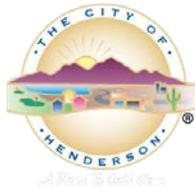


# **NEVADA ETHICS OPINION TOPICAL GUIDE**

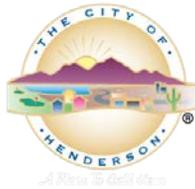
**August 2017**



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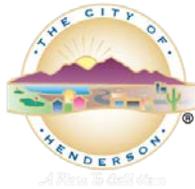
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## **I. Appearance of Impropriety** [NRS 281A.400 (7)]

### **15-25A** (6/11/16) (State Assembly)

First Party Request – Opinion

**Does an assemblywoman violate ethics laws where her spouse and she, who provides consulting services relating to workers' compensation claims auditing, enter into a contract to provide independent auditing services to Nevada Insurance Guaranty Association?**

The commission held ethics laws are not violated because the assemblywoman did not seek out this contract, discuss this project with anyone from NIGA, there are few companies which provide this type of work in Nevada, there was a pre-existing relationship between the assemblywoman, her husband, and NIGA, and NIGA does not receive funds from Nevada. Additionally, this is not considered a government contract because NIGA is not a "state agency".  
*See also:* Commitment in a Private Capacity – In General, Conflicts with Family Members, Contracts with the Government

### **15-21C** (9/16/15) (Mayor, City of Ely)

Third Party Request – Stipulated Agreement – Non-Willful Violation

**Did the mayor violate ethics laws where she failed to disclose that she owned two properties on a street which was being considered for sewer line reconstruction?**

The commission found a non-willful violation where the mayor should have disclosed and abstained on the public works matter taking place on a street where she owned property.  
*See also:* Conflicts with Private Financial/Business Interests; Disclosure and Abstention, Willful Violations

### **14-73C** (4/20/16) (Storey County Board of Commissioners)

Third Party Request – Stipulated Agreement – No Violation

**Does a County Commissioner violate ethics laws by making comments about personal matters or private business during "Board Comment" or similar agenda items reserved for official business?**

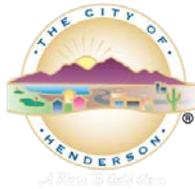
The commission found no violation because this was a case of first impression, but clarifies that statements about private matters should be separated from official business to avoid an appearance of impropriety.

*See also:* Conflicts with Private Financial/Business Interests, Using Government Time and Resources for Personal or Financial/Business Interest, Using Position to Further Own Financial/Business Interests, Unwarranted Privileges

### **14-71C** (6/15/16) (Sheriff, Elko County)

Third Party Request – Stipulated Agreement – No Violation

**Does wearing an official Sheriff uniform while engaging in campaign activities create an appearance of impropriety?**



The commission held that duties of elected incumbents regarding utilization of the accoutrements of office was a case of first impression, thus the claim was dismissed.

*See also:* Using Government Time and Resources for Personal or Financial/Business Interest, Elections – In General, Using Gov't Time and resources for Elections, Improper Influence of a Subordinate, Unwarranted Privileges

**14-70C** (5/19/16) (Assessor, Nye County)

Third Party Request – Opinion – Willful Violation

**Did the county assessor violate ethics laws where the assessor videotaped her employee at work who was also her election opponent, where she fired an employee whose spouse conducted a criminal investigation of the assessor, and where she improperly instructed her employees to appraise various elected official's properties?**

The commission held ethics laws were violated because the assessor tried to use her elected position to win re-election.

*See also:* Elections – In General, Using Gov't Time and resources for Elections, Employment and Personnel Issues, Improper Influence of a Subordinate, Unwarranted Privileges, Willful Violations

**14-33A** (7/31/14) (Public Employee, Public Agency)

First Party Request – Abstract Opinion

**Whether a public employee violates ethics laws when following his Supervisor's directive to administer awards to a nonprofit organization that the Supervisor is an officer of?**

The commission held that ethics laws are not violated if the employee awards the funds to the supervisor's nonprofit.

*See also:* Commitment in a Private Capacity – In General, Serving on Nonprofit Boards, Improper Influence of a Subordinate, Unwarranted Privileges

**13-77A** (7/31/14) (Appointed Attorney, Government Entity, State of Nevada)

First Party Request – Confidential Opinion

**May an appointed attorney represent the Government Entity in a legal dispute that simultaneously affects the private interests of the governing body's members that appointed the attorney?**

The commission held that the public officer attorney may represent the government because the representation benefits the government's legal interests, does not provide unwarranted benefits, or constitute use of government resources to benefit private interests.

*See also:* Attorney Client Relationship, Conflicts with Private Financial/Business Interests, Representing/Counseling Clients during Public Service

**13-28A** (7/1/14) (Vice Chair, Clark County Board of Commissioners)

First Party Request – Opinion

**May a county commissioner participate in conversations regarding his employer and his employer's other business ventures?**



The commission held that the commissioner must disclose and abstain on these matters, and although the commissioner may provide factual information, it would be best for an outside party to provide that information as a means of avoiding an appearance of impropriety. Further, when the commission attends meetings on behalf of his employer, it is important to ensure he clarifies that he is not representing the city.

*See also:* Conflicts with Private Financial/Business Interests, Other Employment During Public Service, Representing/Counseling Clients during Public Service, Using Position to Further Own Financial/Business Interests, Disclosure and Abstention, Improper Influence of a Subordinate, Legal Advice on Ethics/Safe Harbor Provision, Unwarranted Privileges

**12-68A** (7/1/13) (Mayor, City of Elko)

First Party Request – Opinion

**May a mayor provide private plumbing and heating repair and maintenance services to a state municipal corporation that provides services in the City if the mayor is also responsible for appointing a member of that municipal corporation?**

The commission held that the mayor could continue providing services because the services are provided according to an open, transparent, competitive market process. Additionally, the mayor does not need to abstain from appointing a member and does not need to disclose unless specific issues come before the city because the mayor's interests are nominal.

*See also:* Conflicts with Private Financial/Business Interests, Other Employment During Public Service, Representing/Counseling Clients during Public Service, Contracts with the Government, Disclosure and Abstention

**12-66A** (1/24/13) (Trustee, Sun Valley General Improvement District)

First-Party Request – Opinion

**May an appointed GID Trustee, who applied for another vacant GID trustee seat, participate in appointing the vacant seat?**

The commission held that the GID Trustee must disclose and abstain from matters involving the vacant GID Trustee seat because that would be using her position to secure preferences and employment.

*See also:* Unwarranted Privileges, Using Position to Further Own Financial/Business Interests

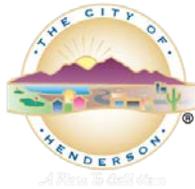
**12-50C; 12-54C** (7/17/13) (Councilmember, City of Fernley)

Third Party Request – Opinion – Willful Violation

**Did the mayor violate ethics laws where he did not pay his health insurance costs to the city on time?**

The commission found no violation.

*See also:* Disclosure and Abstention, Willful Violation



**12-40A** (10/4/12) (Chair, Appeals Board, State of Nevada)

First Party Request – Abstract of Opinion

**Must the chair of an appeals board disclose and abstain from participating in a contested matter if an interested party asks him to disqualify himself due to bias?**

The commission declined to issue an opinion because pursuant to NRS 281A.440(1) there is no reference to an NRS Chapter 281A and there is a contested motion pending before another agency.

*See also:* Jurisdiction of the Ethics Commission

**11-95A** (12/13/12) (Economic Development Manager, Municipality)

First Party Request – Abstract of Opinion

**Whether a Municipality's EDM may assist a private entity to bring its manufacturing facility to the Municipality through his investment company and build on his property?**

The commission held this does not violate ethics laws so long as there is appropriate disclosure and abstention.

*See also:* Other Employment during Public Service, Using Government Time and Resources for Personal or Financial/Business Interest

**11-77C** (4/16/12) (City Manager, City of Boulder City)

Third Party Request – Stipulated Agreement – No Violation

**Did the city manager violate ethics laws where she encouraged city employees to purchase hardware items for the city from all local businesses, including the mayor's hardware store?**

The commission found no violation of ethics laws.

**11-64C** (12/12/12) (Member, Nevada Real Estate Commission)

Third Party Request – Opinion – No Violation

**Does a commission member violate ethics laws where he gives a commission business card while working on a private HOA matter?**

The commission held there was not enough evidence to constitute a violation.

**11-51A** (4/16/12) (Mayor, Boulder City)

First party request – Opinion

**May the city government continue to purchase items at the Mayor's privately owned hardware store?**

The commission held the city may continue purchasing items because these practices were established prior to the mayor's election, the purchases amount to less than 1% of the hardware's sales, there are no contracts, and the mayor does not direct purchasing.

*See also:* Other Employment during Public Service, Contracts with the Government

**07-49A** (3/18/08) (Senate and Majority Floor Leader, State Senate)

First Party Request – Opinion



**Whether legislators may participate in fundraising for a support staff society?**

The commission held that legislators may participate in fundraising efforts by signing letters and using legislative resources.

*See also: Using Government Time and Resources for Personal or Financial/Business Interests*

**07-45A** (3/1/08) (Member, State Board)

First Party Request – Opinion

**Does a board member violate ethics laws by entering into a private contract with a business that previously came before the board?**

The commission found no violation for lack of evidence.

**07-44C** (3/13/08) (Constable, Goodsprings Township, Clark County)

Third Party Request – Stipulation – Willful Violation

**Whether a public employee violates ethics laws where he fails to timely remit funds collected from wage garnishment?**

The commission found a willful violation.

*See also: Willful Violations*

**07-17A** (1/25/08) (Trustee, Churchill County School Board)

First Party Request – Opinion

**Whether a school board trustee may purchase a car from a school district employee?**

The commission found this does not violate any ethics laws.

**06-49** (3/15/07) (Former Public Officer)

First Party Request – Opinion

**Whether the state treasurer may appear in advertisements for a college savings program while running for officer?**

The Commission found no violation because promoting the program was part of the treasurer's duties.

*See also: Elections – In General*

**06-13** (6/20/07) (Mayor, City of Ely)

Third Party Request – Opinion – Willful Violation

**Does the mayor violate ethics laws where he participates in utilities matters when he has a delinquent utility bill?**

The commission found multiple willful violations and moved to have the mayor removed from office.

*See also: Unwarranted Privileges, Willful Violations*

**04-05** (12/28/04) (Mayor, City of Las Vegas)

Third Party Request – Opinion – Non-Willful Violation; No Violation

*Opinion Overturned on Appeal*



**1) Whether the mayor violated ethics laws by endorsing an alcoholic beverage in exchange for a donation?**

-The commission found no evidence to support a violation.

**2) Whether the mayor violated ethics laws by appearing in a magazine in exchange for a donation?**

-The commission found no evidence to support a violation.

**3) Whether the mayor violated ethics laws when he used a car donated by a dealership?**

-The commission found no evidence to support a violation.

*See also:* Conflicts with Family Members

**01-40** (5/17/02) (Clerk and Treasurer, Eureka County)

Third Party Request – Opinion – Willful Violation

**Did a public officer violate ethics laws failing to pay property taxes and by purposely omitting that property on a reporting form?**

The commission found a willful violation for delinquent taxes and dishonesty.

*See also:* Forms, Willful Violations

**01-16** (6/13/01) (Former Chair, Nevada State Board of Agriculture)

First Party Request – Abstract Opinion

**May a public officer invest in a company that will provide services to public agencies?**

The commission held this was likely impermissible because it would create an appearance of impropriety and implicated various ethics statutes.

**01-10** (6/4/01) (Assembly Minority Leader, Nevada Legislature)

First Party Request – Opinion

**May a legislator send a letter requesting donations for his political party?**

The commission set forth guidelines for the legislator that would make the donation request allowable under ethics laws.

**01-04** (6/4/01) (Member, Regulatory Board)

First Party Request – Opinion

**What are a regulatory board member's ethical obligations where he was previously employed by a regulated entity?**

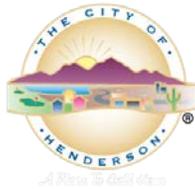
The commission held that nothing in the NRS imposes any prohibitions against former private sector employees.

*See also: Requests for Advisory Opinion Regarding Past Conduct*

**00-26** (12/12/00) (Mayor, City of Boulder City)

Third Party Request – Opinion – Non-Willful Violation

**Whether the mayor violated ethics laws by failing to disclose or abstain on a matter that would increase city council's salary and retirement?**



The commission found a non-willful violation because the mayor should have disclosed about the retirement matter.

**00-16** (6/28/00) (Appointed Public Officer)

First Party Request – Opinion

**May a public officer participate in an activity related to past private employment?**

The commission held nothing in the request constitutes an ethical violation.

**00-10** (6/30/00) (Public Officer)

First Party Request – Abstract Opinion

**May colleagues that hold public office form a private business partnership?**

The commission held the partnership alone does not violate ethics laws.

## **II. Attorney Client Relationship**

**16-40C** (10/19/16) (Mayor, City of Boulder City)

Third Party Request – Stipulated Agreement – Non-Willful Violation

**Does an attorney client relationship exist where the mayor represented a construction company as a co-defendant in a contested matter?**

The commission found a non-willful violation because an attorney client relationship did exist between the mayor and the company; as such the mayor must disclose and abstain from matters involving the company.

*See also:* Conflicts with Private Financial/Business Interests, Disclosure and Abstention

**13-77A** (7/31/14) (Appointed Attorney, Government Entity, State of Nevada)

First Party Request – Confidential Opinion

**May an appointed attorney represent the Government Entity in a legal dispute that simultaneously affects the private interests of the governing body's members that appointed the attorney?**

The commission held that the public officer attorney may represent the government because the representation benefits the government's legal interests, does not provide unwarranted benefits, or constitute use of government resources to benefit private interests.

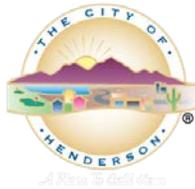
*See also:* Appearance of Impropriety, Conflicts with Private Financial/Business Interests, Representing/Counseling Clients during Public Service

**11-100A** (12/13/12) (District Attorney)

First Party Request – Abstract of Opinion

**Whether a conflict of interest exists where a district attorney has a case involving a county commissioner from the county which regulates the DA's office?**

The commission held the DA does not have a commitment to the county commissioners thus no ethics laws are violated.



**11-57A** (7/18/12) (Member, Nevada State Commission)

First Party Request – Opinion

**1) Can a public officer who is also an attorney represent non-licensee clients in cases unrelated to the public officer's duties where a licensee is a witness at trial or involved in pre-trial discovery?**

– The commission held that the public officer may represent a non-licensee even if a licensee is a witness to the litigation, but the public officer must disclose and abstain if the licensee comes before the regulatory board.

**2) If an opposing party brings a Third Party complaint against a licensee, making the licensee a party to the litigation, does the public officer who is also an attorney have to cease participation in the case?**

– The commission held that a public officer may continue to represent non-licensee clients where a licensee is brought into litigation as an adverse third party but the officer must abstain and disclose if the licensee comes before the regulatory body.

**3) Can a public officer who is also an attorney represent licensees and non-licensees who are parties to litigation with common interests?**

– The commission held that the officer may represent both licensees and non licensees where claims are shared, the claims are not regulated by the officer's regulatory body, and the benefits and detriments are the same for all such parties but the officer must abstain and disclose if the licensee comes before the regulatory body.

**4) Where members of a public officer's law firm represent licensees in matters unrelated to the regulatory body's jurisdiction, must the public officers abstain and disclose when that licensee comes before the regulatory body?**

-The commission held that if the officer's law firm represents a licensee, NRS281A.420 requires disclosure , and abstention is required when the firm represents the client in front of the regulatory board but abstention is not always required when the licensee comes before the regulatory board.

*See also:* Representing/Counseling Clients during Public Service

**11-29A** (10/4/12) (Member, State Regulatory Board)

First-Party Request – Opinion

**What are a state regulatory board member's ethical obligations in relation to a corporation he represented two years ago?** (Referencing Nevada Attorney General Opinion 95-19)

The commission lacks jurisdiction to interpret a Nevada Attorney General Opinion, the Nevada Rules of Professional Conduct and the Nevada Code of Judicial Conduct.

*See also:* Commitment in a Private Capacity – In General, Requests for Advisory Opinion Regarding Past Conduct, Jurisdiction of the Ethics Commission

**03-40** (6/16/04) (City Councilmember, City of Las Vegas)

Third Party Request – Opinion – Non-Willful Violation



**Did the city councilmember violate ethics laws where he failed to properly disclose his relationship to his attorney's firm that represented another client before the city?**

The commission found a non-willful violation because the city attorney instructed the councilmember how to disclose. The commission also clarifies and adopts disclosure requirements in this opinion.

*See also:* Disclosure and Abstention, Legal Advice on Ethics/Safe Harbor Provision

### **III. Conflicts of Interest [NRS 281A.065]**

#### **a) Commitment in a Private Capacity – In General**

**16-85C** (2/15/17) (Member, Churchill County School District Board of Trustees)

Third Party Request – Stipulated Agreement – Non-Willful Violation

**Does a school board member violate ethics laws where she fails to disclose and abstain on school basketball matters involving appointment of her domestic partner to a coaching position?**

The commission found a non-willful violation because the school member should have disclosed and abstained from matters involving her domestic partner.

*See also:* Conflicts with Family Members, Disclosure and Abstention, Supervisory Conflicts

**16-84C** (2/15/17) (Member, Churchill County School District Board of Trustees)

Third Party Request – Stipulated Agreement – No Violation

**Does a School Board Member violate ethics laws when he fails to disclose and abstain on high school college programs when his sons attend a school in the district? Further, does a school board member violate ethics laws when he fails to abstain on matters involving a school football program where he is a volunteer coach?**

The commission held that no ethics violation occurred.

*See also:* Conflicts with Family Members, Disclosure and Abstention

**16-14A** (6/30/16) (Member, Governing Body)

First Party Request– Abstract Opinion

**Does a public officer have a commitment in a private capacity to their spouse who works for the same public entity in a subordinate role?**

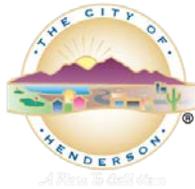
The commission held the public officer has a *per se* commitment to their spouse.

*See also:* Conflicts with Family Members, Conflicts with Private Financial/Business Interests, Disclosure and Abstention, Supervisory Conflicts

**15-48A** (2/25/16) (Department Head, Division of Public Entity)

First Party Request – Abstract Opinion

**May a department head of a division within a public entity also serve as a board member to a separate division under the same public entity?**



The commission held that the department head may hold both positions simultaneously without violating ethics laws.

*See also:* Serving on the Governing Board of your Employer, Supervisory Conflicts

**15-25A** (6/11/16) (State Assembly)

First Party Request – Opinion

**Does a commitment in a private capacity exist where a person owns a business with her spouse?**

Yes, as the owner, principle officer and relationship with her spouse this reaches the level of a commitment in a private capacity and triggers concerns about conflicts and appearances of impropriety when matters involve the business

*See also:* Appearance of Impropriety, Conflicts with Family Members, Contracts with the Government

**14-79C** (3/16/16) (Member, White Pine County Board of Commissioners)

Third Party Request – Stipulated Agreement – Willful Violation

**Did a county commissioner violate ethics law where he failed to properly disclose and abstain on matters involving his personal well, his daughter's involvement in purchasing a building, and land adjacent to a county aquatics facility construction project?**

The commission found a willful violation for failing to properly disclose and abstain.

*See also:* Conflicts with Family Members, Conflicts with Private Financial/Business Interests, Disclosure and Abstention, Willful Violations

**14-78A** (3/24/15) (Member, Lander County Board of Commissioners)

First Party Request – Confidential Opinion

**May a County Commissioner simultaneously maintain his position on the Chamber of Commerce and volunteer for Sheriff's Search and Rescue?**

The commission held that the commissioner may also serve on the chamber of commerce and sheriff's search and rescue but must abstain and disclose on matters involving those organizations because he has a commitment in a private capacity to them.

*See also:* Conflicts with Private Financial/Business Interests, Serving on Nonprofit Boards, Disclosure and Abstention, Unwarranted Privileges

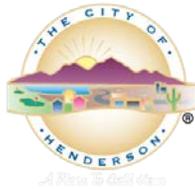
**14-33A** (7/31/14) (Public Employee, Public Agency)

First Party Request – Abstract Opinion

**Whether a public employee violates ethics laws when following his Supervisor's directive to administer awards to a nonprofit organization that the Supervisor is an officer of?**

The commission held that ethics laws are not violated if the employee awards the funds to the supervisor's nonprofit.

*See also:* Appearance of Impropriety, Serving on Nonprofit Boards, Improper Influence of a Subordinate, Unwarranted Privileges



**13-86A** (7/31/14) (Member, Governing Body, Local Government Entity)  
First Party Request – Abstract Opinion

**Whether the Ethics Law requires Public Officer to disclose their employers' relations to a private entity which owes money to the Local Government?**

The commission held that disclosure and abstention is not required but disclosure is encouraged in relation to the officer's employer.

*See also:* Other Employment during Public Service, Disclosure and Abstention

**13-81C** (6/11/14) (Board Member, McDermitt Fire District, Humboldt County)  
Third Party Request – Stipulated Agreement – Willful Violation

**Did a board member violate ethics laws where he failed to disclose and abstain from voting on matters involving emergency services because he rented one of his homes to the hospital for emergency services?**

The commission found a willful violation and held the board member violated ethics laws by entering into a contractual agreement with a governmental entity and failing to disclose and abstain on matters pertaining to that contract.

*See also:* Conflicts with Private Financial/Business Interests, Disclosure and Abstention, Willful Violations

**13-71A** (7/31/14) (Member, Governing Body, Local Government Entity)  
First Party Request – Abstract Opinion

**Whether Public Officer has a conflict of interest with his business partner's associates and clients?**

The commission held there is a commitment to the officer's business partners and their clients because of profit sharing. As such, the officer must appropriately disclose and abstain when necessary.

**13-54A** (7/1/14) (City Councilmember, City of Reno)  
First Party Request – Confidential Opinion

**Does a city councilmember's membership in an HOA establish a conflict of interest?**

The commission held the city councilmember's membership in an HOA creates a conflict of interest; as such the councilmember must disclose and abstain accordingly.

*See also:* Conflicts with Private Financial/Business Interests, Disclosure and Abstention

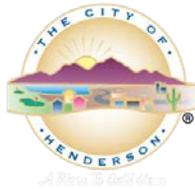
**13-05C** (7/16/13) (Councilman, City of Ely and Chair, William Bee Ririe Hospital Board of Trustees)

Third Party Request – Stipulated Agreement – Willful Violation

**Did a city councilmember violate ethics laws where he failed to disclose and abstain on matters that involve his private business and matters that involve his business partner?**

The commission found a willful violation where the city councilmember failed to properly abstain and disclose on matter regarding his business and his business partner.

*See also:* Contracts with the Government, Disclosure and Abstention, Willful Violations



**12-52A** (3/5/13) (Councilmember, City of Reno)

First Party Request – Opinion

**Must a city councilmember abstain and disclose about past employment with a private entity that does business in the city? (City councilmember is a witness in private entity's current litigation.)**

The commission held that pursuant to NRS 281A.020 and 281A.420(1), the city councilmember must disclose and include disclosure about involvement with the current litigation of his past employer. However, the city councilmember is not required to abstain. While NRS 281A.420(8) is not directly on point, the commission notes that the city councilmember's relationship is somewhat on going because of the current litigation involving the past employer which he was called as a witness.

*See also:* Disclosure and Abstention

**12-15A** (10/4/12) (City Councilmember)

First Party Request – Abstract of Opinion

**1) Is there a commitment in a private capacity where a city councilmember also serves as a volunteer on a nonprofit's board of directors?**

-The Commission held that volunteer service on the board of directors of a nonprofit organization constitutes a commitment in a private capacity to the interests of that organization.

**2) Where a city councilmember is also a nonprofit board member and there is a private public partnership opportunity between the city and the nonprofit, what are a city councilmember's obligations to the other nonprofit board members who are interested in the private public partnership?**

-The commission held that pursuant to NRS 281A.420(8)(a)(5) there is a commitment to the other board members that are interested in the partnership which requires additional ethical considerations.

*See also:* Serving on Nonprofit Boards, Using Position to Further Own Financial/Business Interests, Disclosure and Abstention, Unwarranted Privileges

**12-04A** (10/4/12) (Trustee, Board of Trustees, General Improvement District, Political Subdivision)

First Party Request – Abstract of Opinion

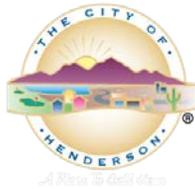
**Whether volunteer service on the Board of Directors of a nonprofit organization constitutes a commitment in a private capacity to the interests of that organization?**

The commission held there is a commitment in a private capacity if a Board member volunteers with a Nonprofit Entity as a Director because that relationship is similar to a substantial and continuing business relationship.

*See also:* Serving on Nonprofit Boards, Disclosure and Abstention, Unwarranted Privileges

**11-98A** (1/14/13) (Member, City Council)

First Party Request – Abstract of Opinion



**May a city councilmember participate in a meeting regarding a contract between the city and a private business that might affect the member's water rights?**

The commission held the councilmember may participate in the meeting but must disclose and abstain.

*See also:* Disclosure and Abstention

**11-65A** (10/4/12) (Member, Governing Body, Political Subdivision)

First Party Request – Abstract of Opinion

**What are a public officer's ethical obligations regarding matters where he has relationships with both proponents and opponents?**

The commission held the public officer must disclose and abstain on this matter.

**11-61A** (10/4/12) (Member, Local Government Planning Commission)

First party request – Abstract of Opinion

**What are a city councilmember's abstention and disclosure requirements regarding his campaign consultants who are also providing services on a project before the city council?**

The commission held that there is a commitment in a private interest so the councilmember must disclose but does not have to abstain on project matters.

*See also:* Disclosure and Abstention

**11-42C** (12/12/12) (Mayor, City of Elko)

Third Party Request – Opinion – No Violation

**Did the city councilmember violate ethics law by not disclosing and abstaining on agenda items regarding a conditional use permit for an apartment project being built in a close proximity to his privately owned business or because the city council owned a plumbing business?**

The commission held the city councilmember had no pecuniary interest in the apartment project so there was no need to disclose or abstain.

**11-29A** (10/4/12) (Member, State Regulatory Board)

First-Party Request – Abstract of Opinion

**What are a state regulatory board member's ethical obligations in relation to a corporation he represented two years ago? (Referencing Nevada Attorney General Opinion 95-19)**

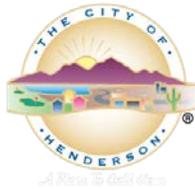
The commission held there was no conflict of interest because the officer had not represented the client in 2 years.

*See also:* Attorney Client Relationship, Requests for Advisory Opinion Regarding Past Conduct, Jurisdiction of the Ethics Commission

**11-08A** (4/13/12) (Public Employee, State Commission)

First party request – Abstract of Opinion

**Can a public employee sell or lease their private land to companies which may be regulated by the employee's regulatory board?**



The commission held that NRS281A.020, 281A.400 (1) and (2) are not violated but abstention and disclosure may be proper.

*See also:* Land Sales

**10-74A** (4/4/12) (Member, Governing Body, Political Subdivision)

First Party Request – Abstract of Opinion

**May a public officer vote on a matter that would impact his real property?**

The commission held the officer must disclose but could participate in the matter because it would not affect his property more than others.

*See also:* Disclosure and Abstention

**10-07A** (10/4/12) (Member, City Council)

First Party Request – Abstract of Opinion

**What are a city councilmember's ethical obligations where she voted on a matter but later discovered a conflict of interest regarding that matter?**

The commission held that since the councilmember was unaware of her conflict of interest she did not violate ethics laws.

*See also:* Requests for Advisory Opinion Regarding Past Conduct

**09-47C** (6/4/12) (Member, Washoe County Planning Commission)

Third Party Request – Opinion – No Violation

**Did a planning commission member violate ethics laws by failing to abstain and disclose on matters pertaining to personal residences?**

The commission found no violation for lack of sufficient evidence.

*See also:* Disclosure and Abstention

**09-28A** (7/15/09) (City Councilmember, City of Sparks)

First Party Request – Opinion

**Must a councilmember abstain and disclose on matters involving a project which a close personal friend previously worked on?**

The commission held that the councilmember must abstain and disclose.

*See also:* Disclosure and Abstention

**09-21A** (5/22/09) (City Councilmember, City of Sparks)

First Party Request – Opinion

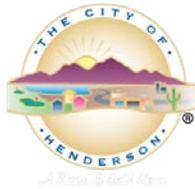
**Must a city councilmember disclose and abstain on matters that a private business client is opposed to?**

The commission held the councilmember must abstain and disclose.

*See also:* Disclosure and Abstention

**09-11C** (4/4/12) (Trustee, Humboldt General Hospital District Board of Trustees)

Third Party Request – Opinion – Non-Willful Violation



**Did a hospital trustee violate ethics laws by voting on a matter that included a reimbursement check for her?**

The commission held the trustee violated ethics laws for failing to disclose her pecuniary interest but was not required to abstain.

*See also:* Willful Violation

**09-04A** (6/24/09) (Senior Planner, City of Fernley)

First Party Request – Opinion

**May a city employee also serve on the county planning commission and an advisory council?**

The commission held the employee may hold the positions simultaneously with proper abstention and disclosure.

**08-59A** (10/27/08) (Member, State Board of Equalization)

First Party Request – Opinion

**Whether a board member may participate in valuation matters because of alleged private commitments?**

The commission held that the board member does not have a private commitment thus he may participate in valuation matters.

**08-45A** (8/19/08) (Member, State Board of Equalization)

First Party Request – Opinion

**Whether a board member must abstain and disclose on matters pertaining to valuation which affect his parents land and land he previously owned?**

The commission held the board member must disclose and abstain on valuation matters.

*See also:* Disclosure and Abstention

**08-06A** (08/20/08) (City Councilmember, City of Reno)

First Party Request – Opinion

**Whether a city councilmember must abstain and disclose on a matter pertaining to a private business client?**

The commission held the councilmember must disclose and may need to abstain on a case-by-case basis.

*See also:* Disclosure and Abstention

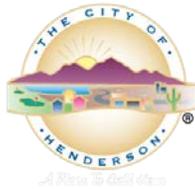
**07-47A** (1/25/08) (City Councilmember, City of Sparks)

First Party Request – Opinion

**What are a city councilmember's ethical obligations when in front of other public entities regarding a company which is suing the city?**

The commission held no disclosure is necessary because the councilmember does not have a relationship with the company suing the city.

*See also:* Commitment in a Private Capacity – In General



**07-25A** (4/21/08) (City Councilmember, City of Las Vegas)

First party Request – Opinion

**Whether a city councilmember violates ethics laws by also serving on a trades council?**

The council held the councilmember may hold both positions simultaneously.

**07-05A** (1/25/08) (Commissioner, Elko County Planning Commission)

First Party Request – Opinion

**Whether a planning commissioner may also serve as an HOA director?**

The commission held this was a conflict which required abstention.

**06-63** (12/26/07) (Commissioner, Commission for Common-Interest Communities, Nevada Real Estate Division)

First Party Request – Opinion

**May a public officer simultaneously serve on the commission for common-interest communities and on her HOA board?**

The commission held the officer may hold both positions but must properly disclose and abstain.

**06-61, 06-62, 06-66, 06-68** (10/8/07) (City Councilmember, City of Sparks)

Third Party Request – Opinion – Non-Willful Violation

**Did a city councilmember violate ethics laws where he acted on a matter involving one of his campaign volunteers?**

The commission found a non-willful violation for failing to abstain because he relied on counsel's advice.

*See also:* Disclosure and Abstention, Legal Advice on Ethics/Safe Harbor Provision

**06-14** (5/3/07) (Commissioner, Lincoln County Board of Commissioners)

Third Party Request – Opinion – Willful Violation

**Whether a county commissioner violated ethics laws for failing to disclose on a matter pertaining to the community where he owned a parcel of land?**

The commission found a willful violation because the commissioner should have disclosed.

*See also:* Disclosure and Abstention, Willful Violations

**05-09** (4/29/05) (Trustee, General Improvement District)

First Party Request – Opinion

**May a public officer be employed as a county clerical employee and be a GID Trustee?**

The commission held the public officer may hold both positions with proper disclose and abstention.

**04-38** (12/3/04) (Public Officer, City)

First Party Request – Opinion



**Whether a public officer must abstain on a construction matter located near his and his business partner's properties?**

The commission held the officer must disclose but does not need to abstain.

**03-03** (5/3/03) (Member, State Commission)

First Party Request – Opinion

**Whether a public officer is prohibited from applying for another public position while serving as a public officer?**

The Commission held that nothing in NRS Chapter 281 expressly prohibits a public officer from applying for another public position.

