



State of Nevada
COMMISSION ON ETHICS

704 W. Nye Lane, Suite 204
Carson City, Nevada 89703
(775) 687-5469 • FAX (775) 687-1279

July 8, 2010

Commissioners:

Nevada Administrative Code 281A.180.2 requires the Executive Director to report on the fiscal, legislative and regulatory matters and any other business of the Commission at the first Commission meeting of each fiscal year. With this letter, I submit the agency's annual report for fiscal year 2009 – 2010.

You will note a substantial increase in the matters brought to the Commission for review, and may ask what caused the increase. Without an expensive and thorough survey, we cannot be certain. Nevertheless, I will offer my humble opinion that the Commission's efforts in the past year related to outreach and education enlightened many public officers, public employees, and members of the public at large to the statutes, procedures and activities of the Nevada Commission on Ethics. I am proud to have done my part toward that end, and it is my pleasure to present this report for your consideration.

Respectfully submitted,

Caren Jenkins

Caren Jenkins, Esq.
Executive Director

ANNUAL REPORT FISCAL YEAR 2010

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I. Business and Administrative Matters

Commission:

The membership of the Nevada Commission on Ethics (NCOE) changed during this fiscal year. At the July 1, 2009 meeting, Commissioner George Keele succeeded Commissioner Mark Hutchison as Chairman, and Commissioner John T. “JT” Moran III was elected Vice Chairman. Early in 2010, Commissioner Hutchison resigned, and Governor Jim Gibbons appointed Magdalena Groover of Las Vegas to the Commission fill the unexpired term, effective May 1, 2010.

At the May 2010, Commission meeting, Chairman George Keele stepped down from his leadership post to allow the election of Commissioner JT Moran III as Chairman and Commissioner Erik Beyer as Vice Chairman, effective June 1, 2010.

Staff:

The Commission’s staff changed dramatically this fiscal year. Caren Jenkins began her service as the Commission’s Executive Director in September 2009, followed closely by Yvonne Nevarez-Goodson stepping in as Commission Counsel in October 2009. Both attorneys joined the Commission from private law practices.

The end of the fiscal year brought goodbyes to Tami DeVries, the Commission’s Legal Research Assistant with the closure of the Las Vegas office. However, the staff welcomes Kelly Buschman to the Legal Research Assistant post in Carson City. Kelly offers almost 20 years as a paralegal as her solid foundation to tackle the job, and has completed her Juris Doctor degree.

Michelle Ené and Michel “Mike” Vavra remain as Executive Assistant and Investigator, respectively, rounding out the Commission’s staff of five full-time employees.

Website:

The talent and diligence of the Commission's Investigator, Mike Vavra, make the Commission's website possible. The agency's budget provides no funds for the creation, maintenance and improvement of the website, yet Mike has been the web designer and master for over two years. He has provided nearly half of the website work from his home, using his personal equipment, software and resources.

This powerful internet resource allows the Commission's outreach and education efforts to be available 24 hours a day, 7 days a week and 365 days a year. Even Nevada residents without computers can gain access to the NCOE website via their local public libraries. Mike's contribution to the people of Nevada is invaluable.

The website (<http://ethics.nv.gov>) offers information about the Commission and staff, allows the public to read and search Nevada's Ethics in Government Laws, the Commission's regulations, Commission opinions and panel determinations. It also makes the Commission's forms and instructions more accessible, and provides many other benefits. The Commission posts financial disclosure statements of public officers, judges and judicial candidates on the website for the public's review and free access.

Prior Commission annual reports have relied on the State Department of Information Technology, aka DoIT, for statistics on the number of "hits" and users of the website. However, DoIT's reports of an average number of monthly visits of 67,674 and hits per day of 2,215 strain credulity. Mr. Vavra has installed a crude "counter" on which he bases an estimate of 1000 visitors to the Ethics website per month. Each visitor may click through a number of pages before leaving the site, but this now counts as a single visit. Mike implemented a new method to count the number of hits per fiscal year, starting July 1, 2010, and a more accurate number should be available for in the next annual report.

Offices:

As of June 30, 2010, the Commission's Las Vegas office closed due to the State's severe budget constraints. Public officers, public employees and members of the public rarely visit the Commission's offices in person, preferring email, telephone and fax correspondence to face-to-face interaction. Having the meager Commission staff split in two locations became problematic. As a result, elimination of that office helped the agency to meet the mandatory budget reductions and resulted in the least reduction of our services to the public. Certainly when the finances of the State improve, the Commission may consider re-opening a southern Nevada office to foster the appearance and provision of services to the largest population center in the State.

Also in response to budget reductions, the Carson City office moved from its offices on Executive Pointe Way to a larger, yet less expensive location on West Nye Lane. The new location is easily accessible to the public, and provides sufficient space to host the additional staff position transferred from the former Las Vegas office.

The Commission's sole office is now located at:

704 West Nye Lane, Suite 204
Carson City, Nevada 89703
775-687-5469 – telephone
775-687-1279 - fax

II. Commission Activities

Acknowledgment of Ethical Standards Forms:

Pursuant to NRS 281A.500, public officers filed 361 Acknowledgment of Ethical Standards forms with the Commission this year. The Commission received nearly 90 more such acknowledgments this year than last year.

Disclosure of Agency Representation Forms:

Pursuant to NRS 281A.410, three fewer public officers filed Disclosure of Representation and Counseling of Private Persons before a Public Agency forms with the Commission this year than last year. The Commission received 15 filings of Disclosures in 2009-10. This decrease in filings does not relate to any objective standard, and could reflect that fewer public officers actually are representing or counseling private persons before agencies of State government.

Financial Disclosure Statements:

2006-07	2007-08	2008-09	2009-10
345	595	583	740

In 2009 – 2010, pursuant to NRS 281A.600 and NRS 281A.610, the Commission accepted the filing of 740 Financial Disclosure Statements from appointed public officers and judges. Judges filed 260 statements and appointed public officers filed 480 statements. The Commission posted all Financial Disclosure Statements it received on the NCOE website.

The Commission reported 40 public officers who failed to file and 24 public officers who filed their financial disclosure statements late to the Secretary of State's office, as required by NRS 281A.600(4).

Litigation:

The Commission was a party to three cases this fiscal year, as follows:

- *Carrigan v. Comm'n on Ethics*,
Nevada Supreme Court, Case Number 51920

Sparks City Councilman Mike Carrigan filed a Petition for Judicial Review of Requests for Opinion Nos.06-61, 06-62, 06-66 and 06-68 in the First Judicial District Court of Nevada in Carson City. The Court found in the Commission's favor in May 2008. Carrigan

appealed the decision. Commission Counsel Adriana Fralick presented oral argument at the Nevada Supreme Court on March 3, 2009. The Court has not yet issued a decision.

- *Carrigan v. Comm'n on Ethics*,
Petition for Judicial Review, Second Judicial District Court
Judge Patrick Flanagan, Dept. 7, CV09-02453

Approximately two years after the initial Commission determination in his case, Councilman Carrigan brought a First Party Request for Advisory Opinion to the Commission. In his RFO, he claimed that changed circumstances should allow him to vote on matters regarding which the Commission had previously ruled he must abstain from voting.

The Commission upheld its earlier decision, finding a continuing effect of the original conflict of interest, and Councilman Carrigan filed a Petition for Judicial Review of that opinion in the Second Judicial District Court of Nevada in Reno. Commission Counsel, Yvonne Nevarez-Goodson, argued the case to the Court in January 2010 and again in May 2010. The Court issued its opinion in July, setting aside on constitutional grounds the Commission's determination regarding Councilman Carrigan's duty to abstain.

- *Estate of Charles L. Williams v. Comm'n on Ethics*,
District Court of Nevada, 09-CV-810

Several years ago, Plaintiff filed this case in the federal District Court for the Central District of California. Since that time, the matter was removed to the Southern Nevada Division of the federal court, District of Nevada. A Motion to Dismiss the Commission and other state defendants is currently pending before the Court.

Requests for Opinion:

	2006-07	2007-08	2008-09	2009-10
Advisory	22	13	14	27
Complaint	60	9	31	27
Rejected	(presumed to be included in Complaints)	33	50	55
TOTAL	82	70	94	109

The number of requests for opinion filed with the Commission increased dramatically in 2009 -2010. The Commission received 109 requests this year, which total 15 more than last year. Each year, the requests become more complex and legally challenging. Often, subjects of requests hire an attorney to represent them before the Commission. Subjects file more motions and present more documents and witnesses to the Commission than ever before. These matters all require coordination by Commission Counsel.

Of the requests for opinion received, approximately 49% involved local governments (public officers or employees of cities, towns, general improvement districts, etc.), 20% involved county entities (public officers or employees of counties, school districts, etc.) and 31% involved State public officers or public employees.

The Commission received 27 requests for advisory opinions in 2009- 2010 – nearly doubling the volume of requests over last year. Intriguingly, the Commission received 27 third party or adversarial requests for opinion (aka “complaints”) which is three less than last year. Still, the Commission’s Investigator has a significant overload at various times of the year.

Commission staff rejected 55 requests in 2009 -2010. Such rejections were either due the Commission having no jurisdiction over the subject matter of the request (either the allegation does not involve NRS 281A, does not involve a public officer or public employee, is filed by an incarcerated person (NRS 281A.440(3)), or the requester failed to provide the minimal level of evidence required with any request). This represents a 10 % increase over last year’s volume.

Training:

2006-07	2007-08	2008-09	2009-10
18	16	10	28

Staff provided more than 28 training sessions for city, county, state and other governmental entities in 2009 -2010. The majority of the trainings were held in March-April 2010, during a directed travel schedule within which the Executive Director presented 15 trainings in a 20-day period. She traveled to Hawthorne, Tonopah, Henderson, Las Vegas, Pahrump, Clark County, Virginia City, Sparks, Carson City, Eureka, West Wendover, Elko, Winnemucca and Minden. These trainings had a tremendous positive effect on the public's perception of the Commission and its procedures throughout the State.

III. Fiscal Matters

Commission Budget:

The Commission's original legislatively approved budget for fiscal year 2009-2010 was \$680,139 down from an approved \$740,499 the prior fiscal year. Due to a continuing decline in the state's economy, the Governor ordered all State agencies, including the Commission, to reduce budgets significantly. The Governor also required the Commission's employees to participate in a mandatory unpaid furlough of one workday per month. These orders resulted in an actual annual agency budget of \$634,983, a reduction of over \$45,156.

The Commission has the second smallest budget in State Government, and, with the closure of the Las Vegas office, operates with an staff of five full time employees. Any further reductions in the agency budget will render the agency unable to deliver its statutory functions. Even without further cuts, the Commission is very fortunate to have a dedicated staff that is willing to do whatever it takes to get the job done.

Because the Commission derives its funding proportionally from the State General Fund and from Local Governments in a 35%:65% cost-sharing ratio, the reduction resulted in \$15,804 being “returned” to the State’s coffers, and \$29,351 to local governments.

Penalties Imposed:

In 2009 – 2010, Commission members imposed the requirement that public officers found to have violated the Ethics in Government Law, willfully or not, attend an Ethics training presented by the Executive Director within one year of the finding of a violation. The Commission collected \$400 in civil penalties during FY 2009-2010. Pursuant to state law, the Commission must deposit the entirety of any civil penalties it collects into the State General Fund.

IV. Legislative Matters

NRS Chapter 281A underwent comprehensive changes during the 2009 legislative session. Because of these sweeping changes, the duties and responsibilities of public officers and public employees shifted dramatically. Significant portions of the main measure, Senate Bill 160, became effective upon passage and approval on May 28, 2009. In fact, several provisions of the revised statutes required public officers’ action in January 2010; however, the Legislative Counsel Bureau had not codified the changes to Nevada Revised Statutes or released them to the public until mid-March 2010. As a result, the Commission’s outreach and education efforts became even more vitally important to inform public officers and employees throughout the State of their newly imposed duties and responsibilities.

The Commission submitted several suggestions to the Governor’s Office for consideration as a Bill Draft Request for the 2011 Legislative Session. A compilation of these concepts is attached as Exhibit 2 to this report.

V. Regulatory Matters

The Legislative Commission adopted the Commission's proposed regulations (LCB File Number R084-08) on July 17, 2008. The Legislative Counsel Bureau provided a codified version of Nevada Administrative Code 281A to the Commission on June 28, 2010. A copy of that document is attached as Exhibit 3 hereto.

The Commission determined not to propose sweeping changes to its regulations until after the next legislative session, but requested revisions to the Nevada Administrative Code to reflect the changes made by the 2009 legislature to NRS Chapter 281A.

VI. Goals

The Commission's former Executive Director compiled an Ethics Manual prior to her departure in June 2009. This year, staff updated the manual significantly, and we expect to post the new improved manual on the Commission's website. A copy of the new manual is attached to this report as an Exhibit.

One goal for the next biennium is to develop an interactive web-based training tool that public officers and employees throughout the State can access to complement trainings presented by the Executive Director. This new and improved Ethics Manual is the first step toward that goal. Of course, without funding to support the development of a web-based training, the Commission may be unable to meet this goal within the timeframe proposed.

In the Annual Report for 2009, the Executive Director suggested several goals for the Commission: 1) draft new regulations to accompany the changes to the Nevada Revised Statutes (NRS); 2) update all forms, materials and website to reflect the changes to the NRS; 3) develop an on-line ethics training program; 4) create a desk manual for each position in the agency.

While the Commission achieved the first two items, the third continues to be a goal of the agency, and the fourth regarding a desk manual for each Commission staff position is in the works.

In the coming fiscal year, additional Commission goals include:

- Barring extraordinary circumstances, publishing written opinions within 40 days of a final determination by the Commission or a Panel.
- Producing and distributing a comprehensive and up-to-date Digest of Commission Opinions.
- Continuing Commission efforts to develop an on-line training opportunity for public officers and public employees throughout Nevada.
- Streamlining the dissemination of information and Financial Disclosure Statement filing process between the Nevada Secretary of State and the Commission.
- Working with all City and County Clerks, the Secretary of State, the Governor's Office and other appointing bodies or candidate registration venues to provide information regarding the Ethics Commission and related requirements to all candidates and appointees.

VII. Conclusion

In light of the challenges and changes the Commission on Ethics has endured in 2009 -2010, the year has resulted in and the Commission has been fortunate to be able to celebrate many successes. The Commission staff looks forward to a very exciting, yet challenging new fiscal year.

Exhibits

- 1. Commission Members and NCOE Staff (July 1, 2010)**
- 2. Bill Draft Request proposed to 2011 Legislature**
- 3. Nevada Administrative Code Chapter 281A (July 1, 2010)**

EXHIBIT 1

Commission Members and NCOE Staff (July 1, 2010)

EXHIBIT 2

Bill Draft Request proposed to 2011 Legislature

EXHIBIT 3

Nevada Administrative Code Chapter 281A (July 1, 2010)

EXHIBIT 1

Commission Members and NCOE Staff (July 1, 2010)

EXHIBIT 1
COMMISSIONERS

Vice Chairman Erik Beyer, P.E. (R)
(07/01/08 – 06/30/12)

Paul H. Lamboley, Esq. (D)
(05/07/08 – 09/30/11)

Gregory J. Gale, C.P.A. (D)
(07/01/09 – 10/31/11)

John W. Marvel (R)
(10/01/09 – 09/30/13)

Magdalena Groover (R)
(05/03/10 – 06/30/11)

Chairman JT Moran, III, Esq. (D)
(01/14/08 – 09/30/11)

George M. Keele, Esq. (R)
(10/01/07 – 09/30/11)

Jim M. Shaw (D)
(07/01/08 – 06/30/12)

Staff

Caren Jenkins, Esq.
Executive Director

Yvonne M. Nevarez-Goodson, Esq.
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**EXECUTIVE BRANCH BILL DRAFT REQUEST
FOR THE
2011 LEGISLATIVE SESSION**

REQUIRED INFORMATION

Person to be consulted if more information is needed:

Name: Caren Jenkins, Esq.
Title: Executive Director
Agency: Nevada Commission on Ethics
Mailing Address: 3476 Executive Pointe Way, Suite 10, Carson City, NV 89706
Phone Number: (775) 687-5469
E-mail Address: cjenkins@ethics.nv.gov

Person to whom a copy of the completed draft should be mailed for review:

Name: Caren Jenkins, Esq.
Title: Executive Director
Mailing Address: 3476 Executive Pointe Way, Suite 10, Carson City, NV 89706
Phone Number: (775) 687-5469
E-mail Address: cjenkins@ethics.nv.gov

Person to be contacted to provide testimony regarding the measure during the legislative session:

Name: Caren Jenkins, Esq.
Title: Executive Director
Mailing Address: 3476 Executive Pointe Way, Suite 10, Carson City, NV 89706
Phone Number: (775) 687-5469
E-mail Address: cjenkins@ethics.nv.gov

EXECUTIVE BRANCH BILL DRAFT REQUEST FOR THE 2011 LEGISLATIVE SESSION

Request:

Describe the problem to be solved or the goal(s) of the proposed measure, or both:

The Commission and its staff have painstakingly reviewed the entirety of NRS 281A and have made several housekeeping recommendations for changes to the Ethics in Government Law. These recommendations are desirable and necessary to promote and maintain high standards of ethical conduct in government, as required by NRS 281A.290(5).

To provide a more detailed description of the goals of the proposed measure, the Commission has attached "Attachment A" -- a chart which delineates in detail the intent and justification for each section proposed in this Bill Draft Request.

EXECUTIVE BRANCH BILL DRAFT REQUEST FOR THE 2011 LEGISLATIVE SESSION

Effective Date:

The proposed measure, if enacted, will become effective on October 1, 2011, unless one of the following dates is specified:

☐ Passage and Approval

☐ July 1, 2011

☐ January 1, 2012

☒ Other Either July 1, 2011 or October 1, 2011 would be acceptable.

Fiscal Notes:***State:***

Would this measure, if enacted, create or increase any fiscal liability of state government or decrease any revenue of state government which appears to be in excess of \$2,000?

☐ Yes ☒ No ☐ Unknown

Would this measure, if enacted, increase or newly provide for a term of imprisonment in the state prison or make release on parole or probation from the state prison less likely?

☐ Yes ☒ No ☐ Unknown

Local:

Would this measure, if enacted, reduce revenues or increase expenditures of a local government?

☐ Yes ☒ No ☐ Unknown

Would this measure, if enacted, increase or newly provide for a term of imprisonment in county or city jail or detention facility or make release on probation therefrom less likely?

☐ Yes ☒ No ☐ Unknown

Unfunded Mandate:

Would this measure, if enacted, have the effect of requiring one or more local governments to establish, provide or increase a program or service which is estimated to cost more than \$5,000 per local government and a specified source for the additional revenue to pay the expense is not authorized by this measure or another specific statute?

