

**PROPOSED REGULATION OF THE  
COMMISSION ON ETHICS**

**LCB File No. R038-98**

March 17, 1998

EXPLANATION – Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

AUTHORITY: §§2-39, NRS 281.471.

**Section 1.** Chapter 281 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 34, inclusive, of this regulation.

**Sec. 2.** *As used in NAC 281.015 to 281.185, inclusive, and sections 2 to 34, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in NAC 281.015 and sections 3 to 8, inclusive, of this regulation have the meanings ascribed to them in those sections.*

**Sec. 3.** *“Chairman” means the chairman of the commission.*

**Sec. 4.** *“Hearing on the matter” and “hearing” mean a hearing on the merits of a request for an opinion that is conducted for a purpose other than to determine whether there is just and sufficient cause to render an opinion in the matter.*

**Sec. 5.** *“Party” includes:*

- 1. The requester, as defined in section 24 or 30 of this regulation;*
- 2. The subject of the request, as defined in section 25 or 31 of this regulation; and*
- 3. Any other person who the commission determines will be treated as a party in the matter.*

**Sec. 6.** *“Person” means a natural person, any form of business or social organization, or any public or private entity, including, but not limited to:*

- 1. A government, governmental agency or political subdivision of a government; or*
- 2. A corporation, partnership, association, trust or unincorporated organization.*

**Sec. 7.** *Except as otherwise provided in sections 23 and 29 of this regulation, “request for an opinion” and “request” mean a request for an opinion that is made pursuant to NRS 281.511, 294A.345 or 294A.346.*

**Sec. 8.** *“Vice chairman” means the vice chairman of the commission.*

**Sec. 9.** *1. The provisions of NAC 281.015 to 281.185, inclusive, and sections 2 to 34, inclusive, of this regulation are hereby declared to be severable.*

*2. If any provision of NAC 281.015 to 281.185, inclusive, or sections 2 to 34, inclusive, of this regulation 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 NAC 281.015 to 281.185, inclusive, or sections 2 to 34, inclusive, of this regulation that can be given effect without the invalid provision or application.*

**Sec. 10.** *1. Except as otherwise provided in subsection 2, the provisions of NAC 281.165 and sections 10 to 34, inclusive, of this regulation govern all practice and procedure before the commission for all proceedings related to a request for an opinion, and those provisions will be liberally construed to secure the just, speedy and economical determination of all issues related to a request for an opinion.*

*2. The commission will allow deviation from the provisions of NAC 281.165 and sections 10 to 34, inclusive, of this regulation if the person seeking the deviation shows:*

- (a) Good cause for the deviation; and*
- (b) That the deviation will not materially affect the interests of the party who is the subject of the request.*

**Sec. 11.** *Each written communication or document sent to the commission:*

- 1. Must be addressed to the office of the commission; and*
- 2. Except as otherwise provided in sections 22 to 27, inclusive, of this regulation, shall be deemed to be filed only when the written communication or document is received at the office of the commission.*

**Sec. 12.** *1. The commission and its staff may conduct an investigation related to a request for an opinion according to those methods that the commission determines are reasonable and necessary under the circumstances surrounding the request.*

*2. For the purposes of subsection 2 of NRS 281.511:*

- (a) The commission may conduct an investigation before or after the commission has made a determination that there is just and sufficient cause to render an opinion in the matter; and*
- (b) The investigation may go beyond the issues or facts presented in the request.*

**Sec. 13.** *The commission may consolidate into one proceeding any matters that the commission determines share common issues or facts. The commission may consolidate such matters in whole or in part.*

**Sec. 14.** *1. All motions related to a request for an opinion must be made before the hearing on the matter unless the cause for the motion arises at and during the hearing on the matter.*

2. *A motion that is made before the hearing on the matter must be in writing and must be filed at the office of the commission not later than 12 days before the date of the hearing. In addition, the 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, including, but not limited to, any person who the commission has determined will be treated as a party in the matter.*

3. *The chairman shall rule upon a motion that is made before the hearing on the matter and shall issue a written order containing his ruling.*

4. *Before ruling upon a motion that is made before the hearing on the matter, the chairman, in his discretion, may direct a party or any other person interested in the matter to respond to the motion.*

5. *At the hearing on the matter, the commission may allow a party whose motion was decided by the chairman to argue his motion for consideration and ruling by the commission.*

6. *The commission may deny a motion that is made at the hearing on the matter without considering its merits, if the commission determines that the motion could have been made before the hearing.*

