

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

**Nevada Commission on Ethics
704 W. Nye Lane
Suite 204
Carson City, NV 89703**

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

1. Call to Order and Roll Call.

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

The pledge of allegiance was conducted.

2. Public Comment.

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

3. Approval of Minutes of the February 20, 2019 Commission Meeting.

Chair Lau stated that all Commissioners were in attendance for the February meeting except Vice-Chair Weaver who was excused from the meeting and would abstain from participating in this item.

Commissioner Yen moved to approve the February 20, 2019 Minutes. Commissioner Wallin seconded the motion. The Motion was put to a vote and carried as follows:

Chair Lau:	Aye.
Vice-Chair Weaver:	Abstain.
Commissioner Duffrin:	Aye.
Commissioner Gruenewald:	Aye.
Commissioner Lowry:	Aye.
Commissioner O'Neill:	Aye.
Commissioner Wallin:	Aye.
Commissioner Yen:	Aye.

4. Discussion and consideration of Motion for Reconsideration (“Motion”) concerning Ethics Complaint Case No. 17-21C regarding Gerald Antinoro, Sheriff, Storey County, submitted pursuant to NAC 281A.265(7) and NRS 233B.130(4).
 - The Commission may discuss and consider the Motion in a closed session pursuant to NRS 281A.750.
 - The Commission will take action on the Motion in an open session.

Chair Lau provided that this item involved Subject Antinoro’s Motion for Reconsideration and the Executive Director’s response thereto. Chair Lau informed the Commission that all pleadings had been submitted and the Commission would consider the motion on the pleadings as neither party requested oral argument. She further provided that due notice of the meeting was provided to all parties and Subject Antinoro waived the personal notice requirement to allow the Commission to consider his Motion for Reconsideration, including discussion of his character or competency with regard to this matter. See attached Motion and Response.

Chair Lau recognized that Commissioners Gruenewald and Yen served as members of the Review Panel and would be statutorily precluded from participating in this item.

Chair Lau called for comments or questions from her fellow Commissioners, and hearing none, called for a motion.

Commissioner Wallin made a motion denying reconsideration as the Subject had not demonstrated that the Commission committed an error of law or overlooked testimony or evidence in rendering its written opinion and that the Subject’s arguments do not present a new issue of fact. The motion included direction to Commission Counsel to draft an order consistent with the motion to be issued under the authority of the Chair of the Commission. Commissioner Lowry seconded the motion. The Motion was put to a vote and carried as follows:

Chair Lau:	Aye.
Vice Chair Weaver:	Aye.
Commissioner Duffrin:	Aye.
Commissioner Gruenewald:	Abstain.
Commissioner Lowry:	Aye.
Commissioner O’Neill:	Aye.
Commissioner Wallin:	Aye.
Commissioner Yen:	Abstain.

5. Report and recommendations by Executive Director on agency status and operations and possible direction thereon. Items to be discussed include, without limitation:
 - Quarterly Case Status Update
 - Upcoming Commission Meetings
 - FY19 Budget Status
 - 2019 Legislative Updates, including, without limitation:
 - Commission’s Bill (SB 129);
 - Bills affecting the Commission
 - Commission’s Biennial Budget (FY20-FY21); and
 - Scheduled Hearings

Quarterly Case Status Update: Executive Director Nevarez-Goodson provided an update regarding the Commission’s case load. She noted an error on the Case Log spreadsheet provided to the Commission; Complaint Case No. 19-010C was listed as Pending on the log and in fact had been withdrawn. The Executive Director noted that the number of complaints filed has slowed slightly as compared to the frequency during the first half of the fiscal year, however Advisory Opinion requests remained steady. She added that the Commission received numerous written responses to complaints in the months of December and January which resulted in a slight compression issue involving the number of complaints being actively investigated and staff would

conduct investigations in priority of responses and other deadline issues. Executive Director Nevarez-Goodson asked if the Commissioners had any questions regarding the Case Log and there were none. Commission Counsel Chase informed the Commission that the Commission received waivers and were awaiting additional information on two outstanding Advisory Opinions.

