

MEMORANDUM

TO: Board of Trustees

FROM: Tim Callicrate
Board Chairman

SUBJECT: Review, discuss and provide guidance to Staff on possibly adopting a Code of Conduct for the Board of Trustees and any Board Advisory Committees

DATE: September 22, 2020

Discussion Points

The Board of Trustees Chairman, at a recent legal non-meeting, asked Staff to provide information regarding a code of conduct and put that matter on a future agenda for discussion by the full Board of Trustees. Following are several reference documents from various sources.

From the IVGID Personnel Policies

2.10 Code of Conduct and Ethical Standards

Employees of the District recognize that employment with the District is a public trust. To preserve that trust, the District insists on the highest code of conduct and ethical standards. The purpose of this policy is to define and establish standards of ethical conduct that are required of public officials and employees so as to ensure their professional integrity in the performance of their duties. SB228 requires that employees hired after June 13, 2013 will be provided information prepared by Nevada Ethics Commission concerning standards under NRS 281.

The employees of the District must comply with the following provisions while performing their duties and responsibilities and/or representing themselves as an employee of the District. This list is not all-inclusive, but simply provides the basic level of conduct expected.

1. All employees will conduct themselves with honesty and integrity in the course of performing their job.
2. They will act with care and diligence in the course of their employment.
3. They will treat everyone, including coworkers, subordinates, supervisors, customers and the public, with the utmost respect and courtesy.
4. They will accept and value differences amongst each other, our customers and the public.
5. They will comply with all applicable federal, state, and local laws.

6. They will comply with any lawful and reasonable direction given by someone in the District who has authority to give the direction.
7. They will maintain appropriate confidentiality.
8. They will disclose, and take reasonable steps to avoid, any conflict of interest (real or apparent) in connection with their employment.
9. They will be at work and on time regularly and perform their job duties in a responsible manner.
10. They will use District resources in a manner that is acceptable to the District.
11. They will not provide false or misleading information in response to a request for information that is made for official purposes in connection with their employment.
12. They will, at all times, act in a way that upholds the values and the integrity and good reputation of the District.
13. They will comply with any other conduct requirement that is prescribed by the District as well as District policies.

In addition, consistent with the provisions of NRS 281A.400 and NRS 281.230, District's officials and employees are required to comply with the following ethical standards:

1. No official or employee shall seek or accept any gift, service, favor, employment, engagement, perquisite, gratuity, or economic opportunity or advantage which would tend improperly to influence a reasonable person in his/her position to depart from the faithful and impartial discharge of his/her public duties.
2. No official or employee shall use his/her position with the District to secure or grant unwarranted privileges, preferences, exemptions, or advantages for him/herself, any member of his/her household, any business entity in which s/he has a significant pecuniary interest, or any other person.
3. No official or employee shall participate as an agent of government in the negotiation or execution of a contract between the governmental entity and any private business in which s/he has a significant pecuniary interest.
4. No official or employee shall accept any salary, retainer, augmentation, expense allowance, or other compensation from any private source for the performance of his/her duties as an official or employee.
5. If an official or employee acquires, through his/her public duties or relationships, any information which, by law or practice, is not at the time available to the public generally, s/he shall not use such information to further his/her own current or future pecuniary interests or the current or future pecuniary interests of any other person or business entity.
6. No official or employee shall suppress any governmental report or other document or information because the release of such report or information has the potential to impact his/her own pecuniary interests or those with whom s/he has a business or personal relationship.

7. No official or employee shall use governmental time, property (including monies or funds), equipment, or other facility to benefit his/her personal or financial interests.
8. No official or employee shall attempt to benefit his/her personal or financial interest(s) by influencing or intimidating a subordinate.
9. No official or employee shall seek other employment or contracts through the use of his/her official position or the influence associated thereto.
10. An official or employee shall not, in any manner, directly or indirectly, receive any commission, personal profit, or compensation of any kind resulting from any contract or other transaction in which the District is in any way interested or affected except:
 - a. A member of any board, commission, or similar body who is engaged in the profession, occupation, or business regulated by the board, commission, or body may, in the ordinary course of his/her business, bid on or enter into a contract with any governmental agency, except the board or commission of which s/he is a member, if s/he has not taken part in developing the contract plans or specifications and s/he will not be personally involved in opening, considering, or accepting offers.
 - b. A public officer or employee, other than an officer or employee described in a. above, may bid on or enter into a contract with a governmental agency if the contracting process is controlled by rules of open competitive bidding, the sources of supply are limited, s/he has not taken part in developing the contract plans or specifications, and s/he will not be personally involved in opening, considering, or accepting offers.
 - c. District employees will maintain professional conduct at all times with the Board of Trustees, other employees, the public and other agencies, and avoid any conduct that may be detrimental to the District.
 - d. Exceptions for small gifts such as food which can be shared with other staff are acceptable as are tips for tip approved positions. Recreational venues may accept promotional items that are approved by the Department Head as long as under no circumstances will favoritism be displayed for a product as a result of a supplier gift.

Violations of any of the above provisions may result in disciplinary action, up to and including termination.

Code of Ethics from POOL/PACT that was obtained from the Government Finance Officers Association.

We, the government finance officers of the United States and Canada, have a deep and abiding desire to show that we are worthy of the special trust that the communities we serve have placed in us. As a member of my government's finance office, I commit to living the following values to show that I am worthy of that trust.

Integrity and Honesty

Integrity and honesty are the foundation of which trustworthiness is built. It means people can believe what I say, I act in accordance with my deepest values, I put principle ahead of my own ego, and I do the right thing even when it is hard.

Producing Results for My Community

Public finance offices have an important job. Doing that job well honors the trust the public has placed in me.

Treating People Fairly

Local governments depend on trusting relationships. Therefore, I will treat people fairly and develop processes and procedures that are fair.

Diversity and Inclusion

Embracing diversity and fostering inclusiveness helps finance offices cultivate organizations and promote policies that reflect the communities they serve. When people feel included, they see that I am concerned for their wellbeing. That shows I am worthy of their trust.

Reliability and Consistency

When I consistently apply my standards – especially to myself – I honor my commitment to the community I serve and make it easier to do the right thing even when faced with challenging circumstances.

Excerpt from Washoe County's code regarding their audit committee

15.545 - Establishment of audit committee.

1. An audit committee is hereby established. The committee shall consist of at least three voting members and one non-voting advisory member. Voting members are appointed by the board of county commissioners.

(a) One member will be appointed from the board of county commissioners for a one-year term. An alternate member will also be selected to serve in the absence of the primary appointee.

(b) Additional members with appropriate expertise will be appointed from at-large with staggering two-year terms (for the first appointment, one member will serve for one-year and the other members will serve for two-years. Each subsequent appointment thereafter will be for two years).

(c) The county manager, or designee, will serve as a non-voting advisory member. The internal auditor will provide staff assistance to the audit committee.

2. The audit committee shall elect one member of the audit committee to be the chairperson and one member to be the vice-chairperson. It will be the responsibility of the chairperson to schedule all meetings of the committee and to provide the committee members with a written agenda for each meeting.

3. At least one voting member of the audit committee shall be a financial expert with understanding and experience in generally accepted accounting principles, financial statements, internal accounting controls, auditing of financial statements, and audit committee functions. At-large audit committee members shall be independent. They shall not accept any consulting, advisory, or other compensatory fee from the county and shall not be an affiliated person with the county or any subsidiary thereof.

4. The county manager will be responsible for ensuring that the audit committee receives appropriate and necessary briefings and training relative to internal controls, preparation of financial reports, internal audit processes, governmental regulations, and other pertinent information relative to this appointment.

5. The audit committee shall adopt a code of ethics that promotes honest and ethical conduct; full, fair, accurate, timely, and understandable disclosure in periodic reports; and compliance with applicable governmental rules and regulations.

6. The audit committee shall adopt a charter, subject to the board of county commissioner's approval, establishing the purpose, scope, organization, and responsibilities of the committee. As a minimum, the audit committee shall provide oversight for financial reporting, internal controls, and the work of the internal auditor and external auditors. The charter shall be reviewed annually and all updates shall be brought before the board of county commissioners for approval.

7. The audit committee shall meet at least four times a year or more frequently as circumstances require.

(Ord. NO. 1222, § 2; Ord. No. 1283, eff. 1-20-06)

Chapter 281A – Ethics in Government from the Nevada Revised Statutes

CHAPTER 281A - ETHICS IN GOVERNMENT GENERAL PROVISIONS

<u>NRS 281A.010</u>	Short title.
<u>NRS 281A.020</u>	Legislative findings and declarations.
<u>NRS 281A.030</u>	Definitions.
<u>NRS 281A.032</u>	“Adjudicatory hearing” defined.
<u>NRS 281A.033</u>	“Advisory opinion” defined.
<u>NRS 281A.035</u>	“Agency” defined.
<u>NRS 281A.040</u>	“Business entity” defined.
<u>NRS 281A.050</u>	“Candidate” defined.
<u>NRS 281A.060</u>	“Commission” defined.
<u>NRS 281A.065</u>	“Commitment in a private capacity” defined.
<u>NRS 281A.070</u>	“Compensation” defined.
<u>NRS 281A.080</u>	“Decision” defined.
<u>NRS 281A.081</u>	“Declaration of candidacy” defined.
<u>NRS 281A.082</u>	“Deferral agreement” defined.
<u>NRS 281A.085</u>	“Domestic partner” defined.
<u>NRS 281A.086</u>	“Domestic partnership” defined.
<u>NRS 281A.088</u>	“Ethics complaint” defined.
<u>NRS 281A.090</u>	“Executive Director” defined.
<u>NRS 281A.100</u>	“Household” defined.
<u>NRS 281A.105</u>	“Intentionally” defined.
<u>NRS 281A.115</u>	“Knowingly” defined.
<u>NRS 281A.119</u>	“Local agency” defined.
<u>NRS 281A.125</u>	“Member of a local legislative body” defined.
<u>NRS 281A.135</u>	“Opinion” defined.
<u>NRS 281A.139</u>	“Pecuniary interest” defined.
<u>NRS 281A.145</u>	“Political subdivision” defined.
<u>NRS 281A.150</u>	“Public employee” defined.
<u>NRS 281A.160</u>	“Public officer” defined.
<u>NRS 281A.161</u>	“Request for an advisory opinion” defined.
<u>NRS 281A.162</u>	“Review panel” defined.
<u>NRS 281A.163</u>	“State agency” defined.
<u>NRS 281A.165</u>	“State Legislator” or “Legislator” defined.
<u>NRS 281A.170</u>	“Willful violation” defined.
<u>NRS 281A.180</u>	Terms “public officer” and “public employee” include former public officer or employee; exceptions.
<u>NRS 281A.182</u>	Persons serving in certain positions designated as public officers or employees; applicability.

NRS 281A.185 **Abrogation of common-law privileges and immunities; exceptions.**

NRS 281A.190 **Computation of time.**

COMMISSION ON ETHICS

NRS 281A.200 **Creation; appointment, terms and qualifications of members; prohibited activities by members; vacancies.**

NRS 281A.210 **Chair; meetings; compensation; facilities.**

NRS 281A.220 **Review panels: Appointment; composition; functions; disqualification of members from participation in further proceedings in matter.**

NRS 281A.230 **Executive Director: Appointment; qualifications; classification; prohibited activities and other employment.**

NRS 281A.240 **Executive Director: Duties; employment of staff; designation of qualified person to perform duties when Executive Director unable to act on matter.**

NRS 281A.250 **Commission Counsel: Appointment; qualifications; classification; prohibited activities and other employment.**

NRS 281A.260 **Commission Counsel: Duties; legal advice; appointment or employment of other counsel by Commission under certain circumstances.**

NRS 281A.265 **Discretionary-function immunity for members and employees of Commission.**

NRS 281A.270 **Assessment for administrative costs: Determination; payment by certain cities and counties; use of proceeds; collection.**

NRS 281A.275 **Authority to apply for and accept grants, contributions, services and money.**

NRS 281A.280 **Jurisdiction; statute of limitations.**

NRS 281A.290 **Duties of Commission; inclusion of annotations of opinions of Commission in Nevada Revised Statutes.**

NRS 281A.300 **Oaths; written requests and subpoenas for participation, attendance and production of books and papers; enforcement by court for noncompliance.**

SPECIALIZED OR LOCAL ETHICS COMMITTEE

NRS 281A.350 **Establishment; functions; limitations on powers; confidentiality.**

CODE OF ETHICAL STANDARDS

NRS 281A.400 **General requirements; exceptions.**

NRS 281A.410 **Limitations on representing or counseling private persons before public agencies; request for relief from strict application of certain provisions.**

NRS 281A.420 **Requirements regarding disclosure of conflicts of interest and abstention from voting because of certain**

types of conflicts; effect of abstention on quorum and voting requirements; exceptions.

NRS 281A.430

Contracts in which public officer or employee has interest prohibited; exceptions; request for relief from strict application of certain provisions.

ADDITIONAL REQUIREMENTS, ETHICAL STANDARDS, REMEDIES AND PENALTIES

NRS 281A.500

Notice and acknowledgment of statutory ethical standards: Distribution of information regarding standards; duty to file acknowledgment; contents; form; retention; penalty for willful refusal to file.

NRS 281A.510

Public officer or employee prohibited from accepting or receiving honorarium; penalty.

NRS 281A.520

Public officer or employee prohibited from requesting or otherwise causing governmental entity to incur expense or make expenditure to support or oppose ballot question or candidate in certain circumstances.

NRS 281A.540

Governmental grant, contract or lease and certain actions taken in violation of chapter are voidable; prohibited contract is void; recovery of benefit received as result of violation.

NRS 281A.550

Employment of certain former public officers and employees by regulated businesses prohibited; certain former public officers and employees prohibited from soliciting or accepting employment from certain persons contracting with State or local government; request for relief from strict application of certain provisions.

OPINIONS GENERALLY

NRS 281A.665

Opinions of Commission may include guidance to public officer or employee.

ADVISORY OPINIONS

NRS 281A.670

Applicability.

NRS 281A.675

Initiation of request for advisory opinion; purpose of request; form and contents; Commission may decline to render advisory opinion under certain circumstances.

NRS 281A.680

Rendering of advisory opinion by Commission; deadline and waiver; certain advisory opinions binding upon requester; judicial review; confidentiality and waiver.

NRS 281A.685

Confidentiality of certain materials; no duty on Commission or staff to protect confidentiality of materials not in their possession; exceptions.

NRS 281A.690

Inapplicability of Open Meeting Law to proceedings concerning request for advisory opinion; exceptions.

ETHICS COMPLAINTS AND OPINIONS

GENERAL PROVISIONS

NRS 281A.700

Applicability.

NRS 281A.705

Legal defense of state officer or employee subject to ethics complaint.

