

**PROPOSED REGULATION OF THE
COMMISSION ON ETHICS**

LCB FILE NO. R108-18I

**The following document is the initial draft regulation proposed
by the agency submitted on 05/16/2018**

CHAPTER 281A - ETHICS IN GOVERNMENT
PROPOSED PERMANENT REGULATIONS
(INCORPORATING SB 84 AND T003-16)

GENERAL PROVISIONS

NAC 281A.010 Definitions. ([NRS 281A.290](#)) As used in this chapter, unless the context otherwise requires, the words and terms defined in [NAC 281A.020](#) to [281A.105](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Comm'n on Ethics by R038-98, eff. 4-17-98; A by R102-00, 8-28-2000; R111-03, 10-30-2003; R186-05, 5-4-2006; R134-10, 10-26-2011)—(Substituted in revision for NAC 281.005)

[NAC 281A.???](#) **“Adjudicatory hearing” defined.** *“Adjudicatory hearing means a hearing held by the Commission pursuant to Section 6.5 of SB 84 to receive evidence concerning an ethics complaint and render an opinion in the matter.*

Has the meaning ascribed to it in Section 1.3 of SB 84

NAC 281A.020 “Chair” defined. ([NRS 281A.290](#)) “Chair” means the Chair of the Commission.

(Added to NAC by Comm'n on Ethics by R038-98, eff. 4-17-98)—(Substituted in revision for NAC 281.011)

NAC 281A.023 “Commission” defined. ([NRS 281A.290](#)) “Commission” means the Commission on Ethics.

(Added to NAC by Comm'n on Ethics by R084-08, eff. 9-18-2008)

NAC 281A.025 “Commission Counsel” defined. ([NRS 281A.290](#)) “Commission Counsel” means the legal counsel to the Commission appointed by the Commission pursuant to [NRS 281A.250](#).

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000)—(Substituted in revision for NAC 281.0151)

[NAC 281A.???](#) **“Complaint-related hearing” defined.** ([NRS 281A.290](#)) *“Complaint-related hearing” means any hearing before the Commission other than an adjudicatory hearing regarding an ethics complaint pursuant to an order issued by the Commission for the parties to appear and present information or legal arguments to the Commission, including, without limitation, a hearing related to a motion or a proposed stipulated agreement.*

[NAC 281A.???](#) **“Corrective action” defined.** ([NRS 281A.290](#)) *“Corrective action” means any action that the Commission or a review panel, as applicable, determines is sufficient to mitigate or otherwise correct an action taken by a public officer or employee in violation of NRS Chapter 281A or the inaction of a public officer or employee where the provisions of NRS Chapter 281A required the public officer to act.*

[NAC 281A.???](#) **“Deferral Agreement” defined.** ([NRS 281A.290](#)) *“Deferral agreement” means an agreement entered into between the Executive Director and subject of an ethics complaint and approved by a review panel pursuant to Section 6 of SB 84.*

Has the meaning ascribed to it in Section 2 of SB 84

[NAC 281A.???](#) **“Ethics Complaint” defined.** ([NRS 281A.290](#)) *“Ethics complaint” means a request for an opinion which is filed with the Commission or initiated by the Commission on*

its own motion pursuant to Section 3.7 of SB 84 regarding the propriety of the conduct of a public officer or employee under the statutory ethical standards set forth in NRS Chapter 281A.

Has the meaning ascribed to it in Section 2.2 of SB 84

NAC 281A.???. “Ethics training” defined. (NRS 281A.290) “Ethics training” means training provided by the Executive Director, or his or her designee, regarding the requirements of NRS Chapter 281A and this chapter, and any published opinions of the Commission.

NAC 281A.033 “Executive Director” defined. (NRS 281A.290) “Executive Director” means the Executive Director appointed by the Commission pursuant to NRS 281A.230.

(Added to NAC by Comm’n on Ethics by R084-08, eff. 9-18-2008)

NAC 281A.034 “~~First-party~~ request for an advisory opinion” defined. (NRS 281A.290) “~~First-party~~ request for an advisory opinion” means a request for an opinion filed with the Commission pursuant to ~~subsection 1 of NRS 281A.440.~~ Section 3.2 of SB 84 by a public officer or employee who is:

1. Seeking guidance on matters which directly relate to the propriety of his or her own past, present or future conduct as a public officer or employee under the statutory ethical standards set forth in this chapter; or

2. Requesting relief pursuant to NRS 281A.410, 281A.430 or 281A.550.

Has the meaning ascribed to it in Section 2.5 of SB 84

(Added to NAC by Comm’n on Ethics by R134-10, eff. 10-26-2011)

NAC 281A.035 “Advisory opinion Hearing” defined. (NRS 281A.290) “Advisory opinion Hearing” means a hearing concerning:

- ~~1. The merits of a third-party request for an opinion;~~
 - ~~2. A first-party request for an opinion; or~~
 - ~~3. A Any request for an advisory opinion filed pursuant to ~~subsection 6 of NRS 281A.550.~~~~
- Section 3.2 of SB 84

(Added to NAC by Comm’n on Ethics by R038-98, eff. 4-17-98; A by R102-00, 8-28-2000; R111-03, 10-30-2003; R186-05, 5-4-2006; R134-10, 10-26-2011)—(Substituted in revision for NAC 281.016)

NAC 281A.045 “Investigate” or “investigation” defined. (NRS 281A.290) “Investigate” means to examine and inquire into a matter and to marshal evidence according to those methods and employing those services that the Executive Director determines are reasonable and necessary under the relevant facts and circumstances presented by the matter.

(Added to NAC by Comm’n on Ethics by R102-00, eff. 8-28-2000)—(Substituted in revision for NAC 281.0163)

NAC 281A.???. “Jurisdiction” defined. (NRS 281A.290) “Jurisdiction” means the authority of the Commission to interpret and apply the provisions of NRS Chapter 281A to specific facts and circumstances presented by a public officer or employee regarding his or her own past, present or future conduct, or to investigate and take appropriate action regarding an allegation of a violation of NRS Chapter 281A against a public officer or employee.

NAC 281A.???. “Just and sufficient cause” defined. (NRS 281A.290) “Just and sufficient cause” means sufficient reason as determined by a review panel for the Commission to render an opinion regarding an ethics complaint or the review panel to approve a deferral agreement based upon credible evidence presented by the Executive Director.

NAC 281A.???. “Letter of Caution” defined. (NRS 281A.290) “Letter of caution” means a confidential letter issued by the Commission or a review panel to warn a public officer or employee that his or her alleged conduct in an ethics complaint is sufficient to trigger the implications of the Ethics Law set forth in NRS Chapter 281A and potentially violate the public trust.

Has the meaning ascribed to it in Section 12.5 of SB 84

NAC 281A.???. “Letter of Instruction” defined. (NRS 281A.290) “Letter of instruction” means a confidential letter issued by the Commission or a review panel to inform and advise a public officer or employee that his or her alleged conduct in an ethics complaint is sufficient to trigger the implications of the Ethics Law set forth in NRS Chapter 281A

Has the meaning ascribed to it in Section 12.5 of SB 84

NAC 281A.047 “Investigatory Review panel” and “panel” defined. (NRS 281A.290)
~~“Investigatory Review panel” or “panel”~~ means the panel of three members of the Commission appointed pursuant to subsection 1 of NRS 281A.220 (as amended by Section 16.6 of SB 84) who shall, pursuant to Section 5 of SB 84, as applicable:

1. Review the written recommendation of the Executive Director required by subsection 1 of Section 4 of SB 84 regarding the investigation of an ethics complaint to determine whether there is just and sufficient cause for the Commission to render an opinion in the matter;
2. Authorize the Executive Director and the subject of an ethics complaint to develop a deferral agreement;
3. Approve or deny a deferral agreement entered into between the Executive Director and the subject of an ethics complaint;
4. Refer an ethics complaint to the Commission for further proceedings; or
5. Dismiss an ethics complaint with or without prejudice and with or without issuing a letter of caution or instruction to the public officer or employee.

(has the meaning ascribed to it in ~~NRS 281A.108~~. NRS 281A.220, As amended by Section 16.6, SB84.)

(Added to NAC by Comm’n on Ethics by R186-05, eff. 5-4-2006; A by R134-10, 10-26-2011)—(Substituted in revision for NAC 281A.055)

NAC 281A.050 “Opinion” defined. (NRS 281A.290)

~~1. “Opinion” means an oral or written quasi-judicial decision rendered by the Commission pursuant to NRS 281A.440 (SECTION 3.3, SB84) or 281A.550 (SECTION 6.5, SB84).~~

2. The term includes, without limitation, the disposition of ~~a third-party request for an opinion~~ an ethics complaint by stipulation, agreed settlement, consent order or default as authorized by NRS 233B.121.

(Added to NAC by Comm’n on Ethics by R102-00, eff. 8-28-2000; A by R186-05, 5-4-2006; R134-10, 10-26-2011)—(Substituted in revision for NAC 281.0167)

NAC 281A.060 “Party” defined. (NRS 281A.290) “Party” means the subject or his or her counsel, any staff of the Commission who investigate ~~a third-party request for an opinion~~ an ethics complaint and any other person who the Commission reasonably determines will be treated as a party in a matter before the Commission.

(Added to NAC by Comm’n on Ethics by R038-98, eff. 4-17-98; A by R102-00, 8-28-2000; R134-10, 10-26-2011; R048-14, 10-24-2014)—(Substituted in revision for NAC 281.017)

NAC 281A.065 “Presiding officer” defined. (NRS 281A.290) “Presiding officer” means the Chair or a member of the Commission appointed by the Chair to preside over a

hearing.

(Added to NAC by Comm'n on Ethics by R186-05, eff. 5-4-2006)—(Substituted in revision for NAC 281.0173)

NAC 281A.070 “Office of the Commission” defined. (NRS 281A.290) “~~“[Principal~~ ~~o]~~Office of the Commission” means the office of the Commission designated by the Commission pursuant to [NAC 281A.190](#) as the office in which the business of the Commission must be primarily conducted.

(Added to NAC by Comm'n on Ethics by R186-05, eff. 5-4-2006)—(Substituted in revision for NAC 281.0177)

NAC 281A.???. “Order issued by the Commission” or “order issued by the review panel” defined. (NRS 281A.290) “Order issued by the Commission” or “order issued by the review panel” means a written order issued by the Commission or a review panel, as applicable, directing or authorizing the manner in which documents or other communications must be prepared and filed with the Commission or the review panel or any other disposition or decision of the Commission or a review panel pursuant to a motion or other statutorily mandated determination of the Commission or a review panel, other than a final written opinion of the Commission.

