



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

**NOTICE OF PUBLIC MEETING**

**NAME OF ORGANIZATION:** NEVADA COMMISSION ON ETHICS  
**DATE & TIME OF MEETING:** Wednesday, March 17, 2021 at 9:00 a.m.  
**PLACE OF MEETING:** This meeting will be held exclusively via Zoom (virtually) as follows:

**Zoom Meeting Information<sup>1</sup>:**

<https://zoom.us/j/98728799268?pwd=Sk5JVTIzZWNMZWZoTlFJbkxQYVVGdz09>

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

**Meeting ID:** 987 2879 9268

**Passcode:** 193577

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

**MEMBERS OF THE PUBLIC ARE 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 February 17, 2021 Commission Meeting.

<sup>1</sup> Sections 1 and 2 of Directive 006 of the Governor's COVID-19 Declaration of Emergency suspend the requirements of NRS 241.023(1)(b) requiring a public body to hold a public meeting at a physical location. This Notice provides the public with the opportunity to attend the meeting virtually including providing public comment via Zoom's virtual platform which permits the public to attend by video or telephonically. Alternatively, public comment may be provided by email at [ncoe@ethics.nv.gov](mailto:ncoe@ethics.nv.gov).

For Possible Action	<p>4. Report by Commission Counsel, as Acting Executive Director, on agency status and operations and possible direction thereon. Items to be discussed include, without limitation:</p> <ul style="list-style-type: none"> <li>• FY21 Budget Status</li> <li>• Upcoming Biennial Budget</li> <li>• 2021 BDR Status (AB 65)</li> <li>• 2021 Legislative Session</li> <li>• Update on COVID-19 Emergency Protocols</li> <li>• Education and Outreach</li> </ul>
For Possible Action	<p>5. Interviews and consideration of candidates for the Executive Director position, and possible appointment of a candidate as the Executive Director. Under NRS 241.020(2)(d)(5), the Commission may consider the character and professional competence of the following applicants for appointment as the Executive Director:</p> <ol style="list-style-type: none"> <li>1.) Michael A. Pintar</li> <li>2.) John R. McCormick</li> <li>3.) David R. Hall</li> <li>4.) Janet E. Traut</li> </ol>
	<p>6. Commissioner Comments on matters including, without limitation, identification of future agenda items, upcoming meeting dates and meeting procedures. No action will be taken under this agenda item.</p>
	<p>7. Public Comment. Comment and/or testimony by any member of the public may be limited to three (3) minutes. No action will be taken under this agenda item.</p>
For Possible Action	<p>8. Adjournment.</p>

**NOTES:**

- ❖ The Commission is pleased to make reasonable accommodations for any member of the public who has a disability and wishes to attend the meeting. If special arrangements for the meeting are necessary, please notify the Nevada Commission on Ethics, in writing at 704 W. Nye Lane, Ste. 204, Carson City, Nevada 89703; via email at [ncoe@ethics.nv.gov](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 Yvonne M. Nevarez-Goodson, 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, as amended by the Governor's COVID-19 Declaration of Emergency, Directive 006<sup>2</sup>, 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>

<sup>2</sup> Sections 4 and 5 of Directive 006 of the Governor's COVID-19 Declaration of Emergency suspends the requirements of NRS 241.020(4)(a) requiring a public notice to be posted at physical locations within the State of Nevada and maintains continued compliance with NRS 241.020(4)(b) and 241.020(4)(c) for public notices and agendas to be posted to Nevada's notice website and the public body's website, along with providing a copy to any person who has requested one via U.S. mail or electronic mail. Supporting meeting material is also available on the Commission's website or by contacting Commission staff.

# **Agenda Item 3**



**STATE OF NEVADA  
COMMISSION ON ETHICS**

<http://ethics.nv.gov>

**MINUTES  
of the meeting of the  
NEVADA COMMISSION ON ETHICS**

The Commission on Ethics held a public meeting on  
Wednesday, February 17, 2021, at 9:30 p.m.  
Virtually via Zoom as follows:

**Zoom Meeting Information:**

<https://zoom.us/j/96224153434?pwd=SWpUK0Z2eXNkRDg2SExCODdVOUYxUT09>

Zoom Meeting Telephone Number: 669-900-9128

Meeting ID: 962 2415 3434

Passcode: 791925

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 9:30 a.m. Also appearing via videoconference were Vice-Chair Brian Duffrin and Commissioners Barbara Gruenewald, Esq., Teresa Lowry, Esq., Damian Sheets, Esq. and Amanda Yen, Esq. Commissioner Thoran Towler, Esq. was excused from the meeting. Present for Commission staff via videoconference were Commission Counsel Tracy L. Chase, Esq., Associate Counsel Ann Wilkinson, 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. Approval of Minutes of the January 20, 2021 Commission Meeting.

Chair Wallin stated that all Commissioners were present for the January meeting and could participate on this item, except for Commissioners Sheets who was excused from that meeting and would abstain from participating on this item.

Commissioner Yen moved to approve the January 20, 2021 Commission Meeting Minutes as presented. Commissioner Gruenewald seconded the motion. The Motion was put to a vote and carried unanimously.

4. Recognition of Executive Director Yvonne Nevarez-Goodson, Esq., for her years of dedicated and outstanding service to the Commission.

This item was taken out of order and heard later in the meeting.

5. Update on vacancy and recruitment of Executive Director position and appointment of a Personnel Subcommittee of the Nevada Commission on Ethics to review applications for the Executive Director position, including authority to select applicants to be interviewed before the Commission at a future public meeting.

Commission Counsel Chase provided an update on the Executive Director recruitment status and outlined the interview process in compliance with the Open Meeting Law.

Vice-Chair Duffrin asked some clarification questions about maintaining the confidentiality of the applicants and Commission Counsel Chase responded that in order to comply with the Open Meeting Law the applicant's names would be included on a future agenda, however certain personal information included in their applications could be redacted in the public meeting materials.

Chair Wallin made a motion that the Personnel Subcommittee be comprised of herself, Vice-Chair Duffrin and Commissioner Gruenewald. Commissioner Yen seconded the motion. The Motion was put to a vote and carried unanimously.

Commission Counsel Chase informed the Commission that the motion allows for the options of either the full Commission to consider the applicants or the Commission's Chair may call for the Personnel Subcommittee to have a meeting to streamline the applicants to be presented to the Commission for appointment.

6. Confirmation of Commission Chair's appointment of Tracy Chase, Commission Counsel, as acting interim Executive Director for all administrative matters, including without limitation, agency operations, advisory opinion matters and certain ethics complaint matters.

Chair Wallin outlined the intent of the agenda item and explained that under statute she has the authority to appoint an acting interim Executive Director and this item is confirmation of her appointment of Commission Counsel Chase as acting interim Executive Director.

Commission Counsel Chase provided clarification in regard to the difference between this appointment item and the next appointment item on the agenda as requested by Commissioner Yen.

