



STATE OF NEVADA  
**BEFORE THE NEVADA COMMISSION ON ETHICS**

In the Matter of the Request for Opinion  
Concerning the Conduct of **KEITH PENNER**,  
Director, Department of Parks and Recreation,  
City of Fernley, State of Nevada,

**Request for Opinion No. 09-38C**

Subject.

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**PANEL DETERMINATION**

NRS 281A.440(3),(8) and NAC 281A.450

An Ethics Complaint was filed against Keith Penner (Penner) alleging violations of NRS 281A (Ethics in Government Law), specifically NRS 281A.400(2), when on numerous occasions he allegedly used the city-issued credit card to purchase his personal meals and gasoline while receiving a mileage reimbursement for the same.

In his public capacity, at the time of the alleged conduct, Penner was the Director of the Department of Parks and Recreation for the City of Fernley, a public officer as defined in NRS 281A.160. Therefore, the Commission has jurisdiction in this matter.

On July 31, 2009, pursuant to NRS 281A.440(3), a Panel consisting of Commissioners Erik Beyer and Jim Shaw reviewed the following: Ethics Complaint; Penner's response to the Complaint; Investigator's Report; and the evidence collected by Commission staff.

The following is the Panel's unanimous conclusion:

Just and sufficient cause does not exist for the Commission to hold a hearing and render an opinion on whether Penner used his position in government to secure an unwarranted benefit for himself in violation of NRS 281A.400(2). No evidence exists indicating that Penner's actions resulted in any benefit to him personally or that he was not acting in accordance with the city policies and authorization from the Fernley city manager.

Therefore, Request for Opinion No. 09-38C is DISMISSED.

Dated: \_\_\_\_\_

7/31/09

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Adriana G. Fralick, Esq.  
General Counsel

**CERTIFICATE OF MAILING**

I certify that I am an employee of the Nevada Commission on Ethics and that on this 31<sup>st</sup> day of July in Carson City, Nevada, I placed a true and correct copy of the **PANEL DETERMINATION** in Request for Opinion No. 09-38C in an envelope and caused same to be mailed via regular U.S. mail through the State of Nevada Mailroom to Penner and the Complainant addressed as follows:

Keith Penner  
c/o Brent Kolvet, Esq.  
6590 S. McCarran Blvd., #B  
Reno, Nevada 89509

Joseph Specchio, Complainant  
435 Bramble Drive  
Fernley, Nevada 89408

DATED: 07/31/09

Michelle A. Ene  
An employee, Nevada Commission on Ethics