



STATE OF NEVADA
COMMISSION ON ETHICS

BEFORE THE NEVADA COMMISSION ON ETHICS

IN THE MATTER OF THE REQUEST FOR OPINION
CONCERNING THE CONDUCT OF
OSCAR B. GOODMAN, Mayor, City of Las Vegas.

Opinion No. 04-05

This matter came before a quorum¹ of the Nevada Commission on Ethics (hereinafter the “Commission”) for hearing on May 12, 2004, pursuant to a Request for Opinion filed with the Commission on February 13, 2004, pursuant to NRS 281.511(2)(b), and a determination on April 2, 2004, by a Commission panel finding just and sufficient cause for the Commission to hold a hearing on the matter and render an opinion on whether Mayor Goodman’s alleged conduct violated the provisions of NRS 281.481(1), NRS 281.481(2), NRS 281.481(7), NRS 281.481(10), and/or NRS 281.553. Mayor Goodman filed with the Commission a written waiver of the statutory time requirements with regard to this matter.

The following issues are before the Commission in this matter:

A. iPOLITIX COCKTAIL PARTY AND CD

1. NRS 281.481(2): Did Mayor Oscar B. Goodman violate the statute by using his position as Mayor of Las Vegas to secure or grant “unwarranted”² privileges, preferences, exemptions or advantages for himself, any business entity in which

¹ The quorum consisted of Chairman Hsu, Vice Chair Jenkins, and Commissioners Hutchison and Kosinski. Commissioners Flangas and Keele served as the panel in this matter. Pursuant to NRS 281.462(4), panel members are prohibited from participating in any further proceedings of the Commission relating to the matter.

² “Unwarranted” means “without justification or adequate reason.” NRS 281.481(2)(b). The Commission has opined that “the term ‘unwarranted’ will always mean, among other things, ‘not allowed by law.’” *In the Matter of the Request for Opinion concerning the conduct of Mark Aston, Clark County Treasurer*, NCOE Opinion No. 97-40, page 3.

he has a significant pecuniary interest, or any person to whom he has a commitment in a private capacity to the interests of that person³ by his involvement in the iPolitix cocktail party at the annual National Conference of Mayors in Washington, D.C. on January 22, 2004, sponsored by iPolitix, a limited liability company in which his son, Ross Goodman, is a member?

2. NRS 281.481(7):

- a. Did Mayor Oscar B. Goodman violate the statute by using governmental time, property, equipment or other facility prohibited by the statute⁴ to benefit his personal or financial interest, including, but not necessarily limited to, video tapes owned by the City of Las Vegas to principals of iPolitix, a limited liability company in which his son, Ross Goodman, is a member, for production of a commercial CD which was distributed at the cocktail party at the annual National Conference of Mayors in Washington, D.C. on January 22, 2004, for the benefit of his son, Ross Goodman?
- b. Did Mayor Oscar B. Goodman violate the statute by
 - (1) failing to promptly reimburse the City of Las Vegas for costs incurred by the City of Las Vegas for his use of governmental time, property, equipment or other facility authorized by the statute; and/or
 - (2) failing to promptly pay a charge the City of Las Vegas ordinarily would charge a member of the general publicwhen he participated in facilitating the cocktail party hosted by iPolitix and his son, Ross Goodman, at the annual National Conference of Mayors in Washington, D.C., on January 22, 2004 and/or when he provided video tapes

³ Pursuant to NRS 281.481(2)(a), “commitment in a private capacity to the interests of that person” means a commitment to a person:

- (a) Who is a member of his household;
- (b) Who is related to him by blood, adoption or marriage within the third degree of consanguinity or affinity;
- (c) Who employs him or a member of his household;
- (d) With whom he has a substantial and continuing business relationship; or
- (e) Any other commitment or relationship that is substantially similar to a commitment or relationship described in NRS 281.501(8).

