



**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, March 18, 2020 at 9:30 a.m.
PLACE OF MEETING: This meeting will be held at the following location:

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

***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 February 19, 2020 Commission Meeting.
For Possible Action	4. Appointment of a Subcommittee of the Nevada Commission on Ethics to Develop the 2021 Commission Bill Draft Request.

For Possible Action	<p>5. 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"> • FY20 Budget Status • Request for possible Interim Resources to Address Increased Caseload • Budget and Legislative (BDR) Deadlines and Planning for 2021 Legislative Session • Update on Coronavirus Protocols • Education and Outreach
For Possible Action	<p>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.</p>
	<p>7. 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>8. 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.
- ❖ Any meeting or hearing held by the Commission pursuant to NRS 281A.760 to receive information or evidence regarding the conduct of a public officer or employee and deliberations of the Commission concerning an ethics complaint are exempt from the provisions of NRS Chapter 241, Nevada's Open Meeting Law. As a result, these agenda items, or any portion of them, may be heard in closed session.

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, February 19, 2020, at 9:00 a.m.
at the following location:

**Grant Sawyer State Building
555 E. Washington Avenue
Room 1100
Las Vegas, NV 89101**

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 in Las Vegas and called the meeting to order at 9:00 a.m. Also appearing in Las Vegas were Commissioners Brian Duffrin, Barbara Gruenewald, Esq., Philip K. (P.K.) O'Neill, Damian R. Sheets, Esq., Kim Wallin, CPA, and Amanda Yen, Esq. Commissioner Teresa Lowry, Esq. was excused from the meeting. Present for Commission staff in Las Vegas were Executive Director Yvonne M. Nevarez-Goodson, Esq., Commission Counsel Tracy L. Chase, Esq., Associate Counsel Casey Gilham, Esq., Senior Legal Researcher Darci Hayden, Investigator Erron Terry, and Executive Assistant Kari Pedroza.

The pledge of allegiance was conducted.

2. Public Comment.

There was no public comment.

3. Election of Commission Vice-Chair for the remainder of Fiscal Year 2020, pursuant to NAC 281A.150.

Commissioner O'Neill nominated Commissioner Wallin for the position of Vice-Chair and provided some background information and accolades of Commissioner Wallin noting her history of public service, including 8 years as the State of Nevada Controller. Commissioner Gruenewald seconded the nomination. Commissioner Duffrin moved to appoint Commissioner Wallin as Vice-Chair and Commissioner Yen seconded the motion. The Motion was put to a vote and carried unanimously.

Commissioner Wallin thanked the Commissioners for their support in nominating her and accepted the nomination. She further recognized former Vice-Chair Weaver's exemplary service in the role.

4. Approval of Minutes of the November 13, 2019 Commission Meeting.

Chair Lau stated that all Commissioners were present for the November meeting except Commissioners Duffrin and O'Neill who were both excused from that meeting and would abstain from participating on this item. Further, Commissioner Sheets was not present during the November meeting and therefore abstained from the approval of the minutes.

Commissioner Gruenewald moved to approve the November 13, 2019 Minutes as presented. Commissioner Yen seconded the motion. The Motion was put to a vote and carried as follows:

Chair Lau:	Aye.
Commissioner Duffrin:	Abstain.
Commissioner Gruenewald:	Aye.
Commissioner O'Neill:	Abstain.
Commissioner Wallin:	Aye.
Commissioner Sheets:	Abstain.
Commissioner Yen:	Aye.

5. Discussion and approval of Commission Proclamation honoring former Vice-Chair Keith Weaver's years of service to the Commission.

Chair Lau acknowledged that the Proclamation had been presented to Vice-Chair Weaver and Executive Director Nevarez-Goodson read the Proclamation into the record.

Vice-Chair Wallin stated that former Vice-Chair Weaver will be missed, and it was an honor to serve on the Commission with him.

Commissioner Duffrin expressed his gratitude to former Vice-Chair Weaver for his mentorship when Commissioner Duffrin was appointed to the Commission.

Commissioner O'Neill conveyed his appreciation to former Vice-Chair Weaver and wished to personally thank him for translating "lawyer" into English for him in his early days as a Commissioner.

Commissioner Yen agreed that former Vice-Chair Weaver had been very welcoming to her and stated that his well-reasoned voice would be missed on the Commission.

Commissioner Gruenewald echoed the other Commissioners' sentiments and added that she appreciated former Vice-Chair Weaver's ability to tactfully structure solutions.

Commissioner Gruenewald moved to accept and approve the Proclamation. Vice-Chair Wallin seconded the Motion. The Motion was put to a vote and carried unanimously.

6. Consideration and approval of Executive Director's proposed budgetary plan for additional interim resources from IFC and BOE due to increased caseload.

Executive Director Nevarez-Goodson informed the Commission that she was preparing materials and ascertaining whether an interim budget request for additional funds could be processed before the IFC and BOE this fiscal year to secure temporary assistance with the increasing investigatory backlog and caseload. She reiterated that the caseload in Fiscal Year 2019 was double that of the prior fiscal year and the pace has continued into the beginning of Fiscal Year 2020, which has resulted in a backlog of cases during the investigatory phase. She

reiterated the Commission's prior direction to pursue a plan to obtain assistance in the form of a temporary contact attorney/investigator position to assist with the backlog, which could justify a later request for an additional permanent full-time staff member or members to handle the increased workload. The Executive Director provided that the Commission's new analyst at the Governor's Finance Office (GFO) agreed that a temporary position could help with justification for a future request for a permanent position. However, the Commission's GFO analyst met with the Director at GFO regarding whether this type of proposal would be recommended by the GFO Director to the Governor and the feedback was that Interim state contingency fund allocations from the State General Fund are typically reserved for emergent purposes and GFO would need to review the circumstances to determine whether the backlog and temporary position would be considered an emergency. She notified the Commission that the GFO analyst requested statistics showing cases pending investigation per year to help demonstrate the need for funds and assured them that she is working closely with their office to provide the supporting materials needed.

Executive Director Nevarez-Goodson outlined the process and timeline for the interim budgetary request and explained the next step upon GFO approval of contingency funds would be to submit a work program to the Board of Examiners (BOE). The Board of Examiners is comprised of the Governor, the Attorney General and the Secretary of State and is the deciding authority for contingency funds in the Interim. She further explained that if the request is approved by the BOE, the Interim Finance Committee (IFC) would also review the request. Any final contract would go back before BOE for final approval. She explained that the process can be lengthy and asked the Commission if it thought it prudent to move forward with the request in the Interim or include it while building the budget for the next Biennium.

