



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

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.

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 Councilman Cal Stark, 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 Stark applied for and received certain funds related to damage to his home caused by the February 2008 earthquake in Wells, and in doing so, violated:

- I. 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.
- II. 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.
- III. NRS 281A.400(9) by attempting to influence subordinate Jolene Supp to assist him with filing an insurance claim.

At the time of the alleged conduct, Stark was, and still is, a member of the Wells City Council, 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. Stark'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 Stark violated NRS 281A.400(1), (2) or (9) because insufficient evidence was found that Mr. Stark applied for funds unrelated to actual damage to his home or received any unwarranted benefits related thereto. Further, no evidence was presented that he asked a subordinate, Jolene Supp, to provide any services or assistance that she was not already providing to other Wells residents whose homes had been affected by the earthquake. Based on the foregoing, insufficient evidence exists to forward this matter to the Commission for a hearing or the rendering of an opinion.

Accordingly, all allegations in the Request for Opinion are dismissed.

September 15, 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. 10-30C**, in an envelope and caused same to be mailed via certified mail, return receipt requested, through the State of Nevada Mailroom to Cal Stark's counsel, Rebecca Bruch, Esq., and a true and correct copy of the **PANEL DETERMINATION in Request for Opinion No. 10-30C** to Cal Stark, 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
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Cert. No. 7002 2030 0005 8442 4935

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558 5th St.
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First Class Mail

DATED: 9-16-10



An employee, Nevada Commission on Ethics