

ETHICS COMPLAINT FORM ITEM #2  
DETAILS OF CONDUCT VIOLATING NRS CHAPTER 281A

Assemblyman Morse Arberry served in the Nevada State Assembly for many years until his abrupt resignation on August 31, 2010 (see attachment A). Mr. Arberry has served as Chairman of the powerful Ways & Means Committee for many years, and currently serves as Vice Chairman of the equally powerful Interim Finance Committee.

Assemblyman Arberry formed Titan Partners, LLC [hereafter "Titan"], a domestic limited-liability company, by filing with the Secretary of State on June 21, 2010. According to the Secretary of State's web site, Mr. Arberry is the only officer of the LLC (see Attachment B).

Through Titan Mr. Arberry actively sought an "employment, engagement, emolument or economic opportunity" in the form of a contract for lobbying services with the Eighth Judicial District Court [hereafter "Court"] in Las Vegas while concurrently serving in the Legislature and on the Interim Finance Committee. Evidence of this is that the agenda for the September 7, 2010 Clark County Commission was posted on August 31, 2010, and the request to include agenda item #97 on the Commission agenda for approval of Mr. Arberry's profitable contract was submitted by the Eighth Judicial District Court on August 26, 2010. (see attachment C for the Clark County Commission agenda and supporting documentation for September 7, 2010, Item 97; Item 97 submission date and agenda posting date provided by Clark County Public Information Office)

Between June 21, 2010 and August 31, 2010, the Interim Finance Committee met twice and planned a third meeting agenda. The agendas of the June 24, July 21 and September 10 meetings can be found on-line at:  
<http://leg.state.nv.us/Interim/75th2009/Committee/Scheduler/committeeIndex.cfm?ID=1>

In particular, at the June 24 meeting there was an item which directly impacted the Eighth Judicial District Court:  
"List I

114. Department of Health and Human Services – Division of Welfare and Supportive Services – Child Support Enforcement Program – FY 2011 –Addition of \$210,617 in federal Child Support Program funds and \$1,500,000 in Balance Forward from Previous Year to implement a new pilot program with the Eighth Judicial District Court to increase court calendar time to improve child support collections. Requires Interim Finance approval since the amount added to the New Court Calendar category exceeds \$50,000. Work Program #C17799"

Mr. Arberry did not disclose his negotiations with the Court at the time of the June 24, 2010 meeting, which undoubtedly would have been a violation of the disclosure and abstention provision in NRS 281A.420, but thanks to Mr. Arberry's yes vote in the 2009 legislative session, such prohibition is conveniently no longer applicable to state legislators.

Further, his actions in using his public office and his powerful position to obtain lucrative lobbying contracts [the Court contract is just the tip of the iceberg in what Mr. Arberry has been

up to] while still in office are blatant violations of NRS 281A.400(1), NRS 281A.400(2), NRS 281A.400(5) and NRS 281A.400(10). Mr. Arberry's use of his public office was unwarranted. He used inside information he was privy to as a legislator and Vice Chairman of the Interim Finance Committee to seek and attempt to secure employment and contracts which would not only further his pecuniary interests but would also tend to make a reasonable person in his position depart from the faithful and impartial discharge of his public duties.

Mr. Arberry best explained his motivation in an interview with the Las Vegas Sun's David McGrath Schwartz on September 1, 2010, stating "I think you have to hit things while the iron is hot. For 25 years I served in the Legislature and in public, and I bring relationships and a lot of knowledge to the table. A cooling-off period hinders an individual. Momentum you have is lost because then you're not involved in the field." (see attachment D)

Mr. Arberry engaged in this unethical conduct from on or about June 21, 2010 when he filed to establish Titan up through and until his sudden resignation from office on August 31, 2010, the day before news media reported the Court lobbying contract on the Clark County Commission agenda. One can reasonably infer his resignation was due to inquiries from the media regarding the ethics of engaging in a lobbying contract while still serving in the Legislature.

In addition to his questionable judgment and ethics, Mr. Arberry has equal conflicts in representing the Court system. A simple search of the Eighth Judicial District Court's on-line case information database reveals Mr. Arberry as a frequent flyer in the Eighth Judicial District Court. Mr. Arberry is a party in more than 270 active cases since 2003, including 13 active cases – two of which he is a tenant in action (there are media reports that Mr. Arberry is attempting to stall foreclosure proceedings where he has failed to pay his mortgage). (see attachments E and F)

The conduct of Mr. Arberry is the antithesis of ethics in government – he has not treated his public office as representative of the public trust and used it for the sole benefit of the people. In one fell swoop he has shown his intent to use 25 years of public service as a cash cow. Unfortunately for him, he did it before he resigned from office. Though the Clark County Commission disapproved the contract on a 5-2 vote against on September 7, 2010, it does not absolve Mr. Arberry from violating ethics laws with his unethical conduct of seeking the contract while serving in the Legislature.

Additional witnesses:

Chief Judge Art Ritchie, Eighth Judicial District Court, Clark County. Nature of testimony: knowledge of when negotiations were entered into with Mr. Arberry and how the contract was negotiated.

Lorne Malkiewich, Director, Legislative Counsel Bureau, Carson City. Nature of testimony: As the official custodian of records for the Legislative Counsel Bureau and the Nevada Legislature Mr. Malkiewich can provide testimony and/or records detailing usage of any state-owned cell phones, laptops, landline telephones, computers, e-mail accounts or other accoutrements – including his legislative office – which Mr. Arberry may have used in furtherance of his illicit profiteering.

Additional attachments: media articles relating to Mr. Arberry's resignation and the Titan contract (much more available by internet search) and RalstonFlash updates showing the concern of Court Judge Susan Johnson outlining her concern over Mr. Arberry's obviously unethical conduct. (See attachment G)