STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In the Matter of the Request for Opinion
Concerning the Conduct of **LOIS TARKANIAN**,
Member, Las Vegas City Council,
Clark County, State of Nevada,

Subject.

Request for Opinion No. 09-18C

PANEL DETERMINATION

NRS 281A.440(3)

Facts and Jurisdiction

An Ethics Complaint was filed against Lois Tarkanian (Tarkanian) alleging violations of NRS 281A (Ethics in Government Law), specifically NRS 281A.420(2) and (4), when she failed to disclose and/or abstain from voting on matters in which she had a commitment in a private capacity, as described more fully below in the Panel Proceedings.

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

Panel Proceeding

On July 1, 2009, pursuant to NRS 281A.440(3), a Panel consisting of Commissioners George Keele and Paul Lamboley reviewed the following: Ethics Complaint; Tarkanian's response to the Complaint; Investigator's Report; Executive Director's Recommendation and the evidence collected by Commission staff.

The following are the Panel's unanimous conclusions:

Allegation One:

> Just and sufficient cause does not exist for the Commission to hold a hearing and render an opinion on whether Tarkanian violated NRS 281A.420(4) when she allegedly failed to disclose a conflict of interest when she requested City Council review of an approval by the Las Vegas Planning Commission (Planning Commission) on a variance to allow an eight-foot front yard wall.

Therefore, allegation one is DISMISSED.

Allegation Two:

> Just and sufficient cause does not exist for the Commission to hold a hearing and render an opinion on whether Tarkanian violated NRS 281A.420(4) at the March 19, 2008 City Council meeting, when she allegedly failed to disclose that she was the person who filed the appeal from the Planning Commission.

Therefore, allegation two is DISMISSED.

Allegation Three:

> Just and sufficient cause does not exist for the Commission to hold a hearing and render an opinion on whether Tarkanian violated NRS 281A.420(4) at the March 19, 2008 City Council meeting, when she allegedly failed to fully disclose her conflict of interest that her daughter was a member of the Rancho Circle Homeowner's Association Board of Directors (Board).

Therefore, allegation three is DISMISSED.

Allegation Four:

> Just and sufficient cause does not exist for the Commission to hold a hearing and render an opinion on whether Tarkanian violated NRS 281A.420(4) at the March 19, 2008 City Council meeting, when she allegedly failed to fully disclose that her daughter's property was in violation of the City Code.

Therefore, allegation four is DISMISSED.

Allegation Five:

> Just and sufficient cause does not exist for the Commission to hold a hearing and render an opinion on whether Tarkanian violated NRS 281A.420(4) at the March 19, 2008 City Council meeting, when she allegedly failed to fully disclose that her daughter's property was a two-story house, an alleged violation of her deed.

Therefore, allegation five is DISMISSED.

Allegation Six:

> Just and sufficient cause does not exist for the Commission to hold a hearing and render an opinion on whether Tarkanian violated NRS 281A.420(4) at the March 19, 2008 City Council meeting, when she allegedly failed to fully disclose that her daughter was involved in the petition submitted by Rancho Circle residents to the City Council.

Therefore, allegation six is DISMISSED.

Allegation Seven:

Just and sufficient cause does not exist for the Commission to hold a hearing and render an opinion on the allegation that Tarkanian "believes that Mr. Joseph T. Miller, who appeared that day in front of the council on March 19, 2008, gave her a waiver" to act on the matter.

The Panel determined this to be a mere statement rather than an allegation of a violation of the Ethics in Government Law.

Therefore, allegation seven is DISMISSED.

Allegation Eight:

Just and sufficient cause does not exist for the Commission to hold a hearing and render an opinion on whether Tarkanian violated NRS 281A.420(4) at the June 4, 2008 City Council meeting, when she allegedly failed to fully disclose that her daughter was on the Board.

Therefore, allegation eight is DISMISSED.

The Request for Opinion No. 09-18C is, therefore, DISMISSED.

Dated: 7/2/09

Adriana G. Fralick, Esq.
General Counsel