



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

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

The Commission on Ethics held a public meeting on  
Wednesday, January 17, 2024, at 10:00 a.m.  
at the following location:

**Nevada Legislative Building  
Room 2135  
401 S. Carson Street  
Carson City, NV 89701**

and via videoconference to:

**Grant Sawyer State Building  
Room 4406  
555 E. Washington Avenue  
Las Vegas, NV 89101**

**Zoom Meeting Information**

Zoom Meeting Telephone Number: 888-475-4499  
Meeting ID: 828 8537 1206

These minutes constitute a summary of the above proceedings of the Nevada Commission on Ethics. A recording of the meeting is available on YouTube, [Part 1](#) and [Part 2](#) and a transcript of Agenda Item 8 is available for review at the Commission's office.

1. Call to Order and Roll Call.

Chair Kim Wallin, CPA, CMA, CFM appeared in-person in Room 2135 of the Nevada Legislative Building in Carson City and called the meeting to order at 10:04 a.m. Vice Chair Thoran Towler, Esq., and Commissioner Scott Scherer, Esq. also appeared in-person in Carson City. Commissioners Teresa Lowry, Esq. and Amanda Yen, Esq. appeared via Zoom videoconference. Present for Commission staff in Carson City were Executive Director Ross E. Armstrong, Esq., Commission Counsel Brandi Jensen, Esq., Associate Counsel Elizabeth J. Bassett, Esq., Investigator Erron Terry, Senior Legal Researcher Wendy Pfaff and Executive Assistant Kari Pedroza.

Chair Wallin noted that Commissioners John T. Moran III, Esq. and Stan R. Olsen were experiencing technical difficulties joining the Zoom videoconference and the Commission would proceed on Agenda Items 2, 3 and 5 while awaiting the Commissioners' arrival on Zoom.

2. Public Comment.

There was no public comment.

3. Approval of Minutes of the December 7, 2023, Commission Meeting.

Chair Wallin stated that all Commissioners were present for the December 7, 2023 Commission Meeting, except for Commissioner Lowry who was excused and therefore precluded from participating in this item.

Commissioner Scherer moved to approve the December 7, 2023, Commission Meeting Minutes as presented. Vice Chair Towler seconded the motion. The Motion was put to a vote and carried as follows:

Chair Wallin:	Aye.
Vice Chair Towler:	Aye.
Commissioner Lowry:	Abstain.
Commissioner Scherer:	Aye.
Commissioner Yen:	Aye.

5. Discussion, review and possible action related to Advisory Opinions proposed format updates as presented by the Commission Counsel.

Chair Wallin introduced the item and asked Commission Counsel Jensen for her presentation.

Commission Counsel Jensen noted that the discussion would be a continuation from Agenda Item 8 of the November 8, 2023, Commission Meeting. She began her presentation on the proposed updates to the Commission's Advisory Opinions as outlined in the PowerPoint presentation included in the meeting materials and asked for approval to use the Commission's logo at the top of the opinions.

Commissioner Yen moved to approve the use of the Commission's logo instead of the Nevada state seal at the top of Commission issued Advisory Opinions. Commissioner Lowry seconded the motion. The motion was put to a vote and carried as follows:

Chair Wallin:	Aye.
Vice Chair Towler:	Aye.
Commissioner Lowry:	Aye.
Commissioner Scherer:	Aye.
Commissioner Yen:	Aye.

Commission Counsel Jensen continued her presentation to the Commission regarding proposed format updates to the Commission's Advisory Opinions including the addition of a summary of the request and a topic to the beginning of the opinion, language in the opinion to be more common vernacular than legal, the order of the document's headings and the publishing process.

Commissioners Olsen joined the meeting via Zoom videoconference.

Commissioner Yen thanked Commission Counsel Jensen for her presentation and stated her agreement with providing the summary and topic on the first page of the document. She added her preference as an attorney would be to include the relevant statutes towards the beginning of the opinion as opposed to the end and encouraged her fellow Commissioners who are not attorneys to weigh in on the statute placement since the majority of persons reading the opinion would most likely be non-lawyers. Chair Wallin shared her preference that the relevant statutes

be included after the Findings of Facts heading section. Commissioner Olsen also stated his preference would be for the statutes to be in the beginning.

