



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In the Matter of the Third-Party Request
for Opinion Concerning the Conduct of
Cam Walker, City Councilmember,
City of Boulder City, State of Nevada,

Request for Opinion No. **13-43C**

Public Officer. /

STIPULATED AGREEMENT

1. **PURPOSE**: This stipulated agreement resolves Third-Party Request for Opinion (“RFO”) No. 13-43C before the Nevada Commission on Ethics (“Commission”) concerning Cam Walker (“Walker”), Boulder City Councilmember, and serves as the final opinion in this matter.

2. **JURISDICTION**: At all material times, Walker served as a member of the City Council of Boulder City, Nevada. As such, Walker is an elected public officer, as defined in NRS 281A.160. The Ethics in Government Law (“Ethics Law”) set forth in NRS Chapter 281A provides 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 Walker in this matter.

3. **PROCEDURAL HISTORY BEFORE COMMISSION**

- a. On or about April 15, 2013, the Commission received this RFO from a private citizen alleging that Walker had a pecuniary interest and a commitment in a private capacity to the interests of his employer regarding a bid proposal before the Boulder City Council to build a solar power facility. With his employer listed as a potential contractor on the bid proposal, the RFO alleged that Walker should have abstained from voting on an agenda item related the solar project. Specifically, the RFO alleged that Walker’s vote on the City Council’s agenda item on June 26, 2012 relating to an assignment of the contract pertaining to

- the solar project implicated various provisions of the Ethics Law, including: (1) abstaining from voting on public matters involving his significant pecuniary interests or commitments in a private capacity (NRS 281A.420(3)); (2) failing to honor his commitment to avoid conflicts (NRS 281A.020(1)); (3) using his position to grant an unwarranted privilege to a business entity in which he has a significant pecuniary interest or commitment in a private capacity (NRS 281A.400(2)); (4) participating in negotiating a contract between the government and business entity in which he had a significant pecuniary interest or commitment in a private capacity (NRS 281A.400(3)); (5) seeking employment or contracts through his official position (NRS 281A.400(10)); and (6) engaging in contracts in which he had a significant pecuniary or commitment in a private capacity (NRS 281A.430).
- b. As required by NAC 281A.410, the Commission provided Walker proper notice of the RFO.
 - c. Pursuant to NRS 281A.440(3), Walker was provided an opportunity to respond and submitted a written response dated June 17, 2013 through his counsel, Brian R. Hardy, Esq.
 - d. On December 2, 2013, the Commission mailed Walker an amended notice of the RFO concerning additional allegations implicating disclosure requirements pursuant to NRS 281A.420(1). Pursuant to NRS 281A.440(3), Walker was provided an opportunity to respond to the allegations in the Amended Notice and he submitted a supplemental written response dated January 13, 2014.
 - e. Based on facts developed from the RFO, Amended Notice, Walker's responses, and the Commission's investigation, the Commission's Executive Director provided a report and recommendation required pursuant to NRS 281A.440(4) to a two-member Investigatory Panel consisting of Commissioners Magdalena Groover and Gregory Gale.
 - f. The report recommended a finding that credible evidence established just and sufficient cause to forward the allegations implicating NRS 281A.020 and NRS 281A.420(1) and (3) to the Commission for a hearing and opinion. The Report further recommended dismissal of all other allegations in the RFO.

- g. The Panel determined that there was sufficient credible evidence to forward allegations related to the disclosure and abstention requirements of NRS 281A.420 and, therefore, dismissed all other allegations from further consideration.
- h. On February 12, 2014, the Investigatory Panel issued a panel determination adopting the Executive Director's recommendation, forwarding the allegations related to the disclosure and abstention requirements of NRS 281A.420 to the Commission to hold a hearing and render an opinion, and dismissing all other allegations.
- i. The Commission notified Walker of the Investigatory Panel's determination and the time and place set for a Commission hearing in this matter.
- j. On March 20, 2014, Walker filed a Motion to Dismiss regarding the allegations set forth in the Amended Notice. However, Walker withdraws his Motion to Dismiss and hereby submits to the jurisdiction of the Commission as set forth in this Stipulated Agreement.
- k. In lieu of participating in a hearing, Walker now enters into this Stipulated Agreement acknowledging his duty as a public officer to commit himself to protect the public trust and conform his conduct to the requirements of NRS Chapter 281A.