Commissioner Lowry made a motion to appoint Commission Counsel Tracy Chase as acting Executive Director for all administrative matters, including without limitation, agency operations, advisory opinion matters and certain ethics complaint matters. Commissioner Yen seconded the motion. The Motion was put to a vote and carried unanimously.

7. Confirmation of Commission Chair's appointment of Ann Wilkinson, Associate Counsel, to fulfill the duties of the Executive Director during the interim on matters relating to Ethics Complaint cases.

Chair Wallin outlined the intent of the agenda item. Acting Interim Executive Director Chase added that this appointment would be applicable to matters in which the Commission Counsel is precluded from participating.

Vice-Chair Duffrin asked if the Commission has the option of obtaining assistance from the Office of the Attorney General in complaint cases where the Associate Counsel has a conflict. Acting Interim Executive Director Chase responded that if the Commission appoints an attorney in the Executive Director position, he or she can take over investigations in cases where the Associate Counsel has a conflict. She added that the Commission does have the option of contacting the Office of the Attorney General for assistance and the Commission could also contract with independent counsel if the budget allows.

Vice-Chair Duffrin made a motion to appoint Associate Counsel Wilkinson to fulfill the duties of the Executive Director during the interim on matters relating to Ethics complaint cases on which Commission Counsel is precluded from participating. Commissioner Sheets seconded the motion. The Motion was put to a vote and carried unanimously.

8. Report by Commission Counsel, as Acting Executive Director on agency status and operations and possible direction thereon. Items to be discussed include, without limitation:

- FY21 Budget Status
- Upcoming Biennial Budget
- 2021 BDR Status (AB 65)
- 2021 Legislative Session
- Update on COVID-19 Emergency Protocols
- Education and Outreach

FY21 Budget Status: Acting Interim Executive Director Chase reiterated that during the special session the Nevada Legislature previously approved budget cuts as the result of the COVID-19 pandemic. She reported that the cuts have been implemented and were met by cost savings in Commission travel, court reporting and operating expense savings from the closure of the Commission's Las Vegas office. Acting Interim Executive Director Chase informed the Commission that agency operations would be within budgetary amounts for this Fiscal Year.

Upcoming Biennial Budget: Acting Interim Executive Director Chase shared that during a Budget meeting last week with the Commission's budget team from the Governor's Finance Office, Legislative Counsel Bureau Fiscal and the Administrative Services Division she learned that the Commission's budget is slated for a staff closing meaning that a hearing is not being requested because there are no anticipated issues with the Commission's budget. She further explained that once the staff closing is concluded, the Commission's budget will be scheduled for final closing in April or May before the full Joint Budget Committee.

2021 BDR Status (AB 65) & 2021 Legislative Session: Acting Interim Executive Director Chase confirmed that a hearing for AB 65 will be scheduled before the Assembly Legislative Operations and Elections Committee and once the date of the hearing was announced she would relay this information to the Commission. She informed the Commission that meetings have already been held with the LCB Research Directors assigned to the Committee and the Governor's liaisons to discuss the parameters of AB 65 and answer any questions staff may have on the bill. On February 4, 2021, former Executive Director Nevarez-Goodson presented a PowerPoint to the Joint Legislative Operations and Elections Committees which explained the Commission's role and purpose in interpreting and enforcing the Ethics Law and provided highlights of AB 65. Acting Interim Executive Director Chase shared that in preparation of the upcoming bill hearing, a meeting with the Assembly Committee's Chair and Vice-Chair has been scheduled to answer any questions they might have in regard to the Commission's bill. She added that outreach has been initiated to stakeholders through Nevada Association of Counties (NACO), the Nevada League of Cities, the Attorney General's office and the state of Nevada to provide information on AB 65 with a request that they provide feedback to the Commission prior to the initial bill hearing. Acting Interim Executive Director Chase thanked Commission Chair Wallin,

Vice-Chair Duffrin and Commissioners Lowry and Towler for their support and efforts in outreach on AB 65.

Update on COVID-19 Emergency Protocols: Acting Interim Executive Director Chase reported that current COVID-19 protocols remain in place and Commission staff continue to work remotely with some administrative functions being performed in office such as postal mail and voicemail retrieval and processing of other operational matters.

Education and Outreach: Acting Interim Executive Director Chase informed the Commission that former Executive Director Nevarez-Goodson fulfilled all outstanding training requests prior to her departure and also recorded a training video which is now posted on the Commission's website.

Commissioner Lowry 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 as follows unanimously.

9. Delegation of authority to Commission Counsel, as acting interim Executive Director, in consultation with the Commission's Chair and Vice-Chair, to represent the Commission in matters before the 81st Session of the Nevada Legislature, including without limitation, processing of amendments to Assembly Bill 65.

Chair Wallin outlined the intent of the agenda item explaining that the Legislature is expected to be extremely fast-paced this Session and this item provides the ability under the direction of the Chair or the Vice-Chair to address matters as they come up during the Session including any amendments needed to AB 65.

Commissioner Gruenewald moved to delegate authority to Commission Counsel, as acting interim Executive Director, in consultation with the Commission's Chair or the Vice-Chair, to represent the Commission in matters before the 81st Session of the Nevada Legislature, including without limitation, processing of amendments to Assembly Bill 65. Commissioner Yen seconded the motion. The motion was put to a vote and carried as follows unanimously.

10. 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 informed the Commission that there may be a special meeting to interview the candidates for the Executive Director position and requested that Commissioners provide their availability on March 4 and March 10 to Executive Assistant Pedroza.

Vice-Chair Duffrin shared that in considering candidates for the Executive Director position, the Commission not only has the State of Nevada's best interest in mind but the current staff's best interest in mind as well. Vice-Chair Duffrin welcomed Commissioner Sheets back.

4. Recognition of Executive Director Yvonne Nevarez-Goodson, Esq., for her years of dedicated and outstanding service to the Commission.

Chair Wallin thanked Executive Director Nevarez-Goodson for her contribution to the Commission in the eleven years she served the Commission. She commended Ms. Nevarez-Goodson for putting together a good team. Chair Wallin shared her opinion that the new Executive Director will have big shoes to fill.

Acting Interim Executive Director and Commission Counsel Chase showed the

Commission the Recognition Plaque prepared for former Executive Director Nevarez-Goodson and read the inscription “Yvonne M. Nevarez-Goodson, Esq. Executive Director and Commission Counsel, Nevada Commission on Ethics, In Recognition and Appreciation of your Outstanding Leadership and Dedicated service to the Commission and the State, 2009 – 2021,” which will be delivered to Ms. Nevarez-Goodson.

11. Public Comment.

There was no public comment.

12. Adjournment.

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

The meeting adjourned at 10:05 a.m.

Minutes prepared by:

/s/ Kari Pedroza

Kari Pedroza  
Executive Assistant

/s/ Tracy Chase, Esq.

