



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

**MINUTES  
of the meeting of the  
NEVADA COMMISSION ON ETHICS**

The Commission on Ethics held a public meeting on  
Tuesday, July 25, 2023, at 10:00 a.m.  
at the following location:

**Nevada Legislative Building  
Room 4100  
401 S. Carson Street  
Carson City, NV 89701**

and via videoconference to:

**Grant Sawyer State Building  
Room 4401  
555 E. Washington Avenue  
Las Vegas, NV 89101**

**Zoom Meeting Information**

Zoom Meeting Telephone Number: 888-475-4499  
Meeting ID: 894 8406 7475

These minutes constitute a summary of the above proceedings of the Nevada Commission on Ethics. A transcript of the meeting is available for public inspection at the Commission's office. A recording of the meeting is available on YouTube, [Part 1](#) and [Part 2](#).

1. Call to Order and Roll Call.

Chair Kim Wallin, CPA, CMA, CFM appeared in-person in Room 4100 of the Nevada Legislative Building in Carson City and called the meeting to order at 10:07 a.m. Also appearing in-person in Carson City were Commissioners Barbara Gruenewald, Esq., Teresa Lowry, Esq., John T. Moran III, Esq., Stan R. Olsen, and Thoran Towler, Esq. Commissioner Amanda Yen, Esq. appeared via Zoom videoconference. Vice-Chair Brian Duffrin was excused. Present for Commission staff in Carson City were Executive Director Ross E. Armstrong, Esq., Associate Counsel Elizabeth J. Bassett, Esq., Investigator Erron Terry, Senior Legal Researcher Wendy Pfaff and Executive Assistant Kari Pedroza. Conflict Counsel Wayne Klomp, Esq. and Deputy Attorney General Laena St-Jules, Esq. also appeared in person in Carson City.

2. Public Comment.

Executive Director Armstrong noted that the written public comment submitted prior to the Commission's June meeting regarding Item 5, which Item was removed from the June meeting and placed on the July 25 meeting, was included in the meeting materials. (See Attachment A)

There was no public comment provided in-person.

3. Approval of Minutes of the June 13, 2023, Commission Meeting.

Chair Wallin stated that all Commissioners were present for the June 13 Commission Meeting, except for Commissioner Yen who was excused, and Commissioners Moran and Olsen who were not yet appointed to the Commission and therefore precluded from participating in this item.

Commissioner Towler moved to approve the June 13, 2023, Commission Meeting Minutes as presented. Commissioner Gruenewald seconded the motion. The Motion was put to a vote and carried as follows:

|                          |          |
|--------------------------|----------|
| Chair Wallin:            | Aye.     |
| Commissioner Gruenewald: | Aye.     |
| Commissioner Lowry:      | Aye.     |
| Commissioner Moran:      | Abstain. |
| Commissioner Olsen:      | Abstain. |
| Commissioner Towler:     | Aye.     |
| Commissioner Yen:        | Abstain. |

4. Welcome and Introductions of new Commissioners

- John T. Moran III, Esq.
- Stan R. Olsen

Chair Wallin introduced and welcomed newly appointed Commissioners Moran and Olsen to the Commission and outlined what they can expect in their roles as Ethics Commissioners.

5. Hearing on Dispositive Motions in Consolidated Case Nos. 21-062C & 21-082C regarding Joseph M. Lombardo, Sheriff of Clark County, State of Nevada, including providing authority to the Chair of the Commission to prepare and issue the order reflecting the Commission's decision and other matters relating thereto, in consultation with Counsel for the Commission.

- The Commission may receive information or evidence concerning this matter and deliberate in a closed session pursuant to NRS 281A.760 (see notes below).
- The Commission will take action on the item in open session.

Chair Wallin introduced the item and stated for the record that proper notice had been provided and waivers were received regarding this item. Chair Wallin further noted that Vice-Chair Duffrin and Commissioner Gruenewald served as members of the Review Panel and would be precluded from participating in the consideration of the dispositive motions under this item pursuant to NRS 281A.220(4).

Chair Wallin asked if any Commissioners needed to make a disclosure on this item.

