

Agenda Item 3



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

The Commission on Ethics held a public meeting via Zoom on
Tuesday, July 23, 2024, at 1:30 p.m.

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 via Zoom videoconference and called the meeting to order at 2:02 p.m. Commissioners Michael E. Langton, Esq., Teresa Lowry, Esq., John T. Moran III, Esq., Stan Olsen, Terry J. Reynolds, Scott Scherer, Esq. and Amanda Yen, Esq. also appeared via videoconference. Present on Zoom for Commission staff were Executive Director Ross E. Armstrong, Esq., Commission Counsel Elizabeth J. Bassett, Esq., Outreach and Education Officer Sam Harvey, and Executive Assistant Kari Pedroza.

2. Public Comment.

There were no public comments.

3. Approval of Minutes of the June 26, 2024, Commission Meeting.

Chair Wallin stated that all Commissioners were present for the June 26, 2024, Commission Meeting except Commissioner Reynolds who was not yet appointed and therefore precluded from participating in this item.

Commissioner Scherer and Chair Wallin outlined corrections to the minutes including a few clerical errors, typos, format revisions and the correct Commissioner participation in voting on the Hall Stipulation Item.

Commissioner Scherer moved to approve the June 26, 2024, Commission Meeting Minutes with corrections noted. Commissioner Yen seconded the motion. The Motion was put to a vote and carried as follows:

| | |
|------------------------|----------|
| Chair Wallin: | Aye. |
| Commissioner Langton: | Aye. |
| Commissioner Lowry: | Aye. |
| Commissioner Moran: | Aye. |
| Commissioner Olsen: | Aye. |
| Commissioner Reynolds: | Abstain. |
| Commissioner Scherer: | Aye. |
| Commissioner Yen: | Aye. |

4. Welcome and introductions of new Commissioner

- Terry J. Reynolds

Chair Wallin introduced the item, welcomed Commissioner Reynolds to the Commission and noted some of his professional accomplishments.

Commissioner Reynolds thanked Chair Wallin for the welcome and stated he was looking forward to serving on the Commission.

5. Discussion and possible action to direct Commission Counsel to take legal steps to file a Notice of Appeal and any other steps necessary to appeal the Order Granting Petition for Judicial Review issued in Rodriguez v. NCOE, Armstrong; Second Judicial District Court Case No. CV23-01054 and to defend the Commission's decision in Ethics Case No. 22-051C.

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

Commissioner Yen disclosed that 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 Cannons applicable to the Commission, Commissioner Yen disclosed the relationship and abstained from participating in the matter.

Chair Wallin thanked Commissioner Yen for her disclosure.

Commission Counsel Bassett provided the Commission with relevant case background and current status information pertaining to the petition for judicial review filed by Mr. Rodriguez and granted by the Second Judicial District Court judge. She recommended that the Commission file an appeal in the matter.

Commissioner Scherer noted his opinion that the judge in the case reached the correct decision and the Ethics Commission's decisions have over-extended the prohibition on public official's use of photographs; unless a photograph belongs to the government the photograph in question is not government property. He asserted there is great need for clarification of this issue of law as the Commission has received numerous complaints of this type. Commissioner Scherer stated his understanding of the flaws in the reasoning of the opinion presented by Commission Counsel Bassett, and he is willing to support an appeal of the case in order to get clarification by the Supreme Court. He again noted his belief that ultimately the judge reached the correct decision under the statute.

Commissioner Langton made a motion to grant Commission Counsel the authority to file a notice of appeal and take any legal steps necessary to appeal the order granting the petition for judicial review in the Second Judicial District Court Case No. CV23-01054 and to defend the Commission's opinion in Ethics Case No. 22-051C concerning Joseph Rodriguez including filing any appropriate motions. Commissioner Langton further moved that the Commission Counsel shall bring back case dispositive decisions such as dismissals or stipulated settlement agreements before the full Commission and to delegate authority to the Chair and Vice Chair to consult with Commission Counsel regarding any legal issues or decisions pursuant to NRS 241.357 and NAC 281A.055 but for further agreement to dismiss or settlement. Commissioner Lowry seconded the motion.

The Motion was put to a vote and carried unanimously.

6. Nominations and election of the Commission Chair and Commission Vice Chair for the upcoming year.

Chair Wallin introduced the item and asked her fellow Commissioners if they would like to make any nominations.

Commissioner Yen made a motion to elect Kim Wallin as Chair and Scott Scherer as Vice Chair. Commissioner Lowry seconded the motion. Kim Wallin acknowledged her willingness to accept the nomination. Scott Scherer stated he was willing to serve as Vice Chair. The Motion was put to a vote and verbal responses were unclear. Executive Director asked Commissioner Reynolds for his vote, he confirmed he voted Nay. Commissioner Moran asked Commissioner Scherer if he voted no, and Commissioner Scherer confirmed his Nay vote. Commissioner Moran noted that he, Commissioner Scherer, Commissioner Reynolds, Commissioner Langton and Commissioner Olsen all voted Nay, resulting in a 5-3 against the motion. The motion failed as follows:

| | |
|------------------------|------|
| Chair Wallin: | Aye. |
| Commissioner Langton: | Nay. |
| Commissioner Lowry: | Aye. |
| Commissioner Moran: | Nay. |
| Commissioner Olsen: | Nay. |
| Commissioner Reynolds: | Nay. |
| Commissioner Scherer: | Nay. |
| Commissioner Yen: | Aye. |

Commissioner Reynolds made a motion to nominate Commissioner Moran as Chair and Commissioner Scherer as Vice Chair. Commissioner Moran accepted the nomination to serve as Chair for the Commission. Commissioner Scherer acknowledged his willingness to serve as Vice Chair. Commissioner Olsen seconded the motion.

Commissioner Yen discussed the attendance and commitment to the Commission she witnessed during her time as Commissioner as her explanation for nominating Kim Wallin as Chair and not voting in favor of Commissioner Moran as Chair. Commissioner Moran stated his disagreement with Commissioner Yen's comments.

Chair Wallin outlined that the vote would be taken as a show of hands. The motion failed as follows by a show of hands:

| | |
|------------------------|------|
| Chair Wallin: | Nay. |
| Commissioner Langton: | Nay. |
| Commissioner Lowry: | Nay. |
| Commissioner Moran: | Aye. |
| Commissioner Olsen: | Aye. |
| Commissioner Reynolds: | Aye. |
| Commissioner Scherer: | Aye. |
| Commissioner Yen: | Nay. |

Commissioner Langton asked if nominations for Chair and Vice Chair could be made separately, and Chair Wallin answered in the affirmative.

Chair Wallin moved to nominate Scott Scherer as Vice Chair. Commissioner Yen seconded the motion. The motion carried, votes collected by show of hands, as follows:

| | |
|------------------------|------|
| Chair Wallin: | Aye. |
| Commissioner Langton: | Nay. |
| Commissioner Lowry: | Nay. |
| Commissioner Moran: | Aye. |
| Commissioner Olsen: | Aye. |
| Commissioner Reynolds: | Nay. |
| Commissioner Scherer: | Aye. |
| Commissioner Yen: | Aye. |

Commissioner Reynolds made a motion to nominate Scott Scherer as Chair and Commissioner Moran as Vice Chair. Chair Wallin informed Commissioner Reynolds that the nominations would be taken one at a time. Commissioner Reynolds asked if he was precluded from making that motion. Chair Wallin acknowledged that Commissioner Scherer had just been voted in as Vice Chair. Commissioner Reynolds stated that he didn't hear a vote and Chair Wallin confirmed the vote was counted by show of hands.

Commissioner Olsen asked if Commissioner Reynolds was allowed to make a motion on just the Chair and if so, could he nominate Scott Scherer as Chair considering the previous vote passed to nominate Scott Scherer as Vice Chair. Commission Counsel Bassett noted she was reviewing the rules regarding the scenario and would advise.

Commissioner Langton asked about the length of the term the Chair and Vice Chair served and Chair Wallin responded it was one year. Chair Wallin outlined the duties of the Chair included increased communication and responsiveness to staff requests and administrative review of documents and publications among other tasks.

Executive Director Armstrong shared there are no specific procedures in the Commission's Nevada Administrative Code (NAC) other than that elections for the Chair and Vice Chair positions shall occur at the first meeting of the fiscal year. He offered that according to Robert's Rules of Order, if the Commission operates under those rules, even though there has been a vote to elect Commissioner Scherer as Vice Chair there can still be a vote to elect Commissioner Scherer as Chair, if that vote prevails there could be a subsequent vote to reconsider the nomination of Commissioner Scherer as Vice Chair and elect another member to the Vice Chair role. Executive Director Armstrong communicated the importance of having two separate members, one elected as Chair and another elected as Vice Chair for administrative purposes, and in the absence of the Chair, the Vice Chair would act as the Chair in certain matters. Commission Counsel Bassett confirmed that there are no specific statutes or procedures outlining the Commission's voting requirements or prohibitions and agreed with Executive Director Armstrong's assessment of Robert's Rules of Order and the applicability to the situation.

Chair Wallin provided that historically the Chair and Vice Chair had been incumbents of different political parties and different appointments, one Governor appointed, and one Legislative Commission appointed, to keep it nonpartisan and transparent.

Commissioner Reynolds made a motion to nominate Scott Scherer as Chair. Commissioner Scherer stated he would accept the nomination as Chair so as to not be deadlocked, he noted his willingness to put in the extra time to be Chair. Commissioner Moran seconded the motion. The motion carried, votes collected by show of hands, as follows:

| | |
|------------------------|------|
| Chair Wallin: | Aye. |
| Commissioner Langton: | Nay. |
| Commissioner Lowry: | Nay. |
| Commissioner Moran: | Aye. |
| Commissioner Olsen: | Aye. |
| Commissioner Reynolds: | Aye. |
| Commissioner Scherer: | Aye. |
| Commissioner Yen: | Aye. |

Commissioner Yen moved to nominate Kim Wallin as Vice Chair. Commissioner Lowry seconded the motion. The motion carried, votes collected by show of hands, as follows:

| | |
|------------------------|------|
| Chair Wallin: | Aye. |
| Commissioner Langton: | Aye. |
| Commissioner Lowry: | Aye. |
| Commissioner Moran: | Nay. |
| Commissioner Olsen: | Nay. |
| Commissioner Reynolds: | Aye. |
| Commissioner Scherer: | Aye. |
| Commissioner Yen: | Aye. |

Vice Chair Wallin congratulated Chair Scherer on his election as Chair and stated she looked forward to working with him. Chair Scherer congratulated Vice Chair Wallin on her election also and echoed her comment.

7. Commissioner Comments.

There were no Commissioner comments.

8. Public Comment.

There were no public comments.

9. Adjournment.

Commissioner Yen 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 2:25 p.m.

Minutes prepared by:

/s/ Kari Pedroza

Kari Pedroza
Executive Assistant

/s/ Ross Armstrong

Ross Armstrong, Esq.
Executive Director

Minutes approved August 21, 2024:

Scott Scherer, Esq.
Chair

Kim Wallin, CPA, CMA, CFM
Vice Chair

Agenda Item 4



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 **21 of August 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/81988115035?pwd=1k1tQWsbAPmzPcpLk9ricAWMHbcp4.1> (**Meeting ID: 819 8811 5035 Passcode: 521743**) and via Zoom **telephonically** by calling **1-253-205-0468**, entering 819 8811 5035 when prompted to enter the Meeting ID and entering 521743 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

At a prior meeting of the Legislative Commission, members expressed concerns with two sections.

