



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Robert Glennen**, District Attorney,
Esmeralda County, State of Nevada,

Ethics Complaint
Case No. 19-128C

Subject. /

REVIEW PANEL DETERMINATION

NRS 281A.730; NAC 281A.440

The Nevada Commission on Ethics (“Commission”) received this Ethics Complaint on December 30, 2019, regarding the alleged conduct of Subject Robert Glennen (“Glennen”). On February 13, 2020, the Commission instructed the Executive Director to investigate alleged violations of NRS 281A.400(2), (3) and (5) and (9), NRS 281A.410(1) and NRS 281A.420(1) and (3).

As the Esmeralda County District Attorney (“District Attorney”), Glennen is a public officer as defined in NRS 281A.160, and the Commission has jurisdiction over this matter pursuant to NRS 281A.280 because the allegations contained in the Complaint relate to Glennen’s conduct as a public officer and have associated implications under the Ethics Law. Specifically, the Complaint alleged that Glennen misused his public position to gain unwarranted privileges for the benefit of his private interests or to those to whom he had a commitment in a private capacity.

On January 20, 2021, a Review Panel consisting of Commissioner Teresa Lowry, Esq. (Presiding Officer) and Commissioners Barbara Gruenwald, Esq. and Thoran Towler, Esq. reviewed the following: (1) Ethics Complaint No 19-128C (2) Order on Jurisdiction and Investigation in Ethics Complaint No. 19-128C; (3) Glennen’s Response to the Complaint; and (4) the Executive Director’s written 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 do not 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(2), (3), (5) and (9), NRS 281A.410(1) and NRS 281A.420(1) and (3). Pursuant to NRS 281A.730 and NRS 281A.790, the Review Panel further determines there is sufficient cause to issue a Confidential Letter of Instruction to Glennen detailing his duties to comply with the requirements of the Ethics Law. In furtherance of its determinations, the Review Panel provides a synopsis for each of the statutes referenced in the Ethics Complaint.

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.

NRS 281A.400(2), (3) and (9):

As the District Attorney for Esmerelda County, Glennen may also engage in the private practice of law. See NRS 245.043(2) and NRS 245.0435. As an attorney who is authorized to engage in private practice during his term as the elected District Attorney for Esmerelda County, Glennen's conduct as a public officer remains subject to certain statutory and ethical constraints. Nevertheless, there is insufficient evidence that Glennen misused his public position to secure unwarranted advantages or exercised influence over subordinates for the benefit of his private practice in violation of NRS 281A.400(2) and (9), or that he improperly participated in executing the County's agreement with the Chamber of Commerce for the operation of the Goldfield Visitor Center in violation of NRS 281A.400(3).

NRS 281A.400(5):

Although Glennen, as the District Attorney, was privy to confidential information concerning a 2019 county personnel matter, the evidence obtained confirms that Glennen did not share or divulge this non-public information as alleged. Consequently, credible evidence does not support just and sufficient cause that Glennen misused his public position to acquire and use non-public, confidential information concerning a confidential county personnel matter to further the interests of his private law practice or the interests of his private clients in violation of NRS 281A.400(5).

NRS 281A.410(1):

In his role as the District Attorney, Glennen was presented with a written proposal by the incoming 2020 Chamber of Commerce President to seek the County's approval of the Chamber's request to staff and operate the Goldfield Visitor Center. Glennen, in his public position, reviewed the Chamber's proposal on behalf of Esmerelda County and submitted the matter to the Esmerelda Board of County Commissioners for consideration. Although Glennen is a general member of the Goldfield Chamber of Commerce, the evidence does not reflect that Glennen counseled or represented the Chamber, its officers, or a private person for compensation regarding the Chamber's proposal. Moreover, there is no evidence that Glennen had a commitment in a private capacity to the interests of the incoming Chamber President under NRS 281A.065 (i.e., no private business/client relationship). Accordingly, there is no credible evidence to support just and sufficient cause that Glennen's conduct in providing a legal review of the Chamber's proposal in his public position as the District Attorney was done in violation of NRS 281A.410(1).

NRS 281A.420(1) and (3):

Under the circumstances presented, Glennen's membership with the Chamber of Commerce does not establish a private commitment to the interests of the Chamber, and therefore did not require disclosure of and abstention from such matters as presented before and considered by the Esmerelda Board of County Commissioners. Glennen's membership in the Chamber provides him no special rights or authority to act on behalf of the organization, and he does not represent or advise the Chamber as a client of his private law practice.

Therefore, this matter is dismissed with prejudice and issued with a Confidential Letter of Instruction that provides guidance regarding the applicability of the Ethics Law

to Glennen's ongoing duty to avoid conflicts as a public officer. In particular, the letter should address private conflicts that may exist with regard to Glennen's private law practice, his membership and support of nonprofit organizations, and the types of disclosures that would be appropriate under NRS Chapter 281A in such circumstances. Pursuant to NRS 281A.730, the letter of instruction is confidential, but it may be considered in any subsequent Ethics Complaint that relates to similar conduct or related issues.

IT IS HEREBY ORDERED:

The Review Panel dismisses this complaint for lack of sufficient credible evidence of a violation and issues a Confidential Letter of Instruction in the matter.

Dated this 21st day of January, 2021.

REVIEW PANEL OF THE NEVADA COMMISSION ON ETHICS

By: /s/ Teresa Lowry
Teresa Lowry, Esq.
Commissioner and Presiding Officer

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

By: /s/ Thoran Towler
Thoran Towler, 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:

Robert Glennen
c/o Katherine F. Parks, Esq.
Thorndal Armstrong et al
6590 S. McCarran Blvd., #B
Reno, NV 89509

Certified Mail No.: 9171 9690 0935 0037 6389 14

Email: kfp@thorndal.com
cc: psb@thorndal.com

Dated: 1/21/21



Employee, Nevada Commission on Ethics