

Agenda Item 3



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
Wednesday, November 8, 2023, at 10:00 a.m.
at the following location:

**Nye County Commission Chambers
101 Radar Road
Tonopah, NV 89049**

Zoom Meeting Information

<https://us06web.zoom.us/j/82599810591?pwd=QGAavyf1NRafX6yeOapekKhjD2jbPT.1>

Zoom Meeting Telephone Number: 720-707-2699

Meeting ID: 825 9981 0591

Passcode: 432590

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 in-person at the Nye County Commission Chambers in Tonopah and called the meeting to order at 10:01 a.m. Vice-Chair Thoran Towler, Esq., and Commissioner Stan R. Olsen also appeared in-person. Commissioners Teresa Lowry, Esq., John T. Moran III, Esq., and Scott Scherer, Esq. appeared via Zoom videoconference. Commissioner Amanda Yen, Esq. was excused. Present for Commission staff in Tonopah were Executive Director Ross E. Armstrong, Esq., Commission Counsel Brandi Jensen, Esq., Associate Counsel Elizabeth J. Bassett, Esq., Investigator Erron Terry, and Senior Legal Researcher Wendy Pfaff.

2. Public Comment.

Chair Wallin noted the additional Public Comment opportunities under Agenda Item 6.

There was no public comment.

3. Approval of Minutes of the October 18, 2023, Commission Meeting.

Chair Wallin stated that all Commissioners were present for the October Commission Meeting, except for Commissioner Scherer who was not yet appointed to the Commission and therefore precluded from participating in this item. She noted that Commissioner Moran was present for part of the October 18 meeting, and he could decide if he wanted to act on this matter.

Vice-Chair Towler moved to approve the October 18, 2023, Commission Meeting Minutes as presented. Commissioner Lowry seconded the motion. The Motion was put to a vote and carried as follows:

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

4. Approval of Minutes of the October 18, 2023, Personnel Subcommittee Meeting.

Chair Wallin stated she served with Vice-Chair Towler and former Commissioner Duffrin as members of the Personnel Subcommittee and only the Subcommittee members were permitted to act on this item.

Vice-Chair Towler moved to approve the October 18, 2023 Personnel Subcommittee Minutes as presented. Chair Wallin seconded the motion. The Motion was put to a vote and carried as follows:

Chair Wallin:	Aye.
Vice-Chair Duffrin:	Aye.

5. Presentation by Nye County on Nye County Government.

Chair Wallin introduced the item, thanked Nye County Manager Tim Sutton for allowing the Commission the use of Nye County's Commission Chambers for the meeting and asked him for his presentation.

Nye County Manager Sutton provided his presentation on Nye County Government. He thanked the Commission for holding their meeting in Nye County and for the Commission's hard work on behalf of Nevada.

Chair Wallin thanked Nye County Manager Sutton for his time and presentation.

No action was taken on this agenda item.

6. **PUBLIC WORKSHOP**

Pursuant to NRS 233B.061, workshop to solicit data, views, arguments or other comments from interested persons regarding the Commission's intent to adopt, amend and repeal regulations set forth in NAC Chapter 281A. Possible action may include direction to the Executive Director to submit proposed language agreed upon during the workshop to the Legislative Counsel Bureau (LCB) for drafting.

Chair Wallin opened the Public Workshop at 10:13 a.m. See Public Workshop documents in Attachment A.

a. **Public Comment**

There was no public comment.

b. **Review of Small Business Impact Statement**

Chair Wallin asked Executive Director Armstrong to provide an overview of the Workshop process and Executive Director Armstrong complied with the Chair's request.

Executive Director Armstrong referenced the Small Business Impact Statement included in the workshop meeting materials and confirmed that it was posted and distributed to stakeholders on October 24, 2023, in compliance with NRS 233B.0608. He noted that statutory limitations on the Commission's jurisdiction and rulemaking authority prevent the Commission from considering or adopting regulations that would impose burdens on small businesses and outlined his process in determining the small business impact statement.

c. Workshop Discussion

Executive Director Armstrong outlined each proposed change to NAC 281A for the Commission and referenced the Summary of Suggested Potential NAC Changes document provided in the meeting materials.

The Commissioners discussed the proposed changes and provided their feedback regarding those changes.

Commissioner Scherer asked a clarifying procedural question pertaining to the 14-day timeframe allowed to Advisory Opinion Requesters for submission of additional facts and Executive Director Armstrong provided clarification. Commissioner Scherer suggested language for the Advisory Opinion timeframe provision.

Chair Wallin shared her opinion that the addition of allowing jurisdiction over advisory opinion requests submitted by individuals who have been elected to or accepted an appointment to public officer or employment but have not yet started service is one of the best additions to the regulation language pertaining to advisory opinions.

Commissioner Scherer suggested reconsideration of changes to NAC 281A.353, which Executive Director Armstrong agreed with Commissioner Scherer's explanation for maintaining language.

Commission Counsel Jensen and Executive Director Armstrong shared their positions in support of Commission discretion regarding Abstract Opinion publishing based on certain criteria and additional language under NAC 281A.375. Chair Wallin and Commissioner Scherer stated their agreement with this proposal.

The Commissioners and Executive Director Armstrong discussed the complaint filing process. Executive Director addressed questions posed by the Commissioners regarding proposed changes to the complaint filing regulations (NAC 281A.405).

Chair Wallin expressed her appreciation for the streamlining of the regulations and continued effort to enact these changes on behalf of the Commission. Chair Wallin thanked Commissioner Scherer for his comments and observations, noting that it added a lot to the discussion and the Commission's efforts.

Commissioner Scherer suggested reconsideration of changes to NAC 281A.444(4), which Executive Director Armstrong, Associate Counsel Bassett and Commission Counsel Jensen agreed with Commissioner Scherer's explanation for maintaining the proposed deleted language.

Chair Wallin stated her opinion that the proposed regulation changes are a good start and thanked Executive Director Armstrong and Commission staff for their hard work on this project.

d. Direction to Executive Director to submit language to the LCB

Commissioner Olsen made a motion to direct Executive Director Armstrong to submit the proposed language with revisions as discussed during the Workshop to NAC Chapter 281 to the

Legislative Counsel Bureau for drafting. Commissioner Scherer seconded the motion. The Motion was put to a vote and carried as follows:

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

e. Public Comment

Nye County Commissioner Bruce Jabbour provided public comment regarding the new language proposed that the Executive Director establish and maintain policies and procedures for the operations of the agency (referenced page 12 of the proposed NAC changes document included in the meeting materials). He shared his opinion that the Commission should be the authority for establishing policies and procedures and the Commission would direct the Executive Director to implement those policies and procedures.

Chair Wallin closed the Public Workshop at 10:54 a.m.

7. Consideration and approval of the Nevada Commission on Ethics Personnel Subcommittee's recommended revisions to the public service objectives including performance priorities and job descriptions for the Commission's two appointed positions of Executive Director, held by Ross Armstrong, Esq., and Commission Counsel, held by Brandi Jensen, Esq.

Chair Wallin introduced the agenda item and noted that the matter before the Commission was to discuss the job descriptions and priorities only and not the performance of those holding the positions. She informed the Commission that she, Vice-Chair Towler, and former Commissioner Duffrin served as members of Personnel Subcommittee. Chair Wallin stated that the Personnel Subcommittee met a number of times over the last few months and worked with Executive Director Armstrong and Commission Counsel Jensen to modify their respective job descriptions and performance priorities. Chair Wallin clarified that this item is bringing to the full Commission the recommendations of the Personnel Subcommittee for its consideration and approval of the revisions to the job descriptions and performance priorities of the Executive Director and the Commission Counsel, noting that those updated documents were included in the meeting materials. She outlined the performance priorities in order of importance for each position for the Commission.

Executive Director Armstrong expressed his appreciation for the process and the engagement of the Personnel Subcommittee in providing new priorities for continued success in his position. He stated he was looking forward to working with the Commission on updating its strategic plan.

Commission Counsel Jensen stated that the priorities laid out by the Personnel Subcommittee are helpful to meet the expectations of the Commission as its counsel and the job description is beneficial in guiding her on what to accomplish. She noted that the documents are helpful tools for the employee to utilize as well as the Commission. Commission Counsel Jensen provided that the change to the job description pertaining to the Commission Counsel supervisory role was appreciated.

Chair Wallin outlined minimal changes to the Executive Director's Performance Priorities and the Commission Counsel's Job Description and Performance Priorities.

Commissioner Moran made a motion to approve the Personnel Subcommittee's revisions to the public service objectives including performance priorities and job descriptions for the Commission's two appointed positions of Executive Director, held by Ross Armstrong, Esq., and Commission Counsel, held by Brandi Jensen, Esq. Commissioner Lowry seconded the motion. The Motion was put to a vote and carried as follows:

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

8. Discussion, review and possible action related to Advisory Opinions:
 - a. General Overview and Internal Process Presentation
 - b. Opinion Formatting: Possible action to direct Commission Counsel to bring back Advisory Opinion approach.

Chair Wallin introduced the Item and asked Commission Counsel Jensen for her presentation.

Commission Counsel Jensen provided her general overview and internal process presentation which outlined the Commission's current Advisory Opinion process and the proposed changes to the process, including discretion in publishing abstract opinions and possible updates to the opinion format for ease of use. She referenced samples provided in the meeting materials to show varying formats.

Chair Wallin thanked Commission Counsel Jensen for her presentation and provided feedback that she would like to see format updates to the opinions that make the determination easier to understand with not as much legalese. She liked the option of having a list of topics for research purposes and suggested that be incorporated in the Commission's opinion database. Chair Wallin stated that she preferred the Oregon opinion sample best out of those provided.

Vice-Chair Towler stated his appreciation for the samples provided and noted his preference of the Oregon format sample as well. He thanked Commission Counsel Jensen for her helpful presentation. Vice Chair Towler provided his opinion that opinions being easily searchable, responsive to the request and clear to the requester are key objectives and shared his support for an opinion format update with those objectives in mind.

Commissioner Lowry thanked Commission Counsel Jensen for her presentation and shared her preference that the summary of the issue presented be stated at the beginning of the opinion. She agreed that opinions should be as user friendly as possible. Commissioner Lowry echoed Vice-Chair Towler's comments and acknowledged the benefit of reviewing the process and the format.

Commissioner Olsen expressed his appreciation for the Commission Counsel's presentation and agreed that simplifying the language in the opinion was a good idea.

Commission Counsel Jensen thanked the Commissioners for their feedback and stated that she would start to incorporate the suggestions in opinions going forward and would submit a formal format at a future meeting of the Commission. She specified that she would include a summary of the issue presented at the beginning of the opinion, add a topic line item to each opinion and a list of the statutes that are addressed in the opinion. Commission Counsel welcomed feedback from the Commission on opinions sent to them with newly added changes.

Chair Wallin suggested 'Executive Summary' as the title for the new summary section.

Chair Wallin made a motion to direct Commission Counsel Jensen to bring back a draft template of an Advisory Opinion incorporating items as discussed. Vice-Chair Towler seconded the motion. The Motion was put to a vote and carried as follows:

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

9. Report by Executive Director on agency status and operations, and possible direction thereon. Items to be discussed include, without limitation:
- Education and Outreach
 - Budget Update
 - Staffing and Recruitment
 - Upcoming Meetings

Chair Wallin introduced the Item and asked Executive Director Armstrong for his presentation.

Executive Director Armstrong noted the short timeframe between this meeting and the last Commission meeting, that not many changes had occurred since the last meeting and his report would be brief.

a. Education and Outreach: Executive Director Armstrong referenced the written report included in the meeting materials. He summarized his recent training presented in October to the International Code Council of Southern Nevada and upcoming training presentation scheduled before the Legislative Counsel Bureau in November. Executive Director Armstrong shared that he and Commission Counsel Jensen would be attending the Conference on Government Ethics Law in early December. He informed the Commission that staff have selected a design and initial topics for the process of updating the Ethics Manual. Executive Director noted that the manual will include links to relevant Commission Opinions.

b. Budget Update: Executive Director Armstrong stated that the Commission was approaching the Fiscal Year halfway point and will likely need a minor work program in Category 1 for personnel costs due to Cost of Living Adjustments (COLA).

c. Staffing and Recruitment: Executive Director Armstrong shared that the Outreach and Education Specialist position had been approved by all applicable parties and is in the que to be posted on the State's recruitment website. He acknowledged that once it was posted the recruitment would be open for 14 days. Executive Director Armstrong ensured he would keep the Commission apprised of the status of the recruitment.

d. Upcoming Meetings: Executive Director Armstrong outlined dates and locations for the upcoming Commission meetings in January (Reno) and March (Las Vegas) and noted that there would not be a meeting in December. He referenced the meeting dates and locations outlined in his written report.

Commissioner Lowry asked a clarifying question regarding the work program Executive Director Armstrong mentioned during his report and Executive Director Armstrong provided that clarification. Commissioner Lowry asked for the title of the new position and Executive Director Armstrong responded that the new position title is Outreach and Education Specialist.

Chair Wallin shared her preference that the next rural meeting be held in Winnemucca.

Commissioner Olsen thanked Executive Director Armstrong.

Commissioner Olsen moved to accept the Executive Director's agency status report as presented. Commissioner Moran seconded the motion. The motion was put to a vote and carried as follows:

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

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.

Chair Wallin welcomed Commissioner Scherer to the Commission and thanked him for his contributions during the meeting.

Commissioner Moran echoed Chair Wallin's welcome to Commissioner Scherer to the Commission and shared that he was looking forward to working with him on the Commission.

Chair Wallin thanked staff for their hard work, specifically Commission Counsel Jensen for her work for the meeting and Investigator Terry for driving Commissioners and staff to Tonopah.

11. Public Comment.

Nye County Commissioner Bruce Jabbour provided public comment and an anecdote about his personal policy to not accept contributions. He thanked Commission Counsel Jensen for her presentation and thanked the Commission for having their meeting in Nye County and for doing what is right and not what is easy.

12. Adjournment.

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

The meeting was adjourned at 11:39 a.m.

Minutes prepared by:

/s/ Kari Pedroza

Kari Pedroza
Executive Assistant

/s/ Ross Armstrong

Ross Armstrong, Esq.
Executive Director

Minutes approved December 7, 2023:

Kim Wallin, CPA, CMA, CFM
Chair

Thoran Towler, Esq.
Vice-Chair

Attachment A



704 W. NYE LANE
CARSON CITY, NEVADA 89703
(775) 684-5469

NOTICE OF PUBLIC WORKSHOP

NOTICE IS HEREBY GIVEN that the Nevada Commission on Ethics will hold a public workshop to consider amendments to Nevada Administrative Code (NAC) chapter 281A.

