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OFFICE OF
C.S.D. ENGINEERING & CAPITAL PROJECTS

Patricia D. and Robert D. Stitser
May 21, 2018

Michael W. Large
Deputy District Attorney
P.O. Box 11130
Reno, NV 89520

Doreen Ertell
Washoe County
Risk Management
P.O. Box 11130
Reno, NV 89520

Eric S. Crump
Director, Washoe
County Parks &
Open Space
P.O. Box 11130
Reno, NV 89520

Re: NRS 197.110 Felony
Violation to Allow Stilles
to Use Taxpayer Land
APN 039-220-21 for
their Personal Profit &
Recommendations for
Public Enjoyment of this
Priceless 1,493 Feet of
Truckee River Frontage

First, I would like to thank Deputy District Attorney Michael Large for his second cease and desist letter of May 3, 2018, to Mr. and Ms. Stille for their deliberate disregard of the first letter and the actions taken at the Parks Commission hearing on May 1, 2018.

A Public Officer Who Uses Public Property Under His Control or Direction for the Private Benefit or Gain of Another Person Is Guilty of a Felony: NRS 197.110 (2)

NRS 197.110 and the Attorney General's broad interpretation of the applicability of this criminal statute to safeguard public property

for public use is attached as Exhibit 1. The State Legislature is to be commended for passing this statute 100 years ago and putting the onus on the political enablers not just on the immoral beneficiaries who prey on the taxpayers.

It was suggested at the Parks Commission hearing on May 1, 2018, that another search should be made of the records of the Washoe County Parks Department to try to find written authority from the late and former Parks Director Gene Sullivan granting Mr. Stille authority to use this River front Park parcel APN 039-220-21 for Mr. Stille's private businesses. Gene was born in 1930. Thus, even if such a writing could be "found", it wouldn't be worth the paper it was written on. It would contemplate the performance of criminal acts and such contracts are null and void.

Parcel APN 039-220-21 Is Far Too Priceless as a Public Recreation Resource as It Can Never Be Replaced

This Parks Parcel has 1,493 feet of frontage access on the west and north side of foaming and bubbling River rapids with large submerged rocks providing eddies for browns and rainbows. On the west end of this parcel you can wade into the River and cast into the pools of trout feeding off the rich fresh water joining the Truckee from Hunter Creek. (The other side of the River is a disaster. The Lake Ditch runs there and you have to go clear to Dorostkar Park to get on a River trail on that side. Then at the far west end, you have to trespass on the Egan and DeRosa properties to get out to Aspen Glen Road.)

Or, at the Parcel you can just sit on a log on the expansive west end and be entranced by the sparkling riffles of the River and the songs of birds. Or, have a delightful box lunch at that special place.

The Parcel has 233 feet of frontage on old Mayberry road and is adjacent to the Tahoe-Pyramid bike trail. The Parks department

has an automatic watering system in Mayberry Park land just across the street. Thus, it is no big deal to provide water for trees and turf that are desirable for the Parcel.

It was suggested at the May 1, 2018, Parks Commission hearing that this unique parcel be sold. The Chairman said it was very difficult to acquire Park land like this, He is right.

Simple Things to Do to Give the Parcel Back to the Public:

1. Remove Trappings of the Stilles' Two Businesses,
2. Survey the Parcel, Install Corners & File Record of Survey,
3. Remove Fencing & Vegetation Designed to Keep Folks Out,
4. Install Chain Link Fence with No Private Access Around Boundaries with APN 039-220-35 and Parcels to the North Unless North Parcels Already Have Comparable Strong Fencing,
5. Bring in Water Service from Across Old Mayberry Road and Provide Irrigation to Desirable Vegetation,
6. Install Same Signs as at the End of Woodland Ave. in Mayberry Park--Rules for the Park and to Clean, Drain and Dry Equipment So Folks Know the Parcel Is Part of the Park.
7. Install Concrete Pad(s), Table(s) & Barbeque Stove(s) as in the Rest of Mayberry Park.

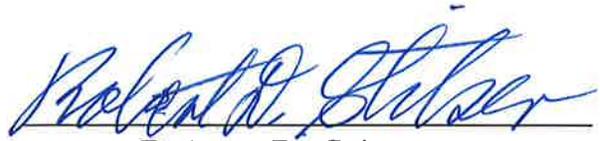
This past weekend, we took some photos relative to the above text. They are attached as Exhibit 2 and include: 1. the two businesses run on the Park Parcel (Weddings and other Paid Events, and Mulch Pads for the Stilles' Landscaping Business); 2. the Fencing, Dense Vegetation and Signing installed to keep the Public out of much of the Park Parcel; 3. Signs that should be put up on the Park Parcel to show folks it is part of their Park land; 4. and the unique vista of the River from the Parcel with bubbling rapids and the two islands--homes to ducks and geese.

Please put this letter in the record of this Stille-Private-Businesses-on-Mayberry-Park-Land matter; and please provide copies to members of the Open Space and Regional Park Commission.

