

# What is the Nevada Commission on Ethics?

- The Commission
- The Ethics Commission consists of 8 members appointed to serve 4-year terms
   4 members appointed by the Governor
- 4 members appointed by the Covernor
   4 members appointed by the Legislative Commission.
- Staff
- The state-wide staff to the Commission consists of an Executive Director, Commission Counsel, Associate Counsel, Investigator, Paralegal and an Executive Assistant.



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#### Nevada Commission on Ethics

#### **OUR MISSION**

To enhance the public's faith and confidence in government and uphold the public trust by ensuring that public officers and public employees commit themselves to avoiding conflicts between their private interests and their public duties.

# Public Officers Public Employees State Legislators Exceptions Former Public Officers and employees Exceptions: Judicial Officers Advisory Board Members

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# Nevada Commission on Ethics

- Interprets and provides guidance on the statutory provisions of NRS 281A - the Ethics in Government Law (First-Party Requests for Opinion)
- Investigates and adjudicates complaints from public officers, public employees and the public (Third-Party Requests for Opinion)
- Accepts certain written disclosures

## Required Written Disclosures for Public Officers

- Agency
   Representation
   Disclosure
- Acknowledgment of Statutory Ethical Standards

# Personal Interests:

- "Pecuniary" (NRS 281A.139)
- "Commitments in a Private Capacity" (NRS 281A.065)

## **PROHIBITED CONDUCT**

- Accepting gifts, services, favors, employment, economic opportunities, etc. which would tend to improperly influence a reasonable person ....
- 2. Using a public office to secure unwarranted privileges, preferences, exemptions, or advantages for self or others.

NRS 281A.400(1) and (2)

# **PROHIBITED CONDUCT**

- Participating as an agent of government to negotiate or execute contracts with a business in which one has a pecuniary interest.
- Accepting a salary or other compensation from a private source for performing public duties.



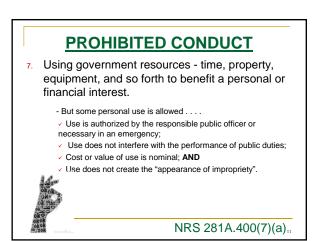
# **PROHIBITED CONDUCT**

 Furthering private pecuniary interest or that of others by using any non-public information acquired through public duties or relationships.



6. Suppressing or delaying government reports or documents which might tend to unfavorably affect pecuniary interest or that of a person to whom one has a private commitment.

NRS 281A.400(5) and (6) 10

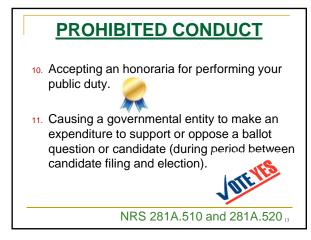


# **PROHIBITED CONDUCT**

- 8. Attempting to benefit a <u>personal</u> or financial interest by influencing subordinates.
- 9. Seeking other employment or contracts through the use of public position.

EMPLOYMENT

#### NRS 281A.400(9) and (10) 12



# "Cooling-Off" Prohibitions

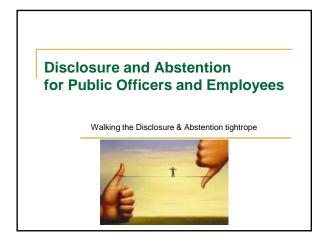
- One-year cooling off period to seek or accept employment or certain private representations after leaving public service (certain exceptions) (NRS 281A.550(3) and (5) and 281A.410)
- Relief may be granted from the strict application of certain prohibitions. (NRS 281A.550(6))

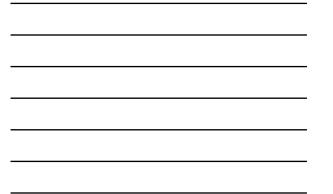
NRS 281A.410 and 281A.550(3)(5)(6) <sup>14</sup>

## **Prohibited Contracts**

- No contracts between government agencies and business entities in which public officer has a pecuniary interest, unless open competitive bidding; or
- No sales of goods/services to local governmental agency governed by public officer unless sole source of supply.
- Relief from the strict application of the statute may be obtained.

NRS 281A.400(3) and 281A.430 15





#### Disclosures

- **Disclosure** is mandatory for <u>any interest</u> created by:
  - ✓ A gift or loan
  - A substantial\* pecuniary interest
  - A "commitment in a private capacity
- **Disclosure** must be made at the time the matter is considered.

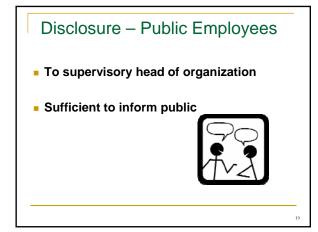
NRS 281A.420(1)

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#### Disclosures

Woodbury Opinion (NCOE Opinion No. 99-56)

- <u>Disclose sufficient information</u> to inform the public of the potential effect of the action or abstention upon public officer and private commitments,
- <u>Apply the reasonable person standard</u>, considering whether private interest/commitment would likely have a material effect on a (similarly situated) reasonable person's independence of judgment, and
- Explain why the standard does or does not apply.



Abstention is *required only* in <u>clear cases</u> where the independence of judgment of a reasonable person in the public officer's situation would be <u>materially</u> affected.

This determination should be made by the public officer and explained on the record.



# Voting & Abstention

Voting & Abstention

 Voting is presumed permissible if the resulting benefit/detriment to the public officer (or committed person) is no greater than the benefit/detriment to anyone else affected by the matter.

NRS 281A.420(4) 21

NRS 281A.420(4)

#### Penalties

- The Commission is authorized to impose civil penalties for willful violations of the Ethics in Government Law.
- Mitigating factors

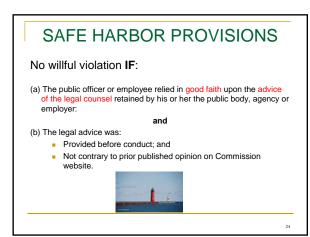
NRS 281A.475, 281A.480 and 281A.170

#### Penalties:

Monetary sanctions & referral for removal from office

- Not to exceed \$5,000 for a first willful violation;
- Not to exceed \$10,000 for a separate act or event that constitutes a second willful violation; and
- Not to exceed \$25,000 for a separate act or event that constitutes a third willful violation.
- Referral for removal from position of trust.
  The Commission must consider comparable situations in a
- comparable manner and ensure the disposition of a matter bears a reasonable relationship to the severity of the violation.

NRS 281A.475 and 281A.480 <sup>23</sup>



# Pending Legislation

- 79<sup>th</sup> (2017) Legislative Session
  - SB 30 (Attorney General)
  - SB 36 (Governor)
  - SB 84 (NCOE, Sponsored by Governor)

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# Commission Opinions & Other Resources

 Resources and Opinions of the Nevada Commission on Ethics are indexed on the NCOE website:

www.ethics.nv.gov

(New website!)

