



State of Nevada Ethics Manual

Commitment in a Private Capacity

Key Take Aways

This section of the Nevada Ethics Manual explains what "Commitment in a Private Capacity" means under the Ethics in Government Laws ([see NRS 281A.065](#)). It helps public officers and employees recognize potential conflicts of interest arising from personal connections and guides them in determining if a relationship qualifies as a commitment in a private capacity within the context of the Ethics in Government Law.







Key Terms

Abstention: Refraining from advocating for/against or acting on a matter.

Affinity: A relationship established by marriage such as a son-in-law.

Disclosure: The act of announcing and explaining the conflict of interest you have related to the matter at hand.

Household: A group of people who live under the same roof.

| RELATIONSHIPS THAT ESTABLISH A COMMITMENT IN A PRIVATE CAPACITY | |
|-------------------------------------------------------------------------------------|------------------------------------------------------------------------|
|  | SPOUSE OR DOMESTIC PARTNER |
|  | MEMBER OF HOUSEHOLD |
|  | PERSON WITHIN THE THIRD DEGREE OF CONSANGUINITY OR AFFINITY |
|  | EMPLOYER OR EMPLOYER OF SPOUSE/DOMESTIC PARTNER OR MEMBER OF HOUSEHOLD |
|  | SUBSTANTIAL AND CONTINUING BUSINESS RELATIONSHIPS |
|  | SUBSTANTIALLY SIMILAR RELATIONSHIP TO ANY OF THE ABOVE |

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Why does a “commitment in a private capacity” matter?

- The Ethics in Government Law prohibits and requires certain conduct when a public official or employee is taking action that may affect someone on this list of relationships. For example:
 - Public officials and employees are prohibited from securing or granting unwarranted privileges, preferences, exemptions or advantages for someone to which they have a commitment in a private capacity.
 - Public officials and employees must disclose and, in some cases, abstain on matters that involve a commitment in a private capacity.
 - Public officials and employees may not use government time, property, equipment or other facilities to benefit the interest of someone to whom they have a commitment in a private capacity.
- Having a commitment in a private capacity is not automatically unethical, but public officials and employees must be aware of these relationships as they go about their public duties and use caution when those private relationships collide with public duties.

Examples of “substantially similar relationships” from prior decisions?

- Service on a non-profit board creates a commitment in a private capacity to that organization because it is “substantially similar” to a substantial and continuing business relationship. (See [In re Public Officer, Comm’n Op. No. 23-039A \(2023\)](#) & [In re Public Officer, Comm’n Op. No. 23-154A \(2024\)](#).)
- A volunteer firefighter has a commitment in a private capacity to their fire department because although a volunteer, the relationship is “substantially similar” to an employer. (See [In re Alworth, Comm’n Op. No. 19-049A \(2019\)](#).)
- A close and longstanding friendship can be “substantially similar” to a relative within the third degree of consanguinity (See [In re Public Officer, Comm’n Op. No. 11-65A \(2012\)](#).)

