



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Bryce B. Boldt**, Administrative
Officer, Boulder City, State of Nevada,

Ethics Complaint Case No. **17-37C**

Subject. /

STIPULATED AGREEMENT

1. **PURPOSE:** This Stipulated Agreement resolves Ethics Complaint Case No. 17-37C before the Nevada Commission on Ethics ("Commission") concerning Bryce B. Boldt ("Boldt"), Administrative Officer, Boulder City ("City"), Nevada.

2. **JURISDICTION:** At all material times, Boldt was employed by the City and is a public employee, as defined in NRS 281A.150. The Ethics in Government Law ("Ethics Law") set forth in NRS Chapter 281A gives the Commission jurisdiction over elected and appointed public officers and public employees whose conduct is alleged to have violated the provisions of NRS Chapter 281A.¹ See NRS 281A.280. Accordingly, the Commission has jurisdiction over Boldt in this matter.

3. **PROCEDURAL HISTORY BEFORE COMMISSION**

- a. On or about September 11, 2017, the Commission received Ethics Complaint No. 17-37C ("Ethics Complaint") from a member of the public ("Requester"), alleging that Boldt used his public position to secure or grant unwarranted privileges or advantages for himself (NRS 281A.400(2)) and used governmental time, property, equipment or other facility to benefit his significant personal or pecuniary interest (NRS 281A.400(7)).
- b. On October 26, 2017, the Commission issued its *Order on Jurisdiction* accepting jurisdiction and directing the Executive Director to investigate this matter.

¹ Senate Bill 84 ("S.B. 84") of the 79th Session of the Nevada Legislature (2017) amends and enacts various provisions of NRS Chapter 281A, which statutes have yet to be formally codified. The amendatory provisions of S.B. 84 control over any contrary provisions of NAC Chapter 281A.

- c. On October 26, 2017, staff of the Commission issued a *Notice to Subject* under NRS 281A.440(2), stating that the Commission accepted jurisdiction to investigate the allegations regarding alleged violations of NRS 281A.400(2) and (7). Boldt was provided an opportunity to provide a written response to the Ethics Complaint.
- d. On December 6, 2017, in lieu of a written response, Boldt elected to meet with Commission staff to provide an oral response.
- e. Boldt waived his rights to personal notice under NRS 241.033 and to a panel determination pursuant to NRS 281A.440. Further, Boldt acknowledges that credible evidence establishes just and sufficient cause for the Commission to render an opinion regarding the allegations implicating NRS 281A.400(2) and (7).

4. **PROPOSED STIPULATED FACTS:** At all material times, the following facts were relevant to this matter:²

- a. Boldt is an Administrative Officer in Human Resources of Boulder City and a public employee as defined by NRS 281A.150. Boldt has worked for Boulder City since December 2009.
- b. Employees of Boulder City must use a key card to enter secure spaces within the Boulder City City Hall during normal working hours and to enter other city-owned buildings adjacent to City Hall after normal working hours. The key card system records employee entries but does not record employee departures.
- c. Boldt works a 4-day, 10-hour schedule and his normal work hours are Monday through Thursday, 7:00 am to 6:00 pm.
- d. Many of the files and documents retained by Boulder City Human Resources are stored in a first floor storage area (“Records Storage Area”) in a public building adjacent to the City Hall building where Boldt’s office is located. Accordingly, Boldt must access the Records Storage Area to obtain those files and documents.

² Stipulated Facts do not constitute part of the “Investigative File” as that term is defined by NRS 281A.440(17). All statutory and common law protections afforded to the Investigative File shall remain and are not affected by this Stipulated Agreement.

- e. Boldt's key card records indicate that between July 18, 2016 and February 14, 2017, he used his Boulder City employee key card to enter the Records Storage Area on a daily basis, including 162 entry times after the end of normal work hours over the course of 80 days. Boldt's after-hours entries to the Records Storage Area consistently occurred on Monday, Tuesday and Wednesday nights and some of the entry times were as late as 9 pm. Boldt entered this City facility for personal purposes, including on several occasions to stay overnight.
- f. On May 15, 2017, Boldt received a letter from then City Manager, David Fraser, reprimanding Boldt for his admitted use of a City facility for personal reasons.
- g. As a consequence of his personal use of a City facility, Boldt was suspended and placed on leave without pay for two days in 2017.
- h. Boldt's leave without pay resulted in lost wages in the amount of \$1,203.60, in addition to a \$337.01 reduction in employee contributions to the Public Employees Retirement System of Nevada ("PERS").

