigation
State	42	2
County		
Carson	2	1
Churchill	1	1
Clark	25	7
Eureka	1	1
Lander	2	0
Lyon	3	1
Pershing	1	0
Storey	9	2
Washoe	5	0
White Pine	1	0
City		
Ely	1	1
Fernley	2	0
Henderson	1	0
Las Vegas	4	1
Reno	3	2
Sparks	1	0
Total County/ City	62	17
Total State & Local	104	19*

*In FY 19, the Commission Investigated 6 of the 12 Cases received in FY 18. This number is in addition to the 19 Cases the Commission Accepted for Investigation during during FY 19. 1 Case from FY 17 remains pending in FY 19.

37	18-081C	9/6/18	Clark Co.
38	18-082C	9/9/18	Clark Co.
39	18-083C	9/9/18	Clark Co.
40	18-084C	9/15/18	State
41	18-085C	9/15/18	State
42	18-086C	9/15/18	State
43	18-087C	9/15/18	State
44	18-088C	9/15/18	State
45	18-089C	9/15/18	State
46	18-090C	9/15/18	State
47	18-091C	9/15/18	State
48	18-092C	9/15/18	State
49	18-093C	9/15/18	State
50	18-094C	9/15/18	State
51	18-095C	9/15/18	Clark Co.
52	18-096C	9/15/18	Clark Co.
53	18-097C	9/15/18	Clark Co.
54	18-098C	9/15/18	Clark Co.
55	18-099C	9/15/18	Clark Co.
56	18-100C	9/15/18	Clark Co.
57	18-101C	9/15/18	State
58	18-102C	9/15/18	State
59	18-103C	9/15/18	State
60	18-104C	9/15/18	State
61	18-105C	9/16/18	State
62	18-106C	9/17/18	Clark Co.
63	18-109C	9/24/18	Storey Co.
64	18-110C	9/24/18	Storey Co.
65	18-111C	9/24/18	Clark Co.
66	18-112C	9/26/18	Clark Co.
67	18-113C	9/27/18	State
68	18-114C	10/2/18	Reno
69	18-115C	10/2/18	Clark Co.
70	18-117C	10/11/18	Clark Co.
71	18-119C	10/18/18	State
72	18-120C	10/18/18	State
73	18-121C	10/22/18	Ely
74	18-124C	11/3/18	State
75	18-125C	11/3/18	State
76	18-126C	11/3/18	State
77	18-127C	11/3/18	State

78	18-130C	11/12/18	Storey Co.
79	18-132C	11/15/18	State
80	18-133C	11/15/18	State
81	18-134C	11/15/18	Storey Co.
82	18-135C	11/17/18	Sparks
83	18-138C	12/3/18	Henderson
84	18-139C	12/4/18	Clark Co.
85	18-140C	12/6/18	State
86	18-141C	12/6/18	State
87	18-142C	12/6/18	State
88	18-143C	12/6/18	State
89	18-144C	12/6/18	Pershing Co.
90	19-001C	1/4/19	Lander Co.
91	19-002C	1/4/19	Lander Co.
92	19-004C	1/10/19	Las Vegas
93	19-006C	1/16/19	State
94	19-010C	1/30/19	Las Vegas
95	19-011C	2/27/19	State
96	19-012C	2/27/19	State
97	19-013C	2/27/19	State
98	19-014C	2/27/19	Lyon Co.
99	19-015C	2/28/19	White Pine Co.
100	19-017C	3/18/19	State
101	19-018C	3/20/19	Clark Co.
102	19-019C	3/25/19	Las Vegas
103	19-020C	3/25/19	Las Vegas
104	19-021C	3/25/19	Carson City

 Case Withdrawn - Duplicate Submission
 Case Dismissed - With or without a Letter
 Case Investigated or Pending Investigation

Cities Assessed - Complaints

City	FY17	FY18	FY19 - Thru 3/30/19
Boulder City	4 (None Investigated)	2 (1 Investigated)	
Elko			
Fernley			2 (None Investigated)
Henderson		2 (2 Investigated)	1 (None Investigated)
Las Vegas	1 (None Investigated)	4 (None Investigated)	4 (1 Investigated)
Mesquite			
North Las Vegas			
Reno	2 (1 Investigated)	2 (1 Investigated)	3 (2 Investigated)
Sparks			1 (None Investigated)
TOTAL	7 Complaints Rec'd (1 Investigated)	10 Complaints Rec'd (4 Investigated)	11 Complaints Rec'd (3 Investigated)

Cities Not Assessed - Complaints

City	FY17	FY18	FY19 - Thru 3/30/19
Caliente			
Carlin			
Ely	1 (1 Investigated)	2 (None Investigated)	1 (1 Investigated)
Fallon			
Lovelock			
Wells			
West Wendover			
Winnemucca			
Yerington			
TOTAL	1 Complaint Rec'd (1 Investigated)	2 Complaints Rec'd (None Investigated)	1 Complaint Rec'd (1 Investigated)

Counties Assessed - Complaints

County	FY17	FY18	FY19 - Thru 3/30/19
Carson City	2 (2 Investigated)	4 (1 Investigated)	2 (1 Investigated)
Churchill	5 (3 Investigated)		1 (1 Investigated)
Clark	1 (None Investigated)	4 (1 Investigated)	25 (7 Investigated)
Douglas	1 (1 Investigated)		
Elko			
Humboldt	2 (None Investigated)		
Lyon		1 (None Investigated)	3 (1 Investigated)
Nye	2 (None Investigated)	3 (None Investigated)	
Washoe	4 (None Investigated)	6 (1 Investigated)	5 (None Investigated)
White Pine			1 (None Investigated)
TOTAL	17 Complaints Rec'd (6 Investigated)	18 Complaints Rec'd (3 Investigated)	37 Complaints Rec'd (10 Investigated)

Counties Not Assessed - Complaints

County	FY17	FY18	FY19 - Thru 3/30/19
Esmeralda			
Eureka			1 (1 Investigated)
Lander	1 (1 Investigated)	1 (1 Investigated)	2 (None Investigated)
Lincoln		4 (1 Investigated)	
Mineral	1 (None Investigated)	3 (None Investigated)	
Pershing			1 (None Investigated)
Storey	5 (2 Investigated)	4 (1 Investigated)	9 (2 Investigated)
TOTAL	7 Complaints Rec'd (3 Investigated)	12 Complaints Rec'd (3 Investigated)	13 Complaints Rec'd (3 Investigated)

Advisory Requests by Location

FY 2017		
RFO No.	Date Filed	Location
1 16-58A	7/25/16	State**
2 16-61A	8/2/16	Douglas Co.**
3 16-62A	8/3/16	State
4 16-72A	10/5/16	State**
5 17-01A	1/12/17	White Pine Co.
6 17-02A	1/12/17	Clark Co.
7 17-03A	1/17/17	Washoe Co.
8 17-04A	1/24/17	Washoe Co.**
9 17-08A	3/13/17	Storey Co.**
10 17-10A	3/20/17	State**
11 17-11A	3/22/17	Nye Co.
12 17-20A	6/12/17	City of LV

Request Withdrawn

Advisory Requests by Location

FY 2018		
RFO No.	Date Filed	Location
1 17-028A	7/24/17	State**
2 17-039A	10/10/17	State**
3 17-041A	10/16/17	Nye Co.**
4 17-042A	10/17/17	State**
5 17-047A	10/24/17	Carson Co.
6 17-048A	10/30/17	City of Mesquite**
7 18-006A	2/7/18	City of Reno**
8 18-007A	2/9/18	No Subject Identified
9 18-008A	2/13/18	City of Reno
10 18-009A	2/14/18	Douglas Co.
11 18-012A	3/20/18	Eureka Co.
12 18-013A	4/5/18	City of Henderson
13 18-015A	4/9/18	State**
14 18-021A	4/19/18	State**
15 18-027A	5/17/18	Clark Co.**
16 18-029A	5/23/18	Douglas Co.**
17 18-032A	6/5/18	State**
18 18-033A	6/5/18	State
19 18-035A	6/6/18	Churchill Co.

Duplicate Request/ Improper Filing

No Jurisdiction

Request Withdrawn

FY 2017		
	Requests Received	Opinions Issued
State	4	3**
County		
Clark	1	1
Douglas	1	1**
Nye	1	
Storey	1	1**
Washoe	2	1**
White Pine	1	1
City		
Las Vegas	1	
Total County/ City	8	5
Total State & Local	12	8

** 6 Additional Abstract Opinions Issued

FY 2018		
	Requests Received	Opinions Issued
State	6	6**
County		
Carson	1	1
Churchill	1	
Clark	1	1**
Douglas	2	1**
Eureka	1	
Nye	1	1**
City		
Henderson	1	
Mesquite	1	1**
Reno	2	1**
Total County/ City	11	6
Total State & Local	17*	12

* Excludes Duplicate/ Improper

**11 Additional Abstract Opinions Issued

Advisory Requests by Location

FY 2019			
RFO No.	Date Filed	Location	
1	18-078A	9/4/18	State**
2	18-080A	9/6/18	State**
3	18-107A	9/8/18	State
4	18-108A	9/8/18	State
5	18-116A	10/11/18	State**
6	18-118A	10/17/18	State
7	18-122A	10/23/18	Douglas Co.
8	18-123A	10/23/18	Storey Co.
9	18-128A	11/5/18	State
10	18-129A	11/8/18	State
11	18-131A	11/14/18	Clark Co.
12	18-136A	11/19/18	State
13	18-137A	12/3/18	Clark Co.**
14	18-145A	12/24/18	Storey Co.
15	19-003A	1/7/19	Clark Co.
16	19-005A	1/14/19	State**
17	19-007A	1/16/19	State
18	19-008A	1/24/19	State
19	19-009A	1/28/19	State**
20	19-016A	3/7/19	State
21	19-024A	4/16/19	No Jurisdiction

FY 2019		
	Requests Received	Opinions Issued
State	13	9** 2 Pending
County		
Clark	3	2**
Douglas	1	
Storey	2	1 Pending
Total County/ City	6	2
No Jurisdiction	1	
Total State & Local	20*	11

* Excludes Duplicate/ Improper

**6 Additional Abstract Opinions Issued

	Duplicate Request/ Improper Filing
	No Jurisdiction
	Request Withdrawn
	Pending

Cities Assessed - Advisory Requests

City	FY17	FY18	FY19 - Thru 3/30/19
Boulder City			
Elko			
Fernley			
Henderson		1 (1 Opinion Issued)	
Las Vegas	1 (1 W/D; No Opinion Issued)		
Mesquite		1 (1 Opinion Issued & 1 Abstract Issued)	
North Las Vegas			
Reno		2 (1 W/D; 1 Opinion Issued & 1 Abstract Issued)	
Sparks			
TOTAL	1 Request Rec'd (No Opinion Issued)	4 Requests Rec'd (2 Opinions Issued & 2 Abstracts Issued)	0 Requests Rec'd

W/D = Request Withdrawn

No JD = No Jurisdiction

Cities Not Assessed - Advisory Requests

City	FY17	FY18	FY19 - Thru 3/30/19
Caliente			
Carlin			
Ely			
Fallon			
Lovelock			
Wells			
West Wendover			
Winnemucca			
Yerington			
TOTAL	0 Requests Rec'd	0 Requests Rec'd	0 Requests Rec'd

Counties Assessed - Advisory Requests

County	FY17	FY18	FY19 - Thru 3/30/19
Carson City		1 (1 Opinion issued)	
Churchill		1 (1 W/D; 0 Opinions Issued)	
Clark	1 (1 Opinion Issued)	1 (1 Opinion Issued & 1 Abstract Issued)	3 (1 No JD; 2 Opinions Issued & 1 Abstract Issued)
Douglas	1 (1 Opinion Issued & 1 Abstract Issued)	2 (1 No JD; 1 Opinion Issued & 1 Abstract Issued)	1 (1 W/D; 0 Opinions Issued)
Elko			
Humboldt			
Lyon			
Nye	1 (1 W/D; 0 Opinions Issued)	1 (1 Opinion Issued & 1 Abstract Issued)	
Washoe	2 (1 W/D; 1 Opinion Issued & 1 Abstract Issued)		
White Pine	1 (1 Opinion Issued)		
TOTAL	6 Requests Rec'd (4 Opinions Issued & 2 Abstracts Issued)	6 Requests Rec'd (4 Opinions Issued & 3 Abstracts Issued)	4 Requests Rec'd (2 Opinions Issued & 1 Abstracts Issued)

W/D = Request Withdrawn

No JD = No Jurisdiction

Counties Not Assessed - Advisory Requests

County	FY17	FY18	FY19 - Thru 3/30/19
Esmeralda			
Eureka		1 (1 W/D; 0 Opinions Issued)	
Lander			
Lincoln			
Mineral			
Pershing			
Storey	1 (1 Opinion Issued & 1 Abstract Issued)		2 (1 W/D; 0 Opinions Issued; 1 Case Pending)
TOTAL	1 Request Rec'd (1 Opinion Issued & 1 Abstract Issued)	1 Request Rec'd (0 Opinions Issued)	2 Requests Rec'd (0 Opinions Issued)

W/D = Request Withdrawn

No JD = No Jurisdiction



STATE OF NEVADA COMMISSION ON ETHICS

Meeting Dates for 2019 (3rd Wednesday of Each Month)*

January 16th

February 20th

March 20th

April 17th

May 22nd

July 17th

August 21st

September 18th

October 16th

November 13th* (2nd Wed.)

December 11th* (2nd Wed.)

SENATE BILL NO. 129—COMMITTEE ON
LEGISLATIVE OPERATIONS AND ELECTIONS

(ON BEHALF OF THE COMMISSION ON ETHICS)

PREFILED FEBRUARY 1, 2019

Referred to Committee on Legislative Operations and Elections

SUMMARY—Makes various changes relating to ethics in government. (BDR 23-191)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 11.5)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to ethics in government; making various changes relating to the provisions governing ethics in government; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 With certain exceptions, the Nevada Ethics in Government Law (Ethics Law)
2 governs the conduct of public officers and employees and, in certain situations,
3 former public officers and employees after the end of their period of public service
4 or employment. The Ethics Law is carried out and enforced by the Commission on
5 Ethics, which is authorized to issue opinions interpreting the statutory ethical
6 standards established by the Ethics Law and applying those standards to a given set
7 of facts and circumstances. The Ethics Law also authorizes any state agency or the
8 governing body of a county or city to establish a specialized or local ethics
9 committee to complement the functions of the Commission. (Chapter 281A of
10 NRS)

11 Under the Ethics Law, the Commission is authorized to issue advisory opinions
12 requested by current and former public officers and employees who are: (1) seeking
13 guidance on matters which directly relate to the propriety of their own past, present
14 or future conduct under the statutory ethical standards; or (2) requesting relief from
15 certain provisions of the Ethics Law that allow the Commission to grant such relief.
16 (NRS 281A.670-281A.690) The Commission is also authorized to issue opinions in
17 response to ethics complaints filed with or initiated by the Commission regarding
18 the propriety of the conduct of current and former public officers and employees
19 under the statutory ethical standards. (NRS 281A.700-281A.790)



20 This bill amends the Ethics Law by clarifying, revising and adding to existing
21 provisions which govern: (1) the operation, powers, functions and duties of the
22 Commission, its members and staff and any specialized or local ethics committees;
23 (2) the statutory ethical standards that apply to the conduct of current and former
24 public officers and employees; and (3) the proceedings concerning requests for
25 advisory opinions and ethics complaints and the issuance of opinions and the
26 imposition of remedies and penalties by the Commission.

27 **Sections 2, 7, 9, 23-27 and 29-31** of this bill make various changes to existing
28 provisions of the Ethics Law which govern the operation, powers, functions and
29 duties of the Commission, its members and staff and any specialized or local ethics
30 committees. (NRS 281A.200-281A.350) Under the Ethics Law, the Commission
31 must annually elect a Chair and Vice Chair who are assigned certain powers,
32 functions and duties. (NRS 281A.210, 281A.220, 281A.240, 281A.300) **Sections 2**
33 **and 23** of this bill provide for the Chair's powers, functions and duties to be
34 assigned for a particular matter to the Vice Chair or another member of the
35 Commission under certain circumstances. **Section 30** of this bill provides for a
36 member of the Commission to administer oaths when appointed by the Chair to
37 preside over any meetings, hearings or proceedings.

38 The Ethics Law requires the Chair to appoint review panels, consisting of three
39 members of the Commission, to review ethics complaints during the investigatory
40 stage of the proceedings, and if a review panel determines that there is just and
41 sufficient cause for the Commission to render an opinion in a matter, the members
42 of the review panel generally cannot participate in any further proceedings of the
43 Commission relating to that matter. (NRS 281A.220) However, the Ethics Law
44 permits the members of the review panel to authorize the development of and
45 approve a deferral agreement in the proceedings. (NRS 281A.730) **Section 24** of
46 this bill permits one or more members of the review panel, with the consent of the
47 parties, to participate as mediators or facilitators in any settlement negotiations
48 between the parties that are conducted in the proceedings before the Commission
49 holds an adjudicatory hearing in the matter.

50 The Ethics Law requires the Commission to appoint and prescribe the duties of
51 the Executive Director who must have experience in administration, investigations
52 and law. (NRS 281A.230) **Section 25** of this bill adds to these qualifications by
53 requiring the Executive Director to be an attorney who is licensed to practice law in
54 Nevada.

55 Under the Ethics Law, the Commission may conduct investigations and
56 proceedings and secure the participation and attendance of witnesses and the
57 production of any books and papers. (NRS 281A.290, 281A.300) **Section 7** of this
58 bill requires public officers and employees to cooperate with the Commission in its
59 investigations and proceedings and to furnish information and reasonable assistance
60 to the Commission, except to the extent that they are entitled to the protection of
61 certain rights, privileges or immunities or any confidentiality or other protection
62 recognized by law. **Section 7** is modeled, in part, on similar provisions governing
63 the Commission on Judicial Discipline. (NRS 1.460)

64 The Ethics Law requires the Commission on Ethics to appoint and prescribe the
65 duties of the Commission Counsel who is the legal adviser to the Commission and
66 who, in most cases, is directed by the Commission to act as legal counsel in any
67 litigation in which the Commission or its members or staff are parties in an official
68 capacity. (NRS 281A.250, 281A.260) Under Nevada's Open Meeting Law, the
69 Commission may receive information regarding any litigation from its legal
70 counsel and deliberate toward a decision regarding the litigation without holding a
71 public meeting that complies with the Open Meeting Law. (NRS 241.015)
72 However, the Commission cannot take action regarding the litigation, such as
73 authorizing an appeal in the litigation, unless the Commission takes the action in a



74 public meeting that complies with the Open Meeting Law. (*Comm'n on Ethics v.*
75 *Hansen*, 134 Nev. Adv. Op. 40, 419 P.3d 140, 142-43 (2018))

76 **Section 9** of this bill allows the Commission to delegate authority to the Chair
77 or the Executive Director, or both, to make decisions regarding any litigation in
78 which the Commission or its members or staff are parties in an official capacity.
79 **Sections 9 and 64** of this bill also provide that during any period in which
80 proceedings concerning a request for an advisory opinion or an ethics complaint are
81 confidential under the Ethics Law, the Open Meeting Law does not apply to any
82 meetings, hearings, deliberations or actions of the Commission involving: (1) any
83 decisions in litigation concerning any judicial action or proceeding related to the
84 request for an advisory opinion or the ethics complaint; and (2) any delegation of
85 authority to make such decisions in the litigation to the Chair or the Executive
86 Director, or both. **Section 27** of this bill specifies the powers and duties of the
87 Commission Counsel regarding any litigation in which the Commission or its
88 members or staff are parties in an official capacity. **Section 27** also authorizes the
89 Commission Counsel to file an appeal or seek other appellate relief in the litigation
90 with the consent or ratification of: (1) the Commission; or (2) the Chair or the
91 Executive Director, or both, when the Commission has delegated authority under
92 **section 9** to provide such consent or ratification.

93 Under the Ethics Law, a specialized or local ethics committee may: (1)
94 establish its own code of ethical standards suitable for the particular ethical
95 problems encountered in its sphere of activity; and (2) render opinions upon the
96 request of public officers and employees subject to its jurisdiction seeking an
97 interpretation of its own code of ethical standards on certain questions. However, a
98 specialized or local ethics committee may not attempt to interpret or render an
99 opinion regarding the statutory ethical standards subject to the jurisdiction of the
100 Commission, but it may refer such questions to the Commission. (NRS 281A.350)
101 **Section 31** of this bill clarifies the circumstances when such questions may be
102 referred to the Commission as a request for an advisory opinion. **Section 31** also
103 makes conforming changes to ensure consistency with the other revisions that this
104 bill makes to the Ethics Law.

105 The Ethics Law establishes statutory ethical standards that are intended to
106 enhance the people's faith in the integrity and impartiality of public officers and
107 employees by requiring appropriate separation between the roles of persons who
108 are both public servants and private citizens in order to avoid conflicts between
109 their private interests and the interests of the general public whom they serve. (NRS
110 281A.020, 281A.400-281A.550) **Sections 5, 6, 11, 18 and 32-38** of this bill make
111 various changes to the statutory ethical standards.

112 **Sections 5 and 6** of this bill restate more clearly the existing scope of the
113 statutory ethical standards and their applicability to the conduct of current and
114 former public officers and employees. **Section 6** also codifies the existing rule of
115 construction that the standards are cumulative and supplement each other and all
116 such standards are enforceable to the extent that they apply to the given set of facts
117 and circumstances.

118 The Ethics Law prohibits public officers and employees from engaging in
119 certain unethical conduct that benefits themselves, any business entities in which
120 they have a significant pecuniary interest or any persons to whom they have a
121 commitment in a private capacity. (NRS 281A.400, 281A.420) The Ethics Law
122 defines the persons to whom public officers and employees have a "commitment in
123 a private capacity" to include: (1) the spouse or domestic partner of the public
124 officer or employee, any member of his or her household or any relative within the
125 third degree of consanguinity or affinity; (2) any person who employs the public
126 officer or employee, his or her spouse or domestic partner or any member of his or
127 her household; (3) any person with whom the public officer or employee has a
128 substantial and continuing business relationship; or (4) any person with whom the



129 public officer or employee has any other commitment, interest or relationship that
130 is substantially similar to the foregoing commitments, interests or relationships.
131 (NRS 281A.065) **Section 18** of this bill makes technical and stylistic revisions to
132 the definition of “commitment in a private capacity” that do not change its
133 substantive meaning.

134 The Ethics Law prohibits public officers and employees from using their
135 position in government to secure or grant any unwarranted privileges, preferences,
136 exemptions or advantages for themselves, any business entities in which they have
137 a significant pecuniary interest or any persons to whom they have a commitment in
138 a private capacity. (NRS 281A.400) **Section 11** of this bill adds to the statutory
139 ethical standards by prohibiting public officers and employees from using their
140 position or power in government to take any actions or compel a subordinate to
141 take any actions that a reasonable person would find, based on the given set of facts
142 and circumstances, to be a gross or unconscionable abuse of official position or
143 power that would undermine the integrity or impartiality of a reasonable person in
144 the public officer’s or employee’s position under the same or similar facts and
145 circumstances. However, the prohibition in **section 11** does not apply to any
146 allegations claiming only bias, error or abuse of discretion in any actions taken by
147 public officers and employees within the normal course and scope of their position
148 or power in government.

149 The Ethics Law contains a general provision that prohibits public officers and
150 employees from using governmental time, property, equipment or other facility to
151 benefit a significant personal or pecuniary interest of the public officers and
152 employees or any persons to whom they have a commitment in a private capacity.
153 By contrast, the Ethics Law also contains a specific provision that prohibits State
154 Legislators from using governmental time, property, equipment or other facility for
155 a nongovernmental purpose or for the private benefit of the Legislators or any other
156 persons. Both of these prohibitions contain separate limited-use exceptions that
157 allow a limited use of governmental property, equipment or other facility for
158 personal purposes if the limited use meets certain requirements. (NRS 281A.400)
159 **Section 32** of this bill revises these prohibitions and limited-use exceptions in
160 several ways.

161 First, **section 32** of this bill aligns the prohibitions so they employ the same
162 prohibitive language for Legislators and other public officers and employees. As a
163 result, subject to the limited-use exceptions, **section 32** prohibits all public officers
164 and employees from using governmental time, property, equipment or other facility
165 to benefit a significant personal or pecuniary interest of the public officers and
166 employees or any persons to whom they have a commitment in a private capacity.

167 Second, with regard to the limited-use exceptions that apply to public officers
168 and employees other than Legislators, one of the existing requirements for the
169 exceptions is that the public officer or employee who is responsible for and has
170 authority to authorize the limited use for personal purposes must have established a
171 policy allowing the limited use. **Section 32** of this bill clarifies the exception by
172 providing that the limited use must be authorized by a written policy which was
173 adopted before the limited use occurs.

