



**STATE OF NEVADA**

**BEFORE THE NEVADA COMMISSION ON ETHICS**

In re **Robert "Bob" Lucey**, Chair,  
Washoe County Board of County  
Commissioners, State of Nevada,

Ethics Complaint  
Case No. 20-094C

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

**REVIEW PANEL DETERMINATION**  
NRS 281A.730; NAC 281A.440

The Nevada Commission on Ethics ("Commission") received this Ethics Complaint on December 22, 2020, regarding the alleged conduct of Subject Robert "Bob" Lucey ("Lucey"). It is alleged that Lucey's conduct violated the Ethics in Government Law set forth in NRS Chapter 281A ("Ethics Law"). On February 8, 2021, the Commission directed the Executive Director to investigate alleged violations of NRS 281A.400(2) (Improper use of government position to secure unwarranted advantage); NRS 281A.420(1) (Failure to disclose a conflict); and NRS 281A.420(3) (Failure to abstain as required by statute).

Lucey is a public officer as defined in NRS 281A.160, and the Commission has jurisdiction over this matter pursuant to NRS 281A.280 because the allegations contained in the Complaint related to Lucey's conduct as member and the Chair of the Washoe County Board of County Commissioners ("Board") and have associated implications under the Ethics Law. Specifically, the Complaint alleged that Lucey participated in deliberations and voted to deny a certain zoning map amendment application submitted by the Reno Christian Fellowship Church even though he and his relatives had properties located near the project.

On April 21, 2021, a Review Panel consisting of Commission Chair Kim Wallin, CPA, CMA, CFM (Presiding Officer), and Commissioners Damian R. Sheets, Esq. and Thorn Towler, Esq. were assigned to review the following: (1) Ethics Complaint No. 20-094C; (2) Order on Jurisdiction and Investigation in Ethics Complaint No. 20-094C; (3) Lucey's Response to the Complaint; (4) Investigatory Exhibits; and (5) the Executive Director's Recommendation to the Review Panel with Summary of Investigatory Findings.<sup>1</sup>

Under NAC 281A.430, a quorum of the Panel finds and concludes that the facts do not support a determination that just and sufficient cause exists for the Commission to render an opinion in the matter regarding the alleged violations of NRS 281A.400(2) and 281A.420(1) and (3). Pursuant to NRS 281A.730 and NRS 281A.790, the Review Panel further determines there is sufficient cause to issue a Confidential Letter of Instruction to Lucey detailing his duties to comply with the requirements of the Ethics Law. In furtherance of its determinations, the Review Panel provides a synopsis for each of the statutes referenced in the Ethics Complaint.

<sup>1</sup> All materials provided to the Review Panel, except the Ethics Complaint and the Order on Jurisdiction, represent portions of the investigatory file and remain confidential pursuant to NRS 281A.750.

NRS 281A.400(2):

The Complaint alleges that Lucey used his position as Chair of the Washoe County Planning Commission to bestow an unwarranted advantage upon himself and upon those with whom he shares a commitment in a private capacity when he voted to deny RCF's proposed zoning amendment. As proof of this claim the Complaint cites Lucey's or his relative's interest in five real property parcels located in the same geographic area as the RCF's parcels. The investigation revealed that although Lucey held private interests and commitments associated with the properties owned or operated by himself or relatives, all of the properties were located outside of the required noticing requirements for the land use project. Further, the investigation did not reveal that Lucey's or his relatives' interests were otherwise particularly affected by the RCF project, and any relationship thereto was remote. Therefore, there was insufficient evidence to substantiate just and sufficient cause to send this allegation to the Commission for further proceedings.

NRS 281A.420(1) and (3):

NRS 281A.420(1) requires a proper disclosure when the public officer or employee is carrying out his public duties to approve, disapprove, vote, abstain or otherwise act upon a matter: (a) regarding a gift or loan, (b) in which he has a significant pecuniary interest, (c) which would reasonably be affected by his commitment in a private capacity to the interests of another person, or (d) which would be related to any representation or counseling of a private person for compensation before another agency within the preceding year. NRS 281A.420(1) prohibits public officers from acting on a matter in which he has a pecuniary interest, or which would reasonably be affected by his commitment in a private capacity to the interest of another, without first disclosing the nature of that financial interest or private commitment.

The Commission has addressed the duty to disclose on matters that may affect property interests located in close proximity (outside of the required notice area) to a development project indicating that mere ownership of property in the general area to a development project without any evidence of a reasonable effect on the public officer's interests or commitments is not sufficient to implicate the NRS 281A.420 disclosure requirements. *See In re Weber*, Comm'n Op. No. 09-47C (2012). Rather, a "more direct, beneficial nexus" between the property interest and the action on a matter must be demonstrated by the evidence. *Id.* Without any evidence of the impact, whether beneficial or detrimental, on Lucey's properties or the interests held by those to him he holds private commitments, the Review Panel determines that sufficient credible evidence has not been established to refer the allegations associated with NRS 281A.420 to the Commission for further proceedings. .

Therefore, this matter is dismissed with prejudice and issued with a Confidential Letter of Instruction that provides guidance regarding the applicability of the Ethics Law to Lucey's ongoing duty to avoid conflicts as a public officer. In particular, the letter should address private conflicts that may exist with regard to Lucey's personal pecuniary interest and his private commitment to the interests of his relatives, and the associated compliance obligations under NRS Chapter 281A. In particular, the letter should reinforce the requirements of NRS 281A.420 including Commission precedent recommending disclosure under certain circumstances in order to dispel any question concerning conflicts of interest. Pursuant to NRS 281A.730, the letter of instruction is confidential, but it may be considered in any subsequent Ethics Complaint that relates to similar conduct or related issues.

IT IS HEREBY ORDERED:

The Review Panel dismisses this complaint for lack of sufficient credible evidence of a violation and issues a Confidential Letter of Instruction in the matter.<sup>2</sup>

Dated this 26<sup>th</sup> day of April, 2021.

NEVADA COMMISSION ON ETHICS

By: /s/ Kim Wallin  
Kim Wallin, CPA, CMA, CFM  
Chair/Presiding Officer

By: /s/ Thoran Towler  
Thoran Towler, Esq.  
Commissioner

By: Absent  
Damian R. Sheets, Esq.  
Commissioner

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<sup>2</sup> NAC 281A.177 instructs that two members of a Review Panel establish a sufficient majority or quorum to consider and take action on any pending matter before the Review Panel.

**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 **REVIEW PANEL DETERMINATION** regarding **Complaint No. 20-094C** via U.S. Certified Mail and electronic mail addressed as follows:

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Dated: 4/26/2021

  
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Employee, Nevada Commission on Ethics