



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Steven Morris**, former City Attorney,
City of Boulder City, State of Nevada,

Ethics Complaint
Case No. 20-007C

Subject. /

**STIPULATION TO ENTER CONSENT ORDER RESOLVING
ETHICS COMPLAINT WITH REMEDIAL ACTION
AND
CONSENT ORDER**

1. **PURPOSE:** Pursuant to NRS 281A.135, NRS 281A.780 and NRS 281A.785(1)(c), the Parties request that the Nevada Commission on Ethics (“Commission”) enter a consent order (“Consent Order”) resolving Ethics Complaint Case No. 20-007C, concerning Steven Morris (“Morris”), former City Attorney, City of Boulder City (“City”), Nevada by requiring Morris to complete training on Nevada’s Ethics in Government Law, set forth in NRS Chapter 281A (“Ethics Law”) and the institution of other remedial actions, as detailed herein.

2. **JURISDICTION:** At all material times, Morris served as a public officer for Boulder City, as defined in NRS 281A.160 and 281A.182. The Ethics in Government Law (“Ethics Law”) set forth in NRS Chapter 281A gives the Commission jurisdiction over elected and appointed public officers and public employees whose conduct is alleged to have violated the provisions of NRS Chapter 281A. See NRS 281A.280. Accordingly, the Commission has jurisdiction over Morris in this matter.

3. **PROCEDURAL HISTORY BEFORE COMMISSION:**

- a. On or about January 23, 2020, the Commission received this Complaint and issued its *Order on Jurisdiction and Investigation* on March 9, 2020 directing the Executive Director to investigate allegations that Morris violated NRS 281A.420(1) and (3).
- b. On March 9, 2020, the Executive Director issued a *Notice of Complaint and Investigation* pursuant to NRS 281A.720 and Morris was provided an opportunity to provide a written response to the Complaint.

- c. Morris, through his legal counsel, Brian R. Hardy, Esq. of Marquis Aurbach Coffing law firm, provided a written response on or about April 13, 2020.
- d. On or about May 14, 2020, the Executive Director presented a recommendation relating to just and sufficient cause to a three-member review panel pursuant to NRS 281A.720.
- e. A Panel Determination issued on May 21, 2020 concluded that:
 - 1) Credible evidence supported just and sufficient cause for the Commission to render an opinion in the matter regarding the alleged violations of NRS 281A.420(1) and (3) related to Morris' alleged failure to disclose and abstain from acting on an agenda item before the Boulder City Council concerning his employment contract as City Attorney; and
 - 2) The matter should be referred to the Commission for adjudicatory proceedings.
- f. Morris provided a supplemental response to the Complaint as well as documents in support of his supplemental response on or about July 27, 2021.
- g. In lieu of an adjudicatory hearing before the Commission, Morris and the Commission request the Commission resolve the Complaint by Consent Order upon the stipulated terms set forth herein.
- h. No findings have been made by the Review Panel or the Commission that Morris violated the Ethics Law, and this Stipulation and Consent Order do not constitute an admission by Morris of any violation of the Ethics Law.

4. TERMS AND CONDITIONS: Based on the foregoing, Morris and the Commission agree to issuance of a Consent Order based upon the following stipulated terms and conditions:

- a. Pursuant to NRS 281A.135, the Commission may render an opinion to resolve an ethics complaint. The definition of "opinion" includes the disposition by consent order, as authorized by NRS 233B.121.
- b. NRS 233B.121(5) provides unless precluded by law, informal disposition of a case may be made by stipulation, agreed settlement, consent order or default.

