

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, October 18, 2023, at 9:30 a.m.
at the following location:

**State Bar of Nevada
3100 West Charleston Blvd, Boardroom
Las Vegas, NV 89102**

Zoom Meeting Information

<https://us06web.zoom.us/j/84888298525?pwd=H9H9x3HIPQB9meaog5YD2B7N7GxxdR.1>

Zoom Meeting Telephone Number: 720-707-2699

Meeting ID: 848 8829 8525

Passcode: 592796

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 Las Vegas and called the meeting to order at 9:34 a.m. Commissioners Brian Duffrin, Barbara Gruenewald, Esq., Teresa Lowry, Esq., John T. Moran III, Esq., Stan R. Olsen, and Amanda Yen, Esq. also appeared in-person. Vice-Chair Thoran Towler, Esq. appeared via Zoom videoconference. Present for Commission staff in Las Vegas were Executive Director Ross E. Armstrong, Esq., Commission Counsel Brandi Jensen, Esq., Investigator Erron Terry, Senior Legal Researcher Wendy Pfaff, and Executive Assistant Kari Pedroza. Associate Counsel Elizabeth J. Bassett, Esq. appeared via Zoom videoconference.

2. Public Comment.

There was no public comment.

3. Approval of Minutes of the August 23, 2023, Commission Meeting.

Chair Wallin stated that all Commissioners were present for the August Commission Meeting, except for Commissioner Moran who was absent and therefore precluded from participating in this item.

Commissioner Yen moved to approve the August 23, 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 Towler:	Aye.
Commissioner Duffrin:	Aye.
Commissioner Gruenewald:	Aye.
Commissioner Lowry:	Aye.
Commissioner Moran:	Abstain.
Commissioner Olsen:	Aye.
Commissioner Yen:	Aye.

Items 4, 5, and 6 were consolidated and heard together:

4. Discussion and approval of Commission Proclamation honoring Commissioner Brian Duffrin's years of service to the Commission.
5. Discussion and approval of Commission Proclamation honoring Commissioner Barbara Gruenewald's years of service to the Commission.
6. Discussion and approval of Commission Proclamation honoring Commissioner James Oscarson's years of service to the Commission.

Chair Wallin introduced the item and read the Commission Proclamation honoring Commissioner Duffrin for the record. She outlined that she would proceed by reading the Proclamations for Items 5 and 6 for the record as well and then ask for comments from her fellow Commissioners and staff on all three items. She read the Proclamations honoring Commissioners Duffrin, Gruenewald and Oscarson for the record.

Commissioner Yen expressed her gratitude to Commissioners Duffrin and Gruenewald for the invaluable assistance and guidance they provided her when she was first appointed to the Commission. She shared her appreciation for former Vice-Chair Duffrin's well-rounded perspective as a Commissioner which allowed her a more complete view of the issues. Commissioner Yen thanked Commissioner Gruenewald for taking her under her wing and creating a safe space for Commissioner Yen to voice her opinion on the Commission. Commissioner Yen commented that the amount of levity and professionalism Commissioner Oscarson had was unmatched and she shared her hope that he would get the opportunity to serve another term on the Commission in the near future. She stated that all three Commissioners would be sorely missed.

Commissioner Lowry thanked Executive Assistant Pedroza for tailoring each Proclamation to its specific recipient. She noted that Commissioner Oscarson's work ethics was unparalleled, he always showed up for the Commission's meeting, regardless of where he was, he attended via Zoom from numerous locations when he was on vacation, made the Commission's work a priority and his commitment was stellar. Commissioner Lowry shared her appreciation for Commissioner Oscarson's professionalism and loyalty to the Commission, ensuring his comments for the Commission were on the record if disrespectful remarks against the Commission, its members, or its staff were made by opposing counsel or complaint subjects. She thanked Commissioner Oscarson for being a champion for the Commission. Commissioner Lowry acknowledged the many years of exemplary service Commissioners Duffrin and Gruenewald devoted to the Commission, their fellow Commissioners, staff and the State of Nevada. She shared that she has always held the Commission on Ethics in high esteem, felt honored to be a part of such a great Commission and noted that Commissioners Duffrin, Gruenewald and Oscarson contributed greatly to the collegiality, bipartisanship, professionalism and the integrity of the Commission. Commissioner Lowry extended her gratitude to Commissioners Duffrin and Gruenewald and shared her appreciation and respect for their example, kindness and professional treatment of her and everyone else the Commission encountered. She added that it had been an absolute honor to serve with both Commissioners Duffrin and Gruenewald.

Vice-Chair Towler stated that he has served on a few boards and commissions and has found that a board or a commission is only as good as its members; the amount of pride one feels about being on a board or commission is directly related to the quality of the other members or commissions on the board, as well as the staff of that body. He shared that of all the other boards and commissions, he is most proud to be a part of the Ethics Commission and he accredits that mostly to his fellow Commissioners. Vice-Chair Towler expressed his gratitude to the departing Commissioners for raising the level at the Commission in everything they did, always going above and beyond on behalf of the Commission. He thanked Commissioners Duffrin, Gruenewald and Oscarson for their hard work, service to the Commission, its staff, and the State of Nevada. Vice-Chair Towler agreed that all three Commissioners would be missed.

Chair Wallin stated that there would be void in the Commission from the loss of these three Commissioners because of what they each contributed to the Commission as a whole. She stated that when she first joined the Commission, Commissioners Duffrin and Gruenewald supported, guided and encouraged her and she would be forever grateful to them for that. Chair Wallin thanked Commissioner Gruenewald for her excellent counsel, sage advice and assistance with legalese. She acknowledged the impact of each of the three departing Commissioners on the Commission and highlighted their service on various Ethics' subcommittees. Chair Wallin shared that Commissioners Duffrin, Gruenewald and Oscarson would be missed, and she was sad to see them go, but they would remain friends.

Commissioner Olsen commented that he just met Commissioner Duffrin that day, but he seemed like an okay guy. He thanked Commissioner Gruenewald for her heartfelt advice to him at his first Commission meeting in July. Commissioner Olsen stated that he met Commissioner Oscarson at the Legislature and agreed that he has a great sense of humor and is a good person.

Executive Director Armstrong echoed Commission Lowry's comments to Executive Assistant Pedroza on her hard work on drafting the Proclamations. He shared that he knew Commissioner Oscarson through his previous position with the Department of Health and Human Services and that he appreciated the opportunity to work more closely with him in a different capacity at Ethics. Executive Director Armstrong provided that the Ethics Commission is one of the hardest working Commissions, having one of the heaviest workloads and thanked the departing Commissioners for going above and beyond in serving as subcommittee members as well as performing their regular Commission duties. He shared anecdotes of first meeting each Commissioner, noting Commissioner Gruenewald's sharp legal tenacity and Commissioner Duffrin's assistance to him as the new Executive Director.

Associate Counsel Bassett thanked Commissioners Duffrin and Gruenewald for the warm welcome they extended to her when she started her position with the Commission. She expressed her gratitude to them for their support during staff transition periods and shared her appreciation for their overall kindness and encouragement. Associate Counsel Bassett stated it had been an honor to work for and with them and she was sad to see them go. She apologized that she had not been able to attend in person to convey her gratitude to each of them.

