

# **Agenda Item 3**



**STATE OF NEVADA  
COMMISSION ON ETHICS**

<http://ethics.nv.gov>

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

The Commission on Ethics held a public meeting on  
Wednesday, February 16, 2022, at 9:30 a.m.  
Virtually via Zoom as follows:

**Zoom Meeting Information:**

<https://us06web.zoom.us/j/81741817354?pwd=UFBmQnh1Ris2dEhZNnluWjVFcEVOZz09>

Zoom Meeting Telephone Number: 669-900-9128

Meeting ID: 817 4181 7354

Passcode: 614991

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

1. Call to Order and Roll Call.

Chair Kim Wallin, CPA, CMA, CFM appeared via videoconference and called the meeting to order at 9:30 a.m. Also appearing via videoconference were Vice-Chair Brian Duffrin and Commissioners Barbara Gruenewald, Esq., James Oscarson, Damian R. Sheets, Esq., Thoran Towler, Esq. and Amanda Yen, Esq. Commissioner Teresa Lowry, Esq. was excused from the meeting. Present for Commission staff via videoconference were Executive Director Ross E. Armstrong, Esq., Commission Counsel Tracy L. Chase, Esq., Associate Counsel Elizabeth J. Bassett, Esq., Investigator Erron Terry, Senior Legal Researcher Darci Hayden and Executive Assistant Kari Pedroza.

The pledge of allegiance was conducted.

2. Public Comment.

Written Public Comment pertaining to Agenda Item 6 was submitted electronically by the following:

Kiernan McManus  
Judith Hoskins  
Roger Tobler  
Peggy Leavitt  
Lorene Krumm  
Lauren Oliver  
Steve Walton

The written public comment submissions are available in Attachment A.

Public Comment pertaining to Agenda Item 6 was provided via teleconference by Fred Voltz, a Boulder City resident and Boulder City Mayor Kiernan McManus (verbatim public comment attached in Attachment A).

3. Approval of Minutes of the January 19, 2022 Commission Meeting.

Chair Wallin stated that all Commissioners were present for the November Commission Meeting, except for Commissioner Sheets who was absent from that meeting and would abstain from participating on this item.

Commissioner Towler moved to approve the January 19, 2022 Commission Meeting Minutes as presented. Commissioner Yen 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 Oscarson:	Aye.
Commissioner Sheets:	Abstain.
Commissioner Towler:	Aye.
Commissioner Yen:	Aye.

4. Report by Executive Director on agency status and operations and possible direction thereon. Items to be discussed include, without limitation:

- Outreach and Education
- FY22 Budget Status
- Case Status Update
- Commission Meeting Status

Social Media and other Outreach: Executive Director Armstrong reported that the Commission's social media platforms have seen substantial growth in the number of followers on Twitter and LinkedIn since the beginning of the calendar year. He provided information on upcoming training commitments and summarized his participation as a panelist in the Campaign Legal Center's *Fostering Public Trust* Webinar.

Chair Wallin thanked Executive Director Armstrong for his continued efforts in increasing the social media presence and promoting outreach for state agencies and local government entities.

FY22 Budget Status: Executive Director Armstrong informed the Commission that it is on track to expend allocated funds in most categories this fiscal year with the exception of the in-state travel category because of COVID and subsequently the Delta and Omicron variant surges. He shared that due to a decrease in the mailstop expenditure as a result of the Las Vegas office closure, the Commission will not need to request a work program in the operating expenses category.

Case Status Update: Executive Director Armstrong provided an update on the case log status reporting that after the March Commission meeting the backlog is expected to be cleared.

Commission Meeting Status: Executive Director Armstrong reiterated that the Commission is set to meet on March 16 and April 20 with Review Panel proceedings on those days as well. He suggested that in-person meetings could be a possibility in the next few months depending on COVID conditions.

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

5. Consideration and approval of the Telecommuting Policy as presented by the Executive Director.

Chair Wallin introduced the Item and noted the Item was continued from the Commission's January Commission meeting. She stated that the requested changes had been incorporated into the policy.

Commissioner Towler thanked Executive Director Armstrong for meeting with him regarding his policy proposals and acknowledged the addition of these revisions in the proposal being considered by the Commission.

Commissioner Towler made a motion to approve the Telecommuting Policy as presented by the Executive Director. Chair Wallin seconded the motion. The motion was put to a vote and carried unanimously.

6. Discussion and approval of a Proposed Stipulation for Consent Order concerning Ethics Complaint No. 20-007C regarding Steven Morris, City Attorney, City of Boulder City, State of Nevada.

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

Chair Wallin asked the parties in the Complaint to identify themselves for the record. Associate Counsel Elizabeth J. Bassett, Esq. appeared on behalf of Executive Director Armstrong before the Commission in this matter and Brian Hardy, Esq. appeared on behalf of Steven Morris, who was also in attendance.

Associate Counsel Bassett provided an overview of Ethics Complaint Case No. 20-007C (Morris) and the Proposed Stipulation for Consent Order. The Complaint alleged that Morris failed to disclose and abstain from acting on an agenda item before the City Council of Boulder City concerning his employment contract as City Attorney. A Review Panel consisting of 3 members of the Commission determined that just and sufficient cause exists for the Commission to render an Opinion regarding the allegations pertaining to NRS 281A.420 subsections (1) and (3).

Associate Counsel Bassett outlined a revision to the Proposed Stipulation for Consent Order agreed to by both parties just prior to the meeting. She also provided a summary regarding the recommendation to issue a confidential Letter of Instruction to Mr. Morris.

The Proposed Stipulation for Consent Order outlined that Mr. Morris agreed to complete Ethics Training within six (6) months of accepting an appointment as a public officer or employee during the two-year compliance period commencing upon the execution of the Stipulation.

Brian Hardy, Esq. thanked Commission staff, especially Executive Director Armstrong for finding resolution for older cases. He provided that the revision outlined by Associate Counsel Bassett was agreed upon to clarify his client's mind-set. Mr. Hardy shared his appreciation to the Commission for its consideration of the Proposed Stipulation.

Commissioner Sheets made a motion to approve the Stipulation to Enter Consent Order resolving Ethics Complaint Case No. 20-007C (Morris) as presented by the parties with the agreed upon revision to section 4(f)(5)(d) included and direct Commission Counsel to finalize the

Stipulation in appropriate form. Chair Towler seconded the motion. The Motion was put to a vote and carried as follows:

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

7. Discussion of Legislative priorities and appointment of a Subcommittee of the Nevada Commission on Ethics to Develop the Commission's Bill Draft Request for the 2023 Legislative Session.

Chair Wallin introduced the item and outlined the Subcommittee appointment process. Commissioners and the Executive Director discussed BDR proposal priorities and strategized about collaboration opportunities with stakeholders, the Legislature and the Governor's office.

Commissioner Yen moved to appoint Chair Wallin, Vice-Chair Duffrin and Commissioner Oscarson to the Legislative Subcommittee. Commissioner Gruenewald seconded the Motion. The Motion was put to a vote and carried unanimously.

8. Commissioner comments on matters including, without limitation, identification of future agenda items, upcoming meeting dates and meeting procedures. No action will be taken under this agenda item.

Commissioner Oscarson thanked staff for their diligence in getting the case backlog resolved.

Chair Wallin requested a Training Presentation Item be added to the next Commission Meeting Agenda to provide information to the public regarding the Commission's jurisdiction.

9. Public Comment.

Judith Hoskins made public comment regarding Agenda Item 6.

10. Adjournment.

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

The meeting adjourned at 10:31 a.m.

Minutes prepared by:

/s/ Kari Pedroza

Kari Pedroza  
Executive Assistant

/s/ Ross Armstrong

Ross Armstrong, Esq.  
Executive Director

Minutes approved March 16, 2022

Kim Wallin, CPA, CMA, CFM  
Chair

Brian Duffrin  
Vice-Chair

# **Attachment A**

# **Public Comment Electronic Submissions**

## Attorney General Opinion Regarding Stipulated Agreement for Steven Morris - 2-16-22 Commission Meeting

[REDACTED]  
Mon 2/14/2022 3:37 PM

To: Ross Armstrong <RArmstrong@ethics.nv.gov>

 1 attachments (192 KB)

AG File No. 13897-354.pdf;

**WARNING** - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Mr. Armstrong,

Thank you for speaking with me earlier today regarding the Commission agenda item #6, a stipulated agreement with Steven Morris to be considered by the Commission on Wednesday February 16, 2022. As I had mentioned, there are factual errors included in the agreement.

I am attaching an opinion the Attorney General (OAG FILE NO.: 13897-354) issued in response to the Open Meeting Law complaint that is included in the Commission agenda packet. The stipulated agreement for item 4.f.5.d states the agenda item was not "clear and complete". The opinion from the Attorney General states the agenda item was clear and complete. The opinion from the Attorney General states the actions by Mayor McManus or members of the City Council did not violate the Open Meeting Law with regard to including the agenda item or proceeding with discussion of the item.

Thank you for providing the opinion from the Attorney General to members of the Commission to provide factual information for consideration of the stipulated agreement.

