



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Bonnie Weber**, Councilmember,
City Council, City of Reno,
State of Nevada,

Ethics Complaint
Case No. 20-010C

_____ Subject. /

STIPULATED DEFERRAL AGREEMENT

1. **PURPOSE:** This Stipulated Deferral Agreement resolves Ethics Complaint Case No. 20-010 before the Nevada Commission on Ethics (“Commission”) regarding alleged misconduct of Bonnie Weber (“Weber”), Councilmember, City of Reno (“City”), Nevada.

2. **JURISDICTION:** At all material times, Weber served as a public officer for the City, as defined in NRS 281A.160 and 281A.182. 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 Weber in this matter.

3. **PROCEDURAL HISTORY**

- a. On or about February 10, 2020, the Commission received Ethics Complaint No. 20-010C (“Complaint”).
- b. A redacted version of the Complaint¹ provided to Weber alleges that private meetings Weber held with North Valley’s stakeholders, including property developers and builders, violated the Ethics Law—at least in part because the meetings included privately paid for lunches and were attended by certain City staff. The confidential Requester checked boxes on the complaint form alleging that Weber violated NRS 281A.400(1), (2), (5) and (7) and NRS 281A.420(1) and (3).

¹ The Ethics Complaint was redacted to keep the identity of the Requester confidential pursuant to NRS 281A.750.

- c. On March 26, 2020, the Commission issued its *Order on Jurisdiction and Investigation* directing the Executive Director to investigate allegations that Weber violated NRS 281A.400(1), (2) and (7), and inviting Weber to provide a written response to the allegations in the Complaint.
- d. On April 2, 2020, the Commission issued its *Amended Notice of Complaint and Investigation* pursuant to NRS 281A.720, noting Commissioner Yen's disclosure and abstention from these proceedings.
- e. On April 2, 2020, the Commission issued its *Amended Order on Jurisdiction and Investigation* dismissing allegations that Weber violated NRS 281A.400(5) and NRS 281A.420(1) and (3) for lack of sufficient evidence in the Complaint.
- f. On May 5, 2020, Weber voluntarily waived the statutory time limits for the Executive Director to complete the investigation, and for the review panel to render an opinion.
- g. On June 29, 2020, Weber submitted documentary evidence, sworn statements, and a *Response to Notice of Complaint and Investigation* to the Commission. Weber argues and maintains that she did not violate NRS 281A.400(1), (2) or (7) by using City letterhead for a private event or accepting payment for lunches from developers who had land-use matters before City Council.
- h. On August 18, 2021, the Executive Director presented a recommendation relating to just and sufficient cause to a Review Panel ("Panel") consisting of Vice-Chair Brian Duffrin and Commissioners Barbara Gruenewald, Esq. and James Oscarson pursuant to NRS 281A.720. The Panel reviewed: (1) Ethics Complaint No. 20-010C; (2) Order on Jurisdiction and Investigation in Ethics Complaint No. 20-010C; (3) Weber's Response to the Complaint; (4) Executive Director's Recommendation to the Review Panel with Summary of Investigatory Findings; and (5) Relevant Evidentiary Exhibits.
- i. The Panel unanimously concluded that the facts established credible evidence to support a determination that just and sufficient cause existed for the Commission to render an opinion in the matter regarding the alleged violation of NRS 281A.400(1), (2) and (7).

- j. Pursuant to its *Review Panel Determination and Referral Order* dated August 18, 2021, the Panel referred the Complaint to the Commission for further proceedings, including rendering an opinion on whether Weber violated NRS 281A.400(1), (2) and (7) with regard to accepting a gift which would tend improperly to influence a reasonable person in the public officer's position to depart from the faithful and impartial discharge of the public officer's public duties, using her position to secure unwarranted privileges, preferences or advantages, and improperly using governmental time, property, equipment or resources, including use of public staff, to benefit a significant personal or pecuniary interest.
- k. On August 31, 2021, the Commission issued its *Notice of Hearing and Scheduling Order* authorizing the parties to engage in continued investigation of facts and exchange of written discovery, including interrogatories, requests for production, requests for admission, and depositions, as permitted by NRS Chapter 281A and NAC Chapter 281A.
- l. On September 1, 2021, the Commission issued its *Revised Notice of Hearing and Scheduling Order*, correcting the date for the adjudicatory hearing, and reaffirming its prior order ("Scheduling Order").
- m. Pursuant to the Scheduling Order, the Executive Director continued the investigation of the facts and the parties engaged in discovery.
- n. During the course of the Executive Director's investigation and the parties' discovery efforts, Weber was transparent, forthcoming, and cooperative with the Commission investigator and counsel, including without limitation, voluntarily meeting with the investigator and counsel to answer questions, providing documentary evidence, identifying potential witnesses and persons with knowledge, producing City policies and procedures, and coordinating with City officers and employees and Commission staff and counsel.
- o. Upon completion of the Executive Director's investigation and the parties' discovery, the undisputed evidence shows that Weber did not use City letterhead for private events and did not accept payment for lunches from developers who had land-use matters before City Council.

