



STATE OF NEVADA
COMMISSION ON ETHICS
<http://ethics.nv.gov>

NOTICE OF PUBLIC MEETING

NAME OF ORGANIZATION: PERSONNEL REVIEW SUBCOMMITTEE OF THE NEVADA COMMISSION ON ETHICS

DATE & TIME OF MEETING: Thursday, July 8, 2021 at 9:00 a.m.

PLACE OF MEETING: This meeting will be held exclusively via Zoom (virtually) as follows:

Zoom Meeting Information:
<https://zoom.us/j/96899957428?pwd=Z3M3YXBoeHc3czJvNHZnZndMWittZz09>
Zoom Meeting Telephone Number: 669-900-9128*
Meeting ID: 968 9995 7428
Passcode: 497946

*Please Note: If you choose to participate via telephone, your telephone number may be displayed in the Zoom public platform.

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 June 23, 2021 Personnel Review Subcommittee Meeting.

<p>For Possible Action</p>	<p>4. Discussion and possible direction on recommendations to be made to the Commission regarding the next fiscal year's public service objectives including detailing goals, outcomes or performance objectives/ measures for the Commission's two appointed positions of Executive Director, held by David R. Hall, Esq., and Commission Counsel, held by Tracy L. Chase, Esq. Pursuant to NRS 241.020(2)(d)(5) and NRS 241.033, proper notice has been provided to both public appointees that the Commission's discussion on this item may include consideration of their individual character and professional competence in performing the duties of their appointed positions.</p> <p>NOTE: It is anticipated that the Subcommittee may take one or more breaks during this Item to allow Staff to prepare requested documents and for other matters, at the discretion of the Chair.</p>
	<p>5. 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>
<p>For Possible Action</p>	<p>6. 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 David R. Hall, 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.

This Notice of Public Meeting and Agenda was posted in compliance with NRS 241.020, as amended by Assembly Bill 253, adopted in the 81st (2021) Legislative Session of the Nevada Legislature, which bill is effective on May 31, 2021, 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>

Agenda Item 3



**STATE OF NEVADA
COMMISSION ON ETHICS**
<http://ethics.nv.gov>

**MINUTES
of the meeting of the
NEVADA COMMISSION ON ETHICS'
PERSONNEL REVIEW SUBCOMMITTEE**

The Commission on Ethics' Personnel Review Subcommittee held a public meeting on Wednesday, June 23, 2021, at 9:00 a.m. Virtually via Zoom as follows:

Zoom Meeting Information:

<https://zoom.us/j/93454073325?pwd=RHdrRmExOFVQem4xcTN0dU0wUmQrQT09>

Zoom Meeting Telephone Number: 669-900-9128

Meeting ID: 987 2879 9268

Passcode: 193577

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 in Carson City and called the meeting to order at 9:07 a.m. Vice-Chair Brian Duffrin Also appearing in Carson City. Commissioner James Oscarson appearing via videoconference. Present for Commission staff in Carson City were Executive Director David R. Hall, Esq., Commission Counsel Tracy L. Chase, Esq., and Executive Assistant Kari Pedroza.

The pledge of allegiance was conducted.

2. Public Comment.

There was no public comment.

3. Discussion and possible direction on establishing the Commission's vision and public service objectives for the next fiscal year including detailing goals, outcomes or performance objectives/ measures for the Commission's two appointed positions of Executive Director, held by David R. Hall, Esq., and Commission Counsel, held by Tracy L. Chase, Esq. Pursuant to NRS 241.020(2)(d)(5) and NRS 241.033, proper notice has been provided to both public appointees that the Commission's discussion on this item may include consideration of their individual character and professional competence in performing the duties of their appointed positions.

Chair Wallin introduced the item and asked Commission Counsel Chase if proper notice had been provided to the Executive Director and Commission Counsel regarding this agenda

item. Commission Counsel Chase confirmed that both she and Executive Director Hall received proper notice of the agenda item and consented to have their character and competence discussed in a public meeting.

Chair Wallin stated that the Personnel Subcommittee would discuss and identify the Commission's priorities for the Executive Director and Commission Counsel and each incumbent would then update their respective job duties based on the Subcommittee's direction.

Commission Counsel Chase referenced the meeting materials packet and provided an overview of the materials including the list of statutory and regulatory duties of the Executive Director and Commission Counsel.

