

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, August 17, 2022, at 9:30 a.m.
at the following location:

**State Bar of Nevada
9456 Double R Boulevard, Suite B
Reno, NV 89521**

Zoom Meeting Information

<https://us06web.zoom.us/j/81702736222?pwd=VXhqY1NxY0lrcnJldjI2OVF4a0wrQT09>

Zoom Meeting Telephone Number: 720-707-2699 *

Meeting ID: 817 0273 6222

Passcode: 195166

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 at the State Bar of Nevada in Reno and called the meeting to order at 9:30 a.m. Also appearing in-person were Vice-Chair Brian Duffrin and Commissioners Barbara Gruenewald, Esq. and Thoran Towler, Esq. Commissioners Teresa Lowry, Esq., James Oscarson, Damian Sheets, Esq. and Amanda Yen, Esq. appeared via videoconference. Present for Commission staff in Reno were Executive Director Ross E. Armstrong, Esq., Commission Counsel Tracy L. Chase, Esq., Associate Counsel Elizabeth J. Bassett, Esq., Senior Legal Researcher Darci Hayden, Investigator Erron Terry and Executive Assistant Kari Pedroza.

2. Public Comment.

There was no public comment.

3. Approval of Minutes of the June 15, 2022, Commission Meeting.

Chair Wallin stated that all Commissioners were present for the June Commission Meeting, except for Commissioners Oscarson and Sheets who were excused and would abstain from participating on this item.

Commissioner Towler moved to approve the June 15, 2022 Commission Meeting Minutes as presented. Vice-Chair Duffrin seconded the motion. The Motion was put to a vote and carried as follows:

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

4. Nominations and election of the Commission Chair and Commission Vice Chair for the upcoming year.

Commissioner Yen made a motion to reappoint Commissioner Wallin as Chair and Commissioner Duffrin as Vice-Chair of the Commission for Fiscal Year 2022-2023. Commissioner Gruenewald seconded the motion. The Motion was put to a vote and carried unanimously.

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

- Outreach and Education
- FY22/23 Budget Status
- Commission Operations

Outreach and Education: Executive Director Armstrong provided information on recent trainings conducted and upcoming trainings scheduled including presentations to the Nevada Silver State Health Exchange, City of North Las Vegas, Humboldt County General Hospital and the City of Ely in June as well as the Southern Nevada Regional Housing Authority in July and the Nevada Public Civil Attorneys Conference in September.

FY22/23 Budget Status: Executive Director Armstrong informed the Commission that the Interim Finance Committee was to consider the Commission's request for Federal Recovery Act funding for an online training platform that day. He noted that staff was working with the Administrative Services Division to wrap up the FY22 budget.

Commission Operations: Executive Director Armstrong provided that the Commission is set to meet next in September and the October meeting could be held in Las Vegas.

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.

6. Presentation of draft Annual Report for direction from the Commission, including delegation of authority to the Chair in coordination with staff to prepare a final document for approval at the next Commission meeting.

Executive Director presented the Fiscal Year 2022 Annual Report draft included in the Meeting Materials and noted that the Table of Contents, the Introduction Letter and Case Statistic graphs would be added to the Annual Report for the Commission's consideration at its next meeting.

Vice-Chair Duffrin requested that the Commission determine its Goals for FY23 at the next meeting and that these Goals be included in the published Annual Report.

Vice-Chair Duffrin made a motion to accept the 2022 Annual Draft Report format as presented and the Commission would consider its Goals for inclusion in the report at the September 21 2022 Commission Meeting. Commissioner Towler seconded the motion. The motion was put to a vote and carried unanimously.

7. Delegation of authority and referral to the Nevada Commission on Ethics Personnel Subcommittee matters related to the review of applications and making recommendations to the Commission of the top applicant(s) to fill the upcoming vacancy in Commission Counsel position, including directing staff to review applications for minimum qualifications and other matters relating thereto.

Chair Wallin introduced the item, commenting she would miss Tracy Chase as the Commission Counsel and the Commission will have a difficult task in appointing her replacement.

Commissioner Oscarson echoed the comments of Chair Wallin and thanked Commission Counsel Chase for her excellent care of the Commissioners.

Vice-Chair Duffrin thanked Tracy Chase for her service and expressed his appreciation for her assistance. Vice-Chair Duffrin asked a procedural question about the recruitment process and Commission Counsel Chase provided the response.

Chair Wallin directed staff to post the Commission Counsel Position Notice next week and coordinate with Chair Wallin, Vice-Chair Duffrin and Commissioner Oscarson as designated members of the Personnel Subcommittee on scheduling a Subcommittee meeting in October.

Commissioner Yen moved to delegate authority to the Personnel Subcommittee. Commissioner Towler seconded the motion. The motion was put to a vote and carried unanimously.

8. Discussion and approval of the Proposed Stipulations concerning Ethics Complaint Nos. 20-075C, 22-076C and 22-077C regarding David Hart, Phillip Hilton and Larry Huddleson, Members, Board of Trustees, Canyon General Improvement District, Storey County.

Chair Wallin stated for the record that Vice-Chair Duffrin and Commissioners Gruenewald and Sheets served as members of the Review Panel and would be precluded from participating in this item pursuant to NRS 281A.220(4).

Chair Wallin asked the parties 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 Kathy Parks, Esq. of Thorndal appeared on behalf of Steve Alford ("S. Alford"), who were not in attendance but were provided proper notice of the Agenda Item and understood that the Commission would proceed in their absence.

Associate Counsel Bassett provided an overview of Ethics Complaints Case Nos. 20-075C, 22-076C and 22-077C and the provisions of the Proposed Stipulations provided in the meeting materials.

The Proposed Stipulation for Ethics Complaint Case No. 20-075C outlined that Hart's action constituted a single course of conduct resulting in one violation of the Ethics Law, implicating the provisions of NRS 281A.420(1) and allegations that Hart violated NRS 281A.400 subsections (1), (2), and (10) and NRS 281A.420 subsection (3) were dismissed by stipulation of the parties. Based upon the consideration and application of the statutory mitigating criteria set forth in NRS 281A.775, Hart's violation would not be deemed a willful violation. The Proposed

Stipulation further outlined that Hart agreed to complete Ethics Training within sixty (60) days of the execution of the Stipulated Agreement.

The Proposed Stipulation for Ethics Complaint Case No. 20-076C outlined that Hilton's action constituted a single course of conduct resulting in one violation of the Ethics Law, implicating the provisions of NRS 281A.420(1) and allegations that Hilton violated NRS 281A.400 subsections (1), (2), and (10) and NRS 281A.420 subsection (3) were dismissed by stipulation of the parties. Based upon the consideration and application of the statutory mitigating criteria set forth in NRS 281A.775, Hilton's violation would not be deemed a willful violation. The Proposed Stipulation further outlined that Hilton agreed to complete Ethics Training within sixty (60) days of the execution of the Stipulated Agreement.

The Proposed Stipulation for Ethics Complaint Case No. 20-077C outlined that Huddleson's action constituted a single course of conduct resulting in one violation of the Ethics Law, implicating the provisions of NRS 281A.420(1) and allegations that Huddleson violated NRS 281A.400 subsections (1), (2), (3), (7), and (10) and NRS 281A.420 subsection (3) were dismissed by stipulation of the parties. Based upon the consideration and application of the statutory criteria set forth in NRS 281A.775, Huddleson agrees that pursuant to NRS 281A.170, a single willful violation will be imposed for NRS 281A.420(1). The Proposed Stipulation further outlined that Huddleson agreed to pay the sum of \$250.00 pursuant to NRS 281A.790(1)(a) for failing to properly disclose his commitment in a private capacity to the HOA, which amount will be due no later than October 17, 2022 and Huddleson also agreed to complete Ethics Training within sixty (60) days of the execution of the Stipulated Agreement.

Kathy Parks, Esq. thanked Executive Director Armstrong and Associate Counsel Bassett for working with her on the Stipulations and commented that the agreements were a fair resolution.

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

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

9. Consideration and determination on Dispositive Motions in Case Nos. 20-075C, 22-076C and 22-077C regarding David Hart, Phillip Hilton and Larry Huddleson, Members, Board of Trustees, Canyon General Improvement District, Storey County, including providing authority to the Chair of the Commission to prepare and issue the order reflecting the Commission's decision and other matters relating thereto, in consultation with Commission Counsel.

The referenced complaints listed in this Agenda Item were resolved by stipulated agreement during the previous item and this Agenda Item was not heard.

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

There were no Commissioner Comments.

11. Public Comment.

Storey County resident Jennifer Agnew made public comment in regard to Agenda Item 8 and thanked the Commission and Associate Counsel Bassett for their time.

12. Adjournment.

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

The meeting adjourned at 10:19 p.m.

Minutes prepared by:

[/s/ Kari Pedroza](#)

Kari Pedroza
Executive Assistant

[/s/ Ross Armstrong](#)

Ross Armstrong, Esq.
Executive Director

Minutes approved September 21, 2022:

Kim Wallin, CPA, CMA, CFM
Chair

Brian Duffrin
Vice-Chair

Agenda Item 4



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Bartolo Ramos**, Former Public Works
Director, Lander County, State of Nevada,

Ethics Complaint
Case Nos. 19-088C and
22-026C

Subject. /

**PROPOSED
STIPULATED AGREEMENT**

1. **PURPOSE:** This Stipulated Agreement (“Agreement”) resolves Case No. 19-088C, pending before the Nevada Commission on Ethics (“Commission”) concerning Bartolo Ramos (“Ramos”), Former Public Works Director and Current County Manager, Lander County, State of Nevada. In addition, the Agreement, if fully performed by Ramos, will resolve Case No. 22-026 (Ramos), upon the terms set forth below.
2. **JURISDICTION:** At all material times, Ramos served as the Public Works Director for Lander County, State of Nevada and was a public employee as defined in NRS 281A.150 for Case No. 19-088C. For Case No. 22-026C, Ramos served as the Lander County Manager at all material times and is a public officer as defined in NRS 281A.160. The Ethics in Government Law (“Ethics Law”) set forth in NRS Chapter 281A gives the Commission jurisdiction over elected and appointed public officers and public employees whose conduct is alleged to have violated the provisions of NRS Chapter 281A. See NRS 281A.280. Accordingly, the Commission has jurisdiction over Ramos in these matters.
3. **PROCEDURAL HISTORY BEFORE COMMISSION:**
 - a. On or about September 21, 2019, the Commission received Ethics Case No. 19-088C (“Case No. 19-088C”), alleging that Ramos violated NRS 281A.400(1), (2), (3), (4), (6) and (7), NRS 281A.420(1) and (3) and NRS 281A.430.
 - b. On November 7, 2019, the Commission issued its *Order on Jurisdiction and Investigation* accepting jurisdiction for Case No. 19-088C directing the Executive Director to investigate the allegations but declining to investigate the allegation that Ramos violated NRS 281A.400(6) for lack of sufficient evidence to support the allegation.

c. On November 7, 2019, staff of the Commission issued a *Notice of Complaint and Investigation* under NRS 281A.720 relating to Case No. 19-088C.

d. On or about August 18, 2020, Ramos, through his counsel, provided a response to Case No. 19-088C.

e. On or about June 21, 2021, a three-member Review Panel determined the facts established credible evidence to support just and sufficient cause for the Commission to render an opinion in Case No. 19-088C regarding alleged violations of NRS 281A.400(1), (2) and (3) and NRS 281A.420(1) and (3) and referred these alleged violations to the Commission for further proceedings. The Review Panel found that the facts did not establish credible evidence to support just and sufficient cause for the Commission to render an opinion regarding alleged violations of NRS 281A.400(4) and (7) or NRS 281A.430 and dismissed those alleged violations.

f. On or about March 14, 2022, the Commission received a second Ethics Complaint regarding Ramos in Case No. 22-026C. On or about April 28, 2022, the Commission issued its *Order on Jurisdiction and Investigation* accepting jurisdiction and directing the Executive Director to investigate Ramos' alleged violations of NRS 281A.400(1), (2), and (7) and NRS 281A.420(1) and (3).

g. On April 21, 2022, in Case No. 19-088C, the Executive Director filed a Motion for Summary Judgment as to Ramos' alleged violations of NRS 281A.400(3) and NRS 281A.420(1). On that same date, Ramos filed a Motion for Summary Judgment as to all ethics violations alleged against him.

h. On June 15, 2022, the Commission held a hearing in Case No. 19-088C on both Motions for Summary Judgment. The Commission denied Ramos' Motion and granted the Executive Director's Motion, finding that Ramos committed one violation of NRS 281A.400(3) and eleven violations of NRS 281A.420(1). The Commission entered a written order confirming its decision on July 19, 2022.

i. In lieu of further adjudicatory proceedings and in resolution of both Case No. 19-088C and Case No. 22-026C, Ramos and the Commission now enter into this Agreement.

4. STIPULATED FACTS:

CASE NO. 19-088C

a. At all relevant times relating to Case No. 19-088C, Ramos was the Public Works Director for Lander County, State of Nevada and was a public employee under NRS 281A.150.

b. In his position, Ramos was responsible for presenting engineering contracts to the Lander County Commission for review and approval.

c. In mid-2018, JNM Materials, LLC (“JNM Materials”) was formed by Dawn Quintana (“Quintana”) and Jodee Ramos (“Jodee”) and registered with Lander County to perform materials testing work.

d. Jodee is Ramos’ sister and Quintana was her registered domestic partner at all relevant times.

e. About this same time, Ramos proposed to his supervisor, Keith Westengard (“Westengard”), that Lander County save money by directly contracting for materials testing services. In previous contracts with the County, engineering firms were responsible for self-performing or subcontracting materials testing services themselves. Ramos did not disclose his connection to Quintana and Jodee or JNM Materials to Westengard.

f. At an August 9, 2018, meeting, Ramos brought a contract for professional engineering services with Day Engineering (“Contract”) to the Lander County Board of County Commissioners (“BOCC”) for review. The Contract contained a provision providing that Lander County would be directly responsible for materials testing for the duration of the project. Ramos still did not disclose his connection to Quintana and Jodee or JNM Materials to his supervisor, Westengard. Ramos assumed his relationship with JNM was common knowledge, in part, because the Assistant District Attorney prepared the JNM Secretary of State documents, and the relationship was known to other personnel of the County.

g. The BOCC approved the Contract and JNM Materials was hired by the County to provide materials testing on behalf of the County. Eventually, JNM Materials provided additional materials testing work for the County under other engineering

contracts. Ramos did not disclose his connection to Quintana and Ramos or JNM Materials at the meeting.

h. JNM submitted weekly invoices for its work on behalf of Lander County, which were reviewed, and submitted for payment by Ramos in the normal course of his duties as the Public Works Director. The invoices were then placed on County Commission meeting agendas and presented to the County Commissioners for approval. Ramos did not disclose his connection to Quintana and Jodee or JNM Materials at any of the nine meetings where JNM's invoices were presented for payment to the County Commission.

i. Westengard became aware of Ramos' connection to JNM Materials through Quintana and Jodee when Lander County Finance Department employees brought a JNM invoice to his attention and informed him of Ramos' connection to the owners of the company.

CASE NO. 22-026C

a. At all relevant times relating to Case No. 22-026C, Ramos was the Lander County Manager and was a public officer under NRS 281A.160.

b. According to the *Notice of Complaint and Investigation* dated April 28, 2022, Ramos allegedly: (i) sought or accepted any gift, service, favor, employment, engagement, emolument or economic opportunity for himself or person to whom he has a commitment in a private capacity which would tend improperly to influence a reasonable person in his position to depart from the faithful and impartial discharge of his public duties; (ii) used his position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for himself, any business entity in which he has a significant pecuniary interest, or any person to whom he has a commitment in a private capacity; (iii) used governmental time, property, equipment or other facility to benefit his significant person or financial interest, or any person to whom he has a commitment in a private capacity; (iv) failed to sufficiently disclose his acceptance of a gift or loan, pecuniary interest, or commitment in a private capacity to the interest of another person that is reasonably affected by an official matter; (v) failed to abstain from acting on an official matter which is materially affected by his acceptance of a gift or loan, pecuniary interest, or commitment in a private capacity to the interest of another person.

c. A number of the allegations raised in the Ethics Complaint stem from events which occurred more than 2 years prior to its filing.

d. Apart from statute of limitations defenses raised by Ramos, Ramos denies the allegations of any wrongdoing as set forth in the *Notice of Complaint and Investigation* and that his conduct in no way was a violation of the referenced provisions of NRS Chapter 281A.

e. Ramos affirms that a simple review of the agenda and minutes from relevant public meetings evidence that Ramos has publicly disclosed that his wife works in the Lander County School District and is not an employee of the High Desert Educational Association. Moreover, Ramos affirms that neither he nor his wife received any benefit stemming from the allegations set forth in the *Notice of Complaint and Investigation*.

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

a. Regarding Case No. 19-088C, each of the stipulated facts enumerated in Section 4 of this Agreement is agreed to by the parties.

b. Allegations that Ramos violated NRS 281A.400(1) and (2) and NRS 281A.420(3) in Case No. 19-088C are hereby dismissed by stipulation of the parties. Based upon the consideration and application of the statutory criteria set forth in NRS 281A.775, Ramos agrees that pursuant to NRS 281A.170, a single willful violation will be imposed in Case No. 19-088C for his violation of NRS 281A.400(3), based on his conduct in participating as an agent of government in the negotiation of a contract between the government and a business entity in which the public officer or employee has a significant pecuniary interest or any person to whom the public officer or employee has a commitment in a private capacity. In addition, Ramos agrees that a single willful violation of NRS 281A.420(1) will be imposed, for his conduct in failing to properly disclose a commitment in a private capacity.

c. The remaining eleven violations of NRS 281A.420(1) that the Commission found in Case No. 19-088C associated with Ramos' failure to properly disclose commitments in a private capacity are agreed to be non-willful violations, based upon the following mitigating factors:

- Ramos did not have any prior ethics cases before the filing of Case No. 19-088C.

- Resolution of Case No. 19-088C will save the Commission resources and costs.
- Although JNM Materials received a financial benefit from providing testing services to Lander County, Ramos did not personally receive any financial benefit from his conduct and Lander County had no complaint regarding the testing services received from JNM Materials on the Public Works' projects.
- Lander County and the District Attorney's Office are now aware of the conflict that Ramos has relating to JNM Materials, and Lander County took affirmative steps to mitigate Ramos' conduct in approving vouchers for payments for JNM Materials.
- Ramos has been removed from all associated decisions relating to JNM Materials and this separation has been maintained since instituted in 2019.
- Consistent with several prior stipulations approved in other matters, the Commission has combined a series of occurrences related to the same conduct into a single violation for purposes of resolution of a case, which would support categorizing the 11 violations for failing to disclose as non-willful, given the willful violation found for the same conduct.
- Ramos will apprise himself of the requirements of the Ethics Law.
- Ramos will participate in in-person training about the requirements of the Ethics Law and will assure other Lander County public officers also attend the training.

d. Ramos has been advised of the provisions of NRS 281A.790(6), which require the Commission to refer Ramos to Lander County, based upon the finding of a willful violation of the Ethics Law, for possible action in accordance with the applicable provisions governing employment of the public employee.

e. Upon approval by the Commission of this Agreement, the Commission agrees to hold Case No. 22-026C (Ramos) in abeyance and to voluntarily dismiss with prejudice Case No. 22-026C (Ramos) by order of the Chair upon Ramos' completion of all the requirements of this Agreement. Should Ramos fail to comply with all the requirements of this Agreement, the Commission will provide written notice to Ramos, through his designated counsel, that the Commission will proceed with the adjudication of Case No. 22-026C (Ramos). However, Ramos will be provided all of his due process rights to defend Case No. 22-026C including being afforded all rights, discovery opportunities, defenses and motion practice as provided under NRS Ch. 233B, NRS Ch. 281A and NAC Ch. 281A.

f. For his willful violation of NRS 281A.400(1), Ramos agrees to pay the sum of \$2,500.00 pursuant to NRS 281A.790(1)(a) for failing to properly disclose his commitment in a private capacity to Quintana, Jodee and JNM Materials to Westengard and the County Commission. For his willful violation of NRS 281A.400(3), Ramos agrees to pay the sum of \$2,500.00 pursuant to NRS 281A.790(1)(a) for negotiating JNM Material's contract to perform materials testing on behalf of Lander County. The total amount of \$5,000.00 shall be due and payable not later than February 20, 2024. Ramos has the following options for payment of the amounts due:

1. Pay the full amount in in one lump sum due on or before February 18, 2023;
or
2. Pay the full amount in equal monthly installment payments, as arranged in writing with the Commission's Executive Director before February 18, 2023, with the final installment payment due and payable no later than February 20, 2024.

g. Ramos will be in default in making his required payments under this Agreement, and the Commission may pursue any legal remedy available for collection of the amounts due in Case No. 18-088C, if any one of the following events occurs:

1. Ramos fails to pay the full amount and a written agreement to make installment payments is not approved by the Executive Director on or before February 18, 2023.
2. If an installment agreement is approved by the Executive Director and any installment payment is missed, Ramos will be provided ninety (90) days to pay all amounts due in a lump sum. If all amounts due are not paid by the ninety (90) day deadline, Ramos will be in default of this Agreement.

h. Ramos agrees to complete an in-person ethics training with the Commission's Executive Director within ninety (90) days of approval of this Agreement and, as County Manager of Lander County, to ensure that all Lander County Department Heads also attend this ethics training.

i. The Commission directs Ramos to familiarize himself with the Ethics Law for the purpose of making proper disclosures in the future and in furtherance of complying with the applicable requirements of the Ethics Law.

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

k. This Agreement is intended to apply to and resolve only these specific proceedings before the Commission and is not intended to be applicable to or create any admission of liability for any other proceeding, including administrative, civil, or criminal, regarding Ramos. If the Commission rejects this Agreement, none of the provisions herein shall be considered by the Commission or be admissible as evidence in a hearing on the merits in these matters. All parties acknowledge and agree that once Ramos completes his obligations under this Agreement, Case No. 18-088C will be closed and Case No. 22-026C will be dismissed, with prejudice, by order of the Chair as part of a global resolution of the cases identified in this Agreement.

6. WAIVERS¹

a. Ramos knowingly and voluntarily waives his right to a hearing before the full Commission on the allegations in Ethics Case No. 19-088C and Case No. 22-026C, including all rights he may be accorded pursuant to NRS Chapter 281A, the regulations of the Commission (NAC Chapter 281A), the Nevada Administrative Procedures Act (NRS Chapter 233B) and any other applicable provisions of law, with the exception that if under the terms of this Agreement, the Commission proceeds with Case No. 22-026C, Ramos will retain all due process rights and defenses afforded in that proceeding.

b. With the exception in the event the Commission proceeds with Case No. 22-026C pursuant to this Agreement, Ramos knowingly and voluntarily waives his rights to any judicial review of these matters as provided in NRS Chapter 281A, NRS Chapter 233B or any other applicable provisions of law.

¹ For proceedings related to Case No. 19-088C and Case No. 22-026C, Subject waived any rights to the time deadlines set forth in NRS Ch. 281A, to receive written notice pursuant to NRS 241.033 of the time and place of the Commission's meeting to consider his character, alleged misconduct, professional competence, or physical or mental health. Further, for Case No. 22-026C, Subject waived his right to Review Panel proceedings to enable the Commission to consider this Agreement and hold proceedings relating to the allegations, as set forth herein.

7. **ACCEPTANCE:** We, the undersigned parties, have read this Agreement, understand each and every provision therein, and agree to be bound thereby once approved by the Commission. In addition, the parties orally agreed to be bound by the terms of this Agreement during the regular meeting of the Commission on September 21, 2022.

DATED this _____ day of _____, 2022.

/s/ Draft
Bartolo Ramos

FOR BARTOLO RAMOS,
Subject

DATED this _____ day of _____, 2022.

/s/ Draft
Rebecca Bruch, Esq.
Lemons Grundy & Eisenberg

DATED this _____ day of _____, 2022.

/s/ Draft
Brian R. Hardy, Esq.
Marquis Aurbach

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

DATED this _____ day of _____, 2022.

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

Approved as to form by:

FOR NEVADA COMMISSION ON ETHICS

DATED this _____ day of _____, 2022.

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

The above Agreement is accepted by the Nevada Commission on Ethics:

Commission Approvals for Case No. 19-088C:²

DATED this _____ day of _____, 2022.

NEVADA COMMISSION ON ETHICS

By: /s/ Draft
Brian Duffrin
Vice-Chair

By: /s/ Draft
Thorán Towler, Esq.
Commissioner

By: /s/ Draft
Barbara Gruenewald, Esq.
Commissioner

By: /s/ Draft
Amanda Yen, Esq.
Commissioner

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

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² Chair Wallin and Commissioners Oscarson and Sheets participated on the Review Panel and are precluded from participating in approval of additional proceedings relating to Case No. 19-088C.

Commission Approvals for Case No. 22-026C:³

DATED this _____ day of _____, 2022.

NEVADA COMMISSION ON ETHICS

By: /s/ Draft
Kim Wallin, CPA, CMA, CFM
Chair

By: /s/ Draft
James Oscarson
Commissioner

By: /s/ Draft
Brian Duffrin
Vice-Chair

By: /s/ Draft
Damian Sheets, Esq.
Commissioner

By: /s/ Draft
Barbara Gruenewald, Esq.
Commissioner

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

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

By: /s/ Draft
Amanda Yen, Esq.
Commissioner

³ Subject Ramos waived his right to a review panel proceeding in Case No. 22-026C. Accordingly, all Commissioners may participate in approving the Agreement as it relates to Case No. 22-026C.