Executive Assistant Pedroza stated it was her pleasure and an honor to be able to draft the Proclamations for the departing Commissioners. She thanked Commissioners Duffrin, Gruenewald and Oscarson for their support of Commission staff over the years and agreed that they would be missed.

Commissioner Gruenewald thanked Executive Assistant Pedroza for helping her with technical difficulties with a smile and Investigator Terry for utilizing his superior investigative skills to find the facts; if you don't find the facts, you don't make good law. She thanked Commissioner Yen for using her amazing analytical skills to help the Commission form a well-reasoned decision in all of its cases. Commissioner Gruenewald thanked Vice-Chair Towler for his willingness to take on the leadership role of Vice-Chair for the Commission, adding that he will do a great job. She thanked Executive Director Armstrong for using his leadership skills to keep the Commission

going in a forward direction and his organizational skills to delegate to staff. Commissioner Gruenewald thanked Commission Counsel Jensen for joining the team and stated that Commission Counsel Jensen will give the Commission fresh eyes and new insights. She thanked Commissioner Lowry for guiding the Commission with her trial experience and her practical reasoning skills. Commissioner Gruenewald thanked Commissioner Duffrin for giving up his time for settlement conferences, personnel issues and the Legislature and stated that he always applied an even-handed balance to Commission decisions. She thanked Chair Wallin for her fearless leadership and time spent to meet the needs of the Commission. Commissioner Gruenewald further shared her appreciation that Chair Wallin asks her fellow Commissioners for their opinions, and she is always prepared. Commissioner Gruenewald thanked Associate Counsel Bassett for the time and effort she puts into her work for the Commission and commented that the best thing about Associate Counsel Bassett is her ability to analyze the facts and put in writing a step-by-step analysis. Commissioner Gruenewald thanked Senior Legal Researcher Pfaff for her ability to research any task assigned to her. Commissioner Gruenewald stated she had enjoyed her time on the Commission and thanked everyone for the experience.

Commissioner Duffrin stated that he was proud to have been appointed to the Nevada Commission on Ethics by two different Nevada Governors, Governor Sandoval and Governor Sisolak. He noted that his first day as an Ethics Commissioner was his first day of retirement, having retired from the Nevada Gaming Control Board where he served in many different roles ending as the Chief of Administration. Commissioner Duffrin shared that he tried to bring the integrity and gold standard reputation to the Nevada Commission on Ethics that he learned and emulated as a Gaming Control Board employee and feels that he has succeeded in his role as a Commissioner over the last seven years in fulfilling the mission and guiding principles of the Ethics Commission. He stated that he was honored to have worked with such great people, both employees of the Commission and his fellow Commissioners who care about the integrity of public service and doing the right thing. Commissioner Duffrin shared his belief that the Commission is in a position to continue to carry out its mission as challenges lie ahead and the current members of the Commission and its staff are dedicated professionals who deeply care about Nevada. He expressed his gratitude to everyone for making his time on the Commission a rewarding and cherished time of his life and his appreciation in being a small part of something important.

No action was taken on this agenda item.

7. Discussion and approval of a Written Opinion concerning Ethics Complaint Case No. 22-051C regarding Joseph Rodriguez, Trustee, Washoe County School District; Lieutenant, State Fire Marshall, State of Nevada.

Chair Wallin introduced the item and noted that Commissioner Duffrin would be acting as presiding officer as Chair Wallin and Vice-Chair Towler served on the Review Panel in this matter and pursuant to NRS 281A.220(4) they would be precluded from participating in this item.

Commissioner Duffrin asked if any Commissioners needed to make a disclosure on this item. Commissioner Yen disclosed and abstained from participating in this matter because the Subject is a client of McDonald Carano, the firm Commissioner Yen is a partner with, and to which she has both a pecuniary interest in her employment and a private commitment to the firm, as her employer, and its clients under NRS 281A.065(4) and NRS 281A.065(5). The independent judgment of a reasonable person in Commissioner Yen's situation could be materially affected in voting upon matters related to this case.

Commissioner Duffrin thanked Commissioner Yen for her disclosure. He outlined that the matter was to approve the opinion on reconsideration following the vote of the Commission at the August 23, 2023 Commission meeting. Commissioner Duffrin continued that before the Commission for its consideration was the Written Opinion reflecting the motion passed during the August meeting to dismiss the counts related to NRS 281A.400 (2) and maintain the findings

of two willful violations of NRS 281A.400 (7) with the fine of \$500 per violation, totaling a civil penalty imposition of \$1,000.

Commissioner Duffrin thanked Commission Counsel Jensen for drafting the written opinion.

Commissioner Gruenewald made a motion to accept the Opinion on Reconsideration in its entirety as presented to the Commission. Commissioner Lowry seconded the motion. The Motion was put to a vote and carried as follows:

Chair Wallin:	Abstain pursuant to NRS 281A.220.
Vice-Chair Towler:	Abstain pursuant to NRS 281A.220.
Commissioner Duffrin:	Aye.
Commissioner Gruenewald:	Aye.
Commissioner Lowry:	Aye.
Commissioner Moran:	Aye.
Commissioner Olsen:	Aye.
Commissioner Yen:	Abstain pursuant to NRS 281A.420.

8. Discussion and possible action on Consolidated Ethics Complaint Nos. 21-062C & 21-082C (Lombardo) including but not limited to:

Discussion and possible action by the Commission to grant Commission Counsel and/or the Attorney's General's office legal counsel and/or contracted outside legal the authority to take any legal steps necessary to respond to any legal action that results from the Commission's actions on cases involving this subject.

Chair Wallin introduced the item and asked if any Commissioners needed to make a disclosure.

Commissioner Moran disclosed that he is an acquaintance of former Sheriff Lombardo, having met him on a few occasions in Mr. Lombardo's service as the sheriff of Clark County and Commissioner Moran's work in Clark County as an attorney and member of the Board of Regents and Gaming Control Board and other administrative boards and tribunals. He disclosed further that he had known Governor Lombardo in a professional or public capacity for a number of years although none of his work directly involved Mr. Lombardo, either formerly as Sheriff or presently as Governor. 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 September 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., in fact, Nevada Law favors the right of a public officer to perform the duties for which the public officer was appointed and to vote or otherwise act upon a matter. 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 an acquaintance and former coworker of the former Sheriff, having met him when he worked at the Las Vegas Metropolitan Police Department at the same time and seeing him at public events in past years. He stated he has known Governor Lombardo in a professional capacity for a number of years, although his work did not directly

involve him, either as Sheriff or Governor. 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. 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 Cannon 2.11, the Code of Judicial Conduct, required disclosure or abstention pursuant to the manner of his appointment., in fact, Nevada Law favors the right of a public officer to perform the duties for which the public officer was appointed and to vote or otherwise act upon a matter. 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 thanked Commissioners Moran and Olsen for their disclosures and asked Commission Counsel Jensen for her presentation.

Commission Counsel Jensen outlined the item and asked that the Commission grant permission to and provide direction to the Commission Counsel to defend matters arising out of the two consolidated complaint cases 21-062C and 21-082C, including but not limited to, the Petition for Judicial Review filed in the First Judicial District Court, Department II presided over by Judge James Wilson, case number 23 OC 001091B. Commission Counsel Jensen further requested a designated contact person, either the Chair or the Vice-Chair, to discuss litigation matters and dispositive matters would be brought before the full Commission for consideration.

