



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In the Matter of the Request for Opinion
Concerning the Conduct of **ALAN ROWLEY II.; JOHNNY
GORUM; ROY BRIGGS; and EMILY CARTER,**
City Council Members, City of West Wendover,
State of Nevada,

Requests for Opinion Nos.: 09-66C
09-67C
09-68C
09-69C

Subject. /

PANEL DETERMINATION
NRS 281A.440(4); NAC 281A.440

Facts and Jurisdiction

An Ethics Complaint was filed against Rowley, Gorum, Briggs and Carter alleging violations of NRS 281A (Ethics in Government Law), specifically NRS 281A.420(2), failure to abstain on a matter affecting their employer's interest, and NRS 281A.420(4) failure to disclose their commitment in a private capacity to their employer, Peppermill Casinos, Inc., as described more fully described in the Panel Proceedings below.

At the time of the alleged conduct, Rowley, Gorum, Briggs and Carter were and still are members of the City of West Wendover City Council, all public officers as defined in NRS 281A.160. Therefore, the Commission has jurisdiction in this matter.

Panel Proceeding

On December 10, 2009, pursuant to NRS 281A.440(4), a Panel consisting of Commissioners Mark Hutchison and Gregg Gale reviewed the following: Ethics Complaint, Rowley, Gorum, Briggs and Carter's responses to the Complaint, Investigator's Report, Executive Director's Recommendation and Approval of Investigator's Report, and the evidence collected by Commission staff.

The following are the Panel's unanimous findings and conclusions:

1. Just and sufficient cause exists for the Commission to hold a hearing and render an opinion on whether Rowley, Gorum, Briggs and Carter violated NRS 281A.420(2) on or about March 3, 2009 during the city council meeting when they failed to disclose their commitment in a private capacity to their employer, Peppermill Casinos, Inc., before voting on the change to City Code No. 3-5-4, which was presumed to affect their employer's interests.

2. Just and sufficient cause exists for the Commission to hold a hearing and render an opinion on whether Rowley, Gorum, Briggs and Carter violated NRS 281A.420(4) on or about March 3, 2009 when they failed to abstain from voting on the change to City Code No. 3-5-4.
3. Just and sufficient cause exists for the Commission to hold a hearing and render an opinion on whether Rowley, Gorum, Briggs and Carter violated NRS 281A.420(2) on or about March 17, 2009 when they failed to abstain from voting on the change to City Code No. 3-5-4.

The Requests for Opinion are, therefore, REFERRED TO THE NEVADA COMMISSION ON ETHICS for a hearing to render an opinion on the allegations described in Item 1-3 above.

Dated: 1/21/10


Caren Jenkins, Esq.
Executive Director

CERTIFICATE OF MAILING

I certify that I am an employee of the Nevada Commission on Ethics and that on this day, in Carson City, Nevada, I placed a true and correct copy of the **NOTICE OF HEARING and SCHEDULING ORDER ON RFO No. 09-66C, 09-67C, 09-68C and 09-69C** in an envelope and caused same to be sent via U.S. Certified Mail Return Receipt Requested through the State of Nevada Mailroom to Counsel for the Subjects and via U.S. Regular Mail through the State of Nevada Mailroom to the Subjects and Requestor addressed as follows:

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Dated: 01/21/10



An Employee of the Nevada Commission on Ethics