⁴ NRS 281.481(7) **does not prohibit:**

- (a) A limited use of governmental property, equipment or other facility for personal purposes **if:**
 - (1) The public officer who is responsible for and has authority to authorize the use of such property, equipment or other facility has established a policy allowing the use or the use is necessary as a result of emergency circumstances;
 - (2) The use does not interfere with the performance of his public duties;
 - (3) The cost or value related to the use is nominal; **and**
 - (4) The use does not create the appearance of impropriety;
- (b) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or
- (c) The use of telephones or other means of communication if there is not a special charge for that use.

If a governmental agency incurs a cost as a result of a use that is authorized pursuant to the above or would ordinarily charge a member of the general public for the use, the public officer or employee shall promptly reimburse the cost or pay the charge to the governmental agency.

owned by the City of Las Vegas to principals of iPolitix, a limited liability company in which his son, Ross Goodman, is a member, for production of a commercial CD which was distributed to potential iPolitix clients at the cocktail party?

B. BOMBAY SAPPHIRE GIN ENDORSEMENT

1. NRS 281.481(1): Does Mayor Oscar B. Goodman’s contract to endorse Bombay Sapphire Gin in exchange for \$100,000, payable \$50,000 to the City of Las Vegas and \$50,000 to The Meadows School, constitute a “gift, service, favor, employment, engagement, emolument or economic opportunity” that Mayor Oscar B. Goodman sought or accepted “which would tend improperly to influence a reasonable person in [Mayor Goodman’s] position to depart from the faithful and impartial discharge of his public duties” in violation of the statute?
2. NRS 281.481(2): Did Mayor Oscar B. Goodman violate the statute by using his position as Mayor of Las Vegas to secure or grant “unwarranted”⁵ privileges, preferences, exemptions or advantages for himself, any business entity in which he has a significant pecuniary interest, or any person to whom he has a commitment in a private capacity to the interests of that person⁶ by contracting to endorse Bombay Sapphire Gin, a commercial product, in exchange for a “fee” of \$100,000, which was paid as follows: \$50,000 to the City of Las Vegas and \$50,000 to The Meadows School, a private educational institution founded by Mayor Goodman’s wife, Carolyn Goodman, who serves as President of the non-profit corporation?
3. NRS 281.481(7):
 - a. Did Mayor Oscar B. Goodman violate the statute by using governmental time, property, equipment or other facility prohibited by the statute⁷ to benefit his personal or financial interest by using city staff to endorse and promote Bombay Sapphire gin pursuant to a private contractual agreement between Mayor Goodman and Bombay?
 - b. Did Mayor Oscar B. Goodman violate the statute by
 - (1) failing to promptly reimburse the City of Las Vegas for costs incurred by the City of Las Vegas for his use of governmental time, property, equipment or other facility authorized by the statute; and/or
 - (2) failing to promptly pay a charge the City of Las Vegas ordinarily would charge a member of the general publicin connection with his use of city staff to endorse and promote Bombay Sapphire gin pursuant to a private contractual agreement between Mayor Goodman and Bombay?

⁵ See, fn 2, *supra*.

⁶ See, fn 3, *supra*.

⁷ See, fn 4, *supra*.

4. NRS 281.481(10): Did Mayor Oscar B. Goodman violate the statute by seeking other employment or contracts through the use of his official position as Mayor of Las Vegas when he contracted to endorse Bombay Sapphire Gin?
5. NRS 281.553: Did Mayor Oscar B. Goodman violate the “honorarium” statute by accepting or receiving⁸ the payment of money or anything of value⁹ for his appearance or speech in his capacity as Mayor of Las Vegas in connection with his endorsement of Bombay Sapphire Gin?

C. JANE MAGAZINE CONTEST

1. NRS 281.481(7):
 - a. Did Mayor Oscar B. Goodman violate the statute by using governmental time, property, equipment or other facility prohibited by the statute¹⁰ to benefit his personal or financial interest in connection with his participation and appearance related to the contest advertisement in the March 2004 *Jane Magazine* and on the *Jane Magazine* website?
 - b. Did Mayor Oscar B. Goodman violate the statute by
 - (1) failing to promptly reimburse the City of Las Vegas for costs incurred by the City of Las Vegas for his use of governmental time, property, equipment or other facility authorized by the statute; and/or
 - (2) failing to promptly pay a charge the City of Las Vegas ordinarily would charge a member of the general publicin connection with his participation and appearance related to the contest advertisement in the March 2004 *Jane Magazine* and on the *Jane Magazine* website?

