



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

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

The Commission on Ethics held a public meeting on
Wednesday, June 13, 2023, at 9:30 a.m.
at the following location:

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

Zoom Meeting Information
<https://us06web.zoom.us/j/82536449687?pwd=UkNSdm1xRIISd3NFQlpQeC9LUmtMUT09>
Zoom Meeting Telephone Number: 720-707-2699
Meeting ID: 825 3644 9687
Passcode: 262131

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 State Bar of Nevada office in Reno and called the meeting to order at 9:35 a.m. Also appearing in-person in Reno were Commissioners Barbara Gruenewald, Esq. and Thoran Towler, Esq. Vice-Chair Brian Duffrin participated telephonically. Appearing via Zoom videoconference were Commissioners Teresa Lowry, Esq. and James Oscarson. Commissioner Amanda Yen, Esq. was excused. Present for Commission staff in Reno 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 Reno.

Chair Wallin noted that Item 4 pertaining to Ethics Consolidated Complaint Case Nos. 21-062C & 21-082C regarding Joseph M. Lombardo, Sheriff of Clark County, State of Nevada was removed from the Agenda and the matter would be considered at the July 25 Commission meeting being held in Room 3138 of the Nevada Legislative Building in Carson City.

2. Public Comment.

Written Public Comment (Attachment A) related to Agenda Item 4 was provided prior to the meeting by the following:

- John Baietti
- Kathy Benson

No Public Comment was provided by any attendees.

3. Approval of Minutes of the May 30, 2023, Commission Meeting.

Chair Wallin stated that all Commissioners were present for the May 30 Commission Meeting, except for Commissioners Oscarson and Yen who were excused and therefore precluded from participating in this item.

Commissioner Gruenewald moved to approve the May 30, 2023, Commission Meeting Minutes as presented. Commissioner Towler seconded the motion. The Motion was put to a vote and carried as follows:

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

4. 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.

As noted by the Chair at the beginning of the meeting, this Agenda Item was removed and will be considered at a future Commission meeting.

5. Discussion and approval of a Proposed Stipulation concerning Ethics Complaint No. 22-102C regarding Raymond Spencer, Former Lieutenant, Las Vegas Metropolitan Police Department, State of Nevada.
- 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 Commissioners Lowry and Yen 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 Counsel in the Complaints to identify themselves and their clients for the record. Associate Counsel Elizabeth J. Bassett, Esq. appeared on behalf of Executive Director Armstrong before the Commission in this matter. Samuel R. Mirkovich, Esq. appeared via Zoom on behalf of Raymond Spencer, who was not in attendance but was provided proper notice of the Agenda Item and understood that the Commission would proceed in his absence.

Associate Counsel Elizabeth J. Bassett, Esq. presented an overview of the Proposed Stipulation to resolve Ethics Complaint No. 22-102C.

Counsel Mirkovich stated his agreement with Associate Counsel Bassett's recitation of the Proposed Stipulation. He confirmed his client is in agreement with the terms of the Proposed Stipulation.

Commissioner Towler asked clarifying questions and Counsel for both parties responded to the questions.

Commissioner Gruenewald's comments were read into the record and are provided in Attachment B.

Chair Wallin shared that she was in support of the Stipulation and thanked both parties for their efforts in presenting the resolution to the Commission's consideration.

Commissioner Oscarson thanked Commissioner Gruenewald for her comments and expressed his appreciation for his colleague's perspectives.

Commissioner Gruenewald stated that she had provided a written copy of her comments to the Commission's Executive Assistant for distribution via email to her fellow Commissioners and included with the meeting minutes.

Commissioner Gruenewald made a motion to accept the terms of the Stipulation as presented by the parties to resolve Ethics Complaint Case No. 22-102C (Spencer) and direct Conflict Counsel Wayne Klomp to finalize the legal form of Stipulation and any matters relating thereto. Commissioner Towler seconded the motion. The Motion was put to a vote and carried as follows:

Chair Wallin:	Aye.
Vice-Chair Duffrin:	Abstain pursuant to NRS 281A.220.
Commissioner Gruenewald:	Aye.
Commissioner Lowry:	Abstain pursuant to NRS 281A.220.
Commissioner Oscarson:	Aye.
Commissioner Towler:	Aye.

