



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In the Matter of the Third-Party Requests
for Opinion Concerning the Conduct of
Melody Van Camp, Mayor, City of Ely,
State of Nevada,

Request for Opinion No. **15-21C**

Public Officer. /

STIPULATED AGREEMENT

1. **PURPOSE:** This Stipulated Agreement resolves Third-Party Request for Opinion (“RFO”) No.15-21C before the Nevada Commission on Ethics (“Commission”) concerning Melody Van Camp (“Van Camp”), Mayor, City of Ely, State of Nevada, and serves as the final opinion in this matter.

2. **JURISDICTION:** At all material times, Melody Van Camp served as Mayor of the City of Ely. As such, Van Camp is an elected public officer as defined in NRS 281A.160. 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. See NRS 281A.280. Accordingly, the Commission has jurisdiction over Van Camp in these matters.

3. **PROCEDURAL HISTORY BEFORE COMMISSION:**

a. On or about March 30, 2015, the Commission received RFO No.15-21C from Requester Ron Jenkins, alleging that Van Camp:

- 1) Failed to sufficiently disclose a conflict of interest for which disclosure is required (NRS 281A.420(1));
- 2) Failed to abstain from acting on a matter in which she had a conflict of interest (NRS 281A.420(3)); and

- 3) Failed to file an acknowledgement of statutory ethical standards form (NRS 281A.500).¹
- b. As required by NAC 281A.410, the Commission provided Van Camp with notice of the RFO by mail. Pursuant to NRS 281A.440(3), Van Camp was provided an opportunity to respond to the RFO, and did so on June 1, 2015.
 - 1) Van Camp waived her rights to a panel determination pursuant to NRS 281A.440, and acknowledges that credible evidence establishes just and sufficient cause for the Commission to render an opinion regarding the allegations implicating NRS 281A.420(1) and (3) and NRS 281A.500.
 - 2) In lieu of a panel determination and a hearing in these matters, Van Camp now enters into this Stipulated Agreement acknowledging her duty as a public officer to commit herself to protect the public trust and conform her conduct to Chapter 281A of the Nevada Revised Statutes.

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

Relevant Persons and/or Entities

- a. Melody Van Camp was appointed the Mayor of the City of Ely,² a public officer as defined in NRS 281A.160.
- b. The City of Ely is a political subdivision as defined in NRS 281A.145.
- c. Richard Sears, Esq. was the appointed City Attorney for the City of Ely, a public officer as defined in NRS 281A.160.
- d. Jennifer Lee was the Deputy City Clerk for the City of Ely, a public employee as defined in NRS 281A.150.

Ely City Council Meeting December 11, 2014

- e. The Mayor of the City of Ely is a non-voting member of the City Council. However, the Mayor may vote if there is a tie or may veto an item.

¹ The RFO also alleged violations of NRS 281A.400(7). Pursuant to NAC 281A.405, the Commission Counsel and Executive Director rejected jurisdiction regarding this allegation because no evidence was provided to support the allegation as required by NAC 281A.400.

² Van Camp was appointed Mayor on March 13, 2014 upon the death of the previous mayor. This appointment established her first service as a public officer, and she is a business owner of a clothing alterations and tailoring shop in her private capacity.

- f. On December 11, 2014, the Ely City Council met and considered Agenda Item B-4: “Discussion/For Possible Action – Reallocation of \$435,000.00 budgeted for the New Aeration at the Waste Water Treatment Plant to redo the Sewer line underneath Murry Street,” hereinafter referred to as the “Sewer Line Project.”
- g. Van Camp owns two properties on Murry Street, her primary residence and a rental property.
- h. Van Camp did not disclose that she owns properties on Murry Street.
- i. Van Camp did not seek legal advice from City Attorney Sears regarding the Murry Street Agenda Item.
- j. Van Camp did not participate in the discussion of the Sewer Line Project or vote on the issue.

Acknowledgement Form

- k. Van Camp failed to timely file an Acknowledgement of Ethical Standards Form with the Commission.³
- l. Deputy City Clerk Lee failed to provide Van Camp with the Acknowledgment Form as required by statute.

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

- a. Each of the stipulated facts enumerated in Section 4 of this Stipulated Agreement are agreed to by the parties.⁴ For purposes of the Conclusions of Law, the Commission accepts each of the stipulated facts as true and correct.
- b. Van Camp holds public office which constitutes a public trust to be held for the sole benefit of the people of the State of Nevada and, specifically, the people of the City of Ely.
- c. Van Camp has a personal and pecuniary interest in her properties on Murry Street.

³ The Nevada Acknowledgment of Ethical Standards form was filed with the Commission on June 29, 2015.

