



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Kelly Wales**, Intervention
Coordinator, Mineral County School
District, State of Nevada,

Ethics Complaint
Case No. 19-022C

Subject. /

REVIEW PANEL DETERMINATION¹ NRS 281A.725

The Nevada Commission on Ethics ("Commission") received this Ethics Complaint No. 19-022C ("Complaint") regarding the alleged conduct of Kelly Wales ("Wales"), Intervention Coordinator, Mineral County School District ("District"), State of Nevada. The Commission issued its *Order on Jurisdiction and Investigation* on May 5, 2019, which order instructed the Executive Director to conduct an investigation regarding Wales' alleged violations of NRS 281A.400(2) and (7).

Wales is a public employee as defined in NRS 281A.150 and 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 have associated implications under the Ethics Law.

On August 5, 2019, a Review Panel ("Panel") consisting of Commissioners Brian Duffrin (Presiding Officer), Teresa Lowry, Esq., and Amanda Yen, Esq., reviewed the following: 1) Ethics Complaint No. 19-022C; 2) Order on Jurisdiction and Investigation; 3) Subject's Response to the Complaint; 4) Investigatory Exhibits; and 6) Executive Director's Recommendation to the Review Panel.²

Under NAC 281A.430, the Panel unanimously finds and concludes that the facts do not establish credible evidence to support a determination that just and sufficient cause exists for the Commission to render an opinion on the alleged violations as follows:

NRS 281A.400(2) There is insufficient evidence that Wales misused District vehicles for a personal purpose or accepted reimbursement above what was authorized by the Superintendent. Instead, the documentary evidence shows that Wales at times reported or claimed mileage above that which may have been reported or claimed for similar destinations from other employees, but the explanation and corroboration show that additional mileage was approved by the Superintendent for Wales to stay with her parents at their home in Reno.

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

² All materials provided to the Panel, except the Ethics Complaint and the Order on Jurisdiction and Investigation, represent portions of the investigatory file and remain confidential pursuant to NRS 281A.750.

NRS 281A.400(7) There is insufficient evidence that Wales used governmental property to benefit a significant personal or pecuniary interest. The Superintendent established a system for requesting preapproval of transportation by District employees and reporting claims for reimbursement as required by the District's policies. The Superintendent also preapproved the "additional" travel by Wales to travel to her parents' home in Reno on regular occasions. The use of the District vehicle to attend District-related business included additional mileage for Wales to travel to her parents' home in lieu of claiming lodging. This was a cost-saving measure for the District and does not present a private or personal benefit to Wales.

CONCLUSION

In summary, the evidence discovered during the Investigation supported that Wales had regularly received pre-approval from the Superintendent to increase mileage for purposes of staying with her family in Reno, in lieu of requesting lodging at the District's expense. Moreover, there were inconsistencies in the accuracy of the mileage reported between the Requests for Transportation, Final Reports on Transportation, Per Diem and Mileage Forms, and the Mileage Log.

Although the Panel finds insufficient credible evidence to support just and sufficient cause, the Panel recommends that Wales, as well as the District, coordinate the Requests for Transportation, Final Reports on Transportation, Per Diem and Mileage Forms, and the Mileage Log maintained by the Transportation Department to ensure that all Travel Requests specify precise destinations, reflect approvals, and are reported consistently.

No further proceedings will be held with regard to this Complaint and the allegations related to NRS 281A.400(2) and (7) are dismissed.

Dated this 5th day of August, 2019.

NEVADA COMMISSION ON ETHICS

By: /s/ Brian Duffrin
Brian Duffrin
Commissioner/Presiding Officer

By: /s/ Amanda Yen
Amanda Yen, Esq.
Vice-Chair

By: /s/ Teresa Lowry
Teresa Lowry, Esq.
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 foregoing **REVIEW PANEL DETERMINATION** via U.S. Certified Mail and electronic mail addressed as follows:

Kelly Wales
c/o Francis C. Flaherty, Esq.
Dyer Lawrence, LLP
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Certified Mail: 9171 9690 0935 0037 6381 12
Email: fflaherty@dyerlawrence.com

Dated: 8/5/19



Employee, Nevada Commission on Ethics