Commissioner Gruenewald asked about the timeframe for building the next biennial budget and Executive Director Nevarez-Goodson provided the upcoming deadlines for the budget building process and explained that if approved any new position wouldn't start until October 2021. Commissioner Gruenewald emphasized that if the Commission waited to request the funds for the additional position during budget building, the length of time without that assistance would be too long.

Executive Director Nevarez-Goodson's formal recommendation to the Commission was that she provide the requested additional statistics to the GFO and receive GFO feedback regarding the probability of processing the interim budget request this fiscal year. She noted that the Commission should include in its consideration that the next biennial budget is being prepared and the interim funding request may assist the Commission in its future budget proposal and associated recommendations to the Governor.

Commissioner Duffrin asked Executive Director to expand on the urgency of the request and provide information about the investigatory backlog, including whether the Commission had violated its statutory timelines in any of the cases still pending investigation. Executive Director Nevarez-Goodson replied that the Commission had not violated any timeline, in part because the Commission received waivers in many cases. Executive Director Nevarez-Goodson reported that the backlog was due to increased filings in addition to the current caseload, a temporary vacancy in the Associate Counsel position and the complexity of various cases. She confirmed that subjects are notified of the complaint and have an opportunity to respond to the allegations. Many who waive statutory timelines must then wait for the investigation to be completed, which in some cases has been over a year. She further provided the complications that can arise when there is a lengthy investigation delay, such as loss of witness recall, the possibility of the subject performing their own investigation or in the event the Commission did not receive a waiver and did not meet the statutory deadlines, the Commission would have to dismiss the case. Commissioner Duffrin offered that he would support seeking additional funds in the Interim to address the backlog.

Vice-Chair Wallin stated that she believes the acquisition of a temporary interim position could help build a better case in requesting a permanent position in the future. She proposed that the Commission pursue it and work on promoting our budget earlier in the process.

Commissioner O'Neill asked some clarification questions about the amount of money being requested and if there were any existing funds in the budget that could be used for the interim position. Executive Director Nevarez-Goodson responded that there isn't a specific amount at this time and that she would get some information from the Attorney General's office to determine the appropriate attorney contract amount. She also provided that any remaining money in the existing budget would be included in a work program to alleviate the amount of requested funds, but there would be minimal cost savings. Commissioner O'Neill commented that he feels that justice delayed is justice denied and reiterated that tracking investigatory time could help to justify the need for assistance in an additional position. The Executive Director assured Commissioner O'Neill that his feedback was taken and that she has implemented a time tracking process for staff.

Vice-Chair Wallin and Commissioner Sheets agreed that case time tracking could demonstrate the lack of available staff time to accommodate the increased caseload.

Commissioner Yen moved to accept and approve the budget plan for interim resources including direction to the Executive Director to continue to process these matters as discussed by the Commission. Commissioner Gruenewald 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 O'Neill:	Aye.
Commissioner Sheets:	Aye.
Commissioner Yen:	Aye.

7. Report by Executive Director on agency status and operations and possible direction thereon. Items to be discussed include, without limitation:
- Quarterly Case Status Update
 - Education and Outreach by the Commission
 - Commission Appointments
 - Meeting Schedule
 - FY20 Budget Update

Quarterly Case Status Update: Executive Director Nevarez-Goodson referenced the quarterly case log spreadsheet included in the meeting materials which provides an overview of the current pending cases. She pointed out 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, including over 20 cases currently pending investigation. She noted that the number of Advisory Opinion Requests have increased to about 4 or 5 per month and Commission Counsel Chase has done a great job in keeping up with the requests within the statutory timeframe as waivers are not common with Advisory Opinion Requests.

Commission Counsel Chase provided statutory detail regarding the timeframe for Advisory Opinion Requests.

Executive Director Nevarez-Goodson notified the Commission that she and Commission Counsel Chase would be asking them to assist in identifying strategies to further streamline the Advisory Opinion Request process in the future.

Chair Lau asked if the Advisory Opinion Request data would be included in the Budget Proposal and Executive Director Nevarez-Goodson assured her that it would be included.

Commissioner O'Neill asked if more detail could be provided on the case log to identify what compliance was pending for each deferral case, and Executive Director Nevarez-Goodson confirmed that such information would be included in future case logs.

Education and Outreach by the Commission: Executive Director Nevarez-Goodson informed the Commission that in the current Fiscal Year the Commission has seen a decrease in the number of requests for training. She proposed this may be an opportunity for the Commission to initiate outreach to state agencies and local government entities. She highlighted an upcoming opportunity to present the Ethics in Government Law training to over 400 employees with the Nevada Gaming Control Board with an emphasis on the cooling off provision of NRS Chapter 281A.

Vice-Chair Wallin suggested a mass email distribution announcing training opportunities to department heads and Executive Director Nevarez-Goodson responded in the affirmative.

Commissioner Duffrin shared his thought that the Commission's workload may increase after a mass email.

Executive Director informed the Commission that staff has recently created a training flyer that could be sent to state agencies and local government entities.

Commissioner Duffrin suggested coordinating with the Nevada State Department of Personnel in providing training to all state employees. Executive Director Nevarez-Goodson shared that there used to be a training provided to state employees through the NEATS system, but noted that it is not mandatory.

Executive Director Nevarez-Goodson confirmed that there would be a future agenda item to appoint a subcommittee of the Commission to assist in formulating BDR proposals and priorities.

Commissioner O'Neill reiterated his interest in initiating public outreach regarding the Commission's purpose in the form of additional trainings and media outreach and requested more outreach be initiated.

Meeting Schedule: Executive Director Nevarez-Goodson requested that Commissioners reserve the third Wednesday of the month to attend regularly scheduled Commission meetings and stated she would provide notification of any cancellations in advance of the meeting. She projected that due to the caseload, the Commission would need to hold meetings in March and April for at least half of the day.

FY20 Budget Update: Executive Director Nevarez-Goodson informed the Commission that there would be cost savings in the court reporting budget category since the Commission has transitioned to audio recordings of meetings instead of transcription services. She further informed the Commission that other than the court reporting funds the remainder of the budget will be utilized which is important as this is a base budget year and future fund allocations are based on this fiscal year.

Commission Appointments: Executive Director Nevarez-Goodson welcomed newly appointed Commissioner Damian Sheets, Esq. to the Commission. Commissioner Sheets thanked the Executive Director and the Commission for allowing him the opportunity to serve as

Commissioner. He provided a brief summary of his background, including his legal career, and expressed his enthusiasm for working with the Commission.