PROCEEDINGS

NRS 281A.710

Initiation of ethics complaint; form and contents; Commission may decline to render opinion under certain circumstances.

NRS 281A.715

Determination of jurisdiction and whether evidence warrants investigation; deadline and waiver; dismissal for lack of jurisdiction or insufficient evidence; initiation of investigation.

NRS 281A.720

Investigation by Executive Director; notice of investigation; opportunity to submit response; deadline and extension; purpose of response; preservation of objections and defenses.

NRS 281A.725

Completion of investigation by Executive Director; presentation of written recommendation to review panel; deadline and waiver; contents of recommendation.

NRS 281A.730

Consideration of recommendation by review panel; determination of just and sufficient cause; deadline and waiver; record of proceedings; dismissal; approval of deferral agreement; referral to Commission for further proceedings.

NRS 281A.735

Inapplicability of Open Meeting Law to proceedings of review panel.

NRS 281A.740

Deferral agreements: Development; approval; enforcement; contents; terms and conditions; monitoring and documenting compliance; proceedings for noncompliance; dismissal of matter after satisfactory compliance.

NRS 281A.745

Adjudicatory hearings: Powers and duties of Commission; deadline and waiver; procedural rights; evidence; use of telephone or video conference.

NRS 281A.750

Confidentiality of certain materials; exceptions; confidentiality of identity of certain requesters; disclosure of identity under certain circumstances.

NRS 281A.755

Confidentiality of investigative file; exceptions; discovery request for list of proposed witnesses and certain portions of investigative file; contents of investigative file.

NRS 281A.760

Inapplicability of Open Meeting Law to certain proceedings of Commission.

DISPOSITION; REMEDIES AND PENALTIES

NRS 281A.765 Opinions must include findings of fact and conclusions of law; dismissal of matter if violation not proven; authorized actions if violation proven.

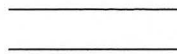
NRS 281A.770 General standards for resolving ethics complaints by stipulations, agreed settlements or consent orders and for approving deferral agreements.

NRS 281A.775 Additional standards for determining whether violation is willful violation and type of penalty imposed and for approving deferral agreements.

NRS 281A.780 Letters of caution or instruction: Contents; confidentiality; effect on subsequent ethics complaints.

NRS 281A.785 Types of remedies and penalties; judicial review of certain actions of Commission; limitations on judicial review of actions of review panel.

NRS 281A.790 Additional types of remedies and penalties; duties of Commission upon finding willful violation; circumstances in which violation not deemed willful; effect of chapter upon criminal law; judicial review of certain actions of Commission; burden of proof.



GENERAL PROVISIONS

NRS 281A.010 Short title. This chapter may be cited as the Nevada Ethics in Government Law.

(Added to NRS by 1977, 1103; A 1995, 2443; 2003, 2662, 3019) — (Substituted in revision for NRS 281.411)

NRS 281A.020 Legislative findings and declarations.

1. It is hereby declared to be the public policy of this State that:

(a) A public office is a public trust and shall be held for the sole benefit of the people.

(b) A public officer or employee must commit himself or herself to avoid conflicts between the private interests of the public officer or employee and those of the general public whom the public officer or employee serves.

2. The Legislature finds and declares that:

(a) The increasing complexity of state and local government, more and more closely related to private life and enterprise, enlarges the potentiality for conflict of interests.

(b) To enhance the people's faith in the integrity and impartiality of public officers and employees, adequate guidelines are required to show the appropriate separation between the roles of persons who are both public servants and private citizens.

(c) In interpreting and applying the provisions of this chapter that are applicable to State Legislators, the Commission must give appropriate weight and proper deference to the public policy of this State under which State Legislators serve as “citizen Legislators” who have other occupations and business interests, who are expected to have particular philosophies and perspectives that are necessarily influenced by the life experiences of the Legislator, including, without limitation, professional, family and business experiences, and who are expected to contribute those philosophies and perspectives to the debate over issues with which the Legislature is confronted.

(d) The provisions of this chapter do not, under any circumstances, allow the Commission to exercise jurisdiction or authority over or inquire into, intrude upon or interfere with the functions of a State Legislator that are protected by legislative privilege and immunity pursuant to the Constitution of the State of Nevada or [NRS 41.071](#).

(Added to NRS by [1977, 1103](#); A [1999, 2730](#); [2009, 1046](#)) — (Substituted in revision for NRS 281.421)

NRS 281A.030 Definitions. As used in this chapter, unless the context otherwise requires, the words and terms defined in [NRS 281A.032](#) to [281A.170](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by [1977, 1103](#); A [1985, 1216, 2122](#); [1987, 385](#); [1991, 1594](#); [1997, 256](#); [1999, 2731](#); [2003, 926, 3385](#); [2003, 20th Special Session, 263](#); [2005, 2556](#); [2009, 1047](#); [2013, 3765](#); [2017, 2488](#); [2019, 3419](#))

NRS 281A.032 “Adjudicatory hearing” defined. “Adjudicatory hearing” means a hearing held by the Commission pursuant to [NRS 281A.745](#) to receive evidence concerning an ethics complaint and render an opinion in the matter.

(Added to NRS by [2017, 2478](#))

NRS 281A.033 “Advisory opinion” defined. “Advisory opinion” means an advisory opinion rendered by the Commission pursuant to [NRS 281A.670](#) to [281A.690](#), inclusive.

(Added to NRS by [2017, 2478](#))

NRS 281A.035 “Agency” defined. “Agency” means any state agency or local agency.

(Added to NRS by [2013, 3763](#))

NRS 281A.040 “Business entity” defined. “Business entity” means an organization or enterprise operated for economic gain, including, without limitation, a proprietorship, partnership, firm, business, company, trust, joint venture, syndicate, corporation or association.

(Added to NRS by [1985, 2120](#); A [2009, 1047](#)) — (Substituted in revision for NRS 281.432)

NRS 281A.050 “Candidate” defined. “Candidate” means any person:

1. Who files a declaration of candidacy; or
2. Whose name appears on an official ballot at any election.

(Added to NRS by [1991, 1591](#); A [1993, 265](#); [2001, 1955](#); [2019, 3419](#))

NRS 281A.060 “Commission” defined. “Commission” means the Commission on Ethics.

(Added to NRS by [1985, 2120](#)) — (Substituted in revision for NRS 281.4325)

NRS 281A.065 “Commitment in a private capacity” defined. “Commitment in a private capacity,” with respect to the interests of another person, means a commitment, interest or relationship of a public officer or employee to a person:

1. Who is the spouse or domestic partner of the public officer or employee;
2. Who is a member of the household of the public officer or employee;
3. Who is related to the public officer or employee, or to the spouse or domestic partner of the public officer or employee, by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity;
4. Who employs the public officer or employee, the spouse or domestic partner of the public officer or employee or a member of the household of the public officer or employee;
5. With whom the public officer or employee has a substantial and continuing business relationship; or
6. With whom the public officer or employee has any other commitment, interest or relationship that is substantially similar to a commitment, interest or relationship described in subsections 1 to 5, inclusive.

(Added to NRS by [2013, 3763](#))

NRS 281A.070 “Compensation” defined. “Compensation” means any money, thing of value or economic benefit conferred on or received by any person in return for services rendered, personally or by another.

(Added to NRS by [1991, 1591](#)) — (Substituted in revision for NRS 281.4327)

NRS 281A.080 “Decision” defined.

1. The making of a “decision” is the exercise of governmental power to adopt laws, regulations or standards, render quasi-judicial decisions, establish executive policy or determine questions involving substantial discretion.
2. The term does not include:
 - (a) The functions of the judiciary.
 - (b) The functions of a State Legislator that are protected by legislative privilege and immunity pursuant to the Constitution of the State of Nevada or [NRS 41.071](#).

(Added to NRS by [1985, 2121](#); A [2009, 1047](#)) — (Substituted in revision for NRS 281.433)

NRS 281A.081 “Declaration of candidacy” defined. “Declaration of candidacy” has the meaning ascribed to it in [NRS 293.0455](#).

(Added to NRS by [2019, 3419](#))

NRS 281A.082 “Deferral agreement” defined. “Deferral agreement” means an agreement entered into between the Executive Director and the subject of an ethics complaint pursuant to [NRS 281A.740](#).

(Added to NRS by [2017, 2478](#))

NRS 281A.085 “Domestic partner” defined. “Domestic partner” means a person in a domestic partnership.

(Added to NRS by [2013, 3764](#))

NRS 281A.086 “Domestic partnership” defined. “Domestic partnership” means a domestic partnership as defined in [NRS 122A.040](#).

(Added to NRS by [2013, 3764](#); A [2017, 295](#))

NRS 281A.088 “Ethics complaint” defined. “Ethics complaint” means a request for an opinion which is filed with the Commission or initiated by the Commission on its own motion pursuant to [NRS 281A.710](#) regarding the propriety of the conduct of a public officer or employee under the statutory ethical standards set forth in this chapter.

(Added to NRS by [2017, 2478](#))

NRS 281A.090 “Executive Director” defined. “Executive Director” means the Executive Director appointed by the Commission pursuant to [NRS 281A.230](#).

(Added to NRS by [1999, 2728](#)) — (Substituted in revision for NRS 281.4333)

NRS 281A.100 “Household” defined. “Household” means an association of persons who live in the same home or dwelling and who are related by blood, adoption, marriage or domestic partnership.

(Added to NRS by [1985, 2121](#); A [2013, 3765](#)) — (Substituted in revision for NRS 281.434)

NRS 281A.105 “Intentionally” defined. “Intentionally” means voluntarily or deliberately, rather than accidentally or inadvertently. The term does not require proof of bad faith, ill will, evil intent or malice.

(Added to NRS by [2009, 1043](#))

NRS 281A.115 “Knowingly” defined. “Knowingly” imports a knowledge that the facts exist which constitute the act or omission, and does not require knowledge of the prohibition against the act or omission. Knowledge of any particular fact may be inferred from the knowledge of such other facts as should put an ordinarily prudent person upon inquiry.

(Added to NRS by [2009, 1043](#))

NRS 281A.119 “Local agency” defined. “Local agency” means any local legislative body, agency, bureau, board, commission, department, division, office or other unit of any county, city or other political subdivision.

(Added to NRS by [2013, 3764](#))

NRS 281A.125 “Member of a local legislative body” defined. “Member of a local legislative body” means a member of a board of county commissioners, a governing body of a city or a governing body of any other political subdivision who performs any function that involves introducing, voting upon or otherwise acting upon any matter of a permanent or general character which may reflect public policy.

(Added to NRS by [2009, 1043](#); A [2013, 3765](#))

NRS 281A.135 “Opinion” defined.

1. “Opinion” means an opinion rendered by the Commission in accordance with the provisions of this chapter.

2. The term includes, without limitation, the disposition of an ethics complaint by stipulation, agreed settlement, consent order or default as authorized by NRS 233B.121.

(Added to NRS by 2009, 1043; 2017, 2488)

NRS 281A.139 “Pecuniary interest” defined. “Pecuniary interest” means any beneficial or detrimental interest in a matter that consists of or is measured in money or is otherwise related to money, including, without limitation:

1. Anything of economic value; and
2. Payments or other money which a person is owed or otherwise entitled to by virtue of any statute, regulation, code, ordinance or contract or other agreement.

(Added to NRS by 2013, 3764)

NRS 281A.145 “Political subdivision” defined. “Political subdivision” means any county, city or other local government as defined in NRS 354.474.

(Added to NRS by 2009, 1043)

NRS 281A.150 “Public employee” defined. “Public employee” means any person who:

1. Performs public duties under the direction and control of a public officer for compensation paid by the State or any county, city or other political subdivision; or
2. Is designated as a public employee for the purposes of this chapter pursuant to NRS 281A.182.

(Added to NRS by 1985, 2121; A 2009, 1047; 2017, 2488)

NRS 281A.160 “Public officer” defined.

1. “Public officer” means a person who is:
 - (a) Elected or appointed to a position which:
 - (1) Is established by the Constitution of the State of Nevada, a statute of this State or a charter or ordinance of any county, city or other political subdivision; and
 - (2) Involves the exercise of a public power, trust or duty; or
 - (b) Designated as a public officer for the purposes of this chapter pursuant to NRS 281A.182.

2. As used in this section, “the exercise of a public power, trust or duty” means:

- (a) Actions taken in an official capacity which involve a substantial and material exercise of administrative discretion in the formulation of public policy;
- (b) The expenditure of public money; and
- (c) The administration of laws and rules of the State or any county, city or other political subdivision.

3. “Public officer” does not include:

- (a) Any justice, judge or other officer of the court system;
- (b) Any member of a board, commission or other body whose function is advisory;

(c) Any member of a special district whose official duties do not include the formulation of a budget for the district or the authorization of the expenditure of the district's money; or

(d) A county health officer appointed pursuant to [NRS 439.290](#).

4. "Public office" does not include an office held by:

(a) Any justice, judge or other officer of the court system;

(b) Any member of a board, commission or other body whose function is advisory;

(c) Any member of a special district whose official duties do not include the formulation of a budget for the district or the authorization of the expenditure of the district's money; or

(d) A county health officer appointed pursuant to [NRS 439.290](#).

(Added to NRS by [1985, 2121](#); A [1987, 2093](#); [1999, 883](#); [2001, 658](#), [1955, 2288](#); [2003, 116](#); [2005, 2302](#); [2009, 1047](#); [2013, 3765](#)) — (Substituted in revision for NRS 281.4365)

NRS 281A.161 "Request for an advisory opinion" defined. "Request for an advisory opinion" means a request for an advisory opinion which is filed with the Commission pursuant to [NRS 281A.675](#) by a public officer or employee who is:

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

2. Requesting relief pursuant to [NRS 281A.410](#), [281A.430](#) or [281A.550](#).

(Added to NRS by [2017, 2478](#))

NRS 281A.162 "Review panel" defined. "Review panel" means a review panel appointed pursuant to [NRS 281A.220](#).

(Added to NRS by [2017, 2478](#))

NRS 281A.163 "State agency" defined. "State agency" means any agency, bureau, board, commission, department, division, office or other unit of the Executive Department of the State Government.

(Added to NRS by [2013, 3764](#))

NRS 281A.165 "State Legislator" or "Legislator" defined. "State Legislator" or "Legislator" means a member of the Senate or Assembly of the State of Nevada.

(Added to NRS by [2009, 1043](#))

NRS 281A.170 "Willful violation" defined. "Willful violation" means a violation where the public officer or employee:

1. Acted intentionally and knowingly; or

2. Was in a situation where this chapter imposed a duty to act and the public officer or employee intentionally and knowingly failed to act in the manner required by this chapter,

□ unless the Commission determines, after applying the factors set forth in [NRS 281A.775](#), that the public officer's or employee's act or failure to act has not resulted in a sanctionable violation of this chapter.