The Subcommittee members agreed upon the following priorities, in order of importance, for the Commission Counsel's position:

1. Litigation
2. Advisory Opinions
3. Ethics Complaints
4. Legislation and Regulations
5. Administration/ Supervision
6. Public Information
7. Education

At the request of the Chair, Executive Director Hall provided comments on what he believes are priorities for the Executive Director based upon his short time in the position, including the need to address the backlog of Ethics Complaint cases, especially those that need to be presented to the Review Panel for consideration. In discussing the issue of the Ethics Complaint case backlog the Subcommittee members agreed that empowering two review panel groups operating simultaneously to address the backlog on a concurrent basis would be beneficial and asked Commission Counsel Chase and Executive Director Hall to relay the information to the full Commission. The Chair requested Commission Counsel to provide her with suggested panel appointments for the rest of 2021 from members of the Commission for approval of the Chair.

The Subcommittee members agreed upon the following priorities, in order of importance, for the Executive Director's position:

1. Jurisdictional Determinations/ Initial Investigations
2. Case Backlog/ Panel Reviews
3. Case Work/ Referral Investigations
4. Deferral Agreements
5. Administration/ Supervision
6. Education
7. Public Information
8. Legislation

The Subcommittee members requested that the Commission Counsel and the Executive Director review their respective job duties and prepare an updated job duty document and a separate document establishing FY22 job priorities, as agreed by the Subcommittee, which document would have a list of associate tasks under each priority for discussion at the next meeting of the Subcommittee. The Subcommittee members provided direction that the next Personnel Review Subcommittee meeting would be noticed and scheduled for July 8th with a potential follow-up finalization meeting to be held on July 9th if needed.

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4. 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 Oscarson commented that he appreciated the opportunity to participate and shared his opinion that it is important that the Executive Director and Commission Counsel engage in the conversation about their job duties and responsibilities.

5. Public Comment.

There was no public comment.

6. Adjournment.

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

The meeting adjourned at 11:03 a.m.

Minutes prepared by:

/s/ Kari Pedroza

Kari Pedroza
Executive Assistant

/s/ David R. Hall, Esq.

David R. Hall, Esq.
Executive Director

Minutes approved July 8, 2021:

Kim Wallin, CPA, CMA, CFM
Chair

Brian Duffrin
Vice-Chair

Agenda Item 4



**State of Nevada
COMMISSION ON ETHICS**

M E M O R A N D U M

DATE: July 6, 2021
TO: Nevada Commission on Ethics
FROM: Tracy L. Chase, Commission Counsel
David R. Hall, Executive Director
RE: Public Meeting for July 8, 2021 - Agenda Item 4: Discussion and possible direction on recommendations to be made to the Commission regarding the next fiscal year's public service objectives including detailing goals, outcomes or performance objectives/ measures for the Commission's two appointed positions of Executive Director, held by David R. Hall, Esq., and Commission Counsel, held by Tracy L. Chase, Esq. Pursuant to NRS 241.020(2)(d)(5) and NRS 241.033, proper notice has been provided to both public appointees that the Commission's discussion on this item may include consideration of their individual character and professional competence in performing the duties of their appointed positions.

In furtherance of the Commission direction obtained at the May 19, 2021 Commission Meeting, this memorandum provides background information that the Commission may refer to the subcommittee to assist it in its considerations.

During the May 19, 2021, Commission meeting, the Commission considered its priorities in order to provide a platform on which to consider establishing the goals, objectives, or performance measures ("Goals") of its two appointed positions. Attachments to this memorandum include the announcements and job duties for the positions of Executive Director and Commission Counsel. In addition, the Mission of the Commission, its Guiding Principles and the statutory qualifications and duties for each position, as established in NRS 281A.230 to NRS 281A.260, are as follows:

MISSION STATEMENT:

The Nevada Commission on Ethics, by the authority granted under Chapter 281A of NRS, strives to enhance the public's faith and confidence in government by ensuring that public officers and public employees uphold the

public trust by committing themselves to avoid conflicts between their private interests and their public duties.

GUIDING PRINCIPLES:

1. Our highest priority is to protect the citizens of Nevada by interpreting and enforcing the provisions of the Ethics Law in a fair, consistent, and impartial manner.
2. We act with a high degree of integrity, honesty and respect when investigating and adjudicating public complaints alleging ethics violations by public officers and employees.
3. We are committed to providing outreach and education to our Stakeholders (the public and public officers and employees) to enhance their awareness and understanding of ethics requirements and prohibitions under the Nevada Ethics law.
4. Our objectivity, independence and impartiality are beyond reproach. We avoid all personal or professional circumstances or conflicts calling these into question.
5. Our processes ensure all actions, decisions and policies are consistently applied and do not result in advantages or disadvantages to any party to the detriment of another.
6. Our confidential advisory opinions are thoroughly researched and written with the needs of the requestor in mind and consistent with opinion precedent and applicable statutes including legislative intent.
7. We carry out our duties in a rigorous and detailed manner and utilize the resources provided to us wisely and only for the legitimate purposes of the agency.
8. We continuously challenge ourselves to improve the practices and processes of the agency to keep pace with the needs of the individuals we serve and to comply with legislative mandates.
9. We continuously improve our public communication and public access to provide guidance and assistance to those we hold accountable for compliance.
10. We value and respect the opinions and recommendations of our Stakeholders, Staff and Commission Members which guide us in our decision making.