Upcoming Commission Meetings: Executive Director Nevarez-Goodson referenced the 2019 Commission Meeting schedule provided to the Commission, reiterating that meetings would be scheduled for the third Wednesday of each month and asked that Commissioners be available on these days. She noted that the May meeting had been moved to May 22 instead of the previously proposed date of May 15. She stated that the next meeting in April would be held in Las Vegas. She pointed out that the November and December meetings would be held on the second Wednesday of the month instead of the third Wednesday to accommodate holiday calendars.

FY19 Budget Status: Executive Director Nevarez-Goodson informed the Commission that we are on track to expend our travel funds for the current fiscal year, as well as the operating and court reporting budgets.

2019 Legislative Updates, including, without limitation:

- Commission's Bill (SB 129);
- Bills affecting the Commission
- Commission's Biennial Budget (FY20-FY21); and
- Scheduled Hearings

The Executive Director reiterated that the Commission's Bill (SB 129) was heard before the Senate Committee on Legislative Operations and Elections in a fairly lengthy hearing. She presented that her objective at the hearing was to establish a significant legislative record of the Commission's intent in regard to SB 129. She informed the Commission that the Committee had a number of questions regarding the legalities of some of the proposed changes to the bill and that there were abundant questions about the Commission's intent in removing willfulness from the statute. She provided that the Commission's intent was to remove the terminology related to willfulness but not the requirements that the Commission find a violation to be knowing and intentional. The language in the bill would eliminate the two-part analysis by the Commission of whether there has been a violation and if the violation was willful. Further, the Commission would evaluate the severity of the conduct to determine penalties.

In regard to the "cooling-off" prohibitions established in NRS 281A.550, Executive Director Nevarez-Goodson reported that she asserted on the Legislative record that the Commission was not in favor of a carve-out provision for any specific agency and would like to continue to handle cases on a case-by-case basis. She shared that the will of the Legislative Committee was to put together a working group to resolve any issues with the amendment and she expected to reach out to stakeholders, members of the Committee and LCB staff to work out potential amendment issues.

Executive Director Nevarez-Goodson informed the Commission that she and staff are tracking bills during this Legislative Session which may affect the Commission. Staff is currently tracking legislation regarding AB 70, which pertains to Open Meeting Law and a new bill involving another interim salary study. She agreed to provide regular updates to the Commissioners regarding bills that would affect the Commission. The Executive Director confirmed that she would be available to provide testimony on behalf of the Commission at bill hearings.

The Executive Director discussed the status of the Commission's biennial budget reminding the Commission that the agency's enhancement requests were not included in the Governor's Recommended Budget for the agency. As directed by the Commission, Executive Director Nevarez-Goodson pursued the enhancements to the budget via a budget Amendment

with the Governor's office and was informed that such an Amendment would not be approved. The Governor's office also requested that the Commission present its flat budget to the Legislature otherwise respecting the Commission's authority to request enhancements from the Legislature. Executive Director Nevarez-Goodson urged the Commission to comply with the Governor's request, with the exception of requesting the salary enhancement in light of the findings of the Legislative's Interim Salary Study of 2018 (SCR 6). Commissioners Wallin and O'Neill agreed with Executive Director Nevarez-Goodson's recommendation to proceed with the salary enhancement and to table the other requests.

Executive Director Nevarez-Goodson reminded the Commissioners that the agency's Budget Hearing would be held the following day, March 21 at 8:00 a.m. and that they were welcome to attend the hearing.

Commissioner O'Neill moved to accept the Executive Director's report and recommendations on agency status as presented. Commissioner Wallin seconded the motion. The motion was put to a vote and carried unanimously.

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

No commissioner comments.

7. Public Comment.

No public comment.

8. Adjournment.

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

The meeting adjourned at 9:26 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 April 17, 2019:

/s/ Cheryl A. Lau

Cheryl A. Lau, Esq.
Chair

/s/ Keith A. Weaver

Keith A. Weaver, Esq.
Vice-Chair