Chair Wallin thanked Counsel Mirkovich for his assistance in the resolution of this matter.

6. Report by Executive Director on agency status and operations, and possible direction thereon. Items to be discussed include, without limitation:
 - a. Education and Outreach
 - b. Legislative Update
 - c. Budget Update
 - d. Annual Report

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

a. Education and Outreach: Executive Director Armstrong referenced the written report included in the meeting materials. He shared that the Tovuti Online Learning Management System would be ready for soft launch in the next few weeks and highlighted recent training requests received as well as recent and upcoming trainings provided by the Commission to state and local government agencies.

b. Legislative Update: Executive Director Armstrong stated that the Regular 2023 Legislative Session ended on June 5 and the Open Meeting Law bill changes would be reviewed by Commission staff and implemented.

c. Budget Update: Executive Director Armstrong informed the Commission that the allocated FY23 were in line to be utilized as anticipated for upcoming end of fiscal year and Administrative Services Division would assist with a minimal work program between Commission budget categories.

d. Annual Report: Executive Director Armstrong outlined the Annual Report approval timeline and shared which major topics he would highlight.

Commissioner Oscarson thanked Executive Director Armstrong for the Legislative Update weekly reports he provided to the Commission to keep them informed. He commended Executive Director Armstrong on his attentiveness to the Commission's best interest and shared that he was looking forward to the next Legislative session.

Commissioner Lowry echoed Commissioner Oscarson's remarks and stated that Executive Director Armstrong was doing an excellent job with education and outreach. She also expressed her appreciation to Commission staff.

Executive Director Armstrong thanked Commissioners Oscarson and Lowry for their comments and stated he was lucky to have such a great team. He commented he was looking forward to Brandi Jensen starting in the position of Commission Counsel at the beginning of August and his gratitude to finally have a full team again. Executive Director Armstrong thanked Deputy Attorney General St Jules for her assistance to the Commission in the interim.

Chair Wallin thanked Commission staff for their hard work and taking on extra duties while positions were vacant. She also expressed her appreciation to Executive Director Armstrong for his weekly Legislative updates during session.

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

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

There were no Commissioner Comments.

8. Public Comment.

There was no Public Comment.

9. Adjournment.

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

The meeting was adjourned at 10:04 a.m.

Minutes prepared by:

/s/ Kari Pedroza

Kari Pedroza
Executive Assistant

/s/ Ross Armstrong

Ross Armstrong, Esq.
Executive Director

Minutes approved July 25, 2023:

/s/ Kim Wallin

Kim Wallin, CPA, CMA, CFM
Chair

/s/ Brian Duffrin

Brian Duffrin
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

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](#)

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

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.

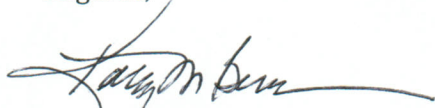
I want to start by saying that I believe the penalties and fine that the Commission has asked of Governor Lombardo to be egregious. As to the Commission's determination, it appears to deviate from Commission precedent (ROF 14-71C – Jim Pitts) and the acknowledgement by the Commission that "...a February 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

Attachment B

Re: Raymond Spencer

Why does the Ethics Commission protect the use of a uniform, badge, and other accoutrements?

1. Because the use of a uniform, badge and other accoutrements belongs to the public.
2. The public places trust in a law enforcement uniform, badge, etc.
3. Trust that the public will be protected by the person wearing the uniform.
4. The Ethics Commission is protecting the public's trust in that uniform.
5. By wearing the uniform in ads, Spencer was saying the public trusts me.
6. That is a violation of NRS 281A.400(7). Spencer, a public officer (police officer) was using his government property (uniform) to benefit his own interest in persuading the public to vote for him, by bootstrapping the public's trust in his police uniform to the public trusting him in his bid for Las Vegas City Council.

Barbara Gruenewald

Commissioner