



**STATE OF NEVADA
COMMISSION ON ETHICS**
<http://ethics.nv.gov>

**MINUTES
of the meeting of the
NEVADA COMMISSION ON ETHICS
& PERSONNEL SUBCOMMITTEE**

The Commission on Ethics held a public meeting on
Thursday, December 7, 2023, at 9:00 a.m.
at the following location:

**Nevada Commission on Ethics
704 W. Nye Lane, Suite 204
Carson City, NV 89703**

Zoom Meeting Information

<https://us06web.zoom.us/j/84811974789?pwd=9MCRb1rW1DTxXkrsCxxDjilLiekY.1>

Zoom Meeting Telephone Number: 720-707-2699

Meeting ID: 848 1197 4789

Passcode: 530596

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 and on the [Commission's YouTube channel](#).

1. Call to Order and Roll Call.

Chair Kim Wallin, CPA, CMA, CFM appeared via videoconference and called the meeting to order at 9:01 a.m. Also appearing via videoconference were Vice-Chair Thoran Towler, Esq., and Commissioners John T. Moran III, Esq., Stan R. Olsen, Scott Scherer, Esq., and Amanda Yen, Esq. Commissioner Teresa Lowry, Esq. was excused. Present for Commission staff at the Commission's office in Carson City were Executive Director Ross E. Armstrong, Esq., Commission Counsel Brandi Jensen, Esq., Investigator Erron Terry, and Executive Assistant Kari Pedroza.

2. Public Comment.

There was no public comment.

3. Approval of Minutes of the November 8, 2023, Commission Meeting.

Chair Wallin stated that all Commissioners were present for the November Commission Meeting, except for Commissioner Yen who was excused and therefore precluded from participating in this item.

Vice-Chair Towler moved to approve the November 8, 2023, Commission Meeting Minutes as presented. Commissioner Olsen seconded the motion. The Motion was put to a vote and carried as follows:

Chair Wallin:	Aye.
Vice-Chair Towler:	Aye.
Commissioner Moran:	Aye.
Commissioner Olsen:	Aye.
Commissioner Yen:	Abstain.

4. Discussion and possible action to direct Commission Counsel to take legal steps, motions, and/or dispositive actions in Lombardo Consolidated Case Nos. 21-062C & 21- 082C, including but not limited to the Petition for Judicial Review in defending the Commission's decisions.

Chair Wallin introduced the item, noted that Commissioners and Commission Counsel Jensen would meet in a closed Zoom breakout room to hold a legal discussion regarding this issue, and confirmed any action would take place in the open session only.

Commissioner Scherer joined the meeting during the closed session.

The Commissioners and Commission Counsel Jensen were in the closed breakout room session from approximately 9:06 a.m. to 9:17 a.m.

Chair Wallin resumed the open session and asked if any Commissioners needed to make a disclosure on this item.

Commissioner Olsen made a disclosure in Consolidated Case Nos. 21-062C and 21-082C. He disclosed that he is an acquaintance of the former Sheriff Joe Lombardo, having worked at the Las Vegas Metropolitan Police Department for 33 years. He did not at any time work within the same section as Joe Lombardo, Commissioner Olsen did not work for Joe Lombardo nor did Joe Lombardo work for Commissioner Olsen. He stated he retired from Las Vegas Metro PD in 2007 and has known Governor Lombardo in a professional or public capacity for a number of years although none of his work directly involved him either formerly as Sheriff or presently as Governor. Commissioner Olsen categorized their current relationship as professional acquaintances rather than personal friendship. He further disclosed that Governor Lombardo appointed him to sit as a Commissioner on the Nevada Commission on Ethics with a term to start in July of 2023. Commissioner Olsen stated that under NRS 281A.065, his relationship with Governor Lombardo is not one within the definition of commitment in a private capacity or in the interest of another person and consequently does not require disclosure or abstention under the Ethics Law pursuant to NRS 281A.420. He added that nothing in Judicial Cannon 2.11, the Code of Judicial Conduct, required disclosure or abstention pursuant to the manner of his appointment and that Nevada Law favors the right of a public officer to perform the duties for which the public officer was appointed and to vote or otherwise act upon a matter. Commissioner Olsen stated that in his capacity as a Commissioner he serves in a quasi-judicial role and in a desire to alleviate any concerns of impartiality he disclosed the extent of the relationship. He has reviewed Judicial Cannon 2.11, the Code of Judicial Conduct which lists the type of relationships and events that require disqualification and has confirmed that the present circumstances do not require disqualification. He shared his belief that he would be fair and impartial in considering the matter and have no actual or perceived bias. He added that neither his acquaintances with Governor Lombardo nor his appointment to the Commission on Ethics by Governor Lombardo would materially affect his independence of judgment or that of a reasonable person in his situation. Commissioner Olsen stated that he would be participating in the vote on the matter.