174 Finally, with regard to the limited-use exceptions that apply to Legislators and
175 other public officers and employees, one of the existing requirements for the
176 exceptions is that the limited use for personal purposes must not create the
177 appearance of impropriety. **Section 32** of this bill defines the term “appearance of
178 impropriety” as a perception by a reasonable person that, based on the given set of
179 facts and circumstances, the limited use for personal purposes is inappropriate,
180 disproportionate, excessive or unreasonable under that given set of facts and
181 circumstances.

182 With certain exceptions, the Ethics Law prohibits public officers and
183 employees from acting upon a matter in which their personal or private interests



184 may create potential conflicts of interests unless, at the time the matter is
185 considered, they make a disclosure that is sufficient to inform the public of their
186 potential conflicts of interests. (NRS 281A.420) **Section 34** of this bill provides
187 that, when public officers and employees make such a public disclosure, they are
188 not required to disclose any information which is confidential as a result of a bona
189 fide relationship that protects the confidentiality of the information under the terms
190 of a contract or as a matter of law, such as the attorney-client relationship, if they:
191 (1) disclose all nonconfidential information and describe the general nature of the
192 protected relationship; and (2) abstain from acting upon the matter.

193 The Ethics Law allows certain public officers to represent or counsel private
194 persons for compensation before state or local agencies in which they do not serve.
195 In addition, although the Ethics Law requires public officers to disclose such
196 private representation or counseling when it may create potential conflicts of
197 interests with their public duties, they are not required to abstain from acting on a
198 matter because of those potential conflicts of interests. (NRS 281A.410, 281A.420)
199 **Section 34** of this bill requires public officers to abstain from acting on a matter
200 under certain circumstances when such private representation or counseling results
201 in conflicts of interests with their public duties.

202 With certain exceptions, the Ethics Law prohibits public officers and
203 employees from bidding on or entering into government contracts between any
204 business entities in which they have a significant pecuniary interest and any state or
205 local agencies. The Ethics Law contains several exceptions to the contracting
206 prohibition, including an exception for certain contracts that are awarded by
207 competitive selection. The Ethics Law also allows the Commission to grant relief
208 from the strict application of the contracting prohibition in specified circumstances.
209 (NRS 281A.430) **Section 35** of this bill revises the contracting prohibition to
210 provide that, with certain exceptions, public officers and employees cannot, directly
211 or through a third party, negotiate, bid on, enter into, perform, modify or renew any
212 government contracts between: (1) the public officers and employees or any
213 business entities in which they have a significant pecuniary interest; and (2) an
214 agency in which they serve or an agency that has any connection, relation or
215 affiliation with an agency in which they serve. **Section 35** also makes conforming
216 changes to the existing exceptions and adds a new exception for certain contracts
217 that, by their nature, are not adapted to be awarded by competitive selection.

218 With certain exceptions, the Ethics Law prohibits public officers and
219 employees from accepting or receiving an honorarium to make a speech or
220 appearance in their official capacity but allows: (1) the payment of costs incurred
221 by a public officer or employee, his or her aide or his or her spouse for
222 transportation, lodging and meals while away from the public officer's or
223 employee's residence to make such a speech or appearance; and (2) the receipt of
224 an honorarium by a spouse when it is related to the spouse's profession or
225 occupation. (NRS 281A.510) **Section 37** of this bill clarifies that the exceptions
226 which apply to a spouse also apply to a domestic partner.

227 The Ethics Law prohibits certain former public officers and employees, for a 1-
228 year "cooling-off" period after the termination of their public service or
229 employment, from soliciting or accepting private employment from any entities
230 regulated or awarded certain contracts by the agencies that employed the former
231 public officers and employees. However, the Ethics Law also allows the
232 Commission to grant relief from the strict application of the prohibition in specified
233 circumstances. (NRS 281A.550) **Section 38** of this bill provides that certain current
234 and former public officers and management-level public employees are subject to
235 the "cooling-off" period both during and after their public service or employment
236 and cannot solicit or accept private employment from such entities under similar
237 circumstances. **Section 38** also provides that the "cooling-off" period applies when
238 certain current and former public officers and employees are or were materially



239 involved in the implementation, management or administration of certain contracts
240 awarded by their employing agencies.

241 The Ethics Law requires public officers to execute and timely file with the
242 Commission written acknowledgments that they have received, read and
243 understand the statutory ethical standards and that they have a responsibility to
244 become familiar with any amendments to those standards. (NRS 281A.500)
245 **Section 11.5** of this bill requires the appropriate appointing authorities and
246 administrative officials at the state and local level to: (1) compile a list of the public
247 officers within their purview who must file the written acknowledgment of the
248 statutory ethical standards; and (2) submit the list annually to the Commission.
249 Under existing law, these same appointing authorities and administrative officials
250 must compile and submit a similar list annually to the Secretary of State concerning
251 public officers who must file financial disclosure statements with the Secretary of
252 State. (NRS 281.574)

253 The Ethics Law contains existing provisions which govern the proceedings
254 concerning requests for advisory opinions and ethics complaints and the issuance of
255 opinions and the imposition of remedies and penalties by the Commission. (NRS
256 281A.665-281A.790) **Sections 3, 4, 14, 16, 17, 19-22, 28 and 39-62** of this bill
257 make various changes to these existing provisions.

258 Under the Ethics Law, the Commission issues opinions interpreting the
259 statutory ethical standards and applying those standards to a given set of facts and
260 circumstances. (NRS 281A.680, 281A.710) The Ethics Law also directs the
261 Legislative Counsel to prepare annotations of the Commission's published opinions
262 for inclusion in NRS. (NRS 281A.290) Under existing legal principles governing
263 administrative procedure, the published opinions of an administrative agency
264 constitute administrative precedents with persuasive value. (*Sears, Roebuck & Co.*
265 *v. All States Life Ins. Co.*, 246 F.2d 161, 169 (5th Cir. 1957); E. H. Schopler,
266 Annotation, *Applicability of Stare Decisis Doctrine to Decisions of Administrative*
267 *Agencies*, 79 A.L.R.2d 1126 §§ 4-7 (1961 & Westlaw 2019); 2 Am. Jur. 2d
268 *Administrative Law* § 360 (Westlaw 2019))

269 **Section 4** of this bill defines "published opinion" as an opinion issued by the
270 Commission that is publicly available on the Internet website of the Commission.

271 **Section 39** of this bill codifies existing legal principles by stating that the
272 Commission's published opinions constitute administrative precedents with
273 persuasive value. **Sections 29 and 39** of this bill move and recodify within the
274 Ethics Law the existing provision that directs the Legislative Counsel to prepare
275 annotations of the Commission's published opinions for inclusion in NRS.

276 The Ethics Law authorizes public officers and employees to file with the
277 Commission requests for advisory opinions to: (1) seek guidance relating to the
278 propriety of their own past, present or future conduct under the statutory ethical
279 standards; or (2) request relief from the strict application of certain provisions of
280 the Ethics Law. (NRS 281A.675) **Section 41** of this bill authorizes the supervisory
281 head or the legal counsel of a public body, agency or employer to file with the
282 Commission a request for an advisory opinion to seek guidance relating to the
283 application of the statutory ethical standards to a hypothetical or general set of facts
284 and circumstances involving one or more particular positions with the public body,
285 agency or employer. **Section 41** also allows the Commission to request additional
286 information relating to a request for an advisory opinion from the requester and
287 certain other specified persons.

288 If the requester properly files a request for an advisory opinion, the Ethics Law
289 requires the Commission to render an advisory opinion in the matter within a
290 certain time limit after receiving the request, unless the requester waives the time
291 limit. (NRS 281A.680) **Sections 28 and 42** of this bill revise the Commission's
292 jurisdiction and procedures regarding a request for an advisory opinion. Under the
293 Ethics Law, the Commission generally has jurisdiction over ethics complaints filed



294 or initiated within 2 years after the alleged violation or reasonable discovery of the
295 alleged violation. (NRS 281A.280) **Section 28** of this bill similarly provides that
296 the Commission's jurisdiction over a request for an advisory opinion extends only
297 to past conduct occurring within 2 years of the date on which the request is filed.
298 **Section 42** allows the Commission to stay or dismiss the proceedings concerning
299 the request for an advisory opinion under certain circumstances when an ethics
300 complaint is also filed or pending that involves some or all of the same issues or
301 facts and circumstances as the request for an advisory opinion. **Section 42** also
302 requires the Commission to render a decision regarding the request for an advisory
303 opinion within the existing time limit, subject to certain exceptions. However,
304 **section 42** provides the Commission with more time to prepare the written advisory
305 opinion in the matter by requiring the Commission to issue the written advisory
306 opinion within a specified time limit after the decision is rendered.

307 Under the Ethics Law, certain materials relating to a request for an advisory
308 opinion are confidential and not public records unless the requester: (1) authorizes
309 the Commission to disclose the materials; or (2) voluntarily discloses the materials
310 to persons other than those specified in the statute. (NRS 281A.685) **Section 43** of
311 this bill clarifies that any authorization given by the requester is limited to the
312 specific materials that the requester authorizes the Commission to disclose. **Section**
313 **43** also revises the specified persons to whom the requester may voluntarily
314 disclose the materials without waiving the confidentiality of the materials.

315 With certain exceptions, the Commission is subject to the Open Meeting Law,
316 which generally requires most meetings of public bodies to be open to the public.
317 (Chapter 241 of NRS) However, under the Ethics Law, the Open Meeting Law does
318 not apply to meetings, hearings, deliberations and actions of the Commission
319 relating to requests for advisory opinions, although the requester of the advisory
320 opinion may file a request with the Commission to hold a public meeting or hearing
321 regarding the matter. (NRS 281A.690) **Section 44** of this bill provides that if the
322 Commission grants such a request for a public meeting or hearing regarding the
323 matter, the Commission must provide public notice of the meeting or hearing and
324 the meeting or hearing must be open to the public and conducted in accordance
325 with the regulations of the Commission, but the meeting or hearing is not subject to
326 specific requirements of the Open Meeting Law.

327 In addition to rendering advisory opinions, the Commission is also authorized
328 by the Ethics Law to render opinions regarding the propriety of the conduct of
329 public officers and employees under the statutory ethical standards in response to
330 ethics complaints. (NRS 281A.710) Not later than 45 days after receiving an ethics
331 complaint, the Ethics Law requires the Commission to determine initially whether
332 it has jurisdiction over the ethics complaint and whether an investigation is
333 warranted in the matter, unless the subject of the ethics complaint waives the time
334 limit. (NRS 281A.715) **Section 48** of this bill authorizes the Executive Director,
335 during this initial period, to conduct a preliminary investigation to obtain additional
336 information concerning the allegations in the ethics complaint to assist the
337 Commission in making its initial determination. In addition, **section 48**: (1) allows
338 the Commission to extend the time limit for good cause; and (2) eliminates, as
339 unnecessary, the provision authorizing the subject to waive the time limit because
340 the subject does not receive notice of the matter during this initial period, but only
341 receives notice of the matter if the Commission determines that it has jurisdiction
342 and an investigation is warranted. **Section 48** also allows the Commission to
343 dismiss an ethics complaint initiated on its own motion if it determines that the
344 evidence is not sufficient to warrant an investigation in the matter but requires the
345 Commission to issue a letter of caution or instruction in those circumstances.

346 Under the Ethics Law, if the Commission determines that it has jurisdiction
347 over an ethics complaint and an investigation is warranted, the subject of the ethics
348 complaint is served with a notice of the investigation and provided with an



349 opportunity to submit a response to that notice. (NRS 281A.720) As part of the
350 investigation, the Ethics Law permits the Executive Director to secure the subject's
351 participation, attendance as a witness or production of books and papers under
352 existing procedures. (NRS 281A.300) **Section 49** of this bill clarifies that,
353 regardless of whether the subject submits a response to the investigation, the
354 Executive Director retains the authority during the course of the investigation to
355 secure the subject's participation, attendance as a witness or production of books
356 and papers under those existing procedures.

357 Within 70 days after the Commission directs the Executive Director to
358 investigate an ethics complaint, the Ethics Law requires the Executive Director to
359 present a written recommendation to the review panel regarding the sufficiency of
360 the evidence concerning the ethics complaint, unless the subject waives the time
361 limit. (NRS 281A.725) **Section 50** of this bill allows the presiding officer of the
362 review panel to grant the Executive Director extensions of the time limit for good
363 cause.

364 Within 15 days after the Executive Director presents the written
365 recommendation to the review panel, the Ethics Law requires the review panel to
366 determine whether there is just and sufficient cause for the Commission to render
367 an opinion regarding the ethics complaint, unless the subject waives the time limit.
368 If the review panel determines that there is not just and sufficient cause, the Ethics
369 Law requires the review panel to dismiss the matter, but the review panel may issue
370 a confidential letter of caution or instruction to the subject as part of the dismissal.
371 If the review panel determines that there is just and sufficient cause but reasonably
372 believes that the conduct at issue may be appropriately addressed through
373 additional training or other corrective action, the Ethics Law authorizes the review
374 panel to approve a deferral agreement between the Executive Director and the
375 subject to defer further proceedings in the matter under the terms and conditions of
376 the deferral agreement. If the subject complies with the terms and conditions of the
377 deferral agreement, the matter must be dismissed. However, if the subject fails to
378 comply with the terms and conditions of the deferral agreement, the deferral
379 agreement may be vacated and further proceedings conducted in the matter before
380 the Commission. If the review panel does not believe that a deferral agreement is
381 appropriate or if the subject declines to enter into such a deferral agreement, the
382 Ethics Law requires the review panel to refer the matter to the Commission for
383 further proceedings. (NRS 281A.730, 281A.740)

384 **Section 51** of this bill provides that after the review panel makes its
385 determination in the matter, it must serve written notice of its determination on the
386 subject. **Sections 51 and 52** of this bill further provide that if the review panel
387 authorizes the development of a deferral agreement, the review panel must specify
388 in its written notice a time limit within which the deferral agreement must be
389 developed, but the review panel may grant extensions of the time limit for good
390 cause. Finally, **section 51** provides that if the deferral agreement is not developed
391 within the time limit, or any extension thereof, the review panel must refer the
392 matter to the Commission for further proceedings.

393 The Ethics Law establishes various requirements regarding the adjudication of
394 ethics complaints referred to the Commission for further proceedings. (NRS
395 281A.745-281A.760) **Sections 3 and 53** of this bill clarify that the parties to the
396 proceedings are: (1) the Executive Director or his or her designee who present
397 the case to the Commission at the adjudicatory hearing in the matter; and (2) the
398 subject of the ethics complaint who has the right to written notice of the hearing, to
399 be represented by legal counsel and to hear the evidence presented to the
400 Commission and to present his or her own case. **Section 53** also requires the
401 Commission to provide the parties with a written schedule for discovery in order to
402 prepare for the hearing.



403 The Ethics Law requires the Commission to hold the hearing and render an
404 opinion in the matter within a certain time limit, unless waived by the subject, and
405 the Ethics Law requires the opinion to include findings of fact and conclusions of
406 law. (NRS 281A.745, 281A.765) **Section 53** of this bill requires the Commission to
407 render a decision in the matter within the existing time limit, unless waived by the
408 subject, but **section 53** provides the Commission with more time to prepare the
409 written opinion in the matter by requiring the Commission to issue the written
410 opinion within a specified time limit after the decision is rendered. **Sections 53 and**
411 **57** of this bill also clarify that, in addition to including findings of fact and
412 conclusions of law, the written opinion must otherwise comply with the
413 requirements for a final decision under Nevada's Administrative Procedure Act.
414 (NRS 233B.125)

415 With certain exceptions, the Ethics Law requires, or in some cases allows, the
416 Commission to keep the identity of certain persons who file ethics complaints
417 confidential in order to protect those persons from potential harm. (NRS 281A.750)
418 **Section 54** of this bill clarifies that such confidentiality extends to all materials that,
419 if disclosed, would reveal the identity of the confidential requester. **Section 54** also
420 clarifies that the identity of the confidential requester remains protected if the
421 Executive Director does not intend to present the testimony of the confidential
422 requester as evidence in the matter. However, if the Executive Director intends to
423 present the testimony of the confidential requester as evidence in the matter,
424 **section 54** provides that the Executive Director must disclose the name of the
425 confidential requester only as a proposed witness in accordance with the schedule
426 for discovery in the matter.

427 Under the Ethics Law, the subject of an ethics complaint may submit a written
428 discovery request for a list of proposed witnesses and a copy of any materials in the
429 investigative file that the Executive Director intends to present as evidence in the
430 matter. The Ethics Law also provides that the materials in the investigative file are
431 confidential, except that any materials which the Executive Director presents as
432 evidence in the matter become public records. (NRS 281A.755) **Section 55** of this
433 bill requires any written discovery request to be submitted in accordance with the
434 schedule for discovery in the matter. **Section 55** also provides that any materials
435 which the Executive Director presents as evidence in the matter become public
436 records after the Commission takes final action concerning the ethics complaint in a
437 public meeting or hearing held under **section 56** of this bill.

438 In proceedings concerning an ethics complaint, the Ethics Law exempts from
439 the Open Meeting Law: (1) any meeting or hearing held by the Commission to
440 receive information or evidence concerning the ethics complaint; and (2) any
441 deliberations of the Commission on such information or evidence. However, the
442 Ethics Law does not exempt the Commission's actions concerning the ethics
443 complaint from the Open Meeting Law. (NRS 281A.760) **Section 56** of this bill
444 generally exempts the Commission's actions concerning the ethics complaint from
445 the Open Meeting Law. However, **section 56** requires the Commission to take final
446 action concerning the ethics complaint in a public meeting or hearing for which the
447 Commission provides public notice and which is open to the public and conducted
448 in accordance with the regulations of the Commission, but the meeting or hearing is
449 not subject to specific requirements of the Open Meeting Law.

450 The Ethics Law establishes various requirements regarding the disposition of
451 ethics complaints and the imposition of remedies and penalties. (NRS 281A.765-
452 281A.790) Under the Ethics Law, there are two types of violations: (1) willful
453 violations that require proof of specific mental elements showing that the subject of
454 an ethics complaint committed the violations intentionally and knowingly; and (2)
455 other violations that do not require proof of those specific mental elements. (NRS
456 281A.170) To determine whether violations are willful, the Ethics Law requires the
457 Commission to: (1) consider a nonexclusive list of aggravating and mitigating



458 factors, as well as any other reasonably related factors; and (2) ensure when it
459 applies those factors that the disposition of the matter bears a reasonable
460 relationship to the severity of the violations. (NRS 281A.775) For any violations,
461 whether or not willful, the Ethics Law authorizes the Commission to impose certain
462 remedies, such as training, a remedial course of action or public admonishment.
463 (NRS 281A.785) However, for willful violations, the Ethics Law also authorizes
464 more severe remedies and penalties, such as substantial civil penalties and public
465 reprimand or censure. In some cases involving willful violations, the Ethics Law
466 further requires the Commission to seek removal of certain public officers through
467 court proceedings or to submit the matter to the appropriate House of the
468 Legislature for consideration of additional remedies and penalties against certain
469 public officers, including removal through impeachment or expulsion. (NRS
470 281A.785, 281A.790)

471 **Sections 22, 59, 61 and 62** of this bill eliminate the category of willful
472 violations and revise and clarify some of the existing remedies and penalties under
473 the Ethics Law. First, **section 22** of this bill defines the term "violation" to provide
474 that all violations of the Ethics Law require proof of specific mental elements
475 showing that the subject of an ethics complaint committed the violations
476 intentionally and knowingly. If the Commission determines that such violations
477 have been proven, **sections 59, 61 and 62** of this bill require the Commission to
478 determine which of the less or more severe remedies and penalties to impose
479 against the subject for those violations by: (1) considering the existing nonexclusive
480 list of aggravating and mitigating factors, as well as any other reasonably related
481 factors; and (2) ensuring when it applies those factors that the disposition of the
482 matter bears a reasonable relationship to the severity of the violations. **Section 62**
483 of this bill also clarifies that in determining whether the subject has committed one
484 or more violations, each separate act or event that constitutes a violation must be
485 treated as a separate violation that is cumulative to all other violations, whenever
486 committed, without regard to the sequence of the violations or whether the
487 violations are established in the same or separate proceedings. **Section 62**
488 additionally revises the types of violations that authorize or require the Commission
489 to pursue judicial removal proceedings or to refer the matter to the appropriate
490 House of the Legislature or the appropriate public employer for possible
491 disciplinary action. Finally, as part of the existing remedies and penalties, the
492 Commission may express its official disapproval, reproof or condemnation of
493 violations by using public admonishment, reprimand or censure depending on the
494 degree of willfulness or severity of the violations. (NRS 281A.785) **Section 61** of
495 this bill eliminates public admonishment and censure as potential sanctions but
496 retains public reprimand as the Commission's means for officially rebuking
497 violations.

498 The Ethics Law prohibits any person from preventing, interfering with or
499 attempting to prevent or interfere with investigations or proceedings or the
500 discovery of violations under the Ethics Law and authorizes the Commission to
501 impose civil penalties and, under certain circumstances, assess against such a
502 person certain attorney's fees and costs incurred by others as a result of the act.
503 (NRS 281A.790) **Sections 28 and 62** of this bill: (1) deem the person's act to be a
504 violation of the Ethics Law; (2) specify that the Commission has jurisdiction to
505 investigate and take appropriate action regarding the violation in any proceeding
506 commenced within 2 years after the violation or reasonable discovery thereof; and
507 (3) require the Commission, before taking appropriate action, to provide the person
508 with a written notice of the charges and an opportunity for a hearing in accordance
509 with the regulations of the Commission. **Section 62** also authorizes the
510 Commission, under certain circumstances, to assess against the person certain
511 attorney's fees and costs incurred by the Commission as a result of the violation.



512 Under the Nevada Constitution, each House of the Legislature has certain
 513 plenary and exclusive constitutional powers, including powers to discipline
 514 members for certain unethical legislative conduct, which may be exercised only by
 515 that House and which cannot be usurped, infringed or impaired by the other House
 516 or by any other branch of Nevada’s State Government. (Nev. Const. Art. 3, § 1,
 517 Art. 4, § 6; *Heller v. Legislature*, 120 Nev. 456 (2004); *Comm’n on Ethics v.*
 518 *Hardy*, 125 Nev. 285 (2009); *Mason’s Manual of Legislative Procedure* §§ 560-
 519 564 (2010)) Furthermore, under the constitutional doctrines of separation of powers
 520 and legislative privilege and immunity, Legislators have the constitutional right to
 521 be protected from having to defend themselves, from being held liable and from
 522 being questioned or sanctioned by the other branches in administrative or judicial
 523 proceedings for speech, debate, deliberation and other actions performed within the
 524 sphere of legitimate legislative activity. (Nev. Const. Art. 3, § 1, Art. 4, § 6; NRS
 525 1.071; *Bogan v. Scott-Harris*, 523 U.S. 44, 54 (1998) (“Absolute legislative
 526 immunity attaches to all actions taken ‘in the sphere of legitimate legislative
 527 activity.’ ” (quoting *Tenney v. Brandhove*, 341 U.S. 367, 376 (1951))); *Guinn v.*
 528 *Legislature* (*Guinn II*), 119 Nev. 460, 472 (2003) (“Under the separation of powers
 529 doctrine, individual legislators cannot, nor should they, be subject to fines or other
 530 penalties for voting in a particular way.”); *Steiner v. Superior Court*, 58 Cal. Rptr.
 531 2d 668, 678 n.20 (Cal. Ct. App. 1996) (“The California separation of powers
 532 provision, however, provides a sufficient ground to protect legislators from punitive
 533 action that unduly impinges on their function.”); Luther S. Cushing, *Elements of the*
 534 *Law & Practice of Legislative Assemblies* §§ 601-603 (1856); 1 Joseph Story,
 535 *Commentaries on the Constitution of the United States* § 866 (5th ed. 1905);
 536 Thomas M. Cooley, *A Treatise on Constitutional Limitations* 929 (8th ed. 1927))
 537 As a result, under the Ethics Law, the Commission cannot exercise jurisdiction
 538 or authority over or inquire into, intrude upon or interfere with the functions
 539 of a Legislator that are protected by legislative privilege and immunity.
 540 (NRS 281A.020)

541 **Section 14** of this bill provides that if the Commission determines at any time
 542 during proceedings concerning an ethics complaint against a Legislator that any
 543 allegations in the ethics complaint are within the jurisdiction or authority of the
 544 Legislator’s House, and not within the Commission’s jurisdiction or authority,
 545 the Commission may authorize the Executive Director to file a complaint with the
 546 Legislator’s House alleging a breach of legislative ethical standards under the
 547 House’s standing rules. **Sections 14 and 63** of this bill also acknowledge that such
 548 a complaint filed with the Legislator’s House and all materials related to the
 549 allegations in the complaint are confidential and are not public records, unless those
 550 materials become publicly available in a manner authorized by the House’s
 551 standing rules.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 281A of NRS is hereby amended by
 2 adding thereto the provisions set forth as sections 2 to 14, inclusive,
 3 of this act.

