

# **NEVADA COMMISSION ON ETHICS**

## **ANNUAL REPORT OF THE EXECUTIVE DIRECTOR**



**FISCAL YEAR 2006**



State of Nevada  
**COMMISSION ON ETHICS**

3476 Executive Pointe Way, Suite 10  
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June 30, 2006

Members of the Nevada Commission on Ethics:

*Nevada Administrative Code* 281.053(2) requires the Executive Director to report on the state of the affairs of the Commission for the prior fiscal year and on the goals for the Commission for the new fiscal year. This report is presented to meet the requirements therein.

The report is not representative of the typical annual compilation due to the current vacancy in the Executive Director position. However, the prior year's report has been updated with current information, analyzed and compiled by the Commission's able staff, and now is presented for your consideration.

Respectfully submitted,

*Caren Jenkins*

Caren Jenkins, Chairman  
Nevada Commission on Ethics

# ANNUAL REPORT FISCAL YEAR 2006

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# Nevada Commission on Ethics

as of June 30, 2006

## Chairman

Caren Jenkins, Esq., (D) \*\*  
Carson City  
Term: 10/01/03 – 09/30/07

## Vice Chairman

Mark A. Hutchison, Esq. (R) \*  
Las Vegas  
Term: 01/06/04 – 06/30/07

## Members

Randall V. Capurro (R) \*\*  
Las Vegas  
Term: 10/01/05 – 09/30/09

Timothy Cashman (D) \*  
Las Vegas  
Term: 06/11/04 – 10/31/07

William Flangas, P.E. (D) \*  
Las Vegas  
Term: 10/01/03 – 09/30/07

Rick R. Hsu, Esq. (R) \*  
Reno  
Term: 07/01/04 – 06/30/08

George M. Keele, Esq. (R) \*\*  
Minden  
Term: 10/01/03 – 09/30/07

James Kosinski, Esq. (D) \*\*  
Reno  
Term: 07/01/04 – 06/30/08

\* Appointed by Governor

\*\* Appointed by Legislative Commission

## Staff

Vacant  
Executive Director

Tami E. DeVries  
Research Analyst

Emily H. Nunez  
Office Manager

Adriana G. Fralick, Esq.  
Commission Counsel

Matt C. DiOrio  
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## Offices

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## **Commission Mission:**

The mission of the Nevada Commission on Ethics is to enhance the faith and confidence that the people of the State of Nevada have in the integrity and impartiality of public officers and employees by:

- enforcing guidelines set forth by the Legislature to separate the roles of persons who are both public servants and private citizens; and
- ensuring that public officers and public employees retain the public trust by exercising their powers and duties for the sole benefit of the people of the State of Nevada.

## **Commission Description:**

The Commission on Ethics was established by the Nevada Legislature in 1975 and is charged with ensuring the public trust in elected and appointed public officers and employees. The Commission performs four main functions in this role:

1. Interpreting and providing guidance to public officers and employees on the provisions of *Nevada Revised Statutes* 281.411 through 281.581 (Ethics in Government Law);
2. Investigating and adjudicating third-party ethics complaints against public officers and employees for violating the provisions of NRS 281.411 through 281.581;
3. Educating public officers and employees regarding ethical provisions and prohibitions under Nevada law; and
4. Accepting financial disclosure statements of certain public officers.

The Commission is an independent legislative-executive commission of state government that serves in a quasi-judicial capacity. Pursuant to NRS 281.455, the Commission has eight members, four of which are appointed by the Legislative Commission and four of which are appointed by the Governor. The members serve rotating four-year terms.

Of the four members named by each appointing authority, at least two must be former public officers and one must be an attorney. All Commissioners must be Nevada residents. Not more than four members of the commission may be members of the same political party, and not more than four members may be residents of the same county. In this way, the Commission was designed to provide a fair division between political parties, to avoid favoritism to any single party, and to provide an equitable balance between the urban and rural areas.

While serving on the commission, NRS 281.455 prohibits Commissioners from: 1) holding another political office; 2) being actively involved in the work of any political party or campaign; and 3) communicating directly with a member of the legislative branch on behalf of someone other than himself or the Commission for compensation.

## Commission History:

The Nevada Legislature adopted its first Ethics in Government Law in 1975. Three public officers challenged the constitutionality of the financial disclosure provisions of the law as unconstitutionally vague and an overbroad intrusion upon their right to privacy. John Sheehan, then Executive Director of the Department of Taxation; Jerome Mack, then Chairman of the Nevada Tax Commission; and Harley Harmon, then a member of the Nevada State Board of Finance, took the case to the Nevada Supreme Court where on April 29, 1976, the Court voided the financial disclosure provisions of the law. Further, the Court ruled the entire Ethics in Government Law invalid by presuming the Legislature would not have passed the remaining portions of the law without the provisions for financial disclosure (*Dunphy v. Sheehan*, 92 Nev. 259, 549 P.2d 322 1976)).