Commissioner Moran joined the meeting via Zoom videoconference.

Commissioner Lowry thanked Commission Counsel Jensen for her presentation and stated that she liked the addition of a summary and topic on the first page of the document. She agreed with her fellow Commissioners on the placement of the relevant statutes section and added the best flow would be the section headings in the following order: Findings of Fact, Relevant Statutes and Conclusions of Law.

The Commissioners discussed increasing the timeframe for Commission Counsel and Commission staff to finalize the opinion after the Commission approved the proposed opinion.

Commissioner Scherer inquired if the number of Advisory Opinion requests the Commission had received this fiscal year was much greater than in previous fiscal years and Executive Director Armstrong provided the requested information. Commissioner Scherer echoed Commissioner Yen's comments and added that he would like to see the relevant statutes section moved up to proceed the Commission Decision section. He stated that the option of a subtopic for Advisory Opinions is a good idea and suggested that it be left to the discretion of the Commission Counsel and/or the Executive Director.

Vice Chair Towler agreed with his fellow Commissioners on moving the Relevant Statutes section towards the front of the Advisory Opinions and listed the proposed order of headings as:

- I. Executive Summary
- II. Findings of Fact
- III. Relevant Statutes
- IV. Conclusions of Law
- V. Commission Decision

Chair Wallin discussed the Executive Summary and suggested wording under that section indicating it is only a summary and the following language of the opinion provides the legal decision of the Commission in the matter. Executive Director offered that the Executive Summary could include a footnote that outlines the Executive Summary as a summary and not part of the official Commission decision.

Commission Counsel Jensen stated that the Executive Summary would be almost identical to the Conclusions of Law section and there would be no modification to the Executive Summary that is not included in the Conclusions of Law section. Chair Wallin shared that the purpose of the Executive Summary was to provide a summary in layman's English terms.

Commissioner Scherer agreed with Executive Director Armstrong that a footnote stating 'the summary is provided for convenience and ease of use and does not represent the actual opinion of the Commission, which is set forth below' would be appropriate.

Commissioner Towler moved to approve the Advisory Opinion format as discussed with headings in the following order, Topic, Executive Summary, Findings of Fact, Relevant Statutes, Conclusions of Law and Commission Decision, with a footnote in the Executive Summary and optional subtopics. Commissioner Scherer seconded the motion. The motion was put to a vote and carried as follows:

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

4. Discussion and possible action to approve a Proposed Stipulation concerning Ethics Complaint Case No. 23-048C regarding Kevin Chisum, Assessor, Mineral County, State of Nevada.

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

Chair Wallin asked the parties in the Complaint to introduce themselves for the record. Associate Counsel Elizabeth J. Bassett, Esq. appeared on behalf of Executive Director Armstrong. Mr. Kevin Chisum appeared via Zoom videoconference and introduced for the record.

Associate Counsel Elizabeth J. Bassett, Esq. presented an overview of the Proposed Stipulation to resolve Ethics Complaint Case No. 23-048C regarding Mr. Chisum. The terms of the Proposed Stipulation were that Mr. Chisum agreed to stipulate to one non-willful violation of NRS 281A.400(7) and because Mr. Chisum had already attended in-person Ethics training provided by the Executive Director, no further training requirement would be imposed, and no civil penalty was proposed. Associate Counsel Bassett acknowledged that she and Executive Director Armstrong find the terms of the Proposed Stipulation appropriate under the circumstances and thanked Mr. Chisum, Commissioner Yen and Commission Counsel Jensen for their assistance in settling the matter.

Commissioner Scherer commented that the facts of the case can be perceived two ways, 1) that Mr. Chisum was seeking to correct an issue he noticed in the county or 2) he was trying to do something that would benefit himself, and based on the mitigating factors outlined by Associate Counsel Bassett he stated he would support the approval of the Proposed Stipulation. He encouraged Mr. Chisum to be careful going forward and avoid using his public position to benefit his personal interest.

