

STATE OF NEVADA
COMMISSION ON ETHICS -
ANNUAL REPORT
JULY 1, 2014

A public office is a public trust, to be held for the sole benefit of the people.

Nevada Commission on Ethics
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ANNUAL REPORT TO THE COMMISSION ON ETHICS REGARDING FISCAL YEAR 2014

Nevada Administrative Code 281A.180(2), requires the Executive Director to report to the Commission annually regarding the fiscal, legislative, regulatory and other business undertaken by and on behalf of the Commission in the past fiscal year. The following pages summarize the Commission's primary activities and provide a brief glimpse to the agency's undertakings between July 1, 2013 and June 30, 2014. In many instances, this document contains historic data which may be helpful to evaluate trends and patterns; however, those statistical evaluations often create more questions than they answer. Should questions arise in your reading of this report, please contact the Commission's Executive Director at 775-687-5469 to discuss and clarify the report.

The information contained herein is a summary only. Certainly, the public records relied upon to compile this data are available upon request for review at the Commission on Ethics' office during business hours. Additionally, the Commission maintains a public website at <https://ethics.nv.gov/> on which the public may search the Commission's database of opinions, review minutes and agendas, find instructions and forms for filing requests for the Commission's opinion and access other public information. Finally, the Commission participates in the Nevada Public Notice statewide website and posts its agendas at <https://notice.nv.gov/>.

July 1, 2014

Commissioners:

As required by Nevada Administrative Code 281A.180(2), I submit for your consideration this annual report of the fiscal, legislative, regulatory and other business undertaken by and on behalf of the Commission in the past fiscal year.

The Commission's success in the 2013 Legislature enhanced the agency's ability to meet its mandate reasonably, by bringing much needed change to NRS Chapter 281A. Additionally, the Commission enjoyed several enhancements to the agency budget, importantly approving the creation of a sixth staff position - - Associate Counsel. Commissioner involvement in problem solving and policy-making enhanced the workings of the agency and its staff, and therefore its service to the people of Nevada.

While the number of requests for opinion filed with the Commission has steadily declined, the material is increasingly complex, and we have been able to forestall many potential challenges to the public trust through our outreach and education efforts. New alliances with state and local agencies and public employees, as well as with several professional associations have expanded the Commission's approachability, and it is more likely than ever to fulfill its informal preference to "teach rather than catch" public servants in our State. While these efforts may have the effect of increasing the volume of First-Party requests for opinion, the number of public requests the agency receives has receded significantly. This trend is encouraging.

As you review the information in this Annual Report, I hope you will be as proud as I am about the path the Commission has taken and the direction in which the agency is headed. Comments and questions about the content of this report are invited and appreciated.

Thank you for the opportunity to be of service these last 5 years.

Sincerely,

Caren Cafferata-Jenkins

Caren Cafferata-Jenkins, Esq.
Executive Director

I. Fiscal Matters

Commission Budget:

The Nevada Commission on Ethics' (the "Commission" or "NCOE") legislatively approved budget for fiscal year 2013-14 was \$773,410 and for 2014-15 the total budget was \$760,983. Continuing for a second biennium, the Governor ordered all State employees to undertake mandatory unpaid furloughs for 48 hours each year, and maintained the freeze on salaries of State employees imposed in 2009.

While it has fluctuated from year to year, the Commission's budget has not increased dramatically since 2007 when the NCOE opened a second office in Southern Nevada. That office closed during the budget cuts of 2010-11, and has not been re-opened, nor does the Commission have plans to open a Las Vegas public access office.

For quite some time, the Commission operated with a staff of 4-5 full-time employees. But, in August 2013, the Commission added an Associate Counsel to streamline the Third-Party Request for Opinion (RFO) caseload and help to ensure due process. In addition to handling the investigatory processes and the evidentiary burdens of Third-Party RFOs, the Associate Counsel has enhanced the Commission Counsel's ability to timely publish Commission opinions and timely process First-Party Requests. What's more, the Associate Counsel has successfully negotiated several stipulated outcomes of RFOs early in the investigatory process, reducing the overall burden on the agency staff and Commissioners alike. Any such efficiencies in the use of public resources able to be achieved without diminishing the public trust are encouraged and welcomed.

Every two years, the NCOE proposes a biennial budget to the Governor for consideration to be presented to the Legislature as part of the Executive Budget. The Commission has had limited success in gaining legislative approval of requests outside of the Executive Budget; however, it regularly requests them. See **Appendix A** – Summary of 2016-17 Proposed Biennial Budget for Commission on Ethics for the budget enhancements the Commission will request for the FY 16-FY 17 biennium.

The Commission derives the majority of its funding from financial participation of Nevada's Local Governments (cities and counties). A much smaller portion is provided from the State General Fund. The number of requests for opinion the Commission receives regarding public officers or public employees in the various jurisdictions in the prior two fiscal years forms the basis for each entity's proportional contribution. In the 2011-13 biennium (FY12 & FY13), the distribution of requests was 24% State and 76% local governments. In the 2013-15 biennium (FY14 & FY15), the agency's financial support was derived 31% from the State General Fund and 69% from local government contribution. The Fiscal Year 2013 and Fiscal Year 2014 caseload forms the basis for the distribution of resources for the 2015-17 biennium, based upon the information in the chart that follows.

FY 13 & FY 14 Basis for FY 16 - FY 17 State/Local share Total RFOs filed	STATE (State officer or employee was the subject)	LOCAL (Local government officer or employee was the subject)
176	36	140
	21%	79%

The Commission will present this proportion to the 2015 Legislature to be allocated to the State and local governments to participate in funding the legislatively approved budget for the 2016-17 biennium (FY16 and FY17).

The location of the Subjects of the RFOs received in the last two years may shed light on the effectiveness of the Commission's investment of time and resources in education programs and publication of reliable guidance in its opinions. Fewer RFOs concerning the conduct of the over 100,000 Nevada elected or appointed public officers and public employees were received than ever before. Only 36 State-related RFOs were received and processed in FY13 & FY14 compared to 66 in FY11 & FY12. This decline may be attributed to the increased awareness of the Ethics Laws by the public and State employees and public officers, and the Commission's efforts to reach out to these populations with that information.

However, that explanation did not apply to local governments in the same period. The number of RFOs concerning local public officers and employees rose in FY 13 & FY14 by 10 RFOs. See **Appendix B** – FY13 & FY14 Breakdown of State vs. Local Government RFOs received.

A large portion of the Commission on Ethics' work is undertaken by staff at the agency's office, in addition to that accomplished in the scheduled public meetings of the Commission itself. In fact, the Commission and its staff act upon fewer than half of the requests for opinion (RFOs) the Commission receives. The remainder are rejected, either because the conduct alleged falls outside of the body's jurisdiction (limited to chapter 281A of Nevada Revised Statutes) or the requests are submitted without the required minimal level of credible evidence to support the allegations made. In those cases, the Commission responds with a letter explaining the basis for its rejection, and, when evidence is lacking, invites the requester to re-submit the RFO with additional support.

Over a 6-year period ending June 30, 2014, the Commission received an annual average of 99 RFOs, and accepted jurisdiction over an average of 45 matters. Of those, the Commission held an average number of confidential hearings regarding the past, present or contemplated conduct of approximately 21 public officers and public employees (First-Party RFOs), while an additional average of 24 RFOs filed by members of the public were investigated and adjudicated (Third-Party RFOs).

Historic RFO Volume and Outcomes:

<u>Fiscal Year/Dates</u>	<u>Total 1st Party RFOs Rec'd</u>	<u>Total 3rd Party RFOs Rec'd</u>	<u>REJECTED 3rd Pty</u>	<u>ACCEPTED 3rd Pty</u>
FY09: 7/08-6/09	14	81	55	26
FY10: 7/09-6/10	25	80	53	27
FY11: 7/10-6/11	26	87	52	35
FY12: 7/11-6/12	31	72	58	16
FY13: 7/12-6/13	12	79	59	20
FY14: 7/13-6/14	13 ¹	70	50	20
AVERAGE	20	78	55	24

¹The reduction in the volume of First-Party RFOs in FY 13 & FY 14 may be attributable to the Commission having published a large number of opinions in FY 12, offering guidance regarding conduct to public officers and employees and providing insight to its application of the law.

Of the Third-Party RFOs regarding which the NCOE accepted jurisdiction:

<u>Fiscal Year/Dates</u>	<u>Investigated</u>	<u>Panel Dismissed</u>	<u>Panel Forwarded to Hearing</u>	<u>3rd Pty to Hearings</u>	<u>3rd Pty Stips./Orders</u>
FY09: 7/08-6/09	26	12	14	10	4
FY10: 7/09-6/10	27	16	11	3	8
FY11: 7/10-6/11	35	14	21	2	19
FY12: 7/11-6/12	14	7	7	6	1
FY13: 7/12-6/13	20	11	9	0	9
FY14: 7/13-6/14	20 ²	1	1	0	12
AVERAGE	24	10	11	4	9

The Commission has seen a slight decrease in the number of Third-Party RFOs accepted during this fiscal year as compared to prior years. However, the majority of these RFOs have seen increased adversarial proceedings, including legal challenges to jurisdiction, the scope and nature of investigations and legal precedent. These legal motions have increased the volume of matters requiring consideration and resolution by the Commission during related hearings. However, all Third-Party RFOs the Commission considered during this fiscal year have resulted in stipulated outcomes. This denotes the role of the Associate Counsel and the lawyering efforts of Subjects' counsel to resolve matters in a timely fashion and mitigate the strain on Commission resources. Finally, NRS 281A was amended during the 2013 Legislature to require the Commission to consider various mitigating factors in its determination of willful violations. The Commission's consideration of these factors in each cases has favored stipulated outcomes by Subjects.

² Of the 20 RFOs investigated in FY14, 8 RFOs remain pending resolution.

Commission Opinions:

The Commission resolved its backlog of written opinions at the conclusion of this fiscal year. With the assistance of the Associate Counsel, Commission Counsel finalized all outstanding written opinions and abstract opinions in all RFOs received by the Commission in prior fiscal years.

The Commission has included as one of its forthcoming performance measures the goal of issuing all written opinions and abstracts within 60 days of any Commission hearing on an RFO.

Sanctions Imposed:

In FY 2014, the Commission imposed \$5,500 in civil penalties. Pursuant to State law, the entirety of any financial sanctions the Commission collects is deposited into the State General Fund. The Commission also collected and deposited 3 sanctions totaling \$3,500 to the General Fund this fiscal year from civil penalties imposed in FY 2013 and FY 2014.