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

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

There were no Commissioner comments.

9. Public Comment.

No public comment.

10. Adjournment.

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

The meeting adjourned at 10:05 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 March 18, 2020:

Cheryl A. Lau, Esq.
Chair

Kim Wallin, CPA
Vice-Chair

Agenda Item 5

Commission on Ethics Complaint Case Statistics by Fiscal Year

	FY18 ¹	FY19 ²	First Half FY20 ³
Total Received in FY	55	123	57
Dismissed/ Withdrawn ⁴	42 (14 w/ Ltr Ctn/Instr)	95 (10 w/ Ltr Ctn/Instr)	40 (4 w/ Ltr Ctn/Instr)
Active Case Investigations/Adjudications in FY	13	28	17
Active Investigations/Adjudications from Prior FY	5	7	22
Total Active Investigations/Adjudications in FY	18	35	39 (1/2 year)
Cases Resolved in FY	11	13	12 (1/2 year)
Complaint Received in FY carried forward to next FY	7	22	27

¹FY18

13 Active Investigations of Complaints received in FY18; 5 additional Active Investigations from prior Fiscal Years.

- Total Active Investigations = 18
- Total Cases Resolved in FY18 = 11
- Total Investigations Remaining Pending for FY19 = 7

²FY19

28 Active Investigations of Complaints received in FY19; 7 additional Active Investigations from prior Fiscal Years.

- Total Active Investigations = 35
- Total Cases Resolved in FY19 = 13
- Total Investigations Remaining Pending for FY20 = 22

³FY20

17 Active Investigations of Complaints received in the first half of FY20; 22 additional Active Investigations from prior Fiscal Years.

- Total Active Investigations (first half FY20) = 39
- Total Investigations Resolved (first half FY20) = 12

⁴Dismissed/ Withdrawn Cases – No Investigation

In FY18, 25 of the 39 Complaints were dismissed/ withdrawn.

In FY19, 81 of the 123 Complaints were dismissed/ withdrawn.

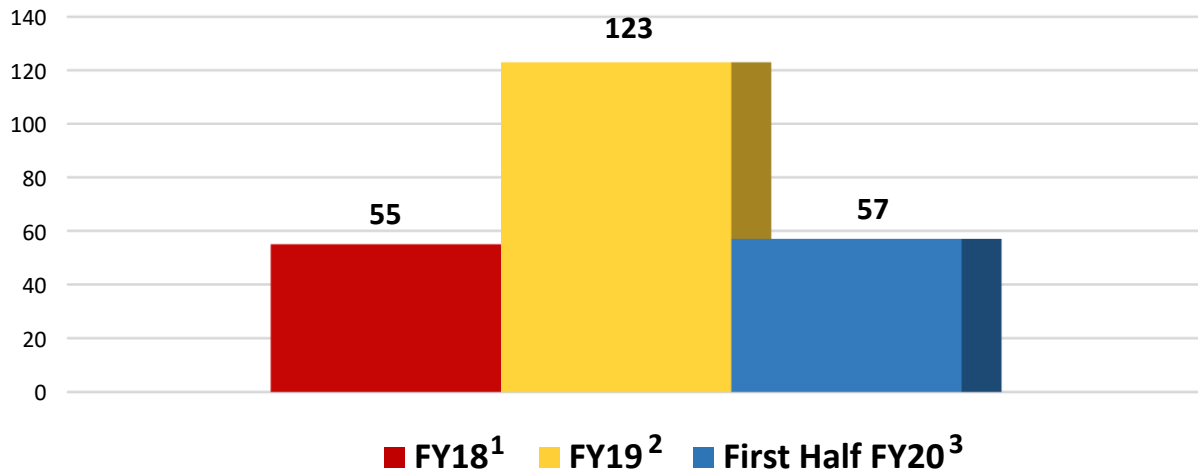
In the first half of FY20, 34 of the 57 Complaints were dismissed/ withdrawn.

The Commission reviews every Complaint and issues a Formal Order in each case regarding its jurisdiction and determination whether to formally investigate the allegations. Staff prepare a written recommendation in every case regarding whether the Commission has jurisdiction in the matter and whether the Complaint is filed with sufficient evidence in support of the allegations to warrant an investigation.

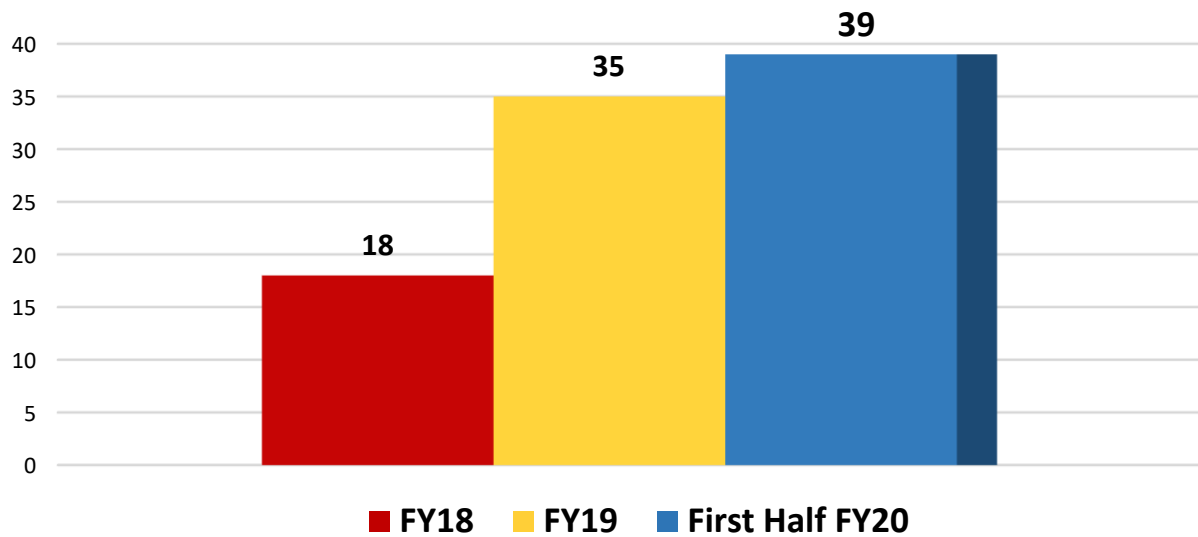
The recommendation includes preliminary investigation, legal research and legal analysis with 4-5 staff members working on each case.