NRS 281A.230 to NRS 281A.260

NRS 281A.230 Executive Director: Appointment; qualifications; classification; prohibited activities and other employment.

1. The Commission shall appoint, within the limits of legislative appropriation, an Executive Director who shall perform the duties set forth in this chapter and such other duties as may be prescribed by the Commission.
2. The Executive Director must have experience in administration, investigations and law.
3. The Executive Director is in the unclassified service of the State.
4. The Executive Director shall devote the Executive Director's entire time and attention to the business of the Commission and shall not pursue any other business or occupation or hold any other office of profit that detracts from the full and timely performance of the Executive Director's duties
5. The Executive Director may not:
 - (a) Be actively involved in the work of any political party or political campaign; or
 - (b) Except in pursuit of the business of the Commission, communicate directly or indirectly with a State Legislator or a member of a local legislative body on behalf of someone other than the Executive Director to influence:
 - (1) The State Legislator with regard to introducing or voting upon any matter or taking other legislative action; or
 - (2) The member of the local legislative body with regard to introducing or voting upon any ordinance or resolution, taking other legislative action or voting upon:
 - (I) The appropriation of public money;
 - (II) The issuance of a license or permit; or
 - (III) Any proposed subdivision of land or special exception or variance from zoning regulations.

NRS 281A.240 Executive Director: Duties; employment of staff; designation of qualified person to perform duties when Executive Director unable to act on matter.

1. In addition to any other duties imposed upon the Executive Director, the Executive Director shall:
 - (a) Maintain complete and accurate records of all transactions and proceedings of the Commission.
 - (b) Receive ethics complaints and requests for advisory opinions pursuant to this chapter.
 - (c) Gather information and conduct investigations regarding ethics complaints and requests for advisory opinions pursuant to this chapter.
 - (d) Submit recommendations to the review panel regarding whether there is just and sufficient cause for the Commission to render an opinion in a matter.
 - (e) Recommend to the Commission any regulations or legislation that the Executive Director considers desirable or necessary to improve the operation of the Commission and maintain high standards of ethical conduct in government.
 - (f) Upon the request of any public officer or the employer of a public employee, conduct training on the requirements of this chapter, the rules and regulations

adopted by the Commission and previous opinions of the Commission. In any such training, the Executive Director shall emphasize that the Executive Director is not a member of the Commission and that only the Commission may issue opinions concerning the application of the statutory ethical standards to any given set of facts and circumstances. The Commission may charge a reasonable fee to cover the costs of training provided by the Executive Director pursuant to this subsection.

(g) Perform such other duties, not inconsistent with law, as may be required by the Commission.

2. The Executive Director shall, within the limits of legislative appropriation, employ such persons as are necessary to carry out any of the Executive Director's duties relating to:

(a) The administration of the affairs of the Commission; and

(b) The investigation of matters under the jurisdiction of the Commission.

3. If the Executive Director is prohibited from acting on a particular matter or is otherwise unable to act on a particular matter, the Chair of the Commission shall designate a qualified person to perform the duties of the Executive Director with regard to that particular matter.

NRS 281A.250 Commission Counsel: Appointment; qualifications; classification; prohibited activities and other employment.

1. The Commission shall appoint, within the limits of legislative appropriation, a Commission Counsel who shall perform the duties set forth in this chapter and such other duties as may be prescribed by the Commission.

2. The Commission Counsel must be an attorney who is licensed to practice law in this State.

3. The Commission Counsel is in the unclassified service of the State.

4. The Commission Counsel shall devote the Commission Counsel's entire time and attention to the business of the Commission and shall not pursue any other business or occupation or hold any other office of profit that detracts from the full and timely performance of the Commission Counsel's duties.

5. The Commission Counsel may not:

(a) Be actively involved in the work of any political party or political campaign; or

(b) Except in pursuit of the business of the Commission, communicate directly or indirectly with a State Legislator or a member of a local legislative body on behalf of someone other than the Commission Counsel to influence:

(1) The State Legislator with regard to introducing or voting upon any matter or taking other legislative action; or

(2) The member of the local legislative body with regard to introducing or voting upon any ordinance or resolution, taking other legislative action or voting upon:

(I) The appropriation of public money;

(II) The issuance of a license or permit; or

(III) Any proposed subdivision of land or special exception or variance from zoning regulations.

