



BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Public Officer**, Public Entity,
State of Nevada,

Advisory Opinion No. 21-053A

Public Officer. /

ABSTRACT OPINION

I. STATEMENT OF THE CASE

Public Officer requested this confidential advisory opinion from the Nevada Commission on Ethics ("Commission") pursuant to NRS 281A.675, regarding the propriety of anticipated future 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 Public Officer and publicly available information.

Public Officer sought an opinion from the Ethics Commission regarding the compliance obligations under the Ethics Law, including the disclosure and abstention obligations under NRS 281A.420, associated with the Public Entity's consideration of a business license applicant ("Applicant") who has another business that competes with a private business owned by Public Officer.

After fully considering Public Officer's request and analyzing the facts, circumstances and documentation presented by Public Officer, the Commission advises Public Officer about the duties of disclosure and abstention under NRS 281A.420 and the requirements of the Code of Ethical Standards set forth in NRS 281A.400.

The Commission now renders this final abstract opinion referencing its findings of fact and conclusions of law. The facts in this matter were obtained from documentary evidence provided by Public Officer. For the purposes of the conclusions offered in this opinion, the Commission's findings of fact set forth below accept as true those facts Public Officer presented. Facts and circumstances that differ from those presented to and relied upon by the Commission in this opinion may result in different findings and conclusions than those expressed in this opinion.²

Although a full written opinion was properly served, for confidentiality reasons, this abstract opinion redacts certain findings of fact, provides a summary of issues, and removes other identifying information to protect the confidentiality of the requester.

¹ The following Commissioners participated in this opinion: Chair Wallin, Vice-Chair Duffrin and Commissioners Gruenewald, Lowry, Oscarson, Sheets, 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 an advisory opinion, 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).

II. QUESTION PRESENTED

Public Officer seeks guidance on the application of the Ethics Law in performing public duties when Public Entity considers a business license for a competitor. In particular, Public Officer requests direction on whether the Ethics Law would preclude participation on the agenda item based upon the fact that the applicant is one of several competitors, and the license is for an unrelated service.

III. FINDINGS OF FACT

1. Public Officer is a public officer pursuant to NRS 281A.160.
2. In a private capacity, Public Officer has a business that has several products and various competitors, one of which is Applicant. As an estimate, 25% of Public Officer's business services are related to sale of products which competes with Applicant's business.
3. Public Officer anticipates that Public Entity will consider approval of a different license for Applicant, which is unrelated to any sales of products or business operations of Public Officer. Accordingly, there is no competition between Public Officer and Applicant with respect to the license to be considered by Public Entity.
4. Public Officer has sought guidance from the official legal advisory for Public Entity and was advised to obtain an advisory opinion from the Commission. Public Officer requests permission to share the advisory opinion with Public Entity's legal advisor and maintain its confidentiality.
5. Public Officer has no personal bias against Applicant as a competitor and there are no private or business-related concerns should Applicant be granted the subject license.
6. Public Officer requests guidance on Public Officer's compliance obligations under the Ethics Law, including Public Officer's disclosure and abstention requirements on the item related to Applicant's license. If the Commission permits Public Officer to participate and vote on the item, Public Officer believes Public Officer's input and experience could add value to the consideration of the item.

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 the policy of the State of Nevada to avoid conflicts and appearances of impropriety, as set forth in NRS 281A.020.

Guidance is sought regarding the application of the Ethics Law and whether Public Officer may participate in considering the Applicant's licensing agenda item for which the applicant has another private business that competes with the private business owned by Public Officer.

The basis for application of many provisions of the Ethics Law relates to the involved private interests and commitments that have potential to affect the faithful

discharge of public duties. The Ethics Law promotes avoidance of conflicts including maintaining proper separation between public duties and private interests. Public Officer has both a pecuniary interest in and private commitment to Public Officer's business under the Ethics Law. Public Officer questions whether these private interests are sufficiently remote to permit Public Officer's consideration of the agenda item for issuance of the license to Applicant under the circumstances.

These circumstances provide the Commission with the opportunity to review its prior opinions addressing remoteness and to consider whether the presented circumstances are sufficiently remote to permit participating or voting on the item, including whether a reasonable person in Public Officer's situation would be clearly and materially affected by the competing business interests. In considering principles of remoteness, the Commission's analysis commences with a confirmation of the involved pecuniary interests and private commitments because these interests are imputed to Public Officer for application of the Ethics Law. See *In re Romero*, Comm'n Op. No. 19-059A (2019); *In re Public Officer*, Comm'n Op. No. 19-049A (2019). Thereafter, the application of the principles of remoteness will be considered with regard to the specific circumstances.

