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Ethics Complaint Filed Against Senator Warren Hardy

*Complaint alleges widespread violations of Nevada's Code of
Ethical Standards dating to Senator Hardy's first term*

Las Vegas – Today, Richard B. Miller, a Henderson resident, filed an ethics complaint with the Nevada Commission on Ethics against Senator Warren Hardy. The complaint alleges systemic violations of Nevada's Code of Ethical Standards dating from Senator Hardy's first term in office and continuing through the 2007 legislative session.

The complaint alleges Senator Hardy violated Nevada's Code of Ethical Standards by voting on matters that materially benefit members of the Associated Builders and Contractors, Las Vegas Chapter ("ABC-Las Vegas"), one of the largest construction contractor associations in the state. Senator Hardy is the salaried President of ABC-Las Vegas.

The complaint also alleges that Senator Hardy has failed to properly disclose his private commitments as President of ABC-Las Vegas prior to voting on construction industry bills that have come before him in the Senate.

"Over the past three legislative sessions Senator Hardy has repeatedly and inappropriately taken action on items that provide a benefit to him personally and to members of ABC Las Vegas Chapter, all without proper disclosure," stated Richard Miller, the constituent who filed the complaint.

Mr. Miller is a resident of the Sun City Anthem Community, where homeowners have been plagued by construction defects, including Kitec plumbing fixtures that have leaked and burst. Mr. Miller filed the complaint after he learned that Senator Hardy had supported legislation in the Senate that made it more difficult for homeowners to sue for construction defects and that barred the State Contractors' Board from

disseminating information to the public on the number of complaints that had been filed against home-builders. The complaint alleges that Senator Hardy voted on both of these bills without disclosing the interest of ABC-Las Vegas contractors in the outcome.

“Senator Hardy has repeatedly failed to conform his conduct to the requirements of the Nevada Code of Ethical Standards throughout his tenure in the Senate,” continued Miller.

The Complaint alleges that Senator Hardy violated state law by failing to disclose his private interests while voting on over a dozen bills during the 2003, 2005 and 2007 legislative sessions. These bills include:

- SB 509 (2007 session): Senator Hardy killed this bill in the Senate Commerce and Labor Committee after the Assembly amended it to require contractors to pay “prevailing wages” on a broader category of public construction projects. Senator Hardy did not reveal that ABC-Las Vegas contractors stood to lose financially if the bill were passed or that ABC-Las Vegas was actively lobbying against the bill. Acting as President of ABC-Las Vegas, Senator Hardy later sent out a fundraising letter to ABC-Las Vegas members trumpeting “ABC-Las Vegas’s” defeat of SB 509.
- SB 279 (2007 session): SB 279 prohibits the State Contractors’ Board from disclosing information to the public on the number of complaints that have been filed against contractors. Senator Hardy led the opposition in the Senate against the original version of the bill, which would have *permitted* the State Contractors’ Board to make this important information public. Senator Hardy did not disclose his private role as President of ABC-Las Vegas during the debate over the bill or explain why his private commitments to ABC-Las Vegas contractors did not require him to abstain.
- AB 110 (2007 session): This bill extended a property tax exemption for apprenticeship programs that are approved by the State. Senator Hardy was a joint sponsor of the bill. He did not disclose that ABC-Las Vegas runs a state-approved apprenticeship program and stood to gain financially by the extension of the property tax exemption.
- SB 467 (2005 session): This omnibus bill revised numerous aspects of the bidding process for public construction works. The bill was *drafted and introduced in the Senate by ABC-Las Vegas*. Senator Hardy admitted that he had drafted and introduced the bill in his private capacity as President of ABC-Las Vegas. Yet Senator Hardy did not recuse himself from voting on the bill when it came before the Senate.
- SB 241 (2003 session): SB 241 made substantial revisions to state law on construction defects. The bill requires homeowners to offer the contractor responsible for the construction defect an opportunity to repair the faulty work and makes it more difficult for homeowners to sue for such defects. Senator Hardy actively supported SB 241 in the Senate but failed to disclose his role as President of ABC-Las Vegas or ABC-Las Vegas’s lobbying in favor of the bill.

“Nevada law is clear that elected officials must disclose their private interests on the record and must recuse themselves when their independence of judgment would be materially affected by their private interests. We are urging the Nevada Commission on Ethics to demonstrate that even high-ranking officials like Senator Hardy must comply with these requirements. The violations of the law described in this Complaint are so numerous that they cannot be dismissed as mere isolated instances of bad judgment,” concluded Paul More, an attorney for the Mr. Miller.

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