Many cases are dismissed with a separate Letter of Caution or Instruction.

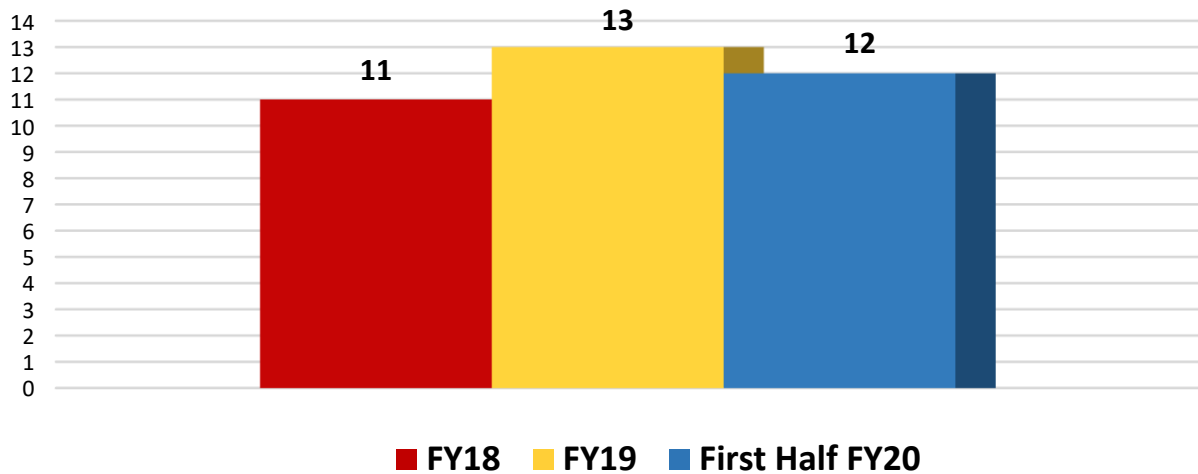
Complaints Received by Fiscal Year (FY)



Total Active Investigations/Adjudications in Fiscal Year



Cases Resolved in Fiscal Year



Complaint Case Statistics by Fiscal Year (FY) Footnotes

¹ FY18

13 Active Investigations of Complaints received in FY18; 5 additional Active Investigations from prior Fiscal Years.

- Total Active Investigations = 18
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Commission on Ethics Advisory Opinion Request Statistics by Fiscal Year

Advisory Opinion Requests:	FY18 ¹	FY19 ²	First Half FY20 ³	Second Half FY20
Total Received	19	32	21	No Data
Dismissed/ Withdrawn ⁴	7	13	8	No Data
Total Requests for Opinion	12	19	13	No Data
Opinions Issued within FY	9	14	10	3
Request Received in FY carried forward to next FY	3	5	3	N/A

Abstract Opinions:	FY18	FY19	First Half FY20	Second Half FY20
# of Confidential Opinions	11 (of 12)	12 (of 19)	8 (of 13)	No Data
Completed in FY	6	8	2	No Data
Completed from prior FY	0	5 (of 11)	4 (of 12)	6 (of 8)

¹ FY18

The Commission received 19 Advisory Opinion Requests in FY18, 7 of which were dismissed or withdrawn. In the 12 remaining cases, the Commission issued 9 Opinions in FY18 and 3 in FY19.

Abstract Opinions: Of the 12 cases, 11 remained confidential and required 11 additional Abstract Opinions. The Commission completed 6 of the 11 Abstract Opinions in FY18 and 5 Abstract Opinions in FY19.

² FY19

The Commission received 32 Advisory Opinion Requests in FY19, 13 of which were dismissed or withdrawn. In the 19 remaining cases, the Commission issued 14 Opinions in FY19 and 5 Opinions in FY20.

Abstract Opinions: Of the 19 cases, 12 remained confidential and required an additional 12 Abstract Opinions. The Commission completed 8 Abstract Opinions in FY19, and 4 Abstract Opinions in FY20.

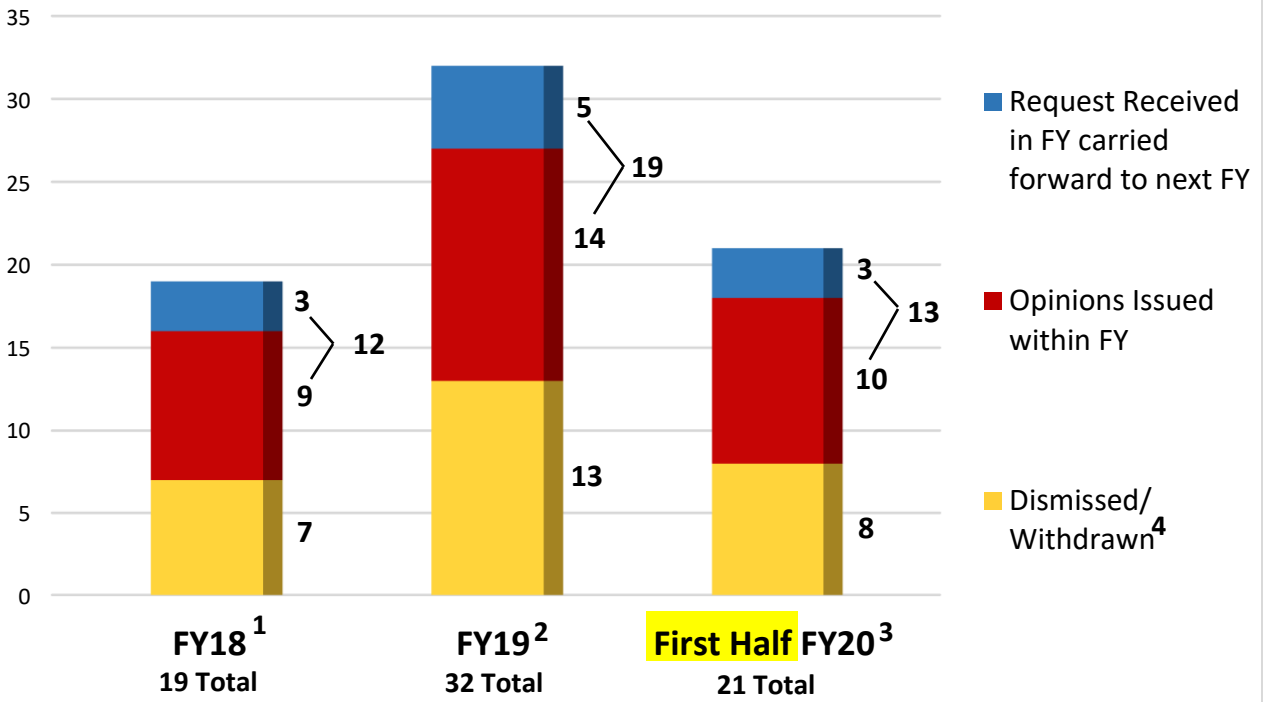
³ FY20

The Commission received 21 Advisory Opinion Requests in the first half of FY20, 8 of which were dismissed or withdrawn. In the remaining 13 Requests the Commission issued 10 Opinions during the first half of the FY20 and 3 Opinions were issued in the second half of FY20.