Submitted Electronically on 09-21-2019

NEVADA COMMISSION ON ETHICS

ETHICS COMPLAINT

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

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

Name: <i>(Last, First)</i>	Bartolo, Ramos		Title of Public Office: <i>(Position)</i>	Public Works Director
Public Entity: <i>(Name of the entity employing this position)</i>	Lander County			
Address:	50 State Route 305		City, State, Zip Code:	Battle Mountain, NV 89820
Telephone:	<i>Work:</i> 775-635-2190	<i>Other (home/cell):</i> 775-455-8686	Email:	bramos@landercountynv.org

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

Mr. Ramos employed JNM Materials Testing, beginning in April of 2018 through June 2019 (we have had no projects since June 2019) for professional services on Public Works projects. JNM Materials Testing LLC. under their original filing, dated 7/26/2018, listed their Officers as Jodee L. Ramos, and Dawn L. Quntana. Ms. Ramos is Mr. Ramos's sister, and Ms. Quintana is Ms. Ramos's domestic partner. It is my understanding they are married. Mr. Ramos brought before the Lander County Commission a contract for Professional Engineering Services with Day Engineering, dated July 31, 2018. Under Construction Administration in the contract, third paragraph reads: "Lander County will provide testing for the duration of this project". In all other Public Works projects the engineer has provided for testing services themselves. It is not customary for the owner, in this case, "Lander County" to exclude such items from a contract and hire their own sub-contractors. Mr. Ramos did not disclose he would be using JNM Materials Testing LLC. and such, his sister, to perform this work. I am unaware if a contract exists with JNM Materials Testing LLC. and if there is proper certifications and insurance to Lander County. JNM Materials Testing had been doing services for Lander County on other Public Works projects prior to the contract date with Day Engineering. Their

services were never brought before the Commission Board for review or approval. If anything, it was intentionally not disclosed to the Board or the public. I was not aware of who JNM Materials Testing LLC. After I discovered who the members where, I began asking questions. As a matter of fact, on 5/7/2019, an amendment with the Secretary of State was filed for JNM Materials Testing, LLC. removing Ms. Ramos's name as an Officer. This was done by the Registered Agent Hy Forgeron, Lander County's Deputy District Attorney, after I had questioned Lander County's Manager Keith Westengard as to whether this was a conflict of interest or ethics violation. Mr. Westengard relayed to me he had spoken to our District Attorney Ted Herrera and Mr. Herrera felt is was a conflict of interest as well as possibly an ethics violation. Mr. Westengard had been aware of the relationship for several months. JNM Materials Testing LLC. continued to provide services to Lander County. The amount of the invoices paid by Lander County to date is \$254,420, with Mr. Ramos signing and approving numerous invoices himself. I also have reason to believe Mr. Ramos's wife Ashley Ramos may have been employed during the summer by JNM Materials Testing LLC. Documents available upon request: I was unable to attach these documents, the field said there was an error. LLC Filing Invoices from JNM Materials Testing LLC. Spreadsheet of invoices paid Contract with Day Engineering Invoices from Day Engineering (showing amounts paid for prior materials testing to other companies)

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

Lander County Commission Chair Patsy Waits requested the District Attorney to look into this matter. At this time I am unaware of any ongoing investigation.

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

Please check all that apply.

<input checked="" type="checkbox"/> NRS 281A.400(1)	Seeking or accepting any gift, service, favor, employment, engagement, emolument or economic opportunity for himself or person to whom he has a commitment in a private capacity which would tend improperly to influence a reasonable person in his position to depart from the faithful and impartial discharge of his public duties.
<input checked="" type="checkbox"/> NRS 281A.400(2)	Using his position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for himself, any business entity in which he has a significant pecuniary interest, or any person to whom he has a commitment in a private capacity.
<input checked="" type="checkbox"/> NRS 281A.400(3)	Participating as an agent of government in the negotiation or execution of a contract between the government and himself, and any business entity in which he has a significant pecuniary interest or any person to whom he has a commitment in a private capacity.
<input checked="" type="checkbox"/> NRS 281A.400(4)	Accepting any salary, retainer, augmentation, expense allowance or other compensation from any private source for himself or any person to whom he has a commitment in a private capacity for the performance of his duties as a public officer or employee.
<input type="checkbox"/> NRS 281A.400(5)	Acquiring, through his public duties or relationships, any information which by law or practice is not at the time available to people generally, and using the information to further the pecuniary interests of himself or any other person or business entity.

<input checked="" type="checkbox"/> NRS 281A.400(6)	Suppressing any governmental report or other document because it might tend to affect unfavorably his pecuniary interests, or any person to whom he has a commitment in a private capacity.
<input checked="" type="checkbox"/> NRS 281A.400(7)	Using governmental time, property, equipment or other facility to benefit his significant person or financial interest, or any person to whom he has a commitment in a private capacity. <i>(Some exceptions apply)</i>
<input type="checkbox"/> NRS 281A.400(8)	A State Legislator using governmental time, property, equipment or other facility for a nongovernmental purpose or for the private benefit of himself or any other person, or requiring or authorizing a legislative employee, while on duty, to perform personal services or assist in a private activity. <i>(Some exceptions apply)</i>
<input type="checkbox"/> NRS 281A.400(9)	Attempting to benefit his personal or financial interest or any person to whom he has a commitment in a private capacity through the influence of a subordinate.
<input type="checkbox"/> NRS 281A.400(10)	Seeking other employment or contracts for himself or any person to whom he has a commitment in a private capacity through the use of his official position.
<input type="checkbox"/> NRS 281A.400(1)	Representing or counseling a private person for compensation on an issue pending before the agency while employed, or within 1 year after leaving the service of the agency, including before any state agency of the Executive or Legislative Department. (State and local legislators and part time public officers and employees may represent/counsel private persons before agencies they do not serve, except local legislators may not represent/counsel private persons before other local agencies within the same county.)
<input checked="" type="checkbox"/> NRS 281A.420(1)	Failing to sufficiently disclose his acceptance of a gift or loan, pecuniary interest, or commitment in a private capacity to the interest of another person that is reasonably affected by an official matter.
<input checked="" type="checkbox"/> NRS 281A.420(3)	Failing to abstain from acting on an official matter which is materially affected by his acceptance of a gift or loan, pecuniary interest, or commitment in a private capacity to the interest of another person.
<input checked="" type="checkbox"/> NRS 281A.430	Negotiating, bidding on or entering into a government contract in which he has a significant pecuniary interest.
<input type="checkbox"/> NRS 281A.500	Failing to file or timely file a Nevada Acknowledgement of Ethical Standards for Public Officers form.
<input type="checkbox"/> NRS 281A.510	Accepting or receiving an improper honorarium.
<input type="checkbox"/> NRS 281A.520	Requesting or otherwise causing a governmental entity to incur an expense or make an expenditure to support or oppose a ballot question or candidate during the relevant timeframe.
<input type="checkbox"/> NRS 281A.550	Negotiating or accepting employment from a business or industry regulated by or contracted with former public agency within one year after leaving the service of the agency. (Failing to honor the applicable "cooling off" period after leaving public service).

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

1. Spouse; domestic partner
2. Household member
3. Family member within 3rd degree of consanguinity
4. Employer or spouses/domestic partners employer
5. Substantial and continuing business partner/associate
6. Substantially similar relationships

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

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

Name and Title:	Cindy Benson
-----------------	---------------------

Address:		City, State, Zip:	Battle Mountain, NV 89820
Telephone:	<u>Work:</u> 775-635-2573	<u>Other (home/cell):</u>	Email: cbenson@landercountynv.org
Nature of Testimony:			

Name and Title:	Ted Herrera		
Address:		City, State, Zip:	Battle Mountain, NV 89820
Telephone:	<u>Work:</u> 775-635-5195	<u>Other (home/cell):</u>	Email: da@landercountynv.org
Nature of Testimony:			

Name and Title:	Patsy Waits		
Address:		City, State, Zip:	Battle Mountain, NV 89820
Telephone:	<u>Work:</u> 775-455-2059	<u>Other (home/cell):</u>	Email: pwaits@landercountynv.org
Nature of Testimony:			

Name and Title:	Keith Westengard		
Address:		City, State, Zip:	Battle Mountain, NV 89820
Telephone:	<u>Work:</u> 775-635-5595	<u>Other (home/cell):</u> 775-455-7653	Email: kwestengard@landercountynv.org
Nature of Testimony:			

7. Requesters Information:

Your Name:	Judie Allan		
Your Address:		City, State, Zip:	Battle Mountain, NV 89820
Your Telephone:	<u>Day:</u> 775-455-7802	<u>Evening:</u>	Email: jallan@landercountynv.org

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

Pursuant to Sec. 8 of S.B. 84, I request that my identity as the requester of this Ethics Complaint remain confidential because (please check appropriate box)

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

OR

I can show a reasonable likelihood that disclosure of my identity will subject me or a member of my household to a bona fide threat of physical force or violence. Describe the facts and circumstances which support a reasonable

likelihood of a bona fide threat of physical force or violence.

The Commission may decline to maintain the confidentiality of your identity as the Requester for lack of sufficient evidence of your employment status with the same public body, agency or employer, or proof of a bonafide threat of physical harm.

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

Withdraw my Complaint, **OR**

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

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



Date: 09-21-2019

Signature:

Print Name: Judie A Allan

You must submit this form bearing your signature to:

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

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



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Bartolo Ramos**, Public Works Director,
Lander County, State of Nevada,

Ethics Complaint
Case No. 19-088C

Subject. /

**REVIEW PANEL DETERMINATION AND
REFERRAL ORDER**

NRS 281A.730; NAC 281A.440

The Nevada Commission on Ethics ("Commission") received this Ethics Complaint on September 21, 2019, regarding the alleged conduct of Subject Bartolo Ramos ("Ramos"). On November 7, 2019, the Commission instructed the Executive Director to investigate alleged violations of NRS 281A.400(1), (2), (3), (4) and (7), NRS 281A.420(1) and (3), and NRS 281A.430.

Ramos is a public employee as defined in NRS 281A.150, and the Commission has jurisdiction over this matter pursuant to NRS 281A.280 because the allegations contained in the Complaint relate to Ramos's conduct as a public employee and have associated implications under the Ethics Law.

On June 16, 2021, a Review Panel consisting of Chair Kim Wallin, CPA, CMA, CFM (Presiding Officer), Commissioner James Oscarson and Commissioner Damian R. Sheets, Esq. reviewed the following: (1) Ethics Complaint No 19-088C (2) Order on Jurisdiction and Investigation in Ethics Complaint No. 19-088C; (3) Ramos's Response to the Complaint; and (4) Executive Director's Recommendation to the Review Panel with Summary of Investigatory Findings.¹

The Panel unanimously finds and concludes that the facts establish credible evidence to support a determination that just and sufficient cause exists for the Commission to render an opinion in the matter regarding the alleged violations of NRS 281A.400(1), (2), (3) and NRS 281A.420(1) and (3). The Panel finds and concludes that the facts do not establish credible evidence to support a determination that just and sufficient cause exists for the Commission to render an opinion in the matter regarding the allegations pertaining to NRS 281A.400(4) and (7), and NRS 281A.430.

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

IT IS HEREBY ORDERED:

Based upon the just and sufficient cause determination, the Review Panel refers Ethics Complaint No. 19-088C to the Commission for further proceedings, which may include rendering an opinion on whether Ramos violated NRS 281A.400(1), (2), (3) and NRS 281A.420(1) and (3) with regard to certain conduct associated with contracting with a private vendor, JNM Materials. Further, the allegations pertaining to NRS 281A.400(4), (7) and NRS 281A.430 are dismissed for lack of just and sufficient cause.

Dated this 21st day of June, 2021.

REVIEW PANEL OF THE NEVADA COMMISSION ON ETHICS

By: /s/ Kim Wallin
Kim Wallin, CPA, CMA, CFM
Chair/Presiding Officer

By: /s/ James Oscarson
James Oscarson
Commissioner

By: /s/ Damian R. Sheets
Damian R. Sheets, Esq.
Commissioner

CERTIFICATE OF MAILING

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

David R. Hall, Esq.
Executive Director
Elizabeth J. Bassett, Esq.
Nevada Commission on Ethics
704 W. Nye Lane, Suite 204
Carson City, NV 89703

Email: davidhall@ethics.nv.gov

Email: ebassett@ethics.nv.gov

Bartolo Ramos
c/o Rebecca Bruch, Esq.
Lemons, Grundy & Eisenberg
6005 Plumas Street, Ste. 3
Reno, NV 89519

Certified Mail No.: 9171 9690 0935 0037 6389 69

Email: rb@lge.net
cc: jenn@lge.net

Dated: 6/21/21



Employee, Nevada Commission on Ethics



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Bartolo Ramos**, Public Works
Director, Lander County,
State of Nevada,

Ethics Complaint
Case No. 19-088C

Subject. /

ORDER ON DISPOSITIVE MOTIONS
NAC 281A.265

On April 21, 2022, the Executive Director filed a dispositive motion regarding two of the alleged allegations relating to NRS 281A.400(3) and NRS 281A.420(1), (“ED’s Motion”). On the same day, Subject Ramos (“Ramos”) filed a dispositive motion seeking dismissal of all allegations referred to the Commission for proceedings (“Subject’s Motion”).¹ Each party filed an opposition to the other party’s motion on May 2, 2022, and their replies in support of their individual motions were filed on May 5, 2022.

On June 15, 2022, the Commission held a public hearing to consider oral arguments on the motions. Rebecca Bruch, Esq. of Lemons, Grundy & Eisenberg appeared on behalf of Ramos, who was present at the hearing. Associate Counsel Elizabeth J. Bassett, Esq. appeared on behalf of Executive Director, Ross Armstrong, who was present at the hearing.

A. RELEVANT PROCEDURAL BACKGROUND

1. On September 21, 2019, the Commission received an *Ethics Complaint* (“*Complaint*”) from a member of the public (“Requester”) alleging the following violations of the Ethics Law by Ramos: NRS 281A.400(1), (2), (3), (4) and (7), NRS 281A.420(1) and (3), and NRS 281A.430.

2. On November 7, 2019, the Commission accepted jurisdiction and issued a *Notice of Complaint and Investigation* pursuant to NRS 281A.715 directing the Executive Director to investigate the allegations.

3. On November 20, 2019, Ramos provided the Commission an executed *Waiver of Statutory Time Requirement: Investigation & Review Panel*.

4. On August 18, 2020, Ramos provided a response to the Complaint pursuant to NRS 281A.720(2) to the Executive Director.

5. On June 16, 2021, a Review Panel issued a *Review Panel Determination and Referral Order* (“*Panel Determination*”) determining there is just and sufficient cause

¹ A Dispositive Motion may commonly be referred to as a Motion for Summary Judgment. This reference does not confirm that NRCP 56 specifically applies to the proceedings. The provisions of the NRCP are not directly applicable to administrative proceedings; however, it is not a due process error for an administrative agency to reference these provisions. *Dutchess Bus. Servs. v. Nev. State Bd. Of Pharm.*, 124 Nev 701, 191 P.3d 1159 (2008).

for the Commission to render an opinion in this matter with respect to the alleged violations of NRS 281A.400(1), (2), (3) and NRS 281A.420(1) and (3). The applications pertaining to NRS 281A.400(4) and (7), and NRS 281A.430, were dismissed by the Review Panel for lack of just and sufficient cause.²

6. On July 8, 2021, after consultation with counsel for the parties, the Commission, through its Commission Counsel, issued a *Notice of Hearing and Scheduling Order* providing for discovery and setting hearing dates and other procedural matters for the case, which was amended on three times thereafter.

7. On June 22, 2021, Ramos provided the Commission with a signed *Waiver of Notice Required under NRS 241.033(1) to Consider Character, Misconduct, or Competence of Subject in Ethics Complaint Proceedings*, and a *Waiver of Statutory Time Requirements; Adjudicatory Hearing*.

8. On April 25, 2022, after consultation with counsel for the parties, the Commission, through its Commission Counsel, issued a *Third-Amended Scheduling Order* (“*Scheduling Order*”), which provided proper notice for the hearing on the motions set for June 15, 2022.

B. FINDINGS OF FACTS³

1. Ramos is currently the County Manager and prior to that time he was the Public Works Director for about 6 years, including 2018 and 2019. SUBJ MSJ 00034; ED MSJ 00081.
2. During 2018 and 2019, Ramos was a public employee as defined by NRS 281A.150, when he was the Public Works Director. ED MSJ 00081.
3. Jodee Ramos (“Jodee Ramos”) is Ramos’ sister, and she and Nettie Quintana (“Quintana”) for all relevant periods were domestic partners during 2018 and 2019. SUBJ MSJ 00010.
4. Quintana is the owner of JNM Materials and has subcontracted and contracted work for Lander County for materials testing and inspection services. SUBJ MSJ 00004, 00035, and 00037; ED MSJ 00082.
5. Jodee Ramos was listed as an officer of JNM Materials with the Nevada Secretary of State from February 2018 to May 2, 2019. SUBJ MSJ 00026-27.
6. In February 2018, Quintana submitted paperwork to obtain approval to provide testing services to Lander County. SUBJ MSJ 00063.
7. After Quintana turned in the paperwork to Lander County, Bert Ramos and Keith Westengard contacted her for work on various projects, which contact was as far back as 2018. SUBJ MSJ 00063; ED OPP MSJ 00034.

² Pursuant to NRS 281A.220, the members of the Review Panel are precluded from participating in any proceedings of the Commission related to a matter after issuance of the *Panel Determination*.

³ References to record in support of Findings of Fact are not exclusive, and other supportive documentation in the record may support the findings. Further, the Commission considered and relied upon the entire record presented to consider the motions and its Findings of Fact reference support for the findings, but additional support for this opinion may be located in the records of proceedings.

8. Since JNM Materials was a service provider for Lander County, it could be selected for pending projects and the services were performed by invoice on the assigned project, without a written contract specific to the assigned project. SUBJ MSJ 00064.
9. JNM Materials' standard rate it charged for testing services was 3%, which was billed weekly on assigned projects. SUBJ MSJ 00064.

JNM Material's Invoices for Public Works Projects

10. JNM Materials submitted invoices for payment with the following dates and amounts to Lander County for work it performed on various Public Works projects, as its testing services provider:
 1. Invoice #24 – BM Airport Densities, Project #004, \$3,110 (11/9/18). ED MSJ 00045.
 2. Invoice #26 – Airport Pond Project, Project #001, \$1,000 (12/21/18). ED MSJ 00049.
 3. Invoice #27 – Spec Project White Knife, Project #PWP LA 2019-020, \$3,000 (1/19/19). ED MSJ 00052.
 4. Invoice #28 – White Knife Project, Project #PWP LA 2019-020, \$2,825 (2/1/19). ED MSJ 00055.
 5. Invoice #29 – Kayci Ave. Project, Project #001, \$4,490 (2/1/19). ED MSJ 00057.
 6. Invoice #30 - White Knife Project, Project # PWP LA 2019-020, \$1,460 (2/8/19). ED MSJ 00059.
 7. Invoice #31 - White Knife Project, Project # PWP LA 2019-020, \$8,480 (2/18/19).
 8. Invoice #32 - White Knife Project, Project # PWP LA 2019-020, \$7,430 (2/22/19).
 9. Invoice #33 - White Knife Project, Project # PWP LA 2019-020, \$2,170 (3/1/19).
 10. Invoice #34 – White Knife Project, Project # PWP LA 2019-020, \$2,660 (3/10/19).
 11. Invoice #35 - White Knife Project, Project # PWP LA 2019-020, \$4,145 (3/15/19).
 12. Invoice #36 – Fire Pond Lining Project, Project # PWP LA 2018-118, \$6,900 (3/23/19). ED MSJ 00034.
 13. Invoice #37 - White Knife Project, Project #PWP LA 2019-020, \$4,045 (3/23/19). ED MSJ 00032.
 14. Invoice #39 - White Knife Project, Project #PWP LA 2019-020, \$4,195 (3/29/19). ED MSJ 00030.

15. Invoice #40 - White Knife Project, Project # PWP LA 2019-020, \$3,095 (4/6/19). ED MSJ 00037.
16. Invoice #41 – Austin Road Rehab Project #PWP LA 2019-021, \$7,475 (4/6/19). ED MSJ 00038.
17. Invoice #42 - White Knife Project, Project #PWP LA 2019-020, \$2,700 (4/14/19). ED MSJ 00040.
18. Invoice #43 – Austin Road Rehab, Project #PWP LA 2019-021, \$11,055 (4/14/19). ED MSJ 00042.
11. Ramos authorized vouchers for processing of payment before the BOCC of JNM Materials for Invoices numbered 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 39, 40, 41, 42, 43, indicating: “I certify that the foregoing claim is correct and just; that the articles specified have been received by the proper officials of the County, the Courts and/or Special Districts, or the services stated have been performed; and they were necessary for, have been or will be applied to the county, Court or Special District purposes.” ED MSJ 00083-86 (note: individual vouchers are not in chronological date order); see also ED MSJ 00029, 31, 33, 36, 39, 41, 48, 51, 54, 56, 58, 62, 65, 67, 70, and 72.
12. The above list of JNM Materials’ invoices and supporting paperwork (including vouchers) were presented to the BOCC in nine (9) public meetings held on November 29, 2018, February 28, 2019, April 11, 2019, April 25, 2019, May 9, 2019, May 23, 2019, June 13, 2019, June 27, 2019, and July 11, 2019, at which Ramos was present but made no disclosure in the public meetings about his relationship with JNM Materials. The BOCC approved payment to JNM Materials on the submitted invoices. ED MSJ REPLY 00032-01649 (Board Meeting Packets).
13. Ramos did not disclose to his supervisor, former County Manager Westengard, that Ms. Quintana and Jodee Ramos were domestic partners/spouses or that Ms. Quintana owned JNM Materials prior to Ramos’ execution on the vouchers.
14. Ramos’ relationship with JNM Materials was first brought to Westengard’s attention in the spring of 2019 by County staff. Prior to that, Westengard did not know that Quintana was the owner of JNM Materials. ED MSJ 00091; 00121-122.
15. Once the relationship was brought to Westengard’s attention, he sought legal advice from the District Attorney’s Office, District Attorney Ted Herrera, which resulted in action being taken to remove Ramos from the process of reviewing and signing of any vouchers for JNM Materials’ invoices. ED MSJ 00122-123.
16. DA Herrera confirmed he did not talk to Ramos about the conflicts but recommended remedial action. ED OPP MSJ 00096.

Day Engineering Contract

17. The Day Engineering contract for repaving State Routes 212, 214, and 215, was noticed as Item 4, and approved on August 9, 2018, by the BOCC. ED MSJ 00144-46.
18. The scope of work for the Day Engineering contract confirmed that Lander County would provide all testing services. ED MSJ 00191-93, at p. 000192.
19. Prior to the BOCC's approval of the Day Engineering contract, It was Ramos' idea to change how testing services were to be provided on Public Works projects. Instead of having the contractor provide testing services, a change was authorized by County Manager Westengard to have Lander County provide the testing services, as a carve out from the contract deliverables. ED MSJ 00115-17.
20. JNM Materials was the only local materials testing company, and Lander County had a buy local policy that established a "preference" for informal procurements requiring:

Departments shall consider the locality of consultants or businesses and their sub-consultants when selecting providers for service contracts. If there is more than one service provider being considered and the providers are competitively matched in terms of other criteria, local service providers should be selected.

In addition, the policy confirms that the "preference established in this policy shall in no way be construed to inhibit, limit or restrict the right and obligation of the County or Purchasing Agent to compare quality and fitness for use of services proposed for purchase and compare the qualifications, character, responsibility and fitness of all persons, firms, or corporations submitting bids or proposals. Nor shall the preference established in this policy be construed to prohibit the right of the County from giving any other preference permitted by law." ED MSJ REPLY 00030; SUBJ MSJ 00071-73 (Lander County Policy).

21. At the public meeting of August 9, 2018, Ramos in his capacity as Public Works Director introduced the Day Engineering contract to the BOCC. ED MSJ 00145.
22. Ramos did not make a disclosure about his private commitment to JNM Materials when the BOCC considered the Day Engineering contract at the BOCC meeting of August 9, 2018. ED MSJ 00144-46.
23. JNM Materials provided the compaction and asphalt testing services on behalf of Lander county for the Day Engineering Contract for repaving State Routes 212, 214, and 215. ED MSJ 00083.
24. In hiring for the work for the Day Engineering contract, Ramos, in his deposition, confirmed that he and Westengard would authorize JNM Materials to work on the projects:

RAMOS:- The foot in the door for JNM Material Testing is they were local. It's that simple. They were the only local option. That was the shoe in the door for JNM.-It wasn't anything more or anything less.-It was that they were local. That's what the shoe in the door was.

MS. BRUCH:- But how, how did that happen?

MS. BASSETT: Who did they meet with? Someone had to authorize them to go out. Someone had to say how much you are going to charge.

RAMOS: Yes. And that was myself, Keith Westengard, and Marty Ugalde of Day Engineering, because Marty is the one that was over the contract for Day Engineering. Aaron Martinez was the one who said I can only do it for five percent. If they can give you a better deal, put them boots on the ground. So who hired them, that would have been myself and Keith Westengard.

ED MSJ REPLY 00031.

25. In the May 9, 2019, BOCC public meeting, under Agenda Item No. 11, entitled "Update and information regarding the Public Works department presented by Bert Ramos, Lander County public Works director, and all other matters properly related thereto," Ramos publicly affirmed his connection to JNM Materials when he was providing information associated with construction cost savings. The minutes from the BOCC meeting indicate Ramos provided the following information about the relationship between his sister and Ms. Quintana:

Ramos: ...And then on another one – so I have on our inspection services, we used to get a flat 5 percent rate from our engineer. They -- of whatever the job was.

And if you add a change order to it, then you got five – they took 5 percent of that.

