



**STATE OF NEVADA
COMMISSION ON ETHICS**

<http://ethics.nv.gov>

NOTICE OF PUBLIC MEETING

NAME OF ORGANIZATION: NEVADA COMMISSION ON ETHICS
DATE & TIME OF MEETING: January 19, 2022, at 9:30 a.m.
PLACE OF MEETING: This meeting will be held exclusively via Zoom:

Zoom Meeting Information

<https://us06web.zoom.us/j/85009716653?pwd=RjlaNTF6WGk5bzIMRDNWSWJCVjNGQT09>

Zoom Meeting Telephone Number: 669-900-9128*

Meeting ID: 850 0971 6653

Passcode: 420650

Commissioners may appear telephonically.

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

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

AGENDA

NOTES:

- Two or more agenda items may be combined for consideration.
- At any time, an agenda item may be taken out of order, removed, or delayed.
- Public comment will be accepted at the beginning of the open session and again before the conclusion of the open session of the meeting. Comment and/or testimony by the public may be limited to three (3) minutes. No action may be taken on any matter referred to in remarks made as public comment. Members of the public may also submit written public comment to the Commission at ncoe@ethics.nv.gov.

| | |
|----------------------------|---|
| | 1. Call to Order, Roll Call, and Pledge of Allegiance to the Flag. |
| | 2. Public Comment. Comment and/or testimony by any member of the public will be limited to three (3) minutes. No action will be taken under this agenda item. |
| For Possible Action | 3. Approval of Minutes of the November 17, 2021 Commission Meeting. |
| For Possible Action | 4. Report by Executive Director, on agency status and operations and possible direction thereon. Items to be discussed include, without limitation: <ul style="list-style-type: none">• FY22 Budget Status• Budget and Legislative Session Planning• Campaign Legal Center Report• Commission Meeting Status• Social Media and other Outreach |

| | |
|---------------------|---|
| For Possible Action | 5. Consideration and approval of the 2022 Nevada Commission on Ethics Public Records Policy as presented by the Executive Director. |
| For Possible Action | 6. Consideration and approval of the Telecommuting Policy as presented by the Executive Director. |
| For Possible Action | 7. Consideration and approval of the Penalty Payment Schedule Authority as presented by the Executive Director. |
| For Information | 8. Status Update on City of Reno policy instituted pursuant to Approved Deferral Agreement in Ethics Complaint No. 20-010C regarding Bonnie Weber, Councilmember, City of Reno, State of Nevada. |
| For Possible Action | 9. Discussion and approval of a Proposed Stipulation concerning Ethics Complaint No. 19-102C regarding Tina Quigley, former Member of the Nevada High-Speed Rail Authority, State of Nevada. |
| For Possible Action | 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. |
| | 11. Public Comment. Comment and/or testimony by any member of the public will be limited to three (3) minutes. No action will be taken under this agenda item. |
| For Possible Action | 12. Adjournment. |

NOTES:

- ❖ The Commission is pleased to make reasonable accommodations for any member of the public who has a disability and wishes to attend the meeting. If special arrangements for the meeting are necessary, please notify the Nevada Commission on Ethics, in writing at 704 W. Nye Lane, Ste. 204, Carson City, Nevada 89703; via email at ncoe@ethics.nv.gov or call 775-687-5469 as far in advance as possible.
- ❖ To request an advance copy of the supporting materials for any open session of this meeting, contact Executive Director Ross E. Armstrong, Esq. at ncoe@ethics.nv.gov or call 775-687-5469.
- ❖ This Agenda and supporting materials are posted and are available not later than the 3rd working day before the meeting at the Commission's office, 704 W. Nye Lane, Ste. 204, Carson City, Nevada, or on the Commission's website at www.ethics.nv.gov.
- ❖ Any meeting or hearing held by the Commission pursuant to NRS 281A.760 to receive information or evidence regarding the conduct of a public officer or employee and deliberations of the Commission concerning an ethics complaint are exempt from the provisions of NRS Chapter 241, Nevada's Open Meeting Law. As a result, these agenda items, or any portion of them, may be heard in closed session.

This Notice of Public Meeting and Agenda was posted in compliance with NRS 241.020 not later than 9:00 a.m. on the third working day before the meeting at the following locations:

- Nevada Commission on Ethics, 704 W. Nye Lane, Suite 204, Carson City
- Nevada Commission on Ethics' website: <http://ethics.nv.gov>
- Nevada Public Notice Website: <http://notice.nv.gov>

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, November 17, 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/85275654517?pwd=OEhuME1BRVBtUW1Dd3VDWjMzRFRkUT09>

Zoom Meeting Telephone Number: 669-900-9128

Meeting ID: 852 7565 4517

Passcode: 914016

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 9:00 a.m. Also appearing in Carson City were Vice-Chair Brian Duffrin, Commissioner Barbara Gruenewald, Esq., Teresa Lowry, Esq., and Thoran Towler, Esq. Appearing via videoconference were Commissioners James Oscarson, Damian Sheets, Esq. and Amanda Yen, Esq. Present for Commission staff in Carson City were Commission Counsel Tracy L. Chase, Esq., Associate Counsel Elizabeth J. Bassett, Esq., 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 October 20, 2021 Commission Meeting.

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

Vice-Chair Duffrin moved to approve the October 20, 2021 Commission Meeting Minutes as presented. Commissioner Towler seconded the motion. The Motion was put to a vote and carried as follows:

| | |
|--------------------------|----------|
| Chair Wallin: | Aye. |
| Vice-Chair Duffrin: | Aye. |
| Commissioner Gruenewald: | Aye. |
| Commissioner Lowry: | Aye. |
| Commissioner Oscarson: | Aye. |
| Commissioner Sheets: | Aye. |
| Commissioner Towler: | Aye. |
| Commissioner Yen: | Abstain. |

4. Approval of Minutes of the November 3, 2021 Personnel Subcommittee Meeting.

Chair Wallin stated that she served with Commissioners Duffrin and Oscarson as members of the Personnel Subcommittee and each were present at the November 3, 2021 Personnel Subcommittee meeting and only the Subcommittee members were permitted to act on approval of the subcommittee minutes.

Vice-Chair Duffrin moved to approve the November 3, 2021 Personnel Subcommittee Minutes as presented. Chair Wallin seconded the motion. The Motion was put to a vote and carried as follows:

| | |
|------------------------|------|
| Chair Wallin: | Aye. |
| Vice-Chair Duffrin: | Aye. |
| Commissioner Oscarson: | Aye. |

5. Approval of Minutes of the November 4, 2021 Personnel Subcommittee Meeting.

Chair Wallin stated that she served with Commissioners Duffrin and Oscarson as members of the Personnel Subcommittee and each were present at the November 4, 2021 Personnel Subcommittee meeting and only the Subcommittee members were permitted to act on approval of the subcommittee minutes.

Vice-Chair Duffrin moved to approve the November 4, 2021 Personnel Subcommittee Minutes as presented. Chair Wallin seconded the motion. The Motion was put to a vote and carried as follows:

| | |
|------------------------|------|
| Chair Wallin: | Aye. |
| Vice-Chair Duffrin: | Aye. |
| Commissioner Oscarson: | Aye. |

6. Consideration and approval of the Fiscal Year 2021 Annual Report presented by the Acting Executive Director pursuant to NAC 281A.180(2).

Chair Wallin introduced the item acknowledging that the Fiscal Year 2021 Annual Report presentation was presented at the September Commission Meeting. She thanked Commission Counsel Chase and Executive Assistant Pedroza for incorporating the changes proposed by the Commission to the Annual Report.

Commission Counsel Chase thanked the Commissioners for providing their feedback and revisions to the Annual Report. She noted that the Annual Report highlights the Commission's continued efforts to fulfill its mission during the pandemic and staff transitions. Commission Counsel Chase thanked Commission staff for their hard work.

Commissioner Gruenewald moved to approve the Fiscal Year 2021 Annual Report as presented. Commissioner Lowry seconded the motion. The Motion was put to a vote and carried unanimously.

7. 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
- Agency Operations
- Commission Meeting Status
- Update on Education and Outreach

FY22 Budget Status: Acting Interim Executive Director Chase reiterated to the Commission that upon continued review of the agency budget projections, the Commission will be within budgetary amounts for this Fiscal Year. She provided an update to the Commission regarding finalizing the PDI contract execution, pending approval by the Clerk of the Board of Examiners.

Agency Operations: Acting Interim Executive Director Chase reported on the status of Complaint cases and Advisory Opinion requests and informed the Commission that the number of complaint cases on the backlog has decreased considerably as the Commission and its staff have diligently worked to hold panel reviews, which have resolved many cases.

Commission Meeting Status: Acting Interim Executive Director Chase requested that Commissioners reserve the third Wednesday of the month to attend regularly scheduled Commission meetings. She stated that the next Commission meeting would be held on January 19, 2022 and that the Commissioners could expect a 2022 Meeting Date List via electronic email from the Executive Assistant.

Update on Education and Outreach: Acting Interim Executive Director Chase indicated persons requesting ethics training have continued to be referred to the training materials posted on the Commission's website. She further provided that a Limited License Agreement was created to provide state or local agencies the ability to post the Commission's training video on their websites provided they report the number of views monthly for the ethics training for the Commissions statistics. Also, in December, she will be presenting a 2-hour training on ethics to a UNR class.

The Commission discussed holding at least one in-person meeting in Las Vegas in 2022.

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

2. Public Comment.

Former Commissioner Philip (P.K.) O'Neill provided public comment in support of Executive Director candidate Sean Sever.

Philip Katsaros provided public comment in support of Executive Director candidate Michael Morton.

///

8. Interviews and consideration of candidates for the Executive Director position, and possible appointment of a candidate as the Executive Director. Under NRS 241.020(2)(d)(5), the Commission may consider the character and professional competence of the following applicants for appointment as the Executive Director:
 - 1.) Sean Sever
 - 2.) Michael Morton
 - 3.) Ross Armstrong

Chair Wallin introduced the agenda item stating that the Commission would be conducting interviews of each of the 3 Executive Director applicants, the candidates will present their presentations to the Commission and after the interviews and presentations the Commission would deliberate regarding its selection of the new Executive Director.

The Commission then interviewed each of the three candidates in the following order: Sean Sever, Michael Morton, and Ross Armstrong.

Chair Wallin expressed her gratitude to each of the applicants and shared her opinion that the interviews conducted had been successful. She commended the candidates for their thorough presentations before the Commission.

Chair Wallin moved that the Commission extend an offer of the Executive Director position to Ross E. Armstrong, Esq. contingent upon the background and reference check results. Commissioner Yen seconded the motion. All Commissioners discussed the outstanding qualities of each candidate and echoed Chair Wallin's gratitude to the applicants. The motion was put to a vote and carried unanimously.

9. 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 provided former Chair Lau's well wishes to the Commission and its staff.

10. Public Comment.

There was no public comment.

11. Adjournment.

Commissioner Lowry 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 3:18 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 January 19, 2022:

Kim Wallin, CPA, CMA, CFM
Chair

Brian Duffrin
Vice-Chair

Agenda Item 4

NEVADA COMMISSION ON ETHICS

REVIEW OF UPCOMING BUDGET AND LEGISLATIVE TIMELINES



BUDGET BUILDING PROCESS



Agency Builds
Budget with
Set Parameters

Agency
Submits to
GFO

GFO Builds
Governor's
Recommended
Budget

Executive Branch Process

Legislative Branch Process

Budget
Presentation
and Hearing

Budget
Work
Session

Approval and
passage from
Legislature

BUDGET KEY DATES



- Late February 2022 Budget Process Kickoff
- September 1, 2022 – Agency Requests Due to Governor's Finance Office
- February 6 – 2023 Legislative Session Begins
- July 1, 2023 - State Fiscal Year 2024 begins
- July 1, 2024 - State Fiscal Year 2025 begins

BUDGET KEY TERMS

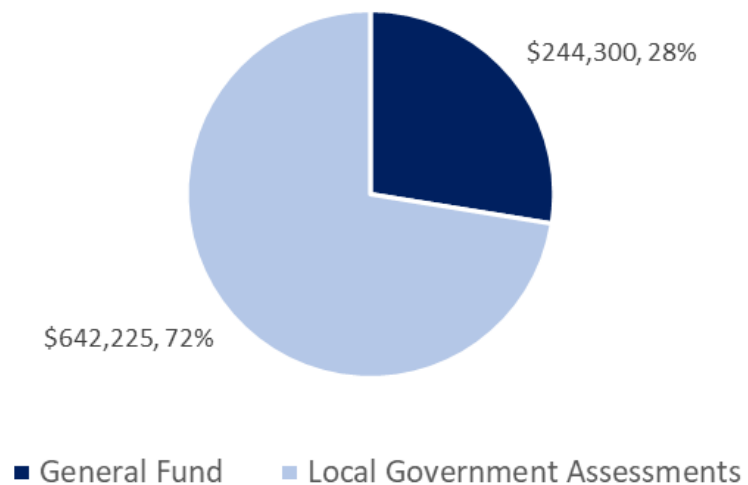


- 2x Cap – formula for determining the base budget which is typically, 2x the amount spent in the first fiscal year of the preceding biennium
- Enhancement Unit – request for new or additional expenditures
- Mandate Unit – request for new or additional expenditures based on a new federal, state, or other legal mandate

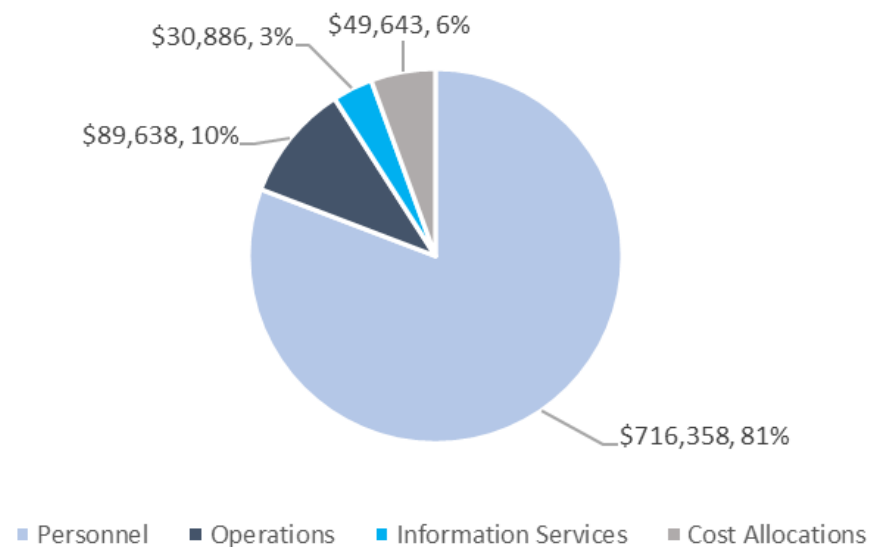


INFORMATION ABOUT ETHICS BUDGET

Ethics Commission Annual Appropriation



Ethics Commission Annual Expenses



Numbers from SFY2022

POTENTIAL BUDGET PRIORITIES



- Public Information Officer – training, outreach, online presence, educational materials
 - Salary and benefits
 - Expenses related (rent, equipment, travel, software, etc)
- Investigations Resources
 - Contract funding available complex or specialized cases or surge in demand
- Additional priorities as part of the budget development process

BUDGET NEXT STEPS FOR COMMISSION STAFF

- Attend the budget kickoff meeting for this cycle's instructions
- Prioritize and craft any enhancement units
- Work with Administrative Services Division to complete all the technical work of budget building prior to the September 1 deadline

LEGISLATIVE PROCESS



Agency,
Legislator, or
Committee has
an idea

Bill Draft
Request is
drafted

Bill is
Introduced

Considered
by first
house

Considered
by second
house

To Governor
for signature
or veto

WORK BEFORE THE LEGISLATIVE SESSION



- Interim Committees made up of members of the Senate and Assembly meet during the time between legislative session
 - Legislative Operations and Elections – Chair Miller & Vice Chair Ohrenschall
- Executive Agencies consider needed policy changes and work with Governor's team
- Bill draft requests are drafted and prepared for the Legislative Session

PREVIOUS ETHICS LEGISLATION



| Session | Bill | Summary | Result |
|---------|-------|--|--|
| 2021 | AB65 | Requested by Ethics Commission, various changes to ethics law and procedure | Amended. Passed Legislature Vetoed by Governor |
| 2019 | SB129 | Requested by Ethics Commission, various changes to ethics law and procedure | Amended Passed Senate No vote in Assembly |
| 2017 | SB36 | Requested by Office of the Governor, eliminated Legislators from jurisdiction of Ethics Commission | Heard in Senate committee No vote in the Senate |
| 2017 | SB84 | Requested by Ethics Commission, various substantial changes to ethics law and procedure | Amended Passed by Legislature Approved by Governor |

LEGISLATURE KEY DATES



- January through October 2022 – Interim Committee Meetings
- September 1 – Agency Bill Draft Request Due
- November 8 – Members of the Legislature elected
- February 6, 2023 – 2023 Legislative Session Begins
- June 6, 2023 – 2023 Legislative Session Ends



PASSAGE OF AB65 WAS GOOD PUBLIC POLICY

- Enhanced and clear standards of ethics will assist in raising the standard of ethical conduct by Nevada's public officers and employees.
- Confidentiality protections encourage education and prevention as well as encourage those with knowledge of violations to come forward.
- Procedural clarity and streamlining will conserve Commission resources, encourage early resolution, and result in a more effective ethics process.



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2023 ETHICS COMMISSION LEGISLATION



Decisions for the Commission

- Should the Commission pursue another attempt to pass the provisions from AB65 from the 2021 Legislative Session?
- Are there specific changes from AB65 that are a higher priority than others?
- Should legislation development be a standing agenda item for 2022 Commission meetings?

TOP OF

TRANSPARENCY UPGRADES *for* ETHICS COMMISSIONS



Acknowledgments

Thank you to the California Fair Political Practices Commission, Hawaii State Ethics Commission, Los Angeles City Ethics Commission, Montana Commissioner of Political Practices, Nevada Commission on Ethics, New Mexico State Ethics Commission, New York City Conflicts of Interest Board, Ohio Ethics Commission and San Francisco Ethics Commission for participating in interviews to support this analysis.

This analysis was written by Kedric Payne, Delaney Marsco and Valencia Richardson. Thank you to Kimberly Hall, Catie Kelley and Brendan Quinn for their feedback and to Eighty2degrees for designing the analysis.

The nonpartisan Campaign Legal Center (CLC) advances democracy through the law at the federal, state and local levels, fighting for every American's rights to responsive government and a fair opportunity to participate in and affect the democratic process.

Experts at the Campaign Legal Center are always available to provide tailored advice. Please feel free to contact us to discuss your state. You can reach us at info@campaignlegalcenter.org, 202-736-2200 or www.campaignlegalcenter.org.

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Purpose

The purpose of this CLC analysis is to provide state and local ethics commissions with innovative transparency solutions to improve how they effectively implement their ethics programs. Specifically, the project highlights proven transparency upgrades that ethics commissions have used to better:



1.

educate and advise
government officials



2.

engage and inform
the public



3.

enforce the law against
the noncompliant

We identified 10 tools that ethics commissions can implement to promote those goals.

We interviewed nine ethics commissions that we identified as exemplifying each of the tools we highlight. This project focuses on upgrades that are effective yet relatively simple and inexpensive to adopt without creating any new laws, rules or regulations.

Executive Summary

Ethics commissions serve a vital role in democracy by upholding transparency principles and administering various laws and rules intended to preserve the public's trust in government.

When public officials are well-informed of the laws that govern their public service and when the public has full access to information about their public officials, government can be held accountable and the public's trust grows.

Limited staff, technology, funding and other resources create challenges for ethics commissions to fulfill their important missions. In addition, ethics commissions often have the complex duty of serving diverse stakeholders, including government officials and employees, lobbyists, government contractors, journalists and the general public. CLC designed this analysis as one solution for ethics commissions that face such challenges but are interested in exploring proven tools that are efficient for small staff and relatively inexpensive. We identified the top 10 tools for ethics commissions to implement in order to better promote transparency. We researched and interviewed state and local ethics commissions

in a diverse set of jurisdictions across the country to determine which commissions are superior examples of the following 10 tools that we identified:

1. Dashboard of Public Disclosures
2. Heat Map of Enforcement Actions
3. Educational Content for Social Media
4. Complaint Portal
5. Searchable, Sortable and Downloadable Public Disclosures
6. Advanced Search of Advisory Opinions
7. Online Ethics Advice
8. Public Hearing Virtual Attendance
9. E-Newsletters and Webinars for Public
10. Citizen-Minded Homepage

For each tool, the relevant ethics commissions provided practical insight on why they developed the tool, the benefits, the implementation costs and the lessons from their experience. Although no commission implemented all of the tools, any ethics commission can maximize its transparency and better serve the public and government officials by adopting any or all of these tools.



Introduction

This CLC analysis is designed to serve as a tool as ethics commissions continue to make their work more transparent, accessible and accountable to the public.

Public officials are responsible for crafting, administering and enforcing laws that impact the lives of those they serve. The public has a right to know that they are working in the best interest of those they serve, rather than using their position of power to enrich themselves or their powerful friends.

Ethics laws at the local, state and federal levels have been passed to increase transparency and hold those in public service accountable when they behave in an unethical manner or in ways that could undermine their ability to do their jobs. Without the enforcement of ethics laws, public officials have the opportunity to favor the priorities of donors and special interests away from the public's watchful eye.

One action communities have taken to make information available to the public and to hold public officials accountable is the establishment of ethics commissions. Ethics commissions have been a staple of American democratic accountability for more than 50 years. The commissions promote voter confidence in policymakers and political institutions by ensuring that the groups under their jurisdictions follow ethics laws. They are “watchdogs for the public,” ensuring that “conflicts of interest are exposed, financial dealings are done ‘in the daylight’ and the decision-making process is transparent.” The work of ethics commissions secures the public's trust and confidence, helping to make sure that public officials prioritize the interests of the public.

For ethics commissions to fulfill their role, they must operate with the same transparency and accountability that they expect from the public officials, lobbyists, government contractors and other stakeholders they oversee. Voters have the right to know who is trying to influence their public officials. Transparency is therefore essential to the mission of ethics commissions.

Ethics commissions constantly face challenges in making their work transparent. Providing public records to the public in a meaningful way can overwhelm commissions with large data sets that are difficult and often complex. Making the information provided to the public both visually impactful and digestible requires certain resources and skills that ethics commissions may not automatically have available. Educating and engaging stakeholders requires more thoughtfulness and creativity in a world where attention spans are shorter and the reliance on digital communication has increased. In addition, ethics commissions across the country serve diverse constituencies and have different operating budgets.

These challenges, however, present new opportunities to enhance transparency. It is incumbent upon each commission to use all tools at their disposal to ensure their work is as transparent and accessible as possible. These efforts will help ethics commissions build and maintain the public's trust. This review of state and local ethics commissions' tools aims to demonstrate the innovations of ethics commissions, show the benefits of those innovations and provide a road map for how ethics commissions can implement these measures to ensure that those in public service work in the best interests of those they serve.

01

DASHBOARD OF PUBLIC DISCLOSURES

What Is It?

A dashboard of public disclosures is a display on the ethics commission's website that provides an at-a-glance understanding of public records by summarizing information into categories and highlighting trends. A dashboard uses objective metrics to provide impartial summaries. The summarized information includes lobbying reports; financial disclosure reports; gift disclosures; and campaign finance records.

Why It Matters

One challenge for ethics commissions is fulfilling their function as a source for public records in a way that does not overwhelm the intended audience with voluminous and unintelligible information. A dashboard allows the public to easily view important data in a way that is coherent and intuitive. The result includes better-informed government officials, employees and members of the public.