Commissioner Moran disclosed that he is an acquaintance of former Sheriff Lombardo and now Governor Lombardo and he has known Governor Lombardo in a professional or public capacity for a number of years. Commissioner Moran stated that he would categorize the current relationship as professional acquaintances rather than a personal friendship. Commissioner Moran further disclosed that Governor Lombardo appointed him as a Commissioner to the Nevada Commission on Ethics, with a term to start October 1, 2023 and that upon the unexpected resignation of the Commissioner he was scheduled to replace, his term started on July 1, 2023. Commissioner Moran stated that under NRS 281A.065, his relationship with Governor Lombardo is not within the definition of commitment in a private capacity to the interests of another person and consequently does not require disclosure or abstention under the Ethics Law pursuant to NRS 281A.420. He added that nothing in Judicial Cannon 2.11, the Code of Judicial Conduct, required disclosure or abstention pursuant to the manner of his appointment. Commissioner

Moran shared his belief that he would be fair and impartial in considering the matter and have no actual or perceived bias. He added that neither his acquaintanceship with Governor Lombardo nor his appointment to the Commission on Ethics by Governor Lombardo would materially affect his independence of judgment or that of a reasonable person in his situation. Commissioner Moran stated that he would be participating in and voting on the matter.

Commissioner Olsen disclosed that he is a former coworker of former Sheriff Lombardo, having worked at the Las Vegas Metropolitan Police Department at the same time. Commissioner Olsen categorized the current relationship with Governor Lombardo as former coworkers and professional acquaintances. Commissioner Olsen further disclosed that Governor Lombardo appointed him as a Commissioner to the Nevada Commission on Ethics with a term starting on July 1, 2023 to fill the vacancy caused by the expiration of Commissioner Oscarson's term. He stated that his appointment was made pursuant to statute and in the ordinary course. Commissioner Olsen shared that he registered as a lobbyist during the 2023 Legislative Session of the Nevada Legislature and since its conclusion he has not communicated directly with a State Legislator or member of a local Legislative body on anyone's behalf and does not plan to do so in the future. Commissioner Olsen stated that under NRS 281A.065, his relationship with Governor Lombardo is not within the definition of commitment in a private capacity or in the interest of another person and consequently does not require disclosure or abstention under the Ethics Law pursuant to NRS 281A.420. He added that nothing in Judicial Canon 2.11, the Code of Judicial Conduct, required disclosure or abstention pursuant to the manner of his appointment. Commissioner Olsen shared his belief that he would be fair and impartial in considering the matter and have no actual or perceived bias. He added that neither having been a former coworker of Governor Lombardo nor his appointment to the Commission on Ethics by Governor Lombardo would materially affect his independence of judgment or that of a reasonable person in his situation. Commissioner Olsen stated that he would be participating in and voting on the matter.

Chair Wallin stated that a Request for Judicial Notice had been filed by counsel for the subject as well as an objection to an exhibit attached to the subject's motion for summary judgment. The Request for Judicial Notice requested that the Commission consider an article and still photograph attached to the Request. She outlined that the Executive Director requests that the Commission not consider an email from Associate Counsel Bassett to subject's Counsel Mirkovich during settlement discussions. Chair Wallin noted that the motions, filed by both parties, contain numerous exhibits and neither party requested that the Commission take notice of those documents. Chair Wallin admitted Exhibits 1 and 2 attached to the Request for Judicial Notice into the record. Chair Wallin admitted Exhibit 37 attached to Mr. Lombardo's Motion for Summary Judgment into the record and the Executive Director's objection was overruled.

Chair Wallin informed her fellow Commissioners that all deliberations would be done in a closed session.

Chair Wallin asked the parties in the Complaint to identify themselves for the record. Associate Counsel Elizabeth J. Bassett, Esq. appeared on behalf of Executive Director Armstrong before the Commission in this matter. Colby Williams, Esq. from Campbell and Williams, appeared in person on behalf of Joseph Lombardo, who was not in attendance but was provided proper notice of the Agenda Item and understood that the Commission would proceed in his absence. Mr. Williams noted that his colleagues Samuel Mirkovich, Esq., Phillip Erwin, Esq. and Donald J. Campbell, Esq. were also in attendance in Carson City.

