



Nevada Commission on Peace Officer
Standards and Training

POST COMMISSION MEETING
MONDAY FEBRUARY 22, 2021@10:00AM

COMMISSION ON POST ADMINISTRATION BUILDING
5587 WA PAI SHONE AVE.
CARSON CITY, NV 89701

NOTICES

I. REGULARLY SCHEDULED MEETING AGENDA



STATE OF NEVADA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

5587 Wa Pai Shone Avenue
Carson City, Nevada 89701
(775) 687-7678 FAX (775) 687-4911

STEVE SISOLAK
Governor

MICHAEL D. SHERLOCK
Executive Director

NOTICE OF PUBLIC MEETING (NRS 241)

NOTICE IS HEREBY GIVEN THAT STARTING AT 10:00 A.M., MONDAY FEBRUARY 22, 2021, THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING WILL HOLD A REGULARLY SCHEDULED MEETING AT THE ADMINISTRATIVE OFFICE OF THE NEVADA PEACE OFFICER STANDARDS AND TRAINING, 5587 WA PAI SHONE AVE., CARSON CITY, NV 89701. **COMMISSIONERS MAY APPEAR TELEPHONICALLY.**

EMERGENCY COVID-19 NOTICE:

COMMISSION MEETING WILL BE CANCELLED AND RESCHEDULED IF TOO MANY MEMBERS OF THE PUBLIC ATTEND IN PERSON AND THE COMMISSION IS UNABLE TO ENSURE PROPER COVID-19 PROTOCOLS INCLUDING SOCIAL DISTANCING REQUIREMENTS (6 FEET DISTANCE) IMPOSED BY NEVADA GOVERNOR. MEMBERS OF THE PUBLIC ARE INVITED TO SUBMIT WRITTEN PUBLIC COMMENT WHICH WILL BE SUBMITTED INTO THE RECORD OF THE PUBLIC MEETING.

The agenda will include the following items. The Commission, at their discretion, may take items out of order, combine two or more agenda items for consideration, and remove an item from the agenda or delay discussion relating to an item on the agenda at any time. A request to have an item on the agenda heard out of order shall be made to the Commission's secretary prior to the commencement of the meeting. Prior to the commencement or conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual the Commission may refuse to consider public comment. See NRS 233B.126.

I. REGULARLY SCHEDULED MEETING AGENDA ITEMS

1. DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.

Approval of minutes from the November 17, 2020 regularly scheduled POST Commission Meeting

2. INFORMATION Executive Director's report.

- a. Training Division
- b. Standards Division
- c. Administration

3. DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.

Discussion on hiring, certification and annual training requirements for basic certificate applicants who are in a command or executive level position.

4. DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.

Discussion on proposed legislation in AB111 which Revises provisions relating to Peace Officers' Standards and Training Commission

5. DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.

Hearing pursuant to NAC289.290(1)(g) on the revocation of Antonio Munoz, Jr., formerly with the Las Vegas Metropolitan Police Department, certification(s) based upon felony convictions.

6. DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.

Hearing pursuant to NAC289.290(1)(e) on the revocation of Boris D. Santana, formerly with the North Las Vegas Police Department, certification(s) based upon a Gross Misdemeanor conviction.

7. DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.

Request from the State of Nevada Taxicab Authority for a 6-month extension pursuant to NRS 289.550 for their employee Raul Diaz to meet certification requirements.

8. DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.

Request from the Esmeralda County Sheriff's Office for a 6-month extension pursuant to NRS 289.550 for their employee Jacob Stritenberger to meet certification requirements.

9. PUBLIC COMMENTS

The Commission may not take action on any matter considered under this item until the matter is specifically included on an agenda as an action item.

10. DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.

Schedule upcoming Commission Meeting

11. DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.

Adjournment.

A notice of this meeting has been posted in compliance with NRS241.020 before 9:00am on the third working day before the meeting at the following locations:

POST Administrative Offices, Carson City
Carson City Sheriff's Office, Carson City
Elko Police Department, Elko
Las Vegas Metropolitan Police Department, Las Vegas
<http://post.nv.gov>
<http://notice.nv.gov>

NOTE: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Commission on Peace Officer Standards and Training at 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701 or call Kathy Floyd at (775) 687-7678, Ext. 3335, no later than 2 working days prior to the meeting.

I. REGULARLY SCHEDULED MEETING



STATE OF NEVADA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

5587 Wa Pai Shone Avenue
Carson City, Nevada 89701
(775) 687-7678 FAX (775) 687-4911

STEVE SISOLAK
Governor

MICHAEL D. SHERLOCK
Executive Director

NOTICE OF PUBLIC MEETING (NRS 241)

NOTICE IS HEREBY GIVEN THAT STARTING AT 10:00 A.M., MONDAY FEBRUARY 22, 2021, THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING WILL HOLD A REGULARLY SCHEDULED MEETING AT THE ADMINISTRATIVE OFFICE OF THE NEVADA PEACE OFFICER STANDARDS AND TRAINING, 5587 WA PAI SHONE AVE., CARSON CITY, NV 89701. **COMMISSIONERS MAY APPEAR TELEPHONICALLY.**

EMERGENCY COVID-19 NOTICE:

COMMISSION MEETING WILL BE CANCELLED AND RESCHEDULED IF TOO MANY MEMBERS OF THE PUBLIC ATTEND IN PERSON AND THE COMMISSION IS UNABLE TO ENSURE PROPER COVID-19 PROTOCOLS INCLUDING SOCIAL DISTANCING REQUIREMENTS (6 FEET DISTANCE) IMPOSED BY NEVADA GOVERNOR. MEMBERS OF THE PUBLIC ARE INVITED TO SUBMIT WRITTEN PUBLIC COMMENT WHICH WILL BE SUBMITTED INTO THE RECORD OF THE PUBLIC MEETING.

The agenda will include the following items. The Commission, at their discretion, may take items out of order, combine two or more agenda items for consideration, and remove an item from the agenda or delay discussion relating to an item on the agenda at any time. A request to have an item on the agenda heard out of order shall be made to the Commission's secretary prior to the commencement of the meeting. Prior to the commencement or conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual the Commission may refuse to consider public comment. See NRS 233B.126.

I. REGULARLY SCHEDULED MEETING AGENDA ITEMS

1. DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.

Approval of minutes from the November 17, 2020 regularly scheduled POST Commission Meeting

2. INFORMATION Executive Director's report.

- a. Training Division
- b. Standards Division
- c. Administration

3. DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.

Discussion on hiring, certification and annual training requirements for basic certificate applicants who are in a command or executive level position.

4. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**
Discussion on proposed legislation in AB111 which Revises provisions relating to Peace Officers' Standards and Training Commission
5. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**
Hearing pursuant to NAC289.290(1)(g) on the revocation of Antonio Munoz, Jr., formerly with the Las Vegas Metropolitan Police Department, certification(s) based upon felony convictions.
6. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**
Hearing pursuant to NAC289.290(1)(e) on the revocation of Boris D. Santana, formerly with the North Las Vegas Police Department, certification(s) based upon a Gross Misdemeanor conviction.
7. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**
Request from the State of Nevada Taxicab Authority for a 6-month extension pursuant to NRS 289.550 for their employee Raul Diaz to meet certification requirements.
8. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**
Request from the Esmeralda County Sheriff's Office for a 6-month extension pursuant to NRS 289.550 for their employee Jacob Stritenberger to meet certification requirements.
9. **PUBLIC COMMENTS**
The Commission may not take action on any matter considered under this item until the matter is specifically included on an agenda as an action item.
10. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**
Schedule upcoming Commission Meeting
11. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**
Adjournment.

A notice of this meeting has been posted in compliance with NRS241.020 before 9:00am on the third working day before the meeting at the following locations:

POST Administrative Offices, Carson City
Carson City Sheriff's Office, Carson City
Elko Police Department, Elko
Las Vegas Metropolitan Police Department, Las Vegas
<http://post.nv.gov>
<http://notice.nv.gov>

NOTE: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Commission on Peace Officer Standards and Training at 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701 or call Kathy Floyd at (775) 687-7678, Ext. 3335, no later than 2 working days prior to the meeting.

I. REGULARLY SCHEDULED MEETING AGENDA ITEMS

1. DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION

Approval of minutes from the November 17, 2020 POST Commission Meeting

1 STATE OF NEVADA

2 COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

3
4 A Workshop and Regularly Scheduled Meeting of
5 the Commission on Peace Officer Standards and Training was held
6 on November 17, 2020 commencing at 10:00 A.M. at 5587 Wa Pai
7 Shone Avenue, Carson City, Nevada.

8
9 COMMISSIONERS:

10 Jason Soto, Chairman

11 Kevin McKinney

12 Kelly McMahill

13 Michael Allen

14 Tim Shea

15 George Togliatti

16 Tyler Trouten

17 STAFF:

18 Kathy Floyd, POST F

19 Mike Jensen, Attorney General's Office

20 Mike Sherlock, POST F

21 ATTENDEES:

22 Adam Tippets

23
24
25 TRANSCRIBED BY: Marsha Steverman-Meech

INDEX	
ITEM:	PAGE:
I. WORKSHOP	
1. Call to order	4
2. Roll call of Commission Members	5
3. The Commission to consider possible revisions to NAC289.140, Minimum Standards of Training for Category I Peace Officers to add "The DWI Detection and Standardized Field Sobriety Testing and Advanced Roadside Impaired Driving Enforcement courses approved by the National Highway Traffic Safety Administration."	7
4. Public comment	8
II. REGULARLY SCHEDULED MEETING AGENDA ITEMS	
1. Approval of minutes from the August 13, 2020 regularly scheduled POST Commission meeting	11
2. Executive Director's Report	13
A. Training	13
B. Standards	13
C. Administration	13
3. The Commission to decide whether to continue the rulemaking process to amend NAC289.140 to add "The DWI Detection and Standardized Field Sobriety Testing and Advanced Roadside Impaired Driving Enforcement courses approved by the National Highway Traffic Safety Administration."	

	INDEX CONTINUED	18
1		
2	4. Hearing pursuant to NAC289.290 Subsection (1) (g) on the	
3	revocation of Gary R. Erickson, formally of the Mesquite	
4	Police Department, certifications based upon a felony	
5	conviction	20
6	5. Hearing pursuant to NAC289.290, Subsection (1) (g) on	
7	the revocation of Aaron M. Winder, formally of the	
8	Department of Health and Human Services Division of	
9	Public Behavioral Health, certification based on felony	
10	convictions	24
11	6. Request from the city of Las Vegas Department of Public	
12	Safety for their employee Deputy Chief Rhonda Adams for	
13	an Executive Certificate	29
14	7. Request from the Las Vegas Metropolitan Police	
15	Department for their employee Assistant Sheriff	
16	Christopher C. Jones for an Executive Certificate	30
17	8. Request from the Nye County Sheriff's office for their	
18	employee Captain David Boruchowitz for an Executive	
19	Certificate	31
20	9. Request from the Rural Justice Courts requesting a 6-	
21	month extension pursuant to NRS289.550 for their	
22	employee Aaron Starns to meet certification requirements	39
23	10. Request from Carson City Sheriff's office for a 6-month	
24	extension pursuant to NRS289.550 for their employee	
25	Bethany Wurster to meet certification requirements	41

INDEX CONTINUED

1		
2	11. Request from Carson City Sheriff's office for a 6-month	
3	extension pursuant to NRS289.550 for their employee	
4	Kendall Murphy to meet certification requirements	42
5	12. Request from Southern Nevada Adult Mental Health	
6	Services for a 6-month extension pursuant to NRS289.550	
7	for their employee Ghade Brooks to meet certification	
8	requirements	44
9	13. Request from Southern Nevada Adult Mental Health	
10	Services for a 6-month extension pursuant to NRS289.550	
11	for their employee Jeanette Cabagua to meet	
12	certification requirements	45
13	14. Request from Southern Nevada Adult Mental Health	
14	Services for a 6-month extension pursuant to NRS289.550	
15	for their employee Miranda Barnes to meet certification	
16	requirements	46
17	15. Request from Southern Nevada Adult Mental Health	
18	Services for a 6-month extension pursuant to NRS289.550	
19	for their employee Juan A. Molina to meet certification	
20	requirements	47
21	16. Public Comments	48
22	17. Schedule Upcoming Commission Meeting	48
23	18. Adjournment	51
24		

1 PROCEEDINGS

2 CHAIRMAN SOTO: Good morning everybody. We'll
3 call this meeting to order. This is Chief Jason Soto, Reno
4 Police Department, and the POST Commission Meeting and Workshop
5 is November 17, 2020, and it's 1002 hours. Again, for the
6 record, this is Chief Jason Soto, POST Chairman. I'll turn this
7 over to Kathy Floyd on postings and open meeting law.

8 CHIEF FLOYD: The public comment or -- I'm
9 sorry, the workshop, the regularly scheduled meeting notices are
10 posted at the POST Administrative Building in Carson City, the
11 Carson City Sheriff's Office, Las Vegas Metro Police Department,
12 and the White Pine County Sheriff's Office in Ely. An email to
13 all agency point of contacts and agency administrators on the
14 POST listserve. Other's notices have been posted electronically
15 on the post website, postnv.gov, and the Nevada public notice
16 website as noted on nv.gov.

17 CHAIRMAN SOTO: Okay, thank you. I'm going to
18 ask everybody that's on the phone to mute your phone that's not
19 speaking. We're getting a lot of background noise from
20 somebody. I'm going to start off with roll call. I'll start
21 with myself, Jason Soto, Reno PD. I'm going to move around the
22 room, and then I'll go through those on the phone line.

23 COMMISSIONER ALLEN: Humboldt County Sheriff
24 Mike Allen. Elko PD Chief Ty Trouten.

1 MR. JENSEN: Mike Jensen, Attorney General's
2 office.

3 MR. SHERLOCK: Mike Sherlock from POST.

4 CHIEF FLOYD: Kathy Floyd from POST.

5 CHAIRMAN SOTO: Okay, now I'm going to move to
6 the phone and be kind of tricky, but I guess we'll just try and
7 do it one at a time. Do we have Togliatti on the phone?

8 COMMISSIONER TOGLIATTI: I'm here.

9 CHAIRMAN SOTO: Okay. How about Tim Shea?

10 COMMISSIONER SHEA: Yeah, I'm here.

11 CHAIRMAN SOTO: Kevin McKinney?

12 COMMISSIONER MCKINNEY: I'm here.

13 CHAIRMAN SOTO: Adam Tippets?

14 LIEUTENANT TIPPETS: I'm here.

15 CHIEF FLOYD: Kelly McMahill. Kelly McMahill.

16 CHAIRMAN SOTO: Kelly McMahill?

17 COMMISSIONER MCMAHILL: Kelly McMahill. I'm
18 here.

19 CHAIRMAN SOTO: Okay. I think that's it. Did I
20 miss anybody? All right. Thank you very much. Thanks for
21 being here. We're going to begin with the workshop. The
22 purpose of this workshop is to solicit comments from interested
23 persons on the following general topics that may be addressed in
24 the proposed regulations. A workshop has been previously
25 noticed pursuant to the requirements within NRS Chapter 233B,

1 Subsection A, the Commission to discuss revisions to NAC289.140,
2 Minimum Standard of Training for Category I Peace Officers to
3 add "The DWI Detection and Standardized Field Sobriety Testing
4 and Advanced Roadside Impaired Driving Enforcement courses
5 approved by the National Highway Traffic Safety Administration."
6 I'm going to turn this over to Mike Sherlock for an explanation.

7 MR. SHERLOCK: Thank you, Mr. Chairman. Mike
8 Sherlock for the record. As all of you know, with the
9 decriminalization of recreational use of marijuana, there's been
10 some concern over what the Commission mandates as it relates to
11 basic training and impaired driving. After staff met with the
12 administrator of the office of traffic safety, we discovered
13 that there was a push on the legislative side to mandate
14 specific DUI training via the NRS. We agreed that -- you know,
15 as we've learned over history that that's probably not the most
16 efficient way of dealing with some of these training issues and
17 it was suggested that the Commission take a look at the NAC as
18 it relates to basic training and DUI requirements and felt that
19 that was more efficient and a flexible way of ensuring that the
20 training needed is met. So with this workshop, we're looking at
21 the possibility of adding ARIDE to the current DUI SFST
22 requirements and our basic training requirements. I would
23 simply say that most of our academies have already embraced
24 this. They already include ARIDE in many of them. There is a
25 huge overlap in current curriculum with SFST and the current

1 ARIDE curriculum. So taking a look just at the POST Academy for
2 us to include the ARIDE curriculum would add about eight hours
3 to our Academy, but we would absorb that it wouldn't change the
4 total number of hours so it's not a big change from our
5 perspective. So we would not be opposed to and would actually
6 recommend that we update our NACs to correct that. After you
7 receive comments, Mr. Chairman, I do have some public comment
8 that was sent to us in a written form that has been asked for me
9 to read into the record and I can do that once we get to public
10 comment on this workshop.

