



**NEVADA COMMISSION ON ETHICS  
EXECUTIVE DIRECTOR'S REPORT AND RECOMMENDATION  
REGARDING JUST AND SUFFICIENT CAUSE**

REQUEST FOR OPINION NO. 05-13

SUBJECT: STEVE LARSGAARD  
SUPERINTENDENT OF SCHOOLS  
LANDER COUNTY

**A. JURISDICTION:**

As Superintendent of Schools for the Lander County School District Steve Larsgaard is a public officer as defined by NRS 281.4365. As such, the Commission has jurisdiction over the complaint.

**B. REPORT OF INVESTIGATIVE ACTIVITIES:**

- Reviewed Request for Opinion 05-13 (Tab B)
- Reviewed subject's response received March 28, 2005 (Tab C)

**C. RECOMMENDATIONS:**

Based on investigative activities, the Executive Director recommends the panel find just and sufficient cause **DOES NOT EXIST** for the Commission to hold a hearing and render an opinion in this matter relating to the provisions of:

- NRS 281.481(5).

**SPECIFIC REASON:**

No allegations or credible evidence of any fact exists that amounts to or supports a potential violation by any public officer of the above provision of NRS Chapter 281.

**D. SUMMARY OF REQUEST FOR OPINION:**

The request for opinion alleges violations of NRS 281.481(5) by Lander County Superintendent of Schools Steve Larsgaard (hereinafter “Larsgaard”). The complaint alleges Larsgaard violated the Ethics in Government law by:

1. Breaching confidentiality regarding a parent’s voiced concerns about assignment of Frank Sullivan (hereinafter “Sullivan”) as assistant softball coach for Battle Mountain High School (BMHS);
2. Providing a letter to school board members, the BMHS principal, and the BMHS athletic director regarding the parent’s concerns prior to the parent personally receiving the letter, and also failing to inform the parent of his plan to respond to the concerns in writing;
3. Stating false information in the letter;
4. Failing to conduct a proper investigation in response to the parent’s concerns; and
5. Failing to advise the parent to file formal complaint.

**E. SUMMARY OF SUBJECT’S RESPONSE:**

In his response, Larsgaard denied all of the allegations set forth in the complaint. Larsgaard’s reply to the allegations are as follows:

- That NRS 281.451 [sic] et seq. deals with the propriety of government officials and employees using their governmental positions to influence or gain pecuniary advantage;
- No allegation exists which asserts any violation of NRS 281.451(5) [sic] nor is any proof offered by Requester that Larsgaard has violated any ethical standard by writing a letter to Requester expressing resolution of her concerns and copying it to the school board members. No information was used to further the pecuniary gain of any person;
- Requester fails to assert a duty by Larsgaard to either keep the information given by her confidential or a duty to respond to her verbal complaint. No information was used to further the pecuniary gain of any person;
- No open meeting law violations exist by disseminating letter to school board members concerning Requester during meeting since the letter concerned a personnel matter and the issue was not agendized. No information was used to further the pecuniary gain of any person;
- Larsgaard denies that there is any false information presented in the letter. The letter, instead, represents concerns recollected from his meeting with Requester; and
- Requester is former school district employee and as such knew formal procedures for filing formal complaint but chose not to do so.

**F. PERTINENT STATUTES AND REGULATIONS:**

**NRS 281.481**

**General requirements; exceptions.** A code of ethical standards is hereby established to govern the conduct of public officers and employees:

\*\*\*\*\*

5. If a public officer or employee acquires, through his public duties or relationships, any information which by law or practice is not at the time available to people generally, he shall not use the information to further the pecuniary interests of himself or any other person or business entity.

---

**G. RESULTS OF INVESTIGATION:**

***Factual History:***

Steve Larsgaard is the Superintendent of Schools for Lander County, Nevada. Carol Masterson (hereinafter Masterson), the person who filed this complaint, is a prior school district employee and also a mother to a member of the BMHS softball team. On February 8, 2005, Masterson met with Larsgaard in order to voice her concerns regarding the school board's choice to appoint Frank Sullivan as assistant coach to the BMHS softball team. Masterson stated to Larsgaard that Sullivan was mentally abusive towards her daughter and other players during Sullivan's previous term as assistant coach. Requester asked Larsgaard to contact the former athletic director for BMHS and the former principal of BMHS and gather information regarding Sullivan's coaching record and former alleged complaints against Sullivan.