4. **STIPULATED FACTS:**

a. ***Background***

- 1) Cam Walker ("Walker"), at all times relevant to this RFO, was an elected member of the City Council of the City of Boulder City ("City"), Nevada, and was employed by McCarthy Building Companies, Inc.
- 2) McCarthy Building Companies, Inc., ("McCarthy") is a private corporation which has offices throughout the United States, and includes a renewal energy group located in Phoenix, Arizona that builds solar power plants. Walker served as McCarthy's Director of Business Development in Nevada.
- 3) David Olsen, Esq., is the appointed City Attorney for Boulder City, and serves as counsel to the City Council.

- 4) Boulder City released a Request for Proposal (“RFP”) for construction of a solar power plant (“Solar Project”) in Boulder City on June 23, 2011.
- 5) Among others,¹ Korea Midland Power Company (“KOMIPO”) submitted a proposal in response to the RFP on August 18, 2011.
- 6) KOMIPO listed McCarthy as one of seven potential general contractors to provide services under KOMIPO’s proposal. However, KOMIPO never contacted McCarthy regarding its bid for the Solar Project or its decision to list McCarthy as a potential contractor. McCarthy had no knowledge that KOMIPO would list it as a potential general contractor on KOMIPO’s proposal.
- 7) The RFP required proposals to offer a per-acre lease payment for use of Boulder City’s land, and demonstrate proven experience in financing and developing similar sized solar projects.
- 8) To build a solar power plant in Nevada, a variety of state and federal regulatory hurdles must be cleared, such as the Utility Environmental Protection Act, NRS 704.820 *et seq.*, National Environmental Policy Act, 42 USC Section 4321 *et seq.*, and other laws requiring numerous permits. The preliminary process is lengthy and must be completed before any physical construction may be undertaken or bids may be sought from companies such as McCarthy.

b. *September 27, 2011 Boulder City Council Meeting*

- 1) The City Council considered the responses to the RFP on September 27, 2011. At that meeting, Finance Director Shirley Hughes distributed a Staff Report and City Manager Vicky Mayes provided a PowerPoint presentation regarding the RFP bids.
- 2) The City received eight (8) proposals. (See footnote.)
- 3) A panel consisting of Boulder City’s City Manager, Finance Director, Electrical Distribution Supervisor, Public Works Director and Community Development Director (“Panel”) initially reviewed the RFP submissions.

¹ Eight companies responded to the City’s RFP for the Solar Project; Samsung Renewable Energy, Inc., KOMIPO, Sempra Energy, H&L Systems, Iberdrola Renewables, Element Power, SolarReserve, and Solon Corporation.

- 4) The Panel chose Samsung Renewable Energy, Inc. (“Samsung”) and KOMIPO as its first and second choices, respectively.
- 5) Prior to the City Council meeting, Walker asked to review the Panel’s top two proposals. In his review, he noted that KOMIPO had listed McCarthy as a possible general contractor. Walker contacted McCarthy’s Phoenix, Arizona office, which handles all of McCarthy’s solar projects in the Southwest, and was informed that McCarthy had no knowledge of the KOMIPO bid. Walker’s review of the proposals and discussion with McCarthy’s Phoenix office established the first time that Walker and/or McCarthy were aware that KOMIPO had listed McCarthy as a potential contractor on the Solar Project.
- 6) At the City Council meeting held on September 27, 2011, the Boulder City Council met during a properly noticed public meeting to discuss items set forth on a published agenda. Item number 11 on the Agenda was related to the negotiation and lease of property known as Dry Lake Bed South.

The following is clearly delineated in the minutes:

Council member Walker disclosed he was employed by McCarthy Building Companies, Inc. which had a solar division in Phoenix that had submitted a proposal for the project. He said he was not involved with the proposal and had been advised by the City Attorney he could discuss and vote on the item. In addition, he disclosed McCarthy was listed as one of seven potential local contractors for the two top proposals.

City Attorney Olsen advised council member Walker was allowed to participate and vote on the item.