The 1977 Nevada Legislature enacted Assembly Bill 450, which declared it public policy of the State of Nevada that a public office is a public trust and shall be held for the sole benefit of the people. Further, it declared that public officers and employees must commit themselves to avoid conflicts between their private interests and those of the general public whom they serve. Codified as *Nevada Revised Statutes* 281.411 through 281.581, the Ethics in Government Law sets forth a code of ethical standards and prohibits activities in which a public officer or employee could use his or her position in government to gain personally or financially. The law also created the Nevada Commission on Ethics to enforce the code.

Though the enforcement process results in the assessment of civil penalties for willful violations of ethics laws, the Commission is also required by NRS 281.551 to refer elected public officers for removal or impeachment. For the majority of elected public officers, the Commission has discretion regarding a referral for removal from office by a district court upon the finding of one willful violation of the ethics laws; however, upon the finding of three willful violations, the Commission must refer the elected public officer for removal by a district court.

Legislators and public officers elected to positions established by the Nevada Constitution are held to a higher standard. Upon finding one willful violation of ethics laws, the Commission must refer these public officers for consideration of impeachment proceedings.

In September 2004, the Commission found State Controller Kathy Augustine willfully violated ethics laws three times and filed a report regarding same with the Nevada Assembly. Governor Kenny C. Guinn convened a special session of the Nevada Legislature in November 2004, and the Nevada Assembly unanimously passed articles of impeachment. The Nevada Senate found Controller Augustine guilty of one of the three articles of impeachment and issued a formal censure in early December. Ms. Augustine was the first public officer to be referred for removal or impeachment by the Commission, and was also the first public officer in Nevada history to be impeached.

## **Statutory Authorization:**

The Commission on Ethics enforces the provisions of *Nevada Revised Statutes* Chapter 281, known as the Ethics in Government Law (see NRS 281.411 through 281.581). Commission regulations can be found in *Nevada Administrative Code* Chapter 281.

In establishing the Commission on Ethics, the Nevada Legislature declared its intent in NRS 281.421:

- “1. It is hereby declared to be the public policy of this state that:
  - (a) A public office is a public trust and shall be held for the sole benefit of the people.
  - (b) A public officer or employee must commit himself to avoid conflicts between his private interests and those of the general public whom he serves.
2. The legislature finds that:
  - (a) The increasing complexity of state and local government, more and more closely related to private life and enterprise, enlarges the potentiality for conflict of interests.
  - (b) To enhance the people’s faith in the integrity and impartiality of public officers and employees, adequate guidelines are required to show the appropriate separation between the roles of persons who are both public servants and private citizens.
  - (c) Members of the legislature serve as “citizen legislators” who have other occupations and business interests. Each legislator has particular philosophies and perspectives that are necessarily influenced by the life experiences of that legislator, including, without limitation, professional, family and business experiences. Our system assumes that legislators will contribute those philosophies and perspectives to the debate over issues with which the legislature is confronted. The law concerning ethics in government is not intended to require a member of the legislature to abstain on issues which might affect his interests, provided those interests are properly disclosed and that the benefit or detriment accruing to him is not greater than that accruing to any other member of the general business, profession, occupation or group.”

## **Request for Opinion Caseload:**

Approximately 60 percent of all written requests for opinion received by the Commission originate from southern Nevada (35 of 58 written complaints). The majority of requests for opinion are ethics complaints. In fiscal year 2006, 38 percent of requests for opinion sought advisory guidance from the Commission. This figure represents a 29 percent increase over fiscal year 2005.

	Actual FY 2005	Actual FY 2006	Projected FY 2007	Projected FY 2008
Opinion requests received	76	58	98	85
Percent of requests for opinion filed which are investigated	58%	50%	55%	50%
Percent of investigations completed in 45 days	0%	0%	75%*	75%*
Percent of Commission opinions under judicial review	10%	3%	6%	8%
First-party advisory opinion requests	7	22	25	25
Third-party opinion requests (ethics complaints)	69	36	73	60
Campaign practices opinion requests	0	n/a	n/a	n/a
Requests for opinion pending	28	12	-	-

\*This assumes that the remaining requests are investigated and processed under a waiver of timelines.

