



**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, July 21, 2021, at 10:00 a.m.
at the following location:

**Nevada State Capitol Building
Guinn Room
101 N. Carson Street, Second Floor
Carson City, NV 89701**

The meeting was also held virtually via Zoom as follows:

Zoom Meeting Information:

<https://us06web.zoom.us/j/81292073978?pwd=SXRpOFNKeVpDSnRNbjluYktnSGtFQT09>

Zoom Meeting Telephone Number: 669-900-9128

Meeting ID: 812 9207 3978

Passcode: 288278

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 10:00 a.m. Also appearing in Carson City were Vice-Chair Brian Duffrin and Commissioner Barbara Gruenewald, Esq. Appearing via videoconference were Commissioners Teresa Lowry, Esq., James Oscarson, Thoran Towler, Esq. and Amanda Yen, Esq. Damian Sheets, Esq. was absent. Present for Commission staff in Carson City were Executive Director David R. Hall, Esq., Commission Counsel Tracy L. Chase, Esq., Associate Counsel Elizabeth J. Bassett, Esq., Investigator Erron Terry, Senior Legal Researcher Darci Hayden and Executive Assistant Kari Pedroza.

The pledge of allegiance was conducted.

2. Public Comment.

There was no public comment.

3. Election of Commission Chair and Vice-Chair for Fiscal Year 2021-2022, pursuant to NAC 281A.150.

Commissioner Gruenewald made a motion to reappoint Commissioner Wallin as Chair and Commissioner Duffrin as Vice-Chair of the Commission for Fiscal Year 2021-2022. Commissioner Oscarson seconded the motion. The Motion was put to a vote and carried unanimously.

4. Approval of Minutes of the June 16, 2021 Commission Meeting.

Chair Wallin stated that except for Commissioner Yen who was excused from the meeting and would abstain from participating on this item, all other Commissioners who were present for the June 16 meeting and could participate on this item.

Vice-Chair Duffrin stated that he informed Commission Counsel of a small revision to be made to the June meeting minutes. Chair Wallin requested that references to Performance Measures be replaced with Work Performance Standards throughout the meeting minutes.

Commissioner Oscarson moved to approve the June 16, 2021 Commission Meeting Minutes with corrections discussed. Commissioner Gruenewald seconded the motion. The Motion was put to a vote and carried as follows:

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

5. Approval of Minutes of the July 9, 2021 Personnel Review Subcommittee Meeting.

Chair Wallin stated that she served with Commissioners Duffrin and Oscarson as members of the Personnel Review Subcommittee and each were present at the July 9 Subcommittee meeting and only the Subcommittee members were permitted to act approval of the minutes of the proceedings of the subcommittee.

Commissioner Oscarson moved to approve the July 9, 2021 Personnel Review Subcommittee Minutes as presented. Vice-Chair Duffrin seconded the motion. The Motion was put to a vote and carried as follows:

Chair Wallin:	Aye.
Vice-Chair Duffrin:	Aye.
Commissioner Oscarson:	Aye.

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

- Update on Commission Operations
- FY22 Budget Status
- Update on Current Caseload
- Update on Education and Outreach

Update on Commission Operations: Executive Director Hall reported that he attended the Governor's recent cabinet meeting at which direction was given that employees wear masks while in the common areas of buildings and offices regardless of vaccination status. He informed the Commission that the Commission office is open from 8 a.m. to 5 p.m., Monday through Friday.

Certain staff will still work 10-hour shifts and will report to the office Monday through Thursday and others Tuesday through Friday to ensure office coverage five days a week.

FY22 Budget Status: Executive Director Hall informed the Commission that the Commission's Legislatively Approved Budget had been published and was unchanged from the Governor's Recommended Budget.

Update on Current Caseload: Executive Director Hall reiterated staff's efforts to resolve the current backlog of cases. He acknowledged his intent was to bring 5 cases to review panel that month, but there were issues with 2 of those cases. Executive Director Hall stated that there would be 6 cases heard by the review panel in August.

Update on Education and Outreach: Executive Director Hall reiterated that he will be providing training on the Ethics Law to the Association of County Clerks on July 28, 2021. He shared that he has also received requests from Clark County for future training and the Office of the Attorney General to provide training at its Boards and Commission's training.

