



# ANNUAL REPORT

## FISCAL YEAR 2023



### Nevada Commission on Ethics

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# TO NEVADANS

The Nevada Commission on Ethics remains focused on increased education and assistance to Nevada's public servants. We are committed to effectively enforcing Nevada's Ethics Law ensuring that public officers and employees uphold the public trust by committing themselves to avoid conflicts between their private interests and public duties. This annual report provides an overview of the Commission's considerable work during Fiscal Year 2023 (FY 2023).

Highlights from the year include:

- Adoption of a new brand and logo for the Commission
- A record number of complaint cases were resolved
- Substantial increase in the number of public officials trained in the ethics law
- Funding priority success during the 2023 Legislative Session

We hope this report provides you with information about how the Nevada Commission on Ethics continues to do its work consistent with its mission and guiding principles.

Sincerely,

Kim Wallin, CPA, CMA, CFM  
Chair

Ross E. Armstrong, Esq.  
Executive Director

***“A public office is a public trust and shall be held for the sole benefit of the people” - NRS 281A.020(1)(a)***

# COMMISSION BACKGROUND

## What We Do

The Nevada Commission on Ethics is an independent public body appointed by the Governor and Legislative Commission to interpret and enforce the provisions of Nevada's Ethics in Government Law, Nevada Revised Statutes Chapter 281A. The Ethics Law preserves the public's trust in government. It sets forth various standards of conduct to guide public officers and employees to avoid conflicts of interest and maintain integrity in public service. The Commission's primary functions include:

- Providing outreach and education to Nevada's public officers, employees, and other interested entities regarding conflicts of interest and the Ethics Law.
- Providing advisory opinions to public officers and employees to guide them in compliance with the Ethics Law.
- Enforcing the provisions of the Ethics Law by investigating and adjudicating alleged misconduct of public officers and employees related to the Ethics Law.



**8 Commissioners**



**Over 139,000 public officers  
and employees**



**6 Staff Members**

## Mission Statement

The Nevada Commission on Ethics, by the authority granted under Chapter 281A of NRS, strives to enhance the public's faith and confidence in government by ensuring that public officers and public employees uphold the public trust by committing themselves to avoid conflicts between their private interests and their public duties.

## Commissioners & Staff

Commissioners	
<b>Kim Wallin, CPA, CMA, CFM</b> Chair	<b>Brian Duffrin</b> Vice Chair
<b>Barbara Gruenewald, Esq.</b> Commissioner	<b>Teresa Lowry, Esq.</b> Commissioner
<b>James Oscarson</b> Commissioner	<b>Damian Sheets, Esq.*</b> Commissioner
<b>Thoran Towler, Esq.</b> Commissioner	<b>Amanda Yen, Esq.</b> Commissioner
Commission Staff	
Ross Armstrong, Esq, Executive Director	Tracy L. Chase, Esq., Commission Counsel*
Elizabeth Bassett, Esq., Assoc. Counsel	Darci Hayden, Senior Legal Researcher* <b>Wendy Pfaff, Senior Legal Researcher*</b>
Erron Terry, Investigator	Kari Pedroza, Executive Assistant

\*indicates individual served for part of the fiscal year

## Commission's Guiding Principles

1. Our highest priority is to protect the citizens of Nevada by interpreting and enforcing the provisions of the Ethics Law in a fair, consistent and impartial manner.
2. We act with a high degree of integrity, honesty and respect when investigating and adjudicating public complaints alleging ethics violations by public officers and employees.
3. We are committed to providing outreach and education to our Stakeholders (the public and public officers and employees) to enhance their awareness and understanding of ethics requirements and prohibitions under the Nevada Ethics law.
4. Our objectivity, independence and impartiality are beyond reproach. We avoid all personal or professional circumstances or conflicts calling these into question.
5. Our processes ensure all actions, decisions and policies are consistently applied and do not result in advantages or disadvantages to any party to the detriment of another.
6. Our confidential advisory opinions are thoroughly researched and written with the needs of the requestor in mind and consistent with opinion precedent and applicable statutes including legislative intent.
7. We carry out our duties in a rigorous and detailed manner and utilize the resources provided to us wisely and only for the legitimate purposes of the agency.
8. We continuously challenge ourselves to improve the practices and processes of the agency to keep pace with the needs of the individuals we serve and to comply with legislative mandates.
9. We continuously improve our public communication and public access to provide guidance and assistance to those we hold accountable for compliance.
10. We value and respect the opinions and recommendations of our Stakeholders, Staff and Commission Members which guide us in our decision-making.

# FY 2023 HIGHLIGHTS

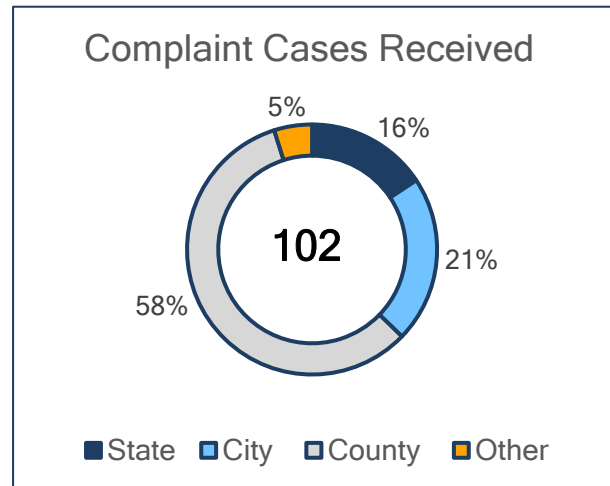
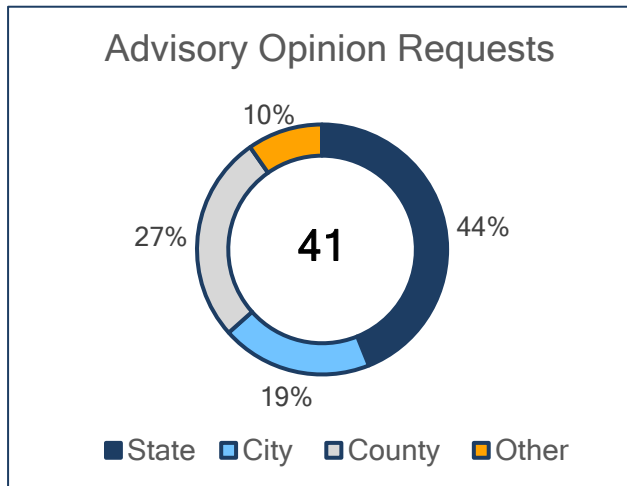
## Staff Retirements

The Commission completed a transition to post-pandemic operations in FY 2023. Two Commission staff retired in the past fiscal year:

- Tracy L. Chase, Esq (Commission Counsel) & Darci Hayden (Senior Legal Researcher)

The Commission had the opportunity to thank both team members for their dedication to public service on behalf of the State of Nevada and in particular, the Nevada Commission on Ethics.

