

PROPOSED REGULATION OF THE COMMISSION ON ETHICS

LCB File No. R134-10

Proposed Permanent Regulation Amending NAC 281A

This document represents an informal codification of R084-08 into NAC 281A prepared by Commission staff. Official codification of R084-08 has not yet been completed by LCB. This unofficial codification includes the amendments from R08-84 with new language in *bold blue italics* and deleted language in ~~red-strikethrough~~.

The Commission requests the following new regulatory amendments:

- 1) Any amendments necessary to comply with the statutory amendments to NRS 281A established in Senate Bill 160 of the 2009 Nevada Legislative Session, including internal references and substantive changes.
- 2) In addition to the SB 160 changes, the Commission seeks the following amendments represented as new language in *bold italics* and deleted language in ~~red-strikethrough~~.

CHAPTER 281A - ETHICS IN GOVERNMENT

GENERAL PROVISIONS

281A.010	Definitions.
281A.015	“Advisory opinion” defined.
281A.020	“Chairman” defined.
<i>281A.XXA</i>	<i>“Commission” defined</i>
281A.025	“Commission Counsel” defined.
281A.030	“Ethics complaint” defined.
<i>281A.XXB</i>	<i>“Executive Director” defined</i>
281A.035	“Hearing” defined.
281A.040	“Information related to the complaint” defined.
281A.045	“Investigate” defined.
281A.050	“Opinion” defined.
281A.055	“Panel” defined.
281A.060	“Party” defined.
281A.065	“Presiding officer” defined.
281A.070	“Principal office of the Commission” defined.
281A.075	“Proceedings of a panel” defined.
281A.080	“Proper form” defined.
281A.085	“Record of the proceedings of a panel” defined.
281A.090	“Requester” defined.
281A.095	“Statement of financial disclosure” defined.
281A.100	“Subject” defined.
281A.105	“Vice Chairman” defined.
281A.110	Severability.
<i>281A.XXC</i>	<i>Consanguinity</i>

COMMISSION ON ETHICS

Administration

- 281A.150 Election of Chairman and Vice Chairman.
- 281A.155 Duties of Chairman; delegation of assignments.
- 281A.160 Duties of Vice Chairman.
- 281A.165 Vacancy in office of Chairman.
- 281A.170 Vacancy in office of Vice Chairman.
- 281A.175 Appointment of temporary Acting Chairman or Vice Chairman in certain circumstances.
- 281A.180 Duties of Executive Director.
- 281A.185 Preparation of written opinions by Commission Counsel.
- 281A.190 Principal office of Commission: Designation; primary location for conduct of business.
- 281A.195 Participation of member of Commission in ex parte communication.
- 281A.200 Meetings of Commission: Quorum required; sufficiency of majority vote.

General Practice and Procedure Before Commission

- 281A.250 Provisions governing practice and procedure: Applicability; construction; deviation.
- NAC 281A.XXD Executive Director Recommendation to Initiate Ethics Complaint***
- 281A.255 Written communications and documents: Form and contents; date and manner of filing.
- 281A.260 Consolidation of matters.
- 281A.265 Motions.
- 281A.270 Discovery.
- 281A.275 Stipulations.
- 281A.280 Oaths.
- 281A.285 Subpoenas.
- 281A.290 Testimony in person required; exception.
- 281A.295 Conduct of persons at meetings and hearings; consequences of improper conduct.
- 281A.300 Representation of subject by legal counsel.

Advisory Opinions

- 281A.350 Proper form required for requests.
- 281A.355 Withdrawal of request.
- 281A.360 Determination of jurisdiction: Duties of Executive Director; request for review.

NAC 281A.XXE Timelines for Advisory Hearings; Waiver; Failure to Appear Deemed Withdrawal

- 281A.365 Conduct of hearings; action by Commission; effect of opinion; confidentiality.

Ethics Complaints

- 281A.400 Proper form required; filing; contents; withdrawal.
- 281A.405 Duties of Executive Director; review of determination regarding jurisdiction.

- 281A.410 Notification of subject; filing of response.
- 281A.415 Investigation of additional issues and facts by Executive Director; provision of additional notice to subject.
- 281A.420 Confidentiality and availability of information.
- 281A.425 Confidentiality of proceedings of panel.
- 281A.430 Considerations of panel.
- 281A.435 Basis for finding by panel; unanimous finding required for determination that no just and sufficient cause exists.
- 281A.440 Recording and contents of final determination by panel that just and sufficient cause exists.
- 281A.445 Record of proceedings of panel.
- 281A.450 Hearings: Advance written notice.
- 281A.455 Hearings: Continuance.
- 281A.460 Hearings: Conduct; action by Commission.
- 281A.465 Hearings: Admission and exclusion of evidence.
- 281A.470 Failure of subject to appear at hearing or reply to notice.

