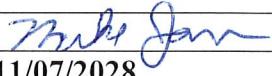


Code of Ethics Policy/Procedure

No:	CM115	Type:	Citywide Policy/Procedure
Department:	City Manager's Office		
Original Effective Date:	10/11/2012	Approval Signature:	
Revision Date:	11/07/2023	Expiration Date:	11/07/2028

Purpose

To establish a Code of Ethics that promotes faith in the integrity, impartiality and transparency of city employees by maintaining an ethical organization built on the highest standards of public service.

Scope

All employees and elected officials. The term “elected officials” does not include municipal judges since they are instead subject to the Nevada Code of Judicial Conduct.

Definitions

Term	Definition
Public Officer	Per NRS 281A.160 and NRS 281.005, for purposes of this policy, “Public Officer” has been interpreted to include the following: <ul style="list-style-type: none">• City Manager• City Attorney• City Auditor• Mayor• City Council Members
Public Employee	Any person who 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 who otherwise qualifies under NRS 281A.150.
Employee	The term “employee” refers to both public officers and public employees unless otherwise stated.

Policy

A. Statement of Principle

1. The city of Las Vegas Code of Ethics bases acceptable behavior for all city employees on our city values (currently Kind, Committed, and Smart)
2. The Code of Ethics is designed to further underscore the importance of our values by highlighting moral principles and commitments that shall guide city employees in their public service.
3. The Code of Ethics reinforces what the city of Las Vegas represents, the expectation that the city has for all of its employees, and what to expect when doing business with the city.
4. This Code of Ethics shall serve as a reference guide and supplement State law set forth in NRS Chapter 281A – Ethics in Government, the guidelines set forth in the Nevada Commission on Ethics’ Ethics in Government Manual for Nevada Public Officers and

Public Employees (Attachment A), and municipal ordinances and policies within which employees must operate and conduct themselves.

**The Manual will serve as a guide. For the most recent legislative changes, refer to Legislative News on the Nevada Commission on Ethics' website.*

B. General Standards

1. Employees will carry out their responsibilities in a manner to bring respect to their profession, their department and to the city.
2. Employees will always conduct themselves in a way that reflects positively on themselves and the organization.
3. Employees will be dedicated to the highest levels of honor and integrity in order to merit the respect and confidence of the public.
4. Employees shall adhere to the Fraud Policy/ Procedure (CM105).
5. Employees will maintain a sense of social responsibility as trusted public servants.
6. Employees will work to reach the ideal that the function of local government is to serve the best interests of all people.
7. Employees will continuously seek to improve the quality and image of public service.
8. Employees shall maintain in confidence the affairs of any client, colleague or organization, and shall not disclose confidential information obtained in the course of professional activities.
9. Employees will treat all citizens with impartiality, fairness and equity.
10. Employees will provide courteous and excellent customer service.
11. Employees will serve the public in a way that promotes public confidence and builds community to make life better.

C. Conflicts of Interest

1. As set forth in NRS 281A.420, all public officers and employees must publicly disclose conflicts of interest that arise due to matters involving:
 - a. A person with whom the public officer or employee entered into a loan either as a borrower or a lender;
 - b. A person from whom the public officer or employee received a gift;
 - c. Persons, entities, or issues with which the public officer or employee has a significant financial interest;
 - d. Persons to whom the public officer or employee has a commitment in a private capacity, as defined in NRS 281A.065; and
 - e. 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.
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. A public officer or employee is prohibited to act on an item (including approving, disapproving, voting, abstaining from voting, etc.) until public disclosure of a conflict of interest is made.
4. In addition to disclosure, a public officer or employee must abstain from voting on or advocating the passage or failure 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 or public employee's acceptance of a gift or loan;
 - b. The public officer's or public employee's significant financial interest;
 - c. Any person to whom the public officer or public employee has a commitment in a private capacity; or
 - d. A private person who was represented or counseled by the public officer or public employee.

For additional information regarding disclosure and abstention, see the Ethics in Government Manual for Nevada Public Officers and Public Employees by the Nevada Commission on Ethics.

D. Prohibited Conduct

1. Employees will not use their positions or city resources for personal gain.
2. Gifts
 - a. Employees should not accept any gifts or favors from a particular donor that have a cumulative value of over \$200 in any given calendar year.
 - b. Employees who work in the Purchasing & Contracts Division of the Finance Department are required to follow a higher standard laid out in the Purchasing & Contracts Division Ethics Policy FNPC1. Purchasing employees may not seek or accept any gift, service, favor, gain, or economic opportunity in the performance of the duties of work in the Purchasing & Contracts Division.
 - c. If a public officer receives any gifts or favors from a particular donor with an aggregate value of over \$200 in any given calendar year, he/she must complete a financial disclosure statement that lists all such gifts and favors, including the identity of the donor and value of each gift, per NRS 281.571.
 - d. Gifts to a department as a whole may be accepted, but must be made available to all employees of the department (e.g. holiday gift baskets should be left in a break room or other common area).
 - e. No gifts should be accepted by a public officer or public employee, regardless of the value, if they influence or affect the recipient's duty to serve the taxpayers.
 - f. Exceptions to this code:
 - i. A gift received from a person who is related to the receiving employee within the third degree of consanguinity or affinity; and
 - ii. Ceremonial gifts received for a birthday, wedding, anniversary or other ceremonial occasion, if the donor does not have a substantial interest in the

legislative, administrative or political actions in city operations, and such gift(s) will not compromise the employee's ability to perform objective public service.

3. Employees should use city resources for city business purposes only.
4. Employees will not use or attempt to use their city position to obtain special privileges for themselves or others.
5. Employees will not endorse private companies.
6. Employees should not engage in outside political or other activities that compromise their ability to perform objective public service. Employees shall adhere to the Las Vegas Municipal Code Section 2.51.020 - Public Official Activities (Attachment B) when engaging in activities related to a municipal, county, state, or national election. Employees shall also adhere to the Running for Political Office and/or Serving as an Elected Official Policy/Procedure (CM109).
7. Employees are responsible for reviewing and complying with the items listed in the "Prohibited Conduct" section of the Ethics in Government Manual for Nevada Public Officers and Public Employees by the Nevada Commission on Ethics (Attachment A).

Procedure

A. Disclosing a Conflict of Interest

1. In the event a member of the City Council has a conflict of interest, he/she must disclose the conflict verbally on the record at the time the matter is being considered, pursuant to NRS 281A.420.
2. In the event an appointed public officer or public employee has a conflict of interest, he/she must make the disclosure to his/her supervisor or appointing authority.
3. Any officer or employee whose duties require participation in the formulation of, or to approve plans or policies for the redevelopment of a redevelopment area who owns, purchases, or has or acquires any direct or indirect financial interest in such property, shall immediately make a written disclosure of it to the Office of the City Clerk and the City Council, which must be entered on their minutes, pursuant to NRS 279.454.

