



**In the Matter of the Request for Opinion
Concerning the Conduct of CAL STARK,
Councilman, City of Wells
State of Nevada,**

Request for Opinion No.: 10-30C

Subject. /

**EXECUTIVE DIRECTOR'S RECOMMENDATION
AND APPROVAL OF INVESTIGATOR'S REPORT**

The following is the Executive Director's recommendation based on consideration and investigation of the Ethics Complaint filed against Cal Stark, member of the city council for the City of Wells, NV ("Subject"), a public officer, and on the Subject's written response to the Complaint, attached to the Investigator's Report. I hereby approve that Report and attach it for the consideration of the two-commissioner investigatory panel.

Allegations:

The request for opinion, filed April 28, 2010, alleges that Stark violated:

1. NRS 281A.400(1) by seeking an economic opportunity which would tend to improperly influence a reasonable public officer to depart from the faithful discharge of his duties by applying for and receiving earthquake-related compensation he was not entitled to.
2. NRS 281A.400(2) by receiving unwarranted privileges, preferences, exemptions or advantages by receiving compensation for earthquake-related damages on his house he was not entitled to.
3. NRS 281A.400(9) by attempting to influence subordinate Jolene Supp to assist him with filing an insurance claim.

Recommendation:

After reviewing the evidence, NRS 281A.280, and NRS 281A.400(1), (2) and (9), I recommend that the Panel find just and sufficient cause **DOES NOT EXIST** for the Commission to render an opinion on the allegations that Stark violated the Ethics in Government Laws because of a lack of credible evidence to support a reasonable belief that the Commission should hear the matter.

Analysis:

NAC 281A.435 Basis for finding by panel; unanimous finding required for determination that no just and sufficient cause exists. (NRS 281A.290)

1. A finding by a panel as to whether **just and sufficient cause** exists for the Commission to render an opinion on an ethics complaint **must be based on credible evidence.**

2. A finding by a panel that no just and sufficient cause exists for the Commission to render an opinion on an ethics complaint must be unanimous.

3. As used in this section, **“credible evidence” means the minimal level of any reliable and competent form of proof** provided by witnesses, records, documents, exhibits, concrete objects, and other such similar means, **that supports a reasonable belief by a panel that the Commission should hear the matter and render an opinion.** The term does not include a newspaper article or other media report if the article or report is offered by itself.

While Mr. Stark did apply for and receive funds to help with the cost of replacing his mobile home which was severely damaged by an earthquake. The funds he did receive went through a process over which his role as a member of the Wells City Council had no bearing. His application for Nevada DEM Funds was denied, and the funds granted by the Emergency Committee were considered by a body separate from and unrelated to the City's process. The investigation produced no evidence that Stark sought or received any unwarranted advantage, nor that the funds he sought to rebuild his home would tend to improperly influence anyone.

Finally, no evidence was uncovered that Stark attempted to influence his subordinate to write a letter supporting his request to Nevada's DEM.

Conclusion:

Based on the foregoing, I recommend that the Panel find just and sufficient cause **DOES NOT EXIST** for the Commission render an opinion on all of the above allegations against Cal Stark, including the alleged violations of NRS 281A.400(1), (2) and (9).

I hereby approve the attached Investigator's Report and provide this, my recommendation, to this honorable panel.



Caren Jenkins, Esq.
Executive Director

Date: 9/3/10