

Agenda Item 3



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

**MINUTES
of the meeting of the
NEVADA COMMISSION ON ETHICS
& PERSONNEL SUBCOMMITTEE**

The Commission on Ethics held a public meeting on
Thursday, December 7, 2023, at 9:00 a.m.
at the following location:

**Nevada Commission on Ethics
704 W. Nye Lane, Suite 204
Carson City, NV 89703**

Zoom Meeting Information

<https://us06web.zoom.us/j/84811974789?pwd=9MCRb1rW1DTxXkrsCxxDjilLiekY.1>

Zoom Meeting Telephone Number: 720-707-2699

Meeting ID: 848 1197 4789

Passcode: 530596

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 videoconference and called the meeting to order at 9:01 a.m. Also appearing via videoconference were Vice-Chair Thoran Towler, Esq., and Commissioners John T. Moran III, Esq., Stan R. Olsen, Scott Scherer, Esq., and Amanda Yen, Esq. Commissioner Teresa Lowry, Esq. was excused. Present for Commission staff at the Commission's office in Carson City were Executive Director Ross E. Armstrong, Esq., Commission Counsel Brandi Jensen, Esq., Investigator Erron Terry, and Executive Assistant Kari Pedroza.

2. Public Comment.

There was no public comment.

3. Approval of Minutes of the November 8, 2023, Commission Meeting.

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

Vice-Chair Towler moved to approve the November 8, 2023, Commission Meeting Minutes as presented. Commissioner Olsen seconded the motion. The Motion was put to a vote and carried as follows:

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

4. Discussion and possible action to direct Commission Counsel to take legal steps, motions, and/or dispositive actions in Lombardo Consolidated Case Nos. 21-062C & 21- 082C, including but not limited to the Petition for Judicial Review in defending the Commission's decisions.

Chair Wallin introduced the item, noted that Commissioners and Commission Counsel Jensen would meet in a closed Zoom breakout room to hold a legal discussion regarding this issue, and confirmed any action would take place in the open session only.

Commissioner Scherer joined the meeting during the closed session.

The Commissioners and Commission Counsel Jensen were in the closed breakout room session from approximately 9:06 a.m. to 9:17 a.m.

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

Commissioner Olsen made a disclosure in Consolidated Case Nos. 21-062C and 21-082C. He disclosed that he is an acquaintance of the former Sheriff Joe Lombardo, having worked at the Las Vegas Metropolitan Police Department for 33 years. He did not at any time work within the same section as Joe Lombardo, Commissioner Olsen did not work for Joe Lombardo nor did Joe Lombardo work for Commissioner Olsen. He stated he retired from Las Vegas Metro PD in 2007 and has known Governor Lombardo in a professional or public capacity for a number of years although none of his work directly involved him either formerly as Sheriff or presently as Governor. Commissioner Olsen categorized their current relationship as professional acquaintances rather than personal friendship. He further disclosed that Governor Lombardo appointed him to sit as a Commissioner on the Nevada Commission on Ethics with a term to start in July of 2023. Commissioner Olsen stated that under NRS 281A.065, his relationship with Governor Lombardo is not one within the definition of commitment in a private capacity or in the interest of another person and consequently does not require disclosure or abstention under the Ethics Law pursuant to NRS 281A.420. He added that nothing in Judicial Cannon 2.11, the Code of Judicial Conduct, required disclosure or abstention pursuant to the manner of his appointment and that Nevada Law favors the right of a public officer to perform the duties for which the public officer was appointed and to vote or otherwise act upon a matter. Commissioner Olsen stated that in his capacity as a Commissioner he serves in a quasi-judicial role and in a desire to alleviate any concerns of impartiality he disclosed the extent of the relationship. He has reviewed Judicial Cannon 2.11, the Code of Judicial Conduct which lists the type of relationships and events that require disqualification and has confirmed that the present circumstances do not require disqualification. He shared his belief that he would be fair and impartial in considering the matter and have no actual or perceived bias. He added that neither his acquaintances with Governor Lombardo nor his appointment to the Commission on Ethics by Governor Lombardo would materially affect his independence of judgment or that of a reasonable person in his situation. Commissioner Olsen stated that he would be participating in the vote on the matter.

Commissioner Moran made a similarly situated disclosure in Consolidated Case Nos. 21-062C and 21-082C. He disclosed that he is an acquaintance of former Sheriff Lombardo and now Governor Lombardo, having met Mr. Lombardo on a few occasions in his service as Sheriff of Clark County and Commissioner Moran's work in Clark County and the State of Nevada as an attorney. He stated that he has known the Governor in a professional or public capacity for a number of years although none of Commissioner Moran's work directly involved Mr. Lombardo either formerly as Sheriff or presently as Governor. Commissioner Moran stated that he would categorize the current relationship as professional acquaintances rather than a personal friendship. Commissioner Moran further disclosed that Governor Lombardo appointed him to sit as a Commissioner on the Nevada Commission on Ethics, with a term to start September 1, 2023 and that upon the unexpected resignation of Commissioner Sheets whom he was scheduled to replace, his term started on July 1, 2023. Commissioner Moran stated that under NRS 281A.065, his relationship with Governor Lombardo is not within the definition of commitment in a private capacity to the interests of another person and consequently the relationship does not require disclosure or abstention under the Ethics Law pursuant to NRS 281A.420. He added that nothing in Judicial Cannon 2.11, the Code of Judicial Conduct, required disclosure or abstention pursuant to the manner of his appointment and in fact, Nevada Law favors the right of a public officer to perform the duties for which the public officer was appointed and to vote or otherwise act upon a matter. Commissioner Moran stated that in his capacity as a Commissioner he serves in a quasi-judicial role and in a desire to alleviate any concerns of impartiality he disclosed the extent of the relationship. He has reviewed Judicial Cannon 2.11, the Code of Judicial Conduct which lists the type of relationships and events that require disqualification and has confirmed that the present circumstances do not require disqualification. Commissioner Moran shared his belief that he would be fair and impartial in considering the matter and have no actual or perceived bias. He added that neither his acquaintanceship with Governor Lombardo nor his appointment to the Commission on Ethics by Governor Lombardo would materially affect his independence of judgment or that of a reasonable person in his situation. Commissioner Moran stated that he would be participating in voting on the matter.

Commissioner Scherer made a similar disclosure in Consolidated Case Nos. 21-062C and 21-082C. He disclosed that he is an acquaintance of former Sheriff Lombardo and now Governor Lombardo, having met him on a handful of occasions over the last 20 years in his professional capacity. He stated he has only known Governor Lombardo in a professional or public capacity for a number of years. Commissioner Scherer stated that he would categorize the current relationship as professional acquaintances rather than a personal friendship. Commissioner Scherer further disclosed that Governor Lombardo appointed him as a Commissioner to the Nevada Commission on Ethics, with a term to start November 1, 2023. Commissioner Scherer stated that under NRS 281A.065, his relationship with Governor Lombardo is not within the definition of commitment in a private capacity to the interests of another person and consequently the relationship does not require disclosure or abstention under the Ethics Law pursuant to NRS 281A.420. He added that nothing in Judicial Cannon 2.11, the Code of Judicial Conduct, required disclosure or abstention pursuant to the manner of his appointment and in fact, Nevada Law favors the right of a public officer to perform the duties for which the public officer was appointed. Commissioner Scherer stated that in his capacity as a Commissioner he serves in a quasi-judicial role and in a desire to alleviate any concerns of impartiality he disclosed the extent of the relationship and nothing Judicial Cannon 2.11 would require disqualification. Commissioner Scherer shared his belief that he would be fair and impartial in considering the matter and have no actual or perceived bias. He added that neither his acquaintance with Governor Lombardo nor his appointment to the Commission on Ethics by Governor Lombardo would materially affect his independence of judgment or that of a reasonable person in his situation. Commissioner Scherer stated that he would be participating in and voting on the matter.

Chair Wallin thanked Commissioners Moran, Olsen, and Scherer for their disclosures and asked Commission Counsel Jensen for a brief presentation. Commission Counsel Jensen

outlined the purpose of the agenda item and requested direction from the Commission on the next steps in the case under consideration.

Vice-Chair Towler made a motion to grant Commission Counsel authority to file the discussed Motion to Dismiss for lack of proper service in the Lombardo Consolidated Case Nos. 21-062C and 21-082C. Chair Wallin seconded the motion.

Commissioner Moran asked for confirmation that Commission Counsel's recommendation was based on procedural issues under NRS 233B and that there was a legal basis behind the Commission Counsel filing the dismissal on the Commission's behalf. Commission Counsel Jensen responded affirmatively based on NRS and case law. Commissioner Moran thanked Commission Counsel Jensen and noted that he would be joining in the motion.

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

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

5. 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 congratulated Executive Director Armstrong for his contribution to the Commission's social media outreach and education upgrades as recognized and highlighted as Top 10 Ethics Commissions in a recently released report of the Campaign Legal Center.

6. Public Comment.

There was no public comment.

7. Adjournment.

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

The meeting was adjourned at 9:30 a.m.

Minutes prepared by:

/s/ Kari Pedroza

Kari Pedroza
Executive Assistant

/s/ Ross Armstrong

Ross Armstrong, Esq.
Executive Director

Minutes approved January 17, 2024:

Kim Wallin, CPA, CMA, CFM
Chair

Thorán Towler, Esq.
Vice-Chair

Agenda Item 4



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Kevin Chisum**, Assessor,
Mineral County, State of Nevada,

Ethics Complaint
Case No. 23-048C

Subject. /

**PROPOSED
STIPULATED AGREEMENT**

1. **PURPOSE:** This Stipulated Agreement resolves Ethics Complaint Case No. 23-048C before the Nevada Commission on Ethics ("Commission") concerning Kevin Chisum ("Chisum"), Assessor for Mineral County, State of Nevada.
2. **JURISDICTION:** At all material times, Chisum served as the Assessor for Mineral County and was a public officer as defined in NRS 281A.160. The Ethics in Government Law ("Ethics Law") set forth in NRS Chapter 281A gives the Commission jurisdiction over elected and appointed public officers and public employees whose conduct is alleged to have violated the provisions of NRS Chapter 281A. See NRS 281A.280. Accordingly, the Commission has jurisdiction over Chisum in this matter.
3. **PROCEDURAL HISTORY BEFORE COMMISSION:**
 - a. On or about March 27, 2023, the Commission received Ethics Complaint No. 23-048C from a member of the public ("Requester") alleging violations of NRS 281A.400(2), (6) and (9).
 - b. On May 10, 2023, the Commission issued its *Order on Jurisdiction and Investigation* accepting jurisdiction of the alleged violations of NRS 281A.400(2) and (6), dismissing the alleged violation of NRS 281A.400(9) and directing the Executive Director to serve a *Notice of Additional Issues and Facts* regarding the alleged violations of NRS 281A.400(1) and (7).
 - c. On May 10, 2023, staff of the Commission issued a *Notice of Complaint and Investigation* and a separate *Notice of Additional Issues and Facts* to Chisum pursuant to

NRS 281A.720 and NAC 281A.410 and provided Chisum with an opportunity to submit a response to the allegations.

d. On June 12, 2023, Chisum provided his Response to the allegations.

e. On July 25, 2023, the Executive Director presented a recommendation relating to just and sufficient cause to a three-member review panel pursuant to NRS 281A.725.

f. A Review Panel Determination issued on July 27, 2023, found the facts established credible evidence to support a determination that just and sufficient cause exists for the Commission to render an opinion in the matter regarding the alleged violation of NRS 281A.400(7) but dismissed the alleged violations of NRS 281A.400(1), (2) and (6). The Review Panel Determination also provided that the Review Panel reasonably believed that Chisum's conduct could be appropriately addressed through corrective action under the terms and conditions of a deferral agreement instead of referring the allegations to the Commission for further proceedings.

g. The Executive Director and Chisum were unable to agree on the terms of a deferral agreement and the matter was referred to the Commission for further proceedings on October 17, 2023.

h. On November 16, 2023, the parties attended a settlement conference and reached an agreement to resolve this matter on the terms reflected in this Stipulated Agreement ("Agreement").

i. In lieu of an adjudicatory hearing before the Commission, Chisum and the Commission now enter into this Agreement.

