STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In the Matter of the Request for Opinion
Concerning the Conduct of **JAY ELQUIST,**
City Councilman, City of Elko,
State of Nevada

Request for Opinion No. 11-41C

Subject.
_____/

PANEL DETERMINATION

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

Facts and Jurisdiction

The Nevada Commission on Ethics received an Ethics Request for Opinion regarding the conduct of Jay Elquist, City Councilman, City of Elko, 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 in the Request for Opinion that Elquist:

Used his position in government to grant unwarranted privileges, preferences and/or advantages to his brother, Joe Elquist (a person to whom he has a commitment in a private capacity) and Barrick Gold Corporation (an entity with which he has a business relationship), when he discussed, considered and ultimately voted to approve Conditional Use Permit 10-10 at a February 8, 2011 City Council meeting and participated in a discussion on which no action was taken by the Council on April 12, 2011, without disclosing his relationships to those parties, implicating NRS 281A.020, 281A.400(1), (2) and (10) and NRS 281A.420(1) and (3).

At the time of the alleged conduct Elquist was, and still is, a member of the Elko City Council, 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 February 15, 2011, pursuant to NRS 281A.440(5), an Investigatory Panel consisting of Commissioners Gregg Gale and Tim Cory reviewed the following: 1) Ethics Request for Opinion; 2) Mr. Elquist's response to the Ethics Request for Opinion, and 3) the Executive Director's Report and Recommendation. The following are the Panel's unanimous 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 Elquist violated NRS 281A.400(1)(2) and (10) or NRS 281A. 420(1) or (3). Based on the evidence submitted with the RFO, the information uncovered during the commission's investigation and the recommendation of the Executive Director, the Panel found that the evidence did not reach the required minimum level of reliable and competent evidence to support a reasonable belief that Elquist knew or could have known of his brother's or Barrick's relationship to the project prior to his participation on the Council, or that he sought, granted or accepted any gift, favor, economic opportunity or other personal benefit by virtue of his position in government. Accordingly, the Panel dismisses this Request for Opinion in its entirety.

Dated: February 22, 2012

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. 11-41C**, in an envelope and caused same to be mailed via certified mail, return receipt requested and First-Class Mail, through the State of Nevada Mailroom addressed as follows:

Jay Elquist
3108 Midland Drive
Elko, NV 89801

Cert. No. 7010 0780 0001 0973 5327

Subject

Thomas Becko, Esq.
Erickson, Thorpe & Swainston, Ltd.
99 West Arroyo Street
Reno, NV 89509

Via First-Class Mail

Counsel for Subject

Gary D. Woodbury
1053 Idaho Street
Elko, NV 89801

Via First-Class Mail

Requestor

DATED: 2/23/12

Valerie Carter

Valerie Carter, Executive Assistant