☐ Yes ☒ No ☐ Unknown

EXECUTIVE BRANCH BILL DRAFT REQUEST FOR THE 2011 LEGISLATIVE SESSION

Suggested Language or Proposed Solution to Problem:

Please refer to Attachment "B" for the Commission's suggested language.

Special Instructions (e.g., disfavored wording):

None known at this time.

NRS Title, Chapter and Sections, Nevada Constitutional Provisions, Administrative Regulations (NAC) Affected:

NRS Title 23, Chapter 281A

Similar Measures from Current or Previous Sessions:

The changes dealing with repealing the provisions and duties dealing with financial disclosure statements was proposed in the 2009 Session by the Secretary of State's office in Assembly Bill 82. The concept of mandatory ethics training found in Section 20 was suggested as part of Assembly Bill 142 in the 2007 Session.

Federal Law/Court Cases/Attorney General Opinions Involved:

Sections 10 and 12 may require amendments based upon the issuance of a requested Attorney General Opinion. As of the date of this submission, the Attorney General had not yet issued the requested opinion.

Similar Statutes in Other States:

Most other states have similar provisions as those being proposed herein.

Related Newspaper or Periodical Articles:

None known at this time.

EXECUTIVE BRANCH BILL DRAFT REQUEST FOR THE 2011 LEGISLATIVE SESSION

Please Note: Pursuant to Senate Bill No. 490 (2007), subsection 4 of NRS 218.2455 now provides that all legislative measures requested by the Governor on behalf of state agencies, boards and departments must be prefiled on or before December 15 preceding the regular legislative session. A measure that is not prefiled on or before that date is deemed by statute to be withdrawn. There is no authority for anyone to waive this provision.

The Division of Budget and Planning requires original signatures on all Bill Draft Requests. Therefore, please submit your Bill Draft Request electronically *and* submit the signed original to the Division of Budget and Planning.

Signature of Person Submitting Request

Signature of Budget Director

Submit by Email

ATTACHMENT "A"
NEVADA COMMISSION ON ETHICS – 2011 BDR

Intent and Justification Chart

Section No.	Statute	Intent	Justification
1	New	To define the term "agency" for the Ethics in Government Law.	The Commission has had several opinions in recent years that have required it to analyze the internal make-up of various governmental entities and apply the term "agency" as used in the Ethics in Government Law. "Agency" should be a defined term for the chapter.
2	New	To define the phrase "Commitment in a private capacity to the interest of others" for the entire chapter, rather than just NRS 281A.420.	This phrase is currently defined in NRS 281A.420(8), and is referred to in other sections, so it would be better to define the phrase for the entire chapter. Some modification was made to incorporate persons registered in domestic partnerships into this definition. Additionally, the definition of "household" was pulled into this definition because it is the only place that "household" is used, with one exception where it is defined differently.
3	New	To define the term "pecuniary interest" for the entire chapter.	This term is used throughout the chapter. It has become apparent from recent hearings and training sessions that the term needed to be defined so sections in which it is used may be more clear.
4	New	To define the term "personal interest" for the entire chapter.	This term is used throughout the chapter. It has become apparent from recent hearings and training sessions that the term needed to be defined so sections in which it is used may be more clear.
5	New	To clarify NRS 281A.410 and NRS 281A.550 (see also changes in Section 16).	After the 2009 legislative changes were codified, NRS 281A.410 and newly codified NRS 281A.550 needed to be addressed because they covered very similar activity and seemed to be conflicting. The Commission has re-worked those two sections, but the portion of NRS 281A.410 that dealt with the filing of a disclosure form seemed to require a separate section.
6	New	To allow the Commission authority to accept grants and contributions.	Many State boards and commissions have the authority to apply for and accept grants and contributions from various sources. The Commission would like to have such authority to assist in carrying out the provisions of this chapter. Any application or

ATTACHMENT "A"
NEVADA COMMISSION ON ETHICS – 2011 BDR

Section No.	Statute	Intent	Justification
			acceptance would need to be approved in a public meeting. Protocols and guidelines to ensure that acceptance of such gifts would not create an appearance of impropriety would be in place before any gifts would be accepted..
7	281A.030	Identifying that additional definitions have been added.	Conforming change.
8	281A.125	Use of better suited terms.	While something may not be typical it still may be restricted to identifiable persons or groups. The Commission offered this change as a more clear manifestation of the intent of the provision.
9	281A.200	To ensure that potential candidates for membership with the Commission are aware of provision in NRS 281.057.	NRS 281.057 eliminates from consideration for appointment, to a board that requires balanced political affiliation, a person who has changed party affiliation with in the past 2 years. Any potential candidates for appointment to this Commission should be put on notice of that requirement, since it has been applied pursuant to advice of the Attorney General to the Governor's office for a recent appointment.
10	281A.230	Added to this document as a placeholder for potential changes later.	The Commission is awaiting an opinion from the Attorney General's office that may or may not have an effect on whether changes to this section will be offered. Since that opinion was not available by the deadline for submission of BDR, the Commission requests that this section remain in BDR until such time as Commission has had an opportunity to review the opinion from the Attorney General and decide whether changes are necessary.
11	281A.240	Removing duty relating to Financial Disclosure statements, as part of the repeal of those duties from this chapter.	The Commission and the Secretary of State's office have agreed for many years that financial disclosure statements by public officers should be filed with a single entity, rather than the bifurcated process that is used now. This provision moves all of the Commission's current functions relating to financial disclosure statements to the Secretary of State's office.

ATTACHMENT "A"
NEVADA COMMISSION ON ETHICS – 2011 BDR

Section No.	Statute	Intent	Justification
12	281A.250	Added to this document as a placeholder for potential changes later.	The Commission is awaiting an opinion from the Attorney General's office that may affect whether changes to this section are needed. Since that opinion was not available by the deadline for submission of BDR, the Commission requests that this section remain in BDR until the Commission has had an opportunity to review the opinion from the Attorney General and make a decision on whether changes are necessary.
13	281A.270	To discontinue the practice of refunding money to the local governments when the state makes uniform cuts to general fund budgets.	When complying with State Executive Branch cuts to the general fund portion of the Commission's budget account, the Commission has been required to refund the local government cost assessments already received from cities and counties. This process has been arduous for Commission staff and has been met with confusion and dissatisfaction by the cities and counties due to the accounting and budgeting processes they follow.
14	281A.290	The amendment to subsection 1 enables the Commission to adopt regulations that are necessary to carry out the functions of the Commission. The deletion in subsection 2 is part of the repeal of the Financial Disclosure Statement duties.	The Commission has been restricted to simply adopting procedural regulations. The Commission could better carry out its statutory duties if it had the ability to further clarify the Ethics in Government Law through the adoption of regulations.
15	281A.400	To clarify this section so that it is easier for public officers and employees to understand their ethical obligations.	This section has created confusion for public officers and employees when trying to understand their ethical duties. Many of the changes shown here have been dealt with in recently issued advisory opinions or ethics complaints. Most notably, the changes include the concept that use of a public position to benefit a private personal interest is as much of a violation as a benefit to a pecuniary interest.
16	281A.410	To re-work NRS 281A.410 and NRS 281A.550 (see also changes in Section 5).	See justification to Section 5 herein.
17	281A.420	To clarify ethical obligations related to disclosure and abstention.	Clarifies that the need to disclose and/or abstain should be based upon a significant interest (whether personal or pecuniary). The 2009 legislative changes codified in NRS 281A.420(b) needed

ATTACHMENT "A"
NEVADA COMMISSION ON ETHICS – 2011 BDR

Section No.	Statute	Intent	Justification
18	281A.430	To make this section relating to contracts more understandable and easier to apply. Combining with provisions from NRS 281A.540.	to be revised to be more manageable. The Commission has seen an abundance of requests for advisory opinions and some complaints relating to public officers and employees or former public officers and employees contracting with governmental entities. In its deliberations, these proposed adjustments came to light.
19	281A.440	To bring this statute into conformity with current practices of the Commission and adding new provisions to deal with the absence or disqualification of the Executive Director.	Deleting old language from subsection 1 since the Commission always holds hearings on advisory opinions. Deleting subsection 9 which deals with the issue of prior restraint of free speech over requesters of third party opinions (ethics complaints). The Commission has no power to prevent a requester from revealing the request; therefore, this provision is unnecessary. Language is added to provide the chairman authority to designate someone to handle certain duties should the Executive Director be absent or disqualified from acting in a particular matter.
20	281A.500	To add a requirement for public officers (elected or appointed) to complete a course on ethics in government within six months of taking office.	This concept was proposed in the 2007 Legislative Session. There is a critical need to ensure that public officers are aware of their ethical obligations under this chapter. Too often the Commission will encounter serious allegations against a public officer and the officer is simply not aware that the Ethics in Government Law exists. The standard training video can easily be placed onto the Commission's website for easy access.
21	Various	Repeal the following sections: NRS 281A.100, 281A.540, 281A.550, 281A.600 to 281A.660 inclusive.	NRS 281A.100, 281A.540 and 281A.550 have been incorporated into other sections within the Ethics in Government Law. NRS 281A.600 to NRS 281A.600 relate to Financial Disclosure Statements. The Commission and the Secretary of State attempted to move this duty to the Secretary of State in the previous Legislative Session. The bifurcated process that is currently followed is extremely confusing and arduous for public officers and causes duplication of effort and expense for the Commission and the Secretary of State's office.

ATTACHMENT "A"
NEVADA COMMISSION ON ETHICS – 2011 BDR

ATTACHMENT "B"
NEVADA COMMISSION ON ETHICS
Suggested Language – 2011 BDR

EXPLANATION: Matter in (1) *blue bold italics* is new language; (2) ~~red-strike through~~ is deleted language.

NEW SECTIONS

Sec. 1. *"Agency" defined. "Agency" means any agency, bureau, board, commission, department, division, or office of the Executive Department of State Government, or of any county, city or other political subdivision.*

Sec. 2. *"Commitment in a private capacity to the interests of others" defined. "Commitment in a private capacity to the interests of others" or a "commitment in a private capacity to the interests of that person" means a personal or pecuniary commitment, interest or relationship to a person:*

- 1. Who is a member of the household of the public officer or employee;*
- 2. Who is the spouse or registered domestic partner of the public officer or employee;*
- 3. Who is related to the public officer or employee or his spouse or registered domestic partner by blood or adoption within the third degree of consanguinity as set forth in regulations adopted by the Commission;*
- 4. Who employs 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; or*
- 6. With whom the public officer or employee has any other commitment, interest or relationship that is substantially similar to a commitment or relationship described in subparagraphs (1) to (5), inclusive, of this section.*

- As used in this section, "household" means an association of persons who live in the same home or dwelling as the public officer or employee, sharing the expenses, and includes the spouse or registered domestic partner of the public officer or employee, any person related to the public officer or employee or his spouse or domestic partner by blood or adoption within

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the third degree of consanguinity, or any person with whom the public officer or employee shares any other substantially similar relationship.

Sec. 3. *“Pecuniary interest” defined. “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 by virtue of any existing:*
 - (a) Statute, regulation, code or ordinance of any agency; or*
 - (b) Contract or agreement.*

Sec. 4. *“Personal interest” defined. “Personal interest” means any potential or actual private benefit or detriment to a person affected by a matter.*

Sec. 5. *1. Not later than January 15 of each year, any State Legislator or other public officer who has, within the preceding year, represented or counseled a private person for compensation before an agency shall disclose for each such representation or counseling during the previous calendar year:*

- (a) The name of the private person;*
- (b) The nature of the representation; and*
- (c) The name of the agency.*

2. The disclosure required by subsection 1 must be made in writing and filed with the Commission on a form prescribed by the Commission. For the purposes of this subsection, the disclosure is timely filed if, on or before the last day for filing, the disclosure is filed in one of the following ways:

- (a) Delivered in person to the principal office of the Commission in Carson City.*
- (b) Mailed to the Commission by first-class mail, or other class of mail that is at least as expeditious, postage prepaid. Filing by mail is complete upon timely depositing the disclosure with the United States Postal Service.*

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(c) Dispatched to a third-party commercial carrier for delivery to the Commission within 3 calendar days. Filing by third-party commercial carrier is complete upon timely depositing the disclosure with the third-party commercial carrier.

3. The Commission shall retain a disclosure filed pursuant to this section for 6 years after the date on which the disclosure was filed.

Sec. 6. Grants and contributions. *Except as otherwise prohibited in Chapter 281A of NRS, the Commission may, upon majority vote, apply for and accept grants, contributions, services or money for the purposes of carrying out the provisions of this chapter. The Commission will only apply for or accept such grants, contributions or services approved in an open public meeting of the Commission.*

AMENDED/REPEALED SECTIONS

Sec. 7. NRS 281A.030 Definitions. As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 281A.040 to 281A.170, inclusive, *and sections 1 to 4, inclusive, of this act*, have the meanings ascribed to them in those sections.

Sec. 8. NRS 281A.125 "Member of a local legislative body" defined. "Member of a local legislative body" means a member of a board of county commissioners, a governing body of a city or a governing body of any other political subdivision who performs any function that involves introducing, voting upon or otherwise acting upon any matter of a permanent or general character which may reflect public policy and which ~~[is not typically]~~ *may be* restricted to identifiable persons or groups.

Sec. 9. NRS 281A.200 Creation; appointment, terms and qualifications of members; prohibited activities by members; vacancies.

1. The Commission on Ethics, consisting of eight members, is hereby created.
2. The Legislative Commission shall appoint to the Commission four residents of the State, at least two of whom are former public officers, and at least one of whom must be an attorney licensed to practice law in this State.

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3. The Governor shall appoint to the Commission four residents of the State, at least two of whom must be former public officers or public employees, and at least one of whom must be an attorney licensed to practice law in this State.

4. ~~[Not]~~ *Subject to the provisions set forth in NRS 281.057, not* more than four members of the Commission may be members of the same political party. Not more than four members may be residents of the same county.

5. None of the members of the Commission may, while the member is serving on the Commission:

- (a) Hold another public office;
- (b) Be actively involved in the work of any political party or political campaign; or
- (c) Communicate directly with a State Legislator or a member of a local legislative body on behalf of someone other than himself or herself or the Commission, for compensation, to influence:

(1) The State Legislator with regard to introducing or voting upon any matter or taking other legislative action; or

(2) The member of the local legislative body with regard to introducing or voting upon any ordinance or resolution, taking other legislative action or voting upon:

- (I) The appropriation of public money;
- (II) The issuance of a license or permit; or
- (III) Any proposed subdivision of land or special exception or variance from zoning regulations.

6. After the initial terms, the terms of the members are 4 years. Any vacancy in the membership must be filled by the appropriate appointing authority for the unexpired term. Each member may serve no more than two consecutive full terms.

Sec. 10. NRS 281A.230 Executive Director: Appointment; qualifications; classification; prohibited activities and other employment.

1. The Commission shall appoint, within the limits of legislative appropriation, an Executive Director who shall perform the duties set forth in this chapter and such other duties as may be prescribed by the Commission.

2. The Executive Director must have experience in administration, investigations and law.

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3. The Executive Director is in the unclassified service of the State.
4. The Executive Director shall devote the Executive Director's entire time and attention to the business of the Commission and shall not pursue any other business or occupation or hold any other office of profit that detracts from the full and timely performance of the Executive Director's duties.
5. The Executive Director may not:
 - (a) Be actively involved in the work of any political party or political campaign; or
 - (b) Except in pursuit of the business of the Commission, communicate directly or indirectly with a State Legislator or a member of a local legislative body on behalf of someone other than the Executive Director to influence:
 - (1) The State Legislator with regard to introducing or voting upon any matter or taking other legislative action; or
 - (2) The member of the local legislative body with regard to introducing or voting upon any ordinance or resolution, taking other legislative action or voting upon:
 - (I) The appropriation of public money;
 - (II) The issuance of a license or permit; or
 - (III) Any proposed subdivision of land or special exception or variance from zoning regulations.

Note: The Commission has expressed an interest in preserving its right to present an amendment to its BDR related to NRS 281A.230 pending the outcome of an opinion sought from the Nevada Attorney General and for which the Commission will render a decision after the time for submitting its BDR request.

Sec. 11. NRS 281A.240 Executive Director: Duties; employment of staff.

1. In addition to any other duties imposed upon the Executive Director, the Executive Director shall:
 - (a) Maintain complete and accurate records of all transactions and proceedings of the Commission.
 - (b) Receive requests for opinions pursuant to NRS 281A.440.

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(c) Gather information and conduct investigations regarding requests for opinions received by the Commission and submit recommendations to the investigatory panel appointed pursuant to NRS 281A.220 regarding whether there is just and sufficient cause to render an opinion in response to a particular request.

(d) Recommend to the Commission any regulations or legislation that the Executive Director considers desirable or necessary to improve the operation of the Commission and maintain high standards of ethical conduct in government.

(e) Upon the request of any public officer or the employer of a public employee, conduct training on the requirements of this chapter, the rules and regulations adopted by the Commission and previous opinions of the Commission. In any such training, the Executive Director shall emphasize that the Executive Director is not a member of the Commission and that only the Commission may issue opinions concerning the application of the statutory ethical standards to any given set of facts and circumstances. The Commission may charge a reasonable fee to cover the costs of training provided by the Executive Director pursuant to this subsection.

(f) Perform such other duties, not inconsistent with law, as may be required by the Commission.

2. The Executive Director shall, within the limits of legislative appropriation, employ such persons as are necessary to carry out any of the Executive Director's duties relating to:

(a) The administration of the affairs of the Commission; *and*

(b) ~~The review of statements of financial disclosure; and~~

~~—(c)}~~ The investigation of matters under the jurisdiction of the Commission.

Sec. 12. NRS 281A.250 Commission Counsel: Appointment; qualifications; classification; prohibited activities and other employment.

1. The Commission shall appoint, within the limits of legislative appropriation, a Commission Counsel who shall perform the duties set forth in this chapter and such other duties as may be prescribed by the Commission.

2. The Commission Counsel must be an attorney who is licensed to practice law in this State.

3. The Commission Counsel is in the unclassified service of the State.

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4. The Commission Counsel shall devote the Commission Counsel's entire time and attention to the business of the Commission and shall not pursue any other business or occupation or hold any other office of profit that detracts from the full and timely performance of the Commission Counsel's duties.

5. The Commission Counsel may not:

(a) Be actively involved in the work of any political party or political campaign; or
(b) Except in pursuit of the business of the Commission, communicate directly or indirectly with a State Legislator or a member of a local legislative body on behalf of someone other than the Commission Counsel to influence:

(1) The State Legislator with regard to introducing or voting upon any matter or taking other legislative action; or

(2) The member of the local legislative body with regard to introducing or voting upon any ordinance or resolution, taking other legislative action or voting upon:

(I) The appropriation of public money;

(II) The issuance of a license or permit; or

(III) Any proposed subdivision of land or special exception or variance from zoning regulations.