4. STIPULATED FACTS:

a. Chisum is the County Assessor of Mineral County, State of Nevada. He was initially elected to the position in 2018 and re-elected in 2022.

b. Chisum owns several properties in Mineral County, including property in the town of Walker ("Walker Property"). As the owner of the Walker Property, Chisum is subject to landfill assessments by Hawthorne Utilities, a government entity within Mineral County.

c. As County Assessor, Chisum acquired an aerial imagery software program for use by the Assessor's Office, ConnectExplorer. Chisum also allowed other County

departments to access ConnectExplorer, including Hawthorne Utilities who used it for the purpose of determining landfill assessments.

d. On March 22, 2023, Chisum, rather than using the assessment appeal process established by Mineral County for the general public, sent an email from his Mineral County email account to an employee of Hawthorne Utilities noting that the landfill assessment notice on the Walker Property had increased from \$20 in 2022 to \$156 in 2023, that the Walker Property was vacant, and requesting the landfill assessment be adjusted.

e. An employee of Hawthorne Utilities informed Chisum that the basis for the increased landfill assessment on the Walker Property was images obtained from ConnectExplorer and provided him with the information and paperwork to officially appeal the Walker Property's landfill assessment.

f. Chisum thereafter disabled Hawthorne Utilities' access to ConnectExplorer based on his belief that Hawthorne Utilities was not properly using the software and exchanged additional emails from his County email address with employees of Hawthorne Utilities regarding the software's use for landfill assessments.

g. Chisum did not appeal the Walker Property's 2023 landfill assessment and he paid the \$156 assessment in full.

5. TERMS / CONCLUSIONS OF LAW: Based on the foregoing, Chisum and the Commission agree as follows:

a. Each of the stipulated facts enumerated in Section 4 of this Agreement is agreed to by the parties.

b. Chisum's actions constitute a single course of conduct resulting in one violation of the Ethics Law, implicating the provisions of NRS 281A.400(7).

c. Based upon the consideration and application of the statutory mitigating criteria set forth in NRS 281A.775, the Commission concludes that Chisum's violation in this case should be deemed a non-willful violation pursuant to NRS 281A.170, and the imposition of a civil penalty is not appropriate for the following reasons:

- 1) Seriousness of Violation: The Commission has recognized the importance of avoiding the use of government time, property, equipment or other facility to benefit a public officer's significant personal or pecuniary interest. Chisum used his public email to address both personal and public matters. The

seriousness of his conduct is offset by the legitimacy of Chisum's systemic questions about the assessment process, and that, because of the county staff's refusal to allow Chisum to use a process outside of the appeal process available to all county residents, no financial gain was received by Chisum. Chisum's concerns regarding the use of ConnectExplorer were also validly related to his official public position as Assessor.

- 2) Previous History: Chisum has not previously been the subject of any violation of the Ethics Law or previous ethics complaints.
- 3) Cost of Investigation and Proceedings: Chisum was diligent to cooperate with and participate in the Commission's investigation and resolution of this matter. Because Chisum was willing to resolve the matter prior to an adjudicatory hearing, significant Commission resources were preserved.
- 4) Prompt correction of the violation: Chisum responded immediately to the Executive Director and engaged in the investigation process.
- 5) Financial Gain: Chisum did not recognize financial gain because the Walker Property's 2023 landfill assessment was not adjusted and Chisum paid the full amount of the assessment.
- 6) Other Mitigating Factors: The facts in this matter involve Chisum's use of his public email for multiple purposes. Chisum inappropriately used his Mineral County email for personal matters. However, Chisum's concerns regarding the use of ConnectExplorer were validly related to his official public position as Assessor. Chisum also voluntarily attended in-person ethics training with the Executive Director during the pendency of this matter. Chisum has also worked internally with other Mineral County officials to bring resolution to his concerns about the County assessment process, which affects other Mineral County residents, raised by his assessment.

d. This Agreement is based on the specific facts, circumstances, and law now before the Commission. Facts or circumstances that may come to light after its entry that are in addition to or differ from those contained herein may create a different resolution of this matter.

e. This Agreement is not intended to be applicable to or create any admission of liability by Chisum for any other proceeding against or involving Chisum. If the Commission rejects this Agreement, none of the provisions herein shall be considered by the Commission or be admissible as evidence in a hearing on the merits in this matter.

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6. WAIVER

a. Chisum knowingly and voluntarily waives his right to a hearing before the full Commission on the allegations in Ethics Complaint Case No. 23-048C and all rights he may be accorded with in regard to this matter pursuant to NRS Chapter 281A, the regulations of the Commission (NAC Chapter 281A), the Nevada Administrative Procedures Act (NRS Chapter 233B), and any other applicable provisions of law.

b. Chisum knowingly and voluntarily waives his right to any judicial review of this matter as provided in NRS Chapter 281A, NRS Chapter 233B, or any other applicable provisions of law.

7. ACCEPTANCE: We, the undersigned parties, have read this Agreement, understand each and every provision therein, and agree to be bound thereby once approved by the Commission. In addition, the parties orally agreed to be bound by the terms of this Agreement during the regular meeting of the Commission on January 17, 2024.¹

DATED this _____ day of January, 2024.

Kevin Chisum

FOR ROSS E. ARMSTRONG, ESQ.
Executive Director
Nevada Commission on Ethics

DATED this _____ day of January, 2024.

Elizabeth J. Bassett, Esq.
Associate Counsel

Approved as to form by:

FOR NEVADA COMMISSION ON ETHICS

DATED this _____ day of January, 2024.

Brandi Jensen, Esq.
Commission Counsel

¹ Subject waived any right to receive written notice pursuant to NRS 241.033 of the time and place of the Commission's meeting to consider his character, alleged misconduct, professional competence, or physical or mental health.

The above Stipulated Agreement is accepted by the Nevada Commission on Ethics:

DATED this _____ day of January, 2024.

By: _____
Kim Wallin, CPA, CMA, CFM
Chair

By: _____
Scott Sherer, Esq.
Commissioner

By: _____
John T. Moran III, Esq.
Commissioner

By: _____
Stan R. Olsen
Commissioner

From: [Elizabeth Bassett](#)
To: [Kevin Chisum](#); [Brandi Jensen](#)
Cc: [Ross Armstrong](#); [Kari Anne Pedroza](#); [Wendy Pfaff](#)
Subject: RE: Ethics Case No. 23-048C (Chisum)- Proposed Stipulated Agreement
Date: Wednesday, January 3, 2024 10:33:30 AM
Attachments: [Modified_Final_StipulatedAgreement_23-048C_\(Chisum\).docx](#)
[image001.png](#)

Commission Counsel Jensen,

Both parties have agreed to the attached Proposed Stipulated Agreement. Please let us know if you need anything else in advance of the January 17th Commission meeting.

Thank you,
Liz Bassett

Elizabeth J. Bassett, Esq.
Associate Counsel



704 West Nye Lane, Suite 204
Carson City, NV 89703
(775) 687-5469
Website: ethics.nv.gov

CONFIDENTIALITY : The contents of this message and any attachments hereto may be subject to the confidentiality provisions contained in NRS Chapter 281A and should not be disclosed to other parties, distributed, or copied in any way.

From: Kevin Chisum [REDACTED]
Sent: Wednesday, January 3, 2024 10:30 AM
To: Brandi Jensen <BJensen@ethics.nv.gov>
Cc: Elizabeth Bassett <EBassett@ethics.nv.gov>; Ross Armstrong <RArmstrong@ethics.nv.gov>; Kari Anne Pedroza <k.pedroza@ethics.nv.gov>; Wendy Pfaff <WPfaff@ethics.nv.gov>
Subject: Re: Ethics Case No. 23-048C (Chisum)- Proposed Stipulated Agreement

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I agree.

Thank you
Sent from my iPhone

On Jan 3, 2024, at 8:07 AM, Brandi Jensen <BJensen@ethics.nv.gov> wrote:

Ms. Bassett and Mr. Chisum,

This language is approved by me as Commission Counsel as well.

The next step would be for the parties to modify and obtain signatures. I am aware Mr. Chisum has difficulty in printing and sending documents.

I would approve the following steps if the parties agree:

1. Prepare a modified stipulated agreement
2. Have the parties by email agree to the document as attached to the email.
3. Please note this email will be provided to the Commission so do not include previous email chains.

Let me know if this is agreeable and please provide by the end of the day tomorrow so we can have sufficient time to produce the agenda packet.

Brandi Jensen

Commission Counsel
Nevada Commission on Ethics
bjensen@ethics.nv.gov
(775) 687-4313

<image002.jpg>

CONFIDENTIALITY: The contents of this message and any attachments hereto may be subject to the confidentiality provisions contained in NRS Chapter 281A and should not be disclosed to other parties, distributed, or copied in any way.



Submitted Electronically on 03-27-2023

NEVADA COMMISSION ON ETHICS

ETHICS COMPLAINT

[NRS 281A.700 to 281A.790](#)

1. SUBJECT OF THE COMPLAINT - person you allege violated provisions of NRS Chapter 281A, the Nevada Ethics in Government Law. (Please use a separate form for each individual.)

Subject Name: <i>(Last, First)</i>	Chisum, Kevin	Title of Public Office: <i>(Position)</i>	Assessor
Public Entity: <i>(Name of the entity employing this position)</i>	Assessor		
Address:	PO Box 400	City, State, Zip Code:	Hawthorne, NV 89415
Telephone:	<i>Work:</i> 775-945-3684	<i>Other (home/cell):</i>	Email: assessor@mineralcountynv.org

2. Describe the alleged conduct of the public officer or employee (subject) that you believe violated NRS Chapter 281A. (Include specific facts and circumstances to support your allegation: times, places, and the name and position of each person involved.)