And that's materials and everything else included. Well, I took that away and we went with a local. And I know that it's caused some stir because my sister is involved and it's a small community. I have nothing to hide from anybody.

But my sister and Netty are dating. Everybody knows. Or I'm not sure what they are. Bug – Yeah, how do you say that in public?

Unidentified Participant: I think they're partners

Chairman Waits: Nepotism. Yeah.

Ramos: So – so anyway – and I've always went with the local business. It's been something that I've done since I got hired in Austin. My brother-in-law ran the NAPA. We always did business with them. We get fair pricing. And so I know that it's caused some concern amongst especially one commissioner. So I wanted to point out some cost savings on the project since they've been with us.

We've saved \$88,076. And that's over five projects. But that's not including if we -- if we went and we included the -- the change orders and other things, you -- you're talking another \$75,000. So we would have saved \$163,076 so far in five projects with them.

And this is money we can put somewhere else. So it's -- it's responsible.

.....We can't bid it because it's professional services.

SUBJ MSJ 00102-104.

C. DISCUSSION AND CONCLUSIONS OF LAW

Introduction

Pursuant to NRS 281A.280, the Commission has jurisdiction over public employees, as that term is defined in NRS 281A.150, and public officers, as that term is defined in NRS 281A.160, if their conduct implicates a violation of Nevada's Ethics in Government Law, set forth in NRS Chapter 281A ("Ethics Law"). Ramos does not contest jurisdiction in these proceedings, or the fact that he was a public employee under NRS 281A.150, at all relevant times.

After the Commission accepted jurisdiction, it directed the Executive Director to investigate the allegations set forth in the Complaint for purposes of making a "just and sufficient cause" recommendation to the Review Panel, which is comprised of 3 members of the Commission. NRS 281A.725-281A.730. The Review Panel issued its Panel Determination referring certain allegations to the Commission for proceedings and dismissing other allegations.

Once a complaint is referred to the Commission for proceedings, the Commission may rule on a dispositive motion. See NAC 281A.442. Accordingly, the Commission has jurisdiction over Ramos and is provided authority to consider the motions and issue this order. In considering whether there is a violation of the Ethics Law, NRS 281A.480(9) establishes the burden of proof to be a "preponderance of the evidence," which means that the evidence is sufficient for the Commission to determine that the existence of the contested fact is more probable than the nonexistence of the contested fact. See NRS 233B.0375.

In considering the motions, the Commission considered the record before it, including without limitation, the Complaint, Ramos's Response to the Complaint, filed pleadings and supportive evidence in the form of public records, depositions, discovery requests and responses. Further, each party presented oral arguments to the Commission during the public meeting in support of their respective motion.

The Motions

In the pleadings, each party presents various contentions considered by the Commission. As a general overview, the Executive Director contends Ramos negotiated or secured the work to be performed by JNM Materials and then reviewed and approved vouchers to process payment on JNM Materials' invoices and that Ramos carved out inspection services from Public Work's contracts prior to the BOCC's approval of the Day Engineering contract, resulting in JNM Materials being selected to provide these professional services under Lander County's "buy local" preference, which conduct violated NRS 281A.400(3) and NRS 281A.420(1).

Conversely, Ramos asserts the preponderance of evidence standard is not met because there was no written contract between Lander County and JNM Materials for application of NRS 281A.400(3). Instead of a written contract, Lander County would hire professional services and pay for these services based upon invoicing. With respect to the alleged violation of NRS 281A.420(1), Ramos contends he did not hide his sister's relationship, but followed Lander County's preference to hire a local service supplier. Further, because Lander County is a small jurisdiction, Ramos believed everyone knew that his sister was related to Ms. Quintana, the owner of JNM Materials. Ramos seeks

dismissal of all allegations set forth in the Complaint that were referred to the Commission for proceedings, which are: NRS 281A.400(1), (2), (3) and NRS 281A.420(1) and (3).⁴

As a precept to the consideration of the motions, Ramos has not contested the fact that he is related to Jodee Ramos and Quintana, or that Quintana owns JNM Materials. Therefore, under NRS 281A.065(3), Ramos holds a “commitment in a private capacity” to Jodee Ramos and Quintana because they are related to him by blood or domestic partnership, within the third degree of consanguinity or affinity.

Each party’s pleadings in support of their respective motion intertwined the arguments and applied them to the contentions raised by the other party. Accordingly, this order addresses each of the alleged violations that were referred to the Commission in statutory order.

Alleged Violations - NRS 281A.400(1), (2), (3) and NRS 281A.420(1) and (3)

NRS 281A.400(1) – Using public position to seek economic opportunity for public employee or for any person to whom the public employee has a commitment in a private capacity, which would tend to improperly influence a reasonable person to depart from public duties.

Ramos seeks dismissal of this alleged violation, asserting that he did not depart from the faithful discharge of his public duties because JNM Materials’ services saved Lander County money on the assigned Public Works Projects and he was complying with Lander County’s policy to buy local, and JNM Materials was the only local testing company. In opposition, the Executive Director asserts the statutory prohibition serves to prevent public employees from violating the public trust by taking official action for a personal benefit.

All public employees, who are subject to the Ethics Law, have a responsibility to comply with its provisions in fulfilling their public duties. NRS 281A.400(1), and all provisions of the Ethics Law, are applied consistently with the legislatively established policy set forth in NRS 281A.020(b), which provides “[a] public officer or employee must commit himself or herself to avoid conflicts between the private interests of the public officer or employee and those of the general public whom the public officer or employee serves.”

The Commission does not grant judgment on NRS 281A.400(1) because additional testimony is needed to consider the allegation and defense. Without limitation, Lander County’s policy to “buy local,” by its stated terms, is an established preference rather than a requirement, and it would assist the Commission to hear testimony relating to circumstances in application of the policy to JNM Materials’ services, including the testing services provided on the Public Works’ projects, vouchers, and the Day Engineering Contract. It would assist the Commission to understand the details related to the claimed savings by using JNM Materials, and what information was presented to Ramos’s supervisor Westengard in this regard. It would assist the Commission to consider testimony on the application of the “buy local” policy by Lander County when the circumstances confirm the employee has a potential conflict under the Ethics Law, and

⁴ Inadvertently Ramos also sought dismissal of NRS 281A.430; however, at the hearing, it was confirmed with the parties that the Review Panel Determination did not refer this allegation to the Commission for further proceedings. The Review Panel dismissed the allegations relating to NRS 281A.400(4) and (7), and NRS 281A.430, for lack of sufficient evidence. See Review Panel Determination issued on June 21, 2021. Accordingly, any related argument was not germane to the proceedings.

any other matters relating to the alleged violation of NRS 281A.400(1), including DA Herrera's interpretation of this policy under such circumstances.

NRS 281A.400(2) - Using public position to secure or grant unwarranted privileges for the public employee or for a person to whom he holds a private commitment

Ramos seeks dismissal of this alleged violation contending his conduct was not "unwarranted" based upon application of Lander County's buy local policy, and because of the significant savings resulting from using JNM Materials for testing services, and he does not have the final say in approval of payment on invoices, which approval is processed before and within the authority of the BOCC. The Executive Director contends issues of fact remain as to whether there were savings and whether Ramos used knowledge he acquired through his public position to provide an unwarranted benefit to JNM Materials based upon the Commission's holding in *In re Sieren*, Comm'n Op. 95-05 (1996).

For the reasons indicated above with respect to the alleged violation of NRS 281A.400(1), it would assist the Commission to hear testimony on the alleged violation of NRS 281A.400(2). Accordingly, it does not grant Ramos' requested dismissal.

NRS 281A.400(3) – Using public position to negotiate or execute a contract with a person to whom you have a commitment in a private capacity

The Executive Director seeks judgment on Ramos' alleged violation of NRS 281A.400(3) based upon Ramos's confirmed private commitment to Jodee Ramos, Quintana, and JNM Materials, asserting Ramos either negotiated or executed a contract to obtain testing services from JNM Materials. In contrast, Ramos asserts that no written contract was signed by him, and he did not act as an agent of Lander County in the negotiation of a contract.

The lack of a formal bid solicitation, traditional back and forth negotiation, or written contract between Lander County and JNM Materials on the listed Public Works projects is not determinative of the application of NRS 281A.400(3). State and local government purchasing laws do not require every contract entered into by a County to be competitively bid. Contracts not adapted to award by competitive solicitation include contracts for professional services, such as those provided by JNM Materials to Lander County. See NRS 332.115(1)(b). Contracts come in a variety of forms, from written contracts, purchase orders, hand-shake deals, oral agreements, acceptance of goods, or services at an agreed upon rate.⁵

NRS 281A.400(3) does not state it requires a written contract to be applicable. Instead, it applies to any form of contract. Basic contract principles require, for an enforceable contract, an offer and acceptance, meeting of the minds, and consideration. *May v. Anderson*, 121 Nev. 668, 119 P.3d 1254 (2005). In this matter, all material terms of the contract for JNM Materials were known once it qualified to be a local provider, JNM Materials' rate of 3% was known to Ramos, its services were hired by Ramos and Westengard, and the firm was assigned to individual Public Works Projects. The contract

⁵ The Commission makes a distinction between a contract and an invoice or voucher. An invoice was sent after the testing services were provided in support of the fact that a contract was formed with JNM Materials, and requests payment for services rendered. A voucher is a written authorization to disburse payment. See definitions of invoice and voucher, Black's Law Dictionary, 11 ed., at pages 956 and 1809, respectively.

formation was accomplished at a staff level, which included Ramos, albeit in a fairly informal fashion.⁶ Consistent with the contract formation is Ramos's execution of vouchers showing JNM Materials' work was completed for the individual projects and the firm was entitled to payment for services rendered. Thereafter, the BOCC paid invoices based upon the work performed by JNM Materials.

Accordingly, a contract existed with JNM Materials for the work to be performed on each of the listed Public Works' projects. If there was no contract, JNM Materials would not have been providing testing services or be entitled to payment for rendered services on an individual project. It does not matter that the contract was not obtained by the traditional solicitation, bidding process, and written contract approval by the BOCC. Contracts may be established in a variety of ways, including by the conduct of the parties. Implied in fact contracts are manifested by conduct. See *Certified Fire Prot. Inc. v. Precision Constr. Inc.*, 128 Nev. 371, 283 P.3d 250 (2012).

In considering whether Ramos negotiated a contract with JNM Materials, the Commission applies the plain meaning to the term, "negotiate," which is "to communicate with another party for the purpose of reaching an understanding," or "to bring about by discussion or bargaining." See Black's Law Dictionary, 10th Ed., pgs. 1199-1120. Merriam Webster's Collegiate Dictionary, 11th Ed., at p. 830, similarly defines "negotiate" as: "to carry on business; to confer with one another so as to arrive at the settlement of some matter; to deal with (some matter or affair that requires ability for its successful handling)... manage; to arrange for or bring about through conference, discussion and compromise."

As the Public Works Director, Ramos was authorized to develop contracts for public works. Ramos's conduct in hiring and arranging for JNM Materials to work on Public Works projects confirms he obtained the services to be provided for the individual projects. Accordingly, the Commission finds that Ramos's conduct is sufficient to establish either a negotiation or contract formation for application of NRS 281A.400(3). Therefore, Ramos's conduct violated the statutory requirements.

NRS 281A.420(1) and (3) – Disclosure and Abstention Requirements

The Executive Director seeks judgment on NRS 281A.420(1) for Ramos's alleged violation of the statute by his failure to disclose his private commitments to Jodee Ramos, Quintana, and JNM Materials, before acting on signing vouchers for payment processing on the subject invoices and failing to advise the BOCC or the public about the potential conflict in the 9 public meetings at which the invoices were considered for payment by the BOCC. In addition, the alleged violation pertains to Ramos's conduct in allegedly failing to make a proper disclosure when he carved-out testing services from Public Works contracts prior to the BOCC's consideration and approval of the Day Engineering contract at the August 9, 2018 BOCC public meeting, during which Ramos presented the item and made no disclosures about the potential conflict.

In opposition, Ramos contends that he did not abuse his public position because he was saving Lander County money by utilizing the services of JNM Materials, his conduct was mitigated by July of 2019 when the invoice processing had been redirected to County Manager Westengard, he did not have a final say in any contracts or work performed on projects, the invoices were processed just as any other invoice would have

⁶ Although "it is understandable that public employees in Nevada's small, rural counties may conduct business with less formality than those in Nevada's larger, more metropolitan areas. However, even in small, rural counties, the formality of a public employee's conduct should never be so relaxed that it offends the public trust and ethical standards to which public employees are accountable. See *In re Shangle*, Comm'n Op. No. 01-40 (2002).

been by Purchasing and approved by the BOCC. Ramos further contends that at best he had a vague and nebulous obligation to disclose his connection to JNM Materials, everyone knew he was related to Jodee Ramos and Quintana, and the County Manager, after obtaining legal advice, redirected invoicing processing. He also asserts his conduct does not meet the willful standard under the Ethics Law because he did not know about the requirements of the Ethics Law.

The disclosure requirements of NRS 281A.420(1) apply to each occasion where a public employee's pecuniary interests or private commitments relate to their public duties. In relevant part, NRS 281A.420 states a public employee "shall not approve, disapprove, vote, abstain from voting or otherwise act upon a matter:

- (a) Regarding which the public officer or employee has accepted a gift or loan;
- (b) In which the public officer or employee has a significant pecuniary interest;
- (c) Which would reasonably be affected by the public officer's or employee's commitment in a private capacity to the interests of another person...

↳ without disclosing information concerning the gift or loan, the significant pecuniary interest, the commitment in a private capacity to the interests of the other person or the nature of the representation or counseling of the private person that is sufficient to inform the public of the potential effect of the action or abstention upon the person who provided the gift or loan, upon the public officer's or employee's significant pecuniary interest, upon the person to whom the public officer or employee has a commitment in a private capacity or upon the private person who was represented or counseled by the public officer or employee. Such a disclosure must be made at the time the matter is considered.

Public employees who are not members of a body that makes decisions shall make the required disclosure to the supervisory head of the organization under NRS 281A.420(1). In addition, should the public officer/employee participate in a public meeting that implicates a disclosable conflict, it must also be disclosed to the public given the requirements of NRS 281A.420(1) to properly inform the public. See *In re Murnane*, Comm'n Op. No. 15-45A (2016), at p. 13. The interests of the person to whom there is a private commitment, such as a relative, are statutorily attributed to the public officer/employee based on the presumption that a person lacks independent judgment toward the interests of those persons to whom there are private commitments. See *In re Public Officer*, Comm'n Op. No. 13-71A (2014).

In considering whether Ramos violated NRS 281A.420(1), the Commission confirms that an asserted lack of knowledge of the requirements of the Ethics Law does not present an excuse or defense to the alleged violation. The provisions of NRS 281A.420(1) have been statutory in various forms since their original enactment in 1977. The Ethics Law does not require specific knowledge about the requirements of its statutes for the law to apply to the conduct of public officers and public employees. The law simply requires either an omission or an intentional, as opposed to unintentional, act associated with a duty imposed by the Ethics Law on the public officer or employee. See NRS 281A.170; see also, *In re Public Employee*, Comm'n OP. No. 19-051A (2019).

The facts confirm that Ramos failed to make proper disclosures to his supervisor about his commitment in a private capacity to JNM Materials on each occasion that his public duties related thereto, including hiring JNM Materials and signing the numerous vouchers to process the invoices before the BOCC in public meetings. In addition, Ramos

did not make any disclosures to his supervisor prior to the BOCC's consideration of the Day Engineering contract when Ramos's conduct served to carve out materials testing from the contract, which resulted in JNM Materials being selected to provide these services through Public Works. At no time in the public meetings Ramos attended, at which the above matters were considered by the BOCC, did he properly advise the public about his conflict. NRS 281A.420(1) requires the disclosure, no matter to whom it is made, be sufficient to inform the public of the potential effect of the action or abstention on the public officer's or employee's interests and the interest of any person to whom NRS 281A.065 establishes a private commitment. See *Murnane*, Comm'n Op. No. 15-45A (2016), at p. 13.

In making the determination that Ramos failed to properly disclose a conflict, the Commission does not find that Westengard's knowledge about the conflict obtained from finance staff members or Ramos's eventual recognition of the relationship during the May 9, 2019, BOCC meeting excused or constituted a proper disclosure by Ramos to his supervisor or the public. A proper disclosure by the public employee must occur every time a matter is considered which relates to a disclosable conflict. The Ethics Law does not recognize a continuing disclosure, a disclosure by reference, or a disclosure made by others. NRS 281A.420 requires the affected public employee to make the disclosure. Knowledge of others about the conflict also does not excuse the failure to disclose. See *In re Stark*, Comm'n Op. No. 10-48C (2012).

The purpose of disclosure is to provide sufficient information regarding the conflict of interest to inform the supervisory head of the organization and the public of the nature and extent of the conflict and the potential effect of the action or abstention on the public officer's/employee's private interests and commitments. Silence based upon a prior disclosure fails to inform the public or supervisory head of the organization about the nature and extent of the conflict. See *In re Public Officer*, Comm'n Op. No. 16-14A (2016); *In re Buck*, Comm'n Op. No. 11-63C (2011) (holding that incorporation by reference of a public officer's prior disclosure, even though based upon the advice of counsel, did not satisfy the disclosure requirements of NRS 281A.420(1)).

Notably, Ramos was in a management position as the Director of Public Works, and his recommendations on such matters carried weight. The buy local policy was a preference, not a requirement. Accordingly, the lack of a timely and proper disclosure of these matters removed the ability of the County Manager and the BOCC to consider and issue directions on how to avoid the conflict, including ascertaining whether they wanted to solicit the professional services through a request for qualifications, or other process permitted to local governments, or to hire JNM Materials, with the caveat that Ramos be separated from such matters, as instructed by DA Herrera, in mitigation. Either Westengard or the BOCC, not Ramos who had a per se conflict that required a proper disclosure, had authority to determine whether JNM Materials' services were a good deal and if the company should be selected for the Public Works projects needing testing services. Indeed, once the Lander County District Attorney was advised about Ramos's conflict by Westengard, he directed that Ramos be fully separated from matters associated with JNM Materials.

Based upon the record presented, the Commission determines that Ramos violated NRS 281A.420(1) by failing on 12 occasions to properly disclose a conflict related to JNM Materials. With regard to the allegations relating to Ramos' alleged violation of NRS 281A.420(3), the Commission does not find judgment is appropriate for Ramos based upon questions of fact associated with whether Ramos's position as the Director of Public Works was established by a Nevada statute or an ordinance of Lander County and if the position of Public Works Director involves the exercise of power trust or duty so as to classify Ramos as a "public officer" under the definition established in NRS 281A.160.

D. CONCLUSION

Based upon the review of the record, filed pleadings, and in consideration of the presentments of the parties, the Commission finds good cause to enter the following order:

IT IS HEREBY ORDERED:

1. The Executive Director's Motion is GRANTED in part, and the Commission finds Ramos violated NRS 281A.400(3) and NRS 281A.420(1).

2. With regard to the alleged violations on which partial judgment was granted in favor of the Executive Director, which are NRS 281A.400(3) and NRS 281A.420(1), the Commission will consider the mitigating factors set forth in NRS 281A.775 to determine whether the violations should be classified as either non-willful or willful and if any penalties or other corrective action should be imposed under the Ethics Law.

3. Subject Motion is DENIED, and the Commission reserves its determinations on whether Ramos has violated the other alleged violations referred to the Commission by the Review Panel, which are NRS 281A.400(1) and (2), and NRS 281A.420(3).

4. This order is not a final determination of any of the alleged violations on which partial judgment was granted nor does it dispose of the other allegations referred to the Commission.

5. Commission Counsel is directed to schedule a briefing schedule for the parties and future hearings to consider any matters left unresolved by this order.

DATED this 19th day of July 2022.

NEVADA COMMISSION ON ETHICS

/s/ Brian Duffrin

Brian Duffrin
Commission Vice-Chair/
Presiding Officer

CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada Commission on Ethics and that on this day in Carson City, Nevada, I transmitted a true and correct copy of the foregoing **ORDER ON DISPOSITIVE MOTIONS** via electronic mail to the Parties as follows:

Executive Director:

Ross E. Armstrong, Esq.
Executive Director

Email: rarmstrong@ethics.nv.gov

Elizabeth J. Bassett, Esq.
Associate Counsel

Email: ebassett@ethics.nv.gov

704 W. Nye Lane, Suite 204
Carson City, NV 89703

cc: k.pedroza@ethics.nv.gov

Subject:

Bartolo Ramos
c/o Rebecca Bruch, Esq.
Lemons, Grundy & Eisenberg
6005 Plumas Street, Ste. 3
Reno, NV 89519

Email: rb@lge.net

Email: jenn@lge.net

DATED: July 19, 2022



Employee of the Nevada Commission on Ethics



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

In re **Bartolo Ramos**, Public Works Director,
Lander County, State of Nevada,

Ethics Complaint
Case No.19-088C

Subject. /

WAIVER OF STATUTORY TIME REQUIREMENTS: ADJUDICATORY HEARING

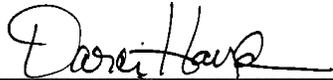
INITIAL
HERE

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

Dated: 06-22-2021


Bartolo Ramos

Date received: 6/22/21


Employee of the Commission



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

In re **Bartolo Ramos**, Public Works Director,
Lander County, State of Nevada,

Ethics Complaint
Case No.19-088C

Subject. /

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

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

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

Dated this 22 day of June, 2021.

By: 
Bartolo Ramos



Received 3/14/22

**NEVADA COMMISSION ON ETHICS
 ETHICS COMPLAINT**

NRS 281A.700 to 281A.790

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

Subject NAME:	Bartolo "Bert" Ramos		TITLE OF PUBLIC OFFICE: <small>(Position)</small>	County Manager
PUBLIC ENTITY: <small>(Name of the entity employing this position)</small>	Lander County			
ADDRESS:	50 State Rte. 305	CITY, STATE, ZIP CODE	Battle Mtn., NV 89820	
TELEPHONE:	Work: 775-635-2885	Other: (Home, cell) 775-455-6860	EMAIL:	BRAMOS@LANDERCOUNTYNV.ORG

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

Check here if additional pages are attached.

As Lander County Manager, Bert Ramos has failed to fully disclose the extent of his personal real estate interests in Lander County, specifically with regard to incomplete and misleading financial disclosures filed with the Nevada Secretary of State's Office under NRS Chapter 281, and during Commission meetings during which he advocated for the public works project that benefited his property. He has also failed to fully disclose the extent to which his roles as Lander County Public Works Director and Lander County Manager served his private interests as a Lander County property owner. He has used his public role in government, and his ability to oversee various public works projects, including the Battle Mountain Airport water line project, to serve his private interests as a Lander County property owner.

Ramos has also failed to disclose the extent to which his work as County Manager benefits the High Desert Educational Association (HDEA), to which Ramos has a commitment in a private capacity. His work to recommend and approve a County Lease Agreement with HDEA constitutes a conflict of interest and violates other provisions of Nevada's Ethics Code.

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

Ramos is currently the subject of a pending ethics complaint. The misconduct at issue in this complaint is related to and consistent with, but distinct from, the alleged misconduct being investigated in that case.

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

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

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

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

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

State the total number of additional pages attached (including evidence) 225.

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

NAME and TITLE: (Person #1)	Kimberlie Buffington, HDEA Founding Trustee		
ADDRESS:	100 Carson Road #103	CITY, STATE, ZIP	Battle Mountain, NV 89820
TELEPHONE:	Work: 775-635-8636	Other: (Home, cell) [REDACTED]	E-MAIL:
NATURE OF TESTIMONY:	Kimberlie Buffington signed the Lease Agreement between HDEA and Lander County. She stated that she is the "founding trustee" of HDEA. She has also represented various details concerning HDEA during Lander County Commission meetings, and met in private with members of the County's Subcommittee formed to develop recommendations concerning uses of the Lander County Courthouse. She is able to provide testimony concerning HDEA, the identify of HDEA's "education ministers," and other details concerning the formation and activities of HDEA, including the services it provides and the funds it collects.		
NAME and TITLE: (Person #2)	Aaron K. Martinez, P.E. - Engineer (A.M. Engineering)		
ADDRESS:	742 D Street	CITY, STATE, ZIP	Elko, NV 89801
TELEPHONE:	Work: 775-738-3113	Other: (Home, cell)	E-MAIL: info@amengineering.pro
NATURE OF TESTIMONY:	Aaron Martinez advocated for the Lander County Commission to re-route a water line across Lander County Manager Ramos's property, and other parcels, at the request of Lander County Manager Ramos. He is able to provide testimony concerning the circumstances of Ramos's request for this public works project to develop in a manner that benefits Ramos's parcels, as well as other facts and circumstances regarding the Battle Mountain Airport water line project.		

7. REQUESTER INFORMATION:

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

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

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



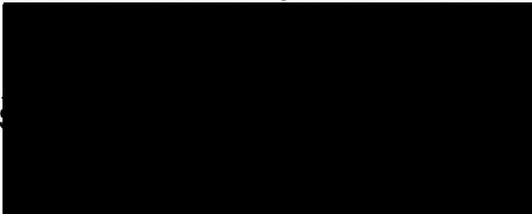
A copy of this Complaint will be provided to the Subject. If your request for confidentiality is approved by the Commission, the Complaint will be redacted to protect your identity as the Requester. The Commission may decline to maintain the confidentiality of your identity as the Requester for lack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

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

Withdraw my Complaint OR

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

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



March 10, 2022

Date:

Print Name:

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

Question 2: Description of alleged conduct cont'd

Lander County Manager Bartolo “Bert” Ramos is ethically challenged. His ongoing misconduct, discussed below and corroborated by the attached supporting materials, constitutes a flagrant violation of NRS Chapter 281A, and other disclosure and open meeting laws. As Lander County Manager, Ramos has repeatedly failed to publicly disclose his private property interests. His undisclosed interests include ownership of a 53-acre parcel that Ramos purchased while serving as the County’s Public Works Director, and that now benefits from a \$5 million public works project that Ramos oversees and that he specifically lobbied the Lander County Commission to modify after his purchase for his own personal gain.

