

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE COMMISSION ON ETHICS OF THE
STATE OF NEVADA,

Appellant,

vs.

IRA HANSEN, IN HIS OFFICIAL CAPACITY
AS NEVADA STATE ASSEMBLYMAN
FOR ASSEMBLY DISTRICT NO. 32; AND
JIM WHEELER, IN HIS OFFICIAL CAPACITY
AS NEVADA STATE ASSEMBLYMAN
FOR ASSEMBLY DISTRICT NO. 39,

Respondents.

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Elizabeth A. Brown
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No. 69100

PETITION FOR REHEARING

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MEMORANDUM OF POINTS AND AUTHORITIES

I. FACTUAL OVERVIEW

On behalf of the public's trust in government, the Commission interprets and enforces the Ethics in Government Law contained in NRS Chapter 281A, as it applies to public officers. Regarding State Legislators, the Commission's jurisdiction is limited by the provisions of NRS 281A.020(d) for conduct determined to be protected by legislative privilege and immunity, which is the central issue in the underlying proceedings.

LEGAL ARGUMENT

I. INTRODUCTION

The Commission files this Petition for Rehearing of the Panel Opinion dismissing its appeal of a petition for judicial review based upon two collateral complaints filed by the Assemblymen in district court. The complaints are not part of the record on appeal, but were attached to the Motion to Dismiss ("Motion"). They allege violations of Nevada's Open Meeting Act ("NOMA") because: (1) Commission Counsel did not receive direction to appeal from the Commission during a public meeting; and (2) when the Commission held a noticed public meeting to ratify its pursuit of the appeal, the Assemblymen did not receive written individual notice pursuant to NRS 241.033. *See Mo. Ex. E and G*. This petition is based upon the Memorandum of Points and Authorities and all papers and pleadings on file in this case, specifically, all arguments raised in the Opposition and in the Dissent to the Panel Opinion ("Dissent").

Through its conclusion regarding authority, the Panel opinion inaccurately applied the principles of NOMA. The Panel's reliance on Arizona law as a foundational precept overlooks the distinguishing provisions of NOMA, controlling court rules, the widespread legal impact on all public attorneys and administrators in carrying out the duties of the public entity outside express direction in a public meeting, and precedential authority to the contrary. *See Op. at*

5-7. The ruling severely diminishes legal precedent establishing express and implied authority applicable to Commission Counsel and similarly situated Nevada public attorneys.

The Panel dismissed this appeal based upon an attorney-client authority issue never previously employed by the Court, depriving the Commission of its legal representation and the public it serves of a decision on the merits. In doing so, the Panel considered new theories raised for the first time in the Reply that a public lawyer, in this case Commission Counsel, could only receive authority for litigation matters from a vote of the majority of the public body in a noticed public meeting and related authority issues. Reply at 8-13. Procedurally, the Court must not consider issues raised for the first time in a reply. *See Phillips v. Mercer*, 94 Nev. 279, 283, 579 P.2d 174, 176 (1978); *See also Dissent* at 7.

Given the unorthodox method the NOMA complaints were brought into this appeal, the Commission's Opposition addressed the NOMA issues, as raised. There has been no opportunity to address the Reply's new theories. Accordingly, the Commission does so now and requests the Panel's consideration given the prohibition against raising new issues in a Reply set forth in NRAP 28(c).

II. LEGAL STANDING FOR REHEARING

Under NRAP 40(c)(2), the Court may consider rehearing “[w]hen the court has overlooked or misapprehended a material fact in the record or a material question of law” or “has overlooked, misapplied or failed to consider a statute, procedural rule, regulation or decision directly controlling a dispositive issue in the case.” The Court will withdraw a published opinion where rehearing is appropriate. *Calloway v. City of Reno*, 114 Nev. 1157, 1158, 971 P.2d 1250, 1250 (1998).

III. JURISDICTION

An appeal to the Court is a matter of statutory right derived solely from statute or rule. The Court has jurisdiction in civil cases arising in district courts. Nev. Const. art. 6, § 4. NRAP 3A permits a civil appeal only from a specified

written judgment or order issued by the district court. Appellate procedure relies “upon the existence of a final judgment as an unequivocal substantive bases for [] jurisdiction.” *See* NRAP 3A(b) and NRAP 4(a); *SFPP, L.P. v. Second Judicial District Court*, 123 Nev. 608, 612, 173 P.3d 715 (2007).

