



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Jesus Jara**, Superintendent of
Schools, Clark County School District,
State of Nevada,

Ethics Complaint
Case No. 19-113C

Subject. /

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

The Nevada Commission on Ethics (“Commission”) received Ethics Complaint No. 19-113C on November 6, 2019, regarding the alleged conduct of Jesus Jara, (“Jara”) Superintendent of Schools, Clark County School District, State of Nevada. On December 23, 2019, the Commission instructed the Executive Director to investigate alleged violations of NRS 281A.400(1), (2) and (7).

Jara 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 Jara’s conduct as a public officer and have associated implications under the Ethics Law.

On November 18, 2020, a Review Panel (“Panel”) consisting of Vice-Chair Brian Duffrin and Commissioners Amanda Yen, Esq. and Damian Sheets, Esq. reviewed the following: (1) Ethics Complaint No 19-113C; (2) Order on Jurisdiction and Investigation in Ethics Complaint No. 19-113C; (3) Jara’s Response to the Complaint; and (4) Executive Director’s Recommendation to the Review Panel with Summary of Investigatory Findings.¹

Under NAC 281A.430, 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(1), (2) and (7) as follows:

1. The Evidence does not reflect that Jara’s travel was for his personal benefit.

The evidence does not reflect that the purpose of Jara’s travel was for his own personal benefit. Rather, the primary purpose of Jara’s April 2019 travel to Boston and New York was to attend educational meetings and programming as a District official. The submitted travel claims confirm Jara combined personal-related travel to a segment of the District-related trips he made to Boston and New York in April 2019. As required by the District’s Travel Policy in effect at the time, Jara’s travel requests were authorized and his related expense claims approved by the Clark County School Board President and Trustee, Lola Brooks, and were found to comply with the District’s Travel Policy by the CCSD’s Finance Office.

¹All 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.

Moreover, CCSD employees are permitted to combine personal-related travel to CCSD Out-of-District travel. Effective January 2020, the District clarified its travel claim procedures to provide that if air travel is combined for both official and personal travel, repayment to the District may be required if the cost exceeds the roundtrip air fare from Las Vegas to the official business destination(s). Comparison documentation created at the time of purchase for the actual cost of the round trip from Las Vegas to the official business destination(s) must be provided with travel expense claims. This base cost documentation regarding the cost of the roundtrip air fare to and from the official business destination(s) was not required of CCSD travelers when Jara traveled in April 2019.

Nevertheless, Jara's travel expense claims, including his hotel expenses in Boston and New York were reviewed by the CCSD Finance Office and found to comply with the CCSD policies and procedures existing in 2019. Accordingly, the evidence does not reflect that Jara sought out or obtained a personal benefit through his Out-of-District business travel to Boston and New York, such that it would influence a reasonable person to depart from the faithful and impartial performance of his public duties in violation of NRS 281A.400(1).

2. *The Evidence does not reflect that Jara used his public position or government resources to gain an unwarranted economic advantage or inappropriately charge the District for increased costs to return to Las Vegas.*

As reflected in his travel expense claim, Jara combined a segment of personal-related air travel to Orlando following the conclusion of his District-related business in New York. Jara personally paid for his air travel from New York to Orlando on April 5, 2019; he did not seek reimbursement or expense the District for the cost of this personal travel. With respect to his return trip from Orlando to Las Vegas on April 7, 2019, this flight was originally booked on March 6, 2019 (30-days in advance of his travel) on Southwest Airlines and charged to the District's credit card. Credible evidence further reflects that after Jara's return travel from Orlando to Las Vegas was approved and booked, the grounding of the 737 Max 8 planes resulted in Jara's reservation being cancelled and rebooked on Delta Airlines with little notice. No documentary evidence exists to confirm whether the increased expense of this rescheduled travel segment cost the District any more than if Jara had originally booked and rebooked his return to Las Vegas from New York, in the wake of air travel cancellations caused by the aftermath of the Boeing 737 Max 8 planes being grounded.

No evidence exists that Jara used government resources to benefit a significant personal or pecuniary interest. He appropriately combined personal travel with District travel to return to Las Vegas to the extent permitted by the District's policies, and unanticipated increased costs of his return trip to Las Vegas on Delta Airlines (which was rebooked after cancellation of his less expensive flight on Southwest Airlines) occurred because the FAA grounded 737 Max 8 airplanes.

Consequently, as established by credible evidence Jara did not obtain an unwarranted economic advantage in violation of NRS 281A.400(2) or use government resources to obtain a significant pecuniary interest for himself in violation of NRS 281A.400(7) by charging the District for his return trip to Las Vegas from Orlando.

When a public officer or public employee requests a governmental entity pay all or a portion of his personal travel there is a likelihood that such conduct would be sufficient to create an appearance of impropriety to implicate a violation of the Ethics Law. In

safeguarding the public's trust in government, the Commission considers these matters seriously and urges governmental entities to be transparent and avoid a perception of impropriety, partiality or favoritism by its public officers and employees.

In light of the issues presented in this Complaint, the Review Panel takes into consideration that the District has established clearer guidelines to be consistently utilized by the District when calculating reimbursement costs in those instances when CCSD employees combine personal travel with District-related business travel. Specifically, CCSD employees must now present cost-comparison documentation to ensure no government funds are expended on personal travel.

This matter is hereby dismissed.

Dated this 23rd day of November, 2020.

REVIEW PANEL OF THE NEVADA COMMISSION ON ETHICS

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

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

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

Jesus Jara
c/o Eleissa C. Lavelle, Esq.
General Counsel
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Dated: 11/23/20



Employee, Nevada Commission on Ethics