██████████ email on March 22, 2023 at 9:34 a.m. from Kevin Chisum, the Mineral County Assessor, stating he had denied ██████████ access to Connect Explorer, which is the county program used to view photos of parcels within the county. He further stated that it was due to his dissatisfaction regarding the Landfill Assessment on his parcel #008-033-33 for 23-24 fiscal year. This is a County owned program that his office maintains, ██████████
 ██████████ Hawthorne Utilities uses this program. He stated that the photo ██████████ March 22nd at 8:17 a.m. to his complaint was from 2019, which is correct, that was the most current photo in Connect Explorer. Later ██████████ to further complain ██████████ him that he can turn in an application for reduction which is on the back of the Landfill Assessment he received and the Walker Lake Solid Waste Board members would do a visual inspection prior to the Solid Waste Board meeting. ██████████
 ██████████ Landfill Assessment Ordinance and resolution as he had requested. The screen shot taken of his parcel is ██████████
 ██████████ to see if the current Landfill Assessment matches the photo. If Mr. Chisum has been paying \$20 for landfill assessment for years then it was missed by prior staff and his parcel has not been assessed for landfill fees correctly since the \$20 assessment is for vacant property only, The parcel in question has a mobile home, trailer,

boards and debris on it. Mr. Chisum stated everything has been cleared but the trailer. [REDACTED]

[REDACTED]

advising he and Commissioner Curtis Schlepp spoke with Mr. Chisum and he believed they had the issue resolved and that he and Hawthorne Utilities Commissioner Liaison Larry Grant wanted to meet Monday March 27th at 10 a.m. to explain and talk about how to make the process better. After meeting with the District Attorney and Commissioner Grant, [REDACTED] an email from Mr. Chisum at 11:14 a.m. stating he has temporarily enabled [REDACTED] Eagleview (Connect Explorer) pending a review of the standards and practices [REDACTED] [REDACTED] The areas of concern he had are as follows. 1. Outdated images are being used to generate current assessments without a site visit for verification. 2. No cross referencing to the assessors records to see if there are improvements as required by MC Ord # 3.24.020. 3. No attempt is being made to qualify whether this property is contiguous to other property owned by the same person and already paying the assessment per MC Ord# 3.24.030. 4. There is no process for correcting an assessment other than an appeal. A correction should be made in the same fashion as a new assessment. They are both corrections/changes to an assessment which should be done as a maintenance function at a clerical level. Forcing the taxpayer to an appeal to correct an error in the assessment is not only unfair [REDACTED] [REDACTED] bullying and hostile behavior. Appeals are for a deviation from the normal, not the tool to get the administrator to correctly reflect the assessment. He also stated [REDACTED] these immediately as he will re-visit them in thirty days to determine whether he will provide this service moving forward. [REDACTED]

[REDACTED]

[REDACTED] email from Mr. Chisum "It seems as though you failed to read my concerns and certainly have no plans to rectify the issues. Please explore using Google Earth for your imagery needs as I will disable the Pictometry function in thirty days if my concerns are not remedied". [REDACTED]

[REDACTED] The photos from the Connect Explorer program are not used to determine Landfill Assessment, they are a visual aid used by [REDACTED] to view a parcel to see if the current Landfill Assessment matches the photo and as a reference for the Solid Waste Board members during visual inspections as a landmark to locate the parcel in areas where there are no street signs or house numbers. During the visual inspection, the board member takes into consideration any changes (building, vehicles removed/added or if property is clean and clear of debris) then the board member will take pictures that our office prints and attach to the application for the other Solid Waste Review Board members to review during their meeting to help them determine the appropriate Landfill Assessment for each parcel.

3. Is the alleged conduct currently pending before another administrative, law enforcement or judicial body? If yes, describe:

No

4. NRS Chapter 281A requires public officers and employees to hold public office as a public trust and avoid conflicts between public duties and private interests. (NRS 281A.020) What provisions of NRS Chapter 281A are relevant to the conduct alleged? **Please check all that apply.**

<input type="checkbox"/> NRS 281A.400(1)	Seeking or accepting any gift, service, favor, employment, engagement, emolument or economic opportunity for himself or person to whom he has a commitment in a private capacity which would tend improperly to influence a reasonable person in his position to depart from the faithful and impartial discharge of his public duties.
<input checked="" type="checkbox"/> NRS 281A.400(2)	Using his position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for himself, any business entity in which he has a significant pecuniary interest, or any person to whom he has a commitment in a private capacity.
<input type="checkbox"/> NRS 281A.400(3)	Participating as an agent of government in the negotiation or execution of a contract between the government and himself, any business entity in which he has a significant pecuniary interest or any person to whom he has a commitment in a private capacity.
<input type="checkbox"/> NRS 281A.400(4)	Accepting any salary, retainer, augmentation, expense allowance or other compensation from any private source for himself or any person to whom he has a commitment in a private capacity for the performance of his duties as a public officer or employee.
<input type="checkbox"/> NRS 281A.400(5)	Acquiring, through his public duties or relationships, any information which by law or practice is not at the time available to people generally, and using the information to further the pecuniary interests of himself or any other person or business entity.
<input checked="" type="checkbox"/> NRS 281A.400(6)	Suppressing any governmental report or other document because it might tend to affect unfavorably his pecuniary interests or the interests of any person to whom he has a commitment in a private capacity.
<input type="checkbox"/> NRS 281A.400(7)	Using governmental time, property, equipment or other facility to benefit his significant personal or pecuniary interest, or any person to whom he has a commitment in a private capacity. (Some exceptions apply).

<input type="checkbox"/> NRS 281A.400(8)	A State Legislator using governmental time, property, equipment or other facility for a nongovernmental purpose or for the private benefit of himself or any other person, or requiring or authorizing a legislative employee, while on duty, to perform personal services or assist in a private activity. (Some exceptions apply).
<input checked="" type="checkbox"/> NRS 281A.400(9)	Attempting to benefit his personal or pecuniary interest or the interests of any person to whom he has a commitment in a private capacity through the influence of a subordinate.
<input type="checkbox"/> NRS 281A.400(10)	Seeking other employment or contracts for himself or any person to whom he has a commitment in a private capacity through the use of his official position.
<input type="checkbox"/> NRS 281A.410	Representing or counseling a private person for compensation on an issue pending before a public agency while employed, or within 1 year after leaving the service of a public agency, including before any state agency of the Executive or Legislative Department. (State and local legislators and part-time public officers and employees may represent/counsel private persons before agencies they do not serve, except local legislators may not represent/counsel private persons before other local agencies within the same county.)
<input type="checkbox"/> NRS 281A.420(1)	Failing to sufficiently disclose his acceptance of a gift or loan, pecuniary interest, commitment in a private capacity to the interest of another person or the nature of any representation or counseling provided to a private person for compensation before another agency in the preceeding year that is reasonably affected by an official matter.
<input type="checkbox"/> NRS 281A.420(3)	Failing to abstain from acting on an official matter which is materially affected by his acceptance of a gift or loan, pecuniary interest, or commitment in a private capacity to the interest of another person.
<input type="checkbox"/> NRS 281A.430	Bidding on or entering into a government contract in which he has a significant pecuniary interest. (Some exceptions apply).
<input type="checkbox"/> NRS 281A.500	Failing to file or timely file a Nevada Acknowledgment of Ethical Standards for Public Officers form.
<input type="checkbox"/> NRS 281A.510	Accepting or receiving an improper honorarium.
<input type="checkbox"/> NRS 281A.520	Requesting or otherwise causing a governmental entity to incur an expense or make an expenditure to support or oppose a ballot question or candidate during the relevant timeframe.
<input type="checkbox"/> NRS 281A.550	Negotiating or accepting employment from a business or industry regulated by or contracted with former public agency within one year after leaving the service of the agency. (Failing to honor the applicable "cooling off" period after leaving public service).

*Pursuant to NRS 281A.065, a public officer or employee has a commitment in a private capacity to the following persons:

1. Spouse; domestic partner
2. Household member
3. Family member within 3rd degree of consanguinity/affinity.
4. Employer or spouses/domestic partner/household member's employer
5. Substantial and continuing business relationships, i.e. partner, associate, or business entity.
6. Substantially similar relationships to those listed above, including close, personal relationships akin to family and fiduciary relationships to business entities.

5. YOU MUST SUBMIT EVIDENCE TO SUPPORT YOUR ALLEGATIONS. (NRS 281A.710 through 281A.715.)

Attach all documents or items you believe support your allegations, including witness statements, public or private records, audio or visual recordings, documents, exhibits, concrete objects, or other forms of proof.

6. Witnesses: Identify all persons who have knowledge of the facts and circumstances you have described, as well as the nature of the testimony the person will provide.

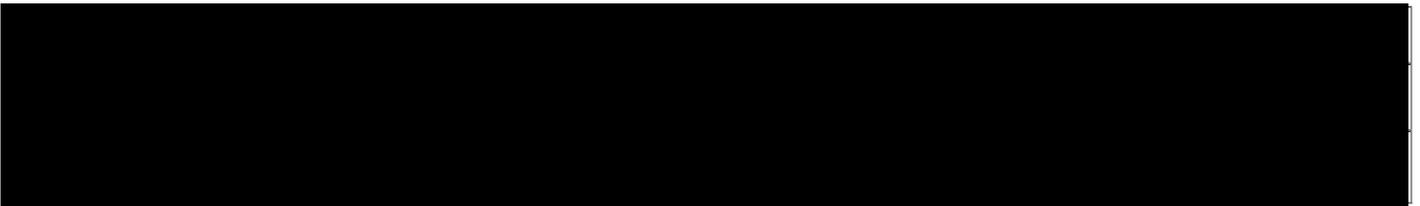
Name and Title:	Curtis Schlepp		
Address:		City, State, Zip:	Hawthorne , NV 89415
Telephone:	<i>Work:</i>	<i>Other (home/cell):</i>	Email: ccb@mineralcountynv.org
		775-316-0758	
Nature of Testimony:	Commissioner Schlepp was present at meeting with DA Stanton and Kevin Chisum regarding his emails denying Hawthorne Utilities access to Connect Explorer.		

Name and Title:	Jaren Stanton
-----------------	----------------------

Address:		City, State, Zip:	Hawthorne , NV 89415
Telephone:	<i>Work:</i> 775-945-3636	<i>Other (home/cell):</i>	Email: jstanton@mineralcountynv.org
Nature of Testimony:	Email correspondence shared with District Attorney. DA Stanton has tried to mediate the situation.		