Abstract Opinions: Of the 13 cases, 8 remained confidential and required an additional 8 Abstract Opinions. The Commission completed 2 Abstract Opinions in the first half of FY20, and 6 Abstract Opinions in the second half of FY20.

⁴ A Dismissed or Withdrawn case occurs prior to submission to the Commission for deliberation and does not take into account the many staff hours expended on jurisdictional analysis, factual development, legal analysis and communications with the Requester.

Advisory Opinion Requested by Fiscal Year (FY)



¹ FY18

The Commission received 19 Advisory Opinion Requests in FY18, 7 of which were dismissed or withdrawn. In the 12 remaining cases, the Commission issued 9 Opinions in FY18 and 3 in FY19.

Abstract Opinions: Of the 12 cases, 11 remained confidential and required 11 additional Abstract Opinions. The Commission completed 6 of the 11 Abstract Opinions in FY18 and 5 Abstract Opinions in FY19.

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The Commission received 32 Advisory Opinion Requests in FY19, 13 of which were dismissed or withdrawn. In the 19 remaining cases, the Commission issued 14 Opinions in FY19 and 5 Opinions in FY20.

Abstract Opinions: Of the 19 cases, 12 remained confidential and required an additional 12 Abstract Opinions. The Commission completed 8 Abstract Opinions in FY19, and 4 Abstract Opinions in FY20.

³ FY20

The Commission received 21 Advisory Opinion Requests in the first half of FY20, 8 of which were dismissed or withdrawn. In the remaining 13 Requests, the Commission issued 10 Opinions during the first half of the FY20 and 3 Opinions were issued in the second half of FY20.

Abstract Opinions: Of the 13 cases, 8 remained confidential and required an additional 8 Abstract Opinions. The Commission completed 2 Abstract Opinions in the first half of FY20, and 6 Abstract Opinions in the second half of FY20.

⁴ A Dismissed or Withdrawn case occurs prior to submission to the Commission for deliberation and does not take into account the many staff hours expended on jurisdictional analysis, factual development, legal analysis and communications with the Requester.

State of Nevada
Commission on Ethics
FY20 Training Information

	Date	Presenter	Entity	Location	Jurisdiction
1	7/10/19	YMNG	NV State Board of Nursing	Lake Tahoe	Local
2	7/16/19	YMNG	State of NV Div. of Insurance	Carson City	State
3	7/19/19	YMNG	NV State Board of Dental Examiners	Reno	Local
4	8/7/19	YMNG	NV State Board of Dental Examiners	Las Vegas	Local
5	8/8/19	YMNG	City of Las Vegas	Las Vegas	Local
6	8/8/19	YMNG	Southern NV Chapter of the International Code Council	Las Vegas	State
7	8/14/19	YMNG	Lake Tahoe Visitors Authority	Stateline	Local
8	8/22/19	YMNG	Institute of Internal Auditors Northern NV	Carson City	Local
9	9/4/19	YMNG	NV State Board of Pharmacy	Reno	Local
10	9/24/19	YMNG	NV League of Cities	Henderson	Local
11	9/25/19	YMNG	NV Association of Counties	Sparks	Local
12	10/21/19	YMNG	Silver Springs/Stagecoach Hospital Board	Silver Springs	Local
13	10/23/19	YMNG	City of N Las Vegas (x4)	N. Las Vegas	Local
14	10/23/19	YMNG	City of N Las Vegas (x4)	N. Las Vegas	Local
15	10/23/19	YMNG	City of N Las Vegas (x4)	N. Las Vegas	Local
16	10/23/19	YMNG	City of N Las Vegas (x4)	N. Las Vegas	Local
17	10/24/19	YMNG	NV State Public Charter School Authority	Las Vegas	Local
18	10/24/19	YMNG	Southern NV Regional Housing Authority	Las Vegas	Local
19	11/18/19	YMNG	AG Boards and Commissions	Carson City	Local
20	12/6/19	YMNG	NV State Board of Medical Examiners	Las Vegas	Local
21	1/7/20	YMNG	Douglas County Board of Commissioners	Minden	Local
22	1/17/20	YMNG	Association of Government Accountants	Reno	Local
23	1/22/20	YMNG	State of NV Gov Office of Economic Dev	Carson City	Local
24	3/4/20	YMNG	NV State Board of Accountancy	Reno	Local
25	5/21/20	YMNG	LV Stadium Authority Board	Las Vegas	Local
26	5/22/20	YMNG	City of Boulder	Las Vegas	Local
27	Pending	YMNG	Gaming Control Board (x4)	Carson City	State
28	Pending	YMNG	Gaming Control Board (x4)	Carson City	State
29	Pending	YMNG	Gaming Control Board (x4)	Carson City	State
30	Pending	YMNG	Gaming Control Board (x4)	Carson City	State
31	Pending	YMNG	Southern Nevada Health District	Las Vegas	Local

FY21 Training Information

	Date	Presenter	Entity	Location	Jurisdiction
1	Pending	YMNG	Dept of Public Safety	Carson City	State
2	7/20	YMNG	Charter School Authority	Las Vegas	Local
3	7/22/20	YMNG	NV Board of Nursing	Las Vegas	Local
4	8/13/20	YMNG	Southern NV Chapter of the International Code Council	Las Vegas	Local
5	8/20/20	YMNG	NV State Contractors Board	Las Vegas	Local

