



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In the Matter of the Request for Opinion
Concerning the Conduct of JEFF MCGOWAN,
City Attorney, City of Fernley, State of Nevada,

Request for Opinion No. 08-61C

Subject.

**NOTICE OF HEARING
and
PANEL DETERMINATION**

NOTICE OF HEARING

PLEASE TAKE NOTICE that a hearing is set before the Nevada Commission on Ethics, in accordance with Nevada Revised Statutes (NRS) 281A and 233B and Nevada Administrative Code (NAC) 281A. The purpose of the hearing is to consider allegations that the Subject, Jeff McGowan (McGowan), violated the Ethics in Government law as described in the Panel Determination below. Further, if during the hearing, the Commission finds any violation, the Commission will determine whether the violation was willful and whether any penalties will be imposed, pursuant to NRS 281A.480.

THE HEARING WILL TAKE PLACE:

**April 9, 2009 beginning at 10:30 a.m., or as soon thereafter as the
Commission is able to hear the matter, at the following locations:**

**Boardroom of the State of Nevada Gaming Control Board
1919 E. College Parkway
Carson City, Nevada**

**via a video-conference to
Boardroom of the State of Nevada Gaming Control Board
Grant Sawyer Building
555 E. Washington Avenue
Room 2450
Las Vegas, Nevada**

McGowan must be present when this matter is called. If McGowan is not present when this hearing is called, the Commission may consider as true the alleged violations specified in the Panel Determination below. Please direct any hearing scheduling matters to Patricia D. Cafferata, Executive Director, Esq., at (775) 687-5469, Ext. 222.

The hearing is open to the public under Nevada's Open Meeting Law. A record will be made by a certified court reporter. McGowan has the right to appear, be represented by legal counsel, hear evidence presented, respond, and present evidence on his behalf.

McGowan has the right to request that the Commission issue subpoenas on his behalf to compel witnesses to testify and/or produce evidence. In making this request, he may be required to demonstrate the relevance of the witness' testimony and/or evidence. Other rights are found in NRS 281A, NRS 233B, and NAC 281A. A finding by the Commission of a violation of NRS 281A must be supported by a preponderance of the evidence.

PANEL DETERMINATION

Issues and Jurisdiction

An Ethics Complaint was filed against McGowan alleging that he violated NRS 281A.400.2 when he made unauthorized purchases using a city-issued credit card.

In his public capacity, McGowan is the City Attorney for the City of Fernley, a public officer as defined in NRS 281A.160. Additionally, the allegations pertain to NRS 281A (Ethics in Government Law). Therefore, the Commission has jurisdiction over this matter.

Panel Proceeding

On January 8, 2009, pursuant to NRS 281A.440.3, a Panel consisting of Commissioners Erik Beyer and Jim Shaw reviewed the following: Ethics Complaint; McGowan's response to the Complaint; Investigator's Report; Executive Director's recommendation; and the evidence collected.

The following is the panel's unanimous findings:

The Panel found that just and sufficient cause **EXISTS** for the Commission to render an opinion on the following allegations that McGowan violated:

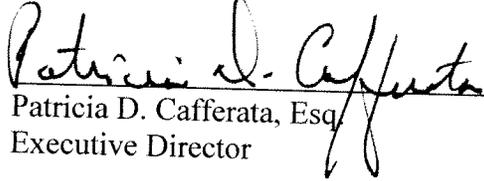
1. NRS 281A.400.2 when on May 7, 2008, McGowan used the city-issued credit card charging \$3.09 for a beverage at a gas station.
2. NRS 281A.400.2 when on February 13, 2008, McGowan used the city-issued credit card charging \$8.93 for dinner in Fernley, Nevada.
3. NRS 281A.400.2 when on March 14, 2008, McGowan used the city-issued credit card charging \$28.00 for lunch in Fernley, Nevada.
4. NRS 281A.400.2 when on May 6, 2008, McGowan used the city-issued credit card charging \$37.42 for lunch in Fernley, Nevada.
5. NRS 281A.400.2 when on April 21, 2008, McGowan used the city-issued credit card charging \$7.01 for lunch in Fernley, Nevada.

The Panel also found that just and sufficient cause **DOES NOT** exist for the Commission to render an opinion and therefore **DISMISSED** the following allegations that McGowan violated:

1. NRS 281A.400.2 when on September 26, 2007, McGowan used the city-issued credit card charging gasoline for his car in Sparks, Nevada.
2. NRS 281A.400.2 on April 22, 2008, McGowan used the city-issued credit card charging his lunch in Reno, Nevada.

THEREFORE, the foregoing five allegations are **REFERRED** to the Commission to hold a hearing and render an opinion.

Dated: January 9, 2009


Patricia D. Cafferata, Esq.
Executive Director

CERTIFICATE OF MAILING

I certify that I am an employee of the Nevada Commission on Ethics and that on this 9th day of January, 2009, in Carson City, Nevada, I placed a true and correct copy of the **NOTICE OF HEARING AND PANEL DETERMINATION ON RFO No. 08-61C** in an envelope and caused same to be mailed via Certified U.S. Mail through the State of Nevada Mailroom to McGowan and to his counsel at the following address:

Rebecca Bruch, Esq.
99 West Arroyo Street
Reno, Nevada 89505

Cert. No. 7008 0150 0002 6137 4983

Jeff McGowan, Esq.
Fernley City Attorney
595 Silver Lace Blvd.
Fernley, NV 89408

Cert. No. 7008 0150 0002 6137 4976

DATED: January 9, 2009

Michelle A. Ene
An employee, Nevada Commission on Ethics