Commissioner Lowry made a motion to grant Commission Counsel and/or the Attorney General's office conflict counsel the authority to take any legal steps necessary to respond to any legal action that results from the Commission's actions on consolidated case nos. 21-062C & 21-082C, including but not limited to the Petition for Judicial Review in defending the Commission's decisions and Commission Counsel shall bring back case dispositive decisions, such as appeal, dismissal or stipulated settlement agreements before the full Commission. Commissioner Lowry further moved to delegate authority to the Chair and Vice-Chair to have Commission consult regarding any legal issues or decisions pursuant to NRS 241.0357 and NAC 281A.055 but for appeal, dismissal, or settlement. Commissioner Gruenewald seconded the motion. The Motion was put to a vote and carried as follows:

Chair Wallin:	Aye.
Vice-Chair Towler:	Aye.
Commissioner Duffrin:	Aye.
Commissioner Gruenewald:	Aye.
Commissioner Lowry:	Aye.
Commissioner Moran:	Aye.
Commissioner Olsen:	Aye.
Commissioner Yen:	Aye.

9. Discussion and possible action on Ethics Complaint No. 22-051C (Rodriguez) including but not limited to:

Discussion and possible action by the Commission to grant Commission Counsel and/or the Attorney's General's office legal counsel and/or contracted outside legal the authority to take any legal steps necessary to respond to any legal action that results from the Commission's actions on cases involving this subject.

Chair Wallin introduced the item and asked if any Commissioners needed to make a disclosure on this item. Commissioner Yen disclosed and abstained from participating in this matter because the Subject is a client of McDonald Carano, the firm Commissioner Yen is a partner with, and to which she has both a pecuniary interest in her employment and a private

commitment to the firm, as her employer, and its clients under NRS 281A.065(4) and NRS 281A.065(5). The independent judgment of a reasonable person in Commissioner Yen's situation could be materially affected in voting upon matters related to this case.

Due to other meeting obligations, Commissioner Moran left the meeting at this time. He did not return to the meeting prior to adjournment.

Chair Wallin thanked Commissioner Yen for her disclosure and asked Commission Counsel Jensen for her presentation.

Commission Counsel Jensen outlined the item and asked that the Commission grant permission to and provide direction to the Commission Counsel to defend matters arising out of the complaint case 22-051C, including but not limited to, the Petition for Judicial Review filed in the Second Judicial District Court, Department 10, case number CV23 01054. Commission Counsel Jensen further requested a designated contact person, either the Chair or the Vice-Chair, to discuss litigation matters and dispositive matters would be brought before the full Commission for consideration.

Commissioner Gruenewald made a motion to grant Commission Counsel and/or the Attorney General's office conflict counsel the authority to take any legal steps necessary to respond to any legal action that results from the Commission's actions on case no. 22-051C, including but not limited to the Petition for Judicial Review in defending the Commission's decisions and Commission Counsel shall bring back case dispositive decisions, such as appeal, dismissal or stipulated settlement agreements before the full Commission. Commissioner Gruenewald further moved to delegate authority to the Chair and Vice-Chair to have Commission consult regarding any legal issues or decisions pursuant to NRS 241.0357 and NAC 281A.055 but for appeal, dismissal, or settlement. Commissioner Lowry seconded the motion. The Motion was put to a vote and carried as follows:

Chair Wallin:	Aye.
Vice-Chair Towler:	Aye.
Commissioner Duffrin:	Aye.
Commissioner Gruenewald:	Aye.
Commissioner Lowry:	Aye.
Commissioner Olsen:	Aye.
Commissioner Yen:	Abstain pursuant to NRS 281A.420.

10. Discussion, review and possible action related to the following Complaint case processes:

- a. Jurisdictional Determination Process
- b. Stipulation Process

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

Executive Director Armstrong outlined the Commission's current Jurisdictional Determination process and the proposed changes to the process, including accepting jurisdiction over the subject if an officer or employee as defined by statute and option to dismiss based on lack of evidence when conduct falls within NRS 281A and streamlining determination process for complaints filed against subjects who do not match the definition as an officer or employee.

Commissioner Olsen asked a clarification question and Executive Director Armstrong responded. Chair Wallin asked a clarification question and Executive Director Armstrong responded.

Executive Director Armstrong outlined the Commission's current Stipulation process and the proposed changes to the process, including providing signed Stipulations to the Commission for its consideration.

Commissioner Yen requested further information which Executive Director Armstrong and Associate Counsel Bassett provided.

Commissioner Gruenewald made a motion to approve the Executive Director's presentation and changes to the Jurisdictional Determination and Stipulation processes as discussed. Commissioner Duffrin seconded the motion. The Motion was put to a vote and carried as follows:

Chair Wallin:	Aye.
Vice-Chair Towler:	Aye.
Commissioner Duffrin:	Aye.
Commissioner Gruenewald:	Aye.
Commissioner Lowry:	Aye.
Commissioner Olsen:	Aye.
Commissioner Yen:	Aye.

11. Overview of the administrative rulemaking process and overview of expected timeline for potential amendments to NAC 281A.

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

Executive Director Armstrong summarized the administrative rulemaking process referencing the rulemaking manual and proposed timeline for Commission amendments included in the meeting materials.

The Commissioners discussed potential amendments to NAC 281A.

No action was taken on this agenda item.

12. 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. Quarterly Case Log Update
- c. Budget Update
- d. Staffing & Recruitment
- e. Upcoming Meetings

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 summarized recent trainings presented and upcoming training presentations scheduled during October. Executive Director Armstrong informed the Commission that staff have started the process to update the Ethics Manual.

b. Quarterly Case Log Update: Executive Director Armstrong referenced the quarterly case log documents included in the meeting materials and noted that the logs reflected case status as of October 1, 2023 and the majority of the 2023 cases received have been processed with only two going forward to the investigation phase. He expressed that he has no concerns regarding handling the current caseload.

c. Budget Update: Executive Director Armstrong outlined the FY24 Budget priorities including the Outreach and Education Specialist, computer equipment replacement and reiterated that FY24 was a base budget year.

d. Staffing & Recruitment: Executive Director Armstrong shared that the Education and Outreach Specialist job had been entered into Advantage the day before the meeting and the job announcement would be posted on NEATS the following week. He stated that employee onboarding for the Commission Counsel and Senior Legal Researcher positions is on-going.

e. Upcoming Meetings: Executive Director Armstrong outlined dates and locations for the upcoming Commission meetings in November and January and noted that there would not be a meeting in December.

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

Chair Wallin:	Aye.
Vice-Chair Towler:	Aye.
Commissioner Duffrin:	Aye.
Commissioner Gruenewald:	Aye.
Commissioner Lowry:	Aye.
Commissioner Olsen:	Aye.
Commissioner Yen:	Aye.

13. 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 thanked Commission staff for their hard work.

14. Public Comment.

There was no public comment.

15. Adjournment.

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

The meeting was adjourned at 11:05 a.m.