The first section relates to the definition of "subject." With the proposed amendments at this hearing, the change to the definition of "subject" is proposed to be eliminated,

reverting to the current regulatory language. NAC 281A.100.

The second section relates to the rejection of anonymous complaints without full Commission review. Currently, NRS 281A prohibits the Commission to proceed based on an anonymous Complaint. With the proposed amendments at this hearing, the wording “shall” will be replaced with “may”. In the event the Legislature passes, and the Governor approves amendments to NRS Chapter 281A in the future to permit consideration of anonymous complaints, this wording change would permit immediate implementation of that change without the need for changes to the regulation.

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/Resources/Home/>

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

**ADOPTED REGULATION OF THE
COMMISSION ON ETHICS**

LCB File No. R136-23

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

Summary of Comments on \$R136-23A.pdf

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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

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Director and Commission Counsel. (NAC 281A.351) **Section 9** of this regulation: (1) provides that the period specified 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.

This page contains no comments

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 ~~at~~*
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

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~~

 Number: 1 Author: RArmstrong Subject: Sticky Note Date: 7/18/2024 1:03:02 PM

Proposed new language would eliminate this change to NAC 281A.100 reverting back to the use of "public officer or public employee"

~~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.

This page contains no comments

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:

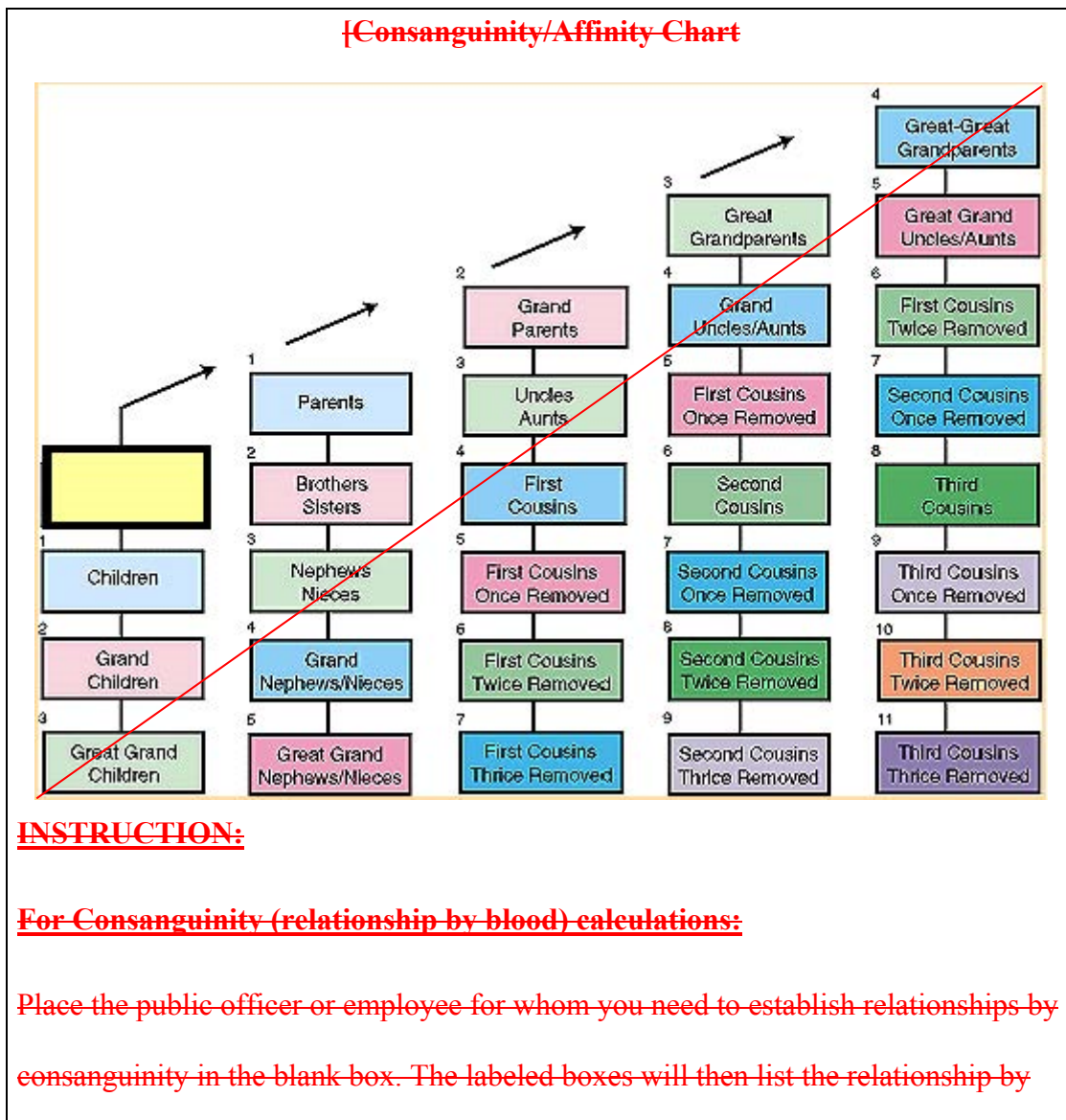
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281A.280 ~~H~~ The presiding officer *or a court reporter* may administer oaths.

~~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:*



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~~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.}~~

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| <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> | | | |

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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

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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.

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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. ~~##~~ *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.

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(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:

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- (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*

 Number: 1 Author: RArmstrong Subject: Sticky Note Date: 7/18/2024 12:49:02 PM

Proposed new language will replace "shall" in a and b with "may" so that if there is a statutory change related to accepting anonymous complaints, the regulation does not need to be change to immediately implement the change. This is for NAC 281A.405

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.

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(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.

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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:

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(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

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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~~ *and the time limit for oral arguments.*

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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.

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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.

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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.

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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

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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~~

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~~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:

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(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.

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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>.

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Agenda Item 5



Executive Director Report – August 2024

Operations Highlights

- Regulatory Hearing at the August Meeting
- Staffing Vacancies
 - Senior Legal Researcher
 - Associate Counsel
- Commissioner Vacancies
 - None
- Strategic Plan
 - Published
 - Implementation plan in development

Budget Update

- FY 24 Closing
 - Work programs completed
- FY 25/26 Budget Build
 - Three enhancement units being built for consideration
 - Updated performance measures

Upcoming Meetings

- October 16 – Las Vegas
- November 13 – Reno

Submitted: Ross E. Armstrong, Executive Director
Date: 8/14/24

| Case No. | Date Filed | Jurisdiction | Local or State | Subject | Requester | Status |
|----------|------------|--------------|----------------|------------|------------|---|
| 24-096C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Pending Jurisdictional Determination |
| 24-095C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Pending Jurisdictional Determination |
| 24-094C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Pending Jurisdictional Determination |
| 24-093C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Pending Jurisdictional Determination |
| 24-092C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Pending Jurisdictional Determination |
| 24-090C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Pending Jurisdictional Determination |
| 24-089C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Pending Investigation |
| 24-088C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Pending Investigation |
| 24-087C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Pending Investigation |
| 24-086C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Pending Investigation |
| 24-085C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Pending Investigation |
| 24-081C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Pending Investigation |
| 24-080A | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Pending Opinion |
| 24-073C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Pending Investigation |
| 24-062A | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Pending Opinion |
| 24-056C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Pending Investigation |
| 24-050C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Pending Investigation; Consolidated w/24-036C |
| 24-046C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Pending Review Panel |
| 24-043A | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Pending Opinion |
| 24-041A | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Opinion issued 5/28/24; Abstract Pending |
| 24-036C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Pending Investigation; Consolidated w/24-050C |
| 24-027C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Pending Review Panel |
| 24-019A | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Opinion issued 4/15/24; Reconsideration Pending |
| 24-009C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Pending Investigation |
| 24-005C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Adjudicatory Proceedings Pending |
| 23-139C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Deferral Agreement 3/18/24; Compliance period expires November 2024 |
| 23-136C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Pending Investigation |
| 23-129C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Stipulated Agreement 6/26/24; \$1,000 Civil Penalty due 12/31/24; Consolidated w/ 120C, 121C & 128C |
| 23-128C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Stipulated Agreement 6/26/24; \$1,000 Civil Penalty due 12/31/24; Consolidated w/ 120C, 121C & 129C |
| 23-121C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Stipulated Agreement 6/26/24; \$1,000 Civil Penalty due 12/31/24; Consolidated w/ 120C, 128C & 129C |
| 23-120C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Stipulated Agreement 6/26/24; \$1,000 Civil Penalty due 12/31/24; Consolidated w/ 121C, 128C & 129C |

↑ FISCAL YEAR 2024 ↑

Current Case Log

June 30, 2024

| | | | | | | |
|----------------------|----------------|------------------|----------------|--------------------------|--------------------------|---|
| 23-057C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Deferral Agreement 8/23/23; Compliance Period expires August 2025 |
| 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 | Stipulated Agreement 6/26/24; \$1,500 Civil Penalty due February 2026 |
| 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 ↑ | | | | | | |
| 22-051C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Reconsideration Order Issued; Petition for Judicial Review Appeal Pending |
| 22-031C/ 22-032C | XXXXX XXXXX | XXXXXX XXXXXX | XXXXX XXXXX | XXXXXXXXXX XXXXXXXXXX | 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 ↑ | | | | | | |
| 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 |
|----------|--------------------------------------|--------------|----------------|------------|------------|--|
| 24-096C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Pending Jurisdictional Determination |
| 24-095C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Pending Jurisdictional Determination |
| 24-094C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Pending Jurisdictional Determination |
| 24-093C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Pending Jurisdictional Determination |
| 24-092C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Pending Jurisdictional Determination |
| 24-091C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Withdrawn |
| 24-090C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Pending Jurisdictional Determination |
| 24-089C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Pending Investigation |
| 24-088C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Pending Investigation |
| 24-087C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Pending Investigation |
| 24-086C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Pending Investigation |
| 24-085C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Pending Investigation |
| 24-084C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Dismissed (No Jurisdiction) |
| 24-083C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Dismissed w/Ltr of Caution - 7/25/24 |
| 24-082C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Dismissed (No Jurisdiction) |
| 24-081C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Pending Investigation |
| 24-080A | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Opinion issued 7/22/24; Abstract Pending |
| 24-079C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Dismissed (No Jurisdiction) |
| 24-078A | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Dismissed (No Jurisdiction) |
| 24-077C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Dismissed (No Investigation) |
| 24-076C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Withdrawn |
| 24-075C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Dismissed (No Investigation) |
| 24-074C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Dismissed (No Jurisdiction) |
| 24-073C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Pending Investigation |
| 24-072C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Dismissed (No Jurisdiction) |
| 24-071C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Dismissed (No Jurisdiction) |
| 24-070C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Dismissed (No Jurisdiction) |
| 24-069C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Dismissed (No Jurisdiction) |
| 24-068A | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Dismissed (No Supplemental Info) |
| 24-067 | Complaint filed by invalid requester | | | | | |
| 24-066 | Complaint filed by invalid requester | | | | | |
| 24-065C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Dismissed (No Investigation) |
| 24-064C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Dismissed (No Investigation) |
| 24-063C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Dismissed (No Jurisdiction) |
| 24-062A | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Pending Opinion |
| 24-061C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Dismissed (No Jurisdiction) |