B. Filing a Financial Disclosure Statement

1. Public officers will follow state law related to financial disclosure statements (NRS 281.5584 – 281.581).
2. The City Clerk will provide the Nevada Secretary of State a list of each public officer who is required to file a financial disclosure statement on or before December 1 of each year, pursuant to NRS 281.574.
3. Public officers who are required to file a financial disclosure statement must do so with the Secretary of State through their online system, Aurora, no later than January 15 of each year of their term including the year the public officer leaves office, and the following year unless the public officer leaves office before January 15 in the prior year, pursuant to NRS 281.559.
4. Financial disclosure statements provided to the Secretary of State shall contain information on sources of income, real property, creditors, meetings/events/trips, gifts and business entities.

5. The State of Nevada Financial Disclosure Statement Guide provided by the Secretary of State may be used to help prepare and file the required statements.
- C. Acknowledgment of Statutory Ethical Standards
1. Elected Public Officers: In accordance with NRS 281A.500, the City Clerk will notify elected public officers of the statutory ethical standards and the duty to file an acknowledgment of the statutory ethical standards on or before the date the elected public officer swears or affirms the oath of office.
 - a. The acknowledgment must be executed on a form prescribed by the Nevada Commission on Ethics and filed with the Commission on or before January 15 following the general election, or if elected in an election other than a general election, on or before the 30th day following the date on which the elected public officer swears or affirms the oath of office.
 - b. The acknowledgment will be executed and filed once for each term of office for elected public officers.
 - c. This acknowledgment will be included in the Newly Elected Official Guide provided to new councilpersons by the Clerk's office. The City Clerk will ensure the execution of the form and deliver the acknowledgment to the Commission in accordance with NRS 281A.500(6).
 - d. At the time the elected public officer is provided with a copy of the acknowledgment, he/she will be provided with a printed copy of the statutory ethical standards, pursuant to NRS 281A.500(8).
 - e. The Clerk's office will scan the executed acknowledgement, file it with the Nevada Commission on Ethics, and retain a copy for their records.
 2. Appointed Public Officers: In accordance with NRS 281A.500, the City Clerk will notify appointed public officers of the statutory ethical standards and the duty to file an acknowledgment of the statutory ethical standards on or before the date the appointed public officer swears or affirms the oath of office.
 - a. The acknowledgment must be executed on a form prescribed by the Nevada Commission on Ethics and filed with the Commission on or before the 30th day following the date on which the appointed public officer swears or affirms the oath of office.
 - b. After the initial filing, the acknowledgment will be executed and filed with the Commission on or before January 15 of each even-numbered year while the public officer holds that office.
 - c. At the time the appointed public officer is provided with a copy of the acknowledgment, he/she will be provided with a printed copy of the statutory ethical standards, pursuant to NRS 281A.500(8).
 - d. The Clerk's office will scan the executed acknowledgement, file it with the Nevada Commission on Ethics, and retain a copy for their records.
 3. Public Employees: During new employee onboarding, the Department of Human Resources will provide each new employee with a hyperlink to access the Ethics in Government Manual for Nevada Public Officers and Public Employees. This serves to

satisfy NRS 281A.500(2) which requires the city to provide each new public employee with the information prepared by the state Ethics Commission concerning the statutory ethical standards.

References

- CM 109 Running for Political Office and/or Serving as an Elected Official Policy/Procedure
CM 105 Fraud Policy/Procedure
FNPC1 Purchasing & Contracts Division Ethics Policy
NRS 281A – Ethics in Government
NRS 281 – Public Officers and Employees
NRS 279.454 - Interest in property included in redevelopment area forbidden; disclosure of interest; exception
Nevada Acknowledgment of Ethical Standards for Public Officers -
[http://ethics.nv.gov/uploadedFiles/ethicsnvgov/content/Forms/Acknowledgement%20for
m%20_as%20amended%20by%20SB%2084.pdf](http://ethics.nv.gov/uploadedFiles/ethicsnvgov/content/Forms/Acknowledgement%20form%20as%20amended%20by%20SB%2084.pdf)
NV Secretary of State Financial Disclosure Statement Guide -
<https://nvsos.gov/sos/home/showdocument?id=4010>
Nevada Secretary of State: Aurora individual search -
https://nvsos.gov/SoSCandidateServices/AnonymousAccess/CEFDSearchUU/Search.aspx#individual_search
Nevada Secretary of State: Aurora file a report -
[https://nvsos.gov/SOSCandidateServices/loginuu.aspx?timeout=true&ReturnUrl=%2fSO
SCandidateServices%2fMyFilingsuu.aspx](https://nvsos.gov/SOSCandidateServices/loginuu.aspx?timeout=true&ReturnUrl=%2fSOCandidateServices%2fMyFilingsuu.aspx)

Attachments

- A. Ethics in Government Manual for Nevada Public Officers and Public Employees: NRS 281A
- B. Las Vegas Municipal Code Section 2.51.020 - Public Official Activities (excerpt)

Nevada Commission on Ethics

Ethics in Government Manual

for Nevada Public Officers and

Public Employees:

NRS 281A

July 2014



DISCLAIMER: THIS DOCUMENT IS INTENDED AS A GENERAL GUIDE AND
IS NOT TO BE CONSTRUED AS PROVIDING LEGAL ADVICE.
ADDITIONALLY, IT DOES NOT FULLY ADDRESS THE REQUIREMENTS OF
THE ETHICS IN GOVERNMENT LAW AND ***OFFERS YOU NO PROTECTION***
FROM LIABILITY, EVEN WHEN YOU FOLLOW ITS PROVISIONS.

HISTORY

In 1971, the Nevada Legislature adopted Assembly Concurrent Resolution No. 39, sponsored by Assemblymen Lowman, Smith, Frank, Young, Wilson, Ronzone, Hafen and Swallow:

WHEREAS, there is a crisis of confidence in government and in the established institutions of our land; and

WHEREAS, the survival of this democracy rests not upon force but upon consensus which results when people have continued faith and confidence in the integrity and judgment of their public officers and employees at all levels of government; and

WHEREAS, Public officers and employees are the servants and agents of the people who are bound by the constitution of this great state to enact, execute and interpret the laws for the protection, security and benefit of the people; and

WHEREAS, the faith and confidence of the people in their government and institutions is jeopardized whenever public officers and employees are involved in conflicts between their private interests and those of the general public whom they serve; and

WHEREAS, public officers and employees of the State of Nevada are presently without adequate guidelines for separating their roles as private citizens from their roles as public servants, and the laws regarding conflict of interest are an uncoordinated patchwork; now, therefore, be it

Resolved by the Assembly of the State of Nevada, the Senate concurring, that the legislative commission is directed to make a study of the important problem of conflicts of interest at all levels of government, including the legislature of the State of Nevada, and to report the results of such study and any recommendations for proposed legislation to the 57th session of the legislature.

In response to the 1971 resolution, the Legislative Commission appointed Assemblymen M. Kent Hafen and Nick Lauri, and Senators Lee E. Walker and C. Clifton Young to study the matter. On December 21, 1972, the study committee reported its findings, along with suggested ethics legislation. However, in the 1973 legislative session, no Ethics Laws resulted from the Committee's recommendations or from the concerns raised in the study.

