

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, March 20, 2024, at 9:30 a.m.
at the following location:

**North Las Vegas City Council Chambers
2250 Las Vegas Boulevard North
North Las Vegas, NV 89030**

Zoom Meeting Information

<https://us06web.zoom.us/j/82153258668?pwd=UxPGQdzUlhSKaRalwYorJ8bJita4xM.1>

Zoom Meeting Telephone Number: 1-253-205-0468

Meeting ID: 821 5325 8668

Passcode: 529589

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 in Las Vegas and called the meeting to order at 9:30 a.m. Vice Chair Thoran Towler, Esq., and Commissioner Teresa Lowry, Esq., John T. Moran III, Esq., Stan Olsen, Scott Scherer, Esq. and Amanda Yen, Esq. also appeared in-person. Present for Commission staff in Las Vegas were Executive Director Ross E. Armstrong, Esq., Associate Counsel Elizabeth J. Bassett, Esq., Outreach and Education Officer Sam Harvey, Investigator Erron Terry, Senior Legal Researcher Wendy Pfaff, and Executive Assistant Kari Pedroza. Chief Deputy Attorney General Gregory D. Ott, Esq. appeared via Zoom videoconference.

2. Public Comment.

There was no public comment.

3. Approval of Minutes of the January 17, 2024, Commission Meeting.

Chair Wallin stated that all Commissioners were present for the January 17, 2024, Commission Meeting and all could participate in this item.

Chair Wallin noted a few corrections to the minutes including correcting a reference to Commission Counsel which should be Associate Counsel in the Executive Director's report and the second for the adjournment item should be Commissioner Moran, not Vice Chair Towler.

Vice Chair Towler moved to approve the January 17, 2024, Commission Meeting Minutes with corrections noted. Commissioner Yen seconded the motion. The Motion was put to a vote and carried unanimously.

4. Presentation by the City of North Las Vegas on North Las Vegas City Government.

Chair Wallin introduced the item and asked North Las Vegas City Manager Ryann Juden for his presentation.

North Las Vegas City Manager Ryann Juden provided his presentation on North Las Vegas City Government. He thanked the Commission for the opportunity to present before them.

Chair Wallin thanked Manager Juden for his presentation and for allowing the Commission to use the City of North Las Vegas Council Chambers for the meeting.

Commissioners Olsen and Moran thanked North Las Vegas City Manager Juden for his time and presentation.

No action was taken on this agenda item.

5. Outreach and Education Presentation, introduction of the Outreach and Education Officer, and discussion of future Outreach and Education.

Chair Wallin open the item and introduced the Commission's new Outreach and Education Officer Sam Harvey.

Outreach and Education Officer Harvey thanked the Commission for the opportunity to be a part of its team.

Chair Wallin welcomed Outreach and Education Officer Harvey and asked Executive Director Armstrong for his presentation.

Executive Director Armstrong presented the current outreach efforts overview and noted that Outreach and Education Officer Harvey would provide information regarding proposed future outreach and education efforts.

Outreach and Education Officer Harvey informed the Commission of the proposed future outreach and education plans including the completion of an updated Ethics Manual online, proactive outreach and updating training performance data and metrics.

Chair Wallin expressed her excitement at the direction the Commission is headed with outreach and education. She requested FAQs organized by topic be included on the Commission's website. Chair Wallin asked a clarifying question regarding training tracking and Executive Director Armstrong answered the Chair's question. Chair Wallin encouraged her fellow Commissioners to follow the Commission on its social media platforms.

Commissioner Scherer welcomed Sam Harvey to the Commission's team and asked if Outreach and Education Officer Harvey had considered working with Nevada Association of Counties (NACO) and Nevada League of Cities. Executive Director Armstrong provided that the NACO and Nevada League of Cities introduction to Outreach and Education Officer Harvey is on his onboarding plan for Sam Harvey. He outlined coordination efforts with NACO and Nevada League of Cities previously and in the near future.

Chair Wallin congratulated Outreach and Education Officer Harvey on the position and stated that she looks forward to working together.

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

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

a. Education and Outreach: Executive Director Armstrong referenced his written report provided in the meeting materials, highlighted the recent training presentations, and noted the training Associate Counsel Bassett gave to the University Medical Board which he inadvertently left out of his report.

b. Budget Update: Executive Director Armstrong informed the Commission that the budget building process for FY26-FY27 had begun, and the Budget Kickoff meetings were held on March 6; he attended the Director's Kickoff Meeting and Executive Assistant Pedroza attended the fiscal staff Kickoff Meeting. He thanked Executive Assistant Pedroza for attending the meeting, noting that the fiscal staff meeting was much longer and more in depth than the Director's meeting. Executive Director Armstrong outlined the next steps in the budget building process, specifically referenced the TIN deadline of April 1, which he would meet with the submission of a request for a new case management system.

c. Regulation Update: Executive Director Armstrong stated that the Commission's regulation has been drafted and is ready for a public hearing which will occur at the April 17 Commission meeting. He provided that no major substantive changes were made by the Legislative Counsel Bureau to the proposed regulation, and he outlined that the next step would be submission to the Legislature.

d. Upcoming Meetings: Executive Director Armstrong informed the Commission that the next meeting would be in Reno on April 17, there may be review panels in May, but there would not be an open meeting and the June 26 meeting would be held in Winnemucca.

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

7. Discussion of Legislative process and identification of priorities and approach for the 2025 Legislative Session which may include direction to the Executive Director and/or appointment of a Legislative Subcommittee.

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

Executive Director Armstrong referenced the meeting materials for this item which included a Bill Draft Request (BDR) timeline for the upcoming Legislative Session and highlighted key dates for BDR submissions. He provided a historical Legislative Sessions overview pertaining to the Commission's previous BDRs.

Executive Director asked for direction from the Commission as to which approach option he should proceed with for the upcoming Legislative Session:

- a) Submit a Bill with comprehensive changes;
- b) Submit a Bill focused on a single issue;
- c) Do not submit a Bill this session.

All Commissioners discussed the options as presented by the Executive Director.

Commissioner Scherer asked Executive Director Armstrong to summarize previously submitted BDR changes proposed by the Commission and Executive Director Armstrong provided the requested summary.

Executive Director Armstrong emphasized that the Commission's mission can be and is currently being carried out under the current Ethics Law.

Discussion pertaining to the upcoming Legislative Session approach among the Commissioners continued.

Commissioner Lowry moved to submit that no policy proposals be submitted for the 2025 Legislative Session. Commissioner Yen seconded the motion. The motion was put to a vote and carried unanimously.

8. Consideration and possible appointment of an applicant as the Commission Counsel. Under NRS 241.033(1) and (7), the Commission may consider the character and professional competence of the following applicant for appointment as the Commission Counsel:
 - a. Elizabeth Bassett, Esq.

Chair Wallin introduced the item and shared that upon notice of the Commission Counsel position vacancy she directed the Executive Director to begin the recruitment process. Chair Wallin outlined that the Commission's recruitment process for the Commission Counsel position had been first to look to hire internally prior to posting the job announcement. She stated that during the last vacancy of the Commission Counsel position, Associate Counsel Bassett did not apply for the position at that time, but Associate Counsel Bassett did step up and perform the duties of the Commission Counsel position in addition to her position's duties during the interim. Chair Wallin was notified by Executive Director Armstrong in mid-February that Associate Counsel Bassett informed him of her interest in the vacant Commission Counsel position.

Chair Wallin highlighted Associate Counsel Bassett's qualifications for the Commission Counsel job opening.

Commissioner Yen commended Associate Counsel Bassett's consistent ability to establish professional and collegial relationships with opposing counsel in carrying out the work of the Commission.

Commissioner Yen moved to appoint Associate Counsel Bassett in the Commission Counsel position. Vice Chair Towler seconded the motion.

Commissioner Moran shared that in his experience hiring attorneys at his father's law firm, he looks for candidates who check off two boxes, diplomacy and legal discernment and in his opinion Associate Counsel Bassett checks off both boxes. He stated that he looked forward to continuing working with Associate Counsel Bassett and will support the motion to appoint her in the Commission Counsel position.

Commissioner Scherer asked Executive Director Armstrong of any legal requirement that the Commission consider other candidates for the Commission Counsel position. Executive Director Armstrong responded that as the Commission Counsel position is an unclassified position within the State and there is no requirement to have an open competitive recruitment process to fill an unclassified position vacancy, the Commission is the appointing authority of the Commission Counsel position and statutorily can appoint at will; there was no legal requirement that the Commission consider other candidates outlined in NRS 281A or NAC 281A.

Chief Deputy Attorney General Ott confirmed that Executive Director Armstrong's response was accurate. He further noted that Ms. Bassett has been properly noticed and the item

properly agendized so that all of the Open Meeting Law issues have been addressed and Commission could take legal action on the item without any legal issues.

Commissioner Scherer asked Associate Counsel Bassett if she was confident that she could switch roles from Associate Counsel to Commission Counsel and give the Commission neutral objective advice. Associate Counsel Bassett responded that she is confident that she can transition and provide unbiased professional legal advice to the Commission.

Commissioner Olsen stated he had no concerns about Associate Counsel Bassett's ability, but he did have concerns about her moving from a prosecutor role into an advisor role. Associate Counsel Bassett acknowledged that she will be conflicted on some current cases and will not be able to advise the Commission on those few cases. Executive Director Armstrong noted that he considered those cases which Associate Counsel Bassett would be precluded from acting as Commission Counsel on and he concluded there may be 3 cases requiring outside counsel assistance.

Commissioner Olsen shared that he would be voting against the motion due to his concerns pertaining to Associate Bassett's position transition conflicts. He asked Associate Counsel Bassett not to take his dissent personally.

Vice Chair Towler expressed his opinion that Associate Counsel Bassett is an excellent attorney, and the Commission is lucky that she applied to be considered for the Commission Counsel position.

Commissioner Lowry agreed that Ms. Bassett will do an outstanding job in the Commission Counsel role and noted that throughout her career as an attorney she observed many attorneys transition to the bench, and she stated that she had no doubt that Associate Counsel Bassett would be able to transition to a neutral advisory role brilliantly.

Chair Wallin provided that during the previous vacancy in the Commission Counsel position, the recruitment process was lengthy, and she had approached Ms. Bassett a few times to see if she would be interested in the position and Ms. Bassett shared that she liked her duties as Associate Counsel at that time. After nine months of doing Commission Counsel duties and writing advisory opinions, Associate Counsel Bassett discovered that she enjoyed doing that and Chair Wallin noted those advisory opinions were very well done. Chair Wallin further stated that she is confident that Ms. Bassett will abstain from working on any cases in which she is conflicted. She shared her complete support of the motion.

The motion was put to a vote and carried as follows:

Chair Wallin:	Aye.
Vice Chair Towler:	Aye.
Commissioner Lowry:	Aye.
Commissioner Moran:	Aye.
Commissioner Olsen:	Nay.
Commissioner Scherer:	Aye.
Commissioner Yen:	Aye.

9. Authorization for Commission Counsel to represent and defend the interests of the Ethics Commission of the State of Nevada in legal proceedings including petitions for judicial review and related appellate matters regarding the following litigation cases:
 - a. "Joseph M. Lombardo, Petitioner, vs. Nevada Commission on Ethics" et al., Case No. 23OC001091B, filed in the First Judicial Court of Nevada;
 - b. "Joseph M. Lombardo, Appellant, vs. Nevada Commission on Ethics" et al., Supreme Court No. 88093
 - c. "Joseph Rodriguez, Petitioner, vs. The Nevada Commission on Ethics" et al., Case No. CV23-01054, filed in the Second Judicial Court of Nevada.

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

Commissioner Scherer made a disclosure in Consolidated Case Nos. 21-062C and 21-082C. He disclosed that he is an acquaintance of former Sheriff Lombardo and now Governor Lombardo, having met him on a handful of occasions over the last 25 years in his professional capacity. He stated he has only known Governor Lombardo in a professional or public capacity for a number of years. Commissioner Scherer stated that he would categorize the current relationship as professional acquaintances rather than a personal friendship. Commissioner Scherer further disclosed that Governor Lombardo appointed him as a Commissioner to the Nevada Commission on Ethics, with a term that began November 1, 2023. Commissioner Scherer 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 the relationship 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 and in fact, Nevada Law favors the right of a public officer to perform the duties for which the public officer was appointed. Commissioner Scherer stated that in his capacity as a Commissioner he serves in a quasi-judicial role and in a desire to alleviate any concerns of impartiality he disclosed the extent of the relationship and nothing Judicial Cannon 2.11 would require disqualification. Commissioner Scherer 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 acquaintance 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 Scherer stated that he would be participating in and voting on the matter.

Commissioner Olsen made a disclosure in Consolidated Case Nos. 21-062C and 21-082C which he asked Associate Counsel Bassett to review and received her approval. He disclosed that he is a former coworker of Joseph Lombardo, as they both worked at the Las Vegas Metropolitan Police Department for at the same time. He did not at any time work within the same section as Joseph Lombardo, Commissioner Olsen did not work for Joseph Lombardo nor did Joseph Lombardo work for Commissioner Olsen. He stated he retired from Las Vegas Metro PD in 2007, which was several years before Joseph Lombardo became Sheriff and they did not and do not socialize together. He further disclosed that Governor Lombardo appointed him as a Commissioner on the Nevada Commission on Ethics July 1, 2023, his appointment was made pursuant to statute and in the ordinary course. He stated that his appointment to the Commission on Ethics by Governor Lombardo would not materially affect his independence of judgment or that of a reasonable person in his situation. Commissioner Olsen stated that he would be participating in the vote on the matter.

Commissioner Moran made a disclosure in Consolidated Case Nos. 21-062C and 21-082C. He disclosed that he is an acquaintance of former Sheriff Lombardo and now Governor Lombardo, having met Mr. Lombardo on a few occasions in his service as Sheriff of Clark County and Commissioner Moran's work in Clark County and the State of Nevada as an attorney. He stated that he has known the Governor in a professional or public capacity for a number of years although none of Commissioner Moran's 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 to sit as a Commissioner on the Nevada Commission on Ethics, with a term to start September 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 the relationship 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 and 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 stated that in his capacity as a Commissioner he serves in a quasi-judicial role and in a desire to alleviate any concerns of

impartiality he disclosed the extent of the relationship. He has reviewed Judicial Canon 2.11, the Code of Judicial Conduct which lists the type of relationships and events that require disqualification and has confirmed that the present circumstances do not require disqualification. 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 voting on the matter.

Commissioner Yen made a disclosure in Ethics Complaint Case No. 22-051C. She is a partner with McDonald Carano and Mr. Rodriguez is a client of the firm, therefore pursuant to NRS 281A.065(4) and (5) she has a commitment in a private capacity to her law firm and the client based on the law firm's continuing business relationship with that client. Consequently the independent judgment of a reasonable person in Commissioner Yen's situation could be materially affected in voting upon matters related to this case. To avoid conflicts of interest and any appearance of impropriety including complying with the Ethics Law and Judicial Canons applicable to the Commission, Commissioner Yen disclosed the relationship and abstained from participating in the matter.

Chair Wallin thanked her fellow Commissioners for their disclosures.

Executive Director Armstrong noted the purpose of the agenda item was the same as outlined during the December 7, 2023, Commission meeting.

Commissioner Lowry made a motion to grant Commission Counsel and/or the Attorney General's 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 and 21-082C regarding Joseph Lombardo, including but not limited to, defending the Commission's decisions and the appeal filed in the Nevada Supreme Court and the Petition for Judicial Review filed in the First Judicial District Court. Commissioner Lowry further moved that the Commission Counsel shall bring back case dispositive decisions such as further appeal, dismissal or stipulated settlement agreements before the full Commission and to delegate authority to the Chair and Vice Chair to have commission consult regarding any legal issues or decisions pursuant to NRS 241.357 and NAC 281A.055 but for further appeals, dismissal or settlement would go back to the full Commission. Vice Chair Towler seconded the motion. The Motion was put to a vote and carried and carried as follows:

Chair Wallin:	Aye.
Vice Chair Towler:	Aye.
Commissioner Lowry:	Aye.
Commissioner Moran:	Aye.
Commissioner Olsen:	Aye.
Commissioner Scherer:	Nay.
Commissioner Yen:	Aye.

Vice Chair Towler made a motion to grant Commission Counsel and/or the Attorney General's Conflict Counsel the authority to take legal steps necessary to respond to any legal action that results from the Commission's actions on CV23-01054, filed in the Second Judicial District regarding Joseph Rodriguez, including but not limited to, the Petition for Judicial Review filed in that district in defending the Commission's decisions and the Commission Counsel shall bring back case dispositive motions such as appeal, dismissal or stipulated settlement agreements before the full Commission. Vice Chair Towler further moved to delegate authority to the Chair and Vice Chair to have commission consult regarding legal issues or decisions pursuant to NRS 241.357 and NAC 281A.055 but for further appeals, dismissal or settlement. Commissioner Lowry seconded the motion.

Commissioner Scherer explained his dissent to the last motion regarding Joseph Lombardo and his anticipated dissent on the current motion regarding Joseph Rodriguez was due

to his belief that all matters should be brought back to the full Commission, and he is not in favor of the proposed delegation.

Chair Wallin noted the intent of the delegation is that in time sensitive circumstances it is extremely difficult to get the full Commission together to act on a matter.

Commissioner Scherer acknowledged his understanding of the intent and provided that the Executive Director currently sends out emails for items regarding jurisdiction in which the Commission needs to make determinations.

The Motion was put to a vote and carried and carried as follows:

Chair Wallin:	Aye.
Vice Chair Towler:	Aye.
Commissioner Lowry:	Aye.
Commissioner Moran:	Aye.
Commissioner Olsen:	Aye.
Commissioner Scherer:	Nay.
Commissioner Yen:	Aye.

10. Commissioner Comments.

Chair Wallin welcomed Outreach and Education Officer Sam Harvey to the Commission as the new Outreach and Education Officer, thanked Executive Assistant Pedroza for her effort in coordinating the Commission meeting and congratulated Elizabeth Bassett on her appointment as Commission Counsel. She further expressed her gratitude to all Commission staff for their hard work.

11. Public Comment.

Public Comment was provided by Jeff Church questioning the source of funding for Joseph Rodriguez's legal costs.

12. Adjournment.

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

The meeting was adjourned at 11:08 a.m.

