



**STATE OF NEVADA
COMMISSION ON ETHICS**

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**MINUTES
of the meeting of the
NEVADA COMMISSION ON ETHICS**

The Commission on Ethics held a public meeting on
Wednesday, November 18, 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 Kim Wallin, CPA, CMA, CFM appeared via videoconference and called the meeting to order at 9:30 a.m. Also appearing via videoconference were Vice-Chair Brian Duffrin and Commissioners Barbara Gruenewald, Esq., Teresa Lowry, Esq., Damian R. Sheets, Esq., Thoran Towler, Esq. and Amanda Yen, Esq. Present for Commission staff in Carson City and via videoconference was Executive Assistant Kari Pedroza. Executive Director Yvonne M. Nevarez-Goodson, Esq., Commission Counsel Tracy L. Chase, Esq., Associate Counsel Ann Wilkinson, Esq., Investigator Erron Terry and Senior Legal Researcher Darci Hayden appeared via videoconference.

Chair Wallin welcomed Commissioner Towler to the Commission and informed the Commissioners that she worked with Commissioner Towler when she was the State Controller.

The pledge of allegiance was conducted.

2. Public Comment.

There was no public comment.

3. Discussion and approval of Commission Proclamation honoring Commissioner Philip 'P.K.' O'Neill's years of service to the Commission.

Chair Wallin commended Commissioner O'Neill for his service to the Commission.

Executive Director Nevarez-Goodson congratulated Commissioner O'Neill on his recent election to the Nevada State Assembly. She read the Proclamation into the record and shared her personal appreciation and gratitude for Commissioner O'Neill.

Chair Wallin thanked Commissioner O'Neill for encouraging her to join the Commission and expressed her gratitude for his warm welcome and assistance when she was a newly appointed Commissioner.

Commissioner Yen congratulated Commissioner O'Neill on his election to the Assembly and stated that his wise counsel and unique perspective would be missed by the Commission.

Commissioner Gruenewald echoed the sentiments of her fellow Commissioners and shared her interest in working with Commissioner O'Neill in his role as Assemblyman.

Commissioner Lowry stated that it had been a pleasure to serve on the Commission with Commissioner O'Neill. She expressed her appreciation for his collegiality and the contribution of his perspectives based on his law enforcement background.

Vice-Chair Duffrin congratulated Commissioner O'Neill on his recent election. He thanked him for his service to the Commission and shared that he looked forward to his continued service with Commissioner O'Neill on the Carson-Tahoe Hospital Board.

Commission Counsel Chase conveyed her appreciation of working with Commissioner O'Neill. She thanked him for his sense of humor and outlook, and the contribution that these traits brought to the Commission.

Commissioner O'Neill thanked the Executive Director, staff and his fellow Commissioners. Commissioner O'Neill shared that he looked forward to working with the Commission and staff in the future and again thanked the Commissioners and staff.

Commissioner Gruenewald moved to approve the Proclamation honoring former Commissioner O'Neill. Vice-Chair Duffrin seconded the motion. The Motion was put to a vote and carried unanimously.

4. Approval of Minutes of the October 21, 2020 Commission Meeting.

Chair Wallin stated that all Commissioners were present for the October meeting except Commissioners Sheets and Yen who were both excused from that meeting and would abstain from participating on this item. Further, Commissioner Towler was not yet appointed to the Commission and therefore not present during the October meeting. Accordingly, he abstained from participating or voting on the approval of the minutes.

Commissioner Lowry moved to approve the October 21, 2020 Commission Meeting Minutes as presented. Commissioner Gruenewald seconded the motion. The Motion was put to a vote and carried as follows:

Chair Wallin:	Aye.
Vice-Chair Duffrin:	Aye.
Commissioner Gruenewald:	Aye.
Commissioner Lowry:	Aye.
Commissioner Sheets:	Abstain.
Commissioner Towler:	Abstain.
Commissioner Yen:	Abstain.

5. Discussion and approval of a Proposed Stipulation concerning Ethics Complaint No. 18-060C regarding John Brig Lawson, Former Senior Director of Business Partnerships, Las Vegas Convention and Visitors Authority, State of Nevada.

In accordance with NRS 281A.420 and the advice of Commission Counsel Chase, Commissioner Yen disclosed for the record that she is a partner with the law firm of McDonald Carano, and the Las Vegas Convention and Visitors Authority (LVCVA) is a client of the firm. Accordingly, Commissioner Yen disclosed that she has a commitment in a private capacity to the interest of her firm and its clients. As the Subject of Ethics Complaint 18-060C is Mr. Lawson, the former Senior Director of Business Partnerships of the LVCVA, and the underlying facts of the ethics complaints occurred while Mr. Lawson was employed by the LVCVA, the interests of Commissioner Yen's firm and its client, the LVCVA, would be reasonably and materially affected by this agenda item. Therefore, to avoid any appearance of impropriety and comply with the Ethics Law and Judicial Canons applicable to the Commission, Commissioner Yen disclosed this conflict and abstained from participation in this matter.

