



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In re **John Bartlett**, Former Compliance
Investigator, State Contractors Board,
State of Nevada,

Ethics Complaint
Case No. 23-015C

Subject./

STIPULATED AGREEMENT

1. **PURPOSE:** This Stipulated Agreement resolves Ethics Complaint Case No. 23-015C before the Nevada Commission on Ethics ("Commission") concerning John Bartlett ("Bartlett"), Former Compliance Investigator for the Nevada State Contractors Board.
2. **JURISDICTION:** At all material times, Bartlett served as a Compliance Investigator for the Nevada State Contractors Board and was a public employee as defined in NRS 281A.150. 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 Bartlett in this matter.
3. **PROCEDURAL HISTORY BEFORE COMMISSION:**
 - a. On or about January 25, 2023, the Commission received Ethics Complaint No. 23-015C from a member of the public ("Requester") alleging violation of NRS 281A.400(10).
 - b. On March 13, 2023, the Commission issued its *Order on Jurisdiction and Investigation* dismissing the alleged violation of NRS 281A.400(10) and directing the Executive Director to serve a *Notice of Additional Issues and Facts* regarding the alleged violations of NRS 281A.410 and NRS 281A.550.
 - c. On March 13, 2023, staff of the Commission issued a *Notice of Complaint and Investigation* and a separate *Notice of Additional Issues and Facts* to Bartlett

pursuant to NRS 281A.720 and NAC 281A.410 and provided Bartlett with an opportunity to submit a response to the allegations.

d. On April 17, 2023, Bartlett provided his Response to the allegations.

e. The Commission issued a second *Notice of Additional Facts and Issues* on May 1, 2023, directing the Executive Director to investigate Bartlett's alleged violations of NRS 281A.400(2), (5), (7) and (10).

f. On November 30, 2023, Bartlett provided a second Response to the additional allegations.

g. On January 17, 2024, the Executive Director presented a recommendation relating to just and sufficient cause to a three-member review panel pursuant to NRS 281A.725.

h. A Review Panel Determination issued on January 17, 2024, found the facts established credible evidence to support a determination that just and sufficient cause exists for the Commission to render an opinion in the matter regarding the alleged violation of NRS 281A.400(2), (5), (7) and (10), NRS 281A.410 and NRS 281A.550.

i. On March 5, 2024, the parties attended a settlement conference and reached an agreement to resolve this matter on the terms reflected in this Stipulated Agreement ("Agreement").

j. In lieu of an adjudicatory hearing before the Commission, Bartlett and the Commission now enter into this Agreement.

4. STIPULATED FACTS:

a. Bartlett was employed as a Compliance Investigator for the Nevada State Contractors Board ("NSCB") from January 23, 2022, to January 4, 2023. In this position, Bartlett performed confidential investigations of complaints from members of the public regarding alleged violations of State law by contractors. Some of the complaints assigned to Bartlett were against pool contractors.

b. Upon leaving the NSCB, Bartlett worked for a residential pool contractor, and received compensation for his work.

c. Bartlett used confidential information he obtained during his employment with the NSCB, which was not available to the public generally, to assist the residential

pool contractor for whom he was working (and from whom he was receiving a salary) to recruit pool clients.

d. Bartlett also used his NSCB email address to transmit confidential NSCB investigation information to his personal email to assist the residential pool contractor for whom he was working after he left State employment.

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

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

b. Allegations that Bartlett violated NRS 281A.400(2) and (10), NRS 281A.410 and NRS 281A.550 are hereby dismissed by stipulation of the parties.

c. Bartlett's actions constitute a single course of conduct resulting in two violations of the Ethics Law, implicating the provisions of NRS 281A.400(5) and (7).

d. Based upon the consideration and application of the statutory factors set forth in NRS 281A.775, Bartlett and the Commission agree that pursuant to NRS 281A.170 one willful violation will be imposed for his violation of NRS 281A.400(5) and one non-willful violation will be imposed for his violation of NRS 281A.400(7) for the following reasons:

- 1) **Seriousness of Violation:** The Commission has recognized the importance of avoiding the use of government time, property, equipment or other facility to benefit a public employee's significant personal or pecuniary interest. Bartlett's use of his public email and nonpublic information gathered as part of a confidential NSCB investigation to further his pecuniary interest, either directly or indirectly, is a serious violation of the Ethics Law.
- 2) **Previous History:** Bartlett has not previously been the subject of any violation of the Ethics Law or previous ethics complaints.
- 3) **Cost of Investigation and Proceedings:** Bartlett was diligent to cooperate with and participate in the Commission's investigation and resolution of this matter. In addition, Bartlett was transparent regarding the existence and status of an ongoing related civil matter. Because Bartlett was willing to resolve the matter prior to an adjudicatory hearing, significant Commission resources were preserved.

