

Agenda Item 2

Public Comment

All Public Comment received in support of candidates for the Executive Director position can be located in Agenda Item 8 behind the respective applicant's submissions.

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, October 20, 2021, at 9:30 a.m.
at the following location:

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

The meeting was also held virtually via Zoom as follows:

Zoom Meeting Information:

<https://us06web.zoom.us/j/82104238959?pwd=Z2pESHFDU053VkdYbkh6M2I3dTlrZz09>

Zoom Meeting Telephone Number: 669-900-9128

Meeting ID: 821 0423 8959

Passcode: 935222

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

1. Call to Order and Roll Call.

Chair Kim Wallin, CPA, CMA, CFM appeared in Carson City and called the meeting to order at 9:31 a.m. Also appearing in Carson City were Vice-Chair Brian Duffrin and Commissioner Barbara Gruenewald, Esq. Appearing via videoconference were Commissioners Teresa Lowry, Esq., James Oscarson, Thoran Towler, Esq. and Damian Sheets, Esq. Amanda Yen, Esq. was excused. Present for Commission staff in Carson City were Commission Counsel Tracy L. Chase, Esq., Associate Counsel Elizabeth J. Bassett, Esq., Investigator Erron Terry, Senior Legal Researcher Darci Hayden and Executive Assistant Kari Pedroza.

The pledge of allegiance was conducted.

2. Public Comment.

There was no public comment.

3. Approval of Minutes of the September 15, 2021 Commission Meeting.

Chair Wallin stated that all Commissioners were present for the September 15th meeting and could participate on this item.

Vice-Chair Duffrin moved to approve the September 15, 2021 Commission Meeting Minutes as presented. Commissioner Gruenewald seconded the motion. The Motion was put to a vote and carried unanimously.

2. Public Comment.

Citizens Tammy Holt-Still and Denise Ross provided public comment pertaining to City of Reno Councilmember Bonnie Weber, the subject of Agenda Item 4.

4. Discussion and approval of a Proposed Stipulation concerning Ethics Complaint No. 20-010C regarding Bonnie Weber, Councilmember, City of Reno, State of Nevada.

Chair Wallin stated for the record that Vice-Chair Duffrin and Commissioners Gruenewald and Oscarson served as members of the Review Panel and would be precluded from participating in this item. Commission Counsel Chase stated that although Commissioner Yen was excused from the meeting, she wanted to note for the record the Commissioner's disclosure that her law firm represents the City of Reno and that she abstained from all matters relating to the case pursuant to NRS 281A.420 and the Canons of Judicial Ethics as applicable to Commissioners in their quasi-judicial capacity.

Paul Lipparelli, Esq., co-counsel for Councilmember Weber disclosed his long-standing friendship with Vice-Chair Duffrin to the Commission. Vice-Chair Duffrin provided a disclosure on the same relationship. Commission Counsel Chase confirmed that Vice-Chair Duffrin could participate on the item because he did not have a conflict under the Ethics Law.

Chair Wallin asked the parties in the Complaint to identify themselves for the record. Associate Counsel Elizabeth J. Bassett, Esq. appeared before the Commission in this matter and Jonathan D. Shipman, Esq., Karl Hall, Esq. and Paul Lipparelli, Esq. appeared on behalf of Councilmember Bonnie Weber, who was not in attendance but was provided proper notice of the Agenda Item and understood that the Commission would proceed in her absence.

Associate Counsel Bassett provided an overview of Ethics Complaint Case No. 20-010C (Weber) and the Proposed Stipulated Deferral Agreement. The Complaint alleged that Councilmember Weber violated the Ethics Law when she used her official City of Reno letterhead to send invitations to developers for private events and accepted free lunches from developers who had land issues that would subsequently come before her in her official capacity. During the investigation of this matter, issues were identified concerning Councilmember Weber's alleged use of City staff at the private events to benefit a significant personal or pecuniary interest. A Review Panel consisting of 3 members of the Commission on Ethics determined that just and sufficient cause exists for the Commission to render an Opinion regarding the allegations pertaining to NRS 281A.400 subsections (1), (2) and (7).

The Proposed Stipulated Deferral Agreement outlined that Councilmember Weber, the Reno City Manager, and the Reno City Attorney's Office would (i) update and revise City of Reno Policies and Procedures to address situations where City staff attend meetings that are hosted or organized by elected officials, but not open to the general public; and (ii) update and revise Citywide training on such policies and encourage impacted City officials and employees to receive training on the revised policies.

Councilmember Weber's counsel, Jonathan D. Shipman, Esq. thanked Associate Counsel Bassett and Investigator Terry for their help in resolving the matter and stated that his client is looking forward to putting this matter behind her.

Commissioner Lowry made a motion to accept the terms of the Stipulated Deferral Agreement as presented by the parties and direct Commission Counsel to finalize the Stipulation in appropriate form. Commissioner Towler seconded the motion. The Motion was put to a vote and carried as follows:

Chair Wallin:	Aye.
Vice-Chair Duffrin:	Abstain. (Review Panel Member)
Commissioner Gruenewald:	Abstain. (Review Panel Member)
Commissioner Lowry:	Aye.
Commissioner Oscarson:	Abstain. (Review Panel Member)
Commissioner Towler:	Aye.
Commissioner Sheets:	Aye.

5. Discussion and approval of a Proposed Stipulation concerning Ethics Complaint No. 19-095C regarding Jim Alworth, Councilmember, City of Ely, State of Nevada.

Chair Wallin stated for the record that Vice-Chair Duffrin and Commissioners Gruenewald and Oscarson served as members of the Review Panel and would be precluded from participating in this item.

Chair Wallin asked the parties in the Complaint to identify themselves for the record. Appearing before the Commission in this matter were Associate Counsel Elizabeth J. Bassett, Esq. in Carson City and Councilmember Alworth via Zoom.

Associate Counsel Bassett provided an overview of Ethics Complaint Case No. 19-095C (Alworth) and the Proposed Stipulated Agreement. The Complaint alleged that Councilmember Alworth violated the Ethics Law when he failed to publicly disclose the full nature and extent of his pecuniary interests in participating in matters related to the Ely Fire Department and Ely Volunteer Fire Department. A Review Panel consisting of 3 members of the Commission on Ethics determined that just and sufficient cause exists for the Commission to render an Opinion regarding the allegations that implicate NRS 281A.400 subsections (2) and (9), NRS 281A.420 subsections (1) and (3) and NRS 281A.685 subsection (3)(a).

The Proposed Stipulated Agreement reflected that Councilmember Alworth's actions constitute a single course of conduct resulting in one violation of the Ethics Law, implicating the provisions of NRS 281A.420(1) and (3), deemed by the Commission not to be a willful violation.

Commissioner Sheets made a motion to accept the terms of the Stipulated Agreement as presented by the parties and direct Commission Counsel to finalize the Stipulation in appropriate form. Commissioner Lowry seconded the motion. The Motion was put to a vote and carried as follows:

Chair Wallin:	Aye.
Vice-Chair Duffrin:	Abstain. (Review Panel Member)
Commissioner Gruenewald:	Abstain. (Review Panel Member)
Commissioner Lowry:	Aye.
Commissioner Oscarson:	Abstain. (Review Panel Member)
Commissioner Towler:	Aye.
Commissioner Sheets:	Aye.

6. Discussion and approval of a Proposed Stipulation concerning Ethics Complaint No. 20-063C regarding Danielle Milam, Planning and Development Director, Las Vegas-Clark County Library District, State of Nevada.

Chair Wallin stated for the record that Vice-Chair Duffrin and Commissioners Sheets and Yen served as members of the Review Panel and would be precluded from participating in this item.

Chair Wallin asked the parties in the Complaint to identify themselves for the record. Associate Counsel Elizabeth J. Bassett, Esq. appeared before the Commission in this matter and Mitchell Stipp, Esq. appeared via Zoom with his client Director Milam.

Associate Counsel Bassett provided an overview of Ethics Complaint Case No. 20-063C and the Proposed Stipulated Agreement. The Complaint alleged that Director Milam violated the Ethics Law when she used her position with the Library District to secure or grant unwarranted privileges, preferences, or advantages for a vendor with whom she had a professional working relationship outside of the Library District. A Review Panel consisting of 3 members of the Commission on Ethics determined that just and sufficient cause exists for the Commission to render an Opinion regarding the allegations that implicate of NRS 281A 400 subsections (1), (2) and (10) and NRS 281A.420 subsection (1)

The Proposed Stipulated Agreement reflected that after further investigation and mitigating circumstances, the allegations were dismissed for lack of evidence to support such violations by a preponderance of the evidence, which standard of proof is set forth in NRS 281A.790(9).

Commissioner Oscarson made a motion to accept the terms of the Stipulated Agreement as presented by the parties and direct Commission Counsel to finalize the Stipulation in appropriate form. Commissioner Lowry seconded the motion. The Motion was put to a vote and carried as follows:

Chair Wallin:	Aye.
Vice-Chair Duffrin:	Abstain. (Review Panel Member)
Commissioner Gruenewald:	Aye
Commissioner Lowry:	Aye.
Commissioner Oscarson:	Aye.
Commissioner Towler:	Aye.
Commissioner Sheets:	Abstain. (Review Panel Member)

7. 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.

Vice-Chair Duffrin 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 Gruenewald seconded the motion. The Motion was put to a vote and carried unanimously.

8. Confirmation of Commission Chair's appointment of Elizabeth Bassett, Associate Counsel, to fulfill the duties of the Executive Director during the interim on certain 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 Ethics Complaint case matters in which the Commission Counsel is precluded from participating.

Commissioner Gruenewald made a motion to appoint Associate Counsel Bassett 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 Oscarson seconded the motion. The Motion was put to a vote and carried unanimously.

9. Report by Commission Counsel, as Acting Executive Director, on agency status and operations and possible direction thereon. Items to be discussed include, without limitation:
 - FY22 Budget Status
 - Status of processing of Jurisdictional Reviews, Investigations and Complaints
 - Update on Current Caseload
 - Executive Director Recruitment
 - Commission Meeting Status
 - Update on Education and Outreach

FY22 Budget Status: Commission Counsel Chase reiterated that staff is monitoring the Commission's budget through projections and the Commission is within its budgetary authority for the Fiscal Year. She informed them that the Precision Document Imaging contract for the case management system was negotiated and sent to the Administrative Services Division for processing.

Status of processing of Jurisdictional Reviews, Investigations and Complaints/ Update on Current Caseload: Commission Counsel Chase provided an update on the Commission's caseload, highlighting the combined efforts of the Commission and staff in resolving all outstanding Fiscal Year 2019 Ethics complaint cases and the progress in regard to decreasing the backlog.

Executive Director Recruitment: Commission Counsel Chase confirmed that the Executive Director position announcement had been posted on the Commission's website, LinkedIn and the State HR website, as well as on the Council on Government Ethics Law website and additionally was emailed by the State Bar Association to all public lawyer section members. She reported that the Commission had received 22 submissions for the Executive Director position which would be provided to all Commissioners. She requested that the Commissioners refrain from discussing the applications outside of a public meeting to ensure compliance with the Open Meeting Law. Commission Counsel Chase outlined the applicant interview process before the Personnel Subcommittee and subsequently those applicants referred by the Subcommittee would be considered by the full Commission.

Update on Education and Outreach: Commission Counsel Chase informed the Commission that staff has provided the Ethics in Government Law training video to a number of requesters, including the State's Boards and Commissions, Lake Tahoe Visitors Authority and Tahoe Douglas Visitors authority, Nevada State Contractor's Board, and the Humboldt County Planning Commission.

Commission Meeting Status: Commission Counsel Chase or stated that the Commission will have its November meeting on the 17th, the third Wednesday of the month and asked that the Commissioners hold the third Wednesday in December for a tentative Commission meeting.

Commission Counsel Chase reported that Chair Wallin has authorized Commission staff to reinstate the Commission's office hours of Monday through Thursday 7:00 am to 5:30 pm effective November 8, 2021.

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

Commissioner Oscarson thanked Commission Counsel Chase for her report.

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 thanked the Commissioner staff for their hard work. She also thanked Executive Assistant Pedroza for posting the Global Ethics Day tweet on Twitter prior to the meeting.

11. Public Comment.

There was no public comment.

12. Adjournment.

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

The meeting adjourned at 10:28 a.m.

Minutes prepared by:

/s/ Kari Pedroza

Kari Pedroza
Executive Assistant

/s/ Tracy L. Chase, Esq.

Tracy L. Chase, Esq.
Acting Executive Director

Minutes approved November 17, 2021:

Kim Wallin, CPA, CMA, CFM
Chair

Brian Duffrin
Vice-Chair

Agenda Item 4



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

**MINUTES
of the meeting of the
NEVADA COMMISSION ON ETHICS
PERSONNEL REVIEW SUBCOMMITTEE**

The Commission on Ethics held a public meeting on
Wednesday, November 3, 2021, at 9:00 a.m.
at the following location:

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

The meeting was also held virtually via Zoom as follows:

Zoom Meeting Information:

<https://us06web.zoom.us/j/83977133575?pwd=dkhSTks2VFh0bEzNFh0RndicDRpUT09>

Zoom Meeting Telephone Number: 669-900-9128

Meeting ID: 839 7713 3575

Passcode: 579690

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

1. Call to Order and Roll Call.

Chair Kim Wallin, CPA, CMA, CFM appeared in Carson City and called the meeting to order at 9:00 a.m. Also appearing in Carson City were Vice-Chair Brian Duffrin and Commissioner Oscarson. Present for Commission staff in Carson City were Acting Interim Executive Director/Commission and Executive Assistant Kari Pedroza.

The pledge of allegiance was conducted.

2. Public Comment.

There was no public comment.

3. Interviews and consideration of candidates for the Executive Director position, and possible referral of one or more applicants to the Commission for additional consideration and possible selection for the Executive Director position. Under NRS 241.020(2)(d)(5), the Commission may consider the character and professional competence of the following candidates for the Executive Director position:
 - 1.) Ross Armstrong
 - 2.) Shani Cooke
 - 3.) Andre Gardner
 - 4.) Michael Morton
 - 5.) Neil Rombardo
 - 6.) Sean Sever

Chair Wallin introduced the agenda item, outlined the interview process, and stated that the Personnel Subcommittee would be interviewing 4 of the 6 Executive Director applicants that day and the remaining 2 applicants the next day on November 4. She explained that upon completion of the interviews the Subcommittee would deliberate regarding its selection of candidates to be referred to the full Commission at its November 17th, 2021 meeting for final interviews.

The Commission then interviewed each of the four candidates in the following order: Sean Sever, Neil Rombardo, Andre Gardner, and Shani Cooke.

Chair Wallin expressed her gratitude to each of the applicants. Her fellow Subcommittee members echoed her comments.

4. 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.

There were no Commissioner comments.

5. Public Comment.

There was no public comment.

6. Adjournment.

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

The meeting adjourned at 2:22 p.m.

Minutes prepared by:

/s/ Kari Pedroza

Kari Pedroza
Executive Assistant

/s/ Tracy Chase, Esq.

Tracy Chase, Esq.
Acting interim Executive Director

Minutes approved November 17, 2021:

/s/ Kim Wallin

Kim Wallin, CPA, CMA, CFM
Chair

/s/ Brian Duffrin

Brian Duffrin
Vice-Chair

Agenda Item 5



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

**MINUTES
of the meeting of the
NEVADA COMMISSION ON ETHICS
PERSONNEL REVIEW SUBCOMMITTEE**

The Commission on Ethics held a public meeting on
Wednesday, November 4, 2021, at 9:00 a.m.
at the following location:

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

The meeting was also held virtually via Zoom as follows:

Zoom Meeting Information:

<https://us06web.zoom.us/j/84938561421?pwd=UW1DQnFFYTR6TU0xQ0IyanBURVJsUT09>

Zoom Meeting Telephone Number: 669-900-9128

Meeting ID: 849 3856 1421

Passcode: 968875

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

1. Call to Order and Roll Call.

Chair Kim Wallin, CPA, CMA, CFM appeared in Carson City and called the meeting to order at 9:01 a.m. Also appearing in Carson City were Vice-Chair Brian Duffrin and Commissioner Oscarson. Present for Commission staff in Carson City were Acting Interim Executive Director/Commission and Executive Assistant Kari Pedroza.

The pledge of allegiance was conducted.

2. Public Comment.

The Commission received 2 letters in support of Ross Armstrong for the Executive Director position prior to the meeting which were included in the meeting packet and posted online. The Commission received 1 additional public comment in support of Ross Armstrong just prior to the beginning of the meeting which Acting Interim Executive Director/ Commission Counsel Chase read for the record. (See attached public comment)

3. Interviews and consideration of candidates for the Executive Director position, and possible referral of one or more applicants to the Commission for additional consideration and possible selection for the Executive Director position. Under NRS 241.020(2)(d)(5), the Commission may consider the character and professional competence of the following candidates for the Executive Director position:
 - 1.) Ross Armstrong
 - 2.) Shani Cooke
 - 3.) Andre Gardner
 - 4.) Michael Morton
 - 5.) Neil Rombardo
 - 6.) Sean Sever

Chair Wallin introduced the agenda item, outlined the interview process, and stated that the Personnel Subcommittee would be interviewing the remaining 2 of the 6 Executive Director applicants that day. She explained that upon completion of the interviews the Subcommittee would deliberate regarding its selection of candidates to be referred to the full Commission at its November 17th, 2021 meeting for final interviews.

The Commission then interviewed the 2 remaining candidates in the following order: Michael Morton and Ross Armstrong.

The Personnel Subcommittee members each identified their candidate selections in alphabetical order.

Commissioner Oscarson commended the applicants for their submissions and their efforts throughout the process. He recommended that the following applicants proceed to the next interview: Ross Armstrong, Michael Morton and Sean Sever.

Vice-Chair Duffrin thanked the interviewees for their participation and interest in the position. He shared that he was looking for the correct balance of management organization and legal work required by the Executive Director incumbent. He recommended the following applicants to proceed to the next interview: Ross Armstrong, Michael Morton, Neil Rombardo and Sean Sever.

Chair Wallin echoed her fellow Subcommittee members' comments and expressed her gratitude to the applicants. She listed her recommendations to proceed before the full Commission as follows: Ross Armstrong, Michael Morton and Sean Sever.

