

PRESENTATION FOR INTERIM JOINT COMMITTEE ON LEGISLATIVE OPERATIONS & ELECTIONS

ROSS E. ARMSTRONG, ESQ.
EXECUTIVE DIRECTOR

MAY 10, 2024



WHY AN ETHICS LAW?

- President Nixon and Watergate
 - Scandal Triggered Enactment of Government Ethics Laws
 - Nevada Ethics Law (1975)
 - Federal Ethics in Government Act (1978)

LEGISLATIVE DECLARATION



“A public office is a public trust and shall be held for the sole benefit of the people”

NRS 281A.020

COMMISSION'S MISSION



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.**

STATUTORY AND REGULATORY AUTHORITY



- Chapter 281A Nevada Revised Statutes – Nevada Ethics Law
- Chapter 281A Nevada Administrative Code – Ethics Regulations

COMMISSION STRUCTURE



Commissioners	Staff
Kim Wallin, Chair* Thoran Tower, Esq. Vice Chair Michael E. Langton, Esq.* Teresa Lowry, Esq.* John T. Moran III, Esq. Stan Olsen Scott Scherer, Esq. Amanda Yen, Esq.*	Ross E. Armstrong, Esq., Executive Director Elizabeth Bassett, Esq., Commission Counsel Sam Harvey, Outreach and Education Officer** Erron Terry, Investigator Wendy Pfaff, Senior Legal Researcher Kari Pedroza, Executive Assistant Vacant, Associate Counsel
*Legislative Commission Appointment	** Added during the 2023 Legislative Session



THREE MAJOR FUNCTIONS OF THE ETHICS COMMISSION

1. Education and Outreach
2. Provide Ethics Advisory Opinions to Public Officials
3. Receive and Process Ethics Complaints

WHO MUST COMPLY WITH THE ETHICS LAW?

GOVERNMENT OFFICIALS

Executive Branch

- Full Jurisdiction
- Examples
 - Personnel Commission
 - Department of Transportation
 - Board of Cosmetology

Legislative Branch

- Limited Jurisdiction
- All conduct except for “core legislative duties”
- Special rules in NRS 281A.

Local Government

- Full Jurisdiction
- Examples
 - Reno City Council
 - Incline Village General Improvement District
 - CCSD

Judicial Branch

- No jurisdiction



COMMITMENT IN A PRIVATE CAPACITY - NRS 281A.065



Spouse / Domestic Partner



Member of Household



3rd Degree of
Consanguinity / Affinity



Employer



Substantial and Continuing
Business Relationship



Substantially Similar



THREE MAJOR ETHICS CATEGORIES

- Improper Benefits
- Disclosure & Abstention
- Cooling Off



IMPROPER BENEFITS

SELECTED EXAMPLES

- Self-dealing contracts
- Government equipment to benefit political campaigns or private business
- Preferences for close family members
- Directing subordinate to benefit your personal interests



DISCLOSURE & ABSTENTION

SELECTED EXAMPLES

- Taking government action without being transparent about your conflict of interest
- Voting on funding to benefit for your private employer
- Health inspector inspecting their daughter's restaurant



COOLING OFF

SELECTED EXAMPLES

- Going to work for a vendor of the agency you just left
- Getting paid to consult a private firm related to work at your previous government agency
- Working for a regulated industry after being a regulator
- *One Year Cooling Off Period

EDUCATION & OUTREACH – MODERNIZATION PLAN



Strategy	Status	Notes
Leverage Social Media	Consistent content and follower growth.	LinkedIn growth has been substantial.
Topic-specific videos on YouTube	Ethics Training playlist established with 20 topic-specific videos.	Helpful in constituent service responses.
Online Learning Management System	Nevada Ethics Online launched in 2023.	Slow growth at first due to staff capacity.
Request position during 2023 Session	Position approved during the 2023 Legislative Session, hired in spring of 2024.	Immediate improvements realized upon hire.