From: Kari Anne Pedroza On Behalf Of Nevada Commission on Ethics

Sent: Wednesday, November 20, 2019 3:41 PM

To: State Email Admin <email@admin.nv.gov>; 'Adan Jaramillo' <adan.jaramillo@nbcuni.com>; 'Alan Stock' <alan@alanstock.com>; Alexandra De Leon <Alex.deleon@Kvvu.com>; 'Allison Combs' <combsrick@charter.net>; 'Amelia Pak-Harvey' <apak-harvey@reviewjournal.com>; 'Andrew Davey' <atdnext@gmail.com>; 'Anjeanette Damon' <adamon@rgj.com>; 'Anthony Avellaneda' <aavellaneda@reviewjournal.com>; 'April Corbin' <april@nevadacurrent.com>; 'Ben Margiott' <bmargiott@mynews4.com>; 'Bill Dentzer' <bdentzer@reviewjournal.com>; 'Bill McMillen' <bmcmlen@mohavedailynews.com>; 'Bob Conrad' <bob@thisisreno.com>; 'Brian Bahouth' <brian@KNVC.org>; 'Brian Duggan' <bduggan@rgj.com>; 'Brin Gibson' <jbg260@gmail.com>; 'Bryan Horwath' <bryan.horwath@gmgvegas.com>; 'Carri Geer Thevenot' <cgeer@reviewjournal.com>; 'Carrie Kaufman' <carrie@knpr.org>; 'Carrie Kaufman' <carrie@nevadaforward.com>; 'Cesar Santos Sanchez' <Cesar.SantosSanchez@nbcuni.com>; 'Chelsey Winger' <chelsey.winger@asm.state.nv.us>; 'Chris Kudialis' <chris.kudialis@lasvegassun.com>; 'Christine Maddela' <Christine.Maddela@kvvu.com>; 'CNN National Desk' <nationaldesk@turner.com>; 'CNN Western Desk' <westnews@turner.com>; Colton Lochhead <clochhead@reviewjournal.com>; 'Dana Gentry' <dana@nevadacurrent.com>; 'Dana Wagner' <DEWagner@sbgtv.com>; 'Daniel Rothberg' <daniel@thenvindy.com>; 'Daria Sokolova' <dsokolova@pvtimes.com>; 'Dave Morgan' <News@SparksNewsToday.com>; 'David' <david@calvertphotography.com>; 'David Ferrara' <dferrara@reviewjournal.com>; 'David Jacobs' <djacobs@pvtimes.com>; 'David Montero' <david.montero@latimes.com>; 'Don Dike-Anukam1.1' <dondikeanukam@gmail.com>; 'Ed Pearce' <ed.pearce@kolotv.com>; 'El Reportero' <elreporterolasvegas@yahoo.com>; 'Elizabeth Thompson' <e@thenvindy.com>; 'Geoff Dornan' <gdornan@nevadaappeal.com>; 'George Knapp - KLAS' <gknapp@klastv.com>; 'Goth, Brenna' <bgoth@bloomberglaw.com>; 'Hali Bernstein Saylor' <hsaylor@bouldercityreview.com>; 'Heather Owens' <Owens@dga.net>; 'Howard Stutz' <hstutz@cdcgamingreports.com>; 'Hugh Jackson' <hugh@nevadacurrent.com>; 'Humberto Sanchez' <humbertosanchezjr@gmail.com>; 'Ian Russell' <irussell@8newsnow.com>; 'Info' <info@stevesisolak.com>; 'Ivet Contreras' <ivet.contreras@nbcuni.com>; 'Jackie Valley' <jackie@thenvindy.com>; 'James DeHaven' <jdehaven@rgj.com>; 'Jasmina Gonzales' <jegonzalez@entravision.com>; 'Jeff Gillan' <jsgillan@sbgtv.com>; 'Jeff Scheid' <jeffscheid@gmail.com>; 'Jeniffer Solish' <Jeniffer@nevadacurrent.com>; 'Jennifer Lazovich' <JLazovich@kcnvlaw.com>; 'Jessica Jordan' <Jessica.jordan@turner.com>; 'Jessie Bekker' <jbekker@reviewjournal.com>; 'Jillian Lopez' <jlopez@sbgtv.com>; 'Jim Fannin' <jim.fannin@cumulus.com>; 'Jim Flint' <jim.flint@ktnv.com>; 'Joe Schoenmann' <joes@knpr.org>; 'John Treanor' <JTreanor@sbgtv.com>; 'Jon Cisowski' <jcisowski@8newsnow.com>; 'Jon Ralston' <ralston@thenvindy.com>; 'Juan Juarez' <jjuarez@entravision.com>; 'Karen Castro' <kcastro@8newsnow.com>; 'Kelsey Thomas' <kthomas@mynews3.com>; 'Ken Ritter' <kritter@ap.org>; 'Kevin Bolinger' <kevin.bolinger@fox5vegas.com>; 'Kimberley Wagner' <KAWagner@sbgtv.com>; 'KLAS 8 News Now Desk' <newsdesk@8newsnow.com>; 'KNPR News Desk' <son@knpr.org>; 'Kristine Brown' <knbrown@sbgtv.com>; 'Kurt Hildebrand' <khildebrand@recordcourier.com>; 'KVVU Channel 5 News Desk' <5newsdesk@fox5vegas.com>; 'Larry Ish' <Larry.Ish@ktnv.com>; 'Les Krifaton' <les.krifaton@fox5vegas.com>; 'Lindsay Anderson' <leanderson@washoeschools.net>; 'Lori Gilbert' <lori@elkoradio.com>; 'Luz Gray' <luz@thenvindy.com>; 'LV Sun Editor' <metroeditors@lasvegassun.com>; 'Maddie Gugino' <MGugino@kcnvlaw.com>; 'Mari Nakashima' <Mari@theperkinsco.com>; 'Martha Saldana' <martha.saldana@nbcuni.com>; 'Megan Downs' <MDowns@WashoeSchools.net>; 'Megan Messlerly' <megan@thenvindy.com>; 'Michael Davidson' <sdavidson@reviewjournal.com>; 'Michael Lundin' <michael.lundin@FOXNEWS.COM>; 'Michael Lyle' <michael@nevadacurrent.com>; 'Michelle Price' <mprice@ap.org>; 'Michelle Rindels' <michelle@thenvindy.com>; 'Miguel Barrientos' <swhispanic@yahoo.com>; 'News 3 LV' <news@news3lv.com>; 'News KTNV' <desk@ktnv.com>; 'Newsdesk' <elytimes@gmail.com>; 'Newsdesk KCEP' <info@kcepfm.com>; 'Newsdesk KENV' <news@kenvtv.com>; 'Newsdesk KOLO' <news@kolotv.com>; 'Newsdesk KTNV' <producers@ktnv.com>; 'Newsdesk KVVU' <5newsdesk@kvvu.com>; 'Newsdesk News 4' <prmugs@mynews4.com>; 'Newsroom'