(Added to NRS by [1999, 2728](#); A [2009, 1048](#); [2013, 3766](#); [2015, 917](#)) —
(Substituted in revision for NRS 281.4375)

NRS 281A.180 Terms “public officer” and “public employee” include former public officer or employee; exceptions. In applying the provisions of this chapter to an alleged violation by a former public officer or employee, the use of the term “public officer” or “public employee” in this chapter must be interpreted to include the former public officer or employee, unless the commencement of proceedings against the former public officer or employee concerning the alleged violation is time-barred by the statute of limitations pursuant to [NRS 281A.280](#).

(Added to NRS by [2009, 1044](#))

NRS 281A.182 Persons serving in certain positions designated as public officers or employees; applicability.

1. Any person who serves in one of the following positions is designated as a public officer solely and exclusively for the purposes of this chapter:

(a) A president of a university, state college or community college within the Nevada System of Higher Education.

(b) A superintendent of a county school district.

(c) A county manager or a city manager.

2. The provisions of subsection 1 apply to such a person regardless of whether the person serves in the position:

(a) By appointment, contract or employment;

(b) With or without compensation; or

(c) On a temporary, interim or acting basis.

3. A person who is not otherwise a public officer is designated as a public officer solely and exclusively for the purposes of this chapter if the person:

(a) Enters into a contract with any state or local agency;

(b) Is paid compensation with public money; and

(c) Serves in a position which involves the exercise of a public power, trust or duty and which ordinarily would be held or filled by a public officer.

4. A person who is not otherwise a public employee is designated as a public employee solely and exclusively for the purposes of this chapter if:

(a) The person enters into a contract with any state or local agency;

(b) The person is paid compensation with public money;

(c) The person serves in a position which involves the performance of public duties under the substantial and continuing direction and control of a public officer or supervisory public employee;

(d) The position ordinarily would be held or filled by a public employee and would require the public employee to hold a valid professional or occupational license or similar type of authorization issued by a state or local agency to perform the public duties of the position, other than a general business license or similar type of authorization;

(e) The position is entrusted with public duties of a substantial and continuing nature which ordinarily would require a public employee to avoid conflicts between

the private interests of the public employee and those of the general public whom the public employee serves; and

(f) The person occupies the position on a full-time basis or its equivalent for a substantial and continuing period of time.

5. The provisions of subsections 3 and 4 must be interpreted and applied to ensure that a person does not evade the provisions of this chapter because a state or local agency elects to use a contractual relationship instead of an employment relationship for a position which ordinarily would be held or filled by a public officer or employee.

6. If, pursuant to this section, any person is designated as a public officer or employee for the purposes of this chapter, that designation:

(a) Does not make the person a public officer or employee for the purposes of any other law or for any other purposes; and

(b) Must not be used, interpreted or applied in any manner to establish, suggest or prove that the person is a public officer or employee for the purposes of any other law or for any other purposes.

(Added to NRS by [2013, 3764](#); A [2017, 2488](#))

NRS 281A.185 Abrogation of common-law privileges and immunities; exceptions.

1. In any proceeding commenced against a public officer or employee pursuant to the authority of this chapter, including any judicial review thereof, the public officer or employee who is the subject of the proceeding may not assert, claim or raise any common-law privilege or immunity as an affirmative defense, for testimonial or evidentiary purposes or for any other purpose.

2. The provisions of this chapter are intended to abrogate common-law privileges and immunities only in a proceeding commenced pursuant to the authority of this chapter and only for the public officer or employee who is the subject of the proceeding. This abrogation of common-law privileges and immunities does not apply to or affect:

(a) Any privilege or immunity granted by the Constitution of the United States or of the State of Nevada or by [NRS 41.071, chapter 49](#) of NRS or any other statute;

(b) Any person who is not the subject of the proceeding; or

(c) Any other proceeding that is not commenced pursuant to the authority of this chapter.

(Added to NRS by [2009, 1044](#))

NRS 281A.190 Computation of time. In computing any period prescribed or allowed by this chapter:

1. If the period begins to run on the occurrence of an act or event, the day on which the act or event begins is excluded from the computation.

2. The last day of the period is included in the computation, except that if the last day falls on a Saturday, Sunday, legal holiday or holiday proclaimed by the Governor or on a day on which the office of the Commission is not open for the

conduct of business, the period is extended to the close of business on the next business day.

(Added to NRS by [2013, 3764](#))

COMMISSION ON ETHICS

NRS 281A.200 Creation; appointment, terms and qualifications of members; prohibited activities by members; vacancies.

1. The Commission on Ethics, consisting of eight members, is hereby created.

2. The Legislative Commission shall appoint to the Commission four residents of the State, at least two of whom must be former public officers or employees, and at least one of whom must be an attorney licensed to practice law in this State.

3. The Governor shall appoint to the Commission four residents of the State, at least two of whom must be former public officers or employees, and at least one of whom must be an attorney licensed to practice law in this State.

4. Not more than four members of the Commission may be members of the same political party. Not more than four members of the Commission may be residents of the same county.

5. None of the members of the Commission may, while the member is serving on the Commission:

(a) Hold another public office;

(b) Be actively involved in the work of any political party or political campaign;

or

(c) Communicate directly with a State Legislator or a member of a local legislative body on behalf of someone other than himself or herself or the Commission, for compensation, to influence:

(1) The State Legislator with regard to introducing or voting upon any matter or taking other legislative action; or

(2) The member of the local legislative body with regard to introducing or voting upon any ordinance or resolution, taking other legislative action or voting upon:

(I) The appropriation of public money;

(II) The issuance of a license or permit; or

(III) Any proposed subdivision of land or special exception or variance from zoning regulations.

6. After the initial terms, the terms of the members are 4 years. Any vacancy in the membership must be filled by the appropriate appointing authority for the unexpired term. Each member may serve no more than two consecutive full terms.

(Added to NRS by [1985, 2121](#); A [1991, 1594](#); [1999, 2731](#); [2009, 1048](#); [2013, 3766](#)) — (Substituted in revision for NRS 281.455)

NRS 281A.210 Chair; meetings; compensation; facilities.

1. The Commission shall:

(a) At its first meeting and annually thereafter elect a Chair and Vice Chair from among its members.

(b) Meet regularly at least once in each calendar quarter, unless there are no ethics complaints or requests for advisory opinions pursuant to this chapter, and at other times upon the call of the Chair.

2. Members of the Commission are entitled to receive a salary of not more than \$80 per day, as fixed by the Commission, while engaged in the business of the Commission.

3. While engaged in the business of the Commission, each member and employee of the Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

4. The Commission may, within the limits of legislative appropriation, maintain such facilities as are required to carry out its functions.

(Added to NRS by 1977, 1105; A 1981, 1979; 1983, 1440; 1985, 391, 2123; 1987, 2094; 1989, 1709; 1991, 1594; 1997, 256; 1999, 2732; 2005, 2278; 2017, 2489)

NRS 281A.220 Review panels: Appointment; composition; functions; disqualification of members from participation in further proceedings in matter.

1. The Chair shall appoint one or more review panels of three members of the Commission on a rotating basis to perform the functions assigned to such review panels pursuant to this chapter.

2. The Chair and Vice Chair of the Commission may not serve together on a review panel.

3. Not more than two members of a review panel may be members of the same political party.

4. If a review panel determines that there is just and sufficient cause for the Commission to render an opinion in a matter, the members of the review panel shall not participate in any further proceedings of the Commission relating to that matter.

(Added to NRS by 1999, 2730; A 2009, 1049; 2017, 2489)

NRS 281A.230 Executive Director: Appointment; qualifications; classification; prohibited activities and other employment.

1. The Commission shall appoint, within the limits of legislative appropriation, an Executive Director who shall perform the duties set forth in this chapter and such other duties as may be prescribed by the Commission.

2. The Executive Director must have experience in administration, investigations and law.

3. The Executive Director is in the unclassified service of the State.

4. The Executive Director shall devote the Executive Director's entire time and attention to the business of the Commission and shall not pursue any other business or occupation or hold any other office of profit that detracts from the full and timely performance of the Executive Director's duties.

5. The Executive Director may not:

(a) Be actively involved in the work of any political party or political campaign;
or

(b) Except in pursuit of the business of the Commission, communicate directly or indirectly with a State Legislator or a member of a local legislative body on behalf of someone other than the Executive Director to influence:

(1) The State Legislator with regard to introducing or voting upon any matter or taking other legislative action; or

(2) The member of the local legislative body with regard to introducing or voting upon any ordinance or resolution, taking other legislative action or voting upon:

(I) The appropriation of public money;

(II) The issuance of a license or permit; or

(III) Any proposed subdivision of land or special exception or variance from zoning regulations.

(Added to NRS by 1999, 2728; A 2009, 1049) — (Substituted in revision for NRS 281.463)

NRS 281A.240 Executive Director: Duties; employment of staff; designation of qualified person to perform duties when Executive Director unable to act on matter.

1. In addition to any other duties imposed upon the Executive Director, the Executive Director shall:

(a) Maintain complete and accurate records of all transactions and proceedings of the Commission.

(b) Receive ethics complaints and requests for advisory opinions pursuant to this chapter.

(c) Gather information and conduct investigations regarding ethics complaints and requests for advisory opinions pursuant to this chapter.

(d) Submit recommendations to the review panel regarding whether there is just and sufficient cause for the Commission to render an opinion in a matter.

(e) Recommend to the Commission any regulations or legislation that the Executive Director considers desirable or necessary to improve the operation of the Commission and maintain high standards of ethical conduct in government.

(f) Upon the request of any public officer or the employer of a public employee, conduct training on the requirements of this chapter, the rules and regulations adopted by the Commission and previous opinions of the Commission. In any such training, the Executive Director shall emphasize that the Executive Director is not a member of the Commission and that only the Commission may issue opinions concerning the application of the statutory ethical standards to any given set of facts and circumstances. The Commission may charge a reasonable fee to cover the costs of training provided by the Executive Director pursuant to this subsection.

(g) Perform such other duties, not inconsistent with law, as may be required by the Commission.

2. The Executive Director shall, within the limits of legislative appropriation, employ such persons as are necessary to carry out any of the Executive Director's duties relating to:

- (a) The administration of the affairs of the Commission; and
- (b) The investigation of matters under the jurisdiction of the Commission.

3. If the Executive Director is prohibited from acting on a particular matter or is otherwise unable to act on a particular matter, the Chair of the Commission shall designate a qualified person to perform the duties of the Executive Director with regard to that particular matter.

(Added to NRS by 1999, 2729; A 2003, 3385; 2005, 2278; 2009, 1050; 2011, 1726; 2013, 3767; 2017, 2490)

NRS 281A.250 Commission Counsel: Appointment; qualifications; classification; prohibited activities and other employment.

1. The Commission shall appoint, within the limits of legislative appropriation, a Commission Counsel who shall perform the duties set forth in this chapter and such other duties as may be prescribed by the Commission.

2. The Commission Counsel must be an attorney who is licensed to practice law in this State.

3. The Commission Counsel is in the unclassified service of the State.

4. The Commission Counsel shall devote the Commission Counsel's entire time and attention to the business of the Commission and shall not pursue any other business or occupation or hold any other office of profit that detracts from the full and timely performance of the Commission Counsel's duties.

5. The Commission Counsel may not:

(a) Be actively involved in the work of any political party or political campaign; or

(b) Except in pursuit of the business of the Commission, communicate directly or indirectly with a State Legislator or a member of a local legislative body on behalf of someone other than the Commission Counsel to influence:

(1) The State Legislator with regard to introducing or voting upon any matter or taking other legislative action; or

(2) The member of the local legislative body with regard to introducing or voting upon any ordinance or resolution, taking other legislative action or voting upon:

(I) The appropriation of public money;

(II) The issuance of a license or permit; or

(III) Any proposed subdivision of land or special exception or variance from zoning regulations.

(Added to NRS by 1999, 2729; A 2001, 568; 2009, 1050) — (Substituted in revision for NRS 281.464)

NRS 281A.260 Commission Counsel: Duties; legal advice; appointment or employment of other counsel by Commission under certain circumstances.

1. The Commission Counsel is the legal adviser to the Commission. For each opinion of the Commission, the Commission Counsel shall prepare, at the direction of the Commission, the appropriate findings of fact and conclusions as to relevant standards and the propriety of particular conduct. The Commission Counsel shall not issue written opinions concerning the applicability of the statutory ethical standards to a given set of facts and circumstances except as directed by the Commission.

2. The Commission may rely upon the legal advice of the Commission Counsel in conducting its daily operations.

3. If the Commission Counsel is prohibited from acting on a particular matter or is otherwise unable to act on a particular matter, the Commission may:

(a) Request that the Attorney General appoint a deputy to act in the place of the Commission Counsel; or

(b) Employ outside legal counsel.

(Added to NRS by 1977, 1107; A 1985, 2126; 1999, 2743; 2005, 1577; 2009, 1051; 2013, 3768) — (Substituted in revision for NRS 281.4645)

NRS 281A.265 Discretionary-function immunity for members and employees of Commission. For the purposes of NRS 41.032, the members of the Commission and employees of the Commission shall be deemed to be exercising or performing a discretionary function or duty in taking any action pursuant to the provisions of this chapter.

(Added to NRS by 2017, 2487)

NRS 281A.270 Assessment for administrative costs: Determination; payment by certain cities and counties; use of proceeds; collection.

1. Each county whose population is 10,000 or more and each city whose population is 15,000 or more and that is located within such a county shall pay an assessment for the costs incurred by the Commission each biennium in carrying out its functions pursuant to this chapter. The total amount of money to be derived from assessments paid pursuant to this subsection for a biennium must be determined by the Legislature in the legislatively approved budget of the Commission for that biennium. The assessments must be apportioned among each such city and county based on the proportion that the total population of the city or the total population of the unincorporated area of the county bears to the total population of all such cities and the unincorporated areas of all such counties in this State.

2. On or before July 1 of each odd-numbered year, the Executive Director shall, in consultation with the Budget Division of the Office of Finance and the Fiscal Analysis Division of the Legislative Counsel Bureau, determine for the next ensuing biennium the amount of the assessments due for each city and county that is required to pay an assessment pursuant to subsection 1. The assessments must be paid to the Commission in semiannual installments that are due on or before August 1 and February 1 of each year of the biennium. The Executive Director shall send out a billing statement to each such city or county which states the amount of the semiannual installment payment due from the city or county.

3. Any money that the Commission receives pursuant to subsection 2:
 - (a) Must be deposited in the State Treasury, accounted for separately in the State General Fund and credited to the budget account for the Commission;
 - (b) May only be used to carry out the provisions of this chapter and only to the extent authorized for expenditure by the Legislature;
 - (c) Does not revert to the State General Fund at the end of any fiscal year; and
 - (d) Does not revert to a city or county if:
 - (1) The actual expenditures by the Commission are less than the amount of the assessments approved by the Legislature pursuant to subsection 1 and the city or county has already remitted its semiannual installment to the Commission for the billing period; or
 - (2) The budget of the Commission is modified after the amount of the assessments has been approved by the Legislature pursuant to subsection 1 and the city or county has already remitted its semiannual installment to the Commission for the billing period.