General Procedures for Hearings

- 281A.500 Executive Director to provide information to Commission.
- 281A.505 Motion to disqualify member of Commission for good cause.
- 281A.510 Commission to determine order of proceedings.
- 281A.515 Testimony: Oath or affirmation required.
- 281A.520 Participation by subject of hearing; questioning of witnesses.

Miscellaneous Provisions

- 281A.550 Written opinions: Contents; dissemination.
- 281A.555 Petitions to adopt, file, amend or repeal regulations.
- 281A.560 Obtaining copies of public records or transcripts; payment of costs of public records.

FINANCIAL DISCLOSURE STATEMENTS

- 281A.610 “Entitled to receive annual compensation” interpreted.
- 281A.615 Proper form of statements required; availability of form; date of filing.

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.015](#) to [281A.105](#), inclusive, have the meanings ascribed to them in those sections.

NAC 281A.015 [~~“Advisory opinion”~~] “Request for Opinion – Advisory” defined. ([NRS 281A.290](#)) [~~“Advisory opinion”~~] “Request for Opinion – Advisory” means an opinion rendered by the Commission upon the request of a public officer or public employee pursuant to subsection 1 of [NRS 281A.440](#).

- (Need to change terminology throughout NAC)

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

NAC 281A.XXA “Commission” defined. ([NRS 281A.290](#)) “Commission” means the Commission on Ethics. (Sec. 2 of Regulation R084-08)

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](#).

NAC 281A.030 ~~“Ethics complaint”~~ “Request for Opinion – Adversarial” defined. ([NRS 281A.290](#)) ~~“Ethics complaint”~~ “Request for Opinion – Adversarial” means a request for an opinion submitted to the Commission pursuant to *paragraph (a) or (b) of subsection 2 of NRS 281A.440* ~~or~~ *initiated by the Commission on its own motion pursuant to paragraph (c) of subsection 2 of NRS 281A.440.* (Sec. 7 of Regulation R084-08)

- (Need to change terminology throughout NAC)

NAC 281A.XXB “Executive Director” defined. ([NRS 281A.2909](#)) “Executive Director” means the Executive Director appointed by the Commission pursuant to [NRS 281A.230](#). (Sec. 3 of Regulation R084-08)

NAC 281A.035 “Hearing” defined. ([NRS 281A.290](#)) “Hearing” means a hearing concerning:

1. The merits of an ethics complaint; or
2. An advisory opinion.

NAC 281A.040 “Information related to the complaint” defined. ([NRS 281A.290](#)) “Information related to the *ethics* complaint” includes, without limitation:

1. An ethics complaint;
2. All investigative materials and information related to the ethics complaint, including, without limitation, any investigation report;
3. Each document in the possession of the Commission or its staff related to the ethics complaint; and
4. The record of the proceedings of a panel related to the ethics complaint.

→ The term does not include any confidential information unless the confidentiality ~~for~~ of the information has been expressly or impliedly waived. (Sec. 8 of Regulation R084-08)

NAC 281A.045 “Investigate” 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.

NAC 281A.050 “Opinion” defined. ([NRS 281A.290](#)) “Opinion” means a quasi-judicial decision rendered by the Commission pursuant to [NRS 281A.440](#).

NAC 281A.055 “Panel” or “Investigatory Panel” defined. ([NRS 281A.290](#)) “Panel” or “Investigatory Panel” has the meaning ascribed to it in [NRS 281A.140](#).

NAC 281A.060 “Party” defined. ([NRS 281A.290](#)) “Party” means the subject of the request and any other person who the Commission determines will be treated as a party in the matter before the Commission. The term does not include the requester of an ethics complaint unless the Commission, in its discretion, determines otherwise.

NAC 281A.065 “Presiding officer” defined. ([NRS 281A.290](#)) “Presiding officer” means a member of the Commission appointed by the Chairman to preside over a hearing.

NAC 281A.070 “Principal office of the Commission” defined. ([NRS 281A.290](#)) “Principal 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.

NAC 281A.075 “Proceedings of a panel” defined. ([NRS 281A.290](#)) “Proceedings of a panel” means a review *in accordance with NAC 281A.430 and a final determination* by a panel ~~[of the recommendation of the Executive Director]~~ concerning ~~[an ethics complaint as to]~~ whether the Commission has jurisdiction over an ethics complaint ~~[or]~~ *and* whether just and sufficient cause exists for the Commission to render an opinion *on a matter alleged in a request for opinion brought* pursuant to subsection 2 of [NRS 281A.440](#). For the purposes of this chapter, the proceedings of a panel do not constitute a hearing.