Before the next legislative session began, in 1974, Assemblyman Joe Dini of Yerington attended a three-day legislative seminar at the Eagleton Institute for Government Ethics in the northeastern United States. Shortly thereafter, with the assistance of then-Speaker Keith Ashworth, Majority Floor Leader Dini introduced nearly 20 ethics measures in 1975. Not one of those measures passed. In 1977, Dini was named Speaker of the Assembly, and he tried again, introducing one consolidated ethics bill, which passed. Nevada had its first Ethics Law!



The next year, the Nevada Supreme Court declared the law unconstitutional. The 1979 Legislature created an Executive Ethics Commission and a Legislative Ethics Commission which operated separately (or failed to operate) until 1985. Those six years were filled with conflict, but, in 1985 with the cooperative efforts of the Legislature and then-governor Richard Bryan, funds were allocated and a unified Nevada Commission on Ethics emerged. That body has grown, a supporting agency developed, and the law has been expanded since 1985. The Commission continues to function to today.

WHY have a Commission on Ethics?

"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." NRS 281A.020(1).

These public policy statements form the cornerstone of the Commission, its mission and its activities.

As the complexity of state and local government increases, and government is more and more closely related to private life and enterprise, the potential for conflicts of interest enlarges. The Commission and the Legislature are charged with providing adequate guidelines to show the appropriate separation between the roles of persons who are both public servants and private citizens. NRS 281A.020(2)(a). We all must work to enhance the people's faith in the integrity and impartiality of Nevada's public officers and employees. NRS 281A.020(2)(b).

The general policy objectives for the Ethics in Government Law (Ethics Law) include:

- (1) treating those persons and entities that deal with government with impartiality, fairness and equality;
- (2) assuring that decisions of public importance are not influenced by private considerations;
- (3) maintaining public confidence in government, which implicates the matter of appearances; and
- (4) preventing the use of public office for private gain.

State Legislators undertaking core legislative functions hold a special status with the Commission on Ethics, due to provisions in the Nevada Constitution and NRS 41.071 which outlines legislative privileges and immunities. The Judicial Branch also has a special status, based on similar constitutional provisions that keep it and its officers and employees wholly separate from the jurisdiction of the Ethics Commission.

The Special Status of State Legislators

After being subjected to the Ethics Law for a decade or so, State legislators became distressed that the Ethics Law appeared to require them, as elected public officers who serve part-time, to disclose conflicts and abstain from participating in legislative deliberations and votes even when they had limited or nominal conflicts of interest. The next session, the following policy statement was added:

When interpreting the Ethics Laws and applying them 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 their life experiences, and who are expected to contribute those philosophies and perspectives to the debate over issues with which the Legislature is confronted. NRS 281A.020(2)(c).

Commissioners of the Commission on Ethics

Each of the eight members on the Commission on Ethics is appointed to a four-year term. The Legislative Commission appoints four Nevada residents. At least two must be former public officers or employees, and at least one must be a Nevada-licensed attorney. The Governor also appoints four Nevada residents - two former public officers or employees, and at least one attorney licensed to practice law in Nevada. Not more than four members of the Commission may be members of the same political party, and not more than four members may be residents of the same county.



While serving on the Commission, no member may hold another public office, be actively involved in the work of any political party or political campaign, or communicate directly with a State Legislator or a member of a local legislative body on behalf of someone other than himself or herself - other than on behalf of the Commission. NRS 281A.200.

The Executive Director and Agency Staff



The Executive Director is the supervisory and managerial head of the agency within the Executive branch of state government. The Executive Director serves as the agency's sole point of contact for the media, state and local government, and the public. S/he

also recommends to the Commission any regulations or legislation considered desirable or necessary to improve the operation of the Commission and maintain high standards of ethical conduct in government.

Upon the request of a public officer or the employer of a public employee, the Executive Director conducts training on the Ethics Law, the rules and regulations adopted by the Commission and previous opinions of the Commission. In any such training, the Executive Director must emphasize that s/he 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 any costs of providing such training. NRS 281A.240.

Through the agency's staff, the Executive Director accepts requests for the Commission's opinion pursuant to NRS 281A.440, and gathers information, conducts investigations, and submits recommendations regarding the requests for opinion to two-member investigatory panels regarding whether there is just and sufficient cause to hold a public hearing and render an opinion in response to a particular request. NRS 281A.440, 281A.220. One member of the staff, the Associate Counsel, leads the investigatory process and, if a matter proceeds to a hearing, presents evidence to the Commission to support the allegations in the case.



Commission Counsel



The Commission Counsel is the legal advisor to the Commission. For each decision before the Commission, the Commission Counsel summarizes the arguments, analyzes the applicable law, and presents options for the Commission to consider in applying the law to the facts. Once the Commission makes a determination, the Commission Counsel

prepares the written opinion of the Commission, including the appropriate findings of fact and conclusions as to relevant legal standards and the propriety of particular conduct. The Commission Counsel only may issue written opinions as the Commission directs. S/he also provides legal advice and defense to the body and the agency regarding compliance with state statutes, such as the Open Meeting Law, Public Records Act, Administrative Procedure Act, and challenges to Commission opinions. NRS 281A.260.

HOW does the Commission learn of ethics issues?

First-Party Opinions

A public officer or employee who seeks confidential guidance on questions directly related to the propriety of the requester's own past, present or future conduct may request advice by completing the Commission's form. Within 45 days the Commission must hold a hearing to interpret the relevant ethical standards and apply them to the facts and circumstances presented. If a requested opinion relates to present or future conduct, the conclusion and advice of the Commission are final and binding. NRS 281A.440.



Each First-Party RFO and its outcome is confidential unless the requester:

- (a) acts contrary to the Commission's advice;

- (b) discloses the request, the contents of the opinion, or any proceeding related to it; or
- (c) affirmatively waives his/her right to confidentiality.

NRS 281A.440(7).

Third Party Opinions

The Commission may interpret the statutory ethical standards and apply them to a given set of facts and circumstances upon request, if the requester submits the proper form and provides the Commission with all evidence necessary to determine whether there is just and sufficient cause for the Commission to render an opinion in the matter. NRS 281A.440(1). If a person who requests an opinion does not submit all necessary evidence and declare by oath or affirmation that s/he will testify truthfully, the Commission may reject the request.

The Commission also may initiate an investigation on its own motion regarding the propriety of conduct by a public officer or employee, but may not do so based solely upon an anonymous complaint. NRS.281A.440(2).

No request for opinion may proceed if it is submitted by a person incarcerated in Nevada.

Once the Commission's office receives a request for opinion (also known as an RFO), the Executive Director and Commission Counsel evaluate whether the allegations fall within the Commission's jurisdiction and are accompanied by a minimal level of credible supporting evidence sufficient to meet the statutory requirements. First, the RFO must allege conduct by a public officer or public employee that violates a provision in NRS 281A -- the only laws over which the Commission may exercise jurisdiction. Second, the RFO must contain sufficient credible evidence to support a reasonable belief that the alleged conduct actually occurred. The burden placed on the requester in meeting these requirements is very low.





