

# **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 15, 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 telephonically and called the meeting to order at 9:31 a.m. Also appearing telephonically 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 Commission Counsel Tracy L. Chase, Esq. and Executive Assistant Kari Pedroza. Executive Director Yvonne M. Nevarez-Goodson, Esq., Associate Counsel Casey Gilham, Esq., Investigator Erron Terry and Senior Legal Researcher Darci Hayden appeared telephonically.

The pledge of allegiance was conducted.

2. Public Comment.

There was no public comment.

3. Approval of Minutes of the March 18, 2020 Commission Meeting.

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

Executive Director Nevarez-Goodson noted a ministerial typo on page 2, which would be corrected prior to finalization.

Commissioner Yen moved to approve the March 18, 2020 Minutes with the correction noted by Executive Director Nevarez-Goodson. Vice-Chair Wallin seconded the motion. The Motion was put to a vote and carried unanimously.

4. Authorization for Commission Counsel to defend and represent the interests of the Nevada Commission on Ethics and the Review Panel of the Nevada Commission on Ethics in pending legal proceedings entitled "Donald Smith vs. Review Panel of The Commission on Ethics," Case No. A-20-812778-J, filed in the Eighth Judicial District Court of Nevada, including any related legal proceedings, appeals, writs or any other matters instituted in any court of competent jurisdiction, including the Nevada Supreme Court.

Commission Counsel Chase explained the purpose of the Agenda Item for the Commission to authorize the Commission Counsel to defend and represent the interests of the Commission in the pending litigation brought by Donald Smith, including any ancillary legal proceedings. She informed the Commission that Mr. Smith signed an Open Meeting Law waiver permitting the Commission to consider the matter, which may relate to Mr. Smith's character and competence, without providing personal notice to Mr. Smith under the Open Meeting Law; however, the Commission provided notice of the Agenda Item and any relevant meeting materials to Mr. Smith through his legal counsel.

Commissioner Gruenewald moved to authorize Commission Counsel to defend and represent the interests of the Commission and the Review Panel of the Nevada Commission on Ethics in pending legal proceedings regarding Mr. Smith. Commissioner Lowry seconded the Motion. The Motion was put to a vote and carried unanimously.

5. Delegation of authority pursuant to NRS 241.0357 and NAC 281A.155 to the Chair, Vice Chair, and/or any other designated Commissioner of the Nevada Commission on Ethics and/or Review Panel of the Nevada Commission on Ethics to direct or authorize any litigation decision in consultation with Commission Counsel, including, without limitation, decisions related to filing of any notices, pleadings, stipulations or other matters, acceptance of service, appeals and negotiations of settlements in pending legal proceedings entitled "Donald Smith vs. Review Panel of The Commission on Ethics," Case No. A-20-812778-J, filed in the Eighth Judicial District Court of Nevada, and any related legal proceedings, appeals, writs or other related matters instituted in any court of competent jurisdiction, including the Nevada Supreme Court.

Commission Counsel Chase summarized the purpose of the Agenda Item for the Commission to streamline fast-moving litigation decisions through consultation with the Chair, Vice-Chair and/or other delegated Commissioner rather than requiring an open, public meeting to make such decisions. She reiterated that Mr. Smith had signed the Open Meeting Law waiver permitting the Commission to consider the matter in an Open Meeting without providing personal notice that such an agenda item may relate to Mr. Smith's character and competence, as required under NRS 241. She further reiterated that the Commission provided notice of this Agenda Item and any related meeting materials to Mr. Smith and his attorney.

Chair Lau asked Commission Counsel Chase to confirm whether delegation of authority would be to the Chair and the Vice-Chair and any other designated Commissioners. Commission Counsel Chase provided the intent of the Agenda Item to be delegation to the Chair and the Vice-Chair positions, as opposed to the specific commissioners who hold those positions. Specifically, Commission Counsel noted that a specific commissioner serving as the Chair or Vice-Chair, may term out or otherwise resign, and therefore the authority given by the Commission under this Agenda Item should be to the position. She explained her preference of only two delegates to ensure there would not be a quorum issue in the future.

Executive Director Nevarez-Goodson asked Commission Counsel Chase whether one of the delegates should be a Review Panel member in this matter as the Review Panel is the named party and to further alleviate any potential quorum issues with this case going forward. Commission Counsel Chase noted that Chair Lau served on the Review Panel in this matter, and if the Chair's term expired during the pendency of the litigation, she suggested that the

Commission include a delegation to either Commissioner O'Neill or Commissioner Sheets as the other members of the Review Panel.