NAC 281A.080 “Proper form” defined. ([NRS 281A.290](#)) “Proper form” means a form, available from an office or website of the Commission, which is:

1. Created by the Commission for the intended purpose of the form; and
2. Submitted to the Commission at the principal office of the Commission with all required information clearly and legibly printed or typed on the form.

NAC 281A.085 “Record of the proceedings of a panel” defined. ([NRS 281A.290](#)) “Record of the proceedings of a panel” means written *or audio* documentation memorializing the deliberations of a panel during its proceedings. (*Sec. 9 of Regulation R084-08*)

NAC 281A.090 “Requester” defined. ([NRS 281A.290](#)) “Requester” means a person or group of persons who file with the Commission an ethics complaint pursuant to subsection 2 of [NRS 281A.440](#).

NAC 281A.095 “Statement of financial disclosure” defined. ([NRS 281A.290](#)) “Statement of financial disclosure” means the form which a public officer who is appointed to an office must file with the Commission pursuant to [NRS 281A.600](#).

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

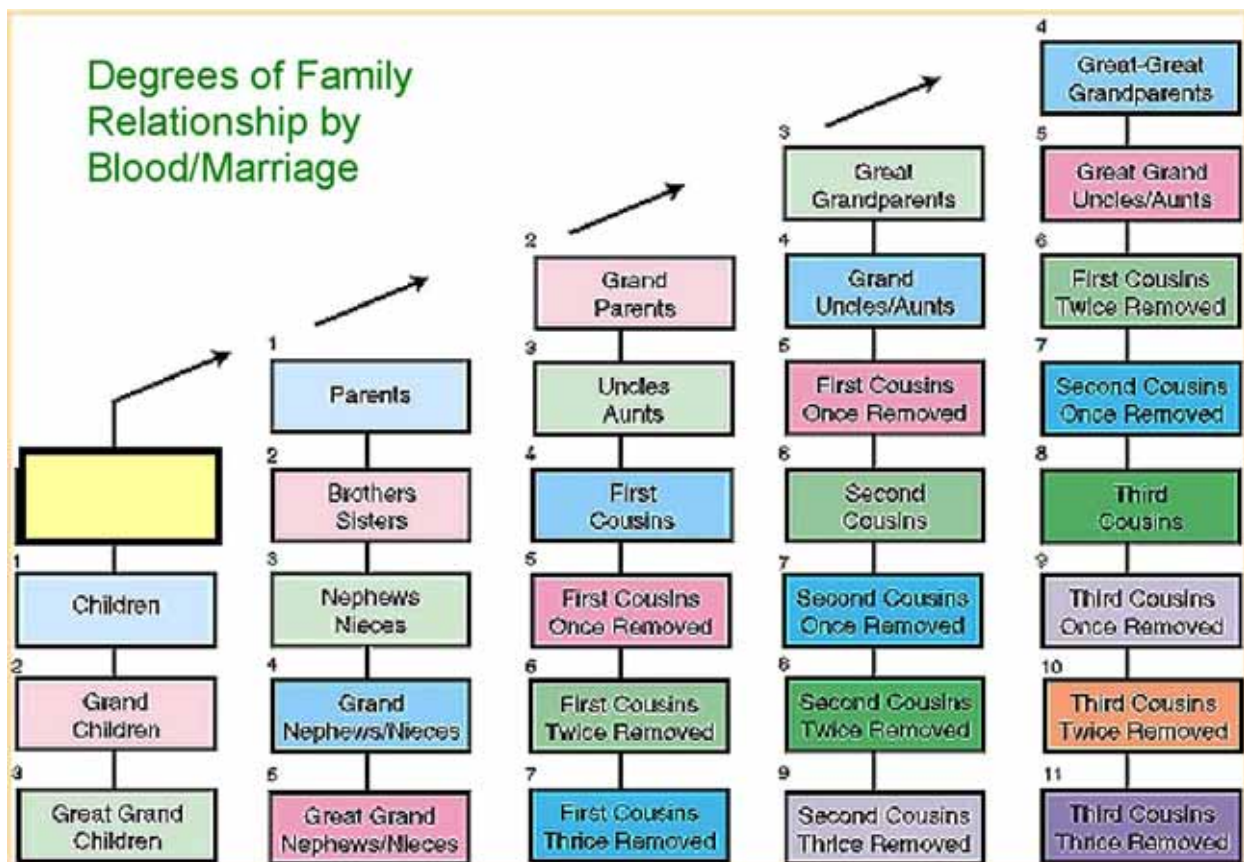
1. Against whom an ethics complaint has been filed pursuant to subsection 2 of [NRS 281A.440](#); or
2. Who files a request for an advisory opinion pursuant to subsection 1 of [NRS 281A.440](#).