Benefits



ENGAGEMENT

Attracts the public and officials to use and explore public records



EDUCATION

Digests dense data while informing users of the scope of available public records and the underlying disclosure requirements

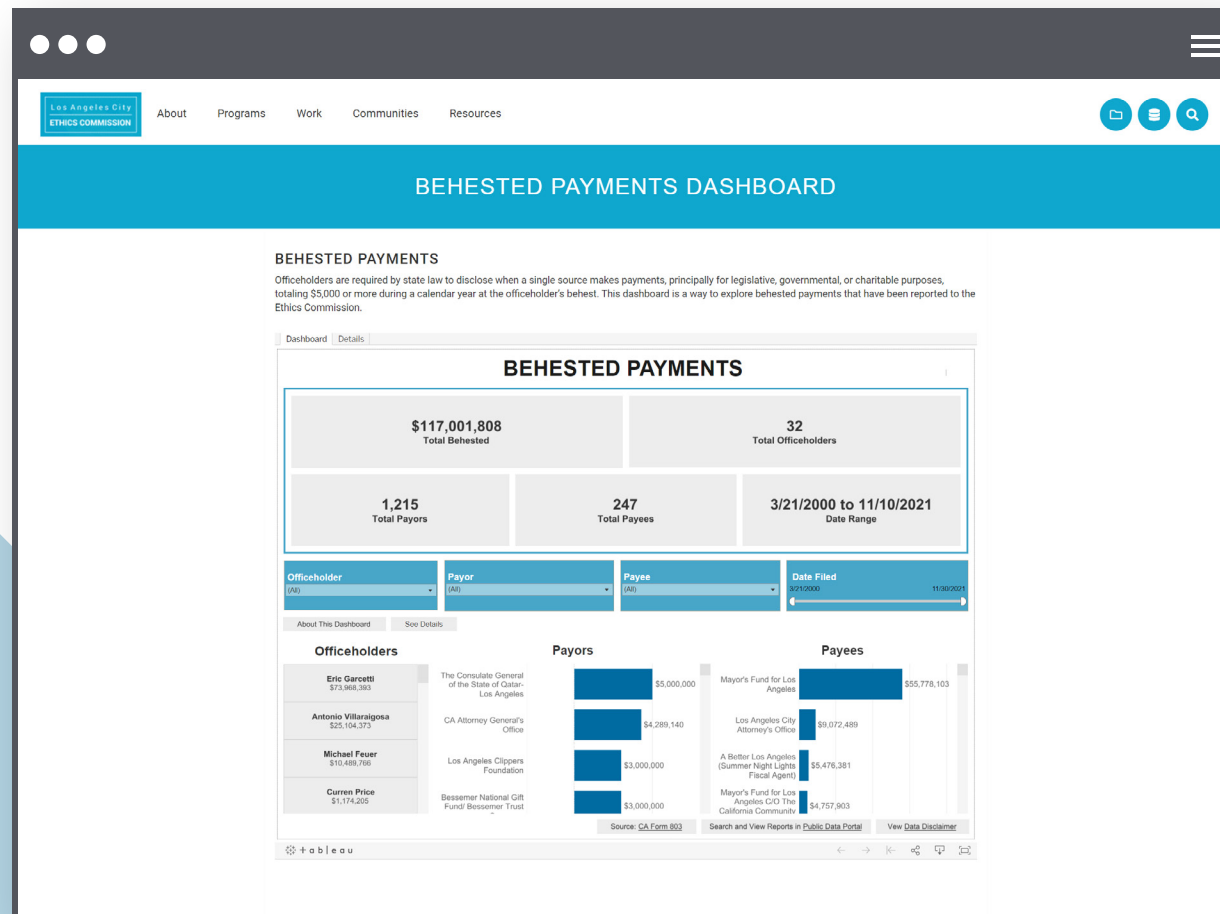


ENFORCEMENT

Exposes potential violations to the public and ethics commission staff

Los Angeles City Ethics Commission

The Los Angeles City Ethics Commission (LA City Ethics Commission) developed a dashboard dedicated to behested payments. A unique feature of California law, behested payments are payments that occur when an elected official solicits payments from one individual or organization to another individual or organization. In Los Angeles, the general public has expressed a particular interest in knowing which elected officials solicit behested payments.



Summary of conversation with David Tristan, executive director:



REASONS FOR DEVELOPING DASHBOARD

The LA City Ethics Commission is required to administer the disclosure of behested payments. In the past few years, the public and government officials began asking questions about behested payments because government officials were raising substantial amounts of money through behested payments. Before the dashboard, the LA City Ethics Commission displayed the PDF versions of the filings online. However, the LA City Ethics Commission decided to make all of its public data more accessible and digestible for the general public. The LA City Ethics Commission decided to develop the Behested Payments Dashboard to further this goal, especially in light of the increased public interest.



SUCCESS OF THE DASHBOARD

As a result of the user-friendly view of the information, the general public is more eager to engage with the information. For the LA City Ethics Commission, the Behested Payments Dashboard (as well as the other dashboards the commission has developed) makes compliance easier to facilitate. Before, compliance involved reviewing pages of disclosures to audit filings and find discrepancies. Now, the LA City Ethics Commission electronically sorts through filings for audits, and the public alerts the commission when they notice potential noncompliance based on the dashboard.



IMPLEMENTATION COSTS

The initial costs centered around manually uploading the historical paper filings before switching to a fully online database. The LA City Ethics Commission intentionally selected behested payments as the first dashboard because the filings were small and the data was relatively simple to enter in an online database. The other costs include the time devoted by internal IT staff and the costs of developing a customized platform. Outside consultants were also hired, but internal employees provide most of the IT support. The LA City Ethics Commission had to budget for a program to develop the dashboards. As the LA City Ethics Commission furthered its goals of making its disclosures overall more accessible, however, the Commission integrated these staffing and resource costs into its overall budget.



IMPLEMENTATION TIPS

When developing a dashboard, it is important to balance the digestibility of the information with the importance of transparency. Specifically, the LA City Ethics Commission considers how to make the filings easy to understand without removing too much of the information. In addition, it is helpful to include external stakeholders in the release plans of the new tool. When the LA City Ethics Commission initially began converting from its older platform to its dashboard tools, journalists expressed concern that they may not be receiving the same information because the tools were so different. The commission explained their rationale for the new tool and clarified for the public that the tools provided the same information in a better way.

Montana Commissioner of Political Practices

The Montana Commissioner of Political Practices (COPP) included a dashboard in its Principal and Lobbyist Online Reporting System (lobbying app). The lobbying app is an online resource to report, disclose and view lobbying activity. The lobbying app functions on both desktop and mobile devices. Users can see on the dashboard aggregated data about lobbying activity across the state.

Principal and Lobbyist Online Reporting System » Sign in to get started.

Register for an account

The **Lobbyist** service is for you if you are:

- A Lobbyist wishing to make application for license (Form L-1).
- Note:** You must file with the Commissioner within five business days after entering into an oral or written agreement to receive payment(s) of \$2,650 or more; or after receiving payment(s) of \$2,650 or more for the purposes of lobbying the legislature.

LOGIN AS LOBBYIST

The **Principal's** service is for you if you are:

- A Principal who has made payment(s) or who has agreed to make payments of \$2,650 or more to an individual to lobby the legislature on your behalf and wish to authorize an individual to represent you (Form L-2), or
- A Principal who has made payment(s) or has agreed to make payment(s) to exceed \$2,650 to individuals to lobby the legislature on your behalf, but who has not paid any single individual an amount exceeding \$2,650 (Form L-3).
- A Principal who has registered with the Commissioner of Political Practices and who must file Lobbying Financial Reports (Form L-5).
- Click on the Principal button to file Form L-5 reports.

LOGIN AS PRINCIPAL AUTHORITY

Note:

Recent Activity → Registration Period: 2021 - 2022

Search Registry for Lobbyists and Principals

2021 - 2022

☐ Search Lobbyists ☐ Search Principals ☐ View All Lobbyists ☐ View All Principals

Search Registry

Active Registrations

| | Total | Sep 2021 | Oct 2021 | Change |
|-----------------------------------|--------------------|----------|----------|--------|
| Active Lobbyist Registrations | 289 | | | |
| Active Principal Registrations | 305 | | | |
| Total Active Registrations | 594 | | | |
| Total Fees Paid | \$49,350.00 | | | |

Last Reporting Period Statistics

| | Sep 2021 | Oct 2021 | Change |
|---------------------------------|----------|----------|--------|
| New Lobbyist Registrations | 1 | 0 | 1 ↓ |
| Updated Lobbyist Registrations | 2 | 3 | 1 ↑ |
| New Principal Registrations | 0 | 1 | 1 ↑ |
| Updated Principal Registrations | 2 | 0 | 2 ↓ |

Just Posted

Filing Schedule

| REPORT TYPE | DATE COVERED | DUE DATE |
|----------------------|--|----------------------|
| Initial | January 1 to 31 (session) | February 15th, 2021 |
| Monthly* | February 1 to 28 (session) | March 15th |
| Monthly* | March 1 to 31 (session) | April 15th |
| Post Session | End of last report to end of session | 30 days post adjourn |
| Session Year End | End of session to December 31st | February 15th, 2022 |
| Post Special Session | End of session to end of special session | 30 days post adjourn |
| Non Session Year End | January 1 to December 31st | February 15th, 2021 |

Summary of conversation with Jeff Mangan, Montana Commissioner of Political Practices:



REASONS FOR DEVELOPING DASHBOARD

Before the lobbying app, lobbyists and principals could only file their required disclosures by paper, and the general public could not easily access those disclosures because they were not readily available online. COPP decided to encourage and facilitate online disclosures by providing an app that lobbyists and principals felt was preferable to use over paper disclosures. COPP also wanted to make the disclosures easier for the general public to view and understand.



SUCCESS OF THE DASHBOARD

Everyone has the option to use the lobbying app on their phone or computer. The ease of access increases the likelihood that people will use it. COPP has received positive feedback from journalists and other members of the public who find the information easy to digest, as well as lobbyists and principals who find the app easy to use for reporting.



IMPLEMENTATION COSTS

Overall, the development was a six-month process. COPP hired a consultant to develop the app and invited stakeholders to test the app. Today, the app is easy to administer and does not add any additional staff resources to maintain, since the app is naturally set up for users to input their own information that the staff would be required to receive anyway.



IMPLEMENTATION TIPS

The user interface of an app is important for encouraging people to use the app. The public should not have to go through several layers of information to learn about government services. The information should be as available as possible in the most user-friendly manner, so that the public has confidence in the information being provided. COPP staff also try to interact with the system in the same manner that the public does, so that staff can more quickly identify possible problems with the system.

02

HEAT MAP OF ENFORCEMENT ACTIONS

What Is It?

A heat map of enforcement actions is an interactive map showing where, how many and what kind of enforcement actions take place in the ethics commission's jurisdiction. A heat map visualizes the enforcement work of the ethics commission, making the information and data both digestible and easily accessible.

Why It Matters

Ethics commissions face a challenge of making disclosure of enforcement activities transparent and meaningful. When ethics commissions disclose information about enforcement actions, it can provide the information in large sets of unnavigable data or in lists, which creates a barrier to access. Ethics commissions can address this challenge by ensuring the information is visually impactful and available for analysis of underlying data by using heat maps. The result is not only valuable time saved for the public and other stakeholders, but the assurance to the public that officials are being held accountable for violations.

Benefits



ENGAGEMENT

Attracts users to explore interactive features of the heat map to learn more about ethics compliance in their specific region



EDUCATION

Makes enforcement trends apparent that would otherwise be hidden in large data sets



ENFORCEMENT

Helps the commission hold public officials accountable by giving stakeholders, like members of local press outlets, simple access to information

California Fair Political Practices Commission

California's Fair Political Practices Commission (FPPC) uses a heat map showing how many enforcement actions occur in each jurisdiction within the state. The interactive map allows users to quickly see the enforcement landscape across the state and access details about the individual enforcement actions within a jurisdiction.



Summary of conversation with Richard C. Miadich, chair; Galena West, executive director; and Jay Wierenga, communications director:



REASONS FOR DEVELOPING THE HEAT MAP

Before developing the heat map, the FPPC provided non-user-friendly information about enforcement. As a part of an overhaul of the website, the FPPC wanted to take the information they were already collecting and present it in a more visually appealing way. The enforcement action data was easily transported into the heat map format, which made it easier to see and understand enforcement actions throughout the state of California.

One of the priorities for the FPPC was making visualization work for them and for those who consume the information, including the public, academics and members of the press. The heat map format won out over other types of visualization, like pie charts and graphs, because it was the most understandable: people in California know the look of the state and the orientation of themselves within it, so it would be easy to understand the data shown.



SUCCESS OF THE HEAT MAP

Public feedback on the heat map has included comments that the heat map is a convenient and interesting way to learn what is happening in their jurisdictions. Also, the heat map is considered fun, resulting in users engaging with other information on the website.

The map also helps the FPPC achieve two of the goals of the state's Political Reform Act: to make information transparent and hold public officials accountable. FPPC uses the heat map to spot enforcement trends and direct more educational resources to those jurisdictions as needed.



IMPLEMENTATION COSTS

The FPPC used several tools it already had at its disposal to create the heat map. They used existing internal staff to identify the information most transferable to an interactive graphic presentation. The heat map did not require many extra expenses because development was part of the process for upgrading the website.



IMPLEMENTATION TIPS

When designing a heat map, ethics commissions should include the information that the public seeks most often. Ethics commissions should also consider the perspective of all stakeholders who may use the heat map, including government officials and attorneys who represent them in enforcement proceedings. A commitment to full transparency from an ethics commission's leadership significantly helps with implementing a tool like a heat map.

According to the FPPC, one potential misinterpretation of the tool is that certain users may be tempted to use the heat map to compare jurisdictions against one another to make judgments about which counties are more compliant than other jurisdictions. But that use of the tool does not contemplate the size of the county or the number of public servants in the district, which would be critical information to have when comparing the relative amount of enforcement across jurisdictions. Rather, the heat map should be used on a periodic basis to see how enforcement trends look in a certain county in a certain election cycle.

03

EDUCATIONAL CONTENT FOR SOCIAL MEDIA

What Is It?

Educational content for social media includes videos or other media that provide anyone with access to learn the jurisdiction's relevant ethics requirements at any time. Specifically, educational content for social media helps stakeholders — including lobbyists, public officials and private parties engaged in political activity — understand ethics requirements applicable to their activities, including disclosure requirements.

Why It Matters

Ethics commissions are continually challenged to educate stakeholders on ethics requirements with limited time and resources for in-person training. On-demand educational content disseminated through social media expands outreach and thereby helps more stakeholders comply with relevant ethics requirements.

Benefits



ENGAGEMENT

Provides more accessibility for those who are unable to attend trainings in person



EDUCATION

Aids stakeholders in learning about ethics laws on their own time and at their own pace

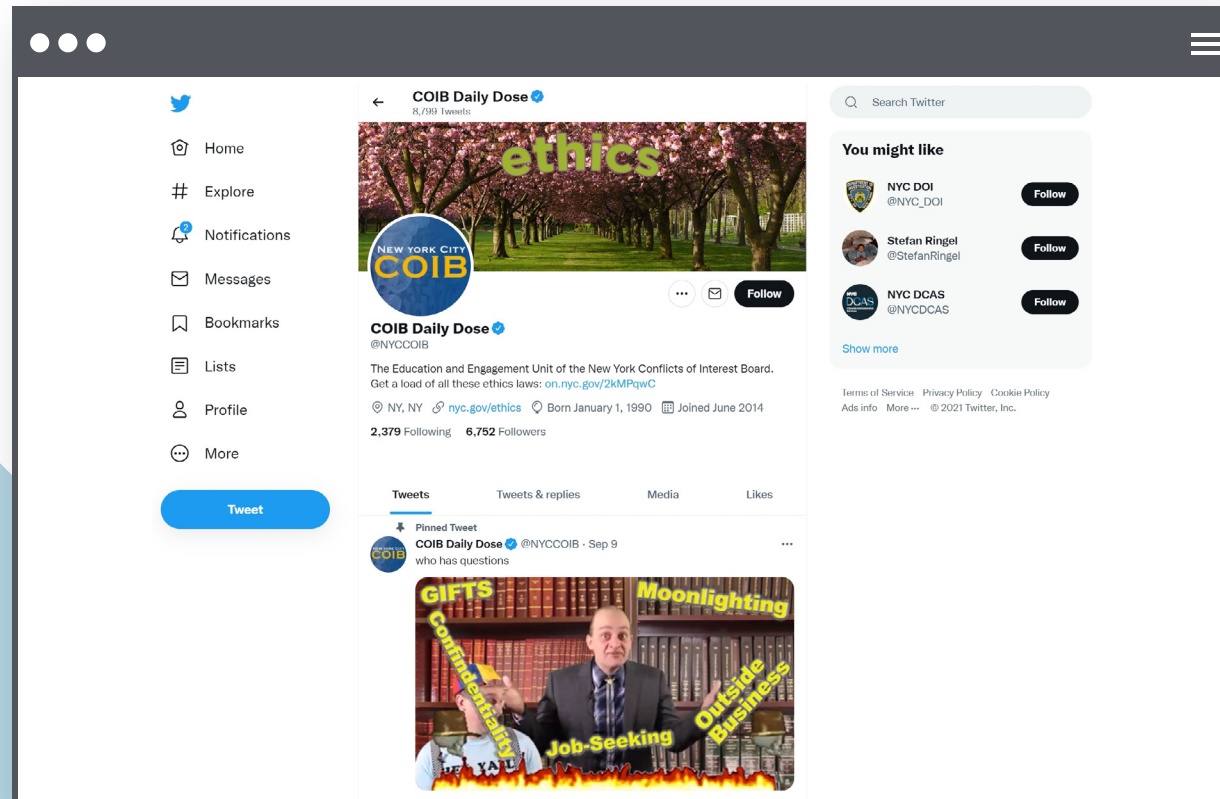


ENFORCEMENT

Supports compliance objectives of ethics commissions by preventing violations before they occur through education

New York City Conflicts of Interest Board

The New York City Conflicts of Interest Board (COIB) is a model commission for on-demand training videos that are both engaging and informative. Using humor to tackle topics such as “Miss Use of Position” and “The Conflict Zone,” the COIB’s Outreach Playlist provides government officials, employees and others subject to the COIB’s jurisdiction with accessible information about the commission’s rules and regulations. The COIB posts these videos on its social media platforms, including its popular Twitter account known as the “COIB Daily Dose.”



Summary of conversation with Carolyn Miller, executive director:



REASONS FOR DEVELOPING TRAINING VIDEOS

Prior to developing the videos, city employees who could not attend a training in person had limited opportunities for education on the relevant ethics requirements. The main audience for these videos is city government employees, who are subject to New York City's conflict of interest rules. The conflict of interest rules are long and do not naturally lend themselves to engaging content. As a result, the COIB decided to upgrade ethics training to reach more employees and provide them with a positive perspective on the COIB and ethics rules generally.



SUCCESS OF TRAINING VIDEOS

On-demand nature of the videos allows all city employees the opportunity to engage with the content regardless of scheduling conflicts. Also, the humorous nature of the content receives positive feedback from city employees and ethics professionals alike. Most importantly, the videos are informative, and viewers find the videos helpful to explain conflict of interest concepts. The content has generated goodwill from the public about the COIB, which the COIB believes makes stakeholders feel more comfortable contacting the COIB for advice. Because the videos are posted on the COIB Twitter account, the COIB can expand its reach with the broader public.



IMPLEMENTATION COSTS

In general, the videos require very little out-of-pocket expenses to produce. As the COIB describes on its YouTube page, the videos are produced entirely by COIB education and outreach staff with a green screen, video camera, and basic editing software. The COIB staff draft the scripts, serve as actors in the videos, and edit and publish the videos.

The primary costs of implementation are in recruiting and developing a creative staff with the ability and interest in creating the videos. The COIB even recruited staff with improv experience to assist with producing the videos. The COIB's education and outreach staff are specifically tasked with creating content for the public about the COIB's work, as a part of its mandate to provide training and advice.



IMPLEMENTATION TIPS

Ethics commissions should recognize that there is a fine line to maintain when developing creative content as a government entity, and there is no singular successful method. Producing videos requires thoughtfulness because creative content must balance the humor with the seriousness of the subject matter, while also considering the timeliness of the humor. Entities should screen all content before it is published and ensure that the legal content is not diminished by the humor. Undertaking this complex balancing act also comes with the risk that viewers do not understand — or worse, are offended by — the humor used. In those cases, the commission should not be shy in walking back any unintentional consequence and be receptive to the feedback received.

04

COMPLAINT PORTAL

What Is It?

A complaint portal is a method for the public to submit a complaint to an ethics commission online. A common goal for ethics commissions is to receive and address allegations of potential ethics violations. Complaint portals provide the public with a method of reporting ethics violations that helps to ensure that it includes necessary information. The online portal also enables ethics commission to improve case management.

Why It Matters

Complaints are difficult to file and time consuming, particularly for pro se members of the public. The public should not only know how to report a complaint but should be able to do so with relative ease. Simple online complaint submissions allow the public to eliminate redundant steps, which reduce the likelihood that a layman will be able to file a complaint. Likewise, simple complaint forms increase the likelihood that more members of the public — specifically, those members of the public who do not regularly engage with government ethics — will report potential violations.

Benefits



ENGAGEMENT

Provides accessibility to members of the public who do not know how to make formal complaints



EDUCATION

Allows the public to understand the commission's jurisdiction and relevant ethics laws

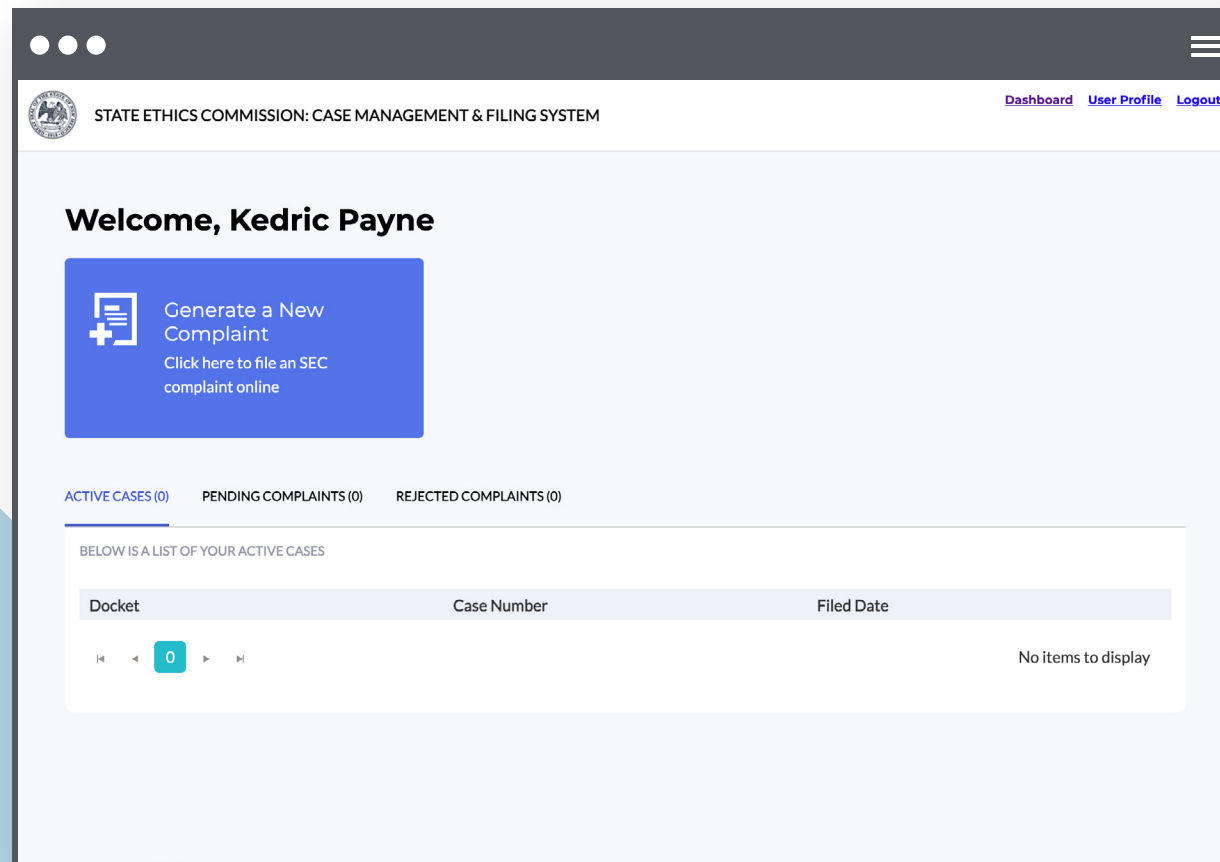


ENFORCEMENT

Enables the public to report violations easier, which can increase enforcement

New Mexico State Ethics Commission

The New Mexico State Ethics Commission (NMSEC) developed a complaint portal, known as the Proceedings Portal, where anyone can bring a formal complaint using an easy, visually accessible tool. The Proceedings Portal is the hub for all online complaint filing, and it functions similarly to that of an online case management system typically used by state and federal courts. Both lawyers and pro se members of the public alike feel comfortable filing a formal complaint because of the prioritization on user-friendliness.