Upon further discussion, the Personnel Subcommittee collectively decided to refer the following candidates to be interviewed by the full Commission: Ross Armstrong, Michael Morton and Sean Sever.

Vice-Chair Duffrin made a motion to refer Executive Director position candidates Ross Armstrong, Michael Morton and Sean Sever to the full Commission for interviews at the November 17th, 2021 meeting. Commissioner Oscarson seconded the Motion. The motion was put to a vote and carried unanimously.

4. 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.

There were no Commissioner comments.

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5. Public Comment.

There was no public comment.

6. Adjournment.

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

The meeting adjourned at 11:42 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 November 17, 2021:

/s/ Kim Wallin

Kim Wallin, CPA, CMA, CFM
Chair

/s/ Brian Duffrin

Brian Duffrin
Vice-Chair

Public Comment

November 2, 2021

Tracy L. Chase, Esq., Acting Executive Director
Kim Wallin, CPA, CPM, CFM, Chair
Brian Duffrin, Vice Chair
State of Nevada Commission on Ethics

Please accept this letter as my full and enthusiastic support for Ross Armstrong to be selected as the Executive Director of the State of Nevada Commission on Ethics. I worked with Mr. Armstrong for almost six years, and he was my direct supervisor for two and a half of those years when I was fortunate to serve on his leadership team as the Deputy Administrator of Quality and Oversight at the Division of Child and Family Services. From my time with Mr. Armstrong, I can speak to his abilities in the oversight of the Division including four public-facing systems (child welfare, juvenile justice, children's mental health, victim services), and my experience being supervised by him and serving on his leadership team.

In my years at DCFS I witnessed the skill with which Mr. Armstrong interacts with Division partners, including community partners, service providers, federal and county partners, and other state agencies. I was constantly impressed at his ability to maintain professionalism in every situation, regardless of the expectations placed on him or the type of attention that was being directed at the Division, or on him as the leader of the Division. He regularly receives accolades for his ability to provide information and clarification on the spot during meetings, for committing to action based on activities and decisions made at meetings, for ensuring follow-through on action items, and for ensuring DCFS staff and resources are provided to support the work of a variety of commissions, consortia, committees, and subcommittees. In meetings staffed by DCFS, Mr. Armstrong paid close attention to ensure effective agendas and steady progress, all while adhering to Open Meeting Law.

As DCFS Administrator, Mr. Armstrong maintained a sharp focus on equity, taking tangible steps to improve equitable practices within the organization, and in the services the Division provides to the community. He participated in the development of the DCFS Vision: Safe, Healthy, Thriving Kids in Every Nevada Community, and ensures DCFS staff and community partners understand that "community" means more than geographical community, it also means communities of color, tribal communities, LGBTQ communities, and any other community that might benefit from specialized attention.

Mr. Armstrong displayed unquestionable integrity during my time at DCFS. He is dedicated to his staff, available to all staff, not just management and leadership. He is attentive to internal and external issues, even at early stages, and quickly acts to defuse situations, from personnel issues and grievances to issues with service delivery in the community whether at a facility level or at the level of an individual child. He is forward-thinking; he sees every error or crisis or oversight as an opportunity for improvement in a system or process, and ensures that efforts are made towards those improvements.

As my supervisor, Mr. Armstrong cultivated a strong, tightly knit, collaborative, trusting, and supportive leadership team at the Division of Child and Family Services. He ensured frequent, structured communication through weekly leadership meetings which were used for project updates and strategic planning. In turn, Deputy Administrators were expected to hold regular supervisory meetings with our own staff, and to facilitate regular meetings within our programs. Mr. Armstrong is committed to communication and transparency at every level, regularly sending all-staff emails with important information relating to the pandemic, the Legislative Session, or other Division- or state-specific information; and regularly holding webinars and town halls to provide important information and to give all Division staff the opportunity to ask questions or provide comments on Division activities.

As a Deputy Administrator, I felt very fortunate to be supervised by Mr. Armstrong. As a new state employee, his leadership in learning how to research and interpret statute and regulations, how to effectively represent the Division at the Legislative Session and other Legislative and public bodies were invaluable. Beyond helping me learn to complete the functions of my position, he provided the context, the history, the connections, the legal foundation and/or implications, and interesting facts about state government. His historical knowledge of the state, the law, and the government made for a more robust learning environment and a better picture about where we fit in as DCFS, and the role we played in Nevada. As an aside, I brought a deck of Nevada trivia cards on a road trip with Mr. Armstrong and another colleague to meet with community members in Ely, Nevada, and he answered just about every single question correctly!

Above all, Mr. Armstrong displays a passion for the State of Nevada and a steadfast belief that government can and should provide an invaluable service to the State of Nevada, and that state employees have the honor and obligation to serve Nevadans. I am confident that Mr. Armstrong would bring the same passion and dedication to the role of Executive Director of the Commission on Ethics.

Thank you for your consideration.

Kathryn Roose, Ph.D.

kathrynroose@gmail.com

To Whom It May Concern:

I am writing to express my strong support for Ross Armstrong as a candidate for the position of Executive Director of the Nevada Commission on Ethics.

I have worked with Mr. Armstrong for the last two years. In his current State position as Administrator of the Division of Child and Family Services (“DCFS”), Mr. Armstrong oversees a large division within the Nevada Department of Health and Human Services. DCFS is one of the clients I serve as a Deputy Attorney General in the Nevada Attorney General’s Office. I provide employment law guidance to DCFS, which requires me to regularly work closely with Mr. Armstrong to handle difficult personnel matters and manage administrative appeals and litigation for the Division. I have also been working with Mr. Armstrong to implement the COVID-19 vaccination mandate that became effective November 1 for employees at certain state facilities operated by DCFS.

Although the matters I handle for DCFS are often time-consuming and complex, it is always a pleasure to work with Mr. Armstrong. I appreciate the thoughtful and respectful manner in which he handles all matters we have worked on together and it is evident he is respected by his peers at DHHS and his DCFS team.

I have watched Mr. Armstrong successfully navigate through some very challenging issues for DCFS. His departure from DCFS will be a loss for the State and I will miss working with him. However, DCFS’s loss can be your gain. I am excited to think that my prior coworkers at the Ethics Commission might have the pleasure of working with Mr. Armstrong. I think he is an ideal fit for the Ethics Commission and hope you will agree.

Sincerely,

Judy Prutzman

Additional Public Comment Received November 4, 2021

Read for the Record by Acting Executive Director/ Commission Counsel Tracy Chase:

Richard Whitley, Director of the Nevada Department of Health and Human Services sent a communication recommending his support for Ross Armstrong in support of his application for the Executive Director.

Agenda Item 6

NEVADA COMMISSION ON ETHICS



DRAFT

ANNUAL REPORT FISCAL YEAR 2021

Nevada Commission on Ethics
704 W. Nye Lane, Suite 204
Carson City, NV 89703
Tel. 775-687-5469
Fax 775-687-1279
ethics.nv.gov
ncoe@ethics.nv.gov

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Commission and Commissioner Information

Nevada Commission on Ethics

Commissioners

Chair Kim Wallin, CPA (D)**
(06/26/18 – 06/25/22)

Vice Chair - Brian Duffrin (NP)*
(1st Term: 10/01/16 – 10/31/19)
(2nd Term: 11/01/19 – 10/31/23)

Barbara Gruenewald, Esq. (D)**
(1st Term: 11/01/15 - 10/31/19)
(2nd Term: 11/01/19 - 10/31/23)

Damian R. Sheets, Esq. (D)*
(10/01/19 – 9/30/23)

Teresa Lowry, Esq. (D)**
(05/16/18 - 05/15/22)

Thoran Towler, Esq. (NP)*
(07/01/2020 – 06/30/24)

James Oscarson (NP)**
(04/06/21 – 06/30/23)

Amanda Yen, Esq. (R)**
(1st Term: 12/21/16 – 12/20/20)
(2nd Term: 04/14/21 – 12/20/24)

***Appointed by Governor**

****Appointed by Legislative Commission**

Staff

Vacant
Executive Director

Tracy L. Chase, Esq.
Acting Executive Director
Commission Counsel

Elizabeth J. Bassett, Esq.
Associate Counsel

Darci L. Hayden
Senior Legal Researcher

Kari Pedroza
Executive Assistant

Erron Terry
Investigator

ANNUAL REPORT TO THE COMMISSION ON ETHICS REGARDING FISCAL YEAR 2021

Pursuant to Nevada Administrative Code 281A.180(2), the Executive Director provides an Annual Report to the Commission on Ethics (“Commission”) regarding the fiscal, legislative, regulatory, and other business processed by and on behalf of the Commission in the past fiscal year. This report details the Commission’s actions and accomplishments between July 1, 2020 and June 30, 2021 (FY21) and includes goals for the coming fiscal year.

In part, the information presented is based upon public records of the Commission. The Commission’s website at ethics.nv.gov provides public access to the Commission’s database of opinions, meeting minutes and agendas, press releases and general information about the Commission. It also has instructions and forms for filing Ethics Complaints and requesting Advisory Opinions. The Commission meeting agendas are also posted on the Nevada Public Notice statewide website at notice.nv.gov.

Dear Commissioners:

This Annual Report summarizes the Commission's activities and accomplishments during FY21 and its goals for the next fiscal year. FY21 was a year of considerable change for the Commission. Nearly all Nevada State Offices, including the Commission's, were closed to direct public access for eleven of the twelve months due to the global Pandemic. Nevertheless, the Commission deftly maintained its continuity of operations during these turbulent times by increasing its virtual presence and instituting measures to assure the public's accessibility to educational resources through the website, telephone, electronic mail, Zoom, and other virtual training opportunities. In addition, the Commission received and processed many requests for advisory opinions from public officers and employees and issued preventative guidance on applying the Nevada Ethics in Government Law to their circumstances. The advisory opinion process is an essential part of the Commission's mission because it educates and increases compliance with the Ethics Law by public officers and employees.

In FY21, the number of complaints decreased by 23%, yet the Commission initiated investigations on 38% of the cases, up over the previous fiscal years by 4% and 7%, respectively. Complaint matters were processed virtually for the most part to assure the safety of those appearing before the Commission. The Commission reviews every complaint filed to determine whether it should be investigated. The investigation and processing of Ethics complaints traverse fiscal years.

Despite the altered working conditions, the Commission was able to resolve 62% more cases over FY19. Total active investigations in FY21 were 44, of which 21 complaints were resolved. During the FY21 Pandemic, many subjects requested additional time to respond to their complaints based upon good cause considerations. The accommodation of these requests resulted in a backlog of complaint cases to be processed, which the Commission is addressing through prioritizing staff resources to focus on Ethics complaints, including holding multiple hearings each month to resolve cases and issue opinions related to violations of the Ethics Law. Focused resources will

continue to serve as a platform to bring complaint cases current during the next fiscal year.

The Commission began the fiscal year by appointing prior Vice-Chair Wallin to serve as its Chair and Commissioner Duffrin to serve as its Vice-Chair. As the former Nevada State Controller, Chair Wallin brought her fiscal and leadership experience to establish the Commission's vision into the future. Vice-Chair Duffrin's experience as the former Chief of the Administrative Division of the Nevada Gaming Control Board and his mediation talents assisted the Commission in navigating the changing environment. Their combined leadership sustained services during the Pandemic and introduced improvements to the Commission's education, outreach, and internal procedures.

Further, a team of Commissioners and staff led by the Chair and Vice-Chair prepared Assembly Bill 65 ("AB 65") and presented the bill's purpose and context to the public and legislative committees throughout the 81st (2021) Session of the Nevada Legislature. All serving Commission members supported AB 65. Special recognition is provided to the following current and former Commissioners for their outreach and support during the Legislative Session: Chair Wallin, Vice-Chair Duffrin, Commissioners Gruenewald, Lowry and Oscarson, and former Commissioner O'Neill.

AB 65 was a culmination of several years of extensive planning by the Commission who sought to amend the Ethics Law by streamlining and improving the processes for complaint cases and advisory opinions and adding additional identity protection for complainants. Although the procedural and regulatory aspects of AB 65, as presented by the Commission, received the Governor's full support, he vetoed it because of a late-session committee amendment. The Commission anticipates revisiting the bill's critical procedural components during the next legislative session.

At the end of the fiscal year, the Commission completed its planning and vision for the biennium. The Commission's biennium budget was approved by the Legislature as presented. In addition, a Personnel Subcommittee was formed to update the job duties and priorities for the leadership positions of Executive Director and Commission Counsel to better reflect the Commission's mission and guiding principles. This will place the Commission in a prime position to maintain the successful navigation of educating and

enforcing the Ethics Law in an ever-changing environment. The Subcommittee members were Chair Wallin, Vice Chair Duffrin, and Commissioner Oscarson.

The Commission maintained its presence on Social Media via its Twitter account to post news of its meetings, training, and case/opinion determinations. Ethics Commissions throughout the Country share data on Twitter and reflect on the issues and decisions made by similar agencies. Many state and local government agencies, public officers, and employees follow the Commission on Twitter and receive additional outreach and education. Our social media focus is to increase the general public's awareness and involvement in the coming year. Other media outreach in the next fiscal year will be through traditional media platforms via press releases, public statements, and interviews. The Commission continued its formal training and education programs with 13 in-person or virtual training sessions throughout Nevada to educate public officers and employees. The Commission also had 1,376 "views" of its website training. The number trained could be higher because the number of views does not take into account a group watching the video.

This report would not be complete without appreciating the incredible contributions of the members of the Commission. They volunteer their time, experience, and expertise to the interpretation and enforcement of the Ethics Law. Likewise, the endeavors of the full Commission are so appreciated, including their willingness to hold additional meetings to process complaints, availability for prompt consideration and issuance of advisory opinions, promotion of education on ethics, and their efforts in establishing and presenting AB 65.

Chair Wallin is recognized for being an energetic ambassador to promote governmental ethics and accountability. Vice-Chair Duffrin is greatly appreciated for his mentorship, knowledgeable advice, and always volunteering to support the endeavors of the Commission. Commissioner Gruenewald continues to raise the bar with her legal preparation of complaint and advisory cases before the Commission and her insightful questions to address the legal implications of the Ethics Law. Commissioner Lowry demonstrates her legal expertise by challenging and applying evidence at various stages

of complaint proceedings and analyzing legal precedent in advisory and complaint matters. Commissioner Sheets provided significant experience and contributions to Review Panels and Commission meetings, resolving complaints with well-reasoned opinions. Despite her private legal practice demands, Commissioner Yen continues to provide the Commission with her expert legal analysis and insightful questions on applying the Ethics Law. Finally, the Commission's newest members, Commissioners Oscarson and Towler, brought new policy perspectives to the Commission.

The fiscal year brought change to the Commission's membership and staff. Chair Cheryl Lau completed two terms of public service for the Commission, serving as the Chair for the last five years of her term with distinction. Chair Lau's intelligence, kindness, and professionalism in promoting the public trust in government and her skills in presiding over meetings set the bar for the Commission for future years. Commissioner O'Neill was elected to the Nevada State Assembly, which meant that he could no longer serve as a member of the Commission. Commissioner O'Neill's sense of humor, practical approach to applying the Ethics Law, and commitment to doing what is right will be greatly missed.

The Commission welcomed two new members, Thoran Towler and James Oscarson. Commissioner Towler is the CEO for the Nevada Associate of Employees and former State of Nevada Labor Commissioner, who contributed his legal expertise and emphasis on public service integrity to the Commission. Commissioner Oscarson served three terms with the Nevada Legislature and brought to the Commission his legislative experience and private business and marketing skills as Senior Vice President of the Ready Responders and former Director of Community Relations for the Desert View Hospital.

A transition occurred in two of the six staff positions. Executive Director Yvonne Nevarez-Goodson, Esq. left after 12 years of exceptional service. This position will be filled in the next fiscal year. The Commission also welcomed Elizabeth "Liz" Bassett, Esq., formerly with the private law firm of Fenmore Craig, to serve as Associate Counsel in May 2021. It has been my distinct pleasure to serve with the Commission's excellent former and current staff, including former Executive Director Nevarez-Goodson, Associate Counsel Liz Bassett, Investigator Erron Terry, Senior Legal Researcher Darci

Hayden, and Executive Assistant Kari Pedroza. The individual talents, incredible dedication, and positive attitudes of each staff member are invaluable in supporting the mission of the Commission.

In reflection, throughout the changes and associated challenges of FY21, the Commission skillfully navigated the Pandemic by focusing its efforts on education and accountability. It was highly successful in maintaining its mission, educational endeavors, and overall services provided to the public. I am exceedingly proud of the accomplishments of the Commission and staff. They serve as a committed team to increase public awareness for Nevada's Ethics in Government Law, at a time during which Ethics continues to be a part of the critical issues faced by all governmental entities.

Sincerely,

[/s/ Tracy L. Chase](#)

Tracy L. Chase, Esq.
Acting Executive Director/
Commission Counsel

MISSION STATEMENT

By the authority granted under Chapter 281A of NRS, the Commission 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 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 who guide us in our decision-making.

I. About the Nevada Commission on Ethics

A. Nevada Commission on Ethics - Ethics in Government Law

The Commission is an independent public body appointed by the Governor and Legislative Commission to interpret and enforce the provisions of Nevada's Ethics in Government Law set forth in NRS Chapter 281A ("Ethics Law"). The Ethics Law preserves the public's trust in government. It ensures that elected and appointed public officers and employees avoid conflicts between their private interests and the interests of the public in carrying out their public duties. The Ethics Law sets forth various standards of conduct to guide public officers and employees to avoid such conflicts and maintain integrity in public service. The Commission's primary mission includes:

- Providing outreach and training to Nevada's public officers, employees, and attorneys regarding conflicts of interest and the provisions of the Ethics Law.
- Providing advisory opinions to public officers and employees to guide them in compliance with the Ethics Law.
- Enforcing the provisions of the Ethics Law by investigating and adjudicating alleged misconduct of public officers and employees that violates the Ethics Law ("Ethics Complaints").

In FY21, the Commission had jurisdiction over 137,000 public officers and public employees.