## Cases Filed with the Commission



## Campaign Cases from the 2022 Election Season

The Commission received or initiated approximately twenty cases regarding public employee or officer conduct related to the 2022 election. Those cases included allegations of improperly using government equipment, resources, technology, or social media. In particular, a Review Panel of the Commission had the opportunity to examine the proper or improper use of social media accounts and provided analysis in its review panel determination dismissing the Complaint in *In re Mayberry*, Ethics Case No. 22-050C.

“The best ethical practice for public officers or employees who are also candidates for office is to maintain separate official and campaign social media presences in order to make it crystal clear that communications from any official account are not related to promotion of a candidacy.”

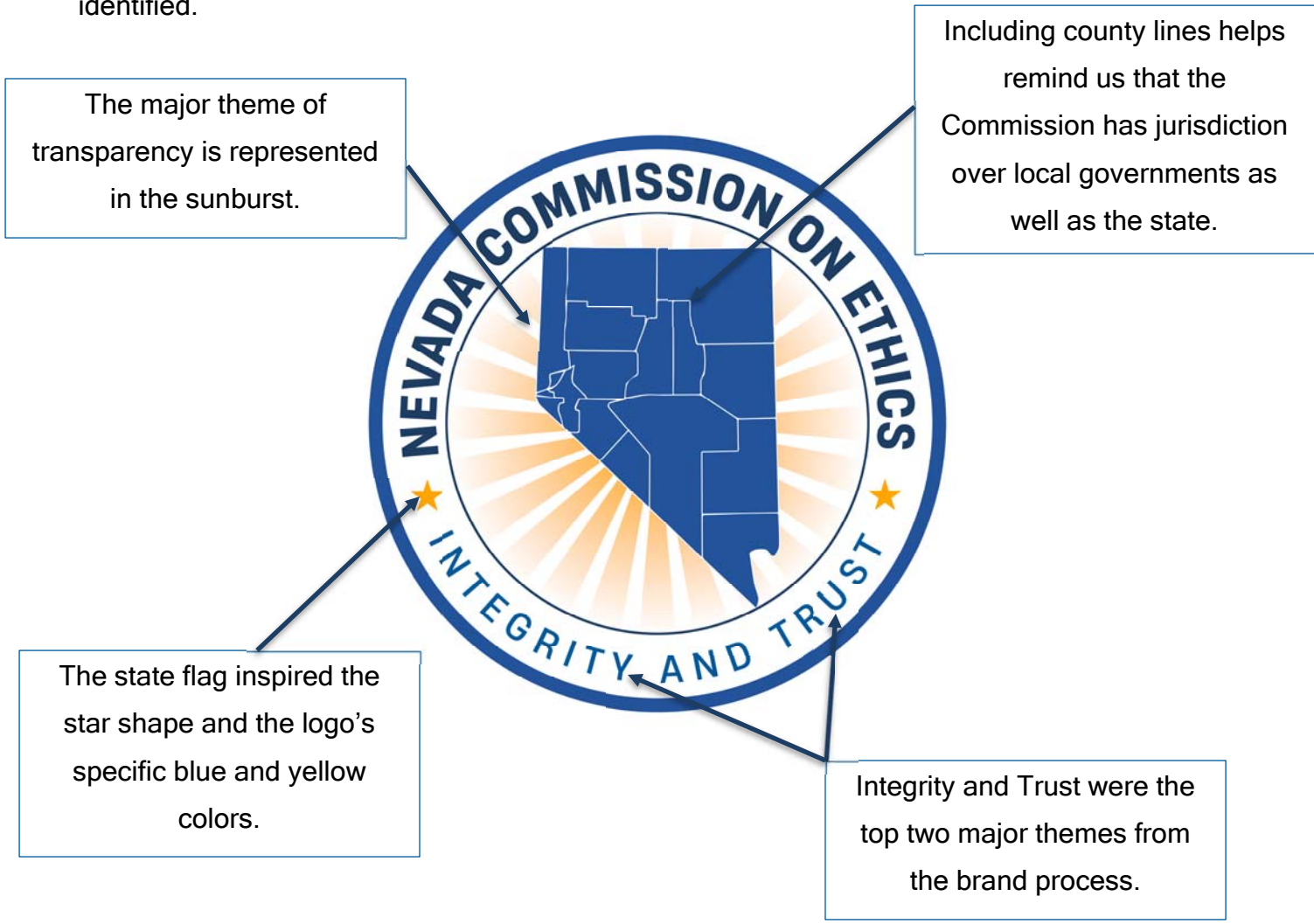
Review Panel in *In re Mayberry*, Ethics Case No. 22-050C

## Brand Development and Adoption

During FY 2023, the Commission completed a journey to adopt a brand for the Commission. To start the process, the Commission received feedback about feelings and other words associated with the Commission. The major themes that emerged included:

- Integrity
- Trust
- Transparency

With those themes in mind, the Commission solicited and reviewed different logo concepts. After final revisions, the Commission adopted the logo below with specific elements in mind as identified.





## FISCAL UPDATE

Fiscal Year 2023 was marked by two substantial staff vacancies resulting in larger than normal amounts of unspent funds in Category 1 - Personnel. While operationally challenging being short-staffed, the vacancy savings were used to cover end-of-service one-time expenses for each retiring employee. In addition, at the end of the fiscal year we converted some vacancy savings to contract funding and had contract staff assist with an overdue document retention project. Some additional highlights:

- Spending federally awarded funds on the development of our new Nevada Ethics Online training program.
- Receipt of \$23,995 in penalty fines collected for deposit into the general fund.
- Approval of the Commission's budgetary priorities by the Governor and Legislature during the 2023 Legislative Session.

### FY 2023 Sources of Commission Revenue & Penalties Collected

Local Government Assessments \$637,096	State General Funds \$247,761	Penalties Collected for General Fund \$23,995
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*We carry out our duties in a rigorous and detailed manner and utilize the resources provided to us wisely and only for the legitimate purposes of the agency. – Guiding Principle #7*



#### Fiscal Implementation after 2023 Legislative Session

1. Public Information Officer onboarding
2. Expanded rollout of modernized training approach
3. Promotion of more competitive salaries for staff

# REGULATORY AND LEGISLATIVE STATUS

## Regulatory Status

During the fiscal year, the Commission did not initiate or adopt any regulatory changes to Nevada Administrative Code Chapter 281A. The Commission will review its regulations for any efficiencies or improvements in the coming months.

## 2023 Legislative Session

The Commission's policy bill was introduced as Assembly Bill 66. The policy changes proposed by the Commission were well received with some slight amendments to cooling off provisions requested by stakeholders and accepted.

Similar to the 2021 Legislative Session, the Legislature amended the Commission's bill to exempt Legislative Branch officers and employees from the jurisdiction of the Nevada Commission on Ethics. The Assembly passed AB66 with said amendments by a 37-5 vote. Following information that the bill as amended likely would not receive gubernatorial approval, AB 66 did not receive a hearing in the Senate and in died the second house committee without a vote.

