

1 requesting condemnation of the property in question so he could negotiate a lower purchase
2 price.

3
4 **2. Jurisdiction:**

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6 The Nevada Commission on Ethics has jurisdiction over public officers, pursuant to
7 NRS 281A.280. As a member of the City of Fernley Council, Parsons is a public officer as
8 defined in NRS 281A.160. Therefore, the Nevada Commission on Ethics has jurisdiction to
9 investigate and take appropriate action in this matter pursuant NRS 281A.280 and NRS
10 281A.440.

11
12 **3. Issues:**

13
14 The issues are whether Parsons violated:

- 15
16 **I.** NRS 281A.400(1) by seeking favor when he asked Building Inspectors Ball and
17 Wise to perform an inspection on 215 Lyon Drive which Parsons' Employer,
18 Hydrotech Inc., was interested in purchasing.
- 19 **II.** NRS 281A.400(1) by demanding a zoning change on his daughter's property.
- 20 **III.** NRS 281A.400(1) by demanding assistance from City employees before the
21 beginning of the official business day.
- 22 **IV.** NRS 281A.400(2) by using his position in government to secure unwarranted
23 privileges, preferences, exemptions or advantages by requesting Ball and Wise to
24 perform the inspection on 215 Lyon Drive.
- 25 **V.** NRS 281A.400(1) by demanding a zoning change on his daughter's property.
- 26 **VI.** NRS 281A.400(1) by demanding assistance from the City employees before
27 beginning of official business hours.
- 28 **VII.** NRS 281A.400(7) by using government time for inspection of a privately owned
property.

1 **VIII.** NRS 281A.400(9) by directing Ball and Wise, his subordinates, to condemn the
2 property in question so he can negotiate lower purchasing price.

3
4 **4. Notices to Subject: (Tab C):**

5
6 A notice to Subject of RFO 10-26C and 10-27C was issued to Parsons on March 23,
7 2010. A postal service record indicates that Parsons received the Notice on March 26, 2010.
8 (Tab C). Upon receiving the Complaint 10-42C, Parsons was issued a Notice to Subject of RFO
9 10-42C, which he received on May 28, 2010. During the course of the investigation, additional
10 issues and facts relating to the alleged violations of NRS 281A.400(1), (2) and (9) were
11 discovered by the investigator. A Notice of Additional Issues and Facts was hand delivered to
12 Parsons on May 27, 2010. (Tab C).

13
14 **5. Response to Ethics Complaint. (Tab D):**

15
16 Parsons' response to the Ethics Complaint was submitted by his legal counsel, Brian
17 Brown, Esq., on June 29, 2010. The response indicated that Parsons did not violate any
18 provisions of NRS 281A.400. Parsons admitted that he had called, and subsequently met with,
19 Ball, Wise, and Huntley in the old Mission Linen building at 215 Lyon Drive, but stated the
20 purpose was only to ask for a courtesy inspection and he never asked anyone to condemn the
21 building. As to the alleged demand for zoning change on his daughter's property, Parsons
22 responded that he only asked a question since a large number of properties in Fernley are
23 incorrectly zoned. Finally, as to the demand for assistance before the official business hours,
24 Parsons stated that he does not recall the exact date and time, but he goes to the City hall
25 regularly as his mailbox is located there. However, Parsons denied demanding assistance before
26 the official business hours began.

1 **Investigation Resources:**

2
3 I interviewed the following individuals and reviewed their responses:

4
5 **1. Witnesses interviews and responses. (Tab E):**

- 6
7 • Don Parsons, subject of RFO 10-26C, 10-27C, and 10-42C. (Response, Tab C),
8 telephone interview on April 19, 2010 incorporated in the Investigator's Report.
9 (Investigator's Report, Tab A, pp.7-9).
- 10 • Jeff Ball, requester, via telephone on May 17, 2010. (Investigator's Report, Tab A, pp.
11 10-11).
- 12 • Ron Wise, witness, via telephone on May 17, 2010. (Investigator's Report, Tab A, pp.
13 10-11).
- 14 • Scott Huntley, witness, via telephone on May 17, 2010 and June 8, 2010. (Investigator's
15 Report, Tab A, pp. 11-12).
- 16 • Mike Mitchell, witness, via telephone on May 18, 2010. (Investigator's Report, Tab A, p.
17 12).
- 18 • Mel Drown, witness, via telephone on May 19, 2010. (Investigator's Report, Tab A, p.
19 12).
- 20 • Bonnie Duke, witness, via telephone on May 21, 2010. (Investigator's Report, Tab A, p.
21 13).
- 22 • Fred Turnier, requester, via telephone on May 24, 2010. (Investigator's Report, Tab A, p.
23 13).
- 24 • Letha Sheenan-Gorden, witness, via telephone on May 24, 2010. (Investigator's Report,
25 Tab A, p. 13-14).
- 26 • Lowell Patton, witness, via telephone on May 25, 2010. (Investigator's Report, Tab A, p.
27 14).
- 28 • Kathy Bennett, witness, via telephone on May 26, 2010. (Investigator's Report, Tab A,
p.14).