B. Membership

The Commission consists of eight members, appointed equally (four each) by the Governor and the Nevada Legislative Commission. The Governor and Legislative Commission must appoint at least two former public officers or employees and one attorney licensed in Nevada each. No members may be actively involved in any political activity or campaign or conduct lobbying activities for compensation on behalf of private parties. Finally, no more than half of the total Commissioners may be members of the same political party or residents of the same county in the State. The appointment criteria

help to ensure independence and objectivity in addressing Requests for Advisory Opinions and Ethics Complaints as applicable to all State and local government elected and appointed public officers and employees.

C. Requests for Advisory Opinions and Ethics Complaints

The Legislature established the Commission to interpret and enforce the provisions of the Ethics Law. In particular, the Legislature has emphasized the public policy behind the Ethics Law is to ensure the public's trust in government against conflicts between private interests and public duties while balancing Nevada's form of citizen-based, representative government. The Commission renders guidance to public officers and employees about their compliance obligations under the Ethics Law pursuant to confidential Requests for Advisory Opinion. In addition, the Commission enforces the Ethics Law by rendering opinions and holding proceedings to consider Ethics Complaint cases involving the conduct of public officers and public employees under its jurisdiction. The Commission staff is responsible for reviewing and preparing all advisory opinion and ethics complaint matters, including jurisdictional recommendations, legal research and analysis, and preparing and presenting evidence for hearings and determinations. In consideration of these matters, the Commission sets the standard for objectivity and political independence while balancing the best interests of the public and the public officers and employees who serve the public.

1. Confidential Requests for Advisory Opinions

A public officer or employee may request a confidential advisory opinion from the Commission regarding their compliance obligations under the Ethics Law by utilizing the Commission's online forms and filing system or sending the request to the Commission's offices. All advisory proceedings are confidential unless the requester waives confidentiality. In addition, the Commission may consider issuing advisory opinions to the public officer or public employee either by submission or by holding a closed hearing.

To assist the Commission in this process, the Commission Counsel and staff work directly with the requester to identify the supporting facts and circumstances. Commission Counsel researches the Commission's opinion precedent, prepares proposed findings of

fact, and presents a legal recommendation to the Commission for its review. Once the Commission renders its decision, it is delivered to the requester. If the requester waives confidentiality of the written opinion, it will be published on the Commission's website, the Legislative Law Library, and LexisNexis. If the requester retains the confidentiality of the opinion, the Commission may publish an abstract opinion, which redacts or sanitizes information that could reveal the requester's identity. The Commission's advice is binding with respect to future conduct. Certain advice related to present or future conduct may be subject to judicial review for errors of law or abuses of discretion.

2. Ethics Complaints

With certain exceptions, any person may file an ethics complaint, or the Commission may initiate a complaint on its own motion against a public officer or employee alleging a violation of the Ethics Law. The Commission has instituted an online filing system to permit the filing of ethics complaints by members of the public. Under certain circumstances, including that the requester is employed by the same agency as the subject of an Ethics Complaint, the requester may request identity protection in the proceedings.

For each complaint, the Commission determines whether it has jurisdiction. Accordingly, it may direct the Executive Director to investigate the alleged violations of the Ethics Law, or instead of investigating the case, the Commission may issue instructive letters to the subject. Conversely, the Commission may dismiss the complaint if it determines the complaint is not filed on the proper form, it does not have jurisdiction over the subject, or the allegations are not supported by sufficient evidence demonstrating a violation of the Ethics Law.

For ethics complaints that are investigated, the Executive Director's investigation is preliminary and serves to assist a Review Panel, comprised of three Commissioners, to consider a "just and sufficient cause" determination, meaning whether the investigation confirmed there to be a minimal level of evidence for the Commission to hold additional proceedings. The proceedings before the Review Panel are confidential; however, the Review Panel's determination becomes public and is published on the Commission's website.

In addition, the Review Panel may resolve the case by dismissal with or without the issuance of instructive letters or approval of a deferral agreement between the Executive Director and the subject of the ethics complaint. A deferral agreement is an agreement between the Executive Director and the subject of the complaint acknowledging sufficient evidence of a violation but deferring any finding of a violation through the imposition of various terms and conditions, including corrective action and education. Once the terms and conditions are satisfied, the complaint is dismissed. .

Suppose the ethics complaint is referred to the Commission for additional proceedings. In that case, the Executive Director and subject become parties for purposes of presenting the case and associated adjudication proceedings before the Commission. The Ethics Law provides authority for the Commission to resolve ethics complaint cases based upon the merits through several appropriate means, including dismissal, confidential letters of caution or instruction, stipulated settlements, deferral agreements, or holding an adjudicatory hearing and issuance of a decision. In addition, the Commission has the authority to impose monetary sanctions and other statutory penalties provided it makes a finding in its issued opinion that conduct of the public officer or employee constituted a “willful” violation of the Ethics Law. For non-willful conduct and willful conduct that may not warrant monetary penalties, the Commission may impose administrative penalties in the form of appropriate corrective action, referrals for disciplinary action, and requirements for education and public apologies.

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II. Fiscal Report – FY21

The Commission's biennial funding is divided between the State General Fund and certain of Nevada's local governments (cities and counties). The proportions for the State Fund and local governments are based on the number of public officers and employees who serve the State compared to local governments. Labor data from the Nevada Department of Employment, Training and Rehabilitation provides that 28 percent of Nevada's public officers and employees serve the State and 72 percent serve local governments for FY21.

A. Commission Budget

The Commission's budget for FY21 is \$942,937. The Commission closed the fiscal year well within budget. The Commission implemented stringent measures to maintain operations and expenditures within the budgetary authority, given the forecasted revenue shortfall that trailed the Pandemic. The Commission reduced its budget as requested by the Governor's staff while maintaining its statutory duties, mission directives, and service to the public. Even under State closure directives, the Commission and its staff were accessible and continued to meet all operational and procedural deadlines timely.

III. Legislative and Regulatory Matters

Although there were no regulatory amendments to NAC Chapter 281A during FY21, the Commission actively participated in the 81st (2021) Legislative session, presenting its next biennium budget and providing bill review for fiscal and operational effects. The Commission also introduced Assembly Bill 65 ("AB 65") seeking procedural amendments to the Ethics Law, which bill was sponsored by the Governor as one of his bill-draft requests. AB 65 was an omnibus bill that would have improved and streamlined the Commission's processes to: (1) increase opportunities to obtain education on the Ethics Law, (2) improve confidentiality protections for public officers/employees submitting complaints; and (3) improve the administrative process for both advisory opinions and ethics complaint cases.

Through Chair Wallin, Vice-Chair Duffrin, and staff, the Commission presented and provided to the Legislature detailed background and reasons why the passage of AB 65 would improve Commission operations to the benefit of those subject to its jurisdiction or who otherwise utilize its services. Towards the end of the session, the Committee on Ways and Means sponsored an amendment to the bill (Amendment 777) that sought to establish three new legislative committees to address ethics violations by members of the Legislature and staff of the Legislative Counsel Bureau. The bill, as amended, passed the Assembly on May 29, 2021, with a vote of 31 yeas, 9 nays, and 2 excused. The bill, as amended, passed the Senate on May 31, 2021, with a vote of 17 yeas and 4 nays.

AB 65 passed both houses of the Legislature and sent it to the Governor for signature; the Governor vetoed the bill on June 11, 2021. In the veto letter, the Governor was very clear in confirming his support of the work of the Commission and the portion of the bill that streamlined the Commission's processes and clarified its powers and duties. In support of his veto, the Governor's identified Amendment 777, "which converted AB 65 from a mostly housekeeping measure into a significant policy change: creating new legislative ethics commissions within the legislative branch." The letter concludes by indicating that "Nevadans hold their public officials to high ethical standards, and they rightly expect that those standards will be effectively and efficiently enforced. However, particularly because the separate legislative and executive ethics commissions were consolidated more than thirty years ago, I firmly believe that a more robust examination of the costs and benefits of returning to that structure should be conducted." Before the next legislative session, the Commission will consider its options, including resubmitting a portion of the bill and regulatory amendments.

IV. Case Statistics – FY21 (7/2020 – 6/20/21)

A. Advisory Opinions

During the Pandemic that spanned FY21, the Commission continued to timely render advisory opinions and preventative advice to public officers and employees. The Commission in the prior fiscal year generated a record number of advisory opinions (41 opinions). However, FY21 requests had a downward trend. The Commission received 15 Requests for Advisory Opinion, 8 were withdrawn or dismissed before issuing a written

opinion, 7 written opinions were issued, and 5 abstracts of opinion were issued for opinions that did not receive a waiver of confidentiality to protect the identity of the requester.

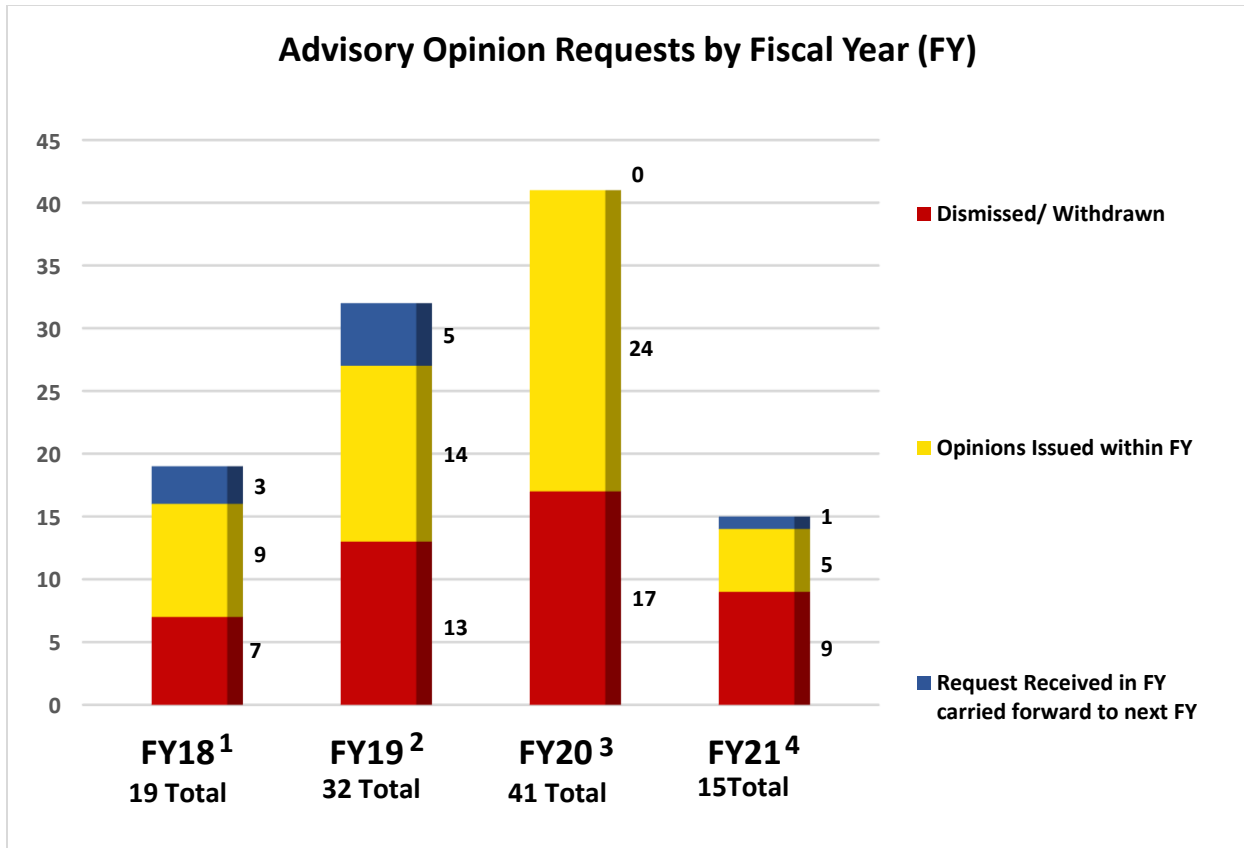
The substantive issues presented in the advisory opinions issued during FY21 primarily dealt with proper use of public position in conflict situations, disclosure and abstention and cooling-off requirements of the Ethics Law. The cooling-off provisions of the Ethics Law prohibit former public officers and employees from seeking or accepting employment with private persons/entities who were awarded contracts worth more than \$25,000 from their agencies within the immediately preceding year, and regarding which they had influence or control in the awarding of the contract. These opinions served to provide meaningful guidance on the compliance aspects of the Ethics Law to assist public officers and employees with the performance of their public duties.

FY 2021: Requests for Advisory Opinions Received: 15

<u>No Jurisdiction Withdrawn/Dismissed or Duplicate</u>	<u>Processed by Commission</u>	<u>Written Opinions Issued</u>	<u>Written Opinions Issued (Confidentiality Waived)</u>	<u>Abstract Opinions Issued from Written Opinions (No Waiver of Confidentiality)</u>
9	6	5	1	4

FY 2020: Requests for Advisory Opinions Received: 41

<u>No Jurisdiction Withdrawn/Dismissed or Duplicate</u>	<u>Processed by Commission</u>	<u>Written Opinions Issued</u>	<u>Written Opinions Issued (Confidentiality Waived)</u>	<u>Abstract Opinions Issued from Written Opinions (No Waiver of Confidentiality)</u>
17	24	24	5	19



¹ **FY18 – Advisory Opinions:** The Commission received 19 Advisory Opinion Requests in FY18, 7 of which were dismissed or withdrawn. In the 12 remaining cases, the Commission issued 9 Opinions in FY18 and 3 in FY19.

Abstract Opinions: Of the 12 cases, 11 remained confidential and required 11 additional Abstract Opinions. The Commission completed 6 of the 11 Abstract Opinions in FY18 and 5 Abstract Opinions in FY19.

² **FY19 -** The Commission received 32 Advisory Opinion Requests in FY19, 13 of which were dismissed or withdrawn. In the 19 remaining cases, the Commission issued 14 Opinions in FY19 and 5 Opinions in FY20.

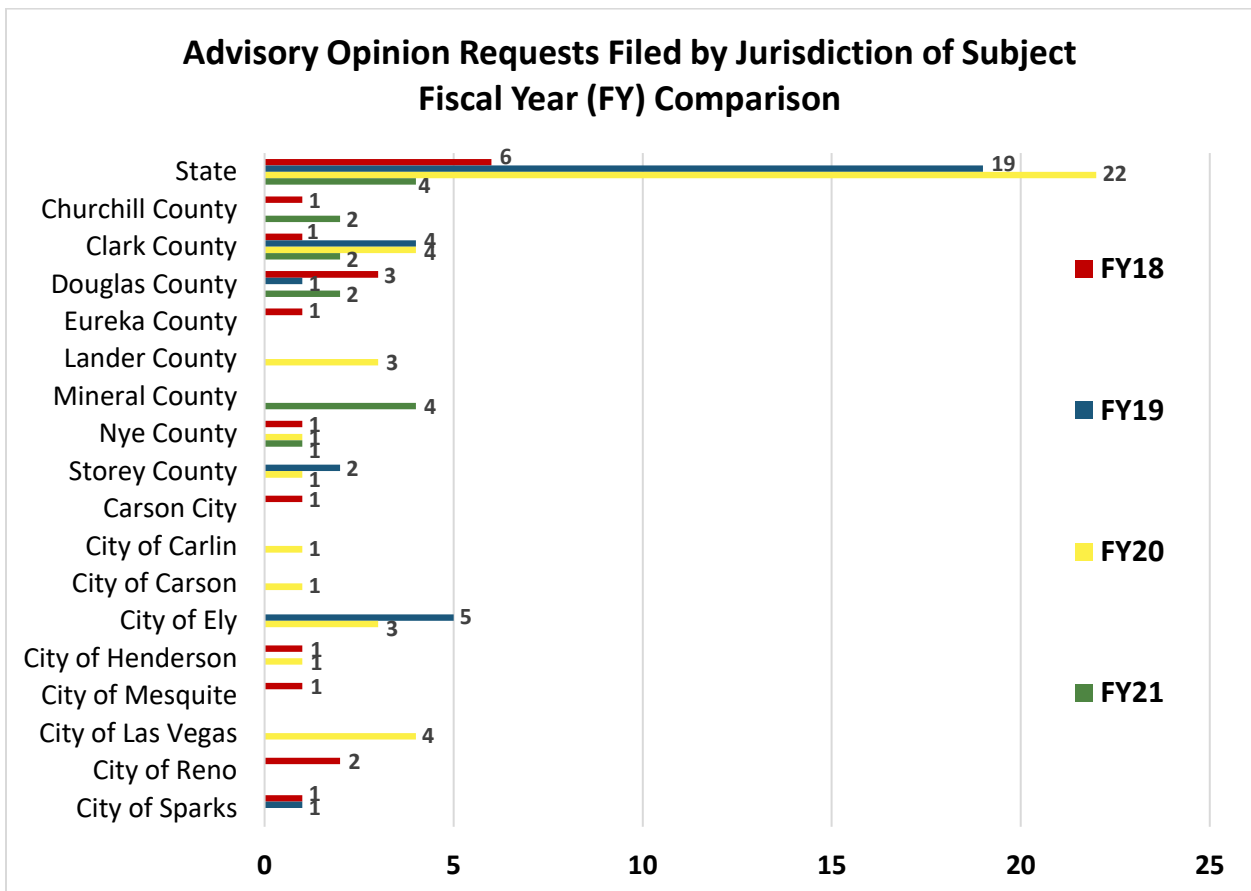
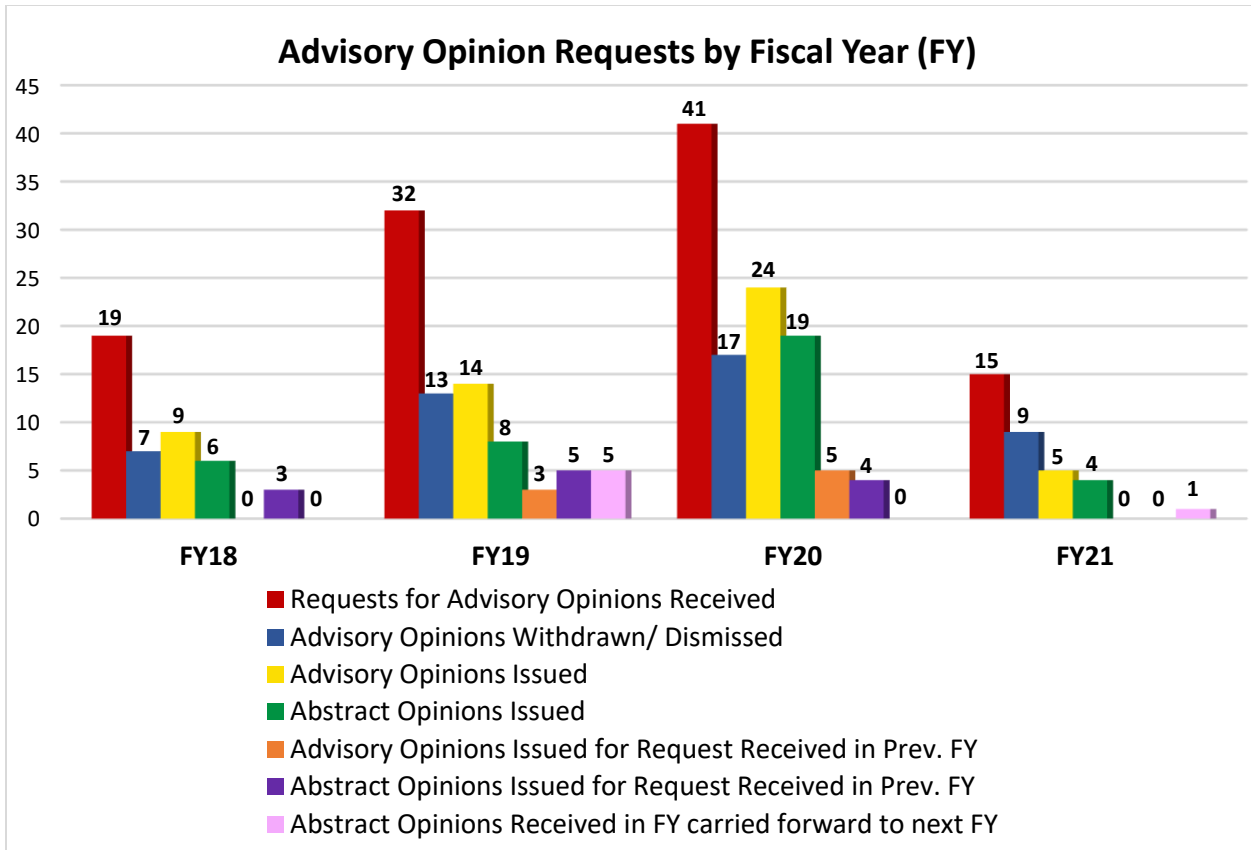
Abstract Opinions: Of the 19 cases, 12 remained confidential and required an additional 12 Abstract Opinions. The Commission completed 8 Abstract Opinions in FY19, and 4 Abstract Opinions in FY20.

