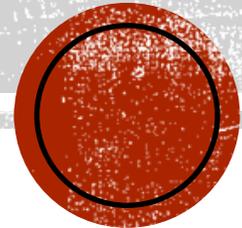




NEVADA COMMISSION ON ETHICS INTERVIEW

Sean Sever

November 17, 2021



JURISDICTIONAL RECOMMENDATION

CASE NO. 21-023C

- Executive director recommendation to Commission on Case No. 21-023C, if there is jurisdiction and sufficient evidence to render an opinion.
- Ethics complaint states that there is documentary evidence that Public Entity Administrator Don Porta, operating out of City, Nevada, stayed overnight several times a week in the ground floor storage area of a city-owned restroom building adjacent to city hall beginning in July 2021 and continuing through August.
- This began shortly after Mr. Porta sold his residence and purchased another in Florida and ended abruptly when a city employee complained to a council member about Mr. Porta's afterhours activities.



JURISDICTIONAL RECOMMENDATION

CASE NO. 21-023C

- Most city employees work from 7 a.m. to 5:30 p.m., Monday through Thursday, the normal business hours of city hall.
- The city controls and monitors employee access to buildings, and secure spaces within buildings, through the issuance of key cards. If a building is secured, the card must be placed proximate to a sensor to unlock an entry point. The sensor records the date, time and identity of the employee and the point of access.
- The system is passive so if more than one employee enters at the same time, only the identity of the employee using the card is recorded.



JURISDICTIONAL RECOMMENDATION

CASE NO. 21-023C

- Mr. Porta is a City, NV employee which falls under the jurisdiction of the Commission according to NRS 281A.150.
- Relevant provisions of NRS Chapter 281A to this case include:
 - 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(7) – Using government 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.
- The requester, pursuant to NRS 281A.750, has asked that their identity remain confidential because they are a public officer or employee who works for the same public body.



JURISDICTIONAL RECOMMENDATION

CASE NO. 21-023C

- The executive director's recommendation is this:
 - Although Mr. Porta falls under the Nevada Commission on Ethics jurisdiction as a City, NV employee and Mr. Porta may have violated certain provisions in NRS Chapter 281A, there was insufficient evidence provided with the ethics complaint to support these claims.
 - The two witness statements state:
 - Person #1: "City manager who has been apprised of the situation and has interviewed Porta."
 - Person #2: "I work with Porta and have seen him coming out of the restroom several times when I came to work early. I am also concerned if my identity were revealed because I might lose my job."
 - Although the complaint states that documentary evidence exists, there was no further evidence submitted.
 - Seeing someone coming out of the restroom several times is not enough to ascertain whether someone is staying overnight in a city-owned facility or not. Therefore, in accordance with NRS 281A.710 (3), I recommend that the Commission decline to render an opinion because all the necessary evidence was not submitted for this matter.



APPROVING NEW PIO/TRAINING POSITION

LEGISLATIVE JUSTIFICATION

- This request is for you to hopefully approve a badly-needed public information officer position for the Nevada Commission on Ethics, which is statutorily responsible for providing Ethics Law outreach to state officers and employees.
- Reasons for this request:
 - The executive director does all the outreach, along with running the agency and completing investigations, so there isn't enough bandwidth. These duties includes social media, website content management, media relations, and training/education for the 140,000 state and local government public officers and employees that fall under our jurisdiction.
 - If you look back at the Commission's meeting minutes, several commissioners including the chair have expressed a desire for more training and outreach.
 - With the current political climate in our country, Nevada needs the Commission more than ever and I don't think many people really know we even exist.



APPROVING NEW PIO/TRAINING POSITION

LEGISLATIVE JUSTIFICATION

- Did you know that in 2019, an independent report from the Coalition for Integrity ranked Nevada 8th nationwide for enforcement and transparency of ethics rules? I'll bet most Nevadans don't. There's no mention of it on the Commission's website and only one news release about a recent appointment to the Commission.
- Ethics complaints filed with the Commission dropped from 89 in FY 2020 to 69 in FY 2021, a 20% decrease.
- The Commission conducted 13 in-person/virtual Ethics Law training sessions last year. Even if there were 100 people at each one of these sessions, we'd still be only hitting 1% of the 140,000 public officials and employees.
- The Commission is only posting once a month on Twitter and industry standards for businesses say you should be posting at least once a day.



APPROVING NEW PIO/TRAINING POSITION

LEGISLATIVE JUSTIFICATION

- Why do I say all of this? Is Commission staff doing their jobs? Of course, they are. The #8 ranking proves it. There simply isn't bandwidth for the existing staff to incorporate a PIO's duties into their own. And this is important because people need to know we're here to restore the public trust in government.
- On a national scale, public trust in government is near historic lows. According to the Pew Research Center, only about a quarter of Americans say they can trust the government to do what is right "just about always" (2%) or "most of the time" (22%).
- However, I believe Nevada is different than Washington DC. We just need someone to help us tell everyone what we're doing in Nevada. The executive director should really be managing the agency and a PIO should be doing the outreach/training.
- We humbly ask for your support on this position to help us get the word out about the many things the Commission is doing to enhance the public's trust. Thank you!



AB 65 JUSTIFICATION

WHY LEGISLATURE SHOULD PASS

- **AB 65 was passed by the Nevada Legislature during the 2021 Session; however, the governor vetoed the bill because of a late session amendment that was considered to be a significant policy change.**
- **The amendment (#777) sought to establish three new legislative committees to address ethics violations by legislative members and Legislative Counsel Bureau staff. This amendment is not included this time.**
- **We have met with all committee members individually to address concerns we heard including executive director to be a licensed attorney, confidential records, extending deadlines indefinitely and what prompted the need for the bill. Adjusted the bill accordingly and everyone is now in agreement that this is a good bill.**



AB 65 JUSTIFICATION

WHY LEGISLATURE SHOULD PASS

- **Bill Highlights:**
- **Requests for advisory opinions/ethics complaints**
 - **Authorize immediate, informal advice**
 - **Enhance procedures for transparency and due process**
 - **Extensions of statutory deadlines**
- **Ethical standards of conduct**
 - **Clarify scope of ethical standards**
 - **Limit cooling-off period to management-level employees**
 - **Expand one-year prohibitions with contract vendors**



AB 65 JUSTIFICATION

WHY LEGISLATURE SHOULD PASS

- Bill Highlights:
- Open Meeting Law Exemption/Application
 - Full exemption on investigations, documents and settlements
 - Commission will take final action in open meeting
- Administrative Improvements
 - Assignment of chair's duties
 - Executive director status as party to adjudicatory proceedings
 - Confidential referrals on matters not in jurisdiction
 - Witness cooperation in ethics investigations
 - Procedural requirements to Acknowledgement of Statutory Ethics Standards Forms



AB 65 JUSTIFICATION

WHY LEGISLATURE SHOULD PASS

- We think this is an important bill that will enhance the Ethics Law by streamlining and improving the processes for complaint cases and advisory opinions and add additional identity protection for complainants.
- These improvements have been desired for some time now and they are all suggestions from Commission counsel, staff and commission members that will help improve the way we do our jobs and most important, how we can become an even better Nevada Commission on Ethics, work toward restoring the public's trust in government, and provide our services in more efficient ways to the great citizens of Nevada.
- We encourage your support for AB 65. Thank you for your consideration and we can answer any questions at this time.



THANK YOU FOR CONSIDERING ME!

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- Lead by example, work beside people, family culture, positive.
- Know when to put foot down, diffuse tension, professional, never satisfied.
- Proactive, passionate, lightning-quick responses, organized, humble.