NAC 281A.075 “Proceedings of an investigatory review panel” defined. (NRS 281A.290) “Proceedings of an investigatory ~~a~~ review panel” means a review pursuant to [NAC 281A.430](#) and determination by an investigatory ~~a~~ review 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~~ an ethics complaint. For the purposes of this chapter, the proceedings of an investigatory ~~a~~ review panel do not constitute a an adjudicatory or complaint-related hearing.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R111-03, 10-30-2003; R186-05, 5- 4-2006; R134-10, 10-26-2011; R048-14, 10-24-2014)—(Substituted in revision for NAC 281.0182)

NAC 281A.090 “Requester” defined. (NRS 281A.290) “Requester” means a person who files with the Commission ~~a third-party request for an opinion~~ an ethics complaint.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R111-03, 10-30-2003; R186-05, 5- 4-2006; R134-10, 10-26-2011; R048-14, 10-24-2014)—(Substituted in revision for NAC 281.0192)

NAC 281A.100 “Subject” defined. (NRS 281A.290) “Subject” means a public officer or public employee:

1. With respect to whom ~~a third-party request for an opinion~~ an ethics complaint has been filed; or

2. Who files a ~~first-party~~ request for an advisory opinion; ~~or~~

~~3. Who files a request for an opinion pursuant to subsection 6 of NRS 281A.550. (SECTION 3.?, SB84)~~

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R186-05, 5-4-2006; R134-10, 10- 26-2011)—(Substituted in revision for NAC 281.0198)

NAC 281A.???. “Sufficient evidence to support the allegations in an ethics complaint” defined. (NRS 281A.290) “Sufficient evidence to support the allegations in an ethics complaint” 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 ethics complaint.](#)

~~NAC 281A.103 “Third party request for an opinion” defined. (NRS 281A.290) — “Third party request for an opinion” means a request for an opinion: — 1. Filed with the Commission pursuant to paragraph (a) or (b) of subsection 2 of NRS 281A.440 (SECTION 3.?, SB84); or — 2. Initiated by the Commission on its own motion pursuant to paragraph (c) of subsection 2 of NRS 281A.440. (SECTION 3.?, SB84) — (Added to NAC by Comm’n on Ethics by R134-10, eff. 10-26-2011)~~

NAC 281A.105 “Vice Chair” defined. (NRS 281A.290) “Vice Chair” means the Vice Chair of the Commission.
(Added to NAC by Comm’n on Ethics by R038-98, eff. 4-17-98)—(Substituted in revision for NAC 281.021)

NAC 281A.110 Severability. (NRS 281A.290)
1. The provisions of this chapter are hereby declared to be severable.
2. If any provision of this chapter is held invalid, or if the application of any such provision to any person, thing or circumstance is held invalid, such invalidity does not affect any other provision of this chapter that can be given effect without the invalid provision or application.
(Added to NAC by Comm’n on Ethics by R038-98, eff. 4-17-98; A by R102-00, 8-28-2000; R111-03, 10-30-2003; R186-05, 5-4-2006)—(Substituted in revision for NAC 281.024)

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COMMISSION ON ETHICS

Administration

NAC 281A.150 Election of Chair and Vice Chair. (NRS 281A.290) The Commission will elect a Chair and a Vice Chair from among its members at its first meeting of each new fiscal year.
(Added to NAC by Comm’n on Ethics by R102-00, eff. 8-28-2000; A by R111-03, 10-30-2003)— (Substituted in revision for NAC 281.0245)

NAC 281A.155 Duties of Chair; delegation of assignments. (NRS 281A.290) The Chair:
1. Shall preside over the meetings and hearings of the Commission.
2. May delegate assignments of work to the staff of the Commission as necessary and appropriate, including, without limitation, the appointment and scheduling of ~~investigatory review~~ review panels.
(Added to NAC by Comm’n on Ethics by R102-00, eff. 8-28-2000; A by R084-08, 9-18-2008; R134-10, 10-26-2011)—(Substituted in revision for NAC 281.0246)

NAC 281A.160 Duties of Vice Chair. (NRS 281A.290) The Vice Chair shall perform the duties of the Chair during the absence of the Chair.
(Added to NAC by Comm’n on Ethics, eff. 12-24-85; A by R038-98, 4-17-98; R102-00, 8-28-2000)— (Substituted in revision for NAC 281.027)

NAC 281A.165 Vacancy in office of Chair. ([NRS 281A.290](#)) If the office of Chair becomes vacant, the Vice Chair shall serve as the Acting Chair until the next meeting of the Commission, at which time the Commission will elect a successor to fill the unexpired term of the Chair.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000)—(Substituted in revision for NAC 281.029)

NAC 281A.170 Vacancy in office of Vice Chair. ([NRS 281A.290](#)) If the office of the Vice Chair becomes vacant, a successor will be elected by the Commission at its next meeting to fill the unexpired term of the Vice Chair.

(Added to NAC by Comm'n on Ethics, eff. 12-24-85; A by R102-00, 8-28-2000)—(Substituted in revision for NAC 281.035)

NAC 281A.175 Appointment of temporary Acting Chair or Vice Chair in certain circumstances. ([NRS 281A.290](#)) If both the Chair and Vice Chair are disqualified or recused from participating in a matter, the Commission may appoint a temporary Acting Chair or Vice Chair, or both, for the matter.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000)—(Substituted in revision for NAC 281.038)

NAC 281A.180 Duties of Executive Director. ([NRS 281A.290](#)) In addition to any other duties of the Executive Director required by this chapter or [chapter 281A](#) of NRS, or as otherwise imposed by the Commission, the Executive Director shall:

1. Pursuant to paragraph (e) of subsection 1 of [NRS 281A.240](#), create a curriculum for training and conduct training for public officers and ~~[employers of]~~ public employees on the requirements of this chapter, [chapter 281A](#) of NRS and previous opinions of the Commission that have been determined by the Commission to have broad educational value.

2. At the first meeting of the Commission of each new fiscal year, report to the Commission on the state of the fiscal, regulatory and legislative matters and any other business matters of the Commission for the prior fiscal year and on the goals for the Commission for the new fiscal year.

3. Adhere to the policies and procedures adopted by the Commission for its internal governance and external dealings.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R111-03, 10-30-2003; R186-05, 5- 4-2006; R084-08, 9-18-2008)—(Substituted in revision for NAC 281.053) ([T03-16; Sec. 2](#))

NAC 281A.190 Office of Commission: Designation; primary location for conduct of business. ([NRS 281A.290](#))

~~[1.—The Commission will designate which office of the Commission will serve as the principal office of the Commission.]~~

~~[2.]~~ The business of the Commission must be primarily conducted in the ~~[principal]~~ office of the Commission, including, without limitation, the submission of any documents and any [ethics complaints or](#) requests for an [advisory](#) opinion from the Commission.

(Added to NAC by Comm'n on Ethics by R186-05, eff. 5-4-2006)—(Substituted in revision for NAC 281.066) ([T03-16; Sec. 3](#))

NAC 281A.195 Participation of member of Commission in ex parte communication. ([NRS 281A.290](#))

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.

(Added to NAC by Comm’n on Ethics by R186-05, eff. 5-4-2006; A by R048-14, 10-24-2014)—(Substituted in revision for NAC 281.076)

NAC 281A.200 Meetings of Commission: Majority required; necessary quorum reduced for ineligible member. ([NRS 281A.290](#))

1. A meeting of the Commission will not proceed without a majority of the appointed and sworn members of the Commission present. Except as otherwise provided in this chapter, a majority vote of the members present and eligible to vote at a meeting is sufficient to carry out all business of the Commission.

2. If the Commission is considering a matter on which a member of the Commission is ineligible to participate pursuant to subsection 4 of [NRS 281A.220 \(Section 16.6; SB84\)](#), subsection 3 of [NRS 281A.420 \(SECTION 20.5; SB84\)](#) or [NAC 281A.505](#), the necessary quorum to act upon and the number of votes necessary to act upon the matter is reduced as though the member who is disqualified is not a member of the Commission.

(Added to NAC by Comm’n on Ethics, eff. 12-24-85; A by R038-98, 4-17-98; R102-00, 8-28-2000; R111- 03, 10-30-2003; R186-05, 5-4-2006; R084-08, 9-18-2008)—(Substituted in revision for NAC 281.085)

General Practice and Procedure Before Commission

NAC 281A.250 Provisions governing practice and procedure: Applicability; construction; deviation. ([NRS 281A.290](#))

1. Except as otherwise provided in subsection 3, the provisions of [NAC 281A.250](#) to [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.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.310](#), inclusive, if the deviation will not materially affect the interests of [a party. the subject of the request.](#)

(Added to NAC by Comm’n on Ethics by R038-98, eff. 4-17-98; A by R102-00, 8-28-2000; R111-03, 10-30- 2003; R048-14, 10-24-2014)—(Substituted in revision for NAC 281.093)

NAC 281A.255 Written communications and documents: Form and manner of submission; copies and exhibits; date of filing. ([NRS 281A.290](#))

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

(a) Be on the form provided by the Commission [or be in a form or format authorized or directed by an order issued by the Commission, a review panel, the Chair or its staff, as applicable;](#)

(b) Be submitted in the manner prescribed on the form [or the order issued by the Commission;](#) and

(c) Include any:

(1) Duplicate copy required to be included with the form, as specified on the form, or other document as specified in an order issued by the Commission; 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.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R111-03, 10-30-2003; R186-05, 5- 4-2006; R084-08, 9-18-2008; R134-10, 10-26-2011; R048-14, 10-24-2014)—(Substituted in revision for NAC 281.097) (T03-16; Sec. 4)

NAC 281A.260 Consolidation of matters. (NRS 281A.290) The Commission may consolidate, in whole or in part, two or more ~~matters into one hearing~~ requests for an advisory opinion or ethics complaints and related matters if the Commission determines that the requests for an advisory opinion or ethics complaints and other related matters share common facts and issues.

(Added to NAC by Comm'n on Ethics by R038-98, eff. 4-17-98; A by R102-00, 8-28-2000)—(Substituted in revision for NAC 281.101)

REVISER'S NOTE.

Section 36 of LCB File No. R102-00 duplicated former NAC 281.101 (cf. NAC 281A.260) with minor changes. Thus, former NAC 281.101 (cf. NAC 281A.260) has been amended during codification to reflect this new language.

NAC 281A.265 Motions.

 (NRS 281A.290)

1. The subject of a request for an advisory opinion or any party to an ethics complaint, may file a motion with the Commission or a review panel, as applicable, not later than the close of business on the date set by an order issued by the Commission or a review panel, or by the Chair, Vice-Chair or any staff of the Commission as authorized by this chapter, unless leave is granted otherwise. ~~[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]~~ pursuant to this section must be in writing and must be filed at the ~~[principal]~~ office of the Commission ~~[not later than 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.]~~ in accordance with any order issued by the Commission or a review panel, or by the Chair, Vice-Chair or any staff of the Commission as authorized by this chapter.

~~[4]~~ 3. The Commission, review panel or the Chair or Vice-Chair as authorized by this chapter, in its discretion, may ~~allow a party making a motion~~ authorize the parties to argue ~~the~~ a motion before the Commission or a review panel.

~~—[5]4. The Commission or a review panel, in its discretion, may allow a party or any other person to respond to a motion.~~

3. If a party submits a motion regarding an ethics complaint in accordance with the

requirements for a motion set forth in this section, another party may submit a motion in response to the motion as set forth in the scheduling order. The Chair may authorize or grant leave for a party to file a reply to any responsive motion.

5. A written motion or response to a motion must contain:

(a) A brief statement of the facts and the points and authorities upon which the motion or response is based, including, without limitation, any relevant opinions published by the Commission;

(b) A description of the relief sought; and

(c) A certificate of service which indicates that the motion was served upon all other parties to the matter.

6. The Chair or in the absence of the Chair, the Vice 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 or review panel on the matter.

(a) Based solely upon the written motions filed with the Commission; or

(b) After the presentation of oral argument by the parties, if the Commission, review panel, Chair or Vice Chair, as applicable, has authorized such oral argument.

7. The Commission or a review panel may, in its discretion, accept and rule upon a dispositive motion on a matter, at any time before, during or after an adjudicatory hearing by the Commission:

(a) Based solely upon the written motions filed with the Commission; or

(b) After the presentation of oral argument by the parties, if the Commission, review panel, Chair or Vice Chair, as applicable, has authorized such oral argument.

8. A motion for rehearing or for the reconsideration of an advisory opinion or ~~on a~~ third-party request for an opinion related to an ethics complaint 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.