³ **FY20 -** The Commission received 41 Advisory Opinion Requests in FY20, 17 of which were dismissed or withdrawn. In the remaining 24 Requests, the Commission issued 24 Opinions in FY20. 5 additional Opinions were issued in FY20 for requests received in FY19.

Abstract Opinions: Of the 24 cases, 19 remained confidential and required an additional 19 Abstract Opinions, all of which were completed within the FY.

⁴ **FY21 -** The Commission received 15 Advisory Opinion Requests in FY21, 9 of which were dismissed or withdrawn. In the remaining 6 Requests, the Commission issued 5 Opinions in FY21 and 1 Opinion in FY22.

Abstract Opinions: Of the 6 cases, 1 remained confidential and required an additional 5 Abstract Opinions. The Commission completed 4 Abstract Opinions in FY21 and 1 Abstract Opinion in FY22.



B. Ethics Complaints

The Commission received 69 complaints in FY 21 compared to 89 in FY20. The COVID-19 Pandemic decreased the number of complaints filed between FY 20 and FY21, but the number of cases investigated and resolved in FY21 was only four less than FY20, even with fewer filings. In addition, most cases received waivers of statutory deadlines by the subjects of the complaints, which has resulted in a temporary case backlog. The Commission has proactively established operational priorities to focus available resources to reduce the backlog of complaint cases, which will continue to be implemented and reviewed by the Commission in the future. The subjects of complaints who did not waive the 70-day deadline for investigation were given investigatory priority.

The Commission does not control the number of ethics complaints that may be filed in any particular year. However, as people begin to return to the office, it is reasonable to assume we will see an increased number of complaints and public concerns regarding the ethical conduct of public officers and employees.

FY21 Cases - Ethics Complaints Received in FY21: 69

<u>Dismissed, without a Letter of Caution or Instruction</u>	<u>Withdrawn</u>	<u>Investigated</u>
42	1	26

Ethics Complaints Received in FY21, Resolved in FY21: 8

<u>Dismissed, with a Letter of Instruction</u>	<u>Dismissed, with a Letter of Caution</u>	<u>Dismissed by Panel without a Letter</u>	<u>Dismissed by Panel with a Letter of Instruction</u>	<u>Dismissed by Panel with a Letter of Caution</u>	<u>Stipulations/ Opinions</u>
4	2	1	1	0	0

Ethics Complaints Received in FY21, Pending Resolution in FY22: 18

FY20 Cases - Ethics Complaints Received in FY20 carried forward to FY21: 22¹

Ethics Complaints Received in FY20; Investigated/ Resolved in FY21: 9²

¹ Complaint No. 19-081C was consolidated with 19-082C & 19-105C, counted as 3 cases herein.

² 7 of the 20 cases carried forward from FY20 were resolved in FY21: Complaint Nos. **1**) 19-065C - panel dismissal with letter of instruction, **2**) 19-067C - panel dismissal, **3**) 19-081C - stipulation (consolidated with

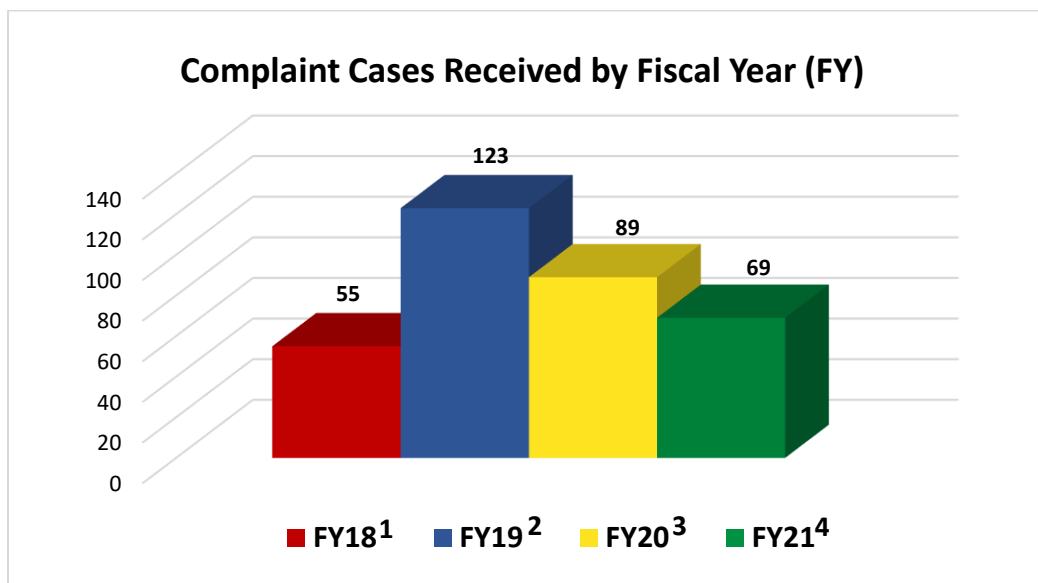
<u>Dismissed by Panel without a Letter</u>	<u>Dismissed by Panel with a Letter of Instruction</u>	<u>Dismissed by Panel with a Letter of Caution</u>	<u>Panel Deferral Agreements</u>	<u>Stipulations/Opinions</u>
4	2	0	0	3

Ethics Complaints Received in FY20; Pending Resolution in FY22: 13³

<u>Cases Pending Adjudicatory Hearing in FY22</u>	<u>Investigations Remain in Progress for FY22</u>
5	8

FY19 Cases - Ethics Complaints Received in FY19; Investigated/Resolved in FY21: 4⁴

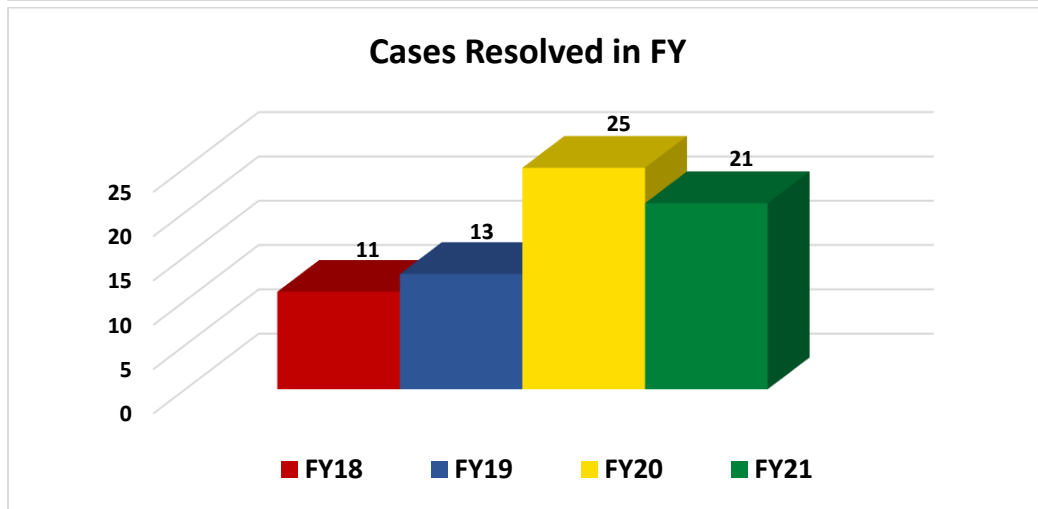
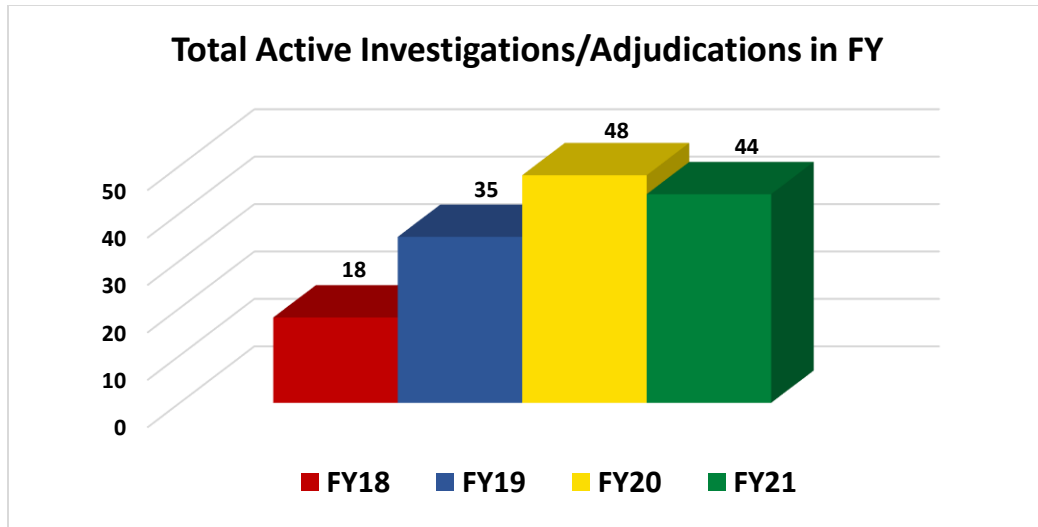
<u>Dismissed, with or without a Letter of Caution or Instruction</u>	<u>Panel Deferral Agreements</u>	<u>Commission Motion Hearings/Adjudicatory Hearings</u>	<u>Stipulations/Opinions</u>
1	0	0	3



19-082C & 19-105C, counts as 3 cases and 3 stipulations herein), **4)** 19-093C - panel dismissal, **5)** 19-113C - panel dismissal, **6)** 19-128C - panel dismissal with letter of instruction, and **7)** 19-129C - panel dismissal.

³ 5 of the 13 outstanding cases from FY20 are pending adjudicatory hearing in FY22: Complaint Nos. **1)** 19-088C, **2)** 19-095C, **3)** 19-102C, **4)** 20-007C, and **5)** 20-010C, the remaining 8 cases are pending investigation in FY22: Complaint Nos. **1)** 19-111C, **2)** 19-126C, **3)** 20-001C, **4)** 20-018C, **5)** 20-023C, **6)** 20-027C, **7)** 20-043C, and **8)** 20-048C.

⁴ All 4 cases carried forward from FY19 were resolved in FY21: Complaint Nos. **1)** 18-060C - stipulation, **2)** 18-061C - stipulation (consolidated with 18-139C, counted as 2 cases herein), and **3)** 19-035C - panel dismissal with letter of instruction.



Complaint Case Statistics by Fiscal Year (FY) Footnotes

¹ FY18

13 Active Investigations of Complaints received in FY18; 5 additional Active Investigations from prior Fiscal Years.

- Total Active Investigations = 18
- Total Cases Resolved in FY18 = 11

² FY19

28 Active Investigations of Complaints received in FY19; 7 additional Active Investigations from prior Fiscal Years.

- Total Active Investigations = 35
- Total Cases Resolved in FY19 = 13

³ FY20

25 Active Investigations of Complaints received in FY20; 23 additional Active Investigations from prior Fiscal Years (including 1 from FY18).

- Total Active Investigations = 48
- Total Investigations Resolved = 25

⁴ FY21

18 Active Investigations of Complaints received in FY21; 26 additional Active Investigations from prior Fiscal Years (including 4 from FY19).

-Total Active Investigations = 44

-Total Investigations Resolved = 21

Dismissed/ Withdrawn Cases – No Investigation

In FY18, 25 of the 39 Complaints were dismissed/ withdrawn.

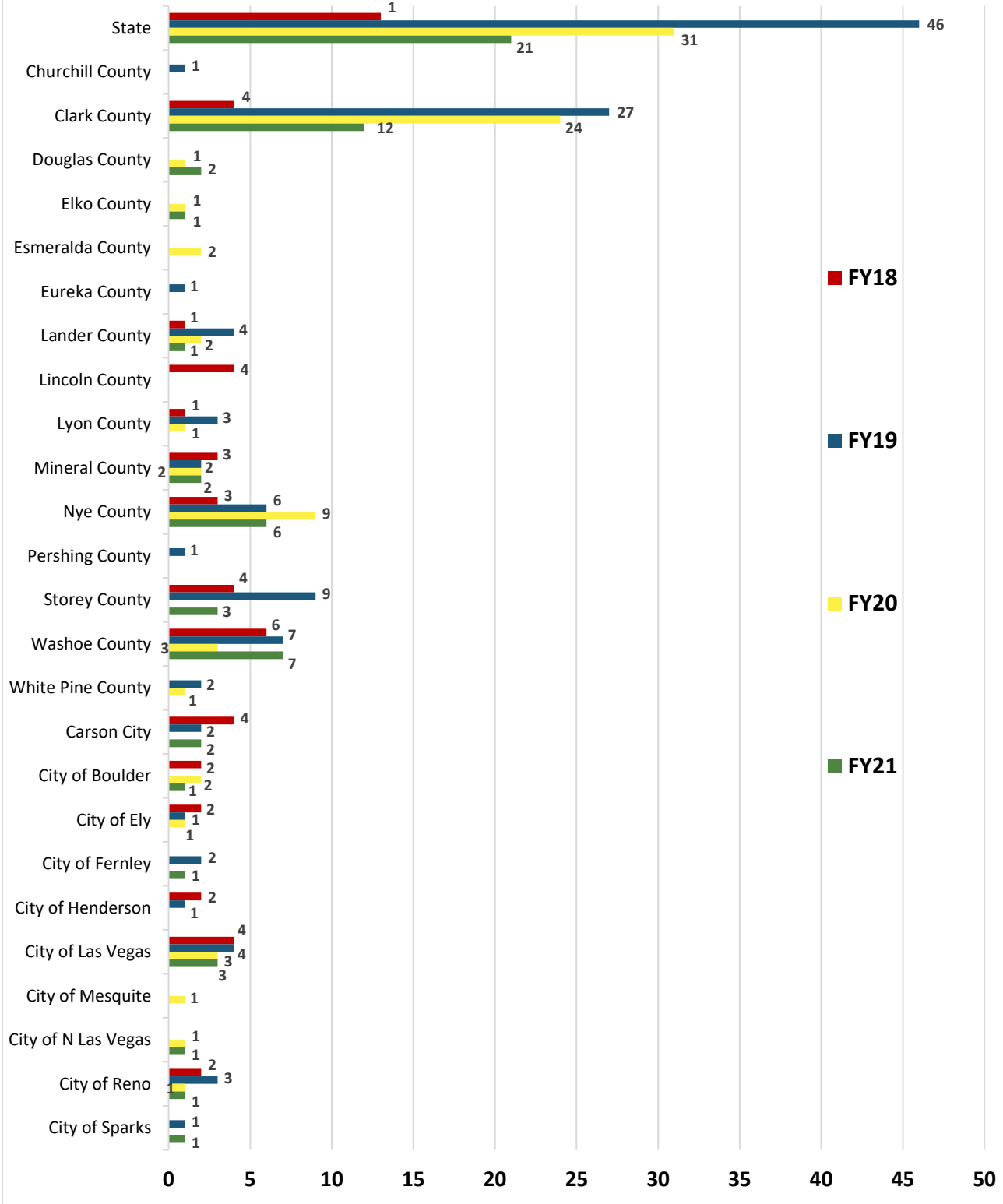
In FY19, 81 of the 123 Complaints were dismissed/ withdrawn.

In FY20, 64 of the 89 Complaints were dismissed/ withdrawn.

In FY21, 47 of the 69 Complaints were dismissed/ withdrawn.

