



ETHICS LAW BASICS FOR GOVERNMENT OFFICIALS



STAY ON THE PATH

“A public office is a public trust and shall be held for the sole benefit of the people”

NRS 281A.020



STATUTORY AND REGULATORY AUTHORITY

- Chapter 281A Nevada Revised Statutes – Nevada Ethics Law
- Chapter 281A Nevada Administrative Code – Ethics Regulations

A black and white photograph of Richard Nixon, the 37th President of the United States, waving from the open door of an airplane. He is wearing a dark suit, a white shirt, and a dark tie. The background shows the interior of the airplane cabin with overhead luggage bins.

WHY AN ETHICS LAW?

- Watergate Scandal Triggered Enactment of Government Ethics Laws
 - Federal Ethics in Government Act (1978)
 - Nevada Ethics Law (1975)



WHO IS COVERED IN THE JURISDICTION OF THE ETHICS COMMISSION?

Nevada Ethics Law

- Public Officers (position in Nevada Constitution, Nevada Law, local government charter or ordinance, or listed in NRS 281A.182)
- Public Employees
- Some cases – former public officers/employees

Not Nevada Ethics Law

- Private individuals
- Private business, companies, or organizations
- Public agencies as in “the agency violated the ethics law”
- Judges
- Federal Government Employees
- Volunteers
- Advisory Committees

WHAT TYPES OF CONDUCT FALLS UNDER THE JURISDICTION OF THE ETHICS COMMISSION?

Nevada Ethics Law

- Conduct within the last two years
- Conduct that is expressly prohibited by a statute found in NRS Chapter 281A

Not Nevada Ethics Law

- Conduct older than two years
- Allegations of harassment or other activity covered by Equal Employment Opportunity Commission or Nevada Equal Rights Commission
- Other employment related grievances
- Local or other agency ethics rules that are not found in NRS Chapter 281A

COMMITMENT IN A PRIVATE CAPACITY - NRS 281A.065



Spouse / Domestic Partner



Member of Household



3rd Degree of
Consanguinity / Affinity



Employer



Substantial and Continuing
Business Relationship



Substantially Similar

ETHICS CATEGORIES

- Improper Benefits
- Disclosure/Abstention
- Cooling Off

ANDREA

SIXTEN

CASPER



THE CASE OF JO-JO BEAR





IMPROPER BENEFIT – GOVERNMENT RESOURCES

1. Use of government position

2. Benefit

3. Benefit is for Self or to a Commitment in a Private Capacity or Result of Gift/Loan



IMPROPER BENEFIT - GIFTS

- No gifts, services, favors, or engagements that “tend improperly to influence a reasonable person to depart from the faithful and impartial discharge of duties” NRS 281A.400(1)
- No salary or compensation from private source for performance of public duties NRS 281.400(4)

Different than financial disclosure requirements administered by the Secretary of State



The background of the slide is a dense, overlapping pattern of US dollar bills, including one-dollar and two-dollar bills, scattered across the entire area. The bills are in various orientations, creating a textured, financial-themed background. A dark blue rectangular box is overlaid on the left side of the slide, containing the title and a list of items. An orange horizontal line is positioned above the blue box, and a small number '12' is located in the top right corner of the blue box.

IMPROPER BENEFIT – GOVERNMENT RESOURCES

- Economic opportunity using public position (NRS 281A.400(1))
- Unwarranted privileges, preferences, exemptions or advantages using position (NRS 281A.400(2))
- Negotiating a contract with self or for others with current agency (NRS 281A.400(3))
- Benefit to self or other using influence over a subordinate (NRS 281A.400(9))
- Honorarium for speaking (NRS 281A.510)
- Contract with government agencies prohibition (NRS 281A.430)

IMPROPER BENEFIT – GOVERNMENT RESOURCES





IMPROPER BENEFIT – GOVERNMENT RESOURCES



- Use of government time, property, equipment, or other facility to benefit a significant personal or pecuniary interest. NRS 281A.400(7)



IMPROPER BENEFIT – GOVERNMENT RESOURCES

Limited Use Exception (Property, Equipment, Facility) NRS 281A.400(7)(a)

Properly authorized by policy allowing the use or if use is result of an emergency

Use does not interfere with performance of public officer/employee's public duties

