



STATE OF NEVADA

**BEFORE THE NEVADA COMMISSION ON ETHICS**

In the Matter of the Request for Opinion  
Concerning the Conduct of JOHN MODDRELL,  
FRANK REEVES, and GARY WILSON  
Members, Board of Directors  
McDermitt Sewer District  
Humboldt County, State of Nevada  
Public Officers.

**Request for  
Opinion No. 07-50C**

**NOTICE OF HEARING  
and  
PANEL DETERMINATION**  
NRS 281A.440.3, .8 and NAC 281.197

**NOTICE OF HEARING**

PLEASE TAKE NOTICE, that a hearing has been set to consider the allegations listed below against Frank Reeves (Public Officer) in accordance with Chapters 233B and 281A of the Nevada Revised Statutes and Chapter 281 of the Nevada Administrative Code.

The purpose of the hearing is to determine whether, a violation of the Nevada Ethics in Government Law occurred. Further, if a violation is found, the Commission will determine whether such violation is willful and whether penalties will be imposed by the Commission, pursuant to NRS 281A.480.

**THE HEARING WILL TAKE PLACE:**

**July 17, 2008 beginning at 1:00 p.m., or as soon thereafter as the Commission is able to hear the matter, at the following location:  
NEVADA LEGISLATIVE BUILDING, 401 S. CARSON STREET, ROOM 3143, CARSON CITY, NEVADA 89701 with a video-conference link to  
GRANT SAWYER STATE BUILDING, 555 E. WASHINGTON AVENUE,  
ROOM 4401, LAS VEGAS, NEVADA 89101.**

The hearing is one of several hearings scheduled at the same time as part of a regular meeting of the Commission, this matter may be continued until later in the day or from day to day (if

hearing is scheduled for more than one day). The Public Officer must be present when this matter is called. If the Public Officer is not present when this hearing is called, the Commission may consider as true the alleged violations specified in the Panel Determination. Please direct any hearing scheduling matters to **Patricia D. Cafferata, Executive Director, Esq., (775) 687-5469 ext. 222.**

The hearing is an open meeting under Nevada's open meeting law, and may be attended by the public. A verbatim record will be made by a certified court reporter. The Public Officer has the right to appear, hear evidence presented to the Commission and to respond and present evidence. The Public Officer may be represented by legal counsel. A finding by the Commission of a violation of NRS Chapter 281A must be supported by a preponderance of the evidence.

The Public Officer has the right to request that the Commission issue subpoenas on his behalf to compel witnesses to testify and/or produce evidence. In making this request, he may be required to demonstrate the relevance of the witness' testimony and/or evidence. Other important rights are found in NRS 281A, NRS 233B, and NAC 281.005 through 281.242.

## **PANEL DETERMINATION**

### **JURISDICTION**

As a members of the Board of Directors for the McDermitt Sewer District, John Moddrell, Frank Reeves and Gary Wilson are public officers as defined by NRS 281A.160. As such, the Nevada Commission on Ethics has jurisdiction over this matter pursuant to NRS 281A.280 and NRS 281A.440.2(b).

### **FACTUAL ALLEGATIONS**

The Request for Opinion (Complaint) that is at issue alleges violations of the Ethics in Government Law (NRS 281A) as follows:

Moddrell allegedly violated:

- NRS 281A.400.2 when he allowed Reeves to construct sewer and water lines for Reeves' housing development without Board approval.
- NRS 281A.400.2 when he used his position to benefit the Say When Casino (Casino) by not requiring the Casino to install a grease interceptor for its restaurant.
- NRS 281A.400.5 and 281A.400.6 when he withheld, for nearly one year, an inspection report on the Casino's restaurant regarding a recommendation that a grease interceptor be installed. Reeves worked at the Casino during that time.
- NRS 281A.400.2 when he gave special treatment to local businesses by not establishing commercial rates for sewer construction projects and extension of sewer main lines.

Reeves allegedly violated:

- NRS 281A.400.2 when Reeves used his position to avoid the application and approval process for his housing development.
- NRS 281A.400.2 since Reeves may not have paid any permit fees to construct the sewer and water lines to his housing development.

Wilson allegedly violated:

- NRS 281A.400.2 and 281A.400.4 when he received excess concrete from Reeves housing development on November 2, 2007 to repair a sidewalk in front of his rental property.
- NRS 281A.400.1, 281A.400.2 and 281A.400.7 when as the maintenance person for the water and sewer districts, he inspected Reeves construction site several times. Wilson has no license to inspect and is not a certified inspector.

On May 7, 2008, pursuant to NRS 281A.440.3, a Panel of Commissioners consisting of Commissioners George Keele and Jim Kosinski (Panel) reviewed the following: Complaint; Response to Complaint; Executive Director's Report and Recommendation Regarding Just and Sufficient Cause; and evidence collected.

The Panel found that **just and sufficient cause DOES NOT exist** for the Commission to hold a hearing and render an opinion on the allegations that **Wilson** violated:

- NRS 281A.400.2 and 281A.400.4 when he received excess concrete from Reeves housing development on November 2, 2007 to repair a sidewalk in front of his rental property.
- NRS 281A.400.1, 281A.400.2 and 281A.400.7 when as the maintenance person for the water and sewer districts, he inspected Reeves construction site several times. Wilson has no license to inspect and is not a certified inspector.

Therefore, these allegations were **DISMISSED**.

The Panel found that **just and sufficient cause DOES NOT exist** for the Commission to hold a hearing and render an opinion on the allegations that **Moddrell** violated:

- NRS 281A.400.2 when he allowed Reeves to construct sewer and water lines for Reeves' housing development without Board approval.
- NRS 281A.400.2 when he used his position to benefit the Say When Casino (Casino) by not requiring the Casino to install a grease interceptor for its restaurant.
- NRS 281A.400.5 and 281A.400.6 when he withheld, for nearly one year, an inspection report on the Casino's restaurant regarding a recommendation that a grease interceptor be installed. Reeves worked at the Casino during that time.
- NRS 281A.400.2 when he gave special treatment to local businesses by not establishing commercial rates for sewer construction projects and extension of sewer main lines.

Therefore, these allegations were **DISMISSED**.

The Panel found that **just and sufficient cause DOES exist** for the Commission to hold a hearing and render an opinion on the allegations that **Reeves** violated:

- NRS 281A.400.2 by using his position to avoid the application and approval process of the McDermitt Sewer District for his housing development.

The Request for Opinion is, therefore, REFERRED TO THE NEVADA COMMISSION ON ETHICS for hearing only on the allegations against **Reeves**.

Dated: May 9, 2018

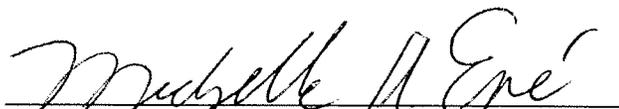
Patricia D. Cafferata  
Patricia D. Cafferata, Esq.  
Executive Director

**CERTIFICATE OF MAILING**

I certify that I am an employee of the Nevada Commission on Ethics and that on this 12th day of May, 2008, in Carson City, Nevada, I placed a true and correct copy of the **NOTICE OF HEARING AND PANEL DETERMINATION ON RFO No. 07-50C** in an envelope and caused same to be mailed via Federal Express next day delivery to the following address:

JOHN MODDRELL,  
FRANK REEVES, and GARY WILSON  
Members, Board of Directors  
McDermitt Sewer District  
c/o  
Theresa Wriston  
Chief Deputy District Attorney  
501 S. Bridge Street  
Winnemucca, NV 89445

DATED: May 12, 2008

  
An employee, Nevada Commission on Ethics