NRS 281A.260 Commission Counsel: Duties; legal advice; appointment or employment of other counsel by Commission under certain circumstances.

1. The Commission Counsel is the legal adviser to the Commission. For each opinion of the Commission, the Commission Counsel shall prepare, at the direction of the Commission, the appropriate findings of fact and conclusions as to relevant standards and the propriety of particular conduct. The Commission Counsel shall not issue written opinions concerning the applicability of the statutory ethical standards to a given set of facts and circumstances except as directed by the Commission.
2. The Commission may rely upon the legal advice of the Commission Counsel in conducting its daily operations.
3. If the Commission Counsel is prohibited from acting on a particular matter or is otherwise unable to act on a particular matter, the Commission may:
 - (a) Request that the Attorney General appoint a deputy to act in the place of the Commission Counsel; or
 - (b) Employ outside legal counsel.



COMMISSION ON ETHICS EXECUTIVE DIRECTOR POSITION INFORMATION AND DESCRIPTION

This unclassified exempt position is appointed by and reports to the Commission and provides professional management and administration as well as legal and investigatory support to the Commission.

Position Title:	Executive Director
Department/Division	Commission on Ethics
Budget Account #:	1343
Position Control #:	000002
Position is currently Classified or Unclassified:	Unclassified, Exempt
Position reports to:	Commission
Who has final selection of position:	Commission
Current Salary (without furlough deductions):	\$120,344

Duties/Major Responsibilities of the Position:

The Executive Director serves as the Commission's Administrator, responsible for developing and implementing the Commission's budget, policies and procedures, including representing the Commission in the media, executive branch, and the Legislature.

Education and Experience Required to Perform the Duties of the Position:

A bachelor's degree or higher, and at least five years of legal, management, law enforcement, or investigative experience. Experience in State Administration, including government budgeting and the Nevada Legislative process, is preferred.

Knowledge, Skills and Abilities Required to Perform the Job Functions:

Strong verbal and written communication skills; experience with conducting investigations; administrative and supervisory experience; knowledge of the Nevada legislative process; and government budgeting experience.

Does this position require licensure/certification (if yes, please detail):

No. Juris Doctor Degree Preferred.

Statutes and Regulations Administered by This Position:

NRS and NAC Chapters 281A, 233B, 241 and 239, and statutes and regulations governing the Executive Branch budget.

Dollar amount of the agency budget for which the position is responsible for administration and oversight.

\$942,937 (FY22)

Number and titles of staff that directly report to position:

4 – Executive Assistant, Senior Legal Researcher, Senior Investigator and Associate Counsel

Number of indirect reports:

N/A

SPECIFIC JOB DUTIES:

COMMISSION MEETINGS; HEARINGS; REVIEW PANELS; ADVISORY OPINIONS:

1. In coordination with Commission Counsel, prepare and coordinate Commission and Review Panel meetings, including agendas, scheduling and meeting materials, and provide briefings of agency status and operations during Commission meetings.
2. Prepare and confer with Commission Counsel regarding jurisdictional evaluations of Ethics Complaints and cause to be served required notifications on subjects concerning jurisdiction and investigation as directed by the Commission, including providing notice of the allegations and/or implicated statutes, jurisdictional determinations, investigatory procedures and scheduling.
3. Supervise or conduct investigations of all Ethics Complaints against public officers and employees as ordered by the Commission, and provide written recommendations and presentations to Commission Review Panels based on Associate Counsel/Senior Investigator's reports regarding legal analysis of just and sufficient cause for the Commission to hold hearings and render opinions in accordance with applicable law and regulations.
4. Act as a party to develop and present Ethics Complaint cases, legal memoranda and presentations of Ethics Complaints in hearings and other matters before the Commission and Commission Review Panels, and/or supervise the same by Associate Counsel, including the development and presentation of legal motions and arguments, case presentation, witness testimony and evidentiary documents, and engage in negotiations for potential stipulations.
5. Act as a party in appellate review of Ethics Complaint cases in coordination with Associate Counsel.
6. Assist Commission Counsel if there is a conflict or as otherwise requested, in processing of Advisory Opinion cases and associated appellate or other litigation.

