

DEC 15 2008

COMMISSION
ON ETHICS

STATE OF NEVADA
BEFORE THE NEVADA COMMISSION ON ETHICS

In the Matter of
The Request for Opinion Concerning
The Conduct of BOB LOUX,
Executive Director,
Office of Nuclear Projects,
State of Nevada,

Request for Opinion No. 08-57C

Subject.

PETITION TO CONTINUE HEARING

Bob Loux, the subject of this action, by his attorneys, Judy M. Sheldrew and Thomas E. Perkins, petitions to continue the hearing now scheduled for January 8, 2009, for the following reasons:

1. The Scheduling Order entered herein on approximately November 19, 2008 followed a November 13, 2008 hearing and set deadlines of December 8, 2008 for disclosure of witnesses and exhibits, and December 28, 2008 for motions. In spite of the best efforts of counsel for Mr. Loux, new witnesses for the defense are still being identified and interviewed after the deadline imposed by the Executive Director in the scheduling order, and new legal issues appear from the legal theories taken by Commission staff as hereinafter set forth.

2. Commission staff has added additional witnesses who must be interviewed prior to the hearing. These additional witnesses include former executive staff in the Governor's office, elected Legislators and an audit director.

Staff has designated the audit report as an exhibit, but it has not been completed, and may not be completed prior to the hearing. If an audit is relevant to the issues herein, it and the comments and responses generated in the audit process should be available for considered review by the parties well in advance of any contested hearing.

3. The charges against Mr. Loux raise complex legal issues which must be fully researched and briefed before the hearing. These issues include the unprecedented charge that salaried employees are persons to whom one has a commitment in a private capacity. They also involve issues regarding the intent that must be proven to sustain a violation of Chapter 281A as well as the penalties and damages that can be awarded by the Commission.

4. The new witnesses endorsed this week by Commission staff, notice of which was first made by telefax on December 10, 2008, give rise to legal research and briefing regarding the competence of elected Legislators to testify concerning the administration of an executive department of government and the meaning of adopted legislation. Both of these areas are good faith questions which counsel believe must be fully developed, not only for the parties, but also for the benefit of the members of the Commission sitting on this matter.

5. The time remaining between this week's endorsement of witnesses and exhibits and the hearing is less than one month, and includes the holiday season. The Commission staff's exhibits have yet to be delivered. Moreover, counsel for Mr. Loux are engaged in private practice, have obligations to other clients, in addition to their families, and are well aware that the majority of the witnesses designated herein are employed in State government and will likely be

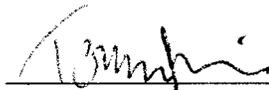
unavailable for significant periods during the holiday season, given that State government typically "shuts down for two weeks" beginning December 19, which can be expected in business and government throughout the State. The December 28, 2008 deadline for filing of motions falls squarely in the middle of the holiday season.

6. Given the number of witnesses named, it is likely that the hearing will take at least two, if not three days. The one day now set aside for the hearing is likely to be inadequate. It is possible, given a reasonable time to prepare, that stipulated facts and exhibits could be developed to streamline the hearing and reduce its length.

7. This petition is made in good faith, and not for purposes of delay. Undersigned counsel for Mr. Loux have been diligently working on this matter continually since being retained. There has been no neglect by Mr. Loux, and he has cooperated with the investigation throughout. A delay of approximately sixty days, until March of 2009, is the minimum amount of time reasonably necessary to prepare and present an adequate defense in this matter.

Date: Dec 12, 2008

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CERTIFICATE OF SERVICE

I certify that I caused the original of the foregoing Petition to Continue, to be filed with the Nevada Commission on Ethics by depositing the same in First Class Mail, postage prepaid, addressed to Nevada Commission on Ethics, attn. Patricia D. Cafferata, Executive Director, 3476 Executive Pointe Way, Suite 10, Carson City, Nevada 89706, on the 17 day of December, 2008.