Tracy Chase, Esq.  
Acting interim Executive Director

Minutes approved March 17, 2021:

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Kim Wallin, CPA, CMA, CFM  
Chair

\_\_\_\_\_  
Brian Duffrin  
Vice-Chair

# **Agenda Item 4**

**State of Nevada**  
**COMMISSION ON ETHICS**  
704 W. Nye Lane, Suite 204



Carson City, Nevada 89703  
(775) 687-5469 • Fax (775) 687-1279  
<http://ethics.nv.gov>

**Assembly Bill 65 - Nevada Ethics Commission Quick Reference Guide**

In 2017, significant changes were made to NRS Chapter 281A, the Nevada Ethics in Government Law (“Ethics Law”). As the Nevada Ethics Commission applied this law, it saw the need to implement some further changes to enable it to fulfill the intent of the 2017 statute in a more streamlined and efficient manner. In FY20, the Commission formed a Bill Draft Request (“BDR”) Subcommittee, consisting of Vice-Chair Wallin and Commissioners Duffrin and Gruenewald to formulate the needed changes. After numerous public meetings by the Commission and the Subcommittee, and consultations with stakeholders, the recommendations of the Subcommittee were approved by the Commission. These will be presented, with the Governor’s sponsorship, in the 81<sup>st</sup> Session of the Nevada Legislature as Assembly Bill 65 (“AB 65”). Some major issues that AB65 will address are:

- A large backlog of cases due to unnecessarily cumbersome procedures.
- Protection of complainants’ identities.
- Providing a uniform procedure for notifying subjects of complaints while protecting the identity of the requestor.
- Limited time and personnel.
- Lack of clarity about the rights and obligations of the Commission, witnesses, complainants and others.

Passage of AB65 will assist the Commission to carry out its duties under a more easily understood protocol, act in a more-timely manner, protect the rights of all parties and generally apply its limited resources in a more efficient and less costly manner. The following provides a quick-reference guide to AB 65 by section, detailing the main intent on the proposed amendments:

<b>AB 65: SECTION AND PURPOSE</b>	
1-6	Definitional clean-up.
7	Clarifies the application of the Ethics Law, consistent with NRS 281A.410 and NRS 281A.550, to former public officers and employees after the end of public service if they violate the cooling-off provisions of the Ethics Law. Paragraph 2 confirms the Commission has the ability to consider whether more than one violation of the Ethics Law applies to a given set of facts.
8	Seeks reasonable assistance and cooperation of public officers and employees in the Commission’s proceedings. Often public officers/employees are reluctant to communicate with investigatory staff out of fear that their public employment

	<p>would be affected. This inhibits the ability to conduct appropriate and thorough investigations. Without cooperation, subpoenas must be issued, which is resource and time consuming and has associated costs. This section operates to protect public officers/employees who are witnesses and reduces investigatory costs, while maintaining all the associated legal defenses and rights to be represented, and reduces the need to issue subpoenas, which are resource and time consuming.</p> <p>The Commission has coordinated with local agencies and is requesting this section be amended to exclude the Subject's attorney from the duty to cooperate since they represent them in the matter before the Commission. Other NRS provisions have similar duties to cooperate in investigations. Cf., NRS 218G.550 (Legislative Audits - agency duty to cooperate), NRS 634.214 (Chiropractic physicians and Assistants - duty to cooperate with licensing board law enforcement investigations), NRS 679.660 (Commissioner of Insurance – duty to cooperate with AG, investigative and law enforcement agencies).</p>
9	Creates consistency between the Ethics Law and Nevada's Open Meeting Law and confirms the Commission may provide litigation direction on judicial review related to confidential advisory opinions. This serves to preserve the confidentiality protections afforded to Requesters of advisory opinions in NRS Ch. 281A when the Requester seeks judicial review. Otherwise, Requesters may be disincentivized from seeking judicial review on an otherwise confidential matter.
10	Revises NRS 281A.400 to include an additional code of conduct for a gross or unconscionable abuse of power. By way of background, the Commission has received a number of cases over the years that have been dismissed based upon lack of jurisdiction because the allegations at issue do not relate to the Subject's pecuniary interest or commitment in a private capacity, as those terms are now defined. For example, if a public officer/employee has an animosity against a person and they inappropriately use their public position to cause harm to matters the person has before the public agency, the case could be considered by the Commission to determine if the circumstances constitute a gross or unconscionable abuse of power.
11	Institutes a requirement that is consistent with and already imposed by the Secretary of State (NRS 281.574) for those governmental entities who have public officers within the jurisdiction of the Ethics Law to provide a list of appointed and elected public officers. Currently, there is no mechanism for the Commission to check and secure compliance with NRS 281A.500 except for processing of a formal ethics complaint. The list will assist in securing compliance through outreach and education, without proceeding with a formal complaint.
12	Allows the Commission to provide information obtained during an Ethics investigation to state or federal law enforcement agencies. Given current provisions, the Commission declines these requests because such information is protected as confidential. Often Commission resources must then defend the confidentiality protections in subpoena requests from law enforcement agencies in court proceedings.
13-19	Clean-up of definitions and language.
20	Clarifies the Vice-Chair may perform the duties of the Chair in the Chair's absence.

21	Establishes a mediation and settlement process with consent of the parties for complaint cases referred for adjudication. This section also permits panel members to conduct confidential mediations and settlement negotiations including authorizing and approving deferral agreements. The mediation and settlement process assists in early resolution of cases and results in savings of administrative resources and reduces litigation costs for a subject of an ethics complaint.
22	To be deleted. The Commission requests that the requirement that the Executive Director be a Nevada licensed attorney be deleted by amendment.
23-24	Section 23 has miscellaneous language clean-up and section 24 confirms the boundaries of the legal representation of Commission Counsel to assure there is no impingement on the due process rights of the parties in complaint proceedings.
25	Establishes that the 2-year statute of limitations applies to advisory opinions on past conduct.
26	Permits a certified court reporter or other authorized person to administer oaths in Commission meetings and proceedings.
27	<p>Clarifies that subpoena's would apply to personnel records of public officers/employees relevant to the consideration of the ethics complaints. Current law provides the Commission the ability to issue subpoenas during the course of an investigation or to compel the attendance of witnesses and production of documents for any hearing before the Commission. With the exception of records relating to criminal proceedings.</p> <p>If the agency records are personnel records, the Commission would maintain the confidentiality associated with those records in its proceedings and would expand its regulations to address motions to address evidentiary objections, stipulations and sealing of otherwise confidential records. Nevada Courts have similar provisions to consider confidential records in proceedings at which the record relates to the case or matter under consideration. Similar rules are utilized by the courts. See, Nevada Rules Governing Sealing and Redacting Court Records.</p>
28	Permits the Commission to accept requests for advice as a referral on behalf of the public officer or employee whose conduct is at issue. It is a streamlining measure intended to assist local ethics committees and public officers/employees with navigation of the requirements to obtain preventative advice on the application of the Ethics Law. Currently, the Commission must dismiss these requests for lack of jurisdiction because the local committee is not a public officer/employee who may request the advisory opinion under the Ethics Law.
29	Clarifies the policy provision of the "limited use exception" and permits otherwise improper use of government property and resources if the use is permitted by way of an existing written policy and the limited use does not create an appearance of impropriety. The Commission has considered ethics cases in which the public officer or employee had authority to create a policy, and did so post conduct, to excuse their own improper use of government resources and facilities, which was not distributed in writing to agency personnel. This section also includes a definition for "appearance of impropriety" consistent with established case law.
30	Miscellaneous language clean-up.
31	Clarifies that NRS 281A.420 does not require the disclosure of otherwise confidential information if a disclosure is made on non-confidential information and there is a recusal. Separately, this section establishes the same abstention