Minutes prepared by:

[/s/ Kari Pedroza](#)

Kari Pedroza
Executive Assistant

[/s/ Ross Armstrong](#)

Ross Armstrong, Esq.
Executive Director

Minutes approved April 17, 2024:

Kim Wallin, CPA, CMA, CFM
Chair

Thoran Towler, Esq.
Vice Chair

Agenda Item 5



Executive Director Report – April 2024

Quarterly Case Log

- See attached log

Education and Outreach

- Recent Training
 - Nevada Psychiatric Association
 - Clark County (online)
- Upcoming
 - Nevada State Contractors Board
 - Clark County (in-person and live)
 - Division of Museums and History
 - Certified Contract Managers
 - State Nursing Board
 - Civil Attorneys Conference

Budget Update

- FY 26/27 Budget Building
 - Technology Investment Notification submitted
 - Commission discussion at the April 17 meeting
- FY 24 Update
 - Anticipated work program in Category 04 – Operating Expenses
 - Monitoring Category 01 – Personnel

Upcoming Meetings

- June 26 – Winnemucca
- August 21 – Reno/Carson

Submitted: Ross E. Armstrong, Executive Director
Date: 4/10/24

Case No.	Date Filed	Jurisdiction	Local or State	Subject	Requester	Status
24-041A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Opinion
24-040C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
24-039C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
24-038A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Opinion
24-037A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Opinion
24-036C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
24-035C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
24-034C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
24-033C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
24-032C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
24-031C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
24-030C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
24-029C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
24-028C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
24-027C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
24-025C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
24-024C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
24-023A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Opinion
24-021A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Opinion
24-019A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Opinion
24-018A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Opinion
24-017C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
24-016C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
24-011A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Opinion
24-009C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Investigation
24-006A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 3/25/24; Confidentiality Waiver Pending
24-005C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Investigation
24-003C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Investigation
23-139C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Deferral Agreement Approval
23-136C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Investigation
23-129C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Adjudicatory Hearing; Consolidated w/ 120C, 121C & 128C
23-128C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Adjudicatory Hearing; Consolidated w/ 120C, 121C & 129C
23-121C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Adjudicatory Hearing; Consolidated w/ 120C, 128C & 129C
23-120C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Adjudicatory Hearing; Consolidated w/ 121C, 128C & 129C
↑ FISCAL YEAR 2024 ↑						

23-057C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Deferral Agreement 8/23/23; Compliance Period expires August 2025
23-056C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion Pending
23-054C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Deferral Agreement 8/23/23; Compliance Period expires August 2025
23-035C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Adjudicatory Proceedings Pending
23-015C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Settlement Pending
23-005C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Deferral Agreement 8/23/23; Compliance Period expires August 2025
22-106C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Deferral Agreement 4/17/23; Ltr of Caution issued 6/12/23; Compliance Period expires April 2025
22-104C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Deferral Agreement 4/13/23; Compliance Period expires April 2025
↑ FISCAL YEAR 2023 ↑						
22-076C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Deferral Agreement 3/9/23; Ltr of Caution 4/4/23; Compliance Period expires March 2024
22-074C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Deferral Agreement 3/9/23; Ltr of Caution 4/4/23; Compliance Period expires March 2024
22-051C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Reconsideration Order Issued; Petition for Judicial Review Pending
22-031C/ 22-032C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Deferral Agreement 12/12/22; Ltr of Caution 12/12/22; Compliance Period expires December 2024
21-062C/ 21-082C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 8/31/23; \$20,000 Civil Penalty due 7/1/24; Petition for Judicial Review Pending
↑ FISCAL YEAR 2022 ↑						
20-048C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Deferral Agreement 7/20/22; Compliance Period expires July 2024
↑ FISCAL YEAR 2020 ↑						
19-044C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Deferral Agreement 2/20/20; Compliance Period expires February 2025
↑ FISCAL YEAR 2019 ↑						

Case No.	Date Filed	Jurisdiction	Local or State	Subject	Requester	Status
24-041A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Opinion
24-040C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
24-039C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
24-038A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Opinion
24-037A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Opinion
24-036C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
24-035C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
24-034C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
24-033C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
24-032C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
24-031C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
24-030C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
24-029C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
24-028C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
24-027C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
24-026A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn
24-025C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
24-024C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
24-023A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Opinion
24-022A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
24-021A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Opinion
24-020A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed - No Supplemental Info
24-019A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Opinion
24-018A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Opinion
24-017C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
24-016C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
24-015C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
24-014C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
24-013C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
24-012	Data Entry Error					
24-011A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Opinion
24-010C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn (see 24-009C Duplicate)

24-009C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Investigation
24-008C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Investigation); Ack not filed ltr
24-007C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
24-006A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 3/25/24; Confidentiality Waiver Pending
24-005C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Investigation
24-004C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Investigation)
24-003C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Investigation
24-002C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
24-001C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Investigation)
23-162C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
23-161C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
23-160A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 2/26/24; Confidentiality Waived
23-159C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
23-158C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
23-157	Data Entry Error					
23-156C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Investigation)
23-155A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 3/6/24; No Abstract
23-154A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 2/12/24; Abstract issued 2/12/24
23-153C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
23-152C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
23-151C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Investigation)
23-150C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Investigation)
23-149C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Investigation)
23-148C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Investigation)
23-147C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Investigation)
23-146C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Investigation)
23-145C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
23-144C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Investigation)
23-143A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 3/18/24; Confidentiality Waived
23-142C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
23-141A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 1/18/24; Confidentiality Waived
23-140C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Investigation)
23-139C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Deferral Agreement Approval
23-138C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)

23-137A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 2/12/24; No Abstract
23-136C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Investigation
23-135A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 2/12/24; No Abstract
23-134C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed w/Ltr of Instruction - 11/30/23
23-133C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed by Panel - 2/21/24
23-132A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 12/14/23; Confidentiality Waived
23-131C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Investigation)
23-130C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn
23-129C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Adjudicatory Hearing; Consolidated w/ 120C, 121C & 128C
23-128C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Adjudicatory Hearing; Consolidated w/ 120C, 121C & 129C
23-127C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Investigation)
23-126C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
23-125C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
23-124A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn
23-123A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn
23-122A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
23-121C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Adjudicatory Hearing; Consolidated w/ 120C, 128C & 129C
23-120C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Adjudicatory Hearing; Consolidated w/ 121C, 128C & 129C
23-119A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 11/27/23; Abstract issued 11/27/23
23-118A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 11/13/23; No Abstract
23-117A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 11/22/23; No Abstract
23-116C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
23-115A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 3/25/24; Confidentiality Waived
23-114C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed by Panel - 2/14/24
23-113C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
23-112C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
23-111C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
23-110C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
23-109C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
23-108C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
23-107C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
23-106A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
23-105C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
23-104C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)

23-103	Data Entry Error					
23-102C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
23-101C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
23-100C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
23-099C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
23-098C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
23-097C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn
23-096C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
23-095C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
23-094A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 10/31/23; Abstract issued 10/31/23
23-093C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
23-092C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
23-091A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
23-090A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 9/5/23; Abstract issued 9/5/23
23-089C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
23-088C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed w/Ltr of Instruction - 9/18/23
23-087C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
23-086C	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)
23-083A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 9/5/23; Abstract issued 9/5/23
23-082A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 11/20/23; Abstract issued 11/20/23
23-081C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
23-080C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)

Agenda Item 6



Performance Measures			
Measure #	Description	Maintain, adjust, or remove	Justification
1	Number of Ethics in Government Law classes provided	Adjust	Total # of individuals completing an ethics training course is a better measure of education reach.
2	Average Days to Issue an Advisory Opinion	Adjust	Current measure discusses hearing and oral opinion process. Adjustment needed to reflect current practice and accurately measure timeliness
3	Number of Complaint Hearings	Adjust	The current title is misleading and essentially is just a repeat of # of incoming complaints. A better metric is # of Complaint cases resolved.
4	Number of judicial cases in which the Commission is named/interested	Adjust	Move to population/workloads section
Population and Workloads			
Measure #	Description	Maintain, adjust, or remove	Justification
1	Number of state and local public officers and employees	Maintain	Reflects scope of jurisdiction
2	Number of new complaints filed	Maintain	
3	Number of new cases investigated	Maintain	
4	New Advisory requests filed	Maintain	
5	Abstract Advisory Opinions Issued	Adjust	Better workload number is the total number of advisory opinions issued regardless of the status of the abstract opinion

Proposed Internal Data Metrics		
Metric	Notes	
Complaints		
Length of investigation	From order authorization investigation to review panel determination	
# of cases resolved during fiscal year including those received in previous years	To show totality of Commission caseload each fiscal year	
Advisory Opinions		
Time from when the request is filed to submission to the Commission		
# of Abstract Opinions Issued		
Customer Feedback	Surveys	
Education and Outreach		
Social Media Following	X, LinkedIn, YouTube	
Nevada Ethics Online	# of courses completed by users	
Customer Feedback	Surveys	
Administrative		
Public Records Requests Received		
Media Inquiries		
# of Budgetary Work Programs required		

**State of Nevada - Budget Division
Activity Budget Activity Report
2023-2025 Biennium (FY24-25)**

Dept/Div: 150 Description: COMMISSION ON ETHICS

Dept Mission

Statement: The Nevada Commission on Ethics, by the authority granted under Chapter 281A of NRS, strives to enhance the public's faith and confidence in government by ensuring that public officers and public employees uphold the public trust by committing themselves to avoid conflicts between their private interests and their public duties.

Div Mission

Statement:

No Major Budget Initiatives found

Activities:

Activity Name: Agency Investigation and Oversight of Waste, Fraud, and Abuse

Status: Ongoing

Division-Specific Activity Description: This activity is responsible for interpreting and enforcing Ethics in Government Law. The Ethics Law establishes the public policy and standards of conduct regarding conflicts of interest between public duties and private interests of state and local public officers and employees.

Authority: State Statute - Mandatory

Authority: NRS Chapter 281A. All activity is required (mandatory) pursuant to statute.

Description:

Activity Funding

	2024	2025
General Fund	\$249,835	\$244,513
Other	\$638,560	\$688,987

Performance Measures

- Performance Measure Title:** Number of Ethics in Government Law Classes Provided

Description: Number of Ethics in Government Law Trainings provided by the Commission to public officers, public employees and attorneys who represent public officers and employees on Ethics.

Methodology: The Commission on Ethics staff provides "Ethics in Government Law" training to any State agency, local government or political subdivision upon request and at the discretion of the Commission. Each training provided will be tracked. The sum number of trainings will be totaled at the end of each fiscal year to provide the total number of training presented.

Status: Ongoing

Label/Graph Title: Trainings Provided

Measure Type: Count **Timeframe:** State Fiscal Year

Graph Type: Bar

	2019	2020	2021	2022	2023	2024	2025
Amount:	33.00	25.00	13.00	20.00	33.00	33.00	45.00
Amount Type:	Actual	Actual	Actual	Actual	Actual	Projected	Projected

- Performance Measure Title:** Average Days to Issue Advisory Opinion

Description: For all advisory opinions issued during each fiscal year, the number of days between receipt of the request for advisory opinion and the issuance of the written advisory opinion to determine the average length of time for the Commission to respond to a specific request and publish the decision as guidance for all public officers and public employees.

Methodology: Staff tracks each request for an advisory opinion at various benchmarks from the date it is received/accepted through the date of its final disposition (written opinion). Each request for an advisory opinion results in a hearing before or written submission to the Commission in which the Commission renders an oral opinion. Statutorily, the Commission must issue its oral opinion within 45 days of receipt (NRS 281A.440(1)). After issuance of an oral opinion, the Commission issues a final written opinion, which is binding and subject to judicial review and published as guidance to all public officers and employees. For each request for advisory opinion issued during a fiscal year, this performance measure will be compiled from that data, counting the number of calendar days from the date the request for advisory Opinion is heard or submitted to the date of the final written opinion being issued to the Subject. The average will be calculated by adding up the total number of days (numerator), divided by the total number of advisory opinions issued in that fiscal year (denominator).

Status: Ongoing

Label/Graph Title: Avg Days to Issue Opinion

Measure Type: Count

Timeframe: State Fiscal Year

Graph Type: Bar

	2019	2020	2021	2022	2023	2024	2025
Amount:	44.00	47.00	50.00	41.00	59.00	45.00	45.00
Amount Type:	Actual	Actual	Actual	Actual	Actual	Projected	Projected

**State of Nevada - Budget Division
Activity Budget Activity Report
2023-2025 Biennium (FY24-25)**

3. **Performance Measure Title:** Number of Complaint Hearings before Commission
Description: Number of hearings for complaints before the Commission in which deliberation/decisions are made by the Commission
Methodology: Staff tracks each complaint at various benchmarks from the date it is received/accepted through the date of its final disposition. This performance measure will count the number of complaint hearings before the Commission in which the Commission deliberates and makes a decision. These hearings include, but are not limited to, Jurisdictional Reviews, Investigatory Panels, Motions, Stipulated Agreements and evidentiary hearings relating to the complaint.
Status: Ongoing
Label/Graph Title: # of Third-Party Hearings
Measure Type: Count
Timeframe: State Fiscal Year
Graph Type: Bar

	2019	2020	2021	2022	2023	2024	2025
Amount:	135.00	103.00	82.00	96.00	137.00	104.00	104.00
Amount Type:	Actual	Actual	Actual	Actual	Actual	Projected	Projected

4. **Performance Measure Title:** Number of Judicial Cases in which the Commission is Named or Interested
Description: Count the number of judicial cases in which the Commission is a named party or is otherwise interested.
Methodology: The Commission on Ethics' Opinions are binding and subject to judicial review. When these Opinions are brought before a district court on a petition for judicial review, the Commission defends its decision before the District Court, Nevada Court of Appeals, Nevada Supreme Court and United States Supreme Court. The Commission also tracks and monitors other cases which implicate the interpretation, application or enforcement of the Ethics Law for possible participation. This Performance Measure will count the number of cases the Commission defended or appeared in for a total numbers of cases.
Status: Ongoing
Label/Graph Title: Number of Judicial Cases
Measure Type: Count
Timeframe: State Fiscal Year
Graph Type: Bar

	2019	2020	2021	2022	2023	2024	2025
Amount:	3.00	5.00	4.00	0.00	1.00	3.00	3.00
Amount Type:	Actual	Actual	Actual	Actual	Actual	Projected	Projected

Populations & Workloads

1. **Population Title:** Approximate Number of State and Local Public Officers and Public Employees
Description: Count the total number of Nevada State and local public officers and public employees subject to the Commission's jurisdiction.
Methodology: Review the Nevada Department of Employment, Training and Rehabilitation's (DETR) Labor Market Information reporting employee statistics on industry employment by sector (State and Local governments). Reports are released monthly by DETR (see <http://nevadaworkforce.com/industry-employment-by-sector>). Staff will calculate the Fiscal Year average and subtract the total number of State and local Judges as reported in the Annual (FY) Report of the Nevada Judiciary.
Status: Ongoing
Label/Graph Title: # Public Ofc/Employees
Timeframe: State Fiscal Year
Graph Type: Bar

Legislatively approved Caseload: No

	2019	2020	2021	2022	2023	2024	2025
Amount:	143,976.00	143,692.00	138,051.00	140,951.00	149,018.00	143,200.00	143,200.00
Amount Type:	Actual	Actual	Actual	Actual	Actual	Projected	Projected

2. **Population Title:** New Complaints Filed
Description: Total number of Complaints (Third-Party Requests for Opinion) filed with the Commission.
Methodology: Count the total number of Complaints (Third-Party Requests for Opinion) filed with the Commission.
Status: Ongoing
Label/Graph Title: New Complaints Filed
Timeframe: State Fiscal Year
Graph Type: Bar

Legislatively approved Caseload: No

	2019	2020	2021	2022	2023	2024	2025
Amount:	123.00	89.00	69.00	96.00	102.00	110.00	120.00
Amount Type:	Actual	Actual	Actual	Actual	Actual	Projected	Projected

**State of Nevada - Budget Division
Activity Budget Activity Report
2023-2025 Biennium (FY24-25)**

3. **Population Title:** Number of New Cases Investigated
Description: Total number of Complaints investigated by the Commission.
Methodology: Count the total number of Complaints investigated by the Commission. (The number of new cases investigated does not include investigated cases which continued from prior fiscal years).
Status: Ongoing
Label/Graph Title: New Cases Investigated
Timeframe: State Fiscal Year
Graph Type: Bar
Legislatively approved Caseload: No

	2019	2020	2021	2022	2023	2024	2025
Amount:	28.00	25.00	26.00	28.00	26.00	27.00	27.00
Amount Type:	Actual	Actual	Actual	Actual	Actual	Projected	Projected

4. **Population Title:** New Advisory Requests Filed
Description: Total number of Advisory Request filed with the Commission.
Methodology: Count the total number of Advisory Requests filed with the Commission.
Status: Ongoing
Label/Graph Title: New Advisory Reqs Filed
Timeframe: State Fiscal Year
Graph Type: Bar
Legislatively approved Caseload: No

	2019	2020	2021	2022	2023	2024	2025
Amount:	32.00	41.00	15.00	53.00	41.00	45.00	45.00
Amount Type:	Actual	Actual	Actual	Actual	Actual	Projected	Projected

5. **Population Title:** Abstract Advisory Opinions Issued
Description: Total number of Abstract Advisory Opinions issued by the Commission.
Methodology: Count the total number of Abstract Advisory Opinions issued by the Commission. This number includes Advisory Opinion requests received from prior fiscal years with the Abstract Advisory Opinion data recorded in the fiscal year which it was completed.
Status: Ongoing
Label/Graph Title: Abstract Advisory Opinion
Timeframe: State Fiscal Year
Graph Type: Bar
Legislatively approved Caseload: No

	2019	2020	2021	2022	2023	2024	2025
Amount:	12.00	23.00	5.00	17.00	26.00	15.00	15.00
Amount Type:	Actual	Actual	Actual	Actual	Actual	Projected	Projected

Activity Totals for Dept/Div: 150

Activity Funding	2024	2025
General Fund	\$249,835	\$244,513
Other	\$638,560	\$688,987
Activity Totals	\$888,395	\$933,500

Line Item Funding	2024	2025
General Fund	\$244,300	\$244,300
Other	\$698,637	\$698,637
Line Item Totals For Dept/Div:150	\$942,937	\$942,937

Activity Totals for Report:

Activity Funding	2024	2025
General Fund	\$249,835	\$244,513
Other	\$638,560	\$688,987
Activity Totals	\$888,395	\$933,500

Line Item Totals for Report

State of Nevada - Budget Division
 Activity Budget Activity Report
 2023-2025 Biennium (FY24-25)

Line Item Funding	2024	2025
General Fund	\$244,300	\$244,300
Other	\$698,637	\$698,637
Activity Totals	\$942,937	\$942,937

Agenda Item 7



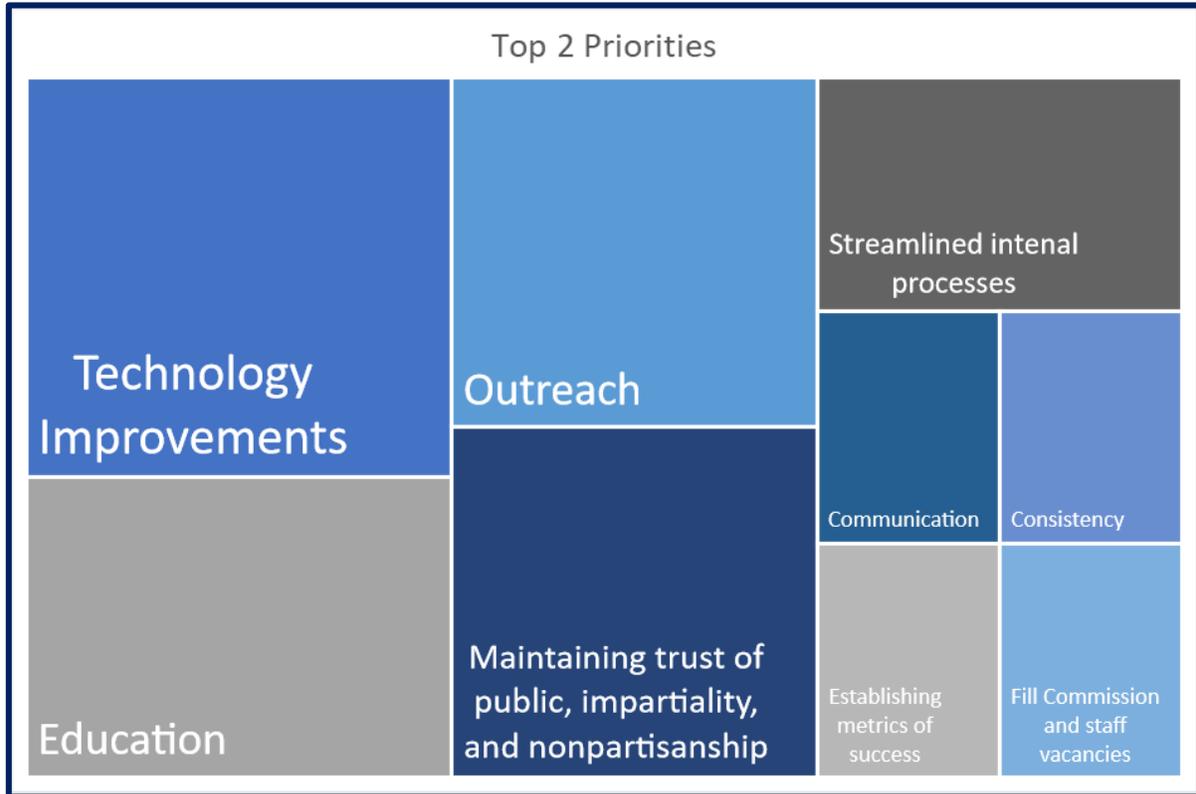
SWOT Analysis Based on Commissioner and Staff Survey

<p>Strengths</p> <p>Staff</p> <ul style="list-style-type: none"> - Knowledge - Customer services and responsiveness - Relationships with those we interact with - Professionalism <p>Commission Operations</p> <ul style="list-style-type: none"> - Transparency - Openness to change - Appreciation by public agencies - Thoughtfulness of Commissioners in conducting hearings 	<p>Weaknesses</p> <p>Operational Items</p> <ul style="list-style-type: none"> - Accurately measuring workload and success - Commissioner onboarding - Lack of quality dedicated IT, HR, and fiscal services - Enforcement of acknowledgment requirements <p>Technology</p> <ul style="list-style-type: none"> - Data and information management - Technology barriers for staff and for the general public <p>Public Perception</p> <ul style="list-style-type: none"> - Public perception in the wake of high-profile cases in the current tribal politics atmosphere - Division among the Commissioners - Lack of general public awareness of what the Commission does and what is truly an Ethics Law issue
<p>Opportunities</p> <p>Training and Outreach</p> <ul style="list-style-type: none"> - Increase total reach - CLEs for legal education - Training for staff and Commissioners <p>Operational Efficiency</p> <ul style="list-style-type: none"> - Data and information management - Clarification of rules through Commission decisions - Quicker ways to provide advice to public officers and employees 	<p>Threats</p> <p>Political Items</p> <ul style="list-style-type: none"> - Division and partisanship - Lack of filled Commission positions - Legislation to weaken or narrow the Commission's scope <p>Operational Items</p> <ul style="list-style-type: none"> - Struggles in recruitment of staff - Case-specific decisions that negatively impact consistency and/or enforcement efforts - Return to being seen as a Commission that doesn't do much - Lack of collaboration

How closely aligned are the activities of the Commission to the mission and guiding principles?

Average Answer: 4 out of 5

Focus only on two things:



Next Steps & Questions for Discussion

- Where do we want to head?
 - o Overarching vision
 - o 2-3 major priorities
 - o Alignment with statutory directive and mission
- Endgame
 - o How will we know if we've succeeded or not?
 - o How will we be changed at the end of the plan?

Strategy synonyms

- Plan: blueprint, design, program, road map
- Approach: method, technique, way, system, manner

OREGON GOVERNMENT ETHICS COMMISSION

Strategic Plan

MISSION

The mission of the Oregon Government Ethics Commission is to impartially and effectively administer and enforce Oregon's government ethics laws for the benefit of Oregon's citizens. The Commission emphasizes education in achieving its mission.

The regulatory jurisdiction of the Oregon Government Ethics Commission covers provisions of ORS Chapter 244, Oregon Government Ethics law; ORS 171.725 to 171.785 and 171.992, Lobby Regulation law; and executive session provisions of Oregon Public Meetings law, ORS 192.660.

