



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Karyn Smith**, Health and Human Services Director, Public Guardian, Nye County, State of Nevada,

Ethics Complaint
Case Nos. 22-031C, 22-032C

Subject. /

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

The Nevada Commission on Ethics ("Commission") received two related Ethics Complaints on March 22, 2022 ("Complaints"), regarding the alleged conduct of Subject Karyn Smith ("Smith"). On May 9, 2022, the Commission issued its order consolidating the matters and instructing the Executive Director to investigate the alleged violation of NRS 281A.400(6).

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

On October 19, 2022, a Review Panel consisting of Chair Kim Wallin, CPA, CMA, CFM (Presiding Officer) and Commissioner James Oscarson reviewed the following: (1) Complaints; (2) Order on Jurisdiction, Consolidation, and Investigation; (3) Smith's Response to the Complaints; and (4) Executive Director's Recommendation to the Review Panel with Summary of Investigatory Findings.¹

Pursuant to NRS 281A.730 and NRS 281A.790, the Review Panel determines there is sufficient cause for the Commission to render an opinion on whether Smith violated NRS 281A.420(6). Nevertheless, pursuant to NRS 281A.730, the Review Panel reasonably believes that Smith'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 Smith's acknowledgement of the following:

1. Compliance with the Ethics Law for a specified period of two years from the Review 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.

¹Commissioner Sheets received the materials but was absent for the consideration. Pursuant to NAC 281A.177, two members of the Review Panel are sufficient to conduct pending business. Further, all 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. The Review Panel will issue a letter of caution after approval of the deferral agreement to instruct Smith on her duties under the Ethics Law.
3. Completion of Ethics Law training provided by the Commission either in person or from its website within 60 days after approval of the deferral agreement.
4. The deferral agreement will serve as the Review Panel's public reprimand of Smith's conduct and since deferral agreements are published, will serve to educate other public officers in similar situations to navigate such matters in compliance with the requirements of the Ethics Law.

Unless an extension of time is authorized or directed by the Commission Counsel on behalf of the Review Panel, the Executive Director and Subject shall provide a proposed deferral agreement to the Review Panel through its Commission Counsel on or before November 30, 2022, which deadline may be extended by 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 25th day of October, 2022.

REVIEW PANEL OF THE NEVADA COMMISSION ON ETHICS

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

By: Absent
Damian R. Sheets, Esq.
Commissioner

By: /s/ James Oscarson
James Oscarson
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:

Karyn Smith
c/o Rebecca Bruch, Esq.
Lemons, Grundy & Eisenberg
6005 Plumas Street, Third Floor
Reno, NV 89519

Certified Mail No.: 9171 9690 0935 0037 6404 81
Email: rb@lge.net

Dated: 10/25/22



Employee, Nevada Commission on Ethics