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) "Commitment in a private capacity" and "Pecuniary Interest" 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; . . .

NRS 281A.139 provides, in relevant part:

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) 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.

4) “Improper Use of Governmental Property, Equipment or Other Facility

NRS 281A.400(7) provides:

Except for State Legislators who are subject to the restrictions set forth in subsection 8, a public officer or employee shall not use governmental time, property, equipment or other facility to benefit a significant personal or 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. This subsection does not prohibit:

(a) A limited use of governmental property, equipment or other facility for personal purposes if:

- (1) The public officer or employee who is responsible for and has authority to authorize the use of such property, equipment or other facility has established a policy allowing the use or the use is necessary as a result of emergency circumstances;
- (2) The use does not interfere with the performance of the public officer's or employee's public duties;
- (3) The cost or value related to the use is nominal; and
- (4) The use does not create the appearance of impropriety;

(b) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or

(c) The use of telephones or other means of communication if there is not a special charge for that use.

↳ If a governmental agency incurs a cost as a result of a use that is authorized pursuant to this subsection or would ordinarily charge a member of the general public for the use, the public officer or employee shall promptly reimburse the cost or pay the charge to the governmental agency.

5) “Influencing a Subordinate to Benefit a Significant Personal or Pecuniary Interest

NRS 281A.400(9) provides:

A public officer or employee shall not attempt to benefit a significant personal or 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 through the influence of a subordinate.

6) 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. PECUNIARY INTERESTS AND 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. Public Officer has authority over approval of certain licenses including Applicant's license, which will be considered by Public Entity.

Public Officer recognizes there is a pecuniary interest and private commitment associated with Public Officer's private business. See NRS 281A.139 and NRS 281A.065. As a result of Public Officer's private interests, Public Officer's own pecuniary interests and the interests of Public Officer's private business are statutorily attributed to Public Officer, which private interests/commitments can form a conflict of interest when they intersect with public duties.

In *In re Brown*, Comm'n Op. No. 13-28A (2013), 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, such as an employer, business affiliate or client, or similar relationships 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).

Public Officer further confirms that Applicant is one of several competitors that sell one of the products sold by Public Officer's business. If the matter to be considered by Public Entity happened to relate to this same product that has potential to affect Public Officer's own business interests, the Commission's advice may well be different than the advice rendered in this opinion. The advice in this opinion focuses on whether Public Officer's involved interests relating to a business competitor that seeks a license unrelated to Public Officer's business products would be sufficiently remote to permit Public Officer's participation on the license agenda item.

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

The disclosure requirements of NRS 281A.420(1) apply to Public Officer every time Public Officer's pecuniary interests or private commitments intersect with the performance of public duties. NRS 281A.420(1) requires a proper disclosure when the public officer or employee is carrying out public duties to approve, disapprove, vote, abstain or otherwise act upon a matter: (a) regarding a gift or loan, (b) in which there is a significant pecuniary interest, (c) which would reasonably be affected by a 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 intersect with and/or 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.

The Commission's opinion precedent confirms that a proper disclosure is important even where the conflict is remote in some respects. In *In re Weber*, Comm'n Op. No. 09-47C (2009), 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.

Under the presented circumstances, where Applicant is in competition with Public Officer's business, the Commission recommends that Public Officer make a disclosure advising the public that Public Officer's private interests and commitments would affect a reasonable person's situation in participating and voting on the agenda item for Applicant's license. The disclosure should provide information about competition with Applicant's business and whether the business competition is remote or possibly unrelated to the agenda item, so the public is fully informed about the involved interests, and then Public Officer is advised to conduct the abstention analysis to determine whether a reasonable person in Public Officer's situation would be materially affected by the associated interests and commitments in performing public duties. Public officers who are members of a body that makes decisions shall make the required disclosure to the public each and every time a matter is considered which has an associated disclosable conflict.

Public Officer 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 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 (2011) (holding that incorporation by reference of her prior disclosure, even though based upon the advice of counsel, did not satisfy the disclosure requirements of NRS 281A.420(1)).

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/employee. NRS 281A.420(3) mandates that a public officer/employee shall not participate on a matter when the independence of judgment of a reasonable person in a similar situation would be materially affected by the disclosed conflict.

Separately, NRS 281A.420(4) creates a presumption against abstention and authorizes participation in limited circumstances. After a proper disclosure, 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 persons/entities to whom there is a private commitment) that is greater or less than that accruing to any other member of the general business profession, occupation or group that is affected by the matter. For example, if the public officer is voting upon a general business license increase and public officer's business would be subject to the increase and pay the same amount as other businesses similarly situated, they may make a proper disclosure and explain to the public why the legal presumption permits 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.

