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Balancing Personal Ties and Public Duty: Navigating Ex-Relationships in Public Office



Nevada Commission on Ethics
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Key Terms

Disclosure: The act of announcing and explaining a conflict of interest you have related to the matter at hand.

Abstention: Refraining from advocating for/against or acting on a matter.

In the world of public service, handling personal relationships can get tricky when mixed with professional duties. Two recent opinions from the Nevada Commission on Ethics shed light on how former marriages can affect public office. Let's break it down.

The cases of Mr. Hoefer and "Public Officer" provide compelling insights into how such relationships are scrutinized for potential conflicts of interest. While the first opinion illustrates the Commission's assessment of impartiality based on the absence of significant financial or personal ties post-divorce, the second opinion underscores the paramount importance of transparency, disclosure, and abstention to maintain public trust and uphold ethical standards. These contrasting perspectives offer valuable lessons for public officers on the need to keep a clear separation between public duties and private relationships. As public servants grapple with the intricacies of ex-relationships in their professional capacity, seeking guidance from advisory bodies like the Commission can provide invaluable clarity and guidance tailored to the nuances of individual circumstances.

Understanding the Law

[NRS 281A.065](#) mandates that public officers or employees must disclose and possibly refrain from involvement in matters concerning the interests of individuals with whom they have a "commitment in a private capacity," including:

1. Their spouse or domestic partner.
2. Members of their household, which encompasses individuals residing together in the same residence and linked by genetics, adoption, marriage, or domestic partnership.
3. Family members or in-laws up to the third degree of relationship by genetics, adoption, marriage, or domestic partnership.
4. Employers of the officer, their spouse, or family.
5. People they do business with.
6. Anyone else they have a close relationship with, like those listed in one through five.

Former Spouse Did Not Create a Conflict of Interest

[In re Hoefer, Case No. 03-05A \(2003\)](#)

Mr. Hoefer, a member of the Commission of Appraisers of Real Estate in Nevada, asked if his past marriage to Ms. Anderson, who worked in the Real Estate Division, caused a problem in his job. The Commission said No. Since they weren't tied financially or personally after their divorce and their kids were grown, Mr. Hoefer could do his job without favoring Ms. Anderson; therefore, the Commission concluded that Hoefer did not have a commitment in a private capacity to Ms. Anderson and therefore certain Ethics Law requirements did not apply.

Former Spouse Did Create a Conflict of Interest

In re Public Officer, Case No. 23-154A (2024)

In the second opinion, the Commission tackled a similar situation where a public officer lived with their ex-spouse, who worked for the same public entity. The Commission stressed how important it is to disclose any potential conflicts of interest.

The Commission determined that the facts in this case did mean the relationship between Public Officer and the former spouse established a commitment in a private capacity under the Ethics Law. This meant certain Ethics Law requirements did apply. The opinion underscored the need for public officers to maintain a clear separation between their public duties and private relationships. It highlighted the ethical obligations of public officers to avoid conflicts of interest, disclose relevant information, and abstain from participating in matters that could compromise their impartiality.

Comparing Views on Ex-Relationships in Public Office

Both opinions talk about how former marriages can affect public jobs, but they look at it in different ways. The first opinion looks at whether there are any money or personal ties that might make someone biased. But the second opinion goes further. It talks about the need to be open and honest about any connections, like sharing bills or living in the same place with your ex-spouse. It also talks about what you can do to avoid problems and promote transparency and public trust.

Might Indicate a "Substantially Similar" Relationship	Might Indicate Absence of a "Substantially Similar" Relationship
Daily communication	Absence of regular or frequent communication
Living under the same roof	Living in separate cities
Financial entanglements (sharing bills or utility payments)	Financial Separation (Children are independent adults, no child support)

Key Takeaways:

- Whether or not a relationship with an ex-spouse establishes a conflict of interest is fact-dependent and varies from case-to-case.

- Public officers must navigate potential conflicts of interest arising from personal relationships with transparency and integrity.
- Clear separation between public duties and private commitments is essential to uphold ethical standards.

Being open about possible conflicts is crucial to maintaining public trust and confidence in government.

Whether you split on good terms or battled it out in court, you may need to declare how the interests of your ex affect you in your role as a public servant. In conclusion, these advisory opinions serve as a valuable reference point for public officers navigating the treacherous terrain of ex-relationships in public office. [Seeking an Advisory Opinion](#) from the Commission can provide clarity on your specific situation, as each one is unique.