Ramos actively advocated for a lease agreement between Lander County and the High Desert Educational Association (“HDEA”), a private religious organization for whom his wife, Ashley Ramos, serves as a paid “education minister” or “education leader.” Ramos served on a County Subcommittee that met privately with HDEA before recommending that the County enter the agreement with HDEA. The agreement allows HDEA to use county facilities and equipment at essentially no cost to HDEA, while collecting thousands of dollars in “tuition” every month from families with homeschooled children. Ramos not only violated Nevada Open Meeting law by holding private meetings, but also used the privately obtained information to recommend an unwarranted agreement with a faith-based organization claiming to be organized under “common law,” outside federal or state jurisdiction, and for which Ramos’s wife is providing paid services.

As County Manager, Ramos has gone to great lengths to minimize and conceal the extent of his private interests. He filed incomplete and misleading financial disclosures with no mention of his property ownership. He misled the Commission regarding his property ownership while advocating for changes to a public works project that would directly benefit his newly acquired real estate. In at least one meeting, he made **no disclosure whatsoever** that he owned property that would benefit from his proposed changes to the project.

The Commission must investigate Ramos’s misconduct, which flies in the face of the letter and spirit of NRS Chapter 281A, among other ethics and disclosure laws. Because of his public role in Lander County, Ramos is in a position to obfuscate public access to records that would shed light on his misconduct. The Commission, therefore, must exercise its authority to hold Ramos accountable and uphold Nevada’s Ethical Code of Conduct.

1. Lander County Manager Bert Ramos failed to disclose property interests in Lander County and has taken steps to conceal and minimize his undisclosed interests while overseeing a public works project benefiting his property at public expense.

As Lander County Manager, Bert Ramos is required to abstain from acting on matters in which he has a significant pecuniary interest, unless he discloses information in a manner “sufficient to inform the public of the potential effect of the [public] action or abstention...upon the public officer’s or employee’s significant pecuniary interest.”¹

Ramos has failed to sufficiently disclose significant private real estate interests relative to Lander County’s ongoing Battle Mountain Airport Water Line public works project, a project Ramos oversees and which will directly benefit his private property at public expense. Ramos has not only failed to abstain from acting on, approving, and otherwise participating in various stages of the project’s development, including negotiating and approving a Partial Release of Settlement Agreement with a party (Battle Mountain Land Co.) which is directly involved in the project. He **actively lobbied the County Commission to modify the project to specifically benefit his property after he purchased it.**

Ramos appears to have taken steps to conceal the full extent of his private land interests from public view, by filing incomplete and inaccurate financial disclosure reports with the Nevada Secretary of State, by recording at least one document that appears to misidentify his mailing address, and by claiming his 53-acre parcel constitutes “only a small portion” of land affected by the project.

Ramos’s failures to sufficiently disclose his real estate interests, and his continued involvement in a public works project that serves his private interests as a property owner, violate Nevada’s Code of Ethics under NRS Chapter 281A and Nevada’s financial disclosure requirements under NRS 281.571. His misconduct highlights a pattern of self-dealing and misrepresentation that cannot be ignored.

A. **Ramos Should be Familiar with Nevada’s Ethics and Financial Disclosure Laws**

Ramos should be familiar with Nevada’s ethics and financial disclosure laws, having run for public office and served as a Lander County employee and public officer **for more than a**

¹ NRS 281A.420(1).

decade. In June of 2010, he was hired as the county’s Road and Bridge Foreman at an annual salary of \$56,500.² He became the county’s Public Works Director in August 2018, at an annual salary of \$97,101.³ He became Lander County Manager in January of 2021, at an initial salary of \$98,945.60.⁴ He extended his County Manager contract, at an increased salary of \$120,000, in December of 2021, effective retroactively to July 11, 2021.⁵ Ramos also unsuccessfully ran for Lander County Sheriff in 2018, losing in the primary to the incumbent candidate.⁶

Having run for public office and served in several capacities as a government employee for more than a decade, Lander County Manager Bert Ramos should be well familiar with Nevada’s ethics and disclosure laws.

B. Ramos has Filed Several Inaccurate & Misleading Financial Disclosures

As part of his campaign for Sheriff, Ramos filed several campaign expense reports and financial disclosures.⁷ In his March and October 2018 financial disclosure forms, Ramos stated that he owned property located at 143 Overland Street, in Austin, NV, as a “rental property.”⁸ Public property records for this location show that Ramos is the current owner of the 143 Overland Street property.⁹ Since becoming County Manager, however, Ramos **twice** failed to disclose this property interest, in both his January 2021 and January 2022 financial disclosures filed with the Nevada Secretary of State’s Office, despite reporting earlier that he owned the property while running for Sheriff.¹⁰

Ramos also **twice** misrepresented his public salary as County Manager, reporting in January 2021 a \$96,000 salary, even though his salary was actually \$98,945.60, and again in January 2022, reporting that his salary was \$96,000, even though his salary was actually \$120,000, effective July 2021.¹¹

² Ex. A, at 21-25.

³ Ex. A, at 7-14.

⁴ Ex. A, at 6-8.

⁵ Ex. A, at 20-22.

⁶ Ex. A, at 30.

⁷ Ex. A, at 32.

⁸ Ex. A, at 39.

⁹ Ex. A, at 132-133.

¹⁰ Ex. A, at 33-36.

¹¹ *Id.*

As a longtime public employee and a former candidate for office, Ramos should reasonably be expected to understand and abide by Nevada’s disclosure laws. Ramos has repeatedly sidestepped these laws and concealed the extent of his personal financial interests from the public.

C. Ramos Twice Failed to Disclose Ownership of a 53-Acre Lander County Parcel

Since becoming County Manager, Ramos has **never disclosed** his real estate interests in Lander County on his public filings with the Secretary of State. While Public Works Director, Ramos purchased a 53-acre parcel of land in Lander County (A.P.N. 011-140-06) in October 2019.¹² Property records accessible through the Lander County Assessor’s Office show that he is still the owner of this 53-acre parcel.¹³ However, as with his salary and his property interest in Austin, Nevada, Ramos, **twice** failed to disclose this property ownership on his annual financial disclosures filed with the Nevada Secretary of State, both in January 2021 and January 2022.¹⁴ The 53-acre parcel in Lander County, which he purchased in October 2019, appears nowhere in his 2021 or 2022 financial disclosures.

Ramos’s failure to disclose his ownership of this property appears to be part of a deliberate and ongoing effort to conceal, obfuscate, or otherwise downplay the extent of his ownership interests in a parcel that also directly benefits from Lander County’s ongoing Battle Mountain Airport Water Line Project, a project in which Ramos has directly participated, and for which he has expressly advocated.

D. Ramos Downplayed His Private Interests During Commission Meetings While Lobbying for an Action that Specifically Benefits His Property

The Lander County Board of Commissioners held a special meeting to consider an ongoing Airport water line project, on November 25, 2019, while Ramos was serving as the County’s Public Works Director.¹⁵ The meeting minutes for this “special meeting” were not made available to the public or approved by the Commission until **April 9, 2020**.¹⁶ The agenda for this “special meeting” included, as item 10, “**PUBLIC WORKS: For Possible Action, to approve/disapprove the water**

¹² Ex. A, at 41-42.

¹³ Ex. A, at 80-81.

¹⁴ Ex. A, at 33-36.

¹⁵ Ex. A, at 44-63.

¹⁶ Ex. A, at 155-58.

line alignment for the Battle Mountain Airport Line.”¹⁷ The sole purpose of this agenda item was for Ramos to advocate that the Commission modify a public works project in a manner that would benefit his property, purchased about a month prior to the “special meeting.”

Ramos, and engineer Aaron Martinez from A.M. Engineering, presented to the Commission during this agenda item. Martinez stated that he “was **asked by the Public Works Director** [Ramos] to come and kind of discuss with [the Board] this particular portion of the project[.]”¹⁸ According to Martinez, part of the public works project before the Board during this special meeting was a proposal to re-route an existing water line across a select group of private land parcels, including Ramos’s recently acquired purchase, which Martinez described as “a kind of hot button item that the Public Works Director wanted us to bring to [the Board’s] attention.”¹⁹

At the behest of then-Public Works Director Ramos, Martinez recommended that the water line expansion should take a new route across Ramos’s, and other private owners’ parcels. Re-routing the water line across these private parcels, as opposed to taking other potential routes across BLM-owned land, would benefit the private parcel owners, including Ramos, and allow “people next to it to utilize it, expand, you know, create enterprise, create projects, create development[.]”²⁰

Ramos claimed during the presentation that he wanted the item brought before the Board because “I’m a property owner alongside of this. And I don’t want there to be any confusion or anybody thinking that I’m doing anything for personal gain.”²¹ He stated that the County had already budgeted for a water line extension, but that “at the time [the County] budgeted for all that, **I did not own any property here or anything else.**”²² He also stated that Martinez determined the only other route for the water line extension was “through BLM [land]” and that Ramos, “as a taxpayer [himself] and for the taxpayers of Lander County, **I don’t think that that is a proper way of doing business** is to pay millions of dollars to put a water line in somewhere that can’t be accessed by property owners.”²³ Ramos concluded “**I have a very small portion of that** that goes by my property. So I just want all that to be on the record and be very clear.”²⁴

¹⁷ Ex. A, at 45.

¹⁸ *Id.*

¹⁹ Ex. A, at 47.

²⁰ Ex A., at 47.

²¹ Ex. A, at 49.

²² *Id.* (emphasis added).

²³ *Id.* (emphasis added).

²⁴ Ex A, at 50.

County Commissioners appeared confused as to why the agenda item was even brought before the Commission, given Ramos’s representation that the Commission already approved and budgeted for the project.²⁵ During the discussion, it became clear that Ramos intended for the Commission to approve “**adding another line**” across his, and other private parcels.²⁶ Rather than abstain from the discussion, then-Public Works Director Ramos actually lobbied for the specific route for the new water line that would benefit his particular parcel and other owners’ parcels, in an exchange with Lander County Commissioner Judie Allan.²⁷ The Commissioner opined that the description of the expansion across Ramos’s parcel as having already been approved “might be a little misleading,” and Ramos continued to advocate that “there is no other line that we can take outside of this that will achieve the fire flows for the airport.”²⁸

During public comment on this agenda item, another property owner, Donnie Negro, stated that he and his brother (Bart Negro) opposed the water line being re-routed, and that they were “against the water line going on the south side **for personal gain**,” and that “[he’d] rather see it go down the north side where you’re going to pick up people[.]”²⁹

While advocating for the particular route that would benefit his recently purchased parcel, Ramos made several misleading statements to the Commission regarding his ownership of the 53-acre Lander County parcel that minimized the extent of his private interests. He represented that he owned a “very small” portion of land affected by the proposed water line expansion, even though his parcel is in fact a 53-acre parcel.³⁰ He suggested that the Commission had already budgeted for and approved the project, even though the Commission had not approved the specific route and “additional line” that would run across Ramos’s property. Indeed, Ramos acknowledged that he purchased the property **only after** the project had initially been approved, but before the Commission considered re-routing a new water line across his parcel.

Based on Ramos’s own descriptions of the timeline surrounding his purchase, it is possible that **Ramos had access to and used non-public information that informed his decision to purchase the property in October 2019.**³¹ Emails to Ramos dated February 8, 2019 show that,

²⁵ Ex. A, at 50-51.

²⁶ Ex. A, at 48 (emphasis added).

²⁷ Ex. A, at 52-53.

²⁸ Ex. A, at 53.

²⁹ Ex. A, at 56-57

³⁰ Ex. A, at 50.

³¹ Ex. A, at 49.

RAMOS COMPLAINT – Supporting Materials

prior to his purchase of the Lander County property, and prior to his advocacy encouraging the Commission to re-route and expand the airport water line, Ramos was made aware of cost estimates and plans for a 100-Acre Lander County Industrial Park, and related improvements such as underground water lines, related to the Battle Mountain Airport project.³²

Ramos also stated to the Commission that “there is really no other line that we can take outside of this that will achieve the fire flows for the airport,”³³ even though other speakers during the meeting stated that there were other options, including engineer Aaron Martinez and property owner Donald Negro.³⁴ Martinez’s engineering report on the project made clear that “Lander County may elect additional Loop Mainline options, **Realistically, hundreds of options are available** relating to running the intended Old 8(a) Loop Mainline.”³⁵ When Commissioner Allan directly asked Ramos whether he “ha[d] easements for this [project],” Ramos did not disclose that he, and others, had not yet filed the easements allowing the county to expand the water line. He did not, in fact, file the easement until April of 2020.³⁶

When Ramos recorded the easement for his parcel, he recorded his mailing address as P.O. Box 2, Austin, Nevada, an address that does not appear associated with Bert Ramos on any other publicly recorded document or any of his financial disclosures, and that in fact appears to be associated with Joseph Philip Ramos, not Bert Ramos.³⁷

Given Ramos’s statements to the Commission ostensibly claiming that he intended to disclose his property interests relative to the project, Ramos has no excuse for **failing to disclose** his ownership interests, **not once, but twice**, in a 53-acre parcel of Lander County property on his 2021 and 2022 annual financial disclosure forms filed with the Nevada Secretary of State’s Office. Given his purported concerns with making sure his ownership interests were publicly known, and his acknowledgement that his ownership interests could be perceived as conflicting with his role as Public Works Director overseeing a project that would benefit his property, Ramos’s repeated failures to disclose his ownership in January 2021, and January 2022, are difficult to reconcile.

The Commission again considered the Airport Water Line expansion on December 19, 2019, during a meeting in which Ramos apparently made **no disclosures** whatsoever about his

³² Ex. A, at 140.

³³ Ex. A, at 53.

³⁴ Ex. A, at 57.

³⁵ Ex. A, at 87 (emphasis added).

³⁶ Ex. A, at 75-78.

³⁷ Ex. A, at 135.

RAMOS COMPLAINT – Supporting Materials

ownership interests.³⁸ The meeting minutes for the December 19, 2019 meeting were not made available to the public or approved by the Commission until **June 11, 2020**.³⁹ It is not clear whether Ramos attended this meeting or not, but the Commission voted during this meeting to approve the expansion, including the new water line route that required the water line to run across Ramos's 53-acre parcel.⁴⁰ Ramos did not make any disclosures during this meeting as to his ownership of the parcel or his continued involvement in the public works project.

Again, in February 2020, **Ramos failed entirely to disclose** his private interests as a landowner who stood to benefit from the project. During a February 13, 2020, meeting, the Commission voted to award a \$4.85 million contract to Hunewill Construction for the "airport water line project," during an agenda item in which Ramos participated extensively, but made **no disclosures** about his private property interests.⁴¹

The minutes for the February 13, 2020 meeting were not made available to public or approved by the Commission until **March 12, 2020**.⁴² It also appears from the Commission meeting minutes that the Commissioners were not provided "the actual bid numbers" for the various proposed contractors, as Commissioner Allan noted on the record.⁴³ According to the minutes, Ramos stated to the Commission that "we have 2.5 million [budgeted] for the water line and then an additional, like, 2.4 something that is for the spur line...this project actually includes even more than that because it includes hooking up to the racetrack and the airport."⁴⁴ In his description of the nearly \$5 million publicly funded project that would directly benefit his private property, Ramos made **no disclosures** to the Commission as to the extent to which he stood to gain from the project.

As County Manager, Ramos continues to be involved in the ongoing project. In April 2020, he recorded an access and utility right-of-way easement, and as noted, listed his address as a P.O. Box 2 in Austin, Nevada, authorizing the county to install a "water delivery pipeline" across his

³⁸ Ex. A, at 100-131.

³⁹ Ex. A, at 160, 165-66.

⁴⁰ Ex. A, at 130-131.

⁴¹ Ex. A, at 140-145.

⁴² Ex. A, at 173, 176.

⁴³ *Id.*

⁴⁴ *Id.*

property.⁴⁵ In May 2021, Ramos approved a “Partial Release of Settlement Agreement” for the Battle Mountain Airport Waterline Project, which directly affected his real estate interests.⁴⁶

E. Ramos’s Conduct Shows a Pattern of Non-Disclosure, Incomplete Disclosure, and Self-Dealing.

Viewed in totality, Ramos’s conduct appears to constitute a deliberate and ongoing pattern of disregarding Nevada’s Ethical Code and concealing the extent of his private interests as a public officer.⁴⁷ The Commission has made clear that late, incomplete, or inaccurate disclosures are unacceptable: “[A] public officer’s timely disclosure of the **full nature and extent of a private interest** in a pending matter is essential. Without disclosure at the time of discussion and action, neither the public nor other members of the particular legislative body can weigh the relevance of the circumstances of the public officer’s private interests...**the public should be fully informed of the full nature and extent of that public officer’s private interest.**”⁴⁸

Ramos’s 2021 and 2022 financial disclosures are incomplete, inaccurate, and do not identify his Lander County real estate interests—private interests which are directly served by his public role as Lander County Manager. His 2021 and 2022 disclosures misrepresent his public salary, and fail to disclose other property interests in Austin, Nevada. As part of his involvement in the airport water line project, he recorded at least one public document that appears to misidentify his address, using an address apparently associated with a different individual. Indeed, Ramos is **already the subject of a separate ethics complaint** involving alleged self-dealing in executing a contract benefiting a member of his household.⁴⁹

Ramos’s repeated failures to disclose also suggest that he concealed the extent to which he has used non-public information to inform his purchase of real estate in Lander County. Having been apprised of industrial developments and improvements and other details pertaining to public

⁴⁵ Ex. A, at 75-76.

⁴⁶ Ex. A, at 73-74

⁴⁷ The Nevada Ethics Commission has long held that public officers with significant pecuniary interests in ownership of real property “have a duty to disclose the full nature and extent of [such] interests,” including “the size and specific location of the real property...the relationship which [a meeting] agenda ha[s] with the property, and the effect upon the property which [a meeting] agenda item reasonably might have.” *In Re: Request for Opinion of Public Officer*, Nev. Ethics Comm’n Opinion No. 90-01 (Dec. 31, 1990).

⁴⁸ *Id.* (emphasis added).

⁴⁹ *In Re: Bartolo Ramos, Public Works Director, Lander County*, Nev. Ethics Comm’n, Ethics Complaint, Case No. 19-088C (June 21, 2021).

works projects he was charged with overseeing, Ramos subsequently purchased property that will benefit from changes he lobbied for after his purchase. His repeated failures to disclose his interest in this property suggests he is concealing the extent to which he has used his public position to serve his private interests.

The Commission must investigate County Manager Ramos’s conduct, particularly with regard to his failures to disclose his Lander County property interests, and the extent of his involvement in approving a public works project that directly benefits his undisclosed private real estate interests in Lander County.

2. County Manager Ramos recommended and advocated for a lease agreement between the County and HDEA—a private, religious organization for which his wife, Ashley Ramos, serves as an “educational minister.”

As Lander County Manager, Bert Ramos is prohibited from seeking or accepting any gift, service, favor, employment, engagement, or economic opportunity for himself or a person to whom he has a commitment in a private capacity, which would tend to improperly influence a reasonable person to depart from the faithful and impartial discharge of his public duties.⁵⁰ He is also prohibited from using his position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for himself or any person to whom he has a commitment in a private capacity.⁵¹ He is prohibited from using non-public information to benefit his private interests.⁵² And he is prohibited from using government time, property, or equipment or other facilities to benefit his private interests, or those of a person to whom he has a commitment in a private capacity.⁵³

In clear violation of Nevada’s Ethical Code, and other provisions including Nevada’s Open Meeting Law,⁵⁴ Ramos advanced and recommended an agreement between Lander County and the High Desert Educational Association (“HDEA”), whereby the County leases a public facility to HDEA, at essentially no cost to HDEA, and provides other financial and technical support and equipment to the organization. Ramos’s wife, Ashley Ramos, serves as a paid “educational minister” for HDEA. Ramos has neither disclosed his, nor his wife’s interests, in HDEA, and has

⁵⁰ NRS 281A.400(1).

⁵¹ NRS 281A.400(2).

⁵² NRS 281A.400(5).

⁵³ NRS 281A.400(7).

⁵⁴ NRS 241.015(4)(d)(1)-(2).

failed to abstain from participating in the County’s consideration and negotiation of the HDEA lease agreement.

A. High Desert Educational Association (“HDEA”) is a Private, Religious Organization that is Ineligible to Use County Facilities at Taxpayers’ Expense.

HDEA is a “faith-based educational ministry” and “private ministerial association,” that is committed to “conduct[ing] all manner of private business [and]...keeping all business in the private domain[.]”⁵⁵ According to its Membership Application, HDEA “believe[s] that the Holy Scriptures, the Universal Declaration of Human Rights (UDHR), the Constitution of the United States of America, the various constitutions of the several states of the union, and the Charter of Rights of Canada guarantees [its] members the rights of absolute freedom of religion, free speech, petition,” and other rights.⁵⁶ HDEA claims that “[its] Association activities are **restricted to the private domain only** and **outside of the jurisdiction of government entities, agencies, officers, agents, contractors, and other representatives**, as provided by law.”⁵⁷ HDEA claims to be **“outside the jurisdiction and authority of Federal and State Agencies and Authorities** concerning any and all complaints or grievances against [HDEA] members or other staff persons.”⁵⁸ HDEA claims to be “a private membership association under common law,” and membership constitutes “a private contractual matter” about which HDEA members **“refuse to share with the Local, State, or Federal investigative or enforcement agencies.”**⁵⁹

Given HDEA’s descriptions, it is astonishing that Ramos could have recommended that the County enter a lease agreement with such an organization. HDEA claims to operate outside the jurisdiction and authority of any Federal, State, or local government and claims to be organized under “common law,” in direct contravention of NRS 244.2835(1), which requires a nonprofit organization to be **“recognized as exempt** under Section 501(c)(3) of the Internal Revenue Code” to enter a lease agreement with a County government. It is unclear how the County could enter an agreement with an association whose members must “refuse to share” information with local, state, or federal investigative or enforcement agencies. Despite HDEA’s obvious ineligibility to enter an

⁵⁵ Ex. B, at 1-2.

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Id.*

agreement with the County, Ramos recommended that the County execute a 3-year lease agreement with HDEA, apparently because he has personal interests in HDEA’s success.

B. Ramos Served on the Subcommittee that Met Privately with HDEA before Recommending the HDEA Lease Agreement, Violating Nevada’s Ethics Code and Nevada Open Meeting Law.

During a June 10, 2021, Commission meeting, the Lander County Board of Commissioners considered whether or not to “appoint a person or persons to supervise or spearhead a plan” with regard to using the Battle Mountain Grammar School, also known as the Lander County Old Courthouse.⁶⁰ During discussion on this agenda item, Ramos stated that the Commission needed to approve plans for using the facility, and that “we can’t give money directly to a 501(c)(3) to put money into that building, and maybe [District Attorney] Ted [Herrera] can speak more on how that works.”⁶¹ After the discussion, Commission Chair Kathy Ancho “made a motion to appoint [Herrera] and Bert [Ramos] to work together with Amy Nelson on moving forward with this, and **to bring back recommendations** to the Board.”⁶²

During a July 22, 2021, Commission meeting, Herrera and HDEA Founding Trustee Kim Buffington presented a recommendation to enter into a lease agreement with Lander County, whereby HDEA would use the Lander County Courthouse to operate a private school. Herrera explained that “at a previous meeting he was authorized to look into different organizations to basically repurpose the old courthouse/grammar school. Along those lines, **Ms. Buffington came and made a presentation to Amy Nelson, Bert [Ramos] and him.** She wants to make a **private school at the premises.** She wants to lease the building, and the building can still be worked on during the period of the lease, along the historical guidelines. It’s their recommendation to the Board to grant this lease if you like the presentation.”⁶³ He stated that Amy Nelson was, along with him and Ramos, “part of the committee that you appointed to **make a recommendation.**”⁶⁴

Based on the District Attorney’s description, Ramos was directly involved in developing a recommendation that the County enter the HDEA lease agreement, benefiting a private religious entity with whom his wife is associated as a paid “education minister.” Aside from the ethics

⁶⁰ Ex. B, at 8-9.

⁶¹ *Id.*

⁶² *Id.*

⁶³ Ex. B, at 18 (emphasis added).

⁶⁴ Ex. B, at 19.

violations implicated with Ramos’s developing this recommendation and failing to disclose his private interests in HDEA, the Subcommittee of Ramos, Herrera, and Amy Nelson **also violated Nevada Open Meeting law** by failing to hold its meeting(s) with HDEA, prior to its recommendation, in public, in accordance with NRS 241.015(4)(d). Nevada OML mandates that “a subcommittee or working group consisting of at least two persons who are appointed by a public body,” and “authorized to make a recommendation to the public body” is subject to Nevada Open Meeting Law, including agenda and public notice requirements. The subcommittee of Ramos, Herrera, and Nelson, did not conform to any of these laws when it met with HDEA trustee, Ms. Buffington, or other parties in developing its recommendations to the County. The Subcommittee violated OML by receiving information from HDEA that has not been made publicly available. While this exchange of information is consistent with HDEA’s mission of avoiding public scrutiny, it is a clear violation of Nevada law and implicates Nevada’s Code of Ethics.