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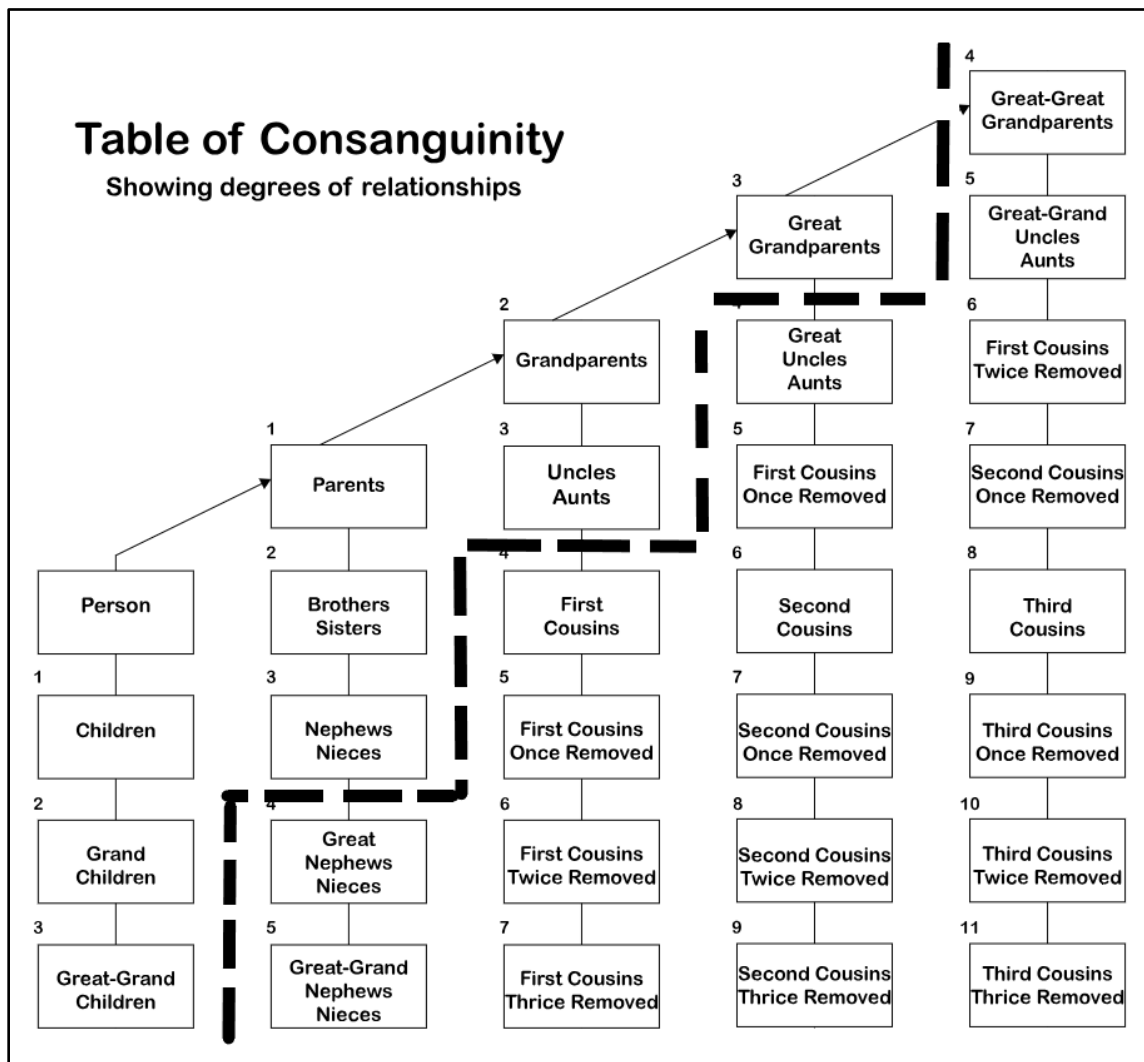
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What does “third degree of consanguinity or affinity mean”?

Degrees of consanguinity is a legal term for establishing how closely two people are related.

Below is a consanguinity chart. Those relationships to the left of the dashed line are within the third degree of consanguinity. A person who is married or in a domestic partnership also includes relationships within three degrees of consanguinity of their partner in addition to that of their own.



This photo by Unknown Author is licensed by CC BY-SA. Dashed line added by the Nevada Commission on Ethics.

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Compliance Tips

1. Create a list for yourself of all your commitments in a private capacity.
2. Schedule a reminder to check and update the list twice a year.

Sample Advisory Opinions

- Public Officer Conflict of Interest with the Officer's Public Employment and their Jointly Owned Private Business - [*In re Public Officer, Comm'n Op. No. 20-011A \(2020\)*](#)
- Public Officer Conflict of Interest with the Officer's Public Employment and Private Employment - [*In re Public Officer, Comm'n Op. No. 21-002A \(2021\)*](#)
- Public Officer Conflict of Interest with Hiring the Officer's Sibling-In-Law - [*In re Public Officer, Comm'n Op. No. 10-35A \(2011\)*](#)

Video Resources

- [Commitment in a Private Capacity On-Demand, Online Lesson](#)
- [Understanding Commitment in a Private Capacity 10 min Video](#)

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