4 **Sec. 2. “Chair” means:**
 5 **1. The Chair of the Commission; or**
 6 **2. The Vice Chair or another member of the Commission**
 7 **serving in the capacity of the Chair pursuant to NRS 281A.210.**



1 **Sec. 3.** *“Party” means, for the purposes of the adjudication*
2 *and disposition of proceedings concerning an ethics complaint*
3 *pursuant to this chapter:*

4 1. *The Executive Director or his or her designee; and*

5 2. *The public officer or employee who is the subject of the*
6 *ethics complaint.*

7 **Sec. 4.** *“Published opinion” means an opinion issued by the*
8 *Commission that is publicly available on the Internet website of*
9 *the Commission.*

10 **Sec. 5.** *“Statutory ethical standards” means the statutory*
11 *ethical standards set forth in the provisions of this chapter.*

12 **Sec. 6.** 1. *The provisions of this chapter establish statutory*
13 *ethical standards to govern the conduct of:*

14 (a) *Public officers and employees; and*

15 (b) *Former public officers and employees in situations where*
16 *the statutory ethical standards apply to the conduct of former*
17 *public officers and employees after the end of any period of public*
18 *service or employment.*

19 2. *The statutory ethical standards are cumulative and*
20 *supplement each other, and the application of any one of the*
21 *statutory ethical standards to a given set of facts and*
22 *circumstances does not bar the application of any other of the*
23 *statutory ethical standards that also apply to the given set of facts*
24 *and circumstances.*

25 **Sec. 7.** 1. *Every public officer or employee of the State or*
26 *one of its political subdivisions, regardless of whether he or she is*
27 *otherwise subject to the provisions of this chapter, shall cooperate*
28 *with the Commission in any lawful investigations or proceedings*
29 *of the Commission and furnish information and reasonable*
30 *assistance to the Commission or its authorized representative,*
31 *except to the extent that the public officer or employee is entitled*
32 *to:*

33 (a) *Any right, privilege or immunity recognized by law, other*
34 *than any common-law privilege or immunity abrogated pursuant*
35 *to NRS 281A.185; or*

36 (b) *Any confidentiality or other protection recognized by law.*

37 2. *If a public officer or employee is entitled to any protection*
38 *pursuant to paragraph (a) or (b) of subsection 1, that protection*
39 *extends only to matters within the scope of the protection, and the*
40 *public officer or employee shall comply with the provisions of*
41 *subsection 1 to the fullest extent possible regarding all matters*
42 *outside of the scope of the protection.*

43 3. *Before a public officer or employee is required to comply*
44 *with the provisions of subsection 1 and during the course of any*
45 *investigations or proceedings of the Commission or its authorized*



1 *representative, the public officer or employee is entitled to be*
2 *represented by and consult with legal counsel, including, without*
3 *limitation, the legal counsel of his or her public body, agency or*
4 *employer.*

5 **Sec. 8.** (Deleted by amendment.)

6 **Sec. 9. 1.** *In carrying out the provisions of this chapter, the*
7 *Commission may delegate authority to the Chair or the Executive*
8 *Director, or both, to make any decisions in litigation concerning*
9 *any judicial action or proceeding in which the Commission or any*
10 *member or employee of the Commission is a party in an official*
11 *capacity or participates or intervenes in an official capacity.*

12 **2.** *During any period in which proceedings concerning a*
13 *request for an advisory opinion or an ethics complaint are*
14 *confidential pursuant to this chapter, the provisions of chapter 241*
15 *of NRS do not apply to any meeting or hearing held by the*
16 *Commission or any deliberations or actions of the Commission*
17 *involving:*

18 *(a) Any decisions in litigation concerning any judicial action*
19 *or proceeding related to the request for an advisory opinion or the*
20 *ethics complaint; or*

21 *(b) Any delegation of authority to make such decisions in the*
22 *litigation to the Chair or the Executive Director, or both, pursuant*
23 *to subsection 1.*

24 **Sec. 10.** (Deleted by amendment.)

25 **Sec. 11. 1.** *A public officer or employee shall not use the*
26 *public officer's or employee's position or power in government to*
27 *take any actions or compel a subordinate to take any actions that a*
28 *reasonable person would find, based on the given set of facts and*
29 *circumstances, to be a gross or unconscionable abuse of official*
30 *position or power that would undermine the integrity or*
31 *impartiality of a reasonable person in the public officer's or*
32 *employee's position under the same or similar facts and*
33 *circumstances.*

34 **2.** *The provisions of this section must not be interpreted to*
35 *apply to any allegations claiming only bias, error or abuse of*
36 *discretion in any findings, decisions, policy-making or other*
37 *actions taken by a public officer or employee within the normal*
38 *course and scope of his or her position or power in government.*

39 **Sec. 11.5.** *A list of each public officer who is required to file*
40 *an acknowledgment of the statutory ethical standards in*
41 *accordance with NRS 281A.500 must be submitted electronically*
42 *to the Commission, in a form prescribed by the Commission, on or*
43 *before December 1 of each year by:*

44 **1.** *For an appointed public officer, the appointing authority*
45 *of the public officer, including, without limitation:*



1 (a) *The manager of each local agency for a public officer of a*
2 *local agency;*

3 (b) *The Director of the Legislative Counsel Bureau for a*
4 *public officer of the Legislative Department of the State*
5 *Government; and*

6 (c) *The Director of the Department of Administration, or his*
7 *or her designee, for a public officer of the Executive Department*
8 *of the State Government; and*

9 2. *For an elected public officer of:*

10 (a) *The county and other political subdivisions within the*
11 *county except cities, the county clerk;*

12 (b) *The city, the city clerk;*

13 (c) *The Legislative Department of the State Government, the*
14 *Director of the Legislative Counsel Bureau; and*

15 (d) *The Executive Department of the State Government, the*
16 *Director of the Department of Administration, or his or her*
17 *designee.*

18 **Sec. 12.** (Deleted by amendment.)

19 **Sec. 13.** (Deleted by amendment.)

20 **Sec. 14.** *Notwithstanding any other provisions of NRS*
21 *281A.700 to 281A.790, inclusive:*

22 1. *If a State Legislator is the subject of an ethics complaint*
23 *and the Commission determines, at any time during the*
24 *proceedings concerning the ethics complaint, that any allegations*
25 *in the ethics complaint involve actions of the Legislator that are*
26 *not within the jurisdiction or authority of the Commission*
27 *pursuant to paragraph (d) of subsection 2 of NRS 281A.020 but*
28 *are within the jurisdiction or authority of the Legislator's own*
29 *House pursuant to Section 6 of Article 4 of the Nevada*
30 *Constitution, the Commission may authorize the Executive*
31 *Director to file a complaint with the House alleging a breach of*
32 *legislative ethical standards pursuant to the applicable Standing*
33 *Rules of the Legislative Department of the State Government.*

34 2. *If the Executive Director files a complaint with the*
35 *Legislator's own House pursuant to this section:*

36 (a) *The Executive Director shall submit to the House all*
37 *information, communications, records, documents or other*
38 *materials in the possession of the Commission or its staff that are*
39 *related to the allegations in the complaint filed with the House;*
40 *and*

41 (b) *The complaint filed with the House and all information,*
42 *communications, records, documents or other materials that are*
43 *related to the allegations in the complaint filed with the House are*
44 *confidential and are not public records pursuant to chapter 239 of*
45 *NRS, unless those materials become publicly available in a*



1 *manner authorized by the applicable Standing Rules of the*
2 *Legislative Department of the State Government.*

3 **Sec. 15.** NRS 281A.030 is hereby amended to read as follows:
4 281A.030 As used in this chapter, unless the context otherwise
5 requires, the words and terms defined in NRS 281A.032 to
6 281A.170, inclusive, *and sections 2 to 5, inclusive, of this act* have
7 the meanings ascribed to them in those sections.

8 **Sec. 16.** NRS 281A.032 is hereby amended to read as follows:
9 281A.032 “Adjudicatory hearing” means a hearing held by the
10 Commission pursuant to NRS 281A.745 to receive evidence *and*
11 *render a decision* concerning an ethics complaint . ~~[and render an~~
12 ~~opinion in the matter.]~~

13 **Sec. 17.** NRS 281A.033 is hereby amended to read as follows:
14 281A.033 “Advisory opinion” means an advisory opinion
15 ~~[rendered]~~ *issued* by the Commission pursuant to NRS 281A.670 to
16 281A.690, inclusive.

17 **Sec. 18.** NRS 281A.065 is hereby amended to read as follows:
18 281A.065 “Commitment in a private capacity ” ~~[,” with respect~~
19 ~~to the interests of another person.]~~ means a *private* commitment,
20 interest or relationship of a public officer or employee to : ~~[a~~
21 ~~person:]~~

22 1. ~~[Who is the]~~ *The* spouse or domestic partner of the public
23 officer or employee;

24 2. ~~[Who is a]~~ *A* member of the household of the public officer
25 or employee;

26 3. ~~[Who is related to]~~ *A relative of* the public officer or
27 employee, or ~~[to]~~ the spouse or domestic partner of the public
28 officer or employee, by blood, adoption, marriage or domestic
29 partnership within the third degree of consanguinity or affinity;

30 4. ~~[Who employs]~~ *The employer of* the public officer or
31 employee, the spouse or domestic partner of the public officer
32 or employee or a member of the household of the public officer or
33 employee;

34 5. ~~[With]~~ *A person with* whom the public officer or employee
35 has a substantial and continuing business relationship; or

36 6. ~~[With]~~ *A person with* whom the public officer or employee
37 has any other *private* commitment, interest or relationship that is
38 substantially similar to a *private* commitment, interest or
39 relationship described in subsections 1 to 5, inclusive.

40 **Sec. 19.** NRS 281A.088 is hereby amended to read as follows:
41 281A.088 “Ethics complaint” means ~~[a request for an opinion]~~
42 *an ethics complaint* which is filed with the Commission or initiated
43 by the Commission on its own motion pursuant to NRS 281A.710
44 regarding the propriety of the conduct of a public officer or



1 employee under the statutory ethical standards . ~~[set forth in this~~
2 ~~chapter.]~~

3 **Sec. 20.** NRS 281A.135 is hereby amended to read as follows:

4 281A.135 1. "Opinion" means an opinion ~~[rendered]~~ *issued*
5 by the Commission in accordance with the provisions of this
6 chapter.

7 2. The term includes, without limitation, the disposition of an
8 ethics complaint by stipulation, agreed settlement, consent order or
9 default as authorized by NRS 233B.121.

10 **Sec. 21.** NRS 281A.161 is hereby amended to read as follows:

11 281A.161 "Request for an advisory opinion" means a request
12 for an advisory opinion which is filed with the Commission
13 pursuant to NRS 281A.675 . ~~[by a public officer or employee who~~
14 ~~is:~~

15 ~~—1. Seeking guidance on matters which directly relate to the~~
16 ~~propriety of his or her own past, present or future conduct as a~~
17 ~~public officer or employee under the statutory ethical standards set~~
18 ~~forth in this chapter; or~~

19 ~~—2. Requesting relief pursuant to NRS 281A.410, 281A.430 or~~
20 ~~281A.550.]~~

21 **Sec. 22.** NRS 281A.170 is hereby amended to read as follows:

22 281A.170 ~~["Willful violation"]~~ *"Violation"* means a violation
23 where the public officer or employee:

24 1. Acted intentionally and knowingly; or

25 2. Was in a situation where this chapter imposed a duty to act
26 and the public officer or employee intentionally and knowingly
27 failed to act in the manner required by this chapter . ~~;~~

28 ~~↳ unless the Commission determines, after applying the factors set~~
29 ~~forth in NRS 281A.775, that the public officer's or employee's act~~
30 ~~or failure to act has not resulted in a sanctionable violation of this~~
31 ~~chapter.]~~

32 **Sec. 23.** NRS 281A.210 is hereby amended to read as follows:

33 281A.210 1. The Commission shall ~~;~~

34 ~~—(a) At],~~ *at* its first meeting and annually thereafter, elect a Chair
35 and Vice Chair from among its members.

36 ~~[(b) Meet]~~

37 2. *If the Chair is prohibited from acting on a particular*
38 *matter or is otherwise unable to act on a particular matter, the*
39 *Vice Chair shall exercise the powers and functions and perform*
40 *the duties of the Chair concerning that particular matter. If the*
41 *Chair and Vice Chair are prohibited from acting on a particular*
42 *matter or are otherwise unable to act on a particular matter,*
43 *another member of the Commission who is designated in*
44 *accordance with the regulations of the Commission shall exercise*



1 *the powers and functions and perform the duties of the Chair*
2 *concerning that particular matter.*

3 3. *The Commission shall meet* regularly at least once in each
4 calendar quarter, unless there are no ethics complaints or requests
5 for advisory opinions pursuant to this chapter, and at other times
6 upon the call of the Chair.

7 ~~2.~~ 4. Members of the Commission are entitled to receive a
8 salary of not more than \$80 per day, as fixed by the Commission,
9 while engaged in the business of the Commission.

10 ~~3.~~ 5. While engaged in the business of the Commission, each
11 member and employee of the Commission is entitled to receive the
12 per diem allowance and travel expenses provided for state officers
13 and employees generally.

14 ~~4.~~ 6. The Commission may, within the limits of legislative
15 appropriation, maintain such facilities as are required to carry out its
16 functions.

17 **Sec. 24.** NRS 281A.220 is hereby amended to read as follows:

18 281A.220 1. The Chair shall appoint one or more review
19 panels of three members of the Commission on a rotating basis to
20 perform the functions assigned to such review panels pursuant to
21 this chapter.

22 2. The Chair and Vice Chair of the Commission may not serve
23 together on a review panel.

24 3. Not more than two members of a review panel may be
25 members of the same political party.

26 4. If a review panel determines that there is just and sufficient
27 cause for the Commission to render *a decision and issue* an opinion
28 in a matter, the members of the review panel shall not participate in
29 any further proceedings of the Commission relating to that matter ~~4.~~
30 *, except that:*

31 *(a) One or more members of the review panel may, with the*
32 *consent of the parties, participate as mediators or facilitators in*
33 *any settlement negotiations between the parties that are conducted*
34 *before an adjudicatory hearing in the matter.*

35 *(b) The members of the review panel may authorize the*
36 *development of or approve a deferral agreement pursuant to*
37 *NRS 281A.730.*

38 **Sec. 25.** NRS 281A.230 is hereby amended to read as follows:

39 281A.230 1. The Commission shall appoint, within the limits
40 of legislative appropriation, an Executive Director who shall
41 perform the duties set forth in this chapter and such other duties as
42 may be prescribed by the Commission.

43 2. The Executive Director must *be an attorney who is licensed*
44 *to practice law in this State and must* have experience in
45 administration, investigations and law.



1 3. The Executive Director is in the unclassified service of the
2 State.

3 4. The Executive Director shall devote the Executive Director's
4 entire time and attention to the business of the Commission and
5 shall not pursue any other business or occupation or hold any other
6 office of profit that detracts from the full and timely performance of
7 the Executive Director's duties.

8 5. The Executive Director may not:

9 (a) Be actively involved in the work of any political party or
10 political campaign; or

11 (b) Except in pursuit of the business of the Commission,
12 communicate directly or indirectly with a State Legislator or a
13 member of a local legislative body on behalf of someone other than
14 the Executive Director to influence:

15 (1) The State Legislator with regard to introducing or voting
16 upon any matter or taking other legislative action; or

17 (2) The member of the local legislative body with regard to
18 introducing or voting upon any ordinance or resolution, taking other
19 legislative action or voting upon:

20 (I) The appropriation of public money;

21 (II) The issuance of a license or permit; or

22 (III) Any proposed subdivision of land or special
23 exception or variance from zoning regulations.

24 **Sec. 26.** NRS 281A.240 is hereby amended to read as follows:

25 281A.240 1. In addition to any other duties imposed upon the
26 Executive Director, the Executive Director shall:

27 (a) Maintain complete and accurate records of all transactions
28 and proceedings of the Commission.

29 (b) Receive ethics complaints and requests for advisory opinions
30 pursuant to this chapter.

31 (c) Gather information and conduct investigations regarding
32 ethics complaints and requests for advisory opinions pursuant to this
33 chapter.

34 (d) ~~Submit~~ *Present* recommendations to the review panel
35 regarding whether there is just and sufficient cause for the
36 Commission to render *a decision and issue* an opinion in a matter.

37 (e) Recommend to the Commission any regulations or
38 legislation that the Executive Director considers desirable or
39 necessary to improve the operation of the Commission and maintain
40 high standards of ethical conduct in government.

41 (f) Upon the request of any public officer or the employer of a
42 public employee, conduct training on the requirements of this
43 chapter, the rules and regulations adopted by the Commission and
44 ~~previous~~ *the published* opinions of the Commission. In any such
45 training, the Executive Director shall emphasize that the Executive



1 Director is not a member of the Commission and that only the
2 Commission may issue opinions concerning the application of the
3 statutory ethical standards to any given set of facts and
4 circumstances. The Commission may charge a reasonable fee to
5 cover the costs of training provided by the Executive Director
6 pursuant to this subsection.

7 (g) Perform such other duties, not inconsistent with law, as may
8 be required by the Commission.

9 2. The Executive Director shall, within the limits of legislative
10 appropriation, employ such persons as are necessary to carry out any
11 of the Executive Director's duties relating to:

12 (a) The administration of the affairs of the Commission; and

13 (b) The investigation of matters under the jurisdiction of the
14 Commission.

15 3. If the Executive Director is prohibited from acting on a
16 particular matter or is otherwise unable to act on a particular matter,
17 the Chair ~~[of the Commission]~~ shall designate a qualified person to
18 perform the duties of the Executive Director with regard to that
19 particular matter.

20 **Sec. 27.** NRS 281A.260 is hereby amended to read as follows:

21 281A.260 1. The Commission Counsel is the legal adviser to
22 the Commission. For each *written* opinion of the Commission,
23 the Commission Counsel shall prepare, at the direction of the
24 Commission ~~[]~~ *or as required pursuant to this chapter*, the
25 appropriate findings of fact and conclusions as to *the* relevant
26 *statutory ethical* standards and the propriety of particular conduct.
27 The Commission Counsel shall not issue written opinions
28 concerning the applicability of the statutory ethical standards to a
29 given set of facts and circumstances except as directed by the
30 Commission.

31 2. The Commission may rely upon the legal advice of the
32 Commission Counsel in conducting its daily operations.

33 3. *Except as otherwise provided in this section or directed by*
34 *the Commission, in litigation concerning any judicial action or*
35 *proceeding in which the Commission or any member or employee*
36 *of the Commission is a party in an official capacity or participates*
37 *or intervenes in an official capacity, the Commission Counsel:*

38 (a) *Shall represent and act as legal counsel to the Commission*
39 *or any member or employee of the Commission in the action or*
40 *proceeding;*

41 (b) *May commence, prosecute, defend, participate or intervene*
42 *in the action or proceeding on behalf of the Commission or any*
43 *member or employee of the Commission; and*

44 (c) *May file an appeal or petition for or seek any writ or other*
45 *appellate relief in the action or proceeding on behalf of the*



1 *Commission or any member or employee of the Commission with*
2 *the consent or ratification of:*

3 (1) *The Commission; or*

4 (2) *The Chair or the Executive Director, or both, if the*
5 *authority to provide such consent or ratification is delegated*
6 *pursuant to section 9 of this act.*

7 4. *The provisions of subsection 3 do not apply to litigation*
8 *concerning any judicial action or proceeding in which the*
9 *Commission:*

10 (a) *Requests that the Attorney General appoint a deputy to act*
11 *in the place of the Commission Counsel; or*

12 (b) *Employs outside legal counsel.*

13 5. *If the Commission Counsel is prohibited from acting on a*
14 *particular matter or is otherwise unable to act on a particular matter,*
15 *the Commission may:*

16 (a) *Request that the Attorney General appoint a deputy to act in*
17 *the place of the Commission Counsel; or*

18 (b) *Employ outside legal counsel.*

19 **Sec. 28.** *NRS 281A.280 is hereby amended to read as follows:*
20 *281A.280 1. Except as otherwise provided in this section, the*
21 *Commission has jurisdiction to ~~investigate~~:*

22 (a) *Gather information and issue an advisory opinion in any*
23 *proceeding commenced by a request for an advisory opinion that*
24 *is filed with the Commission, except that the Commission does not*
25 *have jurisdiction to issue an advisory opinion on matters which*
26 *directly relate to the propriety of past conduct occurring more than*
27 *2 years before the date on which the request for an advisory*
28 *opinion is filed with the Commission.*

29 (b) *Investigate and take appropriate action regarding an alleged*
30 *violation of this chapter by a ~~public officer or employee~~ current or*
31 *former public officer or employee in any proceeding commenced by*
32 *an ethics complaint, which is filed with the Commission or initiated*
33 *by the Commission on its own motion, within 2 years after the*
34 *alleged violation or reasonable discovery of the alleged violation.*

35 (c) *Investigate and take appropriate action regarding an*
36 *alleged violation of subsection 3 of NRS 281A.790 by a current or*
37 *former public officer or employee or any other person in any*
38 *proceeding commenced by a written notice of the charges, which*
39 *is initiated by the Commission on its own motion, within 2 years*
40 *after the alleged violation or reasonable discovery of the alleged*
41 *violation.*

42 2. *The Commission does not have jurisdiction regarding*
43 *alleged conduct by a ~~public officer or employee~~ current or former*
44 *public officer or employee for which:*



1 (a) A complaint may be filed or, if the applicable limitations
2 period has expired, could have been filed with the United States
3 Equal Employment Opportunity Commission or the Nevada Equal
4 Rights Commission; or

5 (b) A complaint or employment-related grievance may be filed
6 or, if the applicable limitations period has expired, could have been
7 filed with another appropriate agency with jurisdiction to redress
8 alleged discrimination or harassment, including, without limitation,
9 a state or local employee-management relations board or similar
10 state or local agency,

11 ↪ but any bar on the Commission's jurisdiction imposed by this
12 subsection applies only to the extent that it pertains to the alleged
13 discrimination or harassment, and this subsection does not deprive
14 the Commission of jurisdiction regarding the alleged conduct if such
15 conduct is sanctionable separately or concurrently under the
16 provisions of this chapter, irrespective of the alleged discrimination
17 or harassment.

18 3. For the purposes of this section, a proceeding is commenced
19 ~~by~~ *by an ethics complaint:*

20 (a) On the date on which ~~an~~ *the* ethics complaint is filed in the
21 proper form with the Commission in accordance with the
22 regulations of the Commission; or

23 (b) If the ethics complaint is initiated by the Commission on its
24 own motion, on the date on which the Commission serves the
25 ~~public officer or employee~~ *current* or former public officer or
26 employee with *a written* notice of the *investigation of the* ethics
27 complaint in accordance with the regulations of the Commission.

28 **Sec. 29.** NRS 281A.290 is hereby amended to read as follows:
29 281A.290 The Commission shall:

30 1. Adopt procedural regulations that are necessary and proper
31 to carry out the provisions of this chapter, including, without
32 limitation:

33 (a) To facilitate the receipt of inquiries by the Commission;

34 (b) For the filing of an ethics complaint or a request for an
35 advisory opinion with the Commission;

36 (c) For the withdrawal of an ethics complaint or a request for an
37 advisory opinion by the person who filed the ethics complaint or
38 request;

39 (d) To facilitate the prompt rendition *of decisions and the*
40 *issuance* of opinions by the Commission; and

41 (e) For proceedings concerning an ethics complaint, to facilitate
42 written discovery requests submitted pursuant to NRS 281A.750
43 and 281A.755 and the disclosure of evidence in the manner required
44 by those sections, including, without limitation, the disclosure of
45 evidence obtained by or on behalf of the Executive Director during



1 the course of the investigation that affirmatively and substantively
2 disproves any alleged violation of this chapter that is related to the
3 ethics complaint and has been referred to the Commission for an
4 adjudicatory hearing.

5 2. Prescribe, by regulation, forms and procedures for the
6 submission of ~~{statements of acknowledgment}~~ *acknowledgments*
7 *of the statutory ethical standards* filed by public officers pursuant
8 to NRS 281A.500, maintain files of such ~~{statements}~~
9 *acknowledgments* and make the ~~{statements}~~ *acknowledgments*
10 available for public inspection.

11 3. Cause the making of such investigations as are reasonable
12 and necessary for the rendition of *of decisions and the issuance* of
13 ~~{its}~~ opinions pursuant to this chapter.

14 4. Inform the Attorney General or district attorney of all cases
15 of noncompliance with the requirements of this chapter.

16 5. Recommend to the Legislature such further legislation as the
17 Commission considers desirable or necessary to promote and
18 maintain high standards of ethical conduct in government.

19 6. Publish a manual for the use of public officers and
20 employees that explains the requirements of this chapter.

21 ~~{The Legislative Counsel shall prepare annotations to this chapter~~
22 ~~for inclusion in the Nevada Revised Statutes based on the published~~
23 ~~opinions of the Commission.}~~

24 **Sec. 30.** NRS 281A.300 is hereby amended to read as follows:

25 281A.300 1. The Chair ~~{and Vice Chair}~~ *or a member* of the
26 Commission *appointed by the Chair to preside over any meetings,*
27 *hearings and proceedings* may administer oaths.