During the July 2021 meeting, the Subcommittee recommended that the Commission enter a three-year lease to allow HDEA to use the County Courthouse as a “location that was suitable, safe, and would serve the purpose [HDEA] was looking for.”⁶⁵ The Subcommittee also stated that if the Commission “decide[d] to proceed with this process, the con crew is ready to muck out the building. Amy Nelson has \$36,000 left from the money the commission gave the committee a couple of years ago, and that money would be utilized to buy carpet and such for the building, to get this up and going. There would be no immediate out-of-pocket expenses, except with the con crew.”⁶⁶ Ramos later added “for the record that any time the con crews are present they do let people know that they will be in the area, to avoid any conflict.”⁶⁷

The Subcommittee’s presentation represented that HDEA would “start with grades K-6th initially, and see how that goes. They’re going to fund through private donations, grants, fundraisers, and they are trying to keep the tuition small so that as many students as possible may attend.” Herrera stated that HDEA “is a charitable institution so this can be done by the county,” and that “the County has the authority to give charitably for equipment. We cannot give them everything we want to give them.” The meeting minutes state that Herrera “detailed more about charitable organizations and avoiding prior problems the County has had.”⁶⁸ Ms. Buffington

⁶⁵ Ex. B, at 18.

⁶⁶ Ex. B, at 18.

⁶⁷ Ex. B, at 20.

⁶⁸ Ex. B, at 19.

clarified that HDEA “is classified as a 508(c)(1)(A), which is a private domain non-profit organization, versus a 501(c)(3)(A), which is a public domain non-profit. **That is the difference in the structure.**”⁶⁹

Based on the Subcommittee’s recommendation, the Commission voted to enter a 3-year lease agreement with HDEA and approved the use of \$36,000 to be “applied toward carpet and other things for this project.”⁷⁰ During the July 2021 meeting and discussion, Ramos never disclosed that his wife, Ashley Ramos, was associated as a paid “educational minister” with HDEA.

C. Ramos Abused his Role as County Manager to Review All County Lease Agreements and Oversee County-leased Property To Serve His Private Interests in HDEA.

As County Manager, Ramos plays a direct role in reviewing, negotiating, and executing agreements with the County. Under Lander County Code 2.06.070(C), Ramos’s roles include “negotiat[ing] and supervis[ing] the negotiation of all county contractual agreements subject to the limitations of law and board of county commissioners’ direction.”⁷¹ He is also responsible for exercising “supervision and control” over “all public buildings and property, whether leased or owned by the county,” and for “supervising building construction, alterations, maintenance and the utilization of county vehicles and equipment.”⁷² Under the terms of the HDEA Agreement, Ramos’s approval of liability insurance for HDEA was a condition to the Agreement becoming effective: “Such [liability insurance] proof must be provided to the Lander County Clerk’s Office **and the Lander County Manager’s Office** prior to this Agreement becoming effective.”⁷³ Ramos’s duty to be objective in his public role, and his responsibilities in reviewing and approving the HDEA lease, directly conflict with his private interests insofar as his wife, Ashley Ramos, is associated with HDEA as an “educational minister.”

On August 12, 2021, the County signed a 3-year lease agreement with HDEA.⁷⁴ The Agreement materials presented to the Commission stated that HDEA is a 508(c)(1)(a), faith-based organization, a religious, non-profit tax exempt organization, that is “**separate and distinct from**

⁶⁹ Ex. B, at 20.

⁷⁰ *Id.*

⁷¹ L.C.C. Sec. 2.06.070 (“County Administration”).

⁷² L.C.C. Sec. 2.06.110(B), (D).

⁷³ Ex. B, at 23.

⁷⁴ Ex. B, at 22-27.

a 501(c)(3) charity and unincorporated FBOs. The 508(c)(1)(a) is applicable in all 50 states and recognized international under the Hague Convention of the United Nations Charter.”⁷⁵

The Agreement also states that the County “is authorized to lease property to a non-profit charitable or civic organization pursuant to NRS 244.2835,” which authorizes a county to lease real property to an organization that “is recognized as exempt under section 501(c)(3) of the Internal Revenue Code.”⁷⁶ As noted however, the Agreement also acknowledged that HDEA was “**separate and distinct from a 501(c)(3) charity**,” contradicting the Agreement’s representation that HDEA was eligible to enter into a county lease under NRS 244.2835. In any event, NRS 244.2835(1)(c) requires HDEA, in addition to being recognized as exempt as a 501(c)(3) organization, to “provide to residents... a service that **the county would otherwise be required to** expend money to provide[.]”⁷⁷ There’s no question that the County is **not required** to expend money to provide the services HDEA purportedly provides, i.e., private, religious, ministerial education services to families choosing to homeschool their children, and to do so “outside the jurisdiction of any local, state, or federal government or agency.” The agreement thus provides “unwarranted privileges, preferences, exemptions, or advantages” to HDEA, as prohibited under NRS 281A.400(2).

The Agreement is also exceedingly generous and favorable to HDEA, a private religious organization that claims to operate outside the jurisdiction and authority of any government agency.⁷⁸ Under the Agreement, HDEA is merely required to pay a nominal \$1 per month in rent to Lander County, and Lander County is required to maintain the building, the exterior, landscape, grounds, and parking lot, as well as maintaining and repairing the plumbing, heating, and electrical services and systems inside the building.⁷⁹ The County is also required to maintain insurance on the building while HDEA is using it to provide religious educational services to homeschooled children.⁸⁰ It is unclear how the County can provide these services with “no out-of-pocket expenses” as the Subcommittee represented on July 22.⁸¹

⁷⁵ Ex. B, at 35.

⁷⁶ Ex. B, at 22.

⁷⁷ NRS 244.2835(1)(c).

⁷⁸ Ex. B, at 1.

⁷⁹ Ex. B, at 23.

⁸⁰ Ex. B, at 23.

⁸¹ Ex. B, at 18.

- D. County Manager Ramos’s Wife, Ashley Ramos, is associated with HDEA as a paid “education minister” or “education leader.”

HDEA goes to great lengths to conceal its operations, and its membership application states that its mission is to avoid public scrutiny: “The mission of this Association is to provide members with a forum to conduct business between members **in the private domain**...”.⁸² And because the HDEA Subcommittee of Ramos, D.A. Herrera, and Amy Nelson unlawfully received materials and a presentation from HDEA representative Kimberlie Buffington **outside of the Open Meeting Law’s parameters**, the nature and extent of HDEA’s activities relative to the County Lease Agreement have been withheld from the public. Nevertheless, there is sufficient evidence showing that Bert Ramos’s wife, Ashley Ramos, is associated with HDEA as an “education minister,” a title that HDEA uses to allow for paid staff to be employed as teachers, without complying with state regulations for licensure.

A video recorded interaction with HDEA Founding Trustee Kimberlie Buffington, submitted with this complaint, shows the extent to which HDEA is operating as a covert, religious education organization using public facilities. The video(s) may be accessed by following this link: <https://www.dropbox.com/sh/q7d5flalukssuwr/AACQPJ3l4T3BOvPdQrEKaCcUa?dl=0>

The video recordings provide evidence that Ashley Ramos is serving as a paid “educational minister” or “education leader” for HDEA. In the video, HDEA representative Kimberlie Buffington states that all parents involved with the association are members of the association: “All of our [HDEA] parents are involved...some of our parents are education leaders, **and they’re all members**.”⁸³ She states that cost of enrollment is “\$225 for month, and that helps cover...we got the building for almost nothing, so we have to cover utilities, uh, liability insurance for the county, the county has equipped the building with some technology so we get to use that while we’re here.”⁸⁴ She further states that HDEA is comprised of “22 families, and 32 kids” enrolled in the program, including “a couple of distant learners that are seniors at the high school, they are enrolled in public school but they come here because they have structure, and we help them how we can.”⁸⁵ Based on these estimates, HDEA is receiving approximately \$7,200 per month for operating its organization out of the County Courthouse.

⁸² Ex. B, at 1-2

⁸³ Feb. 24, 2022, HDEA Video Recording, at 2:02.

⁸⁴ *Id.*

⁸⁵ *Id.*

Buffington explains in the video that HDEA is “private—we don’t have a public face,” and that she is one of the “founding trustees. I’m here every day. My kids go here.” She explains that HDEA membership costs \$30 per year, and enrollment is \$225 per month, but “that doesn’t even begin to cover our expenses. We do a lot of fundraising...”⁸⁶ She explains, “We are not a school, we don’t have teachers. Our credentialed members are members and education leaders, they are not teachers. Because teachers can’t teach home school. So...**teachers can’t be paid to teach homeschool**, so, they are technically ministers, [laughs] they’re ministers of education. **That’s how we got around that.**”⁸⁷ Apparently the cost to pay HDEA’s “education leaders” is what contributes to HDEA’s overhead, because Buffington states in the video that “we have good support from some business who have written some fairly large checks to help us month to month, so...we love it.”⁸⁸ She explains that “**we do pay some of our education leaders as ministers**, so, um, **all the money goes to overhead, and keeping people funded.**”⁸⁹

Buffington further explains that HDEA has “**five education leaders**, plus myself, here every day,” before walking to a classroom that, despite Buffington’s claim that HDEA “doesn’t have teachers,” includes a sign instructing students to “listen when your teacher is talking” and to “make smart choices.”⁹⁰ Standing next to these instructions, she repeats that HDEA “is not a school and we don’t have teachers.”⁹¹ Hanging next to the student instructions are four posters that read: “**Glorious Kindness, Positive Leadership, Selfless Courage, Invincible Girt** [sic].”⁹² As she concludes her tour of the HDEA operation, Buffington states that students participate each day in a “morning round up” and she enters a room with a sign reading “Argenta Justice Court.”⁹³

The materials and posters hanging on the HDEA classroom, as captured in the recorded video, show that Ashley Ramos is working as either an “education leader” or an “education minister” for HDEA. Ashley Ramos, who as reported by Bert Ramos in his public disclosures, worked as a Lander County School District employee, maintained a “landing page” for her role as Assistant Principal with Battle Mountain Elementary School, which is still publicly accessible.⁹⁴

⁸⁶ *Id.*, at 06:22.

⁸⁷ *Id.*, at 06:55.

⁸⁸ *Id.*, at 14:45.

⁸⁹ *Id.*, at 01:51.

⁹⁰ *Id.*, at 10:50.

⁹¹ *Id.*, at 11:01.

⁹² *Id.*, at 11:05.

⁹³ *Id.*, at 12:28; 0:05.

⁹⁴ Ex. B, at 42.

Ashley Ramos’s landing page shows a “focus on learning” list that reads, for various days of the week: “**Glorious Kindness, Positive Leadership, Selfless Courage, Invincible Grit & Brainy Creativity,**” the same messages displayed in HDEA’s classroom.⁹⁵ Her landing page also provides a link to what she describes as a “**Morning Round-Up,**” virtual classroom platform.⁹⁶ Her “morning round-up” description matches Kim Buffington’s description of HDEA’s “morning round-up” activities, captured in her recorded interaction. And a September 2021 social media post shows Ashley Ramos handling curriculum materials, with a caption that reads: “Argenta Justice Crt., Battle Mountain, NV – new classroom for my momma.”⁹⁷ While HDEA has gone to great lengths to conceal its activities from the public, there is sufficient evidence to show that Ashley Ramos is associated with HDEA as a “paid education minister.”

E. Ramos’s Involvement in Approving the HDEA Lease Violates Nevada’s Ethics Laws

Bert Ramos directly participated in, reviewed, negotiated, and/or otherwise approved and advocated for, the HDEA-Lander County lease agreement, even though his wife serves as a paid “education leader” or “education minister” for HDEA. In promoting and otherwise approving an agreement that directly benefits his private interests, Ramos has violated several provisions of Nevada’s ethics law. He has sought a service, favor, employment, or economic opportunity for HDEA, to the benefit of his spouse, to whom he has a commitment in a private capacity.⁹⁸ He has used his position as County Manager to secure unwarranted privileges for an organization that is not entitled to lease property or facilities from the County.⁹⁹ He used information obtained during a non-public meeting, or series of meetings, with HDEA representatives, as the basis for recommending that the County enter the HDEA Lease Agreement.¹⁰⁰ And he is allowing government property, equipment, or other public facilities to benefit his spouse in her capacity as an “education leader” or “education minister” for HDEA.¹⁰¹

⁹⁵ Ex. B, at 42.

⁹⁶ *Id.*

⁹⁷ Ex. B, at 43.

⁹⁸ NRS 281A.400(1).

⁹⁹ NRS 281A.400(2).

¹⁰⁰ NRS 281A.400(5).

¹⁰¹ NRS 281A.400(7).

Question 6: Potential Witnesses (cont'd)

Lander County Commissioner Judie A. Allan

[REDACTED]

Commissioner Allan abstained from voting to approve the new Battle Mountain Airport water line being re-routed across Bert Ramos’s property. (Ex. A, at 131). She can testify as to the circumstances surrounding the proposal being submitted to the Commission, the discrepancies which caused her to characterize the presentation as “misleading” and other aspects relating to the circumstances in which the Commission approved the project at Ramos’s recommendation.

HDEA Education Minister Darcy Drown

[REDACTED]

Darcy Drown has posted publicly that she is employed as an education minister for HDEA. She can testify as to other education ministers or education leaders working for HDEA and otherwise corroborate the allegations relating to HDEA’s agreement with Lander County.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Question 7: Request for Confidential Treatment (NRS 281A.750(2)(a)-(b))

[REDACTED]



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

In re **Bartolo Ramos**, City Manager,
Lander County, State of Nevada,

Ethics Complaint
Case No.22-026C

Subject. /

WAIVER OF STATUTORY TIME REQUIREMENTS: ADJUDICATORY HEARING

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

Dated: 09-12-2022

A handwritten signature in blue ink that reads "Bartolo Ramos".

Bartolo Ramos

Date received: 9/12/22

A handwritten signature in blue ink that reads "Dorei Haupt".

Employee of the Commission



STATE OF NEVADA
BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Bartolo Ramos**, City Manager,
Lander County, State of Nevada,

Ethics Complaint
Case No. 22-026C

Subject. /

WAIVER OF PANEL PROCEEDING/DETERMINATION AND CONFIDENTIALITY

I, Bartolo Ramos, the Subject of the above referenced Ethics Complaint, affirm that I have read the provisions of NRS 281A.725 and NRS 281A.730, and hereby freely and voluntarily waive all statutory requirements for a Review Panel proceeding and/or a Review Panel Determination. I do not object, and hereby submit to the jurisdiction of the Nevada Commission on Ethics ("Commission") to conduct further proceedings relating to the Ethics Complaint including, without limitation, rendering an opinion in this matter.

Dated: 09-12-2022



Bartolo Ramos, Subject

Date Received: 9/12/22



Employee of the Commission



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

In re **Bartolo Ramos**, City Manager,
Lander County, State of Nevada,

Ethics Complaint
Case No.22-026C

Subject. /

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

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

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

Dated this 12 day of September, 2022.

By: 
Bartolo Ramos



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Bartolo Ramos**, Public Works Director,
Lander County, State of Nevada,

Ethics Complaints
Case No. 19-088C
Case No. 22-026C

Subject. /

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

PLEASE TAKE NOTICE, the Nevada Commission on Ethics ("Commission") will hold a public meeting to consider a **Proposed Stipulated Agreement** regarding the allegations submitted in Ethics Complaint Nos. 19-088C and 22-026C at the following time and location:

When: Wednesday, **September 21, 2022** at **9:30 a.m.**

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

And via Zoom at:

<https://us06web.zoom.us/j/87355171728?pwd=MEx1SnI2M3hrZHg5WFBmQURyVk9kUT09>

Zoom Meeting Telephone Number: 720-707-2699

Meeting ID: 873 5517 1728

Passcode: 832099

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

DATED: September 13, 2022

/s/ Tracy L. Chase

Tracy L. Chase, Esq.
Commission Counsel

CERTIFICATE OF SERVICE

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

Executive Director:

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

Email: ramstrong@ethics.nv.gov

Email: ebassett@ethics.nv.gov

cc: k.pedroza@ethics.nv.gov

Subject Bartolo Ramos:

For Ethics Complaint No. 19-088C:

c/o Rebecca Bruch, Esq.
Lemons, Grundy & Eisenberg
6005 Plumas Street, Ste. 3
Reno, NV 89519

Email: rb@lge.net

cc: jenn@lge.net

For Ethics Complaint No. 22-26C:

c/o Brian R. Hardy, Esq.
Marquis Aurbach
10001 Park Run Drive
Las Vegas, NV 89145

Email: bhardy@maclaw.com

cc: mmonkarsh@maclaw.com

DATED: September 13, 2022



Employee of the Nevada Commission on Ethics

Agenda Item 5



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Daniel J. Coverley**, Sheriff,
Douglas County, State of Nevada,

Ethics Complaint
Case No. 22-055C

Subject. /

PROPOSED
STIPULATED AGREEMENT

1. **PURPOSE:** This Stipulated Agreement resolves Ethics Complaint Case No. 22-055C before the Nevada Commission on Ethics ("Commission") concerning Dan Coverley ("Coverley"), Douglas County Sheriff.
2. **JURISDICTION:** At all material times, Coverley served as Douglas County Sheriff and was a public officer as defined in NRS 281A.160. The Ethics in Government Law ("Ethics Law") set forth in NRS Chapter 281A gives the Commission jurisdiction over elected and appointed public officers and public employees whose conduct is alleged to have violated the provisions of NRS Chapter 281A. See NRS 281A.280. Accordingly, the Commission has jurisdiction over Coverley in this matter.
3. **PROCEDURAL HISTORY BEFORE COMMISSION:**
 - a. On or about May 4, 2022, the Commission received Ethics Complaint No. 22-055C ("Ethics Complaint"), alleging that Coverley violated NRS 281A.400(7).
 - b. On June 20, 2022, the Commission issued its *Order on Jurisdiction and Investigation* accepting jurisdiction and directing the Executive Director to investigate the allegations.
 - c. On June 20, 2022, staff of the Commission issued a *Notice of Complaint and Investigation* under NRS 281A.720, stating that the Commission accepted jurisdiction to investigate the allegations regarding alleged violations of NRS 281A.400(7).
 - d. On or about June 29, 2022, Coverley provided a written response to the allegations.

e. In lieu of an adjudicatory hearing before the Commission, Coverley and the Commission now enter into this Stipulated Agreement (“Agreement”).

4. STIPULATED FACTS:

a. Coverley has been a member of the Douglas County Sheriff’s Office since 1997 and was elected as Sheriff in 2018, assuming the office in 2019. He announced in November 2021 that he is seeking a second term.

b. The Complaint provides a newspaper photo from the Opinion section of The Record-Courier from April 27, 2022, in which Coverley appears wearing a shirt with an embroidered Sheriff’s badge at a rally for Adam Laxalt (“Laxalt”) who is running for U.S. Senate.

c. In an article from March 1, 2022, by KUNR Public Radio, Coverley appears along with other members of the Constitutional Sheriffs and Peace Officers Association in his full uniform at a podium with Laxalt. The caption reads “Adam Laxalt was joined by Sheriffs Jesse Watts and Aitor Narvaiza at a recent press conference in Reno, Nev. Both are supporters of the Constitutional Sheriffs and Peace Officers Association, which has ties to the Patriot Movement.”

d. In his response, Coverley takes full responsibility for his actions and admits that he did not review the statute prior to wearing his uniform to a political endorsement event and agrees that he is prohibited from doing so pursuant to NRS 281A.400(7).

e. Coverley has since engaged the Commission’s staff with a question about the ethics law and campaigning to ensure compliance with the law.

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

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

b. Coverley’s actions constitute a single course of conduct resulting in one violation of the Ethics Law, implicating the provisions of NRS 281A.400(7).

c. Based upon the consideration and application of the statutory mitigating criteria set forth in NRS 281A.775, the Commission concludes that Coverley’s violation in this case should be deemed a non-willful violation pursuant to NRS 281A.170 and the imposition of a civil penalty is not appropriate for the following reasons:

- 1) Seriousness of Violation: The use of government uniforms and accoutrements is a serious violation. The Commission has repeatedly issued opinions that underline the importance of avoiding use of government property for campaign to preserve free and fair elections.
- 2) Previous History: Coverley has not previously been the subject of any violation of the Ethics Law or previous ethics complaints. He was not a member of the Sheriffs and Chiefs Association when the previous letter was sent from the Commission to that Association on the topic of uniform and campaigns.
- 3) Cost of Investigation and Proceedings: Coverley was diligent to cooperate with and participate in the Commission's investigation and resolution of this matter. Because Coverley was willing to resolve the matter prior to a review panel determination, minimal costs were incurred for Commission proceedings.
- 4) Mitigating Factors Such as Self-Reporting or Correction: In his response Coverley pledged to not wear his uniform for endorsement or other campaign events and since his Response, the Commission has not received nor found evidence to the contrary.
- 5) Prompt correction of the violation: Coverley responded immediately to the allegations acknowledging that his conduct in wearing his uniform to a political endorsement event was in violation of the Ethics Law and that after review of the statute, he understands what is required. In addition, he quickly submitted an Acknowledgment of Ethical Standards form.

d. Coverley agrees to schedule ethics law training with the Executive Director for the Douglas County Sheriff's Office within 120 days of this Agreement.

e. The Commission admonishes Coverley to familiarize himself with the Ethics Law for the purpose refraining from using governmental time, property, equipment or other facility to benefit a significant personal or pecuniary interest.

f. Coverley agrees to ensure an Acknowledgment of Ethical Standards form is properly filed for his term as Sheriff following the 2018 election.

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

h. This Agreement is intended to apply to and resolve only this specific proceeding before the Commission and is not intended to be applicable to or create any admission of liability for any other proceeding, including administrative, civil, or criminal, regarding Coverley. If the Commission rejects this Agreement, none of the provisions herein shall be considered by the Commission or be admissible as evidence in a hearing on the merits in this matter.

6. WAIVER

a. Coverley knowingly and voluntarily waives his right to a hearing before the full Commission on the allegations in Ethics Complaint Case No. 22-055C and all rights he may be accorded with in regard to this matter pursuant to NRS Chapter 281A, the regulations of the Commission (NAC Chapter 281A), the Nevada Administrative Procedures Act (NRS Chapter 233B) and any other applicable provisions of law.

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

7. ACCEPTANCE: We, the undersigned parties, have read this Stipulated Agreement, understand each and every provision therein, and agree to be bound thereby once approved by the Commission. In addition, the parties orally agreed to be bound by the terms of this agreement during the regular meeting of the Commission on September 21, 2022.¹

DATED this _____ day of _____, 2022.

Dan Coverley

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

DATED this _____ day of _____, 2022.

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

¹ Subject waived any right to receive written notice pursuant to NRS 241.033 of the time and place of the Commission's meeting to consider his character, alleged misconduct, professional competence, or physical or mental health.

Approved as to form by:

FOR NEVADA COMMISSION ON ETHICS

DATED this _____ day of _____, 2022.

Tracy L. Chase, Esq.
Commission Counsel

The above Stipulated Agreement is accepted by the Nevada Commission on Ethics:

DATED this _____ day of _____, 2022.

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

By: _____
James Oscarson
Commissioner

By: _____
Brian Duffrin
Vice-Chair

By: _____
Thoran Towler, Esq.
Commissioner

By: _____
Barbara Gruenewald, Esq.
Commissioner

By: _____
Damian R. Sheets, Esq.
Commissioner

By: _____
Teresa Lowry, Esq.
Commissioner

By: _____
Amanda Yen, Esq.
Commissioner



RECEIVED
 MAY 04 2022
 COMMISSION
 ON ETHICS

NEVADA COMMISSION ON ETHICS
 ETHICS COMPLAINT
 NRS 281A.700 to 281A.790

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

Subject NAME:	Dan Coverky		TITLE OF PUBLIC OFFICE: <small>(Position)</small>	Sheriff (Douglas Cty)
PUBLIC ENTITY: <small>(Name of the entity employing this position)</small>	Douglas County			
ADDRESS:	1038 Buckeye Road	CITY, STATE, ZIP CODE	Minden NV 89423	
TELEPHONE:	<small>Work:</small> 775-782-5726	<small>Other: (Home, cell)</small>	EMAIL:	

Mailing Address: PO Box 218 Minden NV 89423

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

Check here if additional pages are attached. *(Photo)*

Wears uniform to Campaign and also at other Campaigns. See your prohibitions in OPN 98-63; In Re Antinoro and Adv. OPN. #19-124A.
 Previously used County website to incite armed demonstrations against BLM, but you decided no error.
 Also, is member of "constitutional sheriffs" and believes only he can decide laws. So please be careful!

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

No

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

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

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

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

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

State the total number of additional pages attached (including evidence) 1. *Photo. Also one in New. Apprial previously*

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

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

7. REQUESTER INFORMATION:

YOUR NAME:		Teresa Rankin	
YOUR ADDRESS:		1012 Starshine Court	
CITY, STATE, ZIP:		Carson City Nevada 89701	
YOUR TELEPHONE:		E-MAIL:	
Day:	Evening:	jagbob@hotmail.com	
775-267-0038		Same	

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

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

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

OR

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

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

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

Withdraw my Complaint OR

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

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

Teresa P. Froneck Rankin
Signature:

4/28/22
Date:

Teresa P. Froneck Rankin
Print Name:

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

Opinion

editor@recordcourier.com

A12 | Wednesday, April 27, 2022 | The Record-Courier

OUR TAKE

Election season arrives

We would say that the election is heating up but the reality is that it's been running pretty hot for years, with only an occasional respite from the constant drum beat for our attention.

