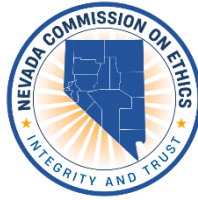


# **Agenda Item 3**



## COMMISSION ON ETHICS EXECUTIVE DIRECTOR POSITION INFORMATION AND DESCRIPTION

This unclassified exempt position is appointed by and reports to the Commission. The position serves as the Commission's Administrator and Information Security Officer. The position provides professional management, administration, and legal and investigatory support to the Commission.

Position Title:	Executive Director
Department/Division:	Commission on Ethics
Budget Account #:	1343
Position Control #:	000002
Position is currently Classified or Unclassified:	Unclassified, Exempt
Position reports to:	Commission
Who has final selection of position:	Commission
Current Salary (with Employee/Employer paid PERS contribution and without furlough deductions):	

### Duties/Major Responsibilities of the Position:

The Executive Director serves as the Commission's Administrator, training officer and public information officer. The Executive Director is responsible for Commission operations and personnel matters including overseeing and managing staff that are direct reports, developing and implementing the Commission's budget, policies, and procedures, facilitating Commission meetings including drafting agendas, and representing the Commission in matters related to the media, State executive branch, and the Legislature.

The Executive Director receives ethics complaints and gathers information for jurisdictional determinations and conducts investigations. Upon completion of the initial investigation, the Executive Director prepares review panel recommendations. If the ethics complaint is referred to the Commission, the position has significant duties related to the preparation and presentation of ethics complaints pursuant to Chapter 281A of the Nevada Revised Statutes and NAC Chapter 281A. These duties include directly participating in investigations, drafting legal documents and presentations, hearing preparation, and managing the assigned team of Commission staff. Separately, the Executive Director has duties, in coordination with Commission Counsel, to receive requests for advisory opinions and associated duties in preparing and processing advisory opinions pursuant to Chapter 281A of the Nevada Revised Statutes and NAC Chapter 281A.

The Executive Director conducts training for public officers, public employees, and the general public regarding the requirements of NRS Chapter 281A and the rules and regulations adopted by the Commission.

Education and Experience Required to Perform the Duties of the Position:

- A bachelor's degree or higher education degree
- Five years of management experience which includes supervision
- Five years of experience in legal, law enforcement, or investigations
- Experience in legal analysis and preparation of legal memorandums, documents, including related presentations

Knowledge, Skills and Abilities Required to Perform the Job Functions:

- Teambuilder
- Ability to manage priorities, deadlines and set goals
- Must be self-motivated and have superb problem-solving skills
- Planning and organizational skills
- Exceptional analytical skills required to understand and interpret Nevada's Ethics in Government Law
- Strong written and verbal skills including public speaking
- Technology skills – ability to use Office software products, virtual meeting software, cloud document solutions, and social media platforms, i.e., Linked-in and Twitter
- Knowledge of the Nevada Legislative and Regulatory processes
- Understanding budgets (familiarity with governmental budgets preferred)
- High-level of professionalism and communication skills (the Executive Director is the "face of" and represents the Commission in many matters)

Does this position require licensure/certification (if yes, please detail):

No. Juris Doctor Degree Preferred.

Statutes and Regulations Administered by This Position:

NRS and NAC Chapters 281A, 233B, 241 and 239, and statutes and regulations governing the Executive Branch budget.

Dollar amount of the agency budget for administration and oversight, for which the position is responsible.

Number and titles of staff that directly report to position:

5 – Executive Assistant, Senior Legal Researcher, Investigator, Outreach and Education Officer, and Associate Counsel

Number of indirect reports:

N/A

## **SPECIFIC JOB DUTIES:**

### **ETHICS COMPLAINTS:**

1. Jurisdictional Determinations:
  - a. Review all filed complaints and available evidence in coordination with Commission Counsel to determine the Commission's jurisdiction. This may include preparing documents and evidence for the Commission to determine jurisdiction by its own motion pursuant to applicable law.
  - b. Prepare Orders on Jurisdiction and/or investigation for each case. Must analyze, draft, and provide to the Commission the written recommendation, supporting materials, proposed order, and proposed disposition if applicable.
  - c. Maintain record of the direction received from Commissioners on jurisdictional matters and determine whether there is a quorum.
  - d. Prepare and serve notifications on subjects and requesters concerning ethics complaints, including the allegations and/or implicated statutes, jurisdiction, applicable waivers, and scheduling in accordance with applicable law.
2. Investigations:
  - a. Conduct and process investigations as directed by the Commission, including actively participating in investigations, and managing, and supervising investigatory staff on ethics complaint matters.
  - b. Evaluate the results of each investigation prepare drafts and provide written recommendations to review panels providing an analysis of evidence, applicable law, and Commission precedent regarding the review panel's determination of just and sufficient cause for the Commission to hold a hearing and render an opinion.
  - c. Conduct any other review panel proceedings and provide a proposed review panel determination consistent with the recommendation.
3. Commission Review Panel Hearings:
  - a. Present recommendation, evidence, and analysis at the review panel hearing.
  - b. If directed by the review panel, oversee the development of a deferral agreement to be presented to the review panel for consideration.
  - c. Provide subject written notice of the review panel determination including proper notice that the ethics complaint has been referred to the Commission for further proceedings.
4. Adjudicatory Hearings Before the Commission:
  - a. Review investigation results and determine what course of action to recommend to Commission. Develop, prepare, and draft legal positions and presentations of ethics complaints and associated legal motions and arguments, witness testimony and evidentiary documents in proceedings before the Commission, including directing supervised Commission staff.
  - b. Oversee discovery, draft responses to discovery requests and direct supervised Commission staff.
  - c. Serve as party representative in adjudicatory proceedings before the Commission including appearing, directing, and participating in all settlement

conferences, hearings, and negotiating and drafting documents in resolution of the ethics complaint, which duties entail directing supervised Commission staff.

5. Monitor compliance on ethics cases that are resolved by approved deferral agreements, stipulations, and other orders of the Commission and/or Commission panel and notify noncompliance issues and pursue collections of fines and penalties in the process established by the State of Nevada for collections.

### **ADMINISTRATION AND SUPERVISION:**

1. Communicate regularly and work closely with Commission Chair and Vice Chair to attain agency goals and objectives.
2. Ensure agency operations are conducted in accordance with appropriate state laws, regulations, and internal policies.
3. For each fiscal year, develop and implement specific agency goals and objectives as approved by the Commission.
4. Organize, perform, and direct agency operations and workflow to ensure policies, goals and objectives are met.
5. Prepare agency budget request for Commission and advocate for its approval with the Executive Branch agencies and the Nevada Legislature.
6. Monitor budget and approve agency expenditures to ensure compliance with appropriations.
7. Except as restricted, in coordination with Commission Counsel and staff, prepare and coordinate Commission and review panel meetings, including agendas, scheduling and meeting materials, and provide briefings of agency status and operations during Commission meetings.
8. Review and update internal controls, policy manuals, standardized forms and procedures and periodic reports.
9. Effectively hire, train, and supervise Commission staff and conduct annual employment evaluations of staff who are direct reports.
10. Hold regular staff meetings and maintain communication with staff.
11. Maintain employee work schedules, review leave requests and process staff time sheets.
12. Ensure staff compliance with all required State training.
13. Be available to the staff to ensure timely direction is provided, and duties are cohesively performed in a coordinated manner.
14. Attend cabinet, public information officer and information and security officer meetings, as necessary.
15. Participate in required, State-sponsored management training programs.
16. Other duties as assigned by the Commission or its Chair.

## **OUTREACH AND EDUCATION:**

1. Coordinate with the Outreach and Education Officer to train public officials, public employees, and the general public regarding the requirements of NRS Ch. 281A and the rules and regulations adopted by the Commission including maintaining a schedule of all trainings.
2. Oversee the preparation and maintain the Commission's "Nevada Ethics in Government Law" Training Manual, other training materials and educational materials including video and slide presentations and handouts for virtual, in-person, or other presentation formats, which duties include updating training presentations and materials located on Commission's website.
3. Prepare and present the Commission's Annual Report and preparation of related educational materials and hand-outs.
4. Respond to, and when possible accommodate, requests for presentations to non-governmental groups.
5. Maintain and update updated training materials on Commission's website.

## **PUBLIC INFORMATION:**

1. Oversee the review and update public forms and periodic reports, including the agency's Annual Report which is issued in accordance with NAC 281A.180(2).
2. Assist the Outreach and Education Office in responding to Public Records Requests pursuant to NRS Chapter 239.
3. Represent the Commission at the Nevada Legislature, government meetings, and other meetings/ events as necessary.
4. Respond to inquiries from the public, public officials, and public employees.