28 2. The Commission, upon majority vote, may issue a subpoena
29 to compel the attendance of a witness and the production of any
30 books and papers for any hearing before the Commission.

31 3. Upon the request of the Executive Director, the Chair ~~{or, in~~
32 ~~the Chair's absence, the Vice Chair,}~~ may issue a subpoena to
33 compel the participation of a potential witness and the production of
34 any books and papers during the course of any investigation.

35 4. Upon the request of the Executive Director or the public
36 officer or employee who is the subject of an ethics complaint, the
37 Chair ~~{or, in the Chair's absence, the Vice Chair,}~~ may issue a
38 subpoena to compel the attendance of a witness and the production
39 of any books and papers for any hearing before the Commission. A
40 public officer or employee who requests the issuance of a subpoena
41 pursuant to this subsection must serve the subpoena in the manner
42 provided in the Nevada Rules of Civil Procedure for service of
43 subpoenas in a civil action and must pay the costs of such service.

44 5. Before ~~{issuing}~~ *the Chair issues* a subpoena *directed to {a}*
45 *the* public officer or employee who is the subject of an ethics



1 complaint to compel his or her participation in any investigation, his
2 or her attendance as a witness or his or her production of any books
3 and papers, the Executive Director shall submit a written request to
4 the public officer or employee requesting:

5 (a) The voluntary participation of the public officer or employee
6 in the investigation;

7 (b) The voluntary attendance of the public officer or employee
8 as a witness; or

9 (c) The voluntary production by the public officer or employee
10 of any books and papers relating to the ethics complaint.

11 6. Each written request submitted by the Executive Director
12 pursuant to subsection 5 must specify the time and place for the
13 voluntary participation of the public officer or employee in the
14 investigation, attendance of the public officer or employee as a
15 witness or production of any books and papers, and designate with
16 certainty the books and papers requested, if any.

17 7. If the public officer or employee fails or refuses to respond
18 to the Executive Director's written request pursuant to subsection 5
19 to voluntarily participate or attend at the time and place specified or
20 produce the books and papers requested by the Executive Director
21 within 5 business days after receipt of the written request, the Chair
22 ~~for, in the Chair's absence, the Vice Chair,]~~ may issue the subpoena.
23 Failure of the public officer or employee to comply with the written
24 request of the Executive Director shall be deemed a waiver by the
25 public officer or employee of the time limits set forth in NRS
26 281A.700 to 281A.790, inclusive, *and section 14 of this act* that
27 apply to proceedings concerning the ethics complaint.

28 8. If any witness fails or refuses to participate, attend, testify or
29 produce any books and papers as required by the subpoena, the
30 Chair ~~for, in the Chair's absence, the Vice Chair,]~~ may report to the
31 district court by petition, setting forth that:

32 (a) Due notice has been given of the time and place of the
33 participation or attendance of the witness or the production of the
34 books and papers;

35 (b) The witness has been subpoenaed pursuant to this section;
36 and

37 (c) The witness has failed or refused to participate, attend,
38 testify or produce the books and papers as required by the subpoena,
39 or has failed or refused to answer questions propounded to the
40 witness,

41 ➔ and asking for an order of the court compelling the witness to
42 participate, attend, testify or produce the books and papers as
43 required by the subpoena.

44 9. Upon such a petition, the court shall enter an order directing
45 the witness to appear before the court at a time and place to be fixed



1 by the court in its order, the time to be not more than 10 days after
2 the date of the order, and then and there show cause why the witness
3 has not participated, attended, testified or produced the books or
4 papers as required by the subpoena. A certified copy of the order
5 must be served upon the witness.

6 10. If ~~[it appears to]~~, *at the hearing to show cause*, the court
7 *finds* that the subpoena was regularly issued pursuant to this section
8 ~~[]~~ *and that the witness has not proven a reason recognized by law*
9 *for the failure to comply with its provisions*, the court shall enter an
10 order that the witness comply with the subpoena, at the time and
11 place fixed in the order, and participate, attend, testify or produce
12 the required books and papers. Upon failure to obey the order, the
13 witness must be dealt with as for contempt of court.

14 **Sec. 31.** NRS 281A.350 is hereby amended to read as follows:
15 281A.350 1. Any state agency or the governing body of a
16 county or an incorporated city may establish a specialized or local
17 ethics committee to complement the functions of the Commission.
18 A specialized or local ethics committee may:

19 (a) Establish a code of ethical standards suitable for the
20 particular ethical problems encountered in its sphere of activity. The
21 standards may not be less restrictive than the statutory ethical
22 standards.

23 (b) Render *a decision and issue* an opinion upon the request of
24 any public officer or employee of its own organization or level
25 seeking an interpretation of its *code of* ethical standards on
26 questions directly related to the propriety of the public officer's or
27 employee's own future official conduct ~~[or]~~, *but the committee*
28 *may* refer the request to the Commission ~~[]~~ *if the response to the*
29 *request requires the Commission to interpret the statutory ethical*
30 *standards and apply those standards to the given set of facts and*
31 *circumstances. If the request is referred to the Commission, it*
32 *shall be deemed to be a request for an advisory opinion filed by the*
33 *public officer or employee with the Commission pursuant to NRS*
34 *281A.675.* Any public officer or employee subject to the jurisdiction
35 of the committee shall direct the public officer's or employee's
36 ~~[inquiry]~~ *request* to that committee *first* instead of the Commission.

37 (c) Require the filing of financial disclosure statements by
38 public officers on forms prescribed by the committee or the city
39 clerk if the form has been:

40 (1) Submitted, at least 60 days before its anticipated
41 distribution, to the Secretary of State for review; and

42 (2) Upon review, approved by the Secretary of State. The
43 Secretary of State shall not approve the form unless the form
44 contains all the information required to be included in a financial
45 disclosure statement pursuant to NRS 281.571.



1 2. The Secretary of State is not responsible for the costs of
2 producing or distributing a form for filing a financial disclosure
3 statement pursuant to the provisions of subsection 1.

4 3. A specialized or local ethics committee shall not attempt to
5 interpret *the statutory ethical standards* or render *a decision and*
6 *issue* an opinion regarding the statutory ethical standards.

7 4. Each request for an opinion submitted *by a public officer or*
8 *employee* to a specialized or local ethics committee, each hearing
9 held *by the committee* to obtain information on which to ~~{base}~~
10 *render a decision and issue* an opinion, all deliberations *by the*
11 *committee* relating to ~~{an}~~ *the decision and* opinion, each ~~{opinion}~~
12 *decision* rendered *and opinion issued* by ~~{a}~~ *the* committee and any
13 motion relating to the *decision and* opinion are confidential unless:

14 (a) The ~~{public officer or employee}~~ *requester* acts in
15 contravention of the *decision or* opinion; or

16 (b) The requester discloses the ~~{content}~~ *contents* of the
17 *decision or* opinion.

18 **Sec. 32.** NRS 281A.400 is hereby amended to read as follows:

19 281A.400 ~~{A code of ethical standards is hereby established to~~
20 ~~govern the conduct of public officers and employees:}~~

21 1. A public officer or employee shall not seek or accept any
22 gift, service, favor, employment, engagement, emolument or
23 economic opportunity, for the public officer or employee or any
24 person to whom the public officer or employee has a commitment in
25 a private capacity, which would tend improperly to influence a
26 reasonable person in the public officer's or employee's position to
27 depart from the faithful and impartial discharge of the public
28 officer's or employee's public duties.

29 2. A public officer or employee shall not use the public
30 officer's or employee's position in government to secure or grant
31 *any* unwarranted privileges, preferences, exemptions or advantages
32 for the public officer or employee, any business entity in which the
33 public officer or employee has a significant pecuniary interest or
34 any person to whom the public officer or employee has a
35 commitment in a private capacity. As used in this subsection,
36 "unwarranted" means without justification or adequate reason.

37 3. A public officer or employee shall not participate as an agent
38 of government in the negotiation or execution of a contract between
39 the government and the public officer or employee, any business
40 entity in which the public officer or employee has a significant
41 pecuniary interest or any person to whom the public officer or
42 employee has a commitment in a private capacity.

43 4. A public officer or employee shall not accept any salary,
44 retainer, augmentation, expense allowance or other compensation
45 from any private source, for the public officer or employee or any



1 person to whom the public officer or employee has a commitment in
2 a private capacity, for the performance of the public officer's or
3 employee's duties as a public officer or employee.

4 5. If a public officer or employee acquires, through the public
5 officer's or employee's public duties or relationships, any
6 information which by law or practice is not at the time available to
7 people generally, the public officer or employee shall not use the
8 information to further a significant pecuniary interest of the public
9 officer or employee or any other person or business entity.

10 6. A public officer or employee shall not suppress any
11 governmental report or other official document because it might
12 tend to affect unfavorably a significant pecuniary interest of the
13 public officer or employee or any person to whom the public officer
14 or employee has a commitment in a private capacity.

15 7. Except for State Legislators who are subject to the
16 restrictions set forth in subsection 8, a public officer or employee
17 shall not use governmental time, property, equipment or other
18 facility to benefit a significant personal or pecuniary interest of the
19 public officer or employee or any person to whom the public officer
20 or employee has a commitment in a private capacity. This
21 subsection does not prohibit:

22 (a) A limited use of governmental property, equipment or other
23 facility for personal purposes if:

24 (1) ~~[The]~~ *At the time that the use occurs, the use is:*

25 *(I) Authorized by a written policy which was adopted*
26 *before the use occurs by the* public officer or employee who is
27 responsible for and has authority to authorize the use of such
28 property, equipment or other facility ~~[has established a policy~~
29 ~~allowing the use or the use is necessary]~~; *or*

30 *(II) Necessary* as a result of emergency circumstances ~~[-]~~
31 *, whether or not the use is authorized by such a written policy;*

32 (2) The use does not interfere with the performance of the
33 public officer's or employee's public duties;

34 (3) The cost or value related to the use is nominal; and

35 (4) The use does not create the appearance of impropriety;

36 (b) The use of mailing lists, computer data or other information
37 lawfully obtained from a governmental agency which is available to
38 members of the general public for nongovernmental purposes; or

39 (c) The use of telephones or other means of communication if
40 there is not a special charge for that use.

41 ➔ If a governmental agency incurs a cost as a result of a use that is
42 authorized pursuant to this subsection or would ordinarily charge a
43 member of the general public for the use, the public officer or
44 employee shall promptly reimburse the cost or pay the charge to the
45 governmental agency.



1 8. A State Legislator shall not:

2 (a) Use governmental time, property, equipment or other facility
3 ~~for a nongovernmental purpose or for the private~~ to benefit *a*
4 *significant personal or pecuniary interest* of the State Legislator or
5 any ~~other~~ person ~~to whom the State Legislator has a~~
6 *commitment in a private capacity*. This paragraph does not prohibit:

7 (1) A limited use of ~~state~~ *governmental* property ~~and~~
8 *resources*, *equipment or other facility* for personal purposes if:

9 (I) The use does not interfere with the performance of the
10 State Legislator's public duties;

11 (II) The cost or value related to the use is nominal; and

12 (III) The use does not create the appearance of
13 impropriety;

14 (2) The use of mailing lists, computer data or other
15 information lawfully obtained from a governmental agency which is
16 available to members of the general public for nongovernmental
17 purposes; or

18 (3) The use of telephones or other means of communication
19 if there is not a special charge for that use.

20 (b) Require or authorize a legislative employee, while on duty,
21 to perform personal services or assist in a private activity, except:

22 (1) In unusual and infrequent situations where the *legislative*
23 employee's service is reasonably necessary to permit the State
24 Legislator or legislative employee to perform that person's official
25 duties; or

26 (2) Where such service has otherwise been established as
27 legislative policy.

28 9. A public officer or employee shall not attempt to benefit a
29 significant personal or pecuniary interest of the public officer or
30 employee or any person to whom the public officer or employee has
31 a commitment in a private capacity through the influence of a
32 subordinate.

33 10. A public officer or employee shall not seek other
34 employment or contracts for the public officer or employee or any
35 person to whom the public officer or employee has a commitment in
36 a private capacity through the use of the public officer's or
37 employee's official position.

38 *11. As used in this section, "appearance of impropriety"*
39 *means a perception by a reasonable person that, based on the*
40 *given set of facts and circumstances, a public officer's or*
41 *employee's limited use of governmental property, equipment or*
42 *other facility for personal purposes is inappropriate,*
43 *disproportionate, excessive or unreasonable under that given set*
44 *of facts and circumstances.*



1 **Sec. 33.** NRS 281A.410 is hereby amended to read as follows:

2 281A.410 ~~[In addition to the requirements of the code of~~
3 ~~ethical standards and the other provisions of this chapter.]~~

4 1. If a public officer or employee serves in a state agency of the
5 Executive Department or an agency of any county, city or other
6 political subdivision, the public officer or employee:

7 (a) Shall not accept compensation from any private person to
8 represent or counsel the private person on any issue pending before
9 the agency in which that public officer or employee serves, if the
10 agency makes decisions; and

11 (b) If the public officer or employee leaves the service of the
12 agency, shall not, for 1 year after leaving the service of the agency,
13 represent or counsel for compensation a private person upon any
14 issue which was under consideration by the agency during the
15 public officer's or employee's service. As used in this paragraph,
16 "issue" includes a case, proceeding, application, contract or
17 determination, but does not include the proposal or consideration of
18 legislative measures or administrative regulations.

19 2. Except as otherwise provided in subsection 3, a State
20 Legislator or a member of a local legislative body, or a public
21 officer or employee whose public service requires less than half of
22 his or her time, may represent or counsel a private person before an
23 agency in which he or she does not serve.

24 3. A member of a local legislative body shall not represent or
25 counsel a private person for compensation before another local
26 agency if the territorial jurisdiction of the other local agency
27 includes any part of the county in which the member serves. The
28 Commission may relieve the member from the strict application of
29 the provisions of this subsection if:

30 (a) The member files a request for an advisory opinion from the
31 Commission pursuant to NRS 281A.675; and

32 (b) The Commission determines that such relief is not contrary
33 to:

34 (1) The best interests of the public;

35 (2) The continued ethical integrity of each local agency
36 affected by the matter; and

37 (3) The provisions of this chapter.

38 4. For the purposes of subsection 3, the request for an advisory
39 opinion, *the decision rendered*, the advisory opinion and all
40 meetings, hearings and proceedings of the Commission in such a
41 matter are governed by the provisions of NRS 281A.670 to
42 281A.690, inclusive .

43 5. Unless permitted by this section, a public officer or
44 employee shall not represent or counsel a private person for



1 compensation before any state agency of the Executive or
2 Legislative Department.

3 **Sec. 34.** NRS 281A.420 is hereby amended to read as follows:
4 281A.420 1. Except as otherwise provided in this section, a
5 public officer or employee shall not approve, disapprove, vote,
6 abstain from voting or otherwise act upon a matter:

7 (a) Regarding which the public officer or employee has accepted
8 a gift or loan;

9 (b) In which the public officer or employee has a significant
10 pecuniary interest;

11 (c) Which would reasonably be affected by the public officer's
12 or employee's commitment in a private capacity to the interests of
13 another person; or

14 (d) Which would reasonably be related to the nature of any
15 representation or counseling that the public officer or employee
16 provided to a private person for compensation before another
17 agency within the immediately preceding year, provided such
18 representation or counseling is permitted by NRS 281A.410,

19 ↪ without disclosing information concerning the gift or loan, the
20 significant pecuniary interest, the commitment in a private capacity
21 to the interests of the other person or the nature of the representation
22 or counseling of the private person that is sufficient to inform the
23 public of the potential effect of the action or abstention upon the
24 person who provided the gift or loan, upon the public officer's or
25 employee's significant pecuniary interest, upon the person to whom
26 the public officer or employee has a commitment in a private
27 capacity or upon the private person who was represented or
28 counseled by the public officer or employee. Such a disclosure must
29 be made at the time the matter is considered. If the public officer or
30 employee is a member of a body which makes decisions, the public
31 officer or employee shall make the disclosure in public to the chair
32 and other members of the body. If the public officer or employee is
33 not a member of such a body and holds an appointive office, the
34 public officer or employee shall make the disclosure to the
35 supervisory head of the public officer's or employee's organization
36 or, if the public officer holds an elective office, to the general public
37 in the area from which the public officer is elected.

38 2. The provisions of subsection 1 do not require ~~(a)~~ :

39 ~~(a)~~ A public officer to disclose:

40 ~~(a)~~ (1) Any campaign contributions that the public officer
41 reported in a timely manner pursuant to NRS 294A.120 or
42 294A.125; or

43 ~~(b)~~ (2) Any contributions to a legal defense fund that the
44 public officer reported in a timely manner pursuant to
45 NRS 294A.286.



1 *(b) A public officer or employee to disclose any information*
2 *which is confidential as a result of a bona fide relationship that*
3 *protects the confidentiality of the information under the terms of a*
4 *contract or as a matter of law, including, without limitation, the*
5 *attorney-client relationship, if the public officer or employee:*

6 *(1) In the disclosure made pursuant to subsection 1,*
7 *discloses all nonconfidential information that is required to be*
8 *disclosed and describes the general nature of the relationship that*
9 *protects the confidential information from being disclosed; and*

10 *(2) Abstains from advocating the passage or failure of and*
11 *from approving, disapproving, voting or otherwise acting upon the*
12 *matter, regardless of whether the public officer or employee would*
13 *be required to abstain pursuant to subsection 3.*

14 3. Except as otherwise provided in this section, in addition to
15 the requirements of subsection 1, a public officer shall not vote upon
16 or advocate the passage or failure of, but may otherwise participate
17 in the consideration of, a matter with respect to which the
18 independence of judgment of a reasonable person in the public
19 officer's situation would be materially affected by:

20 (a) The public officer's acceptance of a gift or loan;

21 (b) The public officer's significant pecuniary interest; ~~for~~

22 (c) The public officer's commitment in a private capacity to the
23 interests of another person ~~for~~; or

24 *(d) The public officer's representation or counseling of a*
25 *private person for compensation before another agency within the*
26 *immediately preceding year, provided such representation or*
27 *counseling is permitted by NRS 281A.410.*

28 4. In interpreting and applying the provisions of subsection 3:

29 (a) It must be presumed that the independence of judgment of a
30 reasonable person in the public officer's situation would not be
31 materially affected by the public officer's acceptance of a gift or
32 loan, significant pecuniary interest, ~~for~~ commitment in a private
33 capacity to the interests of another person *or representation or*
34 *counseling of a private person for compensation as permitted by*
35 *NRS 281A.410* where the resulting benefit or detriment accruing to
36 the public officer, or if the public officer has a commitment in a
37 private capacity to the interests of another person ~~for~~ *or has*
38 *represented or counseled a private person for compensation as*
39 *permitted by NRS 281A.410*, accruing to the other person, is not
40 greater than that accruing to any other member of any general
41 business, profession, occupation or group that is affected by the
42 matter. The presumption set forth in this paragraph does not affect
43 the applicability of the requirements set forth in subsection 1
44 relating to the duty of the public officer to make a proper disclosure



1 at the time the matter is considered and in the manner required by
2 subsection 1.

3 (b) The Commission must give appropriate weight and proper
4 deference to the public policy of this State which favors the right of
5 a public officer to perform the duties for which the public officer
6 was elected or appointed and to vote or otherwise act upon a matter,
7 provided the public officer makes a proper disclosure at the time the
8 matter is considered and in the manner required by subsection 1.
9 Because abstention by a public officer disrupts the normal course of
10 representative government and deprives the public and the public
11 officer's constituents of a voice in governmental affairs, the
12 provisions of this section are intended to require abstention only in
13 clear cases where the independence of judgment of a reasonable
14 person in the public officer's situation would be materially affected
15 by the public officer's acceptance of a gift or loan, significant
16 pecuniary interest , ~~for~~ commitment in a private capacity to the
17 interests of another person ~~for~~ *or representation or counseling of a*
18 *private person for compensation as permitted by NRS 281A.410.*

19 5. Except as otherwise provided in NRS 241.0355, if a public
20 officer declares to the body or committee in which the vote is to be
21 taken that the public officer will abstain from voting because of the
22 requirements of this section, the necessary quorum to act upon and
23 the number of votes necessary to act upon the matter, as fixed by
24 any statute, ordinance or rule, is reduced as though the member
25 abstaining were not a member of the body or committee.

26 6. The provisions of this section do not, under any
27 circumstances:

28 (a) Prohibit a member of a local legislative body from
29 requesting or introducing a legislative measure; or

30 (b) Require a member of a local legislative body to take any
31 particular action before or while requesting or introducing a
32 legislative measure.

33 7. The provisions of this section do not, under any
34 circumstances, apply to State Legislators or allow the Commission
35 to exercise jurisdiction or authority over State Legislators. The
36 responsibility of a State Legislator to make disclosures concerning
37 ~~gifts, loans, interests or commitments~~ *a matter* and the
38 responsibility of a State Legislator to abstain from voting upon or
39 advocating the passage or failure of a matter are governed by the
40 Standing Rules of the Legislative Department of *the* State
41 Government which are adopted, administered and enforced
42 exclusively by the appropriate bodies of the Legislative Department
43 of *the* State Government pursuant to Section 6 of Article 4 of the
44 Nevada Constitution.



1 8. As used in this section, "public officer" and "public
2 employee" do not include a State Legislator.

3 **Sec. 35.** NRS 281A.430 is hereby amended to read as follows:

4 281A.430 1. ~~[Except]~~ *Notwithstanding the provisions of*
5 *NRS 281.221 and 281.230, and except* as otherwise provided in this
6 section and NRS 218A.970 and 332.800, a public officer or
7 employee shall not , *directly or through a third party, perform any*
8 *existing contract, negotiate,* bid on or enter into ~~[a]~~ *any contract or*
9 *modify or renew any contract if:*

10 (a) *The contract is between an agency ~~[and any]~~ in which the*
11 *public officer or employee serves and:*

12 (1) *The public officer or employee; or*

13 (2) *Any business entity in which the public officer or*
14 *employee has a significant pecuniary interest ~~[]~~; or*

15 (b) *The contract is between an agency that has any*
16 *connection, relation or affiliation with an agency in which the*
17 *public officer or employee serves and:*

18 (1) *The public officer or employee; or*

19 (2) *Any business entity in which the public officer or*
20 *employee has a significant pecuniary interest.*

21 2. ~~[A member of any board, commission or similar body who~~
22 ~~is engaged in the profession, occupation or business regulated by~~
23 ~~such board, commission or body may, in the ordinary course of his~~
24 ~~or her business, bid on or enter into a contract with an agency,~~
25 ~~except the board, commission or body on which he or she is a~~
26 ~~member, if the member has not taken part in developing the contract~~
27 ~~plans or specifications and the member will not be personally~~
28 ~~involved in opening, considering or accepting offers.] *Except as*~~
29 *otherwise provided in subsections 3 to 6, inclusive, a public officer*
30 *or employee may perform an existing contract, negotiate, bid on or*
31 *enter into a contract or modify or renew a contract with an agency*
32 *in which the public officer or employee serves, or a related agency*
33 *as described in paragraph (b) of subsection 1, if:*

34 (a) *The contract is subject to competitive selection and, at the*
35 *time the contract is negotiated, bid on, entered into, modified or*
36 *renewed:*

37 (1) *The contracting process is controlled by the rules of*
38 *open competitive bidding or the rules of open competitive bidding*
39 *are not used as a result of the applicability of NRS 332.112 or*
40 *332.148;*

41 (2) *The sources of supply are limited or no other person*
42 *expresses an interest in the contract;*

43 (3) *The public officer or employee has not taken part in*
44 *developing the contract plans or specifications; and*



1 (4) *The public officer or employee is not personally*
2 *involved in opening, considering or accepting offers.*

3 (b) *The contract, by its nature, is not adapted to be awarded by*
4 *competitive selection and, at the time the contract is negotiated,*
5 *bid on, entered into, modified or renewed:*

6 (1) *The public officer or employee has not taken part in*
7 *developing the contract plans or specifications and is not*
8 *personally involved in opening, considering or accepting offers;*
9 *and*

10 (2) *The contract is not exclusive to the public officer or*
11 *employee and is the type of contract that is available to all persons*
12 *with the requisite qualifications.*

13 3. A full- or part-time faculty member or employee of the
14 Nevada System of Higher Education may *perform an existing*
15 *contract, negotiate,* bid on or enter into a contract *or modify or*
16 *renew a contract* with an agency, or may benefit financially or
17 otherwise from a contract between an agency and a private entity, if
18 the contract complies with the policies established by the Board of
19 Regents of the University of Nevada pursuant to NRS 396.255.

