



State of Nevada Ethics Manual

Processes & Penalties

Key Take Away

This section of the Nevada Ethics Manual explains the advisory opinion and complaint processes. It also explains the penalties that the Commission can impose for violations of the Ethics in Government Law. This serves to ensure that everyone has the information necessary to promote ethical governance in service of the people.

Key Terms

Adjudicatory Hearing: a public hearing where both sides of the case, the Executive Director, and the Subject, have an opportunity to present their side of the story. At the end of the hearing, the Commission determines the outcome of the case.

Deferral Agreement: An alternative resolution involving training or corrective actions instead of a formal Commission opinion.

Disposition: what happens or how something is dealt with or settled. It can indicate the outcome or decision regarding a particular matter or situation.

Just and Sufficient Cause: Enough reason to proceed with a case.

Panel Determination: after an investigation is complete, a panel of three Commissioners hear a presentation of the investigation and determine what should happen next with the complaint case.

Advisory Opinion Process

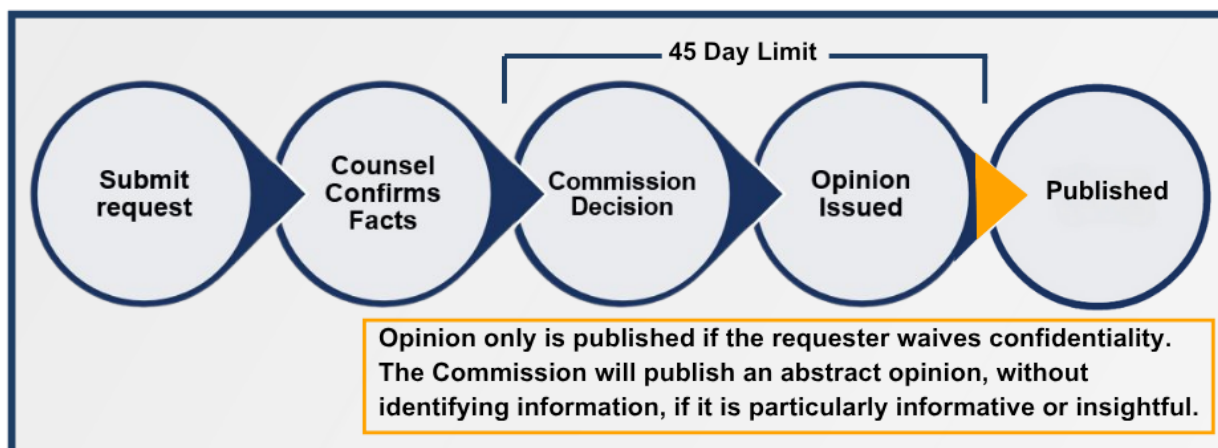


Image developed by the Nevada Commission on Ethics using Canva™.

Only those within the jurisdiction of the Commission may request an advisory opinion, such as public officers and employees. See the section of this manual titled "Commission Jurisdiction." Published advisory opinions can be found in the [Opinions Database](#) on the Commission website.

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Seeking Relief Through an Advisory Opinion

Prohibitions eligible for relief include:

- Cooling Off
- Contracting
- Certain lobbying restrictions

To seek relief from the list of the prohibitions eligible for relief detailed in NRS 281A, you must submit a formal [request for an Advisory Opinion](#) to the Commission on Ethics. Clearly state which specific prohibition you are seeking relief from and provide all pertinent details and context surrounding your request.

Ensure that your request includes comprehensive justification for why relief is necessary, emphasizing factors such as the best interests of the public, the continued ethical integrity of the relevant agencies, and any relevant provisions of NRS 281A.

Submit your request in writing to the Commission on Ethics and await their response for at least 45 days after all evidence is submitted. Note that their decision will be final and may be subject to judicial review.