Sanctions Imposed or Received 2014	Statute(s) violated	Civil Penalty
Donald Parsons, City Councilman, City of Fernley 12-50C/12-54C	NRS 281A.420(1) and (3), willful violation	\$500 (6/19/13)
Dale Derbidge, City Councilmember, City of Ely, Chair, White Pine Co. Hospital Board 13-05C	NRS 281A.020 and NRS 281A.420(1) and (3), willful violation	\$1,000 (6/19/13)
Dale Derbidge, City Councilmember, City of Ely, Chair, White Pine Co. Hospital Board 13-68C	NRS 281A.020, NRS 281A.420(1) and (3), willful violation	\$2,000 (3/19/14)
Dean Bullock, County Commissioner, Lander County 13-85C	NRS 281A.020, NRS 281A.400(2) and (5) and NRS 281A.420(3), willful violation	\$2,000 (4/16/14)
Gary Wilson, Board Member, McDermitt Fire District, Humboldt County 13-81C	NRS 281A.020 and NRS 281A.420(1) and (3), willful violation	\$1,000 (6/11/14)
Brian Garner, County Commissioner, Lyon County 14-12C	NRS 281A.020(1)(b) and NRS 281A.420(1) and (3), willful violation	\$500 (6/11/14)

II. Legislative Matters

The Commission submitted a comprehensive reform package in the 2013 Legislative Session, introduced and carried by Senator David Parks, Chairman of the Senate Committee on Government Affairs. On the final day of the 2013 legislative session at approximately 8:00 p.m., both houses passed the measure.

In the coming 2015 legislative session, the Commission hopes to fine tune several of the recent revisions. Rather than promoting new policy initiatives in 2015, the agency will focus on managing a reorganization of its staffing, authority and salary structure in addition to cleaning-up its statutes. **(See Appendix C - Agency Bill Draft Request made to Executive Branch.)**

III. Regulatory Matters

In 2014, the Commission adopted regulations to guide the process and procedural changes required with the addition of the Associate Counsel, in addition to adopting amendments to implement 2013 statutory changes. The proposed regulations have been adopted by the Commission and await final approval from the Legislative Commission. **(See Appendix D - Agency Adopted Regulations awaiting Legislative Commission Approval.)**

IV. Administrative Matters

Outreach and Education:

In FY14, the Executive Director provided more than 36 training sessions throughout Nevada, reaching hundreds of public officers, public employees and members of the public. Presentations were made in jurisdictions such as Henderson, Las Vegas, Clark County, Reno, Carson City and Fernley. The Commission has long been a presenter in the annual training to persons serving on State Boards and Commissions organized by the Nevada Attorney General. Training also was provided at meetings and conferences of entities such as Nevada Association of Counties' and Nevada League of Cities and Municipalities' P.O.W.E.R. conference, PoolPACT, Southern Nevada Workforce Connections, University Medical Center Governing Board, the Utilities Section of the State Bar of Nevada and the Tahoe Fire Board of Trustees. The Commission continues

to offer Ethics as a portion of the coursework for the Certified Public Manager and Certified Public Officer training programs in Nevada. Thanks to the efforts of Commission Chairman Paul Lamboley, the Commission Counsel and Executive Director were invited to present a continuing legal education program on Ethics and Administrative Law at the State of Nevada Bar Association's Annual Meeting.

All in all, outreach and education regarding the Commission's substance and procedure enhance the awareness of, and compliance with, the Ethics in Government Laws and have resulted in increased public trust. These efforts assist the agency in fulfilling its core mission.

One of the more recent attempts at Ethics outreach and education has involved the training of State employees. In FY13, the Commission's training program reached nearly 500 State employees via a partnership with the Department of Employment, Training and Rehabilitation titled "The Ethics of Excellence." The Executive Director and the DETR Employee Development Manager jointly offered 17 separate 3.5 hour sessions involving approximately 25 participants each in Las Vegas, Carson City, Winnemucca, Elko and Ely. The Department Director required attendance by DETR employees at every level of employment, from top-level managers to telephone call center personnel. This program was extremely well received and continued in FY14 with 12 additional presentations. The entire DETR staff is expected to have completed the course by early 2015. The Department contemplates repeating the training every four to five years.

Five presentations were made for Gaming Control Board appointed public officers and public employees with 30 to 60 participants in each class for a total of approximately 250 participants. Presentations on Ethics made to the Department of Taxation investigators in 2011 is contemplated to be repeated in 2015. Other than those agencies mentioned herein, no State agency has reached out in this manner to inform its employees of their ethics obligations under NRS 281A.

New legislation in 2013 imposed the requirement that all new state employees be provided information about NRS 281A, and the Department of Human Resources Management implemented a procedure to have employees acknowledge receipt of ethics information either in hard copy or via electronic access. The simple awareness of the

ethics requirements is certain to deter violations and encourage employees' compliance. While the new requirement applies only to public employees of the State, many local governments recognize the value of employee training. Clark County, the City of Henderson and the City of Las Vegas all have invited and enjoyed the Commission's training not only for their public officers, but also for their staff members, and regularly fill the large auditoriums in which the presentations are offered. Other local governments regularly request training for their elected and appointed public officers.

Nevada Public Agency Insurance Pool/Public Agency Compensation Trust is working with the Executive Director to develop an animated digital training for its clients, and has offered to make that media available for use by the Commission on its website. That tool should be available for public access in early FY 15.

Offices:

The Commission operates a sole statewide office in Carson City. In FY14, the Commission moved its only remaining southern Nevada staff position to Carson City, although the agency maintains a small non-public workspace in the Grant Sawyer State Office Building from which traveling staff may work, prepare meeting materials or meet with others while conducting an investigation or otherwise working in southern Nevada.

Documents Filed:

Pursuant to NRS 281A.500, public officers filed 1,075 Acknowledgment of Ethical Standards forms with the Commission for calendar year 2013. The Commission received 423 such Acknowledgments for 2012, 667 for 2011 and 725 for 2010. Most public officers must file these forms at the beginning of a term of office, so the number of forms filed from year to year does not indicate a rise or fall in overall compliance. In 2014, the number of Acknowledgement is expected to rise, as the awareness of this requirement is expected, at least in State Government, due to the imposition of 2013 legislative changes requiring State employees to be provided NRS 281A when they begin State employment.

NRS 281A.410 requires certain public officers to disclose their paid representation or counseling of private persons before a state agency of the Executive branch. The Commission received 18 disclosures of agency representation for 2013 and 12 filings for 2012. For 2011, 11 such disclosures were filed, and for 2010, the Commission received

14. Again, the Commission is unable to determine whether the change in the number of filings is indicative of compliance, as it is impossible to determine how many representations requiring disclosure took place.

Litigation:

The Commission had only one continuing case that was resolved in this fiscal year. *Carrigan v. Comm'n on Ethics* was remanded to the Nevada Supreme Court by the Supreme Court of the United States in 2011 with a finding that the public officer's vote did not constitute protected speech and that the overbreadth doctrine did not invalidate the abstention requirement in the Ethics in Government Law. After submitting the matter to the Nevada Supreme Court on remand upon oral argument on March 5, 2012, the Commission awaited a decision from the Nevada Supreme Court for nearly 2 years.

On November 27, 2013, the Nevada Supreme Court issued its written determination that the Ethics Law does not violate due process on the basis of vagueness. The Court also considered Carrigan's argument, raised for the first time on appeal, that the abstention provisions of NRS 281A violate constitutional rights of association. The Court rejected the association argument as a matter of law.

Nevada Certified Public Manager Program Participation:

The Commission's Executive Assistant, Valerie M. Carter, was nominated and accepted as a participant of the prestigious Nevada Certified Public Manager Program (CPM Program), a state-sponsored, nationally recognized and nationally accredited leadership and management development program designed for public administrators to develop management theory and techniques in public service. After months of devoted study in various management and professional development courses, the CPM Program culminates in a Capstone Quality Improvement Project that must involve an agency-related project developed and implemented by each of the participants with a focus on improving agency efficiency and effectiveness related to its mission and result in a high organizational impact and a realized cost savings to the State.

Ms. Carter developed a Capstone Project of eliminating the existing backlog of written opinions by streamlining agency processes, including holding bi-monthly meetings rather than monthly meetings to provide staff sufficient time between meetings to address old

and new Commission business and establishing deadlines for issuing opinions after hearings. The Commission approved the Project and supported its efforts. Ms. Carter submitted her final project in October and expects to graduate from the program in the next fiscal year. To date, the goals of the Project has been successful.

Commission and Commissioner Information

Nevada Commission on Ethics
as of 06/30/14

Commissioners

*=Appointed by Governor

**=Appointed by Legislative Commission

Magdalena Groover (R)*
(05/03/10 – 06/30/11)
(07/01/11 - 06/30/15)

Chair - Paul Lamboley, Esq. (D)**
(05/07/08 – 09/30/11)
(10/01/11 - 09/30/15)

Tim Cory, Esq. (R)**
(10/01/11 - 09/30/15)

James M. "Jim" Shaw (D)**
(07/01/08 – 06/30/12)
(07/01/12 - 06/30/16)

John C. Carpenter (R)**
(02/15/12 - 09/30/13)
(10/01/13 - 09/30/16)

Vice Chair - Gregory J. Gale, CPA (D)*
(07/01/09 – 10/31/11)
(11/01/11 - 10/31/15)

Cheryl Lau, Esq. (R)*
(01/31/13 - 06/30/16)

Keith A. Weaver, Esq. (D)*
(04/26/2011 – 09/30/11)
(10/01/11 - 09/30/15)

Staff

Caren Cafferata-Jenkins, Esq.
Executive Director

Yvonne M. Nevarez-Goodson, Esq.
Commission Counsel

Jill C. Davis, Esq.
Associate Counsel

Darci L. Hayden
Senior Legal Researcher

Valerie M. Carter
Executive Assistant

vacant
Senior Investigator



Nevada Commission on Ethics

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Appendix A

Requested Agency Budget
2015-2017

Appendix A

COMMISSION ON ETHICS

101-1343

PROGRAM DESCRIPTION

The Nevada Commission on Ethics' mission is to enhance the faith and confidence of Nevadans in the integrity and impartiality of government, specifically state and local public officers and employees. The eight-member commission is tasked with numerous responsibilities, but its six-person staff focuses on four main functions: 1) interpreting and applying NRS Chapter 281A - the Ethics in Government Laws - and guiding public officers and employees on its provisions; 2) investigating and adjudicating public complaints alleging ethics violations by public officers and employees; 3) outreach and education to public officers and employees to enhance their awareness of ethics requirements and prohibitions under Nevada law; and 4) accepting and monitoring various filings required of certain public officers.

