



**STATE OF NEVADA**

**BEFORE THE NEVADA COMMISSION ON ETHICS**

In re **James Gibson**, Member,  
Board of County Commissioners,  
Clark County, State of Nevada,

Ethics Complaint No. 18-112C

\_\_\_\_\_  
Subject. /

**PANEL DETERMINATION<sup>1</sup>**  
NRS 281A.725

The Nevada Commission on Ethics (“Commission”) received this Ethics Complaint No. 18-112C (“Complaint”) regarding the alleged conduct of James Gibson (“Gibson” or “Subject”), a member of the Clark County Board of County Commissioners (“Board”), in violation of the Ethics in Government Law set forth in NRS Chapter 281A (“Ethics Law”). The Commission issued its Order on Jurisdiction and Investigation on November 13, 2018, which Order instructed the Executive Director to investigate alleged violations of NRS 281A.400(2) and (10), NRS 281A.420(1) and (3) and NRS 281A.430 regarding Gibson’s alleged use of his public position to secure a preference or advantage for himself and/or his employer, Western Elite, when he voted on a Bond Ordinance related to the issuance of general obligation bonds for the Las Vegas Stadium Project (“Stadium Project”).<sup>2</sup>

Gibson is a public officer as defined in NRS 281A.160. The Commission has jurisdiction over this matter pursuant to NRS 281A.280 because the allegations contained in the Complaint relate to the Subject’s conduct as a public officer and have associated implications under the Ethics Law.

On April 17, 2019, a Review Panel (“Panel”) consisting of Vice-Chair Keith Weaver, Esq. (Presiding Officer) and Commissioners Barbara Gruenewald, Esq. and Philip K. O’Neill reviewed the following: 1) the Complaint; 2) Order on Jurisdiction and Investigation; 3) Subject’s Response to the Complaint; and 4) Executive Director’s Recommendation to the Review Panel.<sup>3</sup>

The Panel does not find just and sufficient cause for the Commission to render an opinion on the following alleged violations:

NRS 281A.400(2) – The alleged unwarranted preference or advantage at issue in this Complaint involves Gibson’s use of his public position to vote on a Bond Ordinance that allegedly affects Western Elite’s work as a vendor on the Stadium Project. Gibson recognized the potential conflict, sought legal advice from the Board’s attorney before the Board considered the matter and was advised that he could act on the matter without disclosure.

<sup>1</sup> Except as provided by law, a Panel Determination shall not be cited as precedent.

<sup>2</sup> The Commission declined to investigate the alleged violation of NRS 281A.400(4) for lack of sufficient evidence.

<sup>3</sup> All materials provided to the Panel, except the Ethics Complaint and the Order on Jurisdiction and Investigation, represent portions of the investigatory file and remain confidential pursuant to NRS 281A.750.

The Bond Ordinance does not result in an unwarranted advantage for Western Elite. Any resulting benefit is speculative and would also accrue to the other companies providing waste removal services for the Stadium Project.

NRS 281A.400(10) and NRS 281A.430(1) – The Board’s approval of the Bond Ordinance did not result in any written or formal contracts between Gibson/Western Elite and the County and/or the Stadium Authority. Likewise, Gibson did not participate in any negotiations for any agreements with the County or otherwise use his position as a Commissioner to seek employment or contracts. Clark County is not a party to any contract associated with work being done by Western Elite.

NRS 281A.420(1) and (3) – Although Gibson has a pecuniary interest in and a commitment in a private capacity to the interests of Western Elite, which includes Western Elite’s interests in providing waste removal services for the Stadium Project and receiving payment for such services, Western Elite’s interests are unrelated to or unaffected by the Bond Ordinance. The Board’s approval of the Bond Ordinance was mandated by state law and did not affect the funding and payment obligations that were already established by law and by various contractual agreements that were executed as a condition precedent to the Board’s issuance of construction bonds. The Bond Ordinance is not reasonably affected by Gibson’s private commitment to Western Elite and disclosure of the relationship was not required at the April 3, 2018 Board meeting. Moreover, the safe harbor provisions of NRS 281A.790(5) apply because Gibson relied in good faith upon advice of the Board’s legal counsel, which was based on a reasonable legal determination.

### **Conclusion**

Under NAC 281A.430, the Panel unanimously finds and concludes that the facts do not establish credible evidence to support a determination that just and sufficient cause exists for the Commission to render an opinion in the matter. To promote the Commission’s education and outreach pursuant to NRS 281A.730, the Panel will issue a confidential letter of instruction to Gibson regarding the applicability of the Ethics Law to any future obligations regarding disclosure and abstention should a different matter that could affect Western Elite require consideration by the Board. Accordingly, no further proceedings will be held with regard to this Complaint.

Dated this 22<sup>nd</sup> day of April, 2019.

NEVADA COMMISSION ON ETHICS

By: /s/ Keith Weaver  
Keith Weaver, Esq.  
Vice-Chair/Presiding Officer

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

By: /s/ Philip K. O’Neill  
Philip K. O’Neill  
Commissioner

**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 transmitted a true and correct copy of the foregoing **PANEL DETERMINATION** via U.S. Certified Mail and electronic mail as follows:

James Gibson  
c/o Bradley Schrager, Esq.  
Daniel Bravo, Esq.  
Wolf Rifkin, Shapiro et al  
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Dated: 4/22/19

  
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Employee, Nevada Commission on Ethics