

PUBLIC OFFICERS AND PUBLIC EMPLOYEES

WHEN YOU THINK YOU MAY HAVE A CONFLICT OF INTEREST TO DISCLOSE AT A PUBLIC MEETING, ASK YOURSELF THE FOLLOWING IMPORTANT QUESTIONS TO DETERMINE WHETHER TO DISCLOSE THE CONFLICT OR BOTH DISCLOSE AND ABSTAIN FROM PARTICIPATING IN THE MATTER. See NRS 281A.420

DOES THE MATTER BEFORE ME HAVE TO DO WITH:

1. MY ACCEPTANCE OF A GIFT OR A LOAN?
2. MY PECUNIARY (any economic) INTEREST? OR
3. THE INTERESTS OF A PERSON TO WHOM I HAVE A COMMITMENT IN A PRIVATE CAPACITY? That's defined as a person who is:
 - A. A MEMBER OF MY HOUSEHOLD (someone who lives with me),
 - B. A PERSON RELATED TO ME within the third degree of blood or marriage (namely: a spouse, child, grandchild, great grandchild, great grandparent, grandparent, parent, brother, sister, niece, nephew, aunt, or uncle),
 - C. MY EMPLOYER; or the employer of a member of my household,
 - D. A PERSON WITH WHOM I HAVE A SUBSTANTIAL AND CONTINUING BUSINESS RELATIONSHIP, OR
 - E. A PERSON SUBSTANTIALLY SIMILAR to one of the people described in this paragraph 3, items A, B, C, or D above.

If my answer to any of the above is YES, then, when the matter is being considered,

I must disclose, on the record, sufficient information to fully inform or put the public on notice of the potential effect of my acting on the matter, or of the effect of my disclosing and then abstaining from acting on the matter, due to my conflict of interest. My disclosure must describe the nature and extent of the relationship.

AND

I must abstain only in a clear case where the independence of judgment of a reasonable person in my situation would be materially affected by the conflict just disclosed. I should undertake the abstention analysis on the record immediately after a disclosure.

WHAT YOU MIGHT SAY: "Mr./Madam Chair, NRS 281A.420 requires me to disclose a conflict of interest. The matter before this body affects my acceptance of a gift or loan / my pecuniary interest / my commitment in a private capacity to the interests of Daisy Duchess, my foster mother. (Next, you must take time to describe the potential conflict between your interest and the matter before the body or board on which you serve.) Ms. Duchess' doughnut business will be financially enhanced if we approve building the new police station next door to her shop, and she will likely face financial ruin if we don't. Ms. Duchess is everything to me even if she isn't my biological mother. She raised me in her home from age 3 until I turned 19. Our relationship is substantially similar to a blood relation, probably closer, and therefore, I conclude that the independence of judgment of a reasonable person in my situation would / would not be materially affected by this relationship, and because this is / is not a clear case of a disqualifying conflict of interest, I am going to be voting / abstaining from voting in this matter." (If you decide to abstain, you must refrain from advocating for or against the matter in any way.)

REMEMBER, YOU MAY DISCLOSE EVEN AN APPEARANCE OF IMPROPRIETY, THOUGH YOU ARE NOT REQUIRED TO DO SO. THIS TYPE OF DISCLOSURE ASSISTS IN YOUR DUTY TO AVOID CONFLICTS OF INTEREST AND TO ENHANCE AND MAINTAIN THE PUBLIC TRUST. SEE NRS 281A.020.

DISCLAIMER: THIS DOCUMENT IS INTENDED AS A GENERAL GUIDE AND IS NOT TO BE CONSTRUED AS PROVIDING LEGAL ADVICE. IN ADDITION, IT DOES NOT FULLY ADDRESS THE DISCLOSURE AND ABSTENTION REQUIREMENTS OF THE ETHICS IN GOVERNMENT LAW AND OFFERS YOU NO PROTECTION FROM LIABILITY EVEN IF YOU FOLLOW ITS PROVISIONS.

If you are a public officer or employee presented with a potential conflict of interest, please consult with the attorney for the body on which you serve, seek other legal advice, or contact the Commission on Ethics.