



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

**In the Matter of the Request for Opinion
Concerning the Conduct of MARJORIE
WALKER, Social Services Program Specialist III,
Division of Child and Family Services,
Department of Health and Human Services,
State of Nevada,**

Request for Opinion No.: 12-01C

a Public Employee. /

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 Marjorie Walker, a public employee, alleging certain violations of the Ethics in Government Law set forth in NRS 281A. Commission staff presented the Investigatory Panel with the following information and allegations.

Walker is employed as a Social Services Program Specialist III by the Division of Child and Family Services in the Department of Health and Human Services, State of Nevada. In her private capacity, Walker served on the Board of Directors of Nevada Urban Indians, a private nonprofit organization which receives federal grant funds administered by the State. The RFO alleges that Walker's job and her non-profit service conflict, and that Walker failed to commit to avoid conflicts between her private and public interests and duties, and used State resources to further her personal interests. In particular, the RFO alleges that she violated

- 1) NRS 281A.020 by failing to avoid conflicts between her private and public interests and duties.
- 2) NRS 281A.400(7) by using government resources (time and e-mail) to attend to her volunteer activities on behalf of the Nevada Urban Indians.

At the time of the alleged conduct, Ms. Walker was employed in the Nevada Department of Health and Human Services, a public employee as defined in NRS 281A.150. The Commission has jurisdiction over the conduct of public employees pursuant to NRS 281A.280. Therefore, the Commission has jurisdiction in this matter.

Panel Proceeding

On June 21, 2012, pursuant to NRS 281A.440(5), an Investigatory Panel consisting of Commissioners James Shaw and Magdalena Groover reviewed the following: 1) Ethics Request for Opinion; 2) Subject's response to the Ethics Request for Opinion, and 3) The Executive Director's Report and Recommendation.

It is Walker's conduct as a public employee that is in question - - not her conduct on the NUI Board. NUI applied for and received the grant funds - - not Walker or any other member of the NUI Board personally. The RFO's allegation that Walker "received a grant from the same division where [she] works" is not factually correct, as Walker is not in the division of DCFS that manages the grants. Even if Walker's acts on the NUI Board in March 2008 and later in August 2008 were regulated by NRS 281A, those acts occurred outside of the two-year statute of limitations in NRS 281A.280. There simply is no evidence that Walker used her position in her government employment to assist NUI as an applicant or grantee for the grant funds, or failed to commit to separating her personal interests from her duties as a public employee.

Accordingly, the Investigatory Panel determined that credible evidence does not exist to support a finding of just and sufficient cause for the Commission to render an opinion whether Walker violated NRS 281A.020 or NRS 281A.400(7). Therefore, the Investigatory Panel will not refer this allegation to the Commission for a hearing and the rendering of an opinion. This and all remaining allegations in the RFO are thereby DISMISSED.

Dated: July 9, 2012


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 deposited for mailing, via U.S. Postal Service, certified mail, return receipt requested, and First Class Mail as noted, through the State of Nevada mailroom, a true and correct copy of the **PANEL DETERMINATION in Request for Opinion No. 12-01C** addressed as follows:

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Subject

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DATED: July 9, 2012

Valerie Carter
Valerie Carter, Nevada Commission on Ethics