	<p>process for disclosures of paid representation as is required of all other disclosures. As an example of the lack of application of the abstention requirements in current law is that it would allow the public officer, who is a lawyer and has represented a person before public agencies on the matter before them, to disclose and vote on the matter before the public agency.</p>
32	<p>Replaces the term “willful” with “refuses” with respect to a violation for failure to file an acknowledgment form and removes the failure to file the form as an event of nonfeasance of office.</p> <p>Many public officers do not know they are required to file the acknowledgment form. To educate public officers, the Commission believes it in the best interest of the public to first promote acknowledgment filing compliance before proceeding with a complaint case.</p>
33	<p>Consistent with feedback from legislators and locals on SB 129 (2019), the Commission seeks to limit cooling-off prohibitions to certain management-level employees, while the one-year prohibitions against private employment with agency contract vendors will include employees who have material influence in management or administration of those contracts in addition to public officers/employees whose position could influence the award of contracts.</p> <p>The bill will assist requesters in presenting good cause factors for the Commission’s consideration on whether relief should be granted if they are able to contact the potential future employer, which contact is not currently allowed by the statute.</p>
34	Miscellaneous language clean-up.
35	Clarifies that the Commission may gather additional information needed from the Requester to process the advisory opinion to create a more streamlined and collaborative process and tolls the 45-day deadline for the period of time until the additional information is provided by the Requester. The amendment will assist requesters in processing their advisory opinion.
36	<p>1) Provides statutory discretion for the Commission to grant appropriate extensions of statutory deadlines for good cause to issue advisory opinions. Any extensions would have a designated deadline. Good cause is a significant threshold and is variable based upon the circumstances. Examples are State closures, emergency situations, Covid-19 pandemic, family medical leave or vacancies in positions.</p> <p>2) Permits the Commission to stay advisory opinion proceedings when ethics complaints are filed on the same or similar matter, which is appropriate because the Commission should not render advice on the conduct before a pending ethics complaint process has been completed.</p> <p>3) Establishes a process for informal advice rendered by the Executive Director or Commission Counsel based upon and consistent with established precedent and provides the Requester the ability to obtain review by the Commission, which will streamline and make the Commission’s services more efficient to meet the needs of public employees/officers.</p>

	4) Clarifies judicial review is not afforded on guidance applicable to past conduct (consistent with an <i>En Banc</i> Order issued by the Nevada Supreme Court in interpreting application of the Ethics Law in a confidential advisory matter on past conduct).
37	Establishes a process permitting the Executive Director or Commission Counsel to render informal advice and confirms that process is afforded the same confidentiality protections as a formal request for advisory opinion.
38	Confirms that when a requester seeks a public meeting or hearing in proceedings related to requester's confidential advisory opinion, the Commission will provide one in accordance with the regulations of the Commission but the meeting or hearing is not subject to the notice requirements of the Open Meeting Law. With no requirement to serve an Open Meeting Law notice, the Commission may provide the timely rendering of advisory opinions within the 45-day statutory deadline.
39-40	Miscellaneous language clean-up.
41-42	<p>Allows the ability to conduct a preliminary investigation into jurisdictional facts to assist the Commission with ascertaining whether it has jurisdiction or if an early resolution through training is appropriate. Early case resolution will save resources and costs.</p> <p>This section also allows the Commission to consider good cause extensions and establish deadlines based upon a request from the Executive Director. For example, extensions may be needed to obtain public records, obtain subpoenaed records, and to conduct the investigation, which are case and fact dependent.</p>
43	Authorizes the presiding officer to grant good cause extensions during the investigative phase, which occurs after the Commission accepts jurisdiction and directs an investigation into the allegations, by setting a specific and reasonable deadline, in order to process cases efficiently and to prevent dismissals caused by the delay of others or circumstances beyond the Executive Director's control. Current law only provides the subject the ability to waive time requirements and there is no mechanism for a good cause extension.
44	Provides the Review Panel the ability to grant good cause extensions of time and provides the Review Panel will have 45 days (rather than 15 days) to conclude the investigation after receipt of the Executive Director's written recommendation. The additional 30-day time period will provide members of the Review Panel time for questions, requests for additional evidence, preparation of the written determination and statutory options to issue letters of caution or process deferral agreements in resolution of the case. This change will assist the Review Panel to address complex cases and complete its statutory duty of considering whether there is sufficient cause or the case to proceed to the Commission for further proceedings.
45	As part of the notice system established by the bill, the Executive Director will serve a notice to detail the violations the Review Panel refers to the Commission for further proceedings, which serves to provide relevant details to subjects of the complaint and to protect the identity of requesters filing complaints (complainants) that are entitled to maintain their name as confidential under current law (NRS 281A.750 – whistle-blower protections). The Commission has received comments that certain subjects determined the identity of confidential complainants, entitled to protection under NRS 281A.750, on the basis of agency

	size or the complaint (even though the complaint was redacted), which result would be alleviated by institution of a notice system that adds protection of the identity of confidential requesters (complainants).
46	Provides confidentiality protection for those persons who file complaints by instituting a “notice of allegations” instead of providing a copy of the Complaint. The Commission has received cases where the identity of the requester is required to be maintained as confidential but the complaint and submitted materials has been used to ascertain the identity. Often such heavy redactions are needed to protect the identity of the person filing the complaint, that subjects complain that they do not know what is being charged. The formal notice system and the schedule of discovery for cases adjudicated before the Commission serve to address these issues.
47	Adds a schedule for discovery, which identifies parties, provides discovery, a notice of hearing and addresses other procedural matters.
48	<p>Makes the final action of the Commission exempt from the procedural requirements of the OML, which require special notice and publication of public meeting materials, which notice is hindered given the dynamics of the confidential adjudicatory process, including confidential settlement negotiations. Current law provides the Commission with an exemption from Nevada’s Open Meeting Law to receive and deliberate on evidence in complaint cases but requires notice of a public hearing to take final action. See NRS 281A.760.</p> <p>This bill would assure transparency in rendering the final decision of the Commission, including any records relied upon by the Commission that are not otherwise confidential, would be made public after the Commission renders its decision. In particular, the Open Meeting Law notice requirements of NRS 241.033 for the Commission to hold a public hearing to discuss a Subject’s character and competence in regards to whether there is a violation of the Ethics Law (5 days personal service or 21 working days) is inconsistent with the short deadline of 60 days to adjudicate the case after referral by the Review Panel.</p>
49	Includes miscellaneous clean up.
50-53	Clarifies that the requirement for the Commission to treat comparable situations in a comparable manner is qualified by practicality, which is appropriate given the number of opinions that the Commission has rendered over the last 40+ years. These sections also include miscellaneous language clean-up.
54	Gives safe harbor protections for public officers/employees seeking preventative informal ethics advice and confirms that separate violations of the ethics law may be treated cumulatively for purpose of application of the penalty provisions of NRS 281A.790.