ADMINISTRATION, LEADERSHIP AND SUPERVISION:

7. Develop and implement agency Strategic Plan, performance measures, internal controls, policy manuals, standardized forms and procedures and periodic reports, including the agency's Annual Report which is issued in accordance with NAC 281A.180(2).
8. Communicate regularly and work closely with Commission Chair to attain agency goals and objectives.
9. Provide information to Commission members regarding ethics laws and ethics commissions in other jurisdictions.
10. Make recommendations to the Commission, including responding to comments made by Commissioners at hearings, regarding potential administrative and legislative reform.
11. Work with the Commission to develop agency legislative positions, appear in representation of the Commission at legislative meetings and in processing of legislative matters, or coordinate lobbying efforts if outside lobbyist is retained, and recommend substantive legislative changes as approved by the Commission.
12. Organize, oversee, and direct agency operations and work-flow matters to ensure compliance with applicable laws and regulations and assure the Commission's policies, goals and objectives are met in a standardized and timely manner.
13. Develop and implement specific agency goals and objectives through leadership and consideration of staff input and feedback.
14. Prepare agency budget request for Commission and advocate for its approval with Executive Branch agencies and Nevada Legislature.
15. Monitor agency budget to ensure compliance with appropriations.
16. Effectively hire, train, supervise and evaluate Commission staff that are direct reports.
17. Ensure agency operations are conducted in accordance with appropriate state laws, regulations, and internal policies.
18. Be available to the staff to ensure timely direction is provided, and duties are cohesively performed in a coordinated manner.
19. Participate in required State-sponsored management training programs.

PUBLIC INFORMATION:

20. Represent the Commission at the Nevada Legislature, government meetings, and other meetings/events as necessary or as directed by the Commission.
21. Act as Commission spokesperson for all media inquiries.
22. Promote understanding of Commission mission and statutory mandates through interaction with legislators, government officials, and the public.
23. Provide training seminars to educate public officials, public employees and the general public regarding application of Nevada's Ethics in Government Law and regulations.
24. Maintain and regularly update the Commission's website and other public information tools.
25. Respond to requests for public documents in accordance with Commission's Public Records' Policy.
26. Respond to citizen inquiries on behalf of the Commission.

RESTRICTIONS

27. In accordance with NRS 281A.230(4), the Executive Director may not participate in any other employment.



COMMISSION ON ETHICS EXECUTIVE DIRECTOR PERFORMANCE PRIORITIES FY22 BY JOB DESCRIPTION

The performance priorities established in this document are for use and application by the Nevada Commission on Ethics (“Commission”) for purposes of administering personnel priorities for the position of Executive Director for the applicable fiscal year. All priorities are subject to update or change based upon circumstances as approved by the Commission or as directed by the Chair of the Commission. These priorities are not intended for use by a requester, party or attorney as evidence or any other purpose in any advisory opinion or ethics complaint administrative or judicial review proceedings, and any such use is prohibited unless prior permission for such use is requested and provided by a majority vote of the Commission.

PRIORITY NO. 1 – JURISDICTIONAL DETERMINATION:

1. Review complaints, research publicly available information, and make determination as to jurisdiction with Commission Counsel.
2. Draft or review and edit Recommendation Regarding Jurisdiction and Investigation. Review and edit proposed Order on Jurisdiction and Investigation.
3. Send summary of matter to Commission Members and maintain count of number of Commissioners who agree and disagree with recommendation.

PRIORITY NO. 2 – INVESTIGATIONS AND ADMINISTRATIVE HEARINGS:

1. Work with Associate Counsel and Investigator to determine priority of backlogged cases and make assignments based thereon.¹
2. Supervise investigations of Associate Counsel and Investigator and investigate cases.
3. Determine recommended action to be presented to Panel Committee.
4. Draft and/or review and edit Recommendation to Panel.
5. Present recommendations to Panel Committee.

¹ At the present time, maximum time and effort is to be devoted to current backlog of cases.

6. Take appropriate action according to findings and direction of the Panel Committee, including but not limited to, drafting and negotiation of deferral agreement, negotiation and drafting of stipulated agreement, or preparation for adjudicatory hearing.
7. Supervise and assist Associate Counsel as needed in the foregoing.

PRIORITY NO. 3 – MONITOR COMPLIANCE WITH DEFERRAL AGREEMENTS:

1. Monitor those matters subject to a deferral agreement to ensure compliance herewith.
2. Draft and submit order to dismiss matter upon completion of terms of the deferral agreement.

PRIORITY NO. 4 –BUDGET:

1. Keep agency expenditures within budget. Continually monitor reserves and expenditures
2. Review and approve expenditures.
3. Attend budget meetings as called for.

PRIORITY NO. 5 - ADMINISTRATON AND SUPERVISION:

1. Develop and maintain internal controls.
2. Draft Commission's Annual Report.
3. Maintain work schedules, approve leave requests, ensure staff coverage during office hours.
4. Review and edit all meeting agendas, public and closed, panel books, recommendations, and orders.
5. Communicate with Commission Chair and Vice Chair to ensure that Commission's vision and expectations are being met.
6. Provide access to training for staff, ensure that staff is compliant with all training requirements.
7. Hold staff meetings and maintain communication with staff.
8. Conduct annual performance evaluations.
9. General supervision of staff.
10. Attend cabinet and Information Security Meetings as needed.
11. Read and respond to emails and other correspondence.