Over the next interim the Commission will need to consider policy options for the 2025 Legislative Session which may include:

- Narrower focused bill
- More aggressive work with Legislative stakeholders to assist them with their own bill regarding Ethics jurisdiction
- Foregoing policy change attempts

### Other Passed Legislation of Interest to the Commission

#### **SB 431:**

Governor's Reorganization Bill

#### **AB 258:**

Confidential information related  
to non-profits.

#### **SB 328:**

Exempts one position on  
Cannabis Compliance Board  
from Cooling Off Rules

# EDUCATION & OUTREACH

## Setting a Foundation for Modernization

The Commission presented a modernization plan for education and outreach as part of its budget proposal before the 2023 Legislature. Funding for the plan was approved and will be implemented in the coming fiscal year.



1,484\*

Nevadans received  
Ethics Law Training



\*compared to just 453 in the previous year

### Modernization Plan

The modernization plan includes implementation of an online learning management system, an enhanced focus on social media and other non-traditional outreach approaches and adding a Public Information Officer to the Ethics team to manage education and outreach.

### Leveraging Virtual Options

The Commission continued to promote and increase the number of the Commission's online training videos for general public use including several short-format, single-subject training videos to provide easy access to ethics law refreshers online.

### Nevada Ethics Online

The Commission initiated and built part of the first phase of our new online training system, Nevada Ethics Online. The training system has a four-phase implementation plan with phase 1 (basic ethics topics) and phase 2 (specialized courses) set for launch in the first half of FY 2024.

***“We are committed to providing outreach and education...to enhance awareness and understanding of ethics requirements...”***

***Commission Guiding Principle #3***

# COMMISSION OPERATIONS

## Operations Focus

	<p><u>Top 3 Topics for Advisory Opinions</u></p> <ol style="list-style-type: none"> <li>1. Disclosure and Abstention</li> <li>2. Cooling Off</li> <li>3. Contracts</li> </ol>
	<p><u>Top 3 Agency Types for Advisory Opinions</u></p> <ol style="list-style-type: none"> <li>1. General Government</li> <li>2. Education</li> <li>3. Finance</li> </ol>
	<p><u>Top 3 Agency Types for Filed Complaints</u></p> <ol style="list-style-type: none"> <li>1. General Government</li> <li>2. Public Safety / Judiciary</li> <li>3. Education</li> </ol>
	<p><u>Top 3 Jurisdiction Types for Filed Complaints</u></p> <ol style="list-style-type: none"> <li>1. Urban County Government</li> <li>2. Rural County Government</li> <li>3. City Government</li> </ol>
	<p><u>Top 3 Resolution Types for Investigated Cases</u></p> <ol style="list-style-type: none"> <li>1. Stipulated Violation*</li> <li>1. Dismissed with a Letter of Caution/ Instruction*</li> <li>3. Deferral Agreement</li> </ol> <p style="text-align: right;">*tied at 10 each</p>
	<p><u>Open Pending Litigation</u></p> <ul style="list-style-type: none"> <li>• Rodriguez v. NCOE - petition for judicial review</li> </ul>

## Status of Goals from Fiscal Year 2023

1. **Continue to develop and finalize a Commission on Ethics Brand**
  - a. Successful - brand adopted and implemented
2. **Successfully persuade the 2023 Legislative Session to approve the Commission's budgetary and policy goals**
  - a. Partially Completed
    - i. Successful with budgetary goals
    - ii. Not successful with policy change goals
3. **Increase the number of public officers and employees who receive ethics training from the number trained in FY 2022**
  - a. Successful - increased number of individuals trained by 228% or 1,031 people
4. **Promote awareness of the Ethics Law's jurisdiction and authority to the general public**
  - a. Successful - widespread availability of jurisdiction educational video
5. **Process cases promptly without creating a new case backlog**
  - a. Successful - all complaint cases filed in calendar year 2022 had investigations completed before June 30, 2023.

## Goals for Fiscal Year 2024

1. Complete an updated Ethics Manual for public officer and employee.
2. Expand outreach and training opportunities for the general public.
3. Increase the number of public officers and employees who receive ethics training from the number trained in FY 2023.
4. Develop a new strategy for future proposed statutory changes.
5. Complete a review of Commission regulations for efficiency and effectiveness.

# APPENDIX

## Appendix A Investigated Cases Resolved in FY 2023<sup>1</sup>

Case Name	Resolution
In re Bartolo Ramos, 19-088C/ 22-026C (Lander County)	Stipulated Agreement - 2 Willful Violations & 11 Non-willful Violations
In re Qiong Liu, 19-126C (City of North Las Vegas)	Stipulated Agreement - 2 Willful Violations
In re David Hart, 20-075C (Canyon General Improvement District)	Stipulated Agreement - 1 Non-willful Violation
In re Phillip A. Hilton, 20-076C (Canyon General Improvement District)	Stipulated Agreement - 1 Non-willful Violation
In re Larry Huddleson, 20-077C (Canyon General Improvement District)	Stipulated Agreement - 1 Willful Violation
In re Leonardo Blundo, 20-081C/ 20-085C (Nye County)	Stipulated Agreement - 1 Willful Violation & 1 Non-willful Violation
In re Olek Czyz, 21-100C (Washoe County School District)	Stipulated Agreement - 1 Non-willful Violation
In re John Wesley Prudhont, 22-033C/ 22-034C (Nye County)	Stipulated Agreement - 1 Non-willful Violation
In re Daniel J. Coverley, 22-055C (Douglas County)	Stipulated Agreement - 1 Non-willful Violation
In re Neoma Jardon, 22-098C (City of Reno)	Stipulated Agreement - 1 Non-willful Violation
In re David Cochran, 22-126C (City of Reno)	Stipulated Agreement - 1 Willful Violation

<sup>1</sup> Investigated case means that the Commission accepted jurisdiction and directed an investigation be conducted. This list only includes cases that were resolved in FY 2023 (regardless of year the complaint was submitted) and does not include the list of current open cases.

## Appendix B Investigated Cases Resolved by Review Panels in FY 2023<sup>2</sup>

Case Name	Resolution
In re Robert Sweetin, 20-048C (City of Mesquite)	Deferral Agreement & Letter of Caution
In re Karyn Smith, 22-031C/ 22-032C (Nye County)	Deferral Agreement
In re Patrick R. Carter, 22-074C (Nevada System of Higher Education)	Deferral Agreement & Letter of Caution
In re Cathy McAdoo, 22-076C (Nevada System of Higher Education)	Deferral Agreement & Letter of Caution
In re Jason Soto, 22-103C (City of Reno)	Dismissed - Letter of Caution
In re Devon Reese, 22-104C (City of Reno)	Deferral Agreement
In re Jeffrey A. Murawsky, M.D., 22-106C (Department of Health & Human Services)	Deferral Agreement & Letter of Caution
In re Joseph Lombardo, 22-107C (Clark County)	Dismissed - Letter of Caution
In re Susan Enfield, 22-112C (Washoe County School District)	Dismissed - Letter of Instruction
In re Rebecca Saxe, 22-117C (Clark County)	Dismissed - Letter of Caution
In re Jerry Allen, 22-123C (Pershing County)	Dismissed - Letter of Caution

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<sup>2</sup> Investigated case means that the Commission accepted jurisdiction and directed an investigation be conducted. This list only includes cases that were resolved in FY 2023 (regardless of year the complaint was submitted) and does not include the list of current open cases or those in which the determination of the review panel was to refer to the full Commission.