Commission Counsel Tracy Chase stated for the record that Chair Wallin and Commissioners Lowry and O'Neill served as members of the Review Panel and would therefore be statutorily precluded from participating in this item.

Appearing before the Commission in this matter on behalf of subject John Brig Lawson was Jessie Folkestad, Esq. of The Law Office of Christopher R. Oram. Associate Counsel Wilkinson appeared on behalf of Executive Director Nevarez-Goodson.

Associate Counsel Wilkinson provided an overview of Ethics Complaint Case No. 18-060C regarding John Brig Lawson, former Senior Director of Business Partnerships of the LVCVA. The Ethics Commission initiated this ethics complaint against Lawson alleging violations of NRS 281A.400(1), (2), (5), (7) and (9) for misusing his position and authority to purchase Southwest Airline gift cards on behalf of the LVCVA, some of which he ultimately used, in part, for personal flights for himself, his domestic partner and domestic partner's family members.

The Proposed Stipulated Agreement reflects that Mr. Lawson's personal use of Southwest Airline gift cards for himself and family members constitutes a single course of conduct resulting in a willful violation of the Ethics Law implicating the provisions of NRS 281A.400(1), (2), (5) and (7) for which Mr. Lawson agrees to pay a civil penalty in the amount of \$5,000. Pursuant to NRS 281A.790(3), Lawson will pay an additional civil penalty in the amount \$8,881.36, which penalty represents two-times the approximate financial personal benefit realized by Lawson, his domestic partner, and his partner's parents in using Southwest Airlines gift cards purchased with LVCVA funds for personal travel. Associate Counsel Wilkinson summarized the total penalty owed by Mr. Lawson would be \$13,881.36 and the penalty may be collected by the Commission in monthly installments with the full amount due in approximately two years. She outlined mitigating factors identified in the proposed stipulated agreement which were taken into account to reach the penalty amounts proposed in the Agreement.

Mr. Lawson's counsel stated that her client felt that the stipulation was a fair resolution and asked for the Commission's approval of the agreement.

Commissioner Gruenewald made a motion to accept the terms of the Stipulated Agreement as presented by the parties and direct Commission Counsel to finalize the Stipulated Agreement in appropriate form. Commissioner Sheets seconded the motion. The Motion was put to a vote and carried as follows:

Chair Wallin:

Abstain.

Vice-Chair Duffrin:	Aye.
Commissioner Gruenewald:	Aye.
Commissioner Lowry:	Abstain.
Commissioner Sheets:	Aye.
Commissioner Towler:	Aye.
Commissioner Yen:	Abstain.

6. Consideration and approval of the Fiscal Year 2020 Annual Report presented by the Executive Director pursuant to NAC 281A.180(2).

Executive Director Nevarez-Goodson summarized the Fiscal Year 2020 Annual Report presentation, which she had provided to the Commission at its previous meeting and had obtained certain direction thereon. She thanked the Commissioners for their valued feedback and highlighted their requested changes which have been incorporated into the Annual Report.

Commissioner Lowry moved to approve the Fiscal Year 2020 Annual Report as presented. Commissioner Towler seconded the motion. The Motion was put to a vote and carried unanimously.

7. Consideration and approval of the Commission's procedures for reviewing and approving staff recommendations and proposed orders/documents related to ethics complaints and requests for advisory opinions during confidential phases of proceedings, including, without limitation: (1) jurisdictional, evidentiary and investigatory recommendations, proposed orders and proposed confidential letters of caution or instruction related to ethics complaints; and (2) jurisdictional recommendations, recommendations regarding the Commission's review and consideration of requests for advisory opinions via hearing or written submission, and proposed opinions related to requests for advisory opinions.

Executive Director Nevarez-Goodson introduced the item and explained that this item was included in the previous meeting Agenda to go over the Commission's procedures with new Commissioners and had been tabled at that meeting because not all Commissioners were able to attend the October meeting.

Executive Director Nevarez-Goodson presented the procedures currently utilized by the Commission and detailed Staff's and the Commission's roles in reviewing jurisdictional matters related to complaints and advisory opinions. She confirmed that these processes were established based upon the legislation adopted during the 2017 Legislative Session (Senate Bill 84).

