

Advisory Opinion No. 75-10

QUESTION:

Whether the person in question, who is project coordinator at a given institution receiving 50%/50% Matching Funds from the Board to which the person in question might be appointed, the matching funds providing the person's salary of \$7,000 would be able to retain her position on the Board which provides this funding, even though she may indirectly benefit from the funding by the said board?

RESPONSE:

Considering the duties of the Board in question as outlined in Nevada Revised Statutes and the persons duties as project coordinator against the provisions of NRS Chapter 281 Sec. 24. 1. :

"A Public officer shall not participate in, or in any way attempt to influence, governmental actions or decisions relating to any matter within the responsibilities of the public agency in which he knows or has reason to believe that he has an economic interest. "

2. A public officer has an economic interest if the action or decision will have a material effect on:

...

(c) any general source of income, delinquent unsecured loans, or gifts aggregating \$250 or more in value received by or promised to the public officer with the 12 months prior to the time when the action is taken or the decision made; or

(d) any business entity in which the public officer is a director, officer, partner, trustee, or holds any position of management for which monetary compensation is received,"

it is the conclusion of the Nevada State Ethics Commission that a conflict of interests exists for a person who holds the two positions simultaneously, in that given the powers for determining the use of funds and programs set out in the section of NRS which treats of the board in question, that the participation of the person in question "under the circumstances would adversely affect the confidence of the people in the impartiality of their public officers and employees." (NRS 281. Sect. 21.5). The law makes quite clear that the mere abstention from voting does not meet the requirement of the law, since in Sec. 24. 1., it states that a "Public officer shall not participate in, or in any way attempt to influence, governmental action or decisions" when it relates to matters within one's official duties in which he has an economic interest.

Considering all or these matters, it was the conclusion of the Nevada State Ethics Commission that the public confidence in the Board in Question would be adversely affected if the person in question were to retain the position as project coordinator and as board member, and, therefore, recommend that the person resign one or the other of these positions.

November 14, 1975.