- 1 • Jeff Purchase, witness, via telephone on May 28, 2010. (Investigator's Report, Tab A, p.
2 15).
- 3 • Judy Ewing, witness, via telephone on May 19, 2010 and June 8, 2010. (Investigator's
4 Report, Tab A, p. 15).
- 5 • Don Evans, witness, via telephone on June 8, 2010. (Investigator's Report, Tab A, p. 16).
- 6

7 **2. Documents. (Tab F):**

8 I obtained and reviewed the following relevant documents and materials:

9

- 10 • E-mail exchange between various City of Fernley departments re: Councilman
11 Parsons, submitted by the City of Fernley Attorney's Office. (Exhibit 1).
- 12 • Facsimile from North Lyon County Interim Fire Chief Scott Huntley dated May 19,
13 2010. (Exhibit 2).
- 14 • Additional documents received from Requester Fred Turnier on May 24, 2010.
15 (Exhibit 3).
- 16 • Affidavit of Mel Drown dated May 25, 2010. (Exhibit 4).
- 17 • E-mail correspondence received from witness Judy Ewing dated June 8, 2010, re:
18 215 Lyon Drive. (Exhibit 5).
- 19 • E-mail from Mary Hardisty, City of Fernley Attorney's Office, dated June 15, 2010,
20 re: City Council meetings (Exhibit 6).
- 21 • E-mail from Melinda Bauer, City of Fernley employee, dated June 15, 2010,
22 re: recollection of events of April 9, 2010. (Exhibit 7).
- 23 • E-mails from Requester Jeff Ball dated July 20, 2010 and July 21, 2010, re: follow up
24 questions. (Exhibit 8).
- 25 • Lyon County Assessor's records: 215 Lyon Drive. (Exhibit 9).
- 26 • Lyon County Assessor's records: Don Parsons. (Exhibit 10).
- 27 • City of Fernley Building Department Procedures. (Exhibit 11).
- 28

1 only asked questions related to the allegedly non-functional fire protection system so he could
2 take the appropriate steps to bring the system into compliance. Parsons denied any allegation of
3 pressuring Huntley into condemning the building or anything that may be considered seeking an
4 unwarranted privilege, preference or a favor. Furthermore, Parsons stated that the Complaints
5 suggest that Ball and Wise overheard Parsons allegedly pressuring Huntley, which never
6 occurred. (Complaint 10-26C, p. 5 of 6). Huntley's recollection of the meeting corresponds with
7 that of Parsons; Huntley stated that Parsons never asked him for any favors. (Interview of
8 Huntley, Investigator's Report, Tab A, p. 11-12).

9 Furthermore, I asked Parsons why he requested the meeting with Fire Chief Huntley on
10 April 9, 2010 when a document showed that the building was inspected by Fire Inspector Steve
11 Candela just two days earlier on April 7, 2010. (Exhibit 5, p. 9). Parsons replied that he was not
12 aware of the inspection at that time, and added that he learned later the inspection had been
13 requested by Judy Ewing, a real estate agent representing the owner of the building. (Exhibit 5,
14 p. 9). Additionally, I questioned Parsons as to his involvement in the significant difference in
15 quotes offered by two different contractors for the cost of repair of the fire suppression system
16 in the building. Parsons stated that the real estate agent representing the current owner had
17 contacted Simplex Grinnell, a fire protection system contractor and received quote of
18 approximately \$ 4,800. Parsons claims that Simplex Grinnell did not include several items
19 required by the City Building Department and thereafter, he contacted different contractor, Pro-
20 Tech, who gave quote of nearly \$40,000. Parsons claims that the quote of \$40,000 was more
21 realistic and that Simplex Grinnell's quote was wrong. (See interview with Don Evans,
22 Investigator's Report, Tab A, p. 16 and Judy Ewing, Investigators Report, Tab A, p. 15).

