



ETHICS LAW BASICS

NSHE BOARD OF REGENTS



ROADMAP

- Why Ethics Matters
- Barriers to Compliance
- What We Do
- Who and What is Covered
- Key Areas of the Law
 - Improper Benefits
 - Disclosure & Abstention
 - Cooling Off
- Resources & Contacts

A black and white photograph of Richard Nixon waving from the back of a limousine. He is wearing a dark suit, white shirt, and patterned tie. His arms are raised in a wave. The background shows the side of the limousine and a building with windows.

WHY AN ETHICS LAW?

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

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



WHY DOES ETHICS MATTER?

Dissolves Trust in
Government

Undermines Efforts of Public
Servants

Government for the People

BARRIERS TO ETHICAL CONDUCT IN PUBLIC SERVICE



- Lack of awareness of ethics laws and best practices
- Limited knowledge about where to find ethics resources
- Contradiction between normative practices in private sector and public sector ethics laws and best practices
- Pressure from supervisors, vendors, legislators, and more
- Societal pressures





MAJOR FUNCTIONS OF THE COMMISSION



Education and Outreach
about Nevada's Ethics Law



Provide Advisory Opinions to
public officers and
employees about Nevada's
Ethics Law



Receive and process
Complaints alleging
violations of Nevada's Ethics
Law

Prevention

Enforcement



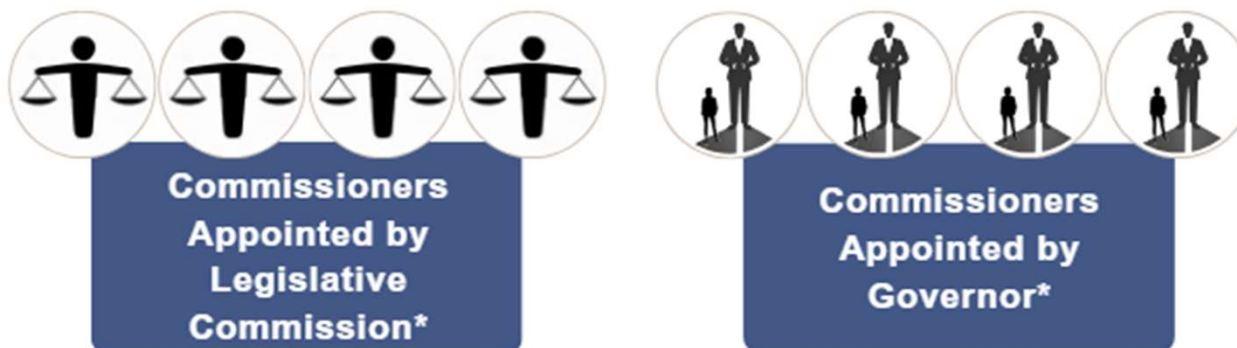
THE NEVADA COMMISSION ON ETHICS – NRS 281A

Commissioners are prohibited from:

- Serving more than two consecutive, 4-year terms
- Holding another public office
- Being actively involved in the work of any political party or campaign
- Lobbying

*Make-up of the Commission:

- No more than 4 members can be from the same political party or reside in the same county.
- 2 must be a Nevada Licensed attorney.
- 4 Commissioner appointments must be former public officers/employees.



WHAT FALLS UNDER THE JURISDICTION OF THE ETHICS COMMISSION?