⁴ Stipulated Facts do not constitute part of the “Investigative File” as that term is defined by NRS 281A.440(17), as amended by Assembly Bill 60, 78th Session of the Nevada State Legislature, effective May 27, 2015. All statutory and common law protections afforded to the Investigative File shall remain and are not affected by this Stipulated Agreement.

- d. Van Camp failed to properly disclose her private interest in the Murry Street properties, the potential effect of her action or abstention on the agenda item and the effect it may have on her personal interests if she were to vote. *See In re Woodbury*, Comm'n Opinion No. 99-56 (1999), *In re Wilson*, Comm'n Opinion No. 13-81C (2014).
- e. Van Camp should have abstained from the matter as the public works project directly impacted her properties.
- f. Van Camp failed to timely file an Acknowledgment of Ethical Standards form in violation of NRS 281A.500.
- g. Van Camp's actions constitute a single course of conduct resulting in a single violation of the Ethics Law, implicating NRS 281A.420(1) and (3) and 281A.500.
- h. Based upon the consideration and application of the statutory criteria set forth in NRS 281A.475, the Commission concludes that such violations in this case would not be deemed "willful violations" pursuant to NRS 281A.170 and the imposition of a civil penalty pursuant to NRS 281A.480 would not be appropriate for the reasons that follow:
 - 1) The gravity of the violation is minimal as Van Camp did not participate, vote or veto the matter.
 - 2) Van Camp has not previously been the subject of any violation of the Ethics Law.
 - 3) Van Camp has not received any personal financial gain as the result of her conduct in these matters.
 - 4) Van Camp has been diligent to cooperate with and to participate in the Commission's investigation and analysis, as well as, the resolution process.
 - 5) Van Camp, as the recently elected Mayor, is holding her first public office.
 - 6) The Sewer Line Project was in the works well before Van Camp took office and is a necessary project based upon the age of the line.
- i. This Stipulated Agreement depends on and applies only to the specific facts, circumstances and law related to this RFO 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 these matters.

- j. 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 Van Camp.

6. **WAIVER:**

- a. Van Camp knowingly and voluntarily waives her right to an Investigatory Panel proceeding and any related hearing before the full Commission on the allegations in this RFO (No. 15-21C) and of any and all rights she may be accorded with regard to these matters pursuant to NRS Chapter 281A, the regulations of the Commission (NAC Chapter 281A), the Nevada Administrative Procedures Act (NRS Chapter 233B) and any other applicable provisions of law.
- b. Van Camp knowingly and voluntarily waives her right to any judicial review of these matters as provided in NRS 281A, NRS 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 Stipulated Agreement during the regular meeting of the Commission on September 16, 2015.

DATED this 23 day of Sept., 2015.

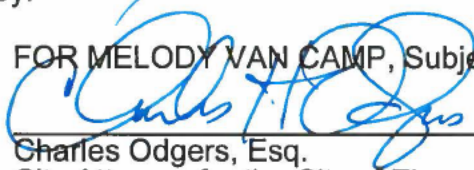


Melody Van Camp

The above Stipulated Agreement is approved by:

DATED this 23 day of Sept, 2015.

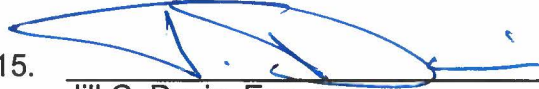
FOR MELODY VAN CAMP, Subject



Charles Odgers, Esq.
City Attorney for the City of Ely
Counsel for Subject

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

DATED this 5 day of October, 2015.




Jill C. Davis, Esq.

Approved as to form by:

FOR NEVADA COMMISSION ON ETHICS

DATED this 5TH day of OCTOBER, 2015.



Tracy L. Chase, Esq.
Commission Counsel

The above Stipulated Agreement is accepted by the Commission.⁵

DATED September 16, 2015.

By: /s/ Paul H. Lamboley
Paul H. Lamboley, Esq.
Chairman

By: /s/ Gregory J. Gale
Gregory J. Gale
Vice-Chairman

By: /s/ John C. Carpenter
John C. Carpenter
Commissioner

By: /s/ Magdalena Groover
Magdalena Groover
Commissioner

By: /s/ Timothy Cory
Timothy Cory, Esq.
Commissioner

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

By: /s/ James M. Shaw
James M. Shaw
Commissioner

By: /s/ Keith A. Weaver
Keith A. Weaver, Esq.
Commissioner

⁵ Van Camp waived her right to an Investigatory Panel pursuant to NRS 281A.440. Accordingly, this Stipulated Agreement was executed prior to a Panel hearing in these matters and no Commissioner was precluded from participating in this Stipulated Agreement pursuant to NRS 281A.220.