After the Commission accepts jurisdiction, the Executive Director and her staff investigate the facts and circumstances and on that basis recommend to a two-member investigatory panel whether there is just and sufficient cause for the Commission to consider the matter and render an opinion. The Executive Director notifies the public officer or employee who is the subject of the request and offers an opportunity to respond to the allegations in writing. The subject's response often provides critical information to assist the investigation. The public officer or employee is not required to submit a response, but the subject's response often is very helpful to the process.

Once the investigation is completed, the Executive Director presents a written recommendation relating to just and sufficient cause, including the specific evidence and his/her rationale for the recommendation, to an investigatory panel. The investigatory panel then concludes the investigation and issues a determination regarding whether there is just and sufficient cause for the Commission to hold a hearing and render an opinion in the matter.

If the investigatory panel determines that just and sufficient cause exists for the Commission to render an opinion, the matter is set for hearing. Until the panel makes its determination, all information, communications, records, documents or other material in the possession of the Commission or its staff that is related to a request for an opinion regarding a public officer or employee submitted to or initiated by the Commission, including the record of the proceedings of the investigatory panel, are confidential and not public records, until:



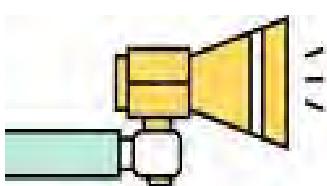
- (a) The investigatory panel determines whether there is just and sufficient cause to render an opinion in the matter and serves written notice on the subject of the RFO; or

(b) The public officer or employee who is the subject of the RFO authorizes the Commission in writing to "waive confidentiality" and make the information public.

Generally, the contents of the Commission's investigative file is protected as confidential. However, any portion of the investigative file which the Commission relies upon as evidence in a hearing becomes a public record.



Meetings or hearings that the Commission or the investigatory panels hold to receive information or evidence concerning the propriety of the conduct of a public officer or employee, and the deliberations of the Commission and the investigatory panels on such information or evidence are exempt from the provisions of the Open Meeting Law, chapter 241 of NRS. As a result, most Commission meetings include a closed session as well as an open public meeting.



If an investigatory panel deems that just and sufficient cause based on sufficient credible evidence exists to move the RFO to a public hearing, Commission staff swings into high gear to prepare for an evidentiary hearing involving documents and witnesses, testimony and argument that the subject violated a provision or provisions of NRS 281A. A finding by the Commission that a public officer or employee has violated any provision of the Ethics Law must be supported by a preponderance of the evidence.

STIPULATED OUTCOMES, WILLFULNESS AND SANCTIONS

The Commission attempts to resolve many RFOs well before a public hearing occurs, in an effort to save valuable public resources. Staff engages the subject of an RFO in discussions to come to agreements regarding critical facts and sometimes they agree on a legal conclusion that the public officer or public employee engaged in conduct which violated the Ethics Law.

Attempts to formulate reasonable findings of fact and conclusions of law to propose to the Commission, which may include proposing the imposition of a fine or sanction, often take an enormous amount of time, but result in a net savings of personnel and other resources at the end of the day. When considering whether to accept a proposed stipulation, the Commission must treat comparable situations in a comparable manner and must ensure that the disposition of the matter bears a reasonable relationship to its severity. NRS 281A.465.



The Legislature created a "safe harbor" in statute to encourage public officers and employees to rely on the attorney employed to advise them and their government agencies or bodies. Certainly, the Commission is not in a position to provide advice or suggest action or inaction prior to every act a public officer or employee undertakes. Chapter 281A provides that if the public officer or employee establishes by sufficient evidence that he or she relied in good faith upon the advice of the legal counsel retained by his or her public body, agency or employer; and his or her act or failure to act was not contrary to a prior published opinion issued by the Commission, then any violation of the Ethics Law cannot be deemed willful.

A willful violation is a violation where the public officer or employee acts intentionally or knowingly, or has a duty to act, but intentionally and knowingly failed to act in the manner required.¹ NRS 281A.170.

¹ "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. NRS 281A.105. "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. NRS 281A.115.



The statutes provide for the imposition of a financial penalty or sanction only for a willful violation of the chapter. In determining the amount of any civil penalty to be imposed, the Commission must consider a number of factors, including:

- The seriousness of the violation, including the nature, circumstances, extent and gravity of the violation.
- The number and history of previous warnings issued to or violations of the Ethics Laws by the public officer or employee.
- The cost to the Commission to conduct the investigation and any related hearing.
- Any mitigating factors, including, self-reporting, prompt correction of the violation, any attempts to rectify the violation before a complaint is filed and any cooperation by the public officer or employee in resolving the complaint.
- Any restitution or reimbursement paid to parties affected by the violation.
- The extent of any financial gain resulting from the violation.

NRS 281A.475.

If a violation is deemed to be willful, the Commission may impose civil penalties:

- (a) Not to exceed \$5,000 for a first willful violation;
- (b) Not to exceed \$10,000 for a separate act or event that constitutes a second willful violation; and
- (c) Not to exceed \$25,000 for a separate act or event that constitutes a third or subsequent willful violation.

If the Commission finds that a violation of the Ethics Laws resulted in the public officer or employee or another person realizing a financial benefit, 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 realized.

In addition to any other penalties provided by law, if a proceeding results in an opinion that removal from public office, expulsion or impeachment is warranted, the Commission will pursue that outcome through the proper channel depending on the position held.

The Ethics Law does not abrogate or decrease the effect of criminal statutes 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 NRS 281A which it believes may also constitute a criminal offense, the Commission is required to refer the matter to the Attorney General or the district attorney, as appropriate, for a determination whether a crime has been committed that warrants prosecution.

HOW IS THE COMMISSION FUNDED?

A significant percentage of the workload of the Commission on Ethics relates to public officers and employees of the towns, cities, counties and other political subdivisions in Nevada, rather than the public officers and employees in State government. In the 2011-2012 biennium, the Commission processed 74% of its cases regarding local government officers and employees and 26% related to state government. In 2013-2014, the proportion of requests for opinion was 69% local and 31% State. For 2015-2016, the proportion changed again, to 79% local and 21% State. Each biennium, the Legislature adjusts the proportion based on the actual RFOs filed in the prior two years.

The formula for funding the Commission's work appears in statute as NRS 281A.270. Each county whose population is 10,000 or more and each city whose population is 15,000 or more pays a portion of the costs to carry out the Commission's functions. These assessments are apportioned based on the proportion that the total population of a city or the total population of the unincorporated area of the county bears to the total population of all cities and the unincorporated areas of all counties in Nevada. Assessments paid by these political subdivisions are deposited into the State Treasury and are accounted for in the State General Fund, credited to the budget account for the Commission.

WHO IS REGULATED BY THE ETHICS IN GOVERNMENT LAWS?