| | | | | | | |
|---------|-------|--------|-------|------------|------------|---|
| 24-060C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Dismissed (No Jurisdiction) |
| 24-059C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Dismissed (No Jurisdiction) |
| 24-058C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Dismissed (No Jurisdiction) |
| 24-057C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Dismissed (No Jurisdiction) |
| 24-056C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Pending Investigation |
| 24-055A | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Dismissed (No Jurisdiction) |
| 24-054C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Dismissed (No Investigation) |
| 24-053C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Dismissed (No Investigation) |
| 24-052C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Dismissed (No Investigation) |
| 24-051C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Dismissed (No Investigation) |
| 24-050C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Pending Investigation; Consolidated w/24-036C |
| 24-049C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Dismissed (No Jurisdiction) |
| 24-048C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Dismissed (No Investigation) |
| 24-047C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Dismissed (No Investigation) |
| 24-046C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Pending Review Panel |
| 24-045C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Dismissed by Panel - 7/15/24 |
| 24-044C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Dismissed (No Jurisdiction) |
| 24-043A | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Pending Opinion |
| 24-042C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Dismissed (No Jurisdiction) |
| 24-041A | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Opinion issued 5/28/24; Abstract Pending |
| 24-040C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Dismissed (No Jurisdiction) |
| 24-039C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Dismissed (No Jurisdiction) |
| 24-038A | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Opinion issued 6/6/24; No Abstract |
| 24-037A | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Opinion issued 5/9/24; No Abstract |
| 24-036C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Pending Investigation; Consolidated w/24-050C |
| 24-035C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Dismissed (No Jurisdiction) |
| 24-034C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Dismissed (No Jurisdiction) |
| 24-033C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Dismissed (No Jurisdiction) |
| 24-032C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Dismissed (No Jurisdiction) |
| 24-031C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Dismissed (No Jurisdiction) |
| 24-030C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Dismissed (No Jurisdiction) |
| 24-029C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Dismissed (No Jurisdiction) |
| 24-028C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Dismissed (No Jurisdiction) |
| 24-027C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Pending Review Panel |
| 24-026A | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Withdrawn |
| 24-025C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Dismissed (No Jurisdiction) |
| 24-024C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Dismissed (No Jurisdiction) |
| 24-023A | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Opinion issued 5/6/24; No Abstract |
| 24-022A | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Dismissed (No Jurisdiction) |
| 24-021A | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Opinion issued 4/29/24; No Abstract |

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|---------|------------------|--------|-------|------------|------------|---|
| 24-020A | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Dismissed (No Supplemental Info) |
| 24-019A | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Opinion issued 4/15/24; Reconsideration Pending |
| 24-018A | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Opinion issued 4/15/24; Confidentiality Waived |
| 24-017C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Dismissed (No Investigation) |
| 24-016C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Dismissed (No Investigation) |
| 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 | Opinion issued 4/15/24; No Abstract |
| 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; Abstract issued 3/25/24 |
| 24-005C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Pending Adjudicatory Proceedings |
| 24-004C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Dismissed (No Investigation) |
| 24-003C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Dismissed by Panel w/Ltr of Caution - 5/14/24 |
| 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 |

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|---------|-------|--------|-------|------------|------------|---|
| 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 | Deferral Agreement 3/18/24; Compliance period expires November 2024 |
| 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 | Stipulated Agreement 6/26/24; \$1,000 Civil Penalty due 12/31/24; Consolidated w/ 120C, 121C & 128C |
| 23-128C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Stipulated Agreement 6/26/24; \$1,000 Civil Penalty due 12/31/24; 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 | Stipulated Agreement 6/26/24; \$1,000 Civil Penalty due 12/31/24; Consolidated w/ 120C, 128C & 129C |
| 23-120C | XXXXX | XXXXXX | XXXXX | XXXXXXXXXX | XXXXXXXXXX | Stipulated Agreement 6/26/24; \$1,000 Civil Penalty due 12/31/24; 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) |

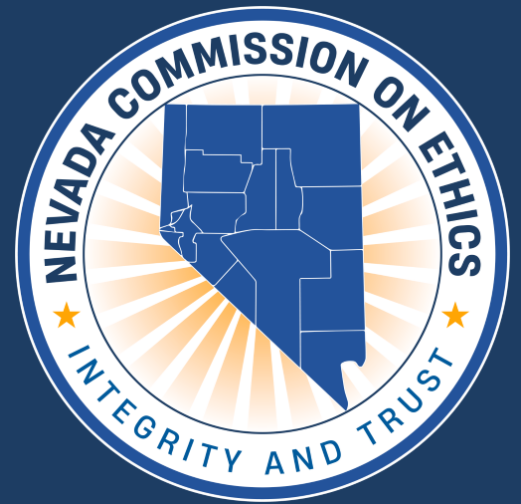
Agenda Item 6



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ANNUAL REPORT

FISCAL YEAR 2024



Nevada Commission on Ethics

Email: ncoe@ethics.nv.gov
Website: ethics.nv.gov

Tel: 775-687-5469
704 W. Nye Lane, Suite 204
Carson City, Nevada 89703

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Will be updated prior to publishing

DRAFT

TO NEVADANS,

Introductory Letter

Scott Scherer, Esq.
Chair

Ross E. Armstrong, Esq.
Executive Director

Public officers and employees must commit themselves to avoid conflicts between their private interests and those of the general public whom they serve. - NRS 281A.020(1)(b)

COMMISSION BACKGROUND

What We Do

The Nevada Commission on Ethics is an independent public body appointed by the Governor and Legislative Commission to interpret and enforce the provisions of Nevada's Ethics in Government Law, Nevada Revised Statutes Chapter 281A. The Ethics Law preserves the public's trust in government. It sets forth various standards of conduct to guide public officers and employees to avoid conflicts of interest and maintain integrity in public service. The Commission's primary functions include:

- Providing outreach and training to Nevada's public officers, employees, and other interested entities regarding conflicts of interest and the Ethics Law.
- Providing advisory opinions to public officers and employees to guide them in compliance with the Ethics Law.
- Enforcing the provisions of the Ethics Law by investigating and adjudicating alleged misconduct by public officers and employees.



8 Commissioners



**Over 139,000 public officers
and employees**



7 Staff Members

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.

Commissioners & Staff

| Commissioners as of June 30, 2024 | |
|---|---|
| Kim Wallin, CPA, CMA, CFM Chair | Thoran Towler, Esq. Vice Chair |
| Michael E. Langton, Esq. Commissioner | Teresa Lowry, Esq. Commissioner |
| John T. Moran, III, Esq. Commissioner | Stan Olsen Commissioner |
| Scott Scherer, Esq. Commissioner | Amanda Yen, Esq. Commissioner |
| Individuals who served on the Commission for part of the fiscal year prior to their terms ending: Brian Duffrin, Barbara Gruenewald, Esq., and James Oscarson. | |
| Commission Staff as of June 30, 2024 | |
| Ross Armstrong, Esq., Executive Director | Elizabeth Bassett, Esq., Commission Counsel |
| VACANT Associate Counsel | Wendy Pfaff, Senior Legal Researcher |
| Erron Terry, Investigator | Kari Pedroza, Executive Assistant |
| Sam Harvey, Outreach and Education Officer | |

Commission's Guiding Principles

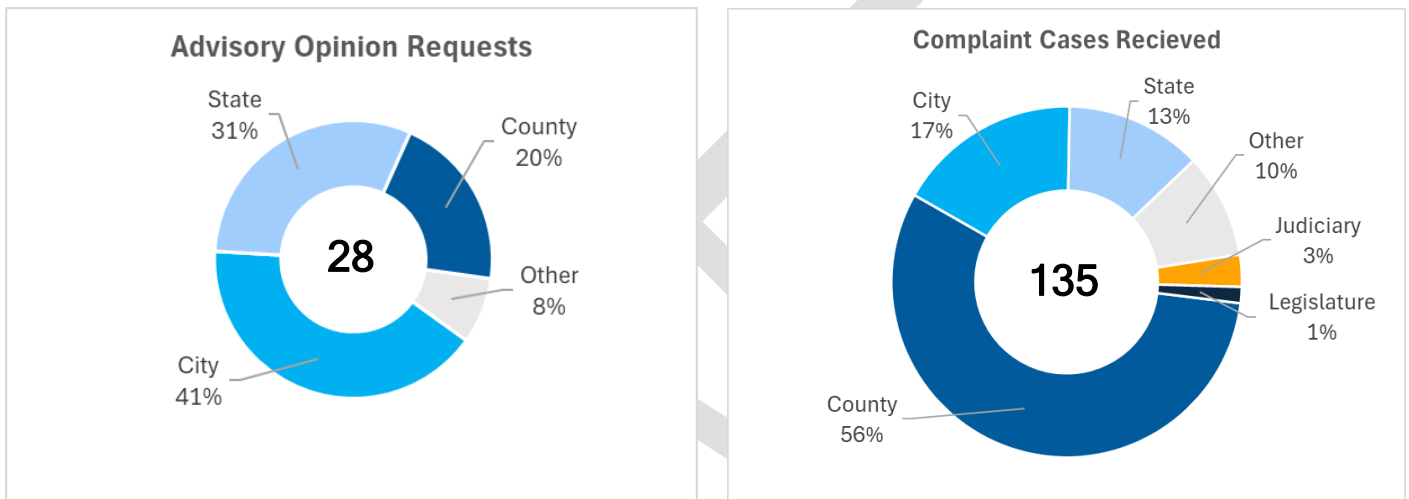
1. Our highest priority is to protect the citizens of Nevada by interpreting and enforcing the provisions of the Ethics Law in a fair, consistent and impartial manner.
2. We act with a high degree of integrity, honesty and respect when investigating and adjudicating public complaints alleging ethics violations by public officers and employees.
3. We are committed to providing outreach and education to our Stakeholders (the public and public officers and employees) to enhance their awareness and understanding of ethics requirements and prohibitions under the Nevada Ethics law.
4. Our objectivity, independence and impartiality are beyond reproach. We avoid all personal or professional circumstances or conflicts calling these into question.
5. Our processes ensure all actions, decisions and policies are consistently applied and do not result in advantages or disadvantages to any party to the detriment of another.
6. Our confidential advisory opinions are thoroughly researched and written with the needs of the requestor in mind and consistent with opinion precedent and applicable statutes including legislative intent.
7. We carry out our duties in a rigorous and detailed manner and utilize the resources provided to us wisely and only for the legitimate purposes of the agency.
8. We continuously challenge ourselves to improve the practices and processes of the agency to keep pace with the needs of the individuals we serve and to comply with legislative mandates.
9. We continuously improve our public communication and public access to provide guidance and assistance to those we hold accountable for compliance.
10. We value and respect the opinions and recommendations of our Stakeholders, Staff and Commission Members which guide us in our decision-making.

FY 2024 HIGHLIGHTS

Staff Transitions

Elizabeth Bassett, Esq. was promoted from Associate Counsel to Commission Counsel. The Outreach and Education Officer position approved during the 2023 legislative session was filled in March of 2024 by Sam Harvey.

Cases Filed with the Commission



Case Trend - Opportunities Beyond Public Service

The Commission saw a trend of questions about contracting with government agencies as well as cooling off restrictions through its advisory opinion request process as more individuals considered secondary employment. In particular, the Commission had the opportunity to remind public officials of the Ethics Law's restriction on private contracting activities.