VISION

It is the Commission's vision to inspire the public trust and confidence in state government. Our efforts point to transparency and a commitment to excellence in all aspects of the performance of our duties. We will always focus efforts on seeking opportunities for collaboration and innovation to continuously educate and hold all public officials to the highest standards.

VALUES

The Government Ethics Commission is dedicated to producing high quality work, delivering valued services, providing excellent customer service, and meeting the expectations of the citizens of Oregon.

GOALS AND STRATEGIES

In 1974 Oregon voters approved a statewide ballot measure to create the Oregon Government Ethics Commission. The ballot measure also established a set of laws (ORS Chapter 244) requiring financial disclosure by certain officials and creating a process to deal with the inevitable question of conflict of interest. The drafters of the original laws recognized that "conflict of interest" is, indeed, inevitable in any government that relies on citizen lawmakers. To that end, the Government Ethics Commission is committed to:

- ***Follow the highest ethical standards in our administration, working relationships, practices, and decisions.***

The agency's funding is received from all public bodies in the state. That diversification increases the agency's obligation to become transparent to all public bodies and the public in general, since they all have a financial interest in the agency. Administration will continue to be accountable to all who pay and inform the bodies of the work that is being completed and how this work benefits them.

We will evaluate and improve the transparency, efficiency and effectiveness of agency communications, will continue to explore information technology resources that will improve the delivery of programs and services provided by the agency, and will evaluate and modify our resources and programs to meet the needs of Oregon's citizens, and to pursue the agency's mission.

- ***Continue to develop and deliver effective training and educational resources.***

The agency prioritizes education and training because the ethics laws are complex. There is a high demand for education and training because of the ever-changing makeup of public official and lobbyist groups. This program provides staff who are available to respond to questions from public officials, and it includes web-based training made available to everyone throughout Oregon. The success of this program is included in the agency's performance measures and affects the number of potential complaints received by the agency.

- ***Ensure timeliness and fairness of enforcement actions, and create transparency.***

The compliance functions of the agency are statutorily driven. We will continue the development of an electronic case management system, which will enhance the effort to effectively meet those statutory deadlines. It also provides transparency by affording the public online access to case dispositions. The success of this program is included in the agency's performance measures.

- ***Maintain processes of and develop enhancements to the Electronic Filing System.***

We will continue to evaluate the electronic system that allows lobbyists and certain public officials to file their required reports online. The filing requirements are statutorily driven, but we will look for operational efficiencies, and develop enhancements to the system that will further educate and support those required to use it. This system also provides transparency by allowing the public to easily find and view the filings online.



STATE ETHICS COMMISSION

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www.sec.state.nm.us

FY Fiscal Year 2023 STRATEGIC 23 PLAN

STATE of NEW MEXICO

A Message from the Executive Director

I am pleased to present the *Strategic Plan* for the State Ethics Commission for fiscal year 2023—the Commission’s fourth year. Having grown past its infancy, the Commission is focused on hiring key personnel who can help sustain and grow what its initial staff built.

The Commission urgently needs resources and personnel to fulfill its responsibilities now and in the coming years. The Commission has no staff vacancies. Its budget was cut by 5% in FY22. But at the same time, the legislature expanded the Commission’s responsibilities. The Commission needs more personnel to meet its constitutional and statutory mandates.

This strategic plan is targeted to that need. In FY23, the Commission hopes to hire three additional, classified positions—an Attorney IV, a Paralegal-A, and a Database Administrator I—as well as to restore funding for the Commission’s Special Projects Coordinator, for which the Commission lost funding with the FY22 budget cut.

Sincerely,

Jeremy Farris
Executive Director
State Ethics Commission



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Mission Statement

The State Ethics Commission is an independent agency committed to preventing and remedying public corruption and building trust in state government. The Commission promotes the integrity of government through the interpretation, enforcement, and improvement of New Mexico's governmental conduct, procurement, and financial disclosure laws.

Agency Overview

Legal foundation and creation

The State Ethics Commission is an independent agency created by Article V, Section 17 of the New Mexico Constitution and enabled by the State Ethics Commission Act. The Commission's initial Commissioners were appointed on July 1, 2019. The Commission's jurisdiction and enforcement authority began on January 1, 2020.

Structure

The Commission is bipartisan, comprised of seven Commissioners, and chaired by a retired judge. The State Ethics Commission Act sets forth both the qualifications to serve as a Commissioner and a procedure for appointing commissioners that ensures an independent commission: The Governor appoints the Chair, who must be a retired judge. The Speaker of the House, the House Minority Floor Leader, the President Pro Tem of the Senate, and the Senate Minority leader each appoint a Commissioner. The legislatively-appointed Commissioners appoint two other Commissioners.

No more than three Commissioners may be members of the same political party. Except for the initial Commissioners, the Commissioners are appointed for staggered terms of four years. No Commissioner may serve more than two consecutive four-year terms. Commissioners are removable for cause only, through a removal proceeding before the New Mexico Supreme Court. The seven current Commissioners are listed at Appendix I, *infra*.

The Commission hires an Executive Director, who in turn hires the staff, including the Commission's General Counsel. Both the Commission's Executive Director and General Counsel are term-limited positions created by statute. The current and founding Executive Director is Jeremy Farris. The current and founding General Counsel is Walker Boyd.

Agency powers

The Commission has three core responsibilities: (1) to adjudicate administrative complaints alleging violations of New Mexico's ethics laws; (2) to investigate and prosecute violations of the ethics laws through civil enforcement actions in state court; and (3) to educate public officers, employees, and the public about New Mexico's governmental conduct, procurement and disclosure laws.

First, the Commission may adjudicate administrative complaints against state government officials, employees, candidates, lobbyists and contractors. These administrative complaints must allege violations of the Campaign Reporting Act, the Financial Disclosure Act, the Gift Act, the Lobbyist Regulation Act, the Voter Action Act, the Governmental Conduct Act, the Procurement Code, the State Ethics Commission Act, or Article IX, Section 14 of the New Mexico Constitution, commonly known as the “Anti-Donation Clause.” The Commission may also issue advisory opinions upon appropriate request, opinions which bind the Commission’s decisions in future administrative adjudications.

Second, under its executive power, the Commission may investigate and initiate enforcement actions in state court to remedy violations of New Mexico’s ethics laws, including the Governmental Conduct Act, the Procurement Code, and the Financial Disclosure Act. For example, in *State Ethics Commission v. Council for a Competitive New Mexico*, D-202-CV-06718 (2nd Jud. Dist. Ct.), the Commission filed suit against the Council for a Competitive New Mexico (“CCNM”), forcing CCNM to disclose \$470,000 in previously hidden contributions that PNM gave to CCNM to support candidates in the 2020 Senate primary election. The Commission may also initiate administrative proceedings and petition state district courts to issue subpoenas.

Third, the Commission educates government officers and employees and members of the public about ethical government. The Commission fulfills this responsibility by answering requests for advice through either formal or informal advisory opinions; and by offering trainings and guidance materials for public officials and employees about their obligations under state ethics laws. The Commission also provides trainings and presentations to associations that support public officials and employees, including the Municipal League, New Mexico Counties, the New Mexico Public Procurement Association, the New Mexico Society of Certified Public Accountants, and members of the New Mexico State Bar. The Commission’s formal advisory opinions are published by the New Mexico Compilation Commission and are publicly available on www.NMOneSource.com. The Commission has also issued a model code of ethics at 1.8.4 NMAC, which is available for state agencies to adopt in whole or in part.

The Commission also has several responsibilities that flow from the core functions described above. The Commission periodically issues and amends administrative rules governing the issuance of advisory opinions (1.8.1 NMAC), commissioner recusals (1.8.2 NMAC), and administrative hearing procedures (1.8.3 NMAC). The Commission also provides the Legislature and the Governor with annual reports on its activities and potential amendments to the laws under the Commission’s jurisdiction. Additionally, to foster a community of attorneys in New Mexico that are familiar with the Commission and the state’s ethics laws, the Commission hosts a summer internship program for students at the University of New Mexico School of Law.

Major Accomplishments

Major Accomplishments Over Past Year (Sept. 1 2020 to Sept. 1 2021):

Investigation and Adjudication of Administrative Complaints:

- Launched the State Ethics Commission's Proceedings Portal, the Commission's web-based case management and docketing system, which allows for the filing of complaints online, the ability for parties to file papers into the docket, notifications, calendaring, docket text-entry, and archival functions.
- Prevailed in the district court, achieving the denial of a subpoenaed entity's motion to quash the Commission's subpoena in *In re State Ethics Commission Petition*, D-307-ET-2020-01 (3d Jud. Dist. Ct.). The case is pending on appeal in the Court of Appeals.
- Prevailed in the district court, achieving the denial of a subpoenaed party's motion to quash the Commission's subpoena in *In re State Ethics Commission Petition*, D-307-ET-2021-01 (3d Jud. Dist. Ct.). The case is pending on appeal in the Court of Appeals, and related proceedings are pending before the Supreme Court on a petition for extraordinary writs.
- Adjudicated 40 administrative cases in 2020 and 18 cases in 2021 to date. Of those 58 cases, 13 remain pending in the State Ethics Commission, either in pre-hearings motions practice or in investigation.
- Entered hearing officer agreements with the Honorable Edward L. Chávez (retired Chief Justice of the New Mexico Supreme Court); the Honorable Alan Torgerson (retired federal Magistrate Judge for the United State District Court for the District of New Mexico); the Honorable James Starzynski (retied Chief Bankruptcy Judge for the United States District Court for the District of New Mexico); and the New Mexico Administrative Hearings Office.
- Promulgated amendments to 1.8.3 NMAC, the Commission's rules of procedure for administrative cases.

Civil Enforcement Actions:

- Filed a civil action against Council for Competitive New Mexico ("CCNM") and litigated that case to a successful settlement, forcing CCNM to disclose that CCNM received \$470,000 from PNM Resources, which CCNM used to fund independent expenditures related to the Democratic Party primary elections for Senate Districts 5, 28, 30, 31, and 35. See *State Ethics Comm'n v. Council for a Competitive New Mexico* (2d Jud. Dist. Ct., Dec. 11, 2020).
- Entered pre-litigation settlement with the Committee to Protect New Mexico Consumers ("CPNMC"), forcing CPNMC to disclose that it expended \$264,193.14 on independent expenditures related to the ballot question to change the composition and appointments of the Public Regulation Commission.

Advisory Opinions, Education and Trainings:

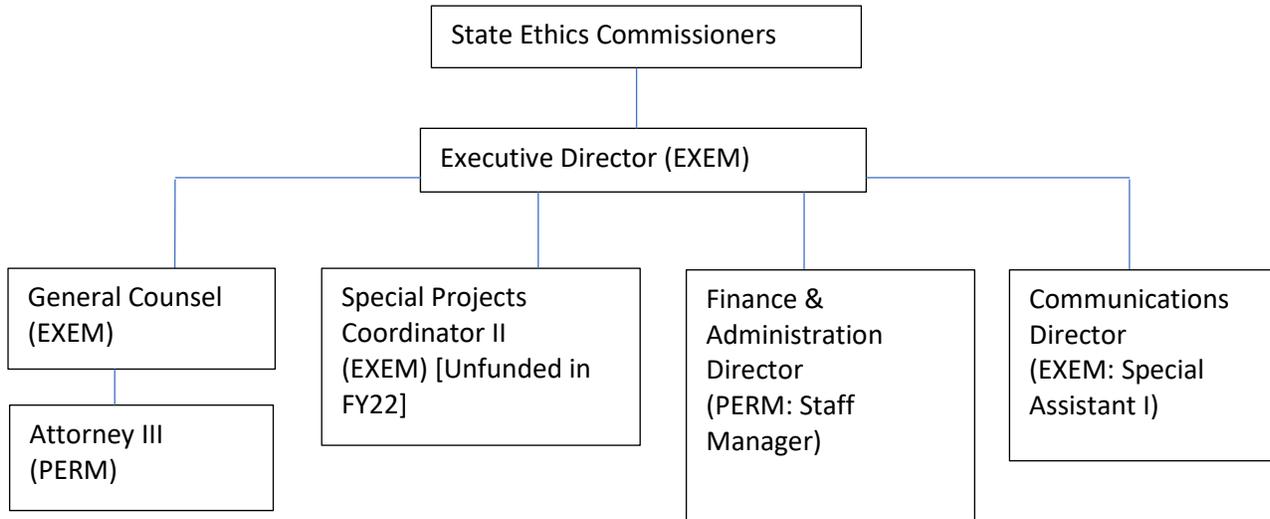
- Issued 12 formal advisory opinions and 15 informal advisory letters.
- Achieved publication of the Commission's formal advisory opinions and annotations of New Mexico's ethics laws by the Commission's advisory opinions on www.NMOneSource.com, the New Mexico Compilation Commission's official research tool of the New Mexico courts and legislature.
- Promulgated model code of ethics at 1.8.4 NMAC for state agencies to adopt as appropriate.
- Delivered ethics trainings to legislators, state agencies, state boards and commissions staff, county commissions, boards of regents, and affiliate organizations around the state.

Other Accomplishments:

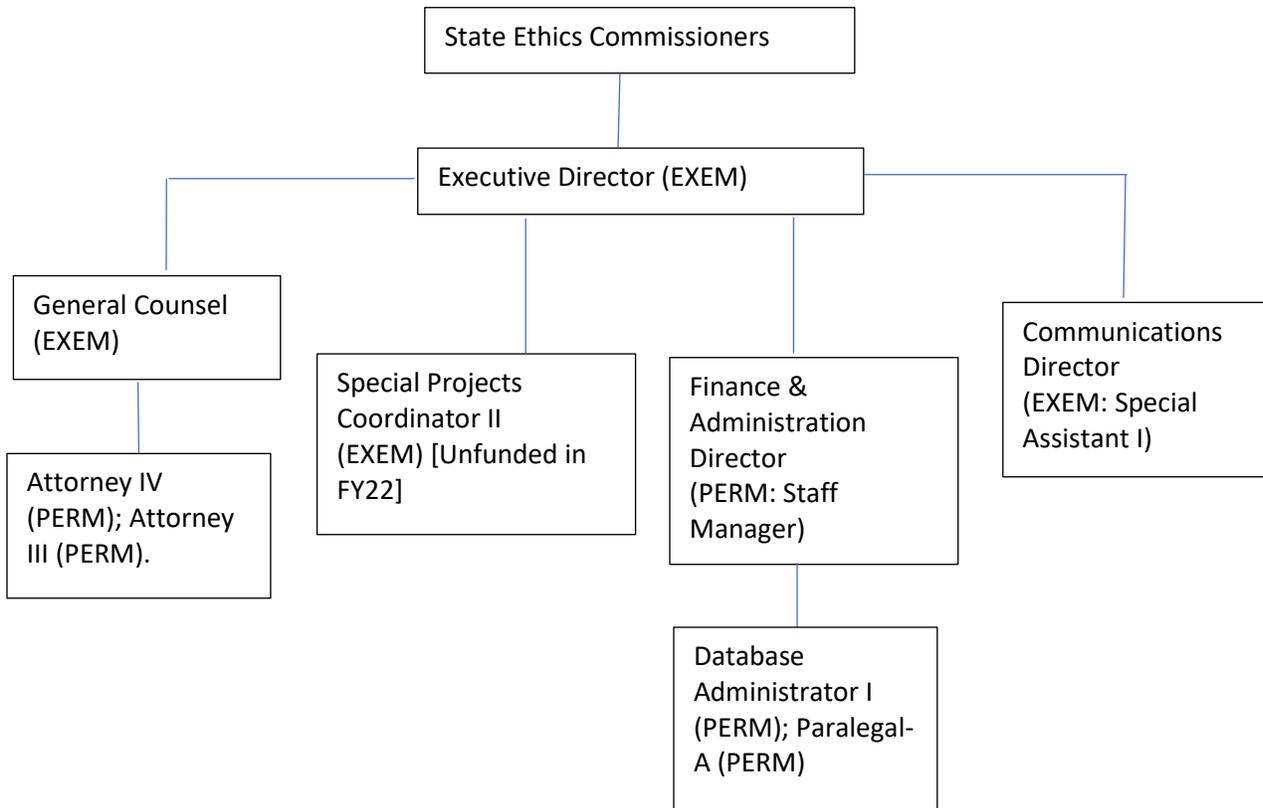
- Conducted competitive application and interview process to select three members of the Citizen Redistricting Committee, including that committee's Chair. Provide limited staff support to the Citizen Redistrict Committee during that committee's abbreviated tenure through an interagency memorandum of understanding.
- Conducted outreach to all county and municipal governments to gather perspectives and concerns regarding the potential expansion of the Commission's jurisdiction for administrative complaints and the Commission's authority to provide advisory opinions.

Organizational Structure

Agency Organizational Chart (as of September 1, 2021):



Agency Organizational Chart (corresponding to the FY23 request):



FY23 Objectives and Strategic Actions

Through FY23, the Commission will retain the same basic objectives as in previous fiscal years: administrative adjudication; enforcement of the state’s governmental conduct, procurement, and disclosure laws; guidance and education; and building agency capacity and visibility. Further, FY23 is a fiscal year that includes both a general election and a 60-day legislative session; consequently, the Commission and its staff will confront a comparatively more demanding year. Looking forward to FY23, the Commission proposes the following strategic actions:

ADMINISTRATIVE ADJUDICATION

The Commission’s primary function is the adjudication of administrative complaints filed either by members of the public or referred by other state agencies. In FY22, the Commission made significant amendments to 1.8.3 NMAC, its rules of procedure for administrative cases, which streamline the administration of the Commission’s administrative case docket. In FY23, the Commission intends to take the following strategic actions to improve its administrative adjudications:

Strategic Actions (FY23)

- Subject to requested appropriations, hire three additional positions to assist the administration, investigation, and adjudication of administrative complaints:
 1. Attorney IV to assist in the litigation that is related to the Commission’s subpoenas, including motion practice in the district courts, appeals, and extraordinary writ petitions in the Supreme Court;
 2. Database Administrator I to manage the Commission’s Proceedings Portal, the Commission’s web-based case management and docketing system, among other information database and IT related functions; and
 3. Paralegal-A to assist the Commission’s attorney staff in the management of administrative case files, administrative case investigations, and subpoena proceedings in district court arising out of administrative cases.
- Contract for hearing-officer services with a retired Supreme Court Justice or retired federal magistrate or bankruptcy judge and with the Administrative Hearings Office.
- Consider a rule change that will allow the Commissioner who is not a member of either the largest or second-largest political party in the state to serve as a hearing officer where the contracted hearing officers must recuse on conflicts of interest grounds.
- Provide public guidance on Subsection 10-16G-15(B) (also known as the “blackout period”), which limits the Commission’s ability to adjudicate complaints during the 60 days before the primary and general elections in 2022.

ENFORCEMENT

The Commission can pursue civil enforcement actions in state court to remedy violations of the Governmental Conduct Act, the Procurement Code, the Campaign Reporting Act, and other ethics laws. This discretionary authority is the Commission’s greatest tool to directly vindicate New Mexico’s ethics laws. In FY23, the Commission intends to take the following strategic actions to enable and effectuate its enforcement authority:

Strategic Actions (FY23)

- Subject to requested appropriations, hire an Attorney IV and a Paralegal-A, so that the Commission has a greater capacity to consider and pursue direct civil enforcement actions.
- Contract with investigators to ensure informed assessment of whistleblower allegations, informal complaints, and tips and to develop evidence that may be introduced in litigation.
- Implement Financial Disclosure Act compliance project in conjunction with the Office of the Secretary of State
- File and litigate enforcement actions in state court as necessary and proper and participate as amicus curiae on appellate cases implicating New Mexico's ethics laws.

GUIDANCE AND EDUCATION

The Commission has the responsibility to provide trainings on the Governmental Conduct Act, the Procurement Code and other of the state's ethics and disclosure laws to officials and employees across New Mexico's state and local governments. In FY23, the Commission intends to take the following strategic actions to continue and increase its trainings:

Strategic Actions (FY23)

- Subject to requested appropriations, hire an Attorney IV and a Paralegal-A, so that the Commission has a greater ability to timely issue formal advisory opinions and informal advisory letters that are correct and responsive to any requester.
- Research and prepare recommended amendments to the state ethics laws for consideration by members of the legislature during the 2023 legislative session.
- Develop and offer trainings and continuing legal education courses (and related materials) on the Governmental Conduct Act and other laws within the Commission's jurisdiction; provide those trainings to both state agencies and local public bodies.
- Issue formal and informal advisory opinions upon proper request.
- Work with the Compilation Commission to ensure that State Ethics Commission advisory opinions are published on NMOneSource.com and New Mexico's statutes are annotated with the growing body of Ethics Commission advisory opinions
- Prepare and deliver ethics training for legislators in December 2022 or January 2023, before the 60-day session

CAPACITY BUILDING & VISIBILITY

FY23 will be the Commission's fourth year; as such, the Commission remains a young state agency staffed by its initial staff members. To build its capacity to perform its basic constitutional and statutory mandates to adjudicate administrative complaints, issue advisory opinions, and provide trainings on New Mexico's governmental conduct and disclosure laws, in FY23, the Commission intends to take the following strategic actions:

Strategic Actions (FY23)

- Subject to requested appropriations, recruit and hire for three additional FTE (for a total of 9 FTE) to enable and support the Commission's increase in adjudicatory, enforcement, and guidance functions
- Subject to the Supreme Court's decision in *State v. Gutierrez, et al.*, prepare and deliver report on potential amendments to the Governmental Conduct Act in advance of the 2023 legislative session

- Conduct a summer internship program for UNM law students to develop a pipeline of New Mexico lawyers familiar with and concerned about New Mexico’s ethics and good government laws and the Commission’s work enforcing those laws.
- In the 2023 legislative session, advocate for any expansion of the Commission’s jurisdiction for administrative complaints that the Commission recommends in its October 1, 2021 special report required by Laws 2019, Chapter 86, Section 37.

