



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

**In the Matter of the Request for Opinion  
Concerning the Conduct of  
MICHAEL OLSON, Chairman,  
Douglas County Board of Commissioners,  
State of Nevada,**

**Request for Opinion No.: 11-23C**

**Subject. /**

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

**Facts and Jurisdiction**

The Nevada Commission on Ethics received a Third-party Request for Opinion regarding the conduct of MICHAEL OLSON, Chairman, Douglas County Board of Commissioners, State of Nevada, alleging certain violations of the Ethics in Government Law set forth in Chapter 281A of NRS.

At the time of the alleged conduct, Olson was, and still is, a member of the Douglas County Board of Commissioners, 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 May 9, 2011, pursuant to NRS 281A.440(5), an Investigatory Panel consisting of Commissioners John Marvel and James Shaw reviewed the following: 1) Third-party Request for Opinion; 2) Olson's response to the Third-party Request for Opinion, and 3) the Executive Director's Report and Recommendation.

The main allegation in the Request for Opinion is that Commission Chairman Olson used his position in government to further his personal or pecuniary interests by attempting to influence a Planning Commission member to resign so that he could gain political power, and furthering his pecuniary interests by manipulating the Planning Commission membership such that the members would be more likely to approve a Master Plan amendment to benefit Olson's personal and pecuniary interests. The RFO alleges that:

1) - Olson called Planning Commissioner Pross and suggested that she was going to be removed by the County Commission due to her letters to the editor during the immediately preceding campaign cycle. Olson genuinely thought that Planning Commissioners were "subordinate" to County Commissioners and that the Commission had the power to remove them from office.

2) - Pross had spoken out against two candidates who had prevailed in being elected to the County Commission. Pross alleges that, by aligning with other County Commissioners against Pross, Olson could gain additional influence with those members, which would help his political career.

3) - If Pross had resigned or had been removed, the Commission would be responsible to appoint a replacement. The Commission would fill three additional seats in January 2011. By December 2011, there would be 2 more appointments to the Planning Commission. If all 6 appointments were individuals who would support unchecked growth in Douglas County, the interest Olson is alleged to serve would control a supermajority on the Planning Commission, and could amend the Douglas County Master Plan dramatically. However, no evidence was adduced to show that Olson has any personal or pecuniary interest in making changes to the plans for development in Douglas County.

The following are the Panel's unanimous findings and conclusions as to each of the allegations:

**NRS 281A.020** - Evidence of Olson's failure to adequately separate his private interests from his public duty was wholly lacking. Making a telephone call to avoid an unnecessary public process furthers the public's interest in efficient government. The evidence supports a finding that Olson believed the Commission had the power to remove Pross. No evidence was presented or discovered as to a conflict Olson may have had regarding Pross' continuation or removal from the Planning Commission.

**NRS 281A.400(2)** - With regard to any unwarranted advantages secured or granted through Olson's position in government, no personal or pecuniary interest was identified that might have been served by the continuation or removal of Pross as a Planning Commissioner. Olson may have derived some support from the two Commissioners regarding whom Pross had written letters by suggesting that she resign, although no evidence of the same was provided or discovered. The allegation was based solely on an assumption that a personal benefit would result.

**NRS 281A.400(9)** - No credible evidence was found to support the allegation that Olson had attempted to benefit any personal or pecuniary interest by suggesting that Pross, his subordinate, should resign. In fact, credible evidence was found that Olson believed Pross to be a subordinate, able to be removed by the County Commission, and that he meant to serve her interest by suggesting she resign as a way to avoid public embarrassment.

Based on the foregoing, due to the lack of just and sufficient cause for the Commission to review this matter, the Investigatory Panel will not refer these allegations to the Commission for a hearing and the rendering of an opinion, and the Request for Opinion is hereby dismissed.

Dated: May 10, 2011

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. 11-23C**, in an envelope and caused same to be mailed via certified mail, return receipt requested, through the State of Nevada Mailroom to Michael Olsen's counsel, Michael McCormick, Esq., and a true and correct copy of the **PANEL DETERMINATION in Request for Opinion No. 11-23C** to Mr. Olson, and the Requester, Margaret A. Pross, via regular mail through the State of Nevada Mailroom addressed as follows:

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**Cert. No. 7002 2030 0005 8442 4300**

*Counsel for Michael Olson*

Michael Olson  
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First Class Mail

Dated: 5/10/2011

  
Employee, Nevada Commission on Ethics