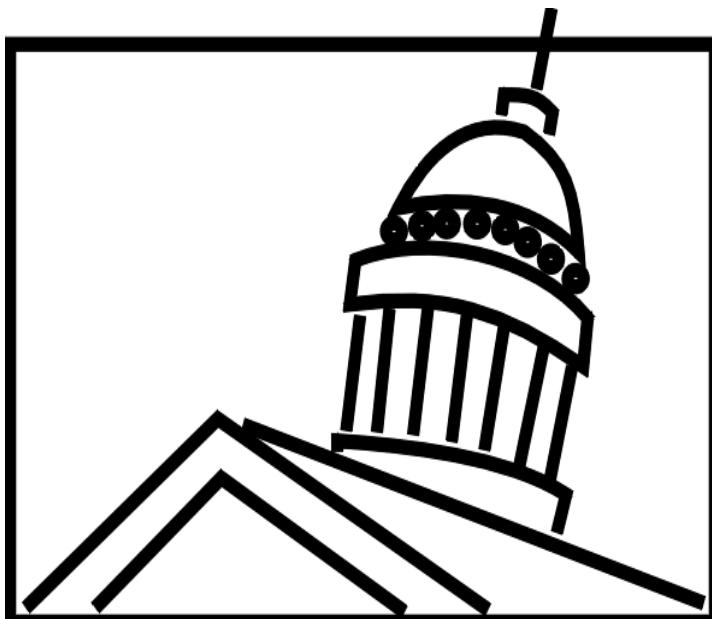
The Commission has jurisdiction to investigate and take appropriate action regarding conduct that violates NRS 281A by a public officer or public employee.

The Commission accepts RFOs for a two-year period after the conduct occurred. Anyone may file an RFO, and the Commission may even initiate a RFO itself. A proceeding begins either on the date a member of the public files a proper RFO with the Commission or on the date on which the Commission serves the subject with notice of a proceeding, if the proceeding is commenced by the Commission on its own motion.

NRS 281A.160 defines a “public officer” as a person who is elected or appointed to a position established by a law and involves the exercise of a public power, trust or duty. NRS 281A.182 designates certain positions as automatically considered public officers, such as a president of a university, state college or community college within the Nevada System of Higher Education, a superintendent of a county school district, a county manager and a city manager. These public officers are considered such even if they are appointed, subject to contract or are employed; whether they are compensated or not, and even if they are serving on a temporary, interim or acting basis.

“The exercise of a public power, trust or duty” in the definition of public officer means:

- 1) actions taken in an official capacity which involve a substantial and material exercise of administrative discretion in the formulation of public policy;
- 2) the expenditure of public money; and



3) the administration of laws and rules of the State or any political subdivision.

The following persons are expressly not public officers:

- Any justice, judge or other officer of the court system;
- Any member of a board, commission or other body whose function is purely advisory;
- 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
- A county health officer appointed pursuant to NRS 439.290.

"Public employee" means any person who 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. NRS 281A.150. Public employees may work for improvement districts or school districts, be temporary or seasonal, and be paid by the hour or salaried.

WHAT CONDUCT IMPLICATES THE ETHICS LAWS?

CONFLICTS OF INTEREST

To recognize a conflict of interest when it arises, public officers and employees must be aware of matters affecting circumstances or persons with whom they have entered into a loan as a borrower or a lender; from whom they have received a gift; persons or entities or issues with which they have a significant pecuniary (financial) interest, and persons to whom they have a commitment in a private capacity to that person's interests.



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

1. to their spouse or domestic partner
2. to a member of their household (NRS 281A.100 “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.)
3. to a family member or in-law related by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity;
4. to the employer of the public officer or employee, or the employer of the spouse, domestic partner or a member of the household of the public officer or employee;
5. to a person with whom the public officer or employee has a substantial and continuing business relationship; or
6. to anyone 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 1 to 5 above.

DISCLOSURE AND ABSTENTION

Generally, when a matter comes before a public officer that affects a gift or a loan, a significant pecuniary interest or a person to whom the public officer has a commitment in a private capacity, that conflict must be disclosed. NRS 281A.420(1) prohibits a public officer or employee from acting to 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; or
- (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,

unless the public officer must disclose sufficient information concerning the gift, loan, interest or commitment to put the public on notice 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, or upon the person to whom the public officer or employee has a commitment in a private capacity. The disclosure must be made publicly at the time the matter is considered.

In addition to disclosure, a public officer must abstain from voting on or advocating the passage or failure 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.

The Commission has developed a guide to disclosure and abstention.

WHEN YOU THINK YOU MAY HAVE A CONFLICT OF INTEREST AT A PUBLIC MEETING, ASK YOURSELF THE FOLLOWING QUESTIONS TO DETERMINE WHETHER TO DISCLOSE THE CONFLICT OR BOTH DISCLOSE AND ABSTAIN FROM PARTICIPATING.

DOES THE MATTER BEFORE ME HAVE TO DO WITH:

MY ACCEPTANCE OF A GIFT OR A LOAN?

MY SIGNIFICANT PECUNIARY (economic) INTEREST?

THE INTERESTS OF A PERSON TO WHOM I HAVE A COMMITMENT IN A PRIVATE CAPACITY? That's defined as a commitment, interest or relationship with 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 that person, by blood, adoption, marriage or domestic partnership within the third degree;
4. who employs the public officer or employee, the spouse or domestic partner of that person 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 above.

If my answer to any of the above is YES, then, when the matter is being considered,

1. I must disclose, on the record, sufficient information to fully inform or put the public on notice of the potential effect of my acting or abstaining on the matter due to my conflict of interest. My disclosure must describe the nature and extent of the relationship that is the source of the conflict.

AND

2. I must abstain only in a clear case where the independence of judgment of a reasonable person in my situation would be materially affected by the conflict just disclosed. I should undertake the abstention analysis on the record immediately after I state my **disclosure**.

* * *

WHAT YOU MIGHT SAY: "Mr./Madam Chair, NRS 281A.420 requires me to disclose a conflict of interest. The matter before this body affects my acceptance of a gift or loan / my pecuniary interest / my commitment in a private capacity to the interests of Mrs. Foster, my foster mother. (Next, you must take time to describe the potential conflict between your interest and the matter before the body or board on which you serve.) Ms. Foster's doughnut business will be financially enhanced if we approve building the new police station next door to her shop, and she will likely face financial ruin if we don't. Ms. Foster is everything to me even if she isn't my biological mother. She raised me in her home from age 3 until I turned 19. Our relationship is substantially similar to a blood relation, probably closer, so I conclude that the independence of judgment of a reasonable person in my situation would / would not be materially affected by this relationship, and because this is / is not a clear case of a disqualifying conflict of interest, I am going to be voting / abstaining from voting in this matter." (If you decide to abstain, you must refrain from advocating for or against the matter in any way.)

