



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

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

The Commission on Ethics held a public meeting on
Wednesday, October 18, 2023, at 9:30 a.m.
at the following location:

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

Zoom Meeting Information

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

Zoom Meeting Telephone Number: 720-707-2699

Meeting ID: 848 8829 8525

Passcode: 592796

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

1. Call to Order and Roll Call.

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

2. Public Comment.

There was no public comment.

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

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

Commissioner Yen moved to approve the August 23, 2023, Commission Meeting Minutes as presented. Commissioner Gruenewald seconded the motion. The Motion was put to a vote and carried as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

No action was taken on this agenda item.

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

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

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

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

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

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

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

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

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

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

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

Commissioner Moran disclosed that he is an acquaintance of former Sheriff Lombardo, having met him on a few occasions in Mr. Lombardo's service as the sheriff of Clark County and Commissioner Moran's work in Clark County as an attorney and member of the Board of Regents and Gaming Control Board and other administrative boards and tribunals. He disclosed further that he had known Governor Lombardo in a professional or public capacity for a number of years although none of his work directly involved Mr. Lombardo, either formerly as Sheriff or presently as Governor. Commissioner Moran stated that he would categorize the current relationship as professional acquaintances rather than a personal friendship. Commissioner Moran further disclosed that Governor Lombardo appointed him as a Commissioner to the Nevada Commission on Ethics, with a term to start September 1, 2023 and that upon the unexpected resignation of the Commissioner he was scheduled to replace, his term started on July 1, 2023. Commissioner Moran stated that under NRS 281A.065, his relationship with Governor Lombardo is not within the definition of commitment in a private capacity to the interests of another person and consequently does not require disclosure or abstention under the Ethics Law pursuant to NRS 281A.420. He added that nothing in Judicial Cannon 2.11, the Code of Judicial Conduct, required disclosure or abstention pursuant to the manner of his appointment., in fact, Nevada Law favors the right of a public officer to perform the duties for which the public officer was appointed and to vote or otherwise act upon a matter. Commissioner Moran shared his belief that he would be fair and impartial in considering the matter and have no actual or perceived bias. He added that neither his acquaintanceship with Governor Lombardo nor his appointment to the Commission on Ethics by Governor Lombardo would materially affect his independence of judgment or that of a reasonable person in his situation. Commissioner Moran stated that he would be participating in and voting on the matter.

Commissioner Olsen disclosed that he is an acquaintance and former coworker of the former Sheriff, having met him when he worked at the Las Vegas Metropolitan Police Department at the same time and seeing him at public events in past years. He stated he has known Governor Lombardo in a professional capacity for a number of years, although his work did not directly

involve him, either as Sheriff or Governor. Commissioner Olsen further disclosed that Governor Lombardo appointed him as a Commissioner to the Nevada Commission on Ethics with a term starting on July 1, 2023. Commissioner Olsen stated that under NRS 281A.065, his relationship with Governor Lombardo is not within the definition of commitment in a private capacity or in the interest of another person and consequently does not require disclosure or abstention under the Ethics Law pursuant to NRS 281A.420. He added that nothing in Judicial Cannon 2.11, the Code of Judicial Conduct, required disclosure or abstention pursuant to the manner of his appointment., in fact, Nevada Law favors the right of a public officer to perform the duties for which the public officer was appointed and to vote or otherwise act upon a matter. Commissioner Olsen shared his belief that he would be fair and impartial in considering the matter and have no actual or perceived bias. He added that neither having been a former coworker of Governor Lombardo nor his appointment to the Commission on Ethics by Governor Lombardo would materially affect his independence of judgment or that of a reasonable person in his situation. Commissioner Olsen stated that he would be participating in and voting on the matter.

Chair Wallin thanked Commissioners Moran and Olsen for their disclosures and asked Commission Counsel Jensen for her presentation.

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

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

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

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

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

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

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

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

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

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

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

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

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

- a. Jurisdictional Determination Process
- b. Stipulation Process

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

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

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

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

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

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

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

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

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

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

The Commissioners discussed potential amendments to NAC 281A.

No action was taken on this agenda item.

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

- a. Education and Outreach
- b. Quarterly Case Log Update
- c. Budget Update
- d. Staffing & Recruitment
- e. Upcoming Meetings

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

a. Education and Outreach: Executive Director Armstrong referenced the written report included in the meeting materials. He summarized recent trainings presented and upcoming training presentations scheduled during October. Executive Director Armstrong informed the Commission that staff have started the process to update the Ethics Manual.

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

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

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

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

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

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

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

Chair Wallin thanked Commission staff for their hard work.

14. Public Comment.

There was no public comment.

15. Adjournment.

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

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

Minutes prepared by:

/s/ Kari Pedroza

Kari Pedroza
Executive Assistant

/s/ Ross Armstrong

Ross Armstrong, Esq.
Executive Director

Minutes approved November 8, 2023:

/s/ Kim Wallin

Kim Wallin, CPA, CMA, CFM
Chair

/s/ Thoran Towler

Thoran Towler, Esq.
Vice-Chair