



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 Department,
State of Nevada.

**Request for
Opinion No. 10-41C**

Subject.

PANEL DETERMINATION

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

Facts and Jurisdiction

The Nevada Commission on Ethics received an Ethics Complaint regarding the conduct of Douglas Gillespie, Sheriff, Las Vegas Metropolitan Police Department (LVMPD), State of Nevada, alleging certain violations of the Ethics in Government Law set forth in NRS 281A .

At the time of the alleged conduct, Gillespie was the elected Sheriff, a public officer as defined in NRS 281A.160. The Commission has jurisdiction over the conduct of public officers pursuant to NRS 281A.280. Therefore, the Commission has jurisdiction in this matter.

Commission staff presented the Investigatory Panel with the allegations in the Complaint that Subject violated:

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

The allegation is that Gillespie directed or required robbery and homicide detectives and sergeants to attend the May 2010 meetings and 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 and no employee will be compensated.*" Langley obtained waivers from all LVMPD employees being filmed.

Through the investigation, no person (other than the requester) alleged that his or her participation was in any way involuntary.

2. NRS 281A.520: Gillespie caused a governmental entity to incur an expense or to make an expenditure to support a candidate. The allegation is that Gillespie caused LVMPD to expend public funds to support his reelection campaign by having Langley film "Cops" during work hours.

There is no evidence that LVMPD used any funds to film or produce the show. Langley does not "charge" LVMPD to film the show. The filming is done during regular business hours. The film crew participates in a "ride along" with a specific bureau. The bureau is not required to go to places they would not go otherwise. The producers are interested in filming the "real-life action" of detectives in their everyday duties. Of course they hope for a call that is "action-like" and interesting to viewers.

Gillespie and LVMPD's Public Information Officer met with Langley in April 2010 to discuss filming the new "pilot program." 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 than the election. Therefore, Gillespie claims that 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 \$45,000 from John and Morgan Langley personally, Langley Productions and Sunrise Post Productions. However, it is unclear how these contributions impact the Ethics in Government Law, since 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.

Panel Proceeding

On January 13, 2011, pursuant to NRS 281A.440(5), an Investigatory Panel consisting of Commissioners Paul Lamboley and Vice Chairman Erik Beyer reviewed the following: 1) Request for opinion; 2) Gillespie's Response to the Request, 3) the Investigator's findings; and 4) the Executive Director's Report and Recommendation.

The following is the Panel's unanimous determination, including its findings and conclusions as to each of the allegations:

Credible evidence does not exist to support a finding of just and sufficient cause for the Commission to render an opinion whether Gillespie acted in violation of NRS 281A.400(9) by influencing a subordinate or subordinates to benefit his personal interests or NRS 281A.520 by causing a governmental entity to expend resources in support of his candidacy for reelection as sheriff of Las Vegas. Further, just and sufficient cause does not exist to pursue allegations that campaign contributions received by Sheriff Gillespie resulted in any conduct violating NRS 281A generally.

Therefore, the Investigatory Panel dismisses each and every allegation in this Request for opinion and will not forward any of these allegations to the Commission for a hearing and the rendering of an opinion.

Dated: January 24, 2011



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. 10-41C**, in an envelope and caused same to be mailed via certified mail, return receipt requested, through the State of Nevada Mailroom to Douglas Gillespie, and to the Requestor, Gordon Martines, via regular mail through the State of Nevada Mailroom addressed as follows:

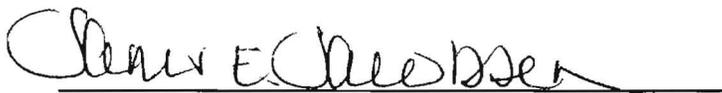
Sheriff Douglas C. Gillespie
400 East Stewart Avenue
Las Vegas, NV 89101

Cert. No. 7010 0780 0001 0973 7949

Gordon Martines
558 Driftstone Avenue
Las Vegas, NV 89123

First Class Mail

DATED: 1/29/2011



An employee, Nevada Commission on Ethics