Each incoming complaint must be reviewed by legal counsel to determine whether the person is in fact a public officer or employee pursuant to statute, and to evaluate the essence of the complaint prior to exercising jurisdiction. Some complaints must be returned to the requestor because the Commission lacks jurisdiction to investigate. The reasons for this vary – the subject does not meet the definition of a public officer or employee; the complaint does not have sufficient credible evidence to open an investigation; or the complaint does not allege a violation of the Ethics in Government Law (rather, it might allege an Open Meeting Law violation or an elections law violation). Often, significant staff time is expended to review each incoming complaint and to either accept jurisdiction or to officially decline jurisdiction. This is an area where limited staff resources have resulted in a backlog.

Jurisdiction Backlog	Number of No Jurisdiction Determinations	Range of Days Between Filing Date and Notification of No Jurisdiction Mailed	Average Number of Days to Send No Jurisdiction Letters
Calendar Year 2002	20	1 to 3 days	Less than 2 days
Calendar Year 2003	49	1 to 25 days	14.5 days
Calendar Year 2004	50	1 to 115 days	35 days
Calendar Year 2005	31	1 to 51 days	21.5 days

Once the Commission accepts jurisdiction, the Executive Director has 45 days to complete an investigation and convene a panel proceeding to evaluate her recommendations regarding just and sufficient cause pursuant to NRS 281.511(3). Due to the increased volume of incoming requests for opinion, the Commission staff has not met its 45-day statutory timeframe for investigations in any cases during the past fiscal year. In many of those cases, the subjects

waived the statutorily imposed deadlines. It is envisioned that, with the additional two staff positions, the staff will be able to clear our backlog in cases and meet the statutorily mandated timeframes for investigations. In fiscal year 2006, the Commission dismissed 5 ethics complaints because the subjects did not agree to sign a waiver of the statutory timeframes and the investigations could not be completed within the 45-day statutory timeframe. The Commission has submitted a bill draft request for the 2007 Legislative Session that would extend the amount of time required to complete investigations. Additionally, the Commission had been operating with less than a full staff prior to calendar year 2006. This circumstance caused a critical backlog of cases to be processed.

Presently, the Commission has 9 open investigation files. It is projected that 2 of these cases will be investigated within 45 days, and the remainder shortly thereafter.

Investigations Backlog	Average Days Between Filing Date and Panel Proceeding	Range of Days Between Filing Date and Panel Proceeding	Percent of Investigations Taking Greater Than 45 Days **
Calendar Year 2002	60 days	26 to 95 days	40 percent
Calendar Year 2003	71 days	28 to 157 days	42 percent
Calendar Year 2004	178 days	46 to 342 days	100 percent
Calendar Year 2005	297 days	243 to 370 days	100 percent

## Public Education and Information Activities:

The Commission strongly believes that compliance with Nevada ethics law begins with the provision of effective educational programs and active public information efforts for public officers, employees, and the general public. The Commission accomplishes these goals through the provision of proactive educational programs to increase understanding and compliance with Nevada law among public officers and employees in state, county, and city government, as well as the continued expansion of the Commission web site and the development of electronic publications to educate and inform the public about the Nevada Ethics in Government Law.

Statute presently requires the Executive Director to conduct training regarding ethics law and Commission opinions upon the request of any public officer or public employer (see NRS 281.4635(1)(e)). These educational sessions are conducted utilizing PowerPoint presentations, and provide for lecture, personal interaction and participant question and answer sessions. The sessions average between 60 to 90 minutes. The Commission is considering asking former Commission members to assist with a pro-active educational outreach program to supplement the existing staff outreach efforts.

The Commission web site will be expanded in the near future. The Commission's publications *Ethics Manual*, *Guide to Nevada's Ethics in Government Law*, and *Guide to Nevada's Financial Disclosure Law* are under revision and will be published on the web site upon completion. The staff is also updating the *Ethics Opinion Digest*, last published in 1996, and will publish the revised *Digest* online as well.

In addition to opinions, publication of panel determinations and just and sufficient cause reports are available on the web site. Presently the reports are only posted for cases from calendar year 2003 to the present; however, older reports may be posted as well. Additionally, the Commission has electronic versions of financial disclosure statements filed with the Commission since calendar year 2000, and those may soon be available for public review on the web site.

	Actual FY 2005	Actual FY 2006	Projected FY 2007	Projected FY 2008
Educational programs held	15	17	15	15
Percent of education programs evaluated as relevant, useful, and well-prepared	95%	95%	97%	95%
Annual web hits	242,791	185,449	136,000	136,000
Average web site hits per day	663	506	650	650
Average web site session length	14 min	14 min	15 min	15 min
Average number of web site users Per day	142	158	135	135
Average percentage of repeat web site users per month	32%	30%	32%	32%

## Regulation Report:

During the interim period between legislative sessions, it is typical for most Boards and Commissions to make changes to their regulations to carry out mandates of the Legislature or simply to add clarification to statutory provisions. The procedure for proposing and adopting regulations is governed by chapter 233B of the *Nevada Revised Statutes* (NRS) and includes providing adequate notice to the public regarding the nature of the proposal and allowing the public to comment on the proposed changes. The proposed regulations are assigned a file number by the Legislative Counsel Bureau (LCB) and that is how they are referenced until they are ultimately codified into the *Nevada Administrative Code* (NAC).