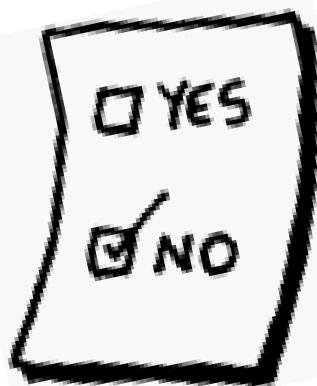
REMEMBER, YOU MAY DISCLOSE EVEN AN APPEARANCE OF IMPROPRIETY, THOUGH YOU ARE NOT REQUIRED TO DO SO. THIS TYPE OF DISCLOSURE ASSISTS IN YOUR DUTY TO AVOID CONFLICTS OF INTEREST AND TO ENHANCE AND MAINTAIN THE PUBLIC TRUST. SEE NRS 281A.020.

If the public officer is a member of a body which makes decisions, the disclosure must be made in public to the chair and other members of the body. If the public officer 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 his or her organization or, if the public officer holds an elective office, to the general public in the area from which he or she is elected.

Public officers need not disclose campaign contributions or contributions to a legal defense fund that were reported pursuant to the statutes relevant to those gifts.

In addition to the disclosure and abstention requirements, a public officer who will be abstaining from participating may not 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 gift or loan; a significant pecuniary interest; or a commitment in a private capacity to the interests of another person.

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 a conflict of interest 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 affected by the matter.



Appropriate weight and proper deference must be given to the public policy of this State which favors the right of a public officer to perform the duties of elected or appointed office, including the duty to vote or otherwise act upon a matter, provided the public officer has properly disclosed the acceptance of a gift or loan, significant pecuniary interest or commitment in a private capacity in the manner required.

"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 disclosure and abstention restrictions 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." NRS 281A.420.

Except as otherwise provided in the Open Meeting Law, if a public officer will abstain from voting because of the Ethics Law, the quorum needed and the number of votes necessary to act upon the matter is reduced as though the member abstaining were not a member of the body or committee.

A State Legislator's disclosure and abstention obligations are governed by the Standing Rules of the Legislative Department of State Government which are adopted, administered and enforced exclusively by the Legislature under the authority of the Nevada Constitution.

PROHIBITED CONDUCT

NRS 281A.400 outlines a variety of acts that public officers and employees are prohibited from undertaking. The first 10 items of prohibited conduct may be found in NRS 281A.400, while several others appear throughout the statutes.



1. *Gifts that Tend to Improperly Influence Decision-making* - A public officer or employee shall not seek or accept any gift, service, favor, employment, engagement, emolument or economic opportunity 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 his or her public duties.

2. *Unwarranted advantage* - A public officer or employee may not use his or her position in government to secure or grant an unwarranted privilege, preference, exemption or advantage for himself or herself, any business entity in which he or she has a significant pecuniary interest, or any person to whom he or she has a commitment in a private capacity to the interests of that person. In this subsection, "unwarranted" means without justification or adequate reason.

3. *Self-Dealing* - A public officer or employee is prohibited from participating as an agent of government in the negotiation or execution of a contract between the government and any business entity in which he or she has a significant pecuniary interest is prohibited.

4. *Extra Compensation* - A public officer or employee may not accept any salary, retainer, augmentation, expense allowance or other compensation from any private source for the performance of his or her public duties.

5. *Using non-public information* - If, through his or her public duties or relationships, a public officer or employee acquires any information which is not publicly available at the time, he or she may not use that information to further a significant pecuniary interest.



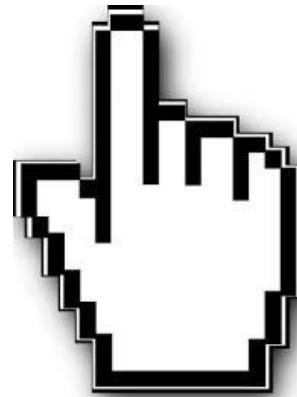
NOTE: A public officer or employee may use data or other information for non-governmental purposes if it is lawfully obtained from a governmental agency and is available to members of the general public.

6. *Suppressing Public Information* - A public officer or employee shall not suppress any governmental report or other official document because it might be perceived to affect his or her significant pecuniary interest unfavorably.

7. *Personal Use of Government Resources* - 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 his or her own significant personal or pecuniary interest.

However, a limited use of governmental property for personal purposes is permissible if:

- The public officer or employee who is responsible for and has authority over such property, equipment or other facility has established a policy allowing the use, or the use is necessary as a result of emergency circumstances;
- The use does not interfere with the performance of the public officer's or employee's public duties;
- The cost or value related to the use is nominal; and
- The use does not create the appearance of impropriety.



Further, a public officer or employee may use telephones or other means of communication (e.g., text message, internet, email, local fax) if there is no special charge for that use. However, if a cost results from the authorized personal use (e.g., long-distance fax or call) or the agency would ordinarily charge a member of the general public for the use (e.g., copies), the public officer or employee shall promptly reimburse the cost or pay the charge to the governmental agency.

8. *State Legislators Use of Government Resources* - State Legislators may not use equipment or facilities for a nongovernmental purpose or for their own private benefit or that of any other person. Additionally, State Legislators may not require or authorize a legislative employee, while on duty, to perform personal services or assist in a private activity, except:



- In unusual and infrequent situations where the employee's service is reasonably necessary to permit the State Legislator or legislative employee to perform official duties; or
- Where such service has been established as legislative policy.

9. *Attempt to Influence a Subordinate* - A public officer or employee shall not attempt to benefit his or her significant personal or pecuniary interest through the influence of a subordinate.

10. *Using Position to Seek Other Employment* - A public officer or employee shall not seek other employment or contracts through the use of his or her official position.

11. *Accepting Honoraria* - A public officer or public employee shall not accept or receive an honorarium. (NRS 281A.510) However, 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.

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 his or her 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.



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.

12. *Contracts in which public officer or employee has interest* - Except as otherwise provided in NRS 281A.430 (Ethics), NRS 218A.970 (Legislative Department) and NRS 332.800 (Local Government Purchasing), a public officer or employee shall not bid on or enter into a contract between an agency and any business entity in which he or she has a significant pecuniary interest.



A member of any board, commission or similar body who is engaged in the profession, occupation or business regulated by that body may 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.

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.

Except as otherwise provided bidding on or entering into a contract with an agency is permissible if:

- (a) The contracting process is controlled by the rules of open competitive bidding or the rules of open competitive bidding are not employed as a result of the applicability of NRS 332;
- (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 the above is a member of the governing body of

the agency, the public officer must disclose his or her interest in the contract and may not vote on or advocate the approval of the contract.

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 his or her business entity, 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 interest in the purchase of such goods or services and does not vote upon or advocate the approval of the matter; and

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

The Commission may relieve a public officer or employee from the strict application of the provisions of this contracting section if the public officer or employee requests a first-party confidential opinion from the Commission and 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 the Ethics Law.

13. "*Cooling Off*" Requirements - NRS 281A.550 prohibits the employment of certain former public officers and employees by regulated businesses and prohibits certain former public officers and employees from soliciting or accepting employment from certain persons contracting with State or local government.



