

BEFORE THE NEVADA COMMISSION ON ETHICS

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COMMISSION
ON ETHICS

In the Matter of)
)
)
)
Senator Sandra Tiffany)
)
_____)

SETTLEMENT AGREEMENT

REQUEST FOR OPINION NO. 05-21

1. PURPOSE: The purpose of this agreement is to settle any and all claims, allegations and charges by the Nevada Commission on Ethics (NCOE) against Sandra Tiffany.
2. JURISDICTION: At all material times, Sandra Tiffany was a Nevada State Senator. As such, she was a public officer subject to the jurisdiction of the NCOE pursuant to NRS 281.4365.
3. RELEVANT STATUTES: The following Nevada Revised Statutes are relevant to the allegations which give rise to this stipulation:

NRS 281.4375 "Willful violation" defined. "Willful violation" means the public officer or employee knew or reasonably should have known that his conduct violated this chapter.

NRS 281.481 General requirements; exceptions. A code of ethical standards is hereby established to govern the conduct of public officers and employees:

* * * * *

2. A public officer or employee shall not use 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. As used in this subsection:
- (a) "Commitment in a private capacity to the interests of that person" has the meaning ascribed to "commitment in a private capacity to the interests of others" in subsection 8 of NRS 281.501.
 - (b) "Unwarranted" means without justification or adequate reason

* * * * *

8. A member of the Legislature shall not:
- (a) Use governmental time, property, equipment or other facility for a nongovernmental purpose or for the private benefit of himself or any other person. This paragraph does not prohibit:
 - (1) A limited use of state property and resources for personal purposes if:
 - (I) The use does not interfere with the performance of his public duties;
 - (II) The cost or value related to the use is nominal; and
 - (III) The use does not create the appearance of impropriety;

4. STIPULATED FACTS:

- A. Senator Tiffany was, at all material times, the president of Stockdale's Property Auctions, LLC, an Internet company specializing in online auctions of state unclaimed property and surplus property.
- B. Senator Tiffany has served in both chambers of the Nevada Legislature. She became a member of the Assembly in 1993 and then became a Senator in 2003.
- C. In her official capacity, Senator Tiffany had several telephone conversations with Lori Hetrick of the State of Pennsylvania Bureau of Unclaimed Property. One of the intended purposes of the telephone conversations was for Senator Tiffany to promote herself as the owner of an online auction service, which created an appearance of impropriety.
- D. Senator Tiffany prepared a letter, dated September 29, 2004, to Lloyd Johnson, Unclaimed Property Administrator for the State of South Dakota. The letter was printed on her official Nevada State Senate letterhead stationery. One intended purpose of the letter was for Senator Tiffany to promote herself as the owner of an online auction service, which created an appearance of impropriety.
- E. On April 18, 2005 a citizen filed a Request for Opinion (complaint) with the NCOE alleging that Senator Tiffany's actions had violated provisions of Nevada Ethics in Government law.

- F. On March 7, 2006 a two-member panel of the NCOE was convened to consider the Executive Director's Report and Recommendations as to the existence of just and sufficient cause to hold a hearing and render an opinion regarding whether Senator Tiffany violated provisions of the Nevada Ethics in Government law. The panel found that just and sufficient cause does exist to hold a hearing.
- G. Senator Tiffany was defeated in a campaign for re-election to the Nevada State Senate in the general election held on November 7, 2006.
- H. A hearing in this matter is scheduled to commence on January 22, 2007.
- I. Through her attorney, John Arrascada, Senator Tiffany has expressed an interest in pursuing settlement of this matter.

5. OPINION

- A. The actions of Senator Tiffany as described in paragraph 4C above constituted a willful violation of NRS 281.481(2), in that she knew or reasonably should have known that her conduct violated that provision of law.
- B. The actions of Senator Tiffany as described in paragraph 4D above constituted a willful violation of NRS 281.481(8)(a), in that she knew or reasonably should have known that her conduct violated that provision of law.

6. TERMS OF SETTLEMENT:

Senator Tiffany and the NCOE agree as follows:

- A. Senator Tiffany will pay the sum of \$10,000, \$5,000 for each of two willful violations, in order to settle this matter. Senator Tiffany will pay said amount within 90 days of the date this stipulation is signed by the Chairperson of the NCOE.
- B. Senator Tiffany waives her right to any judicial review of this matter as provided in NRS 233B.130 or any other provision of Nevada state law.
- C. This agreement is not to be generally applied. This stipulation applies only to the specific facts, circumstances and law related to this complaint. Any facts and circumstances that differ from those contained in this agreement may create an entirely different resolution of this matter.

7. REVIEW BY COUNSEL:

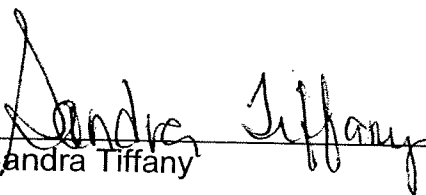
Senator Tiffany and the NCOE acknowledge that this agreement has been entered into by their own free will and with full understanding of the contents herein. Each of the parties further acknowledges that each has had the opportunity to seek the advice of counsel in comparing and reviewing this agreement.

8. EFFECT:

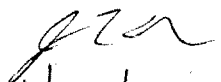
- A. **This agreement is subject to final approval by the NCOE in an open public meeting.** Once approved, this agreement shall be adopted as the Opinion of the NCOE. This stipulation will be the final disposition of this matter and shall be binding upon all parties.

- B. Should this stipulation not be approved by the NCOE, this matter will proceed to a full hearing before the NCOE. This stipulation shall be of no force or effect nor will it be admissible, in part or whole, in such hearing.

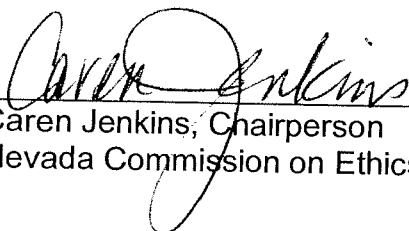
IN WITNESS WHEREOF, the parties have entered into and signed this agreement on the dates set forth below.



Sandra Tiffany


~~1/4/06~~ 1/29/07

Date



Caren Jenkins, Chairperson
Nevada Commission on Ethics

1-10-07

Date