The most recent proposed regulations were filed with LCB on November 18, 2005, and were assigned LCB File No. R186-05. The Commission staff conducted a public workshop on December 20, 2005, which was conducted via video-conference between Carson City and Las Vegas. The Commission held two public adoption hearings - one on February 9, 2006, via video-conference between Carson City and Las Vegas and another on March 20, 2006, via teleconference with public access in the Commission offices in Carson City and Las Vegas. Ultimately, the regulations were adopted at the March 20, 2006, meeting and were subsequently approved by the Legislative Commission, filed with the Secretary of State on May 4, 2006, and became effective as of that date. Anyone wishing to view the entire regulation file may do so by using the following link to the LCB website: <http://www.leg.state.nv.us/register/2005Register/R186-05A.pdf>.

A summary of the regulation changes may be found under Appendix B of this report.

## **Litigation Report:**

The Commission has two legal challenges pending in Nevada courts.

### Michael Mack v. NCOE

Petition for Judicial Review of *NCOE Opinion No. 03-40*, issued June 16, 2004 to Las Vegas City Councilman Michael Mack. Oral arguments were heard in Clark County District Court on June 28, 2005, which resulted in a ruling for Mr. Mack. The Commission needs to consider an appeal in this matter. To date, there has not been an order filed by Mr. Mack, and the Commission plans to file a Motion to Compel the order so that any subsequent action can be taken.

### Oscar B. Goodman v. NCOE

Petition for Judicial Review of *NCOE Opinion No. 04-05*, issued December 28, 2004 to Las Vegas Mayor Oscar B. Goodman. Oral arguments were heard in Clark County District Court on February 21, 2006, which resulted in a ruling for Mayor Goodman. The Commission filed an appeal with the Nevada Supreme Court on April 17, 2006. The mandatory settlement conference was held on May 24, 2006. The Commission considered a proposed settlement at their June 14, 2006, meeting but no settlement was reached. It is now awaiting a briefing schedule from the Nevada Supreme Court.

## **Public Officer Financial Disclosure:**

The Commission accepts filings of financial disclosure statements by appointed public officers required to file annual financial disclosure statements with the Commission pursuant to NRS 281.559. Any appointed public officer who fails to file a financial disclosure statement, or who files the statement late, is forwarded to the Secretary of State's office for the assessment of civil penalties pursuant to NRS 281.581.

AB 500, passed by the 2005 Nevada Legislature, amended the definition of public officer (NRS 281.4365) such that the exercise of a public power, trust or duty now includes the *administration* of laws and rules of the State, a county or a city rather than the *enforcement* of these laws and rules. The amendment, effective October 1, 2005, appears to broaden the definition of public officers as compared to the previous language, and has required more persons appointed to public office to file a financial disclosure statement with the Commission. In FY 2006, the Commission saw an 18% increase in the number of financial disclosure statements filed.

The Commission staff is often asked by various public officers and employees to determine whether they are required to file a financial disclosure statement. In these instances, the Commission staff refers the inquiring public officer to their assigned counsel based upon the application of the definition of a public officer. Assigned counsel for each public officer should determine whether job duties involve "the exercise of a public power, trust or duty" as defined in subsection 1 of NRS 281.4365.

	Actual FY 2005	Actual FY 2006	Projected FY 2007	Projected FY 2008
Financial disclosure statements filed	398	470	500	500

### **Commission Funding:**

NRS 281.4647 provides that cities and counties with more than 10,000 in population are required to proportionally share in the NCOE funding. The local government assessment is based on the source of the NCOE request for opinion caseload from the previous biennium.

The NCOE is responsible for billing cities and counties on August 1 and February 1 of each year of the biennium. If a city or county fails to pay the assessment, the Commission’s Executive Director is authorized to submit a billing claim to the Department of Taxation, and the Department of Taxation is authorized to deduct the funds from that city or county’s share of the Local Government Tax Distribution Account. The Commission staff experienced no difficulties in collecting the local government cost-share of the NCOE budget during FY 2006.

The funds collected from local government pursuant to NRS 281.4647 are restricted for the enforcement of the ethics in government law, and do not revert to the General Fund at the end of any fiscal year.

Any civil penalties assessed by the Commission for violations of state law are deposited into the State General Fund. The Commission collected \$11,030 in civil penalties during FY 2006.

