



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In the Matter of the Request for Opinion
Concerning the Conduct of **CARL ROWE**,
former Interim Executive Director, Southern
Nevada Regional Housing Authority,
Las Vegas,
State of Nevada,

Request for Opinion No.: 10-95C

Subject. /

PANEL DETERMINATION

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

Facts and Jurisdiction

The Nevada Commission on Ethics received an Ethics Request for Opinion (RFO) regarding the conduct of Carl Rowe, former Interim Executive Director, Southern Nevada Regional Housing Authority, Las Vegas, State of Nevada, alleging certain violations of the Ethics in Government Law set forth in NRS 281A.

At the time of the alleged conduct, Mr. Rowe was Interim Executive Director of the Southern Nevada Regional Housing Authority, a public officer as defined in NRS 281A.160 and a public employee. The Commission has jurisdiction over the conduct of public officers and public employees pursuant to NRS 281A.280. Therefore, the Commission has jurisdiction in this matter.

Commission staff presented the Investigatory Panel with a summary of the allegations in the RFO. The RFO contained numerous allegations regarding the actions of the SNRHA that are wholly beyond the authority of the Nevada Commission on Ethics. The RFO also contained allegations regarding the conduct of individuals other than the Interim Executive Director Rowe. Those allegations were not properly before this Investigatory Panel.

Panel Proceeding

On January 31, 2011, pursuant to NRS 281A.440(5), an Investigatory Panel consisting of Commissioners Magdalena Groover and Gregory Gale reviewed the following: 1) the Request for Opinion; 2) Mr. Rowe's response; and 3) the Executive Director's Report and Recommendation.

This Panel considered only the following allegations:

1. NRS 281A.400 (2) - that Mr. Rowe used his position to secure or grant unwarranted privileges, preference or advantages to himself or a business entity in which he has a significant pecuniary interest.

Mr. Rowe was not found to have any pecuniary interest in any business that is even marginally related to the work of the SNRHA. And the RFO is completely devoid of evidence - or even a clear allegation - of conduct Rowe undertook to secure or grant anything at all for himself, other than earning his salary for performing his job.

2. NRS 281A.400 (6) - that Mr. Rowe suppressed a government report or other document because it might tend to affect unfavorably his pecuniary interests.

The RFO fails to identify what government report or document Rowe is alleged to have suppressed, other than vague references to "illegal activities". The only document discussed at length in the RFO is an informal "bid protest" that Rowe treated as though it conformed to the more formal requirements, and that Rowe distributed to the members of the SNRHA. These acts do not seem to fit the allegation of suppressing documents. Again, the only pecuniary interest the Executive Director can imagine Rowe acting to protect is the salary he derives from performing his employment with the SNRHA.

3. NRS 281A.420 (1) and (3) - that Rowe should have disclosed and abstained from voting on various issues.

The Investigator confirmed that Mr. Rowe is not a voting member of the SNRHA and therefore he has no reason to disclose conflicts of interest and undertake the abstention analysis required by this statute. The sole reason these allegations were forwarded for investigation is the notation on one document that Rowe served as "Secretary" to the SNRHA, which might have been a Board position.

Additionally, Rowe had no decision-making power over the matters before the voting body, and therefore had no reason or opportunity to make a disclosure or undertake an abstention analysis, if they had been called-for, at the meeting.

The Investigatory Panel unanimously found and concluded that the allegations in the RFO were not accompanied by, and the investigation was unable to uncover, any credible evidence to support a reasonable conclusion that just and sufficient cause exists to forward these matters to the full Commission for hearing.

Based on the foregoing, the Investigatory Panel dismisses each of these allegations and all others in the RFO related to Mr. Rowe's conduct, and will not refer them to the Commission for a hearing or the rendering of an opinion.

Dated: 2/4/11



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. 10-95C**, in an envelope and caused same to be mailed via certified mail, return receipt requested, through the State of Nevada Mailroom to Carl Rowe's counsel, Amber White-Davidson, Esq., and a true and correct copy of the **PANEL DETERMINATION in Request for Opinion No. 10-95C** to Carl Rowe, and the Requester, Rick Kuhlmeier, via regular mail through the State of Nevada Mailroom addressed as follows:

Amber White-Davidson, Esq.
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First Class Mail

DATED: 2/7/2011


An employee, Nevada Commission on Ethics