



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Donald Smith**, Clinical Social Worker II, Southern Nevada Adult Mental Health Services, Nevada Division of Public and Behavioral Health, Department of Health and Human Services, State of Nevada,

Ethics Complaint
Consolidated Case Nos.
19-081C, 19-082C, 19-105C

Subject. /

REVIEW PANEL DETERMINATION AND REFERRAL ORDER

NRS 281A.730; NAC 281A.440

The Nevada Commission on Ethics ("Commission") received Ethics Complaint Nos. 19-081C and 19-082C on September 3, 2019, regarding the alleged conduct of Donald Smith ("Smith"), a Clinical Social Worker II with Southern Nevada Adult Mental Health Services ("SNAMHS"). The Commission instructed the Executive Director to investigate alleged violations of NRS 281A.400(2), (4), and (7), and NRS 281A.420(1) and (3).

On October 28, 2019, the Commission received Ethics Complaint No. 19-105C, regarding the alleged conduct of Smith. The Commission instructed the Executive Director to investigate the alleged violations implicating NRS 281A.400(1), (2), (3), (4) and (7), NRS 281.420(1) and (3), and NRS 281A.430. On December 23, 2019, the Commission issued an *Order of Consolidation*, consolidating the investigation of Ethics Complaint Nos. 19-081C, 19-082C, and 19-105C ("Complaints"). The Complaints allege that Smith used his public position to further his significant pecuniary interests.

Smith 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 Complaints relate to Smith's conduct as a public employee and have associated implications under the Ethics Law.

On February 19, 2020, a Review Panel ("Panel") consisting of Chair Cheryl Lau, Esq. (Presiding Officer) and Commissioners Philip K. O'Neil and Damian R. Sheets, Esq., reviewed the following: (1) Ethics Complaint Nos. 19-081C, 19-082C, and 19-105C; (2) Orders on Jurisdiction and Investigation in Ethics Complaint Nos. 19-081C, 19-082C, and 19-105C; (3) Order on Consolidation in Ethics Complaint Nos. 19-081C, 19-082C, and 19-105C; (4) Smith's Response to the Consolidated Complaints; and (5) Executive Director's Recommendation to the Review Panel with Summary of Investigatory Findings.¹

Under NAC 281A.430, the Review Panel unanimously finds and concludes that the facts establish credible evidence to support a determination that just and sufficient

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

cause exists for the Commission to render an opinion in the matter regarding the alleged violations of NRS 281A.400(1), (2) and (7).

However, the Review 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 in the matter regarding the allegations pertaining to NRS 281A.400(3) and (4), NRS 281.420(1) and (3), and NRS 281A.430.

IT IS HEREBY ORDERED:

Based upon the just and sufficient cause determination, the Review Panel refers Consolidated Ethics Complaints Nos. 19-081C, 19-082C, and 19-105C to the Commission to render an opinion regarding the alleged violations of NRS 281A.400(1), (2) and (7), regarding Smith's work for a private employer during his SNAMHS shift.

Dated this 24th day of February, 2020.

REVIEW PANEL OF THE NEVADA COMMISSION ON ETHICS

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

By: /s/ Philip K. O'Neill
Philip K. O'Neill
Commissioner

By: /s/ Damian R. Sheets
Damian R. Sheets, 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:

Donald Smith
c/o Mark H. Hutchings, Esq.
Hutchings Law Group
552 E. Charleston Blvd.
Las Vegas, NV 89104

Certified Mail No.: 9171 9690 0935 0037 6386 55

Email: mhutchings@hutchingslawgroup.com

Dated: 2/24/20



Employee, Nevada Commission on Ethics