STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In the Matter of the Request for Opinion
Concerning the Conduct of **STEVE ROSS**,
Member, Las Vegas City Council,
State of Nevada,

Subject.
_____/

Request for
Opinion No. 09-10C

NOTICE OF HEARING
and
PANEL DETERMINATION
NRS 281A.440(3),(8) and NAC 281A.450

NOTICE OF HEARING

PLEASE TAKE NOTICE, that a hearing has been set to consider the allegations listed below against Steve Ross (Ross) in accordance with Chapters 233B and 281A of the Nevada Revised Statutes and Chapter 281A of the Nevada Administrative Code.

The purposes of the hearing are to determine whether a violation of the Nevada Ethics in Government Law occurred and if a violation is found, whether such violation is willful and whether any penalties will be imposed by the Nevada Commission on Ethics (Commission), pursuant to NRS 281A.480.

THE HEARING WILL TAKE PLACE:

September 10, 2009 beginning at 9:00 a.m., or as soon thereafter as the Commission is able to hear the matter, at the following location:

Grant Sawyer State Building
Legislative Counsel Bureau
555 E. Washington Avenue, Room 4401
Las Vegas, NV.

Ross must be present when this matter is called. If Ross is not present when this hearing is called, the Commission may consider as true the alleged violations specified in the Panel Determination below. Please direct any hearing scheduling matters to Patricia D. Cafferata, Executive Director, Esq., (775) 687-5469, ext. 222.

The hearing is open to the public under Nevada's Open Meeting Law. A record will be made by a certified court reporter. Ross has the right to appear, be represented by legal counsel, hear evidence presented, respond, and present evidence on his behalf.

Ross has the right to request that the Commission issue subpoenas on his behalf to compel witnesses to testify and/or produce evidence. In making this request, he may be required to demonstrate the relevance of the witnesses' testimony and/or evidence. Other rights are found in NRS 281A, NRS 233B, NAC 281A and LCB File No. R084-08. A finding by the Commission of a violation of NRS 281A must be supported by a preponderance of the evidence.

PANEL DETERMINATION

Facts and Jurisdiction

An Ethics Complaint was filed against Ross alleging various violations of NRS 281A (Ethics in Government Law), specifically NRS 281A.420(2) and (4), when he failed to disclose and/or abstain from voting on matters in which he had a commitment in a private capacity to the interest of Southern Nevada Building and Constructions Trades Council (SNBCTC), as described more fully below.

At the time of the alleged conduct, Ross was a member of the Las Vegas City Council (City Council), a public officer as defined in NRS 281A.160. Therefore, the Commission has jurisdiction in this matter.

Panel Proceeding

On May 27, 2009, pursuant to NRS 281A.440(3), a Panel consisting of Commissioners George Keele and Paul Lamboley reviewed the following: Ethics Complaint; Ross' response to the Complaint; Investigator's Report; Executive Director's Recommendation, and the evidence collected by Commission staff.

The Panel unanimously concluded that just and sufficient cause exists for the Commission to hold a hearing and render an opinion on whether Ross violated:

1. NRS 281A.420(4) on November 19, 2008, when he voted or otherwise acted on a Resolution to seek approval from the Clark County Debt Management Commission to issue tax-exempt bonds for financing a new City Hall, a matter which may have reasonably been affected by his commitment to his employer, SNBCTC, without disclosing his relationship to SNBCTC;

2. NRS 281A.420(2) on November 19, 2008, when he voted on a Resolution to seek approval from the Clark County Debt Management Commission to issue tax-exempt bonds for financing a new City Hall, a matter which may have reasonably been affected by his commitment to his employer, SNBCTC;

3. NRS 281A.420(4) on December 3, 2008, when he voted on a Resolution authorizing the issuance of and calling for a hearing for the city to incur financing for a new City Hall, a matter which may have reasonably been affected by his commitment to his employer, SNBCTC, without disclosing his relationship to SNBCTC;

4. NRS 281A.420(2) on December 3, 2008, when he voted on a Resolution authorizing the issuance of and calling for a hearing for the city to incur financing for a new City Hall, a matter which may have reasonably been affected by his commitment to his employer, SNBCTC;