Summary of conversation with Jeremy Farris, executive director:



REASONS FOR DEVELOPING ONLINE COMPLAINT PORTAL

Before the Proceedings Portal, complaints were handled over email and a basic file management system. Now, the Proceedings Portal acts as a case management system, where members of the public can file a complaint and view its progress, and the NMSEC can enter text orders related to the case and manage filings from the parties — all in the same location.



SUCCESS OF THE ONLINE COMPLAINT PORTAL

The Proceedings Portal makes the commission more visible to legal advocates and state officials, who now have an easier method to facilitate complaints to the commission. The NMSEC received feedback from pro se complainants, for example, who have successfully interacted with the system.

Internally, the Proceedings Portal aids the NMSEC in complying with its own regulations, as well as furthering the goals of the commission. The Proceedings Portal helps the NMSEC in complying with and operationalizing its rules of procedure for processing complaints. For example, the NMSEC can more easily comply with its obligations to respond to complaints and to make public complaints at the appropriate stage. The NMSEC can also quickly sift through complaints for which they have no jurisdiction and respond accordingly.



IMPLEMENTATION COSTS

The cost of the Proceedings Portal is concentrated in the initial development of the software. The cost of developing the tool was relatively low because NMSEC worked with a New Mexico-based vendor to develop a unique tool for the commission. The costs to administer the tool are limited to the same staff time that NMSEC already devotes to handling complaints. Indeed, it takes less staff time to process complaints with the Proceedings Portal, which lowers overall cost.



IMPLEMENTATION TIPS

No matter how user-friendly the system is, users will always need help navigating the system. Therefore, commissions should dedicate staff time to interfacing with the public whenever they have questions about using the complaint system.

When designing any advanced tool to promote a commission's goals, the commission should do the best they can to design their platform from scratch, rather than purchasing off-the-shelf software. Every commission's governing rules and regulations, as well as goals, are different. Any platform developed should be tailored to the particular need of the commission.

Nevada Commission on Ethics

The Nevada Commission on Ethics (NCOE) developed an online complaint form to accompany the case management system that processes complaints. The online complaint form allows the user to easily submit a complaint to the NCOE, and it even includes links to the relevant laws and regulations to aid the user in filing a complaint.

The screenshot shows a web browser window displaying the "ETHICS COMPLAINT FORM" for Nevada, specifically covering NRS 281A.700 to 281A.790. The form is divided into seven tabs: "Public Officer or Employee Information" (active), "NRS Violations", "Allegation Detail", "Pending Matters", "Witnesses", "Evidence", and "Your Information". Below the tabs, a grey instruction box states: "Provide the following information for the public officer or employee you allege violated the Nevada Ethics in Government Law, NRS Chapter 281A. (If you allege that more than one public officer or employee has violated the law, use a separate form for each individual.)". The form fields include: "Entity Type" with radio buttons for City, County, and State; "Public Entity", "Public Office Title", "Last Name", "First Name", "Street", "City", "State" (a dropdown menu currently showing "NV"), "Zip", "Phone Work", "Phone Other", and "Email". A blue "Next" button is located at the bottom of the form.

Summary of conversation with Tracy L. Chase, commission counsel:



REASONS FOR DEVELOPING COMPLAINT PORTAL

Before the development of the portal, complaint filing was onerous for both the filer and the commission, for several reasons. Complaints could only be submitted by PDFs. The NCOE has jurisdiction over 145,000 public employees and receives thousands of complaints a year. A single complaint can be 1,000 pages long. The commission is composed of a staff of six people. And the NCOE has a statutory requirement to respond to a complaint within a specified time period. As a result, the NCOE developed an online complaint submission process out of necessity to manage all of the complaints it receives with the limited resources that it has, in keeping with its obligations under Nevada law.



SUCCESS OF THE COMPLAINT PORTAL

The vast majority of complaints come online now, so the NCOE is able to comply with its deadlines with relative ease. The system works in tandem with NCOE's internal case management system. The complaint automatically receives a case number upon submission, and because staff do not have to manage volumes of paperwork, they can effortlessly begin processing the case. This has been particularly helpful during the pandemic as staff work remotely. For the public, the online complaint form is naturally easier to use, especially because NCOE includes information about the relevant ethics laws for their complaint.



IMPLEMENTATION COSTS

The NCOE includes the cost of developing an online complaint system into its budget. The commission does not incur any additional costs to administer the system because the nature of filing an online complaint actually reduces the amount of time needed to process complaints.



IMPLEMENTATION TIPS

Finding the right consultant to build a system may take time and research. Prioritize finding someone who works well with one's internal IT staff. Also, research available products to determine the budgeting considerations. Ultimately, it may take many conversations with multiple consultants before finding the right one.

05

SEARCHABLE, SORTABLE AND DOWNLOADABLE PUBLIC DISCLOSURES

What Is It?

A searchable, sortable and downloadable public disclosure is a format for public disclosures that simplifies the public's review of the information. This format enables the public to find information with ease, similar to an internet search engine. The tool also supports the creation of software applications tailored to the user's research interests.

Why It Matters

A common concern for the public and government officials reviewing public disclosures is that the records contain large amounts of data that cannot be reviewed efficiently by reading each entry. When the information is not presented coherently, it is not transparent to members of the public. A response to this challenge is converting the public records into a format that allows word searches and tailored filtering of data into categories that are relevant for the user. This gives the public the information they need and allows full access to the information.

Benefits



ENGAGEMENT

Provides users with a simple way to research and review public records



EDUCATION

Reduces the time ethics commissions spend answering questions from requestors about data that is inaccessible or difficult to find



ENFORCEMENT

Enables the public and ethics commission staff to identify potential violations through searches or the creation of software applications

San Francisco Ethics Commission

The San Francisco Ethics Commission (SFEC) not only makes their data easily accessible on the website, but it also makes all disclosures collected by the commission searchable, sortable and downloadable.

The screenshot displays the San Francisco Ethics Commission website. At the top, the header includes the City & County of San Francisco seal and the text "City & County of San Francisco Ethics Commission". Below the header, the main content area is titled "Search for E-Filed Transaction Data". This section contains a search form with three input fields: "Search Text" (containing "Apple"), "Department Name", and "Year of Period End Date". Below these fields is a list of checkboxes for selecting data categories: Schedule A-1, Schedule A-2, Schedule B, Schedule C, Schedule D, Schedule E, and Comments, all of which are checked. At the bottom of the search form are three buttons: "Search", "Clear", and "Download to Excel". Below the search form, there is a pagination control showing "<< < 1 2 3 4 5 6 7 8 9 10 ... > >>" and a "Go To Page:" dropdown menu set to "1". Below the pagination, a link for "Schedule A-1" is visible, followed by a description: "Investments - Stocks, Bonds, and Other Interests (Ownership Interest is Less than 10%)". At the bottom, a table displays the search results for the selected criteria:

| Filer Name: | Chu, Carmen |
|-----------------------|--------------------------------------|
| Department, Position: | Assessor-Recorder, Assessor-Recorder |
| | |

Summary of conversation with LeeAnn Pelham, executive director:



REASONS FOR DEVELOPING DATA DISCLOSURES TOOL

Before online public disclosure, certain information was in hard copies or otherwise not easily accessible by the public. The SFEC believes that disclosure should be accessible, meaningful and useful. Meaningful public disclosure is not achieved by giving the public discrete sets of data or papers in a file cabinet. One purpose of updating their disclosure system was to provide the public with access to data in a way that made it possible to connect the dots and make sense of campaign disclosures, lobbying data and economic interest data. Searchable, sortable and downloadable disclosures help provide the fundamental transparency, which keeps government accountable. The disclosures also promote public trust by showing the public that the laws requiring public disclosure are working for their benefit.



SUCCESS OF THE DATA DISCLOSURES TOOL

Data that is connected is more useful than data on its own. The accessibility of campaign finance data has allowed auditors and campaigns to better comply with the law. The public has also received more informed journalism about City Hall.



IMPLEMENTATION COSTS

The SFEC increased its staff to accommodate electronic disclosure and data analysis. Ultimately SFEC found that developing processes internally is not only less expensive, but it allows the technology to be tailored to the ethics commission's vision.



IMPLEMENTATION TIPS

If the public is using the data well, the commission is incentivized to use the data to achieve its compliance goals. The success of a transparency tool requires educating potential users. An innovative tool that no one knows or understands how to use will not benefit as many people. Start with small steps and then scale up, which may mean exhausting all in-house tools to develop a database. Additionally, it is important for digestibility to be a priority, which requires a balance between the depth of the data and the ability to consume and analyze the data.

06

ADVANCED SEARCH OF ADVISORY OPINIONS

What Is It?

Advanced search of advisory opinions is a tool that allows the user to browse advisory opinions based on several criteria. This can include the name, date, relevant subject, relevant rule citation and keyword searches within the database.

Why It Matters

While ethics commissions endeavor to advise government officials and the public of how the law applies in specific cases, the commission may strain its resources by repeatedly giving advice about the same topic. Ethics commissions are confronting this challenge by making their formal advice easily searchable on the commissions' websites. Advanced search functions enable the public to find relevant advisory opinions without excessive time or effort, which makes the advice more useful.

Benefits



ENGAGEMENT

Increases the ability of the public to access advisory opinions



EDUCATION

Allows stakeholders to access advisory opinions based on the topic that they are seeking and learn more how the law is applied in practice



ENFORCEMENT

Provides a mechanism for commissions to comply with requirements to publish formal advisory opinions, and prevent violations through education

New Mexico State Ethics Commission

The New Mexico State Ethics Commission (NMSEC) partners with the New Mexico Compilation Commission to publish all advisory opinions on NMOneSource, the state government's online database of all published legal opinions and state laws and regulations. This function allows members of the public to search advisory opinions online as they would search any other state legal document. Specifically, viewers can search published advisory opinions by name of the parties, publication date and even subject matter. Moreover, the advisory opinions are connected to relevant legal opinions and state law on the website, so viewers can see how advisory opinions affect relevant law.

NMOneSource.com
Your Exclusive Source for Official NM Laws

New Mexico Compilation Commission
Official Legal Publisher of State of New Mexico

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Advanced Search

ALL DATABASES NEW MEXICO APPELLATE REPORTS™ NEW MEXICO LAWS AND COURT RULES

Full text search

Case Name, Official Citation, NM Report Citation, Parallel Citations, Docket Numbers, Title, File Number, Anchor

Noteup: Official Citation, NM Report Citation, Parallel Citations, Docket Numbers, File Number

Date (YYYY or MM/DD/YYYY) and (YYYY or MM/DD/YYYY)

RESET **SEARCH**

Summary of conversation with Jeremy Farris, executive director:



REASONS FOR DEVELOPING ADVISORY OPINIONS DATABASE

In the past, the NMSEC published advisory opinions on its website. The NMSEC decided to formalize the advisory opinions it published, while making the advisory opinions easier to view by the public. Now lawyers and non-lawyers alike can perform simple searches and better understand advisory opinions because the advisory opinions are more accessible.



SUCCESS OF DEVELOPING ADVISORY OPINIONS DATABASE

Advisory opinions are maintained with other state legal opinions, reinforcing the significance of the ethics opinions as serious legal authority. Publishing the advisory opinions on NMOneSource brings the advisory opinions to the people's source of legal information — advisory opinions are overall more accessible, and more available to the public. Legal advocates in particular have commented positively on the ease of access. In turn, government officials and others who are subject to the ethics laws are better informed on whether certain nuanced activity complies with the commission's interpretation of ethics laws and rules.



IMPLEMENTATION COSTS

The cost is limited to the regular overhead associated with the drafting and publication of advisory opinions because NMSEC works with a state agency to upload the advisory opinions.



IMPLEMENTATION TIPS

Even if an ethics commission does not have a public database like NMOneSource, an ethics commission can take steps to make advisory opinions accessible. For example, before NMSEC moved the advisory opinions to NMOpenSource, NMSEC maintained the opinions on their websites. They were displayed prominently on the homepage and included the name of the opinion, the date of publication and — importantly — a brief summary of each opinion for the public. Even small changes such as those increase the visibility of advisory opinions so that the public can access the opinions for which they are searching.

What Is It?

Online ethics advice enables public officials and employees to request and receive confidential, written guidance from ethics commissions quickly. This advice includes a legal analysis of how a relevant law applies to the specific factual circumstance of the official.

Why It Matters

A consistent challenge with ethics compliance is that public officials and employees may not understand or may misinterpret how general ethics advice or an advisory opinion applies in a specific situation. Although an ethics commission may provide tailored advice over the telephone, public officials and employees may need or prefer to rely on written advice. Online ethics advice provides an efficient method of issuing confidential, written ethics advice using precise fill-in forms that gather the most relevant information needed for tailored advice.

Benefits



ENGAGEMENT

Encourages public officials and employees to request confidential advice because of the simple process and user-friendly format of the submission



EDUCATION

Informs public officials and employees of nuance of ethics rules that may not be included in general guides, brochures or videos available on the ethics commission website



ENFORCEMENT

Provides clear record of the advice a public official received, which should either establish compliance or noncompliance

Nevada Commission on Ethics

The Nevada Commission on Ethics (NCOE) created an online ethics advice feature where public officials and employees can request ethics advice and advisory opinions. The requester completes a short online form with information about their position, the relevant provision of the ethics laws and the facts.

The screenshot shows a web browser window displaying the 'REQUEST FOR AN ADVISORY OPINION' form. The form is titled 'REQUEST FOR AN ADVISORY OPINION' in orange, with the subtitle 'NRS 281A.670 to 281A.690' and '(CONFIDENTIAL)' in red. Below the title is a progress bar with four tabs: 'Your Information' (active), 'Questions', 'NRS', and 'Details'. The 'Your Information' tab contains a series of input fields for personal and professional information, including Last Name, First Name, Public Office Title, Public Entity, Date Appointed or Elected (Current Term), Term of Office (# Years), Street, City, State (a dropdown menu showing 'NV'), Zip, Phone Day, Phone Evening, and Email. Each field is marked with a red asterisk. A blue 'Next' button is located at the bottom right of the form.

Summary of conversation with Tracy Chase, executive director:



REASONS FOR DEVELOPING ONLINE ETHICS ADVICE

Prior to developing the online ethics advice tool, the NCOE's website included complaints and advisory opinions that were not easily accessible or searchable. The NCOE decided to make comprehensive improvements to the website that included an improved way to file and search complaints online and a better way to request advice and search advisory opinions online.



SUCCESS OF ONLINE ETHICS ADVICE

The online ethics advice tool helps NCOE respond to the demand for advisory opinions, which is partly due to a safe harbor provision for public officials who may violate the law in reliance on ethics advice. Public officials have provided positive feedback on the online ethics advice tool. The advisory opinions are helpful for promoting compliance and avoiding violations.



IMPLEMENTATION COSTS

The NCOE used the services of a Nevada-based contractor to develop a custom website that included the database. The cost of implementation was reasonable, and they used a local outside consultant. The commission included the costs in its annual budget.



IMPLEMENTATION TIPS

Finding the right consultant to build the NCOE's customized tools took time and research. The determining factor was finding someone who could work well with their internal IT staff. To address budgeting considerations, the NCOE researched available products that would not require developing new software. The NCOE had many conversations with multiple consultants before finding the right one. If a product that a consultant offers is too expensive, you can always try to reduce the cost by reducing the functionality of the product.

PUBLIC HEARING VIRTUAL ATTENDANCE

What Is It?

Public hearing virtual attendance is the use of technology to ensure public meetings are accessible to all without requiring attendance in person. Virtual attendance at public meetings allows the public to see and participate in ethics commission activity regardless of when and where the physical meeting occurs.

Why It Matters

Often, public meetings are difficult to attend for those who have scheduling conflicts, lack transportation or have other barriers to meeting in person. Opening public meetings to those who cannot attend in person allows more participation. As a result, government decision making is more transparent, which builds public trust in government.

Benefits



ENGAGEMENT

Allows individuals with limited mobility or availability to attend meetings without leaving their homes



EDUCATION

Provides the public with easy access to information about the commission

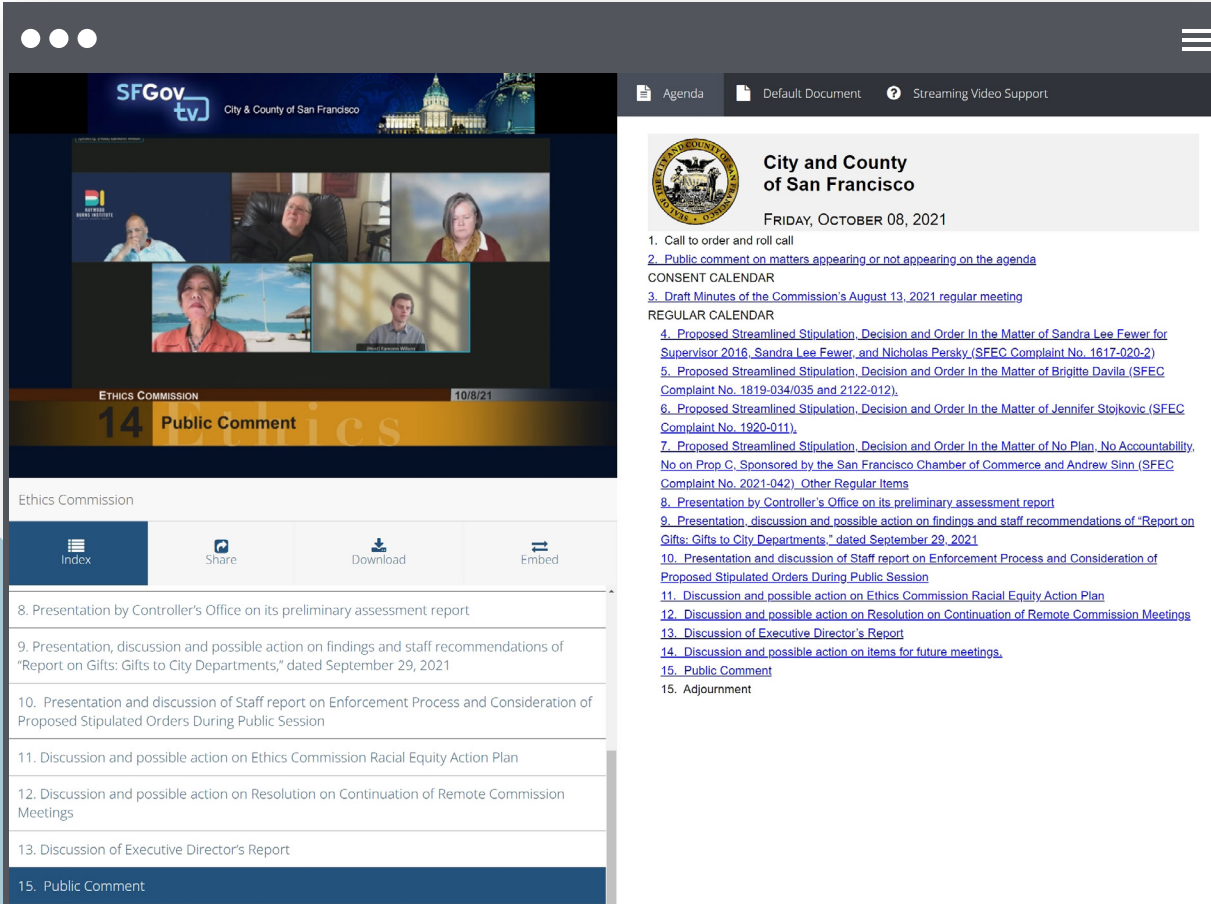


ENFORCEMENT

Holds the ethics commission accountable to more of the public who participate and question commission actions

San Francisco Ethics Commission

The San Francisco Ethics Commission (SFEC) recently implemented virtual public meetings. The public can attend and participate in all public meetings virtually, enabling people to attend who otherwise could not.



The screenshot displays the San Francisco Ethics Commission (SFEC) virtual public meeting interface. The top navigation bar includes links for Agenda, Default Document, and Streaming Video Support. The main content area shows the City and County of San Francisco logo and the date Friday, October 08, 2021. The agenda items are listed as follows:

1. Call to order and roll call
2. [Public comment on matters appearing or not appearing on the agenda](#)
3. [Draft Minutes of the Commission's August 13, 2021 regular meeting](#)
4. [Proposed Streamlined Stipulation, Decision and Order in the Matter of Sandra Lee Fewer for Supervisor 2016, Sandra Lee Fewer and Nicholas Persky \(SFEC Complaint No. 1617-020-2\)](#)
5. [Proposed Streamlined Stipulation, Decision and Order in the Matter of Brigitte Davila \(SFEC Complaint No. 1819-034/035 and 2122-012\)](#)
6. [Proposed Streamlined Stipulation, Decision and Order in the Matter of Jennifer Stojkovic \(SFEC Complaint No. 1920-011\)](#)
7. [Proposed Streamlined Stipulation, Decision and Order in the Matter of No Plan, No Accountability, No on Prop C, Sponsored by the San Francisco Chamber of Commerce and Andrew Sinn \(SFEC Complaint No. 2021-042\), Other Regular Items](#)
8. [Presentation by Controller's Office on its preliminary assessment report](#)
9. [Presentation, discussion and possible action on findings and staff recommendations of "Report on Gifts: Gifts to City Departments," dated September 29, 2021](#)
10. [Presentation and discussion of Staff report on Enforcement Process and Consideration of Proposed Stipulated Orders During Public Session](#)
11. [Discussion and possible action on Ethics Commission Racial Equity Action Plan](#)
12. [Discussion and possible action on Resolution on Continuation of Remote Commission Meetings](#)
13. [Discussion of Executive Director's Report](#)
14. [Discussion and possible action on items for future meetings](#)
15. [Public Comment](#)
15. Adjournment

The sidebar on the left includes navigation options: Index, Share, Download, and Embed. The main content area also features a video feed of participants and a list of agenda items.

Summary of conversation with LeeAnn Pelham, executive director:



REASONS FOR DEVELOPING VIRTUAL PUBLIC MEETINGS

Prior to implementing virtual public meetings, commissioners and members of the public would have to appear at the meetings in person to engage with the SFEC. The COVID-19 pandemic made virtual attendance a necessity for carrying out the mission of the ethics commission. The virtual meetings were a way to leverage technology in the environment to bring information to the public when the public is unable to physically go to the SFEC meetings. Virtual meetings allowed the public to remain engaged with the commission during unprecedented times while acknowledging the realities and harnessing the benefits of a hybrid world.



SUCCESS OF VIRTUAL PUBLIC MEETING

The virtual option for meetings provides greater visibility into the inner workings of the ethics commission and has allowed people to plug into deliberations in real time. The use of technology has not changed the quality, scope or regularity of interaction. Virtual meetings have shown the public that the SFEC is visible and remains accountable, even if the interaction with the public is virtual.



IMPLEMENTATION COSTS

The ethics commission was able to use a third-party video conferencing system, which resulted in minimal implementation costs.



IMPLEMENTATION TIPS

Ethics commissions can leverage technology to provide information that is usable and relevant to the public. When implementing changes, it is critical for ethics commissions to understand how the public thinks and then give them what they need. Regardless of resources, all commissions can take small steps to make the commission's work as accessible as possible in a practical way.

What Is It?

E-newsletters are virtual letters sent to the public, informing them of the ethics commission's activities. Webinars are virtual seminars that educate stakeholders, including government officials and the public, about issues under the ethics commission's purview. Both are tools to educate government officials and other stakeholders, including lobbyists, the public and government contractors, about applicable ethics requirements.

Why It Matters

Ethics commissions may have difficulty engaging and educating government officials, employees and the public who are unable to meet in person. Webinars and newsletters ensure accessibility regardless of the time and place of in-person trainings, and therefore aid in education and compliance efforts. Webinars and newsletters increase accessibility and make the work of the ethics commission more inclusive.