The Commission reviews every complaint and issues a Formal Order in each case regarding its jurisdiction and determination whether to formally investigate the allegations. The staff prepares a written recommendation in every case regarding whether the Commission has jurisdiction in the matter and whether the complaint is filed with sufficient evidence supporting the allegations to warrant an investigation. The recommendation includes preliminary investigation, legal research, and legal analysis with 4-5 staff members working on each case. Many cases are dismissed with a separate Letter of Caution or Instruction.

Complaints Filed by Jurisdiction of Subject Fiscal Year (FY) Comparison



C. Penalties/Sanctions Imposed

In ethics complaints in which the Commission finds a willful violation, the Commission has the authority to impose certain fines and penalties. Payment schedules were established in some cases to permit installment payments for amounts due, with some installment payments extending into future fiscal years, depending on the amount of the penalty imposed. Under State law, the Commission collects and deposits all funds received from the imposition of sanctions into the State General Fund. Thus, the Commission does not receive any associated benefit to its budget. Subjects who fail to remit payment of a civil sanction their debt is submitted to the State Controller for collection.

In FY21, the Commission imposed \$44,788 in civil penalties, representing a significant upward trend from the previous year's \$5,000. As a result, total collections during FY21 amount to \$36,999, and the remaining receivables are on payment plans.

<u>FY 2020 Sanctions Imposed</u>	<u>Date Imposed</u>	<u>Statute(s) violated</u>	<u>Civil Penalty Amount Imposed</u>	<u>Civil Penalty Amount Received</u>
Joel Dunn, Former Executive Director, Carson City Culture & Tourism Authority	11/13/2019	<u>NRS 281A.420(1)</u>	\$5,000	\$5,000
<u>FY 2021 Sanctions Imposed</u>	<u>Date Imposed</u>	<u>Statute(s) Violated</u>	<u>Civil Penalty Amount Imposed</u>	<u>Civil Penalty Amount Received</u>
Donald Smith, Clinical Social Worker II, Department of Health & Human Services	8/19/2020	<u>NRS 281A.400(1), (2), and (7)</u>	\$6,500	\$4,567
Rossi Ralenkotter, Former Chief Executive Officer, Las Vegas Convention & Visitors Authority	8/19/2020	<u>NRS 281A.400(1), (2), (7) and (9)</u>	\$24,407	\$24,407
John Brig Lawson, Former Senior Director of Business Partnerships, Las Vegas Convention & Visitors Authority	11/18/2020	<u>NRS 281A.400(1), (2), (7) and (9)</u>	\$13,881	\$2,239
<u>FY 2022 Outstanding Sanctions Owed</u>	<u>Date Imposed</u>	<u>Statute(s) violated</u>	<u>Civil Penalty Amount Imposed</u>	<u>Civil Penalty Amount Owed in FY22</u>
Cathy Tull, Chief Marketing Director, Las Vegas Convention & Visitors Authority	6/17/2019	<u>NRS 281A.400(1), (2), (7) and (9)</u>	\$8,700	\$643
Donald Smith, Clinical Social Worker II, Department of Health & Human Services	8/19/2020	<u>NRS 281A.400(1), (2), and (7)</u>	\$6,500	\$1,933
John Brig Lawson, Former Senior Director of Business Partnerships, Las Vegas Convention & Visitors Authority	11/18/2020	<u>NRS 281A.400(1), (2), (7) and (9)</u>	\$13,881	\$11,642

D. Acknowledgment of Ethical Standards Forms

Under NRS 281A.500, certain public officers are required to file with the Commission an Acknowledgment of Ethical Standards Forms (“Acknowledgment Forms”) after their election or appointment to public office. Accordingly, elected and appointed public officers are encouraged to visit the Commission’s website or contact Commission offices to determine their filing requirements. In furtherance of transparency to the public, the Commission also published filed Acknowledgment Forms on the Commission’s website. In FY21, the Commission received 625 filings, which was slightly lower than FY20. Delays in hiring to meet anticipated budgetary shortfalls associated with the Pandemic at the State and local levels may have been the reason for the decrease in filings.

V. Outreach and Education Program

In FY21, the Executive Director continued the outreach and training program to Nevada's public officers, employees, and the general public. To address the effects of budgetary reductions on in-person training, the Commission increased its virtual training and outreach programs and offered training materials on its website and via YouTube.

In FY21, the Commission provided 13 in-person or virtual trainings. The number of attendees at these trainings is challenging to compile based upon the virtual environment and technology issues. The Commission's website training is available for viewing at any time and could include multiple viewers. The Commission receives data on the number of "views" received, confirming 1,376 views during FY21.

Virtual and alternative training methods that are easily accessible are the trend of the future. In addition to the Commission's training programs, the Commission engages in other outreach efforts via staff communications and correspondence with the public. The Commission staff provides regular, often daily, feedback for the general public, public officers and employees, and government attorneys regarding the provisions of Nevada's Ethics in Government Law set forth in NRS Chapter 281A, the ability for public officers and employees to obtain guidance on their compliance obligations and processes to file ethics complaints, including the statutory requirement that the requester provide sufficient evidence to support the alleged violation of the Ethics Law.

The Commission will evaluate and determine where best to focus its training and outreach efforts to fulfill its essential mission of providing outreach and education about Nevada's Ethics in Government Law requirements.

Ethics Training – FY21

Training Provided to:	Number of Ethics in Government Law Trainings Presented:
State Government Entities	5
Local Government Entities	8
Private Entities	0
Total	13

VI. Litigation and Appellate Review

During FY21, the Commission defended its decisions in proceedings including judicial review in State and other courts, some of which related to assertion of the statutory confidentiality protections established for advisory opinions issued by the Commission.

Smith v. Review Panel of the Nevada Commission on Ethics Eighth Judicial District Court, Case No. A-20-812778-J

Donald Smith is the subject of three ethics complaints administratively identified as complaint numbers 19-081C, 19-082C, and 19-105C (“Complaints”). On March 24, 2020, Smith filed the petition to challenge the three-member Review Panel’s determination referring certain allegations set forth in the Complaints to the Commission for adjudicatory proceedings pursuant to NRS 281A.730, and he also filed an Application to Stay the administrative proceedings before the Commission.

On April 22, 2020, the Review Panel filed a motion to dismiss, asserting the District Court lacked jurisdiction to consider the petition due to non-compliance with the mandatory requirements of Nevada’s Administrative Procedures Act set forth in NRS Chapter 233B and provisions of NRS Chapter 281A that asserted the Review Panel’s determination was not a final decision, but is an interlocutory order. Therefore, the Commission’s final decision and related rights of judicial review provide the petitioner with an adequate remedy at law. Further, the motion asserted that the petitioner did not properly name all parties and comply with other statutory requirements.

On April 22, 2020, the Review Panel also filed an opposition to the petitioner’s Application for Stay and a Motion to Stay the briefing schedule related to the merits of the judicial review until the Court ruled upon the motion to dismiss and whether it had jurisdiction to consider the petition. The parties after that stipulated to the Review Panel’s requested stay of proceedings, which stipulation was confirmed by a court order issued on June 3, 2020.

The issues set forth in the motion to dismiss were fully briefed, and oral arguments were presented to the District Court on June 10, 2020. The District Court issued a minute

order dated June 16, 2020, granting the motion to dismiss in favor of the Commission, instructing that judicial review of the Commission's final decision will provide the petitioner with an adequate remedy at law. Therefore, the Court did not have subject matter jurisdiction under NRS 281A.130 to review the interlocutory order issued by the Review Panel. The District Court directed the preparation of a proposed order consistent with the minute order, and the final order was issued on July 6, 2020.

Petitioner had thirty days and associated statutory rights to pursue an appeal to the Nevada Supreme Court. However, the petitioner did not request to appeal, and the Commission proceeded with adjudication of the merits of allegations set forth in the Ethics Complaints in administrative proceedings. Accordingly, the case was resolved by a stipulation dated August 3, 2020, and approved by the Commission.

In re Gypsum Resources Materials, LLC
United States Bankruptcy Court, District of Nevada
Case No.: 19-14796-MKN, Adv. Proc. No. 19-01105-MKN

On August 3, 2020, the Commission received a subpoena issued in an adversary proceeding filed in the In re Gypsum Resources Materials, LLC, Chapter 11 bankruptcy case, which sought certain records pertaining to confidential advisory opinion number 19-003A. The Commission pursuant to the confidential advisory opinion process established in NRS Chapter 281A ("Ethics Law") may provide guidance on their own circumstances to public officers and public employees about their compliance obligations under the Ethics Law.

The records related to an advisory opinion are confidential under the Ethics Law unless the requester waives confidentiality, with the exception of an Abstract Opinion that removes identifying characteristics of the requester. The federal subpoena sought confidential information protected by the Ethics Law and privileged information protected by the Nevada Revised Statutes.

The Commission prepared a privilege log and objected to the subpoena asserting challenges of relevance under Federal Rule of Civil Procedure 26(b), NRS Chapter 281A confidentiality protections established by the Nevada Legislature to protect the confidential advisory opinions process and records, qualified (deliberative process)

privilege, attorney-client privilege, and attorney work-product privilege. Upon review of a motion for a protective order filed by a party in the adversary proceeding seeking protection of the records of the Commission, the Court determined that certain records were relevant to the adversary proceeding based upon a finding that requester, by his own conduct, had waived the right to confidentiality.

The Court applied all privilege protections unique to the Commission. The Court further ordered that those records that were to be produced based upon the finding of waiver by the requester would nevertheless remain confidential under NRS 281A.685 and not be subject to public dissemination. The Court directed that such records would be subject to a stipulated confidentiality and protective order entered by the Court on October 5, 2020.

VII. Closing Remarks

In summary, FY21 was a year of telecommuting, finding new ways to do the work, and adding virtual training opportunities to increase education about Nevada's Ethics in Government Law. Despite the many challenges the Commission faced during the year, it continued to carry out the mission of the Commission. The Commission and its staff were available to assist the public, provided timely advice to public officers and employees, and switched to working in a virtual environment to process ethics complaints in a timely manner while protecting the health and safety of everyone involved.

The Commission remained steadfast in its commitments to improve its educational programs and advisory opinion and ethics complaint processes by preparing and presenting AB 65 to the 81st Legislative session. The Commission is effectively poised to consider the available avenues to address the essential procedural changes covered by AB 65 in the upcoming biennium through a future bill draft request or regulations.

The Commission and its staff will continue to utilize virtual opportunities and developing technology to improve their processes. In addition, they will focus on available resources to improve services to the public to ensure the public's trust in government oversight is maintained.

Item 8



State of Nevada
COMMISSION ON ETHICS

MEMORANDUM

◆

DATE: November 10, 2021
TO: Nevada Commission on Ethics
FROM: Tracy L. Chase, Commission Counsel
RE: Agenda Item 8 – Interview of applicants for Executive Director

The Nevada Commission on Ethics Personnel Subcommittee (“Subcommittee”) held two days of public meetings on November 3rd and 4th, 2021, to interview six applicants for the position of Executive Director. The Subcommittee selected three applicants to be referred to the Commission for interview and possible selection as the new Executive Director, which applicants are, in order of their appearances:

1. Sean Sever
2. Michael Morton
3. Ross Armstrong

In your meeting materials, you are provided resumes and references for each applicant, hard copies of which will be provided to those Commissioners attending the meeting in Carson City.

For Commission interviews, each applicant will start the process by providing a presentation of approximately 30 minutes covering the following topics:

- Jurisdictional Recommendation on Case No. 21-023C (Porta). Please see attached mocked-up Complaint.
- Justify why the Legislature should approve a new PIO/Training position for the Commission.
- Justify why the Legislature should pass AB 65 in the next session.

Thereafter, the Chair will lead the Commissioners through the interview process whereby individual Commissioners will be asking questions about each applicant’s qualifications for the position.



**NEVADA COMMISSION ON ETHICS
ETHICS COMPLAINT**

NRS 281A.700 to 281A.790

1. **SUBJECT OF THE COMPLAINT** (person you allege violated provisions of NRS Chapter 281A, the Nevada Ethics in Government Law. *(Please use a separate form for each individual.)*)

Subject NAME:			TITLE OF PUBLIC OFFICE: <i>(Position)</i>	
PUBLIC ENTITY: <i>(Name of the entity employing this position)</i>				
ADDRESS:		CITY, STATE, ZIP CODE		
TELEPHONE:	Work:	Other: <i>(Home, cell)</i>	EMAIL:	

2. Describe the alleged conduct of the public officer or employee (subject) that you believe violated NRS Chapter 281A. *(Include specific facts and circumstances to support your allegation: times, places, and the name and position of each person involved.)*

Check here if additional pages are attached.

3. Is the alleged conduct currently pending before another administrative, law enforcement or judicial body? If yes, describe:

4. NRS Chapter 281A requires public officers and employees to hold public office as a public trust and avoid conflicts between public duties and private interests. (NRS 281A.020) What provisions of NRS Chapter 281A are relevant to the conduct alleged? Please check all that apply.

	Statute	Statutory Summary:
	NRS 281A.400(1)	Seeking or accepting any gift, service, favor, employment, engagement, emolument or economic opportunity for himself or person to whom he has a commitment in a private capacity which would tend improperly to influence a reasonable person in his position to depart from the faithful and impartial discharge of his public duties.
	NRS 281A.400(2)	Using his position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for himself, any business entity in which he has a significant pecuniary interest, or any person to whom he has a commitment in a private capacity.
	NRS 281A.400(3)	Participating as an agent of government in the negotiation or execution of a contract between the government and himself, any business entity in which he has a significant pecuniary interest or any person to whom he has a commitment in a private capacity.
	NRS 281A.400(4)	Accepting any salary, retainer, augmentation, expense allowance or other compensation from any private source for himself or any person to whom he has a commitment in a private capacity for the performance of his duties as a public officer or employee.
	NRS 281A.400(5)	Acquiring, through his public duties or relationships, any information which by law or practice is not at the time available to people generally, and using the information to further the pecuniary interests of himself or any other person or business entity.
	NRS 281A.400(6)	Suppressing any governmental report or other document because it might tend to affect unfavorably his pecuniary interests or the interests of any person to whom he has a commitment in a private capacity.
	NRS 281A.400(7)	Using governmental time, property, equipment or other facility to benefit his significant personal or pecuniary interest, or any person to whom he has a commitment in a private capacity. (Some exceptions apply).
	NRS 281A.400(8)	A State Legislator using governmental time, property, equipment or other facility for a nongovernmental purpose or for the private benefit of himself or any other person, or requiring or authorizing a legislative employee, while on duty, to perform personal services or assist in a private activity. (Some exceptions apply).
	NRS 281A.400(9)	Attempting to benefit his personal or pecuniary interest or the interests of any person to whom he has a commitment in a private capacity through the influence of a subordinate.
	NRS 281A.400(10)	Seeking other employment or contracts for himself or any person to whom he has a commitment in a private capacity through the use of his official position.
	NRS 281A.410	Representing or counseling a private person for compensation on an issue pending before a public agency while employed, or within 1 year after leaving the service of a public agency, including before any state agency of the Executive or Legislative Department. (State and local legislators and part-time public officers and employees may represent/counsel private persons before agencies they do not serve, except local legislators may not represent/counsel private persons before other local agencies within the same county.)
	NRS 281A.420(1)	Failing to sufficiently disclose his acceptance of a gift or loan, pecuniary interest, commitment in a private capacity to the interest of another person or the nature of any representation or counseling provided to a private person for compensation before another agency in the preceeding year that is reasonably affected by an official matter.
	NRS 281A.420(3)	Failing to abstain from acting on an official matter which is materially affected by his acceptance of a gift or loan, pecuniary interest, or commitment in a private capacity to the interest of another person.
	NRS 281A.430	Bidding on or entering into a government contract in which he has a significant pecuniary interest. (Some exceptions apply).
	NRS 281A.500	Failing to file or timely file a Nevada Acknowledgment of Ethical Standards for Public Officers form.
	NRS 281A.510	Accepting or receiving an improper honorarium.
	NRS 281A.520	Requesting or otherwise causing a governmental entity to incur an expense or make an expenditure to support or oppose a ballot question or candidate during the relevant timeframe.
	NRS 281A.550	Negotiating or accepting employment from a business or industry regulated by or contracted with former public agency within one year after leaving service of the agency. (Failing to honor the one-year "cooling off" period after leaving public service, exceptions).

* Pursuant to NRS 281A.065, a public officer or employee has a commitment in a private capacity to the following persons/entities:

1. Spouse; domestic partner.
2. Household member.
3. Family member within 3rd degree of consanguinity/affinity.
4. Employer or spouse/domestic partner/household member's employer.
5. Substantial and continuing business relationships, i.e. partner, associate, or business entity.
6. Substantially similar relationships to those listed above, including close, personal relationships akin to family and fiduciary relationships to business entities.

5. YOU MUST SUBMIT EVIDENCE TO SUPPORT YOUR ALLEGATIONS. (NRS 281A.710 through 281A.715.)
Attach all documents or items you believe support your allegations, including witness statements, public or private records, audio or visual recordings, documents, exhibits, concrete objects, or other forms of proof.

State the total number of additional pages attached (including evidence) _____.

6. Witnesses: Identify persons who have knowledge of the facts and circumstances you have described, as well as the nature of the testimony the person will provide. Check here if additional pages are attached.

NAME and TITLE: (Person #1)				
ADDRESS:			CITY, STATE, ZIP	
TELEPHONE:		Work:	Other: (Home, cell)	E-MAIL:
NATURE OF TESTIMONY:				
NAME and TITLE: (Person #2)				
ADDRESS:			CITY, STATE, ZIP	
TELEPHONE:		Work:	Other: (Home, cell)	E-MAIL:
NATURE OF TESTIMONY:				

7. REQUESTER INFORMATION:

YOUR NAME:			
YOUR ADDRESS:		CITY, STATE, ZIP:	
YOUR TELEPHONE:	Day:	Evening:	E-MAIL:

Your identity as the Requester will be provided to the Subject if the Commission accepts jurisdiction of this matter, unless:

Pursuant to NRS 281A.750, I request that my identity as the requester of this Ethics Complaint remain confidential because (please check appropriate box):

I am a public officer or employee who works for the same public body, agency or employer as the subject of this Ethics Complaint. Provide evidence in the text box below, or as an attachment, of your employment with the same public body, agency or employer.

