



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In the Matter of the Request for Opinion
Concerning the Conduct of **JIM SHIRLEY**,
Pershing County District Attorney,
State of Nevada.

Request for Opinion No. 10-93C

Subject.

PANEL DETERMINATION

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

Facts and Jurisdiction

The Nevada Commission on Ethics received a Request for Opinion regarding the conduct of Jim Shirley, Pershing County District Attorney, 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 Request for Opinion that Subject violated 281A.400(2) and 281A.400(7), as well as 281A.520, as follows:

- 1) NRS 281A.400(2) by using his position in government to secure unwarranted preferences for himself,
- 2) NRS 281A.400(7) by using governmental time and property to benefit his personal interests, and
- 3) NRS 281A.520 by causing a government entity to incur an expense to support or oppose a candidate.

At the time of the alleged conduct, Shirley was, and still is, the elected District Attorney of Pershing County, 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 April 14, 2011, pursuant to NRS 281A.440(5), an Investigatory Panel consisting of Commissioners Paul Lamboley, Esq. and John Marvel, reviewed the following: 1) Request for Opinion; 2) Mr. Shirley's response to the Request for Opinion, and 3) the Executive Director's Report and Recommendation. The following are the Panel's unanimous findings and conclusions as to each of the allegations:

1. Credible evidence does not exist to support a finding of just and sufficient cause for the Commission to render an opinion whether Shirley violated NRS 281A.400(2), NRS 281A.400(7) or NRS 281A.520 by using Traffic Diversion Funds to publish and distribute a newsletter to Pershing County residents in which Shirley not only reviewed the functions of the District Attorney's office, provided resources for the readership, and expressed personal opinions about the efficacy of the then-current Pershing County Sheriff. The panel found that a minimum level of reliable and competent evidence did not exist to support a reasonable belief by the panel that Shirley used the publication to further his own election or re-election campaign, or any other personal interest other than his interest in describing the functions of the D.A.'s office and enhancing the safety and welfare of Pershing County residents.

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

Dated: 4/15/11



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. 10-93C**, in an envelope and caused same to be mailed via certified mail, return receipt requested, through the State of Nevada Mailroom to subject Jim Shirley's counsel, Brent Kolvet, Esq., and a true and correct copy of the **PANEL DETERMINATION in Request for Opinion No. 10-93C** to Jim Shirley, and the Requester, Doyleane Craig, via regular mail through the State of Nevada Mailroom addressed as follows:

Brent T. Kolvet, Esq.
Thorndal Armstrong Delk Balkenbush &
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Jim Shirley
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Imlay, NV 89418-0257

First Class Mail

DATED: 7/19/2011



An employee, Nevada Commission on Ethics