4. If any installment payment is not paid on or before the date on which it is due, the Executive Director shall make reasonable efforts to collect the delinquent payment. If the Executive Director is not able to collect the arrearage, the Executive Director shall submit a claim for the amount of the unpaid installment payment to the Department of Taxation. If the Department of Taxation receives such a claim, the Department shall deduct the amount of the claim from money that would otherwise be allocated from the Local Government Tax Distribution Account to the city or county that owes the installment payment and shall transfer that amount to the Commission.

5. As used in this section, "population" means the current population estimate for that city or county as determined and published by the Department of Taxation and the demographer employed pursuant to [NRS 360.283](#).

(Added to NRS by [2003, 2661](#); A [2011, 1206](#); [2013, 3768](#)) — (Substituted in revision for NRS 281.4647)

NRS 281A.275 Authority to apply for and accept grants, contributions, services and money. The Commission may apply for and accept grants, contributions, services or money for the purposes of carrying out the provisions of this chapter only if the action is approved by a majority vote in an open public meeting of the Commission and the Commission complies with the provisions of the State Budget Act.

(Added to NRS by [2013, 3764](#))

NRS 281A.280 Jurisdiction; statute of limitations.

1. Except as otherwise provided in this section, the Commission has jurisdiction to investigate and take appropriate action regarding an alleged violation of this chapter by a public officer or employee or former public officer or employee in any proceeding commenced by an ethics complaint, which is filed with the Commission or initiated by the Commission on its own motion, within 2 years after the alleged violation or reasonable discovery of the alleged violation.

2. The Commission does not have jurisdiction regarding alleged conduct by a public officer or employee or former public officer or employee for which:

(a) A complaint may be filed or, if the applicable limitations period has expired, could have been filed with the United States Equal Employment Opportunity Commission or the Nevada Equal Rights Commission; or

(b) A complaint or employment-related grievance may be filed or, if the applicable limitations period has expired, could have been filed with another appropriate agency with jurisdiction to redress alleged discrimination or harassment, including, without limitation, a state or local employee-management relations board or similar state or local agency,

□ but any bar on the Commission's jurisdiction imposed by this subsection applies only to the extent that it pertains to the alleged discrimination or harassment, and this subsection does not deprive the Commission of jurisdiction regarding the alleged conduct if such conduct is sanctionable separately or concurrently under the provisions of this chapter, irrespective of the alleged discrimination or harassment.

3. For the purposes of this section, a proceeding is commenced:

(a) On the date on which an ethics complaint is filed in the proper form with the Commission in accordance with the regulations of the Commission; or

(b) If the ethics complaint is initiated by the Commission on its own motion, on the date on which the Commission serves the public officer or employee or former public officer or employee with notice of the ethics complaint in accordance with the regulations of the Commission.

(Added to NRS by [1995, 2443](#); A [1997, 256](#); [1999, 2732](#); [2005, 2279](#); [2009, 1051](#); [2017, 2490](#))

NRS 281A.290 Duties of Commission; inclusion of annotations of opinions of Commission in Nevada Revised Statutes. The Commission shall:

1. Adopt procedural regulations that are necessary and proper to carry out the provisions of this chapter, including, without limitation:

(a) To facilitate the receipt of inquiries by the Commission;

(b) For the filing of an ethics complaint or a request for an advisory opinion with the Commission;

(c) For the withdrawal of an ethics complaint or a request for an advisory opinion by the person who filed the ethics complaint or request;

(d) To facilitate the prompt rendition of opinions by the Commission; and

(e) For proceedings concerning an ethics complaint, to facilitate written discovery requests submitted pursuant to [NRS 281A.750](#) and [281A.755](#) and the disclosure of evidence in the manner required by those sections, including, without limitation, the disclosure of evidence obtained by or on behalf of the Executive Director during the course of the investigation that affirmatively and substantively disproves any alleged violation of this chapter that is related to the ethics complaint and has been referred to the Commission for an adjudicatory hearing.

2. Prescribe, by regulation, forms and procedures for the submission of statements of acknowledgment filed by public officers pursuant to [NRS 281A.500](#),

maintain files of such statements and make the statements available for public inspection.

3. Cause the making of such investigations as are reasonable and necessary for the rendition of its opinions pursuant to this chapter.

4. Inform the Attorney General or district attorney of all cases of noncompliance with the requirements of this chapter.

5. Recommend to the Legislature such further legislation as the Commission considers desirable or necessary to promote and maintain high standards of ethical conduct in government.

6. Publish a manual for the use of public officers and employees that explains the requirements of this chapter.

□ The Legislative Counsel shall prepare annotations to this chapter for inclusion in the Nevada Revised Statutes based on the published opinions of the Commission.

(Added to NRS by 1977, 1105; A 1985, 2124; 1991, 1595; 1999, 2732; 2003, 3019, 3386; 2003, 20th Special Session, 265; 2011, 1726; 2013, 3769; 2017, 2491)

NRS 281A.300 Oaths; written requests and subpoenas for participation, attendance and production of books and papers; enforcement by court for noncompliance.

1. The Chair and Vice Chair of the Commission may administer oaths.

2. The Commission, upon majority vote, may issue a subpoena to compel the attendance of a witness and the production of any books and papers for any hearing before the Commission.

3. Upon the request of the Executive Director, the Chair or, in the Chair's absence, the Vice Chair, may issue a subpoena to compel the participation of a potential witness and the production of any books and papers during the course of any investigation.

4. Upon the request of the Executive Director or the public officer or employee who is the subject of an ethics complaint, the Chair or, in the Chair's absence, the Vice Chair, may issue a subpoena to compel the attendance of a witness and the production of any books and papers for any hearing before the Commission. A public officer or employee who requests the issuance of a subpoena pursuant to this subsection must serve the subpoena in the manner provided in the Nevada Rules of Civil Procedure for service of subpoenas in a civil action and must pay the costs of such service.

5. Before issuing a subpoena to a public officer or employee who is the subject of an ethics complaint to compel his or her participation in any investigation, his or her attendance as a witness or his or her production of any books and papers, the Executive Director shall submit a written request to the public officer or employee requesting:

(a) The voluntary participation of the public officer or employee in the investigation;

(b) The voluntary attendance of the public officer or employee as a witness; or

(c) The voluntary production by the public officer or employee of any books and papers relating to the ethics complaint.

6. Each written request submitted by the Executive Director pursuant to subsection 5 must specify the time and place for the voluntary participation of the public officer or employee in the investigation, attendance of the public officer or employee as a witness or production of any books and papers, and designate with certainty the books and papers requested, if any.

7. If the public officer or employee fails or refuses to respond to the Executive Director's written request pursuant to subsection 5 to voluntarily participate or attend at the time and place specified or produce the books and papers requested by the Executive Director within 5 business days after receipt of the written request, the Chair or, in the Chair's absence, the Vice Chair, may issue the subpoena. Failure of the public officer or employee to comply with the written request of the Executive Director shall be deemed a waiver by the public officer or employee of the time limits set forth in NRS 281A.700 to 281A.790, inclusive, that apply to proceedings concerning the ethics complaint.

8. If any witness fails or refuses to participate, attend, testify or produce any books and papers as required by the subpoena, the Chair or, in the Chair's absence, the Vice Chair, may report to the district court by petition, setting forth that:

(a) Due notice has been given of the time and place of the participation or attendance of the witness or the production of the books and papers;

(b) The witness has been subpoenaed pursuant to this section; and

(c) The witness has failed or refused to participate, attend, testify or produce the books and papers as required by the subpoena, or has failed or refused to answer questions propounded to the witness,

□ and asking for an order of the court compelling the witness to participate, attend, testify or produce the books and papers as required by the subpoena.

9. Upon such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and there show cause why the witness has not participated, attended, testified or produced the books or papers as required by the subpoena. A certified copy of the order must be served upon the witness.

10. If it appears to the court that the subpoena was regularly issued pursuant to this section, the court shall enter an order that the witness comply with the subpoena, at the time and place fixed in the order, and participate, attend, testify or produce the required books and papers. Upon failure to obey the order, the witness must be dealt with as for contempt of court.

(Added to NRS by 1991, 1591; A 1997, 257; 1999, 2733; 2003, 3387; 2005, 2279; 2009, 1052; 2013, 3769; 2017, 2492)

SPECIALIZED OR LOCAL ETHICS COMMITTEE

NRS 281A.350 Establishment; functions; limitations on powers; confidentiality.

1. Any state agency or the governing body of a county or an incorporated city may establish a specialized or local ethics committee to complement the functions of the Commission. A specialized or local ethics committee may:

(a) Establish a code of ethical standards suitable for the particular ethical problems encountered in its sphere of activity. The standards may not be less restrictive than the statutory ethical standards.

(b) Render an opinion upon the request of any public officer or employee of its own organization or level seeking an interpretation of its ethical standards on questions directly related to the propriety of the public officer's or employee's own future official conduct or refer the request to the Commission. Any public officer or employee subject to the jurisdiction of the committee shall direct the public officer's or employee's inquiry to that committee instead of the Commission.

(c) Require the filing of financial disclosure statements by public officers on forms prescribed by the committee or the city clerk if the form has been:

(1) Submitted, at least 60 days before its anticipated distribution, to the Secretary of State for review; and

(2) Upon review, approved by the Secretary of State. The Secretary of State shall not approve the form unless the form contains all the information required to be included in a financial disclosure statement pursuant to [NRS 281.571](#).

2. The Secretary of State is not responsible for the costs of producing or distributing a form for filing a financial disclosure statement pursuant to the provisions of subsection 1.

3. A specialized or local ethics committee shall not attempt to interpret or render an opinion regarding the statutory ethical standards.

4. Each request for an opinion submitted to a specialized or local ethics committee, each hearing held to obtain information on which to base an opinion, all deliberations relating to an opinion, each opinion rendered by a committee and any motion relating to the opinion are confidential unless:

(a) The public officer or employee acts in contravention of the opinion; or

(b) The requester discloses the content of the opinion.

(Added to NRS by [1977, 1107](#); [A 1985, 2126](#); [1991, 105](#); [1995, 2198, 2445](#); [1997, 640, 641](#); [2011, 1727](#); [2013, 3781](#); [2015, 1726](#)) — (Substituted in revision for NRS 281A.470)

CODE OF ETHICAL STANDARDS

NRS 281A.400 General requirements; exceptions. A code of ethical standards is hereby established to govern the conduct of public officers and employees:

1. A public officer or employee shall not seek or accept any gift, service, favor, employment, engagement, emolument or economic opportunity, for the public officer or employee or any person to whom the public officer or employee has a commitment in a private capacity, which would tend improperly to influence a reasonable person in the public officer's or employee's position to depart from the faithful and impartial discharge of the public officer's or employee's public duties.

2. A public officer or employee shall not use the public officer's or employee's position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for the public officer or employee, any business entity in which the public officer or employee has a significant pecuniary interest or any person to whom the public officer or employee has a commitment in a private capacity. As used in this subsection, "unwarranted" means without justification or adequate reason.

3. A public officer or employee shall not participate as an agent of government in the negotiation or execution of a contract between the government and the public officer or employee, any business entity in which the public officer or employee has a significant pecuniary interest or any person to whom the public officer or employee has a commitment in a private capacity.

4. A public officer or employee shall not accept any salary, retainer, augmentation, expense allowance or other compensation from any private source, for the public officer or employee or any person to whom the public officer or employee has a commitment in a private capacity, for the performance of the public officer's or employee's duties as a public officer or employee.

5. If a public officer or employee acquires, through the public officer's or employee's public duties or relationships, any information which by law or practice is not at the time available to people generally, the public officer or employee shall not use the information to further a significant pecuniary interest of the public officer or employee or any other person or business entity.

6. A public officer or employee shall not suppress any governmental report or other official document because it might tend to affect unfavorably a significant pecuniary interest of the public officer or employee or any person to whom the public officer or employee has a commitment in a private capacity.

7. Except for State Legislators who are subject to the restrictions set forth in subsection 8, a public officer or employee shall not use governmental time, property, equipment or other facility to benefit a significant personal or pecuniary interest of the public officer or employee or any person to whom the public officer or employee has a commitment in a private capacity. This subsection does not prohibit:

(a) A limited use of governmental property, equipment or other facility for personal purposes if:

(1) The public officer or employee who is responsible for and has authority to authorize the use of such property, equipment or other facility has established

a policy allowing the use or the use is necessary as a result of emergency circumstances;

(2) The use does not interfere with the performance of the public officer's or employee's public duties;

(3) The cost or value related to the use is nominal; and

(4) The use does not create the appearance of impropriety;

(b) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or

(c) The use of telephones or other means of communication if there is not a special charge for that use.

□ If a governmental agency incurs a cost as a result of a use that is authorized pursuant to this subsection or would ordinarily charge a member of the general public for the use, the public officer or employee shall promptly reimburse the cost or pay the charge to the governmental agency.

8. A State Legislator shall not:

(a) Use governmental time, property, equipment or other facility for a nongovernmental purpose or for the private benefit of the State Legislator or any other person. This paragraph does not prohibit:

(1) A limited use of state property and resources for personal purposes if:

(I) The use does not interfere with the performance of the State Legislator's public duties;

(II) The cost or value related to the use is nominal; and

(III) The use does not create the appearance of impropriety;

(2) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or

(3) The use of telephones or other means of communication if there is not a special charge for that use.

(b) Require or authorize a legislative employee, while on duty, to perform personal services or assist in a private activity, except:

(1) In unusual and infrequent situations where the employee's service is reasonably necessary to permit the State Legislator or legislative employee to perform that person's official duties; or

(2) Where such service has otherwise been established as legislative policy.

9. A public officer or employee shall not attempt to benefit a significant personal or pecuniary interest of the public officer or employee or any person to whom the public officer or employee has a commitment in a private capacity through the influence of a subordinate.

10. A public officer or employee shall not seek other employment or contracts for the public officer or employee or any person to whom the public officer or employee has a commitment in a private capacity through the use of the public officer's or employee's official position.

(Added to NRS by 1977, 1105; A 1987, 2094; 1991, 1595; 1993, 2243; 1997, 3324; 1999, 2736; 2003, 3388; 2009, 1053; 2013, 3771; 2017, 2493)

NRS 281A.410 Limitations on representing or counseling private persons before public agencies; request for relief from strict application of certain provisions. In addition to the requirements of the code of ethical standards and the other provisions of this chapter:

1. If a public officer or employee serves in a state agency of the Executive Department or an agency of any county, city or other political subdivision, the public officer or employee:

(a) Shall not accept compensation from any private person to represent or counsel the private person on any issue pending before the agency in which that public officer or employee serves, if the agency makes decisions; and

(b) If the public officer or employee leaves the service of the agency, shall not, for 1 year after leaving the service of the agency, represent or counsel for compensation a private person upon any issue which was under consideration by the agency during the public officer's or employee's service. As used in this paragraph, "issue" includes a case, proceeding, application, contract or determination, but does not include the proposal or consideration of legislative measures or administrative regulations.