The Court lacks jurisdiction to consider dismissal without a final judgment rendered on the NOMA issues, which determination solely rests with the district court pursuant to NRS 241.037. The Panel’s rejection of the appeal as untimely under NRAP 4 is inextricably intertwined with what might be decided in the NOMA cases. In accepting jurisdiction, the Panel cites *Guerin v. Guerin*, 116 Nev. 210, 993 P.2d 1256 (2000). However, *Guerin* simply does not apply because its holding relates to the authority of the Court to regulate the unauthorized practice of law and the Court’s ability to reject an appeal filed by a person not authorized to practice law. *Guerin*, 116 Nev. at 212. The facts here markedly differ. Commission Counsel was and remains authorized to represent the Commission in this matter through anticipated appeal, which authority was expressly granted pursuant to SCR 75 and by the Commission itself when the proceedings were still confidential. Further, Commission Counsel had implied authority to file the notice of appeal given the history of the attorney-client relationship, wherein the client, the Commission, as a matter of continued practice over the last preceding years, has utilized its Chair to protect its legal interests.

Applying the limited holding of *Guerin* to the Commission, which ruling extrapolates to all public agencies requiring them to hold a public meeting to perfect an appeal, is not proper. A public meeting is not specified or required under NRAP 3, NRAP 4 or any other Supreme Court Rule governing the procedure to perfect an appeal. NOMA requirements are separately and distinctly enforceable under NRS Chapter 241.

IV. NOMA DOES NOT APPLY

Any application of NOMA to the Commission must recognize the exemption contained in NRS 281A.440. The Commission maintains that the waiver of confidentiality does not legally open exempt ethics proceedings for application of NOMA. However, if the Panel determines that NOMA applies, it must be applied contextually within the proper time period since the Assemblymen's waiver of confidentiality, arguably the precipitating act for application of NOMA, was not issued until April 30, 2015. Op. Ex. A at 1, 23.

Further, the waiver only operates to open confidentiality for public records purposes because no such directive can be found in NOMA or NRS Chapter 281A. To the contrary, NRS 241.016 applies the chapter to meetings of the public body-it does not provide a right to an individual litigant or party to determine the type of meeting to be held or whether a meeting must be held. NOMA's private right of enforcement is statutorily limited under NRS 241.037 to proceedings at which a quorum of the public body meets or takes action without a properly noticed public meeting.

The exemptions set forth in NRS 281A.440 prevail over the general provisions of NOMA. NRS 241.016. Exemptions and exceptions are provided varied treatment pursuant to NRS 241.016(4), in that an exception may not circumvent the spirit of NOMA and an exemption means NOMA does not apply. Here, the Commission is entitled to an exemption rather than an exception from NOMA regardless of whether a party waives confidentiality. If an exemption could be extinguished by action of a party to agency proceedings, the party could easily strategize to pull the open meeting card at the last minute to extinguish the legal rights of the Commission when deadlines and required filings are imminent. As discussed below, it is clear that over a year of agency proceedings occurred prior to the written waiver of confidentiality, which proceedings were well within the NRS 281A.440 NOMA exemption.

The Panel also misapplied *Johnson v. Tempe Elem. Sch. Dist.*, 20 P.3d 1148, 1151 (Ariz. Ct. App. 2000) as precedent for two reasons.¹ Op. p. 14-15. First, in *Johnson* there was an improper meeting of the quorum due to direction having been given in an executive session. Second, Arizona's open meeting law, unlike NOMA, explicitly required a public vote "before any legal action binds the public body." Ariz. Rev. Stat. § 38-431.09 (emphasis added) ("ARS"). "Legal action" is specifically defined to include: "a collective decision, commitment or promise made by a public body" pursuant to legal authority. ARS § 38-431(3). ARS § 38-431.05 states that "[a]ll legal action transacted by any public body during a meeting held in violation of any provisions of this article is null and void." Unlike Nevada, Arizona's open meeting law permits ratification after "reasonable" discovery and there can be no violation unless "there is no concerted plan to engage in collective deliberation to take legal action." ARS § 38-431.05 and ARS § 38-439.09. Therefore, Arizona's harsh result of dismissal of an appeal filed by a public attorney in the *Johnson* and *Tombstone* cases are counterbalanced by the state's liberal authority permitting correction upon discovery. The statutory provisions of NOMA are strikingly different and not comparable.