Commissioner Scherer made a motion to accept the terms of the Stipulation as presented by the parties to resolve Ethics Complaint Case No. 23-048C (Chisum) and direct Commission for the Commission to finalize the agreement in legal form and any matters relating thereto. Commissioner Olsen seconded the motion. The Motion was put to a vote and carried as follows:

Chair Wallin:	Aye.
Vice Chair Towler:	Abstain pursuant to NRS 281A.220.
Commissioner Lowry:	Abstain pursuant to NRS 281A.220.
Commissioner Moran:	Aye.
Commissioner Olsen:	Aye.
Commissioner Scherer:	Aye.
Commissioner Yen:	Abstain pursuant to NRS 281A.220.

Chair Wallin thanked Mr. Chisum for his cooperation in the resolution of this matter. Chair Wallin thanked Commissioner Yen for presiding over the settlement conference and assisting in settling the matter.

Mr. Chisum thanked the Commissioners and Commission staff and stated that the Ethics training presented by Executive Director Armstrong he attended was beneficial. He acknowledged he would be more aware of his conduct in the future.

6. Consideration and approval of the Commission Meeting and Attendance Policy as presented by the Executive Director.

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

Executive Director Armstrong provided an overview of the proposed Commission Meeting and Attendance Policy and referenced the policy included in the meeting materials. He stated that the issues resulting in the creation of the policy predated the current Commission.

Vice Chair Towler shared his opinion that the policy was reasonable and did not ask too much of the Commissioners, who serve in voluntary positions. He appreciated that the majority of meeting dates are provided a year in advance to assist with Commissioner attendance at Commission meetings.

Chair Wallin stated her view that the policy was important because the position of Commissioner is voluntary which implies a commitment to the Commission and the citizens of Nevada. She added further that if someone is too busy to honor their commitment they should step down to allow another incumbent to be an active member of the Commission. Chair Wallin clarified that participation at Commission meetings means appearance and action throughout the meetings, not just making an appearance and leaving. Executive Director Armstrong confirmed that intention regarding Commission meeting participation can be incorporated into the proposed policy.

Commissioner Lowry asked the Chair to discuss the meeting excusal process and how excused absences factor into the meeting attendance section of the policy. Chair Wallin provided the process whereby a Commissioner can be excused from a meeting if that Commissioner provides notice via electronic mail to the Commission Chair and the Executive Director that they are unable to attend the meeting. She stated that the attendance section of the policy is reasonable as the Commission is provided notice of Meeting Dates well in advance and Commissioners may attend via Zoom. Chair Wallin confirmed that excused absences are considered as participatory.

Commissioner Moran shared he was unaware whether comparative research or due diligence had been done to ascertain if other boards and commissions put these types of levers in place for member attendance. He stated that the Commissioners are professionals, have a reciprocal obligation based on their appointments and have mandatory duties. Commissioner Moran expressed his opinion that attempting to monitor Commissioner attendance with a requirement that Commissioners have their cameras on is not feasible. He further provided that taking the time to discuss a policy outlining Commissioner attendance and incurring obligation and requirement that staff track attendance seemed petty and not a good use of the Commission's limited resources. Commissioner Moran noted that his feedback was not intended as a reply or being against the policy, just his point of view.

Chair Wallin clarified that Executive Assistant Pedroza already keeps track of Commission attendance in order to compensate the Commissioners.

Commissioner Scherer commented that he understood Commissioner Moran's position and shared his understanding of the policy was that if a Commissioner didn't meet the participation quota for Commission meetings, a report to that Commissioner's appointing authority could be made and the appointing authority would determine any resulting action. He stated he was fine with the policy and prepared to support it.

Commissioner Yen made a motion to approve the Executive Director's Commission Meeting and Attendance Policy as presented. Commissioner Lowry seconded the motion. The Motion was put to a vote and carried unanimously.

