

# **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, August 23, 2023, at 10:00 a.m.  
at the following location:

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

**Zoom Meeting Information**

<https://us06web.zoom.us/j/89529255935?pwd=RkkzT1FFSHdFMkR3Q1dTd1Nad0Nwdz09>

Zoom Meeting Telephone Number: 720-707-2699

Meeting ID: 895 2925 5935

Passcode: 823902

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](#). Transcripts of Items 4 and 5 are available for public inspection at the Commission's office.

**1. Call to Order and Roll Call.**

Chair Kim Wallin, CPA, CMA, CFM appeared in-person at the State Bar of Nevada office in Reno and called the meeting to order at 10:00 a.m. Vice-Chair Thoran Towler, Esq. also appeared in-person. Commissioners Brian Duffrin, Barbara Gruenewald, Esq., and Teresa Lowry, Esq. also appeared in-person. Commissioners Stan R. Olsen and Amanda Yen, Esq. appeared via Zoom videoconference. Commissioner John T. Moran III, Esq. was absent. Present for Commission staff in Reno were Executive Director Ross E. Armstrong, Esq., Associate Counsel Elizabeth J. Bassett, Esq., Investigator Erron Terry, Senior Legal Researcher Wendy Pfaff, and Executive Assistant Kari Pedroza. Deputy Attorney General Laena St-Jules, Esq. and Conflict Counsel Wayne Klomp, Esq. also appeared in person in Reno.

**2. Public Comment.**

There was no public comment.

**3. Approval of Minutes of the July 25, 2023, Commission Meeting.**

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

Vice-Chair Towler moved to approve the July 25, 2023, Commission Meeting Minutes as presented. Commissioner Lowry seconded the motion. The Motion was put to a vote and carried as follows:

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

4. Discussion and approval of a Written Opinion concerning Consolidated Ethics Complaint Case Nos. 21-062C & 21-082C regarding Joseph Lombardo, Sheriff of Clark County, State of Nevada.

Chair Wallin introduced the item and confirmed that the Review Panel in this matter consisted of Commissioners Duffrin and Gruenewald and those members would be precluded from participating in this item pursuant to NRS 281A.220(4).

Chair Wallin asked if any Commissioners needed to make a disclosure on this item. Commissioner Olsen disclosed that he is a former coworker of former Sheriff Lombardo, having worked at the Las Vegas Metropolitan Police Department during the same time period, specifying that although he was aware of who Mr. Lombardo was, Commissioner Olsen never worked with Mr. Lombardo. Commissioner Olsen stated he retired from Metro in 2007 and would categorize the current relationship as former co-workers and professional acquaintances. Commissioner Olsen further disclosed that Governor Lombardo appointed him as a Commissioner to the Nevada Commission on Ethics with a term starting on July 1, 2023. He stated that his appointment was made pursuant to statute and in the ordinary course. Commissioner Olsen shared that he registered as a lobbyist during the 2023 Legislative Session of the Nevada Legislature and since its conclusion he has not communicated directly with a State Legislator or member of a local Legislative body on anyone's behalf and does not plan to do so in the future. Commissioner Olsen stated that under NRS 281A.065, his relationship with Governor Lombardo is not one 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. Commissioner Olsen shared his belief that he would be fair and impartial in considering the matter and have no actual or perceived bias. He added that neither having been a former coworker of Governor Lombardo nor his appointment to the Commission on Ethics by Governor Lombardo would materially affect his independence of judgment or that of a reasonable person in his situation. Commissioner Olsen stated that he would be participating in and voting on the matter.

Chair Wallin stated for the record that proper notice had been provided and waivers were received regarding this item. She reiterated that Commissioners Duffrin and Gruenewald served as Review Panel members and would be precluded from participating on this Item. Chair Wallin outlined that all other Commissioners may participate and vote on this matter.

Commissioner Yen clarified that the Commission was considering the redlined version of the Order provided prior to the meeting by Conflict Counsel Klomp and Conflict Counsel Klomp provided an affirmative response. Counsel for both parties noted that they had not received the redline changes to the order prior to the meeting. Commissioner Yen read into the record the proposed redlined changes to the Order.

Commissioner Yen made a motion to approve the draft Opinion and direct Conflict Counsel Wayne Klomp, Esq. to finalize the legal form of the Opinion in conjunction with the Commission Chair and any matters relating thereto. Vice-Chair Towler seconded the motion. The Motion was put to a vote and carried as follows:

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

5. Discussion and determination on Motion for Reconsideration of Opinion in 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 for this matter.

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 stated for the record that proper notice had been provided and waivers were received regarding this item. He confirmed that 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 reiterated that Commissioner Yen disclosed and abstained and noted that all other Commissioners may participate and vote on the matter.

Commissioner Duffrin acknowledged that both parties in the matter agreed to forgo oral argument presentations on Mr. Rodriguez's Motion for Reconsideration and therefore, the Commission would make its determination based on the parties' submitted papers. He further acknowledged that Mr. Rodriguez's supplement to his request for reconsideration included a citation to the Commission's recent oral decision in Consolidated Case Nos. 21-062C and 21-082C (Lombardo) wherein the Commission dismissed allegations pertaining to violations of NRS 281.400(2).

Commissioner Lowry stated that the only item included in the subject's motion for reconsideration she felt had merit would be the matter of consistency in Commission determinations between this case and the subsequent Lombardo matter relative to the violations of NRS 281.400(2). She acknowledged her previous affirmative vote to include NRS 281A.400(2) in this matter and shared her belief that this statutory violation also applied to the Lombardo cases, however, she ultimately did not vote to include the NRS 281.400(2) violation in the subsequent Lombardo matter. She stated she could understand the concern with consistency presented in Mr. Rodriguez's supplemental request. Commissioner Lowry added further her hope that if there are further legal considerations of the Commission's decisions by

the courts, clarification and direction would be provided to the Commission on NRS 281.400(2). Commissioner Lowry proposed a motion to conclude the matter.

Commissioner Gruenewald echoed Commissioner Lowry's comments and expressed her intention to provide a second on the proposed motion.

Commissioner Duffrin provided that when the Commission previously considered this case, the Lombardo matter was outstanding and had not yet been heard by the Commission. He stated that consistency is always his goal as a Commissioner. Commissioner Duffrin clarified that the matter had previously been concluded with 4 willful violations and provided that if there were 4 willful violations imposed, there would be further ramifications which was not his intention. Commissioner Duffrin stated he was comfortable with the motion as proposed by Commissioner Lowry.

Commissioner Lowry made a motion that Ethics Complaint Case No. 22-051C (Rodriguez) conclude with 2 willful violations of NRS 281.400(7), dismissal of NRS 281.400(2) violations and the same civil penalty previously imposed of \$1,000, \$500 per violation. She further directed counsel for the Commission to prepare a reconsidered final written Opinion consistent with the requirements of NRS 287A.765, NAC 281A.407(3) and NRS 233B.125. Commissioner Gruenewald 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 Olsen:	Aye.
Commissioner Yen:	Abstain pursuant to NRS 281A.420.

6. Discussion and determination on a Proposed Stipulated Deferral Agreement concerning Ethics Complaint Case No. 23-005C regarding Larry Grant, Member, Mineral County Board of Commissioners, State of Nevada.

Chair Wallin introduced the item and asked if any Commissioners needed to make a disclosure on this item. Commissioner Gruenewald disclosed pursuant to NAC 281A.195(1) that she participated in a settlement conference and discussed the matter currently pending before the Commission together with all parties and with the parties separately. Chair Wallin stated pursuant to NAC 281A.195(2), when a Commissioner discloses 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 and noted that Commissioner Gruenewald was a member of the Review Panel for the matter and is already precluded from acting on the Item. Chair Wallin further noted that Vice-Chair Towler also served as a member of the Review Panel and would be precluded from participating in this item pursuant to NRS 281A.220(4).

Chair Wallin asked the parties in the Complaint to identify themselves for the record. Associate Counsel Elizabeth J. Bassett, Esq. appeared on behalf of Executive Director Armstrong before the Commission in-person and Larry Grant appeared via videoconference.

Associate Counsel Bassett provided an overview of Ethics Complaint Case No. 23-005C (Grant) and the Proposed Stipulated Deferral Agreement. The Proposed Stipulated Deferral shall be in effect for a two-year period from the date of the approval by the Commission, during which time Mr. Grant must comply in all material respects with the Ethics Law set forth in NRS 281A. Mr. Grant agrees to complete Ethics Training within sixty (60) days of the

execution of the Stipulated Deferral. Associate Counsel Bassett thanked Mr. Grant for his cooperation and expressed her gratitude to Commissioner Gruenewald and Deputy Attorney General St-Jules for their assistance with the settlement conference.

Mr. Grant clarified for the record that the matter had nothing to do with his current position as County Commissioner and thanked everyone involved for their help in resolving the matter.

Chair Wallin thanked Mr. Grant for his cooperation.

Commissioner Duffrin thanked Commissioner Gruenewald for her assistance in facilitating the settlement conference. Commissioner Duffrin also thanked Mr. Grant for his participation and cooperation in the resolution.

Commissioner Duffrin made a motion to accept the terms of the Stipulated Deferral Agreement and proposed confidential letter of caution as presented by the parties in Ethics Complaint Case No. 23-005C (Grant) and direct counsel for the Commission to finalize the documents in appropriate form. Commissioner Duffrin further moved that the Chair is the delegated authority to approve and direct finalization of the dismissal of the complaint in this case if the Executive Director confirms to the Chair that Mr. Grant has complied with the terms and conditions of the Stipulated Deferral Agreement. Chair Lowry seconded the motion. The Motion was put to a vote and carried as follows:

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

7. Discussion and determination on a Proposed Stipulated Deferral Agreement concerning Ethics Complaint Case No. 23-054C regarding Raymond Tulloch, Trustee, Incline Village General Improvement District, State of Nevada.

Chair Wallin introduced the item and stated for the record that proper notice was provided, and waivers were received regarding this item. Chair Wallin noted that Mr. Tulloch waived the requirement for review of this matter by a Review Panel and all Commissioners can participate in this item unless they have reason to disclose and abstain. Chair Wallin asked if any of her fellow Commissioners needed to make a disclosure for this case. Commissioner Yen disclosed for the record that she is a partner with the law firm of McDonald Carano, and some members of her firm are involved in some capacity with the Incline Village General Improvement District (IVGID) project. Pursuant to NRS 281A.065(4) and (5), she has a commitment in a private capacity to the interest of her firm and IVGID. Therefore, to avoid any appearance of impropriety and comply with the Ethics Law and Judicial Canons applicable to the Commission, Commissioner Yen disclosed this conflict and abstained from participation in this matter.

Chair Wallin asked the parties in the Complaint to identify themselves for the record. Associate Counsel Elizabeth J. Bassett, Esq. appeared on behalf of Executive Director Armstrong before the Commission in this matter and Katherine Parks, Esq. appeared via videoconference on behalf of Raymond Tulloch, who was not in attendance but was provided proper notice of the Agenda Item and understood that the Commission would proceed in his absence.