- **Public Utilities Commission of Nevada (PUCN)** - A former member of the Public Utilities Commission of Nevada must not be employed by a public utility or parent organization or subsidiary of a public utility; or 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.
- **Gaming Control Board or Nevada Gaming Commission** - A former member of the State Gaming Control Board or the Nevada Gaming Commission must not appear before the State Gaming Control Board or the Nevada Gaming Commission on behalf of a person who holds a gaming license (NRS 463 or 464) or who is required to register with the Nevada Gaming Commission (NRS 463), or be employed by such a person, for 1 year after the termination of the member's service on the State Gaming Control Board or the Nevada Gaming Commission.
- **Public Officer or Employee of the State Executive Branch** - 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.

These restrictions do not apply to a former public officer who was a member of a board, commission or similar body of the State if he or she is engaged in the profession, occupation or business regulated by the board, commission or similar body; the former public officer holds a license issued by the entity; and holding that license is a requirement for membership on the board, commission or similar body.

- **Public Officer or Employee of State or Local Government** - 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 for 1 year after the termination of the officer's or employee's service or period of employment, if: the amount of the contract exceeded \$25,000; 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 the position he or she held at the time the contract was awarded allowed the former public officer or employee to affect or influence the awarding of the contract.

Relief from the Strict Application of the Statute for State and Local Government Public Officers and Employees - A current or former public officer or employee may request that the Commission apply the relevant facts in that person's case to the cooling-off provisions, and determine

whether relief from the strict application of those provisions is proper. If the Commission determines that relief 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 NRS 281A,

it may issue an opinion to that effect and grant such relief. The opinion of the Commission in such a case is final and subject to judicial review pursuant to the Administrative Procedures Act (NRS 233B).



14. Representing or Counseling Private Persons before Public Agencies - NRS 281A.410 limits the ability of public officers and public employees to represent or counsel private persons before public agencies and requires such representation to be disclosed annually.

- 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 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 if the public officer or employee leaves the service of the agency, he or she 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.
- 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.

- 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 the member requests a First Party opinion from the Commission and the Commission determines that such relief is not contrary to the best interests of the public; the continued ethical integrity of each local agency affected by the matter; and NRS 281A generally.
- Unless permitted by this section, no public officer or employee may represent or counsel a private person for compensation before any state agency of the Executive or Legislative Department.



DISCLOSURE REQUIRED: Not later than January 15 of each year, if any State Legislator, member of a local legislative body or other public officer (public employees are exempted from this requirement) permitted by this section has, within the preceding year, represented or counseled a private person for compensation before a state agency of the Executive Department, he or she shall disclose for each such representation or counseling during the previous calendar year:

- (a) The name of the client;
- (b) The nature of the representation; and
- (c) The name of the state agency.

This disclosure must be made in writing and filed with the Commission on a form prescribed by the Commission.

15. Government Expense in Support or Opposition to Ballot Question or Candidate - NRS 281A.520 prohibits a public officer or employee from requesting or otherwise causing a governmental entity to incur an expense or make an expenditure to support or oppose a ballot question; or candidate.

An expense incurred or an expenditure made by a governmental entity shall be considered in support of a candidate if:

- It is incurred or made to create or disseminate 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 is created or disseminated during the period that begins when a current public officer of that governmental entity files a declaration of candidacy or acceptance 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.

These provisions do not prohibit the creation or dissemination of, or the appearance of a candidate in a pamphlet, brochure, publication, advertisement or television programming that is regularly made available to the public and merely describes the functions of the public office held by the public officer who is the candidate or the governmental entity by which the public officer who is the candidate is employed; or is created or disseminated in the course of carrying out the public officer/candidate's duty or that of his or her government employer.

The statute does 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.

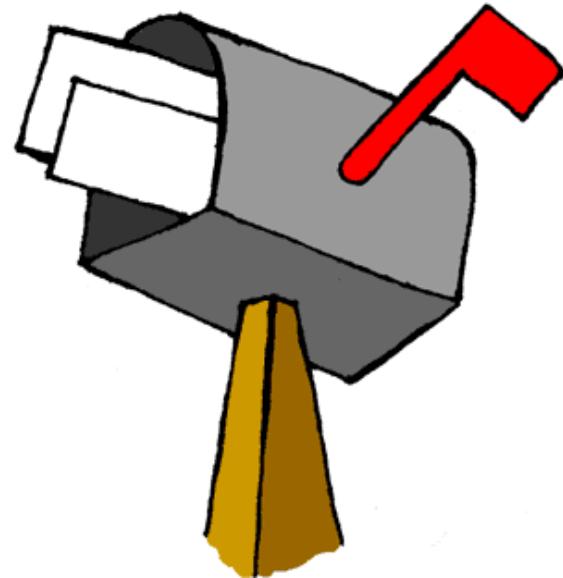
"Pamphlet, brochure, publication, advertisement or television programming" includes, without limitation, a publication, a public service announcement and any programming on a television station created to

provide community access to cable television. The term does not include a media release by a governmental entity or the official website of a governmental entity.

ETHICS - ACKNOWLEDGMENT REQUIRED (NRS 281A.500)

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:

- For an appointed public officer, the appointing authority of the public officer; and
- 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.
- Within 30 days after a public employee begins employment:
 - 1) 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
 - 2) 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.



Each public officer shall acknowledge that the public officer received, read and understands the statutory ethical standards, and 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. The acknowledgment must be executed on a form prescribed by the Commission and must be filed with the Commission:

- 1) 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.
- 2) 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.

A public officer must execute and file the acknowledgment once for each term of office. If the public officer serves at the pleasure of an appointing authority and does not have a definite term of office, in addition to executing and filing the acknowledgment after the public officer swears or affirms the oath of office, he or she must file the acknowledgment on or before January 15 of each even-numbered year while holding that office.

Willful refusal to execute and file the acknowledgment is a willful violation of NRS 281A and 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.

Words to the Wise -

1. Ask for help and advice. When you wonder whether to do something, listen to your inner voice. Ask a colleague, counsel to your agency or the Ethics Commission for input. These steps alone can slow down your thinking so you probably can decipher what an outcome may be or what the "right thing to do" is to preserve the public trust in Government. When in doubt, defer taking action until you are more certain whether an act conforms to or violates the provisions of the Ethics Law.
2. Avoid conflicts between your personal interests and your duty or service to the public - whether the conflicts relate to finances or relationships or another matter. When a conflict arises, know what to do.
3. Keep up-to-date with changes to the Ethics Law and how it affects your role in government. Attend classes or take the online training at least annually to remind yourself of potential problem spots. Visit the Commission's website at www.ethics.nv.gov regularly to review updates or browse cases that apply the statutes to other fact scenarios. The real-life applications are an important and helpful resource to help understand how the Ethics Law might be applicable to you and your conduct.
4. Know whether your agency's policies require conduct more restrictive than that required by statute. Some agencies impose a "no gifts" policy while the Ethics Law prohibits only certain gifts.
5. Help develop a culture of ethics in your government workplace so that everyone knows the law, and all are expected to comply with it.
6. Be proud to be one of Nevada's public officers or public employees!

