



## STATE OF NEVADA COMMISSION ON ETHICS

In the Matter of the Request for Opinion  
Concerning the Conduct of MORSE ARBERRY,  
Former Assemblyman, Clark County District 7,  
State of Nevada,

Request for Opinion No.: 10-80C

Subject. /

### PANEL DETERMINATION

On January 13, 2011, an Investigatory Panel consisting of Commission Vice Chairman Erik Beyer and Commissioner Paul Lamboley considered Request for Opinion No 10-80C concerning the conduct of Morse Arberry, former Assemblyman, Clark County District 7 ("Subject"), a former public officer.

While Arberry was offered an extension of time within which to respond to the allegations in the Request for Opinion and had several conversations with Commission staff about his intent to respond, no such response was received. Therefore, the Panel makes its Determination based solely on the information received in support of the Request for Opinion, supplemented nominally by confirmations regarding the validity of the documents attached to the request.

### Allegations:

The main allegations are that Arberry sought and negotiated a contract to serve as a lobbyist for the Eighth Judicial District Court while he was still serving his final legislative term. The Request for Opinion alleges that Arberry violated NRS 281A.400(1) by seeking a gift or economic opportunity which would tend improperly to influence a reasonable person in his position to depart from the faithful discharge of his duties; NRS 281A.400 (2) by using his position in government to secure an unwarranted privilege preference or advantage for himself or for his lobbying company, Titan Partners, LLC; NRS 281A.400 (5) by acquiring through his public duties or relationships some non-public information that he used to benefit his personal interests; NRS 281A.400 (10) by seeking other employment or contracts through the use of his official position; and NRS 281A.430 by "bidding" on a government contract in which he had an interest.

### Facts:

On June 21, 2010, Arberry formed "Titan Partners, LLC" with the Nevada Secretary of State's office.

About the same time, Arberry and Chief Judge Arthur Ritchie began to discuss the Eighth Judicial District Court hiring Arberry to serve as its lobbyist.

On June 24, 2010, Arberry participated in a meeting of the Interim Finance Committee of the Legislature as its Vice-Chairman, and voted on an agenda item to allocate over \$200,000 in new money, and roll over more than \$1M in funds from the prior fiscal year, to the Eighth Judicial District Court. He also participated in two additional Interim Finance Committee meetings before submitting his written resignation from legislative service to then-governor Jim Gibbons.

On or about August 26, 2010, Arberry signed a contract binding him and Titan Partners, LLC to serve as the lobbyist for the Eighth Judicial District Court. The last step in the contract process was to be approval of the contract by the Clark County Commission on Tuesday, September 7, 2010. That approval never came.

**Findings:**

After reviewing the evidence, NRS 281A.400 and the related subsections, and NRS 281A.430, and without any information rebutting the allegations outlined in the Request for Opinion, the Panel finds that sufficient credible evidence supports a finding of just and sufficient cause for the Commission to render an opinion on the allegations that Arberry acted in violation of:

- NRS 281A.400(1) by seeking an economic opportunity that would tend improperly to influence a reasonable person to depart from the faithful discharge of his duties;
- NRS 281A.400(2) by seeking unwarranted benefits for himself or his business interest by seeking and negotiating a contract for employment as a lobbyist following his legislative term;
- NRS 281A.400(10) by using his official position to seek outside employment or contracts; and
- NRS 281A.430 by bidding on and entering into a contract with a government entity.

Further the Investigatory Panel finds that just and sufficient cause does NOT exist to forward to the full Commission the allegation that Arberry violated:

- NRS 281A.400(5) by using non-public information of which he became aware in his legislative capacity to become aware of the opportunity to seek engagement as the Court's lobbyist.

  
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Caren Jenkins, Esq.  
Executive Director

Date: 1/20/11

**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. 10-80C, in an envelope and caused same to be mailed via certified mail, return receipt requested, through the State of Nevada Mailroom to MORSE ARBERRY, Jr., and the Requester, Jacob Hafter, via regular mail through the State of Nevada Mailroom addressed as follows:

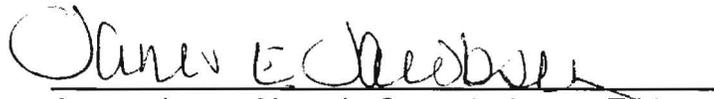
Morse Arberry, Jr.  
1330 Virginia City Avenue  
Las Vegas, NV 89106

Cert. No. 7010 0780 0001 0973 7970

Jacob Hafter  
7201 W. Lake Mead Blvd., Ste.  
210  
Las Vegas, NV 89128

First Class Mail

DATED: 1/20/2011

  
An employee, Nevada Commission on Ethics