

SENATE RESOLUTION NO. 5—SENATORS RAGGIO, TITUS, AMODEI,  
BEERS, CARE, CARLTON, CEGAVSKE, HARDY, HECK,  
HORSFORD, LEE, MATHEWS, MCGINNESS, NOLAN,  
RHOADS, SCHNEIDER, TIFFANY, TOWNSEND, WASHINGTON  
AND WIENER

DECEMBER 4, 2004

Read and Adopted

SUMMARY—Censures Kathy Augustine, Controller of the State of  
Nevada, and pronounces judgment of Senate in  
matter of her impeachment. (BDR R-16)

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

SENATE RESOLUTION—Censuring Kathy Augustine, Controller of  
the State of Nevada, and pronouncing the judgment of  
the Senate in the matter of her impeachment.

1 WHEREAS, Each public officer and employee in the State of  
2 Nevada has a duty to uphold the ethical provisions established by  
3 statute; and

4 WHEREAS, The legislative intent set forth in statute concerning  
5 those ethical provisions provides that a public office is “[a] public  
6 trust and shall be held for the sole benefit of the people” and that a  
7 public officer or employee “must commit himself to avoid conflicts  
8 between his private interests and those of the general public whom  
9 he serves;” and

10 WHEREAS, In 2003, Kathy Augustine filed with the Nevada  
11 Commission on Ethics a statement acknowledging that she had  
12 received, read and understood those statutory ethical standards as  
13 required by law; and

14 WHEREAS, On September 22, 2004, Kathy Augustine stipulated  
15 before the Nevada Commission on Ethics that she willfully violated  
16 NRS 281.481(7) as she reasonably should have known that:

17 1. Causing state employee Jennifer Normington, on state time,  
18 to perform functions related to Kathy Augustine’s 2002 re-election  
19 campaign violated the provisions of NRS 281.481(7);



1       2. The act of causing computer equipment owned by the State  
2 of Nevada and located in the Office of the State Controller to be  
3 used for creating, maintaining, storing and printing documents  
4 relating to her 2002 re-election campaign violated the provisions of  
5 NRS 281.481(7); and

6       3. The act of causing equipment and facilities, provided by the  
7 State of Nevada for use by the Office of the State Controller, to be  
8 used for business and purposes related to her 2002 re-election  
9 campaign violated the provisions of NRS 281.481(7); and

10       WHEREAS, On November 11, 2004, Kathy Augustine was  
11 impeached by the unanimous vote of the Assembly of the State of  
12 Nevada based upon the aforementioned willful violations of NRS  
13 281.481(7); and

14       WHEREAS, The Articles of Impeachment were presented to the  
15 Senate of the State of Nevada by representatives of the Assembly on  
16 November 12, 2004; and

17       WHEREAS, On that same day, the Senate adopted Senate  
18 Resolution No. 4 amending the Rules of the Senate for the 21st  
19 Special Session of the Nevada Legislature to include procedures for  
20 considering Articles of Impeachment; and

21       WHEREAS, Kathy Augustine answered the Articles of  
22 Impeachment on November 29, 2004, with a plea of not guilty  
23 and the impeachment trial was commenced in the Senate on  
24 December 1, 2004; and

25       WHEREAS, On December 4, 2004, the Senate dismissed Article I  
26 of the Articles of Impeachment; and

27       WHEREAS, On that same day, the Senate acquitted Kathy  
28 Augustine on the charges set forth in Article II of the Articles of  
29 Impeachment; and

30       WHEREAS, On that same day, the Senate also voted to convict  
31 Kathy Augustine of the charges set forth in Article III of the Articles  
32 of Impeachment; and

33       WHEREAS, By engaging in the conduct set forth in Article III of  
34 the Articles of Impeachment, Kathy Augustine willfully diverted  
35 equipment and facilities for use in her campaign for re-election  
36 rather than for the interests of the general public whom she has been  
37 elected to serve; and

38       WHEREAS, In addition to the willful violations set forth in the  
39 stipulation entered into before the Commission on Ethics, Kathy  
40 Augustine failed to clearly identify for her staff the difference  
41 between political activity that is improper to conduct on state time  
42 and the job duties for which they were employed; and

43       WHEREAS, Such conduct is unacceptable by a public officer and  
44 demonstrates disrespect for the laws of the State of Nevada; and



1 WHEREAS, The Senate finds that Kathy Augustine by her  
2 conduct has brought upon herself and fully deserves the judgment  
3 set forth herein; now, therefore, be it;

4 RESOLVED BY THE SENATE OF THE STATE OF NEVADA, That  
5 Kathy Augustine is convicted of Misdemeanor or Malfeasance in  
6 Office and the Senate of the State of Nevada hereby censures Kathy  
7 Augustine for such conduct; and be it further

8 RESOLVED, That this censure serve as a reminder to all public  
9 officers of their duty to uphold the laws of this State, to ensure that  
10 their staff understands the political activities which must not be  
11 conducted on governmental time and to carry out their service solely  
12 for the benefit of the general public whom they have been elected to  
13 serve; and be it further

14 RESOLVED, That this resolution shall be entered upon the  
15 Journal of the Senate; and be it further

16 RESOLVED, That the Secretary of the Senate prepare and  
17 transmit a copy of this resolution to Kathy Augustine, Controller of  
18 the State of Nevada, the Assembly, the Secretary of State and the  
19 Governor.