No other jurisdiction besides Arizona has cited *Johnson* or *Tombstone* as precedent and relevant citable authority exists to the contrary. Nevada clearly follows the quorum standard as instructed in *Dewey v. Redevelopment Agency of City of Reno*, 119 Nev. 87, 64 P.3d 1070 (2003). Op. at 10. The United States District Court applied *Dewey* to dismiss an Arizona open meeting law claim because the complaint did not contain an allegation that legal action was taken outside of a public meeting by a quorum of the body. *Mohr v. Murphy Elem. Sch.*

¹The unpublished case of *Tombstone v. Beatty's Guest Ranch & Orchard, LLC*, 2013 Ariz. App. Unpub. LEXIS 1337 (2013), contains similar reasoning as employed by the Panel majority. The case is marked as not providing legal precedent and is distinguishable given Arizona law. *Tombstone* is discussed here solely for the purpose of rebuttal and not for any purpose not authorized by rules of the court.

Dist. 21, 2010 U.S. Dist. Lexis 53240 (D. Ariz. May 5, 2010), *aff'd*, 449 Fed. Appx. 650, 652, 2011 U.S. App. LEXIS 18692 (9th Cir. Ariz., 2011); *also Boyd v. Mary E. Dill Sch. Dist. No. 51*, 631 P.2d 577, 580 (Ariz. Ct. App. 1981) (affirming dismissal of open meeting law claim where legal action was taken by less than a quorum). *Mohr* was upheld by the Ninth Circuit even after the issuance of *Tombstone*.

Critically, “only those actions defined in NRS 241.015(1) taken by a public body” are voided by NRS 241.036. 2016 *Nev. Op. Mtg. Law Manual*, §11.04 at 99. It is a fundamental concept that where NOMA provides no clear direction, as in this case, public bodies must be governed by the standard of reasonableness. *See* 1979 Op. Atty Gen. Nev. 40. It was reasonable for Commission Counsel to protect her client’s rights by filing a procedural notice of appeal. Furthermore, only if a NOMA violation exists are the stringent rules of corrective action set forth in NRS 241.0365 even applicable. Given the analysis set forth herein and, without a determination of violation issued by the district court, ratification by the Commission confirming its position to have Commission Counsel handle all matters of the appeal was proper under applicable law. *See* NRS 241.037; Dissent at 9.

The Panel did not properly apply the NOMA exemption. *See Op.* at 11-14; Op. Ex. G. Without statutory or case law directives, the Opinion presupposes NOMA applied once the Assemblymen waived confidentiality in the underlying exempt ethics proceedings. NOMA’s quorum and processing requirements warrant ruling in favor of accepting the appeal. *See Op.* at 10-11; Dissent at 9. The Court should balance the legislative powers and constraints established by the open meeting law with the inherent, continuing, and plenary powers the judiciary has over its attorneys as officers of the court established in SCR 45 and other express or implied authority of Commission Counsel.

V. COMMISSION COUNSEL AUTHORITY

Given the Motion's focus on alleged violations of NOMA and the late issues raised in the Reply, the Panel either overlooked or did not have the benefit of factual background relating to the express and implied authority provided to Commission Counsel. "The authority of an attorney to act for his client stems from the law of agency." *State Bank v. Bismarck*, 316 N.W.2d 85, 88 (N.D. 1982). In the law of agency, actual authority takes two forms: (1) express authority, and (2) authority that is implied or incidental to a grant of express authority. *Thomas v. INS*, 35 F.3d 1332, 1338 (9th Cir. 1994) (*citing* W. Edward Sell, *Sell on Agency* 25-31 (1985)). The issue of actual or implied authority is an issue of disqualification from the case; however, disqualification should not be the basis for dismissal of the lawsuit. *See Lindquist v. Bangor Mental Health Inst.*, 2001 ME 72, 770 A.2d 616 (2001).

A. Express Authority

The attorney of record is presumed to have authority to appeal unless the client himself objects or there is a clear showing of lack of authority. *People v. Bouchard*, 317 P.2d 971 (Cal. 1957). Commission Counsel derived express authority from the Commission during non-meetings and exempt sessions, pursuant to SCR 45 and NRS 281A.260.