“NRS 281A.430(1) establishes a broad restriction prohibiting contracts between public officers or employees, including business entities with which they are associated, and any public agency. *See* NRS 281A.035 . . . NRS 281A.430 has **important public policy considerations given the perception, if not the reality, of tax-payer money being expended on contracts between government agencies and entities owned or operated by public officers or employees.** Such contracts **do not appear to be transparent or fair to the public unless certain circumstances are present.**” - *In re Public Employee*, Comm’n Op. No. 24-011A (2024).

ADOPTION OF A STRATEGIC PLAN

The Commission has not had an updated strategic plan for many years. During this fiscal year the Commission took the opportunity to assess its current operations and look to the future by setting strategic priorities.



Assessment of Current Operations: The Executive Director solicited feedback on current agency operations and direction from Commissioners and Staff to establish possible areas of focus for building the strategic plan.

Agreement on Overarching Priorities: The Commission held a strategic planning session during the Commission's April 2024 public meeting to compile Staff and Commissioner priorities, organize the central themes, and discuss possible ways of accomplishing and evaluating each priority within the strategic plan.

Adoption of the Plan: The Commission approved these strategic priorities and proposed timeline for success during the June 2024 Commission Meeting. The plan includes four areas of strategic focus:

- 1) Outreach and Education
- 2) Maintaining the Public's Trust in the Commission
- 3) Sufficient Staffing to Deliver the Mission of the Commission
- 4) Technology and Service Improvement

Next Steps: With the strategic plan adopted, the next steps include adopting an implementation plan. That plan will include regular reports from Staff to the Commission on progress, challenges, and successes over the life of the plan.

FISCAL UPDATE

Fiscal Year 2024 was the first fiscal year to include an Outreach and Education Officer for the Commission along with some expenses associated with the new position. In addition, savings from vacancies helped offset unbudgeted cost of living adjustments and prevented the Commission from having to request special funding from the Interim Finance Committee.

The Commission set budget priorities for the next biennium during its meeting in April. The priorities selected center on technology improvements to provide better customer service and process efficiencies for the Commission in the future.

FY 2024 Sources of Commission Revenue & Penalties Collected

| | | |
|---|----------------------------------|--|
| Local Government Assessments \$645,648 | State General Funds \$246,118 | Penalties Collected for General Fund \$5,136.61 |
|---|----------------------------------|--|

We carry out our duties in a rigorous and detailed manner and utilize the resources provided to us wisely and only for the legitimate purposes of the agency. - Guiding Principle #7



Fiscal Priorities for 2025 Legislative Session

1. Case Management and Opinions Database Software
2. Outreach and Education Budget Proposal
3. Service Improvements

REGULATORY AND LEGISLATIVE STATUS

Regulatory Amendments

The Commission held a workshop and public hearing on changes to Nevada Administrative Code Chapter 281A. The proposed changes focus on operational efficiency, modernization of filing requirements, and clarity on roles and responsibilities of Commissioners and Staff at different stages of Ethics cases.



Interim Legislative Operations & Elections Presentation

During the Interim, the Joint Interim Standing Committee on Legislative Operations and Elections invited the Commission to present at its May 2024 meeting. The Executive Director presented an overview of the Ethics Commission including structure, jurisdiction, and main ethics categories. Ethics Law

legislative history and ethics “hot topics” such as campaign cases and legislative ethics were also presented. This presentation provided an informational foundation for those lawmakers likely to serve on the Legislative and Operation and Elections Commission as they evaluate any proposed changes to the Ethics Law during the 2025 Legislative Session.

2025 Legislative Priorities

During its March meeting, the Commissioners voted to refrain from submitting their own bill draft request in the upcoming 2025 legislative session. Despite this decision, the Commission affirms its dedication to supporting ethics legislation proposed during the 2025 session. The Commission will provide the necessary resources and expertise to enable the success of any legislation making positive changes to the Nevada Ethics Law.

OUTREACH & EDUCATION

Embarking on Modernization and Innovation

The Commission presented a modernization plan for education and outreach as part of its budget proposal before the 2023 Legislature. Funding for the plan was approved and began implementation during the 2024 fiscal year.

The Outreach and Education Officer began in March. In the few short months since the position was filled, numerous advancement and improvements to the Commission's outreach and education efforts have been realized.

“We continuously challenge ourselves to improve the practices and processes of the agency to keep pace with the needs of the individuals we serve and to comply with legislative mandates.”
- Guiding Principle #8



1,211*

Nevadans received
Ethics Law Training



*compared to 1,484 in the previous year

Outreach and Education Developments

1. Improved the Accessibility of Existing Ethics Resources and Services

Commission Staff developed a modern [Ethics Manual](#) better suited to serve as a resource for all public servants across Nevada using plain language and incorporating modern visual graphics to convey more complex areas of the law. In addition, the team developed and implemented a Training Feedback Survey to solicit feedback from training participants across multiple training mediums to improve the quality and accessibility of the Commission's training resources.

2. A Focus on LinkedIn for Outreach and Education

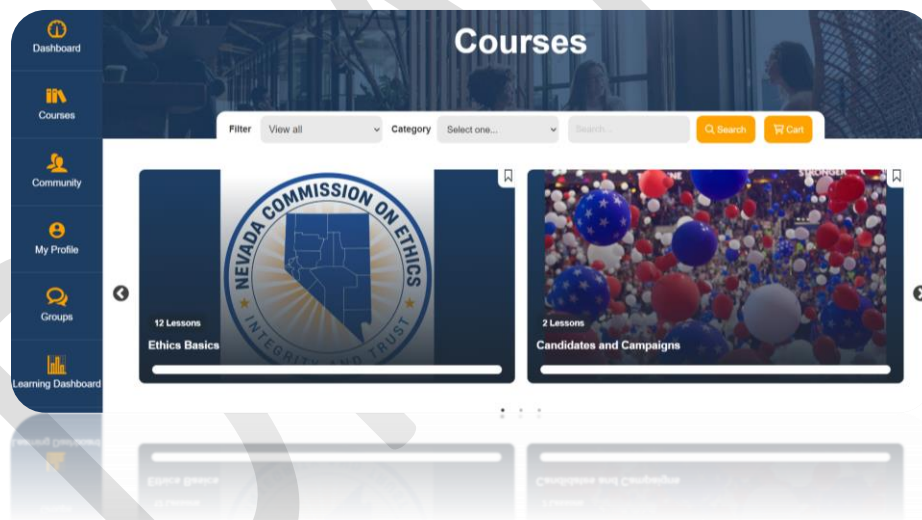
LinkedIn is an especially useful outreach tool to broadcast specially designed messaging to the right audience, namely public servants. This is largely due to the nature of the LinkedIn platform which focuses on the professional lives of the user. During the fiscal year, the

Commission's LinkedIn page went from 231 users to 892 users. Of note, for the first time there are more followers from Southern Nevada than Northern Nevada. Currently, 85% of total followers are in Nevada and the top three profession types following the Commission's content are 1) Government Administration, 2) Public Health, and 3) Primary and Secondary Education.

3. Continued Development of Nevada Ethics Online (NEO)

In FY24 the Commission continued to develop Nevada Ethics Online, the Commission's online learning management system. The system was used to confirm training completion by Subjects of Ethics Complaints, which the Commission has previously been unable to track, and the number of users grew over the year.

Development plans for the year ahead include 1) establishing memoranda of understanding with government agencies wishing to use the platform for employee training, 2) additional development of course content, and 3) perfecting the collection of use and completion data.



Nevada Ethics Online Data

90 mins

Average Course Completion

54

Total Users ¹

15 Courses Completed ²
 33 Completed a Lesson
 39 Completed a Quiz
 38 Watched a Video

¹ Excludes users who registered, but never signed into the platform.

² Likely due to technical difficulties in submitting course content to ensure courses are marked as complete. Measures have since been implemented to prevent such difficulties.

COMMISSION OPERATIONS

Operations Focus

| | |
|---|--|
|  | <p><u>Top 3 Topics for Advisory Opinions</u></p> <ol style="list-style-type: none"> 1. Cooling Off 2. Disclosure and Abstention 3. Contracting |
|  | <p><u>Top 3 Jurisdiction Types for Complaints</u></p> <ol style="list-style-type: none"> 1. Rural County Government 2. School Districts 3. State Government |
|  | <p><u>Top 3 Resolution Types for Investigated Cases</u></p> <ol style="list-style-type: none"> 1. Stipulated Violation 1. Dismissed with a Letter of Caution/ Instruction 2. Deferral Agreement |
|  | <p><u>Three cases pending litigation.</u></p> <ul style="list-style-type: none"> • 2 petitions for judicial review filed following contested hearings • 1 petition for judicial review filed following an advisory opinion |

Report on the Goals Previously Set for Fiscal Year 2024

Complete an updated Ethics Manual for public officers and employees.

The new [Ethics Manual](#) was published in early July 2024.

Expand outreach and training opportunities for the general public.

The Commission hosted a Candidates and Campaign webinar available to and attended by the general public, positive media relations resulted in educational pieces published by media outlets.



1 Article Published by the Nevada Independent

Increase the number of public officers and employees who receive ethics training from the number trained in FY 2023.

The total number of public officers and employees who received ethics training dropped by 273 in FY 2024 from FY 2023.

Develop a new strategy for future proposed statutory changes.

The Commission adopted a new strategy for the 2025 Legislative Session which focuses on supporting and providing education on any new Ethics proposals from others in lieu of proposing its own legislative changes to NRS 281A.

Complete a review of Commission regulations for efficiency and effectiveness.

The Commission completed a regulatory workshop and public hearing in FY24. Following feedback from the Legislative Commission, a new public hearing is scheduled for August of 2024 with approval of adopted regulations targeted for fall of 2024.

Goals for Fiscal Year 2025

- 1) Develop an implementation plan for the NCOE Strategic Plan
- 2) Increase the total number of individuals who receive Ethics training
- 3) Secure funding for budget priorities during the 2025 Legislative Session

APPENDIX

Appendix A Investigated Cases Resolved in FY 2024¹

| Case Name | Resolution |
|--|--|
| In re John Bartlett (23-015C), Former Compliance Investigator, State Contractor's Board | Stipulated Agreement - 1 willful violation of NRS 281.400(5) & 1 non-willful violation of NRS 281A.400(7); \$1,500 civil penalty |
| In re Raymond Spencer (22-102C), Former Lieutenant, Las Vegas Metropolitan Police Department | Stipulated Agreement - 1 non-willful violation of NRS 281A.400(7); \$500 civil penalty |
| In re Kevin Chisum (23-048C), Assessor, Mineral County | Stipulated Agreement - 1 non-willful violation of NRS 281A.400(7) |
| In re Catherine Hall (23-120C, 23-121C, 23-128C & 23-129C), Chair, Mineral County Commission | Stipulated Agreement - 1 non-willful violation of NRS 281.400(2) & 1 non-willful violation of NRS 281A.400(7); \$1,000 civil penalty |
| In re Larry Grant (23-005C), Member, Mineral County Board of Commissioners | Stipulated Deferral Agreement - Completed 2-year compliance period; Ethics Training |
| In re Raymond Tulloch (23-054C), Trustee, Incline Village General Improvement District | Stipulated Deferral Agreement - 2-year compliance period expires August 2025; Ethics Training |
| In re Alan Bigelow (23-139C), Firefighter/EMT, Pahrump Valley Fire & Rescue, Nye County | Deferral Agreement - Compliance period ends November 2024 |
| In re Eric Blondheim (23-057C), Undersheriff, Pershing County | Stipulated Deferral Agreement - 2-year compliance period expires August 2025; Ethics Training |
| In re Hillary Schieve (23-056C), Mayor, City of Reno | Opinion |

¹ Investigated case means that the Commission accepted jurisdiction and directed an investigation be conducted. This list only includes cases that were resolved in FY 2024 (regardless of year the complaint was submitted) and does not include the list of current open cases.