Benefits



ENGAGEMENT

Allows the ethics commission to engage creatively and meaningfully with stakeholders



EDUCATION

Disseminates educational materials to a broader audience than traditional in-person meetings and seminars

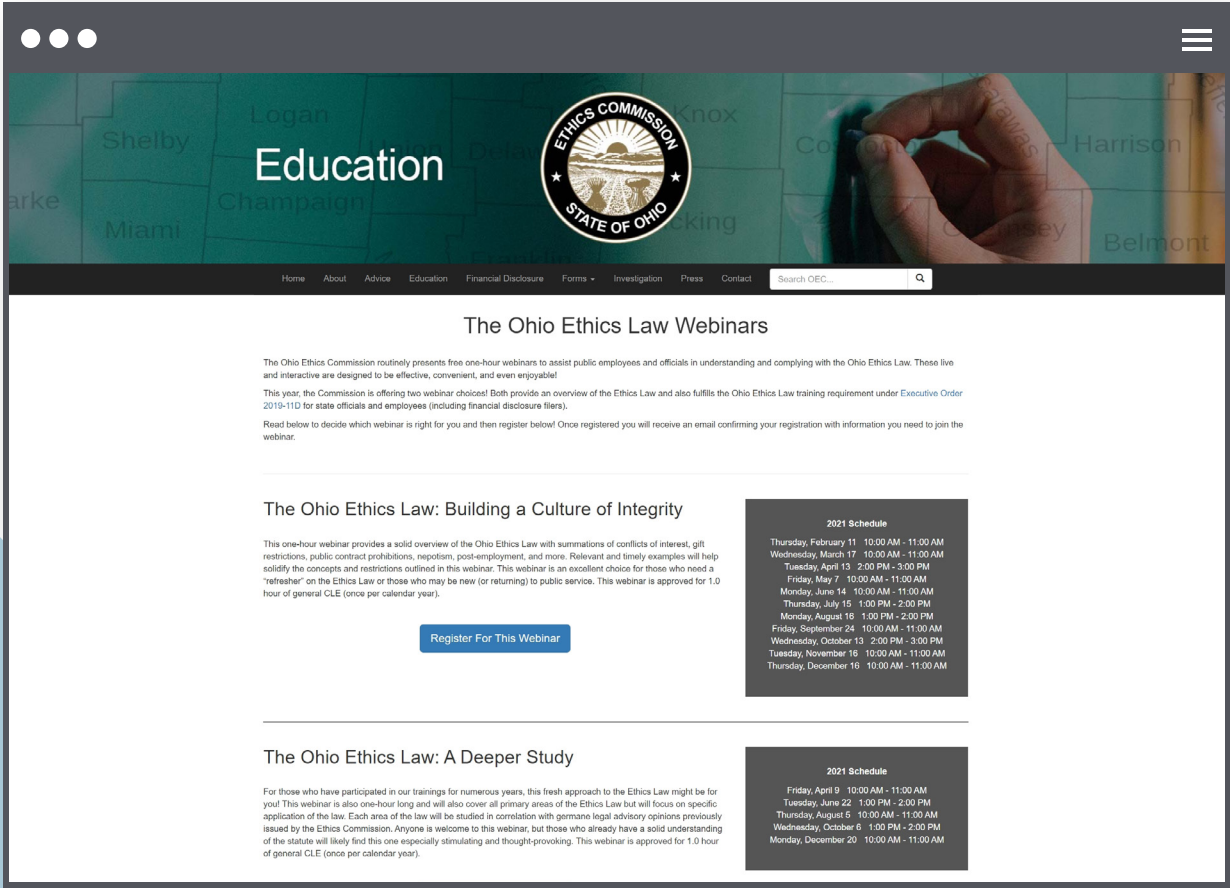


ENFORCEMENT

Supports the use of education to inform more stakeholders of ethics requirements and avoid noncompliance

Ohio Ethics Commission

The Ohio Ethics Commission provides stakeholders with the opportunity to attend online webinars on ethics issues, including “Building a Culture of Integrity” and how Ohio's ethics laws work.



The screenshot shows the Ohio Ethics Commission website. The header features a map of Ohio with county names and the word "Education" in large white text. To the right is the Ohio Ethics Commission logo, which includes a sun and the text "ETHICS COMMISSION STATE OF OHIO". Below the header is a navigation bar with links: Home, About, Advice, Education, Financial Disclosure, Forms, Investigation, Press, and Contact. A search bar is also present.

The Ohio Ethics Law Webinars

The Ohio Ethics Commission routinely presents free one-hour webinars to assist public employees and officials in understanding and complying with the Ohio Ethics Law. These live and interactive are designed to be effective, convenient, and even enjoyable!

This year, the Commission is offering two webinar choices! Both provide an overview of the Ethics Law and also fulfill the Ohio Ethics Law training requirement under Executive Order 2019-110 for state officials and employees (including financial disclosure filers).

Read below to decide which webinar is right for you and then register below! Once registered you will receive an email confirming your registration with information you need to join the webinar.

The Ohio Ethics Law: Building a Culture of Integrity

This one-hour webinar provides a solid overview of the Ohio Ethics Law with summations of conflicts of interest, gift restrictions, public contract prohibitions, nepotism, post-employment, and more. Relevant and timely examples will help solidify the concepts and restrictions outlined in this webinar. This webinar is an excellent choice for those who need a “refresher” on the Ethics Law or those who may be new (or returning) to public service. This webinar is approved for 1.0 hour of general CLE (once per calendar year).

[Register For This Webinar](#)

2021 Schedule

| | |
|-----------------------|---------------------|
| Thursday, February 11 | 10:00 AM - 11:00 AM |
| Wednesday, March 17 | 10:00 AM - 11:00 AM |
| Tuesday, April 13 | 2:00 PM - 3:00 PM |
| Friday, May 7 | 10:00 AM - 11:00 AM |
| Monday, June 14 | 10:00 AM - 11:00 AM |
| Thursday, July 15 | 1:00 PM - 2:00 PM |
| Monday, August 16 | 1:00 PM - 2:00 PM |
| Friday, September 24 | 10:00 AM - 11:00 AM |
| Wednesday, October 13 | 2:00 PM - 3:00 PM |
| Tuesday, November 16 | 10:00 AM - 11:00 AM |
| Thursday, December 16 | 10:00 AM - 11:00 AM |

The Ohio Ethics Law: A Deeper Study

For those who have participated in our trainings for numerous years, this fresh approach to the Ethics Law might be for you! This webinar is also one-hour long and will also cover all primary areas of the Ethics Law but will focus on specific application of the law. Each area of the law will be studied in correlation with germane legal advisory opinions previously issued by the Ethics Commission. Anyone is welcome to this webinar, but those who already have a solid understanding of the statute will likely find this one especially stimulating and thought-provoking. This webinar is approved for 1.0 hour of general CLE (once per calendar year).

2021 Schedule

| | |
|----------------------|---------------------|
| Friday, April 9 | 10:00 AM - 11:00 AM |
| Tuesday, June 22 | 1:00 PM - 2:00 PM |
| Thursday, August 5 | 10:00 AM - 11:00 AM |
| Wednesday, October 6 | 1:00 PM - 2:00 PM |
| Monday, December 20 | 10:00 AM - 11:00 AM |

Summary of conversation with Paul Nick, executive director:



REASONS FOR DEVELOPING E-NEWSLETTERS AND WEBINARS

Initially, the Ohio Ethics Commission's newsletters were mailed and the seminars were only in person. To promote compliance with ethics laws, the Ohio Ethics Commission wanted to expand their outreach to people who are subject to ethics laws throughout the state without forcing them to travel to an in-person ethics meeting. The Ohio Ethics Commission also wanted to engage stakeholders in a less pedantic way than traditional educational seminars. These tools make the work of the ethics commission inclusive and accessible to more people. Importantly, the audience for these materials extends beyond public officials to those who seek to do business with and interact with public officials, including trade associations and investment advisers for retirement systems. The newsletters and webinars give all stakeholders with varying familiarity with ethics requirements the essential compliance information.



SUCCESS OF E-NEWSLETTERS AND WEBINARS

Stakeholders have appreciated the informative and entertaining nature of the webinars. The format has increased public engagement, and the webinars help in compliance. In addition, the Ohio Ethics Commission often requires violators to attend webinars as part of settlement agreements. Finally, webinars are used as teaching aids at law schools and for compliance attorneys.



IMPLEMENTATION COSTS

The commission partnered with another organization that assisted with in-house webinar production, but otherwise it self-produced everything. Outside consultant costs were minimal. The Ohio Ethics Commission hired an internal staff person with experience producing commercials, which significantly improved the quality of the videos.



IMPLEMENTATION TIPS

Most people want to comply with the ethics law, and it is important to provide them with the tools necessary to understand the law. Therefore, the mission of an ethics commission relies on a web presence that allows users to access and digest information. Although focusing on enforcement is tempting due to the lure of statistics and overall impact, prioritizing and modernizing compliance tools are also impactful. Giving people who want to comply with the law the opportunity is time and money well spent.

10

CITIZEN-MINDED HOMEPAGE

What Is It?

A citizen-minded homepage is a central landing page for the ethics commission that provides accessible links to all the public information collected by the ethics commission. The public should be able to easily find the information they are searching for with minimal effort, making the information convenient to access. A simplified homepage may include conspicuous links to lobbying, campaign and financial disclosure reports, advisory opinions, a complaint portal and database of enforcement actions.

Why It Matters

Ethics commissions collect extensive data and face a challenge in presenting that data in a digestible, accessible and easily navigable way. Moreover, not all members of the public are tech-savvy and able to navigate complicated web designs to find information. Ethics commissions are addressing this challenge by making their homepages more user-friendly and navigable.

Benefits



ENGAGEMENT

Encourages the public to use the website to find the information they need

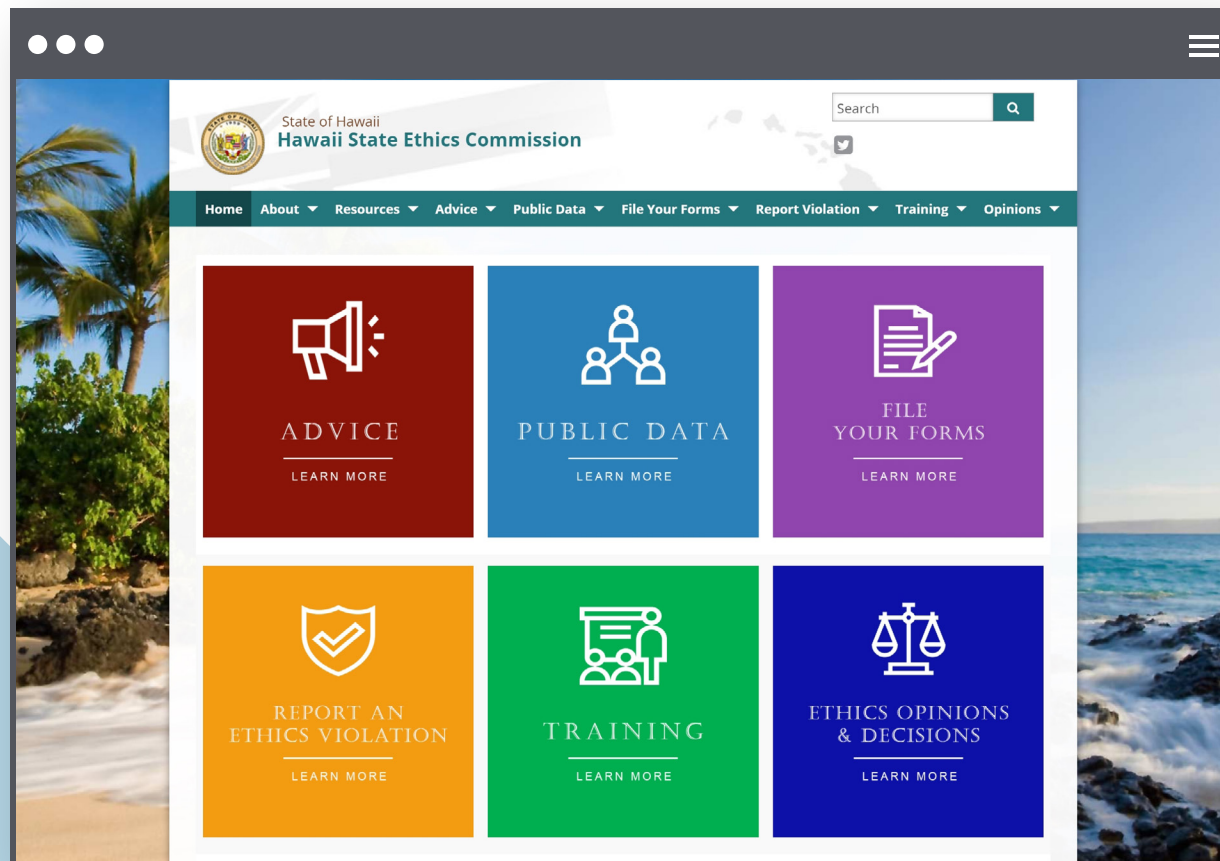


EDUCATION

Empowers the public to search for and engage with the information themselves

Hawaii State Ethics Commission

The Hawaii State Ethics Commission (Hawaii Ethics Commission) is a model for an easily navigable homepage. The homepage uses color coordination and graphics to efficiently point the public to information they are looking for and includes links to more data when the user hovers over the graphics. The homepage also includes a navigation bar for more traditional browsing as well as a virtual digest of “What’s new” and filing deadlines.



Summary of conversation with Dan Gluck, executive director and general counsel, and Susan Yoza, associate director:



REASONS FOR DEVELOPING SIMPLIFIED HOMEPAGE

All the information collected by the Hawaii Ethics Commission was already available on the website, but the layout of the website made it hard for the public to actually engage — and want to engage — with that information. In the past, the staff spent excessive time directing the public or media to the right part of the website. The Hawaii Ethics Commission wanted to make it as easy as possible for stakeholders to find information. The goal was to put the work of the commission front and center. Because of the geographic spread of its residents, the Hawaii Ethics Commission wanted everyone to be able to easily access the information digitally.



SUCCESS OF THE SIMPLIFIED HOMEPAGE

As a result of the navigability of the homepage, Hawaii Ethics Commission staff have been able to engage with the public more about the substantive work of the commission and less about how to navigate the website. The Hawaii Ethics Commission receives fewer questions looking for information because users are able to locate answers to their questions on the website. In addition, the Hawaii Ethics Commission has found it easier to direct callers to the correct information online by using the color-coded homepage to explain the location clearly.



IMPLEMENTATION COSTS

The primary implementation costs centered around internal staff time. The Hawaii Ethics Commission has an in-house computer specialist who manages the entire disclosure system and makes sure it works properly. The computer specialist used a website building tool that was already available to build the website. The Hawaii Ethics Commission also coordinated with the state IT department to host the website. Implementation did not require an outside consultant.



IMPLEMENTATION TIPS

Ethics commissions should always try to improve the services they offer to the public and work toward promoting integrity in government. Even small improvements move the mission forward. It is also important to always consider the Americans with Disabilities Act when implementing new transparency measures.

Top 10 Tools Chart

| Tool | Benefits | | | Cost | Examples |
|--|---|--|--|--------------|---|
| | ENGAGEMENT | EDUCATION | ENFORCEMENT | | |
| 1. Dashboard of Public Disclosures | Attracts the public and officials to use and explore public records | Digests dense data while informing users of the scope of available public records and the underlying disclosure requirements | Exposes potential violations to the public and ethics commission staff | Moderate | LA City Ethics Commission > Montana Ethics Commission > |
| 2. Heat Map of Enforcement Actions | Attracts users to explore interactive features of the heat map to learn more about ethics compliance in their specific region | Makes enforcement trends apparent that would otherwise be hidden in large data sets | Helps the commission hold public officials accountable by giving stakeholders, like members of local press outlets, simple access to information | Low | California Fair Political Practices Commission > |
| 3. Educational Content for Social Media | Provides more accessibility for those who are unable to attend trainings in person | Aids stakeholders in learning about ethics laws on their own time and at their own pace | Supports compliance objectives of ethics commissions by preventing violations before they occur through education | Low | New York City Conflicts of Interest Board > |
| 4. Complaint Portal | Provides accessibility to members of the public who do not know how to make formal complaints | Allows the public to understand the commission's jurisdiction and relevant ethics laws | Enables the public to report violations easier, which can increase enforcement | Low | New Mexico State Ethics Commission > Nevada Commission on Ethics > |
| 5. Searchable, Sortable and Downloadable Public Disclosures | Provides users with a simple way to research and review public records | Reduces the time ethics commissions spend answering questions from requestors about data that is inaccessible or difficult to find | Enables the public and ethics commission staff to identify potential violations through searches or the creation of software applications | Low-Moderate | San Francisco Ethics Commission > |

CONTINUED ON NEXT PAGE

Top 10 Tools Chart

| Tool | Benefits | | | Cost | Examples |
|---|---|---|--|--------------|---|
| | ENGAGEMENT | EDUCATION | ENFORCEMENT | | |
| 6. Advanced Search of Advisory Opinions | Increases the ability of the public to access advisory opinions | Allows stakeholders to access advisory opinions based on the topic that they are seeking and learn more how the law is applied in practice | Provides a mechanism for commissions to comply with requirements to publish formal advisory opinions, and prevent violations through education | Low | New Mexico State Ethics Commission ► |
| 7. Online Ethics Advice | Encourages public officials and employees to request confidential advice because of the simple process and user-friendly format of the submission | Informs public officials and employees of nuance of ethics rules that may not be included in general guides, brochures or videos available on the ethics commission website | Provides clear record of the advice a public official received, which should either establish compliance or noncompliance | Moderate | Nevada Commission on Ethics ► |
| 8. Public Hearing Virtual Attendance | Allows individuals with limited mobility or availability to attend meetings without leaving their homes | Provides the public with easy access to information about the commission | Holds the ethics commission accountable to more of the public who participate and question commission actions | Low | San Francisco Ethics Commission ► |
| 9. E-Newsletters and Webinars for Public | Allows the ethics commission to engage creatively and meaningfully with stakeholders | Disseminates educational materials to a broader audience than traditional in-person meetings and seminars | Supports the use of education to inform more stakeholders of ethics requirements and avoid noncompliance | Low-Moderate | Ohio Ethics Commission ► |
| 10. Citizen-Minded Homepage | Encourages the public to use the website to find the information they need | Empowers the public to search for and engage with the information themselves | | Low | Hawaii State Ethics Commission ► |



About Campaign Legal Center

The nonpartisan Campaign Legal Center advances democracy through law at the federal, state and local levels, fighting for every American's rights to responsive government and a fair opportunity to participate in and affect the democratic process.

Campaign Legal Center

1101 14th St. NW, Suite 400
Washington, DC 20005

campaignlegal.org



STATE OF NEVADA COMMISSION ON ETHICS

Meeting Dates for 2022 (3rd Wednesday of Each Month)

January 19th

February 16th

March 16th

April 20th

May 18th

June 15th

July 20th

August 17th

September 21st

October 19th

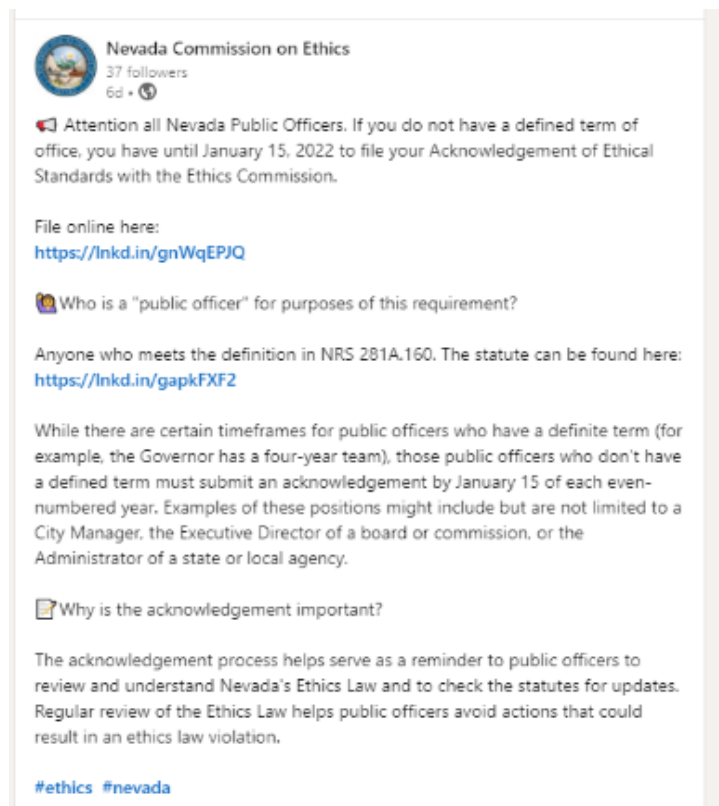
November 16th

December 21st

Executive Director Social Media & Outreach

January 2022

Social Media Samples



Communication Plan for Early 2022

February – audience building on Twitter / LinkedIn

March – focus on public officials/employees and campaign limitations

Other Completed Outreach

- Discussion with Governor's Finance Office about Ethics role in American Rescue Plan funding compliance (late December).
- Email reminder to Public Lawyers Section of the Nevada State Bar about January 15 Acknowledgement deadline (early January).

Agenda Item 5



**STATE OF NEVADA
COMMISSION ON ETHICS**

704 West Nye Lane, Suite 204
Carson City, Nevada 89703
Phone (775) 687-5469 • Fax (775) 687-1279
<http://ethics.nv.gov>

**NEVADA COMMISSION ON ETHICS
POLICY ON ACCESS TO PUBLIC RECORDS**

A. PURPOSE AND SCOPE:

To provide members of the public with reasonable uniform procedures to access, inspect and copy public books and records of the Nevada Commission on Ethics ("Commission") as permitted by law in compliance with the Nevada Public Records Act found in NRS Chapter 239 and interpretive regulations located in NAC Chapter 239 ("collectively referred to as the "Act").

Any amendments to the Act or the Ethics Law shall control and supersede conflicting provisions of this policy. Additionally, the Commission adopts, as general guidelines for processing public record requests, the applicable provisions of the *Nevada Public Records Act: A Manual for State Agencies, latest edition*, as duly issued and approved. The Manual is available at nsla.nv.gov.

B. POLICY STATEMENT:

The Commission endeavors to provide transparency to the public through its public website at www.ethics.nv.gov, which allows significant access to the public records of the Commission. Further, the Commission is committed to providing access to public records in accordance with the Act. In furtherance of the Act, other provisions of the Nevada Revised Statutes, and NRS Chapter 281A and NAC Chapter 281A (collectively referred to as the "Ethics Law"), contain statutory authority and interpretive regulations declaring certain proceedings and records of the Commission to be confidential.

There is no Nevada statute that defines what constitutes a public record. Generally, the records of the Commission, unless deemed confidential pursuant to the Act, Ethics Law, or other provision of State Law, are presumed to be public. See NRS

239.010(1). Further, if a record does not already exist, there is generally no duty to create a record in response to a public records request. See *Public Employees' Retirement System of Nevada v. Reno Newspapers, Inc.*, 313 P.3d 221, 129 Nev. Adv. Op. 88 (Nov. 14, 2013).

C. ACCESS TO PUBLIC RECORDS:

1. **Public Records located on Official Website.** Copies of the Ethics Law, agendas, public meeting materials, minutes, published opinions issued by the Commission, acknowledgement forms filed by public officers, and proposed regulations are provided to the public without charge on its official website located at www.ethics.nv.gov, or by request to NCOE@ethics.nv.gov.

2. **Public Records Request Form.** A Public Records Request form (Exhibit "A") is provided on the Commission's website. When completing the Public Records Request Form, be specific and provide concise and legible information. Names, dates, and any other identifying information will assist with processing the request. Public Records Requests may be sought via the Commission's official website at ethics.nv.gov or sent to the attention of the Commission's Executive Director, as the designated Records Official for the Commission:

E-Mail: ncoe@ethics.nv.gov

Mailing and Physical Address:

State of Nevada Commission on Ethics
704 West Nye Lane, Suite 204
Carson City, NV 89703
Phone: (775) 687-5469 / Fax: (775) 687-1279

3. **Assistance and Compliance with Americans with Disabilities Act ("ADA").** In accordance with the ADA, reasonable accommodations are made available to the public for the inspection and copying of public records including providing the opportunity to request public records in an alternative format. The public should direct requests for reasonable accommodations to the Commission's designated Records Official.

NOTICE: For assistance with ADA compliance or any other questions, please contact the Commission during regular business hours Monday through Thursday, 7:00 a.m. to 5:30 p.m., excluding holidays and other official business closures.

D. PUBLIC RECORDS PROCESSING GUIDELINES:

1. Processing Public Records Requests. Pursuant to NRS 239.0107, the Commission will make reasonable efforts to assist the requester to focus the request in such a manner as to maximize the likelihood the requester will be able to inspect or receive a copy of the public book or record. The Records Official, within five (5) business days after receiving a request for a public record, will:

- Allow the requestor to inspect or copy the public book or record, or provide a copy of the public book or record to the requester, as was requested; or
- Notify the requestor that the Commission does not have legal custody or control of the public book or records, and provide the name and address of the entity that does, if known; or
- If the Commission is unable to make the public book or record available within five (5) business days, notify the requestor the earliest date and time after which the Commission reasonably believes the public book or record will be available to inspect or copy; or
- If the Commission must deny the request because the public book or records, or a part thereof, is confidential, notify the requestor that the information is confidential and cite the statute or other legal authority to deny the request.

