



## COMMISSION ON ETHICS

### UNCLASSIFIED JOB ANNOUNCEMENT

Posted – January 21, 2015

#### COMMISSION COUNSEL

#### **RECRUITMENT OPEN:**

This unclassified, exempt position is appointed by and reports to the Commission. This position serves as the legal advisor to the Commission and its staff in all legal matters and drafts the Commission's opinions concerning the applicability of the statutory ethical standards to Nevada's public officers and employees.

#### **AGENCY RESPONSIBILITIES:**

The Nevada Commission on Ethics provides advisory opinions to public officers and employees and responds to inquiries from the public alleging violations of the Ethics in Government Law (NRS 281A) by public officers and public employees. The Commission engages in outreach and education to the entire State, providing its services to all State entities as well as counties, cities and other political subdivisions throughout Nevada.

#### **APPROXIMATE ANNUAL SALARY AND BENEFITS:**

**Up to \$95,650 plus benefits.\*** *(Salary range reflects retirement (PERS) contributions by both the employee and employer. An employer paid contribution plan is also available with a reduced gross salary.)*

**The Commission on Ethics maintains a 4-day work week (Monday through Thursday) with ten-hour workdays from 7:00 a.m. to 5:30 p.m.**

\*Please note: Furlough Leave is mandatory for Nevada State employees and will result in a reduction of income of approximately 2.3% (or 4 hours per month) through June 30, 2015. The salary listed above does not reflect the reduction from the required furlough. The State benefits package includes a retirement system, paid health, vision, dental, life and disability insurance; 11 paid holidays; and paid sick and annual leave. Other employee paid benefits such as deferred compensation plans are available.

#### **POSITION DESCRIPTION:**

In addition to its advisory role, the Commission Counsel assists in drafting and recommending administrative regulations and statutory provisions under the Commission's jurisdiction, provides outreach and education to Nevada's public officers and employees and public attorneys, and guides and represents the Commission's interests in all legal arenas, including administrative, legislative and judicial. In particular, Commission Counsel defends the Commission in all litigation, including judicial review of the Commission's administrative opinions.

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Education and Experience Required to Perform the Duties of the Position:

Graduation from an ABA accredited law school and active membership in the Nevada State Bar Association. Must have substantial experience in administrative law, litigation and Nevada legislative process.

Knowledge, Skills and Abilities Required to Perform the Job Functions:

Must possess superior legal research, writing, and oral presentation skills and the ability to represent the Commission in litigation, administrative and regulatory matters, whether in the courts of the State of Nevada or the United States and in all federal and state administrative agencies. The Commission Counsel conducts legal research and advises the Commission and staff on all legal matters, in particular the application of Nevada's Ethics in Government Law.

Required licensure/certification:

License to practice law in the State of Nevada.

Statutes and Regulations Administered by this Position:

NRS and NAC Chapters 281A, 233B, 241 and 239.

Number and titles of staff that directly report to position:

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Number of indirect reports:

4 positions: All Commission staff other than the Commission Counsel report directly to the Executive Director. However, many job duties of the Associate Counsel and Senior Legal Researcher are assigned and supervised by the Commission Counsel.

**JOB DESCRIPTION:**

**COMMISSION MEETINGS; HEARINGS; PANELS**

1. In coordination with Executive Director, prepare and coordinate Commission meetings, including agendas, scheduling and meeting materials, and provide briefings of agency status and operations during Commission meetings.
2. Confer with Executive Director regarding jurisdictional evaluations of all requests for opinion and notifications of parties and interested persons concerning requests for opinions, including the allegations and/or implicated statutes, jurisdictional determinations and appeals, investigatory procedures and scheduling.
3. Develop and prepare legal memoranda and/or presentations of Requests for Opinion in hearings before the Commission and Commission panels, and/or supervise the same by Associate Counsel, including the development and presentation of legal motions and arguments, evidentiary documents, and negotiations for potential stipulations.

## **ADMINISTRATION AND SUPERVISION**

4. Report legal status of all matters to Commission in closed meetings or open public meetings, as appropriate.
5. Ensure meetings and public hearings are prepared and conducted in accordance with appropriate laws and guidelines, including the Nevada Open Meeting Law.
6. Prepare all legal documentation on behalf and in support of Commission business.
7. Communicate regularly and work closely with Commission Chair to organize Commission's activities and legal caseload.
8. Supervise all legal activities of Commission unrelated to investigations of Third-Party RFOs.
9. Work with Executive Director on legal/administrative issues as necessary.
10. Administer all activities related to Commission's legal matters.
11. Assign, review and supervise various job duties of Commission's Senior Legal Researcher and Associate Counsel related to legal matters other than Third-Party RFOs.
12. Prepare written evaluations of job performance of Senior Legal Researcher and Associate Counsel on duties as assigned and report same to the Executive Director.

