



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Neoma Jardon**, Former Member,
City Council, Ward 5, City of Reno,
and Former Chair, Regional
Transportation Commission Washoe,
State of Nevada,

Ethics Complaint
Case No. 22-098C

Subject. /

STIPULATED AGREEMENT

1. **PURPOSE:** This Stipulated Agreement resolves Ethics Complaint Case No. 22-098C before the Nevada Commission on Ethics ("Commission") concerning Neoma Jardon ("Jardon"), Former Reno City Councilmember and Former Chair of the Regional Transportation Commission Washoe.
2. **JURISDICTION:** At all material times, Jardon was a public officer as defined in NRS 281A.160 or a former public officer within one year of departing public service. 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 Jardon in this matter.
3. **PROCEDURAL HISTORY BEFORE COMMISSION:**
 - a. On or about August 17, 2022, the Commission received a Complaint alleging various violations of NRS Chapter 281A by Jardon.
 - b. The Commission issued its *Order on Jurisdiction and Investigation* on September 29, 2022, directing the Executive Director to investigate alleged violations of NRS 281A.410, and to issue a *Notice of Additional Issues and Facts* regarding Jardon's alleged conduct pertaining to NRS 281A.400(1), (2), (10) and NRS 281A.550.
 - c. On or about September 29, 2022, the Executive Director served notice accordingly.

d. On or about November 14, 2022, Jardon provided a written response to the allegations. On or about January 23, 2023, Jardon provided a supplemental written response.

e. On or about February 7, 2023, Jardon waived the Review Panel process in order to proceed to the Commission to consider a Stipulated Agreement.

f. In lieu of an adjudicatory hearing before the Commission, Jardon and the Commission now enter into this Stipulated Agreement (“Agreement”).

4. STIPULATED FACTS:

a. Jardon has served as a City Council member for the City of Reno (“City”) since 2012 and was most recently elected in 2020 for a term of four years.

b. As part of her City Council duties, Jardon also served as a member of the Washoe Regional Transportation Commission (RTC) board.

c. The *Downtown Reno Partnership* (“Partnership”) is the business name for the non-profit corporation, *Downtown Reno Business Improvement District*. The Partnership was engaged by the City to provide services as specified in that certain professional services agreement dated May 23, 2018 in connection with the Business Improvement District (“BID”) established by Ordinance 6455 (the “Agreement”). As a member of the City Council, Jardon abstained from voting on the approval of the Agreement.

d. In addition to the professional services agreement with the City, RTC and Partnership entered into a Contribution Agreement on November of 2021 for certain services to be provided through calendar year 2024.

e. Jardon served on the RTC board at the time the contract between RTC and Partnership was executed.

f. The City announced Jardon’s resignation in a news release posted on the City’s website on August 8, 2022. The post also stated that the August 10, 2022 City Council meeting would be her last meeting.

g. She was serving as Chair of RTC at the time of her hiring by Partnership and resignation from the Reno City Council.

h. Jardon has not presented on any matters before the City or the RTC since starting her new position at the Partnership.

i. Jardon's annual salary as executive director of the DRP is greater than her annual compensation as a member of the City Council.

5. TERMS / CONCLUSIONS OF LAW: Based on the foregoing, Jardon 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. Jardon's actions constitute a single course of conduct resulting in one non-willful violation of the Ethics Law, implicating the provisions of NRS 281A.550(5).

c. The Commission dismisses the allegations implicating NRS 281A.400(1), (2), (10), and NRS 481A.410.

d. Based upon the consideration and application of the statutory mitigating criteria set forth in NRS 281A.775, the Commission concludes that Jardon's violation in this case should be deemed a non-willful violation pursuant to NRS 281A.775 and the imposition of a civil penalty is not appropriate for the following reasons:

- 1) **Seriousness of Violation:** Although violations of the cooling off provisions of the ethics law can be serious, there is no evidence in this case that Jardon took specific actions as a public officer in exchange for private employment or otherwise used public resources to acquire her new position.
- 2) **Previous History:** Jardon has not previously been the subject of any violation of the Ethics Law or previous ethics complaints.
- 3) **Cost of Investigation and Proceedings:** Jardon was diligent to cooperate with and participate in the Commission's investigation and resolution of this matter. Because Jardon was willing to resolve the matter prior to a review panel determination, minimal costs were incurred for Commission proceedings.
- 4) **Mitigating Factors Such as Self-Reporting or Correction:** Jardon pursued legal advice on several issues related to her departure from the City and beginning her service at the Partnership. In doing so, she showed good faith in attempting to comply with various aspects of public service law. The investigation revealed that she has been diligent in not presenting before or otherwise lobbying members of her former public bodies.
- 5) **Financial Gain:** Although Jardon earns more annually as executive director of the DRP than she did as a council member, there is no evidence that she would not have obtained the increase compensation

but for the violation described here; to the contrary, Jardon had substantial experience relevant to her role as executive director of the DRP, including but not limited to her lengthy representation of Ward 5, making her an attractive candidate for the position.