⁸ Pursuant to NRS 281.553(2), an honorarium paid on behalf of a public officer to a charitable organization from which the public officer does not derive any financial benefit is deemed not to be accepted or received by the public officer for purposes of NRS 281.553.

⁹ Pursuant to NRS 281.553(4), “honorarium” does not include the payment of:

- (a) The actual and necessary costs incurred by the public officer, his spouse or his aid for transportation and for lodging and meals while the public officer is away from his residence.
- (b) Compensation which would otherwise have been earned by the public officer in the normal course of his public office.
- (c) A fee for a speech related to the public officer’s profession or occupation outside of his public office if:
 - (1) Other members of the profession or occupation are ordinarily compensated for such a speech; and
 - (2) The fee paid to the public officer or public employee is approximately the same as the fee that would be paid to a member of the private sector whose qualifications are similar to those of the public officer for a comparable speech.
- (d) A fee for a speech delivered to an organization of Legislatures, Legislators or other elected officers.

¹⁰ See, fn 4, *supra*.

2. NRS 281.553: Did Mayor Oscar B. Goodman violate the “honorarium” statute by accepting or receiving¹¹ the payment of money or anything of value¹² for his appearance or speech in his capacity as Mayor of Las Vegas in connection with his appearance in the March 2004 *Jane Magazine* contest advertisement?

D. USE OF CADILLAC

NRS 281.481(1): Did the luxury vehicle¹³ provided free of charge by Cashman Cadillac for Mayor Oscar B. Goodman’s use constitute a “gift, service, favor...emolument” that Mayor Oscar B. Goodman sought or accepted “which would tend improperly to influence a reasonable person in [Mayor Goodman’s] position to depart from the faithful and impartial discharge of his public duties” in violation of the statute?

Notice of the hearing was properly posted and served. Mayor Goodman was present and provided sworn testimony. In addition, the following individuals appeared as witness and provided sworn testimony: Ross Goodman, Mayor Goodman’s son; Scott Kapp, President, iMedia; Mark Vincent, Director, Finance and Business Services, City of Las Vegas; Elaine Sanchez, former Senior Public Information Officer, City of Las Vegas; Larry Ruvo, Senior Managing Director, Southern Nevada Wine & Spirits; Doug Selby, City Manager, City of Las Vegas; Carolyn Goodman, Mayor Goodman’s wife; and Stephanie Boixo, Management Analyst II, City of Las Vegas, and Chief of Staff to Mayor Goodman; David Riggelman, Communications Director, City of Las Vegas; Brad Jerbic, Las Vegas City Attorney; Sergeant Scott Barney, Deputy Marshal, City of Las Vegas.

The Commission, after hearing testimony and considering the evidence presented herein, makes the following Findings of Fact and Conclusions of Law.

¹¹ See, fn 8, supra.

¹² See, fn 9, supra.

¹³ A 2003 Cadillac Seville STS was provided by Cashman Cadillac on or about November 7, 2002, with an understanding that the Mayor would be provided a newer Cadillac every 6,000 miles or 6 months. See, Exhibit D-2 in Exhibit Book 5.

FINDINGS OF FACT

1. In his public capacity, Oscar B. Goodman is the elected Mayor of the City of Las Vegas.

iPOLITIX COCKTAIL PARTY AND CD

2. Mayor Goodman is the father of Ross Goodman.

3. Ross Goodman has a financial interest in the form of stock options in iMedia, which, at times relevant to this matter, owned a Las Vegas based subsidiary, iPolitix.

4. iPolitix, in which Ross Goodman had a financial and business interest during the times relevant to this matter, provides digital media information, such as video press kits, for political candidates.

