



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In the Matter of the Request for Opinion
Concerning Conduct of
MICHAEL SCHNEIDER, Senator,
State of Nevada,

Request for Opinion No. 09-02C

Subject.

PANEL DETERMINATION

Issues and Jurisdiction

An ethics complaint (Request for Opinion No. 09-02C) was filed against Michael Schneider (Schneider), a public officer, pursuant to NRS, 281A.160, alleging he violated:

1. NRS 281A.400.2 in using his position as state senator to obtain unwarranted privileges, preferences, exemptions or advantages for a person to whom he has a commitment in a private capacity by appearing at the board meeting of February 9, 2006, and reading a statement used by Dr. Daniel Royal to prematurely adjourn the meeting and avoid a board vote on removal of the president of the board.
2. NRS 281A.400.2 in using his position to obtain unwarranted privileges, preferences, exemptions or advantages for himself and Dean Friesen, a person to whom he had a commitment in a private capacity, by contacting the Attorney General about the subpoena of Dean Friesen, who worked in his legislative office, in order to get any court action which may have involved himself, Friesen and Daniel Royal lifted.
3. NRS 281A.400.8 in using governmental time, property, equipment, or other facility for the benefit of another person, in that Senator Schneider obtained several opinions from the Legislative Counsel Bureau, not for any legitimate legislative purpose but to specifically use in defense of Dr. Daniel Royal in the administrative case against him.
4. NRS 281A.400.2 in using his position to obtain unwarranted privileges, preferences, exemptions or advantages for a person to whom he has a commitment in a private capacity by contacting the Attorney General at the time the search warrant was issued against the offices of Dr. Daniel Royal and two

weeks prior to the scheduled hearing set for October 26, 2007, in order to obtain leniency or get the charges against Dr. Royal vacated.

5. Whether all of the actions of Senator Schneider combined, as stated in paragraphs 1 through 5, constitute a violation of NRS 281A.400.2 in that he has used his position as a state senator to obtain 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 his senatorial office, as well as Dr. Daniel Royal, who has employed Dean Friesen in his medical practice.

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 following is the panel's unanimous findings:

The investigation revealed that there was no commitment in the private capacity or pecuniary interest between Schneider and Royal or Friesen that would suggest that Schneider was using his position to obtain unwarranted privileges, preferences, exemptions or advantages for himself or either 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 Schneider violated:

NRS 281A.400.2 by contacting Attorney General Masto regarding the subpoenas for Daniel Royal and Friesen and regarding the temporary suspension of Royal's license in 2007, or when on February 9, 2006, he read a statement used by Daniel Royal to prematurely adjourn the meeting and avoid a board vote on removal of Royal as the president of the Nevada Board of Homeopathic Medical Examiners.

Therefore, this allegation was **dismissed**.

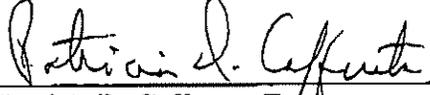
The investigation revealed that NRS 218.695 permits legislators to request legal opinions on any law and Schneider did not use governmental time or property for a non-governmental purpose or a private benefit. Therefore, the Panel found that **just and sufficient cause DOES NOT exist** for the Commission to hold a hearing and render an opinion on the allegations that Schneider violated:

NRS 281A.400.8 when Schneider obtained a legal opinion from the Legislative Counsel Bureau for Royal's benefit.

Therefore, this allegation was **dismissed**.

THEREFORE, these allegations were **DISMISSED**.

Dated: February 26, 2009



Patricia D. Cafferata, Esq.
Executive Director