23 As to the March 9, 2009 incident alleging that Parsons demanded zoning changes on his
24 daughter's property from the Building Department staff, Parsons denied the allegation. He never
25 pressured anyone to make any changes, he was only inquiring because there are large number of
26 properties in Fernley incorrectly zoned. (Exhibit 1, p. 1 of 22). He claims that William
27 Cadwallader, then-senior City planner, that the situation is under consideration. Cadwallader is
28 no longer employed by the City of Fernley and was not available to comment. However, the

1 non-conforming status of numerous parcels in Fernley was verified by Community
2 Development Director Fred Turnier. (Exhibit 1, p. 1 of 22). Notably, no City employee was able
3 to provide any evidence of Parsons' pressuring Cadwallader to expedite zoning changes on his
4 daughter's property.

5 Parsons also denied the July 9, 2009 incident stating that he does not recall the exact day
6 but it is possible that he was in the City Hall early in the morning and added that he, as a City
7 Councilman, has a mailbox in the City hall and most likely was there to check his mail. He
8 recalls being let in by employee Kathy Bennett, but denies demanding assistance before the
9 official business hours. Parsons also stated that he has a key to the City Hall and he can enter it
10 anytime without anyone's assistance. I note that Bennett recalled opening the door for Parsons
11 before 8 a.m., but does not recall who helped him at the counter. No City employee was willing
12 or able to recall assisting Parsons before the official business hours.

13 Finally, I questioned Parsons as to the allegation that he received an unwarranted
14 discount on his water bill in the amount of approximately \$400. Parsons explained that the City
15 installed a water meter in his rental property but the meter never functioned. According to
16 Parsons, the water meter readings are taken monthly but no one seemed to realize that the meter
17 was out of service. Several months later, Parsons received bill that was several time the usual
18 amount. Then, he contacted the City of Fernley Financial Director, then Bonnie Duke, who
19 allegedly refused to discuss this issue with him. After Duke terminated her employment with
20 the City, Parsons spoke to the new City Financial Director, Mel Drown. Drown agreed that the
21 City is somewhat responsible and offered Parsons that he pay only half of the bill; the other half
22 was paid by the City. (Investigator's Report, Tab A, p. 12). Parsons agreed and paid
23 approximately \$200. Parsons explained that this allegation failed to mention that due to the
24 installation of a new water meter and new water line, Parsons' water pipes and system were
25 completely filled with mud. Parsons had to clean the mud from his water heater and washing
26 machine using his own funds, and he never asked the City for reimbursement.

1 **Telephone Interview with Jeff Ball and Ron Wise on May 17, 2010.**

2 I spoke with Ball and Wise on May 17, 2010. Ball stated that on April 9, 2010 at about
3 11 a.m. he was called to the front counter of the Building Department for a telephone call from
4 Councilman Parsons. Ball stated that he spoke briefly with Parsons who demanded to meet
5 him at the old Mission Linen building at 215 Lyon Drive right away. Ball claims that Parsons
6 insisted on the meeting despite Ball's other commitments and busy schedule. Out of courtesy,
7 Ball agreed to a meeting at 11:30 a.m. Ball alleged that Parsons asked him to bring a
8 "condemnation placard" with him. When Ball inquired the reason, Parsons allegedly stated that
9 he wanted the building to be condemned so he can negotiate a better purchase price on behalf of
10 his employer, Hydrotech Inc. Ball stated that he told Community Development Director Fred
11 Turnier of Parsons' request before departing for the meeting.

12 At approximately 11:30 a.m., Ball and Wise arrived at the old Mission Linen building
13 and met with Parsons. Upon meeting, Parsons allegedly asked Ball if he was mad at him
14 because of his proposals related to budget cuts and changes in the Building Department. Ball
15 responded that he was not. Then, Parsons allegedly stated that Ball does not have to worry about
16 his job as his proposals were more "scare tactics" than anything else. Ball stated that this rather
17 sarcastic statement alone made him feel the opposite way: he should worry about his job.