BASE

	2013-2014 ACTUAL	2014-2015 WORK PROGRAM	2015-2016 AGENCY REQUEST AS SUBMITTED	2016-2017 AGENCY REQUEST AS SUBMITTED
RESOURCES:				
2501 APPROPRIATION CONTROL	238,104	234,376	230,818	230,818
2510 REVERSIONS	-24,605	0	0	0
2511 BALANCE FORWARD FROM PREVIOUS YEAR	14,379	0	0	0
2512 BALANCE FORWARD TO NEW YEAR	-69,660	0	0	0
3818 PHOTOCOPY SERVICE CHARGE	20	0	0	0
4103 COUNTY REIMBURSEMENTS	535,306	526,607	519,077	519,077
4203 PRIOR YEAR REFUNDS	57	0	0	0
TOTAL RESOURCES:	693,601	760,983	749,895	749,895
EXPENDITURES:				
CATEGORY 01 PERSONNEL:				
5100 SALARIES	413,674	448,750	454,839	454,839
5120 FURLOUGH ADJUSTMENT	-8,984	0	-8,984	-8,984
5200 WORKERS COMPENSATION	6,797	6,222	6,222	6,222
5300 RETIREMENT	65,305	59,459	70,860	70,860
5320 PERS HOLD HARMLESS FOR FURLOUGH	0	711	0	0
5500 GROUP INSURANCE	41,669	50,064	50,064	50,064
5660 FURLOUGH LEAVE	8,984	0	8,984	8,984
5700 PAYROLL ASSESSMENT	718	718	729	729
5750 RETIRED EMPLOYEES GROUP INSURANCE	9,972	12,116	12,098	12,098
5800 UNEMPLOYMENT COMPENSATION	895	539	592	592
5840 MEDICARE	6,385	6,507	6,594	6,594
5860 BOARD AND COMMISSION PAY	6,080	9,440	6,080	6,080
5970 TERMINAL ANNUAL LEAVE PAY	7,374	0	7,374	7,374
TOTAL FOR CATEGORY 01:	558,869	594,526	615,452	615,452

	2013-2014 ACTUAL	2014-2015 WORK PROGRAM	2015-2016 AGENCY REQUEST AS SUBMITTED	2016-2017 AGENCY REQUEST AS SUBMITTED
CATEGORY 03 IN-STATE TRAVEL:				
6200 PER DIEM IN-STATE	6,797	16,883	6,797	6,797
6210 FS DAILY RENTAL IN-STATE	507	1,092	507	507
6215 NON-FS VEHICLE RENTAL IN-STATE	223	257	223	223
6240 PERSONAL VEHICLE IN-STATE	3,239	3,202	3,239	3,239
6250 COMM AIR TRANS IN-STATE	6,662	16,080	6,662	6,662
TOTAL FOR CATEGORY 03:	17,428	37,514	17,428	17,428
CATEGORY 04 OPERATING EXPENSES:				
7020 OPERATING SUPPLIES	763	669	763	763
7026 OPERATING SUPPLIES-F	208	0	208	208
7030 FREIGHT CHARGES	1,279	2,207	1,279	1,279
7040 NON-STATE PRINTING SERVICES	0	2,373	0	0
7044 PRINTING AND COPYING - C	1,239	0	1,239	1,239
7045 STATE PRINTING CHARGES	62	78	62	62
7050 EMPLOYEE BOND INSURANCE	16	16	16	16
7054 AG TORT CLAIM ASSESSMENT	722	722	722	722
705A NON B&G - PROP. & CONT. INSURANCE	12	12	12	12
705B B&G - PROP. & CONT. INSURANCE	24	24	24	24
7060 CONTRACTS	92	0	92	92
7080 LEGAL AND COURT	500	1,344	500	500
7100 STATE OWNED BLDG RENT-B&G	3,409	3,588	3,409	3,409
7103 STATE OWNED MEETING ROOM RENT	1,319	2,275	1,319	1,319
7110 NON-STATE OWNED OFFICE RENT	24,598	24,179	24,598	24,598
7240 HOST FUND	0	787	0	0
7241 HOST FUND -A	455	0	455	455
7250 B & G EXTRA SERVICES	577	0	577	577
7255 B & G LEASE ASSESSMENT	293	273	293	293
7285 POSTAGE - STATE MAILROOM	4,331	4,532	4,331	4,331
7290 PHONE, FAX, COMMUNICATION LINE	1,309	1,289	1,309	1,309
7291 CELL PHONE/PAGER CHARGES	480	948	480	480
7292 EITS VOICE MAIL	40	456	40	40
7294 CONFERENCE CALL CHARGES	327	392	327	327
7295 EITS STATE PHONE LINE	202	326	202	202
7296 EITS LONG DISTANCE CHARGES	125	244	125	125

COMMISSION ON ETHICS
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	2013-2014 ACTUAL	2014-2015 WORK PROGRAM	2015-2016 AGENCY REQUEST AS SUBMITTED	2016-2017 AGENCY REQUEST AS SUBMITTED
7299 TELEPHONE & DATA WIRING	418	0	418	418
7301 MEMBERSHIP DUES	445	0	445	445
7340 INSPECTIONS & CERTIFICATIONS	47	0	47	47
7370 PUBLICATIONS AND PERIODICALS	198	0	198	198
7430 PROFESSIONAL SERVICES	249	0	249	249
7980 OPERATING LEASE PAYMENTS	4,849	5,480	4,849	4,849
TOTAL FOR CATEGORY 04:	48,588	52,214	48,588	48,588
CATEGORY 05 EQUIPMENT:				
8241 NEW FURNISHINGS <\$5,000 - A	3,538	0	3,538	3,538
TOTAL FOR CATEGORY 05:	3,538	0	3,538	3,538
CATEGORY 11 COURT REPORTING SERVICES:				
7060 CONTRACTS	13,403	36,000	13,403	13,403
7750 NON EMPLOYEE IN-STATE TRAVEL	1,066	0	1,066	1,066
TOTAL FOR CATEGORY 11:	14,469	36,000	14,469	14,469
CATEGORY 15 INVESTIGATIONS/PARALEGAL COSTS:				
7060 CONTRACTS	1,317	1,284	1,317	1,317
7294 CONFERENCE CALL CHARGES	0	6	0	0
TOTAL FOR CATEGORY 15:	1,317	1,290	1,317	1,317
CATEGORY 26 INFORMATION SERVICES:				
7020 OPERATING SUPPLIES	310	155	310	310
7023 OPERATING SUPPLIES-C	26	0	26	26
7060 CONTRACTS	1,430	1,767	1,430	1,430
7290 PHONE, FAX, COMMUNICATION LINE	1,212	1,332	1,212	1,212
7460 EQUIPMENT PURCHASES < \$1,000	329	0	329	329
7532 EITS WEB HOSTING	1,430	1,464	1,430	1,430
7533 EITS EMAIL SERVICE	381	409	381	381
7542 EITS SILVERNET ACCESS	2,187	2,751	2,187	2,187
7545 EITS VPN SECURE LINK	35	47	35	35
7554 EITS INFRASTRUCTURE ASSESSMENT	775	625	626	626
7556 EITS SECURITY ASSESSMENT	610	470	470	470

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	2013-2014 ACTUAL	2014-2015 WORK PROGRAM	2015-2016 AGENCY REQUEST AS SUBMITTED	2016-2017 AGENCY REQUEST AS SUBMITTED
7771 COMPUTER SOFTWARE <\$5,000 - A	1,694	0	1,694	1,694
8371 COMPUTER HARDWARE <\$5,000 - A	8,444	0	8,444	8,444
TOTAL FOR CATEGORY 26:	18,863	9,020	18,574	18,574
CATEGORY 82 DEPT COST ALLOCATION:				
5450 CENTRALIZED PERSONNEL SERVICES COST ALLOCATION	0	2,409	0	0
7395 COST ALLOCATION - B	2,497	0	2,497	2,497
7439 DEPT OF ADMIN - ADMIN SER DIV	22,875	22,875	22,875	22,875
TOTAL FOR CATEGORY 82:	25,372	25,284	25,372	25,372
CATEGORY 87 PURCHASING ASSESSMENT:				
7393 PURCHASING ASSESSMENT	203	203	203	203
TOTAL FOR CATEGORY 87:	203	203	203	203
CATEGORY 88 STATEWIDE COST ALLOCATION PLAN:				
9159 STATEWIDE COST ALLOCATION	1,211	3,598	1,211	1,211
TOTAL FOR CATEGORY 88:	1,211	3,598	1,211	1,211
CATEGORY 89 AG COST ALLOCATION PLAN:				
7391 ATTORNEY GENERAL COST ALLOC	3,743	1,334	3,743	3,743
TOTAL FOR CATEGORY 89:	3,743	1,334	3,743	3,743
TOTAL EXPENDITURES:	693,601	760,983	749,895	749,895
TOTAL POSITIONS:	6.00	6.00	6.00	6.00

MAINTENANCE

M100 STATEWIDE INFLATION

	2013-2014 ACTUAL	2014-2015 WORK PROGRAM	2015-2016 AGENCY REQUEST AS SUBMITTED	2016-2017 AGENCY REQUEST AS SUBMITTED
RESOURCES:				
2501 APPROPRIATION CONTROL	0	0	-378	-378
4103 COUNTY REIMBURSEMENTS	0	0	-851	-851
TOTAL RESOURCES:	0	0	-1,229	-1,229
EXPENDITURES:				
CATEGORY 04 OPERATING EXPENSES:				
7292 EITS VOICE MAIL	0	0	-86	-86
7295 EITS STATE PHONE LINE	0	0	-14	-14
TOTAL FOR CATEGORY 04:	0	0	-100	-100
CATEGORY 26 INFORMATION SERVICES:				
7532 EITS WEB HOSTING	0	0	-327	-327
7533 EITS EMAIL SERVICE	0	0	-33	-33
7542 EITS SILVERNET ACCESS	0	0	564	564
TOTAL FOR CATEGORY 26:	0	0	204	204
CATEGORY 88 STATEWIDE COST ALLOCATION PLAN:				
9159 STATEWIDE COST ALLOCATION	0	0	2,387	2,387
TOTAL FOR CATEGORY 88:	0	0	2,387	2,387
CATEGORY 89 AG COST ALLOCATION PLAN:				
7391 ATTORNEY GENERAL COST ALLOC	0	0	-3,720	-3,720
TOTAL FOR CATEGORY 89:	0	0	-3,720	-3,720
TOTAL EXPENDITURES:	0	0	-1,229	-1,229

M150 ADJUSTMENTS TO BASE

	2013-2014 ACTUAL	2014-2015 WORK PROGRAM	2015-2016 AGENCY REQUEST AS SUBMITTED	2016-2017 AGENCY REQUEST AS SUBMITTED
RESOURCES:				
2501 APPROPRIATION CONTROL	0	0	2,746	2,999
4103 COUNTY REIMBURSEMENTS	0	0	6,176	6,745
TOTAL RESOURCES:	0	0	8,922	9,744
EXPENDITURES:				
CATEGORY 01 PERSONNEL:				
5930 LONGEVITY PAY	0	0	300	350
This adjustment recognizes the difference between the actual expenditures for fiscal year 2014 and the budgeted longevity for the 2015-17 biennium.				
TOTAL FOR CATEGORY 01:	0	0	300	350
CATEGORY 03 IN-STATE TRAVEL:				
6200 PER DIEM IN-STATE	0	0	15,007	15,007
6210 FS DAILY RENTAL IN-STATE	0	0	115	115
6240 PERSONAL VEHICLE IN-STATE	0	0	828	828
6250 COMM AIR TRANS IN-STATE	0	0	5,740	5,740
TOTAL FOR CATEGORY 03:	0	0	21,690	21,690
CATEGORY 04 OPERATING EXPENSES:				
705A NON B&G - PROP. & CONT. INSURANCE	0	0	1	1
This adjustment recognizes the difference between the actual expenditures for fiscal year 2014 and the anticipated expenditures for the 2015-17 biennium per the Building Rent Non-Buildings and Grounds schedule.				
7100 STATE OWNED BLDG RENT-B&G	0	0	179	179
This adjustment recognizes the difference between the actual expenditures for fiscal year 2014 and the anticipated expenditures for the 2015-17 biennium per the B&G-Owned Building Rent.				
7110 NON-STATE OWNED OFFICE RENT	0	0	2,179	2,859
This adjustment recognizes the difference between the actual expenditures for fiscal year 2014 and the anticipated expenditures for the 2015-17 biennium per the Building Rent Non-Buildings and Grounds schedule.				