5. NRS 281A.420(2) on February 18, 2009, when he voted on a Resolution authorizing a lease-purchase agreement for new City Hall, a matter which may have reasonably been affected by his commitment to his employer, SNBCTC;

6. NRS 281A.420(4) on February 18, 2009, by voting upon or advocating the failure of a proposed bid awarded to Capriati Construction, a non-union contractor, for construction of an interchange, without disclosing his commitment to his employer, SNBCTC. Ross voted for the Capriati bid after allegedly attempting to overturn the bid award to Capriati in favor of Frehner Construction, a union contractor;

7. NRS 281A.420(2) on February 18, 2009, by voting on a proposed bid awarded to Capriati Construction, a non-union contractor, for construction of an interchange. Ross voted for the Capriati bid, a matter which may have reasonably been affected by his commitment to his employer, SNBCTC, after allegedly attempting to overturn the bid award to Capriati in favor of Frehner Construction, a union contractor.

Therefore, these allegations were referred to the Commission for a hearing to render an opinion.

The Panel also unanimously concluded that just and sufficient cause does not exist for the Commission to hold a hearing and render an opinion on the allegations that Ross violated:

8. NRS 281A.420(4) on February 18, 2009, when he voted on a Resolution authorizing a lease-purchase agreement for new City Hall without disclosing his relationship to his employer, SNBCTC. Ross did disclose his relationship to SNBCTC prior to voting on this resolution.

9. NRS 281A.420(2) and (4), on September 19, 2007, by failing to disclose his relationship to SNBCTC and voting to approve a Special Use Permit for a proposed non-restricted gaming facility and an amendment to the Centennial Hills Sector Plan on what was referred to as Kyle Canyon.

10. NRS 281A.420(2) and (4) between September 5, 2007, and April 15, 2009, when Ross voted on consent agenda items that allegedly affected SNBCTC and/or its alleged members without Ross disclosing his relationship to SNBCTC prior to voting on the items. Twenty allegations related to these agenda items were dismissed.

Therefore, these allegations (numbered 8-10 above) were dismissed.

The Request for Opinion is, therefore, REFERRED TO THE NEVADA COMMISSION ON ETHICS for a hearing to render an opinion on the allegations numbered 1-7 and as described above.

The investigation materials that the panel relied on in reaching its conclusion are being provided to Ross's counsel, Brad Jerbic, Esq., along with this Notice of Hearing and Panel Determination.

Dated: 1 June 2009

George Keele, Vice Chairman
Panel Member

Dated: 06.04.09

Paul Lamboley, Commissioner
Panel Member

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 PANEL DETERMINATION** in Opinion No. 09-10C in an envelope and caused same to be mailed via certified U.S. mail return receipt requested through the State of Nevada Mailroom to Ross and Complainants and I placed a true and correct copy of the **NOTICE OF HEARING AND PANEL DETERMINATION** and investigation materials in Opinion No. 09-10C in an envelope and caused same to be mailed via certified U.S. mail return receipt requested through the State of Nevada Mailroom to Ross' Counsel addressed as follows:

Brad Jerbic, Esquire City Attorney, City of Las Vegas City Hall 400 Stewart Avenue Las Vegas, NV 89101	Cert. No. 7002 2030 0005 8442 3976
Councilman Steve Ross City of Las Vegas City Hall 400 Stewart Avenue Las Vegas, NV 89101	Cert. No. 7002 2030 0005 8442 4041
Tyson Wrensch, Complainant 5856 Casa Coronado Ave. Las Vegas, NV 89131	Cert. No. 7002 2030 0005 8442 5666
Steve Hecht, Complainant 10170 Corbett St. Las Vegas, NV 89149	Cert. No. 7002 2030 0005 8442 5659
Renee Lella, Complainant 8809 Arroyo Azul St. Las Vegas, NV 89131	Cert. No. 7002 2030 0005 8442 5642

DATED: 06/05/09

Michelle A. Ené
An employee, Nevada Commission on Ethics