5. In January 2004, the U.S. Conference of Mayors held a conference in Washington D.C. (“the Mayors’ Conference”).

6. The City of Las Vegas paid for Mayor Goodman to attend the Mayors’ Conference.

7. The Mayors’ Conference was seeking and soliciting cutting edge technology to present at the conference, which information Mayor Goodman brought to the attention of his son, Ross Goodman.

8. In seeking an opportunity to present iPolitix at the Mayors’ conference, Ross Goodman contacted Mignon Moore, the Mayors’ Conference coordinator.

9. Ms. Moore suggested that iPolitix sponsor an event at the conference.

10. Based on Ms. Moore’s suggestion, Ross Goodman asked Mayor Goodman if iPolitix could sponsor a cocktail party at the Mayors’ Conference that Mayor Goodman was going to host.

11. Mayor Goodman agreed to permit iPolitix to sponsor his cocktail party, which was scheduled for January 22, 2004.

12. Officials of the Mayors' Conference gave iPolitix permission to sponsor Mayor Goodman's cocktail party.

13. Ross Goodman and iPolitix made all of the arrangements for the cocktail party, including creating invitations that included Mayor Goodman's name as the party's host. iPolitix funded the cocktail party.

14. Prior to the cocktail party, Mayor Goodman was provided with invitations to the party. He handed out approximately four or five of the invitations to conference attendees, explaining that innovative products offered by iPolitix would be demonstrated at the cocktail party and that his son, Ross Goodman, was involved in the company.

15. During the cocktail party, iPolitix displayed a demonstration of the product being distributed to the cocktail party attendees.

16. iPolitix's compact disc demonstration included video clips of Mayor Goodman that Mayor Goodman had previously provided to iPolitix by lending iPolitix several City of Las Vegas owned video tapes for purposes of creating a video press kit,¹⁴ which was unrelated to the cocktail party.

17. The City of Las Vegas did not pay for or reimburse iPolitix for the compact discs that were demonstrated and distributed at the cocktail party.

18. When Mayor Goodman arrived at the cocktail party hosted by iPolitix, he welcomed the attendees, and stated that he wanted everybody to take a look at the iPolitix product as they were at the cocktail party.

¹⁴ Mayor Goodman paid for the iPolitix video press kit.

19. In that context, Mayor Goodman described the iPolitix products as great and innovative products, and stated that he loved his son.

BOMBAY SAPPHIRE GIN ENDORSEMENT

20. In the fall of 2002, Larry Ruvo, the Senior Managing Director for Southern Wine and Spirits, asked Mayor Goodman to publicly endorse Bombay Sapphire gin, which was sold and distributed by Southern Wine and Spirits.

21. Mayor Goodman refused the endorsement unless Southern Wine and Spirits paid \$100,000.00 to charity.

22. Mr. Ruvo insisted that the \$100,000.00 fee be paid to the Meadows School, in which Mr. Ruvo is actively involved and to which he regularly contributes money for scholarships, and of which Carolyn Goodman, Mayor Goodman's wife, is the president and a founding member.

23. Mayor Goodman requested that the \$100,000.00 be paid for the benefit of the City's efforts to fight homelessness.

24. Mr. Ruvo and Mayor Goodman agreed that \$50,000.00 would be paid to the City for the benefit of its efforts to fight homelessness, and the other \$50,000.00 would be contributed to the Meadows School.

25. In furtherance of Mayor Goodman's endorsement of Bombay Sapphire gin, Southern Wine and Spirits organized an event they called "the World's Biggest Happy Hour," which was hosted by and featured Mayor Goodman drinking Bombay Sapphire gin.

26. Based on the city nexus and the benefit to the City, the City of Las Vegas prepared a news release for the Bombay Sapphire gin event hosted by Mayor Goodman.

27. The City of Las Vegas incurred expenses totaling approximately \$850.00 in materials and employee overtime to produce the news release and the video regarding Southern Wine and Spirits' contribution to the City of Las Vegas.

28. In November 2002, the City of Las Vegas received a check for \$50,000.00 for Mayor Goodman's public endorsement of Bombay Sapphire gin and his participation in the World's Biggest Happy Hour event.