PRIORITY NO. 6: - EDUCATION:

1. Prepare and maintain training materials including video and slide presentations, handouts, as well as materials for in-person training.
2. Respond to requests for training from public entities. Arrange for either virtual or in-person training.²

² After backlog of pending cases is eliminated or drastically reduced, more pro-active efforts to offer training may be made.

3. Ensure that entities in rural areas have adequate access to training.
4. Update and maintain Training Manual.
5. Create handouts based on Annual Report.
6. Respond to requests for presentations to non-governmental groups.³
7. Actual provision of training.

PRIORITY NO. 7 – PUBLIC INFORMATION OFFICER DUTIES:

1. Respond to Public Records Requests.
2. Act as Commission spokesperson and press contact for all media inquiries.
3. Issue Press Releases as needed.
4. Maintain Twitter and LinkedIn accounts.
5. Review website to ensure content is accurate and useful.
6. Attend PIO meeting as needed.

PRIORITY NO. 8 – LEGISLATION:

1. Recommend, review and draft proposed administrative regulations and legislation.
2. Represent Commission before regulatory and legislative bodies regarding proposed regulations and legislation.
3. Consider regulations and legislation from other jurisdictions of relevance to Commission's Mission.
4. Monitor and review changes and trends in ethics law in other jurisdictions.

After backlog of pending cases is eliminated or drastically reduced, more pro-active efforts of community outreach may be made.



COMMISSION ON ETHICS “COMMISSION COUNSEL” POSITION INFORMATION AND DESCRIPTION

This unclassified, exempt position is appointed by and reports to the Commission. This position serves as the legal advisor to the Commission and its staff in all legal matters and drafts the Commission’s opinions concerning the applicability of the statutory ethical standards to Nevada’s public officers and employees.

Position Title:	Commission Counsel
Department/Division:	Commission on Ethics
Budget Account #:	1343
Position Control #:	000003
Position is currently Classified or Unclassified:	Unclassified - Exempt
Position reports to:	Commission
Who has final selection of position:	Commission
Current Salary (w/o furlough deduction):	\$120,344

Duties/Major Responsibilities of the Position:

In addition to its advisory role, the Commission Counsel drafts and recommends administrative regulations and statutory provisions under the Commission’s jurisdiction, provides outreach and education to Nevada’s public officers and employees and public attorneys, and guides and represents the Commission’s interests in all legal arenas, including administrative, legislative and judicial. In particular, Commission Counsel defends the Commission in all litigation, including judicial review of the Commission's administrative opinions.

Education and Experience Required to Perform the Duties of the Position:

Graduation from an ABA accredited law school and active membership in the Nevada State Bar Association. Must have substantial experience in administrative law, litigation, and Nevada legislative process.

Knowledge, Skills and Abilities Required to Perform the Job Functions:

Must possess superior legal research, writing, and oral presentation skills and the ability to represent the Commission in litigation, administrative and regulatory matters, whether in the courts of the State of Nevada or the United States and in all federal and state administrative agencies. Except for certain limitations applicable to Ethics Complaint cases, the Commission Counsel advises the Commission and staff in all legal matters, in particular the application of Nevada’s Ethics in Government Law.

Does this position require licensure/certification (if yes, please detail):

License to practice law in the State of Nevada.

Statutes and Regulations Administered by This Position:

NRS and NAC Chapters 281A, 233B, 241 and 239.

Dollar amount of the agency budget for which the position is responsible for administration and oversight.

\$0.00

Number and titles of staff that directly report to position:

2 positions, along with the Commission's Executive Director: Associate Counsel and Senior Legal Researcher.

Number of indirect reports:

2 positions: Executive Assistant and Senior Investigator

SPECIFIC JOB DUTIES:

LITIGATION:

1. Represent the Commission, Review Panel, and Commission staff at the direction of the Commission in legal proceedings before local, state, and federal courts, including drafting legal memoranda to, and appearing and presenting arguments before, the courts and cooperating in related cases.
2. Obtain or employ conflict counsel, as permitted by NRS 281A.260.

ADVISORY OPINIONS:

1. Review all filed requests for Advisory Opinions to determine whether the request is in proper form per statutory and regulatory requirements and prepare and issue appropriate notices.
2. Review request to determine Commission's jurisdiction of matter with concurrence of Executive Director.
3. Correspond with Requester to provide jurisdictional determination, preliminary explanation of process or to request supplemental information.
4. Research and/or assign legal research to SLR and/or Associate Counsel.
5. Analyze and apply the law to the facts presented and discovered.
6. Prepare or approve draft Notices of Hearing, orders and other legal documents, make edits and direct service of the same.
7. Prepare draft opinions and/or bench memos to the Commission in preparation for consideration of request for Advisory Opinions either by submission or hearing.
8. Supervise service of opinions, determine level of confidentiality of opinion including preparation

of abstract opinions if the Requester does not waive confidentiality.

