



704 W. NYE LANE, SUITE 204
CARSON CITY, NEVADA 89703
(775) 684-5469

Informational Statement Form

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 281A.

1. A clear and concise explanation of the need for the adopted regulation.

Chapter 281A of the Nevada Administrative Code was last updated in 2018. During and following the COVID-19 pandemic, government agencies and business adopted new and efficient ways of conducting business as well as reviewed operational resiliency in the face of emergencies. Other changes are made to improve customer services and transparency. These regulatory amendments address those issues in the following ways:

1. Clarification of the role of Vice Chair to act when the Chair is unable to;
2. Clarification to expand the timeframe in which a public official may request an Advisory Opinion;
3. Ability to reject anonymous complaints without full Commission review;
4. Clarity regarding the authority of staff to research a complaint in making the jurisdictional recommendation to the Commission;
5. Amendments to promote electronic communication; and
6. Various other procedural and administrative adjustments

2. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Copies of the proposed regulation to be amended, notice of workshop and notice of intent to act upon the regulation were on file at the following physical locations:

Nevada Commission on Ethics
704 W. Nye Lane, Suite 204
Carson City, Nevada 89703

State Library & Archives & Public Records
100 North Stewart Street
Carson City, Nevada 89701

Copies of the proposed regulation to be amended, notice of workshop and notice of intent to act upon the regulation were posted on the following websites:

Nevada Commission on Ethics' website: <http://ethics.nv.gov>

The Nevada Legislature's website: leg.state.nv.us/App/Notice/A

Nevada Public Notice Website: notice.nv.gov

The text of the proposed regulation to be amended, notice of workshop and notice of intent to act upon the regulation were also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to [NRS 233B.0653](#), and on the Internet at <http://www.leg.state.nv.us/>.

The Nevada Commission on Ethics' office did not receive any requests for copies of the text of the proposed regulation to be amended.

A workshop was held in conjunction with a meeting of the Nevada Commission on Ethics established pursuant to NAC 348A.280 on November 8, 2023, and the minutes of that meeting, attached hereto, contain a summary of the discussion held regarding the proposed amendments. One member of the public provided public comment during the workshop regarding the proposed regulation to be amended. Thereafter, on or about March 13, 2024, the Executive Director of the Nevada Commission on Ethics issued a Notice of Intent to Act Upon a Regulation.

A public hearing was held on April 17, 2024. At the hearing, no one provided testimony pertaining to the proposed amendments.

A copy of this summary of the public response to the proposed regulation may be obtained from the Nevada Commission on Ethics, 704 W. Nye Lane, Suite 204, Carson City, Nevada 89703, 775-687-5469, or email to ncoe@ethics.nv.gov.

3. The number of persons who:

(a) Attended each hearing:

- Workshop: November 8, 2023 – 10;
- Public Hearing April 17, 2024 – 3

(b) Testified at each hearing:

- Workshop: November 8, 2023 – 1;
- Public Hearing April 17, 2024 – 0

(c) Submitted to the agency written comments:

No written comments were submitted.

4. A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3, as provided to the agency. See attached - Exhibit A.

- 5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**

In analyzing the potential impact NAC 281A regulations may have on small business, the agency has concluded that regulations of the Commission have no impact on small business. The only parts of Nevada's ethics statutory framework that could impact small businesses are restrictions on where a former public officer or employee may work for one-year following separation from public service ("cooling off" restrictions) and restrictions on certain contracts. Those rules are established in statute and may not be modified by a change in NAC. Therefore, any regulations adopted or modified as part of the Commission's rulemaking process will have no direct or significant economic burden on small business and will not directly restrict the formation, operation, or expansion of small business.

A copy of the Small Business Impact Statement is available at the Nevada Commission on Ethics' office located at 704 W. Nye Lane, Suite 204, Carson City, NV 89703 as well as the Commission's website: <http://ethics.nv.gov>

- 6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

The permanent regulation was adopted on April 17, 2024 without any changes to the proposed regulation. Several changes were made between the workshop and the public hearing which addressed concerns and suggestions from the workshop.

At the public hearing there were no comments or concerns with the language as presented in the proposed regulation.

- 7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:**

(a) Both adverse and beneficial effects; and

Any proposed regulation changes in Chapter 281A will not impose a direct and significant economic burden as statutory limitations on the Commission's jurisdiction and rulemaking authority prevent the Commission from considering or adopting regulations that would impose burdens on small businesses or the public.

(b) Both immediate and long-term effects.

See Item # 7(a)

8. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement of this regulation.