<news@dvtv.com>; 'Newsroom KTVN' <producers@ktvn.com>; 'Nikole Robinson Carroll' <knprnikole@gmail.com>; 'Noah Glick' <noah@kunr.org>; 'Olivia Santini' <Olivia.Santini@nbcuni.com>; 'Patrick Groves' <pgroves@erepublic.com>; 'Patrick Walker' <pwalker@8newsnow.com>; 'Paul Boger' <paul@kunr.org>; 'Paul Nelson' <PNelson@ktvn.com>; 'Rachel Christiansen' <rachel@knpr.org>; 'Regina Carcia Cano' <rgarciacano@ap.org>; 'Ric Anderson' <Ric.anderson@gmgvegas.com>; 'Riley Snyder' <rsnyder@thenvindy.com>; 'Robert Guerrero' <rguerrero@mynews3.com>; 'Robert Johnson' <rjohnson@reviewjournal.com>; 'Robert Macabagdal' <robert@asianjournalinc.com>; Roberta Ramsey <RARAMSEY@detr.nv.gov>; 'Rodrigo Yanez' <elmundopaper@ureach.com>; 'Ryan Tarinelli' <rtarinelli@ap.org>; 'Sam Shad' <sam@shad.reno.nv.us>; 'Sarah Feldberg' <sfberg@gmail.com>; 'Scott Sonner' <ssonner@ap.org>; 'Shannon Miller' <shannon@thenvindy.com>; 'Shelly Capurro' <SCapurro@kcnvlaw.com>; 'Stacey Montooth' <smontooth@rsic.org>; 'Steve Sebelius' <SteveSebelius@gmail.com>; 'Suzanne Featherston' <sfeatherston@elkodaily.com>; 'Taimi Soto' <tsoto@kmcciv.com>; 'Terri Russell' <Terri.Russell@kolotv.com>; 'Terry Wood' <twood@sbgvtv.com>; 'Tom Tait' <ttait@ap.org>; 'Valarie Peritz' <vperitz@vegaspbs.org>; 'Vegas Inc' <news@vegasinc.com>; 'Veronica Quintero' <veronica.quintero@nbcuni.com>; 'Yohali Carmona' <Johali.Carmona@nbcuni.com>
Subject: Nevada Commission on Ethics FY 2018-2019 Annual Report



State of Nevada
COMMISSION ON ETHICS
704 W. Nye Lane, Suite 204
Carson City, Nevada 89703
(775) 687-5469 • Fax (775) 687-1279
<http://ethics.nv.gov>

November 20, 2019

FOR IMMEDIATE RELEASE:

The Nevada Commission on Ethics has published its Fiscal Year 2018-2019 (FY19) Annual Report highlighting its accomplishments and challenges during the last fiscal year.

Of particular note:

- The Commission received more than twice the amount of Ethics Complaints and Advisory Opinions from the prior fiscal year.
- The Commission received a nationwide ranking of 8th in the country for enforcement and transparency. Notably, the ranking was based upon data from FY18 rather than the increased caseload from FY19.

For the details and other news, please review the Annual Report on the Commission's website at
<http://ethics.nv.gov/uploadedFiles/ethicsnv.gov/content/Resources/AnnualReports/2019%20Annual%20Report.pdf>

Contact the Commission's Executive Director, Yvonne M. Nevarez-Goodson for any questions or comments. 775-687-5469 or ynevarez@ethics.nv.gov.

NEVADA PLACED 8TH IN NATIONWIDE REPORT FOR PUBLIC SECTOR ETHICS RULE ENFORCEMENT



MARK HERNANDEZ

SEPTEMBER 18TH, 2019 - 2:00AM

Nevada and three other states tied for eighth place in how they enforce laws that try to avert conflicts of interest among public sector employees, an independent group said in a report released earlier this month.

The report, which gave Nevada a score of 83 out of 100, scored states on how many complaints were filed, how many ethics violations were found, what sanctions were imposed, and how much information about the ethics process is publicly available. The report was presented by the Coalition for Integrity (C4I), a Washington, D.C.-based non-profit organization that monitors corruption in the public and private sectors.

"I think the ranking reflects the complete overhaul that the Nevada Commission on Ethics has seen since 2013," said Yvonne M. Nevarez-Goodson, executive director of the Nevada Commission on Ethics, "and the Commission is very proud of what it has created and accomplished during the last decade, in part on the direct heels of winning an important constitutional case with significant national implications on conflict of interest laws before the United States Supreme Court in 2011."

Nevarez-Goodson also said that if the report had taken the data from 2019 in addition to the prior three years, she thinks the commission would have ranked even higher.

Nevada's ethics agency last year received 55 complaints and dismissed 39 of those. Sixteen cases of ethics violations were either punished with fines, the largest being \$2,160, or letters of caution.

Nevarez-Goodson said she believes the ethics commission would be stronger had SB129 not died in the 2019 legislative session. The measure, an omnibus bill sponsored by the governor and aimed at improving the commission's processes, passed the Senate and an Assembly committee but was pulled from the voting list in the Assembly just before a deadline.

"To say the least, the Commission was incredibly disappointed that the measure didn't receive a final vote in the Assembly, and more disappointed not to have an explanation for the same," she said. "These were all efforts in policy and legislative reform that would not have had a fiscal impact on the State, but would have eased many concerns for the Commission and staff in terms of processing cases."

The Nevada Independent has requested comment from Gov. Steve Sisolak and legislative leadership on why the measure failed. The commission plans to bring some of the same concepts up in future sessions.

Overall, the report found wide differences in ethics practices from state to state.

"The report on Enforcement of Ethics Rules reflects the huge variation in enforcement efforts by state ethics agencies – and the lack of transparency of those efforts in many states," said Coalition for Integrity President and CEO Shruti Shah. "In addition to meaningful enforcement actions, state ethics agencies should strive to be transparent and publish information on complaints received, cases resolved, and sanctions issued."

Nationwide, only 19 states publish annual or biennial reports about their ethics complaints and how they were handled. Nevada releases an annual report that highlights their actions regarding any ethics issues.

“Every ethics agency should publish annual reports on their enforcement efforts, even if not required to do so by statute,” report authors wrote. “Doing so demonstrates a commitment to effective enforcement and provides a deterrent to improper behavior.”

Thirty ethics agencies publish their enforcement decisions on their websites, while 15 do not publish any information about ethics violations. Eighteen agencies do not make their decisions or any sanctions public.

A top recommendation was that penalties should be meaningful. Fines of \$100 or \$200 are not enough to deter officials from being unethical.

“Most states have the authority to impose significant fines but do not do so,” report authors said. “A few states are limited by statute and, in these cases, the amount of the fines allowed should be increased via legislation to meaningful amounts.”

