



**STATE OF NEVADA  
COMMISSION ON ETHICS**

704 West Nye Lane, Suite 204  
Carson City, Nevada 89703  
Phone (775) 687-5469 • Fax (775) 687-1279  
<http://ethics.nv.gov>

**NEVADA COMMISSION ON ETHICS  
POLICY ON ACCESS TO PUBLIC RECORDS**

**A. PURPOSE AND SCOPE:**

To provide members of the public with reasonable uniform procedures to access, inspect and copy public books and records of the Nevada Commission on Ethics (“Commission”) as permitted by law in compliance with the Nevada Public Records Act found in NRS Chapter 239 and interpretive regulations located in NAC Chapter 239 (“collectively referred to as the “Act”).

Any amendments to the Act or the Ethics Law shall control and supersede conflicting provisions of this policy. Additionally, the Commission adopts, as general guidelines for processing public record requests, the applicable provisions of the *Nevada Public Records Act: A Manual for State Agencies, latest edition*, as duly issued and approved. The Manual is available at [nsla.nv.gov](http://nsla.nv.gov).

**B. POLICY STATEMENT:**

The Commission endeavors to provide transparency to the public through its public website at [www.ethics.nv.gov](http://www.ethics.nv.gov), which allows significant access to the public records of the Commission. Further, the Commission is committed to providing access to public records in accordance with the Act. In furtherance of the Act, other provisions of the Nevada Revised Statutes, and NRS Chapter 281A and NAC Chapter 281A (collectively referred to as the “Ethics Law”), contain statutory authority and interpretive regulations declaring certain proceedings and records of the Commission to be confidential.

There is no Nevada statute that defines what constitutes a public record. Generally, the records of the Commission, unless deemed confidential pursuant to the Act, Ethics Law, or other provision of State Law, are presumed to be public. See NRS

239.010(1). Further, if a record does not already exist, there is generally no duty to create a record in response to a public records request. See *Public Employees' Retirement System of Nevada v. Reno Newspapers, Inc.*, 313 P.3d 221, 129 Nev. Adv. Op. 88 (Nov. 14, 2013).

### **C. ACCESS TO PUBLIC RECORDS:**

1. **Public Records located on Official Website.** Copies of the Ethics Law, agendas, public meeting materials, minutes, published opinions issued by the Commission, acknowledgement forms filed by public officers, and proposed regulations are provided to the public without charge on its official website located at [www.ethics.nv.gov](http://www.ethics.nv.gov), or by request to [NCOE@ethics.nv.gov](mailto:NCOE@ethics.nv.gov).

2. **Public Records Request Form.** A Public Records Request form (Exhibit "A") is provided on the Commission's website. When completing the Public Records Request Form, be specific and provide concise and legible information. Names, dates, and any other identifying information will assist with processing the request. Public Records Requests may be sought via the Commission's official website at [ethics.nv.gov](http://ethics.nv.gov) or sent to the attention of the Commission's Executive Director, as the designated Records Official for the Commission:

**E-Mail:** [ncoe@ethics.nv.gov](mailto:ncoe@ethics.nv.gov)

#### **Mailing and Physical Address:**

State of Nevada Commission on Ethics  
704 West Nye Lane, Suite 204  
Carson City, NV 89703  
Phone: (775) 687-5469 / Fax: (775) 687-1279

3. **Assistance and Compliance with Americans with Disabilities Act ("ADA").** In accordance with the ADA, reasonable accommodations are made available to the public for the inspection and copying of public records including providing the opportunity to request public records in an alternative format. The public should direct requests for reasonable accommodations to the Commission's designated Records Official.

**NOTICE:** For assistance with ADA compliance or any other questions, please contact the Commission during regular business hours Monday through Thursday, 7:00 a.m. to 5:30 p.m., excluding holidays and other official business closures.

## **D. PUBLIC RECORDS PROCESSING GUIDELINES:**

**1. Processing Public Records Requests.** Pursuant to NRS 239.0107, the Commission will make reasonable efforts to assist the requester to focus the request in such a manner as to maximize the likelihood the requester will be able to inspect or receive a copy of the public book or record. The Records Official, within five (5) business days after receiving a request for a public record, will:

- Allow the requestor to inspect or copy the public book or record, or provide a copy of the public book or record to the requester, as was requested; or
- Notify the requestor that the Commission does not have legal custody or control of the public book or records, and provide the name and address of the entity that does, if known; or
- If the Commission is unable to make the public book or record available within five (5) business days, notify the requestor the earliest date and time after which the Commission reasonably believes the public book or record will be available to inspect or copy; or
- If the Commission must deny the request because the public book or records, or a part thereof, is confidential, notify the requestor that the information is confidential and cite the statute or other legal authority to deny the request.

