

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 Thursday, July 8, 2021, at 9:00 a.m.
Virtually via Zoom as follows:

Zoom Meeting Information:

<https://zoom.us/j/96899957428?pwd=Z3M3YXB0eHc3czJvNHZlZndMWittZz09>

Zoom Meeting Telephone Number: 669-900-9128

Meeting ID: 968 9995 7428

Passcode: 497946

These minutes constitute a summary of the above proceedings of the Nevada Commission on Ethics. A recording of the meeting is available for public inspection at the Commission's office.

1. Call to Order and Roll Call.

Chair Kim Wallin, CPA, CMA, CFM appeared via videoconference and called the meeting to order at 9:01 a.m. Also appearing via videoconference was Commissioner James Oscarson. Vice-Chair Brian Duffrin appeared in Carson City. 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. Approval of Minutes of the June 23, 2021 Personnel Review Subcommittee Meeting.

Chair Wallin stated that all Subcommittee Members were present for the June 23 meeting and could participate on this item.

Vice-Chair Duffrin moved to approve the June 23, 2021 Personnel Review Subcommittee Meeting Minutes as presented. Commissioner Oscarson seconded the motion. The Motion was put to a vote and carried unanimously.

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.

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 begin with the consideration of the Commission Counsel's updated Job Description and Performance Priorities provided by Commission Counsel Chase. The Subcommittee members thanked Commission Counsel Chase for her thorough revision to the position materials as directed at the last Personnel Review Subcommittee meeting.

Chair Wallin asked Commission Counsel Chase where the reference to Education was included in the Commission Counsel Position Priorities document and Commission Counsel Chase clarified that that item was included under Other Duties as Assigned as it is not a specific responsibility identified for her position in the Commission Counsel Job Description.

Commissioner Oscarson moved to approve the Commission Counsel Job Description and Performance Priorities as presented by Commission Counsel Chase. Vice-Chair Duffrin seconded the motion. The Motion was put to a vote and carried unanimously.

In reference to the Executive Director's updated Job Description and Performance Priorities, the Subcommittee Members asked that Executive Director Hall further revise the documents to include direction given by the Subcommittee at its last meeting. The Subcommittee members encouraged Executive Director Hall to review the meeting minutes and the video of the last meeting to ensure inclusion of requested information outlined by the Subcommittee in the revised materials.

Chair Wallin offered to provide her notes on the Executive Director position documents to Executive Director Hall and Executive Assistant Pedroza and requested that Executive Director Hall incorporate the proposed changes in the Executive Director Job Description and Performance Priority documents.

Vice-Chair Duffrin noted that a footnote referenced in the Executive Director Performance Priority document was not clearly identifiable.

The Subcommittee members discussed whether a break during the meeting would be sufficient for the Executive Director to complete the requested revisions or if the Subcommittee should reconvene the following day at the already publicly noticed meeting. Vice-Chair Duffrin emphasized his desire to allow adequate time for the Executive Director to review the last meeting recording and minutes to finalize the Executive Director position documents. Both Chair Wallin and Commissioner Oscarson agreed with the Vice-Chair's statement.

Commissioner Oscarson moved that the Personnel Review Subcommittee meet the following day, July 9th at 1:00 p.m. to consider the Executive Director's final revision of the

Executive Director's Job Description and Performance Priorities documents. Vice-Chair Duffrin seconded the motion. The Motion was put to a vote and carried unanimously.

5. Public Comment.

There was no public comment.

6. Adjournment.

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

The meeting adjourned at 9:22 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 9, 2021:

Kim Wallin, CPA, CMA, CFM
Chair

Brian Duffrin
Vice-Chair

Agenda Item 4



COMMISSION ON ETHICS EXECUTIVE DIRECTOR POSITION INFORMATION AND DESCRIPTION

This unclassified exempt position is appointed by and reports to the Commission. The position serves as the Commission's Administrator, Public Information Officer and Information Security Officer 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 (with Employee/Employer paid PERS contribution and without furlough deductions):	\$120,344

Duties/Major Responsibilities of the Position:

The Executive Director receives ethics complaints and gathers information. conducts investigations, prepares review panel recommendations, and if the ethics complaint is referred to the Commission has associated duties related to preparation and presentation of ethics complaints to the Commission pursuant to Chapter 281A of the Nevada Revised Statutes and NAC Chapter 281A.. The Executive Director receives requests for advisory opinions and has associated duties of preparation and processing of advisory opinions pursuant to Chapter 281A of the Nevada Revised Statutes and NAC Chapter 281A.

The Executive Director serves as the Commission's Administrator, responsible for Commission operations and personnel matters including overseeing staff that are direct reports, developing and implementing the Commission's budget, policies and procedures, including representing the Commission in the media, executive branch, and the Legislature. The Executive Director conducts training for public officers, public employees and the general public regarding the requirements of NRS Chapter 281A and the rules and regulations adopted by the Commission.