Sixteen of the agencies had issued fines over \$10,000 where other states, such as Minnesota, impose a fee of \$5 for failure to disclose financial reports on time. Even in regard to what is discussed as possible consequences, only Florida and Hawaii have recommended that officials be removed.

The Coalition for Integrity was formerly known as Transparency International USA, the American chapter of [Transparency International \(TI\)](#), an international, anti-corruption organization. TI was established in 1993 in Berlin and is known for its annual [corruption perceptions index](#).

The corruption perceptions index follows 180 countries and indicates the level of corruption in the public sector. This has become their flagship research product and is used internationally as a de facto corruption measuring tool.

Updated at 2:40 p.m. on Sept. 18, 2019 to add comment from Nevada Ethics Commission executive director.

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NEVADA COMMISSION ON ETHICS SAW SHARP INCREASE IN ETHICS COMPLAINTS, FINES IN 2019 FISCAL YEAR

 MARK HERNANDEZ

DECEMBER 23RD, 2019 - 2:00AM

A new report from the Nevada Commission of Ethics details substantial growth in the number of ethics complaints and advisory opinions in the 2019 fiscal year compared with the previous year.

In a press release, the commission announced it imposed nearly \$42,000 in fines for willful violations of the state's ethics laws. That figure was driven by major issues in the board that regulates massage therapists and a gift card-related scandal at the Las Vegas Convention & Visitors Authority (LVCVA).

"FY19 marked the significant efforts of the Commission during the 2019 Legislative Session combined with staffing and resource demands resulting from more than double the case load from the prior fiscal year," Yvonne M. Nevarez-Goodson, the commission's executive director, wrote in the report. "These challenges, along with the continued priorities for outreach and education, signified the Commission's focus in FY19."

A previous, independent report from the Coalition for Integrity ranked Nevada eighth nationwide for enforcement and transparency of ethics rules, but was based on the 2018 fiscal year and didn't take into account the increased workload of 2019. The commission imposed less than \$4,200 in penalties last fiscal year.

There were a total of 123 ethics complaints received in FY19 by the commission, which only deals with state and local government employees and 28 warranted further investigation. In the previous fiscal year, there was a total of 55 complaints, and 39 of those were dismissed.

The six people who faced monetary fines from the commission were:

Jeffrey Witthun, director of the Clark County Family Support Division, who was given a civil penalty of \$1,000 on May 9, 2018. The commission concluded that Witthun violated the ethics law in 2016 by using his position to create an unpaid summer internship for his son.

Witthun later approved the decision to hire his son to a paid part-time position, according to the complaint. This action was witnessed and authorized by Witthun's supervisor as well as the head of human resources.

"Mr. Witthun reiterated to the Commission that he was not aware that his conduct was in violation of the Ethics Law," minutes of the meeting say. "However, he is more informed now and will ensure that his agency receives ethics training and is currently working on drafting a policy regarding nepotism for his agency."

Gerald Antinoro, the sheriff of Storey County, was given a penalty of \$2,500 on Oct. 17, 2018. The violation stemmed from Antinoro allowing his wife to use the sheriff's office in Virginia City for personal use on a Saturday, a time that the office would be closed to the public.

The ethics complaint was filed by the ex-husband of Antinoro's wife when they met for a child visitation appointment and the wife didn't want to meet in a park in Virginia City as planned. This instance was the third ethics complaint against Antinoro, who took office in 2011.

Antinoro appealed the ethics case to a court, but then concluded litigation himself by voluntarily dismissing the case with prejudice. The final opinion of the ethics commission was upheld.

One of the previous ethics complaints against him was in 2014 when the commission investigated whether Antinoro prohibited a deputy who was running against him for sheriff from attending a non-profit event. The second was in 2016 when he used the official letterhead of the sheriff's department to endorse Republican former congressional candidate Michele Fiore and was fined \$1,000.

Lawrence Weekly, the chair of the LVCVA, was issued a fine of close to \$2,400 on Jan. 16, 2019. The violation came from using funds from the LVCVA to buy Southwest Airlines gift cards for a personal trip to Texas with his daughter, according to the Las Vegas Review-

Journal.

Weekly was only one of the members of the tax-funded LVCVA to be reprimanded for an ethics violation after a secret five-month investigation by the ethics commission concluded the CEO of the authority, Rossi Ralenkotter, misused close to \$17,000 in airline gift cards. In total, there was \$90,000 in gift cards used of which \$50,000 couldn't be accounted for, and Las Vegas police investigated allegations of theft.

Three former top executives were criminally charged with stealing and misusing the \$90,000. Weekly was not one of those charged. A preliminary hearing is scheduled for March 26 to determine if the case will be moved to Clark County District Court to begin trial.

Judie Allan, a commissioner of Lander County, was issued a fine of \$500 on May 22, 2019. Allan was accused of using her position to request the county manager make a settlement payout for her longtime boyfriend, a former county employee who had a wrongful termination case against the county.

Allan was living on a property owned by her partner when she requested that the county lawsuit be settled and \$50,000 be paid to her partner. Allan also pursued her request directly to the board chair at his place of business and was told that any decisions would be made during a board meeting, according to the ethics commission complaint.

Commissioners pointed out "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."

Lisa Cooper, the former executive director of the Board of Massage Therapy who resigned before the ethics violation, was issued a fine more than \$25,000 on May 22, 2019. Cooper used her position to issue herself extra paychecks compared to the salary that was approved by the board, according to the complaint.

As executive director, Cooper was responsible for payroll administration and paid herself 10 extra paychecks between 2011 and 2014 totaling nearly \$30,000, according to the complaint. An audit was performed in 2017 after Cooper resigned and revealed that there was no board approval for the extra paychecks.

Cooper characterized the checks as appropriate payouts of unused leave time, but the board disagreed, saying that "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."

Cathy Tull, the chief marketing director for the LVCVA, was issued a fine of close to \$9,000 on June 17, 2019. The violation was for the improper and personal use of airline gift cards for her ex-husband and two sons, according to the Las Vegas Review-Journal.

Tull was also charged with theft and misconduct of a public officer. Ralenkotter, former senior director of business partnerships Brig Lawson and Southwest marketing executive Eric Woodson were also charged.

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@ethics_nevada sends many thanks for the decade of public service by Vice-Chair Keith A. Weaver on the Commission! If there weren't term limits, we'd keep him forever! He has served the Commission and State of Nevada with unrelenting integrity, distinction and honor! 🏆

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