2. Review Request to Determine Whether it Seeks Confidential or Restricted Records. Each public records request received by the Commission will be reviewed to determine whether the records requested are confidential or restricted as follows:

- a) Confidential by Law: A number of proceedings and records of the Commission are declared to be confidential under Nevada law. In addition to records or information designated as confidential pursuant to the Act and Ethics Law, the Commission acknowledges all other laws declaring the information and records of the Commission to be confidential or restricted, including interpretive regulations, cases, and other legal precedent.
- b) Confidential Third Party: Confidential records of federal, state, and local governments shared with the Commission must not be disclosed without prior written authorization from the affected government agency. Further, the Commission's possession of records or information received from other

agencies may not mean that the Commission has legal custody or control over these records.

- c) Confidential Information Within Records: Confidential information and records may not be public records and any public records that contain confidential or restricted information may be redacted. NRS 239.010. Further, telephone numbers and/or email addresses maintained in a database by the Commission for the purpose of and/or in the course of the person's communications with the Commission are confidential and are not deemed a public book or records. See NRS 239.014(e).
- d) Copyright Restrictions: Copyright restrictions may apply to copyrighted materials not permitted to be duplicated under federal law. See 17 U.S.C.A. Sec. 107.

3. Fee Schedule for Public Records. Pursuant to NRS 239.052, a governmental entity may charge a fee for providing a copy of a public record. Standard Fees represent the actual costs authorized pursuant to NRS 239.052, including costs to reproduce, postage, and transcription fees allowed per NRS 239.053. The Commission's Fee Schedule for Public Records is attached hereto as Exhibit "B"

An estimate of Standard Fees and Transcription Fees ("Fee Estimate") for producing requested records will be provided to the requestor and the records will not be produced until after remittance of a deposit in the amount of the Fee Estimate. If the actual fees are less than the Fee Estimate, the requestor will be refunded the difference. If the actual fees exceed the Fee Estimate, requestor will be invoiced and shall remit payment to the Commission within thirty (30) days.

E. EFFECTIVE DATE:

This policy was adopted by a majority vote of the Commission on _____, 2022, and continues in force until it is amended or revoked.

EXHIBIT "A"
TO
NEVADA COMMISSION ON ETHICS
PUBLIC RECORDS REQUEST FORM

NEVADA COMMISSION ON ETHICS

Public Records Request

Requester Information

| | |
|--------------------------------------|--|
| Date: | |
| Requester Contact Information | |
| Name: | |
| Organization: | |
| Address: | |
| City, State, Zip: | |
| Phone: | |
| E-mail: | |

Record(s) Requested

| |
|---|
| Records Requested: |
| Check one: <input type="checkbox"/> Electronic copies <input type="checkbox"/> Paper Copies <input type="checkbox"/> Inspection (in person) |
| <i>Describe the record(s) you are requesting. Please be as specific as possible and include enough detail to assist the Nevada Commission on Ethics staff in locating the records(s). Include relevant dates or date ranges. You may attach additional pages, if necessary.</i> |
| |

Receiving Records

| | | | |
|--|---|--|--|
| <i>Please specify the preferred method of receiving the requested record(s):</i> | | | |
| <input type="checkbox"/> E-mail or drop box (no charge) | <input type="checkbox"/> I will pick up | <input type="checkbox"/> Please send USPS | <input type="checkbox"/> Please FedEx <i>Fed Ex billing number:</i> |

| | |
|--|-------------|
| Statement | |
| By signing below, I certify that the information above is true and correct to the best of my knowledge. I understand that copying and other associated fees may apply and that records will not be released until the estimated fee deposit is received. | |
| | |
| _____ | _____ |
| Requester Signature | Date |

Retain Request form for 90 days following completion of request. RDA 2009047
**You may submit your request for public records using the
Commission's
online form submission at ethics.nv.gov (Preferred); or
You may submit this form bearing your signature to the Executive
Director at: Nevada Commission on Ethics, 704 W. Nye Lane, Suite 204,
Carson City,
Nevada, 89703; email NCOE@ethics.nv.gov; or fax (775) 687-1279.**

Updated 01/XX/22

**EXHIBIT “B”
TO
NEVADA COMMISSION ON ETHICS
POLICY ON ACCESS TO PUBLIC RECORDS**

FEES FOR COPIES OF PUBLIC RECORDS

The Commission does not charge for copies of records that are provided by email or other electronic means that incur no specific costs to the Commission. Pursuant to Nevada Revised Statutes Chapter 239.052, a government entity is permitted to charge a fee for the actual cost incurred in providing a public record. This includes, without limitation, cost of ink, toner, paper, media, and postage. The Commission chooses to waive these fees, but for the following exceptions:

- a) Black and white copies - Hard copy requests of fifty (50) or more pages, up to 8.5” x 11”. Thereafter, five cents (\$.05) per page will be charged for single sided copies and seven cents (\$.07) per page for double sided copies on standard letter or legal sized paper.
- b) Color Copies - Hard copy requests of fifty (50) or more pages, up to 8.5” x 11”. Thereafter, copies of documents or photographs in color shall be charged fifty cents (\$.50) per side.
- c) Compact discs/DVDs - Copies shall be charged at five dollars (\$5.00) per disc or DVD.
- d) Other Media - Copies of records provided via other media not specified herein shall be charged at actual cost.
- e) Certification of copies - Available upon request at two dollars and fifty cents (\$2.50) per document. An acknowledgment that the response provided contains the true and correct copies of all documents responsive to the public records request will be provided at no additional cost.
- f) Postage - The requester is responsible for actual postage costs.
- g) Court Reporting - In addition to the actual costs of the medium in which the copy of the transcript is provided, the fee charged for a copy of each page of a court reporter transcript is the per/page fee set forth in the contract utilized by the Commission for court reporter services pursuant to NRS 239.053.

You will be provided an estimate of costs, which must be paid before your request is filled. Any costs in excess of the estimate will be invoiced and provided either before or with the responsive documents. Any balance must be paid within thirty (30) days of the requester's receipt of the invoice.

NRS 239.052 Fees: Limitations; waiver; posting of sign or notice.

1. Except as otherwise provided in this subsection, a governmental entity may charge a fee for providing a copy of a public record. Such a fee must not exceed the actual cost to the governmental entity to provide the copy of the public record unless a specific statute or regulation sets a fee that the governmental entity must charge for the copy. A governmental entity shall not charge a fee for providing a copy of a public record if a specific statute or regulation requires the governmental entity to provide the copy without charge.

2. A governmental entity may waive all or a portion of a charge or fee for a copy of a public record if the governmental entity:

(a) Adopts a written policy to waive all or a portion of a charge or fee for a copy of a public record; and

(b) Posts, in a conspicuous place at each office in which the governmental entity provides copies of public records, a legible sign or notice that states the terms of the policy.

3. A governmental entity shall prepare and maintain a list of the fees that it charges at each office in which the governmental entity provides copies of public records. A governmental entity shall post, in a conspicuous place at each office in which the governmental entity provides copies of public records, a legible sign or notice which states:

(a) The fee that the governmental entity charges to provide a copy of a public record; or

(b) The location at which a list of each fee that the governmental entity charges to provide a copy of a public record may be obtained.

4. The fee for providing a copy of a public book or record in the custody of a law library operated by a governmental entity must not exceed 50 cents per page.

NRS 239.053 Additional fee for transcript of administrative proceedings; money remitted to court reporter; posting of sign or notice.

1. If a person requests a copy of a transcript of an administrative proceeding that has been transcribed by a certified court reporter, a governmental entity shall charge, in addition to the actual cost of the medium in which the copy of the transcript is provided, a fee for each page provided which is equal in amount to the fee per page charged by the court reporter for the copy of the transcript, as set forth in the contract between the governmental entity and the court reporter. For each page provided, the governmental entity shall remit to the court reporter who transcribed the proceeding an amount equal to the fee per page set forth in the contract between the governmental entity and the court reporter.

2. The governmental entity shall post, in a conspicuous place at each office in which the governmental entity provides copies of public records, a legible sign or notice which states that, in addition to the actual cost of the medium in which the copy of the transcript is provided, the fee charged for a copy of each page of the transcript is the fee per page set forth in the contract between the governmental entity and the court reporter.

Agenda Item 6

| | |
|--|---|
|  | <p>STATE OF NEVADA COMMISSION ON ETHICS 704 W. Nye Lane, Suite 204 Carson City, Nevada 89703</p> <p>Phone: (775) 687-5469 Facsimile: (775) 687-1279 Email: ncoe@ethics.nv.gov</p> |
|--|---|

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| <p style="text-align: center;">Telecommuting Policy</p> | | |

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1. POLICY

- A. This policy establishes guidelines for telecommuting for Commission Staff that report to the Executive Director pursuant to an arrangement where an employee is authorized to work from home or an alternative location, away from their primary workplace. Not all positions are amenable to telecommuting and approvals will be made on an individual basis, will be at the discretion of the Executive Director or authorized designee and may be terminated at any time based on the needs of the Commission by its Supervisor or direction issued by the Commission.¹
- B. The Supervisor and telecommuting employees must be familiar with the contents of this policy.
- C. Telecommuting is not an employee entitlement. A Telecommuting Agreement must be in place before an employee may telecommute, or Telecommuting must be specifically directed by a Supervisor or the Governor in response to emergency, hazardous weather, or other supporting situations.
- D. Conditions of employment shall remain the same as for non-telecommuting employees; wages, benefits and leave accrual are unchanged unless there is a change in employment status or scheduled hours that impacts benefit eligibility. All Commission policies, rules, and procedures apply at the telecommuting workplace, including those governing communicating internally and with the public, employee rights and responsibilities, facilities and equipment management, financial management, information resource management, purchasing of property and services, and safety.
- E. Failure to follow policy, rules and procedures may result in termination of the telecommuting arrangement and/or disciplinary action.
- F. The Telecommuting Agreement shall specify the work hours agreed upon by the employee and Supervisor. The hours shall be the same as the employee works in their regular duty location unless an Alternative Work Agreement accompanies the Telecommuting Agreement.

¹ Pursuant to NRS 281A.240(2), the Executive Director shall carry out the duties for the administration of the affairs of the Commission and may employ such persons as are necessary to carry out these functions, with the exception of Commission Counsel, who is employed by the Commission pursuant to NRS 281A.250.

G. Telecommuting employees who are not exempt from the overtime requirements of the Fair Labor Standards Act (FLSA) will be required to record all hours worked in a manner designated by Commission. Telecommuting employees will be held to the same standard of compliance as primary workplace-based employees. The agreed upon work schedule shall comply with FLSA regulations. For non-exempt employees, hours in excess of the regular work schedule must be pre-approved by the Supervisor.

2. DEFINITIONS

Alternative Work Location: An appropriate and approved work site other than the employee's duty location.

Duty Location: An established permanent work location at the Commission's official office.

Planned Telecommuting: A telecommuting workday planned in advance with approval from the Supervisor.

Supervisor: The Executive Director or if he is unable to perform the administrative matters under this policy, Commission Counsel is designated as the authorized designee.

Telecommuting: Working at an alternative work location that is away from the employee's duty location pursuant to an executed Telecommuting Agreement or as may be directed by Supervisor or the Governor in emergency, hazardous weather, or other supporting situations.

Telecommuting Agreement: The written agreement between the Supervisor and the employee that details the terms and conditions of an employee's work away from their duty location.

Unplanned Telecommuting: A telecommuting workday that is not planned in advanced as a result of an emergency, hazardous weather, or other unforeseen circumstances.

Work Schedule: The employee's regularly assigned days and hours of work.

3. PROCEDURE

A. Eligibility

Not all positions are appropriate for telecommuting and criteria may be individualized due to programmatic needs; however, the primary consideration will be whether the telecommuting arrangement meets the

needs of the Commission. The telecommuting employee, Supervisor, or Commission may end the telecommuting arrangement at any time, with or without notice.

- (1) Supervisor must determine an employee's readiness and monitor an employee's ability to telecommute.
- (2) Employee must be able to work independently and manage their time efficiently such that required tasks, timelines, and job duties are met.
- (3) Employee must not have been the subject of any disciplinary action within the past year.
- (4) Employee must be a permanent full/part-time employee.

B. Employee Telecommuting Request (Form)

The Employee Telecommuting Request must be completed and signed by the telecommuting employee and Supervisor. The Supervisor is required to maintain the signed form in the record of the Commission and provide a copy to the employee.

The Telecommuting Request form must establish procedures for both planned and unplanned telecommuting.

C. Employee Rights and Responsibilities

- (1) Except as specified in this policy or agreed to in the Telecommuting Agreement signed by the employee, employee rights and responsibilities are not affected by participation in a telecommuting program.
- (2) The employee must be able to work from an alternative environment without compromising tasks, functions, productivity, and confidentiality associated with the positions job duties.
- (3) The employee will be accountable to meet all expectations as outlined in their work performance standards.
- (4) The employee will adhere to the same policies, regulations, and performance expectations established for all Commission employees and pursuant to the employee's work performance standards.

- (5) Employees are permitted to take their allotted rest and meal breaks in accordance with regulation and policy.
- (6) Employee shall be reachable by phone, email, and messaging platforms such as Microsoft Teams and Zoom during scheduled work hours.
- (7) Employee and Supervisor will develop accountability tools to capture start/end times, assignment completion, and to monitor workload.
- (8) The employee will maintain professional behavior, appearance, and work attire during scheduled work hours.
- (9) It is the responsibility of the employee to maintain a professional work environment keeping interruptions by visitors, family members, and others to a minimum.
- (10) Annual leave and sick leave must be requested and used in the same manner as if the employee is at their normal duty location.
- (11) Telecommuting is not a substitute for taking sick leave when you are sick, or for taking annual leave when you have non-work-related activities to attend to or supervise in your home.
- (12) If there is an emergency at the telecommuting workplace, such as a power outage or internet outage, the employee will notify the Supervisor as soon as possible. The employee may be reassigned to the primary workplace or an alternate workplace in such cases or be required to take leave.
- (13) As required by the Telecommuting Agreement or upon at least 4 hours' notice (unless an emergency situation arises) by the Supervisor, the employee will attend job-related meetings, training sessions, appointments, or other work-related matters at their regularly assigned duty station, another State facility or office used by the Commission, or a community setting.
- (14) In emergency situations, the Supervisor must provide sufficient notice to allow the employee a reasonable time to travel to their primary workplace. The employee shall be prepared to be called to their regular duty location or a community location at any time.

D. Equipment:

- (1) Commission may supply equipment for use at an alternative work location based on available resources and the needs of the Commission. Equipment supplied by Commission is to be used for business purposes only. Except for reasonable or normal wear and tear on the equipment, it is the employee's responsibility to replace damaged or lost equipment provided by Commission.
- (2) Should Commission not provide equipment for use at an alternative work location, the employee shall be responsible for purchasing and/or utilizing their own equipment at their own cost. If the employee does not have adequate equipment, their telecommuting agreement will not be approved.
- (3) Adequate equipment includes appropriate furniture (e.g., desk, table, chair), computer and applicable accessories (e.g., mouse, keyboard), video capability (built-in or external webcam), phone (landline or mobile), and reliable internet access. Commission reserves the right to make determinations as to appropriate equipment, subject to change at any time.
- (4) Video will be activated at all meetings unless approval is requested and provided by the Supervisor on a case-by-case basis.
- (5) Equipment supplied by the employee is the responsibility of the employee to maintain, and the employee agrees to take appropriate action to protect the items from damage or theft, normal or reasonable wear and tear excepted. Commission accepts no responsibility for damage or repairs to employee-owned equipment.
- (6) Commission may provide a computer workstation at the employee's primary workplace that the employee may access by remote desktop software via VPN (Virtual Private Network). If the employee requires VPN access, all requirements set forth in the VPN agreement must be adhered to at all times.
- (7) The Mobile Device Agreement will list all equipment the employee is moving to the alternative work location and must be completed and signed by the telecommuting employee and the Supervisor prior to any equipment being removed from a primary work location.

- (8) The employee is responsible for safe transportation and set-up of all Commission equipment unless the equipment is being specifically ordered for the employee and is being directly delivered to the alternative workplace. Before removing any equipment from Commission primary workplace or receiving any equipment through direct delivery, the employee must complete the Telecommuting Agreement.
- (9) Commission will repair and maintain equipment provided to the employee for telecommuting purposes. Except those services available by State of Nevada, Department of Administration, Enterprise Information Technology Services ("EITS") for remote equipment, Commission will not be available to assist or troubleshoot any issues outside the employee's primary workplace and it is the employee's responsibility to safely transport the equipment to their primary workplace or any other designated Commission workplace as instructed by the Supervisor or EITS.
- (10) Surge protectors or other protective devices must be used with any Commission computers and all current virus protections and security measures recommended by EITS must be installed and operating.
- (11) With the exception of normal wear and tear, Commission may pursue recovery from the employee Commission property/equipment that is deliberately, or through negligence, damaged, destroyed, lost or stolen while in the employee's care, custody or control.
- (12) Upon termination of employment with Commission or when the telecommuting agreement ends, all Commission equipment/property will be returned to Commission within 7 working days, unless other arrangements have been made. Failure to return equipment will result in referral to Capitol Police for investigation.

E. Confidentiality - Security

- (1) Commission information security procedures must be followed at all times, including safeguarding physical documents and electronic information.
- (2) Employee must demonstrate the ability to securely store sensitive data, confidential and/or personal health information (PHI). Steps include the use of locked file cabinets and desks, regular

password maintenance, and any other measures appropriate for the job and the environment.

- (3) Employee must protect all privileged user account passwords, DUO (Two-Factor Authentication Devices), Personal Identity Verification (PIV), personal identification numbers (PINs), etc. from unauthorized use, disclosure, or access.
- (4) Employee must maintain password security and update virus protection according to Commission standards.
- (5) Security and confidentiality shall be maintained by the employee at the same level as expected at all workplaces. Confidential and sensitive data should not be saved on the local computer. Restricted access or confidential material shall not be taken out of the primary workplace or accessed through a computer unless approved in advance by the Supervisor. The employee is responsible to ensure that non-employees do not access Commission data, including in print or electronic form.
- (6) **Intellectual Property:** Software products, documents, reports, data and records developed while telecommuting will be the property of Commission and are subject to any of Commission' intellectual property policy. The employee must have a method to safeguard the security of all Commission data, reports including, but not limited to, intellectual property, proprietary information, confidential personnel information, Health Insurance Portability & Accountability Act (HIPAA) protected health information.
- (7) **Record Retention:** Software products/Application code, configuration files, reports, documents and records/data that are used, developed, or revised while telecommuting shall be copied or restored to the Commission' computerized record system/network drives/infrastructure. Maintenance of Commission records/data/reports must be consistent with the Commission' record retention rules and policy

F. Safety

An alternative work environment is expected to be maintained in a safe manner, free from all potential safety hazards. The employee is covered by Workers' Compensation for all job-related injuries that occur in the alternative designated workspace/environment during the employee's defined work period. Employees must notify their Supervisor immediately and complete all necessary documents regarding a job-related injury. Workers' compensation does NOT apply to non-job-

related injuries that might occur at the alternative work location.

G. Childcare/Dependent Care

Telecommuting is not designed as a replacement of appropriate childcare or dependent care. Modifications of an employee's schedule due to childcare should be requested and if approved, managed through an Alternative Work Schedule Agreement. Dependent care should not prevent the employee from reporting to their regular duty location and/or a community location at the request of the Supervisor with 48 hours' notice or on an emergent basis as described in Section C: Employee Rights and Responsibilities.

H. Approval/Denial/Termination Requirements:

- (1) Approval or Denial of the Telecommuting Work Agreement will be determined by the Supervisor or designee. **DENIALS ARE NOT SUBJECT TO APPEAL.**
- (2) All approved Telecommuting Work Agreement forms shall be retained in the Commission's records, and the Supervisor is required to maintain the signed form and provide a copy to the employee.
- (3) Telecommuting arrangements may be terminated at any time and/or for any reason, without cause by the Supervisor or the Commission.
- (4) The Commission will try to provide the employee prior written notice when terminating the employee's telecommute agreement. However, this is not a requirement of the Commission and only a courtesy.
- (5) Employees who wish to terminate their telecommute work agreement should contact their Supervisor to determine if such a request will be considered. Upon approved by the Supervisor, employee takes full responsibility to return the Commission property/equipment within 7 working days to the Commission physical work location.

I. Incident Response:

Telecommuting employee remote access users must report the following types of events when conducting work via remote access, to the Commission at ncoe@ethics.nv.gov.

- (1) Any event in which access to Commission data has been gained by an unauthorized person.
- (2) Any event in which a device containing Commission information has (or might have been) lost, stolen, or infected with malicious software (viruses, etc.).
- (3) Any event in which an account belonging to an employee that has access to Commission data might have been compromised or the password shared with an unauthorized person (responding to phishing emails, and writing down your password, etc.).

J. COMMISSION OPERATIONS:

The Supervisor must keep continued and effective commission operations as the priority when evaluating telecommuting agreements and schedules. Telecommuting agreements must not adversely affect:

- (1) The Commission's open office hours,
- (2) The ability to respond to inquiries from the public, or
- (3) The timely and effectively processing of complaints, investigations, advisory opinions, and education/outreach.

Telecommuting agreements and schedules should be regularly reviewed to ensure effective Commission operations.



NEVADA COMMISSION ON ETHICS EMPLOYEE TELECOMMUTING REQUEST AGREEMENT

This document is intended to ensure that both the supervisor and the employee have a clear, shared understanding of the employee's telecommuting arrangement. Each telecommute arrangement is unique depending on the needs of the position, the supervisor, and the employee.

Section A: Employee Information

| | |
|-----------------------|--|
| Employee Name: | |
| Job Title: | |
| Supervisor: | |
| Duty Location: | |
| Telecommute Location: | |

Section B: Job Duties

| | |
|--|--|
| What are your primary job duties and responsibilities? | |
| Which of these responsibilities do you believe are conducive to telecommuting and how? | |
| Which of these responsibilities are not conducive to telecommuting? | |

Section C: Telecommuting Location and Equipment

| | |
|---|--|
| Describe your proposed telecommute alternative work location: | |
| What kind of equipment would be required to facilitate work at that location? | |
| How will you secure confidential information at this work location? | |

| | |
|---|--|
| Why do you think a telecommuting arrangement is beneficial to the Commission/State? | |
|---|--|

| Section D: Contact During Telecommuting | |
|--|--|
| Contact information for telecommuting days: | |
| Agreement for checking in on telecommuting days: | |

Employee Responsibilities and Understanding

Telecommuting is an arrangement in which the Supervisor may permit employee to work at home in lieu of traveling to his/her usual duty location. However, any telecommuting Supervisor permits shall be only in accordance with this agreement.

The telecommuting program is not an employee benefit, but rather a work alternative based upon the job content, satisfactory work performance, and work requirements of the Commission and for the convenience of the Commission.

The Supervisor may end the telecommuting arrangement at any time, without prior notice.

Business needs take precedence over telecommuting days. Employee will forego telecommuting, if needed for business needs or meetings, or at the direction of the supervisor, on the regularly scheduled telecommuting day.

Workplace Location and Surroundings.

1. Unless otherwise specified in the written agreement, the employee is responsible for providing an appropriate and safe workspace, including all necessary equipment to perform their normal job functions. Equipment supplied by the State is to be used for business purposes only. Any additional financial burden, not included in the written agreement, resulting from the telecommuting arrangement, is solely the responsibility of the employee;
2. Maintain work surroundings that are professional, and not subject to noise or distraction;
3. Keeping the work area free from dangerous or safety hazards. The Commission shall not be responsible for any modifications, maintenance or remodeling to my home related to my alternative work location.
4. At all times, employee shall follow policies, rules and regulations normally applicable to the employee while working in the regular duty location.
5. If a work-related injury, employee will report it immediately to my supervisor. An injury may be compensable under workers' compensation law only if it occurs in the designated workspace during my designated working hours.

6. All confidentiality requirements and protections must be met during performance of the employee's job duties and after hours in the employee's designated workspace.

