

RECEIVED

MAY 13 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. 10-42C

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 of Fernley Councilman		
Public Agency:	City of Fernley		
Address:	595 Silver Lace Blvd.		
City, State, Zip:	Fernley NV. 89408	Telephone:	(775) 784-9860

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.

Used city personnel and resources to attempt to financially benefit his own personal interest and the interest of his daughter.	
(See Letters and e-mails attached hereto).	

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:	See attached for names of city employees		
Address:			Telephone: and contact info.
City, State, Zip:			
Nature of Testimony:			

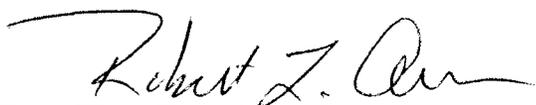
4. Attach two copies of all documents or items you believe provide credible evidence to support your allegations. NRS 281A.440.2(b)(1) requires you to submit all related evidence to support your allegations. NAC 281A.435.3 defines credible evidence as a minimal level of any reliable and competent form 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) 12.

REQUESTOR'S INFORMATION:

NAME: Robert L. Auer	E-MAIL: rauer@Lyon-county.org
ADDRESS: 31 South Main Street	
CITY, STATE, ZIP: Yerington, NV. 89447	
TELEPHONE: (775) 463-6511	CELL PHONE: (775) 835-9882

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.



5/10/10

Signature _____
Print Name: Robert L. Auer

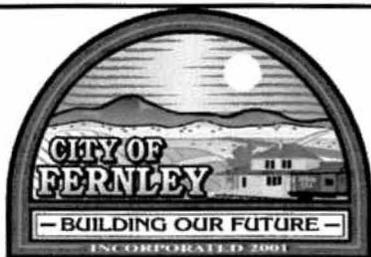
Date _____

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

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City of Fernley
OFFICE OF THE
CITY ATTORNEY

Legal Advisor of City
Council, Mayor &
All City Officers;
Municipal Prosecution

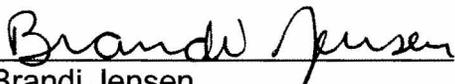
MAY 13 2010

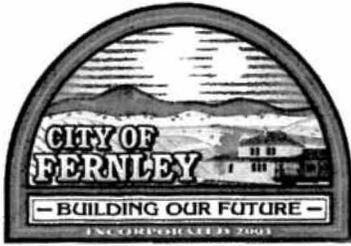
COMMISSION
ON ETHICS

April 22nd, 2010

Dear Mr. Auer,

Enclosed, please find statements that were given to me from two City Employees within the Community Development Department. Due to the conflicting nature of my position as City Attorney, I am forwarding these to you for your review and any action that you deem necessary. Please feel free to call me should you have any questions.


Brandi Jensen
Fernley City Attorney



**COMMUNITY DEVELOPMENT
DEPARTMENT**

Fred R. Turnier, AICP
Director

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

MEMORANDUM

RECEIVED

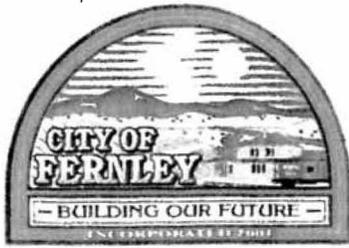
MAY 13 2010

COMMISSION
ON ETHICS

DATE: April 17, 2010
TO: Brandi Jensen, City Attorney
CC: Greg Evangelatos, AICP, City Manager
FROM: Fred Turnier, AICP, Community Development Director
SUBJECT: **Councilman Parsons / Staff Interaction**

I have attached a memorandum sent to me by two of my inspectors; Jeff Ball and contract employee Ron Wise, regarding their inaction with Councilman Parsons on April 9, 2010. As their direct supervisor, I am concerned that they are being pressured by a Councilmember to do actions that are out of their scope. The stress level is high with my staff and myself in dealing with the elected officials as it relates to personnel / operational items. I am still looking for a solution to the Councilman's actions. I have attached a sample of emails from the past year that provides background information with the Councilman and demonstrates that this interaction is not the first with him.

