

RECEIVED

APR 23 2010

COMMISSION ON ETHICS

NEVADA COMMISSION ON ETHICS  
REQUEST FOR OPINION  
(ETHICS COMPLAINT)

NRS 281A.440.2

Please print or complete online.

Nevada Commission on Ethics  
REQUEST FOR OPINION  
No. 10-26C

1. Provide the name, title, public agency, address, and telephone number for the public officer or employee you allege violated the Nevada Ethics in Government Law, NRS 281A. (If more than one public officer or employee is alleged to have violated the law, use a separate form for each individual.)

Name & Title:	Don Parsons, Council member		
Public Agency:	City of Fernley		
Address:	595 Silver Lace Blvd.		
City, State, Zip:	Fernley, Nevada 89408	Telephone:	784 9858

2. Describe in specific detail the conduct of the public officer or employee identified above that you allege violated the provision(s) of chapter 281A of NRS. (You must include specific facts and circumstances to support your allegations – including dates, times, places, and the name and position of each person involved.)

Check here  if additional pages are attached.

On April 9<sup>th</sup> 2010, Council member Parsons requested that my inspectors, Jeff Ball and contract inspector Ron Wise, meet with him at a vacant building in Fernley. According to my staff, Mr Parsons wanted the building condemned in an effort to better negotiate a purchase price.

I have attached a memorandum describing the interaction with the Council member that day. As Jeff's and Ron's direct supervisor, I am obligated to report this interaction to the Commission.

3. Identify all persons who might have knowledge of the facts and circumstances you have described, as well as the nature of the testimony the person will provide. Include the address and telephone number for each person.

Check here  if additional pages are attached.

Name & Title:	Jeff Ball, Building Inspector		
Address:	595 Silver Lace Blvd.	Telephone:	784-9900
City, State, Zip:	Fernley, NV, 89408		
Nature of Testimony:	Both written and verbal		

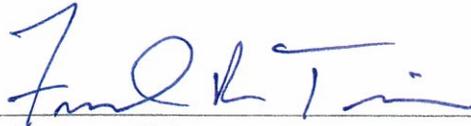
4. Attach two copies of all documents or items you believe provide credible evidence to support your allegations. [NRS 281A.440.2\(b\)\(1\)](#) requires you to submit all related evidence to support your allegations. [NAC 281A.435.3](#) defines credible evidence as a minimal level of any reliable and competent form of proof provided by witnesses, records, documents, exhibits, minutes, agendas, videotapes, photographs, concrete objects, or other similar items that would reasonably support the allegations made within the complaint. Credible evidence does not include a newspaper article or other media report if the article or report is offered by itself.

State the total number of additional pages attached (including evidence) 3

REQUESTOR'S INFORMATION:

NAME: <u>FRED TURNIER</u>	E-MAIL: <u>fturnier@cityoffernley.org</u>
ADDRESS: <u>595 Silver Lase Blvd.</u>	
CITY, STATE, ZIP: <u>Fernley, Nevada, 89408</u>	
TELEPHONE: <u>775 784-9902</u>	CELL PHONE: <u>775 338 8927</u>

By my signature below, I do affirm that the facts set forth in the foregoing complaint and attachments thereto are true and correct to the best of my knowledge and belief and I am willing to provide sworn testimony if necessary regarding these allegations.

  
Signature  
Print Name: FRED TURNIER

4/22/10  
Date

**Please return an original signed form, two copies of the form, and three copies of the supporting documents and evidence to:**

Executive Director  
Nevada Commission on Ethics  
3476 Executive Pointe Way, Suite 10  
Carson City, Nevada 89706

Ethics complaints submitted by facsimile will not be considered as properly filed with the Commission.  
[NAC 281A.255.3](#)

3. Ron Wise, Contract Building Inspector  
595 Silver Lace Blvd. , 224-2299

Fernley, NV 89408

Primary interaction with Council member - He will provide written testimony and may provide verbal.



COMMUNITY DEVELOPMENT  
DEPARTMENT

Fred R. Turner, AICF  
Director

Building and Safety  
Comprehensive Planning  
Current Planning  
Development Review  
Economic Development  
GIS  
Grants Administration

Memorandum

Date: April 15, 2010

To: Fred Turner, Community Development Director

From: James Ball, Bldg. Inspector/Code Enforcement

Subject: Meeting with Councilman Parsons on April 9, 2010

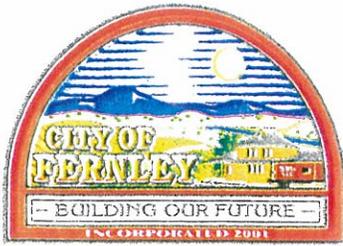
Fred, per your request, here is an account of the meeting with Councilman Parsons, myself, and Ron Wise (Inspector) last Friday, April 9, 2010.

