



STATE OF NEVADA

**BEFORE THE NEVADA COMMISSION ON ETHICS**

**In The Matter Of  
The Request For Opinion Concerning  
The Conduct Of JOHN A. BOHN,  
Trustee, Incline Village General Improvement District  
Board of Trustees, State of Nevada.**

**Request for Opinion  
Nos. 06-74 & 06-82**

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**OPINION**

This matter came before a quorum<sup>1</sup> of the Nevada Commission on Ethics (Commission) for a hearing on November 14, 2007 regarding two Requests for Opinion filed with the Commission. A determination was made by a Commission panel that just and sufficient cause existed to render an opinion on whether John A. Bohn (Bohn), Trustee for Incline Village General Improvement District (IVGID) Board of Trustees (Board) violated the provisions of NRS 281A.400.2, .5 or .6.<sup>2</sup>

Notice of the hearing was properly posted and served. Bohn was present and provided sworn testimony. Bohn was represented by Thomas P. Beko, Esq. of Erickson, Thorpe & Swainston, LTD. Beverly Mapps, former IVGID trustee, appeared as witness and provided sworn testimony.

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<sup>1</sup> The quorum consisted of then Chairman Kosinski and Commissioners Capurro, Jenkins and Keele. Commissioners Flangas and Hsu 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.

<sup>2</sup> Formerly NRS 281.481.2, .5, and .6 of the Ethics in Government law. The Ethics in Government law has been re-codified and is now Chapter 281A of NRS. This opinion cites to the re-codified statutes.

The complaints filed against Bohn alleged that he used his position in government in violation of NRS 281A.400.2 to secure or grant unwarranted privileges, preferences, exemptions or advantages for himself when he withheld information from the Board regarding the resignation of former IVGID trustee Beverly Mapps (Mapps). Additionally, the complaints alleged that Bohn acquired, through his public duties, information which by law or practice was not at the time available to people generally and used the information in violation of NRS 281A.400.5 to further his pecuniary interests. Further, the complaints state that by allegedly withholding information regarding Mapps' resignation, Bohn suppressed governmental documents that tended to affect unfavorably his pecuniary interests in violation of NRS 281A.400.6.

After hearing testimony and considering the evidence presented, the Commission deliberated and orally advised Bohn of its decision. The Commission now renders this written Opinion.

### **FINDINGS OF FACT**

1. At all relevant times, Bohn served as Trustee and Chairman of the IVGID. Bohn was a candidate for re-election in 2006.
2. Mapps is a former IVGID Trustee.
3. At all relevant times, Scott Brooke (Brooke) was the retained legal counsel for the IVGID.
4. On September 13, 2006, Mapps delivered an envelope marked "confidential" to Brooke which contained two documents. Brooke treated these documents as confidential attorney-client communications. One of the documents was a typed, signed letter to Brooke indicating that Mapps was submitting a copy of her letter of resignation, so that he could advise

her as to how and if she should submit her “actual” resignation letter to someone other than Bohn. Additionally, the envelope contained Mapps’ resignation letter which was undated and unsigned. On September 18, 2006, Brooke sent Bohn these two documents that he received from Mapps.

5. Mapps testified that when she submitted what was purported to be her resignation letter to Brooke, it was her intention that it would in fact act as her actual letter of resignation. It did not occur to Mapps that she had not dated or signed her resignation letter. Mapps’ unsigned, undated resignation letter contained a detailed explanation of her reasons for her resignation, including an impasse between Bohn and Mapps surrounding the work performance of an IVGID employee.

6. Bohn spoke to Mapps by telephone and discussed the complaints in her resignation letter. Subsequently, on September 26, 2006, Bohn sent a letter to Mapps asking her to reconsider her resignation, otherwise to contact him to discuss the manner in which her resignation would be announced. At all times, Mapps indicated that she had no preference as to when her resignation should be announced, either before or after the election in which Bohn was a candidate for re-election.