Minutes prepared by:

/s/ Kari Pedroza

Kari Pedroza
Executive Assistant

/s/ Ross Armstrong

Ross Armstrong, Esq.
Executive Director

Minutes approved November 8, 2023:

Kim Wallin, CPA, CMA, CFM
Chair

Thoran Towler, Esq.
Vice-Chair

Agenda Item 4



**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
Thursday, October 18, 2023, at 1:00 p.m.
at the following location:

**State Bar of Nevada
3100 West Charleston Blvd, Boardroom
Las Vegas, NV 89102**

Zoom Meeting Information

<https://us06web.zoom.us/j/84372916166?pwd=CovPYJDLLof8XeuatbbMESUp3dOJLg.1>

Zoom Meeting Telephone Number: 720-707-2699

Meeting ID: 843 7291 6166

Passcode: 456314

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 Las Vegas and called the meeting to order at 1:00 p.m. Vice-Chair Thoran Towler, Esq. and Commissioner Duffrin also appeared in-person. Present for Commission staff in Las Vegas were Executive Director Ross E. Armstrong, Esq., Commission Counsel Brandi Jensen, Esq., Senior Legal Researcher Wendy Pfaff, Investigator Erron Terry and Executive Assistant Kari Pedroza.

2. Public Comment.

There was no public comment.

3. Approval of Minutes of the September 28, 2023 Personnel Subcommittee Meeting.

Chair Wallin stated that all Personnel Subcommittee members were present for the September meeting and could therefore participate in this item.

Commissioner Duffrin made a motion to approve the September 28, 2023 Personnel Subcommittee meeting minutes as presented. Vice-Chair Towler seconded the motion. The motion was put to a vote and carried unanimously.

4. Discussion and possible direction on recommendations to be made to the Commission regarding 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 outlined that the Personnel Subcommittee would review the Executive Director's updated documents first.

Commissioner Duffrin thanked Executive Director Armstrong and Commission Counsel Jensen for their work on updating the job description and performance priorities as discussed at the September meeting.

Chair Wallin outlined her recommended changes to the Executive Director's Performance Priorities and Job Description, and her changes to the Commission Counsel's Performance Priorities and Job Description. Vice-Chair Towler and Commissioner Duffrin did not propose any further changes.

Commissioner Duffrin made a motion to direct the Executive Director and Commission Counsel to update their respective job duties and priorities as discussed by the Personnel Subcommittee and provide the updated documents for consideration and potential approval by the full Commission at the November 8th meeting. Vice-Chair Towler seconded the motion. The motion was put to a vote and carried unanimously.

4. Public Comment.

There was no public comment.

5. Adjournment.

Commissioner Duffrin 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 1:21 p.m.

Minutes prepared by:

/s/ Kari Pedroza

Kari Pedroza
Executive Assistant

/s/ Ross Armstrong

Ross Armstrong, Esq.
Executive Director

Minutes approved November 8, 2023:

Kim Wallin, CPA, CMA, CFM
Chair

Thorán Towler, Esq.
Vice-Chair

Agenda Item 6



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:

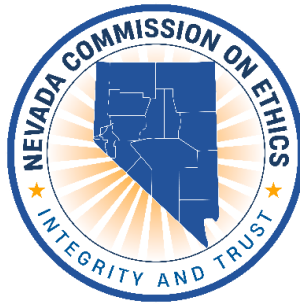
Nevada Commission on Ethics
704 W. Nye Lane, Suite 204
Carson City, NV 89703

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

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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.
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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](#))

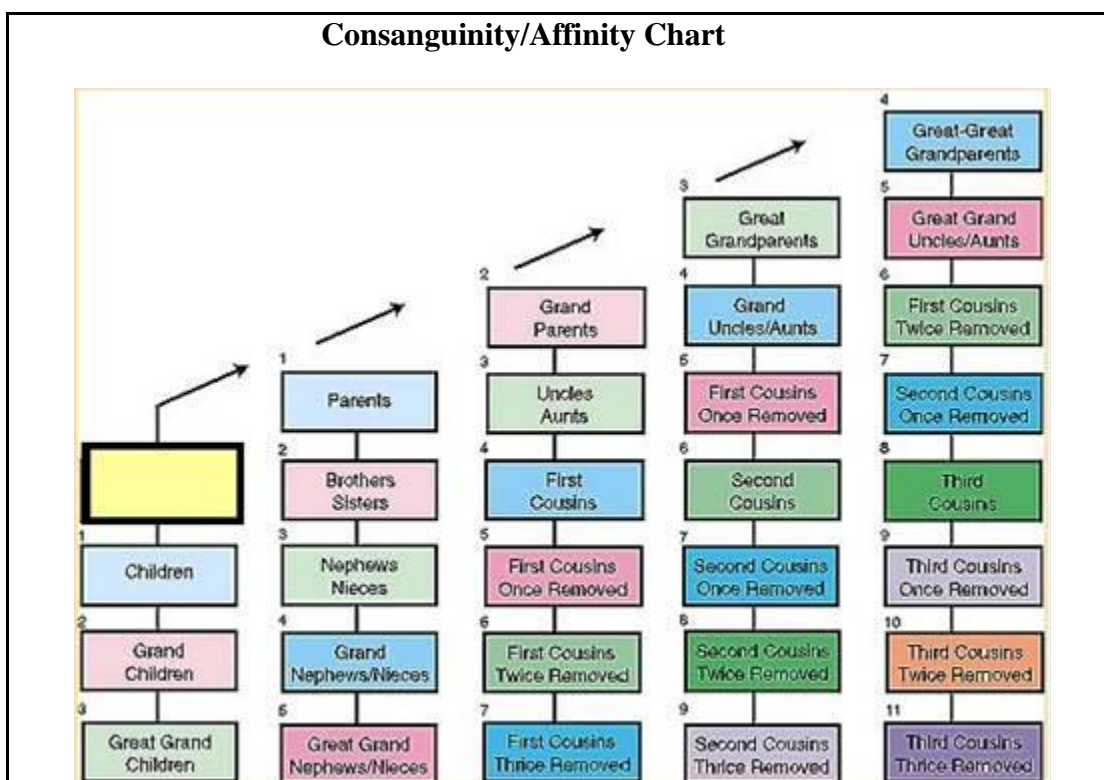
A subject may retain legal counsel to represent him or her concerning any request for an advisory opinion or ethics complaint, including, without limitation, during:

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

Agenda Item 7



COMMISSION ON ETHICS EXECUTIVE DIRECTOR POSITION INFORMATION AND DESCRIPTION

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

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

Duties/Major Responsibilities of the Position:

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

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

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

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

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

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

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

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

No. Juris Doctor Degree Preferred.

Statutes and Regulations Administered by This Position:

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

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

Number and titles of staff that directly report to position:

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

Number of indirect reports:

N/A

SPECIFIC JOB DUTIES:

ETHICS COMPLAINTS:

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

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

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

ADMINISTRATION AND SUPERVISION:

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

OUTREACH AND EDUCATION:

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

PUBLIC INFORMATION:

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

LEGISLATION AND REGULATIONS:

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

CUSTOMER SERVICE:

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

RESTRICTIONS

1. The Executive Director has restriction in other employment and outside activities as described in NRS 281A.230(4)



COMMISSION ON ETHICS EXECUTIVE DIRECTOR POSITION INFORMATION AND DESCRIPTION

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

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

Duties/Major Responsibilities of the Position:

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

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

The Executive Director ~~supervises— and assists Commission, and staff in~~ conducting training for public officers, public employees, and the general public regarding the requirements of NRS Chapter 281A and the rules and regulations adopted by the Commission.

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

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

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

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

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

No. Juris Doctor Degree Preferred.