(Minutes September 27, 2011).²

- 7) While the minutes of the September 27, 2011 meeting lack specific detail, Walker actually disclosed two separate potential conflicts. The first disclosed potential conflict was related to Walker’s employment by

² The Boulder City Minutes reflect that Walker disclosed that McCarthy was a general contractor listed as one of seven potential local contractors for the two top proposals. However the minutes were unclear, and Walker actually disclosed that McCarthy was listed on the bids submitted by KOMIPO and Solon Corporation, another contractor. Solon’s bid was not among the top two proposals. The Minutes also reflect that McCarthy’s Phoenix solar division had submitted a proposal for the project. However, McCarthy had only submitted a proposal for the Solon bid. Boulder City does not maintain audio archived or full transcript minutes of the Boulder City Council Meetings. McCarthy’s in-house counsel, Matthew Lawson, confirmed that McCarthy has no contract with KOMIPO.

McCarthy which had a solar division in Phoenix and which had submitted a proposal to one of the companies (SOLON) that submitted a proposed bid for the lease in response to the RFP. The second disclosure involved KOMIPO. Walker disclosed that, although McCarthy never had any contact with KOMIPO, McCarthy was listed as one of seven potential local contractors in KOMIPO's proposal. Based upon these two disclosures and a discussion with the City Attorney, Walker was advised he was allowed to participate and vote on the Solar Project agenda item.

- 8) During the September 27, 2011 City Council Meeting, Walker voted based upon the advice of City Attorney Olsen. Olsen advised Walker that he need not continue to disclose his employment relationship with McCarthy or abstain from voting on KOMIPO matters during future City Council meetings unless McCarthy engaged in more significant contact with KOMIPO beyond just being listed as a potential general contractor.
- 9) The City Council discussed the two proposals by Samsung and KOMIPO and highlighted some differences.
- 10) Walker moved to direct staff to continue discussions with the top two proposals and present Samsung's and KOMIPO's proposals in a worksheet for evaluation of their "Best and Final Offers." The motion carried unanimously.

c. *October 25, 2011 Boulder City Council Meeting*

- 1) On or about October 3, 2011, Samsung and KOMIPO submitted their Best and Final Offers for the Solar Project.
- 2) During its October 25, 2011 meeting, the City Council considered the October 13, 2011 Staff Report regarding the Best and Final Offers.
- 3) Council Member Duncan McCoy moved to rate KOMIPO's proposal first and Samsung's proposal as second, and direct staff to enter into negotiations accordingly. Walker requested the motion be amended to include a requirement that staff provide a status report to the Council within 30 days. The motion was amended and passed unanimously.

- 4) There having been no change of circumstances related to McCarthy's involvement in the KOMIPO proposal since the September 27, 2011 City Council Meeting and acting upon the advice of City Attorney Olsen, Walker did not restate or reaffirm his prior disclosure regarding his employment with McCarthy and voted on the KOMIPO agenda item.

d. *November 22, 2011 Boulder City Council Meeting*

- 1) At the November 22, 2011 regular City Council meeting, City Manager Vicki Mayes provided a purely informational update to the Council regarding negotiations with KOMIPO.
- 2) There having been no change of circumstances related to McCarthy's involvement in the KOMIPO proposal since the September 27, 2011 City Council Meeting and acting upon the advice of City Attorney Olsen, Walker did not restate or reaffirm his prior disclosure regarding his employment with McCarthy, and no vote occurred.

e. *November 30, 2011 Special Boulder City Council Meeting*

- 1) At the Special Meeting to introduce Bill No. 1684, an Ordinance of the City of Boulder City approving Agreement No. 11.1401 between the City of Boulder City and KOMIPO for the development of a solar energy facility in the Eldorado Valley, Councilmember McCoy introduced the Bill and waived the reading of the same. Bill No. 1684 would be considered again at the December 13, 2011 regular City Council Meeting.
- 2) The introduction of the Bill was a procedural event to formally put the bill forward for consideration during a future meeting. Again, there having been no change of circumstances related to McCarthy's involvement in the KOMIPO proposal since the September 27, 2011 City Council Meeting and acting upon the advice of City Attorney Olsen, Walker did not restate or reaffirm his prior disclosure regarding his employment with McCarthy. As this meeting was procedural, no vote occurred.

f. *December 13, 2011 Boulder City Council Meeting*

- 1) At the December 13, 2011 City Council meeting, Finance Director Shirley Hughes presented key points of the KOMIPO Lease Agreement.