- If an informal disposition is made, the parties waive the requirements for findings of fact and conclusions of law.
- c. Pursuant to NRS 281A.780, the Commission has authority in proceedings concerning an ethics complaint, to issue a confidential letter of caution or instruction to the public officer or public employee regarding the propriety of their alleged conduct under the statutory ethical standards set forth in the Ethics Law.
 - d. Morris knowingly and voluntarily waives his right to a hearing before the Commission on the allegations set forth In Ethics Complaint Case No. 29-007C including issuance of findings of facts and conclusions of law in order to permit issuance of the Consent Order.
 - e. Morris knowingly and voluntarily waives his right to any judicial review of this mater as provided in NRS Chapter 281A, NRS Chapter 233B and any other available provision of law.
 - f. The Parties agree that the issuance of a Consent Order that includes issuance of a confidential letter of instruction and Morris' compliance with a course of remedial action will appropriately address the terms and conditions of NRS 281A.785(1)(c), based upon the following reasons:
 - 1) Morris has not previously been the subject of any violations of the Ethics Law.
 - 2) Morris is no longer a public officer or employee.
 - 3) Morris has been diligent to cooperate with and participate in the Commission's investigation and resolution of this matter.
 - 4) Morris did not receive any financial benefit as a result of his alleged conduct.
 - 5) Prior to Morris's participation in the subject agenda item:
 - a. Morris corresponded with the Mayor regarding the list of items the Mayor had requested be placed on the agenda given that Nevada Open Meeting Laws require that a meeting agenda consist of a clear and complete statement of the topics scheduled to be

considered during the meeting¹ and as noted by the Nevada Supreme Court, “[t]he Legislature evidently enacted [such statutes] to ensure that the public is on notice regarding what will be discussed at public meetings”. By not requiring strict compliance with agenda requirements, the “clear and complete” standard would be rendered meaningless because the discussion at a public meeting could easily exceed the scope of a stated agenda topic, thereby circumventing the notice requirement.²

- b. Morris has asserted that he was not opining on the subject matter of the agenda item; rather, he was trying to assist the Mayor in crafting an agenda description which would provide a clear and complete statement in compliance with Nevada Open Meeting law.
- c. Morris notified the Mayor in writing that, based upon the vague wording of the agenda item, there could be circumstances in which the agenda item could cause a conflict of interest and/or require disclosure but that, based upon the language proposed by the Mayor, it was not clear whether such conflict actually existed and whether disclosure would be required.
- d. Morris had difficulty in ascertaining whether the agenda item at issue created a conflict of interest and/or disclosure requirement.
- e. As such, Morris requested the Mayor provide him with additional information that would provide clarity on what the agenda item was addressing so he could make such a determination.
- f. The only additional information provided by the Mayor was a Memorandum to the City Clerk which did not provide any additional clarity to the proposed agenda item descriptions.

¹ See NRS 241.020(3)(d)(1).

² See *Sandoval v. Bd. of Regents of Univ.*, 119 Nev. 148, 154, 67 P.3d 902, 905 (2003).

- g. Upon reviewing the additional information, Morris again reached out to the Mayor requesting information on the agenda item so that he could avoid any potential conflict or any violation of the Open Meeting Law.
- h. During the meeting, Morris, as the City Attorney, never “approve[d], disapprove[d], vote[d], abstain[ed] from voting or otherwise act upon a matter .. [i]n which [Morris had] a significant pecuniary interest.”³ Morris simply voiced his objection to the way the item had been identified on the agenda in an effort to protect his client (the City of Boulder City) from potential Open Meeting Law violations. The minutes reflect the following:

City Attorney Morris repeated his objection to Item No. 18. He stated he had an ongoing obligation to protect the City Council from possible Open Meeting Law violations. He said he could not determine if a conflict had occurred without more specificity on the agenda title. He added that matters of public concern require a heightened obligation of specificity. He said the item completely lacked specificity. He said there were many problems with the agenda title and it was not due to a lack of trying to obtain the specificity by City staff. He noted the Mayor and Council always had the ability to meet with him and others to help with formulating an appropriate agenda title. He stated there were not just implications with the Open Meeting Law, but with the Charter and State law as well.

- i. Finally, the Mayor unilaterally withdrew relevant portions of the subject agenda item after the regular agenda was approved by a majority of the Council, and the remaining agenda items in question failed to pass in a 2-2 vote.

³ See NRS 281A.420(1)(b).