7. Bohn testified that if he was not re-elected, he would not have sought Mapps’ seat after her resignation.

8. Brooke confirmed with Mapps at the October 25, 2006 IVGID Board meeting that she was, in fact, resigning and he obtained her consent to disclose this information to the IVGID Board and staff.

9. On October 26, 2006, after the October 25<sup>th</sup> IVGID Board meeting, Mapps submitted a new resignation letter dated September 11, 2006. She submitted her signed and

dated resignation letter to the IVGID office for distribution. In her cover letter, Mapps stated “enclosed please find my official letter of resignation.” Mapps’ reason for submitting a second resignation letter to replace the first one was because she knew her first resignation letter would become public and she did not want to create a controversy over the material contained in her first resignation letter.

10. Based on Bohn’s testimony, it is the duty of the Board’s Chair to bring the matter of a Board member’s resignation to be heard at the next scheduled Board meeting. The matter of Mapps’ resignation was announced at the November 8, 2006 IVGID Board meeting.

### **CONCLUSIONS OF LAW**

1. At all relevant times, as Trustee of the IVGID, Bohn was a public officer as defined in NRS 281A.160.

2. The Commission has jurisdiction to render an opinion in this matter pursuant to NRS 281A.280 and NRS 281A.440.2(b).

3. Bohn did not violate NRS 281A.400.2, .5, or .6 when he did not submit to the Board the Mapps resignation documents that he had received from Brooke on or about September 18, 2006.

### **DISCUSSION**

The issue is whether Bohn violated NRS 281A.400.2, .5, or .6 when he did not submit to the Board the resignation documents that he received from Brooke on or about September 18, 2006.

A public officer “shall not use his position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for himself.” NRS 281A.400.2. No evidence existed that Bohn used his position as IVGID Trustee or Chair to secure an unwarranted

advantage for himself by not submitting the documents concerning Mapps' purported resignation to the Board. The evidence showed that a question existed as to whether the initial resignation documents were to be considered Mapps' actual resignation. While Mapps testified that she intended her initial resignation letter to act as her official resignation, the evidence illustrated how there could be varying interpretations of what was intended by the initial resignation documents. Additionally, Brooke treated the initial resignation information as confidential attorney-client communications until he obtained Mapps' consent to disclose the information to the IVGID. Although Bohn was a candidate for re-election, no evidence existed that by not announcing Mapps' resignation or what was purported to be her resignation, Bohn secured an unwarranted advantage in violation of NRS 281A.400.2. Further, Bohn stated that even if he had not been re-elected, he would not have sought Mapps' seat after her resignation.

If a public officer "acquires, through his public duties or relationships, any information which by law or practice is not at the time available to people generally, he shall not use the information to further the pecuniary interests of himself." NRS 281A.400.5. No evidence was produced that Bohn used the information surrounding Mapps' purported resignation to further his pecuniary interests.

A public officer "shall not suppress any governmental report or other document because it might tend to affect unfavorably his pecuniary interests." NRS 281A.400.6. No evidence was produced that by not disclosing Mapps' resignation documents to the Board, Bohn suppressed documents that might tend to affect unfavorably his pecuniary interests.

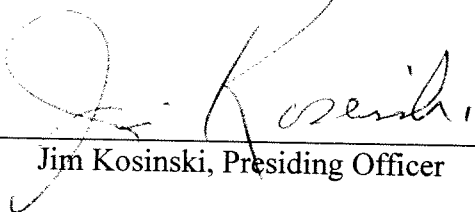
**CONCLUSION**

**WHEREFORE**, based upon a preponderance of the evidence, by a unanimous vote, the Commission rendered the following conclusion.

No evidence existed to support a finding that Bohn violated NRS 281A.400.2, .5 or .6. Therefore, the allegations are dismissed.

**NOTE: The foregoing opinion applies only to the specific facts and circumstances described herein. Facts and circumstances that differ from those in this opinion may result in an opinion contrary to this opinion.**

DATED: 4/10/08 NEVADA COMMISSION ON ETHICS

By:   
Jim Kosinski, Presiding Officer