*See also:* Using Position to Further Own Financial/Business Interests, Cooling Off – Public Officials

**02-22** (3/4/03) (Member, Public Board)

First Party Request – Opinion

**Whether a public officer must disclose and abstain when business associates and their business associates appear in front of the board?**

The commission instructed the officer to consider disclosure and abstention under ethics laws on a case by case basis as some relationships require disclosure and other further removed relationships do not.

**01-15** (2/1/02) (Chair, Humboldt General Hospital Board of Trustees)

Third Party Request – Opinion – Non-Willful Violation

**Did the Hospital Board Chair violate ethics laws where he voted to raise office rent when he owned two near-by office buildings?**

The commission found a non-willful violation where the chair should have disclosed his pecuniary interests.

*See also:* Disclosure and Abstention

**01-11** (12/14/01) (Mayor, City of North Las Vegas)

Third Party Request – Opinion – No Violation

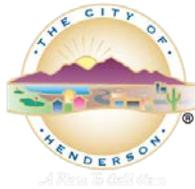
**Did the mayor violate ethics laws where he should have disclosed and abstained on a matter related to a previous business associate?**

The commission held that the mayor did not have a continuing business relationship, thus no commitment in a private capacity.

**00-12** (10/6/00) (Member, Douglas County Planning Commission)

Third Party Request – Opinion – No Violation

**Did the county commissioner violate ethics laws for failing to disclose his interest in a private construction matter when a different construction matter came before the commissioner?**



The commission found no violation for failure to abstain or disclose because he did not have a pecuniary interest.

[97-54, 97-59, 97-66, 97-53, 97-52](#) (8/26/1998) (Member, Clark County Commission)

Third Party Request – Opinion – Willful Violation

**Where the airport concession company requested a list of recommended lease applicants, did the county commissioners violate ethics laws by providing recommendations for people they had personal relationships with?**

The commission held that the commissioners violated ethics laws by recommending personal friends and contacts and then failing to properly disclose and abstain when the matter came before the county commission.

*See also:* Disclosure and Abstention, Willful Violations

## ***b) Conflicts with Family Members***

[17-02A](#) (05/31/17) (Board Member, Virgin Valley Water District)

First Party Request – Opinion

**Can a board member participate in board business relating to water contracts that involve family members?**

The commission found that disclosure of the conflict is required at the time an issue relating to a family member is heard, and he must abstain on matters that directly relate to his family members. On matters that are not directly related to family members, he does not have to automatically abstain if the matter will not affect family members more than all other water share owners. In addition, he cannot provide unwarranted advantages or confidential information to his family members.

*See also:* Disclosure and Abstention

[17-01A](#) (3/16/17) (Member, White Pine County Board of Commissioners)

First Party Request – Confidential Opinion

**Must a county commissioner and fire district board member, whose brother is a city firefighter, abstain from participating in matters involving cooperative fire services through interlocal agreements?**

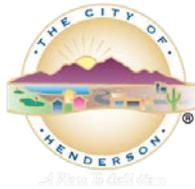
The commission held the commissioner must disclose but is not required to abstain on matters regarding cooperative fire services.

*See also:* Disclosure and Abstention, Supervisory Conflicts

[16-85C](#) (2/15/17) (Member, Churchill County School District Board of Trustees)

Third Party Request – Stipulated Agreement – Non-Willful Violation

**Does a school board member violate ethics laws where she fails to disclose and abstain on school basketball matters involving appointment of her domestic partner to a coaching position?**



The commission found a non-willful violation because the school member should have disclosed and abstained from matters involving her domestic partner.

*See also:* Commitment in a Private Capacity – In General, Disclosure and Abstention, Supervisory Conflicts

**16-84C** (2/15/17) (Member, Churchill County School District Board of Trustees)

Third Party Request – Stipulated Agreement – No Violation

**Does a School Board Member violate ethics laws when he fails to disclose and abstain on high school college programs when his sons attend a school in the district? Further, does a school board member violate ethics laws when he fails to abstain on matters involving a school football program where he is a volunteer coach?**

The commission held no ethics violation occurred.

*See also:* Commitment in a Private Capacity – In General, Disclosure and Abstention

**16-14A** (6/30/16) (Member, Governing Body)

First Party Request– Abstract Opinion

**Must a public officer, whose spouse works for a public entity, disclose and abstain on general personnel and budget matters that do not specifically relate to their spouse?**

Public Officer has a per se commitment to their spouse and must disclose and abstain from participating in or acting on any matters affecting their spouse but is not prohibited from discussing and voting on the Administrator or the general budget.

*See also:* Commitment in a Private Capacity – In General, Conflicts with Private Financial/Business Interests, Disclosure and Abstention, Supervisory Conflicts

**15-45A** (8/11/16) (City Manager, City of Henderson)

First Party Request – Revised Confidential Opinion

**Must a city manager, whose nephew is employed by the Police Department of that city, disclose and abstain on matters pertaining to the police department?**

The commission held that the manager must abstain and disclose on matters that materially affect his nephew but may otherwise participate in matters including managing the police chief, administering the budget and collective bargain.

*See also:* Disclosure and Abstention, Employment and Personnel Issues, Supervisory Conflicts

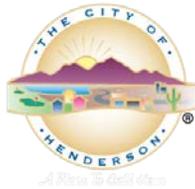
**15-25A** (6/11/16) (State Assembly)

First Party Request – Opinion

**Does a commitment in a private capacity exist where a person owns a business with her spouse?**

Yes, as the owner, principle officer and relationship with her spouse this reaches the level of a commitment in a private capacity and triggers concerns about conflicts and appearances of impropriety when matters involve the business.

*See also:* Commitment in a Private Capacity – In General, Appearance of Impropriety, Contracts with the Government



[15-02C/15-07C/15-08C](#) (7/15/15) (Member, Board of Directors, Fernley Swimming Pool District)

Third Party Request – Consolidated Stipulated Agreement – Willful Violation

**When making a disclosure, must a board member include information regarding the potential effect of their action and effect on their spouse, and abstain on agenda items that pertain to their spouse's interests?**

The commission found a willful violation where the board member disclosed but did not further elaborate about the effects or abstain from discussing or voting on agenda items that directly affect his spouse.

*See also:* Conflicts with Private Financial/Business Interests, Disclosure and Abstention, Improper Influence of a Subordinate, Unwarranted Privileges, Willful Violations

[14-82A](#) (5/18/15) (Deputy Chief, State Agency)

First Party Request – Abstract Opinion

**May a Deputy Chief accept employment with a private organization that may do business with the public agency he is leaving?**

The commission held that the cooling off period does not apply because the agency is not a regulatory board or an industry business.

*See also:* Cooling Off – Employees, Former Employees Working on Matters with the Government, Unwarranted Privileges

[14-79C](#) (3/16/16) (Member, White Pine County Board of Commissioners)

Third Party Request – Stipulated Agreement – Willful Violation

**Did a county commissioner violate ethics law where he failed to properly disclose and abstain on matters involving his personal well, his daughter's involvement in purchasing a building, and land adjacent to a county aquatics facility construction project?**

The commission found a willful violation for failing to properly disclose and abstain.

*See also:* Commitment in a Private Capacity – In General, Conflicts with Private Financial/Business Interests, Disclosure and Abstention, Willful Violations

[14-17C](#) (9/10/14) (City Attorney, City of Boulder City)

Third Party Request – Stipulated Agreement – Willful Violation

**May an appointed City Attorney serve as an expert witness in a legal matter concerning his son?**

The commission found a willful violation where the city attorney violated numerous ethics laws when he served as an expert witness in a legal matter concerning his son.

*See also:* Unwarranted Privileges, Willful Violations

[13-85C](#) (4/16/14) (Commissioner, Lander County)

Third Party Request – Stipulated Agreement – Willful Violation



**Must a county commissioner disclose and abstain on matters regarding his son who has a public works contract with the county?**

The commission found a willful violation where the county commissioner did not fully disclose his relationship with his son and did not abstain on matters involving the public works contract between his son and the county. Although the commissioner was following the advice of legal counsel, the commission still found a violation because “the nature of the conflict was clear, and an absolute requirement for abstention exists.”

*See also:* Conflicts with Private Financial/Business Interests, Disclosure and Abstention, Supervisory Conflicts, Legal Advice on Ethics/Safe Harbor Provision, Willful Violation

**13-75A** (7/31/14) (Member, Governing Body, Local Government Entity)

First Party Request – Abstract Opinion

**Whether a public officer is required to disclose and abstain on matters involving a local business enterprise that his spouse volunteers on the board of directors?**

The commission held the officer must disclose but does not need to abstain from matters pertaining to the local business enterprise because his private commitments are not significant enough.

*See also:* Disclosure and Abstention, Supervisory Conflicts

**11-99A** (2/7/12) (Member, Public Employees Benefit Plan Board)

First Party Request – Opinion

**Is there a conflict of interest where a PEBP board member's son is employed by a company that is underwriting the state HMO plan?**

The commission held that the board member must disclose but not abstain on matters involving the HMO plan.

*See also:* Supervisory Conflicts

**10-48C** (2/9/12) (Former County Manager, Lyon County)

Third Party Request – Opinion – Willful Violation

**Does a county manager violate ethics laws where he gets his wife a job at the library?**

The commission found a willful violation of NRS 281A.400 (1).

*See also:* Using Position to Further Own Financial/Business Interests, Improper Influence of a Subordinate, Supervisory Conflicts, Willful Violations

**10-35A** (12/15/11) (Public Officer, Political Subdivision)

First Party request – Opinion

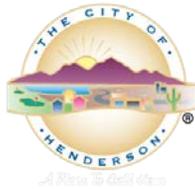
**May a public officer hire his sibling-in-law as a staff member?**

The commission held that the officer may not hire his sibling in law as violates ethics provisions.

*See also:* Supervisory Conflicts

**10-05C** (5/3/11) (Former Chairman, Pershing County General Hospital Board of Trustees)

Third Party Request – Stipulated Agreement – Non-Willful Violation



**Did a hospital chairman violate ethics laws where he voted on a policy that would affect his family?**

The commission found a non-willful violation where the chairman should have disclosed and abstained from voting on the matter.

*See also:* Disclosure and Abstention

**09-81C** (8/23/10) (City Councilmember, City of West Wendover)

Third Party Request – Stipulated Agreement – No Violation

**Did a city councilmember violate ethics laws regarding hunting tags where his brother holds some of those hunting tags?**

The commission found no violation because the councilmember's brother only held a small number of tags.

*See also:* Supervisory Conflicts

**08-07C** (8/6/08) (Member, Pahrump Town Board)

Third Party Request – Opinion – No Violation

**Whether a board member violated ethics law by failing to properly disclose and abstain on matters that may pertain to her husband?**

The commission found no violation because the board member properly disclosed and abstained.

*See also:* Disclosure and Abstention, Supervisory Conflicts

**08-01A** (3/18/08) (City Councilmember)

First Party Request – Opinion

**Whether a councilmember must abstain and disclose on airport matters when a family member has a leasehold interest at the airport?**

The commission held the councilmember must abstain and disclose on airport matters.

*See also:* Disclosure and Abstention, Supervisory Conflicts

**07-40A** (9/10/08) (Trustee, Indian Hills General Improvement District)

First Party Request – Amended Opinion

**What are a GID Trustees ethical obligations where her family member is employed by the GID?**

The commission held the Trustee must disclose and determine on a case by case basis whether abstention is necessary.

*See also:* Supervisory Conflicts

**07-07A** (8/2/07) (Commissioner, Eureka County Board of Commissioners)

Third Party Request – Stipulation – Willful Violation

**Whether a county commissioner violated ethics laws by failing to disclose and abstain on matters that her nephew bid on?**

The commission found a willful violation for failure to disclose.

*See also:* Disclosure and Abstention, Supervisory Conflicts, Willful Violation



**06-03** (10/20/06) (Member, Pahrump Town Board)

First Party Request – Opinion

**Must a town board member disclose and abstain on fire department matters where her husband is employed by the fire department?**

The commission held the board member may need to disclose and abstain on general matters but must disclose and abstain on collective bargaining issues.

*See also:* Disclosure and Abstention, Supervisory Conflicts

**05-04** (4/29/05) (City Councilmember)

First Party Request – Confidential Opinion

**May a city councilmember support their spouse's campaign in another branch of government?**

The commission held that the councilmember may help the spouse's campaign in a limited capacity.

**04-05** (12/28/04) (Mayor, City of Las Vegas)

Third Party Request – Opinion – Non-Willful Violation; No Violation

*Opinion Overturned on Appeal*

**Whether the mayor violated ethics laws by hosting a cocktail party sponsored by his son's employer?**

The commission found a non-willful violation because the mayor used his position to further his son's interests. The violation was non-willful for lack of commission consensus.

*See also:* Appearance of Impropriety

**03-43; 03-44** (1/22/04) (Members, Douglas County School Board)

First Party Request – Opinion

**Must a school board member abstain from participating in collective bargaining agreements where his spouse is a member of the collective bargaining unit?**

The members must disclose and may abstain on a case by case basis.

*See also:* Disclosure and Abstention, Supervisory Conflicts

**03-05** (7/1/03) (Member, Commission of Appraisers of Real Estate)

First Party Request – Opinion

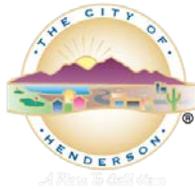
**Whether a commissioner has a conflict of interest with the division his ex-wife is the chief administrator for?**

The commission held that the commissioner does not have a commitment in a private capacity to his ex-wife.

*See also:* Supervisory Conflicts

**02-23** (2/27/03) (Member, Elko County Commission)

First Party Request – Opinion



**What are a county commissioner's ethical obligations where her husband is also a public officer and her relatives own private businesses?**

The commission provided general guidance because each possible conflict must be reviewed with the specific facts and no facts were provided.

*See also:* Supervisory Conflicts

**02-13** (12/11/02) (Deputy City Manager)

First Party Request – Opinion

**Whether the city manager's son may obtain employment with the city?**

The Commission held this violates ethics laws because the city manager has direct authority over the potential position.

*See also:* Supervisory Conflicts, Improper Influence of a Subordinate

**00-19** (8/1/00) (Member, State Board of Education)

Third Party Request – Stipulation – Non-Willful Violation

**Whether a Board of Education member violated ethics law by improperly disclosing his relationship to his wife who works for the state department of education?**

The commission found a non-willful violation because there were conflicting instructions from various bodies with authority over the board of education.

*See also:* Disclosure and Abstention, Supervisory Conflicts, Legal Advice on Ethics/Safe Harbor Provision

**99-56** (12/22/1999) (Member, Clark County Board of Commissioners)

First Party Request – Opinion

**What are a county commissioner's disclosure and abstention requirements regarding his son's law firm?**

The commission held that the commissioner must disclose sufficient information concerning his commitment to his son to inform the public of the potential effect of his action and then determine whether the independence of judgment of a reasonable person in his situation would be materially affected by his commitment, if so, the commissioner must abstain from participating in the matter.

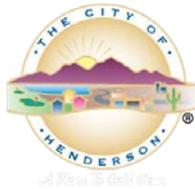
*See also:* Disclosure and Abstention

**91-01** (1991) (Member, School Board)

**What are a school board trustee's ethical obligations regarding her husband's employment at a local school?**

The commission held the trustee should disclose her relationship to her husband and abstain on matters regarding his salary and collective bargaining that affects his salary but not for general budget items or other collective bargaining. If her husband comes before the board, she must also disclose and abstain.

*See also:* Supervisory Conflicts



**c) Conflicts with Private Financial/Business Interests**

**17-02A** (5/31/17) (Member, Board of Directors, Virgin Valley Water District)

First Party Request – Confidential Opinion

**Must a Water District Board Director, who owns water shares in the district, disclose and abstain on water shares matters?**

The commission held the board director must disclose his interests in water shares. Further, he must abstain on matters that directly affect his water shares but otherwise does not need to abstain.

*See also:* Disclosure and Abstention

**16-78C** (6/19/2017) (Supervisor, Ward 2, Carson City Board of Supervisors)

Third Party Request – Stipulated Agreement – Willful Violation

**Whether a city board supervisor should have disclosed and abstained on a matter related to his private business?**

The commission found a willful violation where the supervisor should have disclosed and abstained from the matter.

*See also:* Disclosure and Abstention, Willful Violations

**16-61A** (10/3/16) (Public Entity)

First Party Request – Opinion

**May a public employee enter into a contract for private consulting services with another public entity?**

The commission held the employee would violate multiple ethics laws if they entered into a contract with another public entity.

*See also:* Contracts with the Government, Cooling Off – Employees, Former Employees Working on Matters with the Government

**16-49A** (8/31/16) (Member, Public Body)

First Party Request – Abstract Opinion

**What are a public officer's ethics obligations regarding his nonprofit employer which will receive funding from the public body?**

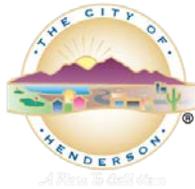
The commission held that the officer must properly abstain and disclose on matters involving the nonprofit.

*See also:* Cooling Off – Public Officials, Disclosure and Abstention, Unwarranted Privileges

**16-42A** (5/18/16) (Teacher, Washoe County School District)

First Party Request – Opinion

**May a public charter school teacher serve as a school board trustee in the same school district?**



The commission held the teacher may not simultaneously serve as a School District Board Trustee and be a charter school teacher in that district.

*See also:* Serving on the Governing Board of your Employer

**16-40C** (10/19/16) (Mayor, City of Boulder City)

Third Party Request – Stipulated Agreement – Non-Willful Violation

**Does an attorney client relationship exist where the mayor represented a construction company as a co-defendant in a contested matter?**

The commission found a non-willful violation because an attorney client relationship existed which created a commitment in a private capacity; as such the mayor must disclose and abstain from matters involving the company.

*See also:* Attorney Client Relationship, Disclosure and Abstention

**16-14A** (6/30/16) (Member, Governing Body)

First Party Request– Abstract Opinion

**May a public officer, whose spouse works for a public entity, participate in general personnel and budget matters that do not specifically relate to their spouse after disclosing their relations to their spouse?**

Pursuant to NRS 281A.420(3), Public Officer must abstain from participating in or acting on any Personnel Matters or other matters affecting Public Officer's spouse but is not prohibited from participating in discussion and voting regarding the Administrator or the general budget.

*See also:* Commitment in a Private Capacity – In General, Conflicts with Family Members, Disclosure and Abstention, Supervisory Conflicts

**16-11C; 16-20C** (10/19/16) (Member, Mesquite City Council)

Third Party Request for Opinion – Stipulated Agreement – Non-willful violation

**Did a city councilmember, who is an independent contractor for a real estate company, violate ethics laws when he failed to disclose and abstain on a property sale involving the real estate company?**

The commission held the city council member had a commitment to the real estate company, thus he must disclose his relationship but did not need to abstain from the method of sale but should have abstained from matters involving negotiations.

*See also:* Disclosure and Abstention, Improper use of Confidential or Non-Public Information, Willful Violation

**15-77A** (7/12/16) (Public Officer, Public Agency)

First party request – abstract opinion

**In a sale of land owned by a public officer's business, may the public officer's agency purchase that land for purposes of installation of public improvements?**

The commission held that the officer may be granted relief from the strict standards regarding contracting with the government because the purchase is critical to completing public improvements. However, the public agency must conduct an independent appraisal of the land



and the public officer must abstain from appraisal and purchase matters, and disclose his relationship to the property.

*See also:* Using Position to Further Own Financial/Business Interests, Contracts with the Government, Disclosure and Abstention, Land Sales

**15-21C** (9/16/15) (Mayor, City of Ely)

Third Party Request – Stipulated Agreement – Non-Willful Violation

**Did the mayor violate ethics laws where she failed to disclose that she owned two properties on a street which was being considered for sewer line reconstruction?**

The commission found a non-willful violation where the mayor should have disclosed and abstained on the public works matter taking place on a street where she owned property.

*See also:* Appearance of Impropriety; Disclosure and Abstention, Willful Violations

**15-02C/15-07C/15-08C** (7/15/15) (Member, Board of Directors, Fernley Swimming Pool District)

Third Party Request – Consolidated Stipulated Agreement – Willful Violation

**When making a disclosure, must a board member include information regarding the potential effect of their action and effect on their spouse, and abstain on agenda items that pertain to their spouse's interests?**

The commission found a willful violation where the board member disclosed but did not further elaborate about the effects or abstain from discussing or voting on agenda items that directly affect his spouse.

*See also:* Conflicts with Family Members, Disclosure and Abstention, Improper Influence of a Subordinate, Unwarranted Privileges, Willful Violations

**14-79C** (3/16/16) (Member, White Pine County Board of Commissioners)

Third Party Request – Stipulated Agreement – Willful Violation

**Did a county commissioner violate ethics law where he failed to properly disclose and abstain on matters involving his personal well, his daughter's involvement in purchasing a building, and land adjacent to a county aquatics facility construction project?**

The commission found a willful violation for failing to properly disclose and abstain.

*See also:* Commitment in a Private Capacity – In General, Conflicts with Family Members, Disclosure and Abstention, Willful Violations

**14-78A** (3/24/15) (Member, Lander County Board of Commissioners)

First Party Request – Confidential Opinion

**May a County Commissioner simultaneously maintain his position on the Chamber of Commerce and volunteer for Sheriff's Search and Rescue?**

The commission held that the commissioner may also serve on the chamber of commerce and sheriff's search and rescue but must abstain and disclose on matters involving those organizations because he has a commitment in a private capacity to them.



*See also:* Commitment in a Private Capacity – In General, Serving on Nonprofit Boards, Disclosure and Abstention, Unwarranted Privileges

**14-73C** (4/20/16) (Storey County Board of Commissioners)

Third Party Request – Stipulated Agreement – No Violation

**Does a County Commissioner violate ethics laws by making comments about personal matters or private business during “Board Comment” or similar agenda items reserved for official business?**

The commission found no violation because this was a case of first impression, but clarifies that statements about private matters should be separated from official business to avoid an appearance of impropriety.

*See also:* Appearance of Impropriety, Using Government Time and Resources for Personal or Financial/Business Interest, Using Position to Further Own Financial/Business Interests, Unwarranted Privileges

**14-43C** (11/19/14) (Senator, State of Nevada)

Third Party Request – Stipulated Agreement – No Violation

**Does a senator violate ethics laws where he files an incomplete Annual Representative Disclosure for confidentiality purposes?**

The commission held that a public official must disclose the client’s name, nature of representation, and state agency without exception but found no violation for lack of clarity in law.

*See also:* Forms

**14-12C** (6/11/14) (Member, Lander County Board of Commissioners)

Third Party Request – Stipulated Agreement – Willful Violation

**Does a County Commissioner create a conflict of interest and violate ethics laws where he files a letter of intent to bid on a public works contract then fails to disclose or abstain from matters involving that public work?**

The commission found a willful violation and held that regardless of actual intent, a letter of intent to bid on a public works project creates a conflict of interest; as such the commissioner must disclose and abstain from matters pertaining to that public works project.

*See also:* Contracts with the Government, Disclosure and Abstention, Willful Violations

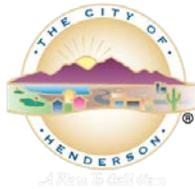
**14-09A** (7/27/16) (Public Employee, Public entity)

First Party Request – Abstract Opinion

**Does a public employee violate ethics laws where their private business competes with the public entity? (The public employee only offers ongoing services to existing private clients and the rest of their private business is handled by their spouse and employees.)**

The commission found that no ethics laws are violated so long as the public employee does not take on new private business clients.

*See also:* Unwarranted Privileges



**13-85C** (4/16/14) (Commissioner, Lander County)

Third Party Request – Stipulated Agreement – Willful Violation

**Must a county commissioner disclose and abstain on matters regarding his son who has a public works contract with the county?**

The commission found a willful violation where the county commissioner did not fully disclose his relationship with his son and did not abstain on matters involving the public works contract between his son and the county.

*See also:* Conflicts with Family Members, Disclosure and Abstention, Supervisory Conflicts, Legal Advice on Ethics/Safe Harbor Provision, Willful Violation

**13-81C** (6/11/14) (Board Member, McDermitt Fire District, Humboldt County)

Third Party Request – Stipulated Agreement – Willful Violation

**Did a board member violate ethics laws where he failed to disclose and abstain from voting on matters involving emergency services because he rented one of his homes to the hospital for emergency services?**

The commission found a willful violation and held the board member violated ethics laws by entering into a contractual agreement with a governmental entity and failing to disclose and abstain on matters pertaining to that contract.

*See also:* Commitment in a Private Capacity – In General, Disclosure and Abstention, Willful Violations

**13-77A** (7/31/14) (Appointed Attorney, Government Entity, State of Nevada)

First Party Request – Confidential Opinion

**May an appointed attorney represent the Government Entity in a legal dispute that simultaneously affects the private interests of the governing body's members that appointed the attorney?**

The commission held that the public officer attorney may represent the government because the representation benefits the government's legal interests, does not provide unwarranted benefits, or constitute use of government resources to benefit private interests.

*See also:* Appearance of Impropriety, Attorney Client Relationship, Representing/Counseling Clients during Public Service

**13-68C** (3/19/14) (City Councilmember, City of Ely)

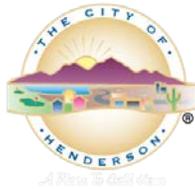
Third Party Request – Stipulated Agreement – Willful Violation

**Did a city councilmember violate ethics laws where he failed to disclose and abstain on matters that involve his private business and matters that involve his business partner?**

The commission found a willful violation where the city councilmember failed to properly abstain and disclose on matter regarding his business and his business partner.

*See also:* Disclosure and Abstention, Willful Violations

**13-66A** (7/1/14) (City Councilmember, City of Elko)



First Party Request – Confidential Opinion

**May a city councilmember's construction business serve as a subcontractor on a public works project?**

The commission held no ethics violations occur where a city councilmember's business serves as a subcontractor on a public works project but he must properly disclose and abstain.

*See also:* Contracts with the Government

**13-54A** (7/1/14) (City Councilmember, City of Reno)

First Party Request – Confidential Opinion

**Does a city councilmember's membership in an HOA establish a conflict of interest?**

The commission held the city councilmember's membership in an HOA creates a conflict of interest; as such the councilmember must disclose and abstain accordingly.

*See also:* Commitment in a Private Capacity – In General, Disclosure and Abstention

**13-43C** (4/16/14) (City Councilmember, City of Boulder City)

Third Party Request – Stipulated Agreement – Non-Willful Violation

**Does a city councilmember violate ethics laws by failing to properly disclose and abstain on matters involving his employer?**

The commission found a non-willful violation because the councilmember must disclose and abstain on matters involving his employer.

*See also:* Contracts with the Government, Disclosure and Abstention

**13-28A** (7/1/14) (Vice Chair, Clark County Board of Commissioners)

First Party Request – Opinion

**Does a county commissioner, who is employed by a local baseball team, need to disclose and abstain on matters affecting the baseball team or matters affecting the team owners that are unrelated to the team?**

The commission held that the commissioner must disclose his relationship with the team and its owners. The commissioner must also abstain from matters pertaining to the team but does not have to abstain from matters pertaining to the owners' interests outside of the baseball team.

*See also:* Appearance of Impropriety, Other Employment during Public Service, Representing/Counseling Clients during Public Service, Using Position to Further Own Financial/Business Interests, Disclosure and Abstention, Improper Influence of a Subordinate, Legal Advice on Ethics/Safe Harbor Provision, Unwarranted Privileges

**12-68A** (7/1/13) (Mayor, City of Elko)

First Party Request – Opinion

**May a mayor provide private plumbing and heating repair and maintenance services to a state municipal corporation that provides services in the City if the mayor is also responsible for appointing a member of that municipal corporation?**

The commission held that the mayor could continue providing services because the services are provided according to an open, transparent, competitive market process. Additionally, the mayor



does not need to abstain from appointing a member and does not need to disclose unless specific issues come before the city because the mayor's interests are nominal.

*See also:* Appearance of Impropriety, Other Employment during Public Service, Representing/Counseling Clients during Public Service, Contracts with the Government, Disclosure and Abstention

**12-05A** (11/21/12) (Member, Minden Town Board)

First Party Request – Confidential Opinion

**May a member of a Town Board promote and operate certain local events, which are subject to approval and sponsorship by the Board and which benefit her private pecuniary and business interests?**

The commission held that this does not violate ethical standards but the member must properly disclose and abstain accordingly.

*See also:* Disclosure and Abstention, Unwarranted Privileges

**11-94C** (12/12/12) (Member, Washoe County Debt Management Commission and Chair, Incline Village General Improvement District Board of Trustees)

Third Party Request – Opinion – No Violation

**Does a public officer violate ethics laws where he fails to disclose his GID Board Membership and abstain on related matters?**

The commission found no violation because the public officer was appointed to the commission as the GID representative.

*See also:* Disclosure and Abstention

**11-76C** (10/17/12) (Mayor, City of Boulder City)

Third Party Request – Stipulated Agreement – Non-Willful Violation

Did the mayor violate ethics laws where the city bought items from his hardware store and/or where he failed to abstain and disclose on matters pertaining to his store?

The commission found a non-willful violation where the mayor relied on bad legal advice but held there was not enough evidence to support any other violations.

*See also:* Using Position to Further Own Financial/Business Interests, Disclosure and Abstention, Legal Advice on Ethics/Safe Harbor Provision, Unwarranted Privileges

**10-73A**

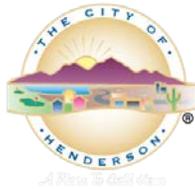
**10-68A** (4/4/12) (Member, Governing Body, Political Subdivision)

First Party Request – Abstract of Opinion

**Whether the Ethics Law prohibits a public officer from serving as a subcontractor on a public works project?**

The public officer may serve as a subcontractor but must properly abstain and disclose.

*See also:* Contracts with the Government



**09-71A** (7/18/12) (Director of Las Vegas Operations, Nevada Commission on Economic Development)

First Party Request – Opinion

**Whether an independent contractor working for a state agency through a contract with a private employment agency may accept employment with another state agency?**

The commission found that simultaneous employment does not violate ethics laws because he was not a public employee and there was no connection between the public entities.

*See also:* Contracts with the Government, Public Officer Defined

**09-25A** (12/15/11) (Member, State Board)

First Party Request – Opinion

**Must a board member abstain and disclose on matters pertaining to his private business; and may his private business pursue economic opportunities related to the board?**

The commission held he must abstain and disclose; and may not contract with the board unless it satisfies the exception.

*See also:* Contracts with the Government, Disclosure and Abstention

**09-22C** (7/15/09) (Chair, Humboldt General Hospital District)

Third Party Request – Stipulated Agreement – Willful Violation

**Did the board member violate ethics laws by failing to disclose and abstain on matters pertaining to her private employer?**

The commission found a willful violation for failing to abstain and disclose.

*See also:* Disclosure and Abstention, Willful Violations

**08-05C** (12/2/08) (City Councilmember, City of Sparks)

Third Party Request – Opinion – No Violation

**Whether a city councilmember should have disclosed his private business when voting on a matter pertaining to another private business?**

The commission found there was no violation because his private business was not related to the matter.

*See also:* Disclosure and Abstention

**06-59** (12/21/07) (Commissioner, White Pine Board of County Commissioners)

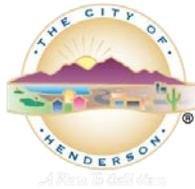
First Party Request – Opinion

**May a county commissioner and county water advisory committee member participate in negotiations with the water district if the water district might purchase his ranch?**

The commission held that the commissioner must disclose but only must abstain if the ranch purchase affects him more than others.

**06-51** (2/5/08) (Public Employee, Division, State Department)

First Party Request – Abstract Opinion



**Whether a public employee violates ethics laws where he owns a private business that is regulated by a different state division?**

The commission found that the private business does not violate ethics laws because the employee does not go before his own public division.

**04-01** (6/10/05) (Former Public Administrator, Clark County)

Third Party Request – Opinion – No Violation

**Whether the former administrator violated ethics laws when he entered an agreement to serve as a private fiduciary?**

The commission found no violation of ethics laws.

**02-21** (12/9/2002) (Member and President, Nevada Commission of Appraisers of Real Estate)

First Party Request – Opinion

**Whether a public officer's private employment as a general real estate appraiser creates a conflict of interest that requires disclosure and abstention on a matter related to appraiser professional guidelines?**

The Commission held that the public officer has a duty to disclose, but does not require abstention.

**02-08** (8/15/02) (Sheriff, Elko County)

First Party Request – Opinion

**Whether the Sheriff violated ethics law by providing pest control through his private business to the county library?**

The commission held there was no violation because the sheriff's business was the only pest control in the city.

*See also:* Using Government Time and Resources for Personal or Financial/Business Interest, Contracts with the Government

**01-14** (6/29/01) (Administrator/Public Guardian, County)

First Party Request – Opinion

**May a public officer continue fiduciary or trustee duties after being elected to office?**

The commission held that the officer may continue his on-going fiduciary duties but may not act as a successor trustee and may not do so for a family in a proposed ward.