Commissioner Yen moved to approve the Commission's procedures for reviewing and approving staff recommendations and proposed orders/documents related to ethics complaints and requests for advisory opinions during confidential phases of proceedings as presented. Commissioner Gruenewald seconded the motion. The Motion was put to a vote and carried unanimously.

8. Report by Executive Director on agency status and operations and possible direction thereon. Items to be discussed include, without limitation:

- Commissioner Appointments/ Vacancies
- FY21 Budget Status
- Upcoming Biennial Budget Reductions
- 2021 BDR Status
- Case Status Update
- Commission Meeting Schedule
- Media Outreach Status; Twitter Profile

- Update on COVID-19 Emergency Protocols
- Education and Outreach

Commissioner Appointments/ Vacancies: Executive Director Nevarez-Goodson welcomed newly appointed Commissioner Thoran Towler, Esq. to the Commission and provided a brief biography of Commissioner Towler's experience for the record.

Executive Director Nevarez-Goodson recognized former Chair Lau's service to the Commission, which officially expired with the appointment of Commissioner Towler.

Executive Director Nevarez-Goodson informed the Commission of the new vacancy on the Commission resulting from the resignation of Commissioner O'Neill after his election to the Nevada Assembly. She encouraged Commissioners to promote the vacancy to those qualified to apply.

FY21 Budget Status: Executive Director Nevarez-Goodson reiterated that during the Special Session of the Nevada Legislature held in July, the Commission's proposed budget cuts were approved for the FY21 budget to address the budget shortfalls as a result of the COVID-19 pandemic. She reminded the Commission that the cuts included travel funds, court reporting and the closure of the Las Vegas office.

Upcoming Biennial Budget Reductions: Executive Director Nevarez-Goodson informed the Commission that budget reductions for the upcoming biennium have been requested by the Governor's Office of Finance ("GFO"), however the reductions will be included in the Governor's Recommended Budget which remains confidential until the Governor releases the Recommended Budget. She notified the Commission that she is coordinating with GFO regarding the scope of the reductions for the Commission's budget and is hopeful the GFO can assist in mitigating the effects that drastic budget reductions would have the Commission's already limited resources.

2021 BDR Status: Executive Director Nevarez-Goodson reported that she received a draft of the Commission's BDR from the Legislative Counsel Bureau the day before the Commission meeting. She further informed the Commission that the pre-file date for the BDR is November 18, the same day as the Commission meeting and the BDR will be pre-filed upon the conclusion of the meeting. Executive Director Nevarez-Goodson referenced the 1-page summary of the Commission's BDR requested and approved by the Chair and Vice-Chair which will be provided to members of the Legislature. She noted that Zoom meetings with leadership regarding the bill will be scheduled in the near future.

Case Status Update: Executive Director Nevarez-Goodson referenced the quarterly case log spreadsheet included in the meeting materials which provides the current status of pending cases including over 20 cases currently pending investigation, the oldest from FY19.

Commission Meeting Schedule: Executive Director Nevarez-Goodson requested that Commissioners reserve the third Wednesday of each month for Commission Meetings. She notified the Commission that the December meeting may be cancelled and that she would inform them by electronic mail of a cancellation.

Media Outreach Status: Twitter Profile: Executive Director Nevarez-Goodson provided an update to the Commission on its enhanced media outreach and increased Twitter presence. She informed the Commission of the public's interest in a Commission profile picture or branded logo. Executive Director Nevarez-Goodson stated that a press release would be posted after the Commission meeting highlighting action taken at the meeting.

Update on COVID-19 Emergency Protocols: Executive Director Nevarez-Goodson reported that in compliance with the Governor's most recent "Statewide Pause" directive, office staff have been and will continue to work remotely through at least the Thanksgiving holiday.

Education and Outreach: Executive Director Nevarez-Goodson provided the Commission with the Commission Training log which reflects the education and outreach opportunities already held as well as projected training sessions in FY21. She informed the Commission of her intent to collaborate with the University of Nevada Reno's Conflicts of Interest Professor on an online interactive training tool in hopes of reaching the Nevada school system employees and officials.

Commissioner Towler moved to accept the Executive Director's agency status report as presented. Vice-Chair Duffrin seconded the motion. The motion was put to a vote and carried as follows unanimously.

9. 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.

There were no Commissioner comments.

10. Public Comment.

There was no public comment.

11. Adjournment.

Commissioner Gruenewald made a motion to adjourn the public meeting. Commissioner Lowry 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 January 20, 2021:

/s/ Kim Wallin

Kim Wallin, CPA, CMA, CFM
Chair

/s/ Brian Duffrin

Brian Duffrin
Vice-Chair