



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In the Matter of the Request for Opinion
Concerning the Conduct of
RICHARD "DICK" GAMMICK,
District Attorney, Washoe County,
State of Nevada,

Request for Opinion No.: 10-71C

Subject. /

PANEL DETERMINATION

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

Facts and Jurisdiction

The Nevada Commission on Ethics received a Request for Opinion (RFO) regarding the conduct of Richard "Dick" Gammick, District Attorney, Washoe County, 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 raised in the RFO that Gammick violated:

1. NRS 281A.020 when he failed to separate his public and private interests, by using government resources to further his interest in being reelected as the Washoe County District Attorney.
2. NRS 281A.400(2) when he used his position in government to secure unwarranted privileges, preferences, exemptions or advantages for himself by using his position to benefit his reelection campaign.
3. NRS 281A.400(5) when he used information not generally available to the public to benefit his reelection campaign.
4. NRS 281A.400(7) when he used government resources to benefit his personal or financial interest.
5. NRS 281A.400(9) when he attempted to influence his subordinates to benefit his personal or financial interest.
6. NRS 281A.520 when he caused governmental entity to incur an expense or make expenditure to support his candidacy.

At the time of the alleged conduct, Gammick was, and still is, the elected District Attorney of Washoe County, 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.

Panel Proceeding

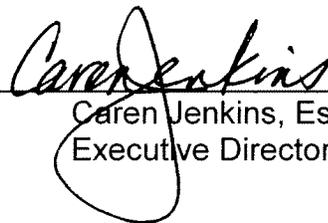
On December 9, 2010, pursuant to NRS 281A.440(5), an Investigatory Panel consisting of Commissioners Magdalena M. Groover and James "Jim" Shaw reviewed the following: 1) the RFO; 2) Mr. Gammick's response, 3) the Investigator's Report; and 4) the Executive Director's Recommendation and Approval of Investigator's Report. The following are the Panel's unanimous findings and conclusions as to each of the allegations:

After reviewing the evidence and NRS 281A.020, 281A.400, and NRS 281A.520 and the related subsections, the Panel found that just and sufficient cause exists for the Commission to render an opinion on the allegations that Gammick failed to properly separate his private and public interests at the Republican Jewish Coalition event on August 30, 2010, and at the tailgating event on September 17, 2010, potentially implicating NRS 281A.020, NRS 281A.400(2), NRS 281A.400(7) and NRS 281A.520.

In addition, the Investigatory Panel found that just and sufficient cause did not exist to forward to the Commission those allegations related to using information not generally available to the public (NRS 281A.400(5)) or the influencing of a subordinate (NRS 281A.400(9)) to benefit his personal interest in achieving reelection. All of the employees stated that they had volunteered for the campaign related work, and no public information that should not have been disclosed was actually disclosed, so far as the investigator was able to determine.

Therefore, the Investigatory Panel refers allegations nos. 1, 2, 4 and 6 herein to the Commission for a hearing and the rendering of an opinion.

Dated: December 16, 2010



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. 10-71C**, in an envelope and caused same to be mailed via certified mail, return receipt requested, through the State of Nevada Mailroom to Dick Gammick's counsel, Rew Goodenow, Esq. and a true and correct copy of the **PANEL DETERMINATION in Request for Opinion No. 10-71C** to Dick Gammick, and the Requester, Chris Wedge via regular mail through the State of Nevada Mailroom addressed as follows:

Rew R. Goodenow, Esq.
Parsons Behle & Latimer
50 West Liberty Street, Suite 750
Reno, Nevada 89501

Cert. No. 70100780000109737796

Counsel for Dick Gammick

Chris Wedge
2725 Everett Drive
Reno, Nevada 89503

First Class Mail

DATED: 12/16/10



An employee, Nevada Commission on Ethics