



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 16, 2022, at 9:30 a.m.
at the following location:

Nevada State Capitol Building
Old Assembly Chambers
101 N. Carson Street, Second Floor
Carson City, NV 89701

Zoom Meeting Information

<https://us06web.zoom.us/j/84005817947?pwd=aTFOSHhWTy9LeDBTanZqMktGSkVqZz09>

Zoom Meeting Telephone Number: 720-707-2699 *

Meeting ID: 840 0581 7947

Passcode: 762207

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-person in the Old Assembly Chambers in Carson City and called the meeting to order at 9:30 a.m. Vice-Chair Brian Duffrin and Commissioners Barbara Gruenewald, Esq. and Thoran Towler, Esq. also appeared in-person. Commissioners James Oscarson and Amanda Yen, Esq. appeared via Zoom videoconference. Commissioners Teresa Lowry, Esq. and Damian Sheets, Esq. were absent. Present for Commission staff in Carson City were Executive Director Ross E. Armstrong, Esq., Commission Counsel Tracy L. Chase, Esq., Associate Counsel Elizabeth J. Bassett, Esq., and Executive Assistant Kari Pedroza. Senior Legal Researcher Darci Hayden appeared via Zoom videoconference.

2. Public Comment.

There was no public comment.

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

Chair Wallin stated that all Commissioners were present for the October Commission Meeting, except for Commissioner Sheets who was absent from the meeting.

Chair Wallin requested that the correction noted by Vice-Chair Duffrin for the September meeting be outlined in the minutes.

Commissioner Yen moved to approve the October 19, 2022, Commission Meeting Minutes with inclusion requested by Chair Wallin. 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 Oscarson:	Aye.
Commissioner Towler:	Aye.
Commissioner Yen:	Aye.

4. Discussion and approval of a Proposed Stipulation concerning Ethics Complaint Nos. 22-033C and 22-034C regarding John Wesley Prudhont, Former Treasurer, Nye County, State of Nevada.

Chair Wallin introduced the item and turned it over to Vice-Chair Duffrin to act as presiding officer for this item as she participated on the Review Panel.

Vice-Chair Duffrin confirmed the item would consider Consolidated Ethics Complaint Nos. 22-033C and 22-034C (Prudhont) and a consolidated Proposed Stipulation. He further acknowledged that proper notice had been provided to the subject and waivers were received by the Commission in the cases. Vice-Chair Duffrin noted that the Review Panel in the complaints consisted of Chair Wallin, and Commissioners Lowry and Towler and pursuant to NRS 281A.220(4), these review panel members would be precluded from participating in this item.

Vice-Chair Duffrin asked the parties in the matter 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. Rob Bare, Esq. appeared via Zoom videoconference on behalf of Mr. John Wesley Prudhont ("Prudhont"), who was also in attendance via Zoom videoconference.

Associate Counsel Bassett provided an overview of the Complaints and Proposed Stipulation in Ethics Consolidated Complaint Case Nos. 22-033C and 22-034C (Prudhont). The Complaints received by the Commission on March 28, 2022, alleged that Prudhont, in his former position as Treasurer for Nye County, utilized government time and resources to obtain a Master of Business Administration degree online and violated NRS 281A.400 subsections (2), (7) and (9). On June 15, 2022, a Review Panel consisting of 3 members of the Commission on Ethics 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 alleged violations of NRS 281A.400 subsections (2), (7) and (9).

In lieu of an adjudicatory hearing, the parties submitted a Proposed Stipulation for the Commission's approval, a copy of which was provided in the Commission's meeting materials. The terms of the Proposed Stipulation outlined the allegations that Prudhont violated NRS 281A.400 subsections (2) and (9) were dismissed and stipulated one (1) non-willful violation of the Ethics Law, implicating the provisions of NRS 281A.400 subsection (7). Associate Counsel

Bassett provided mitigating factors present which allowed for the finding of a non-willful violation. The Proposed Stipulation outlined that Prudhont must complete Ethics Training approved by the Commission's Executive Director within sixty (60) days of the execution of the Stipulation. Associate Counsel stated that given the information obtained in the investigation of this matter and the mitigating factors, she and the Executive Director believe that the terms of Proposed Stipulation are appropriate.

Associate Counsel Bassett thanked Mr. Prudhont and his counsel Mr. Bare for their cooperation and patience in the resolution of this matter.

Prudhont's counsel, Rob Bare Esq. thanked the Commission and commented his agreement with Associate Counsel Bassett's recitation of the Complaints and Proposed Stipulation. He provided background of his experience with administrative law and expressed his appreciation for Commission staff's professionalism and Associate Counsel Bassett's understanding, consideration, and collaborative efforts in settling the matter. Rob Bare, Esq. thanked Associate Counsel Bassett for her assistance.

Vice-Chair Duffrin thanked Counsel Bare for his feedback noting how helpful that insight is to the Commission.