Associate Counsel Bassett provided an overview of Ethics Complaint Case No. 23-054C (Tulloch) and the Proposed Stipulated Deferral. The Proposed Stipulated Deferral shall be in

effect for a two-year period from the date of the approval by the Commission, during which time Mr. Tulloch must comply in all material respects with the Ethics Law set forth in NRS 281A. Mr. Tulloch agrees to complete Ethics Training within sixty (60) days of the execution of the Stipulated Deferral. The Commission admonishes Mr. Tulloch pursuant to NRS 281A.785(1)(b) and cautions him to ensure he properly discloses his private interests when performing his public duties as Trustee for IVGID. Associate Counsel Bassett thanked Mr. Tulloch and his attorney Counsel Parks for their cooperation with the investigation and resolution of the matter.

Katherine Parks, Esq. stated that as usual the Associate Counsel and Executive Director showed their professionalism throughout the resolution of the matter, and it was appreciated.

Commissioner Lowry asked the reason for the statement of relevant facts in the agreement not making reference to abstention and Associate Counsel answered her question.

Chair Wallin thanked Counsel Parks and her client for their cooperation and participation.

Commissioner Lowry made a motion to accept the terms of the Stipulated Deferral as presented by the parties in Case No. 23-054C (Tulloch) and direct counsel for the Commission to finalize the agreement in appropriate form. Commissioner Lowry further moved that the Chair is the delegated authority to approve and direct finalization of the dismissal of the complaint in this case if the Executive Director confirms to the Chair that Mr. Tulloch has complied with the terms and conditions of the Stipulated Deferral Agreement. 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 Olsen:	Aye.
Commissioner Yen:	Abstain pursuant to NRS 281A.420.

8. Discussion and determination on a Proposed Stipulated Deferral Agreement concerning Ethics Complaint Case No. 23-057C regarding Eric Blondheim, Undersheriff, Pershing County, State of Nevada.

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

Chair Wallin asked the parties in the Complaint to identify themselves for the record. Associate Counsel Elizabeth J. Bassett, Esq. appeared on behalf of Executive Director Armstrong before the Commission in this matter and Eric Blondheim appeared via teleconference.

Associate Counsel Bassett provided an overview of Ethics Complaint Case No. 23-057C (Blondheim) and the Proposed Stipulated Deferral Agreement. The Proposed Stipulated Deferral shall be in effect for a two-year period from the date of the approval by the Commission, during which time Mr. Blondheim must comply in all material respects with the Ethics Law set forth in NRS 281A. Mr. Blondheim agrees to complete Ethics Training within sixty (60) days of the execution of the Stipulated Deferral. The Commission admonishes Mr. Blondheim pursuant to NRS 281A.785(1)(b) and cautions him to ensure he properly separate

government expenses and campaign support as Undersheriff for Pershing County Sheriff's Office. Associate Counsel Bassett thanked Mr. Blondheim for his cooperation with the investigation and resolution of the matter.

Chair Wallin asked Mr. Blondheim if he had any comments. Mr. Blondheim stated his appreciation for everyone involved in resolving the matter and noted his objection to a reference to his supervisor Sheriff Allen at the end of the Stipulated Deferral Agreement.

Commissioner Yen asked why this matter was resolved with a Stipulated Deferral Agreement and not a Stipulated Agreement and Executive Director Armstrong provided clarification on the different factors and considerations involved in the resolution. Chair Wallin and Commissioner Yen asked further clarifying questions and Executive Director Armstrong provided responses to their questions.

Commissioners Duffrin and Olsen asked clarifying questions of Mr. Blondheim and Mr. Blondheim answered their questions.

Commissioner Yen made a motion to accept the terms of the Stipulated Deferral as presented by the parties in Case No. 23-057C (Blondheim) and direct counsel for the Commission to finalize the agreement in appropriate form. Commissioner Lowry further moved that the Chair is the delegated authority to approve and direct finalization of the dismissal of the complaint in this case if the Executive Director confirms to the Chair that Mr. Blondheim has complied with the terms and conditions of the Stipulated Deferral Agreement. Commissioner Duffrin seconded the motion. The Motion was put to a vote and carried as follows:

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

Chair Wallin thanked Undersheriff Blondheim for his cooperation.

Due to other meeting obligations, Commissioner Yen excused herself from the remainder of the Commission meeting at this time.

9. Consideration and approval of the Fiscal Year 2023 Annual Report presented by the Executive Director pursuant to NAC 281A.180(2).

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

Executive Director Armstrong presented an overview of the changes to the Fiscal Year 2023 Annual Report and referenced the draft provided in the meeting materials. He requested feedback from the Commission regarding the proposed Commission Goals for Fiscal Year 2024 and welcomed any additional feedback. Executive Director Armstrong thanked Chair Wallin for bringing to his attention a date issue with the graph on page 25 and informed the Commission that he would update that graph prior to finalizing and publishing the annual report.

Commissioner Duffrin recommended that staff review the language for the Commission's proposed bill revisions and come up with a new game plan for future Legislative updates. He acknowledged that the status of the Commission's previous bill was not based on anything the staff or the Commission did and suggested that the Legislative Subcommittee consider a strategic

plan for Legislative action in the future. Commissioner Duffrin shared his opinion that the proposed FY24 Goals are great goals.

Commissioner Gruenewald stated that she was very impressed with the Annual Report and commended Commission staff on the graphs and overall presentation of the report data.

Commissioner Lowry echoed Commissioner Gruenewald's commendations and agreed the Annual report was very well done. She asked clarifying questions pertaining to the Commission's forthcoming Public Information Officer position, which Executive Director Armstrong answered.

Chair Wallin suggested that Outreach and Education for non-public entities be prioritized upon the addition of the Public Information Officer and that the Legislative Subcommittee focus on outreach to the Legislature this year in preparation of the next Legislative session. She asked that priority be placed on reviewing the Commission's NACs during the interim. Chair Wallin commented that she loves the Annual Report and appreciates its readability and ease.

Commissioner Duffrin asked whether the agency performance measures were in line with the proposed Goals and Executive Director Armstrong responded that he would double-check. Executive Director Armstrong outlined the performance measure revision process and Chair Wallin requested that Outreach be a focus of the agency's performance measures.

Commissioner Olsen stated he had read many annual reports and the proposed FY23 Annual Report presented by the Executive Director was an easy read. He asked for clarification on the data reflected in the Outreach and Education graphs included in the report and Executive Director Armstrong provided that information.

Commissioner Gruenewald made a motion to approve the Fiscal Year 2023 Annual Report as presented. Vice-Chair Towler seconded the motion. The motion was put to a vote and carried unanimously.

10. 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. Budget Update
- c. Staffing & Recruitment
- d. 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 outlined the Education and Outreach priority tasks as continuing to test and adjust the Online Learning Management System and expand users to test the system. Executive Director Armstrong summarized the upcoming training presentations scheduled for the Fall.

b. Budget Update: Executive Director Armstrong informed the Commission that the FY23 Budget closing was being finalized. He outlined the FY24 Budget priorities including the Outreach and Education Specialist, computer equipment replacement and emphasized that FY24 was a base budget year.

c. Staffing & Recruitment: Executive Director Armstrong shared that staff was finalizing the Education and Outreach Specialist job posting and anticipated the position would be filled by mid-October. He reported that the Commission was now fully staffed with the appointment of Brandi Jensen to the Commission Counsel position.

d. Upcoming Meetings: Executive Director Armstrong outlined dates and locations for the upcoming Commission meetings in October and November.

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

11. Appointment of members to the Personnel Subcommittee of the Nevada Commission on Ethics.

Chair Wallin introduced the item and stated that the Personnel Subcommittee would be tasked with updating the Work Performance Standards for the Executive Director and Commission Counsel.

Commissioners discussed which members would be the best fit for the Subcommittee.

Chair Wallin made a motion that the Personnel Subcommittee consist of Chair Wallin, Vice-Chair Towler, and Commissioner Duffrin. Commissioner Gruenewald seconded the motion. The Motion was put to a vote and carried unanimously.

12. 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.

Commissioner Duffrin welcomed Commissioner Olsen to the Commission and thanked Deputy Attorney General St-Jules for her assistance and hard work during the Commission Counsel position vacancy.

Commissioner Lowry thanked Conflict Counsel Klomp and Deputy Attorney General St-Jules for their exemplary work for the Commission. She requested that the Commission Counsel research Commission precedent and provide an exhaustive case brief to the Commission for guidance on cases. Executive Director Armstrong suggested that project could be set as a priority for the Commission Counsel during the Personnel Subcommittee meeting.

Commission Gruenewald shared her appreciation for Deputy Attorney General St-Jules' communication skills and hard work on behalf of the Commission.

Deputy Attorney General St-Jules thanked the Commissioners for their cooperation and assistance.

Chair Wallin expressed her gratitude towards Conflict Counsel Klomp and Deputy Attorney General St-Jules for their assistance during the transition.

13. Public Comment.

There was no public comment.

14. Adjournment.

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

The meeting was adjourned at 11:41 a.m.

Minutes prepared by:

/s/ Kari Pedroza

Kari Pedroza  
Executive Assistant

/s/ Ross Armstrong

Ross Armstrong, Esq.  
Executive Director

Minutes approved October 18, 2023:

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Kim Wallin, CPA, CMA, CFM  
Chair

\_\_\_\_\_  
Thorán Towler, Esq.  
Vice-Chair

# **Agenda Item 7**



## STATE OF NEVADA

### BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Joseph Rodriguez**, Trustee, Washoe  
County School District; Lieutenant, State Fire  
Marshall Division, State of Nevada,

Ethics Complaint  
Case No. 22-051C

\_\_\_\_\_  
Subject. /

### OPINION ON RECONSIDERATION

#### **I. INTRODUCTION AND PROCEDURAL HISTORY**

Pursuant to NRS 281A.710(1)(b), an Ethics Complaint was filed with the Nevada Commission on Ethics ("Commission") on May 2, 2022, alleging that Joseph Rodriguez, ("Rodriguez"), Washoe County School District ("WCSD") Trustee and Nevada State Fire Marshal Division Lieutenant, violated provisions of the Ethics in Government Law set forth in Chapter 281A of the Nevada Revised Statutes ("Ethics Law").

On June 13, 2022, the Commission conducted its jurisdictional and evidentiary review of the record, including the Ethics Complaint, supporting evidence and the recommendations of the Executive Director. The Commission accepted jurisdiction of the Complaint and directed the Executive Director to investigate and serve a *Notice of Complaint and Investigation* regarding Rodriguez's alleged violations of NRS 281A.400(2) (using position in government to grant an unwarranted advantage to himself or others), NRS 281A.400(7) (using governmental time, property, equipment or other facility to benefit a significant personal or pecuniary interest) and NRS 281A.520 (causing a governmental entity to incur an expense or make an expenditure to support or oppose a candidate).

On or about June 13, 2022, the Commission served Rodriguez via certified mail a *Notice of Complaint and Investigation* advising him of the allegations in the Complaint. On or about July 18, 2022, Rodriguez, by and through his attorney Adam Hosmer-Henner, Esq. with McDonald Carano LLP, submitted a response to the allegations.

On July 21, 2022, the Commission served Rodriguez a *Notice of Additional Issues and Facts*. On September 16, 2022, Rodriguez, through his counsel, submitted a supplemental response to this notice.

On September 19, 2022, the Commission received a waiver of statutory time requirements for the Executive Director to complete his investigation until November 16, 2022 and for the Executive Director to present a recommendation to a review panel until November 30, 2022.