20 4. ~~Except as otherwise provided in subsection 2, 3 or 5, a~~
21 ~~public officer or employee may bid on or enter into a contract with~~
22 ~~an agency if:~~

23 ~~—(a) The contracting process is controlled by the rules of open~~
24 ~~competitive bidding or the rules of open competitive bidding are not~~
25 ~~employed as a result of the applicability of NRS 332.112 or~~
26 ~~332.148;~~

27 ~~—(b) The sources of supply are limited;~~

28 ~~—(c) The public officer or employee has not taken part in~~
29 ~~developing the contract plans or specifications; and~~

30 ~~—(d) The public officer or employee will not be personally~~
31 ~~involved in opening, considering or accepting offers.~~

32 ➔ If a public officer who is authorized to *perform an existing*
33 *contract, negotiate,* bid on or enter into a contract *or modify or*
34 *renew a contract* with an agency pursuant to this ~~[subsection]~~
35 *section* is a member of the governing body of the agency, the public
36 officer, pursuant to the requirements of NRS 281A.420, shall
37 disclose the public officer's interest in the contract and shall not
38 vote on or advocate the approval of the contract.

39 5. A member of a local legislative body shall not, either
40 individually or through any business entity in which the member has
41 a significant pecuniary interest, sell goods or services to the local
42 agency governed by his or her local legislative body unless:

43 (a) The member, or the business entity in which the member has
44 a significant pecuniary interest, offers the sole source of supply of



1 the goods or services within the territorial jurisdiction of the local
2 agency governed by his or her local legislative body;

3 (b) The local legislative body includes in the public notice and
4 agenda for the meeting at which it will consider the purchase of
5 such goods or services a clear and conspicuous statement that it is
6 considering purchasing such goods or services from one of its
7 members, or from a business entity in which the member has a
8 significant pecuniary interest;

9 (c) At the meeting, the member discloses his or her significant
10 pecuniary interest in the purchase of such goods or services and
11 does not vote upon or advocate the approval of the matter pursuant
12 to the requirements of NRS 281A.420; and

13 (d) The local legislative body approves the purchase of such
14 goods or services in accordance with all other applicable provisions
15 of law.

16 6. The Commission may relieve a public officer or employee
17 from the strict application of the provisions of this section if:

18 (a) The public officer or employee files a request for an advisory
19 opinion from the Commission pursuant to NRS 281A.675; and

20 (b) The Commission determines that such relief is not contrary
21 to:

22 (1) The best interests of the public;

23 (2) The continued ethical integrity of each agency affected
24 by the matter; and

25 (3) The provisions of this chapter.

26 7. For the purposes of subsection 6, the request for an advisory
27 opinion, *the decision rendered*, the advisory opinion and all
28 meetings, hearings and proceedings of the Commission in such a
29 matter are governed by the provisions of NRS 281A.670 to
30 281A.690, inclusive.

31 **Sec. 36.** NRS 281A.500 is hereby amended to read as follows:

32 281A.500 1. On or before the date on which a public officer
33 swears or affirms the oath of office, the public officer must be
34 informed of the statutory ethical standards and the duty to file an
35 acknowledgment of the statutory ethical standards in accordance
36 with this section by:

37 (a) For an appointed public officer, the appointing authority of
38 the public officer; and

39 (b) For an elected public officer of:

40 (1) The county and other political subdivisions within the
41 county except cities, the county clerk;

42 (2) The city, the city clerk;

43 (3) The Legislative Department of the State Government, the
44 Director of the Legislative Counsel Bureau; and



1 (4) The Executive Department of the State Government, the
2 Director of the Department of Administration, or his or her
3 designee.

4 2. Within 30 days after a public employee begins employment:

5 (a) The Director of the Department of Administration, or his or
6 her designee, shall provide each new public employee of a state
7 agency with the information prepared by the Commission
8 concerning the statutory ethical standards; and

9 (b) The manager of each local agency, or his or her designee,
10 shall provide each new public employee of the local agency with the
11 information prepared by the Commission concerning the statutory
12 ethical standards.

13 3. Each public officer shall acknowledge that the public
14 officer:

15 (a) Has received, read and understands the statutory ethical
16 standards; and

17 (b) Has a responsibility to inform himself or herself of any
18 amendments to the statutory ethical standards as soon as reasonably
19 practicable after each session of the Legislature.

20 4. The acknowledgment must be executed on a form prescribed
21 by the Commission and must be filed with the Commission:

22 (a) If the public officer is elected to office at the general
23 election, on or before January 15 of the year following the public
24 officer's election.

25 (b) If the public officer is elected to office at an election other
26 than the general election or is appointed to office, on or before the
27 30th day following the date on which the public officer swears or
28 affirms the oath of office.

29 5. Except as otherwise provided in this subsection, a public
30 officer shall execute and file the acknowledgment once for each
31 term of office. If the public officer serves at the pleasure of the
32 appointing authority and does not have a definite term of office,
33 the public officer, in addition to executing and filing the
34 acknowledgment after the public officer swears or affirms the oath
35 of office in accordance with subsection 4, shall execute and file the
36 acknowledgment on or before January 15 of each even-numbered
37 year while the public officer holds that office.

38 6. For the purposes of this section, the acknowledgment is
39 timely filed if, on or before the last day for filing, the
40 acknowledgment is filed in one of the following ways:

41 (a) Delivered in person to the principal office of the
42 Commission in Carson City.

43 (b) Mailed to the Commission by first-class mail, or other class
44 of mail that is at least as expeditious, postage prepaid. Filing by mail



1 is complete upon timely depositing the acknowledgment with the
2 United States Postal Service.

3 (c) Dispatched to a third-party commercial carrier for delivery to
4 the Commission within 3 calendar days. Filing by third-party
5 commercial carrier is complete upon timely depositing the
6 acknowledgment with the third-party commercial carrier.

7 (d) Transmitted to the Commission by facsimile machine or
8 other electronic means authorized by the Commission. Filing by
9 facsimile machine or other electronic means is complete upon
10 receipt of the transmission by the Commission.

11 7. If a public officer is serving in a public office and executes
12 and files the acknowledgment for that office as required by the
13 applicable provisions of this section, the public officer shall be
14 deemed to have satisfied the requirements of this section for any
15 other office held concurrently by him or her.

16 8. The form for making the acknowledgment must contain:

17 (a) The address of the Internet website of the Commission where
18 a public officer may view the statutory ethical standards and print a
19 copy of the standards; and

20 (b) The telephone number and mailing address of the
21 Commission where a public officer may make a request to obtain a
22 printed copy of the statutory ethical standards from the Commission.

23 9. Whenever the Commission, or any public officer or
24 employee as part of the public officer's or employee's official
25 duties, provides a public officer with a printed copy of the form for
26 making the acknowledgment, a printed copy of the statutory ethical
27 standards must be included with the form.

28 10. The Commission shall retain each acknowledgment filed
29 pursuant to this section for 6 years after the date on which the
30 acknowledgment was filed.

31 11. ~~[Willful refusal]~~ *A public officer who refuses* to execute
32 and file the acknowledgment required by this section shall be
33 deemed to ~~be:~~

34 ~~—(a) A willful] have committed a~~ violation of this chapter for the
35 purposes of NRS 281A.785 and 281A.790 . ~~]; and~~

36 ~~—(b) Nonfeasance in office for the purposes of NRS 283.440 and,~~
37 ~~if the public officer is removable from office pursuant to NRS~~
38 ~~283.440, the Commission may file a complaint in the appropriate~~
39 ~~court for removal of the public officer pursuant to that section. This~~
40 ~~paragraph grants an exclusive right to the Commission, and no other~~
41 ~~person may file a complaint against the public officer pursuant to~~
42 ~~NRS 283.440 based on any violation of this section.]~~

43 12. As used in this section, "general election" has the meaning
44 ascribed to it in NRS 293.060.



1 **Sec. 37.** NRS 281A.510 is hereby amended to read as follows:
2 281A.510 1. ~~[A]~~ *Except as otherwise provided in this*
3 *section, a* public officer or ~~[public]~~ employee shall not accept or
4 receive an honorarium.

5 2. An honorarium paid on behalf of a public officer or ~~[public]~~
6 employee to a charitable organization from which the *public* officer
7 or employee does not derive any financial benefit is deemed not to
8 be accepted or received by the *public* officer or employee for the
9 purposes of this section.

10 3. This section does not prohibit:

11 (a) The receipt of *any* payment *by a public officer or employee*
12 for work performed outside the normal course of ~~[a person's]~~ *his or*
13 *her* public office or employment if the performance of that work is
14 consistent with the applicable policies of ~~[the person's]~~ *his or her*
15 public *body, agency or* employer regarding supplemental
16 employment.

17 (b) The receipt of an honorarium by the spouse *or domestic*
18 *partner* of a public officer or ~~[public]~~ employee if it is related to the
19 ~~[spouse's]~~ profession or occupation ~~[]~~ *of the spouse or domestic*
20 *partner.*

21 4. As used in this section, "honorarium" means the payment of
22 money or anything of value for an appearance or speech by the
23 public officer or ~~[public]~~ employee in ~~[the officer's or employee's]~~
24 *his or her* capacity as a public officer or ~~[public]~~ employee. The
25 term does not include the payment of:

26 (a) The actual and necessary costs incurred by the public officer
27 or ~~[public]~~ employee, the ~~[officer's or employee's]~~ spouse or ~~[the~~
28 ~~officer's or employee's aid]~~ *domestic partner of the public officer*
29 *or employee or any assistant of the public officer or employee* for
30 transportation and for lodging and meals while the public officer or
31 ~~[public]~~ employee is away from ~~[the officer's or employee's]~~ *his or*
32 *her* residence.

33 (b) Compensation which would otherwise have been earned by
34 the public officer or ~~[public]~~ employee in the normal course of ~~[the~~
35 ~~officer's or employee's]~~ *his or her* public office or employment.

36 (c) A fee for a speech related to the *public* officer's or
37 employee's profession or occupation outside of ~~[the officer's or~~
38 ~~employee's]~~ *his or her* public office or employment if:

39 (1) Other members of the profession or occupation are
40 ordinarily compensated for such a speech; and

41 (2) The fee paid to the public officer or ~~[public]~~ employee is
42 approximately the same as the fee that would be paid to a member
43 of the private sector whose qualifications are similar to those of the
44 *public* officer or employee for a comparable speech.



1 (d) A fee for a speech delivered to an organization of
2 legislatures, legislators or other elected officers.

3 5. In addition to any other penalties provided by law, a public
4 officer or ~~public~~ employee who violates the provisions of this
5 section shall forfeit the amount of the honorarium.

6 **Sec. 38.** NRS 281A.550 is hereby amended to read as follows:

7 281A.550 1. A former member of the Public Utilities
8 Commission of Nevada shall not:

9 (a) Be employed by a public utility or parent organization or
10 subsidiary of a public utility; or

11 (b) Appear before the Public Utilities Commission of Nevada to
12 testify on behalf of a public utility or parent organization or
13 subsidiary of a public utility,

14 ↪ for 1 year after the termination of the member's service on the
15 Public Utilities Commission of Nevada.

16 2. A former member of the Nevada Gaming Control Board or
17 the Nevada Gaming Commission shall not:

18 (a) Appear before the Nevada Gaming Control Board or the
19 Nevada Gaming Commission on behalf of a person who holds a
20 license issued pursuant to chapter 463 or 464 of NRS or who is
21 required to register with the Nevada Gaming Commission pursuant
22 to chapter 463 of NRS; or

23 (b) Be employed by such a person,

24 ↪ for 1 year after the termination of the member's service on the
25 Nevada Gaming Control Board or the Nevada Gaming Commission.

26 3. In addition to the prohibitions set forth in subsections 1 and
27 2, and except as otherwise provided in subsections 4 and 6, a
28 *current or* former public officer or *management-level public*
29 employee of a board, commission, department, division or other
30 agency of the Executive Department of *the* State Government ~~;~~
31 ~~except a clerical employee.~~ shall not solicit or accept employment
32 from a business or industry whose activities are governed by
33 regulations adopted *or administered* by the board, commission,
34 department, division or other agency , *as applicable, during the*
35 *public officer's or employee's period of public service or*
36 *employment or* for 1 year after the termination of ~~the former public~~
37 ~~officer's or employee's~~ *his or her period of public* service or
38 ~~period of~~ employment , if:

39 (a) The ~~former~~ public officer's or employee's principal duties
40 *include or* included the formulation of policy contained in the
41 regulations governing the business or industry;

42 (b) ~~During~~ *Within* the immediately preceding year ~~;~~ ~~the~~
43 ~~former~~ *during the public officer's or employee's period of public*
44 *service or employment or within the year immediately preceding*
45 *the termination of the public officer's or employee's period of*



1 *public service or employment, the* public officer or employee
2 directly performed activities, or controlled or influenced an audit,
3 decision, investigation or other action, which significantly affected
4 the business or industry ; ~~which might, but for this section, employ~~
5 ~~the former public officer or employee;~~ or

6 (c) As a result of the ~~former~~ public officer's or employee's
7 governmental service or employment, the ~~former~~ public officer or
8 employee possesses knowledge of the trade secrets of a direct
9 business competitor.

10 4. The provisions of subsection 3 do not apply to a *current or*
11 ~~former public officer who was a~~ member of a board, commission
12 or similar body of the State if:

13 (a) The ~~former public officer~~ *member* is engaged in the
14 profession, occupation or business regulated by the board,
15 commission or similar body;

16 (b) The ~~former public officer~~ *member* holds a license issued
17 by the board, commission or similar body; and

18 (c) Holding a license issued by the board, commission or similar
19 body is a requirement for membership on the board, commission or
20 similar body.

21 5. Except as otherwise provided in subsection 6, a *current or*
22 ~~former public officer or employee of the State or a political~~
23 ~~subdivision, except a clerical employee, shall not solicit or accept~~
24 ~~employment from a person to whom a contract for supplies,~~
25 ~~materials, equipment or services was awarded by the State or~~
26 ~~political subdivision, as applicable, or was implemented, managed~~
27 ~~or administered by the State or political subdivision, as applicable,~~
28 ~~during the public officer's or employee's period of public service~~
29 ~~or employment or~~ for 1 year after the termination of ~~the officer's or~~
30 ~~employee's~~ *his or her period of public* service or ~~period of~~
31 employment, if:

32 (a) The amount of the contract exceeded \$25,000;

33 (b) The contract was awarded *or was implemented, managed or*
34 *administered by the State or political subdivision, as applicable,*
35 *within the immediately preceding year during the public officer's*
36 *or employee's period of public service or employment or* within the
37 ~~12-month period~~ *year* immediately preceding the termination of
38 the *public* officer's or employee's *period of public* service or
39 ~~period of~~ employment; and

40 (c) The position held by the ~~former~~ public officer or employee
41 at the time the contract was awarded *or while it was implemented,*
42 *managed or administered by the State or political subdivision, as*
43 *applicable,* allowed the ~~former~~ public officer or employee to
44 *materially* affect or influence the awarding of the contract ~~it~~ *or its*
45 *implementation, management or administration.*



1 6. A current or former public officer or employee may file a
2 request for an advisory opinion pursuant to NRS 281A.675
3 concerning the application of the relevant facts in that person's case
4 to the provisions of subsection 3 or 5, as applicable, and *the*
5 *Commission may* determine whether relief from the strict
6 application of those provisions is proper. *For the purposes of*
7 *submitting all necessary information for the Commission to render*
8 *a decision and issue an advisory opinion in the matter, a current*
9 *or former public officer or employee may request information*
10 *concerning potential employment from any business, industry or*
11 *other person without violating the provisions of subsection 3 or 5,*
12 *as applicable.* If the Commission determines that relief from the
13 strict application of the provisions of subsection 3 or 5, as
14 applicable, is not contrary to:

15 (a) The best interests of the public;

16 (b) The continued ethical integrity of the State Government or
17 political subdivision, as applicable; and

18 (c) The provisions of this chapter,

19 ↪ it may issue an advisory opinion to that effect and grant such
20 relief.

21 7. For the purposes of subsection 6, the request for an advisory
22 opinion, *the decision rendered*, the advisory opinion and all
23 meetings, hearings and proceedings of the Commission in such a
24 matter are governed by the provisions of NRS 281A.670 to
25 281A.690, inclusive.

26 8. The advisory opinion does not relieve the current or former
27 public officer or employee from the strict application of any
28 provision of NRS 281A.410.

29 9. ~~For~~ *Except as otherwise provided in subsection 6, for* the
30 purposes of this section:

31 (a) A former member of the Public Utilities Commission of
32 Nevada, the Nevada Gaming Control Board or the Nevada Gaming
33 Commission; or

34 (b) Any other *current or* former public officer or employee
35 governed by this section,

36 ↪ is employed by or is soliciting or accepting employment from a
37 business, industry or other person described in this section if any
38 oral or written agreement is sought, negotiated or exists during the
39 restricted period pursuant to which the personal services of
40 the public officer or employee are provided or will be provided to
41 the business, industry or other person, even if such an agreement
42 does not or will not become effective until after the restricted
43 period.

44 10. As used in this section, "regulation" has the meaning
45 ascribed to it in NRS 233B.038 and also includes regulations



1 adopted *or administered* by a board, commission, department,
2 division or other agency of the Executive Department of *the* State
3 Government that is exempted from the requirements of chapter
4 233B of NRS.

5 **Sec. 39.** NRS 281A.665 is hereby amended to read as follows:

6 281A.665 1. *The published opinions of the Commission*
7 *constitute administrative precedents with persuasive value that the*
8 *Commission may consider and follow in the adjudication and*
9 *disposition of any request for an advisory opinion or ethics*
10 *complaint.*

11 2. *The Legislative Counsel shall prepare annotations to this*
12 *chapter for inclusion in the Nevada Revised Statutes based on the*
13 *published opinions of the Commission.*

14 3. The ~~[Commission's]~~ opinions *of the Commission* may
15 include guidance to a public officer or employee on questions
16 whether:

17 ~~[1.]~~ (a) A conflict exists between the public officer's or
18 employee's personal interest and the public officer's or employee's
19 official ~~[duty-~~
20 ~~—2.]~~ *duties.*

21 (b) The public officer's or employee's official duties involve the
22 use of discretionary judgment whose exercise in the particular
23 matter would have a significant effect upon the disposition of the
24 matter.

25 ~~[3.]~~ (c) The conflict would materially affect the independence
26 of the judgment of a reasonable person in the public officer's or
27 employee's situation.

28 ~~[4.]~~ (d) The public officer or employee possesses special
29 knowledge which is an indispensable asset of ~~[the public officer's or~~
30 ~~employee's public]~~ *his or her public body*, agency *or employer* and
31 is needed by it to reach a sound decision.

32 ~~[5.]~~ (e) It would be appropriate for the public officer or
33 employee to withdraw or abstain from participation, disclose the
34 nature of the public officer's or employee's conflicting personal
35 interest or pursue some other designated course of action in the
36 matter.

37 **Sec. 40.** (Deleted by amendment.)

38 **Sec. 41.** NRS 281A.675 is hereby amended to read as follows:

39 281A.675 1. ~~[A]~~ *Except as otherwise provided in this*
40 *section and NRS 281A.280:*

41 (a) A public officer or employee may file with the Commission
42 a request for an advisory opinion to:

43 ~~[(a)]~~ (1) Seek guidance on matters which directly relate to the
44 propriety of his or her own past, present or future conduct as a



1 public officer or employee under the statutory ethical standards ;
2 ~~[set forth in this chapter;]~~ or

3 ~~[(b)]~~ (2) Request relief pursuant to NRS 281A.410, 281A.430 or
4 281A.550.

5 *(b) The supervisory head or the legal counsel of a public body,*
6 *agency or employer may file with the Commission a request for an*
7 *advisory opinion to seek guidance on the application of the*
8 *statutory ethical standards to a hypothetical or general set of facts*
9 *and circumstances involving one or more particular positions with*
10 *the public body, agency or employer, but such a request must not*
11 *involve any actual or specific facts and circumstances of any*
12 *public officers or employees who are or will be serving or who*
13 *have served in those particular positions.*

14 2. The request for an advisory opinion must be:

15 (a) Filed on a form prescribed by the Commission; and

16 (b) Submitted with all necessary information for the
17 Commission to render *a decision and issue* an advisory opinion in
18 the matter.

19 3. *At any time after a request for an advisory opinion is filed*
20 *with the Commission, the Commission may request additional*
21 *information relating to the request for an advisory opinion from*
22 *the following persons:*

23 (a) *The requester and his or her legal counsel.*

24 (b) *If the requester filed the request for an advisory opinion*
25 *pursuant to paragraph (a) of subsection 1 and is not represented*
26 *by the legal counsel of his or her public body, agency or employer,*
27 *the supervisory head or the legal counsel of that public body,*
28 *agency or employer, but the Commission shall not disclose the*
29 *name or position of the requester or the subject matter of the*
30 *request for an advisory opinion in making such a request for*
31 *additional information.*

32 4. The Commission may decline to render *a decision and issue*
33 an advisory opinion if the ~~[public officer or employee]~~ *requester*
34 does not:

35 (a) Submit all necessary information for the Commission to
36 render *a decision and issue* an advisory opinion in the matter; or

37 (b) Declare by oath or affirmation that he or she will testify
38 truthfully regarding the matter.

39 **Sec. 42.** NRS 281A.680 is hereby amended to read as follows:

40 281A.680 1. ~~[If a public officer or employee]~~ *Except as*
41 *otherwise provided in this section, if a requester* properly files a
42 request for an advisory opinion, the Commission shall render *a*
43 *decision and issue* an advisory opinion that interprets the statutory
44 ethical standards and applies those standards to the given set of facts
45 and circumstances.



1 2. The Commission shall render *a decision concerning* the
2 *request for an* advisory opinion within 45 days after receiving the
3 request, unless ~~the~~:

4 (a) ~~The~~ requester waives this time limit ~~[-~~
5 ~~2.]; or~~

6 (b) *The Commission stays or dismisses the proceedings*
7 *concerning the request for an advisory opinion because:*

8 (1) *An ethics complaint is filed or pending that involves*
9 *some or all of the same issues or facts and circumstances that are*
10 *involved in the request for an advisory opinion; and*

11 (2) *The Commission determines that staying or dismissing*
12 *the proceedings concerning the request for an advisory opinion is*
13 *necessary for the just adjudication and disposition of the*
14 *proceedings concerning the ethics complaint.*

15 3. *If the Commission renders a decision concerning the*
16 *request for an advisory opinion pursuant to this section, the*
17 *Commission shall issue a written advisory opinion within 90 days*
18 *after the date on which the decision is rendered, unless the*
19 *Commission determines that there is good cause to extend this*
20 *time limit.*

21 4. If the *Commission issues a written* advisory opinion
22 ~~rendered by the Commission~~ *to a requester who filed the request*
23 *for an advisory opinion pursuant to paragraph (a) of subsection 1*
24 *of NRS 281A.675 and the advisory opinion* relates to the propriety
25 of the present or future conduct of the requester, the advisory
26 opinion is:

27 (a) Binding upon the requester with regard to the future conduct
28 of the requester; and

29 (b) A final decision that is subject to judicial review pursuant to
30 NRS 233B.130.

31 ~~3.~~ If the requester seeks judicial review pursuant to NRS
32 233B.130, any proceedings concerning such judicial review must be
33 confidential and held in closed court without admittance of persons
34 other than those necessary to the proceedings, unless the requester
35 waives this right to confidential proceedings.

36 5. *If the Commission issues a written advisory opinion to a*
37 *requester who filed the request for an advisory opinion pursuant*
38 *to paragraph (b) of subsection 1 of NRS 281A.675, the advisory*
39 *opinion is not a final decision that is subject to judicial review*
40 *pursuant to NRS 233B.130.*

41 **Sec. 43.** NRS 281A.685 is hereby amended to read as follows:

42 281A.685 1. Except as otherwise provided in this section, the
43 following materials are confidential and are not public records
44 pursuant to chapter 239 of NRS:

45 (a) A request for an advisory opinion;



1 (b) The *decision rendered and the* advisory opinion ~~rendered~~
2 *issued* by the Commission in response to the request;

3 (c) Any information, communications, records, documents or
4 other materials in the possession of the Commission or its staff that
5 are related to the request; and

6 (d) Any information, communications, records, documents or
7 other materials in the possession of the requester of the advisory
8 opinion that are related to the request and, if disclosed by the
9 requester, would reveal the existence, nature or content of the
10 request, *the decision rendered* or the advisory opinion.

11 2. The provisions of subsection 1 do not create or impose any
12 duty on the Commission or its staff to protect or defend against the
13 disclosure of any materials not in the possession of the Commission
14 or its staff, regardless of whether the materials are related to the
15 request.