# **Agenda Item 5**

**Michael A. Pintar**

February 26, 2021

Kari Pedroza  
Executive Assistant  
Nevada Commission on Ethics

**Re: Executive Director Position**

Dear Ms. Pedroza:

Please accept this letter as my expression of interest in the Executive Director position with the Commission on Ethics. I was informed of the opening on LinkedIn. I have been a licensed attorney in Nevada since 1989 and am currently a partner with McCormick Barstow LLP having opened their Reno office in January of 2019.

I believe that I am well qualified to serve as the Executive Director based on my education, training, and past experience. I served for eight (8) years on the Nevada Standing Committee on Judicial Ethics which investigates allegations of judicial misconduct and provides advisory opinions to judges and aspirants for judicial office regarding ethical matters that arise in the course of judicial service or in the judicial elective process. I also served for eight (8) years on the Northern Nevada Disciplinary Board ("NNDB"). The NNDB is responsible for conducting screenings and hearings when there are allegations of professional misconduct against attorneys. In that capacity, I not only chaired attorney disciplinary and reinstatement hearings, but also, mediated cases between Bar counsel and private attorneys to resolve disciplinary matters.

My law practice has been in the field of insurance and personal injury defense. I have tried over 50 cases to verdict. In addition, my practice includes addressing various coverage issues for insurance companies. In this capacity, I prepare and issue opinions letters on various insurance coverage and related matters. In recognition of my trial expertise, I was appointed by the Nevada Board of Governors to be on the Board of Directors for the Personal Injury Lawyers Specialization Board. I was also selected and served for a number of years on the Board of Directors for the Association of Defense Counsel for Northern California and Nevada.

Over the last two (2) years, I have begun transitioning into a Mediator and Arbitrator. Last fall, I was appointed to be a Mediator for the Landlord-Tenant Eviction

May 14, 2018  
Page 2

Program. As you are probably aware, the Nevada Legislature enacted the Landlord-Tenant Eviction Program to address issues relating to eviction proceedings caused by the Covid19 pandemic. I have also been appointed by the Nevada Supreme Court to be a Mediator in the Nevada Foreclosure Mediation Program. I volunteer as mediator for Reno and Sparks Justice Courts through the Neighborhood Mediation program as well as in the U.S. District Court Inmate Mediation program.

Thank you for your consideration. Please feel free to contact me to answer any questions you have. [REDACTED]

References will be provided upon request.

Sincerely,

/s/

MICHAEL A. PINTAR

Enclosure  
MAP/

# MICHAEL A. PINTAR



## EDUCATION

University of Nevada Reno B.S., Accounting 1984  
Santa Clara University, J.D. 1989

## PROFESSIONAL EXPERIENCE

McCormick Barstow LLP - Partner 2019 - present  
*Managing partner of Reno office*

- *Manage firm litigation in northern Nevada*
- *Represent insurers and businesses in personal injury defense and extra-contractual litigation*

Glogovac & Pintar – Managing Partner 2007 – 2019  
*Managing Partner of 5 lawyer firm and 5 staff. Responsible for the administration and management of the firm and employees.*

- *Defend significant insurance defense and coverage matter in district courts throughout Nevada as well as federal courts*
- *Tried approximately 15 cases to a jury conclusion as sole or lead counsel*
- *25-30 arbitrations as sole or lead counsel*
- *20-25 mediations as sole or lead counsel*

Allison, MacKenzie, Ltd. – Partner 1990 – 2007  
*Partner, Shareholder*

- *Represented insurance companies and/or their insureds in insurance-related matters and personal injury litigation in northern Nevada*
  - *20-30 trials as sole or lead counsel*
  - *5-10 trials as second chair*
  - *20-25 arbitrations as sole or lead counsel*
  - *10-15 mediations as sole or lead counsel*

Standing Comm. on Judicial Ethics 2007 – 2015

- *Assisted in drafting advisory opinions*
- *Participate as panel member on hearings and prepared findings of fact and conclusions of law*
- *Award for Extraordinary and Distinguished service*

Northern Nevada Disciplinary Board 2009 – 2017

- *Panel member and Chair for attorney disciplinary and reinstatement proceedings*
- *Mediated disputes between Nevada Bar counsel and private attorneys*
- *Prepared Board opinions on attorney disciplinary and reinstatement matters*
- *Award of service*

U.S. Federal District Court 2019 – present

- *Mediate inmate civil rights cases*

Neighborhood Mediation Center 2020 - present

- *Mediate small claims cases in Reno and Sparks Justice Co*

Foreclosure Med. Program 2020 – present

- *Foreclosure Mediator*

Nevada ADR Program 2007 – 2018

- *Appointed to serve as arbitrator in First, Second and Ninth Judicial District Courts for civil cases in Court-annexed arbitration program*

First Judicial District Court

- *Judicial Law Clerk: Conducted research/drafted legal memorandum*

## **ORGANIZATIONS**

Association of Defense Counsel of Northern California and Nevada – Board of Directors 2014 - 2019

- *Organization of approximately 1000 civil defense attorneys from Northern California and Nevada*
- *Responsible for putting on at least one seminar a year for continuing legal education a year*

Nev. Bd. of Personal Injury Specialization – Board of Directors 2015 - 2018

- *This Board was set up by Nevada Board of Governors to identify and certify lawyers who have superior knowledge, skill, integrity, professionalism and competence in personal injury law*

## **MEDIATION AND ADR TRAINING**

State Bar of Nevada – Arbitration Training 2005  
U.S. District Court – Mediation Training 2019  
Nat. Judicial College – Civil Mediation Course 2019

## ARTICLES

- Author, *Bad Faith Jury Instructions*, Nevada Jury Instr. 2012
- Article, *California v. Nevada – Implied Assumption of Risk*  
For the Defense, Volume 29, No.2, 2014

## PUBLISHED CASES

- Spencer v. Kinion et al*, 136 Nev.Adv.Op. 35 (July 9, 2020)  
*Tri-County Equipment & Leasing v. Klinke*, 128 Nev. 352 (2012)  
*Billingsley v. Stockmen’s Hotel, Inc.*, 111 Nev. 1033 (1995)

## PERSONAL

Married for 26 years [REDACTED]

Two children: [REDACTED]

**John R. McCormick**

**John R. McCormick**



February 2, 2021

Ms. Kari Pedroza  
Executive Assistant  
Nevada Commission on Ethics  
Via email: k.pedroza@ethics.nv.gov

Dear Ms. Pedroza:

I am writing to convey my interest in becoming the Director for the Nevada Commission on Ethics. As the attached resume and application indicate, I am a competent and experienced administrative professional who has developed a track record of success and accountability with the Nevada Supreme Court. In addition to achieving individual results, I have supervised and led the Judicial Programs and Services Division within the Nevada Supreme Court, Administrative Office of the Courts for more than 6 years, and the Division has maintained a high level of productivity despite budgetary difficulties and a myriad of other challenges.

