



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

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

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

1. Call to Order and Roll Call.

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

2. Public Comment.

There were no public comments.

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

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

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

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

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

4. Welcome and introductions of new Commissioner
 - Terry J. Reynolds

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

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

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

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

Commissioner Yen disclosed that she is a partner with McDonald Carano and Mr. Rodriguez is a client of the firm, therefore pursuant to NRS 281A.065(4) and (5) she has a commitment in a private capacity to her law firm and the client based on the law firm's continuing business relationship with that client. Consequently the independent judgment of a reasonable person in Commissioner Yen's situation could be materially affected in voting upon matters related to this case. To avoid conflicts of interest and any appearance of impropriety including complying with the Ethics Law and Judicial Cannons applicable to the Commission, Commissioner Yen disclosed the relationship and abstained from participating in the matter.

Chair Wallin thanked Commissioner Yen for her disclosure.

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

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

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

The Motion was put to a vote and carried unanimously.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7. Commissioner Comments.

There were no Commissioner comments.

8. Public Comment.

There were no public comments.

9. Adjournment.

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

The meeting was adjourned at 2:25 p.m.

Minutes prepared by:

/s/ Kari Pedroza

Kari Pedroza
Executive Assistant

/s/ Ross Armstrong

Ross Armstrong, Esq.
Executive Director

Minutes approved August 21, 2024:

/s/ Scott Scherer

Scott Scherer, Esq.
Chair

/s/ Kim Wallin

Kim Wallin, CPA, CMA, CFM
Vice Chair