**00-27, 00-28, 00-29** (8/28/00) (Building Inspectors, Clark County Building Department)

First Party Request – Opinion

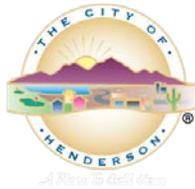
**May county building inspectors also serve as apprenticeship instructors?**

The commission held no ethics violation occurred due to dual employment.

**00-25** (10/6/00) (Chair, Board of County Commissioners)

First Party Request – Opinion

**What are a county commissioner's ethical obligations to his nonprofit employer?**



The commission held that the county commissioner must properly disclose and abstain on matters related to the nonprofit.

*See also:* Serving on Nonprofit Boards

**00-01** (3/21/00) (City Councilmember)

First Party Request – Opinion

**Whether a public officer should abstain on matters involving his private employment with a community organization and businesses that interact with the organization?**

The commission held the councilmember should disclose and determine on a case by case basis whether he should abstain.

*See also:* Disclosure and Abstention

#### ***d) Gifts [NRS 281A.400(1)]***

**16-13A** (5/10/16) (Member, Nevada Real Estate Commission)

First-Party Request - Opinion

**May a member of the Real Estate Commission seek and accept monetary gifts to attend an educational conference?**

Pursuant to NRS 281A.400(1) and (2), the acceptance of the expense-paid trip to the Conference does not create an appearance of impropriety or seeking unwarranted privileges because the conference is educational and directly connected to public duties.

*See also:* Unwarranted Privileges

**15-73C** (10/19/16) (Quality Control Officer, Public Employees' Benefits Program)

Third Party Request – Stipulated Agreement – Willful Violation

**Does a PEBP Quality Control Officer violate ethics laws where she accepts a gift, meals, and a “favor” from healthcare vendors which PEBP oversees?**

The commission found a willful violation where the officer should not have accepted the gift, meals, or favor.

*See also:* Unwarranted Privileges, Willful Violations

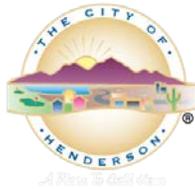
**11-62A** (8/15/12) (Director, State Commission)

First Party Request – Abstract of Opinion

**May a public employee accept an expenses-paid trip to a foreign country from a private entity? May a public employee accept gifts on a trip?**

Public Employee's acceptance of the all-expenses-paid trip from a private entity would not violate NRS 281A.400(1), (2) or (4). Pursuant to NRS 281A.400(1), the commission held the public employee may accept nominal value gifts but must give those gifts to the public agency he represents. However, material value gifts must be refused.

**11-36A** (5/3/12) (Public Employee, State Agency)



First Party Request – Abstract of Opinion

**Does a public employee violate ethics laws by accepting an expenses-paid trip to attend a symposium sponsored and paid for by a State contractor that provides services to the employee's agency?**

The commission held this would not violate NRS 281A.400(1) or (2) because the purpose of the symposium is related the employees role in the state agency.

**11-28A** (6/7/12) (Chair, NV State Board of Massage Therapists)

First Party Request – Opinion

**Can a board member accept reimbursement from a private source to attend conferences related to the board's purpose?**

The Commission held NRS 281A.400(4) is not violated by accepting travel reimbursement.

*See also:* Jurisdiction of the Ethics Commission

**11-27A** (4/4/12) (Member, Board of County Commissioners)

First Party Request – Opinion

**May a county commissioner accept a gift of free parking?**

The Commission held that a county commissioner may accept free parking and that the entity offering free parking is not a private entity, thus no violation of NRS 281A.400(4) can occur.

**11-18A** (4/4/12) (Member, County Planning Commission)

First Party Request – Opinion

**May a planning commissioner accept a gift of two tickets to a luncheon from the visitor's authority?**

The commission held the commissioner may accept the gift from the visitor's authority because it rarely appears before the planning commission, the gift was offered to other public officials, and the program is educational and related to the public officer's responsibilities.

**11-03A, 10-117A** (4/4/12) (Superintendent, Clark County School District)

First Party Request – Opinion

**May the superintendent accept private donations for relocation expenses as established by the School District Board of Trustees?**

The commission held that ethics laws allow the superintendent to accept reimbursement for moving expenses because the school board secured the funds for the superintendent, and the superintendent did not use his position to get these funds donated.

*See also:* Public Officer Defined

**10-72A** (5/24/12) (Public Officers, State Agency)

First Party Request – Abstract of Opinion

**May a public officer and deputies accept an all-expenses paid trip to an out of state conference from a private company?**

The commission found that this did not violate ethics laws.



**07-51A** (1/25/08) (Member, Nye County Board of Commissioners)

First Party Request – Opinion

**Is a shawl a gift that a county commissioner needs to report?**

The commission held that the county commissioner does not need to report the gift if she gives it to the public body itself.

**06-23** (7/15/07) Mayor, City of Caliente)

Third Party Request – Opinion – No Violation

**Whether the mayor violated ethics laws by accepting a trip for himself and his wife to travel out of the country to tour a nuclear waste facility?**

The commission found no violation.

**05-12** (5/23/05) (Member, State Contractors' Board)

First Party Request – Opinion

**What are the ethical obligations for a candidate for political office who also serves on a state board?**

The commission held the candidate must be wary of campaign contributions as they may amount to gifts. Additionally, he may need to disclose large donations.

*See also:* Using Position to Further Own Financial/Business Interests, Elections – In General

**01-12** (8/8/01) (City Councilmember, City of Las Vegas)

First Party Request – Opinion

**Whether a councilmember's trip payed by a private corporation violated ethics laws as it related to her campaign?**

The commission held there was no violation as the trip was properly reported and did not require disclosure and abstention at the council meeting.

## ***e) Serving on Nonprofit Boards***

**14-78A** (3/24/15) (Member, Lander County Board of Commissioners)

First Party Request – Confidential Opinion

**May a County Commissioner simultaneously maintain his position on the Chamber of Commerce and volunteer for Sheriff's Search and Rescue?**

The commission held that the commissioner may also serve on the chamber of commerce and sheriff's search and rescue but must abstain and disclose on matters involving those organizations because he has a commitment in a private capacity to them.

*See also:* Commitment in a Private Capacity – In General, Conflicts with Private Financial/Business Interests, Disclosure and Abstention, Unwarranted Privileges

**14-64C** (7/28/15) (Deputy Director, Department of Business and Industry, State of Nevada)

Third Party Request – Stipulated Agreement – No Violation



**Did a director violate ethics laws while serving in his official capacity on two nonprofit boards?**

The commission found no evidence to support any of the claims asserted against the director but used the opinion to clarify the commission's jurisdiction regarding actions by public employees serving on nonprofit entities as part of their public duties.

*See also:* Jurisdiction of the Ethics Commission

**14-33A** (7/31/14) (Public Employee, Public Agency)

First Party Request – Abstract Opinion

**Whether a public employee violates ethics laws when following his Supervisor's directive to administer awards to a nonprofit organization that the Supervisor is an officer of?**

The commission held that ethics laws are not violated if the employee awards the funds to the supervisor's nonprofit.

*See also:* Appearance of Impropriety, Commitment in a Private Capacity – In General, Improper Influence of a Subordinate, Unwarranted Privileges

**14-15C** (3/18/15) (Member, Lander County Board of Commissioners)

Third Party Request – Stipulated Agreement – Non-Willful Violation

**Does a county commissioner violate ethics laws where he advocates for and fails to properly disclose and abstain on matters pertaining to a nonprofit he runs?**

The commission found a non-willful violation of ethics laws.

*See also:* Representing/Counseling Clients during Public Service, Disclosure and Abstention

**13-46A** (7/31/14) (Member, State Regulatory Body)

First Party Request – Abstract Opinion

**Whether a conflict of interest exists between public service as a regulatory body member and board of director's membership of a professional association for the same industry?**

The commission found a commitment in a private capacity exists.

*See also:* Disclosure and Abstention

**12-72C & 12-74C** (8/27/13) (Former Trustees, Incline Village General Improvement District)

Third Party Request – Stipulated Agreement – No Violation

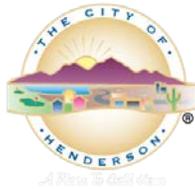
**Did GID Trustees violate ethics laws by voting to approve a purchase order without disclosing that they were members of organization that requested the purchase order?**

The commission held there was no evidence to support a violation because they were only members of the organization and did not have a fiduciary or business interest in the organization.

*See also:* Unwarranted Privileges

**12-46A** (1/24/13) (Member, Local Governing Body)

First Party Request – Abstract of Opinion



**Whether a public officer's former role as a nonprofit board director and current role on the nonprofit's fiscal subcommittee requires disclosure and/or abstention on matters awarding grants to the nonprofit?**

The commission held that the public officer should disclose and abstain from participating in matters involving the nonprofit.

*See also:* Disclosure and Abstention, Requests for Advisory Opinion Regarding Past Conduct

**12-15A** (10/4/12) (City Councilmember)

First Party Request – Abstract of Opinion

**1) Is there a commitment in a private capacity where a city councilmember also serves as a volunteer on a nonprofit's board of directors?**

- The Commission held that volunteer service on the board of directors of a nonprofit organization constitutes a commitment in a private capacity to the interests of that organization.

**2) Where a city councilmember is also a nonprofit board member and there is a private public partnership opportunity between the city and the nonprofit, what are a city councilmember's obligations to the other nonprofit board members who are interested in the private public partnership?**

The commission held that pursuant to NRS 281A.420(8)(a)(5) there is a commitment to the other board members that are interested in the partnership which requires additional ethical considerations.

*See also:* Commitment in a Private Capacity – In General, Using Position to Further Own Financial/Business Interests, Disclosure and Abstention, Unwarranted Privileges

**12-13A** (8/15/12) (Trustee, Board of Trustees, General Improvement District)

First Party Request– Abstract of Opinion

**May a GID Trustee also serve as an employee and member of a nonprofit's board of directors which has a facilities use contract with the GID?**

The commission held that the trustee satisfied the NRS 281A.430(4) exceptions because the contract was controlled by an open process and the trustee was not involved in awarding or developing the contract.

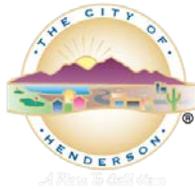
*See also:* Contracts with the Government

**12-04A** (10/4/12) (Trustee, Board of Trustees, General Improvement District, Political Subdivision)

First Party Request – Abstract of Opinion

**Whether a GID Trustee violated NRS281.400(2) by also serving as a volunteer Director of a nonprofit organization which provides similar services to Political Subdivision through grants obtained from various sources?**

The commission held there is a commitment in a private capacity if a board member volunteers with a nonprofit entity as a director because that relationship is similar to a substantial and continuing business relationship. Thus, the trustee must disclose her relationship with the



nonprofit, but generally, the trustee does not need to abstain from voting on matters involving the nonprofit.

*See also:* Commitment in a Private Capacity – In General, Disclosure and Abstention, Unwarranted Privileges

**11-84A** (8/15/12) (Member, Nevada State Commission)

First Party Request – Abstract of Opinion

**What are a public officer's ethic obligations regarding the nonprofit which he has a long-term and substantial relationship with?**

The commission held that the officer must disclose his relationship but is not required to abstain on matters involving the nonprofit.

**11-26A** (10/4/12) (Member, Board of Director, County General Improvement District)

First Party Request – Opinion

**May a GID Board member also volunteer with an organization which assists GID employees in carrying out their duties?**

The commission held that the GID board member must disclose his relationship to the organization and conduct an ethics analysis as to whether he should abstain.

*See also:* Disclosure and Abstention

**10-66A** (8/15/12) (Manager, Public Services Division)

First Party Request – Abstract of Opinion

**May an acting manager of a public services division also serve on the board of directors of a nonprofit that receives money from the public services division?**

The manager may also serve on the nonprofits board but must disclose her interests in the nonprofit.

**09-58A** (7/7/12) (City Councilmember, City of Boulder City)

First Party Request – Opinion

**Does a city councilmember need to abstain from matters involving a nonprofit he is part of but does not have any pecuniary interests in?**

The commission held the councilmember should disclose but does not need to abstain from matters involving the nonprofit.

*See also:* Disclosure and Abstention

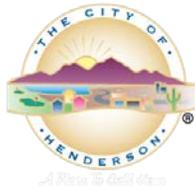
**08-64A and 08-67A** (3/4/09) (Members, State Board)

First Party Request – Opinion

**Whether a board member may also serve on two tax exempt entities?**

The commission held this does not violate ethics laws but proper abstention and disclosure is required.

**07-23A** (3/1/08) (Members, Carson City Board of Supervisors)



First Party Request - Opinion

**Must board members disclose and abstain on matters pertaining to a foundation board they sit on?**

The commission held that the board members must disclose and may have to abstain.

*See also:* Disclosure and Abstention

**06-30** (3/21/08) (Former Member, Nevada Board of Education)

Third Party Request – Opinion – No Violation

**Whether a board member failed to disclose and abstain on matters pertaining to a nonprofit he founded?**

The commission found no violation.

**04-36** (12/9/04) (Member, County Commission)

First Party Request – Opinion

**Whether a county commissioner must abstain and disclose on matters pertaining to a nonprofit that he is a trustee of?**

The commission held the member must disclose and may need to abstain.

**00-25** (10/6/00) (Chair, Board of County Commissioners)

First Party Request – Opinion

**What are a county commissioner's ethical obligations to his nonprofit employer?**

The commission held that the county commissioner must properly disclose and abstain on matters related to the nonprofit.

*See also:* Conflicts with Private Financial/Business Interests

## ***f) Representing/Counseling Clients during Public Service*** ***[NRS 281A.410]***

**14-15C** (3/18/15) (Member, Lander County Board of Commissioners)

Third Party Request – Stipulated Agreement – Non-Willful Violation

**Does a county commissioner violate ethics laws where he advocates for and fails to properly disclose and abstain on matters pertaining to a nonprofit he runs?**

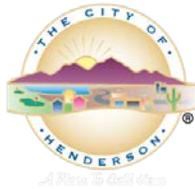
The commission found a non-willful violation of ethics laws.

*See also:* Serving on Nonprofit Boards, Disclosure and Abstention

**13-77A** (7/31/14) (Appointed Attorney, Government Entity, State of Nevada)

First Party Request – Confidential Opinion

**May an appointed attorney represent the Government Entity in a legal dispute that simultaneously affects the private interests of the governing body's members that appointed the attorney?**



The commission held that the public officer attorney may represent the government because the representation benefits the government's legal interests, does not provide unwarranted benefits, or constitute use of government resources to benefit private interests.

*See also:* Appearance of Impropriety, Attorney Client Relationship, Conflicts with Private Financial/Business Interests

**13-28A** (7/1/14) (Vice Chair, Clark County Board of Commissioners)

First Party Request – Opinion

**May a county commissioner participate in conversations regarding his employer and his employer's other business ventures?**

The commission held that the commissioner must disclose and abstain on these matters, and although the commissioner may provide factual information, it would be best for an outside party to provide that information as a means of avoiding an appearance of impropriety. Further, when the commission attends meetings on behalf of his employer, it is important to ensure he clarifies that he is not representing the city.

*See also:* Appearance of Impropriety, Conflicts with Private Financial/Business Interests, Other Employment during Public Service, Using Position to Further Own Financial/Business Interests, Disclosure and Abstention, Improper Influence of a Subordinate, Legal Advice on Ethics/Safe Harbor Provision, Unwarranted Privileges

**12-68A** (7/1/13) (Mayor, City of Elko)

First Party Request – Opinion

**May a mayor provide private plumbing and heating repair and maintenance services to a state municipal corporation that provides services in the City if the mayor is also responsible for appointing a member of that municipal corporation?**

The commission held that the mayor could continue providing services because the services are provided according to an open, transparent, competitive market process. Additionally, the mayor does not need to abstain from appointing a member and does not need to disclose unless specific issues come before the city because the mayor's interests are nominal.

*See also:* Appearance of Impropriety, Conflicts with Private Financial/Business Interests, Other Employment during Public Service, Contracts with the Government, Disclosure and Abstention

**12-10A** (10/4/12) (City Councilmember)

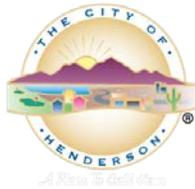
First Party Request – Opinion

**May a part time city councilmember establish a new business in bail bonds outside of the city's jurisdiction?**

The commission held that the city councilmember may start a bail bonds business because it is outside of the city's jurisdiction.

**11-78A** (7/18/12) (Member, Clark County Board of Commissioners)

First Party Request – Opinion



**May a county commissioner lobby on behalf of private clients before the health district, transportation commission, and municipalities in the county?**

The commission held the county commissioner may not represent private clients to any public entities in the county.

*See also:* Using Position to Further Own Financial/Business Interests

**11-63C** (4/13/12) (Mayor, City of North Las Vegas)

Third party request – Stipulated Agreement – Non-willful violation

**1) Did the mayor violate ethics laws by failing to disclose a conflict without detail and referring back to a previously made disclosure?**

- The mayor violated NRS 281A.420(1) for failing to fully disclose her conflict of interest because a public official may not refer to a previous disclosure. This is a non-willful violation because the mayor relied upon the city attorney's advice.

**2) Did the mayor violate ethics laws by advocating for a conflict of interest through a statement she made regarding the conflict?**

- The mayor's comments constituted advocacy under NRS 281A.420(3).

*See also:* Disclosure and Abstention, Legal Advice on Ethics/Safe Harbor Provision, Unwarranted Privileges

**11-57A** (7/18/12) (Member, Nevada State Commission)

First Party Request – Opinion

**1) Can a public officer who is also an attorney represent non-licensee clients in cases unrelated to the public officer's duties where a licensee is a witness at trial or involved in pre-trial discovery?**

– The commission held that the public officer may represent a non-licensee even if a licensee is a witness to the litigation, but the public officer must disclose and abstain if the licensee comes before the regulatory board

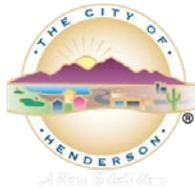
**2) If an opposing party brings a Third Party complaint against a licensee, making the licensee a party to the litigation, does the public officer who is also an attorney have to cease participation in the case?**

– The commission held that a public officer may continue to represent non-licensee clients where a licensee is brought into litigation as an adverse third party but the officer must abstain and disclose if the licensee comes before the regulatory body

**3) Can a public officer who is also an attorney represent licensees and non-licensees who are parties to litigation with common interests?**

– The commission held that the officer may represent both licensees and non licensees where claims are shared, the claims are not regulated by the officer's regulatory body, and the benefits and detriments are the same for all such parties but the officer must abstain and disclose if the licensee comes before the regulatory body

**4) Where members of a public officer's law firm represent licensees in matters unrelated to the regulatory body's jurisdiction, must the public officers abstain and disclose when that licensee comes before the regulatory body?**



-The commission held that if the officer's law firm represents a licensee, NRS281A.420 requires disclosure, and abstention is required when the firm represents the client in front of the regulatory board, but abstention is not always required when the licensee comes before the regulatory board.

*See also: Attorney Client Relationship*

**11-25A** (6/20/12) (Sheriff, Pershing County)

First Party Request – Confidential Opinion

**May a sheriff also operate a traffic school business administered by the district attorney?**

The commission held that the sheriff may teach the classes but violates ethics laws if he receives money for his services because he controls who goes to traffic school and the arrangement with the district attorney's office is informal.

*See also: Using Position to Further Own Financial/Business Interests, Contracts with the Government*

**10-97**

**08-08A** (12/2/08) (Member, Nevada State Commission)

First Party Request – Opinion

**Whether a public officer or his law firm may represent licensees or those adverse to licensees?**

The commission held that the public officer may not represent licensees or adverse parties but his law firm may.

**08-02A** (3/9/08) (Member, Governing Body)

First Party Request – Opinion

**Whether a public officer may represent clients which may conflict with his public duties?**

The commission held that a public officer is prohibited from representing clients that would conflict with their public duties.

**07-19A** (4/21/08) (Environmental Scientist III, Nevada Division of Environmental Protection)

First Party Request – Opinion

**Whether a public employee may provide consulting services in her related field?**

The commission found the employee may provide consulting services.

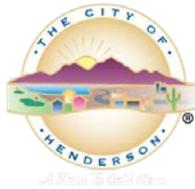
**07-13A** (4/10/08) (Trustee, Douglas County School District)

First Party Request – Opinion

**Whether a school board trustee may also represent another school district in a legal matter?**

The commission held the trustee may represent the other school district.

*See also: Using Position to Further Own Financial/Business Interests*



**00-55** (3/6/01) (Public Officer, Member, City Board of Adjustment,) First Party Request – Opinion

**May a public officer serve on the board of adjustment where he also privately advises clients about issues which go before the board and city?**

The officer may not serve on the board and continue receiving compensation for consulting services for entities which go before the board.

**97-07** (6/11/98) (Member, Humboldt County Commission) First Party Request – Opinion

**Must a county commissioner who owns a solid waste hauling business disclose and abstain on matters regarding garbage hauling and landfill issues?**

The commission held the commissioner must abstain and disclose but can participate in discussions as a citizen would by providing facts on the matter.

**96-25** (9/15/96) (Member, Nevada Gaming Commission) Third Party Request – Opinion – Non-Willful Violation

**Does a chairman violate ethics laws where he fails to fully disclose the reason he is abstaining from participating in a matter?**

The Commission held that the chairman committed a non-willful violation because the ethics commission statutes and attorney ethics requirements conflicted.

***g) Using Government Time and Resources for Personal or Financial/Business Interest [NRS 281A.400(7)]***

**14-73C** (4/20/16) (Storey County Board of Commissioners) Third Party Request – Stipulated Agreement – No Violation

**Does a County Commissioner violate ethics laws by making comments about personal matters or private business during “Board Comment” or similar agenda items reserved for official business?**

The commission found no violation because this was a case of first impression, but clarifies that statements about private matters should be separated from official business to avoid an appearance of impropriety.

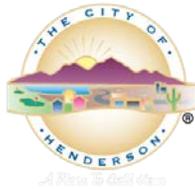
*See also:* Appearance of Impropriety, Conflicts with Private Financial/Business Interests, Using Position to Further Own Financial/Business Interests, Unwarranted Privileges

**14-71C** (6/15/16) (Sheriff, Elko County) Third Party Request – Stipulated Agreement – No Violation

**Does wearing an official Sheriff uniform while engaging in campaign activities violate the ethics code?**

**Is it improper to allow subordinates to contribute to and assist in a reelection campaign?**

The commission found no ethics laws violation.



*See also:* Appearance of Impropriety, Elections – In General, Using Gov't Time and resources for Elections, Improper Influence of a Subordinate, Unwarranted Privileges

**11-95A** (12/13/12) (Economic Development Manager, Municipality)

First Party Request – Abstract of Opinion

**Whether a Municipality's EDM may assist a private entity to bring its manufacturing facility to the Municipality through his investment company and build on his property?**

The commission held this does not violate ethics laws so long as there is appropriate disclosure and abstention.

*See also:* Appearance of Impropriety, Other Employment during Public Service

**10-71C** (5/29/12) (District Attorney, Washoe County)

Third Party Request – Opinion – No Violation

**Did a district attorney violate ethics laws where he allegedly uses county property for personal use?**

The commission found no violation due to lack of evidence.

**10-12C** (1/19/11) (Member, Nye County Board of Commissioners)

Third Party Request – Stipulated Agreement – Willful Violation

**Did a county commissioner violate ethics laws where he asked a subordinate to inspect his privately owned properties?**

The commission found a willful violation of NRS 281 A.400 (2), (7) and (9).

*See also:* Improper Influence of a Subordinate, Public Officer Defined, Unwarranted Privileges, Willful Violations

**09-20C** (10/13/10) (Former City Manager, City of Fernley)

Third Party Request – Opinion – No Violation

**Did a city employee violate ethics laws by using the city credit card for various purchases or reimbursement requests?**

The commission found no violation because the expenses were approved, were city-related and in his employment contract.

*See also:* Unwarranted Privileges

**09-19C** (10/13/10) (Public Works Director, City of Fernley)

Third Party Request – Opinion – No Violation

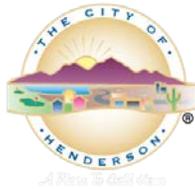
**Did a city employee violate ethics laws by using the city credit card for various purchases?**

The commission found no violation because the expenses were approved and were city-related.

*See also:* Unwarranted Privileges

**09-12C** (10/13/10) (Former Finance Director, City of Fernley)

Third Party Request – Opinion – No Violation



**Did a public employee violate ethics laws by using the city credit card to pay for personal licensing fees?**

The commission found no violation because the expenses were approved and were city-related.

*See also:* Unwarranted Privileges

**07-49A** (3/18/08) (Senate and Majority Floor Leader, State Senate)

First Party Request – Opinion

**Whether legislators may participate in fundraising for a support staff society?**

The commission held that legislators may participate in fundraising efforts by signing letters and using legislative resources.

*See also:* Appearance of Impropriety

**05-21** (1/29/07) (State Senator)

Third Party Request – Settlement Agreement – Willful Violation

**Does a senator violate ethics laws where she uses senate letterhead for a private business letter?**

The commission found a willful violation of ethics laws.

*See also:* Willful Violations

**02-08** (8/15/02) (Sheriff, Elko County)

First Party Request – Opinion

**Did the sheriff violate ethics laws where he used his public vehicle in connection with his private business?**

The commission found no violation because the use was *de minimis*.

*See also:* Conflicts with Private Financial/Business Interests, Contracts with the Government

**00-11** (4/25/02) (Former President and CEO, Reno-Sparks Convention and Visitors Authority)

Third Party Request – Opinion – Willful Violation

**Did the public officer violate ethics laws where he used a business credit card for thousands of dollars' worth of personal use?**

The commission found various willful violations.

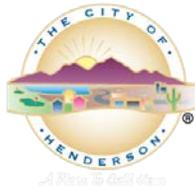
*See also:* Unwarranted Privileges, Willful Violations

***h) Using Position to Further Own Financial/Business Interests***  
***[NRS 281A.400(1)]***

**15-77A** (7/12/16) (Public Officer, Public Agency)

First party request – abstract opinion

**In a sale of land owned by a public officer's business, may the public officer's agency purchase that land for purposes of installation of public improvements?**



The commission held that the officer may be granted relief from the strict standards regarding contracting with the government because the purchase is critical to completing public improvements. However, the public agency must conduct an independent appraisal of the land and the public officer must abstain from appraisal and purchase matters, and disclose his relationship to the property.

*See also:* Conflicts with Private Financial/Business Interests, Contracts with the Government, Disclosure and Abstention, Land Sales

**14-73C** (4/20/16) (Storey County Board of Commissioners)

Third Party Request – Stipulated Agreement – No Violation

**Does a County Commissioner violate ethics laws by making comments about personal matters or private business during “Board Comment” or similar agenda items reserved for official business?**

The commission found no violation because this was a case of first impression, but clarifies that statements about private matters should be separated from official business.

*See also:* Appearance of Impropriety, Conflicts with Private Financial/Business Interests, Using Government Time and Resources for Personal or Financial/Business Interest, Unwarranted Privileges

**13-28A** (7/1/14) (Vice Chair, Clark County Board of Commissioners)

First Party Request – Opinion

**What are a county commissioner's ethics obligations to the baseball team and its owners that employ the commissioner?**

The commission advised the commissioner to refrain from using his government position in any manner that could be construed as influencing subordinates within the County, persuading County decisions or using otherwise nonpublic information to benefit his private employer.

*See also:* Appearance of Impropriety, Conflicts with Private Financial/Business Interests, Other Employment during Public Service, Representing/Counseling Clients during Public Service, Disclosure and Abstention, Improper Influence of a Subordinate, Legal Advice on Ethics/Safe Harbor Provision, Unwarranted Privileges

**12-66A** (1/24/13) (Trustee, Sun Valley General Improvement District)

First-Party Request – Opinion

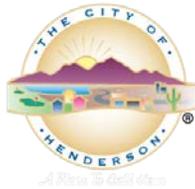
**May an appointed GID Trustee, who applied for another vacant GID trustee seat, participate in appointing the vacant seat?**

The commission held that the GID Trustee must disclose and abstain from matters involving the vacant GID Trustee seat because that would be using her position to secure preferences and employment.

*See also:* Appearance of Impropriety, Unwarranted Privileges

**12-15A** (10/4/12) (City Councilmember)

First Party Request – Abstract of Opinion



**Where a city council member is a private business owner and a nonprofit board director, and the city is interested in a private public partnership that affects her business and the nonprofit, what are the city council member's ethical obligations and what are her obligations to other nonprofit board members who are also interested in the private public partnership?**

The commission did not find any evidence suggesting that the councilmember used her position to gain unwarranted or special benefit or preference to herself or the nonprofit and its members.

*See also:* Commitment in a Private Capacity – In General, Serving on Nonprofit Boards, Disclosure and Abstention, Unwarranted Privileges

**11-78A** (7/18/12) (Member, Clark County Board of Commissioners)

First Party Request – Opinion

**May a county commissioner lobby on behalf of private clients before the health district, transportation commission, and municipalities in the county?**

The commission held the county commissioner may not represent private clients to any public entities in the county because the boards and boards' members have complex relationships thus his public position provides a benefit that other lobbyists do not have.

*See also:* Using Position to Further Own Financial/Business Interests

**11-76C** (10/17/12) (Mayor, City of Boulder City)

Third Party Request – Stipulated Agreement – Non-Willful Violation

**Did the mayor violate ethics laws where the city bought items from his hardware store and/or where he failed to abstain and disclose on matters pertaining to his store?**

The commission found a non-willful violation where the mayor relied on bad legal advice but held there was not enough evidence to support any other violations.

*See also:* Conflicts with Private Financial/Business Interests, Disclosure and Abstention, Legal Advice on Ethics/Safe Harbor Provision, Unwarranted Privileges

**11-54A** (8/15/12) (Member, Local Government Planning Commission)

First party request – Abstract of Opinion

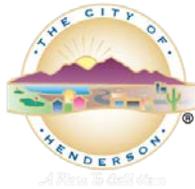
**Must a member of the planning commission disclose and abstain from matters regarding an amendment to the local government's billboard law if the member is an independent contractor for a company that advertises on billboards and the owner of those billboards is a proponent of the amendment?**

The commission held that the member must disclose his pecuniary interests but does not need to abstain.

**11-51A** (4/16/12) (Mayor, Boulder City)

First party request – Opinion

**May the city government continue to purchase items at the Mayor's privately owned hardware store?**



The commission held the city may continue purchasing items because these practices were established prior to the mayor's election, the purchases amount to less than 1% of the hardware's sales, there are no contracts, and the mayor does not direct purchasing.

*See also:* Appearance of Impropriety, Other Employment during Public Service, Contracts with the Government

**11-25A** (6/20/12) (Sheriff, Pershing County)

First Party Request – Confidential Opinion

**May a sheriff also operate a traffic school business administered by the district attorney?**

The commission held that the sheriff may teach the classes but violates ethics laws if he receives money for his services because he controls who goes to traffic school and the arrangement with the district attorney's office is informal.

*See also:* Representing/Counseling Clients during Public Service, Contracts with the Government

**11-09C** (8/18/11) (Members, Nevada State Contractors Board)

Third party request – Stipulated Agreement – No Violation Found

**Did board members violate ethics laws where they owned or were employed by one or more companies holding unlimited licenses issued and administered by the Board?**

The commission found no evidence that the board members imposed any barriers to gaining unlimited contractors' licenses beyond those enumerated and authorized in statute.

**10-105C, 10-106C, 10-108C, 10-109C, 10-115C** (8/24/11) (Former Member, Governing Body of Beacon Academy of Nevada Public Charter School)

Third Party Request – Stipulated Agreement – Willful Violation

**Does a public officer violate ethics laws where she enters into a private contract with the school for accounting services?**

The commission found a willful violation where she violated NRS281A.400

*See also:* Contracts with the Government, Improper Influence of a Subordinate, Willful Violations

**10-92C** (5/16/11) (Trustee, Humboldt General Hospital Board of Trustees)

Third Party Request – Stipulated Agreement – Willful Violation

**Did the a Hospital Board Trustee violate ethics laws where she failed to abstain and disclose on matters pertaining to her employment as the hospital's general surgeon?**

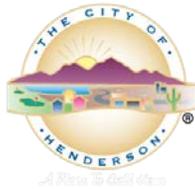
The commission found a willful violation for failure to abstain and disclose on the matter.

*See also:* Disclosure and Abstention, Willful Violations

**10-80C** (4/18/11) (Former Assemblyman, State of Nevada)

Third Party Request – Stipulated Agreement – Willful Violation

**Does a legislator violate ethics laws where he obtains a lobbying contract?**



The court found a willful violation because the legislator bid on the contract while still serving as a legislator.

**10-48C** (2/9/12) (Former County Manager, Lyon County)

Third Party Request – Opinion – Willful Violation

**Does a county manager violate ethics laws where he gets his wife a job at the library?**

The commission found a willful violation of NRS 281A.400(1).