That same day, Larsgaard spoke to the current principal and athletic director regarding Masterson's concerns. Neither the principal nor the athletic director shared these concerns. Also, they were unable to locate any personnel files left behind by the former principal and former athletic director that contained concerns about Sullivan. Further, the district personnel clerk reviewed district-maintained personnel files for any documentation that the former principal and athletic director may have filed in reference to Sullivan and found no such information.

In response to Masterson's concerns, Larsgaard wrote her a letter on February 9, 2005 advising Masterson of the procedures followed in appointing Sullivan, including the procedure of fingerprinting all coaches and conducting criminal background checks. The letter also stated that Larsgaard and the school board expect the coaches to treat all students with respect and if they fail to live up to this expectation, appropriate measures will be taken. The letter was copied to the school board members, the principal, and the athletic director.

At the school board meeting on February 9, 2005 members of the board were given a copy of Larsgaard's letter to Masterson. Masterson was not aware of the letter until three days after the meeting when she personally received the letter.

***Potential Violation of NRS 281.481(5):***

NRS 281.481(5) provides:

“If a public officer or employee acquires, through his public duties or relationships, any information which by law or practice is not at the time available to people generally, he shall not use the information to further the pecuniary interests of himself or any other person or business entity.”

In order to find a violation of the above statute, two elements must be met. First, the public officer, through his public duties or relationships, must acquire information that is not available to people generally. Second, the public officer must have used that information to further a pecuniary interest.

As to the first element, Masterson informed Larsgaard of her personal opinion with regard to the decision of appointing Sullivan as assistant coach. She believed that others may have had the same negative opinion of Sullivan and requested or suggested that Larsgaard investigate Sullivan's coaching record. Whatever information Larsgaard acquired subsequent to his meeting with Masterson could be considered information “not available to people generally.” In his capacity as Superintendent, Larsgaard has access to personnel information that is not readily available to the general public. Similarly, because he is the Superintendent, Larsgaard may acquire information not generally known from individuals that come to him as Masterson did here. However, other than Masterson's personal opinion, there are no facts or evidence presented to show that Larsgaard acquired any confidential information as contemplated under NRS 281.481(5). There is no evidence that his search in the personnel files resulted in any personal or employment information that Larsgaard ultimately used in potential violation of statute. Therefore, there is insufficient evidentiary basis to support the allegation that Larsgaard acquired information through his duty as Superintendent or his personal contact with Masterson that was not available to people generally.

Even if the position is taken that Larsgaard might have acquired such information, he would have to use the information to further some pecuniary interest – either his own or that of another person. Though Larsgaard distributed a letter addressed to Masterson to members of the school board prior to sending it to her personally, no evidence was provided as to how that action would further any pecuniary interest. Moreover, the official duties of the Superintendent include the duty to investigate complaints raised by parents. Larsgaard's actions appear to be entirely consistent with the school district policy governing his employment.

The factual elements as presented in the complaint indicate a difference of opinion between the School Superintendent and a parent. It is hard to imagine a scenario in

which the set of facts and circumstances as presented in the complaint would support a violation of the statutory ethical standards – standards which are set to ensure the public trust, rather than to serve as a forum to vet individual differences of opinion.

The Executive Director finds no credible evidence exists to substantiate a potential violation of NRS 281.481(5). Accordingly, the Executive Director recommends the panel find just and sufficient cause does not exist for the Commission to hold a hearing and render an opinion regarding whether Mr. Larsgaard violated the provisions of NRS 281.481(5).

**H. CONCLUSION:**

The Executive Director hereby recommends the panel find just and sufficient cause does not exist for the Commission to hold a hearing and render an opinion on the allegations that the subject violated NRS 281.481(5), and further that the allegations be dismissed.

**DATED:** November 4, 2005

Stacy M. Jennings  
**STACY M. JENNINGS, MPA**  
**EXECUTIVE DIRECTOR**