



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

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

The Commission on Ethics held a public meeting on
Wednesday, March 20, 2024, at 9:30 a.m.
at the following location:

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

Zoom Meeting Information

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

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

Meeting ID: 821 5325 8668

Passcode: 529589

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

1. Call to Order and Roll Call.

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

2. Public Comment.

There was no public comment.

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

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

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

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

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

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

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

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

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

No action was taken on this agenda item.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Commissioner Scherer made a disclosure in Consolidated Case Nos. 21-062C and 21-082C. He disclosed that he is an acquaintance of former Sheriff Lombardo and now Governor Lombardo, having met him on a handful of occasions over the last 25 years in his professional capacity. He stated he has only known Governor Lombardo in a professional or public capacity for a number of years. Commissioner Scherer stated that he would categorize the current relationship as professional acquaintances rather than a personal friendship. Commissioner Scherer further disclosed that Governor Lombardo appointed him as a Commissioner to the Nevada Commission on Ethics, with a term that began November 1, 2023. Commissioner Scherer stated that under NRS 281A.065, his relationship with Governor Lombardo is not within the definition of commitment in a private capacity to the interests of another person and consequently the relationship does not require disclosure or abstention under the Ethics Law pursuant to NRS 281A.420. He added that nothing in Judicial Cannon 2.11, the Code of Judicial Conduct, required disclosure or abstention pursuant to the manner of his appointment and in fact, Nevada Law favors the right of a public officer to perform the duties for which the public officer was appointed. Commissioner Scherer stated that in his capacity as a Commissioner he serves in a quasi-judicial role and in a desire to alleviate any concerns of impartiality he disclosed the extent of the relationship and nothing Judicial Cannon 2.11 would require disqualification. Commissioner Scherer shared his belief that he would be fair and impartial in considering the matter and have no actual or perceived bias. He added that neither his acquaintance with Governor Lombardo nor his appointment to the Commission on Ethics by Governor Lombardo would materially affect his independence of judgment or that of a reasonable person in his situation. Commissioner Scherer stated that he would be participating in and voting on the matter.

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

Commissioner Moran made a disclosure in Consolidated Case Nos. 21-062C and 21-082C. He disclosed that he is an acquaintance of former Sheriff Lombardo and now Governor Lombardo, having met Mr. Lombardo on a few occasions in his service as Sheriff of Clark County and Commissioner Moran's work in Clark County and the State of Nevada as an attorney. He stated that he has known the Governor in a professional or public capacity for a number of years although none of Commissioner Moran's work directly involved Mr. Lombardo either formerly as Sheriff or presently as Governor. Commissioner Moran stated that he would categorize the current relationship as professional acquaintances rather than a personal friendship. Commissioner Moran further disclosed that Governor Lombardo appointed him to sit as a Commissioner on the Nevada Commission on Ethics, with a term to start September 1, 2023. Commissioner Moran stated that under NRS 281A.065, his relationship with Governor Lombardo is not within the definition of commitment in a private capacity to the interests of another person and consequently the relationship does not require disclosure or abstention under the Ethics Law pursuant to NRS 281A.420. He added that nothing in Judicial Cannon 2.11, the Code of Judicial Conduct, required disclosure or abstention pursuant to the manner of his appointment and in fact, Nevada Law favors the right of a public officer to perform the duties for which the public officer was appointed and to vote or otherwise act upon a matter. Commissioner Moran stated that in his capacity as a Commissioner he serves in a quasi-judicial role and in a desire to alleviate any concerns of

impartiality he disclosed the extent of the relationship. He has reviewed Judicial Canon 2.11, the Code of Judicial Conduct which lists the type of relationships and events that require disqualification and has confirmed that the present circumstances do not require disqualification. Commissioner Moran shared his belief that he would be fair and impartial in considering the matter and have no actual or perceived bias. He added that neither his acquaintanceship with Governor Lombardo nor his appointment to the Commission on Ethics by Governor Lombardo would materially affect his independence of judgment or that of a reasonable person in his situation. Commissioner Moran stated that he would be participating in voting on the matter.

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

Chair Wallin thanked her fellow Commissioners for their disclosures.

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

Commissioner Lowry made a motion to grant Commission Counsel and/or the Attorney General's Conflict Counsel the authority to take any legal steps necessary to respond to any legal action that results from the Commission's actions on Consolidated Case Nos. 21-062C and 21-082C regarding Joseph Lombardo, including but not limited to, defending the Commission's decisions and the appeal filed in the Nevada Supreme Court and the Petition for Judicial Review filed in the First Judicial District Court. Commissioner Lowry further moved that the Commission Counsel shall bring back case dispositive decisions such as further appeal, dismissal or stipulated settlement agreements before the full Commission and to delegate authority to the Chair and Vice Chair to have commission consult regarding any legal issues or decisions pursuant to NRS 241.357 and NAC 281A.055 but for further appeals, dismissal or settlement would go back to the full Commission. Vice Chair Towler seconded the motion. The Motion was put to a vote and carried and carried as follows:

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

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

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

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

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

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

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

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

10. Commissioner Comments.

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

11. Public Comment.

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

12. Adjournment.

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

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

Minutes prepared by:

/s/ Kari Pedroza

Kari Pedroza
Executive Assistant

/s/ Ross Armstrong

Ross Armstrong, Esq.
Executive Director

Minutes approved April 17, 2024:

/s/ Kim Wallin

Kim Wallin, CPA, CMA, CFM
Chair

/s/ Thoran Towler

Thoran Towler, Esq.
Vice Chair