7. Report by Executive Director on agency status and operations, and possible direction thereon. Items to be discussed include, without limitation:
  - a. Quarterly Case Log
  - b. Education and Outreach
  - c. Budget Update
  - d. Staffing and Recruitment
  - e. Upcoming Meetings

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

a. Quarterly Case Log: Executive Director Armstrong referenced the updated Quarterly Case Logs provided in the meeting materials, explained that the updated case logs are provided each quarter and emphasized that the Commissioners received the unredacted versions and if they wanted to ask a question during the open meeting they must reference the case number instead of the name associated with the case. Executive Director Armstrong reported that the Commission is effectively maintaining the caseload and informed the Commission of his goal to have all cases from 2 fiscal years ago resolved completely by the end of the current fiscal year and all cases received last fiscal year investigated. He discussed the few pending cases from the past two fiscal years.

b. Education and Outreach: Executive Director Armstrong referenced the written report included in the meeting materials. He stated that Commission staff are continuing to evaluate the best approach for increasing the number of users on the Commission's Ethics Online training resource. Executive Director Armstrong informed the Commission of upcoming outreach and education opportunities including a webinar briefing scheduled on January 25 for Campaign Candidates and Campaign Staff to assist with Ethics Law compliance during Campaign season and a presentation at the Emergency Management Conference in February. He noted recent outreach regarding the Acknowledgment of Ethical Standards form statutory filing by January 15 of each even numbered year.

c. Budget Update: Executive Director Armstrong informed the Commission that staff completed the fiscal year's computer equipment replacement and reiterated that it was a base budget year for next session's budget building. He explained last session's budget building issue related to employee cost of living adjustments (COLAs). Executive Director Armstrong provided an update that the Commission's Legislative Regulation was assigned official regulation number R136-23 and that the Legislative Counsel Bureau had completed the initial regulation review.

d. Staffing & Recruitment: Executive Director Armstrong shared that the Education and Outreach Officer position recruitment yielded over 60 applications with over 40 applicants qualified for the position. He stated there were two rounds of interviews and a final candidate was selected, however he could not share the selected candidate's name at that time.

e. Upcoming Meetings: Executive Director Armstrong outlined dates and locations for the upcoming Commission meetings in 2024 and noted that there would not be an open meeting in February, only a closed review panel meeting.

Vice Chair Towler asked for confirmation on the June Commission meeting date because the 19th is a holiday and Executive Director Armstrong replied that the June meeting would be rescheduled for another day, thanking Vice Chair Towler for pointing that out.

Commissioner Scherer emphasized the importance of Education and Outreach provided by the Commission and requested statistical data be provided at a future meeting pertaining to the Commission's caseload, specifically the number of advisory opinions received and whether there were trends with Ethics trainings provided and advisory opinions received. Executive Director Armstrong stated that the information would be provided at a future meeting. Commissioner Scherer commented that there may be a need for an additional position on the Commission's staff if the advisory opinion requests submitted continue to increase.

Chair Wallin pointed out that when there was a vacancy in the Commission Counsel position the Executive Director and the Associate Council continued to maintain the caseload and with the addition of the Outreach and Education Officer the Executive Director's workload will be lighter. She requested additional statutory deadline dates be added to the log to ensure that the Commission is meeting its deadlines such as initial contact with requesters of complaints and advisory opinions.



Executive Director Armstrong noted that the Commission has performance measures in place for budget building purposes that would benefit from the Commission's review and potential changes to better assess the performance of the Commission's workflow. He agreed to provide the current performance measures at a future meeting.

Commissioner Moran shared his experience when he previously served as Chair of the Commission on Ethics that the Commission was not providing a lot of Outreach and Education and that was one of the concerns the Legislature and the Governor as appointing authorities of the Commission had at the time. He reported he is happy to see the current increase in Education and Outreach being conducted and commented that he too would be interested in seeing data regarding possible correlation between trainings and the number of cases submitted. Commissioner Moran offered to assist with training and outreach and expressed his enthusiasm in doing so.