<p>Note: Similar to NRS 281A.230, the Commission has expressed an interest in preserving its right to present an amendment to its BDR related to NRS 281A.250 pending the outcome of an opinion sought from the Nevada Attorney General and for which the Commission will render a decision after the time for submitting its BDR request.</p>

Sec. 13. NRS 281A.270 Assessment for administrative costs: Determination; payment by certain cities and counties; use of proceeds; collection.

1. Each county whose population is more than 10,000 and each city whose population is more than 10,000 and that is located within such a county shall pay an assessment for the costs incurred by the Commission each biennium in carrying out its functions pursuant to this chapter. The total amount of money to be derived from assessments paid pursuant to this subsection for a biennium must be determined by the Legislature in the legislatively approved budget of the Commission for that biennium. The assessments must be apportioned among each such city and county based on the proportion that the total population of the city or the total population of the

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unincorporated area of the county bears to the total population of all such cities and the unincorporated areas of all such counties in this State.

2. On or before July 1 of each odd-numbered year, the Executive Director shall, in consultation with the Budget Division of the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau, determine for the next ensuing biennium the amount of the assessments due for each city and county that is required to pay an assessment pursuant to subsection 1. The assessments must be paid to the Commission in semiannual installments that are due on or before August 1 and February 1 of each year of the biennium. The Executive Director shall send out a billing statement to each such city or county which states the amount of the semiannual installment payment due from the city or county.

3. Any money that the Commission receives pursuant to subsection 2:

(a) Must be deposited in the State Treasury, accounted for separately in the State General Fund and credited to the budget account for the Commission;

(b) May only be used to carry out the provisions of this chapter and only to the extent authorized for expenditure by the Legislature; ~~and~~

(c) Does not revert to the State General Fund at the end of any fiscal year ; *and*

(d) *Does not revert to the city or county, as applicable, if:*

(1) The actual expenditures by the Commission are less than the amount of the assessments approved by the Legislature pursuant to subsection 1; or

(2) The budget of the Commission is modified after the assessment amounts have been determined and approved by the Legislature pursuant to subsection 1.

4. If any installment payment is not paid on or before the date on which it is due, the Executive Director shall make reasonable efforts to collect the delinquent payment. If the Executive Director is not able to collect the arrearage, the Executive Director shall submit a claim for the amount of the unpaid installment payment to the Department of Taxation. If the Department of Taxation receives such a claim, the Department shall deduct the amount of the claim from money that would otherwise be allocated from the Local Government Tax Distribution Account to the city or county that owes the installment payment and shall transfer that amount to the Commission.

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5. As used in this section, "population" means the current population estimate for that city or county as determined and published by the Department of Taxation and the demographer employed pursuant to NRS 360.283.

Sec. 14. NRS 281A.290 Duties of Commission; inclusion of annotations of abstracts and opinions of Commission in Nevada Revised Statutes. The Commission shall:

1. Adopt [~~procedural~~] regulations:

- (a) To facilitate the receipt of inquiries by the Commission;
- (b) For the filing of a request for an opinion with the Commission;
- (c) For the withdrawal of a request for an opinion by the person who filed the request; [~~and~~]
- (d) To facilitate the prompt rendition of opinions by the Commission; *and*
- (e) Which are necessary and proper to carry out the provisions of this chapter.*

2. Prescribe, by regulation, [~~forms for the submission of statements of financial disclosure and procedures for the submission of statements of financial disclosure filed pursuant to NRS 281A.600 and~~] forms and procedures for the submission of statements of acknowledgment filed by public officers pursuant to NRS 281A.500, maintain files of such statements and make the statements available for public inspection.

3. Cause the making of such investigations as are reasonable and necessary for the rendition of its opinions pursuant to this chapter.

4. Except as otherwise provided in NRS 281A.600, inform the Attorney General or district attorney of all cases of noncompliance with the requirements of this chapter.

5. Recommend to the Legislature such further legislation as the Commission considers desirable or necessary to promote and maintain high standards of ethical conduct in government.

6. Publish a manual for the use of public officers and employees that contains:

(a) Hypothetical opinions which are abstracted from opinions rendered pursuant to subsection 1 of NRS 281A.440, for the future guidance of all persons concerned with ethical standards in government;

(b) Abstracts of selected opinions rendered pursuant to subsection 2 of NRS 281A.440; and

(c) An abstract of the requirements of this chapter.

➡ The Legislative Counsel shall prepare annotations to this chapter for inclusion in the Nevada Revised Statutes based on the abstracts and published opinions of the Commission.

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Sec. 15. NRS 281A.400 General requirements; exceptions. A code of ethical standards is hereby established to govern the conduct of public officers and employees:

1. 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.

2. 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]~~ *which affect a significant personal interest or significant pecuniary interest of 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:~~

~~(a) "Commitment in a private capacity to the interests of that person" has the meaning ascribed to "commitment in a private capacity to the interests of others" in subsection 8 of NRS 281A.420.~~

~~(b) "Unwarranted" means without justification or adequate reason.]~~

3. A public officer or employee shall not participate as an agent of government in the negotiation or execution of a contract between the government and ~~[any]~~ :

(a) The public officer or public employee;

(b) Any business entity in which the public officer or employee has a significant pecuniary interest or significant personal interest; or

(c) Any person to whom the public officer or employee has a commitment in a private capacity to the interests of that person.

4. A public officer or employee shall not accept any salary, retainer, augmentation, expense allowance or other compensation from any private source for the performance of the public officer's or employee's duties as a public officer or employee.

5. If a public officer or employee acquires, through the public officer's or employee's public duties or relationships, any information which by law or practice is not at the time available to people generally, the public officer or employee shall not use the information to further the

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significant pecuniary interests or significant personal interests of the public officer or employee or any other person or business entity.

6. A public officer or employee shall not suppress any governmental report or other document because it might tend to affect unfavorably the public officer's or employee's *significant pecuniary interests, significant personal interests, or the interests of any person to whom the public officer or employee has a commitment in a private capacity to the interests of that person.*

7. 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 the public officer's or employee's *significant personal* ~~[or financial]~~ *interest, significant pecuniary interest or the interests of any person to whom the public officer or employee has a commitment in a private capacity to the interests of that person.* This subsection does not prohibit:

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

(1) The public officer 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.

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8. A State Legislator shall not:

(a) Use governmental time, property, equipment or other facility for a nongovernmental purpose or for the private benefit of the State Legislator or any other person. This paragraph does not prohibit:

(1) A limited use of state property and resources for personal purposes if:

(I) The use does not interfere with the performance of the State Legislator's public duties;

(II) The cost or value related to the use is nominal; and

(III) The use does not create the appearance of impropriety;

(2) 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

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

(b) Require or authorize a legislative employee, while on duty, to perform personal services or assist in a private activity, except:

(1) In unusual and infrequent situations where the employee's service is reasonably necessary to permit the State Legislator or legislative employee to perform that person's official duties; or

(2) Where such service has otherwise been established as legislative policy.

9. A public officer or employee shall not attempt to benefit the public officer's or employee's *significant* personal ~~[or financial]~~ interest, *significant pecuniary* interest or the interests of any person to whom the public officer or employee has a commitment in a private capacity to the interests of that person through the influence of a subordinate.

10. ~~[A]~~ *Except as otherwise provided in this subsection, a public officer or employee shall not use his official position to seek other employment or contracts [through the use of the public officer's or employee's official position.] for himself or any person to whom the public officer or employee has a commitment in a private capacity to the interests of that person. A public officer or employee may state or affirm that he holds a position as a public officer or employee, including, without limitation, stating his position as a public officer or employee on*

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a resume or other application for future employment or appointment or election to a public office.

Sec. 16. NRS 281A.410 Limitations on representing or counseling private persons before public agencies; ~~disclosure required by certain public officers.~~

These amendments propose to combine the existing language of this section regarding representation and counseling by public officers and employees with the provisions governing the limitations on private employment for the same business or industry regulated by public position set forth in NRS 281A.550. The representation and counseling disclosure form is now in a new section.

In addition to the requirements of the code of ethical standards ~~[:] and except as otherwise provided in this section:~~

1. ~~[If a] A public officer or employee [serves in a state agency of the Executive Department or an agency of any county, city or other political subdivision, the public officer or employee:~~

~~—(a) Shall] shall not [accept] :~~

(a) Accept additional compensation [from any private person] to represent or counsel [the] a private person on any issue pending before any agency or legislative body, including, the agency in which that public officer or employee serves, if the agency makes decisions; and

(b) If the public officer or employee leaves the service of [the] an agency, [shall not,] for 1 year after [leaving the service of the agency, represent or counsel for] the termination of his service, accept compensation to represent or counsel a private person [upon] on any issue which was under consideration by the agency during the public officer's or employee's service.

- As used in this ~~[paragraph,]~~ subsection, "issue" includes a case, proceeding, application, contract or determination, but does not include the proposal or consideration of legislative measures or administrative regulations.

2. A State Legislator or a member of a local legislative body, or a public officer or employee whose public service requires less than half of his or her time, may represent or counsel a private person before an agency in which he or she does not serve. ~~[Any other public officer or~~

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~~employee shall not represent or counsel a private person for compensation before any state agency of the Executive or Legislative Department.]~~

(NOT ACTUALLY DELETING THE FOLLOWING LANGUAGE – JUST REMOVING FROM THIS SECTION AND REPLACING IN NEW SECTION 6 – set forth above)

~~3. Not later than January 15 of each year, any State Legislator or other public officer who has, within the preceding year, represented or counseled a private person for compensation before a state agency of the Executive Department shall disclose for each such representation or counseling during the previous calendar year:~~

~~—(a) The name of the client;~~

~~—(b) The nature of the representation; and~~

~~—(c) The name of the state agency.~~

~~4. The disclosure required by subsection 3 must be made in writing and filed with the Commission on a form prescribed by the Commission. For the purposes of this subsection, the disclosure is timely filed if, on or before the last day for filing, the disclosure is filed in one of the following ways:~~

~~—(a) Delivered in person to the principal office of the Commission in Carson City.~~

~~—(b) Mailed to the Commission by first class mail, or other class of mail that is at least as expeditious, postage prepaid. Filing by mail is complete upon timely depositing the disclosure with the United States Postal Service.~~

~~—(c) Dispatched to a third party commercial carrier for delivery to the Commission within 3 calendar days. Filing by third party commercial carrier is complete upon timely depositing the disclosure with the third party commercial carrier.~~

~~5. The Commission shall retain a disclosure filed pursuant to subsections 3 and 4 for 6 years after the date on which the disclosure was filed.~~

**- THE FOLLOWING LANGUAGE TO BE ADDED TO THIS SECTION
COMES FROM NRS 281A.550 (formerly NRS 281.236)**

3. A former member of the Public Utilities Commission of Nevada shall not:

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*(a) Be employed by a public utility or parent organization or subsidiary of a public utility;
or*

(b) Appear before the Public Utilities Commission of Nevada to testify on behalf of a public utility or parent organization or subsidiary of a public utility.

- for 1 year after the termination of the member's service on the Public Utilities Commission of Nevada. (SUBSECTION 1 OF NRS 281A.550 – OR 281.236)

4. A former member of the State Gaming Control Board or the Nevada Gaming Commission shall not:

(a) Appear before the State Gaming Control Board or the Nevada Gaming Commission on behalf of a person who holds a license issued pursuant to chapter 463 or 464 of NRS or who is required to register with the Nevada Gaming Commission pursuant to chapter 463 of NRS; or

*(b) Be employed by such a person,
- for 1 year after the termination of the member's service on the State Gaming Control Board or the Nevada Gaming Commission. (SUBSECTION 2 OF NRS 281A.550 – OR 281.236)*

5. In addition to the prohibitions set forth in subsections 3 and 4, and except as otherwise provided in subsections 6 and 7, a former public officer or employee of an agency, except a clerical employee, shall not solicit or accept employment from a business or industry whose activities are governed by regulations adopted by the agency for 1 year after the termination of the former public officer's or employee's service if:

(a) The former public officer's or employee's principal duties included the formulation of policy contained in the regulations governing the business or industry;

(b) During the immediately preceding year, the former public officer or employee directly performed activities, or controlled or influenced an audit, decision, investigation or other action, which significantly affected the business or industry which might, but for this section, employ the former public officer or employee; or

(c) As a result of the former public officer's or employee's governmental service or employment, the former public officer or employee possesses knowledge of the trade secrets of a direct business competitor. (SUBSECTION 3 OF NRS 281A.550 – OR 281.236) – we included former public officers/employees of local governments within definition of "agency."

6. The provisions of subsection 5 do not apply to a former public officer who was a member of an agency if:

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(a) The former public officer is engaged in the profession, occupation or business regulated by the agency;

(b) The former public officer holds a license issued by the agency; and

(c) Holding a license issued by the agency is a requirement for membership in or on the agency. (SUBSECTION 4 OF NRS 281A.550 – OR 281.236) – expanded the scope to any agency – including local governments.

7. A former public officer or employee of an agency, except a clerical employee, shall not solicit or accept employment from a person to whom a contract for supplies, materials, equipment or services was awarded by the agency for 1 year after the termination of the officer's or employee's service or period of employment, if:

(a) The amount of the contract exceeded \$25,000;

(b) The contract was awarded within the 12-month period immediately preceding the termination of the officer's or employee's service or period of employment; and

(c) The position held by the former public officer or employee at the time the contract was awarded allowed the former public officer or employee to affect or influence the awarding of the contract. (SUBSECTION 5 OF NRS 281A.550 – OR 281.236) – expanded to all agencies, including local governments.

8. The Commission may relieve a current or former public officer or employee from the strict application of the provisions of this section if:

(a) The current or former public officer or employee requests an opinion from the Commission in accordance with the provisions set forth in NRS 281A.440; and

(b) The Commission determines that such relief would not be contrary to:

(1) The best interests of the public;

(2) The continued ethical integrity of the agency; and

(3) The provisions of this chapter. (SUBSECTION 6 OF NRS 281A.550 – OR 281.236)

9. As used in this section, "regulation" has the meaning ascribed to it in NRS 233B.038 and also includes regulations adopted by an agency that is exempted from the requirements of chapter 233B of NRS. (SUBSECTION 9 OF NRS 281A.550 – OR 281.236)

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Sec. 17. NRS 281A.420 Requirements regarding disclosure of conflicts of interest and abstention from voting because of certain types of conflicts; effect of abstention on quorum and voting requirements; exceptions.

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 personal interest;*
- (c) In which the public officer or employee has a *significant* pecuniary interest; or

~~{(e)}~~ (d) Which would reasonably be affected by the public officer's or employee's commitment in a private capacity to the interest of others,

➡ without disclosing sufficient information concerning the gift, loan, *significant personal interest, significant pecuniary* interest or commitment *in a private capacity to the interest of others*, 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 personal interest or significant* pecuniary interest, or upon the persons 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.

2. The provisions of subsection 1 do not require a public officer to disclose:

(a) Any campaign contributions that the public officer reported in a timely manner pursuant to NRS 294A.120 or 294A.125; or

(b) Any contributions to a legal defense fund that the public officer reported in a timely manner pursuant to NRS 294A.286.

3. Except as otherwise provided in ~~this section~~, *subsection 4*, 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

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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 personal interest;*
- (c) The public officer's *significant* pecuniary interest; or
- ~~{(e)}~~ (d) The public officer's commitment in a private capacity to the interest of others.

4. In interpreting and applying the provisions of subsection 3:

(a) It must be presumed that the independence of judgment of a reasonable person in the public officer's situation would not be materially affected by the public officer's *acceptance of a gift or loan, significant personal interest, significant* pecuniary interest or ~~{the public officer's}~~ commitment in a private capacity to the interests of others where the resulting benefit or detriment accruing to the public officer, or if the public officer has a commitment in a private capacity to the interests of others, accruing to the other persons, is not greater than that accruing to any other member of ~~{the}~~ *any* general business, profession, occupation or group that is affected by the matter. The presumption set forth in this paragraph does not affect the applicability of the requirements set forth in subsection 1 relating to the disclosure of the *gift or loan, significant personal interest, significant* pecuniary interest or commitment in a private capacity to the interests of others.

(b) The Commission must give appropriate weight and proper deference to the public policy of this State which ~~{favors}~~ :

(1) *Favors* the right of a public officer to perform the duties for which the public officer was elected or appointed and to vote or otherwise act upon a matter, provided the public officer has properly disclosed the public officer's acceptance of a gift or loan, ~~{the public officer's}~~ *significant personal interest, significant* pecuniary interest or ~~{the public officer's}~~ commitment in a private capacity to the interests of others in the manner required by subsection 1 ~~{--Because}~~ ; and

(2) *Acknowledges that* abstention by a public officer disrupts the normal course of representative government and deprives the public and the public officer's constituents of a voice in governmental affairs. ~~the provisions of this section are intended to require abstention only in clear cases where the independence of judgment of a reasonable person in the public officer's situation would be materially affected by the public officer's~~

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~~acceptance of a gift or loan, the public officer's pecuniary interest or the public officer's commitment in a private capacity to the interests of others.~~

5. Except as otherwise provided in NRS 241.0355, if a public officer declares to the body or committee in which the vote is to be taken that the public officer will abstain from voting because of the requirements of this section, the necessary quorum to act upon and the number of votes necessary to act upon the matter, as fixed by any statute, ordinance or rule, is reduced as though the member abstaining were not a member of the body or committee.

6. The provisions of this section do not, under any circumstances:

(a) Prohibit a member of a local legislative body from requesting or introducing a legislative measure; or

(b) Require a member of a local legislative body to take any particular action before or while requesting or introducing a legislative measure.

7. The provisions of this section do not, under any circumstances, apply to State Legislators or allow the Commission to exercise jurisdiction or authority over State Legislators. The responsibility of a State Legislator to make disclosures concerning gifts, loans, interests or commitments and the responsibility of a State Legislator to abstain from voting upon or advocating the passage or failure of a matter are governed by the Standing Rules of the Legislative Department of State Government which are adopted, administered and enforced exclusively by the appropriate bodies of the Legislative Department of State Government pursuant to Section 6 of Article 4 of the Nevada Constitution.

8. As used in this section [:

~~— (a) "Commitment in a private capacity to the interests of others" means a commitment to a person:~~

~~— (1) Who is a member of the public officer's or employee's household;~~

~~— (2) Who is related to the public officer or employee by blood, adoption or marriage within the third degree of consanguinity or affinity;~~

~~— (3) Who employs the public officer or employee or a member of the public officer's or employee's household;~~

~~— (4) With whom the public officer or employee has a substantial and continuing business relationship; or~~

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~~— (5) Any other commitment or relationship that is substantially similar to a commitment or relationship described in subparagraphs (1) to (4), inclusive, of this paragraph.~~

~~— (b) "Public", "public officer" and "public employee" do not include a State Legislator.~~

Sec. 18. NRS 281A.430 Contracts in which public officer or employee has interest prohibited; exceptions.