NAC 281A.105 “Vice Chairman” defined. ([NRS 281A.290](#)) “Vice Chairman” means the Vice Chairman of the Commission.

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.

NAC 281A.XXC Consanguinity. (NRS 281A.290) For the purposes of NRS 281A.420 and 281A.620, the Commission will determine relationships 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. Nevada Ethics in Government Law addresses consanguinity within the third degree by blood, adoption or marriage.

For Affinity (relationship by marriage) calculations:

Place the spouse 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 and the degree of distance from the public officer/employee by affinity.

A husband and wife are related in the first degree by marriage. For other relationships by marriage, the degree of relationship is the same as the degree of underlying relationship by blood. (*Sec. 4 of Regulation R084-08*)

COMMISSION ON ETHICS

Administration

NAC 281A.150 Election of Chairman and Vice Chairman. ([NRS 281A.290](#)) The Commission will elect a Chairman and a Vice Chairman from among its members at its first meeting of each new fiscal year.

NAC 281A.155 Duties of Chairman; delegation of assignments. ([NRS 281A.290](#)) The Chairman:

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 ~~to~~, *including, without limitation, the scheduling of panels.* (*Sec. 10 of Regulation R084-08*)

NAC 281A.160 Duties of Vice Chairman. ([NRS 281A.290](#)) The Vice Chairman shall perform the duties of the Chairman during the absence of the Chairman.

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

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

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

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 ~~the Nevada Ethics in Government Law set forth in~~ [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 ~~the~~ 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. ~~[Serve as the primary contact person for the Commission concerning any questions regarding, or requests for, public information or any media relations of the Commission in accordance with any policy adopted by the Commission concerning public information.~~

4. ~~As necessary and appropriate, schedule, make any arrangements for and provide notice of any meeting or hearing of the Commission.]~~ *Adhere to the policies and procedures adopted by the Commission for its internal governance and external dealings. (Sec. 11 of Regulation R084-08).*

NAC 281A.185 Preparation of written opinions by Commission Counsel. (NRS 281A.290)

In addition to any other duties imposed on him by the Commission, the Commission Counsel shall, in a timely manner, prepare a written opinion for each ethics complaint and advisory matter heard by the Commission.

NAC 281A.190 Principal 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 requests for an opinion from the Commission.

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 participated in an ex parte communication.

2. If a member of the Commission discloses that he 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 person who has any matter pending before the Commission, or any agent of such 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.

NAC 281A.200 Meetings of Commission: Quorum required; sufficiency of majority vote. (NRS 281A.290)

1. A meeting of the Commission will not proceed without a ~~[quorum]~~ *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 ~~[for]~~ *to carry out* all business of the Commission.

2. ~~[As used in this section, “quorum” means a majority of the appointed and sworn members of the Commission.]~~ *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, subsection 2 of NRS 281A.420 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. (Sec 12 of Regulation R084-08).*

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.290](#), inclusive, govern all practice and procedure before the Commission.

2. The Commission will liberally construe the provisions of [NAC 281A.250](#) to [281A.290](#), 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.290](#), inclusive, if the deviation will not materially affect the interests of the party who is the subject of the request.

NAC 281A.XXD Executive Director Recommendation to Initiate Ethics Complaint. (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 an ethics complaint upon its own motion pursuant to paragraph (c) of subsection 2 of NRS 281A.440.*

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 by itself.*

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 allegation submitted to the Commission with the intent to avoid disclosure of the identity of the person making the allegation.

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 an ethics complaint upon its own motion pursuant to paragraph (c) of subsection 2 of NRS 281A.440. (Sec. 6 of Regulation R084-08)

NAC 281A.255 Written communications and documents: Form and contents; date and manner of filing. (NRS 281A.290)

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

(a) Be in proper form;

(b) Be clearly and legibly typed or printed on 8 1/2- by 11-inch paper, on one side only;

(c) Be addressed to the principal office of the Commission; and

(d) Include any duplicate copy required to be included with the form, as specified on the form.

2. Except as otherwise provided in ~~subsection 6 of NRS 281A.600 with regards to a statement of financial disclosure, the~~ **NAC 281A.615:**

(a) 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.