**2. Review Request to Determine Whether it Seeks Confidential or Restricted Records.** Each public records request received by the Commission will be reviewed to determine whether the records requested are confidential or restricted as follows:

- a) Confidential by Law: A number of proceedings and records of the Commission are declared to be confidential under Nevada law. In addition to records or information designated as confidential pursuant to the Act and Ethics Law, the Commission acknowledges all other laws declaring the information and records of the Commission to be confidential or restricted, including interpretive regulations, cases, and other legal precedent.
- b) Confidential Third Party: Confidential records of federal, state, and local governments shared with the Commission must not be disclosed without prior written authorization from the affected government agency. Further, the Commission's possession of records or information received from other

agencies may not mean that the Commission has legal custody or control over these records.

- c) Confidential Information Within Records: Confidential information and records may not be public records and any public records that contain confidential or restricted information may be redacted. NRS 239.010. Further, telephone numbers and/or email addresses maintained in a database by the Commission for the purpose of and/or in the course of the person's communications with the Commission are confidential and are not deemed a public book or records. See NRS 239.014(e).
- d) Copyright Restrictions: Copyright restrictions may apply to copyrighted materials not permitted to be duplicated under federal law. See 17 U.S.C.A. Sec. 107.

**3. Fee Schedule for Public Records.** Pursuant to NRS 239.052, a governmental entity may charge a fee for providing a copy of a public record. Standard Fees represent the actual costs authorized pursuant to NRS 239.052, including costs to reproduce, postage, and transcription fees allowed per NRS 239.053. The Commission's Fee Schedule for Public Records is attached hereto as Exhibit "B"

An estimate of Standard Fees and Transcription Fees ("Fee Estimate") for producing requested records will be provided to the requestor and the records will not be produced until after remittance of a deposit in the amount of the Fee Estimate. If the actual fees are less than the Fee Estimate, the requestor will be refunded the difference. If the actual fees exceed the Fee Estimate, requestor will be invoiced and shall remit payment to the Commission within thirty (30) days.

**E. EFFECTIVE DATE:**

This policy was adopted by a majority vote of the Commission on January 19, 2022 and continues in force until it is amended or revoked.

**EXHIBIT "A"**  
**TO**  
**NEVADA COMMISSION ON ETHICS**  
**PUBLIC RECORDS REQUEST FORM**

# NEVADA COMMISSION ON ETHICS

## Public Records Request

### Requester Information

Date:	
<b>Requester Contact Information</b>	
Name:	
Organization:	
Address:	
City, State, Zip:	
Phone:	
E-mail:	

### Record(s) Requested

<b>Records Requested:</b>
Check one: <input type="checkbox"/> Electronic copies <input type="checkbox"/> Paper Copies <input type="checkbox"/> Inspection (in person)
<i>Describe the record(s) you are requesting. Please be as specific as possible and include enough detail to assist the Nevada Commission on Ethics staff in locating the records(s). Include relevant dates or date ranges. You may attach additional pages, if necessary.</i>

### Receiving Records

<i>Please specify the preferred method of receiving the requested record(s):</i>			
<input type="checkbox"/> E-mail or drop box (no charge)	<input type="checkbox"/> I will pick up	<input type="checkbox"/> Please send USPS	<input type="checkbox"/> Please FedEx <i>Fed Ex billing number:</i>

<b>Statement</b>	
By signing below, I certify that the information above is true and correct to the best of my knowledge. I understand that copying and other associated fees may apply and that records will not be released until the estimated fee deposit is received.	
_____	_____
<b>Requester Signature</b>	<b>Date</b>

Retain Request form for 90 days following completion of request. RDA 2009047  
**You may submit your request for public records using the  
Commission's  
online form submission at [ethics.nv.gov](http://ethics.nv.gov) (Preferred); or  
You may submit this form bearing your signature to the Executive  
Director at: Nevada Commission on Ethics, 704 W. Nye Lane, Suite 204,  
Carson City,  
Nevada, 89703; email [NCOE@ethics.nv.gov](mailto:NCOE@ethics.nv.gov); or fax (775) 687-1279.**