### **Commission Fiscal Operations:**

The Commission’s permanent Las Vegas office was opened in October 2005. This office is now open to walk-in traffic and telephone inquiries. The Carson City office is still considered the “principal office” of the Commission and all filings should be directed to that office; however, exceptions can be made to accommodate a deadline, if necessary.

The Commission budget is appropriated by the Nevada Legislature each biennium. The next biennium begins July 1, 2007, and ends June 30, 2009. The 2005 Nevada Legislature permanently funded the new Las Vegas office of the Commission, the legal research staff position and a new, permanent investigator position, bringing the full-time staff of the Commission to five positions (see Appendix A).

The following represents the budget provided by the Legislature for the biennium.

	FY 2006		FY 2007	
Personnel	\$ 415,662	70.6%	\$ 443,133	74.8%
Out-of-State Travel	\$ 2,450	0.4%	\$ 2,450	0.4%
In-State Travel	\$ 15,222	2.6%	\$ 15,222	2.6%
Operating	\$ 90,351	15.4%	\$ 92,349	15.6%
Equipment	\$ 16,238	2.8%	\$ 0	0.0%
Investigations	\$ 7,247	1.2%	\$ 7,247	1.2%
Court Reporting	\$ 13,312	2.3%	\$ 13,312	2.2%
Information Technology	\$ 20,773	3.5%	\$ 11,308	1.9%
Training	\$ 2,239	0.4%	\$ 2,239	0.4%
Statewide Cost Allocation	\$ 4,750	0.8%	\$ 4,750	0.8%
Purchasing Assessment	\$ 279	0.0%	\$ 273	0.0%
	\$ 588,523	100%	\$ 592,289	100%

## **Commission Internal/External Issues Assessment:**

### **Commission Strategic Issues**

1. The Commission on Ethics struggles with a public misperception of the Commission mission, jurisdiction, and duties.
2. High turnover in elected and appointive public office creates an ongoing need to educate public officers and employees on the provisions of the Ethics in Government Law.
3. The 120-day biennial legislative session limits the amount of time the Commission has to provide necessary information to educate legislators regarding Commission functions, making it difficult to effect changes in state law.
4. Four-year Commissioner terms may result in frequent turnover on the Commission, and can result in varying policy interpretations of state law.
5. The Commission is one of only a few state Commissions statutorily located between the Legislative and Executive Branches, which causes confusion as to whom the Commission reports.
6. The Commission must balance its role as a part of the Executive Branch (for budget purposes) with its statutory mandate to investigate and adjudicate ethics complaints against public officers and employees in the Executive Branch.

## **Commission Threats**

1. Current statutory restraints on investigation timelines may cause dismissal of otherwise valid complaints.
2. The Commission has limited staff and budget resources, which may make it difficult to respond to fluctuations in workload caused by a large influx of complaints, advisory opinion requests, or major litigation.
3. Public misperceptions about the role of the Commission may cause public relations issues with the Legislature, state and local governments, and the media.
4. Budget constraints, both within the Commission and at the local government level, make a proactive educational program regarding the Nevada Ethics in Government law difficult to fund and sustain.

## **Commission Opportunities**

1. Continuation of a proactive educational program regarding the Nevada Ethics in Government law will assist in better compliance with Nevada law and lead to a better public understanding of the Commission's mission, jurisdiction, and duties.
2. The biennial session of the Nevada Legislature provides an opportunity to tighten loopholes in Commission statutes and educate legislators about the Commission.
3. Using communications tools such as the Commission web site and training seminars to promote the Commission's activities provides opportunities to educate public officers, public employees, and the general public regarding the importance of the Commission's functions. The Commission will continue to be on the government forefront of making more information available online.
4. By collaborating with local government, the Commission will be better able to prepare for additional caseloads or enforcement responsibilities by ensuring appropriate funds and staff, if necessary, are requested.

## **Planning Assumptions:**

1. Administrative workloads continue to increase with state and legislative reporting mandates. With limited staff and resources, the Commission must prioritize and focus on essential tasks and efficiently and effectively utilize its resources.
2. Ongoing budget constraints make utilizing new technology such as videoconferencing, web site publications, and e-mail distribution important to achieve cost savings to ensure the Commission stays within its legislatively appropriated budget.
3. Funding and administering a proactive educational program regarding the Nevada Ethics in Government law is essential to ensure better compliance with Nevada law and eliminate public misperception about the Commission's mission, jurisdiction, and duties.
4. Closely monitoring the agency budget is a critical component of ensuring that the Commission uses its monetary resources in the most efficient and effective manner possible to meet the statutory requirements placed on the agency.
5. Compiling a comprehensive, well-justified budget and preparing an informative and concise budget presentation is essential in ensuring the Commission receives funding sufficient to support the Commission goals and programs.