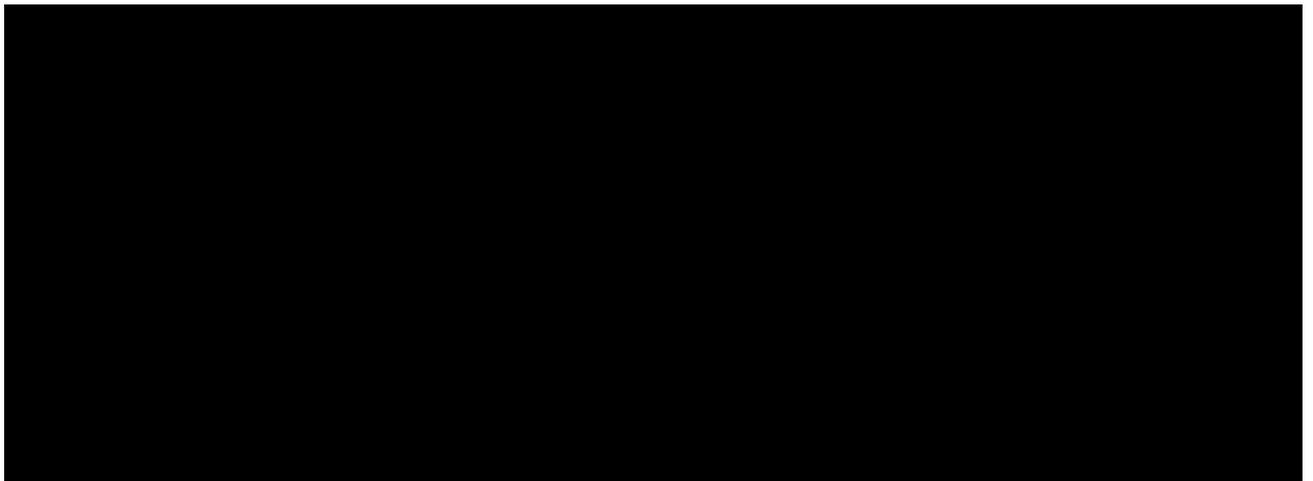
Name and Title:	Larry Grant		
Address:		City, State, Zip:	Hawthorne, NV 89415
Telephone:	<i>Work:</i> 775-316-2512	<i>Other (home/cell):</i>	Email: lgrant@mineralcountynv.org
Nature of Testimony:	Commissioner Grant was cc'd on emails and sat in meeting on March 27th at 9 a.m.		

7. Requesters Information:



Your identity as the Requester will be provided to the Subject if the Commission accepts jurisdiction of this matter, unless:

Pursuant to NRS 281A.750, I request that my identity as the requester of this Ethics Complaint remain confidential because (please check appropriate box):

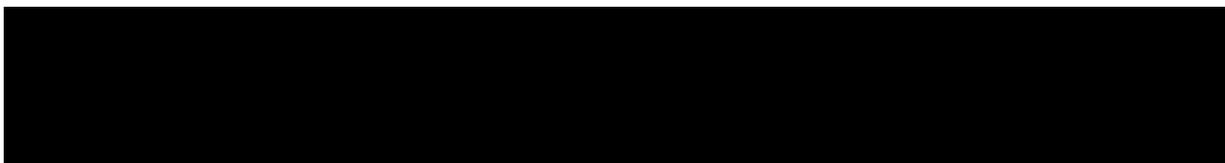


A copy of this Complaint will be provided to the Subject. If your request for confidentiality is approved by the Commission, the Complaint will be redacted to protect your identity as the Requester. The Commission may decline to maintain the confidentiality of your identity as the Requester for lack of sufficient evidence of your employment status with the same public body, agency or employer, or proof of a bona fide threat of physical force or violence.

If the Commission declines to maintain my confidentiality, I wish to:

- Withdraw my Complaint, **OR**
- Submit the Complaint understanding that the Subject will know my identity as the Requester.

By my signature below, I affirm that the facts set forth in this document and all of its attachments are true and correct to the best of my knowledge and belief. I am willing to provide sworn testimony regarding these allegations. I acknowledge that this Ethics Complaint, the materials submitted in support of the allegations, and the Commission's investigation are confidential unless and until the Commission's Review Panel renders a determination. Certain Commission proceedings and materials, including the Investigatory File remain confidential pursuant to NRS 281A.750 through 281A.760.





You may file a Complaint using the Commission's online form submission at ethics.nv.gov (Preferred) or
You must submit this form bearing your signature to the Executive Director via:
delivery/mail to Nevada Commission on Ethics, 704 W. Nye Lane, Suite 204,
Carson City, Nevada, 89703,
email to NCOE@ethics.nv.gov, or **fax** to (775) 687-1279



**STATE OF NEVADA
BEFORE THE NEVADA COMMISSION ON ETHICS**

In re **Kevin Chisum**, Assessor,
Mineral County, State of Nevada,

Ethics Complaint
Case No. 23-048C
Confidential

Subject. /

**ORDER ON JURISDICTION AND
NOTICE OF ADDITIONAL ISSUES AND FACTS**
Pursuant to NRS 281A.715

The Nevada Commission on Ethics (“Commission”) received an Ethics Complaint on March 27, 2023, regarding Kevin Chisum (“Subject”). On May 10, 2023, pursuant to the requirements of the Nevada Ethics in Government Law set forth in NRS Chapter 281A (“Ethics Law”) and NAC 281A.405, the Commission conducted its jurisdictional and evidentiary review of the record, including the Ethics Complaint, supporting evidence, and the recommendation of the Executive Director.¹

IT IS HEREBY ORDERED:

The Commission grants the request to maintain the identity of the Requester confidential because Requester has met the requirements of NRS 281A.750.

Further, the Commission declines jurisdiction of the following alleged violation because there is insufficient evidence² included with the Complaint:

NRS 281A.400(9) Attempting to benefit a personal or pecuniary interest of any person to whom he has a commitment in a private capacity through the influence of a subordinate.

The Commission accepts jurisdiction of this Ethics Complaint and directs the Executive Director to investigate and serve a *Notice of Complaint and Investigation* regarding the Subject’s alleged violations of the following provisions of the Ethics Law:

NRS 281A.400(2) Using position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for themselves, any business entity in which there is a significant pecuniary interest, or any person with whom there is a commitment in a private capacity.

///

///

¹ The following Commissioners participated in this jurisdictional review: Chair Wallin, Vice-Chair Duffrin and Commissioners Gruenewald, Lowry, Oscarson, Sheets, Towler, and Yen.

² NRS 281A.710(2) requires an ethics complaint be submitted with sufficient evidence to support the allegations as that term is defined by NAC 281A.101.

NRS 281A.400(6) A public officer or employee shall not suppress any governmental report or other official document because it might tend to affect unfavorably a significant pecuniary interest of the public officer or employee or any person to whom the public officer or employee has a commitment in a private capacity.

Finally, based on information provided in the Complaint and pursuant to NAC 281A.415, the Commission accepts jurisdiction and directs the Executive Director to serve a *Notice of Additional Issues and Facts* regarding the following implicated violations:

NRS 281A.400(1) Seeking or accepting a gift, service favor, economic opportunity for oneself or any person to whom he has a commitment in a private capacity.

NRS 281A.400(7) Using governmental time, property or equipment or other facility to benefit his significant personal or pecuniary interest or the interest of an employee or any person to whom the public officer or employee has a commitment in a private capacity.

DATED this 10th day of May, 2023.

NEVADA COMMISSION ON ETHICS

/s/ Kim Wallin

Kim Wallin, CPA, CMA, CFM
Commission Chair

CERTIFICATE OF MAILING

I certify that I am an employee of the Nevada Commission on Ethics and that on this day in Carson City, Nevada, I deposited for mailing, via U.S. Postal Service, certified mail, return receipt requested, through the State of Nevada mailroom, a true and correct copy of the foregoing **Order on Jurisdiction and Investigation and Notice of Additional Facts and Issues**, addressed as follows:

Kevin Chisum
Mineral County Assessor
105 A St #3
Hawthorne NV 89415

Cert. Mail No.: 9489 0090 0027 6499 2210 83

Dated: May 10, 2023



Employee, Nevada Commission on Ethics



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Kevin Chisum**, Assessor,
Mineral County,
State of Nevada,

Ethics Complaint
Case No. 23-048C

Subject. /

REVIEW PANEL DETERMINATION NRS 281A.730; NAC 281A.440

The Nevada Commission on Ethics (“Commission”) received this Ethics Complaint (“Complaint”) from a member of the public on March 27, 2023, regarding the alleged conduct of Subject Kevin Chisum (“Chisum”). On May 10, 2023, the Commission instructed the Executive Director to investigate alleged violations of NRS 281A.400(1), (2), (6) and (7).

Chisum is a public officer as defined in NRS 281A.160, and the Commission has jurisdiction over this matter pursuant to NRS 281A.280 because the allegations contained in the Complaint relate to Chisum’s conduct as a public officer and have associated implications under the Ethics Law.

On July 25, 2023, a Review Panel consisting of Presiding Commissioner Teresa Lowry, Esq. (Presiding Officer), Vice-Chair Thoran Towler, Esq. and Amanda Yen, Esq. considered the following: (1) Ethics Complaint (2) Order on Jurisdiction and Investigation and Notice of Additional Facts and Issues; (3) Chisum’s Response to the Complaint; and (4) Executive Director’s Recommendation to the Review Panel with Summary of Investigatory Findings and Relevant Evidentiary Exhibits.¹

The Review Panel unanimously finds and concludes that the facts do not establish credible evidence to support a determination that just and sufficient cause exists for the Commission to render an opinion in the matter regarding the alleged violations of NRS 281A.400(1), (2) and (6). However, the Review Panel unanimously finds and concludes that the facts do establish credible evidence to support a determination that just and sufficient cause exists for the Commission to render an opinion in the matter regarding the alleged violations of NRS 281A.400(7). Nevertheless, pursuant to NRS 281A.730, the Review Panel reasonably believes that Chisum’s conduct may be appropriately addressed through corrective action under the terms and conditions of a deferral agreement instead of referring these allegations to the Commission for further proceedings at this time. The deferral agreement must confirm Chisum’s acknowledgement of the following:

¹ All materials provided to the Review Panel, except the Ethics Complaint and the Order on Jurisdiction and Investigation, represent portions of the investigatory file and remain confidential pursuant to NRS 281A.755.

- Comply with the Ethics Law for a specified period of two years from the Panel's approval of the deferral agreement without being the subject of another complaint arising from an alleged violation of the Ethics Law and for which a review panel determines there is just and sufficient cause for the Commission to render an opinion in the matter;
- Receive training as approved by the Executive Director within 60 days of approval of the deferral agreement.

Unless an extension of time is authorized or directed by the Commission Counsel on behalf of the Review Panel, the Executive Director and Subject shall provide a proposed deferral agreement to the Review Panel through its Commission Counsel on or before September 25, 2023, which deadline may be extended by the Commission Counsel for good cause. If the Review Panel does not approve the deferral agreement or if the Subject declines to enter into a deferral agreement, the Review Panel will issue an order referring this matter to the Commission for further proceedings.

Dated this 25th day of July, 2023.

REVIEW PANEL OF THE NEVADA COMMISSION ON ETHICS

By: /s/ Teresa Lowry
Teresa Lowry
Commissioner/Presiding Officer

By: /s/ Thoran Towler
Vice-Chair Thoran Towler, Esq.