## **LEGISLATION AND REGULATIONS:**

1. Recommend, review and draft proposed administrative regulations and legislation.
2. Make recommendations to the Commission including responding to comments made by Commissioners at hearings regarding potential administrative and legislative reform.
3. Consider regulations and legislation from other jurisdictions of relevance to Commission's Mission.
4. Work with the Commission to develop agency legislative positions, coordinate lobbying efforts and recommend substantive legislative changes as approved by the Commission.
5. Represent Commission before regulatory and legislative bodies regarding proposed regulations and legislation.
6. Promote understanding of Commission's mission and statutory mandates through interaction with legislators.

### **CUSTOMER SERVICE:**

1. Implement and maintain a customer service policy for the agency and ensure that it is followed by staff.
2. Ensure that all contacts with members of the public, public officers, and public employees are professional and respectful.
3. Promptly respond to emails, correspondence, and phone messages.

### **RESTRICTIONS**

1. In accordance with NRS 281A.230(4), the Executive Director may not participate in any other employment.

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## **EXECUTIVE DIRECTOR PERFORMANCE PRIORITIES**

The performance priorities established in this document are for use and application by the Nevada Commission on Ethics (“Commission”) to administer the personnel priorities for the Executive Director position during the applicable fiscal year. All priorities are subject to updates or change based upon circumstances as approved by the Commission or as directed by the Chair of the Commission. These priorities are not intended for use by a requester, subject, party or attorney as evidence, or for any other purpose in any advisory opinion or ethics complaint administrative or judicial review proceeding, and any such use is prohibited unless prior permission for such use is requested and provided by a majority vote of the Commission.

### **PRIORITY NO. 1 – PREVENT ETHICS COMPLAINT INVESTIGATION BACKLOG/REVIEW PANELS:**

- a. Ensure jurisdictional recommendations are processed in a timely manner.
- b. Complete investigations in six months or less except in rare circumstances.
- c. Establish procedures to ensure regular review of case status to prevent cases from getting stale.

### **PRIORITY NO. 2 – ADMINISTRATION AND SUPERVISION:**

- a. Actively supervise Commission staff to execute the goals of the Commission.
- b. Meet all external reporting requirements or regulations.
- c. Oversee budget spending and projections to ensure the Commission is a good steward of public funds.

### **PRIORITY NO. 3 - EDUCATION AND OUTREACH:**

- a. Hire and train an Education and Outreach Officer for the Commission.
- b. Implement a modernized education and outreach plan to maximize the number of trained public officer and employees as well as the general public.
- c. In coordination with the Commission Counsel, develop and publish an Ethics Manual for public officer and employees.
- d. Ensure timely response to press inquiries and appropriately distribute press releases.
- e. Maintain healthy and advantageous relationships with key stakeholders including NACO, the League of Cities, the Governor’s Office, and the Legislature.



**PRIORITY NO. 4 – LEGISLATION AND REGULATIONS:**

- a. Recommend, review and draft proposed administrative regulations and legislation to increase efficiency and effectiveness of the Commission.
- b. Engage stakeholders in all regulation and legislation drafting processes.

**PRIORITY NO. 5 – STRATEGIC PLAN:**

- a. Develop a strategic plan for Commission approval.
- b. Publish the strategic plan and utilize the plan for budget building, legislative initiatives and prioritizing tasks of the Commission staff.

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## **COMMISSION ON ETHICS “COMMISSION COUNSEL” POSITION INFORMATION AND DESCRIPTION**

This unclassified, exempt position is appointed by and reports to the Commission. This position serves as the legal advisor to the Commission and its staff in all legal matters and drafts the Commission’s opinions concerning the applicability of the statutory ethical standards to Nevada’s public officers and employees.

Position Title:	Commission Counsel
Department/Division:	Commission on Ethics
Budget Account #:	1343
Position Control #:	000003
Position is currently Classified or Unclassified:	Unclassified - Exempt
Position reports to:	Commission
Who has final selection of position:	Commission
Current Salary (w/o furlough deduction):	

### Duties/Major Responsibilities of the Position:

In addition to its advisory role, the Commission Counsel drafts and recommends administrative regulations and statutory provisions under the Commission’s jurisdiction, provides outreach and education to Nevada’s public officers and employees and public attorneys, and guides and represents the Commission’s interests in all legal arenas, including administrative, legislative and judicial. In particular, Commission Counsel defends the Commission in all litigation, including judicial review of the Commission's administrative opinions.

### Education and Experience Required to Perform the Duties of the Position:

Graduation from an ABA accredited law school and active membership in the Nevada State Bar Association. Must have substantial experience in administrative law, litigation, and Nevada legislative process.