The workshop will be conducted in person at the Nye County Commission Chambers located at 101 Radar Road, Tonopah, NV 89048, as well as via Zoom videoconference/ teleconference during the Commission's November Commission meeting starting at 10:00 a.m. on Wednesday, November 8, 2023.

The meeting can be accessed:

1. In person at 101 Radar Road, Tonopah, NV 89048;
2. [Via this Zoom video-conference link](#);
3. Via Zoom teleconference: 720-707-2699 (Meeting ID: 825 9981 0591, Passcode: 432590)

The workshop will be conducted in accordance with NRS 241, Nevada's Open Meeting Law.

Workshop Agenda

1. Introduction of workshop process
2. Public comment on proposed amendment to NAC 281A
3. Review of small business impact statement
4. Drafting direction to Commission staff
5. Public Comment

The proposed changes may amend NAC 281A consistent with the Commission's authority in NRS 281A.290 and include procedural regulations that are necessary and proper to carry out the provisions of NRS Chapter 281A including, without limitation, regulations:

1. To facilitate the receipt of inquiries by the Commission.
2. For the filing of an ethics complaint or a request for an advisory opinion with the Commission.
3. For the withdrawal of an ethics complaint or request for an advisory opinion.
4. To facilitate the prompt rendition of opinions by the Commission.
5. For proceedings concerning an ethics complaint, to facilitate written discovery requests submitted pursuant to NRS 281A.750 and 281A.755 and the disclosure of evidence in the manner required by those sections, including, without limitation, the disclosure of evidence obtained by or on behalf of the Executive Director during the course of the investigation that affirmatively and substantively disproves any alleged violation of this chapter that is related to the ethics complaint and has been referred to the Commission for an adjudicatory hearing.

6. Prescribe forms and procedures for the submission of statements of acknowledgment filed by public officers pursuant to NRS 281A.500.

Current language of the Commission's regulations which may be discussed during the workshop can be found here: <https://www.leg.state.nv.us/nac/NAC-281A.html>

Members of the public may make oral comments at the meeting. Persons wishing to submit written testimony or documentary evidence may submit material electronically at ncoe@ethics.nv.gov to Ross Armstrong, Executive Director at the following address:

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

The Commission is pleased to provide reasonable accommodations for any member of the public who has a disability and wishes to attend the meeting. If special arrangements for the meeting are necessary, please notify the Nevada Commission on Ethics, in writing at 704 W. Nye Lane, Suite 204, Carson City, Nevada 89703; via email at ncoe@ethics.nv.gov or call 775-687-5469 *at least five (5) working days* prior to the date of the public workshop.

The same contact as above can be used to request further information on the proposed regulations or how to obtain copies of the supporting documents.

A copy of the notice and the proposed regulations are on file for inspection and/or may be copied at the following locations during normal business hours:

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

A copy of the regulations and small business impact statement can be found on the Commission on Ethics' web page: ethics.nv.gov

A copy of this notice has been posted at the following locations:

1. Nevada Commission on Ethics, 704 W. Nye Lane, Suite 204, Carson City
2. Nevada Commission on Ethics' website: ethics.nv.gov
3. The Nevada Legislature's website: leg.state.nv.us/App/Notice/A
4. Nevada Public Notice Website: notice.nv.gov

Per NRS 233B.064(2), upon adoption of any regulations, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.



704 W. NYE LANE
CARSON CITY, NEVADA 89703
(775) 684-5469

SMALL BUSINESS IMPACT STATEMENT
AS REQUIRED BY NRS 233B.0608

1. Background:

The Nevada Commission on Ethics intends to proceed with the administrative rulemaking process as outlined in NRS 233B and is statutorily authorized to do so by NRS 281A.290. The Commission's Nevada Administrative Code (NAC) chapter is 281A. The Commission's jurisdiction is limited to public officers and public employees as defined by NRS Chapter 281A (Ethics Law). The enabling statute, NRS 281A.290, permits the Commission to adopt only procedural regulations. The Commission is not permitted to create new or otherwise modify substantive ethics standards that are established in the Ethics Law.

In analyzing the potential impact NAC 281A regulations may have on small business, the agency has concluded that regulations of the Commission have no impact on small business. The only parts of Nevada's ethics statutory framework that could impact small businesses are restrictions on where a former public officer or employee may work for one-year following separation from public service ("cooling off" restrictions) and restrictions on certain contracts. Those rules are established in statute and may not be modified by a change in NAC. Therefore, any regulations adopted or modified as part of the Commission's rulemaking process will have no direct or significant economic burden on small business and will not directly restrict the formation, operation, or expansion of small business.

2. Methods for Determination:

In making the determination that proposed amendments or new regulations under NAC 281A do not have an impact on small business, the agency used the following methods to determine any small business impacts:

- a. Review and analysis of the Commission's statutory authority and limits of jurisdiction
- b. Review and analysis of the Commission's rulemaking authority under NRS 281A
- c. Staff discussion of any Ethics Law touch points with small businesses
- d. Identification of potential small business issues related to the Ethics Law's "cooling off" and contracting restrictions as the only touch point with small business
- e. Legal conclusion that changes to "cooling off" and contracting restriction requirements are beyond the rulemaking authority of the Commission and can only be changed by statutory amendment by the Nevada Legislature

3. Conclusions and Reasons:

Conclusion 1: Any proposed regulation changes in Chapter 281A will not impose a direct and significant economic burden upon a small business.

Reasons: Statutory limitations on the Commission's jurisdiction and rulemaking authority prevent the Commission from considering or adopting regulations that would impose burdens on small businesses.

Conclusion 2: Any proposed regulation changes in Chapter 281A. will not directly restrict the formation, operation, or expansion of a small business.

Reasons: Statutory limitations on the Commission's jurisdiction and rulemaking authority prevent the Commission from considering or adopting regulations that would impose burdens on small businesses.

Conclusion 3: The Commission does not need to consult or solicit feedback from small business pursuant to NRS 222B.0608(2) related to proposed language in NAC Chapter 281A.

Reasons: Consultation and feedback are required under NRS 233B.0608(2) only if the agency determination that a proposed regulation is likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business and the agency has determined the proposed regulations do not, as described in Conclusion 1 and 2 above.

I, Ross E. Armstrong, Esq., Executive Director of the Nevada Commission on Ethics ("Commission"), certify that a concerted effort was made to determine the impact of the proposed regulation on small business and the information contained in this statement is accurate to the best of my knowledge or belief:

Respectfully submitted,

DATED: 10/24/23

/s/ 
Ross E. Armstrong, Esq.
Executive Director

CHAPTER 281A - ETHICS IN GOVERNMENT

GENERAL PROVISIONS

- [281A.010](#) Definitions.
- [281A.012](#) “Adjudicatory hearing” defined.
- [281A.013](#) “Advisory opinion” defined.
- [281A.014](#) “Advisory-opinion hearing” defined.
- [281A.020](#) “Chair” defined.
- [281A.023](#) “Commission” defined.
- [281A.025](#) “Commission Counsel” defined.
- [281A.027](#) “Corrective action” defined.
- [281A.028](#) “Credible evidence” defined.
- [281A.029](#) “Deferral agreement” defined.
- [281A.031](#) “Ethics complaint” defined.
- [281A.033](#) “Executive Director” defined.
- [281A.034](#) “First-party request for an opinion” defined. [Replaced in revision by [NAC 281A.088](#).]
- [281A.035](#) “Hearing” defined. [Replaced in revision by [NAC 281A.014](#).]
- [281A.045](#) “Investigate” defined.
- [281A.047](#) “Investigatory panel” and “panel” defined. [Replaced in revision by [NAC 281A.093](#).]
- [281A.0475](#) “Jurisdiction” defined.
- [281A.048](#) “Just and sufficient cause” defined.
- [281A.0485](#) “Letter of caution” defined.
- [281A.049](#) “Letter of instruction” defined.
- [281A.050](#) “Opinion” defined.
- [281A.060](#) “Party” defined.
- [281A.065](#) “Presiding officer” defined.
- [281A.088](#) “Request for an advisory opinion” defined.
- [281A.090](#) “Requester” defined.
- [281A.093](#) “Review panel” and “panel” defined.
- [281A.100](#) “Subject” defined.
- [281A.101](#) “Sufficient evidence to support the allegations in an ethics complaint” defined.
- [281A.103](#) “Third-party request for an opinion” defined. [Replaced in revision by [NAC 281A.031](#).]
- [281A.105](#) “Vice Chair” defined.
- [281A.110](#) Severability.

COMMISSION ON ETHICS

Administration

- [281A.150](#) Election of Chair and Vice Chair.
- [281A.155](#) Powers and duties of Chair.
- [281A.160](#) Duties of Vice Chair.
- [281A.165](#) Vacancy in office of Chair.
- [281A.170](#) Vacancy in office of Vice Chair.
- [281A.175](#) Appointment of temporary Acting Chair or Vice Chair in certain circumstances.
- [281A.177](#) Review panels: Presiding officer; vacancies; tie votes.
- [281A.180](#) Duties of Executive Director.
- [281A.195](#) Participation of member of Commission in ex parte communication.
- [281A.200](#) Meetings of Commission: Majority required; necessary quorum reduced for ineligible member.

[281A.210](#) Meetings of Commission: Executive Director and Commission Counsel to provide information or materials.

General Practice and Procedure Before Commission

[281A.250](#) Provisions governing practice and procedure: Applicability; construction; deviation.

[281A.255](#) Written communications and documents: Form or format and manner of submission; inclusion of required or specified copies, documents and exhibits; date of filing.

[281A.260](#) Consolidation of requests for advisory opinion or ethics complaints.

[281A.263](#) Motion to disqualify member of Commission for good cause.

[281A.265](#) Motions. [Replaced in revision by [NAC 281A.442.](#)]

[281A.270](#) Discovery. [Replaced in revision by [NAC 281A.444.](#)]

[281A.275](#) Stipulations of fact; resolution of matter without hearing. [Replaced in revision by [NAC 281A.446.](#)]

[281A.280](#) Oaths.

[281A.285](#) Subpoenas. [Replaced in revision by [NAC 281A.448.](#)]

[281A.290](#) Testimony in person required; exceptions.

[281A.295](#) Conduct of persons at meetings and hearings; consequences of improper conduct.

[281A.300](#) Representation of subject by legal counsel.

[281A.310](#) Determination of relationships within third degree of consanguinity or affinity.

Advisory Opinions

[281A.350](#) Requirements for filing request for advisory opinion; determination regarding jurisdiction and compliance with filing requirements.

[281A.351](#) Determination of lack of jurisdiction or compliance with filing requirements: Notification; submission of supplemental information; motion to review determination.

[281A.352](#) Determination of jurisdiction and compliance with filing requirements: Notice of whether Commission will hold advisory-opinion hearing or take matter under submission; notice of advisory-opinion hearing; proposed findings of fact.

[281A.353](#) Consideration of request for advisory opinion by Commission: Deadline; waiver of time limit by subject; effect of failure to respond to notice of or appear at advisory-opinion hearing.

[281A.355](#) Withdrawal of request for advisory opinion.

[281A.360](#) Determination regarding jurisdiction: Conduct by Executive Director and Commission Counsel; notification; request for review by Commission. [Replaced in revision by [NAC 281A.351.](#)]

[281A.361](#) Motions: Generally.

[281A.363](#) Subpoenas.

[281A.365](#) Conduct of advisory-opinion hearings; waiver of provisions.

[281A.370](#) Stay, continuance or dismissal of request for advisory opinion if related litigation or ethics complaint filed; rendering and effect of oral advisory opinion.

[281A.375](#) Written advisory opinion; abstract.

Ethics Complaints and Opinions

[281A.403](#) Initiation of ethics complaint upon motion of Commission.

[281A.405](#) Requirements for filing ethics complaint; determinations and notification regarding jurisdiction and compliance with filing requirements; related powers and duties of Executive Director and Commission Counsel.

[281A.407](#) Withdrawal of ethics complaint.

[281A.410](#) Investigation of ethics complaint: Notification of subject; filing of waiver or response by subject; effect of waiver; deadline for completion and presentation of recommendation to review panel.

[281A.415](#) Investigation of additional issues and facts by Executive Director; provision of additional notice to subject.

- [281A.425](#) Review panel: Confidentiality of proceedings.
- [281A.430](#) Review panel: Considerations; determination.
- [281A.440](#) Review panel: Preparation, contents and service of determination.
- [281A.442](#) Motions: Generally.
- [281A.444](#) Discovery.
- [281A.446](#) Stipulations of fact; disposition of ethics complaint without adjudicatory hearing.
- [281A.448](#) Subpoenas.
- [281A.450](#) Hearings other than adjudicatory hearings: Advance written notice.
- [281A.452](#) Appearance of subject at hearings; effect of failure of subject to appear at adjudicatory hearing or reply to notice of investigation.
- [281A.457](#) Adjudicatory hearings: Notice; stay or continuance.
- [281A.460](#) Adjudicatory hearings: Conduct of proceedings; waiver of provisions.
- [281A.465](#) Adjudicatory hearings: Admission and exclusion of evidence.
- [281A.470](#) Failure of subject to appear at hearing or reply to notice. [Replaced in revision by [NAC 281A.452](#).]
- [281A.471](#) Rendering and effect of oral opinion.
- [281A.473](#) Written opinion.

Miscellaneous Provisions

- [281A.500](#) Executive Director to provide information to Commission. [Replaced in revision by [NAC 281A.210](#).]
- [281A.505](#) Motion to disqualify member of Commission for good cause. [Replaced in revision by [NAC 281A.263](#).]
- [281A.555](#) Petitions to adopt, file, amend or repeal regulations.
- [281A.560](#) Availability of public records for inspection and copying; obtaining copies of transcripts; waiver of costs of copies of public records.
- [281A.615](#) Availability of form for filing acknowledgment of statutory ethical standards.

REVISER'S NOTE.

[NAC 281.005](#) to [281.242](#), inclusive, have been renumbered and moved to [chapter 281A](#) of NAC in accordance with chapter 195, [Statutes of Nevada 2007, at page 641](#), which required the related provisions of [chapter 281](#) of NRS to be renumbered and moved to [chapter 281A](#) of NRS.