By: /s/ Amanda Yen
Amanda Yen, Esq.
Commissioner

CERTIFICATE OF MAILING

I certify that I am an employee of the Nevada Commission on Ethics and that on this day in Carson City, Nevada, I transmitted a true and correct copy of the foregoing **REVIEW PANEL DETERMINATION** via U.S. Certified Mail through the Nevada State Mailroom and electronic mail addressed as follows:

Ross E. Armstrong, Esq.
Executive Director
Elizabeth J. Bassett, Esq.
Nevada Commission on Ethics
704 W. Nye Lane, Suite 204
Carson City, NV 89703

Email: ramstrong@ethics.nv.gov

Email: ebassett@ethics.nv.gov

Kevin Chisum
Mineral County Assessor
105 A St #3
Hawthorne, Nevada 89415

Certified Mail No.: 9489 0090 0027 6499 1978 76

Dated: 7/27/2023

ISI Wendy Pfaff

Employee, Nevada Commission on Ethics

Agenda Item 5



ADVISORY OPINION PROCESS

3 SUCCESSFUL STEPS TO PERSUASION: WHAT DO YOU WANT THEM TO KNOW; HOW DO YOU WANT THEM TO FEEL; WHAT DO YOU WANT THEM TO DO



- Know: Ethics Laws & How To Interpret Them
- Feel: Inspired & Educated & Someone Is Here To Help
- Do: Follow The Law, Set the Example, Share Their Knowledge

STRUCTURE COMPARISON BEFORE DISCUSSION

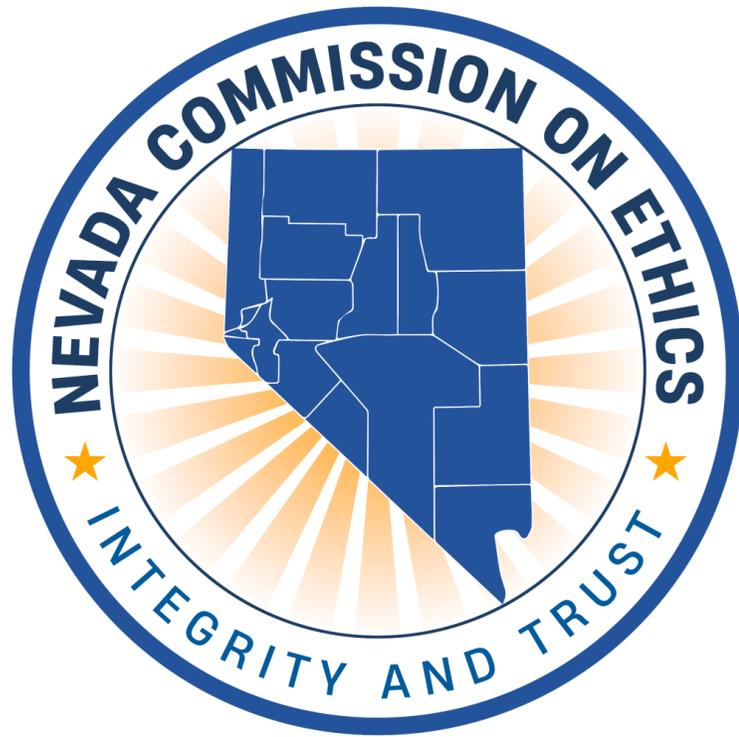
Previous Structure

- Statement of the Case
- Question presented
- Findings of Fact
- Relevant Statutes
- Commission Decision
- Conclusions of Law

Current Proposed Structure

- Summary – added (overview removed)
- Question Presented – no changes
- Findings of Fact – no changes
- Commission Decision – no changes
- Conclusions of Law – supp info
- Relevant Statutes – at the end

IMAGERY: APPROVAL OF NEW LOGO INSTEAD OF SEAL



NEVADA COMMISSION ON ETHICS 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.

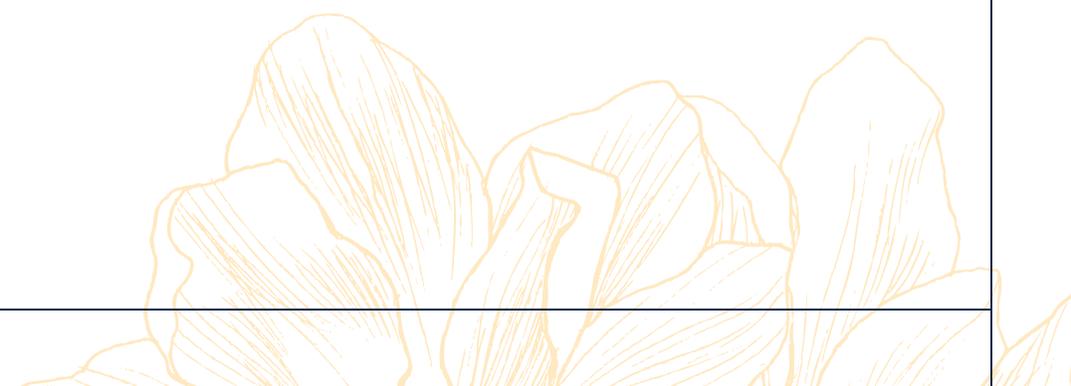
SOME OF OUR GUIDING PRINCIPLES

- 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.
- 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.
- 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.
- We **continuously improve our public communication** and public access to provide guidance and assistance to those we hold accountable for compliance.
- We value and **respect the opinions** and recommendations of our Stakeholders, Staff and Commission Members which guide us in our decision making.

THOROUGHLY RESEARCHED & CONSISTENT WITH PRECEDENT

- Consistent with Precedent
 - Consistency through research
- Research – is it searchable
 - Commissioner Towler expressed the importance of our advisory opinions being searchable.
 - Over 700 cases in the opinions database
 - Ability to find prior opinions (Difficult or easy)
- Improve our opinions to ease research & improve consistency
 - Topic list with each opinion (Commissioner Wallin)

TOPICS, SUGGESTIONS & LOCATION AGREEMENT



THOROUGHLY RESEARCHED & CONSISTENT WITH PRECEDENT

Topic for each Advisory Opinion

PROPOSED
OPINION

SUMMARY

TOPIC: DISCLOSURE AND ABSTENTION

Subtopic?

Location and approach approved?

IMPROVE OUR PRACTICES, CHALLENGE OURSELVES & IMPROVE COMMUNICATION WHILE MEETING THE NEEDS OF THE REQUESTOR

- Responsive to Requestor
 - Commissioner Towler expressed the importance of our advisory opinions being responsive to the requestor
- Ease of Use
 - Move statutes to the end?
- Succinct
 - Commissioners liked the OR opinions which were 2-5 pages
- Common Language
 - Legalese - Commissioners Wallin and Olsen expressed the importance of reducing legalese
- Summary (with Topic List)
 - Commissioner Wallin and Lowry agreed with Commission Counsel Jensen a summary would be helpful

SUMMARY AT THE BEGINNING OF THE OPINION

Benefits:

1. Research – quickly able to determine if applicable for staff, the public, and their attorneys

2. Requestor – easy for a requestor to utilize

(statement of the case & overview of issues removed)

(summary one page)

SUMMARY AT THE BEGINNING: LOCATION & AGREEMENT

PROPOSED OPINION

SUMMARY

TOPIC: PRIVATE EMPLOYMENT
LOBBYING IN GEOGRAPHICAL AREA

Public Officer (“Public Officer”) requested this confidential advisory opinion from the Nevada Commission on Ethics (“Commission”) pursuant to NRS 281A.675, regarding the propriety of his anticipated future conduct as it relates to the Ethics in Government Law (“Ethics Law”) set forth in NRS Chapter 281A. Public Officer seeks guidance on navigating his private employment as a lobbyist while holding a public officer position as a board member. The Commission recognizes and commends Public Officer in preemptively seeking this advisory opinion to assure he will follow the Ethics Law in fulfilling his public duties and in assuring his compliance with the Ethics Law.

The Commission opines that unless this Commission grants strict relief, Public Officer is prohibited as a member of a local legislative body from representing or counseling a private person for compensation before another local agency if the territorial jurisdiction of the other local agency includes any part of the county in which the member serves. Public Officer is therefore prohibited from accepting private employment that includes performing lobbying services before governmental agencies within the territorial jurisdiction the County while serving as a Board Member.

Public Officer appropriately requested relief from the prohibitions of NRS 281A.410(3) under NRS 281A.410 and 430. Public Officer’s request for strict relief is granted so long as the entity that he represents does not fall under the jurisdiction of the Board. There is sufficient information presented to this Commission to demonstrate how granting Public Officer this relief is the best interests of the public; it does not violate the continued ethical integrity of each local agency affected by the matter; and it does not violate the provisions of NRS 281A. This relief is granted on a case-by-case basis and is based largely, but not exclusively, upon the fact that Board does not have any authority over the entities upon which Public Officer is granted relief to engage in lobbying before.

SUPPLEMENTAL INFORMATION TO CONCLUSIONS OF LAW OR FOOTNOTE

Pursuant to NAC 281A.352, a quorum of the Commission considered this matter by submission, without holding an advisory opinion hearing. The Commission considered the request for an advisory opinion, a list of proposed facts that were affirmed as true by Ableser and publicly available information.

The facts in this matter were obtained from documentary evidence provided by Ableser and public records. For the purposes of the conclusions offered in this opinion, the Commission's findings of fact set forth below are accepted as true. Facts and circumstances that differ from those presented to and relied upon by the Commission may result in different findings and conclusions than those expressed in this opinion. If in the future additional facts are obtained that relate to application of the Ethics Law to his circumstances, Ableser may return to the Commission for education and guidance on the application of the Ethics Law by filing a new advisory request.

Commissioner Wallin recommended moving to Conclusions of Law, Commission Counsel agrees - Approve location?

RELEVANT ETHICS STATUTES

V. RELEVANT STATUTES

Duty to Avoid Conflicts of Interest

NRS 281A.020(1) provides:

NRS 281A.020 Legislative findings and declarations.

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

- (a) A public office is a public trust and shall be held for the sole benefit of the people.
- (b) A public officer or employee must commit himself or herself to avoid conflicts between the private interests of the public officer or employee and those of the general public whom the public officer or employee serves.

FONT AND
STATUTES:
LOCATION &
AGREEMENT



After conclusion?



After signatures?



Same font as legislature to reduce size
or keep same font?