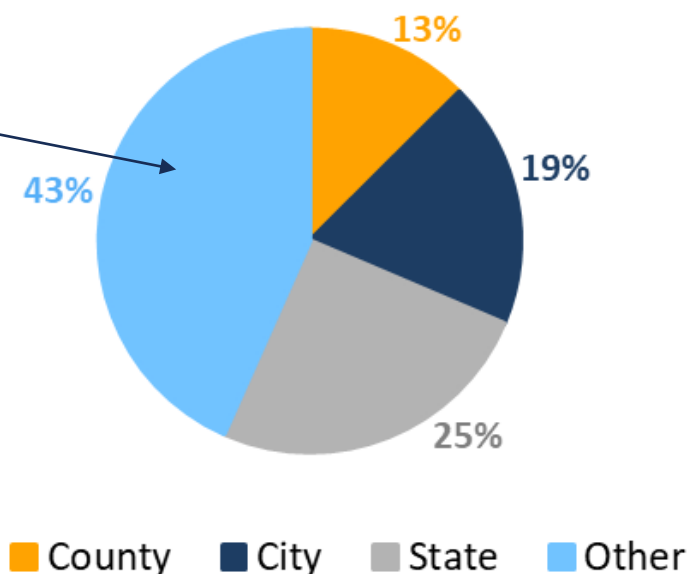


EDUCATION & OUTREACH – FISCAL YEAR 2023

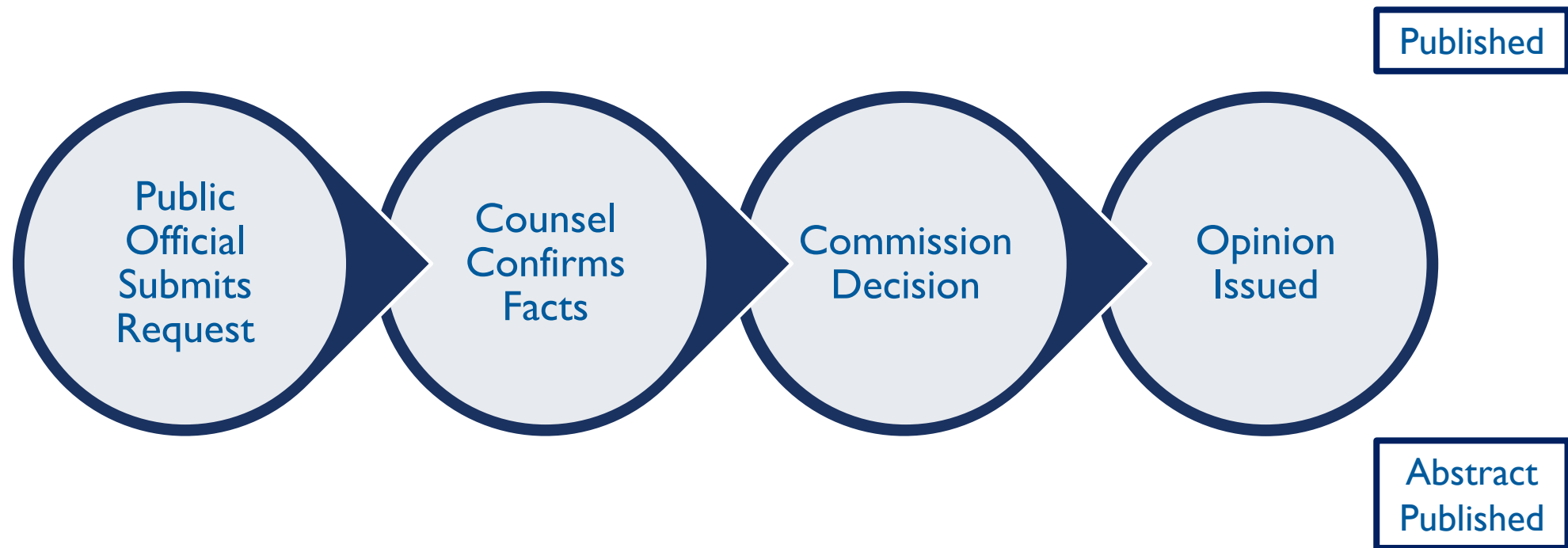
People Trained by Jurisdiction Type
1,484 Total