*See also:* Conflicts with Family Members, Improper Influence of a Subordinate, Supervisory Conflicts, Willful Violations

**09-66C**; **09-67C**; **09-68C**; **09-69C** (3/15/10) (City Councilmember, City of West Wendover)

Third Party Request – Stipulated Agreement – Willful Violation

**Did a city councilmember violate ethics laws where (s)he failed to abstain and disclose on matters pertaining to his/her private employer?**

The commission found a willful violation for failure to abstain and disclose.

*See also:* Disclosure and Abstention, Willful Violations

**09-40C** (3/17/10) (Member, Pahrump Town Board)

Third Party Request – Stipulated Agreement – Willful Violation

**May a town board member ask the fire chief to help him obtain private employment?**

The commission found a willful violation of NRS 281A.400(9) and (10).

*See also:* Willful Violations

**07-48C** (8/20/08) (Former Deputy District Attorney, Lincoln County)

Third Party Request – Opinion – No violation

**Whether a former district attorney violated ethics laws by using his public office to gain employment with the water district after losing his re-election?**

The commission found no violation for lack of sufficient evidence.

**07-13A** (4/10/18) (Trustee, Douglas County School District)

First Party Request – Opinion

**Whether a school board trustee may use her trustee experience as a marketing tool for her legal services?**

The commission held the trustee may not use her experience as a selling point.

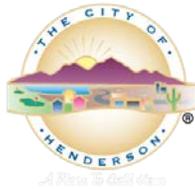
*See also:* Representing/Counseling Clients during Public Service<sup>3</sup>

**05-16** (6/2/05) (State Senator)

First Party Request - Opinion

**May a state legislator engage in a consulting contract with a private company?**

The commission held the legislator had not violated any ethics laws by entering into a consulting contract but must be aware of her duties pursuant to ethics laws moving forward.



**05-12** (5/23/05) (Member, State Contractors' Board)

First Party Request – Opinion

**What are the ethical obligations for a candidate for political office who also serves on a state board?**

The commission held the candidate must be wary of campaign contributions as they may amount to gifts. Additionally, he may need to disclose large donations. The commission held the board member may run for office but may not use his position to benefit his campaign.

*See also:* Gifts, Elections – In General

**04-34** (December 2004) (Member, State Board of Education)

Third Party Request – Opinion – Willful Violation

**Whether an education board member violated ethics laws by actively participating in a charter school application and accepting employment from the charter school?**

The commission found a willful violation where he used his position to gain employment and failed to abstain on the matter.

*See also:* Willful Violations

**03-47** (6/9/04) (Recorder, Clark County)

Third Party Request – Opinion – Willful Violation

**Whether the county recorder violated ethics laws by creating a company that sells publicly recorded documents?**

The commission found a willful violation for improperly using her position.

*See also:* Willful Violations

**03-03** (5/3/03) (Member, State Commission)

First Party Request – Opinion

**Whether the cooling off period applies when applying for another public position while serving as a public officer?**

The cooling off period does not apply because the public officer is not capitalizing on his public role in the private sector and taking another public position serves the public interest.

*See also:* Commitment in a Private Capacity – In General, Cooling Off – Public Officials

**02-17** (12/17/02) Health Facilities Surveyor II, Bureau of Licensure and Certification, Health Division, Dept. of Human Resources)

First Party Request – Opinion

**Whether a public employee's private business enterprise and her public employment create an impermissible conflict of interest?**

The Commission held there is no conflict of interest if she does not use her public contacts to build her personal business and does not use government time, property, equipment, or facilities for her private business.



## **IV. Contracts with the Government** [NRS 281A.430]

### **16-61A** (10/3/16) (Public Entity)

First Party Request – Opinion

#### **May a public employee enter into a contract for private consulting services with another public entity?**

The commission held the employee would violate various ethics laws if they entered into a contract with another public entity.

*See also:* Conflicts with Private Financial/Business Interests, Cooling Off – Employees, Former Employees Working on Matters with the Government

### **15-77A** (7/12/16) (Public Officer, Public Agency)

First party request – abstract opinion

#### **In a sale of land owned by a public officer's business, may the public officer's agency purchase that land for purposes of installation of public improvements?**

The commission held that the officer may be granted relief from the strict standards set forth in NRS 281A.430 because the purchase is critical to completing public improvements. However, the public agency must conduct an independent appraisal of the land and the public officer must abstain from appraisal and purchase matters, and disclose his relationship to the property.

*See also:* Conflicts with Private Financial/Business Interests, Using Position to Further Own Financial/Business Interests, Disclosure and Abstention, Land Sales

### **15-35A** (2/8/16) (Chief, State Agency)

First Party Request – Abstract Opinion

#### **Whether the commission will grant a public employee relief from the cooling off requirements where she would offer consulting services to agency providers?**

The commission held the cooling off period is applicable but grants relief to the public employee.

*See also:* Cooling Off – Employees, Former Employees Working on Matters with the Government

### **15-28A** (6/30/16) (Public Employee, Public Agency)

First Party Request – Abstract Opinion

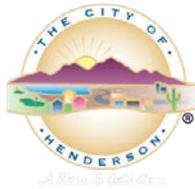
#### **May a retired public employee offer private consulting services to the agency that are similar to the employee's duties?**

The commission did not reach a decision because their vote was split.

*See also:* Cooling Off – Employees, Former Employees Working on Matters with the Government

### **15-25A** (6/11/16) (State Assembly)

First Party Request – Opinion



**Does an assemblywoman violate ethics laws where her private business enters into a contract to provide auditing services to Nevada Insurance Guaranty Association?**

The commission held ethics laws are not violated because the assemblywoman did not seek out this contract, discuss this project with anyone from NIGA, there are few companies which provide this type of work in Nevada, there was a pre-existing relationship between the assemblywoman and NIGA, and NIGA does not receive funds from Nevada. NRS 281A.430 is not applicable to this contract since NIGA is not a “state agency” as that term is defined in NRS 281A.163.

*See also:* Commitment in a Private Capacity – In General, Conflicts with Family Members, Appearance of Impropriety

**14-12C** (6/11/14) (Member, Lander County Board of Commissioners)

Third Party Request – Stipulated Agreement – Willful Violation

**Does a County Commissioner create a conflict of interest and violate ethics laws where he files a letter of intent to bid on a public works contract then fails to disclose or abstain from matters involving that public work?**

The commission found a willful violation and held that regardless of actual intent, a letter of intent to bid on a public works project creates a conflict of interest; as such the commissioner must disclose and abstain from matters pertaining to that public works project.

*See also:* Conflicts with Private Financial/Business Interests, Disclosure and Abstention, Willful Violations

**13-66A** (7/1/14) (City Councilmember, City of Elko)

First Party Request – Confidential Opinion

**May a city councilmember’s construction business serve as a subcontractor on a public works project?**

The commission held no ethics violations occur where a city councilmember’s business serves as a subcontractor on a public works project but he must properly disclose and abstain.

*See also:* Conflicts with Private Financial/Business Interests

**13-43C** (4/16/14) (City Councilmember, City of Boulder City)

Third Party Request – Stipulated Agreement – Non-Willful Violation

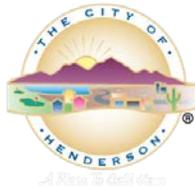
**Does a city councilmember violate ethics laws by failing to properly disclose and abstain where a bidder lists his employer as a possible contractor in a request for proposal on a construction project?**

The commission found a non-willful violation because the councilmember must disclose and abstain on matters involving his employer.

*See also:* Conflicts with Private Financial/Business Interests, Disclosure and Abstention

**13-05C** (7/16/13) (Councilman, City of Ely and Chair, William Bee Ririe Hospital Board of Trustees)

Third Party Request – Stipulated Agreement – Willful Violation



**Did a city councilmember violate ethics laws where he failed to disclose and abstain on matters regarding a project contract that involve his private business and matters that involve his business partner?**

The commission found a willful violation where the city councilmember failed to properly abstain and disclose on matter regarding his business and his business partner.

*See also:* Commitment in a Private Capacity – In General, Disclosure and Abstention, Willful Violations

**12-68A** (7/1/13) (Mayor, City of Elko)

**May a mayor provide private plumbing and heating repair and maintenance services to a state municipal corporation that provides services in the City if the mayor is also responsible for appointing a member of that municipal corporation?**

The commission held that NRS 281A.400(1) or (2) is not violated if the mayor continues providing plumbing and heating repair and maintenance services to the state municipal corporation.

*See also:* Appearance of Impropriety, Conflicts with Private Financial/Business Interests, Other Employment during Public Service, Representing/Counseling Clients during Public Service, Disclosure and Abstention

**12-13A** (8/15/12) (Trustee, Board of Trustees, General Improvement District)

First Party Request– Abstract of Opinion

**May a GID Trustee also serve as an employee and member of a nonprofit's board of directors which has a facilities use contract with the GID?**

The commission held that the trustee satisfied the NRS 281A.430(4) exceptions because the contract was controlled by an open process and the trustee was not involved in awarding or developing the contract.

*See also:* Serving on Nonprofit Boards

**12-06A** (8/15/12) (Public Employee, Local Government)

First Party Request – Abstract of Opinion

**May an elected official's secretary enter into a contract through her private business with the government to provide certain services for a medical information program that has no relation to her public duties?**

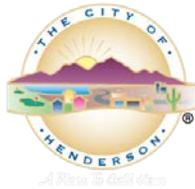
The commission held that the secretary may not contract with the government because all the NRS281A.430(4) exemption requirements are not met.

**11-52A** (7/18/12) (Councilmember, City of Mesquite)

First Party Request

**May a city councilmember continue to perform a contract with the City to teach exercise classes after being elected to the city council?**

The commission held that NRS281A.400(1)(2) and (10) are not violated because the city councilmember entered into the contract prior to being elected. The commission held that the



councilmember may not alter the contract or enter into a new contract unless it meets the exemption set forth in NRS281A.430(4).

**11-51A** (4/16/12) (Mayor, Boulder City)

First party request – Opinion

**May the city government continue to purchase items at the Mayor's privately owned hardware store?**

The commission held the city may continue purchasing items because these practices were established prior to the mayor's election, the purchases amount to less than 1% of the hardware's sales, there are no contracts, and the mayor does not direct purchasing.

*See also:* Appearance of Impropriety, Other Employment during Public Service,

**11-25A** (6/20/12) (Sheriff, Pershing County)

First Party Request – Confidential Opinion

**May a sheriff also operate a traffic school business administered by the district attorney?**

The commission held that the sheriff may teach the classes but violates ethics laws if he receives money for his services because he controls who goes to traffic school and the arrangement with the district attorney's office is informal.

*See also:* Representing/Counseling Clients during Public Service, Using Position to Further Own Financial/Business Interests

**10-68A** (4/4/12) (Member, Governing Body, Political Subdivision)

First Party Request – Abstract of Opinion

**Whether the Ethics Law prohibits a public officer from serving as a subcontractor on a public works project?**

The public officer may serve as a subcontractor but must properly abstain and disclose.

*See also:* Conflicts with Private Financial/Business Interests

**10-52A** (10/13/10) (Public Employee, State of Nevada Department of Cultural Affairs)

First Party Request – Opinion

**May a museum exhibits preparator display his private photographs for sale in an exhibit at the Museum?**

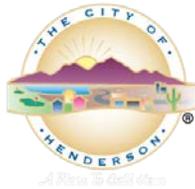
The commission held that the preparator's photographs could be displayed because the vacancy was not accepted by another artist.

**10-32A** (10/18/10) (Fire Battalion Chief, Carson City Fire Department)

First Party Request – Opinion

**May a retired fire battalion chief sell a software program he developed to the fire department?**

The commission held no ethics violation will occur.



[10-105C, 10-106C, 10-108C, 10-109C, 10-115C](#) (8/24/11) (Former Member, Governing Body of Beacon Academy of Nevada Public Charter School)

Third Party Request – Stipulated Agreement – Willful Violation

**Does a public officer violate ethics laws where she enters into a private contract with the school for accounting services?**

The commission found a willful violation where she violated NRS281A.400

*See also:* Using Position to Further Own Financial/Business Interests, Improper Influence of a Subordinate, Willful Violations

[09-90A](#) (4/4/12) (Employee, Clark County Fire Department)

First Party Request – Opinion

**Whether a public employee and mortuary owner may enter into a contract with the county coroner?**

The commission found this contract is allowable because it meets the exception requirements of NRS 281 A.430(4).

[09-73A](#) (4/4/12) (Senator, State Legislature)

First Party Request – Opinion

**Whether a public officer and private business owner may contract with the federal government for federal funds that are administered by a state division?**

The commission found there would be no violation of ethics laws because the money is federal money and does not result in contracting with the state.

[09-71A](#) (7/18/12) (Director of Las Vegas Operations, Nevada Commission on Economic Development)

First Party Request – Opinion

**Whether an independent contractor working for a state agency through a contract with a private employment agency may accept employment with another state agency?**

The commission found that simultaneous employment does not violate ethics laws because he was not a public employee and there was no connection between the public entities.

*See also:* Conflicts with Private Financial/Business Interests, Public Officer Defined

[09-25A](#) (12/15/11) (Member, State Board)

First Party Request – Opinion

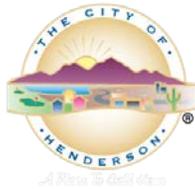
**Must a board member abstain and disclose on matters pertaining to his private business; and may his private business pursue economic opportunities related to the board?**

The commission held he must abstain and disclose; and may not contract with the board unless it satisfies the exception.

*See also:* Conflicts with Private Financial/Business Interests, Disclosure and Abstention

[08-09A](#) (6/4/08) (City Councilmember, City of Fernley)

First Party Request – Opinion



**Whether a city councilmember may enter into an agreement with the city to extend the deadline on his project maps?**

The commission held the councilmember may enter into these agreements and provide factual information but must disclose and abstain on the matter.

**07-04A** (1/25/08) (Trustee, Silver Springs General Improvement District)

First Party Request – Opinion

**Whether a GID Trustee's private business contract with the GID violated ethics laws?**

The commission found no violation because the contract was made prior to becoming a trustee.

**06-57** (5/2/07) (Deputy Public Administrator, Lincoln County)

Third Party Request – Opinion – Non-Willful Violations

**Did an administrator violate ethics laws where she contracted her private business with the county for storage facility use?**

The commission found a non-willful violation because she was unaware of the provisions prohibiting contracting with the government.

**06-20 & 06-21** (11/16/06) (Former employee and employee, Nye County)

First Party Request – Opinion

**Whether a public employee may contract with the county through her private business for fencing and concrete?**

The commission held the public employee may contract with the county if it falls within the statutory exception.

**06-09** (9/28/06) (Chair, Nevada System of Higher Education Board of Regents)

First Party Request – Opinion

**Whether a regent has a conflict of interest due to his contractual relationship with a joint city and county committee?**

The commission held that the regent's contract alone does not create a conflict of interest.

**02-24** (2/19/03) (Member, Board of Museums and History)

First Party Request – Opinion

**Whether a board member may also work as an academic consultant to a state museum or accept an honorarium?**

The Commission held there was no violation because Ms. Chung entered into the academic consulting contract prior to her appointment and the honorarium falls within the exception.

**02-08** (8/15/02) (Sheriff, Elko County)

First Party Request – Opinion

**Whether the Sheriff violated ethics law by providing pest control through his private business to the county library?**



The commission held there was no violation because the sheriff's business was the only pest control in the city.

*See also:* Conflicts with Private Financial/Business Interests, Using Government Time and Resources for Personal or Financial/Business Interest

## **V. Cooling Off** [NRS 281A.550]

### ***a) In General***

**15-70C** (10/19/16) (Former Director of Labor Relations, Las Vegas Metropolitan Police Department, Clark County)

Third Party Request – Stipulated Agreement – Non-Willful Violation

**Whether a retired Director for a police department violated the cooling off provisions by accepting employment with a related association?**

The commission found a non-willful violation because the retired director could accept the employment but was not allowed to represent the association on issues under consideration by the police department for a year.

*See also:* Cooling Off – Employees, Former Employees Working on Matters with the Government

**11-79A** (4/4/12) (Member, Regulatory Body)

First Party Request – Abstract of Opinion

**Whether a public officer may have relief from the cooling-off period where he is working on matters unrelated to regulated matters?**

The commission held the cooling off period is inapplicable.

*See also:* Cooling Off – Public Officials

**11-30A** (4/13/12) (Division Administrator, State Department)

First-Party Request – Abstract of Opinion

**Pursuant to cooling off provisions, may an administrator accept employment with a private company if his duties related to the private company?**

The commission did not find any violations but was unable to fully determine the scope of ethical obligations for lack of information provided by the administrator.

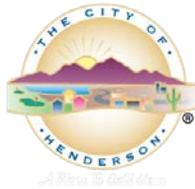
*See also:* Cooling Off – Employees,

**08-72A** (12/23/08) (Employee, Division of Insurance, Department of Business & Industry)

First Party Request – Opinion

**Whether a public employee may be relieved from cooling off restrictions where her private duties are unrelated to her public duties?**

The commission granted relief because it is in the best interest of the state.



*See also:* Cooling Off – Employees

**06-60** (12/26/07) (Former Employee, Nevada Division of Insurance, Life and Health Section)

First Party Request – Opinion

**Whether a former employee, who sold life and health insurance prior to becoming a public employee, is prohibited from working as an independent contractor selling life and health insurance during the cooling off period?**

The Commission granted relief from the strict application of the one-year cooling off period because he did not use government resources to build his business and nothing in his plan is contrary to the public and the state's best interests.

*See also:* Cooling Off – Employees

**06-22** (1/4/07) (Former Ombudsman, Common Interest Communities, Real Estate Div., Department of Business & Industry)

First Party Request – Opinion

**Whether a former public employee may engage in consulting services prior to the one year cooling off period?**

The Commission held the former employee may consult on issues not pending during his tenure, but cannot consult on issues pending during his tenure within the cooling off period.

*See also:* Cooling Off – Employees

**05-58** (2/24/06) (Chair, Nevada Tax Commission)

First Party Request

**May a retired commission chair establish a private business which provides consulting on commission regulations and taxes?**

The commission held the chair is subject to the cooling-off period and representation/counselling provisions in the ethics statutes.

*See also:* Cooling Off – Public Officials

**01-17** (6/20/01) (Tax Administrator I, Dept. of Motor Vehicles and Public Safety)

First Party Request – Opinion

**May a public employee leave his public role for employment with a non-regulated entity?**

The commission held the employee may accept employment because the private employer is not regulated by the public body.

*See also:* Cooling Off – Employees

**00-53** (1/24/01) (Public Officer-Elect)

First Party Request – Opinion

**Whether an elected official may take employment as a lobbyist after leaving office?**

The commission held this was permissible but must take clients on a case by case basis pursuant to ethics laws.

*See also:* Cooling Off – Public Officials



## **b) Public Officials**

### **16-58A** (9/22/16) (Member, Public Body)

First Party Request – Abstract Opinion

#### **May a Public Officer accept employment with a private entity that has clients that are regulated by the public body?**

The commission held that the cooling off period is inapplicable here and the officer may accept private employment.

*See also:* Cooling Off – Contracting with Regulated Entities

### **16-49A** (8/31/16) (Member, Public Body)

First Party Request – Abstract Opinion

#### **What are a public officer's ethics obligations regarding his nonprofit employer which will receive funding from the public body?**

The commission held the cooling off period was not applicable here because the employee is a current public employee and cooling-off is only applicable to public employees after separation from the public entity.

*See also:* Conflicts with Private Financial/Business Interests, Disclosure and Abstention, Unwarranted Privileges

### **15-40A** (5/12/16) (Member, Nevada Gaming Commission)

First party request – Opinion

#### **May a commission member accept employment as an Independent Director for a licensee under cooling off provisions?**

The commissions held the cooling off provisions are applicable but the commission member may accept employment because as an independent director she will not be dealing with regulated issues.

*See also:* Cooling Off – Contracting with Regulated Entities

### **13-09A** (2/4/14) (Former Member, State Regulatory Body)

First Party Request – Abstract Opinion

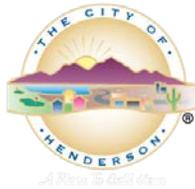
#### **Whether a public officer may accept employment as an independent contractor consultant to a regulated entity within the industry?**

The commission held an independent contractor is subject to cooling off provisions. The commission held that the officer may provide consulting services to regulated entities but not on matters related to issues that were under consideration during the Officer's tenure.

*See also:* Cooling Off – Contracting with Regulated Entities, Employment and Personnel Issues – In General, Former Employees Working on Matters with the Government

### **11-79A** (4/4/12) (Member, Regulatory Body)

First Party Request – Abstract of Opinion



**Whether a public officer may have relief from the cooling-off period where he is working on matters unrelated to regulated matters?**

The commission held the cooling off period is inapplicable.

*See also:* Cooling Off – In General

**09-80A** (6/4/12) (Attorney, State Regulatory Body)

First Party Request – Opinion

**Whether an attorney for a State Regulatory Body may accept employment from a regulated entity pursuant to cooling off provisions?**

The commission held this would violate the cooling off provisions.

*See also:* Cooling Off – Contracting with Regulated Entities, Former Employees Working on Matters with the Government

**06-24** (6/24/07) (Former Public Officer)

First Party Request – Opinion

**Whether a former public employee is subject to the cooling off period when he or she plans to consult for the government agency and not the industry the agency regulates?**

The Commission held that the former employee may consult at the government agency during the cooling off period because NRS 281.491(1) only prohibits representing or counseling “private” clients not agencies.

*See also:* Former Employees Working on Matters with the Government

**05-58** (2/24/06) (Chair, Nevada Tax Commission)

First Party Request

**May a retired commission chair establish a private business which provides consulting on commission regulations and taxes?**

The commission held the chair is subject to the cooling-off period and representation/counseling provisions in the ethics statutes.

*See also:* Cooling Off – In General

**03-03** (5/3/03) (Member, State Commission)

First Party Request – Opinion

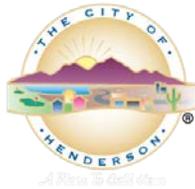
**Whether the cooling off period applies when applying for another public position while serving as a public officer?**

The cooling off period does not apply because the public officer is not capitalizing on his public role in the private sector and taking another public position serves the public interest.

*See also:* Commitment in a Private Capacity – In General, Using Position to Further Own Financial/Business Interests

**02-10** (8/8/02) (Former Chairman and Member, Nevada Taxicab Authority Board of Directors)

First Party Request – Opinion



**May a board member accept employment with a regulated industry within one year after leaving the board? May a former board member appear in front of a different board representing a regulated client?**

The Commission held that the board member can seek employment after one year and can appear before another public body within the year.

*See also:* Cooling Off – Contracting with Regulated Entities

**01-05** (3/27/01) (Former Chair, Nevada State Board of Agriculture)

First Party Request – Opinion

**Whether a member of a state board may accept a position as a Division Administrator after resigning from the board?**

The commission held that nothing in the NRS prohibits a former board member from accepting employment as a public employee.

*See also:* Former Employees Working on Matters with the Government

**00-53** (1/24/01) (Public Officer-Elect)

First Party Request – Opinion

**Whether an elected official may take employment as a lobbyist after leaving office?**

The commission held this was permissible but must take clients on a case by case basis pursuant to ethics laws.

*See also:* Cooling Off – In General

**00-44** (12/19/20) (Former Member, Public Utilities Commission of Nevada)

First Party Request – Opinion

**May a former public officer, who is now employed at a law firm, provide consulting services to regulated entities?**

The Commission held that the former public officer can consult with clients who do not do business in Nevada and are not regulated by her former public body, but businesses that are regulated or affiliates with PUCN must be reviewed on a case by case basis.

*See also:* Cooling Off – Contracting with Regulated Entities

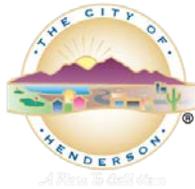
## **c) Employees**

**16-61A** (10/3/16) (Public Entity)

First Party Request – Opinion

**May a public employee enter into a contract for private consulting services with another public entity?**

The commission held the cooling off period was not applicable here because the employee is a current public employee and cooling-off is only applicable to public employees after separation from the public entity.



*See also:* Conflicts with Private Financial/Business Interests, Contracts with the Government, Former Employees Working on Matters with the Government

**15-76A** (7/12/16) (Public Employee, Public Entity)

First Party Request – Abstract Opinion

**Whether a public employee may accept a management position with a regulated business entity?**

The commission held that the cooling off period is applicable and refused to grant relief.

*See also:* Cooling Off – Contracting with Regulated Entities, Former Employees Working on Matters with the Government, Unwarranted Privileges

**15-75A** (7/12/16) (Manager, Public Entity)

First Party Request – Abstract Opinion

**Whether a public officer may accept employment as a manager in a non-regulated aspect of the regulated business entity?**

The commission held that the cooling off period is applicable and refused to grant relief.

*See also:* Cooling Off – Contracting with Regulated Entities

**15-71A** (2/3/16) (Former Supervisor, State Regulatory Body)

First Party Request – Abstract Opinion

**Whether a supervisor for a regulatory body may accept employment within the regulated industry?**

The commission held that the cooling off period is applicable. The commission refused to grant relief for lack of information because the supervisor did not have an actual job prospect and the commission did not want to issue a blanket relief.

*See also:* Cooling Off – Contracting with Regulated Entities

**15-70C** (10/19/16) (Former Director of Labor Relations, Las Vegas Metropolitan Police Department, Clark County)

Third Party Request – Stipulated Agreement – Non-Willful Violation

**Whether a retired Director for a police department violated the cooling off provisions by accepting employment with a related association?**

The commission found a non-willful violation because the retired director could accept the employment but was not allowed to represent the association on issues under consideration by the police department for a year.

*See also:* Cooling Off – In General, Former Employees Working on Matters with the Government

**15-49A** (7/12/16) (Former Public Employee, Public Entity)

First Party Request – Abstract Opinion

**Pursuant to cooling off provisions, may a former public employee enter into a contract with the same agency for private consulting services?**



The commission held the cooling off provisions are not applicable because the employee entered into a contract with the agency, not a private business that is regulated by the agency.

*See also:* Former Employees Working on Matters with the Government

**15-35A** (2/8/16) (Chief, State Agency)

First Party Request – Abstract Opinion

**Whether the commission will grant a public employee relief from the cooling off requirements where she would offer consulting services to agency providers?**

The commission held the cooling off period is applicable but grants relief to the public employee.

*See also:* Contracts with the Government, Former Employees Working on Matters with the Government

**15-28A** (6/30/16) (Public Employee, Public Agency)

First Party Request – Abstract Opinion

**May a retired public employee offer private consulting services to the agency that are similar to the employee's duties?**

The commission did not reach a decision because their vote was split.

*See also:* Contracts with the Government, Former Employees Working on Matters with the Government

**14-82A** (5/18/15) (Deputy Chief, State Agency)

First Party Request – Abstract Opinion

**May a Deputy Chief accept employment with a private organization that may do business with the public agency he is leaving?**

The commission held that the cooling off period does not apply because the agency is not a regulatory board or an industry business.

*See also:* Former Employees Working on Matters with the Government, Unwarranted Privileges

**14-66A** (11/18/14) (Former Emission Control Technician II, Division of Compliance Enforcement, D.M.V., State of Nevada)

First party request – Opinion

**Pursuant to cooling off provisions, may a public employee working in emission control work as a taxicab mechanic?**

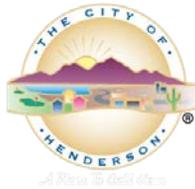
The commission held that the cooling off provisions are applicable, thus the employee may work as a mechanic but may not work in the emission's field.

*See also:* Cooling Off – Contracting with Regulated Entities

**14-49A** (11/13/14) (Former Administrator, State Regulatory Body)

First party request – Abstract Opinion

**May a public officer return to their private consulting business that may include regulated entities?**



The commission held that the Public Officer may not engage in private consulting for regulated entities and relief is not granted.

*See also:* Cooling Off – Contracting with Regulated Entities

**14-46A** (8/28/14) (Administrator, State Regulatory Body)

First party request – Abstract Opinion

**May a public employee seek employment as a regulatory compliance consultant in the regulated industry under cooling off provisions?**

The commission held the public officer may not consult regulated entities and relief is not granted pursuant to cooling off provisions.

*See also:* Cooling Off – Contracting with Regulated Entities

**13-44A** (12/4/13) (Former Mortgage Lending Examiner III, Division of Mortgage Lending, Dept. of Business and Industry, State of Nevada)

First Party Request – Confidential Opinion

**Whether a Mortgage Lending Examiner may accept employment with an entity that is regulated by the Division?**

The commission granted relief because the officer's employment was not contrary to the best interests of the public.

*See also:* Cooling Off – Contracting with Regulated Entities

**13-29A** (1/13/14) (Former Administrator, Division of a Nevada State Executive Dept.)

First Party Request – Abstract Opinion

**Whether a Public Officer may accept employment with a private entity that provides consulting services to applicants which seek funding and/or services from the Division?**

The commission granted relief because the officer's employment was not contrary to the best interests of the public.

*See also:* Cooling Off – Contracting with Regulated Entities

**12-53A** (1/31/13) (Former Administrator, Dept. of State Government)

First Party Request – Abstract of Opinion

**Whether the cooling off period is applicable where a former administrator seeks employment with an entity that contracts with the department for professional services?**

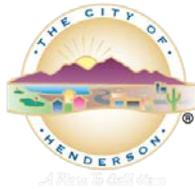
The cooling off period is applicable but relief is granted because it is in the best interest of the public.

*See also:* Former Employees Working on Matters with the Government

**12-18A** (8/15/12) (Network Specialist II, Nevada Gaming Control Board)

First Party Request – Opinion

**Does the cooling off provision apply to a public employee seeking employment at a private business that is regulated by the board which employs him?**



The commission held that the employee's work to maintain the Board's internal computer network system does not satisfy the requirements of NRS 281A.550(3) thus, no cooling off period is required and the commission does not need to address whether relief can be granted.

*See also:* Cooling Off – Contracting with Regulated Entities

**12-12A** (8/15/12) (Former Administrator, Local Government Agency)

First Party Request – Abstract of Opinion

**Whether a former local government administrator may serve as a private consultant for a state regulated facility?**

The commission held there is no conflict of interest because the private company is regulated by the state, not the local agency.

*See also:* Cooling Off – Contracting with Regulated Entities

**11-96A** (8/15/12) (Compliance Officer, State Regulatory Agency)

First Party Request – Confidential Opinion

**Whether a compliance officer may accept employment with a regulated entity?**

The commission granted relief from the cooling off provisions.

*See also:* Cooling Off – Contracting with Regulated Entities

**11-53A** (8/15/12) (Administrator, State Agency)

First Party Request – Abstract Opinion

**Whether a public officer is subject to the cooling off provision where he seeks a job with a regulated entity?**

The commission held the public officer may not take a job with a regulated entity and relief is not granted.

*See also:* Cooling Off – Contracting with Regulated Entities

**11-50A** (5/3/12) (Public Employee, State Agency)

First party request – Abstract Opinion

**May an investigator resign from his public employment to pursue private employment with an entity that is regulated by the agency without violating the cooling off period?**

The commission held that the investigator does not violate the cooling off period because his position with the public entity did not involve policy formulation, he did not control investigation that affected the private employer, and he did not receive competitor's trade secrets.

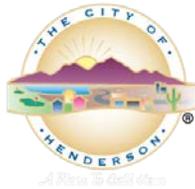
However he may not represent the private employer pursuant to NRS 281A.410(1)(b)

*See also:* Cooling Off – Contracting with Regulated Entities

**11-30A** (4/13/12) (Division Administrator, State Department)

First-Party Request – Abstract of Opinion

**Pursuant to cooling off provisions, may an administrator accept employment with a private company if his duties related to the private company?**



The commission did not find any violations but was unable to fully determine the scope of ethical obligations for lack of information provided by the administrator.

*See also:* Cooling Off – In General,

**10-70A** (4/4/12) (Deputy Chief, Investigations Division, State Gaming Control Board)

First Party Request – Opinion

**Whether cooling-off provisions prohibits a retired Deputy Chief Investigator from accepting employment from a licensee?**

The commission held the cooling-off period was inapplicable pursuant to the statutory exception that the investigator was employed by the board prior to 1993.

*See also:* Cooling Off – Contracting with Regulated Entities

**10-39A** (10/4/10) (Former Public Employee, City of Las Vegas)

First Party Request – Opinion

**Where the city decides to privatize a tennis court, may the tennis court manager bid on the privatization or seek employment with the company that will manage the court?**

The commission held that the cooling off provisions will not be violated.

*See also:* Cooling Off – Contracting with Regulated Entities

**09-48A** (6/4/12) (Former Public Employee, State Agency)

First Party Request – Abstract of Opinion

**Whether the cooling-off period is applicable to a retired department head seeking employment with a regulated entity?**

The commission held the cooling off period was applicable and the department head was required to wait a year.

