



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

**In the Matter of the Request for Opinion
Concerning the Conduct of
ROY EDGINGTON, City Council Member,
City of Fernley,
State of Nevada,**

Request for Opinion No.: 11-48C

Subject. /

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 Roy Edgington, City Council Member, City of Fernley, a public officer as defined in NRS 281A.160. The RFO alleged that Councilman Edgington 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 fellow officers on a board of directors of a non-profit entity, who included City Council Member Calvin Eilrich and his spouse, Dinah Eilrich, before participating in the Council's deliberations regarding whether to direct City staff to revise Fernley's ordinances to dissolve the Fernley 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 that would create a commitment in a private capacity to the interest of others, based on the individuals' duties to the organization as fiduciaries. Additionally, 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. Edgington to disclose his participation on that Board.

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. Edgington had any interest that would require him to make a disclosure or to undertake the abstention analysis before participating on the issue regarding the dissolution of the Fernley Arts and Culture Commission as a part of the City of Fernley.

Therefore, the Panel found 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 Roy Edgington violated NRS 281A.420(1) or (3). Accordingly, the Investigatory Panel dismissed this RFO in its entirety.

Dated: September 14, 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. 11-48C**, in an envelope and caused the same to be delivered to Roy Edgington and the Requester, via regular mail through the State of Nevada Mailroom addressed as follows:

Roy Edgington, Jr.
595 Silver Lace Boulevard
Fernley, NV 89408

Certified Mail 7008 0150 0002 6137 4105

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

First Class Mail

DATED: 9/15/2011



Employee, Nevada Commission on Ethics