11 CHAIRMAN SOTO: Do we have any questions or
12 comments from any of our commissioners? Okay. Any public
13 comment on the issue? (Inaudible) workshop --

14 MR. SHERLOCK: I'm sorry, Mr. Chairman, I do
15 have -- I will, maybe at this point, add the public comment. It
16 might show up for the record. This is a memorandum received
17 yesterday from Amy Davey (phonetic), who is the administrator of
18 the Office of Traffic Safety, actually right down the street,
19 and she would -- I'd like this entered into the record and have
20 the Commission consider this as we move forward hopefully in the
21 regular agenda. So the following brief points are offered in
22 support of amending NAC289.140, Subsections 2-I, to make the
23 NHTSA (phonetic) 16-hour advanced roadside impaired driving
24 ARIDE course incorporated into required Category 1 curriculum
25 for sworn peace officers in the state of Nevada, and a few

1 bullet points here: in 2017, use and possession of recreational
2 cannabis became legal in Nevada for adults age 21 and over;
3 prior to 2017, the National Highway Traffic Safety
4 Administration has pointed out cannabis was the most widely used
5 drug in the United States by persons over the age of 12;
6 cannabis use has increased dramatically with legalization;
7 Colorado legalized recreational cannabis in 2012; between the
8 time of legalization became effective and through 2017, adult
9 cannabis use increased by 45 percent; and cannabis-related
10 traffic deaths increased by 151 percent, driving up the total
11 Colorado traffic deaths up by 35 percent. The HIDA Study -- and
12 sorry, this came from the HIDA study of legalization of
13 marijuana and Colorado and its impact. Systematic systemic
14 issues surrounding tracking of drug-impaired driving cases as
15 compared to alcohol-impaired driving cases make it difficult for
16 Nevada to have accurate numbers on this point but anecdotally,
17 the Henderson crime lab, a privately funded lab, has reported
18 that over 60 percent of its toxicology testing of drivers with a
19 BAC of 0.08 or more also have impairing drugs in their blood.
20 The two publicly funded labs, Las Vegas Metro and Washoe County,
21 are unable to routinely run similar toxicology testing for blood
22 samples with BAC over .08 due to limited resources coupled with
23 demand approximately 30 percent of Nevada's total roadway
24 fatalities involve an alcohol-impaired driver. This number
25 rises to over 49 percent when impairment by drugs. Cannabis

1 impairs a person's abilities to safely operate a motor vehicle,
2 including substantial impairment in cognitive functions,
3 particularly with occasional users and, you know, does result in
4 crashes. A Meta study of epidemiological crash studies showed
5 that cannabis used by drivers resulted in close to a near 100-
6 percent increased risk of being involved in a fatal crash. The
7 standardized field sobriety tests, when used in conjunction with
8 ARIDE, provide the law enforcement officer with more accurate
9 impairment indicators than the FSSTs (SIC) alone. SFSTs are
10 valid screening tools for law enforcement officers to detect
11 impairment from drugs in four categories tested, including
12 stimulus, depressants, narcotics, analgesics, and cannabis
13 although the impairment indicators differ from those seen in
14 persons impaired by alcohol. In response to the legalization of
15 cannabis, the increase in cannabis-impaired driving, and the
16 data that cannabis does impair a person's ability to safely
17 operate a vehicle, NHTSA recommends increased training to law
18 enforcement officers, including ARIDE training, to improve
19 public safety. Currently Nevada Department of Public Safety
20 incorporates ARIDE into its Category 1 required training for
21 Nevada highway patrol troopers, and Washoe County Sheriff's
22 office requires ARIDE as a prerequisite for all deputies
23 anticipating a patrol assignment. ARIDE is a 16-hour NHTSA
24 course, but the first eight hours consist entirely of a
25 review of SFST training. The current basic NHTSA DWI detection

1 course has a four-hour period of instruction followed by SFST
2 training that is entitled An Introduction to Drug Driving and
3 it's essentially an introduction to ARIDE because the first
4 eight hours ARIDE course will have already been taught to the
5 cadets and because of the four hours of introduction to drug
6 driving would be replaced with the eight hours of drug driving
7 detection training in the ARIDE curriculum. The incorporation
8 of ARIDE into category training would result in a net increase
9 of only four hours. A net increase of four hours of drug-
10 driving detection training is a relatively small cost compared
11 to the positive impact on public safety by having better-trained
12 law enforcement officers on Nevada highways, and that comprises
13 the written comments that were received by OTS, and the only
14 written comments that we received.

15 CHAIRMAN SOTO: Do we have any other public
16 comments? All right. We'll go ahead and close the workshop and
17 we'll begin our regularly scheduled meeting. Workshop's now
18 closed. We're going to begin our regularly scheduled meeting.
19 Can I remind everybody on the phone if you're not talking to hit
20 mute. We're still getting some background noise from somebody
21 on the telephone. Okay. Item number one, discussion public
22 comment, and for possible action, approval of minutes from the
23 August 13, 2020 regularly scheduled POST Commission Meeting.
24 Comments from commissioners on this?

1 COMMISSIONER SHEA: Yeah, I think -- this is Tim
2 Shea here, sorry. I think in the -- on the list of people in
3 the attendance as commissioners, I don't think we're all listed
4 there.

5 MR. SHERLOCK: Mike Sherlock for the record. We
6 can check that in the minutes, but we'll --

7 COMMISSIONER SHEA: Yeah, the minutes, I think -
8 - cause if you look at the comments, people commenting and the
9 people on the list, they're -- not all the names are there.

10 MR. SHERLOCK: Okay. I appreciate that.

11 COMMISSIONER SHEA: Sure.

12 CHAIRMAN SOTO: Any other comments from
13 commissioners? Any public comment? Okay. Seeing as though
14 there is none, I'm looking for a motion to approve the minutes.

15 COMMISSIONER ALLEN: I'll make a motion.

16 CHAIRMAN SOTO: A motion from Sheriff Allen.

17 Second?

18 COMMISSIONER TROUTEN: Tyler Trouten. Second.

19 CHAIRMAN SOTO: Second? Motion and second. All
20 those in favor, say aye. Aye.

21 COMMISSIONER ALLEN: Aye.

22 COMMISSIONER MCKINNEY: Aye.

23 COMMISSIONER MCMAHILL: Aye.

24 COMMISSIONER SHEA: Aye.

25 COMMISSIONER TOGLIATTI: Aye.

1 COMMISSIONER TROUTEN: Aye.

2 CHAIRMAN SOTO: Any opposed? Motion carries
3 unanimously. Item number 2, Executive Director Report. I'm
4 going to turn this over to Mike Sherlock for the report.

5 MR. SHERLOCK: Thank you, Mr. Chairman. Mike
6 Sherlock for the record. I'll make this quick. Real quick,
7 training division, the Academy just graduated last week. We are
8 currently testing for a new academy commander. The next academy
9 will start the end of January, and if we had to guess, we would
10 expect a full class for January. In the standards of the
11 division, we continue to get some questions related to AB478,
12 but I think most have figured it out now. We'll continue to
13 look at what POST's role is in providing some of that training
14 as we move forward. We are dealing with and processing the
15 recent executive order down from the federal government, which
16 requires all agencies who receive cops funds, discretionary
17 funds, cops grants, DOJ grants to require POST to certify that
18 their use-of-force policy meets legal standards and includes the
19 prohibition of choke holds except in deadly force situations.
20 So we have a process in place. Agencies this go-around can
21 essentially self-certify by sending us a letter that says they
22 meet those standards. We put that out to agencies now to
23 everyone, and there -- we -- there's some steps that POST has to
24 do in addition to that. We have a spreadsheet that requires
25 certain information that we have to also provide the US attorney

1 -- or DOJ. But suffice to say we're on it, we'll have it done,
2 we have a plan in place to get it done by January 31st. We
3 certainly don't want to jeopardize anybody's ability to receive
4 grant cops money and that kind of thing. So we're on it and it
5 is -- it's out there and we've put it out there to everyone we
6 can. We continue to look at our budget for the next biennium.
7 As you can imagine, the -- the mood isn't great. From that
8 standpoint, we're hopeful we'll get some support. On the issue
9 of COVID-19 type stuff, we did get an OSHA complaint. Some of
10 you heard me mention we believe it was related to our
11 graduation. Again, we believe we were in compliance with the
12 governor's emergency order so we're dealing with that, and I'll
13 leave it short and call it at that point, Mr. Chairman.

14 CHAIRMAN SOTO: Thank you, Mike, and just a
15 quick question. For this next academy, does look like it's a
16 full class. What is a full class in terms of numbers of?

17 MR. SHERLOCK: Our capacity is generally 32.
18 Now we'll go up to 36 because we do allow -- we are doing CAT3-
19 type training, and so they're shorter-lived in our academy, we
20 can handle that, but our CAT1, CAT2 capacity is 32.

21 CHAIRMAN SOTO: And I just bring that up because
22 we also discussed -- or you also discussed budget. I know I've
23 been talking about this now for a good year and a half, two
24 years in terms of taking a look at the budget and the importance
25 of budget, especially in today's day and age, in training our

1 officers and getting them up to the standards and the
2 expectations that come out of the last legislative session. I
3 think it's imperative that we take a look at our POST budget,
4 this Commission's budget, and this Academy's budget moving
5 forward so that we can continue to turn out the best recruits
6 for this profession. So that's the note that I have on that.
7 Do we have any comments from any other commissioners or
8 questions?

9 COMMISSIONER ALLEN: Sheriff, Mike Allen here.
10 (Inaudible.) Mr. Sherlock, (inaudible), how long is the state
11 academy?

12 MR. SHERLOCK: Mike Sherlock for the record. We
13 are 620 hours, approximately 17 weeks. That can change with
14 holidays, but it varies between 16 and 17 weeks right now.

15 COMMISSIONER ALLEN: And how long is
16 (inaudible)?

17 MR. SHERLOCK: Yeah. We -- Mike Sherlock for
18 the record. We look at that quite often, want to maintain an
19 industry standard as -- in terms of the academies and training
20 and the amount of training in addition to quality, but we're not
21 the shortest academy, but we're in the average.

22 COMMISSIONER ALLEN: And then Metro's on the
23 phone as well, right.

24 COMMISSIONER MCMAHILL: Yes, sir. Kelly
25 McMahill here. I have a hard time hearing you.

1 COMMISSIONER ALLEN: (Inaudible.) Kelly, this
2 is Sheriff Mike Allen. How long is your academy?

3 COMMISSIONER MCMAHILL: Our academy is six
4 months long unless they start -- academy classes just started
5 over the holidays to -- close to seven months.

6 COMMISSIONER ALLEN: Is that (inaudible) curious
7 (inaudible).

8 MR. SHERLOCK: Mike Sherlock for the record, and
9 just because we track this, I think, Metro, you're about at
10 1,000 hours right now, if I remember right, something like that,
11 and so in comparison where it's 600 and whatever we are right
12 now, 620.

13 COMMISSIONER ALLEN: Yeah, (inaudible), like,
14 FTO programs all the way to the academy (inaudible) prior to
15 (inaudible).

16 CHIEF SOTO: Well, and this is for -- this is
17 for the record, after the academy of eighteen weeks, you got an
18 in-house academy, which is another three to four weeks. Where
19 you teach each specific (inaudible) policy and procedures they
20 might not get in an academy setting. Then you're adding on
21 another three weeks, and I've seen a lot of agencies do that.
22 After they get them through their POST standards they'll go
23 ahead and do in house training at their agency in what they
24 want.

1 CHAIRMAN SOTO: Thank you. Any other questions
2 or comments?

3 COMMISSIONER ALLEN: Mike -- Mike Allen for the
4 record. Curiosity on what are the (inaudible) back for this to
5 arrive in the next few weeks? Is it funding, is it personnel?
6 What are the (inaudible) factors in whatever you mentioned in
7 this academy that's (inaudible)?

8 MR. SHERLOCK: Mike Sherlock for the record. So
9 again, when we -- when we evaluate, you know, the quality and
10 quantity of training, we look again at the industry standard,
11 what's going on across the country, and budget does play a small
12 part in it for us and also those we serve, play a big part in
13 that, right, so we get it from both sides. So we know we need
14 more training, but we know that you need bodies in the field and
15 so it's a constant struggle to meet that. Now, when you talk
16 about Metro, yes, a lot of their hours are agency-specific hours
17 so I would say from a POST perspective, we're not missing
18 anything. We clearly meet the minimum standard that's
19 established by the Commission and -- and go way above that
20 obviously, but the things that we're not doing is your agency-
21 specific policy, as the chief spoke about, bringing them back
22 and so those are the only things that we wouldn't do. We have
23 to work from a more generic perspective that applies to the
24 entire state, not necessarily to help Elko PD or Humboldt so. I
25 would say we don't miss anything other than the agency-specific

1 policy-related training that you may want, but otherwise we
2 cover everything.

3 COMMISSIONER MCMAHILL: Mr. Chairman, this is
4 McMahonill. I'd just like to add that he's correct. Over half of
5 the hours that we teach are agency-specific and not POST
6 specific.

7 CHAIRMAN SOTO: Okay. Do we have any other
8 comments from any of our commissioners or questions on the
9 executive director report? Thank you. Seeing as there --
10 there's none, we're going to move on to item number 3, which is
11 discussion, public comment and for possible action, the
12 Commission to consider -- to consider continuing the rule making
13 process to amend NAC289.140 to add "The DWI Detection and
14 Standardized Field Sobriety Testing and Advanced Roadside
15 Impaired Driving Enforcement courses approved by the National
16 Highway Traffic Safety Administration." And I will once again
17 turn it over to Mr. Sherlock.

18 MR. SHERLOCK: Again, thank you Mr. Chairman.
19 Mike Sherlock for the record. I would just simply add on this
20 should the Commission vote to move forward on the regulation
21 changes, from a practical standpoint what that would mean is we
22 would send this to LCB as we normally do with regulations and
23 hopefully it would come back to you in the February meeting for
24 final approval. I can tell you that from -- just from a
25 implementation standpoint for us, if that's the intent of the

1 Commission, we would immediately add it to our curriculum to
2 make sure that we cover it beginning in our next academy, which
3 is January. And again, I don't think it's a big issue for the
4 other academies, whether it's Metro or even your academy, Chief.
5 You guys already do this so it's not a big a burden in my
6 opinion from what we've seen across the state in terms of
7 academies, but we would add that to our academy but it would not
8 lengthen our academy, and that's how the process would work.

9 CHAIRMAN SOTO: Do we have any comments or
10 questions from any of our commissioners on this? Any public
11 comments? Okay. Seeing as though there's none, I'm looking for
12 a motion to continue this -- the rulemaking process.

13 COMMISSIONER TROUTEN: Tyler Trouten for the
14 record. I make the motion to continue the rule-making process
15 and (inaudible).

16 CHAIRMAN SOTO: Have a motion, looking for a
17 second.

18 COMMISSIONER ALLEN: Mike Allen, I'll second.

19 CHAIRMAN SOTO: Motion and second. All those in
20 favor, say aye. Aye.

21 COMMISSIONER ALLEN: Aye.

22 COMMISSIONER MCKINNEY: Aye.

23 COMMISSIONER MCMAHILL: Aye.

24 COMMISSIONER SHEA: Aye.

25 COMMISSIONER TOGLIATTI: Aye.

1 COMMISSIONER TROUTEN: Aye.

2 CHAIRMAN SOTO: Opposed? Motion carries
3 unanimately. Next item, item number 4, discussion, public
4 comment, and for possible action, hearing pursuant to NAC289.290
5 Subsection (1)(g) on the revocation of Gary R. Erickson,
6 formally of the Mesquite Police Department, certifications based
7 upon a felony conviction. Going to turn this over to Mike
8 Jensen to begin here.

9 MR. JENSEN: Thank you, Mr. Chairman, Mike
10 Jensen for the record. This is the first of two revocation
11 hearings slated for this morning. Just for purpose of the
12 record, I would set out that the (inaudible) -- for purposes of
13 the record, I would set out the authority for this hearing
14 NRS289.510 provides that the Commission has the authority to
15 adopt regulations that establish minimum standards for
16 certification and de-certification of officers. NAC289.290
17 establishes the cause for -- the causes for the Commission to
18 revoke, refuse, or suspend the certificate of a peace officer.
19 This hearing is proceeding under section (1)(g), which mandates
20 that the certificate of an officer shall be revoked upon
21 conviction or injury of three -- of guilty, guilty but mentally
22 ill, or Nolo Contendere to a felony. The exhibits that I would
23 present to the Commission this morning to make your decision on
24 this revocation are set out in your different books, but I would
25 go through those real briefly for purposes of the hearing.

1 Exhibit A is our notice of intent to revoke that we send out to
2 the individual to give them notice of this hearing today to let
3 them know the conviction or the entry of plea of guilty, that
4 the action would be based on the scope of this hearing and the
5 date, time, and of course the place of the hearing. This shows
6 that that was -- that this particular notice was sent to Mr.
7 Erickson. Exhibit B is the declaration of service showing that
8 he was personally served with the notice October the 20th, 2020
9 so that we've met the requirements, both of the interest public
10 -- the public meeting requirements, the open meeting
11 requirements, and the POST requirements for notice when it
12 involves the revocation or suspension of a certificate. Exhibit
13 C is the personnel action report indicating that Mr. Erickson's
14 peace-officer employment was terminated in September of 2018 and
15 informing the Commission that there had been arrest for four
16 counts of sexual exploitations of minor in Utah could lead to
17 the revocation of his certificate. Exhibit D is the basic
18 certificate for Mr. Erickson, the Category I, which is the
19 subject of the potential revocation this morning. He also has a
20 basic certificate in Category II and Category III, which are the
21 exhibits E and F. Exhibit G is the letter from the agency
22 giving the required notice to POST that there was a potential
23 arrest for a crime that could lead to revocation of Mr.
24 Erickson's POST certification. Exhibit H is -- we're getting
25 into the criminal documents at this point. This is the criminal

1 information, the charging document for Mr. Erickson. This case
2 was in the United States District Court of the federal court
3 system. This information shows that he was charged with one
4 count of travel with intent to engage in illicit sexual conduct
5 that occurred on or about August 3rd, 2018 and alleges that he
6 did travel in interstate commerce for the purpose of engaging in
7 any illicit sexual conduct as defined in the United States code
8 with another person, to wit a 15-year-old male in violation of a
9 federal statute. That -- the document's dated May 13, 2019, and
10 this is a certified copy of that document. Exhibit I is the --
11 what we in the state system would call a guilty plea agreement.
12 In the federal system it's called a statement by defendant
13 advance of plea of guilty and guilty plea pursuant to federal
14 rule of criminal procedure. It indicates that Mr. Erickson has
15 agreed to plead guilty to that one count that was described in
16 the criminal information. Finally, Exhibit J is the document
17 that shows that there is actually a conviction for Mr. Erickson
18 for the one felony count to travel with intent to engage in
19 illicit sexual conduct, and that document and the date of
20 imposition of judgment is May 15th of 2020. It also indicates
21 that Mr. Erickson was sentenced to a term of imprisonment in the
22 federal prison of 60 months as part of the sentence. I would
23 ask that those exhibits be admitted into the record and be part
24 of the record for any action the Commission may take this
25 morning. Just as a close, some closing remarks on this: this

1 evidence shows that in fact Mr. Erickson was convicted of a
2 felony and under your regulations, it provides his certificate
3 shall be revoked for that type of conviction. In addition to
4 this, it's -- this conviction involved serious felony conduct
5 that involved a minor child and involves those that are most
6 vulnerable in our society, certainly (inaudible) is a violation
7 of the public trust that we placed in our -- our peace officers
8 and would recommend that Mr. Erickson's certification be
9 revoked.

