



**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, June 16, 2021 at 9:00 a.m.  
**PLACE OF MEETING:** This meeting will be held at the following location:

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

**\*Commissioners may appear via Zoom (virtually or telephonically).**

**In addition to in-person attendance at the noticed location, the public may attend via Zoom telephonically, as follows:**

**Zoom Meeting Information:** <https://zoom.us/j/93668596327?pwd=dTVIRTR2OFZKS0ZuZ2tpenlpcJgzZz09>

**Zoom Meeting Telephone Number:** 669-900-9128\*

**Meeting ID:** 936 6859 6327

**Passcode:** 606631

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

**MEMBERS OF THE PUBLIC ARE ALSO INVITED TO SUBMIT WRITTEN PUBLIC COMMENT WHICH WILL BE SUBMITTED INTO THE RECORD OF THE PUBLIC MEETING.**

**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](mailto: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.
<b>For Possible Action</b>	3. Approval of Minutes of the May 19, 2021 Commission Meeting.

For Possible Action	4. Report by Executive Director on agency status and operations and possible direction thereon. Items to be discussed include, without limitation: <ul style="list-style-type: none"> <li>• FY21 Budget Status</li> <li>• Upcoming Biennial Budget</li> <li>• Update on Current Caseload</li> <li>• Update on Education and Outreach</li> <li>• Update on COVID-19 Emergency Protocols</li> </ul>
For Possible Action	5. Report by Commission Counsel on 2021 Legislative Session, including without limitation the status of Assembly Bill 65 and other enrolled or passed legislation possibly affecting agency status or operations.
For Possible Action	6. Discussion and establishment of a subcommittee to be known as the “Nevada Commission on Ethics Performance Review Subcommittee” to consider and make recommendations to the Commission regarding establishing 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., including providing direction on scheduling the meetings of the subcommittee. 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.
	7. Commissioner Comments on matters including, without limitation, identification of future agenda items, upcoming meeting dates and meeting procedures. No action will be taken under this agenda item.
	8. 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.
For Possible Action	9. Adjournment.

**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](mailto: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](mailto:ncoe@ethics.nv.gov) or call 775-687-5469.
- ❖ This Agenda and supporting materials are posted and are available not later than the 3<sup>rd</sup> 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](http://www.ethics.nv.gov).
- ❖ 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>
- Nevada Legislative Counsel Bureau website: <https://www.leg.state.nv.us>
- State Library & Archives Building, 100 North Stewart Street, Carson City
- Blasdel Building, 209 E. Musser Street, Carson City
- Washoe County Administration Building, 1001 East 9<sup>th</sup> 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, May 19, 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 via videoconference and called the meeting to order at 9:00 a.m. Also appearing via videoconference were Vice-Chair Brian Duffrin and Commissioners Barbara Gruenewald, Esq., Teresa Lowry, Esq., James Oscarson, Thoran Towler, Esq. and Amanda Yen, Esq. Commissioner Damian Sheets, Esq. was absent from the meeting. Present for Commission staff via videoconference were Executive Director David R. Hall, Esq., Commission Counsel Tracy L. Chase, 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. Welcome and Introduction of Commissioner James Oscarson.

Chair Wallin introduced newly appointed Commissioner James Oscarson and welcomed him to the Commission.

Commissioner Oscarson thanked Chair Wallin for the warm welcome and shared that he is grateful for the opportunity to serve on the Commission.

4. Approval of Minutes of the March 17, 2021 Commission Meeting.

Chair Wallin stated that all Commissioners were present for the March 17 meeting and could participate on this item, except for Commissioner Oscarson who was not present at that meeting and would abstain from participating on this item.

Commissioner Yen moved to approve the March 17, 2021 Commission Meeting Minutes as presented. Commissioner Towler 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:	Abstain.
Commissioner Towler:	Aye.
Commissioner Yen:	Aye.

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

- Introduction of Associate Counsel Elizabeth J. Bassett, Esq.
- Quarterly Case Log
- FY21 Budget Status
- Upcoming Biennial Budget
- Education and Outreach
- Update on COVID-19 Emergency Protocols

Introduction of Associate Counsel Elizabeth J. Bassett, Esq.: Executive Director Hall introduced Ms. Bassett as the new Associate Counsel.

Associate Counsel Bassett thanked the Executive Director and the Commission for the chance to assist in the Commission's work.