29. The \$50,000 contribution to the City of Las Vegas was accounted for in the City's special revenue fund to help the homeless, and specifically to the chronic public inebriant fund.

30. The \$50,000 was used to help WestCare, a crisis intervention, or triage, center that assists chronic public inebriants.

31. Mayor Goodman received no part of the \$50,000 paid to the City of Las Vegas.

32. The other \$50,000 was paid to the Ruvo Scholarship Endowment Fund, which is used for the benefit of qualifying students at the Meadows School.

33. Neither Mr. Ruvo, nor anyone associated with Southern Wine and Spirits, appears before the Las Vegas City Council and the Mayor on matters related to the distributorship's business.

JANE MAGAZINE CONTEST

34. Mayor Goodman appeared in the March 2004 issue of Jane Magazine in connection with a contest related to the City of Las Vegas.

35. The City of Las Vegas received a \$2,000 donation from Jane Magazine for Mayor Goodman's appearance related to the contest in Jane Magazine's March 2004 issue.

36. The \$2,000 donation was put into the chronic public inebriant fund that had been established for the money received for Mayor Goodman's endorsement of Bombay Sapphire gin.

37. Other than the City's Communications Division acting as a liaison in coordinating the Jane Magazine event for which the City received a \$2,000.00 donation, there was no cost to the City of Las Vegas related to the Jane Magazine event.

USE OF CADILLAC

38. In late 2002, Cashman Cadillac donated to the City of Las Vegas, through the City Manager, a 2003 Cadillac STC for use by City of Las Vegas officials.

39. Cashman Cadillac is located outside of the Las Vegas city limits.

40. Neither Mr. Cashman, nor anyone associated with his automobile dealership, appears before the Las Vegas City Council and the Mayor on matters related to the dealership's business.

41. The Cadillac was primarily for the Mayor's use in the performance of his official duties.

42. The vehicle was returned to the dealership within a few months, and no other vehicles were provided for the City's use.

CONCLUSIONS OF LAW

1. Mayor Goodman is a public officer as defined in NRS 281.4365.
2. The Commission has jurisdiction to render an opinion in this matter pursuant to NRS 281.465 and NRS 281.511, Subsection 2(c).

WHEREFORE, based upon a preponderance of the evidence in this matter, the Commission renders the following Opinion:

OPINION

A. iPOLITIX COCKTAIL PARTY AND CD

1. NRS 281.481(2)

NRS 281.481(2) prohibits a public officer from using his position in government to secure or grant unwarranted¹⁵ privileges, preferences, exemptions or advantages for himself, any business entity in which he has a significant pecuniary interest, or any person to whom he has a commitment in a private capacity to the interests of that person¹⁶.

By a preponderance of the evidence, Mayor Goodman used his position as Mayor to secure or grant unwarranted privileges or advantages for his son, Ross Goodman, a person to whose interests he has a commitment in a private capacity, by lending his name to the invitation for the iPolitix sponsored cocktail party at the National Conference of Mayors in Washington, D.C., on January 22, 2004, and by advancing the iPolitix products for the benefit of his son's company. Indeed, as the Mayor of Las Vegas, Mayor Goodman provided his son the opportunity to know that there was an interest at the Mayors' Conference in products such as those distributed by iPolitix. But for the fact that he is a mayor, Mayor Goodman would not have known about the Mayors' Conference, attendees at which would be a target customer base for iPolitix. By permitting iPolitix to sponsor the cocktail party Mayor Goodman hosted during the Mayors' Conference, Mayor Goodman provided his son and his son's business partners with a foot in the door to make contacts and obtain business that would not otherwise have been available had Ross Goodman not been Mayor Goodman's son. Moreover, encouraging his invitees and attendees to review iPolitix's products and material, which he identified as

¹⁵ See, fn 2, supra.