Commissioner Oscarson asked how many complaint cases are currently backlogged, and Executive Director Hall responded that there are 24 cases. Commissioner Oscarson requested the date of the oldest case on the backlog and Executive Director Hall responded that the oldest case was received in 2019 and has been heard by a Review Panel. Commissioner Oscarson voiced his concerns regarding unresolved cases dating back to 2019 and the need to address the backlog.

At the request of the Chair, Commission Counsel Chase confirmed that she would provide the current case status log to the Commissioners via electronic mail after the meeting.

Vice-Chair Duffrin thanked Chair Wallin and Commission Counsel Chase for instituting the concurrent review panel process to address the backlog in complaint cases. Chair Wallin thanked the Panel Members for their participation in the concurrent review panels.

Chair Wallin asked the Executive Officer how many cases were currently awaiting jurisdictional determination and he provided that 2 were sent out the day before the meeting, 3 would be sent after the meeting and there are 2 additional cases that are not due to go to the Commission until August. Commission Counsel Chase added that she and the Executive Director share drafting duties of the jurisdictional determinations with review by Associate Counsel, and the jurisdictional reviews are currently ahead of the 45-day statutory requirement on all cases.

Commissioner Oscarson clarified that his frustration regarding the backlogged cases was not with staff or the process because staff is doing a good job with a lot of work. He shared that he wanted to keep the work of the Commission up to date in order to provide transparency to the public. He thanked the Commission staff and the review panel members for their continued effort and hard work on the cases.

Chair Wallin asked the Executive Director to share scheduled training information and zoom invites with the Commission to allow Commissioners to attend the trainings, including the upcoming training for July 28, 2021.

Commissioner Yen moved to accept the Executive Director's agency status report as presented. Commissioner Gruenewald seconded the motion. The motion was put to a vote and carried unanimously.

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7. Consideration and approval of the Nevada Commission on Ethics Personnel Review Subcommittee's recommended annual 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 stated that her preference in referencing the work of the Personnel Subcommittee is "work performance standards" versus "performance measures." She asked Commission Counsel Chase if proper notice had been provided to the Executive Director and Commission Counsel regarding this agenda item. Commission Counsel Chase acknowledged that both she and Executive Director Hall received proper notice of the agenda item and consented to have their character and competence being discussed in a public meeting.

Chair Wallin reported that the Personnel Subcommittee met several times over the last month with the Executive Director and Commission Counsel in open meetings to discuss each position's job duties and priorities. She outlined the priorities of the Executive Director were reviewing new cases for jurisdictional determination, resolving backlogged cases and Ethics Complaint work. Priorities outlined for the Commission Counsel were litigation, advisory opinions and Ethics Complaints. She referred the Commission to the updated job description and position priorities documents provided in the meeting materials for further information.

Commissioner Gruenewald requested that 'Other duties as assigned by the Commission or the Chair' be added to the Executive Director's job duties under the Administration heading consist with the Commission Counsel's job duties.

Commission Counsel Chase noted that there were a few repetitive items on the Executive Director's job duties and upon Commission approval these items could be combined.

Commission Counsel Chase thanked the Personnel Subcommittee members for their efforts. Commission Counsel Chase shared appreciation of behalf of herself and Executive Director Hall for being allowed to participate in this process.

Chair Wallin requested that the Executive Director's job duties verbiage be consist with the priorities document.

Commissioner Lowry made a motion to approve the job duties and priorities of the Executive Director and Commission Counsel as recommended by the Personnel Review Subcommittee with the requested corrections. Commissioner Yen seconded the motion. The motion was put to a vote and carried unanimously.

8. 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.

Chair Wallin thanked her fellow Commissioners for their support and faith in her as the Commission Chair.

Chair Wallin stated the next meeting would be in August and would be held via Zoom.

9. Public Comment.

There was no public comment.

10. Adjournment.

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

The meeting adjourned at 10:29 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 September 15, 2021:

[/s/ Kim Wallin](#)

Kim Wallin, CPA, CMA, CFM
Chair

[/s/ Brian Duffrin](#)

Brian Duffrin
Vice-Chair