9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are no other state or government agency regulations that the proposed regulation duplicates.

10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

There are no federal regulations that establish ethics standards for Nevada's public officer or employees. Nor are there any federal regulations that govern the procedures of the Nevada Commission on Ethics.

11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

This regulation does not provide a new fee or increase an existing fee.



STATE OF NEVADA
COMMISSION ON ETHICS
<http://ethics.nv.gov>

**MINUTES
of the meeting of the
NEVADA COMMISSION ON ETHICS
& PERSONNEL SUBCOMMITTEE**

The Commission on Ethics held a public meeting on
Wednesday, November 8, 2023, at 10:00 a.m.
at the following location:

**Nye County Commission Chambers
101 Radar Road
Tonopah, NV 89049**

Zoom Meeting Information

<https://us06web.zoom.us/j/82599810591?pwd=QGAavyf1NRafX6yeOapekKhjD2jbPT.1>

Zoom Meeting Telephone Number: 720-707-2699

Meeting ID: 825 9981 0591

Passcode: 432590

These minutes constitute a summary of the above proceedings of the Nevada Commission on Ethics. A recording of the meeting is available for public inspection at the Commission's office and on the [Commission's YouTube channel](#).

1. Call to Order and Roll Call.

Chair Kim Wallin, CPA, CMA, CFM appeared in-person at the Nye County Commission Chambers in Tonopah and called the meeting to order at 10:01 a.m. Vice-Chair Thoran Towler, Esq., and Commissioner Stan R. Olsen also appeared in-person. Commissioners Teresa Lowry, Esq., John T. Moran III, Esq., and Scott Scherer, Esq. appeared via Zoom videoconference. Commissioner Amanda Yen, Esq. was excused. Present for Commission staff in Tonopah were Executive Director Ross E. Armstrong, Esq., Commission Counsel Brandi Jensen, Esq., Associate Counsel Elizabeth J. Bassett, Esq., Investigator Erron Terry, and Senior Legal Researcher Wendy Pfaff.

2. Public Comment.

Chair Wallin noted the additional Public Comment opportunities under Agenda Item 6.

There was no public comment.

3. Approval of Minutes of the October 18, 2023, Commission Meeting.

Chair Wallin stated that all Commissioners were present for the October Commission Meeting, except for Commissioner Scherer who was not yet appointed to the Commission and therefore precluded from participating in this item. She noted that Commissioner Moran was present for part of the October 18 meeting, and he could decide if he wanted to act on this matter.

Vice-Chair Towler moved to approve the October 18, 2023, Commission Meeting Minutes as presented. Commissioner Lowry seconded the motion. The Motion was put to a vote and carried as follows:

Chair Wallin:	Aye.
Vice-Chair Towler:	Aye.
Commissioner Lowry:	Aye.
Commissioner Moran:	Aye.
Commissioner Olsen:	Aye.
Commissioner Scherer:	Abstain.

4. Approval of Minutes of the October 18, 2023, Personnel Subcommittee Meeting.

Chair Wallin stated she served with Vice-Chair Towler and former Commissioner Duffrin as members of the Personnel Subcommittee and only the Subcommittee members were permitted to act on this item.

Vice-Chair Towler moved to approve the October 18, 2023 Personnel Subcommittee Minutes as presented. Chair Wallin seconded the motion. The Motion was put to a vote and carried as follows:

Chair Wallin:	Aye.
Vice-Chair Duffrin:	Aye.

5. Presentation by Nye County on Nye County Government.

Chair Wallin introduced the item, thanked Nye County Manager Tim Sutton for allowing the Commission the use of Nye County's Commission Chambers for the meeting and asked him for his presentation.

Nye County Manager Sutton provided his presentation on Nye County Government. He thanked the Commission for holding their meeting in Nye County and for the Commission's hard work on behalf of Nevada.

Chair Wallin thanked Nye County Manager Sutton for his time and presentation.

No action was taken on this agenda item.

6. **PUBLIC WORKSHOP**

Pursuant to NRS 233B.061, workshop to solicit data, views, arguments or other comments from interested persons regarding the Commission's intent to adopt, amend and repeal regulations set forth in NAC Chapter 281A. Possible action may include direction to the Executive Director to submit proposed language agreed upon during the workshop to the Legislative Counsel Bureau (LCB) for drafting.

Chair Wallin opened the Public Workshop at 10:13 a.m. See Public Workshop documents in Attachment A.

a. **Public Comment**

There was no public comment.

b. **Review of Small Business Impact Statement**

Chair Wallin asked Executive Director Armstrong to provide an overview of the Workshop process and Executive Director Armstrong complied with the Chair's request.