~~[3. Except as otherwise provided in NAC 281A.615, a]~~

(b) A written communication or document that is required to be filed with the Commission may not be submitted via facsimile transmission. *(Sec. 13 of Regulation R084-08)*

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 if the Commission determines that the matters share common facts and issues.

NAC 281A.265 Motions. (NRS 281A.290)

1. Motions related to an ethics complaint ~~[must]~~ *may only* be made:

(a) After a panel has made a final determination that just and sufficient cause exists 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 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 principal office of the Commission not later than ~~[12]~~ **15** days before the date of the hearing.

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.

4. The Commission, in its discretion, may allow a party making a motion to argue the motion before the Commission.

5. The Commission, in its discretion, may allow a party or any other person to respond to a motion.

6. The Chairman, in his 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 on the matter.

7. A motion for rehearing or *for* the reconsideration of an opinion on a matter issued by the Commission must be filed with the Commission not later than 15 days after the date on which the final opinion of the Commission is served. (*Sec. 14 of Regulation R084-08*)

NAC 281A.270 Discovery. ([NRS 281A.290](#)) 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 Chairman may allow discovery on a matter before the Commission to the extent which he deems appropriate.

NAC 281A.275 Stipulations. ([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 subject of an ethics complaint, the Commission may, in lieu of holding a hearing, resolve a matter before the Commission with a stipulated agreement. Such a stipulated agreement must be in writing or made by oral statement on the record.

NAC 281A.280 Oaths. ([NRS 281A.290](#))

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

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

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

1. A subject of 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 subject of an ethics complaint who requests the issuance and service of a subpoena pursuant to this section shall pay all expenses related to the issuance and service of the subpoena.

2. Service of a subpoena issued pursuant to this section or [NRS 281A.300](#) must be made in the manner provided by [Rule 45](#) of the Nevada Rules of Civil Procedure.

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.

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.

NAC 281A.300 Representation of subject by legal counsel. ([NRS 281A.290](#)) A subject may retain legal counsel to represent his interest during:

1. Any investigation of an ethics complaint; or
2. Any hearing.

~~[Advisory Opinions]~~ [Requests for Opinion - Advisory](#)

NAC 281A.350 Proper form required for requests. ([NRS 281A.290](#)) The Commission will only consider those requests by a public officer or public employee for an advisory opinion which are submitted to the Commission in proper form.

NAC 281A.355 Withdrawal of request. ([NRS 281A.290](#)) At any time before the Commission renders an advisory opinion pursuant to [NRS 281A.440](#), the public officer or public employee who filed the request for the advisory opinion may withdraw his request by providing a notice of withdrawal to the Commission.

NAC 281A.360 Determination of jurisdiction: Duties of Executive Director; request for review. ([NRS 281A.290](#)) The Executive Director shall confer with the Commission Counsel to determine jurisdiction concerning requests for an advisory opinion. If the Commission Counsel determines that the Commission lacks jurisdiction in the matter, the Executive Director shall so notify the requesting public officer or public employee. 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 notification.

NAC 281A.XXE Timelines for Advisory Hearings; Waiver; Failure to Appear Deemed Withdrawal. ([NRS 281A.290](#))

1. Except as otherwise provided in subsection 2, a request for an opinion pursuant to subsection 1 of NRS 281A.440 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 1 of NRS 281A.440 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 cannot appear before the Commission for the hearing and 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 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. (Sec. 5 of Regulation R084-08)

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

1. The Chairman or presiding officer of a hearing concerning a request for an advisory opinion shall:

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

2. The subject of the request for an advisory opinion must be present at the hearing.

3. The Chairman or presiding officer shall allow the subject of the request for an advisory opinion to:

(a) Present opening comments;

(b) Present any evidence on his own behalf; and

(c) Examine any witnesses on his own behalf.

4. The subject of the 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 request for an advisory opinion and the examination of any witnesses, the Chairman or presiding officer shall allow the subject to present closing comments.

6. Upon the conclusion of the closing comments by the subject of the 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 advisory opinion on the matter; and

(c) Submit a copy of the advisory opinion to the subject.

7. The advisory opinion rendered by the Commission shall be binding upon the subject of the advisory opinion as to his future conduct pursuant to subsection 1 of [NRS 281A.440](#).

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 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 advisory opinion acts in a manner set forth in subsection 5 of [NRS 281A.440](#) to waive the confidentiality of such information.

~~[Ethics Complaints]~~ [Requests for Opinion - Adversarial](#)

NAC 281A.400 Proper form required; filing; contents; withdrawal. (NRS 281A.290)

1. The Commission will only consider ~~those~~ ethics complaints *submitted pursuant to paragraph (a) or (b) of subsection 2 of NRS 281A.440* which are filed in proper form with the Executive Director at the principal office of the Commission.

