



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In the Matter of the Request for Opinion
Concerning the Conduct of MIKE BELL,
Vice-Chair, Humboldt County Board of
County Commissioners,
State of Nevada,

Request for Opinion No.: 10-116C

Subject.

PANEL DETERMINATION

NRS 281A.440(5); NAC 281A.440

Facts and Jurisdiction

The Nevada Commission on Ethics received an Ethics Request for Opinion regarding the conduct of Mike Bell, Commissioner, Humboldt County Board of County Commissioners, State of Nevada, alleging certain violations of the Ethics in Government Law set forth in NRS 281A.

The main allegation is that Mr. Bell failed to abstain from voting after disclosing a conflict of interest at the December 6, 2010 meeting of the County Commission in which a person was selected to fill a vacancy on the Humboldt County Hospital Board. The Requester alleges that "this could lead to a conflict of interest." The oral recording of the meeting shows that Mr. Bell did indeed disclose his conflict of interest as is required by NRS 281A.420(1).

Mr. Bell also referred to an exception from the abstention requirements outlined in NRS 281A.420(3) and particularly NRS 281A.420(4)(a), announced that he would not abstain from voting on the issue, and Board Counsel agreed, on the record.

At the time of the alleged conduct, Mr. Bell was, and still is, a member of the Humboldt County Board of County Commissioners, a public officer as defined in NRS 281A.160. The Commission has jurisdiction over the conduct of public officers pursuant to NRS 281A.280. Therefore, the Commission has jurisdiction to consider and take action regarding Mr. Bell's conduct.

Panel Proceeding

On March 7, 2011, pursuant to NRS 281A.440(5), an Investigatory Panel consisting of Commissioners George M. Keele and James Shaw reviewed the following: 1) Request for Opinion; 2) Mr. Bell's response to the Request for Opinion, 3) Executive Director's Report and Recommendation. The following are the Panel's unanimous findings and conclusions as to each of the allegations:

Credible evidence does not exist to support a finding of just and sufficient cause for the Commission to render an opinion whether Subject violated NRS 281A.420 (1) or 281A.420(3) by participating in the deliberations and voting to appoint a member to fill an unexpired term on the Humboldt General Hospital Board of Trustees. The panel found that the evidence failed to meet the minimum level of reliable and competent evidence required to support a reasonable belief that Mr. Bell failed to meet the disclosure requirements related to his employment or that he was required to abstain from deliberating and voting on the measure to appoint a new member to the hospital Board of Trustees.

Therefore, the Investigatory Panel will not refer these allegations to the Commission for a hearing and the rendering of an opinion, and the Request for Opinion will be dismissed.

Dated: March 14, 2011

Caren Jenkins
Caren Jenkins, Esq.
Executive Director

CERTIFICATE OF MAILING

I certify that I am an employee of the Nevada Commission on Ethics and that on this day in Carson City, Nevada, I placed a true and correct copy of the **PANEL DETERMINATION in Request for Opinion No. 10-116C**, in an envelope and caused same to be mailed via certified mail, return receipt requested, through the State of Nevada Mailroom to Mike Bell and a true and correct copy of the **PANEL DETERMINATION in Request for Opinion No. 10-116C** to Requester, Michael K. Meagher, via regular mail through the State of Nevada Mailroom addressed as follows:

Mike Bell
County Commissioner
Humboldt County Commission
50 W. 5th Street
Winnemucca, NV 89445

Cert. No. 7010 0780 0001 0973 8021

Michael K. Meagher
6440 Nugget Avenue
Winnemucca, NV 89445

First Class Mail

DATED: 3/14/2011


An employee, Nevada Commission on Ethics