Executive Director Armstrong referenced the Small Business Impact Statement included in the workshop meeting materials and confirmed that it was posted and distributed to stakeholders on October 24, 2023, in compliance with NRS 233B.0608. He noted that statutory limitations on the Commission's jurisdiction and rulemaking authority prevent the Commission from considering or adopting regulations that would impose burdens on small businesses and outlined his process in determining the small business impact statement.

c. Workshop Discussion

Executive Director Armstrong outlined each proposed change to NAC 281A for the Commission and referenced the Summary of Suggested Potential NAC Changes document provided in the meeting materials.

The Commissioners discussed the proposed changes and provided their feedback regarding those changes.

Commissioner Scherer asked a clarifying procedural question pertaining to the 14-day timeframe allowed to Advisory Opinion Requesters for submission of additional facts and Executive Director Armstrong provided clarification. Commissioner Scherer suggested language for the Advisory Opinion timeframe provision.

Chair Wallin shared her opinion that the addition of allowing jurisdiction over advisory opinion requests submitted by individuals who have been elected to or accepted an appointment to public officer or employment but have not yet started service is one of the best additions to the regulation language pertaining to advisory opinions.

Commissioner Scherer suggested reconsideration of changes to NAC 281A.353, which Executive Director Armstrong agreed with Commissioner Scherer's explanation for maintaining language.

Commission Counsel Jensen and Executive Director Armstrong shared their positions in support of Commission discretion regarding Abstract Opinion publishing based on certain criteria and additional language under NAC 281A.375. Chair Wallin and Commissioner Scherer stated their agreement with this proposal.

The Commissioners and Executive Director Armstrong discussed the complaint filing process. Executive Director addressed questions posed by the Commissioners regarding proposed changes to the complaint filing regulations (NAC 281A.405).

Chair Wallin expressed her appreciation for the streamlining of the regulations and continued effort to enact these changes on behalf of the Commission. Chair Wallin thanked Commissioner Scherer for his comments and observations, noting that it added a lot to the discussion and the Commission's efforts.

Commissioner Scherer suggested reconsideration of changes to NAC 281A.444(4), which Executive Director Armstrong, Associate Counsel Bassett and Commission Counsel Jensen agreed with Commissioner Scherer's explanation for maintaining the proposed deleted language.

Chair Wallin stated her opinion that the proposed regulation changes are a good start and thanked Executive Director Armstrong and Commission staff for their hard work on this project.

d. Direction to Executive Director to submit language to the LCB

Commissioner Olsen made a motion to direct Executive Director Armstrong to submit the proposed language with revisions as discussed during the Workshop to NAC Chapter 281 to the

Legislative Counsel Bureau for drafting. Commissioner Scherer seconded the motion. The Motion was put to a vote and carried as follows:

Chair Wallin:	Aye.
Vice-Chair Towler:	Aye.
Commissioner Lowry:	Aye.
Commissioner Moran:	Aye.
Commissioner Olsen:	Aye.
Commissioner Scherer:	Aye.

e. Public Comment

Nye County Commissioner Bruce Jabbour provided public comment regarding the new language proposed that the Executive Director establish and maintain policies and procedures for the operations of the agency (referenced page 12 of the proposed NAC changes document included in the meeting materials). He shared his opinion that the Commission should be the authority for establishing policies and procedures and the Commission would direct the Executive Director to implement those policies and procedures.

Chair Wallin closed the Public Workshop at 10:54 a.m.

7. Consideration and approval of the Nevada Commission on Ethics Personnel Subcommittee's recommended revisions to the public service objectives including performance priorities and job descriptions for the Commission's two appointed positions of Executive Director, held by Ross Armstrong, Esq., and Commission Counsel, held by Brandi Jensen, Esq.

Chair Wallin introduced the agenda item and noted that the matter before the Commission was to discuss the job descriptions and priorities only and not the performance of those holding the positions. She informed the Commission that she, Vice-Chair Towler, and former Commissioner Duffrin served as members of Personnel Subcommittee. Chair Wallin stated that the Personnel Subcommittee met a number of times over the last few months and worked with Executive Director Armstrong and Commission Counsel Jensen to modify their respective job descriptions and performance priorities. Chair Wallin clarified that this item is bringing to the full Commission the recommendations of the Personnel Subcommittee for its consideration and approval of the revisions to the job descriptions and performance priorities of the Executive Director and the Commission Counsel, noting that those updated documents were included in the meeting materials. She outlined the performance priorities in order of importance for each position for the Commission.