2. Except as otherwise provided in subsection 3, a State Legislator or a member of a local legislative body, or a public officer or employee whose public service requires less than half of his or her time, may represent or counsel a private person before an agency in which he or she does not serve.

3. A member of a local legislative body shall not represent or counsel a private person for compensation before another local agency if the territorial jurisdiction of the other local agency includes any part of the county in which the member serves. The Commission may relieve the member from the strict application of the provisions of this subsection if:

(a) The member files a request for an advisory opinion from the Commission pursuant to NRS 281A.675; and

(b) The Commission determines that such relief is not contrary to:

- (1) The best interests of the public;
- (2) The continued ethical integrity of each local agency affected by the matter; and
- (3) The provisions of this chapter.

4. For the purposes of subsection 3, the request for an advisory opinion, the advisory opinion and all meetings, hearings and proceedings of the Commission in such a matter are governed by the provisions of NRS 281A.670 to 281A.690, inclusive.

5. Unless permitted by this section, a public officer or employee shall not represent or counsel a private person for compensation before any state agency of the Executive or Legislative Department.

(Added to NRS by 1977, 1106; A 1991, 1597; 2001, 2289; 2007, 638; 2009, 1054; 2013, 3772; 2017, 2495)

NRS 281A.420 Requirements regarding disclosure of conflicts of interest and abstention from voting because of certain types of conflicts; effect of abstention on quorum and voting requirements; exceptions.

1. Except as otherwise provided in this section, a public officer or employee shall not approve, disapprove, vote, abstain from voting or otherwise act upon a matter:

- (a) Regarding which the public officer or employee has accepted a gift or loan;
- (b) In which the public officer or employee has a significant pecuniary interest;
- (c) Which would reasonably be affected by the public officer's or employee's commitment in a private capacity to the interests of another person; or

(d) Which would reasonably be related to the nature of any representation or counseling that the public officer or employee provided to a private person for compensation before another agency within the immediately preceding year, provided such representation or counseling is permitted by [NRS 281A.410](#),

□ without disclosing information concerning the gift or loan, the significant pecuniary interest, the commitment in a private capacity to the interests of the other person or the nature of the representation or counseling of the private person that is sufficient to inform the public of the potential effect of the action or abstention upon the person who provided the gift or loan, upon the public officer's or employee's significant pecuniary interest, upon the person to whom the public officer or employee has a commitment in a private capacity or upon the private person who was represented or counseled by the public officer or employee. Such a disclosure must be made at the time the matter is considered. If the public officer or employee is a member of a body which makes decisions, the public officer or employee shall make the disclosure in public to the chair and other members of the body. If the public officer or employee is not a member of such a body and holds an appointive office, the public officer or employee shall make the disclosure to the supervisory head of the public officer's or employee's organization or, if the public officer holds an elective office, to the general public in the area from which the public officer is elected.

2. The provisions of subsection 1 do not require a public officer to disclose:

- (a) Any campaign contributions that the public officer reported in a timely manner pursuant to [NRS 294A.120](#) or [294A.125](#); or
- (b) Any contributions to a legal defense fund that the public officer reported in a timely manner pursuant to [NRS 294A.286](#).

3. Except as otherwise provided in this section, in addition to the requirements of subsection 1, a public officer shall not vote upon or advocate the passage or failure of, but may otherwise participate in the consideration of, a matter with respect to which the independence of judgment of a reasonable person in the public officer's situation would be materially affected by:

- (a) The public officer's acceptance of a gift or loan;
- (b) The public officer's significant pecuniary interest; or
- (c) The public officer's commitment in a private capacity to the interests of another person.

4. In interpreting and applying the provisions of subsection 3:

(a) It must be presumed that the independence of judgment of a reasonable person in the public officer's situation would not be materially affected by the public officer's acceptance of a gift or loan, significant pecuniary interest or commitment in a private capacity to the interests of another person where the resulting benefit or detriment accruing to the public officer, or if the public officer has a commitment in a private capacity to the interests of another person, accruing to the other person, is not greater than that accruing to any other member of any general business, profession, occupation or group that is affected by the matter. The presumption set forth in this paragraph does not affect the applicability of the requirements set forth in subsection 1 relating to the duty of the public officer to make a proper disclosure at the time the matter is considered and in the manner required by subsection 1.

(b) The Commission must give appropriate weight and proper deference to the public policy of this State which favors the right of a public officer to perform the duties for which the public officer was elected or appointed and to vote or otherwise act upon a matter, provided the public officer makes a proper disclosure at the time the matter is considered and in the manner required by subsection 1. Because abstention by a public officer disrupts the normal course of representative government and deprives the public and the public officer's constituents of a voice in governmental affairs, the provisions of this section are intended to require abstention only in clear cases where the independence of judgment of a reasonable person in the public officer's situation would be materially affected by the public officer's acceptance of a gift or loan, significant pecuniary interest or commitment in a private capacity to the interests of another person.

5. Except as otherwise provided in NRS 241.0355, if a public officer declares to the body or committee in which the vote is to be taken that the public officer will abstain from voting because of the requirements of this section, the necessary quorum to act upon and the number of votes necessary to act upon the matter, as fixed by any statute, ordinance or rule, is reduced as though the member abstaining were not a member of the body or committee.

6. The provisions of this section do not, under any circumstances:

(a) Prohibit a member of a local legislative body from requesting or introducing a legislative measure; or

(b) Require a member of a local legislative body to take any particular action before or while requesting or introducing a legislative measure.

7. The provisions of this section do not, under any circumstances, apply to State Legislators or allow the Commission to exercise jurisdiction or authority over State Legislators. The responsibility of a State Legislator to make disclosures concerning gifts, loans, interests or commitments and the responsibility of a State Legislator to abstain from voting upon or advocating the passage or failure of a matter are governed by the Standing Rules of the Legislative Department of State Government which are adopted, administered and enforced exclusively by the

appropriate bodies of the Legislative Department of State Government pursuant to Section 6 of Article 4 of the Nevada Constitution.

8. As used in this section, “public officer” and “public employee” do not include a State Legislator.

(Added to NRS by 1977, 1106; A 1987, 2095; 1991, 1597; 1995, 1083; 1997, 3326; 1999, 2738; 2003, 818, 1735, 3389; 2007, 3372; 2009, 1055, 1057; 2013, 3774; 2017, 2496)

NRS 281A.430 Contracts in which public officer or employee has interest prohibited; exceptions; request for relief from strict application of certain provisions.

1. Except as otherwise provided in this section and NRS 218A.970 and 332.800, a public officer or employee shall not bid on or enter into a contract between an agency and any business entity in which the public officer or employee has a significant pecuniary interest.

2. A member of any board, commission or similar body who is engaged in the profession, occupation or business regulated by such board, commission or body may, in the ordinary course of his or her business, bid on or enter into a contract with an agency, except the board, commission or body on which he or she is a member, if the member has not taken part in developing the contract plans or specifications and the member will not be personally involved in opening, considering or accepting offers.

3. A full- or part-time faculty member or employee of the Nevada System of Higher Education may bid on or enter into a contract with an agency, or may benefit financially or otherwise from a contract between an agency and a private entity, if the contract complies with the policies established by the Board of Regents of the University of Nevada pursuant to NRS 396.255.

4. Except as otherwise provided in subsection 2, 3 or 5, a public officer or employee may bid on or enter into a contract with an agency if:

(a) The contracting process is controlled by the rules of open competitive bidding or the rules of open competitive bidding or for a solicitation are not employed as a result of the applicability of NRS 332.112 or 332.148;

(b) The sources of supply are limited;

(c) The public officer or employee has not taken part in developing the contract plans or specifications; and

(d) The public officer or employee will not be personally involved in opening, considering or accepting offers.

□ If a public officer who is authorized to bid on or enter into a contract with an agency pursuant to this subsection is a member of the governing body of the agency, the public officer, pursuant to the requirements of NRS 281A.420, shall disclose the public officer’s interest in the contract and shall not vote on or advocate the approval of the contract.

5. A member of a local legislative body shall not, either individually or through any business entity in which the member has a significant pecuniary interest, sell

goods or services to the local agency governed by his or her local legislative body unless:

(a) The member, or the business entity in which the member has a significant pecuniary interest, offers the sole source of supply of the goods or services within the territorial jurisdiction of the local agency governed by his or her local legislative body;

(b) The local legislative body includes in the public notice and agenda for the meeting at which it will consider the purchase of such goods or services a clear and conspicuous statement that it is considering purchasing such goods or services from one of its members, or from a business entity in which the member has a significant pecuniary interest;

(c) At the meeting, the member discloses his or her significant pecuniary interest in the purchase of such goods or services and does not vote upon or advocate the approval of the matter pursuant to the requirements of [NRS 281A.420](#); and

(d) The local legislative body approves the purchase of such goods or services in accordance with all other applicable provisions of law.

6. The Commission may relieve a public officer or employee from the strict application of the provisions of this section if:

(a) The public officer or employee files a request for an advisory opinion from the Commission pursuant to [NRS 281A.675](#); and

(b) The Commission determines that such relief is not contrary to:

(1) The best interests of the public;

(2) The continued ethical integrity of each agency affected by the matter;

and

(3) The provisions of this chapter.

7. For the purposes of subsection 6, the request for an advisory opinion, the advisory opinion and all meetings, hearings and proceedings of the Commission in such a matter are governed by the provisions of [NRS 281A.670](#) to [281A.690](#), inclusive.

(Added to NRS by [1993, 2241](#); [A 1995, 689](#); [2001, 1629](#); [2003, 892](#); [2009, 1060](#); [2013, 3776](#); [2017, 2498](#); [2019, 786](#))

ADDITIONAL REQUIREMENTS, ETHICAL STANDARDS, REMEDIES AND PENALTIES

NRS 281A.500 Notice and acknowledgment of statutory ethical standards: Distribution of information regarding standards; duty to file acknowledgment; contents; form; retention; penalty for willful refusal to file.

1. On or before the date on which a public officer swears or affirms the oath of office, the public officer must be informed of the statutory ethical standards and the duty to file an acknowledgment of the statutory ethical standards in accordance with this section by:

(a) For an appointed public officer, the appointing authority of the public officer; and

- (b) For an elected public officer of:
 - (1) The county and other political subdivisions within the county except cities, the county clerk;
 - (2) The city, the city clerk;
 - (3) The Legislative Department of the State Government, the Director of the Legislative Counsel Bureau; and
 - (4) The Executive Department of the State Government, the Director of the Department of Administration, or his or her designee.
2. Within 30 days after a public employee begins employment:
 - (a) The Director of the Department of Administration, or his or her designee, shall provide each new public employee of a state agency with the information prepared by the Commission concerning the statutory ethical standards; and
 - (b) The manager of each local agency, or his or her designee, shall provide each new public employee of the local agency with the information prepared by the Commission concerning the statutory ethical standards.
3. Each public officer shall acknowledge that the public officer:
 - (a) Has received, read and understands the statutory ethical standards; and
 - (b) Has a responsibility to inform himself or herself of any amendments to the statutory ethical standards as soon as reasonably practicable after each session of the Legislature.
4. The acknowledgment must be executed on a form prescribed by the Commission and must be filed with the Commission:
 - (a) If the public officer is elected to office at the general election, on or before January 15 of the year following the public officer's election.
 - (b) If the public officer is elected to office at an election other than the general election or is appointed to office, on or before the 30th day following the date on which the public officer swears or affirms the oath of office.
5. Except as otherwise provided in this subsection, a public officer shall execute and file the acknowledgment once for each term of office. If the public officer serves at the pleasure of the appointing authority and does not have a definite term of office, the public officer, in addition to executing and filing the acknowledgment after the public officer swears or affirms the oath of office in accordance with subsection 4, shall execute and file the acknowledgment on or before January 15 of each even-numbered year while the public officer holds that office.
6. For the purposes of this section, the acknowledgment is timely filed if, on or before the last day for filing, the acknowledgment is filed in one of the following ways:
 - (a) Delivered in person to the principal office of the Commission in Carson City.
 - (b) Mailed to the Commission by first-class mail, or other class of mail that is at least as expeditious, postage prepaid. Filing by mail is complete upon timely depositing the acknowledgment with the United States Postal Service.

(c) Dispatched to a third-party commercial carrier for delivery to the Commission within 3 calendar days. Filing by third-party commercial carrier is complete upon timely depositing the acknowledgment with the third-party commercial carrier.

(d) Transmitted to the Commission by facsimile machine or other electronic means authorized by the Commission. Filing by facsimile machine or other electronic means is complete upon receipt of the transmission by the Commission.

7. If a public officer is serving in a public office and executes and files the acknowledgment for that office as required by the applicable provisions of this section, the public officer shall be deemed to have satisfied the requirements of this section for any other office held concurrently by him or her.

8. The form for making the acknowledgment must contain:

(a) The address of the Internet website of the Commission where a public officer may view the statutory ethical standards and print a copy of the standards; and

(b) The telephone number and mailing address of the Commission where a public officer may make a request to obtain a printed copy of the statutory ethical standards from the Commission.

9. Whenever the Commission, or any public officer or employee as part of the public officer's or employee's official duties, provides a public officer with a printed copy of the form for making the acknowledgment, a printed copy of the statutory ethical standards must be included with the form.

10. The Commission shall retain each acknowledgment filed pursuant to this section for 6 years after the date on which the acknowledgment was filed.

11. Willful refusal to execute and file the acknowledgment required by this section shall be deemed to be:

(a) A willful violation of this chapter for the purposes of [NRS 281A.785](#) and [281A.790](#); and

(b) Nonfeasance in office for the purposes of [NRS 283.440](#) and, if the public officer is removable from office pursuant to [NRS 283.440](#), the Commission may file a complaint in the appropriate court for removal of the public officer pursuant to that section. This paragraph grants an exclusive right to the Commission, and no other person may file a complaint against the public officer pursuant to [NRS 283.440](#) based on any violation of this section.

12. As used in this section, "general election" has the meaning ascribed to it in [NRS 293.060](#).

(Added to NRS by [1999, 2730](#); [A 2001, 2289](#); [2003, 3020, 3396](#); [2003, 20th Special Session, 265](#); [2009, 1066](#); [2013, 3784](#); [2017, 2503](#))

NRS 281A.510 Public officer or employee prohibited from accepting or receiving honorarium; penalty.