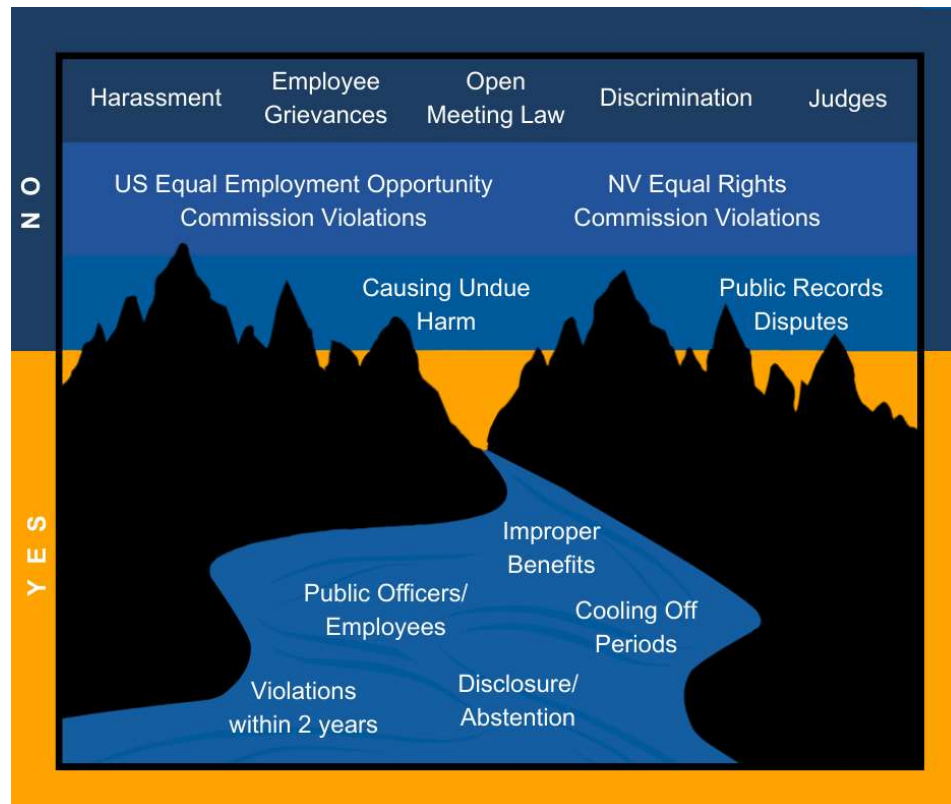


Image developed by the Nevada Commission on Ethics using Canva™.



COMMITMENT IN A PRIVATE CAPACITY - NRS 281A.065



Spouse / Domestic Partner



Member of Household



3rd Degree of
Consanguinity / Affinity



Employer



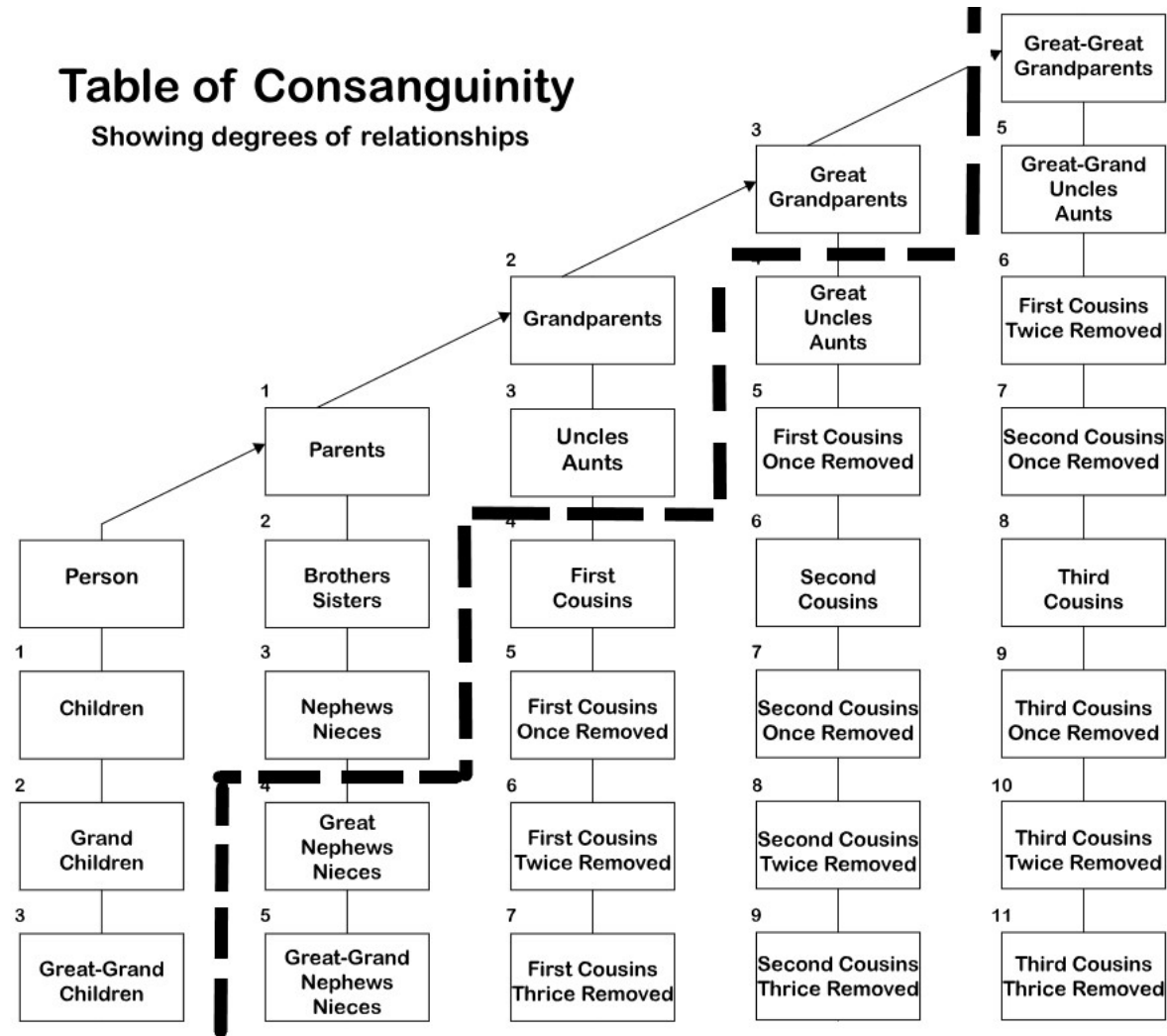
Substantial and Continuing
Business Relationship