	2013-2014 ACTUAL	2014-2015 WORK PROGRAM	2015-2016 AGENCY REQUEST AS SUBMITTED	2016-2017 AGENCY REQUEST AS SUBMITTED
7255 B & G LEASE ASSESSMENT TThis adjustment recognizes the difference between the actual expenditures for fiscal year 2014 and the anticipated expenditures for the 2015-17 biennium per the Building Rent Non-Buildings and Grounds schedule.	0	0	10	17
7292 EITS VOICE MAIL This adjustment recognizes the difference between the actual expenditures for fiscal year 2014 and the anticipated expenditures for the 2015-17 biennium. To adjust agency requirements for zero voice mail accounts for fiscal years 2016 and 2017. The adjustment is driven by the Enterprise Information Technology Services schedule. 0 accounts x 12 months = 0 quantity for schedule This service was utilized by the PCN that was stationed in Las Vegas; the PCN was transferred to Carson City at the end of Fiscal Year 2014.	0	0	-359	-359
7295 EITS STATE PHONE LINE This adjustment recognizes the difference between the actual expenditures for fiscal year 2014 and the anticipated expenditures for the 2015-17 biennium. To adjust agency requirements for zero phone lines for fiscal years 2016 and 2017. The adjustment is driven by the Enterprise Information Technology Services schedule. 0 phone lines x 12 months = 0 quantity for schedule This service was utilized by the PCN that was stationed in Las Vegas; the PCN was transferred to Carson City at the end of Fiscal Year 2014.	0	0	-269	-269
7430 PROFESSIONAL SERVICES This adjustment eliminates a one time cost.	0	0	-249	-249
7980 OPERATING LEASE PAYMENTS This adjustment recognizes the difference between the actual expenditures for fiscal year 2014 and the anticipated expenditures for the 2015-17 biennium. Xerox \$197.95 per month x 12 months = \$2,375.40 Konica \$219.40 per month x 12 months = \$2,632.80 2015-17 biennium total = \$2,375.40 + \$2,632.80- \$5,008.20 Difference FY 14 \$5,008.20 - \$4,849.36 = 158.84	0	0	159	159
TOTAL FOR CATEGORY 04:	0	0	1,651	2,338
CATEGORY 05 EQUIPMENT:				
8241 NEW FURNISHINGS <\$5,000 - A Eliminate one-time expenditure per budget instructions.	0	0	-3,538	-3,538
TOTAL FOR CATEGORY 05:	0	0	-3,538	-3,538

	2013-2014 ACTUAL	2014-2015 WORK PROGRAM	2015-2016 AGENCY REQUEST AS SUBMITTED	2016-2017 AGENCY REQUEST AS SUBMITTED
CATEGORY 15 INVESTIGATIONS/PARALEGAL COSTS:				
7060 CONTRACTS	0	0	1,551	1,636
This contract has increased due to additional staff using the service.				
FY 14 = \$1,317				
FY 16 = \$2,868 difference = \$1,551				
FY 17 = \$2,953 difference = \$1,636				
Total additional cost = \$3,187				
TOTAL FOR CATEGORY 15:	0	0	1,551	1,636
CATEGORY 26 INFORMATION SERVICES:				
7460 EQUIPMENT PURCHASES < \$1,000	0	0	-49	-49
This requests funding for a three year average for equipment less than \$1,000.				
2012 \$.00				
2013 \$511.98				
2014 \$328.85				
Total \$840.83 / 3 = \$280.27				
FY 2014 \$328.85 - \$280.27 = 48.58 M-150				
7533 EITS EMAIL SERVICE	0	0	-1	-1
This adjustment recognizes the difference between the actual expenditures for fiscal year 2014 and the anticipated expenditures for the 2015-17 biennium. To adjust agency requirements for six email accounts for fiscal years 2016 and 2017. The adjustment is driven by the Enterprise Information Technology Services schedule.				
6 accounts x 12 months = 72 quantity for schedule				
7545 EITS VPN SECURE LINK	0	0	-47	-47
This adjustment recognizes the difference between the actual expenditures for fiscal year 2014 and the anticipated expenditures for the 2015-17 biennium. To adjust agency requirements for zero VPN Secure Link accounts for fiscal years 2016 and 2017. The adjustment is driven by the Enterprise Information Technology Services schedule.				
0 accounts x 12 months = 0 quantity for schedule				
This service is no longer utilized by The Ethics Commission.				
7771 COMPUTER SOFTWARE <\$5,000 - A	0	0	-1,694	-1,694
Eliminate one-time expenditure per budget instructions.				
8371 COMPUTER HARDWARE <\$5,000 - A	0	0	-8,444	-8,444
Eliminate one-time expenditure per budget instructions.				
TOTAL FOR CATEGORY 26:	0	0	-10,235	-10,235

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	2013-2014 ACTUAL	2014-2015 WORK PROGRAM	2015-2016 AGENCY REQUEST AS SUBMITTED	2016-2017 AGENCY REQUEST AS SUBMITTED
CATEGORY 82 DEPT COST ALLOCATION:				
7395 COST ALLOCATION - B	0	0	-2,497	-2,497
TOTAL FOR CATEGORY 82:	0	0	-2,497	-2,497
TOTAL EXPENDITURES:	0	0	8,922	9,744

ENHANCEMENT

E225 EFFICIENT AND RESPONSIVE STATE GOVERNMENT

This decision unit requests the establishment of Category 30 for funding associated with attendance at trainings and conferences directly related to the nature of business conducted by the Staff of the Commission on Ethics.

	2013-2014 ACTUAL	2014-2015 WORK PROGRAM	2015-2016 AGENCY REQUEST AS SUBMITTED	2016-2017 AGENCY REQUEST AS SUBMITTED
RESOURCES:				
2501 APPROPRIATION CONTROL	0	0	2,367	2,367
4103 COUNTY REIMBURSEMENTS	0	0	5,323	5,323
TOTAL RESOURCES:	0	0	7,690	7,690
EXPENDITURES:				
CATEGORY 30 TRAINING:				
6100 PER DIEM OUT-OF-STATE	0	0	2,420	2,420
6130 PUBLIC TRANS OUT-OF-STATE	0	0	155	155
6140 PERSONAL VEHICLE OUT-OF-STATE	0	0	216	216
6150 COMM AIR TRANS OUT-OF-STATE	0	0	2,759	2,759
7300 DUES AND REGISTRATIONS	0	0	2,140	2,140
TOTAL FOR CATEGORY 30:	0	0	7,690	7,690
TOTAL EXPENDITURES:	0	0	7,690	7,690

E226 EFFICIENT AND RESPONSIVE STATE GOVERNMENT

This decision unit requests funding for cellular phone reimbursement for four members of the Ethics Commission staff.

	2013-2014 ACTUAL	2014-2015 WORK PROGRAM	2015-2016 AGENCY REQUEST AS SUBMITTED	2016-2017 AGENCY REQUEST AS SUBMITTED
RESOURCES:				
2501 APPROPRIATION CONTROL	0	0	739	739
4103 COUNTY REIMBURSEMENTS	0	0	1,661	1,661
TOTAL RESOURCES:	0	0	2,400	2,400
EXPENDITURES:				
CATEGORY 04 OPERATING EXPENSES:				
7291 CELL PHONE/PAGER CHARGES	0	0	2,400	2,400
TOTAL FOR CATEGORY 04:	0	0	2,400	2,400
TOTAL EXPENDITURES:	0	0	2,400	2,400

E711 EQUIPMENT REPLACEMENT

This decision unit requests funding for the replacement of an outdated telephone system that is over ten years old. Additional telephone lines can no longer be added to the existing telephone system.

	2013-2014 ACTUAL	2014-2015 WORK PROGRAM	2015-2016 AGENCY REQUEST AS SUBMITTED	2016-2017 AGENCY REQUEST AS SUBMITTED
RESOURCES:				
2501 APPROPRIATION CONTROL	0	0	1,982	0
4103 COUNTY REIMBURSEMENTS	0	0	4,458	0
TOTAL RESOURCES:	0	0	6,440	0
EXPENDITURES:				
CATEGORY 05 EQUIPMENT:				
7060 CONTRACTS	0	0	1,200	0
7460 EQUIPMENT PURCHASES < \$1,000	0	0	2,655	0
7771 COMPUTER SOFTWARE <\$5,000 - A	0	0	200	0
8271 SPECIAL EQUIPMENT <\$5,000 - A	0	0	2,385	0
TOTAL FOR CATEGORY 05:	0	0	6,440	0
TOTAL EXPENDITURES:	0	0	6,440	0

E806 UNCLASSIFIED POSITION SALARY INCREASES

This decision unit requests the funding to increase the salary for PCN 002, Executive Director and PCN 007, Commission Counsel. This decision unit also requests title changes and salary adjustments to PCN 004 Executive Assistant to Office Manager, PCN 006 from Investigator to Case Analyst and PCN 005, Senior Legal Researcher to Case Analyst. This decision unit also requests a change in title without a salary adjustment for PCN 003, from Commission Counsel to Associate Counsel.

	2013-2014 ACTUAL	2014-2015 WORK PROGRAM	2015-2016 AGENCY REQUEST AS SUBMITTED	2016-2017 AGENCY REQUEST AS SUBMITTED
RESOURCES:				
2501 APPROPRIATION CONTROL	0	0	12,693	12,693
4103 COUNTY REIMBURSEMENTS	0	0	28,546	28,546
TOTAL RESOURCES:	0	0	41,239	41,239
EXPENDITURES:				
CATEGORY 01 PERSONNEL:				
5100 SALARIES	0	0	35,090	35,090
5300 RETIREMENT	0	0	4,600	4,600
5700 PAYROLL ASSESSMENT	0	0	56	56
5750 RETIRED EMPLOYEES GROUP INSURANCE	0	0	935	935
5800 UNEMPLOYMENT COMPENSATION	0	0	46	46
5840 MEDICARE	0	0	512	512
TOTAL FOR CATEGORY 01:	0	0	41,239	41,239
TOTAL EXPENDITURES:	0	0	41,239	41,239