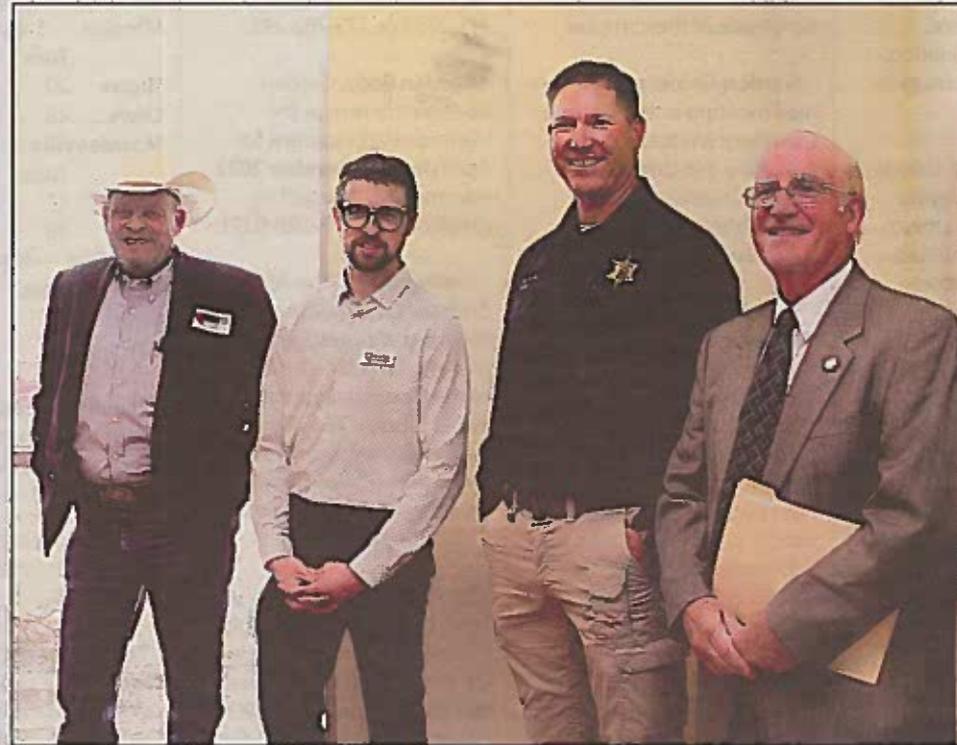
Next week, the Carson Valley Chamber of Commerce, the Business Council of Douglas County and The Record-Courier are conducting their traditional election forum at the Douglas County Community & Senior Center.

The June Primary will see most of the local races wrap up, so it will be a good opportunity to hear the candidates, including Rep. Mark Amodei and challenger County Commissioner Danny Tarkanian.

Both legislative seats representing Carson Valley are up for election this year in what we're calling the Lyon-Douglas Debate.

Assembly members Dr. Robin Titus, R-Yerington, and Jim Wheeler, R-Gardnerville, are vying for Sen. James Settelmeyer's seat.

CANDIDATES ON PARAE



KURT HILDEBRAND

Candidates Jim Wheeler and Blaine Osborn with Sheriffs Dan Coverley and Ron Pierini at a rally for Adam Laxalt held on April 21 at the Douglas County Community & Senior Center in Gardnerville.

LETTERS TO THE EDITOR

Where are the rest of the letters?

I personally substitute taught in every elementary and at Douglas High School from 2018-2021. I am a retired teacher with a

nationally. If you support parent's rights and school board transparency, then vote these candidates in.

Leslie Burns
Gardnerville

Vote for our students

Editor:

As both a teacher and parent of students in the DCSD I believe that this year's school board elections may be more important than ever before. This is why I write to urge voters to support Trustees Heather Jackson and Robbe Lehmann, and newcomer Roberta Butterfield. The past two years have been very challenging for us all. Closing schools and moving to a virtual environment took its toll on our students and DCSD staff. Now that campuses have reopened, we all have had to navigate how to deal with mask mandates and other COVID-19 protocols. As an educator I have seen this year become one where our teachers strive to close the distance we have all felt both physically and emotionally. During these trying times, the DCSD staff has held tightly to the most important aspect of education which is our students.

This school year, I have worked closely with Robbe Lehmann and Heather Jackson on our district grading committee. Both individuals have educated themselves on and questioned the district grading practices from elementary through high school. Working alongside district cabinet mem-



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Dan Coverley**, Sheriff,
Douglas County, State of Nevada,

Ethics Complaint
Case No. 22-055C
Confidential

Subject. /

ORDER ON JURISDICTION AND INVESTIGATION

Pursuant to NRS 281A.715

The Nevada Commission on Ethics ("Commission") received an Ethics Complaint on May 4, 2022 regarding Dan Coverley ("Subject"). On June 20, 2022, pursuant to the requirements of the Nevada Ethics in Government Law set forth in NRS Chapter 281A ("Ethics Law") and NAC 281A.405, the Commission conducted its jurisdictional and evidentiary review of the record, including the Ethics Complaint, supporting evidence and the recommendation of the Executive Director.¹

IT IS HEREBY ORDERED:

The Commission accepts jurisdiction of this Ethics Complaint and directs the Executive Director to investigate and serve a *Notice of Complaint and Investigation* regarding the Subject's alleged violations of the following provision of the Ethics Law:

NRS 281A.400(7) Using governmental time, property, equipment or other facility to benefit his significant person or financial interest, or any person to whom he has a commitment in a private capacity.

DATED this 20th day of June 2022.

NEVADA COMMISSION ON ETHICS

/s/ Kim Wallin

Kim Wallin, CPA, CMA, CFM
Commission Chair

¹ The following Commissioners participated in this jurisdictional review: Chair Wallin, Vice-Chair Duffrin and Commissioners Gruenewald, Lowry, Oscarson, Sheets, Towler and Yen. Commissioner Sheets voted against approving the jurisdictional recommendation.

CERTIFICATE OF MAILING

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

Dan Coverley
Sheriff
Douglas County
P.O. Box 218
1038 Buckeye Road
Minden, NV 89423

Cert. Mail No.: 9171 9690 0935 0037 6368 66

Dated: 6/20/22



Employee, Nevada Commission on Ethics



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

In re **Dan Coverley**, Sheriff,
Douglas County, State of Nevada,

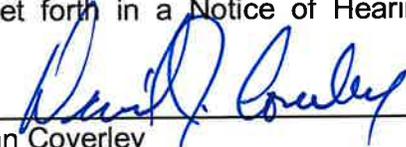
Ethics Complaint
Case No. 22-055C

Subject. /

WAIVER OF STATUTORY TIME REQUIREMENTS: ADJUDICATORY HEARING

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

Dated: 2-18-22


Dan Coverley

Date received: _____

Employee of the Commission



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

In re **Dan Coverley**, Sheriff,
Douglas County, State of Nevada,

Ethics Complaint
Case No. 22-055C

Subject. /

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

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

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

Dated this 18 day of August, 2022.

By: 
Dan Coverley



STATE OF NEVADA
BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Dan Coverley**, Sheriff,
Douglas County, State of Nevada,

Ethics Complaint
Case No. 22-055C

_____ Subject. /

WAIVER OF PANEL PROCEEDING/DETERMINATION AND CONFIDENTIALITY

I, Dan Coverley, the Subject of the above referenced Ethics Complaint, affirm that I have read the provisions of NRS 281A.725 and NRS 281A.730, and hereby freely and voluntarily waive all statutory requirements for a Review Panel proceeding and/or a Review Panel Determination. I do not object, and hereby submit to the jurisdiction of the Nevada Commission on Ethics ("Commission") to conduct further proceedings relating to the Ethics Complaint including, without limitation, rendering an opinion in this matter.

Dated: _____

8-18-22

_____ Dan Coverley, Subject

A handwritten signature in blue ink that reads "Dan Coverley".

Date Received: _____

_____ Employee of the Commission



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Daniel J. Coverley**, Sheriff,
Douglas County, State of Nevada,

Ethics Complaint
Case No. 22-055C

Subject. /

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

PLEASE TAKE NOTICE, the Nevada Commission on Ethics ("Commission") will hold a public meeting to consider a **Proposed Stipulated Agreement** regarding the allegations submitted in Ethics Complaint No 22-055C at the following time and location:

When: Wednesday, **September 21, 2022** at **9:30 a.m.**

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

And via Zoom at:

<https://us06web.zoom.us/j/87355171728?pwd=MEx1SnI2M3hrZHg5WFbMQUYyVk9kUT09>
Zoom Meeting Telephone Number: 720-707-2699

Meeting ID: 873 5517 1728
Passcode: 832099

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

DATED: September 12, 2022

/s/ Tracy L. Chase

Tracy L. Chase, Esq.
Commission Counsel

CERTIFICATE OF SERVICE

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

Executive Director:

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

Email: ramstrong@ethics.nv.gov

Email: ebassett@ethics.nv.gov

cc: k.pedroza@ethics.nv.gov

Subject:

Daniel J. Coverley
Sheriff
Douglas County
P.O. Box 218
1038 Buckeye Road
Minden, NV 89423

Email: dcoverley@douglasnv.us

DATED: September 12, 2022



Employee of the Nevada Commission on Ethics

Agenda Item 6

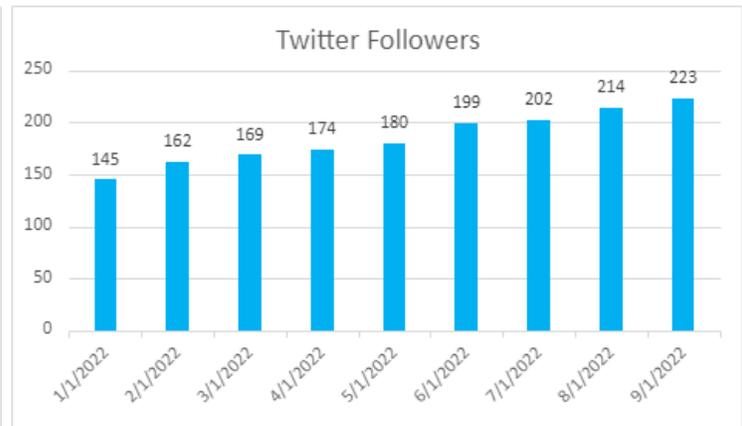
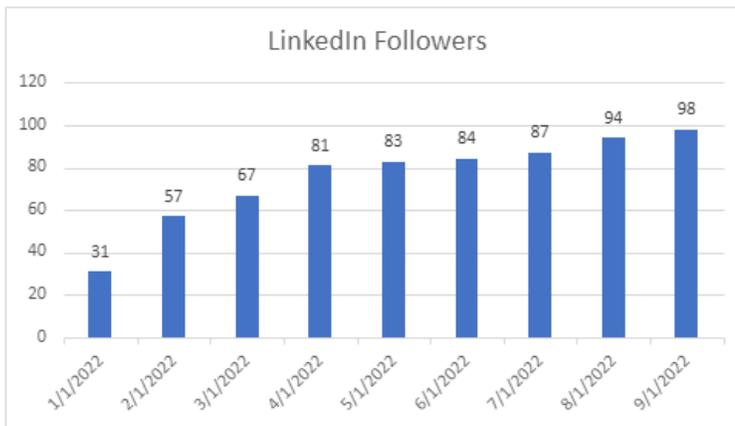


STATE OF NEVADA
COMMISSION ON ETHICS

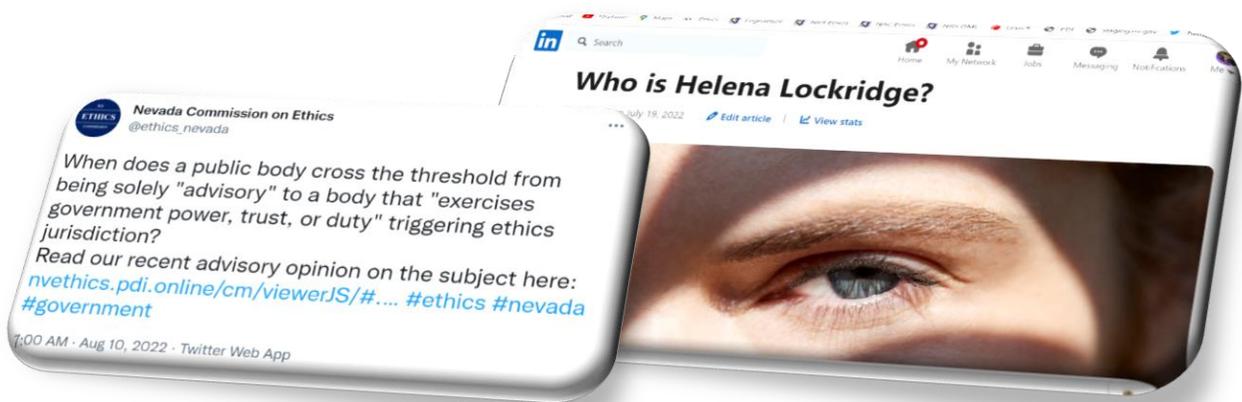
Executive Director Report – September 2022

Education and Outreach

Social Media Growth and Highlights



Highlights from the last quarter include educational posts either pointing to advisory opinions or through long form LinkedIn articles.



Upcoming focus

- September: Campaign practices
- October: Data from our Annual Report
- November: Newly Elected Official Education

Training and Technical Assistance

- Southern Nevada Chapter – International Code Council – September 8 (70 people)
- Clark County Online Training – August (5 people)
- Nevada Public Civil Attorneys Conference – September 15
- Gaming Control Board – October 3-4
- Southern Nevada Chapter PR Professionals Group – October 6
- Canyon General Improvement District – October 11
- POOL/PACT - October 21
- Association of School Boards – November 11

Online Learning System

We are working with the Administrative Services Division to initiate the contract for the online learning management system consistent with the grant approved at the Legislature's August Interim Finance Committee.

Budget Update

- Four enhancement units have been submitted to Administrative Services Division for consideration for the upcoming SFY 2024 – 2025 biennial budget
 - Public Information Officer (\$114,227 / \$133,174)
 - Competitive Salaries (\$60,803 / \$60,070)
 - Investigation Resources* (\$7,600 / \$7,600)
 - Travel Restoration* (\$20,346 / \$20,346)
 - Improved Internet (Administrative Services Division recommended doing a work program this year to establish authority early)
- *Items for special consideration
- Next step: Vetting of the budget requests by the Governor's Finance Office and development of the Governor Recommends Budget.

Submitted: Ross E. Armstrong, Executive Director

Date: 9/14/2022

RFO No.	Date Filed	Jurisdiction	Local or State	Subject	Requester	Status
22-104C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
22-103C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Investigation
22-102C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Investigation
22-098C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
22-097C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
22-096C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
22-095C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
22-094C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
↑ FISCAL YEAR 2023 ↑						
22-085C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion - 8/25/22; Abstract Pending
22-076C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Review Panel Pending
22-074C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Review Panel Pending
22-057A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion - 8/3/22; Partial Reconsideration of Opinion Pending
22-055C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Stipulation Pending - 9/21
22-052C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Review Panel Pending
22-051C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Review Panel Pending
22-050C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Review Panel Pending
22-033C/ 22-034C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Adjudicatory Proceedings Pending
22-031C/ 22-032C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Review Panel Pending
22-026C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Stipulation Pending - 9/21
21-100C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Stipulation Pending - 10/19
21-070C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Deferral Agreement 3/23/22; Compliance Period expires 3/23/25, Must file an Acknowledgment form by 4/23/22 (Non-compliance letter sent via email), must attend Ethics Training by 9/23/22
21-062C/ 21-082C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Adjudicatory Proceedings Pending
↑ FISCAL YEAR 2022 ↑						
21-032C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Deferral Agreement 2/1/22; Compliance Period expires 2/1/24
21-014C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Deferral Agreement 3/7/22; Ltr of Instruction 3/7/22; Compliance Period expires 3/7/24, Attended Ethics Training, Ack filed
21-007C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Deferral Agreement 8/16/21; Compliance Period expires 8/16/23, Attended Ethics Training
21-006C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Deferral Agreement 8/16/21; Compliance Period expires 8/16/23, Attended Ethics Training
20-081C/ 20-085C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Adjudicatory Proceedings Pending
20-077C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Stipulated Agreement 8/17/22; \$250.00 Civil Penalty due 10/17/22 & Must attend Ethics Training by 10/17/22
20-076C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Stipulated Agreement 8/17/22; Must attend Ethics Training by 10/17/22
20-075C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Stipulated Agreement 8/17/22; Must attend Ethics Training by 10/17/22
↑ FISCAL YEAR 2021 ↑						
20-048C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Deferral Agreement 7/20/22; Compliance Period expires 7/20/24, Must submit Ack form & attend Ethics Training by 10/19/22
19-126C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Stipulation Pending - 10/19
19-088C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Stipulation Pending - 9/21
↑ FISCAL YEAR 2020 ↑						
19-044C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Deferral Agreement 2/20/20; Compliance Period expires 2/20/25
18-060C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Stipulated Agreement 11/18/19; \$13,881.36 Civil Penalty due 6/30/23 (\$5,373.36 Remaining as of 9/6/22)
↑ FISCAL YEAR 2019 ↑						

RFO No.	Date Filed	Jurisdiction	Local or State	Subject	Requester	Status
22-104C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
22-103C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Investigation
22-102C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Investigation
22-101C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn
22-100A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn
22-099A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn
22-098C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
22-097C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
22-096C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
22-095C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
22-094C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
22-093C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
22-092C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
22-091C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
22-090C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
22-089C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed w/ Letter of Instruction
22-088C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
22-087C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
22-086C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)

RFO No.	Date Filed	Jurisdiction	Local or State	Subject	Requester	Status
22-085A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion - 8/25/22; Abstract Pending
22-084C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
22-083C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
22-082C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
22-081C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
22-080A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn (see 22-079A Duplicate)
22-079A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 7/21/22; Abstract issued 8/3/22
22-078C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Review Panel Pending
22-077C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
22-076C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Review Panel Pending
22-075C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
22-074C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Review Panel Pending
22-073C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
22-072C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
22-071C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed w/ Ltr of Caution - 7/21/22
22-070C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
22-069C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
22-068C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
22-067C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
22-066C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed w/ Ltr of Caution - 7/14/22
22-065A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 6/22/22; Abstract issued 8/3/22
22-064A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 6/16/22; Confidentiality Waived
22-063C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)

22-062C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
22-061C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
22-060A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 8/1/22; Abstract issued 8/25/22
22-059A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 7/11/22; Abstract issued 8/18/22
22-058A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 6/21/22; Abstract issued 8/1/22
22-057A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion - 8/1/22; Partial Reconsideration of Opinion Pending
22-056A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 7/13/22; Abstract issued 8/3/22
22-055C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Stipulation Pending
22-053A/ 22-054A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed - No Supplemental Info
22-052C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Review Panel Pending
22-051C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Review Panel Pending
22-050C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Review Panel Pending
22-049A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed - No Supplemental Info
22-048C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn (see 22-047C Duplicate)
22-047C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
22-046C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
22-045A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn (see 22-044A Duplicate)
22-044A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 5/17/22; Confidentiality Waived
22-043C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
22-042C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
22-040C/ 22-041C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
22-039C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
22-038C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Stipulated Agreement 6/16/22; attended Ethics training 7/26/22, Subj ltr to UNR Pres & Athletic Dir 7/26/22
22-037C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
22-036C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
22-035C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed w/Ltr of Instruction 5/16/22

22-033C/ 22-034C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Adjudicatory Proceedings Pending
22-031C/ 22-032C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Investigation Pending
22-030A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed - No Supplemental Info
22-029C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
22-028A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn
22-027C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
22-026C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Investigation Pending
22-025C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
22-024C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
22-023C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
22-022C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
22-021C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed w/Ltr of Caution 4/12/22
22-020C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed w/Ltr of Caution 4/12/22
22-019A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 5/18/22; Confidentiality Waived
22-018A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 5/18/22; Confidentiality Waived
22-017A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 5/18/22; Confidentiality Waived
22-016C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed w/Ltr of Instruction 4/11/22
22-015A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 3/14/22; Abstract issued 4/7/22
22-014A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 3/21/22; Abstract issued 4/18/22
22-013C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed w/Ltr of Instruction 3/30/22
22-012A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 3/21/22; Abstract issued 4/7/22
22-011A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn
22-010A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 3/7/22; Confidentiality Waived
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	Dismissed by Panel w/Ltr of Caution 6/15/22
22-004C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed by Panel - 4/25/22
22-003A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 3/21/22; Abstract issued 5/17/22
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 1/10/22
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	Stipulated Agreement Pending
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	Dismissed by Panel w/ Ltr of Instruction - 3/21/22
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 3/23/22; Compliance Period expires 3/23/25, Must file an Acknowledgment form by 4/23/22, must attend Ethics Training by 9/23/22
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	Adjudicatory Proceedings Pending
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	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
21-044C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
21-043C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)
21-042C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction; No Investigation)

Agenda Item 7



ANNUAL REPORT

FISCAL YEAR 2022

Nevada Commission on Ethics

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Website: ethics.nv.gov

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Carson City, Nevada 89703

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TO NEVADANS

The Nevada Commission on Ethics remains committed to our mission statement as we “strive to enhance the public's faith and confidence in government by ensuring that public officers and employees uphold the public trust by committing themselves to avoid conflicts between their private interests and their public duties.”

Fiscal Year 2022 was marked by a steady emergence from the COVID-19 pandemic, with governments and communities opening services to the public with occasional setbacks because of COVID-19 variants. The year allowed the Commission to address pandemic-related restrictions, reduce delays in processing cases, and evaluate the lessons learned from pandemic operations to plan for the agency's future.

This annual report will reflect on the year that has now concluded and look to the Commission's future as we begin the Fiscal Year 2023.

Kim Wallin, CPA, CMA, CFM
Chair

Ross E. Armstrong, Esq.
Executive Director

“A public office is a public trust and shall be held for the sole benefit of the people” - NRS 281A.020(1)(a)

COMMISSION BACKGROUND

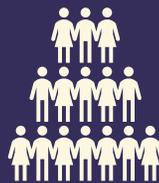
What we do

The Nevada Commission on Ethics is an independent public body appointed by the Governor and Legislative Commission to interpret and enforce the provisions of Nevada's Ethics in Government Law. The Ethics Law preserves the public's trust in government. It sets forth various standards of conduct to guide public officers and employees to avoid conflicts of interest and maintain integrity in public service. The Commission's primary functions include:

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



6 fulltime staff members



**Over 139,000 public officers
and employees**



8 Commissioners

Mission Statement

The Nevada Commission on Ethics, by the authority granted under Chapter 281A of NRS, strives to enhance the public's faith and confidence in government by ensuring that public officers and public employees uphold the public trust by committing themselves to avoid conflicts between their private interests and their public duties.

Commissioners

Kim Wallin, CPA, CMA, CFM Chair	Brian Duffrin Vice Chair
Barbara Gruenewald, Esq. Commissioner	Teresa Lowry, Esq. Commissioner
James Oscarson Commissioner	Damian Sheets, Esq. Commissioner
Thoran Towler, Esq. Commissioner	Amanda Yen, Esq. Commissioner

Commission's Guiding Principles

1. Our highest priority is to protect the citizens of Nevada by interpreting and enforcing the provisions of the Ethics Law in a fair, consistent and impartial manner.
2. We act with a high degree of integrity, honesty and respect when investigating and adjudicating public complaints alleging ethics violations by public officers and employees.
3. We are committed to providing outreach and education to our Stakeholders (the public and public officers and employees) to enhance their awareness and understanding of ethics requirements and prohibitions under the Nevada Ethics law.
4. Our objectivity, independence and impartiality are beyond reproach. We avoid all personal or professional circumstances or conflicts calling these into question.
5. Our processes ensure all actions, decisions and policies are consistently applied and do not result in advantages or disadvantages to any party to the detriment of another.
6. Our confidential advisory opinions are thoroughly researched and written with the needs of the requestor in mind and consistent with opinion precedent and applicable statutes including legislative intent.
7. We carry out our duties in a rigorous and detailed manner and utilize the resources provided to us wisely and only for the legitimate purposes of the agency.
8. We continuously challenge ourselves to improve the practices and processes of the agency to keep pace with the needs of the individuals we serve and to comply with legislative mandates.
9. We continuously improve our public communication and public access to provide guidance and assistance to those we hold accountable for compliance.
10. We value and respect the opinions and recommendations of our Stakeholders, Staff and Commission Members which guide us in our decision-making.

FY 2022 HIGHLIGHTS

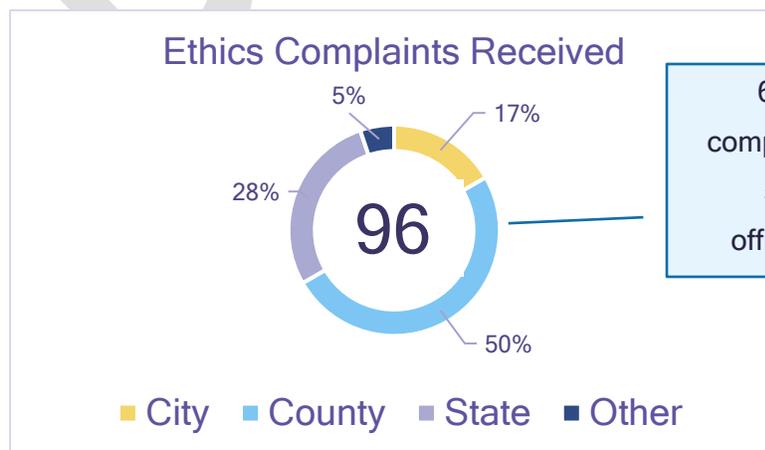
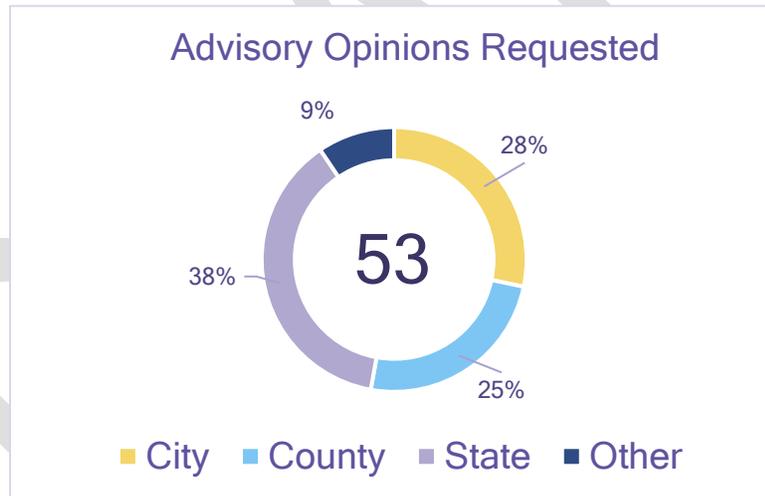
Strategic Highlights

Strategic priorities for the Commission in FY 2022 included:

- Cleared the backlog of cases pending before the Commission
- Planned for the 2023 Legislative Session
- Enhanced utilization of social media accounts to increase ethics awareness and education
- Diligent use of the Commission's complaint by motion process to initiate ethics cases when ethics violations are discovered or reported outside the complaint process

Operating Highlights

The Commissions operations largely returned to normal in FY 2022. There were no statutory changes from the 2021 Legislative Session that required the Commission to change its processes or procedures.