2. An ethics complaint *submitted pursuant to paragraph (a) or (b) of subsection 2 of NRS 281A.440* must contain:

(a) The original completed form for an ethics complaint in the format required by the Commission;

(b) Two copies of the completed form; and

(c) Three copies of all supporting documents and evidence.

3. An ethics complaint *submitted pursuant to paragraph (a) or (b) of subsection 2 of NRS 281A.440* must be accompanied by evidence which supports the allegation that the subject has violated a statutory ethical standard set forth in the ethics complaint and demonstrates that the alleged conduct of the subject would constitute a violation of ~~[the Nevada Ethics in Government Law set forth in]~~ chapter 281A of NRS.

4. Once an ethics complaint has been filed with the Commission ~~[]~~ *pursuant to paragraph (a) or (b) of subsection 2 of NRS 281A.440*, the requester of the ethics complaint may ~~[not]~~ *only* withdraw the ethics complaint ~~[without]~~ *with* the consent of the Executive Director.

5. A request to withdraw an ethics complaint *submitted pursuant to paragraph (a) or (b) of subsection 2 of NRS 281A.440* must be in writing and set forth the specific reasons for requesting the withdrawal of the ethics complaint.

6. As used in this section, “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 ~~[similar means]~~ *forms of proof* that support a reasonable belief in the allegation made in the 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 by itself. (*Sec. 15 of Regulation R084-08*)

NAC 281A.405 Duties of Executive Director; review of determination regarding jurisdiction. (NRS 281A.290)

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

(a) The Commission has jurisdiction concerning an ethics complaint ~~[]~~ *submitted pursuant to paragraph (a) or (b) of subsection 2 of NRS 281A.440*; and

(b) The ethics complaint was properly filed with the Commission in accordance with [NAC 281A.400](#).

2. If the Executive Director and Commission Counsel determine that the Commission has jurisdiction concerning the ethics complaint and that the ethics complaint was properly filed pursuant to [NAC 281A.400](#), the Executive Director shall investigate and proceed in the matter pursuant to [NRS 281A.440](#).

3. The Executive Director shall notify the requester if the Executive Director and Commission Counsel determine that:

(a) The Commission lacks jurisdiction concerning the ethics complaint pursuant to subsection 1; or

(b) The ethics complaint was not properly filed with the Commission in accordance with [NAC 281A.400](#).

4. A person who receives a notice pursuant to paragraph (a) of subsection 3 may request a review of the determination regarding jurisdiction by a panel. 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 notification. The Chairman will appoint a panel to conduct the review of the determination regarding jurisdiction.

5. If a panel appointed pursuant to subsection 4 determines that the Commission has jurisdiction concerning an ethics complaint ~~is~~ *submitted pursuant to paragraph (a) or (b) of subsection 2 of NRS 281A.440*, the Executive Director shall investigate and proceed in the matter pursuant to NRS 281A.440. Upon conclusion of the investigation, the Executive Director shall, to the extent possible, submit his recommendation regarding just and sufficient cause required pursuant to [NRS 281A.440](#) to the same panel that determined that the Commission has jurisdiction concerning the ethics complaint. *(Sec. 16 of Regulation R084-08)*

NAC 281A.410 Notification of subject; filing of response. ([NRS 281A.290](#))

1. Once an ethics complaint has been properly filed with the Commission by a requester or initiated on the motion of the Commission and the Commission has determined that the Commission has jurisdiction over the matter presented in the ethics complaint, the Executive Director shall forthwith notify the public officer or public employee who is the subject of the ethics complaint and provide the public officer or public employee an opportunity to respond to the allegations contained in the ethics complaint. Such a notification must be in writing and sent to the subject of the ethics complaint by:

- (a) Personal delivery;
- (b) Certified mail, return receipt requested; or
- (c) Overnight delivery service in which proof of delivery is documented.

2. A notice of an ethics complaint made pursuant to this section must include:

- (a) All information filed by the requester of the ethics complaint or information upon which the Commission based its motion, as appropriate;
- (b) A copy of ~~the Nevada Ethics in Government Law set forth in~~ chapter 281A of NRS;
- (c) A copy of this chapter; ~~and~~
- (d) An outline of the process used by the Commission to resolve ethics complaints ~~is~~ ;

and

(e) A form prescribed by the Commission for waiving the time limits set forth in subsections 3 and 4 of NRS 281A.440.