*See also:* Cooling Off – Contracting with Regulated Entities

**08-72A** (12/23/08) (Employee, Division of Insurance, Department of Business & Industry)

First Party Request – Opinion

**Whether a public employee may be relieved from cooling off restrictions where her private duties are unrelated to her public duties?**

The commission granted relief because it is in the best interest of the state.

*See also:* Cooling Off – In General

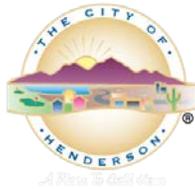
**06-78** (12/21/07) (Assistant Sheriff of Operations, Washoe County Sheriff)

First Party Request – Opinion

**Whether a former public employee can work as an independent contractor for the public entity's project counterpart in another city during the cooling off period?**

Even if the cooling off period applied to the public employee, the Commission granted relief from the cooling off period because it is in the public's best interest and the state government's integrity and the Code of Ethical Standards are maintained.

*See also:* Former Employees Working on Matters with the Government



**06-60** (12/26/07) (Former Employee, Nevada Division of Insurance, Life and Health Section)  
First Party Request – Opinion

**Whether a former employee, who sold life and health insurance prior to becoming a public employee, is prohibited from working as an independent contractor selling life and health insurance during the cooling off period?**

The Commission granted relief from the strict application of the one-year cooling off period because he did not use government resources to build his business and nothing in his plan is contrary to the public and the state's best interests.

*See also:* Cooling Off – In General

**06-22** (1/4/07) (Former Ombudsman, Common Interest Communities, Real Estate Div., Department of Business & Industry)

First Party Request – Opinion

**Whether a former public employee may engage in consulting services prior to the one year cooling off period?**

The Commission held the former employee may consult on issues not pending during his tenure, but cannot consult on issues pending during his tenure within the cooling off period.

*See also:* Cooling Off – In General

**05-23** (8/18/05) (Senior Agent, State Gaming Control Board)

First Party Request – Opinion

**Is the cooling off period applicable for an investigator who was offered a position with a regulated entity?**

The commission held the cooling off period was inapplicable, thus the commission did not determine if relief could be granted.

*See also:* Cooling Off – Contracting with Regulated Entities

**01-17** (6/20/01) (Tax Administrator I, Dept. of Motor Vehicles and Public Safety)

First Party Request – Opinion

**May a public employee leave his public role for employment with a non-regulated entity?**

The commission held the employee may accept employment because the private employer is not regulated by the public body.

*See also:* Cooling Off – In General

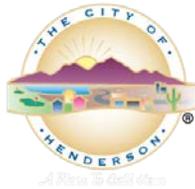
**00-23** (8/1/00) (Former Manager of Resource Analysis, Public Service Commission)

First Party Request – Opinion

**Whether a utilities employee may seek employment with a regulated entity pursuant to the cooling off period?**

The commission held the cooling off provisions were not applicable in this case, but if it was relief is granted.

*See also:* Cooling Off – Contracting with Regulated Entities



**d) Contracting with Regulated Entities**

**16-58A** (9/22/16) (Member, Public Body)

First Party Request – Abstract Opinion

**May a Public Officer accept employment with a private entity that has clients that are regulated by the public body?**

The commission held that the cooling off period is inapplicable here and the officer may accept private employment.

*See also:* Cooling Off – Public Officials

**15-76A** (7/12/16) (Public Employee, Public Entity)

First Party Request – Abstract Opinion

**Whether a public employee may accept a management position with a regulated business entity?**

The commission held that the cooling off period is applicable and refused to grant relief.

*See also:* Cooling Off – Employees, Former Employees Working on Matters with the Government, Unwarranted Privileges

**15-75A** (7/12/16) (Manager, Public Entity)

First Party Request – Abstract Opinion

**Whether a public officer may accept employment as a manager in a non-regulated aspect of the regulated business entity?**

The commission held that the cooling off period is applicable and refused to grant relief.

*See also:* Cooling Off – Employees

**15-71A** (2/3/16) (Former Supervisor, State Regulatory Body)

First Party Request – Abstract Opinion

**Whether a supervisor for a regulatory body may accept employment within the regulated industry?**

The commission held that the cooling off period is applicable. The commission refused to grant relief for lack of information because the supervisor did not have an actual job prospect and the commission did not want to issue a blanket relief.

*See also:* Cooling Off – Employees

**15-40A** (5/12/16) (Member, Nevada Gaming Commission)

First party request – Opinion

**May a commission member accept employment as an Independent Director for a licensee under cooling off provisions?**



The commission held the cooling off provisions are applicable but the commission member may accept employment because as an independent director she will not be dealing with regulated issues.

*See also:* Cooling Off – Public Officials

**14-66A** (11/18/14) (Former Emission Control Technician II, Division of Compliance Enforcement, D.M.V., State of Nevada)

First party request – Opinion

**Pursuant to cooling off provisions, may a public employee working in emission control work as a taxicab mechanic?**

The commission held that the cooling off provisions are applicable, thus the employee may work as a mechanic but may not work in the emission's field.

*See also:* Cooling Off – Employees

**14-49A** (11/13/14) (Former Administrator, State Regulatory Body)

First party request – Abstract Opinion

**May a public officer return to their private consulting business that may include regulated entities?**

The commission held that the Public Officer may not engage in private consulting for regulated entities and relief is not granted.

*See also:* Cooling Off – Employees

**14-46A** (8/28/14) (Administrator, State Regulatory Body)

First party request – Abstract Opinion

**May a public employee seek employment as a regulatory compliance consultant in the regulated industry under cooling off provisions?**

The commission held the public officer may not consult regulated entities and relief is not granted pursuant to cooling off provisions.

*See also:* Cooling Off – Employees

**13-44A** (12/4/13) (Former Mortgage Lending Examiner III, Division of Mortgage Lending, Dept. of Business and Industry, State of Nevada)

First Party Request – Confidential Opinion

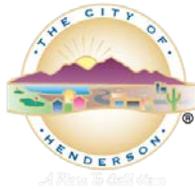
**Whether a Mortgage Lending Examiner may accept employment with an entity that is regulated by the Division?**

The commission granted relief because the officer's employment was not contrary to the best interests of the public.

*See also:* Cooling Off – Employees

**13-29A** (1/13/14) (Former Administrator, Division of a Nevada State Executive Dept.)

First Party Request – Abstract Opinion



**Whether a former Public Officer may accept employment with a private entity that provides consulting services to applicants which seek funding and/or services from the Division?**

The commission granted relief because the officer's employment was not contrary to the best interests of the public.

*See also:* Cooling Off – Employees

**13-09A** (2/4/14) (Former Member, State Regulatory Body)

First Party Request – Abstract Opinion

**Whether a public officer may accept employment as an independent contractor consultant to a regulated entity within the industry?**

The commission held an independent contractor is subject to cooling off provisions. The commission held that the officer may provide consulting services to regulated entities but not on matters related to issues that were under consideration during the Officer's tenure.

*See also:* Cooling Off – Public Officials, Employment and Personnel Issues – In General, Former Employees Working on Matters with the Government

**12-18A** (8/15/12) (Network Specialist II, Nevada Gaming Control Board)

First Party Request – Opinion

**Does the cooling off provision apply to a public employee seeking employment at a private business that is regulated by the board which employs him?**

The commission held that the employee's work to maintain the Board's internal computer network system does not satisfy the requirements of NRS 281A.550(3) thus, no cooling off period is required and the commission does not need to address whether relief can be granted.

*See also:* Cooling Off – Employees

**12-12A** (8/15/12) (Former Administrator, Local Government Agency)

First Party Request – Abstract of Opinion

**Whether a former local government administrator may serve as a private consultant for a state regulated facility?**

The commission held there is no conflict of interest because the private company is regulated by the state, not the local agency.

*See also:* Cooling Off – Employees

**11-96A** (8/15/12) (Compliance Officer, State Regulatory Agency)

First Party Request – Confidential Opinion

**Whether a compliance officer may accept employment with a regulated entity?**

The commission granted relief from the cooling off provisions.

*See also:* Cooling Off – Employees

**11-53A** (8/15/12) (Administrator, State Agency)

First Party Request – Abstract Opinion



**Whether a public officer is subject to the cooling off provision where he seeks a job with a regulated entity?**

The commission held the public officer may not take a job with a regulated entity and relief is not granted.

*See also:* Cooling Off – Employees

**11-50A** (5/3/12) (Public Employee, State Agency)

First party request – Abstract Opinion

**May an investigator resign from his public employment to pursue private employment with an entity that is regulated by the agency without violating the cooling off period?**

The commission held that the investigator does not violate the cooling off period because his position with the public entity did not involve policy formulation, he did not control investigation that affected the private employer, and he did not receive competitor's trade secrets.

*See also:* Cooling Off – Employees

**10-70A** (4/4/12) (Deputy Chief, Investigations Division, State Gaming Control Board)

First Party Request – Opinion

**Whether cooling-off provisions prohibits a retired Deputy Chief Investigator from accepting employment from a licensee?**

The commission held the cooling-off period was inapplicable pursuant to the statutory exception that the investigator was employed by the board prior to 1993.

*See also:* Cooling Off – Employees

**10-39A** (10/4/10) (Former Public Employee, City of Las Vegas)

First Party Request – Opinion

**Where the city decides to privatize a tennis court, may the tennis court manager bid on the privatization or seek employment with the company that will manage the court?**

The commission held that the cooling off provisions will not be violated.

*See also:* Cooling Off – Employees

**09-80A** (6/4/12) (Attorney, State Regulatory Body)

First Party Request – Opinion

**Whether an attorney for a State Regulatory Body may accept employment from a regulated entity pursuant to cooling off provisions?**

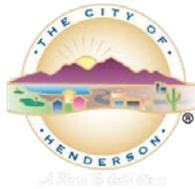
The commission held this would violate the cooling off provisions.

*See also:* Cooling Off – Public Officials, Former Employees Working on Matters with the Government

**09-48A** (6/4/12) (Former Public Employee, State Agency)

First Party Request – Abstract of Opinion

**Whether the cooling-off period is applicable to a retired department head seeking employment with a regulated entity?**



The commission held the cooling off period was applicable and the department head was required to wait a year.

*See also:* Cooling Off – Employees

**05-23** (8/18/05) (Senior Agent, State Gaming Control Board)

First Party Request – Opinion

**Is the cooling off period applicable for an investigator who was offered a position with a regulated entity?**

The commission held the cooling off period was inapplicable, thus the commission did not determine if relief could be granted.

*See also:* Cooling Off – Employees

**02-10** (8/8/02) (Former Chairman and Member, Nevada Taxicab Authority Board of Directors)

First Party Request – Opinion

**May a board member accept employment with a regulated industry within one year after leaving the board? May a former board member appear in front of a different board representing a regulated client?**

The Commission held that the board member can seek employment after one year and can appear before another public body within the year.

*See also:* Cooling Off – Public Officials

**00-44** (12/19/20) (Former Member, Public Utilities Commission of Nevada)

First Party Request – Opinion

**May a former public officer, who is now employed at a law firm, provide consulting services to regulated entities?**

The Commission held that the former public officer can consult with clients who do not do business in Nevada and are not regulated by her former public body, but businesses that are regulated or affiliates with PUCN must be reviewed on a case by case basis.

*See also:* Cooling Off – Public Officials

**00-23** (8/1/00) (Former Manager of Resource Analysis, Public Service Commission)

First Party Request – Opinion

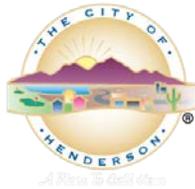
**Whether a utilities employee may seek employment with a regulated entity pursuant to the cooling off period?**

The commission held the cooling off provisions were not applicable in this case, but if it was relief is granted.

*See also:* Cooling Off – Employees

## **VI. Disclosure and Abstention** [NRS 281A.420]

**17-02A** (05/31/17) (Board Member, Virgin Valley Water District)



First Party Request – Opinion

**Can a board member participate in board business relating to water contracts that involve family members?**

The commission found that disclosure of the conflict is required at the time an issue relating to a family member is heard, and he must abstain on matters that directly relate to his family members. On matters that are not directly related to family members, he does not have to automatically abstain if the matter will not affect family members more than all other water share owners. In addition, he cannot provide unwarranted advantages or confidential information to his family members.

*See also:* Conflicts with Family Members

**17-01A** (3/16/17) (Member, White Pine County Board of Commissioners)

First Party Request – Confidential Opinion

**Must a county commissioner and fire district board member, whose brother is a city firefighter, abstain from participating in matters involving cooperative fire services through interlocal agreements?**

The commission held the commissioner must disclose but is not required to abstain on matters regarding cooperative fire services.

*See also:* Conflicts with Family Members, Supervisory Conflicts

**16-85C** (2/15/17) (Member, Churchill County School District Board of Trustees)

Third Party Request – Stipulated Agreement – Non-Willful Violation

**Does a school board member violate ethics laws where she fails to disclose and abstain on school basketball matters involving appointment of her domestic partner to a coaching position?**

The commission found a non-willful violation because the school member should have disclosed and abstained from matters involving her domestic partner.

*See also:* Commitment in a Private Capacity – In General, Conflicts with Family Members, Supervisory Conflicts

**16-84C** (2/15/17) (Member, Churchill County School District Board of Trustees)

Third Party Request – Stipulated Agreement – No Violation

**Does a School Board Member violate ethics laws when he fails to disclose and abstain on high school college programs when his sons attend a school in the district? Further, does a school board member violate ethics laws when he fails to abstain on matters involving a school football program where he is a volunteer coach?**

The commission held no ethics violation occurred.

*See also:* Commitment in a Private Capacity – In General, Conflicts with Family Members

**16-78C** (6/19/2017) (Supervisor, Ward 2, Carson City Board of Supervisors)

Third Party Request – Stipulated Agreement – Willful Violation



**Whether a city board supervisor should have disclosed and abstained on a matter related to his private business?**

The commission found a willful violation where the supervisor should have disclosed and abstained from the matter.

*See also:* Conflicts with Private Financial/Business Interests, Willful Violations

**16-59C** (2/15/17) (Former Member, Lander County Planning Commission)

Third Party Request – Stipulated Agreement – Willful Violation

**Must a member of a planning commission disclose and abstain on matters pertaining to a client she has a realtor/client relationship with?**

The commission found a willful violation where the planning commission member failed to properly disclose and abstain on matters involving her client.

*See also:* Willful Violations

**16-49A** (8/31/16) (Member, Public Body)

First Party Request – Abstract Opinion

**What are a public officer's ethics obligations regarding his nonprofit employer which will receive funding from the public body?**

The commission held that the officer must properly abstain and disclose on matters involving the nonprofit.

*See also:* Conflicts with Private Financial/Business Interests, Cooling Off – Public Officials, Unwarranted Privileges

**16-40C** (10/19/16) (Mayor, City of Boulder City)

Third Party Request – Stipulated Agreement – Non-Willful Violation

**Does an attorney client relationship exist where the mayor represented a construction company as a co-defendant in a contested matter?**

The commission found a non-willful violation because an attorney client relationship did exist between the mayor and the company; as such the mayor must disclose and abstain from matters involving the company.

*See also:* Attorney Client Relationship, Conflicts with Private Financial/Business Interests

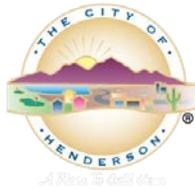
**16-14A** (6/30/16) (Member, Governing Body)

First Party Request – Abstract Opinion

**Must a public officer, whose spouse works for a public entity, disclose and abstain on general personnel and budget matters that do not specifically relate to their spouse?**

The commission held that the public officer must disclose and abstain from participating in any matters affecting their spouse but is not prohibited from discussing and voting on the Administrator or the general budget.

*See also:* Commitment in a Private Capacity – In General, Conflicts with Family Members, Conflicts with Private Financial/Business Interests, Supervisory Conflicts



**16-11C, 16-20C** (10/19/16) (Member, Mesquite City Council)

Third Party Request – Stipulated Agreement – Non-Willful violation

**When a city councilmember is an independent contractor for a real estate company, must he abstain from voting on matters involving the real estate company?**

The commission held the city councilmember must disclose his relationship with the company; however the city councilmember did not need to abstain from the matters on method of sale but should have abstained from matters involving negotiations.

*See also:* Conflicts with Private Financial/Business Interests, Improper use of Confidential or Non-Public Information, Willful Violation

**15-77A** (7/12/16) (Public Officer, Public Agency)

First party request – abstract opinion

**In a sale of land owned by a public officer's business, may the public officer's agency purchase that land for purposes of installation of public improvements?**

The commission held the officer must properly disclose his private interests and abstain from the selection of the appraiser and, in any manner, participating in or negotiating the consideration and/or approval of the purchase and all associated matters.

*See also:* Conflicts with Private Financial/Business Interests, Using Position to Further Own Financial/Business Interests, Contracts with the Government, Land Sales

**15-45A** (8/11/16) (City Manager, City of Henderson)

First Party Request – Revised Confidential Opinion

**Must a city manager, whose nephew is employed by the Police Department of that city, disclose and abstain on matters pertaining to the police department?**

The commission held that the manager must abstain and disclose on matters that materially affect his nephew but may otherwise participate in matters including managing the police chief, administering the budget and collective bargain.

*See also:* Conflicts with Family Members, Employment and Personnel Issues, Supervisory Conflicts

**15-21C** (9/16/15) (Mayor, City of Ely)

Third Party Request – Stipulated Agreement – Non-Willful Violation

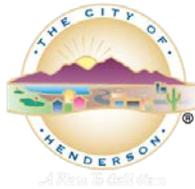
**Did the mayor violate ethics laws where she failed to disclose that she owned two properties on a street which was being considered for sewer line reconstruction?**

The commission found a non-willful violation where the mayor should have disclosed and abstained on the public works matter taking place on a street where she owned property.

*See also:* Conflicts with Private Financial/Business Interests; Appearance of Impropriety, Willful Violations

**15-02C/15-07C/15-08C** (7/15/15) (Member, Board of Directors, Fernley Swimming Pool District)

Third Party Request – Consolidated Stipulated Agreement – Willful Violation



**When making a disclosure, must a board member include information regarding the potential effect of their action and effect on their spouse, and abstain on agenda items that pertain to their spouse's interests?**

The commission found a willful violation where the board member disclosed but did not further elaborate about the effects or abstain from discussing or voting on agenda items that directly affect his spouse.

*See also:* Conflicts with Family Members, Conflicts with Private Financial/Business Interests, Improper Influence of a Subordinate, Unwarranted Privileges, Willful Violations

**14-79C** (3/16/16) (Member, White Pine County Board of Commissioners)

Third Party Request – Stipulated Agreement – Willful Violation

**Did a county commissioner violate ethics law where he failed to properly disclose and abstain on matters involving his personal well, his daughter's involvement in purchasing a building, and land adjacent to a county aquatics facility construction project?**

The commission found a willful violation for failing to properly disclose and abstain.

*See also:* Commitment in a Private Capacity – In General, Conflicts with Family Members, Conflicts with Private Financial/Business Interests, Willful Violations

**14-78A** (3/24/15) (Member, Lander County Board of Commissioners)

First Party Request – Confidential Opinion

**May a County Commissioner simultaneously maintain his position on the Chamber of Commerce and volunteer for Sheriff's Search and Rescue?**

The commission held that the commissioner may also serve on the chamber of commerce and sheriff's search and rescue but must abstain and disclose on matters involving those organizations.

*See also:* Commitment in a Private Capacity – In General, Conflicts with Private Financial/Business Interests, Serving on Nonprofit Boards, Unwarranted Privileges

**14-15C** (3/18/15) (Member, Lander County Board of Commissioners)

Third Party Request – Stipulated Agreement – Non-Willful Violation

**Does a county commissioner violate ethics laws where he advocates for and fails to properly disclose and abstain on matters pertaining to a nonprofit he runs?**

The commission found a non-willful violation of ethics laws.

*See also:* Serving on Nonprofit Boards, Representing/Counseling Clients during Public Service

**14-12C** (6/11/14) (Member, Lander County Board of Commissioners)

Third Party Request – Stipulated Agreement – Willful Violation

**Does a County Commissioner create a conflict of interest and violate ethics laws where he files a letter of intent to bid on a public works contract then fails to disclose or abstain from matters involving that public work?**



The commission found a willful violation and held that regardless of actual intent, a letter of intent to bid on a public works project creates a conflict of interest; as such the commissioner must disclose and abstain from matters pertaining to that public works project.

*See also:* Conflicts with Private Financial/Business Interests, Contracts with the Government, Willful Violations

**13-86A** (7/31/14) (Member, Governing Body, Local Government Entity)

First Party Request – Abstract Opinion

**Whether the Ethics Law requires Public Officer to disclose their employers' relations to a private entity which owes money to the Local Government?**

The commission held that disclosure and abstention is not required but disclosure is encouraged in relation to the officer's employer.

*See also:* Commitment in a Private Capacity – In General, Other Employment During Public Service

**13-85C** (4/16/14) (Commissioner, Lander County)

Third Party Request – Stipulated Agreement – Willful Violation

**Must a county commissioner disclose and abstain on matters regarding his son who has a public works contract with the county?**

The commission found a willful violation where the county commissioner did not fully disclose his relationship with his son and did not abstain on matters involving the public works contract between his son and the county. Although the commissioner was following the advice of legal counsel, the commission still found a violation because “the nature of the conflict was clear, and an absolute requirement for abstention exists.”

*See also:* Conflicts with Family Members, Conflicts with Private Financial/Business Interests, Supervisory Conflicts, Legal Advice on Ethics/Safe Harbor Provision, Willful Violation

**13-81C** (6/11/14) (Board Member, McDermitt Fire District, Humboldt County)

Third Party Request – Stipulated Agreement – Willful Violation

**Did a board member violate ethics laws where he failed to disclose and abstain from voting on matters involving emergency services because he rented one of his homes to the hospital for emergency services?**

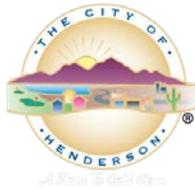
The commission found a willful violation and held the board member violated ethics laws by entering into a contractual agreement with a governmental entity and failing to disclose and abstain on matters pertaining to that contract.

*See also:* Commitment in a Private Capacity – In General, Conflicts with Private Financial/Business Interests, Willful Violations

**13-78A** (7/31/14) (Appointed Employee, Local Government Entity)

First Party Request – Abstract Opinion

**Whether an appointed Administrator of the Local Government may purchase real property owned by the Local Government?**



The commission held that typically a public employee may not buy real property from the government but granted relief from the statute.

**13-75A** (7/31/14) (Member, Governing Body, Local Government Entity)

First Party Request – Abstract Opinion

**Whether a public officer is required to disclose and abstain on matters involving a local business enterprise that his spouse volunteers on the board of directors?**

The commission held the officer must disclose but does not need to abstain from matters pertaining to the local business enterprise because his private commitments are not significant enough.

*See also:* Conflicts with Family Members, Supervisory Conflicts

**13-72A** (7/31/14) (Member, Governing Body, Local Government Entity)

First Party Request – Abstract Opinion

**Whether a public officer must disclose and abstain on a matter pertaining to a private business client that may impact the client but is unrelated to the Public Officer's business?**

The commission held the officer must disclose his relationship to the client and should abstain on a contract between the client and the government but is not required to abstain on the general matters involving the client.

**13-68C** (3/19/14) (City Councilmember, City of Ely)

Third Party Request – Stipulated Agreement – Willful Violation

**Did a city councilmember violate ethics laws where he failed to disclose and abstain on matters that involve his private business and matters that involve his business partner?**

The commission found a willful violation where the city councilmember failed to properly abstain and disclose on matter regarding his business and his business partner.

*See also:* Conflicts with Private Financial/Business Interests, Willful Violations

**13-54A** (7/1/14) (City Councilmember, City of Reno)

First Party Request – Confidential Opinion

**Does a city councilmember's membership in an HOA establish a conflict of interest?**

The commission held the city councilmember's membership in an HOA creates a conflict of interest; as such the councilmember must disclose and abstain accordingly.

*See also:* Commitment in a Private Capacity – In General, Conflicts with Private Financial/Business Interests

**13-46A** (7/31/14) (Member, State Regulatory Body)

First Party Request – Abstract Opinion

**Whether a conflict of interest exists between public service as a regulatory body member and board of director's membership of a professional association for the same industry?**

The commission found a commitment in a private capacity exists, thus the member must disclose her commitment and abstain on certain matters relating to the association.



*See also:* Serving on Nonprofit Boards

**13-43C** (4/16/14) (City Councilmember, City of Boulder City)

Third Party Request – Stipulated Agreement – Non-Willful Violation

**Does a city councilmember violate ethics laws by failing to properly disclose and abstain on matters involving his employer?**

The commission found a non-willful violation because the councilmember must disclose and abstain on matters involving his employer.

*See also:* Conflicts with Private Financial/Business Interests, Contracts with the Government

**13-28A** (7/1/14) (Vice Chair, Clark County Board of Commissioners)

First Party Request – Opinion

**Does a county commissioner, who is employed by a local baseball team, need to disclose and abstain on matters affecting the baseball team or matters affecting the team owners that are unrelated to the team?**

The commission held that the commissioner must disclose his relationship with the team and its owners. The commissioner must also abstain from matters pertaining to the team but does not have to abstain from matters pertaining to the owner's interests outside of the baseball team.

*See also:* Appearance of Impropriety, Conflicts with Private Financial/Business Interests, Other Employment During Public Service, Representing/Counseling Clients during Public Service, Using Position to Further Own Financial/Business Interests, Improper Influence of a Subordinate, Legal Advice on Ethics/Safe Harbor Provision, Unwarranted Privileges

**13-05C** (7/16/13) (Councilman, City of Ely and Chair, William Bee Ririe Hospital Board of Trustees)

Third Party Request – Stipulated Agreement – Willful Violation

**Did a city councilmember violate ethics laws where he failed to disclose and abstain on matters that involve his private business and matters that involve his business partner?**

The commission found a willful violation where the city councilmember failed to properly abstain and disclose on matter regarding his business and his business partner.

*See also:* Commitment in a Private Capacity – In General, Contracts with the Government, Willful Violations

**12-69A** (8/9/13) (Member, Local Governing Body)

First party request – Opinion

**Whether a member of a local governing body must abstain and disclose his private business relationships with various local businesses regarding a proposed amendment to a local ordinance that affects the various local businesses?**

The commission held that the officer should have disclose and abstained from voting on the local ordinance.

**12-68A** (7/1/13) (Mayor, City of Elko)



First Party Request – Opinion

**May a mayor provide private plumbing and heating repair and maintenance services to a state municipal corporation that provides services in the City if the mayor is also responsible for appointing a member of that municipal corporation?**

The commission held that the mayor could continue providing services because the services are provided according to an open, transparent, competitive market process. Additionally, the mayor does not need to abstain from appointing a member and does not need to disclose unless specific issues come before the city because the mayor's interests are nominal.

*See also:* Appearance of Impropriety, Conflicts with Private Financial/Business Interests, Other Employment During Public Service, Representing/Counseling Clients during Public Service, Contracts with the Government

**12-52A** (3/5/13) (Councilmember, City of Reno)

First Party Request – Opinion

**Must a city councilmember abstain and disclose about past employment with a private entity that does business in the city? (City councilmember is a witness in private entity's current litigation.)**

The commission held that the city councilmember must disclose and include disclosure about involvement with the current litigation of his past employer. However, the city councilmember is not required to abstain. The commission also notes that the city councilmember's relationship is somewhat on going because of the current litigation involving the past employer which he was called as a witness.

*See also:* Commitment in a Private Capacity – In General

**12-50C; 12-54C** (7/17/13) (Councilmember, City of Fernley)

Third Party Request – Opinion – Willful Violation

**Must a mayor disclose and abstain on matters involving utilities when he has delinquent, past due utility bills?**

The commission found a willful violation because the mayor should have disclosed but does not need to abstain on such matters.

Did the mayor violate ethics laws where he did not pay his health insurance costs to the city on time?

The commission found no violation.

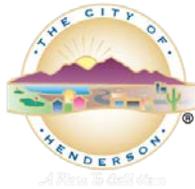
*See also:* Appearance of Impropriety, Willful Violation

**12-46A** (1/24/13) (Member, Local Governing Body)

First Party Request – Abstract of Opinion

**Whether a public officer's former role as a nonprofit board director and current role on the nonprofit's fiscal subcommittee requires disclosure and/or abstention on matters awarding grants to the nonprofit?**

The commission held that the public officer should disclose and abstain from participating in matters involving the nonprofit.



*See also:* Serving on Nonprofit Boards, Requests for Advisory Opinion Regarding Past Conduct

**12-15A** (10/4/12) (City Councilmember)

First Party Request – Abstract of Opinion

**Where a city council member is a private business owner and a nonprofit board director, and the city is interested in a private public partnership that affects her business and the nonprofit, what are the city council member's ethical obligations and what are her obligations to other nonprofit board members who are also interested in the private public partnership?**

The commission held the councilmember must disclose her interests in her personal business but is not required to abstain unless the decision would benefit her more than others that are similarly situated. The councilmember must also disclose her relationship to the nonprofit and its board members but does not need to abstain on any related matters because her judgement would not be materially affected.

*See also:* Commitment in a Private Capacity – In General, Serving on Nonprofit Boards, Using Position to Further Own Financial/Business Interests, Unwarranted Privileges

**12-05A** (11/21/12) (Member, Minden Town Board)

First Party Request – Confidential Opinion

**May a member of a Town Board promote and operate certain local events, which are subject to approval and sponsorship by the Board and which benefit her private pecuniary and business interests?**

The commission held that this does not violate ethical standards but the member must properly disclose and abstain accordingly.

*See also:* Conflicts with Private Financial/Business Interests, Unwarranted Privileges

**12-04A** (10/4/12) (Trustee, Board of Trustees, General Improvement District, Political Subdivision)

First Party Request – Abstract of Opinion

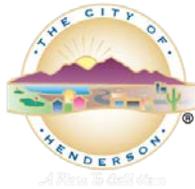
**Whether a GID Trustee violated NRS281.400(2) by also serving as a volunteer Director of a nonprofit organization which provides similar services to Political Subdivision through grants obtained from various sources?**

The commission held there is a commitment in a private capacity if a board member volunteers with a nonprofit entity as a director because that relationship is similar to a substantial and continuing business relationship. Thus, the trustee must disclose her relationship with the nonprofit, but generally, the trustee does not need to abstain from voting on matters involving the nonprofit.

*See also:* Commitment in a Private Capacity – In General, Serving on Nonprofit Boards, Unwarranted Privileges

**11-98A** (1/14/13) (Member, City Council)

First Party Request – Abstract of Opinion



**May a city councilmember participate in a meeting regarding a contract between the city and a private business that might affect the member's water rights?**

The commission held the councilmember may participate in the meeting but must disclose and abstain.

*See also:* Disclosure and Abstention

**11-94C** (12/12/12) (Member, Washoe County Debt Management Commission and Chair, Incline Village General Improvement District Board of Trustees)

Third Party Request – Opinion – No Violation

**Does a public officer violate ethics laws where he fails to disclose his GID Board Membership and abstain on related matters?**

The commission found no violation because the public officer was appointed to the commission as the GID representative.

*See also:* Conflicts with Private Financial/Business Interests

**11-76C** (10/17/12) (Mayor, City of Boulder City)

Third Party Request – Stipulated Agreement – Non-Willful Violation

**Did the mayor violate ethics laws where the city bought items from his hardware store and/or where he failed to abstain and disclose on matters pertaining to his store?**

The commission found a non-willful violation where the mayor relied on bad legal advice but held there was not enough evidence to support any other violations.

*See also:* Conflicts with Private Financial/Business Interests, Using Position to Further Own Financial/Business Interests, Legal Advice on Ethics/Safe Harbor Provision, Unwarranted Privileges

**11-63C** (4/13/12) (Mayor, City of North Las Vegas)

Third party request – Stipulated Agreement – Non-willful violation

**1) Did the mayor violate ethics laws by failing to disclose a conflict without detail and referring back to a previously made disclosure?**

- The mayor violated ethics laws for failing to fully disclose her conflict of interest because a public official may not refer to a previous disclosure. This is a non-willful violation because the mayor relied upon the city attorney's advice.

**2) Did the mayor violate ethics laws by advocating for a conflict of interest through a statement she made regarding the conflict?**

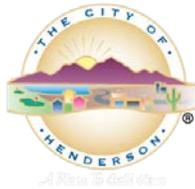
- The mayor's comments constituted advocacy under NRS 281A.420(3).

*See also:* Representing/Counseling Clients during Public Service, Legal Advice on Ethics/Safe Harbor Provision, Unwarranted Privileges

**11-61A** (10/4/12) (Member, Local Government Planning Commission)

First party request – Abstract of Opinion

**What are a city councilmember's abstention and disclosure requirements regarding his campaign consultants who are also providing services on a project before the city council?**



The commission held that there is a commitment in a private interest so the councilmember must disclose but does not have to abstain on project matters.