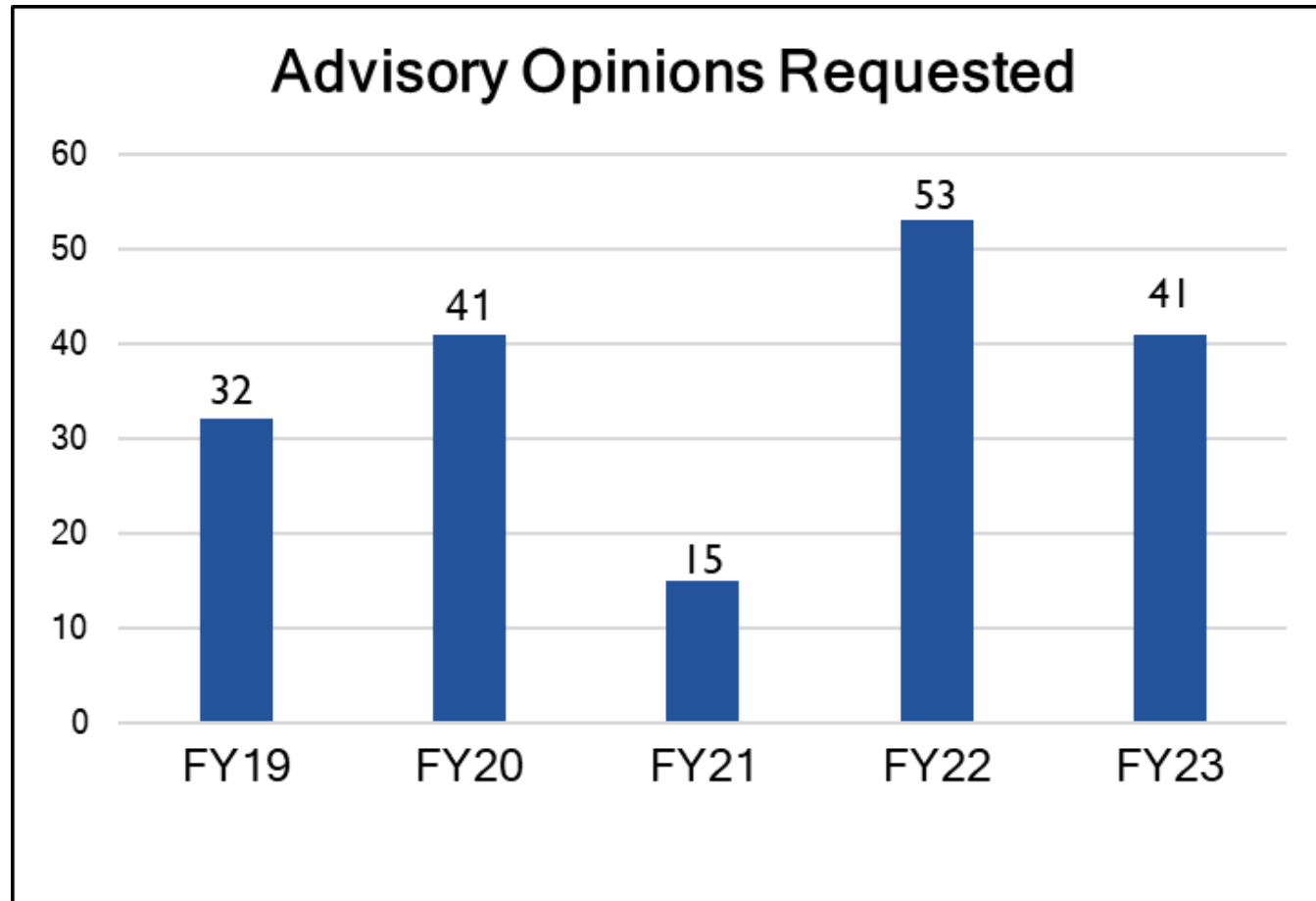
Southern Nevada
Housing Authority

Nevada Civil
Attorneys
Conference



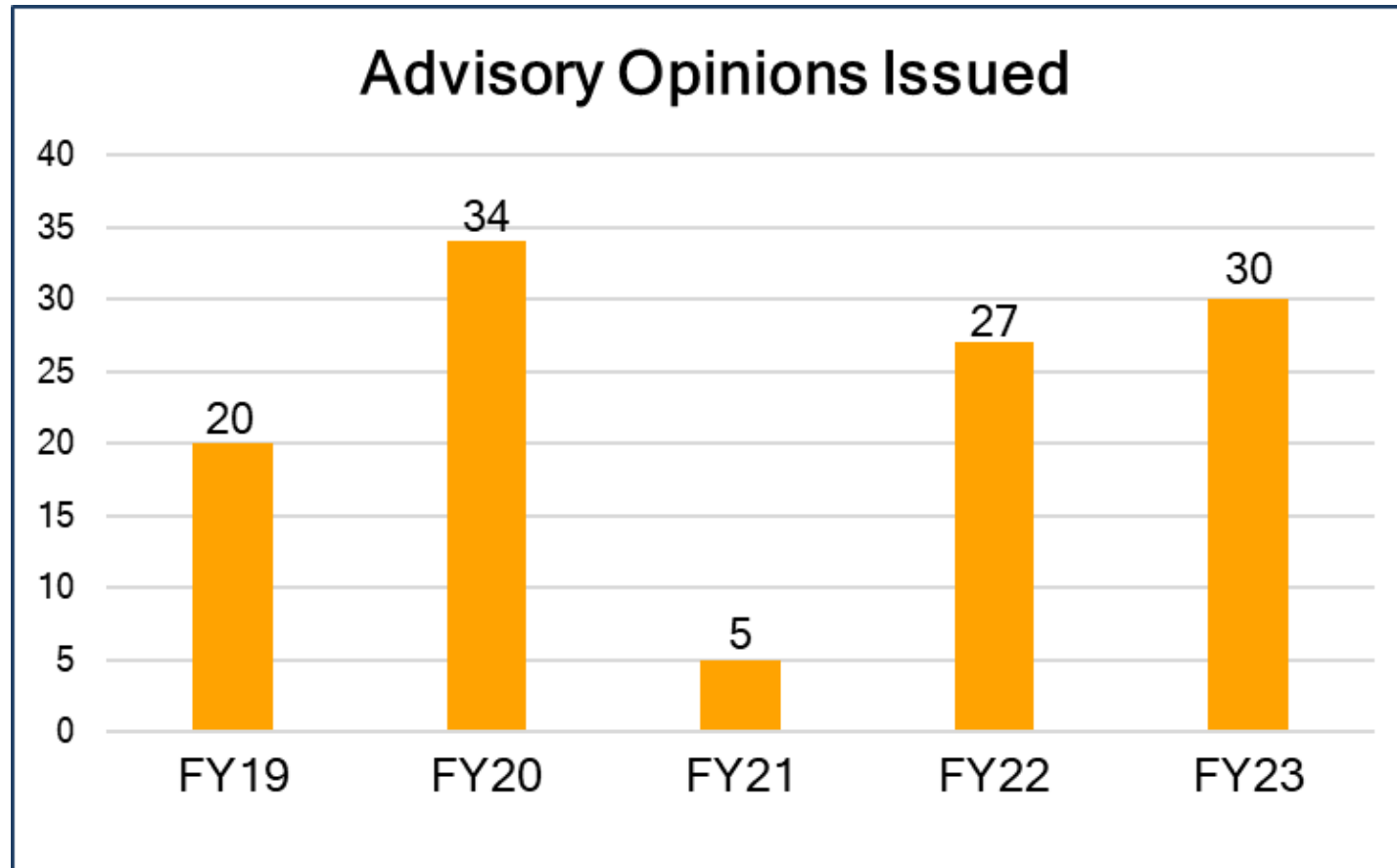
ADVISORY OPINIONS - PROCESS





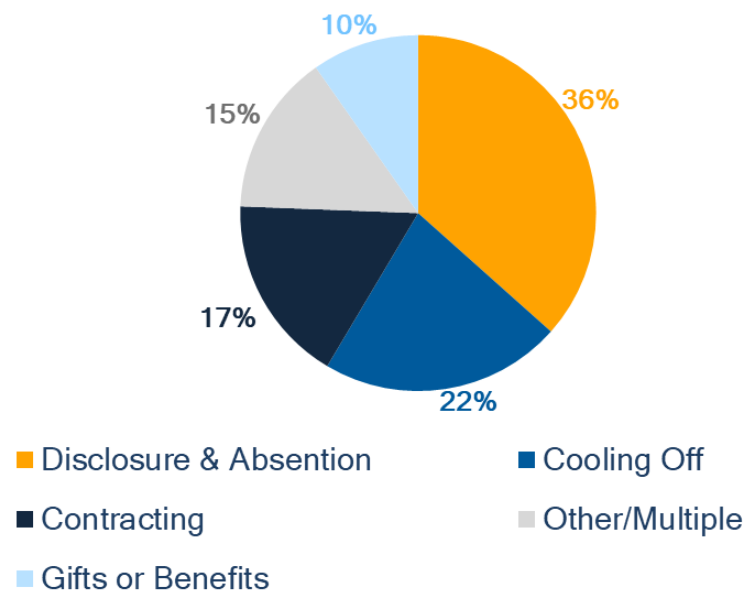