**Sec. 15.** *A party is not entitled to discovery, including, but not limited to, any discovery set forth in N.R.C.P. 26 to 37, inclusive, unless the chairman, in his discretion, orders discovery upon his own motion or, for good cause shown, upon a motion by a party.*

**Sec. 16.** *Except as otherwise provided in NRS 281.477, before or during a hearing on the matter, the commission may grant a continuance on its own motion or, for good cause shown, upon a motion by a party.*

**Sec. 17.** *1. Except as otherwise provided in NRS 281.477 and 281.511, the commission will determine, as it deems appropriate, the order of proceedings for a hearing on the matter.*

*The commission:*

*(a) Before the hearing, may notify the parties of the order of proceedings for the hearing; and*

*(b) At the hearing, will inform the parties of the order of proceedings for the hearing and will ensure that the parties acknowledge an understanding of the order of proceedings before the commission addresses any substantive issues at the hearing.*

*2. All testimony received at the hearing must be given under oath or affirmation.*

*3. Except as otherwise provided in NRS 281.477 and 281.511, at the hearing, a party may, to the extent allowed by the commission:*

*(a) Appear before the commission;*

*(b) Participate in the proceedings;*

*(c) Be represented by counsel;*

*(d) Introduce evidence and testimony;*

*(e) Examine and cross-examine witnesses; and*

*(f) Make arguments.*

*4. Except as otherwise provided in subsection 5, the parties may, with the approval of the commission, stipulate to any fact in issue by:*

*(a) Introducing a written stipulation in evidence as an exhibit; or*

*(b) Entering oral statements on the record.*

*5. The commission may, at any time, demand proof of any facts that have been stipulated by requiring one or more parties to present evidence concerning such facts.*

*6. If a party fails to appear at the hearing, the commission may:*

*(a) Draw any negative inferences from the party's failure to appear that are reasonable under the circumstances surrounding the request; and*

*(b) Proceed to hear the merits of the request and dispose of the request based upon the evidence presented at the hearing.*

*7. Each party, counsel and all other persons at the hearing shall conduct themselves in a respectful and orderly manner.*

*8. If the hearing is conducted in a location where smoking is permitted, a person may not smoke at the hearing while it is in session unless permitted by the chairman.*

**Sec. 18.** *1. Except as otherwise provided in this section, if the proceedings of the commission are confidential pursuant to NRS 281.477 or 281.511:*

*(a) The commission will close the proceedings to the public. On the agenda for the meeting of the commission, such proceedings may be identified by the number of the request only, and the name of the party who is the subject of the request and any other identifying information that is not relevant to the proceedings must be kept confidential.*

*(b) Each party and counsel for each party may be present at the proceedings unless the proceedings involve the deliberations of the commission and the commission, in its discretion, excludes such persons from the proceedings.*

*(c) Any witness, other than a party, must be present for only that portion of the proceedings during which the witness is testifying. The chairman shall instruct each such witness that the witness may speak publicly concerning the witness's own testimony, but that the witness may not speak publicly concerning any statement made by a member of the commission or any other person who was present during the testimony of the witness.*

*2. A party who is the subject of the request may require that any confidential proceedings concerning the request be open to the public, unless the proceedings involve the deliberations of the commission and the commission, in its discretion, determines that those proceedings should not be open to the public.*

*3. If proceedings concern a request that is made pursuant to subsection 1 of NRS 281.511, the commission will open such proceedings to the public if:*

*(a) The commission consolidates the request with a request that is made pursuant to paragraph (b) of subsection 2 of NRS 281.511;*

*(b) The requests concern the same conduct of the party who is the subject of those requests; and*

*(c) The commission determines that there is just and sufficient cause to render an opinion in the matter.*

*4. If proceedings are opened to the public pursuant to subsection 3, the commission will disclose each request, any motion, evidence or record of a hearing related to each request, and the contents of the opinion rendered in the matter.*

**Sec. 19.** *1. If an opinion is rendered by the commission, the commission's staff shall prepare the opinion. Except as otherwise provided in NRS 281.477, the opinion must:*

- (a) Include written findings of fact and conclusions of law;*
- (b) State plainly each violation alleged against the party who is the subject of the opinion, the legal citation for each such violation and the facts that support each such violation;*
- (c) Be numbered and dated and signed by the chairman; and*
- (d) Be served upon the requester and the subject of the request by certified mail.*

*2. Except at otherwise provided in NRS 281.477, the commission will issue an opinion not later than 60 days after the final hearing on the matter, unless the commission, in its discretion, determines to extend the 60-day period. The commission will notify the parties of any determination to extend the 60-day period.*