*See also:* Commitment in a Private Capacity – In General

**11-26A** (10/4/12) (Member, Board of Director, County General Improvement District)

First Party Request – Opinion

**May a GID Board member also volunteer with an organization which assists GID employees in carrying out their duties?**

The commission held that the GID board member must disclose his relationship to the organization and conduct an ethics analysis as to whether he should abstain.

*See also:* Serving on Nonprofit Boards

**10-97**

**10-92C** (5/16/11) (Trustee, Humboldt General Hospital Board of Trustees)

Third Party Request – Stipulated Agreement – Willful Violation

**Did the a Hospital Board Trustee violate ethics laws where she failed to abstain and disclose on matters pertaining to her employment as the hospital's general surgeon?**

The commission found a willful violation for failure to abstain and disclose on the matter.

*See also:* Using Position to Further Own Financial/Business Interests, Willful Violations

**10-74A** (4/4/12) (Member, Governing Body, Political Subdivision)

First Party Request – Abstract of Opinion

**May a public officer vote on a matter that would impact his real property?**

The commission held the officer must disclose but could participate in the matter because it would not affect his property more than others.

*See also:* Commitment in a Private Capacity – In General

**10-05C** (5/3/11) (Former Chairman, Pershing County General Hospital Board of Trustees)

Third Party Request – Stipulated Agreement – Non-Willful Violation

**Did a hospital chairman violate ethics laws where he voted on a policy that would affect his family?**

The commission found a non-willful violation where the chairman should have disclosed and abstained from voting on the matter.

*See also:* Conflicts with Family Members

**09-66C; 09-67C; 09-68C; 09-69C** (3/15/10) (City Councilmember, City of West Wendover)

Third Party Request – Stipulated Agreement – Willful Violation

**Did a city councilmember violate ethics laws where (s)he failed to abstain and disclose on matters pertaining to his/her private employer?**

The commission found a willful violation for failure to abstain and disclose.

*See also:* Using Position to Further Own Financial/Business Interests, Willful Violations



**09-58A** (7/7/12) (City Councilmember, City of Boulder City)

First Party Request – Opinion

**Does a city councilmember need to abstain from matters involving a nonprofit he is part of but does not have any pecuniary interests in?**

The commission held the councilmember should disclose but does not need to abstain from matters involving the nonprofit.

*See also:* Serving on Nonprofit Boards

**09-47C** (6/4/12) (Member, Washoe County Planning Commission)

Third Party Request – Opinion – No Violation

**Did a planning commission member violate ethics laws by failing to abstain and disclose on matters pertaining to personal residences?**

The commission found no violation for lack of sufficient evidence.

*See also:* Commitment in a Private Capacity – In General

**09-28A** (7/15/09) (City Councilmember, City of Sparks)

First Party Request – Opinion

**Must a councilmember abstain and disclose on matters involving a project which a close personal friend previously worked on?**

The commission held that the councilmember must abstain and disclose.

*See also:* Commitment in a Private Capacity – In General

**09-25A** (12/15/11) (Member, State Board)

First Party Request – Opinion

**Must a board member abstain and disclose on matters pertaining to his private business; and may his private business pursue economic opportunities related to the board?**

The commission held he must abstain and disclose; and may not contract with the board unless it satisfies the exception.

*See also:* Conflicts with Private Financial/Business Interests, Contracts with the Government

**09-22C** (7/15/09) (Chair, Humboldt General Hospital District)

Third Party Request – Stipulated Agreement – Willful Violation

**Did the board member violate ethics laws by failing to disclose and abstain on matters pertaining to her private employer?**

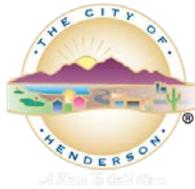
The commission found a willful violation for failing to abstain and disclose.

*See also:* Conflicts with Private Financial/Business Interests, Willful Violations

**09-21A** (5/22/09) (City Councilmember, City of Sparks)

First Party Request – Opinion

**Must a city councilmember disclose and abstain on matters that a private business client is opposed to?**



The commission held the councilmember must abstain and disclose.

*See also:* Commitment in a Private Capacity – In General Disclosure and Abstention

**09-16A** (4/30/09) (Mayor, City of Boulder City)

First Party Request – Opinion

**Must a mayor abstain and disclose on matters pertaining to a private business customer?**

The commission held the mayor must disclose but does not need to abstain.

**09-10C** (6/7/12) (City Councilmember, City of Las Vegas)

Third Party Request – Opinion – Non-Willful Violation

**Does a city councilmember violate ethics laws where he fails to properly disclose and abstain on matters involving his private employer?**

The commission found non-willful violations where the councilmember failed to properly disclose and abstain.

**08-45A** (8/19/08) (Member, State Board of Equalization)

First Party Request – Opinion

**Whether a board member must abstain and disclose on matters pertaining to valuation which affect his parents land and land he previously owned?**

The commission held the board member must disclose and abstain on valuation matters.

*See also:* Commitment in a Private Capacity – In General

**08-07C** (8/6/08) (Member, Pahrump Town Board)

Third Party Request – Opinion – No Violation

**Whether a board member violated ethics law by failing to properly disclose and abstain on matters that may pertain to her husband?**

The commission found no violation because the board member properly disclosed and abstained.

*See also:* Conflicts with Family Members, Supervisory Conflicts

**08-06A** (08/20/08) (City Councilmember, City of Reno)

First Party Opinion – Opinion

**Whether a city councilmember must abstain and disclose on a matter pertaining to a private business client?**

The commission held the councilmember must disclose and may need to abstain on a case-by-case basis.

*See also:* Commitment in a Private Capacity – In General

**08-05C** (12/2/08) (City Councilmember, City of Sparks)

Third Party Request – Opinion – No Violation

**Whether a city councilmember should have disclosed his private business when voting on a matter pertaining to another private business?**



The commission found there was no violation because his private business was not related to the matter.

*See also:* Conflicts with Private Financial/Business Interests

**08-01A** (3/18/08) (City Councilmember)

First Party Request – Opinion

**Whether a councilmember must abstain and disclose on airport matters when a family member has a leasehold interest at the airport?**

The commission held the councilmember must abstain and disclose on airport matters.

*See also:* Conflicts with Family Members, Supervisory Conflicts

**07-47A** (1/25/08) (City Councilmember, City of Sparks)

First Party Request – Opinion

**What are a city councilmember's ethical obligations when in front of other public entities regarding a company which is suing the city?**

The commission held no disclosure is necessary because the councilmember does not have a relationship with the company suing the city.

*See also:* Commitment in a Private Capacity – In General

**07-23A** (3/1/08) (Members, Carson City Board of Supervisors)

First Party Request – Opinion

**Must board members disclose and abstain on matters pertaining to a foundation board they sit on?**

The commission held that the board members must disclose and may have to abstain.

*See also:* Serving on Nonprofit Boards

**07-21A** (12/13/07) (Member, Nye County Board of Commissioners)

Third Party Request – Opinion – No Violation

**Did a county commissioner violate ethics laws where he failed to properly disclose his private business relationship?**

The commission found no violation.

**07-07A** (8/2/07) (Commissioner, Eureka County Board of Commissioners)

Third Party Request – Stipulation – Willful Violation

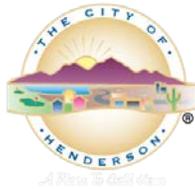
**Whether a county commissioner violated ethics laws by failing to disclose and abstain on matters that her nephew bid on?**

The commission found a willful violation for failure to disclose.

*See also:* Conflicts with Family Members, Supervisory Conflicts, Willful Violation

**06-61, 06-62, 06-66, 06-68** (10/8/07) (City Councilmember, City of Sparks)

Third Party Request – Opinion – Non-Willful Violation



**Did a city councilmember violate ethics laws where he acted on a matter involving one of his campaign volunteers?**

The commission found a non-willful violation for failing to abstain because he relied on counsel's advice.

*See also:* Commitment in a Private Capacity – In General, Legal Advice on Ethics/Safe Harbor Provision

**06-14** (5/3/07) (Commissioner, Lincoln County Board of Commissioners)

Third Party Request – Opinion – Willful Violation

**Whether a county commissioner violated ethics laws for failing to disclose on a matter pertaining to the community where he owned a parcel of land?**

The commission found a willful violation because the commissioner should have disclosed.

*See also:* Commitment in a Private Capacity – In General, Willful Violations

**06-03** (10/20/06) (Member, Pahrump Town Board)

First Party Request – Opinion

**Must a town board member disclose and abstain on fire department matters where her husband is employed by the fire department?**

The commission held the board member may need to disclose and abstain on general matters but must disclose and abstain on collective bargaining issues.

*See also:* Conflicts with Family Members, Supervisory Conflicts

**03-40** (6/16/04) (City Councilmember, City of Las Vegas)

Third Party Request – Opinion – Non-Willful Violation

**Did the city councilmember violate ethics laws where he failed to properly disclose his relationship to his attorney's firm that represented another client before the city?**

The commission found a non-willful violation because the city attorney instructed the councilmember how to disclose. The commission also clarifies and adopts disclosure requirements in this opinion.

*See also:* Attorney Client Relationship, Legal Advice on Ethics/Safe Harbor Provision

**03-43; 03-44** (1/22/04) (Members, Douglas County School Board)

First Party Request – Opinion

**Must a school board member abstain from participating in collective bargaining agreements where his spouse is a member of the collective bargaining unit?**

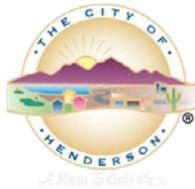
The members must disclose and may abstain on a case by case basis.

*See also:* Conflicts with Family Members, Supervisory Conflicts

**03-34** (8/30/03) (City Councilmember, City of Las Vegas)

First Party Request – Opinion

**What are a city councilmember's abstention and disclosure requirements related to her position on a private company's board of directors?**



The commission held the councilmember must disclose and should abstain depending on the matter.

**02-25** (1/31/03) (Member, Regulatory Commission)

First Party Request – Opinion

**Whether a public officer must abstain and disclose on matters related to a vocational school which she owns the parent company of?**

The commission held she should disclose but is not required to abstain.

**02-04** (4/18/02) (City Councilmember)

First Party Request – Opinion

**What are a city councilmember's abstention and disclosure requirements regarding two companies that he is a partial owner of?**

The commission held the councilmember must properly disclose and abstain.

**01-27; 01-28** (2/25/02) (Mayor City of Reno and Member, Board of Directors, Reno-Sparks Convention and Visitors Authority)

Third Party Request – Opinion – No Violation

**Must the mayor disclose and abstain on airport matters where he previously owned a related business?**

The commission found no violation.

**01-15** (2/1/02) (Chair, Humboldt General Hospital Board of Trustees)

Third Party Request – Opinion – Non-Willful Violation

**Did the Hospital Board Chair violate ethics laws where he voted to raise office rent when he owned two near-by office buildings?**

The commission found a non-willful violation where the chair should have disclosed his pecuniary interests.

*See also:* Disclosure and Abstention

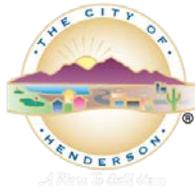
**00-41** (7/13/01) (City Councilmember, City of Las Vegas)

Third Party Request – Opinion – Violation

**Did the councilmember violate ethics laws where he should have disclosed and abstained on matters he had a pecuniary interest in?**

The commission found a violation but did not reach a decision as to the type of violation.

*See also:* Willful Violations



**00-19** (8/1/00) (Member, State Board of Education)

Third Party Request – Stipulation – Non-Willful Violation

**Whether a Board of Education member violated ethics law by improperly disclosing his relationship to his wife who works for the state department of education?**

The commission found a non-willful violation because there were conflicting instructions from various bodies with authority over the board of education.

*See also:* Conflicts with Family Members, Supervisory Conflicts, Legal Advice on Ethics/Safe Harbor Provision

**00-01** (3/21/00) (City Councilmember)

First Party Request – Opinion

**Whether a public officer should abstain on matters involving his private employment with a community organization and businesses that interact with the organization?**

The commission held the councilmember should disclose and determine on a case by case basis whether he should abstain.

*See also:* Conflicts with Private Financial/Business Interests

**99-56** (12/22/1999) (Member, Clark County Board of Commissioners)

First Party Request – Opinion

**What are a county commissioner's disclosure and abstention requirements regarding his son's law firm?**

The commission held that the commissioner must disclose sufficient information concerning his commitment to his son to inform the public of the potential effect of his action and then determine whether the independence of judgment of a reasonable person in his situation would be materially affected by his commitment, if so, the commissioner must abstain from participating in the matter.

*See also:* Conflicts with Family Members

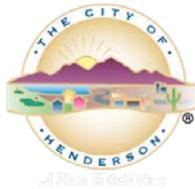
**97-54, 97-59, 97-66, 97-53, 97-52** (8/26/1998) (Member, Clark County Commission)

Third Party Request – Opinion – Willful Violation

**Where the airport concession company requested a list of recommended lease applicants, did the county commissioners violate ethics laws by providing recommendations for people they had personal relationships with?**

The commission held that the commissioners violated ethics laws by recommending personal friends and contacts and then failing to properly disclose and abstain when the matter came before the county commission.

*See also:* Commitment in a Private Capacity – In General, Willful Violations



## **VII. Elections** [NRS 281A.520]

### **a) In General**

#### **14-71C** (6/15/16) (Sheriff, Elko County)

Third Party Request – Stipulated Agreement – No Violation

**Does wearing an official Sheriff uniform while engaging in campaign activities violate the ethics code? Is it improper to allow subordinates to contribute to and assist in a reelection campaign?**

The commission found no ethics laws violation because wearing a sheriff uniform during a campaign was a case of first impression, and the subordinates voluntarily chose to support the sheriff's campaign.

*See also:* Appearance of Impropriety, Using Government Time and Resources for Personal or Financial/Business Interest, Using Gov't Time and resources for Elections, Improper Influence of a Subordinate, Unwarranted Privileges

#### **14-70C** (5/19/16) (Assessor, Nye County)

Third Party Request – Opinion – Willful Violation

**Did the county assessor violate ethics laws where the assessor videotaped her employee at work who was also her election opponent, where she fired an employee whose spouse conducted a criminal investigation of the assessor, and where she improperly instructed her employees to appraise various elected official's properties?**

The commission held ethics laws were violated because the assessor tried to use her elected position to win re-election.

*See also:* Appearance of Impropriety, Using Gov't Time and resources for Elections, Employment and Personnel Issues, Improper Influence of a Subordinate, Unwarranted Privileges, Willful Violations

#### **14-61C** (1/21/15) (Undersheriff, Washoe County)

Third party request – Stipulated Agree – Non-Willful Violation

**Whether a candidate for sheriff violates ethics laws by wearing a uniform and badge in campaign materials?**

The commission found a non-willful violation because a sheriff's uniform an accouterment of a government office and provides an unfair advantage.

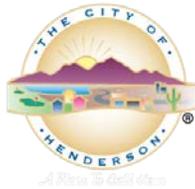
*See also:* Elections – Using Gov't Time and Resources for Elections

#### **14-59C** (8/10/15) (Sheriff, Storey County)

Third Party Request – Stipulated Agreement – Non-Willful Violation

**Whether a Sheriff violates ethics laws when he tries to forbid a deputy who is also running for sheriff from attending an event?**

The commission found a non-willful violation pursuant to mitigating factors and indecision as to whether the sheriff's actions rise to a violation.



*See also:* Improper Influence of a Subordinate

**10-81C** (2/15/12) (Former County Clerk, White Pine County)

Third Party Request – Stipulated Agreement – Willful Violation

**Does a county clerk, running for re-election, violate ethics laws where she issues an interoffice memorandum and uses it to terminate her subordinate who was running against her for county clerk?**

The commission found a willful violation where she violated NRS281A.400(2) and (7)

*See also:* Improper Influence of a Subordinate, Unwarranted Privileges, Willful Violations

**09-01C** (8/13/09) (Members, Washoe County Regional Transportation Commission)

Third Party Request – Opinion – No Violation

**Did public officers violate ethics laws by sending certain mailers that advocated for the passage of two ballot initiatives?**

The commission found no ethics violation for lack of sufficient evidence.

**06-49** (3/15/07) (Former Public Officer)

First Party Request – Opinion

**Whether the state treasurer may appear in advertisements for a college savings program while running for officer?**

The Commission found no violation because promoting the program was part of the treasurer's duties.

*See also:* Appearance of Impropriety

**06-19** (10/31/06) (Sheriff, Douglas County)

First Party Request – Opinion

**Whether a sheriff may promote passage of a ballot advisory question?**

The commission held the sheriff may promote the ballot question but may not use government resources or his position to do so.

**05-12** (5/23/05) (Member, State Contractors' Board)

First Party Request – Opinion

**What are the ethical obligations for a candidate for political office who also serves on a state board?**

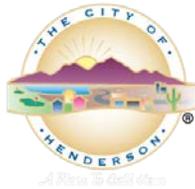
The commission held the candidate must be wary of campaign contributions as they may amount to gifts. Additionally, he may need to disclose large donations.

*See also:* Gifts, Using Position to Further Own Financial/Business Interests

**02-19** (10/29/02) (Secretary of State)

Third Party Request – Opinion – No Violation

**Whether the secretary of state violated ethics laws by allegedly making false statements about a campaign opponent?**



The Commission held there was no violation because there was no proof of a false statement of fact.

**01-08A** (2/1/02) (Former Chief, Clark County Facilities Division)

Third Party Request – Opinion – Non-Willful Violation

**Did the division chief violate ethics laws where he encouraged his subordinates to participate in campaign activities outside of work?**

The commission found a non-willful violation for accepting favors from employees that campaigned outside of work.

*See also:* Improper Influence of a Subordinate

**98-41** (5/7/1999)(Sheriff, Washoe County)

First Party Request – Opinion

**Whether the Sheriff violates ethics laws where he uses any or all of his position, title, badge, uniform, facilities, deputies, or other accouterments in political advertisements endorsing candidates?**

The commission held that the Sheriff may personally support the candidate but may not use the physical accouterments of his office or position to bolster the endorsement.

*See also:* Unwarranted Privileges

## ***b) Using Gov't Time and Resources for Elections***

**16-54C** (6/8/17) (Sheriff, Storey County)

Third Party request – Opinion – Willful Violation

**Does a Sheriff violate ethics laws when he uses county letterhead to endorse a congressional candidate?**

The commission held the Sheriff willfully violated NRS 281A.400(7) by using official letterhead (government property) as the mechanism to provide a private political endorsement.

*See also:* Willful Violations

**14-71C** (6/15/16) (Sheriff, Elko County)

Third Party Request – Stipulated Agreement – No Violation

**Does wearing an official Sheriff uniform while engaging in campaign activities violate the ethics code? Is it improper to allow subordinates to contribute to and assist in a reelection campaign?**

The commission found no ethics laws violation because wearing a sheriff uniform during a campaign was a case of first impression, and the subordinates voluntarily chose to support the sheriff's campaign.

*See also:* Appearance of Impropriety, Using Government Time and Resources for Personal or Financial/Business Interest, Elections – In General, Improper Influence of a Subordinate, Unwarranted Privileges



**14-70C** (5/19/16) (Assessor, Nye County)

Third Party Request – Opinion – Willful Violation

**Did the county assessor violate ethics laws where the assessor videotaped her employee at work who was also her election opponent, where she fired an employee whose spouse conducted a criminal investigation of the assessor, and where she improperly instructed her employees to appraise various elected official's properties?**

The commission held ethics laws were violated because the assessor tried to use her elected position to win re-election.

*See also:* Appearance of Impropriety, Elections – In General, Employment and Personnel Issues, Improper Influence of a Subordinate, Unwarranted Privileges, Willful Violations

**14-61C** (1/21/15) (Undersheriff, Washoe County)

Third party request – Stipulated Agree – Non-Willful Violation

**Whether a candidate for sheriff violates ethics laws by wearing a uniform and badge in campaign materials?**

The commission found a non-willful violation because a sheriff's uniform an accouterment of a government office and provides an unfair advantage.

*See also:* Elections – In General

**14-11C; 14-08C; 14-02C/14-07C; 14-01C /14-06C; 13-83C; 13-82C; 13-24C** (2/12/14)  
(Member, Clark County School District Board of Trustees)

Third Party Request – Stipulated Agreement – Non-Willful Violation

**Whether a School Board Trustee violated ethics laws where (s)he instructed his/her secretary to send an email in support of a ballot question?**

The commission found a non-willful violation because the trustee's use of his/her secretary to send an email to support a ballot question caused the government to incur costs but had relied on legal counsel's advice that it would not.

*See also:* Improper Influence of a Subordinate, Legal Advice on Ethics/Safe Harbor Provision

**13-25C** (11/20/13) (Associate Superintendent, Clark County School District)

Third Party Request – Stipulated Agreement – Non-Willful Violation

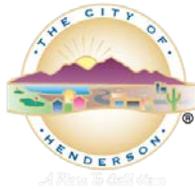
**Does a superintendent violate ethics laws where she uses school district resources to transport and store PAC Campaign materials?**

The commission found a non-willful violation where the government entity incurred expenses in support of a ballot question because she relied upon legal counsel's advice that her conduct was permissible.

*See also:* Legal Advice on Ethics/Safe Harbor Provision

**12-64C** (8/22/13) (CEO and Administrator, Humboldt General Hospital)

Third Party Request – Stipulated Agreement – Non-Willful Violation



**Whether an administrator and CEO of a hospital district violated ethics laws where he mailed a flyer with a picture of a current hospital trustee who is also a candidate for office?**

The commission found a non-willful violation where the hospital CEO violated NRS 281A.520(1)(b), (2), and (3) because the hospital is a government entity which incurred expenses for producing the flyer.

**11-67C** (1/14/14) (Assessor, Nye County)

Third Party Request – Opinion – Willful Violation

**Does a county assessor violate ethics laws where she uses government resources, such as her county car and office supplies, to oppose a recall of her election?**

The commission found a willful violation for using county resources to oppose her recall.

*See also:* Employment and Personnel Issues – In General, Willful Violations

**06-71** (9/14/07) (Mayor, City of Fernley)

Third Party Request – Opinion – No Violation

**Did the mayor violate ethics laws where the city published a newsletter with messages from the mayor while he was running for re-election?**

The commission found no violation of ethics law because the mayor was not involved in the newsletter's production.

**04-82** (9/14/05) (Teacher, Carson City School District)

Third Party Request – Stipulation – Willful Violation

**Did a teacher violate ethics laws by using the school photocopier for campaign fliers?**

The commission found a willful violation for using government resources for private interests.

*See also:* Willful Violations

**04-81** (9/14/05) (Teacher, Carson City School District)

Third Party Request – Stipulation – Willful Violation

**Did a teacher violate ethics laws by using employment hours to promote a political campaign?**

The commission found a willful violation for using government resources for private interests.

*See also:* Willful Violations

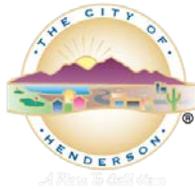
**04-47** (9/22/04) (Controller, State of Nevada)

Third Party Request – Stipulation – Willful Violation

**Whether the controller violated ethics laws by using subordinates and government resources for her re-election campaign?**

The commission found three willful violations and filed a report to have her impeached.

*See also:* Improper Influence of a Subordinate, Willful Violations



## **VIII. Employment and Personnel Issues**

### ***a) In General***

**15-45A** (8/11/16) (City Manager, City of Henderson)

First Party Request – Revised Confidential Opinion

**Must a city manager, whose nephew is employed by the Police Department of that city, disclose and abstain on matters pertaining to the police department?**

The commission held that the manager must abstain and disclose on matters that materially affect his nephew but may otherwise participate in matters including managing the police chief, administering the budget and collective bargaining.

*See also:* Conflicts with Family Members, Disclosure and Abstention, Supervisory Conflicts

**14-70C** (5/19/16) (Assessor, Nye County)

Third Party Request – Opinion – Willful Violation

**Did the county assessor violate ethics laws where the assessor videotaped her employee at work who was also her election opponent, where she fired an employee whose spouse conducted a criminal investigation of the assessor, and where she improperly instructed her employees to appraise various elected official's properties?**

The commission held ethics laws were violated because the assessor tried to use her elected position to win re-election.

*See also:* Appearance of Impropriety, Elections – In General, Using Gov't Time and resources for Elections, Improper Influence of a Subordinate, Unwarranted Privileges, Willful Violations

**13-09A** (2/4/14) (Former Member, State Regulatory Body)

First Party Request – Abstract Opinion

**Whether a public officer may accept employment as an independent contractor consultant to a regulated entity within the industry?**

The commission held an independent contractor is subject to cooling off provisions. The commission held that the officer may provide consulting services to regulated entities but not on matters related to issues that were under consideration during the Officer's tenure.

*See also:* Cooling Off – Public Officials, Cooling Off – Contracting with Regulated Entities, Former Employees Working on Matters with the Government

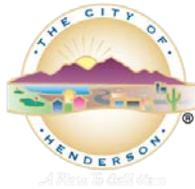
**11-67C** (1/14/14) (Assessor, Nye County)

Third Party Request – Opinion – Willful Violation

**Does a county assessor violate ethics laws where she uses government resources, such as her county car and office supplies, to oppose a recall of her election?**

The commission found a willful violation for using county resources to oppose her recall.

*See also:* Elections – Using Gov't Time and Resources for Elections, Willful Violations



**b) *Improper Influence of a Subordinate* [NRS 281A.400(9)]**

**15-02C/15-07C/15-08C** (7/15/15) (Member, Board of Directors, Fernley Swimming Pool District)

Third Party Request – Consolidated Stipulated Agreement – Willful Violation

**When making a disclosure, must a board member include information regarding the potential effect of their action and effect on their spouse, and abstain on agenda items that pertain to their spouse's interests?**

The commission dismissed allegations that the member improperly influenced a subordinate for lack of sufficient evidence.

*See also:* Conflicts with Family Members, Conflicts with Private Financial/Business Interests, Disclosure and Abstention, Unwarranted Privileges, Willful Violations

**14-71C** (6/15/16) (Sheriff, Elko County)

Third Party Request – Stipulated Agreement – No Violation

**Is it improper to allow subordinates to contribute to and assist in a sheriff's reelection campaign?**

**The commission found no violation because the subordinates were acting voluntarily in supporting the sheriff's campaign?**

*See also:* Appearance of Impropriety, Using Government Time and Resources for Personal or Financial/Business Interest, Elections – In General, Using Gov't Time and resources for Elections, Unwarranted Privileges

**14-70C** (5/19/16) (Assessor, Nye County)

Third Party Request – Opinion – Willful Violation

**Did the county assessor violate ethics laws where the assessor videotaped her employee at work who was also her election opponent, where she fired an employee whose spouse conducted a criminal investigation of the assessor, and where she improperly instructed her employees to appraise various elected official's properties?**

The commission held ethics laws were violated because the assessor tried to use her elected position to win re-election.

*See also:* Appearance of Impropriety, Elections – In General, Using Gov't Time and resources for Elections, Employment and Personnel Issues, Unwarranted Privileges, Willful Violations

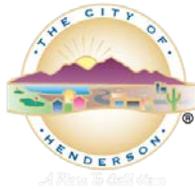
**14-59C** (8/10/15) (Sheriff, Storey County)

Third Party Request – Stipulated Agreement – Non-Willful Violation

**Whether a Sheriff violates ethics laws when he tries to forbid a deputy who is also running for sheriff from attending an event?**

The commission found a non-willful violation pursuant to mitigating factors and indecision as to whether the sheriff's actions rise to a violation.

*See also:* Elections – In General



[14-33A](#) (7/31/14) (Public Employee, Public Agency)

First Party Request – Abstract Opinion

**Whether a public employee violates ethics laws when following his Supervisor's directive to administer awards to a nonprofit organization that the Supervisor is an officer of?**

The commission held that ethics laws are not violated if the employee awards the funds to the supervisor's nonprofit.

*See also:* Appearance of Impropriety, Commitment in a Private Capacity – In General, Serving on Nonprofit Boards, Unwarranted Privileges

[14-11C](#); [14-08C](#); [14-02C/14-07C](#); [14-01C /14-06C](#); [13-83C](#); [13-82C](#); [13-24C](#) (2/12/14)

(Member, Clark County School District Board of Trustees)

Third Party Request – Stipulated Agreement – Non-Willful Violation

**Whether a School Board Trustee violated ethics laws where (s)he instructed his/her secretary to send an email in support of a ballot question?**

The commission found a non-willful violation because the trustee's use of his/her secretary to send an email to support a ballot question caused the government to incur costs.

*See also:* Elections – Using Gov't Time and Resources for Elections, Legal Advice on Ethics/Safe Harbor Provision

[10-105C](#), [10-106C](#), [10-108C](#), [10-109C](#), [10-115C](#) (8/24/11) (Former Member, Governing Body of Beacon Academy of Nevada, Public Charter School)

Third Party Request – Stipulated Agreement – Willful Violation

**Does a public officer violate ethics laws where she contacts a subordinate about her daughter's employment?**

The commission found she willfully violated NRS281A.400(1)(2) and (9).

*See also:* Using Position to Further Own Financial/Business Interests, Contracts with the Government, Willful Violations

[10-81C](#) (2/15/12) (Former County Clerk, White Pine County)

Third Party Request – Stipulated Agreement – Willful Violation

**Does a county clerk, running for re-election, violate ethics laws where she issues an interoffice memorandum and uses it to terminate her subordinate who was running against her for county clerk?**

The commission found a willful violation where she violated NRS281A.400(2) and (7)

*See also:* Elections – In General, Unwarranted Privileges, Willful Violations

[10-48C](#) (2/9/12) (Former County Manager, Lyon County)

Third Party Request – Opinion – Willful Violation

**Does a county manager violate ethics laws where he gets his wife a job at the library?**

The commission found a willful violation of NRS 281A.400(1).

*See also:* Conflicts with Family Members, Using Position to Further Own Financial/Business Interests, Supervisory Conflicts, Willful Violations



**10-26C, 12-27C, 10-42C** (1/25/11) (City Councilmember, City of Fernley)

Third Party Request – Stipulated Agreement – Non-Willful Violation

**Does a city councilmember violate ethics laws where he requests an inspection on his private building from a city inspector?**

The commission found a non-willful violation because the councilmember intended the request to be a courtesy private citizen inspection.

*See also:* Unwarranted Privileges

**10-12C** (1/19/11) (Member, Nye County Board of Commissioners)

Third Party Request – Stipulated Agreement – Willful Violation

**Did a county commissioner violate ethics laws where he asked a subordinate to inspect his privately owned properties?**

The commission found a willful violation of NRS 281 A.400 (2), (7) and (9).

*See also:* Using Government Time and Resources for Personal or Financial/Business Interest, Public Officer Defined, Unwarranted Privileges, Willful Violations

**04-47** (9/22/04) (Controller, State of Nevada)

Third Party Request – Stipulation – Willful Violation

**Whether the controller violated ethics laws by using subordinates and government resources for her re-election campaign?**

The commission found three willful violations and filed a report to have her impeached.

*See also:* Elections – Using Gov't Time and Resources for Elections, Willful Violations

**02-13** (12/11/02) (Deputy City Manager)

First Party Request – Opinion

**Whether the city manager's son may obtain employment with the city?**

The Commission held this violates ethics laws because the city manager has direct authority over the potential position.

*See also:* Conflicts with Family Members, Supervisory Conflicts

**01-08B** (2/12/02) Member, State Board)

Third Party Request – Opinion – No Violation

**Whether a department director violated ethics laws pursuant to a county “side work” policy when he privately hired a subordinate to fix the air conditioning at his home?**

The commission found no violation of ethics laws.

*See also:* Unwarranted Privileges

**01-08A** (2/1/02) (Former Chief, Clark County Facilities Division)

Third Party Request – Opinion – Non-Willful Violation

**Did the division chief violate ethics laws where he encouraged his subordinates to participate in campaign activities outside of work?**



The commission found a non-willful violation for accepting favors from employees that campaigned outside of work.

*See also:* Elections – In General

### **c) *Serving on the Governing Board of your Employer***

**16-42A** (5/18/16) (Teacher, Washoe County School District)

First Party Request – Opinion

**May a public charter school teacher serve as a school board trustee in the same school district?**

The commission held the teacher may not simultaneously serve as a School District Board Trustee and be a charter school teacher in that district.

*See also:* Conflicts with Private Financial/Business Interests

**15-48A** (2/25/16) (Department Head, Division of Public Entity)

First Party Request – Abstract Opinion

**May a department head of a division within a public entity also serve as a board member to a separate division under the same public entity?**

The commission held that the department head may hold both positions simultaneously without violating ethics laws.

*See also:* Commitment in a Private Capacity – In General, Supervisory Conflicts

**10-63A** (6/20/12) (Member, Humboldt County School District Board of Trustees)

First Party Request – Opinion

**May a School District Board Trustee simultaneously work as a teacher?**

The commission held that the trustee may not also work as a teacher.