Appendix B Investigated Cases Resolved by Review Panels in FY 2024²

| Case Name | Resolution |
|---|--|
| In re Danny Zampirro (23-022C), Engineering Tech III, Department of Conservation and Natural Resources | Dismissal with Letter of Caution, NRS 281A.400(7) |
| In re Lisa Guzman (23-053C), Trustee, Clark County School District | Dismissal, NRS 281A.420(1) & (3) |
| In re Matt McNally (23-063C), Community Engagement Director, Las Vegas-Clark County Library District | Dismissal, NRS 281A.400(2), (7) & (9) |
| In re Michelle Gorelow (23-114C), Assemblymember, Nevada State Legislature | Dismissal, NRS 281A.400(1), (2), (3), (4) & (5) |
| In re Paul Gordon (23-133C), Building Inspector, City of Reno | Dismissal, NRS 281A.400(2) & (7) |
| In re Sheila Leijon (24-003C), Director of Parks and Recreation, Incline Village General Improvement District | Dismissal with Letter of Caution, NRS 281A.400(1), (2), (3), (7) & (10), NRS 281A.420(1) |
| In re Justin Jones (24-009C), Commissioner, Clark County Commission | Dismissal, NRS 281.400(1) |

² Investigated case means that the Commission accepted jurisdiction and directed an investigation be conducted. This list only includes cases that were resolved in FY 2024 (regardless of year the complaint was submitted) and does not include the list of current open cases or those in which the determination of the review panel was to refer to the full Commission.

Appendix C Advisory Opinions Issued

| Date Published | Case Number | Main Topic(s) |
|----------------|-------------|--|
| 2/12/2024 | 23-137A | Contracts |
| 6/6/2024 | 24-038A | Contracts |
| 4/15/2024 | 24-011A | Contracts |
| 9/5/2023 | 23-083A | Cooling Off |
| 9/5/2023 | 23-090A | Cooling Off |
| 11/22/2023 | 23-117A | Cooling Off |
| 11/13/2023 | 23-118A | Cooling Off |
| 4/29/2024 | 24-021A | Cooling Off |
| 5/6/2024 | 24-023A | Cooling Off |
| 5/9/2024 | 24-037A | Cooling Off |
| 12/14/2023 | 23-132A | Cooling Off |
| 3/6/2024 | 23-155A | Cooling Off |
| 10/31/2023 | 23-094A | Disclosure & Abstention |
| 1/18/2024 | 23-141A | Disclosure & Abstention |
| 3/25/2024 | 24-006A | Disclosure & Abstention |
| 4/15/2024 | 24-019A | Disclosure & Abstention |
| 5/28/2024 | 24-041A | Disclosure & Abstention |
| 2/12/2024 | 23-154A | Disclosure & Abstention |
| 2/26/2024 | 23-160A | Disclosure & Abstention |
| 8/3/2023 | 23-069A | Disclosure & Abstention |
| 8/28/2023 | 23-071A | Disclosure & Abstention |
| 3/18/2024 | 23-143A | Government Resources - Campaigns |
| 4/15/2024 | 24-018A | Government Resources - Campaigns |
| 2/12/2024 | 23-135A | Improper Use of Public Position |
| 3/25/2024 | 23-115A | Private Employment - Lobbying in Geographical Area |
| 11/27/2023 | 23-119A | Running for Office while Public Employee |
| 11/20/2023 | 23-082A | Secondary Employment |

Appendix D Count of Open Complaint Cases as of June 30, 2024

| Proceeding to Adjudicatory Hearing | Under Investigation | Pending Jurisdictional Determination |
|------------------------------------|---------------------|--------------------------------------|
| 1 | 11 | 15 |

DRAFT

Appendix E Data Graphs

Figure 1

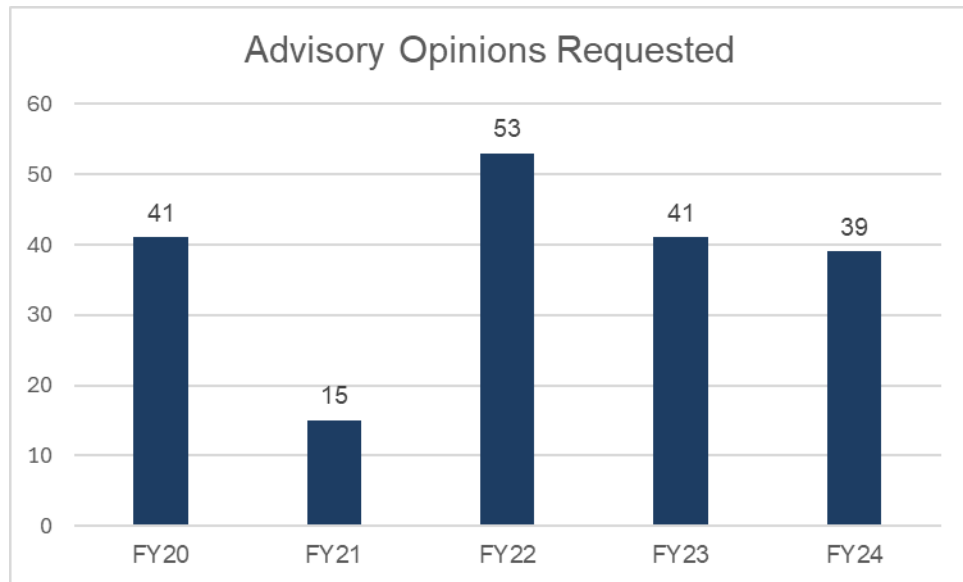


Figure 2

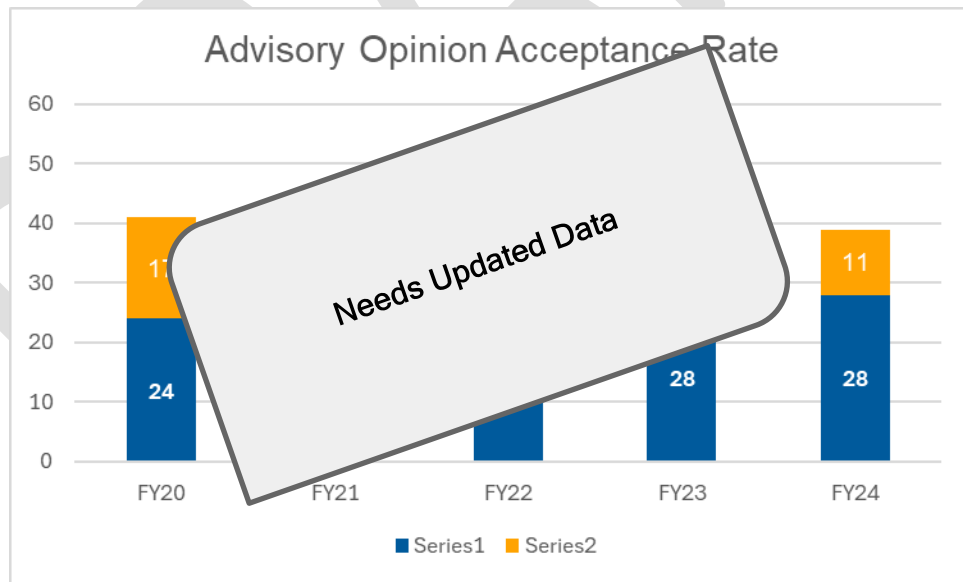
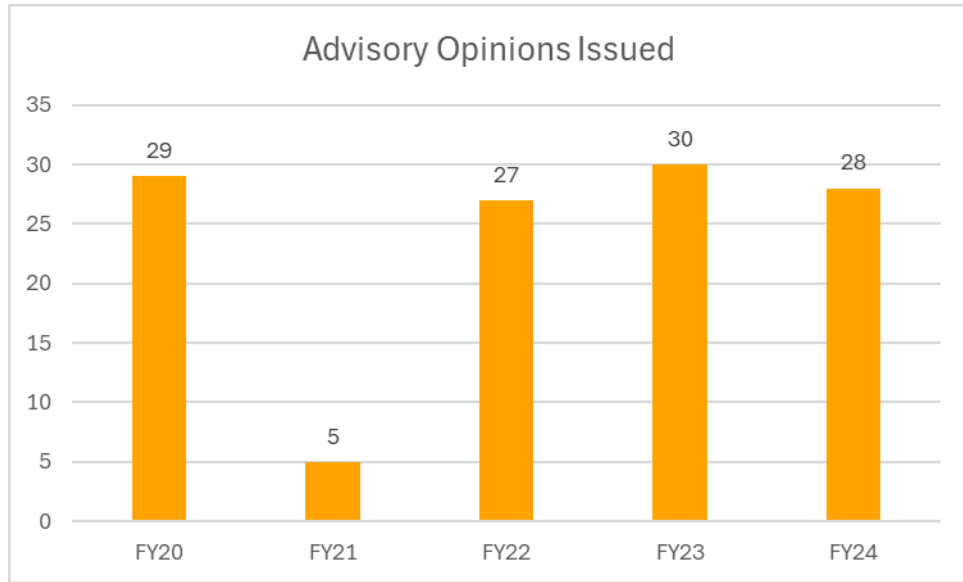
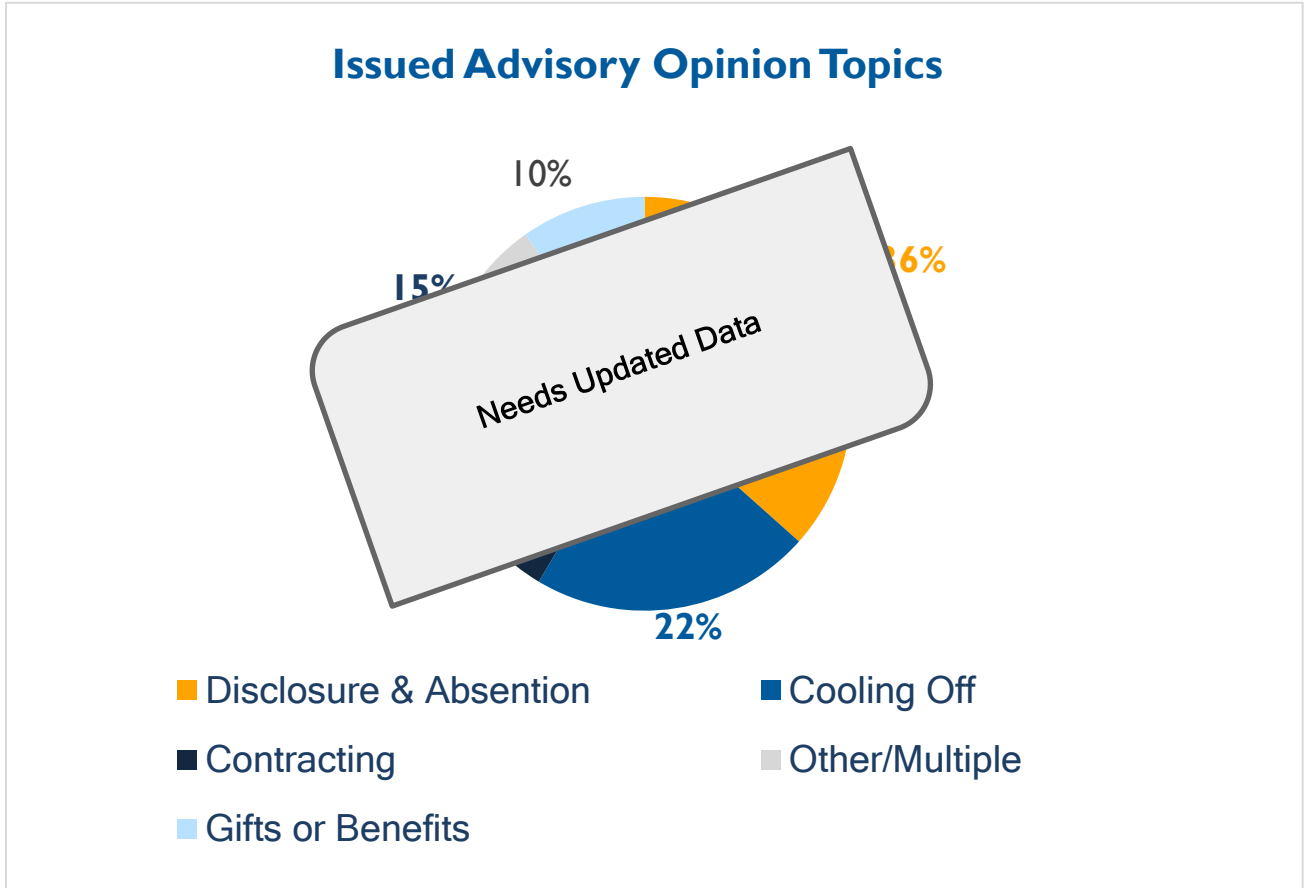