(Added to NAC by Comm'n on Ethics by R038-98, eff. 4-17-98; A by R102-00, 8-28-2000; R111-03, 10-30-2003; R186-05, 5-4-2006; R084-08, 9-18-2008; R134-10, 10-26-2011; R048-14, 10-24-2014)—(Substituted in revision for NAC 281.103) (T03-16; Sec. 5)

(Move to Ethics Complaint Section) NAC 281A.270 Discovery. (NRS 281A.290)

1. The provisions for civil discovery set forth in N.R.C.P. 26 to 37, inclusive, do not apply to matters before the Commission. Upon the request of a party, for good cause shown, the Chair may allow discovery on a matter before the Commission to the extent which he or she deems appropriate.

2. The Commission Counsel, on behalf of the Chair, will set forth any requirements for discovery in a scheduling order of the Commission. A party must comply with the requirements for discovery set forth in this section and any scheduling order issued by the Commission Counsel on behalf of the Commission pursuant to subsection 1 of Section J.

3. Any requests for discovery that are not addressed in the scheduling order may be submitted via a motion to the Chair.

4. The Chair will consider and issue an order regarding any such motion in accordance with the provisions set forth in NAC 281A.265.

5. The Executive Director shall disclose to the subject any evidence discovered during the course of an investigation or the results of any discovery conducted pursuant to this section that:

a. The Executive Director intends to present as evidence as evidence for consideration by the Commission at the adjudicatory hearing in rendering an opinion in the matter pursuant to Section 9; SB 84; and

b. Affirmatively and substantively disproves any alleged violation of NRS Chapter 281A related to the ethics complaint that has been referred to the Commission by the subject.

6. For the purposes of this section, "evidence that affirmatively and substantively

disproves an alleged violation of NRS Chapter 281A” means any undisputed, dispositive evidence that definitively establishes the subject did not engage in conduct or otherwise fail to act in a manner required by the provisions of NRS Chapter 281A as alleged in the ethics complaint, or that such conduct or failure to act could not, under any circumstances, establish a violation of NRS Chapter 281A.

(Added to NAC by Comm’n on Ethics by R038-98, eff. 4-17-98; A by R102-00, 8-28-2000; R111-03, 10-30- 2003)—(Substituted in revision for NAC 281.106)

(Move to Ethics Complaint Section) NAC 281A.275 Stipulations of fact; resolution of matter without hearing. (NRS 281A.290)

1. A party in a matter before the Commission may stipulate to any fact in issue. The stipulation must be in writing or made by oral statement on the record.

2. At its discretion and with the agreement of the Executive Director and the subject of an ethics complaint ~~a third-party request for an opinion~~, the Commission may, in lieu of holding ~~a-an adjudicatory~~ hearing, resolve ~~a-matter~~ an ethics complaint before the Commission with a stipulation, agreed settlement, consent order or default as authorized pursuant to NRS 233B.121. Such a resolution must be in writing or made by oral statement on the record.

3. If the parties agree to present any proposed stipulation of fact or other stipulated agreement to the Commission or a review panel, the parties shall inform the Commission Counsel of the intent to stipulate and, if necessary, request a stay or continuance of the adjudicatory hearing pursuant to Section J and comply with any notice of hearing or scheduling order for the submission and consideration of the proposed stipulation of fact or stipulated agreement. The stipulating parties shall jointly submit any proposed stipulation to the Commission Counsel for review by the Commission or review panel.

4. The Commission or review panel may hold a hearing to consider a proposed stipulation of fact or stipulated agreement submitted pursuant to this section.

5. The Commission or a review panel will approve or deny a proposed stipulation of fact or stipulated agreement submitted pursuant to this section.

6. A proposed stipulation of fact or stipulated agreement is confidential and does not constitute a public record. If the Commission or a review panel approves a proposed stipulation of fact or stipulated agreement, the final stipulation of fact or stipulated agreement is a public record.

(Added to NAC by Comm’n on Ethics by R102-00, eff. 8-28-2000; A by R134-10, 10-26-2011)— (Substituted in revision for NAC 281.109) (T03-16; Sec. 6)

NAC 281A.280 Oaths. (NRS 281A.290)

1. The Chair and Vice Chair, including an Acting Chair and Acting Vice Chair, if any, may administer oaths.

2. A court reporter present at meetings and hearings may administer oaths.

(Added to NAC by Comm’n on Ethics by R102-00, eff. 8-28-2000; A by R111-03, 10-30-2003)— (Substituted in revision for NAC 281.112)

Orders of the Commission or a review panel:

The Commission or a review panel may, except for a final written opinion of the Commission, issue an order of the Commission or an order of the review panel, as applicable, to state the final decision or determination of the Commission or review panel related to a matter under consideration or otherwise provide procedural direction to the parties in a matter, including scheduling matters. The Executive Director or Commission Counsel, as appropriate, may issue orders on behalf of the Commission or a review panel as set forth in this chapter.

NAC 281A.285 Subpoenas. (NRS 281A.290) [A]

1. *In accordance with NRS 281A.300 (SECTION 19, SB84), the Commission may issue a subpoena to compel the attendance of a witness and the production of any books and papers for any hearing before the Commission to consider any matter related to a request for an advisory opinion or an ethics complaint.*
2. *With regard to an ethics complaint:*
 - a. *The Executive Director or subject of ~~a third-party request for an opinion~~ an ethics complaint may request that a subpoena be issued by filing a written request for a subpoena at the ~~{principal}~~ office of the Commission. ~~A~~ in accordance with the provisions of this section and the requirements for a subpoena set forth in NRS 281A.300 (SECTION 19, SB84). If the Commission, Chair or Vice-Chair, as applicable, issues a subpoena pursuant to this section, the Executive Director or subject of ~~a third-party request for an opinion~~ an ethics complaint who ~~requests the issuance of a~~ receives the subpoena pursuant to this section shall must serve the subpoena in accordance with NRS 281A.300 (SECTION 19, SB84) and pay the costs related to the service of the subpoena.*
 - b. *If the Executive Director has submitted a written request to the subject to voluntarily participate in an investigation or voluntarily produce any books and papers in the possession of the subject on or before a specified time and place for the voluntary participation or production, and the subject has refused to participate in the investigation or produce the records in accordance with the written request, the Executive Director may submit a request to the Chair or, in the absence of the Chair, the Vice-Chair for the issuance of a subpoena to compel the participation of the subject in the investigation. The subject may request additional time or other reasonable accommodation from the Executive Director to voluntarily participate in the investigation or produce the requested records before the Executive Director requests a subpoena. The Executive Director may grant additional time or other reasonable accommodation within the time constraints of any investigation before requesting a subpoena pursuant to this paragraph. If the subject fails to comply with the written request of the Executive Director or any additional time or accommodation authorized by the Executive Director pursuant to this paragraph, the subject is deemed to have waived all statutory time limits for the investigation, review panel and adjudicatory hearing set forth in NRS Chapter 281A.*
 - c. *At any time during the course of an investigation, the Executive Director may submit a request to the Chair or, in the absence of the Chair, the Vice-Chair, for the issuance of a subpoena to compel the participation of a potential witness other than the subject and the production of any books and papers in the possession of any person other than the subject during the course of any investigation.*
 - d. *Except as otherwise provided in this subsection, the Executive Director may submit a request to the Chair or, in the absence of the Chair, the Vice-Chair for the issuance of a subpoena to compel the attendance of a witness or the production of any books or papers for any hearing before the Commission. Before submitting a request for a subpoena to compel the attendance of the subject as a witness or the production of books or papers within the possession of the subject, the Executive Director must provide a written request to the subject to voluntarily attend the hearing as a witness or voluntarily produce the requested books or papers on or before a specified time and place. The subject may request a reasonable accommodation to attend a hearing as a witness or produce the requested books or papers for good cause shown before the Executive Director requests a subpoena pursuant to this paragraph. The Executive Director may grant a reasonable accommodation within the time constraints of the hearing before requesting a subpoena pursuant to this paragraph.*
 - e. *The subject may submit a request to the Chair or, in the absence of the Chair, the Vice-Chair for the issuance of a subpoena to compel the attendance of a witness or the production of any books or papers for any hearing before the Commission.*
3. *The Executive Director or subject of an ethics complaint, as applicable, must offer good cause for the issuance of a subpoena in accordance with this section, including, without limitation, the purported relevance of witness testimony or documentary evidence.*

- 4.** *If the subject or any other witness fails or refuses to comply with the provisions of a subpoena issued pursuant to this section, the Commission, for a request for an advisory opinion, or the Executive Director or subject of an ethics complaint, as applicable, may submit a request to the Chair, or in the absence of the Chair, the Vice-Chair, to petition the district court for an order compelling the subject or witness to comply with the subpoena. The Chair or Vice-Chair may petition the district court for such an order in accordance with the applicable requirements of the district court for such a petition and the requirements set forth in subsection 9 of NRS 281A.300 (Section 19; SB 84).*
- 5.** *If a district court issues an order to compel a witness to comply with a subpoena issued pursuant to this section, the Executive Director or Commission Counsel, on behalf of the Chair, or in the absence of the Chair, the Vice-Chair, must serve the court order on the witness. If the witness does not comply with the court order, the Commission, for a request for an advisory opinion, or the Executive Director or subject of an ethics complaint, as applicable, may submit a request to the Chair, or in the absence of the Chair, the Vice-Chair, to petition the district court for an order of contempt of court pursuant to subsection 10 of NRS 281A.300 (Section 19; SB 84)*

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R186-05, 5-4-2006; R134-10, 10-26-2011; R048-14, 10-24-2014)—(Substituted in revision for NAC 281.1125) (T03-16; Sec. 7)

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NAC 281A.290 Testimony in person required; exception. ([NRS 281A.290](#)) A subject or witness before the Commission shall testify in person, except that the Commission may, for good cause shown, allow a witness to testify by telephone or videoconference.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R186-05, 5-4-2006)—(Substituted in revision for NAC 281.1127)

NAC 281A.295 Conduct of persons at meetings and hearings; consequences of improper conduct. ([NRS 281A.290](#))

1. All persons appearing before, or attending a meeting or hearing of, the Commission shall conduct themselves in a polite, respectful and orderly manner. Smoking is not allowed at any meeting or hearing of the Commission.

2. The Commission will require a person who does not comply with subsection 1 to leave the room where the meeting or hearing is being held, and the person will be barred from attending the remainder of the meeting or hearing.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000)—(Substituted in revision for NAC 281.1129)

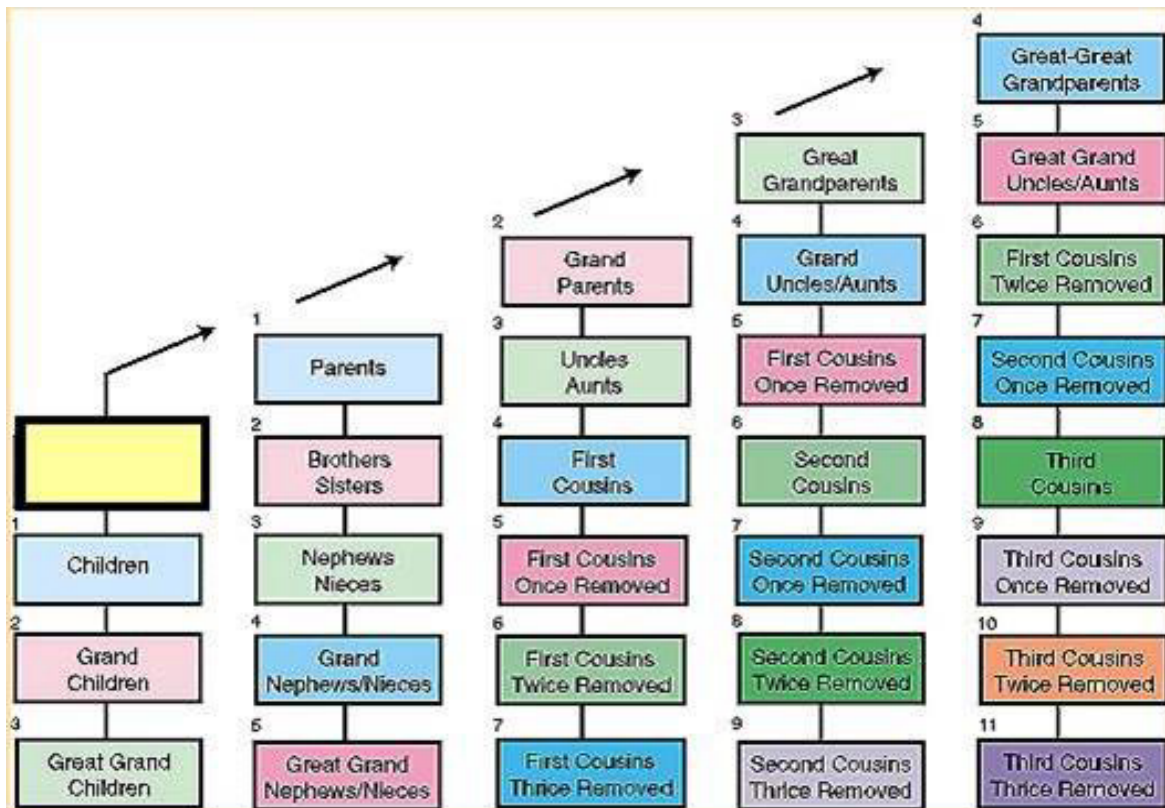
NAC 281A.300 Representation of subject by legal counsel. ([NRS 281A.290](#)) A subject may retain legal counsel to represent him or her related to any request for an advisory opinion or ethics complaint, including during:

1. Any investigation of ~~a third-party request for an opinion~~ an ethics complaint; or
2. Any hearing.

(Added to NAC by Comm'n on Ethics by R186-05, eff. 5-4-2006; A by R134-10, 10-26-2011)—(Substituted in revision for NAC 281.1131) (T03-16; Sec. 8)

NAC 281A.310 Determination of relationships within third degree of consanguinity or affinity. (NRS 281A.290)

1. For the purposes of [NRS 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:



INSTRUCTION:

For Consanguinity (relationship by blood) calculations:

Place the public officer/employee for whom you need to establish relationships by consanguinity in the blank box. The labeled boxes will then list the relationship by 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.

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.

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](#).
(Added to NAC by Comm’n on Ethics by R084-08, eff. 9-18-2008; A by R048-14, 10-24-2014)

First-Party Requests for Advisory Opinions

NAC 281A.350 Requirements for consideration by Commission. ([NRS 281A.290](#))
The Commission will only consider a ~~first-party~~ request for an advisory opinion filed by a public officer or public employee relating to the propriety of his or her own past, present or future conduct as a public officer or employee under the statutory ethical standards set forth in NRS Chapter 281A that is filed on the form ~~provided~~ prescribed by the Commission and submitted in the manner prescribed on the form with all necessary information for the Commission to render an advisory opinion in the matter.

(Added to NAC by Comm’n on Ethics by R102-00, eff. 8-28-2000; A by R134-10, 10-26-2011; R048-14, 10-24-2014)—(Substituted in revision for NAC 281.1135)

Section A:

Upon receipt of a request for an advisory opinion, the Executive Director and Commission Counsel shall review the matter and make a determination whether the Commission has jurisdiction of the request for an advisory opinion and whether the request for an advisory opinion was properly filed with the necessary information for the Commission to render an opinion in the matter.

Section B

If the Executive Director and Commission Counsel determine that the Commission has jurisdiction of a request for an advisory opinion and the request for an advisory opinion was properly filed with the necessary information for the Commission to render an opinion in the matter pursuant to Section A, the Executive Director or Commission Counsel must issue an order on behalf of the Commission regarding the jurisdiction of the Commission to render an advisory opinion in the matter and whether the Commission will hold an advisory hearing before rendering the advisory opinion. The Commission may issue an order of the Commission overturning or amending the determination of the Executive Director and Commission Counsel.

Section C

If the Executive Director and Commission Counsel accept jurisdiction of a request for an advisory opinion and determine that the Commission will hold an advisory hearing in the matter pursuant to Section B:

1. The Executive Director or Commission Counsel must:
 - a. Prepare and serve a notice of hearing on the subject which identifies the date, time and location of the advisory hearing in the matter.
 - b. If the circumstances regarding the advisory hearing are deemed appropriate, including, without limitation, matters related to the meeting schedule of the Commission and timeliness of the matter, coordinate a list of proposed findings of fact with the subject regarding the request for an advisory opinion based upon the information provided with the request for an advisory opinion, any information received from the subject after the Commission has received the request for an advisory opinion, and any publicly available information ascertained by the Executive Director or Commission Counsel regarding the

nature of the public position held by the subject or the underlying facts and circumstances in the matter. The subject of the request for an advisory opinion must consent to any proposed findings of fact before they are presented to the Commission.

2. Move language from NAC 281A.353 (2) and (3) here: Advisory hearing; effect of failure to appear at hearing

Section D

1. If the Executive Director and Commission Counsel determine that the Commission does not have jurisdiction of a request for an advisory opinion or that a request for an advisory opinion was not properly filed with the necessary information for the Commission to render an advisory opinion in the matter, the Executive Director or Commission Counsel shall notify the subject of the request for an advisory opinion in writing of the determination of the Executive Director and Commission Counsel and, if applicable, provide an opportunity for the subject to supplement the request for an advisory opinion to provide sufficient information for the Commission to render an advisory opinion in the matter.
2. The subject of the request for an advisory opinion may:
 - a. Agree to supplement the request for an advisory opinion to provide sufficient information to the Commission pursuant to subsection 1; or
 - b. File a written motion with the Commission to review the determination of the Executive Director and Commission Counsel, which must include information establishing that the Commission has jurisdiction of the matter and that the request for an advisory opinion was properly filed with the necessary information for the Commission to render an opinion in the matter.
3. The subject must file any written motion pursuant to this subsection within 5 business days after the Executive Director or Commission Counsel have notified the subject of their determination.
4. The Commission:
 - a. May hold a hearing to consider the motion or review the motion based solely upon the written motion; and
 - b. Shall deliberate and issue an order regarding whether the Commission:
 - a. Has jurisdiction and will render an opinion; and
 - b. Will hold an advisory hearing in the matter.
3. If the Commission determines it will hold a hearing to consider a motion filed pursuant to subsection 1, the Executive Director or Commission Counsel must prepare and serve a notice of hearing on the subject which identifies the date, time and location of the hearing on the motion.
4. If the Executive Director and Commission Counsel provide an opportunity to the subject to supplement the request for an advisory opinion and the subject agrees to supplement the request for an advisory opinion, the 45-day timeline for the Commission to render an oral advisory opinion will commence on the date the Commission receives the supplemental information from the subject.
5. If the subject of the request for an advisory opinion does not supplement the request for an advisory opinion, as applicable, or file a motion pursuant to this section, the Executive Director and Commission Counsel shall issue an order on behalf of the Commission dismissing the request for an advisory opinion.

Update provisions below according to process outlined above:

NAC 281A.353 Oral Opinion Scheduling of hearing; effect of failure to appear at hearing. (NRS 281A.290) (separate Oral Opinion from Advisory Hearing/Failure to Appear into 2 separate sections?)

1. Except as otherwise provided in subsection 2 or as voluntarily waived by the subject, within 45 days after receipt of a request for an advisory opinion, the Commission will consider the ~~a first-party~~ request for an advisory opinion ~~will be heard by the Commission within 45 days after receipt of the first-party request for an opinion by the Commission.~~ and render an oral opinion:

- a. Without holding an advisory hearing, based solely upon the written information submitted to the Commission with the request for an advisory opinion, any additional materials submitted by the subject and any publicly available information presented to the Commission by the Executive Director or Commission Counsel regarding the nature of the public position held by the subject or the underlying facts and circumstances in the matter; or
 - b. After holding an advisory hearing to consider the information submitted to the Commission with the request for advisory opinion, any additional evidence or information requested by or presented to the Commission during the hearing, including, without limitation, any documentary or testimonial evidence provided by the subject or any witnesses, and any publicly available information ascertained by the Executive Director or Commission Counsel regarding the nature of the public position held by the subject or the underlying facts and circumstances in the matter and any publicly available information presented to the Commission by the Executive Director or Commission Counsel regarding the nature of the public position held by the subject or the underlying facts and circumstances in the matter.
2. The Commission will direct the Executive Director or Commission Counsel to communicate the oral opinion of the Commission to the subject of the request for an advisory opinion within 45 days after the request has been filed. The subject of the request for an advisory opinion may rely upon the oral opinion rendered by Commission.

Move the following language from NAC 281A.353 to new Section C – see above: Advisory hearing; effect of failure to appear at hearing

2. If ~~a public officer or public employee who files a first-party~~ the subject of the request for an advisory opinion cannot appear before the Commission for a the advisory hearing ~~on the first-party request for an opinion~~ within 45 days after receipt of the ~~first-party~~ request for an advisory opinion by the Commission, the ~~public officer or public employee may~~ subject will be deemed to have waived the 45-day statutory time limit set forth in NRS 281A.440(1) (Section 3.3; SB 84). ~~submit a written statement acknowledging that he or she cannot appear before the Commission for the hearing and, if applicable, requesting a waiver of the 45-day period within which the hearing must be held. A request for a waiver must be received not later than 7 business days before the expiration of the 45-day period.~~

3. If ~~the public officer or public employee does not request a waiver pursuant to subsection 2~~ subject does not waive the 45-day deadline and fails to respond to the notice of hearing or fails to appear at the advisory hearing scheduled by the Commission within 45 days after receipt of the ~~first-party~~ request for an advisory opinion, the ~~first-party~~ request for an advisory opinion will be deemed withdrawn by the ~~public officer or public employee making the request.~~ subject. (Move this subsection to the withdrawal section – NAC 281A.355 below?)

(Added to NAC by Comm'n on Ethics by R084-08, eff. 9-18-2008; A by R134-10, 10-26-2011) (T03-16; Sec. 9)

Section E: Written Opinion

For any request for an advisory opinion that constitutes a contested case under NRS Chapter

233B or any other advisory opinion regarding which the Commission deems necessary or appropriate, the Commission will direct the Commission Counsel to prepare a written opinion setting forth the Commission's opinion in the matter, including, without limitation, reference to any applicable prior opinions of the Commission deemed relevant to the circumstances. The Commission will review any written opinion prepared by the Commission Counsel and direct the Commission Counsel to issue the written opinion to the subject of the request for an advisory opinion.

NAC 281A.355 **Withdrawal.** (NRS 281A.290) 281A.355

1. Except as otherwise provided in this section, the subject of a request for an advisory opinion may withdraw the request by providing a written notice of withdrawal to the Commission before the Commission ~~[renders an opinion]~~ holds any hearing or renders an oral opinion relating to [a] the first-party request for an advisory opinion~~[-, the public officer or public employee who filed the first-party request for an opinion may withdraw the first-party request for an opinion by providing a notice of withdrawal to the Commission].~~

2. The subject of a request for an advisory opinion may seek a withdrawal of the request for opinion at any time by submitting a motion to the Commission supported by good cause, which may include, without limitation, that the anticipated future circumstances or conduct upon which advice is sought has changed.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R111-03, 10-30-2003; R134-10, 10-26-2011)—(Substituted in revision for NAC 281.1145) (T03-16; Sec. 10)

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See above Sections A-D for amendments/ change order of regulations, as applicable:

NAC 281A.360 **Determination regarding jurisdiction: Conduct by Executive Director and Commission Counsel; notification; request for review by Commission.** (NRS 281A.290) ~~The Executive Director shall confer with the Commission Counsel to determine jurisdiction concerning a first-party request for an advisory opinion. If [the Commission Counsel determines] it is determined that the Commission lacks jurisdiction in the matter, the Executive Director shall so notify the requesting public officer or public employee not later than 20 days after the date on which the Commission received the first-party request for an opinion. A public officer or public employee who receives a notice pursuant to this section may request the Commission to review the determination regarding jurisdiction. 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 public officer or public employee [received] was served notification.~~

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R111-03, 10-30-2003; R186-05, 5-4-2006; R134-10, 10-26-2011)—(Substituted in revision for NAC 281.1155) (T03-16; Sec. 11)

NAC 281A.365 **Conduct of hearings; action by Commission; effect of opinion; waiver of provisions; confidentiality.** (NRS 281A.290)

1. The Chair or presiding officer of a an advisory hearing or any other hearing concerning a first-party request for an advisory opinion shall:

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

2. ~~Except as otherwise provided in subsection 3 of NAC 281A.353,~~ the subject of the

~~first-party~~ request for an advisory opinion must be present at the hearing.