Chair Wallin outlined the dispositive motion hearing order to be as follows:

1. Associate Counsel present argument on the Executive Director's Motion for Summary Judgment
2. Counsel Williams present argument on Mr. Lombardo's Motion for Summary Judgment and present counter arguments to the Executive Director's Motion for Summary Judgment

3. Associate Counsel present argument on the Executive Director's Opposition to Mr. Lombardo's Motion for Summary Judgment and present final remarks
4. Counsel Williams present final remarks

Associate Counsel Elizabeth J. Bassett, Esq. requested that opposing counsel be precluded from using the PowerPoint he submitted as an exhibit approximately 55 minutes prior to the start of the meeting that day. Counsel Williams responded that the PowerPoint is a demonstrative presentation. Chair Wallin allowed the PowerPoint to be admitted for Counsel Williams' use in his presentation but not as an exhibit. Counsel Williams assured the Commission that the PowerPoint did not include additional evidence. Associate Counsel Bassett raised a question as to whether she would have the chance to object to any new evidence included in the PowerPoint and Chair Wallin responded that Associate Counsel Bassett could object during opposing counsel's presentation.

Commissioner Yen asked if the PowerPoint would be displayed on the screen as she did not receive it via electronic mail. Conflict Counsel Klomp informed Commissioner Yen that he would email her the PowerPoint presentation.

Commissioner Moran requested that both parties reserve objections until the conclusion of either opposing party's opening statements and not interrupt one another's presentations. Chair Wallin stated she would allow parties to object as needed.

Counsel Williams noted his potential objection to Exhibit 36 of the Executive Director's Motion for Summary Judgment, dependent on Associate Counsel Bassett's argument associated with the Exhibit. Chair Wallin allowed Counsel Williams to reserve that objection.

Associate Counsel Bassett presented the Executive Director's Motion for Summary Judgment. She argued that the Executive Director determined that sixty-eight (68) alleged violations of the Ethics Law, specifically NRS 281A.400(2) and (7) were properly brought before the Commission and judgment should be granted by the Commission as the pleadings and evidence demonstrate that no genuine issues of material fact exist in regard to these specific violations. Associate Counsel Bassett outlined potential civil penalties allowed for violations determined as willful by the Commission.

On behalf of Mr. Lombardo, Counsel Williams argued the merits of his client's Motion for Summary Judgment before the Commission requesting Summary Judgment be granted by the Commission on the following alleged violations of Ethics Law provisions, NRS 281A.400(2) and (7) and also presented his client's Opposition to the Executive Director's Motion for Summary Judgment.

Associate Counsel Bassett presented the Executive Director's Opposition to Mr. Lombardo's Motion for Summary Judgment and final remarks.

Counsel Williams presented final remarks on behalf of his client, Mr. Lombardo.

All Commissioners with the exception of Commissioner Gruenewald asked questions of Associate Counsel Bassett and Counsel Williams, and each provided responses to the questions.

Chair Wallin called the meeting into confidential closed session for Commission deliberations at 1:43 p.m.

The Commission deliberated in a confidential closed session at an off-site location.

Chair Wallin called the meeting back into open session at 3:59 p.m.

Commissioner Yen stated for the record that the Commission has reviewed the entire record for consolidated matters 21-062C and 21-082C, and has fully considered the pending motions and arguments of counsel. Commissioner Yen thanked Counsel for their excellent arguments.