**Sec. 20.** *The commission will maintain the following separate and segregated sets of files related to requests for opinions:*

- 1. Files that are confidential pursuant to NRS 281.477 or 281.511; and*
- 2. Files that are not confidential pursuant to NRS 281.477 or 281.511 or section 18 of this regulation and files for which there has been an express or implied waiver of confidentiality.*

**Sec. 21.** *1. Except as otherwise provided in this section, to obtain copies of public records from the commission, a person must:*

- (a) File a written request at the office of the commission or appear personally at the office of the commission; and*
- (b) Before the copies are made, pay the actual cost of the copies or an estimate of the actual cost, as determined by the commission's staff, unless the commission's staff, in its discretion and based upon its experience with the person requesting the copies, allows the person to pay the actual cost of the copies when the copies are provided to the person.*



2. *Except as otherwise provided in this section, the cost of obtaining copies of public records from the commission is 10 cents for each page of the public record that is copied.*

3. *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 office of the commission or appear personally at the office of the commission and:*

*(a) Pay for copies of the transcript pursuant to the provisions of subsections 1 and 2 if, at the time of the request, a transcript concerning the matter has been prepared by the commission's staff; or*

*(b) Pay for copies of the transcript pursuant to the provisions of NRS 239.053 or, with the approval of the commission, pursuant to arrangements made directly with the court reporter, if the provisions of paragraph (a) do not otherwise apply.*

4. *A person may not obtain copies of a transcript concerning a matter that was recorded by the commission unless the contents of the proceedings concerning that matter may be disclosed to that person pursuant to the provisions of NRS 281.411 to 281.581, inclusive, NAC 281.165 and sections 10 to 34, inclusive, of this regulation.*

5. *A court reporter may 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 to do so.*

6. *The commission may waive all or a portion of the cost of obtaining copies of public records or a transcript if the person requesting the copies files a written request for such a waiver at the 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.*

**Sec. 22.** *As used in sections 22 to 27, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 23, 24 and 25 of this regulation have the meanings ascribed to them in those sections.*

**Sec. 23.** *“Request for an opinion” and “request” mean a request for an opinion that is made pursuant to NRS 294A.345 or 294A.346.*

**Sec. 24.** *“Requester” means a person who makes a request for an opinion pursuant to NRS 294A.345 or 294A.346.*

**Sec. 25.** *“Subject of the request” means a person who is the subject of a request for an opinion that is made pursuant to NRS 294A.345 or 294A.346.*

**Sec. 26.** *1. To request an opinion pursuant to NRS 294A.345 or 294A.346, a requester must:*

*(a) Make the request, in writing, on a form provided by the commission;*

*(b) Include with the request:*

*(1) All evidentiary materials and arguments in support of the request; and*

*(2) A list containing the name, address and telephone number of each person who will or could provide testimony in support of the request; and*

*(c) File at the office of the commission:*

*(1) The original form and all evidentiary materials required by this subsection; and*

*(2) Nine copies of the original form and all evidentiary materials.*

2. *A request shall be deemed to have not been filed with the commission and will be returned to the requester if the request:*

*(a) Is not on the form provided by the commission;*

*(b) Is not fully completed or does not include the evidentiary materials or number of copies required by the provisions of subsection 1; or*

*(c) Does not otherwise comply with the provisions of subsection 1.*

3. *If a request is properly filed pursuant to this section, the commission's staff shall:*

*(a) Notify the subject of the request in accordance with subsection 3 of NRS 281.477;*

*(b) Notify the requester by telephone of the date, time and place of the hearing on the matter and confirm that notice, in writing, after the telephonic notice; and*

*(c) Include with the written notices that are provided to the subject of the request and the requester pursuant to this subsection:*

*(1) Copies of NRS 281.477, 281.551, 294A.345 and 294A.346; and*

*(2) Copies of the relevant provisions of NAC 281.015 to 281.185, inclusive, and sections 2 to 34, inclusive, of this regulation.*

4. *At the hearing on the matter, the commission may refuse to allow any evidence that was not included with the request and may refuse to allow any testimony from a person who was not listed as a potential witness with the request.*

**Sec. 27.** 1. *If a request for an opinion is properly filed pursuant to section 26 of this regulation, the subject of the request shall file a response at the office of the commission in accordance with subsection 4 of NRS 281.477 and the provisions of this section.*