### Appendix C Advisory Opinions Issued

Date Published	Case Number	Main Topic(s)
3/22/2023	23-004A	Contracts
3/29/2023	23-009A	Contracts
5/4/2023	23-032A	Contracts
5/4/2023	23-033A	Contracts
5/22/2023	23-047A	Contracts
2/6/2023	22-141A	Cooling Off
2/7/2023	22-143A	Cooling Off
3/10/2023	22-149A	Cooling Off
5/15/2023	23-038A	Cooling Off
5/25/2023	23-045A	Cooling Off
5/30/2023	23-046A	Cooling Off
10/20/2022	22-105A	Disclosure and Abstention
11/17/2022	22-109A	Disclosure and Abstention
11/17/2022	22-118A	Disclosure and Abstention
3/9/2023	23-006A	Disclosure and Abstention
4/10/2023	23-008A	Disclosure and Abstention
3/20/2023	23-011A	Disclosure and Abstention
5/25/2023	23-018A	Disclosure and Abstention
4/3/2023	23-039A	Disclosure and Abstention
6/15/2023	23-060A	Disclosure and Abstention
6/12/2023	23-066A	Disclosure and Abstention
5/15/2023	23-036A	Gifts or Benefits
4/27/2023	23-050A	Gifts or Benefits
6/29/2023	23-062A	Gifts or Benefits

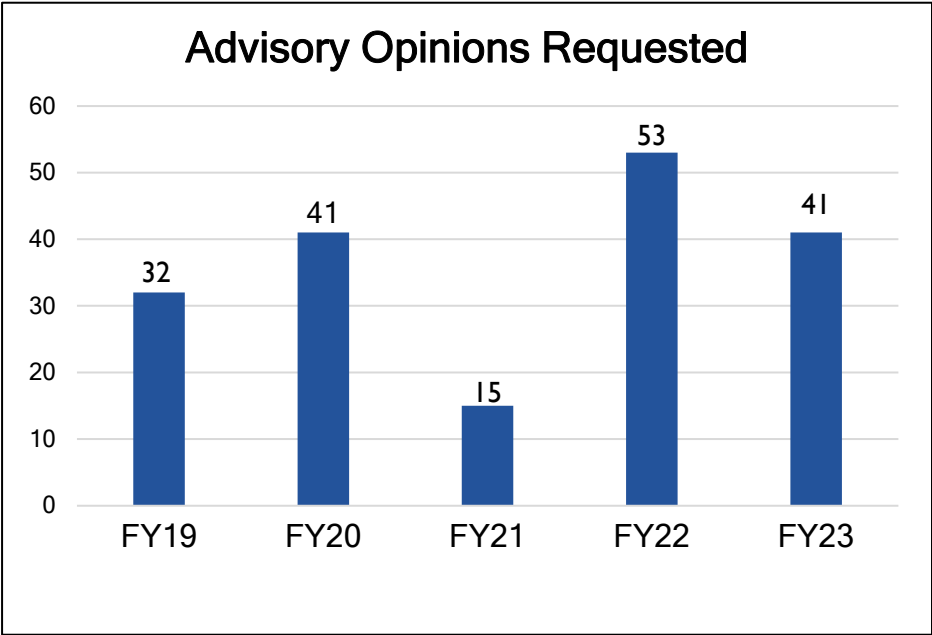


## Appendix D Count of Open Complaint Cases as of June 30, 2023

Proceeding to Adjudicatory Hearing	Under Investigation	Pending Jurisdictional Determination
2	7	7