Figure 3



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Figure 4



- This year saw an increase in questions related to disclosure and abstention versus other topics while questions about cooling off as individuals leave public service also remained significant.

Figure 5



Figure 6

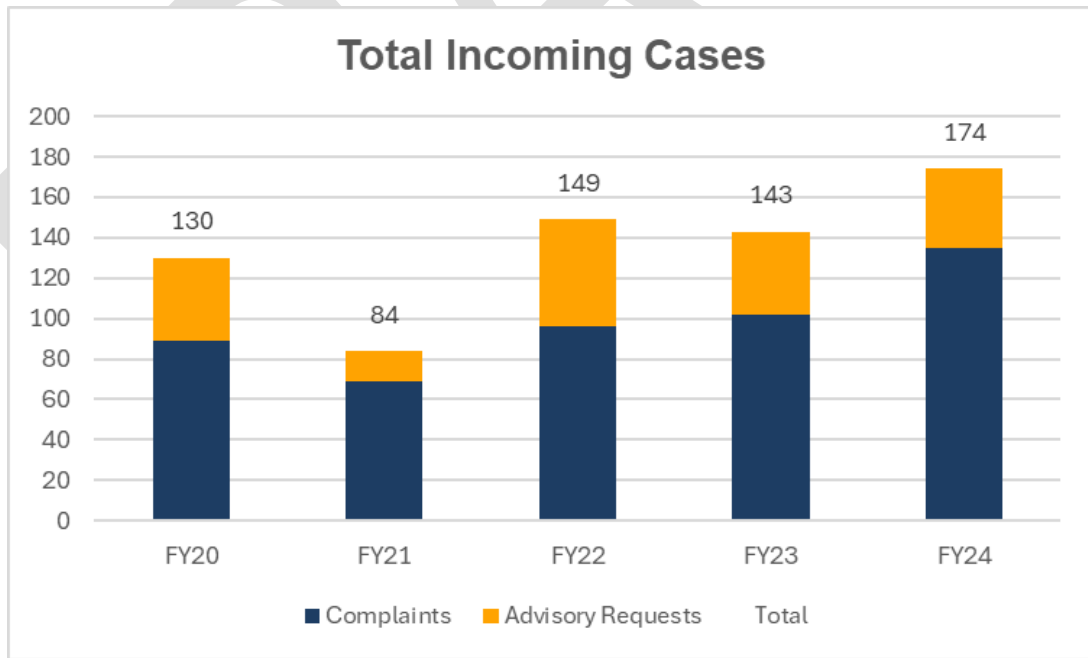
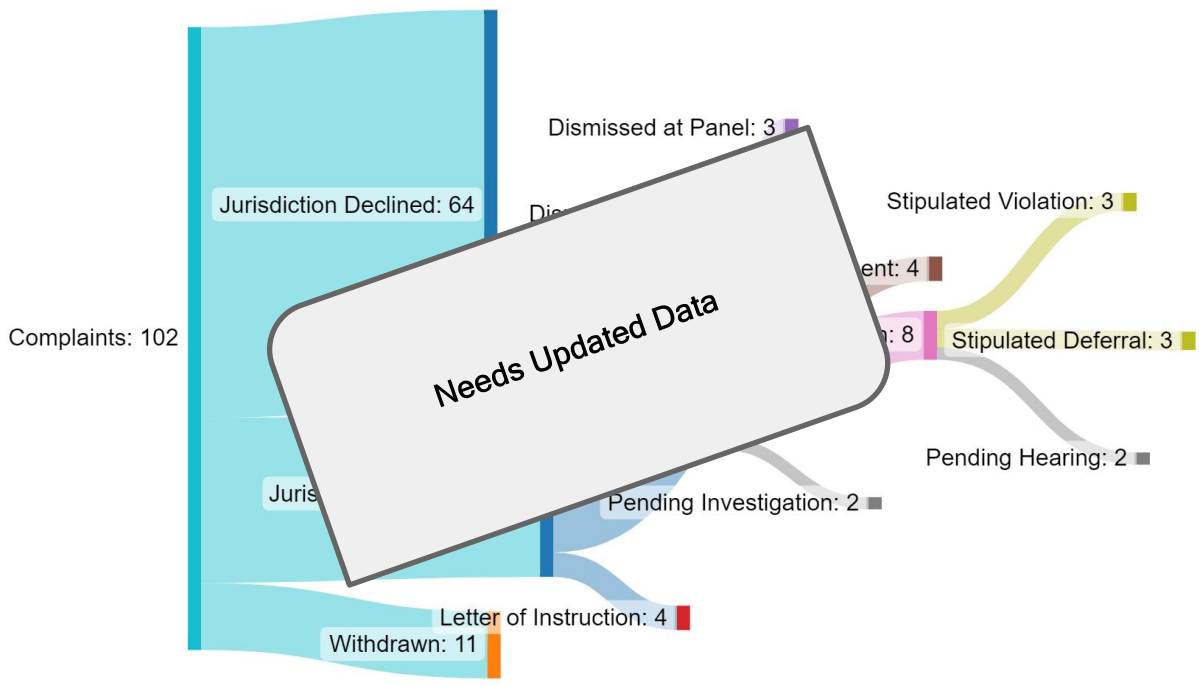


Figure 7

Jurisdictional Review Determinations for Cases Received in FY23

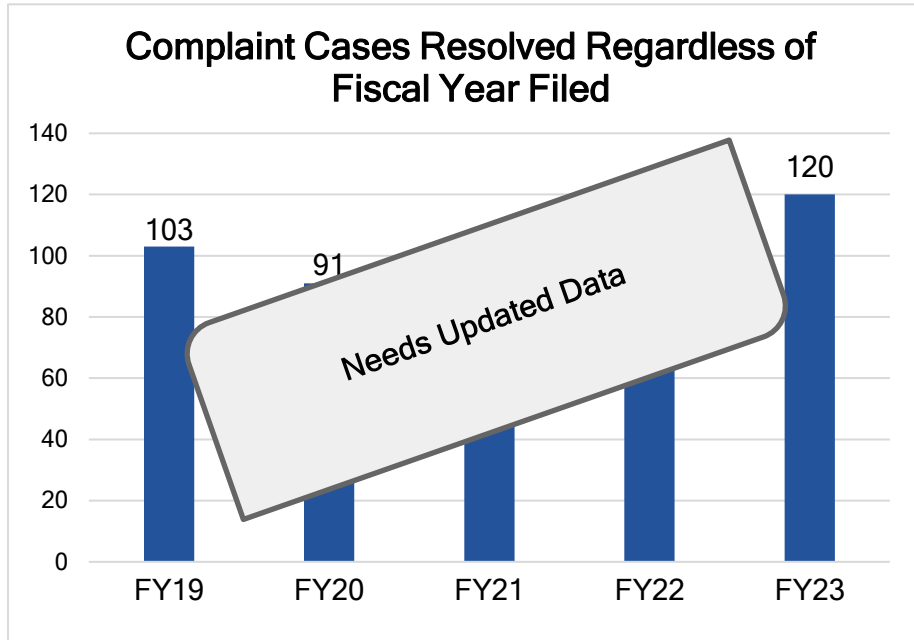


Needs Updated Data

Made with SankeyMATIC

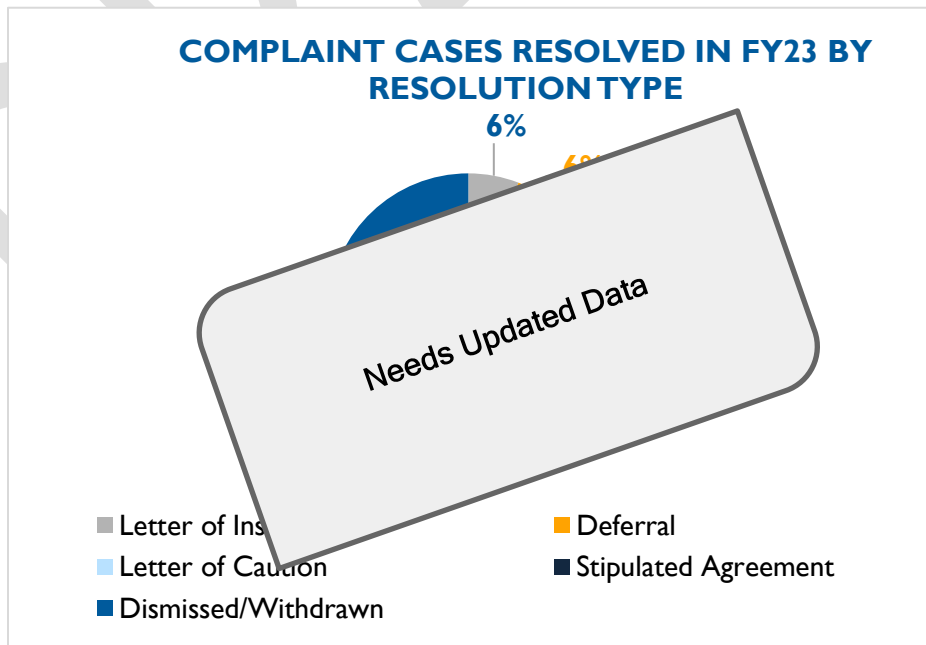
- Reasons for rejection of jurisdiction may include insufficient evidence, individual not a public officer or employee, or conduct outside the statute of limitations.
- This graph assumes Commission agreement with pending stipulated agreements and deferral recommendations.