18 Parsons, Ball, and Wise then walked through the building. Parsons pointed out
19 numerous issues such as damaged fire sprinkler heads and exit signs and asked again if the
20 building could be condemned based on these issues. Ball and Wise replied that although they
21 are the City inspectors, they have no authority to condemn the building; even if they did, issues
22 such as structural damage rather than non-functioning fire suppression systems are more likely
23 reasons for condemnation. Additionally, they informed Parsons that they have no business to be
24 there as no building permit had been generated for this address.

25 Ball and Wise claim that Parsons requested or insisted on condemnation using several
26 different avenues during their conversation but they refused all overtures. Then, Parsons turned
27 his attention to Fire Chief Huntley who had just arrived at the location. Ball and Wise remained
28 at the location following Parsons and Huntley and able to hear most of their conversations.

1 According to both Ball and Wise, Parsons' conversation with Huntley was somewhat similar to
2 the one they just finished. Huntley was not willing to assist Parsons and informed him that he
3 has no business to be there. Before departing the property, Parsons allegedly told Ball that he
4 was after Fred Turnier, the Community Development director, and not Ball's job. Ball stated
5 that Parsons' explanation was represented in rather sarcastic manner and it made him feel that he
6 really needs to worry about his future with the City since he had just refused to comply with
7 Parsons' requests. Wise stated that he heard Parsons make this statement.

8
9 **Telephone Interview with Scott Huntley on May 17, 2010 and June 8, 2010.**

10 I spoke to Interim North Lyon County Fire Chief Scott Huntley on May 17, 2010 and
11 asked him about his interaction with Parsons. Huntley stated that he had spoken to
12 Parsons sometime before April 9, 2009 and agreed to meet him. In addition, Huntley sent a
13 letter to Parsons on April 6, 2010, informing him of the fire code requirements. (Exhibit 2 p. 3).

14 As to the meeting on April 9, 2010, Huntley stated that he agreed to meet Parsons
15 around 11:30 a.m. However, he recalls being late because he had responded to a fire emergency.
16 Upon arriving at the location, he briefly spoke to Parsons explaining the fire code requirements;
17 however, he told Parsons that there is not much he can do as the building is vacant. Huntley
18 informed Parsons that the building must be occupied first and then, he can come back and
19 inspect it, adding that without occupation and knowledge of exact location of offices and
20 equipment no inspection can be performed.

21 As to alleged pressuring Huntley to condemn the building, Huntley stated that he knows
22 Parsons as a self-absorbed individual who exhibits a bully-like attitude towards others;
23 however, and mainly for that reason, he would be very careful to avoid assisting Parsons with
24 anything that might come back to haunt him. Huntley repeated several times that Parsons did
25 not ask him or pressure him to do anything possibly unwarranted; otherwise he would have
26 informed the proper authorities. As noted above, Huntley told Parsons that he could do nothing
27 and departed the property. Additionally, he sent a letter to Parsons on April 13, 2010 explaining
28

1 the requirements related to the fire suppression systems and alarm systems. (Exhibit 2 p. 2). As
2 to his knowledge of conversations between Parsons, Ball and Wise, Huntley stated that both
3 men had told him of Parsons' request to condemn the building, but since he arrived late, he had
4 no first knowledge of this allegation.

5
6 **Telephone Interview with Mike Mitchell on May 18, 2010.**

7 I spoke to the City of Fernley Interim Building Official Mike Mitchell on May 18, 2010.
8 Mitchell explained that his position is only temporary; he is filling a vacant position until the
9 City hires a full time building official. He has been in his position since March 2010.

10 I asked Mitchell who has the authority in Fernley to condemn a building. Mitchell
11 responded that he is the only person who can do so. I also asked Mitchell about the procedure to
12 condemn a building; Mitchell explained that each building official has his own way. He uses his
13 30 years of experience in the building industry combined with his education. He also may ask
14 for assistance from a structural engineer if needed. To condemn a building, there would have to
15 be structural or other serious damage. Then, depending on the specific situation, the building in
16 question would be repaired or torn down.

17 Finally, I asked Mitchell if anyone recently asked him to condemn any structure in
18 Fernley. Mitchell responded that no one did, and he has not done so recently. However,
19 Mitchell stated that he was informed by Fernley Building Inspectors Ball and Wise that
20 Councilman Parsons asked them to condemn the old Mission Linen building but that is only
21 hearsay and he had no first hand knowledge.