GENERAL PROVISIONS

NAC 281A.010 Definitions. ([NRS 281A.290](#)) As used in this chapter, unless the context otherwise requires, the words and terms defined in [NAC 281A.012](#) to [281A.105](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Comm'n on Ethics by R038-98, eff. 4-17-98; A by R102-00, 8-28-2000; R111-03, 10-30-2003; R186-05, 5-4-2006; R134-10, 10-26-2011; R108-18, 8-30-2018)—(Substituted in revision for NAC 281.005)

NAC 281A.012 “Adjudicatory hearing” defined. ([NRS 281A.290](#)) “Adjudicatory hearing” has the meaning ascribed to it in [NRS 281A.032](#).

(Added to NAC by Comm'n on Ethics by R108-18, eff. 8-30-2018)

NAC 281A.013 “Advisory opinion” defined. ([NRS 281A.290](#)) “Advisory opinion” has the meaning ascribed to it in [NRS 281A.033](#).

(Added to NAC by Comm'n on Ethics by R108-18, eff. 8-30-2018)

NAC 281A.014 “Advisory-opinion hearing” defined. ([NRS 281A.290](#))

1. “Advisory-opinion hearing” means a hearing that the Commission may hold to receive evidence concerning a request for an advisory opinion.

2. The term does not include a hearing held on a motion relating to a request for an advisory opinion.

(Added to NAC by Comm’n on Ethics by R038-98, eff. 4-17-98; A by R102-00, 8-28-2000; R111-03, 10-30-2003; R186-05, 5-4-2006; R134-10, 10-26-2011; R108-18, 8-30-2018)—(Substituted in revision for NAC 281A.035)

NAC 281A.020 “Chair” defined. ([NRS 281A.290](#)) “Chair” means the Chair of the Commission.

(Added to NAC by Comm’n on Ethics by R038-98, eff. 4-17-98)—(Substituted in revision for NAC 281.011)

NAC 281A.023 “Commission” defined. ([NRS 281A.290](#)) “Commission” means the Commission on Ethics.

(Added to NAC by Comm’n on Ethics by R084-08, eff. 9-18-2008)

NAC 281A.025 “Commission Counsel” defined. ([NRS 281A.290](#)) “Commission Counsel” means the legal counsel to the Commission appointed by the Commission pursuant to [NRS 281A.250](#).

(Added to NAC by Comm’n on Ethics by R102-00, eff. 8-28-2000)—(Substituted in revision for NAC 281.0151)

NAC 281A.027 “Corrective action” defined. ([NRS 281A.290](#)) “Corrective action” means any action that:

1. The Commission determines is sufficient to mitigate or otherwise correct an action taken by a public officer or employee or former public officer or employee in violation of [chapter 281A](#) of NRS or the inaction of a public officer or employee or former public officer or employee where the provisions of [chapter 281A](#) of NRS required the public officer or employee or former public officer or employee to act; or

2. A review panel approves as a term or condition of a deferral agreement.

(Added to NAC by Comm’n on Ethics by R108-18, eff. 8-30-2018)

NAC 281A.028 “Credible evidence” defined. ([NRS 281A.290](#)) “Credible evidence” means the minimal level of any reliable and competent form of proof, including, without limitation, statements of witnesses, public or private records, audio or visual recordings, documents, exhibits, concrete objects or another form of proof, that supports a reasonable belief by a review panel that there is just and sufficient cause for the review panel to refer an ethics complaint to the Commission for further proceedings or for the review panel to approve a deferral agreement.

(Added to NAC by Comm’n on Ethics by R108-18, eff. 8-30-2018)

NAC 281A.029 “Deferral agreement” defined. ([NRS 281A.290](#)) “Deferral agreement” has the meaning ascribed to it in [NRS 281A.082](#).

(Added to NAC by Comm’n on Ethics by R108-18, eff. 8-30-2018)

NAC 281A.031 “Ethics complaint” defined. ([NRS 281A.290](#)) “Ethics complaint” has the meaning ascribed to it in [NRS 281A.088](#).

(Added to NAC by Comm’n on Ethics by R134-10, eff. 10-26-2011; A by R108-18, 8-30-2018)—(Substituted in revision for NAC 281A.103)

NAC 281A.033 “Executive Director” defined. ([NRS 281A.290](#)) “Executive Director” means the Executive Director appointed by the Commission pursuant to [NRS 281A.230](#).

(Added to NAC by Comm’n on Ethics by R084-08, eff. 9-18-2008)

NAC 281A.034 “First-party request for an opinion” defined. [Replaced in revision by [NAC 281A.088](#).]

NAC 281A.035 “Hearing” defined. [Replaced in revision by [NAC 281A.014](#).]

NAC 281A.045 “Investigate” defined. ([NRS 281A.290](#)) “Investigate” means to examine and inquire into a matter and to marshal evidence according to those methods and employing those services that the Executive Director determines are reasonable and necessary under the relevant facts and circumstances presented by the matter.

(Added to NAC by Comm’n on Ethics by R102-00, eff. 8-28-2000)—(Substituted in revision for NAC 281.0163)

NAC 281A.047 “Investigatory panel” and “panel” defined. [Replaced in revision by [NAC 281A.093](#).]

NAC 281A.0475 “Jurisdiction” defined. ([NRS 281A.290](#))

1. “Jurisdiction” means the jurisdiction of the Commission prescribed in [chapter 281A](#) of NRS.

2. The term includes, without limitation, the authority of the Commission to:

- (a) Interpret and apply the provisions of [chapter 281A](#) of NRS to specific facts and circumstances presented by a public officer or employee or former public officer or employee regarding his or her past, present or future conduct in an advisory opinion; or
- (b) Investigate and take action regarding an ethics complaint.

(Added to NAC by Comm’n on Ethics by R108-18, eff. 8-30-2018)

NAC 281A.048 “Just and sufficient cause” defined. ([NRS 281A.290](#)) “Just and sufficient cause” means just and sufficient reason, based on credible evidence, for

a review panel to refer an ethics complaint to the Commission for further proceedings or for a review panel to approve a deferral agreement.

(Added to NAC by Comm'n on Ethics by R108-18, eff. 8-30-2018)

NAC 281A.0485 “Letter of caution” defined. ([NRS 281A.290](#)) “Letter of caution” means a confidential letter issued by the Commission or a review panel to a public officer or employee pursuant to [NRS 281A.780](#) to warn the public officer or employee that his or her conduct as alleged in an ethics complaint is sufficient to implicate a violation of [chapter 281A](#) of NRS.

(Added to NAC by Comm'n on Ethics by R108-18, eff. 8-30-2018)

NAC 281A.049 “Letter of instruction” defined. ([NRS 281A.290](#)) “Letter of instruction” means a confidential letter issued by the Commission or a review panel to a public officer or employee pursuant to [NRS 281A.780](#) to advise the public officer or employee regarding the applicability of [chapter 281A](#) of NRS to his or her conduct.

(Added to NAC by Comm'n on Ethics by R108-18, eff. 8-30-2018)

NAC 281A.050 “Opinion” defined. ([NRS 281A.290](#))

1. “Opinion” has the meaning ascribed to it in [NRS 281A.135](#).

2. The term includes:

(a) An oral advisory opinion rendered pursuant to [NAC 281A.370](#); and

(b) An oral opinion rendered on an ethics complaint pursuant to [NAC 281A.471](#).

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R186-05, 5-4-2006; R134-10, 10-26-2011; R108-18, 8-30-2018)—(Substituted in revision for NAC 281.0167)

NAC 281A.060 “Party” defined. ([NRS 281A.290](#)) “Party” means the subject of an ethics complaint, the Executive Director and any other person who the Commission reasonably determines will be treated as a party in a matter if the matter has been referred to the Commission by a review panel pursuant to [NRS 281A.730](#) or the Commission vacates a deferral agreement pursuant to [NRS 281A.740](#), as applicable.

(Added to NAC by Comm'n on Ethics by R038-98, eff. 4-17-98; A by R102-00, 8-28-2000; R134-10, 10-26-2011; R048-14, 10-24-2014; R108-18, 8-30-2018)—(Substituted in revision for NAC 281.017)

NAC 281A.065 “Presiding officer” defined. ([NRS 281A.290](#)) “Presiding officer” means the Chair, the Vice Chair in matters where the Chair is not participating due to abstention, recusal, or absence, or a member of the Commission appointed by the Chair to preside over a hearing, review panel or meeting of the Commission.

(Added to NAC by Comm'n on Ethics by R186-05, eff. 5-4-2006; A by R108-18, 8-30-2018)—(Substituted in revision for NAC 281.0173)

NAC 281A.088 “Request for an advisory opinion” defined. (NRS 281A.290) “Request for an advisory opinion” has the meaning ascribed to it in [NRS 281A.161](#).

(Added to NAC by Comm’n on Ethics by R134-10, eff. 10-26-2011; A by R108-18, 8-30-2018)—(Substituted in revision for NAC 281A.034)

NAC 281A.090 “Requester” defined. (NRS 281A.290) “Requester” means a specialized or local ethics committee or person who files with the Commission an ethics complaint pursuant to paragraph (a) or (b) of subsection 1 of [NRS 281A.710](#).

(Added to NAC by Comm’n on Ethics by R102-00, eff. 8-28-2000; A by R111-03, 10-30-2003; R186-05, 5-4-2006; R134-10, 10-26-2011; R048-14, 10-24-2014; R108-18, 8-30-2018)—(Substituted in revision for NAC 281.0192)

NAC 281A.093 “Review panel” and “panel” defined. (NRS 281A.290) “Review panel” or “panel” has the meaning ascribed to it in [NRS 281A.162](#).

(Added to NAC by Comm’n on Ethics by R186-05, eff. 5-4-2006; A by R134-10, 10-26-2011; R108-18, 8-30-2018)—(Substituted in revision for NAC 281A.047)

NAC 281A.100 “Subject” defined. (NRS 281A.290) “Subject” means a ~~public officer or public employee~~ **person**:

1. With respect to whom an ethics complaint has been filed; or
2. Who files a request for an advisory opinion.

(Added to NAC by Comm’n on Ethics by R102-00, eff. 8-28-2000; A by R186-05, 5-4-2006; R134-10, 10-26-2011; R108-18, 8-30-2018)—(Substituted in revision for NAC 281.0198)

NAC 281A.101 “Sufficient evidence to support the allegations in an ethics complaint” defined. (NRS 281A.290) “Sufficient evidence to support the allegations in an ethics complaint” means any reliable and competent form of proof, including, without limitation, statements of witnesses, public or private records, audio or visual recordings, documents, exhibits, concrete objects or another form of proof, that supports a reasonable belief in the truth of the allegations made in the ethics complaint.

(Added to NAC by Comm’n on Ethics by R108-18, eff. 8-30-2018)

NAC 281A.103 “Third-party request for an opinion” defined. [Replaced in revision by [NAC 281A.031](#).]

NAC 281A.105 “Vice Chair” defined. (NRS 281A.290) “Vice Chair” means the Vice Chair of the Commission.

(Added to NAC by Comm’n on Ethics by R038-98, eff. 4-17-98)—(Substituted in revision for NAC 281.021)

NAC 281A.110 Severability. (NRS 281A.290)

1. The provisions of this chapter are hereby declared to be severable.

2. If any provision of this chapter is held invalid, or if the application of any such provision to any person, thing or circumstance is held invalid, such invalidity does not affect any other provision of this chapter that can be given effect without the invalid provision or application.

(Added to NAC by Comm'n on Ethics by R038-98, eff. 4-17-98; A by R102-00, 8-28-2000; R111-03, 10-30-2003; R186-05, 5-4-2006)—(Substituted in revision for NAC 281.024)

COMMISSION ON ETHICS

Administration

NAC 281A.150 Election of Chair and Vice Chair. ([NRS 281A.290](#)) The Commission will elect a Chair and a Vice Chair from among its members at its first meeting of each new fiscal year.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R111-03, 10-30-2003)—(Substituted in revision for NAC 281.0245)

NAC 281A.155 Powers and duties of Chair. ([NRS 281A.290](#)) The Chair:

1. Except as otherwise provided in this chapter, shall preside over the meetings and hearings of the Commission.

2. Unless otherwise directed by the Commission, shall monitor and direct litigation except decisions regarding litigation that the Commission is required to make in a meeting, including, without limitation, the decision to initiate or settle a case or to appeal an adverse determination in a case.

3. Except as otherwise provided in [NRS 281A.220](#), [281A.240](#) and [281A.300](#), may delegate his or her duties to other members of the Commission.

4. May delegate assignments of work to the staff of the Commission as necessary and appropriate, including, without limitation, the scheduling of review panels.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R084-08, 9-18-2008; R134-10, 10-26-2011; R108-18, 8-30-2018)—(Substituted in revision for NAC 281.0246)

NAC 281A.160 Duties of Vice Chair. ([NRS 281A.290](#)) The Vice Chair shall perform the duties of the Chair during the absence of the Chair.

(Added to NAC by Comm'n on Ethics, eff. 12-24-85; A by R038-98, 4-17-98; R102-00, 8-28-2000)—(Substituted in revision for NAC 281.027)

NAC 281A.165 Vacancy in office of Chair. ([NRS 281A.290](#)) If the office of Chair becomes vacant, the Vice Chair shall serve as the Acting Chair until the next meeting of the Commission, at which time the Commission will elect a successor to fill the unexpired term of the Chair.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000)—(Substituted in revision for NAC 281.029)

NAC 281A.170 Vacancy in office of Vice Chair. ([NRS 281A.290](#)) If the office of the Vice Chair becomes vacant, a successor will be elected by the Commission at its next meeting to fill the unexpired term of the Vice Chair.

(Added to NAC by Comm'n on Ethics, eff. 12-24-85; A by R102-00, 8-28-2000)—(Substituted in revision for NAC 281.035)

NAC 281A.175 Appointment of temporary Acting Chair or Vice Chair in certain circumstances. ([NRS 281A.290](#)) If both the Chair and Vice Chair are disqualified or recused from participating in a matter, the Commission may appoint a temporary Acting Chair or Vice Chair, or both, for the matter.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000)—(Substituted in revision for NAC 281.038)

NAC 281A.177 Review panels: Presiding officer; vacancies; tie votes. ([NRS 281A.290](#))

1. The Chair shall appoint a member of a review panel to serve as the presiding officer of the review panel.

2. Except as otherwise provided in subsection 4, if a single vacancy occurs in the membership of a review panel after the Executive Director has presented his or her written recommendation in a matter to the review panel pursuant to [NRS 281A.725](#) but before the review panel has ~~approved a deferral agreement in the matter or referred the ethics complaint to the Commission~~ made a determination, the remaining panel members shall continue to serve on the review panel and act upon any pending issues in the matter before the review panel.