- 2) The entire City Council voted to approve Bill No. 1684 regarding the KOMIPO Lease Agreement, and award KOMIPO the contract to use best efforts to build the solar facility.
- 3) There having been no change of circumstances related to McCarthy's involvement in the KOMIPO proposal since the September 27, 2011 City Council Meeting and acting upon the advice of City Attorney Olsen, Walker did not restate or reaffirm his prior disclosure regarding his employment with McCarthy. As such, Walker participated in the vote and made no additional disclosures.

g. *March 13, 2012 Boulder City Council Meeting*

- 1) At the March 13, 2012 City Council Meeting, the Council considered an adjustment in KOMIPO's Lease Agreement (Agreement 11-1401) to have KOMIPO construct a 2 megawatt power plant or accept 2 megawatts of patterned output from a photovoltaic plant, both at no cost to the City.
- 2) Sometime after the December 13, 2011 meeting and before the March 13, 2012 meeting, at KOMIPO's request, McCarthy provided information to KOMIPO regarding its qualifications to construct the solar facility ("qualification information").
- 3) Given that circumstances had changed wherein McCarthy had now been contacted by KOMIPO, Walker disclosed the foregoing but affirmed that there were no agreements or contracts in place and that he did not have any personal pecuniary interest or involvement in the discussions between the Phoenix office of McCarthy and KOMIPO. The meeting minutes reflect the following:

Council member Walker disclosed his employer, McCarthy Building Companies, had a division outside of Phoenix and has met [with] KOMIPO [regarding possible collaboration]; there were no agreements or contracts in place and he did not have a personal pecuniary interest in the matter. City Attorney Olsen advised Council member Walker that disclosure was sufficient and that Walker could participate in [the] discussion and vote on the item.

(Minutes March 13, 2012).

- 4) As noted in the Minutes, it was determined by the City Attorney that the disclosure was sufficient and Walker would be able to participate in the discussion and vote on the Agenda Item. After obtaining affirmation from the City Attorney that the additional disclosure was sufficient and he would be able to participate, Walker participated and voted on the item consistent with all other council members.
- 5) At the meeting, Walker stated he would support either option, to build the power plant or supply 2 megawatts of power. Walker provided information that KOMIPO would not be eligible for a tax abatement that was otherwise available for providing energy directly to a public source. He also stated that 2 megawatts of power would satisfy approximately 10 percent of the City's average daily use.
- 6) After discussion, Councilmember McCoy made a motion to accept 2 megawatts of patterned output for a photovoltaic plant. The motion was unanimously passed.

h. June 26, 2012 Boulder City Council Meeting

- 1) At the June 26, 2012 City Council Meeting, there were seven items placed on the Consent Agenda. Consent Agenda Item number 6 involved KOMIPO.
- 2) Boulder City Engineer Jim Keane submitted a staff report with the Agenda Packet. The resolutions on the Consent Agenda were: Resolution No. 5934, approving Agreement No. 11-1401A, an Assignment, Assumption and Novation Agreement wherein KOMIPO, as assignor, unconditionally transferred and assigned all of its benefits, burdens, rights, duties and obligations under Lease Agreement No. 11-1401 to Boulder Solar Power, LLC;³ and Resolution No. 5935, approving Agreement No. 12-1424, and Estoppel Certificate and Consent to Assignment in support and furtherance of Assignment, Assumption and Novation Agreement No. 11-1401A between KOMIPO and Boulder Solar Power, LLC.

³ A wholly owned subsidiary of KOMIPO.