Commissioner Yen moved to grant Summary Judgment in favor of Governor Lombardo with respect to the claims of violations of NRS 281A. 400(2). Commissioner Yen further moved to grant Summary Judgment to the Executive Director with respect to the claims of violations of NRS 281A.400(7), and a finding that the violations are four (4) in number; one for each video or photograph created by the campaign. With purposes of deterrence and education as the Commission's guiding principles, Commissioner Yen moved to adopt a finding of willfulness and to impose civil penalties in the amount of \$20,000, and issue a censure to Governor Lombardo. Commissioner Yen moved that all other penalties requested by the Executive Director are denied. Commissioner Yen included in her motion direction to counsel for the Commission to prepare an order in coordination with the Chair to reflect the determination of the Commission. Commissioner Lowry seconded the motion. The Motion was put to a vote and carried as follows:

|                          |                                   |
|--------------------------|-----------------------------------|
| Chair Wallin:            | Aye.                              |
| Commissioner Gruenewald: | Abstain pursuant to NRS 281A.220. |
| Commissioner Lowry:      | Aye.                              |
| Commissioner Moran:      | Nay.                              |
| Commissioner Olsen:      | Nay.                              |
| Commissioner Towler:     | Aye.                              |
| Commissioner Yen:        | Aye.                              |

Chair Wallin thanked Mr. Lombardo's counsel and Associate Counsel Bassett for their presentations and arguments. Counsel Williams thanked the Commissioners for their time and consideration of the matter.

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

Chair Wallin introduced the item and opened it up for nominations.

Commissioner Lowry made a motion to reappoint Commissioner Wallin as Chair and to appoint Commissioner Towler as Vice-Chair of the Commission. Commissioner Gruenewald seconded the motion. The Motion was put to a vote and carried unanimously.

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

- a. Quarterly Case Log
- b. Annual Report

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

a. Quarterly Case Log: Executive Director Armstrong referenced the updated Quarterly Case Logs provided in the meeting materials noting that the Commission's case log is current, and complaint investigations are being completed in a timely matter.

Executive Director Armstrong thanked Associate Counsel Bassett for all her hard work on Requests for Advisory Opinions in the absence of a Commission Counsel.

b. Annual Report: Executive Director Armstrong outlined the typical Annual Report approval timeline noting that the Commission does not usually have a July meeting and that lends to more time to work on the annual report as approval of the report is due by the Commission's second meeting of the new fiscal year.

Executive Director Armstrong referenced the annual report draft provided in the meeting materials and encouraged feedback from the Commission either during the meeting or via electronic mail prior to the next Commission meeting's materials due date. He highlighted the Commission's brand project, new online learning management system and increase in resolved cases during FY23.

Chair Wallin provided her feedback on the readability of the charts and graphs included in the Appendices.

Executive Director Armstrong informed the Commission that with the personnel vacancy savings we were able to hire Michael Briceno as a temporary contract administrative assistant to complete the records retention project at the Commission's office. He thanked Michael for his hard work in going through boxes and boxes of paperwork.

Chair Wallin thanked Michael Briceno for his hard work at the Commission's office.

Chair Wallin asked Executive Director Armstrong about the location of the Commission's August meeting and Executive Director Armstrong reiterated the intention to hold the meeting in Winnemucca or other rural Nevada location to allow more constituents the opportunity to attend a Commission meeting.

Commissioner Moran suggested that the August meeting be held in Tonopah as it is halfway between Carson City and Las Vegas. Commissioner Olsen commented his agreement with Tonopah as the meeting location as opposed to Winnemucca.

Commissioner Gruenewald requested that the Commission not go to a rural location during the summer months. Chair Wallin suggested Tonopah in November.

Executive Director Armstrong summarized that the Commission would meet in Reno in August, Las Vegas in October and Tonopah in November.

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

8. 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 requested that an item regarding the appointment of the Personnel Subcommittee of the Commission on Ethic be placed on the August Commission Meeting Agenda.

Chair Wallin thanked Commission staff for all of their hard work. She thanked Executive Assistant Pedroza for all of her meeting coordination efforts for the meetings that day.

Chair Wallin confirmed that new Commission Counsel Brandi Jensen would be starting with the Commission on August 7, 2023.

9. Public Comment.

There was no Public Comment.

10. Adjournment.

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

The meeting was adjourned at 4:16 p.m.

