



**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:

/s/ Kim Wallin

Kim Wallin, CPA, CMA, CFM
Chair

/s/ Brian Duffrin

Brian Duffrin
Vice-Chair