Substantially Similar

Table of Consanguinity

Showing degrees of relationships



COMMITMENT IN A PRIVATE CAPACITY - NRS 281A.065



Spouse / Domestic Partner



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Substantial and Continuing
Business Relationship



Substantially Similar



3 MAIN AREAS OF THE ETHICS LAW



THE CASE OF JO-JO BEAR



IMPROPER BENEFIT – GOVERNMENT RESOURCES



Use Government Position



Benefit/Gift/Loan for Themselves or
Someone They Have a Private Commitment



Potential Ethics Violation

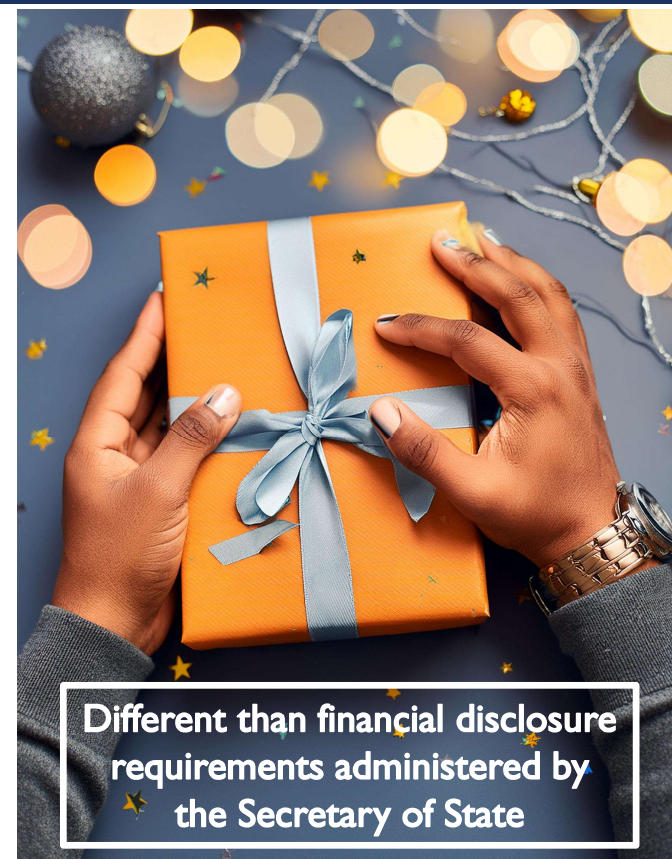


IMPROPER BENEFIT - GIFTS

- 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)

Facts to Consider

1. Accept or seek out the gift?
2. Value of the Gift
3. Nexus between the “gifter” and “giftee’s” decision



The background of the slide is a collage of various US dollar bills, including \$100, \$50, and \$20 bills, scattered and overlapping. A dark blue rectangular box covers the center of the slide, containing the title and list. An orange horizontal bar is positioned above the blue box. The number '17' appears in the top right and bottom right corners 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))
- No salary or compensation from private source for performance of public duties NRS 281.400(4)
- Benefit to self or other using influence over a subordinate (NRS 281A.400(9))
- Honorarium for speaking (NRS 281A.510)
- Contracting with government (NRS 281A.430)