16 3. The provisions of subsection 1 do not apply to any materials
17 in the possession of the Commission or its staff that are related to
18 the request if the requester of the advisory opinion:

19 (a) Acts in contravention of *the decision rendered or* the
20 advisory opinion, in which case the Commission may disclose the
21 request, *the decision rendered*, the advisory opinion and any
22 information, communications, records, documents or other materials
23 in the possession of the Commission or its staff that are related to
24 the request;

25 (b) Authorizes the Commission, in writing, to make the request,
26 *the decision rendered*, the advisory opinion or any information,
27 communications, records, documents or other materials in the
28 possession of the Commission or its staff that are related to the
29 request publicly available ~~;~~, *except that any disclosure of*
30 *materials pursuant to this paragraph is limited to the specific*
31 *materials that the requester authorizes the Commission, in writing,*
32 *to make publicly available;* or

33 (c) Voluntarily discloses, in any manner, the request, *the*
34 *decision rendered*, the advisory opinion or any information,
35 communications, records, documents or other materials in the
36 possession of the Commission or its staff that are related to the
37 request, except to:

38 (1) The ~~public body,~~ *supervisory head or the legal counsel*
39 *of his or her public body,* agency or employer ~~of the requester or~~
40 ~~the~~ *or to any other public officer or employee of that public body,*
41 *agency or employer to whom the supervisory head or the legal*
42 *counsel authorizes such a disclosure;*

43 (2) *The* legal counsel of the requester ~~;~~



1 ~~—(2)~~ *to facilitate legal representation when the requester is*
2 *not represented by the legal counsel of his or her public body,*
3 *agency or employer;*

4 (3) Any *other* person to whom the Commission authorizes
5 the requester to make such a disclosure; or

6 ~~[(3)]~~ (4) Any *other* person to whom the requester makes such
7 a disclosure for the purposes of judicial review pursuant to
8 *subsection 4 of* NRS 281A.680.

9 **Sec. 44.** NRS 281A.690 is hereby amended to read as follows:

10 281A.690 1. ~~Except as otherwise provided in this section,~~
11 ~~the~~ *The* provisions of chapter 241 of NRS do not apply to:

12 (a) Any meeting or hearing held by the Commission to receive
13 information or evidence concerning a request for an advisory
14 opinion; and

15 (b) Any deliberations or actions of the Commission on such
16 information or evidence.

17 2. The ~~public officer or employee~~ *requester* who files the
18 request for an advisory opinion may also file a request with
19 the Commission to hold a public meeting or hearing regarding the
20 request for an advisory opinion. *If the Commission grants the*
21 *request to hold a public meeting or hearing, the Commission shall*
22 *provide public notice of the meeting or hearing, and the meeting*
23 *or hearing must be open to the public and conducted in*
24 *accordance with the regulations of the Commission, but the*
25 *meeting or hearing is not subject to the provisions of chapter 241*
26 *of NRS.*

27 **Sec. 45.** NRS 281A.700 is hereby amended to read as follows:

28 281A.700 The provisions of NRS 281A.700 to 281A.790,
29 inclusive, *and section 14 of this act* apply to proceedings
30 concerning an ethics complaint.

31 **Sec. 46.** (Deleted by amendment.)

32 **Sec. 47.** NRS 281A.710 is hereby amended to read as follows:

33 281A.710 1. Except as otherwise provided in this section and
34 NRS 281A.280, the Commission may render *a decision and issue*
35 an opinion that interprets the statutory ethical standards and applies
36 those standards to a given set of facts and circumstances regarding
37 the propriety of the conduct of a public officer or employee if an
38 ethics complaint is:

39 (a) Filed by a specialized or local ethics committee established
40 pursuant to NRS 281A.350.

41 (b) Filed by any person, except a person who is incarcerated in a
42 correctional facility in this State or any other jurisdiction.

43 (c) Initiated by the Commission on its own motion, except the
44 Commission shall not initiate such an ethics complaint based solely
45 upon an anonymous complaint.



1 2. An ethics complaint filed by a *specialized or local ethics*
2 *committee or person pursuant to paragraph (a) or (b) of subsection*
3 *I* must be:

4 (a) Verified under oath and filed on a form prescribed by the
5 Commission; and

6 (b) Submitted with sufficient evidence to support the allegations
7 in order for the Commission to make a determination of whether it
8 has jurisdiction in the matter and whether an investigation is
9 warranted in the matter pursuant to NRS 281A.715 and 281A.720.

10 3. The Commission may decline to render *a decision and issue*
11 an opinion if the *specialized or local ethics committee or person*
12 ~~[who files]~~ *filing* the ethics complaint *pursuant to paragraph (a) or*
13 *(b) of subsection I* does not submit all necessary evidence in the
14 matter.

15 **Sec. 48.** NRS 281A.715 is hereby amended to read as follows:

16 281A.715 1. Based on the evidence submitted with an ethics
17 complaint filed with the Commission *by a specialized or local*
18 *ethics committee or person* pursuant to *paragraph (a) or (b) of*
19 *subsection I of NRS 281A.710* ~~[]~~ *and any additional evidence*
20 *obtained by the Executive Director pursuant to subsection 2*, the
21 Commission shall determine whether it has jurisdiction in the matter
22 and whether an investigation is warranted in the matter. The
23 Commission shall make its determination within 45 days after
24 receiving the ethics complaint, unless the ~~[public officer or~~
25 ~~employee who is the subject of the ethics complaint waives this time~~
26 ~~limit.~~

27 ~~—2.] Commission determines that there is good cause to extend~~
28 ~~this time limit.~~

29 2. *To assist the Commission in making its determination*
30 *pursuant to subsection I whether it has jurisdiction in the matter*
31 *and whether an investigation is warranted in the matter, the*
32 *Executive Director may conduct a preliminary investigation to*
33 *obtain additional evidence concerning the allegations in the ethics*
34 *complaint.*

35 3. If the Commission determines *pursuant to subsection I* that
36 it does not have jurisdiction in the matter, the Commission shall
37 dismiss the matter.

38 ~~[3.]~~ 4. If the Commission determines *pursuant to subsection I*
39 that it has jurisdiction in the matter but the evidence ~~[submitted with~~
40 ~~the ethics complaint]~~ is not sufficient to warrant an investigation in
41 the matter, the Commission shall dismiss the matter, with or without
42 issuing a letter of caution or instruction to the public officer or
43 employee pursuant to NRS 281A.780.

44 ~~[4.]~~ 5. If the Commission determines *pursuant to subsection I*
45 that it has jurisdiction in the matter and the evidence ~~[submitted with~~



1 ~~the ethics complaint~~ is sufficient to warrant an investigation in the
2 matter, the Commission may direct the Executive Director to
3 investigate the ethics complaint pursuant to NRS 281A.720.

4 6. *If the Commission initiates an ethics complaint on its own*
5 *motion pursuant to paragraph (c) of subsection 1 of NRS*
6 *281A.710 and the Commission determines that the evidence:*

7 (a) *Is not sufficient to warrant an investigation in the matter,*
8 *the Commission may dismiss the matter, with or without prejudice.*
9 *If the Commission dismisses the matter, it shall issue a letter of*
10 *caution or instruction to the public officer or employee pursuant*
11 *to NRS 281A.780.*

12 (b) *Is sufficient to warrant an investigation in the matter, the*
13 *Commission may direct the Executive Director to investigate the*
14 *ethics complaint pursuant to NRS 281A.720.*

15 **Sec. 49.** NRS 281A.720 is hereby amended to read as follows:

16 281A.720 1. If the Commission directs the Executive
17 Director to investigate an ethics complaint pursuant to NRS
18 281A.715, ~~for if the Commission initiates an ethics complaint on its~~
19 ~~own motion pursuant to NRS 281A.710,~~ the Executive Director
20 shall investigate the facts and circumstances relating to the ethics
21 complaint to determine whether the Executive Director believes that
22 there is just and sufficient cause for the Commission to render *a*
23 *decision and issue* an opinion in the matter in order to present a
24 written recommendation to the review panel pursuant to
25 NRS 281A.725.

26 2. The Executive Director shall ~~provide~~ *prepare and serve a*
27 *written* notice of the investigation *of the ethics complaint* pursuant
28 to this section ~~to~~ *on* the public officer or employee who is the
29 subject of the ethics complaint and provide the public officer or
30 employee an opportunity to submit to the Executive Director a
31 response to the ~~allegations against the public officer or employee in~~
32 ~~the ethics complaint,~~ *written notice of the investigation.* The
33 response must be submitted within 30 days after the date on which
34 the public officer or employee ~~receives~~ *is served with* the *written*
35 notice of the investigation pursuant to this section, unless the *public*
36 *officer or employee waives the time limit set forth in subsection 1*
37 *of NRS 281A.725 and the* Executive Director grants ~~an extension,~~
38 *one or more extensions for good cause shown.*

39 3. The purpose of the response submitted pursuant to this
40 section is to provide the Executive Director and the review panel
41 with any information relevant to the ethics complaint which the
42 public officer or employee believes may assist:

43 (a) The Executive Director in performing his or her investigation
44 and other functions pursuant to this section and NRS 281A.725; and



1 (b) The review panel in performing its review and other
2 functions pursuant to NRS 281A.730.

3 4. The public officer or employee is not required in the
4 response submitted pursuant to this section or in any proceedings
5 before the review panel to assert, claim or raise any objection or
6 defense, in law or fact, to the allegations against the public officer or
7 employee, and no objection or defense, in law or fact, is waived,
8 abandoned or barred by the failure to assert, claim or raise it in the
9 response or in any proceedings before the review panel.

10 *5. Whether or not the public officer or employee submits a*
11 *response pursuant to this section, the Executive Director may take*
12 *action, in the manner authorized by NRS 281A.300, to secure the*
13 *public officer's or employee's participation, attendance as a*
14 *witness and production of any books and papers during the course*
15 *of the investigation.*

16 **Sec. 50.** NRS 281A.725 is hereby amended to read as follows:
17 281A.725 1. ~~Except as otherwise provided in this~~
18 ~~subsection, the~~ *The* Executive Director shall complete the
19 investigation required by NRS 281A.720 and present a written
20 recommendation to the review panel within 70 days after the
21 Commission directs the Executive Director to investigate the ethics
22 complaint ~~for after the Commission initiates the ethics complaint on~~
23 ~~its own motion, as applicable.~~, *except that:*

24 (a) The public officer or employee who is the subject of the
25 ethics complaint may waive this time limit ~~if~~; *or*

26 (b) *Upon the request of the Executive Director, the presiding*
27 *officer of the review panel may grant one or more extensions of*
28 *this time limit for good cause shown.*

29 2. The *written* recommendation *that the Executive Director*
30 *presents to the review panel* must:

- 31 (a) Set forth the factual and legal basis for the recommendation;
32 (b) State whether the Executive Director believes that there is
33 just and sufficient cause for the Commission to render *a decision*
34 *and issue* an opinion in the matter; and
35 (c) If the Executive Director believes that a disposition of the
36 matter without an adjudicatory hearing is appropriate under the facts
37 and circumstances, state any suggested disposition that is consistent
38 with the provisions of this chapter, including, without limitation,
39 whether the Executive Director believes that the conduct at issue
40 may be appropriately addressed through additional training or other
41 corrective action under the terms and conditions of a deferral
42 agreement.

43 **Sec. 51.** NRS 281A.730 is hereby amended to read as follows:
44 281A.730 1. Except as otherwise provided in this section, the
45 review panel shall determine whether there is just and sufficient



1 cause for the Commission to render *a decision and issue* an opinion
2 in the matter within 15 days after the Executive Director ~~[provides]~~
3 *presents to* the review panel ~~[with]~~ the recommendation required by
4 NRS 281A.725. The public officer or employee who is the subject
5 of the ethics complaint may waive this time limit. *The review panel*
6 *shall serve on the public officer or employee who is the subject of*
7 *the ethics complaint a written notice of its determination.*

8 2. The review panel shall cause a record of its proceedings to
9 be kept.

10 3. The review panel shall not determine that there is just and
11 sufficient cause for the Commission to render *a decision and issue*
12 an opinion in the matter unless the Executive Director has provided
13 the public officer or employee an opportunity to respond ~~[to the~~
14 ~~allegations]~~ as required by NRS 281A.720.

15 4. If the review panel determines that there is not just and
16 sufficient cause for the Commission to render *a decision and issue*
17 an opinion in the matter, it shall dismiss the matter, with or without
18 prejudice, and with or without issuing a letter of caution or
19 instruction to the public officer or employee pursuant to
20 NRS 281A.780.

21 5. If the review panel determines that there is just and
22 sufficient cause for the Commission to render *a decision and issue*
23 an opinion in the matter but reasonably believes that the conduct at
24 issue may be appropriately addressed through additional training or
25 other corrective action under the terms and conditions of a deferral
26 agreement, the review panel may:

27 (a) Approve a deferral agreement proposed by the Executive
28 Director and the public officer or employee instead of referring the
29 ethics complaint to the Commission for further proceedings in the
30 matter; or

31 (b) Authorize the Executive Director and the public officer or
32 employee to develop such a deferral agreement and may thereafter
33 approve such a deferral agreement instead of referring the ethics
34 complaint to the Commission for further proceedings in the matter.

35 6. *If the review panel authorizes the development of a*
36 *deferral agreement pursuant to subsection 5, the review panel*
37 *shall specify a time limit for its development in the written notice*
38 *of its determination that is served pursuant to subsection 1, and*
39 *the deferral agreement must be developed within the time limit,*
40 *unless the review panel grants one or more extensions for good*
41 *cause shown. If the deferral agreement is not developed within the*
42 *time limit, or any extension thereof, the review panel shall refer*
43 *the ethics complaint to the Commission for further proceedings in*
44 *the matter.*



1 7. If the review panel does not approve a deferral agreement
2 pursuant to subsection 5 or if the public officer or employee declines
3 to enter into such a deferral agreement, the review panel shall refer
4 the ethics complaint to the Commission for further proceedings in
5 the matter.

6 ~~7.7~~ 8. If the review panel determines that there is just and
7 sufficient cause for the Commission to render *a decision and issue*
8 an opinion in the matter and reasonably believes that the conduct at
9 issue may not be appropriately addressed through additional training
10 or other corrective action under the terms and conditions of a
11 deferral agreement, the review panel shall refer the ethics complaint
12 to the Commission for further proceedings in the matter.

13 **Sec. 52.** NRS 281A.740 is hereby amended to read as follows:

14 281A.740 1. In proceedings concerning an ethics complaint,
15 the Executive Director and the public officer or employee who is the
16 subject of the ethics complaint may develop a deferral agreement to
17 defer further proceedings in the matter under the terms and
18 conditions of the deferral agreement. *A deferral agreement must be*
19 *developed within any time limit specified by the review panel, or*
20 *any extension thereof, pursuant to NRS 281A.730.*

21 2. A deferral agreement does not become effective unless
22 approved by the review panel pursuant to NRS 281A.730. If the
23 review panel approves a deferral agreement, the Commission shall
24 enforce the terms and conditions of the deferral agreement.

25 3. A deferral agreement must:

26 (a) Specify the training or other corrective action to be
27 completed by or imposed upon the public officer or employee;

28 (b) Specify any other terms and conditions, consistent with the
29 provisions of this chapter, to be imposed upon the public officer or
30 employee; and

31 (c) Provide that the Commission may vacate the deferral
32 agreement and conduct further proceedings in the matter if the
33 Commission finds that the public officer or employee has failed to
34 comply with any terms and conditions of the deferral agreement.

35 4. The imposition of training or other corrective action and the
36 imposition of any other terms and conditions in a deferral agreement
37 is without prejudice to any other disposition of the matter, consistent
38 with this chapter, that may be ordered by the Commission if it
39 vacates the deferral agreement and conducts further proceedings in
40 the matter and finds that the public officer or employee has violated
41 any provision of this chapter.

42 5. The Executive Director shall monitor the compliance of the
43 public officer or employee who is the subject of a deferral
44 agreement and may require the public officer or employee to
45 document his or her compliance with the deferral agreement.



6. The Executive Director shall:

(a) Inform the Commission of any alleged failure of the public officer or employee to comply with the deferral agreement;

(b) Give the public officer or employee written notice of any alleged failure to comply with the deferral agreement; and

(c) Allow the public officer or employee not less than 15 days to respond to such a notice.

7. Within 60 days after the date on which the public officer or employee responds or was entitled to respond to the written notice of any alleged failure to comply with the deferral agreement, the Commission shall determine whether the public officer or employee failed to comply with the deferral agreement, unless the public officer or employee waives this time limit.

8. If the Commission determines that the public officer or employee failed to comply with the deferral agreement, the Commission may take any action it deems appropriate, consistent with the terms and conditions of the deferral agreement and the provisions of this chapter, including, without limitation, vacating the deferral agreement and conducting further proceedings in the matter.

9. If the public officer or employee who is the subject of the deferral agreement complies in a satisfactory manner with the deferral agreement, the Commission shall dismiss the matter.

Sec. 53. NRS 281A.745 is hereby amended to read as follows:

281A.745 1. If the review panel refers an ethics complaint to the Commission for further proceedings in the matter pursuant to NRS 281A.730 or if the Commission vacates a deferral agreement and conducts further proceedings in the matter pursuant to NRS 281A.740, the Commission shall hold an adjudicatory hearing and render ~~[an opinion in the matter]~~ *a decision concerning the ethics complaint* within 60 days after the date on which the review panel refers the ethics complaint to the Commission or the Commission vacates the deferral agreement, as appropriate, unless the public officer or employee who is the subject of the ethics complaint waives this time limit.

2. ~~[H] Before~~ *Before* the Commission holds an adjudicatory hearing ~~[to receive evidence]~~ concerning an ethics complaint, the Commission shall:

(a) ~~[Notify]~~ *Provide* the public officer or employee who is the subject of the ethics complaint *with a written notice* of the date, time and place of the hearing; *and*

(b) *Provide the parties with a written schedule for discovery relating to the hearing.*

3. *At the adjudicatory hearing:*

(a) *The Executive Director or his or her designee shall present the case to the Commission; and*



1 ***(b) The Commission shall:***

2 ***(1)*** Allow the public officer or employee to be represented by
3 legal counsel; and

4 ~~[(e)]~~ ***(2)*** Allow the public officer or employee to hear the
5 ~~[evidence]~~ case presented to the Commission ***by the Executive***
6 ***Director or his or her designee*** and to ~~[respond and]~~ present
7 ~~[evidence on]~~ his or her own ~~[behalf.~~
8 ~~—3.]~~ ***case to the Commission.***

9 ***4.*** Unless the public officer or employee agrees to a shorter
10 time, an adjudicatory hearing may not be held less than 10 days after
11 the date on which the ***written*** notice of the hearing is ~~[given]~~
12 ***provided*** to the public officer or employee.

13 ~~[4.]~~ ***5.*** For good cause shown, the Commission may take
14 testimony from a person by telephone or video conference at an
15 adjudicatory hearing or at any other proceedings concerning the
16 ethics complaint.

17 ***6. After the Commission renders a decision concerning the***
18 ***ethics complaint, the Commission shall issue a written opinion:***

19 ***(a) Within 90 days after the date on which the decision is***
20 ***rendered; or***

21 ***(b) On the date of the next meeting of the Commission that is***
22 ***held after the date on which the decision is rendered,***
23 ***↪ whichever is later, unless the Commission determines that there***
24 ***is good cause to extend this time limit.***

25 ***7. The written opinion issued by the Commission must***
26 ***include findings of fact and conclusions of law and otherwise***
27 ***comply with the requirements for a final decision set forth in***
28 ***NRS 233B.125.***

29 **Sec. 54.** NRS 281A.750 is hereby amended to read as follows:

30 281A.750. 1. Except as otherwise provided in this section and
31 NRS 281A.755, all information, communications, records,
32 documents or other materials in the possession of the Commission,
33 the review panel or their staff that are related to an ethics complaint
34 are confidential and are not public records pursuant to chapter 239
35 of NRS until:

36 ***(a)*** The review panel determines whether there is just and
37 sufficient cause for the Commission to render ***a decision and issue***
38 an opinion in the matter and serves ***the*** written notice of its
39 determination on the public officer or employee who is the subject
40 of the ethics complaint ~~[]~~ ***pursuant to NRS 281A.730;*** or

41 ***(b)*** The public officer or employee who is the subject of the
42 ethics complaint authorizes the Commission, in writing, to make the
43 information, communications, records, documents or other materials
44 that are related to the ethics complaint publicly available,

45 ***↪ whichever occurs first.***



1 2. Except as otherwise provided in subsection ~~3.4~~ 5, if a person
2 who files an ethics complaint asks that his or her identity as the
3 requester be kept confidential, the Commission:

4 (a) Shall keep the identity of the requester confidential if he or
5 she is a public officer or employee who works for the same public
6 body, agency or employer as the public officer or employee who is
7 the subject of the ethics complaint.

8 (b) May keep the identity of the requester confidential if he or
9 she offers sufficient facts and circumstances showing a reasonable
10 likelihood that disclosure of his or her identity will subject the
11 requester or a member of his or her household to a bona fide threat
12 of physical force or violence.

13 3. *If the Commission keeps the identity of the requester of an*
14 *ethics complaint confidential pursuant to this section, the*
15 *following materials are confidential and are not public records*
16 *pursuant to chapter 239 of NRS:*

17 (a) *All information, communications, records, documents or*
18 *other materials in the possession of the Commission that, if*
19 *disclosed by the Commission, would reveal that the requester filed*
20 *the ethics complaint. Notwithstanding the provisions of chapter*
21 *239 of NRS, in denying a request for public records based on the*
22 *confidentiality provided by this paragraph, the Commission is not*
23 *required to provide any information that, if disclosed by the*
24 *Commission in denying the request for public records, would*
25 *reveal that the requester filed the ethics complaint.*

26 (b) *All information, communications, records, documents or*
27 *other materials in the possession of the requester of the ethics*
28 *complaint or his or her public body, agency or employer that, if*
29 *disclosed by either of them, would reveal that the requester filed*
30 *the ethics complaint. Notwithstanding the provisions of chapter*
31 *239 of NRS, in denying a request for public records based on the*
32 *confidentiality provided by this paragraph, the requester of the*
33 *ethics complaint or his or her public body, agency or employer is*
34 *not required to provide any information that, if disclosed by either*
35 *of them in denying the request for public records, would reveal*
36 *that the requester filed the ethics complaint.*

37 4. If the Commission keeps the identity of the requester *of an*
38 *ethics complaint* confidential ~~3.4~~ *pursuant to this section and the*
39 *Executive Director does not intend to present the testimony of*
40 *the requester as evidence for consideration by the Commission at*
41 *the adjudicatory hearing or in rendering a decision and issuing an*
42 *opinion in the matter*, the Commission shall not render *a decision*
43 *and issue* an opinion in the matter unless there is sufficient evidence
44 without the testimony of the requester to consider the propriety of
45 the conduct of the public officer or employee who is the subject of



1 the ethics complaint. *The provisions of this subsection do not*
2 *abrogate or otherwise alter or affect the confidentiality of the*
3 *identity of the requester of the ethics complaint.*

4 5. *If the Commission keeps the identity of the requester of an*
5 *ethics complaint confidential pursuant to this section and the*
6 Executive Director intends to present the testimony of the requester
7 as evidence for consideration by the Commission at the adjudicatory
8 hearing or in rendering *a decision and issuing* an opinion in the
9 matter and the public officer or employee who is the subject of
10 the ethics complaint submits a written discovery request to the
11 Commission pursuant to NRS 281A.755, the ~~{Commission}~~
12 *Executive Director* shall disclose the name of the requester only as a
13 proposed witness ~~{within a reasonable time before the adjudicatory~~
14 ~~hearing on the matter.}~~ *in accordance with the schedule for*
15 *discovery provided to the parties pursuant to NRS 281A.745.*

16 **Sec. 55.** NRS 281A.755 is hereby amended to read as follows:

17 281A.755 1. Except as otherwise provided in this section, the
18 investigative file related to an ethics complaint is confidential and is
19 not a public record pursuant to chapter 239 of NRS.

20 2. ~~{At any time after being served with written notice of the~~
21 ~~determination of the review panel regarding the existence of just and~~
22 ~~sufficient cause for the Commission to render an opinion in the~~
23 ~~matter.}~~ *In accordance with the schedule for discovery provided to*
24 *the parties pursuant to NRS 281A.745,* the public officer or
25 employee who is the subject of the ethics complaint may submit a
26 written discovery request to the Commission for a list of proposed
27 witnesses and a copy of any portion of the investigative file that the
28 Executive Director intends to present as evidence for consideration
29 by the Commission at the adjudicatory hearing or in rendering *a*
30 *decision and issuing* an opinion in the matter.

31 3. Any portion of the investigative file which the Executive
32 Director presents as evidence for consideration by the Commission
33 at the adjudicatory hearing or in rendering *a decision and issuing* an
34 opinion in the matter becomes a public record and must be open for
35 inspection pursuant to chapter 239 of NRS ~~{}~~ *after the Commission*
36 *takes final action concerning the ethics complaint in a public*
37 *meeting or hearing pursuant to subsection 2 of NRS 281A.760.*

38 4. For the purposes of this section:

39 (a) The investigative file includes, without limitation:

40 (1) Any response concerning the ethics complaint prepared
41 by the public officer or employee pursuant to NRS 281A.720 and
42 submitted to the Executive Director and the review panel during the
43 course of the investigation and any proceedings before the review
44 panel;



1 (2) Any recommendation concerning the ethics complaint
2 prepared by the Executive Director pursuant to NRS 281A.725 and
3 ~~submitted~~ *presented* to the review panel during the course of the
4 investigation and any proceedings before the review panel; and

5 (3) Any other information provided to or obtained by or on
6 behalf of the Executive Director through any form of
7 communication during the course of the investigation and any
8 proceedings before the review panel and any records, documents or
9 other materials created or maintained during the course of the
10 investigation and any proceedings before the review panel which
11 relate to the public officer or employee who is the subject of the
12 ethics complaint, including, without limitation, a transcript,
13 regardless of whether such information, records, documents or other
14 materials are obtained pursuant to a subpoena.