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

Chair Wallin noted that the Commission would break for lunch and reconvene at 12 pm. She excused Vice Chair Towler, and Commissioners Lowry and Yen from the remainder of the Commission meeting as they served as review panel members for the matter under consideration in Agenda Item 8 and were precluded from participating in that item. She noted that they may join the meeting and observe but would not be able to participate in discussing or acting on the matter.

8. Hearing on Dispositive Motions in Ethics Complaint Case No. 23-056C regarding Hillary Schieve, Mayor, City of Reno, State of Nevada, including providing authority to the Chair of the Commission to prepare and issue the order reflecting the Commission's decision and other matters relating thereto, in consultation with Counsel for the Commission.
  - The Commission may receive information or evidence concerning this matter and deliberate in a closed session pursuant to NRS 281A.760 (see notes below).
  - The Commission will take action on the item in open session.

Chair Wallin introduced the item and stated for the record that proper notice had been provided and waivers were received regarding this item. Chair Wallin further noted that Vice Chair Towler and Commissioners Lowry and Yen served as members of the Review Panel and would be precluded from participating in the consideration of the dispositive motions under this item pursuant to NRS 281A.220(4). She provided that all remaining Commissioners may participate in and vote on the matter.

Chair Wallin asked the parties in the Complaint to identify themselves for the record. Associate Counsel Elizabeth J. Bassett, Esq. appeared on behalf of Executive Director Armstrong. Jonathan Shipman, Esq. from the Reno City Attorney's Office, appeared in person on behalf of Hillary Schieve, who was not in attendance but was provided proper notice of the Agenda Item and understood that the Commission would proceed in her absence.

Chair Wallin noted that the Commission had two dispositive motions to consider and outlined that the first consideration to be made was whether Ms. Schieve had violated the Ethics Law.

Chair Wallin provided the dispositive motion presentations order to be as follows:

1. Associate Counsel Bassett would present argument on the Executive Director's Motion for Summary Judgment and would have 30 minutes for that argument
2. Counsel Shipman would present argument on Ms. Schieve's Response to the Executive Director's Motion for Summary Judgment and would have 30 minutes for that argument

3. Associate Counsel Bassett would have 5 minutes to provide the Executive Director's Reply to Ms. Schieve's response to the Executive Director's Motion for Summary Judgement
4. Counsel Shipman would present argument on Ms. Schieve's Motion for Summary Judgement and would have 30 minutes for that argument
5. Associate Counsel Bassett would present argument on the Executive Director's Opposition to Ms. Schieve's Motion for Summary Judgement and would have 30 minutes for that argument
6. Counsel Shipman would have 5 minutes to provide the Ms. Schieve's Reply

Chair Wallin stated that after the presentations she would ask if any Commissioners had questions of either party and noted that if any Commissioner had legal questions for Commission Counsel that would be done in a closed meeting.

Associate Counsel Bassett presented the Executive Director's Motion for Summary Judgment argument and outlined that Ms. Schieve's alleged violations of the Ethics Law, specifically NRS 281A.420(1) and (3) were properly brought before the Commission and judgment should be granted by the Commission as the pleadings and evidence demonstrate that no genuine issues of material fact exist in regard to these specific violations. Associate Counsel Bassett outlined potential civil penalties allowed for violations determined as willful by the Commission.

On behalf of Ms. Schieve, Counsel Shipman argued the merits of his client's Response to the Executive Director's Motion for Summary Judgment.

Associate Counsel Bassett provided a brief summation of the Executive Director's Reply to Ms. Schieve's response to the Executive Director's Motion for Summary Judgement.

Counsel Shipman presented Ms. Schieve's Motion for Summary Judgement.

Associate Counsel Bassett argued the merits of the Executive Director's Opposition to Ms. Schieve's Motion for Summary Judgment.

Counsel Shipman replied to the Executive Director's Opposition to his client's Motion for Summary Judgment.

Chair Wallin and Commissioner Scherer asked questions of Associate Counsel Bassett and Counsel Shipman, and each provided responses to the questions.

Commissioner Moran provided a statement to both parties thanking them for their arguments and shared his appreciation for their time, efforts and professionalism.