Statutes and Regulations Administered by This Position:

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

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

Number and titles of staff that directly report to position:

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

Number of indirect reports:

N/A

SPECIFIC JOB DUTIES:

ETHICS COMPLAINTS:

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

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

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

ADMINISTRATION AND SUPERVISION:

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

OUTREACH AND EDUCATION:

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

PUBLIC INFORMATION:

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

LEGISLATION AND REGULATIONS:

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

CUSTOMER SERVICE:

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

RESTRICTIONS

1. The Executive Director has restriction in other employment and outside activities as described in ~~In accordance with~~ NRS 281A.230(4), ~~the Executive Director may not participate in any other employment.~~



EXECUTIVE DIRECTOR PERFORMANCE PRIORITIES

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

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

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

PRIORITY NO. 2 – ADMINISTRATIVE EFFICIENCY

- a. Case Management Systems
 - i. Collaborate with the Commission Counsel to optimize the existing case management system.
 - ii. Collaborate with the Commission Counsel to evaluate alternatives and options for case management system.
- b. Policies and Procedures
 - i. Work with the Commission Counsel to develop policies and procedures for both cross training and efficiency.
 - ii. Prioritize policy development based on legal risk.
- c. Develop a desk manual for the Executive Director position
- d. Collaborate with the Commission Counsel to modernize Advisory Opinion and Ethics Complaint forms and documents.

PRIORITY NO. 3 – ADMINISTRATION AND SUPERVISION:

- a. Actively supervise Commission staff to execute the goals of the Commission.
- b. Meet all external reporting requirements or regulations.

- c. Oversee budget spending and projections to ensure the Commission is a good steward of public funds. Requests and executes adjustments to the budget as necessary.

PRIORITY NO. 4 – EDUCATION AND OUTREACH:

- a. Hire and train an Education and Outreach Officer for the Commission.
- b. Implement and oversee a modernized education and outreach plan to maximize the number of trained public officer and employees as well as the general public.
- c. In coordination with the Commission Counsel, develop and publish and update an Ethics Manual for public officers and employees.
- d. Ensure the agency provides a timely response to press inquiries and appropriately distributes press releases and social media content
- e. Maintain healthy and advantageous relationships with key stakeholders including Nevada Association of Counties, the League of Cities, the Governor's Office, and the Legislature.

PRIORITY NO. 5 – LEGISLATION AND REGULATIONS:

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

PRIORITY NO. 6 – STRATEGIC PLAN:

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



EXECUTIVE DIRECTOR PERFORMANCE PRIORITIES

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

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

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

PRIORITY NO. 2 – ADMINISTRATIVE EFFICIENCY

- a. Case Management Systems
 - i. Collaborate with the Commission Counsel to optimize the existing case management system.
 - ii. Collaborate with the Commission Counsel to evaluate alternatives and options for case management systems.
- b. Policies and Procedures
 - i. Work with the Commission Counsel to develop policies and procedures for both cross training and efficiency.
 - ii. Prioritize policy development based on legal risk.
- c. Develop a desk manual for the Executive Director position
- d. Collaborate with the Commission Counsel to modernize Advisory Opinion and Ethics Complaint forms and documents

PRIORITY NO. 32 – ADMINISTRATION AND SUPERVISION:

- a. Actively supervise Commission staff to execute the goals of the Commission.

- b. Meet all external reporting requirements or regulations.
- c. Oversee budget spending and projections to ensure the Commission is a good steward of public funds. Requests and executes adjustments to the budget as necessary.

PRIORITY NO. 43 - EDUCATION AND OUTREACH:

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

PRIORITY NO. 54 – LEGISLATION AND REGULATIONS:

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

PRIORITY NO. 56 – STRATEGIC PLAN:

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



COMMISSION ON ETHICS COMMISSION COUNSEL POSITION INFORMATION AND DESCRIPTION

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

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

Duties/Major Responsibilities of the Position:

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

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

Juris Doctorate degree and active membership in good standing in the Nevada State Bar Association. Prefer experience in administrative law, litigation, and Nevada legislative process.

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

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

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

License to practice law in the State of Nevada.

Statutes and Regulations Administered by This Position:

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

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

\$0.00

Number and titles of staff that directly report to position:

None

Number of indirect reports:

Senior Legal Researcher and Executive Assistant

SPECIFIC JOB DUTIES:

ADVISORY OPINIONS:

1. Review all filed requests for Advisory Opinions to determine whether the request is in proper form per statutory and regulatory requirements and prepare and issue appropriate notices.
2. Review request to determine Commission's jurisdiction of matter with concurrence of Executive Director.
3. Correspond with Requester to provide jurisdictional determination, preliminary explanation of process or to request supplemental information.
4. Research and/or assign legal research to Senior Legal Researcher and/or Associate Counsel.
5. Analyze and apply the law to the facts presented and discovered.
6. Prepare or approve draft Notices of Hearing, orders and other legal documents, make edits and direct service of the same.
7. Prepare draft opinions and/or legal memorandums to the Commission in preparation for consideration of request for Advisory Opinions either by submission or hearing.
8. Supervise service of opinions, determine level of confidentiality of opinion including preparation of abstract opinions if the Requester does not waive confidentiality.
9. Represent the Commission in reconsiderations, re-hearings and other litigation relating to advisory opinions.

ETHICS COMPLAINTS:

1. Review complaint and evidence to assist in determination of Commission's jurisdiction of matter.
2. Approve orders and notices to Subject and/or Requester regarding jurisdiction.

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

COMMISSION MEETINGS:

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

LITIGATION:

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

ADMINISTRATION AND SUPERVISION:

1. Report legal status of all matters to Commission in closed meetings or open public meetings, as appropriate.
2. Ensure meetings and public hearings are prepared and conducted in accordance with

appropriate laws and guidelines, including the Nevada Open Meeting Law.

3. Administer all activities related to Commission's legal matters including preparing legal documentation on behalf and in support of Commission business.
4. Communicate regularly and work closely with Commission Chair to organize Commission's activities and legal caseload.
5. Review and assign legal matters to Commission staff as appropriate.
6. Act as back-up to Executive Director in administrative and supervision duties over Commission Staff.
7. Review and assign legal matters to Senior Legal Researcher and Associate Counsel for advisory opinion matters and as otherwise permitted.
8. Assist Executive Director to evaluate performance of Senior Legal Researcher and Associate Counsel.
9. Other duties as assigned by the Commission or its Chair.

EDUCATION & COMMUNICATION:

1. Commissioner Communication: Establish and maintain open communication with all Commissioners and Commission staff and encourage communication with the Commission Counsel on legal matters including questions about complaints and advisory opinions.
2. Collaborate with the Executive Director to develop and publish an Ethics Manual as required by law.
3. Assist with the creation and presentation of other educational materials for the public.
4. Attend relevant and necessary continuing legal education courses or other training opportunities related to government ethics; share information obtained with the Commission and staff.
5. Assist the Executive Director in public education and outreach.

LEGISLATION AND REGULATIONS:

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

PUBLIC RECORDS AND INQUIRIES:

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

RESTRICTIONS:

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



COMMISSION ON ETHICS “COMMISSION COUNSEL” POSITION INFORMATION AND DESCRIPTION

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

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

Duties/Major Responsibilities of the Position:

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

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

Juris Doctorate degree and Graduation from an ABA accredited law school and active membership in good standing in the Nevada State Bar Association. Must have substantialPrefer experience in administrative law, litigation, and Nevada legislative process.

