



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

**In the Matter of the Request
for Opinion Concerning
the Conduct of JIM GIBBONS,
Governor, State of Nevada,**

Request for Opinion No. 08-37C

Subject. /

INTERVIEW OF SUBJECT AND CERTIFICATION

Interview with Jim Gibbons, subject of Request for Opinion No. 08-37C, conducted at McDonald Carano Wilson Law Firm, 100 W. Liberty, 10th Floor, Reno, Nevada. Friday, August 22, 2008 @ 1:45 p.m.

Michel Vavra, (Vavra), Investigator for the Nevada Commission on Ethics.

Jim Gibbons, (Gibbons), Governor, State of Nevada.

Mike Pagni, Esq. (Pagni), Legal counsel for Governor Gibbons.

Vavra requested permission from Gibbons to record interview, Gibbons agreed.

1 **Vavra:** I'm going to start with a question about Joe Aguirre the Elko County Assessor, how
2 long you know him, how often you see him on a personal or professional level and what are the
3 circumstances?

4 **Gibbons:** I may have met Joe Aguirre during some campaign event function at some public
5 place, but quite honestly if he were sitting across the table from me and somebody had me
6 identify him I wouldn't know him.

7 **Vavra:** Okay.

8 **Gibbons:** Wouldn't know him well enough to say this is Joe Aguirre. Because I met a lot of
9 people. It's just that way.



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1 **Vavra:** And that's okay. When was the first time ever you met Joe Aguirre?

2 **Gibbons:** First time was after the purchase of the property, walked into the Assessor's office.

3 **Vavra:** Okay, what was the nature of the conversation?

4 **Gibbons:** The first conversation was I walked into the Assessor's office to talked to the clerk
5 behind the desk about continuing the agricultural deferment that is on the property.

6 **Vavra:** Do you know the name of which clerk?

7 **Gibbons:** I do not know, but it was a female. And I specifically asked what's the process for me
8 to continue the agricultural deferment on this property I just bought. She indicated that there
9 were some requirements and said would you like to meet the Assessor and I said sure.

10 **Vavra:** Has Aguirre ever asked your assistance with personal or professional issues?

11 **Gibbons:** None, not that I can ever recall.

12 **Vavra:** Did you meet Aguirre sometime in the fall of 2007?

13 **Gibbons:** Yes, when I walked into his office.

14 **Vavra:** Do you remember the date or time?

15 **Gibbons:** I am sorry, I do not recall the exact date or time, it was late in the afternoon is the
16 only time I can recall.

17 **Vavra:** Did you approach Aguirre or he approached you?

18 **Gibbons:** I approached him by having being introduced by the clerk who asked me to, you
19 know, follow her back to his office.

20 **Vavra:** Was anyone else present during this conversation?

21 **Gibbons:** Yes, and I am uncertain who that might have been. Could have been my wife, could
22 have been my communications director/press secretary may have even been security.

23 **Vavra:** What Aguirre said about the property?

24 **Gibbons:** I explained to him that I had just purchased these 40 acres of the Thorpe Creek Ranch
25 and asked uh [sic] you know what is the requirements for continuing the ag assessment on the
26 property. All he did was pull out of his desk the statutes or he pulled it from behind him I don't
27 know where he pulled it from and went through the requirements, I think he said something
28 about size and he said something about having to earn \$5,000 a year or provide one half the feed



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1 for whatever and provide, I don't know, there was a number of requirements and I said okay and
2 that all he said.

3 **Vavra:** Did he tell you that the property doesn't qualify?

4 **Gibbons:** No, he did not. I would have been surprised if he had.

5 **Vavra:** My next question if you asked him repeatedly about the exemption, but I guess you
6 answered that by saying that he didn't say. Okay, my next question about John E. Marvel, how
7 long you know him?

8 **Gibbons:** You know I have known his father for decades. I have met John Marvel at public
9 functions. I knew him to say hello before I hired him as an attorney recommended to me by the
10 other property owner to conduct this transaction, the transaction of the sale of the property.

11 **Vavra:** What was the first time ever that you met with him? With Marvel?

12 **Gibbons:** Personally or on the phone?

13 **Vavra:** Personally.

14 **Gibbons:** Sometime during the exchange process from the property I had here in Washoe
15 County going over all the documents, delivering documents to him of the 1031 exchange that
16 was required of me to conduct certain formalities and then take those documents to him. So I
17 believe the first time I met him in person on this issue was when I took delivered those
18 documents to him.

19 **Vavra:** So, that would be sometime in 2007?

20 **Gibbons:** 2007.

21 **Vavra:** Okay. Now, without disclosing any privileged information did he provide any legal
22 services to you or any of your family members before?

23 **Gibbons:** Not before this, no he did not.

24 **Vavra:** How Marvel come to do legal work for you?

