



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In the Matter of the Request for Opinion  
Concerning the Conduct of DAVID HUMKE,  
DAVE AIAZZI, ROBERT LARKIN, DWIGHT  
DORTCH and JOHN MAYER, Members,  
Regional Transportation Commission, Board of  
Directors,  
State of Nevada,

Request for Opinion No.: 09-01C

Subjects. /

INVESTIGATOR'S REPORT (Tab A):

Introduction:

On January 5, 2009, an Ethics Complaint was filed against David Humke (Humke), Dave Aiazzi (Aiazzi), Robert Larkin (Larkin), Dwight Dortch (Dortch) and John Mayer (Mayer), members of the Board of Commissioners (RTC Board) of the Regional Transportation Commission (RTC), alleging that they approved the expenditure of government funds to support a ballot question.

Jurisdiction:

As the Members of the RTC Board, no dispute exists that Humke, Aiazzi, Larkin, Dortch and Mayer are public officers as defined by NRS 281A.160. Therefore, the Nevada Commission on Ethics (Commission) has jurisdiction to render an opinion in this matter, pursuant NRS 281A.280 and NRS 281A.440.

1 Investigation Summary:

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3 I interviewed the following individuals and reviewed the following documents:  
4

5 Witnesses interviews and responses (Tab D):

6  
7 Kimberly Rhodemyre, requestor of Ethics Complaint No. 09-01C, via e-mail on February  
8 9, 2009. (Tab D, Exhibit 1).

9  
10 Joan Boetcher, witness of an Ethics Complaint No. 09-01C, via e-mail on February 15,  
11 2009. (Tab D, Exhibit 2).

12  
13 David Humke, Subject of the Ethics Complaint No.09-01C, via e-mail on February 20,  
14 2009. (Tab D, Exhibit 3).

15  
16 Dave Aiazzi, Subject of the Ethics Complaint No.09-01C, via e-mail on February 20,  
17 2009. (Tab D, Exhibit 4).

18  
19 Robert Larkin, Subject of the Ethics Complaint No.09-01C, via e-mail on February 20,  
20 2009. (Tab D, Exhibit 5).

21  
22 Dwight Dortch, Subject of the Ethics Complaint No.09-01C, via e-mail on February 20,  
23 2009. (Tab D, Exhibit 6).

24  
25 John Mayer, Subject of the Ethics Complaint No.09-01C, via e-mail on February 20,  
26 2009. (Tab D, Exhibit 7).

1 **Investigative findings:**

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3 The following are my investigative findings:  
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5 The RTC was formed in 1979 to serve citizens of Reno, Sparks and unincorporated areas of  
6 Washoe County. Its Board is comprised of five representatives appointed from three government  
7 jurisdictions. The RTC Board establishes administrative and operational policy for the agency.  
8 RTC policies are carried out by a professional and technical staff, supervised by an executive  
9 director.  
10

11 On January 18, 2008, the RTC Board created Blue Ribbon Committee in order to address  
12 shortfall in revenues for street, highway and public transportation in Washoe County. The Blue  
13 Ribbon Committee met from approximately February 7, 2008 to May 15, 2008 and  
14 recommended that two ballot questions addressing the shortfall be placed on a ballot for the  
15 November 2008 general election ballot. The ballot questions became known as RTC-2 and RTC-  
16 5 (Tab E, Exhibit 12-14 and 16-17). RTC Executive Director Krause sent a letter that included  
17 the Resolution from Larkin dated June 17, 2008 requesting the placement of questions on the  
18 November 2008 ballot to Washoe County Manager Singlaub. (Tab E, Exhibit 9).  
19

20 Peck stated that he personally reviewed the “mailers”, approved their content and communicated  
21 his decision to the Executive Director Krause. (Tab C, Affidavit of Peck, ¶ 7). The “mailers”  
22 were also reviewed by all members of the RTC Board who found them appropriate as noted in ¶  
23 10 in affidavit of each RTC Board member. As to the expenditure for the “mailers” in question,  
24 Angela White, RTC Director of Marketing and Communication indicated in her January 23,  
25 2008 e-mail that the total expense for “mailers” was \$ 21, 566.40, and included the printing,  
26 postage and mail preparation. (Tab E, Exhibit 11). The expense was included in RTC’s  
27 Marketing Department FY09 budget. Minutes from the RTC Board meeting on May 16, 2008  
28

1 Commission to render an opinion on the allegation that the RTC Board used public funds to  
2 support a ballot question.

3  
4 Therefore, on the allegation in Ethics Complaint No. 09-01C, I conclude that Humke, Aiazzi,  
5 Larkin, Dortch and Mayer DID violate the Ethics in Government Laws.

6  
7 Dated this 26 day of February 2009.

8  
9 NEVADA COMMISSION ON ETHICS  
10 Patricia D. Cafferata, Esq.  
11 Executive Director

12   
13 By: Mike Vavra, Investigator.