22
23 **Telephone Interview with Mel Drown on May 19, 2010.**

24 I spoke to City of Fernley Financial Director Mel Drown on May 19, 2010 regarding an
25 allegation that Parsons received an unwarranted discount on his water bill in the amount of
26 approximately \$400. Following the conversation, I received an Affidavit from Drown on May
27 25, 2010, explaining the reason for the discount. After a conversation with Parsons, examination
28 of the Affidavit and attached evidence this allegation was not considered as the discount
appeared to be warranted.

1 approved the discount and provided evidence supporting his decision.

2
3 **Telephone Interview with Lowell Patton on May 25, 2010.**

4 I spoke to Public Works Director Lowell Patton on May 25, 2010 and asked him about
5 his knowledge of Parsons' interaction with the City employees. Patton stated that he has no first
6 hand knowledge, but he was informed on several occasions by other staff of Parsons' alleged
7 inappropriate behavior. (Exhibit 3 pp. 6-9). In addition, I asked Patton about his letter to
8 Hydrotech Inc. dated April 14, 2010, and a letter from Jeff Purchase, Patton's former assistant,
9 dated April 6, 2010. Patton explained that following the conversation with Parsons and
10 Hydrotech Inc., he and his assistant issued these letters to offer a detailed explanation of his
11 findings and requirements. However, Patton added that he believes both letters were used
12 during the negotiations between Hydrotech Inc. and the current owner of the building to
13 establish the responsibility for repairing the fire suppression system. Patton noted that he
14 believes that there was some ingenuity because the letters did not say the building could not be
15 occupied without the extensive repair suggested by Pro-Tech.

16
17 **Telephone Interview with Kathy Bennett on May 26, 2010.**

18 I spoke to Kathy Bennett on May 26, 2010 and questioned her as to her recollection of
19 9, 2009. Bennett stated that she recalls that Parsons was knocking on the City Hall door at about
20 7:45 a.m., and demanded to be let in. She opened the door because she thought he came to
21 retrieve mail from a mail box he has in the City Hall. Upon entering, Parsons proceeded to the
22 front counter and demanded help. According to Bennett, Parsons was angry and insisted to be
23 helped immediately, stating that somebody should be at the counter. Bennett allegedly told
24 Parsons that it was not 8 a.m. yet, and as such, there was no one available. Bennett stated that
25 Parsons was dropping off some plans that did not appear to be related to the City business but
26 she did not recall who assisted him. In addition, Bennett stated that by the time someone helped
27 him, it was nearly 8 a.m. so, they just "let it go." In this investigation, no employee was able or
28 willing to recall helping Parsons.

1 **Telephone Interview with Jeff Purchase on May 28, 2010.**

2 I spoke to Jeff Purchase, former assistant director of the City Public Works Department
3 on May 28, 2010 and asked him about his interaction with Parsons. Purchase stated that he was
4 informed on several occasions of Parsons' alleged intimidation of the City staff but had no first
5 hand knowledge. (Exhibit 3).

6
7 **Telephone Interview with Judy Ewing on June 8, 2010.**

8 I spoke to Judy Ewing, a real estate agent representing the current owner¹ of the property
9 on 215 Lyon Drive in Fernley and questioned her about her interaction with Parsons. Ewing
10 stated that she approached Hydrotech Inc. about its interest in the building. Hydrotech
11 management became interested as they were in process of expanding their operations and
12 arranged a meeting with Ewing to look at the property. When Ewing arrived, she met Parsons
13 who asked her what she was doing there, implying that he owned the building. Ewing
14 responded that it in not possible, since she represents the owner. I asked Ewing if Parsons was
15 involved in negotiating the price; Ewing responded that she discussed the price only with
16 Hydrotech owners Kevin and Debra Brazzell. However, Ewing alleged that Parsons
17 misinterpreted the needs for repairs via letters from Patton and Purchase (Exhibit 5 pp. 3-4 of 9)
18 and as such, the current owner was forced to agree to offer an additional discount of \$40,000
19 towards repairs and remodeling of the fire suppression system. According to Ewing, these
20 repairs were well beyond the requirements of a fire inspection. Ewing alleges that Parsons saved
21 an additional \$40,000 to his employer Hydrotech Inc. Additionally, Ewing claims that a
22 representative of Simplex Grinnell called her stating that Parsons asked them to increase the
23 quote for repairs they submitted earlier.