Executive Director Armstrong expressed his appreciation for the process and the engagement of the Personnel Subcommittee in providing new priorities for continued success in his position. He stated he was looking forward to working with the Commission on updating its strategic plan.

Commission Counsel Jensen stated that the priorities laid out by the Personnel Subcommittee are helpful to meet the expectations of the Commission as its counsel and the job description is beneficial in guiding her on what to accomplish. She noted that the documents are helpful tools for the employee to utilize as well as the Commission. Commission Counsel Jensen provided that the change to the job description pertaining to the Commission Counsel supervisory role was appreciated.

Chair Wallin outlined minimal changes to the Executive Director's Performance Priorities and the Commission Counsel's Job Description and Performance Priorities.

Commissioner Moran made a motion to approve the Personnel Subcommittee's revisions to the public service objectives including performance priorities and job descriptions for the Commission's two appointed positions of Executive Director, held by Ross Armstrong, Esq., and Commission Counsel, held by Brandi Jensen, Esq. Commissioner Lowry seconded the motion. The Motion was put to a vote and carried as follows:

Chair Wallin:	Aye.
Vice-Chair Towler:	Aye.
Commissioner Lowry:	Aye.
Commissioner Moran:	Aye.
Commissioner Olsen:	Aye.
Commissioner Scherer:	Aye.

8. Discussion, review and possible action related to Advisory Opinions:
 - a. General Overview and Internal Process Presentation
 - b. Opinion Formatting: Possible action to direct Commission Counsel to bring back Advisory Opinion approach.

Chair Wallin introduced the Item and asked Commission Counsel Jensen for her presentation.

Commission Counsel Jensen provided her general overview and internal process presentation which outlined the Commission's current Advisory Opinion process and the proposed changes to the process, including discretion in publishing abstract opinions and possible updates to the opinion format for ease of use. She referenced samples provided in the meeting materials to show varying formats.

Chair Wallin thanked Commission Counsel Jensen for her presentation and provided feedback that she would like to see format updates to the opinions that make the determination easier to understand with not as much legalese. She liked the option of having a list of topics for research purposes and suggested that be incorporated in the Commission's opinion database. Chair Wallin stated that she preferred the Oregon opinion sample best out of those provided.

Vice-Chair Towler stated his appreciation for the samples provided and noted his preference of the Oregon format sample as well. He thanked Commission Counsel Jensen for her helpful presentation. Vice Chair Towler provided his opinion that opinions being easily searchable, responsive to the request and clear to the requester are key objectives and shared his support for an opinion format update with those objectives in mind.

Commissioner Lowry thanked Commission Counsel Jensen for her presentation and shared her preference that the summary of the issue presented be stated at the beginning of the opinion. She agreed that opinions should be as user friendly as possible. Commissioner Lowry echoed Vice-Chair Towler's comments and acknowledged the benefit of reviewing the process and the format.

Commissioner Olsen expressed his appreciation for the Commission Counsel's presentation and agreed that simplifying the language in the opinion was a good idea.

Commission Counsel Jensen thanked the Commissioners for their feedback and stated that she would start to incorporate the suggestions in opinions going forward and would submit a formal format at a future meeting of the Commission. She specified that she would include a summary of the issue presented at the beginning of the opinion, add a topic line item to each opinion and a list of the statutes that are addressed in the opinion. Commission Counsel welcomed feedback from the Commission on opinions sent to them with newly added changes.

Chair Wallin suggested 'Executive Summary' as the title for the new summary section.

Chair Wallin made a motion to direct Commission Counsel Jensen to bring back a draft template of an Advisory Opinion incorporating items as discussed. Vice-Chair Towler seconded the motion. The Motion was put to a vote and carried as follows:

Chair Wallin:	Aye.
Vice-Chair Towler:	Aye.
Commissioner Lowry:	Aye.
Commissioner Moran:	Aye.
Commissioner Olsen:	Aye.
Commissioner Scherer:	Aye.

9. Report by Executive Director on agency status and operations, and possible direction thereon. Items to be discussed include, without limitation:
- a. Education and Outreach
 - b. Budget Update
 - c. Staffing and Recruitment
 - d. Upcoming Meetings

Chair Wallin introduced the Item and asked Executive Director Armstrong for his presentation.