9. Represent the Commission in reconsiderations, re-hearings and other litigation relating to advisory opinions.

ETHICS COMPLAINTS:

1. Review complaint and evidence to assist in determination of Commission's jurisdiction of matter.
2. Assign and approve orders and notices to Subject and/or Requester regarding jurisdiction.
3. Approve any legal forms such as subpoenas, Review Panel Determinations and other forms prepared on behalf of or presented to the Review Panel or the Commission for consideration.
4. Evaluate Executive Director recommendations to Review Panels and advise Review Panels of legal issues.
5. Review for legal form Review Panel Determinations and Deferral Agreements.
6. For referred complaint cases, prepare and issue notices and orders required by and as permitted by law.
7. Schedule settlement conferences if requested by parties and act as legal advisor for appointed settlement Commissioner:
8. Stipulations:
 - i. Advise parties regarding acceptable terms and conditions of stipulations on behalf of Commission.
 - ii. Review draft language for legal form and advise Commission of legal considerations.
9. Hearings:
 - i. Act as the legal advisor to the Commission in all hearings including assisting on all scheduling matters as permitted by law including discovery, motions, hearings, and other deadlines.
 - ii. Prepare and cause to be served notices, scheduling orders and orders.
 - iii. Preside over pre-hearing conferences between parties and Chair of Commission;
 - iv. Initiate, research and prepare legal bench memos to the Commission advising on legal considerations of case, including legal motions.
 - v. Assist Commission during hearings to address legal considerations; respond to legal questions, i.e., legal objections, motions, and other rulings.
 - vi. Assist the Commission in its deliberations on evidence and law.
 - vii. Prepare opinions and direct service of matters on behalf of the Commission.
 - viii. Represent the Commission (not the parties) in judicial and appellate litigation.

LEGISLATION AND REGULATIONS:

1. Recommend, review and draft proposed administrative regulations and legislation.
2. Represent Commission before regulatory and legislative bodies regarding proposed regulations and legislation.
3. Consider regulations and legislation from other jurisdictions of relevance to Commission's Mission.

ADMINISTRATION AND SUPERVISION:

1. Report legal status of all matters to Commission in closed meetings or open public meetings, as appropriate.
2. Ensure meetings and public hearings are prepared and conducted in accordance with appropriate laws and guidelines, including the Nevada Open Meeting Law.
3. Administer all activities related to Commission's legal matters including preparing legal documentation on behalf and in support of Commission business.
4. Communicate regularly and work closely with Commission Chair to organize Commission's activities and legal caseload.
5. With exception of legal matters prepared by or on behalf of the parties in adjudicatory proceedings pertaining to ethics complaint, supervise legal activities of Commission.
6. Review and assign legal matters to Commission staff as appropriate.
7. Act as back-up to Executive Director in administrative and supervision duties over Commission Staff.
8. Review and assign legal matters to Senior Legal Researcher and Associate Counsel for advisory opinion matters and as otherwise permitted.
9. Assist Executive Director to evaluate performance of Senior Legal Researcher and Associate Counsel.
10. Other duties as assigned by the Commission or its Chair.

PUBLIC RECORDS AND INQUIRIES:

1. Confirm compliance with applicable law and administer legal issues related to public records requests including policy updates, and review, calendar, and coordinate responses to receive requests.
2. Assist in responding to citizen and other inquiries.

RESTRICTIONS:

1. In accordance with NRS 281A.250(4), the Commission Counsel may not participate in certain other employment.



COMMISSION ON ETHICS “COMMISSION COUNSEL” PERFORMANCE PRIORITIES FY22 BY JOB DESCRIPTION

The performance priorities established in this document are for use and application by the Nevada Commission on Ethics (“Commission”) for purposes of administering personnel priorities for the position of Commission Counsel for the applicable fiscal year. All priorities are subject to update or change based upon circumstances as approved by the Commission or as directed by the Chair of the Commission. These priorities are not intended for use by a requester, party or attorney as evidence or any other purpose in any advisory opinion or ethics complaint administrative or judicial review proceedings, and any such use is prohibited unless prior permission for such use is requested and provided by a majority vote of the Commission.

PRIORITY NO. 1 - LITIGATION:

1. Represent the Commission, Review Panel, and Commission staff at the direction of the Commission in legal proceedings before local, state and federal courts including drafting legal memoranda to and appearing and presenting arguments before the courts and cooperating in related cases.

