



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Amy Hagan**, Former Human Resources
Director, Southern Nevada Health District,
State of Nevada,

Ethics Complaint
Case No. 20-060C

_____ Subject. /

STIPULATED AGREEMENT

1. **PURPOSE:** This Stipulated Agreement resolves Ethics Complaint Case No. 20-060C before the Nevada Commission on Ethics ("Commission") concerning Amy Hagan ("Hagan"), Former Human Resources Director, Southern Nevada Health District, State of Nevada.

2. **JURISDICTION:** At all material times, Hagan served as the Human Resources Director for the Southern Nevada Health District and was a public employee as defined in NRS 281A.150. 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 Hagan in this matter.

3. **PROCEDURAL HISTORY BEFORE COMMISSION**

- a. On or about August 6, 2020, the Commission received Ethics Complaint No. 20-060C ("Ethics Complaint") from the former Chief Health Officer ("Requester") of the Southern Nevada Health District ("Health District"), alleging that Hagan violated NRS 281A.400(2), (5), (9), and (10).
- b. On September 21, 2020, the Commission issued its *Order on Jurisdiction* accepting jurisdiction and directing the Executive Director to investigate this matter.
- c. On September 21, 2020, staff of the Commission issued a *Notice to Subject* under NRS 281A.440(2), stating that the Commission accepted jurisdiction to

investigate the allegations regarding alleged violations of NRS 281A.400(2), (5), (10) and NRS 281A.420(1).

- d. On or about July 15, 2021, Hagan provided a response to the Ethics Complaint.
- e. In lieu of an adjudicatory hearing before the Commission, Hagan and the Commission now enter into this Stipulated Agreement.

4. STIPULATED FACTS: At all material times, the following facts were relevant to this matter:¹

- a. Hagan was formerly the Director of Human Resources and Organizational Development for the Southern Nevada Health District (“Health District”) and a public employee pursuant to NRS 281A.150.
- b. Joseph P. Iser, M.D. (“Requester”) was the Chief Health Officer of the Health District and served in that position until he resigned, effective January 3, 2020.
- c. As the Director of Human Resources, Hagan was responsible for managing the Health District’s recruitment process for filling vacant positions.
- d. The Director of Administration for the Health District resigned his position in June 2019, and a recruitment was opened to fill the position.
- e. Hagan was one of the members of the recruitment committee to hire a new Director of Administration and reviewed resumes and screened applicants for the position. She also participated in the only two interviews of potential candidates and discussed the candidates with other members of the recruitment committee following the interviews.
- f. Between the interviews of the potential candidates, Hagan submitted her own application for the position of Director of Administration. Hagan announced her intention of applying for the position to her immediate supervisor simultaneously with the submittal of her application, but she did not disclose any potential conflict of interest.
- g. After she submitted her application for the Director of Administration position, Hagan was removed from the recruitment process for that position.

¹ Stipulated Facts do not constitute part of the “Investigative File” as that term is defined by NRS 281A.775. All statutory and common law protections afforded to the Investigative File shall remain and are not affected by this Stipulated Agreement.

- h. Hagan thereafter withdrew her application and returned to lead the recruitment process after being approached by two of her employees regarding the Requester's alleged behavior regarding the recruitment process.
- i. The Requester temporarily stopped the recruitment process for the Director of Administration position. The recruitment process was reassigned to another employee and Hagan reapplied for the position. The Health District ultimately closed the position, without filling the recruitment from the list of applicants, at that time.
- j. Hagan filed a discrimination complaint against Requester, which went to a hearing at which Requester was found to have discriminated against Hagan.
- k. Requester was the subject of three whistleblower complaints brought by his subordinates at the Health District. After the filing of these complaints, the Requester announced his resignation.
- l. After Hagan filed her discrimination complaint against him and he resigned, Requester filed this Ethics Complaint.