Supervisor Responsibilities and Understanding

The supervisor shall evaluate the following prior to approving an employee's Telecommuting Arrangement request:

1. The suitability of essential functions, job responsibilities and duties for a telecommuting arrangement taking into consideration the nature of the employee's job is conducive to telecommuting;
2. The employee's suitability for telecommuting.

A written agreement and inventory list will be prepared outlining any equipment that will be provided to the employee.

The employee will be given as much advance notice as possible if the employee will be needed in the office on the regularly scheduled telecommute day.

Each telecommuting agreement will be discussed and renewed at least annually, or whenever there is a major job change.

Telecommuting is selected as a feasible work option based on a combination of job characteristics, employee performance, and Commission needs, a change in any one of these elements, therefore, will require a review of the telecommuting agreement in order to determine further need.

Unless otherwise specified in this document the supervisor or division administrator may end a telecommuting arrangement at any time, for any reasons. Generally, the telecommuter will be provided with one days' notice of changes to the telecommuting arrangement, but this is not a requirement.

Employees who wish to withdraw from a regular telecommuting arrangement prior to the approved expiration period should contact their supervisor to inquire about the approval of such a request.

| Confirmation and Agreement | |
|--|--|
| I have read this agreement. If approved, I hereby agree to abide by the terms of the Telecommuting Policy, the Telecommuting Agreement and all other Commission policies and procedures. | |
| Employee Name | |
| Signature | |
| Date | |
| Approval | |
| Supervisor Name: | |
| Signature: | |
| Date: | |

Attachment A

Telecommuting Schedule Agreement

| | |
|---------------------------------------|--|
| Employee Name: | |
| Dates of Agreement (MM/YY – MM/YY) | |
| Planned Telecommuting Days: | |
| Date to be reviewed: | |
| Employee Initial / Date | |
| Supervisor Initial / Date | |

Attachment B

Self-certification Safety Checklist for Telecommuters

The following checklist is designed to assess the overall safety of your alternative worksite. Please read and complete the self-certification safety checklist. Upon completion, you and your supervisor should sign and date the checklist in the space provided.

You must designate one area of your home as your work area (e.g., a bedroom, den, etc.) that can be considered to be physically separate from the rest of your home.

Per the Occupational Safety and Health Administration (OSHA), the State is not responsible for the safety conditions within your home. However, should you desire a safety/ergonomic evaluation, one can be arranged through the Risk Management Division.

| | |
|--|--|
| Name: | |
| Telecommuting Location: | |
| Describe designated work area in the alternate duty station: | |

| General Workspace Questions | Yes | No |
|--|-----|----|
| Are temperature, noise, ventilation, and lighting levels adequate for maintaining normal level of job performance? | | |
| Are all stairs with four or more steps equipped with handrails? | | |
| Are all circuit breakers and/or fuses in the electrical panel labeled as to intended services? | | |
| Do circuit breakers clearly indicate if they are in the open or closed position? | | |
| Is all electrical equipment free of recognized hazards that would cause physical harm (frayed wires, bare conductors, exposed wires to ceiling, etc.)? | | |
| Are aisles, doorways, and corners free of obstructions to permit visibility and movement? | | |
| Are file cabinets and storage closets arranged so drawers and doors do not open into walkways? | | |
| Do chairs have any loose casters (wheels) and are the chair rungs and legs of sturdy? | | |
| Are the phone lines, electrical cords, and extension wires secured under a desk or alongside a baseboard? | | |
| Is the office space neat, clean, and free of excessive amounts of combustibles? | | |
| Are floor surfaces clean, dry, level and free of worn or frayed seams? | | |
| Is there enough light for reading? | | |
| Computer Workstation | | |
| Is your chair adjustable or otherwise suitable for a workstation? | | |
| Are your feet on the floor or fully supported by a footrest? | | |
| Are you satisfied with the placement of your monitor and keyboard? | | |
| Is it easy to read the text on your screen? | | |
| Do you have enough leg room at your desk? | | |

| | | |
|--|--|--|
| Is the screen free from noticeable glare? | | |
| Is the top of your screen eye level? | | |
| Is there space to rest the arms while not keying? | | |
| When keying, are your forearms close to parallel with the floor? | | |
| Are your wrists fairly straight while keying | | |

Employee Signature _____ Date _____

Supervisor Signature _____ Date _____

Agenda Item 7

Proposed Approval of Authority to Extend Penalty Payment Schedules in Certain Circumstances

Pursuant to NRS 281A.240(1)(g), approval of authority for Executive Director to grant administrative hardship extensions not to exceed 6 months, based upon good cause shown, to Subjects of approved stipulated or deferral agreements. Any extension must be:

1. In writing, state the good cause, and be signed by the Executive Director and the Subject
2. Be completed with the concurrence of Commission Counsel for legal form
3. Submitted as an information item detailing the case and extended deadline at the next regular meeting of the Commission

Any stipulated request for a hardship extension exceeding 6 months for a stipulated agreement or deferral agreement that was approved by the Commission shall be supported by good cause and submitted for consideration to the Chair of the Commission pursuant to NAC 281A.442.

Any stipulated request for a hardship extension exceeding 6 months for a deferral agreement approved by a Review Panel shall be supported by good cause and submitted to the Review Panel for consideration pursuant to NAC 281A.430.

Agenda Item 8

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STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Bonnie Weber**, Councilmember,
City Council, City of Reno,
State of Nevada,

Ethics Complaint
Case No. 20-010C

Subject. /

**NOTICE OF AGENDA ITEM PROVIDING A STATUS UPDATE ON CITY OF RENO
POLICY INSTITUTED PURSUANT TO APPROVED DEFERRAL AGREEMENT IN
ETHICS COMPLAINT NO. 20-010C (WEBER)**

NRS 281A.745

PLEASE TAKE NOTICE, the Nevada Commission on Ethics ("Commission") will hold a public meeting to consider an informational status update on the City of Reno Policy Instituted Pursuant to the Approved Deferral Agreement in Ethics Complaint No. 20-010C (Weber):

When: Wednesday, **January 19, 2022** at **9:30 a.m.**

Where: **Zoom Meeting:**

<https://us06web.zoom.us/j/85009716653?pwd=RjlhNTF6WGk5bzIMRDNWSWJCVjNGQT09>

Meeting ID: 850 0971 6653

Passcode: 420650

Zoom Meeting Telephone Number: 669-900-9128

Subject has waived the personal notice requirements of NRS 241.033 (Nevada's Open Meeting Law).

DATED: January 12, 2022

/s/ Tracy L. Chase

Tracy L. Chase, Esq.
Commission Counsel

CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada Commission on Ethics and that on this day in Carson City, Nevada, I transmitted a true and correct copy of the **Notice of Agenda Item Providing a Status Update on City of Reno Policy Instituted Pursuant to Approved Deferral Agreement** in Ethics Complaint No. 20-010C (Weber) via electronic mail to the Parties as follows:

For the Executive Director:

Ross E. Armstrong, Esq.
Executive Director
Elizabeth J. Bassett, Esq.
Associate Counsel
Kari Pedroza, Executive Assistant
704 W. Nye Lane, Suite 204
Carson City, NV 89703

Email: rarmstrong@ethics.nv.gov

Email: ebassett@ethics.nv.gov

Email: k.pedroza@ethics.nv.gov

For the Subject:

Karl S. Hall, Esq.
Reno City Attorney
Jonathan D. Shipman, Esq.
Assistant City Attorney
Reno City Attorney's Office
P.O. Box 1900
1 E. 1st Street
Reno, NV 89505

Email: hallk@reno.gov

Email: shipmanj@reno.gov

Paul A. Lipparelli, Esq.

Email: paul.lipparelli@gmail.com

DATED: January 12, 2022




Employee of the Nevada Commission on Ethics



Office of the City Manager

MEMORANDUM

DATE: December 20, 2021
TO: Management Team
FROM: Doug Thornley, City Manager 
SUBJECT: Updated Ethics Standards Policy #401

Attached for your review is updated City Policy No. 401, Ethical Standards. The City Manager's Office has updated the policy to address situations where a City employee will attend a private, non-public meeting to speak on topics related to the employee's public duties or City business that is held, hosted, or at the request of a City Council member.

The purpose of the revised policy is to prevent city charter violations and potential conflicts of interest. Specifically, the revised policy will ensure that governmental resources will not be intentionally or unintentionally misappropriated for private purposes in violation of NRS 281A.400(7) ("a public officer or employee shall not use governmental time, property, equipment or other facility to benefit a significant personal or pecuniary interest of the public officer or employee or any person to whom the public officer or employee has a commitment in a private capacity").

Under the revised policy, a City employee must obtain written approval from the City Manager before attending and speaking at a private, non-public meeting held, hosted, or at the request of a City Council member. The attached Private Meeting Request Form should be filled out and submitted to the City Manager at least 10 business days before the scheduled event. The City Manager will review the information submitted, and may ask staff for additional clarification and/or documentation before approving or denying the request. If you have any questions regarding revised Policy No. 401 and how it applies, please contact the City Attorney's Office.

In addition, attached for your review is an updated and revised memo from the City Attorney's Office entitled "Frequently Asked Questions regarding Ethics Law, Donations and the Use of Municipal Personnel, Property and Resources." Again, if you have any questions concerning the contents of that memo, please contact the City Attorney's Office.

CITY OF RENO – Policies and Procedures

Ethical Standards

Approved by: Douglas R. Thornley City Manager

Number: 401

Effective Date: 12/13/21

I. PURPOSE

The public judges its government by the way public officials and employees conduct themselves in the posts to which they are elected or appointed. The people have a right to expect that every public official and employee will conduct themselves in a manner that will tend to preserve public confidence in and respect for the government represented. Such confidence and respect can best be promoted if every public official and employee, whether paid or unpaid, and whether elected or appointed, will uniformly: (a) treat all citizens with courtesy, impartiality, fairness and equality under the law; and (b) avoid both actual and potential conflicts between their private self-interest and the public interest.

The purpose of this policy is to set forth standards of ethical conduct; ensure compliance with applicable local, state, and federal laws and regulations; develop and maintain a culture of responsible and effective public service; and, provide for actions to be taken in the event of violation of this policy.

II. REVISION HISTORY

12-27-18 Adopted
12/13/21 Revised

III. REFERENCES

Code of Federal Regulation 2 CFR §200.318(c)(1)
National Labor Relations Act, 29 U.S.C. §151-169
Nevada Revised Statutes (NRS) 281 *et seq.*, 281A *et seq.*, 293.127565, and 293.2546
Reno City Charter §5.030
RMC §2.20 *et seq.*

IV. PERSONS AFFECTED

All elected officials, officers, and City employees.

V. POLICY

It is the policy of the City that no employee shall engage in any employment, activity, or enterprise which has been determined to be inconsistent, incompatible, or in conflict with their duties as an employee, or with the duties, functions, or responsibilities of their appointing authorities or agencies by which they are employed. The City will comply with the letter, spirit, and intent of all applicable laws regarding the manner in which City employees conduct the public's business. Employees owe a duty to the City and the public has a right to expect City employees to refrain from any illegal, dishonest, or unethical conduct and while acting in a manner that will merit the continued trust and confidence of the public. All employees must be familiar with and conform to all standards of conduct as detailed in this policy.

The questions below focus on pertinent aspects of ethical behavior and provide a quick test with which employees should judge situations:

- Does it fit with the City of Reno values?
- How will I feel afterwards?
- Is it right?
- Is the action legal?
- Who will be affected?
- Will it reflect poorly on the City of Reno?

Employees and officials faced with a situation they are not sure how to handle should ask for guidance from their manager, the Human Resources Department or the Office of the City Attorney. The appearance of wrongdoing can sometimes be as damaging to an organization as actual wrongdoing. City officials and employees must always be aware of how their actions may be perceived even if their behavior is innocent and their intentions are good.

It is the policy of the City of Reno to allow its employees to fully participate in the Federal, State, and Local electoral processes. The City finds that a policy clarifying conduct of City employees related to political activities while at work, on duty, or when appearing in a representative capacity of the City will serve to educate and promote compliance with applicable laws; protect employees' job security free from partisan politics; prevent corruption; promote workplace efficiency; encourage impartiality, including the public's perception of impartiality; and minimize conflict between employees' private interests and those of the general public whom they serve.

Any person who believes a violation of this policy has occurred should immediately report the matter. Reports of suspected violations should contain as much detail as possible since facts and documentation will aid in the investigation. Reports may be made to one of the following:

- Immediate Supervisor and/or Department Manager or Director
- City Attorney
- City Manager
- Human Resources

VI. DEFINITIONS

- A. City Employees – All employees of the City, including elected and appointed positions.
- B. Mail – Letters, packages, and other such materials which are sent or received by the U.S. Postal Service.
- C. Mailroom – The City's central facility utilized for the handling of interoffice correspondence and incoming/outgoing mail.
- D. Secondary Employment – Any work, including but not limited to, freelance employment, self-employment (including consulting), business sales solicitations, or any other type of work performed for compensation.

VII. RESPONSIBILITIES

- A. The Office of the City Attorney is responsible for:
 - 1. Interpreting the City's ethics ordinance and Nevada state law; and
 - 2. Providing specific guidance to employees who request clarification of particular situations.
- B. Managerial employees are responsible for:
 - 1. Ensuring that managers, supervisors, and employees understand their obligations under this policy; and
 - 2. Taking appropriate corrective or disciplinary action in cases of violation pertaining to this policy.
- C. All City employees are responsible to understand this policy and to apply it to every aspect of their job performance.

VIII. PROCEDURES

- A. Ethical Standards
 - 1. City officers, appointees, and employees shall not:
 - a. Seek or accept any gift, favor, employment, engagement, emolument, or economic opportunity which would tend improperly

to influence a reasonable person in their position to depart from the faithful and impartial discharge of their public duties;

- b. Use their position in government to secure or gain unwarranted privileges, preferences, exemptions or advantages for themselves, any family member, any business entity, or any other person;
- c. Participate as an agent of government in the negotiation or execution of a contract between the City and any person or business entity in which they have an interest;
- d. Accept any salary, retainer, gift, augmentation, expense allowance, or other compensation from any private source for the performance of their public duties;
- e. Use information acquired through their public duties or relationships, which by law is not at the time available to people generally, to further the interests of themselves, any other person, or business entity;
- f. Suppress any governmental report or other document because it might tend to affect unfavorably their interests;
- g. Use governmental time, property, equipment, or other facility for a non-governmental purpose or to benefit their interests except as provided in the exceptions section of this policy;
- h. Attempt to benefit their personal or financial interest through the influence of a subordinate;
- i. Seek other employment or contracts through the use of their official position;
- j. Receive or acquire an interest in or affected by a contract, transaction, land use decision, or other matter at a time when such a person knows the interest will be directly affected by an official act or action by the City; and
- k. Except as may be provided by law or this policy, participate in any election campaign while on duty, or use City time, property, equipment or other facility to benefit a significant personal or pecuniary interest of any Council member, or any person to whom the Council member has a commitment in a private capacity.

2. Exceptions

- a. Employees may hold positions of secondary employment so long as such employment is not prohibited by or in conflict with the provisions of the code of ethics, or applicable law. Employees must request advance written approval from their supervisor, manager, or department head of their secondary employment.
- b. A limited use of governmental property, equipment, or other facility for personal purpose under the following conditions:
 - 1) The public officer who is responsible for and has authority to authorize the use of such property, equipment, or other facility has established a policy allowing the use or the use is necessary as a result of an emergency;
 - 2) The use does not interfere with the performance of their public duties;
 - 3) The cost or value related to the use is nominal; and
 - 4) The use does not create the appearance of impropriety.
- c. The use of mailing lists, computer data, or other information lawfully obtained from a governmental agency which is available to members of the general public for non-governmental purposes.
- d. The use of telephones or other means of communication if there is not a special charge.
- e. Employees may accept gifts of nominal cost or value, so long as the acceptance of such items does not create an ethical violation or the appearance of an ethical violation. Acceptance of cash or instruments that can be converted to cash is prohibited. Items of nominal value include such examples as the following:
 - 1) Food items such as coffee, doughnuts, cookies, candy, etc., in modest amounts and generally intended for consumption in the workplace;
 - 2) Meals and refreshments valued within the ranges set forth in the City's Travel Reimbursement Policy and provided in the context of a business meeting or work-related activity;

- 3) Greeting cards, promotional items, certificates, presentational plaques, trophies, photographs, flowers, plants, etc., of modest value and generally intended for display or use in the workplace; or
 - 4) Discounts available to the general public.
- f. Departments may accept waiver of conference registration fees or tuition, or payment of travel expenses for an employee to attend a conference or seminar when scheduled as a speaker on topics related to the employee's official duties. Employees must notify their supervisor, manager, or department head of offers of this nature and acceptance of the offer can only be made by the department head, or designee. Employees may not accept such waiver or reimbursement on their own behalf. Honoraria may be accepted only for activities that are not directly related to an employee's official duties.
- g. Under Reno City Charter, art. III, § 3.140, City Council members shall deal directly with the City Manager and shall not give any order, publicly or privately, to any subordinate of the City Manager.

Only with the prior written approval of the City Manager may an employee attend a non-public meeting held, hosted, or at the request of a City Council member to speak on topics related to the employee's public duties or City business. In making this determination, the City Manager may consider, without limitation: (1) the purpose of the meeting; (2) the audience; (3) whether the Council member has filed a declaration of candidacy or accepted candidacy for a public office; (4) whether staff participation substantially furthers City interests, and avoids both actual and potential conflicts between a Council member's private self-interest and the public interest; (5) whether staff participation detracts from maintaining appropriate industry relationships; (6) the propriety of any anticipated gifts including fee waivers, meals and refreshments, and reimbursement of expenses; (7) application of the Nevada Ethics in Government Law, NRS Chapter 281A; and, (8) any other relevant facts and circumstances not enumerated above.

- h. Other exceptions may be approved on a case-by-case basis by the Office of the City Attorney. A determination of the propriety of any gift should be made prior to its acceptance, if possible.

3. Considerations Specific to Federal Grant-funded Contracts

a. In accordance with 2 CFR §200.318(c)(1), no employee, officer, or agent of the City of Reno shall participate in the selection, award, or administration of a contract supported by Federal award or grant funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when any of the below has a financial, other interest in, or a tangible personal benefit from a firm considered for a contract:

- 1) The employee, officer, or agent;
- 2) Any member of their immediate family;
- 3) Their partner; or
- 4) An organization which employs, or is about to employ, any of the above parties.

b. The City's officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.

4. To the extent permitted by Federal, State, or Local Laws or regulations, the City may seek to impose penalties, sanctions, or other disciplinary actions against City officers, employees, or agents for violation of these standards.

B. Participation in Political Activity

1. City employees are responsible for understanding and shall comply with the requirements of the Nevada Ethics in Government Law.
2. Except as permitted by law, City employees shall not use City funds, services, supplies, vehicles, or other property to support or oppose a ballot question or candidacy of any person for an elected or appointed public office.
3. Except as permitted by law, City employees shall not engage in campaign work (volunteer or paid) or activities in support of or in opposition to a ballot question during City paid time, except for vacation or other appropriate official leave time.
4. Except as permitted by law, City employees shall not make any promise of or actually provide preferential treatment or any threat of detrimental

treatment (or actually impose such detriment) to any person, with respect to any condition or incident of employment over which the employee has authority, control, or influence, for the purposes of inducing support of or opposition to a ballot question or any candidate for elected or appointed public office.

5. While on duty, at work, when representing the City, or when wearing a City Uniform, City employees shall not wear campaign buttons, insignia, slogans, symbols, or other expressions on their clothing in support of or opposition to a ballot question or any candidate for elected or appointed public office. All uniformed services should review and understand any department or general orders applicable to such service.
6. Except as permitted by law, City employees, while on duty, at work, or otherwise acting in an official capacity, shall not display campaign signs, buttons, insignia, slogans, symbols, or other expressions in their office, cubicle or any other space at City facilities in support of or opposition to a ballot question or any candidate for elected or appointed public office. This provision should not be construed to conflict with the employees' union rights under the National Labor Relations Act.
7. While on duty, at work, when representing the City, or when wearing a City Uniform, it is not appropriate for a City employee to express personal opinions on candidates at public or community meetings. If the employee is meeting as a private citizen and not as a representative of the City, the employee may express personal opinions. The employee should make it clear that this is a personal opinion and not the position of the City or the City Council.
8. Provided that a City employee is not using their City position to endorse or oppose a candidate or ballot question in violation of applicable law, this policy is not intended to prohibit City employees from the following:
 - a. Freedom of speech or social media communications that follow City Media and Communications Policy;
 - b. The right to express personal opinions on political candidates and political subjects or participate in political activities and campaigns while not at work or on duty;
 - c. Processing requests in accordance with City procedures for use of City facilities which are available for public use;
 - d. Processing requests for use of available City facilities in accordance with City procedures established pursuant to NRS

293.127565, which requires certain City facilities be available for use by the public for the gathering of signatures for petitions related to elections, which includes ballot initiatives, referenda, and recall of public officers;

- e. Working on election matters, including advisory or other ballot questions, legislation, or related legal issues, when such matters are in accordance with City procedures or as part of their official job duties, when so permitted by applicable laws of the State of Nevada; or
 - f. Filing as a candidate for or holding a public office, when such dual employment is permitted as a matter of law.
9. Any question about this policy, its interpretation or application to City employees while at work, on duty, or when appearing as a representative, should be referred to the City Manager or the Office of the City Attorney for resolution prior to participation in the activity.

C. Mailroom Use and Services

- 1. The mailroom and mailroom services shall be used to conduct official City business.
- 2. Personal mail shall not be received through the City's mailroom. City employees shall not by any act or omission cause mailroom services to be utilized for processing of incoming mail which is not related to official City business. For personal outgoing mail, if mailroom services are utilized, they must be done so at a de minimis level and all risks associated with the personal use are borne by the employee. The City shall not be responsible for any lost or stolen personal outgoing mail.

D. Complaint Procedure

- 1. Investigation
 - a. Reported complaints may be investigated by one or more of the following:
 - 1) Internal Auditor;
 - 2) Human Resources Department;
 - 3) Office of the City Attorney;

- 4) City Manager;
 - 5) Mayor;
 - 6) City Council; or
 - 7) A qualified designee, such as an outside investigator.
 - b. The appropriate personnel shall conduct or direct a timely and impartial investigation, including examination of pertinent documentation and interviews with relevant individuals. At the conclusion of the investigation, a recommendation should be made regarding the appropriate remedy or disciplinary action.
2. Retaliation: Retaliation against employees or officials who make good faith claims of violations or reports of inappropriate conduct prohibited by this policy is prohibited. Acts of retaliation must be reported immediately as set out above.
 3. Responsive Action: Misconduct under this policy will be dealt with appropriately. Discipline will be imposed upon any employee who is found to have engaged in conduct prohibited by this policy. Likewise, disciplinary action will be imposed in situations where claims of prohibited conduct were false, fabricated or exaggerated. Misconduct by City officers or appointees will be handled in accordance with appropriate laws, procedures, and provisions for the specific body.

END



Reno City Attorney

MEMORANDUM

Date: December 16, 2021
To: Mayor, City Council and City Manager
Thru: Karl S. Hall, City Attorney
From: Jonathan D. Shipman, Assistant City Attorney
Subject: Frequently Asked Questions regarding Ethics Law, Donations and the Use of Municipal Personnel, Property and Resources; **REISSUED AND UPDATED**

The purpose of this memo is to answer some frequently asked questions regarding ethics law, donations and the use of municipal personnel, property and resources.

1. When must a City Council member disclose a conflict of interest?

In general, a City Council member must *disclose* a conflict of interest on any matter that implicates a **gift or a loan** made to a councilmember; implicates a **significant financial interest** of a councilmember; or involves a person to whom the councilmember has a **commitment in a private capacity**. NRS 281A.420(1).

A “commitment in a private capacity,” means a commitment, interest or relationship of a councilmember to a person:

1. Who is the spouse or domestic partner of the councilmember;
2. Who is a member of the household of the councilmember;
3. Who is related to the councilmember, or to the spouse or domestic partner of the councilmember, by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity;
4. Who employs the councilmember, the spouse or domestic partner of the councilmember or a member of the household of the councilmember;
5. With whom the councilmember has a substantial and continuing business relationship; or
6. With whom the councilmember has any other commitment, interest or relationship that is substantially similar to a commitment, interest or relationship described above. NRS 281A.065.

Disclosure must be made at the time when the matter is being considered, and must describe the nature and extent of the relationship that is the source of the conflict.