1. ~~[Except]~~ *Notwithstanding the provisions set forth in NRS 281.221 and except as otherwise provided in this section and NRS 281A.530 and 332.800, a public officer or employee shall not, directly or indirectly through a third party, perform any existing contract or bid on or enter into [a] any new contract of the following type:*

(a) A contract between [a governmental] the agency for which the public officer or employee serves and [any] :

(1) The public officer or employee;

(2) Any business entity in which the public officer or employee has a significant pecuniary interest or significant personal interest; or

(3) Any person to whom the public officer or employee has a commitment in a private capacity to the interests of that person; or

(b) A contract between an agency that has any connection, relation or affiliation with the agency which the public officer or employee serves if the duties or services to be performed or provided for the agency pursuant to the contract are the same or similar duties performed by the public officer or employee for the agency he serves and:

(1) The public officer or employee;

(2) Any business entity in which the public officer or employee has a significant pecuniary interest or significant personal interest; or

(3) Any person to whom the public officer or employee has a commitment in a private capacity to the interests of that person.

2. ~~[A member of any board, commission or similar body who is engaged in the profession, occupation or business regulated by such board, commission or body may, in the ordinary course of his or her business, bid on or enter into a contract with any [governmental] agency, except the board, commission or body on which he or she is a member, if the member has not taken part in~~

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~~developing the contract plans or specifications and the member will not be personally involved in opening, considering or accepting offers.~~

~~3.] A public officer or employee may perform an existing contract or bid on or enter into a new contract with an agency for which he serves, or a related agency as described in paragraph (b) of subsection 1, if:~~

~~(a) For the type of contract which is subject to competitive selection:~~

- ~~(1) The contracting process was or is controlled by the rules of open competitive bidding or the rules of open competitive bidding were not or are not employed as a result of the applicability of NRS 332.112 or 332.148;~~
- ~~(2) The sources of supply were or are limited or no other person expressed or expresses an interest in the contract;~~
- ~~(3) The public officer or employee did not take part in developing the contract plans or specifications; and~~
- ~~(4) The public officer or employee was not or will not be personally involved in opening, considering or accepting offers.~~

~~(b) For the type of contract which by its nature is not adapted to be awarded by competitive selection:~~

- ~~(1) The public officer or employee did not take part in developing the contract plans or specifications and was or will not be personally involved in opening, considering or accepting offers; and~~
- ~~(2) The contract:~~
 - ~~(i) Has been approved by the agency through the application of internal procedures in which a public officer or employee may obtain approval to engage in such contracts; or~~
 - ~~(ii) Is not exclusive to the individual and is the type of contract that is available to all persons with the requisite qualifications.~~

3. A full-time or part-time faculty member or employee of the Nevada System of Higher Education may *perform an existing contract or bid on or enter into a new contract* with ~~{a governmental}~~ an agency, or may benefit financially or otherwise from a contract between ~~{a governmental}~~ an agency and a private entity, if the contract complies with the policies established by the Board of Regents of the University of Nevada pursuant to NRS 396.255.

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4. ~~[A public officer or employee, other than a public officer or employee described in subsection 2 or 3, may bid on or enter into a contract with a governmental agency if:~~

~~— (a) The contracting process is controlled by the rules of open competitive bidding or the rules of open competitive bidding are not employed as a result of the applicability of NRS 332.112 or 332.148;~~

~~— (b) The sources of supply are limited;~~

~~— (c) The public officer or employee has not taken part in developing the contract plans or specifications; and~~

~~— (d) The public officer or employee will not be personally involved in opening, considering or accepting offers.]~~

If a public officer who is authorized to *perform an existing contract* or bid on or enter into a *new* contract with ~~[a governmental]~~ *an* agency pursuant to this ~~[subsection]~~ *section* is a member of the governing body of the agency, the public officer, pursuant to the requirements of NRS 281A.420, shall disclose the public officer's interest in the contract and shall not vote on or advocate the approval of the contract.

5. *The Commission may relieve a public officer or employee from the strict application of the provisions of this section if:*

(a) The current or former public officer or employee requests an opinion from the Commission in accordance with the provisions set forth in NRS 281A.440; and

(b) The Commission determines that such relief would not be contrary to:

(1) The best interests of the public;

(2) The continued ethical integrity of the agency; and

(3) The provisions of this chapter.

6. *For purposes of this section, "a contract which by its nature is not adapted to be awarded by competitive selection" includes, without limitation, a contract for:*

(a) Services which may only be contracted from a sole or limited source;

(b) Professional services, including, without limitation, a contract for the services of:

(1) An expert witness;

(2) A professional engineer;

(3) A registered architect;

(4) An attorney;

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- (5) An accountant; or*
- (6) Any other professional, if the services of that professional are not adapted to competitive selection;*
- (c) Services necessitated by an emergency affecting the national, state or local defense or an emergency caused by an act of God or any other unforeseeable circumstances; or*
- (d) Any other contract which is open or available to the public at large.*

Sec. 19. NRS 281A.440 Rendering of opinions by Commission: Requests; determination of just and sufficient cause; notice and hearings; confidentiality.

1. The Commission shall render an opinion interpreting the statutory ethical standards and apply the standards to a given set of facts and circumstances within 45 days after receiving a request, on a form prescribed by the Commission, from a public officer or employee who is seeking guidance on questions which directly relate to the propriety of the requester's own past, present or future conduct as an officer or employee, unless the public officer or employee waives the time limit. ~~[The public officer or employee may also request the Commission to hold a public hearing regarding the requested opinion.]~~ If a requested opinion relates to the propriety of the requester's own present or future conduct, the opinion of the Commission is:

- (a) Binding upon the requester as to the requester's future conduct; and
- (b) Final and subject to judicial review pursuant to NRS 233B.130, except that a proceeding regarding this review must be held in closed court without admittance of persons other than those necessary to the proceeding, unless this right to confidential proceedings is waived by the requester.

2. The Commission may render an opinion interpreting the statutory ethical standards and apply the standards to a given set of facts and circumstances:

- (a) Upon request from a specialized or local ethics committee.
- (b) Except as otherwise provided in this subsection, upon request from a person, if the requester submits:
 - (1) The request on a form prescribed by the Commission; and
 - (2) All related evidence deemed necessary by the Executive Director and the investigatory panel to make a determination of whether there is just and sufficient cause to render an opinion in the matter.

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(c) Upon the Commission's own motion regarding the propriety of conduct by a public officer or employee. The Commission shall not initiate proceedings pursuant to this paragraph based solely upon an anonymous complaint.

➤ The Commission shall not render an opinion interpreting the statutory ethical standards or apply those standards to a given set of facts and circumstances if the request is submitted by a person who is incarcerated in a correctional facility in this State.

3. Upon receipt of a request for an opinion by the Commission or upon the motion of the Commission pursuant to subsection 2, the Executive Director shall investigate the facts and circumstances relating to the request to determine whether there is just and sufficient cause for the Commission to render an opinion in the matter. The Executive Director shall notify the public officer or employee who is the subject of the request and provide the public officer or employee an opportunity to submit to the Executive Director a response to the allegations against the public officer or employee within 30 days after the date on which the public officer or employee received the notice of the request. The purpose of the response is to provide the Executive Director with any information relevant to the request which the public officer or employee believes may assist the Executive Director and the investigatory panel in conducting the investigation. The public officer or employee is not required in the response or in any proceeding before the investigatory panel to assert, claim or raise any objection or defense, in law or fact, to the allegations against the public officer or employee and no objection or defense, in law or fact, is waived, abandoned or barred by the failure to assert, claim or raise it in the response or in any proceeding before the investigatory panel.

4. The Executive Director , *or in the absence or disqualification of the Executive Director, the Chairman's designee*, shall complete ~~[the]~~ *his* investigation and present a *written* recommendation relating to just and sufficient cause, *including, without limitation, the specific evidence or reasons that support the recommendation*, to the investigatory panel within 70 days after the receipt of or the motion of the Commission for the request, unless the public officer or employee waives this time limit. ~~[If, after the investigation, the Executive Director determines that there is just and sufficient cause for the Commission to render an opinion in the matter, the Executive Director, shall state such a recommendation in writing, including, without limitation, the specific evidence that supports the Executive Director's recommendation. If, after the investigation, the Executive Director determines that there is not just and sufficient cause for the~~

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~~Commission to render an opinion in the matter, the Executive Director shall state such a recommendation in writing, including, without limitation, the specific reasons for the Executive Director’s recommendation.]~~

5. Within 15 days after the Executive Director, *or the Chairman’s designee*, has provided the [Executive Director’s] recommendation in the matter to the investigatory panel *pursuant to subsection 4*, the investigatory panel shall *conclude the investigation and* make a final determination regarding whether there is just and sufficient cause for the Commission to render an opinion in the matter, unless the public officer or employee waives this time limit. The investigatory panel shall not determine that there is just and sufficient cause for the Commission to render an opinion in the matter unless the Executive Director, *or the Chairman’s designee*, has provided the public officer or employee an opportunity to respond to the allegations against the public officer or employee as required by subsection 3. The investigatory panel shall cause a record of its proceedings in each matter to be kept, and such a record must remain confidential until the investigatory panel determines whether there is just and sufficient cause for the Commission to render an opinion in the matter.

6. If the investigatory panel determines that there is just and sufficient cause for the Commission to render an opinion in the matter, the Commission shall hold a hearing and render an opinion in the matter within 60 days after the determination of just and sufficient cause by the investigatory panel, unless the public officer or employee waives this time limit.

7. Each request for an opinion that a public officer or employee submits to the Commission pursuant to subsection 1, each opinion rendered by the Commission in response to such a request and any motion, determination, evidence or record of a hearing relating to such a request are confidential unless the public officer or employee who requested the opinion:

(a) Acts in contravention of the opinion, in which case the Commission may disclose the request for the opinion, the contents of the opinion and any motion, evidence or record of a hearing related thereto;

(b) Discloses the request for the opinion, the contents of the opinion, or any motion, evidence or record of a hearing related thereto; or

(c) Requests the Commission to disclose the request for the opinion, the contents of the opinion, or any motion, evidence or record of a hearing related thereto.

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8. Except as otherwise provided in this subsection, each document in the possession of the Commission or its staff that is related to a request for an opinion regarding a public officer or employee submitted to or initiated by the Commission pursuant to subsection 2, including, without limitation, the Commission's copy of the request and all materials and information gathered in an investigation of the request, is confidential until the investigatory panel determines whether there is just and sufficient cause to render an opinion in the matter. The public officer or employee who is the subject of a request for an opinion submitted or initiated pursuant to subsection 2 may in writing authorize the Commission to make its files, material and information which are related to the request publicly available.

~~[9. Except as otherwise provided in paragraphs (a) and (b), the proceedings of the investigatory panel are confidential until the investigatory panel determines whether there is just and sufficient cause to render an opinion in the matter. A person who:~~

~~— (a) Requests an opinion from the Commission pursuant to paragraph (b) of subsection 2 may:~~

~~— (1) At any time, reveal to a third party the alleged conduct of a public officer or employee underlying the request that the person filed with the Commission or the substance of testimony, if any, that the person gave before the Commission.~~

~~— (2) After the investigatory panel determines whether there is just and sufficient cause to render an opinion in the matter, reveal to a third party the fact that the person requested an opinion from the Commission.~~

~~— (b) Gives testimony before the Commission may:~~

~~— (1) At any time, reveal to a third party the substance of testimony that the person gave before the Commission.~~

~~— (2) After the investigatory panel determines whether there is just and sufficient cause to render an opinion in the matter, reveal to a third party the fact that the person gave testimony before the Commission.]~~

[10] 9. Whenever the Commission holds a hearing pursuant to this section, the Commission shall:

(a) Notify the person about whom the opinion was requested of the place and time of the Commission's hearing on the matter;

(b) Allow the person to be represented by counsel; and

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(c) Allow the person to hear the evidence presented to the Commission and to respond and present evidence on the person's own behalf.

➡ The Commission's hearing may be held no sooner than 10 days after the notice is given unless the person agrees to a shorter time.

[+4] 10. If a person who is not a party to a hearing before the Commission, including, without limitation, a person who has requested an opinion pursuant to paragraph (a) or (b) of subsection 2, wishes to ask a question of a witness at the hearing, the person must submit the question to the Executive Director in writing. The Executive Director may submit the question to the Commission if the Executive Director deems the question relevant and appropriate. This subsection does not require the Commission to ask any question submitted by a person who is not a party to the proceeding.

[+2] 11. If a person who requests an opinion pursuant to subsection 1 or 2 does not:

(a) Submit all necessary information to the Commission; and

(b) Declare by oath or affirmation that the person will testify truthfully,

➡ the Commission may decline to render an opinion.

[+3] 12. For good cause shown, the Commission may take testimony from a person by telephone or video conference.

[+4] 13. For the purposes of NRS 41.032, the members of the Commission and its employees shall be deemed to be exercising or performing a discretionary function or duty when taking an action related to the rendering of an opinion pursuant to this section.

[+5] 14. A meeting or hearing that the Commission or the investigatory panel holds to receive information or evidence concerning the propriety of the conduct of a public officer or employee pursuant to this section and the deliberations of the Commission and the investigatory panel on such information or evidence are not subject to the provisions of chapter 241 of NRS.

Sec. 20. NRS 281A.500 Acknowledgment of statutory ethical standards: Filing; contents; form; retention; penalty for willful refusal to file.

1. On or before the date on which a public officer takes his oath of office, the public officer must be informed of the duty to file an acknowledgment of ethical standards in accordance with this section by:

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(a) For an appointed public officer, the appointing authority of the public officer; or

(b) For an elected public officer, as applicable:

(1) The county clerk for all public officers of the county and other local governments within the county other than cities;

(2) The city clerk for all public officers of the city;

(3) The Director of the Legislative Counsel Bureau for all public officers of the Legislative Branch; and

(4) The Chief of the Budget Division of the Department of Administration for all public officers of the Executive Branch.

2. Within 30 days of becoming a public employee, the Nevada Department of Personnel shall inform each new state public employee, and each County, City or Town Manager, or his designee, shall inform each new local government public employee in his jurisdiction, of the applicable provisions of this chapter.

3. Within 6 months following the date on which a public officer takes his oath of office or a public employee begins employment, the public officer or employee shall complete a course on ethics in government law that is conducted by the Executive Director, or his designee, in accordance with NRS 281A.240.

[4] 4. Each public officer shall acknowledge that the public officer:

(a) Has received, read and understands the statutory ethical standards; and

(b) Has a responsibility to inform himself or herself of any amendments to the statutory ethical standards as soon as reasonably practicable after each session of the Legislature.

[2] 5. The acknowledgment must be executed on a form prescribed by the Commission and must be filed with the Commission:

(a) If the public officer is elected to office at the general election, on or before January 15 of the year following the public officer’s election.

(b) If the public officer is elected to office at an election other than the general election or is appointed to office, on or before the 30th day following the date on which the public officer takes office.

[3] 6. Except as otherwise provided in this subsection, a public officer shall execute and file the acknowledgment once for each term of office. If the public officer serves at the pleasure of the appointing authority and does not have a definite term of office, the public officer, in addition

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to executing and filing the acknowledgment after the public officer takes office in accordance with subsection 2, shall execute and file the acknowledgment on or before January 15 of each even-numbered year while the public officer holds that office.

[4] 7. For the purposes of this section, the acknowledgment is timely filed if, on or before the last day for filing, the acknowledgment is filed in one of the following ways:

(a) Delivered in person to the principal office of the Commission in Carson City.

(b) Mailed to the Commission by first-class mail, or other class of mail that is at least as expeditious, postage prepaid. Filing by mail is complete upon timely depositing the acknowledgment with the United States Postal Service.

(c) Dispatched to a third-party commercial carrier for delivery to the Commission within 3 calendar days. Filing by third-party commercial carrier is complete upon timely depositing the acknowledgment with the third-party commercial carrier.

[5] 8. The form for making the acknowledgment must contain:

(a) The address of the Internet website of the Commission where a public officer may view the statutory ethical standards and print a hard copy; and

(b) The telephone number and mailing address of the Commission where a public officer may make a request to obtain a hard copy of the statutory ethical standards from the Commission.

[6] 9. Whenever the Commission, or any public officer or employee as part of the public officer's or employee's official duties, provides a public officer with a hard copy of the form for making the acknowledgment, a hard copy of the statutory ethical standards must be included with the form.

[7] 10. The Commission shall retain each acknowledgment filed pursuant to this section for 6 years after the date on which the acknowledgment was filed.

[8] 11. Willful refusal to execute and file the acknowledgment required by this section shall be deemed to be:

(a) A willful violation of this chapter for the purposes of NRS 281A.480; and

(b) Nonfeasance in office for the purposes of NRS 283.440 and, if the public officer is removable from office pursuant to NRS 283.440, the Commission may file a complaint in the appropriate court for removal of the public officer pursuant to that section. This paragraph grants

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an exclusive right to the Commission, and no other person may file a complaint against the public officer pursuant to NRS 283.440 based on any violation of this section.

[9] 12. As used in this section, "general election" has the meaning ascribed to it in NRS 293.060.