- 6) Morris has submitted evidence that he was the target of an ongoing retaliatory campaign by the Mayor and members of the community rooted in personal animus.
 - 7) Morris currently maintains a civil action against the City and others based upon the conduct of the Mayor and others in the Eighth Judicial District Court styled as Case No. A-20-818973-C.
- g. If Morris accepts a future appointment as a public officer or employee or accepts employment representing a public body within two-years from the date of the approval of this Consent Order by the Commission (“Compliance Period”), he must comply in all material respects with the provisions of NRS Chapter 281A during the Compliance Period without being the subject of another ethics complaint arising from an alleged violation which occurs during the Compliance Period and for which a Review Panel determines that there is just and sufficient cause for the Commission to render an opinion in the matter.
 - h. Morris must also attend and complete ethics training within six (6) months of accepting an appointment as a public officer or employee during the Compliance Period.
 - i. The Parties consent to the Commission’s issuance of a Confidential Letter of Instruction advising Morris about the implications of the Ethics Law, and pursuant to NRS 281A.780, the Letter of Instruction is confidential.
 - j. If Morris does not accept a future appointment as a public officer or employee during the Compliance Period, there is no performance due by Morris, and the Complaint, and this matter, will be dismissed with prejudice as set forth herein.
 - k. Although Morris has not been a public officer or employee since October 13, 2020, the Commission acknowledges that Morris may serve as a public officer or employee during the term of this Stipulation and Consent Order, and the Commission retains jurisdiction over Morris for purposes of ensuring compliance herewith, and reserves jurisdiction and all authority to consider any separate proceedings filed with the Commission.
 - l. During the Compliance Period, the Executive Director shall monitor Morris’ compliance with this Consent Order. Should the Executive Director discover


that Morris has not complied with any term or condition of this Consent Order, the Executive Director shall:

- 1) Inform the Commission of any alleged failure of Morris to comply with the Consent Order;
- 2) Give Morris written notice of any alleged failure to comply with the Consent Order; and
- 3) Allow Morris not less than 15 days to respond to such a notice.

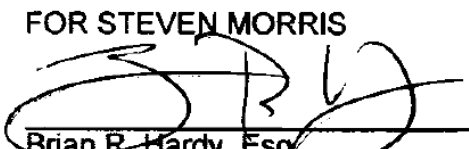
m. If the Commission finds that there is substantial evidence that Morris failed to comply with the terms and conditions of this Consent Order, the Commission may vacate the Consent Order and conduct further proceedings in this matter, including an adjudicatory hearing.

At the expiration of the Compliance Period, so long as Morris has complied with the terms and conditions of the Consent Order, the Complaint shall be dismissed with prejudice.

5. **ACCEPTANCE:** We, the undersigned parties, have read this foregoing Stipulation for Consent Order, understand each and every provision therein, and agree to be bound thereby. The parties orally agreed to be bound by the terms of this stipulation during the regular meeting of the Commission on February 16, 2022 and thereafter if the Consent Order is issued by the Commission.⁴

DATED this 17th day of February, 2022. 
Steven Morris

The above Stipulation for Consent Order is approved by:

DATED this 17th day of February, 2022. 
FOR STEVEN MORRIS
Brian R. Hardy, Esq.
Marquis Aurbach Cofing

⁴ Subject waived any right to receive written notice pursuant to NRS 241.033 of the time and place of the Commission's meeting to consider his character, alleged misconduct, professional competence, or physical or mental health.

FOR ROSS E. ARMSTRONG, ESQ.
Executive Director
Nevada Commission on Ethics

DATED this 17th day of February, 2022.

/s/ Elizabeth J. Bassett
Elizabeth J. Bassett, Esq.
Associate Counsel

Approved as to form by:

FOR NEVADA COMMISSION ON ETHICS

DATED this 17th day of February, 2022.

/s/ Tracy L. Chase
Tracy L. Chase, Esq.
Commission Counsel

CONSENT ORDER

The above Stipulation is accepted by the majority of the Commission.⁵

It is so ordered:

DATED February 17, 2022.

By: /s/ Kim Wallin
Kim Wallin, CPA, CMA, CFM
Chair

By: /s/ Thoran Towler
Thoran Towler, Esq.
Commissioner

By: /s/ Teresa Lowry
Teresa Lowry, Esq.
Commissioner

By: /s/ James Oscarson
James Oscarson
Commissioner

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

⁵ Commissioner/Presiding Officer Gruenewald, Vice-Chair Duffrin and Commissioner Yen participated in the Review Panel hearing and are therefore precluded from participating in the Commission's consideration of this Stipulated Agreement pursuant to NRS 281A.220(4).