61% of County complaints were about school district officers/employees

FISCAL UPDATE

The fiscal year 2022 was marked primarily by a surge in the Omicron variant of the virus that caused COVID-19. The surge and staff vacancies created some challenges in spending allocated funds. Overall, the Commission reverted \$50,422 in unspent funds. Some highlights:

- Unable to maximize the use of travel funds primarily due to increased COVID-19 risk with the Omicron variant
- Full use of information services budget category funds to maintain safe operations during the Omicron variant wave and to leverage the “new normal” of hybrid operations
- Receipt of \$8,398 outstanding penalties related to case dispositions transferred to the State General Fund.
- Initial approval for online training software to be approved and implemented during State Fiscal Year 2023.

Local Government Assessments - SFY 2022 \$642,225	State General Funds - SFY 2022 \$244,300	Penalties Collected for General Fund \$8,398
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We carry out our duties in a rigorous and detailed manner and utilize the resources provided to us wisely and only for the legitimate purposes of the agency. - Guiding Principle #7



Fiscal Priorities for 2023 Legislative Session

1. Public Information Officer for education and outreach
2. Competitive staff salaries
3. Additional investigation resources
4. Enhanced technology connectivity

During the 2022 Fiscal Year, the Commission evaluated budgetary priorities for the 2023 Legislative Session, which must be submitted during the 2023 Fiscal Year. The Commission approved four priorities designed to enhance the Commission’s commitment to education and outreach as well as maintaining sufficient staff resources to execute the statutory functions of the Commission.

REGULATORY AND LEGISLATIVE PRIORITIES

Regulatory Priorities

The Commission did not initiate or adopt any regulatory changes to Nevada Administrative Code Chapter 281A during this fiscal year. The Commission does not expect to adopt or modify regulations in the next fiscal year but will likely pursue the rulemaking process following the 2023 Legislative Session.

Legislative Priorities

The Commission voted to establish a Legislative Subcommittee which met 3 times to review possible statutory change proposals for the 2023 Legislative Session. The review included an analysis of the Commission's bill from the 2021 Legislative Session with many priorities remaining the same.

Priority Changes Found in the Commission's BDR Proposal for the 2023 Legislature

Confidentiality protections for individuals submitting Ethics Complaints

Adoption of "unwarranted harm" prohibition ethical standard

Ability to adjust case timeframes for good cause

Clarity on limited use exception and cooling off portions of the ethical standards

Various procedural changes

The Committee's bill draft proposal was approved by the full Commission on May 18, 2022 and submitted for consideration as a bill for the 2023 Legislative Session.

The 2023 Legislative Session will begin on February 6, 2023. Chair Wallin has been designated by the Commission as its point person in guiding Commission staff through Legislative Session decision-making.



EDUCATION & OUTREACH

A Return to In-Person Training

The Commission reinstated some in-person training during the Fiscal Year 2022 while continuing to leverage technology to make training and other educational materials accessible.



In-Person Training

As the pandemic threat became reduced, staff gave in-person training during this fiscal year to Carson City, the City of North Las Vegas, the City of Elko, the City of Ely, the Humboldt General Hospital Board, Boulder City, the Reno Inns of Court, and Nye County.

Leveraging Virtual Options

The Commission continued to promote the Commission's online training videos. In addition, several short videos have been produced for the Fiscal Year 2023. The Commission also substantially increased education and outreach content using social media platforms.

Upcoming Training System

The Commission secured preliminary approval to use American Rescue Plan Act dollars to establish an online learning platform which will house online training content and allow the Commission to better track compliance with training requirements.

“We are committed to providing outreach and education...to enhance awareness and understanding of ethics requirements...”

Commission Guiding Principle #3

COMMISSION OPERATIONS

Operations Focus

	<p><u>Top 3 Topics for Advisory Opinions</u></p> <ol style="list-style-type: none"> 1. Cooling Off 2. Disclosure and Abstention 3. Other/Multiple
	<p><u>Top 3 Jurisdiction Types for Complaints</u></p> <ol style="list-style-type: none"> 1. School Districts 2. Rural County Government 3. Higher Education
	<p><u>Top 3 Resolution Types for Investigated Cases</u></p> <ol style="list-style-type: none"> 1. Dismissed with or without a Letter of Caution/ Instruction 2. Stipulated Violation 3. Deferral Agreement
	<p>No new litigation activity in FY22 and all previous litigation activity cleared before FY22</p>

Goals for State Fiscal Year 2023

1. Continue to develop and finalize a Commission on Ethics Brand
2. Successfully persuade the 2023 Legislative Session to approve our budgetary and policy goals
3. Increase the number of public officers and employees who receive ethics training from the number trained in FY22
4. Promote awareness of the Ethics Law's jurisdiction and authority to the general public
5. Process cases promptly without creating a new case backlog

APPENDIX

Appendix A Investigated Cases Resolved in FY 2022¹

Case Name	Resolution
In re Bonnie Weber, 20-010C (City of Reno)	Stipulated Agreement -Deferral Agreement
In re Jim Alworth, 19-095C (City of Ely)	Stipulated Agreement -1 Non-willful Violation
In re Danielle Milam, 20-063C (Clark County Library District)	Stipulated Agreement - Dismissal
In re Tina Quigley, 19-102C (NV High-Speed Rail Authority)	Stipulated Agreement- Dismissal
In re Steven Morris, 20-007C (Boulder City)	Consent Order - Letter of Instruction
In re Jeff Zander, 21-070C (Elko County School District)	Stipulated Agreement - Deferral Agreement
In re Amy Hagan, 20-060C (Southern Nevada Health District)	Stipulated Agreement - 1 Non-willful Violation
In re Steve Alford, 20-064C (University of Nevada, Reno)	Stipulated Agreement -1 Non-willful Violation
In re Kory Alford, 22-038C (University of Nevada, Reno)	Stipulated Agreement -1 Non-willful Violation

¹ Investigated case means that the Commission accepted jurisdiction and directed an investigation be conducted. This list only includes cases that were resolved in FY 2022 (regardless of year the complaint was submitted) and does not include the list of current open case. Cases are listed in chronological order of date resolved.

Appendix B Investigated Cases Resolved by Review Panels in FY 2022²

Case Number	Resolution
In re Jesus Jara, 20-043C (Clark County School District)	Dismissed
In re Steve Walton, 19-111C (Boulder City)	Dismissed - Letter of Instruction
In re Jennifer Pedigo, 20-027C (NV Board of Vet. Examiners)	Dismissed
In re Melanie Young, 20-001C (NV Department of Taxation)	Dismissed - Letter of Caution
In re Paul Hamilton, 21-014C (Carson City Airport Auth.)	Deferral Agreement
In re Doug Staton, 21-032C (Lander County School District)	Deferral Agreement
In re D. Kevin Moore, 21-028/29C (NV Board of Dental Examiners)	Dismissed
In re Lola Brooks, 21-039C (Clark County School District)	Dismissed - Letter of Instruction
In re Christine Hoferer, 21-038C (Mineral County)	Dismissed - Letter of Instruction
In re Debra Strickland, 20-018C (Nye County)	Dismissed - Letter of Instruction
In re Brett Waggoner, 20-023C (Nye County)	Dismissed
In re Hillary Schieve, 21-081C (City of Reno)	Dismissed - Letter of Instruction
In re Louis De Salvio, 22-004C (Las Vegas Planning Commission)	Dismissed
In re Damon Haycock, 20-083C (Nevada PEBP)	Dismissed
In re Justin Jones, 22-005C (Clark County)	Dismissed - Letter of Instruction

² Investigated case means that the Commission accepted jurisdiction and directed an investigation be conducted. This list only includes cases that were resolved in FY 2022 (regardless of year the complaint was submitted) and does not include the list of current open case or those in which the determination of the review panel was to refer to the full Commission. Cases are listed in chronological order of date resolved.

Appendix C Advisory Opinions Issued

Date Published	Case Number	Main Topic(s)
8/16/2021	21-036A	Testimony Before Other Bodies
8/19/2021	21-054A	Disclosure and Abstention
9/16/2021	21-051A	Disclosure and Abstention Contracting
9/22/2021	21-053A	Disclosure and Abstention
11/2/2021	21-055A	Cooling Off
12/1/2021	21-074A	Disclosure and Abstention (Spouse)
1/5/2022	21-079A	Cooling Off
1/18/2022	21-080A	Disclosure and Abstention (Business Org)
1/18/2022	21-088A	Cooling Off
1/18/2022	21-101A	Disclosure and Abstention (Nonprofit Org)
1/18/2022	21-102A	Cooling Off
1/20/2022	21-092A	Cooling Off
2/7/2022	21-105A	Disclosure and Abstention (Relative)
3/7/2022	22-010A	Disclosure and Abstention (Business Org) Contracting
4/7/2022	22-012A	Contracting
4/7/2022	22-015A	Cooling Off
4/18/2022	22-014A	Disclosure and Abstention (Relative) Economic Opportunities
5/17/2022	22-003A	Cooling Off
5/17/2022	22-044	Cooling Off
5/18/2022	22-017A, 18A, 19A	Contracting
6/16/2022	22-064A	Gifts

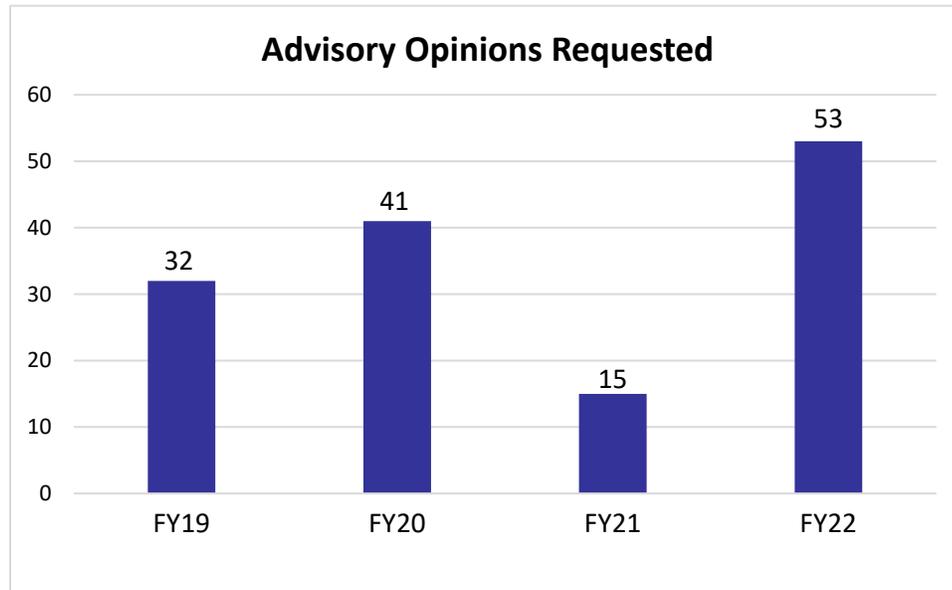
Appendix D Count of Open Cases Status as of June 30, 2022

Proceeding to Adjudicatory Hearing	Under Investigation	Pending Jurisdictional Determination
9	8	18

DRAFT

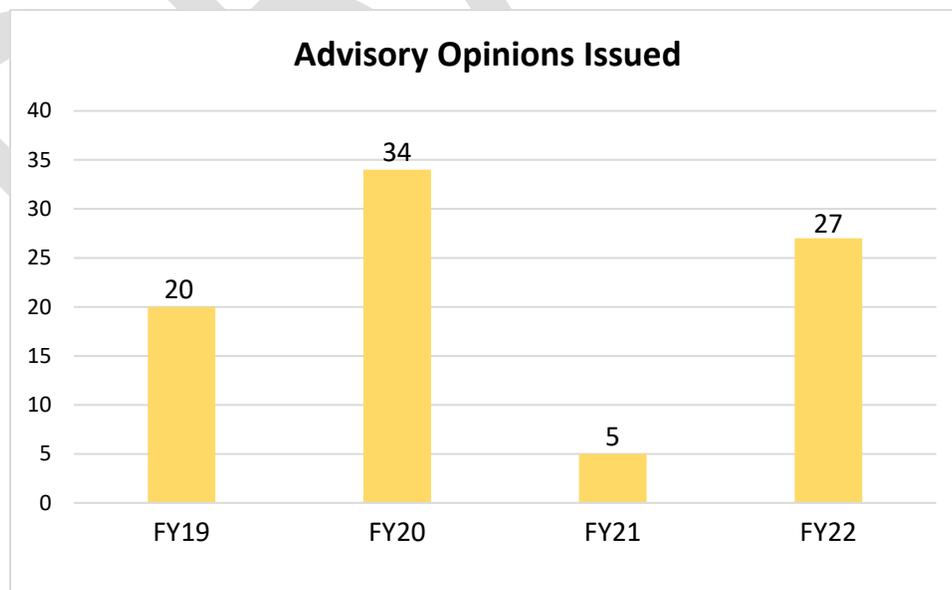
Appendix E Data Graphs

Figure 1



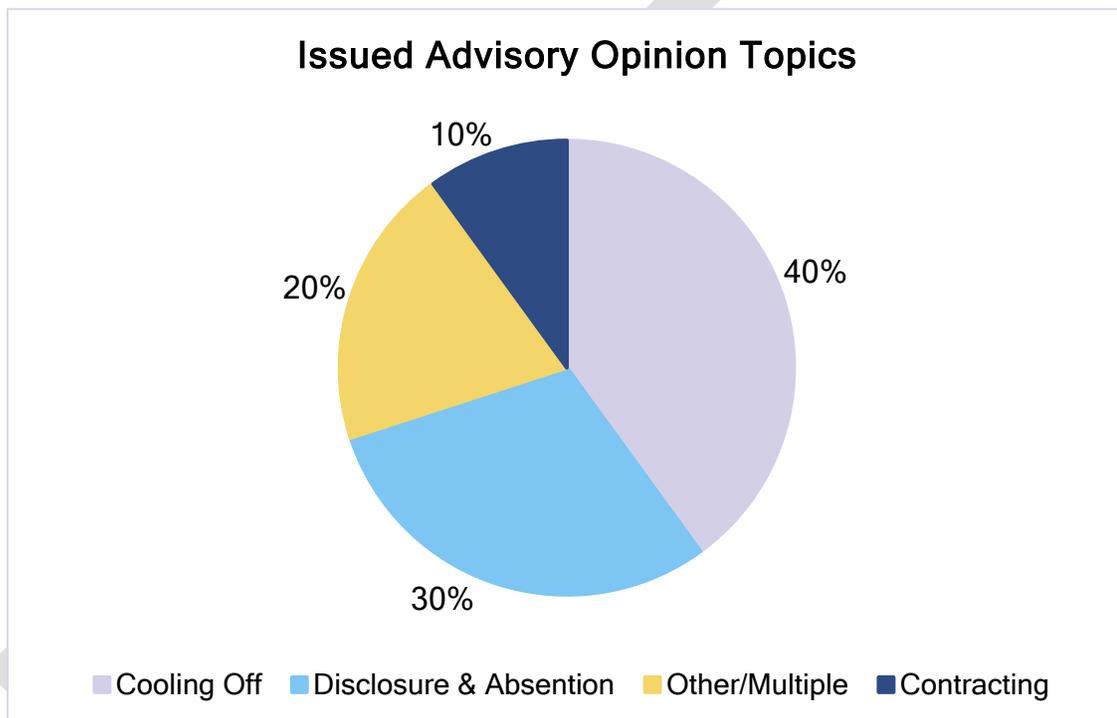
- Advisory Opinion Requests are now trending up after a dip in requests during the COVID-19 pandemic
- The average number of advisory opinions requested for the five years prior to FY19 was 13

Figure 2



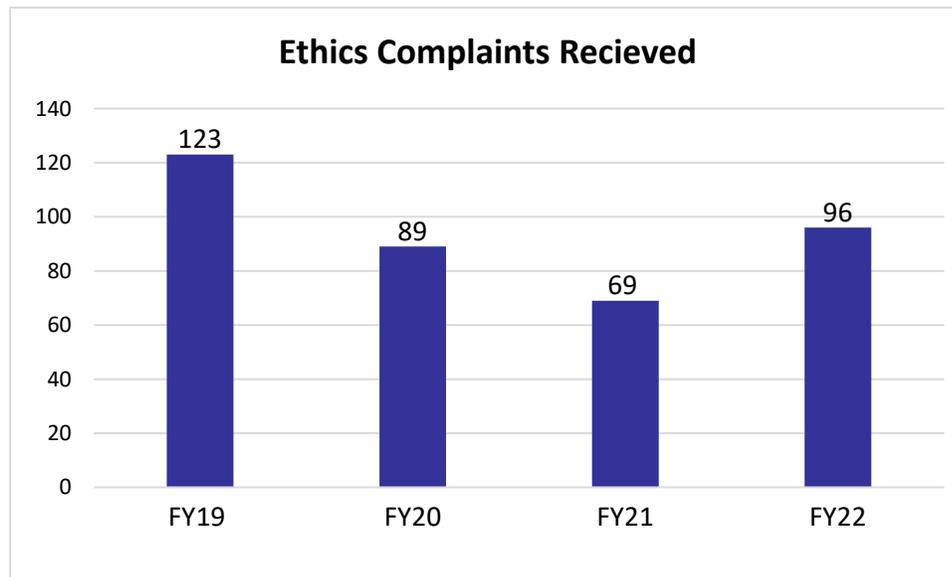
- Differences between requested and issued opinions reflect requests withdrawn or dismissed and timing issues that straddle fiscal years

Figure 3



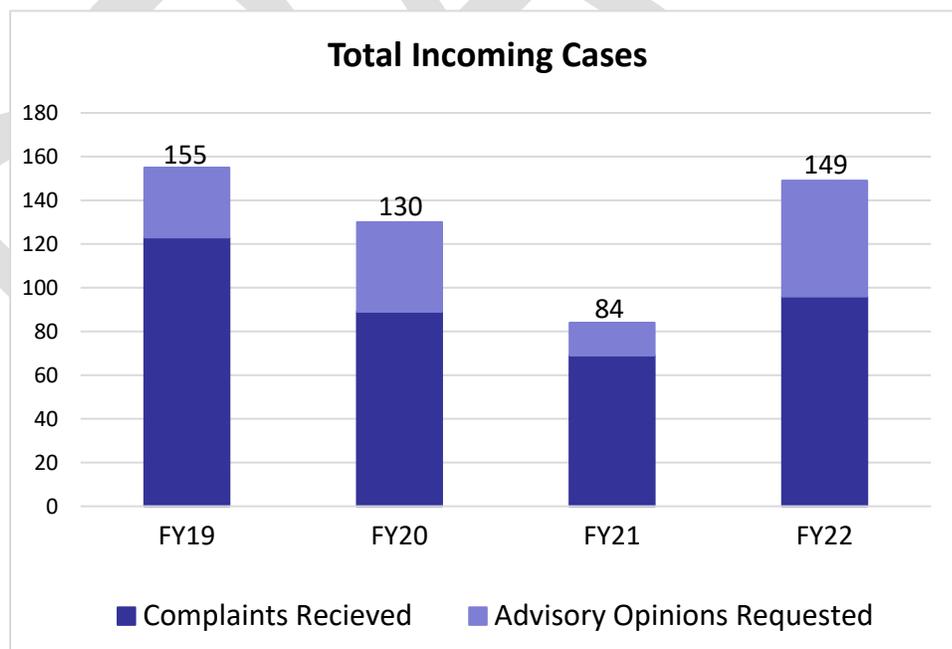
- Cooling off questions were sought by public officers and employees, primarily employed by state agencies, who were considering departure from public service for the private sector

Figure 4



- Complaints are trending back up after a dip in complaint activity during the COVID-19 pandemic
- The average number of annual complaints received for the five years prior to FY19 was 61

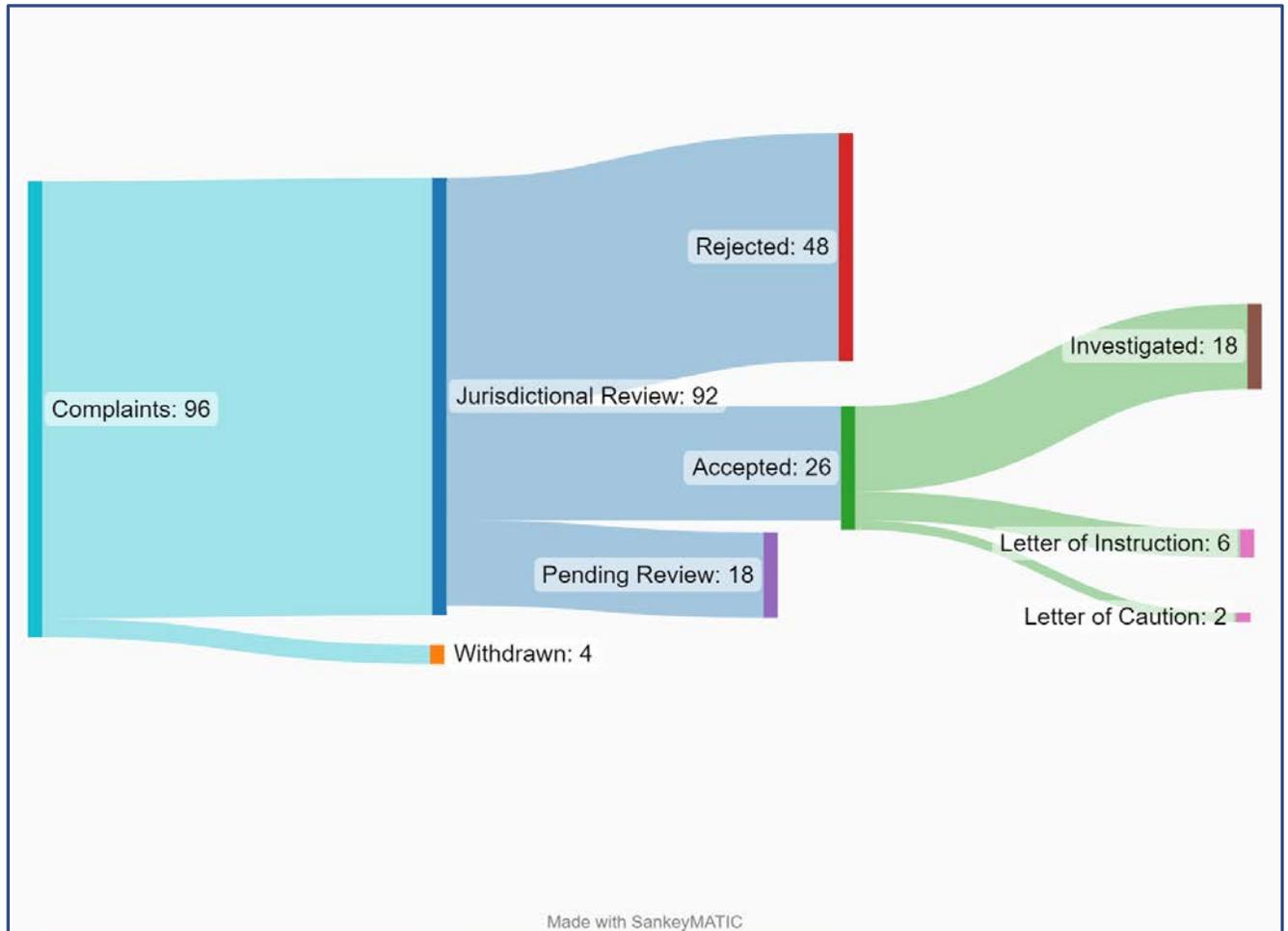
Figure 5



- 5-year average of total incoming cases for FY14-FY18: 74 cases received annually

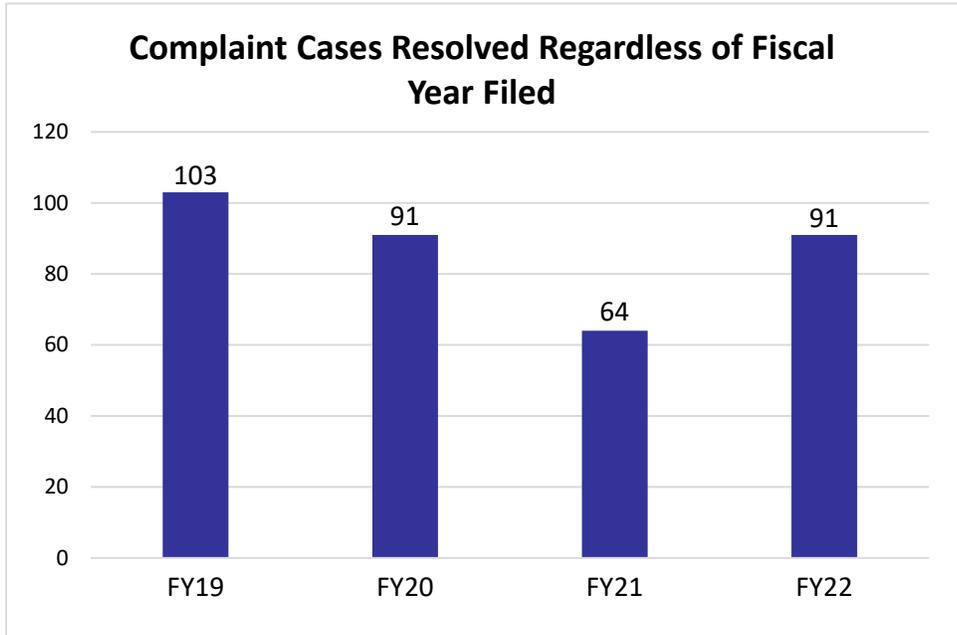
Figure 6

Jurisdictional Review Determinations for Cases Received in FY22



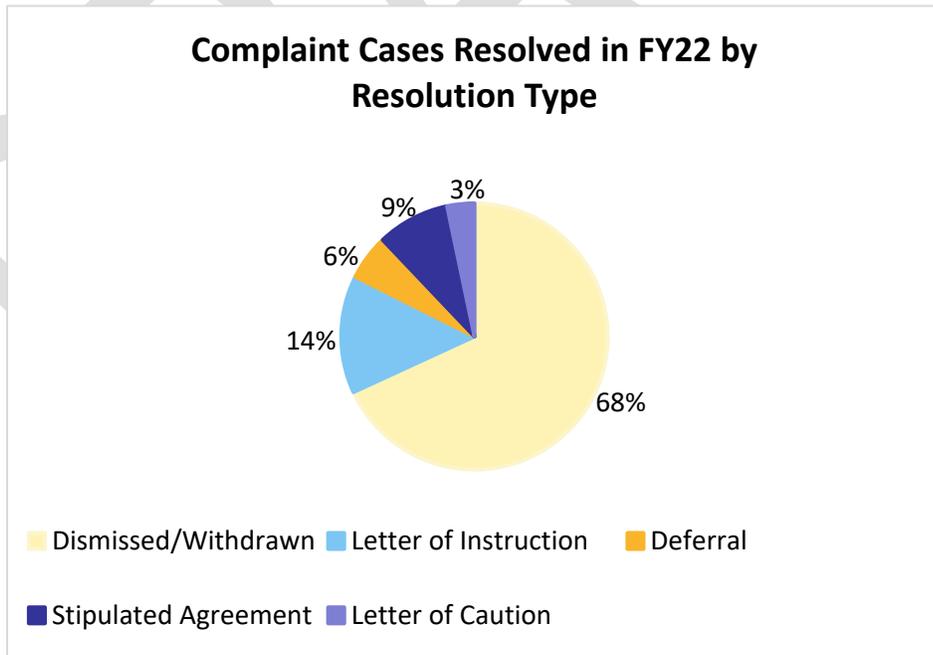
- The relatively large number of cases pending review is due to the receipt of 13 complaints between June 6 and June 14.
- Reasons for rejection include insufficient evidence, individual not a public officer or employee, or conduct outside the statute of limitations.