3. The subject of an ethics complaint may file a written response to the ethics complaint with the Commission. ~~is~~ *Except as otherwise provided in this subsection, if* the subject of an ethics complaint files a response with the Commission, the response must be filed not later than 10 days after the date on which he received the notice of the ethics complaint. ~~unless he~~ *If the subject of an ethics complaint* files with the Commission a waiver of the time limits ~~in accordance with~~ *set forth in* subsections 3 and 4 of [NRS 281A.440](#) ~~is~~ , *the Executive Director may:*

(a) Authorize the response to be filed not later than 20 days after the date on which the subject of an ethics complaint received the notice of the ethics complaint. (Sec. 17 of Regulation R084-08); and

(b) Provide additional extensions of not more than 30 days each for good cause shown.

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 an ethics complaint in determining his written recommendation of whether just and sufficient cause exists for the Commission to render an opinion on the ethics complaint.

2. If the Executive Director includes issues and facts beyond those presented in the ethics complaint in his written recommendations 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 [NAC 281A.410](#).

NAC 281A.420 Confidentiality and availability of information. (NRS 281A.290)

1. Except as otherwise provided in [NRS 281A.440](#), until the conclusion of the proceedings of a 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 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 ~~an~~ *the* ethics complaint in the possession of the Commission and its staff is confidential.

2. Upon the conclusion of the proceedings of the panel on an ethics complaint, the ~~finding of the panel regarding just and sufficient cause and the file of the Commission on the ethics complaint are public records and are~~ *information related to the ethics complaint is a public record* available for public review during normal business hours at the principal office of the Commission. (*Sec. 18 of Regulation R084-08*)

NAC 281A.425 Confidentiality of proceedings of panel. (NRS 281A.290) The proceedings of a panel to determine whether just and sufficient cause exists for the Commission to render an opinion on an ethics complaint are confidential and closed to all persons except the parties to the complaint and any other person the panel deems necessary to the proceedings.

NAC 281A.430 Considerations of panel. (NRS 281A.290) At its proceedings on an ethics complaint, a panel shall consider:

1. The results of the investigation of the Executive Director and the recommendation of the Executive Director regarding just and sufficient cause;

2. The 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 ethics complaint.

NAC 281A.435 Basis for finding by panel; unanimous finding required for determination that no just and sufficient cause exists. (NRS 281A.290)

1. A finding by a panel as to whether just and sufficient cause exists for the Commission to render an opinion on an ethics complaint must be based on credible evidence.

2. A finding by a panel that no just and sufficient cause exists for the Commission to render an opinion on 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 a panel that the Commission should hear the matter and render an opinion. The term does not include a newspaper article or other media report if the article or report is offered by itself.

NAC 281A.440 Recording and contents of final determination by panel that just and sufficient cause exists. ([NRS 281A.290](#)) A final determination issued by a panel pursuant to [NRS 281A.220](#) which specifies that just and sufficient cause exists for the Commission to render an opinion pursuant to an ethics complaint must be recorded in writing and include, without limitation:

1. The findings of the panel; and
2. The statutes upon which the panel based its determination that just and sufficient cause existed for the Commission to render an opinion.

NAC 281A.445 Record of proceedings of panel. ([NRS 281A.290](#)) The Executive Director shall provide and make arrangements for a record to be made of any proceedings of a panel.

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

1. Before the Commission holds a hearing concerning 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 subsection must comply with:

- (a) The requirements for notice set forth in subsection 8 of [NRS 281A.440](#); 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 panel issued pursuant to [NAC 281A.440](#) may serve as the written notice required pursuant to this subsection 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.

NAC 281A.455 Hearings: Continuance. ([NRS 281A.290](#)) The procedures for obtaining and granting a continuance of a hearing concerning 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:

- (a) Upon the written petition of the subject for good cause shown; or
- (b) By stipulation of the subject and the Commission ~~H~~, *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. (*Sec. 19 of Regulation R084-08*)

NAC 281A.460 Hearings: Conduct; action by Commission. ([NRS 281A.290](#))