OR

I can show a reasonable likelihood that disclosure of my identity will subject me or a member of my household to a bona fide threat of physical force or violence. Describe in the text box below, or in an attachment, the facts and circumstances that support a reasonable likelihood of a bona fide threat of physical force or violence.

A copy of this Complaint will be provided to the Subject. If your request for confidentiality is approved by the Commission, the Complaint will be redacted to protect your identity as the Requester. The Commission may decline to maintain the confidentiality of your identity as the Requester for lack of sufficient evidence of your employment status with the same public body, agency or employer, or proof of a bona fide threat of physical force or violence.

If the Commission declines to maintain my confidentiality, I wish to:

Withdraw my Complaint OR

Submit the Complaint understanding that the Subject will know my identity as the Requester.

By my signature below, I affirm that the facts set forth in this document and all of its attachments are true and correct to the best of my knowledge and belief. I am willing to provide sworn testimony regarding these allegations. I acknowledge that this Ethics Complaint, the materials submitted in support of the allegations, and the Commission's investigation are confidential unless and until the Commission's Review Panel renders a determination. Certain Commission proceedings and materials, including the Investigatory File remain confidential pursuant to NRS 281A.750 through 281A.760.

Signature: 

Date: _____

Print Name: _____

You may file a Complaint using the Commission's **online form** submission at ethics.nv.gov (Preferred) or You must submit this form bearing your signature to the Executive Director via:
delivery/mail to Nevada Commission on Ethics, 704 W. Nye Lane, Suite 204, Carson City, Nevada, 89703,
email to NCOE@ethics.nv.gov, or **fax** to (775) 687-1279

Sean Sever

Sean A. Sever

Letter of Interest & Resume

October 11, 2021



STATE OF NEVADA
BEFORE THE NEVADA COMMISSION ON ETHICS

**WAIVER OF NOTICE REQUIRED UNDER NRS 241.033(1) TO
CONSIDER CHARACTER, MISCONDUCT, OR COMPETENCE
OF SUBJECT IN ETHICS COMPLAINT PROCEEDINGS**

Pursuant to NRS 281A.230, the Nevada Commission on Ethics Personnel Subcommittee ("Subcommittee") will be considering interviews for certain qualified persons for referral to the Nevada Commission on Ethics ("Commission") for a second interview and possible appointment to the position of Executive Director, which applications and appointment will be considered in a notice public meeting. Pursuant to Pursuant to NRS 241.033, in order to hold a meeting to consider the professional competence of any applicant, the Commission must provide notice to that person of the time and place of the meeting in compliance with such statutory provisions. The undersigned hereby knowingly and voluntarily waives his/her rights to personal written notice required under NRS 241.033(1) to permit the Subcommittee and/or the Commission to consider his/her qualifications, competence, and character to hold the position of Executive Director of the Nevada Commission on Ethics, at the following public meetings or meeting to be noticed in the future:

1. Personnel Subcommittee public meeting to be held on Wednesday, November 3, 2021, starting at 9:00 a.m.
2. Personnel Subcommittee public meeting to be held on Thursday, November 4, 2021, starting at 9:00 a.m.

The location for each meeting will be as indicated below, unless you are served with a notice of another location:

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

In addition, if the Personnel Subcommittee selects the undersigned to be considered by the Commission for the position, the next regular meeting of the Commission will be held on November 17, 2021, at a time and location to be determined and noticed. If the Chair schedules a Special Meeting of the Commission on another date to consider the qualifications of applicants, the date, time and location of the Special Meeting will be provided to selected applicants.

Personnel Subcommittee Members and applicants may appear via Zoom (virtually or telephonically). Further, notice is provided to the undersigned that he/she may at any time withdraw both this waiver and related application for appointment to the position of Executive Director; however, once the agenda is posted for the applicable meeting, it will identify the names of each of the applicants unless a withdrawal is received prior to the deadline for posting the agenda.

Dated this 27th day of October, 2021.

By: print name _____

Sean Sever

Sean A. Sever – Letter of Interest

Nevada Commission on Ethics
Attn: Kari Pedroza
704 W. Nye Lane #204
Carson City, NV 89703

Ms. Pedroza:

This letter of interest is sent to you to express my extreme interest in the Nevada Commission on Ethics executive director position that is being advertised on the Nevada Employee Action and Timekeeping System (NEATS) website. This position seems like a great fit for my skills and 16 years of relevant experience, and I'd love to have an opportunity to speak with the leadership there about it. Included, you will find my resume, two letters of recommendation, and three professional references listed at the bottom of my resume.

In my past and current positions, I feel like I have played a critical role for the agencies I have worked for, which includes working closely with the director, deputy director, leadership, legislators, key stakeholders, and even the governor, in some cases. Some of my career highlights include:

- Completely turned around the legislative program and helped get 11 bills passed at NDOT.
- Served as sole legislative liaison, improved legislator relationships, and helped get eight bills passed last session for DMV.
- Narrowed 150+ projects to 50 in less than a year and implemented many legislative bills at DMV.
- Revamped agency websites and created agency brand at NDOT, NSOE and DMV.
- Served as agency spokesperson and created long-lasting relationships with media at WNC and PUC.
- Increased Twitter followers from 800 to 30,000 and Facebook friends from 500 to 10,000 at NDOT.
- Lead 300+ employees and improved profits from -30% to +8% during difficult time at Piñon Plaza.

My skillset also matches up well with the job description for this position:

- Difference maker – I like to make a difference every day, and I'm very passionate about what I do.
- Good communicator – My writing skills are very strong, and I am comfortable speaking to large groups.
- Legislative experience – Last session was my seventh as a liaison for a state agency.
- Strong leader and teambuilder – I lead with a positive approach and my customer service is top notch.
- Highly organized – I prioritize/multitask well, and have supervised large and small groups of employees.

This sounds like an exciting opportunity that I'd like to explore further. Ironically, the website template the Nevada Commission on Ethics is currently using is the original one I helped develop when I was at the Governor's Energy Office. Making more contributions to your agency sounds even more exciting. Thank you greatly for considering me for this role and I hope to hear from you soon.

Sincerely,



Sean Sever, CPM

Sean A. Sever - Resume

Career Highlights



Administrator

2019 to Now, Department of Motor Vehicles, Carson City, NV

- Handle project management. Reduced projects from 150+ to 50 in less than a year.
- Implement large projects like Real ID, automatic voter registration, and mileage gathering.
- Served as legislative liaison and helped get eight DMV bills passed in 2021 session.
- Develop great working relationships with stakeholders including legislators and LCB staff.
- Helped develop brand for agency, revamped entire website and handle external outreach.
- Served as legislative liaison and helped get eight DMV bills passed in 2021 session.

Communications Director

2011 to 2019, Nevada Department of Transportation, Carson City, NV

- Completely turned around agency's legislative program. Helped get 11 NDOT bills passed.
- Served as communications lead, inspired talented team, and managed budget.
- Created brand for agency and developed all presentations and talking points for director.
- Increased Twitter followers from 800-30,000 and Facebook friends from 500-10,000.

Energy Outreach Coordinator

2009 to 2011, Governor's Office of Energy, Carson City, NV

- Created and maintained award-winning website. Became template for other agencies.
- Developed lasting media and legislator relationships. Tracked legislative bills.
- Wrote effective news releases that got widespread media coverage.

Public Information Officer

2007 to 2009, Public Utilities Commission of Nevada, Carson City, NV

- Served as liaison to Nevada Legislature. PUCN chair said it was best job anyone had ever done at the PUC covering legislature. Received complimentary letters from legislators.
- Wrote effective news releases and turned potentially controversial media requests into accurate statewide coverage. Revamped website and made informative presentations.

Public Information Officer

2005 to 2007, Western Nevada College, Carson City, NV

- Increased publicity for college activities immensely. Developed strong media relationships.
- Took photos, wrote many news releases, and created very popular online newsletter.

General Manager, promoted from Marketing Manager

1994 to 2005, Piñon Plaza Resort, Carson City, NV

- Increased profits from -30% to +8% with heavy budget analysis, aggressive ad campaigns.
- Lead 250 employees daily including directors and managers.

Education

University of Nevada, Reno – 1991 Bachelor of Arts in Journalism, Business Minor

Strong Points

- State of Nevada Certified Public Manager (CPM) and Leadership Carson City graduate.
- Former Carson City Convention & Visitors Bureau board chairman.

References

Nevada Senator Pete Goicoechea, 775-778-1620 (worked with him as a legislator)

Nevada Senator Mo Denis, 702-810-9995 (worked with him at PUC and as legislator)

Nevada Assemblyman James Oscarson, 702-513-7468 (worked with him as legislator)

MOISES "MO" DENIS
SENATOR
District No. 2

PRESIDENT PRO TEMPORE

COMMITTEES:

Chairman

Education

Member

Finance

Growth and Infrastructure



State of Nevada
Senate

Eightieth Session

DISTRICT OFFICE:

3204 Osage Avenue
Las Vegas, Nevada 89101-1838
Office: (702) 657-6857
Cell: (702) 810-9995
Twitter: @MoDeniNV

LEGISLATIVE BUILDING:

401 S. Carson Street
Carson City, Nevada 89701-4747
Office: (775) 684-1431 or
(775) 684-1400
Fax No.: (775) 684-6522
Email: Moises.Denis@sen.state.nv.us
www.leg.state.nv.us

October 1, 2021

TO WHOM IT MAY CONCERN:

It is with great pleasure that I extend this letter of recommendation to Mr. Sean Sever, as he pursues employment with your organization.

Mr. Sever's experience has been pivotal in resolving policy and administrative issues, while employed with the Public Utilities Commission, where we met in 2007, then with the Governor's Office of Energy, the Nevada Department of Transportation, and the Nevada Department of Motor Vehicles.

During the 81st Legislative Session, Mr. Sever assisted with the bill drafting and throughout the legislative process of legislation that will enhance the DMV's technology processing and move it forward to offer online services, expediting time and man-hours, once implemented.

His foresight and knowledge were invaluable creating legislation to benefit the DMV and the public they serve, whether issuing documents, performing a variety of transactions efficiently, and improving the overall department operation.

Mr. Sever's knowledge of the operation and function of state government can be a valuable resource to contribute to the performance of duties in any organization. In addition to his experience in state government and policymaking, Mr. Sever has demonstrated an excellent work ethic and professionalism dealing with the legislative process.

I wish Mr. Sever continued success in his career and highly recommend him for any position.

Very truly yours,

A handwritten signature in black ink that reads "Moises Denis". The signature is written in a cursive style with a long, sweeping underline that extends down the page.

Moises Denis
President Pro Tempore

TRACY BROWN-MAY
ASSEMBLYWOMAN
District No. 42



LEGISLATIVE BUILDING:
401 South Carson Street
Carson City, Nevada 89701-4747
Office: (775) 684-8803
Fax No.: (775) 684-8533
Email: Tracy.BrownMay@asm.state.nv.us
www.leg.state.nv.us

DISTRICT OFFICE:
4132 South Rainbow Boulevard
No. 281
Las Vegas, Nevada 89103-3106
Cell: (702) 612-0083

State of Nevada Assembly

October 5, 2021


To Whom it May Concern:

I am pleased to write this professional letter of recommendation for Mr. Sean Sever. I had the honor of working with Mr. Sever throughout my 1st term as a member of the Nevada Assembly during the 2021 Legislative Session. His dedication to Nevada and her residents is apparent. Mr. Sever's professionalism, follow-through, ability to lead, and attention to detail are just a few of his personal attributes that stand out.

In his capacity as the Legislative Liaison with the Nevada Department of Motor Vehicles, Mr. Sever and I worked on a number of Bills and a Legislative Committee presentation. I witnessed his professionalism in presentation, ability to answer questions, and advanced communication skills in engaging the Legislative body. I found him to be thoughtful, professional, poised, and detailed oriented. Mr. Sever was well prepared, and diligently represented both the interests of the Division and Nevadans. He is a dedicated public servant.

I am confident Mr. Sever will excel in any role he chooses to pursue. I am pleased to have worked with him during the 81st Session of the Nevada Legislature.

Sincerely,


Tracy Brown May, Assemblywoman
Assembly District 42
Nevada State Legislature



MARILYN DONDERO LOOP
SENATOR
District No. 8



DISTRICT OFFICE:
9811 W. Charleston Boulevard
Suite 2-420
Las Vegas, Nevada 89117-7528
Cell: (702) 278-7892
Email: Marilyn.DonderoLoop@sen.state.nv.us
www.leg.state.nv.us

State of Nevada Senate

To Whom It May Concern:

It is my pleasure to write a letter of recommendation for Sean Sever. I have worked with Mr. Sever in his capacity as a legislative liaison for the Nevada Department of Motor Vehicles.

In this role, he has worked with elected officials, staff and constituents on a multitude of issues. Constituents often have trouble navigating the multiple levels of state government. In my experience, Mr. Sever has been responsive and takes the problem at hand and works quickly and efficiently to make sure there is a resolution.

Mr. Sever has strong communication skills along with knowing how to build relationships. He is the consummate professional, even in contentious situations, whether working with legislators or constituents. He demonstrates a strong work ethic in his role as a legislator liaison.

I have enjoyed working with Mr. Sever and highly recommend him. I hope you will consider hiring him to join your team.

Sincerely,

A handwritten signature in black ink that reads "Marilyn Dondero Loop".

Marilyn Dondero Loop

Michael Morton



**WAIVER OF NOTICE REQUIRED UNDER NRS 241.033(1) TO
CONSIDER CHARACTER, MISCONDUCT, OR COMPETENCE
OF SUBJECT IN ETHICS COMPLAINT PROCEEDINGS**

Pursuant to NRS 281A.230, the Nevada Commission on Ethics Personnel Subcommittee ("Subcommittee") will be considering interviews for certain qualified persons for referral to the Nevada Commission on Ethics ("Commission") for a second interview and possible appointment to the position of Executive Director, which applications and appointment will be considered in a notice public meeting. Pursuant to Pursuant to NRS 241.033, in order to hold a meeting to consider the professional competence of any applicant, the Commission must provide notice to that person of the time and place of the meeting in compliance with such statutory provisions. The undersigned hereby knowingly and voluntarily waives his/her rights to personal written notice required under NRS 241.033(1) to permit the Subcommittee and/or the Commission to consider his/her qualifications, competence, and character to hold the position of Executive Director of the Nevada Commission on Ethics, at the following public meetings or meeting to be noticed in the future:

1. Personnel Subcommittee public meeting to be held on Wednesday, November 3, 2021, starting at 9:00 a.m.
2. Personnel Subcommittee public meeting to be held on Thursday, November 4, 2021, starting at 9:00 a.m.

The location for each meeting will be as indicated below, unless you are served with a notice of another location:

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

In addition, if the Personnel Subcommittee selects the undersigned to be considered by the Commission for the position, the next regular meeting of the Commission will be held on November 17, 2021, at a time and location to be determined and noticed. If the Chair schedules a Special Meeting of the Commission on another date to consider the qualifications of applicants, the date, time and location of the Special Meeting will be provided to selected applicants.

Personnel Subcommittee Members and applicants may appear via Zoom (virtually or telephonically). Further, notice is provided to the undersigned that he/she may at any time withdraw both this waiver and related application for appointment to the position of Executive Director; however, once the agenda is posted for the applicable meeting, it will identify the names of each of the applicants unless a withdrawal is received prior to the deadline for posting the agenda.

Dated this 27th day of October, 2021.

A handwritten signature in black ink that reads "Michael K. Morton".

By: print name Michael K. Morton

MICHAEL KILPATRICK MORTON

[REDACTED]
[REDACTED]

Kim Wallin
c/o Kari Pedroza, Executive Assistant
Commission on Ethics
704 W. Nye Lane, Suite 204
Carson City, NV 89702

Dear Chair Wallin,

I am writing to you to express my interest in serving as Executive Director of the Nevada Commission on Ethics, as posted on the website of the Division of Human Resource Management. My experience serving in two branches of Nevada's government would greatly benefit the Commission, both in the role's more traditional job duties and in new legal hurdles and opportunities presented by the COVID-19 pandemic.

For the past two and a half years, I've had the opportunity to entrench myself in the regulation of Nevada's most important industry. At the Nevada Gaming Control Board, I provide legal research, analysis, and support to the members of the Board, Division Chiefs, and the Board's Human Resources Section on a broad range of issues. I also serve as the Board's liaison to the Legislature, both during legislative sessions and the interim, affording me the occasion to continue my relationships with legislators that I cultivated during my service to the Legislature. Working with the highest levels of the executive branch, I successfully implemented Governor Sisolak's Executive Order 2019-02 relating to sexual harassment and discrimination policies in the gaming industry, and continue to manage the Board's response to the COVID-19 pandemic, drafting and implementing its health and safety policies for the gaming industry to safely reopen. Finally, working with the Board's Human Resources Section, I have provided legal analysis for hiring practices, employee relations, and internal investigations.

My experience with the Legislative Counsel Bureau provided me with extensive experience with the legislative process, including the drafting and amending of bills, parliamentary procedure, and various regulatory issues. During Nevada's legislative session in 2017, I served as counsel to the Assembly Committee on Health and Human Services. During the 2015-16 interim of the Nevada Legislature, I served as counsel to the Sunset Subcommittee of the Legislative Commission and the Committee on Child Welfare and Juvenile Justice. As counsel to the Sunset Subcommittee, I provided legal support for a full audit and performance investigation of the Nevada State Board of Dental Examiners, which included a published legal opinion.

During my six years in Nevada, I have worked for legislative majorities of both parties, a Democratic governor, and gubernatorial appointees from multiple administrations. No matter for whom I've provided legal counsel, I have always conducted myself and made decisions based on the tenant that it takes everyone to make government work for those who need it most.

As someone who has now sat on both sides of the dais in a committee hearing room, I am uniquely qualified to manage the operations of the Commission. I would appreciate the opportunity to speak with you regarding this position. Thank you for your time, and I look forward to speaking with you soon.

