

Agenda Item 3



**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, February 15, 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/88488094964?pwd=RHhJNmduN2JYVkhkdy9oYzlvOTQ1dz09>

Zoom Meeting Telephone Number: 720-707-2699

Meeting ID: 884 8809 4964

Passcode: 166126

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 in Reno and called the meeting to order at 9:30 a.m. Also appearing in-person were Vice-Chair Brian Duffrin and Commissioners Barbara Gruenewald, Esq. and Thoran Towler, Esq. Commissioners Teresa Lowry, Esq. and James Oscarson appeared via videoconference. Commissioner Amanda Yen, Esq. was excused. Commissioner Damian Sheets, Esq. was absent. 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 Darci Hayden, and Executive Assistant Kari Pedroza. Deputy Attorney General Laena St-Jules, Esq. also appeared in person in Reno.

2. Public Comment.

There was no public comment.

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

Chair Wallin stated that all Commissioners were present for the January Commission Meeting, except for Commissioners Sheets who was absent and therefore would be precluded from participating on this item if he were present.

Commissioner Towler moved to approve the January 18, 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.
Vice-Chair Duffrin:	Aye.
Commissioner Gruenewald:	Aye.
Commissioner Lowry:	Aye.
Commissioner Oscarson:	Aye.
Commissioner Towler:	Aye.

4. Discussion and approval of a Proposed Stipulation concerning Ethics Complaint No. 22-098C regarding Neoma Jardon, Former Member, City Council, Ward 5, City of Reno, and Former Chair, Regional Transportation Commission, Washoe County, State of Nevada.

Chair Wallin introduced the item and stated for the record that proper notice was provided, and waivers were received regarding this item. Chair Wallin further noted that Commissioner Yen had abstained from participating in this case and that all other Commissioners may participate in the matter.

Chair Wallin asked the parties in the Complaint to identify themselves for the record. Executive Director Armstrong appeared on his own behalf before the Commission in this matter and Josh Hicks, Esq. appeared in person on behalf of Neoma Jardon, who attended via videoconference.

Executive Director Armstrong provided an overview of Ethics Complaint Case No. 22-098C (Jardon) and the Proposed Stipulation. The Proposed Stipulation delineated a single course of conduct resulting in one non-willful violation of NRS 281A.550(5) by Jardon based upon consideration of presented mitigating factors set forth in NRS 281A.775, and as outlined, Jardon will pay a civil penalty in the amount of \$3,060 and agreed to comply with the Nevada Ethics Law for the duration of the cooling off period.

Josh Hicks, Esq. thanked Executive Director Armstrong and Commission staff for their cooperation and professionalism. He stated that Ms. Jardon had cooperated fully with Commission staff from the beginning and had taken the situation seriously. Josh Hicks, Esq. acknowledged that the one non-willful violation occurred as the result of a vote Ms. Jardon participated in 10 months prior to the job opening. He relayed Ms. Jardon was in full agreement with the terms of the Stipulation and urged the Commission's support of the agreement.

Vice-Chair Duffrin commented his appreciation that Ms. Jardon sought legal advice pertaining to her circumstances and asked who she consulted for legal advice. Executive Director answered Vice-Chair Duffrin's question. Vice-Chair Duffrin asked further clarifying questions regarding Ms. Jardon's employment and the amount of the proposed civil penalty and Executive Director Armstrong responded to the questions.

Commissioner Lowry, Chair Wallin and Vice-Chair Duffrin asked further clarifying questions regarding Ms. Jardon's abstention on an item pertaining to the Downtown Reno

Partnership considered during a 2018 City Council meeting, and Executive Director Armstrong responded.

Commissioner Towler voiced his concern relating to the optics of the Stipulation and the precedent it could set for violations implicating the cooling off provision of the Ethics Law going forward.

Executive Director Armstrong outlined the parameters of the Ethics Law in regard to cooling off provisions and highlighted the mitigating factors of the case.

Ms. Jardon's counsel Josh Hicks, Esq. noted that many public officials serve on multiple public bodies and Ms. Jardon's service as a member of the Washoe Regional Transportation Commission board was part of her Reno City Council duties. He acknowledged Ms. Jardon's commitment and dedication to public service. Josh Hicks, Esq. provided further information relating to the vote his client participated in in her capacity as a member of the Reno City Council.

Chair Wallin thanked Mr. Hicks for his comments.

Commissioner Oscarson shared his appreciation for his fellow Commissioners, Commission staff and Mr. Hicks for the resolution of this complex matter.