- p. With regards to claims that Weber improperly used City staff to benefit a significant personal or pecuniary interest, the evidence shows that City of Reno, Policies and Procedures, No. 401, Ethical Standards (“Policy No. 401”), does not adequately address situations where City staff attend meetings that are hosted or organized by elected officials, but not open to the general public.
- q. While Weber did invite City staff to a series of private events, the evidence shows that—similar to other private events hosted by industry groups and trade associations—City staff asked for and accepted invitations, attended, presented, engaged in discussions, and answered questions in furtherance of their public duties and City business. Specifically, City staff chose to participate in Weber’s events to educate and engage the development community in North Valleys, elicit input and feedback on City policies and procedures, exchange information, and discuss mutual problems and solutions. See, e.g., *In re Public Officer*, Comm’n Opinion No. 11-36A (2012). In light of the public benefit derived from City staff’s participation, coupled with the fact that Weber did not direct, order, or otherwise compel City staff to attend or participate in any meeting, there is insufficient evidence to conclude that Weber used City staff to benefit her personal or financial interests, or the personal or financial interest of others.
- r. In light of the insufficiency in Policy No. 401, Weber’s commitment to transparency and public integrity, and the parties’ desire to clarify and improve public officers’ ethical standards of conduct, Weber and the Commission agree to enter into this Stipulated Deferral Agreement (“Agreement”).

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4. TERMS AND CONDITIONS: Weber and the Commission agree and stipulate as follows:

- a. The Commission hereby dismisses with prejudice all claims that Weber violated NRS 281A.400(1) and (2) and claims that she violated NRS 281A.400(7) by using City letterhead for a private event.
- b. The Commission will defer all claims that Weber otherwise violated NRS 281A.400(7) by using City staff to benefit her personal or financial interests, or the personal or financial interest of others, for a period of 90 days from the Effective Date of this Agreement or as may be extended pursuant to the terms of this Deferral Agreement (the "Deferral Period").
- c. Weber agrees to waive applicable time limitations set forth in NRS Chapter 281A and defer her defense to claims that Weber violated NRS 281A.400(7) by using City staff to benefit her personal or financial interests, or the personal or financial interest of others for the Deferral Period.
- d. During the Deferral Period, Weber agrees to work with the City Manager, the City Attorney's Office, and the Executive Director or duly authorized designee to: (i) update and revise Policy No. 401 to address situations where City staff attend meetings that are hosted or organized by elected officials, but not open to the general public; and (ii) update and revise Citywide training on Policy No. 401 and encourage impacted City officials and employees to receive training on Policy No. 401.
- e. The Executive Director or duly authorized designee may elect to extend the Deferral Period up to 30 days.
- f. All remaining claims are dismissed with prejudice upon the expiration of the Deferral Period unless the Executive Director or duly authorized designee notifies Weber in writing prior to the expiration of the Deferral Period that (s)he objects to the City's revisions to Policy No. 401, and the grounds for the objection.

5. **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 October 20, 2021 (the "Effective Date").

DATED this 20th day of October, 2021. Bonnie Weber
Bonnie Weber

The above Stipulated Agreement is approved by:

FOR BONNIE WEBER

DATED this 21 day of October, 2021. Paul A. Lipparelli
Paul A. Lipparelli, Esq.

DATED this 20th day of October, 2021. Jonathan D. Shipman
Jonathan D. Shipman, Esq.
Reno City Attorney's Office

FOR EXECUTIVE DIRECTOR,
NEVADA COMMISSION ON ETHICS

DATED this 25th day of October, 2021. Elizabeth J. Bassett
Elizabeth J. Bassett, Esq.
Associate Counsel

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Approved as to form by:

FOR NEVADA COMMISSION ON ETHICS

DATED this 2nd day of November, 2021.

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

The above Stipulated Agreement is accepted by the Commission.²

DATED: November 2, 2021

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

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

By: /s/ Teresa Lowry
Teresa Lowry, Esq.
Commissioner

By: ABSTAIN
Amanda Yen, Esq.³
Commissioner

By: /s/ Damian R. Sheets
Damian R. Sheets, Esq.
Commissioner

² Vice-Chair Duffrin and Commissioners Gruenewald and Oscarson participated in the Review Panel hearing for Ethics Complaint No. 20-010C and are therefore precluded from participating in this Stipulated Agreement pursuant to NRS 281A.220(4).

³ After consulting with Commission Counsel and in compliance with NRS 281A.420, Commissioner Yen has and continues to disclose that she is a partner with the law firm of McDonald Carano and the law firm either represents the City of Reno ("City") or is involved in litigation associated therewith, which litigation does not involve the present Complaint. Commissioner Yen has a commitment in a private capacity pursuant to NRS 281A.065(5) based upon the business relationship existing between the City and the law firm. Given the Subject is an elected official of the City, under both the Ethics Law and the Nevada Code of Judicial Conduct, the independence of judgment of a reasonable person in Commissioner Yen's situation would be materially affected by the private commitment and she is abstaining from these proceedings.