Sec. 21. *NRS 281A.100, 281A.540, 281A.550 and 281A.600 to 281A.660, inclusive, are hereby repealed.*

~~[NRS 281A.100 "Household" defined. "Household" means an association of persons who live in the same home or dwelling, sharing its expenses, and who are related by blood, adoption or marriage.]~~

~~[NRS 281A.540 Governmental grant, contract or lease and certain actions taken in violation of chapter are voidable; prohibited contract is void; recovery of benefit received as result of violation.~~

~~—1. In addition to any other penalties provided by law, a governmental grant, contract or lease entered into in violation of this chapter is voidable by the State, county, city or political subdivision. In a determination under this section of whether to void a grant, contract or lease, the interests of innocent third parties who could be damaged must be taken into account. The Attorney General, district attorney or city attorney must give notice of the intent to void a grant, contract or lease under this section no later than 30 days after the Commission has determined that there has been a related violation of this chapter.~~

~~—2. In addition to any other penalties provided by law, a contract prohibited by NRS 281.230 which is knowingly entered into by a person designated in subsection 1 of NRS 281.230 is void.~~

~~—3. Any action taken by the State in violation of this chapter is voidable, except that the interests of innocent third parties in the nature of the violation must be taken into account. The Attorney General may also pursue any other available legal or equitable remedies.~~

~~—4. In addition to any other penalties provided by law, the Attorney General may recover any fee, compensation, gift or benefit received by a person as a result of a violation of this chapter by a public officer. An action to recover pursuant to this section must be brought within 2 years after the violation or reasonable discovery of the violation.]~~

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~~[NRS 281A.550 Employment of certain former public officers and employees by regulated businesses prohibited; certain former public officers and employees prohibited from soliciting or accepting employment from certain persons contracting with State or local government; determination by Commission.~~

~~— 1. A former member of the Public Utilities Commission of Nevada shall not:~~

~~— (a) Be employed by a public utility or parent organization or subsidiary of a public utility; or~~

~~— (b) Appear before the Public Utilities Commission of Nevada to testify on behalf of a public utility or parent organization or subsidiary of a public utility;~~

~~→ for 1 year after the termination of the member's service on the Public Utilities Commission of Nevada.~~

~~— 2. A former member of the State Gaming Control Board or the Nevada Gaming Commission shall not:~~

~~— (a) Appear before the State Gaming Control Board or the Nevada Gaming Commission on behalf of a person who holds a license issued pursuant to chapter 463 or 464 of NRS or who is required to register with the Nevada Gaming Commission pursuant to chapter 463 of NRS; or~~

~~— (b) Be employed by such a person;~~

~~→ for 1 year after the termination of the member's service on the State Gaming Control Board or the Nevada Gaming Commission.~~

~~— 3. In addition to the prohibitions set forth in subsections 1 and 2, and except as otherwise provided in subsections 4 and 6, a former public officer or employee of a board, commission, department, division or other agency of the Executive Department of State Government, except a clerical employee, shall not solicit or accept employment from a business or industry whose activities are governed by regulations adopted by the board, commission, department, division or other agency for 1 year after the termination of the former public officer's or employee's service or period of employment if:~~

~~— (a) The former public officer's or employee's principal duties included the formulation of policy contained in the regulations governing the business or industry;~~

~~— (b) During the immediately preceding year, the former public officer or employee directly performed activities, or controlled or influenced an audit, decision, investigation or other action;~~

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~~which significantly affected the business or industry which might, but for this section, employ the former public officer or employee; or~~

~~— (c) As a result of the former public officer's or employee's governmental service or employment, the former public officer or employee possesses knowledge of the trade secrets of a direct business competitor;~~

~~— 4. The provisions of subsection 3 do not apply to a former public officer who was a member of a board, commission or similar body of the State if:~~

~~— (a) The former public officer is engaged in the profession, occupation or business regulated by the board, commission or similar body;~~

~~— (b) The former public officer holds a license issued by the board, commission or similar body; and~~

~~— (c) Holding a license issued by the board, commission or similar body is a requirement for membership on the board, commission or similar body;~~

~~— 5. Except as otherwise provided in subsection 6, a former public officer or employee of the State or a political subdivision, except a clerical employee, shall not solicit or accept employment from a person to whom a contract for supplies, materials, equipment or services was awarded by the State or political subdivision, as applicable, for 1 year after the termination of the officer's or employee's service or period of employment, if:~~

~~— (a) The amount of the contract exceeded \$25,000;~~

~~— (b) The contract was awarded within the 12-month period immediately preceding the termination of the officer's or employee's service or period of employment; and~~

~~— (c) The position held by the former public officer or employee at the time the contract was awarded allowed the former public officer or employee to affect or influence the awarding of the contract;~~

~~— 6. A current or former public officer or employee may request that the Commission apply the relevant facts in that person's case to the provisions of subsection 3 or 5, as applicable, and determine whether relief from the strict application of those provisions is proper. If the Commission determines that relief from the strict application of the provisions of subsection 3 or 5, as applicable, is not contrary to:~~

~~— (a) The best interests of the public;~~

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~~— (b) The continued ethical integrity of the State Government or political subdivision, as applicable; and~~

~~— (c) The provisions of this chapter;~~

~~→ it may issue an opinion to that effect and grant such relief. The opinion of the Commission in such a case is final and subject to judicial review pursuant to NRS 233B.130, except that a proceeding regarding this review must be held in closed court without admittance of persons other than those necessary to the proceeding, unless this right to confidential proceedings is waived by the current or former public officer or employee.~~

~~— 7. Each request for an opinion that a current or former public officer or employee submits to the Commission pursuant to subsection 6, each opinion rendered by the Commission in response to such a request and any motion, determination, evidence or record of a hearing relating to such a request are confidential unless the current or former public officer or employee who requested the opinion:~~

~~— (a) Acts in contravention of the opinion, in which case the Commission may disclose the request for the opinion, the contents of the opinion and any motion, evidence or record of a hearing related thereto;~~

~~— (b) Discloses the request for the opinion, the contents of the opinion or any motion, evidence or record of a hearing related thereto; or~~

~~— (c) Requests the Commission to disclose the request for the opinion, the contents of the opinion, or any motion, evidence or record of a hearing related thereto.~~

~~— 8. A meeting or hearing that the Commission or an investigatory panel holds to receive information or evidence concerning the propriety of the conduct of a current or former public officer or employee pursuant to this section and the deliberations of the Commission and the investigatory panel on such information or evidence are not subject to the provisions of chapter 241 of NRS.~~

~~— 9. As used in this section, "regulation" has the meaning ascribed to it in NRS 233B.038 and also includes regulations adopted by a board, commission, department, division or other agency of the Executive Department of State Government that is exempted from the requirements of chapter 233B of NRS.]~~

(Added to NRS by 2009, 1044)

ATTACHMENT "B"
NEVADA COMMISSION ON ETHICS
Suggested Language – 2011 BDR

FINANCIAL DISCLOSURE STATEMENTS

REPEAL ALL FINANCIAL DISCLOSURE SECTIONS AND MOVE TO AUTHORITY OF SECRETARY OF STATE'S OFFICE.

Repeal all of the functions and duties that the Commission presently handles regarding Financial Disclosure Statements (FDS) and request that the Secretary of State assume those responsibilities. The goal is one agency handling all requirements relating to filing, reporting, retention, regulations and forms for FDS. The requirements of FDS for the Commission require a substantial time commitment for our staff and the Secretary of State is better equipped to handle the demands. Further, the Secretary of State has enforcement power over the elected officials and candidates, and Commission staff often is placed in the position of answering questions on behalf of the Secretary of State. The Secretary of State is already equipped to handle the demands and the Commission's Executive Director has contacted the Secretary of State's Office and confirmed that it is willing to accept this statutory responsibility.

~~— NRS 281A.600 Filing by certain appointed public officers with Commission; Commission to notify Secretary of State of public officers who fail to file or fail to file in timely manner; date on which statement deemed filed.~~

~~— 1. Except as otherwise provided in subsection 2, if a public officer who was appointed to the office for which the public officer is serving is entitled to receive annual compensation of \$6,000 or more for serving in that office, the public officer shall file with the Commission a statement of financial disclosure, as follows:~~

~~— (a) A public officer appointed to fill the unexpired term of an elected or appointed public officer shall file a statement of financial disclosure within 30 days after the public officer's appointment.~~

~~— (b) Each public officer appointed to fill an office shall file a statement of financial disclosure on or before January 15 of each year of the term, including the year the term expires.~~

~~→ The statement must disclose the required information for the full calendar year immediately preceding the date of filing.~~

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Suggested Language – 2011 BDR

~~— 2. If a person is serving in a public office for which the person is required to file a statement pursuant to subsection 1, the person may use the statement the person files for that initial office to satisfy the requirements of subsection 1 for every other public office to which the person is appointed and in which the person is also serving.~~

~~— 3. A judicial officer who is appointed to fill the unexpired term of a predecessor or to fill a newly created judgeship shall file a statement of financial disclosure pursuant to the requirements of Canon 4I of the Nevada Code of Judicial Conduct. Such a statement of financial disclosure must include, without limitation, all information required to be included in a statement of financial disclosure pursuant to NRS 281A.620.~~

~~— 4. The Commission shall provide written notification to the Secretary of State of the public officers who failed to file the statements of financial disclosure required by subsection 1 or who failed to file those statements in a timely manner. The notice must be sent within 30 days after the deadlines set forth in subsection 1 and must include:~~

~~— (a) The name of each public officer who failed to file a statement of financial disclosure within the period before the notice is sent;~~

~~— (b) The name of each public officer who filed a statement of financial disclosure after the deadlines set forth in subsection 1 but within the period before the notice is sent;~~

~~— (c) For the first notice sent after the public officer filed a statement of financial disclosure, the name of each public officer who filed a statement of financial disclosure after the deadlines set forth in subsection 1 but within the period before the notice is sent; and~~

~~— (d) For each public officer listed in paragraph (c), the date on which the statement of financial disclosure was due and the date on which the public officer filed the statement.~~

~~— 5. In addition to the notice provided pursuant to subsection 4, the Commission shall notify the Secretary of State of each public officer who files a statement of financial disclosure more than 30 days after the deadlines set forth in subsection 1. The notice must include the information described in paragraphs (c) and (d) of subsection 4.~~

~~— 6. A statement of financial disclosure shall be deemed to be filed with the Commission:~~

~~— (a) On the date that it was mailed if it was sent by certified mail; or~~

~~— (b) On the date that it was received by the Commission if the statement was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.~~

~~— (Added to NRS by 2003, 3018; A 2007, 2737) (Substituted in revision for NRS 281.559)~~

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NEVADA COMMISSION ON ETHICS
Suggested Language – 2011 BDR

~~— NRS 281A.610 Filing by certain candidates for public office and certain elected public officers with Secretary of State; date on which statement deemed filed; form; regulations.~~

~~— 1. Except as otherwise provided in subsection 2, each candidate for public office who will be entitled to receive annual compensation of \$6,000 or more for serving in the office that the candidate is seeking and, except as otherwise provided in subsection 3, each public officer who was elected to the office for which the public officer is serving shall file with the Secretary of State a statement of financial disclosure, as follows:~~

~~— (a) A candidate for nomination, election or reelection to public office shall file a statement of financial disclosure no later than the 10th day after the last day to qualify as a candidate for the office. The statement must disclose the required information for the full calendar year immediately preceding the date of filing and for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office. The filing of a statement of financial disclosure for a portion of a calendar year pursuant to this paragraph does not relieve the candidate of the requirement of filing a statement of financial disclosure for the full calendar year pursuant to paragraph (b) in the immediately succeeding year, if the candidate is elected to the office.~~

~~— (b) Each public officer shall file a statement of financial disclosure on or before January 15 of each year of the term, including the year the term expires. The statement must disclose the required information for the full calendar year immediately preceding the date of filing.~~

~~— 2. Except as otherwise provided in this subsection, if a candidate for public office is serving in a public office for which the candidate is required to file a statement pursuant to paragraph (b) of subsection 1 or subsection 1 of NRS 281A.600, the candidate need not file the statement required by subsection 1 for the full calendar year for which the candidate previously filed a statement. The provisions of this subsection do not relieve the candidate of the requirement pursuant to paragraph (a) of subsection 1 to file a statement of financial disclosure for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office.~~

~~— 3. A person elected pursuant to NRS 548.285 to the office of supervisor of a conservation district is not required to file a statement of financial disclosure relative to that office pursuant to subsection 1.~~

ATTACHMENT "B"
NEVADA COMMISSION ON ETHICS
Suggested Language – 2011 BDR

~~4. A candidate for judicial office or a judicial officer shall file a statement of financial disclosure pursuant to the requirements of Canon 41 of the Nevada Code of Judicial Conduct. Such a statement of financial disclosure must include, without limitation, all information required to be included in a statement of financial disclosure pursuant to NRS 281A.620.~~

~~5. A statement of financial disclosure shall be deemed to be filed with the Secretary of State:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On the date that it was received by the Secretary of State if the statement was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.~~

~~6. The statement of financial disclosure filed pursuant to this section must be filed on the form prescribed by the Commission pursuant to NRS 281A.290.~~

~~7. The Secretary of State shall prescribe, by regulation, procedures for the submission of statements of financial disclosure filed pursuant to this section, maintain files of such statements and make the statements available for public inspection.~~

~~(Added to NRS by 1977, 1108; A 1985, 2126; 1987, 2097; 1991, 1601; 1995, 2199; 1999, 931; 2001, 1956, 2290; 2003, 160, 3020, 3396; 2003, 20th Special Session, 265; 2005, 1579; 2007, 2738) (Substituted in revision for NRS 281.561)~~

~~**NRS 281A.620 Contents; distribution of forms; costs related to production and distribution of forms.**~~

~~1. Statements of financial disclosure, as approved pursuant to NRS 281A.470 or in such form as the Commission otherwise prescribes, must contain the following information concerning the candidate for public office or public officer:~~

~~(a) The candidate's or public officer's length of residence in the State of Nevada and the district in which the candidate for public office or public officer is registered to vote.~~

~~(b) Each [source] *person or business entity from which* [of] the candidate's or public officer's *derives* income, or that of any member of the candidate's or public officer's household who is 18 years of age or older. No listing of individual clients, customers or patients is required, but if that is the case, a general source such as "professional services" must be disclosed.~~

~~(c) A list of the specific location and particular use of real estate, other than a personal residence;~~

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~~———— (1) In which the candidate for public office or public officer or a member of the candidate's or public officer's household has a legal or beneficial interest;~~

~~———— (2) Whose fair market value is \$2,500 or more; and~~

~~———— (3) That is located in this State or an adjacent state.~~

~~—— (d) The name of each creditor to whom the candidate for public office or public officer or a member of the candidate's or public officer's household owes \$5,000 or more[, except for:].~~

~~*For purposes of this subsection a creditor:*~~

~~(1) Includes a debt secured by a business entity *in which the candidate or public officer has personally guaranteed or is otherwise personally liable for any portion of the debt which amounts to \$5,000 or more; and*~~

~~(2) Does not include:~~

~~———— ([1])i) A debt secured by a mortgage or deed of trust of real property which is not required to be listed pursuant to paragraph (c); and~~

~~———— ([2])ii) A debt for which a security interest in a motor vehicle for personal use was [retained by the seller] *financed by the dealer or the seller in a private sale, but not a financial institution.*~~

~~—— (e) If the candidate for public office or public officer has received gifts in excess of an aggregate value of \$200 from a donor during the preceding taxable year, a list of all such gifts, including the identity of the donor and value of each gift, except:~~

~~———— (1) A gift received from a person who is related to the candidate for public office or public officer within the third degree of consanguinity or affinity.~~

~~———— (2) Ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion if the donor does not have a substantial interest in the legislative, administrative or political action of the candidate for public office or public officer.~~

~~—— (f) A list of each business entity with which the candidate for public office or public officer or a member of the candidate's or public officer's household is involved as a trustee, beneficiary of a trust, director, officer, owner in whole or in part, limited or general partner, or holder of a class of stock or security representing 1 percent or more of the total outstanding stock or securities issued by the business entity.~~

~~—— (g) A list of all public offices presently held by the candidate for public office or public officer for which this statement of financial disclosure is required.~~

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Suggested Language – 2011 BDR

~~—2. The Commission shall distribute or cause to be distributed the forms required for such a statement to each candidate for public office and public officer who is required to file one. The Commission is not responsible for the costs of producing or distributing a form for filing statements of financial disclosure which is prescribed pursuant to subsection 1 of NRS 281A.470.~~

~~—3. As used in this section, "member of the candidate's or public officer's household" includes:~~

~~(a) The spouse of the candidate for public office or public officer;~~

~~(b) *The person with whom the public officer is registered as a domestic partnership pursuant to Chapter 122A of Nevada Revised Statutes;*~~

~~([b]e) A person who does not live in the same home or dwelling, but who is dependent on and receiving substantial support from the candidate for public office or public officer; and~~

~~—([c]d) A person who lived in the home or dwelling of the candidate for public office or public officer for 6 months or more in the year immediately preceding the year in which the candidate for public office or public officer files the statement of financial disclosure.~~

~~—(Added to NRS by 1977, 1108; A 1985, 2127; 1991, 1602; 1995, 2200; 1997, 3331; 1999, 932; 2001, 1957; 2009, 1069) (Substituted in revision for NRS 281.571)~~

~~—**NRS 281A.630 Retention by Commission or Secretary of State.**~~

~~—1. Except as otherwise provided in subsection 2, statements of financial disclosure required by the provisions of NRS 281A.600, 281A.610 and 281A.620 must be retained by the Commission or Secretary of State for 6 years after the date of filing.~~

~~—2. For public officers who serve more than one term in either the same public office or more than one public office, the period prescribed in subsection 1 begins on the date of the filing of the last statement of financial disclosure for the last public office held.~~

~~—(Added to NRS by 1987, 2093; A 1991, 1603; 2003, 3021, 3397; 2003, 20th Special Session, 265) (Substituted in revision for NRS 281.573)~~

~~—**NRS 281A.640 Certain public officers required to submit electronically to Commission and Secretary of State list of public officers required to file statement and candidates for public office.**~~

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Suggested Language – 2011 BDR

~~— 1. A list of each public officer who is required to file a statement of financial disclosure must be submitted electronically to the Commission and to the Secretary of State, in a form prescribed by the Commission, on or before December 1 of each year by:~~

~~— (a) Each county clerk for all public officers of the county and other local governments within the county other than cities;~~

~~— (b) Each city clerk for all public officers of the city;~~

~~— (c) The Director of the Legislative Counsel Bureau for all public officers of the Legislative Branch; and~~

~~— (d) The Chief of the Budget Division of the Department of Administration for all public officers of the Executive Branch.~~

~~— 2. The Secretary of State, each county clerk, or the registrar of voters of the county if one was appointed pursuant to NRS 244.164, and each city clerk shall submit electronically to the Commission, and each county clerk, or the registrar of voters of the county if one was appointed pursuant to NRS 244.164, and each city clerk shall submit electronically to the Secretary of State, in a form prescribed by the Commission, a list of each candidate for public office who filed a declaration of candidacy or acceptance of candidacy with that officer within 10 days after the last day to qualify as a candidate for the applicable office.~~

~~— (Added to NRS by 2003, 3384; A 2003, 20th Special Session, 263) — (Substituted in revision for NRS 281.574)~~

~~**NRS 281A.650 Candidates for public office to receive form and instructions for completion of form.** The Secretary of State and each county clerk, or the registrar of voters of the county if one was appointed pursuant to NRS 244.164, or city clerk who receives from a candidate for public office a declaration of candidacy, acceptance of candidacy or certificate of candidacy shall give to the candidate the form prescribed by the Commission for the making of a statement of financial disclosure, accompanied by instructions on how to complete the form, where it must be filed and the time by which it must be filed.~~

~~— (Added to NRS by 1985, 2122; A 1987, 2098; 1997, 3475; 2001, 1958; 2003, 3397) — (Substituted in revision for NRS 281.575)~~

~~**NRS 281A.660 Civil penalty for failure to disclose: Procedure; amount; waiver.**~~

ATTACHMENT "B"
NEVADA COMMISSION ON ETHICS
Suggested Language – 2011 BDR

~~—1. If the Secretary of State receives information that a candidate for public office or public officer willfully fails to file a statement of financial disclosure or willfully fails to file a statement of financial disclosure in a timely manner pursuant to NRS 281A.600 or 281A.610, the Secretary of State may, after giving notice to that person or entity, cause the appropriate proceedings to be instituted in the First Judicial District Court.~~

~~—2. Except as otherwise provided in this section, a candidate for public office or public officer who willfully fails to file a statement of financial disclosure or willfully fails to file a statement of financial disclosure in a timely manner pursuant to NRS 281A.600 or 281A.610 is subject to a civil penalty and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.~~

~~—3. The amount of the civil penalty is:~~

~~—(a) If the statement is filed not more than 10 days after the applicable deadline set forth in subsection 1 of NRS 281A.600 or subsection 1 of NRS 281A.610, \$25.~~

~~—(b) If the statement is filed more than 10 days but not more than 20 days after the applicable deadline set forth in subsection 1 of NRS 281A.600 or subsection 1 of NRS 281A.610, \$50.~~

~~—(c) If the statement is filed more than 20 days but not more than 30 days after the applicable deadline set forth in subsection 1 of NRS 281A.600 or subsection 1 of NRS 281A.610, \$100.~~

~~—(d) If the statement is filed more than 30 days but not more than 45 days after the applicable deadline set forth in subsection 1 of NRS 281A.600 or subsection 1 of NRS 281A.610, \$250.~~

~~—(e) If the statement is not filed or is filed more than 45 days after the applicable deadline set forth in subsection 1 of NRS 281A.600 or subsection 1 of NRS 281A.610, \$2,000.~~

~~—4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section. If the Secretary of State waives a civil penalty pursuant to this subsection, the Secretary of State shall:~~

~~—(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and~~

~~—(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.~~

~~—5. As used in this section, "willfully" means intentionally and knowingly.~~

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Suggested Language – 2011 BDR

~~— (Added to NRS by 1977, 1109; A 1985, 2128; 1997, 3333; 1999, 934, 2746; 2001, 1958, 2290, 2924, 2931, 2932, 2934; 2003, 3021, 3397; 2003, 20th Special Session, 265; 2009, 1070) — (Substituted in revision for NRS 281.581)~~

CHAPTER 281A

ETHICS IN GOVERNMENT

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REVISER'S NOTE.

