



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

**In the Matter of the Request for Opinion
Concerning the Conduct of MARK MANENDO,
State Assemblyman,
State of Nevada,**

Request for Opinion No. 10-31C

Subject.

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

Facts and Jurisdiction

The Nevada Commission on Ethics received an Ethics Complaint regarding the conduct of MARK MANENDO, Assemblyman, State of Nevada, alleging certain violations of the Ethics in Government Law set forth in NRS 281A . Commission staff presented the Investigatory Panel with the allegations in the Complaint that Manendo violated NRS 281A.400(2) and (8) which provide that a public officer, and particularly a State Legislator, shall not use his position in government to secure unwarranted privileges, and shall not use state property and resources to further a personal interest except under certain limited circumstances.

NRS 281A.280 imposes a 2-year statute of limitations on violations of the Ethics in Government Laws.

At the time of the alleged conduct, Manendo was, and still is, a member of the Nevada Assembly, 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 in this matter.

Panel Proceeding

On July 8, 2010, pursuant to NRS 281A.440(5), an Investigatory Panel consisting of Commission Chairman John T. "JT" Moran, III and Commissioner Magdalena Groover reviewed the following: 1) Ethics Complaint; 2) Mr. Manendo's response to the Ethics Complaint, 3) the Investigator's Report; and 4) the Executive Director's Recommendation and Approval of Investigator's Report. The following are the Panel's unanimous findings and conclusions as to each of the allegations:

The Complaint alleges that Manendo used his position in government to gain an unwarranted privilege or used state resources to further a personal interest by listing his legislative email address on www.VoteManendo.com , a campaign-related website, in violation of NRS 281A400(2) and (8).

1. Credible evidence does not exist to support a finding of just and sufficient cause for the Commission to render an opinion whether Manendo violated NRS 281A.400(2) or NRS 281A.400(8) by listing his Legislative email address as a contact email on his re-election website. The panel found that a minimum level of reliable and competent evidence did not exist to support a reasonable belief by the panel that Manendo had any control over the content of the site www.VoteManendo.com or had any ability to remove the site from the internet. The panel also found that Manendo's election site for the better part of the last 2 years has been www.MarkManendoForSenate7.com.

Therefore, these allegations will not be referred to the Commission for a hearing.

2. This matter is time-barred by NRS 281A.280 which bars a complaint regarding a violation of the provisions of NRS 281A more than 2 years from the date of the alleged violation or the date the violation could reasonably have been discovered. In fact, the evidence appears conclusive that the website in question was created in and had been continuously available on the internet since 2004, nearly 6 years prior to the Complaint.

Therefore, these allegations will not be referred to the Commission for a hearing.

Each of the allegations in Request for Opinion 10-31C is DISMISSED.

Dated: July 15, 2010



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. 10-31C**, in an envelope and caused same to be mailed via certified mail, return receipt requested, through the State of Nevada Mailroom to Mark Manendo and a true and correct copy of the **PANEL DETERMINATION in Request for Opinion No. 10-31C** to the Requester, Kyle Knight, via regular mail through the State of Nevada Mailroom addressed as follows:

Mark Manendo
4629 Butterfly Circle
Las Vegas, NV 89122

Cert. No. 7002 0780 0001 0973 7567

Kyle Knight
10038 Mystic Moss St.
Las Vegas, NV 89183

First Class Mail

DATED: 07/15/10

Michelle A. Ene
An employee, Nevada Commission on Ethics