SUMMARY OF THE CHANGES



Summary at the Beginning

statement of the case &
overview of issues removed



Topic list in the Summary



Common Language when appropriate



Supplemental information/conclusions of law



Statutes at the End



Publish only the Abstracts containing new precedent

PRESENTATION &
TIMING OF THE
OPINIONS



ONE WEEK TO VOTE



ANY ADDITIONAL
COMMENTS

STRUCTURE COMPARISON BEFORE DISCUSSION

Previous Structure

- Statement of the Case
- Question presented
- Findings of Fact
- Relevant Statutes
- Commission Decision
- Conclusions of Law

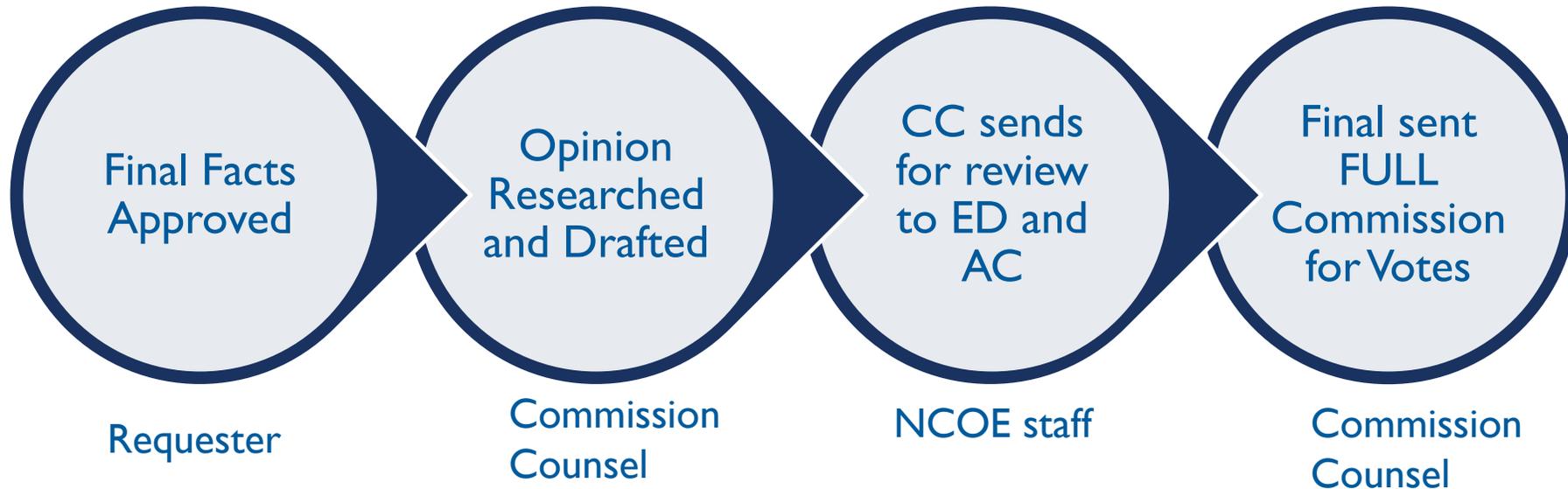
Current Proposed Structure

- Summary
- Question Presented
- Findings of Fact
- Commission Decision
- Conclusions of Law
- Relevant Statutes

ADVISORY OPINION PROCESS – PART I



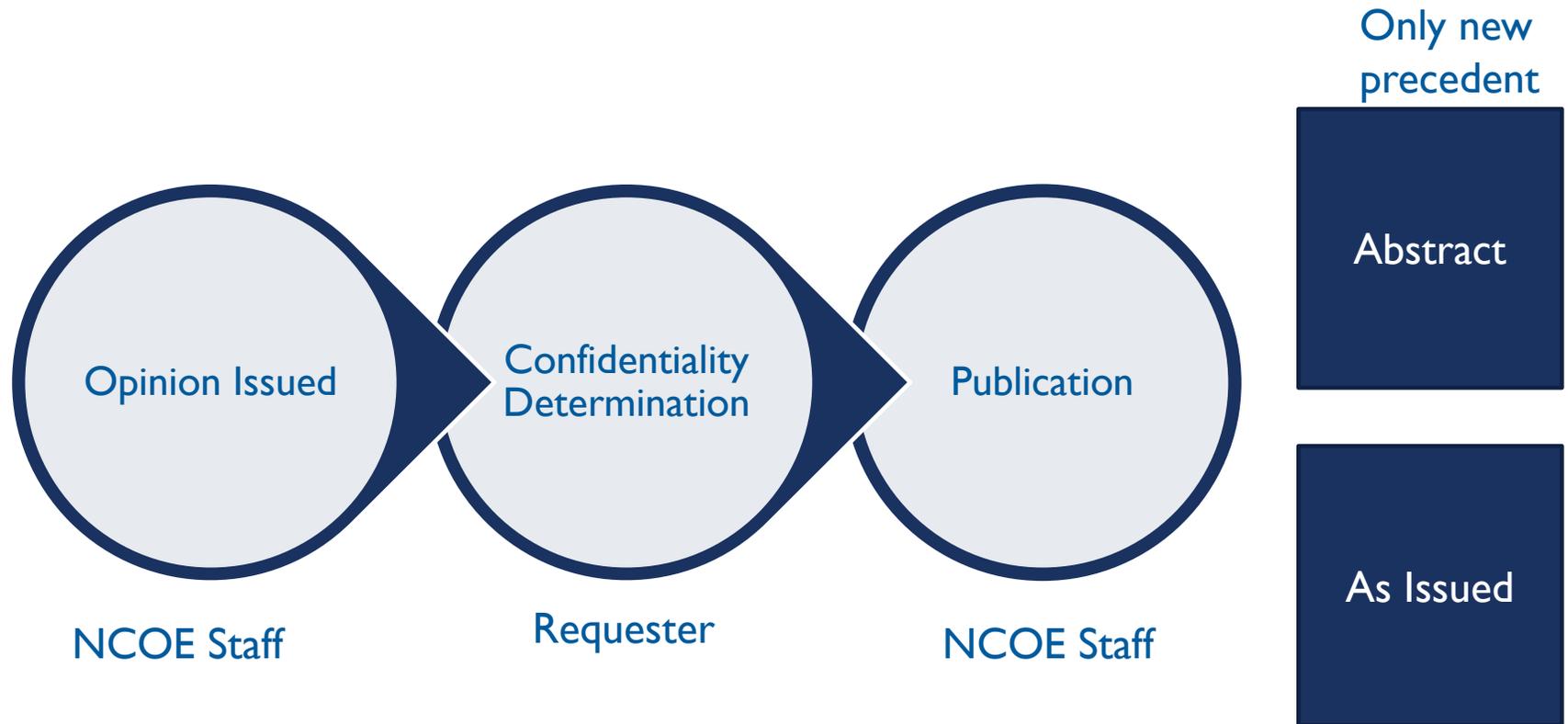
ADVISORY OPINION PROCESS – PART 2



ADVISORY OPINION PROCESS – PART 2



ADVISORY OPINION PROCESS – PART 3





QUESTIONS



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Public Officer**,

Advisory Opinion No. XX-XXXX
CONFIDENTIAL

_____ Public Officer. /

**PROPOSED
OPINION**

I. SUMMARY

TOPIC: DISCLOSURE AND ABSTENTION

Public Officer ("Public Officer") requested this confidential advisory opinion ...

The Commission opines

II. QUESTION PRESENTED

Public Officer seeks guidance on a matter coming before her as a Public Officer....

III. FINDINGS OF FACT

A. Public Officer is a public officer pursuant to NRS 281A.160....

IV. COMMISSION DECISION

1. Duty to Avoid Conflicts of Interest

As a public employee, ...

a.

V. CONCLUSIONS OF LAW

1. Public Officer is a public officer as defined by NRS 281A.160....

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

VI. RELEVANT STATUTES

NRS 281A.020 Legislative findings and declarations.

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

.....

Dated this ____ day of _____, 2024.

NEVADA COMMISSION ON ETHICS

By: /s/ Kim Wallin
Kim Wallin, CPA, CMA, CFM
Chair

By: /s/ Stan Olsen
Stan Olsen
Commissioner

By: /s/Thoran Towler
Thorán Towler, Esq.
Vice-Chair

By: /s/ Scott Scherer
Scott Scherer, Esq.
Commissioner

By: /s/ Teresa Lowry
Teresa Lowry, Esq.
Commissioner

By: /s/ Amanda Yen
Amanda Yen, Esq.
Commissioner

By: /s/ John T. Moran
John T. Moran, III, Esq.
Commissioner



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Jeffrey Downs**, Regent,
Nevada System of Higher Education,
State of Nevada,

Advisory Opinion No. 23-071A
Confidential

Public Officer. /

OPINION

I. STATEMENT OF THE CASE

Jeffrey Downs ("Downs") requested this confidential advisory opinion from the Nevada Commission on Ethics ("Commission"), regarding the propriety of his conduct as it relates to the Ethics in Government Law ("Ethics Law") set forth in Chapter 281A of the Nevada Revised Statutes ("NRS"). Pursuant to NAC 281A.352, a quorum of the Commission considered this matter by submission, without holding an advisory-opinion hearing.¹ The Commission considered the request for an advisory opinion, a list of proposed facts that were affirmed as true by Downs and publicly available information.

Downs sought an opinion from the Commission regarding conflicts of interest between his public duties as a Regent for the Nevada System of Higher Education ("NSHE") and his pecuniary interests and private commitments associated with his employment with Western Nevada College ("WNC") as a Professor of Math. After fully considering Downs' request and analyzing the facts and circumstances he presented, the Commission advises Downs of his disclosure and abstention duties under NRS 281A.420 and the compliance obligations with the Code of Ethical Standards set forth in NRS 281A.400.

The Commission now renders this formal written opinion stating its findings of fact and conclusions of law. The facts in this matter were obtained from documentary evidence provided by Downs and public records. For the purposes of the conclusions offered in this opinion, the Commission's findings of fact set forth below are accepted as true. Facts and circumstances that differ from those presented to and relied upon by the Commission may result in different findings and conclusions than those expressed in this opinion.²

II. QUESTION PRESENTED

Downs seeks guidance on the disclosure and abstention requirements of the Ethics Law regarding his participation as a Regent of NSHE on agenda items affecting his employer, WNC.

¹ The following Commissioners participated in this opinion: Chair Wallin, Vice-Chair Towler and Commissioners Duffrin, Gruenewald, Lowry, Olsen, Towler and Yen.

² The Commission reserves its statutory authority should an ethics complaint be filed presenting contrary circumstances. See *In re Howard*, Comm'n Op. No. 01-36 (2002) (notwithstanding advisory opinion, a member of the public is not precluded from bringing ethics complaint) and *In re Rock*, Comm'n Op. No. 94-53 (1995) (Commission reservation of right to review until time issue is raised).

III. FINDINGS OF FACT

1. Downs was elected in November 2022 to serve on the Board of Regents (“Board”) for NSHE starting in 2023 as the Regent for District 11.
2. NSHE’s Board has oversight over eight public higher education institutions in Nevada, which includes two doctoral-granting universities, a state college, four comprehensive community colleges and one environmental research institute. The Board oversees the system, makes budgetary decisions, and enacts system-wide policies.
3. Downs was hired by the University of Nevada, Reno in August of 2001 as a full-time visiting lecturer in Mathematics. He was then hired at WNC in July 2004 as a tenure-track academic faculty member. He earned tenure in 2008 and remains employed by WNC as a Community College Professor of Math.
4. Downs seeks advice regarding his participation in future agenda items that may come before the Board regarding his employer, WNC.

IV. STATEMENT OF ISSUES AND RELEVANT STATUTES

A. OVERVIEW OF ISSUES

Private commitments can lead to conflict situations with public duties. Consequently, these conflict situations must be recognized and properly navigated to assure compliance with the Ethics Law, including following the policy of the State of Nevada to avoid conflicts and appearances of impropriety. NRS 281A.020. The public trust must be protected when a person has a commitment in a private capacity to the interests of others under NRS 281A.065, which statute details a number of relationships deemed to be private commitments, including an employer and persons with whom there is a substantial business relationship. NRS 281A.065(4) and (5). For purposes of the application of the Ethics Law, the interests of persons to whom there are private commitments are imputed to be the interests of the public officer or employee for application of the Ethics Law because these types of relationships constitute relationships that would reasonably and materially affect public decisions. See *In re Romero*, Comm’n Op. No. 19-059A (2019); *In re Alworth*, Comm’n Op. No. 19-049A (2019).