3. The Chair or presiding officer shall allow the subject of the ~~first-party~~ request for an advisory 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 advisory 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 advisory 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]~~ *After the conclusion of an advisory hearing related to* the ~~first-party~~ request for an advisory 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 oral opinion on the matter; and
- (c) ~~[Submit a copy of]~~ *Communicate* the oral opinion to the subject.

7. The oral opinion ~~[rendered]~~ *issued* by the Commission is binding upon the subject of the ~~first-party~~ request for an advisory opinion as to his or her future conduct pursuant to subsection 1 of NRS 281A.440. ~~(SECTION 3.3, SB84)~~

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 advisory 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 ~~(SECTION 3.4, SB84)~~ to waive the confidentiality of such information.

(Added to NAC by Comm'n on Ethics by R186-05, eff. 5-4-2006; A by R134-10, 10-26-2011; R048-14, 10-24-2014)—(Substituted in revision for NAC 281.1175) ~~(T03-16; Sec. 12)~~

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~~Third-Party Requests for Opinions~~ Ethics Complaints

NAC 281A.400 Requirements for consideration by Commission; contents; ~~withdrawal.~~ (NRS 281A.290)

1. The Commission will only consider ~~a third-party request for an opinion~~ an ethics complaint filed pursuant to ~~paragraph (a) or (b) of subsection 2 of NRS 281A.440~~ Section 3.7; SB84 which is on the form ~~provided~~ prescribed 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;~~
- ~~—(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~~ An ethics complaint filed pursuant to ~~paragraph (a) or (b) of subsection 2 of NRS 281A.440~~ Section 3.7; SB 84 must be accompanied by sufficient evidence which supports the allegation that the subject has violated a statutory ethical standard set forth in the ~~third-party request for an opinion~~ ethics complaint and

~~demonstrates that the alleged conduct of the subject would constitute a violation of chapter 281A of NRS. for the Commission to make a determination of whether it has jurisdiction in the matter and whether an investigation is warranted. The Commission may also consider any publicly available information ascertained by the Executive Director regarding the nature of the public position held by the subject or the underlying facts and circumstances in the matter.~~
See below—Move Withdrawal Language to New Section

~~—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 (SECTION 3.7, SB84) must be in writing and set forth the specific reasons for requesting the withdrawal of the third party request for an opinion.~~

~~—6. 3. As used in this section, “sufficient 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~~ ethics complaint. ~~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.~~ (Define for chapter/subheading?)~~

(Added to NAC by Comm’n on Ethics by R102-00, eff. 8-28-2000; A by R186-05, 5-4-2006; R084-08, 9-18- 2008; R134-10, 10-26-2011; R048-14, 10-24-2014)—(Substituted in revision for NAC 281.186)

New Section F:

~~NAC 281A.400—Requirements for consideration by Commission; contents; withdrawal. (NRS 281A.290)~~

~~4. Once a third party request for an opinion 1. After an ethics complaint has been filed with the Commission pursuant to paragraph (a) or (b) of subsection 2 of NRS 281A.440-SECTION 3.7; SB84, the requester may only withdraw the ~~third party request for an opinion~~ ethics complaint with the consent of the Executive Director.~~

~~5. 2. A request to withdraw a ~~third party request for an opinion~~ an ethics complaint filed pursuant to paragraph (a) or (b) of subsection 2 of NRS 281A.440 (SECTION 3.7, SB84) must be in writing and set forth the specific reasons for requesting the withdrawal of the ~~third party request for an opinion~~ ethics complaint.~~

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NAC 281A.403 Recommendation to initiate request upon motion of Commission.
(NRS 281A.290)

1. If the Executive Director receives evidence that leads the Executive Director reasonably to conclude that a public officer or public employee may have committed a violation of the Nevada Ethics in Government Law as set forth in chapter 281A of NRS, the Executive Director may recommend to the Commission that the Commission initiate ~~a third party request for an opinion~~ an ethics complaint upon its own motion pursuant to paragraph (c) of subsection ~~2~~ 1 of ~~NRS 281A.440- SECTION 3.7; SB84~~

2. A recommendation from the Executive Director pursuant to subsection 1 must:

- (a) ~~Be submitted on a form prescribed by the Commission;~~
- ~~—(b) Contain a written statement setting forth the information that supports the recommendation; and~~

(c) Include 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 the recommendation. ~~Such forms of proof may include, without limitation, any evidence which is offered that corroborates a newspaper article or other media report but may not include a newspaper article or other media report if the article or report is offered as the only evidence to support the recommendation.~~

3. The Executive Director shall not submit a recommendation to the Commission pursuant to subsection 1 based solely upon:

~~— (a) A statement other than a sworn statement; or~~

~~— (b) An an allegation submitted to the Commission with the intent to avoid disclosure of the identity of the person making the allegation-, *except as otherwise provided in Section 8 of SB 84.*~~

4. Upon receiving a recommendation from the Executive Director pursuant to subsection 1, the Commission will:

(a) Reject the recommendation without prejudice; or

(b) Accept the recommendation and initiate ~~a third-party request for an opinion~~ an ethics complaint upon its own motion pursuant to paragraph (c) of subsection ~~2~~ 1 of NRS 281A.440- SECTION 3.7; SB84

(Added to NAC by Comm'n on Ethics by R084-08, eff. 9-18-2008; A by R134-10, 10-26-2011) (T03-16; Sec. 13)

NAC 281A.405 Determination regarding jurisdiction or compliance with filing requirements: Conduct by Executive Director and Commission Counsel; notification; review by Commission. (NRS 281A.290)

1. The Executive Director ~~shall confer with~~ and the Commission Counsel ~~to~~ shall determine whether:

(a) The Commission has jurisdiction concerning ~~a third-party request for an opinion~~ an ethics complaint filed pursuant to ~~paragraph (a) or (b) of subsection 2 of NRS 281A.440(SECTION 3.7, SB84); and~~

(b) The ~~third-party request for an opinion~~ ethics complaint was filed with the Commission ~~in compliance with the requirements of subsections 1, 2 and 3 of NAC 281A.400. and submitted with sufficient evidence to support the allegations.~~

2. If the Executive Director and Commission Counsel determine pursuant to subsection 1 that the Commission has jurisdiction concerning all or a portion of the ~~third-party request for an opinion~~ ethics complaint and that the ~~third-party request for an opinion~~ ethics complaint was filed ~~in compliance with the requirements of subsections 1, 2 and 3 of NAC 281A.400~~ with sufficient evidence to support the allegations, the Executive Director shall make a recommendation to the Commission regarding whether the Commission has jurisdiction in the matter and whether sufficient evidence has been submitted with the ethics complaint to support the all or a portion of the allegations to warrant an investigation.

3. Within 45 days after the Commission has received the ethics complaint, the Commission will:

a. Review the recommendation of the Executive Director pursuant to subsection 2; and

b. Make a determination and issue an order regarding whether:

i. It has jurisdiction in the matter;

ii. The matter is submitted with sufficient evidence to support the allegations to warrant an investigation; and

iii. It will dismiss the matter, with or without issuing a confidential letter of caution or instruction pursuant to Section 12.5 of SB 84 or direct the Executive Director to conduct an investigation in the matter pursuant to Section 3.9 of SB 84 or .

4. The Commission shall:

a. If it determines that it does not have jurisdiction in the matter, dismiss the ethics complaint.

b. If it determines that it has jurisdiction in the matter but the evidence submitted

with the ethics complaint is not sufficient to warrant an investigation in the matter, dismiss the matter, with or without issuing a letter of caution or instruction to the public officer or employee pursuant to section 12.5 of SB 84.

c. If it determines that it has jurisdiction in the matter and the evidence submitted with the ethics complaint is sufficient to warrant an investigation in the matter:

i. Direct the Executive Director to investigate the ethics complaint pursuant to section 3.9 of SB 84; or

ii. Dismiss the ethics complaint, with or without issuing a letter of caution or instruction to the public officer or employee pursuant to section 12.5 of SB 84, if it believes that the evidence submitted with the ethics complaint and any other publicly available information provided by the Executive Director regarding the nature of the public position held by the subject or the underlying facts and circumstances in the matter reasonably supports that the alleged conduct:

(1) Does not warrant an investigation or an opinion of the Commission resulting in a finding of a violation of the Ethics in Government Law set forth in NRS Chapter 281A; or

(2) Is more appropriately addressed through a confidential letter of caution or

~~notify the requester and the subject of the request **ethics complaint** of the determination. 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 **ethics complaint** pursuant to subsection 1; or~~

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

~~—4. A person who receives a notice pursuant to subsection 2 or 3 may request a review by the Commission of the determination 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] **was served** notification.~~

~~—5. 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 **ethics complaint**;~~

~~—(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 **hold a confidential hearing to** review [a] **the** 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(**SECTION 3.?, SB84**); 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. (**SECTION 3.?**)~~

~~SB84)~~

~~[7]6. The Executive Director shall:~~

~~(a) Notify the subject and the requester of the third-party request for an opinion ethics complaint, as applicable, of the action taken by the Commission pursuant to subsection [6]5; and~~

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

(Added to NAC by Comm'n on Ethics by R111-03, eff. 10-30-2003; A by R186-05, 5-4-2006; R084-08, 9- 18-2008; R134-10, 10-26-2011; R048-14, 10-24-2014)—(Substituted in revision for NAC 281.1865) (T03-16; Sec. 14)

NAC 281A.410 Notification of subject after final determination of jurisdiction or compliance with filing requirements; filing of response. (NRS 281A.290)

1. ~~Once a third-party request for an opinion~~ After an ethics complaint has been 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 ~~[have]~~ has determined that the Commission has jurisdiction over the matter presented in the ~~third-party request for an opinion~~ ethics complaint and directed the Executive Director to conduct an investigation in the matter pursuant to NAC 281A.405, the Executive Director shall forthwith:

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

(b) Provide the ~~public officer or public employee~~ subject an opportunity to respond to the allegations contained in the ~~third-party request for an opinion~~ ethics complaint regarding which the Commission has directed an investigation; and

(c) Investigate and proceed in the matter pursuant to NRS 281A.440. (SECTIONS 3.9 and 4, SB84) – Make a new section? See below.

2. A notification made pursuant to subsection 1 must:

(a) Be in writing and ~~sent~~ provided to the subject of the ~~third-party request for an opinion~~ ethics complaint in a manner in which receipt by the subject can be confirmed by the Executive Director, including, without limitation:

(1) Personal delivery;

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

(3) Overnight delivery service in which proof of delivery is documented ~~-;~~

(4) Regular mail delivery with tracking receipt; or

(5) If authorized by the Subject, electronic delivery via electronic mail or facsimile.