Commissioner O'Neill moved to approve the delegation of authority to the positions of the Chair and the Vice-Chair, and in the event the Chair no longer serves on the Commission, the Commission Counsel shall include either Commissioner O'Neill or Commissioner Sheets. Commissioner Sheets 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. Report by Executive Director on agency status and operations and possible direction thereon. Items to be discussed include, without limitation:

- FY20 Budget Status, including proposed budget cuts
- Update regarding Interim Resources for Increased Caseload
- Budget and Legislative (BDR) Deadlines and Planning for 2021 Legislative Session
- Update on Coronavirus Protocols
- Education and Outreach

FY20 Budget Status, including proposed budget cuts: Executive Director Nevarez-Goodson informed the Commission that Governor Sisolak has requested that all State Executive Branch Agencies submit budget proposals including a budget cut for existing fiscal year budgets. She reiterated that the Governor issued a halt on travel within the current fiscal year, and consequently the Commission would have some savings in that budget category. She shared that she originally had hoped to do a work program to move some of the travel savings into court reporting to transcribe interviews to assist with the Investigatory caseload backlog. However, given the current economic circumstances, the Executive Director acknowledged that work programs of that nature would most likely not be processed at this time given the direction for agencies to reduce spending and save as much costs as possible.

Update regarding Interim Resources for Increased Caseload: In providing an update on the Agency's request for Interim Resources to the Commission, Executive Director Nevarez-Goodson reminded the Commission that the Governor's Finance Office (GFO) initially supported the Commission's pursuit of an Interim contract attorney position for next fiscal year regarding which the Commission would have pursued approval from the Board of Examiners (BOE) and the Interim Finance Committee (IFC). However, GFO's support was received prior to the COVID-19 pandemic and given the economic impacts and related requests for budget cuts, GFO's support has since been rescinded. The Executive Director explained that the Governor's requested budget cuts extended into next fiscal year, and Executive Branch agencies were directed to submit proposed budget cuts in varied percentages for Fiscal Year 2021. She informed the Commission that the cuts would prove difficult for the Commission's already lean budget and offered her feedback that funds relinquished in the next fiscal year would be those in the training, travel and court reporting categories, as well as additional funds in the IT services category. Executive Director Nevarez-Goodson reported that she has informed the Administrative Services Division and the Governor's Finance Office that the proposed cuts would be significant to the Commission and its ability to operate, as the Commission already has one of the smallest budgets in the State of Nevada.

Executive Director shared her concern regarding the ability to request additional positions and other enhancements in the next Biennium. She informed the Commission that the Agency has not yet received amended budget instructions from the budget office to date regarding exclusion of enhancements and the deadline for the agency proposed budget is September 1, 2020. She outlined previously proposed enhancements including an additional position, salary enhancements, a digital training platform, additional training and outreach resources and additional travel funds which the Commission again authorized her to pursue in the next biennium. Executive Director Nevarez-Goodson also shared that the Commission on Judicial Discipline was approved for an additional \$50,000 to their current fiscal year budget to assist with investigations at a Board of Examiners meeting the day prior to the Commission's Meeting.

Budget and Legislative (BDR) Deadlines and Planning for 2021 Legislative Session: Executive Director Nevarez-Goodson reiterated that the Budget submittal deadline is September 1, 2020. She emphasized a need to consider options to streamline current processes as an alternative to fiscal resource requests and look at any statutory or regulatory changes that could be made during the upcoming legislative session. She informed the Commission that the BDR Subcommittee meeting would commence following this meeting to review the first proposal of Legislative changes and would use SB129 as a starting point. Executive Director Nevarez-Goodson reported that the recommended BDR proposal would be submitted to the full Commission at the May 20 Commission Meeting for consideration and approval. She provided that the BDR deadline is also May 20 and shared her intention of submitting the BDR proposal upon the completion of the Commission meeting.

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. Executive Director Nevarez-Goodson listed the protocols put in place at the Commission office, and information posted at the office and on the Commission's website, such as public access via the Commission's general electronic mailbox, her direct line which forwards to her cell phone, and staff going to the office on a regular basis to process mail and perform other administrative duties that need to be completed at the office.

Executive Director Nevarez-Goodson shared that the Governor's office asked her to serve on the Governor's Medical Advisory Team, which is comprised of both government and private sector medical and health and human services professionals, and advises the Governor on medical issues relating to the Coronavirus pandemic within the state. She candidly acknowledged that she is not a medical ethics expert and her offer of service is her legal assistance in situations such as conflict of interest scenarios and to assist as back up to the Attorney General's legal representatives.