24 The allegation related to unnecessary repairs of the fire suppression system is not part of
25 the Complaint. If the Commission pursues this allegation, testimony of Fire Chief Huntley, Don
26 Evans (Simplex Grinnell) and the former City of Fernley Public Works Director Lowell Patton
27 may be required to understand this complex issue.

28 _____
¹ According to Ewing the purchase was finalized. However, as of the completion of this report, the prior owner is still listed with the Lyon County Assessor.

1 **Telephone Interview with Don Evans on June 8, 2010.**

2 I spoke to Don Evans a representative of Simplex Grinnell, on June 8, 2010 and asked
3 him about his interaction with Parsons. Evans stated that Parsons called him several times and
4 questioned his knowledge and expertise because of his \$ 4,800 quote. Evans explained that the
5 quote was correct because it included all repairs required by the fire department. According to
6 Evans, the quote solicited by Parsons from Pro-Tech included repairs beyond these
7 requirements. Finally, Evans stated that he stays behind his quote as he possess many years of
8 experience.

9
10 **1. Allegation one:** On April 9, 2010, Parsons violated NRS 281A. 400(1) by
11 seeking favor when he asked the City of Fernley Building Inspectors Jeff Ball
12 and Ron Wise to condemn building at 215 Lyon Drive so, he can negotiate
13 lower price on behalf of his employees Hydrotech Inc.

- 14 ■ NRS 281A.400(1) provides, in relevant part:

15 A public officer or employee shall not seek or accept any gift, service, favor,
16 employment, engagement, emolument or economic opportunity which would
17 tend improperly to influence a reasonable person in the public officer's or
18 employee's position to depart from the faithful and impartial discharge of the
19 public officer's or employee's public duties.

19 As to the allegation that Parsons demanded favors from City employees, Jeff Ball and
20 Ron Wise, the evidence is as follows:

21 Ball alleged that upon arranging the meeting via telephone on April 9, 2010, Parsons
22 asked him to bring a condemnation placard and "place it against any further occupation ... [of
23 the building at 215 Lyon Drive]," so he could negotiate a better purchase price for his employer
24 Hydrotech Inc. (Tab B, Complaint 10-26C, p. 4 of 6). When Ball and Wise arrived at the
25 location and spoke to Parsons, he asked several times to place the condemnation placard on the
26 building.

27 Parsons admits meeting Ball and Wise on April 9, 2010 after they agreed to perform a
28 courtesy inspection. However, Parsons vehemently denies that he ever mentioned a desire to

1 condemn the building. There are no written or audio records of Parsons' request. The allegation
2 is solely provided by oral testimony by Ball and Wise. Ball also alleges that his supervisor, Fred
3 Turnier, was made aware of Parsons' request before Ball and Wise departed for meeting with
4 Parsons. Telephone interviews with City of Fernley Building Official Mike Mitchell and Fire
5 Chief Scott Huntley revealed that they were aware of Parsons' request but only by second hand
6 knowledge based on their conversations with Ball and Wise.

7
8 **2. Allegation two:** On April 9, 2010, Parsons violated NRS 281A. 400(2) by
9 seeking privileges and exemptions from the City of Fernley Building Inspectors
10 Ball and Wise, when he asked them to condemn building at 215 Lyon Drive so,
11 he can negotiate lower price on behalf of his employer Hydrotech Inc.

- 12
13 ■ NRS 281A.400(2) provides, in relevant part:

14 A public officer or employee shall not use the public officer's or employee's
15 position in government to secure or grant unwarranted privileges, preferences,
16 exemptions or advantages for the public officer or employee, any business entity
17 in which the public officer or employee has a significant pecuniary interest, or
18 any person to whom the public officer or employee has a commitment in a
19 private capacity to the interests of that person. As used in this subsection:

(a) "Commitment in a private capacity to the interests of that person" has the
meaning ascribed to "commitment in a private capacity to the interests of
others" in subsection 8 of NRS 281A.420.

(b) "Unwarranted" means without justification or adequate reason.

20 Even if we assumed that Parson was attempting to secure an unwarranted privilege,
21 NRS 281A.400(2) does not list "attempt" or "seeking" to secure or grant an unwarranted
22 privilege, preference or exemption. Ball and Wise testified that they refused to comply with
23 Parsons' request. Therefore, it appears that Parsons did not succeeded in securing any
24 unwarranted privilege, preference or exemption as provided by NRS 281A.400(2).