Best Regards,  
Kiernan McManus

[REDACTED]



1 OFFICE OF THE ATTORNEY GENERAL  
2 STATE OF NEVADA

3 In the matter of:  
4 CITY COUNCIL OF BOULDER CITY  
5  
6

OAG FILE NO.: 13897-354

7 **BACKGROUND**

8 Peggy Leavitt filed a complaint with the Office of the Attorney General (“OAG”)  
9 alleging violations of the Nevada Opening Meeting Law (“OML”) by the City Council of  
10 Boulder City (“City Council”), regarding a meeting held by the City Council on October 22,  
11 2019. The allegations relate to the City Council’s alleged inclusion on its agenda and  
12 consideration of an agenda item related to the discussion and possible retention of a special  
13 counsel by the City Council to review and provide advice on Nevada Open Meeting Law,  
14 Employment Contracts of Municipal Officers, and “other issues as determined by a  
15 majority of [the] City Council.” The Complaint specifically allege violations of the OML as  
16 follows:

17 **ALLEGATION NO. 1:** Agenda Item No. 18(b) violated the requirement that agenda  
18 items be “clear and complete”.

19 **ALLEGATION NO. 2:** Agenda Item No. 18(c) violated the requirement that agenda  
20 items be “clear and complete”.

21 **ALLEGATION NO. 3:** Unilateral removal of an agenda item violates the Open  
22 Meeting Law.

23 **ALLEGATION NO. 4:** The City Council violated the OML by approving the agenda  
24 for the October 22, 2019 meeting that included Agenda Item No. 18.

25 **ALLEGATION NO. 5:** The OML was violated when Mayor McManus disregarded  
26 the City Attorney’s warnings and attempted to persuade other Councilmembers that  
27 they were not obligated to follow the City Attorney’s advice.  
28

1 **ALLEGATION NO. 6:** Mayor McManus' practice of sending memoranda to City  
2 staff, Councilmembers, and the public prior to the meeting constitutes deliberation  
3 and/or serial communication.

4 **ALLEGATION NO. 7:** Agenda Item Nos. 18(a), 18(b) and 18(c) were attempts to  
5 circumvent City Staff and the OML and steps toward terminating the employment  
6 of the City Clerk, City Attorney, and City Manager.

7 **ALLEGATION NO. 8:** Mayor Kiernan McManus, Councilwoman Tracy Folda, and  
8 Councilwoman Claudia Bridges, in their individual capacities, violated the OML.

9 **ALLEGATION NO. 9:** There may be additional OML violations by the City Council,  
10 and the OAG should investigate all potential OML violations.

11 The OAG has statutory enforcement powers under the OML and the authority to  
12 investigate and prosecute violations of the OML. NRS 241.037; NRS 241.039; NRS  
13 241.040. The OAG's investigation of the Complaint included a review of the following: the  
14 Complaint and the attached exhibits; the meeting agenda for the City Council's October 22,  
15 2019 meeting; the meeting packet and supplemental materials for the City Council's  
16 October 22, 2019 meeting (including the e-mail correspondence and memoranda related to  
17 Agenda Item 18); minutes for the October 22, 2019 Board meeting; the visual recordings  
18 for the October 22, 2019 meeting; the written response by the City Council of Boulder City  
19 to the Complaint and the supporting materials attached thereto; and the written response<sup>1</sup>  
20 by Mayor Kiernan McManus, individually, and Councilwoman Tracy Folda, individually,  
21 and the supporting materials attached thereto.

22 After investigating the Complaint, the OAG determines that the City Council did  
23 not violate the OML.

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26 \_\_\_\_\_  
27 <sup>1</sup> The response to the OML complaint submitted by Mayor McManus and Councilwoman  
28 Folda also included a complaint to the Nevada Commission on Ethics. However, this  
decision focuses solely on the alleged OML violations pursuant to NRS 241, and the OAG  
will refrain from providing an opinion on the alleged violations under NRS Chapter 281A.

1 **FINDINGS OF FACT**

2 1. The City Council of Boulder City is a “public body” as defined in NRS  
3 241.015(4) and is subject to the OML.

4 2. Mayor Kiernan McManus is the Mayor of Boulder City, Nevada, and serves  
5 as a member of the City Council.

6 3. Councilwoman Tracy Folda is a member of the City Council.

7 4. Councilwoman Claudia Bridges is a member of the City Council.

8 5. Steven Morris is the City Attorney of Boulder City, Nevada, and serves as  
9 legal counsel to the City Council.

10 6. On October 3, 2019, Mayor McManus in a Memorandum made a request to  
11 City Clerk Lorene Krumm to include various topics in the City Council’s upcoming City  
12 Council meeting, including the following:

- 13 2. For possible action and direction to City Staff: Retention of special  
14 counsel by the City Council to review and advise on the following issues.  
15 a) Nevada Open Meeting Law standards and requirements.  
16 b) Employment contracts of Municipal Officers including the City  
17 Manager, City Clerk, City Attorney and Municipal Judge.  
18 c) Other issues as determined by a majority of City Council.<sup>2</sup>

17 7. On October 7, 2019, City Attorney Steven Morris sent e-mail correspondence  
18 to Mayor McManus responding to the October 3, 2019 Memorandum. Specifically, with  
19 regards to proposed Agenda Item No. 2(a), City Attorney Morris asserted that there was a  
20 lack of rationale as to why or how the City Attorney would be unable to perform the duties  
21 of his office relative to advising the City Council on Nevada’s OML and that the agenda  
22 item failed to explain any legitimate interests of the City that would require employing  
23 assistant or special counsel to review and advise the City Council on Nevada’s OML. With  
24 regards to proposed Agenda Item No. 2(b), City Attorney Morris cautioned that he did not  
25 believe that the proposed agenda item was “clear and complete”, that it required a higher  
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27 <sup>2</sup> The items listed as 2(a), 2(b), and 2(c) in Mayor McManus’ October 3, 2019 Memorandum  
28 eventually became Agenda Item Nos. 18(a), 18(b), and 18(c), respectively, at the City  
Council’s October 22, 2019 meeting.

1 degree of specificity to satisfy the OML, and that more detail would be required to put the  
2 public on notice of the desire or intent of employing assistant or special counsel to review  
3 and advise the City Council on the employment contracts of the appointed city officers.  
4 Additionally, City Attorney Morris cautioned with regards to proposed Agenda Item No.  
5 2(c) that that item was not “clear and complete” and the phrase “Other issues as determined  
6 by a majority of City Council” did not comply with the OML.

7 8. On October 14, 2019, Mayor McManus sent a Memorandum to City Clerk  
8 Krumm, which included additional information regarding the proposed agenda items, and  
9 requested the same be included as part of the agenda packet for the City Council’s October  
10 22, 2019 meeting. Therein, Mayor McManus stated his position that he believed  
11 circumstances existed that required the retention of special counsel to provide advice and  
12 information to the City Council. Mayor McManus also indicated that the purpose of the  
13 agenda item was to discuss “. . . whether a special counsel should be employed in the  
14 interests of the City. The discussion of the reasons for doing so or for not doing so are to be  
15 discussed by members of the City Council if they choose to do so.”

16 9. On October 15, 2019, City Attorney Morris sent correspondence to Mayor  
17 McManus again reiterating his position that it remained his position that the proposed  
18 agenda items were not “clear and complete” and therefore violated the OML.

19 10. On October 15, 2019, Mayor McManus sent a Memorandum to City Attorney  
20 Morris regarding his interpretation of the City Charter<sup>3</sup> as well as the OML. Therein,  
21 Mayor McManus expressed that “[t]he purpose of requesting an agenda item to discuss the  
22 issue of employing a special counsel is to provide the basis for discussion and deliberation  
23 by the Council as a whole for that purpose. I believe we are all aware that I cannot know  
24 in advance of such discussions what the thinking of a majority of the Council may be for  
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26 <sup>3</sup> The OAG notes that there also may be a disagreement as to whether the City Charter  
27 allows the City Council to retain special counsel. However, the OAG does not make an  
28 opinion whether the City Charter would allow for the retention of special counsel in this  
instance, as the OAG only has statutory authority to investigate alleged violations of NRS  
Chapter 241. NRS 241.039.

1 this issue. A primary purpose of the Open Meeting Law is to have such discussions and  
2 deliberations held during a public meeting. To say that each Council member must specify  
3 each though regarding the issue of employing a special counsel published prior to the  
4 meeting voids the purpose of having discussion and deliberation on the issue.” Mayor  
5 McManus further clarified, “I requested the inclusion of the agenda item to discuss the  
6 retention of a special counsel and provided two of the reasons I believe such action is  
7 necessary. I also included the statement ‘Other issues as determined by a majority of City  
8 Council.’ as I cannot know the thoughts on the issues of all the members of the Council  
9 prior to the discussion occurring.” Mayor McManus went on to state, “My request is for a  
10 specific purpose. That purpose is to provide the opportunity for the Council to discuss the  
11 possible reasons for retaining a special counsel to advise the Council.”

12 11. On October 18, 2019, Mayor McManus sent an additional Memorandum to  
13 City Attorney Morris, providing citations to various OAG opinions that had discussed the  
14 OML’s “clear and complete” standard and maintaining his position that he would proceed  
15 with the at-issue agenda item.

16 12. On October 22, 2019, the City Council held a public meeting.

17 13. Ultimately, the agenda for the City Council’s October 22, 2019 meeting  
18 included the following:

19 18. For possible action: Discussion and possible staff directive  
20 regarding retention of a special counsel by the City City Council to  
21 review and advise on the following issues: (as requested by Mayor  
22 McManus)

- 23 A) Nevada Open Meeting Law standards and requirements
- 24 B) Employment contracts of Municipal Officers including the City  
25 Manager, City Clerk, City Attorney, and Municipal Judge
- 26 C) Other issues as determined by a majority of City Council[.]