Performance Measures

Under the Accountability in Government Act, NMSA 1978, §§ 6-3A-1 to -10 (1999, as amended 2019), each state agency submits performance measures and outcomes under those measures to the State Budget Division of the Department of Finance and Administration and the Legislative Finance Committee. The Commission’s current performance measures and outcomes are:

Existing Measure	FY21 Actual	FY23 Target
Percent of advisory opinions issued within sixty days of receipt of request.	100%	90%
Percent of complaints either disposed, referred to other state agency, or set for public hearing within ninety days after a complaint is either received or referred from other state agency with shared jurisdiction.	70%*	90%

*There are several reasons why the Commission often requires more than 90 days to resolve an administrative complaint. First, under applicable regulations (1.8.3 NMAC), the parties to administrative cases may request extensions to deadlines. After the onset of the COVID-19 pandemic, these requests are routinely made and granted. Second, the Risk Management Division of the General Services Department is required to hire and pay attorneys to represent respondents who are officers or employees of the state. Risk Management Division counsel often request extensions of time to become familiar with the case, and often elect to challenge Commission subpoenas. Litigating novel and complex issues in front of district courts and the courts of appeal is common, and these proceedings take far longer than 90 days to resolve. Third, motions to dismiss for failure to state a claim—which are currently available under the Commission’s rules of procedure—are ultimately decided by a Commission hearing officer, who might take several weeks to draft an order and memorandum opinion resolving the motion.

Considerations

Three considerations are relevant to the Commission's strategic plan for FY23:

1. The Commission received a 5% budget cut in FY22, the consequence of which is that the Commission loses funding for, and must separate, its Special Projects Coordinator II on October 30, 2021. In FY23, the Commission hopes not only to restore funding for its Special Projects Coordinator II position (bringing the Commission back to FY21 appropriations), but also to receive a budget increase over FY21 appropriations to hire for three additional, classified staff members: an Attorney IV, a Paralegal-A, and a Database Administrator I.
2. Because the Commission is comprised of bipartisan, trusted New Mexican leaders, each of whom have long experience in public service to this State, the Legislature has tasked the Commission with responsibilities that exceed the Commission's initial mandate. For example, in FY21, the Legislature required the Commission to appoint three members of the independent, Citizens Redistricting Committee ("CRC"), including the CRC's Chair—a responsibility that required the Commission's staff to create and organize a competitive, statewide application process, followed by public interviews. The Commission has entered an interagency, reimbursement-based memorandum of understanding with the CRC to provide limited staff support to the CRC through October 30, 2021. These reimbursement funds have enabled the Commission to fund its Special Projects Coordinator II position (effectively on loan to the CRC) through October 2021. As noted, after that date, the Commission will be forced to separate that employee from state service.
3. Relatedly, the Commission's delegated powers and jurisdiction are still in flux. In the 2021 regular session, the Legislature expanded the Commission's jurisdiction to investigate and adjudicate violations of the Revised Uniform Law on Notarial Acts, NMSA 1978, §§ 14-14A-1 to 14-14A-32 (2021)—additional jurisdiction which commences in January of 2022. Also, for the past two sessions, legislators have introduced joint resolutions that would authorize and mandate the Commission to set the salaries for the elected officials in the state: legislators, elected executive officers, and judges. The Commission simply cannot perform additional constitutional and statutory mandates without a commensurate increase in funding.

Appendix I: Current Commissioners

The current Commissioners are:

Hon. William F. Lang, Chair

Appointing authority: Governor Michelle Lujan Grisham
Initial term expires: June 30, 2022

Jeffrey Baker, Member

Appointing authority: Legislatively-appointed Commissioners
Term expires: June 18, 2024

Stuart M. Bluestone, Member

Appointing authority: Speaker of the House, Brian Egolf
Initial term expires: June 30, 2023

Hon. Garrey Carruthers, Member

Appointing authority: Minority Floor Leader of the Senate, Stuart Ingle
Initial term expires: June 30, 2023

Hon. Celia Foy Castillo, Member

Appointing authority: President Pro Tem of the Senate, Mimi Stuart
Term expires: June 30, 2025

Ronald Solimon, Member

Appointing authority: Legislatively-appointed Commissioners
Term expires: June 18, 2024

Dr. Judy Villanueva, Member

Appointing authority: Minority Floor Leader of the House, James
Townsend
Term expires: June 30, 2025

Appendix II: The Commission's Legal Authority

Article V, Section 17 of the New Mexico Constitution

A. The "state ethics commission" is established as an independent state agency under the direction of seven commissioners, no more than three of whom may be members of the same political party, whose terms and qualifications shall be as provided by law. The governor shall appoint one commissioner. One commissioner each shall be appointed by the president pro tempore of the senate, the minority floor leader of the senate, the speaker of the house of representatives and the minority floor leader of the house of representatives, all as certified by the chief clerks of the respective chambers. Two commissioners, who shall not be members of the same political party, shall be appointed by the four legislatively appointed commissioners.

B. The state ethics commission may initiate, receive, investigate and adjudicate complaints alleging violations of, and issue advisory opinions concerning, standards of ethical conduct and other standards of conduct and reporting requirements, as may be provided by law, for state officers and employees of the executive and legislative branches of government, candidates or other participants in elections, lobbyists or government contractors or seekers of government contracts and have such other jurisdiction as provided by law.

C. The state ethics commission may require the attendance of witnesses or the production of records and other evidence relevant to an investigation by subpoena as provided by law and shall have such other powers and duties and administer or enforce such other acts as further provided by law. (As added November 6, 2018.)

NMSA 1978, § 1-19-34.6 (2021) (Campaign Reporting Act)

A. If the secretary of state exhausts efforts in seeking voluntary compliance and reasonably believes that a person committed, or is about

to commit, a violation of the Campaign Reporting Act, the secretary of state shall refer the matter to the state ethics commission for enforcement; provided, however, that if the secretary of state waives the imposition of a fine pursuant to Subsection D of Section 1-19-35 NMSA 1978, the matter shall not be referred.

B. With or without a referral from the secretary of state, the state ethics commission may institute a civil action in district court for any violation of the Campaign Reporting Act or to prevent a violation of that act that involves an unlawful solicitation or the making or acceptance of an unlawful contribution. An action for relief may include a permanent or temporary injunction, a restraining order or any other appropriate order, including a civil penalty of up to one thousand dollars (\$1,000) for each violation not to exceed a total of twenty thousand dollars (\$20,000), and forfeiture of any contribution received as a result of an unlawful solicitation or unlawful contribution. Each unlawful solicitation and each unlawful contribution made or accepted shall be deemed a separate violation of the Campaign Reporting Act.

C. With or without a referral from the secretary of state, the state ethics commission may institute a civil action in district court if a violation has occurred or to prevent a violation of any provision of the Campaign Reporting Act other than that specified in Subsection B of this section. Relief may include a permanent or temporary injunction, a restraining order or any other appropriate order, including an order for a civil penalty of up to one thousand dollars (\$1,000) for each violation not to exceed a total of twenty thousand dollars (\$20,000).

NMSA 1978, § 1-19-34.8 (2021) (Campaign Reporting Act)

A. The state ethics commission shall have jurisdiction to investigate and adjudicate a complaint alleging a civil violation of a

provision of the Campaign Reporting Act in accordance with the provisions of that act.

B. The secretary of state shall forward complaints it receives alleging violations of the Campaign Reporting Act to the state ethics commission in accordance with the provisions of the Campaign Reporting Act and a formalized agreement.

NMSA 1978, § 1-19A-15.1 (2021) (Voter Action Act)

A. The state ethics commission shall have jurisdiction to investigate and adjudicate a complaint alleging a civil violation of a provision of the Voter Action Act in accordance with the provisions of the State Ethics Commission Act [10-16G-1 to 10-16G-16 NMSA 1978].

B. The secretary of state shall forward complaints it receives alleging violations of the Voter Action Act to the state ethics commission in accordance with a formalized agreement.

NMSA 1978, § 2-11-8.2 (2021) (Lobbyist Regulation Act)

A. The secretary of state shall advise and seek to educate all persons required to perform duties pursuant to the Lobbyist Regulation Act of those duties. This includes advising all registered lobbyists at least annually of the Lobbyist Regulation Act's deadlines for submitting required reports. The state ethics commission, in consultation with the secretary of state, shall issue advisory opinions, when requested to do so in writing, on matters concerning the Lobbyist Regulation Act.

B. The secretary of state may conduct examinations of reports and the state ethics commission may initiate investigations to determine whether the Lobbyist Regulation Act has been violated. Any person who believes that a provision of the Lobbyist Regulation Act has been violated may file a written complaint with the state ethics commission pursuant to the terms of the State Ethics Commission Act [10-16G-1 to 10-16G-16 NMSA 1978]. If the commission has jurisdiction for the complaint,

the state ethics commission shall refer the complaint to the secretary of state. Upon referral, the secretary of state shall attempt to achieve voluntary compliance with the Lobbyist Regulation Act. Within twenty days after receiving the complaint from the state ethics commission, the secretary of state shall return the complaint to the state ethics commission and certify to the state ethics commission whether voluntary compliance was achieved. If the secretary of state certifies voluntary compliance, the state ethics commission shall dismiss the complaint or that part of the complaint alleging a violation of the Lobbyist Regulation Act. If the secretary of state does not certify voluntary compliance, the state ethics commission shall proceed with the complaint pursuant to the terms of the State Ethics Commission Act.

C. The secretary of state and the state ethics commission shall at all times seek to ensure voluntary compliance with the provisions of the Lobbyist Regulation Act. Additionally, the state ethics commission shall give a person who violates that act unintentionally or for good cause ten days' notice to come into compliance before the commission takes any action on a complaint filed with or referred to the commission against that person.

D. Any person who fails to file or files a report after the deadline imposed by the Lobbyist Regulation Act shall be liable for and shall pay to the secretary of state fifty dollars (\$50.00) per day for each regular working day after the time required for the filing of the report until the complete report is filed, up to a maximum of five thousand dollars (\$5,000).

E. If the secretary of state determines that a reporting entity subject to the reporting provisions of the Lobbyist Regulation Act has failed to file or has filed a report after the deadline, the secretary of state shall by written notice set forth the violation and the fine that may be imposed and inform the reporting individual that the individual has ten working days from the date of the letter to come into voluntary compliance and to provide a written explanation, under penalty of perjury, stating any reason why the violation occurred. If a

timely explanation is filed and the secretary of state determines that good cause exists to waive the imposition of a fine, the secretary of state may by a written notice of final action partially or fully waive the imposition of a fine for any late report or statement of no activity. A written notice of final action shall be sent by certified mail. The secretary of state may file an appropriate court action to remit outstanding fines for good cause or refer unpaid fines for enforcement pursuant to Subsection F of this section.

F. The secretary of state may refer a matter to the state ethics commission for a civil injunctive or other appropriate order or enforcement.

NMSA 1978, § 2-11-8.3 (2021) (Lobbyist Regulation Act)

A. The state ethics commission shall have jurisdiction to investigate and adjudicate a complaint alleging a civil violation of a provision of the Lobbyist Regulation Act in accordance with the provisions of that act.

B. The secretary of state shall forward complaints it receives alleging violations of the Lobbyist Regulation Act to the state ethics commission in accordance with the Lobbyist Regulation Act and a formalized agreement.

NMSA 1978, § 10-16-11 (2021) (Governmental Conduct Act)

C. The head of every executive and legislative agency and institution of the state may draft a separate code of conduct for all public officers and employees in that agency or institution. The separate agency code of conduct shall prescribe standards, in addition to those set forth in the Governmental Conduct Act and the general codes of conduct for all executive and legislative branch public officers and employees, that are peculiar and appropriate to the function and purpose for which the agency or institution was created or exists. The separate codes, upon approval of the responsible executive branch public officer for executive branch public officers and employees or the New Mexico legislative council for legislative branch employees,

govern the conduct of the public officers and employees of that agency or institution and, except for those public officers and employees removable only by impeachment, shall, if violated, constitute cause for dismissal, demotion or suspension. The head of each executive and legislative branch agency shall adopt ongoing education programs to advise public officers and employees about the codes of conduct. All codes shall be filed with the state ethics commission and are open to public inspection.

...

E. All legislators shall attend a minimum of two hours of ethics continuing education and training developed and provided, in consultation with the director of the legislative council service, by the state ethics commission or a national state legislative organization of which the state is a member, approved by the director, biennially.

NMSA 1978, § 10-16-18 (2021) (Governmental Conduct Act)

A. If the state ethics commission reasonably believes that a person committed, or is about to commit, a violation of the Governmental Conduct Act, the state ethics commission may refer the matter to the attorney general or a district attorney for enforcement.

B. The state ethics commission may institute a civil action in district court or refer a matter to the attorney general or a district attorney to institute a civil action in district court if a violation has occurred or to prevent a violation of any provision of the Governmental Conduct Act. Relief may include a permanent or temporary injunction, a restraining order or any other appropriate order, including an order for a civil penalty of two hundred fifty dollars (\$250) for each violation not to exceed five thousand dollars (\$5,000).

NMSA 1978, § 10-16A-8 (2021) (Financial Disclosure Act)

A. If the state ethics commission reasonably believes that a person committed, or is about to commit, a violation of the Financial

Disclosure Act, the commission may refer the matter to the attorney general or a district attorney for enforcement.

B. The state ethics commission may institute a civil action in district court or refer a matter to the attorney general or a district attorney to institute a civil action in district court if a violation has occurred or to prevent a violation of any provision of the Financial Disclosure Act. Relief may include a permanent or temporary injunction, a restraining order or any other appropriate order, including an order for a civil penalty of two hundred fifty dollars (\$250) for each violation not to exceed five thousand dollars (\$5,000).

NMSA 1978, § 10-16B-5 (2019) (Gift Act)

A. The state ethics commission may initiate investigations to determine whether the provisions of the Gift Act have been violated. A person who believes that a violation of the Gift Act has occurred may file a complaint with the state ethics commission.

B. If the state ethics commission determines that a violation has occurred, the commission shall refer the matter to the attorney general for criminal prosecution.

NMSA 1978, § 13-1-196 (2019) (Procurement Code)

Any person, firm or corporation that knowingly violates any provision of the Procurement Code is subject to a civil penalty of not more than one thousand dollars (\$1,000) for each procurement in violation of any provision of the Procurement Code. The district attorney in the jurisdiction in which the violation occurs or the state ethics commission is empowered to bring a civil action for the enforcement of any provision of the Procurement Code; provided that the commission may refer a matter for enforcement to the attorney general or the district attorney in the jurisdiction in which the violation occurred. Any penalty collected under the provisions of this section shall be credited to the general fund of the political subdivision in which the violation occurred and on whose behalf the suit was brought.

NMSA 1978, § 13-1-196.1 (2019) (Procurement Code)

The state ethics commission may investigate complaints against a contractor who has a contract with a state agency or a person who has submitted a competitive sealed proposal or competitive sealed bid for a contract with a state agency. The state ethics commission may impose the civil penalties authorized in Sections 13-1-196 through 13-1-198 NMSA 1978 pursuant to the provisions of those sections.

NMSA 1978, § 10-16G-1 to -16 (2019, as amended 2021) (State Ethics Commission Act)

§ 10-16G-1. Short Title

Sections 1 through 16 of this act may be cited as the "State Ethics Commission Act".

§ 10-16G-2. Definitions

As used in the State Ethics Commission Act:

- A. "commission" means the state ethics commission;
- B. "commissioner" means a member of the commission;
- C. "complainant" means a person who files a verified complaint with the commission;
- D. "complaint" means a complaint that has been signed by the complainant and the complainant attests under oath and subject to penalty of perjury that the information in the complaint, and any attachments provided with the complaint, are true and accurate;
- E. "director" means the executive director of the commission;
- F. "government contractor" means a person who has a contract with a public agency or who has submitted a competitive sealed proposal or competitive sealed bid for a contract with a public agency;
- G. "legislative body" means the house of representatives or the senate;
- H. "lobbyist" means a person who is required to register as a lobbyist pursuant to the provisions of the Lobbyist Regulation Act [Chapter 2, Article 11 NMSA 1978];
- I. "political party" means a political party that has been qualified in accordance with the provisions of the Election Code [Chapter 1 NMSA 1978];

J. "public agency" means any department, commission, council, board, committee, agency or institution of the executive or legislative branch of government of the state or any instrumentality of the state, including the New Mexico mortgage finance authority, the New Mexico finance authority, the New Mexico exposition center authority, the New Mexico hospital equipment loan council and the New Mexico renewable energy transmission authority;

K. "public employee" means an employee of a public agency;

L. "public official" means a person elected to an office of the executive or legislative branch of the state or a person appointed to a public agency; and

M. "respondent" means a person against whom a complaint has been filed with or by the commission.

§ 10-16G-3. State Ethics Commission Created; Membership; Terms; Removal

A. The "state ethics commission", as created in Article 5, Section 17 of the constitution of New Mexico, is composed of seven commissioners, appointed as follows:

(1) one commissioner appointed by the speaker of the house of representatives;

(2) one commissioner appointed by the minority floor leader of the house of representatives;

(3) one commissioner appointed by the president pro tempore of the senate;

(4) one commissioner appointed by the minority floor leader of the senate;

(5) two commissioners appointed by the four legislatively appointed commissioners; and

(6) one commissioner appointed by the governor, who shall be a retired judge and who shall chair the commission.

B. No more than three members of the commission may be members of the same political party.

C. The appointing authorities shall give due regard to the cultural diversity of the state and to achieving geographical representation from across the state. Each appointing authority shall file letters of appointment with the secretary of state.

D. Commissioners shall be appointed for staggered terms of four years beginning July 1,

2019. The initial commissioners appointed by the speaker of the house of representatives and senate minority floor leader shall serve an initial term of four years; members appointed by the president pro tempore of the senate and house minority floor leader shall serve an initial term of two years; members appointed by the legislatively appointed members shall serve an initial term of one year; and the member appointed by the governor shall serve an initial term of three years. Members shall serve until their successors are appointed and qualified.

E. A person shall not serve as a commissioner for more than two consecutive four-year terms.

F. When any member of the commission dies, resigns or no longer has the qualifications required for the commissioner's original selection, the commissioner's position on the commission becomes vacant. The director shall notify the original appointing authority of the vacant position. The original appointing authority shall select a successor in the same manner as the original selection was made. A vacancy shall be filled by appointment by the original appointing authority no later than sixty days following notification of a vacancy for the remainder of the unexpired term. A vacancy on the commission shall be filled by appointment by the original appointing authority for the remainder of the unexpired term.

G. The commission shall meet as necessary to carry out its duties pursuant to the State Ethics Commission Act. Commissioners are entitled to receive per diem and mileage as provided in the Per Diem and Mileage Act and shall receive no other compensation, perquisite or allowance.

H. Four commissioners consisting of two members of the largest political party in the state and two members of the second largest political party in the state constitute a quorum for the transaction of business. No action shall be taken by the commission unless at least four members, including at least two members of the largest political party in the state and two members of the second largest political party in the state, concur.

I. A commissioner may be removed only for incompetence, neglect of duty or malfeasance in office. A proceeding for the removal of a commissioner may be commenced by the

commission or by the attorney general upon the request of the commission. A commissioner shall be given notice of hearing and an opportunity to be heard before the commissioner is removed. The supreme court has original jurisdiction over proceedings to remove commissioners, and its decision shall be final. A commissioner is also liable to impeachment pursuant to Article 4, Section 36 of the constitution of New Mexico.

§ 10-16G-4. Commissioners; Qualifications; Limitations

A. To qualify for appointment to the commission, a person shall:

- (1) be a qualified elector of New Mexico;
- (2) not have changed party registration in the five years next preceding the member's appointment in such a manner that the member's prior party registration would make the member ineligible to serve on the commission;
- (3) not continue to serve as a commissioner if the member changes party registration after the date of appointment in such a manner as to make the member ineligible to serve on the commission; and
- (4) not be, or within the two years prior to appointment shall not have been, in New Mexico, any of the following:
 - (a) a public official;
 - (b) a public employee;
 - (c) a candidate;
 - (d) a lobbyist;
 - (e) a government contractor; or
 - (f) an office holder in a political party at the state or federal level.

B. Before entering upon the duties of the office of commissioner, each commissioner shall review the State Ethics Commission Act and other laws and rules pertaining to the commission's responsibilities and to ethics and governmental conduct in New Mexico. Each commissioner shall take the oath of office as provided in Article 20, Section 1 of the constitution of New Mexico and, pursuant to the Financial Disclosure Act [Chapter 10, Article 16A NMSA 1978], file with the secretary of state a financial disclosure statement within thirty days of appointment and during the month of January every year thereafter that the commissioner serves on the commission.

C. For a period of one calendar year following a commissioner's tenure or following the resignation or removal of a commissioner, the commissioner shall not:

- (1) represent a respondent, unless appearing on the commissioner's own behalf; or
- (2) accept employment or otherwise provide services to a respondent unless the commissioner accepted employment or provided services prior to the filing of a complaint against the respondent.