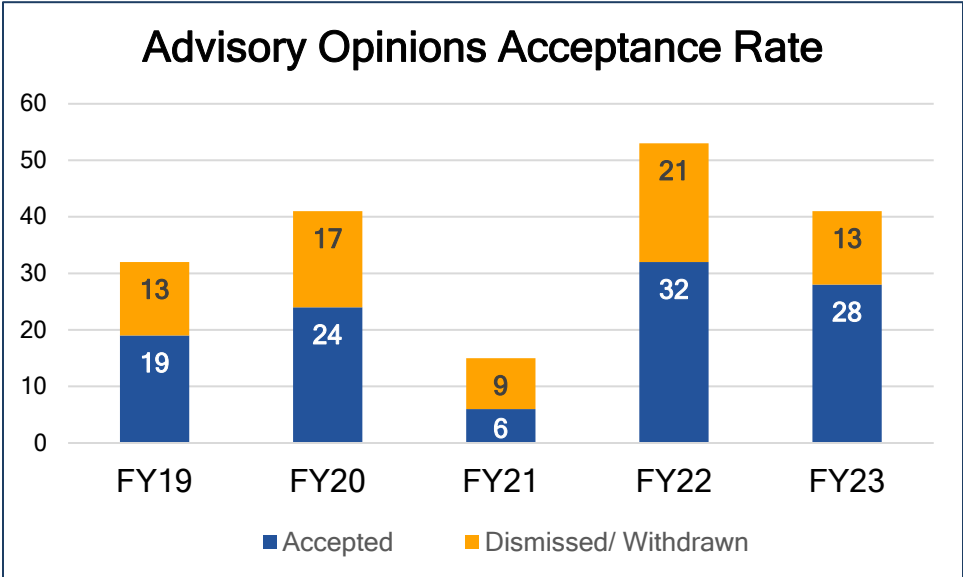
Appendix E Data Graphs

Figure 1



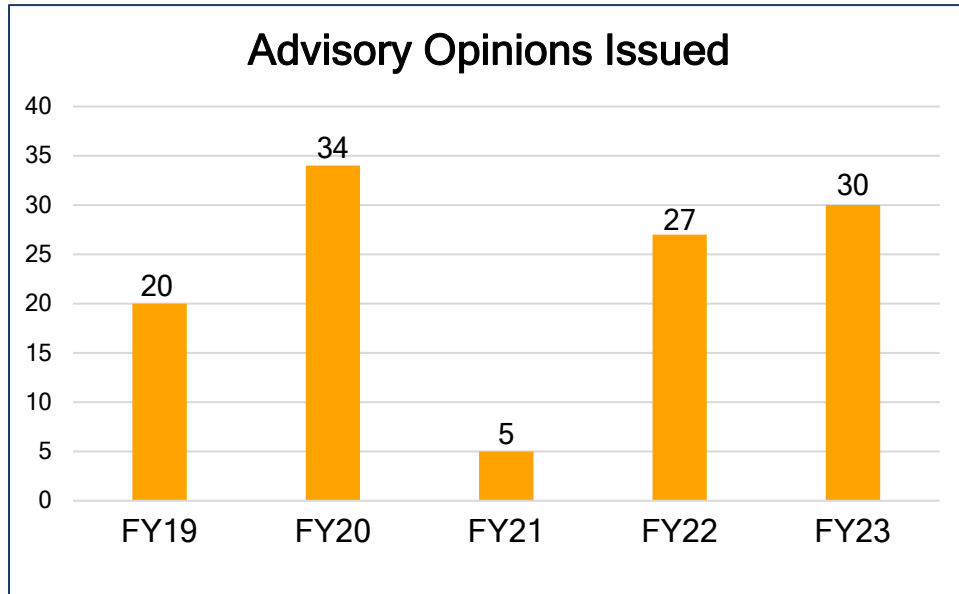
- Advisory Opinion Requests had a slight decrease, but the acceptance rate of requests increased as seen in Figure 2.
- The average number of advisory opinions requested for the five years prior to FY19 was 13 per year.

Figure 2



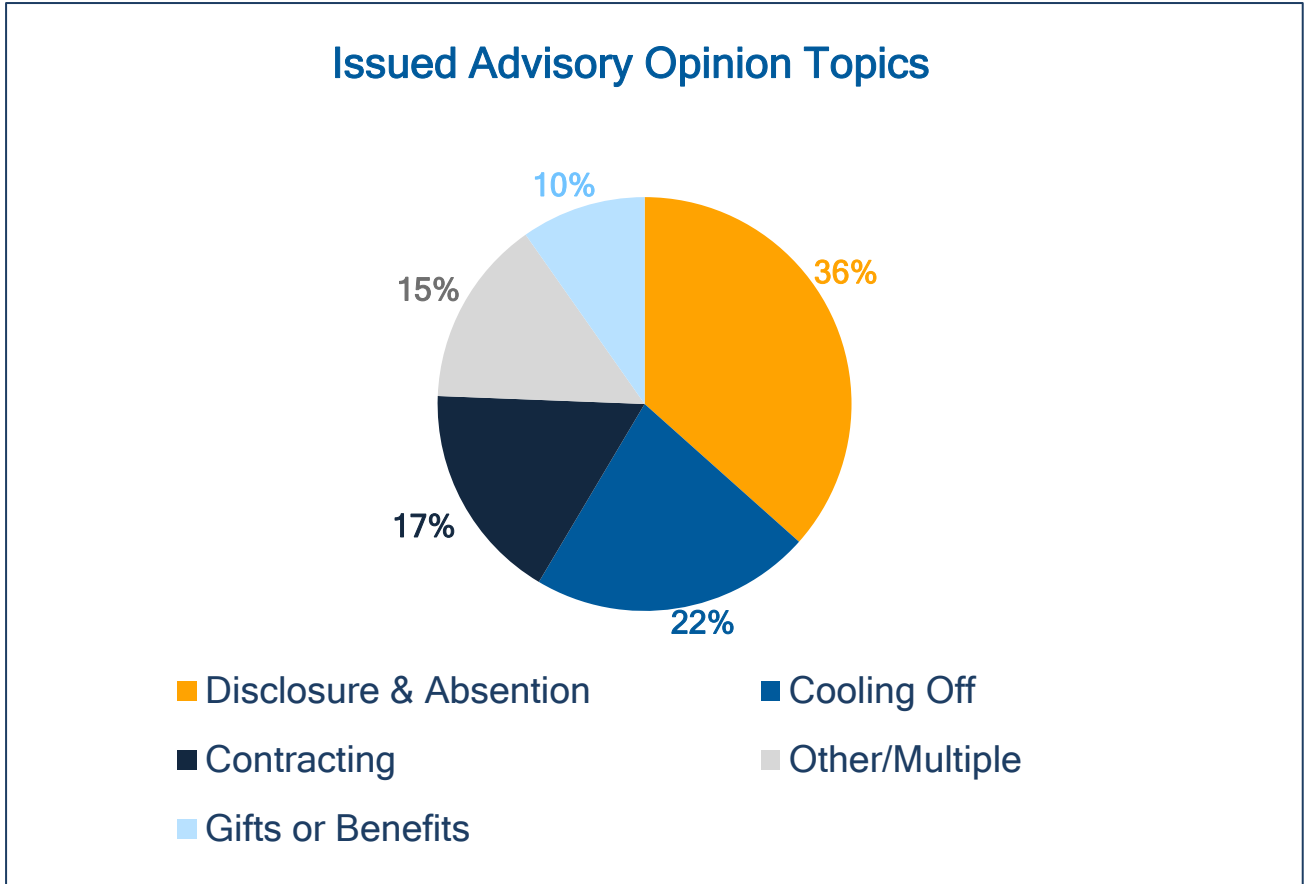
- Rate of Advisory Opinion requests was the highest in five years at 68% of requests accepted. The previous four-year average acceptance rate was 54%.

Figure 3



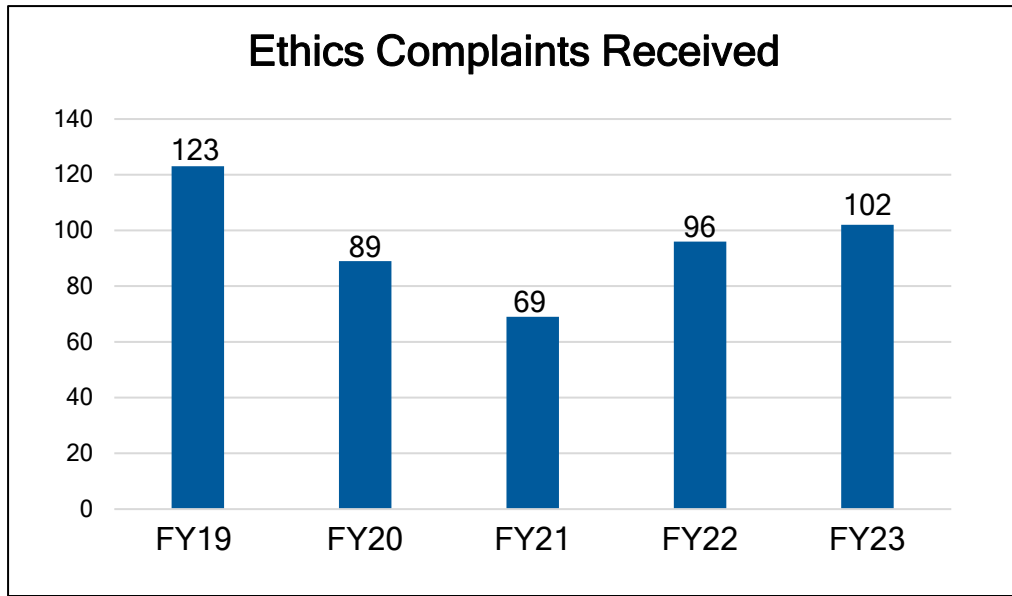
- The Commission issued 30 Advisory Opinion (regardless of year requested) in FY23.