27 14. During initial public comment at the October 22, 2019 meeting, several  
28 individuals express their concern regarding Agenda Item No. 18. Duncan McCoy expressed  
that Agenda Item No. 18(c) was too vague to be useful and did not describe what the  
conversation may cover. Additionally, Richard Stuart stated that the description of Agenda

1 Item No. 18 was too vague and that the City Council should be more open about what  
2 exactly it was proposing. Rod Woodbury stated that Agenda Item No. 18 was confusing,  
3 requested the reason for suggesting hiring of special counsel, and believed that the title of  
4 the agenda item was too vague. Victor Miller stated that Agenda Item No. 18 was unclear  
5 and that he had no ability to prepare for the meeting because the item was not clear or  
6 concise.

7 15. During the October 22, 2019 meeting, the City Council deliberated on the  
8 Agenda Item, “For Possible Action: Approval of Regular Agenda.” City Attorney Morris  
9 recommended the removal of Agenda Item No. 18. In response, Mayor McManus explained  
10 that he had requested Agenda Item No. 18 and would not remove it from the agenda. The  
11 City Council, by a vote of three (3) to one (1), voted to approve the agenda, with Mayor  
12 McManus and Councilmembers Claudia Bridges and Tracy Folda voting in favor of  
13 approval, Councilmember James Howard Adams voting in opposition of approval, and  
14 Councilmember Warren Harhay absent.

15 16. When Agenda Item No. 18 was called during the meeting, Mayor McManus  
16 stated that City Attorney Morris had a “tremendous amount” of conflict of interest and that  
17 it was inappropriate for him to recommend removal of the agenda item. In response, City  
18 Attorney Morris repeated his objection and stated that he had an ongoing obligation to  
19 protect the City Council from possible OML violations. City Attorney Morris indicated that  
20 matters of public concern required “heightened obligation for specificity” and that the  
21 agenda item completely lacked specificity. Mayor McManus asserted that he had spoken  
22 to the Attorney General’s Office and received opinions that substantiated that the agenda  
23 item was clear and complete, including opinions relative to OAG File No. 13897-215, OAG  
24 File No. 13897-204, and OAG File No. 13897-191.<sup>4</sup>

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26 <sup>4</sup> An e-mail dated October 17, 2019 from Michael D. Detmer, Deputy Attorney General, to  
27 Kiernan McManus was included in the response by Mayor McManus and Councilwoman  
28 Folda to the instant OML Complaint. The e-mail reflects that AGO Opinions OMLO 13897-  
215 (Jan. 27, 2017), OMLO 13897-204 (Sept. 30, 2016), and OMLO 13987-191 (Jun. 2, 2016)  
were provided to Mayor McManus.

1           17. Mayor McManus withdrew Agenda Item 18(c) from discussion at the October  
2 22, 2019 City Council meeting.

3           18. The City Council took Agenda Item Nos. 18(a) and 18(b) separately. With  
4 regards to Agenda Item No. 18(a), Mayor McManus indicated that his intent was that he  
5 needed additional advice from an attorney regarding Nevada's OML. With regards to  
6 Agenda Item No. 18(b), Mayor McManus indicated that he was the only member of the City  
7 Council involved in the hiring of the City Attorney and City Manager and that other  
8 Councilmembers should have the opportunity to have consult with someone with a legal  
9 background to assist with forming a decision on the contracts.

10          19. As to Agenda Item 18 as a whole, Mayor McManus clarified, "The discussion  
11 tonight does not concern the process for employing special counsel. If the majority of the  
12 Council determines the need for a special counsel, an agenda item for that purpose may be  
13 requested for a future council meeting. . . . The discussion tonight does not include a  
14 discussion of the person that may be employed as a special counsel, any such discussion  
15 would also need to be placed on the agenda of a future council meeting."

16          20. Councilwoman Bridges did not vote to remove Agenda Item 18 from the  
17 Agenda because she wanted to share her opinions on the topic. She did not personally feel  
18 that there was any reason to support the employment of a special counsel for the City.

19          21. Councilwoman Folda stated that retention of a special counsel was  
20 appropriate because the City Attorney had a conflict and could not review his own contract.

21          22. After discussing the agenda item, Mayor McManus moved that "a special  
22 counsel be employed by the City to review and advise the city Council on matters related  
23 to open meeting law issues and the employment contracts of the City Manager, City Clerk,  
24 City Attorney, and Municipal Judge. The employment is in the interest of the City and the  
25 special counsel will be employed by and will report directly to the City Council as provided  
26 for by the City Charter."

27          23. The motion was seconded by Councilwoman Folda. Councilmembers Adams  
28 and Bridges voted in opposition of the Motion. Because of the tie vote, the motion failed.

1                                   **LEGAL STANDARDS AND CONCLUSIONS OF LAW**

2   **1.     The OML requires that the City Council’s agenda include a clear and**  
3   **complete statement of the topics to be considered at the meeting.**

4             An agenda for a meeting of a public body must include a “clear and complete  
5   statement of the topics to be considered during the meeting.” NRS 241.020(2)(d)(1). The  
6   “clear and complete statement” requirement of the OML stems from the Legislature’s belief  
7   that “incomplete and poorly written agendas deprive citizens of their right to take part in  
8   government’ and interferes with the ‘press’ ability to report the actions of government.”  
9   *Sandoval v. Bd. Of Regents of Univ.*, 119 Nev. 148, 154 (2003). Strict adherence with the  
10   “clear and complete” standard for agenda items is required for compliance under the OML.  
11   *Id.* The OML “seeks to give the public clear notice of the topics to be discussed at public  
12   meetings so that the public can attend a meeting when an issue of interest will be  
13   discussed.” *Id.* at 155. The OAG previously explained:

14             *Sandoval’s* holding means that use of catch-all phrases such as ‘and all matters  
15   related thereto’ do[ ] not comply with the statute’s requirement that each  
16   agenda contain a clear and complete statement of topics. Related matters,  
17   should they come up during a meeting, must be agendized for discussion at a  
18   future meeting.

19   Op. Nev. Att’y Gen. No. 10-049 (December 17, 2010).

20             Further, “a ‘higher degree of specificity is needed when the subject to be debated is  
21   of special or significant interest to the public.” *Id.* at 155-56. (*quoting Gardner v. Herring*,  
22   21 S.W.3d 767, 773 (Tex. App. 2000)).

23   **2.     The City Council’s descriptions on its October 22, 2019 meeting agenda for**  
24   **Agenda Item No. 18 provided sufficient “clear and complete statements of**  
25   **topics to be considered.”**

26             Agenda Item Nos. 18(a) and 18(b) are clear and complete on their face. The agenda  
27   items complied with the statutory requirement that the public be provided clear notice that  
28   the Board would deliberate and possibly take action to retain special counsel to review and  
29   advise specifically on Nevada OML standards and requirements and the employment  
30   contracts of Municipal Officers. A plain reading of the agenda items establish that the City



1 Council intended on discussing the possibility of retaining special counsel. It did not appear  
2 from a review of the documents received by the OAG that the City Council intended to, nor  
3 actually deliberated or took any action on, the topics on which special counsel would have  
4 advised the City Council had the City Council voted to employ outside counsel, namely  
5 Nevada’s OML or the actual employment contracts of Municipal Officers.

6 While generally the plain language of the OML does not authorize a public body to  
7 rely on information contained in its supporting materials in order to meet the “clear and  
8 complete statement” requirement, *see* NRS 241.020(2)(d)(1), a review of the meeting  
9 materials further supports the finding that the agenda provided sufficient clear and  
10 complete statements of topics to be considered. In particular, in Mayor McManus’ October  
11 14, 2019 Memorandum to City Clerk Krumm, Mayor McManus stated that the purpose of  
12 the agenda item was to discuss “. . . whether a special counsel should be employed in the  
13 interests of the City. The discussion of the reasons for doing so or for not doing so are to be  
14 discussed by members of the City Council if they choose to do so.” In a subsequent  
15 Memorandum dated October 15, 2019, Mayor McManus further indicated that “[t]he  
16 purpose of requesting an agenda item to discuss the issue of employing a special counsel is  
17 to provide the basis for discussion and deliberation by the Council as a whole for that  
18 purpose.” During the October 22, 2019 meeting, Mayor McManus then explained that the  
19 discussion did not concern the process for employing special counsel or the names of  
20 potential candidates for special counsel, as Mayor McManus acknowledged that such topics  
21 would need to be placed as future agenda items. Rather, the October 22, 2019 agenda  
22 simply focused on whether the City Council believed that there was a need to employ  
23 special counsel.

24 Based on the foregoing, the OAG finds that Agenda item 18(a) and 18(b) were clear  
25 and complete and that no OML violations occurred.

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1 **3. The OML was not violated when Agenda Item No. 18(c) was removed from**  
2 **discussion at the October 22, 2019 meeting without a vote from the City**  
3 **Council.**

4 The Complaint alleges that Mayor McManus' attempt to remove Agenda Item No.  
5 18(c) without a vote of the Councilmembers is an OML violation in and of itself.

6 Nevada's OML requires that agendas include notification that the public body may  
7 "remove an item from the agenda or delay discussion relating to an item on the agenda at  
8 any time." NRS 241.020(2)(d)((6)(III). In *Schmidt v. Washoe County*, 123 Nev. 128, 135,  
9 159 P.3d 1099, 1104 (2007) (abrogated on other grounds by *Buzz Stew, LLC v. City of North*  
10 *Las Vegas*, 124 Nev. 224 (2008)), the Nevada Supreme Court confirmed:

11 [T]here is no statutory provision requiring public bodies to discuss, or take  
12 action on, all agenda items. The agenda requirement merely prohibits a public  
13 body from considering or taking action on items without providing proper  
14 notice. Because the removal of agenda items does not equate to taking action  
15 on those items, we conclude that public bodies are free to remove agenda items  
16 at any time.