Cost of value related to the use is nominal

Does not create the appearance of impropriety

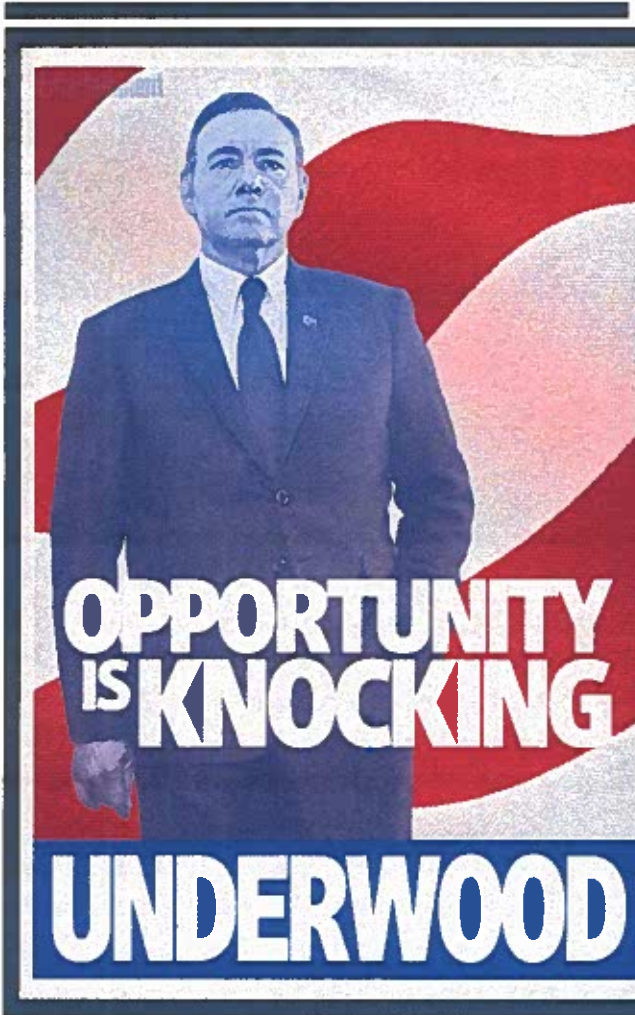
**All 4 conditions must
be met together**



IMPROPER BENEFIT – USE OF INFORMATION



- Use of non-public information to benefit self or others (NRS 281A.400(5))
- Suppression of government report to benefit self or others (NRS 281A.400(6))



No requests for or expenditures
for candidates or ballot initiatives.
NRS 281A.520



DISCLOSURE & ABSTENTION

“Government ought to be outside and not inside...Everybody knows that corruption thrives in secret places, and avoids public places, and we believe it a fair presumption that secrecy means impropriety”

President Woodrow Wilson

DISCLOSURE & ABSTENTION

Before approving, voting, or acting
on a matter when

- Gift or loan accepted
- Significant pecuniary interest
- Reasonably affected by
commitment in private capacity
- Former lobbying

NRS 281A.420



QUALITY DISCLOSURE

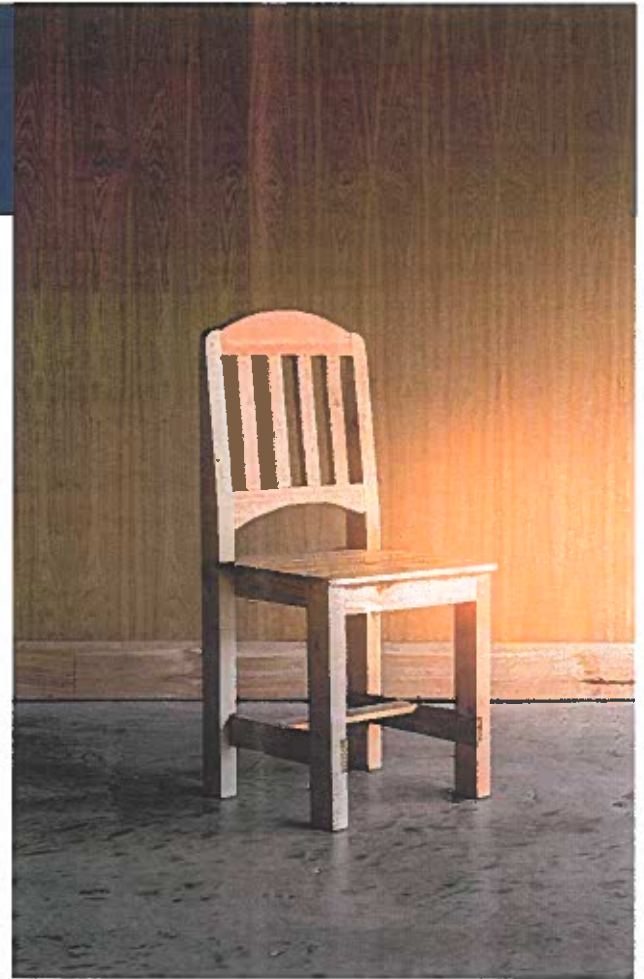
- “Sufficient to inform the public of the potential effect of the action or abstention upon the person or interest”

