



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Tina Quigley**, former Member of
the Nevada High-Speed Rail Authority,
State of Nevada,

Ethics Complaint
Case No. 19-102C

Subject. /

STIPULATED AGREEMENT

1. **PURPOSE:** This Stipulated Agreement resolves Ethics Complaint, Case No. 19-102C (“Complaint”) before the Nevada Commission on Ethics (“Commission”) concerning Tina Quigley (“Quigley”) and serves as the final opinion in this matter.

2. **JURISDICTION:** At all material times, Quigley was a member of the Nevada High-Speed Rail Authority (“Authority”) and was a 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 Quigley in this matter.

3. **PROCEDURAL HISTORY BEFORE COMMISSION**

A. On or about October 22, 2019, the Commission received Ethics Complaint No. 19-102C, alleging that Quigley used her official position on the Authority and the relationships that she developed in that public position to obtain private employment with Virgin Trains, the successor to the franchisee selected by the Authority, in violation of the following provisions of the Ethics Law:

- 1) NRS 281A.400(10) – Seeking other employment or contracts for herself or any person to whom she has a commitment in a private capacity through the use of her official position;
- 2) NRS 281A.410(1) – Representing or counseling a private person for compensation on an issue pending before the agency while employed, or

within 1 year after leaving the service of the agency, including before any state agency of the Executive or Legislative Department.

B. On December 9, 2019, the Commission issued its *Order Initiating an Ethics Complaint, Accepting Jurisdiction and Directing an Investigation* (“Order”) and Commission staff issued a *Notice of Complaint and Investigation* (“Notice”) pursuant to NRS 281A.720.

C. Quigley provided a written response to the Complaint through her counsel, Mark E. Ferrario, Esq. of Greenberg Traurig, LLP, on or about February 13, 2020.

D. On July 14, 2021, the Executive Director presented a recommendation relating to just and sufficient cause to a three-member Review Panel pursuant to NRS 281A.720.

E. In a Panel Determination issued on July 22, 2021, the Review Panel unanimously found and concluded that:

- There is sufficient credible evidence to support a determination that just and sufficient cause exists to refer the allegations related to NRS 281A.400(10) and NRS 281A.410(1) to the Commission for further proceedings.

F. In lieu of an adjudicatory hearing before the Commission, Quigley now enters into this Stipulated Agreement.

4. STIPULATED FACTS: At all material times relevant to the allegations in this matter, the Commission’s Executive Director and Quigley agree to the following facts:¹

A. Senate Bill 457 (“SB 457”), passed in 2015 during the 78th legislative session, authorized the development of the Nevada High-Speed Rail Authority (“Authority”). SB 457 has been codified into NRS Chapter 705. The Authority is charged with facilitating the implementation of a high-speed rail system connecting southern California and southern Nevada.

B. Governor Brian Sandoval appointed Quigley to a four-year term on the Authority on September 10, 2015.

¹ Stipulated Facts do not constitute part of the “Investigative File” as that term is defined by NRS 281A.755. All statutory and common law protections afforded to the Investigative File shall remain and are not affected by this Stipulated Agreement.

C. The Authority is comprised of a five-member board (“Board”) tasked with selecting a franchisee to construct and operate the high-speed rail system and other duties as set forth in NRS Chapter 705. The selected franchisee may, with the assistance of the Authority, acquire or gain control of use of land for the system and accept funding from a variety of public and private entities.

D. NRS 705.850 provides that “[t]he members of the Authority serve without compensation but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally while engaged in the official business of the Authority.”

E. Pursuant to NRS 705.890, the Authority is authorized to assist the franchisee in funding the construction of the high-speed rail system by issuing bonds, notes, or obligations.

F. On or about November 18, 2015, the Authority selected XpressWest as the Franchisee.

G. In March 2019, Virgin Trains USA acquired XpressWest and therefore became the high-speed rail franchisee.

H. In June 2019, Virgin Trains USA approached Quigley offering her employment with the company as it worked toward bringing high-speed rail service from southern California to southern Nevada.