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Complaint Process

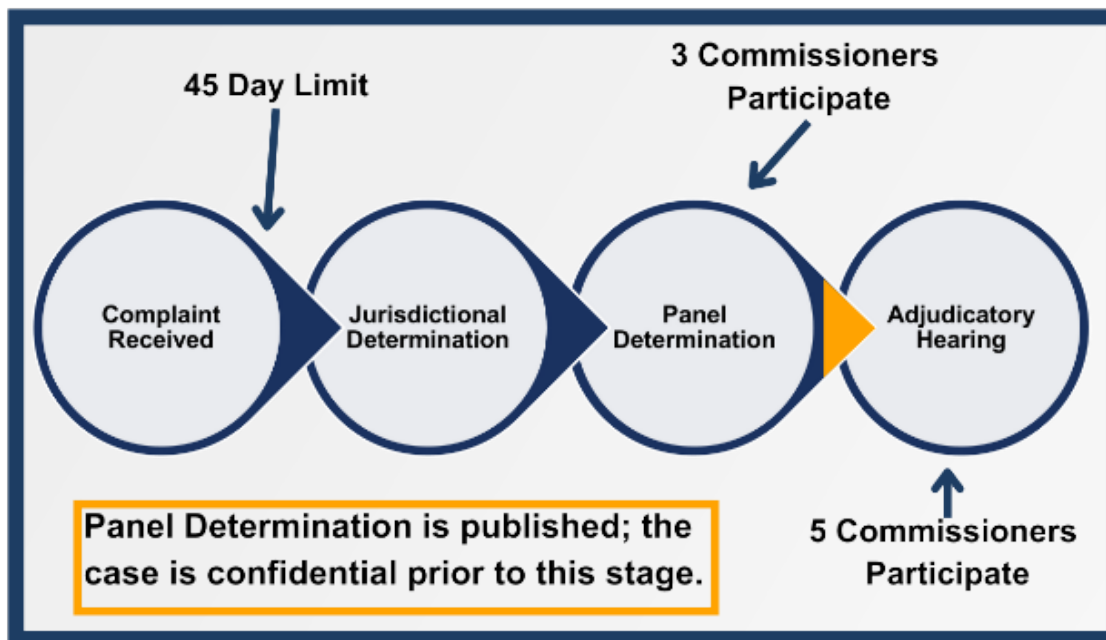


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Complaint Requirements (see [NRS 281A.710](#))

The Commission may only render an opinion on complaints that fall within the jurisdiction of the Commission. See the section of this manual titled "Commission Jurisdiction." Anyone, including the Commission itself, can file an ethics complaint. However, individuals currently incarcerated may not file an ethics complaint

Complaints must be filed with, or later supported by, sufficient evidence to support the allegations detailed in the complaint; the complaint will be dismissed if sufficient evidence is not provided in a timely manner. Published opinions on complaints can be found in the [Opinions Database](#) on the Commission website. See the detailed Complaint Process Flow Chart on the last page of this section of the Manual.



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Jurisdictional Determination (see [NRS 281A.715](#))

1. After receiving an ethics complaint, the Commission has 45 days to decide if it has the authority to take the case and if there's enough evidence to investigate.
2. If the Commission decides it doesn't have the authority to take the case, it will dismiss the complaint.
3. If the Commission decides it has authority but there's not enough evidence to justify an investigation, it will dismiss the complaint. The Commission may also issue a confidential letter of caution or instruction to the public officer or employee to provide them with information about their duties under the Ethics in Government Law.
4. If the Commission decides it has authority and there's enough evidence to justify an investigation, it will instruct the Executive Director to investigate the complaint.

Panel Determination (see [NRS 281A.725](#), [NRS 281A.730](#) & [NRS 281A.740](#))

1. The Executive Director has 70 days to complete the investigation and present a written recommendation to a review panel unless the subject of the complaint waives this time limit. The review panel then has 15 days to decide if there's enough reason, referred to as just cause, for the Commission to give an opinion on the case. This time limit can also be waived by the subject.
2. Response Opportunity: The review panel can't determine whether there is just or sufficient cause unless the Executive Director has given the public officer or employee a chance to respond to the allegations. The Response is an important opportunity for the subject of a complaint to actively engage in the process of resolving the complaint.
3. Outcome Options
 - Dismissal: If there's no just and sufficient cause, the review panel will dismiss the case. This can be done with or without issuing a letter of caution or instruction to the subject.
 - Deferral Agreement: If there is just and sufficient cause, but the issue can be resolved with training or corrective action, the panel can approve or develop a deferral agreement with the subject instead of referring the case to the Commission.
 - If the the officer/employee does not agree to the terms of a deferral agreement a offered by the review panel, the case will then proceed to the Commission for an adjudicatory hearing.



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- Adjudicatory Hearing: If there is just and sufficient cause and the review panel does not choose to offer a deferral agreement, the case will proceed to an adjudicatory hearing.

Review Panel Structure:

- The Chair will select three Commission members on a rotating basis to carry out the tasks assigned to the review panels.
- The Chair and Vice Chair cannot be on the same review panel.
- No more than two members from the same political party can be on the same review panel.
- If a review panel finds just cause, the panel members who reached that determination are barred from participating in any further proceedings in that case.

Adjudicatory Hearing (see [NRS 281A.745](#))

- The Commission must hold an adjudicatory hearing and provide an opinion on the matter within 60 days, unless the subject waives this time limit, after either:
 1. The review panel refers the ethics complaint to the Commission, or
 2. The Commission cancels the deferral agreement.
- At an adjudicatory hearing, the Commission determines the following:
 1. Whether a violation occurred,
 2. Whether or not the violation was willful, and
 3. The appropriate remedy/penalty.



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The Commission uses the terms willful and non-willful when describing the severity of the complaint and therefore the resulting penalties. Below is a sample of penalties the Commission may use to remedy an ethics violation. A comprehensive list of penalties can be found in the [NRS 281A.785](#). The Commission uses the following factors from [NRS 281A.775](#) to determine if an ethics violation is willful or non-willful.:

- Seriousness of the violation
- The person's ethics history
- Costs of the proceedings
- Mitigation factors such as self-reporting and attempts to rectify
- Restitution paid
- Financial gain realized
- Any other matter justice may require

Willful

Civil Penalties Up to \$5k, \$10k, or \$25k
Petition to Removal a Public Officer

Non-Willful

Ethics Training
Mandated Apology
Admonishment
Payback Financial Benefit
Conditions on Future Behavior

No Violation

Letter of Caution/Instruction

These are some key penalties. See the NRS 281A.785 for a comprehensive list.