3. Except as otherwise provided in subsection 4, if a vacancy occurs in a majority of the membership of a review panel after the Executive Director has presented his or her written recommendation in a matter to the review panel pursuant to [NRS 281A.725](#) but before the review panel has ~~approved a deferral agreement in the matter or referred the ethics complaint to the Commission~~ made a determination, the Chair shall appoint an additional member of the Commission to serve as a member of the review panel to establish a majority of the membership of the review panel.

4. If ~~only two members remain on a review panel after a vacancy or as a result of only one member being appointed to fill a vacancy pursuant to subsection 3 and the two members take a vote on a proposed action in a matter pending before the review panel but the any review panel~~ vote results in a tie, the Chair shall appoint an additional member of the Commission to serve as a member of the review panel, and the review panel shall reconsider the proposed action.

(Added to NAC by Comm'n on Ethics by R108-18, eff. 8-30-2018)

NAC 281A.180 Duties of Executive Director. ([NRS 281A.290](#)) In addition to any other duties of the Executive Director required by this chapter or [chapter 281A](#) of NRS, or as otherwise imposed by the Commission, the Executive Director shall:

1. Pursuant to paragraph (f) of subsection 1 of [NRS 281A.240](#), create a curriculum for training and conduct training for public officers and public employees on the requirements of this chapter, [chapter 281A](#) of NRS and previous opinions of the Commission that have been determined by the Commission to have broad educational value.

2. Not later than ~~the second meeting of the Commission of each new~~ October 31 of each fiscal year, report to the Commission on the state of the fiscal, regulatory and legislative matters and any other business matters of the Commission for the prior fiscal year and on the goals for the Commission for the new fiscal year.

3. Adhere to the policies and procedures adopted by for the Commission, ~~for its internal governance and external dealings.~~

4. Recommend to the Chair the appointment of members of the Commission to review panels and to serve as presiding officers of such review panels.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R111-03, 10-30-2003; R186-05, 5-4-2006; R084-08, 9-18-2008; R108-18, 8-30-2018)—(Substituted in revision for NAC 281.053)

NAC 281A.195 Participation of member of Commission in ex parte communication. ([NRS 281A.290](#))

1. If any member of the Commission participates in an ex parte communication, the member must disclose to the Commission that he or she participated in an ex parte communication.

2. If a member of the Commission discloses that he or she participated in an ex parte communication or the Commission otherwise determines that a member of the Commission participated in an ex parte communication, the Commission may require the member to abstain from participating with the Commission in any hearing or determination to be made by the Commission concerning the matter that was the subject of the ex parte communication.

3. As used in this section, “ex parte communication”:

(a) Means any written or oral communication between a party or a person who has any interest in a matter pending before the Commission, or any agent of such party or person, and a member of the Commission which:

- (1) Is communicated outside the presence of the entire Commission;
- (2) Is not communicated during a formal proceeding of the Commission; and
- (3) Includes any comment, response or argument regarding any:
 - (I) Ongoing investigation by the Commission; or
 - (II) Matter that is pending before the Commission.

(b) Does not include any communication between the Executive Director and Commission Counsel regarding the schedule of the Commission.

(Added to NAC by Comm'n on Ethics by R186-05, eff. 5-4-2006; A by R048-14, 10-24-2014; R108-18, 8-30-2018)—(Substituted in revision for NAC 281.076)

NAC 281A.200 Meetings of Commission: Majority required; necessary quorum reduced for ineligible member. ([NRS 281A.290](#))

1. A meeting of the Commission will not proceed without a majority of the appointed and sworn members of the Commission present. Except as otherwise

provided in this chapter, a majority vote of the members present and eligible to vote at a meeting is sufficient to carry out all business of the Commission.

2. If the Commission is considering a matter on which a member of the Commission is ineligible to participate pursuant to subsection 4 of [NRS 281A.220](#), subsection 3 of [NRS 281A.420](#) or [NAC 281A.263](#), the necessary quorum to act upon and the number of votes necessary to act upon the matter is reduced as though the member who is disqualified is not a member of the Commission.

(Added to NAC by Comm'n on Ethics, eff. 12-24-85; A by R038-98, 4-17-98; R102-00, 8-28-2000; R111-03, 10-30-2003; R186-05, 5-4-2006; R084-08, 9-18-2008)—(Substituted in revision for NAC 281.085)

~~**NAC 281A.210 Meetings of Commission: Executive Director and Commission Counsel to provide information or materials.** (NRS 281A.290) Unless otherwise directed or authorized by the Chair, at least 1 week before the date on which the Commission is scheduled to hold a meeting, the Executive Director and Commission Counsel shall provide to the Commission any information or materials which the Executive Director or Commission Counsel deems necessary to assist the Commission in conducting the meeting.~~

~~—(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R108-18, 8-30-2018)—(Substituted in revision for NAC 281A.500)~~

New Regulation

Commission Policies and Procedures

1. The Executive Director shall establish and maintain policies and procedures for the operations of the agency.
2. The Commission may establish policies related to procedures consistent with NRS 281A and NAC 281A for meetings and hearings, Commissioner attendance, and any other items related to Commission business.

General Practice and Procedure Before Commission

NAC 281A.250 Provisions governing practice and procedure: Applicability; construction; deviation. ([NRS 281A.290](#))

1. Except as otherwise provided in subsection 3, the provisions of [NAC 281A.250](#) to [281A.310](#), inclusive, govern all practice and procedure before the Commission.

2. The Commission will liberally construe the provisions of [NAC 281A.250](#) to [281A.310](#), inclusive, to determine all matters before the Commission in a just, speedy and economical manner.

3. For good cause shown, the Commission may deviate from the provisions of [NAC 281A.250](#) to [281A.310](#), inclusive, if the deviation will not materially affect the interests of the subject of the request.

(Added to NAC by Comm'n on Ethics by R038-98, eff. 4-17-98; A by R102-00, 8-28-2000; R111-03, 10-30-2003; R048-14, 10-24-2014)—(Substituted in revision for NAC 281.093)

NAC 281A.255 Written communications and documents: Form or format and manner of submission; inclusion of required or specified copies, documents and exhibits; date of filing. ([NRS 281A.290](#))

~~—1. Each written communication or document filed with the Commission must:~~
~~—(a) Be on the form provided by the Commission or be in a form or format authorized or directed by an order issued by the Commission, a review panel, the Chair, the Executive Director or the Commission Counsel, as applicable;~~
~~—(b) Be submitted in the manner prescribed on the form or in such an order; and~~
~~—(c) Include any:~~
~~—(1) Duplicate copy required to be included with the form, as specified on the form;~~
~~—(2) Document specified on the form or in the order; and~~
~~—(3) Necessary exhibits in the form and format specified on the form or in the order.~~

12. Except as otherwise provided in [NRS 281A.500](#), the Commission will consider a written communication or document which is required to be filed with the Commission to have been filed with the Commission on the date on which the communication or document is received at the office of the Commission.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R111-03, 10-30-2003; R186-05, 5-4-2006; R084-08, 9-18-2008; R134-10, 10-26-2011; R048-14, 10-24-2014; R108-18, 8-30-2018)—(Substituted in revision for NAC 281.097)

NAC 281A.260 Consolidation of requests for advisory opinion or ethics complaints. ([NRS 281A.290](#)) The Commission or the Chair may consolidate, in

whole or in part, two or more requests for an advisory opinion or two or more ethics complaints if the Commission or the Chair determines that the requests for an advisory opinion or the ethics complaints, as applicable, share common facts and issues.

(Added to NAC by Comm'n on Ethics by R038-98, eff. 4-17-98; A by R102-00, 8-28-2000; R108-18, 8-30-2018)—(Substituted in revision for NAC 281.101)

REVISER'S NOTE.

Section 36 of LCB File No. R102-00 duplicated former [NAC 281.101](#) (cf. [NAC 281A.260](#)) with minor changes. Thus, former [NAC 281.101](#) (cf. [NAC 281A.260](#)) has been amended during codification to reflect this new language.

NAC 281A.263 Motion to disqualify member of Commission for good cause. ([NRS 281A.290](#))

1. The Executive Director or the subject may submit a motion to disqualify a member of the Commission from participating in a hearing for good cause.

2. Except as otherwise provided in this subsection, a motion to disqualify a member of the Commission must comply with the procedures concerning motions before the Commission which are set forth in [NAC 281A.361](#) or [281A.442](#), as applicable. A motion to disqualify a member of the Commission which is submitted pursuant to subsection 1 must be ruled upon by the Commission as a whole.

3. In considering a motion to disqualify a member of the Commission, the Commission will consider any grounds that would justify the disqualification of a judge pursuant to Rule 2.11 of the Revised Nevada Code of Judicial Conduct.

4. If the Commission approves a motion to disqualify a member of the Commission, the necessary quorum to act upon and the number of votes necessary to act upon a matter before the Commission is reduced as though the member who is disqualified was not a member of the Commission.

(Added to NAC by Comm'n on Ethics by R186-05, eff. 5-4-2006; A by R108-18, 8-30-2018)—(Substituted in revision for NAC 281A.505)

—**NAC 281A.265 Motions.** [Replaced in revision by [NAC 281A.442](#).]

NAC 281A.270 Discovery. [Replaced in revision by [NAC 281A.444](#).]

NAC 281A.275 Stipulations of fact; resolution of matter without hearing. [Replaced in revision by [NAC 281A.446](#).]

NAC 281A.280 Oaths. ([NRS 281A.290](#))

1. The presiding officer or a court reporter may administer oaths.

—~~2. A court reporter present at meetings and hearings may administer oaths.~~

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R111-03, 10-30-2003; R108-18, 8-30-2018)—(Substituted in revision for NAC 281.112)

NAC 281A.285 Subpoenas. [Replaced in revision by [NAC 281A.448](#).]

NAC 281A.290 Testimony in person required; exceptions. ([NRS 281A.290](#))

A subject or other witness before the Commission shall testify in person, except that the Commission may, for good cause shown:

1. Allow a witness to testify by telephone or videoconference; or
2. If the witness is not available or if the parties agree by stipulation, admit an affidavit signed by the witness under the penalty of perjury or the testimony of the witness taken at a deposition.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R186-05, 5-4-2006; R108-18, 8-30-2018)—(Substituted in revision for NAC 281.1127)

NAC 281A.295 Conduct of persons at meetings and hearings; consequences of improper conduct. ([NRS 281A.290](#))

1. All persons appearing before, or attending a meeting or hearing of, the Commission shall conduct themselves in a polite, respectful and orderly manner. Smoking is not allowed at any meeting or hearing of the Commission.

2. The Commission will require a person who does not comply with subsection 1 to leave the room where the meeting or hearing is being held, and the person will be barred from attending the remainder of the meeting or hearing.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000)—(Substituted in revision for NAC 281.1129)

NAC 281A.300 Representation of subject by legal counsel. ([NRS 281A.290](#))

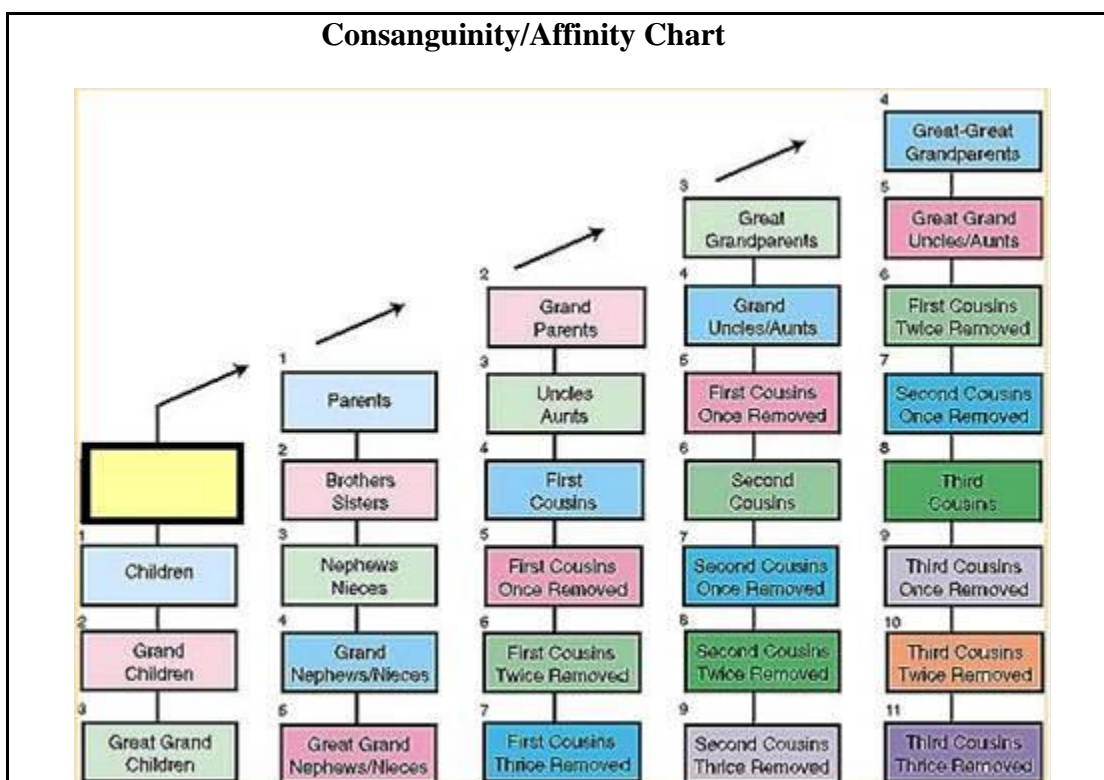
A subject may retain legal counsel to represent him or her concerning any request for an advisory opinion or ethics complaint, including, without limitation, during:

1. Any investigation of an ethics complaint; or
2. Any hearing.

(Added to NAC by Comm'n on Ethics by R186-05, eff. 5-4-2006; A by R134-10, 10-26-2011; R108-18, 8-30-2018)—(Substituted in revision for NAC 281.1131)

NAC 281A.310 Determination of relationships within third degree of consanguinity or affinity. ([NRS 281A.290](#)) (

1. For the purposes of [NRS 281A.065](#), the Commission will determine the relationships of a public officer or employee, or the spouse or domestic partner of the public officer or employee, by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity pursuant to the following chart and instructions: (REPLACE CHART WITH BETTER GRAPHIC)



INSTRUCTION:

For Consanguinity (relationship by blood) calculations:

Place the public officer or employee for whom you need to establish relationships by consanguinity in the blank box. The labeled boxes will then list the relationship by title to the public officer or employee and the degree of distance from the public officer or employee.