My ability to produce appropriate results in programmatic, administrative, and budgetary areas is complimented by my ability to establish positive relationships with both internal and external stakeholders.

I am skilled in understanding, interpreting, and drafting Nevada Revised Statutes as illustrated by my work on behalf of the Court during seven Nevada Legislative Sessions. While I am not an attorney, this experience fits the needs of Commission as called for in the announcement.

Additionally, my work with the Administrative Office of the Courts has given me expertise and familiarity with many functions and duties specified in the job description including providing support to committees and commissions; developing and implementing budgets; personnel supervision and administration; providing education to elected officials; legislative, public, and governmental relations; technology projects; facilities management; and special events.

I look forward to meeting with you in the near future to discuss my qualifications to serve in the position of Director and State Court Administrator. Please contact me with any questions or for additional information.

Sincerely,

A handwritten signature in cursive script, appearing to read "John R. McCormick".

John R. McCormick

**John R. McCormick**



**Professional Experience**

Assistant Court Administrator, July 2013 to Present

Nevada Supreme Court, Administrative Office of the Courts, Carson City, NV

- Supervise and lead the Judicial Programs and Services Division of the Administrative Office of the Courts including judicial education, court interpreter program, court improvement program, court statistics, and court services.
- Hire, fire, discipline, and reward staff.
- Help develop and manage several Supreme Court Budget Accounts.
- Manage and coordinate, and sometimes conduct, the maintenance, upkeep, and expansion of Supreme Court Facilities.
- Played key role in standing up the Nevada Court of Appeals between November 2014 and January 2015.
- Plan and conduct special events including receptions, justice and judge investitures, and bar admission ceremonies.
- Conduct research on topics including Nevada Revised Statutes, case law, and programs in other jurisdictions.
- Draft Supreme Court sponsored and other legislation, engage in legislative advocacy on behalf of the courts, and develop legislative session summaries.
- Represent the Supreme Court and Administrative Office of Courts with justice partners including the Department of Public Safety, public defender officers, district attorneys, domestic violence advocacy groups, Nevada counties, and other state and local agencies.
- Develop and deliver judicial and court staff education on topics including court security, statutory changes, grant writing, and indigent defense.
- Draft and administer contracts.

Rural Courts Coordinator and Court Services Supervisor, June 2006 to July 2013

Nevada Supreme Court, Administrative Office of the Courts, Carson City, NV

- Supervise and lead the Court Services Unit of the Judicial Programs and Services Division of the Administrative Office of the Courts.
- Act as a consultant and assistance provider to the courts in the 15 rural counties of the State of Nevada.
- Draft Supreme Court sponsored and other legislation, engage in legislative advocacy on behalf of the courts, and develop legislative session summaries.
- Update and rewrite the Limited Jurisdiction Courts Bench Book.
- Write grants for the Administrative Office of the Courts, and develop and administer grant programs for the trial courts.
- Draft and administer contracts.

- Provide expert staff support to Supreme Court Committees and Commission such as the Indigent Defense Commission and the Commission on Statewide Juvenile Justice Reform.
- Support three Regional Judicial Councils, supervise support for the other two Regional Judicial Councils, and provide support and expertise to the Full Judicial Council of the State of Nevada.
- Support and supervise the Court Interpreter Program for the Administrative Office of the Courts, including working on Title IV issues.
- Support and supervise the Court Improvement and Specialty Court Programs of the Supreme Court.

Executive Director, 2002 to 2006

Churchill Community Coalition, Fallon, NV

- Write, administer, and make grants at the federal, state, and local level.
- Administer a \$500,000 budget.
- Manage all Coalition staff including development and implementation of policies and procedures.
- Design, supervise, and implement community substance abuse prevention programs.
- Report directly to, and manage, a seven member board of directors.

### **Education**

Bachelor of Arts in Political Science

Lewis and Clark College, Portland, OR

- Achieved Dean's List.
- Off-campus program in Washington, DC; including internship with Senator Richard Bryan.

**John R. McCormick**

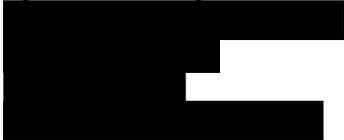


**Professional References**

Mr. Ben Graham  
Graham Solutions, LLC



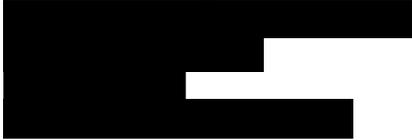
Judge Kevin Higgins  
Chief Justice of the Peace  
Sparks Township Justice Court



Ms. Dagny Stapleton  
Executive Director  
Nevada Association of Counties



Assemblyman Steve Yeager  
Nevada Assembly, District No. 9



**David R. Hall**

# DAVID R. HALL, ESQ.

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March 1, 2021

NEVADA COMMISSION ON ETHICS  
c/o Kari Pedroza, Executive Assistant  
704 West Nye Lane, #204  
Carson City, NV 89703  
k.pedroza@ethics.nv.gov

***Re: Executive Director Position***

To Whom It May Concern:

Please accept this letter, the accompanying resume and references as my application for the position of Executive Director of the Nevada Commission on Ethics. If the Commission would like additional information such as additional references or writing samples, I will promptly forward the same.

I have worked as an attorney in the public sector in Nevada since 1999. Prior to 1999, I practiced with an AV rated private firm in Las Vegas for two years. I have worked as a litigator in both Federal and State Courts; represented public agencies in personnel matters both in civil court and in administrative proceedings; have negotiated contracts with collective bargaining groups; drafted legislation and regulations, and advised agency heads regarding legislative and regulatory matters.

In my current employment with the Nevada Division of Insurance, I represent the Division of Insurance in hearings and cases before the Division of Insurance itself, in District Court, as well as in other hearings and negotiations. I provide legal counsel to the Commissioner of Insurance as well as to the various section leaders regarding the 59 chapters contained in NRS Chapter 57 and the accompanying administrative code. I also often serve as a hearing officer in contested cases, hearings for the adoption of regulations, and hearings regarding mergers of insurance entities.