(b) Include, without limitation:

(1) All information filed by the requester or information upon which the Commission based its motion, as appropriate;

(2) An outline of the process used by the Commission to resolve ~~third-party requests for opinions~~ ethics complaints; and

(3) A form prescribed by the Commission for waiving the time limits set forth in ~~subsections 4, 5 and 6 of NRS 281A.440~~. (SECTIONS 4 and 5; SB84)

3. The subject of ~~a third-party request for an opinion~~ an ethics complaint may, within the time limit set forth in ~~subsection 3 of NRS 281A.440~~ (Subsection 2, SECTION 3.9, SB84), file with the Commission a written response to the allegations contained in the ~~third-party request for an opinion~~ ethics complaint regarding which the Commission has directed an investigation. If the subject of ~~a third-party request for an opinion~~ an ethics complaint files with the Commission a waiver of the time limits set forth in ~~subsections 4, 5 and 6 of NRS 281A.440~~. (SECTION 4; SB84) (SECTION 3.?, SB84), 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 281A.440~~ (Subsection 2, SECTION 3.9, SB84) for the subject to file a written response to the allegations contained in the ~~third-party request for an opinion~~ ethics complaint regarding which the Commission has directed an investigation.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R111-03, 10-30-2003; R186-05, 5- 4-2006; R084-08, 9-18-2008; R134-10, 10-26-2011; R048-14, 10-24-2014)—(Substituted in revision for NAC 281.188) [\(T03-16; Sec. 15\)](#)

New Section G: Executive Director Investigation; Recommendation to Review Panel

[If directed by the Commission, the Executive Director must conduct an investigation of an ethics complaint pursuant to Section 3.9 of SB 84 and, not later than 70 days after the Commission has received the ethics complaint or initiated the ethics complaint on its own motion, unless waived pursuant to subsection 1 of section 4 of SB 84, submit a written recommendation to a review panel pursuant to section 4 of SB 84 regarding whether:](#)

- [1. The investigation yields sufficient credible evidence to support just and sufficient cause for the Commission to render an opinion in the matter; and](#)
- [2. The Executive Director believes that the ethics complaint may be appropriately addressed through additional training or other corrective action under the terms and conditions of a deferral agreement.](#)

NAC 281A.415 Investigation of additional issues and facts by Executive Director; provision of additional notice to subject. (NRS 281A.290)

1. The Executive Director may investigate relevant issues and facts beyond those presented in ~~a third-party request for an opinion~~ [an ethics complaint](#) in determining his or her written recommendation ~~of whether there is just and sufficient cause for the Commission to render an opinion on the third-party request for an opinion~~ [ethics complaint](#) [to a review panel pursuant to Section G.](#)

2. If the Executive Director [intends to](#) include issues and facts beyond those presented in the ~~third-party request for an opinion~~ [ethics complaint regarding which the Commission has directed an investigation](#) in his or her written recommendations [to a review panel](#) which are not included in the notice issued to the subject pursuant to [NAC 281A.410](#), the Executive Director must provide additional notice to the subject of the additional issues and facts and provide the subject with the same opportunity to respond to such issues and facts that is set forth in ~~subsection 3 of NRS 281A.440.~~ [\(Subsection 2, SECTION 3.9, SB84\)](#)

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R186-05, 5-4-2006; R134-10, 10- 26-2011)—(Substituted in revision for NAC 281.189)

[NEW SECTION H: Review Panel: appointment; duties](#)

- [1. The Chair of the Commission shall appoint 3 members of the Commission to serve on a review panel on a rotating basis pursuant to NRS 281A.220 \(Section 16.6; SB 84\). The Chair may delegate the appointment of review panel members to the Executive Director to ensure that the members are fairly and evenly appointed on a rotating basis.](#)
- [2. A review panel appointed pursuant to subsection 1 shall review a written recommendation presented by the Executive Director concerning an ethics complaint pursuant to Section G to determine whether the investigation has yielded sufficient credible evidence to support just and sufficient cause for the Commission to render an opinion in the matter.](#)
- [3. After reviewing an ethics complaint, the recommendations of the Executive Director and the response of the subject, if any, the review panel, as applicable, not later than 15 days after receiving the recommendation of the Executive Director:](#)
 - [a. Shall dismiss an ethics complaint, with or without prejudice, and with or without issuing a confidential letter of caution or instruction to the public officer or employee pursuant to section 12.5 of this act, if it determines that there is not just and sufficient cause for the Commission to render an opinion in the matter.](#)

- b. *May, instead of referring the ethics complaint to the Commission, approve or authorize a deferral agreement between the Executive Director and the subject of the ethics complaint, if it determines that there is just and sufficient cause for the Commission to render an opinion in the matter but reasonably believes that the conduct at issue may be appropriately addressed through additional training or other corrective action under the terms and conditions of a deferral agreement.*
- c. *Shall refer the ethics complaint to the Commission, if it determines that there is just and sufficient cause for the Commission to render an opinion in the matter and reasonably believes that the conduct at issue may not be appropriately addressed through additional training or other corrective action under the terms and conditions of a deferral agreement.*
- 4. *The Executive Director may negotiate a proposed deferral agreement with the subject of the ethics complaint and present it to a review panel for approval with the written recommendation pursuant to Section G.*
- 5. *If the Executive Director does not present a proposed deferral agreement to a review panel with the written recommendation required pursuant to Section G, the review panel may authorize the Executive Director and subject of the ethics complaint to develop a deferral agreement pursuant to paragraph (b) of subsection 3 to be presented to the review panel for approval at a later date to be determined by order of the review panel.*
- 6. *If the review panel declines to approve a proposed deferral agreement or the subject declines to enter into such a deferral agreement, the review panel shall refer the ethics complaint to the Commission for further proceedings, including, without limitation, an adjudicatory hearing.*
- 7. *A deferral agreement must comply with the provisions of section 6 of SB 84.*

NEW SECTION I: DEFERRAL AGREEMENTS?

- SB 84 expresses procedures and requirements for deferral agreements. Regulations needed?

NAC 281A.420 Confidentiality of request; confidentiality and availability of information related to request. (NRS 281A.290)

1. Except as otherwise provided in ~~NRS 281A.440 (SECTION 8, SB84)~~, until the conclusion of the proceedings of ~~an investigatory~~ a review 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~~ an ethics complaint 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 ~~a third-party request for an opinion~~ an ethics complaint in the possession of the Commission and its staff is confidential.

2. Upon the conclusion of the proceedings of ~~an investigatory~~ a review panel on ~~a third-party request for an opinion~~ an ethics complaint, any information related to the ~~a third-party request for an opinion~~ an ethics complaint, except the investigative file of the Commission as described in ~~subsection 17 of NRS 281A.440 (Subsection 4 of Section 9; SB84)~~ or other records deemed confidential by law, is a public record available for public review during normal business hours at the ~~[principal]~~ office of the Commission.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R111-03, 10-30-2003; R186-05, 5- 4-2006; R084-08, 9-18-2008; R134-10, 10-26-2011; R048-14, 10-24-2014)—(Substituted in revision for NAC 281.191) (T03-16; Sec. 16)

NAC 281A.425 Confidentiality of proceedings of ~~investigatory~~ review panel. (NRS 281A.290) ~~[The]~~ All proceedings of ~~an investigatory~~ a review 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~~ an ethics complaint are confidential and closed to all persons except the staff of the Commission.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R134-10, 10-26-2011; R048-14, 10-24-2014)—(Substituted in revision for NAC 281.192) (T03-16; Sec. 17)

NAC 281A.430 Considerations of investigatory review panel. (NRS 281A.290) At the proceedings of ~~an investigatory a review~~ panel on ~~a third party request for an opinion~~ an ethics complaint, the investigatory review panel shall consider:

1. The results of the investigation of the Executive Director and the recommendation of the Executive Director regarding whether there is just and sufficient cause for the Commission to render an opinion and whether the Executive Director believes that the ethics complaint may be appropriately addressed through additional training or other corrective action under the terms and conditions of a deferral agreement.

2. The ~~third party request for an opinion~~ ethics complaint and all related information and material filed with the Commission by the requester or submitted on the motion of the Commission; and

3. The response, if any, of the public officer or public employee who is the subject of the ~~third party request for an opinion~~ ethics complaint.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R111-03, 10-30-2003; R186-05, 5-4-2006; R134-10, 10-26-2011)—(Substituted in revision for NAC 281.193)

NAC 281A.435 Basis for finding by investigatory review panel; ~~unanimous finding required for determination that there is not just and sufficient cause to render opinion.~~ (NRS 281A.290)

1. A finding by ~~an investigatory a review~~ panel as to whether there is just and sufficient cause for the Commission to render an opinion on ~~a third party request for an opinion~~ an ethics complaint must be based on credible evidence.

2. ~~A finding by an investigatory a review panel that there is not just and sufficient cause for the Commission to render an opinion on a third party request for an opinion an ethics complaint must be unanimous.~~

3. As used in this section, “credible evidence” means the minimal level of any reliable and competent form of proof provided by witnesses, records, documents, exhibits, concrete objects, and other such similar means, that supports a reasonable belief by ~~an investigatory a review~~ panel that the Commission should hear the matter and render an opinion on the ~~third party request for an opinion~~ ethics complaint. ~~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. (Define for Chapter/Subheading?)~~

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R134-10, 10-26-2011)—(Substituted in revision for NAC 281.194)

NAC 281A.440 ~~Recording and contents of~~ written determination by investigatory review panel ~~that there is~~ regarding just and sufficient cause to render opinion. (NRS 281A.290)

1. A review panel shall issue a written determination ~~issued by an investigatory panel~~ pursuant to NRS 281A.220 (Section 16.6; SB 84) which specifies ~~that the determination of the review panel regarding whether~~ there is just and sufficient cause for the Commission to render an opinion on ~~a third party request for an opinion~~ an ethics complaint and whether the matter may be appropriately addressed through a deferral agreement ~~must be recorded in writing~~ and include, without limitation:

- ~~1. a.~~—The findings of the investigatory review panel; and
- ~~2. b.~~—The statutes upon which the investigatory review panel based its determination that

there is just and sufficient cause for the Commission to render an opinion.

2. The written determination of a review panel pursuant to this section is a public record.

(Added to NAC by Comm'n on Ethics by R186-05, eff. 5-4-2006; A by R134-10, 10-26-2011)—(Substituted in revision for NAC 281.1945)

NAC 281A.445 Record of proceedings of ~~investigatory~~ review panel. (NRS 281A.290)
The Executive Director shall provide and make arrangements for a written record or audio recording to be made of any proceedings of ~~an investigatory~~ a review panel. The proceedings of a review panel remain confidential as part of the investigatory file of pursuant to Section 9; SB 84, unless the Executive Director presents any portion of the proceedings of a review panel to the Commission as evidence at an adjudicatory hearing.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R134-10, 10-26-2011; R048-14, 10-24-2014)—(Substituted in revision for NAC 281.195)

New Section J: Adjudicatory Hearings; continuances.