Minutes prepared by:

[/s/ Kari Pedroza](#)

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Kari Pedroza  
Executive Assistant

[/s/ Ross Armstrong](#)

\_\_\_\_\_  
Ross Armstrong, Esq.  
Executive Director

Minutes approved August 23, 2023:

[/s/ Kim Wallin](#)

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Kim Wallin, CPA, CMA, CFM  
Chair

[/s/ Thoran Towler](#)

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Thoran Towler, Esq.  
Vice-Chair

# **Attachment A**

**From:** [john baietti](#)  
**To:** [Nevada Commission on Ethics](#)  
**Subject:** Joe Lombardo clothing Scandal  
**Date:** Thursday, June 8, 2023 3:05:29 PM

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**WARNING** - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

THIS PREPOSTEROUS SCANDAL must end !! I'm asking the commision on ethics to number 1 stay out of politics. This is a POLITICAL PLOY by a POLITICAL HACK!!! Stick with criminal behavior or actions. Wearing clothes is NOT a crime being seen in public with a legally designated brain dead moron like Dfalco IS CRIMINAL!!! Maybe ask Delfalco if Joes shoes were OK? Joe was our Sheriff!!!! ----Nobody elected/appointed Dumbo Delfalco Fashion Police Commissioner I'm asking the commision to please use common sense and throw DEDUMB DEIDIOT DEFALCO crazy idea that that we need to watch what we wear OUT!!!!!!

We do NOT do fashion police in the Great State of Nevada he "Deweirdo" is making a joke of our Governor and our State

THANKYOU==John Baietti

johnbaietti12345678@gmail.com---702 497 7012

6652 Goldencreek wy Las Vegas NV 89108

P.S---tell the Penalty Finders Committee [\$1.6 million ] to STOP smoking POT when determining a FINE!!!!

**From:** [Kathy Benson](#)  
**To:** [Nevada Commission on Ethics](#)  
**Subject:** Public Comment Re Joseph M Lombardo Matter  
**Date:** Monday, June 12, 2023 4:05:03 PM  
**Attachments:** [Nevada Commission on Ethics-Lombardo Matter June 2023.pdf](#)

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**WARNING** - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Sirs/Ladies:

I submit the attached letter regarding the above matter.

June 12, 2023

NEVADA COMMISSION ON ETHICS  
704 West Nye Lane, Suite 204  
Carson City, NV  
via email: [ncoe@ethics.nv.gov](mailto:ncoe@ethics.nv.gov)

Re: Public Comment on Consolidated Case Nos. 21-062C & 21-082C regarding Joseph M. Lombardo, Sheriff of Clark County, State of Nevada

Dear Sirs/Ladies:

This letter is submitted to express my opinion as a citizen of the State of Nevada in the above matter.

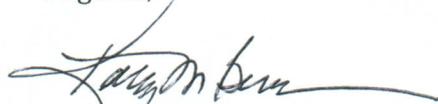
I want to start by saying that I believe the penalties and fine that the Commission has asked of Governor Lombardo to be egregious. As to the Commission's determination, it appears to deviate from Commission precedent (ROF 14-71C – Jim Pitts) and the acknowledgement by the Commission that "...a February 29, 2012 opinion of the U.S. Office of Special Counsel which concluded that the Federal Hatch Act, 5 U.S.C. 1502(a)(1), would not prohibit a candidate subject to its regulation from wearing his/her uniform or using his/her official title while campaigning for reelection." (ROF 14-71C – Jim Pitts, Section 4m.) As a private citizen, I do not have the time to research all issues, and acknowledge there may be other precedents of which I am unaware.

Aside from the above, I believe the determination by the Commission gives an impression of political bias. Not just because of the Damian Sheets statements and the excessive penalties/fine, but because of the "lawfare" being utilized throughout the Country. I believe the suggested penalty that an ethics officer be designated to Governor Lombardo's office is for the purpose of "creating" perceived ethics violations.

I would also like to address the case of Justin Jones. I would hope the Commission would revisit the conduct of Justin Jones. I would also suggest that former Governor Steve Sisolak is complicit in that matter. As a private citizen working for a private company over the years, if I was ever informed of a "retention order", I knew I had to be very careful and always did my best to not be in violation of such order. It appears these laws apply to few.

Thank you for the opportunity to submit my input regarding the above matter.

Regards,



Kathy M Benson