NRS 281A.260 designates Commission Counsel as the Commission's legal counsel and SCR 45 provides express authority for an attorney "to bind his client in procedural matters in any of the steps of an action or proceeding" before the Court, with the exception that specific authority is required to compromise an action. (Emphasis added). In *State v. Connery*, 99 Nev. 342, 345 661 P.2d 1298, 1300 (1983), the Court confirmed that "although the right to appeal is a substantive one, the manner in which an appeal is taken is a matter of procedure." *Connery* (*Citing State v. Birmingham*, 392 P.2d 775 (Ariz. 1964) (opinion on reh'g); *State v.*

Arnold, 183 P.2d 845 (N.M. 1947)). Moreover, SCR 45 controls over any contrary NOMA provision.

Commission Counsel's appearance as attorney of record must be recognized in all subsequent related proceedings. SCR 45 and 166; FJDCR 22. "Where a rule of procedure is promulgated in conflict with a statute, the rule supersedes the statute and controls." *In re Petition for Writ of Prohibition*, 111 Nev. 70, 104, 893 P.2d 866, 886 (1995); *See also Washoe Med. Ctr. v. Second Judicial Dist. Ct.*, 122 Nev. 1298, 1305, 148 P.3d 790, 794 (2006). In this matter, the Commission Counsel's scope of representation was defined early by the Commission.

The ethics complaints were filed on March 5, 2014, and the Assemblymen's stipulation waiving confidentiality of the records was filed over a year later on April 30, 2015. Op. Ex. A at 1, 23; Mo. Ex. C at 3. From March 2014, through March 2015, Yvonne Nevarez-Goodson, Esq. held the position of Commission Counsel and represented the Commission in the two ethics complaints and associated jurisdictional proceedings held by the Commission. She has by affidavit described the express authority provided to her by the Commission to represent its interests through appeal on these complaints, which was also consistent with the Commission's custom and practice to have its Commission Counsel handle all litigation matters. *See* Affidavit of Yvonne Nevarez-Goodson, Esq. attached hereto.

Upon appointment of a new Commission Counsel in March 2015, the Commission transferred all legal authority to her. *Id.* Importantly, during the first year of proceedings on these ethics complaints, all communications and matters were protected by the NOMA exemption set forth in NRS 281A.440. Therefore, the Commission appropriately provided direction to its counsel to take this case through the appellate proceedings.

B. Implied Authority

Commission Counsel also had implied authority pursuant to the custom and practice set forth in Ms. Nevarez-Goodson's affidavit and Nevada's Rules of Professional Conduct ("NRPC"). *See* Rule 1.2 (a lawyer may take action as is impliedly authorized to carry out the representation); Rule 1.3[1] (a lawyer should take whatever lawful and ethical measures are required to vindicate a client's cause); Rule 1.3[4] (unless the relationship is terminated, a lawyer should carry to conclusion all matters undertaken for a client).

Should the Panel assume the narrow view that authority for an appeal needed to be provided after service of an entry a judgment, there is substantial evidence of implied authority found in the Commission's course of dealing from which it may be inferred that Commission Counsel may file a notice of appeal under the direction of the Chair and Executive Director. *See, e.g., San Antonio v. Aguilar*, 670 S.W.2d 681, 685 (Tex. App. 1984). As stated on page 7 of the Dissent, "[s]urely a lawyer who has represented an entity client in district court can accept the client representative's instruction to file a notice of appeal without demanding a board of directors' vote authorizing the appeal to proceed." *See Cty. Council v. Dutcher*, 780 A.2d 1137, 1145 (Md. 2001). Historically, and in this matter, the Commission has required that its counsel represent it in all stages of litigation under the direction of the Chair, including filing of procedural notices and pleadings up through an appeal. In fact, NAC 281A.155 provides direct authority "to the Chair to delegate assignments of work as necessary. As a public body that is required to meet only quarterly, the Commission relies upon its Commission Counsel to protect its litigation interests. This reliance was evident given the unanimous ratification by the Commission to pursue the appeal. Op. at 17-18; Op. Ex. F.