Commissioner Gruenewald made a motion to accept the terms of the Stipulated Agreement as presented by the parties to resolve Ethics Complaint Case No. 22-098C (Jardon) and direct Deputy Attorney General Laena St-Jules to finalize the Stipulation in appropriate form. Commissioner Oscarson seconded the motion. The Motion was put to a vote and carried as follows:

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

5. Discussion and approval of a Proposed Stipulation concerning Ethics Complaint No. 22-126C regarding David Cochran, Fire Chief, Reno Fire Department, State of Nevada.

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

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 and Jonathan Shipman, Esq. appeared via videoconference on behalf of David Cochran, 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 Bassett provided an overview of Ethics Complaint Case No. 22-126C (Cochran) and the Proposed Stipulation. The Proposed Stipulation delineated one willful violation of NRS 281A.400(7) by Cochran based upon consideration of presented mitigating factors set forth in NRS 281A.775, and as outlined, Cochran received a public admonishment

from the Commission and agreed to complete Ethics Training within sixty (60) days of the execution of the Stipulation.

Jonathan Shipman, Esq. complimented Commission staff on their professionalism and collegiality in resolving the matter and stated that his client Mr. Cochran agreed with the terms of the Proposed Stipulation.

Commissioner Gruenewald made a motion to accept the terms of the Stipulated Agreement as presented by the parties to resolve Ethics Complaint Case No. 22-126C (Cochran) and direct Deputy Attorney General Laena St-Jules to finalize the Stipulation in appropriate form. Commissioner Oscarson seconded the motion. The Motion was put to a vote and carried as follows:

Chair Wallin:	Aye.
Vice-Chair Duffrin:	Abstain. (Review Panel Member)
Commissioner Gruenewald:	Aye.
Commissioner Lowry:	Abstain. (Review Panel Member)
Commissioner Oscarson:	Aye.
Commissioner Towler:	Aye.

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. Commission Counsel Hiring Update

a. Education and Outreach: Executive Director Armstrong reported that the Commission's social media platforms have seen continued growth in followers since tracking began in January 2022.

Executive Director Armstrong provided the number of Public Employees and Officers Trained this fiscal year to date. He also thanked Executive Assistant Pedroza for her work in establishing a training request form on the Commission's website.

Executive Director Armstrong informed the Commission that the Commission's Online Learning System contract with Tovuti had been approved and staff would have its first implementation meeting next week.

b. Legislative Update: Executive Director Armstrong informed the Commission that the Bill Hearing for Assembly Bill (AB) 66 had been scheduled for February 21 at 4pm to be heard before the Assembly Committee on Legislative Operations and Elections. He stated that the Commission's Budget Hearing had been scheduled for Friday February 24 during which he will present the Commission's Budget Presentation.

Executive Director Armstrong referenced the Legislative Session Report provided in the meeting materials and noted that bills potentially affecting the Commission's Operations will be tracked and the Commission will be regularly notified of bill tracking status via electronic mail. He informed the Commission that staff is monitoring Senate Bill (SB) 156 pertaining to the Open Meeting Law sponsored by Senator Ohrenschall.

c. Budget Update: Executive Director Armstrong reiterated that the Commission's Budget Hearing had been scheduled for Friday, February 24.

Executive Director Armstrong reported that the Governor's Recommended Budget included the Commission's request for a Public Information Officer position. He stated that the Commission's request for salary parity was not included, however the Governor had proposed pay increases for state employees over the next biennium.

d. Commission Counsel Hiring Update: Executive Director Armstrong reported that at the time staff was preparing for the Personnel Subcommittee meeting and communicated the upcoming interview process to the applicants, all but one applicant withdrew. He informed the Commission that the Commission Counsel Job Announcement would be re-evaluated, and when the recruitment was opened again, it would be for a shorter time frame.

Commissioner Towler moved to accept the Executive Director's agency status report as presented. Commissioner Gruenewald 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.

Vice-Chair Duffrin provided thanks to each staff member for their work and noted the extra work performed by the Associate Counsel in the absence of a Commission Counsel. Commissioner Oscarson appreciated the comments by the Vice-Chair and thanked the Executive Director and Executive Assistant for their assistance with issues he was having with email access. Chair Wallin stated she was extremely impressed with staff's responsiveness.

8. Public Comment.

There was no public comment.

9. Adjournment.

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

The meeting adjourned at 10:31 a.m.