10 CHAIRMAN SOTO: Thank you. So admitted, Mr.
11 Jensen. Do we have any comments or questions from
12 commissioners? Any public comments? Okay, I'm looking for a
13 motion to revoke or not Mr. Erickson -- Mr. Gary R. Erickson's
14 Category I basic certificate.

15 MR. JENSEN: That would be, I think, all three
16 (inaudible).

17 CHAIRMAN SOTO: All three of the certificates.
18 Revoke all three of the certificates. Excuse me.

19 COMMISSIONER TROUTEN: Tyler Trouten for the
20 record. Make a motion that we revoke all three certificates for
21 Gary R. Erickson.

22 CHAIRMAN SOTO: We have a motion from Trouten.
23 Do I have a second?

24 COMMISSIONER ALLEN: Mike Allen. I'll second.

1 CHAIRMAN SOTO: Have a motion in a second. All
2 those in favor, say aye. Aye.

3 COMMISSIONER ALLEN: Aye.

4 COMMISSIONER MCKINNEY: Aye.

5 COMMISSIONER MCMAHILL: Aye.

6 COMMISSIONER SHEA: Aye.

7 COMMISSIONER TOGLIATTI: Aye.

8 COMMISSIONER TROUTEN: Aye.

9 CHAIRMAN SOTO: Any opposed? Motion carries
10 unanimously. Item number 5, discussion, public comment as a
11 possible action hearing pursuant to NAC289.290, Subsection
12 (1)(g) on the revocation of Aaron M. Winder, formally of the
13 Department of Health and Human Services Division of Public
14 Behavioral Health, certification based on felony convictions.
15 Again, I'm going to turn it over to Deputy AG Mike Jensen.

16 MR. JENSEN: Okay, Mr. Chairman. Rather than
17 putting all of the information about the authority for this
18 hearing on the record again, I would just restate the statute in
19 the NAC that the Commission would be proceeding under NRS289.510
20 and NAC289.290, specifically again Section (1)(g) mandates
21 revocation upon conviction or entry of a plea of guilty to a
22 felony. Again, just real briefly go through the exhibits for
23 the information to the Commission before taking any action.
24 Exhibit A, again, is the notice of intent that was sent to Mr.
25 Winder, again indicating that the criminal plea and/or condition

1 upon which any action would be based, the date, time, and
2 location of this proceeding, his ability to appear, and
3 (inaudible) provide any evidence that he would like to in
4 opposition to any action might be taken and was, per Exhibit C,
5 served on October 13th of 2020 personally. So the notice
6 requirements, both the NRS and the Commission's requirements for
7 notification under NRS and NAC have been satisfied. Exhibit C
8 (inaudible) POST certificate, that the subject of the hearing,
9 this is a Category III POST certificate for Mr. Winder. Exhibit
10 D is the personnel action report that shows that this peace
11 officer employment was terminated effective November 6th of
12 2018. Exhibits E and F are correspondence to the Commission
13 from the employer, indicating that Mr. Winder had been charged
14 with -- arrested and charged with 23 felony counts of child
15 abuse, neglect, and endangerment that could form the basis for
16 revocation of this action. The employer was satisfying the
17 requirements that they notify the POST Commission when such an
18 arrest occurs. With the -- starting with Exhibit F are the
19 criminal documents beginning with the original criminal
20 information in this case filed in Clark County, in state court,
21 which shows 23 counts against Mr. Winder of child abuse,
22 neglect, and endangerment, and you can see looking at those what
23 the factual basis for the original charges were. We move onto
24 Exhibit G, which is the amended information. This shows two
25 counts of child abuse, neglect, or endangerment. Specifically

1 the actual allegation of these counts is that -- so Mr. Winder
2 did willfully, unlawfully, and feloniously cause a child under
3 the age of 18 years, to wit, and they used the initials of the
4 individual because they're under age, D.M. being approximately
5 seven years of age to suffer unjustifiable physical pain or
6 mental suffering -- suffering as a result of abuse or neglect;
7 to wit, physical injury of a non-accident -- non-accidental
8 nature and for negligent treatment or maltreatment and/or
9 causing D.M. to be placed in a situation where he might've
10 suffered unjustifiable physical and/or mental suffering as a
11 result of abuse or neglect; to wit, physical injury of a non-
12 accidental nature and/or negligent treatment or maltreatment by
13 hitting and/or striking D.M. with a belt and/or by leaving
14 unsecured firearms where they were readily accessible to D.M.,
15 and that document was filed on August 6th of 2019 in conjunction
16 with the next document, which is that the guilty-plea agreement
17 for Mr. Winder is that he agreed to plead guilty to those two
18 counts of child abuse, neglect, or endangerment, Category B
19 felonies in violation of NRS 200.508, Section 1. In this
20 particular case, point out a couple of things in Exhibit I.
21 Those are the minutes of the court. On the last page of Exhibit
22 I, you'll see that there was correspondence with the court
23 attempting to get a certified copy of the actual judgment of
24 conviction in this case. The court has indicated that per this
25 document and telephone conversations, there was not a judgment

1 of conviction in this case but that the court minutes contain
2 the information about the sentencing of Mr. Winder. If you go
3 back a page or two from there, you'll see that on August 4th of
4 2020, a sentencing occurred for Mr. Winder at which he was
5 judged guilty and a conviction was entered for count 1 and 2,
6 the child abuse or neglect or -- or endangerment, and a sentence
7 was entered. Specifically he was sentenced to 60 months maximum
8 and 24 months minimum in the department of correction -- Nevada
9 Department of Corrections on each count to run consecutive and
10 he was -- that sentence was suspended. He was placed on
11 probation, I want to say a term of five years, with specific
12 standards, conditions, special conditions that are set out there
13 in the minutes. We would ask that those exhibits be admitted
14 into the record in support of any action the Commission may take
15 this morning. Just a few final comments on this one as well.
16 This shows -- the evidence shows that Mr. Winder has been
17 convicted of two felony counts of a -- of child abuse, neglect,
18 or endangerment. Again, the Commission's regulations provide
19 for a mandatory revocation when that occurs, both the plea and
20 the conviction, or the felony has occurred in this case and
21 again, we have a situation where a peace officer was engaged in
22 conduct that's a serious felony conduct involving a minor child.
23 Again, the most vulnerable that we have in our society
24 (inaudible). It's recommended to the Commission that Mr.
25 Winder's certification be revoked.

1 CHAIRMAN SOTO: Thank you, Mr. Jensen. So
2 admitted. Do we have any comments from any of our commissioners
3 or questions? Any public comments or comments? Seeing as
4 though there's none, I'm asking for a motion to revoke Mr. Aaron
5 M. Winder's POST certificate.

6 COMMISSIONER ALLEN: Mike Allen. I'll make a
7 motion to revoke Aaron M. Winder's POST certificate.

8 CHAIRMAN SOTO: Second?

9 COMMISSIONER TROUTEN: Tyler Trouten. Second.

10 CHAIRMAN SOTO: Motion and second. All those in
11 favor, say aye. Aye.

12 COMMISSIONER ALLEN: Aye.

13 COMMISSIONER MCKINNEY: Aye.

14 COMMISSIONER MCMAHILL: Aye.

15 COMMISSIONER SHEA: Aye.

16 COMMISSIONER TOGLIATTI: Aye.

17 COMMISSIONER TROUTEN: Aye.

18 CHAIRMAN SOTO: Opposed? Motion carries
19 unanimously. Item number 6, discussion, public comment, again
20 for possible action, request from the city of Las Vegas
21 Department of Public Safety for their employee, Deputy Chief
22 Rhonda Adams for an Executive Certificate. Turn it over to Mr.
23 Sherlock.

24 MR. SHERLOCK: Thank you, Mr. Chairman. Mike
25 Sherlock for the record. Staff reviewed the application for an

1 executive certificate for Deputy Chief Rhonda Adams and find she
2 meets the requirements for that certificate, and staff
3 recommends Deputy Chief Adams for the executive certificate. I
4 believe Deputy Chief Adams is with us on the phone also, just
5 for your information. Staff recommends the issuance of this
6 certificate.

7 CHAIRMAN SOTO: Any comments from any of our
8 commissioners? Any public comments? All right. I'm looking
9 for a motion regarding the executive certificate for Deputy
10 Chief Adams.

11 COMMISSIONER SHEA: Tim Shea. I'll make a
12 motion to issue the executive certificate.

13 CHAIRMAN SOTO: I have a motion. Do I hear a
14 second?

15 COMMISSIONER TROUTEN: Tyler Trouten, second.

16 CHAIRMAN SOTO: I have a motion and second. All
17 those in favor, say aye. Aye.

18 COMMISSIONER ALLEN: Aye.

19 COMMISSIONER MCKINNEY: Aye.

20 COMMISSIONER MCMAHILL: Aye.

21 COMMISSIONER SHEA: Aye.

22 COMMISSIONER TOGLIATTI: Aye.

23 COMMISSIONER TROUTEN: Aye.

24 CHAIRMAN SOTO: Motion carries unanimously.

25 Congratulations, Ms. Adams. Item number 7, discussion, public

1 comment, and for possible action, a request from the Las Vegas
2 Metropolitan Police Department for their employee Assistant
3 Sheriff Christopher C. Jones for an Executive Certificate, and I
4 will turn it over to Mr. Sherlock.

5 MR. SHERLOCK: Again, Mike Sherlock for the
6 record. Staff reviewed the application for an executive
7 certificate for Assistant Sheriff Jones and find that Assistant
8 Sheriff Jones meets the requirements for the executive
9 certificate and staff would recommend the issuance of that
10 certificate.

11 CHAIRMAN SOTO: Thank you, (inaudible). Have we
12 got any comments from any of our commissioners? Any public
13 comments? Seeing as that there's none, looking for a motion
14 regarding the executive certificate for Assistant Sheriff Jones.

15 COMMISSIONER SHEA: Tim Shea. I'll make a
16 motion to assist -- the executive certificate for Assistant
17 Sheriff Jones.

18 CHAIRMAN SOTO: Okay. I have a motion. Can I
19 get a second?

20 COMMISSIONER ALLEN: Mike Allen, I'll second.

21 CHAIRMAN SOTO: Have a motion and a second. All
22 those in favor, say aye. Aye.

23 COMMISSIONER ALLEN: Aye.

24 COMMISSIONER MCKINNEY: Aye.

25 COMMISSIONER MCMAHILL: Aye.

1 COMMISSIONER SHEA: Aye.

2 COMMISSIONER TOGLIATTI: Aye.

3 COMMISSIONER TROUTEN: Aye.

4 CHAIRMAN SOTO: Opposed? Motion carries

5 unanimously. Congratulations, Mr. Jones. All right. Item
6 number 8, discussion, public comment, and for possible action,
7 request from the Nye County Sheriff's office for their employee,
8 Captain David Boruchowitz, for an Executive Certificate. I'm
9 going to turn it over to Mr. Sherlock.

10 MR. SHERLOCK: Thank you. Mike Sherlock for the
11 record. Just to keep the Commission on their toes, staff
12 reviewed this particular application for an executive
13 certificate for Captain Boruchowitz. Now, after reviewing the
14 documentation, staff is unable to recommend the issuance of the
15 certificate. Specifically the education requirement for this
16 professional certificate includes 200 hours of advanced-
17 management training. Typically staff sees this demonstrated by
18 attendance to things such as FBINA or, you know, specific
19 courses at Northwestern that deal with executive level issues.
20 Here, Captain Boruchowitz has a bachelor's degree and -- and
21 some law school classes, but again, we are reluctant to conclude
22 that a BA or law school frankly amount to advanced-management
23 classes that are required by this executive certificate. Just
24 so the Commission understands, the executive certificate is the
25 one professional certificate that is issued by the Commission

1 itself, not by staff, and this gap -- in this case, staff would
2 leave this to the Commission as to whether or not undergraduate
3 studies would suffice for that advanced management-training that
4 is required. Staff is just reluctant to open that door on this
5 executive certificate if that makes sense. So we -- we would
6 leave that to the Commission and with no recommendation.

7 CHAIRMAN SOTO: Thank you, Mr. Sherlock. Do we
8 have any comments from our Commissioners?

9 COMMISSIONER SHEA: Tim Shea. I have -- I have
10 a question. So if a person had a degree, let's say in
11 organizational management or classes like that, could not that
12 be substituted for a training class or a couple of training
13 classes if that was your major of study?

14 MR. SHERLOCK: Mike Sherlock for the record, and
15 absolutely, that's what staff looks at. Again, you have to put
16 this in context because this is a level above the management
17 certificate so we have to evaluate -- staff has to evaluate
18 whether or not the management courses or hours that were
19 attended, one, weren't used to establish the management
20 certificate and number two, meet the definition of advanced
21 management, and so that's always the issue. When you're talking
22 about undergraduate studies, I think we have to be careful. I
23 mean, clearly we want to encourage formal education for peace
24 officers and frankly it's not unusual for line staff to have
25 undergraduate degrees, so it becomes a judgment call and -- and

1 that's why we're punting here in terms of putting it back on the
2 Commission on what advanced management should look like.

3 COMMISSIONER SHEA: So if you had, let's say, a
4 master's degree in organizational development or something, that
5 would be a mitigating circumstance?

6 MR. SHERLOCK: Mike Sherlock for the record
7 again. Yes, we're -- we're looking for 200 hours of what the
8 NAC requires an advanced-management training hours --

9 COMMISSIONER SHEA: Okay. Thank you.

10 MR. SHERLOCK: -- so clearly that would probably
11 work.

12 COMMISSIONER SHEA: Yeah. Okay. Thanks, Mike.

13 CHAIRMAN SOTO: Any other questions from any of
14 our commissioners? I suppose I have a question. Did -- did Mr.
15 Boruchowitz reach out to POST in terms of his qualifications or
16 lack thereof on these 200 hours or was it just a -- just an
17 application?

18 MR. SHERLOCK: He did (inaudible)? Mike
19 Sherlock for the record. We did express our reluctance on the
20 documentation that he provided us, and then he did provide some
21 more hours via email again, but it was -- the culmination of
22 that was a bachelor's degree and no advanced degree, so -- and
23 some hours and law school classes but -- and that, you know,
24 between our back and forth, that's what it ended up being is
25 those two areas are what he provided to establish the 200 hours

1 of advanced-management training. And again, we just -- staff
2 just didn't feel at that met the meaning of that advanced-
3 management requirement.

4 CHAIRMAN SOTO: And then the second question is
5 do we have any representatives from the Nye County Sheriff's
6 office who are here today?

7 MR. SHERLOCK: I -- Mike Sherlock for the
8 record. I believe --

9 CHIEF FLOYD: Sergeant Tippets is on the phone.

10 MR. SHERLOCK: Yeah. Sergeant Tippets.
11 Sergeant?

12 CHAIRMAN SOTO: (Inaudible.)

13 COMMISSIONER TIPPETS: Hi, Mike, Lieutenant
14 Tippets from Nye County Sheriff's Office. Captain Boruchowitz
15 finished with his law degree. He's taking his finals next week.
16 He takes the bar in February and because of the vague wording of
17 the NAC289.270, surely we believe that a law degree is
18 substantially related to the management of a law enforcement
19 agency and because this isn't -- it's more than just a few
20 (inaudible) law, he is actually finishing his law degree, we
21 believe that that should be adequate enough to satisfy the needs
22 of Subsection G of 289.270.

23 CHAIRMAN SOTO: Any other comments from any
24 other commissioner?

1 MR. SHERLOCK: Hey, I -- Mr. Chairman, Mike
2 Sherlock for the record. I don't want to interject, you know,
3 my personal feelings on this, I just -- and maybe Mr. Jensen
4 could help me out here, but as someone who's been to law school,
5 I have a hard time characterizing your Juris Doctorate as
6 advanced-management training and maybe I'm wrong and I'll leave
7 that up to the Commission, but I think I -- that's what I'd say
8 in that area. And again, I -- and I would agree with the
9 lieutenant: from a management standpoint that may be easier for
10 staff to accept for the management certificate, but it was
11 harder for them to accept for the executive certificate and I'll
12 leave it at that.

13 CHAIRMAN SOTO: Any comments or questions from
14 the commissioners? I suppose my last comment would be for the
15 executive certificates I concur that it needs to be somewhat
16 more specific for that type of training. That being said, with
17 some of the comment that we got from Nye County Sheriff's
18 Office, I'm -- I'm not opposed to reviewing this at a future
19 POST hearing so that I can take a look at what his degree
20 consists of. My only comment would be, and this is just my own
21 personal view on this, that he might need to get some specific
22 training, which I know that it's out there. I know that there's
23 a lot of these courses that are -- that aren't for three or four
24 months that take you away from your agency. There's some that
25 are one or two weeks where you can get a lot of that training in

1 there. So with that, I'm not opposed to looking at it in the
2 future. However, I will ask if anybody would like to make a
3 motion for this certificate.

4 MR. JENSEN: Mr. Chairman, can I chime in just
5 real quick on this?

6 CHAIRMAN SOTO: Sure.

7 MR. JENSEN: I don't know if this is helpful or
8 not, but just from the legal perspective, when it comes to the
9 regulations and the Commission's interpretation of regulation,
10 the law is pretty well settled but when there's a provision like
11 this that allows for interpretation, the Commission has the
12 ability and authority to do that and really the guiding
13 principles on that are plain language that of the rule but also
14 attempting the best you can to be -- to be consistent and not to
15 act arbitrarily from one candidate to another, to have the
16 standards such that -- that that doesn't occur. So just want to
17 -- want to put on the record and -- and put out there that you
18 certainly have the authority and the ability to -- to interpret
19 your own regulations and make decisions whether you think they
20 meet the language if they're within the standards of your
21 regulations.

22 CHAIRMAN SOTO: Thank you, Mr. Jensen. Any
23 other comments from any commissioners?

24 COMMISSIONER TROUTEN: Tyler Trouten for the
25 record. I have to say I guess the alternative to this would be

1 carte blanche to accept degrees as sufficient for this
2 certificate. The problem is there are many degrees that do not
3 have any (inaudible). As a commissioner, I guess my concern
4 right now is without having roadways here in front of us or
5 better access to understanding, you know, what each class
6 contained, I'm not comfortable that it's satisfying that
7 requirement. I'm sure they can provide experience and skills
8 for life, but no more than a doctor (inaudible) medical doctor,
9 that's different. I mean, this is a professional certificate,
10 specific to law enforcement, not practicing law.

