



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Patrick Carter**, Board of Regents,
Nevada System of Higher Education,
State of Nevada,

Ethics Complaint
Case No. 22-074C

Subject. /

REVIEW PANEL DETERMINATION

NRS 281A.730; NAC 281A.440

The Nevada Commission on Ethics ("Commission") received this Ethics Complaint ("Complaint") on June 9, 2022, regarding the alleged conduct of Subject Patrick Carter ("Carter"). On July 21, 2022, the Commission instructed the Executive Director to investigate alleged violations of NRS 281A.420(1) and (3).

Carter 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 Carter's conduct as a public officer and have associated implications under NRS Chapter 281A ("Ethics Law").

On November 16, 2022, a Review Panel ("Panel") consisting of Commissioners Thoran Towler, Esq., Barbara Gruenewald, Esq., and Damian R. Sheets, Esq., reviewed the following: (1) Ethics Complaint; (2) Order on Jurisdiction and Investigation; (3) Carter's Response to the Complaint; and (4) Executive Director's Recommendation to the Review Panel with a Summary of Investigatory Findings.¹

The Review 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) and (3). Nevertheless, pursuant to NRS 281A.730, the Review Panel reasonably believes that Carter's conduct may be appropriately addressed through corrective action under the terms and conditions of a deferral agreement instead of referring these allegations to the Commission for further proceedings at this time. The deferral agreement must confirm Carter's acknowledgement of the following:

- Comply with the Ethics Law for a specified period of one year from the Panel's approval of the deferral agreement without being the subject of another complaint arising from an alleged violation of the Ethics Law and for which a review panel determines there is just and sufficient cause for the Commission to render an opinion in the matter.
- Receive an admonishment from the Commission;

¹All materials provided to the 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.

- Provide a letter to the Interim Chancellor and Board of Regents encouraging them to consider entering into a Memorandum of Understanding with the Ethics Commission to provide technical assistance to assist the Nevada System of Higher Education (“NSHE”) with:
 - Revisions to strengthen NSHE Board of Regents’ ethics policy
 - Enforcement mechanisms for ethics policy violations that are not covered by NRS 281A
 - Clarify for Regents the rules related to voting on matters where they are subject to investigation or discipline

Unless an extension of time is authorized or directed by the Acting Commission Counsel² on behalf of the Review Panel, the Executive Director and Subject shall provide a proposed deferral agreement to the Review Panel through its Acting Commission Counsel on or before January 17, 2023, which deadline may be extended by Acting Commission Counsel for good cause. If the Review Panel does not approve the deferral agreement or if the Subject declines to enter into a deferral agreement, the Review Panel will issue an order referring this matter to the Commission for further proceedings.

Dated this 16th day of November, 2022.

REVIEW PANEL OF THE NEVADA COMMISSION ON ETHICS³

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

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

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

² Pursuant to NRS 281A.420, Commission Counsel Tracy L. Chase, Esq. disclosed and disqualified herself from participation in this matter pursuant to NRS 281A.065(6) and Judicial Cannon 2, Rule 2.11.

³ Further, Chair Wallin, Vice-Chair Duffrin, and Commissioner Oscarson disclosed and disqualified themselves from consideration of this matter under Judicial Cannon 2, Rule 2.11, and did not participate. Commissioner Sheets was assigned to serve on the Review Panel but did not participate in the consideration of this matter. Pursuant to NAC 281A.177(2), if a vacancy occurs in the membership of a review panel, the two remaining members have authority to act on all pending issues before the review panel.

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 deposited a true and correct copy of the foregoing **REVIEW PANEL DETERMINATION** via U.S. Certified Mail and transmitted via electronic mail addressed as follows:

Patrick Carter
c/o William E. Peterson
Snell & Wilmer
50 West Liberty Street, Ste. 520
Reno, NV 89501

Certified Mail No.: 9171 9690 0035 0037 6405 42
Email: wpeterson@swlaw.com

Dated: 11/17/22



Employee, Nevada Commission on Ethics