5. TERMS / CONCLUSIONS OF LAW: Based on the foregoing, Boldt and the Commission agree as follows:

- a. Each of the stipulated facts enumerated in Section 4 of this Stipulated Agreement is agreed to by the parties.
- b. Boldt is a public employee, which constitutes a public trust to be held for the sole benefit of the people of the State of Nevada (in particular, the citizens of Boulder City).
- c. As a public employee, Boldt may not use his public position to secure or grant unwarranted privileges, preferences, exemptions or advantages for himself (NRS 281A.400(2)) or use government resources to benefit a significant personal or pecuniary interest (NRS 281A.400(7)).
- d. Boldt did not adequately avoid the conflict of interest between his public duties and private interests when he used the Records Storage Area as a place to stay overnight.
- e. In using the Records Storage Area for personal purposes, Boldt used his position in government to secure an unwarranted privilege or advantage for

- himself, in violation of NRS 281A.400(2). Boldt's use of governmental property to benefit his significant personal or pecuniary interest also violated NRS 281A.400(7).
- f. Boldt's actions constitute a single course of conduct resulting in one violation of the Ethics Law, implicating the provisions of NRS 281A.400(2) and (7), as interpreted and applied in accordance with the provisions of NRS 281A.020(1).
 - g. Boldt's violation of the Ethics Law was willful pursuant to NRS 281A.170 because he acted intentionally and knowingly, as those terms are defined in NRS 281A.105 and 281A.115, respectively.
 - h. Without limitation, the Commission considered the following factors in determining whether Boldt's violation is willful and the amount of the civil penalty to be imposed on Boldt:
 - 1) Boldt has not previously violated the Ethics Law.
 - 2) Boldt has been diligent to cooperate with and participate in the Commission's investigation and resolution of this matter.
 - 3) Boldt has been reprimanded by his employer for the conduct described in this Complaint and suffered a loss of income and benefits equal to approximately \$1,500.
 - i. Despite the consideration and application of the statutory mitigating criteria set forth in NRS 281A.475 and other mitigating circumstances presented in this matter, the Commission concludes that Boldt's violation in this case should be deemed a willful violation pursuant to NRS 281A.170.
 - j. For the willful violation, Boldt shall pay a civil penalty of \$1,000.00, pursuant to NRS 281A.480, on or before June 30, 2018. Boldt may pay the penalty in one lump sum payment or in monthly installment payments as negotiated with the Commission's Executive Director.
 - k. This Stipulated Agreement depends on and applies only to the specific facts, circumstances and law related to the Ethics Complaint now before the Commission. Any facts or circumstances that may come to light after its entry that are in addition to or differ from those contained herein may create a different resolution of this matter.

- I. This agreement is intended to apply to and resolve only this specific proceeding before the Commission and is not intended to be applicable to or create any admission of liability for any other proceeding, including administrative, civil, or criminal regarding Boldt. If the Commission rejects this Stipulated Agreement, none of the provisions herein shall be considered by the Commission or be admissible as evidence in a hearing on the merits in this matter.

6. **WAIVER**

- a. Boldt knowingly and voluntarily waives his right to personal notice under NRS 241.033.³ Separately, Boldt waives his right to an Investigatory Panel proceeding and any related hearing before the full Commission on the allegations in Ethics Complaint Case No. 17-37C, all rights he may be accorded with regard to this matter pursuant to NRS Chapter 281A, S.B. 84, the regulations of the Commission (NAC Chapter 281A), the Nevada Administrative Procedures Act (NRS Chapter 233B) and any other applicable provisions of law.
- b. Boldt knowingly and voluntarily waives his right to any judicial review of this matter as provided in NRS Chapter 281A, NRS Chapter 233B or any other applicable provisions of law.

7. **ACCEPTANCE:** We, the undersigned parties, have read this Stipulated Agreement, understand each and every provision therein, and agree to be bound thereby. The parties orally agreed to be bound by the terms of this agreement during the regular meeting of the Commission on January 17, 2018.

DATED this 18th day of January, 2018.


Bryce B. Boldt

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³ Subject waived any right to receive written notice pursuant to NRS 241.033 of the time and place of the Commission's meeting to consider his character, alleged misconduct, professional competence, or physical or mental health.

The above Stipulated Agreement is approved by:

FOR YVONNE M. NEVAREZ-GOODSON, ESQ.
Executive Director, Commission on Ethics

DATED this 22nd day of January, 2018.

Judy A. Pritzman
Judy A. Pritzman, Esq.
Associate Counsel

Approved as to form by:

FOR NEVADA COMMISSION ON ETHICS

DATED this 22nd day of January, 2018.

Tracy L. Chase
Tracy L. Chase, Esq.
Commission Counsel

The above Stipulated Agreement is accepted by the majority of the Commission.⁴

DATED: January 22, 2017 .

By: /s/ Cheryl A. Lau
Cheryl A. Lau, Esq.
Chair

By: /s/ Lynn Stewart
Lynn Stewart
Commissioner

By: ABSENT
Keith A. Weaver, Esq.
Vice-Chair

By: /s/ Amanda Yen
Amanda Yen, Esq.
Commissioner

By: /s/ Barbara Gruenewald
Barbara Gruenewald, Esq.
Commissioner

⁴ Subject waived his right to an Investigatory Panel pursuant to NRS 281A.440. Accordingly, this Stipulated Agreement was executed prior to a Panel hearing in this matter and no Commissioner was precluded from participating in this Stipulated Agreement pursuant to NRS 281A.220. However, Commissioners Duffrin and O'Neill did not approve the Stipulated Agreement.