



STATE OF NEVADA
BEFORE THE NEVADA COMMISSION ON ETHICS

In The Matter Of The Request For
Opinion Concerning The Conduct Of
WILLIAM EISELE, Trustee,
Indian Hills General Improvement District,
State of Nevada,

Opinion No. 08-38C

Subject.

STIPULATED AGREEMENT

1. **PURPOSE:** The purpose of this stipulated agreement is to resolve Request for Opinion No. 08-38C concerning William Eisele (Eisele) that is before the Nevada Commission on Ethics (Commission) and render an opinion as stipulated in lieu of holding a hearing.
2. **JURISDICTION:** At all material times, Eisele was a Trustee of the Indian Hills General Improvement District (GID), a public officer subject to the jurisdiction of the Commission pursuant to NRS 281A.160.
3. **STIPULATED FACTS:**
 - a. On July 21, 2008, a Request for Opinion was filed with the Commission alleging that Eisele violated the Ethics in Government Law, specifically NRS 281A.420.4 and NRS 281A.440.1(a).
 - b. Eisele acknowledges that the Commission provided him with notice of the allegations against him and an opportunity to file a written response and that he is fully advised as to the allegations asserted against him in the Complaint.
 - c. Pursuant to NRS 281A.440.3, the Commission's Executive Director investigated the complaint and rendered a written recommendation on just and sufficient cause.
 - d. Eisele retained legal counsel in this matter and is fully aware of his right to a hearing before the Commission on the allegations against him and any and all rights he may

be accorded pursuant to the Ethics in Government Law (NRS 281A), the regulations of the Commission (NAC Chapter 281), the Nevada Administrative Procedures Act (NRS 233B), and the laws of the State of Nevada and he freely and voluntarily waives these rights.

- e. Eisele acknowledges that he received an Advisory Opinion from the Commission advising him that on matters affecting the GID general manager's employment, he was required to disclose his relationship with his daughter-in-law Sandi Eisele, an employee of the GID, and on a case by case basis, determine whether abstention was necessary. Nevada Commission on Ethics Opinion No. 07-40A.
- f. Eisele acknowledges that on March 10, 2008 at a GID board meeting he failed to disclose his relationship with his daughter-in-law before he voted on the GID general manager's employment.
- g. Eisele acknowledges that he knew that he was required to disclose before voting and he failed to do so.

4. **RELEVANT STATUTES:** The following Nevada Revised Statutes are relevant to the allegations that give rise to this stipulation:

NRS 281A.170 provides:

"Willful violation" defined. "Willful violation" means the public officer or employee knew or reasonably should have known that his conduct violated this chapter.

NRS 281A. 420.4 provides:

A public officer or employee shall not approve, disapprove, vote, abstain from voting or otherwise acting upon any matter: (b) which would reasonably be affected by his commitment in a private capacity to the interest of others, without disclosing sufficient information concerning the commitment . . . to inform the public of the potential effect of the action or abstention upon the person to whom he has a commitment.

NRS 281A.440.1(a) in relevant parts provides:

The Commission shall render an opinion interpreting the statutory ethical standards and apply the standards to a given set of facts and circumstances after receiving a request . . . from a public officer . . . , who is seeking guidance on questions which directly relate to the propriety of his own past, present or future conduct as an officer. If a requested opinion related to the propriety of his own present or future conduct, the opinion of the Commission is: (a) binding upon the requestor as to his future conduct.

5. OPINION: The actions of Eisele as described in paragraphs 3.e; 3.f and 3.g above constituted violations of the Ethics in Government Law, specifically, NRS 281A.440.1(a) and NRS 281A.420.4 and he knew or reasonably should have known that his conduct violated those provisions of law.

6. TERMS: Eisele and the Commission agree as follows:

a. Eisele will pay to the Commission the total sum of One Thousand Dollars (\$1,000) for one violation of the Ethics in Government Law in order to settle this matter.

Eisele will pay said amount within 30 days from the date this stipulation is signed by the Chairman of the Commission. Eisele waives his right to any judicial review of this matter as provided in NRS 233B.130 or any other provision of Nevada state law.

b. This Stipulated Agreement applies only to the specific facts, circumstances and law related to this complaint. Any facts and circumstances that differ from those contained in this agreement may create an entirely different resolution of this matter.

7. CONTINGENCY:

a. This agreement is subject to final approval by the Commission in an open public meeting. Once approved, this agreement shall be adopted as the Opinion of the Commission. This Stipulated Agreement will be the final disposition of this matter and shall be binding upon all parties.

b. Should the Commission not approve this Stipulation Agreement, this matter will proceed to a full hearing before the Commission. This agreement shall be of no force or effect nor will it be admissible, in part or whole, in such hearing.

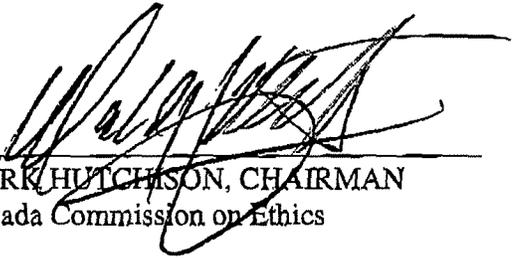
8. ACCEPTANCE: I have read the above stipulation, understand each and every provision therein, and agree to be bound thereby.

DATED this ____ day of _____, 2009.



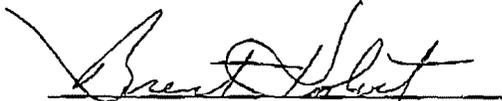
WILLIAM EISELE
Subject

DATED this 5th day of March, 2009.



MARK HUTCHISON, CHAIRMAN
Nevada Commission on Ethics

The above stipulation has been reviewed by:



BRENT KOLVET, ESQ.
Attorney for William Eisele



ADRIANA G. FRALICK, ESQ.
Commission Counsel