Education and Outreach: Executive Director Nevarez-Goodson reiterated that in response to the Governor's order to cease travel, all currently scheduled trainings for next few months have been cancelled or rescheduled. She shared that she anticipated a busy training schedule next fiscal year and welcomed the opportunity to provide the outreach again. In the meantime, Executive Director Nevarez-Goodson and Commission Counsel Chase have provided educational information via telephone.

Vice-Chair Wallin asked if webinar training opportunities have been explored by Commission staff and expressed her concern that Commission staff will be overwhelmed with caseload, budget building, session and more training requests coming in. Executive Director Nevarez-Goodson replied that staff is researching video conferencing and webinar options and reported that Zoom is an existing state vendor.

Vice-Chair Wallin moved to accept the Executive Director's agency status report as presented. Commission Duffrin 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.

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.

No comment.

8. Public Comment.

No public comment.

9. Adjournment.

Commissioner Yen made a motion to adjourn the public meeting. Vice-Chair Wallin seconded the motion. The Motion was put to a vote and carried unanimously.

The meeting adjourned at 10:02 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 20, 2020:

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Cheryl A. Lau, Esq.  
Chair

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Kim Wallin, CPA, CMA, CFM  
Vice-Chair

# **Agenda Item 4**

# **Agenda Item 5**



RFO No.	Date Filed	Jurisdiction	Local or State	Subject	Requester	Status
20-045C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Pending Jurisdictional Review
20-044C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Pending Jurisdictional Review
20-043C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Pending Jurisdictional Review
20-041C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Pending Jurisdictional Review
20-040C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Pending Jurisdictional Review
20-038A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Pending Submission/ Opinion
20-036A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Pending Submission/ Opinion
20-027C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Investigation Pending
20-025A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Opinion issued 4/23/20; Abstract Opinion Pending
20-023C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Investigation Pending
20-022A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Opinion issued 4/21/20; Abstract Opinion Pending
20-021A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Opinion issued 4/7/20; Abstract Opinion Pending
20-020A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Opinion issued 4/20/20; Abstract Opinion Pending
20-018C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Investigation Pending
20-011A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Opinion issued 3/30/20; Abstract Opinion Pending
20-010C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Investigation Pending
20-007C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Panel Hearing Pending 5/20/20
20-006A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Opinion issued 3/9/20; Abstract Opinion Pending
20-004A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Opinion issued 2/10/20; Pending Reconsideration
20-003A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Opinion issued 3/25/20; Abstract Opinion Pending
20-001C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Investigation Pending
19-129C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Investigation Pending
19-128C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Investigation Pending
19-126C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Investigation Pending
19-124A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Opinion issued 2/10/20; Abstract Opinion pending

19-120A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Opinion issued 1/16/20; Abstract Opinion pending
19-113C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Investigation Pending
19-111C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Investigation Pending
19-105C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Adjudicatory Hearing 10/21/20; Consolidated with 19-081 & 19-082C
19-102C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Investigation Pending
19-095C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Investigation Pending
19-093C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Investigation Pending
19-088C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Investigation Pending
19-082C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Adjudicatory Hearing 10/21/20; Consolidated with 19-081 & 19-082C
19-081C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Adjudicatory Hearing 10/21/20; Consolidated with 19-081 & 19-082C
19-067C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Investigation Pending
19-065C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Investigation Pending
↑ FISCAL YEAR 2020 ↑						
19-044C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Deferral Agreement 2/20/20; Compliance Period expires 2/20/25 (5 years)
19-039C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Deferral Agreement 10/14/19; Compliance Period expires 10/14/21
19-035C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Panel Hearing Pending
19-018C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Stipulated Agreement 6/17/19 Compliance Pending - \$8,700 Civil Penalty due 7/31/21 (\$6,430.44 Remaining)
19-004C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Deferral Agreement Pending
18-145A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Stayed by Order of the Commission pending related Ethics Complaint Matter
18-139C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Panel Hearing Pending
18-106C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Deferral Agreement 5/22/19; Compliance Pending - Subject to support Agency Training

18-072C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Deferral Agreement 1/15/19; Compliance Pending - Compliance Period expires 1/15/21, Public Apology Completed
18-061C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Panel Hearing Pending
18-060C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Panel Hearing Pending
18-057C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Deferral Agreement 3/11/19; Compliance Pending - Compliance Period expires 3/11/21, Attended Ethics Training
18-043C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed in Part by Panel 2/20/19 w/Ltr of Caution; Deferral Agreement 3/14/19; Compliance Pending - Compliance Period expires 3/14/21
↑ FISCAL YEAR 2019 ↑						
18-005C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Stipulation Executed 5/29/19; Compliance Pending - \$25,023 Civil Penalty due 6/30/21 (\$24,673 Remaining)
↑ FISCAL YEAR 2018 ↑						