**10-10A** (10/13/10) (Member, Humboldt County Commission)

First Party Request – Opinion

**May a Hospital Board Trustee maintain employment at the hospital?**

The commission held that the Trustee may not maintain employment at the hospital.

**06-26** (9/14/07) (Secretary, Lander County Sheriff)

First Party Request – Opinion

**Whether a Sheriff's secretary may also serve as a county commissioner?**

The commission held the secretary may only hold one position.

**06-05** (10/25/06) (Adult Education GED Coordinator, Clark County School District)

First Party Request – Opinion

**Whether a School District's Adult Education Employee may also run for a School Board position?**



The commission held the employee may run for the position but may not hold both positions simultaneously.

**03-48** (1/22/04) (Member, Nevada State Board of Education)

First Party Request – Opinion

**Whether a Board of Education member may also serve as a county charter school director? In the alternative, a Board of Education member may also serve as a state charter school director?**

The commission held the board member may serve as both a board member and a county charter school director with proper disclosure and abstention, but may not serve as both a board member and a state charter school member.

**02-01** (3/21/02) (Member, State Board)

First Party Request – Abstract Opinion

**May a state board public officer also accept employment with a state department?**

The commission held this creates an appearance of impropriety and is likely impermissible under ethics laws.

**01-36** (2/11/02) (Member, Board of Regents of the University and Community College System of Nevada)

First Party Request – Opinion

**May a board of regent's member also serve as a university intern?**

The commission held that the regent could hold both positions but warned her of all the possible ethics violations.

#### **d) Supervisory Conflicts**

**17-01A** (3/16/17) (Member, White Pine County Board of Commissioners)

First Party Request – Confidential Opinion

**Must a county commissioner and fire district board member, whose brother is a city firefighter, abstain from participating in matters involving cooperative fire services through interlocal agreements?**

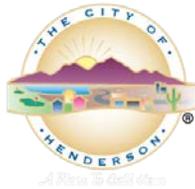
The commission held the commissioner must disclose but is not required to abstain on matters regarding cooperative fire services.

*See also:* Conflicts with Family Members, Disclosure and Abstention

**16-85C** (2/15/17) (Member, Churchill County School District Board of Trustees)

Third Party Request – Stipulated Agreement – Non-Willful Violation

**Does a school board member violate ethics laws where she fails to disclose and abstain on school basketball matters involving appointment of her domestic partner to a coaching position?**



The commission found a non-willful violation because the school member should have disclosed and abstained from matters involving her domestic partner.

*See also:* Commitment in a Private Capacity – In General, Conflicts with Family Members, Disclosure and Abstention

**16-14A** (6/30/16) (Member, Governing Body)

First Party Request– Abstract Opinion

**Must a public officer, whose spouse works for a public entity, disclose and abstain on general personnel and budget matters that do not specifically relate to their spouse?**

Public Officer has a per se commitment to their spouse and must disclose and abstain from participating in or acting on any matters affecting their spouse but is not prohibited from discussing and voting on the Administrator or the general budget.

*See also:* Commitment in a Private Capacity – In General, Conflicts with Family Members, Conflicts with Private Financial/Business Interests, Disclosure and Abstention

**15-48A** (2/25/16) (Department Head, Division of Public Entity)

First Party Request – Abstract Opinion

**May a department head of a division within a public entity also serve as a board member to a separate division under the same public entity?**

The commission held that the department head may hold both positions simultaneously without violating ethics laws.

*See also:* Commitment in a Private Capacity – In General, Serving on the Governing Board of your Employer

**15-45A** (8/11/16) (City Manager, City of Henderson)

First Party Request – Revised Confidential Opinion

**Must a city manager, whose nephew is employed by the Police Department of that city, disclose and abstain on matters pertaining to the police department?**

The commission held that the manager must abstain and disclose on matters that materially affect his nephew but may otherwise participate in matters including managing the police chief, administering the budget and collective bargain.

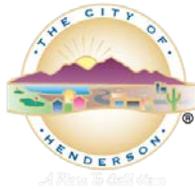
*See also:* Conflicts with Family Members, Disclosure and Abstention, Employment and Personnel Issues

**13-85C** (4/16/14) (Commissioner, Lander County)

Third Party Request – Stipulated Agreement – Willful Violation

**Must a county commissioner disclose and abstain on matters regarding his son who has a public works contract with the county?**

The commission found a willful violation where the county commissioner did not fully disclose his relationship with his son and did not abstain on matters involving the public works contract between his son and the county. Although the commissioner was following the advice of legal



counsel, the commission still found a violation because “the nature of the conflict was clear, and an absolute requirement for abstention exists.”

*See also:* Conflicts with Family Members, Conflicts with Private Financial/Business Interests, Disclosure and Abstention, Legal Advice on Ethics/Safe Harbor Provision, Willful Violation

**13-75A** (7/31/14) (Member, Governing Body, Local Government Entity)

First Party Request – Abstract Opinion

**Whether a public officer is required to disclose and abstain on matters involving a local business enterprise that his spouse volunteers on the board of directors?**

The commission held the officer must disclose but does not need to abstain from matters pertaining to the local business enterprise because his private commitments are not significant enough.

*See also:* Conflicts with Family Members, Disclosure and Abstention

**11-99A** (2/7/12) (Member, Public Employees Benefit Plan Board)

First Party Request – Opinion

**Is there a conflict of interest where a PEBP board member's son is employed by a company that is underwriting the state HMO plan?**

The commission held that the board member must disclose but not abstain on matters involving the HMO plan.

*See also:* Conflicts with Family Members

**10-48C** (2/9/12) (Former County Manager, Lyon County)

Third Party Request – Opinion – Willful Violation

**Does a county manager violate ethics laws where he gets his wife a job at the library?**

The commission found a willful violation of NRS 281A.400(1).

*See also:* Conflicts with Family Members, Using Position to Further Own Financial/Business Interests, Improper Influence of a Subordinate, Willful Violations

**10-35A** (12/15/11) (Public Officer, Political Subdivision)

First Party request – Opinion

**May a public officer hire his sibling-in-law as a staff member?**

The commission held that the officer may not hire his sibling in law as violates ethics provisions.

*See also:* Conflicts with Family Members

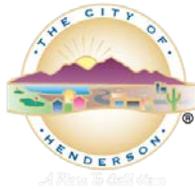
**09-81C** (8/23/10) (City Councilmember, City of West Wendover)

Third Party Request – Stipulated Agreement – No Violation

**Did a city councilmember violate ethics laws regarding hunting tags where his brother holds some of those hunting tags?**

The commission found no violation because the councilmember's brother only held a small number of tags.

*See also:* Conflicts with Family Members



**08-07C** (8/6/08) (Member, Pahrump Town Board)

Third Party Request – Opinion – No Violation

**Whether a board member violated ethics law by failing to properly disclose and abstain on matters that may pertain to her husband?**

The commission found no violation because the board member properly disclosed and abstained.

*See also:* Conflicts with Family Members, Disclosure and Abstention

**08-01A** (3/18/08) (City Councilmember)

First Party Request – Opinion

**Whether a councilmember must abstain and disclose on airport matters when a family member has a leasehold interest at the airport?**

The commission held the councilmember must abstain and disclose on airport matters.

*See also:* Conflicts with Family Members, Disclosure and Abstention

**07-40A** (9/10/08) (Trustee, Indian Hills General Improvement District)

First Party Request – Amended Opinion

**What are a GID Trustees ethical obligations where her family member is employed by the GID?**

The commission held the Trustee must disclose and determine on a case by case basis whether abstention is necessary.

*See also:* Conflicts with Family Members

**07-07A** (8/2/07) (Commissioner, Eureka County Board of Commissioners)

Third Party Request – Stipulation – Willful Violation

**Whether a county commissioner violated ethics laws by failing to disclose and abstain on matters that her nephew bid on?**

The commission found a willful violation for failure to disclose.

*See also:* Conflicts with Family Members, Disclosure and Abstention, Willful Violation

**06-03** (10/20/06) (Member, Pahrump Town Board)

First Party Request – Opinion

**Must a town board member disclose and abstain on fire department matters where her husband is employed by the fire department?**

The commission held the board member may need to disclose and abstain on general matters but must disclose and abstain on collective bargaining issues.

*See also:* Conflicts with Family Members, Disclosure and Abstention

**03-43; 03-44** (1/22/04) (Members, Douglas County School Board)

First Party Request – Opinion

**Must a school board member abstain from participating in collective bargaining agreements where his spouse is a member of the collective bargaining unit?**



The members must disclose and may abstain on a case by case basis.  
*See also:* Conflicts with Family Members, Disclosure and Abstention

**03-05** (7/1/03) (Member, Commission of Appraisers of Real Estate)

First Party Request – Opinion

**Whether a commissioner has a conflict of interest with the division his ex-wife is the chief administrator for?**

The commission held that the commissioner does not have a commitment in a private capacity to his ex-wife.

*See also:* Conflicts with Family Members

**02-23** (2/27/03) (Member, Elko County Commission)

First Party Request – Opinion

**What are a county commissioner's ethical obligations where her husband is also a public officer and her relatives own private businesses?**

The commission provided general guidance because each possible conflict must be reviewed with the specific facts and no facts were provided.

*See also:* Conflicts with Family Members

**02-13** (12/11/02) (Deputy City Manager)

First Party Request – Opinion

**Whether the city manager's son may obtain employment with the city?**

The Commission held this violates ethics laws because the city manager has direct authority over the potential position.

*See also:* Conflicts with Family Members, Improper Influence of a Subordinate

**00-19** (8/1/00) (Member, State Board of Education)

Third Party Request – Stipulation – Non-Willful Violation

**Whether a Board of Education member violated ethics law by improperly disclosing his relationship to his wife who works for the state department of education?**

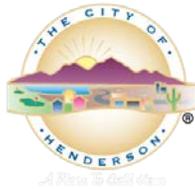
The commission found a non-willful violation because there were conflicting instructions from various bodies with authority over the board of education.

*See also:* Conflicts with Family Members, Disclosure and Abstention, Legal Advice on Ethics/Safe Harbor Provision

**91-01** (1991) (Member, School Board)

**What are a school board trustee's ethical obligations regarding her husband's employment at a local school?**

The commission held the trustee should disclose her relationship to her husband and abstain on matters regarding his salary and collective bargaining that affects his salary but not for general budget items or other collective bargaining. If her husband comes before the board, she must also disclose and abstain.



*See also:* Conflicts with Family Members

## **IX. Forms** [NRS 281A.500]

**14-43C** (11/19/14) (Senator, State of Nevada)

Third Party Request – Stipulated Agreement – No Violation

**Does a senator violate ethics laws where he files an incomplete Annual Representative Disclosure for confidentiality purposes?**

The commission held that a public official must disclose the client's name, nature of representation, and state agency without exception but found no violation for lack of clarity in law.

*See also:* Conflicts with Private Financial/Business Interests

**10-99C** (3/1/11) (City Councilmember, City of North Las Vegas)

Third Party Request – Stipulated Agreement – Non-Willful Violation

**Does a city councilmember violate ethics laws where he files an incomplete financial disclosure statement?**

The commission found a non-willful violation because he realized his error and resubmitted the statement.

**07-36C** (9/12/07) (Commissioner, Nevada Commission on Ethics)

Third Party Request – Stipulated Agreement – Non-Willful Violation

**Whether a commissioner violated ethics law by filing his representation disclosure late?**

The commission found non-willful violations.

**07-08A** (4/24/08) (Commissioner, Commission on Ethics)

First Party Request – Opinion

**Whether a commissioner's late filed representation disclosure violates ethics laws?**

The commission found this does violate ethics laws.

**06-70** (4/10/08) (Former Member, Clark County Board of Commissioners)

Third Party Request – Opinion – Non-Willful Violation

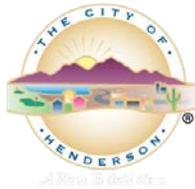
**Whether a county commissioner violated ethics laws for failure to list her private business on her financial disclosure statement?**

The commission found a non-willful violation.

**06-67** (3/21/08) (Constable of Clark County, Henderson Township)

Third Party Request – Opinion – Non-Willful Violation

**Whether the constable violated ethics laws where he failed to include his employment as a constable as a source of income on his financial disclosure form?**



The commission found a non-willful violation because this was a common misunderstanding throughout the state.

**05-11** (4/28/06) (Mayor, City of North Las Vegas)

Third Party Request – Opinion – Willful Violation

**Did the Mayor violate ethics laws by failing to disclose his position as a corporate officer of the Tonopah and Tidewater Railroad Company in his financial disclosure statement?**

The commission found a willful violation where the mayor failed to disclose his role as a corporate officer at the railroad company.

*See also:* Willful Violations

**01-40** (5/17/02) (Clerk and Treasurer, Eureka County)

Third Party Request – Opinion – Willful Violation

**Did a public officer violate ethics laws failing to pay property taxes and by purposely omitting that property on a reporting form?**

The commission found a willful violation for delinquent taxes and dishonesty.

*See also:* Appearance of Impropriety, Willful Violations

## **X. Former Employees Working on Matters with the Government**

**16-61A** (10/3/16) (Public Entity)

First Party Request – Opinion

**May a public employee enter into a contract for private consulting services with another public entity?**

The commission held the cooling off period was not applicable here because the employee is a current public employee and cooling-off is only applicable to public employees after separation from the public entity.

*See also:* Conflicts with Private Financial/Business Interests, Contracts with the Government, Cooling Off – Employees, Former Employees Working on Matters with the Government

**15-76A** (7/12/16) (Public Employee, Public Entity)

First Party Request – Abstract Opinion

**Whether a public employee may accept a management position with a regulated business entity?**

The commission held that the cooling off period is applicable and refused to grant relief.

*See also:* Cooling Off – Employees, Cooling Off – Contracting with Regulated Entities, Unwarranted Privileges



**15-70C** (10/19/16) (Former Director of Labor Relations, Las Vegas Metropolitan Police Department, Clark County)

Third Party Request – Stipulated Agreement – Non-Willful Violation

**Whether a retired Director for a police department violated the cooling off provisions by accepting employment with a related association?**

The commission found a non-willful violation because the retired director could accept the employment but was not allowed to represent the association on issues under consideration by the police department for a year.

*See also:* Cooling Off – In General, Cooling Off – Employees

**15-49A** (7/12/16) (Former Public Employee, Public Entity)

First Party Request – Abstract Opinion

**May a former public employee enter into a contract with the same agency he separated from for private consulting services?**

The commission held the public employee may contract with the same agency and cooling off provisions are not applicable because the employee entered into a contract with the agency, not a private business that is regulated by the agency.

*See also:* Cooling Off – Employees

**15-35A** (2/8/16) (Chief, State Agency)

First Party Request – Abstract Opinion

**Whether the commission will grant a former public employee relief from the cooling off requirements where she would offer consulting services to agency providers?**

The commission held the cooling off period is applicable but grants relief to the public employee.

*See also:* Contracts with the Government, Cooling Off – Employees

**15-28A** (6/30/16) (Public Employee, Public Agency)

First Party Request – Abstract Opinion

**May a retired public employee offer private consulting services to the agency that are similar to the employee's duties?**

The commission did not reach a decision because their vote was split.

*See also:* Contracts with the Government, Cooling Off – Employees

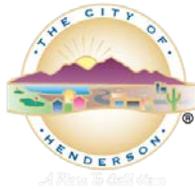
**14-82A** (5/18/15) (Deputy Chief, State Agency)

First Party Request – Abstract Opinion

**May a Deputy Chief accept employment with a private organization that may do business with the public agency he is leaving?**

The commission held that the cooling off period does not apply because the agency is not a regulatory board or an industry business.

*See also:* Cooling Off – Employees, Unwarranted Privileges



**13-09A** (2/4/14) (Former Member, State Regulatory Body)

First Party Request – Abstract Opinion

**Whether a public officer may accept employment as an independent contractor consultant to a regulated entity within the industry?**

The commission held an independent contractor is subject to cooling off provisions. The commission held that the officer may provide consulting services to regulated entities but not on matters related to issues that were under consideration during the Officer's tenure.

*See also:* Cooling Off – Public Officials, Cooling Off – Contracting with Regulated Entities, Employment and Personnel Issues – In General

**12-53A** (1/31/13) (Former Administrator, Dept. of State Government)

First Party Request – Abstract of Opinion

**Whether the cooling off period is applicable where a former administrator seeks employment with an entity that contracts with the department for professional services?**

The cooling off period is applicable but relief is granted because it is in the best interest of the public.

*See also:* Cooling Off – Employees

**09-80A** (6/4/12) (Attorney, State Regulatory Body)

First Party Request – Opinion

**Whether an attorney for a State Regulatory Body may accept employment from a regulated entity pursuant to cooling off provisions?**

The commission held this would violate the cooling off provisions.

*See also:* Cooling Off – Public Officials, Cooling Off – Contracting with Regulated Entities

**06-78** (12/21/07) (Assistant Sheriff of Operations, Washoe County Sheriff)

First Party Request – Opinion

**Whether a former public employee can work as an independent contractor for the public entity's project counterpart in another city during the cooling off period?**

Even if the cooling off period applied to the public employee, the Commission granted relief from the cooling off period because it is in the public's best interest and the state government's integrity and the Code of Ethical Standards are maintained.

*See also:* Cooling Off – Employees

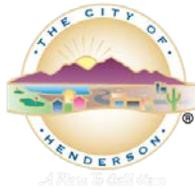
**06-24** (6/24/07) (Former Public Officer)

First Party Request – Opinion

**Whether a former public employee is subject to the cooling off period when he or she plans to consult for the government agency and not the industry the agency regulates?**

The Commission held that the former employee may consult at the government agency during the cooling off period because NRS 281.491(1) only prohibits representing or counseling "private" clients not agencies.

*See also:* Cooling Off – Public Officials



**01-05** (3/27/01) (Former Chair, Nevada State Board of Agriculture)

First Party Request – Opinion

**Whether a former member of a state board may accept a position as a Division Administrator after resigning from the board?**

The commission held that nothing in the NRS prohibits a former board member from accepting employment as a public employee.

*See also:* Cooling Off – Public Officials

## **XI. Improper use of Confidential or Non-Public Information** [NRS 281A.400(5)]

**16-11C; 16-20C** (10/19/16) (Member, Mesquite City Council)

Third Party Request for Opinion – Stipulated Agreement – Non-willful violation

**Whether a city councilmember violated ethics laws by failing to disclose and abstain from voting when the real estate company offers to purchase property from the city?**

The commission dissed the allegation that the councilmember used nonpublic information because it lacked credible evidence.

*See also:* Conflicts with Private Financial/Business Interests, Disclosure and Abstention, Willful Violation

**13-28A** (7/1/14) (Vice Chair, Clark County Board of Commissioners)

First Party Request – Opinion

**What are a county commissioner's ethics obligations to the baseball team and its owners that employs the commissioner?**

The commission advised that the commissioner must be vigilant not to use nonpublic information acquired through his public position to benefit his private employer.

*See also:* Appearance of Impropriety, Conflicts with Private Financial/Business Interests, Other Employment During Public Service, Representing/Counseling Clients during Public Service, Using Position to Further Own Financial/Business Interests, Disclosure and Abstention, Legal Advice on Ethics/Safe Harbor Provision, Unwarranted Privileges

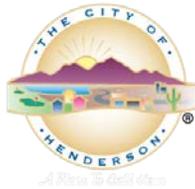
**06-74; 06-82** (4/10/08) (Trustee, Incline Village General Improvement District Board of Trustees)

Third Party Request – Opinion – No Violation

**Did a trustee violate ethics laws by not giving another trustee's resignation documents to the GID Board?**

The commission found no evidence that the trustee violated any ethics provisions.

**00-54** (9/20/01) (Member, Clark County Board of Commissioners)



Third Party Request – Opinion – No Violation

**Whether the commissioner violated ethics laws where she tried to gather information about misconduct in a division?**

The commission found no violation because there was no evidence to support the allegations.

*See also:* Unwarranted Privileges

## **XII. Jurisdiction of the Ethics Commission** [NRS 281A.280 & NRS 281A.440]

**15-54**

**14-64C** (7/28/15) (Deputy Director, Department of Business and Industry, State of Nevada)

Third Party Request – Stipulated Agreement – No Violation

**Did a director violate ethics laws while serving in his official capacity on two nonprofit boards?**

The commission found no evidence to support any of the claims asserted against the director but used the opinion to clarify the commission's jurisdiction regarding actions by public employees serving on nonprofit entities as part of their public duties.

*See also:* Serving on Nonprofit Boards

**12-40A** (10/4/12) (Chair, Appeals Board, State of Nevada)

First Party Request – Abstract of Opinion

**Must the chair of an appeals board disclose and abstain from participating in a contested matter if an interested party asks him to disqualify himself due to bias?**

The commission declined to issue an opinion because pursuant to NRS 281A.440(1) there is no reference to an NRS Chapter 281A and there is a contested motion pending before another agency.

*See also:* Appearance of Impropriety

**11-29A** (10/4/12) (Member, State Regulatory Board)

First-Party Request – Opinion

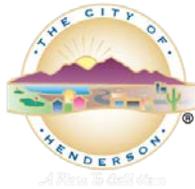
**What are a state regulatory board member's ethical obligations in relation to a corporation he represented two years ago? (Referencing Nevada Attorney General Opinion 95-19)**

The commission lacks jurisdiction to interpret a Nevada Attorney General Opinion, the Nevada Rules of Professional Conduct and the Nevada Code of Judicial Conduct.

*See also:* Attorney Client Relationship, Commitment in a Private Capacity – In General, Requests for Advisory Opinion Regarding Past Conduct

**11-28A** (6/7/12) (Chair, NV State Board of Massage Therapists)

First Party Request – Opinion



**Can a board chair accept compensation from the board while attending conferences related to the board's purpose?**

The commission declined to issue a judgment because it is up to the board whether it will pay members to attend conferences without violating NRS 281A.

*See also:* Gifts

**11-18A** (4/4/12) (Member, County Planning Commission)

First Party Request – Opinion

**May a planning commissioner accept a gift of two tickets to a luncheon from the visitor's authority?**

The commission held the commissioner may accept the gift from the visitor's authority because it rarely appears before the planning commission, the gift was offered to other public officials, and the program is educational and related to the public officer's responsibilities.

**08-57A** (5/11/09) (Executive Director, Agency for Nuclear Projects)

Third Party Request – Opinion – No Violation

**Whether an executive director violated ethics laws by taking vacant position's salary savings and disbursing them to agency employees?**

The commission found it did not have jurisdiction regarding his salary because it was set by the governor, not the legislature.

**03-08** (10/7/03) (Member, State Board)

First Party Request – Opinion

**Is it a conflict of interest for Public Officer to serve on a board where issues relating to the employer may be reviewed and acted on?**

This is outside of the commission's jurisdiction because the question is too broad and too general.

**XIII. Land Sales** [NRS 281A.430]

**15-77A** (7/12/16) (Public Officer, Public Agency)

First Party Request – Abstract Opinion

**In a sale of land owned by a public officer's business, may the public officer's agency purchase that land for purposes of installation of public improvements?**

The commission held that the officer may be granted relief from the strict standards set forth in NRS 281A.430 because the purchase is critical to completing public improvements. However, the public agency must conduct an independent appraisal of the land and the public officer must abstain from appraisal and purchase matters, and disclose his relationship to the property.

*See also:* Conflicts with Private Financial/Business Interests, Using Position to Further Own Financial/Business Interests, Contracts with the Government, Disclosure and Abstention



**11-08A** (4/13/12) (Public Employee, State Commission)

First Party Request – Abstract Opinion

**Can a public employee sell or lease their private land to companies which may be regulated by the employee's regulatory board?**

The commission held that ethics laws are not violated but abstention and disclosure may be proper.

*See also:* Commitment in a Private Capacity – In General

## **XIV. Legal Advice on Ethics/Safe Harbor Provision**

**[NRS 281A.480(5)]**

**14-11C; 14-08C; 14-02C/14-07C; 14-01C /14-06C; 13-83C; 13-82C; 13-24C** (2/12/14)

(Member, Clark County School District Board of Trustees)

Third Party Request – Stipulated Agreement – Non-Willful Violation

**Whether a School Board Trustee violated ethics laws where (s)he instructed his/her secretary to send an email in support of a ballot question?**

The commission found a non-willful violation because the trustee's use of his/her secretary to send an email to support a ballot question caused the government to incur costs but had relied on legal counsel's advice that it would not.

*See also:* Elections – Using Gov't Time and Resources for Elections, Improper Influence of a Subordinate

**13-85C** (4/16/14) (Commissioner, Lander County)

Third Party Request – Stipulated Agreement – Willful Violation

**Must a county commissioner disclose and abstain on matters regarding his son who has a public works contract with the county?**

The commission found a willful violation where the county commissioner did not fully disclose his relationship with his son and did not abstain on matters involving the public works contract between his son and the county. Although the commissioner was following the advice of legal counsel, the commission still found a violation because “the nature of the conflict was clear, and an absolute requirement for abstention exists.”

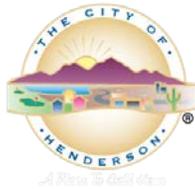
*See also:* Conflicts with Family Members, Conflicts with Private Financial/Business Interests, Disclosure and Abstention, Supervisory Conflicts, Willful Violation

**13-28A** (7/1/14) (Vice Chair, Clark County Board of Commissioners)

First Party Request – Opinion

**What are a county commissioner's ethics obligations to the baseball team and its owners that employs the commissioner?**

The commission found that the county commission's legal counsel advised the commissioner to disclose and abstain on any matters related to the baseball team, and disclose on matters



regarding the baseball team's owners. Further, legal counsel advised the commissioner to refrain from attempting to influence staff and other governmental entities on any issue related to the baseball team or its owners.

*See also:* Appearance of Impropriety, Conflicts with Private Financial/Business Interests, Other Employment During Public Service, Representing/Counseling Clients during Public Service, Using Position to Further Own Financial/Business Interests, Disclosure and Abstention, Improper Influence of a Subordinate, Unwarranted Privileges

**13-25C** (11/20/13) (Associate Superintendent, Clark County School District)

Third Party Request – Stipulated Agreement – Non-Willful Violation

**Does a superintendent violate ethics laws where she uses school district resources to transport and store PAC Campaign materials?**

The commission found a non-willful violation where the government entity incurred expenses in support of a ballot question because she relied upon legal counsel's advice that her conduct was permissible.

*See also:* Elections – Using Gov't Time and Resources for Elections

**11-76C** (10/17/12) (Mayor, City of Boulder City)

Third Party Request – Stipulated Agreement – Non-Willful Violation

**Did the mayor violate ethics laws where the city bought items from his hardware store and/or where he failed to abstain and disclose on matters pertaining to his store?**

The commission found a non-willful violation where the mayor relied on bad legal advice but held there was not enough evidence to support any other violations.

*See also:* Conflicts with Private Financial/Business Interests, Using Position to Further Own Financial/Business Interests, Disclosure and Abstention, Unwarranted Privileges

**11-63C** (4/13/12) (Mayor, City of North Las Vegas)

Third party request – Stipulated Agreement – Non-willful violation

**1) Did the mayor violate ethics laws by failing to disclose a conflict without detail and referring back to a previously made disclosure?**

- The mayor violated NRS 281A.420(1) for failing to fully disclose her conflict of interest because a public official may not refer to a previous disclosure. This is a non-willful violation because the mayor relied upon the city attorney's advice.

**2) Did the mayor violate ethics laws by advocating for a conflict of interest through a statement she made regarding the conflict?**

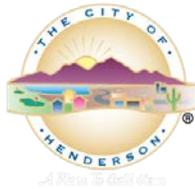
- The mayor's comments constituted advocacy under NRS 281A.420(3).

*See also:* Representing/Counseling Clients during Public Service, Disclosure and Abstention

**06-61, 06-62, 06-66, 06-68** (10/8/07) (City Councilmember, City of Sparks)

Third Party Request – Opinion – Non-Willful Violation

**Did a city councilmember violate ethics laws where he acted on a matter involving one of his campaign volunteers?**



The commission found a non-willful violation for failing to abstain because he relied on counsel's advice.

*See also:* Commitment in a Private Capacity – In General, Disclosure and Abstention

**03-40** (6/16/04) (City Councilmember, City of Las Vegas)

Third Party Request – Opinion – Non-Willful Violation

**Did the city councilmember violate ethics laws where he failed to properly disclose his relationship to his attorney's firm that represented another client before the city?**

The commission found a non-willful violation because the city attorney instructed the councilmember how to disclose.

*See also:* Attorney Client Relationship, Disclosure and Abstention

**00-19** (8/1/00) (Member, State Board of Education)

Third Party Request – Stipulation – Non-Willful Violation

**Whether a Board of Education member violated ethics law by improperly disclosing his relationship to his wife who works for the state department of education?**

The commission found a non-willful violation because there were conflicting instructions from various bodies with authority over the board of education.

*See also:* Conflicts with Family Members, Disclosure and Abstention, Supervisory Conflicts

## **XV. Public Officer Defined** [NRS 281A.160]

**11-03A, 10-117A** (4/4/12) (Superintendent, Clark County School District)

First Party Request – Opinion

**Is a school super intendent a public officer under NRS281A.160 and required to file an annual financial disclosure?**

The commission held that the superintendent is not a public officer under NRS281A.160, thus he does not need to file an annual financial disclosure.

**\*\*Note:** The 2013 Legislature added Superintendents as a Public Officer to Ethics Laws.

*See also:* Gifts

**11-02A** (4/4/12) (CEO, Battle Mountain Hospital)

First Party Request – Opinion

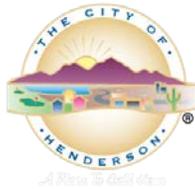
**Whether the CEO of a Hospital a public officer that requires an annual Financial Disclosure?**

The commission held that the CEO of a Hospital district is not a public officer because the position does not satisfy the first element of NRS 281A.160.

**10-121A** (4/4/12) (Superintendent of Schools, Nye County School District)

First Party Request – Opinion

**Is a superintendent a public officer?**



The commission held that the superintendent is not a public officer.

**10-19A** (10/13/10) (General Manager, Clark County Water Reclamation District)

First Party Request – Opinion

**Is the General Manager of a county water reclamation district a public officer requiring a financial disclosure statement?**

The commission held the general manager is not a public officer.

**09-71A** (7/18/12) (Director of Las Vegas Operations, Nevada Commission on Economic Development)

First Party Request – Opinion

**Whether an independent contractor working for a state agency through a contract with a private employment agency may accept employment with another state agency?**

The commission found that simultaneous employment does not violate ethics laws because he was not a public employee and there was no connection between the public entities.

*See also:* Conflicts with Private Financial/Business Interests, Contracts with the Government

**00-46** (1/4/01) (Member, Laughlin Town Advisory Board)

First Party Request – Opinion

**Are Town Advisory Board members or its standing committee members considered “public officers”?**

The Commission held that both the Laughlin Town Advisory Board and each of its standing committees fit within the advisory exception to the definition of “public officer.”

**00-35** (10/19/00) (City Councilmember)

First Party Request – Opinion

**Whether each member of the Committee could be construed as a “public officer” under NRS 281.4365 when acting in the capacity as a member of the Committee?**

The Commission held the committee member is not a public officer.

## **XVI. Requests for Advisory Opinion Regarding Past Conduct [NRS 281A.460]**

**12-46A** (1/24/13) (Member, Local Governing Body)

First Party Request – Abstract of Opinion

**Whether a public officer's former role as a nonprofit board director and current role on the nonprofit's fiscal subcommittee requires disclosure and/or abstention on matters awarding grants to the nonprofit?**

The commission held that the public officer should disclose and abstain from participating in matters involving the nonprofit.



*See also:* Serving on Nonprofit Boards, Disclosure and Abstention

**11-29A** (10/4/12) (Member, State Regulatory Board)

First-Party Request – Opinion

**What are a state regulatory board member's ethical obligations in relation to a corporation he represented two years ago? (Referencing Nevada Attorney General Opinion 95-19)**

The commission held there was no conflict of interest because the officer had not represented the client in 2 years. However, the commission lacks jurisdiction to interpret a Nevada Attorney General Opinion, the Nevada Rules of Professional Conduct, and the Nevada Code of Judicial Conduct.

*See also:* Attorney Client Relationship, Commitment in a Private Capacity – In General, Jurisdiction of the Ethics Commission

**10-07A** (10/4/12) (Member, City Council)

First Party Request – Abstract of Opinion

**What are a city councilmember's ethical obligations where she voted on a matter but later discovered a conflict of interest regarding that matter?**

The commission held that since the councilmember was unaware of her conflict of interest she did not violate ethics laws.

*See also:* Commitment in a Private Capacity – In General

**01-19** (8/7/01) (Member, State Regulatory Body)

First Party Request – Abstract Opinion

**Did a public officer violate ethics laws by filing a regulatory complaint against his past private employer?**

The commission held that no violation occurred.

**01-04** (6/4/01) (Member, Regulatory Board)

First Party Request – Opinion

**What are a regulatory board member's ethical obligations where he was previously employed by a regulated entity?**

The commission held that nothing in the NRS imposes any prohibitions against former private sector employees.