Figure 4



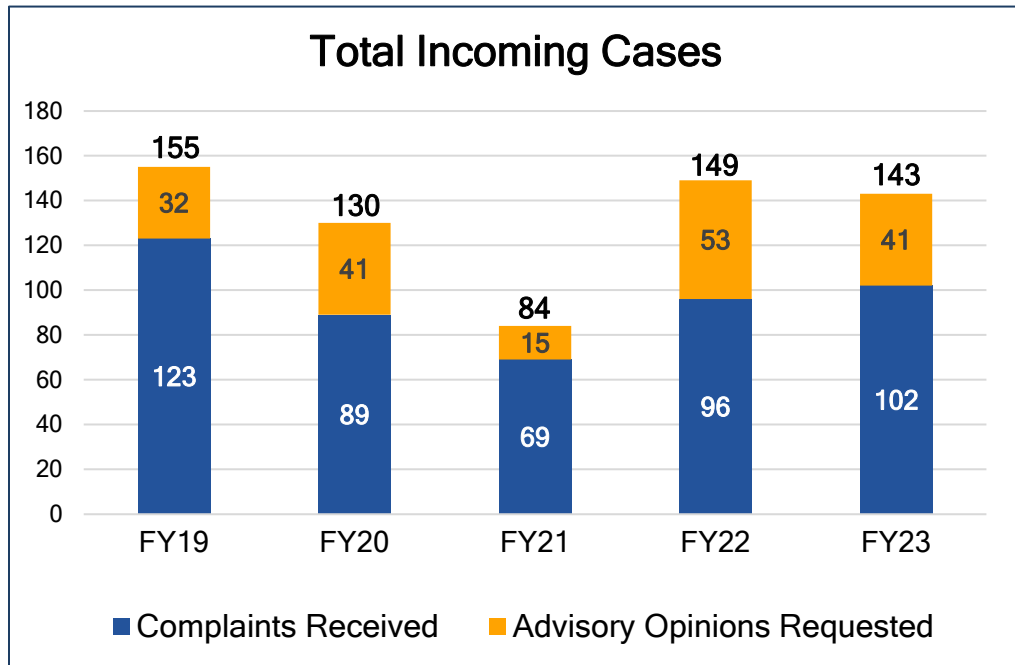
- This year saw an increase in questions related to disclosure and abstention versus other topics while questions about cooling off as individuals leave public service also remained significant.

Figure 5



- Complaints continued to trend upward with 6 additional complaints filed in FY23 compared to FY22.
- The average number of complaints received for the five years prior to FY19 was 61 per year.

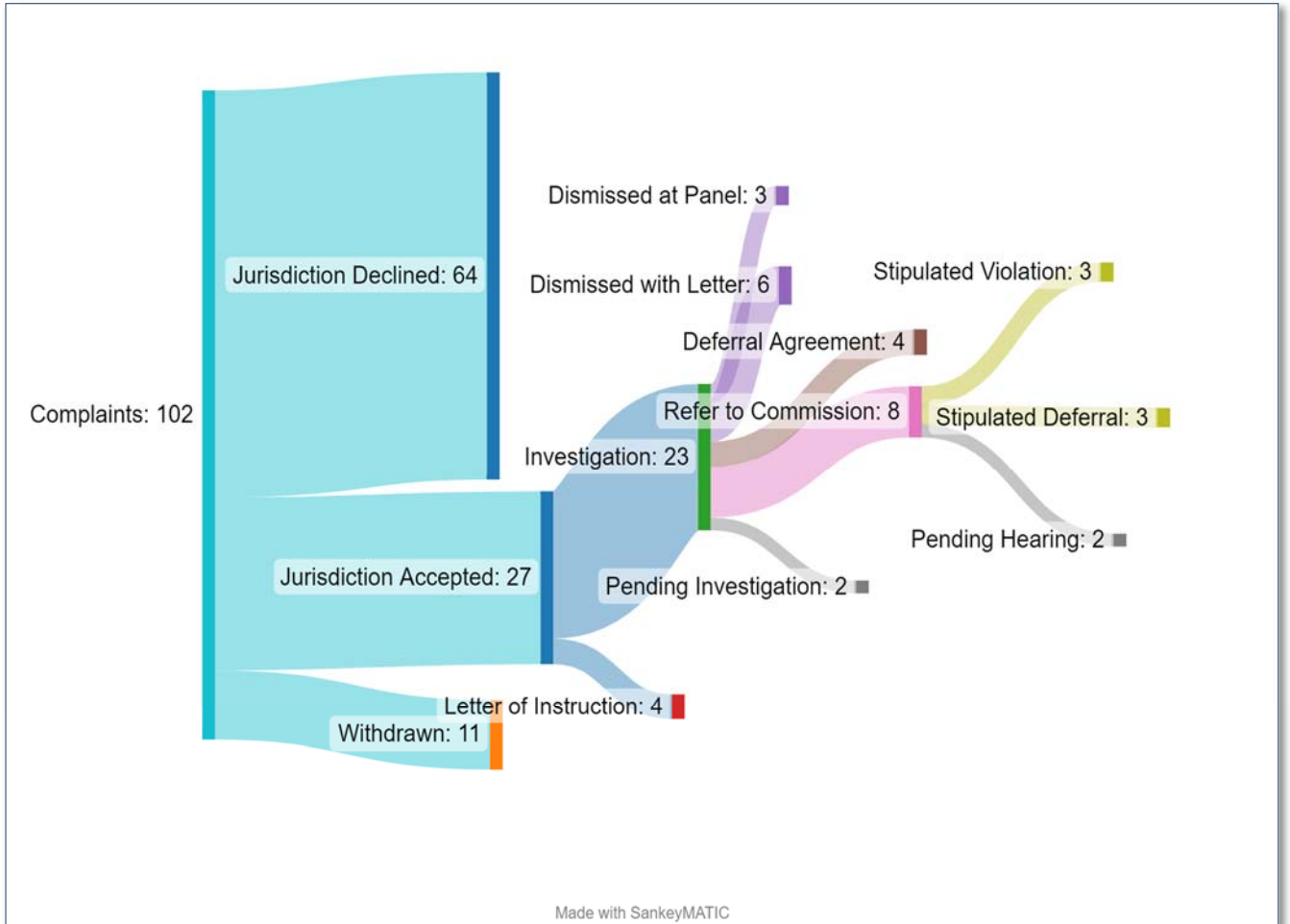
Figure 6



- Overall, the Commission saw a slight decrease in total cases filed in FY23.
- 5-year average of total incoming cases for FY14-FY18: 74 cases per year.