D. During a commissioner's tenure, a commissioner shall not hold another public office or be:

- (1) a public employee;
- (2) a candidate;
- (3) a lobbyist;
- (4) a government contractor; or
- (5) an office holder in a political party at the state or federal level.

E. A commissioner who changes political party affiliation in violation of the provisions of Subsection A of this section or who chooses to seek or hold an office in violation of Subsection D of this section shall resign from the commission or be deemed to have resigned.

§ 10-16G-5. Commission; Duties and Powers

A. The commission shall:

- (1) employ an executive director, who shall be an attorney, upon approval of at least five commissioners;
- (2) develop, adopt and promulgate the rules necessary for it to implement and administer the provisions of the State Ethics Commission Act; and
- (3) establish qualifications for hearing officers and rules for hearing procedures and appeals.

B. Beginning January 1, 2020, the commission shall:

- (1) receive and investigate complaints alleging ethics violations against public officials, public employees, candidates, persons subject to the Campaign Reporting Act, government contractors, lobbyists and lobbyists' employers;
- (2) hold hearings in appropriate cases to determine whether there has been an ethics violation;

(3) compile, index, maintain and provide public access to all advisory opinions and reports required to be made public pursuant to the State Ethics Commission Act;

(4) draft a proposed code of ethics for public officials and public employees and submit the proposed code to each elected public official and public agency for adoption; and

(5) submit an annual report of its activities, including any recommendations regarding state ethics laws or the scope of its powers and duties, in December of each year to the legislature and the governor.

C. Beginning January 1, 2020, the commission may:

(1) by approval of at least five commissioners, initiate complaints alleging ethics violations against a public official, public employee, candidate, person subject to the Campaign Reporting Act, government contractor, lobbyist or lobbyist's employer;

(2) petition a district court to issue subpoenas under seal requiring the attendance of witnesses and the production of books, records, documents or other evidence relevant or material to an investigation;

(3) issue advisory opinions in accordance with the provisions of the State Ethics Commission Act;

(4) compile, adopt, publish and make available to all public officials, public employees, government contractors and lobbyists an ethics guide that clearly and plainly explains the ethics requirements set forth in state law, including those that relate to conducting business with the state and public agencies; and

(5) offer annual ethics training to public officials, public employees, government contractors, lobbyists and other interested persons.

§ 10-16G-6. Executive director; appointment; duties and powers

A. The commission shall appoint an executive director who shall be knowledgeable about state ethics laws and who shall be appointed without reference to party affiliation and solely on the grounds of fitness to perform the duties of the office. The director shall hold office from the date of appointment until such

time as the director is removed by the commission.

B. The director shall:

(1) take the oath of office required by Article 20, Section 1 of the constitution of New Mexico;

(2) hire a general counsel who may serve for no more than five years, unless rehired for up to an additional five years;

(3) hire additional personnel as may be necessary to carry out the duties of the commission;

(4) prepare an annual budget for the commission and submit it to the commission for approval;

(5) make recommendations to the commission of proposed rules or legislative changes needed to provide better administration of the State Ethics Commission Act;

(6) perform other duties as assigned by the commission; and

(7) be required to reapply for the position after six years of service and may serve as director for no more than twelve years.

C. The director may:

(1) enter into contracts and agreements on behalf of the commission; and

(2) have the general counsel administer oaths and take depositions subject to the Rules of Civil Procedure for the District Courts.

D. For a period of one calendar year immediately following termination of the director's employment with the commission, the director shall not:

(1) represent a respondent, unless appearing on the director's own behalf; or

(2) accept employment or otherwise provide services to a respondent, unless the director accepted employment or provided services prior to the filing of a complaint against the respondent.

§ 10-16G-7. Recusal and Disqualification of a Commissioner

A. A commissioner may recuse from a particular matter.

B. A commissioner shall recuse from any matter in which the commissioner is unable to make a fair and impartial decision or in which there is a reasonable doubt about whether the commissioner can make a fair and impartial decision, including:

(1) when the commissioner has a personal bias or prejudice concerning a party to the proceeding or has prejudged a disputed evidentiary fact involved in a proceeding prior to a hearing. For the purposes of this paragraph, "personal bias or prejudice" means a predisposition toward a person based on a previous or ongoing relationship that renders the commissioner unable to exercise the commissioner's functions impartially;

(2) when the commissioner has a pecuniary interest in the outcome of the matter; or

(3) when in previous employment the commissioner served as an attorney, adviser, consultant or witness in the matter in controversy.

C. A party to the proceeding may request the recusal of a commissioner and shall provide the commission with the grounds for the request. If the commissioner declines to recuse upon request of a party to the proceeding, the commissioner shall provide a full explanation in support of the refusal to recuse.

D. A party may appeal a commissioner's refusal to recuse, or if the propriety of a commissioner's participation in a particular matter is otherwise questioned, the issue shall be decided by a majority of the other commissioners present and voting.

E. A disqualified commissioner shall not participate in any proceedings with reference to the matter from which the commissioner is disqualified or recused, and the commissioner shall be excused from that portion of any meeting at which the matter is discussed.

F. Minutes of commission meetings shall record the name of any commissioner not voting on a matter by reason of disqualification or recusal.

G. If two or more commissioners have recused themselves or are disqualified from participating in a proceeding, the remaining commissioners shall appoint temporary commissioners to participate in that proceeding. Appointments of temporary commissioners shall be made by a majority vote of the remaining commissioners in accordance with the political affiliation and geographical representation requirements and the qualifications set forth in the State Ethics Commission Act.

H. The commission shall promulgate rules for the recusal and disqualification of commissioners, for an appeal of a recusal decision and for the appointment of temporary commissioners.

§ 10-16G-8. Advisory Opinions

A. The commission may issue advisory opinions on matters related to ethics. Advisory opinions shall:

(1) be requested in writing by a public official, public employee, candidate, person subject to the Campaign Reporting Act, government contractor, lobbyist or lobbyist's employer;

(2) identify a specific set of circumstances involving an ethics issue;

(3) be issued within sixty days of receipt of the request unless the commission notifies the requester of a delay in issuance and continues to notify the requester every thirty days until the advisory opinion is issued; and

(4) be published after omitting the requester's name and identifying information.

B. A request for an advisory opinion shall be confidential and not subject to the provisions of the Inspection of Public Records Act.

C. Unless amended or revoked, an advisory opinion shall be binding on the commission in any subsequent commission proceedings concerning a person who acted in good faith and in reasonable reliance on the advisory opinion.

§ 10-16G-9. Commission Jurisdiction; Compliance Provisions

A. The commission has jurisdiction to enforce the applicable civil compliance provisions for public officials, public employees, candidates, persons subject to the Campaign Reporting Act [1-19-25 to 1-19-36 NMSA 1978], government contractors, lobbyists and lobbyists' employers of:

(1) the Campaign Reporting Act;

(2) the Financial Disclosure Act

[Chapter 10, Article 16A NMSA 1978];

(3) the Gift Act [10-16B-1 to 10-16B-4 NMSA 1978];

(4) the Lobbyist Regulation Act [Chapter 2, Article 11 NMSA 1978];

(5) the Voter Action Act [1-19A-1 to 1-19A-17 NMSA 1978];

(6) the Governmental Conduct Act [Chapter 10, Article 16 NMSA 1978];

(7) the Procurement Code [13-1-28 to 13-1-199 NMSA 1978];

(8) the State Ethics Commission Act; and

(9) Article 9, Section 14 of the constitution of New Mexico.

B. All complaints filed with a public agency regarding the statutes listed in Subsection A of this section shall be forwarded to the commission.

C. The commission may choose to act on some or all aspects of a complaint and forward other aspects of a complaint to another state or federal agency with jurisdiction over the matter in accordance with Subsection E of this section.

D. If the commission decides not to act on a complaint, whether the complaint was filed with the commission or forwarded from another public agency, or decides only to act on part of a complaint, the commission shall promptly forward the complaint, or any part of a complaint on which it does not wish to act, to the public agency that has appropriate jurisdiction within ten days of the decision. The complainant and respondent shall be notified in writing when the complainant's request has been forwarded to another agency unless otherwise provided pursuant to Subsection H of Section 10-16G-10 NMSA 1978.

E. The commission may share jurisdiction with other public agencies having authority to act on a complaint or any aspect of a complaint. Such shared jurisdiction shall be formalized through an agreement entered into by all participating agencies involved with the complaint and the director. The commission may also investigate a complaint referred to the commission by the legislature, or a legislative committee, in accordance with an agreement entered into pursuant to policies of the New Mexico legislative council or rules of the house of representatives or senate.

F. The commission may file a court action to enforce the civil compliance provisions of an act listed in Subsection A of this section. The court action shall be filed in the district court in the county where the defendant resides.

A. A complaint of an alleged ethics violation committed by a public official, public employee, candidate, person subject to the Campaign Reporting Act [1-19-25 to 1-19-36 NMSA 1978], government contractor, lobbyist, lobbyist's employer or a restricted donor subject to the Gift Act [Chapter 10, Article 16B NMSA 1978] may be filed with the commission by a person who has actual knowledge of the alleged ethics violation.

B. The complainant shall set forth in detail the specific charges against the respondent and the factual allegations that support the charges and shall sign the complaint under penalty of false statement. The complainant shall submit any evidence the complainant has that supports the complaint. Evidence may include documents, records and names of witnesses. The commission shall prescribe the forms on which complaints are to be filed. The complaint form shall be signed under oath by the complainant.

C. Except as provided in Subsection H of this section, the respondent shall be notified within seven days of the filing of the complaint and offered an opportunity to file a response on the merits of the complaint.

D. The director shall determine if the complaint is subject to referral to another state agency pursuant to an agreement or outside the jurisdiction of the commission, and if so, promptly refer the complaint to the appropriate agency. If the director determines that the complaint is within the commission's jurisdiction, the director shall have the general counsel initiate an investigation.

E. The general counsel shall conduct an investigation to determine whether the complaint is frivolous or unsubstantiated. If the general counsel determines that the complaint is frivolous or unsubstantiated, the complaint shall be dismissed, and the complainant and respondent shall be notified in writing of the decision and reasons for the dismissal. The commission shall not make public a complaint that has been dismissed pursuant to this subsection or the reasons for the dismissal.

F. If the general counsel and the respondent reach a settlement on the matters of the complaint, the settlement shall be submitted to the commission for its approval, and if the matter has been resolved to the satisfaction of the commission, the complaint

§ 10-16G-10. Complaints; Investigations; Subpoenas

and terms of the settlement shall be subject to public disclosure.

G. If the general counsel determines that there is probable cause, the director shall promptly notify the respondent of the finding of probable cause and of the specific allegations in the complaint that are being investigated and that a public hearing will be set. If the finding of probable cause involves a discriminatory practice or actions by the respondent against the complainant, no settlement agreement shall be reached without prior consultation with the complainant. In any case, the notification, complaint, specific allegations being investigated and any response to the complaint shall be made public thirty days following notice to the respondent.

H. Notwithstanding the provisions of Subsections C and G of this section, the director may delay notifying a respondent and complainant and releasing to the public the complaint and related information required by Subsection G of this section if it is deemed necessary to protect the integrity of a criminal investigation. A decision whether to delay notifying a respondent shall be taken by a majority vote of the commission and shall be documented in writing with reasonable specificity.

I. As part of an investigation, the general counsel may administer oaths, interview witnesses and examine books, records, documents and other evidence reasonably related to the complaint. All testimony in an investigation shall be under oath, and the respondent may be represented by legal counsel. If the general counsel determines that a subpoena is necessary to obtain the testimony of a person or the production of books, records, documents or other evidence, the director shall request that the commission petition a district court to issue a subpoena.

J. The commission may petition the court for a subpoena for the attendance and examination of witnesses or for the production of books, records, documents or other evidence reasonably related to an investigation. If a person neglects or refuses to comply with a subpoena, the commission may apply to a district court for an order enforcing the subpoena and compelling compliance. All proceedings in the district court prior to the

complaint being made public pursuant to Subsection G of this section, or upon entry of a settlement agreement, shall be sealed. A case is automatically unsealed upon notice by the commission to the court that the commission has made the complaint public. No later than July 1 of each even-numbered year, the chief justice of the supreme court shall appoint an active or pro tempore district judge to consider the issuance and enforcement of subpoenas provided for in this section. The appointment shall end on June 30 of the next even-numbered year after appointment.

K. A public official or state public employee who is a respondent who is subject to a complaint alleging a violation made in the performance of the respondent's duties shall be entitled to representation by the risk management division of the general services department.

§ 10-16G-11. Status of Investigation; Reports to Commission

A. If a hearing has not been scheduled concerning the disposition of a complaint within ninety days after the complaint is received, the director shall report to the commission on the status of the investigation. The commission may dismiss the complaint or instruct the director to continue the investigation of the complaint. Unless the commission dismisses the complaint, the director shall report to the commission every ninety days thereafter on the status of the investigation.

B. Upon dismissal of a complaint or a decision to continue an investigation of a complaint, the commission shall notify the complainant and respondent in writing of its action. If the commission has not notified a respondent pursuant to the provisions of Subsection G of Section 10 of the State Ethics Commission Act, the commission shall vote on whether to notify the respondent. A decision whether to continue to delay notifying the respondent shall be taken by a majority vote of a quorum of the commission and shall be documented in writing with reasonable specificity.

§ 10-16G-12. Investigation Report; Commission Hearings; Decisions and

Reasons Given; Disclosure of an Ethics Violation

A. Upon receipt of the general counsel's recommendation, the commission or hearing officer shall:

(1) dismiss a complaint and notify the complainant and the respondent of the dismissal; or

(2) set a public hearing, as soon as practicable.

B. At any time before or during a hearing provided for in Subsection A of this section, the hearing officer may, at a public meeting, approve a disposition of a complaint agreed to by the general counsel and the respondent, as approved by the commission.

C. The hearing provided for in Subsection A of this section shall be pursuant to the rules of evidence that govern proceedings in the state's courts and procedures established by the commission. An audio recording shall be made of the hearing. The respondent may be represented by counsel. The parties may present evidence and testimony, request the director to compel the presence of witnesses and examine and cross-examine witnesses.

D. The hearing officer shall issue a written decision that shall include the reasons for the decision. If the hearing officer finds by a preponderance of the evidence that the respondent's conduct constituted a violation, the decision may include recommendations for disciplinary action against the respondent, and the hearing officer may impose any fines provided for by law. A finding of fraudulent or willful misconduct shall require clear and convincing evidence.

E. The complainant or respondent may appeal a decision of the hearing officer within thirty days of the decision to the full commission, which shall hear the matter within sixty days of notice of the appeal and issue its decision within 180 days.

F. The commission shall publicly disclose a decision, including a dismissal following a finding of probable cause or the terms of a settlement, issued pursuant to this section. The commission shall provide the decision to the complainant, the respondent and the:

(1) house of representatives if the respondent is a public official who is subject to impeachment;

(2) appropriate legislative body if the respondent is a member of the legislature;

(3) respondent's appointing authority if the respondent is an appointed public official;

(4) appropriate public agency if the respondent is a public employee;

(5) public agency with which the respondent has a government contract if the respondent is a government contractor; and

(6) secretary of state and the respondent's employer, if any, if the respondent is a lobbyist.

G. The commission shall produce a quarterly report subject to public inspection containing the following information:

(1) the number of complaints filed with and referred to the commission;

(2) the disposition of the complaints; and

(3) the type of violation alleged in the complaints.

§ 10-16G-13. Confidentiality of Records; Penalty

A. A decision that a respondent's conduct constituted a violation, and the terms of a settlement approved by the commission, are public records. Pleadings, motions, briefs and other documents or information related to the decision are public records, except for information that is confidential or protected pursuant to attorney-client privilege, provider-patient privilege or state or federal law.

B. If a complaint is determined to be frivolous, unsubstantiated or outside the jurisdiction of the commission, the complaint shall not be made public by the commission; provided that the commission shall not prohibit the complainant or respondent from releasing the commission's decision or other information concerning the complaint.

C. Except as otherwise provided in the acts listed in Section 9 of the State Ethics Commission Act, all complaints, reports, files, records and communications collected or generated by the commission, hearing officer, general counsel or director that pertain to alleged violations shall not be disclosed by the commission or any commissioner, agent or employee of the commission, unless:

(1) disclosure is necessary to pursue an investigation by the commission;

(2) disclosure is required pursuant to the provisions of the State Ethics Commission Act; or

(3) they are offered into evidence by the commission, respondent or another party at a judicial, legislative or administrative proceeding, including a hearing before a hearing officer.

D. Information and reports containing information made confidential by law shall not be disclosed by the commission or its director, staff or contractors.

E. A commissioner, director, staff or contractor who knowingly discloses any confidential complaint, report, file, record or communication in violation of the State Ethics Commission Act is guilty of a petty misdemeanor.

§ 10-16G-14. Criminal Violations; Referral

If the commission finds at any time that a respondent's conduct amounts to a criminal violation, the director shall consult with the attorney general or an appropriate district attorney, and the commission may refer the matter to the attorney general or an appropriate district attorney. The commission may provide the attorney general or district attorney with all evidence collected during the commission's investigation. Nothing in this section prevents the commission from taking any action authorized by the State Ethics Commission Act or deciding to suspend an investigation pending resolution of any criminal charges.

§ 10-16G-15. Time Limitations on Jurisdiction

A. The commission shall not accept or consider a complaint unless the complaint is filed with the commission within the later of two years from the date:

- (1) on which the alleged conduct occurred;
- or
- (2) the alleged conduct could reasonably have been discovered.

B. The commission shall not adjudicate a complaint filed against a candidate, except pursuant to the Campaign Reporting Act or Voter Action Act, less than sixty days before a primary or general election. During that time period, the commission may dismiss complaints that are frivolous or unsubstantiated or refer complaints that are outside the jurisdiction of the commission.

C. A complainant shall be notified in writing of the provisions of this section and shall also be notified in writing that the complainant may refer allegations of criminal conduct to the attorney general or the appropriate district attorney.

D. When commission action on a complaint is suspended pursuant to the provisions of this section, the respondent shall promptly be notified that a complaint has been filed and of the specific allegations in the complaint and the specific violations charged in the complaint.

§ 10-16G-16. Prohibited Actions

A. A person shall not take or threaten to take any retaliatory, disciplinary or other adverse action against another person who in good faith:

- (1) files a verified complaint with the commission that alleges a violation; or
- (2) provides testimony, records, documents or other information to the commission during an investigation or at a hearing.

B. A complainant and a respondent shall not communicate ex parte with any hearing officer, commissioner or other person involved in a determination of the complaint.

C. Nothing in the State Ethics Commission Act precludes civil or criminal actions for libel or slander or other civil or criminal actions against a person who files a false claim.



North Dakota Ethics Commission Strategic Plan 2023 – 2025 Biennium

The North Dakota Ethics Commission (“Commission”) was created in 2018 by the passage of a constitutional amendment which added Article XIV to the North Dakota Constitution. Article XIV tasks the Commission with supporting an open, ethical, and accountable government. The mission of the Commission is to strengthen the confidence of the citizens of North Dakota in their Government by ensuring and promoting transparency and accountability.

To fulfill its constitutional duties and meet its mission, the Commission has adopted five (5) strategic initiatives for the 2023-2025 biennium. These strategic initiatives collectively integrate to create an overarching plan which can be practically implemented to enable the Commission to ensure and promote transparency and accountability.

Strategic Initiative #1: Education & Outreach

- Provide tailored education and practical training on Commission adopted rules, Article XIV of the North Dakota Constitution, and N.D.C.C. ch. 54-66 to all individuals subject to the rules and as well as the residents of North Dakota.
- Create and distribute topical, comprehensible information to help North Dakota residents learn about the role, rules, and processes of the Commission.

Strategic Initiative #2: Relationships & Communication

- Establish open lines of communications with individuals subject to Commission oversight and the public through various mediums and communication channels.
- Create meaningful opportunities for individuals subject to Commission oversight to explore the practical implications of Commission-established rules.
- Provide timely advise to assist individuals with ethical situations related to Article XIV of the North Dakota Constitution, N.D.C.C. Ch. 54-66, and Commission-established rules.

Strategic Initiative #3: Rules Review & Creation

- Conduct a thorough review of potential rules for adoption by the Commission.
- Align North Dakota governmental ethics laws and rules with up-to-date caselaw developments.
- Review currently enacted rules to consider amendments.

- Provide legislative recommendations which increase transparency and accountability in state government.

Strategic Initiative #4: Positive Work Culture

- Welcome and provide high quality internal training to new staff and commission members.
- Support continuing education of staff and commission members.
- Implement strategies that promote creativity, empowerment, engagement, and value in Commission staff and members.

Strategic Initiative #5: Meaningful Enforcement

- Encourage consistent application of rules related to transparency, corruption, elections, and lobbying.
- Ensure the complaint process is fairly and consistently administered.
- Conduct thorough investigations of matters brought before the Commission.