### Knowledge, Skills and Abilities Required to Perform the Job Functions:

Must possess superior legal research, writing, and oral presentation skills and the ability to represent the Commission in litigation, administrative and regulatory matters, whether in the courts of the State of Nevada or the United States and in all federal and state administrative agencies. Except for certain limitations applicable to Ethics Complaint cases, the Commission Counsel advises the Commission and staff in all legal matters, in particular the application of Nevada’s Ethics in Government Law.

Does this position require licensure/certification (if yes, please detail):

License to practice law in the State of Nevada.

Statutes and Regulations Administered by This Position:

NRS and NAC Chapters 281A, 233B, 241 and 239.

Dollar amount of the agency budget for which the position is responsible for administration and oversight.

\$0.00

Number and titles of staff that directly report to position:

2 positions, along with the Commission's Executive Director: Associate Counsel and Senior Legal Researcher.

Number of indirect reports:

2 positions: Executive Assistant and Senior Investigator

## **SPECIFIC JOB DUTIES:**

### **LITIGATION:**

1. Represent the Commission, Review Panel, and Commission staff at the direction of the Commission in legal proceedings before local, state, and federal courts, including drafting legal memoranda to, and appearing and presenting arguments before, the courts and cooperating in related cases.
2. Obtain or employ conflict counsel, as permitted by NRS 281A.260.

### **ADVISORY OPINIONS:**

1. Review all filed requests for Advisory Opinions to determine whether the request is in proper form per statutory and regulatory requirements and prepare and issue appropriate notices.
2. Review request to determine Commission's jurisdiction of matter with concurrence of Executive Director.
3. Correspond with Requester to provide jurisdictional determination, preliminary explanation of process or to request supplemental information.
4. Research and/or assign legal research to SLR and/or Associate Counsel.
5. Analyze and apply the law to the facts presented and discovered.
6. Prepare or approve draft Notices of Hearing, orders and other legal documents, make edits and direct service of the same.
7. Prepare draft opinions and/or bench memos to the Commission in preparation for consideration of request for Advisory Opinions either by submission or hearing.
8. Supervise service of opinions, determine level of confidentiality of opinion including preparation

of abstract opinions if the Requester does not waive confidentiality.

9. Represent the Commission in reconsiderations, re-hearings and other litigation relating to advisory opinions.

### **ETHICS COMPLAINTS:**

1. Review complaint and evidence to assist in determination of Commission's jurisdiction of matter.
2. Assign and approve orders and notices to Subject and/or Requester regarding jurisdiction.
3. Approve any legal forms such as subpoenas, Review Panel Determinations and other forms prepared on behalf of or presented to the Review Panel or the Commission for consideration.
4. Evaluate Executive Director recommendations to Review Panels and advise Review Panels of legal issues.
5. Review for legal form Review Panel Determinations and Deferral Agreements.
6. For referred complaint cases, prepare and issue notices and orders required by and as permitted by law.
7. Schedule settlement conferences if requested by parties and act as legal advisor for appointed settlement Commissioner:
8. Stipulations:
  - i. Advise parties regarding acceptable terms and conditions of stipulations on behalf of Commission.
  - ii. Review draft language for legal form and advise Commission of legal considerations.
9. Hearings:
  - i. Act as the legal advisor to the Commission in all hearings including assisting on all scheduling matters as permitted by law including discovery, motions, hearings, and other deadlines.
  - ii. Prepare and cause to be served notices, scheduling orders and orders.
  - iii. Preside over pre-hearing conferences between parties and Chair of Commission;
  - iv. Initiate, research and prepare legal bench memos to the Commission advising on legal considerations of case, including legal motions.
  - v. Assist Commission during hearings to address legal considerations; respond to legal questions, i.e., legal objections, motions, and other rulings.
  - vi. Assist the Commission in its deliberations on evidence and law.
  - vii. Prepare opinions and direct service of matters on behalf of the Commission.
  - viii. Represent the Commission (not the parties) in judicial and appellate litigation.

### **LEGISLATION AND REGULATIONS:**

1. Recommend, review and draft proposed administrative regulations and legislation.
2. Represent Commission before regulatory and legislative bodies regarding proposed regulations and legislation.
3. Consider regulations and legislation from other jurisdictions of relevance to Commission's Mission.