At 11:30 AM on the above date, I was handed the phone up at the front counter and told that Councilman Parsons wished to speak with me. I got on the phone, and it was Don Parsons on the other end. He told me that he wanted me to come over and meet him at the old Mission Linen located at approx. 215 Lyon Dr., and to bring a condemnation placard with me. I asked him what this was concerning, and was told that he (Parsons) was in negotiation to buy this property and wanted it placarded against any further occupation until repairs to the building and fire suppression system were completed. At this point in the conversation, Mr. Parsons pressured me to come over and meet him immediately for this purpose despite any schedule I already had. Out of courtesy I agreed, and Ron Wise and I were able to show up approx. ½ hour later. As soon as we arrived, Mr. Parsons took me aside, and asked me if I was mad at him regarding some recent proposals he had made at City Council as Councilman. I told him I was not. He then went on to say that I shouldn't worry about my job, and that his recent proposals were mostly a scare tactic with the purpose of being a negotiating tool of starting high and settling for less in Council to City negotiations. At this point, Mr. Parsons, Ron Wise and I went inside the building. Mr. Parsons then began to point out various items in need of repair throughout the building such as broken fire sprinklers, exit signs, etc. and again asked if we (Bldg. Dept.) would placard or condemn the building on these issues. The intent of this action was made clear to Ron and I that it was to be a negotiating tool between Mr. Parsons and the sellers of this property as to what the purchase price would be and who would bear the cost of these repairs or upgrades. At this point, Ron Wise and I informed Mr. Parsons that without any permit generated activity on that property, the Bldg. Dept. had no business or authority being there at that address, and certainly had no right or authority to involve itself in negotiations in a business transaction. Mr. Parsons looked at me and asked if I hadn't been authorized to conduct affairs on behalf of the Bldg. Dept., to which I answered that I was still an inspector, but had no authority in situations such as this one. After several attempts by different avenues in conversation to get us to agree to his request for condemnation, Mr. Parsons gave up on us and turned his attention to Fire Chief Huntley, who had just arrived on scene.



Creating opportunities

Economic & Community Development



COMMUNITY DEVELOPMENT  
DEPARTMENT

Fred R. Turner, AICP  
Director

Building and Safety  
Comprehensive Planning  
Current Planning  
Development Review  
Economic Development  
GIS  
Grants Administration

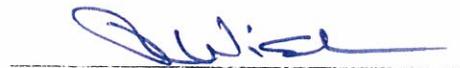
Meeting with Councilman Parsons memo- page 2

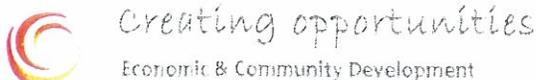
As Ron Wise and I were still on site, we had an opportunity to hear Mr. Parsons' conversation with Fire Chief Huntley, which was very similar to the one we had just finished with Mr. Parsons, and had a very similar outcome in that the Fire Dept. also had no involvement at this point until a new tenant/occupancy or use was in view. About this time, the four of us, (Parsons, Huntley, Wise, and myself) finished inside the building and went back outside. Mr. Parsons then approached me, and within earshot of Ron Wise, said to me that it wasn't really my job he was after, but even more so the position held by the CDD Director, Fred Turner, as the City didn't have much going on right now so why did we (City) need Planners, CDD Directors, etc. Also was a comment about how the City really didn't need inspectors, as any plan submitted was approved by a licensed engineer. I did not respond to these comments.

This is a true and faithful account of this incident, to the best of my recollection and also of Ron Wise, who was present in my company at the time on this day.

Sincerely,

  
James Earl  
4/16/10

  
Ron Wise  
4/16/10



# JURISDICTIONAL DETERMINATION

RFO NO.: <u>10-26C</u>	NAME: <u>Fernley Councilman Don Parsons</u>
DATE REC'D:	POSITION:

The complaint was received  **IN PROPER FORM** or  **NOT IN PROPER FORM.**

If "not in proper form" state reason:

- Insufficient evidence which supports the allegation (NAC 281A.400(6))  Not on NCOE form  
 Does not include appropriate amount of copies.

**ALLEGATIONS:**

*Please consolidate w/10-27C*

**DETERMINATION BY EXECUTIVE DIRECTOR:**

<input type="checkbox"/>	IS public employee as defined in NRS 281A.150	
<input type="checkbox"/>	IS NOT public employee as defined in NRS 281A.150	
<input type="checkbox"/>	IS a public officer as defined in NRS 281A.160	
<input type="checkbox"/>	IS NOT a public officer as defined in NRS 281A.160	
<input type="checkbox"/>	Complaint <b>DOES</b> contain allegations of the Ethics in Government Law, NRS 281A.010-281A.660.	
<input type="checkbox"/>	Complaint <b>DOES NOT</b> contain allegations of the Ethics in Government Law, NRS 281A.010-281A.660.	

Based upon the foregoing analysis, I have determined that the Commission  **DOES** or  **DOES NOT** have the jurisdiction to investigate and take appropriate action in the above referenced matter.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Executive Director

**GENERAL COUNSEL REVIEW:**

<input type="checkbox"/>	DO CONCUR or <input type="checkbox"/> DO NOT CONCUR	
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**General Counsel comments:**

Dated: \_\_\_\_\_

\_\_\_\_\_  
General Counsel