## Commission Goals:

Goals, objectives, and performance measures were developed in calendar year 2003 as part of the agency strategic planning process. The goals and objectives are listed below. Performance measures have been previously reported in this publication.

- **Goal 1** - To investigate and adjudicate all requests for opinion filed by public officers, public employees, candidates, and the general public in accordance with the provisions of NRS Chapter 281.

Objective 1: To timely investigate third-party requests for opinion and issue recommendations regarding just and sufficient cause to a Commission panel.

Objective 2: To expedite first-party requests for opinion as provided for in NRS to ensure timely consideration and rendering of opinions by the Commission.

Objective 3: To timely issue opinions after the Commission renders its decisions, and to make such opinions publicly accessible.

Objective 4: To facilitate automation of workflow and streamline Commission operations by providing staff with up-to-date computer equipment, software, and training.

- **Goal 2** – To effectively administer Nevada law by providing educational programs and public information necessary for public officers and employees to be informed regarding compliance.

Objective 1: To provide proactive educational programs to increase understanding and compliance with Nevada law among public officers and employees in state, county, and city government.

Objective 2: To expand the Commission web site and develop electronic publications to educate and inform the public about Nevada Ethics in Government law.

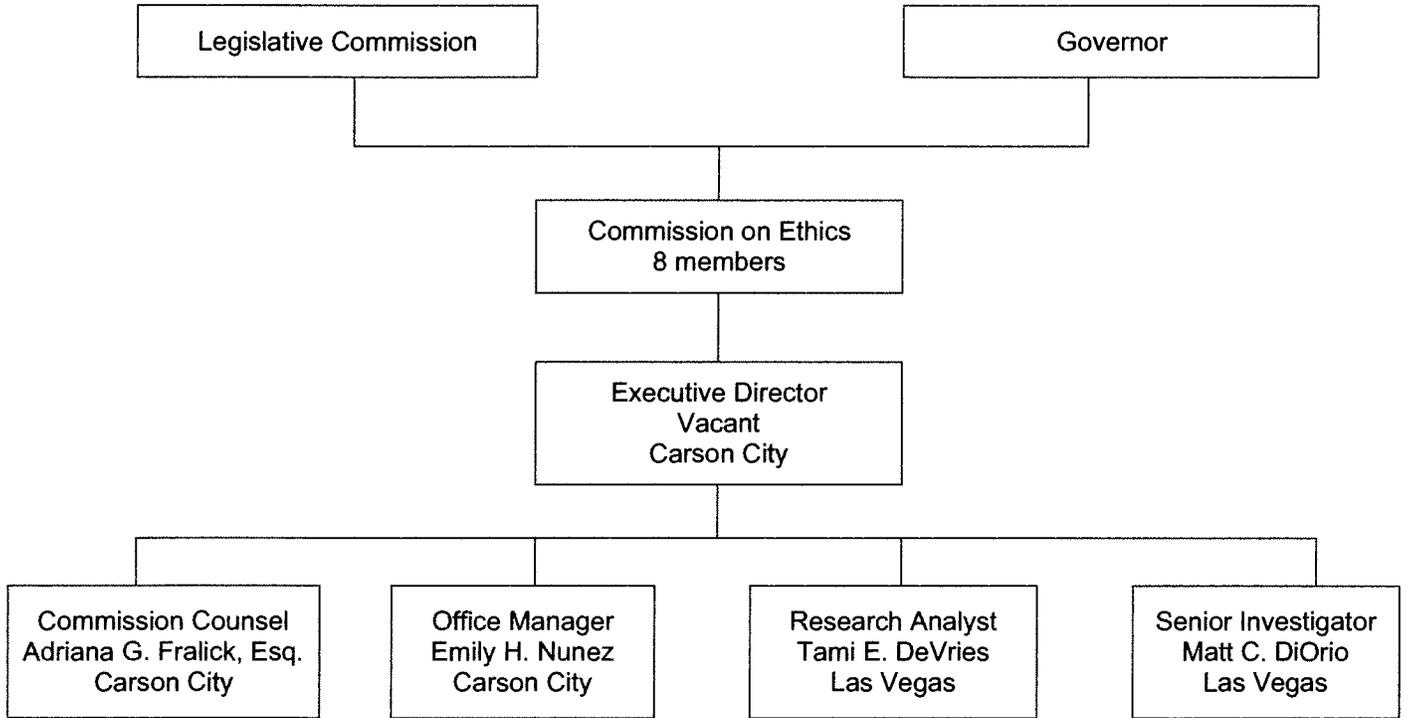
Objective 3: To facilitate increased compliance with laws requiring the filing of financial disclosure statements by working with the Secretary of State's office to maintain a public officer database pursuant to NRS 281.574, to disseminate information about the requirement to file financial disclosure statements, and to inform public officers regarding the appropriate filing location.