AND

- “Made at the time the matter is considered”

DISCLOSURE & ABSTENTION

- A Public Officer shall not vote upon or advocate for the passage or failure of a matter
 - The independence of judgment of a reasonable person in the office would be affected by 1) gift/loan 2) significant pecuniary interest or 3) private commitment



DISCLOSURE & ABSTENTION



Presumption in NRS 281A.420

- Favors participation
- Abstention required in clear cases where the public officer's situation is materially affected
- Presumed permissible if no greater benefit/detriment to officer than to anyone else affected by the matter





COOLING
OFF

COOLING OFF

- One-year cooling off period to seek or accept employment
 - Regulated business/industry (State Only)
 - Vendors of the agency
- Counseling or lobbying the agency

NRS 281.410 and .550



Relief can be granted



WHAT ACTION CAN THE ETHICS COMMISSION TAKE IN RESPONSE TO A VIOLATION

Nevada Ethics Law

- Monetary penalties
- Stipulated agreements to require education, practice changes, or mandate public apologies
- Issue Letter of Instruction or Caution
- Admonish or reprimands
- Refer to other appropriate authorities
- Petition for removal of the public officer

Not Nevada Ethics Law

- File an injunction to prevent a public officer from taking an action
- Any criminal sanctions or remedies including sentencing a person to jail or prison

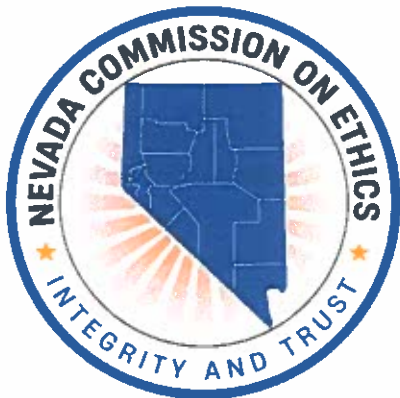


4 TIPS FOR COMPLIANCE

1. Maintain a list of individuals or entities to which you have a “commitment in a private capacity”
2. Review any agendas where you have action items beforehand to identify potential conflicts of interest
3. Consult with legal counsel who can search prior opinions
4. Request an advisory opinion



CONTACT INFO



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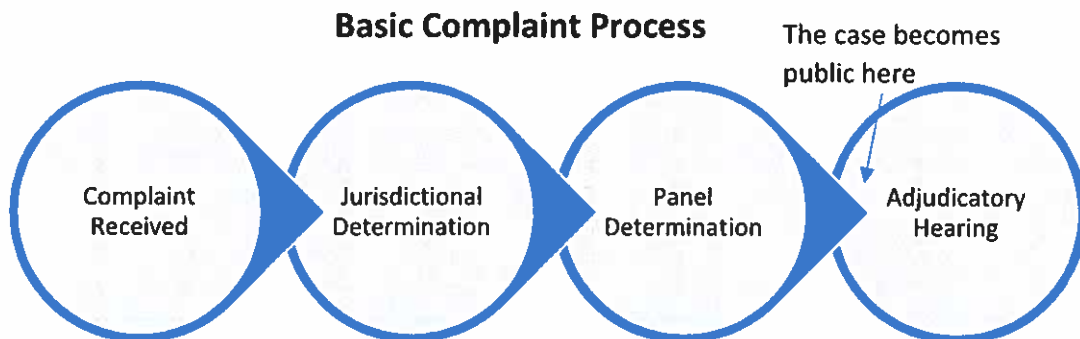
LinkedIn: Nevada Commission on Ethics

Special thanks to Susan Willeke of the Ohio Ethics Commission for media clips

Nevada Commission on Ethics Quick Reference Guide		
Topic	Answer	Legal Citation*
Basics		
 <p>Individuals Covered</p>	<p>Public Officers (position in Nevada Constitution, Nevada Law, local government charter or ordinance, or listed in NRS 281A.182)</p> <p>Public Employees</p> <p>Some cases – former public officers/employees</p>	<p>NRS 281A.160</p> <p>NRS 281A.150</p> <p>NRS 281A.180</p>
 <p>Statute of Limitations</p>	<p>Jurisdiction is limited to acts that occurred within last two years. Some exceptions for unknown or concealed activity.</p>	<p>NRS 281A.280</p>
 <p>Specifically Outside Jurisdiction</p>	<p>Allegations of harassment or other activity covered by Equal Employment Opportunity Commission or Nevada Equal Rights Commission</p> <p>Other employment related grievances</p> <p>Activity not specifically covered by NRS 281A</p>	<p>NRS 281A.280</p>
Important Definitions		
 <p>“Commitment in a Private Capacity”</p>	<ul style="list-style-type: none"> • Spouse/domestic partner • Member of household • Related by third degree of consanguinity • Employer of individual or their spouse/partner/household member • Substantial and continuing business interest • “Substantially similar” to any of the above 	<p>NRS 281A.065</p>
 <p>“Pecuniary interest”</p>	<p>Any beneficial or detrimental interest in a matter that consists or is measured in money or otherwise related to money including</p> <ul style="list-style-type: none"> • Anything of economic value • Payments or other money which a person is owed 	<p>NRS 281A.139</p>
 <p>“Unwarranted”</p>	<p>Without justification of reason</p>	<p>NRS 281A.400</p>