17 *Id.*

18 Nevada's OML is silent on what procedures a public body must follow in order to  
19 remove an item from the agenda or delay discussion related to an agenda item and  
20 generally reserves the procedure for removal or delay of discussion of an agenda item to  
21 the public body. Nevada's OML merely authorizes a public body to remove an agenda item  
22 or delay discussion on such agenda item and requires that the public be made aware of  
23 such authority in its agenda. Accordingly, the OAG does not find that the City Council  
24 violated the OML by removing Agenda Item No. 18(c) without the Chair first entertaining  
25 a motion to remove Agenda Item 18 and taking a vote of City Council thereto.

26 **4. The City Council did not violate the OML where Mayor McManus provided**  
27 **copies of memoranda to councilmembers and the public prior to the**  
28 **October 22, 2019 meeting.**

The OAG has previously explained that before the OML may be invoked, two criteria  
must be present: (1) a quorum or constructive quorum must be present, and (2) the quorum  
must deliberate or vote on a matter under the supervision of the public body. *In the Matter*  
*of Humboldt County School Board*, OAG File No. 07-015.

1 In *Del Papa*, 114 Nev. at 400, 956 P.2d 778, the Nevada Supreme Court held:

2 [A] quorum of a public body using serial electronic communication to deliberate  
3 toward a decision or to make a decision on any matter over which the public  
4 body has supervision, control, jurisdiction or advisory power violates the Open  
5 Meeting Law. *That is not to say that in the absence of a quorum, members of a  
6 public body cannot privately discuss public issues or even lobby for votes.*  
(emphasis added).

7 “In *McKay v. Board of County Commissioners*, 103 Nev. 490, 746 P.2d 124 (1987),  
8 the Court stated that sensitive information may be discussed in serial meetings where no  
9 quorum is present in any gathering. However, there can be no deliberation, action,  
10 commitment, or promise made regarding a public matter in such a serial meeting.” OML  
11 Manual Section 4.08. Further, in *Dewey v. Redevelopment Agency of City of Reno*, 119 Nev.  
12 87, 64 P.3d 1070 (2003), the Nevada Supreme Court held that “absent substantial evidence  
13 of serial communications to support a finding of action or deliberation towards a decision,  
14 private-back-to-back briefings of less than a quorum of a public body do not violate the  
15 Open Meeting Law.”

16 In this case, the Memoranda by Mayor McManus does not amount to serial  
17 communication and deliberation in violation of the OML. Mayor McManus’ Memoranda  
18 were addressed solely to City Clerk Krumm and not to any other City Councilmembers.  
19 Moreover, the e-mail responses by City Attorney Morris were not addressed to any City  
20 Councilmembers other than Mayor McManus and only City Clerk Krumm and City  
21 Manager Al Noyola were copied on the correspondence. There was no evidence submitted  
22 that indicated that any other Councilmembers provided any input on the matter in  
23 advance, or outside of, the October 22, 2019 meeting.

24 Nevertheless, the OAG would like to remind the City Council that possible OML  
25 violations may occur through collective discussions of the Councilmembers, even where less  
26 than a quorum of the City Council is present, if serial communications were had outside  
27 the purview of the public by a number of City Councilmembers constituting a quorum.

28 ///

1 **5. Mayor McManus' actions do not warrant individual liability under the**  
2 **OML.**

3 The OML provides that it is a misdemeanor for a member of a public body to  
4 knowingly attend a meeting of that public body where action is taken in violation of the  
5 OML. NRS 241.040(1). Further, each member of a public body is subject to a civil penalty  
6 for knowingly participating in a willful violation of the OML. NRS 241.040(4).  
7 "Enforcement against a member of a public body based on 'participation' only may occur  
8 when the member makes a commitment, promise, or casts an affirmative vote to take action  
9 on a matter under the public body's jurisdiction or control when the member knew his/her  
10 commitment, promise, or vote was taken in violation of the OML." (OML Manual, Section  
11 10.14 – Monetary penalty for willful violation; one-year limitations period.) However, the  
12 OML contains a safe harbor provision that shields against a criminal penalty or  
13 administrative fine against a member of a public body, where such violation was a result  
14 of legal advice provided by an attorney employed or retained by the public body. NRS  
15 241.040(6).

16 Here, the Complaint asserts that Mayor McManus violated the OML by disregarding  
17 the City Attorney's warnings about potential OML violations and attempted to persuade  
18 other Councilmembers that they were not obligated to follow the City Attorney's advice.  
19 However, nothing in the OML bans a public body from disregarding its counsel's warnings  
20 regarding potential OML violations. This is not to say that the City Council should  
21 disregard the advice from its counsel or that such conduct may not constitute potential  
22 liability under other rules, regulations, or statutes. The OAG simply finds that there is no  
23 violation of the OML based on the allegations in the Complaint.

24 The OAG also finds that there is insufficient evidence to find that Mayor McManus  
25 knowingly attended a public meeting or participated in a willful violation of the OML.  
26 While the City Attorney may have advised caution of potential OML violations, prior to the  
27 October 22, 2019 meeting, Mayor McManus also contacted OAG and was provided several  
28 opinions by the OAG on the "clear and complete" standard. As stated above, the OAG does

1 not find that the agenda for the October 22, 2019 meeting violated the “clear and complete”  
2 standard. It follows, then, that no personal liability may attach to Mayor McManus or any  
3 City Councilmember for discussing Agenda Item No. 18 at the October 22 meeting.

4 **6. The OML did not require the City Council to approve the agenda for the**  
5 **October 22, 2019 meeting and any action by the City Council related to the**  
6 **approval of the agenda is not an OML violation.**

7 Nevada’s OML does not require a public body to approve a proposed agenda of a  
8 public meeting prior to proceeding with the public meeting. Rather, Nevada’s OML only  
9 requires that a public body approve the minutes of a meeting within 45 days after the  
10 meeting or at the next meeting of the public body, whichever occurs later. NRS 241.035(1).

11 The Complaint appears to assert that Councilwoman Folda, individually, violated  
12 the OML when she seconded the motion by Mayor McManus to approve the agenda as  
13 published. This act alone does not rise to a willful violation of the OML, as again, Nevada’s  
14 OML does not require a public body to approve a proposed agenda prior to proceeding with  
15 the public meeting. Additionally, Councilwoman Folda’s action in seconding the motion to  
16 approve the agenda as published does not rise to the level warranting criminal penalties,  
17 as the OAG has found no proof that Councilwoman Folda attended the meeting “with  
18 knowledge of the fact that the meeting is in violation” of the OML. NRS 241.040(1).  
19 Because the OAG has found no violations under the OML, it also follows that  
20 Councilwoman Folda may not be found civilly or criminally liable for participating in the  
21 October 22, 2019 City Council meeting.

22 Similarly, it appears that the alleged OML violation against Councilwoman Bridges,  
23 individually, stems from the fact that she voted in favor to approve the agenda as published.  
24 Again, as with Councilwoman Folda, the OAG has found no proof that Councilwoman  
25 Bridges attended the meeting “with knowledge of the fact that the meeting is in violation”  
26 of the OML. NRS 241.040(1). The OML does not require a public body to vote to approve  
27 an agenda for a public meeting. Nevertheless, the October 22, 2019 agenda provided “for  
28 possible action” the approval of the regular agenda. The OAG does not find that this action  
item to approve the October 22, 2019 agenda violated the OML, as it was clear from a plain

1 reading of the agenda that the intended possible action by the City Council was to approve  
2 the agenda.

3 Similarly, voting by Councilmembers Folda and Bridges on Agenda Item Nos. 18(a)  
4 and 18(b) does not amount to a violation of the OML. As stated above, the OAG does not  
5 find that the description for Agenda Item Nos. 18(a) and 18(b) for the October 22, 2019  
6 meeting violated the “clear and complete” standard. It follows, then, that no personal  
7 liability may attach to City Councilmembers Folda and Bridges for discussing Agenda Item  
8 No. 18 at the October 22 meeting. Because the OAG has found no violations under the  
9 OML, it also follows that Councilwoman Bridges may not be found civilly or criminally  
10 liable for participating in the October 22, 2019 City Council meeting.

11 **7. The OAG will abstain from making any determinations on additional OML**  
12 **violations not asserted.**

13 The OML delineates that a complaint that alleges a violation of NRS Chapter 241  
14 may be filed with the Office of the Attorney General. NRS 241.039(1). In addition, the  
15 OML provides that generally, the OAG “[s]hall investigate and prosecute any violation of  
16 this chapter *alleged in a complaint* filed not later than 120 days after the alleged violation  
17 with the Office of the Attorney General.” NRS 241.039(2)(a) (emphasis added). The OAG  
18 has investigated and addressed all alleged OML violations lodged in the Complaint.  
19 However, to the extent that the Complaint has not alleged additional specific OML  
20 violations, the OAG will abstain from addressing the same, if any.

21 **SUMMARY**

22 While the OAG has found that no OML violations occurred at the October 22, 2019  
23 City Council meeting, this Opinion should not be construed as providing an opinion as to  
24 whether the City Council violated any provisions of the City Charter or whether the City  
25 Attorney violated any ethical duties pursuant to NRS Chapter 281A. The OAG has  
26 reviewed the available evidence and determined that no violation of the OML has occurred.