Commissioner Gruenewald made a motion to approve the terms of the Proposed Stipulation for subject Prudhont in Consolidated Ethics Complaint Case Nos. 22-033C and 22-034C as presented by the parties and authorize Commission Counsel to finalize the legal form of the Stipulation and other matters relating thereto. Commissioner Yen seconded the motion. The Motion was put to a vote and carried as follows:

Chair Wallin:	Abstain per NRS 281A.220(4).
Vice-Chair Duffrin:	Aye.
Commissioner Gruenewald:	Aye.
Commissioner Oscarson:	Aye.
Commissioner Towler:	Abstain per NRS 281A.220(4).
Commissioner Yen:	Aye.

Vice-Chair Duffrin thanked Mr. Prudhont for his cooperation during the investigation and his attendance at the meeting.

5. Delegation of certain Commission Counsel duties to Elizabeth Bassett, Associate Counsel in advisory opinions and certain other matters in which she does not have a conflict of interest or which she is otherwise precluded and authority for the Chair to emergency appoint Elizabeth Bassett to the Commission Counsel position pending the permanent appointment of an applicant for the position in the event such appointment is needed to maintain the operations of the Commission.

Chair Wallin introduced the item and asked if there were any disclosures.

Commission Counsel Chase disclosed that upon her notice of retirement she submitted an offer to serve under critical shortage circumstances to the Commission. She reported the retraction of the offer to allow her to provide legal advice on the delegation matters to the Commission without any specter of conflict. Commission Counsel Chase confirmed that she has no pecuniary interest in the item and would provide legal advice and participate as required.

Executive Director Armstrong reported that Item 5 and the subsequent item were intended to ensure Commission operation continuity during the interim should there be a period of vacancy in the Commission Counsel position.

Executive Director Armstrong referenced the delegation options outlined in the Commission Counsel job duties document provided with the meeting materials. He explained the course of action for conflicts of interest and requesting assistance from the Attorney General's Office for matters requiring litigation in the absence of an incumbent in the Commission Counsel position.

Commission Counsel Chase added for the record the concern relating to NRS 233B.122 which prohibits any agency member who acts as an investigator or a prosecutor in a contested case to take part in the adjudication of the case. She provided that, after review of her position duties and coordination with the Executive Director she acknowledged that the Commission Counsel has certain adjudicatory duties to the Commission and offered the recommendation that any matters relating to adjudication or litigation be referred to conflict counsel by either the Attorney General's Office or other outside legal representative retained by the Commission. Commission Counsel outlined which duties pertain to adjudication and litigation.

Vice-Chair Duffrin commented his appreciation for the collaborative efforts of the Executive Director, Commission Counsel and Associate Counsel in mitigating his concerns relating to this item.

Commissioner Oscarson echoed Vice-Chair Duffrin's comments and appreciation.

Commission Counsel Chase noted for the record that the Commission has a regulation in place which allows the Chair of the Commission to delegate work of the Commission appropriately to members of the staff. She reiterated the ability of the Chair to request legal guidance from the Attorney General's Office pertaining to delegation of duties.

Chair Wallin expressed her gratitude to the Executive Director, Commission Counsel and Associate Counsel for working together to ensure appropriate separation of duties. She shared her opinion that the recommendation is a good solution to protect the Commission.

Commissioner Yen made a motion to approve the request for delegation of authority with Associate Counsel Elizabeth Bassett taking over the Commission Counsel roles as discussed herein. Vice-Chair Duffrin seconded the motion. The Motion was put to a vote and carried unanimously.

6. Authority for the Chair or Vice-Chair of the Commission to request, on behalf of the Commission, that the Attorney General's Office provide interim Commission Counsel services pending filling of the vacancy and authority for the Executive Director to research and provide other options for legal providers for the Commission's consideration.

Chair Wallin introduced the item and asked if there were any disclosures.

Commission Counsel Chase disclosed that upon her notice of retirement she submitted an offer to serve under critical shortage circumstances to the Commission. She reported the retraction of the offer to allow her to provide legal advice on the delegation matters to the Commission without any specter of conflict. Commission Counsel Chase confirmed that she has no pecuniary interest in the item and would provide legal advice and participate as required.

Executive Director Armstrong provided that the item would allow the Executive Director to request assistance from the Attorney General's Office in the event of a conflict of interest or adjudication. He explained the process for the request in writing and costs related thereto.

Commission Counsel Chase noted for the record that authority is provided for the Commission to request the services of the Attorney General's Office pursuant to NRS 228.091. She informed the Commission further regarding request specifications.

Vice-Chair Duffrin asked about the costs associated with utilizing the services provided by the Attorney General's Office and Executive Director Armstrong responded that costs would be assessed in a subsequent fiscal year based on actual utilization of services.

Commissioner Gruenewald made a motion to approve the request to provide authority to the Chair and Vice-Chair as indicated to contact the Attorney General's Office for any services needed. Commissioner Towler seconded the motion. The Motion was put to a vote and carried unanimously.

7. Report by Executive Director on agency status and operations, and possible direction thereon. Items to be discussed include, without limitation:
 - Outreach and Education
 - Legislative Session Update
 - Commission Counsel Hiring Process

Outreach and Education: Executive Director Armstrong shared the current outreach would focus on education for newly elected officers including 30-minute briefing opportunities for them to connect with him on Zoom.