Chair Wallin outlined that the dispositive arguments regarding willfulness would be done in a closed session and further that Commission deliberations would be done in a separate closed session. Chair Wallin acknowledged that no action would be taken by the Commission while in a closed session.

Chair Wallin called the meeting into confidential closed session for the parties' arguments pertaining to willfulness and Commission deliberations at 1:58 p.m.

The Commission deliberated in a confidential closed session in a separate meeting room until Chair Wallin called the meeting back into open session at 3:01 p.m.

Chair Wallin stated for the record that the Commission had reviewed the entire record for this matter and considered the pending motions and arguments of counsel.



Chair Wallin moved to grant Summary Judgment in favor of the Executive Director in full, including violations of NRS 281A.420(1), being willful, and NRS 281A.420(3) as non-willful. And the penalties are a letter of reprimand and training within 90 days of the Commission determination. Chair Wallin further moved to deny all other relief set forth in the motions filed by the parties. Chair Wallin included in her motion direction to counsel for the Commission to prepare an order in coordination with the Chair to reflect the determination of the Commission. Commissioner Lowry seconded the motion. The Motion was put to a vote and failed as follows:

Chair Wallin:	Aye.
Commissioner Moran:	Aye.
Commissioner Olsen:	Nay.
Commissioner Scherer:	Nay.

Commissioner Scherer moved to direct Commission Counsel to prepare two opinions in resolution of this matter reflecting the views of both the Chair and Commissioner Moran, and the views of Commissioners Scherer and Olsen with both opinions emphasizing the Commission's strong encouragement that Mayor Schieve attend Ethics in Government Law training. Commissioner Olsen seconded the motion. The Motion was put to a vote and carried as follows:

Chair Wallin:	Aye.
Commissioner Moran:	Aye.
Commissioner Olsen:	Aye.
Commissioner Scherer:	Aye.

Commissioner Moran asked the Chair for clarification of her Aye vote, and she provided the requested information.

Commission Counsel Jensen confirmed that the motion outlined two separate opinions, one outlining the Chair and Commissioner Moran's determination and one outlining Commissioners Olsen and Scherer's determination? The Chair and Commissioner Scherer confirmed the intention of the motion and noted that Commission Counsel Jensen would work with the Chair on one opinion and with Commissioner Scherer on the other. Commission Counsel Jensen thanked the Chair and Commissioner Scherer for their clarifications.

Commission Counsel confirmed that the Commission did not find that Mayor Schieve violated the Ethics Law by Ms. Schieve because there was not a majority vote to support that finding. Both Chair Wallin and Commissioner Scherer responded affirmatively.

Counsel Shipman thanked the Commissioner for its consideration of the matter.

Chair Wallin thanked Mr. Shipman for his participation and his client's cooperation and assistance with Commission staff throughout the process.

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

Chair Wallin discussed the Commission meeting travel procedure in preparation for the March 20 meeting scheduled to be held in Las Vegas. She encouraged Commissioners to respond to the travel email they receive from Commission staff expeditiously to ensure Executive Assistant Pedroza has enough time to coordinate travel. Chair Wallin stated that Commissioners who wanted to travel for Commission meetings must give at least two weeks' notice of their request to travel.

Chair Wallin reminded her fellow Commissioners to access and utilize their Commission issued email accounts for all Commission business.

Commissioner Moran asked for clarification on the travel request timeframe and Chair Wallin responded that staff needs 14 days because staff has to submit the request to the administrative services division prior to coordinating travel arrangements. She provided further details pertaining to the travel timeframes and processes.

9. Public Comment.

There was no Public Comment.

10. Adjournment.

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

The meeting was adjourned at 4:16 p.m.

Minutes prepared by:

/s/ Kari Pedroza

Kari Pedroza  
Executive Assistant

/s/ Ross Armstrong

Ross Armstrong, Esq.  
Executive Director

Minutes approved March 20, 2024:

/s/ Kim Wallin

Kim Wallin, CPA, CMA, CFM  
Chair

/s/ Thoran Towler

Thoran Towler, Esq.  
Vice Chair