The Panel relies heavily upon a statement contained in a lower New York State court of limited jurisdiction to the effect that "there is no implied authority in

the event of a judgment adverse to the client, to prosecute review proceedings by appeal and to bind the client for costs and expenses incidental thereto.” *In re McGinty*, 492 N.Y.S.2d 349, 352 (N.Y. Sur. Ct. 1985). A closer analysis of New York law addressing an attorney’s right to proceed with an appeal shows that this language in *McGinty* is specifically based upon the long-settled rule in New York and other jurisdictions that, absent an agreement allowing a privately-retained attorney to pursue an appeal, the attorney-client relationship automatically terminates upon entry of a final judgment. *See, e.g., Vitale v. LaCour*, 92 A.D.2d 892 (N.Y. App. Div. 2d Dep’t 1983); *see also Lundberg v. Backman*, 358 P.2d 987, 989 (Utah 1961). Taken out of context, the language in *McGinty* might appear to limit Commission Counsel’s ability to pursue an appeal on behalf of the Commission. However, proper contextual application demonstrates a contrary result.

Here, the Commission is not challenging the authority of its own counsel, a public attorney who works exclusively in protecting its interests. In stark contrast, *McGinty* involved a privately-retained attorney whose “frenetic and counterproductive course of action” included an unnecessary appeal filed without his clients’ consent and resulted in a malpractice action against the attorney. A publicly appointed Commission Counsel stands in a much different position from a private attorney retained for a specific case.

C. Presumption of Authority has not been Rebutted

Moreover, there is a legal presumption that Commission Counsel, as the attorney of record, is authorized to pursue the appeal. *See T. Ryan Legg Irrevocable Trust v. Testa*, 75 N.E.3d 184 (Ohio 2016) (“When an attorney files an appeal, it is presumed he has the requisite authority to do so.”) (citations omitted); *San Antonio v. Aguilar*, 670 S.W.2d 681 (Tex. App. 1984); *accord Hill v. Mendenhall*, 88 U.S. 453, 454 (1874); *Graves v. United States Coast Guard*, 692 F.2d 71, 74 (9th Cir. 1982) (“the appearance of an attorney for a party raises a

presumption that the attorney has the authority to act on that party's behalf"); *see also* 7 Am Jur.2d, Attorneys at Law, § 169, at 251 (2017) and SCR 45.

The filed Notice of Appeal has the presumption of authority, which is conclusive in the absence of countervailing evidence. *See People v. Bouchard*, 49 Cal.2d 438, 440-42, 317 P.2d 971 (1957) (citations omitted) ("the presumption that an attorney of record has authority to appeal will prevail unless the appellant [client] himself objects or there is a clear showing of lack of authority."); *also Dissent* at 7-9; *Bismarck*, 316 N.W.2d at 88-89; *Hopkins*, 242 S.W.2d at 743. Respondents clearly have not met their burden. Not only has the Commission, as client, not objected to representing its interests in the appeal, it directed Commission Counsel to do so. The Panel must therefore conclude that Commission Counsel had authority to pursue the appeal. *San Antonio*, 670 S.W.2d at 685.

IV. CONCLUSION

Based upon the foregoing, it is respectfully requested that the Panel reconsider its published opinion to permit this appeal to proceed to a determination on the merits.

Submitted this 31st day of July, 2017.

Respectfully,

NEVADA COMMISSION ON ETHICS

/s/ Tracy L. Chase

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I hereby certify that this brief complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using Microsoft Office 10 in 14 point Times New Roman.

I further certify that this brief, including attached affidavit, complies with the page or type limitations of NRAP 40 or NRAP 40A because it is proportionately spaced, has a typeface of 14 points or more, and contains 4587 words, within the limitation of 4,667 words established by NRAP 40(b)(3).

Dated this 31st day of July 31, 2017.

Respectfully,

NEVADA COMMISSION ON ETHICS

/s/ Tracy L. Chase

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CERTIFICATE OF SERVICE

Pursuant to NRAP 25, I hereby certify that I am an employee of the Nevada Commission on Ethics and that on this day I placed in the Court's electronic filing system a true and correct copy of the attached **PETITION FOR REHEARING** for service as follows:

Brenda J. Erdoes, Esq.
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Chief Litigation Counsel
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Dated: July 31, 2017

/s/ Darci Hayden

DARCI HAYDEN

ATTACHMENT

STATE OF NEVADA)
) ss.
COUNTY OF CARSON CITY)

AFFIDAVIT OF YVONNE M. NEVAREZ-GOODSON, ESQ.