On November 16, 2022, the Commission's Review Panel ("Panel")<sup>1</sup> issued a *Review Panel Determination and Referral Order* finding just and sufficient cause for the Commission to hold a hearing and render an opinion in this matter based on credible evidence that alleged Rodriguez violated NRS 281A.400(2) and (7). The Panel further found no just and sufficient cause for the Commission to render an opinion regarding the allegations pertaining to NRS 281A.520. The Commission referred allegations of violations of NRS 281A.400(2) and (7) to the Commission but dismissed allegations related to Rodriguez's alleged use of WCSD photographs under NRS 281A.400(2) and (7) and NRS 281A.520 for lack of sufficient evidence.

On December 5, 2022, pursuant to NRS 281A.745, Rodriguez waived the statutory time requirements for the adjudicatory hearing through the end of March 2023 and provided a further waiver of the time to render an opinion in this matter through the end of December 2023.

On December 6, 2022, the Commission issued a *Notice of Hearing and Scheduling Order and Notice of Hearings and Meetings to Consider Your Character, Alleged Misconduct, Professional Competence or Health*, setting a hearing for discovery-related or dispositive motions or stipulations and an adjudicatory hearing and/or hearing on adjudicatory motions or stipulations for March 15, 2023. Thereafter, each party filed a motion for summary judgment, which motions were fully briefed and submitted for the Commission's consideration.

On February 23, 2023, Rodriguez submitted an *Adjudicatory Motion*, and on February 27, 2023, the Executive Director submitted a *Motion in Limine*. These motions were fully briefed.

On March 2, 2023, the Commission served a *Notice of Hearing and Scheduling Order* on Rodriguez, notifying Rodriguez of the date, time and location that the Commission would hold public meetings to consider discovery-related or dispositive motions or stipulations and conduct an adjudicatory hearing.

On March 14, 2023, the presiding officer, Vice-Chair Duffrin, held a pre-hearing conference, which was attended by Executive Director Armstrong, represented by Associate Counsel Bassett, and counsel for Rodriguez, Mr. Hosmer-Henner. The Vice-Chair discussed procedural matters with the parties relating to the adjudicatory hearing and received comments from the parties on stipulations of facts and exhibits. The Vice-Chair also ruled orally on Rodriguez's *Adjudicatory Motion* and the Executive Director's *Motion in Limine*. Later that same day, the Vice-Chair issued an *Order Granting Executive Director's Motion in Limine* and an *Order Denying Trustee Rodriguez's Adjudicatory Motion*.

On March 15, 2023, the Commission heard oral argument on the parties' motions for summary judgment. The Commission denied both motions. The Commission then held an adjudicatory hearing to consider whether Rodriguez violated NRS 281A.400(2) or NRS 281A.400(7). At the start of the hearing, the parties orally stipulated to the admission of certain facts and exhibits, and during the hearing, orally stipulated to the admission of one additional exhibit. At the conclusion of the adjudicatory hearing, the Commission deliberated and approved on the record the finding of two willful violations of NRS 281A.400(2) and two willful violations of NRS 281A.400(7). The Commission

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<sup>1</sup> Chair Wallin, Vice-Chair Towler and Commissioner Sheets served on the Panel and are precluded by NRS 281A.220(4) from participation in further matters after issuance of the Panel Determination.

imposed on Rodriguez a civil penalty in the amount of \$250 per violation, for a total penalty of \$1,000. The Commission also reprimanded Rodriguez and required him to complete ethics training selected by the Executive Director within 60 days of the written decision being issued.

On May 18, 2023, the Commission issued and served its Opinion on Rodriguez. On June 2, 2023, the Commission timely received *Trustee Rodriguez's Motion for Reconsideration* ("Motion") of the Opinion. The Commission subsequently issued an *Order on Reconsideration* of Opinion No. 22-051C and set the matter for its regularly scheduled meeting on August 23, 2023. During the August 23<sup>rd</sup> meeting, the Commission made a motion to dismiss/remove any violation of NRS 281A.400(2), kept the finding of the violations of 281A.400 (7), and to issue a fine of \$500 for each willful violation of NRS 281A.400(7). As a result, this Commission now issues the following opinion.

## **II. FINDINGS OF FACT**

In rendering this opinion, the Commission reviewed and considered all evidence and testimony set forth in the record. The Commission finds the following facts to be established based on the preponderance of evidence standard set forth in NRS 281A.790(9), NRS 281A.765 and NRS 233B.125:

1. Rodriguez has been employed by the State Fire Marshal Division of the Nevada Department of Public Safety since at least 2021, and as such is a public employee as defined in NRS 281A.150.
2. The State Fire Marshal Division is a law enforcement agency.
3. Rodriguez was appointed to serve as a WCSD Trustee beginning in July 2021.
4. Rodriguez successfully campaigned to be elected as a WCSD Trustee in 2022.
5. Rodriguez earns a salary in connection with his position as WCSD Trustee.
6. Rodriguez maintained a campaign website for his election as a WCSD Trustee in 2022 ("Campaign Website"). The Campaign Website was created approximately in Spring 2022.
7. From May 2, 2022 through at least March 15, 2023, the Campaign Website contained a picture of Rodriguez dressed in his State Fire Marshal Division uniform and badge ("Picture One").
8. Picture One was taken approximately in the summer of 2019 during an honor walk where other law enforcement officers appeared in uniform. Rodriguez did not request that the picture be taken and was not considering applying for WCSD Trustee at the time the picture was taken.
9. From May 2, 2022 through at least March 15, 2023, the Campaign Website contained a picture of Rodriguez wearing his State Fire Marshal Division badge and gun in a school classroom ("Picture Two").

10. Picture Two was taken in approximately February 2020. The State Fire Marshal Division promotes fire safety and visits schools throughout the State, and Picture Two was taken during one such school visit. School visits are a routine part of Rodriguez's job and entail him wearing his uniform and badge. Rodriguez believes a parent took the picture, and he was not considering applying for WCSD Trustee at the time the picture was taken.
11. Pictures One and Two appeared on the Campaign Website among twelve other pictures, which included pictures of Rodriguez in other contexts, including with his family and in military uniform.
12. Rodriguez provided many pictures to his campaign team for potential inclusion on his Campaign Website. Rodriguez was aware of which pictures were posted to his Campaign Website.

### **III. STATEMENT OF THE ISSUE AND RELEVANT STATUTES**

#### **A. ISSUES**

The issues considered by the Commission are whether Rodriguez's conduct in posting Pictures One and Two on his Campaign Website constitutes a violation of either NRS 281A.400(2) or NRS 281A.400(7).

#### **B. RELEVANT STATUTES**

##### **1. Duty to Avoid Conflicts – NRS 281A.020(1) Provides:**

1. It is hereby declared to be the public policy of this State that:

(a) A public office is a public trust and shall be held for the sole benefit of the people.

(b) A public officer or employee must commit himself or herself to avoid conflicts between the private interests of the public officer or employee and those of the general public whom the public officer or employee serves.

##### **2. Use of Government Position to Secure or Grant "Unwarranted" Privileges, Preferences or Advantages – NRS 281A.400(2) Provides:**

A public officer or employee shall not use the public officer's or employee's position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for the public officer or employee, any business entity in which the public officer or employee has a significant pecuniary interest or any person to whom the public officer or employee has a commitment in a private capacity. As used in this subsection, "unwarranted" means without justification or adequate reason.

///

**3. Improper Use of Government Resources and Property – NRS 281A.400(7) Provides:**

Except for State Legislators who are subject to the restrictions set forth in subsection 8, a public officer or employee shall not use governmental time, property, equipment or other facility to benefit a significant personal or pecuniary interest of the public officer or employee or any person to whom the public officer or employee has a commitment in a private capacity. This subsection does not prohibit:

(a) A limited use of governmental property, equipment or other facility for personal purposes if:

(1) The public officer or employee who is responsible for and has authority to authorize the use of such property, equipment or other facility has established a policy allowing the use or the use is necessary as a result of emergency circumstances;

(2) The use does not interfere with the performance of the public officer's or employee's public duties;

(3) The cost or value related to the use is nominal; and

(4) The use does not create the appearance of impropriety;

(b) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or

(c) The use of telephones or other means of communication if there is not a special charge for that use.

➔ If a governmental agency incurs a cost as a result of a use that is authorized pursuant to this subsection or would ordinarily charge a member of the general public for the use, the public officer or employee shall promptly reimburse the cost or pay the charge to the governmental agency.

**4. Standards for Determining Willful Violation – NRS 281A.775 Provides:**

1. The Commission, in determining whether a violation of this chapter is a willful violation and, if so, the penalty to be imposed on a public officer or employee or former public officer or employee pursuant to NRS 281A.785 or 281A.790, or the review panel, in determining whether to approve a deferral agreement regarding an alleged violation, shall consider, without limitation:

(a) The seriousness of the violation or alleged violation, including, without limitation, the nature, circumstances, extent and gravity of the violation or alleged violation;

(b) The number and history of previous warnings, letters of caution or instruction, deferral agreements or violations or alleged violations of the provisions of this chapter relating to the public officer or employee;

(c) The cost to conduct the investigation and any meetings, hearings or other proceedings relating to the violation or alleged violation;

(d) Any mitigating factors, including, without limitation, any self-reporting, prompt correction of the violation or alleged violation, any attempts to rectify the violation or alleged violation before any ethics complaint is filed and any cooperation by the public officer or employee in resolving the ethics complaint;

(e) Any restitution or reimbursement paid to parties affected by the violation or alleged violation;

(f) The extent of any financial gain resulting from the violation or alleged violation; and

(g) Any other matter justice may require.

2. The factors set forth in this section are not exclusive or exhaustive, and the Commission or the review panel, as appropriate, may consider other factors in the disposition of the matter if they bear a reasonable relationship to the determination of the severity of the violation or alleged violation.

3. In applying the factors set forth in this section, the Commission or the review panel, as appropriate, shall treat comparable situations in a comparable manner and shall ensure that the disposition of the matter bears a reasonable relationship to the severity of the violation or alleged violation.

## **5. Definitions Applicable to Willfulness Determination:**

**NRS 281A.105 “Intentionally” defined.** “Intentionally” means voluntarily or deliberately, rather than accidentally or inadvertently. The term does not require proof of bad faith, ill will, evil intent or malice.

**NRS 281A.115 “Knowingly” defined.** “Knowingly” imports a knowledge that the facts exist which constitute the act or omission, and does not require knowledge of the prohibition against the act or omission. Knowledge of any particular fact may be inferred from the knowledge of such

other facts as should put an ordinarily prudent person upon inquiry.

**NRS 281A.170 “Willful violation” defined.** “Willful violation” means a violation where the public officer or employee:

1. Acted intentionally and knowingly; or
2. Was in a situation where this chapter imposed a duty to act and the public officer or employee intentionally and knowingly failed to act in the manner required by this chapter, ↪ unless the Commission determines, after applying the factors set forth in NRS 281A.775, that the public officer’s or employee’s act or failure to act has not resulted in a sanctionable violation of this chapter.

**6. Remedies for Violations of the Ethics Law – NRS 281A.785 Provides in Pertinent Part:**

1. Except as otherwise provided in this section, in proceedings concerning an ethics complaint, the Commission, based on a finding that a violation of this chapter has been proven, or the review panel, as part of the terms and conditions of a deferral agreement, may, in addition to any other penalty provided by law and in accordance with the provisions of NRS 281A.775:

(a) Require the public officer or employee who is the subject of the ethics complaint to:

\*\*\*

(2) Attend and complete training.