If you have any questions for me or staff, please let me know.



COMMUNITY DEVELOPMENT DEPARTMENT

Fred R. Turnier, AICP
Director

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

Memorandum

Date: April 15, 2010

To: Fred Turnier, Community Development Director

From: James Ball, Bldg. Inspector/Code Enforcement

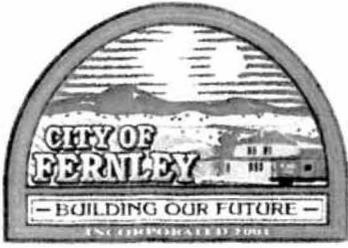
Subject: Meeting with Councilman Parsons on April 9, 2010

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. Turnier, AICP
Director

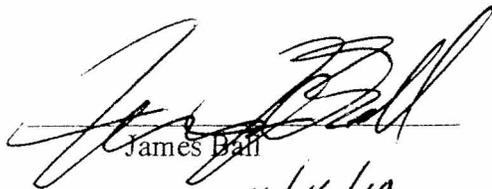
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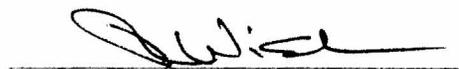
Meeting with Councilman Parsons memo-page 2

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 Turnier, 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



Creating opportunities
Economic & Community Development

Fred Turnier

From: Fred Turnier
Sent: Monday, March 09, 2009 1:12 PM
To: Greg Evangelatos
Cc: Jeff McGowan
Subject: Staff contact with Mr. Don Parsons 3/9/09

Greg,

Bill Cadwallader informed me this morning that Mr. Don Parsons came to the front counter and was inquiring about his daughter's house and how the zoning does not match the master plan. As you know, throughout Fernley there are many parcels that are non-conforming between the zoning and master plan.

Inquires about these specific items are not a big issue. What came next was of concern. Bill told me that Mr. Parsons started to say that all of the parcels around his daughters house are non-conforming and should be re-zoned to mixed use. Bill explained that we will be looking at this after the code update. He stated that Mr. Parsons seemed upset and wanted it completed faster. Bill offered to have me call him but he did not respond. ✓

I told Bill to continue doing what we asked him to do, applications, customer inquiries, etc and that I would have this conversation with you.

Thank you,
Fred

Fred R. Turnier, AICP
Community Development Director
City Of Fernley
595 Silver Lace Blvd.
Fernley, NV 89408
P: 775.784.9902 (Direct)
F: 775.784.9828
www.cityoffernley.org

Fred Turnier

From: Fred Turnier
Sent: Monday, April 13, 2009 10:40 AM
To: Lowell Patton; Greg Evangelatos
Subject: RE: Chapin Parcel Map

I need to talk to Bill about this first...can we discuss after the Post Office meeting today...say 330?
FT

Fred R. Turnier, AICP
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Fernley, NV 89408
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F: 775.784.9828
www.cityoffernley.org

From: Lowell Patton
Sent: Monday, April 13, 2009 8:23 AM
To: Greg Evangelatos; Fred Turnier
Subject: Chapin Parcel Map

Greg & Fred:

Late Friday afternoon, Bill Cadwallader brought an issue to me. He said that he had "just gotten off the phone with Citizen Don Parsons." Mr. Parsons was requesting that the City rescind the requirement for a chip sealed road on his daughter's (Christina Chapin) parcel map. Bill said that Mr. Parsons had said that "the chip seal is just going to get torn up when the house is constructed so it's" something like a waste of money (latter portion paraphrased). Bill told Mr. Parsons that CDD defers to Public Works on all street issues and that "Lowell would call you on Monday."

