



STATE OF NEVADA  
BEFORE THE NEVADA COMMISSION ON ETHICS

In the Matter of the First-Party Request for  
Advisory Opinion Concerning the Conduct of  
**Public Officer**, Member, Governing Body,  
Local Government Entity, State of Nevada,

Request for Opinion No.: 14-18A

\_\_\_\_\_  
Subject. /

**ABSTRACT ORDER DECLINING TO EXERCISE JURISDICTION, WITHOUT PREJUDICE,  
AND DEFERRING JURISDICTION UNTIL RESOLUTION OF PENDING LITIGATION**

On or about February 27, 2014, the Nevada Commission on Ethics ("Commission") received First-Party Request for Advisory Opinion ("RFO") No. 14-18A submitted by Public Officer ("Subject"), member of a Governing Body of a Local Government Entity ("Local Government"), seeking a Commission opinion regarding whether Subject's past disclosure of various relationships related to a Nevada company ("Company") with interests in a Local Government matter, was sufficient pursuant to NRS 281A.420(1), and whether those relationships required abstention from voting on the matter pursuant to NRS 281A.420(3). The Governing Body, including Subject, voted on a matter in support of the Company's interests.

As reason for filing this RFO, Subject cited and included a copy of a civil lawsuit initiated against the Local Government by a local entity ("Entity") as a result of the Local Government's decision. The Entity challenges the Local Government's action, citing, in part, Subject's alleged conflicts of interest. In part, the Entity asserts that the Local Government's decision violates due process and requests the Court to nullify the Local Government's action.

On or about March 4, 2014, the Commission issued a Notice of Jurisdiction and Hearing to Subject for RFO No. 14-18A, setting a Hearing for April 16, 2014. However, on March 19, 2014, in consideration of a prior opinion as precedent, *In re Public Officer*, Comm'n Opinion No. 12-40A (2012), the Commission determined to decline to exercise its jurisdiction in this matter, without prejudice, and defer its consideration and opinion until the lawsuit has been resolved or alternatively, the Court identifies and refers consideration of any issues raised under NRS Chapter 281A to the Commission in a manner that preserves the Court's original jurisdiction, promotes principles of fairness and due process, and prevents forum shopping and preemptive effect or use of an RFO to the benefit of one party and detriment to other interested parties in the litigation unless all parties are offered an opportunity to participate in the development of the record and presentation of arguments before the Commission regarding the ethics issues raised in the litigation and/or this RFO.

IT IS SO ORDERED.

DATED: March 31, 2014

/s/ Paul H. Lamboley  
Paul H. Lamboley  
Chairman