Quarterly Case Log: Executive Director Hall referenced the quarterly case log spreadsheet included in the meeting materials which provides the current status of pending cases and confirmed that while the Commission received full case detailed logs, the logs provided in the public materials were redacted to protect confidential information. He noted that there is still a backlog of cases pending resolution, however all Fiscal Year 2019 cases have reached resolution. Executive Director Hall stated that resolving backlog cases will be his priority going forward.

Vice-Chair Duffrin asked if any deadlines had been missed and Executive Director Hall responded that no deadlines had been missed.

FY21 Budget Status: Executive Director Hall shared that the Commission's operations would be within budgetary amounts for the current Fiscal Year and there would be some savings in travel and court reporting categories. He offered travel resources to the Southern Nevada Commissioners for the June Commission meeting to be held in person in Carson City.

Upcoming Biennial Budget: Executive Director Hall informed the Commission that the recent budget closing before the Joint Committee on Ways and Means and Senate Finance went well and the Committees supported the Governor's recommended budget without revision. He shared that there will be funds for in person Commission meetings in the next biennium.

Commissioner Oscarson asked a question regarding preference as to in-person meetings and Chair Wallin responded that in-person is her preference.

Commission Counsel Chase clarified that the budget would allow for some in-person meetings but would not accommodate twelve in-person meetings each fiscal year.

Education and Outreach: Executive Director Hall informed that Commission that he will be providing a training to the Association of County Clerks at the end of July. He offered that he will also be preparing for a rural training session such has been provided in previous years. Executive Director Hall shared his intent to prioritize community outreach and education to better inform the public about the Commission's mission and vision.

Commissioner Oscarson asked Executive Director Hall about existing training materials and/ or handouts and expressed his interest in attending and supporting Commission trainings. Executive Director Hall responded that to his knowledge there are not specific handouts generated by the Commission, but that he would like to put a 1-page informational document together for this purpose. He also stated that the Ethics manual, last updated in 2014, would be included on his to-do list to ensure up to date materials.

Chair Wallin suggested that when preparing the Annual Report this year, the Commission also publish a synopsis or highlighted shortened report which could be titled *The Citizen-centric Ethics Report*.

Executive Director Hall also informed the Commission of an upcoming training opportunity with Academica Nevada to provide Ethics training to management and employees of Nevada's charter schools.

Update on COVID-19 Emergency Protocols: Executive Director Hall reported that the Commission office, in compliance with the Governor's directive, would be open to the public beginning June 1, 2021. He informed the Commission that by that time all staff would be fully vaccinated.

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

6. Report by Commission Counsel on 2021 Legislative Session, including without limitation the status of Assembly Bill 65 and other pending legislation possibly affecting agency status or operations.

Commission Counsel Chase reported that Commission staff proactively monitor the Commission's proposed bill, Assembly Bill 65 (AB 65) and any other bill that could impact the agency's operations or the Ethics Law as set forth in NRS 281A. She confirmed that AB 65 was passed through its first hearing by the Assembly Legislative Operations and Elections Committee in the beginning of April. Commission Counsel Chase further informed the Commission that staff has been reaching out to the Legislature weekly regarding the progress of the Commission's bill. She also shared that Commissioners have been providing outreach on the bill's behalf as well. Although there has not been a response from the Legislature the Commission's bill AB 65 received a waiver for any Legislative deadlines. Commission Counsel Chase shared that staff is continuing to reach out to the Legislature regarding the progress of AB 65 and extend the offer of availability for work sessions and/ or discussions regarding the bill.

Commissioner Oscarson asked Commission Counsel Chase if there has been any indication of an amendment proposal by the Legislature and if there is a contingency plan in place if the bill does not pass this session. Commission Counsel Chase responded that there has been an amendment to the Commission's bill proposed and she has offered to assist with the amended language and discuss the amendment with Legislative staff. She agreed that a contingency plan is important and offered that the Commission could go the route of passing temporary regulations in the interim.

Commission Counsel Chase provided updates on Assembly Bill 43 and Assembly Bill 253 to the Commission as these are bills that could impact the Commission's operations.

Vice-Chair Duffrin thanked Commission Counsel Chase and Chair Wallin for all of their hard work on the Commission's bill.

Commissioner Oscarson acknowledged that this Legislative session has been arduous and echoed the Vice-Chair's comments regarding the hard work performed by Commissioners and Commission staff in proposing this bill.

Vice-Chair Duffrin moved to accept the Commission Counsel's Legislative report as presented. Commissioner Oscarson seconded the motion. The motion was put to a vote and carried unanimously.