A few things concern me with this request:

1. "Citizen" Don Parsons was not calling on his own home or project's behalf, but on the behalf of his daughter's parcel map.
2. Mr. Parsons conversed directly with Bill which, by itself, is not terribly bad if Bill was the only CDD personnel on staff at the time. I do, however, believe that Fred was here at the time and something like this (a request from a seated Councilman to relax a condition) should certainly (at least in my opinion) go through the CDD Director. I might suggest that it should have even gone from the CDD Director to the City Manager and down to me if the request was determined to be appropriate.
3. I'm concerned with the timing of this request. The day that Mr. Parsons picked up his packet with my memorandum regarding the policy of applicable standards to capital projects was the day that he made his request of Bill Cadwallader.
4. Anyone who understands the map security and bonding process should understand that this requirement is a condition of occupancy, so no construction traffic will travel over the chip seal if constructed at the appropriate time. If, however, money is currently an issue with the Chapins and they want to get their cash bond back, they will need to construct the chip seal now and yes, the chip seal may be damaged by construction traffic.

I would like to meet with the two of you this morning if at all possible to determine if I'm the appropriate party to inform Mr. Parsons that, since this condition was a result of a City Council appeal (back in 2003),

I can not waive this requirement administratively. That, of course, will be my response if left up to me alone. I might, however, suggest that at least Greg and I make this phone call due to the way that the normal chain of command has been short-circuited by both Bill and Mr. Parsons.

Thanks,
Lowell

Lowell Patton
Director of Public Works

City of Fernley
595 Silverlance Blvd.
Fernley, NV 89408
(775) 784-9920 phone
(775) 784-9966 fax

Fred Turnier

From: Keith Penner
Sent: Wednesday, July 08, 2009 5:26 PM
To: Fred Turnier; Greg Evangelatos
Cc: Leslieann Hayden
Subject: RE: Todays' visit from Mr. Don Parsons

Mr. Parsons has a track record of attempted intimidation of staff, making inappropriate comments in public, injecting himself where he has no legal authority, denigrating staff (not just by mispronouncing names), making public assertions with no basis in fact, etc. I agree with Fred. Should the scope of such a meeting be expanded to include all concerns with his behavior? If so, should we involve our H.R. consultants?

From: Fred Turnier
Sent: Wednesday, July 08, 2009 4:15 PM
To: Greg Evangelatos
Cc: Greg Evangelatos; Jeff McGowan; Keith Penner; Lena Shumway; Lowell Patton; Susan Fairfield; Leslieann Hayden
Subject: Todays' visit from Mr. Don Parsons

Greg,
Don came in today wanting to know why "the City is requiring retaining walls" for the LCSD project. I was in Sparks picking up the plaque for our former PC member, Bruce Maxwell, who passed on yesterday. According to my front line staff, Mr Parson's started to comment out loud for customers to hear how there is nobody in planning that can help people. My staff stated that at that time Mr Parson's gestured over to Bill Carlson and asked him if he wanted to run the Planning Department. At that time Melinda called me on my cell phone and I spoke with Mr. Parson's and resolved his issue with the retaining walls.

First, Mr. Parson's is out of line by making these statements about the Department in public. This is not acceptable for clients of the Department and especially for a Councilmember. Secondly, this is not good for morale as my front line staffs are intimidated by Mr. Parson's.

The action I would like to see is a meeting with Mr. Parson's to explain to what can be said, what shouldn't be said, how he says things, and the impact on staff.

Thanks for hearing this.

Fred

Fred R. Turnier, AICP
Community Development Director
City Of Fernley
595 Silver Lace Blvd.
Fernley, NV 89408
P: 775.784.9902 (Direct)
F: 775.784.9828
www.cityoffernley.org

Fred Turnier

From: Lowell Patton
Sent: Thursday, July 09, 2009 9:38 AM
To: Fred Turnier; Greg Evangelatos
Cc: Greg Evangelatos; Jeff McGowan; Keith Penner; Lena Shumway; Susan Fairfield; Leslieann Hayden
Subject: RE: Today's visit from Mr. Don Parsons
 Greg:

In varying forms, this has occurred on the Public Works side as well. Kathy Bennett, however, has dealt with Mr. Parsons for some time, so she has her own way of addressing these outbursts. That, however, does not excuse the behavior, nor does it help other City Staff in their dealings with Mr. Parsons.

