



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,**

**Opinion No. 08-79C**

**Subject.**

---

**STIPULATED AGREEMENT**

1. **PURPOSE:** The purpose of this stipulated agreement is to resolve Request for Opinion No. 08-79C concerning Gary Wilson (Wilson) 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, Wilson was a Board Member of the McDermitt Sewer District (District), a public officer subject to the jurisdiction of the Commission pursuant to NRS 281A.160.
3. **STIPULATED FACTS AND WAIVER:**
  - a. On December 15, 2008, a Request for Opinion was filed with the Commission alleging that Wilson violated the Ethics in Government Law, specifically NRS 281A.420.2 and NRS 281A.420.4.
  - b. Wilson 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. Wilson 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. Wilson acknowledges that on February 28, 2008 he willfully violated NRS 281A.420.4 when he failed to disclose his pecuniary interest in G & P Water Services when he moved to approve and voted on the District's budget for fiscal year 2008-2009.
- f. Wilson 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, . . . 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.

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

6. **TERMS AND WAIVER:** Wilson and the Commission agree as follows:

- a. Wilson will pay to the Commission the total sum of One-Hundred-Dollars (\$100) for one willful violation of the Ethics in Government Law in order to settle this matter.

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

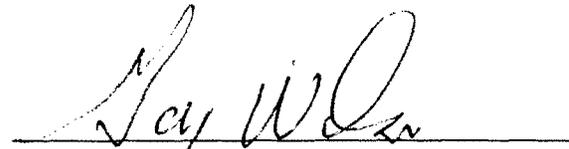
- b. This Stipulated Agreement applies only to the specific facts, circumstances and law related to this complaint. Any facts and circumstances that differ from those contained in this agreement are not part of this agreement.

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 9<sup>th</sup> day of MARCH, 2009.



GARY WILSON  
Subject

DATED this 14<sup>th</sup> day of MAY, 2009.



MARK HUTCHISON, CHAIRMAN  
Nevada Commission on Ethics

DATED this 15<sup>th</sup> day of May, 2009.



ADRIANA G. FRALICK, ESQ  
Commission Counsel