## **PUBLIC INFORMATION AND EDUCATION**

13. Confirm compliance with all Public Records Requests.
14. Provide Outreach and Education via training programs to Public officers and employees.
15. Provide training to government attorneys regarding interpretation and applicability of Ethics in Government Law.

## **REQUESTS FOR OPINIONS:**

16. **First-Party** Requests for Advisory Opinions:
  - a) Review request and determine Commission's jurisdiction of matter.
  - b) Initiate and interview Requester for additional factual information.
  - c) Research and/or assign legal research to SLR and/or Associate Counsel.
  - d) Analyze and apply the law to the facts presented and discovered.
  - e) Approve draft Notices of Hearing, make edits and direct service of notices.
  - f) Prepare draft opinions and/or bench memos to the Commission in preparation for hearings.
17. **Third-Party** Requests for Opinions (complaints):
  - a) Review request and determine Commission's jurisdiction of matter.
  - b) Assign and approve notices to Subject and/or Requester regarding jurisdiction.
  - c) Provide legal advice to Commission's Associate Counsel and/or Investigator related to legal issues during course of investigation.
  - d) Approve any legal forms such as subpoenas during course of investigation.
  - e) Evaluate ED recommendations to Panels and Advise Investigatory Panels of legal issues.
  - f) Advise Commission of procedural progress of investigations.
  - g) Stipulations:
    - i. Advise Associate Counsel and Subject regarding acceptable terms and conditions of stipulations on behalf of Commission.

- ii. Review draft language and coordinate legal considerations between Associate Counsel, Subject and Commission.
- h) Hearings:
  - i. Serve Associate Counsel and Subject with notices and scheduling orders.
  - ii. Schedule hearings, deadlines and other requirements on behalf of Commission.
  - iii. Initiate and research additional relevant factual and legal information related to the requests.
  - iv. Preside over pre-hearing conferences between parties and Chair of Commission.
  - v. Prepare legal bench memos to the Commission advising on legal considerations of case, including legal motions.
  - vi. Assist Commission to address legal considerations during hearings; respond to legal questions, i.e., legal objections, motions and other rulings.
  - vii. Assist the Commission in its deliberations of evidence and law.

**OPINIONS:**

- 18. Draft all final written opinions of the Commission related to RFOs.

**LITIGATION:**

- 19. Represent the Commission in all litigation before any local, state and federal courts, including drafting legal memoranda to the courts, appearing and presenting arguments before the courts and cooperating in related cases.

**LEGISLATION/REGULATIONS:**

- 20. Recommend, review and draft all proposed administrative regulations and legislation.
- 21. Represent Commission before regulatory and legislative bodies regarding proposed regulations and legislation.
- 22. Consider regulations and legislation from other jurisdictions of relevance to Commission's Mission.

**RESTRICTIONS**

- 23. In accordance with NRS 281A.250(4), the Commission Counsel may not participate in any other employment.
- 24. In accordance with NRS 281A.250(5), the Commission Counsel may not be actively involved in the work of any political party or political campaign.

**POSITION LOCATION:**

Carson City, Nevada

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**TO APPLY:**

SUBMIT A LETTER OF INTEREST, A RESUME, YOUR SALARY REQUIREMENTS, ANY LETTERS OF RECOMMENDATION and the names and daytime telephone numbers of, and a brief description of your relationship with THREE PROFESSIONAL REFERENCES to:

**Yvonne M. Nevarez-Goodson, Esq., Executive Director  
Nevada Commission on Ethics**

Via email (preferred method): ynevarez@ethics.nv.gov

Via U.S. mail or other delivery: 704 W. Nye Lane, Suite 204  
Carson City, NV 89703

Via FAX: 775-687-1279

Applications must be **RECEIVED by 5:00 p.m., February 4, 2015**. Late applications will not be considered.

*\*Please note all documents submitted will be deemed public records and any interviews that take place will be held in an open, public meeting of the Commission.*

***The State of Nevada is an Equal Opportunity Employer.***