27 //

1 The OAG will close its file regarding this matter.

2 Dated: July 22, 2020.

3 AARON FORD  
4 Attorney General

5 By: /s/ Justin R. Taruc  
6 Justin R. Taruc (Bar No. 12500)  
7 Deputy Attorney General  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 22<sup>nd</sup> day of July, 2020, I served the foregoing **FINDINGS OF FACT AND CONCLUSIONS OF LAW** by depositing a copy of the same in the United States mail, properly addressed, postage prepaid, **CERTIFIED MAIL** addressed as follows:

City Council of Boulder City  
City Hall  
401 California Avenue  
Boulder City, Nevada 89005

**Certified Mail No.: 7009 3410 0002 32516854**

Peggy Leavitt  
[Redacted]  
[Redacted]  
[Redacted] [Redacted]

Noah G. Allison, Esq.  
The Allison Law Firm Chtd.  
3191 E. Warm Springs Road  
Las Vegas, Nevada 89120  
*Counsel for Mayor Kiernan McManus  
and Councilwoman Tracy Folda*

**Certified Mail No.: 7009 3410 0002 3251 6830**

/s/ Debra Turman  
An employee of the Office of the  
Nevada Attorney General



**February 15, 2022**

**Members of the Nevada Commission on Ethics, thank you for allowing me to address Item 6 at your February 16, 2022 meeting.**

**My name is Judith Hoskins; I have been a resident of Boulder City for the past 20 plus years. I retired from the Department of Defense with 26 plus years of service and held a high-security clearance. I have a total of 30 plus years of government employment. As President of my HOA for 16 years, I have applied many Nevada Revised Standards. I understand the difficulty of a Governmental body making difficult decisions and not having all the pertinent facts before them. I certainly know when there is a conflict of interest or not.**

**On October 22, 2019, as a citizen of Boulder City, I attended the meeting in question. City Attorney, Steven Morris, should have recused himself from making any comments or participating in discussions concerning his contract. If you watched the recordings of this meeting, which is readily available to the public, you would have made only one decision; City Attorney Morris' constant interruption during this meeting served only one person, himself and not the City.**

[EarthChannel Player v4 CDSEC](#)

**I ask the Commission on Ethics to review this recording if you haven't done so recently. I know you are all dedicated to your position, and I believe you will come to a different conclusion on this critical issue.**

**How is it possible that City Attorney Morris has no interest in his contract, which amounted to well over \$200,000 per year, including benefits? In my humble opinion, he also had an additional financial interest in not wanting his contract reviewed by outside Counsel; if I understand correctly, his contract allowed the City Attorney to practice law while serving as City Attorney. Also, if I understand correctly, the City Attorney did not have to disclose who his clients were or if the reason for his service was related to issues directly**

**related to City business. How can a City Attorney represent the City of Boulder City citizens while simultaneously representing external clients whose legal interests could be at odds with his full-time, day job as City Attorney? Is this not a conflict of interest? At no time during his employment as City Attorney did Mr. Morris choose to publicly disclose any client conflicts to City officials or submit a nil report as to his private clients and their lack of business before the City of Boulder City.**

**In reviewing the "Proposed Stipulation to Enter Consent Order Resolving Ethics Complaint with Remedial Action and Consent Order," I reference Page 2, 3(d, e, 1), 2), f, g, h), under e. it states, "A Panel Determination issued May 21, 2020 concluded that: 1) Credible evidence supported just and sufficient cause for the Commission to render an opinion in the matter regarding the alleged violation of NRS 281A.420(1) and (3) related to Morris' alleged failure to disclose and abstain from acting on an agenda item before the Boulder City Council concerning his employment contract as City Attorney; and" 2) "The matter should be referred to the Commission for adjudicatory proceedings."**

**How can anything change the fact that it was the City Attorney's employment contract that he was addressing? City Attorney Morris does not have to admit to anything. The meeting speaks for itself.**

**At the November 19, 2019, City Council meeting, I was appointed to the City Council. I served until July 2021. On January 6, 2020, I received a call from the City Manager's Office requesting I attend an emergency meeting. At that time, I was new to the Council. City Attorney Morris, City Manager Noyola, and City Clerk Krumm chaired the meeting. The first statement made to me by all three was, "I am sure you know the reason for this meeting" my response was no, I do not. They stated an individual submitted an OML violation to the Attorney General's Office. The complaint concerned a criminal**

**violation against Mayor McManus and Councilmember Tracy Folda and a violation against Councilmember Bridges. They stated the Mayor wants to include this as an item on the Agenda. They warned me if I agreed to include the Mayor's item on the Agenda for the next Council meeting, I would be guilty of Criminal Intent. They made this statement at least four times, and City Attorney Morris concurred with the statement. The City Clerk failed to send me the same information she had sent to all other Council members, so I was not aware of this issue at that time. I felt threatened and intimidated by the City Attorney, City Manager, and City Clerk. All Council members, including the Mayor, attended separate meetings on this same issue.**

**The item the Mayor requested to be included on the Agenda read as follows: "Retention of a special counsel by City Council to advise City Council members in matters pertaining to Open Meeting Law violation allegation(s) and prepare and submit any response that may be necessary or appropriate. The Special Counsel may provide advice to members of the Council or perform other actions necessary with regard to pending allegations of Open Meeting Law violation allegation(s) at the time the Counsel is retained."**

**After I became aware of the Mayor's request, I agreed that we needed outside Counsel and not the City Attorney's advice on an issue that pertained to him personally. Note: On July 22, 2020, the Attorney General's Office decided on OAG File No. 13897-354 that there was NO OML violation. I respectfully ask this Commission why there is no mention or copy of the Attorney General's Office decision. I am concerned there is no mention of the Attorney General's conclusion, which I believe is the most critical finding of this entire issue, or does it have any meaning?**

**In conclusion: Due to City Attorney Morris' law experience of 20 plus years, he should have known he was engaging in a conflict of interest. The proposed stipulation is a slap on the wrist. I know you have had**

**this issue open for the past 2-years. I suggest you DO NOT move forward on Item 6 until the Commission has more time to review additional information that may be presented. Please include this information verbatim with your minutes.**

**Thank you for your time. Judith**

**From:** [Roger Tobler](#)  
**To:** [Nevada Commission on Ethics](#)  
**Subject:** public comment  
**Date:** Tuesday, February 15, 2022 4:51:16 PM

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**WARNING** - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

To the Ethics Commission Board,

Please read my letter during public comment. It is regarding item #6 on this agenda I was a former Mayor of Boulder City. I was termed out in 2015. It was during my time in office that Mr. Morris was hired by the City Manager as the Assistant City Attorney. All of the department heads at the time were thrilled to have him on board. He proved himself and did great work while I was in office, and continued to do so for many years. Steve Morris is an excellent attorney, and he has a impressive reputation. He is also some one who has served Boulder City with integrity. He has served under many City Council members and also received strong and positive reviews.

Mayor McManus came into his position determined to remove certain staff including the City Manager, Clerk, and Attorney. I attended the Council meeting where Mr. Morris was terminated. It was obvious the City Council had rehearsed their few reasons why Mr. Morris should be terminated. In fact, Mayor McManus never held an evaluation on any of the staff he removed. The voters in the last election made it clear that that Council should no longer be in charge. Mayor McManus discrimination against Mr. Morris showed real malice in attempting to damage his reputation as well as his career.

I would hope Mr. Morris would be treated fairly and that this item will be approved. I was elected for three, four year terms, and I was termed out in 2015. I believe that I am qualified to comment on Mr. Morris' ability and integrity as a City Attorney. I worked with many attorney's that represented the City and the regional boards that I sat on, Mr. Morris was one of the best. Mr Morris was simply caught up in unethical politics. Thank you for reading my comments.

Roger Tobler  
Resident of Boulder City

## Comments to Ethics Commission regarding Steve Morris

I am writing to you in support of Steve Morris. Mr. Morris was the Assistant City Attorney for approximately 5 years before being hired as City Attorney. In that time, he earned the respect and friendship of the City employees with whom he interacted. He also earned a reputation for being a hard worker and being able to accomplish an extraordinary amount of work in the few hours that he was contracted to work each week. In the capacity as Assistant City Attorney he became familiar with all the operations of the City in addition to meeting many of the staff. He therefore was the obvious choice when the position of City Attorney became open.

It is important to address the controversy when Mr. Morris was hired as City Attorney. At that time, there was a group of people who were vehemently opposed to Mr. Morris being appointed to that position despite his experience in the city and his expertise as an Attorney. Most of that opposition surrounded Mr. Morris' religion. At one of the special City Council meetings in which the Council was discussing prospective candidates, Neil Siniakin, who is a friend and advisor to the mayor, got up and stated that he had called all the finalists to ask if they were Mormons. He went on to report who of the candidates, was and was not a member of the Church of Jesus Christ of Latter-day Saints. Due to this unprecedented action by Mr. Siniakin, the City had to change their hiring procedures so that the process could not be as open and transparent as it once was.

I believe that Mr. Morris was in the "cross hairs" of the Mayor since before he was hired as City Attorney. It was widely circulated by those supporting the Mayor in his election that if he was elected that there were several City employees who would be fired, one of whom was the City Attorney. Despite the public criticism and humiliation that Mr. Morris was subjected to, he rose above it and continued to do a stellar job as the City Attorney until he was fired. He is the epitome of a professional. He is one of the most honorable people I know. His termination has been a huge loss for the city and the community of Boulder City.