Downs is a public officer and has specific public responsibilities he must separate from his employer’s private interests to preserve the public trust. In protecting the public trust in conflict situations, the Ethics Law requires compliance with the disclosure and abstention requirements of NRS 281A.420 and the Code of Ethical Standards set forth in NRS 281A.400.

B. RELEVANT STATUTES

The following provisions of the Ethics Law are relevant to this matter.

1) Duty to Avoid Conflicts of Interest

NRS 281A.020 provides in relevant part:

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

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

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

2) "Pecuniary Interest" Defined

NRS 281A.139 provides:

"Pecuniary interest" means any beneficial or detrimental interest in a matter that consists of or is measured in money or is otherwise related to money, including, without limitation:

1. Anything of economic value; and
2. Payments or other money which a person is owed or otherwise entitled to by virtue of any statute, regulation, code, ordinance or contract or other agreement.

3) "Commitment in a private capacity" Defined

NRS 281A.065 provides, in relevant part:

"Commitment in a private capacity," with respect to the interests of another person, means a commitment, interest or relationship of a public officer or employee to a person:

4. Who employs the public officer or employee, the spouse or domestic partner of the public officer or employee or a member of the household of the public officer or employee;

5. With whom the public officer or employee has a substantial and continuing business relationship; . . .

4) Improper Use of Government Position

NRS 281A.400(1) provides:

A public officer or employee shall not seek or accept any gift, service, favor, employment, engagement, emolument or economic opportunity which would tend improperly to influence a reasonable person in the public officer's or employee's position to depart from the faithful and impartial discharge of the public officer's or employee's public duties.

NRS 281A.400(2) provides:

A public officer or employee shall not use the public officer's or employee's position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for the public officer or employee, any business entity in which the public officer or employee has a significant pecuniary interest, or any person to whom the public officer or employee has a commitment in a private capacity to the interests of that

person. As used in this subsection, "unwarranted" means without justification or adequate reason.

NRS 281A.400(5) provides:

If a public officer or employee acquires, through the public officer's or employee's public duties or relationships, any information which by law or practice is not at the time available to people generally, the public officer or employee shall not use the information to further a significant pecuniary interest of the public officer or employee or any other person or business entity.

NRS 281A.400(6) provides:

A public officer or employee shall not suppress any governmental report or other official document because it might tend to affect unfavorably a significant pecuniary interest of the public officer or employee or any person to whom the public officer or employee has a commitment in a private capacity.

5) Disclosure and Abstention

NRS 281A.420(1) and (3) provide, in relevant part:

1. Except as otherwise provided in this section, a public officer or employee shall not approve, disapprove, vote, abstain from voting or otherwise act upon a matter:

(a) Regarding which the public officer or employee has accepted a gift or loan;

(b) In which the public officer or employee has a significant pecuniary interest; or

(c) Which would reasonably be affected by the public officer's or employee's commitment in a private capacity to the interests of another person,

↳ without disclosing information concerning the gift or loan, significant pecuniary interest or commitment in a private capacity to the interests of the person that is sufficient to inform the public of the potential effect of the action or abstention upon the person who provided the gift or loan, upon the public officer's or employee's significant pecuniary interest, or upon the person to whom the public officer or employee has a commitment in a private capacity. Such a disclosure must be made at the time the matter is considered. If the public officer or employee is a member of a body which makes decisions, the public officer or employee shall make the disclosure in public to the chair and other members of the body. If the public officer or employee is not a member of such a body and holds an appointive office, the public officer or employee shall make the disclosure to the supervisory head of the public officer's or employee's organization or, if the public officer holds an elective office, to the general public in the area from which the public officer is elected.

3. Except as otherwise provided in this section, in addition to the requirements of subsection 1, a public officer shall not vote upon or

advocate the passage or failure of, but may otherwise participate in the consideration of, a matter with respect to which the independence of judgment of a reasonable person in the public officer's situation would be materially affected by:

- (a) The public officer's acceptance of a gift or loan;
- (b) The public officer's significant pecuniary interest; or
- (c) The public officer's commitment in a private capacity to the interests of another person.

V. COMMISSION DECISION

A. COMMITMENTS IN A PRIVATE CAPACITY

The Legislature has determined that private pecuniary interests and certain private relationships listed in NRS 281A.065 form the foundation for conflicts of interest. Here, Downs has a private commitment to his employer, WNC, who is subject to the oversight of the Board of Regents of which he is a member. See NRS 281A.139 and NRS 281A.065(4) and (5).

The Commission has confirmed the commitment to the employer in several opinions, including addressing the breadth of the public officer's obligation. In *In re Brown*, Comm'n Op. No. 13-28A (2014), the Commission explained: "[t]he Ethics Law recognizes various conflicts or perceived conflicts between public duties and a person with whom public officers and employees have employment commitments." *Id.* at p. 9. This means that the interests of the person to whom there is a private commitment, including an employer, business affiliate or client, or similar relationship, are statutorily attributed to the public officer based on the presumption that a person lacks independent judgment toward the interests of those persons to whom the public officer has such commitments. See *In re Public Officer*, Comm'n Op. No. 13-71A (2014).

In this case, Downs has a clear commitment in a private capacity to his employer, WNC, and as such its interests are imputed to him. In addition, Downs has a pecuniary interest in his continued employment by WNC.

B. DISCLOSURE REQUIREMENTS – NRS 281A.420(1)

The disclosure requirements of NRS 281A.420(1) apply to Downs every time his pecuniary interests or private commitments intersect with his public duties. NRS 281A.420(1) requires a proper disclosure when the public officer or employee is carrying out his public duties to approve, disapprove, vote, abstain or otherwise act upon a matter: (a) regarding a gift or loan, (b) in which he has a significant pecuniary interest, (c) which would reasonably be affected by his commitment in a private capacity to the interests of another person, or (d) which would be related to any representation or counseling of a private person for compensation before another agency within the preceding year.

When any significant pecuniary interest of a public officer/employee or any of the identified relationships set forth in NRS 281A.065 are reasonably affected by public duties, the nature of these interests and relationships requires a proper disclosure, which may be extended to the business endeavors and clients to whom there is a private commitment. See *In re Romero*, Comm'n Op. No. 19-059A (2019), at p. 6; *In re Public Officer*, Comm'n Op. No. 15-74A (2018).

The Commission recommends that Downs make a proper disclosure every time an agenda item comes before the Board that affects WNC. NRS 281A.420(1) requires

that the disclosure be made before any participation in a matter and before taking any form of action. The Ethics Law does not discern between the many and varied forms of action that may be taken on a matter by a public body that could range from continuances, holds, approvals, disapprovals, or a multitude of other directives. Instead, it requires disclosure at the outset before consideration of the matter.

Downs is reminded that the Ethics Law does not recognize a continuing disclosure or a disclosure by reference. The purpose of disclosure is to provide sufficient information regarding the conflict of interest to inform the public of the nature and extent of the conflict and the potential effect of the action or abstention on the public officer's private interests and commitments. Silence based upon a prior disclosure fails to inform the public or supervisory head of the organization about the nature and extent of the conflict. See *In re Buck*, Comm'n Op. No. 11-63C (2012) (holding that incorporation by reference of a prior disclosure, even though based upon the advice of counsel, did not satisfy the disclosure requirements of NRS 281A.420(1)). Disclosure further serves to protect the public officer or public employer. In *In re Weber*, Comm'n Op. No. 09-47C (2012), the Commission held:

In keeping with the public trust, a public officer's disclosure is paramount to transparency and openness in government. The public policy favoring disclosure promotes accountability and scrutiny of the conduct of government officials. ...Such disclosures dispel any question concerning conflicts of interest and may very well ward off complaints against the public officer based on failure to disclose.

Downs is required to disclose his commitment in a private capacity each time the Board considers matters which may reasonably affect the interests of WNC. A sufficient disclosure must at least identify his employer by name, his employment status and job title, his duties for the employer, and indicate that, under the Ethics Law, Downs has a commitment in a private capacity to WNC and a pecuniary interest in his continued employment.

C. ABSTENTION REQUIREMENTS – NRS 281A.420(3) AND (4)

NRS 281A.420(3) and (4) detail the abstention requirements to be considered after a proper disclosure has been made by the public officer or employee. NRS 281A.420(3) mandates that a public officer shall not vote upon or otherwise participate on a matter when the independence of judgment of a reasonable person in the public officer's situation would be clearly and materially affected by the disclosed conflict. Downs' independence of judgment will be clearly and materially affected by agenda items regarding WNC. However, the Ethics Law allows participation "where the resulting benefit or detriment accruing to the public officer...is not greater than that accruing to any other member of any general business, profession, occupation or group that is affected by the matter". NRS 281A.420(4)(a).

After a proper disclosure is placed in the public record, the presumption permits the public officer to participate if the matter would not result in any form of benefit or detriment accruing to the public officer, or his employer, that is greater or less than that accruing to any other member of the group that is affected by the matter. For example, if Downs is voting upon a change to funding allocations and WNC would be subject to the changes in the same way as other educational institutions similarly situated, he may make a proper disclosure and explain to the public why the legal presumption permits his participation. As the Commission explained:

...[W]ithout a public disclosure, the Commission is hindered from application of the presumption, and the Public Officer is left without the benefit of the public policy presumption set forth in NRS 281A.420(3) and (4). A proper disclosure acts as a condition precedent to recognition of the public policy attributes of NRS 281A.420(3) and (4), which instruct that appropriate weight and proper deference be given to the public policy of this State, which favors the right of a public officer to perform the duties for which the public officer was appointed and to otherwise act upon a matter, provided the public officer has properly disclosed the public officer's commitment in a private capacity to the interests of another person in the manner required, and the independence of judgment of a reasonable person would not be clearly and materially affected by the private interests.

In re Public Officer, Comm'n Op. No 15-74A (2018), at pgs. 9-10.

However, if the Board is considering specific action against or in favor of Downs' pecuniary interest, the participation presumptions found in NRS 281A.420(4) clearly do not apply and Downs must disclose and abstain from the matter to comply with the Ethics Law. See *In re Stork*, Comm'n Op. No. 17-01A (2017). For example, if the Board's vote would result in any form of benefit or detriment accruing to the public officer/Downs, or his employer WNC, that is greater or less than that accruing to any other member of the group that is affected by the matter, then Downs should disclose and then abstain after said disclosure.

D. CODE OF ETHICAL STANDARDS – NRS 281A.400

The Commission commends Downs for seeking an advisory opinion and provides information about the requirements of NRS 281A.400 to educate about other compliance obligations under the Ethics Law associated with this conflict. The requirements of NRS 281A.400 serve to assist Downs in maintaining a proper separation between his private interests and public duties. For each referenced section of NRS 281A.400, Downs must be mindful of the following implications:

- NRS 281A.400(1) – Downs' public duties will intersect with his private commitments to his employer and his pecuniary interests. To avoid this conflict, Downs must not seek or accept economic opportunities to benefit these interests.
- NRS 281A.400(2) – Downs' role as a member of the Board could place him in a position to create an unwarranted benefit for his employer or himself. Therefore, Downs must be vigilant and determine the extent of such interests and comply with NRS 281A.400 and the disclosure and abstention requirements of NRS 281A.420.
- NRS 281A.400(5) and (6) – Downs must not utilize non-public information obtained by his position on the Board to benefit himself or his employer and must not suppress any report or document that might tend to unfavorably affect his employer.