# **Appendix A**

## **Organization Chart**

# Nevada Commission on Ethics

## Organization Chart



## **Appendix B**

### **Summary of Fiscal Year 2006 Regulation Changes**

### **To Chapter 281 of Nevada Administrative Code**



State of Nevada  
**COMMISSION ON ETHICS**

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Carson City, Nevada 89706  
(775) 687-5469 · FAX (775) 687-1279

<http://ethics.nv.gov>

### **Regulation Update**

The Commission has adopted new regulations which became effective on May 4, 2006. Until they are codified into the Nevada Administrative Code, they are known as LCB File No. R186-05, and the entire file can be found on the Legislative Counsel Bureau's website at the following link:

<http://www.leg.state.nv.us/register/2005Register/R186-05A.pdf>

The regulations included the following:

- Establishing certain procedures and requirements for hearings of the Commission on Ethics concerning requests for opinions to interpret statutory ethical standards that apply to public officers and public employees;
- Requiring the disclosure of certain ex parte communications with members of the Commission;
- Authorizing the disqualification of members of the Commission under certain circumstances;
- Authorizing any person to petition for the adoption, amendment or repeal of regulations of the Commission;
- Establishing additional duties for the Executive Director of the Commission;
- Revising certain requirements concerning written opinions of the Commission concerning statutory ethical standards for public officers and public employees;
- Technical changes were made with the amendments to NAC 281.005, 281.016, 281.0167, 281.0182, 281.0198, 281.022, 281.024, 281.053, 281.056, 281.085, 281.1125, 281.1127, 281.1865, 281.191, 281.193, 281.215 and 281.219;
- In order to comply with the provisions of Assembly Bill 499 (2005 Legislative Session), which repealed NRS 281.477, the law that allowed the Commission to accept complaints regarding campaign practices, changes were made to NAC 281.0167, 281.0192, 281.0198, and other sections were repealed entirely.

- Due to the addition of the Las Vegas office, it was necessary to designate a “principal office” for the Commission; therefore, changes were made to NAC 281.0184, 281.103, 281.1125, 281.1155, 281.1865, 281.191, 281.227, and 281.242;
- NAC 281.053 was amended to establish by regulation what had already been a policy and practice of the Commission to have the Executive Director serve as the primary public contact on behalf of the Commission. An additional provision was added which requires the Executive Director schedule, make arrangements for and provide notice for any meeting or hearing of the Commission;
- NAC 281.097 was amended by clarifying the requirements for providing written communication or filing documents with the Commission;
- NAC 281.186 was amended to provide further clarification regarding the proper form for an ethics complaint. A definition was added for the term “evidence which supports the allegation”;
- NAC 281.188 was amended by establishing additional methods by which the subject of an ethics complaint may be notified;
- NAC 281.189 was amended to add a notice requirement when the Executive Director intends to include issues and facts beyond those presented in the filed ethics complaint;
- NAC 281.223 was amended by delineating the requirements for written opinions of the Commission; and
- Repealed NAC 281.0153, 281.0154, 281.048, 281.117, 281.202 and 281.204.

## **Appendix C**

### **History of Nevada Commission on Ethics Members**

**HISTORY OF  
NEVADA COMMISSION ON ETHICS MEMBERS**

**2005 - 2006**

**Commission on Ethics**

Caren Jenkins, Carson City, Chairman  
Mark A. Hutchison, Las Vegas, Vice Chairman  
Randall V. Capurro, Las Vegas  
Timothy Cashman, Las Vegas  
William Flangas, Las Vegas  
Rick R. Hsu, Reno  
George M. Keele, Minden  
Jim Kosinski, Reno

**2004 - 2005**

**Commission on Ethics**

Rick R. Hsu, Reno, Chairman  
Caren Jenkins, Carson City, Vice Chairman  
Timothy Cashman, Las Vegas  
William Flangas, Las Vegas  
Mark A. Hutchinson, Las Vegas  
George Keele, Minden  
Jim Kosinski, Reno

*Elizabeth Goff Gonzalez, Las Vegas, served from January through April 2004*

## **2003**

### **Commission on Ethics**

Todd Russell, Carson City, Chairman  
William Flangas, Las Vegas, Vice Chairman  
Ernest E. Adler, Carson City  
Merle A. Berman, Las Vegas  
Lizzie R. Hatcher, Las Vegas  
Rick R. Hsu, Reno  
Jim Kosinski, Reno  
Thomas R. Sheets, Las Vegas