7. 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 acknowledged that both she and Executive Director Hall received proper notice of the agenda item more than 5 working days prior to the meeting at which the item was to be considered.

Commission Counsel Chase referenced her memo pertaining to this item included in the meeting materials packet and provided background information on the agency's performance measures. She explained the performance measures process and the methodology used to collect the data.

Vice-Chair Duffrin requested a list of statutory duties of the Executive Director and Commission Counsel be provided to the Commission so they may discuss this item at the next Commission meeting.

Chair Wallin stated she would like to appoint a subcommittee of the Commission at the next Commission meeting to address performance measures pertaining to the two positions appointed by the Commission. She further requested an agenda item at the next meeting to review and potentially revise the agency's current performance measures, suggesting correlative methodology with percentages.

Commissioner Oscarson commented that an increase in education and outreach may result in an increase in the Commission's caseload and that it is important to prepare for that result.

Vice-Chair Duffrin thanked staff for ensuring the Commission's mission and guiding principles were more readily accessible on the Commission's website. He added that the mission and guiding principles could be beneficial in creating performance measures for the Executive Director and Commission Counsel.

Commissioner Lowry moved to add an item to the Commission's next meeting agenda to appoint a Subcommittee to develop the work performance standards and goals for the Executive Director and Commission Counsel. Commissioner Towler 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.

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 welcomed Elizabeth J. Bassett, Esq. to the Commission staff as Associate Counsel and Commissioner Oscarson to the Commission.

9. Public Comment.

There was no public comment.

10. Adjournment.

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

The meeting adjourned at 10:17 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 June 16, 2021:

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Kim Wallin, CPA, CMA, CFM  
Chair

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Brian Duffrin  
Vice-Chair



# **Agenda Item 6**



**State of Nevada  
COMMISSION ON ETHICS**

**M E M O R A N D U M**

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**DATE:** June 9, 2021  
**TO:** Nevada Commission on Ethics  
**FROM:** Tracy L. Chase, Commission Counsel  
David R. Hall, Executive Director  
**RE:** Public Meeting for June 16, 2021 - Agenda Item 6: Discussion and establishment of a subcommittee to be known as the "Nevada Commission on Ethics Performance Review Subcommittee" to consider and make recommendations to the Commission regarding establishing 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., including providing direction on scheduling the meetings of the subcommittee.

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This agenda item is for the creation of the Nevada Commission on Ethics Performance Review Subcommittee and to provide direction on meeting dates for the subcommittee. 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 (2017 Compensation Schedule – Employee/ Employer Paid):	\$113,436

### 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. Legal 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.

\$790,000

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; PANELS: 35%**

1. In coordination with Commission Counsel, prepare and coordinate Commission meetings, including agendas, scheduling and meeting materials, and provide briefings of agency status and operations during Commission meetings.
2. Confer with Commission Counsel regarding jurisdictional evaluations of all requests for opinion and notifications of parties and interested persons concerning requests for opinions, including the allegations and/or implicated statutes, jurisdictional determinations and appeals, investigatory procedures and scheduling.
3. Supervise investigations of all Third-Party Requests for Opinions (public complaints) against public officers and employees, and provide written recommendations to Commission 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.
4. Develop and prepare legal memoranda and/or presentations of Third-Party Requests for Opinion in hearings before the Commission and Commission panels, and/or supervise the same by Associate Counsel, including the development and presentation of legal motions and arguments, witness testimony and evidentiary documents, and engage in negotiations for potential stipulations.

### **ADMINISTRATION, LEADERSHIP AND SUPERVISION: 40%**

5. 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 each July in accordance with NAC 281A.180(2).



6. Communicate regularly and work closely with Commission Chair to attain agency goals and objectives.
7. Provide information to Commission members regarding ethics laws and ethics commissions in other jurisdictions.
8. Make recommendations to the Commission, including comments made by Commissioners at hearings, regarding potential administrative and legislative reform.
9. Work with the Commission to develop agency legislative positions, coordinate lobbying effort and recommend substantive legislative changes as approved by the Commission.
10. Work with Commission Counsel on legal issues as necessary.
11. Organize, oversee, and direct agency work flow to ensure policies, goals and objectives are met in a standardized manner.
12. Develop and implement specific agency goals and objectives through leadership and consideration of staff input and feedback.
13. Prepare agency budget request for Commission and advocate for its approval with Executive Branch agencies and Nevada Legislature.
14. Monitor agency budget to ensure compliance with appropriations.
15. Effectively hire, train, supervise and evaluate Commission staff.
16. Ensure agency operations are conducted in accordance with appropriate state laws, regulations, and internal policies.
17. Maintain an open line of communication with staff and Commission Counsel.
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: 25%**

20. Represent the Commission at the Nevada Legislature, government meetings, and other meetings/events as necessary.
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 and the public regarding Nevada ethics law.
24. Maintain and regularly update Commission website and other public information tools.
25. Respond to requests for public documents in accordance with Commission's Public Records' Policy.

