



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In the Matter of the Request for Opinion  
Concerning Conduct of  
CATHERINE CORTEZ-MASTO, Attorney General,  
State of Nevada,

Request for Opinion No. 09-03C

Subject.

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**PANEL DETERMINATION**

Issues and Jurisdiction

An ethics complaint (Request for Opinion No. 09-03C) was filed against Catherine Cortez-Masto (Masto), a public officer, pursuant to NRS, 281A.160, alleging she violated:

1. NRS 281A.400.2 in that she obtained unwarranted privileges, preferences, exemptions or advantages for Senator Michael Schneider, Dr. Daniel Royal and Dean Freisen in calling an emergency meeting under the open meeting law to lift a summary suspension of Dr. Royal's license and stay an administrative hearing as to Dr. Royal, when no emergency existed.
2. NRS 281A.400.2 in that she obtained unwarranted privileges, preferences, exemptions or advantages for herself by not recusing herself in an open meeting law complaint that implicated her and her office in calling an emergency meeting under the open meeting law, when no emergency existed.
3. NRS 281A.400.2 in that she aided and abetted Senator Michael Schneider in obtaining unwarranted privileges, preferences, exemptions or advantages for himself and for a person to whom he has a commitment in a private capacity, in order to assist Dean Friesen, who worked in the Senatorial office, as well as Dr. Daniel Royal, who has employed Dean Friesen in his medical practices.
4. NRS 281A.400.7 in that she used government time and resources to insure that the open meeting law complaints filed against her were dealt with by her deputies and dismissed, despite a clear conflict of interest in handling these complaints.
5. NRS 281A.400.2 if it is found that her talking to Nancy Pongracz, the appointed hearing officer in the administrative case against Dr. Daniel Royal who

became employed as a Deputy Attorney General, was in any way connected with an attempt to influence the outcome of the administrative case.

During the course of the investigation, additional issues and facts relating to alleged violations of NRS 281A.400.9 were discovered by the Investigator. A Notice of Additional Issues and Facts was sent to Masto on January 9, 2009.

#### Panel Proceeding

On February 26, 2009, pursuant to NRS 281A.440.3, a Panel of Commissioners Erik Beyer and Jim Shaw, reviewed the following: Ethics Complaint; Response to Complaint; the Investigator's Report; Executive Director's Approval of Investigator's Report and Executive Director's Recommendation; and the evidence collected.

The Panel found that just and sufficient cause **DOES NOT EXIST** for the Commission to hold a hearing and render an opinion on the following allegations that Masto violated:

The following is the panel's unanimous findings:

The investigation revealed that there was no commitment in the private capacity or pecuniary interest between Masto, Royal, Schneider or Friesen that would suggest that Masto was using her position to obtain unwarranted privileges, preferences, exemptions or advantages for herself or any of them. Therefore, the Panel found that **just and sufficient cause DOES NOT exist** for the Commission to hold a hearing and render an opinion on the allegations that Masto violated:

NRS 281A.400.2 by the actions that she took or directed her staff to take regarding the Royal license before the Nevada Board of Homeopathic Medical Examiners.

Therefore, this allegation was **dismissed**.

The investigation revealed that government property or equipment were not used on the Royal matter to personally benefit Masto. Therefore, the Panel found that **just and sufficient cause DOES NOT exist** for the Commission to hold a hearing and render an opinion on the allegations that Masto violated:

NRS 281A.400.7 by the actions that she took or directed her staff to take regarding the Royal license before the Nevada Board of Homeopathic Medical Examiners.

Therefore, this allegation was **dismissed**.

The investigation revealed that Masto did not inappropriately use a subordinate in her office in an attempt to benefit herself. Therefore, the Panel found that **just and sufficient cause DOES NOT exist** for the Commission to hold a hearing and render an opinion on the allegations that Masto violated:

NRS 281A.400.9 by the actions that she took or directed her staff to take regarding any Open Meeting Law complaints.

Therefore, this allegation was **dismissed**.

THEREFORE, these allegations were **DISMISSED**.

Dated: February 26 2009

  
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Patricia D. Cafferata, Esq.  
Executive Director