NAC 281.005 to 281.242, inclusive, have been renumbered and moved to chapter 281A of NAC in accordance with chapter 195, Statutes of Nevada 2007, at page 641, which required the related provisions of chapter 281 of NRS to be renumbered and moved to chapter 281A of NRS.

GENERAL PROVISIONS

NAC 281A.010 Definitions. (NRS 281A.290) As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 281A.015 to 281A.105, inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Comm'n on Ethics by R038-98, eff. 4-17-98; A by R102-00, 8-28-2000; R111-03, 10-30-2003; R186-05, 5-4-2006)—(Substituted in revision for NAC 281.005)

NAC 281A.015 "Advisory opinion" defined. (NRS 281A.290) "Advisory opinion" means an opinion rendered by the Commission upon the request of a public officer or public employee pursuant to subsection 1 of NRS 281A.440.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R111-03, 10-30-2003)—(Substituted in revision for NAC 281.007)

NAC 281A.020 "Chair" defined. (NRS 281A.290) "Chair" means the Chair of the Commission.

(Added to NAC by Comm'n on Ethics by R038-98, eff. 4-17-98)—(Substituted in revision for NAC 281.011)

NAC 281A.023 "Commission" defined. (NRS 281A.290) "Commission" means the Commission on Ethics.

(Added to NAC by Comm'n on Ethics by R084-08, eff. 9-18-2008)

NAC 281A.025 "Commission Counsel" defined. (NRS 281A.290) "Commission Counsel" means the legal counsel to the Commission appointed by the Commission pursuant to NRS 281A.250.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000)—(Substituted in revision for NAC 281.0151)

NAC 281A.030 "Ethics complaint" defined. (NRS 281A.290) "Ethics complaint" means a request for an opinion submitted to the Commission pursuant to paragraph (a) or (b) of subsection 2 of NRS 281A.440 or initiated by the Commission on its own motion pursuant to paragraph (c) of subsection 2 of NRS 281A.440.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R111-03, 10-30-2003; R084-08, 9-18-2008)—(Substituted in revision for NAC 281.0156)

NAC 281A.033 "Executive Director" defined. (NRS 281A.290) "Executive Director" means the Executive Director appointed by the Commission pursuant to NRS 281A.230.

(Added to NAC by Comm'n on Ethics by R084-08, eff. 9-18-2008)

NAC 281A.035 "Hearing" defined. (NRS 281A.290) "Hearing" means a hearing concerning:

1. The merits of an ethics complaint; or
2. An advisory opinion.

(Added to NAC by Comm'n on Ethics by R038-98, eff. 4-17-98; A by R102-00, 8-28-2000; R111-03, 10-30-2003; R186-05, 5-4-2006)—(Substituted in revision for NAC 281.016)

NAC 281A.040 “Information related to the ethics complaint” defined. (NRS 281A.290) “Information related to the ethics complaint” includes, without limitation:

1. An ethics complaint;
2. All investigative materials and information related to the ethics complaint, including, without limitation, any investigation report;
3. Each document in the possession of the Commission or its staff related to the ethics complaint; and
4. The record of the proceedings of a panel related to the ethics complaint.

➔ The term does not include any confidential information unless the confidentiality of the information has been expressly or impliedly waived.

(Added to NAC by Comm’n on Ethics by R102-00, eff. 8-28-2000; A by R084-08, 9-18-2008)—(Substituted in revision for NAC 281.0162)

NAC 281A.045 “Investigate” defined. (NRS 281A.290) “Investigate” means to examine and inquire into a matter and to marshal evidence according to those methods and employing those services that the Executive Director determines are reasonable and necessary under the relevant facts and circumstances presented by the matter.

(Added to NAC by Comm’n on Ethics by R102-00, eff. 8-28-2000)—(Substituted in revision for NAC 281.0163)

NAC 281A.050 “Opinion” defined. (NRS 281A.290) “Opinion” means a quasi-judicial decision rendered by the Commission pursuant to NRS 281A.440.

(Added to NAC by Comm’n on Ethics by R102-00, eff. 8-28-2000; A by R186-05, 5-4-2006)—(Substituted in revision for NAC 281.0167)

NAC 281A.055 “Panel” defined. (NRS 281A.290) “Panel” has the meaning ascribed to it in NRS 281A.140.

(Added to NAC by Comm’n on Ethics by R186-05, eff. 5-4-2006)—(Substituted in revision for NAC 281.0168)

NAC 281A.060 “Party” defined. (NRS 281A.290) “Party” means the subject of the request and any other person who the Commission determines will be treated as a party in the matter before the Commission. The term does not include the requester of an ethics complaint unless the Commission, in its discretion, determines otherwise.

(Added to NAC by Comm’n on Ethics by R038-98, eff. 4-17-98; A by R102-00, 8-28-2000)—(Substituted in revision for NAC 281.017)

NAC 281A.065 “Presiding officer” defined. (NRS 281A.290) “Presiding officer” means a member of the Commission appointed by the Chair to preside over a hearing.

(Added to NAC by Comm’n on Ethics by R186-05, eff. 5-4-2006)—(Substituted in revision for NAC 281.0173)

NAC 281A.070 “Principal office of the Commission” defined. (NRS 281A.290) “Principal office of the Commission” means the office of the Commission designated by the Commission pursuant to NAC 281A.190 as the office in which the business of the Commission must be primarily conducted.

(Added to NAC by Comm’n on Ethics by R186-05, eff. 5-4-2006)—(Substituted in revision for NAC 281.0177)

NAC 281A.075 “Proceedings of a panel” defined. (NRS 281A.290) “Proceedings of a panel” means a review by a panel of the recommendation of the Executive Director concerning an ethics complaint as to whether the Commission has jurisdiction over an ethics complaint or

whether just and sufficient cause exists for the Commission to render an opinion pursuant to subsection 2 of NRS 281A.440. For the purposes of this chapter, the proceedings of a panel do not constitute a hearing.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R111-03, 10-30-2003; R186-05, 5-4-2006)—(Substituted in revision for NAC 281.0182)

NAC 281A.080 “Proper form” defined. (NRS 281A.290) “Proper form” means a form, available from an office or website of the Commission, which is:

1. Created by the Commission for the intended purpose of the form; and
2. Submitted to the Commission at the principal office of the Commission with all required information clearly and legibly printed or typed on the form.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R186-05, 5-4-2006)—(Substituted in revision for NAC 281.0184)

NAC 281A.085 “Record of the proceedings of a panel” defined. (NRS 281A.290) “Record of the proceedings of a panel” means written or audio documentation memorializing the deliberations of a panel during its proceedings.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R084-08, 9-18-2008)—(Substituted in revision for NAC 281.0189)

NAC 281A.090 “Requester” defined. (NRS 281A.290) “Requester” means a person or group of persons who file with the Commission an ethics complaint pursuant to subsection 2 of NRS 281A.440.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R111-03, 10-30-2003; R186-05, 5-4-2006)—(Substituted in revision for NAC 281.0192)

NAC 281A.095 “Statement of financial disclosure” defined. (NRS 281A.290) “Statement of financial disclosure” means the form which a public officer who is appointed to an office must file with the Commission pursuant to NRS 281A.600.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R111-03, 10-30-2003)—(Substituted in revision for NAC 281.0197)

NAC 281A.100 “Subject” defined. (NRS 281A.290) “Subject” means a public officer or public employee:

1. Against whom an ethics complaint has been filed pursuant to subsection 2 of NRS 281A.440; or
2. Who files a request for an advisory opinion pursuant to subsection 1 of NRS 281A.440.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R186-05, 5-4-2006)—(Substituted in revision for NAC 281.0198)

NAC 281A.105 “Vice Chair” defined. (NRS 281A.290) “Vice Chair” means the Vice Chair of the Commission.

(Added to NAC by Comm'n on Ethics by R038-98, eff. 4-17-98)—(Substituted in revision for NAC 281.021)

NAC 281A.110 Severability. (NRS 281A.290)

1. The provisions of this chapter are hereby declared to be severable.
2. If any provision of this chapter is held invalid, or if the application of any such provision to any person, thing or circumstance is held invalid, such invalidity does not affect any other provision of this chapter that can be given effect without the invalid provision or application.

(Added to NAC by Comm'n on Ethics by R038-98, eff. 4-17-98; A by R102-00, 8-28-2000; R111-03, 10-30-2003; R186-05, 5-4-2006)—(Substituted in revision for NAC 281.024)

COMMISSION ON ETHICS

Administration

NAC 281A.150 Election of Chair and Vice Chair. (NRS 281A.290) The Commission will elect a Chair and a Vice Chair from among its members at its first meeting of each new fiscal year.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R111-03, 10-30-2003)—(Substituted in revision for NAC 281.0245)

NAC 281A.155 Duties of Chair; delegation of assignments. (NRS 281A.290) The Chair:

1. Shall preside over the meetings and hearings of the Commission.
2. May delegate assignments of work to the staff of the Commission as necessary and appropriate, including, without limitation, the scheduling of panels.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R084-08, 9-18-2008)—(Substituted in revision for NAC 281.0246)

NAC 281A.160 Duties of Vice Chair. (NRS 281A.290) The Vice Chair shall perform the duties of the Chair during the absence of the Chair.

(Added to NAC by Comm'n on Ethics, eff. 12-24-85; A by R038-98, 4-17-98; R102-00, 8-28-2000)—(Substituted in revision for NAC 281.027)

NAC 281A.165 Vacancy in office of Chair. (NRS 281A.290) If the office of Chair becomes vacant, the Vice Chair shall serve as the Acting Chair until the next meeting of the Commission, at which time the Commission will elect a successor to fill the unexpired term of the Chair.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000)—(Substituted in revision for NAC 281.029)

NAC 281A.170 Vacancy in office of Vice Chair. (NRS 281A.290) If the office of the Vice Chair becomes vacant, a successor will be elected by the Commission at its next meeting to fill the unexpired term of the Vice Chair.

(Added to NAC by Comm'n on Ethics, eff. 12-24-85; A by R102-00, 8-28-2000)—(Substituted in revision for NAC 281.035)

NAC 281A.175 Appointment of temporary Acting Chair or Vice Chair in certain circumstances. (NRS 281A.290) If both the Chair and Vice Chair are disqualified or recused from participating in a matter, the Commission may appoint a temporary Acting Chair or Vice Chair, or both, for the matter.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000)—(Substituted in revision for NAC 281.038)

NAC 281A.180 Duties of Executive Director. (NRS 281A.290) In addition to any other duties of the Executive Director required by this chapter or chapter 281A of NRS, or as otherwise imposed by the Commission, the Executive Director shall:

1. Pursuant to paragraph (e) of subsection 1 of NRS 281A.240, create a curriculum for training and conduct training for public officers and employers of public employees on the requirements of this chapter, chapter 281A of NRS and previous opinions of the Commission that have been determined by the Commission to have broad educational value.

2. At the first meeting of the Commission of each new fiscal year, report to the Commission on the state of the fiscal, regulatory and legislative matters and any other business matters of the Commission for the prior fiscal year and on the goals for the Commission for the new fiscal year.

3. Adhere to the policies and procedures adopted by the Commission for its internal governance and external dealings.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R111-03, 10-30-2003; R186-05, 5-4-2006; R084-08, 9-18-2008)—(Substituted in revision for NAC 281.053)

NAC 281A.185 Preparation of written opinions by Commission Counsel. (NRS 281A.290) In addition to any other duties imposed on him or her by the Commission, the Commission Counsel shall, in a timely manner, prepare a written opinion for each ethics complaint and advisory matter heard by the Commission.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R186-05, 5-4-2006)—(Substituted in revision for NAC 281.056)

NAC 281A.190 Principal office of Commission: Designation; primary location for conduct of business. (NRS 281A.290)

1. The Commission will designate which office of the Commission will serve as the principal office of the Commission.

2. The business of the Commission must be primarily conducted in the principal office of the Commission, including, without limitation, the submission of any documents and any requests for an opinion from the Commission.

(Added to NAC by Comm'n on Ethics by R186-05, eff. 5-4-2006)—(Substituted in revision for NAC 281.066)

NAC 281A.195 Participation of member of Commission in ex parte communication. (NRS 281A.290)

1. If any member of the Commission participates in an ex parte communication, the member must disclose to the Commission that he or she participated in an ex parte communication.

2. If a member of the Commission discloses that he or she participated in an ex parte communication or the Commission otherwise determines that a member of the Commission participated in an ex parte communication, the Commission may require the member to abstain from participating with the Commission in any hearing or determination to be made by the Commission concerning the matter that was the subject of the ex parte communication.

3. As used in this section, "ex parte communication" means any written or oral communication between a person who has any matter pending before the Commission, or any agent of such person, and a member of the Commission which:

- (a) Is communicated outside the presence of the entire Commission;
- (b) Is not communicated during a formal proceeding of the Commission; and
- (c) Includes any comment, response or argument regarding any:
 - (1) Ongoing investigation by the Commission; or
 - (2) Matter that is pending before the Commission.

(Added to NAC by Comm'n on Ethics by R186-05, eff. 5-4-2006)—(Substituted in revision for NAC 281.076)

NAC 281A.200 Meetings of Commission: Majority required; necessary quorum reduced for ineligible member. (NRS 281A.290)

1. A meeting of the Commission will not proceed without a majority of the appointed and sworn members of the Commission present. Except as otherwise provided in this chapter, a majority vote of the members present and eligible to vote at a meeting is sufficient to carry out all business of the Commission.

2. If the Commission is considering a matter on which a member of the Commission is ineligible to participate pursuant to subsection 4 of NRS 281A.220, subsection 3 of

NRS 281A.420 or NAC 281A.505, the necessary quorum to act upon and the number of votes necessary to act upon the matter is reduced as though the member who is disqualified is not a member of the Commission.

(Added to NAC by Comm'n on Ethics, eff. 12-24-85; A by R038-98, 4-17-98; R102-00, 8-28-2000; R111-03, 10-30-2003; R186-05, 5-4-2006; R084-08, 9-18-2008)—(Substituted in revision for NAC 281.085)

General Practice and Procedure Before Commission

NAC 281A.250 Provisions governing practice and procedure: Applicability; construction; deviation. (NRS 281A.290)

1. Except as otherwise provided in subsection 3, the provisions of NAC 281A.250 to 281A.290, inclusive, govern all practice and procedure before the Commission.

2. The Commission will liberally construe the provisions of NAC 281A.250 to 281A.290, inclusive, to determine all matters before the Commission in a just, speedy and economical manner.

3. For good cause shown, the Commission may deviate from the provisions of NAC 281A.250 to 281A.290, inclusive, if the deviation will not materially affect the interests of the party who is the subject of the request.

(Added to NAC by Comm'n on Ethics by R038-98, eff. 4-17-98; A by R102-00, 8-28-2000; R111-03, 10-30-2003)—(Substituted in revision for NAC 281.093)

NAC 281A.255 Written communications and documents: Form and contents; date and manner of filing. (NRS 281A.290)

1. Each written communication or document filed with the Commission must:

- (a) Be in proper form;
- (b) Be clearly and legibly typed or printed on 8 1/2- by 11-inch paper, on one side only;
- (c) Be addressed to the principal office of the Commission; and
- (d) Include any duplicate copy required to be included with the form, as specified on the form.

2. Except as otherwise provided in NAC 281A.615:

(a) The Commission will consider a written communication or document which is required to be filed with the Commission to have been filed with the Commission on the date on which the communication or document is received at the principal office of the Commission.

(b) A written communication or document that is required to be filed with the Commission may not be submitted via facsimile transmission.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R111-03, 10-30-2003; R186-05, 5-4-2006; R084-08, 9-18-2008)—(Substituted in revision for NAC 281.097)

NAC 281A.260 Consolidation of matters. (NRS 281A.290) The Commission may consolidate, in whole or in part, two or more matters into one hearing if the Commission determines that the matters share common facts and issues.

(Added to NAC by Comm'n on Ethics by R038-98, eff. 4-17-98; A by R102-00, 8-28-2000)—(Substituted in revision for NAC 281.101)

REVISER'S NOTE.

Section 36 of LCB File No. R102-00 duplicated former NAC 281.101 (cf. NAC 281A.260) with minor changes. Thus, former NAC 281.101 (cf. NAC 281A.260) has been amended during codification to reflect this new language.

NAC 281A.265 Motions. (NRS 281A.290)

1. Motions related to an ethics complaint may only be made:

(a) After a panel has made a final determination that just and sufficient cause exists for the Commission to render an opinion pursuant to NRS 281A.220; and

(b) Before the hearing on the matter unless the cause for the motion arises at and during the hearing on the matter.