11 CHAIRMAN SOTO: Thank you, Mr. Trouten. And I
12 would agree with that. I think that I don't think that anybody
13 -- I certainly have a huge amount of respect for Captain
14 Boruchowitz and what he's done up to this point. I don't think
15 that anybody in our profession really wants to be an exception
16 to the rule, so I would ask that our -- our -- our POST staff
17 reach out to him and give him some possibilities in terms of
18 courses to where we can get him this executive certificate
19 because I would like to see him get it at some point in the
20 future. Any other input from or public comment from the
21 Commission? Any other public comment in general?

22 LIEUTENANT TIPPETS: Adam Tippetts from the Nye
23 County Sheriff's Office. I would like to -- what would be
24 really helpful to us and I think every agency in the state, if
25 we got a little bit more direction on where that training can

1 come from because the only things that were mentioned was the
2 FBI Academy and Northwestern Academy and surely these can't be
3 the only resources available for this type of training. So I
4 would ask that eventually in the future the Commission provide
5 us with the resources so we can send people to these other
6 trainings.

7 CHAIRMAN SOTO: I think that's a fair request
8 and we'll do some research, myself and Mr. Sherlock, and come
9 back with something that might work for you and your agency,
10 because I do know the commitment it takes for some of those FBI
11 academies is somewhat extensive, especially for agencies that
12 don't have the depth of employees that some of the larger
13 agencies may have. So we'll get -- we'll get back to you on
14 that. Thank you for that input.

15 COMMISSIONER ALLEN: Mike Allen. Just a quick
16 follow up with Nye County. There is also the Southern Police
17 Institute of Louisville, Kentucky that offers similar training.

18 MR. SHERLOCK: Mike Sherlock for the record.
19 One of the things we can do, Chairman, is maybe produce a
20 document that would show a typical way of meeting that 200 hours
21 of advanced management and maybe we can put some resources in
22 there. Obviously we don't want to limit that. There's many
23 ways of obtaining that advanced training, but we could certainly
24 help out in that area.

1 CHAIRMAN SOTO: Right. And the reason I bring
2 it up is because I know that we've had other issues or concerns
3 from agencies when it comes to this POST Commission on ways to
4 obtain whatever it is that they're trying to obtain and I'd like
5 to see us, you know, throw out some -- some opportunities for
6 some of these agencies that may not have the budget or the time
7 to go to the FBI Academy. Any other comments? Okay. Seeing as
8 though there's none, would anyone like to make a motion? Okay.
9 So we're going to move on to item number 9, discussion and
10 public comment, and for possible action, request from the Rural
11 Justice Courts requesting a 6-month extension pursuant to
12 NRS289.550 for their employee, Aaron Starns, to meet
13 certification requirements. The request would extend the time
14 period to meet the certification to June 30th, 2021. I'm going
15 to turn this over to Mr. Sherlock.

16 MR. SHERLOCK: Thank you, Mr. Chairman. Mike
17 Sherlock for the record. I'm going to sound like a broken
18 record. Moving through, we have several of these extension
19 requests. The theme is pretty much the same throughout these.
20 As everybody knows, COVID issues and recruiting issues are --
21 are a problem for agency -- agencies, especially our smaller
22 agencies that rely on outside training providers for their
23 academies. So again, in this first one, Rural Courts has had
24 issues due to COVID in getting their person to a basic training
25 academy, and considering their issues, staff would recommend

1 that the Commission grant the 6-month extension to finish the
2 requirements.

3 CHAIRMAN SOTO: All right. Any comments from
4 any of our commissioners? Okay. Any public comment? All
5 right. I'm looking for a motion to allow the extension of time
6 to be certified for Mr. Aaron Starns.

7 COMMISSIONER TROUTEN: Tyler Trouten. I so
8 move.

9 CHAIRMAN SOTO: I have a motion. Can I get a
10 second?

11 COMMISSIONER ALLEN: Mike Allen. I'll second.

12 CHAIRMAN SOTO: Have a motion and a second. All
13 those in favor, say aye. Aye.

14 COMMISSIONER ALLEN: Aye

15 COMMISSIONER MCKINNEY: Aye.

16 COMMISSIONER MCMAHILL: Aye.

17 COMMISSIONER SHEA: Aye.

18 COMMISSIONER TOGLIATTI: Aye.

19 COMMISSIONER TROUTEN: Aye.

20 CHAIRMAN SOTO: Motion carries unanimously.

21 Item number 10, discussion public comment, and for possible
22 action, a request from Carson City Sheriff's office for a 6-
23 month extension pursuant to NRS289.550 for their employee,
24 Bethany Wurster, to meet certification requirements and give it
25 over to Mr. Sherlock.

1 MR. SHERLOCK: Again, Mister -- Mike Sherlock
2 for the record. I think we have two from Carson City Sheriff's
3 Department. Same sort of issues, challenges with COVID and
4 staffing levels have posed a problem for them. We do have an
5 academy beginning in January that they are going to attend.
6 Again, this extension would bring them to June 20th. Just from
7 a practical standpoint, as long as they start the academy before
8 then, they're okay in terms of the regulatory scheme, and we do
9 again have an academy starting in January, so staff would
10 recommend the granting of this particular extension also.

11 CHAIRMAN SOTO: Okay. Any comments from
12 Commissioners?

13 COMMISSIONER ALLEN: I just have a comment.
14 Mike Allen for the record. I am familiar with Bethany Wurster
15 and sometimes come across these things. Bethany, so that
16 everybody knows, I believe is a state golf champion and so don't
17 get into a golf tournament with Carson City Sheriff's office.
18 It's kind of neat to see somebody (inaudible).

19 CHAIRMAN SOTO: (Inaudible) regularly lose in
20 golf tournaments. All right. Any comments? Any additional
21 comments from any commissioners? Any public comment? Seeing as
22 though there's not, I'm looking for a motion regarding the
23 extension for Bethany Wurster.

24 COMMISSIONER ALLEN: Mike Allen. I'll make the
25 motion for an -- 6-month extension for Bethany Wurster.

1 CHAIRMAN SOTO: Have a motion. Looking for a
2 second motion.

3 COMMISSIONER SHEA: Tim Shea. I'll second.

4 CHAIRMAN SOTO: All those in favor, say aye.
5 Aye.

6 COMMISSIONER ALLEN: Aye

7 COMMISSIONER MCKINNEY: Aye.

8 COMMISSIONER MCMAHILL: Aye.

9 COMMISSIONER SHEA: Aye.

10 COMMISSIONER TOGLIATTI: Aye.

11 COMMISSIONER TROUTEN: Aye.

12 CHAIRMAN SOTO: Any opposed? Motion carries
13 unanimously. Item number 11, discussion, public comment, and
14 for possible action, a request from Carson City Sheriff's office
15 for a 6-month extension pursuant to NRS289.550 for their
16 employee, Kendall Murphy, to meet certification requirements,
17 and I'll turn it over to Mr. Sherlock.

18 MR. SHERLOCK: Again, thank you. Mike Sherlock
19 for the record, and same circumstances for this particular
20 person with Carson City. Again, the six months would give them
21 till April 25th of next year. We have a academy starting in
22 January, so they could easily make that within the 6-month
23 extension and staff recommends granting that extension.

24 CHAIRMAN SOTO: All right. Any comments from
25 any commissioners? Any public comment? Seeing as though

1 there's none, I'm looking for a motion regarding the extension
2 of time, six months, for Kendall Murphy.

3 COMMISSIONER ALLEN: Mike Allen. I'll make a
4 motion to grant a 6-six month extension for Kendall Murphy.

5 CHAIRMAN SOTO: Motion. Looking for a second.

6 COMMISSIONER TROUTEN: Tyler Trouten. I'll
7 second.

8 CHAIRMAN SOTO: I have a motion and a second,
9 all those in favor, say aye. Aye.

10 COMMISSIONER ALLEN: Aye

11 COMMISSIONER MCKINNEY: Aye.

12 COMMISSIONER MCMAHILL: Aye.

13 COMMISSIONER SHEA: Aye.

14 COMMISSIONER TOGLIATTI: Aye.

15 COMMISSIONER TROUTEN: Aye.

16 CHAIRMAN SOTO: Opposed? Okay. Motion carries
17 unanimous -- carries unanimously. Item number 12, discussion,
18 public comment, and for possible action, a request from Southern
19 Nevada Adult Mental Health Services for a 6-month extension
20 pursuant to NRS289.550 for their employee, Ghade Brooks, to meet
21 certification requirements. Mr. Sherlock?

22 MR. SHERLOCK: Mike Sherlock for the record.

23 Thank you. Again, I think they have four of them, all the same
24 circumstances, slightly different expiration dates. The
25 Southern Nevada Mental Health Services is a Category III agency.

1 They rely on the Department of Corrections for their basic
2 training. DOC has had a couple of delays and -- and issues with
3 training due to COVID, no fault of the Southern Nevada Mental
4 Health Services. So with that, staff would recommend the
5 extensions for each of these employees, including this one.

6 CHAIRMAN SOTO: Any comment from commissioners?
7 Any public comment? Seeing as though there's none, looking for
8 a motion regarding the extension for -- 6-month extension for
9 Ghade Brooks.

10 COMMISSIONER SHEA: Tim Shea. I'll make a
11 motion to -- for the extension.

12 CHAIRMAN SOTO: I have a motion. Can I get a
13 second?

14 COMMISSIONER ALLEN: Mike Allen. I'll second.

15 CHAIRMAN SOTO: I have a motion and second. All
16 those in favor, say aye. Aye.

17 COMMISSIONER ALLEN: Aye

18 COMMISSIONER MCKINNEY: Aye.

19 COMMISSIONER MCMAHILL: Aye.

20 COMMISSIONER SHEA: Aye.

21 COMMISSIONER TOGLIATTI: Aye.

22 COMMISSIONER TROUTEN: Aye.

23 CHAIRMAN SOTO: Opposed? Carries unanimously.

24 Item number 13 request from Southern Nevada Adult Mental Health
25 Services for a 6-month extension pursuant to NRS289.550 for

1 their employee, Jeanette Cabagua, to meet certification
2 requirements. Mr. Sherlock?

3 MR. SHERLOCK: Thank you. Mike Sherlock for the
4 record. Again, same argument. Staff recommends the 6-month
5 extension.

6 CHAIRMAN SOTO: Any comments from the
7 commissioners? Any public comments? Seeing as though there's
8 none, looking for a motion regarding the 6-month extension of
9 time for Jeanette Cabagua.

10 COMMISSIONER TROUTEN: Tyler Trouten for the
11 record making a motion for an extension for six months for
12 Jeanette Cabagua.

13 CHAIRMAN SOTO: Have a motion. Can I get a
14 second?

15 COMMISSIONER ALLEN: Mike Allen. I'll second.

16 CHAIRMAN SOTO: Motion and second. All those in
17 favor, say aye. Aye.

18 COMMISSIONER ALLEN: Aye

19 COMMISSIONER MCKINNEY: Aye.

20 COMMISSIONER MCMAHILL: Aye.

21 COMMISSIONER SHEA: Aye.

22 COMMISSIONER TOGLIATTI: Aye.

23 COMMISSIONER TROUTEN: Aye.

24 CHAIRMAN SOTO: Opposed? Motion carries
25 unanimously. Item number 14, discussion, public comment, for

1 possible action, request from Southern Nevada Adult Mental
2 Health Services for a 6-month extension pursuant to NRS289.550
3 for their employee, Miranda Barnes, to meet certification
4 requirements. Mr. Sherlock?

5 MR. SHERLOCK: Mike Sherlock for the record and
6 again, same issues and staff recommends the extension.

7 CHAIRMAN SOTO: Is there any comment from the
8 commissioners? Any public comment? Seeing as though there's
9 none, I'm looking for a motion regarding a 6-month extension of
10 time for Ms. Miranda Barnes.

11 COMMISSIONER ALLEN: Mike Allen. I'll make the
12 motion for the six month extension for Miranda Barnes.

13 CHAIRMAN SOTO: We have a motion. Can I get a
14 second?

15 COMMISSIONER TROUTEN: Tyler Trouten.
16 (Inaudible) second.

17 CHAIRMAN SOTO: I have a motion and second. All
18 those in favor, say aye. Aye.

19 COMMISSIONER ALLEN: Aye

20 COMMISSIONER MCKINNEY: Aye.

21 COMMISSIONER MCMAHILL: Aye.

22 COMMISSIONER SHEA: Aye.

23 COMMISSIONER TOGLIATTI: Aye.

24 COMMISSIONER TROUTEN: Aye.

1 CHAIRMAN SOTO: Opposed? Motion carries
2 unanimately. Item number 15, discussion, public comment, and
3 for possible action, a request from Southern Nevada Mental
4 Health Services, for a 6-month extension pursuant to NRS289.550
5 for their employee, Juan A. Molina, to meet certification
6 requirements. Turn it over to Mr. Sherlock.

7 MR. SHERLOCK: Mike Sherlock for the record. I
8 promise this is the last one. It's -- it's the times we're
9 living in right now, but same exact issues and staff recommends
10 the extension.

11 CHAIRMAN SOTO: Any comments from the
12 commissioners? Any public comment? Seeing as though there's
13 none, I'm looking for a motion regarding this extension of six
14 months time for Mr. Juan A. Molina.

15 COMMISSIONER ALLEN: Mike Allen. I'll make a
16 motion for the 6--month extension for Juan A. Molina.

17 CHAIRMAN SOTO: I have a motion. Can I get a
18 second?

19 COMMISSIONER TROUTEN: Tyler Trouten. I second.

20 CHAIRMAN SOTO: Motion and second. All those in
21 favor, say aye. Aye.

22 COMMISSIONER ALLEN: Aye

23 COMMISSIONER MCKINNEY: Aye.

24 COMMISSIONER MCMAHILL: Aye.

25 COMMISSIONER SHEA: Aye.

1 COMMISSIONER TOGLIATTI: Aye.

2 COMMISSIONER TROUTEN: Aye.

3 CHAIRMAN SOTO: Opposed? Motion carries
4 unanimously. Item number 16, public comments. Commission may
5 not take action on any matter considered under this item until
6 the matter is specifically included on the agenda as an action
7 item. Do we have any public comments? Okay. Seeing as though
8 there's none, we're going to move on to item number 17,
9 discussion, public comment, and for possible action, schedule
10 upcoming Commission Meeting. Turn it over to Mr. Sherlock.

11 MR. SHERLOCK: Mike Sherlock for the record. So
12 we typically have a meeting here in the north during legislative
13 session in February in conjunction with the sheriffs and chiefs
14 meeting. Sheriffs and chiefs are now saying they are not going
15 to do their legislative mixer with the legislators so we're
16 going to have to -- so we're going to take a look at sheriffs
17 and chiefs and see if they're even going to have a meeting here
18 in the north. As you -- as the commissioners know, we try to do
19 it in conjunction, one, to save travel, money with sheriffs and
20 chiefs. We're not sure if that's going to work out, but staff
21 will get the word to Commission members as soon as we have an
22 answer from sheriffs and chiefs. Our preference is if we don't
23 do it in the north is to do February in the south, but we need
24 to make sure it doesn't conflict with legislative session and

1 the sheriffs and chiefs meetings. So we'll get that word to the
2 Commission as soon as we can come up with a date.

3 CHAIRMAN SOTO: Thank you, Mr. Sherlock. Any
4 questions or comments from the commissioners? I guess I have
5 just a question in general (inaudible) COVID (inaudible) update.
6 Is there any revision cause (inaudible) office? What happens if
7 any of these folks (inaudible) can't meet or they can't meet
8 their requirements because (inaudible) counties office?

9 MR. SHERLOCK: Mike Sherlock for the record. I
10 -- I -- there's no provisions to -- and I can leave this up to
11 Mike Jensen, but there's no provisions to extend that beyond the
12 six months regardless, but we don't -- you know, we don't see an
13 issue. It's more of these -- what you saw today, some of our
14 smaller agencies, and there are options for them that we can --
15 we -- we go over with them in terms of not being able to get the
16 training, but I -- we don't anticipate this being any worse than
17 what you saw today. It's -- it's those smaller agencies that
18 rely on third parties to provide their training and we don't
19 have a lot of those, so we don't see it getting any worse than
20 that. But to answer your question, there is no provision to
21 allow us to go beyond that and -- you know, without getting into
22 specifics, that -- that's pretty much where we're at.

23 MR. JENSEN: Mike Jensen for the record, and I
24 agree with that. The 6-month extension provision's been in the
25 statute so (inaudible) required that piece of it. However, the

1 governor has some emergency powers and I -- to the extent that
2 those could delay or provide some exemption in the statute, I
3 don't know the answer to that, but that -- that could be worth
4 exploring, I guess, if an agency found himself in that
5 circumstance (inaudible) to the governor's office.

6 CHAIRMAN SOTO: Chairman Soto. Also for the
7 record, it was a conversation I had with Mr. Sherlock, and I
8 know -- I get where you're going on this because we've had a lot
9 of trainings that have been canceled due to the update in COVID.
10 So as -- once we reach a threshold in our agency, training stops
11 because we don't want to increase the spread of COVID, so I
12 would ask that our agencies be prepared for when we have that
13 downtick to try and get some of that training in. I know that's
14 difficult to do on a moment's notice, but I think we're going to
15 have to be a little bit more flexible in terms of our trainings
16 and ensure that we get our -- our officers where they need to be
17 for their POST training. Any other comments from any of our
18 commissioners? Okay. We don't have a meeting date, so we
19 really don't need a motion. Item number 18, discussion, public
20 comment, and for possible action, adjournment. So I'm looking
21 for a motion to adjourn.

