



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

**In the Matter of the Request for Opinion
Concerning the Conduct of GARY WILSON,
Board Member, McDermitt Sewer District,
State of Nevada,**

Request for Opinion No. 08-79C

Subject.

**EXECUTIVE DIRECTOR'S APPROVAL OF INVESTIGATOR'S REPORT
AND EXECUTIVE DIRECTOR'S RECOMMENDATION**

The Executive Director approves the Investigator's Report and agrees with the conclusions. The following is the Executive Director's recommendation based on the investigation.

An Ethics Complaint was filed against McDermitt Sewer District Board member Gary Wilson (Wilson) alleging that he failed to disclose his pecuniary interest and failed to abstain on a certain vote, in violation of Nevada Revised Statutes (NRS) 281A.420.2 and NRS 281A.420.4. The specific allegations are that he failed to disclose that his company G&P Water Services receives payment for his services to the McDermitt Sewer District (District) and he voted to approve the District budget that included such payments.

Nevada Revised Statutes and Applicable law.

Pursuant to NRS 281A.420.2, in general public officials may not vote on matters that would materially affect their pecuniary interest. And, pursuant to NRS 281A.420.2, in certain circumstances public officials must disclose sufficient information regarding their pecuniary interests before voting on a matter.

The relevant Nevada Commission on Ethics opinions are Opinion No.99-56 on Bruce Woodbury, Opinion No. 97-07 on Janet Kubichek. Tab A, attached hereto and incorporated by reference. And, Opinions No. 93-19 on Chris Guinchigliani and No. 90-2 on Jan Evans are attached to the Investigator's Report in Tab E, exhibit 8.

Recommendation.

The recommendation is that the Panel find just and sufficient cause EXISTS for the Commission to hold a hearing on allegations that Wilson failed to disclose his pecuniary interest

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before voting on the District budget as required by NRS 281A.420.4.

Analysis and Recommendation on each allegation:

Each allegation of a violation is analyzed as follows:

1) Did Wilson violate NRS 281A.420.4 when he allegedly failed to disclose his business interest in G&S Water Services before voting on the District's budget on February 28, 2008?

Wilson owns G&P Water Services that provides certain services to the District and the Community Board pays his company for his work. In turn the District reimburses the Community Board for his services. On February 28, 2008, Wilson failed to disclose his business interest in G&P Water Services before he voted on the District budget. And he financially benefits from the District budget. Investigator's Report, Tab E, exhibit 6. Therefore, the recommendation is that the Panel find that just and sufficient cause EXISTS for the Commission to render an opinion on whether Wilson violated NRS 281A.420.4 on February 28, 2008.

2) Did Wilson violate NRS 281A.420.2 when he allegedly voted on the McDermitt Sewer District budget on February 28, 2008?

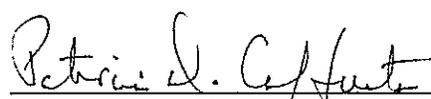
On February 28, 2008, Wilson voted to approve the District budget and his company G&P Water Services was to be paid from the budget. Investigator's Report, Tab E. Although Wilson was to receive a financial benefit from the District's budget, he could have voted to approve the budget. His benefit was no greater than any other member of the general business, profession, occupation or group, and his company G&P Water Services was not listed as a line item in the budget document. Therefore, the recommendation is that the Panel find that just and sufficient cause DOES NOT EXIST for the Commission to render an opinion on whether Wilson violated NRS 281A.420.2 on February 28, 2008.

Conclusion.

The Recommendation is that the Panel find just and sufficient cause **EXISTS** for the Commission to hold a hearing and render an opinion on the allegations that Wilson violated NRS 281A.420.4 when he failed to disclose his pecuniary interest on February 28, 2008 before voting on the District budget.

The Recommendation is that 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 Wilson violated NRS 281A.420.2 when he voted on the District budget on February 28, 2008.

Approval of Investigator's Report and Executive Director's Recommendation by:


Patricia D. Cafferata, Esq.
Executive Director

Dated: January 22, 2009.