25
26 **3. Allegation three:** On April 9, 2010, Parsons violated NRS 281A. 400(7) by
27 using government time when he used City Building Inspectors Ball and Wise
28 for inspection of a privately owned building.

- 1 ▪ NRS 281A.400(7) provides, in relevant part:

2 Except for State Legislators who are subject to the restrictions set forth in
3 subsection 8, a public officer or employee shall not use governmental time,
4 property, equipment or other facility to benefit the public officer's or
5 employee's personal or financial interest. This subsection does not prohibit:

6 (a) A limited use of governmental property, equipment or other facility for
7 personal purposes if:

8 (1) The public officer who is responsible for and has authority to authorize
9 the use of such property, equipment or other facility has established a policy
10 allowing the use or the use is necessary as a result of emergency circumstances;

11 (2) The use does not interfere with the performance of the public officer's
12 or employee's public duties;

13 (3) The cost or value related to the use is nominal; and

14 (4) The use does not create the appearance of impropriety;

15 (b) The use of mailing lists, computer data or other information lawfully
16 obtained from a governmental agency which is available to members of the
17 general public for nongovernmental purposes; or

18 (c) The use of telephones or other means of communication if there is not a
19 special charge for that use.

20 If a governmental agency incurs a cost as a result of a use that is authorized
21 pursuant to this subsection or would ordinarily charge a member of the general
22 public for the use, the public officer or employee shall promptly reimburse the
23 cost or pay the charge to the governmental agency.

24 As to the allegation that Parsons used governmental time, property, equipment or other
25 facility to benefit his personal or financial interest, the evidence is as follows:

26 Parsons met with City Inspectors Ball and Wise on April 9, 2010 at approximately 11:30
27 a.m. in the old Mission Linen building at 215 Lyon Drive in Fernley. The meeting was arranged
28 the same day during a telephone conversation. Ball claims that Parsons pressured him to agree
29 to meeting despite his prior commitments. Ball stated that out of courtesy, he agreed and he and
30 Wise met with Parsons. (Tab B, Complaint 10-26C, p. 4 of 6).

- 31 **4. Allegation four: On April 9, 2010, Parsons violated NRS 281A. 400(9) by**
32 attempting to influence City Inspectors Ball and Wise, when he repeatedly
33 asked them to condemn building at 215 Lyon Drive so, he can negotiate lower
34 price on behalf of his employer Hydrotech Inc.

- 35 ▪ NRS 281A.400(9) provides, in relevant part:

36 A public officer or employee shall not attempt to benefit the public officer's or
37 employee's personal or financial interest through the influence of a subordinate.

1 As to the allegation that Parsons attempted to influence Building Inspectors Ball and
2 Wise, the evidence is as follows:

3 Ball alleged that upon arranging the meeting via telephone on April 9, 2010, Parsons
4 asked him to bring a condemnation placard and "place it against any further occupation ... [of
5 the building at 215 Lyon Drive]." so he can negotiate a better purchase price on behalf of his
6 employer Hydrotech Inc. (Tab B, Complaint 10-26C, p. 4 of 6). When Ball and Wise arrived at
7 the location and spoke to Parsons, he allegedly asked several times to place the condemnation
8 placard on the building. Ball also alleged that Parsons told him "you don't have to worry about
9 your job" (Tab B, Complaint 10-27C, p. 4 of 7), and later added that it was not Ball's job he was
10 after, rather he wanted to have the job of Fred Turnier, Ball's supervisor. Ball stated that this
11 was Parsons' way to intimidate him by indirectly suggesting that he should assist him with his
12 request if he wanted to keep his employment with the City.

13 Parsons admits meeting Ball and Wise on April 9, 2010 after they agreed to perform a
14 courtesy inspection. However, Parsons vehemently denies that he ever mentioned his desire to
15 condemn the building or made any suggestions as to the future of Ball's employment. Wise
16 stated that he is willing to testify and confirm Parsons' request to condemn the building and his
17 comments regarding Ball's employment.

18
19 **5. Allegation five:** On March 9, 2009, Parsons violated NRS 281A. 400(1), when
20 he sought favor from Building Department employee William Cadwallader by
21 requesting that re-zoning on his daughter's home be completed sooner than
22 anticipated.