15 (b) The investigative file does not include any deferral
16 agreement.

17 **Sec. 56.** NRS 281A.760 is hereby amended to read as follows:

18 281A.760 *1.* The provisions of chapter 241 of NRS do not
19 apply to:

20 ~~1.~~ *(a)* Any meeting or hearing held by the Commission to
21 receive information or evidence concerning an ethics complaint; and

22 ~~2.~~ *(b)* Any deliberations *or actions* of the Commission on
23 such information or evidence.

24 *2. The Commission shall take final action concerning an*
25 *ethics complaint in a public meeting or hearing. The Commission*
26 *shall provide public notice of the meeting or hearing, and the*
27 *meeting or hearing must be open to the public and conducted in*
28 *accordance with the regulations of the Commission, but the*
29 *meeting or hearing is not subject to the provisions of chapter 241*
30 *of NRS.*

31 **Sec. 57.** NRS 281A.765 is hereby amended to read as follows:

32 281A.765 ~~1. If the Commission renders an opinion in~~
33 ~~proceedings concerning an ethics complaint, the opinion must~~
34 ~~include findings of fact and conclusions of law.~~

35 ~~2. If, in~~ *In* proceedings concerning an ethics complaint, *if* the
36 Commission determines that a violation of this chapter:

37 ~~(a)~~ *1.* Has not been proven, the Commission shall dismiss the
38 matter, with or without prejudice, and with or without issuing a
39 letter of caution or instruction to the public officer or employee
40 pursuant to NRS 281A.780.

41 ~~(b)~~ *2.* Has been proven, the Commission may take any action
42 authorized by this chapter.

43 **Sec. 58.** NRS 281A.770 is hereby amended to read as follows:

44 281A.770 In any matter in which the Commission disposes of
45 an ethics complaint by stipulation, agreed settlement or consent



1 order or in which the review panel approves a deferral agreement,
2 the Commission or the review panel, as appropriate, shall :

3 *1. To the extent practicable based on the given set of facts*
4 *and circumstances, treat comparable situations in a comparable*
5 *manner ; and [shall ensure]*

6 *2. Ensure* that the disposition of the matter bears a reasonable
7 relationship to the severity of the violation or alleged violation.

8 **Sec. 59.** NRS 281A.775 is hereby amended to read as follows:

9 281A.775 1. The Commission, in determining ~~[whether a~~
10 ~~violation of this chapter is a willful violation and, if so,]~~ the penalty
11 to be imposed on a ~~[public officer or employee]~~ *current* or former
12 public officer or employee pursuant to NRS 281A.785 or 281A.790,
13 or the review panel, in determining whether to approve a deferral
14 agreement regarding an alleged violation, shall consider, without
15 limitation:

16 (a) The seriousness of the violation or alleged violation,
17 including, without limitation, the nature, circumstances, extent and
18 gravity of the violation or alleged violation;

19 (b) The number and history of previous warnings, letters of
20 caution or instruction, deferral agreements or violations or alleged
21 violations of the provisions of this chapter relating to the public
22 officer or employee;

23 (c) The cost to conduct the investigation and any meetings,
24 hearings or other proceedings relating to the violation or alleged
25 violation;

26 (d) Any mitigating factors, including, without limitation, any
27 self-reporting, prompt correction of the violation or alleged
28 violation, any attempts to rectify the violation or alleged violation
29 before any ethics complaint is filed and any cooperation by the
30 public officer or employee in resolving the ethics complaint;

31 (e) Any restitution or reimbursement paid to parties affected by
32 the violation or alleged violation;

33 (f) The extent of any financial gain resulting from the violation
34 or alleged violation; and

35 (g) Any other matter justice may require.

36 2. The factors set forth in this section are not exclusive or
37 exhaustive, and the Commission or the review panel, as appropriate,
38 may consider other factors in the disposition of the matter if they
39 bear a reasonable relationship to the determination of the severity of
40 the violation or alleged violation.

41 3. In applying the factors set forth in this section, the
42 Commission or the review panel, as appropriate, shall :

43 *(a) To the extent practicable based on the given set of facts and*
44 *circumstances, treat comparable situations in a comparable manner*
45 *; and [shall ensure]*



1 (b) *Ensure* that the disposition of the matter bears a reasonable
2 relationship to the severity of the violation or alleged violation.

3 **Sec. 60.** NRS 281A.780 is hereby amended to read as follows:

4 281A.780 1. In proceedings concerning an ethics complaint,
5 the Commission or the review panel, as appropriate, may issue a
6 letter of caution or instruction to the public officer or employee who
7 is the subject of the ethics complaint to caution or instruct the public
8 officer or employee regarding the propriety of his or her conduct
9 under the statutory ethical standards. ~~[set forth in this chapter.]~~

10 2. If the Commission or the review panel issues a letter of
11 caution or instruction to the public officer or employee, the letter:

12 (a) Is confidential and is not a public record pursuant to chapter
13 239 of NRS.

14 (b) May be considered in deciding the appropriate action to be
15 taken on any subsequent ethics complaint involving the public
16 officer or employee, unless the letter is not relevant to the issues
17 presented by the subsequent ethics complaint.

18 **Sec. 61.** NRS 281A.785 is hereby amended to read as follows:

19 281A.785 1. ~~[Except as otherwise provided in this section,~~
20 ~~in]~~ *In* proceedings concerning an ethics complaint, the Commission,
21 based on a finding that a violation of this chapter has been proven,
22 or the review panel, as part of the terms and conditions of a deferral
23 agreement, may, in addition to any other ~~[penalty]~~ *penalties*
24 provided by law and in accordance with the provisions of
25 NRS 281A.775:

26 (a) Require the public officer or employee who is the subject of
27 the ethics complaint to:

28 (1) Comply in all respects with the provisions of this chapter
29 for a specified period without being the subject of another ethics
30 complaint arising from an alleged violation of this chapter by the
31 public officer or employee which occurs during the specified period
32 and for which the review panel determines that there is just and
33 sufficient cause for the Commission to render *a decision and issue*
34 an opinion in the matter.

35 (2) Attend and complete training.

36 (3) Follow a remedial course of action.

37 (4) Issue a public apology.

38 (5) Comply with conditions or limitations on future conduct.

39 (b) Publicly ~~[admonish,]~~ reprimand ~~[or censure]~~ the public
40 officer or employee.

41 (c) Take any combination of such actions or any other
42 reasonable action that the Commission or the review panel, as
43 appropriate, determines will remedy the violation or alleged
44 violation or deter similar violations or conduct.



1 2. ~~In carrying out the provisions of subsection 1, the~~
2 ~~Commission, based on a finding that a violation of this chapter has~~
3 ~~been proven, or the review panel, as part of the terms and conditions~~
4 ~~of a deferral agreement, may publicly:~~

5 ~~—(a) Admonish a public officer or employee if it is determined~~
6 ~~that the public officer or employee has violated any provision of this~~
7 ~~chapter, but the violation is not willful, or if such an admonishment~~
8 ~~is imposed as part of the terms and conditions of a deferral~~
9 ~~agreement. An admonishment is a written expression of disapproval~~
10 ~~of the conduct of the public officer or employee.~~

11 ~~—(b) Reprimand a public officer or employee if it is determined~~
12 ~~that the public officer or employee has willfully violated any~~
13 ~~provision of this chapter, but there is no evidence that the willful~~
14 ~~violation involved bad faith, malicious intent or knowing or reckless~~
15 ~~disregard of the law, or if such a reprimand is imposed as part of the~~
16 ~~terms and conditions of a deferral agreement. A reprimand is a~~
17 ~~severe written reproof for the conduct of the public officer or~~
18 ~~employee.~~

19 ~~—(c) Censure a public officer or employee if it is determined that~~
20 ~~the public officer or employee has willfully violated any provision~~
21 ~~of this chapter and there is evidence that the willful violation~~
22 ~~involved bad faith, malicious intent or knowing or reckless~~
23 ~~disregard of the law or there are no substantial mitigating factors~~
24 ~~pursuant to NRS 281A.775 for the willful violation, or if such a~~
25 ~~censure is imposed as part of the terms and conditions of a deferral~~
26 ~~agreement. A censure is a formal written condemnation of the~~
27 ~~conduct of the public officer or employee.~~

28 ~~—3.] Any action taken by the Commission pursuant to this~~
29 ~~section is a final decision for the purposes of judicial review~~
30 ~~pursuant to NRS 233B.130. Any action taken by the review panel~~
31 ~~pursuant to this chapter, including, without limitation, any action~~
32 ~~relating to a deferral agreement, is not a final decision for the~~
33 ~~purposes of judicial review pursuant to NRS 233B.130.~~

34 **Sec. 62.** NRS 281A.790 is hereby amended to read as follows:

35 281A.790 1. In addition to any other penalties provided by
36 law and in accordance with the provisions of NRS 281A.775, the
37 Commission may impose on a ~~[public officer or employee]~~ *current*
38 or former public officer or employee civil penalties:

39 (a) Not to exceed \$5,000 for a first ~~[willful]~~ violation of this
40 chapter;

41 (b) Not to exceed \$10,000 for a separate act or event that
42 constitutes a second ~~[willful]~~ violation of this chapter; and

43 (c) Not to exceed \$25,000 for a separate act or event that
44 constitutes a third ~~[willful]~~ violation *or any additional violation* of
45 this chapter.



1 2. ~~[Hn]~~ *For the purposes of this section, in determining*
2 *whether a current or former public officer or employee has*
3 *committed one or more violations of this chapter, each separate*
4 *act or event that constitutes a violation of this chapter must be*
5 *treated as a separate violation that is cumulative to all other*
6 *violations by that person, whenever committed, without regard to*
7 *the sequence of the violations or whether the violations are*
8 *established in the same proceedings concerning the same ethics*
9 *complaint or in separate proceedings concerning separate ethics*
10 *complaints.*

11 3. *Except as otherwise provided in NRS 281A.280, in addition*
12 *to any other penalties provided by law, if a current or former*
13 *public officer or employee or any other person prevents, interferes*
14 *with or attempts to prevent or interfere with any investigation or*
15 *proceedings pursuant to this chapter or the discovery of a violation*
16 *of this chapter, such an act shall be deemed to be a violation of this*
17 *chapter, and the Commission may, ~~[upon its own motion or upon~~*
18 *~~the motion of the current or former public officer or employee who~~*
19 *~~is the subject of the investigation or proceedings:] after providing~~*
20 *the person committing such an act with a written notice of the*
21 *charges and an opportunity for a hearing in accordance with the*
22 *regulations of the Commission:*

23 (a) *Impose on the person committing such an act a civil penalty*
24 *not to exceed \$5,000 ~~[;]~~, unless a greater civil penalty is*
25 *authorized by subsection 1; and*

26 (b) *If appropriate under the facts and circumstances, assess*
27 *against the person committing such an act an amount equal to the*
28 *amount of attorney's fees and costs actually and reasonably incurred*
29 *as a result of the act by the Commission or any current or former*
30 *public officer or employee ~~[as a result of] who is a subject of the~~*
31 *investigation or proceedings and who is harmed or prejudiced by*
32 *the act.*

33 ~~[3.]~~ 4. *If the Commission finds that a violation of ~~[a provision~~*
34 *~~of] this chapter by a ~~[public officer or employee] current~~ or former~~*
35 *public officer or employee has resulted in the realization of a*
36 *financial benefit by the ~~[current or former] public officer or~~*
37 *employee or another person, the Commission may, in addition to*
38 *any other penalties provided by law, require the ~~[current or former]~~*
39 *public officer or employee to pay a civil penalty of not more than*
40 *twice the amount so realized.*

41 ~~[4.]~~ 5. *In addition to any other penalties provided by law, if ~~[a~~*
42 *~~proceeding results in] the Commission issues~~ an opinion *in which it*
43 *finds that:**

44 (a) ~~[One or more willful violations of this chapter have been~~
45 *committed by a] A State Legislator removable from office only*



1 through expulsion by the State Legislator's own House pursuant to
2 Section 6 of Article 4 of the Nevada Constitution ~~[.]~~ *has committed*
3 *one or more violations of this chapter and the Commission has*
4 *imposed civil penalties of \$5,000 or more for at least one of those*
5 *violations*, the Commission shall:

6 (1) If the State Legislator is a member of the Senate, submit
7 the opinion to the Majority Leader of the Senate or, if the Majority
8 Leader of the Senate is the subject of the opinion or the person who
9 requested the opinion, to the President Pro Tempore of the Senate;
10 or

11 (2) If the State Legislator is a member of the Assembly,
12 submit the opinion to the Speaker of the Assembly or, if the Speaker
13 of the Assembly is the subject of the opinion or the person who
14 requested the opinion, to the Speaker Pro Tempore of the Assembly.

15 (b) ~~[One or more willful violations of this chapter have been~~
16 ~~committed by a]~~ A state officer removable from office only through
17 impeachment pursuant to Article 7 of the Nevada Constitution ~~[.]~~
18 *has committed one or more violations of this chapter and the*
19 *Commission has imposed civil penalties of \$5,000 or more for at*
20 *least one of those violations*, the Commission shall submit the
21 opinion to the Speaker of the Assembly and the Majority Leader of
22 the Senate or, if the Speaker of the Assembly or the Majority Leader
23 of the Senate is the person who requested the opinion, to the
24 Speaker Pro Tempore of the Assembly or the President Pro
25 Tempore of the Senate, as appropriate.

26 (c) ~~[One or more willful violations of this chapter have been~~
27 ~~committed by a]~~ A public officer, other than a public officer
28 described in paragraphs (a) and (b), *has committed one or more*
29 *violations of this chapter*, the ~~[willful]~~ violations shall be deemed to
30 be malfeasance in office for the purposes of NRS 283.440 and the
31 Commission:

32 (1) ~~[May]~~ *Except as otherwise provided in subparagraph*
33 *(2), may* file a complaint in the appropriate court for removal of the
34 public officer pursuant to NRS 283.440 when the public officer is
35 found in the opinion to have committed ~~[fewer than three willful~~
36 ~~violations]~~ *one or more violations* of this chapter ~~[.]~~ *and the*
37 *Commission has imposed civil penalties of \$5,000 or more for at*
38 *least one of those violations*.

39 (2) Shall file a complaint in the appropriate court for removal
40 of the public officer pursuant to NRS 283.440 when the public
41 officer is found in the opinion to have committed ~~[three]~~ *two* or
42 more ~~[willful]~~ violations of this chapter ~~[.]~~ *and the Commission has*
43 *imposed civil penalties of \$10,000 or more for at least one of those*
44 *violations*.



1 ↪ This paragraph grants an exclusive right to the Commission, and
2 no other person may file a complaint against the public officer
3 pursuant to NRS 283.440 based on any violation found in the
4 opinion.

5 ~~[5.]~~ 6. Notwithstanding any other provision of this chapter, any
6 act or failure to act by a ~~[public officer or employee]~~ *current* or
7 former public officer or employee relating to this chapter is not a
8 ~~[willful]~~ violation of this chapter if the public officer or employee
9 establishes by sufficient evidence that:

10 (a) The public officer or employee relied in good faith upon the
11 advice of the legal counsel *employed or* retained by his or her public
12 body, agency or employer; and

13 (b) The advice of the legal counsel was:

14 (1) Provided to the public officer or employee before the
15 public officer or employee acted or failed to act; and

16 (2) Based on a reasonable legal determination by the legal
17 counsel under the circumstances when the advice was given that the
18 act or failure to act by the public officer or employee would not be
19 contrary to the provisions of this chapter as interpreted ~~[by]~~ *in the*
20 *published opinions of* the Commission.

21 ~~[6.]~~ 7. In addition to any other penalties provided by law, if a
22 public employee commits a ~~[willful]~~ violation of this chapter or fails
23 to complete a period of compliance imposed by the Commission
24 pursuant to NRS 281A.785 or by the review panel as part of the
25 terms and conditions of a deferral agreement ~~[, the public employee~~
26 ~~is subject to disciplinary proceedings by]~~ :

27 (a) *The Commission shall provide that information to* the
28 *public body, agency or* employer of the public employee ; and
29 ~~[must be referred for]~~

30 (b) *The public body, agency or employer may pursue or take*
31 *appropriate disciplinary* action *against the public employee* in
32 accordance ~~[to]~~ *with* the applicable provisions governing ~~[the]~~ *his or*
33 *her public* employment . ~~[of the public employee.]~~

34 ~~—7.]~~ 8. The provisions of this chapter do not abrogate or
35 decrease the effect of the provisions of the Nevada Revised Statutes
36 which define crimes or prescribe punishments with respect to the
37 conduct of public officers or employees. If the Commission finds
38 that a *current or former* public officer or employee has committed a
39 ~~[willful]~~ violation of this chapter which it believes may also
40 constitute a criminal offense, the Commission shall refer the matter
41 to the Attorney General or the district attorney, as appropriate, for a
42 determination of whether a crime has been committed that warrants
43 prosecution.

44 ~~[8.]~~ 9. The imposition of a civil penalty pursuant to ~~[subsection~~
45 ~~1, 2 or 3]~~ *any provision of subsections 1 to 4, inclusive,* is a final



1 decision for the purposes of judicial review pursuant to
2 NRS 233B.130.

3 ~~9.]~~ **10.** A finding by the Commission that a *current or former*
4 public officer or employee *or any other person* has violated any
5 provision of this chapter must be supported by a preponderance of
6 the evidence unless a greater burden is otherwise prescribed by law.

7 **Sec. 63.** NRS 239.010 is hereby amended to read as follows:

8 239.010 1. Except as otherwise provided in this section and
9 NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293,
10 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170,
11 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113,
12 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200,
13 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345,
14 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880,
15 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280,
16 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140,
17 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130,
18 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044,
19 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625,
20 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691,
21 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772,
22 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925,
23 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131,
24 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625,
25 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450,
26 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105,
27 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210,
28 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030,
29 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560,
30 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910,
31 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685,
32 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 287.0438,
33 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503,
34 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510,
35 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379,
36 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205,
37 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247,
38 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180,
39 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008, 379.1495,
40 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259,
41 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035,
42 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315,
43 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698,
44 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535,
45 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484,



1 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350,
2 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175,
3 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902,
4 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170,
5 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735,
6 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140,
7 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050,
8 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993,
9 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940,
10 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363,
11 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452,
12 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964,
13 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710,
14 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341,
15 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327,
16 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047,
17 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368,
18 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055,
19 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087,
20 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730,
21 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190,
22 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170,
23 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870,
24 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092,
25 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375,
26 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033,
27 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115,
28 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450,
29 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122,
30 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270,
31 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077,
32 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010,
33 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190,
34 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420,
35 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320,
36 704B.325, 706.1725, 706A.230, 710.159, 711.600, *section 14 of*
37 *this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada
38 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and
39 unless otherwise declared by law to be confidential, all public books
40 and public records of a governmental entity must be open at all
41 times during office hours to inspection by any person, and may be
42 fully copied or an abstract or memorandum may be prepared from
43 those public books and public records. Any such copies, abstracts or
44 memoranda may be used to supply the general public with copies,
45 abstracts or memoranda of the records or may be used in any other



1 way to the advantage of the governmental entity or of the general
2 public. This section does not supersede or in any manner affect the
3 federal laws governing copyrights or enlarge, diminish or affect in
4 any other manner the rights of a person in any written book or
5 record which is copyrighted pursuant to federal law.

6 2. A governmental entity may not reject a book or record
7 which is copyrighted solely because it is copyrighted.

8 3. A governmental entity that has legal custody or control of a
9 public book or record shall not deny a request made pursuant to
10 subsection 1 to inspect or copy or receive a copy of a public book or
11 record on the basis that the requested public book or record contains
12 information that is confidential if the governmental entity can
13 redact, delete, conceal or separate the confidential information from
14 the information included in the public book or record that is not
15 otherwise confidential.

16 4. A person may request a copy of a public record in any
17 medium in which the public record is readily available. An officer,
18 employee or agent of a governmental entity who has legal custody
19 or control of a public record:

20 (a) Shall not refuse to provide a copy of that public record in a
21 readily available medium because the officer, employee or agent has
22 already prepared or would prefer to provide the copy in a different
23 medium.

24 (b) Except as otherwise provided in NRS 239.030, shall, upon
25 request, prepare the copy of the public record and shall not require
26 the person who has requested the copy to prepare the copy himself
27 or herself.

28 **Sec. 64.** NRS 241.016 is hereby amended to read as follows:

29 241.016 1. The meetings of a public body that are quasi-
30 judicial in nature are subject to the provisions of this chapter.

31 2. The following are exempt from the requirements of this
32 chapter:

33 (a) The Legislature of the State of Nevada.

34 (b) Judicial proceedings, including, without limitation,
35 proceedings before the Commission on Judicial Selection and,
36 except as otherwise provided in NRS 1.4687, the Commission on
37 Judicial Discipline.

38 (c) Meetings of the State Board of Parole Commissioners when
39 acting to grant, deny, continue or revoke the parole of a prisoner or
40 to establish or modify the terms of the parole of a prisoner.

41 3. Any provision of law, including, without limitation, NRS
42 91.270, 219A.210, 228.495, 239C.140, 281A.350, 281A.690,
43 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345,
44 287.338, 288.220, 289.387, 295.121, 360.247, 388.261, 388A.495,
45 388C.150, 388G.710, 388G.730, 392.147, 392.467, 394.1699,



1 396.3295, 433.534, 435.610, 463.110, 622.320, 622.340, 630.311,
2 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170,
3 696B.550, 703.196 and 706.1725, *and section 9 of this act*, which:

4 (a) Provides that any meeting, hearing or other proceeding is not
5 subject to the provisions of this chapter; or

6 (b) Otherwise authorizes or requires a closed meeting, hearing
7 or proceeding,

8 ↪ prevails over the general provisions of this chapter.

9 4. The exceptions provided to this chapter, and electronic
10 communication, must not be used to circumvent the spirit or letter of
11 this chapter to deliberate or act, outside of an open and public
12 meeting, upon a matter over which the public body has supervision,
13 control, jurisdiction or advisory powers.

14 **Sec. 65.** The provisions of NRS 354.599 do not apply to any
15 additional expenses of a local government that are related to the
16 provisions of this act.

17 **Sec. 66.** 1. Except as otherwise provided in this section, the
18 Commission on Ethics:

19 (a) Shall apply the amendatory provisions of this act which
20 govern the procedures applicable to administrative proceedings
21 arising under chapter 281A of NRS to any such proceedings that are
22 within the jurisdiction of the Commission and are commenced on or
23 after July 1, 2019, whether or not the conduct at issue in such
24 proceedings occurred before July 1, 2019.

25 (b) May apply the amendatory provisions of this act which
26 govern the procedures applicable to administrative proceedings
27 arising under chapter 281A of NRS to any such proceedings that
28 were commenced before July 1, 2019, and are still within the
29 jurisdiction of the Commission and pending before the Commission
30 on July 1, 2019, unless the Commission determines that such an
31 application would be impracticable, unreasonable or
32 unconstitutional under the circumstances, in which case the
33 Commission shall apply the procedures in effect before July 1,
34 2019.

35 2. The amendatory provisions of sections 11, 18, 32 to 35,
36 inclusive, 37 and 38 of this act do not apply to any conduct
37 occurring before July 1, 2019.

38 **Sec. 67.** This act becomes effective on July 1, 2019.



ASSEMBLY BILL NO. 70—COMMITTEE
ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 20, 2018

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing the Open Meeting Law. (BDR 19-421)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to meetings of public bodies; making various changes relating to meetings of public bodies; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 The Open Meeting Law requires a public body to ensure that members of the
2 public body and the public present at a meeting can hear or observe and participate
3 in the meeting if any member of the public body is present by means of
4 teleconference or videoconference. (NRS 241.010) **Section 2** of this bill provides
5 instead that if a member of the public body attends a meeting of the public body by
6 means of teleconference or videoconference, the chair of the public body must
7 make reasonable efforts to ensure that members of the public body and the public
8 can hear or observe each member attending by teleconference or videoconference.
9 **Section 4** of this bill makes a conforming change.

10 **Section 2** authorizes a public body, under certain circumstances, to conduct a
11 public meeting by teleconference or videoconference.

12 **Section 2.5** of this bill provides a public body may delegate authority to the
13 chair or the executive director, or an equivalent position, to make any decision
14 regarding litigation concerning any action or proceeding in which the public body
15 or any member or employee of the public body is a party in an official capacity or
16 participates or intervenes in an official capacity.

17 Existing law sets forth the circumstances when a public body is required to
18 comply with the Open Meeting Law. Under existing law, a public body may gather
19 to receive information from an attorney employed or retained by the public body
20 regarding certain matters without complying with the Open Meeting Law.
21 (NRS 241.015)



22 **Section 5** of this bill authorizes, under certain circumstances, a public body to
23 gather to receive training regarding its legal obligations without complying with the
24 Open Meeting Law.