Agenda Item 8



FY 26/27 Budget Priority Discussion

Budget Building Basics for 2025 Legislative Session

- Flat budgeting with new base year calculations
- Priorities should be tied to Governor Lombardo's 3-year plan
- Remember that our budget is approximately:
 - 72% local government assessments
 - 28% state general fund
 - Grant funding expires this calendar year

Previous Priorities

- "Public Information Officer"
 - Approved in 2023 Legislative Session
- Competitive Salaries
 - State worker compensation package included:
 - 12 percent COLA in FY24
 - 4 percent COLA in FY25
 - Retention Bonuses
 - Longevity Pay
- Post-COVID Travel Restoration
 - Approved in 2023 Legislative Session

Identified Needs

- Case Management and Publishing Software Upgrade
- Outreach and Education Officer operating costs
- Improved phone systems and internet connection
- Potential office move / innovative office planning

LOMBARDO ADMINISTRATION

2024-2026

3-YEAR PLAN

POLICY MATRIX

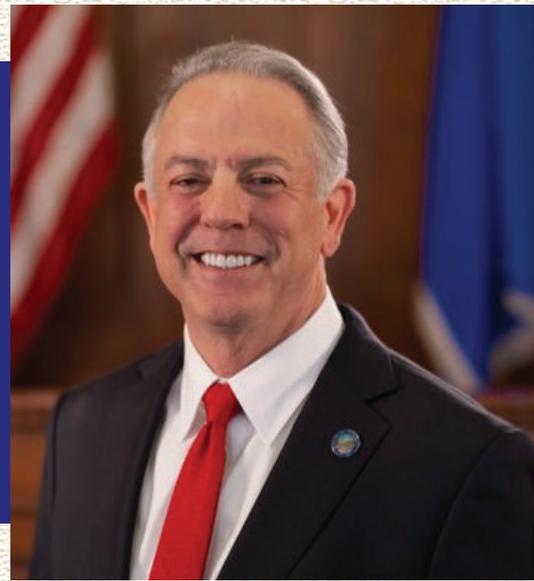
“The Nevada Way”



“OUR CAPACITY TO ACHIEVE GREAT DEEDS WILL NEVER BE IN QUESTION, BECAUSE WE WILL FOLLOW THE NEVADA WAY – NEVER GIVE UP, NEVER GIVE IN, AND NEVER STOP DREAMING.”

Governor Joe Lombardo

STATE OF THE STATE ADDRESS
JANUARY 23, 2023



VISION

GOVERNING WITH TRANSPARENCY AND FISCAL RESPONSIBILITY; WORKING WITH LOCAL GOVERNMENT, NON-PROFIT AND INDUSTRY PARTNERS; DELIVERING DEPENDABLE SERVICES TO CITIZENS AND VISITORS; AND CREATING OPPORTUNITIES FOR NEVADANS TO LEAD SAFE, HEALTHY, PROSPEROUS, AND PRODUCTIVE LIVES.

MISSION

THE NEVADA WAY: EMPOWERING THE EXECUTIVE BRANCH TO PROVIDE SOLUTION-ORIENTED CUSTOMER SERVICE TO RESIDENTS, BUSINESSES, AND VISITORS SO NEVADA IS RECOGNIZED FOR ITS WORLD-CLASS DESTINATIONS, ITS INNOVATIVE AND BUSINESS-FRIENDLY ECONOMIC ENVIRONMENT, ITS QUALITY OF LIFE, AND ITS EFFICIENTLY AND EFFECTIVELY RUN STATE GOVERNMENT.



CORE FUNCTIONS OF GOVERNMENT

WITHIN EACH OF THE PRIORITIES, DEPARTMENTS AND AGENCIES SHOULD CREATE MEASURABLE INDICATORS OF PROGRESS TOWARDS THE PRIORITY. ANY BILL DRAFT REQUESTS, BUDGET ENHANCEMENTS, OR REGULATIONS SHOULD FIT WITHIN AND BE DIRECTLY LINKED TO ONE OR MORE OF THE PRIORITIES.

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3. HEALTH & WELLNESS
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5. GOVERNMENT SUPPORT SERVICES
6. RURAL & NATURAL RESOURCES



EDUCATION & WORKFORCE

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ECONOMIC GROWTH & BUSINESS DEVELOPMENT

2.1. FACILITATING A BUSINESS-FRIENDLY REGULATORY ENVIRONMENT

- 2.1.1. ELIMINATE AND REFORM UNNECESSARY/BURDENSOME REGULATIONS
- 2.1.2. STREAMLINE LICENSING AT STATE AND LOCAL LEVELS
- 2.1.3. CHANGE REGULATORY CULTURE TO PARTNERSHIP AND COLLABORATION WITH INDUSTRY

2.2. MAINTAINING WORLD-CLASS DESTINATION DESIGNATION FOR TOURISM AND GAMING

- 2.2.1. SUPPORT DEVELOPMENT OF NEW HOSPITALITY EVENTS AND INFRASTRUCTURE
- 2.2.2. IMPROVE TRANSPORTATION AND MOBILITY OPTIONS IN KEY TOURISM CORRIDORS
- 2.2.3. IMPROVE PUBLIC SAFETY STATEWIDE AND CRITICAL TOURISM AREAS

2.3. RECRUITING NEW INDUSTRIES AND ENCOURAGING SMALL BUSINESS GROWTH

- 2.3.1. REFOCUS ECONOMIC DEVELOPMENT INCENTIVES TO HIGH-WAGE JOBS
- 2.3.2. COLLABORATE WITH THE GOVERNOR'S OFFICE OF ECONOMIC DEVELOPMENT AND REGIONAL DEVELOPMENT AUTHORITIES ON STATEWIDE DEAL FLOW INITIATIVES
- 2.3.3. SUPPORT WORKFORCE HOUSING DEVELOPMENT

2.4. SIMPLIFYING PROFESSIONAL LICENSING AND REDUCING BARRIERS TO ENTRY

- 2.4.1. BUILD OUT NEW BOARDS AND COMMISSIONS OFFICE IN BUSINESS AND INDUSTRY
- 2.4.2. DEVELOP COMPREHENSIVE COMPACT AND RECIPROCITY STRATEGIES
- 2.4.3. ELIMINATE UNNECESSARY LICENSES AND REDUCE LICENSING FEES



HEALTH & WELLNESS

3.1. ATTRACTING TALENT TO ADDRESS HEALTHCARE WORKFORCE SHORTAGES

- 3.1.1. INVEST IN AND EXPAND GRADUATE MEDICAL EDUCATION
- 3.1.2. GROW CRITICAL NEVADA SYSTEM OF HIGHER EDUCATION HEALTHCARE WORKFORCE TRAINING PROGRAMS
- 3.1.3. SUPPORT COMPETITIVE REIMBURSEMENT RATES FOR PUBLIC PROGRAMS

3.2. IMPROVING ACCESS TO PRIMARY CARE AND PUBLIC HEALTH SERVICES

- 3.2.1. SUPPORT MID-LEVEL PROVIDERS THROUGH TRAINING AND REIMBURSEMENT
- 3.2.2. EXPAND PRIMARY CARE LOAN FORGIVENESS/REIMBURSEMENT PROGRAMS
- 3.2.3. IDENTIFY DEDICATED FUNDING STREAMS FOR PUBLIC HEALTH SERVICES

3.3. REDUCING DEPENDENCY ON SOCIAL SERVICES

- 3.3.1. SUPPORT BUILDOUT OF CAMPUS OF HOPE CONSISTENT WITH STATE INVESTMENT
- 3.3.2. STRATEGICALLY DEPLOY NEW MENTAL HEALTH INVESTMENTS
- 3.3.3. ENHANCE PROGRAMS SUPPORTING TRANSITIONS TO WORK

3.4. ENSURING VETERANS HAVE ACCESS TO APPROPRIATE SERVICES

- 3.4.1. EXPAND VETERANS SUPPORT SERVICES THROUGH DEPARTMENT OF VETERANS SERVICES
- 3.4.2. MONITOR AND IMPROVE MANAGEMENT AND SERVICES AT STATE VETERANS HOMES
- 3.4.3. COORDINATE SERVICES FOR VETERANS BETWEEN STATE DEPARTMENTS

3.5. IMPROVING HEALTHCARE QUALITY METRICS AND OUTCOMES

- 3.5.1. EXPAND MEDICAID PAYMENT QUALITY OUTCOME INCENTIVES
- 3.5.2. SUPPORT BUILDOUT OF HEALTHCARE INFRASTRUCTURE TO FILL SERVICE GAPS
- 3.5.3. RECOGNIZE HEALTHCARE BUILDOUT AS ECONOMIC DEVELOPMENT



PUBLIC SAFETY & INFRASTRUCTURE

4.1. CREATING A SAFE AND RELIABLE TRANSPORTATION INFRASTRUCTURE

- 4.1.1. SUPPORT BUILDOUT OF NEW AND ALTERNATIVE TRANSPORTATION MODES
- 4.1.2. FOCUS STATE HIGHWAY FUNDS ON CRITICAL SAFETY NEEDS
- 4.1.3. PARTNER WITH NEIGHBORING STATES AND FEDERAL AGENCIES ON NEW OPPORTUNITIES

4.2. EXPANDING ACCESS TO BROADBAND SERVICES

- 4.2.1. FAITHFULLY DEPLOY BROADBAND EQUITY ACCESS AND DEPLOYMENT (BEAD) PROGRAM FUNDING
- 4.2.2. COMPLETE BUILDOUT OF STATE-OWNED CRITICAL INFRASTRUCTURE
- 4.2.3. PARTNER WITH SERVICE PROVIDERS ON ACCESS PROGRAMS

4.3. PREVENTING CRIME

- 4.3.1. CREATE AND BUILD A CULTURE OF RESPECT FOR LAW ENFORCEMENT
- 4.3.2. SUPPORT TOUGH-ON-CRIME LEGISLATION AND ENFORCEMENT OF EXISTING LAWS
- 4.3.3. COMBAT ILLEGAL DRUG USE AND TRAFFICKING

4.4. REDUCING RECIDIVISM AND PREPARING OFFENDERS FOR COMMUNITY REENTRY

- 4.4.1. DEVELOP CROSS-GOVERNMENT SUPPORTS FOR EXITING OFFENDERS
- 4.4.2. BUILD OUT NEW AND EXPANDED WORKFORCE TRAINING FOR INMATES
- 4.4.3. SUPPORT INMATE EDUCATION PROGRAMMING AND MENTAL HEALTH SERVICES



GOVERNMENT SUPPORT SERVICES

5.1. RECRUITING AND RETAINING A TALENTED WORKFORCE, WHILE ENSURING A POSITIVE, RESPECTFUL WORK ENVIRONMENT

- 5.1.1. SUPPORT STATE EMPLOYEES WITH COMMENSURATE SALARIES AND BENEFITS
- 5.1.2. DEVELOP AND GROW EMPLOYEE CAREER PATHWAYS
- 5.1.3. EASE HIRING AND PROMOTION PROCESSES WITHIN STATE AGENCIES

5.2. PROVIDING OUTSTANDING CUSTOMER SERVICE

- 5.2.1. ENSURE ADEQUATE WORKFORCE FOR CUSTOMER-FACING STAFF
- 5.2.2. ESTABLISH ROBUST WEB-BASED OPPORTUNITIES FOR STATE CONSUMERS
- 5.2.3. IMPROVE A CULTURE OF PROBLEM SOLVING AND RESPONSIVENESS, IN WHICH EMPLOYEES ARE EMPOWERED TO ADDRESS IDENTIFIED PROBLEMS

5.3. COLLABORATING WITH OTHER AGENCIES TO STREAMLINE SERVICE DELIVERY AND IMPROVE OPERATIONAL EFFICIENCIES

- 5.3.1. FACILITATE KNOWLEDGE SHARING AND PROBLEM SOLVING ACROSS DEPARTMENTS
- 5.3.2. CONSOLIDATE SIMILAR SERVICES TO CREATE EFFICIENCIES
- 5.3.3. LEVERAGE EXISTING CONTRACTS AND RELATIONSHIPS FROM OTHER DEPARTMENTS



RURAL & NATURAL RESOURCES

6.1. LEADING PRODUCTION OF RAW MATERIALS AS WELL AS CLEAN AND RENEWABLE ENERGY

- 6.1.1. SUPPORT RESPONSIBLE MINING AND RESOURCE DEVELOPMENT
- 6.1.2. GROW THE "LITHIUM LOOP" TO SUPPORT ELECTRIC VEHICLE AND BATTERY PRODUCTION
- 6.1.3. UTILIZE TRANSMISSION BUILDOUT FOR RENEWABLE ENERGY DEVELOPMENT

6.2. PROTECTING AND MANAGING NATURAL RESOURCES

- 6.2.1. WORK PROACTIVELY WITH FEDERAL AGENCIES TO ENSURE STATE INTERESTS IN NEW RESOURCE MANAGEMENT POLICIES
- 6.2.2. COLLABORATE BETWEEN RURAL-FACING AGENCIES AND GOVERNOR'S OFFICE
- 6.2.3. FOCUS POLICIES ON WATER CONSERVATION AND REUSE ACROSS AGENCIES

6.3. OBTAINING RELEASE OF FEDERAL LAND FOR AFFORDABLE HOUSING AND ECONOMIC DEVELOPMENT

- 6.3.1. SUPPORT CONGRESSIONAL EFFORTS TO RELEASE LAND FOR DEVELOPMENT
- 6.3.2. STREAMLINE PERMITTING/REDUCE FEES FOR AFFORDABLE HOUSING PROJECTS
- 6.3.3. IDENTIFY PUBLIC FUNDING OPPORTUNITIES FOR BENEFICIAL PROJECTS (NEVADA WAY FUND)

6.4. ENSURING APPROPRIATE ACCESS AND MOST BENEFICIAL USE OF PUBLIC LANDS

- 6.4.1. FIGHT FEDERAL EFFORTS TO RESTRICT ACCESS TO PUBLIC LANDS
- 6.4.2. UTILIZE THE STATE'S WASHINGTON, D.C. OFFICE TO ENGAGE AGENCIES AND CONGRESS
- 6.4.3. COLLABORATE WITH NEVADA'S FEDERAL DELEGATION ON ALL LANDS ISSUES



Budget Timetable

In accordance with the State Budget Act, all agencies must complete the data entry of their 2025-2027 Agency Request Budget into the Nevada Executive Budgeting System (NEBS) by 4:00PM on Friday, August 30, 2024. This is a statutory deadline (NRS 353.210) which cannot be changed or extended. In addition to the completion of data entry, a copy of the Budget Submission Certification letter must be signed by the department director or the board or commission chair and submitted to the Budget Division by 5:00PM on Friday, August 30, 2024. The Certification may be delivered in person, via facsimile or via scan and e-mail to the main Budget Division e-mail address. Additional key dates for the biennium are listed below:

TASK	DEADLINE
NEBS open for agency data entry	3/6/2024
Governor meeting to review and approve concept BDRs	04/01/2024 - 05/31/2024
Agency submittal of Capital Improvement Project (CIP) and Deferred Maintenance requests over \$100,000 to the State Public Works Division	4/1/2024
Technology Investment Notifications (TIN) due to Enterprise Information Technology Services (OCIO)	4/1/2024
Final BDR concept presentations	06/03/2024 - 06/14/2024
Class Series Compensation Plan Requests	6/3/2024
MP-5 form for new vehicle request submitted to Fleet Services Administrator	7/1/2024
Agencies must have preliminary OCIO utilization (OCIO schedules) completed in NEBS	7/8/2024
GFO upload of payroll information for authorized Full-Time Equivalent (FTE) positions into NEBS as of June 30, 2024	Approximately 07/19/2024
Agencies must have preliminary monthly Fleet Services vehicles completed in NEBS	7/19/2024
OCIO provides schedule of approved utilizations by budget account	7/25/2024
Agencies must have FINAL OCIO utilization (OCIO schedules) completed in NEBS	7/29/2024
Governor approved non-budgetary BDRs in NEBS	7/29/2024
Non-Budgetary Bill Draft Requests (BDRs) due to LCB	8/1/2024
CIP presentations to the State Public Works Board	08/28-29/2024
Submittal of Agency Request Budget and any budgetary BDRs by 4:00 p.m.	8/30/2024
Agency Budget Hearings (Finance and Governor's Office)	Complete by 10/01/2024
Adjusted Base questions sent to agencies	11/8/2024
Adjusted Base completed (FTE reconciled; M-150 adjustments made; Vacancy Savings complete)	12/2/2024
Economic Forum Report to the Governor	12/3/2024
Updated Supplemental Appropriation Requests due	12/20/2024
Governor Recommends Budget submitted to Legislature	Mid to late January
Start of 2025 Legislative Session (NV Constitution Article 4 Sec. 2)	2/3/2025
Budgetary BDRs due to Legislative Counsel Bureau	2/21/2025
Final Economic Forum Report to Legislature	5/1/2025
Last day of the 2025 Legislative Session	6/2/2025

Agenda Item 9



Notice Of Intent To Act Upon A Regulation

Notice of Hearing for the Amendment and Repeal
of Regulations of the
Nevada Commission on Ethics

The Nevada Commission on Ethics will hold a public hearing at **10:00 a.m.**, on the **17 of April of 2024**, at the **Nevada State Bar located at 9456 Double R Boulevard, Suite B, Reno NV, 89521** as well as, via Zoom **videoconference** at <https://us06web.zoom.us/j/84794908633?pwd=WmeYCDjaMbLsSZHOYlqgFgadYSMKeg.1> (**Meeting ID: 847 9490 8633 Passcode: 137874**) and via Zoom **telephonically** by calling **1-253-205-0468**, entering 847 9490 8633 when prompted to enter the Meeting ID and entering 137874 when prompted to enter the Passcode. The purpose of the hearing is to receive comments from all interested persons regarding the Amendment and Repeal of regulations that pertain to chapter 281A of the Nevada Administrative Code.

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

Need and Purpose

The need for and the purpose of the proposed regulation or amendment.

Chapter 281A of the Nevada Administrative Code was last updated in 2018. During and following the COVID-19 pandemic, government agencies and business adopted new and efficient ways of conducting business as well as reviewed operational resiliency in the face of emergencies. Other changes are made to improve customer services and transparency. These regulatory amendments address those issues in the following ways

1. Clarification of the role of Vice Chair to act when the Chair is unable to;
2. Clarification to expand the timeframe in which a public official may request an Advisory Opinion;
3. Ability to reject anonymous complaints without full Commission review;
4. Clarity regarding the authority of staff to research a complaint in making the jurisdictional recommendation to the Commission;
5. Amendments to promote electronic communication; and
6. Various other procedural and administrative adjustments

If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation.

The text of the proposed regulation can be requested at ncoe@ethics.nv.gov and is posted to the Ethics Commission's website at:

<https://ethics.nv.gov/uploadedFiles/ethicsnv.gov/content/Resources/R136-23P.PDF>

Small Business Impact & Cost of Enforcement

The estimated economic effect of the regulation on the business which it is to regulate and on the public.

The regulations proposed to be amended and repealed will have no effect on business. The Nevada Commission on Ethics enforces the Nevada Ethics Law which can be found in NRS Chapter 281A. The Ethics Law applies only to government officers and employees. Although there are some aspects of the Nevada Ethics Law which may affect businesses (restrictions on outside employment, cooling off, etc.), those requirements are found in the statute and cannot be changed by regulation. Therefore, there is no economic effect of these regulations on business.

The methods used by the agency in determining the impact on a small business.

Staff of the Commission reviewed the proposed changes to the regulations, analyzed which parts of the Ethics Law effect small business, and determined that there is no impact on small business.

The estimated cost to the agency for enforcement of the proposed regulation.

There is no anticipate cost to the Commission for enforcement of the proposed regulations.

Relationship to Other Regulations

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.

The regulation does not overlap any state agency regulations. Although local governments are permitted to establish their own ethics policies and specialized or local ethics committees, the regulations included in these changes only apply to cases before the Nevada Commission on Ethics.

If the regulation is required pursuant to federal law, a citation and description of the federal law.

The regulation is not required pursuant to a federal law.

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

There are no federal ethics regulations that apply to Nevada's state and local public officers and employees. Federal ethics regulations apply only to federal employees.

Whether the proposed regulation establishes a new fee or increases an existing fee.

The proposed regulation does not establish a new fee or increase any existing fees.

Persons wishing to comment upon the proposed action of the Nevada Commission on Ethics may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to the Nevada Commission on Ethics, 704 W. Nye Lane, Suite 204, Carson City, Nevada 89701. Written submissions must be received by the Nevada Commission on Ethics on or before 5:30 p.m. on April 16, 2024. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada Commission on Ethics may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be Amended 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 Amended will be available at Nevada Commission on Ethics, 704 W. Nye Lane, Suite 204, Carson City, Nevada 89701 and ncoe@ethics.nv.gov, 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:

State Library and Archives and Public Records, 100 Stewart Street, Carson City, NV
Nevada Commission on Ethics, 704 W. Nye Lane, Ste 204, Carson City, NV
Nevada Commission on Ethics' website: <http://ethics.nv.gov>
The Nevada Legislature's website: leg.state.nv.us/App/Notice/A
Nevada Public Notice Website: notice.nv.gov

**PROPOSED REGULATION OF THE
COMMISSION ON ETHICS**

LCB File No. R136-23

February 21, 2024

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§ 1-7, 10, 12-15 and 17, NRS 281A.290; §§ 8 and 9, NRS 281A.290 and 281A.675; § 11, NRS 291A.290, 281A.710 and 281A.715; § 16, NRS 281A.290 and 281A.745.