Any person whose relationship to the public officer or employee is listed in a box numbered 1, 2, or 3 is within the third degree of consanguinity to the public officer or employee, and if that person has a spouse or domestic partner, that spouse or domestic partner will be deemed to be within the same degree of relationship for the purposes of [NRS 281A.065](#).

For Affinity (relationship by adoption, marriage or domestic partnership) calculations:

Place the spouse or domestic partner of the public officer or employee for whom you need to establish relationships by affinity in the blank box. The labeled boxes will then list the relationship by title to the spouse or domestic partner and the degree of distance from the public officer or employee by affinity. Any person whose relationship to the spouse or domestic partner of the public officer or employee is listed in a box numbered 1, 2, or 3 is within the third degree of affinity to the public officer or employee, and if that person has a spouse or domestic partner, that spouse or domestic partner will be deemed to be within the same degree of relationship for the purposes of [NRS 281A.065](#).

Spouses of public officers or employees are related in the first degree of affinity by marriage, and domestic partners of public officers or employees are related in the first degree of affinity by domestic partnership. For adoption and other relationships by marriage or domestic partnership, the degree of relationship is the same as the degree of underlying relationship by blood.

2. As used in this section:

(a) “Domestic partner” has the meaning ascribed to it in [NRS 281A.085](#); and

(b) “Domestic partnership” has the meaning ascribed to it in [NRS 281A.086](#).

(Added to NAC by Comm’n on Ethics by R084-08, eff. 9-18-2008; A by R048-14, 10-24-2014; R108-18, 8-30-2018)

Advisory Opinions

NAC 281A.350 Requirements for filing request for advisory opinion; determination regarding jurisdiction and compliance with filing requirements. ([NRS 281A.290](#), [281A.675](#))

1. A request for an advisory opinion must be filed on the form and with the information required pursuant to subsection 2 of [NRS 281A.675](#).

2. Upon receipt of a request for an advisory opinion filed pursuant to [NRS 281A.675](#), the Executive Director and the Commission Counsel shall review the matter and make a determination whether the Commission has jurisdiction in the matter and whether the request for an advisory opinion was properly filed with the necessary information for the Commission to render an advisory opinion in the matter.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R134-10, 10-26-2011; R048-14, 10-24-2014; R108-18, 8-30-2018)—(Substituted in revision for NAC 281.1135)

NAC 281A.351 Determination of lack of jurisdiction or compliance with filing requirements: Notification; submission of supplemental information; motion to review determination. ([NRS 281A.290](#), [281A.675](#))

1. If the Executive Director and Commission Counsel determine that the Commission does not have jurisdiction over the request for an advisory opinion or that the request for an advisory opinion was not properly filed with the necessary information for the Commission to render an opinion in the matter, the Executive Director or Commission Counsel shall notify the subject who filed the request for an advisory opinion in writing of the determination and, if applicable, provide an opportunity within a specified period set forth in the notice for the subject to submit sufficient supplemental information for the Commission to render an advisory opinion in the matter.

2. The subject may:

(a) If applicable, submit the supplemental information for the Commission to render an advisory opinion in the matter within the period specified in the notice sent pursuant to subsection 1.

(b) Within 5 business days after receiving the notice sent pursuant to subsection 1, file a motion with the Commission to review the determination of the Executive Director and Commission Counsel, which must include information establishing that the Commission has jurisdiction over the matter or that the request for an advisory opinion was properly filed with the necessary information for the Commission to render an advisory opinion in the matter, as applicable.

3. The Commission may hold a hearing on the motion filed pursuant to paragraph (b) of subsection 2 or take the motion under submission without holding a hearing. If the Commission determines that it will hold a hearing on the motion, the Executive

Director or Commission Counsel shall prepare and serve on the subject a notice of hearing that identifies the date, time and location of the hearing on the motion.

4. The Commission will deliberate and issue an order on a motion filed pursuant to paragraph (b) of subsection 2.

5. If the Executive Director or Commission Counsel provides an opportunity to the subject to supplement the request for an advisory opinion and the subject submits the supplemental information, the time limit set forth in [NRS 281A.680](#) for the Commission to render an advisory opinion in the matter commences on the date on which the Commission receives the supplemental information from the subject.

6. If the subject does not submit supplemental information for the request for an advisory opinion within 14 days of the request for supplemental information or file a motion pursuant to this section, as applicable, the Executive Director or Commission Counsel shall issue an order dismissing the request for an advisory opinion.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R111-03, 10-30-2003; R186-05, 5-4-2006; R134-10, 10-26-2011; R108-18, 8-30-2018)—
(Substituted in revision for NAC 281A.360)

NAC 281A.352 Determination of jurisdiction and compliance with filing requirements: Notice of whether Commission will hold advisory-opinion hearing or take matter under submission; notice of advisory-opinion hearing; proposed findings of fact. ([NRS 281A.290](#), [281A.675](#))

1. If the Executive Director and Commission Counsel determine that the Commission has jurisdiction over a request for an advisory opinion and the request for an advisory opinion was properly filed with the necessary information for the Commission to render an advisory opinion in the matter, the Executive Director or Commission Counsel shall issue a notice to the subject who filed the request for an advisory opinion on behalf of the Commission stating that the Commission has jurisdiction in the matter and whether the Commission will hold an advisory-opinion hearing in the matter or take the matter under submission without holding an advisory-opinion hearing.

2. If the Executive Director and Commission Counsel determine that the Commission will hold an advisory-opinion hearing in the matter, the Executive Director or Commission Counsel shall prepare and serve on the subject a notice of hearing that identifies the date, time and location of the advisory-opinion hearing.

3. The Executive Director or Commission Counsel shall, if feasible, coordinate a list of proposed findings of fact with the subject to be presented to the Commission based on the information provided by the subject with the request for an advisory opinion, any information received from the subject after the Commission received the request for an advisory opinion and any publicly available information obtained by the Executive Director or Commission Counsel relating to the request for an advisory

opinion. The subject must consent to a proposed finding of fact before the finding of fact will be presented to the Commission.

4. For purposes of accepting jurisdiction over requests for an advisory opinion, an individual may be considered a public officer or employee if they have been duly elected to or accepted an appointment to public office or public employment but have not yet started service in that role.

(Added to NAC by Comm'n on Ethics by R108-18, eff. 8-30-2018)

NAC 281A.353 Consideration of request for advisory opinion by Commission: Deadline; waiver of time limit by subject; effect of failure to respond to notice of or appear at advisory-opinion hearing. ([NRS 281A.290](#), [281A.680](#))

1. Except as otherwise provided in this section, a request for an advisory opinion will be considered by the Commission within 45 days after receipt of the request by the Commission, unless the subject who filed the request for an advisory opinion waives the time limit set forth in [NRS 281A.680](#) in writing.

2. If the subject cannot appear before the Commission for an advisory-opinion hearing that is scheduled by the Executive Director or Commission Counsel within 45 days after receipt of the request for an advisory opinion by the Commission, the subject will be deemed to have waived the time limit set forth in [NRS 281A.680](#).

3. If the subject does not waive the time limit set forth in [NRS 281A.680](#) and:

(a) Fails to respond to a request for supplemental information within 14 days or a date set by the Commission Counsel or Executive Director, or fails to respond to the notice of hearing that is served on the subject pursuant to [NAC 281A.352](#) within the time limit specified in the notice and the advisory-opinion hearing is cancelled; or

(b) Fails to appear at the advisory-opinion hearing,

↳ the request for an advisory opinion will be deemed withdrawn by the subject.

(Added to NAC by Comm'n on Ethics by R084-08, eff. 9-18-2008; A by R134-10, 10-26-2011; R108-18, 8-30-2018)

NAC 281A.355 Withdrawal of request for advisory opinion. ([NRS 281A.290](#))
At any time before the Commission holds an advisory-opinion hearing in the matter or takes the matter under submission without holding an advisory-opinion hearing, the subject who filed the request for an advisory opinion may withdraw the request for an advisory opinion by providing a written notice of withdrawal to the Commission.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R111-03, 10-30-2003; R134-10, 10-26-2011; R108-18, 8-30-2018)—(Substituted in revision for NAC 281.1145)

~~**NAC 281A.360 Determination regarding jurisdiction: Conduct by Executive Director and Commission Counsel; notification; request for review by Commission.**—[Replaced in revision by [NAC 281A.351](#).]~~

NAC 281A.361 Motions: Generally. ([NRS 281A.290](#))

1. Except as otherwise provided in subsection 5 and [NAC 281A.263](#) and [281A.351](#), the subject who filed the request for an advisory opinion may not file any written motion with the Commission relating to the request for an advisory opinion unless the Commission or the Chair or, in the absence of the Chair, the Vice Chair approves a written request by the subject to file the motion.

2. If the subject is authorized to file a written motion, the Commission or the Chair or, in the absence of the Chair, the Vice Chair may authorize the subject to argue the motion before the Commission. If oral argument is so authorized, the Executive Director or Commission Counsel shall prepare and serve on the subject a notice of hearing that identifies the date, time and location of the hearing on the motion.

3. The Chair or, in the absence of the Chair, the Vice Chair may rule on the motion, except a motion for disposition of the matter, at any time before, during or after an advisory-opinion hearing by the Commission on the matter:

(a) Based solely on the written motion filed with the Commission; or

(b) After the presentation of oral argument by the subject, if authorized pursuant to subsection 2.

4. The Commission may rule on the motion, including a motion for disposition of the matter, at any time before, during or after an advisory-opinion hearing by the Commission on the matter:

(a) Based solely on the written motion filed with the Commission; or

(b) After the presentation of oral argument by the subject, if authorized pursuant to subsection 2.

5. The subject may file a written motion for rehearing or for the reconsideration of an advisory opinion if the motion is filed with the Commission before the subject files a petition for judicial review, if applicable, and:

(a) If a written opinion will not be issued pursuant to [NAC 281A.375](#), not later than 15 days after the date on which the oral advisory opinion of the Commission is communicated to the subject pursuant to [NAC 281A.370](#); or

(b) If a written opinion is issued pursuant to [NAC 281A.375](#), not later than 15 days after the written opinion is issued.

(Added to NAC by Comm'n on Ethics by R108-18, eff. 8-30-2018)

NAC 281A.363 Subpoenas. ([NRS 281A.290](#), [281A.300](#))

1. In accordance with [NRS 281A.300](#), the Commission may issue a subpoena to compel the attendance of a witness and the production of any books and papers for any hearing before the Commission to consider any matter related to a request for an advisory opinion.

2. If a witness fails or refuses to comply with the provisions of a subpoena issued pursuant to this section, the Chair or, in the absence of the Chair, the Vice Chair may petition the district court for an ex parte order compelling the witness to comply with

the subpoena in accordance with the applicable requirements set forth in subsection 8 of [NRS 281A.300](#).

3. If the district court enters an order directing the witness to comply with the subpoena issued pursuant to this section, the Executive Director or Commission Counsel, on behalf of the Chair or, in the absence of the Chair, the Vice Chair, shall serve the court order on the witness. If the witness does not comply with the court order, the Chair or, in the absence of the Chair, the Vice Chair may petition the district court for an order of contempt of court pursuant to subsection 10 of [NRS 281A.300](#).

(Added to NAC by Comm'n on Ethics by R108-18, eff. 8-30-2018)

NAC 281A.365 Conduct of advisory-opinion hearings; waiver of provisions. ([NRS 281A.290](#))

1. The presiding officer of an advisory-opinion hearing that was determined to be held pursuant to [NAC 281A.352](#) shall:

(a) Ascertain whether the subject who filed the request for an advisory opinion and all persons requested by the subject to testify, including, without limitation, persons commanded to appear under subpoena, are present and whether all documents, books, records and other evidence requested to be made available, including, without limitation, evidence under subpoena, have been provided to the Commission.

(b) Ensure that an oath is administered to the subject who filed the request for an advisory opinion and all persons whose testimony will be taken.

2. Regardless of whether the matter is a contested case, the subject who filed the request for an advisory opinion must be present at the hearing.

3. The presiding officer shall allow the subject who filed the request for an advisory opinion to:

(a) Present opening comments;

(b) Present any evidence on his or her own behalf; and

(c) Examine any witnesses on his or her own behalf.

4. The subject who filed the request for an advisory opinion, any witnesses or any counsel retained by the subject may be questioned by any member of the Commission at any time during the proceeding.

5. Upon the conclusion of the presentation of evidence by the subject who filed the request for an advisory opinion and the examination of any witnesses, the presiding officer shall allow the subject to present closing comments.

6. The Commission may waive any provision of this section if the Commission determines that such a waiver is necessary to expedite the advisory-opinion hearing or is in the interest of justice.

(Added to NAC by Comm'n on Ethics by R186-05, eff. 5-4-2006; A by R134-10, 10-26-2011; R048-14, 10-24-2014; R108-18, 8-30-2018)—(Substituted in revision for NAC 281.1175)

NAC 281A.370 Stay, continuance or dismissal of request for advisory opinion if related litigation or ethics complaint filed; rendering and effect of oral advisory opinion. ([NRS 281A.290](#), [281A.680](#))

1. The Commission may, by order, stay, continue or dismiss a request for an advisory opinion if the Commission receives information confirmed by the Executive Director that litigation or an ethics complaint has been filed related to some or all of the same issues presented in the request for an advisory opinion.

2. Except as otherwise provided in subsection 1 and [NAC 281A.353](#) and [281A.355](#), within 45 days after receipt of a request for an advisory opinion, the Commission will:

(a) Render an oral opinion regarding the request for an advisory opinion; and

(b) Direct the Executive Director or Commission Counsel to communicate the oral opinion rendered by the Commission to the subject who filed the request for an advisory opinion.

3. If the Commission renders an oral opinion after taking the matter under submission without holding an advisory-opinion hearing on the matter, the oral opinion will be based on:

(a) The information submitted by the subject with the request for an advisory opinion;

(b) Any information submitted by the subject after the Commission received the request for an advisory opinion;

(c) Any publicly available information obtained by the Executive Director or Commission Counsel relating to the request for an advisory opinion; and

(d) Any proposed findings of fact coordinated between the Executive Director or Commission Counsel and the subject.