\*\*\*

(b) Publicly admonish, reprimand or censure the public officer or employee.

\*\*\*

2. In carrying out the provisions of subsection 1, the Commission, based on a finding that a violation of this chapter has been proven, or the review panel, as part of the terms and conditions of a deferral agreement, may publicly:

\*\*\*

(b) Reprimand a public officer or employee if it is determined that the public officer or employee has willfully violated any provision of this chapter, but there is no evidence that the willful violation involved bad faith, malicious intent or knowing or reckless disregard of the law, or if such a reprimand is imposed as part of the terms and conditions of a deferral agreement. A reprimand is a severe written reproof for the conduct of the public officer or employee.

**7. Civil Penalties for Willful Violations – NRS 281A.790 Provides in Pertinent Part:**

1. In addition to any other penalties provided by law and in accordance with the provisions of NRS 281A.775, the Commission may impose on a public officer or employee or former public officer or employee civil penalties:

(a) Not to exceed \$5,000 for a first willful violation of this chapter;

(b) Not to exceed \$10,000 for a separate act or event that constitutes a second willful violation of this chapter; and

(c) Not to exceed \$25,000 for a separate act or event that constitutes a third willful violation of this chapter.

\*\*\*

9. A finding by the Commission that a public officer or employee has violated any provision of this chapter must be supported by a preponderance of the evidence unless a greater burden is otherwise prescribed by law.

**IV. DECISION**

The Ethics Law is designed to preserve the public trust and ensure that public officers and employees maintain proper separation between their public duties and private interests. See NRS 281A.020. In furtherance of State policy to protect the public trust, the Code of Ethical Standards was enacted to require proper separation of private interests and commitments from public duties. See NRS 281A.400. As discussed below, the Commission concludes that Rodriguez willfully violated NRS 281A.400(7), but there was no violation of NRS 281A.400(2).

**A. NO VIOLATION OF NRS 281A.400(2) – USE OF GOVERNMENT POSITION TO SECURE OR GRANT “UNWARRANTED” PRIVILEGES, PREFERENCES, OR ADVANTAGES**

In order to find a violation of NRS 281A.400(2), the facts must establish by a preponderance of the evidence: (1) that the subject is a public officer or employee; (2) who uses the subject's position in government; (3) to secure unwarranted privileges, preferences, or advantages for the subject or his business in which he has a significant pecuniary interest.

The Commission has held that the use of a title in endorsing a candidate is not a misuse of the public official's position in government. *In re Public Officer*, Comm'n Op. No. 19-124A at p. 6 (2020). Although there may be instances where a candidate's use of the uniform and badge during a campaign rise to the level of using “the subject's position in government” to secure unwarranted privileges, that is not the case here. The Commission sees no reason to depart from that position under the facts of this case, and therefore finds Rodriguez has not violated NRS 281A.400(2).

**B. VIOLATION OF NRS 281A.400(7) – IMPROPER USE OF GOVERNMENT RESOURCES AND PROPERTY**

**1. Violation of NRS 281A.400(7)**

As relevant here, NRS 281A.400(7) prohibits a public employee from using governmental time, property, equipment or other facility to benefit his own significant personal or pecuniary interest. Rodriguez argues that he did not use governmental resources or property because Pictures One and Two were taken prior to him considering running for WCSD Trustee and were not government property. The Commission disagrees.

Commission precedent supports rejection of Rodriguez’s argument. In *In re Kuzanek*, Comm’n Op. No 14-61C (2015), undersheriff Tim Kuzanek displayed pictures of himself in full sheriff’s office dress uniform and a picture of his undersheriff badge as part of campaign materials for his candidacy for sheriff. The Commission found use of these pictures violated NRS 281A.400(7). See *id.* (“The use of Washoe County Sheriff Deputy uniform and undersheriff badge act as a visual endorsement, affirmation . . . , and sanction of Kuzanek’s campaign for sheriff, and provide an unfair advantage to Kuzanek at government cost. This is the type of harm to the public that the Ethics Law is designed to prohibit.”). The Commission has therefore previously concluded that displaying a representation of government property as part of a campaign constitutes use of government property under NRS 281A.400(7). There is no basis to treat a picture of government property differently based solely on when it was taken. Rodriguez used government property, implicating NRS 281A.400(7), when he posted Pictures One and Two showing his uniform, gun and badge on his Campaign Website as part of his campaign.

The Commission also notes that “statutory interpretation should not render any part of a statute meaningless, and a statute’s language should not be read to produce absurd or unreasonable results.” *Leven v. Frey*, 123 Nev. 399, 405, 168 P.3d 712, 716 (2007). Rodriguez’s proposed interpretation of NRS 281A.400(7) would lead to an unreasonable result as a violation would turn on when a picture was taken: if a candidate uses a picture from before his campaign, there would be no violation, but if the candidate uses a picture taken after the candidate announces his candidacy, there would be a violation. Such an arbitrary distinction cannot be accepted, including because members of the public viewing the picture would have no way of knowing when the picture was taken.

Finally, there can be no doubt that a benefit to Rodriguez’s personal or pecuniary interests is implicated. As the Commission has previously explained, “incumbent Public Officers seeking re-election have significant personal and financial interests in maintaining the elected position.”<sup>2</sup> *In re Public Officer*, Comm’n Op. No. 19-124A (2020)

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<sup>2</sup> While Rodriguez was not technically seeking re-election as he was initially appointed as a WCSD Trustee, his interests in maintaining his position are identical to an incumbent’s interests in seeking re-election.

(citing *In re Antinoro*, Comm'n Op. Nos. 18-031C/18-052C (2019)). Rodriguez had a significant personal and financial interest in seeking election as a WCSD Trustee, including because he earns a salary as a WCSD Trustee.

Based upon the record, the Commission determines by a preponderance of the evidence that Rodriguez's use of Pictures One and Two on his Campaign Website constituted use of government property and was in furtherance of a significant personal and pecuniary interest.

## **2. The Limited-Use Exception Does Not Apply**

The Commission next considers whether Rodriguez's use of the pictures was permitted by the limited-use exception established in statute. There is no violation of NRS 281A.400(7) if all four factors of the limited-use exception are met. As an initial matter, the Commission notes that no evidence was submitted regarding the first factor, i.e., "[t]he public officer or employee who is responsible for and has authority to authorize the use of such property, equipment or other facility has established a policy allowing the use or the use is necessary as a result of emergency circumstances." Consequently, the limited-use exception does not apply.

The limited-use exception also does not apply because Rodriguez cannot establish that the use of the pictures does not create the appearance of impropriety. For over twenty years, the Commission has held that the use of the accouterments of public office for campaigning purposes is inappropriate, in part because it creates the impression of government sanction. See *In re Kirkland*, Comm'n Op. No. 98-41 (1999). The Commission has followed a hard line: "A public officer will create an appearance of impropriety under NRS 281.481(7)(a)(4)<sup>3</sup> if, in the course of endorsing a person's candidacy, he uses the physical accouterments of his office or position to bolster the endorsement." *Id.*; see also *In re Kuzanek*, Comm'n Op. No. 14-61C (2015) ("A public officer and/or employee cannot engage in any activity that involves . . . the use of state or political subdivision badge or uniform to give that person an advantage, and it creates the appearance of impropriety."); *In re Antinoro*, Comm'n Op. Nos. 18-031C/18-052C (2019) ("An elected sheriff's use of his official uniform, badge and 'other physical accouterments' of the public office in the course of supporting his own campaign for re-election also creates an appearance of impropriety and violates NRS 281A.400(7).").

Accordingly, based on a preponderance of the evidence, the limited-use exception does not apply, and the Commission determines that Rodriguez violated NRS 281A.400(7) twice based on Pictures One and Two appearing on his Campaign Website.

## **C. WILLFULNESS**

Pursuant to NRS 281A.170, a violation is willful if it is intentional and knowing, which terms are defined in NRS 281A.105 and NRS 281A.115 respectively. For an act to be intentional, NRS 281A.105 requires that the subject acted "voluntarily and

---

<sup>3</sup> NRS 281.481(7)(a)(4) is the predecessor statute to NRS 281A.400(7)(a)(4).

deliberately.” “The term does not require proof of bad faith, ill will, evil intent or malice.” NRS 281A.105. Here, Rodriguez selected pictures for inclusion on his Campaign Website, including Pictures One and Two, and was aware that they were posted. His conduct was therefore neither accidental nor inadvertent, but rather was intentional as defined in NRS 281A.105.

“Knowingly imports a knowledge that the facts exist which constitute the act or omission, and does not require knowledge of the prohibition against the act or omission.” NRS 281A.115. The provisions of NRS Chapter 281A do not require Rodriguez to have actual knowledge that his conduct violated the Ethics Law. See *State v. Rhodig*, 101 Nev. 608, 611, 707 P.2d 549, 551 (1985) (“[T]he law does not require knowledge that such an act or omission is unlawful.”). Here, Rodriguez was aware of the facts constituting the violations, and Commission precedent has consistently established that use of the accouterments of office in connection with a campaign endorsement can lead to violations of NRS 281A.400(7). Therefore, the Commission finds, based on a preponderance of the evidence, that Rodriguez’s conduct was knowing.

#### **D. NRS 281A.775 – MITIGATING FACTORS AND CIVIL PENALTY**

The Commission considers all relevant mitigating factors set forth in NRS 281A.775 in determining whether a violation is willful and if so any civil penalty to be imposed. However, each factor may not necessarily be present or be provided equal weight.

1. Seriousness of the violation. The Commission has now issued a series of opinions establishing that public officers and employees cannot use the accouterments of office in campaigns. Use of the accouterments gives an improper impression that the public employee is acting in an official capacity and of government sanction.
2. The number and history of previous violations. Rodriguez has no prior history of Ethics Law violations.
3. The cost to conduct the investigation and hearing. This matter proceeded through an investigation, evidentiary motions, summary judgment motions, and an adjudicatory hearing, leading to additional cost to the Commission.
4. Mitigating factors. Rodriguez did not self-report and did not take down Pictures One and Two from his Campaign Website through the day of the adjudicatory hearing.
5. Restitution and reimbursement. No restitution or reimbursement was warranted in this matter.
6. Extent of financial gain. Rodriguez was elected as WCSD Trustee and earns a salary as a result. Moreover, the Campaign Website solicited and accepted monetary donations to Rodriguez’s campaign account.

The nature of the violations and the totality of Rodriguez's conduct is determined to be significant when measured against the public's trust and the public policy of the State of Nevada requiring that public officers and employees not use government property for their benefit. Based upon the record, the Commission determines that Rodriguez's conduct constitutes two willful violations of NRS 281A.400(7) and imposes a civil penalty of \$500 per willful violation.