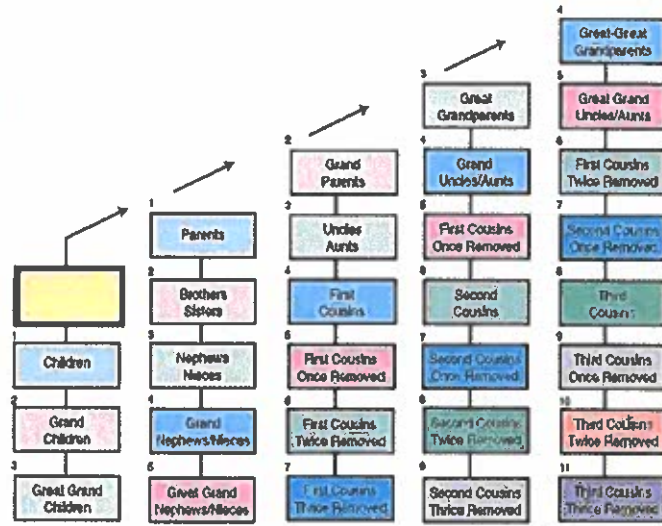
*Descriptions of statutes are summaries and do not necessarily include all legal elements nor should this document be viewed as legal advice.

Nevada Commission on Ethics Quick Reference Guide	
Statutory Prohibitions the Commission Can Enforce*	
Improper Benefit - General	
Gifts, services, favor, engagements that “tend improperly to influence a reasonable person to depart from the faithful and impartial discharge of duties	NRS 281A.400(1)
No unwarranted privileges, preferences, exemptions, or advantages using public officer’s position	NRS 281A.400(2)
Negotiating a contract for self or others with current agency	NRS 281A.400(3)
Salary, retainer, augmentation, expense allowance, or compensation from private source for performance of public duties	NRS 281A.400(4)
Use of non-public information for benefit of self or others	NRS 281A.400(5)
Suppression of government report to benefit self or others	NRS 281A.400(6)
Use of government time, property, equipment, or other facility to benefit a significant personal or pecuniary interest (Limited use exceptions)	NRS 281A.400(7)
Legislator-only version of use of government time	NRS 281A.400(8)
Benefit to self or other using influence over a subordinate	NRS 281A.400(9)
Seeking/obtaining other employment or contracts using official position	NRS 281A.400(10)
Voting to benefit someone/entity without proper disclosure or abstention	NRS 281A.420
Failure to file a timely acknowledgment of statutory ethical standards form	NRS 281A.500
Receiving an honorarium (money for speaking, appearing) - limited exceptions	NRS 281A.510
Improper Benefit – Political Cause	
Benefit to a ballot question or candidate using a governmental entity	NRS 281A.520
Employment Restrictions / Cooling Off	
Compensation for lobbying, consulting, or representation on issue before current or former public agency	NRS 281A.410
New employment or soliciting new employment using current position	NRS 281A.550



*Descriptions of statutes are summaries and do not necessarily include all legal elements nor should this document be viewed as legal advice.

Consanguinity/Affinity Chart



INSTRUCTION:

For Consanguinity (relationship by blood) calculations:

Place the public officer/employee for whom you need to establish relationships by consanguinity in the blank box. The labeled boxes will then list the relationship by title to the public officer/employee and the degree of distance from the public officer/employee.

Anyone in a box numbered 1, 2, or 3 is within the third degree of consanguinity.

For Affinity (relationship by adoption, marriage or domestic partnership) calculations:

Place the spouse or domestic partner of the public officer/employee for whom you need to establish relationships by affinity in the blank box. The labeled boxes will then list the relationship by title to the spouse or domestic partner and the degree of distance from the public officer/employee by affinity.

Spouses are related in the first degree of affinity by marriage and domestic partners are related in the first degree of affinity by domestic partnership. For adoption and other relationships by marriage or domestic partnership, the degree of relationship is the same as the degree of underlying relationship by blood.