



**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, May 20, 2020, at 9:30 a.m.
at the following location:

**Ethics Commission Office
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. A recording of the meeting is available for public inspection at the Commission's office.

1. Call to Order and Roll Call.

Chair Cheryl A. Lau, Esq. appeared via videoconference and called the meeting to order at 9:30 a.m. Also appearing via videoconference were Vice-Chair Kim Wallin, CPA, CMA, CFM and Commissioners Brian Duffrin, Barbara Gruenewald, Esq., Teresa Lowry, Esq., Philip K. (P.K.) O'Neill, Damian R. Sheets, Esq. and Amanda Yen, Esq. Present for Commission staff in Carson City were Executive Director Yvonne M. Nevarez-Goodson, Esq. and Executive Assistant Kari Pedroza. Commission Counsel Tracy L. Chase, Esq., Associate Counsel Casey Gilham, Esq., Investigator Erron Terry and Senior Legal Researcher Darci Hayden appeared via videoconference.

The pledge of allegiance was conducted.

2. Public Comment.

There was no public comment.

3. Approval of Minutes of the April 15, 2020 Commission Meeting.

Chair Lau stated that all Commissioners were present for the April meeting.

Commissioner Gruenewald moved to approve the April 15, 2020 Minutes as presented. Commissioner Yen seconded the motion. The Motion was put to a vote and carried unanimously.

///

4. Consideration and approval of Bill Draft Request Concepts prior to submission to the Office of the Governor based upon recommendations of the Executive Director and the Commission on Ethics' BDR Subcommittee pursuant to NRS 281A.240(1)(d).

Chair Lau introduced the Item and thanked the BDR Subcommittee members for their time and hard work.

Executive Director Nevarez-Goodson also commended the Subcommittee members and provided the Commission information regarding the BDR Subcommittee meetings.

Executive Director Nevarez-Goodson directed the Commission to the proposed BDR language revisions provided in the meeting materials. She explained the formatting of the proposed BDR language was done in a manner familiar to the LCB drafters and offered insight to the different colored, highlighted, strike-through and underlined text.

Executive Director Nevarez-Goodson summarized the formulation of the proposed BDR language utilizing provisions from various versions of Senate Bill (SB 129), and updated the language based on the direction of the BDR Subcommittee.

Executive Director Nevarez-Goodson provided an overview of the proposed BDR revisions distinguishing between substantive changes, administrative changes and house-keeping changes. She informed the Commission that with the economic impact of COVID-19 and budgetary restrictions resulting there from, streamlining processes are critical at this time.

Executive Director Nevarez-Goodson went over changes to the Advisory Opinion and Complaint processes including timeline extensions, the ability for the Executive Director and Commission Counsel to provide informal advisory opinion advise based solely on Commission precedent as well as new notice of investigation procedures, cooling-off provision, abuse of power, disclosure and abstention, open meeting law and open meeting law delegation revisions.

Commissioner O'Neill asked about the process of maintaining confidentiality for personnel records obtained by the Commission in the investigatory process. Executive Director Nevarez-Goodson provided that the Commission has an added protection in that the Commission's investigatory file is deemed statutorily confidential and records obtained would remain statutorily protected. However, she reminded the Commission of the one limitation for evidence the Executive Director presents at an adjudicatory hearing would become a public record and would be made available to the subject of the complaint but was otherwise currently exempt from the Open Meeting Law.

Commissioner O'Neill shared his support for the addition of the provision authorizing the Commission to refer complaint allegations to appropriate agencies when they are outside of the Commission's jurisdiction.

Commissioner O'Neill asked about legal representation of the Executive Director in the event the Associate Counsel position is vacant, and Executive Director Nevarez-Goodson responded that under the current circumstances, the Executive Director is a licensed attorney and may represent herself. Otherwise, the Executive Director would have to retain outside counsel or perhaps retain the Attorney General's office in limited circumstances. She further added that retaining counsel through the Attorney General's office might be inappropriate as the Ethics Commission has jurisdiction over employees of the Attorney General's office and the Attorney General's Office statutorily represents public officers, employees and agencies of the State.