Peggy Leavitt – former City Councilwoman for Boulder City

My name is Lauren Oliver and I am submitting public comment on item #6 in support of the settlement agreement between the Commission and Steven Morris. I am a licensed attorney in the state of Nevada and Arizona and a longtime resident of Boulder City. I worked directly under Mr. Morris for three years in the City Attorney's office for Boulder City before his contract was terminated, illegally in my opinion.

I witnessed firsthand the discriminatory, bigoted and retaliatory behavior demonstrated by Kiernan McManus, Tracy Folda, and the citizens they employed to spread false narratives on their behalf. The ethics complaint filed against Mr. Morris was purely retaliatory and a piece of the Mayor's puzzle to breach his employment contract.

The City Attorney's office is a small department within the City, myself and Mr. Morris were the only two full-time employees on staff. I was included in all correspondence and attended all meetings between Mr. Morris and the City Council. Mr. Morris always conducted himself in a professional manner as evidenced in the attached exhibits to this item. I was well aware of the plot to ruin his career within the City and the Mayor's plan to hire a replacement that would conform to his unethical and discriminatory behavior. Kiernan McManus and his constant antics created nothing short of a hostile work environment that we constantly had to work through.

I am pleased to see that a settlement has been reached and Mr. Morris can clear his name. It is unfortunate that he had to be subjected to this retaliatory complaint at the hands of elected officials that do not represent the values Boulder City is known for. Mr. Morris is one of the most ethical people I have been lucky enough to work with and it saddens me to see any attempt to tarnish his name and reputation. He was a true asset to the City. It is my hope that you will approve Item #6. Thank you for your time.

Sincerely,

Lauren M. Oliver, Esq.

Good morning, Commissioners. My name is Lorene Krumm and I am submitting public comment in support of Item No. 6, the proposed settlement agreement between Steve Morris, former City Attorney of Boulder City and the Nevada Commission on Ethics.

I worked for the City of Boulder City from November of 2005 until February 2021, I was the Deputy City Clerk from 2005 – 2009, and then served as the City Clerk from 2009 until 2021. Mr. Morris was originally hired as a part-time contract attorney for the City in 2012 and was appointed as the full-time City Attorney in 2017. I worked very closely with Mr. Morris for nine years. During the nine years of working with Mr. Morris, he was an exemplary employee. He was well-respected for his knowledge, his reasonableness, his ability to see all sides of a complex situation and offer solutions. His was extremely well-liked by staff and elected officials prior to the Council that took office in June 2019.

Mr. Morris was always professional, cordial, and despite his numerous attempts to assist the Council in their duties, he was met with hostility. It is important to point out that other than Mayor McManus, every member of the Council that took office in 2019 was new. None of the other four members had ever served on a public body in Nevada as an elected official or even as a volunteer for a committee/commission. They were very inexperienced.

Upon taking office, it was very obvious that Mayor McManus had a personal vendetta against Mr. Morris. It became clear later on that Mr. Morris was being targeted, bullied, harassed and discriminated against because of his religious affiliation. There are numerous examples and proof of this discrimination, as well as numerous witnesses, including myself. In 30 years of public service in Nevada, I have never witnessed such blatant discrimination. The ethics complaint filed by Mayor McManus and former Council member Folda was a scheme in order to create a reason to terminate Mr. Morris and deny him of his severance pay.

With respect to the complaint itself, I had brought the agenda item that was submitted by Mayor McManus on October 3, 2019 to City Attorney Morris's attention immediately upon receiving it. After 15 years of experience with public meetings and hundreds of hours of training, I was concerned it did not meet the standard of "a clear and complete" statement of the topics. And despite the numerous attempts to try and help Mayor McManus correct the agenda title, he refused to elaborate. Mr. Morris would not know to disclose a potential conflict because after numerous attempts, he did not know what the purpose of the agenda item was and if there was indeed a conflict.

I sincerely hope that the Commission approves the settlement agreement. Mr. Morris is one of the most ethical people I know, both personally and professionally. Mayor McManus and other members of the Council did not just want to fire him and deny him what he is owed contractually, they wanted to destroy his career. The only person that should be sitting in front of this Board answering to any ethical violations is Mayor McManus.

Sincerely,  
Lorene Krumm



**From:** [Steve Walton](#)  
**To:** [Nevada Commission on Ethics](#)  
**Subject:** Public Comment Feb 16 meeting  
**Date:** Wednesday, February 16, 2022 6:58:43 AM

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WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

To the Nevada Commission on Ethics,

I am writing in regards to agenda item number 6; Discussion and approval of a Proposed Stipulation for Consent Order concerning Ethics Complaint No. 20-007C regarding Steven Morris, City Attorney, City of Boulder City, State of Nevada, and authorization for the Chair of the Commission, in coordination with Commission Counsel, to prepare and issue the related confidential letter of instruction.

During the time of the events that occurred leading to the ethics complaint filed against Mr Morris, I was serving as Interim Fire Chief for the City of Boulder City. In all my interactions with Mr Morris, I found him to act with the highest ethical and professional standards. In my observations of his dealings with the public, staff, and elected officials, he was always forthright and honest, maintaining the highest principles of integrity.

Sincerely,  
Steve Walton

A black rectangular redaction box covering the signature area.

# **Public Comment Verbatim Submissions**

The following comments pertain to your agenda item six, Case No. 20-007C.

Speaking as a Boulder City resident and someone who actively engages in public policy discussions, the proposed resolution of this situation misses several pivotal points.

First, Steven Morris has been a Nevada-licensed attorney for almost 22 years. He graduated from an ABA-accredited law school (Gonzaga, Spokane, WA) where one of the first classes taken would have been legal ethics. To keep his active Nevada legal license status, he had to complete multiple continuing education classes over the decades which would have serially reinforced what is and what is not ethical behavior.

Second, Mr. Morris holds the position of Stake President at his local religious affiliation. The person who filed the original open meeting law complaint, Peggy Leavitt, is one of his subordinates within the same religious affiliation. Ms. Leavitt is not an attorney, yet the complaint she filed with the state Attorney General strongly suggests someone with legal training wrote it. Before rendering any decision, this Commission would be well advised to interview both Ms. Leavitt and Mr. Morris under oath to determine if there was any collusion between them in filing the frivolous open meeting law complaint. The complaint was ultimately determined by the state Attorney General's office to be without legal foundation or merit.

Third, seasoned lawyers, such as Mr. Morris, regularly operate with an abundance of caution and voluntarily recuse themselves from any situation where there might be even a scintilla of a conflict of interest. When Mr. Morris's employment contract and future income are prospectively at issue before a public body, an unassailable conflict of interest exists in any legal advice he might proffer to his client at the time, the City of Boulder City. Mr. Morris needed to engage other legal counsel to represent the city's best interests for this agenda item, but willfully chose not to do so.

The proposed remedy, which is another ethics class and temporary monitoring of his behavior under limited circumstances, does not address the core problem of a demonstrated ethics breach. It seems a more appropriate remedy would be imposition of a substantial fine upon Mr. Morris personally by this Commission, in addition to referring the matter to the Nevada State Bar for whatever disciplinary action they deem appropriate to protect the public and legal profession from the taint of poor legal practitioners.

Madame Chair and Commissioners I want to thank you for the opportunity to address you with regard to item #6 on your agenda today.

I ask my comments be included verbatim in the minutes of this meeting.

This item is in regard to an ethics complaint filed against the actions of Steven Morris when he was the City Attorney of Boulder City.

- I am the current Mayor of Boulder City and was a participant in filing this complaint.

I do not believe this agreement should be approved by the Commission as it contains significant factual errors.

The agreement states that an agenda item I had requested for a City Council meeting was not clear and complete. Mr. Morris had attempted to remove the item from the agenda at the beginning of the meeting in his role as City Attorney.

The Attorney General reviewed the Open Meeting Law complaint filed for that reason. The Attorney General issued an opinion stating the item was clear and complete and the actions that I and others had taken did not violate the Open Meeting Law.

The agreement also states that Mr. Morris did not have a pecuniary interest in the agenda item. The agenda item was a request to consider retaining special counsel by the City Council to review the employment contract of Mr. Morris and other appointed officials.

Mr. Morris should have recused himself from any involvement in the item as it was related to his employment contract.

Mr. Morris continued to interfere and oppose having the City Council review his employment contract. Many of those actions were documented in the Ethics Complaint that is now being considered.

Mr. Morris actions were unethical and were intended to serve his interests. Again, I ask that this agreement not be approved and that the Commission review the matter to determine appropriate action with regard to Mr. Morris.

Thank you.