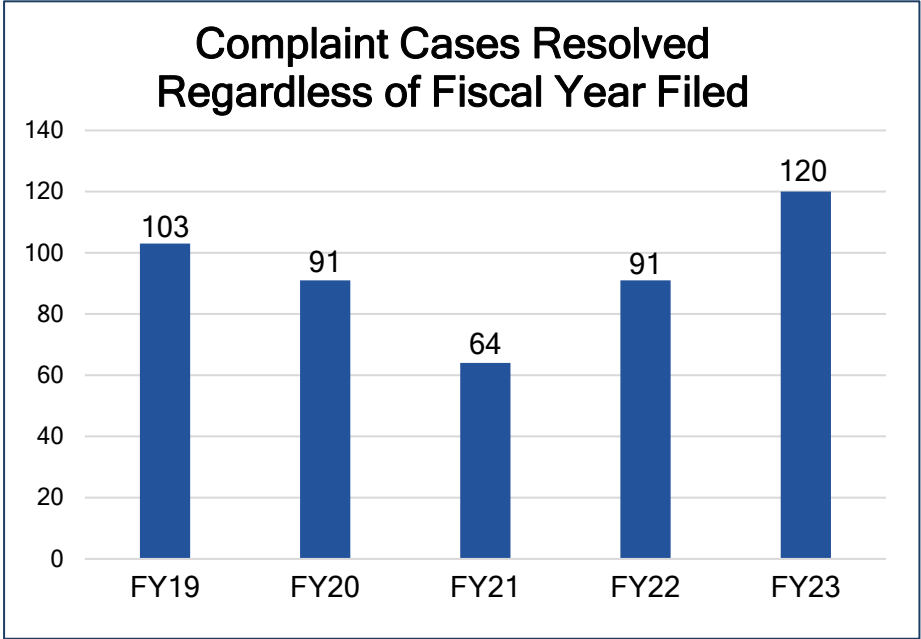
Figure 7

Jurisdictional Review Determinations for Cases Received in FY23



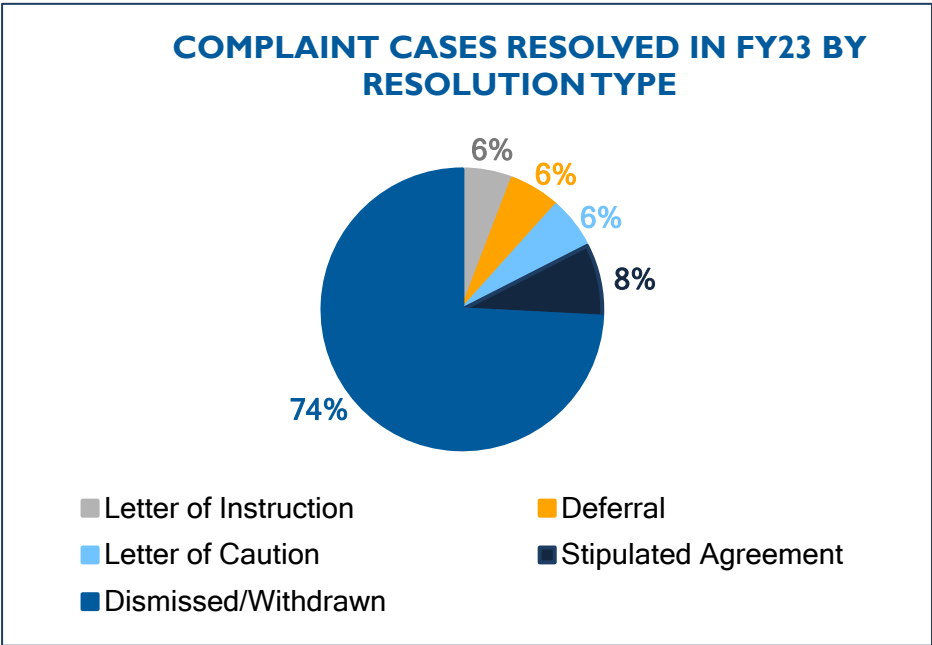
- Reasons for rejection of jurisdiction may include insufficient evidence, individual not a public officer or employee, or conduct outside the statute of limitations.
- This graph assumes Commission agreement with pending stipulated agreements and deferral recommendations during the early part of FY24.

Figure 8



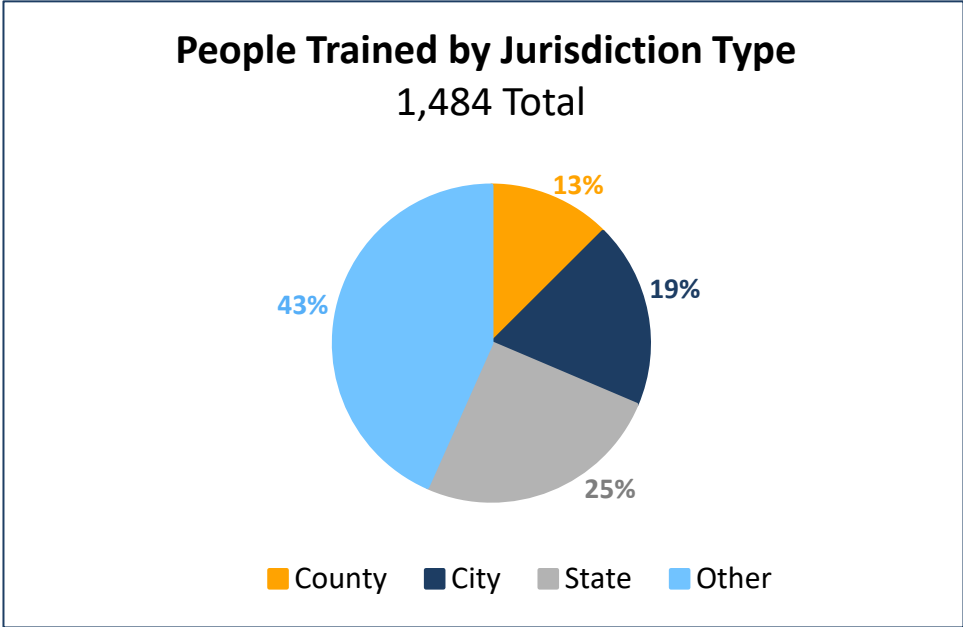
- Complaint case resolution saw a large increase in FY23 as the Investigations team worked diligently to resolve old cases while at the same time ensuring new incoming cases were investigated and processed in a more timely manner.

Figure 9



- Cases dismissed and letters issued include both at the jurisdictional determination phase and at the review panel phase combined.