4. If the Commission renders an oral opinion after holding an advisory-opinion hearing on the matter, the oral opinion will be based on:

(a) The information submitted by the subject with the request for an advisory opinion;

(b) Any information submitted by the subject after the Commission received the request for an advisory opinion;

(c) Any publicly available information obtained by the Executive Director or Commission Counsel relating to the request for an advisory opinion;

(d) Any proposed findings of fact coordinated between the Executive Director or Commission Counsel and the subject; and

(e) Any additional evidence or information requested by or presented to the Commission during the hearing, including, without limitation, any documentary or testimonial evidence provided by the subject or any witness.

5. An oral opinion rendered by the Commission pursuant to this section:

(a) Constitutes the advisory opinion rendered by the Commission pursuant to [NRS 281A.680](#); and

(b) May be issued as a written advisory opinion pursuant to [NAC 281A.375](#).
(Added to NAC by Comm'n on Ethics by R108-18, eff. 8-30-2018)

NAC 281A.375 Written advisory opinion; abstract. (NRS 281A.260, 281A.290, 281A.680)

1. The Commission:

(a) Will direct the Commission Counsel to prepare a written advisory opinion for an oral opinion rendered by the Commission pursuant to [NAC 281A.370](#) in a matter that constitutes a contested case under [chapter 233B](#) of NRS or for which the Commission deems a written advisory opinion is necessary or appropriate. A written advisory opinion prepared and issued in a matter that constitutes a contested case under [chapter 233B](#) of NRS is a final decision for the purposes of judicial review.

(b) May direct the Commission Counsel to prepare a written advisory opinion for an ~~oral~~ opinion rendered by the Commission pursuant to [NAC 281A.370](#) upon the written request of the subject who filed the request for an advisory opinion.

(c) May direct the Commission Counsel to prepare an abstract if the materials in the matter are confidential pursuant to subsection 1 of [NRS 281A.685](#).

2. A written advisory opinion or abstract prepared pursuant to this section must:

(a) State each question for which the subject sought guidance concerning the interpretation of a statutory ethical standard or any relevant circumstances in the matter that did or did not justify relief from the strict application of [NRS 281A.410](#), [281A.430](#) or [281A.550](#), as applicable, and the determination of the Commission relating thereto;

(b) Include a reference to any published opinions issued by the Commission, including, without limitation, any published abstract, that the Commission deems relevant to the request for an advisory opinion; and

(c) Include findings of fact, conclusions of law and specific guidance provided by the Commission to the subject who filed the request for an advisory opinion concerning the interpretation of the statutory ethical standard or any circumstances regarding which the Commission determined did or did not justify relief from the strict application of [NRS 281A.410](#), [281A.430](#) or [281A.550](#), as applicable.

3. The Commission will review any written advisory opinion prepared by the Commission Counsel pursuant to this section and, upon its approval of the written advisory opinion, direct the Commission Counsel to issue the written advisory opinion to the subject who filed the request for an advisory opinion.

4. Each written advisory opinion and abstract must be:

(a) Numbered and dated; and

(b) Signed by the Commission.

5. The Commission will publish a copy of each written advisory opinion which is not confidential and each abstract on the Internet website of the Commission at <http://ethics.nv.gov>.

6. As used in this section, “abstract” means a version of a confidential written advisory opinion that has been redacted or amended to keep the identity of the subject who filed the request for an advisory opinion confidential.

(Added to NAC by Comm’n on Ethics by R108-18, eff. 8-30-2018)

Ethics Complaints and Opinions

NAC 281A.403 Initiation of ethics complaint upon motion of Commission. ([NRS 281A.290](#), [281A.710](#))

1. If the Executive Director receives information that leads the Executive Director reasonably to conclude that a public officer or public employee may have committed a violation of [chapter 281A](#) of NRS, the Executive Director may recommend to the Commission that the Commission initiate an ethics complaint upon its own motion pursuant to paragraph (c) of subsection 1 of [NRS 281A.710](#).

2. A recommendation from the Executive Director pursuant to subsection 1 must:

(a) Contain a written statement setting forth the information that supports the recommendation; and

(b) Include any reliable and competent form of proof, including, without limitation, statements of witnesses, public or private records, audio or visual recordings, documents, exhibits, concrete objects or another form of proof, that supports the recommendation.

3. Upon receiving a recommendation from the Executive Director pursuant to subsection 1, the Commission will:

(a) Reject the recommendation without prejudice; or

(b) Accept the recommendation and initiate an ethics complaint upon its own motion pursuant to paragraph (c) of subsection 1 of [NRS 281A.710](#). Such a motion:

(1) Is a determination by the Commission that it has jurisdiction in the matter and the evidence is sufficient to warrant an investigation in the matter; and

(2) Will direct the Executive Director to investigate the ethics complaint as required pursuant to [NRS 281A.720](#).

(Added to NAC by Comm'n on Ethics by R084-08, eff. 9-18-2008; A by R134-10, 10-26-2011; R108-18, 8-30-2018)

NAC 281A.405 Requirements for filing ethics complaint; determinations and notification regarding jurisdiction and compliance with filing requirements; related powers and duties of Executive Director and Commission Counsel. ([NRS 281A.290](#), [281A.710](#), [281A.715](#))

1. An ethics complaint filed pursuant to paragraph (a) or (b) of subsection 1 of [NRS 281A.710](#) must be filed on the form and with the evidence required pursuant to subsection 2 of [NRS 281A.710](#).

2. A complaint form filed that does not list an individual as the subject or is submitted anonymously shall not be considered a complaint and shall be rejected by the Executive Director without submission to the Commission for jurisdictional review.

2. Upon receipt of an ethics complaint filed pursuant to paragraph (a) or (b) of subsection 1 of [NRS 281A.710](#), the Executive Director and Commission Counsel shall make a determination regarding whether to recommend that the Commission accept jurisdiction in the matter and whether the evidence submitted with the ethics complaint

is sufficient to warrant an investigation in the matter. The Executive Director shall submit the recommendation, in writing, to the Commission.

3. In preparing the recommendation for the Commission, the Executive Director may obtain information through public records requests, conversations with witnesses, and/or other means available to the general public.

3. Except as otherwise provided in [NAC 281A.407](#) or unless the subject waives the time limit set forth in [NRS 281A.715](#), within 45 days after the Commission has received an ethics complaint pursuant to paragraph (a) or (b) of subsection 1 of [NRS 281A.710](#), the Commission will:

(a) Review the written recommendation submitted by the Executive Director pursuant to subsection 1; and

(b) Make a determination regarding:

(1) Whether it has jurisdiction in the matter;

(2) Whether the matter is submitted with evidence that is sufficient to warrant an investigation in the matter; and

(3) If the requester asked the Commission to keep his or her identity confidential pursuant to [NRS 281A.750](#), whether it will keep the identity of the requester confidential.

4. After making the determinations pursuant to subsection 3, the Commission will, by order:

(a) If the Commission determines that it does not have jurisdiction in the matter, dismiss the ethics complaint.

(b) If the Commission determines that it has jurisdiction in the matter but the evidence submitted with the ethics complaint is not sufficient to warrant an investigation in the matter, dismiss the matter, with or without issuing a letter of caution or instruction to the subject of the ethics complaint.

(c) If the Commission determines that it has jurisdiction in the matter and the evidence submitted with the ethics complaint is sufficient to warrant an investigation in the matter:

(1) Dismiss the matter, with or without issuing a letter of caution or instruction to the subject; or

(2) Direct the Executive Director to investigate all or a portion of the ethics complaint pursuant to [NRS 281A.720](#).

(d) If the requester asked the Commission to keep his or her identity confidential pursuant to [NRS 281A.750](#), state whether it will keep the identity of the requester confidential.

5. The Executive Director or Commission Counsel shall notify the requester of the determinations of the Commission pursuant to this section.

6. If the Commission determines that it has jurisdiction in the matter and it will issue a letter of caution or instruction, the Executive Director or Commission Counsel

shall serve the order on the subject of the ethics complaint with a copy of the ethics complaint and the letter of caution or instruction.

7. If the Commission determines that it has jurisdiction in the matter and it directs the Executive Director to investigate all or a portion of the ethics complaint, the Executive Director shall provide notification and documentation to the subject of the ethics complaint in the manner required pursuant to [NAC 281A.410](#).

8. If the Commission determines that it does not have jurisdiction in the matter or determines that it has jurisdiction in the matter but dismisses the matter without a letter of caution or instruction, the Executive Director or Commission Counsel may provide to the subject, upon written request, a copy of the ethics complaint.

9. If the Commission determines that the identity of the requester will be kept confidential pursuant to [NRS 281A.750](#), the Executive Director shall redact any identifying information from any document provided to the subject pursuant to this section.

(Added to NAC by Comm'n on Ethics by R111-03, eff. 10-30-2003; A by R186-05, 5-4-2006; R084-08, 9-18-2008; R134-10, 10-26-2011; R048-14, 10-24-2014; R108-18, 8-30-2018)—(Substituted in revision for NAC 281.1865)

NAC 281A.407 Withdrawal of ethics complaint. ([NRS 281A.290](#))

1. Except as otherwise provided in subsection 3, a requester of an ethics complaint may submit a written request to the Commission to withdraw the ethics complaint:

(a) Without the consent of the Executive Director, at any time before the Commission has determined that it has jurisdiction in the matter pursuant to [NAC 281A.405](#); or

(b) With the consent of the Commission, at any time after the Commission has determined that it has jurisdiction in the matter pursuant to [NAC 281A.405](#) and until the presentation of the written recommendation of the Executive Director to the review panel pursuant to [NAC 281A.410](#).

2. A request to withdraw an ethics complaint pursuant to subsection 1 must set forth the specific reasons for requesting the withdrawal of the ethics complaint.

3. If a requester of an ethics complaint asks the Commission to keep his or her identity confidential pursuant to [NRS 281A.750](#) but the Commission denies the request for confidentiality, the requester may submit a written request to the Commission to withdraw the ethics complaint.

(Added to NAC by Comm'n on Ethics by R108-18, eff. 8-30-2018)

NAC 281A.410 Investigation of ethics complaint: Notification of subject; filing of waiver or response by subject; effect of waiver; deadline for completion and presentation of recommendation to review panel. ([NRS 281A.290](#), [281A.720](#), [281A.725](#), [281A.750](#))

1. If the Executive Director has been directed to investigate a matter pursuant to [NAC 281A.403](#) or [281A.405](#), the Executive Director shall:

(a) Notify the subject of the ethics complaint of the investigation and of the opportunity to respond to the allegations contained in the ethics complaint regarding which the Commission has directed an investigation, as required pursuant to [NRS 281A.720](#); and

(b) Except as otherwise provided in this paragraph, provide the subject with a copy of the ethics complaint or the information upon which the Commission based its motion to initiate an ethics complaint, as applicable. If the Commission determines that the identity of the requester will be kept confidential pursuant to [NRS 281A.750](#), the Executive Director shall redact any identifying information from any document provided to the subject pursuant to this paragraph.

2. A notification made pursuant to subsection 1 must:

(a) Be in writing and provided to the subject in any manner in which receipt by the subject can be confirmed by the Executive Director, including, without limitation, by:

- (1) Personal delivery;
- (2) Certified mail, return receipt requested;
- (3) Overnight delivery service in which proof of delivery is documented;
- (4) Regular mail delivery with tracking receipt; or
- (5) If authorized by the subject, electronic delivery via electronic mail or facsimile.

(b) Include, without limitation:

(1) Except as otherwise provided in [NRS 281A.750](#), all information filed by the requester or information upon which the Commission based its motion to initiate the ethics complaint, as appropriate;

(2) An outline of the process used by the Commission to resolve ethics complaints; and

~~(3) A form prescribed by the Commission for waiving:~~

~~———(I) The right to a determination by a review panel pursuant to [NRS 281A.730](#) whether there is just and sufficient cause for the Commission to render an opinion in the matter; and~~

~~———(II) The time limits set forth in [NRS 281A.725](#) and [281A.730](#).~~

3. The subject may file with the Commission:

(a) A waiver of the right to a determination by a review panel pursuant to [NRS 281A.730](#) whether there is just and sufficient cause for the Commission to render an opinion in the matter;

(b) A waiver of the time limits set forth in [NRS 281A.725](#) and [281A.730](#); or

(c) Within the time limit set forth in [NRS 281A.730](#), a written response to the allegations contained in the ethics complaint regarding which the Commission has directed an investigation.

4. If the subject files with the Commission a waiver of the right to a determination by a review panel pursuant to paragraph (a) of subsection 3, the subject is deemed to consent that the allegations set forth in the ethics complaint and any notice of additional

issues and facts served by the Executive Director pursuant to [NAC 281A.415](#) are supported by credible evidence to establish just and sufficient cause for the Commission to render an opinion in the matter.

5. If the subject files with the Commission a waiver of the time limits set forth in [NRS 281A.725](#) and [281A.730](#) pursuant to paragraph (b) of subsection 3, the Executive Director may, for good cause shown, authorize one or more extensions, of not more than 30 days each, of the time limit set forth in [NRS 281A.720](#) for the subject to file a written response to the allegations contained in the ethics complaint regarding which the Commission has directed an investigation.

6. Except as otherwise provided in [NAC 281A.407](#) or unless the subject waives the time limit set forth in [NRS 281A.725](#), not later than 70 days after the Commission directs the Executive Director to investigate the ethics complaint, the Executive Director shall complete the investigation of the ethics complaint and present a written recommendation to the review panel that complies with the requirements of [NRS 281A.725](#).

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R111-03, 10-30-2003; R186-05, 5-4-2006; R084-08, 9-18-2008; R134-10, 10-26-2011; R048-14, 10-24-2014; R108-18, 8-30-2018)—(Substituted in revision for NAC 281.188)

NAC 281A.415 Investigation of additional issues and facts by Executive Director; provision of additional notice to subject. ([NRS 281A.290](#), [281A.720](#))

1. The Executive Director may investigate relevant issues and facts beyond those presented in an ethics complaint in determining his or her written recommendation to a review panel pursuant to [NRS 281A.725](#).

2. If the Executive Director intends to include issues and facts beyond those presented in the ethics complaint regarding which the Commission has directed an investigation in his or her written recommendations to a review panel which are not included in the notice issued to the subject pursuant to [NAC 281A.410](#), the Executive Director must provide additional notice to the subject of the additional issues and facts and provide the subject with the same opportunity to respond to such issues and facts that is set forth in [NRS 281A.720](#).