1. A public officer or public employee shall not accept or receive an honorarium.

2. An honorarium paid on behalf of a public officer or public employee to a charitable organization from which the officer or employee does not derive any

financial benefit is deemed not to be accepted or received by the officer or employee for the purposes of this section.

3. This section does not prohibit:

(a) The receipt of payment for work performed outside the normal course of a person's public office or employment if the performance of that work is consistent with the applicable policies of the person's public employer regarding supplemental employment.

(b) The receipt of an honorarium by the spouse of a public officer or public employee if it is related to the spouse's profession or occupation.

4. As used in this section, "honorarium" means the payment of money or anything of value for an appearance or speech by the public officer or public employee in the officer's or employee's capacity as a public officer or public employee. The term does not include the payment of:

(a) The actual and necessary costs incurred by the public officer or public employee, the officer's or employee's spouse or the officer's or employee's aid for transportation and for lodging and meals while the public officer or public employee is away from the officer's or employee's residence.

(b) Compensation which would otherwise have been earned by the public officer or public employee in the normal course of the officer's or employee's public office or employment.

(c) A fee for a speech related to the officer's or employee's profession or occupation outside of the officer's or employee's public office or employment if:

(1) Other members of the profession or occupation are ordinarily compensated for such a speech; and

(2) The fee paid to the public officer or public employee is approximately the same as the fee that would be paid to a member of the private sector whose qualifications are similar to those of the officer or employee for a comparable speech.

(d) A fee for a speech delivered to an organization of legislatures, legislators or other elected officers.

5. In addition to any other penalties provided by law, a public officer or public employee who violates the provisions of this section shall forfeit the amount of the honorarium.

(Added to NRS by [1991, 1592](#); A [1999, 2745](#); [2007, 640](#); [2017, 2505](#))

NRS 281A.520 Public officer or employee prohibited from requesting or otherwise causing governmental entity to incur expense or make expenditure to support or oppose ballot question or candidate in certain circumstances.

1. Except as otherwise provided in subsections 4 and 5, a public officer or employee shall not request or otherwise cause a governmental entity to incur an expense or make an expenditure to support or oppose:

(a) A ballot question.

(b) A candidate.

2. For the purposes of paragraph (b) of subsection 1, an expense incurred or an expenditure made by a governmental entity shall be considered an expense incurred or an expenditure made in support of a candidate if:

(a) The expense is incurred or the expenditure is made for the creation or dissemination of a pamphlet, brochure, publication, advertisement or television programming that prominently features the activities of a current public officer of the governmental entity who is a candidate for a state, local or federal elective office; and

(b) The pamphlet, brochure, publication, advertisement or television programming described in paragraph (a) is created or disseminated during the period specified in subsection 3.

3. The period during which the provisions of subsection 2 apply to a particular governmental entity begins when a current public officer of that governmental entity files a declaration of candidacy and ends on the date of the general election, general city election or special election for the office for which the current public officer of the governmental entity is a candidate.

4. The provisions of this section do not prohibit the creation or dissemination of, or the appearance of a candidate in or on, as applicable, a pamphlet, brochure, publication, advertisement or television programming that:

(a) Is made available to the public on a regular basis and merely describes the functions of:

(1) The public office held by the public officer who is the candidate; or

(2) The governmental entity by which the public officer who is the candidate is employed; or

(b) Is created or disseminated in the course of carrying out a duty of:

(1) The public officer who is the candidate; or

(2) The governmental entity by which the public officer who is the candidate is employed.

5. The provisions of this section do not prohibit an expense or an expenditure incurred to create or disseminate a television program that provides a forum for discussion or debate regarding a ballot question, if persons both in support of and in opposition to the ballot question participate in the television program.

6. As used in this section:

(a) "Governmental entity" means:

(1) The government of this State;

(2) An agency of the government of this State;

(3) A political subdivision of this State; and

(4) An agency of a political subdivision of this State.

(b) "Pamphlet, brochure, publication, advertisement or television programming" includes, without limitation, a publication, a public service announcement and any programming on a television station created to provide community access to cable television. The term does not include:

(1) A press release issued to the media by a governmental entity; or

(2) The official website of a governmental entity.

(Added to NRS by [2003, 925](#); A [2009, 1067](#); [2019, 3419](#))

NRS 281A.540 Governmental grant, contract or lease and certain actions taken in violation of chapter are voidable; prohibited contract is void; recovery of benefit received as result of violation.

1. In addition to any other penalties provided by law, a governmental grant, contract or lease entered into in violation of this chapter is voidable by the State, county, city or political subdivision. In a determination under this section of whether to void a grant, contract or lease, the interests of innocent third parties who could be damaged must be taken into account. The Attorney General, district attorney or city attorney must give notice of the intent to void a grant, contract or lease under this section no later than 30 days after the Commission has determined that there has been a related violation of this chapter.

2. In addition to any other penalties provided by law, a contract prohibited by [NRS 281.230](#) which is knowingly entered into by a person designated in subsection 1 of [NRS 281.230](#) is void.

3. Any action taken by the State in violation of this chapter is voidable, except that the interests of innocent third parties in the nature of the violation must be taken into account. The Attorney General may also pursue any other available legal or equitable remedies.

4. In addition to any other penalties provided by law, the Attorney General may recover any fee, compensation, gift or benefit received by a person as a result of a violation of this chapter by a public officer. An action to recover pursuant to this section must be brought within 2 years after the violation or reasonable discovery of the violation.

(Added to NRS by [1991, 1593](#); A [2009, 1068](#)) — (Substituted in revision for NRS 281.557)

NRS 281A.550 Employment of certain former public officers and employees by regulated businesses prohibited; certain former public officers and employees prohibited from soliciting or accepting employment from certain persons contracting with State or local government; request for relief from strict application of certain provisions.

1. A former member of the Public Utilities Commission of Nevada shall not:

(a) Be employed by a public utility or parent organization or subsidiary of a public utility; or

(b) Appear before the Public Utilities Commission of Nevada to testify on behalf of a public utility or parent organization or subsidiary of a public utility, for 1 year after the termination of the member's service on the Public Utilities Commission of Nevada.

2. A former member of the Nevada Gaming Control Board or the Nevada Gaming Commission shall not:

(a) Appear before the Nevada Gaming Control Board or the Nevada Gaming Commission on behalf of a person who holds a license issued pursuant to [chapter 463](#) or [464](#) of NRS or who is required to register with the Nevada Gaming Commission pursuant to [chapter 463](#) of NRS; or

(b) Be employed by such a person,
□ for 1 year after the termination of the member's service on the Nevada Gaming Control Board or the Nevada Gaming Commission.

3. In addition to the prohibitions set forth in subsections 1 and 2, and except as otherwise provided in subsections 4 and 6, a former public officer or employee of a board, commission, department, division or other agency of the Executive Department of State Government, except a clerical employee, shall not solicit or accept employment from a business or industry whose activities are governed by regulations adopted by the board, commission, department, division or other agency for 1 year after the termination of the former public officer's or employee's service or period of employment if:

(a) The former public officer's or employee's principal duties included the formulation of policy contained in the regulations governing the business or industry;

(b) During the immediately preceding year, the former public officer or employee directly performed activities, or controlled or influenced an audit, decision, investigation or other action, which significantly affected the business or industry which might, but for this section, employ the former public officer or employee; or

(c) As a result of the former public officer's or employee's governmental service or employment, the former public officer or employee possesses knowledge of the trade secrets of a direct business competitor.

4. The provisions of subsection 3 do not apply to a former public officer who was a member of a board, commission or similar body of the State if:

(a) The former public officer is engaged in the profession, occupation or business regulated by the board, commission or similar body;

(b) The former public officer holds a license issued by the board, commission or similar body; and

(c) Holding a license issued by the board, commission or similar body is a requirement for membership on the board, commission or similar body.

5. Except as otherwise provided in subsection 6, a former public officer or employee of the State or a political subdivision, except a clerical employee, shall not solicit or accept employment from a person to whom a contract for supplies, materials, equipment or services was awarded by the State or political subdivision, as applicable, for 1 year after the termination of the officer's or employee's service or period of employment, if:

(a) The amount of the contract exceeded \$25,000;

(b) The contract was awarded within the 12-month period immediately preceding the termination of the officer's or employee's service or period of employment; and

(c) The position held by the former public officer or employee at the time the contract was awarded allowed the former public officer or employee to affect or influence the awarding of the contract.

6. A current or former public officer or employee may file a request for an advisory opinion pursuant to [NRS 281A.675](#) concerning the application of the relevant facts in that person's case to the provisions of subsection 3 or 5, as applicable, and determine whether relief from the strict application of those provisions is proper. If the Commission determines that relief from the strict application of the provisions of subsection 3 or 5, as applicable, is not contrary to:

(a) The best interests of the public;

(b) The continued ethical integrity of the State Government or political subdivision, as applicable; and

(c) The provisions of this chapter,

it may issue an advisory opinion to that effect and grant such relief.

7. For the purposes of subsection 6, the request for an advisory opinion, the advisory opinion and all meetings, hearings and proceedings of the Commission in such a matter are governed by the provisions of [NRS 281A.670](#) to [281A.690](#), inclusive.

8. The advisory opinion does not relieve the current or former public officer or employee from the strict application of any provision of [NRS 281A.410](#).

9. For the purposes of this section:

(a) A former member of the Public Utilities Commission of Nevada, the Nevada Gaming Control Board or the Nevada Gaming Commission; or

(b) Any other former public officer or employee governed by this section,

is employed by or is soliciting or accepting employment from a business, industry or other person described in this section if any oral or written agreement is sought, negotiated or exists during the restricted period pursuant to which the personal services of the public officer or employee are provided or will be provided to the business, industry or other person, even if such an agreement does not or will not become effective until after the restricted period.

10. As used in this section, "regulation" has the meaning ascribed to it in [NRS 233B.038](#) and also includes regulations adopted by a board, commission, department, division or other agency of the Executive Department of State Government that is exempted from the requirements of [chapter 233B](#) of NRS.

(Added to NRS by [2009, 1044](#); [A 2015, 924](#); [2017, 2506](#))

OPINIONS GENERALLY

NRS 281A.665 Opinions of Commission may include guidance to public officer or employee. The Commission's opinions may include guidance to a public officer or employee on questions whether:

1. A conflict exists between the public officer's or employee's personal interest and the public officer's or employee's official duty.

2. The public officer's or employee's official duties involve the use of discretionary judgment whose exercise in the particular matter would have a significant effect upon the disposition of the matter.

3. The conflict would materially affect the independence of the judgment of a reasonable person in the public officer's or employee's situation.

4. The public officer or employee possesses special knowledge which is an indispensable asset of the public officer's or employee's public agency and is needed by it to reach a sound decision.

5. It would be appropriate for the public officer or employee to withdraw or abstain from participation, disclose the nature of the public officer's or employee's conflicting personal interest or pursue some other designated course of action in the matter.

(Added to NRS by 1977, 1107; A 1985, 2126; 1987, 2097; 1997, 258; 2005, 2280) — (Substituted in revision for NRS 281A.460)

ADVISORY OPINIONS

NRS 281A.670 Applicability. The provisions of NRS 281A.670 to 281A.690, inclusive, apply to proceedings concerning a request for an advisory opinion.

(Added to NRS by 2017, 2479)

NRS 281A.675 Initiation of request for advisory opinion; purpose of request; form and contents; Commission may decline to render advisory opinion under certain circumstances.

1. A public officer or employee may file with the Commission a request for an advisory opinion to:

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

(b) Request relief pursuant to NRS 281A.410, 281A.430 or 281A.550.

2. The request for an advisory opinion must be:

(a) Filed on a form prescribed by the Commission; and

(b) Submitted with all necessary information for the Commission to render an advisory opinion in the matter.

3. The Commission may decline to render an advisory opinion if the public officer or employee does not:

(a) Submit all necessary information for the Commission to render an advisory opinion in the matter; or

(b) Declare by oath or affirmation that he or she will testify truthfully regarding the matter.

(Added to NRS by 2017, 2479)

NRS 281A.680 Rendering of advisory opinion by Commission; deadline and waiver; certain advisory opinions binding upon requester; judicial review; confidentiality and waiver.

1. If a public officer or employee properly files a request for an advisory opinion, the Commission shall render an advisory opinion that interprets the statutory ethical standards and applies those standards to the given set of facts and circumstances. The Commission shall render the advisory opinion within 45 days after receiving the request, unless the requester waives this time limit.

2. If the advisory opinion rendered by the Commission relates to the propriety of the present or future conduct of the requester, the advisory opinion is:

(a) Binding upon the requester with regard to the future conduct of the requester; and

(b) A final decision that is subject to judicial review pursuant to [NRS 233B.130](#).

3. If the requester seeks judicial review pursuant to [NRS 233B.130](#), any proceedings concerning such judicial review must be confidential and held in closed court without admittance of persons other than those necessary to the proceedings, unless the requester waives this right to confidential proceedings.

(Added to NRS by [2017, 2479](#))

NRS 281A.685 Confidentiality of certain materials; no duty on Commission or staff to protect confidentiality of materials not in their possession; exceptions.

1. Except as otherwise provided in this section, the following materials are confidential and are not public records pursuant to [chapter 239](#) of NRS:

(a) A request for an advisory opinion;

(b) The advisory opinion rendered by the Commission in response to the request;

(c) Any information, communications, records, documents or other materials in the possession of the Commission or its staff that are related to the request; and

(d) Any information, communications, records, documents or other materials in the possession of the requester of the advisory opinion that are related to the request and, if disclosed by the requester, would reveal the existence, nature or content of the request or the advisory opinion.

2. The provisions of subsection 1 do not create or impose any duty on the Commission or its staff to protect or defend against the disclosure of any materials not in the possession of the Commission or its staff, regardless of whether the materials are related to the request.

3. The provisions of subsection 1 do not apply to any materials in the possession of the Commission or its staff that are related to the request if the requester of the advisory opinion:

(a) Acts in contravention of the advisory opinion, in which case the Commission may disclose the request, the advisory opinion and any information, communications, records, documents or other materials in the possession of the Commission or its staff that are related to the request;

(b) Authorizes the Commission, in writing, to make the request, the advisory opinion or any information, communications, records, documents or other materials in the possession of the Commission or its staff that are related to the request publicly available; or

(c) Voluntarily discloses, in any manner, the request, the advisory opinion or any information, communications, records, documents or other materials in the possession of the Commission or its staff that are related to the request, except to:

(1) The public body, agency or employer of the requester or the legal counsel of the requester;

(2) Any person to whom the Commission authorizes the requester to make such a disclosure; or

(3) Any person to whom the requester makes such a disclosure for the purposes of judicial review pursuant to [NRS 281A.680](#).

(Added to NRS by [2017, 2479](#))

NRS 281A.690 Inapplicability of Open Meeting Law to proceedings concerning request for advisory opinion; exceptions.