### **RESTRICTIONS**

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



## **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 (2017 Compensation Schedule – Employee/ Employer Paid):	\$113,436

### Duties/Major Responsibilities of the Position:

In addition to its advisory role, the Commission represents the Commission’s interests in all legal arenas, including administrative, legislative and judicial. In particular, Commission Counsel advises the Commission regarding all requests for opinion and defends the Commission in all litigation, including judicial review of the Commission's administrative opinions. Commission Counsel also coordinates with the Executive Director regarding all administrative regulations and statutory provisions under the Commission’s jurisdiction, and outreach and education to Nevada’s public officers and employees and public attorneys.

### 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. The Commission Counsel conducts legal research and advises the Commission and staff on 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:

0

Number of indirect reports:

2 positions: Associate Counsel and Senior Legal

## **SPECIFIC JOB DUTIES:**

### **ADMINISTRATION AND SUPERVISION: 10%**

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. Prepare all 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. Supervise all legal activities of Commission unrelated to investigations of Third-Party RFOs.
6. Administer all activities related to Commission's legal matters.
7. Assign and supervise workload of Commission's Senior Legal Researcher and Associate Counsel related to legal matters other than Third-Party RFOs.
8. Assist Executive Director to evaluate performance of Senior Legal Researcher and Associate Counsel.
9. Review and assign legal matters to Commission's Associate Counsel, as needed.

### **PUBLIC INFORMATION AND EDUCATION: 5%**

10. Confirm compliance with all Public Records Requests.
11. Provide Outreach and Education via training programs to Public officers and employees.

12. Provide training to government attorneys regarding interpretation and applicability of Ethics in Government Law.

### **REQUESTS FOR OPINIONS: 40%**

#### **13. First-Party Requests for Advisory Opinions:**

- a) Review request and determine Commission's jurisdiction of matter.
- b) Initiate and interview Requester for additional factual information.
- c) Research and/or assign legal research to SLR and/or Associate Counsel.
- d) Analyze and apply the law to the facts presented and discovered.
- e) Approve draft Notices of Hearing, make edits and direct service of notices.
- f) Prepare draft opinions and/or bench memos to the Commission in preparation for hearings.

#### **14. Third-Party Requests for Opinions (complaints):**

- a) Review request and determine Commission's jurisdiction of matter.
- b) Assign and approve notices to Subject and/or Requester regarding jurisdiction.
- c) Provide legal advice to Commission's Associate Counsel and/or Investigator related to legal issues during course of investigation.
- d) Approve any legal forms such as subpoenas during course of investigation.
- e) Evaluate ED recommendations to Panels and Advise Investigatory Panels of legal issues.
- f) Advise Commission of procedural progress of investigations.
- g) Stipulations:
  - i. Advise Associate Counsel and Subject regarding acceptable terms and conditions of stipulations on behalf of Commission.
  - ii. Review draft language and coordinate legal considerations between Associate Counsel, Subject and Commission.
- h) Hearings:
  - i. Serve Executive Director/Associate Counsel and Subject with notices and scheduling orders.
  - ii. Schedule hearings, deadlines and other requirements on behalf of Commission.
  - iii. Initiate and research additional relevant factual and legal information related to the requests.
  - iv. Preside over pre-hearing conferences between parties and Chair of Commission.
  - v. Prepare legal bench memos to the Commission advising on legal considerations of case, including legal motions.
  - vi. Assist Commission to address legal considerations during hearings; respond to legal questions, i.e., legal objections, motions and other rulings.
  - vii. Assist the Commission in its deliberations of evidence and law.

### **OPINIONS: 15%**

15. Draft all final written opinions of the Commission related to RFOs.

**LITIGATION: 25%**

16. Represent the Commission in all litigation before any local, state and federal courts, including drafting legal memoranda to the courts, appearing and presenting arguments before the courts and cooperating in related cases.

**LEGISLATION/REGULATIONS: 5%**

17. Recommend and review all proposed administrative regulations and legislation.