IMPROPER BENEFIT – GOVERNMENT RESOURCES



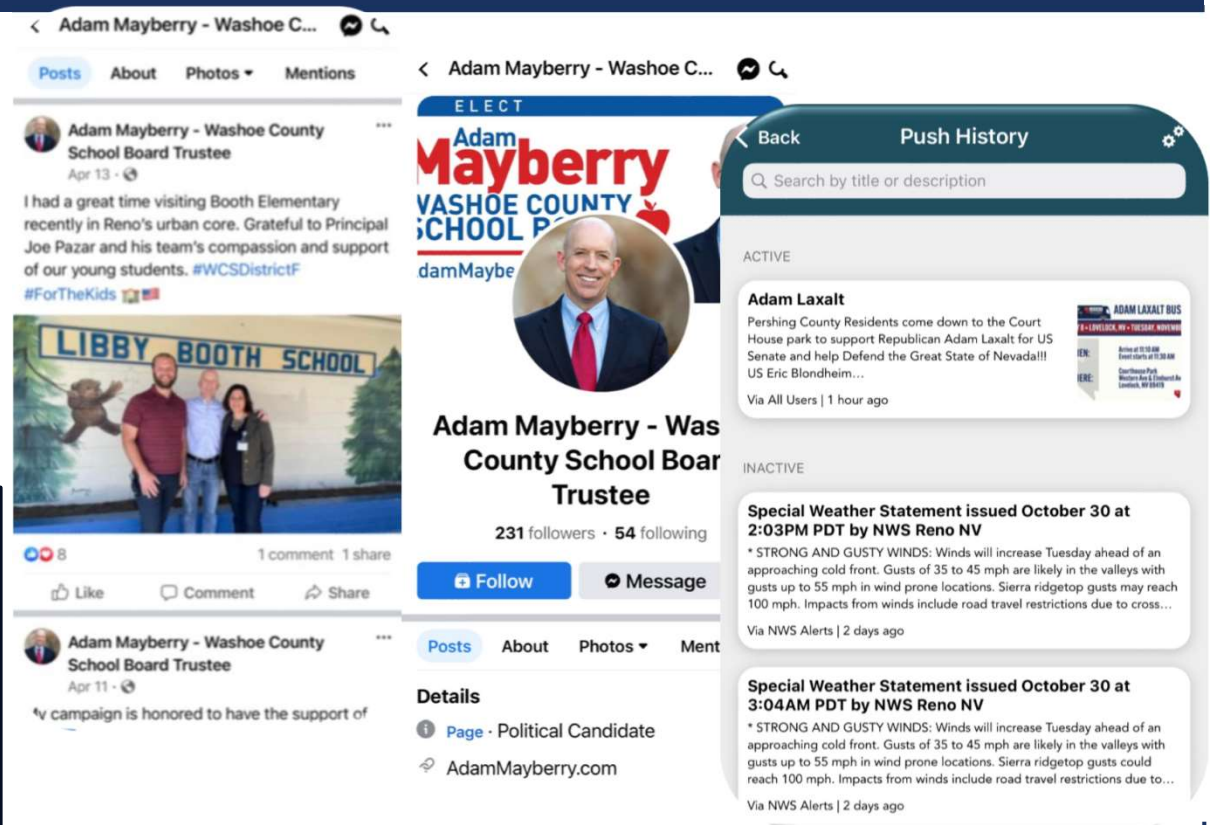
- Use of government time, property, equipment, or other facility to benefit a significant personal or pecuniary interest. NRS 281A.400(7)

2022 CAMPAIGN CYCLE CASES – SOCIAL MEDIA & TECHNOLOGY

- Blondheim (Pershing Undersheriff)
- Washoe County School District Cases

“The best ethical practice for public officers and employees who are also candidates for office is to maintain separate official and campaign social media presences in order to make it crystal clear that communications from any official account are not related to promotion of a candidacy.”