A REGULATION relating to ethics in government; revising provisions governing the functions and duties of the Chair, Vice Chair and Executive Director of the Commission on Ethics and the Commission Counsel; revising provisions governing advisory opinions and ethics complaints; revising provisions governing administration of the Nevada Ethics in Government Law and practice before the Commission; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under the Nevada Ethics in Government Law (Ethics Law), the Commission on Ethics administers and enforces the Ethics Law and is authorized to issue opinions interpreting the statutory ethical standards established by the Ethics Law and applying those standards to a given set of facts and circumstances. (Chapter 281A of NRS) The Commission issues: (1) advisory opinions requested by a public officer or employee who is seeking guidance on matters which directly relate to the propriety of his or her own past, present or future conduct under the statutory ethical standards or who is requesting relief from certain provisions of the Ethics Law that allow the Commission to grant such relief; and (2) opinions issued in response to an ethics complaint which has been filed with the Commission or initiated by the Commission on its own motion regarding the propriety of the conduct of a public officer or employee under the statutory ethical standards. (NRS 281A.675, 281A.710) The Ethics Law also establishes various procedures that the Commission and its staff must follow when processing, handling, investigating, reviewing, evaluating and adjudicating requests for advisory opinions and ethics complaints. (NRS 281A.670-281A.790) Under the Ethics Law, the Commission is required to adopt any necessary procedural regulations to carry out its duties, including regulations: (1) for the filing or withdrawal of an ethics complaint or a request for an advisory opinion with the Commission; (2) to facilitate the prompt rendition of opinions by the Commission; and (3) related to proceedings concerning an ethics complaint, to facilitate written discovery requests and the disclosure of evidence. (NRS 281A.290)

Existing regulations define the term “presiding officer” to mean either the Chair of the Commission or a member of the Commission appointed by the Chair to preside over a hearing,

review panel or meeting of the Commission. (NAC 281A.065) **Section 1** of this regulation clarifies that the Vice Chair of the Commission may take the place of the Chair if the Chair is not participating due to abstention, recusal, disqualification or absence. **Section 6** of this regulation clarifies that the presiding officer or a court reporter may administer oaths.

Section 3 of this regulation clarifies the circumstances under which the Chair is required to fill vacancies that occur on a review panel.

Existing regulations require the Executive Director of the Commission to make an annual report to the Commission, not later than the second meeting of the Commission of each new fiscal year, regarding its state of affairs for the prior fiscal year and its goals for the new fiscal year. (NAC 281A.180) **Section 4** of this regulation changes the deadline to make the annual report due not later than October 31 of each year.

Existing regulations require each written communication or document that is filed with the Commission to be: (1) on a form provided by the Commission or in a format authorized or directed by an order issued by the Commission, a review panel, the Chair, the Executive Director or the Commission Counsel; and (2) submitted in the manner prescribed on the form or in such an order. (NAC 281A.255) **Section 5** of this regulation removes the requirements as to a specific form and the format of communication and documents. **Section 12** of this regulation makes a conforming change by removing a requirement for the Commission to include specific forms with certain notifications that the Commission is required to provide. **Section 17** of this regulation makes a related change by repealing a requirement that a specific form prescribed by the Commission be made available at the office of the Commission and on the Internet website of the Commission. (NAC 281A.615) **Section 17** also repeals a requirement that the Executive Director and Commission Counsel provide certain information to the Commission at least 1 week before a meeting of the Commission.

Existing law provides ethical standards that, in general, prohibit public officers and employees from engaging in certain conduct that might affect a person related to the public officer or employee within the third degree of consanguinity or affinity. (NRS 281A.065, 281A.400, 281A.420) **Section 7** of this regulation replaces a chart used to assist in determining consanguinity or affinity with a table that contains the same information and which does not change the methodology used to determine consanguinity or affinity.

Existing regulations require the Executive Director and the Commission Counsel to review each request for an advisory opinion that has been filed with the Commission by a public officer or employee and determine whether: (1) the Commission has jurisdiction in the matter; and (2) the request was properly filed with the necessary information for the Commission to render an advisory opinion. (NAC 281A.350) **Section 8** of this regulation provides that, for the purpose of determining jurisdiction, a person may be considered a public officer or employee if he or she has been elected to public office or accepted an appointment to public office or public employment but has not yet begun to serve in that role. **Section 2** of this regulation makes a conforming change by revising the definition of a “subject” with respect to whom an ethics complaint has been filed or who files a request for an advisory opinion.

If the Executive Director and Commission Counsel determine that the Commission does not have jurisdiction in the matter or that the request for an advisory opinion was not properly filed with the necessary information, existing regulations: (1) require the Executive Director or Commission Counsel to provide notice of that fact to the subject who filed the request; (2) if applicable, require the Executive Director and Commission Counsel to provide an opportunity within a specified period set forth in the notice for the subject to submit supplemental

information; and (3) require dismissal of the request for an advisory opinion if the subject does not provide supplemental information within the period of time specified by the Executive Director and Commission Counsel. (NAC 281A.351) **Section 9** of this regulation: (1) provides that the specified period set forth in the notice for the subject to submit supplemental information must be at least 14 days; and (2) authorizes the Executive Director or Commission Counsel to waive or extend the deadline set forth in the notice.

Existing regulations: (1) require the Commission to direct the Commission Counsel to prepare a written advisory opinion for certain opinions rendered by the Commission; (2) authorize the Commission to direct the Commission Counsel to prepare an abstract if the materials in the matter are confidential; and (3) require the Commission to publish a copy of each written advisory opinion which is not confidential and each abstract on the Internet website of the Commission. (NAC 281A.375) **Section 10** of this regulation clarifies that the Commission will publish an abstract on the Internet website of the Commission if the abstract is prepared by the Commission Counsel at the direction of the Commission.

Existing law and regulations prescribe procedural requirements for initiating or filing an ethics complaint, and prohibit the Commission from initiating an ethics complaint based solely on an anonymous complaint. (NRS 281A.710; NAC 281A.405) Existing law and regulations require the Commission to determine, based on the evidence submitted with an ethics complaint, whether it has jurisdiction in the matter and whether an investigation is warranted in the matter. (NRS 281A.715; NAC 281A.405) Existing regulations require the Executive Director and Commission Counsel, upon receipt of an ethics complaint and before the Commission makes such determinations, to make recommendations to the Commission regarding jurisdiction and whether the evidence submitted is sufficient to warrant investigation. (NAC 281A.405) **Section 11** of this regulation provides that if an anonymous complaint is filed or an ethics complaint does not name a person as the subject: (1) the Executive Director shall reject the complaint; and (2) the Executive Director and Commission Counsel shall not make any determination regarding the complaint. For the purpose of preparing such recommendations for the Commission, **section 11** authorizes the Executive Director or Commission Counsel to obtain additional information not included in the ethics complaint through any method available to the general public.

Existing regulations: (1) authorize a party to file a written motion with the Commission under certain circumstances relating to an ethics complaint; and (2) if oral arguments are authorized on the motion, require the Commission Counsel to prepare and serve on the parties a notice of hearing that identifies the date, time and location of the hearing on the motion. (NAC 281A.442) **Section 13** of this regulation requires the notice of hearing to also include the time limit for oral arguments.

Existing regulations: (1) provide that the provisions for civil discovery set forth in the Nevada Rules of Civil Procedure do not apply to ethics complaints; and (2) authorize a party to file a motion with the Commission under certain circumstances relating to requests for discovery. (NAC 281A.444) **Section 14** of this regulation requires the Commission Counsel to consider and issue an order regarding any such discovery motion in accordance with the procedures set forth in existing regulations for other written motions relating to ethics complaints.

Existing law and regulations authorize the Executive Director or the subject of an ethics complaint to request that a subpoena be issued by the Commission relating to the ethics complaint by filing a written request for a subpoena at the office of the Commission. (NRS 281A.300; NAC 281A.448) **Section 15** of this regulation replaces the requirement that the

written request be filed at the office of the Commission with a requirement that the written request be filed with the Commission.

If a review panel refers an ethics complaint to the Commission for further proceedings or if the Commission vacates an agreement with the subject of the ethics complaint to defer further proceedings in the matter, existing law requires the Commission to hold an adjudicatory hearing and render an opinion on the ethics complaint within 60 days. Existing law also authorizes the subject of the ethics complaint to waive the 60-day requirement. (NRS 281A.745) **Section 16** of this regulation removes duplicative language in existing regulations that is identical to these requirements in existing law.

Section 1. NAC 281A.065 is hereby amended to read as follows:

281A.065 “Presiding officer” means ~~{the}~~ :

1. *The Chair ;*
2. *The Vice Chair in matters where the Chair does not participate due to abstention, recusal, disqualification or absence; or {a}*
3. *A* member of the Commission appointed by the Chair to preside over a hearing, review panel or meeting of the Commission.

Sec. 2. NAC 281A.100 is hereby amended to read as follows:

281A.100 “Subject” means a ~~{public officer or public employee:}~~ *person:*

1. With respect to whom an ethics complaint has been filed; or
2. Who files a request for an advisory opinion.

Sec. 3. NAC 281A.177 is hereby amended to read as follows:

281A.177 1. The Chair shall appoint a member of a review panel to serve as the presiding officer of the review panel.

2. Except as otherwise provided in subsection 4, if a single vacancy occurs in the membership of a review panel after the Executive Director has presented his or her written recommendation in a matter to the review panel pursuant to NRS 281A.725 but before the review panel has ~~{approved}~~ *made* a ~~{deferral agreement in the matter or referred the ethics~~

~~complaint to the Commission,]~~ *determination*, the remaining panel members shall continue to serve on the review panel and act upon any pending issues in the matter before the review panel.

3. Except as otherwise provided in subsection 4, if a vacancy occurs in a majority of the membership of a review panel after the Executive Director has presented his or her written recommendation in a matter to the review panel pursuant to NRS 281A.725 but before the review panel has ~~[approved]~~ *made* a ~~[deferral agreement in the matter or referred the ethics complaint to the Commission,]~~ *determination*, the Chair shall appoint an additional member of the Commission to serve as a member of the review panel to establish a majority of the membership of the review panel.

4. If ~~[only two members remain on a review panel after a vacancy or as a result of only one member being appointed to fill a vacancy pursuant to subsection 3 and the two members take a vote on a proposed action in a matter pending before the]~~ *any* review panel ~~[but the]~~ vote results in a tie, the Chair shall appoint an additional member of the Commission to serve as a member of the review panel, and the review panel shall reconsider the proposed action.

Sec. 4. NAC 281A.180 is hereby amended to read as follows:

281A.180 In addition to any other duties of the Executive Director required by this chapter or chapter 281A of NRS, or as otherwise imposed by the Commission, the Executive Director shall:

1. Pursuant to paragraph (f) of subsection 1 of NRS 281A.240, create a curriculum for training and conduct training for public officers and public employees on the requirements of this chapter, chapter 281A of NRS and previous opinions of the Commission that have been determined by the Commission to have broad educational value.

2. Not later than ~~[the second meeting of the Commission]~~ *October 31* of each ~~[new fiscal]~~ year, report to the Commission on the state of the fiscal, regulatory and legislative matters and any other business matters of the Commission for the prior fiscal year and on the goals for the Commission for the ~~[new]~~ *current* fiscal year.

3. Adhere to the policies and procedures adopted ~~[by]~~ *for* the Commission . ~~[for its internal governance and external dealings.]~~

4. Recommend to the Chair the appointment of members of the Commission to review panels and to serve as presiding officers of such review panels.

Sec. 5. NAC 281A.255 is hereby amended to read as follows:

281A.255 ~~[1.—Each written communication or document filed with the Commission must:~~
~~—(a) Be on the form provided by the Commission or be in a form or format authorized or directed by an order issued by the Commission, a review panel, the Chair, the Executive Director or the Commission Counsel, as applicable;~~
~~—(b) Be submitted in the manner prescribed on the form or in such an order; and~~
~~—(c) Include any:~~
~~—(1) Duplicate copy required to be included with the form, as specified on the form;~~
~~—(2) Document specified on the form or in the order; and~~
~~—(3) Necessary exhibits in the form and format specified on the form or in the order.~~
~~—2.]~~ Except as otherwise provided in NRS 281A.500, the Commission will consider a written communication or document which is required to be filed with the Commission to have been filed with the Commission on the date on which the communication or document is received ~~[at the office of]~~ *by* the Commission.

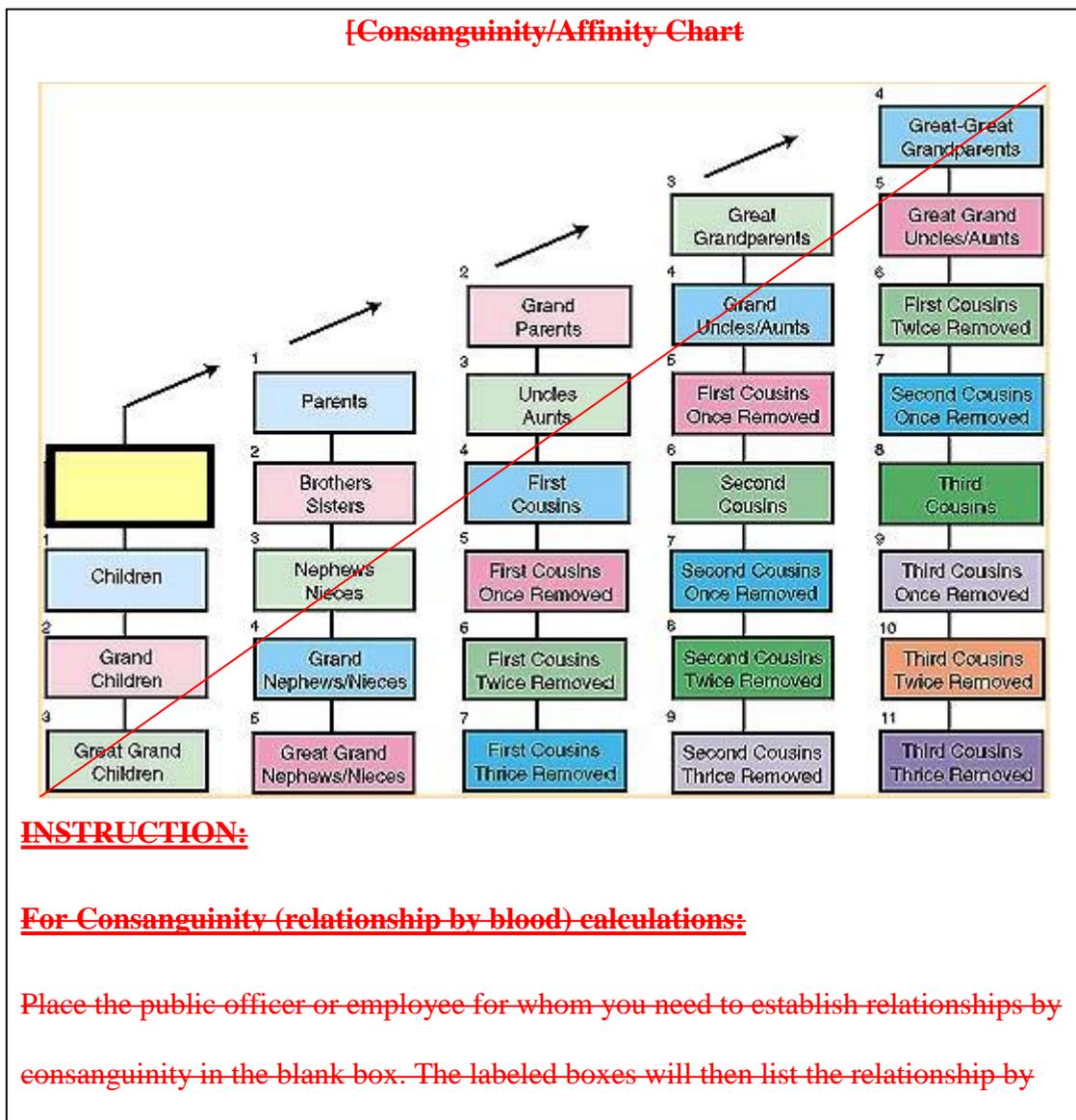
Sec. 6. NAC 281A.280 is hereby amended to read as follows:

281A.280 ~~[1.]~~ The presiding officer *or a court reporter* may administer oaths.

~~[2.—A court reporter present at meetings and hearings may administer oaths.]~~

Sec. 7. NAC 281A.310 is hereby amended to read as follows:

281A.310 1. For the purposes of NRS 281A.065, the Commission will determine the relationships of a public officer or employee, or the spouse or domestic partner of the public officer or employee, by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity pursuant to the following ~~[chart and instructions:]~~ *table*:



~~title to the public officer or employee and the degree of distance from the public officer or employee.~~

~~Any person whose relationship to the public officer or employee is listed in a box numbered 1, 2, or 3 is within the third degree of consanguinity to the public officer or employee, and if that person has a spouse or domestic partner, that spouse or domestic partner will be deemed to be within the same degree of relationship for the purposes of NRS 281A.065.~~

~~**For Affinity (relationship by adoption, marriage or domestic partnership)**~~

~~**calculations:**~~

~~Place the spouse or domestic partner of the public officer or employee for whom you need to establish relationships by affinity in the blank box. The labeled boxes will then list the relationship by title to the spouse or domestic partner and the degree of distance from the public officer or employee by affinity. Any person whose relationship to the spouse or domestic partner of the public officer or employee is listed in a box numbered 1, 2, or 3 is within the third degree of affinity to the public officer or employee, and if that person has a spouse or domestic partner, that spouse or domestic partner will be deemed to be within the same degree of relationship for the purposes of NRS 281A.065.~~

~~Spouses of public officers or employees are related in the first degree of affinity by marriage, and domestic partners of public officers or employees are related in the first degree of affinity by domestic partnership. For adoption and other relationships by marriage or domestic partnership, the degree of relationship is the same as the degree of underlying relationship by blood.]~~

<u>Consanguinity Table</u>			
<i>First Degree</i>	<i>Second Degree</i>	<i>Third Degree</i>	<i>Fourth Degree</i>
<i>Children</i> <i>Parents</i>	<i>Grandparents</i> <i>Brothers</i> <i>Sisters</i> <i>Grandchildren</i>	<i>Great-Grandparents</i> <i>Uncles</i> <i>Aunts</i> <i>Nephews</i> <i>Nieces</i> <i>Great-Grandchildren</i>	<i>Great-Great-Grandparents</i> <i>Great Uncles</i> <i>Great Aunts</i> <i>First Cousins</i> <i>Great Nephews</i> <i>Great Nieces</i>
<p><u><i>Relationship by affinity:</i></u> <i>Any person whose relationship to the spouse or domestic partner of the public officer or employee is listed in the columns for the first, second, or third degree of consanguinity is within the third degree of affinity to the public officer or employee, and if that person has a spouse or domestic partner, that spouse or domestic partner will be deemed to be within the same degree of affinity for the purposes of NRS 281A.065.</i></p> <p><i>Spouses of public officers or employees are related in the first degree of affinity by marriage, and domestic partners of public officers or employees are related in the first degree of affinity by domestic partnership. For adoption and other relationships by marriage or domestic partnership, the degree of relationship is the same as the degree of underlying relationship by blood.</i></p>			

2. As used in this section:

(a) “Domestic partner” has the meaning ascribed to it in NRS 281A.085; and

(b) “Domestic partnership” has the meaning ascribed to it in NRS 281A.086.

Sec. 8. NAC 281A.350 is hereby amended to read as follows:

281A.350 1. A request for an advisory opinion must be filed on the form and with the information required pursuant to subsection 2 of NRS 281A.675.

2. Upon receipt of a request for an advisory opinion filed pursuant to NRS 281A.675, the Executive Director and the Commission Counsel shall review the matter and make a determination whether the Commission has jurisdiction in the matter and whether the request for an advisory opinion was properly filed with the necessary information for the Commission to render an advisory opinion in the matter.

3. For the purpose of determining jurisdiction pursuant to subsection 2, a person may be considered a public officer or employee if he or she:

(a) Has been duly elected to public office;

(b) Has accepted an appointment to public office; or

(c) Has accepted public employment,

↳ But has not yet begun to serve as a public officer or employee.

Sec. 9. NAC 281A.351 is hereby amended to read as follows:

281A.351 1. If the Executive Director and Commission Counsel determine that the Commission does not have jurisdiction over the request for an advisory opinion or that the request for an advisory opinion was not properly filed with the necessary information for the Commission to render an opinion in the matter, the Executive Director or Commission Counsel shall notify the subject who filed the request for an advisory opinion in writing of the

determination and, if applicable, provide an opportunity within a specified period set forth in the notice for the subject to submit sufficient supplemental information for the Commission to render an advisory opinion in the matter. *The period specified in the notice for the subject to submit sufficient supplemental information pursuant to this subsection must be at least 14 days.*

2. The subject may:

(a) If applicable, submit the supplemental information for the Commission to render an advisory opinion in the matter within the period specified in the notice sent pursuant to subsection 1.

(b) Within 5 business days after receiving the notice sent pursuant to subsection 1, file a motion with the Commission to review the determination of the Executive Director and Commission Counsel, which must include information establishing that the Commission has jurisdiction over the matter or that the request for an advisory opinion was properly filed with the necessary information for the Commission to render an advisory opinion in the matter, as applicable.

3. The Commission may hold a hearing on the motion filed pursuant to paragraph (b) of subsection 2 or take the motion under submission without holding a hearing. If the Commission determines that it will hold a hearing on the motion, the Executive Director or Commission Counsel shall prepare and serve on the subject a notice of hearing that identifies the date, time and location of the hearing on the motion.

