



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In the Matter of the Request for Opinion
Concerning the Conduct of **WILLIAM WEBER**,
Member, Washoe County Planning Commission,
Washoe County, State of Nevada,

**Request for
Opinion No. 09-47C**

Subject.

**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 William Weber 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 was 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:

**October 7, 2009 beginning at 9:00 a.m., or as soon thereafter as the
Commission is able to hear the matter, at the following location:**

**Nevada Legislative Building
401 S. Carson Street
Room No. 3143
Carson City, NV**

Weber must be present when this matter is called. If Weber is not present when this hearing is called, the Commission may consider as true the alleged violations specified in the Panel Determination herein. Please direct any hearing scheduling matters to the Executive Director at (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. Weber has the right to appear, be represented by legal counsel, hear evidence presented, respond, and present evidence on his behalf.

Weber 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, and NAC 281A. 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 Weber alleging violations of NRS 281A (Ethics in Government Law), specifically NRS 281A.420(1) and (3)¹, when he failed to disclose and abstain from acting in a matter in which he had a pecuniary interest, as described more fully in the Panel Proceedings below.

In his public capacity, at the time of the alleged conduct, Weber was a member of the Washoe County Planning Commission, a public officer as defined in NRS 281A.160. Therefore, the Commission has jurisdiction in this matter.

Panel Proceeding

On August 26, 2009, pursuant to NRS 281A.440(3), a Panel consisting of Commissioners Mark Hutchison and Gregory Gale reviewed the following: Ethics Complaint; Weber's response to the Complaint; Investigator's Report; and the evidence collected by Commission staff.

The Panel's unanimous conclusions follow:

1. Just and sufficient cause does not exist for the Commission to hold a hearing and render an opinion on whether Weber violated NRS 281A.420(1) on July 28, 2008, when he allegedly failed to disclose that he has a pecuniary interest in properties located in the Forest Planning Area when the Planning Commission was considering the Forest Area Plan. Credible evidence showed that Weber made a sufficient disclosure at that meeting.
2. Just and sufficient cause does not exist for the Commission to hold a hearing and render an opinion on whether Weber violated NRS 281A.420(3) on July 28, 2008, when he allegedly failed to abstain from voting on the Forest Area Plan despite his pecuniary interest in properties located in the Forest Planning Area. Evidence suggested that no

¹ Formerly codified as NRS 281A.420(4) and (2). Re-codified under Senate Bill 160, 2009 Legislative Session, effective May 28, 2009.

resulting benefit or detriment accrued to Weber any more or less than anyone else owning property in the Forest Planning Area.

3. Just and sufficient cause does not exist for the Commission to hold a hearing and render an opinion on whether Weber violated NRS 281A.420(3) on June 2, 2009, when he allegedly failed to abstain from voting on the Forest Area Plan despite his pecuniary interest in properties located in the Forest Planning Area. Evidence suggested that no resulting benefit or detriment accrued to Weber any more or less than anyone else owning property in the Forest Planning Area.

Therefore, the above three allegations are dismissed. However, the Panel concluded:

4. Just and sufficient cause exists for the Commission to hold a hearing and render an opinion on whether Weber violated NRS 281A.420(1) on June 2, 2009, when he allegedly failed to disclose that he had a pecuniary interest in properties located in the Forest Planning Area, prior to taking action on the Forest Area Plan.

Therefore, the above allegation is referred to the Commission for a hearing to render an opinion.

The Request for Opinion is, therefore, REFERRED TO THE NEVADA COMMISSION ON ETHICS for a hearing to render an opinion only on the allegation described in Item No. 4 above.

Dated: September 4, 2009



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 PANEL DETERMINATION, COMMISSION'S EXHIBIT LIST, COMMISSION'S WITNESS LIST and SCHEDULING ORDER** in **Request for Opinion No. 09-47C** in an envelope and caused same to be hand delivered via Reno Carson Messenger Service to Weber's Counsel and placed a true and correct copy of the **NOTICE OF HEARING AND PANEL DETERMINATION and SCHEDULING ORDER** to the Complainant via certified mail return receipt requested through the State of Nevada Mailroom addressed as follows:

Nathan J. Edwards, Esq.
Deputy District Attorney
Office of the Washoe County District Attorney
1 South Sierra, South Tower
4th Floor
Reno, NV 89520-3083
Counsel for Weber

Sent via hand delivery via Reno
Carson Messenger

Jeffrey Church
15520 Fawn Lane
Reno, NV 89511

Cert. No. 7002 2030 0005 8442 5437

DATED:

09/04/09



Employee, Nevada Commission on Ethics