This is actually the third time I have applied for this position during the past 13 years, having been interviewed by your Commission twice. I offer this as evidence of my continued desire to work in this capacity and the importance I place on the ethical standards for Nevada's public servants. I am confident I would bring a sense of excitement, commitment and excellence to Executive Director position.

I would like to discuss this position and my qualifications therefore in greater detail. Thank you for your attention to this matter.

Sincerely,



David R. Hall, Esq.

# DAVID R. HALL, ESQ.

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I have been a member of the Nevada Bar since 1997 and have represented clients in State and Federal Courts, administrative forums, arbitrations and negotiations. I have worked as a public attorney since 1999. I have assisted in the investigation of innumerable cases and represented agencies at hearings resulting from those investigations. I have been trained as an Administrative Law Judge at the National Judicial College and have acted as a hearing officer in dozens of matters. Areas in which I have practiced include Insurance Law, §1983 Litigation, Employment Law, Education Law, Zoning Law, and Defense Litigation.

## EXPERIENCE

### 2009 – PRESENT

#### **INSURANCE COUNSEL/HEARING OFFICER**, NEVADA DIVISION OF INSURANCE

Provide legal counsel to the Commissioner of Insurance and the sections within the Division of Insurance. Review examinations, investigations and proposed administrative action and determine if violations of NRS Title 57 have occurred and what action should be taken. Represent the Division in administrative hearings, negotiations and District Court. Act as primary hearing officer for contested cases, regulation workshops and hearings, meetings with self-insured employers, and mergers.

### 2007 – 2008

#### **DEPUTY DISTRICT ATTORNEY**, DOUGLAS COUNTY DISTRICT ATTORNEY

Provided legal counsel to the Board of County Commissioners, the County Manager and related entities, including: The Fire District, Human Relations Department, and the Board of Equalization. Monitored ongoing litigation files and maintained civil forfeiture caseload. Drafted and reviewed agreements, resolutions and ordinances.

### 2001 – 2007

#### **ASSISTANT GENERAL COUNSEL**, CLARK COUNTY SCHOOL DISTRICT

Promoted from Deputy Assistant General Counsel position. Provided legal counsel to school administrators, the Superintendent of Schools, and Board of Trustees members. Represented the country's fifth largest school district and its employees in litigated matters in all forums. Areas of practice included, but were not limited to: Personal injury and civil rights litigation, employment/personnel law and litigation, school law and related areas of practice.

### 1999 – 2001

#### **ASSISTANT GENERAL COUNSEL**, CLARK COUNTY SCHOOL DISTRICT

Similar to those above but on a smaller scale and with less responsibility. Reported to an Assistant General Counsel rather than directly to the General Counsel.

# DAVID R. HALL, ESQ.

**1997 – 1999**

**ASSOCIATE ATTORNEY**, ALBRIGHT, STODDARD, WARNICK & ALBRIGHT

Researched various legal issues, drafted pleadings, legal opinions and contracts. Areas of practice included construction law and litigation, business and commercial law, real estate law, insurance defense and class action litigation.

## EDUCATION

**1994 - 1997**

**JURIS DOCTOR**, UNIVERSITY OF KANSAS SCHOOL OF LAW, LAWRENCE, KANSAS

- Outstanding Oralist, School and Regional Moot Court Competitions;
- Outstanding Legal Brief, Regional Moot Court Competition;
- Appellate Advocacy Instructor;
- Criminal Procedure Law Review.

**1992 - 1994**

**BACHELOR OF ARTS, ENGLISH**, UNIVERSITY OF KANSAS, LAWRENCE, KANSAS

- Dean's List 1992-1994

Also attended Brigham Young University and the University of Nevada, Reno.

Have attended Administrative Law Judge training at the National Judicial College

## SKILLS

- Excellent verbal and written communication skills
- Excellent analytical skills
- Collaborate well with others
- Objective and impartial
- Quick learner
- Can work independently
- Creative

## REPRESENTATIVE CASES

- *Cox v. Clark Cnty. Sch. Dist.*, 2007 WL316300 (D. Nev.)
- *Sanchez v. Clark Cnty. Sch. Dist.*, 2008 WL 11449321 (D. Nev.)

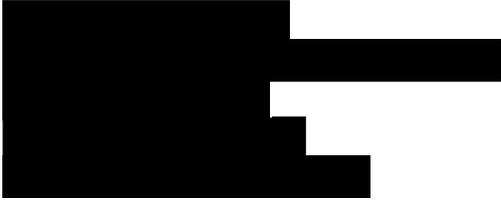
**References and writing samples will be provided upon request**

# DAVID R. HALL, ESQ.

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## REFERENCES:

JOANNA N. GRIGORIEV, ESQ.  
Senior Deputy Attorney General



I have worked with Ms. Grigoriev on a number of matters involving the Division of Insurance. We have collaborated in hearings, the drafting of pleadings, as well as special projects involving the Division of Insurance.

CONSTANCE L. ACKRIDGE, ESQ.  
Partner, Holland & Hart



I have worked frequently with Ms. Ackridge, her serving as opposing counsel, in a variety of matters before the Division of Insurance.

MARY M. HUCK, ESQ.  
Insurance Counsel, Nevada Division of Insurance



I have worked collaboratively with Ms. Huck on many occasions. I have appeared before her in her capacity as hearing officer, and she has appeared before me in my capacity as hearing officer.

GEORGE M. KEELE, ESQ.



Mr. Keele is a former member of the Commission on Ethics and I have known him for many years.

**Janet E. Traut**

*Janet Ellen Traut*



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March 10, 2021

Kari Pedroza  
Executive Assistant  
Nevada Commission on Ethics

via email: [k.pedroza@ethics.nv.gov](mailto:k.pedroza@ethics.nv.gov)

Dear Kari and Commissioners,

I was excited to see on Linked In and the DHRM Unclassified posting that you are looking to hire an Executive Director. I am looking to return to public service, and would like to deepen my legal horizons. I would be honored and privileged to represent the Nevada Commission on Ethics.

I served as a litigator in the Attorney General's Office for nearly 14 years, and I have broad experience in government. I was responsible for any litigation regarding ADA, ADEA, Title VII, FLSA, or Section 1983. In the more than six years I worked in the personnel arena, I obtained summary judgment in most instances, and settled a small number of cases including bad facts. One trial in federal court settled after opening arguments.

In the Personnel Division, I advised a variety of State agencies regarding all levels of employee correction or discipline, carrying those actions through to grievance hearings before the Employee-Management Committee or personnel appeal hearings before the Department of Human Resource Management hearing officers. While most of my advice focused on NRS Chapters 284 and 289, they are part of Title 23 PUBLIC OFFICERS AND EMPLOYEES; Chapter 281A and ethics are integral to that representation. I also worked to update the agency regulations regarding employee discipline for the Department of Corrections and the Highway Patrol.