Figure 7



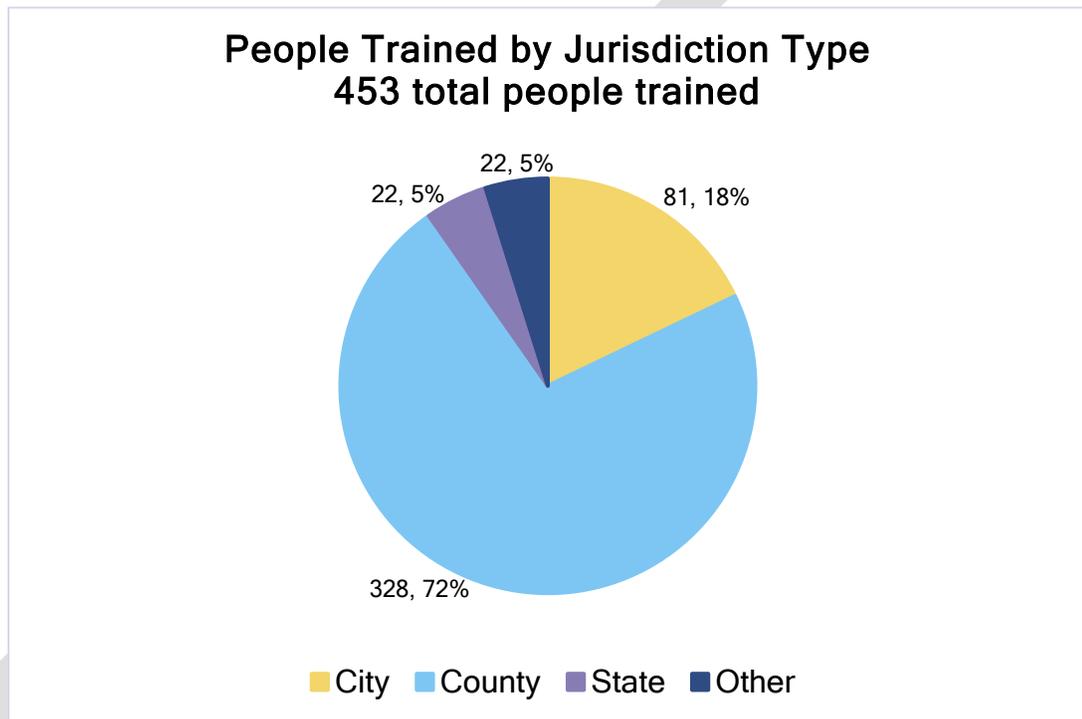
- Complaint case resolution has also returned to pre-pandemic levels

Figure 8



- Cases dismissed and letters issued include both at jurisdictional determination phase and at the review panel phase combined

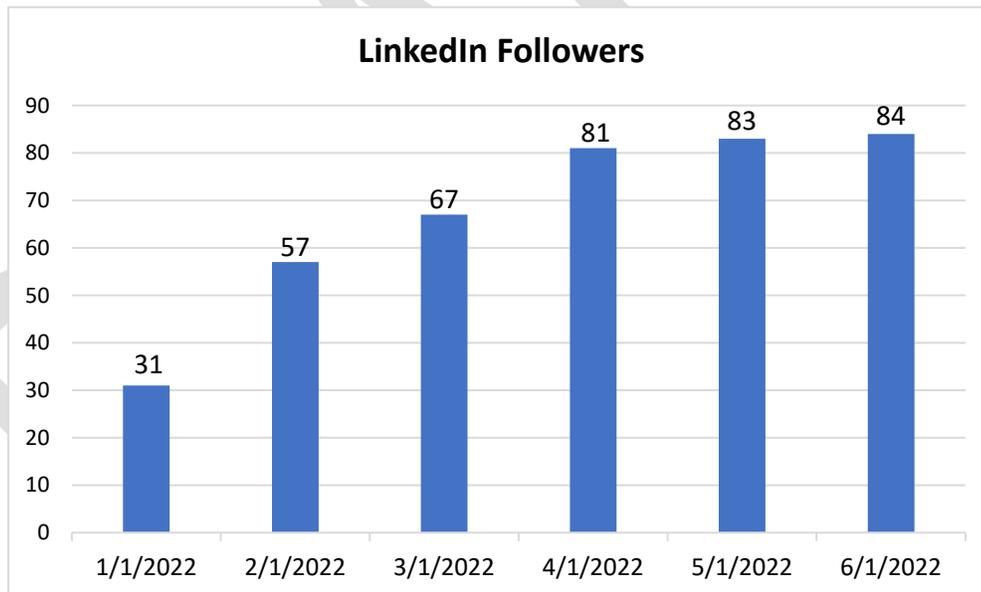
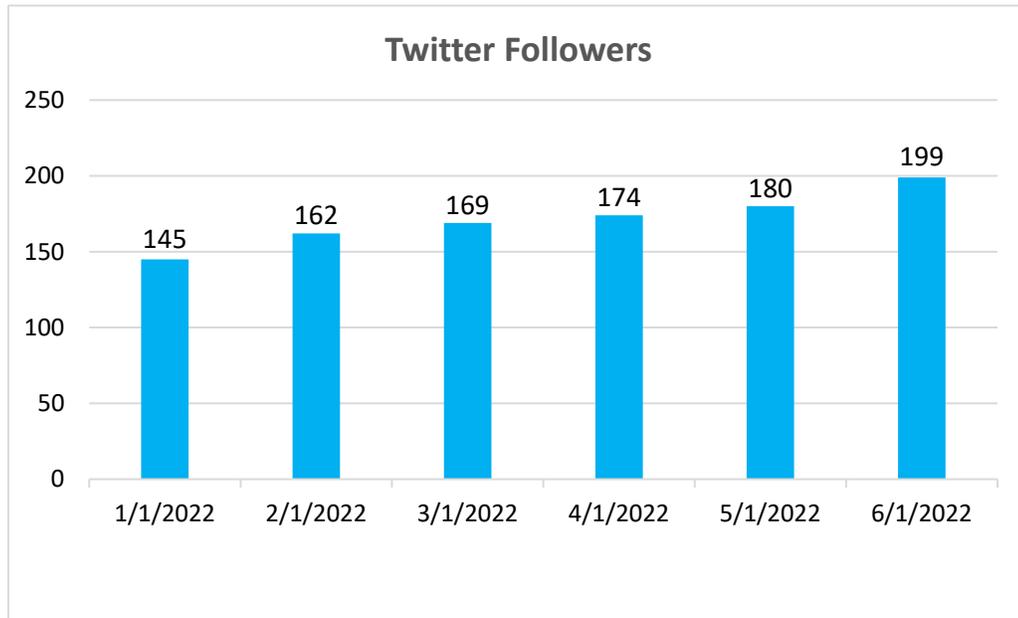
Figure 9



- Clark County's use of the NCOE training video accounts for roughly half of all individuals trained

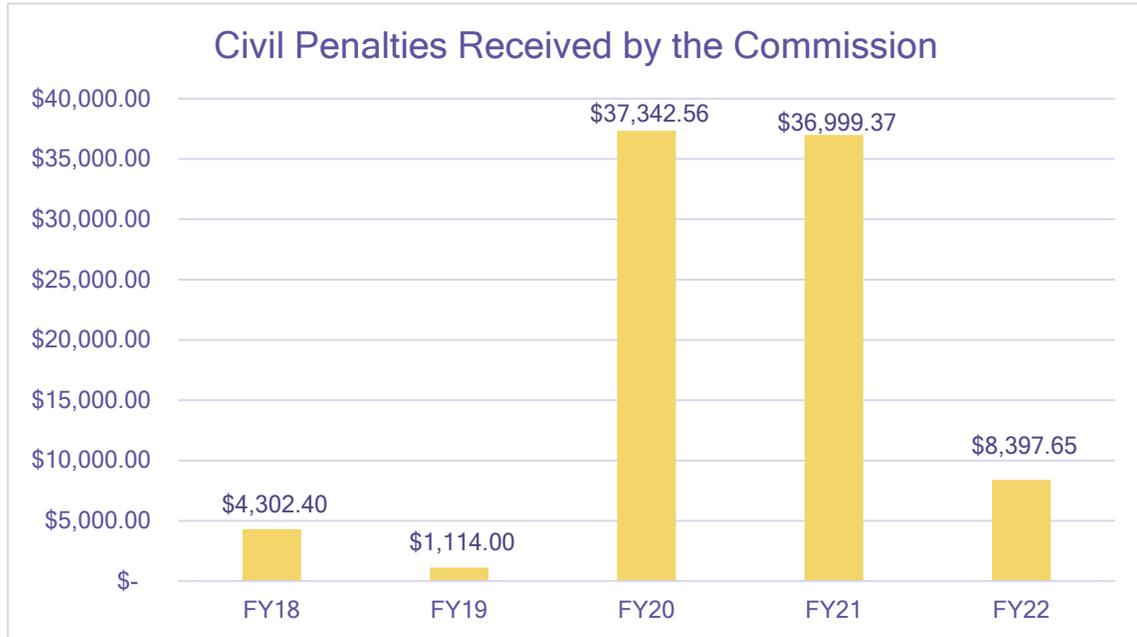
Figure 10

Education - Social Media Follower Data



- The Commission began providing educational material to followers via Twitter and LinkedIn starting in January of 2022. At that time the Commission started to track the number of followers for each platform. The next annual report will have an entire year of data.

Figure 11



- Complaint cases involving the Las Vegas Convention Visitors Authority processed in FY20 and FY21 resulted in the issuance and collection of historic penalties

DRAFT

Agenda Item 8



Nevada Commission on Ethics Brand Development Materials For September 21, 2022 Commission Meeting

Purpose of Brand Development

A strong government brand strategy sets the tone for constituents to effectively know who they are, what services they provide, and how they are a trustworthy source of information and support. The most important factor for an effective government brand is trust. [Forum One](#)

Since good branding essentially functions as a strategically-developed “personality” for an organization or business, government branding can help eliminate any confusion that members of the public might have. Different branches of government accomplish different things, and the right branding can make it much easier to communicate the goals and areas of expertise that belong to a certain one. Creative36

How would the Commission on Ethics Use Our Brand?

Brand uses will include:

- Publications such as cases and reports
- Educational materials such as social media, Power Point presentations, handouts, and resources
- Legislative

Results of the Survey

Words Associated with Commission Values:



What People Currently Think:



What We Want People to Think:



Imagery



Discussion and Decision Points

Who is our primary “customer”?

Who is the Commission's "customer"?

the public

Elected officials, government employees and the public

The people of the State of Nevada

Public at large, Public Officers, Public Employees

The public in Nevada

The public

Citizens of Nevada

The public and public officers and employees

Everyone

Our customer is the public, public officers and employees of Nevada.

Citizens of Nevada

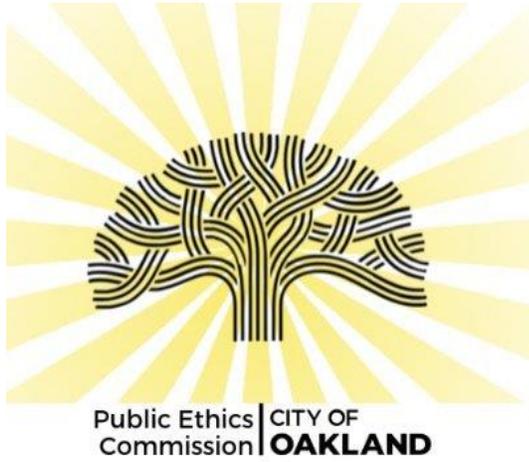
What type(s) of logo designs should we pursue?

- Abstract Mark
- Lettermark
- Wordmark
- Mascot logo
- Combination Mark
- Emblem logo

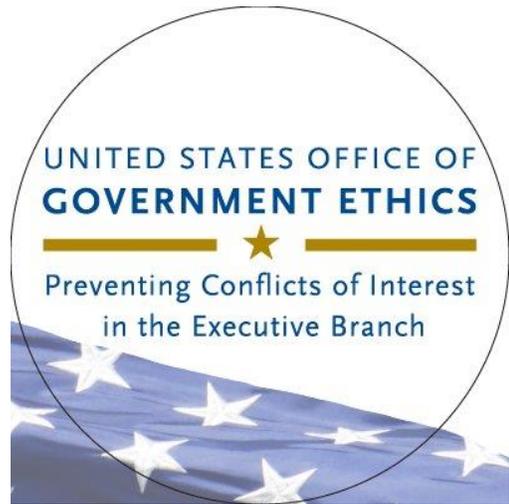
For reference: <https://99designs.com/blog/tips/types-of-logos/>

Next Steps

1. Acquire 3-5 logos for the Commission to select from
2. Develop branding/style guide for all Commission publications
3. Implementation



[KAP1]





Ethics Commission Brand - Initial Survey

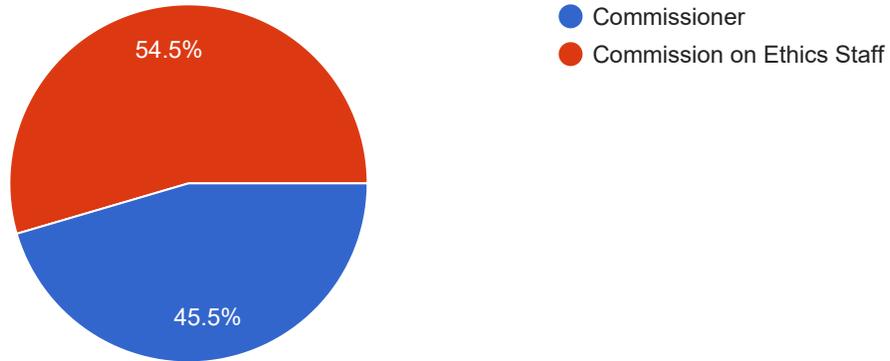
11 responses

[Publish analytics](#)

Please identify your role

 Copy

11 responses



Review this article <https://www.keyholemarketing.us/how-to-find-the-why-of-your-business-story/> What is the "Why" of the Nevada Commission on Ethics?

11 responses

ensuring honest govt service insofar as it is empowered to do so.

Provide a roadmap and accountability for ethical government in Nevada

To ensure the public's trust in our government

To educate so Public Officers and Public Employees understand and comply with the requirements of Nevada's Ethics in Government Law.

Promoting and enabling Public Integrity

To educate and monitor public employees to follow the ethics laws.

Preserving the public trust in government

Keeping the public's trust in government

The Commission on Ethics is a resource for public officers and elected officials to assist in ensuring they conduct themselves with integrity and transparency.

I believe we exist so there is ethical oversight on public officers and public employees so that there is public trust in their behavior.

Protect the public's faith in their government



What values does the Commission on ethics represent?

11 responses

public service

Integrity

Transparency and honesty

Providing important training and oversight to protect the integrity of government.

Resource for public employees

To not take part in the government decision making process, if you have a personal interest in the outcome. To declare any possible interest in the government decision making process.

Honesty, fairness, impartiality

Fairness and impartiality, integrity, respect, honesty

Service, Integrity, Accountability

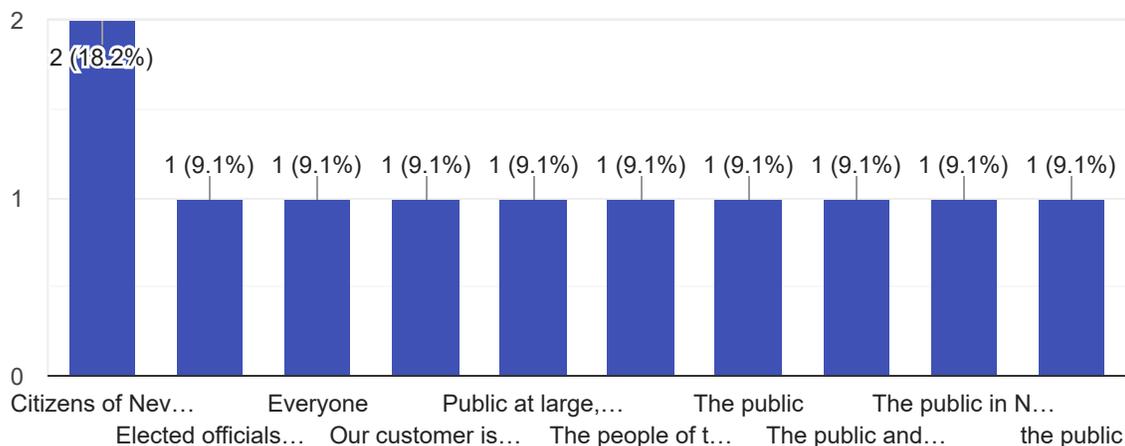
Our values are outlined in our guiding principles and represent the commitment to our mission.

Transparency, Good Government, Trust

Who is the Commission's "customer" ?



11 responses



What does our "customer" need most?

11 responses

Honest govt service

Education and accountability

Trust

Training and guidance on how to file complaints and receive opinions

Faith in government

Information about a personal interest that a person has, when that person is making the decision for the government.

Confidence in government and government employees/officials

Training

Transparency and Trust

Our customer needs our support through training and education of the ethics rules. They need us to apply the ethics laws fairly and process cases diligently.

Trust in their government officials



If our customer was the hero in a story, who is the story's villain?

11 responses

ignorance, greed

Corrupt government officials/employees

Lack of awareness and laziness

Ignorance of the Ethics Law

Leaders abusing the public trust

The person in the government who is making the decision for the government, when that person has a personal interest in the outcome of the decision.

Unethical public officials/employees

Our customers who do not comply with the ethics law

I don't believe there is a villain, just uneducated people

The story's villain would be anyone intentionally and willingly violating the ethics provisions.

Corrupt or inept public officials



How does what we do benefit that customer?

11 responses

we attempt to ensure honest govt service

Trust in government.

Clear opinions and consistency in our rulings when applying the law

Pride in public service

Builds their public trust

What we do informs the public when a person in government is personally benefitting from a governmental decision that person made.

Provides them with greater confidence in their government

Prevents them from having ethics violations and works to improve public trust in government

Providing training, advisory opinions and complaint opinions, increasing our social presence. Expand understanding.

The customer benefits by knowing there are ethical guidelines when needed and advice available when asked for or looked at from previous cases on our website.

Training and accountability for public officials reduces violations, ensures government is focused on the people they serve, and builds confidence in institutions



Which private entity brands do you admire (no more than 3)?

11 responses

n/a

TOMS

Bombas

Microsoft and Model Dairy

Truthfully, none stand out because my attention to them is subconscious

Amazon

Nordstrom, Zappos,

Apple, Lyft

Mentos/ Amazon/ Goldfish Crackers

Medlock Ames Winery, Carson Tahoe Health (Hospital) and WinCo Foods

REI



Why?

11 responses

n/a

I admire brands with a conscience

They give back

Ease of availability in locating user information; local company

None stand out because my attention to them is subconscious

It is my impression that Amazon strives to serve the public by providing a service that connects a person with the product that the person wants, and then delivers the product to the person.

Stand behind their product, excellent customer service, well designed and easily used interfaces

They are good corporate citizens

Funny commercials/ Convenience/ Snack that smiles back

Medlock-quality, organic and sustainability Carson Tahoe-strive to enhance the health (mental and physical) of the communities they serve WinCo-low prices and high quality

Trust and expertise with every interaction



Which government agencies do you admire (no more than 3)?

11 responses

n/a

Department of Justice

Us

Ethics Commission

None stand out

Environmental Protective Agency (EPA)

Libraries and courts

Social Security Administration, NASA, NSF

FBI

Nevada Gaming Control Board, CDC and NASA

Nevada Secretary of State's Office, NV National Guard, US DOJ



Why?

11 responses

n/a

Independent, follows the rule of law

I know we try our hardest

Lack of partisan politics

None stand out

Because the EPA strives to protect people from harmful chemicals, products, etc. in the environment.

Both because of their mission to provide equal treatment to large numbers of people regardless of their status (whether they accomplish that is a different question)

SSA has a great website and good customer service. NASA and NSF don't get into politics and are all about science

its complexity of cases

All have difficult jobs but are trusted and have mostly favorable images.

Apolitical, focus on public service



When people hear about the Nevada Commission on Ethics, what are three words or phrases we want them to think?

11 responses

honest govt insurance

Independent, Rule of Law, Transparent

Consistency, transparency and honesty

Integrity, impartiality and service oriented

Trust, follow-through, making a difference

Trustworthy, telling the facts, striving to correct actions that are wrong

Reliable, stable, fair

Trust, accountability, keeping public officials honest

Integrity, Transparency, Service

Integrity, highly admired/respected and accessible

Trust, Helpful, Experts



When people hear about the Nevada Commission on Ethics, what do they currently actually think?

11 responses

who? I didn't know you guys existed.

No idea who we are or what we do

What is that?

Oversight deters from getting the job done

I would need to poll people for answers

What does that agency do?

What do they do? Is that something to do with judges?

That we don't do anything when people have ethics violations even though they might not be ethics violations

I think most people are confused on the Commission's jurisdiction and authority, some are unaware of the Commission completely

Misunderstood, avoid, trouble and powerless

Weak, Small, Ineffective



Don't overthink this next one, just type the first one or two things that come to mind - what image do you see when you think about the word "ethics"?

11 responses

They're great, for others.

Lady Justice, Sunlight

An open hand

character and respect

A group of people voting on a public item, transparency

Someone in government getting their hands slapped.

Blue, Gray letters

doing the right thing

Light, Justice scales

Scales of Justice

Sunshine, foundation



If the Commission was the hero in a story, who is our villain?

11 responses

ignorance. Greed.

Corrupt government actors

See above

Lack of funding to support services provided.

Law makers and lack of funding

The person in the government who is making the decision, and benefitting from that decision.

Unethical government officials/employees

Corrupt government officials or employees

Injustice

The Villian would be the individual who is our repeat offender.

Lack of Trust in Government



When thinking about our brand, what are other things the Commission should take into consideration?

11 responses

hiring a pio to do nothing but train state employees

Public trust

Simplicity

Customer service

Making order out of chaos

It is our goal to correct the behavior of persons in government who make governmental decision that benefit themselves .

Clarity of our purpose and process

How can our brand instill /restore trust in government?

Clear branding with an emphasis on education

What overall image are we trying to portray. We should be referred as the Platinum Standard when compared to all other Ethics Commissions.

How do we create through visuals, colors, etc, a brand that embodies trust in government for the public but then helpful and not scary to public officials

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