Nevada Commission on Ethics



Forms

**NEVADA COMMISSION ON ETHICS
THIRD-PARTY REQUEST FOR OPINION**

- 1. Provide the following information for the public officer or employee you allege violated the Nevada Ethics in Government Law, NRS Chapter 281A. *(If you allege that more than one public officer or employee has violated the law, use a separate form for each individual.)***

NAME: <i>(Last, First)</i>	TITLE OF PUBLIC OFFICE: <i>(Position: e.g. city manager)</i>	
PUBLIC ENTITY: <i>(Name of the entity employing this position: e.g. the City of XYZ)</i>		
ADDRESS: <i>(Street number and name)</i>		CITY, STATE, ZIP CODE
TELEPHONE:	Work:	Other: <i>(Home, cell)</i>
		E-MAIL:

- 2. Describe in specific detail the public officer's or employee's conduct that you allege violated NRS Chapter 281A. (You must include specific facts and circumstances to support your allegation: times, places, and the name and position of each person involved.)**

Check here if additional pages are attached.

- 3. Is the alleged conduct the subject of any action currently pending before another administrative or judicial body? If yes, describe:**

4. What provisions of NRS Chapter 281A are relevant to the conduct alleged? Please check all that apply.

Statute	Essence of Statute:
<input type="checkbox"/> NRS 281A.020(1)	Failing to hold public office as a public trust; failing to avoid conflicts between public and private interests.
<input type="checkbox"/> NRS 281A.400(1)	Seeking or accepting any gift, service, favor, employment, engagement, emolument or economic opportunity which would tend improperly to influence a reasonable person in his position to depart from the faithful and impartial discharge of his public duties.
<input type="checkbox"/> NRS 281A.400(2)	Using his position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for himself, any business entity in which he has a significant pecuniary interest, or any person to whom he has a commitment in a private capacity to the interests of that person.
<input type="checkbox"/> NRS 281A.400(3)	Participating as an agent of government in the negotiation or execution of a contract between the government and any business entity in which he has a significant pecuniary interest.

<input type="checkbox"/>	NRS 281A.400(4)	Accepting any salary, retainer, augmentation, expense allowance or other compensation from any private source for the performance of his duties as a public officer or employee.
<input type="checkbox"/>	NRS 281A.400(5)	Acquiring, through his public duties or relationships, any information which by law or practice is not at the time available to people generally, and using the information to further the pecuniary interests of himself or any other person or business entity.
<input type="checkbox"/>	NRS 281A.400(6)	Suppressing any governmental report or other document because it might tend to affect unfavorably his pecuniary interests.
<input type="checkbox"/>	NRS 281A.400(7)	Using governmental time, property, equipment or other facility to benefit his personal or financial interest. (Some exceptions apply).
<input type="checkbox"/>	NRS 281A.400(8)	A State Legislator using governmental time, property, equipment or other facility for a nongovernmental purpose or for the private benefit of himself or any other person, or requiring or authorizing a legislative employee, while on duty, to perform personal services or assist in a private activity. (Some exceptions apply).
<input type="checkbox"/>	NRS 281A.400(9)	Attempting to benefit his personal or financial interest through the influence of a subordinate.
<input type="checkbox"/>	NRS 281A.400(10)	Seeking other employment or contracts through the use of his official position.
<input type="checkbox"/>	NRS 281A.410	Failing to file a disclosure of representation and counseling of a private person before public agency.
<input type="checkbox"/>	NRS 281A.420(1)	Failing to sufficiently disclose a conflict of interest.
<input type="checkbox"/>	NRS 281A.420(3)	Failing to abstain from acting on a matter in which abstention is required.
<input type="checkbox"/>	NRS 281A.430/530	Engaging in government contracts in which public officer or employee has a significant pecuniary interest.
<input type="checkbox"/>	NRS 281A.500	Failing to timely file an ethical acknowledgment.
<input type="checkbox"/>	NRS 281A.510	Accepting or receiving an improper honorarium.
<input type="checkbox"/>	NRS 281A.520	Requesting or otherwise causing a governmental entity to incur an expense or make an expenditure to support or oppose a ballot question or candidate during the relevant timeframe.
<input type="checkbox"/>	NRS 281A.550	Failing to honor the applicable "cooling off" period after leaving public service.

5. Identify all persons who have knowledge of the facts and circumstances you have described, as well as the nature of the testimony the person will provide. Check here if additional pages are attached.

NAME and TITLE: (Person #1)			
ADDRESS:			CITY, STATE, ZIP
TELEPHONE:	Work:	Other: (Home, cell)	E-MAIL:
NATURE OF TESTIMONY:			
NAME and TITLE: (Person #2)			
ADDRESS:			CITY, STATE, ZIP
TELEPHONE:	Work:	Other: (Home, cell)	E-MAIL:
NATURE OF TESTIMONY:			

Attachment B
Las Vegas Municipal Code 2.51.020 - Public official activities (excerpt)

- (A) A public employee, on his or her own time, may engage in any of the following activities related to a municipal, county, state or national election:
 - (1) Register and vote in an election;
 - (2) As an individual, privately and publicly express an opinion on political subjects and candidates;
 - (3) Be a member of a political party and participate in its activities consistent with this Section;
 - (4) As an individual, sign a political nomination or recall petition;
 - (5) Make a financial contribution to a political party or candidate;
 - (6) Be politically active in connection with a question that is not specifically identified with a political party, such as a constitutional amendment, referendum or question of a similar character; and
 - (7) Display bumper stickers, posters or pamphlets on his or her private property for the endorsement of candidates or issues.
- (B) In addition to the activities listed in Subsection (A) of this Section, a public employee whose employment does not involve any activity supported by Federal funds may:
 - (1) Take an active part in the management of political campaigns;
 - (2) Directly or indirectly solicit, receive or account for funds for a partisan political purpose except as prohibited by this Section;
 - (3) Solicit votes in support of, or in opposition to, a partisan party office;
 - (4) Initiate or circulate partisan nominating or recall petitions;
 - (5) Serve as a delegate, alternate, or proxy to a political party convention;
 - (6) Drive voters to the polls on behalf of a political party or partisan candidate; and
 - (7) As an individual, endorse or oppose a partisan candidate for public office or political party office in a political advertisement, broadcast, campaign literature, or similar material.
- (C) A public employee is prohibited from:
 - (1) Using any official authority or influence for the purpose of interfering with or affecting the result of an election;
 - (2) Soliciting funds or receiving contributions from other public employees for political purposes, except as done on behalf of a collective bargaining organization;
 - (3) Displaying on a City vehicle a bumper sticker or poster that endorses a political candidate or political question; and
 - (4) Engaging in any activity described in Subsection (B) of this Section while on duty, while on City property, or while wearing a uniform normally identified with the City.

(Ord. 5723 § 1, 2004: Ord. 5555 § 2 (part), 2002)

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