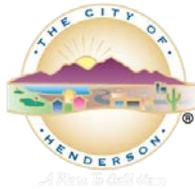
*See also:* Appearance of Impropriety

## **XVII. Unwarranted Privileges [NRS 281A.400(2)]**

**16-49A** (8/31/16) (Member, Public Body)

First Party Request – Abstract Opinion

**What are a public officer's ethics obligations regarding his nonprofit employer which will receive funding from the public body?**



The commission held that the officer must properly abstain and disclose on matters involving the nonprofit and ensure he does not use his position to gain unwarranted privileges.

*See also:* Conflicts with Private Financial/Business Interests, Cooling Off – Public Officials, Disclosure and Abstention

**16-13A** (5/10/16) (Member, Nevada Real Estate Commission)

First-Party Request – Opinion

**May a member of the Real Estate Commission seek and accept monetary gifts to attend an educational conference?**

Pursuant to NRS 281A.400(1) and (2), the acceptance of the expense-paid trip to the Conference does not create an appearance of impropriety or seeking unwarranted privileges because the conference is educational and directly connected to public duties.

*See also:* Gifts

**15-76A** (7/12/16) (Public Employee, Public Entity)

First Party Request – Abstract Opinion

**Whether a public employee may accept a management position with a regulated business entity?**

The commission held that the cooling off period is applicable and refused to grant relief because he played a party in policy formation, regulated entities, and obtained trade secrets through his work.

*See also:* Cooling Off – Employees, Cooling Off – Contracting with Regulated Entities, Former Employees Working on Matters with the Government

**15-73C** (10/19/16) (Quality Control Officer, Public Employees' Benefits Program)

Third Party Request – Stipulated Agreement – Willful Violation

**Does a PEBP Quality Control Officer violate ethics laws where she accepts a gift, meals, and a “favor” from healthcare vendors which PEBP oversees?**

The commission found a willful violation where the officer should not have accepted the gift, meals, or favor.

*See also:* Gifts, Willful Violations

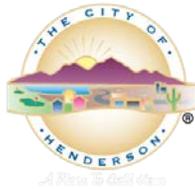
**15-02C/15-07C/15-08C** (7/15/15) (Member, Board of Directors, Fernley Swimming Pool District)

Third Party Request – Consolidated Stipulated Agreement – Willful Violation

**When making a disclosure, must a board member include information regarding the potential effect of their action and effect on their spouse, and abstain on agenda items that pertain to their spouse's interests?**

The commission dismissed the allegations regarding unwarranted privileges for lack of evidence.

*See also:* Conflicts with Family Members, Conflicts with Private Financial/Business Interests, Disclosure and Abstention, Improper Influence of a Subordinate, Willful Violations



**14-82A** (5/18/15) (Deputy Chief, State Agency)

First Party Request – Abstract Opinion

**May a Deputy Chief accept employment with a private organization that may do business with the public agency he is leaving?**

The commission held that the cooling off period does not apply because the agency is not a regulatory board or an industry business but may not represent or counsel anyone on issues under consideration during the officer's tenure.

*See also:* Cooling Off – Employees, Former Employees Working on Matters with the Government

**14-78A** (3/24/15) (Member, Lander County Board of Commissioners)

First Party Request – Confidential Opinion

**May a County Commissioner simultaneously maintain his position on the Chamber of Commerce and volunteer for Sheriff's Search and Rescue?**

The commission held that the commissioner may also serve on the chamber of commerce and sheriff's search and rescue but must properly disclose and abstain. Further, ethics laws do not prohibit a public officer from acting in a manner consistent with his personal interests. Rather, disclosure and abstention protects the public from a public officer acting in a manner which creates unwarranted privileges, preferences or advantages for a personal interest, including non-profits to which the officer has a commitment in a private capacity.

*See also:* Commitment in a Private Capacity – In General, Conflicts with Private Financial/Business Interests, Serving on Nonprofit Boards, Disclosure and Abstention

**14-73C** (4/20/16) (Storey County Board of Commissioners)

Third Party Request – Stipulated Agreement – No Violation

**Does a County Commissioner violate ethics laws by making comments about personal matters or private business during “Board Comment” or similar agenda items reserved for official business?**

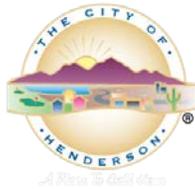
The commission found no violation because this was a case of first impression, but clarifies that statements about private matters should be separated from official business.

*See also:* Appearance of Impropriety, Conflicts with Private Financial/Business Interests, Using Government Time and Resources for Personal or Financial/Business Interest, Using Position to Further Own Financial/Business Interests

**14-71C** (6/15/16) (Sheriff, Elko County)

Third Party Request – Stipulated Agreement – No Violation

**Does wearing an official Sheriff uniform while engaging in campaign activities violate the ethics code? Is it improper to allow subordinates to contribute to and assist in a reelection campaign?**



The commission found no ethics laws violation because wearing a sheriff uniform during a campaign was a case of first impression, and the subordinates voluntarily chose to support the sheriff's campaign.

*See also:* Appearance of Impropriety, Using Government Time and Resources for Personal or Financial/Business Interest, Elections – In General, Using Gov't Time and resources for Elections, Improper Influence of a Subordinate

**14-70C** (5/19/16) (Assessor, Nye County)

Third Party Request – Opinion – Willful Violation

**Did the county assessor violate ethics laws where the assessor videotaped her employee at work who was also her election opponent, where she fired an employee whose spouse conducted a criminal investigation of the assessor, and where she improperly instructed her employees to appraise various elected official's properties?**

The commission held ethics laws were violated because the assessor tried to use her elected position to win re-election.

*See also:* Appearance of Impropriety, Elections – In General, Using Gov't Time and resources for Elections, Employment and Personnel Issues, Improper Influence of a Subordinate, Willful Violations

**14-33A** (7/31/14) (Public Employee, Public Agency)

First Party Request – Abstract Opinion

**Whether a public employee violates ethics laws when following his Supervisor's directive to administer awards to a nonprofit organization that the Supervisor is an officer of?**

The commission held that ethics laws are not violated if the employee awards the funds to the supervisor's nonprofit.

*See also:* Appearance of Impropriety, Commitment in a Private Capacity – In General, Serving on Nonprofit Boards, Improper Influence of a Subordinate

**14-17C** (9/10/14) (City Attorney, City of Boulder City)

Third Party Request – Stipulated Agreement – Willful Violation

**May an appointed City Attorney serve as an expert witness in a legal matter concerning his son?**

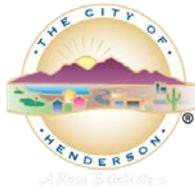
The commission found a willful violation where the city attorney violated numerous ethics laws when he served as an expert witness in a legal matter concerning his son.

*See also:* Conflicts with Family Members, Willful Violations

**14-09A** (7/27/16) (Public Employee, Public entity)

First Party Request – Abstract Opinion

**Does a public employee violate ethics laws where their private business competes with the public entity? (The public employee only offers ongoing services to existing private clients and the rest of their private business is handled by their spouse and employees.)**



The commission found that no ethics laws are violated so long as the public employee does not take on new private business clients.

*See also:* Conflicts with Private Financial/Business Interests

**13-28A** (7/1/14) (Vice Chair, Clark County Board of Commissioners)

First Party Request – Opinion

**What are a county commissioner's ethics obligations to the baseball team and its owners that employ the commissioner?**

The commission advised that the commissioner must be vigilant not to use nonpublic information acquired through his public position to benefit his private employer.

*See also:* Appearance of Impropriety, Conflicts with Private Financial/Business Interests, Other Employment During Public Service, Representing/Counseling Clients during Public Service, Using Position to Further Own Financial/Business Interests, Disclosure and Abstention, Improper Influence of a Subordinate, Legal Advice on Ethics/Safe Harbor Provision

**12-72C & 12-74C** (8/27/13) (Former Trustees, Incline Village General Improvement District)

Third Party Request – Stipulated Agreement – No Violation

**Did GID Trustees violate ethics laws by voting to approve a purchase order without disclosing that they were members of organization that requested the purchase order?**

The commission held there was no evidence to support a violation because they were only members of the organization and did not have a fiduciary or business interest in the organization.

*See also:* Serving on Nonprofit Boards

**12-66A** (1/24/13) (Trustee, Sun Valley General Improvement District)

First-Party Request – Opinion

**May an appointed GID Trustee, who applied for another vacant GID trustee seat, participate in appointing the vacant seat?**

The commission held that the GID Trustee must disclose and abstain from matters involving the vacant GID Trustee seat because that would be using her position to secure preferences and employment.

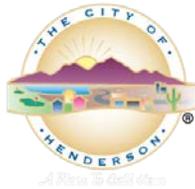
*See also:* Appearance of Impropriety, Unwarranted Privileges,

**12-15A** (10/4/12) (City Councilmember)

First Party Request – Abstract of Opinion

**Where a city council member is a private business owner and a nonprofit board director, and the city is interested in a private public partnership that affects her business and the nonprofit, what are the city council member's ethical obligations and what are her obligations to other nonprofit board members who are also interested in the private public partnership?**

The commission did not find any evidence suggesting that the councilmember used her position to gain unwarranted or special benefit or preference to herself or the nonprofit and its members.



*See also:* Commitment in a Private Capacity – In General, Serving on Nonprofit Boards, Using Position to Further Own Financial/Business Interests, Disclosure and Abstention

**12-05A** (11/21/12) (Member, Minden Town Board)

First Party Request – Confidential Opinion

**May a member of a Town Board promote and operate certain local events, which are subject to approval and sponsorship by the Board and which benefit her private pecuniary and business interests?**

The commission held that this does not violate ethical standards but the member must properly disclose and abstain accordingly.

*See also:* Conflicts with Private Financial/Business Interests, Disclosure and Abstention

**12-04A** (10/4/12) (Trustee, Board of Trustees, General Improvement District, Political Subdivision)

First Party Request – Abstract of Opinion

**Whether a GID Trustee violated NRS281.400(2) by also serving as a volunteer Director of a nonprofit organization which provides similar services to Political Subdivision through grants obtained from various sources?**

The commission held that this is not an instance where a public officer is using her position to secure unwarranted preferences because it is the nonprofit entity which provides private funding to the public entity.

*See also:* Commitment in a Private Capacity – In General, Serving on Nonprofit Boards, Disclosure and Abstention

**11-76C** (10/17/12) (Mayor, City of Boulder City)

Third Party Request – Stipulated Agreement – Non-Willful Violation

**Did the mayor violate ethics laws where the city bought items from his hardware store and/or where he failed to abstain and disclose on matters pertaining to his store?**

The commission found a non-willful violation where the mayor relied on bad legal advice but held there was not enough evidence to support any other violations.

*See also:* Conflicts with Private Financial/Business Interests, Using Position to Further Own Financial/Business Interests, Disclosure and Abstention, Legal Advice on Ethics/Safe Harbor Provision

**10-81C** (2/15/12) (Former County Clerk, White Pine County)

Third Party Request – Stipulated Agreement – Willful Violation

**Does a county clerk, running for re-election, violate ethics laws where she issues an interoffice memorandum and uses it to terminate her subordinate who was running against her for county clerk?**

The commission found a willful violation where she violated NRS281A.400(2) and (7).

*See also:* Elections – In General, Improper Influence of a Subordinate, Willful Violations



**10-26C, 12-27C, 10-42C** (1/25/11) (City Councilmember, City of Fernley)

Third Party Request – Stipulated Agreement – Non-Willful Violation

**Does a city councilmember violate ethics laws where he requests an inspection on his private building from a city inspector?**

The commission found a non-willful violation because the councilmember intended the request to be a courtesy private citizen inspection.

*See also:* Improper Influence of a Subordinate

**10-12C** (1/19/11) (Member, Nye County Board of Commissioners)

Third Party Request – Stipulated Agreement – Willful Violation

**Did a county commissioner violate ethics laws where he asked a subordinate to inspect his privately owned properties?**

The commission found a willful violation of NRS 281 A.400 (2), (7) and (9).

*See also:* Using Government Time and Resources for Personal or Financial/Business Interest, Improper Influence of a Subordinate, Public Officer Defined, Willful Violations

**09-20C** (10/13/10) (Former City Manager, City of Fernley)

Third Party Request – Opinion – No Violation

**Did a city employee violate ethics laws by using the city credit card for various purchases or reimbursement requests?**

The commission found no violation because the expenses were approved, were city-related and in his employment contract.

*See also:* Using Government Time and Resources for Personal or Financial/Business Interest

**09-19C** (10/13/10) (Public Works Director, City of Fernley)

Third Party Request – Opinion – No Violation

**Did a city employee violate ethics laws by using the city credit card for various purchases?**

The commission found no violation because the expenses were approved and were city-related.

*See also:* Using Government Time and Resources for Personal or Financial/Business Interest

**09-12C** (10/13/10) (Former Finance Director, City of Fernley)

Third Party Request – Opinion – No Violation

**Did a public employee violate ethics laws by using the city credit card to pay for personal licensing fees?**

The commission found no violation because the expenses were approved and were city-related.

*See also:* Using Government Time and Resources for Personal or Financial/Business Interest

**07-43C** (12/26/07) (President, Storey County School District Board of Trustees)

Third Party Request – Opinion – No Violation

**Did a school board trustee violate ethics laws where she asked for a free bottle of water at a high school football game?**

The commission found no violation because the situation was a misunderstanding.



**06-13** (6/20/07) (Mayor, City of Ely)

Third Party Request – Opinion – Willful Violation

**Does the mayor violate ethics laws where he participates in utilities matters when he has a delinquent utility bill?**

The commission found multiple willful violations and moved to have the mayor removed from office.

*See also:* Appearance of Impropriety, Willful Violations

**01-08B** (2/12/02) Member, State Board)

Third Party Request – Opinion – No Violation

**Whether a department director violated ethics laws pursuant to a county “side work” policy when he privately hired a subordinate to fix the air conditioning at his home?**

The commission found no violation of ethics laws.

*See also:* Improper Influence of a Subordinate

**00-54** (9/20/01) (Member, Clark County Board of Commissioners)

Third Party Request – Opinion – No Violation

**Whether the commissioner violated ethics laws where she tried to gather information about misconduct in a division?**

The commission found no violation because there was no evidence to support the allegations.

*See also:* Improper use of Confidential or Non-Public Information

**00-11** (4/25/02) (Former President and CEO, Reno-Sparks Convention and Visitors Authority)

Third Party Request – Opinion – Willful Violation

**Did the public officer violate ethics laws where he used a business credit card for thousands of dollars’ worth of personal use?**

The commission found various willful violations.

*See also:* Using Government Time and Resources for Personal or Financial/Business Interest, Willful Violations

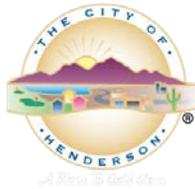
**98-41** (5/7/1999)(Sheriff, Washoe County)

First Party Request – Opinion

**May a sheriff endorse a candidate where he uses any or all of his position, title, badge, uniform, facilities, deputies, or other accouterments in political advertisements?**

The commission held that the Sheriff may personally support the candidate but may not use the physical accouterments of his office or position to bolster the endorsement. Further, the commission reasoned this does provide an advantage but is not “unwarranted” pursuant to the district attorney’s opinion on the matter.

*See also:* Elections – In General



## **XVIII. Willful Violations [NRS 281A.170]**

**16-78C** (6/19/17) (Supervisor, Ward 2, Carson City Board of Supervisors)

Third Party Request – Stipulated Agreement – Willful Violation

**Whether a city board supervisor should have disclosed and abstained on a matter related to his private business?**

The commission found a willful violation where the supervisor should have disclosed and abstained from the matter.

*See also:* Conflicts with Private Financial/Business Interests, Disclosure and Abstention

**16-59C** (2/15/17) (Former Member, Lander County Planning Commission)

Third Party Request– Stipulated Agreement – Willful Violation

**Must a member of a planning commission disclose and abstain on matters pertaining to a client she has a realtor/client relationship with?**

The commission found a willful violation where the planning commission member failed to properly disclose and abstain on matters involving her client.

*See also:* Disclosure and Abstention

**16-54C** (6/8/17) (Sheriff, Storey County)

Third Party request – Opinion – Willful Violation

**Does a Sheriff violate ethics laws when he uses county letterhead to endorse a congressional candidate?**

The commission held the Sheriff willfully violated NRS 281A.400(7) by using official letterhead (government property) as the mechanism to provide a private political endorsement.

*See also:* Elections – Using Gov't Time and Resources for Elections

**16-11C; 16-20C** (10/19/16) (Member, Mesquite City Council)

Third Party Request for Opinion – Stipulated Agreement – Non-willful violation

**Did a city councilmember, who is an independent contractor for a real estate company, violate ethics laws when he failed to disclose and abstain on a property sale involving the real estate company?**

The commission found a non-willful violation under mitigating factors because the councilmember had a commitment to the real estate company, thus he should have disclosed his relationship but did not need to abstain from the method of sale but should have abstained from matters involving negotiations.

*See also:* Conflicts with Private Financial/Business Interests, Disclosure and Abstention, Improper use of Confidential or Non-Public Information

**15-73C** (10/19/16) (Quality Control Officer, Public Employees' Benefits Program)

Third Party Request – Stipulated Agreement – Willful Violation

**Does a PEBP Quality Control Officer violate ethics laws where she accepts a gift, meals, and a "favor" from healthcare vendors which PEBP oversees?**



The commission found a willful violation where the officer should not have accepted the gift, meals, or favor.

*See also:* Gifts, Unwarranted Privileges

**15-21C** (9/16/15) (Mayor, City of Ely)

Third Party Request – Stipulated Agreement – Non-Willful Violation

**Did the mayor violate ethics laws where she failed to disclose that she owned two properties on a street which was being considered for sewer line reconstruction?**

The commission found a non-willful violation under the mitigating factors where the mayor should have disclosed and abstained on the public works matter taking place on a street where she owned property.

*See also:* Conflicts with Private Financial/Business Interests; Disclosure and Abstention, Appearance of Impropriety

**15-02C/15-07C/15-08C** (7/15/15) (Member, Board of Directors, Fernley Swimming Pool District)

Third Party Request – Consolidated Stipulated Agreement – Willful Violation

**When making a disclosure, must a board member include information regarding the potential effect of their action and effect on their spouse, and abstain on agenda items that pertain to their spouse's interests?**

The commission found a willful violation where the board member disclosed but did not further elaborate about the effects or abstain from discussing or voting on agenda items that directly affect his spouse.

*See also:* Conflicts with Family Members, Conflicts with Private Financial/Business Interests, Holding Two or More Government Positions, Disclosure and Abstention, Improper Influence of a Subordinate, Unwarranted Privileges

**14-79C** (3/16/16) (Member, White Pine County Board of Commissioners)

Third Party Request – Stipulated Agreement – Willful Violation

**Did a county commissioner violate ethics law where he failed to properly disclose and abstain on matters involving his personal well, his daughter's involvement in purchasing a building, and land adjacent to a county aquatics facility construction project?**

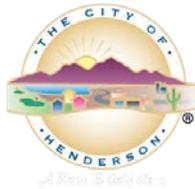
The commission found a willful violation for failing to properly disclose and abstain.

*See also:* Commitment in a Private Capacity – In General, Conflicts with Family Members, Conflicts with Private Financial/Business Interests, Disclosure and Abstention

**14-70C** (5/19/16) (Assessor, Nye County)

Third Party Request – Opinion – Willful Violation

**Did the county assessor violate ethics laws where the assessor videotaped her employee at work who was also her election opponent, where she fired an employee whose spouse conducted a criminal investigation of the assessor, and where she improperly instructed her employees to appraise various elected official's properties?**



The commission held ethics laws were violated because the assessor tried to use her elected position to win re-election.

*See also:* Appearance of Impropriety, Elections – In General, Using Gov't Time and resources for Elections, Employment and Personnel Issues, Improper Influence of a Subordinate, Unwarranted Privileges

**14-17C** (9/10/14) (City Attorney, City of Boulder City)

Third Party Request – Stipulated Agreement – Willful Violation

**May an appointed City Attorney serve as an expert witness in a legal matter concerning his son?**

The commission found a willful violation where the city attorney violated numerous ethics laws when he served as an expert witness in a legal matter concerning his son.

*See also:* Conflicts with Family Members, Unwarranted Privileges

**14-12C** (6/11/14) (Member, Lander County Board of Commissioners)

Third Party Request – Stipulated Agreement – Willful Violation

**Does a County Commissioner create a conflict of interest and violate ethics laws where he files a letter of intent to bid on a public works contract then fails to disclose or abstain from matters involving that public work?**

The commission found a willful violation and held that regardless of actual intent, a letter of intent to bid on a public works project creates a conflict of interest; as such the commissioner must disclose and abstain from matters pertaining to that public works project.

*See also:* Conflicts with Private Financial/Business Interests, Contracts with the Government, Disclosure and Abstention

**13-85C** (4/16/14) (Commissioner, Lander County)

Third Party Request – Stipulated Agreement – Willful Violation

**Must a county commissioner disclose and abstain on matters regarding his son who has a public works contract with the county?**

The commission found a willful violation where the county commissioner did not fully disclose his relationship with his son and did not abstain on matters involving the public works contract between his son and the county. Although the commissioner was following the advice of legal counsel, the commission still found a violation because “the nature of the conflict was clear, and an absolute requirement for abstention exists.”

*See also:* Conflicts with Family Members, Conflicts with Private Financial/Business Interests, Disclosure and Abstention, Supervisory Conflicts, Legal Advice on Ethics/Safe Harbor Provision

**13-81C** (6/11/14) (Board Member, McDermitt Fire District, Humboldt County)

Third Party Request – Stipulated Agreement – Willful Violation

**Did a board member violate ethics laws where he failed to disclose and abstain from voting on matters involving emergency services because he rented one of his homes to the hospital for emergency services?**



The commission found a willful violation and held the board member violated ethics laws by entering into a contractual agreement with a governmental entity and failing to disclose and abstain on matters pertaining to that contract.

*See also:* Commitment in a Private Capacity – In General, Conflicts with Private Financial/Business Interests, Disclosure and Abstention

**13-68C** (3/19/14) (City Councilmember, City of Ely)

Third Party Request – Stipulated Agreement – Willful Violation

**Did a city councilmember violate ethics laws where he failed to disclose and abstain on matters that involve his private business and matters that involve his business partner?**

The commission found a willful violation where the city councilmember failed to properly abstain and disclose on matter regarding his business and his business partner.

*See also:* Conflicts with Private Financial/Business Interests, Disclosure and Abstention

**13-05C** (7/16/13) (Councilman, City of Ely and Chair, William Bee Ririe Hospital Board of Trustees)

Third Party Request – Stipulated Agreement – Willful Violation

**Did a city councilmember violate ethics laws where he failed to disclose and abstain on matters that involve his private business and matters that involve his business partner?**

The commission found a willful violation where the city councilmember failed to properly abstain and disclose on matter regarding his business and his business partner.

*See also:* Commitment in a Private Capacity – In General, Contracts with the Government, Disclosure and Abstention

**12-50C; 12-54C** (7/17/13) (Councilmember, City of Fernley)

Third Party Request – Opinion – Willful Violation

**Must a mayor disclose and abstain on matters involving utilities when he has delinquent, past due utility bills?**

The commission found a willful violation because the mayor should have disclosed but does not need to abstain on such matters.

*See also:* Appearance of Impropriety, Disclosure and Abstention

**11-67C** (1/14/14) (Assessor, Nye County)

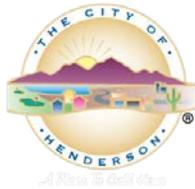
Third Party Request – Opinion – Willful Violation

**Does a county assessor violate ethics laws where she uses government resources, such as her county car and office supplies, to oppose a recall of her election?**

The commission found a willful violation for using county resources to oppose her recall.

*See also:* Elections – Using Gov't Time and Resources for Elections, Employment and Personnel Issues – In General

**10-105C, 10-106C, 10-108C, 10-109C, 10-115C** (8/24/11) (Former Member, Governing Body of Beacon Academy of Nevada Public Charter School)



Third Party Request – Stipulated Agreement – Willful Violation

**Does a public officer violate ethics laws where she enters into a private contract with the school for accounting services?**

The commission found a willful violation where she violated NRS281A.400.

*See also:* Using Position to Further Own Financial/Business Interests, Contracts with the Government, Improper Influence of a Subordinate

**10-92C** (5/16/11) (Trustee, Humboldt General Hospital Board of Trustees)

Third Party Request – Stipulated Agreement – Willful Violation

**Did the a Hospital Board Trustee violate ethics laws where she failed to abstain and disclose on matters pertaining to her employment as the hospital's general surgeon?**

The commission found a willful violation for failure to abstain and disclose on the matter.

*See also:* Using Position to Further Own Financial/Business Interests, Disclosure and Abstention

**10-81C** (2/15/12) (Former County Clerk, White Pine County)

Third Party Request – Stipulated Agreement – Willful Violation

**Does a county clerk, running for re-election, violate ethics laws where she issues an interoffice memorandum and uses it to terminate her subordinate who was running against her for county clerk?**

The commission found a willful violation where she violated NRS281A.400(2) and (7).

*See also:* Elections – In General, Improper Influence of a Subordinate, Unwarranted Privileges

**10-48C** (2/9/12) (Former County Manager, Lyon County)

Third Party Request – Opinion – Willful Violation

**Does a county manager violate ethics laws where he gets his wife a job at the library?**

The commission found a willful violation of NRS 281A.400(1).

*See also:* Conflicts with Family Members, Using Position to Further Own Financial/Business Interests, Improper Influence of a Subordinate, Supervisory Conflicts

**10-12C** (1/19/11) (Member, Nye County Board of Commissioners)

Third Party Request – Stipulated Agreement – Willful Violation

**Did a county commissioner violate ethics laws where he asked a subordinate to inspect his privately owned properties?**

The commission found a willful violation of NRS 281 A.400 (2), (7) and (9).

*See also:* Using Government Time and Resources for Personal or Financial/Business Interest, Improper Influence of a Subordinate, Public Officer Defined, Unwarranted Privileges

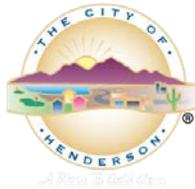
**09-40C** (3/17/10) (Member, Pahrump Town Board)

Third Party Request – Stipulated Agreement – Willful Violation

**May a town board member ask the fire chief to help him obtain private employment?**

The commission found a willful violation of NRS 281A.400(9) and (10).

*See also:* Using Position to Further Own Financial/Business Interests



[09-66C](#); [09-67C](#); [09-68C](#); [09-69C](#) (3/15/10) (City Councilmember, City of West Wendover)  
Third Party Request – Stipulated Agreement – Willful Violation

**Did a city councilmember violate ethics laws where (s)he failed to abstain and disclose on matters pertaining to his/her private employer?**

The commission found a willful violation for failure to abstain and disclose.

*See also:* Using Position to Further Own Financial/Business Interests, Disclosure and Abstention

[09-22C](#) (7/15/09) (Chair, Humboldt General Hospital District)

Third Party Request – Stipulated Agreement – Willful Violation

**Did the board member violate ethics laws by failing to disclose and abstain on matters pertaining to her private employer?**

The commission found a willful violation for failing to abstain and disclose.

*See also:* Conflicts with Private Financial/Business Interests, Disclosure and Abstention

[09-11C](#) (4/4/12) (Trustee, Humboldt General Hospital District Board of Trustees)

Third Party Request – Opinion – Non-Willful Violation

**Did a hospital trustee violate ethics laws by voting on a matter that included a reimbursement check for her?**

The commission held the trustee violated ethics laws for failing to disclose her pecuniary interest but was not required to abstain.

*See also:* Commitment in a Private Capacity – In General

[07-44C](#) (3/13/08) (Constable, Goodsprings Township, Clark County)

Third Party Request – Stipulation – Willful Violation

**Whether a public employee violates ethics laws where he fails to timely remit funds collected from wage garnishment?**

The commission found a willful violation.

*See also:* Appearance of Impropriety

[07-07A](#) (8/2/07) (Commissioner, Eureka County Board of Commissioners)

Third Party Request – Stipulation – Willful Violation

**Whether a county commissioner violated ethics laws by failing to disclose and abstain on matters that her nephew bid on?**

The commission found a willful violation for failure to disclose.

*See also:* Conflicts with Family Members, Disclosure and Abstention, Supervisory Conflicts

[06-14](#) (5/3/07) (Commissioner, Lincoln County Board of Commissioners)

Third Party Request – Opinion – Willful Violation

**Whether a county commissioner violated ethics laws for failing to disclose on a matter pertaining to the community where he owned a parcel of land?**

The commission found a willful violation because the commissioner should have disclosed.



*See also:* Commitment in a Private Capacity – In General, Disclosure and Abstention

**06-13** (6/20/07) (Mayor, City of Ely)

Third Party Request – Opinion – Willful Violation

**Does the mayor violate ethics laws where he participates in utilities matters when he has a delinquent utility bill?**

The commission found multiple willful violations and moved to have the mayor removed from office.

*See also:* Appearance of Impropriety, Unwarranted Privileges

**05-21** (1/29/07) (State Senator)

Third Party Request – Settlement Agreement – Willful Violation

**Does a senator violate ethics laws where she uses senate letterhead for a private business letter?**

The commission found a willful violation of ethics laws.

*See also:* Using Government Time and Resources for Personal or Financial/Business Interest

**05-11** (4/28/06) (Mayor, City of North Las Vegas)

Third Party Request – Opinion – Willful Violation

**Did the Mayor violate ethics laws by failing to disclose his position as a corporate officer of the Tonopah and Tidewater Railroad Company in his financial disclosure statement?**

The commission found a willful violation where the mayor failed to disclose his role as a corporate officer at the railroad company.

*See also:* Forms

**04-81** (9/14/05) (Teacher, Carson City School District)

Third Party Request – Stipulation – Willful Violation

**Did a teacher violate ethics laws by using employment hours to promote a political campaign?**

The commission found a willful violation for using government resources for private interests.

*See also:* Elections – Using Gov't Time and Resources for Elections

**04-82** (9/14/05) (Teacher, Carson City School District)

Third Party Request – Stipulation – Willful Violation

**Did a teacher violate ethics laws by using the school photocopier for campaign fliers?**

The commission found a willful violation for using government resources for private interests.

*See also:* Elections – Using Gov't Time and Resources for Elections

**04-47** (9/22/04) (Controller, State of Nevada)

Third Party Request – Stipulation – Willful Violation

**Whether the controller violated ethics laws by using subordinates and government resources for her re-election campaign?**



The commission found three willful violations and filed a report to have her impeached.  
*See also:* Elections – Using Gov't Time and Resources for Elections, Improper Influence of a Subordinate

**04-34** (December 2004) (Member, State Board of Education)

Third Party Request – Opinion – Willful Violation

**Whether an education board member violated ethics laws by actively participating in a charter school application and accepting employment from the charter school?**

The commission found a willful violation where he used his position to gain employment and failed to abstain on the matter.

*See also:* Using Position to Further Own Financial/Business Interests

**03-47** (6/9/04) (Recorder, Clark County)

Third Party Request – Opinion – Willful Violation

**Whether the county recorder violated ethics laws by creating a company that sells publicly recorded documents?**

The commission found a willful violation for improperly using her position.

*See also:* Using Position to Further Own Financial/Business Interests

**01-40** (5/17/02) (Clerk and Treasurer, Eureka County)

Third Party Request – Opinion – Willful Violation

**Did a public officer violate ethics laws failing to pay property taxes and by purposely omitting that property on a reporting form?**

The commission found a willful violation for delinquent taxes and dishonesty.

*See also:* Appearance of Impropriety, Willful Violations

**00-41** (7/13/01) (City Councilmember, City of Las Vegas)

Third Party Request – Opinion – Violation

**Did the councilmember violate ethics laws where he should have disclosed and abstained on matters he had a pecuniary interest in?**

The commission found a violation but did not reach a decision as to the type of violation.

*See also:* Disclosure and Abstention

**00-11** (4/25/02) (Former President and CEO, Reno-Sparks Convention and Visitors Authority)

Third Party Request – Opinion – Willful Violation

**Did the public officer violate ethics laws where he used a business credit card for thousands of dollars' worth of personal use?**

The commission found various willful violations.

*See also:* Using Government Time and Resources for Personal or Financial/Business Interest, Unwarranted Privileges

**97-54, 97-59, 97-66, 97-53, 97-52** (8/26/1998) (Member, Clark County Commission)



Third Party Request – Opinion – Willful Violation

**Where the airport concession company requested a list of recommended lease applicants, did the county commissioners violate ethics laws by providing recommendations for people they had personal relationships with?**

The commission held that the commissioners violated ethics laws by recommending personal friends and contacts and then failing to properly disclose and abstain when the matter came before the county commission.

*See also:* Commitment in a Private Capacity – In General, Disclosure and Abstention