



STATE OF NEVADA

**BEFORE THE NEVADA COMMISSION ON ETHICS**

In the Matter of the Request for Opinion  
Concerning the Conduct of **MICHAEL MCBEATH**,  
Member, Nevada Wildlife Commission,  
State of Nevada,

**Request for Opinion No.: 09-81C**

Subject. /

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

Facts and Jurisdiction

An Ethics Complaint was filed against Michael McBeath (McBeath) alleging several violations of NRS 281A, including: NRS 281A.400(1) when he received elk incentive tags, NRS 281A.420(4) when he failed to disclose his commitment in a private capacity to his brother prior to voting to issue elk incentive tags in the area of his brother's property, NRS 281A.420(2) when he failed to abstain from voting during the May 16, 2009 Nevada Wildlife Commission (NWC) meeting regarding the issuance of elk incentive tags, and NRS 281A.430 when he entered into an Elk Incentive Cooperation Agreement with Nevada Department of Wildlife to receive tags for the Cave Valley Ranch, a limited liability company for which he served as Managing Member, as described more fully in the Panel Proceedings below.

At the time of the alleged conduct, McBeath was (and still is) a member of the Nevada Wildlife Commission, a public officer as defined in NRS 281A.160. Therefore, the Commission has jurisdiction in this matter.

Panel Proceeding

On March 11, 2010, pursuant to NRS 281A.440(4), a Panel consisting of Commissioners Paul Lambole and John Marvel reviewed the following: Ethics Complaint, McBeath's response 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 **does not exist** for the Commission to hold a hearing and render an opinion on whether McBeath violated NRS 281A.400(1) when he sought

and accepted elk incentive tags on behalf of his brother's ranch, Cave Valley Ranch, L.L.C., for which he served as the managing member.

2. Just and sufficient cause **does not exist** for the Commission to hold a hearing and render an opinion on whether McBeath violated NRS 281A.420(2) when he failed to abstain from a vote on May 16, 2009 to approve depredation hunts in an area that included his brother's ranch.
3. Just and sufficient cause **does not exist** for the Commission to hold a hearing and render an opinion on whether McBeath violated NRS 281A.430 when he entered into an Elk Incentive Tag Cooperative Agreement with NDOW on behalf of his brother's ranch.

Therefore, the allegations in Items 1-3 above are DISMISSED.

4. Just and sufficient cause **does exist** for the Commission to hold a hearing and render an opinion on whether McBeath violated NRS 281A.420(4) when he failed to disclose his commitment in a private capacity to the interests of his brother (a family member within the third degree of consanguinity) before participating in the vote on May 16, 2009 to approve a depredation hunt in the area that included his brother's ranch.

The Request for Opinion is, therefore, REFERRED TO THE NEVADA COMMISSION ON ETHICS FOR A HEARING to render an opinion on the allegation described in Item 4 above.

Dated: March 19, 2010

  
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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 **PANEL DETERMINATION** and the investigation materials in Request for Opinion No. 09-81C, in an envelope and caused same to be mailed via certified mail return receipt requested through the State of Nevada Mailroom to McBeath's Counsel and a true and correct copy of the **PANEL DETERMINATION** to McBeath and the Complainant via regular mail through the State of Nevada Mailroom addressed as follows:

Bryan L. Stockton, Esq.  
Senior Deputy Attorney General  
Office of the Attorney General  
100 N. Carson Street  
Carson City, NV 89701-4717

**Cert. No. 7002 2030 0005 8442 5239**

Michael McBeath  
Nevada Wildlife Commission  
1932 Ivy Point Lane  
Las Vegas, NV 89134

First Class Mail

Pat Laughlin  
371 Mtn City Highway #7  
Elko, NV 89801

First Class Mail

DATED: 03/22/10

  
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An employee, Nevada Commission on Ethics