Commissioner Moran made a similarly situated disclosure in Consolidated Case Nos. 21-062C and 21-082C. disclosed that he is an acquaintance of former Sheriff Lombardo and now Governor Lombardo, having met Mr. Lombardo on a few occasions in his service as Sheriff of Clark County and Commissioner Moran's work in Clark County and the State of Nevada as an attorney. He stated that he has known the Governor in a professional or public capacity for a number of years although none of Commissioner Moran's work directly involved Mr. Lombardo either formerly as Sheriff or presently as Governor. Commissioner Moran stated that he would categorize the current relationship as professional acquaintances rather than a personal friendship. Commissioner Moran further disclosed that Governor Lombardo appointed him to sit as a Commissioner on the Nevada Commission on Ethics, with a term to start September 1, 2023 and that upon the unexpected resignation of Commissioner Sheets whom he was scheduled to replace, his term started on July 1, 2023. Commissioner Moran stated that under NRS 281A.065, his relationship with Governor Lombardo is not within the definition of commitment in a private capacity to the interests of another person and consequently the relationship does not require disclosure or abstention under the Ethics Law pursuant to NRS 281A.420. He added that nothing in Judicial Cannon 2.11, the Code of Judicial Conduct, required disclosure or abstention pursuant to the manner of his appointment and in fact, Nevada Law favors the right of a public officer to perform the duties for which the public officer was appointed and to vote or otherwise act upon a matter. Commissioner Moran stated that in his capacity as a Commissioner he serves in a quasi-judicial role and in a desire to alleviate any concerns of impartiality he disclosed the extent of the relationship. He has reviewed Judicial Cannon 2.11, the Code of Judicial Conduct which lists the type of relationships and events that require disqualification and has confirmed that the present circumstances do not require disqualification. Commissioner Moran shared his belief that he would be fair and impartial in considering the matter and have no actual or perceived bias. He added that neither his acquaintanceship with Governor Lombardo nor his appointment to the Commission on Ethics by Governor Lombardo would materially affect his independence of judgment or that of a reasonable person in his situation. Commissioner Moran stated that he would be participating in voting on the matter.

Commissioner Scherer made a similar disclosure in Consolidated Case Nos. 21-062C and 21-082C. He disclosed that he is an acquaintance of former Sheriff Lombardo and now Governor Lombardo, having met him on a handful of occasions over the last 20 years in his professional capacity. He stated he has only known Governor Lombardo in a professional or public capacity for a number of years. Commissioner Scherer stated that he would categorize the current relationship as professional acquaintances rather than a personal friendship. Commissioner Scherer further disclosed that Governor Lombardo appointed him as a Commissioner to the Nevada Commission on Ethics, with a term to start November 1, 2023. Commissioner Scherer stated that under NRS 281A.065, his relationship with Governor Lombardo is not within the definition of commitment in a private capacity to the interests of another person and consequently the relationship does not require disclosure or abstention under the Ethics Law pursuant to NRS 281A.420. He added that nothing in Judicial Cannon 2.11, the Code of Judicial Conduct, required disclosure or abstention pursuant to the manner of his appointment and in fact, Nevada Law favors the right of a public officer to perform the duties for which the public officer was appointed. Commissioner Scherer stated that in his capacity as a Commissioner he serves in a quasi-judicial role and in a desire to alleviate any concerns of impartiality he disclosed the extent of the relationship and nothing Judicial Cannon 2.11 would require disqualification. Commissioner Scherer shared his belief that he would be fair and impartial in considering the matter and have no actual or perceived bias. He added that neither his acquaintance with Governor Lombardo nor his appointment to the Commission on Ethics by Governor Lombardo would materially affect his independence of judgment or that of a reasonable person in his situation. Commissioner Scherer stated that he would be participating in and voting on the matter.

Chair Wallin thanked Commissioners Moran, Olsen, and Scherer for their disclosures and asked Commission Counsel Jensen for a brief presentation. Commission Counsel Jensen

outlined the purpose of the agenda item and requested direction from the Commission on the next steps in the case under consideration.

Vice-Chair Towler made a motion to grant Commission Counsel authority to file the discussed Motion to Dismiss for lack of proper service in the Lombardo Consolidated Case Nos. 21-062C and 21-082C. Chair Wallin seconded the motion.

Commissioner Moran asked for confirmation that Commission Counsel's recommendation was based on procedural issues under NRS 233B and that there was a legal basis behind the Commission Counsel filing the dismissal on the Commission's behalf. Commission Counsel Jensen responded affirmatively based on NRS and case law. Commissioner Moran thanked Commission Counsel Jensen and noted that he would be joining in the motion.

The Motion was put to a vote and carried as follows:

Chair Wallin:	Aye.
Vice-Chair Towler:	Aye.
Commissioner Moran:	Aye.
Commissioner Olsen:	Aye.
Commissioner Scherer:	Aye.
Commissioner Yen:	Aye.

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

Chair Wallin congratulated Executive Director Armstrong for his contribution to the Commission's social media outreach and education upgrades as recognized and highlighted as Top 10 Ethics Commissions in a recently released report of the Campaign Legal Center.

6. Public Comment.

There was no public comment.

7. Adjournment.

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

The meeting was adjourned at 9:30 a.m.

Minutes prepared by:

/s/ Kari Pedroza

Kari Pedroza
Executive Assistant

/s/ Ross Armstrong

Ross Armstrong, Esq.
Executive Director

Minutes approved January 17, 2024:

/s/ Kim Wallin

Kim Wallin, CPA, CMA, CFM
Chair

/s/ Thoran Towler

Thoran Towler, Esq.
Vice-Chair