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

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

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

License to practice law in the State of Nevada.

Statutes and Regulations Administered by This Position:

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

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

\$0.00

Number and titles of staff that directly report to position:

~~2 positions, along with the Commission's Executive Director: Associate Counsel and Senior Legal Researcher.~~ None

Number of indirect reports:

~~2 positions: Executive Assistant and Senior Investigator~~ Senior Legal Researcher and Executive Assistant

SPECIFIC JOB DUTIES:

LITIGATION:

- ~~1. Represent the Commission, Review Panel, and Commission staff at the direction of the Commission in legal proceedings before local, state, and federal courts, including drafting legal memoranda to, and appearing and presenting arguments before, the courts and cooperating in related cases.~~
- ~~2.1. Obtain or employ conflict counsel, as permitted by NRS 281A.260.~~

ADVISORY OPINIONS:

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

hearing.

8. Supervise service of opinions, determine level of confidentiality of opinion including preparation

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of abstract opinions if the Requester does not waive confidentiality.

9. Represent the Commission in reconsiderations, re-hearings and other litigation relating to advisory opinions[BJ1].

ETHICS COMPLAINTS:

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

COMMISSION MEETINGS:

1. Review meeting material before distribution to ensure compliance with the Open Meeting Law, the Ethics Law, and the Nevada Administrative Procedures Act.
 2. Provide written and/or legal advice and guidance to Commissioners on cases and other matters prior to Commission meetings.
 3. Attend Commission and Commission subcommittee meetings and provide legal advice related to the Open Meeting Law, the Ethics Law, and the Nevada Administrative Procedures Act as requested.
- 9.

LITIGATION:

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

ADMINISTRATION AND SUPERVISION:

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

EDUCATION & COMMUNICATION:

1. Commissioner Communication: Establish and maintain open communication with all Commissioners and Commission staff and encourage communication with the Commission Counsel on legal matters including questions about complaints and advisory opinions.
2. Collaborate with the Executive Director to develop and publish an Ethics Manual as required by law.
3. Assist with the creation and presentation of other educational materials for the public.
4. Attend relevant and necessary continuing legal education courses or other training opportunities related to government ethics; share information obtained with the Commission and staff.
5. Assist the Executive Director in public education and outreach^[BJ2].

ETHICS COMPLAINTS:

1. Review complaint and evidence to assist in determination of Commission's jurisdiction of matter.
2. Assign and approve orders and notices to Subject and/or Requester regarding jurisdiction.
3. Approve any legal forms such as subpoenas, Review Panel Determinations and other forms prepared on behalf of or presented to the Review Panel or the Commission for consideration.
4. Evaluate Executive Director recommendations to Review Panels and advise Review Panels of legal issues.
5. Review for legal form Review Panel Determinations and Deferral Agreements.

- ~~6. For referred complaint cases, prepare and issue notices and orders required by and as permitted by law.~~
- ~~7. Schedule settlement conferences if requested by parties and act as legal advisor for appointed settlement Commissioner:~~
- ~~8. Stipulations:~~
 - ~~i. Advise parties regarding acceptable terms and conditions of stipulations on behalf of Commission.~~
 - ~~ii. Review draft language for legal form and advise Commission of legal considerations.~~
- ~~9. Hearings:~~
 - ~~i. Act as the legal advisor to the Commission in all hearings including assisting on all scheduling matters as permitted by law including discovery, motions, hearings, and other deadlines.~~
 - ~~ii. Prepare and cause to be served notices, scheduling orders and orders.~~
 - ~~iii. Preside over pre-hearing conferences between parties and Chair of Commission;~~
 - ~~iv. Initiate, research and prepare legal bench memos to the Commission advising on legal considerations of case, including legal motions.~~
 - ~~v. Assist Commission during hearings to address legal considerations; respond to legal questions, i.e., legal objections, motions, and other rulings.~~
 - ~~vi. Assist the Commission in its deliberations on evidence and law.~~
 - ~~vii. Prepare opinions and direct service of matters on behalf of the Commission.~~
 - ~~viii. Represent the Commission (not the parties) in judicial and appellate litigation.~~

LEGISLATION AND REGULATIONS:

1. Recommend, review and draft proposed administrative regulations and legislation.
2. Assist the Executive Director in r~~Representing the~~ Commission before regulatory and legislative bodies regarding proposed regulations and legislation.
3. Consider regulations and legislation from other jurisdictions of relevance to Commission's Mission.

ADMINISTRATION AND SUPERVISION:

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

PUBLIC RECORDS AND INQUIRIES:

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

RESTRICTIONS:

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



COMMISSION COUNSEL PERFORMANCE PRIORITIES

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

PRIORITY NO. 1 – ADVISORY OPINIONS AND ETHICS COMPLAINTS:

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

PRIORITY NO. 2 – COMMISSION MEETINGS:

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

PRIORITY NO. 3 – LEGAL REPRESENTATION ON CONTESTED MATTERS:

- a. Review all existing and potential contested matters for next legal steps.
- b. Report legal status of all matters to Commission promptly to ensure up to date information including requesting and coordinate closed meeting legal briefings when appropriate.

- c. Draft and submit necessary legal motions or other filings in contested cases consistent with court rules and appear on behalf of the Commission in legal hearings.

PRIORITY NO. 4 – ADMINISTRATIVE EFFICIENCY:

- a. Case Management Systems:
 - i. Collaborate with the Executive Director to optimize the existing case management.
 - ii. Collaborate with the Executive Director to evaluate alternatives and options for case management systems.
- b. Policies and Procedures
 - i. Work with the Executive Director and his team to develop Policies and procedures for both cross training and efficiency.
 - ii. Prioritize policy development based on legal risk.
- c. Develop a desk manual for the Commission Counsel position.
- d. Collaborate with the Executive Director to modernize Advisory Opinion and Ethics Complaints forms and documents.

PRIORITY NO. 5 – EDUCATION & COMMUNICATION:

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

PRIORITY NO. 6 – LEGISLATION AND REGULATIONS:

- a. Collaborate with the Executive Director to recommend, review, and draft proposed administrative regulations to increase the efficiency and effectiveness of the Commission.
- b. Collaborate with the Executive Director to recommend, review, and draft proposed legislation to increase the efficiency and effectiveness of the Commission .



COMMISSION COUNSEL PERFORMANCE PRIORITIES

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

PRIORITY NO. 14 – ADVISORY OPINIONS AND ETHICS COMPLAINTS:

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

PRIORITY NO. 2 – COMMISSION MEETINGS:

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

PRIORITY NO. 1 – EDUCATION & COMMUNICATION:

- a. Commissioner Education: Develop and deliver new commissioner legal onboarding process including education on the ethics law, open meeting law, and the Nevada Administrative Procedures Act.

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

PRIORITY NO. 2 – COMMISSION MEETINGS:

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

PRIORITY NO. 3 – LEGAL REPRESENTATION ON CONTESTED MATTERS:

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

PRIORITY NO. 4 – ADVISORY OPINIONS AND ETHICS COMPLAINTS:

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

PRIORITY NO. 45 – ADMINISTRATIVE EFFICIENCY:

- a. Case Management Systems:
- i. Work hand in hand~~Collaborate~~ with the Executive Director to optimize the existing case management.

