

Abstract of Advisory Opinion No. 00-16

BEFORE THE NEVADA COMMISSION ON ETHICS

IN THE MATTER OF THE REQUEST FOR AN ADVISORY OPINION OF A PUBLIC OFFICIAL

This matter came before the Nevada Commission on Ethics ("Commission") on Thursday, June 15, 2000, for hearing on the first-party request for an advisory opinion filed with the Commission on June 5, 2000, by an appointed official (the "Official"), pursuant to Subsection 1 of NRS 281.511. Notice of the hearing was properly served. The hearing was closed pursuant to NRS 281.511, Subsection 5.

Official seeks an Advisory Opinion from the Commission regarding whether he may, without violating Nevada's ethics in government law, accept an opportunity presented to him to engage in certain activities which relate to his previous profession, prior to becoming a public official, under the following conditions:

1. Official will utilize vacation time to travel and participate in these activities.
2. Official will receive no compensation for his participation.
3. Official's lodging and meals will be provided to him in the same manner as lodging and meals are provided for others also participating in these activities.
4. Official will be provided with an airline ticket for his travel to these activities.

Official appeared in person and presented the facts and circumstances surrounding his advisory opinion request.

The Commission, after full consideration of the request for advisory opinion and all of the facts and circumstances presented by Official, makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Official is a public official, having been appointed to his position.
2. Prior to his appointment, Official held an elected office within the State of Nevada.
3. Prior to his current appointment and prior to holding elected office, Official was employed, and he performed duties and services consistent with that employment, dating back to at least 1984.
4. As an appointed official, Official has no authority whatsoever over the business, entities or industry in which he was employed prior to holding elected office, and Official could not conceive any situation in which any such entity would ever come before him as an appointed official.
5. Official did not in any way use his title or position with the State of Nevada (or his prior position as an elected official) to secure his participation in the proposed activities. The opportunity to participate arose because of Official's previous involvement in such activities dating back to 1984.

CONCLUSIONS OF LAW

1. Official 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 281.511(1).

WHEREFORE, on motion duly made, seconded, and approved by unanimous vote, the Commission renders the following Opinion:

OPINION

Based upon the facts and circumstances presented to the Commission, nothing in Official's request for an advisory opinion constitutes a violation of NRS 281.481, subsection 1, or any other provision of NRS Chapter 281. Therefore, Official may, without violating any provision of NRS Chapter 281, participate in the proposed activities, subject to the following conditions:

1. He will utilize vacation time to travel and participate in the activities.
2. He will receive no compensation for his participation.
3. His lodging and meals will be provided under the normal arrangement for others participating in these activities.
4. He will be provided with an airline ticket for his travel to the activities.
5. No public funds or resources, and no public time of Official, will be expended for these activities.
6. Official and his activities are subject to other requirements of the Code of Ethics, including disclosure on his annual financial disclosure statement and possible disclosure and/or abstention when and if required under NRS 281.501.

NOTE: THE FOREGOING OPINION APPLIES ONLY TO THE SPECIFIC FACTS AND CIRCUMSTANCES DEFINED HEREIN. FACTS AND CIRCUMSTANCES THAT 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: June 28, 2000.

NEVADA COMMISSION ON ETHICS

By: /s/ PETER C. BERNHARD, Chairman