///

Commissioner O'Neill moved to approve the Bill Draft Request Concepts as presented including the confidentiality provisions, as discussed. Vice-Chair Wallin seconded the Motion. The Motion was put to a vote and carried as follows:

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

5. Report by Executive Director on agency status and operations and possible direction thereon. Items to be discussed include, without limitation:
- FY20 Budget Status
 - Budget and Legislative (BDR) Deadlines and Planning for 2021 Legislative Session
 - Quarterly Case Status Update
 - Update on Coronavirus Protocols
 - Education and Outreach

FY20 Budget Status: Executive Director Nevarez-Goodson reiterated that Governor Sisolak requested that all State Executive Branch Agencies submit a 4% budget cut for the existing fiscal year budgets, which the Commission was able to accommodate due to savings in the travel and operational funds resulting from the travel restrictions directed by the Governor as a result of the COVID-19 Pandemic along with remote working conditions

Budget and Legislative (BDR) Deadlines and Planning for 2021 Legislative Session: Executive Director Nevarez-Goodson informed the Commission that the BDR submission deadline was extended to June 3. She assured the Commission that she would take their direction regarding changes to the BDR proposal and submit it by the deadline.

Executive Director Nevarez-Goodson confirmed that the Budget submittal deadline is September 1, 2020. She commented that she anticipated further instructions coming from the Budget Office any day for cost saving strategies in the next budget cycle. At this time, the plan is to submit a budget request for the next biennium that includes 2 times Fiscal Year 2019 budget cap.

Executive Director Nevarez-Goodson shared that the upcoming Council on Government Ethics Law (COGEL) training would be provided via a virtual platform, and the Commission would realize cost savings as a result of that change.

Quarterly Case Status Update: Executive Director Nevarez-Goodson referenced the quarterly case log spreadsheet included in the meeting materials illustrating an overview of the current pending cases. She noted that the current log includes more detail identifying what compliance was pending for each deferral case as requested at the last meeting by Commissioner O'Neill. Executive Director Nevarez-Goodson indicated that the log does not show all of the cases received this Fiscal Year as the resolved cases have been removed, but it does show the cases still outstanding. She shared that the number of Complaints received has slightly decreased from the previous quarter which she attributes, in part, to the COVID-19 pandemic. Executive Director Nevarez-Goodson stated that the Commission is still accessible during this time through its website and electronic mailbox which is reflected by online case submittals and emails from the public.

Update on Coronavirus Protocols: Executive Director Nevarez-Goodson stated that there has been no further direction provided regarding when offices will be reopened to the public or when state employees will be asked to come back to the physical workplace. She allowed that there is no prohibition against employees working in the office while adhering to social distancing protocols but disclosed her intention to stagger staff office time to allow for less exposure once the re-opening direction has been received from the Governor. Executive Director Nevarez-Goodson shared her confidence regarding Commission staff's ability to accomplish tasks remotely.

Education and Outreach: Executive Director Nevarez-Goodson reiterated the decrease in Ethics Trainings held due to travel restrictions. She shared that requests have come into the office for virtual training opportunities and she looks forward to providing those in the near future. Executive Director Nevarez-Goodson informed the Commission that the Department of Taxation has asked for virtual training for its employees in June.

Vice-Chair Wallin suggested that Commissioners and/or staff meet with legislators before the upcoming session to explain the bill and budgetary issues.

Vice-Chair Wallin moved to accept the Executive Director's agency status report as presented. Commission O'Neill seconded the motion. The Motion was put to a vote and carried as follows:

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

6. 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.

Commissioner Gruenewald thanked Executive Assistant Pedroza for coordinating the video-conference meeting and Vice-Chair Wallin for allowing the Commission to use her Zoom account for the meeting.

Vice-Chair Wallin thanked her fellow BDR Subcommittee members, as well as the Executive Director and Commission Counsel for their hard work and cooperation in reviewing the BDR proposals and believes it is a good product.

Commissioner Duffrin thanked the Commission staff recognizing the difficulties during this time.

7. Public Comment.

No public comment.

8. Adjournment.

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

The meeting adjourned at 10:51 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 August 19, 2020:

[/s/ Kim Wallin](#)

Kim Wallin, CPA, CMA, CFM
Chair

[/s/ Brian Duffrin](#)

Brian Duffrin
Vice-Chair