SUMMARY

	2013-2014 ACTUAL	2014-2015 WORK PROGRAM	2015-2016 AGENCY REQUEST AS SUBMITTED	2016-2017 AGENCY REQUEST AS SUBMITTED
RESOURCES:				
2501 APPROPRIATION CONTROL	238,104	234,376	250,967	249,238
2510 REVERSIONS	-24,605	0	0	0
2511 BALANCE FORWARD FROM PREVIOUS YEAR	14,379	0	0	0
2512 BALANCE FORWARD TO NEW YEAR	-69,660	0	0	0
3818 PHOTOCOPY SERVICE CHARGE	20	0	0	0
4103 COUNTY REIMBURSEMENTS	535,306	526,607	564,390	560,501
4203 PRIOR YEAR REFUNDS	57	0	0	0
TOTAL RESOURCES:	693,601	760,983	815,357	809,739
EXPENDITURES:				
CATEGORY 01 PERSONNEL:				
5100 SALARIES	413,674	448,750	489,929	489,929
5120 FURLOUGH ADJUSTMENT	-8,984	0	-8,984	-8,984
5200 WORKERS COMPENSATION	6,797	6,222	6,222	6,222
5300 RETIREMENT	65,305	59,459	75,460	75,460
5320 PERS HOLD HARMLESS FOR FURLOUGH	0	711	0	0
5500 GROUP INSURANCE	41,669	50,064	50,064	50,064
5660 FURLOUGH LEAVE	8,984	0	8,984	8,984
5700 PAYROLL ASSESSMENT	718	718	785	785
5750 RETIRED EMPLOYEES GROUP INSURANCE	9,972	12,116	13,033	13,033
5800 UNEMPLOYMENT COMPENSATION	895	539	638	638
5840 MEDICARE	6,385	6,507	7,106	7,106
5860 BOARD AND COMMISSION PAY	6,080	9,440	6,080	6,080
5930 LONGEVITY PAY	0	0	300	350
5970 TERMINAL ANNUAL LEAVE PAY	7,374	0	7,374	7,374
TOTAL FOR CATEGORY 01:	558,869	594,526	656,991	657,041
CATEGORY 03 IN-STATE TRAVEL:				
6200 PER DIEM IN-STATE	6,797	16,883	21,804	21,804
6210 FS DAILY RENTAL IN-STATE	507	1,092	622	622
6215 NON-FS VEHICLE RENTAL IN-STATE	223	257	223	223
6240 PERSONAL VEHICLE IN-STATE	3,239	3,202	4,067	4,067

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	2013-2014 ACTUAL	2014-2015 WORK PROGRAM	2015-2016 AGENCY REQUEST AS SUBMITTED	2016-2017 AGENCY REQUEST AS SUBMITTED
6250 COMM AIR TRANS IN-STATE	6,662	16,080	12,402	12,402
TOTAL FOR CATEGORY 03:	17,428	37,514	39,118	39,118
CATEGORY 04 OPERATING EXPENSES:				
7020 OPERATING SUPPLIES	763	669	763	763
7026 OPERATING SUPPLIES-F	208	0	208	208
7030 FREIGHT CHARGES	1,279	2,207	1,279	1,279
7040 NON-STATE PRINTING SERVICES	0	2,373	0	0
7044 PRINTING AND COPYING - C	1,239	0	1,239	1,239
7045 STATE PRINTING CHARGES	62	78	62	62
7050 EMPLOYEE BOND INSURANCE	16	16	16	16
7054 AG TORT CLAIM ASSESSMENT	722	722	722	722
705A NON B&G - PROP. & CONT. INSURANCE	12	12	13	13
705B B&G - PROP. & CONT. INSURANCE	24	24	24	24
7060 CONTRACTS	92	0	92	92
7080 LEGAL AND COURT	500	1,344	500	500
7100 STATE OWNED BLDG RENT-B&G	3,409	3,588	3,588	3,588
7103 STATE OWNED MEETING ROOM RENT	1,319	2,275	1,319	1,319
7110 NON-STATE OWNED OFFICE RENT	24,598	24,179	26,777	27,457
7240 HOST FUND	0	787	0	0
7241 HOST FUND -A	455	0	455	455
7250 B & G EXTRA SERVICES	577	0	577	577
7255 B & G LEASE ASSESSMENT	293	273	303	310
7285 POSTAGE - STATE MAILROOM	4,331	4,532	4,331	4,331
7290 PHONE, FAX, COMMUNICATION LINE	1,309	1,289	1,309	1,309
7291 CELL PHONE/PAGER CHARGES	480	948	2,880	2,880
7292 EITS VOICE MAIL	40	456	-405	-405
7294 CONFERENCE CALL CHARGES	327	392	327	327
7295 EITS STATE PHONE LINE	202	326	-81	-81
7296 EITS LONG DISTANCE CHARGES	125	244	125	125
7299 TELEPHONE & DATA WIRING	418	0	418	418
7301 MEMBERSHIP DUES	445	0	445	445
7340 INSPECTIONS & CERTIFICATIONS	47	0	47	47
7370 PUBLICATIONS AND PERIODICALS	198	0	198	198
7430 PROFESSIONAL SERVICES	249	0	0	0
7980 OPERATING LEASE PAYMENTS	4,849	5,480	5,008	5,008

	2013-2014 ACTUAL	2014-2015 WORK PROGRAM	2015-2016 AGENCY REQUEST AS SUBMITTED	2016-2017 AGENCY REQUEST AS SUBMITTED
TOTAL FOR CATEGORY 04:	48,588	52,214	52,539	53,226
CATEGORY 05 EQUIPMENT:				
7060 CONTRACTS	0	0	1,200	0
7460 EQUIPMENT PURCHASES < \$1,000	0	0	2,655	0
7771 COMPUTER SOFTWARE <\$5,000 - A	0	0	200	0
8241 NEW FURNISHINGS <\$5,000 - A	3,538	0	0	0
8271 SPECIAL EQUIPMENT <\$5,000 - A	0	0	2,385	0
TOTAL FOR CATEGORY 05:	3,538	0	6,440	0
CATEGORY 11 COURT REPORTING SERVICES:				
7060 CONTRACTS	13,403	36,000	13,403	13,403
7750 NON EMPLOYEE IN-STATE TRAVEL	1,066	0	1,066	1,066
TOTAL FOR CATEGORY 11:	14,469	36,000	14,469	14,469
CATEGORY 15 INVESTIGATIONS/PARALEGAL COSTS:				
7060 CONTRACTS	1,317	1,284	2,868	2,953
7294 CONFERENCE CALL CHARGES	0	6	0	0
TOTAL FOR CATEGORY 15:	1,317	1,290	2,868	2,953
CATEGORY 26 INFORMATION SERVICES:				
7020 OPERATING SUPPLIES	310	155	310	310
7023 OPERATING SUPPLIES-C	26	0	26	26
7060 CONTRACTS	1,430	1,767	1,430	1,430
7290 PHONE, FAX, COMMUNICATION LINE	1,212	1,332	1,212	1,212
7460 EQUIPMENT PURCHASES < \$1,000	329	0	280	280
7532 EITS WEB HOSTING	1,430	1,464	1,103	1,103
7533 EITS EMAIL SERVICE	381	409	347	347
7542 EITS SILVERNET ACCESS	2,187	2,751	2,751	2,751
7545 EITS VPN SECURE LINK	35	47	-12	-12
7554 EITS INFRASTRUCTURE ASSESSMENT	775	625	626	626
7556 EITS SECURITY ASSESSMENT	610	470	470	470
7771 COMPUTER SOFTWARE <\$5,000 - A	1,694	0	0	0
8371 COMPUTER HARDWARE <\$5,000 - A	8,444	0	0	0

	2013-2014 ACTUAL	2014-2015 WORK PROGRAM	2015-2016 AGENCY REQUEST AS SUBMITTED	2016-2017 AGENCY REQUEST AS SUBMITTED
TOTAL FOR CATEGORY 26:	18,863	9,020	8,543	8,543
CATEGORY 30 TRAINING:				
6100 PER DIEM OUT-OF-STATE	0	0	2,420	2,420
6130 PUBLIC TRANS OUT-OF-STATE	0	0	155	155
6140 PERSONAL VEHICLE OUT-OF-STATE	0	0	216	216
6150 COMM AIR TRANS OUT-OF-STATE	0	0	2,759	2,759
7300 DUES AND REGISTRATIONS	0	0	2,140	2,140
TOTAL FOR CATEGORY 30:	0	0	7,690	7,690
CATEGORY 82 DEPT COST ALLOCATION:				
5450 CENTRALIZED PERSONNEL SERVICES COST ALLOCATION	0	2,409	0	0
7395 COST ALLOCATION - B	2,497	0	0	0
7439 DEPT OF ADMIN - ADMIN SER DIV	22,875	22,875	22,875	22,875
TOTAL FOR CATEGORY 82:	25,372	25,284	22,875	22,875
CATEGORY 87 PURCHASING ASSESSMENT:				
7393 PURCHASING ASSESSMENT	203	203	203	203
TOTAL FOR CATEGORY 87:	203	203	203	203
CATEGORY 88 STATEWIDE COST ALLOCATION PLAN:				
9159 STATEWIDE COST ALLOCATION	1,211	3,598	3,598	3,598
TOTAL FOR CATEGORY 88:	1,211	3,598	3,598	3,598
CATEGORY 89 AG COST ALLOCATION PLAN:				
7391 ATTORNEY GENERAL COST ALLOC	3,743	1,334	23	23
TOTAL FOR CATEGORY 89:	3,743	1,334	23	23
TOTAL EXPENDITURES:	693,601	760,983	815,357	809,739
PERCENT CHANGE:		9.71%	7.15%	-0.69%
TOTAL POSITIONS:	6.00	6.00	6.00	6.00

Appendix B

FY13 & FY14
Actual Requests for Opinion Breakdown
by State and Local Government

Appendix B

State of Nevada Commission on Ethics

Actual Requests for Opinion for FY13 - FY14

	<u>FY12-13</u>	<u>FY13-14</u>	<u>Total</u>		
State Executive	15	13	28		
State Legislative	3	4	7		
Judicial Branch	0	1	1		
ALL State	18	18	36	36/176	21%
Carson City	0	2	2		
Churchill County	0	0	0		
Clark County	11	13	24		
Douglas County	1	1	2		
Elko County	0	1	1		
Esmeralda County	0	0	0		
Eureka County	0	0	0		
Humboldt County	1	3	4		
Lander County	0	2	2		
Lyon County	0	5	5		
Mineral County	7	0	7		
Nye County	10	8	18		
Pershing County	0	0	0		
Storey County	4	3	7		
Washoe County	22	0	22		
ALL County	56	38	94	94/176	53%
Boulder City	1	1	2		
Elko	2	2	4		
Ely	2	4	6		
Fernley	3	14	17		
Henderson	0	1	1		
Las Vegas	4	1	5		
Mesquite	1	1	2		
Minden	0	0	0		
N. Las Vegas	1	0	1		
Reno	4	2	6		
Sparks	0	0	0		
Wells	1	0	1		
W. Wendover	0	1	1		
All City/Town	19	27	46	46/176	26%
All Local Gov't			140	140/176	79%
Total FY13 -FY14 Biennium RFOS			176		100%