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. Holding a current Nevada attorney license and experience in State Administration, including government budgeting and the Nevada Legislative process, are 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; experience in providing training to groups; 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:

ETHICS COMPLAINTS:

1. Jurisdictional Determinations:
 - a. Review complaints and available evidence in coordination with Commission Counsel to determine the Commission's jurisdiction in each ethics complaint filed with the Commission.
 - b. Prepare Orders on Jurisdiction and for each ethics complaint case provide the written recommendation, supporting materials and proposed order to the Commission.

2. Prepare and serve notifications on parties and the requesters concerning ethics complaints, including the allegations and/or implicated statutes, jurisdiction, applicable waivers and scheduling in accordance with applicable law.
3. Investigations:
 - a. Conduct and process investigations as directed by the Commission, including managing and supervising investigatory staff on ethics complaint. ;
 - b. Evaluate results of the investigation and determine recommendation to be made to the Commission review panel.
4. Commission Review Panel Hearings:
 - a. Draft and provide written recommendations to review panels providing an analysis of evidence, applicable law and Commission precedent regarding the review panel's determination of just and sufficient cause for the Commission to hold a hearing and render an opinion or conduct any other proceedings, and provide a proposed review panel determination consistent with the recommendation.
 - b. Present recommendation, evidence, and analysis at the panel hearing.
 - c. As directed by the review panel develop a deferral agreement to be presented to the review panel for consideration.
 - d. Provide subject written notice of the review panel determination including proper notice of the ethics complaint is referred to the Commission for further proceedings.
5. Adjudicatory Hearings Before the Commission:
 - a. Develop and prepare legal positions and presentations of ethics complaints and associated legal motions and arguments, witness testimony and evidentiary documents in proceedings before the Commission, including supervising Commission staff, who are direct reports, regarding such matters, including the development and.
 - b. Conduct discovery and respond to discovery requests including supervising Commission staff, who are direct reports, regarding such matters.
 - c. Serve as party representative in adjudicatory proceedings before the Commission including appearing at settlement conferences, hearings, and negotiating and drafting documents in resolution of the ethics complaint case, which duties entail supervising Commission staff, who are direct reports, regarding such matters.
6. Monitor compliance on ethics cases that are resolved by approved deferral agreements, stipulations, and other orders of the Commission and/or Commission panel, and notify noncompliance issues and pursue collections of fines and penalties in the process established by the State of Nevada for collections.

ADMINISTRATION AND SUPERVISION:

7. Communicate regularly and work closely with Commission Chair and Vice Chair to attain agency goals and objectives.
8. Except as restricted, in coordination with Commission Counsel and staff, 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.
9. For each fiscal year, develop and implement specific agency goals and objectives as approved by the Commission.
10. Organize, oversee, and direct agency operations and workflow to ensure policies, goals and objectives are met.

11. Ensure agency operations are conducted in accordance with appropriate state laws, regulations, and internal policies.
12. Prepare agency budget request for Commission and advocate for its approval with the Executive Branch agencies and the Nevada Legislature.
13. Monitor budget and approve agency expenditures to ensure compliance with appropriations.
14. Effectively hire, train, and supervise Commission staff and conduct annual employment evaluations of staff who are direct reports.
15. Maintain employee work schedules, review leave requests and process staff time sheets.
16. Ensure staff compliance with all required State training.
17. Be available to the staff to ensure timely direction is provided, and duties are cohesively performed in a coordinated manner.
18. Participate in required, State-sponsored management training programs.

EDUCATION:

19. Train public officials, public employees and the general public regarding the requirements of NRS 281A and the rules and regulations adopted by the Commission.
20. Prepare and maintain Commission Nevada's Ethics in Government Law Training Manual. training materials and other educational materials including video and slide presentations, handouts.

PUBLIC INFORMATION:

21. Review and update 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).
22. Represent the Commission at the Nevada Legislature, government meetings, and other meetings/events as needed or as directed by the Commission.
23. Attend cabinet, public information officer, and information security officer meetings as necessary.
24. Act as Commission spokesperson for all media inquiries, including issuance of press releases, as needed or directed by the Commission.
25. Manage Social Media accounts including maintaining updated information and outreach efforts.
26. Manage the Commission websites and other public information tools including maintaining updated information.
27. Respond to public records requests pursuant to NRS Chapter 239.
28. Respond to inquiries from the public, state agencies, and state employees.

LEGISLATION:

29. Recommend, review and draft proposed administrative regulations and legislation.
29. Make recommendations to the Commission, including comments made by Commissioners at hearings, regarding potential administrative and legislative reform.
30. Work with the Commission to develop agency legislative positions, coordinate lobbying effort and recommend substantive legislative changes as approved by the Commission.
31. Represent Commission before regulatory and legislative bodies regarding proposed regulations and legislation.
32. Promote understanding of Commission mission and statutory mandates through interaction with legislators.

33. Monitor and consider regulations and legislation from other jurisdictions of relevance to Commission's Mission.

CUSTOMER SERVICE:

34. Develop a customer service policy for the agency and ensure that it is followed by staff.
35. Ensure that all contacts with members of the public, public officers, and public employees are professional and respectful.
36. Promptly respond to emails, correspondence and phone messages.