## **V. CONCLUSIONS OF LAW**

1. At all times relevant to this matter, Rodriguez was a "public employee" as defined by NRS 281A.150.
2. Pursuant to NRS 281A.280, the Commission has jurisdiction to render an opinion in this matter.
3. Rodriguez, as a public employee, has a duty under the Ethics Law and its interpretive opinions to maintain proper separation between public duties and private interests. See NRS 281A.020.
4. Pursuant to NRS 281A.400(7), Rodriguez, as a public employee, is prohibited from using government time, resources, property, equipment or other facility to benefit his significant personal or pecuniary interests, unless the limited-use exception applies.
5. Pursuant to the provisions of the Ethics Law and the record and based on the preponderance of the evidence, all requirements of the limited-use exception set forth in NRS 281A.400(7)(a) are not met; therefore, the conduct is not excused by the exception.
6. Based upon the preponderance of the evidence, Rodriguez willfully violated NRS 281A.400(7) twice by using government property, through two pictures showing him with the accouterments of his State Fire Marshal Division position, in furtherance of his significant personal and pecuniary interest in being elected and receiving a salary as a WCSD Trustee.
7. In accordance with the authority of the Commission under NRS 281A.775 and NRS 281A.790, civil penalties are imposed, and Rodriguez must pay a civil penalty in the amount of \$1,000. Authorization is provided for the Executive Director and Rodriguez to enter into a payment schedule, with payment being completed within ten (10) months after the date of issuance of this opinion.
8. Pursuant to NRS 281A.785(1)(a)(2), Rodriguez must, within 60 days after the issuance of this opinion, complete ethics training to be selected by the Executive Director.
9. A reprimand is warranted pursuant to NRS 281A.785(1)(b) and (2)(b) because there was no evidence that the willful violations involved bad faith, malicious intent or knowing or reckless disregard of the law. This opinion serves as a public reprimand of Rodriguez's conduct described herein.

Any Finding of Fact hereafter construed to constitute a Conclusion of Law, or any Conclusion of Law construed to constitute a Finding of Fact, is hereby adopted and incorporated as such to the same extent as if originally so designated.<sup>4</sup>

The following Commissioners participated in this Opinion:<sup>5</sup>

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

NEVADA COMMISSION ON ETHICS

By: \_\_\_\_\_  
Brian Duffrin  
Commissioner

By: \_\_\_\_\_  
John T. Moran, Esq.  
Commissioner

By: \_\_\_\_\_  
Barbara Gruenewald, Esq.  
Commissioner

By: \_\_\_\_\_  
Stan Olsen  
Commissioner

By: \_\_\_\_\_  
Teresa Lowry, Esq.  
Commissioner

By: ABSTAINED  
Amanda Yen, Esq.  
Commissioner

Commissioners Wallin, Towler, and Sheets precluded.<sup>6</sup>

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<sup>4</sup> Findings of Fact and Conclusions of Law are set forth separately in this Opinion as required by NRS 233B.125, NRS 281A.765 and NAC 281A.473; however, they are deemed interchangeable for interpretive purposes. See *State, Dep't of Commerce v. Soeller*, 98 Nev. 579, 586, 656 P.2d 224, 228 (1982) (concluding that when "the conclusion itself gives notice of the facts on which the Commission relied . . . we may imply the necessary factual findings, so long as the record provides substantial evidence to support the Commission's conclusion").

<sup>5</sup> After consultation with Commission Counsel, Commissioner Amanda Yen disclosed that subject Rodriguez is a client of McDonald Carano LLP ("Firm"). Commissioner Yen further disclosed that she is a partner with the Firm and 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. Consequently, the independence of judgment of a reasonable person in Commissioner Yen's situation could be materially affected in voting upon matters related to this case. To avoid any appearance of impropriety and to comply with Nevada's Ethics in Government Law set forth in NRS Chapter 281A and Rule 2.11 of the Code of Judicial Conduct, Commissioner Yen disclosed her private interests and abstained from participation in this case.

<sup>6</sup> Chair Wallin and Commissioners Towler and Sheets served on the Panel and are precluded by NRS 281A.220(4) from participation in further matters after issuance of the Panel Determination.

## **CERTIFICATE OF SERVICE**

I certify that I am an employee of the Nevada Commission on Ethics and that on this day in Carson City, Nevada, I transmitted a true and correct copy of the **OPINION ON RECONSIDERATION** in Ethics Complaint Case No. 22-051C via U.S. Certified Mail and electronic mail to the Parties as follows:

### **Executive Director:**

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Elizabeth J. Bassett, Esq.  
Associate Counsel  
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### **Subject:**

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Joseph Rodriguez  
Trustee  
Washoe County School District  
425 East 9th Street  
Reno, NV 89512

Certified Mail:

DATED: \_\_\_\_\_

\_\_\_\_\_  
An employee, Nevada Commission on Ethics

# **Agenda Item 10**

<b>Topic</b> <b>Jurisdictional Determinations</b> <b>Issue 1 – Acceptance of Jurisdiction</b> <b>Issue 2 – Summary Recommendations in Certain Circumstances</b>	
<b>Legal Requirements</b>	<p>NRS 281A.715  “the Commission shall determine whether it has jurisdiction in the matter and whether an investigation is warranted”</p> <p>Does not have jurisdiction → dismiss  Does have jurisdiction</p> <ul style="list-style-type: none"> <li>- Insufficient evidence submitted to warrant investigation → dismiss with or without a letter</li> <li>- Sufficient evidence to warrant an investigation → Open case</li> </ul> <p>NRS 281A.280  “the Commission has jurisdiction to investigate and take appropriate action regarding an alleged violation of [Chapter 281A] regarding an alleged violation of this chapter by a public officer or employee... within 2 years”</p> <p>NAC 281A.101  “Sufficient evidence to support the allegations in an ethics complaint means any reliable and competent form of proof...that supports a reasonable belief in the truth of the allegations made in the ethics complaint”</p>
<b>Current Practice</b>	1) Decline jurisdiction when insufficient evidence is provided with the Complaint to warrant an investigation.
	2) Full recommendation even on withdrawals, non-public officers, etc
<b>Suggested Changes</b>	1) Lower the threshold for legally accepting jurisdiction and dismiss complaints after accepting jurisdiction more often.
	<p>Questions to ask for jurisdiction acceptance:</p> <ul style="list-style-type: none"> <li>1) Evidence that the individual is a public officer or employee; and</li> <li>2) Alleged conduct implicates an ethics issue; and</li> <li>3) Within statute of limitations</li> </ul> <p>Question to ask for sufficient evidence:</p> <ul style="list-style-type: none"> <li>1) Does the evidence align with the allegations</li> <li>2) Is there enough evidence to “warrant” an investigation</li> </ul>
	2) Summary Sheet Recommendation for withdrawn complaints
<b>Expected Result</b>	1) Higher jurisdiction acceptance rate but same rate of investigations
	2) Reduction in staff time drafting recommendation

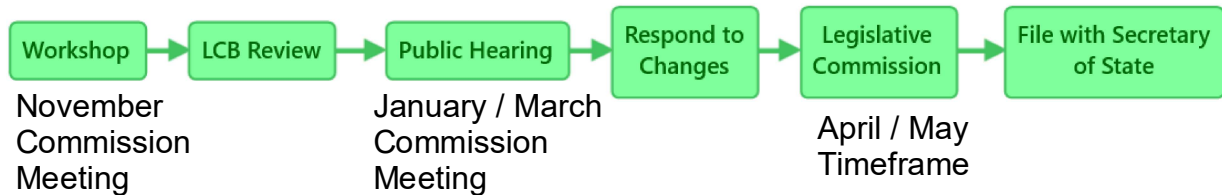
Topic Stipulation Signature Process	
<b>Legal Requirements</b>	<p>NAC 281A.446</p> <p>A party may stipulate to any fact in issue. It must be in writing or made by oral statement on the record.</p> <p>If the parties agree to a proposed stipulation</p> <ul style="list-style-type: none"> <li>- Parties jointly inform the Commission in writing</li> <li>- Commission may hold a hearing</li> <li>- Commission will approve or deny a stipulation</li> </ul>
<b>Current Practice</b>	<p>Step 1: Proposed stipulation agreed upon by the parties and then submitted to the Commission.</p> <p>Step 2: Commission reviews and approves, rejects, or suggests modifications.</p> <p>Step 3: Commission signatures attached as appropriate</p> <p>Step 4: Parties sign stipulation</p>
<b>Suggested Changes</b>	Parties sign the stipulation at Step 1, eliminating the need for Step 4 unless the Commission suggests changes to the Stipulation.
<b>Expected Result</b>	Faster turnaround between Stipulation meeting and finalization of the order for publishing / compliance periods.

# **Agenda Item 11**

Below you will see an overview of the process for each type of regulation and a description of each step in the processes:

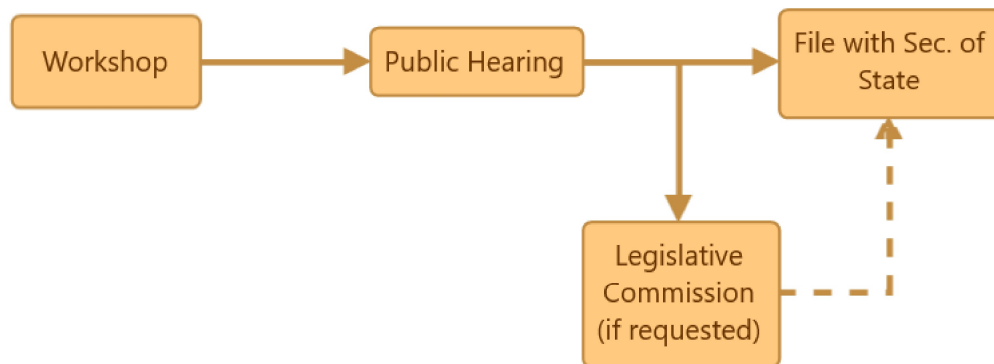
## Permanent Regulations

(Must submit between July 2 of an odd-numbered year and June 30 the following even-numbered year)



## Temporary Regulations

(May submit from August 1 of an even-numbered year to July 1 the following odd-numbered year. Valid through Nov. 1 of the odd-numbered year)



## Emergency Regulations

(Valid for 120 days)



# Administrative Rulemaking

A PROCEDURAL GUIDE



AARON D. FORD  
ATTORNEY GENERAL  
CARSON CITY, NEVADA

Tenth Edition  
2023



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A message from the Attorney General:

The Nevada Legislature authorizes almost every department, agency, board and commission to adopt administrative regulations. Administrative regulations take into consideration complex and technical issues that are not addressed in our state statutes. The process of adopting administrative regulations gives the public insight into how laws passed by the legislature should be implemented and into opportunities to be engaged in the process. To assist those involved with the process of adopting administrative regulations, the Office of the Attorney General offers training classes and has prepared this manual: ADMINISTRATIVE RULEMAKING—A PROCEDURAL GUIDE. This manual aims to provide its readers with a comprehensive explanation of the procedure of adopting administrative regulations. I hope this manual will be used as a helpful reference for Nevadans.

Aaron D. Ford  
Attorney General  
August 2023

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# Purpose of Regulations

In general, regulations clarify the requirements that licensees and members of the public must follow. To promote public access and government accountability, any general standard set by an agency should be made into a regulation. Regulations are statements of general applicability that interpret law, describe agency rules and practice, and set standards for the public. Regulations allow public agencies to use their specific knowledge to clarify and supplement the law; if an agency creates a standard that applies to the public in general or the population for which it has jurisdiction and affects private rights, the agency must do so via a regulation. For these reasons, regulations do not include those policies and procedures controlling the internal business of the agency itself or applications of law to specific facts, such as in a contested case or advisory opinion.

