



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In the Matter of the Request for Opinion
Concerning the Conduct of VICKI MAYES,
City Manager, Boulder City,
State of Nevada

Request for Opinion No. 11-77C

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 (RFO) regarding the conduct of Vicki Mayes, City Manager, Boulder City, Nevada, a public officer, alleging certain violations of NRS 281A, the Ethics in Government Law. Commission staff presented the Investigatory Panel with the allegations in the Request for Opinion that Subject violated:

- 1) NRS 281A.400(2) by using her public office to grant unwarranted privileges, preferences or advantages for Mayor Roger Tobler - her employer or a person substantially similar to her employer - and his family's business by enforcing an unwritten informal policy that City employees spread monthly purchases evenly between Tobler's store and another hardware store in Boulder City.
- 2) NRS 281A.400(9) by using her position as City Manager to influence her subordinates to comply with the unwritten informal policy on behalf of Mr. Tobler to further her personal interest in maintaining her position or benefitting her employer.
- 3) Various sections of NRS 281A and portions of other chapters of Nevada Revised Statutes and local ordinances.

At the time of the alleged conduct, Ms. Mayes was the City Manager of Boulder City, 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 November 2, 2011, pursuant to NRS 281A.440(5), an Investigatory Panel consisting of Commissioners Gregg Gale and John Marvel reviewed the following: 1) Ethics Request for Opinion; 2) Mayes' response to the Ethics Request for Opinion and 3) The Executive Director's Report and Recommendation, including the results of the Commission's investigation of this matter. The following are the Panel's unanimous findings and conclusions as to each of the allegations:

Based upon a finding of credible evidence, the Panel concludes that **just and sufficient cause exists** for the Commission to render an opinion whether Mayes violated **NRS 281A.400(2) and (9)**.

As for the rest and remainder of the allegations expressed in the RFO, the Panel determined that it had a lack of credible evidence to support the allegations that Ms. Mayes' conduct violated other sections of NRS 281A and lacked jurisdiction to address the allegations that implicated statutes or laws other than NRS 281A. For those reasons, each and every one of the remaining allegations hereby is dismissed.

Dated: November 3, 2011



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. 11-77C**, in an envelope and caused the same to be mailed via certified mail, return receipt requested, through the State of Nevada Mailroom to Mayes' counsel, David Olsen, Esq., and a true and correct copy to Mayes, and the Requester, Strickland, via regular First Class mail through the State of Nevada Mailroom addressed as follows:

David Olsen, City Attorney
Boulder City Attorney's Office
City Hall 401 California Ave.
Boulder City, Nevada 89005

Certified Mail No. 7010 0780 0001 0973 5174

Counsel for Subject

Vicki Mayes, City Manager
City of Boulder City
401 California Avenue
Boulder City, Nevada 89005

First Class Mail

Subject

Linda Strickland
1022 Nevada Highway, #128
Boulder City, NV 89005

First Class Mail

Requester

DATED: November 3, 2011



Valerie Carter, Nevada Commission on Ethics