6) Other factors justice requires: The Ethics Law permits a public officer or employee to request relief from the strict requirements of the cooling off provisions in NRS 281A in certain circumstances. Although Jardon did not properly seek relief, the following facts are in her favor so that had she sought relief, it may have been granted:

A. The Partnership is a unique entity. It was established by interested landowners specifically to work in support of the BID, which was created by the City. As such, it has no marketplace competitors for its services that are now at a disadvantage because of Jardon's employment. This nature of this type of public/private partnership means there are not open competitors for these contracts at this time.

B. The services provided are quasi-public such as city beautification and services of vulnerable populations.

C. The investigation did not reveal that Jardon used her public office or resources to unfairly secure the position. Jardon recused herself from the executive director hiring decision as a DRP Board member, and she was a competitive candidate based on significant relevant professional attributes, including her service on the City Council. This is clear evidence of her intent to maintain ethical integrity of the process and the merits of her hiring.

D. Jardon had no knowledge of Alex Stettinski's departure as executive director of the DRP when she voted to approve the Contribution Agreement. She did not learn of his departure until July 11, 2022.

e. Jardon agrees to a civil penalty of \$3,060.00, pursuant to NRS 281A.790(3), to be paid in one lump sum by April 3, 2023 or in monthly payments on a payment schedule established by the Executive Director.

f. Jardon agrees to comply with the Nevada Ethics Law for the duration of her cooling off period which is one year from her departure from the City and RTC.

g. This Agreement depends on and applies only to the specific facts, circumstances and law related to the Ethics Complaint, the Order on Jurisdiction and

Investigation, and the Notice of Additional Issues and Facts 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.

h. This 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 Jardon. 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.

6. WAIVER

a. Jardon knowingly and voluntarily waives her right to a hearing before the full Commission on the allegations in Ethics Complaint Case No. 22-098C and all rights she 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. Jardon knowingly and voluntarily waives her 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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7. **ACCEPTANCE:** We, the undersigned parties, have read this Stipulated 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 February 15, 2023.¹

DATED this _____ day of _____, 2023.

Neoma Jardon

FOR NEOMA JARDON
Subject

DATED this 21 day of February, 2023.



Lucas Foletta, Esq.
Counsel for Subject

FOR ROSS E. ARMSTRONG, ESQ.
Executive Director
Nevada Commission on Ethics

DATED this _____ day of _____, 2023.

Elizabeth J. Bassett, Esq.
Associate Counsel
Nevada Commission on Ethics

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 her character, alleged misconduct, professional competence, or physical or mental health.

7. **ACCEPTANCE:** We, the undersigned parties, have read this Stipulated 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 February 15, 2023.¹

DATED this 22nd day of Feb, 2023.



Neoma Jardon


FOR NEOMA JARDON
Subject

DATED this _____ day of _____, 2023.

Lucas Foletta, Esq.
Counsel for Subject

FOR ROSS E. ARMSTRONG, ESQ.
Executive Director
Nevada Commission on Ethics

DATED this 22 day of Feb, 2023.



Elizabeth J. Bassett, Esq.
Associate Counsel
Nevada Commission on Ethics

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 her character, alleged misconduct, professional competence, or physical or mental health.

Approved as to form by:

FOR NEVADA COMMISSION ON ETHICS

DATED this 22nd day of February, 2023.

/s/ Laena St-Jules
Laena St-Jules, Esq.
Deputy Attorney General

The above Stipulated Agreement is accepted by the Nevada Commission on Ethics²:

DATED this 22nd day of February, 2023.

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

By: /s/ James Oscarson
James Oscarson
Commissioner

By: DISSENTED
Brian Duffrin
Vice-Chair

By: /s/ Thoran Towler
Thoran Towler, Esq.
Commissioner

By: /s/ Barbara Gruenewald
Barbara Gruenewald, Esq.
Commissioner

By: ABSENT
Damian R. Sheets, Esq.
Commissioner

By: DISSENTED
Teresa Lowry, Esq.
Commissioner

² Commissioner Amanda Yen disclosed she is a partner at the law firm McDonald Carano, which represents the Subject in this matter. After consultation with Commission Counsel, Commissioner Yen abstained from participation in this matter based upon this relationship and application of the Ethics Law and the Code of Judicial Conduct to the disclosed conflict.