2. A motion that is made before the hearing on the matter must be in writing and must be filed at the principal office of the Commission not later than 15 days before the date of the hearing.

3. A written motion must contain:

(a) A brief statement of the facts and the points and authorities upon which the motion is based;

(b) A description of the relief sought; and

(c) A certificate of mailing which indicates that the motion was served upon all other parties to the matter.

4. The Commission, in its discretion, may allow a party making a motion to argue the motion before the Commission.

5. The Commission, in its discretion, may allow a party or any other person to respond to a motion.

6. The Chair, in his or her discretion, may accept and rule upon a motion on a matter, except a motion for disposition of a matter, at any time before, during or after the hearing by the Commission on the matter.

7. A motion for rehearing or for the reconsideration of an opinion on a matter issued by the Commission must be filed with the Commission not later than 15 days after the date on which the final opinion of the Commission is served.

(Added to NAC by Comm'n on Ethics by R038-98, eff. 4-17-98; A by R102-00, 8-28-2000; R111-03, 10-30-2003; R186-05, 5-4-2006; R084-08, 9-18-2008)—(Substituted in revision for NAC 281.103)

NAC 281A.270 Discovery. (NRS 281A.290) The provisions for civil discovery set forth in N.R.C.P. 26 to 37, inclusive, do not apply to matters before the Commission. Upon the request of a party, for good cause shown, the Chair may allow discovery on a matter before the Commission to the extent which he or she deems appropriate.

(Added to NAC by Comm'n on Ethics by R038-98, eff. 4-17-98; A by R102-00, 8-28-2000; R111-03, 10-30-2003)—(Substituted in revision for NAC 281.106)

NAC 281A.275 Stipulations. (NRS 281A.290)

1. A party in a matter before the Commission may stipulate to any fact in issue. The stipulation must be in writing or made by oral statement on the record.

2. At its discretion and with the agreement of the subject of an ethics complaint, the Commission may, in lieu of holding a hearing, resolve a matter before the Commission with a stipulated agreement. Such a stipulated agreement must be in writing or made by oral statement on the record.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000)—(Substituted in revision for NAC 281.109)

NAC 281A.280 Oaths. (NRS 281A.290)

1. The Chair and Vice Chair, including an Acting Chair and Acting Vice Chair, if any, may administer oaths.

2. A court reporter present at meetings and hearings may administer oaths.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R111-03, 10-30-2003)—(Substituted in revision for NAC 281.112)

NAC 281A.285 Subpoenas. (NRS 281A.290)

1. A subject of an ethics complaint may request that a subpoena be issued by filing a written request for a subpoena at the principal office of the Commission. A subject of an ethics complaint who requests the issuance and service of a subpoena pursuant to this section shall pay all expenses related to the issuance and service of the subpoena.

2. Service of a subpoena issued pursuant to this section or NRS 281A.300 must be made in the manner provided by Rule 45 of the Nevada Rules of Civil Procedure.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R186-05, 5-4-2006)—(Substituted in revision for NAC 281.1125)

NAC 281A.290 Testimony in person required; exception. (NRS 281A.290) A subject or witness before the Commission shall testify in person, except that the Commission may, for good cause shown, allow a witness to testify by telephone or videoconference.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R186-05, 5-4-2006)—(Substituted in revision for NAC 281.1127)

NAC 281A.295 Conduct of persons at meetings and hearings; consequences of improper conduct. (NRS 281A.290)

1. All persons appearing before, or attending a meeting or hearing of, the Commission shall conduct themselves in a polite, respectful and orderly manner. Smoking is not allowed at any meeting or hearing of the Commission.

2. The Commission will require a person who does not comply with subsection 1 to leave the room where the meeting or hearing is being held, and the person will be barred from attending the remainder of the meeting or hearing.

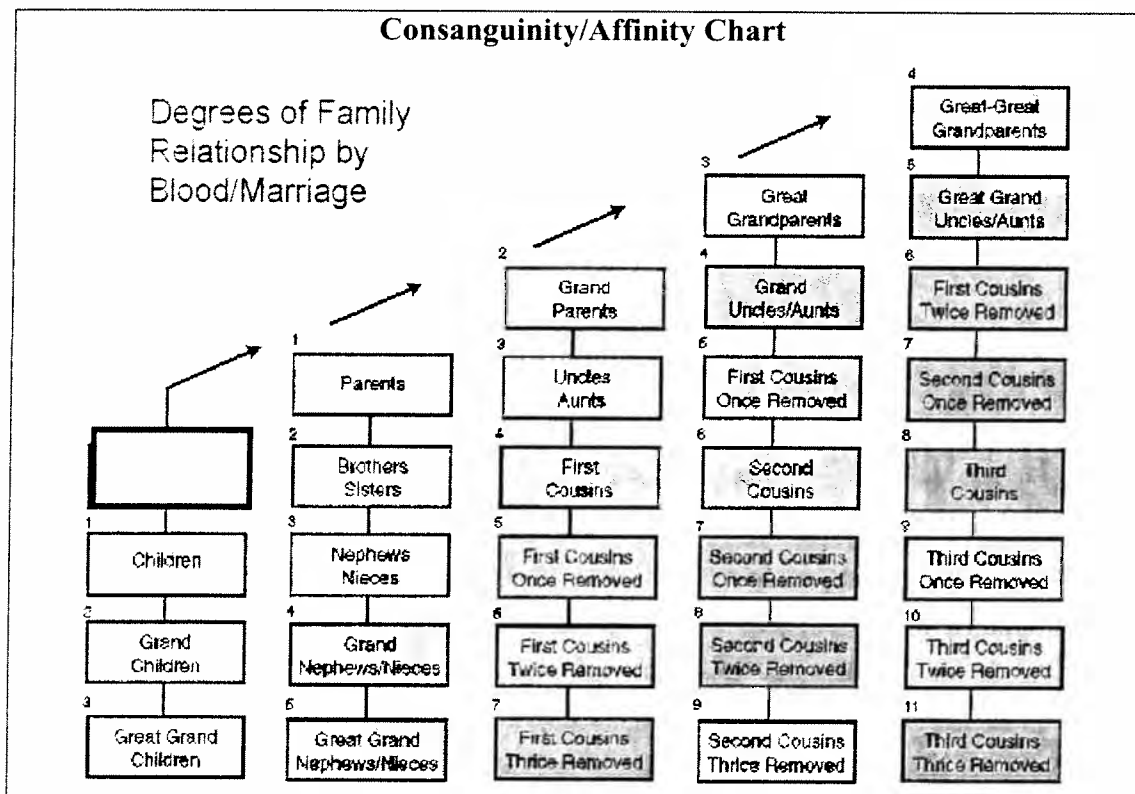
(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000)—(Substituted in revision for NAC 281.1129)

NAC 281A.300 Representation of subject by legal counsel. (NRS 281A.290) A subject may retain legal counsel to represent his or her interest during:

1. Any investigation of an ethics complaint; or
2. Any hearing.

(Added to NAC by Comm'n on Ethics by R186-05, eff. 5-4-2006)—(Substituted in revision for NAC 281.1131)

NAC 281A.310 Determination of relationships within third degree of consanguinity or affinity. (NRS 281A.290) For the purposes of NRS 281A.420 and 281A.620, the Commission will determine relationships within the third degree of consanguinity or affinity pursuant to the following chart and instructions:



INSTRUCTION:

For Consanguinity (relationship by blood) calculations:

Place the public officer/employee for whom you need to establish relationships by consanguinity in the blank box. The labeled boxes will then list the relationship by title to the public officer/employee and the degree of distance from the public officer/employee.

Anyone in a box numbered 1, 2, or 3 is within the third degree of consanguinity. Nevada Ethics in Government Law addresses consanguinity within the third degree by blood, adoption or marriage.

For Affinity (relationship by marriage) calculations:

Place the spouse of the public officer/employee for whom you need to establish relationships by affinity in the blank box. The labeled boxes will then list the relationship by title to the spouse and the degree of distance from the public officer/employee by affinity.

A husband and wife are related in the first degree by marriage. For other relationships by marriage, the degree of relationship is the same as the degree of underlying relationship by blood.

(Added to NAC by Comm'n on Ethics by R084-08, eff. 9-18-2008)

Advisory Opinions

NAC 281A.350 Proper form required for requests. (NRS 281A.290) The Commission will only consider those requests by a public officer or public employee for an advisory opinion which are submitted to the Commission in proper form.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000)—(Substituted in revision for NAC 281.1135)

NAC 281A.353 Hearings. (NRS 281A.290)

1. Except as otherwise provided in subsection 2, a request for an opinion pursuant to subsection 1 of NRS 281A.440 will be heard by the Commission within 45 days after receipt of the request by the Commission.

2. If a public officer or public employee who requests an opinion pursuant to subsection 1 of NRS 281A.440 cannot appear before the Commission for a hearing on the request within 45 days after receipt of the request by the Commission, the public officer or public employee may submit a written statement acknowledging that he or she cannot appear before the Commission for the hearing and requesting a waiver of the 45-day period within which the hearing must be held. Such a request must be received not later than 7 business days before the expiration of the 45-day period.

3. If the public officer or public employee does not request a waiver pursuant to subsection 2 and fails to appear at the hearing scheduled by the Commission within 45 days after receipt of the request for an opinion, the request for an opinion will be deemed withdrawn by the public officer or public employee making the request.

(Added to NAC by Comm'n on Ethics by R084-08, eff. 9-18-2008)

NAC 281A.355 Withdrawal of request. (NRS 281A.290) At any time before the Commission renders an advisory opinion pursuant to NRS 281A.440, the public officer or public employee who filed the request for the advisory opinion may withdraw the request by providing a notice of withdrawal to the Commission.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R111-03, 10-30-2003)—(Substituted in revision for NAC 281.1145)

NAC 281A.360 Determination of jurisdiction: Duties of Executive Director; request for review. (NRS 281A.290) The Executive Director shall confer with the Commission Counsel to determine jurisdiction concerning requests for an advisory opinion. If the Commission Counsel determines that the Commission lacks jurisdiction in the matter, the Executive Director shall so notify the requesting public officer or public employee. A public officer or public employee who receives a notice pursuant to this section may request the Commission to review the determination regarding jurisdiction. Such a request must be submitted to the principal office of the Commission in writing not later than 10 days after the date on which the public officer or public employee received notification.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R111-03, 10-30-2003; R186-05, 5-4-2006)—(Substituted in revision for NAC 281.1155)

NAC 281A.365 Conduct of hearings; action by Commission; effect of opinion; confidentiality. (NRS 281A.290)

1. The Chair or presiding officer of a hearing concerning a request for an advisory opinion shall:

(a) Ascertain whether the subject of the request for an advisory opinion and all persons requested by the subject to testify are present and whether all documents, books, records and other evidence under subpoena are present in the hearing room before the hearing begins.

(b) Ensure that an oath is administered, in accordance with NAC 281A.280, to the subject of the request for an advisory opinion and all persons whose testimony will be taken.

2. The subject of the request for an advisory opinion must be present at the hearing.

3. The Chair or presiding officer shall allow the subject of the request for an advisory opinion to:

(a) Present opening comments;

(b) Present any evidence on his or her own behalf; and

(c) Examine any witnesses on his or her own behalf.

4. The subject of the request for an advisory opinion, any witnesses or any counsel retained by the subject may be questioned by any member of the Commission at any time during the proceeding.

5. Upon the conclusion of the presentation of evidence by the subject of the request for an advisory opinion and the examination of any witnesses, the Chair or presiding officer shall allow the subject to present closing comments.

6. Upon the conclusion of the closing comments by the subject of the request for an advisory opinion, the Commission will:

(a) Deliberate the issues of fact presented at the hearing, make a final determination of the findings of fact and apply the applicable law to the findings of fact;

(b) Render an advisory opinion on the matter; and

(c) Submit a copy of the advisory opinion to the subject.

7. The advisory opinion rendered by the Commission shall be binding upon the subject of the advisory opinion as to his or her future conduct pursuant to subsection 1 of NRS 281A.440.

8. The Commission may waive any provision of this section if the Commission determines that such a waiver is necessary to expedite the hearing or is in the interest of justice.

9. The request for an advisory opinion and the information presented during the proceedings set forth in this section must be kept confidential, unless the subject of the advisory opinion acts in a manner set forth in subsection 7 of NRS 281A.440 to waive the confidentiality of such information.

(Added to NAC by Comm'n on Ethics by R186-05, eff. 5-4-2006)—(Substituted in revision for NAC 281.1175)

Ethics Complaints

NAC 281A.400 Proper form required; filing; contents; withdrawal. (NRS 281A.290)

1. The Commission will only consider ethics complaints submitted pursuant to paragraph (a) or (b) of subsection 2 of NRS 281A.440 which are filed in proper form with the Executive Director at the principal office of the Commission.

2. An ethics complaint submitted pursuant to paragraph (a) or (b) of subsection 2 of NRS 281A.440 must contain:

(a) The original completed form for an ethics complaint in the format required by the Commission;

(b) Two copies of the completed form; and

(c) Three copies of all supporting documents and evidence.

3. An ethics complaint submitted pursuant to paragraph (a) or (b) of subsection 2 of NRS 281A.440 must be accompanied by evidence which supports the allegation that the subject has violated a statutory ethical standard set forth in the ethics complaint and demonstrates that the alleged conduct of the subject would constitute a violation of chapter 281A of NRS.

4. Once an ethics complaint has been filed with the Commission pursuant to paragraph (a) or (b) of subsection 2 of NRS 281A.440, the requester of the ethics complaint may only withdraw the ethics complaint with the consent of the Executive Director.

5. A request to withdraw an ethics complaint submitted pursuant to paragraph (a) or (b) of subsection 2 of NRS 281A.440 must be in writing and set forth the specific reasons for requesting the withdrawal of the ethics complaint.

6. As used in this section, "evidence which supports the allegation" means any reliable and competent form of proof provided by witnesses, public and private records, audio or visual recordings, documents, exhibits, concrete objects and other such forms of proof that support a reasonable belief in the allegation made in the ethics complaint. The term includes any evidence which is offered that corroborates a newspaper article or other media report. The term does not include a newspaper article or other media report if the article or report is offered by itself.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R186-05, 5-4-2006; R084-08, 9-18-2008)—(Substituted in revision for NAC 281.186)

NAC 281A.403 Recommendation to initiate complaint upon motion of Commission. (NRS 281A.290)

1. If the Executive Director receives evidence that leads the Executive Director reasonably to conclude that a public officer or public employee may have committed a violation of the Nevada Ethics in Government Law as set forth in chapter 281A of NRS, the Executive Director may recommend to the Commission that the Commission initiate an ethics complaint upon its own motion pursuant to paragraph (c) of subsection 2 of NRS 281A.440.

2. A recommendation from the Executive Director pursuant to subsection 1 must:

(a) Be submitted on a form prescribed by the Commission;

(b) Contain a written statement setting forth the information that supports the recommendation; and

(c) Include any reliable and competent form of proof provided by witnesses, public and private records, audio or visual recordings, documents, exhibits, concrete objects and other such forms of proof that support the recommendation. Such forms of proof may include, without

limitation, any evidence which is offered that corroborates a newspaper article or other media report but may not include a newspaper article or other media report if the article or report is offered by itself.

3. The Executive Director shall not submit a recommendation to the Commission pursuant to subsection 1 based solely upon:

- (a) A statement other than a sworn statement; or
- (b) An allegation submitted to the Commission with the intent to avoid disclosure of the identity of the person making the allegation.

4. Upon receiving a recommendation from the Executive Director pursuant to subsection 1, the Commission will:

- (a) Reject the recommendation without prejudice; or
- (b) Accept the recommendation and initiate an ethics complaint upon its own motion pursuant to paragraph (c) of subsection 2 of NRS 281A.440.

(Added to NAC by Comm'n on Ethics by R084-08, eff. 9-18-2008)

NAC 281A.405 Duties of Executive Director; review of determination regarding jurisdiction. (NRS 281A.290)

1. The Executive Director shall confer with the Commission Counsel to determine whether:

- (a) The Commission has jurisdiction concerning an ethics complaint submitted pursuant to paragraph (a) or (b) of subsection 2 of NRS 281A.440; and
- (b) The ethics complaint was properly filed with the Commission in accordance with NAC 281A.400.

2. If the Executive Director and Commission Counsel determine that the Commission has jurisdiction concerning the ethics complaint and that the ethics complaint was properly filed pursuant to NAC 281A.400, the Executive Director shall investigate and proceed in the matter pursuant to NRS 281A.440.

3. The Executive Director shall notify the requester if the Executive Director and Commission Counsel determine that:

- (a) The Commission lacks jurisdiction concerning the ethics complaint pursuant to subsection 1; or
- (b) The ethics complaint was not properly filed with the Commission in accordance with NAC 281A.400.

4. A person who receives a notice pursuant to paragraph (a) of subsection 3 may request a review of the determination regarding jurisdiction by a panel. Such a request must be submitted to the principal office of the Commission in writing not later than 10 days after the date on which the person received notification. The Chair will appoint a panel to conduct the review of the determination regarding jurisdiction.

5. If a panel appointed pursuant to subsection 4 determines that the Commission has jurisdiction concerning an ethics complaint submitted pursuant to paragraph (a) or (b) of subsection 2 of NRS 281A.440, the Executive Director shall investigate and proceed in the matter pursuant to NRS 281A.440. Upon conclusion of the investigation, the Executive Director shall, to the extent possible, submit his or her recommendation regarding just and sufficient cause required pursuant to NRS 281A.440 to the same panel that determined that the Commission has jurisdiction concerning the ethics complaint.

(Added to NAC by Comm'n on Ethics by R111-03, eff. 10-30-2003; A by R186-05, 5-4-2006; R084-08, 9-18-2008)—(Substituted in revision for NAC 281.1865)

NAC 281A.410 Notification of subject; filing of response. (NRS 281A.290)

1. Once an ethics complaint has been properly filed with the Commission by a requester or initiated on the motion of the Commission and the Commission has determined that the Commission has jurisdiction over the matter presented in the ethics complaint, the Executive Director shall forthwith notify the public officer or public employee who is the subject of the

ethics complaint and provide the public officer or public employee an opportunity to respond to the allegations contained in the ethics complaint. Such a notification must be in writing and sent to the subject of the ethics complaint by:

- (a) Personal delivery;
- (b) Certified mail, return receipt requested; or
- (c) Overnight delivery service in which proof of delivery is documented.

2. A notice of an ethics complaint made pursuant to this section must include:

- (a) All information filed by the requester of the ethics complaint or information upon which the Commission based its motion, as appropriate;
- (b) A copy of chapter 281A of NRS;
- (c) A copy of this chapter;
- (d) An outline of the process used by the Commission to resolve ethics complaints; and
- (e) A form prescribed by the Commission for waiving the time limits set forth in subsections 4 and 5 of NRS 281A.440.