*James Rogers, Las Vegas, served from September 2001, through August 2002*  
*Thomas Sheets, Las Vegas, served as Chair from July 2003, through December 2003*

## **2001**

### **Commission on Ethics**

Peter C. Bernhard, Las Vegas, Chairman  
Todd Russell, Carson City, Vice Chairman  
Raymond C. (Skip) Avansino, Jr., Reno  
William Flangas, Las Vegas  
Lizzie R. Hatcher, Las Vegas  
Rick R. Hsu, Reno  
Jim Kosinski, Reno  
R. Hal Smith, Las Vegas

## **1999**

### **Commission on Ethics**

Mary Boetsch, Reno, Chairman  
Mario G. Recanzone, Fallon, Vice Chairman  
Jud Allen, Reno  
William Bible, Las Vegas  
R. Hal Smith, Las Vegas  
Joni Wines, Stateline

**1997**

**Commission on Ethics**

Mary Boetsch, Reno, Chairman  
Helen Chisolm, Las Vegas, Vice Chairman  
Jud Allen, Reno  
James J. Guinan, Reno  
Scott Sherer, Las Vegas  
Joni Wines, Las Vegas

**1995**

**Commission on Ethics**

Thomas (Spike) Wilson, Reno, Chairman  
William R. Morse, Las Vegas, Vice Chairman  
Jud Allen, Reno  
Mary Boetsch, Reno  
Helen Chisolm, Las Vegas  
Joni Wines, Las Vegas

**1993**

**Commission on Ethics**

Thomas (Spike) Wilson, Reno, Chairman  
William R. Morse, Las Vegas, Vice Chairman  
George "Bud" Albright, Las Vegas  
Jud Allen, Reno  
Helen Chisolm-Wright, Las Vegas  
Michael F. Mackedon, Fallon

**1991**

**Commission on Ethics**

Thomas (Spike) Wilson, Reno, Chairman  
Barbara Bennett, Reno, Vice Chairman  
George "Bud" Albright, Las Vegas  
Bonnie Jean James, Las Vegas  
Michael Mackedon, Fallon  
William R. Morse, Las Vegas

**1989**

**Commission on Ethics**

Carl Dodge, Fallon, Chairman  
Barbara Bennett, Reno, Vice Chairman  
George “Bud” Albright, Las Vegas  
Bonnie Jean James, Las Vegas  
Michael Mackedon, Fallon  
William R. Morse, Las Vegas

**1987**

**Commission on Ethics**

Carl Dodge, Fallon, Chairman  
Barbara Bennett, Reno, Vice Chairman  
George “Bud” Albright, Las Vegas  
Paul S. Garwood, Reno  
Michael Mackedon, Fallon  
William R. Morse, Las Vegas

*Legislation adopted in 1985 created a single ethics commission for both the legislative and executive branches of government. Prior to 1985, both executive and legislative branch ethics commissions operated independently of one another.*

**1985**

**Executive Ethics Commission**

Paul H. Huffey, Las Vegas, Chairman  
Janice L. Haupt, Las Vegas  
Mills Lane, Reno  
Michael F. Mackedon, Fallon  
Sandra L. Pardo, Las Vegas  
Larry Struve, Carson City

**1983**

**Executive Ethics Commission**

Information not available

**Legislative Ethics Commission**

Manuel J. Cortez, Las Vegas, Chairman  
W. R. (Walt) Martini, Las Vegas  
Ronald W. Player, Sparks  
Roger Teglia, Sparks

**1981**

**Executive Ethics Commission**

Bruno P. Menicucci, Reno, Chairman  
Dominic Daileda, Las Vegas  
C. E. (Dutch) Horton, Ely  
Wilson McGowan, Carson City  
Dennis Simmons, Las Vegas  
Ethel Warren, Reno

**Legislative Ethics Commission**

Manuel J. Cortez, Las Vegas, Chairman  
W. R. (Walt) Martini, Las Vegas  
Ronald W. Player, Sparks  
Roger Teglia, Sparks

**1979**

**Executive Ethics Commission**

Bruno P. Menicucci, Reno, Chairman  
Dominic Daileda, Las Vegas  
C. E. (Dutch) Horton, Ely  
Wilson McGowan, Carson City  
Dennis Simmons, Las Vegas  
Ethel Warren, Reno

**Legislative Ethics Commission**

Manuel J. Cortez, Las Vegas, Chairman  
W. R. (Walt) Martini, Las Vegas  
Ronald W. Player, Sparks  
Nash M. Sena, Henderson  
Roger Teglia, Sparks  
Robert L. Weise, Carson City  
C. Clifton Young, Reno