Employee discipline often includes petitions for judicial review and subsequent appeals, and I would continue representation on those matters as necessary. As I was working for the State, most of these matters were before the judges in the First Judicial District Court.

Previously, I defended the Nevada Department of Corrections against inmate civil rights lawsuits for many years, and I am well-versed in defending Section 1983

Janet E. Traut  
Letter of Interest  
March 10, 2021

Page 2

cases in state and federal courts. While counsel for the Department of Corrections, I was responsible for review of draft regulations, and presentation of those regulations at Board of Prisons meetings. I have participated in budget training along with NDOC administrators, including the Director, Deputy Directors, and Wardens.

I also represented the State Board of Prison Commissioners and the Pardons Board, and was counsel for the Advisory Commission on the Administration of Justice. I am comfortable with public speaking, Open Meeting Law, and public records administration, as they are staples of government representation.

Currently, I am representing victims of domestic violence in extending their protection orders at Washoe Legal Services. Once the Applicant is safe, we can then address representation to obtain permanent orders regarding custody or divorce in the Family Court. Every custody and divorce case in the Family Division schedules a settlement conference with the district judge if the case was not resolved early at the case management conference. With issues of violence, and often substance abuse, most of my cases have settlement conferences. I have had several trials as well, both against lawyers and *pro per* individuals. I am responsible for every aspect of the litigation, from initial client interviews, drafting pleadings, engaging in discovery, mediation, and trial. I also often interact with victim advocates and prosecutors of the underlying domestic violence case to ensure the prosecutors are getting appropriate cooperation.

As I attended law school a bit later than most, I have experience in management in the retail sector, having been manager of a couple of stores. I also was the President of the Nevada Opera Association board, managing a budget of approximately \$500,000 in 2010-11 season, shepherding the company through the down-budget grant years post-recession.

I would be privileged to talk to you about the Executive Director position, and look forward to that opportunity. Thank you in advance for your consideration.

Sincerely yours,



JET/jet

# *Janet Ellen Traut*

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## **LICENSURE**

Admitted to the Nevada Bar # 8695  
Admitted to practice in the United States District Court for the District of Nevada  
Admitted to practice in the United States Court of Appeals for the Ninth Circuit  
Admitted to practice in the Supreme Court of the United States of America

## **EDUCATION**

William S. Boyd School of Law at University of Nevada, Las Vegas  
Juris Doctor, May 2001, Dean's Award for Outstanding Service  
National Association of Women Lawyers - Outstanding Woman Law Graduate 2001

University of Nevada, Reno  
Bachelor of Music in Vocal Performance, August 1998

## **EXPERIENCE**

Washoe Legal Services, Inc. - Domestic Violence Attorney July 2018 to Present  
Representation in State courts for extended protective orders, and related family law components, including child support, child custody, and divorce actions. Interview potential clients for program eligibility. Responsibility for all pleadings, all hearings, discovery promulgation and response, trial preparation, and trial. Coordinate with domestic violence advocates for available resources for clients. Coordinate with victim advocates for Marsy's Law compliance and tracking Adverse Parties' criminal matters. Facilitate Extended Protection Order Clinic for potential clients and unrepresented individuals.

Social Security Administration – Decision Writer April 2017 to November 2017  
In the Office of Disability Adjudication and Review, I was responsible for drafting decisions on disability, following instructions from the administrative law judge and using the medical evidence of record to support the decision. The decisions must comply with statute, regulation, and all policy determinations including Social Security Rulings, Administrative Notices, and Acquiescence Rulings.

Legislative Counsel Bureau – Associate Law Indexer July 2016 to March 2017  
Review bill drafts and create new index entries for use during the legislative session. Update index entries as bills are passed into law, and consolidate into the existing index for the Nevada Revised Statutes after enrollment and codification.

Office of the Attorney General – Deputy Attorney General February 2004 to March 2016  
Bureau of Litigation, Personnel Division - Personnel counsel for the Nevada Department of Corrections and other State agencies. Represent state agencies at administrative hearings

regarding appeals of employee discipline. Represent state agencies before the Employee-Management Committee. Litigation responsibility for employment matters in both state and federal courts at all levels. Policy and procedure review pursuant to applicable Nevada statutes and regulations. Senior Deputy June 2007 through 2015, supervising three attorneys.

Public Safety Division, NDOC Section – Counsel for the Nevada Department of Corrections and Board of Prison Commissioners. Counsel for the Advisory Commission on the Administration of Justice. Counsel for the Pardons Board. Responsibility for a full caseload including litigation in state and federal courts, including small claims, original jurisdiction, and appellate levels. Focus on inmate civil rights litigation, with additional representation of the division of Parole & Probation and the Parole Board. I taught CLE on several issues, both in and outside the Agency, over several years.

Transportation Division - Legal Researcher

December 2001 to February 2004

Nevada Opera Association – President of the Board, 2010-11; Board Member, Comprimario Soloist, Nevada Opera Chorus member since 1987. I have been involved in all phases of production, from funding, marketing, to performance.

LexisNexis - Education Specialist

November 1999 to August 2001

Professional liaison to the law school, interacting with faculty and staff to design and integrate programs. Provide training campus-wide in computer assisted legal research techniques using LexisNexis.

First Judicial District Court - Summer Intern

Summer 2000

Law clerk to the Hon. Michael R. Griffin in Carson City, Nevada. Participated in all court areas including criminal, civil, and family matters. Researching, drafting, and editing responsibilities for all matters.

Nevada Supreme Court – Extern

Summer 1999

Draft and revise bench memorandums for submission to justices under Central Staff attorney supervision. Review backlog of *pro se* cases for appealable issues.

Second Judicial District Court - Court Services Officer II

May 1995 to August 1998

Promoted from Clerk I through Court Services Officer I. Interviewed and investigated defendants in custody to affect release without bail. Negotiated and implemented release contracts. Provided procedural information for court appearances and enforced contracts with defendants, reporting results directly to judges including courtroom testimony.

## **ORGANIZATIONS and ACTIVITIES**

Nevada Coalition to End Domestic and Sexual Violence - member 2018-21; Public Policy Task Force - 2018-21

Northern Nevada Women Lawyers Association – 2001-21, Secretary – 2008, Historian – 2002

Washoe County Bar Association – 2001-21

Nevada Justice Association – 2001-06 and 2019-21

Federal Bar Association – 1999-2018

American Association of University Women – 1993-2008

*Janet Ellen Traut*

[REDACTED]

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REFERENCES

Keith G. Munro  
Deputy District Attorney III

[REDACTED]

Daniel Wong

[REDACTED]

Joseph L. Ward, Jr.

[REDACTED]

Cameron Vandenberg  
Chief Deputy Attorney General  
Division of Personnel

[REDACTED]