3. The subject of an ethics complaint may file a written response to the ethics complaint with the Commission. Except as otherwise provided in this subsection, if the subject of an ethics complaint files a response with the Commission, the response must be filed not later than 10 days after the date on which he or she received the notice of the ethics complaint. If the subject of an ethics complaint files with the Commission a waiver of the time limits set forth in subsections 4 and 5 of NRS 281A.440, the Executive Director may authorize the response to be filed not later than 20 days after the date on which the subject of an ethics complaint received the notice of the ethics complaint.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R111-03, 10-30-2003; R186-05, 5-4-2006; R084-08, 9-18-2008)—(Substituted in revision for NAC 281.188)

NAC 281A.415 Investigation of additional issues and facts by Executive Director; provision of additional notice to subject. (NRS 281A.290)

1. The Executive Director may investigate relevant issues and facts beyond those presented in an ethics complaint in determining his or her written recommendation of whether just and sufficient cause exists for the Commission to render an opinion on the ethics complaint.

2. If the Executive Director includes issues and facts beyond those presented in the ethics complaint in his or her written recommendations which are not included in the notice issued to the subject pursuant to NAC 281A.410, the Executive Director must provide additional notice to the subject of the additional issues and facts and provide the subject with the same opportunity to respond to such issues and facts that is set forth in subsection 3 of NAC 281A.410.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R186-05, 5-4-2006)—(Substituted in revision for NAC 281.189)

NAC 281A.420 Confidentiality and availability of information. (NRS 281A.290)

1. Except as otherwise provided in NRS 281A.440, until the conclusion of the proceedings of a panel to determine whether there is just and sufficient cause for the Commission to render an opinion in the matter:

- (a) The Commission will not confirm or deny whether an ethics complaint has been filed by a requester, or initiated upon the motion of the Commission, against a public officer or public employee; and

- (b) All information related to the ethics complaint in the possession of the Commission and its staff is confidential.

2. Upon the conclusion of the proceedings of the panel on an ethics complaint, the information related to the ethics complaint is a public record available for public review during normal business hours at the principal office of the Commission.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R111-03, 10-30-2003; R186-05, 5-4-2006; R084-08, 9-18-2008)—(Substituted in revision for NAC 281.191)

NAC 281A.425 Confidentiality of proceedings of panel. (NRS 281A.290) The proceedings of a panel to determine whether just and sufficient cause exists for the Commission to render an opinion on an ethics complaint are confidential and closed to all persons except the parties to the complaint and any other person the panel deems necessary to the proceedings.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000)—(Substituted in revision for NAC 281.192)

NAC 281A.430 Considerations of panel. (NRS 281A.290) At its proceedings on an ethics complaint, a panel shall consider:

1. The results of the investigation of the Executive Director and the recommendation of the Executive Director regarding just and sufficient cause;
2. The ethics complaint and all related information and material filed with the Commission by the requester or submitted on the motion of the Commission; and
3. The response, if any, of the public officer or public employee who is the subject of the ethics complaint.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R111-03, 10-30-2003; R186-05, 5-4-2006)—(Substituted in revision for NAC 281.193)

NAC 281A.435 Basis for finding by panel; unanimous finding required for determination that no just and sufficient cause exists. (NRS 281A.290)

1. A finding by a panel as to whether just and sufficient cause exists for the Commission to render an opinion on an ethics complaint must be based on credible evidence.
2. A finding by a panel that no just and sufficient cause exists for the Commission to render an opinion on an ethics complaint must be unanimous.
3. As used in this section, "credible evidence" means the minimal level of any reliable and competent form of proof provided by witnesses, records, documents, exhibits, concrete objects, and other such similar means, that supports a reasonable belief by a panel that the Commission should hear the matter and render an opinion. The term does not include a newspaper article or other media report if the article or report is offered by itself.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000)—(Substituted in revision for NAC 281.194)

NAC 281A.440 Recording and contents of final determination by panel that just and sufficient cause exists. (NRS 281A.290) A final determination issued by a panel pursuant to NRS 281A.220 which specifies that just and sufficient cause exists for the Commission to render an opinion pursuant to an ethics complaint must be recorded in writing and include, without limitation:

1. The findings of the panel; and
2. The statutes upon which the panel based its determination that just and sufficient cause existed for the Commission to render an opinion.

(Added to NAC by Comm'n on Ethics by R186-05, eff. 5-4-2006)—(Substituted in revision for NAC 281.1945)

NAC 281A.445 Record of proceedings of panel. (NRS 281A.290) The Executive Director shall provide and make arrangements for a record to be made of any proceedings of a panel.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000)—(Substituted in revision for NAC 281.195)

NAC 281A.450 Hearings: Advance written notice. (NRS 281A.290)

1. Before the Commission holds a hearing concerning an ethics complaint, the Commission must serve the subject with advance written notice of the hearing at least 10 days before the date on which the hearing is scheduled to commence which includes the date, time and location of the hearing.

2. The written notice required pursuant to this subsection must comply with:
(a) The requirements for notice set forth in subsection 10 of NRS 281A.440; and
(b) Except as otherwise provided in this chapter and chapter 281A of NRS, the requirements for notice set forth in provisions concerning the adjudication in contested cases in chapter 233B of NRS.

3. A written record of the final determination of the panel issued pursuant to NAC 281A.440 may serve as the written notice required pursuant to this subsection if it includes the date, time and location of the hearing and otherwise complies with the requirements set forth in this section.

4. Notice shall be deemed complete upon delivery personally to the subject or by mailing the notice by certified mail or overnight delivery service to the last known address of the subject.

(Added to NAC by Comm'n on Ethics by R186-05, eff. 5-4-2006)—(Substituted in revision for NAC 281.197)

NAC 281A.455 Hearings: Continuance. (NRS 281A.290) The procedures for obtaining and granting a continuance of a hearing concerning an ethics complaint are as follows:

1. The date or time of the hearing may be continued for a reasonable time by the Executive Director:

- (a) Upon the written petition of the subject for good cause shown; or
- (b) By stipulation of the subject and the Commission, acting through the Executive Director.

2. A continuance will not be granted unless it is made in good faith, is reasonably necessary and is not sought merely for delay or by reason of inexcusable neglect of the subject.

(Added to NAC by Comm'n on Ethics by R186-05, eff. 5-4-2006; A by R084-08, 9-18-2008)—(Substituted in revision for NAC 281.199)

NAC 281A.460 Hearings: Conduct; action by Commission. (NRS 281A.290)

1. The Chair or presiding officer of a hearing concerning an ethics complaint shall:

(a) Ascertain whether all persons commanded to appear under subpoena are present and whether all documents, books, records and other evidence under subpoena are present in the hearing room before the hearing begins.

(b) Ensure that an oath is administered in accordance with NAC 281A.280 to all persons whose testimony will be taken.

(c) Exclude from the hearing all witnesses scheduled to testify except during the testimony of the witness. To preserve the integrity of the process and the evidence presented during a proceeding, the Chair or presiding officer may request all witnesses not to discuss the case with any person during the pendency of the proceeding.

(d) Hear and rule on any procedural motions, approve any stipulations and address any administrative details.

(e) Designate a member of the staff of the Commission to present the ethics complaint, the response to the ethics complaint by the subject and the determination of the panel concerning just and sufficient cause for the Commission to render an opinion in the matter.

(f) Allow the subject to present opening comments.

(g) Call and question any witnesses, present any evidence on behalf of the Commission concerning the ethics complaint, and allow any member of the Commission to question such witnesses.

2. The subject may remain present during the hearing.

3. The subject may question any witnesses.

4. Upon the conclusion of the presentation of any evidence and the examination of any witnesses on behalf of the Commission, the Chair or presiding officer shall request the subject to proceed with the introduction of evidence and calling of witnesses on his or her behalf.

5. The subject, any witnesses or any counsel retained by the subject may be questioned by any member of the Commission at any time during the proceeding.

6. Upon the conclusion of the presentation of evidence by the subject and the examination of any witnesses, the Chair or presiding officer shall allow the subject to present closing comments.

7. Upon the conclusion of the closing comments by the subject, the Commission will deliberate the issues of fact presented at the hearing, make a determination of the findings of fact, apply the applicable law to the findings of fact and render an opinion concerning whether the subject has violated any of the provisions of chapter 281A of NRS.

8. Upon a finding of a willful violation of any of the provisions of chapter 281A of NRS, the Commission may impose any civil penalties authorized pursuant to NRS 281A.480 and will impose any other statutory remedies required pursuant to NRS 281A.480.

9. The Commission may waive any provision of this section if necessary to expedite or ensure the fairness of the hearing.

(Added to NAC by Comm'n on Ethics by R186-05, eff. 5-4-2006; A by R084-08, 9-18-2008)—(Substituted in revision for NAC 281.201)

NAC 281A.465 Hearings: Admission and exclusion of evidence. (NRS 281A.290)

1. In conducting any hearing concerning an ethics complaint, the rules of evidence of the courts of this State will be followed generally but may be relaxed at the discretion of the Commission.

2. The Chair or presiding officer may exclude immaterial, incompetent, cumulative or irrelevant evidence or order that the presentation of such evidence be discontinued.

3. A subject may object to the introduction of evidence if the subject:

- (a) Objects to such evidence promptly; and
- (b) Briefly states the grounds of the objection at the time the objection is made.

4. If an objection is made to the admissibility of evidence, the Chair or presiding officer may:

- (a) Note the objection and admit the evidence;
- (b) Sustain the objection and refuse to admit the evidence; or
- (c) Receive the evidence subject to any subsequent ruling of the Commission.

(Added to NAC by Comm'n on Ethics by R186-05, eff. 5-4-2006)—(Substituted in revision for NAC 281.203)

NAC 281A.470 Failure of subject to appear at hearing or reply to notice. (NRS 281A.290) If a subject fails to appear at a hearing concerning an ethics complaint which is scheduled by the Commission and a continuance has not been requested or granted, upon an offer of proof by the Executive Director that the subject was given proper notice and upon a determination by the Commission that proper notice was given, the Commission may proceed to consider the case without the presence of the absent subject and may dispose of the matter on the basis of the evidence before it. If the subject fails to appear at the hearing or fails to reply to the notice provided pursuant to NAC 281A.410, the alleged violations specified in the final determination of the panel that just and sufficient cause exists for the Commission to render an opinion may be considered as true.

(Added to NAC by Comm'n on Ethics by R186-05, eff. 5-4-2006)—(Substituted in revision for NAC 281.205)

General Procedures for Hearings

NAC 281A.500 Executive Director to provide information to Commission. (NRS 281A.290) At least 1 week before the date on which the Commission is scheduled to hold a hearing on a matter, the Executive Director shall provide to the Commission:

- 1. A statement of the matter that sets forth the issues to be determined at the hearing;
- 2. A list of any witnesses and their expected testimony; and

3. Any other information which the Executive Director deems necessary to assist the Commission in hearing the matter.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000)—(Substituted in revision for NAC 281.213)

NAC 281A.505 Motion to disqualify member of Commission for good cause. (NRS 281A.290)

1. A subject may submit a motion to disqualify a member of the Commission from participating in a hearing for good cause.

2. Except as otherwise provided in this subsection, a motion to disqualify a member of the Commission must comply with the procedures concerning motions before the Commission which are set forth in NAC 281A.265. A motion to disqualify a member of the Commission which is submitted pursuant to subsection 1 must be ruled upon by the Commission as a whole.

3. In considering a motion to disqualify a member of the Commission, the Commission will consider any grounds that would justify the disqualification of a judge pursuant to Canon 3E of the Nevada Code of Judicial Conduct.

4. If the Commission approves a motion to disqualify a member of the Commission, the necessary quorum to act upon and the number of votes necessary to act upon a matter before the Commission is reduced as though the member who is disqualified was not a member of the Commission.

(Added to NAC by Comm'n on Ethics by R186-05, eff. 5-4-2006)—(Substituted in revision for NAC 281.214)

NAC 281A.510 Commission to determine order of proceedings. (NRS 281A.290)
Except as otherwise provided in NRS 281A.440 and NAC 281A.365 and 281A.460, the Commission will determine, as it deems appropriate, the order of proceedings for a hearing and will inform the parties thereof before the hearing commences.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R186-05, 5-4-2006)—(Substituted in revision for NAC 281.215)

NAC 281A.515 Testimony: Oath or affirmation required. (NRS 281A.290) All testimony received at a hearing before the Commission must be given under oath or affirmation.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000)—(Substituted in revision for NAC 281.217)

NAC 281A.520 Participation by subject of hearing; questioning of witnesses. (NRS 281A.290)

1. Except as otherwise provided in NRS 281A.440 and NAC 281A.365 and 281A.460, the Commission will provide the subject of a hearing before the Commission with the opportunity to appear and testify before the Commission and participate in the hearing. The subject of the hearing may be represented by counsel, hear the evidence presented to the Commission, respond and present evidence and testimony on his or her own behalf, examine and cross-examine witnesses, and make arguments.

2. The Commission will question witnesses at the hearing.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R186-05, 5-4-2006)—(Substituted in revision for NAC 281.219)

Miscellaneous Provisions

NAC 281A.550 Written opinions: Contents; dissemination. (NRS 281A.290)

1. A written opinion of the Commission must plainly state:

(a) If the opinion concerns an ethics complaint, each violation alleged against the public officer or public employee who is the subject of the opinion;

(b) Except as otherwise provided in subsection 7 of NRS 281A.440, if the opinion concerns a request for an advisory opinion, each question for which the public officer or employee seeks guidance concerning the interpretation of a statutory ethical standard;

(c) The determination of the Commission with regard to each allegation or question, as applicable; and

(d) The applicable findings of fact and conclusions of law and any specific guidance concerning the interpretation of a statutory ethical standard provided by the Commission to a public officer or public employee who is the subject of a request for an advisory opinion.

2. Each written opinion must be numbered, dated and signed by the Chair or presiding officer.

3. The Commission will:

(a) Provide a copy of each written opinion to each person who is a party;

(b) Post a copy of each written opinion on the website of the Commission at <http://ethics.nv.gov>; and

(c) Deliver a copy of a written opinion to any person who requests such a copy.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R186-05, 5-4-2006)—(Substituted in revision for NAC 281.223)

NAC 281A.555 Petitions to adopt, file, amend or repeal regulations. (NRS 233B.100, 281A.290)

1. Any person may submit a written petition to the Commission at the principal office of the Commission to adopt, file, amend or repeal any regulation of the Commission.

2. A petition submitted pursuant to subsection 1 must include, without limitation:

(a) The name and address of the petitioner;

(b) A clear and concise statement of the regulation to be adopted, filed, amended or repealed, including, without limitation, the text of the proposed language of the regulation to be adopted, filed, amended or repealed;

(c) The reason for the adoption, filing, amendment or repeal of the regulation; and

(d) The statutory authority for the adoption, filing, amendment or repeal of the regulation.

3. The Commission may decline to act upon a petition submitted pursuant to this section if the petition does not contain the information required pursuant to subsection 2.

4. The Commission will:

(a) Review and make a decision concerning the petition at the next scheduled meeting of the Commission in which consideration of the petition is feasible following the receipt of the petition; and

(b) Notify the petitioner in writing of the decision of the Commission concerning the petition within 30 days after the petition is considered by the Commission.

(Added to NAC by Comm'n on Ethics by R186-05, eff. 5-4-2006)—(Substituted in revision for NAC 281.236)

NAC 281A.560 Obtaining copies of public records or transcripts; payment of costs of public records. (NRS 281A.290)

1. Except as otherwise provided in this section, to obtain copies of public records from the Commission, a person must:

(a) File a written request at the principal office of the Commission or appear personally at an office of the Commission; and

(b) Before the copies are made, pay the actual cost of the copies or an estimate of the actual cost, as determined by the Commission's staff, unless the Commission's staff, in its discretion and based upon its experience with the person requesting the copies, allows the person to pay the actual cost of the copies when the copies are provided to the person.

2. Except as otherwise provided in this section, the cost of obtaining copies of public records from the Commission is 25 cents for each page of the public record that is copied.

3. Except as otherwise provided in this section, to obtain copies of a transcript concerning a matter that was recorded by the Commission, a person must file a written request at the principal office of the Commission and make arrangements directly with the court reporter.

4. A person may not obtain copies of a transcript concerning a matter that was recorded by the Commission unless the contents of the proceedings concerning that matter may be disclosed to that person pursuant to the provisions of chapter 281A of NRS and NAC 281A.250 to 281A.290, inclusive.

5. A court reporter may not provide to a person copies of a transcript concerning a matter that was recorded by the Commission or any other documents unless the court reporter has received written permission from the Commission to do so.

6. The Commission may waive all or a portion of the cost of obtaining copies of public records if the person requesting the copies files a written request for such a waiver at the principal office of the Commission and the Commission determines that:

(a) The copies requested are reasonable in quantity; and

(b) The person requesting the copies is a party to a matter before the Commission and does not have the financial ability to pay for all or a portion of the cost of the copies.

(Added to NAC by Comm'n on Ethics by R038-98, eff. 4-17-98; A by R102-00, 8-28-2000; R111-03, 10-30-2003; R186-05, 5-4-2006)—(Substituted in revision for NAC 281.242)

FINANCIAL DISCLOSURE STATEMENTS

NAC 281A.610 “Entitled to receive annual compensation” interpreted. (NRS 281A.290) As used in NRS 281A.600, the Commission will interpret “entitled to receive annual compensation” to mean entitled to receive any remuneration, not including any reimbursement for lodging, meals or travel, or any combination thereof, which a public officer has a right to receive for serving in the office in question.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R111-03, 10-30-2003; R186-05, 5-4-2006)—(Substituted in revision for NAC 281.225)

NAC 281A.615 Proper form of documents required; availability of form; date of filing. (NRS 281A.290)

1. The following documents must be filed in proper form:

(a) A disclosure of representation and counseling required pursuant to NRS 281A.410;

(b) An acknowledgment of the statutory ethical standards required pursuant to NRS 281A.500; and

(c) A statement of financial disclosure required pursuant to NRS 281A.600.

2. The form for each document specified in subsection 1 is available at any office of the Commission and on the website of the Commission.

3. A document specified in subsection 1 will be deemed to be filed with the Commission:

(a) On the date that the statement of financial disclosure document was mailed if it was sent by certified mail; or

(b) On the date that the statement of financial disclosure document was received by the Commission if the statement document was sent by regular mail, transmitted by facsimile machine or electronic means, or personally delivered to the Commission at the principal office of the Commission.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R111-03, 10-30-2003; R186-05, 5-4-2006; R084-08, 9-18-2008)—(Substituted in revision for NAC 281.227)