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In cases where there are multiple violations, the Commission will make a willfulness determination about each violation and there may be a mix of willful and non-willful violations in a single case.

The Commission has the authority to “Take any combination of such actions or any other reasonable action that the Commission or the review panel, as appropriate, determines will remedy the violation or alleged violation or deter similar violations or conduct.” see [NRS 281A.785](#).

Sample Opinions

- [In re Lawson, Comm’n Op. No. 18-060C \(2020\)](#)
- [In re Weber, Comm’n Op. No. 20-010C \(2021\)](#)
- [In re Reese, Comm’n Op. No. 22-104C \(2023\)](#)

Resources

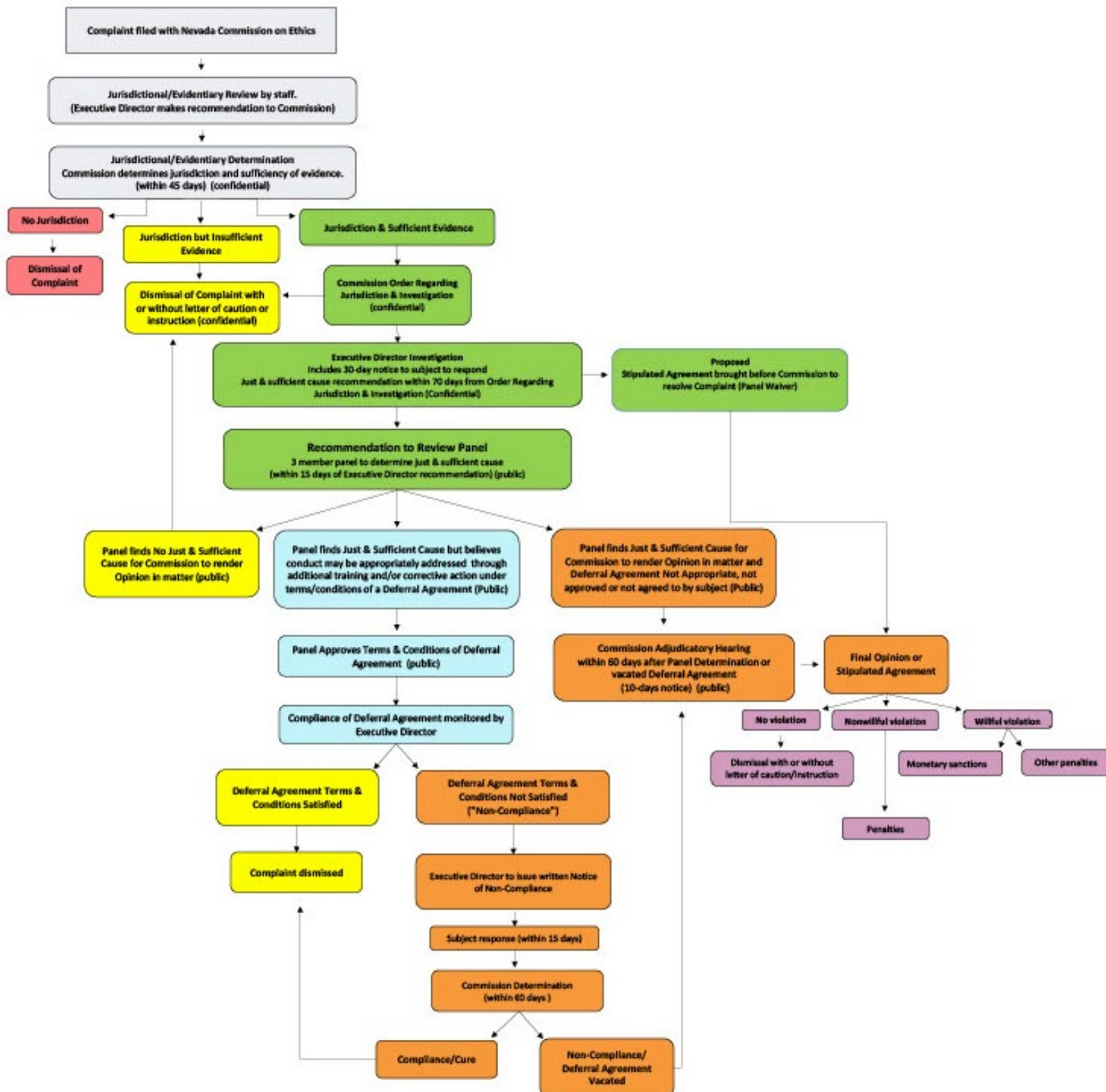
- [How to File a Complaint 11-min Video](#)
- [Ethics Complaint Process 11-min Video](#)
- [Penalties 10-min Training Video](#)
- [Complaint Process Flow Chart](#)



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Complaint Process Flow Chart



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