

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.

10-27C

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, City Council Member | | |
| Public Agency: | City of Fernley | | |
| Address: | 595 Silver LACE BL. | | |
| City, State, Zip: | Fernley, NV, 89408 | Telephone: | (775) 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.

I am a Bldg. Inspector with the City of Fernley. The above named Council Member tried to coerce myself and another inspector in my company to condemn a bldg. that the councilman is in negotiation to purchase. The condemnation was meant to be an instrument in his negotiations. Attached are the details of my interactions with this Council Member. I feel obligated to report these interactions 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: | Ron Wise, contract bldg. inspector | | |
| Address: | 595 Silver LACE BL. | Telephone: | 784-9900 |
| City, State, Zip: | Fernley, NV, 89408 | | |
| Nature of Testimony: | primary interactions with Council member | | |

provide written verbal testimony if possible

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) _____.

REQUESTOR'S INFORMATION:

| | |
|--|--|
| NAME: <u>James Jeffery Ball</u> | E-MAIL: <u>jball@cityoffernley.org</u> |
| ADDRESS: <u>595 Silver Lacc BL.</u> | |
| CITY, STATE, ZIP: <u>Fernley NV, 89408</u> | |
| TELEPHONE: <u>(775) 784-9814</u> | CELL PHONE: <u>(775) 302-6704</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: James J. Ball

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:- Add'l

name: Fred Turner, Community Dev. Director

address: 595 Silver Lace BL.

Fernley, NV. 89408

phone: (775) 784-9900

nature: provide written testimony
and possible verbal testimony



COMMUNITY DEVELOPMENT
DEPARTMENT

Fred P. Turner, AICP
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 P. Turner, AICP
Director

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

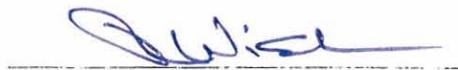
Meeting with Councilman Parsons memo- page 2

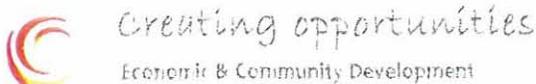
As Ron Wise and I were still on site, we had an opportunity to hear Mr. Parsons' conversation with Fire Chief Huntley, which was very similar to the one we had just finished with Mr. Parsons, and had a very similar outcome in that the Fire Dept. also had no involvement at this point until a new tenant/occupancy 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 Ball
4/16/10


Ron Wise
4/16/10



JURISDICTIONAL DETERMINATION

| | |
|----------------------------|---------------------------------------|
| RFO NO.: <u>10-27C</u> | NAME: <u>Don Parsons</u> |
| DATE REC'D: <u>4/23/10</u> | POSITION: <u>Fernley City Council</u> |

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:

that Councilman Parsons attempted to have city personnel assist his desire to purchase a commercial building at a low price by having it condemned or found out of compliance with building & fire codes

DETERMINATION BY EXECUTIVE DIRECTOR:

| | | |
|-------------------------------------|---|--|
| <input type="checkbox"/> | IS public employee as defined in NRS 281A.150 | |
| <input checked="" type="checkbox"/> | IS NOT public employee as defined in NRS 281A.150 | |
| <input checked="" 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 checked="" type="checkbox"/> | Complaint DOES contain allegations of the Ethics in Government Law, NRS 281A.010-281A.660. | |
| <input type="checkbox"/> | Complaint DOES NOT 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: 4/23/10 Caren Jenkins
Executive Director

GENERAL COUNSEL REVIEW:

| | |
|---|--|
| <input checked="" type="checkbox"/> DO CONCUR or <input type="checkbox"/> DO NOT CONCUR | |
| General Counsel comments: | |
| | |
| Dated: <u>4/26/10</u> | <u>Therese Weary-Cook</u> General Counsel |

STATUTORY BASIS FOR COMPLAINT

| | |
|----------------------------|---|
| RFO NO.: <u>10-27C</u> | NAME: <u>Don Parsons</u> |
| DATE REC'D: <u>4/23/10</u> | POSITION: <u>City Council - Fernley</u> |

EXECUTIVE DIRECTOR DETERMINATION:

| √ | Statute | Behavior alleged that implicates this statute: |
|---|---|---|
| ✓ | NRS 281A.400(1) | <i>seek or accept a favor</i> |
| ✓ | NRS 281A.400(2) | <i>use public office to secure unwarranted privileges</i> |
| | NRS 281A.400(3) | |
| | NRS 281A.400(4) | |
| | NRS 281A.400(5) | |
| | NRS 281A.400(6) | |
| ✓ | NRS 281A.400(7) | <i>used City personnel to further personal interests</i> |
| | NRS 281A.400(8) | |
| ✓ | NRS 281A.400(9) | <i>influencing subordinates for personal benefit</i> |
| | NRS 281A.400(10) | |
| | NRS 281A.410 | |
| | NRS 281A.420(1) | |
| | NRS 281A.420(3) | |
| | NRS 281A.430 | |
| | NRS 281A.500 | |
| | NRS 281A.510 | |
| | NRS 281A.520 | |
| | NRS 281A.620 | |
| | OTHER: | |
| | NO IMPLICATION OF VIOLATION OF ETHICS CODE: | Because: |

Dated: 4/23/10

Caren Jenkins

Executive Director

GENERAL COUNSEL REVIEW:

| | |
|---|---|
| <input checked="" type="checkbox"/> DO CONCUR or <input type="checkbox"/> DO NOT CONCUR | |
| <u>General Counsel comments:</u> | |
| | |
| Dated: <u>4/26/10</u> | <i>Thomas Wray Cook</i> _____ General Counsel |