2. *The response must be in writing and must include:*

*(a) All evidentiary materials and arguments in support of the response; and*

*(b) A list containing the name, address and telephone number of each person who will or could provide testimony in support of the response.*

*3. The original response and all evidentiary materials must be transmitted by facsimile machine, delivered by personal service or placed in overnight mail by the close of business on the second business day following receipt of notice of the request pursuant to subsection 3 of NRS 281.477. In addition, if the original response and evidentiary materials are delivered by personal service or placed in overnight mail, the delivery or mailing must include nine copies of the original response and all evidentiary materials.*

*4. A response shall be deemed to have not been filed with the commission and will be returned to the subject of the request if the response does not include the evidentiary materials or number of copies required by the provisions of this section or does not otherwise comply with the provisions of this section.*

*5. The subject of the request shall provide a copy of his response and evidentiary materials to the requester. The copy of the response and evidentiary materials must be transmitted by facsimile machine, delivered by personal service or placed in overnight mail on the same day that the response and evidentiary materials are transmitted, delivered or mailed to the commission.*

*6. At the hearing on the matter, the commission may refuse to allow any evidence that was not included with the response and may refuse to allow any testimony from a person who was not listed as a potential witness with the response.*

**Sec. 28.** *As used in sections 28 to 34, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 29, 30 and 31 of this regulation have the meanings ascribed to them in those sections.*

**Sec. 29.** *“Request for an opinion” and “request” mean a request for an opinion that is made pursuant to NRS 281.511.*

**Sec. 30.** *“Requester” means a person who makes a request for an opinion pursuant to NRS 281.511.*

**Sec. 31.** *“Subject of the request” means a person who is the subject of a request for an opinion that is made pursuant to NRS 281.511.*

**Sec. 32.** *1. To request an opinion pursuant to NRS 281.511, a requester must:*

*(a) Make the request, in writing, on a form provided by the commission;*

*(b) Sign the form; and*

*(c) File the form and all evidentiary materials required by this section at the office of the commission.*

*2. If the request is made pursuant to paragraph (b) of subsection 2 of NRS 281.511, the form must include, immediately before the signature line for the requester, a statement indicating to the requester that, by signing the form, he affirms that:*

*(a) The accusation or information contained in the request is true;*

*(b) He did not submit the request in bad faith or with a vexatious purpose; and*

*(c) He understands that the commission may impose penalties upon him pursuant to NRS 281.551 if the commission determines that the accusation or information is false and was*

*submitted in bad faith, with a vexatious purpose or in connection with a request for an opinion that the commission determines to be without merit.*

*3. In addition to the requirements of subsections 1 and 2, a request must include:*

*(a) All evidentiary materials reasonably available to the requester that support the request or would assist the commission in reviewing the request; and*

*(b) If the requester has knowledge of other persons who will or could provide testimony related to the request, a list containing the name, address and telephone number of each such person.*

*4. Upon receipt of a properly filed request, the commission's staff shall assign a number to the request and shall provide written acknowledgment of receipt of the request and the number assigned to the request to the requester and the subject of the request. If the request is made pursuant to paragraph (b) of subsection 2 of NRS 281.511, the written acknowledgment provided to the subject of the request must include a copy of the request and all evidentiary materials filed by the requester.*

**Sec. 33.** *1. If a request that is made pursuant to paragraph (b) of subsection 2 of NRS 281.511 is properly filed, the commission will review the request to determine whether there is just and sufficient cause to render an opinion in the matter.*

*2. Before the commission determines whether there is just and sufficient cause to render an opinion in the matter, the subject of the request and counsel may appear at the hearing and, to the extent allowed by the commission, may present evidence, testimony and argument concerning the request if, not later than 10 days before the hearing, the subject of the request*

*files a written request at the office of the commission to present such evidence, testimony and argument at the hearing.*

*3. In determining whether there is just and sufficient cause to render an opinion in the matter, the commission:*

*(a) Will consider the information provided with the request, any information gathered by the commission and its staff, and any evidence, testimony or argument presented by the subject of the request;*

*(b) Will not consider information, evidence, testimony or argument presented by a person other than the subject of the request unless the commission, in its discretion, allows such information, evidence, testimony or argument to be presented;*

*(c) May postpone or defer its determination pending receipt of any additional information, evidence, testimony or argument that is necessary to make a reasoned determination; and*

*(d) May consider, without limitation:*

*(1) Whether the commission has jurisdiction over the matter;*

*(2) Whether the commission previously has rendered an opinion concerning an analogous matter;*