Sincerely yours,



Patricia D. Stitser



Robert D. Stitser

cc.: Kelly Rae & Pamela Haberman
Kelly & Dave DeRosa
Robert & Carolyn Norman
Paige & Marshall Stevenson

EXHIBIT 1

EXHIBIT 1

View Previous Versions of the Nevada Revised Statutes

2017 Nevada Revised Statutes

Chapter 197 - Crimes By and Against the Executive Power of This State

NRS 197.110 - Misconduct of public officer.

Universal Citation: NV Rev Stat § 197.110 (2017)

Every public officer who:

1. Asks or receives, directly or indirectly, any compensation, gratuity or reward, or promise thereof, for omitting or deferring the performance of any official duty or for any official service which has not been actually rendered, except in case of charges for prospective costs or fees demandable in advance in a case allowed by law; or
2. Employs or uses any person, money or property under the public officer's official control or direction, or in the public officer's official custody, for the private benefit or gain of the public officer or another,

↪ is guilty of a category E felony and shall be punished as provided in NRS 193.130.

[1911 C&P § 66; RL § 6331; NCL § 10015] — (NRS A 1987, 1461; 1999, 2747)

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OFFICIAL OPINIONS OF THE ATTORNEY GENERAL - 1964

The following opinions have been furnished by this office in response to inquiries submitted by the various state officers and departments, district attorneys and city attorneys.

102 Nevada State Highway Department—Eyeglasses program benefits may not legally be extended to families of highway employees.

CARSON CITY, January 3, 1964

DR. ROBERT T. MYERS, *Secretary, Nevada State Board of Optometry, P.O. Box 2466, Reno, Nevada*

STATEMENT OF FACTS

DEAR MR. MYERS: The Nevada State Highway Department in sponsoring and promoting its overall safety program has initiated and is carrying on as a special phase thereof, a prescription glasses program for its employees. In that connection, the department, on December 28, 1959, outlined and disseminated a definite procedure to be followed by its employees in complying with the program, copies of which were furnished to all Highway Division Engineers in the State. The procedure directs that an office employee in each division office handle the program and asks that employees of the department have an eye examination by their eye doctors, after which completed examination forms are forwarded to a San Francisco optical company for filling the prescription in each case. It is understood that the price schedule of this company for doing this work is below that of local opticians, thereby resulting in a considerable saving to each person fitted. After fulfilling the prescriptions, the San Francisco company bills the Highway Department direct for the expenses incurred in each case, and the department then bills the employee who is requested to pay the department as soon as possible. No bills are paid out of or through Highway Department funds. According to information furnished this office, the program has been extended in several instances to members of the families of highway employees, which has given rise to substantially the inquiry hereinafter stated.

QUESTION

It is legal for the State Highway Department to extend the benefits of its safety program to others than its own employees?

ANALYSIS

Certain state administered programs designed for the protection, improvement or general welfare of state employees are sometimes adopted by states for the purpose of promoting health, safety, or various other beneficial results. But the benefits of these programs do not vest automatically in the general public nor to members of the families of such employees. As a general rule, families may share in these benefits only in cases where the law creating the program so provides. The reason for the rule is obvious. First

of all, members of families of state employees are not themselves employees of the State, and secondly, facilities of the State may not be used for the purpose of bestowing private benefits upon them. The facts hereinabove stated indicate that a financial benefit results to anyone acquiring eyeglasses pursuant to the program.

Furnishing these benefits to the families of state employees necessitates additional service by state employees at state expense, for which there is no legal authorization either by statute or court decision. On the contrary, an act of the Nevada Legislature of 1911 is apparently designed, among other things, to prevent practices of this nature. Under NRS 197.110, public officers are prohibited from using any person or property under his control or direction, or in his official custody, for the private gain or benefit of another.

CONCLUSION

It is the opinion of this office that the benefits of the prescription glasses program, carried on through the Nevada State Highway Safety Program, may not be legally extended to members of the families of state highway employees.

Respectfully submitted,

HARVEY DICKERSON, *Attorney General*

By C. B. TAPSCOTT, *Deputy Attorney General*

EXHIBIT 2

EXHIBIT 2

Event Entrance

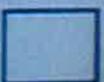


- Weddings
- Workshops
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INTERPRETIVE
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*Foot Path to
Down Stream Parks*



www.riverschoolfarm.org



WELCOME
to
Mayberry Park

Washoe County hopes you enjoy your visit to this and other County facilities.
While visiting this facility we ask that you observe the following rules:

- **Pets must be on leash.**
- **Pet waste must be cleaned up and placed in a trash receptacle.**
- **Fishing with a valid Nevada Fishing License only.**
- **Charcoal fires permitted in provided barbeque grills only.**
- **No amplified sound.**
- **Park hours sunrise to sunset**
- **Organized group activities by permit only.**

For questions or information please call 828-6612
www.washoecountyparks.com



WASHOE COUNTY
REGIONAL PARKS & OPEN SPACE





PREVENT THE SPREAD OF AQUATIC HITCHHIKERS



New Zealand Mud Snails are in the Truckee River



Also present in the Truckee River is Eurasian Watermilfoil

CLEAN, DRAIN AND DRY YOUR EQUIPMENT

This includes inner tubes, rafts, kayaks and waders before entering new waters. You can be part of the solution in preventing the spread of Aquatic Invasive Species. For more information, visit www.ndow.org

Participating in this effort:



HELP PROTECT OUR WATERWAYS