Figure 8



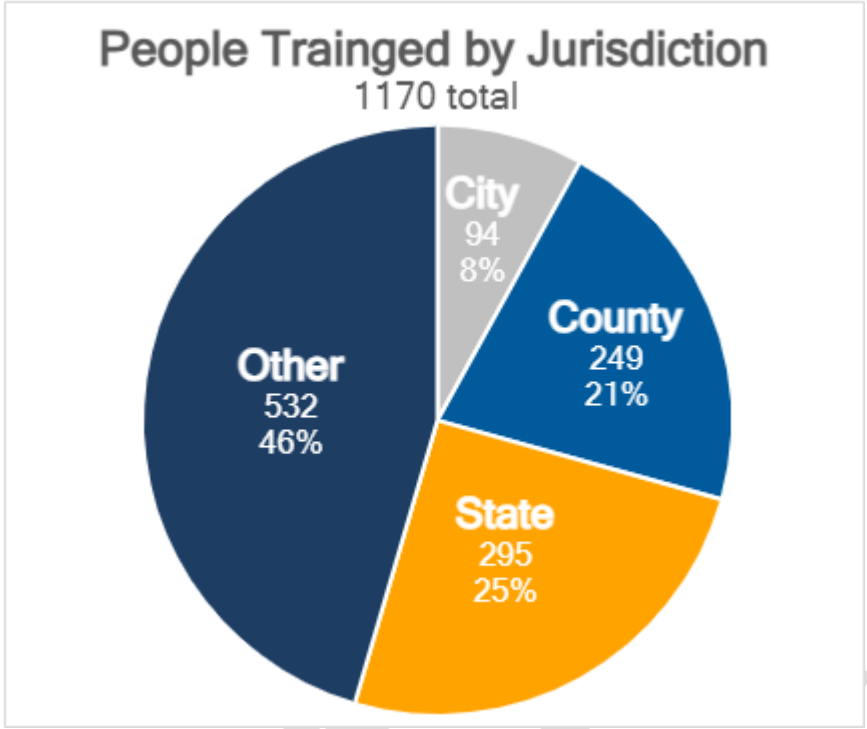
- Complaint case resolution saw a large increase in FY23 as the Investigations team worked diligently to resolve old cases while at the same time ensuring new incoming cases were investigated and processed in a more timely manner.

Figure 9



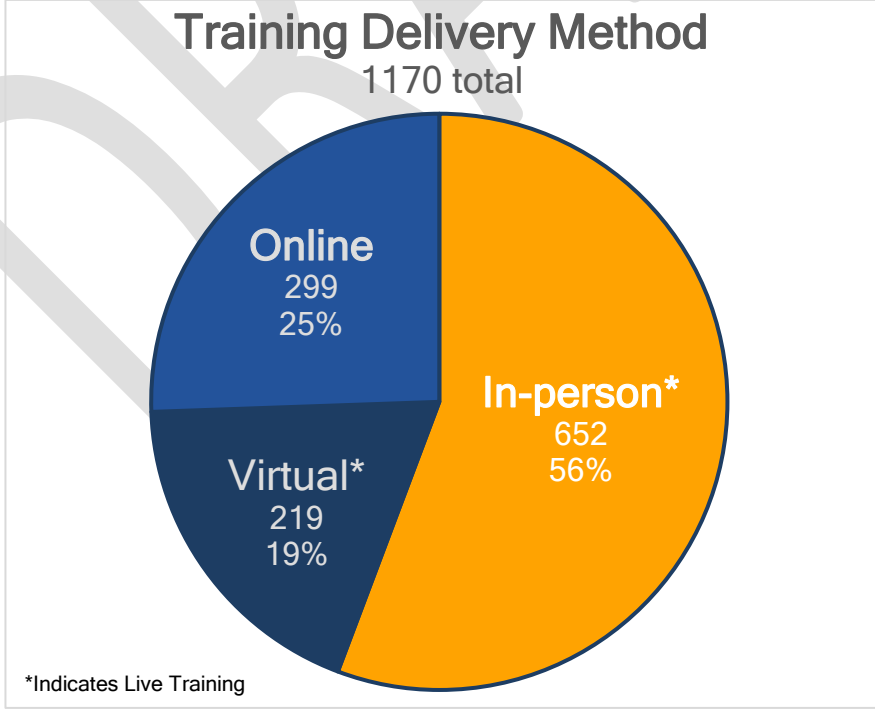
- Cases dismissed and letters issued include both at the jurisdictional determination phase and at the review panel phase combined.

Figure 10



- The bulk of the Other category is made up of a training we recorded for the Nevada Psychological Association, a live training for the International Code of Compliance, and live trainings for various Boards and Commissions.

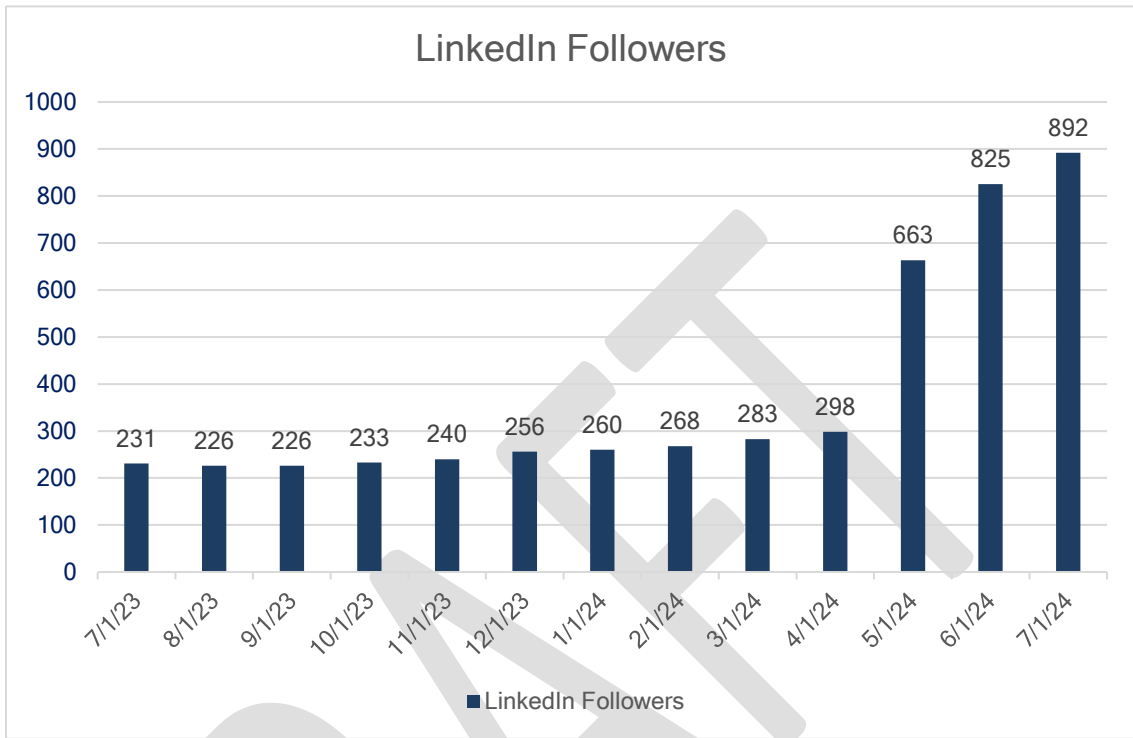
Figure 11



*Indicates Live Training

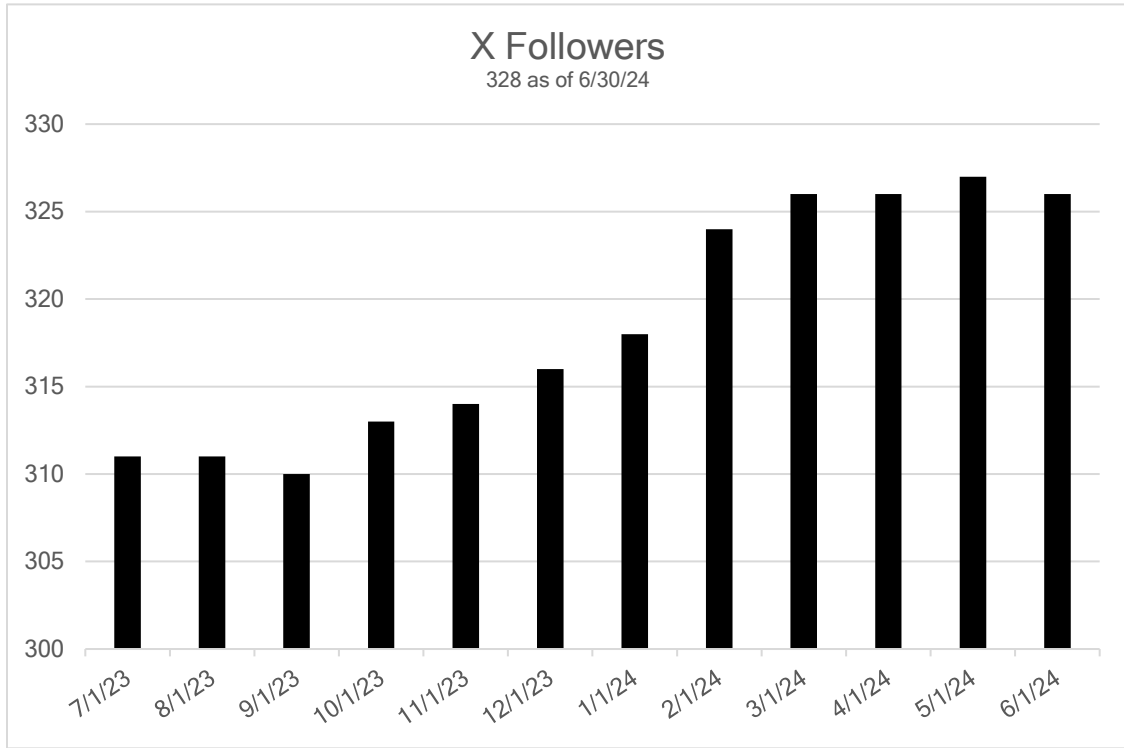
Figure 12

Outreach - Social Media Follower Data



- In April, the OEO began a series of targeted LinkedIn campaigns using an automation tool and LinkedIn filtering functionalities which resulted in a significant boost in our LinkedIn following and impact.