- 3) When Consent Agenda item Number 6 was called and, prior to any vote on the matter, Walker again disclosed that McCarthy had submitted qualification information to KOMIPO and questioned City Attorney Olsen regarding whether McCarthy's qualifications proposal now created a conflict. He was advised by Olsen that Walker's disclosure regarding McCarthy's qualifications proposal was sufficient and that he could vote on the item. The minutes reflect the following:

Council member Walker disclosed his employer had submitted a proposal for construction of the KOMIPO project and questioned whether he had a conflict with Item No. 6 [on the Consent Agenda]. City Attorney Olsen advised disclosure was sufficient; Council member Walker could vote on the item.

(Minutes, June 26, 2012).

- 4) The Consent Agenda passed unanimously.

i. **Solar Project Status**

- 1) During the relevant period between September 27, 2011 and June 26, 2012, the Solar Project was in the initial planning stage. KOMIPO was engaging in various regulatory procedures before beginning any design proposals to construct the solar power plant, which would necessitate negotiations with a construction company such as McCarthy.
- 2) Other than a bid qualifications proposal provided by McCarthy, no negotiations occurred between McCarthy and KOMIPO, and no agreement was or has been executed between the companies regarding the Solar Project. To date, the Solar Project remains in the initial planning stages.

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

- a. Each of the findings of fact enumerated in section 4 of this Stipulated Agreement is deemed to be true and correct.

- b. Walker holds public office which constitutes a public trust to be held for the sole benefit of the people of the State of Nevada (in particular, the people of the City of Boulder City).
- c. Walker had a commitment in a private capacity to the interests of McCarthy, his employer at the time. See NRS 281A.065(4).
- d. At the December 13, 2011 City Council meeting,⁴ Walker voted with the entire City Council to approve Bill No. 1684 regarding the KOMIPO Lease Agreement. However, Walker did not restate or reaffirm his prior disclosure regarding his employment with McCarthy.
- e. At the March 13, 2012 and June 26, 2012 City Council meetings, Walker disclosed the changed circumstances regarding his employer's (McCarthy) interests and proposed qualifications in KOMIPO's Lease Agreement, but participated and voted on agenda items affecting KOMIPO's contract.
- f. At the time of his actions, Walker relied in good faith upon the legal advice of the Boulder City Attorney, David Olsen, that his conduct was permissible.
- g. Walker now understands that he should have disclosed sufficient information regarding KOMIPO's publically identified potential business relationship with McCarthy, his employer, an entity to which he had a commitment in a private capacity, to inform the public of the nature and extent of his relationship. The disclosure should have occurred at every City Council meeting in which KOMIPO's proposal was considered. Walker further understands that he should have abstained from participating and voting during the City Council matters affecting KOMIPO's proposal after the time in which McCarthy's circumstances changed by submitting proposed qualifications to KOMIPO.
- h. Disclosures required by the Ethics Law must occur "at the time the matter is considered." (NRS 281A.420(1)) The Ethics Law does not recognize a continuing disclosure or a disclosure by reference. The purpose of disclosure is to provide sufficient information regarding the conflict of interest to inform the

⁴The Commission considers only Walker's activities between December 2, 2011 and June 26, 2012 for the purpose of this Request for Opinion and this Stipulated Agreement and all allegations prior to that time period are dismissed. However the Commission analyzed the prior activity for clarity on the issues.

public of the nature and extent of the conflict and the potential effect of the action or abstention on the public officer's private interests. Silence based upon a prior disclosure at a prior city council meeting fails to inform the public of the nature and extent of the conflict at the meeting where no actual disclosure occurred. (See *In re Buck*, Comm'n Opinion No. 11-63C (2011) (holding that incorporation by reference of her prior disclosure even though based upon the advice of counsel, did not satisfy the disclosure requirements of NRS 281A.420(1)).

- i. The disclosure should have also included information regarding the potential effect of Walker's action or abstention on the agenda items and the effect it may have had on McCarthy's interests. See *In re Woodbury*, Comm'n Opinion No. 99-56, (1999), and *In re Derbidge*, Comm'n Opinion No. 13-05C (2013).
- j. A public officer's disclosure is important even where the conflict is remote in some aspects. In *In re Weber*, Comm'n Opinion No. 09-47C (2009), the Commission held:

In keeping with the public trust, a public officer's disclosure is paramount to transparency and openness in government. The public policy favoring disclosure promotes accountability and scrutiny of the conduct of government officials...Such disclosures dispel any question concerning conflicts of interest and may very well ward off complaints against the public officer based on failure to disclose.