2. When does a conflict of interest require a City Council member to abstain from voting?

If disclosure is required, a City Council member must abstain only in a clear case where the **independence of judgment of a reasonable person in a similar situation would be materially affected by the conflict disclosed**. If abstention is required, the councilmember must leave the room and refrain from advocating for or against the matter in any way. NRS 281A.420(3).

3. When must a City employee disclose a conflict of interest?

Like a City Council member, before taking any action on a City matter, a City employee must **disclose** a conflict of interest on any matter that implicates a **gift or a loan** made to the City employee; implicates a **significant financial interest** of the City employee; or involves a person to whom the City employee has a **commitment in a private capacity**. NRS 281A.420(1).

The City employee must describe the nature and extent of the relationship that is the source of the conflict, and shall make the disclosure to the City Manager.

4. Does a City Council member have to disclose campaign contributions or contributions to legal defense funds?

No. City Council members are not required to disclose campaign contributions or contributions to a legal defense fund that were reported pursuant to the statutes relevant to those gifts. NRS 281A.420(2).

5. Can a City Council member or City employees use governmental time, property or equipment for non-governmental purposes?

In general, no, a City officer or employee cannot use governmental time, property, equipment or other facility to benefit a **significant personal or pecuniary interest** of the public officer or employee. NRS 281A.400(7).¹

Examples of prohibited conduct include:

- A City Council member cannot require or authorize a City employee, while on duty, to perform personal services, assist in a private activity, or engage in political activity.
- A City Council member cannot endorse a person's candidacy by using his or her name and official City title in an advertisement.
- A City Council member cannot endorse a person's business by using his or her name and official City title in a commercial advertisement for the business.
- A public officer cannot use the physical trappings of his or her office or position to bolster an endorsement of a candidate, e.g., badge, uniform, official vehicle, or city office.
- A City employee cannot use a city-owned computer or email to access an online website for people who want to cheat on their spouses, or to participate in the viewing or exchange of pornography.
- A City employee cannot use a city-owned computer to send chain letters, solicitations, spam, or advertisements not related to City municipal purposes or activities.
- A public officer cannot use a city-owned computer or email system to promote political or

¹ A **limited use** of governmental property, equipment or other facility for personal purposes *may* be permitted provided there is a City policy permitting the use; the use does not interfere with the performance of the public officer's or employee's public duties; the cost or value related to the use is nominal; and the use does not create the appearance of impropriety. When in doubt, please consult the City Attorney's Office.

religious causes or activities.

6. Whether a City Council member or City employee can request or cause the City to spend money to support or oppose a candidate for office?

In general, no, a City public officer or employee cannot request or cause the City to spend money to support or oppose a candidate for office.² NRS 281A.520(1).

7. Can a City Council member request or cause the City to spend money on a newsletter, pamphlet, brochure, publication, advertisement or television programming prominently featuring a candidate for political office?

In general, no, during an election year a City Council member cannot request or cause the City to spend money on a newsletter, pamphlet, brochure, publication, advertisement or television programming prominently featuring a candidate for political office (collectively, the “published material”), unless the published material:

- Is published on a regular basis and merely describes the functions of the City office held by the person who is the candidate; or,
- Is created or disseminated in the course of carrying out a duty of the City officer employed by the City.

NRS 281.520(4). Published material does not include any press release issued to the media by the City or the official City website. NRS 281.520(6)(b).

8. Can a City Council member up for reelection recommend that the City Council make a donation to a nonprofit organizations or a governmental entity in accordance with NRS 268.028?

No. City Council Resolution Nos. 6652 and 8133 prohibit a City Council member that is a “candidate” as defined by NRS 294A.005 from recommending that the City Council make a donation to a nonprofit organizations or a governmental entity in accordance with NRS 268.028. A “candidate” means any person:

1. Who files a declaration of candidacy; or
2. Who files an acceptance of candidacy.

9. Whether a City Council member or City employee can request or cause the City to spend money to support or oppose a ballot question?

In general, no, a City officer or employee cannot request or cause the City to spend money to support or oppose a ballot question. NRS 281A.520(1).

10. Can the City spend money on a television show to support or oppose a ballot question?

In general, no, the City cannot spend money on a television show to support or oppose a ballot question unless the program provides a forum for discussion or debate regarding the ballot question, and persons both in support of and in opposition to the ballot question participate in the television program. NRS 281A.520(5).

² Technically, this prohibition applies when the Mayor or a City Council member files a declaration of candidacy or acceptance of candidacy and ends on the date of the election.

11. Can the Mayor or a City Council member dictate the appointment, suspension or removal of any employee?

No. Except as specifically authorized in the Charter, Reno City Charter § 3.140 prohibits the Mayor and City Council members from dictating the appointment, suspension or removal of any employee. Moreover, no person covered by the rules and regulations of the Civil Commission may be appointed, suspended or removed except as provided in those rules and regulations.

12. Outside of a public meeting, can the Mayor or a City Council member order a city employee to take specific action?

Reno City Charter § 3.140(2)(b) prohibits the Mayor and City Council members from giving any order, publicly or privately, to any subordinate of the City Manager.

13. If you have further questions, who should you talk to?

In general, contact the City Attorney's Office and/or the Nevada Commission on Ethics if you have any questions regarding any of the matters touched on in this memo. In addition, attached for your review is the *Ethics in Government Manual for Nevada Public Officers and Employees: NRS 241A* (July, 2014).

PRIVATE MEETING REQUEST FORM

I, _____, request permission to attend a **private, non-public meeting** held, hosted, or at the request of _____ on _____, 202__, to speak on topics related to my official duties and/or City business, specifically: _____

City staff participation will substantially further City interests by _____

The audience will consist of _____

The general public will not be allowed to attend because _____

Other considerations (if any) _____

☐ Waiver of fees \$ _____ ☐ Meals or refreshments (est. value) \$ _____

☐ Reimbursement of City expenses

Approved by:

CITY MANAGER

_____ Dated: _____



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Bonnie Weber**, Councilmember,
City Council, City of Reno,
State of Nevada,

Ethics Complaint
Case No. 20-010C

Subject. /

STIPULATED DEFERRAL AGREEMENT

1. **PURPOSE:** This Stipulated Deferral Agreement resolves Ethics Complaint Case No. 20-010 before the Nevada Commission on Ethics ("Commission") regarding alleged misconduct of Bonnie Weber ("Weber"), Councilmember, City of Reno ("City"), Nevada.

2. **JURISDICTION:** At all material times, Weber served as a public officer for the City, as defined in NRS 281A.160 and 281A.182. The Ethics in Government Law ("Ethics Law") set forth in NRS Chapter 281A gives the Commission jurisdiction over elected and appointed public officers and public employees whose conduct is alleged to have violated the provisions of NRS Chapter 281A. See NRS 281A.280. Accordingly, the Commission has jurisdiction over Weber in this matter.

3. **PROCEDURAL HISTORY**

- a. On or about February 10, 2020, the Commission received Ethics Complaint No. 20-010C ("Complaint").
- b. A redacted version of the Complaint¹ provided to Weber alleges that private meetings Weber held with North Valley's stakeholders, including property developers and builders, violated the Ethics Law—at least in part because the meetings included privately paid for lunches and were attended by certain City staff. The confidential Requester checked boxes on the complaint form alleging that Weber violated NRS 281A.400(1), (2), (5) and (7) and NRS 281A.420(1) and (3).

¹ The Ethics Complaint was redacted to keep the identity of the Requester confidential pursuant to NRS 281A.750.

- c. On March 26, 2020, the Commission issued its *Order on Jurisdiction and Investigation* directing the Executive Director to investigate allegations that Weber violated NRS 281A.400(1), (2) and (7), and inviting Weber to provide a written response to the allegations in the Complaint.
- d. On April 2, 2020, the Commission issued its *Amended Notice of Complaint and Investigation* pursuant to NRS 281A.720, noting Commissioner Yen's disclosure and abstention from these proceedings.
- e. On April 2, 2020, the Commission issued its *Amended Order on Jurisdiction and Investigation* dismissing allegations that Weber violated NRS 281A.400(5) and NRS 281A.420(1) and (3) for lack of sufficient evidence in the Complaint.
- f. On May 5, 2020, Weber voluntarily waived the statutory time limits for the Executive Director to complete the investigation, and for the review panel to render an opinion.
- g. On June 29, 2020, Weber submitted documentary evidence, sworn statements, and a *Response to Notice of Complaint and Investigation* to the Commission. Weber argues and maintains that she did not violate NRS 281A.400(1), (2) or (7) by using City letterhead for a private event or accepting payment for lunches from developers who had land-use matters before City Council.
- h. On August 18, 2021, the Executive Director presented a recommendation relating to just and sufficient cause to a Review Panel ("Panel") consisting of Vice-Chair Brian Duffrin and Commissioners Barbara Gruenewald, Esq. and James Oscarson pursuant to NRS 281A.720. The Panel reviewed: (1) Ethics Complaint No. 20-010C; (2) Order on Jurisdiction and Investigation in Ethics Complaint No. 20-010C; (3) Weber's Response to the Complaint; (4) Executive Director's Recommendation to the Review Panel with Summary of Investigatory Findings; and (5) Relevant Evidentiary Exhibits.
- i. The Panel unanimously concluded that the facts established credible evidence to support a determination that just and sufficient cause existed for the Commission to render an opinion in the matter regarding the alleged violation of NRS 281A.400(1), (2) and (7).

- j. Pursuant to its *Review Panel Determination and Referral Order* dated August 18, 2021, the Panel referred the Complaint to the Commission for further proceedings, including rendering an opinion on whether Weber violated NRS 281A.400(1), (2) and (7) with regard to accepting a gift which would tend improperly to influence a reasonable person in the public officer's position to depart from the faithful and impartial discharge of the public officer's public duties, using her position to secure unwarranted privileges, preferences or advantages, and improperly using governmental time, property, equipment or resources, including use of public staff, to benefit a significant personal or pecuniary interest.
- k. On August 31, 2021, the Commission issued its *Notice of Hearing and Scheduling Order* authorizing the parties to engage in continued investigation of facts and exchange of written discovery, including interrogatories, requests for production, requests for admission, and depositions, as permitted by NRS Chapter 281A and NAC Chapter 281A.
- l. On September 1, 2021, the Commission issued its *Revised Notice of Hearing and Scheduling Order*, correcting the date for the adjudicatory hearing, and reaffirming its prior order ("Scheduling Order").
- m. Pursuant to the Scheduling Order, the Executive Director continued the investigation of the facts and the parties engaged in discovery.
- n. During the course of the Executive Director's investigation and the parties' discovery efforts, Weber was transparent, forthcoming, and cooperative with the Commission investigator and counsel, including without limitation, voluntarily meeting with the investigator and counsel to answer questions, providing documentary evidence, identifying potential witnesses and persons with knowledge, producing City policies and procedures, and coordinating with City officers and employees and Commission staff and counsel.
- o. Upon completion of the Executive Director's investigation and the parties' discovery, the undisputed evidence shows that Weber did not use City letterhead for private events and did not accept payment for lunches from developers who had land-use matters before City Council.

- p. With regards to claims that Weber improperly used City staff to benefit a significant personal or pecuniary interest, the evidence shows that City of Reno, Policies and Procedures, No. 401, Ethical Standards (“Policy No. 401”), does not adequately address situations where City staff attend meetings that are hosted or organized by elected officials, but not open to the general public.
- q. While Weber did invite City staff to a series of private events, the evidence shows that—similar to other private events hosted by industry groups and trade associations—City staff asked for and accepted invitations, attended, presented, engaged in discussions, and answered questions in furtherance of their public duties and City business. Specifically, City staff chose to participate in Weber’s events to educate and engage the development community in North Valleys, elicit input and feedback on City policies and procedures, exchange information, and discuss mutual problems and solutions. See, e.g., *In re Public Officer*, Comm’n Opinion No. 11-36A (2012). In light of the public benefit derived from City staff’s participation, coupled with the fact that Weber did not direct, order, or otherwise compel City staff to attend or participate in any meeting, there is insufficient evidence to conclude that Weber used City staff to benefit her personal or financial interests, or the personal or financial interest of others.
- r. In light of the insufficiency in Policy No. 401, Weber’s commitment to transparency and public integrity, and the parties’ desire to clarify and improve public officers’ ethical standards of conduct, Weber and the Commission agree to enter into this Stipulated Deferral Agreement (“Agreement”).

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4. TERMS AND CONDITIONS: Weber and the Commission agree and stipulate as follows:

- a. The Commission hereby dismisses with prejudice all claims that Weber violated NRS 281A.400(1) and (2) and claims that she violated NRS 281A.400(7) by using City letterhead for a private event.
- b. The Commission will defer all claims that Weber otherwise violated NRS 281A.400(7) by using City staff to benefit her personal or financial interests, or the personal or financial interest of others, for a period of 90 days from the Effective Date of this Agreement or as may be extended pursuant to the terms of this Deferral Agreement (the "Deferral Period").
- c. Weber agrees to waive applicable time limitations set forth in NRS Chapter 281A and defer her defense to claims that Weber violated NRS 281A.400(7) by using City staff to benefit her personal or financial interests, or the personal or financial interest of others for the Deferral Period.
- d. During the Deferral Period, Weber agrees to work with the City Manager, the City Attorney's Office, and the Executive Director or duly authorized designee to: (i) update and revise Policy No. 401 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 Policy No. 401 and encourage impacted City officials and employees to receive training on Policy No. 401.
- e. The Executive Director or duly authorized designee may elect to extend the Deferral Period up to 30 days.
- f. All remaining claims are dismissed with prejudice upon the expiration of the Deferral Period unless the Executive Director or duly authorized designee notifies Weber in writing prior to the expiration of the Deferral Period that (s)he objects to the City's revisions to Policy No. 401, and the grounds for the objection.

5. **ACCEPTANCE:** We, the undersigned parties, have read this Stipulated Agreement, understand each and every provision therein, and agree to be bound thereby. The parties orally agreed to be bound by the terms of this agreement during the regular meeting of the Commission on October 20, 2021 (the "Effective Date").

DATED this 20th day of October, 2021. Bonnie Weber
Bonnie Weber

The above Stipulated Agreement is approved by:

FOR BONNIE WEBER

DATED this 21 day of October, 2021. Paul A. Lipparelli, Esq.
Paul A. Lipparelli, Esq.

DATED this 20th day of October, 2021. Jonathan D. Shipman, Esq.
Jonathan D. Shipman, Esq.
Reno City Attorney's Office

FOR EXECUTIVE DIRECTOR,
NEVADA COMMISSION ON ETHICS

DATED this 25th day of October, 2021. Elizabeth J. Bassett, Esq.
Elizabeth J. Bassett, Esq.
Associate Counsel

///

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Approved as to form by:

FOR NEVADA COMMISSION ON ETHICS

DATED this 2nd day of November, 2021.

/s/ Tracy L. Chase

Tracy L. Chase, Esq.
Commission Counsel

The above Stipulated Agreement is accepted by the Commission.²

DATED: November 2, 2021

By: /s/ Kim Wallin

Kim Wallin, CPA, CMA, CFM
Chair

By: /s/ Thoran Towler

Thoran Towler, Esq.
Commissioner

By: /s/ Teresa Lowry

Teresa Lowry, Esq.
Commissioner

By: ABSTAIN

Amanda Yen, Esq.³
Commissioner

By: /s/ Damian R. Sheets

Damian R. Sheets, Esq.
Commissioner

² Vice-Chair Duffrin and Commissioners Gruenewald and Oscarson participated in the Review Panel hearing for Ethics Complaint No. 20-010C and are therefore precluded from participating in this Stipulated Agreement pursuant to NRS 281A.220(4).

³ After consulting with Commission Counsel and in compliance with NRS 281A.420, Commissioner Yen has and continues to disclose that she is a partner with the law firm of McDonald Carano and the law firm either represents the City of Reno ("City") or is involved in litigation associated therewith, which litigation does not involve the present Complaint. Commissioner Yen has a commitment in a private capacity pursuant to NRS 281A.065(5) based upon the business relationship existing between the City and the law firm. Given the Subject is an elected official of the City, under both the Ethics Law and the Nevada Code of Judicial Conduct, the independence of judgment of a reasonable person in Commissioner Yen's situation would be materially affected by the private commitment and she is abstaining from these proceedings.



**STATE OF NEVADA
BEFORE THE NEVADA COMMISSION ON ETHICS**

In re **Bonnie Weber**, Councilmember,
City Council, City of Reno,
State of Nevada,

Ethics Complaint
Case No. 20-010C

Subject. /

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

The Nevada Commission on Ethics ("Commission") may be holding various hearings, meetings, judicial review or appellate proceedings and other proceedings to consider the Subject's character, misconduct or competence as related to the above referenced Consolidated Ethics Complaints (collectively "Proceedings"). If the Proceedings are not exempt from Nevada's Open Meeting Law pursuant to NRS Chapters 241 or 281A, NRS 241.033(1) requires notice be personally served on Subject of the time and place of the meeting at least 5 working days before the meeting or sent by certified mail to the last known address at least 21 working days before the meeting. Subject has provided a limited waiver of the sixty (60) day statutory timeline to conduct the adjudicatory under NRS 281A.745 until January 31, 2022.

During the waiver period, Subject agrees to comply with all noticed deadlines and scheduled dates for the Proceedings, including those noticed by a posted public agenda, scheduled with the parties or set forth in a Notice of Hearing and Scheduling Order and other issued Orders, including any amendments thereto.

I, Bonnie Weber, understand the statutory notice requirements of NRS 241.033 and hereby knowingly and voluntarily waive my rights thereto associated with any Proceedings. In doing so, I expressly consent to any discussion of my qualifications, competence and character in the Proceedings. Prior to signing this waiver, I either had the opportunity to discuss this matter with my attorney or have voluntarily determined to proceed on my own accord, thereby waiving the right to consult with an attorney.

Dated this 7th day of October, 2021.

By: Bonnie Weber
Bonnie Weber



**STATE OF NEVADA
COMMISSION ON ETHICS**

704 W. Nye Lane, Suite 204
Carson City, Nevada 89703
(775) 687-5469 • Fax (775) 687-1279
ethics.nv.gov

In re **Bonnie Weber**, Councilmember,
City Council, City of Reno,
State of Nevada,

Ethics Complaint
Case No. 20-010C

Subject. /

**LIMITED WAIVER OF STATUTORY TIME
REQUIREMENTS: ADJUDICATORY HEARING**



I, Bonnie Weber, the above Subject, affirm that I am represented by counsel and have read the provisions of NRS 281A.745 and hereby freely and voluntarily waive the sixty (60) day statutory time limit until January 31, 2022, for the Commission to hold the adjudicatory hearing and render an opinion in this matter on any date which is hereafter agreed to by my counsel of record or set forth in a Notice of Hearing and Scheduling Order issued in these proceedings.

Dated: _____

10/07/21

Bonnie Weber

Bonnie Weber

Date received: _____

10/11/21

Employee of the Commission

Doreen Hays

Agenda Item 9

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| 09_20200813 Waiver OML 19-102C- signed by MEF obo TQuigley | 25 |



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Tina Quigley**, former Member of
the Nevada High-Speed Rail Authority,
State of Nevada,

Ethics Complaint
Case No. 19-102C

Subject. /

PROPOSED **STIPULATED AGREEMENT**

1. **PURPOSE:** This Stipulated Agreement resolves Ethics Complaint, Case No. 19-102C ("Complaint") before the Nevada Commission on Ethics ("Commission") concerning Tina Quigley ("Quigley") and serves as the final opinion in this matter.

2. **JURISDICTION:** At all material times, Quigley was a member of the Nevada High-Speed Rail Authority ("Authority") and was a public officer as defined in NRS 281A.160. The Ethics in Government Law ("Ethics Law") set forth in NRS Chapter 281A gives the Commission jurisdiction over elected and appointed public officers and public employees whose conduct is alleged to have violated the provisions of NRS Chapter 281A. See NRS 281A.280. Accordingly, the Commission has jurisdiction over Quigley in this matter.

3. **PROCEDURAL HISTORY BEFORE COMMISSION**

A. On or about October 22, 2019, the Commission received Ethics Complaint No. 19-102C, alleging that Quigley used her official position on the Authority and the relationships that she developed in that public position to obtain private employment with Virgin Trains, the successor to the franchisee selected by the Authority, in violation of the following provisions of the Ethics Law:

- 1) NRS 281A.400(10) – Seeking other employment or contracts for herself or any person to whom she has a commitment in a private capacity through the use of her official position;
- 2) NRS 281A.410(1) – Representing or counseling a private person for compensation on an issue pending before the agency while employed, or

within 1 year after leaving the service of the agency, including before any state agency of the Executive or Legislative Department.

B. On December 9, 2019, the Commission issued its *Order Initiating an Ethics Complaint, Accepting Jurisdiction and Directing an Investigation* (“Order”) and Commission staff issued a *Notice of Complaint and Investigation* (“Notice”) pursuant to NRS 281A.720.

C. Quigley provided a written response to the Complaint through her counsel, Mark E. Ferrario, Esq. of Greenberg Traurig, LLP, on or about February 13, 2020.

D. On July 14, 2021, the Executive Director presented a recommendation relating to just and sufficient cause to a three-member Review Panel pursuant to NRS 281A.720.

E. In a Panel Determination issued on July 22, 2021, the Review Panel unanimously found and concluded that:

- There is sufficient credible evidence to support a determination that just and sufficient cause exists to refer the allegations related to NRS 281A.400(10) and NRS 281A.410(1) to the Commission for further proceedings.

F. In lieu of an adjudicatory hearing before the Commission, Quigley now enters into this Stipulated Agreement.

4. STIPULATED FACTS: At all material times relevant to the allegations in this matter, the Commission’s Executive Director and Quigley agree to the following facts:¹

A. Senate Bill 457 (“SB 457”), passed in 2015 during the 78th legislative session, authorized the development of the Nevada High-Speed Rail Authority (“Authority”). SB 457 has been codified into NRS Chapter 705. The Authority is charged with facilitating the implementation of a high-speed rail system connecting southern California and southern Nevada.

B. Governor Brian Sandoval appointed Quigley to a four-year term on the Authority on September 10, 2015.

¹ Stipulated Facts do not constitute part of the “Investigative File” as that term is defined by NRS 281A.755. All statutory and common law protections afforded to the Investigative File shall remain and are not affected by this Stipulated Agreement.

C. The Authority is comprised of a five-member board (“Board”) tasked with selecting a franchisee to construct and operate the high-speed rail system and other duties as set forth in NRS Chapter 705. The selected franchisee may, with the assistance of the Authority, acquire or gain control of use of land for the system and accept funding from a variety of public and private entities.

D. NRS 705.850 provides that “[t]he members of the Authority serve without compensation but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally while engaged in the official business of the Authority.”

E. Pursuant to NRS 705.890, the Authority is authorized to assist the franchisee in funding the construction of the high-speed rail system by issuing bonds, notes, or obligations.

F. On or about November 18, 2015, the Authority selected XpressWest as the Franchisee.

G. In March 2019, Virgin Trains USA acquired XpressWest and therefore became the high-speed rail franchisee.

H. In June 2019, Virgin Trains USA approached Quigley offering her employment with the company as it worked toward bringing high-speed rail service from southern California to southern Nevada.

I. On or about June 30, 2019, Quigley resigned from the Authority.

J. In October 2019, Quigley accepted the position of Vice President of Business Strategy with Virgin Trains.

K. Quigley left her employment with Virgin Trains in March 2020.

5. TERMS / CONCLUSIONS OF LAW: Based on the foregoing, Quigley and the Commission agree as follows:

A. Each of the stipulated facts enumerated in Section 4 of this Stipulated Agreement is agreed to by the parties.

B. Quigley recognizes that as a member of the Authority’s Board, she was a public officer pursuant to NRS 281A.160 and was subject to the requirements of NRS 281A, including NRS 281A.400(10) and NRS 281A.410(1).

C. Quigley further recognizes that as a public officer the Ethics Law prohibited her from using her position with the Authority, or contacts made through her position with the Authority, to seek or accept employment.

D. The Parties hereby stipulate to the dismissal of the alleged violations of NRS 281A.400(10) and NRS 281A.410(1). This stipulated dismissal is based on a lack of sufficient evidence to support the violations by a preponderance of the evidence.

E. The stipulated dismissal is further based upon the consideration and application of the following statutory mitigating criteria set forth in NRS 281A.775:

- 1) Quigley has not previously been the subject of any violation of the Ethics Law.
- 2) Virgin Trains purchased the franchisee, XpressWest, more than three years after the Authority selected XpressWest as the franchisee.
- 3) Four years passed between the time XpressWest was selected by the Authority as the franchisee and when Quigley accepted employment with Virgin Trains.
- 4) The last meeting of the Authority's Board took place on July 18, 2017, and the Board met only three times after selecting the franchisee in November 2015.
- 5) Quigley is no longer employed by Virgin Trains.
- 6) Quigley is not currently a public officer or employee.