Sincerely,

Michael K. Morton

MICHAEL KILPATRICK MORTON

Education

Saint Louis University School of Law, J.D. (Health Law Concentration); May 2014

- Faculty Fellow to Dean Michael Wolff and Associate Dean Elizabeth Pendo
- *Saint Louis University Journal of Health Law and Policy*: Staff Editor, 2012-2013; Lead Editor, 2013-2014

Boston College, B.A., Communications; May 2011

Experience

NEVADA GAMING CONTROL BOARD: Carson City, Nevada

January 2019-Present

Senior Policy Counsel:

- Advise the Chair of the Gaming Control Board on state, national, and international gaming matters
- Represent the Board before the Nevada Legislature, and in negotiations with other jurisdictions.
- Prepare drafts of legislation, regulations, memorandums of understanding, and various internal controls
- Provide legal analysis to the Gaming Control Board's Human Resources Section on employment matters.
- Manage the Board's internal and external responses to COVID-19.

NEVADA LEGISLATIVE COUNSEL BUREAU: Carson City, Nevada

September 2014-January 2019

Senior Deputy Legislative Counsel:

- Draft legislation for members of the Senate and Assembly, the Office of the Governor, other executive branch agencies, and various local governments
- Provide nonpartisan legal analysis to legislators who request opinions on a wide range of policy issues
- Draft regulations for various state agencies pursuant to state statute
- Act as counsel to various legislative committees and interim legislative committees
- Retain working knowledge of all parliamentary procedures for both houses

GREEN CORDONNIER & HOUSE, L.L.P.: Clayton, Missouri

May 2013-September 2014

Law Clerk:

- Research and draft interoffice memoranda on various family law issues
- Draft and submit Qualified Domestic Relations Orders to the court for defined benefit accounts
- Assist attorneys with preparations for depositions, settlement conferences, and trials

OFFICE OF MISSOURI STATE SENATOR ERIC SCHMITT: Jefferson City, Missouri

January 2012-May 2014

Staff Intern:

- Summarize proposed legislation referred to the Senator's various committees.
- Provide the Senator analysis on bills regarding the Missouri criminal code and health policy legislation.

ANN WAGNER FOR CONGRESS: St. Louis, Missouri

May 2012-August 2012

Regional Political Director:

- Implemented successful grassroots campaign for the metropolitan St. Louis area for the candidate's primary campaign for US Congress, including coordination and management of 50 interns and volunteers
- Represented candidate at speaking engagements throughout the congressional district

Publications

- *Mediation and Mitigation: how the Nevada Legislature Changed Property Law During Special Session Addressing the COVID-19 Pandemic.* NEVADA LAWYER MAGAZINE, Vol. 28, No. 12 (December 2020)
- *A Run on the House: How Nevada's Gaming Regulatory Authorities can Protect the Public during Emergencies.* NEVADA GAMING LAWYER (September 2020)
- Issue Editor: *Gaming Law in Nevada.* NEVADA LAWYER MAGAZINE, Vol. 28, No. 6 (June 2020)
- *Making the Victim Whole Again? State and Local Governments Seek to Hold Drug Companies Accountable for Holes Left in Their Communities and Budgets.* ABA HEALTH ESOURCE. Vol. 14, No. 5 (January 2018)
- *Bills, Bills, Bills: Alternative Dispute Resolution Takes Center Stage in Health Care Billing Disputes.* ABA HEALTH ESOURCE. Vol. 13, No. 10 (June 2017)
- *Tomato, Tomahto: How Biosimilars are Reaching Patients Through State Legislatures.* ABA HEALTH ESOURCE. Vol. 13, No. 7 (March 2017)
- *The New War on Drugs: Fighting the Opioid Epidemic from the Statehouse Steps.* ABA HEALTH ESOURCE. Opioid Epidemic Special Edition (October 2016)
- *Private Sector Takes a False Claims Act Hit: A Legislative Review of New Scrutiny of Attorneys General and Plaintiff Firm Collaborations.* ABA HEALTH ESOURCE. Vol. 12, No. 10 (June 2016)
- *Health Care and Human Trafficking.* CHICAGO MEDICINE. Vol. 119, No. 1 (January 2016)
- *The Art of Healing: Healthcare Facilities Act as Next Line of Defense to Combat Human Trafficking.* ABA HEALTH ESOURCE. Vol. 12, No. 3 (November 2015)
- *Up in...Vapor? (Lack of a) Federal Policy Creates a Potential Federal-State Supremacy Issue.* ABA HEALTH ESOURCE. Vol. 11, No. 6 (February 2015)
- *The Commission on Disability Rights Aims to End Bias and Discrimination.* STUDENT LAWYER (ABA, Chicago, IL), November 2012.
- *Breaking Down Barriers for Prospective Law Students With Disabilities: A Blueprint for National Access.* TORT, TRIAL, AND INS. PRACTICE SECTION DIVERSITY COMMITTEE NEWSLETTER (ABA, Chicago, IL), Fall 2012

Presentations

- *The Ethics of Silence: The Theoretical Framework and Integration of Cancer, Family Communication, and New Ethical Standards of Disclosing Health Information.* National Communication Ethics Conference. Duquesne University, June 2012 (Named graduate fellow of Duquesne University)
- *Negotiating Boundaries in the Medical Interaction: Assessing Disclosures Through Communication Privacy Management Theory.* Annual Meeting, Eastern Communication Association. Cambridge, MA, April 2012 (Student Paper of the Year recognition)
- *Reflections About Encouraging or Inhibiting Disclosure in Interviews with Patients with Disabilities.* Annual Meeting, International Conference on Communication in Healthcare. Chicago, IL, October 2011
- *The Vacuum of Silence: The Theoretical Framework and Integration of Cancer and Family Communication.* Annual Meeting, Eastern Communication Association. Arlington, VA, April 2011

Affiliations

- **AMERICAN BAR ASSOCIATION:** *The Health Lawyer*, Editorial Board (2017-present); *HLBytes*, Editor (2018-2020) GPSolo Division Committee Chair (2014-2017); Liaison to the Commission on Disability Rights (2013-2015)
- **NEVADA BAR ASSOCIATION:** *Nevada Lawyer Magazine*, Editorial Board (2019-present)
- **CARSON VALLEY COMMUNITY FOOD CLOSET:** Chairman, Board of Directors
- **BAR ADMISSIONS:** Missouri (2014); Nevada (2016)

MICHAEL KILPATRICK MORTON

[REDACTED]
[REDACTED]

References

Sandra Douglass Morgan

Former Chairwoman, Nevada Gaming Control Board

[REDACTED]
[REDACTED]

Caleb S. Cage

Assistant Vice Chancellor for Workforce Development and Community Colleges

Nevada System of Higher Education

[REDACTED]
[REDACTED]

Steve Yeager

Nevada Assemblywoman, District 9

[REDACTED]
[REDACTED]



November 8, 2021

Nevada Commission on Ethics
704 W Nye Lane, Suite 204
Carson City, NV 89703

Re: Executive Director Candidate – Michael K. Morton, Esq.

Dear Commissioners:

Please accept this letter of reference on behalf of Michael K. Morton, Esq. I met Michael in January of 2019 when I was appointed as Chair and Executive Director of the Nevada Gaming Control Board and quickly had to prepare for the 80th (2019) Session of the Nevada Legislature. Michael's legislative experience and willingness to assist me as a new Chair was immediately apparent. He provided a thorough background of the bills involving the gaming industry and gaming regulation and was heavily involved in the development and presentation of the administrative budget of the Gaming Control Board.

Michael continued to demonstrate a strong work ethic throughout 2020, when the Gaming Control Board was tasked with implementing the closure and reopening of gaming establishments per the Governor's Declaration of Emergency. He was part of a senior leadership team that I relied on heavily to manage the Board's response to the COVID-19 pandemic. Michael was key in drafting and implementing its health and safety policies for the gaming industry to safely reopen, and he also assisted in crafting internal policies in conjunction with the Board's Human Resources section. Michael's ability to collaborate with other stakeholders including state agencies, local governments, and county commissions was integral to ensuring a safe reopening of gaming establishments.

Michael has a calling for public service and is dedicated to helping others professionally and personally. His service to the legal profession through his service on the Editorial Board of the Nevada Lawyer magazine reflects his passion to ensure that his colleagues are kept abreast of the relevant topics and changes in Nevada law. Additionally, his commitment to those in need and who are food insecure through his service as the Chair of the Carson City Food Closet while balancing his professional obligations at Gaming Control Board is commendable.

Thank you for the opportunity to share my thoughts and offer a strong recommendation in support of Michael K. Morton, Esq. for the position of Executive Director of the Nevada Commission on Ethics.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sandra Morgan', written over a light blue horizontal line.

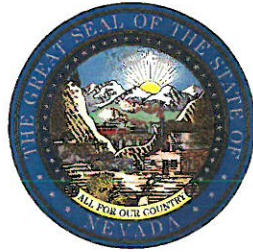
Sandra Douglass Morgan

STEVE YEAGER
ASSEMBLYMAN
District No. 9

SPEAKER PRO TEMPORE

DISTRICT OFFICE:

10120 West Flamingo Road, Suite 4162
Las Vegas, Nevada 89147-8392
Office: (702) 281-5938
Twitter: @SteveYeagerNV



LEGISLATIVE BUILDING:

401 South Carson Street
Carson City, Nevada 89701-4747
Office: (775) 684-8549
Fax No.: (775) 684-8533
Email: Steve.Yeager@asm.state.nv.us
www.leg.state.nv.us

State of Nevada Assembly

November 13, 2021

Sent via email to: ncoe@ethics.nv.gov

Nevada Commission on Ethics
704 W Nye Lane, Suite 204
Carson City, NV 89703

Dear Members of the Nevada Commission on Ethics,

I enthusiastically write in support of Michael Morton's candidacy for the next Executive Director of the Nevada Commission on Ethics. Having worked with Mike on both sides of the dais since my first session in the Nevada Assembly in 2017, I am confident that Mike is the right person to lead the Commission.

I first worked with Mike when I was assigned to the Assembly Committee on Health and Human Services in the 2017 session. Mike served as committee counsel. The Committee was extraordinarily busy that session and, as a new legislator largely unfamiliar with health care policy, I felt as if I were drinking from a fire hose. Mike served with poise and professionalism, helping me understand the matters that came in front of us. His legislative drafting skills were also a huge asset to the Committee.

As Chair of the Assembly Committee on Judiciary during Mike's tenure at the Nevada Gaming Control Board, I had the opportunity to collaborate with him on legislation to strengthen Nevada's premier industry. While successfully representing the interests and expertise of the Gaming Control Board, Mike was always willing to assist members of the Judiciary Committee and the general public in analyzing, explaining, and amending legislation to make the policy work for all interested parties.

In the nearly five years that I have worked with Mike professionally, he has continually proven himself as someone who goes the extra mile to make Nevada's government work for its residents and I have no doubt that he would continue his work at the highest levels as Executive Director of the Nevada Commission on Ethics. I recommend him without reservation.

Sincerely,

Steve Yeager

November 15, 2021

Nevada Commission on Ethics
704 W Nye Lane, Suite 204
Carson City, NV 89703

To Whom It May Concern:

I am writing to express my support for the selection of Michael Morton for the position of Executive Director of the Nevada Commission on Ethics.

I have known Mr. Morton since 2014, when he began working as a Deputy Legislative Counsel in the Legal Division of the Legislative Counsel Bureau. I also directly supervised Mr. Morton for several years during his service as an attorney at the Legislative Counsel Bureau. During his service with the Legislative Counsel Bureau, Mr. Morton was entrusted to work on complicated legal issues, and I was always impressed with his ability to analyze complex legal issues and reach conclusions in an intelligent and fair manner. Mr. Morton also produced quality written work product that effectively communicated his legal analysis and conclusions. I believe Mr. Morton's ability to analyze complex legal issues and communicate, both orally and writing, complex legal analysis and conclusions will enable him to be effective as the Executive Director of the Nevada Commission on Ethics.

In addition to his ability as a lawyer, Mr. Morton does an excellent job of working with people of different viewpoints and backgrounds. Mr. Morton served as legal counsel for legislative committees, and in this capacity, worked with Legislators of different parties and lobbyists and members of the public who had different viewpoints on complicated issues. Based on his work with people of differing interests, viewpoints and opinions, I have no doubt that Mr. Morton can effectively manage the staff of the Nevada Commission on Ethics and the complex issues that will arise for an Executive Director of the Nevada Commission on Ethics.

In conclusion, I believe that Michael Morton has the knowledge, experience and skills necessary to be an effective Executive Director for the Nevada Commission on Ethics and that the Nevada Commission on Ethics will benefit from these attributes that Mr. Morton will bring to the position.

Sincerely,

Bryan Fernley



WWW.THEFOODCLOSET.ORG

1251 Waterloo Lane

Gardnerville, NV 89410

Phone 775.782.3711 Fax 775.782.4452

Tax ID #88-0258742

November 15, 2021

Nevada Commission on Ethics
704 W Nye Lane, Suite 204
Carson City, NV 89703

Dear Chair Wallin and Commission members,

My name is Sarah Sanchez, and I am the Director of Carson Valley Community Food Closet, a non-profit working to end hunger in Douglas County. I am writing this letter on behalf of Michael Morton, who would make an outstanding Executive Director for the State of Nevada Commission on Ethics. We have worked together for the last four years as a member of our Board of Directors and most recently as our Board Chair.

As Chair of the Carson Valley Community Food Closet Board of Directors, Michael is the point of contact for all ten board members. He sets the goals and objectives for the board, ensuring that they are met, and helps all board members stay engaged and involved in regular meetings and five board committees. In collaboration, Michael and I steer the agency of eleven board members, three staff, and over 70 monthly volunteers.

In working together, I have seen Michael manage the board and aid with the decision-making processes that make up each board committee. He has helped members of the finance committee understand the financial framework needed to benefit the agency now and in the future with calm and clear guidance. Working with a board and navigating the non-profit world is not a one-size-fits-all work environment. Michael does an excellent job navigating the different personalities, skill levels, and dedication of each board member.

Michael has been instrumental in helping the agency move into a new phase of business as we settle into a newly built facility, grow staff and volunteer numbers, manage a more than \$200,000 budget, and look to the future. He is approachable, knowledgeable in board practices and the hunger cause, respected in our community, and has always made my job easier.

You would be remiss not to offer Michael the position of Executive Director for the State of Nevada Commission on Ethics. His high level of expertise and excellent leadership skills make him the best person for the job.

Respectfully,

Sarah Sanchez
Director

*This institution is an equal opportunity provider and employer.



Caleb S. Cage

November 16, 2021

The Honorable Kim Wallin, Chair
Nevada Commission on Ethics
704 W. Nye Lane, Suite 204
Carson City, NV 89702

Dear Chair Wallin,

It is my sincere honor to recommend Mr. Michael Morton to serve as the Executive Director of the Nevada Commission on Ethics. I have known and worked closely with Mr. Morton for the last five years and I believe he would be an excellent addition to your team. I am pleased to recommend him fully and without reservation for your consideration.

While Mr. Morton is a friend, I have been most impressed with him in our professional interactions. Anyone who works with him for even a brief period of time will see that he is extremely intelligent, he is collaborative, and he is courageous in his efforts to interpret the law and provide his best legal guidance. I have seen him exhibit these characteristics on a number of important occasions, and I have always been impressed by his ability to think, work, and lead.

Mr. Morton's career in Nevada tells the clear story of his remarkable intelligence. While working for the Legislative Counsel Bureau, he was assigned to some of the legislature's most challenging and complex committees and subject areas. Following his work there, he served as a senior attorney for the regulatory body overseeing Nevada's most important industry. And during all of his roles, he has continued contribute to his profession through service, writing, and mentoring of others. Mr. Morton has achieved a great deal in his career of dedicated public service so far, and much of that must be attributed to his use of his intellectual ability to serve his community, his profession, and his peers.

I was able to see Mr. Morton's ability to collaborate firsthand while serving at Governor Sisolak's COVID-19 Response Director. During this time of considerable uncertainty for everyone in our state, including Nevada's gaming industry, constant teamwork across sectors and agencies was required. While serving two Chairs of the Gaming Control Board, I observed Mr. Morton's willingness to take on difficult tasks, to do what was necessary and proper for the industry he helped to oversee and regulate, and to ensure there was clarity in policy and action for the various partners involved. As you are well aware, this was an extremely challenging time for our state, and Mr. Morton was absolutely critical to the various team efforts that allowed us to navigate those challenges.

I was also able to observe Mr. Morton's courage time and again throughout the pandemic response as well. Time and again we would consider impossible options that pitted the lives of Nevadans against their livelihoods, and time and again Mr. Morton provided the courage and clarity we needed to proceed with the best decision possible. This courage appeared to be the result of both his excellent intellect and understanding of the law and also his humble approach to collaboration. Whatever the source, his willingness to make difficult judgement calls and to stand by his legal interpretations allowed for better policy decisions and implementation throughout the entirety of the pandemic response.

I believe that the characteristics I have seen Mr. Morton exhibit repeatedly over the years are precisely the characteristics necessary to running such a critical Commission as yours. If selected, I have no doubt that Mr. Morton would become a crucial member of your team and allow your Commission to advance quickly toward your goals. Again, I am pleased to give Mr. Morton my highest recommendation for your consideration. Please do not hesitate to reach out to me if I can be of further assistance.

Best regards,



Caleb S. Cage



An Innovative and Philanthropic Mental Health Practice

However, unless you know him well, you might never learn of these endeavors because Mike's humility keeps him from talking about it.

I wrote that I believe the extracurricular activities and character matter greatly in a job such as this because I want my leaders to be strong but compassionate, confident but humble, deeply knowledgeable yet continually curious. Most importantly I want for them to possess selflessness for others and passion for the work, while also implementing healthy boundaries and professionalism. As a true servant leader, Mike captures all of these things and if I had a spot for him at my business I would hire him in an instant, knowing that I could trust him thoroughly.

I am aware, having employed multiple executive directors (or their equivalent), that the ED position of any organization is tasked with a lot, much of which cannot be captured in a job description. The ideal candidate will possess an ability to be creative, flexible, and intelligent enough to adapt to - and work through - new and emerging information. Overseeing the operations of a commission such as this one also requires an ability to think critically while still applying law, but without being overly rigid. Furthermore, the ED should be as egoless as possible, never taking anything personally and always honoring the process with balance and transparency. Mike will fulfill these requirements as well, and he will do so with a high degree of integrity.