Under the facts presented, the Commission does not perceive the presumption would apply because the license matter only affects Applicant and does not have any form of effect on a group of similarly situated persons. Therefore, the Commission focuses its analysis on whether a reasonable person in Public Officer's situation would be clearly and materially affected by the conflict. In doing so, the Commission is required to apply the reasonable person standard, and not whether Public Officer can personally be impartial on the agenda item.³ Moreover, if Public Officer had any bias in considering the license application, contacting the County's official legal counsel for direction on how to proceed is strongly recommended.

Matters relating singularly to procedural due process (impartiality or bias) are private matters outside the scope of the Ethics Law. In *In re Public Officer*, Comm'n Op. No. 12-40C (2012), at p. 4, the Commission confirmed: "[w]hile certain provisions of NRS Chapter 281A may at their core be subsets or manifestations of the concept of bias, the Commission has never considered whether bias itself is a violation of any provision of NRS Chapter 281A." Accordingly, a claim that Public Officer has personal bias against Applicant so as to require Public Officer's disqualification could be based upon the principles of due process or quasi-judicial recusal and not within the Commission's jurisdiction.

For a reasonable person in a similar situation as Public Officer to not be clearly and materially affected by the conflict, the associated interests must be determined to be remote or have insufficient nexus to the matter considered. Here, the involved interests are that Public Officer is in competition with Applicant for other business products; however, Public Officer does not provide any private services associated with the license sought by Applicant. No matter how Public Officer votes on the agenda item, Public Officer's related private business interests would not be affected one way or another.

³ A public officer's personal perception of whether they can be fair and impartial is not a factor that controls the application of the Ethics Law. *In re Public Officer*, Comm'n Op. No. 20-079A (2021).

The Commission opinions addressing remoteness are not voluminous because disclosed conflicts typically have a material effect on the public officer's or public employee's participation on the matter. No opinions addressing remoteness were located that had a similar fact pattern as presented in this matter; however, the concepts addressed in opinion precedent have direct application to the case at hand.

In the seminal opinion of *In re Weber*, Comm'n Op. No. 09-047C (2012), the Commission determined that Weber should have properly disclosed Public Officer's interest in property affected by a land-use decision under the Ethics Law even though the interests were remote, and that such disclosure would have informed the public that there was not a sufficient nexus or impact from the zoning change to Weber's private property interests and any effect on Weber's private property was the same as all other properties affected by the matter. Even though the Commission based its decision in *Weber* upon the application of the presumption set forth in NRS 281A.420(4), the principles associated with remoteness are instructive in providing guidance under these circumstances.⁴

In *In re Public Officer*, Comm'n Op. No. 17-10A (2017), the Commission advised that the public officer could participate based upon principles of remoteness indicating:

NRS 281A.020 highlights the importance of government officials serving their government and the people without influence from adverse motives and private interests. The same statute also highlights the deference the Legislature has seen fit to impose upon the Commission to "citizen legislators" in interpreting and applying the provisions of NRS Chapter 281A. See NRS 281A.020(2)(c). For example, a legislator who is a farmer or a doctor may be disposed to vote in favor of provisions that aid farmers or doctors. This influence generally is accepted as an inevitable aspect of democratic government and is not necessarily undesirable. Moreover, the provisions regarding abstention again require the Commission to consider the public policy in favor of our public officers and employees performing their official duties unless there is a clear and material conflict. NRS 281A.420(4)(b).

While an appearance of non-objectivity is sufficient to trigger the Ethics Law requirements for disclosure, the duty to abstain often depends on something more tangible... Further, "[w]hen a public officer serves on a State regulatory commission, the public officer must take great care to avoid situations that will require abstention on licensure matters because licensees may appear before the commission multiple times." See *In re Public Officer*, Comm'n Op. No. 11-57A (2012). Abstention is not automatic but is required in clear cases where the private conflict would materially affect the independence of judgment of a reasonable person in the public officer's situation.

In *In re Romero*, Comm'n Op. No. 19-059A (2019), the Commission determined the commitment to a spouse's co-workers was remote in nature to the spouse's

⁴ The Ethics Law was revised after the *Weber* decision and more recent opinions confirm that a proper disclosure is a condition precedent to application of the presumption set forth in NRS 281A.420(3) and (4). See *In re Public Officer*, Comm'n Op. No. 15-74A (2018). Even if the nexus is attenuated, the disclosure provisions of the Ethics Law apply. "It is the avoidance of conflict and appearance of impropriety, even though actual impropriety is lacking, that the Ethics Law requires. (See *In re Walker*, Comm'n Op. No. 13-43C (2014), citing *In re Collins*, Comm'n Op. No. 11-78A (2012)).

associated employment interests because there was no supervisory or subordinate relationship.