1. If a review panel refers an ethics complaint to the Commission for an opinion in the matter, except as otherwise provided in this section, the Commission Counsel, on behalf of the Commission, shall issue a notice of hearing regarding an adjudicatory hearing in the matter to be held not less than 60 days after the review panel has issued its determination regarding just and sufficient cause or otherwise referred the ethics complaint to the Commission pursuant to Section ?; SB 84, unless waived, and an associated order regarding scheduling deadlines for the parties to prepare for the hearing. The Commission Counsel shall serve the notice of hearing and scheduling order on the parties. A scheduling order must include, without limitation, the manner in which any documents must be submitted to the Commission and served on the parties to the matter, the deadlines for any documents to be submitted to the Commission,
2. If the subject has waived the statutory timeline for an adjudicatory hearing regarding an ethics complaint set forth in Section ?; SB 84:
 - a. The Commission Counsel, in his or her discretion, may issue an order to stay or continue an adjudicatory hearing as reasonably necessary to accommodate the scheduling and other relevant demands of a party or the Commission unless the stay or continuance is sought merely for delay or by reason of inexcusable neglect by the Executive Director or the subject, creates unjust or undue delay in the final resolution of an ethics complaint or otherwise unfairly prejudices the interests of a party before the Commission.
 - b. Upon good cause shown, not later than 10 business days before an adjudicatory hearing, unless leave is granted otherwise, a party may submit a written request to the Commission Counsel to stay or continue an adjudicatory hearing to, without limitation, accommodate a scheduling conflict or otherwise provide additional time for the parties to engage in discovery, file a motion or negotiate and present a proposed stipulation of fact or stipulated agreement to the Commission regarding the ethics complaint.
 - c. Not later than 5 business days after a party submits a request to the Commission Counsel pursuant to paragraph (a), unless leave is granted otherwise, any other party:
 - (1) Shall submit a written consent to the Commission Counsel for a stay or continuance of the adjudicatory hearing as requested pursuant to this subsection; or
 - (2) May submit a written response or opposition to the Commission Counsel regarding the request for a stay or continuance of the adjudicatory hearing if

the party can show that stay or continuance is sought merely for delay or by reason of inexcusable neglect by the Executive Director or the subject, as applicable, creates an unjust or undue delay in the final resolution of an ethics complaint or otherwise unfairly prejudices the interests of the party before the Commission.

- d. If the Commission Counsel has received a request from a party to stay or continue an adjudicatory hearing and any opposition to such a request pursuant to this section in sufficient time and without causing undue disruption to the operations of the Commission, the Commission Counsel may:
- (1) Consult with the parties regarding scheduling; and
 - (2) Issue a stay or continuance of an adjudicatory hearing;
 - (3) Issue a revised notice of hearing or scheduling order, as appropriate, to accommodate a scheduling conflict or to provide the parties with additional time to engage in discovery, submit motions related to the ethics complaint or to negotiate proposed stipulations of fact or a proposed stipulated agreement in the matter.
- e. A request pursuant to this section shall be denied if it is sought merely for delay or by reason of inexcusable neglect by the Executive Director or the subject, creates unjust or undue delay in the final resolution of an ethics complaint or otherwise unfairly prejudices the interests of a party before the Commission.
- f. Without discussing, communicating or considering the merits of any ethics complaint, the Commission Counsel shall consult with the Executive Director regarding any other relevant scheduling matters affecting the Commission before approving a stay or continuance of an adjudicatory hearing pursuant to this section.

NAC 281A.450 Hearings: Advance written notice. (NRS 281A.290)

1. Before the Commission holds a hearing concerning ~~a third party request for an opinion~~ an ethics complaint, the Commission must serve the subject with advance written notice of the hearing at least 10 days before the date on which the hearing is scheduled to commence which includes the date, time and location of the hearing.

2. The written notice required pursuant to this section must comply with:

(a) The requirements for notice set forth in subsection 11 of NRS 281A.440 (~~SECTION 3.?, SB84~~); and

(b) Except as otherwise provided in this chapter and chapter 281A of NRS, the requirements for notice set forth in provisions concerning the adjudication in contested cases in chapter 233B of NRS.

~~3. A written record of the final determination of the investigatory review panel issued pursuant to NAC 281A.440 may serve as the written notice required pursuant to this section if it includes the date, time and location of the hearing and otherwise complies with the requirements set forth in this section.~~

~~4. Notice shall be deemed complete upon delivery personally to the subject or by mailing the notice by certified mail or overnight delivery service to the last known address of the subject. (Added to NAC by Comm'n on Ethics by R186-05, eff. 5-4-2006; A by R134-10, 10-26-2011)— (Substituted in revision for NAC 281.197) (T03-16; Sec. 18)~~

~~See Section J above:— NAC 281A.455— Hearings: Continuance. (NRS 281A.290)— The procedures for obtaining and granting a continuance of a hearing concerning a third party request for an opinion an ethics complaint are as follows:~~

~~1. The date or time of the hearing may be continued for a reasonable time by the [Executive Director] Chair:~~

~~(a) Upon the written petition of the Executive Director or his/her designee or the subject for good cause shown; or~~

~~—(b) By stipulation of the subject and the [Commission, acting through the] Executive Director.
—2. A continuance will not be granted unless it is made in good faith, is reasonably necessary and is not sought merely for delay or by reason of inexcusable neglect of the subject.
—(Added to NAC by Comm'n on Ethics by R186-05, eff. 5-4-2006; A by R084-08, 9-18-2008; R134-10, 10-26-2011) (Substituted in revision for NAC 281.199) **(T03-16; Sec. 19)**~~

NAC 281A.460 Hearings: Conduct; action by Commission; waiver of provisions. (NRS 281A.290)

1. The Chair or presiding officer of a hearing concerning ~~a third-party request for an opinion~~ **an ethics complaint** shall:
 - (a) Ascertain whether all persons commanded to appear under subpoena 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 all persons whose testimony will be taken.
 - (c) Exclude from the hearing all witnesses scheduled to testify except during the testimony of the witness. To preserve the integrity of the process and the evidence presented during a proceeding, the Chair or presiding officer may request all witnesses not to discuss the case with any person **other than legal counsel of the witness** during the pendency of the proceeding.
 - (d) Hear and rule on any procedural motions, approve any stipulations and address any administrative details.
 - (e) ~~[Designate a member of the staff of the Commission]~~ **Direct the Executive Director or his/her designee** to present ~~third-party request for an opinion~~ **opening statements regarding the ethics complaint**, the response to the ~~third-party request for an opinion~~ **ethics complaint** by the subject and the determination of the **investigatory review** panel concerning whether there is just and sufficient cause for the Commission to render an opinion in the matter.
 - (f) Allow the subject to present opening comments.
 - (g) **Direct the Executive Director or his/her designee to [C]call and question any witnesses[,] and present any evidence on behalf of the Commission concerning the** ~~third-party request for an opinion, and allow any member of the Commission to question such witnesses]~~ **ethics complaint**.
2. The subject may remain present during the hearing.
3. The subject may question any witnesses.
4. Upon the conclusion of the presentation of any evidence and the examination of any witnesses **by the the Executive Director or his/her designee** on behalf of the Commission, the Chair or presiding officer shall request the subject to proceed with the introduction of evidence and calling of witnesses on his or her behalf.
5. ~~[The]~~ **Any member of the Commission may question the Executive Director or his/her designee, the** subject, any witnesses or any counsel retained by the subject ~~[may be questioned by any member of the Commission]~~ at any time during the proceeding.
6. Upon the conclusion of the presentation of evidence **and the examination of any witnesses by the Executive Director or his/her designee, the** subject and **any member of the Commission** ~~[and the examination of any witnesses]~~, the Chair or presiding officer shall allow the **Executive Director or his/her designee and the** subject to present closing comments.
7. ~~[Upon the conclusion of the closing comments by the subject]~~ **After the conclusion of the adjudicatory hearing, the** Commission will:
 - (a) ~~[d]~~ **Deliberate** the issues of fact presented at the hearing, make a determination of the findings of fact, **and** apply the applicable law to the findings of fact; ~~[and]~~
 - (b) Render an **oral** opinion concerning whether the subject ~~[has]~~ violated any of the provisions of [chapter 281A](#) of NRS **and whether any violation was a willful violation; and;**
 - (c) **Communicate the oral opinion to the subject.**
8. Upon a finding of a willful violation of any of the provisions of [chapter 281A](#) of NRS, the Commission may impose any civil penalties authorized pursuant to [NRS 281A.480](#) **(or other**

pendalties set forth in SECTION 13, SB84) and will impose any other statutory remedies required pursuant to [NRS 281A.480](#). *(or other penalties set forth in SECTION 13, SB84)*

9. The Commission may waive any provision of this section if necessary to expedite or ensure the fairness of the hearing.

(Added to NAC by Comm'n on Ethics by R186-05, eff. 5-4-2006; A by R084-08, 9-18-2008; R134-10, 10-26-2011)—(Substituted in revision for NAC 281.201) [\(T03-16; Sec. 20\)](#)

Written Opinion

For any opinion issued pursuant to an ethics complaint, the Commission will direct the Commission Counsel to prepare a written opinion setting forth the Commission's opinion in the matter, including, without limitation, reference to any applicable published opinions of the Commission deemed relevant to the circumstances. The Commission will review any written opinion prepared by the Commission Counsel and direct the Commission Counsel to issue the written opinion to the subject of the ethics complaint.

NAC 281A.465 Hearings: Admission and exclusion of evidence. [\(NRS 281A.290\)](#)

1. In conducting any hearing concerning ~~a third-party request for an opinion~~ an ethics complaint, the rules of evidence of the courts of this State will be followed generally but may be relaxed at the discretion of the Commission.

2. The Chair or presiding officer may exclude immaterial, incompetent, cumulative or irrelevant evidence or order that the presentation of such evidence be discontinued.

3. ~~[A]~~ The Executive Director or his/her designee and the subject may object to the introduction of evidence if the Executive Director or his/her designee or the subject:

(a) Objects to such evidence promptly; and

(b) Briefly states the grounds of the objection at the time the objection is made.

4. If an objection is made to the admissibility of evidence, the Chair or presiding officer may:

(a) Note the objection and admit the evidence;

(b) Sustain the objection and refuse to admit the evidence; or

(c) Receive the evidence subject to any subsequent ruling of the Commission.

(Added to NAC by Comm'n on Ethics by R186-05, eff. 5-4-2006; A by R134-10, 10-26-2011)—(Substituted in revision for NAC 281.203) [\(T03-16; Sec. 21\)](#)

NAC 281A.470 Failure of subject to appear at hearing or reply to notice. [\(NRS 281A.290\)](#) If a subject fails to appear at a hearing concerning ~~a third-party request for an opinion~~ an ethics complaint which is scheduled by the Commission and a continuance has not been requested or granted, upon an offer of proof by the Executive Director that the subject was given proper notice and upon a determination by the Commission that proper notice was given, the Commission may proceed to consider the case without the presence of the absent subject and may dispose of the matter on the basis of the evidence before it. If the subject fails to appear at the hearing or fails to reply to the notice provided pursuant to [NAC 281A.410](#), the alleged violations specified in the determination of the ~~investigatory review~~ panel that there is just and sufficient cause for the Commission to render an opinion may be considered as true.

(Added to NAC by Comm'n on Ethics by R186-05, eff. 5-4-2006; A by R134-10, 10-26-2011)—(Substituted in revision for NAC 281.205)

NEW SECTION K: Penalties/Corrective Action

- SB 84 (Section 13) expresses requirements for penalties/corrective action. Regulations needed?

Delete Following Subheading – SB 84 confirmed that all requests for an opinion filed pursuant to NRS 281A.550 constitute requests for advisory opinions and fall under those provisions.