22 COMMISSIONER ALLEN: Mike Allen making a motion
23 to adjourn.

24 CHAIRMAN SOTO: Have a motion. Can I get a
25 second?

1 COMMISSIONER TROUTEN: Tyler Trouten. I'll
2 second.

3 CHAIRMAN SOTO: Have a motion and second. All
4 those in favor, say aye. Aye.

5 COMMISSIONER ALLEN: Aye

6 COMMISSIONER MCKINNEY: Aye.

7 COMMISSIONER MCMAHILL: Aye.

8 COMMISSIONER SHEA: Aye.

9 COMMISSIONER TOGLIATTI: Aye.

10 COMMISSIONER TROUTEN: Aye.

11 CHAIRMAN SOTO: Opposed? Motion carries
12 unanimously. Thank you all for being here today. We appreciate
13 that.

14 MR. SHERLOCK: Everyone in the south, thanks for
15 calling in. Appreciate it.

I. REGULARLY SCHEDULED MEETING AGENDA ITEMS

2. INFORMATION Executive Director's Report

- a. Training Division
- b. Standards Division
- c. Administration

I. REGULARLY SCHEDULED MEETING AGENDA ITEMS

3. DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.

Discussion on hiring, certification and annual training requirements for basic certificate applicants who are in a command or executive level position.

NAC 289.200 Basic and reserve basic certificate: Requirements; extension of time to complete or waiver of certain requirements; request for certification; placement of basic certificate on inactive status. [Effective until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.] ([NRS 289.510](#), [289.550](#), [289.600](#))

1. The Executive Director shall award a basic certificate to any peace officer who meets the minimum standards for appointment established pursuant to [NAC 289.110](#) and has:

- (a) Satisfactorily completed the basic training course for basic certification;
- (b) Passed the state certification examination with a score of at least 70 percent; and
- (c) Passed the state physical fitness examination for the appropriate category of peace officer as described in [NAC 289.205](#).

2. The Executive Director may award a basic certificate to any peace officer who has been certified by the certifying entity of another state or has successfully completed a Federal Law Enforcement Training Centers of the United States Department of Homeland Security training program approved by the Commission and who meets the minimum standards for appointment established pursuant to [NAC 289.110](#) if:

(a) The Commission or its designee has determined that the course of training required for the certification was at least equivalent to the basic training course for basic certification;

(b) The certification of the peace officer in the other jurisdiction has not been revoked or suspended;

(c) Not more than 60 months have lapsed since the peace officer was employed in the other jurisdiction;

(d) The peace officer has satisfactorily completed a training course that is approved by the Executive Director which consists of a minimum of 80 hours of training that satisfies the requirements established by the Commission pursuant to subsection 1 of [NAC 289.300](#) in:

- (1) Abuse of older persons;
- (2) Child abuse and sexual abuse of a child;
- (3) Civil liability;
- (4) Classification and receiving of offenders;
- (5) Constitutional law;
- (6) Counter-terrorism and weapons of mass destruction;
- (7) Crimes against persons;
- (8) Crimes against property;
- (9) Cultural awareness;
- (10) Domestic violence, stalking and aggravated stalking;
- (11) Ethics in law enforcement;
- (12) Fire safety and use of emergency equipment;
- (13) Games offenders play;
- (14) Gangs and cults;
- (15) Juvenile law;
- (16) Laws relating to arrest;
- (17) Laws relating to correctional institutions;
- (18) Laws relating to drugs, including, without limitation, current trends in drugs;
- (19) Miscellaneous crimes;
- (20) Modern correctional philosophy;
- (21) Probable cause;
- (22) Public and media relations;
- (23) Records of offenders in institutions;
- (24) Rights of victims;
- (25) Search and seizure;
- (26) Searches of offender institutions;
- (27) Supervision of offenders;
- (28) Training concerning active assailants; and
- (29) Use of force;

(e) The peace officer passes the state certification examination with a score of at least 70 percent; and

(f) The peace officer passes the state physical fitness examination for the appropriate category of peace officer as described in [NAC 289.205](#).

3. The Executive Director may award a reserve basic certificate to any reserve officer who meets the minimum standards for appointment pursuant to [NAC 289.110](#) and has:

- (a) Satisfactorily completed the basic training course for a reserve certificate;
- (b) Passed the state certification examination with a score of at least 70 percent; and
- (c) Passed the state physical fitness examination described in subsection 1 of [NAC 289.205](#).

4. Except as otherwise provided in subsection 5 or 6, an officer must pass the state physical fitness examination:

(a) If the officer is not eligible for certification pursuant to subsection 2, not later than 16 weeks after the first day of the officer's basic training course certified or approved pursuant to [NAC 289.300](#); or

(b) If the officer is eligible for certification pursuant to subsection 2, not later than 16 weeks after the date on which the officer was hired or, if the officer is a reserve officer, the date of activation of his or her reserve status.

5. If a student enrolled in a basic training course certified or approved pursuant to [NAC 289.300](#) sustains a bona fide physical injury that renders him or her incapable of completing the requirements of the state physical fitness examination, an agency may submit a request for an extension of time for the student to complete the examination. The agency shall submit such a request to the Executive Director. The request must include, without limitation, written verification by a physician that the student is incapable of completing the requirements of the state physical fitness examination. If the Executive Director determines that an extension of time is warranted, the Executive Director shall authorize an extension of time for a period not to exceed 12 months after the date on which the student was hired or, if the student is a reserve officer, the date of activation of his or her reserve status.

6. If an officer passes the state physical fitness examination:

(a) While not enrolled in a basic training course certified or approved pursuant to [NAC 289.300](#); and

(b) More than 16 weeks, but less than 12 months, after the date on which the officer was hired or, if the officer is a reserve officer, the date of activation of his or her reserve status,

→ the employing agency of the officer may submit a request to the Executive Director to waive the requirements of subsection 4. The request must include, without limitation, the reason the officer was unable to pass the state physical fitness examination within the periods described in subsection 4. The Executive Director may, for good cause shown, grant a request submitted pursuant to this subsection.

7. Upon satisfactory completion of the requirements listed in subsection 1, 2 or 3, the employing agency shall submit a request for certification to the Executive Director. The request must include:

(a) The name, social security number and date of hire of the officer or, if the officer is a reserve officer, the date of activation of his or her reserve status;

(b) Documentary evidence that the officer has successfully completed an approved basic training course;

(c) Verification by the administrator of the agency that the officer meets the minimum standards established by this chapter; and

(d) The statement concerning child support prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to [NRS 425.520](#).

8. The basic certificate of an officer whose employment is terminated for any reason will be placed on inactive status. If such a person is again employed as a full-time peace officer, the employing agency shall request that the person's basic certificate be returned to active status. If the certification of such a person is on inactive status for more than 5 consecutive years, the person must renew his or her basic certificate by successfully completing the requirements set forth in subsection 1.

9. If a person who successfully completes a basic training course for the purpose of obtaining a basic certificate is not employed by an agency within 24 months after completing the course, the person must repeat all of the requirements for basic certification set forth in subsection 1.

10. Except as otherwise provided in this subsection, to satisfactorily complete a basic training course for the purposes of this section, the person must successfully complete all of the requirements in one course. If a person is discharged from a basic training course for any reason that is not disciplinary, the person may complete any remaining requirements in a later course provided by the same entity if the person has not previously been discharged from a course and if:

(a) The administrator of the basic training course recommends that the person complete the requirements in a later course, the administrator of the employing agency of the person requests that the person be allowed to complete the requirements in a later course and the Executive Director gives approval;

(b) The subsequent course is provided in a manner which ensures that the person completes all of the requirements for a basic training course for which the course is certified; and

(c) The subsequent course begins not later than 120 days after the discharge.

[Peace Officers' Standards & Training Com., § VI, eff. 5-7-82] — (NAC A 12-17-87; 8-24-90; 4-28-94; R024-97, 10-1-97; R169-97, 1-30-98; R170-97, 1-30-98; A by Peace Officers' Standards & Training Comm'n by R102-99, 11-2-99; R005-01, 11-1-2001; R100-02, 11-12-2002; R066-03, 12-4-2003; R127-04, 11-8-2004; R146-05, 12-29-2005; R003-07, 4-17-2008; R110-08, 8-26-2008; R118-09, 1-28-2010; R079-14, 10-24-2014; R003-17, 12-19-2017)

REVISER'S NOTES.

The regulation of the Peace Officers' Standards and Training Commission filed with the Secretary of State on January 28, 2010 (LCB File No. R118-09), which amended this section, contains the following provision not included in NAC:

"1. The amendatory provisions of sections 3 and 7 of this regulation [[NAC 289.200](#) and [289.205](#)] apply only to a person who enrolls in any peace officer training course required pursuant to section 7 of this regulation [[NAC 289.200](#)] on or after January 28, 2010.

2. The amendatory provisions of section 9 of this regulation [[NAC 289.300](#)] apply only to a basic training course that begins on or after January 28, 2010."

The regulation of the Peace Officers' Standards and Training Commission filed with the Secretary of State on October 24, 2014 (LCB File No. R079-14), which amended this section, contains the following provision not included in NAC:

"Sec. 2. The amendatory provisions of section 1 of this regulation [[NAC 289.200](#)] do not apply to a person who was:

1. Eligible to be awarded a basic certificate in training category I pursuant to subsection 3 of [NAC 289.200](#) before the effective date of this regulation [October 24, 2014]; or

2. Employed as a peace officer by an agency before the effective date of this regulation and:

(a) Enrolled in a peace officer training course that:

(1) Met the qualifications of paragraph (b) of subsection 3 of [NAC 289.200](#); and

(2) Began before the effective date of this regulation;

(b) Successfully completed the training course; and

(c) Passed the state certification examination for training category I with a score of at least a 70 percent."

I. REGULARLY SCHEDULED MEETING AGENDA ITEMS

4. DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.

Discussion on proposed legislation in AB111 which Revises provisions relating to Peace Officers' Standards and Training Commission

A.B. 111

ASSEMBLY BILL NO. 111—ASSEMBLYMEN FRIERSON, MONROE-
MORENO, YEAGER, NGUYEN AND BENITEZ-THOMPSON

FEBRUARY 11, 2021

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to the Peace Officers’
Standards and Training Commission. (BDR 23-106)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to peace officers; revising provisions relating to
the Executive Director of the Peace Officers’ Standards
and Training Commission; and providing other matters
properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law creates the Peace Officers’ Standards and Training Commission,
2 consisting of nine members appointed by the Governor, and requires the
3 Commission to appoint an Executive Director by a majority vote of its members.
4 (NRS 289.500, 589.520) Under existing law, the Executive Director: (1) is
5 prohibited from pursuing any other business or occupation, or performing any other
6 duties of any other office of profit without the prior approval of the Commission;
7 and (2) may be removed for cause by a majority vote of the members of the
8 Commission. (NRS 289.520) This bill transfers to the Governor the duty to appoint,
9 and the authority to approve outside employment or duties of or to remove, the
10 Executive Director.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 289.520 is hereby amended to read as follows:
2 289.520 The ~~{Commission, by majority vote of its members,}~~
3 **Governor** shall appoint an Executive Director of the Commission.
4 The Executive Director:
5 1. Must be selected with special reference to the person’s
6 training, experience, capacity and interest in the field of



1 administering laws and regulations relating to the training of peace
2 officers.

3 2. Is in the unclassified service of the State.

4 3. Shall not pursue any other business or occupation, or
5 perform any other duties of any other office of profit without the
6 prior approval of the ~~{Commission,}~~ **Governor.**

7 4. May be removed by the ~~{Commission, by a majority vote of
8 its members,}~~ **Governor** at any time for cause.

9 **Sec. 2.** Notwithstanding the provisions of NRS 289.520, the
10 Executive Director of the Peace Officers' Standards and Training
11 Commission who is serving in that position on July 1, 2021,
12 continues to serve until a successor is appointed by the Governor in
13 accordance with NRS 289.520, as amended by section 1 of this act.

14 **Sec. 3.** This act becomes effective on July 1, 2021.



* A B 1 1 1 *

I. REGULARLY SCHEDULED MEETING AGENDA ITEMS

5. DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.

Hearing pursuant to NAC289.290(1)(g) on the revocation of Antonio Munoz, Jr., formerly with the Las Vegas Metropolitan Police Department, certification(s) based upon felony convictions.



STATE OF NEVADA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
5587 Wa Pai Shone Avenue
Carson City, Nevada 89701
(775) 687-7678 FAX (775) 687-4911

STEVE SISOLAK
Governor

MICHAEL D. SHERLOCK
Executive Director

NOTICE OF INTENT TO REVOKE

January 13, 2021

Antonio Munoz, Jr.

Dear Mr. Munoz,

POST PIN #: 21067

Based upon documentation received by the Nevada Peace Officer Standards and Training Commission (the Commission) and in accordance with Nevada Administrative Code 289.290 and Nevada Revised Statute 241.033, you are hereby notified that the Commission has initiated action to revoke your Nevada peace officer certificate(s) that authorizes the holder to be employed as a peace officer in the state of Nevada.

I have included a copy of Nevada Administrative Code 289.290 for your convenience.

The Commission's regulations provide that a person's peace officer certificate(s) may be revoked pursuant to **NAC 289.290(1)(g) based on a conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a felony.** The plea agreement which has led to this action is as follows:

Count 1: Reckless Driving (Category B Felony – NRS. 484B.653)

Count 2: Performance of act or neglect of duty in willful or wanton disregard of safety of person or property resulting in substantial bodily harm or death (Category C Felony – NRS 202.595)

Case#: C-17-325170-1

Dept No: VI

Jurisdiction: District Court Clark County, Nevada

You have the right to appear before the Commission to contest the revocation of your Nevada peace officer certificate(s) by providing written notice to the Commission within fifteen (15) days of the date of the hearing.

If you choose to appeal and answer the charges against you, the Commission may elect to sit as a whole or a number that is practicable at a hearing or designate an independent hearing officer to hear the matter. You will be given the opportunity to present evidence and cross-examine witnesses as applicable. If you wish, you may be represented by an attorney; however, this would be at your own expense.

Written requests can be made to:

Nevada Commission on Peace Officer Standards and Training
ATTN: Director Sherlock
5587 Wa Pai Shone Ave.
Carson City, NV 89701

Exhibit A

The Commission will determine whether your Nevada peace officer certification(s) should be revoked at the meeting listed below:

Date: February 22, 2021
Time: 10:00 a.m.
Location: Commission on Peace Officer Standards and Training
5587 Wa Pai Shone Ave.
Carson City, NV 89701

The hearing will cover the following: **NAC 289.290 (1)(g), Revocation of a certificate based upon a conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a felony.**

You will be notified of the Commission's decision within 15 days after this hearing, or as soon thereafter as is practicable.

If you need additional information concerning this matter, contact Kathy Floyd at (775) 687-7678, ext. 3335.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kathy Floyd', written in a cursive style.

Kathy Floyd
Chief of Standards Division
Nevada Commission on Peace
Officer Standards and Training

Cc: Sr. Dep. - Attorney General Michael Jensen
File

NAC 289.290 Denial, revocation, suspension and reinstatement of certificate. (NRS 289.510)

1. Each of the following constitutes cause for the Commission to revoke, refuse or suspend the certificate of a peace officer:

(a) Willful falsification of any information provided to obtain the certificate.

(b) A permanent or chronic physical or mental disability affecting the officer's ability to perform his or her full range of duties.

(c) Chronic drinking or drunkenness on duty.

(d) Addiction to or the unlawful use or possession of narcotics or other drugs.

(e) Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a gross misdemeanor. Upon criminal indictment or filing of a criminal complaint, suspension may be imposed.

(f) Failure to comply with the standards established in this chapter.

(g) Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a felony. Upon criminal indictment or filing of a criminal complaint, suspension may be imposed. Upon conviction or entry of a plea of guilty, guilty but mentally ill or nolo contendere, the certificate will be revoked.

(h) Conviction of a misdemeanor. If the employing agency recommends suspension or revocation following conviction of the employee for a misdemeanor, suspension or revocation may be imposed. In determining whether to suspend or revoke the certificate, the Commission will consider the type of conviction and other information provided by the agency indicating unprofessional conduct or similar undesirable activity by the officer that resulted in disciplinary action.

2. Denial, suspension or revocation procedures will not be considered by the Commission in cases where the employment of an officer is terminated for violations of the policies, general orders or similar guidelines of operation of the employing agency which do not constitute any of the causes for denial, suspension or revocation specified in subsection 1.

3. The employing agency shall notify the Commission any time that it becomes aware that one of its officers has been charged with a crime that could result in denial, suspension or revocation procedures. Upon receipt of information alleging any of the causes enumerated in subsection 1, the Commission will determine whether to pursue revocation or suspension of the certificate of the officer.

4. The Commission will notify the officer by certified mail at the officer's last known address of any pending revocation or suspension action and of the nature of the charges and the officer's right to appear and answer the charges. The officer shall, within 15 days after the date on the certified mail receipt, respond in writing, notifying the Commission of his or her intended action with reference to the charges.

5. If the officer fails to notify the Commission within the specified time of his or her intention to appear in answer to the pending action, the Commission will:

(a) Consider the case on its own merits, using the statement from the head of the employing agency or the substantiated information derived from any independent investigation it deems necessary;

(b) Take no action pending the outcome of possible criminal action which may be filed against the officer; and

(c) Take no action pending the outcome of an appeal.

↪ The Commission's decision will be determined by a majority vote of the members of the Commission present.

6. When an officer notifies the Commission of his or her intention to appear and answer the charges pending against him or her, the Commission will elect to sit as a whole at a hearing or designate an independent hearing officer to hear the matter and make recommendations in writing to the Commission. The Commission will review the recommendations of any such hearing officer and arrive at a decision by majority vote of the members present.

7. The Commission will notify the officer of its decision within 15 days after the hearing.

8. An applicant for a certificate who has not been previously certified, but who would be subject to revocation for any cause set out in subsection 1, will not be granted a certificate.

9. If, upon receiving a written allegation that a peace officer is in violation of any provision of subsection 1 and that the facts and circumstances indicate that suspension rather than revocation would be in the best interests of the agency and law enforcement in general, the Commission will suspend the officer's certificate.

10. The Commission will provide each peace officer whose certificate is suspended with written notice of the suspension by certified registered mail. The suspension becomes effective 24 hours after receipt of the certified notice. The notice will contain a statement advising the officer of the right to a hearing.

11. Suspension of a certificate is not a bar to future revocation of the certificate and any prior suspensions may be considered as a factor if revocation is being considered by the Commission.