I. On or about June 30, 2019, Quigley resigned from the Authority.

J. In October 2019, Quigley accepted the position of Vice President of Business Strategy with Virgin Trains.

K. Quigley left her employment with Virgin Trains in March 2020.

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

A. Each of the stipulated facts enumerated in Section 4 of this Stipulated Agreement is agreed to by the parties.

B. Quigley recognizes that as a member of the Authority’s Board, she was a public officer pursuant to NRS 281A.160 and was subject to the requirements of NRS Chapter 281A, including NRS 281A.400(10) and NRS 281A.410(1).

C. Quigley further recognizes that as a public officer the Ethics Law prohibited her from using her position with the Authority, or contacts made through her position with the Authority, to seek or accept employment.

D. The Parties hereby stipulate to the dismissal of the alleged violations of NRS 281A.400(10) and NRS 281A.410(1). This stipulated dismissal is based on a lack of sufficient evidence to support the violations by a preponderance of the evidence.

E. The stipulated dismissal is further based upon the consideration and application of the following statutory mitigating criteria set forth in NRS 281A.775:

- 1) Quigley has not previously been the subject of any violation of the Ethics Law.
- 2) Virgin Trains purchased the franchisee, XpressWest, more than three years after the Authority selected XpressWest as the franchisee.
- 3) Four years passed between the time XpressWest was selected by the Authority as the franchisee and when Quigley accepted employment with Virgin Trains.
- 4) The last meeting of the Authority's Board took place on July 18, 2017, and the Board met only three times after selecting the franchisee in November 2015.
- 5) Quigley is no longer employed by Virgin Trains.
- 6) Quigley is not currently a public officer or employee.

F. Quigley agrees to complete Ethics training within six (6) months of the execution of this Agreement.

G. This Stipulated Agreement depends on and applies only to the specific facts, circumstances and law related to the Ethics Complaint 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 this matter.

H. 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 Quigley. If the Commission rejects this Stipulated Agreement, none of the

provisions herein shall be considered by the Commission or be admissible as evidence in a hearing on the merits in this matter.

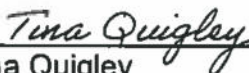
6. WAIVER

A. Quigley knowingly and voluntarily waives her right to an adjudicatory hearing before the full Commission on the allegations in Ethics Complaint, Case No. 19-102C and all rights she may be accorded with regard to this matter pursuant to the Ethics Law (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. Quigley knowingly and voluntarily waives her right to any judicial review of this matter, as provided in NRS Chapter 281A, NRS Chapter 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 agreement during the regular meeting of the Commission on January 19, 2022.²

DATED this 21 day of January, 2022.


Tina Quigley


FOR TINA QUIGLEY,
Subject


Mark E. Ferrario, Esq.
Counsel for Subject

DATED this 24th day of January, 2022.

FOR ROSS E. ARMSTRONG, ESQ.
Executive Director
Nevada Commission on Ethics

DATED this 24 day of January, 2022.


Elizabeth J. Bassett, Esq.
Associate Counsel
Nevada Commission on Ethics

² Subject waived any right to receive written notice pursuant to NRS 241.033 of the time and place of the Commission's meeting to consider her character, alleged misconduct, professional competence, or physical or mental health.

Approved as to form by:

FOR NEVADA COMMISSION
ON ETHICS

DATED this 24th day of January, 2022.

/s/ Tracy L. Chase
Tracy L. Chase, Esq.
Commission Counsel

The above Stipulated Agreement is accepted by the majority of the Commission.³

Dated this 24th day of January, 2022.

NEVADA COMMISSION ON ETHICS

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

By: /s/ James Oscarson
James Oscarson
Commissioner

By: /s/ Brian Duffrin
Brian Duffrin
Vice-Chair

By: ABSENT
Damian R. Sheets, Esq.
Commissioner

By: /s/ Barbara Gruenewald
Barbara Gruenewald, Esq.
Commissioner

³ Commissioners Yen, Lowry and Towler participated in the Review Panel hearing and are therefore precluded from participating in the Commission's consideration of this Stipulated Agreement pursuant to NRS 281A.220(4).