



STATE OF NEVADA
BEFORE THE NEVADA COMMISSION ON ETHICS

**In the Matter of the Request for
Opinion Concerning the Conduct of
MARY ORR, Chair,
Humboldt General Hospital District, Humboldt County
State of Nevada,**

Opinion No. 09-22C

Subject.

STIPULATED AGREEMENT

1. **PURPOSE:** The purpose of this stipulated agreement is to resolve Request for Opinion No. 09-22C concerning Mary Orr (Orr) that is before the Nevada Commission on Ethics (Commission) and render an opinion as stipulated in lieu of holding a hearing.
2. **JURISDICTION:** At all material times, Orr was a board member of the Humboldt General Hospital District (HGH), a public officer subject to the jurisdiction of the Commission pursuant to NRS 281A.160.
3. **STIPULATED FACTS:**
 - a. Orr holds the elected office of board member for the HGH and is a public officer as defined by NRS 281A.160.
 - b. On April 3, 2009, a Request for Opinion (complaint) was filed with the Commission alleging that Orr violated certain provisions of the Ethics in Government Law (Ethics Law), specifically subsections 2 and 4 of NRS 281A.420.
 - c. On or about March 31, 2009, Orr failed to disclose her private commitment to her employer, Humboldt Hospice, and voted on a matter affecting Humboldt Hospice. On said date, the board for the HGH voted on a "check run," a routine procedure. The check run on this date included a payment to Humboldt Hospice in the amount of \$200.

d. Humboldt Hospice is a Nevada non-profit corporation. HGH makes monthly payments to Humboldt Hospice, including the \$200 payment on or about March 31, 2009, in exchange for Humboldt Hospice providing grief support services at Humboldt General Hospital, a facility operated by the HGH.

e. Orr acknowledges that the Commission provided her with notice of the allegations against her and an opportunity to file a written response. Orr is fully advised as to the allegations asserted against her in the complaint.

f. On May 15, 2009, Orr filed with the Commission her written responses to the allegations against her.

g. Pursuant to NRS 281A.440, the Commission's Executive Director investigated the complaint and rendered a written recommendation that just and sufficient cause exists for the Commission to conduct a public hearing and render an opinion in this matter.

h. On May 27, 2009, a two-member Commission panel reviewed the complaint, Orr's written responses, the Commission investigator's report, the recommendation of the Executive Director, and evidence collected by Commission staff, and determined that just and sufficient cause exists for the Commission to conduct a public hearing and render an opinion in this matter.

4. RELEVANT STATUTES: The following Nevada Revised Statutes are relevant to the allegations that give rise to this stipulated agreement:

a. NRS 281A.420(4) provides that "[a] public officer...shall not...vote...upon any matter: (b) which would reasonably be affected by his commitment in a private capacity to the interest of others...without disclosing sufficient information concerning the...commitment... to inform the public of the potential effect of the action...upon the person to whom he has a commitment."

b. NRS 281A.420(8) defines “commitment in a private capacity to the interest of others” to include a commitment to a person...(c) who employs him or a member of his household.

c. NRS 281A.420(2) provides that “[a] public officer shall not vote upon...a matter with respect to which the independence of judgment of a reasonable person in his situation would be materially affected by: (c) his commitment in a private capacity to the interest of others.”

5. TERMS: Orr and the Commission agree as follows:

a. The actions of Orr as described in paragraph 3(c) above constitute a violation of NRS 281A.420.

b. As a result of Orr’s violation of NRS 281A.420, as described in paragraph 3(c) above, the Commission imposes a civil penalty, pursuant to NRS 281A.480(1), of One Hundred Dollars (\$100.00) as the sole and exclusive civil penalty in this matter.

c. This agreement applies only to the specific facts, circumstances and law related to this complaint. Any facts and circumstances that differ from those contained in this agreement may create an entirely different resolution of this matter.

6. WAIVER:

a. Orr retained legal counsel in this matter and is fully aware of her right to a hearing before the Commission on the allegations against her and of any and all rights she may be accorded pursuant to NRS Chapter 281A, the regulations of the Commission (NAC Chapter 281A), the Nevada Administrative Procedures Act (NRS Chapter 233B), and the laws of the State of Nevada.

b. Orr waives her right to any judicial review of this matter as provided in NRS 233B.130 or any other provision of Nevada state law.

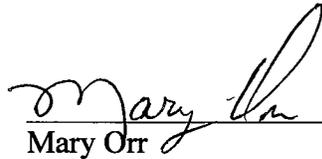
7. CONTINGENCY:

a. This agreement is subject to final approval by the Commission in an open public meeting. Once approved, this agreement shall be adopted as the Opinion of the Commission. This agreement will be the final disposition of this matter and shall be binding upon all parties.

b. Should the Commission not approve this agreement, this matter will proceed to a full hearing before the Commission. This agreement shall be of no force or effect nor will it be admissible, in part or whole, in such hearing.

8. ACCEPTANCE: We, the undersigned parties, have read this agreement, understand each and every provision therein, and agree to be bound thereby.

DATED this 30 day of June, 2009.



Mary Orr

DATED this 15 day of July, 2009.



Mark Hutchison, Chairman
Nevada Commission on Ethics

The above Stipulated Agreement has been reviewed by:



O. Kent Maher, Esq.
Counsel to Mary Orr



Adriana G. Fralick, Esq.
Commission Counsel