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R186-05, 5-4-2006; R134-10, 10-26-2011; R108-18, 8-30-2018)—(Substituted in revision for NAC 281.189)

NAC 281A.425 Review panel: Confidentiality of proceedings. ([NRS 281A.290](#), [281A.735](#))

1. The proceedings of a review panel, including, without limitation, proceedings relating to a deferral agreement, are confidential pursuant to [NRS 281A.735](#).

2. Except as otherwise provided in this subsection, the proceedings of a review panel are closed to all persons except the staff of the Commission. If the review panel holds a hearing to consider a proposed deferral agreement, the subject may be present.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R134-10, 10-26-2011; R048-14, 10-24-2014; R108-18, 8-30-2018)—(Substituted in revision for NAC 281.192)

NAC 281A.430 Review panel: Considerations; determination. ([NRS 281A.290](#), [281A.730](#))

1. At the proceedings of a review panel on an ethics complaint, the review panel shall consider:

(a) The written recommendation of the Executive Director presented pursuant to [NAC 281A.410](#);

(b) The ethics complaint and all related information and material filed with the Commission by the requester or submitted on the motion of the Commission; and

(c) The response, if any, of the subject of the ethics complaint submitted pursuant to [NRS 281A.720](#) or [NAC 281A.415](#).

2. Unless the subject waives the time limit set forth in [NRS 281A.730](#), within 15 days after being presented the written recommendation of the Executive Director pursuant to [NAC 281A.415](#), the review panel shall make a determination to:

(a) Dismiss the ethics complaint, with or without prejudice, and with or without issuing a letter of caution or instruction to the subject, if the review panel determines that there is not just and sufficient cause for the Commission to render an opinion in the matter;

(b) Approve or authorize the development of a deferral agreement between the Executive Director and the subject, if the review panel determines that there is just and sufficient cause for the Commission to render an opinion in the matter but reasonably believes that the conduct at issue may be appropriately addressed through additional training or other corrective action under the terms and conditions of a deferral agreement; or

(c) Refer the ethics complaint to the Commission for further proceedings if:

(1) The review panel determines that there is just and sufficient cause for the Commission to render an opinion in the matter but reasonably believes that the conduct at issue may not be appropriately addressed through additional training or other corrective action under the terms and conditions of a deferral agreement;

(2) The review panel does not approve a deferral agreement relating to the ethics complaint; or

(3) The subject refuses to develop or declines to agree to a deferral agreement.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R111-03, 10-30-2003; R186-05, 5-4-2006; R134-10, 10-26-2011; R108-18, 8-30-2018)—(Substituted in revision for NAC 281.193)

NAC 281A.440 Review panel: Preparation, contents and service of determination. ([NRS 281A.290](#))

1. The Executive Director shall prepare, in writing, the determination made by the review panel pursuant to [NAC 281A.430](#).

2. A determination of a review panel prepared pursuant to subsection 1 must include, without limitation:

(a) The findings of the review panel;

(b) The statutes upon which the review panel based its determination; and

(c) If the review panel:

(1) Has determined to refer the matter to the Commission for further proceedings, an order of referral; or

(2) Authorizes the development of a deferral agreement between the Executive Director and the subject, the date by which the deferral agreement must be presented to the review panel.

3. Upon approval of the written determination by the review panel, the Executive Director shall serve the written determination on the subject.

(Added to NAC by Comm'n on Ethics by R186-05, eff. 5-4-2006; A by R134-10, 10-26-2011; R108-18, 8-30-2018)—(Substituted in revision for NAC 281.1945)

NAC 281A.442 Motions: Generally. ([NRS 281A.290](#))

1. Except as otherwise provided in subsection 7 and [NAC 281A.263](#) and [281A.444](#), a party may file a written motion with the Commission relating to an ethics complaint:

(a) If a scheduling order has been issued in the matter ~~by the Commission or the Chair or, in the absence of the Chair, the Vice Chair or by the Commission Counsel~~, not later than the close of business on the date set in the order, unless leave is otherwise granted.

(b) If a scheduling order has not been issued in the matter ~~by the Commission or the Chair or, in the absence of the Chair, the Vice Chair or by the Commission Counsel~~ or if the circumstances are outside the scope of the scheduling order, upon approval by the Chair or, in the absence of the Chair, the Vice Chair of a written request by the party to file the motion.

2. The Commission or the Chair or, in the absence of the Chair, the Vice Chair may authorize the parties to argue a motion before the Commission. If oral arguments are so authorized, the Commission Counsel shall prepare and serve on the parties a notice of hearing that identifies the date, time and location of the hearing on the motion ~~as well established time limits for oral argument~~.

3. If a party files a motion in accordance with the requirements set forth in this section, any other party in the matter may file a response in opposition to the motion. The Chair or, in the absence of the Chair, the Vice Chair may authorize the moving party to file a reply to a response.

4. A motion, response or reply filed pursuant to this section must contain:

(a) A brief statement of the facts and the points and authorities upon which the motion, response or reply is based, including, without limitation, any relevant opinions published by the Commission;

(b) A description of the relief sought; and

(c) A certificate of service which indicates that the motion, response or reply was served on all other parties to the matter.

5. The Chair or, in the absence of the Chair, the Vice Chair may rule on a motion, except a motion for disposition of the matter, at any time before, during or after an adjudicatory hearing by the Commission on the matter:

(a) Based solely on the written motion and any opposition or reply filed with the Commission; or

(b) After the presentation of oral argument by the parties, if authorized pursuant to subsection 2.

6. The Commission may rule on a motion, including a motion for disposition of the matter, at any time before, during or after an adjudicatory hearing by the Commission on the matter:

(a) Based solely on the written motion and any opposition or reply filed with the Commission; or

(b) After the presentation of oral argument by the parties, if authorized pursuant to subsection 2.

7. A party may file a written motion for rehearing or for the reconsideration of a written opinion of the Commission relating to an ethics complaint if the motion is filed with the Commission before the party files a petition for judicial review, if applicable, and not later than 15 days after the date on which the written opinion of the Commission is issued pursuant to [NAC 281A.473](#).

(Added to NAC by Comm'n on Ethics by R038-98, eff. 4-17-98; A by R102-00, 8-28-2000; R111-03, 10-30-2003; R186-05, 5-4-2006; R084-08, 9-18-2008; R134-10, 10-26-2011; R048-14, 10-24-2014; R108-18, 8-30-2018)—(Substituted in revision for NAC 281A.265)

NAC 281A.444 Discovery. ([NRS 281A.290](#))

1. The provisions for civil discovery set forth in [N.R.C.P. 26](#) to [37](#), inclusive, do not apply to ethics complaints. Upon the request of a party, for good cause shown, the Commission Counsel, on behalf of the Commission, may allow discovery relating to an ethics complaint to the extent which he or she deems appropriate.

2. The Commission Counsel shall set forth any requirements for discovery relating to an ethics complaint in a scheduling order of the Commission. A party must comply with the requirements for discovery set forth in this section and any scheduling order issued pursuant to this subsection.

3. Any requests for discovery that are not addressed in a scheduling order must be filed with the Commission by means of a motion. The Commission Counsel shall

consider and issue an order regarding any such motion in accordance with the ~~provisions~~cedures of [NAC 281A.442](#).

4. Except as otherwise provided in [NRS 281A.750](#) and [281A.755](#), upon the completion of discovery, the Executive Director shall disclose to the subject any evidence obtained during the course of the investigation, including, without limitation, during discovery conducted pursuant to this section, that the Executive Director intends to present as evidence for consideration by the Commission at the adjudicatory hearing ~~or in rendering an opinion in the matter~~.

5. The Executive Director shall disclose to the subject any evidence obtained by or on behalf of the Executive Director that the Executive Director determines affirmatively and substantively disproves any alleged violation of [chapter 281A](#) of NRS related to the ethics complaint by the subject. Such disclosure must be made as soon as is reasonably practicable after the determination.

6. As used in this section, “affirmatively and substantively disproves any alleged violation of [chapter 281A](#) of NRS” means indisputably, dispositively and definitively establishes that the subject did not engage in conduct or otherwise fail to act in a manner required by the provisions of [chapter 281A](#) of NRS as alleged in the ethics complaint or the notice of additional issues and facts provided by the Executive Director pursuant to [NAC 281A.415](#), or that such conduct or failure to act could not, under any circumstances, establish a violation of [chapter 281A](#) of NRS.

(Added to NAC by Comm’n on Ethics by R038-98, eff. 4-17-98; A by R102-00, 8-28-2000; R111-03, 10-30-2003; R108-18, 8-30-2018)—(Substituted in revision for NAC 281A.270)

NAC 281A.446 Stipulations of fact; disposition of ethics complaint without adjudicatory hearing. ([NRS 281A.290](#))

1. A party may stipulate to any fact in issue. The stipulation must be in writing or made by oral statement on the record.

2. At its discretion and with the agreement of the Executive Director and the subject of an ethics complaint, the Commission may, in lieu of holding an adjudicatory hearing, dispose of the ethics complaint by a stipulation, agreed settlement, consent order or default as authorized pursuant to [NRS 233B.121](#). Such a resolution must be in writing or made by oral statement on the record.

3. If the parties agree to present any proposed stipulation of fact or other stipulated agreement to the Commission, the parties shall:

(a) Jointly inform the Commission Counsel in writing of their intent to present such a stipulation;

(b) If necessary, request a stay or continuance of the adjudicatory hearing; and

(c) Comply with any notice of hearing or scheduling order issued for the joint submission and consideration of the proposed stipulation of fact or stipulated agreement.

4. The Commission may hold a hearing to consider a proposed stipulated agreement submitted pursuant to this section.

5. The Commission will approve or deny a proposed stipulated agreement submitted pursuant to this section.

6. A proposed stipulated agreement is confidential until the proposed stipulated agreement is included as an item on an agenda posted for a hearing or meeting of the Commission.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R134-10, 10-26-2011; R108-18, 8-30-2018)—(Substituted in revision for NAC 281A.275)

NAC 281A.448 Subpoenas. ([NRS 281A.290](#), [281A.300](#))

1. In accordance with [NRS 281A.300](#), the Commission may issue a subpoena to compel the attendance of a witness and the production of any books and papers for any hearing before the Commission to consider any matter relating to an ethics complaint.

2. The Executive Director or the subject of an ethics complaint may request that a subpoena be issued relating to the ethics complaint by filing a written request for a subpoena ~~at the office of the Commission~~. The Executive Director or the subject, as applicable, must show good cause for the issuance of the subpoena, including, the purported relevance of the testimony of the witness or documentary evidence. If the Commission or the Chair or, in the absence of the Chair, the Vice Chair issues the subpoena pursuant to the request, the Executive Director or the subject shall serve the subpoena in accordance with [NRS 281A.300](#) and pay the costs related to the service of the subpoena.

3. Except as otherwise provided in subsection 4, the Executive Director may submit a request to the Chair or, in the absence of the Chair, the Vice Chair for the issuance of a subpoena to compel:

(a) The participation of a potential witness and the production of any books and papers during the course of any investigation.

(b) The attendance of any witness and the production of any books and papers in the possession of the witness for any hearing before the Commission.

4. The Executive Director shall not submit a request for the issuance of a subpoena pursuant to subsection 3 to the subject of an ethics complaint unless:

(a) The Executive Director submitted to the subject the written request required pursuant to subsection 5 of [NRS 281A.300](#) requesting the subject to voluntarily participate, voluntarily attend as a potential witness or witness or voluntarily produce any books and papers in the possession of the subject relating to the ethics complaint during the course of an investigation or for a hearing of the Commission; and

(b) Except as otherwise provided in this paragraph, the subject failed or refused to respond to the written request within 5 business days after receipt of the written request or failed to comply with the written request on or before the time specified in the written request. The subject may submit a written application to the Executive Director for

additional time or other reasonable accommodation to comply with the written request. The Executive Director may grant such additional time or other reasonable accommodation within the time limit set forth for the investigation in [NRS 281A.725](#) or the time limit for the hearing before the Commission, as applicable. If the subject fails to comply with the written request of the Executive Director within the additional time or with any reasonable accommodation granted by the Executive Director pursuant to this paragraph, the Executive Director may request a subpoena pursuant to subsection 3, and the subject is deemed to have waived the time limits set forth in [NRS 281A.710](#) to [281A.760](#), inclusive.

5. If the subject or any other witness fails or refuses to comply with the provisions of a subpoena issued pursuant to this section relating to an ethics complaint, the Executive Director or the subject, as applicable, may submit a request to the Chair or, in the absence of the Chair, the Vice Chair to petition the district court for an ex parte order compelling the subject or other witness to comply with the subpoena. The Chair or Vice Chair may petition the district court for such an order in accordance with the applicable requirements set forth in subsection 8 of [NRS 281A.300](#).

6. If the district court enters an order that the subject or other witness comply with the subpoena issued pursuant to this section, the Commission Counsel, on behalf of the Chair or, in the absence of the Chair, the Vice Chair, must serve the court order on the subject or other witness. If the subject or other witness does not comply with the court order, the Executive Director or subject, as applicable, may submit a request to the Chair or, in the absence of the Chair, the Vice Chair to petition the district court for an order of contempt of court pursuant to subsection 10 of [NRS 281A.300](#).

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R186-05, 5-4-2006; R134-10, 10-26-2011; R048-14, 10-24-2014; R108-18, 8-30-2018)—(Substituted in revision for NAC 281A.285)

NAC 281A.450 Hearings other than adjudicatory hearings: Advance written notice. ([NRS 281A.290](#))

1. Before the Commission holds a hearing concerning an ethics complaint other than an adjudicatory hearing, the Commission Counsel shall issue and serve the parties with advance written notice of the hearing that includes the date, time and location of the hearing.

2. Service of the notice required pursuant to this section on the subject of the ethics complaint will be deemed complete upon delivery to the last known address of the subject in any manner in which receipt by the subject can be confirmed by the Commission.

(Added to NAC by Comm'n on Ethics by R186-05, eff. 5-4-2006; A by R134-10, 10-26-2011; R108-18, 8-30-2018)—(Substituted in revision for NAC 281.197)

NAC 281A.452 Appearance of subject at hearings; effect of failure of subject to appear at adjudicatory hearing or reply to notice of investigation. ([NRS 281A.290](#))

1. Unless otherwise directed by the Commission or the presiding officer, as applicable, the subject of an ethics complaint is not required to appear personally at any hearing relating to the ethics complaint except an adjudicatory hearing.