*(3) Whether the matter presents important or novel questions of fact or law; and*

*(4) Whether the matter presents important or novel questions of public interest or public policy.*

*4. If the commission determines that there is not just and sufficient cause to render an opinion in the matter, the commission will notify the requester and the subject of the request and will include with that notice a statement which sets forth the reasons that just and sufficient*

*cause was not found in the matter.*

*5. If the commission determines that there is just and sufficient cause to render an opinion in the matter, the commission:*

*(a) Will notify the requester and the subject of the request and will include with that notice a statement which sets forth the questions and issues that the commission intends to consider in its review of the matter; and*

*(b) May direct its staff to assist in the preparation and presentation of the matter at future proceedings before the commission. If the commission so directs its staff, the commission will inform the requester and the subject of the request of its decision in the notice provided pursuant to paragraph (a).*

*6. At any time before or after the commission has determined that there is just and sufficient cause to render an opinion in the matter, the commission may reformulate any questions or issues in the matter or add questions or issues to the matter that go beyond the issues or facts presented in the request, if such reformulation of or addition to the questions or issues in the matter is reasonably supported by information gathered during investigation of the matter or evidence or testimony presented during the proceedings. If the commission decides to reformulate or add to the questions or issues in the matter, the commission will provide notice of its decision to the subject of the request.*

**Sec. 34.** *1. The commission may, in confidential proceedings and on its own motion pursuant to paragraph (c) of subsection 2 of NRS 281.511, request an opinion concerning the propriety of conduct by a public officer or employee. If the commission initiates such a request, the commission will notify the public officer or employee who is the subject of the request and*



*will include with that notice a statement which:*

*(a) Sets forth the general allegations that the commission will consider at the hearing to determine whether there is just and sufficient cause to render an opinion in the matter; and*

*(b) Informs the subject of the request that such a hearing is confidential unless there is an express or implied waiver of that confidentiality by the subject of the request pursuant to NRS 281.511.*

*2. Before the commission determines whether there is just and sufficient cause to render an opinion in the matter, the subject of the request and counsel may appear at the hearing and, to the extent allowed by the commission, may present evidence, testimony and argument concerning the request if, not later than 10 days before the hearing, the subject of the request files a written request at the office of the commission to present such evidence, testimony and argument at the hearing.*

*3. In determining whether there is just and sufficient cause to render an opinion in the matter, the commission:*

*(a) Will consider any information gathered by the commission and its staff and any evidence, testimony or argument presented by the subject of the request;*

*(b) Will not consider information, evidence, testimony or argument presented by a person other than the subject of the request unless the commission, in its discretion, allows such information, evidence, testimony or argument to be presented;*

*(c) May postpone or defer its determination pending receipt of any additional information, evidence, testimony or argument that is necessary to make a reasoned determination; and*

*(d) May consider, without limitation:*

- (1) Whether the commission has jurisdiction over the matter;*
- (2) Whether the commission previously has rendered an opinion concerning an analogous matter;*
- (3) Whether the matter presents important or novel questions of fact or law; and*
- (4) Whether the matter presents important or novel questions of public interest or public policy.*

*4. If the commission determines that there is not just and sufficient cause to render an opinion in the matter, the commission will notify the subject of the request and will include with that notice a statement which sets forth the reasons that just and sufficient cause was not found in the matter.*

*5. If the commission determines that there is just and sufficient cause to render an opinion in the matter, the commission:*

*(a) Will notify the subject of the request and will include with that notice a statement which sets forth the questions and issues that the commission intends to consider in its review of the matter and which informs the subject of the request that the matter is no longer confidential; and*

*(b) May direct its staff to assist in the preparation and presentation of the matter at future proceedings before the commission. If the commission so directs its staff, the commission will inform the subject of the request of its decision in the notice provided pursuant to paragraph (a).*

*6. At any time before or after the commission has determined that there is just and sufficient cause to render an opinion in the matter, the commission may reformulate any*

*questions or issues in the matter or add questions or issues to the matter that go beyond the issues or facts presented in the request, if such reformulation of or addition to the questions or issues in the matter is reasonably supported by information gathered during investigation of the matter or evidence or testimony presented during the proceedings. If the commission decides to reformulate or add to the questions or issues in the matter, the commission will provide notice of its decision to the subject of the request.*

**Sec. 35.** NAC 281.015 is hereby amended to read as follows:

281.015 [As used in NAC 281.015 to 281.185, inclusive, unless the context otherwise requires, “commission”] *“Commission”* means the commission on ethics.