## **ADMINISTRATION AND SUPERVISION:**

1. Report legal status of all matters to Commission in closed meetings or open public meetings, as appropriate.
2. Ensure meetings and public hearings are prepared and conducted in accordance with appropriate laws and guidelines, including the Nevada Open Meeting Law.
3. Administer all activities related to Commission's legal matters including preparing legal documentation on behalf and in support of Commission business.
4. Communicate regularly and work closely with Commission Chair to organize Commission's activities and legal caseload.
5. With exception of legal matters prepared by or on behalf of the parties in adjudicatory proceedings pertaining to ethics complaint, supervise legal activities of Commission.
6. Review and assign legal matters to Commission staff as appropriate.
7. Act as back-up to Executive Director in administrative and supervision duties over Commission Staff.
8. Review and assign legal matters to Senior Legal Researcher and Associate Counsel for advisory opinion matters and as otherwise permitted.
9. Assist Executive Director to evaluate performance of Senior Legal Researcher and Associate Counsel.
10. Other duties as assigned by the Commission or its Chair.

## **PUBLIC RECORDS AND INQUIRIES:**

1. Confirm compliance with applicable law and administer legal issues related to public records requests including policy updates, and review, calendar, and coordinate responses to receive requests.
2. Assist in responding to citizen and other inquiries.

## **RESTRICTIONS:**

1. In accordance with NRS 281A.250(4), the Commission Counsel may not participate in certain other employment.



## **COMMISSION COUNSEL PERFORMANCE PRIORITIES**

The performance priorities established in this document are for use and application by the Nevada Commission on Ethics (“Commission”) for purposes of administering personnel priorities for the position of Commission Counsel for the applicable fiscal year. All priorities are subject to update or change based upon circumstances as approved by the Commission or as directed by the Chair of the Commission. These priorities are not intended for use by a requester, party or attorney as evidence or any other purpose in any advisory opinion or ethics complaint administrative or judicial review proceedings, and any such use is prohibited unless prior permission for such use is requested and provided by a majority vote of the Commission.

### **PRIORITY NO. 1 – EDUCATION & COMMUNICATION:**

- a. Commissioner Education: Develop and deliver new commissioner legal onboarding process including education on the ethics law, open meeting law, and the Nevada Administrative Procedures Act.
- b. Commissioner Communication: Establish and maintain open communication with all Commissioners and Commission staff and encourage communication with the Commission Counsel on legal matters including questions about complaints and advisory opinions. Collaborate with the Executive Director to develop and publish an Ethics Manual as required by law and assist with the creation and presentation of other educational materials for the public. Attend relevant and necessary continuing legal education courses or other training opportunities related to government ethics; share information obtained with the Commission and staff.

### **PRIORITY NO. 2 – COMMISSION MEETINGS:**

- a. Review meeting material before distribution to ensure compliance with the Open Meeting Law, the Ethics Law, and the Nevada Administrative Procedures Act.
- b. Provide written and/or legal advice and guidance to Commissioners on cases and other matters prior to Commission meetings.
- c. Attend Commission and Commission subcommittee meetings and provide legal advice related to the Open Meeting Law, the Ethics Law, and the Nevada Administrative Procedures Act as requested.

**PRIORITY NO. 3 – LEGAL REPRESENTATION ON CONTESTED MATTERS:**

- a. Review all existing and potential contested matters for next legal steps.
- b. Report legal status of all matters to Commission promptly to ensure up to date information including requesting and coordinate closed meeting legal briefings when appropriate.
- c. Draft and submit necessary legal motions or other filings in contested cases consistent with court rules and appear on behalf of the Commission in legal hearings.

**PRIORITY NO. 4 – ADVISORY OPINIONS AND ETHICS COMPLAINTS:**

- a. Lead the process to ensure Advisory Opinions are reviewed, drafted, and issued in a timely manner and in compliance with the law.
- b. Review complaint and evidence to assist in determination of Commission's jurisdiction of matter.
- c. Prepare memos to the Commission advising on legal considerations of the case.
- d. Collaborate with the Executive Director to modernize Advisory Opinion and Ethics Complaints forms and documents.

**PRIORITY NO. 5 – ADMINISTRATIVE EFFICIENCY:**

- a. Case Management Systems:
  - i. Work hand in hand with the Executive Director to optimize the existing case management.
- b. Policies and Procedures
  - ii. Work with the Executive Director and his team to develop Policies and procedures for both cross training and efficiency.
  - iii. Prioritize policy development based on legal risk.

**PRIORITY NO. 6 – LEGISLATION AND REGULATIONS:**

- a. Work with the Chair, the Executive Director, and the Commission to draft Legislation to improve the Ethics Statutes for the 2025 Legislative Session.
- b. Work with the Commission and Executive Director to draft changes to the Ethics Chapter of the Nevada Administrative Code and assist with the code adoption process to ensure compliance with state law.