



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

In the Matter of the Request for Opinion  
Concerning the Conduct of  
**RUSTY TYBO**, Mayor, City of Wells,  
State of Nevada,

**Request for Opinion No.: 10-29C**

Subject.

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**PANEL DETERMINATION**

NRS 281A.440(5); NAC 281A.440

Facts and Jurisdiction

The Nevada Commission on Ethics received a Request for Opinion regarding the conduct of Mayor Rusty Tybo, City of Wells, State of Nevada, alleging certain violations of the Ethics in Government Law set forth in NRS 281A . Commission staff presented the Investigatory Panel with the allegations that "sometime in the spring/early summer of 2007" Tybo arranged for a private company in which he had an interest to utilize a city-owned generator, and in doing so, violated:

- I. NRS 281A.400(2) by using his position in government to further the interest of a private corporation.
- II. NRS 281A.400(7) by using governmental time, property, equipment or other facility to benefit his personal and financial interest in a private corporation.
- III. NRS 281A.400(9) by attempting to influence a subordinate to further his interest in a private corporation.

At the time of the alleged conduct, Tybo was, and still is, the Mayor of the City of Wells, a public officer as defined in NRS 281A.160. The Ethics Commission has jurisdiction over the conduct of public officers pursuant to NRS 281A.280. Therefore, the Commission has jurisdiction in this matter.

Panel Proceeding

On September 10, 2010, pursuant to NRS 281A.440(5), an Investigatory Panel consisting of Commissioner John Marvel and Commissioner Gregory Gale reviewed the following: 1) Request for Opinion; 2) Mr. Tybo's response to the

Request for Opinion, 3) the Investigator's Report; and 4) the Executive Director's Recommendation and Approval of Investigator's Report. The following are the Panel's unanimous findings and conclusions as to each of the allegations:

Credible evidence does not exist to support a finding of just and sufficient cause for the Commission to render an opinion whether Tybo violated NRS 281A.400(2), (7) or (9) because the alleged acts occurred "sometime in spring/early summer" of 2007. Based on the two-year statute of limitation provided in NRS 281A.280, the Commission's ability to inquire into this allegation would have expired "sometime in spring/early summer" of 2009. Because the Request was not filed until April 28, 2010, insufficient admissible evidence exists to forward this matter to the Commission for a hearing and the rendering of an opinion.

Accordingly, the Request for Opinion is dismissed.

September 16, 2010  
Date

Caren Jenkins  
Caren Jenkins, Esq.  
Executive Director

**CERTIFICATE OF MAILING**

I certify that I am an employee of the Nevada Commission on Ethics and that on this day in Carson City, Nevada, I placed a true and correct copy of the **PANEL DETERMINATION in Request for Opinion No. 10-29C**, in an envelope and caused same to be mailed via certified mail, return receipt requested, through the State of Nevada Mailroom to Rusty Tybo's counsel, Rebecca Bruch, Esq., and a true and correct copy of the **PANEL DETERMINATION in Request for Opinion No. 10-29C** to Rusty Tybo, and the Requester, David Linge, via regular mail through the State of Nevada Mailroom addressed as follows:

Rebecca Bruch, Esq.  
Erickson, Thorpe & Swainston, Ltd.  
99 West Arroyo Street  
Reno, Nevada 89509

**Cert. No. 7002 2030 0005 8442 4942**

*Counsel for Jolene Supp*

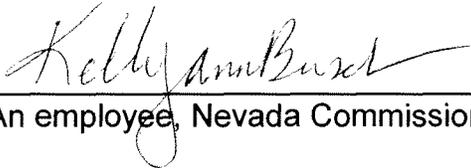
Rusty Tybo, Mayor  
City of Wells  
PO Box 366  
Wells, NV 89835

First Class Mail

David Linge  
558 5<sup>th</sup> Street  
Wells, Nevada 89835

First Class Mail

DATED: 9-16-10

  
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An employee, Nevada Commission on Ethics