



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In the Matter of the Request for Opinion  
Concerning the Conduct of  
LESLIEANN HAYDEN, Administrative  
Specialist, City of Fernley  
State of Nevada,

Request for Opinion No.: 09-29C

Subject. /

**INVESTIGATOR'S REPORT (Tab A):**

**Introduction:**

**Request for Opinion No. 09-29C (Ethics Complaint). (Tab B):**

On April 14, 2009, complainant Sandra Mathewson (Mathewson) filed an Ethics Complaint against public employee Leslieann Hayden (Hayden), an administrative specialist for the City of Fernley (Fernley), alleging that she violated NRS 281A.400(2), when she requested and received tuition reimbursements in the amount of \$5,250 in contravention of the Fernley policy.

**Jurisdiction:**

As an administrative specialist for the Fernley, no dispute exists that Hayden is a public employee as defined in NRS 281A.150. Therefore, the Nevada Commission on Ethics (Commission) has jurisdiction to investigate and take appropriate action in this matter, pursuant NRS 281A.280 and NRS 281A.440.

1 **Issues:**

2  
3 The issues are whether Hayden violated:

- 4
- 5 1. NRS281A.400(2), when on December 18, 2008, she received tuition reimbursement in
  - 6 the amount of \$1,500.
  - 7 2. NRS 281A.400(2), when on July 3, 2008, she received tuition reimbursement in the
  - 8 amount of \$3,750.
- 9

10 **Response to Ethics Complaint. (Tab C):**

11

12 A response to the Ethics Complaint was received from Hayden and her legal counsel Brent

13 Kolvet, Esq. (Kolvet), on July 9, 2009. Kolvet stated that Hayden did not violate any provisions

14 of NRS 281A, because all classes in question were related to her employment. In addition,

15 Kolvet stated that although the tuition was paid without prior written approval, the matter is

16 subject to discretion of the City rather than an Ethics violation.

17

18 **Investigation Summary:**

19

20 I interviewed the following individuals and reviewed their responses:

21

22 **Witnesses interviews and responses. (Tab D):**

- 23
- 24 • Leslieann Hayden, via fax, on July 10, 2009. (Exhibit 1).
  - 25 • Leslieann Hayden, via mail on July 9, 2009. (Response to complaint, Tab C).
  - 26 • Sandra Mathewson, via e-mail on June 22, 2009. (Exhibit 2).
- 27
- 28

1 **Documents. (Tab E):**

2  
3 I obtained and reviewed the following documents and materials relevant to the investigation:

- 4
- 5 • Letter from Greg Evangelatos (Evangelatos), Fernley city manager, dated June
  - 6 30, 2009. (Exhibit 3).
  - 7 • Affidavit of Hayden, dated June 30, 2009. (Exhibit 4).
  - 8 • Excerpt from a letter from Greg Evangelatos, Fernley city manager, dated June 3,
  - 9 2009. (Exhibit 5). (Only questions related Hayden's Ethics Complaint, are
  - 10 included).
  - 11 • Excerpt from the Fernley Personnel Manual. (Exhibit 6).
  - 12 • Excerpt from the Fernley Annual Budget for Fiscal Year 2007-2008. (Exhibit 7).
- 13

14 **Relevant Statutes and Commission's Opinions. (Tab F):**

- 15
- 16 • NRS 281A.400(2).
  - 17 • Commission's Opinion 01-08B.
- 18

19 **Investigative findings:**

20

21 **Background:**

22

23 Hayden is an administrative assistant for the City of Fernley. She was hired on December 27,

24 2005 and she currently works in the Fernley Manager's Office. At the time of her appointment

25 for the position, Hayden was enrolled at the University of Phoenix pursuing a Bachelor of

26 Science in Business Management degree. (Response, Tab C, page 3).

27

28

1 **Investigation:**

2  
3 The complaint alleges that “A degree is not required for her (Hayden’s) position.” While a  
4 college degree is not necessary for Hayden’s position (Response, Tab C, pages 60-63), the  
5 subject of the classes in question appears to be closely related. (Response, Tab C, pages 68-86).  
6 Responses from Hayden (Exhibit 4, ¶12), and the City Manager Evangelatos (Exhibit 3 and 5),  
7 note that there is no written policy on the maximum amount allowed for the reimbursement. The  
8 examination of the Fernley Personnel Manual concurs with the above statement; however, the  
9 policy also describes the approval procedure, which according to the complaint was not  
10 followed. (Complaint, Tab B, page 1).

11  
12 The Fernley Personnel Manual section 5.17 requires that “The employee must receive written  
13 approval in advance of taking the course.” (Exhibit 6). Hayden stated that “due to Bacock’s  
14 informal management style, I am unable to provide any documentation proving prior written  
15 approval on the request for payment.” (Response, Tab C, page 2). There is no prior written  
16 approval of Hayden’s classes as required by the Fernley policy; however, reimbursements were  
17 approved by then-City Manager Gary Bacock (Bacock).

- 18  
19 **1. Allegation one:** On December 18, 2008, Hayden received a tuition reimbursement in  
20 the amount of \$1,500. Hayden’s position does not require a college degree and there  
21 was no prior approval as required by the Fernley policy; therefore, Hayden was not  
22 entitled to such reimbursement.

23  
24 The allegation is that Hayden’s position does not require a college degree and the reimbursement  
25 was in contravention of the Fernley policy because there was no prior approval before the start of  
26 the classes as required by the Fernley policy.

27  
28 On or about December 10, 2008, Hayden submitted a request for tuition reimbursement in the

1 amount of \$1,500. The request was approved by Bacock on December 10, 2008, and the City  
2 issued a check to Hayden for the said amount on December 18, 2008. (Response, Tab C, page  
3 66).

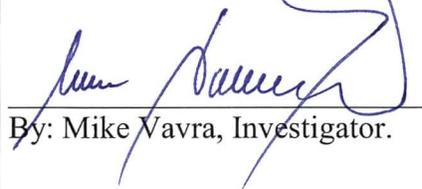
4  
5 **2. Allegation two:** On July 3, 2008, Hayden received a tuition reimbursement in the  
6 amount of \$3,750. Hayden's position does not require a college degree and there was  
7 no prior approval as required by the Fernley policy; therefore, Hayden was not entitled  
8 to such reimbursement.

9  
10 The allegation is that Hayden's position does not require a college degree and the reimbursement  
11 was in contravention of the Fernley policy because there was no prior approval before the start of  
12 the classes as required by the Fernley policy.

13  
14 On or about June 28, 2008, Hayden submitted a request for tuition reimbursement in the amount  
15 of \$3,750. The request was approved by Bacock on June 28, 2008, and the City issued a check to  
16 Hayden for the said amount on July 3, 2008. (Response, Tab C, page 75).

17  
18  
19 Dated this 13 day of July 2009.

20  
21 NEVADA COMMISSION ON ETHICS

22  
23   
24 By: Mike Vavra, Investigator.