



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In the Matter of the Third-Party
Request for Opinion Concerning the Conduct
of Elizabeth N. Fretwell, City Manager, City of
Las Vegas, State of Nevada,

Request for Opinion No. 11-82C

Subject.

PANEL DETERMINATION

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

Facts and Jurisdiction

The Nevada Commission on Ethics received an Ethics Request for Opinion (RFO) regarding the conduct of Elizabeth N. "Betsy" Fretwell, City Manager of the City of Las Vegas, Nevada, a public officer, 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.

The RFO alleged a multitude of issues and included hundreds of pages of documents describing and depicting the medical condition of animals at the Lied Animal Shelter and objecting to the shelter's "kill" policy. Those materials are unrelated to the allegations before the Commission. Here, the issue is whether Fretwell failed adequately to separate her public and private interests and whether she used her public position to benefit a person to whom she has a commitment in a private capacity.

The RFO argues that, regardless of Fretwell's attempted separation from all animal shelter related issues, she remains the City Manager and, as such, she is responsible to enforce contracts between the City and others, including the Animal Foundation. It alleges that she was incapable of doing this duty because of her commitment in a private capacity to her domestic partner/household member who is employed by the Animal Foundation. Although the city manager is ultimately responsible for the operations of every department within the City, including the shelter and its contracted-for operations, Fretwell disclosed the potential conflict of interest and took steps to remove herself from all involvement with the Animal Foundation. With her superiors' consent, she delegated shelter/Animal Foundation related issues to her

subordinates, Deputy City Manager Sanchez, Chief of Public Safety Coyne and the Deputy Chief of Detention and Enforcement Shattler.

Each of those individuals stated that they engaged in and upheld their duties related to the City's animal shelter without any involvement, action or interference by Fretwell. No credible evidence was provided or discovered linking Fretwell directly or indirectly to an alleged failure to enforce the City's contract with the Animal Foundation or to address any issues at the shelter. The Animal Foundation appeared before the City Council on May 21, 2008 for a contract renewal and on January 21, 2009 with a request for a site development review, which was approved. Both appearances took place without Fretwell's involvement.

The Requester also suggested that Fretwell had some responsibility for the Animal Foundation terminating two veterinarians who had expressed displeasure with the operation of the shelter, and the Requester's termination from employment with the City after expressing his related concerns. On December 23, 2011, the Requester supplemented his RFO to state his belief that Fretwell was behind a circumstance in which one of his friends was denied a pay raise, allegedly because of her knowledge of the grievances he had filed. However, no evidence supports a nexus between Fretwell and these employment-related issues within the Animal Foundation or the City other than through these allegations. The Requester provided no additional evidence.

Although the Panel renders no findings in this regard, even if the animal shelter was poorly operated, and former Animal Foundation or City employees were treated improperly, no evidence was discovered to link any such circumstances to Fretwell. No credible evidence showed that Fretwell directly or indirectly used her position to influence any decisions, directed or suggested to anyone to ignore laws and/or City Codes, or had anyone take any action of any sort concerning the Shelter. In fact, the only evidence of any acts undertaken by Fretwell or any failure to act related to the RFO are the Requester's unsupported allegations.

At the time of the alleged conduct, Ms. Fretwell was the City Manager of Las Vegas, 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

Pursuant to NRS 281A.440(5), an Investigatory Panel consisting of Commission Chairman Erik Beyer and Commissioner Keith Weaver reviewed the following: 1) Ethics Request for Opinion; 2) Subject's response to the Ethics Request for Opinion, 3) The Executive Director's Report and Recommendation. The following are the Panel's unanimous findings and conclusions as to each of the allegations:

Fretwell, as the appointed City Manager of the City of Las Vegas, is a public officer as defined by NRS 281A.160. Fretwell owns and shares her home with her Nevada Registered Domestic Partner. As such, she has a commitment in a private capacity to the interests of that member of her household (NRS 281A.420(8)(a)(1)). Additionally, she is engaged in a relationship that is substantially similar to a relationship described in subparagraph (2) of NRS 281A.420(8)(a), in that a registered domestic partner may be considered substantially similar to a person who is related to a public officer by marriage within the third degree of consanguinity or affinity.

Fretwell's domestic partner is employed as the Executive Director of the Animal Foundation, a private entity with which the City contracts for services. Accordingly, Fretwell disclosed any potential conflict of interest that may arise to her supervisors, and segregated herself from dealing with issues related to the City's shelter. In doing so when she accepted the City manager position and continuing to do so, credible evidence exists that she fully complies with NRS 281A.020, and no credible evidence exists that the matter should be forwarded to a hearing on this issue.

The RFO also alleges that Fretwell used her position as City Manager to (1) keep the City from enforcing the terms of the City's contract with the Animal Foundation because she has a commitment in a private capacity to her domestic partner who directs the contracted-for services, and (2) influence employment decisions of the Animal Foundation and the City of Las Vegas who had expressed opinions about how the animal shelter operates. It alleges that by using her influence, Fretwell sought a direct unwarranted benefit for the Animal Foundation, and an indirect benefit for her domestic partner's ability to maintain employment with that entity. But no evidence supports these allegations.

Based on the foregoing, the Investigatory Panel will not refer any of the allegations to the Commission for a hearing and the rendering of an opinion, and therefore dismisses this Request for Opinion in its entirety.


Caren Jenkins, Esq.
Executive Director

Date: 2-6-12

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 deposited for mailing, via U.S. Postal Service, certified mail return receipt requested through the State of Nevada mailroom, a true and correct copy of the **PANEL DETERMINATION**, addressed as follows:

Elizabeth Fretwell
400 Stewart Avenue
Las Vegas, NV 89101

Cert. No.7010 0780 0001 0973 5303

George E. Dorsey, Jr.
3650 McClure Woods Drive
Duluth, GA 30096

First Class Mail

Dated: 2/6/12

Valerie Carter

Valerie Carter, Executive Assistant