



## STATE OF NEVADA

### BEFORE THE NEVADA COMMISSION ON ETHICS

In the Matter of the Request for Opinion  
Concerning the Conduct of  
CALVIN EILRICH, City Council Member,  
City of Fernley,  
State of Nevada,

Request for Opinion No.: 11-47C

Subject. /

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

##### Facts and Jurisdiction

The Nevada Commission on Ethics received an Ethics Request for Opinion (RFO) regarding the conduct of Calvin Eilrich, City Council Member, City of Fernley, a public officer as defined in NRS 281A.160. The RFO alleged that Councilman Eilrich violated the Ethics in Government Law set forth in NRS 281A.420. Commission staff presented the Investigatory Panel with the allegations in the Request for Opinion that Subject violated:

NRS 281A.420(1) and (3) by failing to disclose his commitment in a private capacity to the interests of his spouse, who had served on the Fernley Arts and Culture Commission for over 4 years, and/or to his fellow officers on a board of directors of a non-profit entity, who included his spouse and his colleague, Councilman Roy Edgington, before considering whether the City Council should direct City staff to revise Fernley's ordinances to dissolve the Arts and Culture Commission as an agency of city government, and failing to abstain from participating and/or voting on the issue.

Staff also presented information adduced through its investigation, including the following:

While it appears that Councilman Eilrich, Dinah Eilrich, and Councilman Edgington all serve on the board of the non-profit organization Fernley Hills Shooting Range, neither the RFO nor the investigation revealed any evidence of a link between those parties to create a commitment in a private capacity to the interest of others, based on the individuals' duties to the organization as fiduciaries. In addition, no

information was adduced that the Shooting Range or its interests came before the City Council for action in any manner that might require Mr. Eilrich to disclose his participation on that Board.

The RFO alleges that during the May 4, 2011 City Council meeting, Eilrich failed to abstain on a matter in which he had a commitment in a private capacity to the interest of his spouse, Dinah Eilrich. The issue was whether to direct the City Manager to prepare amendments to ordinances and/or resolutions regarding several Boards, including the Arts and Culture Commission, on which Mrs. Eilrich had served for over 4 years. In addition, the requester alleged a violation of the disclosure provisions.

At the beginning of the May 4, 2011 City Council meeting's discussion of item No. 18, Eilrich disclosed his wife's involvement with the Arts and Culture Commission. The minutes reflect that: *"Councilman Eilrich disclosed that his wife serves on the current Arts & Culture Commission; he assured that her position would affect his professional opinion and making a decision in the best interest of the City."* Following discussion on the matter, a motion was made and Eilrich voted. However, the investigation revealed that the minutes contained a typographical error.

The audio recording proved that Eilrich stated: *"...yes before we go any further I need to disclose that there may be a perceived conflict of interest. My wife Dinah does serve on the current Arts & Culture Commission; however, I do not believe it will affect my professional opinion on doing my job in the best interests to the city." [Emphasis added.]*

When Eilrich became aware of the error in the minutes, he requested a correction. The August 3, 2011 City Council agenda included item No. 11, which reflects a request for a change as "discussion and possible amendment to the May 4 minutes..." The corrected statement is included in approved minutes. Therefore, the correction of the record appears to be complete. Eilrich did disclose his wife's interest in the matter during the open meeting, and explained why he had decided to participate in the vote. Eilrich then voted to dissolve the various Boards.

### Panel Proceeding

On August 30, 2011, pursuant to NRS 281A.440(5), an Investigatory Panel consisting of Commissioners Magdalena Groover and Keith Weaver, Esq. reviewed the following: 1) Ethics Request for Opinion; 2) Subject's response to the Ethics Request for Opinion, 3) The Executive Director's Report and Recommendation. The following are the Panel's unanimous findings and conclusions as to each of the allegations:

Based upon the materials provided by the parties and the results of the staff investigation of this matter, insufficient credible evidence exists to support the allegation that Mr. Eilrich failed to properly undertake the disclosure and abstention required by NRS 281A.420 as it relates to his commitment in a private capacity to the interests of this spouse in the Arts and Culture Commission's fate. Further, insufficient evidence was available that Mr. Eilrich's relationships as an officer of the non-profit Fernley Hills Shooting Range would trigger a requirement that he make a disclosure or undertake the abstention analysis before participating on the issue regarding the dissolution of the Fernley Arts and Culture Commission.

Therefore, based upon a lack of sufficient credible evidence to support a reasonable belief that the Commission should hear this matter and render an opinion regarding the allegations that Calvin Eilrich violated NRS 281A.420(1) or (3), the Investigatory Panel dismissed this RFO in its entirety.

Dated: September 14, 2011

  
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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. 11-47C**, in an envelope and caused the same to be delivered to Calvin Eilrich via certified mail and to the Requester, via regular mail through the State of Nevada Mailroom addressed as follows:

Calvin Eilrich  
595 Silver Lace Boulevard  
Fernley, NV 89408

Certified Mail 7009 3410 0000 9216 8507

Janice Prichard  
P. O. Box 1668  
Fernley, NV 89408

First Class Mail

DATED: \_\_\_\_\_

9/15/2011



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Employee, Nevada Commission on Ethics