~~Opinions Concerning Employment of Certain Former Public Officers or Employees by Regulated Businesses~~

~~— NAC 281A.475 Requirements for consideration by Commission. (NRS 281A.290) —~~

~~The Commission will only consider those requests for an opinion filed pursuant to subsection 6 of NRS 281A.550 (SECTION 3.?, SB84) that are on the form provided by the Commission and submitted in the manner prescribed on the form.~~

~~— (Added to NAC by Comm'n on Ethics by R134-10, eff. 10-26-2011; A by R048-14, 10-24-2014)~~

~~— NAC 281A.480 Scheduling of hearing; effect of failure to appear at hearing. (NRS 281A.290) —~~

~~— 1. Except as otherwise provided in subsection 2, a request for an opinion filed pursuant to subsection 6 of NRS 281A.550 (SECTION 3.?, SB84) will be heard by the Commission within 45 days after receipt of the request by the Commission.~~

~~— 2. If a public officer or public employee who requests an opinion pursuant to subsection 6 of NRS 281A.550 (SECTION 3.?, SB84) cannot appear before the Commission for a hearing on the request within 45 days after receipt of the request by the Commission, the public officer or public employee may submit a written statement acknowledging that he or she cannot appear before the Commission for the hearing and, if applicable, requesting a waiver of the 45-day period within which the hearing must be held. Such a request must be received not later than 7 business days before the expiration of the 45-day period.~~

~~— 3. If the public officer or public employee does not request a waiver pursuant to subsection 2 and fails to respond to the notice of hearing as provided in such notice or fails to appear at the hearing scheduled by the Commission within 45 days after receipt of the request for an opinion, the request for an opinion will be deemed withdrawn by the public officer or public employee making the request.~~

~~— (Added to NAC by Comm'n on Ethics by R134-10, eff. 10-26-2011) (T03-16; Sec. 22)~~

~~— NAC 281A.485 Withdrawal. (NRS 281A.290) — [At any time before]~~

~~— 1. Except as otherwise provided in this section, the subject of a request for opinion filed pursuant to subsection 6 of NRS 281A.550 (SECTION 3.?, SB84) may withdraw the request for the opinion by providing a written notice of withdrawal to the Commission before the Commission [renders an opinion] holds any hearing relating to [on a] the request for an opinion [filed pursuant to subsection 6 of NRS 281A.550, the public officer or public employee who filed the request for the opinion may withdraw the request by providing a notice of withdrawal to the Commission].~~

~~— 2. The subject of a request for an opinion filed pursuant to subsection 6 of NRS 281A.550 (SECTION 3.?, SB84) may seek a withdrawal of the request for the opinion at any time by submitting a motion supported by good cause, which may include, without limitation, that the anticipated future circumstances or conduct upon which advice is sought has changed.~~

~~— (Added to NAC by Comm'n on Ethics by R134-10, eff. 10-26-2011) (T03-16; Sec. 23)~~

~~— NAC 281A.490 Determination regarding jurisdiction: Conduct by Executive Director and Commission Counsel; notification; request for review by Commission. (NRS 281A.290) —~~

~~The Executive Director shall confer with the Commission Counsel to determine jurisdiction concerning a request for an opinion filed pursuant to subsection 6 of NRS 281A.550 (SECTION 3.?, SB84). If [the Commission Counsel determines] it is determined that~~

~~the Commission lacks jurisdiction in the matter, the Executive Director shall so notify the requesting public officer or public employee **not later than 20 days after the date on which the Commission received the request for opinion**. A public officer or public employee who receives a notice pursuant to this section may request the Commission to review the determination regarding jurisdiction. Such a request must be filed to the [principal]office of the Commission in writing not later than 10 days after the date on which the public officer or public employee [received]**was served** notification.~~

~~— (Added to NAC by Comm'n on Ethics by R134-10, eff. 10-26-2011) **(T03-16; Sec. 24)**~~

~~— **NAC 281A.495— Conduct of hearings; action by Commission; waiver of provisions; confidentiality.** (NRS 281A.290)~~

~~— 1. The Chair or presiding officer of a hearing concerning a request for an opinion filed pursuant to subsection 6 of NRS 281A.550 (**SECTION 3.?, SB84**) 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. 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] **After the conclusion of a hearing related to** 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] **Issue** an opinion on the matter; and~~

~~— (c) [Submit a copy of] **Provide** 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 (**SECTION 3.?, SB84**) to waive the confidentiality of such information.~~

~~— (Added to NAC by Comm'n on Ethics by R134-10, eff. 10-26-2011; A by R048-14, 10-24-2014) **(T03-16; Sec. 25)**~~

General Procedures for Hearings

NAC 281A.500 Executive Director to provide information to Commission. (NRS 281A.290) ~~[At]~~ **Unless directed or authorized by the Chair otherwise, at** least 1 week before the date on which the Commission is scheduled to hold a hearing [on a matter] **meeting**, the Executive Director **and Commission Counsel** shall provide to the Commission:

~~— 1. A statement of the matter that sets forth the issues to be determined at the hearing;~~

~~— 2. A list of any witnesses and their expected testimony; and~~

~~— 3. Any other any information or materials which the Executive Director or Commission~~

Counsel deems necessary to assist the Commission in ~~hearing the matter.~~ conducting the meeting, including any materials relevant to any item for possible action on an agenda for the Commission meeting.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000)—(Substituted in revision for NAC 281.213) (T03-16; Sec. 26)

NAC 281A.505 Motion to disqualify member of Commission for good cause. (NRS 281A.290)

1. ~~[A-]~~ The Executive Director or the subject may submit a motion to disqualify a member of the Commission from participating in a hearing for good cause.
2. Except as otherwise provided in this subsection, a motion to disqualify a member of the Commission must comply with the procedures concerning motions before the Commission which are set forth in NAC 281A.265. A motion to disqualify a member of the Commission which is submitted pursuant to subsection 1 must be ruled upon by the Commission as a whole.
3. In considering a motion to disqualify a member of the Commission, the Commission will consider any grounds that would justify the disqualification of a judge pursuant to Rule 2.11 of the Nevada Code of Judicial Conduct.
4. If the Commission approves a motion to disqualify a member of the Commission, the necessary quorum to act upon and the number of votes necessary to act upon a matter before the Commission is reduced as though the member who is disqualified was not a member of the Commission.

(Added to NAC by Comm'n on Ethics by R186-05, eff. 5-4-2006)—(Substituted in revision for NAC 281.214) (T03-16; Sec. 27)

NAC 281A.510 Commission to determine order of proceedings. (NRS 281A.290)
Except as otherwise provided in NRS 281A.440 (SECTION 3.?, SB84) and NAC 281A.365, 281A.460 and 281A.495, the ~~[Commission]~~ Chair will determine ~~[, as it deems appropriate,]~~ the order of proceedings for a hearing and will inform the parties thereof before the hearing commences.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R186-05, 5-4-2006; R134-10, 10- 26-2011)—(Substituted in revision for NAC 281.215) (T03-16; Sec. 28)

NAC 281A.515 Testimony: Oath or affirmation required. (NRS 281A.290) All testimony received at a hearing before the Commission must be given under oath or affirmation.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000)—(Substituted in revision for NAC 281.217)

NAC 281A.520 Participation by subject of hearing; questioning of witnesses. (NRS 281A.290)

1. Except as otherwise provided in NRS 281A.440 (SECTION 3.?, SB84) and NAC 281A.365, 281A.460 and 281A.495, the Commission will provide the subject of ~~a~~ an adjudicatory hearing before the Commission with the opportunity to appear and testify before the Commission and participate in the adjudicatory hearing. The subject of the adjudicatory hearing may be represented by counsel, hear the evidence presented to the Commission, respond and present evidence and testimony on his or her own behalf, examine and cross-examine witnesses, and make arguments.

2. The ~~[Commission]~~ Executive Director or his/her designee will question witnesses at the hearing, and any member of the Commission may question witnesses, the Executive Director or his/her designee, and counsel for the subject at the hearing.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R186-05, 5-4-2006; R134-10, 10- 26-2011)—(Substituted in revision for NAC 281.219) (T03-16; Sec. 29)

Miscellaneous Provisions

NAC 281A.550 Written opinions and abstracts: Contents; dissemination. ([NRS 281A.290](#))

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 advisory opinion, ~~a third-party request for an opinion or an ethics complaint or a request for an opinion submitted pursuant to subsection 6 of NRS 281A.550 (SECTION 3.?, SB84)~~; and
 - (b) An abstract of any written opinion which is confidential pursuant to subsection 7 of [NRS 281A.440 \(SECTION 3.?, SB84\)](#) ~~or subsection 7 of NRS 281A.550 (SECTION 3.?, SB84)~~.
2. A written opinion or abstract of the Commission must plainly state:
 - (a) If the opinion concerns ~~a third-party request for an opinion~~ an ethics complaint, each violation alleged against the public officer or public employee who is the subject of the ~~third-party request for an opinion~~ ethics complaint;
 - (b) Except as otherwise provided in ~~subsection 7 of NRS 281A.440 (SECTION 3.?, SB84)~~, if the opinion concerns a ~~first-party~~ request for an advisory opinion, each question for which the public officer or employee seeks guidance concerning the interpretation of a statutory ethical standard, and any
~~—(c) If the opinion concerns a request for an opinion filed pursuant to subsection 6 of NRS 281A.550 (SECTION 3.?, SB84), 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 (SECTION 3.?, SB84) or NRS 281A.430 (SECTION 3.?, SB84), as applicable;~~
~~—(d) (c) The determination of the Commission with regard to each allegation, question or fact, as applicable; and~~
~~(e) (d) 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 advisory opinion, including, without limitation, reference to any applicable published opinion of the Commission deemed relevant to the circumstances.~~
3. Each written opinion and abstract must be numbered, dated and signed by the ~~Chair or presiding officer.~~ Commission.
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.

(Added to NAC by Comm’n on Ethics by R102-00, eff. 8-28-2000; A by R186-05, 5-4-2006; R134-10, 10-26-2011; R048-14, 10-24-2014)—(Substituted in revision for NAC 281.223)

NAC 281A.555 Petitions to adopt, file, amend or repeal regulations. ([NRS 233B.100, 281A.290](#))

1. Any person may submit a written petition to the Commission at the [principal] office of the Commission to adopt, file, amend or repeal any regulation of the Commission.
2. A petition submitted pursuant to subsection 1 must include, without limitation:
 - (a) The name and address of the petitioner;
 - (b) A clear and concise statement of the regulation to be adopted, filed, amended or repealed, including, without limitation, the text of the proposed language of the regulation to be adopted, filed, amended or repealed;
 - (c) The reason for the adoption, filing, amendment or repeal of the regulation; and (d) The statutory authority for the adoption, filing, amendment or repeal of the regulation.

3. The Commission may decline to act upon a petition submitted pursuant to this section if the petition does not contain the information required pursuant to subsection 2.

4. The Commission will:

(a) Review and make a decision concerning the petition at the next scheduled meeting of the Commission in which consideration of the petition is feasible following the receipt of the petition; and

(b) Notify the petitioner in writing of the decision of the Commission concerning the petition within 30 days after the petition is considered by the Commission.

(Added to NAC by Comm'n on Ethics by R186-05, eff. 5-4-2006)—(Substituted in revision for NAC 281.236) [\(T03-16; Sec. 30\)](#)

NAC 281A.560 Availability of public records for inspection and copying; obtaining copies of transcripts; waiver of costs of copies of public records. ([NRS 281A.290](#))

1. Except as otherwise provided in this section, the Commission will make public records of the Commission 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.

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.310](#), inclusive.

4. A court reporter 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.

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.

(Added to NAC by Comm'n on Ethics by R038-98, eff. 4-17-98; A by R102-00, 8-28-2000; R111-03, 10-30-2003; R186-05, 5-4-2006; R048-14, 10-24-2014)—(Substituted in revision for NAC 281.242) [\(T03-16; Sec. 31\)](#)

NAC 281A.615 Requirements for submission of ~~disclosure of representation and counseling and~~ acknowledgement of statutory ethical standards. ([NRS 281A.290](#))

1. ~~The following documents~~ [A public officer shall file an acknowledgment of the statutory ethical standards required pursuant to NRS 281A.500 \(SECTION 3.?, SB84\)](#) ~~must be~~ 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(SECTION 3.?, SB84).~~

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.

(Added to NAC by Comm'n on Ethics by R102-00, eff. 8-28-2000; A by R111-03, 10-30-2003; R186-05, 5-4-2006; R084-08, 9-18-2008; R134-10, 10-26-2011; R048-14, 10-24-2014)—(Substituted in revision for NAC 281.227) [\(T03-16; Sec. 32\)](#)