



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Diane Gullett**, Deputy Superintendent,
Clark County School District,
State of Nevada,

Ethics Complaint
Case No. 19-067C

Subject. /

REVIEW PANEL DETERMINATION NRS 281A.730; NAC 281A.440

The Nevada Commission on Ethics ("Commission") received Ethics Complaint No. 19-067C on August 7, 2019, regarding the alleged conduct of Diane Gullett ("Gullett"), Deputy Superintendent, Clark County School District ("CCSD" or "District"), State of Nevada. On September 23, 2019, the Commission instructed the Executive Director to investigate alleged violations of NRS 281A.400(1), (2) and (7) and NRS 281A.420(1).

Gullett is a former public employee as defined in NRS 281A.150 and NRS 281A.180, and the Commission has jurisdiction over this matter pursuant to NRS 281A.280 because the allegations contained in the Complaint relate to Gullett's conduct as a public employee and have associated implications under the Ethics Law.

On October 21, 2020, a Review Panel ("Panel") consisting of Vice-Chair Brian Duffrin (Presiding Officer) and Commissioner Amanda Yen, Esq. reviewed the following: (1) Ethics Complaint No 19-067C (2) Order on Jurisdiction and Investigation in Ethics Complaint No. 19-067C; (3) Gullett's Response to the Complaint; and (4) Executive Director's Recommendation to the Review Panel with Summary of Investigatory Findings.¹

Under NAC 281A.430, the Review Panel 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 in the matter regarding the alleged violations of NRS 281A.400(1), (2) and (7) and NRS 281A.420(1) as follows:²

1. The Evidence does not reflect that Gullett's travel was for her personal benefit.

The evidence does not reflect that the purpose of Gullett's Out-of-District travel was for her own personal benefit. Rather, the primary purpose of Gullett's Out-of-District travel in question was to attend conferences and meetings as a District official. The submitted travel claims confirm that Gullett attached personal-related travel to a portion of each of the District-related trips she made in 2019. However, as required by the CCSD

¹All materials provided to the Review 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.

² Vice Chair Duffrin and Commissioners Sheets and Yen were assigned to serve on this Review Panel. Commissioner Sheets was absent for the Review Panel. Pursuant to NAC 281A.177(2), two members of the three-person Review Panel have authority to serve and act upon any pending issues presented to the Review Panel for its consideration.

Travel Policy, Gullett's trips were authorized and her related reimbursement claims were approved by her supervisor, CCSD Superintendent Jara and were found to comply with the CCSD Travel Policy by CCSD's Finance Office.

Moreover, CCSD employees are permitted to combine personal-related travel to CCSD Out-of-District travel. Gullett's travel claims complied with the CCSD policies and procedures existing in 2019. Accordingly, the evidence does not reflect that Gullett ever requested to travel for her personal benefit, or that Gullett's connected personal-related travel resulted in any unwarranted benefit.

2. The Evidence does not reflect that Gullett used her public position for the benefit of traveling in business class or staying in luxurious accommodations.

The airline receipts for Gullett's District and personal air travel unequivocally demonstrate that she did not incur "business class" air travel expenses on behalf of CCSD. With respect to Gullett's hotel accommodations for her District-related travel, CCSD's Travel Policy does not set a rate at which lodging will be reimbursed or state that lodging costs will be limited to the U.S. General Services Administration's ("GSA") rate. However, this policy expressly provides that legitimate expenses that are paid out-of-pocket for lodging will be reimbursed upon submission of itemized receipts. The hotels where Gullett stayed for her District-related travel were hotels physically connected or adjacent to the location of the educational conferences, and those hotels served as the central location where all meeting attendees stayed, including other CCSD employees. Such lodging was authorized by CCSD policies and approved by the Finance Office.

3. The Evidence does not reflect that Gullett was inappropriately reimbursed for personal air travel that occurred in connection with CCSD Out-of-District Travel.

As permitted by CCSD, Subject charged CCSD for some personal air travel that was combined with her District-related travel. However, because CCSD did not require cost comparison documentation to support reimbursements for claims that included personal-travel, no documentary evidence exists to confirm whether the expense of Subject's personal-travel was in lieu of, and did not exceed, the amount CCSD would have otherwise paid for the full amount of the District-related travel. Nevertheless, employees within the Finance Office confirmed the expenses and reimbursements paid for the Subject's five trips traveled in 2019 were made in compliance with CCSD Travel Policy and internal procedures in place at that time, including that the cost of any related personal travel would not exceed the cost of District-related travel. Consequently, the evidence does not reflect that the Subject received remuneration or financial benefit from CCSD's payment of her personal air travel that was connected to her District-related travel.

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4. *The Evidence does not reflect that Gullett's per diem reimbursements were inconsistent with GSA authorized rates.*

The Subject was not inappropriately reimbursed for meals during her District-related travel. Subject's travel claims sought meal reimbursement, as per the CCSD Travel Policy, consistent with the GSA rates applicable to the cities in which the Subject attended District-related travel. Moreover, Subject's requests for partial meal reimbursements were included in her travel claims and approved by CCSD's Finance Office pursuant to its reimbursement requirements.

This matter is hereby dismissed.

Dated this 22nd day of October, 2020.

REVIEW PANEL OF THE NEVADA COMMISSION ON ETHICS

By: /s/ Brian Duffrin
Brian Duffrin
Vice-Chair/Presiding Officer

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

By: /s/ Absent
Damian Sheets, Esq.
Commissioner