**Sec. 36.** NAC 281.045 is hereby amended to read as follows:

281.045 1. The vice chairman shall perform the duties of the chairman during the chairman’s absence.

2. The chairman may delegate, with the concurrence of the commission, assignments to members of the commission or [its employees.] *the commission’s staff.*

**Sec. 37.** NAC 281.085 is hereby amended to read as follows:

281.085 1. Four affirmative votes of members of the commission are necessary to render an opinion. [A]

2. *Except as otherwise provided in NAC 281.015 to 281.185, inclusive, and sections 2 to 34, inclusive, of this regulation, a majority vote of the members present at a meeting is sufficient for all other business of the commission.*

**Sec. 38.** NAC 281.165 is hereby amended to read as follows:

281.165 1. *If an opinion rendered by the commission pursuant to subsection 1 of NRS 281.511 is confidential and there has not been an express or implied waiver of that confidentiality, the commission will publish a hypothetical opinion abstracted from the confidential opinion not later than 45 days after the confidential opinion is issued to the party who requested the opinion.*

2. A hypothetical opinion [issued] *published* by the commission will be kept on file in the office of the secretary of state and copies distributed to:

[1.] (a) The state library and each law library and public library located in this state;

[2.] (b) Each county clerk and city clerk in this state;

[3.] (c) The Reno Gazette-Journal, the Las Vegas Review-Journal, the Las Vegas Sun, the Nevada Appeal and, upon request, any other newspaper in this state;

[4.] (d) The department of personnel of the state government and the corresponding department of each political subdivision of the state, if the opinion relates to the conduct of a public officer or employee of the state or a political subdivision; and

[5.] (e) Any other person or organization, upon request and payment of a reasonable fee.

**Sec. 39.** NAC 281.055, 281.075, 281.095, 281.105, 281.115, 281.125, 281.135, 281.145 and 281.155 are hereby repealed.

---

---

## TEXT OF REPEALED SECTIONS

---

---

**281.055 Mailing address.** The mailing address of the commission is Capitol Complex, Carson City, Nevada 89710.

**281.075 Public notice of meeting closed to public.** Public notice of any meeting closed to the public will be given at least 3 working days before the meeting.

**281.095 Written minutes of meeting closed to public; duties of secretary.**

1. The commission will keep written minutes of each meeting closed to the public including:

- (a) The date, time and place of the meeting;
- (b) The names of those members of the commission present and absent;
- (c) The substance of all matters proposed, discussed and decided; and
- (d) If requested by any member, a record of each member's vote on any matter.

2. A secretary, appointed by the chairman with the approval of the commission, shall prepare and keep the minutes and maintain other records of the commission's meetings.

**281.105 Records.** The records of the commission will be available at the office of the secretary of state.

**281.115 Opinions: Filing of request; delay to allow appearance of or additional information from person who requests opinion.**

1. A public officer or employee or a specialized or local ethics committee who requests an opinion shall submit a request to the commission. The request must be:

- (a) In writing;
- (b) Signed by the public officer or employee or presiding officer of the committee; and
- (c) Notarized, if it is made pursuant to subsection 2 of NRS 281.511.

The chairman shall send a copy of the request to each member of the commission.

2. Unless this requirement is waived by the chairman, a request for an opinion must be filed with the commission at least 15 days before a meeting of the commission in order to be considered at that meeting. Any request which is not so filed will be considered at the next meeting of the commission.

3. If the commission chairman or any member of the commission requests the appearance of, or additional information from, the public officer or employee or committee who requests an opinion, consideration of the request for an opinion will be delayed until a later meeting.

**281.125 Opinions: Assignment of request to member of commission.** The chairman may assign a request for an opinion to a member of the commission for presentation to the commission.

**281.135 Opinions: Person who is subject of request may require opening of meeting to public.** Any public officer or employee who is the subject of a request for an opinion may require that the meeting which is devoted to discussing that request be open to the public.

**281.145 Opinions: Findings of fact and conclusions; final draft; numbering and dating.**

1. The draft of the findings of fact and conclusions as to relevant standards and propriety of conduct prepared by the attorney general must be sent to each member of the commission for review. The chairman, after taking into consideration any comments, modifications or objections of the members and after further consultation with the attorney general, shall issue the final draft of the opinion over the name of the commission.

2. All opinions of the commission will be numbered and dated.

**281.155 Opinions: Invitation to appear before commission before opinion released.**

The commission will invite any person about whom an opinion was requested to appear before the commission before releasing the opinion to the public.