Figure 10

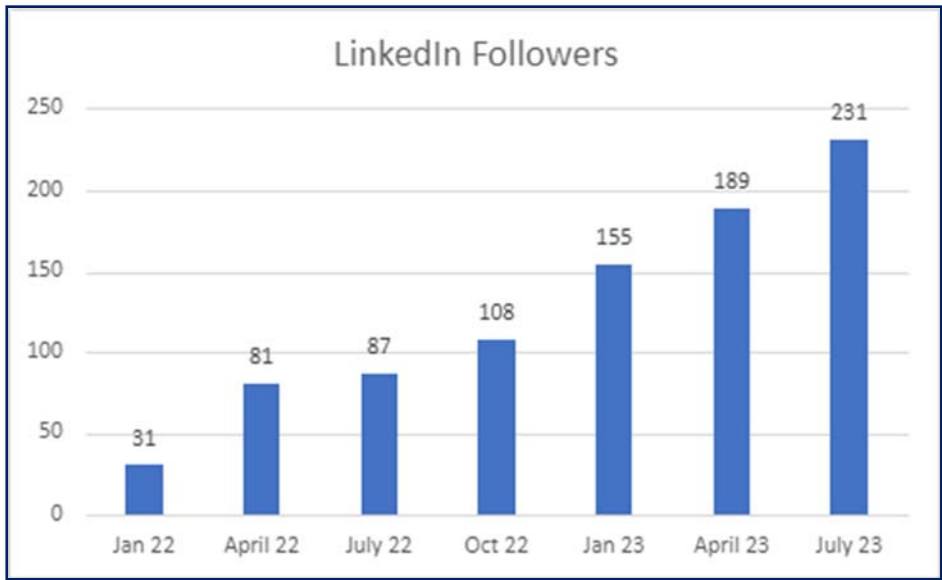
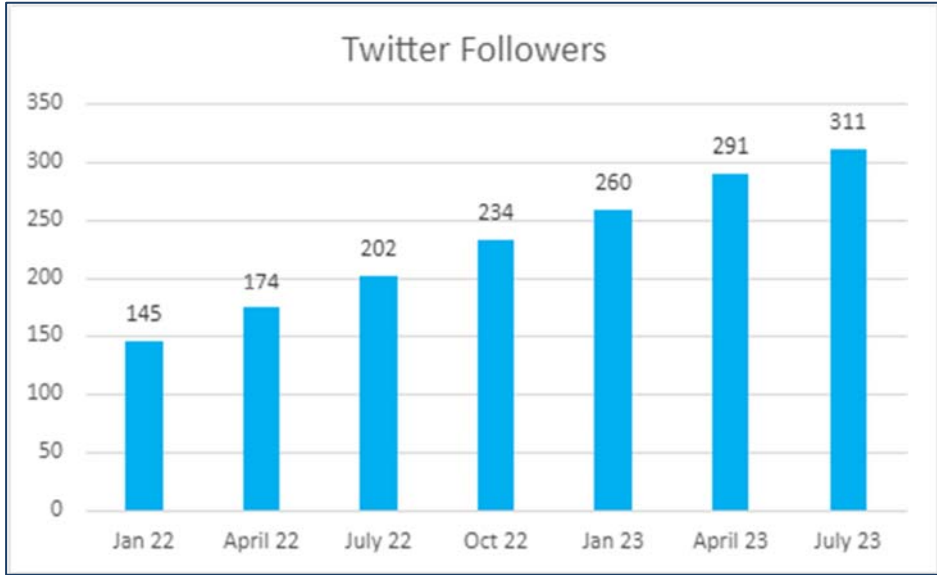


- The Nevada Civil Government Attorneys Conference and the Southern Nevada Housing Authority account for 68% of the “other” category.
- The Commission saw an increase of over 1,000 more individuals trained in FY23 compared to FY22.



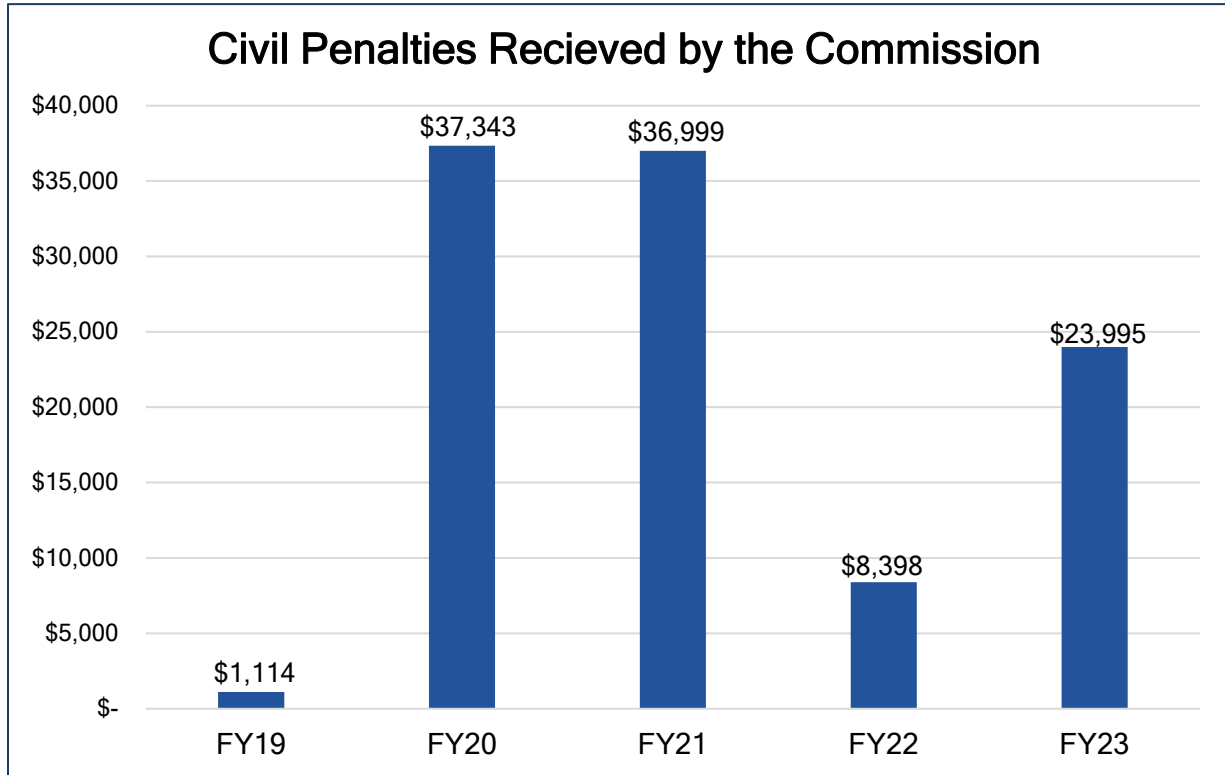
Figure 11

Education - Social Media Follower Data



- The Commission began providing educational material to followers via Twitter and LinkedIn starting in January of 2022. Both platforms have had healthy follower growth since that time with especially robust growth in LinkedIn followers.
- Follower data for these graphs pulled on the first day of the new quarter.

Figure 12



- Complaint cases involving the Las Vegas Convention Visitors Authority processed in FY20 and FY21 resulted in the issuance and collection of historic penalties.
- The Commission issued \$23,810 in penalties in FY 23 some of which were paid in FY23 while others will be paid in FY24.