



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Debra March**, Mayor,
City of Henderson,
State of Nevada,

Ethics Complaint
Case No. **17-36C**

Subject. /

PANEL DETERMINATION¹

NRS 281A.440(5); NAC 281A.440; S.B. 84²

The Nevada Commission on Ethics ("Commission") received Ethics Complaint No. 17-36C ("Complaint") regarding the alleged conduct of Debra March ("March" or "Subject"), Mayor for the City of Henderson. Specifically, the Complaint alleges that the Subject, given the duty to avoid conflicts set forth in NRS 281A.020, engaged in the following conduct:

1. NRS 281A.400(2) (improper use of government position to secure unwarranted advantage).
2. NRS 281A.420(1) and (3) (failure to disclose conflict and abstain in the matter).

As the Mayor of the City of Henderson, the Subject is a public officer as defined in NRS 281A.160. The Commission has jurisdiction over this matter pursuant to NRS 281A.280 because the allegations contained in the Complaint relate to the Subject's conduct as a public officer and has associated implications under Nevada's Ethics in Government Law set forth in NRS 281A ("Ethics Law").

On January 17, 2018, a Review Panel ("Panel") consisting of Commissioners Barbara Gruenewald, Esq., Lynn Stewart and Amanda Yen, Esq. reviewed the following: 1) Ethics Complaint No. 17-36C; 2) Subject's Response to the Complaint; 3) Investigator's Report; and 4) the Executive Director's Recommendation to the Panel and associated exhibits.³

¹ Except as provided otherwise by law, a Panel Determination shall not be cited as legal precedent.

² S.B. 84 of the 79th Session of the Nevada Legislature (2017) amends and enacts various provisions of NRS Chapter 281A, which statutes have yet to be formally codified. The amendatory provisions of S.B. 84 control over any contrary provisions of NAC Chapter 281A.

³ All materials provided to the Panel, except the Ethics Complaint, represent portions of the investigatory file and remain confidential pursuant to Section 9 of S.B. 84. With the concurrence of Commission Counsel, Commissioner Stewart disclosed that he knows Subject March as a professional acquaintance; however, that relationship does not amount to a commitment in a private capacity under NRS 281A.065 and is insufficient to trigger the disclosure and abstention requirements of NRS 281A.420.

Under NAC 281A.435, the Panel unanimously finds and concludes that there is sufficient credible evidence to support a determination that just and sufficient cause exists for the Commission to render an opinion in the matter regarding the allegations pertaining to NRS 281A.400(2) and NRS 281A.420(1) with regard to March's alleged failure to disclose her relationship with the Henderson Community Foundation ("HCF") before voting on agenda items in which requests were made for the disbursement of public funds to HCF at Henderson City Council meetings on the following dates: November 17, 2015; April 5, 2016; June 7, 2016 and November 1, 2016; December 6, 2016 and April 18, 2017. Although March no longer serves on HCF's board of directors and her role on the Chairman's Council is solely honorary, March continues to serve on an ad hoc Grants Committee for HCF and has contributed approximately \$2,000 of personal campaign funds to HCF during the last two years. The Review Panel determined that credible evidence supports just and sufficient cause that March's prior tenure as a member of the HCF board of directors followed by her present volunteer service and substantial financial donations establishes a private commitment to the interests of HCF which required disclosure regarding matters before the City Council and implicated an unwarranted preference to HCF. See *In re Public Officer*, Comm'n. Op. No. 12-46A (2013).

However, pursuant to Section 5 of S.B. 84, the Panel reasonably believes that March's alleged violations of the Ethics Law may appropriately be addressed through corrective action under the terms and conditions of a deferral agreement instead of referring this Complaint to the Commission for further proceedings. The Executive Director and Subject shall present a proposed deferral agreement to the Panel for final approval. If the Panel does not approve the deferral agreement or if Subject declines to enter into a deferral agreement, the Panel will refer this matter to the Commission for further proceedings.

The Panel further determines that there is not sufficient credible evidence to support a determination that just and sufficient cause exists for the Commission to render an opinion in the matter regarding the alleged violation of NRS 281A.420(3) given the Commission's decision in *In re Public Officer*, Comm'n Op. No. 12-51A (2012) (Independent judgement of a reasonable person in Public Officer's situation not clearly and materially affected given the shared organizational goals between a city and nonprofit organization). Therefore, the allegations relating to NRS 281A.420(3) are dismissed.

Dated this 17th day of January, 2018.

NEVADA COMMISSION ON ETHICS

By: /s/ Barbara Gruenewald
Barbara Gruenewald, Esq.
Commissioner

By: /s/ Amanda Yen
Amanda Yen, Esq.
Commissioner

By: /s/ Lynn Stewart
Lynn Stewart
Commissioner

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 transmitted a true and correct copy of the **PANEL DETERMINATION** regarding **Ethics Complaint No. 17-36C** via U.S. Certified Mail and electronic mail addressed to the Parties as follows:

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Subject

Dated: 1/17/18



Employee, Nevada Commission on Ethics