Executive Director Armstrong provided information on recent trainings conducted such as his recent presentation to the Association of School Boards on November 11. Executive Director Armstrong outlined upcoming trainings scheduled for Lander County and Golconda and informed the Commission about post-election training requests from Washoe County and the City of Las Vegas.

Executive Director Armstrong provided an update on the online training system Request for Proposals (RFP) process and asked for Commissioners interested in servicing on the RFP review panel to contact the Chair.

Legislative Session Update: Executive Director Armstrong referenced the Bill Draft Requests (BDR) Tracking spreadsheet provided in the meeting materials. He added during the Legislative Session he will provide weekly BDR tracking updates to the Commission via electronic mail. Executive Director Armstrong reported that the Commission's BDR would be pre-filed that day.

Executive Director Armstrong informed the Commission that copies of the Annual Report were printed and will be distributed upon the start of the Legislative Session.

Executive Director Armstrong reported that the Commission's biennial budget travel enhancement request was moved from Items for Special Consideration and will be adjusted in the base budget.

Commission Counsel Hiring Process: Executive Director Armstrong shared that the Commission has received some new applications for the Commission Counsel position. He stated that the Personnel Subcommittee would perform initial interviews on November 30 and the full Commission would conduct final interviews on December 8.

Chair Wallin shared she was glad to hear that training requests have increased as a result of social media outreach and thanked Executive Director Armstrong for his efforts.

Commissioner Oscarson shared feedback he received from a County Commission member whose concerns were resolved quickly by Executive Director Armstrong. Commissioner Oscarson expressed his appreciation for Commission staff attentiveness.

Chair Wallin applauded the Commission staff for their great work and effort.

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

8. Discussion of the ongoing Commission branding project including possible approval and direction to the Executive Director on branding and logo design development.

Chair Wallin introduced the item and asked Executive Director Armstrong to present.

Executive Director Armstrong presented the three variations of the Commission's proposed logo created based on feedback from the Commission at its previous meeting and provided in the meeting materials.

Commissioner Gruenewald stated her preference for logo #3 depicting darker stars.

Commissioner Yen shared that she would be amenable to either logo #2 or logo #3 and if logo #2 was selected she would suggest that the stars be darker.

Commissioner Towler commented that he did not like logo #1. Logo #2 reminded him of the Arizona State flag. He stated he was leaning more toward logo #3 and noted that the gold color present on the Nevada State flag was in between the colors shown in logos #2 and #3.

Commissioner Oscarson agreed with his fellow Commissioners and identified logo #3 as his preference. He shared his opinion that logo #3 is a great representation of the Commission's brand.

Vice-Chair Duffrin echoed his fellow Commissioners' comments that logo #3 was the best option. He agreed with Commissioner Towler on logo #1, sharing that he did not like Clark County hanging outside the circle as proposed in that version. Vice-Chair Duffrin appreciated the inclusion of all 17 counties in the logo. He suggested that the gold color incorporated in logo #3 be closer to the gold presented on the Nevada State flag.

Vice-Chair Duffrin thanked his fellow Commissioners and staff for their efforts in developing the Commission's logo and brand, noting the longevity of the logo selected

Chair Wallin stated that she did not like logo #1. She shared she liked logo #2 because the color reminded her of sunshine but after hearing from Commissioner Towler she noted the resemblance to the Arizona State flag. Chair Wallin echoed Vice-Chair Duffrin's comments in the selection of logo #3 with a change to the color incorporating more of a gold than a bronze. She thanked her fellow Commissioners for their feedback and Executive Director Armstrong for the prompt fabrication of the logos in collaboration with the logo creator.

Vice-Chair Duffrin acknowledged the Executive Director's intention to highlight the approved logo on Commission stationary and other materials. He proposed that the Commission have a commemorative Nevada Commission on Ethics coin minted by the State mint to further market the Commission and its brand. Vice-Chair Duffrin shared that he is glad to see the words

'Integrity' and 'Trust' included on the Commission's logo.

Vice-Chair Duffrin made a motion to approve logo #3 with color changes as discussed by the Commission. Commissioner Gruenewald seconded the motion. 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.

Commissioner Towler asked if the Commission will be meeting on December 8 as proposed and Chair Wallin confirmed that the Commission will hold a meeting on December 8 to interview applicants for the Commission Counsel position and to acknowledge Tracy Chase's contribution to the Commission as it will be her last meeting before her retirement.

Chair Wallin congratulated former Commissioner P.K. O'Neill on his recent re-election to the Nevada State Assembly and election as Assembly Minority Leader.

10. Public Comment.

There was no public comment.

11. Adjournment.

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

The meeting adjourned at 10:20 a.m.

Minutes prepared by:

/s/ Kari Pedroza

Kari Pedroza
Executive Assistant

/s/ Ross Armstrong

Ross Armstrong, Esq.
Executive Director

Minutes approved December 8, 2022:

/s/ Kim Wallin

Kim Wallin, CPA, CMA, CFM
Chair

/s/ Brian Duffrin

Brian Duffrin
Vice-Chair