ADVISORY OPINIONS

ADVISORY OPINIONS

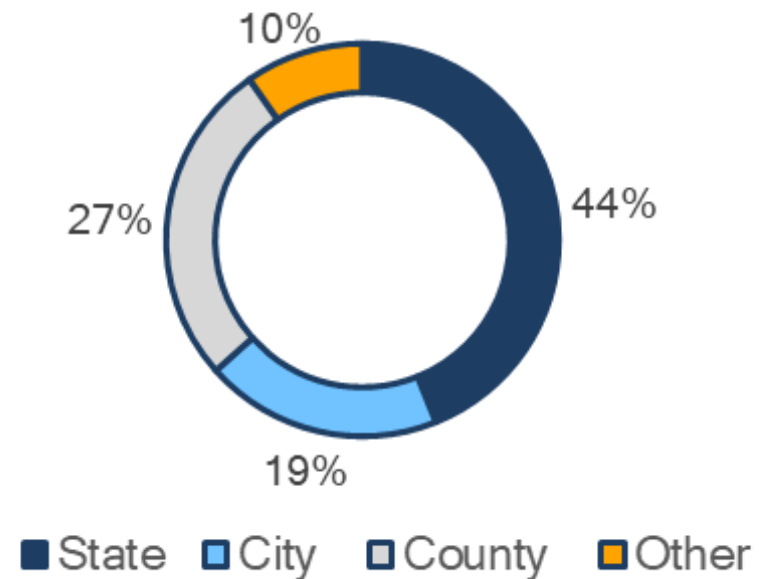


ADVISORY OPINIONS – FY23

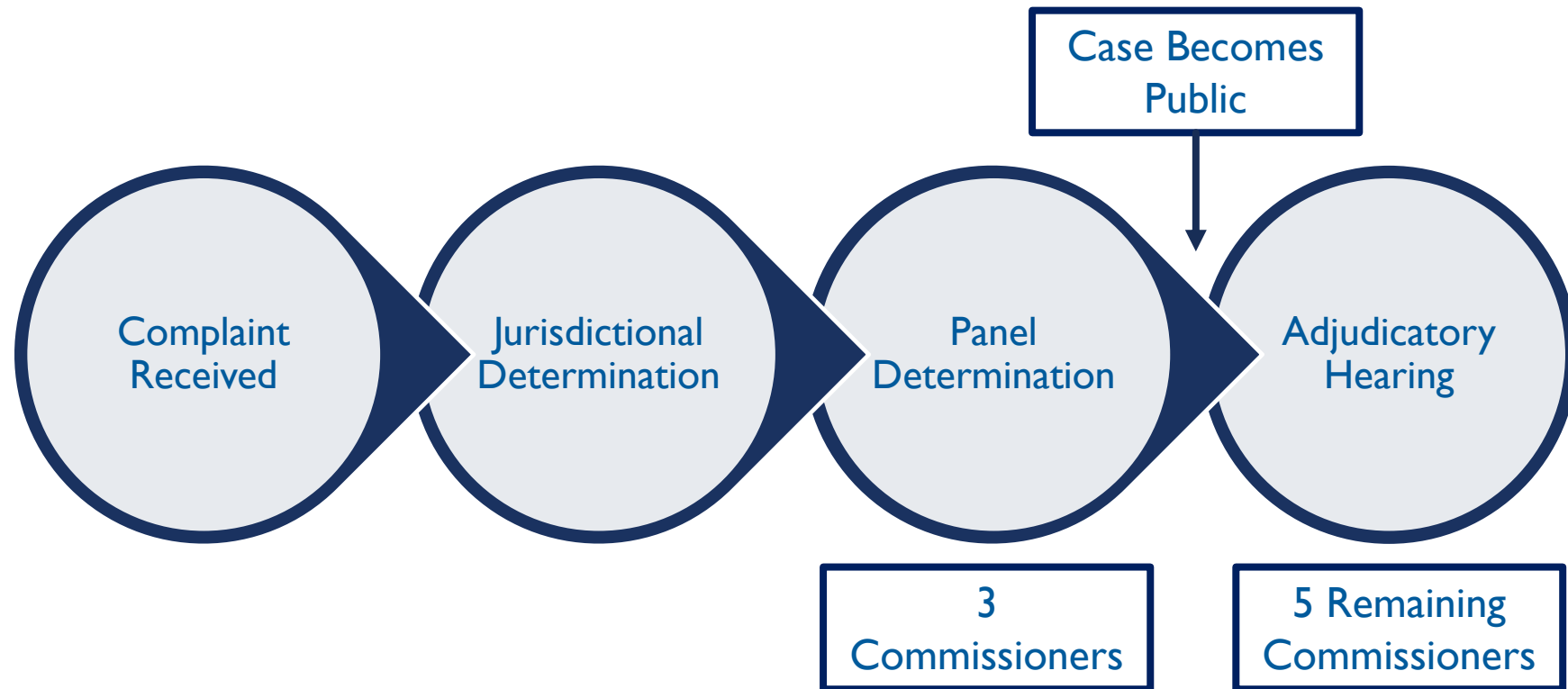
Issued Advisory Opinion Topics



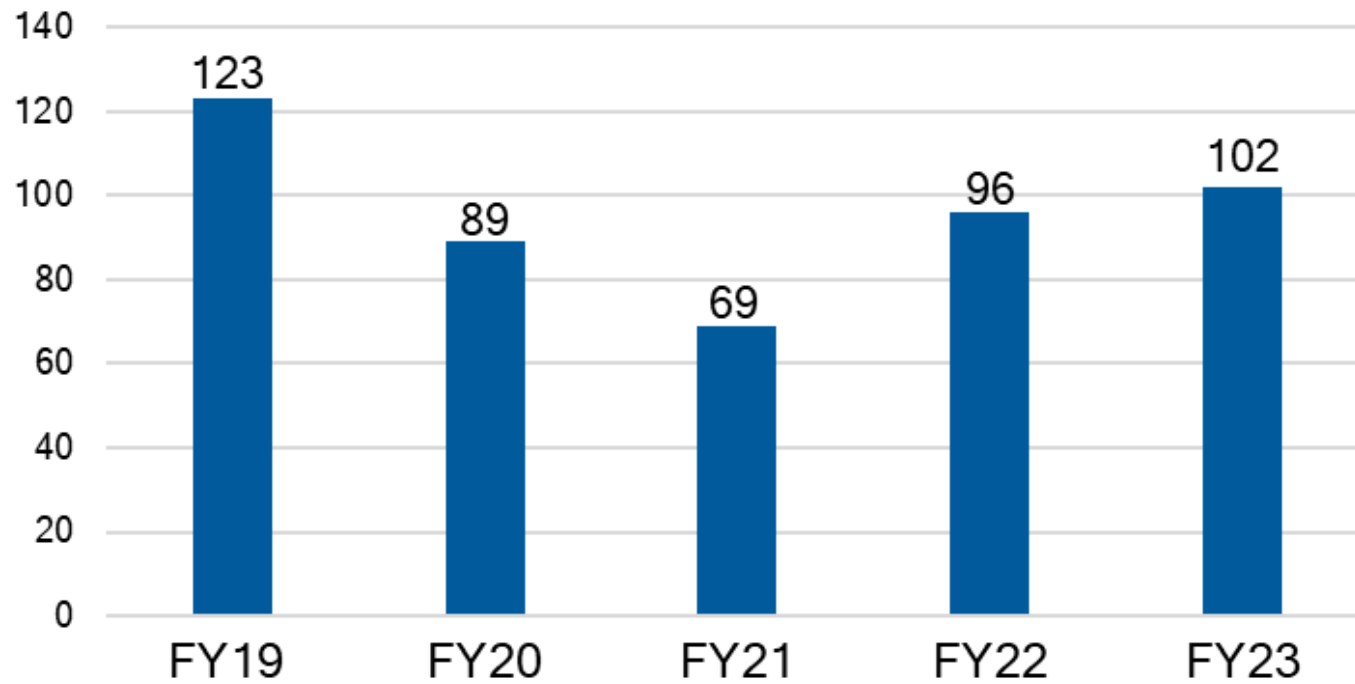