5. TERMS / CONCLUSIONS OF LAW: Based on the foregoing, Hagan and the Commission agree as follows:

- a. Each of the stipulated facts enumerated in Section 4 of this Stipulated Agreement is agreed to by the parties.
- b. Hagan, as a former public employee, may not use her official position to seek other employment for herself.
- c. Allegations that Hagan violated NRS 281A.400(2), (10) and NRS 281A.420(1) are hereby dismissed for lack of sufficient evidence to support a violation by a preponderance of the evidence.
- d. Hagan's actions constitute a single course of conduct resulting in one violation of the Ethics Law, implicating the provisions of NRS 281A.400(5), as interpreted and applied in accordance with the provisions of NRS 281A.020(1).
- e. Based upon the consideration and application of the statutory mitigating criteria set forth in NRS 281A.775, the Commission concludes that Hagan's violation in this case should not be deemed a willful violation pursuant to NRS 281A.170 and the imposition of a civil penalty is not appropriate for the following reasons:

- 1) Hagan has not previously been the subject of any violation of the Ethics Law.
 - 2) Hagen recognizes that more steps could have been taken to avoid the conflicts in this matter.
 - 3) Hagan did not receive any financial benefit as a result of her conduct.
- f. Hagan has been diligent to cooperate with and participate in the Commission's investigation and resolution of this matter.
 - g. Hagen agrees to complete ethics training available on the Commission's website within sixty (60) days of approval of this stipulation.
 - h. The Commission admonishes Hagan that if she is to return to public service, she must ensure she refamiliarizes herself with the Ethics Law for the purpose of avoiding conflict situations between her private interests and public duties in furtherance of complying with the applicable requirements of the Ethics Law.
 - i. This Stipulated Agreement depends on and applies only to the specific facts, circumstances and law related to the Ethics Complaint now before the Commission. Any facts or circumstances that may come to light after its entry that are in addition to or differ from those contained herein may create a different resolution of this matter.
 - j. This agreement is intended to apply to and resolve only this specific proceeding before the Commission and is not intended to be applicable to or create any admission of liability for any other proceeding, including administrative, civil, or criminal, regarding Hagan. If the Commission rejects this Stipulated Agreement, none of the provisions herein shall be considered by the Commission or be admissible as evidence in a hearing on the merits in this matter.

6. WAIVER

- a. Hagan knowingly and voluntarily waives her right to a hearing before the full Commission on the allegations in Ethics Complaint Case No. 20-060C and all rights she may be accorded with regard to this matter pursuant to NRS Chapter 281A, the regulations of the Commission (NAC Chapter 281A), the Nevada

Administrative Procedures Act (NRS Chapter 233B) and any other applicable provisions of law.

- b. Hagan knowingly and voluntarily waives her right to any judicial review of this matter as provided in NRS Chapter 281A, NRS Chapter 233B or any other applicable provisions of law.

7. **ACCEPTANCE:** We, the undersigned parties, have read this Stipulated Agreement, understand each and every provision therein, and agree to be bound thereby. The parties orally agreed to be bound by the terms of this agreement during the regular meeting of the Commission on April 20, 2022.²

DATED this 3 day of May, 2022. Amy Hagan
Amy Hagan

The above Stipulated Agreement is approved by:

FOR AMY HAGAN,
Subject

DATED this 4th day of May, 2022. Alicia Hayes ^{Bar #10891}
Griffith Hayes, Esq.
Counsel for Subject

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

DATED this 9th day of May, 2022. Elizabeth J. Bassett
Elizabeth J. Bassett, Esq.
Associate Counsel
Nevada Commission on Ethics

² 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 her character, alleged misconduct, professional competence, or physical or mental health.

Approved as to form by:

FOR NEVADA COMMISSION ON ETHICS

DATED this 9th day of May, 2022.

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

The above Stipulated Agreement is accepted by the Nevada Commission on Ethics:³

DATED May 9, 2022.

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

By: /s/ James Oscarson
James Oscarson
Commissioner

By: /s/ Brian Duffrin
Brian Duffrin
Vice-Chair

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

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

By: /s/ Thoran Towler
Thoran Towler
Commissioner

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

By: /s/ Amanda Yen
Amanda Yen, Esq.
Commissioner

³ On April 7, 2022, Subject Hagen executed a written waiver of the Review Panel proceedings. Accordingly, all listed Commissioners had authority to consider and approve this Stipulated Agreement under NRS 281A.220(4).