12. Five years after the revocation of a certificate, an officer may submit a written request to the Commission to allow him or her to reinstate his or her certificate. The Commission will schedule a hearing to consider whether to reinstate the officer's certificate. The Commission will notify the agency that requested the revocation of the date and time of the hearing. After the hearing, the Commission will determine whether to reinstate the certificate. If the certificate is reinstated, the Commission may establish a probationary period during which any misconduct by the officer would result in revocation.

(Added to NAC by Peace Officers' Standards & Training Com., eff. 12-17-87; A 8-24-90; 4-28-94; A by Peace Officers' Standards & Training Comm'n by R102-99, 11-2-99; R003-07, 4-17-2008; R051-14, 10-24-2014)

State of Nevada - POST

UPDATE - Personnel Action Report (PAR)

Post ID Number:

Last Name:

First Name:

MI:

Suffix:

Name Change?

Last Name:

First Name:

MI:

Suffix:

Address Change?

Street Address:

City:

State:

Zip Code:

County:

E-Mail:

Level Change?

- Line Supervisor Management Executive
 Part Time Full Time

Status Change?

- Deceased Retired Separated

NAC289.290 Notification (Cause For Commission Action)

Pursuant to NAC 289.290(3) "The employing agency shall notify the Commission any time that it becomes aware that one of its officers has been charged with a crime that could result in denial, suspension or revocation procedures. Upon receipt of information alleging any of the causes enumerated in subsection 1, the Commission will determine whether to pursue revocation or suspension of the certificate of the officer."

Does the above NAC apply? No Yes

****If you selected YES, ensure it is correct and provide details in the Comment field.****

Comments\Additional Information:

Effective Date:

Submitters Name:

Submitters Phone:

Submitters E-Mail:

STATE OF NEVADA

COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING

Hereby Awards the

Basic Certificate

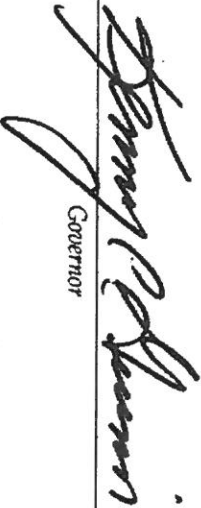
To

ANTONIO MUNOZ

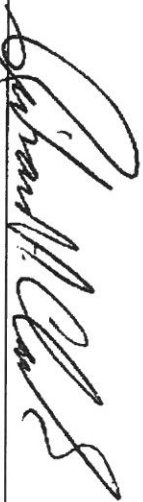
For having fulfilled the requirements for Basic Certification as prescribed by Nevada Revised Statutes.

CATEGORY I

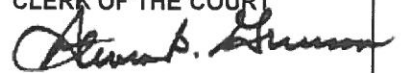
Governor



Executive Director, Commission on Peace Officers' Standards and Training



Presented this 31st day of July, 2001



1 AINF
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 FRANK LOGRIPPO
6 Deputy District Attorney
7 Nevada Bar #013911
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,
11 -vs-
12 ANTONIO MUNOZ, JR.,
13 #1112128,
14 Defendant.

CASE NO. C-17-325170-1
DEPT NO. VI

AMENDED
INFORMATION

15 STATE OF NEVADA }
16 COUNTY OF CLARK } ss:

17 STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State
18 of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

19 That ANTONIO MUNOZ, JR., the Defendant(s) above named, having committed the
20 crimes of **RECKLESS DRIVING (Category B Felony - NRS 484B.653 - NOC 53896)** and
21 **PERFORMANCE OF ACT OR NEGLIGENCE OF DUTY IN WILFUL OR WANTON**
22 **DISREGARD OF SAFETY OF PERSONS OR PROPERTY RESULTING IN**
23 **SUBSTANTIAL BODILY HARM OR DEATH (Category C Felony - NRS 202.595 -**
24 **NOC 51540)**, on or about the 16th day of July, 2017, within the County of Clark, State of
25 Nevada, contrary to the form, force and effect of statutes in such cases made and provided,
26 and against the peace and dignity of the State of Nevada,

27 ///
28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

COUNT 1 - RECKLESS DRIVING

did then and there willfully, unlawfully, and feloniously drive a motor vehicle at Interstate 15 and Sahara Avenue, Las Vegas, Clark County, Nevada, with willful or wanton disregard for the safety of persons or property, by driving said vehicle without paying full time and attention to his driving, and/or failing to exercise due care, and/or failing to drive in a careful and prudent manner, which acts, or neglect of duties, proximately causing the death of or substantial bodily harm to SEAN LEWIS and/or GERALDINE MELGER and/or JOHN WELLS.

COUNT 2 - PERFORMANCE OF ACT OR NEGLIGENCE OF DUTY IN WILFUL OR WANTON DISREGARD OF SAFETY OF PERSONS OR PROPERTY RESULTING IN SUBSTANTIAL BODILY HARM OR DEATH

did then and there willfully, unlawfully, and feloniously perform an act in willfull or wanton disregard of the safety of persons or property, in the following manner, to wit: Defendant, while driving and/or in actual physical control of a vehicle, failing to pay full time and attention to his driving, failing to exercise due care, and/or failing to drive in a careful and prudent manner, which acts, or neglect of duties, proximately caused the vehicle Defendant was driving and/or actual physical control of, to strike and collide with a vehicle being driven or occupied by SEAN LEWIS and/or GERALDINE MELGER and/or JOHN WELLS, resulting in substantial bodily harm or death to SEAN LEWIS and/or GERALDINE MELGER and/or JOHN WELLS.


STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

BY


FRANK LOGRIPPO
Deputy District Attorney
Nevada Bar #013911

DA#16F90030X/td/vcu
NHP EV#160701463
(TK14)

CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE


CLERK OF THE COURT

SEP 17 2020

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

MAY 11 2020

BY: 
KEITH REED, DEPUTY

1 GPA
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 FRANK LOGRIPPO
6 Deputy District Attorney
7 Nevada Bar #013911
8 200 Lewis Avenue
9 Las Vegas, NV 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

12 ANTONIO MUNOZ, JR.,
13 #1112128,
14 Defendant.

CASE NO: C-17-325170-1

DEPT NO: VI

C-17-325170-1
GPA
Guilty Plea Agreement
4912498



15 GUILTY PLEA AGREEMENT

16 I hereby agree to plead guilty to: **COUNT 1 - RECKLESS DRIVING (Category B**
17 **Felony - NRS 484B.653 - NOC 53896)** and **COUNT 2 - PERFORMANCE OF ACT OR**
18 **NEGLECT OF DUTY IN WILFUL OR WANTON DISREGARD OF SAFETY OF**
19 **PERSONS OR PROPERTY RESULTING IN SUBSTANTIAL BODILY HARM OR**
20 **DEATH (Category C Felony - NRS 202.595 - NOC 51540),** as more fully alleged in the
21 charging document attached hereto as Exhibit "1".

22 My decision to plead guilty is based upon the plea agreement in this case which is as
23 follows:

24 The State has no opposition to probation. However, the State retains the right to argue
25 the terms and conditions of probation.

26 If I receive an Honorable Discharge from probation, I am eligible to withdraw my plea
27 of guilty to Count 1 - Reckless Driving, a Felony and Count 2 - Performance Of Act Or
28 Neglect Of Duty In Wilful Or Wanton Disregard Of Safety Of Persons Or Property Resulting

1 In Substantial Bodily Harm Or Death, a Felony, and enter a plea of guilty to the crime of
2 Driving Under the Influence, a Misdemeanor, with the State agreeing to recommend a sentence
3 of credit for time served. However, I understand that I am not eligible for the reduction in plea
4 if, at any time after entry of plea, one or more of the following events occur:

5 (1) I fail to appear at any subsequent hearing in this case;

6 (2) I fail to complete an interview with the Division of Parole and Probation within fifteen
7 (15) days of my entry of plea and a Failure to Appear Presentence Investigation Report is
8 filed in this case;

9 (3) an independent magistrate, by affidavit or declaration review, confirms probable cause
10 against me for new criminal charges including reckless driving or DUI, but excluding minor
11 traffic violations;

12 (4) the Court finds me in violation of probation, regardless of whether my grant of probation
13 is revoked;

14 (5) I fail to successfully graduate from any program contemplated by this Agreement or any
15 other program ordered by the Court as a condition of probation, including, but not limited to:
16 a Program of Regimental Discipline, Adult Drug Court, Veterans Court, Mental Health
17 Court, the OPEN Program, inpatient treatment, outpatient treatment, or any alcohol-related
18 court program, including the Serious or Moderate Offender Programs;

19 (6) I fail to pay the entire amount of restitution before the expiration or termination of the
20 term of probation.

21 (7) If I violate any terms or conditions of any release-from-custody order, such as, but not
22 limited to: SCRAM or Options monitoring, Intensive Supervision, electronic monitoring or
23 house arrest ("EMP"), or "stay-away" requirements

24 I agree to the forfeiture of any and all weapons or any interest in any weapons seized
25 and/or impounded in connection with the instant case and/or any other case negotiated in
26 whole or in part in conjunction with this plea agreement.

27 I understand and agree that, if I fail to interview with the Department of Parole and
28 Probation, fail to appear at any subsequent hearings in this case, or an independent magistrate,
by affidavit review, confirms probable cause against me for new criminal charges including
reckless driving or DUI, but excluding minor traffic violations, the State will have the
unqualified right to argue for any legal sentence and term of confinement allowable for the
crime to which I am pleading guilty, including the use of any prior convictions I may have to
increase my sentence as an habitual criminal to five (5) to twenty (20) years, life without the
possibility of parole, life with the possibility of parole after ten (10) years, or a definite twenty-

1 five (25) year term with the possibility of parole after ten (10) years.

2 Otherwise I am entitled to receive the benefits of these negotiations as stated in this
3 plea agreement.

4 CONSEQUENCES OF THE PLEA

5 I understand that by pleading guilty I admit the facts which support all the elements of
6 the offense to which I now plead as set forth in Exhibit "1".

7 As to Count 1, I understand that as a consequence of my plea of guilty, the Court must
8 sentence me to imprisonment in the Nevada Department of Corrections for a minimum term
9 of not less than ONE (1) year and a maximum term of not more than SIX (6) years. The
10 minimum term of imprisonment may not exceed forty percent (40%) of the maximum term of
11 imprisonment. I understand I will be fined a minimum of \$2,000.00 and a maximum of
12 \$5,000.00.

13 As to Count 2, I understand that as a consequence of my plea of guilty, the Court
14 must sentence me to imprisonment in the Nevada Department of Corrections for a minimum
15 term of not less than ONE (1) year and a maximum term of not more than FIVE (5) years.
16 The minimum term of imprisonment may not exceed forty percent (40%) of the maximum
17 term of imprisonment. I understand that I may also be fined up to \$10,000.00.

18 I further understand and agree, that as a consequence of accepting the negotiations in
19 the instant case, I will not ask for nor receive treatment under NRS 458.300 et seq.

20 I understand that the law requires me to pay an Administrative Assessment Fee.

21 I understand that, if appropriate, I will be ordered to make restitution to the victim of
22 the offense to which I am pleading guilty and to the victim of any related offense which is
23 being dismissed or not prosecuted pursuant to this agreement. I will also be ordered to
24 reimburse the State of Nevada for any expenses related to my extradition, if any.

25 As to Count 1, I understand that I am eligible for probation for the offense to which I
26 am pleading guilty. I understand that except as otherwise provided by statute, the question of
27 whether I receive probation is in the discretion of the sentencing judge.

28 As to Count 2, I understand that I am eligible for probation for the offense to which I

1 am pleading guilty. I understand that except as otherwise provided by statute, the question of
2 whether I receive probation is in the discretion of the sentencing judge.

3 I understand that I must submit to blood and/or saliva tests under the Direction of the
4 Division of Parole and Probation to determine genetic markers and/or secretor status.

5 I understand that if more than one sentence of imprisonment is imposed and I am
6 eligible to serve the sentences concurrently, the sentencing judge has the discretion to order
7 the sentences served concurrently or consecutively.

8 I understand that information regarding charges not filed, dismissed charges, or charges
9 to be dismissed pursuant to this agreement may be considered by the judge at sentencing.

10 I have not been promised or guaranteed any particular sentence by anyone. I know that
11 my sentence is to be determined by the Court within the limits prescribed by statute.

12 I understand that if my attorney or the State of Nevada or both recommend any specific
13 punishment to the Court, the Court is not obligated to accept the recommendation.

14 I understand that if the offense to which I am pleading guilty was committed while I
15 was incarcerated on another charge or while I was on probation or parole that I am not eligible
16 for credit for time served toward the instant offense.

17 I understand that if I am not a United States citizen, any criminal conviction will likely
18 result in serious negative immigration consequences including but not limited to:

- 19 1. The removal from the United States through deportation;
- 20 2. An inability to reenter the United States;
- 21 3. The inability to gain United States citizenship or legal residency;
- 22 4. An inability to renew and/or retain any legal residency status; and/or
- 23 5. An indeterminate term of confinement, with the United States Federal
24 Government based on my conviction and immigration status.

25 Regardless of what I have been told by any attorney, no one can promise me that this
26 conviction will not result in negative immigration consequences and/or impact my ability to
27 become a United States citizen and/or a legal resident.

28

1 I understand that the Division of Parole and Probation will prepare a report for the
2 sentencing judge prior to sentencing. This report will include matters relevant to the issue of
3 sentencing, including my criminal history. This report may contain hearsay information
4 regarding my background and criminal history. My attorney and I will each have the
5 opportunity to comment on the information contained in the report at the time of sentencing.
6 Unless the District Attorney has specifically agreed otherwise, the District Attorney may also
7 comment on this report.

8 WAIVER OF RIGHTS

9 By entering my plea of guilty, I understand that I am waiving and forever giving up the
10 following rights and privileges:

- 11 1. The constitutional privilege against self-incrimination, including the right
12 to refuse to testify at trial, in which event the prosecution would not be
allowed to comment to the jury about my refusal to testify.
- 13 2. The constitutional right to a speedy and public trial by an impartial jury,
14 free of excessive pretrial publicity prejudicial to the defense, at which
trial I would be entitled to the assistance of an attorney, either appointed
15 or retained. At trial the State would bear the burden of proving beyond
a reasonable doubt each element of the offense(s) charged.
- 16 3. The constitutional right to confront and cross-examine any witnesses who
17 would testify against me.
- 18 4. The constitutional right to subpoena witnesses to testify on my behalf.
- 19 5. The constitutional right to testify in my own defense.
- 20 6. The right to appeal the conviction with the assistance of an attorney,
21 either appointed or retained, unless specifically reserved in writing and
agreed upon as provided in NRS 174.035(3). I understand this means I
22 am unconditionally waiving my right to a direct appeal of this conviction,
including any challenge based upon reasonable constitutional,
23 jurisdictional or other grounds that challenge the legality of the
proceedings as stated in NRS 177.015(4). However, I remain free to
24 challenge my conviction through other post-conviction remedies
including a habeas corpus petition pursuant to NRS Chapter 34.

25 VOLUNTARINESS OF PLEA

26 I have discussed the elements of all of the original charges against me with my attorney
27 and I understand the nature of the charges against me.

28 I understand that the State would have to prove each element of the charges against me

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I have discussed the elements of all of the original charges against me with my attorney and I understand the nature of the charges against me.

I understand that the State would have to prove each element of the charges against me at trial.

I have discussed with my attorney any possible defenses, defense strategies and circumstances which might be in my favor.

All of the foregoing elements, consequences, rights, and waiver of rights have been thoroughly explained to me by my attorney.

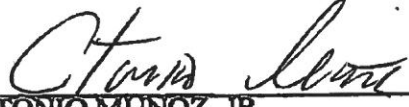
I believe that pleading guilty and accepting this plea bargain is in my best interest, and that a trial would be contrary to my best interest.

I am signing this agreement voluntarily, after consultation with my attorney, and I am not acting under duress or coercion or by virtue of any promises of leniency, except for those set forth in this agreement.

I am not now under the influence of any intoxicating liquor, a controlled substance or other drug which would in any manner impair my ability to comprehend or understand this agreement or the proceedings surrounding my entry of this plea.

My attorney has answered all my questions regarding this guilty plea agreement and its consequences to my satisfaction and I am satisfied with the services provided by my attorney.

DATED this 11 day of May, 2020.


ANTONIO MUNOZ, JR.
Defendant

AGREED TO BY:


FRANK LOGRIPPO
Deputy District Attorney
Nevada Bar #013911

1 CERTIFICATE OF COUNSEL:

2 I, the undersigned, as the attorney for the Defendant named herein and as an officer of the court
3 hereby certify that:

- 4 1. I have fully explained to the Defendant the allegations contained in the
5 charge(s) to which guilty pleas are being entered.
- 6 2. I have advised the Defendant of the penalties for each charge and the restitution
7 that the Defendant may be ordered to pay.
- 8 3. I have inquired of Defendant facts concerning Defendant's immigration status
9 and explained to Defendant that if Defendant is not a United States citizen any
10 criminal conviction will most likely result in serious negative immigration
11 consequences including but not limited to:
- 12 a. The removal from the United States through deportation;
 - 13 b. An inability to reenter the United States;
 - 14 c. The inability to gain United States citizenship or legal residency;
 - 15 d. An inability to renew and/or retain any legal residency status; and/or
 - 16 e. An indeterminate term of confinement, by with United States Federal
17 Government based on the conviction and immigration status.

18 Moreover, I have explained that regardless of what Defendant may have been
19 told by any attorney, no one can promise Defendant that this conviction will not
20 result in negative immigration consequences and/or impact Defendant's ability
21 to become a United States citizen and/or legal resident.

- 22 4. All pleas of guilty offered by the Defendant pursuant to this agreement are
23 consistent with the facts known to me and are made with my advice to the
24 Defendant.
- 25 5. To the best of my knowledge and belief, the Defendant:
- 26 a. Is competent and understands the charges and the consequences of
27 pleading guilty as provided in this agreement,
 - 28 b. Executed this agreement and will enter all guilty pleas pursuant hereto
voluntarily, and
 - c. Was not under the influence of intoxicating liquor, a controlled
substance or other drug at the time I consulted with the Defendant as
certified in paragraphs 1 and 2 above.

Dated: This 11th day of May, 2020.