Appendix C

2015 Bill Draft Request Summary
Related to NRS 281A

Appendix C

NEVADA COMMISSION ON ETHICS

2015 BDR

Item #	Statute Change	Reason for Change
1	Amend NRS 281A.480(5) to provide that for safe harbor to apply, the subject must be able to prove that s/he sought specific legal advice related to the conduct, advice was given by the appropriate counsel and that subject determined that no prior commission opinion applied BEFORE taking action. <u>Also require request, date and advice to be memorialized or proven by substantial evidence.</u>	During a third-party request for opinion process, the Commission may at times determine that a public officer's or employee's past conduct violated NRS 281A, although if the subject relied in good faith on the advice of counsel and the advice was not contrary to a published Commission opinion, the violation could not be deemed "willful." Since this safe harbor provision was amended in 2013, many subjects and their attorneys have argued that the conduct was on the advice of counsel, though it was not clear whether the subject sought the advice or came by it second hand, and whether or when the attorney considered prior Commission opinions and statutes before offering the advice. Reasonable application of the "safe harbor" provisions is important, but should not be available unless both the subject and the attorney have acted within narrow circumstances and in good faith. If affidavits or other evidence are presented that attempt to manipulate the application of the intent of the safe harbor or are vague attempts to obtain safe harbor when the officer or employee knew the conduct violated ethics laws, safe harbor should not be offered.
2	Allow NCOE to accept anonymous Third-Party RFOs, so long as they contain sufficient supporting evidence. (NRS 281A.440(2)(c)) (NRS 281A.440(12))	Currently NRS 281A.440 (2)(c) prohibits the Commission from initiating an RFO based solely on an anonymous complaint. NRS 281A.440(12) prohibits the Commission from accepting an anonymous complaint from a third-party by requiring the requester to testify. The Legislature should delete NRS 281A.440(12)(b) and the language which prohibits the anonymous complaint in NRS 281A.440(2)(c). It has been the practice of the Commission to reject anonymous complaints as a matter of course; however should sufficient evidence come to its attention, such evidence should not be ignored.
3	Amend willful standards so not too restrictive. (NRS 281A.475) (NRS 281A.480(5))	NRS 281A.480(5) and NRS 281A.475 have made it nearly impossible for the Commission to find a willful violation. Change "shall" to "may" for Commission's duty to consider the factors.
4	Make materials provided to panels and panel transcripts confidential. (NRS 281A.440(8)(9) and (16))	NRS 281A.440 may need to be modified to determine when such materials become public records, if ever. Under current language, the record of the proceedings of the investigatory panel are confidential until the panel determination or waiver. The definition of "investigatory file" does not specify that (investigatory) panel materials are part of the investigatory file.
5	Amend NRS 281A.420 (3) and (4) to also discuss abstention by public <u>employees.</u>	These abstention laws, as written, are only directed to public officers. There may be instances (e.g., advisory board members who make recommendations to a governing body) where public employees may vote on agenda items or otherwise participate in decision-making actions. Therefore, these two paragraphs should be amended to include public employees.

NEVADA COMMISSION ON ETHICS 2015 BDR

Item #	Statute Change	Reason for Change
6	Clarify NRS 281A.270 State and Local Government funding for Commission operations to address return of money during biennia. Our current process is not reflected in the statute, but is necessary to avoid IFC requests for 100% State funds (if needed) when unspent Local Government funds are available during a biennium.	SB 228 amended NRS 281A.270 consistent with Commission intent offered in 2011 legislative BDR solely to prevent budget reversions to local governments when the State imposed budget reductions. (In 2009/2010 the State imposed mandatory budget reductions, requiring the Commission to reimburse the local governments in proportion to the legislatively approved state/local distributions.) However, the language in SB 228 created confusion regarding reversions of excess local government funds, and the State Executive Budget Office and LCB Fiscal Division did not understand the original intent. The Commission should clarify the language to ensure that excess local government funds are reserved until after the following fiscal year in the event the Commission requests additional interim funds. (This structure will ensure proportionate distribution between the State General Fund and the Local Government shares)
7*	Amend NRS 281A.440(7)(b) and NRS 281A.550(7)(b) to allow a public officer or employee to disclose the results of an ethics opinion to certain individuals while retaining confidentiality.	After the Commission opines on a first-party opinion request, a public officer should be able to disclose the disposition of the request to an employer or agency attorney for internal use only, and still preserve the confidentiality of the opinion. Similarly, if a witness accompanies the public officer or employee to a first-party request for opinion Commission hearing, confidentiality should still be retained. NRS 281A.440(7) and NRS 281A.550(7)(b) currently deem such disclosures a waiver.

*= Initially presented in 2013, S.B. 228

Impacts if BDR is passed:

1. Clarifies access to the safe harbor provision (protection from a willful violation) in NRS 281A.480(5) to require evidence that the public officer or employee acted on the advice of counsel to their body and the advice was not contrary to a published Commission opinion.
2. Allows the Commission to accept and act upon anonymous third-party complaints submitted with sufficient credible evidence. The public will no longer be reluctant to inform the Commission of questionable conduct by public officers and employees if they are not required to be publicly named and participate in the Commission's investigatory and hearing processes.
3. Changes "shall" to "may" for Commission's review of standards to determine willfulness of a violation. Staff notes that without the change it is nearly impossible for the Commission to find a willful violation and impose civil penalties.
4. Further defines materials in an "investigatory file" to clarify which materials are public records.
5. Includes public employees in abstention laws. Currently, the law only applies to public officers.
6. The Commission will be able to hold in reserve excess local government funds for one year, in the event the Commission requests additional interim funds. This will ensure proportionate distribution between the State GF and Local Government shares.
7. A public officer will be able to disclose the disposition of the Commission's confidential advisory opinion to an employer or agency attorney for internal use only, without waiving confidentiality of the opinion.

If BDR fails to pass, what are the consequences?

1. The "safe-harbor" provisions will remain vague allowing public officers or employees to argue that the conduct was on advice of counsel, without proof that the public officer or employee sought the advice personally in advance of the conduct and provided the attorney with relevant information. Also, counsel's informal or off-hand advice should not be used for safe-harbor unless it was communicated on the record or memorialized in some reliable way.
2. The Commission will continue its practice of rejecting anonymous complaints. Members of the public will remain reluctant to file if they are required to be publicly named and participate in the Commission's investigatory and hearing processes.
3. The required consideration of each statutory factor will continue to restrict the Commission's ability to find a willful violation and impose civil penalties.
4. Ambiguity concerning whether Investigatory panel materials are part of the investigatory file will likely result in litigation. The investigatory panel materials are confidential and not public records.
5. The abstention laws will continue to apply only to public officers. Public employees will continue to be able to act on matters that comprise a clear case where the independence of judgment of a reasonable person in the public employee's situation would be materially affected by the conflict.
6. The Commission will continue to revert excess local government funds unless the actual expenditures are less than the amount of the assessment or the budget for the Commission is modified and the local government has already remitted its payment.

7. Public officers or employees will not be able to disclose confidential ethics opinions to their employers or attorneys without waiving confidentiality of the opinion.

Describe support for the BDR beyond the requesting agency: None known

Describe opposition to the BDR: None known. The local government representatives did not oppose the concept in No. 5 in SB 283 of the 2013 Legislative Session.

Appendix D

2014 Adopted Regulations - NAC 281A
(LCB File No. R048-14)

Appendix D

ADOPTED REGULATION
OF THE COMMISSION ON ETHICS

LCB File No. R048-14

Effective _____

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §§1-23, NRS 281A.290.

A REGULATION relating to ethics in government; revising provisions relating to the procedures of the Commission on Ethics and the staff of the Commission; revising provisions relating to the confidentiality of certain information and documents which are used by the Commission and the staff of the Commission; revising provisions relating to the determination of a commitment in a private capacity of a public officer or employee; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides a code of ethical standards which prohibits a public officer or employee from using the public officer’s or employee’s position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for any person to whom the public officer or employee has a commitment in a private capacity to the interests of that person. (NRS 281A.400) Senate Bill No. 228 of the 77th Session of the Nevada Legislature revised the definition of the term “commitment in a private capacity” to include, with respect to the interests of another person, a commitment, interest or relationship of a public officer or employee to: (1) a person who is the domestic partner of the public officer or employee; and (2) a person who is related to the domestic partner of the public officer or employee, by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity. (NRS 281A.065) **Section 9** of this regulation revises a chart used by the Commission on Ethics to determine relationships within the third degree of consanguinity or affinity to include relationships based on domestic partnership and adoption. (NAC 281A.310)

Under existing law, the Commission is required to render an opinion interpreting the statutory ethical standards and apply the standards to a given set of facts and circumstances upon its own motion or upon receiving a request for such an opinion from certain persons and entities. Upon receipt of such a request for an opinion, the Executive Director of the Commission is required to first 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. (NRS 281A.440) Under existing regulations, when the request for an opinion is from a person making a third-party request relating to a public officer or employee, the Executive Director must confer with the Commission Counsel to determine whether the Commission has jurisdiction concerning the request and whether the third-party request was properly filed. (NAC 281A.400, 281A.403, 281A.405) If the Executive Director and the Commission Counsel determine that the Commission has jurisdiction concerning the request and the third-party request was properly filed, the Executive Director is required to begin an investigation. If the Executive Director and the Commission Counsel determine that the Commission does not have jurisdiction concerning the request or that the third-party request was not properly filed, the Executive Director must notify the requester of that determination. The requester may appeal the determination by requesting a review of the determination by an investigatory panel appointed by the Chair of the Commission. (NAC 281A.405) **Section 13** of this regulation revises this procedure. First, **section 13** provides that the Executive Director and Commission Counsel must notify: (1) both the requester and the subject of the request if a determination is made that the Commission has jurisdiction and the request was properly filed; and (2) only the requester if a determination is made that the Commission does not have jurisdiction or that the request was not properly filed. Second, **section 13** allows a person who receives such a notification to request a review of the determination by the entire Commission instead of an investigatory panel of the Commission. Third, **section 13** prescribes a list of documents which must be provided to a person who requests such a review and provides that the Commission may, based on the findings of the Commission after conducting the review, dismiss the matter with or without prejudice or accept jurisdiction of the matter.

Existing law provides for the confidentiality of certain proceedings, information, documents and other materials related to an investigation of certain requests for an opinion of the Commission. (NRS 281A.440) Senate Bill No. 228 revised those provisions to provide that the investigative file of the Commission is confidential and generally defined the term “investigative file” to include any information obtained by the Commission during the course of an investigation and any records, documents or other materials created or maintained during the course of an investigation which relate to the public officer or employee who is the subject of the investigation. **Section 15** of this regulation revises a provision relating to the confidentiality of information relating to a third-party request for an opinion to reflect the confidentiality in statute of the investigative file. (NAC 281A.420)

Existing regulations provide that the proceedings of an investigatory panel to determine whether there is just and sufficient cause for the Commission to render an opinion on a third-party request for an opinion are closed to all persons except the parties to the third-party request for an opinion and any other person the investigatory panel deems necessary to the proceedings. (NAC 281A.425) **Section 16** of this regulation revises that provision to make such proceedings closed to all persons except the staff of the Commission.

Existing law prohibits the Commission Counsel from issuing written opinions concerning the applicability of the statutory ethical standards to a given set of facts and circumstances except as directed by the Commission. (NRS 281A.260) Existing law also provides that each opinion rendered by the Commission in response to a request for an opinion from a public officer or employee is confidential unless the public officer or employee: (1) acts in contravention of the opinion; (2) discloses the contents of the opinion; or (3) requests the Commission to disclose the contents of the opinion. (NRS 281A.440, 281A.550) Existing regulations require the Commission Counsel to prepare a written opinion for requests for an opinion that are heard by the Commission. (NAC 281A.185) **Section 23** of this regulation repeals that requirement, and **section 20** of this regulation authorizes the Commission to direct the Commission Counsel to prepare written opinions of requests for an opinion that are heard by the Commission. Existing regulations provide requirements for the contents of any written opinion of the Commission and requirements for the provision of copies of the written opinion to each person who is a party to the matter, the posting of the written opinion on the Internet website of the Commission and the delivery of a copy of the written opinion to any person who requests such a copy. (NAC 281A.550) **Section 20** authorizes the Commission to direct the Commission Counsel to prepare an abstract for a written opinion which is confidential under the applicable statute. The abstract is defined as a version of a confidential written opinion that has been redacted or amended to keep the identity of the requester of the opinion confidential. **Section 20** also revises the requirements for the posting of written opinions on the Commission’s Internet website to include the posting of abstracts and to prohibit the posting of a written opinion which is confidential.