- k. To promote integrity in public service, the Commission is concerned with situations involving public officers that create the appearance of impropriety and conflicts of interest, as well as actual impropriety and conflicts. (See *In re Maltman*, Comm'n Opinion No. 12-66A (2012)).
- l. Although the nexus between McCarthy and KOMIPO was attenuated because no contact had occurred between the two companies until after the December 13, 2011 vote when McCarthy submitted its qualification information to KOMIPO, the disclosure provisions of the Ethics Law still apply. It is the avoidance of conflict and appearance of impropriety, even though actual impropriety is lacking, that the Ethics Law requires. (See *In re Collins*, Comm'n

Opinion No. 11-78A)). Therefore, Walker should have disclosed the perceived conflict regarding KOMIPO and McCarthy on December 13, 2011.

- m. The December 13, 2011 meeting was critical pertaining to disclosure. At this meeting, the City Council awarded KOMIPO the contract regarding the Solar Project. If the City Council had rejected KOMIPO's proposal, McCarthy's potential to be a general contractor for KOMIPO on the project would have ceased to exist. While the prior City Council meetings necessitated disclosure based upon Walker's commitment in a private capacity to McCarthy, this meeting was critical to the advancement of McCarthy's interests in the Solar Project through KOMIPO's proposal. This vote to provide KOMIPO the contract created the turning point for McCarthy's potential interest in the project, as the Solar Project took its first step forward. Prior to KOMIPO being awarded the contract for the Solar Project, KOMIPO had no need to enter into discussions with McCarthy because being awarded the Solar Project was too speculative.
- n. Walker should have abstained from participating and voting on the KOMIPO matters during the March 13, 2012 and June 26, 2012 meetings based upon the change in circumstances between KOMIPO and McCarthy. Although the Solar Project was in its initial stages and it was not certain whether construction would ever commence, McCarthy had begun discussions with KOMIPO regarding the Solar Project through submission of its bid qualifications. Accordingly, Walker was required to disclose and abstain from participating and voting on the KOMIPO matters because his employer's interests had been identified and would have been materially affected by his vote. *See In re Ross*, Comm'n Opinion No. 09-10C (2010) (holding that Ross had a duty to disclose and abstain once he was aware of pending or impending negotiations between the entity with which he had a commitment in a private capacity and an entity seeking approval by City Council.)
- o. Before March 13, 2012, and June 26, 2012, McCarthy had formalized its interest in pursuing its construction agreement with KOMIPO. As a member of the City Council, Walker's ability to vote on matters affecting KOMIPO's Lease Agreement to potentially benefit his employer's interests created a conflict of

- interest requiring abstention pursuant to NRS 281A.420(3). See *In re Ross*, Comm'n Opinion No. 09-10C (2010) (holding that when Ross voted for a financing resolution regarding a city project, the Commission found that Ross's vote would have been affected by his commitment in a private capacity to the interest of the union members, even though it was not certain when or if the city hall project would be confirmed.)
- p. Walker should have disclosed the perceived conflict regarding KOMIPO and McCarthy during the December 13, 2011 City Council meeting and abstained from participating and voting during the March 13, 2012 and June 26, 2012 City Council meetings. His failure to disclose and abstain during those meetings constitutes a course of conduct related to the same matter resulting in a single non-willful violation of the Ethics Law, implicating NRS 281A.420(1) and (3) as set forth below.
 - q. Although Walker's conduct in failing to disclose and abstain would otherwise be deemed intentional and knowing and, therefore, "willful," NRS 281A.170 obligates the Commission to consider whether the mitigating factors set forth in NRS 281A.475 and NRS 281A.480(5)(a) and (b) support a determination that the violation was not willful and whether a civil penalty should be imposed pursuant to NRS 281A.480.
 - r. Based upon the consideration and application of the statutory criteria set forth in NRS 281A.475 and NRS 281A.480(5)(a) and (b), the Commission concludes that Walker's violation in this case should not be deemed a "willful violation" pursuant to NRS 281A.170 and the imposition of a civil penalty pursuant to NRS 281A.480 is not appropriate for reasons that follow:
 - 1) As stated previously, the failures to disclose and abstain are, in this instance, of such a nature, circumstance, extent or gravity as to be deemed part of a well-intentioned, good faith effort by Walker to fulfill his obligation and duty to further his service to the citizens of Boulder City as their elected representative on the City Council.
 - 2) Walker has not previously been the subject of any violation of the Ethics Law.