Advisory Opinion Requests



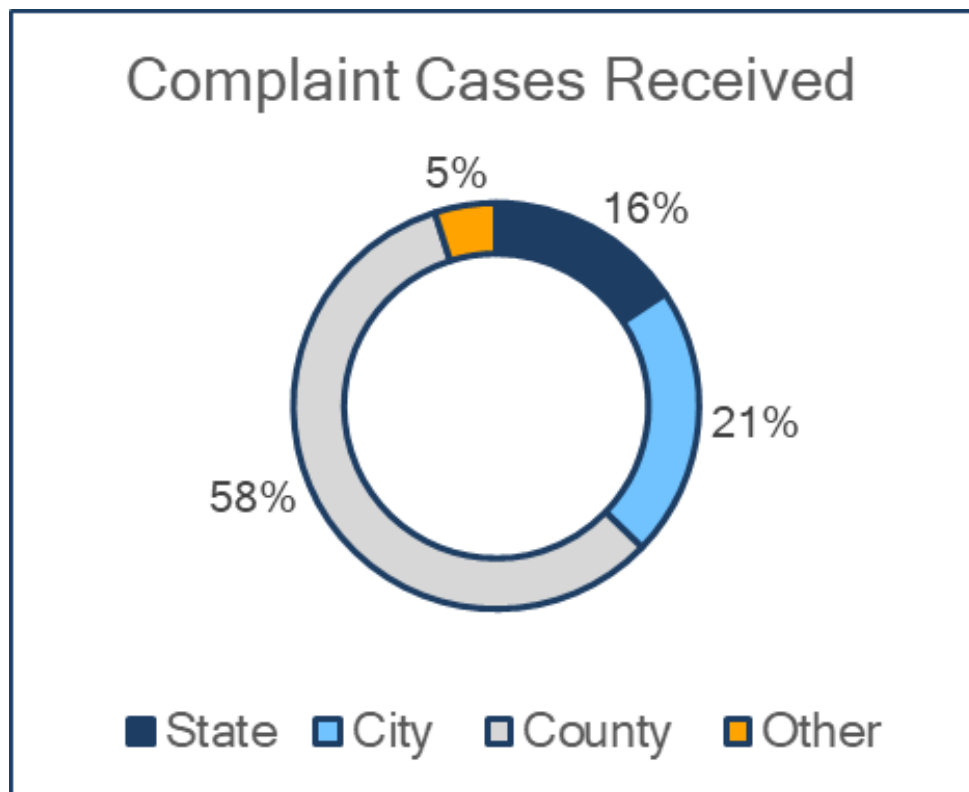
COMPLAINTS - PROCESS



Ethics Complaints Received



COMPLAINT
CASES

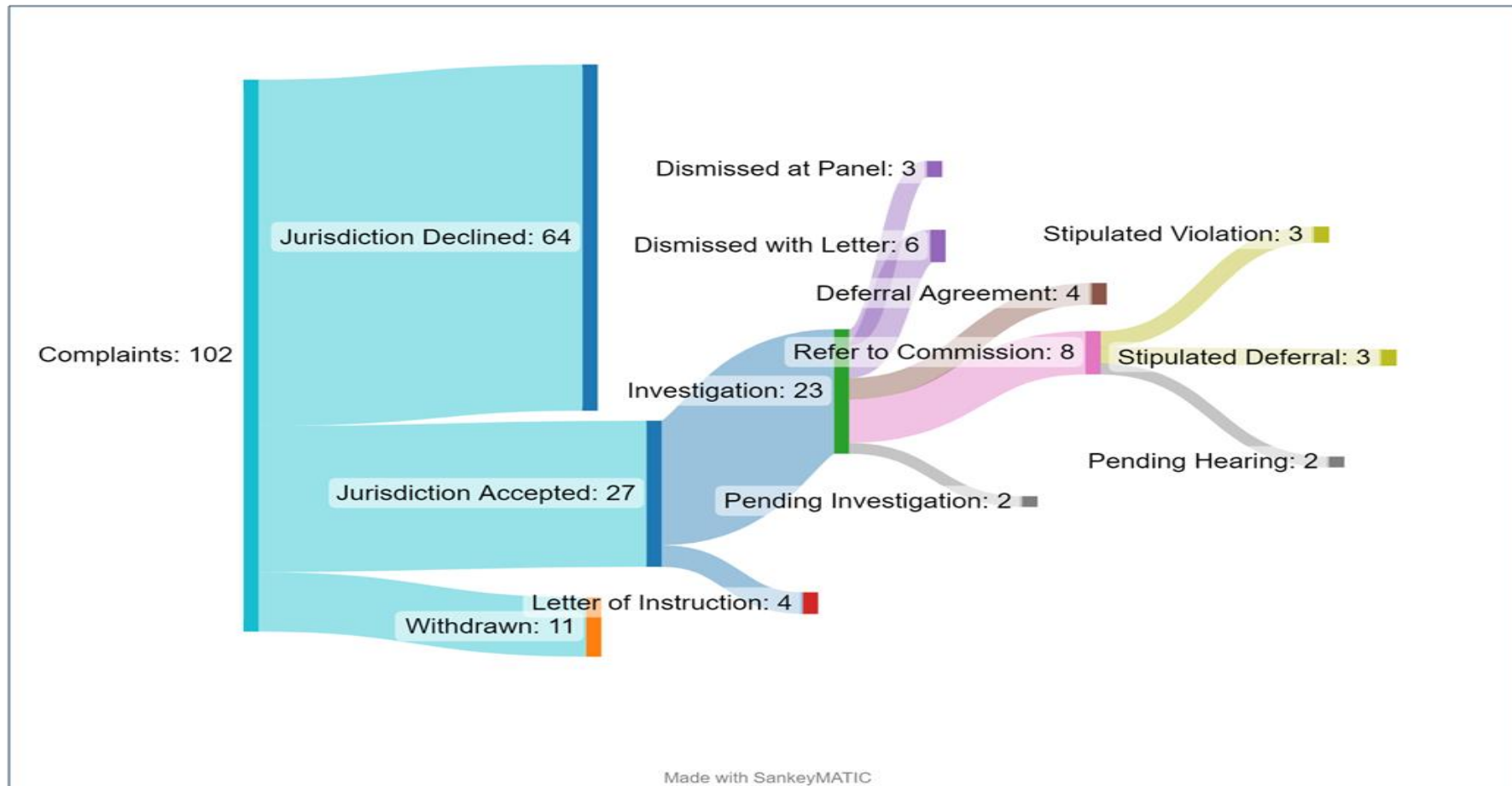


COMPLAINT CASES

FY23 – AGENCY
OF SUBJECT OF