Minutes prepared by:

/s/ Kari Pedroza

Kari Pedroza
Executive Assistant

/s/ Ross Armstrong

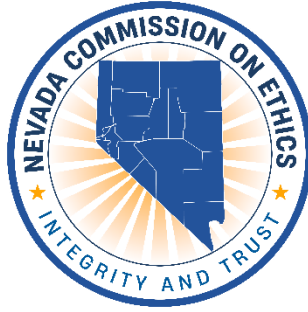
Ross Armstrong, Esq.
Executive Director

Minutes approved March 15, 2023:

Kim Wallin, CPA, CMA, CFM
Chair

Brian Duffrin
Vice-Chair

Agenda Item 7



Executive Director Report – March 2023

Education and Outreach

- Online learning management system coaching period is complete
- Priority tasks to make the system operational include:
 - Content creation
 - Learning path finalization
 - Pilot with small group for feedback

Legislative Update

- See attached Legislative Report

Budget Update

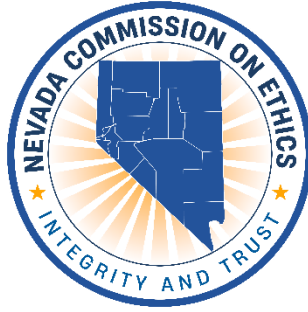
- Budget Hearing scheduled for February 24 was postponed to March 6 due to weather
 - Planned follow-up regarding salary comparisons and PIO position specifications
- On track for FY2023 budget with slight work program needed for Information Services category

Commission Counsel Hiring Update

- Commission Counsel position to be posted on March 15
 - Shorter application period
- Agreement with the Attorney General's Office remains in place

Submitted: Ross E. Armstrong, Executive Director

Date: 3/8/2023



2023 Legislative Session Report – March 2023

NCOE Hearing Dates

March 6 – NCOE Budget Hearing conducted

Current Bill Draft Request for Monitoring

Track (bills identified with confirmed effect on agency)

- AB66 – NCOE Sponsored Bill
 - Initial bill hearing conducted on February 21, 2023 in Assembly Legislative Operations and Elections
 - Next step – work session from the committee
- AB52 – Changes to Nevada’s Open Meeting Law
- AB 219 – Changes to Nevada’s Open Meeting Law
- SB156 – Update Open Meeting Law to include remote technology system meeting platform requirements during emergencies
- SB207 – adding to the definition of “pecuniary interest” in the Nevada Ethics Law
- SB210 – creating state policy that boards and commissions reflect the diversity of the state and setting a deadline for vacancy notifications to the Governor

Monitor (bills with potential effect on agency)

- AB200 – Reduces the number of BDRs proposed each Legislative Session
- AB224 – Revises provisions governing collective bargaining for professional employees
- AB239 – Various modifications to specific existing boards and commissions
- SB34 – Revises provisions relating to legal representation by the Attorney General (representation when the state employee is not named in the matter, for subpoenas, etc)
- SB37 – Makes changes relating to pro bono activities of attorneys in public employment (permits government attorney to serve as a third-party neutral mediator)
- SB214 – eliminated specific boards and commissions

Remaining Bill Draft Requests – Awaiting Bill Language

- BDR 14 – Revises provisions relating to public officers
- BDR 48 – Revises provisions relating to boards and commissions
- BDR 120 – Revises provisions governing public notice
- BDR 124 – Revises provisions governing state procurement
- BDR 131 – Revises provisions relating to certain public employees
- BDR 149 – Revises provisions governing civil procedure

- BDR 667 – Revises provisions to governmental administration
- BDR 768 – Revises provisions relating to state employees
- BDR 793 – Revises provisions relating to governmental administration
- BDR 830 – Revises provisions governing administrative law and procedure
- BDR 849 – Revises provisions governing the Administrative Procedures Act
- BDR 857 – Proposes Constitutional Amendment related to Boards and Commissions
- BDR 898 – Termination of certain Boards and Commissions (Sunset)
- BDR 919 – Revises provisions relating to government administration
- BDR 928 – Revises provisions governing the State biennial budget
- BDR 936 – Revises provisions relating to governmental entities
- BDR 945 – Revises provisions relating to state financial administration
- BDR 995 – Revises provisions related to federal grants
- BDR 1019 – Revises provisions related to govt financial administration
- BDR 1028 – Revises provisions relating to government administration
- BDR 1050 – Revises provisions related to collective bargaining
- BDR 1051 – Revises provisions related to IFC
- BDR 1052 – Longevity pay for state employees
- BDR 1089 – Revises provisions related to govt administration

Important Upcoming Dates

April 14 – committee passage deadline (first house)

April 25 – first house passage deadline

May 19 – committee passage deadline (second house)

May 26 – second house passage deadline

June 5 – last day of the session

Submitted: Ross E. Armstrong, Executive Director

Date: 3/8/2023