2. If the subject fails to appear at an adjudicatory hearing scheduled by the Commission or fails to reply to the notice provided pursuant to [NAC 281A.410](#) and a continuance has not been requested or granted, upon an offer of proof by the Executive Director that the subject was given proper notice and upon a determination by the Commission that proper notice was given, the Commission may consider the alleged violations specified in the determination of the review panel to be true or may proceed to consider the case without the presence of the absent subject and may dispose of the matter on the basis of the evidence before it.

(Added to NAC by Comm'n on Ethics by R186-05, eff. 5-4-2006; A by R134-10, 10-26-2011; R108-18, 8-30-2018)—(Substituted in revision for NAC 281A.470)

NAC 281A.457 Adjudicatory hearings: Notice; stay or continuance. ([NRS 281A.290](#), [281A.745](#))

1. If a review panel refers the ethics complaint to the Commission pursuant to [NRS 281A.730](#) or the Commission vacates a deferral agreement pursuant to [NRS 281A.740](#), the Commission Counsel, on behalf of the Commission, shall issue and serve on the parties:

(a) A written notice of an adjudicatory hearing in the matter ~~which must be held not later than 60 days after the date on which the review panel refers the ethics complaint to the Commission pursuant to [NRS 281A.730](#) or the Commission vacates the deferral agreement pursuant to [NRS 281A.740](#), as applicable, unless the subject of an ethics complaint waives the time limit set forth in [NRS 281A.745](#)~~. The written notice must meet the requirements of [NRS 281A.745](#). Service of the notice on the subject will be deemed complete upon delivery to the last known address of the subject in any manner in which receipt by the subject can be confirmed by the Commission.

(b) A scheduling order regarding the time limits and requirements for the submission and service of documents related to the adjudicatory hearing.

2. If the subject waives the time limit set forth in [NRS 281A.745](#):

(a) Not later than 10 business days before the adjudicatory hearing, unless a scheduling order directs otherwise or leave is otherwise granted, a party may submit a written request to the Commission Counsel to stay or continue the adjudicatory hearing in the matter for good cause shown, including, without limitation, to accommodate a scheduling conflict or otherwise provide additional time for the parties to engage in discovery, file a motion or negotiate and present a proposed stipulation of fact or stipulated agreement to the Commission regarding the ethics complaint.

(b) Not later than 5 business days after a party submits a request to the Commission Counsel pursuant to paragraph (a), unless a scheduling order directs otherwise or leave is otherwise granted, any other party may submit:

(1) A written consent to the Commission Counsel for a stay or continuance of the adjudicatory hearing; or

(2) A written response to the Commission Counsel opposing the request for a stay or continuance of the adjudicatory hearing if the party can show that the stay or continuance:

(I) Is being requested merely for delay or because of inexcusable neglect by the Executive Director or the subject, as applicable;

(II) Would create an unjust or undue delay in the final resolution of the ethics complaint; or

(III) Would otherwise unfairly prejudice the interests of the party before the Commission.

3. Except as otherwise provided in subsection 4, if the Commission Counsel receives a request from a party to stay or continue an adjudicatory hearing or any response to such a request pursuant to subsection 2, the Commission Counsel may, after consulting with the parties regarding scheduling, issue a stay or continuance of the adjudicatory hearing and a revised notice of hearing or scheduling order, as appropriate.

4. The Commission Counsel shall deny a request pursuant to subsection 2 if the Commission Counsel determines that the stay or continuance:

(a) Is being requested merely for delay or because of inexcusable neglect by the Executive Director or the subject, as applicable;

(b) Would create an unjust or undue delay in the final resolution of an ethics complaint; or

(c) Would otherwise unfairly prejudice the interests of the party before the Commission.

(Added to NAC by Comm'n on Ethics by R108-18, eff. 8-30-2018)

NAC 281A.460 Adjudicatory hearings: Conduct of proceedings; waiver of provisions. ([NRS 281A.290](#), [281A.745](#))

1. The presiding officer of an adjudicatory hearing shall:

(a) Ascertain whether all persons identified in the witness lists submitted by the parties are present, including, without limitation, any witnesses under subpoena, and whether all exhibits required for the adjudicatory hearing pursuant to the scheduling order, including, without limitation, all books and papers under subpoena, have been submitted to the Commission.

(b) Ensure that an oath is administered in accordance with [NAC 281A.280](#) to all persons whose testimony will be taken.

(c) Except for the subject, exclude from the hearing all witnesses scheduled to testify except during the testimony of the witness. To preserve the integrity of the

process and the evidence presented during a proceeding, the presiding officer may request all witnesses not to discuss the case with any person other than the legal counsel of the witness during the pendency of the proceeding.

(d) Hear and rule on any procedural motions, including, without limitation, the admissibility of or objections to any proffered documentary evidence, and address any administrative details.

(e) Direct the Executive Director to present opening comments regarding the ethics complaint, the response to the ethics complaint by the subject and the determination of the review panel concerning whether there is just and sufficient cause for the Commission to render an opinion in the matter.

(f) Allow the subject to present opening comments.

(g) Direct the Executive Director to call and question any witnesses and present any evidence concerning the ethics complaint.

2. Upon the conclusion of the presentation of any evidence and the examination of any witnesses by the Executive Director, the presiding officer shall request the subject to proceed with the introduction of evidence and calling of witnesses on his or her behalf.

3. Any member of the Commission may question the Executive Director, the subject, any witnesses or any counsel who represents the Executive Director or the subject at any time during the proceeding.

4. Upon the conclusion of the presentation of evidence and the examination of witnesses by the Executive Director, the subject and any member of the Commission, the presiding officer shall allow the Executive Director and the subject to present closing comments.

5. The Commission may waive any provision of this section if necessary to expedite or ensure the fairness of the hearing.

(Added to NAC by Comm'n on Ethics by R186-05, eff. 5-4-2006; A by R084-08, 9-18-2008; R134-10, 10-26-2011; R108-18, 8-30-2018)—(Substituted in revision for NAC 281.201)

NAC 281A.465 Adjudicatory hearings: Admission and exclusion of evidence. ([NRS 281A.290](#), [281A.745](#))

1. In conducting any adjudicatory hearing concerning an ethics complaint, the rules of evidence of the courts of this State will be followed generally but may be relaxed at the discretion of the Commission.

2. The presiding officer may exclude immaterial, incompetent, cumulative or irrelevant evidence or order that the presentation of such evidence be discontinued.

3. The Executive Director and the subject may object to the introduction of evidence if the Executive Director or the subject:

(a) Objects to such evidence promptly; and

(b) Briefly states the grounds of the objection at the time the objection is made.

4. If an objection is made to the admissibility of evidence, the presiding officer may:

- (a) Note the objection and admit the evidence;
- (b) Sustain the objection and refuse to admit the evidence; or
- (c) Receive the evidence subject to any subsequent ruling of the Commission.

(Added to NAC by Comm'n on Ethics by R186-05, eff. 5-4-2006; A by R134-10, 10-26-2011; R108-18, 8-30-2018)—(Substituted in revision for NAC 281.203)

NAC 281A.470 Failure of subject to appear at hearing or reply to notice.
[Replaced in revision by [NAC 281A.452](#).]

NAC 281A.471 Rendering and effect of oral opinion. ([NRS 281A.290](#), [281A.745](#))

1. Unless the subject of an ethics complaint waives the time limit set forth in [NRS 281A.745](#), within 60 days after the date on which a review panel refers an ethics complaint to the Commission pursuant to [NRS 281A.730](#) or the Commission vacates a deferral agreement pursuant to [NRS 281A.740](#), as applicable, the Commission will render an oral opinion in the matter.

2. An oral opinion rendered by the Commission pursuant to this section:

(a) Constitutes the opinion rendered by the Commission pursuant to [NRS 281A.745](#); and

(b) Must be issued as a written opinion pursuant to [NAC 281A.473](#).

(Added to NAC by Comm'n on Ethics by R108-18, eff. 8-30-2018)

NAC 281A.473 Written opinion. ([NRS 281A.260](#), [281A.290](#), [281A.745](#))

1. The Commission will direct the Commission Counsel to prepare a written opinion for any ethics complaint regarding which the Commission renders an oral opinion pursuant to [NAC 281A.471](#).

2. A written opinion prepared pursuant to this section must:

(a) State each violation alleged against the subject of the ethics complaint and the determinations of the Commission relating thereto;

(b) Include a reference to any published opinions issued by the Commission, including, without limitation, any published abstract, that the Commission deems relevant to the ethics complaint, if any;

(c) Include the findings of fact and conclusions of law as required by [NRS 281A.765](#); and

(d) State any penalty, corrective action or other remedy imposed on the subject of the ethics complaint.

3. The Commission will review any written opinion prepared by the Commission Counsel pursuant to this section and, upon its approval of the written opinion, will direct the Commission Counsel to issue the written opinion to the parties.

4. Each written opinion issued pursuant to this section must be:
 - (a) Numbered and dated; and
 - (b) Signed by the Commission.
5. The Commission will post a copy of each written opinion issued pursuant to this section on the Internet website of the Commission at <http://ethics.nv.gov>.
(Added to NAC by Comm'n on Ethics by R108-18, eff. 8-30-2018)

Miscellaneous Provisions

NAC 281A.500 Executive Director to provide information to Commission.
[Replaced in revision by [NAC 281A.210](#).]

NAC 281A.505 Motion to disqualify member of Commission for good cause.
[Replaced in revision by [NAC 281A.263](#).]

NAC 281A.555 Petitions to adopt, file, amend or repeal regulations. ([NRS 233B.100](#), [281A.290](#))

1. Any person may submit a written petition to the Commission at the office of the Commission to adopt, file, amend or repeal any regulation of the Commission.
2. A petition submitted pursuant to subsection 1 must include, without limitation:
 - (a) The name and address of the petitioner;
 - (b) A clear and concise statement of the regulation to be adopted, filed, amended or repealed, including, without limitation, the text of the proposed language of the regulation to be adopted, filed, amended or repealed;
 - (c) The reason for the adoption, filing, amendment or repeal of the regulation; and
 - (d) The statutory authority for the adoption, filing, amendment or repeal of the regulation.
3. The Commission may decline to act upon a petition submitted pursuant to this section if the petition does not contain the information required pursuant to subsection 2.
4. The Commission will:
 - (a) Review and make a decision concerning the petition at the next scheduled meeting of the Commission in which consideration of the petition is feasible following the receipt of the petition; and
 - (b) Notify the petitioner in writing of the decision of the Commission concerning the petition within 30 days after the petition is considered by the Commission.
(Added to NAC by Comm'n on Ethics by R186-05, eff. 5-4-2006; A by R108-18, 8-30-2018)—(Substituted in revision for NAC 281.236)

NAC 281A.560 Availability of public records for inspection and copying; obtaining copies of transcripts; waiver of costs of copies of public records. ([NRS 281A.290](#))

1. Except as otherwise provided in this section, the Commission will make public records of the Commission available for inspection and copying in accordance with the provisions of [chapter 239](#) of NRS. The form for requesting a public record from the Commission is available on the Internet website of the Commission at <http://ethics.nv.gov>.

2. Except as otherwise provided in this section, to obtain copies of a transcript concerning a matter that was recorded by the Commission, a person must file a written request at the office of the Commission and make arrangements directly with the court reporter.

3. The Commission will not authorize a court reporter to provide copies of a transcript concerning a matter that was recorded by the Commission to a person seeking such a transcript pursuant to subsection 2 unless the contents of the proceedings concerning that matter may be disclosed to that person pursuant to the provisions of [chapter 281A](#) of NRS and [NAC 281A.250](#) to [281A.310](#), inclusive.

4. A court reporter shall not provide to a person copies of a transcript concerning a matter that was recorded by the Commission or any other documents unless the court reporter has received written permission from the Commission.

5. The Commission may waive all or a portion of the cost of obtaining copies of public records made available pursuant to subsection 1 if the person requesting the copies files a written request for such a waiver at the office of the Commission and the Commission determines that:

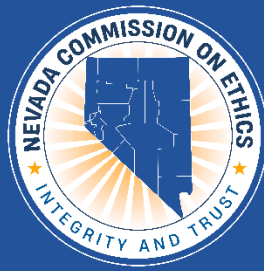
(a) The copies requested are reasonable in quantity; and

(b) The person requesting the copies is a party to a matter before the Commission and does not have the financial ability to pay for all or a portion of the cost of the copies.

(Added to NAC by Comm'n on Ethics by R038-98, eff. 4-17-98; A by R102-00, 8-28-2000; R111-03, 10-30-2003; R186-05, 5-4-2006; R048-14, 10-24-2014; R108-18, 8-30-2018)—(Substituted in revision for NAC 281.242)

~~—NAC 281A.615 Availability of form for filing acknowledgment of statutory ethical standards. (NRS 281A.290, 281A.500) The form prescribed by the Commission for filing an acknowledgment of the statutory ethical standards required by NRS 281A.500 is available at the office of the Commission and on the Internet website of the Commission at <http://ethics.nv.gov>.~~

~~—(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R111-03, 10-30-2003; R186-05, 5-4-2006; R084-08, 9-18-2008; R134-10, 10-26-2011; R048-14, 10-24-2014; R108-18, 8-30-2018)—(Substituted in revision for NAC 281.227)~~



Summary of Suggested Potential NAC Changes

Administrative

281A.065 – clarification of “presiding officer”

281A.100 – clarification of “subject” recognizing that not all complaints are filed against public officials

281A.255 – elimination of description / restrictions on written filings

281A.280 – streamlining language related to oaths

281A.310 – recommended change in consanguinity chart

281A.615 – elimination of unnecessary language about availability of acknowledgment forms

Advisory Opinions

281A.351(6) & 281A.353(3) – sets time limit for responses to requests for supplemental information

281A.352 – allows acceptance of jurisdiction when election or appointment has happened but before the start date of service

Complaints

281A.177 – elimination of extra language related to review panel procedures

281A.405(2) – rejection of defective complaints by Executive Director

281A.405(3) – confirming ability of Executive Director to search out information related to a jurisdictional determination

281A.410 – eliminates requirement that waiver paperwork be included in the notice packet

281A.442 – streamlining of language related to motion procedures

281A.444 – clarity of language in discovery requirements

281A.457(a) – elimination of redundant statutory language related to timing of adjudicatory hearing