- ii. Collaborate with the Executive Director to evaluate alternatives and options for case management systems with the Executive Director.

i. _____

b. Policies and Procedures

- ii. Work with the Executive Director and his team to develop Policies and procedures for both cross training and efficiency.

- ii. Prioritize policy development based on legal risk.

- iii. Develop a desk manual for the Commission Counsel position.

c. _____

- d. Collaborate with the Executive Director to modernize Advisory Opinion and Ethics Complaints forms and documents.

PRIORITY NO. 5 – EDUCATION & COMMUNICATION:

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

PRIORITY NO. 6 – LEGISLATION AND REGULATIONS:

- a. Work with the Chair, Collaborate with the Executive Director to recommend, review and draft proposed administrative regulations to increase the efficiency and effectiveness of the Commission to draft Legislation to improve the Ethics Statutes for the 2025 Legislative Session.
- b. Collaborate with the Executive Director to recommend, review and draft proposed legislation to increase the efficiency and effectiveness of the Commission Work with the Commission and Executive Director to draft changes to the Ethics Chapter of the Nevada Administrative Code and assist with the code adoption process to ensure compliance with state law.

Agenda Item 8



ADVISORY OPINION PROCESS

WHAT IS AN ADVISORY OPINION?

- A public officer requests help on navigating Ethics Laws in Nevada
- The Commission provides guidance on how to comply with the Nevada Ethics Law



WHO;WHAT;WHEN



- Do what's right and we will help you get there
- Can be about past, present, or future conduct
- Only for Public Officers and Employees
- 45-day statutory timeframe (28 I.A.680)
- OML doesn't apply (28 I.A.690)

REQUESTS FOR RELIEF THROUGH AN ADVISORY OPINION

- Relief from the strict requirements of the ethics law can be granted in the following instances:
 - Cooling off requirements
 - Contracting prohibitions

- Before the potentially problematic conduct



PRESERVING CONFIDENTIALITY



- Permitted to share the opinion with
 - Legal Counsel
 - Agency that you work for
 - Anyone the Commission authorizes disclosure to
- If shared more widely, confidentiality is waived

ADVISORY OPINIONS ARE BINDING

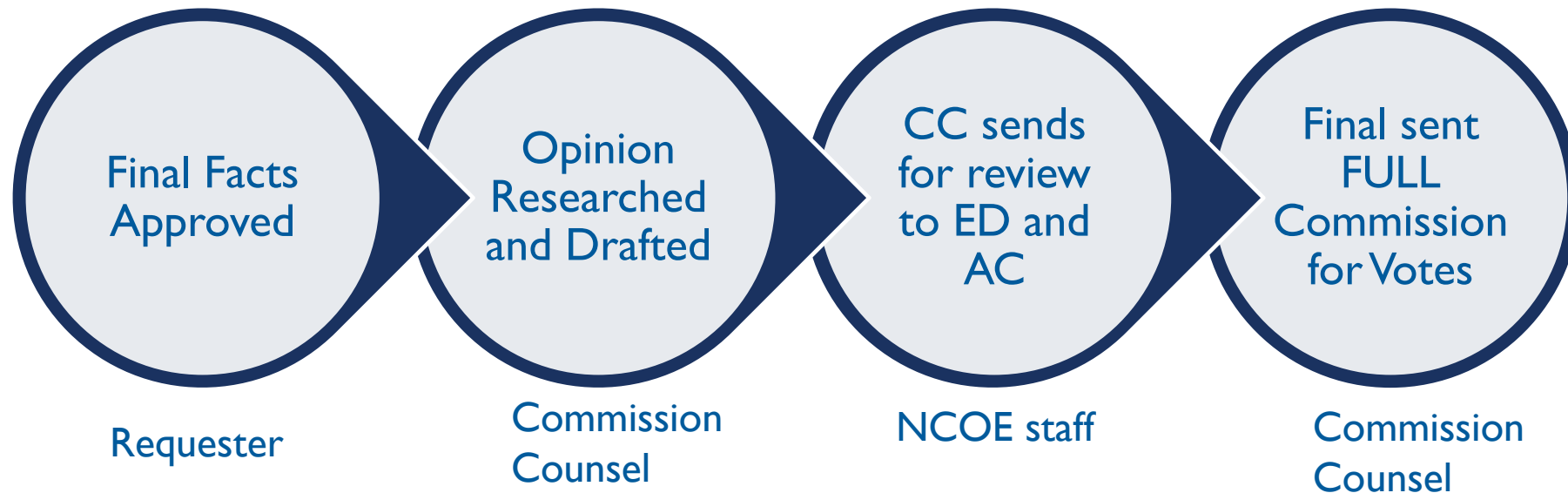
- If the Commission provides specific advice for complying with the Ethics Law and the individual refused to comply with that advice, the conduct may constitute a violation (NRS 281A.680)