JOSHUA TOMSHECK, ESQ.

td/vcu

1 AINF
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 FRANK LOGRIPPO
6 Deputy District Attorney
7 Nevada Bar #013911
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

12 ANTONIO MUNOZ, JR.,
13 #1112128,
14 Defendant.

CASE NO. C-17-325170-1
DEPT NO. VI

AMENDED
INFORMATION

15 STATE OF NEVADA }
16 COUNTY OF CLARK } ss:

17 STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State
18 of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

19 That ANTONIO MUNOZ, JR., the Defendant(s) above named, having committed the
20 crimes of RECKLESS DRIVING (Category B Felony - NRS 484B.653 - NOC 53896) and
21 PERFORMANCE OF ACT OR NEGLECT OF DUTY IN WILFUL OR WANTON
22 DISREGARD OF SAFETY OF PERSONS OR PROPERTY RESULTING IN
23 SUBSTANTIAL BODILY HARM OR DEATH (Category C Felony - NRS 202.595 -
24 NOC 51540), on or about the 16th day of July, ²⁰¹⁶2017, within the County of Clark, State of
25 Nevada, contrary to the form, force and effect of statutes in such cases made and provided,
26 and against the peace and dignity of the State of Nevada,

27 ///

28 ///

EXHIBIT G

V:\2016\33645\201633645C-AINF-(Munoz, Antonio)-001.docx

Exhibit G

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

COUNT 1 - RECKLESS DRIVING

did then and there willfully, unlawfully, and feloniously drive a motor vehicle at Interstate 15 and Sahara Avenue, Las Vegas, Clark County, Nevada, with willful or wanton disregard for the safety of persons or property, by driving said vehicle without paying full time and attention to his driving, and/or failing to exercise due care, and/or failing to drive in a careful and prudent manner, which acts, or neglect of duties, proximately causing the death of or substantial bodily harm to SEAN LEWIS and/or GERALDINE MELGER and/or JOHN WELLS.

COUNT 2 - PERFORMANCE OF ACT OR NEGLECT OF DUTY IN WILFUL OR WANTON DISREGARD OF SAFETY OF PERSONS OR PROPERTY RESULTING IN SUBSTANTIAL BODILY HARM OR DEATH

did then and there willfully, unlawfully, and feloniously perform an act in willfull or wanton disregard of the safety of persons or property, in the following manner, to wit: Defendant, while driving and/or in actual physical control of a vehicle, failing to pay full time and attention to his driving, failing to exercise due care, and/or failing to drive in a careful and prudent manner, which acts, or neglect of duties, proximately caused the vehicle Defendant was driving and/or actual physical control of, to strike and collide with a vehicle being driven or occupied by SEAN LEWIS and/or GERALDINE MELGER and/or JOHN WELLS, resulting in substantial bodily harm or death to SEAN LEWIS and/or GERALDINE MELGER and/or JOHN WELLS.

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE

Christina Munoz
CLERK OF THE COURT

BY


FRANK LOGRIppo
Deputy District Attorney
Nevada Bar #013911

SEP 17 2020

DA#16F90030X/td/vcu
NHP EV#160701463
(TK14)



1 **JOC**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 200 Lewis Avenue
6 Las Vegas, Nevada 89155-2212
7 (702) 671-2500
8 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

CASE NO: C-17-325170-1

12 ANTONIO MUNOZ, JR.,
13 #1112128,

DEPT NO: VI

14 Defendant.

**JUDGMENT OF CONVICTION
(PLEA OF GUILTY)**

15 The defendant previously appeared before the Court with counsel and entered a plea
16 of guilty to the crime(s) of COUNT 1 - RECKLESS DRIVING (Category B Felony), in
17 violation of NRS 484B.653 and COUNT 2 - PERFORMANCE OF ACT OR NEGLECT OF
18 DUTY IN WILFUL OR WANTON DISREGARD OF SAFETY OF PERSONS OR
19 PROPERTY RESULTING IN SUBSTANTIAL BODIILY HARM OR DEATH (Category C
20 Felony), in violation of NRS 202.595; thereafter, on the 9th day of September, 2020, the
21 defendant was present in court for sentencing with his counsel, JOSHUA TOMSHECK,
22 ESQ., and good cause appearing,

23 THE DEFENDANT WAS HEREBY ADJUDGED guilty of said offense(s) and, in
24 addition to the \$25.00 Administrative Assessment Fee, \$150.00 DNA Analysis fee including
25 testing to determine genetic markers, \$60.00 Chemical Drug Analysis fee and \$3.00 DNA
26 Collection fee, the defendant was sentenced as follows:

27 ///

28 CAUSERS\REEDA.K\APPPDATA\LOCAL\MICROSOFT\WINDOWS\NETCACHE\CONTENT.OUTLOOK\3B1CPN5S\201633645C-JOC-

(MUNOZ ANTONIO)-001.DOCX

Exhibit H

1 ///

2 as to COUNT 1, Defendant SENTENCED to a MINIMUM OF NINETEEN (19)
3 MONTHS AND A MAXIMUM OF FORTY-EIGHT (48) MONTHS in the Nevada
4 Department of Corrections (NDC) and as to COUNT 2, a MINIMUM OF
5 NINETEEN (19) MONTHS AND A MAXIMUM OF FORTY-EIGHT (48)
6 MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT WITH
7 COUNT 1, SUSPENDED; placed on probation for an indeterminate period not to
8 exceed THIRTY-SIX (36) MONTHS.

9 General Probationary Conditions:

10 1. Reporting: You are to report in person to the Division of Parole and Probation as
11 instructed by the Division or its agent. You are required to submit a written report
12 each month on forms supplied by the Division. This report shall be true and correct in
13 all respects.

14 2. Residence: You shall not change your place of residence without first obtaining
15 permission from the Division of Parole and Probation, in each instance.

16 3. Intoxicants: You shall not consume any alcoholic beverages whatsoever. Upon
17 order of the Division of Parole and Probation or its agent, you shall submit to a
18 medically recognized test for blood/breath alcohol content. Test results of .08 blood
19 alcohol content or higher shall be sufficient proof of excess.

20 4. Controlled Substances: You shall not use, purchase or possess any illegal drugs, or
21 any prescription drugs, unless first prescribed by a licensed medical professional. You
22 shall immediately notify the Division of Parole and Probation of any prescription
23 received. You shall submit to drug testing as required by the Division or its agent. No
24 use of marijuana.

25 5. Weapons: You shall not possess, have access to, or have under your control, any
26 type of weapon.

1 6. Search: You shall submit your person, property, place of residence, vehicle or areas
2 under your control to search including electronic surveillance or monitoring of your
3 location, at any time, with or without a search warrant or warrant of arrest, for
4 evidence of a crime or violation of probation by the Division of Parole and Probation
5 or its agent.

6 7. Associates: You must have prior approval by the Division of Parole and Probation
7 to associate with any person convicted of a felony, or any person on probation or
8 parole supervision. You shall not have any contact with persons confined in a
9 correctional institution unless specific written permission has been granted by the
10 Division and the correctional institution.

11 8. Directives and Conduct: You shall follow the directives of the Division of Parole
12 and Probation and your conduct shall justify the opportunity granted to you by this
13 community supervision.

14 9. Laws: You shall comply with all municipal, county, state, and federal laws and
15 ordinances.

16 10. Out-of-State Travel: You shall not leave the state without first obtaining written
17 permission from the Division of Parole and Probation.

18 11. Employment/Program: You shall seek and maintain legal employment, or
19 maintain a program approved by the Division of Parole and Probation and not change
20 such employment or program without first obtaining permission. All terminations of
21 employment or program shall be immediately reported to the Division.

22 12. Financial Obligation: You shall pay fees, fines, and restitution on a schedule
23 approved by the Division of Parole and Probation. Any excess monies paid will be
24 applied to any other outstanding fees, fines, and/or restitution, even if it is discovered
25 after your discharge.

26 Special Probationary Conditions:
27
28


DISTRICT JUDGE *ICR*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

16F90030X



JAN 13 2021

CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE DOCUMENT ON FILE

I. REGULARLY SCHEDULED MEETING AGENDA ITEMS

6. DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.

Hearing pursuant to NAC289.290(1)(e) on the revocation of Boris D. Santana, formerly with the North Las Vegas Police Department, certification(s) based upon a Gross Misdemeanor conviction.



STATE OF NEVADA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
5587 Wa Pai Shone Avenue
Carson City, Nevada 89701
(775) 687-7678 FAX (775) 687-4911

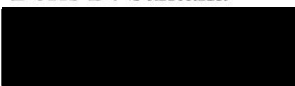
STEVE SISOLAK
Governor

MICHAEL D. SHERLOCK
Executive Director

NOTICE OF INTENT TO REVOKE

January 25, 2021

Boris D. Santana



Certified Mail# 7019 1120 0000 6613 8980

Dear Mr. Santana,

POST PIN #: 32787

Based upon documentation received by the Nevada Peace Officer Standards and Training Commission (the Commission) and in accordance with Nevada Administrative Code 289.290 and Nevada Revised Statute 241.033, you are hereby notified that the Commission has initiated action to revoke your Nevada peace officer certificate(s) that authorizes the holder to be employed as a peace officer in the state of Nevada.

I have included a copy of Nevada Administrative Code 289.290 for your convenience.

The Commission's regulations provide that a person's peace officer certificate(s) may be revoked pursuant to **NAC 289.290(1)(e) based on a conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a gross misdemeanor.** The plea agreement which has led to this action is as follows:

Count: Unlawful Possession of a Big Game Animal, a Gross Misdemeanor as defined by NRS 501.376(1)

Case#: DC-CR-20-77

Dept No: 4th Judicial District Court

Jurisdiction: County of Elko, Nevada

You have the right to appear before the Commission to contest the revocation of your Nevada peace officer certificate(s) by providing written notice to the Commission within fifteen (15) days of the date of the hearing.

If you choose to appeal and answer the charges against you, the Commission may elect to sit as a whole or a number that is practicable at a hearing or designate an independent hearing officer to hear the matter. You will be given the opportunity to present evidence and cross-examine witnesses as applicable. If you wish, you may be represented by an attorney; however, this would be at your own expense.

Written requests can be made to:

Nevada Commission on Peace Officer Standards and Training
ATTN: Director Sherlock
5587 Wa Pai Shone Ave.
Carson City, NV 89701

Exhibit A

The Commission will determine whether your Nevada peace officer certification(s) should be revoked at the meeting listed below:

Date: February 22, 2021

Time: 10:00am

**Location: Commission on Peace Officer Standards and Training
5587 WaPai Shone Ave.
Carson City, NV 89701**

The hearing will cover the following: **NAC 289.290 (1)(e) Revocation of a certificate based on a conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a gross misdemeanor.**

You will be notified of the Commission's decision within 15 days after this hearing, or as soon thereafter as is practicable.

If you need additional information concerning this matter, contact Kathy Floyd at (775) 687-7678, ext. 3335.

Sincerely,

Kathy Floyd
Chief of Standards Division
Nevada Commission on Peace
Officer Standards and Training

Cc: Sr. Dep. - Attorney General Michael Jensen
File

NAC 289.290 Denial, revocation, suspension and reinstatement of certificate. (NRS 289.510)

1. Each of the following constitutes cause for the Commission to revoke, refuse or suspend the certificate of a peace officer:

(a) Willful falsification of any information provided to obtain the certificate.

(b) A permanent or chronic physical or mental disability affecting the officer's ability to perform his or her full range of duties.

(c) Chronic drinking or drunkenness on duty.

(d) Addiction to or the unlawful use or possession of narcotics or other drugs.

(e) Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a gross misdemeanor. Upon criminal indictment or filing of a criminal complaint, suspension may be imposed.

(f) Failure to comply with the standards established in this chapter.

(g) Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a felony. Upon criminal indictment or filing of a criminal complaint, suspension may be imposed. Upon conviction or entry of a plea of guilty, guilty but mentally ill or nolo contendere, the certificate will be revoked.

(h) Conviction of a misdemeanor. If the employing agency recommends suspension or revocation following conviction of the employee for a misdemeanor, suspension or revocation may be imposed. In determining whether to suspend or revoke the certificate, the Commission will consider the type of conviction and other information provided by the agency indicating unprofessional conduct or similar undesirable activity by the officer that resulted in disciplinary action.

2. Denial, suspension or revocation procedures will not be considered by the Commission in cases where the employment of an officer is terminated for violations of the policies, general orders or similar guidelines of operation of the employing agency which do not constitute any of the causes for denial, suspension or revocation specified in subsection 1.

3. The employing agency shall notify the Commission any time that it becomes aware that one of its officers has been charged with a crime that could result in denial, suspension or revocation procedures. Upon receipt of information alleging any of the causes enumerated in subsection 1, the Commission will determine whether to pursue revocation or suspension of the certificate of the officer.

4. The Commission will notify the officer by certified mail at the officer's last known address of any pending revocation or suspension action and of the nature of the charges and the officer's right to appear and answer the charges. The officer shall, within 15 days after the date on the certified mail receipt, respond in writing, notifying the Commission of his or her intended action with reference to the charges.

5. If the officer fails to notify the Commission within the specified time of his or her intention to appear in answer to the pending action, the Commission will:

(a) Consider the case on its own merits, using the statement from the head of the employing agency or the substantiated information derived from any independent investigation it deems necessary;

(b) Take no action pending the outcome of possible criminal action which may be filed against the officer; and

(c) Take no action pending the outcome of an appeal.

↳ The Commission's decision will be determined by a majority vote of the members of the Commission present.

6. When an officer notifies the Commission of his or her intention to appear and answer the charges pending against him or her, the Commission will elect to sit as a whole at a hearing or designate an independent hearing officer to hear the matter and make recommendations in writing to the Commission. The Commission will review the recommendations of any such hearing officer and arrive at a decision by majority vote of the members present.

7. The Commission will notify the officer of its decision within 15 days after the hearing.

8. An applicant for a certificate who has not been previously certified, but who would be subject to revocation for any cause set out in subsection 1, will not be granted a certificate.

9. If, upon receiving a written allegation that a peace officer is in violation of any provision of subsection 1 and that the facts and circumstances indicate that suspension rather than revocation would be in the best interests of the agency and law enforcement in general, the Commission will suspend the officer's certificate.

10. The Commission will provide each peace officer whose certificate is suspended with written notice of the suspension by certified registered mail. The suspension becomes effective 24 hours after receipt of the certified notice. The notice will contain a statement advising the officer of the right to a hearing.

11. Suspension of a certificate is not a bar to future revocation of the certificate and any prior suspensions may be considered as a factor if revocation is being considered by the Commission.

12. Five years after the revocation of a certificate, an officer may submit a written request to the Commission to allow him or her to reinstate his or her certificate. The Commission will schedule a hearing to consider whether to reinstate the officer's certificate. The Commission will notify the agency that requested the revocation of the date and time of the hearing. After the hearing, the Commission will determine whether to reinstate the certificate. If the certificate is reinstated, the Commission may establish a probationary period during which any misconduct by the officer would result in revocation.

(Added to NAC by Peace Officers' Standards & Training Com., eff. 12-17-87; A 8-24-90; 4-28-94; A by Peace Officers' Standards & Training Comm'n by R102-99, 11-2-99; R003-07, 4-17-2008; R051-14, 10-24-2014)

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee \$ _____

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$ _____

Return Receipt (electronic) \$ _____

Certified Mail Restricted Delivery \$ _____

Adult Signature Required \$ _____

Adult Signature Restricted Delivery \$ _____

Postage \$ _____

Total Postage and Fees \$ _____

Postmark Here
 3774
 JAN 25 2021

7019 1120 0000 6613 8980

PS Form 3811, July 2015 PSN 7530-02-000-9053

See Reverse for Instructions


SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/>  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) _____ C. Date of Delivery _____</p>
<p>1. Article Addressed to:</p> <p style="text-align: center;">Boris D. Santana</p> <p style="text-align: center;">[Redacted Address]</p> <p style="text-align: center;">9590 9402 4927 9063 8898 92</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>2. Article Number (Transfer from service label)</p> <p>7019 1120 0000 6613 8980</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input checked="" type="checkbox"/> Certified Mail Restricted Delivery <input checked="" type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Insured Mail</p> <p><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>

Exhibit B

ALERT: USPS IS EXPERIENCING UNPRECEDENTED VOLUME INCREASES AND LIMITED EMPLOYEE AVAILABILITY DU...



FAQs >

Track Another Package +

Tracking Number: 70191120000066138980

Remove X

Your item was delivered to an individual at the address at 3:04 pm on January 27, 2021 in PASADENA, CA 91104.

Delivered

January 27, 2021 at 3:04 pm
Delivered, Left with Individual
PASADENA, CA 91104

Get Updates

Text & Email Updates



Feedback >

Tracking History



January 27, 2021, 3:04 pm
Delivered, Left with Individual
PASADENA, CA 91104

Your item was delivered to an individual at the address at 3:04 pm on January 27, 2021 in PASADENA, CA 91104.

January 26, 2021, 5:14 pm
Departed USPS Regional Facility
SANTA CLARITA CA DISTRIBUTION CENTER

January 26, 2021, 2:32 pm
Arrived at USPS Regional Facility
SANTA CLARITA CA DISTRIBUTION CENTER

January 25, 2021, 9:41 pm
Arrived at USPS Regional Facility
RENO NV DISTRIBUTION CENTER

Product Information



State of Nevada - POST

UPDATE - Personnel Action Report (PAR)

Post ID Number:

Last Name:

First Name:

MI: Suffix:

Name Change?

Last Name:

First Name:

MI: Suffix:

Address Change?

Street Address:

City:

State:

Zip Code:

County:

E-Mail:

Level Change? Line Supervisor Management Executive
 Part Time Full Time

Status Change? Deceased Retired Separated

NAC289.290 Notification (Cause For Commission Action)

Pursuant to NAC 289.290(3) "The employing agency shall notify the Commission any time that it becomes aware that one of its officers has been charged with a crime that could result in denial, suspension or revocation procedures. Upon receipt of information alleging any of the causes enumerated in subsection 1, the Commission will determine whether to pursue revocation or suspension of the certificate of the officer."