In review of the presented facts, provided there is a proper disclosure, the Commission does not perceive that an unrelated competitive business to the licensure sought by Applicant requires Public Officer to abstain on the matter because the circumstances do not impact Public Officer's business interests. Certainly, under the circumstances, the Commission advises Public Officer to make a full and proper disclosure to inform the public of the nature of the competing business interests. Thereafter, Public Officer should inform the public why Public Officer's private interests do not have a sufficient nexus and are remote to the matter considered, and that the judgment of a reasonable person in a similar situation would not be clearly and materially affected by such private interests.

Public Entity's official legal advisor is in the best position to assist Public Officer to fashion Public Officer's public disclosure and to assure that there are no other associated due process or bias considerations should Public Officer participate on the matter. Conversely, if there are other facts not provided to the Commission for consideration, the Commission's advice could be different. Should there be any changes in the facts or additional information, the Commission recommends also discussing such matters with the official legal advisor, who is able to provide direction to Public Officer in accordance with NRS 281A.790(5) regarding whether it is proper to abstain on the agenda item, or Public Officer can seek another advisory opinion from the Commission.

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

Every public officer or employee has a duty to protect the public trust and separate public responsibilities from pecuniary and business interests. If the involved interests were determined to have a nexus to private interests including the interests of a private business, this information is provided to create awareness about the requirements of the Code of Ethical Standards to assure compliance.

The Ethics Law precludes the use of a position in government to seek or gain an economic opportunity which would tend to influence a reasonable person in the public officer's/employee's position to depart from the impartial discharge of public duties. The provisions of NRS 281A.400 serve to assist in maintaining a proper separation between private interests and public duties. In this matter, for each referenced section of NRS 281A.400, Public Officer must be mindful of the following implications:

- NRS 281A.400(1) – Public Officer's public duties could intersect with private business interests if the matter under consideration had a sufficient nexus thereto and would reasonably affect the judgment of a reasonable person in a similar situation. To avoid this conflict, Public Officer must not seek or accept economic opportunities that affect the private interests of Public Officer's own business.
- NRS 281A.400(2) – Public Officer's public position creates the opportunity to create an unwarranted benefit for Public Officer's private interests and commitments if the public position is utilized to obtain information, including confidential information, that could affect Public Officer's private interests. Therefore, Public Officer must be vigilant to avoid the conflict and comply with the requirements of NRS 281A.400(2).

- NRS 281A.400(7) – The improper use of public property, equipment, or resources, to further Public Officer’s own pecuniary interests or the interests of the private business is precluded under the Ethics Law.
- NRS 281A.400(9) – Any influencing of a subordinate in an attempt to benefit a private interest or commitment is precluded under the Ethics Law.

The Commission commends Public Officer for proactively seeking this opinion. If Public Officer should have any questions about the compliance obligations with NRS 281A.400, the Commission recommends seeking preventative legal advice from the Public Entity’s official legal counsel, which could provide Public Officer with the safe harbor protections of NRS 281A.790(5). Further, the Commission’s advisory opinion process is available to provide guidance on the application of the Ethics Law. See NRS 281A.675.

VI. CONCLUSIONS OF LAW

1. Public Officer 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. Public Officer has a pecuniary interest and a commitment in a private capacity to Public Officer’s own private business. Accordingly, Public Officer must comply with the Code of Ethical Standards set forth in NRS 281A.400, some of which are referenced in this opinion.
4. Pursuant to NRS 281A.420(1), prior to acting on a matter affecting the interests of a competitor to Public Officer’s private business, Public Officer should properly disclose to the public the full impact on Public Officer’s private interests that have potential to be affected by Public Officer’s public duties and comply with the abstention requirements of NRS 281A.420(3) and (4), as instructed in this opinion.
5. Pursuant to NRS 281A.020, the Commission further advises Public Officer to take affirmative steps to avoid potential conflicts, which steps favor obtaining legal advice from Public Entity’s official legal counsel in compliance with NRS 281A.790(5) to assist in preparing disclosure and abstention remarks to inform the public about the identified conflict. To assist in these endeavors, the Commission permits Public Officer to share this written opinion with the official attorney, without waiving the confidentiality of the opinion.

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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 22nd day of September, 2021.

THE NEVADA COMMISSION ON ETHICS

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

By: /s/ James Oscarson
James Oscarson
Commissioner

By: /s/ Brian Duffrin
Brian Duffrin
Vice-Chair

By: /s/ Damian R. Sheets
Damian R. Sheets, Esq.
Commissioner

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

By: /s/ Thoran Towler
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