In re Mayberry, Panel Determination 22-050C





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))

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

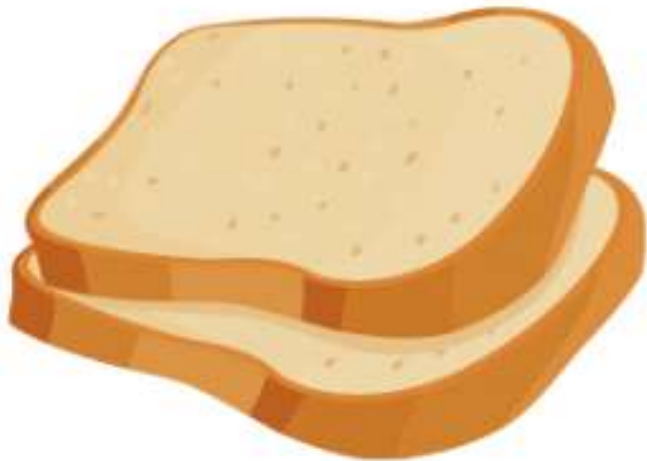
DISCLOSURE & ABSTENTION

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
- A Public Officer shall not make decisions or act upon
 - If Independence of judgment of a reasonable person affected by
 - own pecuniary (\$) interest,
 - commitment in a private capacity,
 - gift or loan



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

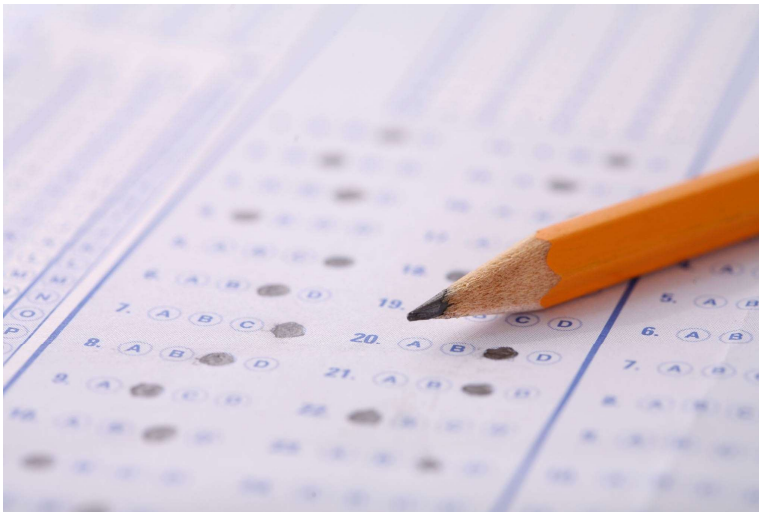
Case by Case Basis
Item by Item Basis

DISCLOSURE & ABSTENTION



Test Cases

- Approving Awards
 - Spouse is nominated for Academic Advisor Award
- Changing fees
 - Your niece attends UNLV
- Regent employed by Company A
 - Company A has applied to expand their contract with NSHE





COOLING OFF

COOLING OFF

- One-year cooling off period to seek or accept employment
- Vendors of the agency
- Private regulated business/industry (State Only)
- Private counseling or lobbying former agency

NRS 281.410 and .550



Relief can be granted

1. Contract awarded exceeded \$25,000;
2. Awarded in the 12-months before you left
3. You could have affected or influenced who was awarded the contract.

RESOLUTION EXAMPLES



Willful

Civil Penalties Up to \$5k, \$10k, or \$25k
Petition to Removal a Public Officer

Non-Willful

Ethics Training
Mandated Apology
Admonishment
Payback Financial Benefit
Conditions on Future Behavior

No Violation

Letter of Caution/Instruction



TIPS AND BEST PRACTICES



1. Maintain a list of individuals or entities to which you have a “commitment in a private capacity”
2. Familiarize yourself on your local/agency policies.
3. Be proactive to identify potential conflicts of interest as early as possible
4. If you are unsure, it is better to disclose than not disclose.
5. Consult with legal counsel who can search prior opinions
6. Request an advisory opinion

ASKING FOR HELP



- Timing
- Fear of being perceived as unethical for asking
- Commission is required to protect confidential information
- Whistleblower protections
- Asking your agency attorney first protects you
- We won't open a complaint if you ask for help
- It benefits others when you request opinion

ETHICS RESOURCES



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



FEEDBACK