COMPLAINT

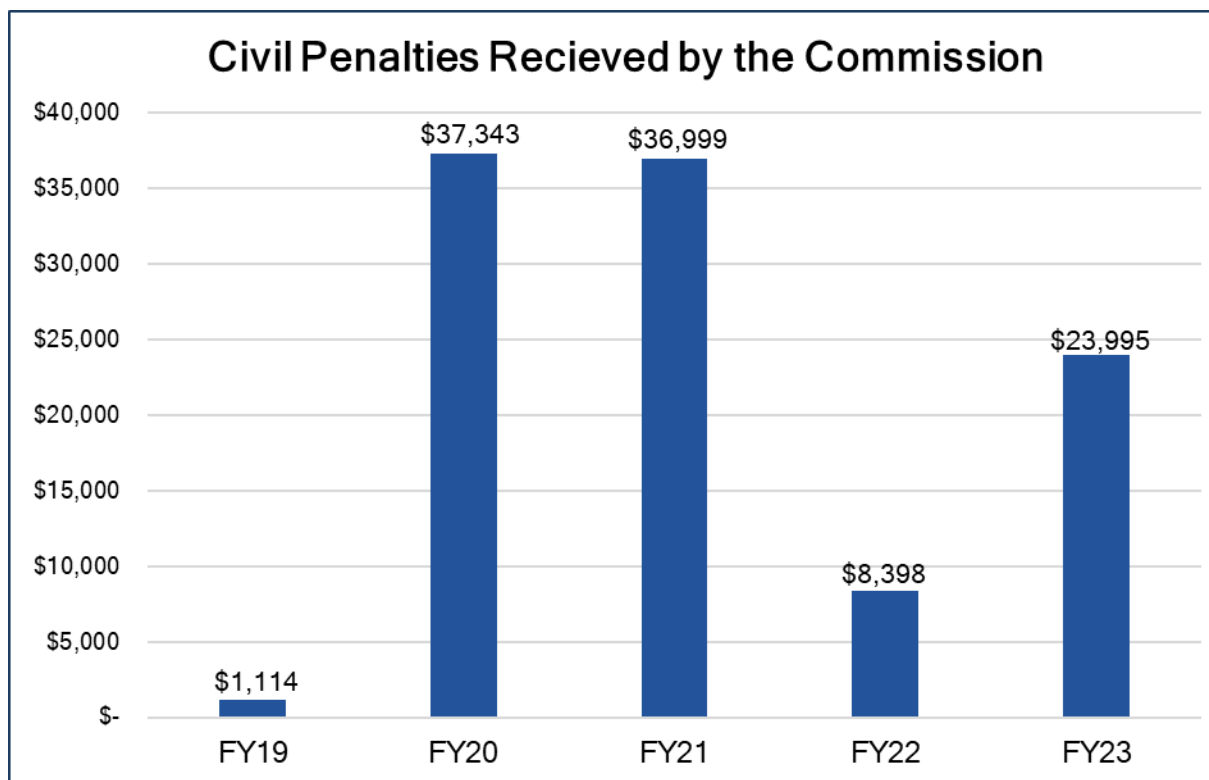
102
COMPLAINTS
RECEIVED

LIFE OF COMPLAINT CASES RECEIVED IN FY23





COMPLAINT PROCESS – CIVIL PENALTIES RECEIVED



LEGISLATIVE HISTORY



1975

- Legislature Establishes Ethics Commission
- Executive and Legislative Jurisdiction

1976

- Nevada Supreme Court declares ethics law unconstitutionally vague

1977

- AB 450 establishes two new Commissions
- Executive and Legislative separate
- Rarely met