Section 1. NAC 281A.060 is hereby amended to read as follows:

281A.060 “Party” means the subject *or his or her counsel, any staff of the Commission who investigate a third-party request for an opinion* and any other person who the Commission reasonably determines will be treated as a party in a matter before the Commission.

Sec. 2. NAC 281A.075 is hereby amended to read as follows:

281A.075 “Proceedings of an investigatory panel” means ~~1. A review and determination by an investigatory panel pursuant to NAC 281A.405 as to whether the Commission has jurisdiction over a third-party request for an opinion.~~

~~2.~~ ~~A]~~ *a* review pursuant to NAC 281A.430 and determination by an investigatory panel as to whether there is just and sufficient cause for the Commission to render an opinion on a matter presented in a third-party request for an opinion.

~~[→]~~ For the purposes of this chapter, the proceedings of an investigatory panel do not constitute a hearing.

Sec. 3. NAC 281A.090 is hereby amended to read as follows:

281A.090 “Requester” means a person ~~[or group of persons]~~ who ~~[file]~~ *files* with the Commission a third-party request for an opinion.

Sec. 4. NAC 281A.195 is hereby amended to read as follows:

281A.195 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 party or* a person who has any *interest in a* matter pending before the Commission, or any agent of such *party or* 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.

Sec. 5. NAC 281A.250 is hereby amended to read as follows:

281A.250 1. Except as otherwise provided in subsection 3, the provisions of NAC 281A.250 to ~~[281A.290,]~~ **281A.310**, inclusive, govern all practice and procedure before the Commission.

2. The Commission will liberally construe the provisions of NAC 281A.250 to ~~[281A.290,]~~ **281A.310**, 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,]~~ **281A.310**, inclusive, if the deviation will not materially affect the interests of the ~~[party who is the]~~ subject of the request.

Sec. 6. NAC 281A.255 is hereby amended to read as follows:

281A.255 1. Each written communication or document filed with the Commission must:

- (a) Be ~~[in proper]~~ **on the** form ~~[;]~~ **provided by the Commission;**
- (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;]~~ **submitted in the manner prescribed on the form;** and

~~[(d)]~~ (c) Include any ~~[duplicate]~~ :

(1) **Duplicate** copy required to be included with the form, as specified on the form ~~[;]~~ ;
and

(2) Necessary exhibits in a form and format, including, without limitation, digital or electronic format, which is reasonably accessible to the Commission.

2. Except as otherwise provided in NRS 281A.410 and 281A.500, 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. ~~[A written communication or document that is required to be filed with the Commission may not be submitted via facsimile transmission.]~~

Sec. 7. NAC 281A.265 is hereby amended to read as follows:

281A.265 1. Motions related to a third-party request for an opinion may only be made:

(a) After an investigatory panel has made a determination that there is just and sufficient cause 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 for the first time 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.]~~ *the close of business on the date set by an order of the Commission after the investigatory panel has made a determination that there is just and sufficient cause for the Commission to render an opinion.*

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 third-party request for an opinion issued by the Commission must be filed with the Commission not later than 15 days after the date on which the opinion of the Commission is served.

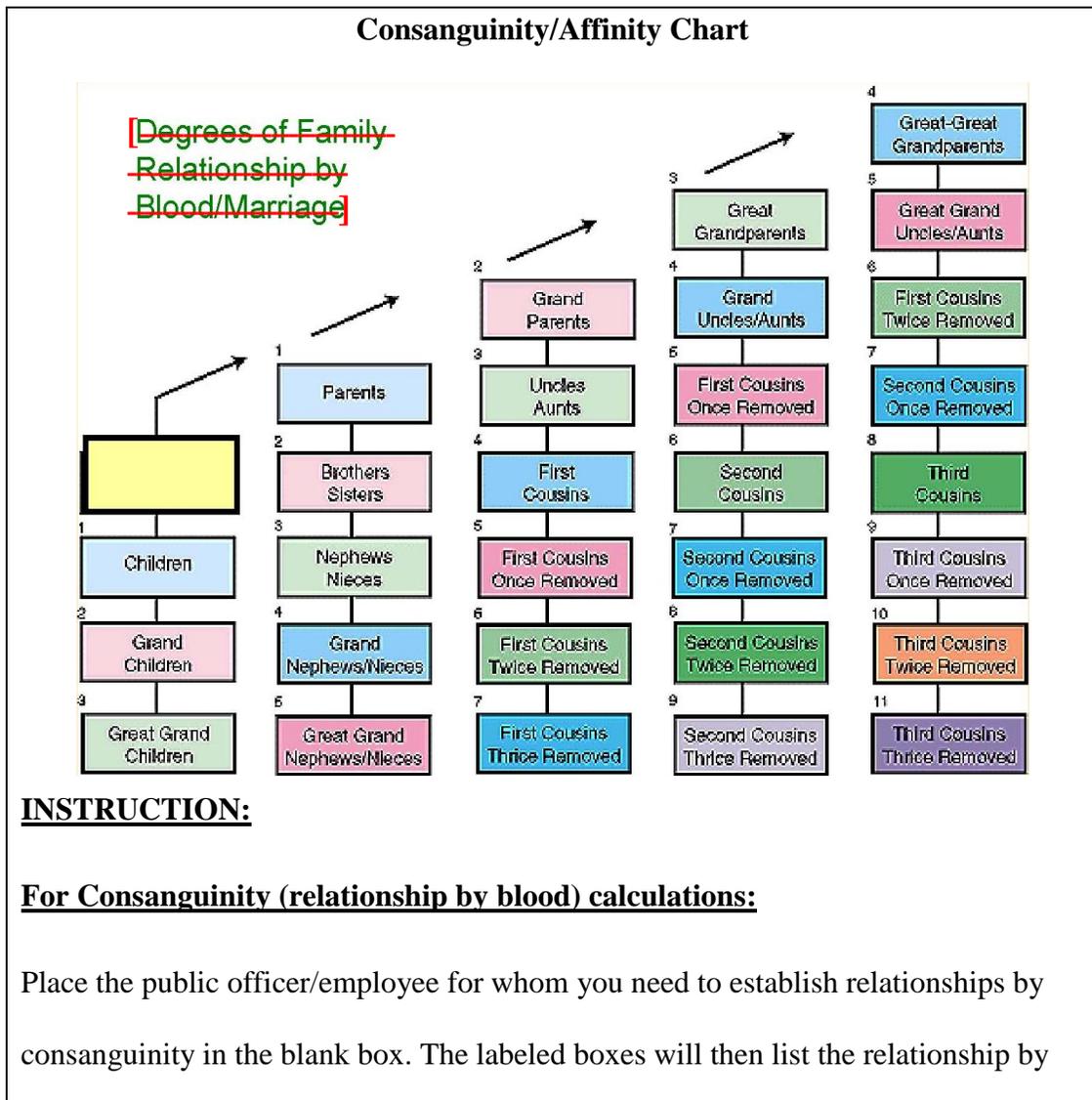
Sec. 8. NAC 281A.285 is hereby amended to read as follows:

281A.285 ~~{H}~~ A subject of a third-party request for an opinion 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 a third-party request for an opinion who requests the issuance ~~{and service}~~ of a subpoena pursuant to this section shall *serve the subpoena in accordance with NRS 281A.300 and* pay ~~{all expenses}~~ *the costs* 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.}~~

Sec. 9. NAC 281A.310 is hereby amended to read as follows:

281A.310 1. For the purposes of NRS ~~[281.571 and 281A.420,]~~ 281A.065, the Commission will determine *the* relationships *of a public officer or employee, or the spouse or domestic partner of the public officer or employee, by blood, adoption, marriage or domestic partnership* within the third degree of consanguinity or affinity pursuant to the following chart and instructions:



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 *adoption, marriage* ~~[]~~ or *domestic partnership*)

calculations:

Place the spouse *or domestic partner* 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 *or domestic partner* and the degree of distance from the public officer/employee by affinity.

~~[A husband and wife]~~ *Spouses* are related in the first degree *of affinity* by marriage ~~[]~~ *and domestic partners are related in the first degree of affinity by domestic partnership.* For *adoption and* other relationships by marriage ~~[]~~ *or domestic partnership,* the degree of relationship is the same as the degree of underlying relationship by blood.

2. As used in this section:

(a) *“Domestic partner” has the meaning ascribed to it in NRS 281A.085; and*

(b) *“Domestic partnership” has the meaning ascribed to it in NRS 281A.086.*

Sec. 10. NAC 281A.350 is hereby amended to read as follows:

281A.350 The Commission will only consider a first-party request for an opinion filed by a public officer or public employee that is ~~submitted to the Commission in proper~~ *on the* form ~~[-]~~ *provided by the Commission and submitted in the manner prescribed on the form.*

Sec. 11. NAC 281A.365 is hereby amended to read as follows:

281A.365 1. The Chair or presiding officer of a hearing concerning a first-party request for an opinion shall:

(a) Ascertain whether the subject of the first-party request for an 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 first-party request for an opinion and all persons whose testimony will be taken.

2. ~~The~~ *Except as otherwise provided in subsection 3 of NAC 281A.353, the* subject of the first-party request for an opinion must be present at the hearing.

3. The Chair or presiding officer shall allow the subject of the first-party request for an 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 first-party request for an 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 first-party request for an 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 first-party request for an 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 opinion on the matter; and

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

7. The opinion rendered by the Commission ~~shall be~~ *is* binding upon the subject of the first-party request for an 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 first-party request for an opinion and the information presented during the proceedings set forth in this section must be kept confidential, unless the subject of the opinion acts in a manner set forth in subsection 7 of NRS 281A.440 to waive the confidentiality of such information.

Sec. 12. NAC 281A.400 is hereby amended to read as follows:

281A.400 1. The Commission will only consider a third-party request for an opinion filed pursuant to paragraph (a) or (b) of subsection 2 of NRS 281A.440 which is ~~submitted in proper~~

on the form ~~[with the Executive Director at the principal office of]~~ *provided by* the Commission ~~[.]~~ *and submitted in the manner prescribed on the form.*

2. A third-party request for an opinion filed pursuant to paragraph (a) or (b) of subsection 2 of NRS 281A.440 must contain:

(a) The original completed form for a third-party request for an opinion ; ~~[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. A third-party request for an opinion filed 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 third-party request for an opinion and demonstrates that the alleged conduct of the subject would constitute a violation of chapter 281A of NRS.

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

5. A request to withdraw a third-party request for an opinion filed 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 third-party request for an opinion.

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 truth of the allegation made in the third-party request for an opinion. 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 as the only evidence to support the allegation.

Sec. 13. NAC 281A.405 is hereby amended to read as follows:

281A.405 1. The Executive Director shall confer with the Commission Counsel to determine whether:

(a) The Commission has jurisdiction concerning a third-party request for an opinion filed pursuant to paragraph (a) or (b) of subsection 2 of NRS 281A.440; and

(b) The third-party request for an opinion was ~~properly~~ filed with the Commission in ~~accordance~~ *compliance* with *the requirements of subsections 1, 2 and 3 of* NAC 281A.400.