# **Agenda Item 4**



**STATE OF NEVADA  
COMMISSION ON ETHICS**

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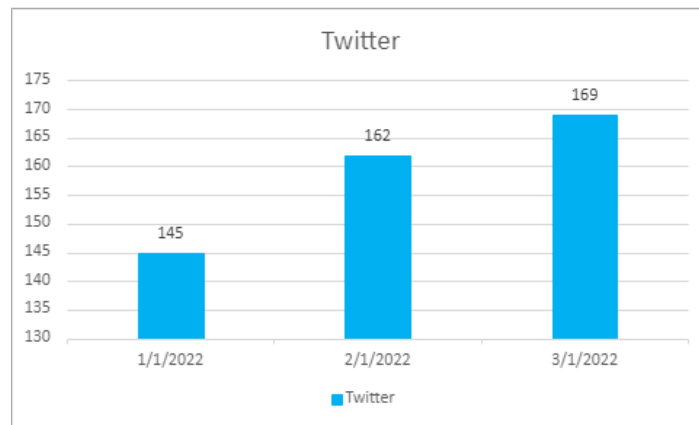
*Executive Director Report - March 2022*

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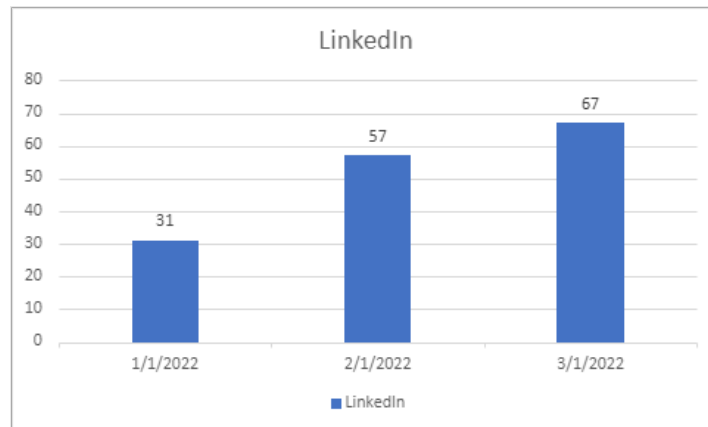
**Education and Outreach**

Social Media - The Commission’s social media platforms have seen continued growth in the number of followers since January 1 as content is regularly presented on Twitter and LinkedIn.

*Twitter*



*LinkedIn*



*Training and Technical Assistance*

- UMC in Clark County has requested training in March
- Boulder City and Nye County training scheduled for early April
- Carson City training scheduled for early May
- Clark County reported training of 44 staff in February

## Quarterly Case Log Status

Commission staff continue to work diligently on reducing any case backlog. As of the date of this report there are:

- 4 cases pending jurisdiction determinations
- 3 cases set for March Review Panel determinations

See attached detailed Case Log. After the March Review Panel meeting, the investigative case backlog is expected to be cleared.

## FY22 Budget Update

The Commission is on track to appropriately spend funds allocated in the 2022 Fiscal Year. Training and meetings events in the Spring should help the Commission spend down travel money assuming improved COVID-19 conditions.

The Administrative Services Division (ASD) changed their billing method for the county and city assessments in SFY 2022. Upon questions from a county, the Governor's Finance Office and Commission Staff determined that the change in approach was likely not in compliance with the county assessment statute and consequently ASD will be making a correction to the methodology and correction to county and city billings. This will shift how much different entities pay but not the total revenue coming to the Commission's budget account.

A budgetary Bill Draft Request will be developed to clarify the statutory language related to assessment calculations for next session.

## Budget Kick Off Meeting (FY 2024 – 2025)

Highlights from the Budget Kick Off Meeting

- Flat Budgeting – 2x cap will be in place for budget building
- Enhancements
  - Align with Governor's priorities
  - Must be prioritized
- Agency Request is due at 5:00PM on September 1, 2022
- Non-budget BDR initial information due May 20, 2022, for final review July 8, 2022

## Commission Meeting Status

The Commission is set to meet on April 20 with the Legislative Subcommittee also meeting on that day. At this time, we are planning to hold the April meeting in person and in Las Vegas. Currently the Commission has four adjudicatory hearings scheduled for later in 2022 and early in 2023.

Submitted: Ross E. Armstrong, Executive Director

Date: 3/9/2022

RFO No.	Date Filed	Jurisdiction	Local or State	Subject	Requester	Status
22-021C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Pending Jurisdictional Review
22-020C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Pending Jurisdictional Review
22-019A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Pending Submission/ Opinion
22-018A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Pending Submission/ Opinion
22-017A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Pending Submission/ Opinion
22-016C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Pending Jurisdictional Review
22-015A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Pending Submission/ Opinion
22-014A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Pending Submission/ Opinion
22-013C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Pending Jurisdictional Review
22-012A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Pending Submission/ Opinion
22-010A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Pending Submission/ Opinion
22-005C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Active Investigation
22-004C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Active Investigation
22-003A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Pending Submission/ Opinion
21-100C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Pending Panel Determination
21-081C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Pending Panel Determination
21-070C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Deferral Agreement Pending
21-062C/ 21-082C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Adjudicatory Proceedings Pending
↑ FISCAL YEAR 2022 ↑						
21-032C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Deferral Agreement 2/1/22; Compliance Period expires 2/1/24
21-014C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Deferral Agreement Pending
21-007C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Deferral Agreement 8/16/21; Compliance Period expires 8/16/23, Attended Ethics Training
21-006C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Deferral Agreement 8/16/21; Compliance Period expires 8/16/23, Attended Ethics Training
20-083C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Active Investigation



20-081C/ 20-085C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Adjudicatory Proceedings Pending
20-077C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Deferral Agreement Pending
20-076C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Deferral Agreement Pending
20-075C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Deferral Agreement Pending
20-064C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Adjudicatory Proceedings Pending
20-060C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Panel Determination

↑ FISCAL YEAR 2021 ↑

20-048C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Deferral Agreement Pending
19-126C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Panel Determination
19-102C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Stipulated Agreement 1/19/22; Must Attend Ethics Training by 7/19/22
19-088C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Adjudicatory Proceedings Pending

↑ FISCAL YEAR 2020 ↑

19-044C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Deferral Agreement 2/20/20; Compliance Period expires 2/20/25
19-004C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Deferral Agreement 6/4/20; Compliance Period expires 6/4/22, Must Attend Ethics Training
18-060C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Stipulated Agreement 11/18/19; \$13,881.36 Civil Penalty due 6/30/23 (\$7,612.30 Remaining as of 3/3/22)

↑ FISCAL YEAR 2019 ↑

RFO No.	Date Filed	Jurisdiction	Local or State	Subject	Requester	Status
22-021C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Review
22-020C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Review
22-019A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Submission/ Opinion
22-018A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Submission/ Opinion
22-017A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Submission/ Opinion
22-016C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Review
22-015A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Submission/ Opinion
22-014A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Submission/ Opinion
22-013C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Review
22-012A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Submission/ Opinion
22-011A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn
22-010A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Submission/ Opinion
22-009A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
22-008A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn
22-007A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn
22-006A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
22-005C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Active Investigation
22-004C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Active Investigation
22-003A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Submission/ Opinion
22-002C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
22-001A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 2/7/22; Abstract issued 2/17/22
21-108C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
21-107A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
21-106C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
21-105A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 1/18/22; Abstract issued 2/7/22

21-104C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
21-103C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed w/Ltr of Instruction 1/22
21-102A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 12/21/21; Abstract issued 1/18/22
21-101A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 1/5/22; Abstract issued 1/18/22
21-100C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Panel Determination
21-099C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
21-098C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
21-097C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
21-096C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
21-095C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
21-094A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
21-093C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
21-092A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 1/6/22; Abstract issued 1/20/22
21-091A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn
21-090C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
21-089C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
21-088A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 12/20/21; Abstract issued 1/18/22
21-087C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
21-086C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)

21-085C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
21-084C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
21-083C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
21-081C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Panel Determination
21-080A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 12/22/21; Abstract issued 1/18/22
21-079A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 12/15/21; Abstract issued 1/5/22
21-078C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
21-077C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
21-076C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
21-075A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
21-074A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 11/8/21; Abstract issued 12/1/21
21-073	Case Management Vendor Test					
21-072	Number not assigned to submitted Case/ Case Management Test Prompted					
21-071C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
21-070C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Deferral Agreement Pending
21-069C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
21-068	Case Management Vendor Test					
21-067C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
21-066C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
21-065C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)

21-064C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
21-063A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn
21-062C/ 21-082AC	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Investigation Pending; Consolidated
21-061C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
21-060C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn
21-059C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
21-058C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed w/Ltr of Instruction 10/5/21
21-057C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
21-056C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed w/Ltr of Instruction 9/22/21
21-055A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 9/9/21; Abstract issued 11/2/21
21-054A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 8/19/21; Confidentiality Waived
21-053A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 8/19/21; Abstract issued 9/22/21
21-052A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn (see 21-051A Duplicate)
21-051A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 8/19/21; Abstract issued 9/16/21
21-050A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn (see 21-051A Duplicate)
21-049C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
21-048A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
21-047A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn
21-046A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)

21-045C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
21-044C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
21-043C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
21-042C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)

# **Agenda Item 5**

# NEVADA COMMISSION ON ETHICS

REVIEW COMMISSION JURISDICTION





# STATUTORY AND REGULATORY AUTHORITY



- Chapter 281A Nevada Revised Statutes – Nevada Ethics Law
- Chapter 281A Nevada Administrative Code – Ethics Regulations

# THREE MAJOR FUNCTIONS OF THE ETHICS COMMISSION

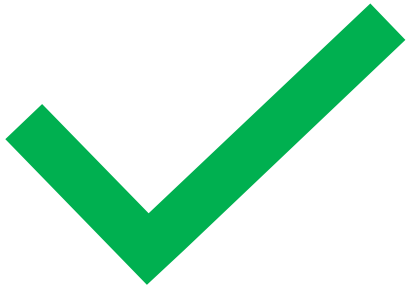
1. Education and Outreach about Nevada's Ethics Law
2. Provide Advisory Opinions to public officers and employees about Nevada's Ethics Law
3. Receive and process Complaints alleging violations of Nevada's Ethics Law