I, Yvonne M. Nevarez-Goodson, hereby swear under the penalties of perjury that the following assertions are true:

1. I am the Executive Director for the Nevada Commission on Ethics (“Commission”). I am fully familiar with the facts set forth herein. I have personal, first-hand knowledge of the statements contained in this Affidavit and know them to be true, except for statements premised upon information and belief. As to the statements premised upon information and belief, I do believe said statements to be true and will competently testify as to the supporting information if called upon to do so.

2. I am an attorney licensed in the State of Nevada and serve as an officer of the Court.

3. Pursuant to NRS 281A.240, I serve as the executive head of the Commission responsible for the administration of the agency, including receiving, processing and investigating requests for the Commission’s opinions, both advisory requests and complaints, regarding the applicability of the Nevada Ethics in Government Law set forth in NRS Chapter 281A (“Ethics Law”) to Nevada’s public officers and employees.

4. Prior to my tenure with the Commission as the Executive Director, I served as Commission Counsel between October 5, 2009 and March 8, 2015.

5. Approximately March 5, 2014, the Commission received 2 third-party requests for opinion (ethics complaints) alleging violations of the Ethics Law by Assemblyman Hansen and Assemblyman Wheeler. Upon the filing and processing

of those complaints between March 2014 and March 2015, I represented and served the Commission in my capacity as Commission Counsel. Having conferred with the Commission's then-Executive Director pursuant to NAC 281A.405, we determined that the Commission had jurisdiction to investigate the matters. Under NRS 281A.440,¹ the complaints filed with the Commission were statutorily confidential and the Commission was exempt from the provisions of Nevada's Open Meeting Law.

6. As a matter of Commission custom and practice during my entire tenure as Commission Counsel, and via express authority in most, if not all, third-party complaint cases, the Commission granted authority to me as Commission Counsel to process all procedural, legal and litigation-based issues involving complaints as I deemed legally prudent in consultation with the Chair of the Commission. During my tenure with the Commission, the Chair has usually been an attorney-member of the Commission (at least 2 members of the Commission are required to be attorneys under NRS 281A.200), and when the Chair has not been an attorney-member, the Commission and/or the Chair has delegated such legal oversight to the Vice-Chair, if an attorney, or other attorney-member of the Commission. The Commission's authority to Commission Counsel and the Chair has established a practice that has carried forward through all Chairs that have been elected during my tenure with the Commission.

7. As Commission Counsel, the Commission also granted express authority to address all legal matters upon receipt of ethics complaints in consultation with the Chair within the timeframe that a case was statutorily confidential and pursuant to the Commission's Open Meeting Law exemption.

¹At all times relevant to this affidavit as described herein, the procedural requirements to investigate complaints and the Commission's exemption from Nevada's Open Meeting Law were set forth in NRS 281A.440.

8. Upon receipt of the complaints concerning Assemblymen Hansen and Wheeler in 2014, the Commission anticipated immediate litigation involving the scope of the Commission's jurisdiction of the State legislators and provided me direct, express authority to proceed in the matters in any manner I deemed legally appropriate, in consultation with the Chair, including pursuing appellate review of its jurisdiction through the Nevada Supreme Court. The Commission granted this authority early in the proceedings through confidential attorney/client communications while the matter was statutorily confidential and within the Commission's Open Meeting Law exemption.

9. In April 2014, the Legislative Counsel Bureau sought to stay the Commission's investigation of the complaints and filed a motion regarding the Commission's jurisdiction of the matter. Having no formal regulatory provision authorizing this practice, LCB sought the Commission's agreement to enter into a stipulation. The ethics complaints were confidential during this time and the Commission was not subject to the Open Meeting Law to act regarding LCB's request. On behalf of the Commission, the Chair and I negotiated a stipulation with LCB to authorize a stay of the Commission's proceedings and a motion to address the Commission's jurisdiction. LCB did not object to the process whereby Commission Counsel, in consultation with the Chair, negotiated and finalized the stipulation.

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10. Upon the appointment of a new Commission Counsel in March 2015, the Commission transferred all legal authority to Tracy L. Chase, Esq., and authorized my continued support of legal proceedings in the matter since I would be later conflicted out as the Executive Director in the event an investigation was warranted and authorized by the Court. This authorization was likewise provided during the confidential status of the case.

FURTHER AFFIANT SAYETH NAUGHT.

Executed this 31st day of July, 2017.



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

SUBSCRIBED and SWORN to before me

This 31st day of July, 2017



NOTARY PUBLIC