4. The Commission will deliberate and issue an order on a motion filed pursuant to paragraph (b) of subsection 2.

5. If the Executive Director or Commission Counsel provides an opportunity to the subject to supplement the request for an advisory opinion and the subject submits the supplemental information, the time limit set forth in NRS 281A.680 for the Commission to render an advisory opinion in the matter commences on the date on which the Commission receives the supplemental information from the subject.

6. ~~HH~~ *Except as otherwise provided in this subsection, if* the subject does not submit supplemental information for the request for an advisory opinion *within the period specified in the notice for the subject to submit sufficient supplemental information pursuant to subsection 1* or file a motion *within 5 business days* pursuant to ~~[this section,]~~ *subsection 2*, as applicable, the Executive Director or Commission Counsel shall issue an order dismissing the request for an advisory opinion. *The Executive Director or Commission Counsel may waive or extend the deadline set forth in the notice for the subject to submit sufficient supplemental information pursuant to subsection 1.*

Sec. 10. NAC 281A.375 is hereby amended to read as follows:

281A.375 1. The Commission:

(a) Will direct the Commission Counsel to prepare a written advisory opinion for an ~~oral~~ opinion rendered by the Commission pursuant to NAC 281A.370 in a matter that constitutes a contested case under chapter 233B of NRS or for which the Commission deems a written advisory opinion is necessary or appropriate. A written advisory opinion prepared and issued in a matter that constitutes a contested case under chapter 233B of NRS is a final decision for the purposes of judicial review.

(b) May direct the Commission Counsel to prepare a written advisory opinion for an ~~oral~~ opinion rendered by the Commission pursuant to NAC 281A.370 upon the written request of the subject who filed the request for an advisory opinion.

(c) May direct the Commission Counsel to prepare an abstract if the materials in the matter are confidential pursuant to subsection 1 of NRS 281A.685.

2. A written advisory opinion or abstract prepared pursuant to this section must:

(a) State each question for which the subject sought guidance concerning the interpretation of a statutory ethical standard or any relevant circumstances in the matter that did or did not justify relief from the strict application of NRS 281A.410, 281A.430 or 281A.550, as applicable, and the determination of the Commission relating thereto;

(b) Include a reference to any published opinions issued by the Commission, including, without limitation, any published abstract, that the Commission deems relevant to the request for an advisory opinion; and

(c) Include findings of fact, conclusions of law and specific guidance provided by the Commission to the subject who filed the request for an advisory opinion concerning the interpretation of the statutory ethical standard or any circumstances regarding which the Commission determined did or did not justify relief from the strict application of NRS 281A.410, 281A.430 or 281A.550, as applicable.

3. The Commission will review any written advisory opinion prepared by the Commission Counsel pursuant to this section and, upon its approval of the written advisory opinion, direct the Commission Counsel to issue the written advisory opinion to the subject who filed the request for an advisory opinion.

4. Each written advisory opinion and abstract must be:

- (a) Numbered and dated; and
- (b) Signed by the Commission.

5. The Commission will publish a copy of each written advisory opinion which is not confidential and each abstract *which is prepared by the Commission Counsel at the direction of the Commission* on the Internet website of the Commission at <http://ethics.nv.gov>.

6. As used in this section, “abstract” means a version of a confidential written advisory opinion that has been redacted or amended to keep the identity of the subject who filed the request for an advisory opinion confidential.

Sec. 11. NAC 281A.405 is hereby amended to read as follows:

281A.405 1. An ethics complaint filed pursuant to paragraph (a) or (b) of subsection 1 of NRS 281A.710 must be filed on the form and with the evidence required pursuant to subsection 2 of NRS 281A.710. *If an anonymous complaint is filed or an ethics complaint does not name a person as the subject:*

(a) The Executive Director shall reject the complaint; and

(b) The Executive Director and Commission Counsel shall not make any determination regarding the complaint pursuant to subsection 2.

2. ~~Upon~~ *Except as otherwise provided in subsection 1, upon* receipt of an ethics complaint filed pursuant to paragraph (a) or (b) of subsection 1 of NRS 281A.710, the Executive Director and Commission Counsel shall make a determination regarding whether to recommend that the Commission accept jurisdiction in the matter and whether the evidence submitted with the ethics complaint is sufficient to warrant an investigation in the matter. *For the purpose of making such a determination, the Executive Director or Commission Counsel may obtain additional information not included in the complaint through any method available to the*

general public, including, without limitation, requests for public records or conversations with witnesses. The Executive Director shall submit the recommendation, in writing, to the Commission.

3. Except as otherwise provided in NAC 281A.407 or unless the subject waives the time limit set forth in NRS 281A.715, within 45 days after the Commission has received an ethics complaint pursuant to paragraph (a) or (b) of subsection 1 of NRS 281A.710, the Commission will:

(a) Review the written recommendation submitted by the Executive Director pursuant to subsection ~~1~~ 2; and

(b) Make a determination regarding:

(1) Whether it has jurisdiction in the matter;

(2) Whether the matter is submitted with evidence that is sufficient to warrant an investigation in the matter; and

(3) If the requester asked the Commission to keep his or her identity confidential pursuant to NRS 281A.750, whether it will keep the identity of the requester confidential.

4. After making the determinations pursuant to subsection 3, the Commission will, by order:

(a) If the Commission determines that it does not have jurisdiction in the matter, dismiss the ethics complaint.

(b) If the Commission determines that it has jurisdiction in the matter but the evidence submitted with the ethics complaint is not sufficient to warrant an investigation in the matter, dismiss the matter, with or without issuing a letter of caution or instruction to the subject of the ethics complaint.

(c) If the Commission determines that it has jurisdiction in the matter and the evidence submitted with the ethics complaint is sufficient to warrant an investigation in the matter:

(1) Dismiss the matter, with or without issuing a letter of caution or instruction to the subject; or

(2) Direct the Executive Director to investigate all or a portion of the ethics complaint pursuant to NRS 281A.720.

(d) If the requester asked the Commission to keep his or her identity confidential pursuant to NRS 281A.750, state whether it will keep the identity of the requester confidential.

5. The Executive Director or Commission Counsel shall notify the requester of the determinations of the Commission pursuant to this section.

6. If the Commission determines that it has jurisdiction in the matter and it will issue a letter of caution or instruction, the Executive Director or Commission Counsel shall serve the order on the subject of the ethics complaint with a copy of the ethics complaint and the letter of caution or instruction.

7. If the Commission determines that it has jurisdiction in the matter and it directs the Executive Director to investigate all or a portion of the ethics complaint, the Executive Director shall provide notification and documentation to the subject of the ethics complaint in the manner required pursuant to NAC 281A.410.

8. If the Commission determines that it does not have jurisdiction in the matter or determines that it has jurisdiction in the matter but dismisses the matter without a letter of caution or instruction, the Executive Director or Commission Counsel may provide to the subject, upon written request, a copy of the ethics complaint.

9. If the Commission determines that the identity of the requester will be kept confidential pursuant to NRS 281A.750, the Executive Director shall redact any identifying information from any document provided to the subject pursuant to this section.

Sec. 12. NAC 281A.410 is hereby amended to read as follows:

281A.410 1. If the Executive Director has been directed to investigate a matter pursuant to NAC 281A.403 or 281A.405, the Executive Director shall:

(a) Notify the subject of the ethics complaint of the investigation and of the opportunity to respond to the allegations contained in the ethics complaint regarding which the Commission has directed an investigation, as required pursuant to NRS 281A.720; and

(b) Except as otherwise provided in this paragraph, provide the subject with a copy of the ethics complaint or the information upon which the Commission based its motion to initiate an ethics complaint, as applicable. If the Commission determines that the identity of the requester will be kept confidential pursuant to NRS 281A.750, the Executive Director shall redact any identifying information from any document provided to the subject pursuant to this paragraph.

2. A notification made pursuant to subsection 1 must:

(a) Be in writing and provided to the subject in any manner in which receipt by the subject can be confirmed by the Executive Director, including, without limitation, by:

- (1) Personal delivery;
- (2) Certified mail, return receipt requested;
- (3) Overnight delivery service in which proof of delivery is documented;
- (4) Regular mail delivery with tracking receipt; or
- (5) If authorized by the subject, electronic delivery via electronic mail or facsimile.

(b) Include, without limitation:

(1) Except as otherwise provided in NRS 281A.750, all information filed by the requester or information upon which the Commission based its motion to initiate the ethics complaint, as appropriate; *and*

(2) An outline of the process used by the Commission to resolve ethics complaints. ~~;~~ ~~and~~

~~(3) A form prescribed by the Commission for waiving:~~

~~(I) The right to a determination by a review panel pursuant to NRS 281A.730 whether there is just and sufficient cause for the Commission to render an opinion in the matter; and~~

~~(II) The time limits set forth in NRS 281A.725 and 281A.730.]~~

3. The subject may file with the Commission:

(a) A waiver of the right to a determination by a review panel pursuant to NRS 281A.730 whether there is just and sufficient cause for the Commission to render an opinion in the matter;

(b) A waiver of the time limits set forth in NRS 281A.725 and 281A.730; or

(c) Within the time limit set forth in NRS 281A.730, a written response to the allegations contained in the ethics complaint regarding which the Commission has directed an investigation.

4. If the subject files with the Commission a waiver of the right to a determination by a review panel pursuant to paragraph (a) of subsection 3, the subject is deemed to consent that the allegations set forth in the ethics complaint and any notice of additional issues and facts served by the Executive Director pursuant to NAC 281A.415 are supported by credible evidence to establish just and sufficient cause for the Commission to render an opinion in the matter.

5. If the subject files with the Commission a waiver of the time limits set forth in NRS 281A.725 and 281A.730 pursuant to paragraph (b) of subsection 3, the Executive Director may, for good cause shown, authorize one or more extensions, of not more than 30 days each, of the

time limit set forth in NRS 281A.720 for the subject to file a written response to the allegations contained in the ethics complaint regarding which the Commission has directed an investigation.

6. Except as otherwise provided in NAC 281A.407 or unless the subject waives the time limit set forth in NRS 281A.725, not later than 70 days after the Commission directs the Executive Director to investigate the ethics complaint, the Executive Director shall complete the investigation of the ethics complaint and present a written recommendation to the review panel that complies with the requirements of NRS 281A.725.

Sec. 13. NAC 281A.442 is hereby amended to read as follows:

281A.442 1. Except as otherwise provided in subsection 7 and NAC 281A.263 and 281A.444, a party may file a written motion with the Commission relating to an ethics complaint:

(a) If a scheduling order has been issued in the matter , ~~[by the Commission or the Chair or, in the absence of the Chair, the Vice Chair or by the Commission Counsel,]~~ not later than the close of business on the date set in the order, unless leave is otherwise granted.

(b) If a scheduling order has not been issued in the matter ~~[by the Commission or the Chair or, in the absence of the Chair, the Vice Chair or by the Commission Counsel]~~ or if the circumstances are outside the scope of the scheduling order, upon approval by the Chair or, in the absence of the Chair, the Vice Chair of a written request by the party to file the motion.

2. The Commission or the Chair or, in the absence of the Chair, the Vice Chair may authorize the parties to argue a motion before the Commission. If oral arguments are so authorized, the Commission Counsel shall prepare and serve on the parties a notice of hearing that identifies the date, time and location of the hearing on the motion ~~[.]~~ *and the time limit for oral arguments.*

3. If a party files a motion in accordance with the requirements set forth in this section, any other party in the matter may file a response in opposition to the motion. The Chair or, in the absence of the Chair, the Vice Chair may authorize the moving party to file a reply to a response.

4. A motion, response or reply filed pursuant to this section must contain:

(a) A brief statement of the facts and the points and authorities upon which the motion, response or reply is based, including, without limitation, any relevant opinions published by the Commission;

(b) A description of the relief sought; and

(c) A certificate of service which indicates that the motion, response or reply was served on all other parties to the matter.

5. The Chair or, in the absence of the Chair, the Vice Chair may rule on a motion, except a motion for disposition of the matter, at any time before, during or after an adjudicatory hearing by the Commission on the matter:

(a) Based solely on the written motion and any opposition or reply filed with the Commission; or

(b) After the presentation of oral argument by the parties, if authorized pursuant to subsection 2.

6. The Commission may rule on a motion, including a motion for disposition of the matter, at any time before, during or after an adjudicatory hearing by the Commission on the matter:

(a) Based solely on the written motion and any opposition or reply filed with the Commission; or

(b) After the presentation of oral argument by the parties, if authorized pursuant to subsection 2.

7. A party may file a written motion for rehearing or for the reconsideration of a written opinion of the Commission relating to an ethics complaint if the motion is filed with the Commission before the party files a petition for judicial review, if applicable, and not later than 15 days after the date on which the written opinion of the Commission is issued pursuant to NAC 281A.473.

Sec. 14. NAC 281A.444 is hereby amended to read as follows:

281A.444 1. The provisions for civil discovery set forth in N.R.C.P. 26 to 37, inclusive, do not apply to ethics complaints. Upon the request of a party, for good cause shown, the Commission Counsel, on behalf of the Commission, may allow discovery relating to an ethics complaint to the extent which he or she deems appropriate.

2. The Commission Counsel shall set forth any requirements for discovery relating to an ethics complaint in a scheduling order of the Commission. A party must comply with the requirements for discovery set forth in this section and any scheduling order issued pursuant to this subsection.

3. Any requests for discovery that are not addressed in a scheduling order must be filed with the Commission by means of a motion. The Commission Counsel shall consider and issue an order regarding any such motion in accordance with the ~~provisions of~~ *procedures set forth in* NAC 281A.442.

4. Except as otherwise provided in NRS 281A.750 and 281A.755, upon the completion of discovery, the Executive Director shall disclose to the subject any evidence obtained during the course of the investigation, including, without limitation, during discovery conducted pursuant to this section, that the Executive Director intends to present as evidence for consideration by the Commission at the adjudicatory hearing or in rendering an opinion in the matter.

5. The Executive Director shall disclose to the subject any evidence obtained by or on behalf of the Executive Director that the Executive Director determines affirmatively and substantively disproves any alleged violation of chapter 281A of NRS related to the ethics complaint by the subject. Such disclosure must be made as soon as is reasonably practicable after the determination.

6. As used in this section, “affirmatively and substantively disproves any alleged violation of chapter 281A of NRS” means indisputably, dispositively and definitively establishes that the subject did not engage in conduct or otherwise fail to act in a manner required by the provisions of chapter 281A of NRS as alleged in the ethics complaint or the notice of additional issues and facts provided by the Executive Director pursuant to NAC 281A.415, or that such conduct or failure to act could not, under any circumstances, establish a violation of chapter 281A of NRS.

Sec. 15. NAC 281A.448 is hereby amended to read as follows:

281A.448 1. In accordance with NRS 281A.300, the Commission may issue a subpoena to compel the attendance of a witness and the production of any books and papers for any hearing before the Commission to consider any matter relating to an ethics complaint.

2. The Executive Director or the subject of an ethics complaint may request that a subpoena be issued relating to the ethics complaint by filing a written request for a subpoena ~~at the office of~~ *with* the Commission. The Executive Director or the subject, as applicable, must show good cause for the issuance of the subpoena, including, the purported relevance of the testimony of the witness or documentary evidence. If the Commission or the Chair or, in the absence of the Chair, the Vice Chair issues the subpoena pursuant to the request, the Executive Director or the subject shall serve the subpoena in accordance with NRS 281A.300 and pay the costs related to the service of the subpoena.

3. Except as otherwise provided in subsection 4, the Executive Director may submit a request to the Chair or, in the absence of the Chair, the Vice Chair for the issuance of a subpoena to compel:

(a) The participation of a potential witness and the production of any books and papers during the course of any investigation.

(b) The attendance of any witness and the production of any books and papers in the possession of the witness for any hearing before the Commission.

4. The Executive Director shall not submit a request for the issuance of a subpoena pursuant to subsection 3 to the subject of an ethics complaint unless:

(a) The Executive Director submitted to the subject the written request required pursuant to subsection 5 of NRS 281A.300 requesting the subject to voluntarily participate, voluntarily attend as a potential witness or witness or voluntarily produce any books and papers in the possession of the subject relating to the ethics complaint during the course of an investigation or for a hearing of the Commission; and

(b) Except as otherwise provided in this paragraph, the subject failed or refused to respond to the written request within 5 business days after receipt of the written request or failed to comply with the written request on or before the time specified in the written request. The subject may submit a written application to the Executive Director for additional time or other reasonable accommodation to comply with the written request. The Executive Director may grant such additional time or other reasonable accommodation within the time limit set forth for the investigation in NRS 281A.725 or the time limit for the hearing before the Commission, as applicable. If the subject fails to comply with the written request of the Executive Director within the additional time or with any reasonable accommodation granted by the Executive Director

pursuant to this paragraph, the Executive Director may request a subpoena pursuant to subsection 3, and the subject is deemed to have waived the time limits set forth in NRS 281A.710 to 281A.760, inclusive.

5. If the subject or any other witness fails or refuses to comply with the provisions of a subpoena issued pursuant to this section relating to an ethics complaint, the Executive Director or the subject, as applicable, may submit a request to the Chair or, in the absence of the Chair, the Vice Chair to petition the district court for an ex parte order compelling the subject or other witness to comply with the subpoena. The Chair or Vice Chair may petition the district court for such an order in accordance with the applicable requirements set forth in subsection 8 of NRS 281A.300.

6. If the district court enters an order that the subject or other witness comply with the subpoena issued pursuant to this section, the Commission Counsel, on behalf of the Chair or, in the absence of the Chair, the Vice Chair, must serve the court order on the subject or other witness. If the subject or other witness does not comply with the court order, the Executive Director or subject, as applicable, may submit a request to the Chair or, in the absence of the Chair, the Vice Chair to petition the district court for an order of contempt of court pursuant to subsection 10 of NRS 281A.300.

Sec. 16. NAC 281A.457 is hereby amended to read as follows:

281A.457 1. If a review panel refers the ethics complaint to the Commission pursuant to NRS 281A.730 or the Commission vacates a deferral agreement pursuant to NRS 281A.740, the Commission Counsel, on behalf of the Commission, shall issue and serve on the parties:

(a) A written notice of an adjudicatory hearing in the matter which ~~must be held not later than 60 days after the date on which the review panel refers the ethics complaint to the~~

~~Commission pursuant to NRS 281A.730 or the Commission vacates the deferral agreement pursuant to NRS 281A.740, as applicable, unless the subject of an ethics complaint waives the time limit set forth in NRS 281A.745. The written notice]~~ must meet the requirements of NRS 281A.745. Service of the notice on the subject will be deemed complete upon delivery to the last known address of the subject in any manner in which receipt by the subject can be confirmed by the Commission.

(b) A scheduling order regarding the time limits and requirements for the submission and service of documents related to the adjudicatory hearing.

2. If the subject waives the time limit set forth in NRS 281A.745:

(a) Not later than 10 business days before the adjudicatory hearing, unless a scheduling order directs otherwise or leave is otherwise granted, a party may submit a written request to the Commission Counsel to stay or continue the adjudicatory hearing in the matter for good cause shown, including, without limitation, to accommodate a scheduling conflict or otherwise provide additional time for the parties to engage in discovery, file a motion or negotiate and present a proposed stipulation of fact or stipulated agreement to the Commission regarding the ethics complaint.

(b) Not later than 5 business days after a party submits a request to the Commission Counsel pursuant to paragraph (a), unless a scheduling order directs otherwise or leave is otherwise granted, any other party may submit:

(1) A written consent to the Commission Counsel for a stay or continuance of the adjudicatory hearing; or

(2) A written response to the Commission Counsel opposing the request for a stay or continuance of the adjudicatory hearing if the party can show that the stay or continuance:

(I) Is being requested merely for delay or because of inexcusable neglect by the Executive Director or the subject, as applicable;

(II) Would create an unjust or undue delay in the final resolution of the ethics complaint; or

(III) Would otherwise unfairly prejudice the interests of the party before the Commission.

3. Except as otherwise provided in subsection 4, if the Commission Counsel receives a request from a party to stay or continue an adjudicatory hearing or any response to such a request pursuant to subsection 2, the Commission Counsel may, after consulting with the parties regarding scheduling, issue a stay or continuance of the adjudicatory hearing and a revised notice of hearing or scheduling order, as appropriate.

4. The Commission Counsel shall deny a request pursuant to subsection 2 if the Commission Counsel determines that the stay or continuance:

(a) Is being requested merely for delay or because of inexcusable neglect by the Executive Director or the subject, as applicable;

(b) Would create an unjust or undue delay in the final resolution of an ethics complaint; or

(c) Would otherwise unfairly prejudice the interests of the party before the Commission.

Sec. 17. NAC 281A.210 and 281A.615 are hereby repealed.

TEXT OF REPEALED SECTIONS

281A.210 Meetings of Commission: Executive Director and Commission Counsel to provide information or materials. (NRS 281A.290) Unless otherwise directed or authorized by the Chair, at least 1 week before the date on which the Commission is scheduled to hold a meeting, the Executive Director and Commission Counsel shall provide to the Commission any information or materials which the Executive Director or Commission Counsel deems necessary to assist the Commission in conducting the meeting.

281A.615 Availability of form for filing acknowledgment of statutory ethical standards. (NRS 281A.290, 281A.500) The form prescribed by the Commission for filing an acknowledgment of the statutory ethical standards required by NRS 281A.500 is available at the office of the Commission and on the Internet website of the Commission at <http://ethics.nv.gov>.