# KEY ETHICS TERMS

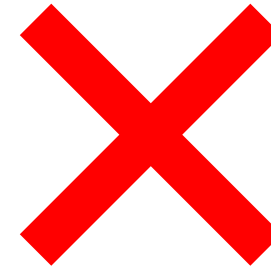
- Public Officer – Position in Nevada Constitution, Nevada Law, local government charter or ordinance or listed in NRS 281A.182
- “Commitment in a Private Capacity” – special relationship
  - Spouse/domestic partner
  - Member of household
  - Related by third degree of consanguinity
  - Employer of individual or their spouse/partner/household member
  - Substantial and continuing business interest
  - “Substantially similar” to any of the above
- “Pecuniary interest” – any beneficial or detrimental interest in a matter that consists of or is measured in money or otherwise related to money

# NEVADA ETHICS LAW OR NOT?

Nevada Ethics Law



Not Nevada Ethics Law



# WHO IS COVERED IN THE JURISDICTION OF THE ETHICS COMMISSION?

## Nevada Ethics Law

- Public Officers (position in Nevada Constitution, Nevada Law, local government charter or ordinance, or listed in NRS 281A.182)
- Public Employees
- Some cases – former public officers/employees

## Not Nevada Ethics Law

- Private individuals
- Private business, companies, or organizations
- Public agencies as in “the agency violated the ethics law”

# WHAT TYPES OF CONDUCT FALLS UNDER THE JURISDICTION OF THE ETHICS COMMISSION?

## Nevada Ethics Law

- Conduct within the last two years
- Conduct that is expressly prohibited by a statute found in NRS Chapter 281A

## Not Nevada Ethics Law

- Conduct older than two years
- Allegations of harassment or other activity covered by Equal Employment Opportunity Commission or Nevada Equal Rights Commission
- Other employment related grievances
- Local or other agency ethics rules that are not found in NRS Chapter 281A

# WHAT TYPES OF CONDUCT FALLS UNDER THE JURISDICTION OF THE ETHICS COMMISSION? SOME EXAMPLES

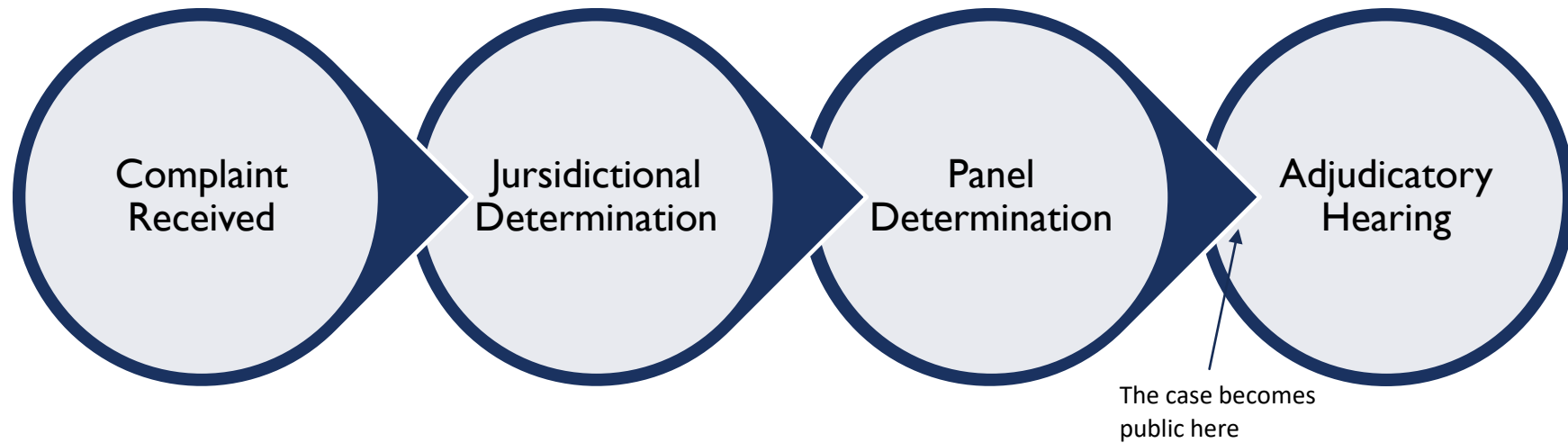
## Nevada Ethics Law

- State employee uses their government equipment to operate a private business from their government office
- City Councilmember fails to disclose and abstain when voting on a matter that financially benefits her wife
- County employee gets paid to lobby the county agency he worked for in violation of the “cooling off” period

## Not Nevada Ethics Law

- Receptionist at a government office being rude to a citizen at the front desk
- Agency manager sexually harassing a member of his work team
- City employee violating a city ethics rule that is not found in NRS 281A

# BASIC COMPLAINT PROCESS





# WHAT ACTION CAN THE ETHICS COMMISSION TAKE IN RESPONSE TO A VIOLATION







## Nevada Ethics Law

- Monetary penalties
- Stipulated agreements to require education, practice changes, or mandate public apologies
- Issue Letter of Instruction or Caution
- Petition for removal of the public officer or employee
- Admonish or reprimands
- Refer to other appropriate authorities

## Not Nevada Ethics Law

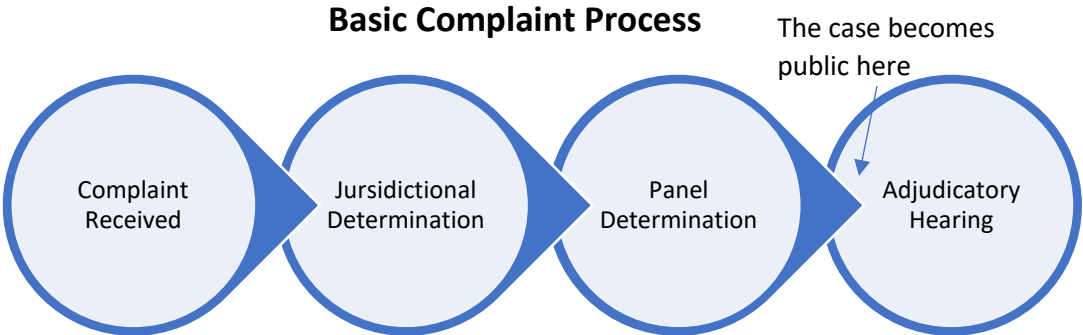
- File an injunction to prevent a public officer from taking an action
- Any criminal sanctions or remedies including sentencing a person to jail or prison

## Nevada Commission on Ethics Quick Reference Guide

Topic	Answer	Legal Citation*
<b>Basics</b>		
 Individuals Covered	Public Officers (position in Nevada Constitution, Nevada Law, local government charter or ordinance, or listed in NRS 281A.182)  Public Employees  Some cases – former public officers/employees	NRS 281A.160  NRS 281A.150  NRS 281A.180
 Statute of Limitations	Jurisdiction is limited to acts that occurred within last two years. Some exceptions for unknown or concealed activity.	NRS 281A.280
 Specifically Outside Jurisdiction	Allegations of harassment or other activity covered by Equal Employment Opportunity Commission or Nevada Equal Rights Commission  Other employment related grievances  Activity not specifically covered by NRS 281A	NRS 281A.280
<b>Important Definitions</b>		
 “Commitment in a Private Capacity”	<ul style="list-style-type: none"> <li>• Spouse/domestic partner</li> <li>• Member of household</li> <li>• Related by third degree of consanguinity</li> <li>• Employer of individual or their spouse/partner/household member</li> <li>• Substantial and continuing business interest</li> <li>• “Substantially similar” to any of the above</li> </ul>	NRS 281A.065
 “Pecuniary interest”	Any beneficial or detrimental interest in a matter that consists or is measured in money or otherwise related to money including <ul style="list-style-type: none"> <li>• Anything of economic value</li> <li>• Payments or other money which a person is owed</li> </ul>	NRS 281A.139
 “Unwarranted”	Without justification of reason	NRS 281A.400

\*Descriptions of statutes are summaries and do not necessarily include all legal elements nor should this document be viewed as legal advice.

Nevada Commission on Ethics Quick Reference Guide	
Statutory Prohibitions the Commission Can Enforce*	
<b>Improper Benefit - General</b>	
Gifts, services, favor, engagements that “tend improperly to influence a reasonable person to depart from the faithful and impartial discharge of duties	NRS 281A.400(1)
No unwarranted privileges, preferences, exemptions, or advantages using public officer’s position	NRS 281A.400(2)
Negotiating a contract for self or others with current agency	NRS 281A.400(3)
Salary, retainer, augmentation, expense allowance, or compensation from private source for performance of public duties	NRS 281A.400(4)
Use of non-public information for benefit of self or others	NRS 281A.400(5)
Suppression of government report to benefit self or others	NRS 281A.400(6)
Use of government time, property, equipment, or other facility to benefit a significant personal or pecuniary interest (Limited use exceptions)	NRS 281A.400(7)
Legislator-only version of use of government time	NRS 281A.400(8)
Benefit to self or other using influence over a subordinate	NRS 281A.400(9)
Seeking/obtaining other employment or contracts using official position	NRS 281A.400(10)
Voting to benefit someone/entity without proper disclosure or abstention	NRS 281A.420
Failure to file a timely acknowledgment of statutory ethical standards form	NRS 281A.500
Receiving an honorarium (money for speaking, appearing) - limited exceptions	NRS 281A.510
<b>Improper Benefit – Political Cause</b>	
Benefit to a ballot question or candidate using a governmental entity	NRS 281A.520
<b>Employment Restrictions / Cooling Off</b>	
Compensation for lobbying, consulting, or representation on issue before current or former public agency	NRS 281A.410
New employment or soliciting new employment using current position	NRS 281A.550



\*Descriptions of statutes are summaries and do not necessarily include all legal elements nor should this document be viewed as legal advice.