25 **Gibbons:** He was recommended by the other property owner, Mr. Whitehead.

26 **Vavra:** Did Marvel fill an application for agricultural assessment on your behalf?

27 **Gibbons:** You will have to ask him that question. All I know is that I received and filled a form
28 out and signed it and returned.

29 **Vavra:** Do you know what happened to the application?



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- 1 **Gibbons:** I have no idea.
- 2 **Vavra:** Can you describe your contact with Marvel during the application process?
- 3 **Gibbons:** I believe my contact with him started after visiting the assessor's office, going to him
- 4 and saying here's the requirements for this, how do we keep the assessment that is on it. He said
- 5 let me handle that, that's part of my job and that was all.
- 6 **Vavra:** Okay. Did Marvel discuss AUM.'s or did he discuss forage with you?
- 7 **Gibbons:** No, he did not.
- 8 **Vavra:** Has Marvel ever asked any favors from you?
- 9 **Gibbons:** No, he has not, except to pay his legal bills! (Laughter)
- 10 **Vavra:** Did he ever discuss his position on the Tax Commission?
- 11 **Gibbons:** He absolutely did not and quite honestly I never knew he was on the Tax Commission
- 12 until the issue came up in the newspaper.
- 13 **Vavra:** Have you ever attended the Tax Commission?
- 14 **Gibbons:** I believe I attended a Tax Commission hearing when I was in the Assembly in 1990.
- 15 **Vavra:** Was John Marvel appointed by you to the Tax Commission?
- 16 **Gibbons:** No, he was not.
- 17 **Vavra:** Now a question about Jerry Carr Whitehead. How long you know him?
- 18 **Gibbons:** Forty years plus or minus a few.
- 19 **Vavra:** When was the first time you meet him? What was the occasion?
- 20 **Gibbons:** I believe the first time was when I was an attorney and he was a judge in the Washoe
- 21 County court system.
- 22 **Vavra:** How often you see him and under what circumstances?
- 23 **Gibbons:** Usually legal representation of clients and appearing before his court.
- 24 **Vavra:** How did you come to buy land from Whitehead?
- 25 **Gibbons:** Having known Mr. Whitehead for all those years and having visited Lamoille on more
- 26 than one occasion and knowing the Whitehead ownership of the Thorpe Creek Ranch I
- 27 approached him and asked him if he would be willing to sell part of his property? And his first
- 28 answer to me was no.
- 29 **Vavra:** That is a beautiful property by the way. Did you use a real estate professional?



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1 **Gibbons:** Well, if you consider the corporation that did all of the 1031 exchange documents as
2 real estate professionals, yes.

3 **Vavra:** Questions regarding the land. What was your initial intention with the land?

4 **Gibbons:** Well my initial intention with the land was to buy it and at some point down the road
5 build a residence and retire. And when that may be I have no idea.

6 **Vavra:** That's fine. What is the land used for?

7 **Gibbons:** Agriculture grazing.

8 **Vavra:** Do you know what kind of animals are grazing on your land?

9 **Gibbons:** Cattle.

10 **Vavra:** How many?

11 **Gibbons:** Don't have a clue, that's up to the ranch manger who handles the major ranch and
12 this is just part of that overall ranch process.

13 **Vavra:** Is there a written lease agreement?

14 **Gibbons:** Yes, there is.

15 **Vavra:** Is it possible to have a copy of it?

16 **Pagni:** Well, there are multiple parties to it and we will have to check with Mr. Marvel that is
17 not necessarily up to the Governor. But we will be providing copies of the checks, cashed copies
18 of the checks and some other information to the Commission.

19 **Vavra:** Okay. Was the grazing lease part of the initial sales terms?

20 **Gibbons:** Yes.

21 **Vavra:** How do you calculate the fees you charge Whitehead for the grazing?

22 **Gibbons:** I did not calculate them that was his offer he has expertise in the agricultural area
23 because he owns the ranch and knows the value of the property. And he wanted the property to
24 remain part of his integral ranching property. And that was part of the requirement when I
25 bought it that it would remain part of the ranch for operational purposes.

26 **Vavra:** What cause you to seek agricultural assessment application?

27 **Gibbons:** Say that again.

28 **Vavra:** What cause you to seek the application for the agriculture assessment?



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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 INTERVIEW OF WITNESS AND CERTIFICATION ON RFO#08-37C in an envelope and caused same to be hand delivered via Reno-Carson Messenger to the following:

**Michael A.T. Pagni, Esquire
McDonald Carano Wilson LLP
100 West Liberty Street
10th Floor
Reno, NV 89505-2670**

**The Hon. Jim Gibbons
Governor, State of Nevada
State Capitol
101 N. Carson Street
Carson City, NV 89701**

Dated: _____

Signed: _____
An employee, Nevada Commission on Ethics