RESTRICTIONS:

37. 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 DETERMINATIONS/INITIAL INVESTIGATIONS:

1. Review complaints, research publicly available information, and make determination as to jurisdiction with Commission Counsel.
2. Draft and/or review and edit Recommendation Regarding Jurisdiction and investigation.
3. Review and edit proposed Order on Jurisdiction and investigation.
4. Send summary of matter, complaint, recommendation and proposed order to Commission Members.
5. Maintain count of Commissioners who agree and disagree with recommendation.
6. Oversee that notice of Order of Jurisdiction and Investigation, when appropriate, is provided to the Subject of the complaint.
7. Monitor if waivers regarding time and jurisdiction are granted and communicate with the Subject’s counsel regarding waivers if contacted.

PRIORITY NO. 2 – REDUCTION OF CASE BACKLOG/ REVIEW PANELS:

1. Formulate plan with feedback and suggestions from Associate Counsel and Investigator for reducing backlog of cases.
2. Review cases with Associate Counsel and Investigator to determine priority of cases in backlog.
3. Conduct investigations and monitor and supervise investigations of Associate Counsel and Investigator.
4. Review investigation results and determine what course of action to recommend to Commission.
5. Draft and/or review and edit Recommendation to Commission Review Panel.

6. Present 4 to 6 cases per month to the two Commission Review Panels for determinations and recommendations.

PRIORITY NO. 3 – CASE WORK/REFERRAL INVESTIGATIONS:

1. If investigation is ordered by the Commission, formulate plan for investigation with Associate Counsel and Investigator.
2. Conduct investigation and monitor and supervise investigation of Associate Counsel and Investigator.
3. Review investigation results and determine what course of action to recommend to Commission.
4. Draft and/or review and edit Recommendation to Commission Review Panel.
5. Present evidence, analysis and recommendation to Commission Review Panel.
6. Take appropriate action according to findings and direction of the Review 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. 4 –DEFERRAL AGREEMENTS:

1. If ordered by the Commission Review Panel, draft and negotiate with the Subject of the complaint or their counsel a deferral agreement or review and edit deferral agreement based on recommendations of Commission Review Panel and past practice.
2. Monitor those matters subject to a deferral agreements to ensure compliance therewith.
3. Draft and submit order to dismiss matter upon completion of terms of the deferral agreement.

PRIORITY NO. 5 – ADMINISTRATON AND SUPERVISION:

1. Communicate with Commission Chair and Vice Chair to ensure that Commission's vision and expectations are being met.
2. Prepare and coordinate Commission meetings, including agendas, scheduling and meeting materials, and provide briefings of agency status and operations during Commission meetings.
3. Prepare and coordinate Commission Review Panel meetings, including agendas and review panel materials.
4. Develop and implement specific agency goals and objectives as approved by the Commission Chair and Vice Chair and with consideration of staff input and feedback.
5. Organize, oversee, and direct agency workflow to ensure policies, goals and objectives are met.
6. Ensure agency operations are conducted in accordance with appropriate state laws, regulations, and internal policies.
7. Maintain employee work schedules, review leave requests and process staff time sheets.

8. Ensure staff compliance with all required State training.
9. Be available to the staff to ensure timely direction is provided, and duties are cohesively performed in a coordinated manner.
10. Participate in required, State-sponsored management training programs.
11. Monitor budget and approve agency expenditures to ensure compliance with appropriations.
12. Hold staff meetings and maintain communication with staff.
13. Attend cabinet, public information officer, and information security officer meetings as necessary
14. Conduct annual performance evaluations.

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. Train public officials and employees. To be conducted initially through virtual meeting software until case backlog is reduced.
3. Update and maintain Training Manual.
4. Post updated training session on Commission website.
5. Create handouts based on Annual Report.
6. Respond to, and when possible accommodate, requests for presentations to non-governmental groups.

PRIORITY NO. 7 – PUBLIC INFORMATION:

1. Respond to Public Records Requests pursuant to NRS Chapter 239.
2. Review and update internal controls, policy manuals, standardized forms and procedures and periodic reports.
3. Prepare Commission's Annual Report and provide to the Commission for review in accordance with NAC 281A.180(2).
4. Represent the Commission at the Nevada Legislature, government meetings, and other meetings/ events as necessary.
5. Act as Commission spokesperson and press contact for all media inquiries.
6. Issue Press Releases as needed.
7. Maintain social media accounts.
8. Review website to ensure content is accurate and useful.
9. Attend PIO meetings as needed.
10. Respond to inquiries from the public, public officials and public employees.

PRIORITY NO. 8 – LEGISLATION:

1. Recommend, review and draft proposed administrative regulations and legislation.
2. Work with Commission Counsel and Commission to evaluate if changes proposed in AB 65 can be implemented by regulation, and if so, review and draft regulations.
3. Work with the Commission to develop agency legislative positions, coordinate lobbying effort and recommend substantive legislative changes as approved by the Commission.
4. Represent Commission before regulatory and legislative bodies regarding proposed regulations and legislation.