



STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
Division of Human Resource Management

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MEMORANDUM
HR#53-19

October 10, 2019

TO: Elected Officials
Directors
Administrators

FROM: Peter Long, Administrator *Peter Long*
Division of Human Resource Management

SUBJECT: ANNUAL PUBLIC OFFICER FINANCIAL DISCLOSURE STATEMENT

The Division of Human Resource Management is tasked with providing a list of names of public officers, to comply with NRS 281.559, to the Secretary of State's Office by December 1, 2019. NRS 281.559 requires those officials to file a financial disclosure statement (FDS) by January 15th of each year. We would like each Elected Official and Department Director to verify whether the administrators, deputy directors and others in their divisions fall under the purview of NRS 281.005 below.

For the purposes of the required FDS, a public officer is defined by NRS 281.005(1) as follows:

1. "Public officer" means a person **elected or appointed** to a position which:
 - (a) Is established by the Constitution or a statute of this State, or by a charter or ordinance of a political subdivision of this State; *and*
 - (b) **Involves the continuous exercise**, as part of the regular and permanent administration of the government, **of a public power, trust or duty**. [Emphasis added]

If there are administrators, deputy directors or staff in your areas who do not have this responsibility, you may remove them from the list.

We have included a link to the financial disclosure information for your convenience at [Financial Disclosure Statements](#).

Every position is technically “appointed,” but according to a Deputy Attorney General with the Office of the Secretary of State:

“State Agencies

Appointed public officers that are required to file an FDS generally include department heads and gubernatorial appointments to boards and commissions. Division administrators, deputy directors, and similar positions are not required to file an FDS because although the position may be established by statute, the duties of the position must also be defined by statute and not defined by one’s superiors. See Mullen v. Clark County, 89 Nev. 308, 311, 511 P.2d 1036, 1038 (1973).

For example, the Director of the State Department of Conservation and Natural Resources is a public officer (see NRS 232.070); however, the Deputy Director is not (see NRS 232.055). Chapter 232 of NRS is a good starting point to determine whether an Executive Branch employee is a public officer (usually not unless he or she is appointed directly by the Governor as opposed to being appointed by a Department head). See also Chapter 232A of NRS regarding boards and commissions and Chapter 360 of NRS regarding the Department of Taxation and Nevada Tax Commission. A good rule of thumb is to ask the following two questions: (1) Are they appointed directly by the Governor? and (2) Do they have enumerated duties that are specified in statute? If the answer to both the questions is yes, then they should file an FDS.”

An email list from Rachel Baker to follow this memo will reflect the names of those public officers within your agency/ies which will be sent to the Secretary of State’s Office at the end of 2019. Please note, an employee who is no longer with the agency - but who may still be required to file a statement if that employee spent time in a position/title which was required to file in 2019 - is listed as “FORMER.” If you are able to assist in verifying or identifying the information highlighted in yellow on the list, it would be most appreciated. If you have questions and/or would like to add or remove names from your agency’s list please contact Rachel Baker at rbaker@admin.nv.gov by **November 1, 2019**.