Executive Director Armstrong noted the short timeframe between this meeting and the last Commission meeting, that not many changes had occurred since the last meeting and his report would be brief.

a. Education and Outreach: Executive Director Armstrong referenced the written report included in the meeting materials. He summarized his recent training presented in October to the International Code Council of Southern Nevada and upcoming training presentation scheduled before the Legislative Counsel Bureau in November. Executive Director Armstrong shared that he and Commission Counsel Jensen would be attending the Conference on Government Ethics Law in early December. He informed the Commission that staff have selected a design and initial topics for the process of updating the Ethics Manual. Executive Director noted that the manual will include links to relevant Commission Opinions.

b. Budget Update: Executive Director Armstrong stated that the Commission was approaching the Fiscal Year halfway point and will likely need a minor work program in Category 1 for personnel costs due to Cost of Living Adjustments (COLA).

c. Staffing and Recruitment: Executive Director Armstrong shared that the Outreach and Education Specialist position had been approved by all applicable parties and is in the que to be posted on the State's recruitment website. He acknowledged that once it was posted the recruitment would be open for 14 days. Executive Director Armstrong ensured he would keep the Commission apprised of the status of the recruitment.

d. Upcoming Meetings: Executive Director Armstrong outlined dates and locations for the upcoming Commission meetings in January (Reno) and March (Las Vegas) and noted that there would not be a meeting in December. He referenced the meeting dates and locations outlined in his written report.

Commissioner Lowry asked a clarifying question regarding the work program Executive Director Armstrong mentioned during his report and Executive Director Armstrong provided that clarification. Commissioner Lowry asked for the title of the new position and Executive Director Armstrong responded that the new position title is Outreach and Education Specialist.

Chair Wallin shared her preference that the next rural meeting be held in Winnemucca.

Commissioner Olsen thanked Executive Director Armstrong.

Commissioner Olsen moved to accept the Executive Director's agency status report as presented. Commissioner Moran seconded the motion. The motion was put to a vote and carried as follows:

Chair Wallin:	Aye.
Vice-Chair Towler:	Aye.
Commissioner Lowry:	Aye.
Commissioner Moran:	Aye.
Commissioner Olsen:	Aye.
Commissioner Scherer:	Aye.

10. Commissioner Comments on matters including, without limitation, identification of future agenda items, upcoming meeting dates and meeting procedures. No action will be taken under this agenda item.

Chair Wallin welcomed Commissioner Scherer to the Commission and thanked him for his contributions during the meeting.

Commissioner Moran echoed Chair Wallin's welcome to Commissioner Scherer to the Commission and shared that he was looking forward to working with him on the Commission.

Chair Wallin thanked staff for their hard work, specifically Commission Counsel Jensen for her work for the meeting and Investigator Terry for driving Commissioners and staff to Tonopah.

11. Public Comment.

Nye County Commissioner Bruce Jabbour provided public comment and an anecdote about his personal policy to not accept contributions. He thanked Commission Counsel Jensen for her presentation and thanked the Commission for having their meeting in Nye County and for doing what is right and not what is easy.

12. Adjournment.

Vice-Chair Towler made a motion to adjourn the public meeting. Commissioner Olsen seconded the motion. The Motion was put to a vote and carried unanimously.

The meeting was adjourned at 11:39 a.m.

Minutes prepared by:

/s/ Kari Pedroza

Kari Pedroza
Executive Assistant

/s/ Ross Armstrong

Ross Armstrong, Esq.
Executive Director

Minutes approved December 7, 2023:

/s/ Kim Wallin

Kim Wallin, CPA, CMA, CFM
Chair

/s/ Thoran Towler

Thoran Towler, Esq.
Vice-Chair



704 W. NYE LANE, SUITE 204
CARSON CITY, NEVADA 89703
(775) 684-5469

Informational Statement Exhibit A

4. A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3, as provided to the agency.

- **Workshop – November 8, 2023**

Attended – 10

8 in-person

Bruce Jabbour
Nye County Commissioner
101 Radar Road, Tonopah NV 89049
(775) 482-7320
Cell phone: (775) 277-0333
Email: bjjabbour@nyecountynv.gov

The other 7 in-person attendees did not provide any identifying information, other than that they were employees of Nye County.

2 via Zoom

vsteed (name listed in Zoom), no other information provided
Wayne Carlson (name listed in Zoom), no other information provided

- **Public Hearing – April 17, 2024**

Attended – 3

3 via Zoom

Citizen (name listed in Zoom), no other information provided
kirk walder (name listed in Zoom), no other information provided
17754401809 (number listed in Zoom), no other information provided