¹⁶ See, fn 3, supra.

associated with his son, Mayor Goodman created an appearance of impropriety and unwarranted privilege to his son's company.

iPolitix and Ross Goodman's involvement with iPolitix had no nexus to the City of Las Vegas. Mayor Goodman, by using his name and title of Mayor of Las Vegas on the invitation to the cocktail party sponsored by iPolitix, rather than a description of iPolitix's services or products that were going to be promoted at that party, improperly used his public position to secure or grant an advantage for his son, Ross Goodman, and his son's company, iPolitix. Mayor Goodman's justification for his action was his professed love for his son. However, a public officer's love for a member of his family does not justify or provide an adequate reason for the public officer's use of his public position to secure or grant an advantage to that family member. The advantage Mayor Goodman secured or granted to Ross Goodman and iPolitix was, therefore, "unwarranted."

Therefore, based upon a preponderance of the evidence, the Commission renders a unanimous opinion that Mayor Goodman's conduct related to the iPolitix cocktail party violates the provisions of NRS 281.481(2).

Having found a violation, the Commission deliberated but failed to reach a decision on whether Mayor Goodman's violation of the provisions of NRS 281.481(2) was willful as defined in NRS 281.4375. As a consequence, there is no basis on which to impose a civil penalty under the provisions of NRS 281.551.

2. NRS 281.481(7)

NRS 281.481(7) prohibits a public officer or employee from using "governmental time, property, equipment or other facility to benefit his personal or financial interest."¹⁷

¹⁷ See, fn 4, supra.

There is insufficient evidence that Mayor Goodman temporarily loaned City of Las Vegas owned videotapes to iPolitix for his personal or financial purposes, or that he did so for any reason other than to provide video information and clips for his media press kit.

Therefore, based upon a preponderance of the evidence, the Commission renders a unanimous opinion that Mayor Goodman's conduct related to the City of Las Vegas owned videotapes loaned to iPolitix does not violate the provisions of NRS 281.481(7).

B. BOMBAY SAPPHIRE GIN ENDORSEMENT

1. NRS 281.481(1)

NRS 281.481(1) prohibits a public officer or public employee from seeking or accepting any "gift, service, favor, employment, engagement, emolument or economic opportunity which would tend improperly to influence a reasonable person in his position to depart from the faithful and impartial discharge of his public duties."

There is no evidence that Mayor Goodman sought any donation from Southern Wine and Spirits for his endorsement of Bombay Sapphire gin. Further, there is no evidence that Mayor Goodman's acquiescence to Larry Ruvo's offer to donate \$50,000 each to the City of Las Vegas and The Meadows School in exchange for Mayor Goodman's endorsement of Bombay Sapphire gin would tend to improperly influence a reasonable person in the Mayor's position to depart from the faithful and impartial discharge of his public duties.

Further, because there is no evidence that Mr. Ruvo, or anyone associated with Southern Wine and Spirits, would be required to come before the Las Vegas City Council and the Mayor on matters related to the distributorship's business, there is no basis on which to conclude that a reasonable person in Mayor Goodman's position would be improperly influenced to depart from

the faithful and impartial discharge of his public duties based upon Mr. Ruvo's donations to the City of Las Vegas and The Meadows School scholarship fund.

The Commission, therefore, renders a unanimous opinion that Mayor Goodman's conduct related to Southern Wine and Spirits' donation of \$50,000 each to the City of Las Vegas and The Meadows School in exchange for the Mayor's endorsement of Bombay Sapphire gin does not violate the provisions of NRS 281.481(1).

2. NRS 281.481(2)

NRS 281.481(2) prohibits a public officer from using his position in government to secure or grant unwarranted¹⁸ privileges, preferences, exemptions or advantages for himself, any business entity in which he has a significant pecuniary interest, or any person to whom he has a commitment in a private capacity to the interests of that person.¹⁹

There is no evidence that Mayor Goodman has any business dealings with Southern Wine and Spirits or with Bombay Sapphire gin, that he received any compensation for his endorsement, that he personally or financially benefited in any way, or that he benefited in any way other than receiving media coverage for the City of Las Vegas and its Mayor. Moreover, there is no evidence that Mayor Goodman was involved in any way with suggesting that the Meadows School, with which his wife is involved, should be a recipient of the funds for his Bombay Sapphire gin endorsement.

