



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 of Washoe County,
State of Nevada

**Request for
Opinion No. 09-01C**

Subjects.

**NOTICE OF HEARING
and
PANEL DETERMINATION**
NRS 281A.440.3, .8 and NAC 281.197

NOTICE OF HEARING

PLEASE TAKE NOTICE, that a hearing has been set to consider the allegations listed below against David Humke (Humke), Dave Aiazzi (Aiazzi), Robert Larkin (Larkin), Dwight Dortch (Dortch), and John Mayer (Mayer) in accordance with Chapters 233B and 281A of the Nevada Revised Statutes and Chapter 281A of the Nevada Administrative Code.

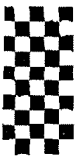
The purpose of the hearing is to determine whether a violation of the Nevada Ethics in Government Law occurred. Further, if a violation is found, whether such violation is willful and whether any penalties will be imposed by the Commission, pursuant to NRS 281A.480.

THE HEARING WILL TAKE PLACE:

**April 2, 2009 beginning at 9:00 a.m., or as soon thereafter as the Commission
is able to hear the matter, at the following location:**

**State Capitol Building
2nd Floor, Annex Media Room
101 N. Carson Street
Carson City, NV.**

Humke, Aiazzi, Larkin, Dortch and Mayer must be present when this matter is called. If Humke, Aiazzi, Larkin, Dortch and Mayer are 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. Humke, Aiazzi, Larkin, Dortch and Mayer have the right to appear, be represented by legal counsel, hear evidence presented, respond, and present evidence on their behalf.

Humke, Aiazzi, Larkin, Dortch and Mayer have the right to request that the Commission issue subpoenas on their behalf to compel witnesses to testify and/or produce evidence. In making this request, they may be required to demonstrate the relevance of the witness' 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

Issues and Jurisdiction

An Ethics Complaint was filed against Humke, Aiazzi, Larkin, Dortch and Mayer alleging that they violated NRS 281A.520 when they requested or otherwise caused the governmental entity to incur an expense or make an expenditure to support a ballot question.

In their public capacity, at the time of the allegations, Humke, Aiazzi, Larkin, Dortch and Mayer were members of the Regional Transportation Commission of Washoe County (RTC), public officers as defined in NRS 281A.160. Additionally, the allegations pertain to NRS 281A (Ethics in Government Law). Therefore, the Commission has jurisdiction over this matter.

Panel Proceeding

On March 5, 2009, pursuant to NRS 281A.440.3, a Panel consisting of Commissioners Mark Hutchison and Paul Lambole reviewed the following: Ethics Complaint; Humke, Aiazzi, Larkin, Dortch and Mayer's response to the Complaint; Investigator's Report; and the evidence collected.

The following is the panel's unanimous findings:

The evidence and Exhibits 12-14 in the Investigator's Report show that Humke, Aiazzi, Larkin, Dortch and Mayer voted to expend public funds for the mailers on the ballot questions. Therefore, the Panel found that **just and sufficient cause DOES** exist for the Commission to hold a hearing and render an opinion on the allegations that Humke, Aiazzi, Larkin, Dortch and Mayer violated:

- NRS 281A.520 when on May 16, 2007, they voted to approve the FY09 budget which included the use of public funds for publication and dissemination of the mailers.

The Request for Opinion is, therefore, REFERRED TO THE NEVADA COMMISSION ON ETHICS for hearing on the allegation against Humke, Aiazzi, Larkin, Dortch and Mayer for their vote to use public funds to support a ballot question.

Dated: March 10, 2009

Patricia D. Cafferata
Patricia D. Cafferata, Esq.
Executive Director