F. Quigley agrees to complete Ethics training within six (6) months of the execution of this Agreement.

G. This Stipulated Agreement depends on and applies only to the specific facts, circumstances and law related to the Ethics Complaint now before the Commission. Any facts or circumstances that may come to light after its entry that are in addition to or differ from those contained herein may create a different resolution of this matter.

H. This Agreement is intended to apply to and resolve only this specific proceeding before the Commission and is not intended to be applicable to or create any admission of liability for any other proceeding, including administrative, civil, or criminal, regarding Quigley. If the Commission rejects this Stipulated Agreement, none of the

provisions herein shall be considered by the Commission or be admissible as evidence in a hearing on the merits in this matter.

6. WAIVER

A. Quigley knowingly and voluntarily waives her right to an adjudicatory hearing before the full Commission on the allegations in Ethics Complaint, Case No. 19-102C and all rights she may be accorded with regard to this matter pursuant to the Ethics Law (NRS Chapter 281A), the regulations of the Commission (NAC Chapter 281A), the Nevada Administrative Procedures Act (NRS Chapter 233B) and any other applicable provisions of law.

B. Quigley knowingly and voluntarily waives her right to any judicial review of this matter, as provided in NRS Chapter 281A, NRS Chapter 233B or any other applicable provisions of law.

7. ACCEPTANCE: We, the undersigned parties, have read this Stipulated Agreement, understand each and every provision therein, and agree to be bound thereby. The parties orally agreed to be bound by the terms of this agreement during the regular meeting of the Commission on January 19, 2022.²

DATED this _____ day of _____, 2022.

DRAFT

Tina Quigley

FOR TINA QUIGLEY,
Subject

DATED this _____ day of _____, 2022.

DRAFT

Mark E. Ferrario, Esq.
Counsel for Subject

FOR ROSS E. ARMSTRONG, ESQ.,
Executive Director
Commission on Ethics

DATED this _____ day of _____, 2022.

DRAFT

Elizabeth J. Bassett, Esq.
Associate Counsel
Nevada Commission on Ethics

² Subject waived any right to receive written notice pursuant to NRS 241.033 of the time and place of the Commission's meeting to consider her character, alleged misconduct, professional competence, or physical or mental health.

Approved as to form by:

FOR NEVADA COMMISSION
ON ETHICS

DATED this _____ day of _____, 2022.

DRAFT

Tracy L. Chase, Esq.
Commission Counsel

The above Stipulated Agreement is accepted by the majority of the Commission.³

Dated this **XX** day of January, 2022.

NEVADA COMMISSION ON ETHICS

By: DRAFT
Kim Wallin, CPA, CMA, CFM
Chair

By: DRAFT
James Oscarson
Commissioner

By: DRAFT
Brian Duffrin
Vice-Chair

By: DRAFT
Damian R. Sheets, Esq.
Commissioner

By: DRAFT
Barbara Gruenewald, Esq.
Commissioner

³ Commissioners Yen, Lowry and Towler participated in the Review Panel hearing and are therefore precluded from participating in the Commission's consideration of this Stipulated Agreement pursuant to NRS 281A.220(4).



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Tina Quigley**, former Member of
the Nevada High-Speed Rail Authority,
State of Nevada,

Ethics Complaint
Case No. 19-102C

Subject. /

NOTICE OF HEARING TO CONSIDER STIPULATED AGREEMENT
NRS 281A.745

PLEASE TAKE NOTICE, the Nevada Commission on Ethics ("Commission") will hold a public meeting to consider a **Proposed Stipulated Agreement** regarding the allegations submitted in Ethics Complaint No 19-102C at the following time and location:

When: Wednesday, **January 19, 2022** at **9:30 a.m.**

Where: **Zoom Meeting:**

<https://us06web.zoom.us/j/85009716653?pwd=RjlaNTF6WGk5bzIMRDNWSWJCVjNGQT09>

Meeting ID: 850 0971 6653

Passcode: 420650

Zoom Meeting Telephone Number: 669-900-9128

Subject has waived the personal notice requirements of NRS 241.033 (Nevada's Open Meeting Law). If the Proposed Stipulated Agreement is approved, it will serve as the final written opinion in this matter pursuant to NRS 281A.135.

DATED: January 12, 2022

/s/ Tracy L. Chase
Tracy L. Chase, Esq.
Commission Counsel

CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada Commission on Ethics and that on this day in Carson City, Nevada, I transmitted a true and correct copy of the **Notice of Hearing to Consider Stipulated Agreement** in the captioned matter via electronic mail to the Parties as follows:

Ross Armstrong, Esq.
Executive Director
Elizabeth J. Bassett, Esq.
Associate Counsel
Kari Pedroza, Executive Assistant
704 W. Nye Lane, Suite 204
Carson City, NV 89703

Email: rarmstrong@ethics.nv.gov

Email: ebassett@ethics.nv.gov

cc: k.pedroza@ethics.nv.gov

Tina Quigley
c/o Mark E. Ferrario, Esq.
Greenberg Traurig, LLP
10845 Griffith Peak Drive, Suite 600
Las Vegas, NV 89135

Email: ferrariom@gtlaw.com

Email: cowdent@glaw.com

cc: rosehilla@gtlaw.com

DATED: January 12, 2022



Employee of the Nevada Commission on Ethics



NEVADA COMMISSION ON ETHICS

ETHICS COMPLAINT

[Sec. 3.6 to 13, inclusive, of S.B. 84 \(2017\)](#)

1. Provide the following information for the public officer or employee you allege violated the Nevada Ethics in Government Law, NRS Chapter 281A. ***(If you allege that more than one public officer or employee has violated the law, use a separate form for each individual.)***

| | | | | |
|--|--|---------------------------|---|----------------------|
| Name: <i>(Last, First)</i> | Quigley , Tina | | Title of Public Office: <i>(Position)</i> | CEO / Board Member |
| Public Entity: <i>(Name of the entity employing this position)</i> | Regional Transportation Commission of Southern NV / Nevada High-Speed Rail Authority | | | |
| Address: | 2820 Faiss Drive | | City, State, Zip Code: | Las Vegas, NV 89134 |
| Telephone: | <u>Work:</u> 702-350-6443 | <u>Other (home/cell):</u> | Email: | quigleyt@rtcshnv.com |

2. Describe in specific detail the public officer's or employee's conduct that you allege violated NRS Chapter 282A. ***(Include specific facts and circumstances to support your allegation: times, places, and the name and position of each person involved.)***

Tina Quigley is the CEO of the Las Vegas Regional Transportation Commission (RTC), a Nevada public corporation. She is also a member of the Nevada High Speed Rail Authority Board (NHSRA), having been appointed by then-governor Sandoval in September, 2015. The NHSRA regulates high-speed rail in Nevada. In November 2015, during a hearing that selected the HSR franchisee, Xpresswest, Ms. Quigley was particularly vocal in limiting free speech and in steering the panel to approve what was clearly her choice, Xpresswest, which was recently purchased by Virgin Trains USA, a company she is about to work for in an executive position. (See news items, attached).

3. Is the alleged conduct the subject of any action or matter currently pending before another administrative or judicial body? If yes, describe:

Not that I am aware.

4. NRS 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.**

| | |
|--|--|
| <input type="checkbox"/> 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. |
| <input type="checkbox"/> 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. |
| <input type="checkbox"/> NRS 281A.400(3) | Participating as an agent of government in the negotiation or execution of a contract between the government and himself, and any business entity in which he has a significant pecuniary interest or any person to whom he has a commitment in a private capacity. |
| <input type="checkbox"/> 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. |
| <input type="checkbox"/> 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. |
| <input type="checkbox"/> NRS 281A.400(6) | Suppressing any governmental report or other document because it might tend to affect unfavorably his pecuniary interests, or any person to whom he has a commitment in a private capacity. |
| <input type="checkbox"/> NRS 281A.400(7) | Using governmental time, property, equipment or other facility to benefit his significant person or financial interest, or any person to whom he has a commitment in a private capacity. <i>(Some exceptions apply)</i> |
| <input type="checkbox"/> 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. <i>(Some exceptions apply)</i> |
| <input type="checkbox"/> NRS 281A.400(9) | Attempting to benefit his personal or financial interest or any person to whom he has a commitment in a private capacity through the influence of a subordinate. |
| <input type="checkbox"/> 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. |
| <input type="checkbox"/> NRS 281A.400(1) | Representing or counseling a private person for compensation on an issue pending before the agency while employed, or within 1 year after leaving the service of the 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.) |
| <input type="checkbox"/> NRS 281A.420(1) | Failing to sufficiently disclose his acceptance of a gift or loan, pecuniary interest, or commitment in a private capacity to the interest of another person that is reasonably affected by an official matter. |
| <input type="checkbox"/> 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. |
| <input type="checkbox"/> NRS 281A.430 | Negotiating, bidding on or entering into a government contract in which he has a significant pecuniary interest. |
| <input type="checkbox"/> NRS 281A.500 | Failing to file or timely file a Nevada Acknowledgement of Ethical Standards for Public Officers form. |
| <input type="checkbox"/> NRS 281A.510 | Accepting or receiving an improper honorarium. |
| <input type="checkbox"/> 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. |
| <input checked="" type="checkbox"/> 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 the service of the agency. (Failing to honor the applicable "cooling off" period after leaving public service). |

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

1. Spouse; domestic partner
2. Household member
3. Family member within 3rd degree of consanguinity

4. Employer or spouses/domestic partners employer
5. Substantial and continuing business partner/associate
6. Substantially similar relationships

5. YOU MUST SUBMIT EVIDENCE TO SUPPORT YOUR ALLEGATIONS. Attach all documents or items you believe support your allegations. [NAC 281A.400\(6\)](#) defines evidence which supports the allegation as any reliable and competent form of proof provided by witnesses, public and private records, audio or visual recordings, documents, exhibits, concrete objects, and such forms of proof that support a reasonable belief in the truth of the allegation. A newspaper article or other media report will not support your allegations if it is offered by itself, but may be included with evidence that corroborates the article on report.

6. Witnesses: Identify all persons who have knowledge of the facts and circumstances you have described, as well as the nature of the testimony the person will provide.

| | | | | |
|----------------------|--------------|---------------------------|--------|--|
| Name and Title: | | | | |
| Address: | | City, State, Zip: | , NV | |
| Telephone: | <u>Work:</u> | <u>Other (home/cell):</u> | Email: | |
| Nature of Testimony: | | | | |

7. Requesters Information:

| | | | | |
|-----------------|-----------------------------|-------------------------|---------------------|----------------------|
| Your Name: | Dave Brough | | | |
| Your Address: | | City, State, Zip: | LAS VEGAS, NV 89134 | |
| Your Telephone: | <u>Day:</u> 702-350-6443 | <u>Evening:</u> | Email: | davebrough@gmail.com |

* NOTE: Your identity as the Requester and a copy of this Complaint will be provided to the Subject if the Commission accepts jurisdiction of the matter, unless:

Pursuant to Sec. 8 of S.B. 84, 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 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 the facts and circumstances which support a reasonable likelihood of a bona fide threat of physical force or violence.

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 bonafide threat of physical harm.

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, pursuant to NRS 281A, this Ethics Complaint, the materials submitted in support of the allegations, and the Commissions investigation are confidential unless and until the Commissions Review Panel renders a determination. The Commission's Investigatory File remains confidential.



Signature:

Date: 10-22-2019

Print Name: David Brough

You must submit this form bearing your signature to:

Executive Director
Nevada Commission on Ethics
704 W. Nye Lane, Suite 204
Carson City, Nevada 89703

Or through the Commissions website: www.ethics.nv.gov

Tina Quigley, CEO of Southern Nevada transportation agency, to retire



In this Aug. 22, 2019, file photo, Tina Quigley, CEO of the Regional Transportation Commission of Southern Nevada, speaks during the Clean Energy and Transportation Summit at Thomas & Mack Center in Las Vegas. (Elizabeth Page Brumley/Las Vegas Review-Journal @EliPagePhoto)



By **Mick Akers** Las Vegas Review-Journal

September 12, 2019 - 8:17 am



Updated September 12, 2019 - 8:49 pm

After 14 years with the Regional Transportation Commission of Southern Nevada, CEO Tina Quigley announced Thursday that she is retiring from the transportation agency effective Nov. 14.

Quigley, 52, joined the RTC after 15 years at McCarran International Airport. She spent seven years as general deputy manager of the RTC before being named general manager of the agency in 2012. Her title was changed to CEO earlier this year.

Quigley said she will remain in Las Vegas Valley as she is leaving to join an undisclosed new venture in the transportation realm.

“I am in negotiations with another project that I believe very much in, that will be good for Southern Nevada,” Quigley said. “That’s the only reason I would ever consider leaving.”

Quigley said she could not disclose what the new venture is yet, but expected an announcement to roll out sometime in the next several months.

Of her more than 14 years with the RTC, Quigley is most proud of the work by her team spearheading some groundbreaking transportation projects, including a partnership with Waycare, which uses artificial intelligence to predict where accidents will occur, and the Keolis autonomous shuttle pilot program in downtown Las Vegas.

“Over the past few years we’ve made several advancements in tying technology in with transportation,” Quigley told the Las Vegas Review-Journal. “Very proud of the Waycare initiative, very proud of working with the city on that first autonomous shuttle that operated in the downtown area, the first to operate in active, mixed traffic.”

Quigley also pointed to the building of the first 15 miles of Interstate 11, opening the Bonneville Transit Center in downtown and helping get the fuel tax revenue ballot measure passed as some of the highlights during her tenure.

It all started with her first day on duty with the RTC in 2005 when Quigley helped unveil the Deuce buses on the Strip, a day she remembers fondly.

“We had a parade of Deuce vehicles up and down the Strip, and it was clear to me that this was something very new and exciting as it related to transportation,” Quigley said. “Bringing in those double-deckers — it’s hard to think of a bus as being sexy, but these were some sexy vehicles. As they paraded around the Strip and I saw the excitement and the coverage and subsequently the ridership that came along with that, I was hooked in realizing that how you present transit and create transit in a way that it is desirable and attractive really reframes the national conversation on transit.”

Las Vegas Mayor Carolyn Goodman, who serves on the RTC board with Quigley, had high praise for the outgoing CEO.

“Words fail to express our gratitude to your long superior service to the people of Southern Nevada,” Goodman said at Thursday’s RTC board meeting. “It’s been an honor for me and my predecessor from the city to serve with you, knowing your work at the airport prior to your service here. You’re one outstanding woman and talent.”

The RTC board will be in charge of naming Quigley’s successor, but she recommended Deputy CEO M.J. Maynard take her place when she steps down.

“We’ve been talking about succession planning for a long time, and I can speak confidently on behalf of staff as we endorse and recommend to consider M.J. Maynard as the successor,” she said. “

Many members of the board, including Goodman, supported that idea, and it will be discussed at the RTC's October board meeting and then again at the Nov. 14 meeting, Quigley's last day.

Quigley will look forward to closing out her time over the next couple of months as she prepares for a new career journey.

"I feel really comfortable looking back on the things that we accomplished, but I am ready for personal growth," she said. "I am ready to try something new that is out of my comfort zone, but in transportation."

Contact Mick Akers at makers@reviewjournal.com or 702-387-2920. Follow [@mickakers](https://twitter.com/mickakers) on Twitter.



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Tina Quigley**, former Member of the Nevada High-Speed Rail Authority and former Chief Executive Officer of the Regional Transportation Commission of Southern Nevada, State of Nevada,

Ethics Complaint
Case No. 19-102C
Confidential

Subject. /

ORDER ON JURISDICTION AND INVESTIGATION

Pursuant to NRS 281A.715

The Nevada Commission on Ethics ("Commission") received an Ethics Complaint on October 22, 2019, regarding Subject Tina Quigley ("Subject"), former Member of the Nevada High-Speed Rail Authority and former Chief Executive Officer of the Regional Transportation Commission of Southern Nevada ("RTC"). On December 9, 2019, pursuant to the requirements of the Nevada Ethics in Government Law set forth in NRS Chapter 281A ("Ethics Law") and NAC 281A.405, the Commission¹ conducted its jurisdictional and evidentiary review of the record including the Ethics Complaint, supporting evidence and the recommendation of the Executive Director.²

IT IS HEREBY ORDERED:

The Commission accepts jurisdiction of this Ethics Complaint and directs the Executive Director to conduct an investigation regarding Subject's alleged violations of the following provisions of the Ethics Law:

NRS 281A.400(10) Seeking other employment or contracts for herself or any person to whom she has a commitment in a private capacity through the use of her official position.

NRS 281A.410(1) Representing or counseling a private person for compensation on an issue pending before the agency while employed, or within 1 year after leaving the service of the agency, including before any state agency of the Executive or Legislative Department.

¹ After consulting with Commission Counsel and in compliance with NRS 281A.420, Vice-Chair Weaver is disclosing that he is a partner with the law firm of Lewis Brisbois and the RTC is a client of the firm. Consequently, Vice-Chair Weaver has a commitment in a private capacity under NRS 281A.065(5) given the existing business relationship between the RTC and the law firm and, therefore, has abstained from participation in any proceedings relating to this ethics complaint in order to avoid any appearance of impropriety and because the independence of judgment of a reasonable person in his situation could be materially affected by the private commitment under the legal standard established in NRS 281A.420.

² NRS 281A.710(2) requires an ethics complaint be submitted with sufficient evidence to support the allegations and that term is defined by Section 11 of Approved Regulation of the Commission on Ethics, LCB File No. R108-18, effective August 30, 2018.

The Commission declines to investigate the following alleged violation for lack of sufficient evidence in the Complaint to support the allegation:

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 the service of the agency.

The Commission directs the Executive Director to serve this Order with a Notice of Complaint and Investigation as required by NRS 281A.720.

DATED this 9th day of December, 2019.

NEVADA COMMISSION ON ETHICS

/s/ Cheryl A. Lau

Cheryl A. Lau, Esq.
Commission Chair

CERTIFICATE OF MAILING

I certify that I am an employee of the Nevada Commission on Ethics and that on this day in Carson City, Nevada, I deposited for mailing, via U.S. Postal Service, certified mail, return receipt requested, through the State of Nevada mailroom, a true and correct copy of the foregoing **Order on Jurisdiction and Investigation**, addressed as follows:

Tina Quidlev


Cert. Mail No.: 9171 9690 0935 0037 6385 49

Dated: 12/9/19



Employee, Nevada Commission on Ethics



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Tina Quigley**, former Member of
the Nevada High-Speed Rail Authority,
State of Nevada,

Ethics Complaint
Case No. 19-102C

Subject. /

**REVIEW PANEL DETERMINATION AND
REFERRAL ORDER**

NRS 281A.730; NAC 281A.440

The Nevada Commission on Ethics ("Commission") received this Ethics Complaint on October 22, 2019, regarding the alleged conduct of Subject Tina Quigley ("Quigley"). On December 9, 2019, the Commission instructed the Executive Director to investigate alleged violations of NRS 281A.400(10) and NRS 281A.410(1).

Quigley is a public officer as defined in NRS 281A.160, and the Commission has jurisdiction over this matter pursuant to NRS 281A.280 because the allegations contained in the Complaint relate to Quigley's conduct as a public officer and have associated implications under the Ethics Law.

On July 21, 2021, a Review Panel consisting of Commissioners Amanda Yen, Esq. (Presiding Officer), Teresa Lowry, Esq. and Thoran Towler, Esq. reviewed the following: (1) Ethics Complaint No 19-102C (2) Order on Jurisdiction and Investigation in Ethics Complaint No. 19-102C; (3) Quigley's Response to the Complaint; and (4) Executive Director's Recommendation to the Review Panel with Summary of Investigatory Findings.¹

The Panel unanimously finds and concludes that the facts establish credible evidence to support a determination that just and sufficient cause exists for the Commission to render an opinion in the matter regarding the alleged violations of NRS 281A.400(10) and NRS 281A.410(1).

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¹All materials provided to the Review Panel, except the Ethics Complaint and the Order on Jurisdiction and Investigation, represent portions of the investigatory file and remain confidential pursuant to NRS 281A.750.

IT IS HEREBY ORDERED:

Based upon the just and sufficient cause determination, the Review Panel refers Ethics Complaint No. 19-102C to the Commission for further proceedings, which may include rendering an opinion on whether Quigley violated of NRS 281A.400(10) and NRS 281A.410(1) with regard to accepting employment with the franchisee selected by the Nevada High-Speed Rail Authority.

Dated this 22nd day of July, 2021.

REVIEW PANEL OF THE NEVADA COMMISSION ON ETHICS

By: /s/ Amanda Yen
Amanda Yen, Esq.
Commissioner/Presiding Officer

By: /s/ Thoran Towler
Thoran Towler, Esq.
Commissioner

By: /s/ Teresa Lowry
Teresa Lowry, Esq.
Commissioner

CERTIFICATE OF MAILING

I certify that I am an employee of the Nevada Commission on Ethics and that on this day in Carson City, Nevada, I transmitted a true and correct copy of the foregoing **REVIEW PANEL DETERMINATION** via U.S. Certified Mail and electronic mail addressed as follows:

Tina Quigley
c/o Mark E. Ferrario, Esq.
Greenberg Traurig, LLP
10845 Griffith Peak Drive, Suite 600
Las Vegas, NV 89135

Certified Mail No.: 9171 9690 0935 0037 6362 31

Email: ferrariom@gtlaw.com
cc: rosehilla@gtlaw.com

Dated: 7/22/21



Employee, Nevada Commission on Ethics



STATE OF NEVADA
COMMISSION ON ETHICS
704 W. Nye Lane, Suite 204
Carson City, Nevada 89703
(775) 687-5469 • Fax (775) 687-1279
ethics.nv.gov

In re **Tina Quigley**, former Member of
the Nevada High-Speed Rail Authority,
State of Nevada,

Ethics Complaint
Case No.19-102C

Subject. /


WAIVER OF STATUTORY TIME REQUIREMENTS: ADJUDICATORY HEARING

MEF for TQ

I, Tina Quigley, the above Subject, affirm that I am represented by counsel and have read the provisions of NRS 281A.745 and hereby freely and voluntarily waive the sixty (60) day statutory time limit for the Commission to hold the adjudicatory hearing and render an opinion in this matter on any date which is hereafter agreed to by my counsel of record or set forth in a Notice of Hearing and Scheduling Order issued in these proceedings.

Dated: August 13, 2021

Date received: August 16, 2021



Tina Quigley Mark Ferrario, Attorney for
Tina Quigley



Employee of the Commission



**STATE OF NEVADA
BEFORE THE NEVADA COMMISSION ON ETHICS**

In re **Tina Quigley**, former Member of
the Nevada High-Speed Rail Authority,
State of Nevada,

Ethics Complaint
Case No.19-102C

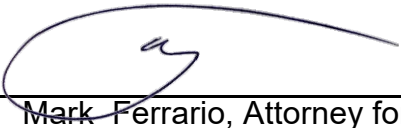
Subject. /

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

The Nevada Commission on Ethics ("Commission") may be holding various hearings, meetings, judicial review or appellate proceedings and other proceedings to consider the Subject's character, misconduct or competence as related to the above referenced Consolidated Ethics Complaints (collectively "Proceedings"). If the Proceedings are not exempt from Nevada's Open Meeting Law pursuant to NRS Chapters 241 or 281A, NRS 241.033(1) requires notice be personally served on Subject of the time and place of the meeting at least 5 working days before the meeting or sent by certified mail to the last known address at least 21 working days before the meeting. Subject agrees to comply with all noticed deadlines and scheduled dates for the Proceedings, including those noticed by a posted public agenda, scheduled with the parties or set forth in a Notice of Hearing and Scheduling Order and other issued Orders, including any amendments thereto.

I, Tina Quigley, understand the statutory notice requirements of NRS 241.033 and hereby knowingly and voluntarily waive my rights thereto associated with any Proceedings. In doing so, I expressly consent to any discussion of my qualifications, competence and character in the Proceedings. Prior to signing this waiver, I either had the opportunity to discuss this matter with my attorney or have voluntarily determined to proceed on my own accord, thereby waiving the right to consult with an attorney.

Dated this 13th day of August, 2021.

By: 

Tina Quigley Mark Ferrario, Attorney for
Tina Quigley