Figure 13



- Data description

Figure 14

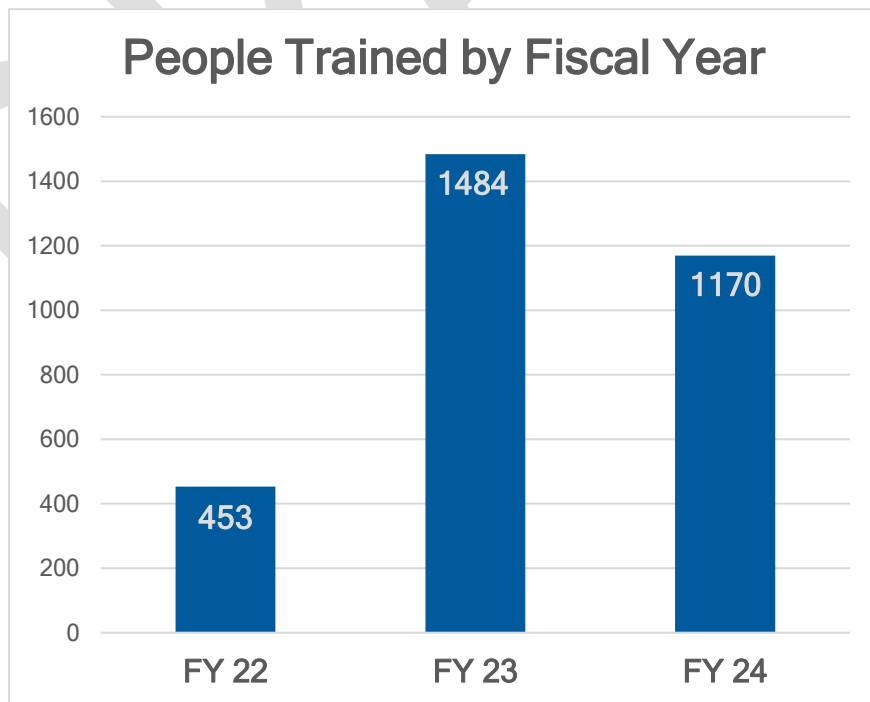


Figure 15

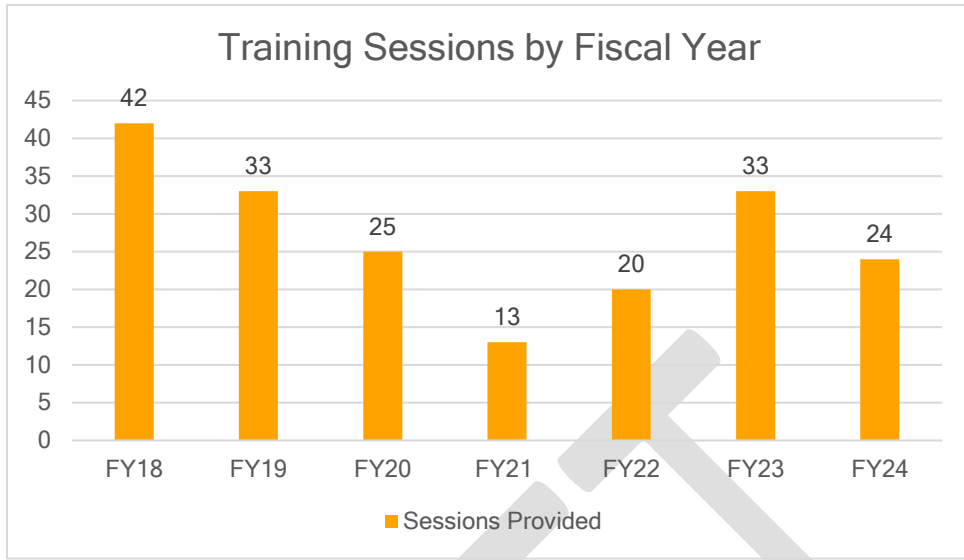
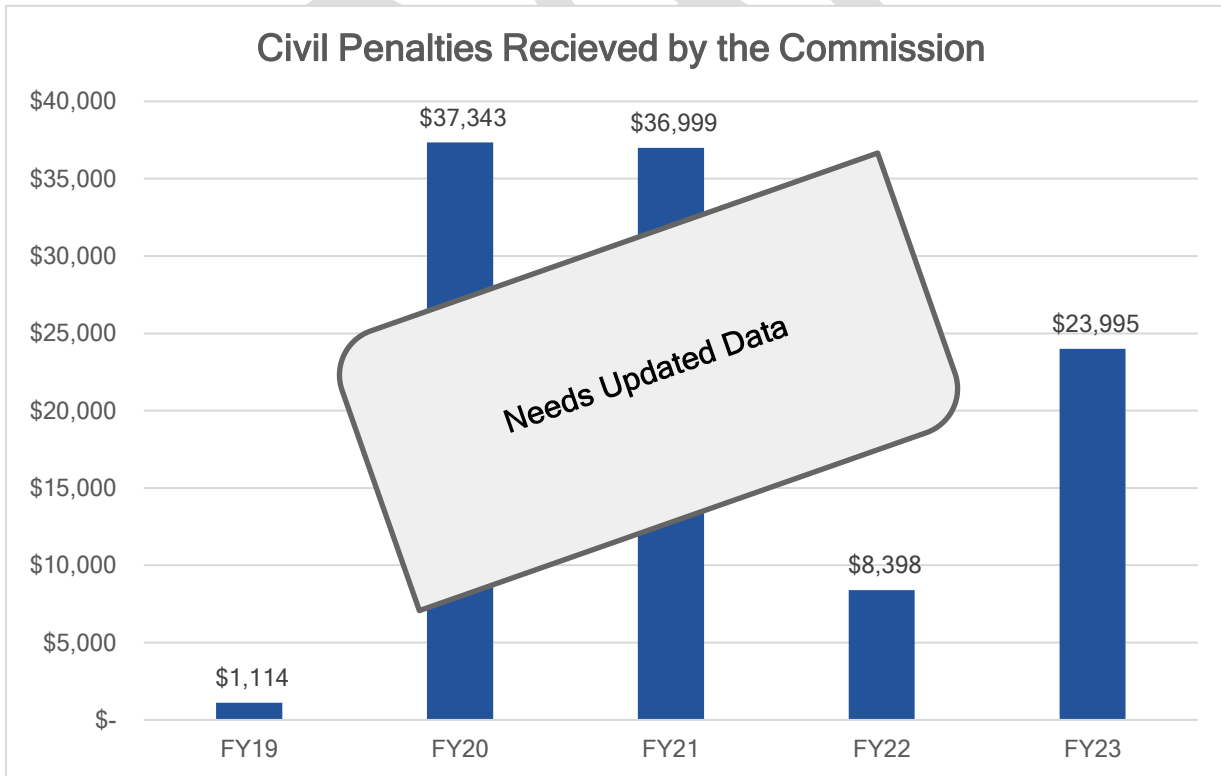


Figure 16



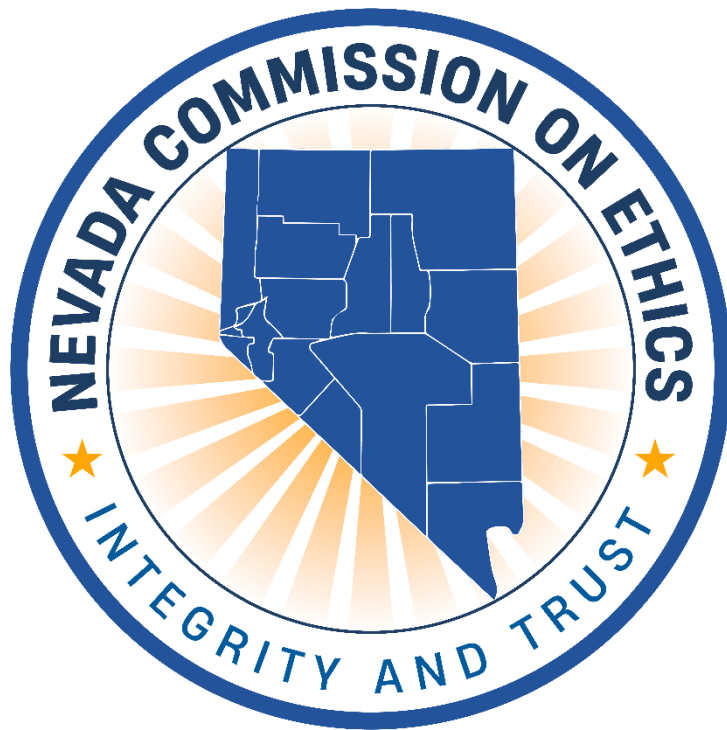
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Agenda Item 7

Outreach & Education

Report

August 21st, 2024



Follow and engage with the Commission posts on LinkedIn and X to help us ensure all public servants have access to these vital educational resources.

Upcoming Outreach Events

- Sept. 24th Nevada Association of Counties Conference
- Oct. 9-10th Government Civil Attorneys Conference
- Oct. 10th League of Cities
- Nov. 15th NV Minority Health & Equity Coalition Impact Summit

New Social Media Strategies



Nevada Commission on Ethics
926 followers
1w • 🌐

Attention Nevada's public servants! 🏆 Celebrate Reno's own Steph Rovetti, Olympic bronze medalist in women's rugby! 🏈🏆

Train like an Olympian in the ethical standards of public service. It won't take years, just an hour or two with our live or on-demand training options at www.ethics.nv.gov! 📺👍

Be an ethical champion, represent Nevada with pride! 🏆🇺🇸  **14**

Reach new heights as public servants, inspired by Steph Rovetti. Demonstrate integrity in public service! 🌱💚

#RepresentingNevada #Olympics #Rugby #WomensRugby #TeamUSA
#EthicsinGovernment #Integrity Olympics Paris 2024 International Olympic Committee – IOC



679
views

You and 15 others

1 repost

Reactions

Nevada Commission on Ethics
926 followers
3w • 🌐

We had a great training yesterday with the Nevada State Board of Nursing!

Complete this form to request live training for your board or commission: <https://lnkd.in/d6KdpEdQ>  **15**



423
views

You and 8 others

1 repost

Reactions



Recent Trainings

42 total people in live trainings since last report

July 17th
 State Nursing Board
 (17 attendees, in-person)



July 22nd
 North Las Vegas City Council
 (14 attendees, in-person)



Aug. 7th
 CCSD Board of Trustees
 (11 attendees, in-person)



90 mins

Average Course Completion

197 ← 54*

Total Users¹

63 ← 15*

Courses Completed²

¹ Excludes users who registered but never signed into the platform.

² Likely due to technical difficulties in submitting course content to ensure courses are marked as complete. Measures have since been implemented to prevent such difficulties.

* Number as reflected prior to the import of NV Gaming Control Board users

As of 8/12/2024

Upcoming Live Trainings

- July 30th – Oct. 31st (Nevada Ethics Online, 391 total users, 14% complete as of 8/12/24)
- TBD 8th Judicial District Court (in-person, 20 attendees*)
- Sept. 12th Board of Examiners (virtual, 80 attendees*)
- Sept. 12th S. NV Chapter International Code Council (120 attendees*, in-person)
- Sept. 16th Southern Nevada Health District Management Team (8 attendees*, virtual)



Publications

- Ethics Manual (Released July 16th)

Manual posts were received well on social media, especially with new social media strategies

- Averages: 268 interactions, 18 clicks per post on LinkedIn

- Annual Report (First draft completed August 14th)
- Strategic Plan (Finalized Plan to be published by September 1st)

PIO

Recent Press Releases

- [Chair and Vice Chair of the Ethics Commission Elected \(July 2024\)](#)
 - 331 impressions, 25 clicks on LinkedIn
 - 69 impressions, 1 retweet on X
- [Commission Fines Two Former Officials for Misconduct \(June 2024\)](#)
 - 576 impressions, 38 clicks on LinkedIn
 - 120 impressions, 1 retweet (across the two tweets) on X

Press Release posts were received well on social media

| Public Records Requests | | |
|-------------------------|-----------------|-------|
| Case | Acknowledgement | Other |
| 1 | 2 | 2 |

| Requests for Information | | |
|--------------------------|--------|-------------|
| Complaints | Advise | Information |
| 12 | 3 | 2 |

Total: 21*

*Compared to last report 4 PRRs and 4 RFIs