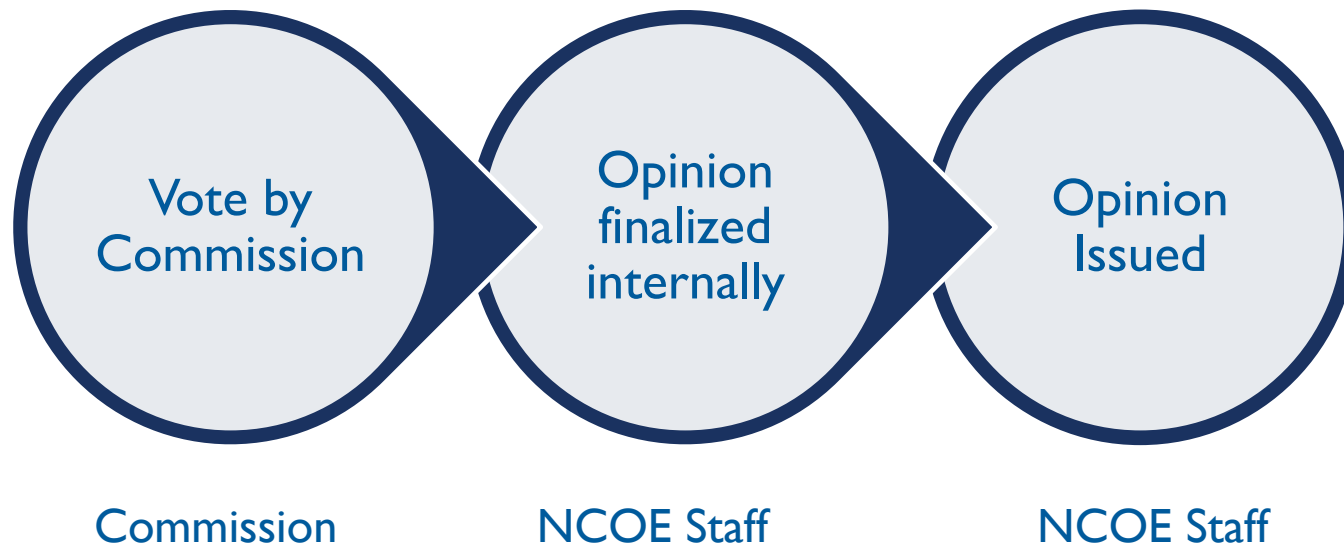
ADVISORY OPINION PROCESS – PART I



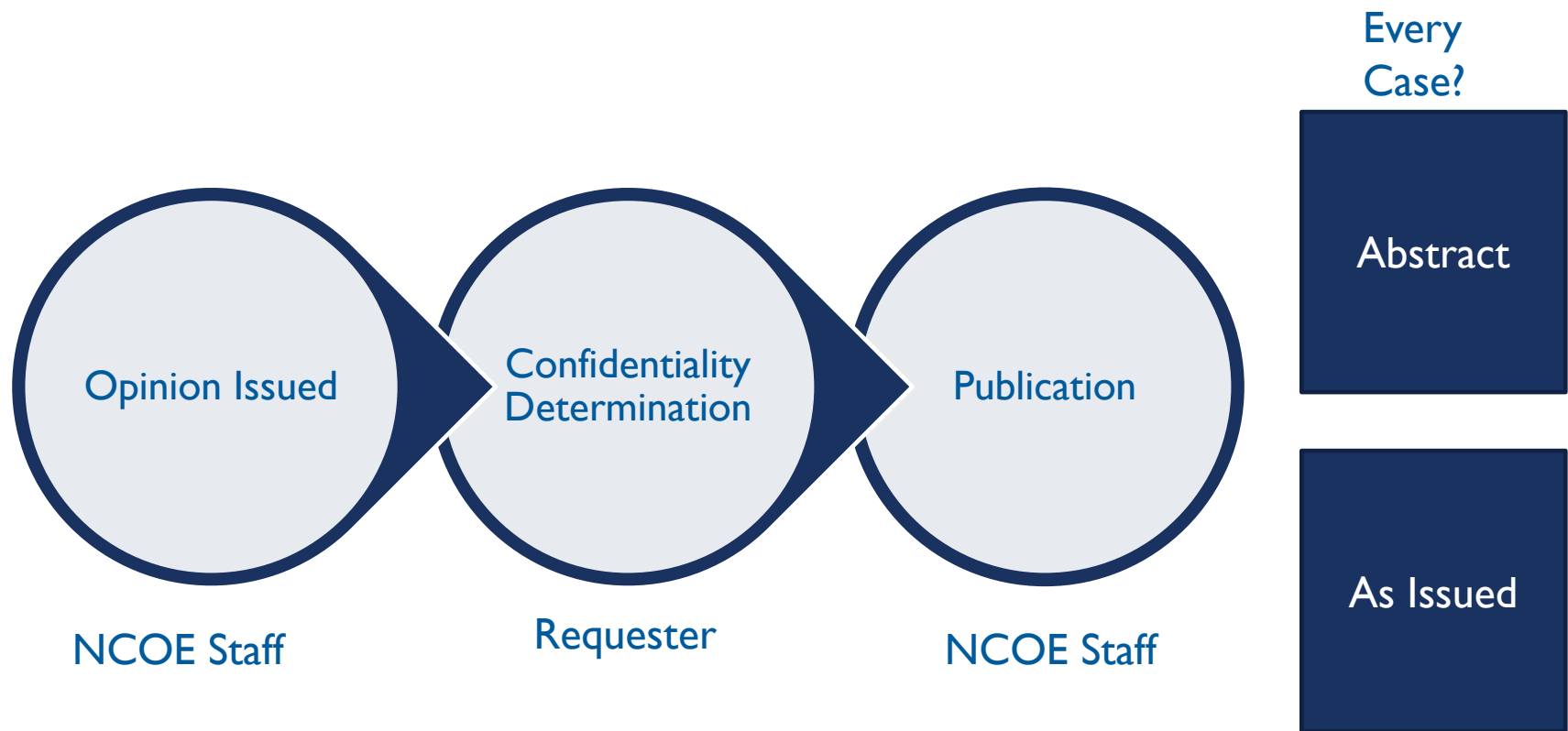
ADVISORY OPINION PROCESS – PART 2



ADVISORY OPINION PROCESS – PART 2



ADVISORY OPINION PROCESS – PART 3



PUBLICATION

- Importance of precedence
- Publishing only upon new issue/law or changed interpretation



WHAT IS THE POINT

- Guiding principal #6: Our confidential advisory opinions are **thoroughly researched** and written with **the needs of the requestor in mind** and **consistent** with opinion precedent and applicable statutes and legislative intent.



WHAT TO KNOW: PUBLIC OFFICERS SEEK UNCOMPLICATED GUIDANCE

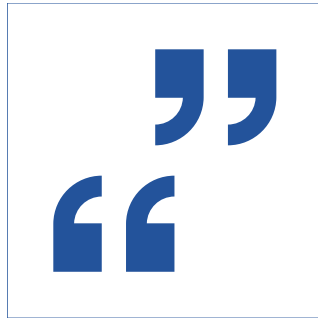


- Tug of war between self-interest and the greater good
- We are biologically rooted to choose the easiest path
- Time is a limited resource, look to save time and effort
- Be happy I'm here and....
- Look, just tell me what to do
- Ethical issues can involve ambiguity and uncertainty. What is right and wrong can be subjective and context dependent, making ethical decision making a complex and nuanced process. (nachos example)



TARGET AUDIENCE: DIVERSE; KNOWLEDGE TRAINING &
EXPERIENCE IS NOT CONSISTENT

HOW DO YOU WANT THEM TO FEEL: MAKE IT OUR GOAL TO INSPIRE ENGAGE & EDUCATE



Goal: Comprehensible and useful to all levels of Knowledge, Training, and Experience (or is it Boring and I can't understand it)



Other Goals of the Commission

Most Professional Board in the State of Nevada

What are they trying to do and how can we guide them to ethically do that (or not)

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WHAT DO YOU WANT THEM TO DO: USER FRIENDLY OPINIONS



- Ease of use: Simplified summary in the beginning (just tell me what to do)
- Future reference: list topics for easy research
- Break it down: Issue by issue analysis

WHAT'S NEXT: ACCESSIBILITY

- By topic in the manual, website, opinion database
- Accessible throughout generational gaps





QUESTIONS

Agenda Item 9



Executive Director Report – November 2023

Education and Outreach

- Recent Training
 - International Code Council of Southern Nevada (October 19)
- Upcoming Training
 - Legislative Counsel Bureau (November 14)
 - COGEL Conference (December)
- Manual
 - Design selected
 - Starting with most asked about questions – Disclosure/Abstention & Cooling Off

Budget Update

- Budget implementation for FY 2024
 - Potential work program for Category 1 (personnel)

Staffing and Recruitment

- Outreach and Education Specialist Status

Upcoming Meetings

- January 17- Reno
 - Motion Hearing (Seebock 23-035C)
 - Motion Hearing / Adjudicatory Hearing (Schieve – 23-056C)
- March 20 – Las Vegas
 - Adjudicatory Hearing (Seebock 23-035C)

Submitted: Ross E. Armstrong, Executive Director
Date: 11/1/23



Proposed 2024 Meetings

Proposed Meeting Dates for Commission approval

Location and topics may change without Commission approval.

January 17 - Reno

- Seebock 23-035C motion hearings
- Schieve 23-056C motion hearings
- Potential rulemaking public hearing

March 20 – Las Vegas

- Seebock 23-035 adjudicatory hearing
- Potential rulemaking public hearing
- Budget building information
- Legislative session approach

April 17 – Reno

- Strategic planning

June 19 – Rural

- Annual report direction

August 21 – Reno

- Chair/Vice Chair election

October 16 – Las Vegas

- Approval of Annual Report

November 13 – Reno

- Legislative Session preparation