The Commission, therefore, renders a unanimous opinion that Mayor Goodman's conduct related to Southern Wine and Spirits' donation of \$50,000 each to the City of Las Vegas and The Meadows School in exchange for the Mayor's endorsement of Bombay Sapphire gin does not violate the provisions of NRS 281.481(2).

¹⁸ See, fn 2, supra.

¹⁹ See, fn 3, supra.

3. NRS 281.481(7)

NRS 281.481(7) prohibits a public officer or employee from using “governmental time, property, equipment or other facility to benefit his personal or financial interest.”²⁰

There is no evidence that Mayor Goodman used City of Las Vegas time, property, equipment or other facilities to benefit his own personal or financial interests when City of Las Vegas officials decided to video tape and distribute news releases of the event in which Mayor Goodman endorsed Bombay Sapphire gin. Rather, the City of Las Vegas greatly benefited from the attention Mayor Goodman brought to the City with the Bombay Sapphire gin endorsement. Further, the City’s decision to video tape and distribute news releases of the event was a permissible use of government assets.

The Commission, therefore, renders a unanimous opinion that Mayor Goodman’s conduct related to videotapes and news releases produced by the City of Las Vegas of Mayor’s endorsement of Bombay Sapphire gin does not violate the provisions of NRS 281.481(7).

4. NRS 281.481 (10)

NRS 281.481(10) prohibits a public officer or employee from seeking other employment or contracts through the use of his official position.

There is no evidence that Mayor Goodman sought a contract or employment to endorse Bombay Sapphire gin. Although Mayor Goodman’s endorsement of Bombay Sapphire gin was a contract, it was not a contract sought by Mayor Goodman or for the Mayor’s personal benefit. Rather, Mayor Goodman’s endorsement was sought by Southern Wine and Spirits, and any benefit therefrom accrued to the City of Las Vegas.

²⁰ See, fn 4, supra.

The Commission, therefore, renders a unanimous opinion that Mayor Goodman's conduct related to his endorsement of Bombay Sapphire gin does not violate the provisions of NRS 281.481(10).

5. NRS 281.553

NRS 281.553 prohibits a public officer from accepting or receiving an "honorarium," which is defined as the payment of money or anything of value for an appearance or speech by the public officer in his capacity as a public officer. An honorarium paid on behalf of a public officer to a charitable organization from which the officer or employee does not derive any financial benefit is deemed not to be accepted or received by the officer for the purposes of NRS 281.553.

There is no evidence that Mayor Goodman personally received or accepted an honorarium for an appearance or speech made by him in his capacity as Mayor of Las Vegas in connection with his endorsement of Bombay Sapphire gin. Rather, in exchange for Mayor Goodman's endorsement, Southern Wine and Spirits made monetary contributions directly to the City of Las Vegas and The Meadows School. Further, the money received by the City of Las Vegas and The Meadows School was charitable in nature and, therefore, negates any potential violation of the honorarium prohibition.

The Commission, therefore, renders a unanimous opinion that Mayor Goodman's conduct related to his endorsement of Bombay Sapphire gin in exchange for Southern Wine and Spirits' donations to the City of Las Vegas and The Meadows School does not violate the honorarium provisions of NRS 281.553.

C. JANE MAGAZINE CONTEST

NRS 281.481(7) prohibits a public officer or employee from using “governmental time, property, equipment or other facility to benefit his personal or financial interest.”²¹

NRS 281.553 prohibits a public officer or public employee from accepting or receiving an honorarium, i.e., “the payment of money or anything of value for an appearance or speech by the public officer or public employee in his capacity as a public officer or public employee.”²²

There is no evidence in this matter that Mayor Goodman used any “governmental time, property, equipment or other facility to benefit his personal or financial interest” or that he accepted or received an “honorarium” with regard to his appearance as the Mayor of Las Vegas in the March 2004 issue of Jane Magazine as alleged in this matter. Rather, the evidence is clear that (a) any money paid by Jane Magazine for Mayor Goodman’s appearance was paid directly to the City of Las Vegas for the City’s use and Mayor Goodman received no financial benefit therefrom; and (b) all arrangements for Mayor Goodman’s appearance in Jane Magazine were made through the public affairs office of the City of Las Vegas.