I was recently informed that Mr. Parsons was knocking on the front door at 7:45 and asked to be let in. When let in, he proceeded to one of the counters and demanded to be helped by staff that obviously was not in attendance. He said that he had an 8:00 am meeting for his regular day-job and needed someone to help him NOW! Mr. Parsons was originally let in because he is a seated Councilman and may have wanted to pick up his agenda packet, but was not let in to address work on the public side of the counter. He then stated that "all you people should come in at 7:00 am."

I didn't address this issue formally because it seemed SOP for Mr. Parsons, but if there is a desire to assemble a laundry list of incidents, I could ask my frontline staff to do so.

Thanks,
 Lowell

Lowell Patton
 Director of Public Works

City of Fernley
 595 Silverlace Blvd.
 Fernley, NV 89408
 (775) 784-9910 phone
 (775) 784-9966 fax

From: Fred Turnier
Sent: Wednesday, July 08, 2009 4:15 PM
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Cc: Greg Evangelatos; Jeff McGowan; Keith Penner; Lena Shumway; Lowell Patton; Susan Fairfield; Leslieann Hayden
Subject: Today's visit from Mr. Don Parsons

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Fred Turnier

From: Fred Turnier
Sent: Friday, July 17, 2009 3:31 PM
To: Greg Evangelatos; Jeff McGowan
Cc: Fred Turnier
Subject: FW: Don Parsons
Importance: High

Gentlemen,
Again, as I previously have sent similar emails, this is inappropriate for a councilmember to accuse my staff of doing inappropriate activities. Jeff is very nervous now and that is a concern of mine as it reflects both morale and effectiveness of his work. I will assume that you will handle as you deem appropriate. ✓

Thank you,
Fred

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F: 775.784.9828
www.cityoffernley.org

From: James Ball
Sent: Friday, July 17, 2009 3:16 PM
To: Fred Turnier
Subject: Don Parsons

Fred, just a note to let you know I was contacted at the counter on Wed, 7/15/09, by Don Parsons, who wanted to know why I was "doing bill collecting for Trash Pros". I explained to Mr. Parsons that what I did was handle complaints, provide information, and investigate affidavits of non-occupancy with the issuing of response/compliance letters regarding the affidavits. He was provided with CDD's copies of the response letters by Melinda also at that time. I also let him know that I do some follow-ups for trashpros via e-mail. But, I emphasized that I do not do bill collection.Jeff ✓

Fred Turnier

From: Fred Turnier
Sent: Monday, July 20, 2009 10:06 AM
To: Jeff McGowan; Greg Evangelatos
Subject: RE: Don Parsons

The email is more for the CM. Any legal council associated with this is appreciated.

FT

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Community Development Director
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F: 775.784.9828
www.cityoffernley.org

From: Jeff McGowan
Sent: Monday, July 20, 2009 9:14 AM
To: Fred Turnier; Greg Evangelatos
Subject: RE: Don Parsons

I am not exactly sure what you would like the City Attorney to do. ✓✓

Jeff McGowan
Fernley City Attorney
595 Silver Lace Blvd.
Fax: 775-784-9868
775-784-9860

CONFIDENTIALITY --- This message is intended to be confidential and directed only to the person or entity to whom it is addressed above. Furthermore, the contents of this message and any attachments hereto may be subject to the attorney-client privilege and/or work product doctrine and should not be disclosed to other parties, distributed, or copied in any way. If you have received this message by error, please reply by email to inform me and delete any copies from your hard drive. Thank you.

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