



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

**In the Matter of the Request for Opinion
Concerning the Conduct of
DOUGLAS GILLESPIE, Sheriff,
Las Vegas Metropolitan Police Department,
State of Nevada,**

Request for Opinion No.: 10-41C

Subject. _____ /

EXECUTIVE DIRECTOR'S REPORT AND RECOMMENDATION

The following is the Executive Director's recommendation based on consideration and investigation of the Request for Opinion (RFO) filed with the Nevada Commission on Ethics regarding Douglas Gillespie, Sheriff, Las Vegas Metropolitan Police Department (LVMPD), State of Nevada (hereinafter "Subject"), a public officer, and on the Subject's written response to the request. Materials collected in the investigation are attached for the Investigatory Panel's consideration and review.

Facts:

The main issue of the RFO 10-41C revolves around the filming and production of the TV show "Cops," a series produced by Langley Productions. LVMPD has been involved in the show on many occasions; however, the requester claims that the most recent filming in spring and summer of 2010 was different. He claims this filming was specifically intended to support Sheriff Gillespie's 2010 reelection campaign.

The rather complex complaint appears to have been triggered by the regularly scheduled departmental meeting on May 5, 2010. That afternoon, he and 33 robbery/homicide detectives attended the mandatory meeting. The detectives were informed that visitors would be present. (RFO, Tab B, p. 3). After the meeting, the detectives were dismissed and a Lieutenant ordered six sergeants to remain. The sergeants, including the requester, were introduced to four Langley staffers. During the introductions, the requester asked who had "ordered" the filming and to whom the production supervisor reported. Susan Carney, a supervising producer, was not sure what the requester was asking, and responded that Sheriff Gillespie had approved, rather than ordered, the show and jokingly referred to "helping him with his reelection campaign...." Another sergeant then informed Carney that the requester was a candidate for sheriff too. (RFO, Tab B, p. 3).

In the investigation, Carney stated that the comment referring to Gillespie's campaign was completely taken out of context and the filming had no relation to the sheriff's campaign. Instead, she was looking for action that might interest the show's primary viewers - young adult males. Carney added that campaigns don't sell; action footage does.

Gillespie had informed Langley during an initial meeting that he could participate in a very limited manner due to his campaign for reelection. Gillespie appeared in the "rough cut" filming for a brief period, mostly describing the functions, responsibilities and jurisdiction of the LVMPD. He made no reference to his campaign.

After Langley completed filming, it edited its work into a 60-minute "rough cut" production and presented it to a network sponsor. The sponsor had commissioned Langley to produce a pilot episode regarding investigative divisions rather than the typical "Cops" ride-along episodes. After reviewing the initial filming, the sponsor declined to pursue the concept and determined that there would be little interest in the show. As a result, Langley's work from its 2010 visit in Las Vegas was never aired, and therefore, no benefit to Gillespie's campaign, if any was intended, was realized.

Allegations and Subject's Response:

The main allegations are:

1. **NRS 281A.400(9):** Gillespie attempted to benefit his personal or financial interest through the influence of his subordinates.

The RFO alleges that Gillespie required LVMPD employees to attend the May 2010 meetings and directed them to participate in the show during their work hours. The requester alleged that Gillespie got a personal benefit by "advertising himself" on the show in which LVMPD employees were forced to take part.

A clause in ¶ 1 of the Media Agreement, provides that *"...filming of LVMPD personnel will be undertaken only with employees' consent"* (Exhibit 2). Langley obtained waivers from all LVMPD employees filmed. Through the investigation, no person (other than the requester) alleged that his or her participation was in any way involuntary. In addition, the meeting held on May 5, 2010 was a regular meeting, for which attendance is always mandatory. The meeting was not called for the sole purpose of introducing Langley producers.

2. NRS 281A.520: Gillespie caused a governmental entity to incur an expense or make an expenditure to support a candidate.

The RFO alleges that Gillespie caused LVMPD to expend public funds to support his reelection campaign by having Langley film "Cops" during work hours, using government resources.

There is no evidence that LVMPD expended any funds that would not already have been expended to film or produce the show during regular business hours. The film crew participates on "a ride along" with a specific bureau. The bureau is not asked to go anywhere or do anything they would not have gone or done otherwise.

Gillespie and LVMPD's Public Information Office Director met with Langley in April 2010 to discuss the filming. During that meeting, Gillespie informed Langley that his participation must be limited due to his reelection campaign. Langley responded that the show would not air before the election.

Therefore, Gillespie claims that he knew the show would not air before the election, he could not have intended the show to benefit his campaign, and that this allegation should be dismissed.

3. NRS 281A: Langley contributed a large sum to Gillespie's 2010 campaign and as such, the production company was provided *quid pro quo* benefits from Gillespie.

Indeed, Gillespie's campaign contribution and expense reports indicate campaign donations totaling at least \$35,000 from John and Morgan Langley personally, Langley Productions and Sunrise Post Productions. However, a link between these contributions and the Ethics in Government Law is missing, since the donations to Gillespie's campaign appear to be permissible under the First Amendment.

The requester provided no evidence that Gillespie used his position in government or granted unwarranted privileges or engaged in any conduct violating NRS 281A related to these campaign contributions.

Analysis and Recommendation:

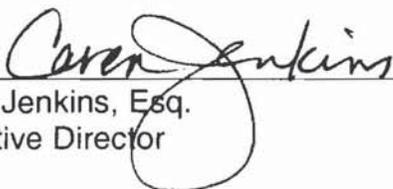
Generally, the allegations in the RFO are presented without a critical element of evidence to conclude that a violation may have occurred. Bald assertions without more do not rise to the minimal level of reliable and competent proof required to pass the Investigatory Panel's review.

NAC 281A.435 Basis for finding by panel; unanimous finding required for determination that no just and sufficient cause exists. (NRS 281A.290)

1. A finding by a panel as to whether just and sufficient cause exists for the Commission to render an opinion on an ethics complaint must be based on credible evidence.

2. A finding by a panel that no just and sufficient cause exists for the Commission to render an opinion on an ethics complaint must be unanimous.

3. As used in this section, "credible evidence" means the minimal level of any reliable and competent form of proof provided by witnesses, records, documents, exhibits, concrete objects, and other such similar means, that supports a reasonable belief by a panel that the Commission should hear the matter and render an opinion. The term does not include a newspaper article or other media report if the article or report is offered by itself.


Caren Jenkins, Esq.
Executive Director

Date: January 4, 2011

Post Script:

The Panel should be aware that the Commission office first learned of this request for opinion in May 2010 via a letter directed to and forwarded by the Secretary of State. Because the requester was not aware that it had been forwarded for our action, staff sent a letter asking him to complete and submit an RFO form and confirm his interest in having the Commission pursue the matter. We did not hear from him until September 2010, via another letter forwarded from the Secretary of State's office. Staff then followed up with a telephone call, resulting in the RFO being properly submitted in October 2010. Unfortunately, the Las Vegas Tribune and other medial ran print articles that the requester had gotten no response and intimating that the Commission may be conspiring with the subject to delay addressing the RFO until after the November election or that the Commission may be corrupt in some other fashion.

Note that the requester is a 30+ year employee of LVMPD and was among the candidates for the sheriff in 2010, running against the incumbent Gillespie.

Also note that a large portion of the investigative materials relate to the requester's concerns of retaliation and other improper responses to his complaint. The basis for those concerns has not been substantiated or otherwise addressed in this report.

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