



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In re **JoAnna Tran**, Member,
Board of Cosmetology,
State of Nevada,

Ethics Complaint
Case No. 19-044C

Subject. /

REVIEW PANEL DETERMINATION
NRS 281A.730

The Nevada Commission on Ethics ("Commission") received Ethics Complaint No. 19-044C ("Complaint") on June 5, 2019, regarding the alleged conduct of JoAnna Tran ("Tran"), a former Member of the Nevada State Board of Cosmetology ("Board"), State of Nevada, in violation of the Ethics in Government Law set forth in NRS Chapter 281A ("Ethics Law"). The Commission instructed the Executive Director to investigate alleged violations of NRS 281A.400(1), (2), (7) and (9) regarding Tran's alleged use of her public position to seek improper favors or secure or grant unwarranted advantages for herself by attempting to influence board members and staff in regards to a Board citation against her private salon and her involvement in a complaint against a competitor for personal purposes.

Tran, at all times relevant to the conduct in this matter, was 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 Tran's conduct as a public officer and have associated implications under the Ethics Law.

On October 14, 2019, a Review Panel ("Panel") consisting of Chair Cheryl A. Lau, Esq. (Presiding Officer) and Commissioners Philip K. O'Neill and Kim Wallin, CPA, reviewed the following: 1) Ethics Complaint No. 19-044C; 2) Order on Jurisdiction and Investigation 3) Subject's Response to the Complaint; and 4) Executive Director's Recommendation to the Review Panel with Summary of Investigatory Findings.¹

The Panel unanimously finds and concludes that the facts establish 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 violations of NRS 281A.420(1), (2), (7) and (9). Nevertheless, pursuant to NRS 281A.730, the Panel reasonably believes that Tran's conduct may be appropriately addressed through corrective action under the terms and conditions of a deferral agreement instead of referring the allegations to the Commission for further proceedings. The Deferral Agreement must confirm Tran's acknowledgement of the following:

- Tran complies with the Ethics Law for a period of 5 years after approval of the deferral agreement, including the following:

¹ All materials provided to the Panel, except the Complaints and the Orders on Jurisdiction and Investigation, represent portions of the investigatory file and remain confidential pursuant to NRS 281A.750.

- 1) Tran does not become the subject of another ethics complaint arising from an alleged violation of the Ethics Law during the deferral period for any conduct as a public officer or employee under the Commission's jurisdiction for which the review panel determines that there is just and sufficient cause for the Commission to render an opinion in the matter.
 - 2) The Executive Director does not acquire any new or additional information relevant to the facts and circumstances relied upon by the Panel herein that would warrant further proceedings by the Commission.
- The Review Panel's public admonishment.
 - The Executive Director's authority to monitor compliance with the deferral agreement.
 - Within 90 days from the date of the Review Panel's approval of the deferral agreement or next public meeting of the Board thereafter, Tran will provide a copy of the approved deferral agreement to the appointing authority and Board acknowledging her acceptance of the terms and conditions, and provide a public apology to the Board in a form pre-approved by the Executive Director.
 - Tran will comply with the terms of the deferral agreement and acknowledge the consequences associated with noncompliance, including the authority of the Review Panel to refer the Complaint to the Commission for further proceedings, which could include an adjudicatory hearing on the merits.
 - Upon satisfactory compliance with the deferral agreement, the Complaint will be dismissed.

Unless an extension of time is authorized or directed by the Commission Counsel on behalf of the Review Panel, the Executive Director and Subject shall provide a proposed deferral agreement to the Panel through its Commission Counsel on or before November 18, 2019, which deadline may be extended by Commission Counsel for good cause. If the Panel does not approve the deferral agreement or if the Subject declines to enter into a deferral agreement, the Panel will issue an order referring this matter to the Commission for further proceedings.

Dated this 14th day of October, 2019.

NEVADA COMMISSION ON ETHICS

By: /s/ Cheryl A. Lau
Cheryl A. Lau, Esq.
Chair/Presiding Officer

By: /s/ Kim Wallin
Kim Wallin, CPA
Commissioner

By: /s/ Philip K. O'Neill
Philip K. O'Neill
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 addressed as follows:

JoAnna Tran
Best Nails, LLC
10860 W. Charleston Blvd., #160
Las Vegas, NV 89135

Certified Mail No.: 9171 9690 0935 0037 6384 33

Dated: 10/16/19



Employee, Nevada Commission on Ethics