1. The Chairman or presiding officer of a hearing concerning 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 Chairman or presiding officer may request all witnesses not to discuss the case *with any person* 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 to present the ethics complaint, the response to the ethics complaint by the subject and the determination of the panel concerning just and sufficient cause for the Commission to render an opinion in the matter.
 - (f) Allow the subject to present opening comments.
 - (g) Call and question any witnesses , ~~to~~ present any evidence on behalf of the Commission concerning the ethics complaint , and allow any member of the Commission to question such witnesses.
2. The subject may remain present ~~at~~ *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 on behalf of the Commission, the Chairman or presiding officer shall request the subject to proceed with the introduction of evidence and calling of witnesses on his behalf.
5. 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 by the subject and the examination of any witnesses, the Chairman or presiding officer shall allow the subject to present closing comments.
7. Upon the conclusion of the closing comments by the subject, the Commission will deliberate the issues of fact presented at the hearing, make a determination of the findings of fact, apply the applicable law to the findings of fact and render an opinion concerning whether the subject has violated any of the provisions of chapter 281A of NRS.
8. Upon a finding of a *willful* violation of any of the provisions of chapter 281A of NRS, the Commission ~~will~~ *may* impose any civil penalties ~~to~~ *authorized pursuant to NRS 281A.480 and will impose any* other statutory remedies required pursuant to [NRS 281A.480](#).
9. The Commission may waive any provision of this section if necessary to expedite or ensure the fairness of the hearing. (*Sec. 20 of Regulation R084-08*)

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

1. In conducting any hearing concerning 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 Chairman or presiding officer may exclude immaterial, incompetent, cumulative or irrelevant evidence or order that the presentation of such evidence be discontinued.

3. A subject may object to the introduction of evidence if 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 Chairman 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.

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 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 final determination of the panel that just and sufficient cause exists for the Commission to render an opinion may be considered as true.

General Procedures for Hearings

NAC 281A.500 Executive Director to provide information to Commission. ([NRS 281A.290](#))

At least 1 week before the date on which the Commission is scheduled to hold a hearing on a matter, the Executive Director 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 information which the Executive Director deems necessary to assist the Commission in hearing the matter.

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

1. A 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 Canon 3E 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.

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

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.

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

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

2. The Commission will question witnesses at the hearing.

Miscellaneous Provisions

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

1. A written opinion of the Commission must plainly state:

(a) If the opinion concerns an ethics complaint, each violation alleged against the public officer or public employee who is the subject of the opinion;

(b) Except as otherwise provided in subsection 5 of [NRS 281A.440](#), if the opinion concerns a request for an advisory opinion, each question for which the public officer or employee seeks guidance concerning the interpretation of a statutory ethical standard;

(c) The determination of the Commission with regard to each allegation or question, as applicable; and

(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 request for an advisory opinion.

2. Each written opinion must be numbered, dated and signed by the Chairman or presiding officer.

3. The Commission will:

(a) Provide a copy of each written opinion to each person who is a party;

(b) Post a copy of each written opinion on the website of the Commission at <http://ethics.nv.gov>; and

(c) Deliver a copy of a written opinion to any person who requests such a copy.

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.

NAC 281A.560 Obtaining copies of public records or transcripts; payment of costs of public records. ([NRS 281A.290](#))

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 principal office of the Commission or appear personally at an 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 25 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 principal office of the Commission and make arrangements directly with the court reporter.

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 [chapter 281A](#) of NRS and [NAC 281A.250](#) to [281A.290](#), inclusive.

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 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.

~~[FINANCIAL DISCLOSURE STATEMENTS]~~

NAC 281A.610 “Entitled to receive annual compensation” interpreted. (NRS 281A.290)

As used in [NRS 281A.600](#), the Commission will interpret “entitled to receive annual compensation” to mean entitled to receive any remuneration, not including any reimbursement for lodging, meals or travel, or any combination thereof, which a public officer has a right to receive for serving in the office in question.

NAC 281A.615 Proper form of statements required; availability of form; date of filing. (NRS 281A.290)

1. ~~[A statement of financial disclosure]~~ *The following documents* must be filed in proper form ~~[pursuant to NRS 281A.620.]~~ :

(a) *A disclosure of representation and counseling required pursuant to NRS 281A.410;*

(b) *An acknowledgement of the statutory ethical standards required pursuant to NRS 281A.500; and*

(c) *A statement of financial disclosure required pursuant to NRS 281A.600.*

2. The form for ~~[a statement of financial disclosure]~~ *each document specified in subsection 1* is available at ~~[any]~~ *the principal* office ~~[, and on the website,]~~ of the Commission ~~[]~~ *and on the website of the Commission.*

3. ~~[In accordance with subsection 6 of NRS 281A.600, a statement of financial disclosure shall]~~ *A document specified in subsection 1 will* be deemed to be filed with the Commission:

(a) On the date that the ~~[statement of financial disclosure]~~ document was mailed if it was sent by certified mail; or

(b) On the date that the ~~[statement of financial disclosure]~~ document was received by the Commission if the ~~[statement]~~ document was sent by regular mail, transmitted by facsimile machine or electronic means, or ~~[delivered personally.]~~ *personally delivered to the Commission at the principal office of the Commission. (Sec. 21 of Regulation R084-08)*