



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In the Matter of the Request for Opinion
Concerning the Conduct of **KATE MARSHALL**,
Treasurer, Carson City,
State of Nevada.

**Request for
Opinion No. 10-24C**

Subject.

PANEL DETERMINATION

NRS 281A.440(5); NAC 281A.440

Facts and Jurisdiction

The Nevada Commission on Ethics received Request for Opinion regarding the conduct of Kate Marshall, Treasurer, State of Nevada, alleging certain violations of the Ethics in Government Law set forth in NRS 281A. An Investigatory Panel, consisting of Commissioners George M. Keele, Esq. and Gregory Gale, was convened and considered the allegations that Treasurer Marshall violated:

- 1) NRS 281A.400(2) by using her position in government to secure unwarranted privileges, preferences, exemptions or advantages by placing her government office telephone number on her Declaration of Candidacy which telephone number was then publicized via the State elections website during her campaign for re-election to the office of Treasurer, and
- 2) NRS 281A.400(7) by using government time, property, equipment and other facility by causing a Treasurer's Office employees to respond to calls to her government office which were related to her campaign.

At the time of the alleged conduct, Marshall was, and still is, Treasurer, a public officer as defined in NRS 281A.160. Pursuant to NRS 281A.280, the Commission has jurisdiction over the conduct of public officers as it relates to the Ethics in Government Law. Therefore, the Commission has jurisdiction in this matter.

Panel Proceeding

On June 10, 2010, pursuant to NRS 281A.440(5), the Investigatory Panel reviewed the following: 1) Request for Opinion; 2) Treasurer Marshall's Response, 3) the Investigator's Report; and 4) the Executive Director's Recommendation.

The following are the Panel's unanimous findings and conclusions as to each of the allegations it considered:

1. Credible evidence does not exist to support a finding of just and sufficient cause for the Commission to render an opinion on whether Marshall violated NRS 281A.400(2) by using her position in government to secure unwarranted privileges, preferences, exemptions or advantages by placing her government office telephone number on a candidate form, which then appeared on the state's elections website during her campaign for re-election to the office of Treasurer. The panel found that a minimum level of reliable and competent evidence did not exist in the Complaint or in the investigator's findings to support a reasonable belief by the panel that Marshall used her position in government to secure an unwarranted privilege, preference, exemption or advantage for herself or her campaign. Therefore, this allegation will not be referred to the Commission for a hearing.
2. Credible evidence does not exist to support a finding of just and sufficient cause for the Commission to render an opinion whether Marshall violated NRS 281A.400(7) by using governmental time, property, equipment and other facility to benefit her personal interest. A minimum level of reliable and competent evidence did not exist to support a reasonable belief by the panel that she used governmental time, property, equipment and other facility to benefit her personal interest in being re-elected. Therefore, this allegation will not be referred to the Commission for a hearing.

Accordingly, all of the allegations in Request for Opinion 10-24C are dismissed.

Dated: _____

June 16, 2010



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 placed a true and correct copy of the **PANEL DETERMINATION in Request for Opinion No. 10-24C**, in an envelope and caused same to be mailed via certified mail, return receipt requested, through the State of Nevada Mailroom to Kate Marshall, and a true and correct copy of the **PANEL DETERMINATION in Request for Opinion No. 10-24C** to the Requester, Sherry Dilley, Nevada Republican Party, via regular mail through the State of Nevada Mailroom addressed as follows:

Kate Marshall
570 Marsh Ave.
Reno, NV 89509

Cert. No. 7002 2030 0005 8442 4683

Sherry Dilley
Nevada Republican Party
6655 S. Tenaya Way #120
Las Vegas, NV 89113

First Class Mail

Dated: _____

06/16/10

Michelle A Ené

Michelle A. Ené, Executive Assistant