



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Devon Reese**, Member, City Council,
City of Reno, State of Nevada,

Ethics Complaint
Case No. 22-104C

Subject. /

REVIEW PANEL DETERMINATION

NRS 281A.730; NAC 281A.440

The Nevada Commission on Ethics ("Commission") received this Ethics Complaint ("Complaint") from a member of the public on September 12, 2022, regarding the alleged conduct of Subject Devon Reese ("Reese"). On October 27, 2022, the Commission instructed the Executive Director to investigate alleged violations of NRS 281A.400(2), (3) and (9) and NRS 281A.420(1) and (3).

Reese 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 Reese's conduct as a public officer and have associated implications under the Ethics Law.

On March 15, 2023, a Review Panel consisting of Commissioner Teresa Lowry, Esq. (Presiding Officer), Vice-Chair Brian Duffrin and Commissioner Amanda Yen, Esq.,¹ considered the following: (1) Ethics Complaint (2) Order on Jurisdiction and Investigation; (3) Reese's Response to the Complaint; and (4) Executive Director's Recommendation to the Review Panel with Summary of Investigatory Findings and Relevant Evidentiary Exhibits.²

The Review Panel unanimously finds and concludes that the facts do not 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.400(2), (3) and (9). However, the Review Panel unanimously finds and concludes that the facts do 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 Reese'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

¹ After consultation with Commission Counsel, Commissioner Amanda Yen disclosed that the Subject of this complaint and the City of Reno are clients of McDonald Carano ("Firm"). Commissioner Yen is a partner with the Firm and has both a pecuniary interest in her employment and a private commitment to the Firm, as her employer, and its clients under NRS 281A.065. Consequently, the independence of judgment of a reasonable person in Commissioner Yen's situation could be materially affected in voting upon matters related to this case. In order to avoid any appearance of impropriety and to comply with Nevada's Ethics in Government Law set forth in NRS Chapter 281A and Rule 2.11 of the Code of Judicial Conduct, Commissioner Yen disclosed her private interests and abstained from participation in this case.

² 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.755.

proceedings at this time. The deferral agreement must confirm Reese's acknowledgement of the following:

- Comply with the Ethics Law for a specified period of two years 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 training approved by the Executive Director within 60 days of approval of the deferral agreement;
- Develop a disclosure and abstention check process that complies with the requirements of NRS 281A.420 to be used when any issues or clients involving Hutchison & Steffan come before the Reno City Council; and
- Submit minutes from all Reno City Council Meetings referencing issues or clients involving Hutchison & Steffan to the Executive Director for the first year of the term of the deferral agreement.

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 May 15, 2023, which deadline may be extended by the 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 15th day of March, 2023.

REVIEW PANEL OF THE NEVADA COMMISSION ON ETHICS

By: /s/ Teresa Lowry
Teresa Lowry
Commissioner/Presiding Officer

By: ABSTAINED
Amanda Yen, Esq.
Commissioner

By: /s/ Brian Duffrin
Brian Duffrin
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 through the Nevada State Mailroom and electronic mail addressed as follows:

Ross E. Armstrong, Esq.
Executive Director
Elizabeth J. Bassett, Esq.
Nevada Commission on Ethics
704 W. Nye Lane, Suite 204
Carson City, NV 89703

Email: rarmstrong@ethics.nv.gov

Email: ebassett@ethics.nv.gov

Devon Reese
c/o Jonathan Shipman
Assistant City Attorney
City of Reno
1 E. First Street, Suite 300
Reno, NV 89501

Email: dreese@hutchlegal.com

Email: shipmanj@reno.gov

Certified Mail No.: 9171 9690 0935 0037 6407 26

Dated: 3/20/23



Employee, Nevada Commission on Ethics