Updated 01/19/22

**EXHIBIT “B”  
TO  
NEVADA COMMISSION ON ETHICS  
POLICY ON ACCESS TO PUBLIC RECORDS  
  
FEES FOR COPIES OF PUBLIC RECORDS**

The Commission does not charge for copies of records that are provided by email or other electronic means that incur no specific costs to the Commission. Pursuant to Nevada Revised Statutes Chapter 239.052, a government entity is permitted to charge a fee for the actual cost incurred in providing a public record. This includes, without limitation, cost of ink, toner, paper, media, and postage. The Commission chooses to waive these fees, but for the following exceptions:

- a) Black and white copies - Hard copy requests of fifty (50) or more pages, up to 8.5” x 11”. Thereafter, five cents (\$.05) per page will be charged for single sided copies and seven cents (\$.07) per page for double sided copies on standard letter or legal sized paper.
- b) Color Copies - Hard copy requests of fifty (50) or more pages, up to 8.5” x 11”. Thereafter, copies of documents or photographs in color shall be charged fifty cents (\$.50) per side.
- c) Compact discs/DVDs - Copies shall be charged at five dollars (\$5.00) per disc or DVD.
- d) Other Media - Copies of records provided via other media not specified herein shall be charged at actual cost.
- e) Certification of copies - Available upon request at two dollars and fifty cents (\$2.50) per document. An acknowledgment that the response provided contains the true and correct copies of all documents responsive to the public records request will be provided at no additional cost.
- f) Postage - The requester is responsible for actual postage costs.
- g) Court Reporting - In addition to the actual costs of the medium in which the copy of the transcript is provided, the fee charged for a copy of each page of a court reporter transcript is the per/page fee set forth in the contract utilized by the Commission for court reporter services pursuant to NRS 239.053.

**You will be provided an estimate of costs, which must be paid before your request is filled. Any costs in excess of the estimate will be invoiced and provided either before or with the responsive documents. Any balance must be paid within thirty (30) days of the requester's receipt of the invoice.**

**NRS 239.052 Fees: Limitations; waiver; posting of sign or notice.**

1. Except as otherwise provided in this subsection, a governmental entity may charge a fee for providing a copy of a public record. Such a fee must not exceed the actual cost to the governmental entity to provide the copy of the public record unless a specific statute or regulation sets a fee that the governmental entity must charge for the copy. A governmental entity shall not charge a fee for providing a copy of a public record if a specific statute or regulation requires the governmental entity to provide the copy without charge.

2. A governmental entity may waive all or a portion of a charge or fee for a copy of a public record if the governmental entity:

(a) Adopts a written policy to waive all or a portion of a charge or fee for a copy of a public record; and

(b) Posts, in a conspicuous place at each office in which the governmental entity provides copies of public records, a legible sign or notice that states the terms of the policy.

3. A governmental entity shall prepare and maintain a list of the fees that it charges at each office in which the governmental entity provides copies of public records. A governmental entity shall post, in a conspicuous place at each office in which the governmental entity provides copies of public records, a legible sign or notice which states:

(a) The fee that the governmental entity charges to provide a copy of a public record;

or

(b) The location at which a list of each fee that the governmental entity charges to provide a copy of a public record may be obtained.

4. The fee for providing a copy of a public book or record in the custody of a law library operated by a governmental entity must not exceed 50 cents per page.

**NRS 239.053 Additional fee for transcript of administrative proceedings; money remitted to court reporter; posting of sign or notice.**

1. If a person requests a copy of a transcript of an administrative proceeding that has been transcribed by a certified court reporter, a governmental entity shall charge, in addition to the actual cost of the medium in which the copy of the transcript is provided, a fee for each page provided which is equal in amount to the fee per page charged by the court reporter for the copy of the transcript, as set forth in the contract between the governmental entity and the court reporter. For each page provided, the governmental entity shall remit to the court reporter who transcribed the proceeding an amount equal to the fee per page set forth in the contract between the governmental entity and the court reporter.

2. The governmental entity shall post, in a conspicuous place at each office in which the governmental entity provides copies of public records, a legible sign or notice which states that, in addition to the actual cost of the medium in which the copy of the transcript is provided, the fee charged for a copy of each page of the transcript is the fee per page set forth in the contract between the governmental entity and the court reporter.