



**STATE OF NEVADA
BEFORE THE NEVADA COMMISSION ON ETHICS**

In the Matter of the Request for Opinion
Concerning the Conduct of
JOLENE SUPP, Manager, City of Wells,
State of Nevada,

Request for Opinion No.: 10-28C

Subject.

PANEL DETERMINATION
NRS 281A.440(5); NAC 281A.440

Facts and Jurisdiction

The Nevada Commission on Ethics received a Request for Opinion regarding the conduct of Jolene Supp, Manager, City of Wells, State of Nevada, alleging certain violations of the Ethics in Government Law set forth in NRS 281A. Commission staff presented the Investigatory Panel with the allegations that Supp:

Between 2002 and 2007, violated:

- I. NRS 281A.400(1) by accepting an economic opportunity in Humboldt Environmental and Renewable Technologies (H.E.A.R.T.) a corporation in which she has a pecuniary interest.
- II. NRS 281A.400(2) by using her position in government to further the interest of H.E.A.R.T.
- III. NRS 281A.400(3) by participating as an agent of the government in the negotiation of a contract between the City of Wells and H.E.A.R.T.
- IV. NRS 281A.400(7) by using governmental time, property, equipment or other facility to benefit her personal and financial interest as the president of H.E.A.R.T.

- V. NRS 281A.400(9) by attempting to influence a subordinate to further her interest in H.E.A.R.T.
- VI. NRS 281A.400(10) by using her position in government to seek a contract on behalf of H.E.A.R.T.
- VII. NRS 281A.410 by failing to file disclosure of representation of a private person before public agency.
- VIII. NRS 281A.420(1) by failing to disclose her pecuniary interest in H.E.A.R.T. during numerous City council meetings.
- IX. NRS 281A.420(3) by failing to abstain from H.E.A.R.T.-related discussion during numerous City council meetings.
- X. NRS 281A.430 by entering into a contract with the City of Wells.

In May 2008, Supp violated:

- XI. NRS 281A.400(2) by using her position in government to grant unwarranted insurance privileges, preferences and exemptions to Councilman Cal Stark.

And in May 2008, Supp violated:

- XII. NRS 281A.400(2) by using her position in government to grant unwarranted insurance privileges, preferences and exemptions to her father-in-law Bud Supp.

At the time of the alleged conduct, Supp was, and still is, the City Manager of the City of Wells, a public officer as defined in NRS 281A.160. The Ethics Commission has jurisdiction over the conduct of public officers pursuant to NRS 281A.280. Therefore, the Commission has jurisdiction in this matter.

Panel Proceeding

On September 10, 2010, pursuant to NRS 281A.440(5), an Investigatory Panel consisting of Commissioner John Marvel and Commissioner Gregory Gale reviewed the following: 1) Request for Opinion; 2) Ms. Supp's response to the Request for Opinion, 3) the Investigator's Report; and 4) the Executive Director's Recommendation and Approval of Investigator's Report. The following are the Panel's unanimous findings and conclusions as to each of the allegations:

With regard to allegations I. through X.,

Credible evidence does not exist to support a finding of just and sufficient cause for the Commission to render an opinion whether Supp violated NRS 281A.400(1), (2), (3), (7) (9) or (10), NRS 281A.410, NRS 281A.420(1) or (3) or NRS 281A.430 because the alleged acts occurred "sometime in spring/early summer of 2007". Based on the two-year statute of limitation provided in NRS 281A.280, the Commission's ability to inquire into this allegation would have expired "sometime in spring/early summer" of 2009. Because the Request was not filed until April 28, 2010, insufficient admissible evidence exists to forward these matters to the Commission for a hearing or the rendering of an opinion.

Accordingly, allegations I. through X. are dismissed.

With regard to allegation XI.,

Credible evidence does not exist to support a finding of just and sufficient cause for the Commission to render an opinion whether Supp violated NRS 281A.400(2) because Supp wrote letters to support the applications of many Wells residents seeking remuneration for damage to homes caused by the February 2008 earthquake, and her letter was unsuccessful in getting funds for Councilman Cal Stark. Based on the foregoing, the Panel found that insufficient evidence exists to forward these matters to the Commission for a hearing or the rendering of an opinion.

Accordingly, allegation XI. is dismissed.

And with regard to allegation XII.,

Credible evidence does not exist to support a finding of just and sufficient cause for the Commission to render an opinion whether Supp violated NRS 281A.400(2) because no document of testimony was found to show that Supp had any role in causing the insurance adjuster to describe a hangar as "Bud Supp's hangar", and credible evidence

was presented to show that the hangar that did receive repair work, but was mistakenly identified, was not Bud Supp's hangar at all. Based on these findings, insufficient evidence exists to forward these matters to the Commission for a hearing or the rendering of an opinion.

Accordingly, allegation XII. is dismissed.

September 15, 2010
Date

Caren Jenkins
Caren Jenkins, Esq.
Executive Director

CERTIFICATE OF MAILING

I certify that I am an employee of the Nevada Commission on Ethics and that on this day in Carson City, Nevada, I placed a true and correct copy of the **PANEL DETERMINATION in Request for Opinion No. 10-28C**, in an envelope and caused same to be mailed via certified mail, return receipt requested, through the State of Nevada Mailroom to Jolene Supp's counsel, Rebecca Bruch, Esq., and a true and correct copy of the **PANEL DETERMINATION in Request for Opinion No. 10-28C** to Jolene Supp, and the Requester, David L. McNinch, via regular mail through the State of Nevada Mailroom addressed as follows:

Rebecca Bruch, Esq.
Erickson, Thorpe & Swainston, Ltd.
99 West Arroyo Street
Reno, Nevada 89509

Cert. No. 7002 2030 0005 8442 4898

Counsel for Jolene Supp

Jolene Supp
PO Box 487
Wells, NV 89835

First Class Mail

David L. McNinch
5155 Ross Drive
Reno, NV 89519

First Class Mail

DATED: 9-16-10



An employee, Nevada Commission on Ethics