25 **Section 5** requires, under certain circumstances, a subcommittee or working
26 group of a public body to comply with the provisions of the Open Meeting Law.

27 The Open Meeting Law requires a public body to make supporting material for
28 a meeting of the public body available to the public upon request. (NRS 241.020)

29 **Section 5** defines the term "supporting material."

30 Existing law requires a public body to have a meeting recorded on audiotape or
31 transcribed by a court reporter and provide a copy of the audio recording or
32 transcript to a member of the public upon request at no charge. Existing law also
33 provides this requirement does not prohibit a court reporter from charging a fee to
34 the public body for any services relating to the transcription of a meeting. (NRS
35 241.035) **Section 7** of this bill clarifies that a court reporter who transcribes a
36 meeting is: (1) not prohibited from charging a fee to the public body for the
37 transcription; and (2) not required to provide a copy of any transcript, minutes or
38 audio recording of a meeting directly to a member of the public at no charge.

39 Under existing law, the Attorney General is required to investigate and
40 prosecute any violation of the Open Meeting Law. (NRS 241.039) **Section 10** of
41 this bill: (1) requires, with limited exception, the Attorney General to investigate
42 and prosecute a violation of the Open Meeting Law if a complaint is filed not later
43 than 120 days after the alleged violation; and (2) gives the Attorney General
44 discretion to investigate and prosecute a violation of the Open Meeting Law if a
45 complaint is filed more than 120 days after the alleged violation.

46 **Section 10** further requires: (1) the Attorney General to issue certain findings
47 upon completion of an investigation; and (2) a public body to submit a response to
48 the findings of the Attorney General not later than 30 days after receipt of the
49 Attorney General's findings.

50 Existing law makes each member of a public body who attends a meeting
51 where action is taken in violation of the Open Meeting Law with knowledge of the
52 fact that the meeting is in violation guilty of a misdemeanor and subject to a civil
53 penalty of \$500. (NRS 241.040) **Section 12** of this bill provides instead that each
54 member of a public body who: (1) attends a meeting where any violation of the
55 Open Meeting Law occurs; (2) has knowledge of the violation; and (3) participates
56 in the violation, is guilty of a misdemeanor and subject to an administrative fine,
57 the amount of which is graduated for multiple offenses. **Section 12** also creates an
58 exception to these penalties and fines where the member violated the Open Meeting
59 Law based on legal advice provided by an attorney employed or retained by the
60 public body.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 241 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 2.5 of this act.

3 **Sec. 2. 1. A public body may conduct a meeting by means**
4 **of teleconference or videoconference if:**

5 **(a) A quorum is actually or collectively present, whether in**
6 **person or by means of electronic communication; and**



1 (b) *There is a physical location designated for the meeting*
2 *where members of the public are permitted to attend and*
3 *participate.*

4 2. *If any member of a public body attends a meeting by*
5 *means of teleconference or videoconference, the chair of the*
6 *public body, or his or her designee, must make reasonable efforts*
7 *to ensure that:*

8 (a) *Members of the public body and members of the public*
9 *present at the physical location of the meeting can hear or observe*
10 *each member attending by teleconference or videoconference; and*

11 (b) *Each member of the public body in attendance can*
12 *participate in the meeting.*

13 **Sec. 2.5.** *A public body may delegate authority to the chair or*
14 *the executive director of the public body, or an equivalent position,*
15 *to make any decision regarding litigation concerning any action*
16 *or proceeding in which the public body or any member or*
17 *employee of the public body is a party in an official capacity or*
18 *participates or intervenes in an official capacity.*

19 **Sec. 3.** (Deleted by amendment.)

20 **Sec. 4.** NRS 241.010 is hereby amended to read as follows:

21 241.010 ~~[1.]~~ In enacting this chapter, the Legislature finds
22 and declares that all public bodies exist to aid in the conduct of the
23 people's business. It is the intent of the law that their actions be
24 taken openly and that their deliberations be conducted openly.

25 ~~[2.— If any member of a public body is present by means of~~
26 ~~teleconference or videoconference at any meeting of the public~~
27 ~~body, the public body shall ensure that all the members of the public~~
28 ~~body and the members of the public who are present at the meeting~~
29 ~~can hear or observe and participate in the meeting.]~~

30 **Sec. 5.** NRS 241.015 is hereby amended to read as follows:

31 241.015 As used in this chapter, unless the context otherwise
32 requires:

33 1. "Action" means:

34 (a) A decision made by a majority of the members present,
35 whether in person or by means of electronic communication, during
36 a meeting of a public body;

37 (b) A commitment or promise made by a majority of the
38 members present, whether in person or by means of electronic
39 communication, during a meeting of a public body;

40 (c) If a public body may have a member who is not an elected
41 official, an affirmative vote taken by a majority of the members
42 present, whether in person or by means of electronic
43 communication, during a meeting of the public body; or



1 (d) If all the members of a public body must be elected officials,
2 an affirmative vote taken by a majority of all the members of the
3 public body.

4 2. "Deliberate" means collectively to examine, weigh and
5 reflect upon the reasons for or against the action. The term includes,
6 without limitation, the collective discussion or exchange of facts
7 preliminary to the ultimate decision.

8 3. "Meeting":

9 (a) Except as otherwise provided in paragraph (b), means:

10 (1) The gathering of members of a public body at which a
11 quorum is present, whether in person or by means of electronic
12 communication, to deliberate toward a decision or to take action on
13 any matter over which the public body has supervision, control,
14 jurisdiction or advisory power.

15 (2) Any series of gatherings of members of a public body at
16 which:

17 (I) Less than a quorum is present, whether in person or by
18 means of electronic communication, at any individual gathering;

19 (II) The members of the public body attending one or
20 more of the gatherings collectively constitute a quorum; and

21 (III) The series of gatherings was held with the specific
22 intent to avoid the provisions of this chapter.

23 (b) Does not include a gathering or series of gatherings of
24 members of a public body, as described in paragraph (a), at which a
25 quorum is actually or collectively present, whether in person or by
26 means of electronic communication:

27 (1) Which occurs at a social function if the members do not
28 deliberate toward a decision or take action on any matter over which
29 the public body has supervision, control, jurisdiction or advisory
30 power.

31 (2) To receive information from the attorney employed or
32 retained by the public body regarding potential or existing litigation
33 involving a matter over which the public body has supervision,
34 control, jurisdiction or advisory power and to deliberate toward a
35 decision on the matter, or both.

36 (3) *To receive training regarding the legal obligations of*
37 *the public body, including, without limitation, training conducted*
38 *by an attorney employed or retained by the public body, the Office*
39 *of the Attorney General or the Commission on Ethics, if at the*
40 *gathering the members do not deliberate toward a decision or*
41 *action on any matter over which the public body has supervision,*
42 *control, jurisdiction or advisory power.*

43 4. Except as otherwise provided in NRS 241.016, "public
44 body" means:



1 (a) Any administrative, advisory, executive or legislative body
2 of the State or a local government consisting of at least two persons
3 which expends or disburses or is supported in whole or in part by
4 tax revenue or which advises or makes recommendations to any
5 entity which expends or disburses or is supported in whole or in part
6 by tax revenue, including, but not limited to, any board,
7 commission, committee, subcommittee or other subsidiary thereof
8 and includes a library foundation as defined in NRS 379.0056, an
9 educational foundation as defined in subsection 3 of NRS 388.750
10 and a university foundation as defined in subsection 3 of NRS
11 396.405, if the administrative, advisory, executive or legislative
12 body is created by:

13 (1) The Constitution of this State;

14 (2) Any statute of this State;

15 (3) A city charter and any city ordinance which has been
16 filed or recorded as required by the applicable law;

17 (4) The Nevada Administrative Code;

18 (5) A resolution or other formal designation by such a body
19 created by a statute of this State or an ordinance of a local
20 government;

21 (6) An executive order issued by the Governor; or

22 (7) A resolution or an action by the governing body of a
23 political subdivision of this State;

24 (b) Any board, commission or committee consisting of at least
25 two persons appointed by:

26 (1) The Governor or a public officer who is under the
27 direction of the Governor, if the board, commission or committee
28 has at least two members who are not employees of the Executive
29 Department of the State Government;

30 (2) An entity in the Executive Department of the State
31 Government, ~~{consisting of members appointed by the Governor,}~~
32 if the board, commission or committee otherwise meets the
33 definition of a public body pursuant to this subsection; or

34 (3) A public officer who is under the direction of an agency
35 or other entity in the Executive Department of the State Government
36, ~~{consisting of members appointed by the Governor,}~~ if the board,
37 commission or committee has at least two members who are not
38 employed by the public officer or entity; ~~{and}~~

39 (c) A limited-purpose association that is created for a rural
40 agricultural residential common-interest community as defined in
41 subsection 6 of NRS 116.1201 ~~{ }~~; and

42 (d) *A subcommittee or working group consisting of at least two*
43 *persons who are appointed by a public body described in*
44 *paragraph (a), (b) or (c) if:*



1 (1) *A majority of the membership of the subcommittee or*
2 *working group are members or staff members of the public body*
3 *that appointed the subcommittee; or*

4 (2) *The subcommittee or working group is authorized by*
5 *the public body or working group to make a recommendation to*
6 *the public body for the public body to take any action.*

7 5. "Quorum" means a simple majority of the membership of a
8 public body or another proportion established by law.

9 6. *"Supporting material" means material that is provided to*
10 *at least a quorum of the members of a public body by a member of*
11 *or staff to the public body and that the members of the public body*
12 *would reasonably rely on to deliberate or take action on a matter*
13 *contained in a published agenda. The term includes, without*
14 *limitation, written records, audio recordings, video recordings,*
15 *photographs and digital data.*

16 7. "Working day" means every day of the week except
17 Saturday, Sunday and any day declared to be a legal holiday
18 pursuant to NRS 236.015.

19 **Sec. 6.** (Deleted by amendment.)

20 **Sec. 6.5.** NRS 241.033 is hereby amended to read as follows:

21 241.033 1. Except as otherwise provided in subsection 7, a
22 public body shall not hold a meeting to consider the character,
23 alleged misconduct, professional competence, or physical or mental
24 health of any person or to consider an appeal by a person of the
25 results of an examination conducted by or on behalf of the public
26 body unless it has:

27 (a) Given written notice to that person of the time and place of
28 the meeting; and

29 (b) Received proof of service of the notice.

30 2. The written notice required pursuant to subsection 1:

31 (a) Except as otherwise provided in subsection 3, must be:

32 (1) Delivered personally to that person at least 5 working
33 days before the meeting; or

34 (2) Sent by certified mail to the last known address of that
35 person at least 21 working days before the meeting.

36 (b) May, with respect to a meeting to consider the character,
37 alleged misconduct, professional competence, or physical or mental
38 health of a person, include an informational statement setting forth
39 that the public body may, without further notice, take administrative
40 action against the person if the public body determines that such
41 administrative action is warranted after considering the character,
42 alleged misconduct, professional competence, or physical or mental
43 health of the person.

44 (c) Must include:



1 (1) A list of the general topics concerning the person that will
2 be considered by the public body during the closed meeting; and

3 (2) A statement of the provisions of subsection 4, if
4 applicable.

5 3. The Nevada Athletic Commission is exempt from the
6 requirements of subparagraphs (1) and (2) of paragraph (a) of
7 subsection 2, but must give written notice of the time and place of
8 the meeting and must receive proof of service of the notice before
9 the meeting may be held.

10 4. If a public body holds a closed meeting or closes a portion of
11 a meeting to consider the character, alleged misconduct,
12 professional competence, or physical or mental health of a person,
13 the public body must allow that person to:

14 (a) Attend the closed meeting or that portion of the closed
15 meeting during which the character, alleged misconduct,
16 professional competence, or physical or mental health of the person
17 is considered;

18 (b) Have an attorney or other representative of the person's
19 choosing present with the person during the closed meeting; and

20 (c) Present written evidence, provide testimony and present
21 witnesses relating to the character, alleged misconduct, professional
22 competence, or physical or mental health of the person to the public
23 body during the closed meeting.

24 5. Except as otherwise provided in subsection 4, with regard to
25 the attendance of persons other than members of the public body
26 and the person whose character, alleged misconduct, professional
27 competence, physical or mental health or appeal of the results of an
28 examination is considered, the chair of the public body may at any
29 time before or during a closed meeting:

30 (a) Determine which additional persons, if any, are allowed to
31 attend the closed meeting or portion thereof; or

32 (b) Allow the members of the public body to determine, by
33 majority vote, which additional persons, if any, are allowed to attend
34 the closed meeting or portion thereof.

35 6. A public body shall provide a copy of any record of a closed
36 meeting prepared pursuant to NRS 241.035, upon the request of any
37 person who received written notice of the closed meeting pursuant
38 to subsection 1.

39 7. For the purposes of this section:

40 (a) A meeting held to consider an applicant for employment is
41 not subject to the notice requirements otherwise imposed by this
42 section.

43 (b) Casual or tangential references to a person or the name of a
44 person during a ~~closed~~ meeting do not constitute consideration of



1 the character, alleged misconduct, professional competence, or
2 physical or mental health of the person.

3 *(c) A meeting held to recognize or award positive achievements*
4 *of a person, including, without limitation, honors, awards, tenure*
5 *and commendations, is not subject to the notice requirements*
6 *otherwise imposed by this section.*

7 **Sec. 7.** NRS 241.035 is hereby amended to read as follows:

8 241.035 1. Each public body shall keep written minutes of
9 each of its meetings, including:

10 (a) The date, time and place of the meeting.

11 (b) Those members of the public body who were present,
12 whether in person or by means of electronic communication, and
13 those who were absent.

14 (c) The substance of all matters proposed, discussed or decided
15 and, at the request of any member, a record of each member's vote
16 on any matter decided by vote.

17 (d) The substance of remarks made by any member of the
18 general public who addresses the public body if the member of the
19 general public requests that the minutes reflect those remarks or, if
20 the member of the general public has prepared written remarks, a
21 copy of the prepared remarks if the member of the general public
22 submits a copy for inclusion.

23 (e) Any other information which any member of the public body
24 requests to be included or reflected in the minutes.

25 ↪ Unless good cause is shown, a public body shall approve the
26 minutes of a meeting within 45 days after the meeting or at the next
27 meeting of the public body, whichever occurs later.

28 2. Minutes of public meetings are public records. Minutes or an
29 audio recording of a meeting made in accordance with subsection 4
30 must be made available for inspection by the public within 30
31 working days after adjournment of the meeting. A copy of the
32 minutes or audio recording must be made available to a member of
33 the public upon request at no charge. The minutes shall be deemed
34 to have permanent value and must be retained by the public body for
35 at least 5 years. Thereafter, the minutes may be transferred for
36 archival preservation in accordance with NRS 239.080 to 239.125,
37 inclusive. Minutes of meetings closed pursuant to:

38 (a) Paragraph (a) of subsection 1 of NRS 241.030 become
39 public records when the public body determines that the matters
40 discussed no longer require confidentiality and the person whose
41 character, conduct, competence or health was considered has
42 consented to their disclosure. That person is entitled to a copy of the
43 minutes upon request whether or not they become public records.



1 (b) Paragraph (b) of subsection 1 of NRS 241.030 become
2 public records when the public body determines that the matters
3 discussed no longer require confidentiality.

4 (c) Paragraph (c) of subsection 1 of NRS 241.030 become
5 public records when the public body determines that the matters
6 considered no longer require confidentiality and the person who
7 appealed the results of the examination has consented to their
8 disclosure, except that the public body shall remove from the
9 minutes any references to the real name of the person who appealed
10 the results of the examination. That person is entitled to a copy of
11 the minutes upon request whether or not they become public
12 records.

13 3. All or part of any meeting of a public body may be recorded
14 on audiotape or any other means of sound or video reproduction by
15 a member of the general public if it is a public meeting so long as
16 this in no way interferes with the conduct of the meeting.

17 4. Except as otherwise provided in subsection ~~[7.]~~ 8, a public
18 body shall, for each of its meetings, whether public or closed, record
19 the meeting on audiotape or another means of sound reproduction or
20 cause the meeting to be transcribed by a court reporter who is
21 certified pursuant to chapter 656 of NRS. If a public body makes an
22 audio recording of a meeting or causes a meeting to be transcribed
23 pursuant to this subsection, the audio recording or transcript:

24 (a) Must be retained by the public body for at least ~~[1-year]~~ 3
25 *years* after the adjournment of the meeting at which it was recorded
26 or transcribed;

27 (b) Except as otherwise provided in this section, is a public
28 record and must be made available for inspection by the public
29 during the time the recording or transcript is retained; and

30 (c) Must be made available to the Attorney General upon
31 request.

32 5. The requirement set forth in subsection 2 that a public body
33 make available a copy of the minutes or audio recording of a
34 meeting to a member of the public upon request at no charge does
35 not ~~f~~:

36 ~~—(a) Prohibit] prohibit~~ a court reporter who is certified pursuant
37 to chapter 656 of NRS from charging a fee to the public body for
38 any services relating to the transcription of a meeting. ~~f; or~~

39 ~~—(b) Require a]~~

40 6. A court reporter who transcribes a meeting *is not required*
41 provide a copy of any transcript, minutes or audio recording of the
42 meeting prepared by the court reporter *directly* to a member of the
43 public at no charge.

44 ~~[6.]~~ 7. Except as otherwise provided in subsection ~~[7.]~~ 8, any
45 portion of a public meeting which is closed must also be recorded or



1 transcribed and the recording or transcript must be retained and
2 made available for inspection pursuant to the provisions of
3 subsection 2 relating to records of closed meetings. Any recording
4 or transcript made pursuant to this subsection must be made
5 available to the Attorney General upon request.

6 ~~[7]~~ 8. If a public body makes a good faith effort to comply
7 with the provisions of subsections 4 and ~~[6]~~ 7 but is prevented from
8 doing so because of factors beyond the public body's reasonable
9 control, including, without limitation, a power outage, a mechanical
10 failure or other unforeseen event, such failure does not constitute a
11 violation of the provisions of this chapter.

12 **Sec. 8.** (Deleted by amendment.)

13 **Sec. 9.** (Deleted by amendment.)

14 **Sec. 10.** NRS 241.039 is hereby amended to read as follows:

15 241.039 1. A complaint that alleges a violation of this
16 chapter may be filed with the Office of the Attorney General. *The*
17 *Office of the Attorney General shall notify a public body identified*
18 *in a complaint of the alleged violation not more than 14 days after*
19 *the complaint is filed.*

20 2. Except as otherwise provided in NRS 241.0365, the
21 Attorney General ~~[shall]~~ :

22 (a) *Shall* investigate and prosecute any violation of this chapter
23 ~~[]~~ *alleged in a complaint filed not later than 120 days after the*
24 *alleged violation with the Office of the Attorney General.*

25 (b) *Except as otherwise provided in paragraph (c), shall not*
26 *investigate and prosecute any violation of this chapter alleged in a*
27 *complaint filed with the Office of the Attorney General later than*
28 *120 days after the alleged violation.*

29 (c) *May, at his or her discretion, investigate and prosecute any*
30 *violation of this chapter alleged in a complaint filed more than*
31 *120 days after the alleged violation with the Office of the Attorney*
32 *General if:*

33 (1) *The alleged violation was not discoverable at the time*
34 *that the alleged violation occurred; and*

35 (2) *The complaint is filed not more than 1 year after the*
36 *alleged violation with the Office of the Attorney General.*

37 3. Except as otherwise provided in subsection 6 and NRS
38 239.0115, all documents and other information compiled as a result
39 of an investigation conducted pursuant to subsection 2 are
40 confidential until the investigation is closed.

41 4. In any investigation conducted pursuant to subsection 2, the
42 Attorney General may issue subpoenas for the production of any
43 relevant documents, records or materials.

44 5. A person who willfully fails or refuses to comply with a
45 subpoena issued pursuant to this section is guilty of a misdemeanor.



6. The following are public records:

(a) A complaint filed pursuant to subsection 1.

(b) Every finding of fact or conclusion of law made by the Attorney General relating to a complaint filed pursuant to subsection 1.

(c) Any document or information compiled as a result of an investigation conducted pursuant to subsection 2 that may be requested pursuant to NRS 239.0107 from a governmental entity other than the Office of the Attorney General.

7. Upon completion of an investigation conducted pursuant to subsection 2, the Attorney General shall inform the public body that is the subject of the investigation and issue, as applicable:

(a) A finding that no violation of this chapter occurred; or

(b) A finding that a violation of this chapter occurred, along with findings of fact and conclusions of law that support the finding that a violation of this chapter occurred.

8. A public body or, if authorized by the public body, an attorney employed or retained by the public body, shall submit a response to the Attorney General not later than 30 days after receipt of any finding that the public body violated this chapter. If the Attorney General does not receive a response within 30 days after receipt of the finding, it shall be deemed that the public body disagrees with the finding of the Attorney General.

Sec. 11. NRS 241.0395 is hereby amended to read as follows:

241.0395 1. If the Attorney General makes findings of fact and conclusions of law that a public body has ~~taken action in violation of~~ *violated* any provision of this chapter, the public body must include an item on the next agenda posted for a meeting of the public body which acknowledges *the existence of* the findings of fact and conclusions of law. The opinion of the Attorney General must be treated as supporting material for the item on the agenda for the purposes of NRS 241.020.

2. The inclusion of an item on the agenda for a meeting of a public body pursuant to subsection 1 is not an admission of wrongdoing for the purposes of a civil action, criminal prosecution or injunctive relief.

Sec. 12. NRS 241.040 is hereby amended to read as follows:

241.040 1. ~~Each~~ *Except as otherwise provided in subsection 6, each* member of a public body who attends a meeting of that public body where ~~action is taken in violation of~~ any ~~provision~~ *violation* of this chapter ~~with~~ *occurs, has* knowledge of the ~~fact that the meeting is in violation thereof,~~ *violation and participates in the violation,* is guilty of a misdemeanor.



1 2. ~~[Wrongful]~~ *Except as otherwise provided in subsection 6,*
2 *wrongful* exclusion of any person or persons from a meeting is a
3 misdemeanor.

4 3. A member of a public body who attends a meeting of that
5 public body at which ~~[action is taken in]~~ *a* violation of this chapter
6 *occurs* is not the accomplice of any other member so attending.

7 4. ~~[Hn]~~ *Except as otherwise provided in subsection 6, in*
8 *addition to any criminal penalty imposed pursuant to this section,*
9 *each member of a public body who attends a meeting of that public*
10 *body where ~~[action is taken in violation of]~~ any ~~[provision]~~*
11 *violation* of this chapter ~~[.]~~ *occurs* and who participates in such
12 ~~[action the meeting]~~ *violation* with knowledge of the violation, is
13 subject to ~~[a civil penalty]~~ *an administrative fine* in an amount not
14 to exceed :

15 (a) *For a first offense,* \$500 ~~[. The Attorney General may~~
16 ~~recover the penalty]~~ ;

17 (b) *For a second offense,* \$1,000; and

18 (c) *For a third or subsequent offense,* \$2,500.

19 5. *The Attorney General may recover the penalty* in a civil
20 action brought in the name of the State of Nevada in any court of
21 competent jurisdiction. Such an action must be commenced within 1
22 year after the ~~[date of the action taken in violation of this chapter.]~~
23 *fine is assessed.*

24 6. *No criminal penalty or administrative fine may be imposed*
25 *upon a member of a public body pursuant to this section if a*
26 *member of a public body violates a provision of this chapter as a*
27 *result of legal advice provided by an attorney employed or retained*
28 *by the public body.*

29 **Sec. 13.** (Deleted by amendment.)

30 **Sec. 14.** (Deleted by amendment.)

31 **Sec. 15.** (Deleted by amendment.)

32 **Sec. 16.** (Deleted by amendment.)

33 **Sec. 17.** (Deleted by amendment.)

34 **Sec. 18.** (Deleted by amendment.)

35 **Sec. 19.** (Deleted by amendment.)

36 **Sec. 20.** (Deleted by amendment.)

37 **Sec. 21.** (Deleted by amendment.)

38 **Sec. 22.** (Deleted by amendment.)

39 **Sec. 23.** (Deleted by amendment.)

40 **Sec. 24.** (Deleted by amendment.)

41 **Sec. 25.** (Deleted by amendment.)

42 **Sec. 26.** (Deleted by amendment.)

43 **Sec. 27.** (Deleted by amendment.)

44 **Sec. 28.** (Deleted by amendment.)

45 **Sec. 29.** (Deleted by amendment.)



- 1 **Sec. 30.** (Deleted by amendment.)
- 2 **Sec. 31.** (Deleted by amendment.)
- 3 **Sec. 32.** (Deleted by amendment.)
- 4 **Sec. 33.** (Deleted by amendment.)
- 5 **Sec. 34.** (Deleted by amendment.)
- 6 **Sec. 35.** (Deleted by amendment.)
- 7 **Sec. 36.** (Deleted by amendment.)
- 8 **Sec. 37.** (Deleted by amendment.)