In summation, I believe that the Commission would do well to appoint Michael Morton to its executive director position. He will bring an extraordinary level of competence and trust to the position, along with an ability to work well independently. The Commission can be confident in choosing Mike because he can be relied upon to interpret laws and codes accurately and robustly, handle the public with tact and diplomacy, and to work cooperatively with the Commission itself. As a result, Nevada governmental officers and appointees will be well trained, the citizenry will be well informed, and complaints will be processed swiftly. Having been the recipient of his customer service a few years ago, I can attest to all of this.

As a fifth-generation Nevadan who has worked in, around, and with government his entire adult life and who knows Mike's character well, I could not think of a better person for this job. Thank you for your audience, I wish you all well in making this challenging decision.

Jake Wiskerchen
Former Chair, MFT-CPC Board of Examiners
Owner, Zephyr Wellness

Kari Anne Pedroza

From: Katsaros, Philip [REDACTED]
Sent: Tuesday, November 16, 2021 3:06 PM
To: Nevada Commission on Ethics
Cc: Tracy Chase
Subject: Support of Michael Morton as Executive Director – Public Hearing Nov 17, 2021, Agenda Item #8

Dear Commissioners,

I am submitting this public comment in support of Michael Morton's candidacy for the vacant position of Executive Director for the Nevada Commission on Ethics. I understand how critical of a role this position is for the State of Nevada, and no better candidate for this position can I imagine than Michael Morton.

I have been a colleague of Michael for the past 2.5 years at the Gaming Control Board ("GCB"), and during this time we have worked, and continue to work, very closely on countless matters. I am therefore acutely familiar with Michael's professional work and talents.

Michael has a rather broad and critical role within the GCB. While his title is Senior Policy Counsel, I personally liken his role more to that of a traditional general counsel, and he is someone I regularly rely on for legal counsel and advice on policy matters. He has an excellent legal mind and a profound understanding of the inner workings of state and local governments having spent many years with the Legislative Counsel Bureau, and deeply cares about the State of Nevada.

In his short time at the GCB, Michael has very rapidly become an expert on gaming policy matters. Normally I would expect his level of expertise in gaming would take many more years to attain. For me, this is merely one example validating why he was hired into this position in the first place; he takes pride in his work, he is a natural lawyer and highly driven.

Michael possesses many other traits that are key to success in professional leadership positions, including but not limited to his ability to lead, but more specifically his ability to elevate colleagues and their professional work as well. He can work independently with no direction needed and also works well with others. In the end, the responsibility Michael has been entrusted with at the GCB speaks volumes as to his competence and importantly, the trust I and others have in his decision making.

I can confirm that Michael is unconditionally qualified to fill the role of Executive Director for the Nevada Commission on Ethics. Michael is an excellent State employee and the State of Nevada is fortunate to have him. If selected the next Executive Director it would certainly be a loss for the GCB, but an even bigger win for the State of Nevada as a whole, as the State would benefit from him leading an agency and thereby leveraging his talents to an even greater extent.

Please contact me at any time should you wish to discuss Michael's candidacy.

Kind regards,

Phil Katsaros, Board Member
Nevada Gaming Control Board
O: +1 (775) 684-7743





An Innovative and Philanthropic Mental Health Practice

Kim Wallin
Nevada Commission on Ethics
704 W, Nye Lane Suite 204
Carson City, NV 89702

Dear Chair Wallin and Commissioners,

Please allow this letter to serve as my wholehearted endorsement of Michael Morton for appointment to the Commission's Executive Director position.

My history with Mike began in 2018 when I was chairing my licensing board and attempting to change many of the laws and codes that govern my profession. At that time he was working for the Legislative Counsel Bureau and was assigned my board's regulation. I admittedly had very little idea about the regulatory process and was merely offering my best effort at something for which I had almost no support whatsoever. My board had no executive director, no lobbyist, no money, was 30 years behind the times regarding regulation and law, and recently experienced a near-total overhaul of its board members. It was, in short, a disaster.

This letter is about Mike's heart, desire, patience, intelligence, and work ethic, and not the circumstances that brought us into each other's company. However, that context is important in order to frame his character. You see, without Mike's guidance our regulation would never have even made it to hearing, let alone adoption. He graciously took the time to go well above and beyond the mere call of his job in order to help our board and, in turn, my profession as a whole, and subsequently all Nevadans. Since that regulation's adoption, I am pleased to say that Nevada has licensed hundreds more clinicians than would have otherwise been. Perhaps as a result, our state will someday elevate off of the behavioral health cellar floor.

Following that endeavor Mike and I became friends. He has watched our house, our dogs, and even our children. We speak regularly about all kinds of things from sports to policy, and the conversations nearly always hinge on some deeper philosophical concept that would better the populace. I am privileged to know several high-level thinkers in my social and professional circles and, with no disrespect to any of them, I will comfortably say that Mike's ability to take the most complex matters, critically assess them, and arrive at a workable solution is unparalleled.

His professional resume is impressive but I believe that his personal resume is what matters in a job such as this one. His tireless work with the Carson Valley Food Closet, leadership with St. Albert School, and ongoing participation with Nevada Bar Association and its *Nevada Lawyer* magazine - particularly regarding mental wellness among the legal profession - are all worthy of mention.

Ross Armstrong



**WAIVER OF NOTICE REQUIRED UNDER NRS 241.033(1) TO
CONSIDER CHARACTER, MISCONDUCT, OR COMPETENCE
OF SUBJECT IN ETHICS COMPLAINT PROCEEDINGS**

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Guinn Room
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Carson City, NV 89701**

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Personnel Subcommittee Members and applicants may appear via Zoom (virtually or telephonically). Further, notice is provided to the undersigned that he/she may at any time withdraw both this waiver and related application for appointment to the position of Executive Director; however, once the agenda is posted for the applicable meeting, it will identify the names of each of the applicants unless a withdrawal is received prior to the deadline for posting the agenda.

Dated this 08 day of October, 2021.


By: print name Ross Armstrong

Ross E. Armstrong, Esq.



October 1, 2021

Kari Pedroza
Executive Assistant
Sent via email: k.pedroza@ethics.nv.gov

To whom it may concern:

I entered public service with the State of Nevada in 2011 and although my roles have varied over the last ten years, a common thread has been my belief that government can do good things for the people of our state. I've worked to enhance the public's faith and confidence in government through competent execution and continuous improvement of government functions.

The blend of legal and administrative experience I've gained in the last ten years prepares me well for the role of Executive Director of the Commission on Ethics in these specific ways:

- As a Deputy Attorney General I practiced throughout most of the state including criminal and civil investigations and cases and agency-specific litigation. This work regularly required coordinating investigations, analyzing facts, and applying them to the law.
- As Deputy Administrator and Administrator, I've overseen large agency operations including budget development, personnel matters, quality improvement, and state and federal compliance. These roles also required professional public communications including but not limited to testimony before executive, judicial, and legislative hearings, community outreach, and media engagement.

While my professional skills are important to the position, my unwavering belief that government can do good and that the people of the State of Nevada are worth fighting for every day are equally important for your consideration of my application. That belief will be my driving force in service to the Commission on Ethics as Executive Director. I heard about this position on the state's website for unclassified positions.

My resume and references are enclosed; in the event I am selected to interview I will submit letters of recommendation to the public body at that time. I look forward to the opportunity to further discuss my application for this position.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Ross E. Armstrong'.

Ross E. Armstrong, Esq.

Ross E. Armstrong

Education

Willamette University College of Law, Salem, Oregon

J.D. *cum laude*, 2010; Top 15%, Class Rank: 18T/116, Dean's List (Fall 2007)

First Year Appellate Competition Finalist

High Paper: Federal Courts

University of Nevada, Reno, Nevada

B.A., *cum laude*, Economics, 2007

Honors Thesis: *An Economic Interpretation of Nevada's Constitution*

Undergraduate Research Award, 2006

Professional Experience

Nevada Division of Child and Family Services, Carson City, Nevada

Administrator April 2018 – Present

- Lead an agency of approximately 950 staff to deliver quality services to youth and families including residential and community juvenile justice and children's mental health services. The agency's work also includes direct child welfare services in rural Nevada and oversight of two urban child welfare agencies.
- Work with my team to manage fiscal operations, regulatory functions, community outreach, and legislative initiatives.

Nevada Division of Public and Behavioral Health, Carson City, Nevada

Deputy Administrator, Regulatory Services November 2017 – April 2018

- Oversaw health regulatory functions for the state including but not limited to medical facilities, radiation control, emergency medical services, environmental health services, and medical marijuana patient registry.

Nevada Division of Child and Family Services, Reno, Nevada

Deputy Administrator, Juvenile Services November 2015 – November 2017

- Led Nevada's State juvenile justice system including the operation of three residential youth facilities, the youth parole bureau, and the juvenile justice programs office.
- Worked with a team within the Division of Child and Family Services to coordinate efforts delivering justice, mental health, and welfare services across the state.

Office of the Attorney General, Reno, Nevada

Deputy Attorney General, Health and Human Services Division June 2013 – October 2015

- Initiated and processed petitions to terminate parental rights including drafting the petition, court appearances, and witness management

Writing Samples and References Available Upon Request

- Worked in a team of three attorneys to civilly advise and represent the Division of Child and Family Services, including matters of child protection, juvenile justice, and children's mental health
- Advised and defended personnel actions within the state personnel statutory and regulatory framework

Office of the Attorney General, Pahrump, Nevada

Deputy Attorney General (Tri-County VAWA Prosecutor), August 2011 – May 2013

- Prosecuted misdemeanor and felony crimes specializing in domestic violence, sex offenses, and child sexual abuse in Nye, Esmeralda, and Mineral Counties
- Helped to lead a multidisciplinary team of social workers, law enforcement, mental health services, and other service providers to review and staff child sexual abuse cases through a Child Advocacy Center
- Coordinated training and outreach with law enforcement, advocates, and the courts

Nevada Legislature, Legislative Counsel Bureau, Carson City, Nevada

Constituent Services Unit Senior Research Analyst, October 2010 – June 2011

- Researched and responded to legislator and public requests for governmental information through letters, memos, and phone conversations
- Utilized intimate knowledge of state legislative process, statutory schemes, and government agencies to assist constituents and legislators

Other Professional Experience: Oregon State Lottery Law Clerk, Independent Contractor for Legal Services, Attorney General Special Prosecutions Summer Intern, Insurance Defense Records Coordinator, Office Assistant, and Retail Clerk

Other Experience

Office of the Attorney General, Carson City, Nevada

- Victim Assistance Academy of Nevada, Steering Committee Member, 2014, 2015
- Violence Against Women Act Grant Committee, 2012, 2013
- Liaison for Secretary of State's Election Integrity Task Force, 2012

Willamette University, Salem, Oregon

- *Willamette Law Online, Ninth Circuit Service*, Electronic Case Summaries and Law Updates: Writer (2008-2009), Editor (2009-2010)
- Additional Activities: Class President, student mentor, and STARS Program

Boy Scouts of America, Reno, Nevada

- Eagle Scout, 2002
- Western Region Chief, Order of the Arrow, 2005
- National Distinguished Service Award, 2006
- Nevada Area Council Board of Directors, 2018-Present

Professional Memberships

- State Bar of Nevada, Admitted 2010 (#11905)
 - LGBT Section, Public Lawyers Section
- Council of Juvenile Correctional Administrators (now CJJA), 2015-2017
 - Board of Directors, West Region Chairman, 2016-2017
- Supreme Court Commission on Juvenile Justice Reform, 2015-2018
- Nevada Juvenile Justice Oversight Commission, member 2018-present
- Supreme Court Children's Commission, co-chair, 2018-present

Ross E. Armstrong

[REDACTED]
[REDACTED]

References

Julie Slabaugh

Chief Deputy Attorney General, Nevada Attorney General's Office

[REDACTED]

Coworker at Attorney General's Office and current leads the Attorney General's team providing legal representation to the Department of Health and Human Services including the Division of Child and Family Services.

Justice Nancy Saitta, Ret.

[REDACTED]

Key partner during my work as both a Deputy Attorney General and while at the Division of Child and Family Services. We serve as co-chairs together on the Supreme Court's Children's Commission. Collaborator on legislative changes including juvenile justice reform and commercially sexually exploited children.

Dr. Kathryn Roose

Former Deputy Administrator, Division of Child and Family Services

[REDACTED]

Dr. Roose was a direct report to me and can speak to my interactions with teams I lead, organizational direction, and support for staff.

Lisa Sherych

Administrator, Division of Public and Behavioral Health

[REDACTED]

Department of Health and Human Services leadership teammate.

November 2, 2021

Tracy L. Chase, Esq., Acting Executive Director
Kim Wallin, CPA, CPM, CFM, Chair
Brian Duffrin, Vice Chair
State of Nevada Commission on Ethics

Please accept this letter as my full and enthusiastic support for Ross Armstrong to be selected as the Executive Director of the State of Nevada Commission on Ethics. I worked with Mr. Armstrong for almost six years, and he was my direct supervisor for two and a half of those years when I was fortunate to serve on his leadership team as the Deputy Administrator of Quality and Oversight at the Division of Child and Family Services. From my time with Mr. Armstrong, I can speak to his abilities in the oversight of the Division including four public-facing systems (child welfare, juvenile justice, children's mental health, victim services), and my experience being supervised by him and serving on his leadership team.

In my years at DCFS I witnessed the skill with which Mr. Armstrong interacts with Division partners, including community partners, service providers, federal and county partners, and other state agencies. I was constantly impressed at his ability to maintain professionalism in every situation, regardless of the expectations placed on him or the type of attention that was being directed at the Division, or on him as the leader of the Division. He regularly receives accolades for his ability to provide information and clarification on the spot during meetings, for committing to action based on activities and decisions made at meetings, for ensuring follow-through on action items, and for ensuring DCFS staff and resources are provided to support the work of a variety of commissions, consortia, committees, and subcommittees. In meetings staffed by DCFS, Mr. Armstrong paid close attention to ensure effective agendas and steady progress, all while adhering to Open Meeting Law.

As DCFS Administrator, Mr. Armstrong maintained a sharp focus on equity, taking tangible steps to improve equitable practices within the organization, and in the services the Division provides to the community. He participated in the development of the DCFS Vision: Safe, Healthy, Thriving Kids in Every Nevada Community, and ensures DCFS staff and community partners understand that "community" means more than geographical community, it also means communities of color, tribal communities, LGBTQ communities, and any other community that might benefit from specialized attention.

Mr. Armstrong displayed unquestionable integrity during my time at DCFS. He is dedicated to his staff, available to all staff, not just management and leadership. He is attentive to internal and external issues, even at early stages, and quickly acts to defuse situations, from personnel issues and grievances to issues with service delivery in the community whether at a facility level or at the level of an individual child. He is forward-thinking; he sees every error or crisis or oversight as an opportunity for improvement in a system or process, and ensures that efforts are made towards those improvements.

As my supervisor, Mr. Armstrong cultivated a strong, tightly knit, collaborative, trusting, and supportive leadership team at the Division of Child and Family Services. He ensured frequent, structured communication through weekly leadership meetings which were used for project updates and strategic planning. In turn, Deputy Administrators were expected to hold regular supervisory meetings with our own staff, and to facilitate regular meetings within our programs. Mr. Armstrong is committed to communication and transparency at every level, regularly sending all-staff emails with important information relating to the pandemic, the Legislative Session, or other Division- or state-specific information; and regularly holding webinars and town halls to provide important information and to give all Division staff the opportunity to ask questions or provide comments on Division activities.

As a Deputy Administrator, I felt very fortunate to be supervised by Mr. Armstrong. As a new state employee, his leadership in learning how to research and interpret statute and regulations, how to effectively represent the Division at the Legislative Session and other Legislative and public bodies were invaluable. Beyond helping me learn to complete the functions of my position, he provided the context, the history, the connections, the legal foundation and/or implications, and interesting facts about state government. His historical knowledge of the state, the law, and the government made for a more robust learning environment and a better picture about where we fit in as DCFS, and the role we played in Nevada. As an aside, I brought a deck of Nevada trivia cards on a road trip with Mr. Armstrong and another colleague to meet with community members in Ely, Nevada, and he answered just about every single question correctly!

Above all, Mr. Armstrong displays a passion for the State of Nevada and a steadfast belief that government can and should provide an invaluable service to the State of Nevada, and that state employees have the honor and obligation to serve Nevadans. I am confident that Mr. Armstrong would bring the same passion and dedication to the role of Executive Director of the Commission on Ethics.

Thank you for your consideration.

Kathryn Roose, Ph.D.

kathrynroose@gmail.com

To Whom It May Concern:

I am writing to express my strong support for Ross Armstrong as a candidate for the position of Executive Director of the Nevada Commission on Ethics.

I have worked with Mr. Armstrong for the last two years. In his current State position as Administrator of the Division of Child and Family Services (“DCFS”), Mr. Armstrong oversees a large division within the Nevada Department of Health and Human Services. DCFS is one of the clients I serve as a Deputy Attorney General in the Nevada Attorney General’s Office. I provide employment law guidance to DCFS, which requires me to regularly work closely with Mr. Armstrong to handle difficult personnel matters and manage administrative appeals and litigation for the Division. I have also been working with Mr. Armstrong to implement the COVID-19 vaccination mandate that became effective November 1 for employees at certain state facilities operated by DCFS.

Although the matters I handle for DCFS are often time-consuming and complex, it is always a pleasure to work with Mr. Armstrong. I appreciate the thoughtful and respectful manner in which he handles all matters we have worked on together and it is evident he is respected by his peers at DHHS and his DCFS team.

I have watched Mr. Armstrong successfully navigate through some very challenging issues for DCFS. His departure from DCFS will be a loss for the State and I will miss working with him. However, DCFS’s loss can be your gain. I am excited to think that my prior coworkers at the Ethics Commission might have the pleasure of working with Mr. Armstrong. I think he is an ideal fit for the Ethics Commission and hope you will agree.

Sincerely,

Judy Prutzman

Additional Public Comment Received November 4, 2021

Read for the Record by Acting Executive Director/ Commission Counsel Tracy Chase:

Richard Whitley, Director of the Nevada Department of Health and Human Services sent a communication recommending his support for Ross Armstrong in support of his application for the Executive Director.