PRIORITY NO. 2 – ADVISORY OPINIONS:

1. Review all filed requests for Advisory Opinions to determine whether the request is in proper form per statutory and regulatory requirements and prepare and issue appropriate notices.
2. Review request to determine Commission’s jurisdiction of matter with concurrence of Executive Director.
3. Correspond with Requester to provide jurisdictional determination, preliminary explanation of process or to request supplemental information.
4. Research and/or assign legal research to SLR and/or Associate Counsel.
5. Analyze and apply the law to the facts presented and discovered.
6. Prepare or approve draft Notices of Hearing, orders and other legal documents, make edits and direct service of the same.
7. Prepare draft opinions and/or bench memos to the Commission in preparation for consideration of request for Advisory Opinions either by submission or hearing.

8. Supervise service of opinions, determine level of confidentiality of opinion including preparation of abstract opinions if the Requester does not waive confidentiality.
9. Represent the Commission in reconsiderations, re-hearings and other litigation relating to advisory opinions.

PRIORITY NO. 3 – ETHICS COMPLAINTS:

1. Review complaint and evidence to assist in determination of Commission's jurisdiction of matter.
2. Assign and approve orders and notices to Subject and/or Requester regarding jurisdiction.
3. Approve any legal forms such as subpoenas, Review Panel Determinations and other forms prepared on behalf of or presented to the Review Panel or the Commission for consideration.
4. Evaluate Executive Director recommendations to Review Panels and advise Review Panels of legal issues.
5. Review for legal form Review Panel Determinations and Deferral Agreements.
6. For referred complaint cases, prepare and issue notices and orders required by and as permitted by law.
7. Schedule settlement conferences if requested by parties and act as legal advisor for appointed settlement Commissioner:
8. Stipulations:
 - i. Advise parties regarding acceptable terms and conditions of stipulations on behalf of Commission.
 - ii. Review draft language for legal form and advise Commission of legal considerations.
9. Hearings:
 - i. Act as the legal advisor to the Commission in all hearings including assisting on all scheduling matters as permitted by law including discovery, motions, hearings, and other deadlines.
 - ii. Prepare and cause to be served notices, scheduling orders and orders.
 - iii. Preside over pre-hearing conferences between parties and Chair of Commission;
 - iv. Initiate, research and prepare legal bench memos to the Commission advising on legal considerations of case, including legal motions.
 - v. Assist Commission during hearings to address legal considerations; respond to legal questions, i.e., legal objections, motions, and other rulings.
 - vi. Assist the Commission in its deliberations on evidence and law.
 - vii. Prepare opinions and direct service of matters on behalf of the Commission.
 - viii. Represent the Commission (not the parties) in judicial and appellate litigation.

PRIORITY NO. 4 – LEGISLATION AND REGULATIONS:

1. Recommend, review and draft proposed administrative regulations and legislation.
2. Represent Commission before regulatory and legislative bodies regarding proposed regulations and legislation.
3. Consider regulations and legislation from other jurisdictions of relevance to Commission's Mission.

PRIORITY NO. 5 - ADMINISTRATION AND SUPERVISION:

1. Report legal status of all matters to Commission in closed meetings or open public meetings, as appropriate.
2. Ensure meetings and public hearings are prepared and conducted in accordance with appropriate laws and guidelines, including the Nevada Open Meeting Law.
3. Administer all activities related to Commission's legal matters including preparing legal documentation on behalf and in support of Commission business.
4. Communicate regularly and work closely with Commission Chair to organize Commission's activities and legal caseload.
5. With exception of legal matters prepared by or on behalf of the parties in adjudicatory proceedings pertaining to ethics complaint, supervise legal activities of Commission.
6. Review and assign legal matters to Commission staff as appropriate.
7. Act as back-up to Executive Director in administrative and supervision duties over Commission Staff.
8. Review and assign legal matters to Senior Legal Researcher and Associate Counsel for advisory opinion matters and as otherwise permitted.
9. Assist Executive Director to evaluate performance of Senior Legal Researcher and Associate Counsel.
10. Other duties as assigned by the Commission or its Chair.

PRIORITY NO. 6 – PUBLIC RECORDS AND INQUIRIES:

1. Confirm compliance with applicable law and administer legal issues related to public records requests including policy updates, and review, calendar and coordinate responses to received requests.
2. Assist in responding to citizen and other inquiries.

PRIORITY NO. 7 - EDUCATION

1. As assigned by the Commission or Chair, provide assistance with outreach and education via training programs to the general public, public officers, and public employees.
2. As assigned by the Commission or Chair, provide assistance with training for government attorneys regarding interpretation and applicability of Ethics in Government Law.