- 3) Walker received no personal financial gain as a result of his conduct and, given the state of negotiations, his employer did not receive any financial gain.
 - 4) Walker relied in good faith upon the advice of the Boulder City Attorney that his disclosure and abstention was not necessary. NRS 281A.420(1) and (3) attempt to ensure that the public is best served without any improper interference or influence during a City Council meeting. Public officers have an obligation to fully disclose their commitments in a private capacity to the interests of their employers when a matter under consideration by the public body would be reasonably affected by that commitment, and to abstain from voting on issues that materially impact the person or entity to whom they have a commitment in a private capacity. *See In re Ross*, Comm'n Opinion No. 09-10C (2010) (holding that Ross had a duty to disclose and abstain when the entity to which he had a commitment in a private capacity entered into negotiations or impending negotiations with an entity before the City Council). The Commission is satisfied that Walker did not intend to violate NRS 281A.420(1) and (3), but rather relied upon Counsel's advice pertaining to disclosure and abstention issues.
 - 5) Walker has been diligent to cooperate with and to participate in the Commission's investigation and analysis, as well as the resolution process.
- s. This Stipulated Agreement depends on and applies only to the specific facts, circumstances and law related to this RFO and Amended Notice now before the Commission. Any 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.
 - t. This Stipulated Agreement is intended to apply to and resolve all matters relating to the KOMIPO and McCarthy matters referenced in this RFO and Amended Notice.

u. This Stipulated Agreement is intended to apply to and resolve only this specific proceeding before the Commission and is not intended to be applicable to or create any admission of liability for any other proceeding, including administrative, civil, or criminal regarding Walker.

6. **WAIVER:**

a. Walker knowingly and voluntarily waives a full hearing before the Commission on the allegations in this RFO and Amended Notice (No. 13-43C) and of any and all rights he may be accorded pursuant to NRS Chapter 281A, the regulations of the Commission (NAC Chapter 281A), the Nevada Administrative Procedure Act (NRS Chapter 233B), and the laws of the State of Nevada.

b. Walker knowingly and voluntarily waives his right to any judicial review of this matter as provided in NRS 281A, NRS 233B or any other provision of Nevada law.

7. **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 Commission on April 16, 2014.

DATED this 19 day of May, 2014.



Cam Walker

The above stipulated agreement is approved by:

FOR CAM WALKER, Subject

DATED this 19 day of May, 2014.



Brian R. Hardy, Esq.
Counsel for Subject

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FOR CAREN CAFFERATA-JENKINS,
Executive Director, Commission on
Ethics


DATED this 27 day of May, 2014.



Jill C. Davis, Esq.
Associate Counsel

FOR NEVADA COMMISSION ON
ETHICS

DATED this 27th day of May, 2014.



Yvonne M. Nevarez-Goodson, Esq.
Commission Counsel

The above stipulated agreement is accepted by the Commission.⁵

DATED April 16, 2014.

By: /s/ Paul H. Lamboley
Paul H. Lamboley
Chairman

By: PANEL MEMBER
Gregory J. Gale
Vice-Chairman

By: /s/ John C. Carpenter
John C. Carpenter
Commissioner

By: PANEL MEMBER
Magdalena Groover
Commissioner

By: /s/ Timothy Cory
Timothy Cory
Commissioner

By: /s/ Cheryl A. Lau
Cheryl A. Lau
Commissioner

By: /s/ James M. Shaw
James M. Shaw
Commissioner

By: /s/ Keith A. Weaver
Keith A. Weaver
Commissioner

⁵ Pursuant to NRS 281A.220, members of the Investigatory Panel are precluded from participating in any further proceedings of the Commission relating to this matter. Accordingly, Commissioners Gale and Groover did not participate in the resolution of this Stipulated Agreement.