1985

- SB 345 amends law to create one Commission

2009

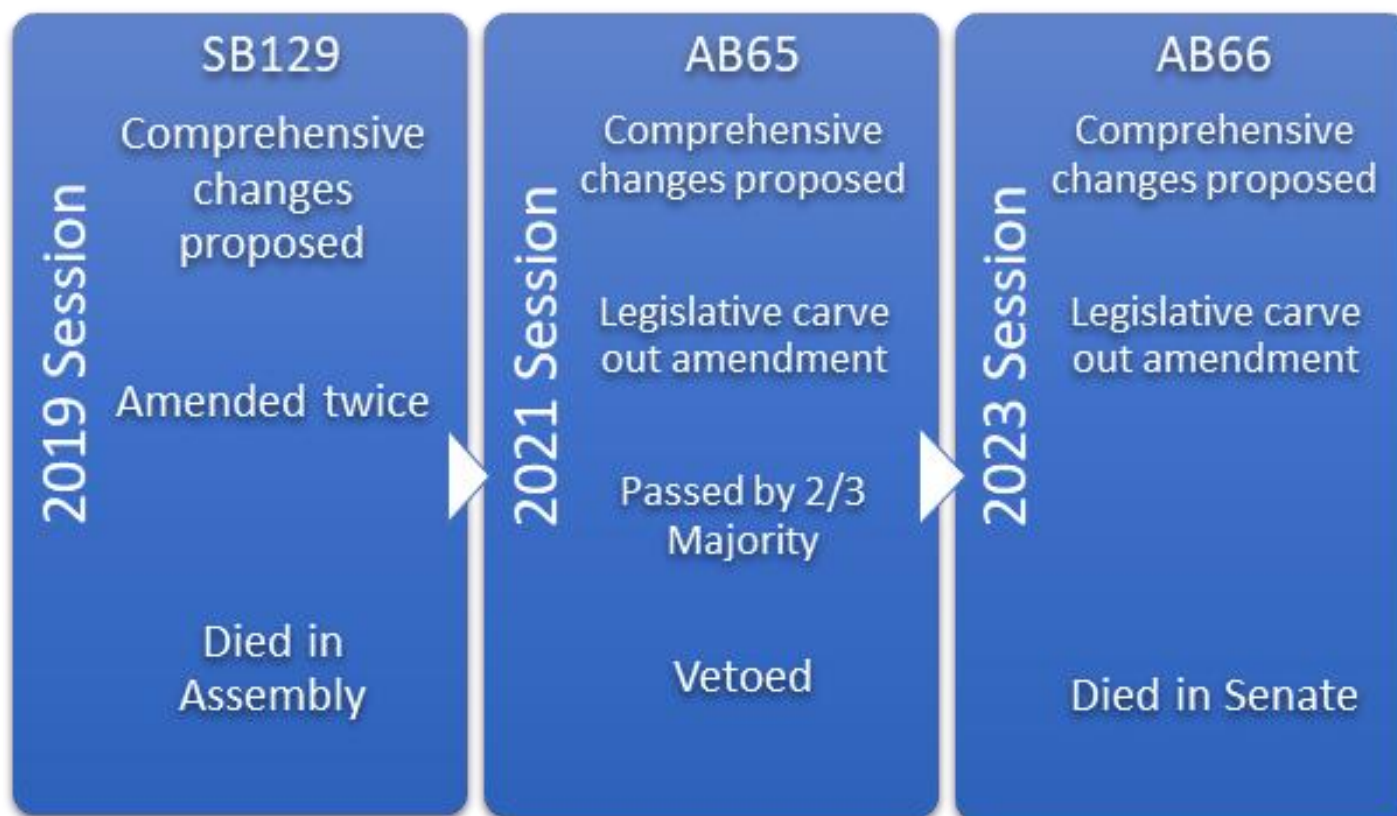
- Nevada Supreme Court rules Commission jurisdiction can't extend to Legislator "Core Legislative Functions"

2015

- AB 496 further narrows Commission jurisdiction over Legislators



RECENT LEGISLATIVE HISTORY



Other 2023 Session Legislation of Interest to the Commission

SB 431:
Governor's Reorganization Bill

AB 258:
Confidential information related to non-profits.

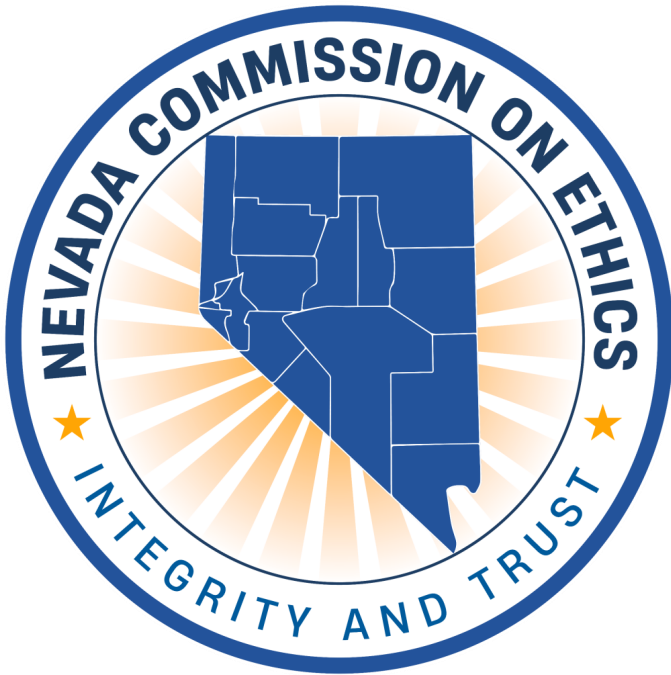
SB 328:
Exempts one position on Cannabis Compliance Board from Cooling Off Rules

CURRENT ETHICS “HOT TOPICS”



- Campaign Season
- Legislature Ethics
- Gifts and Big Events

CONTACT INFO



Ross Armstrong, rarmstrong@ethics.nv.gov

Commission on Ethics, ncoe@ethics.nv.gov

Phone: 775-687-5469

Website: ethics.nv.gov

X (formerly Twitter): [@ethics_nevada](https://twitter.com/ethics_nevada)

LinkedIn: Nevada Commission on Ethics

YouTube: Nevada Commission on Ethics