- 4) Restitution Paid: In the related civil matter between Bartlett and the Nevada State Contractors Board, Bartlett paid \$39,000 in attorneys' fees to the Nevada State Contractors Board.
- 5) Prompt correction of the violation: Bartlett responded immediately to the Executive Director and engaged in the investigation process.
- 6) Financial Gain: Bartlett recognized a financial gain as a result of his conduct. For purposes of this Agreement, the parties agree he received \$1,500 in the form of a bonus he received for a pool project he secured for one of his employers based on confidential information he obtained from the NSCB.
- 7) Other Mitigating Factors: Bartlett previously engaged in civil litigation with the NSCB regarding the same underlying matters and resolved related issues in that litigation.

e. For his willful violation of NRS 281A.400(5), Bartlett agrees to pay the sum of \$1,500.00 pursuant to NRS 281A.790(3). To satisfy this penalty, Bartlett will make installment payments of \$75 per month for 20 months to start June 1, 2024.

f. If Bartlett returns to any form of public employment as either a public officer, as defined in NRS 281A.160, or a public employee, as defined in NRS 281A.150, including employment with any board or commission of any State or local government, whether funded by taxes or fees, he will notify the Executive Director of the Commission and will complete Ethics Law training as approved by the Executive Director within 60 days of the start of his employment.

g. This Agreement is based on the specific facts, circumstances, and law now before the Commission. 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 not intended to be applicable to or create any admission of liability by Bartlett for any other proceeding against or involving Bartlett. If the Commission rejects this 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.

i. The Executive Director agrees that he will not recommend to the Commission that this matter be referred to the Attorney General or any district attorney's office for criminal prosecution.

6. **WAIVER**

a. Bartlett knowingly and voluntarily waives his right to a hearing before the full Commission on the allegations in Ethics Complaint Case No. 23-015C and all rights he may be accorded with in regard to this matter pursuant to 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. Bartlett knowingly and voluntarily waives his 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 Agreement, understand each and every provision therein, and agree to be bound thereby once approved by the Commission. In addition, the parties orally agreed to be bound by the terms of this Agreement during the regular meeting of the Commission on June 26, 2024.¹


DATED this 24 day of May, 2024.



John Bartlett


FOR JOHN BARTLETT

DATED this 17th day of May, 2024.



Michael Brock, Esq.
May Brock Law Group

DATED this 15th day of May, 2024.



Ross E. Armstrong, Esq.
Executive Director

Approved as to form by:

FOR NEVADA COMMISSION ON ETHICS

DATED this _____ day of _____, 2024.

Gregory D. Ott, Esq.
Chief Deputy Attorney General

¹ 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 his character, alleged misconduct, professional competence, or physical or mental health.

6. **WAIVER**

a. Bartlett knowingly and voluntarily waives his right to a hearing before the full Commission on the allegations in Ethics Complaint Case No. 23-015C and all rights he may be accorded with in regard to this matter pursuant to 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. Bartlett knowingly and voluntarily waives his right to any judicial review of this matter as provided in NRS Chapter 281A, NRS Chapter 233B, or any other applicable provisions of law.


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DATED this 24 day of May, 2024.


John Bartlett

FOR JOHN BARTLETT

DATED this 17th day of May, 2024.


Michael Brock, Esq.
May Brock Law Group

DATED this 15th day of May, 2024.


Ross E. Armstrong, Esq.
Executive Director

Approved as to form by:

FOR NEVADA COMMISSION ON ETHICS

DATED this 26th day of June, 2024.


Gregory D. Ott, Esq.
Chief Deputy Attorney General

¹ 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 his character, alleged misconduct, professional competence, or physical or mental health.

The above Stipulated Agreement is accepted by the Nevada Commission on Ethics:

DATED this 26th day of June, 2024.

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

By: /s/ Scott Scherer
Scott Sherer, Esq.
Commissioner

By: /s/ Michael Langton
Michael E. Langton, Esq.
Commissioner

By: /s/ Stan Olsen
Stan R. Olsen
Commissioner

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

CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada Commission on Ethics and that on this day in Carson City, Nevada, I transmitted, via certified mail and email, a true and correct copy of the **Stipulated Agreement** regarding **Complaint Case 23-015C** addressed as follows:

John Bartlett
c/o Tony M. May
May Brock Law Group
1850 E. Sahara Ave, Ste 206
Las Vegas NV 89104

Certified Mail No.: 9489 0090 0027 6499 2212 98

Email:

tmay@maybrocklaw.com

mbrock@maybrocklaw.com

kal@maybrocklaw.com

Dated: 6/27/2024



Employee, Nevada Commission on Ethics