The Legislature granted agencies authority to create regulations that have the force and effect of law.<sup>1</sup> To ensure public access and fair notice to the public, agencies must diligently follow the process created by the Nevada Administrative Procedure Act (“APA”)<sup>2</sup> when creating regulations.<sup>3</sup> Agencies must also be vigilant against inadvertent ad hoc rulemaking. Stating an official position on an interpretation question<sup>4</sup> or setting a standard or definition without following the rulemaking process is considered ad hoc rulemaking and must be eschewed.<sup>5</sup> In short, any standard or policy that affects the general public, such as requiring or prohibiting conduct, must be made by the formal procedure for promulgating regulations.

Regulations must (1) have authority delegated by the legislature, (2) comply with the rights guaranteed by the Nevada and United States Constitutions and (3) comply with the requirements of the Nevada APA.

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<sup>1</sup> NRS 233B.040(1).

<sup>2</sup> NRS Chapter 233B.

<sup>3</sup> Some agencies are exempt from NRS Chapter 233B. *See* NRS 233B.039(1).

<sup>4</sup> *Coury v. Whittlesea-Bell Luxury Limousine*, 102 Nev. 302, 305 721 P.2d 375, 377 (1986).

<sup>5</sup> There are certain exceptions laid out in NRS 233B.038 and not all agencies are subject to the APA. *See* NRS 233B.039.

# Rulemaking Authority

Agencies are given rulemaking authority via an enabling statute. This statute may be general, such as the authority to make regulations “necessary for the execution of the powers and duties conferred upon it by law”.<sup>6</sup> The statute may instead be tailored to a specific, legislative goal; for example, the Department of Education was directed to “... prescribe by regulation a policy for all school districts and public schools to provide a safe and respectful learning environment that is free from bullying and cyberbullying.”<sup>7</sup> An agency may only promulgate regulations to the extent authorized by the legislature, and whether the enabling statute is broad or narrow, the authority will be limited to some level. For regulations which are required by federal law, but which exceed state statutory authority, a statement to this effect must be made.<sup>8</sup>

There are special considerations when beginning the rulemaking process. Some subject areas require specific authorization; for example, the imposition of monetary sanctions, penalties or fees, and the submission of fingerprint records. There are also some regulations required of all public agencies, such as petition processes.<sup>9</sup> Always refer to the agency’s enabling statute, review any legislative changes which may have created new authority, and confer with a colleague, supervisor, or legal counsel if you are unsure.

Agencies are only permitted to promulgate regulations during certain time periods, aligning with Nevada’s biennial legislative schedule. Agencies may submit permanent regulations to the Legislative Counsel Bureau between July 1 of an odd-numbered year and July 1 the following even-numbered year.<sup>10</sup> Temporary regulations may be adopted between August 1 of an even-numbered year and July 1 of the succeeding odd-numbered year.<sup>11</sup>

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<sup>6</sup> NRS 385.080.

<sup>7</sup> NRS 388.133.

<sup>8</sup> NRS 233B.067.

<sup>9</sup> NRS 233B.100; NRS 233B.120.

<sup>10</sup> NRS 233B.063(2).

<sup>11</sup> NRS 233B.063(3).

# Drafting

After determining (1) that a regulation is necessary, and (2) that your agency has statutory authority to create it, it is time to begin the drafting process. If it is within the window to submit permanent regulations, drafting suggested language is not required as the Legislative Counsel Bureau (“LCB”) will review and likely revise the language after submission. In this case, you need only provide a summary of what your agency would like to accomplish through regulation. If your agency is promulgating temporary or emergency regulations, or otherwise would like to submit language for the regulation, refer to Appendix A for the technical specifications.

Aside from the regulations themselves, your agency must also consider the impact of the regulations on small businesses.<sup>12</sup> If you determine the regulation(s) will “impose a direct and significant economic burden” or “directly restrict the formation, operation or expansion of a small business,”<sup>13</sup> your agency must prepare a small business impact statement.<sup>14</sup> This statement must summarize the likely impact and consider methods to reduce the burden.<sup>15</sup> The analysis should be conducted by a knowledgeable employee or through the use of a consultant or independent contractor, and be prepared in consultation with owners and officers of small businesses likely to be affected. As a matter of practice, the agency should submit a statement regardless of whether an impact is anticipated—demonstrating to the legislature that the agency reached out to work with small businesses.

## Types of Regulations

There are three types of regulations: permanent, temporary, and emergency. Each type has its own process from conception to filing with the Secretary of State. Promulgating permanent regulations is only possible during a specified time period; in the interim, circumstances may arise which require an agency to bring forth temporary or emergency regulations.

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<sup>12</sup> Small business is defined as “a business conducted for profit which employs fewer than 150 full-time or part-time employees.” NRS 233B.0382.

<sup>13</sup> NRS 233B.0608(1).

<sup>14</sup> NRS 233B.0608(2).

<sup>15</sup> See NRS 233B.0609 for all requirements of the statement.

Below you will see an overview of the process for each type of regulation and a description of each step in the processes:

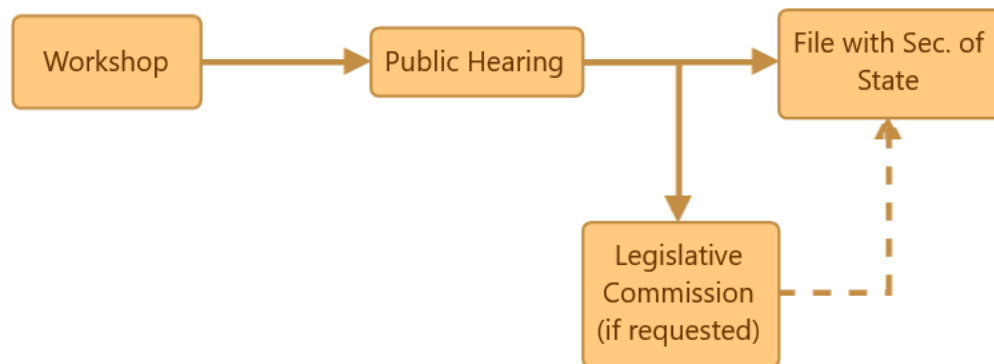
## Permanent Regulations

(Must submit between July 2 of an odd-numbered year and June 30 the following even-numbered year)



## Temporary Regulations

(May submit from August 1 of an even-numbered year to July 1 the following odd-numbered year. Valid through Nov. 1 of the odd-numbered year)



## Emergency Regulations

(Valid for 120 days)



# Procedure

## Workshop

The first public step of the rulemaking process is the workshop. At least one workshop must be held when promulgating permanent or temporary regulations to discuss the proposal and incorporate input received from interested stakeholders. The workshop must be conducted in accordance with Open Meeting Law requirements<sup>16</sup>. In addition, notice of the workshop must be posted at least fifteen (15) calendar days before the workshop is held and an electronic copy of the notice must be submitted to the Director of the Legislative Counsel Bureau (“LCB”) for posting on the LCB website.

## LCB Review

After the workshop, the draft language or summary of permanent regulations must be submitted to LCB.<sup>17</sup> This should be done via e-mail to [regulations@lcb.state.nv.us](mailto:regulations@lcb.state.nv.us). After receipt, LCB will assign the regulation an R-number and may consult with your agency to clarify the intent. The drafter assigned to your regulation is tasked with ensuring clear, concise language for incorporation in the Nevada Administrative Code and that the agency has the requisite authority. The agency and its counsel should work with LCB to clarify where necessary and ensure that any changed language is consistent with the agency’s intent. By statute, LCB must return a draft within thirty (30) days<sup>18</sup>, though in practice this process may take longer. The agency should provide timely responses to any questions from its LCB drafter to facilitate the process.

## Public Hearing

After the agency has received a draft from LCB, the agency is able to post its Notice of Intent to Act Upon Regulations<sup>19</sup> (also known as the public hearing notice), along with a copy of the draft regulation. This Notice must be

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<sup>16</sup> Refer to the Nevada Open Meeting Law Manual published by the Office of the Attorney General for more information. Note that in 2023 the Open Meeting Law was amended to require meetings held to consider a regulation to have a physical location where members of the public can attend and participate.

<sup>17</sup> NRS 233B.060; NRS 233B.063.

<sup>18</sup> NRS 233B.063(2).

<sup>19</sup> See NRS 233B.0603 for notice requirements; a copy of the form is provided in Appendix B.

posted for at least thirty (30) days prior to holding the public hearing, and a copy of the notice must be sent to the Director of LCB to be posted on the LCB website.<sup>20</sup> Agencies have an affirmative duty to solicit comment and provide notice to the public. Notice must be given to LCB, the State Library and Archives, and all persons on the agency's mailing list for regulations. Notice may be additionally posted in other locations such as courthouses, businesses, and professional associations to ensure a wide-ranging response, and help address stakeholder concerns prior to submission to the Legislative Commission.

At the public hearing on the regulation, the agency will receive comments from the public. The agency must accept comments both in person and in writing, but the agency may set a deadline for receipt of written comments to allow time for consideration. The public hearing must comply with Open Meeting Law<sup>21</sup> and afford "interested parties... a reasonable opportunity to submit data, views or arguments upon a proposed regulation."<sup>22</sup> The public body or individual with the authority to adopt the regulations must fully consider all comments received at the hearing; in the case of a public body, this consideration can be done orally, on the record. In the case of an individual, a written report is required. The consideration statement must include the requested change, the response to the request and the reason why the change was made or rejected.

## **Respond to Changes**

If any substantive changes are made to the regulations in response to the public hearing, the language must be resubmitted to LCB for drafting of a "revised proposed" regulation. After receipt of the second LCB draft, the agency must again notice and hear public comments on the changes prior to adoption.

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<sup>20</sup> An additional agenda conforming to Open Meeting Law requirements must also be prepared and posted.

<sup>21</sup> Refer to the Nevada Open Meeting Law Manual for more information.

<sup>22</sup> NRS 233B.061(1).

## Legislative Commission

At this point, the regulations may be formally adopted by the agency and submitted to the Legislative Commission for approval.<sup>23</sup> The Legislative Commission is a body of 12 legislators, six from each house, that takes actions on behalf of the legislative branch of government when the full legislature is not in session. It meets every few months between sessions to provide guidance to staff of the Legislative Counsel Bureau and to deal with interim matters such as regulations.

While temporary regulations typically do not require approval by the Legislative Commission, it will be required if a legislator specifically requests review of the regulation. The original, final copy of the regulation must be sent to LCB, along with an informational statement explaining the need for the change,<sup>24</sup> the Form for Filing Administrative Regulations and the Notice of Adoption of Regulation.<sup>25</sup> Permanent regulations must be approved by the Legislative Commission before they may become effective.

The Legislative Commission will review the regulation to ensure it conforms to legislative authority and intent.<sup>26</sup> If it determines that the regulation is not in conformity or that a regulation submitted under federal authority is not required by federal law, the body may suspend filing. If the Legislative Commission or the Subcommittee to Review Regulations objects to a regulation, the agency shall, within sixty (60) days, revise and return the regulation. At the second review, the body may either withdraw its objection (and LCB will file the regulation with the Secretary of State and notify the agency of the filing<sup>27</sup>) or it may object to the revised regulation. In the latter case, notice of the objection will be provided to the agency, which must continue to revise the regulation and resubmit it within thirty (30) days after receipt until the objection is removed.

For licensing boards relating to health care services, regulations that address licensing and renewal requirements have one further step. These

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<sup>23</sup> The Legislative Commission may delegate this approval to the Subcommittee to Review Regulations.

<sup>24</sup> See NRS 233B.066 and Appendix C for more information.

<sup>25</sup> See Appendix D.

