



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

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

Request for Opinion No 12-03C

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 Sharon James, 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.

James is employed as a Social Services Program Specialist II (Statewide Indian Child Welfare Specialist) by the Division of Child and Family Services (DCFS) in the Department of Health and Human Services, State of Nevada. In her private capacity, James serves as the Chair of the Board of Directors of Nevada Urban Indians (NUI), a private nonprofit organization which receives federal grant funds that are administered by the State.

The RFO alleges that James' job and her non-profit service conflict, and 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. James was employed by 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 James' conduct as a public employee that is questioned - - not her conduct on the NUI Board. NUI applied for and received the grant funds - - not James or any other member of the NUI Board personally. James does not work within the division of DCFS that manages the grants. There simply is no evidence that James used her position in her government employment to assist NUI as an applicant or grantee for the grant funds, or failed to commit to separate her personal interests in NUI 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 James 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. 12-03C** addressed as follows:

Sharon James
Nevada Div. of Child & Family Services
4126 E. Technology Way, 1st Floor
Carson City, NV 89706
Subject

Certified Mail No.:
7010 0780 0001 0973 5631

Marc Picker, Esq.
729 Evans Avenue
Post Office Box 3344
Carson City, NV 89703
Counsel for Sharon James

First Class Mail

John Mosley
147 Hazelnut Drive
Fernley, NV 89408
Requestor

First Class Mail

DATED: July 9, 2012



Valerie Carter, Nevada Commission on Ethics