1. Except as otherwise provided in this section, the provisions of [chapter 241](#) of NRS do not apply to:

(a) Any meeting or hearing held by the Commission to receive information or evidence concerning a request for an advisory opinion; and

(b) Any deliberations or actions of the Commission on such information or evidence.

2. The public officer or employee who files the request for an advisory opinion may also file a request with the Commission to hold a public meeting or hearing regarding the request for an advisory opinion.

(Added to NRS by [2017, 2480](#))

ETHICS COMPLAINTS AND OPINIONS

General Provisions

NRS 281A.700 Applicability. The provisions of [NRS 281A.700](#) to [281A.790](#), inclusive, apply to proceedings concerning an ethics complaint.

(Added to NRS by [2017, 2480](#))

NRS 281A.705 Legal defense of state officer or employee subject to ethics complaint.

1. If an ethics complaint is filed with or initiated by the Commission concerning a present or former state officer or employee, unless the state officer or employee retains his or her legal counsel or the Attorney General tenders the defense of the state officer or employee to an insurer who, pursuant to a contract of insurance, is authorized to defend the state officer or employee, the Attorney General shall defend the state officer or employee or employ special counsel to defend the state officer or employee in any proceeding relating to the ethics complaint if:

(a) The state officer or employee submits a written request for defense in the manner provided in [NRS 41.0339](#); and

(b) Based on the facts and allegations known to the Attorney General, the Attorney General determines that the act or omission on which the alleged violation is based:

(1) Appears to be within the course and scope of public duty or employment of the state officer or employee; and

(2) Appears to have been performed or omitted in good faith.

2. The Attorney General shall create a written record setting forth the basis for the Attorney General's determination of whether to defend the state officer or

employee pursuant to paragraph (b) of subsection 1. The written record is not admissible in evidence at trial or in any other judicial or administrative proceeding in which the state officer or employee is a party, except in connection with an application to withdraw as the attorney of record.

(Added to NRS by [2005, 2556](#); A [2017, 2500](#)) — (Substituted in revision for NRS 281A.450)

Proceedings

NRS 281A.710 Initiation of ethics complaint; form and contents; Commission may decline to render opinion under certain circumstances.

1. Except as otherwise provided in this section and [NRS 281A.280](#), the Commission may render an opinion that interprets the statutory ethical standards and applies those standards to a given set of facts and circumstances regarding the propriety of the conduct of a public officer or employee if an ethics complaint is:

(a) Filed by a specialized or local ethics committee established pursuant to [NRS 281A.350](#).

(b) Filed by any person, except a person who is incarcerated in a correctional facility in this State or any other jurisdiction.

(c) Initiated by the Commission on its own motion, except the Commission shall not initiate such an ethics complaint based solely upon an anonymous complaint.

2. An ethics complaint filed by a person must be:

(a) Verified under oath and filed on a form prescribed by the Commission; and

(b) Submitted with sufficient evidence to support the allegations in order for the Commission to make a determination of whether it has jurisdiction in the matter and whether an investigation is warranted in the matter pursuant to [NRS 281A.715](#) and [281A.720](#).

3. The Commission may decline to render an opinion if the person who files the ethics complaint does not submit all necessary evidence in the matter.

(Added to NRS by [2017, 2480](#))

NRS 281A.715 Determination of jurisdiction and whether evidence warrants investigation; deadline and waiver; dismissal for lack of jurisdiction or insufficient evidence; initiation of investigation.

1. Based on the evidence submitted with an ethics complaint filed with the Commission pursuant to [NRS 281A.710](#), the Commission shall determine whether it has jurisdiction in the matter and whether an investigation is warranted in the matter. The Commission shall make its determination within 45 days after receiving the ethics complaint, unless the public officer or employee who is the subject of the ethics complaint waives this time limit.

2. If the Commission determines that it does not have jurisdiction in the matter, the Commission shall dismiss the matter.

3. If the Commission determines that it has jurisdiction in the matter but the evidence submitted with the ethics complaint is not sufficient to warrant an

investigation in the matter, the Commission shall dismiss the matter, with or without issuing a letter of caution or instruction to the public officer or employee pursuant to [NRS 281A.780](#).

4. If the Commission determines that it has jurisdiction in the matter and the evidence submitted with the ethics complaint is sufficient to warrant an investigation in the matter, the Commission may direct the Executive Director to investigate the ethics complaint pursuant to [NRS 281A.720](#).

(Added to NRS by [2017, 2481](#))

NRS 281A.720 Investigation by Executive Director; notice of investigation; opportunity to submit response; deadline and extension; purpose of response; preservation of objections and defenses.

1. If the Commission directs the Executive Director to investigate an ethics complaint pursuant to [NRS 281A.715](#) or if the Commission initiates an ethics complaint on its own motion pursuant to [NRS 281A.710](#), the Executive Director shall investigate the facts and circumstances relating to the ethics complaint to determine whether the Executive Director believes that there is just and sufficient cause for the Commission to render an opinion in the matter in order to present a written recommendation to the review panel pursuant to [NRS 281A.725](#).

2. The Executive Director shall provide notice of the investigation pursuant to this section to the public officer or employee who is the subject of the ethics complaint and provide the public officer or employee an opportunity to submit to the Executive Director a response to the allegations against the public officer or employee in the ethics complaint. The response must be submitted within 30 days after the date on which the public officer or employee receives the notice of the investigation pursuant to this section, unless the Executive Director grants an extension.

3. The purpose of the response submitted pursuant to this section is to provide the Executive Director and the review panel with any information relevant to the ethics complaint which the public officer or employee believes may assist:

(a) The Executive Director in performing his or her investigation and other functions pursuant to this section and [NRS 281A.725](#); and

(b) The review panel in performing its review and other functions pursuant to [NRS 281A.730](#).

4. The public officer or employee is not required in the response submitted pursuant to this section or in any proceedings before the review panel to assert, claim or raise any objection or defense, in law or fact, to the allegations against the public officer or employee, and no objection or defense, in law or fact, is waived, abandoned or barred by the failure to assert, claim or raise it in the response or in any proceedings before the review panel.

(Added to NRS by [2017, 2481](#))

NRS 281A.725 Completion of investigation by Executive Director; presentation of written recommendation to review panel; deadline and waiver; contents of recommendation.

1. Except as otherwise provided in this subsection, the Executive Director shall complete the investigation required by [NRS 281A.720](#) and present a written recommendation to the review panel within 70 days after the Commission directs the Executive Director to investigate the ethics complaint or after the Commission initiates the ethics complaint on its own motion, as applicable. The public officer or employee who is the subject of the ethics complaint may waive this time limit.

2. The recommendation must:

(a) Set forth the factual and legal basis for the recommendation;

(b) State whether the Executive Director believes that there is just and sufficient cause for the Commission to render an opinion in the matter; and

(c) If the Executive Director believes that a disposition of the matter without an adjudicatory hearing is appropriate under the facts and circumstances, state any suggested disposition that is consistent with the provisions of this chapter, including, without limitation, whether the Executive Director believes that the conduct at issue may be appropriately addressed through additional training or other corrective action under the terms and conditions of a deferral agreement.

(Added to NRS by [2017, 2482](#))

NRS 281A.730 Consideration of recommendation by review panel; determination of just and sufficient cause; deadline and waiver; record of proceedings; dismissal; approval of deferral agreement; referral to Commission for further proceedings.

1. Except as otherwise provided in this section, the review panel shall determine whether there is just and sufficient cause for the Commission to render an opinion in the matter within 15 days after the Executive Director provides the review panel with the recommendation required by [NRS 281A.725](#). The public officer or employee who is the subject of the ethics complaint may waive this time limit.

2. The review panel shall cause a record of its proceedings to be kept.

3. The review panel shall not determine that there is just and sufficient cause for the Commission to render an opinion in the matter unless the Executive Director has provided the public officer or employee an opportunity to respond to the allegations as required by [NRS 281A.720](#).

4. If the review panel determines that there is not just and sufficient cause for the Commission to render an opinion in the matter, it shall dismiss the matter, with or without prejudice, and with or without issuing a letter of caution or instruction to the public officer or employee pursuant to [NRS 281A.780](#).

5. If the review panel determines that there is just and sufficient cause for the Commission to render an opinion in the matter but reasonably believes that the conduct at issue may be appropriately addressed through additional training or other corrective action under the terms and conditions of a deferral agreement, the review panel may:

(a) Approve a deferral agreement proposed by the Executive Director and the public officer or employee instead of referring the ethics complaint to the Commission for further proceedings in the matter; or

(b) Authorize the Executive Director and the public officer or employee to develop such a deferral agreement and may thereafter approve such a deferral agreement instead of referring the ethics complaint to the Commission for further proceedings in the matter.

6. If the review panel does not approve a deferral agreement pursuant to subsection 5 or if the public officer or employee declines to enter into such a deferral agreement, the review panel shall refer the ethics complaint to the Commission for further proceedings in the matter.

7. If the review panel determines that there is just and sufficient cause for the Commission to render an opinion in the matter and reasonably believes that the conduct at issue may not be appropriately addressed through additional training or other corrective action under the terms and conditions of a deferral agreement, the review panel shall refer the ethics complaint to the Commission for further proceedings in the matter.

(Added to NRS by [2017, 2482](#))

NRS 281A.735 Inapplicability of Open Meeting Law to proceedings of review panel. The provisions of [chapter 241](#) of NRS do not apply to:

1. Any meeting or hearing held by the review panel to receive information or evidence concerning an ethics complaint; and
2. Any deliberations or actions of the review panel on such information or evidence.

(Added to NRS by [2017, 2483](#))

NRS 281A.740 Deferral agreements: Development; approval; enforcement; contents; terms and conditions; monitoring and documenting compliance; proceedings for noncompliance; dismissal of matter after satisfactory compliance.

1. In proceedings concerning an ethics complaint, the Executive Director and the public officer or employee who is the subject of the ethics complaint may develop a deferral agreement to defer further proceedings in the matter under the terms and conditions of the deferral agreement.

2. A deferral agreement does not become effective unless approved by the review panel pursuant to [NRS 281A.730](#). If the review panel approves a deferral agreement, the Commission shall enforce the terms and conditions of the deferral agreement.

3. A deferral agreement must:

(a) Specify the training or other corrective action to be completed by or imposed upon the public officer or employee;

(b) Specify any other terms and conditions, consistent with the provisions of this chapter, to be imposed upon the public officer or employee; and

(c) Provide that the Commission may vacate the deferral agreement and conduct further proceedings in the matter if the Commission finds that the public officer or employee has failed to comply with any terms and conditions of the deferral agreement.

4. The imposition of training or other corrective action and the imposition of any other terms and conditions in a deferral agreement is without prejudice to any other disposition of the matter, consistent with this chapter, that may be ordered by the Commission if it vacates the deferral agreement and conducts further proceedings in the matter and finds that the public officer or employee has violated any provision of this chapter.

5. The Executive Director shall monitor the compliance of the public officer or employee who is the subject of a deferral agreement and may require the public officer or employee to document his or her compliance with the deferral agreement.

6. The Executive Director shall:

(a) Inform the Commission of any alleged failure of the public officer or employee to comply with the deferral agreement;

(b) Give the public officer or employee written notice of any alleged failure to comply with the deferral agreement; and

(c) Allow the public officer or employee not less than 15 days to respond to such a notice.

7. Within 60 days after the date on which the public officer or employee responds or was entitled to respond to the written notice of any alleged failure to comply with the deferral agreement, the Commission shall determine whether the public officer or employee failed to comply with the deferral agreement, unless the public officer or employee waives this time limit.

8. If the Commission determines that the public officer or employee failed to comply with the deferral agreement, the Commission may take any action it deems appropriate, consistent with the terms and conditions of the deferral agreement and the provisions of this chapter, including, without limitation, vacating the deferral agreement and conducting further proceedings in the matter.

9. If the public officer or employee who is the subject of the deferral agreement complies in a satisfactory manner with the deferral agreement, the Commission shall dismiss the matter.

(Added to NRS by [2017, 2483](#))

NRS 281A.745 Adjudicatory hearings: Powers and duties of Commission; deadline and waiver; procedural rights; evidence; use of telephone or video conference.

1. If the review panel refers an ethics complaint to the Commission for further proceedings in the matter pursuant to [NRS 281A.730](#) or if the Commission vacates a deferral agreement and conducts further proceedings in the matter pursuant to [NRS 281A.740](#), the Commission shall hold an adjudicatory hearing and render an opinion in the matter within 60 days after the date on which the review panel refers the ethics complaint to the Commission or the Commission vacates the deferral agreement, as appropriate, unless the public officer or employee who is the subject of the ethics complaint waives this time limit.

2. If the Commission holds an adjudicatory hearing to receive evidence concerning an ethics complaint, the Commission shall:

(a) Notify the public officer or employee who is the subject of the ethics complaint of the date, time and place of the hearing;

(b) Allow the public officer or employee to be represented by legal counsel; and

(c) Allow the public officer or employee to hear the evidence presented to the Commission and to respond and present evidence on his or her own behalf.

3. Unless the public officer or employee agrees to a shorter time, an adjudicatory hearing may not be held less than 10 days after the date on which the notice of the hearing is given to the public officer or employee.

4. For good cause shown, the Commission may take testimony from a person by telephone or video conference at an adjudicatory hearing or at any other proceedings concerning the ethics complaint.

(Added to NRS by 2017, 2484)

NRS 281A.750 Confidentiality of certain materials; exceptions; confidentiality of identity of certain requesters; disclosure of identity under certain circumstances.

1. Except as otherwise provided in this section and NRS 281A.755, all information, communications, records, documents or other materials in the possession of the Commission, the review panel or their staff that are related to an ethics complaint are confidential and are not public records pursuant to chapter 239 of NRS until:

(a) The review panel determines whether there is just and sufficient cause for the Commission to render an opinion in the matter and serves written notice of its determination on the public officer or employee who is the subject of the ethics complaint; or

(b) The public officer or employee who is the subject of the ethics complaint authorizes the Commission, in writing, to make the information, communications, records, documents or other materials that are related to the ethics complaint publicly available,

whichever occurs first.

2. Except as otherwise provided in subsection 3, if a person who files an ethics complaint asks that his or her identity as the requester be kept confidential, the Commission:

(a) Shall keep the identity of the requester confidential if he or she is a public officer or employee who works for the same public body, agency or employer as the public officer or employee who is the subject of the ethics complaint.

(b) May keep the identity of the requester confidential if he or she offers sufficient facts and circumstances showing a reasonable likelihood that disclosure of his or her identity will subject the requester or a member of his or her household to a bona fide threat of physical force or violence.

3. If the Commission keeps the identity of the requester confidential, the Commission shall not render an opinion in the matter unless there is sufficient evidence without the testimony of the requester to consider the propriety of the conduct of the public officer or employee who is the subject of the ethics complaint.