<sup>26</sup> The Legislative Commission takes guidance from LCB; for this reason, working closely with your LCB drafter to resolve any issues prior to approval is advised.

<sup>27</sup> NRS 233B.0675.

regulations must additionally be submitted to the Legislative Committee on Health Care for review and approval.<sup>28</sup>

## **Governor's Signature**

In the case of emergency regulations, the language is submitted to the Governor with a statement describing the emergency which requires the regulation. If the Governor agrees with the agency's assessment and proposed regulations, she or he will sign the regulations and they will be ready to file with the Secretary of State. These regulations are only valid for 120 days; this affords the agency time to begin the temporary or permanent rulemaking process.

In addition to the ability to approve emergency regulations, the Governor is also specifically authorized to suspend regulations in the case of a proclaimed water or energy emergency.<sup>29</sup>

## **File with Secretary of State**

Once the regulation has received final approval, it must be filed with the Secretary of State to become effective. Permanent regulations will be filed by LCB after approval. In the case of temporary regulations, the agency must wait at least 35 days after the date of adoption before the regulations may be filed. Upon filing with the Secretary of State, the agency must also submit a copy of the regulations bearing a stamp from the Secretary of State to the State Library and Archives.

# **Special Considerations**

## **Continued Review**

Agencies are required by statute to review their regulations every ten (10) years and submit a report to LCB.<sup>30</sup> However, we advise agencies review their regulations every two (2) years, following the legislative session. Often, new law will be passed that assigns an agency a regulatory task or changes the scope of the agency. Even without new law, agencies often respond and

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<sup>28</sup> NRS 439B.225(2).

<sup>29</sup> NRS 233B.100(2); NRS 416.060.

<sup>30</sup> See Appendix E for the form.

must adapt to new scenarios; ensuring regulations reflect the needs of the agency provides proper notice and transparency for the public.

## **Rules of Practice**

Rules regarding the practice and procedure before an agency are called *Rules of Practice*.<sup>31</sup> They are a subset of the agency's regulations and control subjects such as petitioning for new regulations or amending existing regulations,<sup>32</sup> requests for declaratory orders or advisory opinions,<sup>33</sup> and any agency specific requirements for contested hearings and other proceedings. Agencies must review their rules of practice every three (3) years and submit a form to the Secretary of State.<sup>34</sup>

## **Register of Administrative Regulations**

LCB maintains the Register of Administrative Regulations<sup>35</sup>. This Register includes all versions of the text of the regulations, including the proposed and adopted text. It also includes the Notice of Intent to Act Upon a Regulation, the Written Notice of Adoption of Regulation, the Informational Statement, and the effective date of the regulation.

## **Challenges**

A regulation may be challenged for its validity or applicability. The court must declare a regulation invalid if it violates constitutional or statutory provisions or exceeds the statutory authority of the agency. The plaintiff in this action must allege that the regulation or proposed application interferes with or impairs, or threatens to interfere with or impair, his or her legal rights or privileges. The plaintiff may bring the action in the district court where he or she resides or in Carson City. The Attorney General must be served and have the opportunity to be heard. In addition to challenges by the public, any agency may seek a declaratory judgement to establish the validity of its own regulations.

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<sup>31</sup> NRS 233B.050(1).

<sup>32</sup> NRS 233B.100 requires all agencies with rulemaking authority to create a process for requesting new or amended regulations.

<sup>33</sup> See NRS 233B.120.

<sup>34</sup> See Appendix F for the form.

<sup>35</sup> NRS 233B.0653(1).

# Appendix

Because regulations are added to the Nevada Administrative Code (“NAC”) and must be accessible, clear and concise, consistent use of language is necessary. NRS 233B.062. To achieve this goal, the following are guidelines for drafting:

## Text

Related or relevant NAC provisions from other agencies serve as a helpful guide in formatting and drafting your regulations. If you are amending a section of your current NAC chapter, include the entire section as is. You do not need to include the entire chapter unless it is being amended in its entirety.

For new language, the font should be italicized and in a color *other than black*. For language you wish to delete from the current chapter, ~~place it in brackets and strikethrough~~. Changes to punctuation or language should be placed after the brackets.

Sections should not be assigned numbers for codification, as only permanent regulations are codified and this will be done by LCB. To format your sections, follow the format found in the NRS and NAC:

1. Subsection
  - (a) Paragraph.
    - (1) Subparagraph.
      - (I) Sub-Subparagraph.

## Definitions

1. A definition should be used where the word is used in a sense different from its ordinary meaning or where its meaning is extended or limited. Do not define a word which does not occur in the regulation or chapter.

2. A definition must not contain any substantive provisions.

3. If a word is defined in NRS, it should be used in the same sense in any related regulations. NRS 0.024 provides that, with certain exceptions, “if a word or term is defined for use in a particular title or chapter of the Nevada Revised Statutes or in a particular subpart thereof, the word or term has the same meaning in the corresponding title or chapter of the Nevada Administrative Code or in the corresponding subpart thereof, as applicable.” Regulations should not duplicate a definition from the NRS

4. It may be helpful or necessary to reference a NRS definition that is not in the same chapter. For example, in a licensing board’s NAC chapter, it may be helpful to reference the definition of controlled substance as it relates to unprofessional conduct. A regulation could state: “Controlled substance” has the meaning ascribed to it in NRS 0.031.

## Common Terms of Art

1. A command is expressed by “shall,” a prohibition by “shall not.”
  - a. “No person shall” is not acceptable usage. Use “shall” when a duty to act is imposed. Remember that only persons and other legal entities can perform a duty. See NRS 0.025.
2. Use “must” to express a requirement when:
  - a. The subject is a thing. (For example: “The application must be accompanied by a fee of . . .”)
  - b. The subject is a natural person and the verb is in the passive voice. (For example: “A licensee whose bond has expired must be . . .”)
  - c. The subject is a natural person and only a condition precedent and not a duty is imposed. (For example: “A person who desires to be licensed must file an application . . .”)See NRS 0.025.
3. Permissive conduct is expressed by “may.” See NRS 0.025. For example: “The Board may fine a licensee not more than \$5,000 per violation.”
4. A regulating authority cannot command itself. If the agency intends to promise that it will act in a certain way, the appropriate phrase is, for example, “The Board will . . .”
5. The following is a partial list of words and phrases that should be avoided:
  - “individual” as a noun, instead use “person”
  - “prior to,” instead use “before”
  - “such,” unless it means “of this kind” or is followed by “as” or “that”
  - “due to,” instead use “because of”
  - “duly”
  - “herein”
  - “professional” as a noun
  - “implement” as a verb, instead use “carry out”
  - “utilize,” instead use “use”
6. Use verbs in their simplest and most active form. For example: Instead of using “give consideration to” use “consider,” instead of using “have knowledge of” use “know,” and instead of using “make payment” use “pay.”
7. Do not use jargon. Words used in a regulation should be found in the dictionary. A common fault of contemporary speech and writing is the stringing together of nouns when all but the last are being used as adjectives, as in “health care delivery system.” Use prepositions to avoid this (“system for delivery of health care”) or define the term in the proposed regulation.

8. The NRS and NAC must be gender neutral, such as “he or she” or “persons.” However, non-gender specific terms are preferred, such as “applicant” or “licensee”. See NRS 0.030.
9. Always use the singular number unless only the plural applies. See NRS 0.030.
10. Do not use redundant language. A regulation should contain no text covered by a statute. Portions of proposed regulations that repeat statutory provisions will be deleted by Legislative Counsel.

### **Material Incorporated by Reference**

NRS 233B.040 authorizes the adoption by reference of material published by another authority. A regulation which incorporates such material must state where a copy of the material may be obtained and how much it costs. The agency is required to file a copy of the material incorporated by reference with the Secretary of State and the State Library and Archives Administrator. In addition, a copy of the material should accompany the adopted regulation filed with the Legislative Counsel. The Legislative Counsel will file the regulation with the Secretary of State. When the agency files a copy of the adopted regulation with the State Library and Archives Administrator, a copy of the material incorporated by reference must accompany the regulation.

### **Typical Order of Sections in a Regulation**

Chapters and sections should be amended in numerical order. New sections added to a chapter are placed before amended sections for that chapter. If definitions are added with other new sections, the definitions appear before the substantive provisions. The following is an outline of the typical order of sections in a regulation:

1. New sections for a particular chapter.
  - (a) Definitions, listed alphabetically.
  - (b) Substantive provisions.
2. Amended sections in that same chapter in numerical order.
3. If applicable, new sections for another chapter, in numerical order.
4. Amended sections for that chapter, in numerical order.
5. Repealed sections in numerical order.
6. Effective date. (This is rarely used in a regulation. Normally, the regulations become effective upon filing.)

## Notice Of Intent To Act Upon A Regulation

Notice of Hearing for the .....(Adoption) (Amendment)  
(Repeal).... of Regulations of the  
.....(Name of Agency).....

The .....(Name of Agency)..... will hold a public hearing at .....(time)..... .....m., on the .....(day) of .....(month) of .....(year), at .....(Address of Hearing Room)..... The purpose of the hearing is to receive comments from all interested persons regarding the ....(Adoption) (Amendment) (Repeal).... of regulations that pertain to chapter .....(Number of Chapter) ..... of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

(In this space, state:

1. The need for and the purpose of the proposed regulation or amendment.
2. If the proposed regulation is a temporary regulation, the terms or the substance of the proposed regulation to be adopted, amended or repealed, or a description of the subjects and issues involved.
3. If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation.
4. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include:
  - (a) Both adverse and beneficial effects; and
  - (b) Both immediate and long-term effects.
5. The methods used by the agency in determining the impact on a small business.
6. The estimated cost to the agency for enforcement of the proposed regulation.
7. A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.
8. If the regulation is required pursuant to federal law, a citation and description of the federal law.
9. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.
10. Whether the proposed regulation establishes a new fee or increases an existing fee.
11. If the proposed regulation is a temporary regulation, each address at which the text of the regulation may be inspected and copied.)

Persons wishing to comment upon the proposed action of .....(Name of Agency)..... may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to .....(Name and Address of Agency)..... Written submissions must be received by the .....(Name of Agency)..... on or before .....(Date)..... If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the .....(Name of Agency)..... may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be ...(Adopted) (Amended) (Repealed)... will be on file at the State Library, Archives and Public Records, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be ...(Adopted) (Amended) (Repealed)... will be available at .....(Name and Address of each Office of the Agency)....., and ..... (website address for Agency)....., for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to [NRS 233B.0653](#), and on the Internet at <http://www.leg.state.nv.us/>. Copies of this notice and the proposed regulation will also be mailed to members of the public at no charge upon request.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before 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.

This notice of hearing has been posted at the following locations:

(Include in this space the locations at which the notice was posted pursuant to the provisions of chapters 233B and 241 of Nevada Revised Statutes.)

### Informational Statement Form

**The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter \_\_\_\_.**

**1. A clear and concise explanation of the need for the adopted regulation.**

This regulation is necessary to update the regulations to comply with recent statutory changes.