- 23 ■ NRS 281A.400(1) provides, in relevant part:

24 A public officer or employee shall not seek or accept any gift, service, favor,
25 employment, engagement, emolument or economic opportunity which would
26 tend improperly to influence a reasonable person in the public officer's or
employee's position to depart from the faithful and impartial discharge of the
public officer's or employee's public duties.

27 As to the allegation that Parsons demanded favor from City employee William
28 Cadwallader, the evidence is as follows:

1 Parsons admitted speaking to Cadwallader and discussing zoning issues on his
2 daughter's property. However, he stated that he never pressured anyone to make changes, he
3 was only inquiring because there were large numbers of properties in Fernley zoned incorrectly.
4 (Exhibit 1, p. 1 of 22). Parsons was informed by William Cadwallader, then-senior city planner
5 that the situation is being worked on. The non-conforming status of numerous parcels in Fernley
6 was verified by Community Development Director Fred Turnier. (Exhibit 1, p. 1 of 22).

7 I note that no City employee was willing or able to provide any evidence of Parsons'
8 pressuring Cadwallader to expedite zoning changes on his daughter's property.

9 The March 9, 2009 incident also suggests violation of NRS 281A.400(2) and NRS
10 281A.400(9). However, no witnesses or evidence are available.

11
12 **6. Allegation six: On July 9, 2009, Parsons violated NRS 281A. 400(1) when he**
13 **sought favor from Building Department employee and demanded assistance**
14 **before the official business hours.**

- 15
16 ■ NRS 281A.400(1) provides, in relevant part:

17 A public officer or employee shall not seek or accept any gift, service, favor,
18 employment, engagement, emolument or economic opportunity which would
19 tend improperly to influence a reasonable person in the public officer's or
20 employee's position to depart from the faithful and impartial discharge of the
21 public officer's or employee's public duties.

21 As to the allegation that Parsons sought favors from Building Department and demanded
22 assistance before official business hours, the evidence is as follows:

23 Parsons stated that he does not recall the exact day of the alleged incident but it is
24 possible that he was at City Hall early in the morning and added that he most likely was at City
25 Hall to recover his mail. Parsons recalls being let in by employee Kathy Bennett, but denies
26 demanding assistance before the official business hours. Parsons also stated that he was later
27 provided with a key to the City Hall and he can enter it anytime without anyone's assistance.
28

1 I note that Bennett recalled opening the door for Parsons before 8 a.m., but does not
2 recall who helped him at the counter. I note that no City employee was willing or able to recall
3 assisting Parsons before the official business hours.

4 The July 9, 2009 incident also suggests allegation of violation of NRS 281A.400(2) and
5 NRS 281A.400(9). However, no witnesses or evidence are available.

6
7 **7. Allegation seven: Between November 2009 and April, 2010, Parsons violated**
8 **NRS 281A. 400(2) by securing privileges and exemptions from the City of**
9 **Fernley when he received a discount on his water bill, which he was not entitled**
10 **to.**

- 11
12 ■ NRS 281A.400(2) provides, in relevant part:

13 A public officer or employee shall not use the public officer's or employee's
14 position in government to secure or grant unwarranted privileges, preferences,
15 exemptions or advantages for the public officer or employee, any business entity
16 in which the public officer or employee has a significant pecuniary interest, or
17 any person to whom the public officer or employee has a commitment in a
18 private capacity to the interests of that person. As used in this subsection:

19 (a) "Commitment in a private capacity to the interests of that person" has the
20 meaning ascribed to "commitment in a private capacity to the interests of
21 others" in subsection 8 of NRS 281A.420.

22 (b) "Unwarranted" means without justification or adequate reason.

23 As to the allegation that Parsons received an unwarranted privileges and exemptions by
24 receiving a discount on his water bill, the evidence is as follows:

25 The City of Fernley Financial Director Mel Drown stated he offered Parsons discount on
26 his since he felt that the City bears some responsibility for Parsons' unusually high water bill.
27 Drown added that this was a common practice and it was granted to numerous residents.
28 (Exhibit 4).

1 Dated this 31 day of July 2010.

2

3 NEVADA COMMISSION ON ETHICS

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A handwritten signature in cursive script, appearing to read "Mike Vavra", is written over a horizontal line. The signature is fluid and somewhat stylized.

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