

**Opinion No. 99-41**  
**BEFORE THE NEVADA COMMISSION ON ETHICS**  
**IN THE MATTER OF THE REQUEST FOR OPINION concerning the conduct of**  
**JEFF GRIFFIN, Mayor of Reno**

This matter came before a five-member quorum<sup>[1]</sup> of the Commission for a just and sufficient cause hearing on February 17, 2000, on a third-party Request for Opinion submitted on August 16, 1999, by Sam Dehné concerning the conduct of Jeff Griffin, Mayor of Reno, Nevada. The Request for Opinion alleged that Mayor Griffin violated:

- (a) the provisions of Nevada Commission on Ethics Opinion No. [97-48](#), dated May 29, 1998, which, pursuant to NRS 281.501, requires Mayor Griffin to: (1) disclose the full nature and extent of his company's<sup>[2]</sup> contract with EDAWN prior to any Reno City Council action on its annual grant to EDAWN, or any other matter involving EDAWN which may come before the Council, and abstain from voting on the matter; and (2) disclose the full nature and extent of his company's contract with the Airport Authority whenever the Reno City Council is considering the matter pertaining to the Airport Authority, including appointment of trustees, and abstain from voting on those matters as long as there is a potential the Airport Authority could take further action on his company's contract; and
- (b) the provisions of NRS 281.481, Subsection 6, which prohibit a public officer or employee from suppressing any governmental report or other document because it might tend to affect unfavorably his pecuniary interests.

Notice of the hearing was properly served. Mr. Dehné appeared in person. Mayor Griffin was present with his attorney, Michael Halley of the Reno City Attorney's Office, and was sworn in as a witness.

Commission Chairman Peter Bernhard addressed preliminary procedural and disclosure matters and marked the parties' exhibits for the records.

The Commission, after full consideration of testimony presented by Mr. Dehné and Mayor Griffin and evidence received into the record, unanimously:

- (a) found no just and sufficient cause to proceed to a full hearing on the alleged violation on NRS 281.48 1, Subsection 6, and dismissed Request for Opinion No. 99-41 as to this issue only; and
- (b) found just and sufficient cause to proceed to a full hearing on the alleged violation by Mayor Griffin of Opinion No. [97-48](#), dated May 29, 1998.

The parties, agreeing that all evidence on the issue of whether Mayor Griffin violated Opinion No. [97-48](#) had been presented in the just and sufficient cause hearing and that there was no further evidence to present to the Commission at a hearing, thereupon waived their respective rights to a full hearing on the merits and agreed to allow the Commission to proceed with rendering a final opinion on this matter.

Whereupon the Commission makes the following Findings of Fact and Conclusions of Law:

**FINDINGS OF FACT**

1. Jeff Griffin is, and was at A time pertinent hereto, Mayor of Reno, Nevada.
2. On June 22, 1999, the Reno City Council held a regularly scheduled and noticed City Council Meeting. Included on the agenda was item 14D, "Request by City Council to the Airport Authority of Washoe County to televise meetings."
3. Except for those items noted with an asterisk, all items on the Reno City Council Agenda are for the purpose of action by the City Council. Item 14D on the June 22, 1999, agenda was an action item.

4. Item 14D concerned a question of whether the Reno City Council should, by letter, authorize and encourage the Airport Trustees to consider televising their meetings. Without making any disclosure, Mayor Griffin engaged in the discussion of agenda item 14D by suggesting to the City Council a "hands-off" philosophy with regard to providing "direction" to the Trustees of the Airport Authority.

5. While Mayor Griffin was speaking to the City Council regarding his philosophy about giving or not giving "direction" to the Trustees of the Airport Authority, Mr. Dehné approached the City Attorney and challenged Mayor Griffin's participation in the discussion of agenda item 14D claiming Mayor Griffin was in violation of Nevada Commission on Ethics Opinion No. [97-48](#). A recess was called and the City Council reconvened approximately one hour later.

6. When the City Council reconvened, Mayor Griffin announced to the City Council that Mr. Dehné was correct and his participation in conversation and discussion of agenda item 14D "was inappropriate" based upon Nevada Commission on Ethics Opinion No. [97-48](#). Mayor Griffin apologized to the City Council for inappropriately engaging in the discussion, abstained from further discussion, and excused himself from the meeting.

### **CONCLUSIONS OF LAW**

1. Mayor Griffin is a public officer as defined by NRS 281.005 and NRS 281.4365.

2. The Commission has jurisdiction to render an opinion in this matter pursuant to NRS 281.465, Subsection 1(a); and NRS 281.511, Subsection 2(b).

**WHEREFORE**, on motion duly made, seconded, and unanimously approved, the Commission renders the following Opinion:

### **OPINION**

By failing to make the disclosures required by Opinion No. [97-48](#) and participating in the discussion of agenda item 14D before the Reno City Council, Mayor Griffin violated the requirements of Opinion No. [97-48](#), which require him to make a full disclosure with respect to the extent of his company's contract with the Airport Authority whenever the Reno City Council is considering a matter pertaining to the Airport Authority. However, after the issue was brought to his attention by Mr. Dehné, Mayor Griffin apologized to the City Council and recused himself from further participation in agenda item 14D.

The Commission, therefore, officially reprimands Mayor Griffin for failing to comply with the requirements of Opinion No. [97-48](#); reiterates to Mayor Griffin the strong public interest in knowing the effects which one's private interests may have on public decisions, which public interest requires full and complete disclosures by public officers such as Mayor Griffin; and directs that Mayor Griffin fully comply with the disclosure requirements of Opinion No. [97-48](#) and those required by law. These disclosure requirements are affirmative responsibilities of Mayor Griffin, and any subsequent violations by Mayor Griffin may be treated as successive violations by the Commission and punished as permitted by law.

**NOTE: THE FOREGOING OPINION APPLIES ONLY TO THE SPECIFIC FACTS AND CIRCUMSTANCES DEFINED HEREIN. FACTS AND CIRCUMSTANCES WHICH DIFFER FROM THOSE IN THIS OPINION MAY RESULT IN AN OPINION CONTRARY TO THIS OPINION. NO INFERENCES REGARDING THE PROVISIONS OF NEVADA REVISED STATUTES QUOTED AND DISCUSSED IN THIS OPINION MAY BE DRAWN TO APPLY GENERALLY TO ANY OTHER FACTS AND CIRCUMSTANCES.**

DATED: May 19, 2000.

NEVADA COMMISSION ON ETHICS

By: /s/ PETER C. BERNHARD, Chairman

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[1] Two Commissioners (Hal Smith and Lizzie Hatcher) were not present and one Commissioner (Skip Avansino) recused himself from participation and voting in this matter.

[2] Mayor Griffin is the owner of Nevada Foreign Trade Services (NFTS), which provides international trade services and is the only provider of foreign trade zone services in northern Nevada. See, Nevada Commission on Ethics Opinion No. [97-48](#), dated May 29, 1998.