**2. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.**

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent by U.S. mail and email to persons who were known to have an interest in the subject of industrial development bonds as well as any persons who had specifically requested such notice. These documents were also made available at the website of the Office of Business Finance and Planning (OBFP), [www.dbi.state.nv.us/bfp/](http://www.dbi.state.nv.us/bfp/), mailed to all county libraries in Nevada and posted at the following locations:

Department of Business and Industry  
788 Fairview Dr. #100  
Carson City, Nevada 89701

Grant Sawyer Building  
555 E. Washington Blvd., Suite 4900  
Las Vegas, Nevada 89101

Legislative Building  
401 South Carson Street  
Carson City, Nevada 89710  
Nevada Dept. Of Cultural Affairs  
100 Stewart St.  
Carson City, Nevada 89701

The Bradley Building  
2501 East Sahara Ave.  
Las Vegas, Nevada 89104

A workshop was held in conjunction with a meeting of the special committee to provide advice on private activity bonds (Volume Cap Committee) established

pursuant to NAC 348A.280 on March 25, 2014, and the minutes of that meeting, attached hereto, contain a summary of the discussion held regarding the proposed amendments. Thereafter, on or about July 12, 2014, the Director of the Department of Business and Industry (Director) issued a Notice of Intent to Act Upon a Regulation which incorporated in the proposed amendments the suggestions of the parties attending the March 25th workshop as well as the recommendations of the Volume Cap Committee.

An additional workshop and public hearing was held on September 1, 2014. At that workshop and hearing, John Swendseid, an attorney representing Clark County, Nevada, testified in support of the proposed amendments.

A copy of this summary of the public response to the proposed regulation may be obtained from the Office of Business Finance and Planning, 788 Fairview Drive, Suite 100, Carson City, Nevada 89701, 775-687-4246, or email to [ssmith@dbi.nv.gov](mailto:ssmith@dbi.nv.gov).

**3. The number persons who:**

- (a) Attended each hearing:** March 25, 2005 – 10; September 1, 2005: 4
- (b) Testified at each hearing:** March 25, 2005 – 10; September 1, 2005: 3
- (c) Submitted to the agency written comments:**  
No written comments were submitted.

**4. A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3, as provided to the agency, is attached as Exhibit A.**

**5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**

Comments were solicited from affected businesses in the same manner as they were solicited from the public. The summary may be obtained as instructed in the response to question #1.

**6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

The permanent regulation was adopted on September 1, 2014 and included all of the changes suggested at the workshop and Volume Cap Committee meeting held on March 25, 2014.

**7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:**

- (a) Both adverse and beneficial effects; and**
- (b) Both immediate and long-term effects.**

**(a) Both adverse and beneficial effects**

Local governments will have additional, although minor, requirements for the allocation and use of state volume cap in the immediate and long-term which should not involve any additional expense. Local governments and other persons who benefit from the use of state volume cap, including the public, will benefit in the immediate and long-term from provisions that will provide greater assurance that volume cap authority is not wasted.

**(b) Both immediate and long-term effects.**

See Item # 5(a)

**8. The estimated cost to the agency for enforcement of the adopted regulation.**

There is no additional cost to the agency for enforcement of this regulation.

**9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

There are no other state or government agency regulations that the proposed regulation duplicates.

**10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

There are no federal regulations that apply.

**11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

This regulation does not provide a new fee or increase an existing fee.

**Notice of Adoption of Regulation**

The ..... (Name of Agency)..... adopted regulations assigned LCB File No. ....  
which pertain to chapter .....(chapter number)..... of the Nevada Administrative Code  
on .....(Date)..... A copy of the regulations as adopted is attached hereto.

**Form for Review of Regulations**  
(10-Year Review)

NRS 233B.050(1)(e) states:

1. In addition to other regulation-making requirements imposed by law, each agency shall: (e) Review its regulations at least once every 10 years to determine whether it should amend or repeal any of the regulations. Within 30 days after completion of the review, the agency shall submit a report to the Legislative Counsel for distribution to the next regular session of the Legislature. The report must include the date on which the agency completed its review of the regulations and describe any regulation that must be amended or repealed as a result of the review.

(Attach additional sheets if necessary)

Agency Reporting: \_\_\_\_\_

Address: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Contact Telephone: \_\_\_\_\_

Contact Email: \_\_\_\_\_

Date of Last Review: \_\_\_\_\_

Date of Current Review: \_\_\_\_\_

Chapters or Sections of Nevada Administrative Code Reviewed:

\_\_\_\_\_

Revisions to regulations made or proposed as result of review:

\_\_\_\_\_

Date Filed With Legislative Counsel: \_\_\_\_\_

Comments:

\_\_\_\_\_

\_\_\_\_\_

**Form for Review of Rules of Practice**  
(3-Year Review)

NRS 233B.050(1)(d) states:

1. In addition to other regulation-making requirements imposed by law, each agency shall: (d) Review its rules of practice at least once every 3 years and file with the Secretary of State a statement setting forth the date on which the most recent review of those rules was completed and describing any revisions made as a result of the review. (Attach additional sheets if necessary)

Agency Reporting: \_\_\_\_\_

Address: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Contact Telephone: \_\_\_\_\_

Contact Email: \_\_\_\_\_

Date of Last Review: \_\_\_\_\_

Date of Current Review: \_\_\_\_\_

Chapters or Sections of Nevada Administrative Code Reviewed:

\_\_\_\_\_

Revisions to regulations made or proposed as result of review:

\_\_\_\_\_

Date Filed With Secretary of State: \_\_\_\_\_

Comments:

\_\_\_\_\_

\_\_\_\_\_

Form for Filing Administrative Regulations

SECRETARY OF STATE FILING DATA		FOR EMERGENCY REGULATIONS ONLY
		<b>Effective date</b> _____
	<b>Agency</b> _____ _____	<b>Expiration date</b> _____
		<b>Governor's signature</b> _____

Classification:   ☐ PROPOSED                      ☐ ADOPTED BY AGENCY                      ☐  
EMERGENCY

**Brief description of action**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Authority citation other than 233B**

\_\_\_\_\_

**Notice date** \_\_\_\_\_

**Date of Adoption by Agency**\_\_\_\_\_

**Hearing date** \_\_\_\_\_

## Small Business Impact Statement

EFFECTIVE DATE OF REGULATION:  
Upon filing with the Nevada Secretary of State

1. Background:
  
  
  
  
  
  
  
  
  
  
2. Description of Solicitation:
  
  
  
  
  
  
  
  
  
  
3. Does the proposed regulation impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business? (NRS 233B.0608(1))
  
  
  
  
  
  
  
  
  
  
4. How was that conclusion reached?

**I, [NAME] [TITLE], certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small business, and that the information contained in the statement above is accurate. (NRS 233B.0608(3))**

Dated: \_\_\_\_\_

Signature: \_\_\_\_\_

Name

Title

Agency

### **Regulation Checklist**

- ☐ Need for new regulation (legislative directive, change of agency policy, need for clarification, etc.)
- ☐ Statutory authority to promulgate regulations
  - General Authority
  - For this specific regulation
- ☐ Type of regulation?
  - Permanent: between July 2, 20xOdd and June 30, 20xEven
  - Temporary: between July 1, 20xEven and July 1, 20xOdd
  - Emergency: requires immediate implementation

#### **Permanent**

- ☐ Notice of Workshop Posted
- ☐ Workshop held in accordance with Open Meeting Law
  - Take note of attendees, speakers
- ☐ Draft language or summary sent to LCB
  - Answer any questions from drafter
  - Check intent of regulation still captured by language
- ☐ Notice of Intent to Act Upon Regulations Form
  - Post for 30 days prior to hearing
  - Notify LCB, State Library and Archives and agency's mailing list for regulations
- ☐ Public Hearing held in accordance with Open Meeting Law
  - Deadline for written submissions set
- ☐ Fully Consider public comments
  - OML: discuss and decide changes on the records
  - Individual: discuss and decide changes, publish report
- ☐ Any substantive changes?
  - Resubmit to LCB
  - Notice and receive public comment
- ☐ Submit to LCB for approval
  - Final Copy of Regulations
  - Informational Statement
  - Form for Filing Administrative Regulations
  - Notice of Adoption of Regulation
- ☐ Approval by Legislative Commission (or Subcommittee for Review of Regulations)
  - LCB will file automatically
  - If licensing and renewal regulations, submit to Legislative Committee on Health Care

- ☐ Submit stamped copy from Secretary of State to the State Library and Archives

### **Temporary**

- ☐ Notice of Workshop Posted
- ☐ Workshop held in accordance with Open Meeting Law
  - Take note of attendees, speakers
- ☐ Draft language
  - Use textual guide from Appendix A
- ☐ Notice of Intent to Act Upon Regulations Form
  - Post for 30 days prior to hearing
  - Notify LCB, State Library and Archives and agency's mailing list for regulations
- ☐ Public Hearing held in accordance with Open Meeting Law
  - Deadline for written submissions set
- ☐ Fully Consider public comments
  - OML: discuss and decide changes on the records
  - Individual: discuss and decide changes, publish report
- ☐ Legislative Review requested?
  - Submit to LCB for approval by Legislative Commission
  - LCB will file automatically
- ☐ File with Secretary of State
  - Submit stamped copy from Secretary of State to the State Library and Archives

### **Emergency**

- ☐ Draft Statement of Emergency
- ☐ Submit to Governor's Office for signature
- ☐ File with Secretary of State
  - Submit stamped copy from Secretary of State to the State Library and Archives

# **Agenda Item 12**



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## *Executive Director Report – October 2023*

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### **Education and Outreach**

- Nevada Ethics Online - ready to expand users
- Over 1,400 people trained in FY23
- Recent Training
  - Public Relations Society of America – Sierra Nevada Chapter (September)
  - Nevada PERS (October)
  - Mineral County (October)
  - Boards and Commissions Training (October)
- Upcoming Training
  - International Code Compliance organization (October)
- Outreach
  - Nevada Civil Attorneys Conference (September)
  - Emergency Management Conference (application submitted)
- Manual
  - Design selected
  - Starting with most asked about questions – Disclosure/Abstention & Cooling Off

### **Budget Update**

- Budget implementation for FY 2024
  - Public Information Officer
  - Computer Replacement
  - Base-year for budget building next session

### **Staffing and Recruitment**

- Outreach and Education Specialist Status
- Onboarding of Senior Legal Researcher and Commission Counsel continues

### **Upcoming Meetings**

- November 8 – Tonopah
- January 17- Reno
  - Motion Hearing (Seebock 23-035C)
  - Motion Hearing / Adjudicatory Hearing (Schieve – 23-056C)
- March 20 – Las Vegas
  - Adjudicatory Hearing (Seebock 23-035C)



Case No.	Date Filed	Jurisdiction	Local or State	Subject	Requester	Status as of 10/1/23
23-121C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
23-120C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
23-116C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
23-114C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
23-113C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
23-112C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
23-111C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
23-110C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
23-109C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
23-108C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
23-107C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
23-105C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
23-104C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
23-102C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
23-101C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
23-100C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
23-099C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
23-098C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
23-124A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Opinion
23-123A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Opinion
23-119A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Opinion
23-118A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Opinion
23-117A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Opinion
23-115A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Opinion
23-094A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Opinion
23-082A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Opinion
23-122A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Dismissal
23-106A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Dismissal
23-090A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 9/5/23; Abstract pending
23-083A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 9/5/23; Abstract pending
23-088C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed with Letter of Instruction
23-086C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (Jurisdiction Accepted)
23-096C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
23-095C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
23-093C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
23-092C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
23-089C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
23-087C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
23-085C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
23-084C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
23-081C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
23-080C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
23-091A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
23-097C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn
23-103	Data Entry Error					