If the Executive Director intends to present the testimony of the requester as evidence for consideration by the Commission at the adjudicatory hearing or in rendering an opinion in the matter and the public officer or employee who is the subject of the ethics complaint submits a written discovery request to the Commission pursuant to [NRS 281A.755](#), the Commission shall disclose the name of the requester only as a proposed witness within a reasonable time before the adjudicatory hearing on the matter.

(Added to NRS by [2017, 2484](#))

NRS 281A.755 Confidentiality of investigative file; exceptions; discovery request for list of proposed witnesses and certain portions of investigative file; contents of investigative file.

1. Except as otherwise provided in this section, the investigative file related to an ethics complaint is confidential and is not a public record pursuant to [chapter 239](#) of NRS.

2. At any time after being served with written notice of the determination of the review panel regarding the existence of just and sufficient cause for the Commission to render an opinion in the matter, the public officer or employee who is the subject of the ethics complaint may submit a written discovery request to the Commission for a list of proposed witnesses and a copy of any portion of the investigative file that the Executive Director intends to present as evidence for consideration by the Commission at the adjudicatory hearing or in rendering an opinion in the matter.

3. Any portion of the investigative file which the Executive Director presents as evidence for consideration by the Commission at the adjudicatory hearing or in rendering an opinion in the matter becomes a public record and must be open for inspection pursuant to [chapter 239](#) of NRS.

4. For the purposes of this section:

(a) The investigative file includes, without limitation:

(1) Any response concerning the ethics complaint prepared by the public officer or employee pursuant to [NRS 281A.720](#) and submitted to the Executive Director and the review panel during the course of the investigation and any proceedings before the review panel;

(2) Any recommendation concerning the ethics complaint prepared by the Executive Director pursuant to [NRS 281A.725](#) and submitted to the review panel during the course of the investigation and any proceedings before the review panel; and

(3) Any other information provided to or obtained by or on behalf of the Executive Director through any form of communication during the course of the investigation and any proceedings before the review panel and any records, documents or other materials created or maintained during the course of the investigation and any proceedings before the review panel which relate to the public officer or employee who is the subject of the ethics complaint, including,

without limitation, a transcript, regardless of whether such information, records, documents or other materials are obtained pursuant to a subpoena.

(b) The investigative file does not include any deferral agreement.

(Added to NRS by [2017, 2485](#))

NRS 281A.760 Inapplicability of Open Meeting Law to certain proceedings of Commission. The provisions of [chapter 241](#) of NRS do not apply to:

1. Any meeting or hearing held by the Commission to receive information or evidence concerning an ethics complaint; and

2. Any deliberations of the Commission on such information or evidence.

(Added to NRS by [2017, 2486](#))

Disposition; Remedies and Penalties

NRS 281A.765 Opinions must include findings of fact and conclusions of law; dismissal of matter if violation not proven; authorized actions if violation proven.

1. If the Commission renders an opinion in proceedings concerning an ethics complaint, the opinion must include findings of fact and conclusions of law.

2. If, in proceedings concerning an ethics complaint, the Commission determines that a violation of this chapter:

(a) Has not been proven, the Commission shall dismiss the matter, with or without prejudice, and with or without issuing a letter of caution or instruction to the public officer or employee pursuant to [NRS 281A.780](#).

(b) Has been proven, the Commission may take any action authorized by this chapter.

(Added to NRS by [2017, 2486](#))

NRS 281A.770 General standards for resolving ethics complaints by stipulations, agreed settlements or consent orders and for approving deferral agreements. In any matter in which the Commission disposes of an ethics complaint by stipulation, agreed settlement or consent order or in which the review panel approves a deferral agreement, the Commission or the review panel, as appropriate, shall treat comparable situations in a comparable manner and shall ensure that the disposition of the matter bears a reasonable relationship to the severity of the violation or alleged violation.

(Added to NRS by [2013, 3764](#); A [2017, 2500](#)) — (Substituted in revision for NRS 281A.465)

NRS 281A.775 Additional standards for determining whether violation is willful violation and type of penalty imposed and for approving deferral agreements.

1. The Commission, in determining whether a violation of this chapter is a willful violation and, if so, the penalty to be imposed on a public officer or employee or former public officer or employee pursuant to [NRS 281A.785](#) or [281A.790](#), or the review panel, in determining whether to approve a deferral agreement regarding an alleged violation, shall consider, without limitation:

(a) The seriousness of the violation or alleged violation, including, without limitation, the nature, circumstances, extent and gravity of the violation or alleged violation;

(b) The number and history of previous warnings, letters of caution or instruction, deferral agreements or violations or alleged violations of the provisions of this chapter relating to the public officer or employee;

(c) The cost to conduct the investigation and any meetings, hearings or other proceedings relating to the violation or alleged violation;

(d) Any mitigating factors, including, without limitation, any self-reporting, prompt correction of the violation or alleged violation, any attempts to rectify the violation or alleged violation before any ethics complaint is filed and any cooperation by the public officer or employee in resolving the ethics complaint;

(e) Any restitution or reimbursement paid to parties affected by the violation or alleged violation;

(f) The extent of any financial gain resulting from the violation or alleged violation; and

(g) Any other matter justice may require.

2. The factors set forth in this section are not exclusive or exhaustive, and the Commission or the review panel, as appropriate, may consider other factors in the disposition of the matter if they bear a reasonable relationship to the determination of the severity of the violation or alleged violation.

3. In applying the factors set forth in this section, the Commission or the review panel, as appropriate, shall treat comparable situations in a comparable manner and shall ensure that the disposition of the matter bears a reasonable relationship to the severity of the violation or alleged violation.

(Added to NRS by [2013, 3765](#); A [2015, 921](#); [2017, 2500](#)) — (Substituted in revision for NRS 281A.475)

NRS 281A.780 Letters of caution or instruction: Contents; confidentiality; effect on subsequent ethics complaints.

1. In proceedings concerning an ethics complaint, the Commission or the review panel, as appropriate, may issue a letter of caution or instruction to the public officer or employee who is the subject of the ethics complaint to caution or instruct the public officer or employee regarding the propriety of his or her conduct under the statutory ethical standards set forth in this chapter.

2. If the Commission or the review panel issues a letter of caution or instruction to the public officer or employee, the letter:

(a) Is confidential and is not a public record pursuant to [chapter 239](#) of NRS.

(b) May be considered in deciding the appropriate action to be taken on any subsequent ethics complaint involving the public officer or employee, unless the letter is not relevant to the issues presented by the subsequent ethics complaint.

(Added to NRS by [2017, 2486](#))

NRS 281A.785 Types of remedies and penalties; judicial review of certain actions of Commission; limitations on judicial review of actions of review panel.

1. Except as otherwise provided in this section, in proceedings concerning an ethics complaint, the Commission, based on a finding that a violation of this chapter has been proven, or the review panel, as part of the terms and conditions of a deferral agreement, may, in addition to any other penalty provided by law and in accordance with the provisions of [NRS 281A.775](#):

(a) Require the public officer or employee who is the subject of the ethics complaint to:

(1) Comply in all respects with the provisions of this chapter for a specified period without being the subject of another ethics complaint arising from an alleged violation of this chapter by the public officer or employee which occurs during the specified period and for which the review panel determines that there is just and sufficient cause for the Commission to render an opinion in the matter.

(2) Attend and complete training.

(3) Follow a remedial course of action.

(4) Issue a public apology.

(5) Comply with conditions or limitations on future conduct.

(b) Publicly admonish, reprimand or censure the public officer or employee.

(c) Take any combination of such actions or any other reasonable action that the Commission or the review panel, as appropriate, determines will remedy the violation or alleged violation or deter similar violations or conduct.

2. In carrying out the provisions of subsection 1, the Commission, based on a finding that a violation of this chapter has been proven, or the review panel, as part of the terms and conditions of a deferral agreement, may publicly:

(a) Admonish a public officer or employee if it is determined that the public officer or employee has violated any provision of this chapter, but the violation is not willful, or if such an admonishment is imposed as part of the terms and conditions of a deferral agreement. An admonishment is a written expression of disapproval of the conduct of the public officer or employee.

(b) Reprimand a public officer or employee if it is determined that the public officer or employee has willfully violated any provision of this chapter, but there is no evidence that the willful violation involved bad faith, malicious intent or knowing or reckless disregard of the law, or if such a reprimand is imposed as part of the terms and conditions of a deferral agreement. A reprimand is a severe written reproof for the conduct of the public officer or employee.

(c) Censure a public officer or employee if it is determined that the public officer or employee has willfully violated any provision of this chapter and there is evidence that the willful violation involved bad faith, malicious intent or knowing or reckless disregard of the law or there are no substantial mitigating factors pursuant to [NRS 281A.775](#) for the willful violation, or if such a censure is imposed as part of the terms and conditions of a deferral agreement. A censure is a formal written condemnation of the conduct of the public officer or employee.

3. Any action taken by the Commission pursuant to this section is a final decision for the purposes of judicial review pursuant to [NRS 233B.130](#). Any action taken by the review panel pursuant to this chapter, including, without limitation,

any action relating to a deferral agreement, is not a final decision for the purposes of judicial review pursuant to NRS 233B.130.

(Added to NRS by 2017, 2486)

NRS 281A.790 Additional types of remedies and penalties; duties of Commission upon finding willful violation; circumstances in which violation not deemed willful; effect of chapter upon criminal law; judicial review of certain actions of Commission; burden of proof.

1. In addition to any other penalties provided by law and in accordance with the provisions of NRS 281A.775, the Commission may impose on a public officer or employee or former public officer or employee civil penalties:

(a) Not to exceed \$5,000 for a first willful violation of this chapter;

(b) Not to exceed \$10,000 for a separate act or event that constitutes a second willful violation of this chapter; and

(c) Not to exceed \$25,000 for a separate act or event that constitutes a third willful violation of this chapter.

2. In addition to any other penalties provided by law, if any person prevents, interferes with or attempts to prevent or interfere with any investigation or proceedings pursuant to this chapter or the discovery of a violation of this chapter, the Commission may, upon its own motion or upon the motion of the current or former public officer or employee who is the subject of the investigation or proceedings:

(a) Impose on the person committing such an act a civil penalty not to exceed \$5,000; and

(b) If appropriate under the facts and circumstances, assess against the person committing such an act an amount equal to the amount of attorney's fees and costs actually and reasonably incurred by the current or former public officer or employee as a result of the act.

3. If the Commission finds that a violation of a provision of this chapter by a public officer or employee or former public officer or employee has resulted in the realization of a financial benefit by the current or former public officer or employee or another person, the Commission may, in addition to any other penalties provided by law, require the current or former public officer or employee to pay a civil penalty of not more than twice the amount so realized.

4. In addition to any other penalties provided by law, if a proceeding results in an opinion that:

(a) One or more willful violations of this chapter have been committed by a State Legislator removable from office only through expulsion by the State Legislator's own House pursuant to Section 6 of Article 4 of the Nevada Constitution, the Commission shall:

(1) If the State Legislator is a member of the Senate, submit the opinion to the Majority Leader of the Senate or, if the Majority Leader of the Senate is the subject of the opinion or the person who requested the opinion, to the President Pro Tempore of the Senate; or

(2) If the State Legislator is a member of the Assembly, submit the opinion to the Speaker of the Assembly or, if the Speaker of the Assembly is the subject of the opinion or the person who requested the opinion, to the Speaker Pro Tempore of the Assembly.

(b) One or more willful violations of this chapter have been committed by a state officer removable from office only through impeachment pursuant to [Article 7](#) of the Nevada Constitution, the Commission shall submit the opinion to the Speaker of the Assembly and the Majority Leader of the Senate or, if the Speaker of the Assembly or the Majority Leader of the Senate is the person who requested the opinion, to the Speaker Pro Tempore of the Assembly or the President Pro Tempore of the Senate, as appropriate.

(c) One or more willful violations of this chapter have been committed by a public officer other than a public officer described in paragraphs (a) and (b), the willful violations shall be deemed to be malfeasance in office for the purposes of [NRS 283.440](#) and the Commission:

(1) May file a complaint in the appropriate court for removal of the public officer pursuant to [NRS 283.440](#) when the public officer is found in the opinion to have committed fewer than three willful violations of this chapter.

(2) Shall file a complaint in the appropriate court for removal of the public officer pursuant to [NRS 283.440](#) when the public officer is found in the opinion to have committed three or more willful violations of this chapter.

□ This paragraph grants an exclusive right to the Commission, and no other person may file a complaint against the public officer pursuant to [NRS 283.440](#) based on any violation found in the opinion.

5. Notwithstanding any other provision of this chapter, any act or failure to act by a public officer or employee or former public officer or employee relating to this chapter is not a willful violation of this chapter if the public officer or employee establishes by sufficient evidence that:

(a) The public officer or employee relied in good faith upon the advice of the legal counsel retained by his or her public body, agency or employer; and

(b) The advice of the legal counsel was:

(1) Provided to the public officer or employee before the public officer or employee acted or failed to act; and

(2) Based on a reasonable legal determination by the legal counsel under the circumstances when the advice was given that the act or failure to act by the public officer or employee would not be contrary to the provisions of this chapter as interpreted by the Commission.

6. In addition to any other penalties provided by law, if a public employee commits a willful violation of this chapter or fails to complete a period of compliance imposed by the Commission pursuant to [NRS 281A.785](#) or by the review panel as part of the terms and conditions of a deferral agreement, the public employee is subject to disciplinary proceedings by the employer of the public employee and must be referred for action in accordance to the applicable provisions governing the employment of the public employee.

7. The provisions of this chapter do not abrogate or decrease the effect of the provisions of the Nevada Revised Statutes which define crimes or prescribe punishments with respect to the conduct of public officers or employees. If the Commission finds that a public officer or employee has committed a willful violation of this chapter which it believes may also constitute a criminal offense, the Commission shall refer the matter to the Attorney General or the district attorney, as appropriate, for a determination of whether a crime has been committed that warrants prosecution.

8. The imposition of a civil penalty pursuant to subsection 1, 2 or 3 is a final decision for the purposes of judicial review pursuant to [NRS 233B.130](#).

9. A finding by the Commission that a public officer or employee has violated any provision of this chapter must be supported by a preponderance of the evidence unless a greater burden is otherwise prescribed by law.

(Added to NRS by [1977, 1108](#); [A 1987, 2097](#); [1991, 1600](#); [1993, 2244](#); [1995, 2446](#); [1997, 258, 3330, 3333](#); [1999, 2564, 2743](#); [2001, 199](#); [2003, 3394](#); [2005, 1577, 2281](#); [2007, 639](#); [2009, 1064](#); [2013, 3782](#); [2015, 922](#); [2017, 2501](#)) — (Substituted in revision for NRS 281A.480)

Other Ideas as Suggested by the Board of Trustees

As other ideas come up, Staff is open to researching them.