The Commission, therefore, renders a unanimous opinion that Mayor Goodman’s conduct related to the Jane Magazine appearance does not violate the provisions of either NRS 281.481(7) or NRS 281.553.

D. USE OF CADILLAC

NRS 281.481(1) prohibits a public officer or public employee from seeking or accepting any “gift, service, favor, employment, engagement, emolument or economic opportunity which

²¹ See, fn 4, supra.

²² NRS 281.553 excludes from the definition of “honorarium” (a) travel and per diem expenses reimbursed to the public officer; (b) compensation which would otherwise have been earned by the public officer or public employee in the normal course of his public office or employment; (c) under specific conditions, a fee for a speech related to the public officer’s or employee’s profession or occupation outside of his public office or employment; and (d) a fee for a speech delivered to an organization of Legislatures, Legislators or other elected officers.

would tend improperly to influence a reasonable person in his position to depart from the faithful and impartial discharge of his public duties.”

The Cadillac was offered to the City of Las Vegas, through the Las Vegas City Manager, by Cashman Cadillac for use by City of Las Vegas officials and Mayor Goodman in furtherance of his official duties. The City of Las Vegas accepted the Cadillac for the use of the City’s Mayor and other City officials. There is no evidence in this matter to suggest that the Cadillac was a gift to Mayor Goodman personally, nor is there evidence that Mayor Goodman used the Cadillac for personal business. Further, because Cashman Cadillac is located outside of the Las Vegas city limits and there is no evidence that Mr. Cashman, or anyone associated with his automobile dealership, would be required to come before the Las Vegas City Council and the Mayor on matters related to the dealership’s business, there is no basis on which to conclude that a reasonable person in Mayor Goodman’s position would be improperly influenced to depart from the faithful and impartial discharge of his public duties based upon acceptance by City of Las Vegas officials of a Cadillac offered by Cashman Cadillac for the Mayor’s use in his capacity as Mayor of the City of Las Vegas.

The Commission, therefore, renders a unanimous opinion that Mayor Goodman’s conduct related to his use of the Cadillac provided to the City of Las Vegas by Cashman Cadillac does not violate the provisions of NRS 281.481(1).

Further, the Commission finds no evidence in this matter that Mayor Goodman’s use of the Cadillac provided to the City of Las Vegas by Cashman Cadillac amounted to an “unwarranted advantage” for his personal benefit. Therefore, the Commission renders a majority

opinion that Mayor Goodman's conduct related to his use of the Cadillac provided to the City of Las Vegas by Cashman Cadillac does not violate the provisions of NRS 281.481(2).²³

SUMMARY

A. iPOLITIX COCKTAIL PARTY AND CD

1. NRS 281.481(2): Violation; no finding that the violation was "willful"
2. NRS 281.481(7): No violation

B. BOMBAY SAPPHIRE GIN ENDORSEMENT

1. NRS 281.481(1): No violation
2. NRS 281.481(2): No violation
3. NRS 281.481(7): No violation
4. NRS 281.481(10): No violation
5. NRS 281.553: No violation

C. JANE MAGAZINE CONTEST

1. NRS 281.481(7): No violation
2. NRS 281.553: No violation

D. USE OF CADILLAC

1. NRS 281.481(1): No violation

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: December __ 28 __, 2004.

NEVADA COMMISSION ON ETHICS

By: _____/s/_____
RICK HSU, Chairman

²³ NRS 281.481(2) prohibits a public officer or employee from using his position in government "to secure or grant unwarranted privileges, preferences, exemptions or advantages for himself, any business entity in which he has a significant pecuniary interest, or any person to whom he has a commitment in a private capacity to the interests of that person."