2. If the Executive Director and Commission Counsel determine *pursuant to subsection 1* that the Commission has jurisdiction concerning the third-party request for an opinion and that the third-party request for an opinion was ~~properly~~ filed ~~pursuant to~~ *in compliance with the requirements of subsections 1, 2 and 3 of* NAC 281A.400, the Executive Director shall ~~investigate and proceed in the matter pursuant to NRS 281A.440.~~ *notify the requester and the subject of the request of the determination.*

3. The Executive Director shall notify the requester *of the determination* if the Executive Director and Commission Counsel determine *pursuant to subsection 1* that:

(a) The Commission lacks jurisdiction concerning the third-party request for an opinion pursuant to subsection 1; or

(b) The third-party request for an opinion was not ~~properly~~ filed with the Commission in ~~accordance~~ *compliance* with *the requirements of subsections 1, 2 and 3 of* NAC 281A.400.

4. A person who receives a notice pursuant to ~~paragraph (a) of~~ subsection *2 or* 3 may request a review *by the Commission* of the determination ~~regarding jurisdiction by an investigatory panel.~~ *made pursuant to subsection 1.* 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 an investigatory panel to conduct the review of the determination regarding jurisdiction.~~

5. ~~If an investigatory panel appointed pursuant to subsection 4 determines that the Commission has jurisdiction concerning a third party request for an opinion filed 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 whether there is just and sufficient cause for the Commission to render an opinion to the same investigatory panel that determined that the Commission has jurisdiction concerning the third party request for an opinion.~~ *Upon receipt of a request for a review pursuant to subsection 4, the Executive Director shall notify the subject if the request for a review was made by the requester of the third-party request for an opinion, or the requester of the third-party request for an opinion if the request for a review was made by the subject. Such notification must include, without limitation:*

(a) The third-party request for an opinion;

(b) The determination of the Executive Director and Commission Counsel made pursuant to subsection 1;

(c) The request for a review made pursuant to subsection 4;

(d) The date on which the Commission will conduct its review; and

(e) Instructions for filing a response to the request for a review, which must be filed not less than 5 business days before the date on which the Commission will conduct its review.

6. The Commission will review a determination made by the Executive Director and the Commission Counsel pursuant to subsection 1 on the date provided in the notification made pursuant to subsection 5. Action taken by the Commission pursuant to this subsection is a final decision. The Commission will:

(a) Dismiss the matter without prejudice upon a finding that the third-party request for an opinion was not filed in compliance with the requirements of subsections 1, 2 and 3 of NAC 281A.400;

(b) Dismiss the matter upon a finding that the Commission lacks jurisdiction concerning the third-party request for an opinion pursuant to paragraph (a) or (b) of subsection 2 of NRS 281A.440; or

(c) Accept jurisdiction of the matter upon a finding that the third-party request for an opinion was filed in compliance with the requirements of subsections 1, 2 and 3 of NAC 281A.400 and that the Commission has jurisdiction concerning the third-party request for an opinion pursuant to paragraph (a) or (b) of subsection 2 of NRS 281A.440.

7. The Executive Director shall:

(a) Notify the subject and the requester of the third-party request for an opinion of the action taken by the Commission pursuant to subsection 6; and

(b) If the Commission accepts jurisdiction of the matter, provide the notification required by NAC 281A.410.

Sec. 14. NAC 281A.410 is hereby amended to read as follows:

281A.410 1. Once a third-party request for an opinion has been ~~properly~~ filed with the Commission by a requester *in compliance with the requirements of subsections 1, 2 and 3 of NAC 281A.400* or initiated on the motion of the Commission and the Commission has determined that the Commission has jurisdiction over the matter presented in the third-party request for an opinion ~~;~~ *pursuant to NAC 281A.405*, the Executive Director shall forthwith ~~notify~~ :

(a) Notify the public officer or public employee who is the subject of the third-party request for an opinion ~~and provide~~ ;

(b) Provide the public officer or public employee an opportunity to respond to the allegations contained in the third-party request for an opinion ~~Such a~~ ; *and*

(c) Investigate and proceed in the matter pursuant to NRS 281A.440.

2. A notification *made pursuant to subsection 1* must ~~be~~ :

(a) Be in writing and sent to the subject of the third-party request for an opinion by:

~~(a)~~ (1) Personal delivery;

~~(b)~~ (2) Certified mail, return receipt requested; or

~~(c)~~ (3) Overnight delivery service in which proof of delivery is documented.

~~2. A notice of a third-party request for an opinion made pursuant to this section must include,]~~

(b) Include, without limitation:

~~[(a)]~~ *(1)* All information filed by the requester 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)]~~ *(2)* An outline of the process used by the Commission to resolve third-party requests for opinions; and

~~[(e)]~~ *(3)* A form prescribed by the Commission for waiving the time limits set forth in subsections 4, 5 and 6 of NRS 281A.440.

3. The subject of a third-party request for an opinion may, within the time limit set forth in subsection 3 of NRS 281A.440, file with the Commission a written response to the allegations contained in the third-party request for an opinion. If the subject of a third-party request for an opinion files with the Commission a waiver of the time limits set forth in subsections 4, 5 and 6 of NRS 281A.440, the Executive Director may, for good cause shown, authorize one or more extensions, of not more than 30 days each, of the time limit set forth in subsection 3 of NRS ~~[281.440]~~ **281A.440** for the subject to file a written response to the allegations contained in the third-party request for an opinion.

Sec. 15. NAC 281A.420 is hereby amended to read as follows:

281A.420 1. Except as otherwise provided in NRS 281A.440, until the conclusion of the proceedings of an investigatory 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 a third-party request for an opinion 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 third-party request for an opinion in the possession of the Commission and its staff is confidential.

2. Upon the conclusion of the proceedings of an investigatory panel on a third-party request for an opinion, ~~the~~ *any* information related to the third-party request for an opinion, *except the investigative file of the Commission as described in subsection 16 of NRS 281A.440*, is a public record available for public review during normal business hours at the principal office of the Commission.

Sec. 16. NAC 281A.425 is hereby amended to read as follows:

281A.425 The proceedings of an investigatory panel to determine whether there is just and sufficient cause for the Commission to render an opinion on a third-party request for an opinion are confidential and closed to all persons except the ~~[parties to the third-party request for an opinion and any other person the investigatory panel deems necessary to the proceedings of the investigatory panel.]~~ *staff of the Commission.*

Sec. 17. NAC 281A.445 is hereby amended to read as follows:

281A.445 The Executive Director shall provide and make arrangements for a *written* record *or audio recording* to be made of any proceedings of an investigatory panel.

Sec. 18. NAC 281A.475 is hereby amended to read as follows:

281A.475 The Commission will only consider those requests for an opinion filed pursuant to subsection 6 of NRS 281A.550 that are ~~submitted to the Commission in proper~~ *on the form provided by the Commission and submitted in the manner prescribed on the form.*

Sec. 19. NAC 281A.495 is hereby amended to read as follows:

281A.495 1. The Chair or presiding officer of a hearing concerning a request for an opinion filed pursuant to subsection 6 of NRS 281A.550 shall:

(a) Ascertain whether the subject of the request for an 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 opinion and all persons whose testimony will be taken.

2. ~~The~~ *Except as otherwise provided in subsection 3 of NAC 281A.480, the* subject of the request for an opinion must be present at the hearing.

3. The Chair or presiding officer shall allow the subject of the request for an 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 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 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 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 opinion on the matter; and

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

7. 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.

8. The request for an opinion and the information presented during the proceedings set forth in this section must be kept confidential, unless the subject of the request for an opinion acts in a manner set forth in subsection 7 of NRS 281A.550 to waive the confidentiality of such information.

Sec. 20. NAC 281A.550 is hereby amended to read as follows:

281A.550 1. *The Commission Counsel shall, if directed by the Commission, prepare:*

(a) A written opinion of the Commission regarding a first-party request for an opinion, a third-party request for an opinion or a request for an opinion submitted pursuant to subsection 6 of NRS 281A.550; and

(b) An abstract of any written opinion which is confidential pursuant to subsection 7 of NRS 281A.440 or subsection 7 of NRS 281A.550.

2. A written opinion *or abstract* of the Commission must plainly state:

(a) If the opinion concerns a third-party request for an opinion, each violation alleged against the public officer or public employee who is the subject of the third-party request for an opinion;

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

(c) If the opinion concerns a request for an opinion filed pursuant to subsection 6 of NRS 281A.550, the relevant facts in the case that do or do not justify relief from the strict application of the provisions of subsection 3 or 5 of NRS 281A.550, as applicable;

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

(e) 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 first-party request for an opinion.

~~[2.]~~ 3. Each written opinion *and abstract* must be numbered, dated and signed by the Chair or presiding officer.

~~[3.]~~ 4. The Commission will:

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

(b) Post a copy of each written opinion *which is not confidential and each abstract* on the *Internet* website of the Commission at <http://ethics.nv.gov>; and

(c) Deliver a copy of a written opinion *which is not confidential or an abstract, as applicable*, to any person who requests such a copy.

5. As used in this section, “abstract” means a version of a confidential written opinion that has been redacted or amended to keep the identity of the requester of the opinion confidential.

Sec. 21. NAC 281A.560 is hereby amended to read as follows:

281A.560 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]~~ *will make* public records ~~[from]~~ *of* the Commission ~~[is 25 cents for each page of the public record that is copied.~~

~~—3.]~~ *available for inspection and copying in accordance with the provisions of chapter 239 of NRS.*

2. 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]~~

3. *The Commission will not authorize a court reporter to provide* copies of a transcript concerning a matter that was recorded by the Commission *to a person seeking such a transcript pursuant to subsection 2* 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,]~~ *281A.310*, inclusive.

~~[5.]~~ 4. A court reporter ~~[may]~~ *shall* 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.]~~ 5. The Commission may waive all or a portion of the cost of obtaining copies of public records *made available pursuant to subsection 1* 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.

Sec. 22. NAC 281A.615 is hereby amended to read as follows:

281A.615 1. The following documents must be ~~[filed in proper form:]~~ *on the form provided by the Commission and submitted in the manner prescribed on the form:*

- (a) A disclosure of representation and counseling required pursuant to NRS 281A.410; and
- (b) An acknowledgment of the statutory ethical standards required pursuant to NRS 281A.500.

2. The form for each document specified in subsection 1 is available at the principal office of the Commission and on the *Internet* website of the Commission.

Sec. 23. NAC 281A.040, 281A.080, 281A.085 and 281A.185 are hereby repealed.

TEXT OF REPEALED SECTIONS

281A.040 “Information related to the third-party request for an opinion” defined.

(NRS 281A.290) “Information related to the third-party request for an opinion” includes, without limitation:

1. A third-party request for an opinion;
2. All investigative materials and information related to the third-party request for an opinion, including, without limitation, any investigation report;
3. Each document in the possession of the Commission or its staff related to the third-party request for an opinion; and
4. The record of the proceedings of an investigatory panel related to the third-party request for an opinion.

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

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.

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

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 third-party request for an opinion, first-party request for an opinion and request for an opinion filed pursuant to subsection 6 of NRS 281A.550 that is heard by the Commission.