The Commission trusts that Downs will be proactive and diligent to maintain a proper separation between his public duties and private interests by not engaging in conduct that creates unwarranted or improper private benefits for himself or those persons to whom he has a private commitment. The Commission advises Downs about these statutory requirements, so he may apply them to his situation in performing public

duties. If there are any questions or concerns, the Commission's advisory opinion process is available to Downs on future matters.

VI. CONCLUSIONS OF LAW

1. Downs is a public officer as defined by NRS 281A.160.
2. Pursuant to NRS 281A.675, the Commission has jurisdiction to render an advisory opinion in this matter and such opinion may include guidance from the Commission to the public officer or employee under NRS 281A.665.
3. Downs has a pecuniary interest in his salary and a commitment in a private capacity to the interests of his employer WNC under NRS 281A.139 and 281A.065(4) and (5), respectively. Accordingly, Downs must comply with the Code of Ethical Standards set forth in NRS 281A.400 and NRS 281A.420.
4. Pursuant to NRS 281A.420(1), prior to acting on a matter reasonably affecting either his pecuniary interests or the persons to whom he has a private commitment under NRS 281A.065, Downs should properly disclose to the public the full impact on his private interests and commitments that could be affected by his public duties.
5. Downs must analyze the nature of the items coming before the Board which may affect his employer and comply with the abstention requirements of NRS 281A.420(3) and (4).

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

Dated this 28th day of August, 2023.

NEVADA COMMISSION ON ETHICS

By: /s/ Kim Wallin
Kim Wallin, CPA, CMA, CFM
Chair

By: /s/ Teresa Lowry
Teresa Lowry, Esq.
Commissioner

By: /s/ Thoran Towler
Thoran Towler, Esq.
Vice Chair

By: /s/ John Moran
John T. Moran III, Esq.
Commissioner

By: /s/ Brian Duffrin
Brian Duffrin
Commissioner

By: /s/ Stan Olsen
Stan R. Olsen
Commissioner

By: /s/ Barbara Gruenewald
Barbara Gruenewald, Esq.
Commissioner

By: /s/ Amanda Yen
Amanda Yen, Esq.
Commissioner

Agenda Item 6



Policy Name	Commission Meeting & Attendance Policy
Date Approved	
Date Effective	
References	

PURPOSE

This policy is intended to provide guidance to the Nevada Commission on Ethics Commissioners and staff regarding responsibilities related to Commission meetings and Commission business attendance.

DEFINITIONS

Meeting Materials – means the meeting agenda and all supporting documentation for the meeting.

Open Meeting Law – means the requirements found in Nevada Revised Statutes Chapter 241 and Nevada Administrative Code Chapter 241.

POLICY

1. Commission Meetings

a. Frequency and Scheduling

The Commission is required by law to meet at least quarterly. At the last meeting of the calendar year, the Executive Director shall propose a list of meeting dates for the following year. Commission staff will send a calendar hold to all Commissioners and Commission staff at their official emails.

b. Meeting Materials

Commission staff will provide access to meeting materials to Commissioners at least seven calendar days prior to the meeting. Materials will be posted to the Commission’s website consistent with Nevada’s Open Meeting Law.

Commission Staff may request authorization from the Chair for deviations to this time requirement. The Chair may grant requests so long as they are within the requirements of the Open Meeting Law.

c. Open Meeting Law Compliance

Commissioners and Commission Staff shall maintain compliance with Nevada's Open Meeting Law for qualifying meetings.

2. Commission Attendance

Commissioners may attend Commission business in the following ways:

- a. Commission Meetings – in-person or by videoconference
- b. Review Panel Hearings – in-person, phone, or by videoconference
- c. Subcommittee Meetings – in-person or by videoconference
- d. Jurisdictional Determination – by electronic mail
- e. Advisory Opinion votes – by electronic mail

3. Attendance Tracking and Notification

a. Attendance Tracking and Review

Commission staff will track Commissioner attendance related to the following business functions of the Commission:

- i. Commission Meetings
- ii. Subcommittee Meetings (as assigned)
- iii. Review Panels (as assigned)
- iv. Jurisdictional Determination votes
- v. Advisory Opinion votes

Commission staff will review Commissioner attendance at the end of each regular quarter of the year.

b. Notice of Attendance Issues

If during any quarter a Commissioner's attendance falls below 75 percent in two or more categories in subsection a above, Commission staff will notify the Commissioner and the Chair. At the end of the next quarter period, if the Commissioner's attendance is not over 75 percent, the Chair shall notify the appointing authority.

Agenda Item 7



Executive Director Report – January 2024

Education and Outreach

- Nevada Ethics Online - ready to expand users
- Outreach
 - Campaign and Candidates Webinar (January 25)
 - Emergency Management Conference (February)
 - Advocacy Handbook Video
 - Acknowledgment Deadline Outreach
 - Social Media
 - Nevada Association of Counties
 - League of Cities
 - Public Lawyers Section of the Nevada State Bar
 - Governor's Office
- Ethics Manual
 - Design selected
 - Slow moving due to limited staff resources

Budget Update

- Budget implementation for FY 2024
 - Computer Replacement
 - Base-year for budget building next session
 - Staff COLAs budget issue

Staffing and Recruitment

- Outreach and Education Specialist Status
 - Over 60 applications, over 40 qualified
 - 2 rounds of interviews

Regulation Update

- Regulation assigned official number R136-23
- LCB has completed initial review

Upcoming Meetings

- February Panel – TBD
- March 20 – Las Vegas
- April 17 – Northern Nevada

Submitted: Ross E. Armstrong, Executive Director
Date: 1/10/24

Case No.	Date Filed	Jurisdiction	Local or State	Subject	Requester	Status
23-162C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
23-161C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
23-160A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Opinion
23-159C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
23-158C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
23-156C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
23-155A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Opinion
23-154A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Opinion
23-153C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
23-152C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
23-151C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
23-150C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
23-149C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
23-148C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
23-147C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
23-146C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
23-145C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
23-144C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
23-143A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Opinion
23-142C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
23-141A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Opinion
23-139C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Investigation
23-137A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Opinion
23-136C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Investigation
23-135A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Opinion
23-133C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Investigation
23-132A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 12/14/23; Abstract pending
23-129C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Investigation; Consolidated w/ 120C, 121C & 128C
23-128C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Investigation; Consolidated w/ 120C, 121C & 129C
23-121C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Investigation; Consolidated w/ 120C, 128C & 129C
23-120C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Investigation; Consolidated w/ 121C, 128C & 129C
23-119A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 11/27/23; Abstract pending
23-118A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 11/13/23; Abstract waived by NCOE
23-117A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 11/22/23; Abstract pending
23-115A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Opinion
23-114C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Investigation
23-082A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 11/20/23; Abstract pending
↑ FISCAL YEAR 2024 ↑						
23-057C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Deferral Agreement 8/23/23; Compliance Period expires August 2025
23-056C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Adjudicatory Proceedings Pending

23-054C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Deferral Agreement 8/23/23; Compliance Period expires August 2025
23-048C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Stipulation Pending
23-035C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Adjudicatory Proceedings Pending
23-015C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Review Panel Pending
23-005C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Deferral Agreement 8/23/23; Compliance Period expires August 2025
22-106C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Deferral Agreement 4/17/23; Ltr of Caution issued 6/12/23; Compliance Period expires April 2025
22-104C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Deferral Agreement 4/13/23; Compliance Period expires April 2025
↑ FISCAL YEAR 2023 ↑						
22-076C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Deferral Agreement 3/9/23; Ltr of Caution 4/4/23; Compliance Period expires March 2024
22-074C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Deferral Agreement 3/9/23; Ltr of Caution 4/4/23; Compliance Period expires March 2024
22-057A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion - 8/1/22; Partial Reconsideration Opinion Pending
22-051C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Reconsideration Order Issued; Petition for Judicial Review 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
21-070C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Deferral Agreement 3/23/22; Compliance Period expires March 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 ↑						
21-032C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Deferral Agreement 2/1/22; Compliance Period expires February 2024
21-014C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Deferral Agreement 3/7/22; Ltr of Instruction 3/7/22; Compliance Period expires March 2024
↑ FISCAL YEAR 2021 ↑						
20-048C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Deferral Agreement 7/20/22; Compliance Period expires July 2024
↑ FISCAL YEAR 2020 ↑						
19-044C	6/5/19	Board of Cosmetology	State	JoAnna Tran, Member	Gary Landry	Deferral Agreement 2/20/20; Compliance Period expires February 2025
↑ FISCAL YEAR 2019 ↑						

Case No.	Date Filed	Jurisdiction	Local or State	Subject	Requester	Status
23-162C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
23-161C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
23-160A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Opinion
23-159C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
23-158C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
23-157	Data Entry Error					
23-156C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
23-155A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Opinion
23-154A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Opinion
23-153C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
23-152C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
23-151C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
23-150C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
23-149C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
23-148C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
23-147C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
23-146C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
23-145C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
23-144C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
23-143A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Opinion
23-142C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Jurisdictional Determination
23-141A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Opinion
23-140C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Investigation)
23-139C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Investigation
23-138C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
23-137A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Opinion
23-136C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Investigation
23-135A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Opinion
23-134C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed w/Ltr of Instruction - 11/30/23
23-133C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Investigation
23-132A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 12/14/23; Abstract pending
23-131C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Investigation)
23-130C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn

23-129C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Investigation; Consolidated w/ 120C, 121C & 128C
23-128C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Investigation; Consolidated w/ 120C, 121C & 129C
23-127C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Investigation)
23-126C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
23-125C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
23-124A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn
23-123A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Withdrawn
23-122A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
23-121C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Investigation; Consolidated w/ 120C, 128C & 129C
23-120C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Investigation; Consolidated w/ 121C, 128C & 129C
23-119A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 11/27/23; Abstract pending
23-118A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 11/13/23; Abstract waived by NCOE
23-117A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Opinion issued 11/22/23; Abstract pending
23-116C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Dismissed (No Jurisdiction)
23-115A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Opinion
23-114C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXX	XXXXXXXXXX	Pending Investigation
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	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction)
23-095C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction)
23-094A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Opinion issued 10/31/23; Abstract issued 10/31/23
23-093C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction)
23-092C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction)
23-091A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction)
23-090A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Opinion issued 9/5/23; Abstract issued 9/5/23
23-089C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction)
23-088C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed w/Ltr of Instruction - 9/18/23
23-087C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction)
23-086C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction)
23-085C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction)
23-084C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction)
23-083A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Opinion issued 9/5/23; Abstract issued 9/5/23
23-082A	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Opinion issued 11/20/23; Abstract pending
23-081C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction)
23-080C	XXXXX	XXXXXX	XXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX	Dismissed (No Jurisdiction)