Does the above NAC apply? No Yes

****If you selected YES, ensure it is correct and provide details in the Comment field.****

Comments\Additional Information:

Effective Date:

Submitters E-Mail:

Submitters Name:

Submitters Phone:

STATE OF NEVADA

COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING

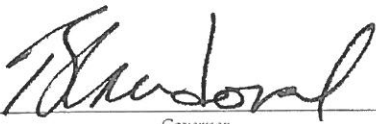
Hereby Awards the

Basic Certificate Category I

To

Boris Santana

*For having fulfilled the requirements for Certification
as prescribed by Nevada Administrative Codes.*



Governor



Interim Executive Director, Commission on Peace Officers'
Standards and Training

POST ID No. 32787

Presented this 23rd day of July, 2015

STATE OF NEVADA

COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING

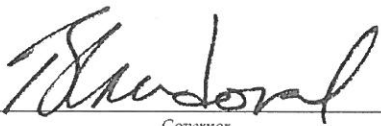
Hereby Awards the

Basic Certificate Category III

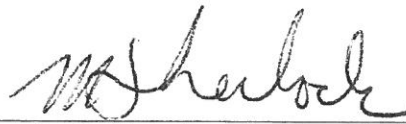
To

Boris Santana

*For having fulfilled the requirements for Certification
as prescribed by Nevada Administrative Codes.*



Governor



Executive Director, Commission on Peace Officers'
Standards and Training

POST ID No. 32787

Presented this 23rd day of July, 2015

Exhibit E

NORTH LAS VEGAS POLICE



PAMELA OJEDA
CHIEF OF POLICE

January 28, 2020


Scott Johnston
Chief of Professional Standards
Nevada Commission on Peace Officer Standards and Training
5587 Wa Pai Shone Avenue
Carson City, Nevada 89701

Greetings Scott,

In compliance with NAC 289.290 subsection 3, this letter is to notify you the Elko District Attorney's office has filed Felony and Gross Misdemeanor Charges on Officer Boris Santana NV Post# 32787 at Elko Justice Court (court case number EL-JC-CR-F-20-419). The charges filed are as follows:

1. Unlawful killing of a big game animal, a category E Felony or a Gross Misdemeanor as defined by NRS 501.376
2. (Or in the alternative to count 1) Attempted unlawful killing of a big game animal, a category E Felony or a Gross Misdemeanor as defined by NRS 501.376
3. Unlawful possession of a big game animal, a Gross Misdemeanor as defined by NRS 501.376
4. Conspiracy to commit unlawful killing of a big game animal, a Gross Misdemeanor as defined by NRS 199.480

Respectfully,


By: Sergeant M. Perez
Internal Affairs Bureau
702-633-1946

For: Pamela Ojeda
Chief of Police



Exhibit F

FILED

2020 MAY 18 PM 3:09

ELKO CO DISTRICT COURT

CLERK _____ DEPUTY RP

1 CASE NO. DC CR 20-77
2 DEPT. NO. 1
3 Affirmation Pursuant to NRS 239B.030
4 SSN Does Appear _____
5 SSN Does Not Appear AW

6 IN THE FOURTH JUDICIAL DISTRICT COURT
7 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO

9 THE STATE OF NEVADA,
10 Plaintiff,

11 vs.

12 BORIS DANIEL SANTANA,
13 Defendant.

CRIMINAL
INFORMATION

(filed pursuant to a plea
agreement)

14 COMES NOW THE STATE OF NEVADA, the Plaintiff in the above-entitled cause, by
15 and through its Counsel of Record, the Elko County District Attorney's Office, and informs the
16 above-entitled Court that Defendant above-named, on or about the 9th day of November,
17 2019, at or near the location of Central Elko County near Stormy Creek Ranch, within the
18 County of Elko, and the State of Nevada, committed a crime or crimes described as follows:

19
20 COUNT 1

21 **UNLAWFUL POSSESSION OF BIG GAME ANIMAL, A GROSS**
22 **MISDEMEANOR AS DEFINED BY NRS 501.376. (NOC 52691)**


23 That the Defendant did willfully and unlawfully possess an elk knowing that
24 the animal was unlawfully killed or under circumstances that should have
25 caused a reasonable person to know that the animal was unlawfully killed in
26 violation of NRS 501.376(1); and furthermore as a matter regarding civil
penalties the elk was a trophy elk as defined by NRS 501.3855.

27 ///
28 ///

1 All of which is contrary to the form of the Statute in such cases made and provided,
2 and against the peace and dignity of the State of Nevada.

3 Dated: May 13, 2020.

4 TYLER J. INGRAM
5 Elko County District Attorney

6 

7 CHAD B. THOMPSON
8 Chief Criminal Deputy District Attorney
9 State Bar Number: 10248

10 Witnesses' names and addresses known to the District Attorney at the time of filing
11 the above Criminal Information, if known, are as follows.

12 NICHOLAS BRUNSON: [REDACTED] ELKO, NV 89801

13 ANTHONY B COLLINS: [REDACTED] SPRING CREEK, NV 89815

14 DAVID H. COLLINS: [REDACTED] SPRING CREEK, NV 89815

15 KAYLEE JO FILIPPINI: [REDACTED] CRESCENT VALLEY, NV 89821

16 AUSTIN D IVESON: [REDACTED] WELLS, NV 89835

17 HARVEY L PETE: [REDACTED] ELKO, NV 89801
18
19
20
21
22
23
24
25
26
27
28

1 **CERTIFICATE OF SERVICE**

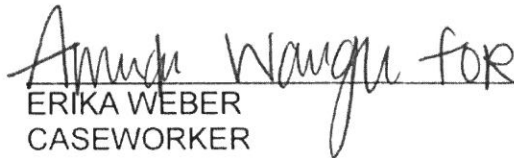
2 I hereby certify, pursuant to the provisions of NRCP 5(b), that I am an employee of the
3 Elko County District Attorney's Office, and that on the 18th day of May, 2020, I hereby
4 served a copy of the CRIMINAL INFORMATION, by delivering, mailing, faxing, or causing to
5 be delivered, faxed, or mailed, a copy of said document to the following:

6 By delivering to:

7 HONORABLE DISTRICT COURT JUDGE
8 FOURTH JUDICIAL DISTRICT COURT
9 ELKO COUNTY COURTHOUSE
ELKO, NV 89801

10 By mailing to:

11 SEAN P SULLIVAN
12 ATTORNEY AT LAW
13 400 S. 4TH ST. SUITE 280
LAS VEGAS, NV 89101

14 
15 ERIKA WEBER
16 CASEWORKER

17 DA # F-20-00057

18
19
20
21
22 CERTIFIED COPY
23 DOCUMENT ATTACHED IS A
24 TRUE AND CORRECT COPY
25 OF THE ORIGINAL ON FILE

26 14 day of July, 2020

27 
28 CLERK

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CASE NO. DC-CR-20-77
Dept. NO. 1

FILED
2020 JUN 25 PM 2:48
ELKO CO DISTRICT COURT
CLERK _____ DEPUTY *[Signature]*

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO

THE STATE OF NEVADA,

Plaintiff,

vs.

**MEMORANDUM OF
PLEA AGREEMENT**

BORIS DANIEL SANTANA,

Defendant.

I hereby agree to enter a plea of guilty to: one count
UNLAWFUL POSSESSION OF A BIG GAME ANIMAL, A GROSS MISDEMEANOR AS
DEFINED BY NRS 501.376, as is more fully alleged in the charging
document.

My decision to plead guilty is based upon the plea agreement
in this case in which the State has agreed to file a Criminal
Information charging me with the above mentioned gross
misdemeanor. The District Attorney's Office agrees that it will
file no further charges arising out of facts related to this
incident, now known by the District Attorney's Office. At the
time of sentencing, the parties will remain free to argue for the
sentence they deem appropriate, including the amount of the civil
penalty to be imposed and whether the firearm in question should
be forfeited.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

offense to which I am pleading guilty.

I understand that if I plead guilty to two or more charges, the sentence may be served concurrently or consecutively, at the discretion of the judge who sentences me.

I have not been promised or guaranteed any particular sentence by anyone. I know that my sentence is to be determined by the Court within the limits prescribed by law. I understand that if my attorney, or the State, or both, recommends any particular sentence, the Court is not obligated to follow those recommendations.

I understand that the Division of Parole and Probation will conduct an investigation into, and prepare a report on, my background and other matters relevant to determining the appropriate sentence to be imposed. My attorney and I, as well as the District Attorney, unless he has otherwise agreed in this document to remain silent, will all have the opportunity to comment on the information contained in the report at the time of sentencing.

WAIVER OF RIGHTS

By entering my plea of guilty, I understand that I am waiving and forever giving up the following rights and privileges:

1. The constitutional right against self-incrimination, including the right to choose whether to testify at trial, and the right to prohibit the prosecutor from commenting on my silence if I choose not to testify.

2. The constitutional right to a speedy, fair and public trial by an impartial jury; the constitutional right to be

1 assisted at trial by an attorney, either retained by me, or
2 appointed for me if I am indigent and cannot afford an attorney;
3 the right to require the State to prove each element of the
4 offense with which I am charged beyond a reasonable doubt; the
5 constitutional right to confront and cross-examine my accusers,
6 and the constitutional right to subpoena witnesses in my behalf.

7 3. The right to appeal, with the assistance of retained or
8 appointed counsel, the conviction as well as any legal issues
9 arising prior to entry of this guilty plea. By pleading guilty,
10 I specifically waive my right to appeal any and all such issues.

11 **VOLUNTARINESS OF PLEA**

12 I have discussed the elements of all of the original charges
13 against me with my attorney and I understand the nature of those
14 charges.

15 I understand that the State would have to prove each element
16 of the charges against me at trial beyond a reasonable doubt.

17 I have discussed with my attorney any possible defenses,
18 defense strategies, and circumstances which might be favorable to
19 me.

20 All of the foregoing elements, consequences, rights and
21 waiver of rights, have been thoroughly explained to me by my
22 attorney. My attorney has answered all of my questions regarding
23 this plea agreement and its consequences to my satisfaction.

24 I believe that pleading guilty and accepting this plea
25 bargain is in my best interest, and that a trial would be
26 contrary to my best interest.

27 I am satisfied that my attorney is skilled in criminal
28 defense and that I have been fully and fairly served by my

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

attorney.


I am not now under the influence of any intoxicating liquor, controlled substance or other substance which would in any manner impair my ability to comprehend or understand this agreement or the proceedings surrounding my entry of this plea. I am signing this agreement freely and voluntarily, after consultation with my attorney, and I am not acting under duress, coercion, or promises of leniency except as expressly set forth in this agreement.

DATED this 25 day of June, 2020.



BORIS DANIEL SANTANA
Defendant

DATED this 25 day of June, 2020.



CHAD B. THOMPSON
Deputy District Attorney
Bar #10248

CERTIFICATE OF COUNSEL

I, the undersigned, as the attorney for the Defendant named herein and as an officer of the court, hereby certify that:


1. I have fully explained to the Defendant the allegations contained in the charges to which guilty pleas are being entered.
2. I have advised the Defendant of the penalties for each charge and the restitution that the Defendant may be ordered to pay.
3. All pleas of guilty offered by the Defendant pursuant to this Agreement are consistent with the facts known to me and are made with my advice to the Defendant and are in the best interest

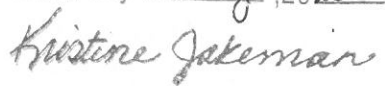
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

of the Defendant.

4. To the best of my knowledge and belief, the Defendant:
- a. Is competent and understands the charges and the consequences of pleading guilty as provided in this Agreement.
 - b. Executed this Agreement and will enter all guilty pleas pursuant hereto voluntarily.
 - c. Was not under the influence of intoxicating liquor, a controlled substance or other substance at the time of the execution of this Agreement.

DATED this 24 day of June, 2020.


SEAN P. SULLIVAN, ESQ.
Attorney for Defendant
Nevada Bar # 4768

CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE
14 day of July, 2020

CLERK

1 CASE NO. DC-CR-20-77

2 DEPT. NO. 1

3

4

5

6

7

8

9 THE STATE OF NEVADA,

10 Plaintiff,

11 V.

12 BORIS DANIEL SANTANA,

13 Defendant.

14

15 On the 29th day of June, 2020, above-named Defendant, BORIS DANIEL SANTANA, AKA
 16 BORIS DANIEL SANTANA FEJEDA, AKA BORIS DANIEL SANTANA-TEJEDA, AKA BORIS
 17 DANIEL TEJEDA [who is further described as follows: Date of birth: 7/20/1979 (age 41); Place of
 18 birth: Havana, Cuba] was arraigned and entered a plea of guilty to the crimes described below and
 19 as more fully set forth in the criminal information filed herein. Legal counsel present at Defendant's
 20 arraignment were, Sean P. Sullivan, Esq., representing Defendant, and Ryan I. McCormick, Elko
 21 County Deputy District Attorney, representing the State. At the time above-named Defendant entered
 22 his plea of guilty, this Court informed him of all applicable constitutional rights, the elements of the
 23 crime(s) charged, and the maximum possible penalty for said crime(s). After being so informed,
 24 above-named Defendant stated that he understood all of the applicable constitutional rights, the
 25 elements of the crime(s) charged and the maximum possible penalty for said crime(s). This Court
 26 then made a finding that Defendant had entered his plea freely and

FILED

2020 NOV -3 PM 3: 23

ELKO CO DISTRICT COURT

CLERK _____ DEPUTY *DA* *SR*

IN THE FOURTH JUDICIAL DISTRICT COURT
 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO

JUDGMENT OF CONVICTION
 (Guilty Plea - Fines and Fees)

1 voluntarily, and with full understanding of his constitutional rights, the nature of the charges and the
2 consequences of his plea.

3 **DESCRIPTION OF CONVICTIONS**

4 COUNT 1: UNLAWFUL POSSESSION OF A BIG GAME ANIMAL, A GROSS
5 MISDEMEANOR AS DEFINED BY NRS 501.376. (NOC52691)

6 On the 14th day of September, 2020, above-named Defendant appeared before this Court for
7 the purpose of sentencing and entry of a final judgment of conviction in this matter. This Court, the
8 State, and defense counsel had previously received a Pre-Sentence Report which had been prepared
9 by the Division of Parole and Probation. Above-named Defendant was personally present at the
10 sentencing. Legal counsel present at Defendant's sentencing were Sherburne M. Macfarlan, III., Esq.,
11 representing Defendant, and Justin M. Barainca, Elko County Deputy District Attorney, representing
12 the State. Also present was Michelle Gavorsky, representing the Division of Parole and Probation.

13 After hearing from all parties and allowing Defendant an opportunity to personally address
14 the Court, this Court finds that the appropriate judgment in this case is and shall be as follows:

15 **SENTENCE TERMS**

16 Defendant shall pay a fine in the amount of \$100.00.

17 Pursuant to NRS 176.0913 the name, social security number, date of birth and any
18 other information identifying Defendant shall be submitted to the central repository
19 for Nevada records of criminal history. Defendant shall submit to a blood and saliva
20 test, to be made by qualified persons. The tests must include analyses of his blood
to determine genetic markers and of his saliva to determine its secretor status. The
results of the tests shall be submitted to the central repository for Nevada records of
criminal history.

21 **FINANCIAL AND RESTITUTION REQUIREMENTS**

- 22 1. Defendant is ordered to pay the administrative fee in the amount of \$25.00
23 as required by NRS 176.062, and a judgment is rendered against Defendant
24 in that amount. Said amount shall be deducted from any cash bail monies
25 posted by Defendant before any remainder is returned upon the exoneration
of bail. It is further ordered that if Defendant has any monies in the
possession of the Elko County Jail, that said monies shall be delivered
directly to the Elko County Clerk and applied to this fee.

26 //

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

- 2. Defendant is ordered to pay the \$3.00 administrative assessment fee for purposes of obtaining a biological specimen and conducting a genetic marker analysis, and a judgment is rendered against Defendant in that amount. It is further ordered that if Defendant has any monies in the possession of the Elko County Jail, that said monies shall be delivered directly to the Elko County Clerk and applied to this fee.
 - 3. Defendant is ordered to pay the genetic testing fee of \$150.00 as required by NRS 176.0915. Said amount shall be deducted from any cash bail monies posted by Defendant before any remainder is returned upon the exoneration of bail. It is further ordered that if the defendant has any monies in the possession of the Elko County Jail, that said monies shall be delivered directly to the Elko County Clerk and applied to this fee.
 - 4. Defendant shall pay a civil penalty in the amount of \$8,000.00.
- Any cash bail or monies in the possession of the Elko County Jail which belong to Defendant shall be confiscated and applied to this debt.
- 5. Defendant shall pay the total amount owing of \$8,278.00 by 5:00 p.m. on the same date as sentencing. Defendant shall provide proof of payment to the Court's bailiff once payment has been made.

BAIL

IT IS HEREBY ORDERED that any bail bond previously posted for said Defendant shall be exonerated. Any cash bail posted for said Defendant shall be applied first to fines and/or costs due pursuant to this judgment and, unless otherwise agreed to by the parties, any amount remaining shall be returned by the clerk to the person who posted said cash bail.

ENTRY OF JUDGMENT

IT IS FURTHER ORDERED that the clerk of the above-entitled Court enter this JUDGMENT OF CONVICTION as part of the record in the above-entitled matter.

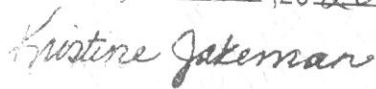
SO ORDERED this 29 day of October, 2020.



 NANCY PORYER
 DISTRICT JUDGE - DEPARTMENT 1

CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE

30 day of Nov, 2020



 CLERK

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

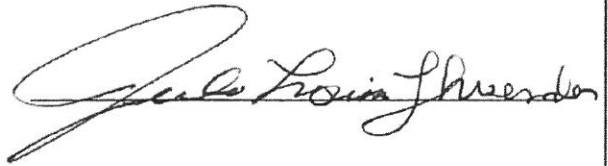
CERTIFICATE OF HAND DELIVERY

Pursuant to NRCPC 5(b), I certify that I am an employee of the Fourth Judicial District Court, Department 1, and that on this 3rd day of ~~October~~^{November}, 2020, I personally hand delivered a file stamped copy of the foregoing **JUDGMENT OF CONVICTION** (Guilty Plea - Fines and Fees) addressed to:

Dept. of Parole and Probation
3920 E. Idaho Street
Elko, NV 89801
[Box in Clerk's Office]

Elko County Sheriff's Office
775 W. Silver Street
Elko, NV 89801
[Box in Clerk's Office]

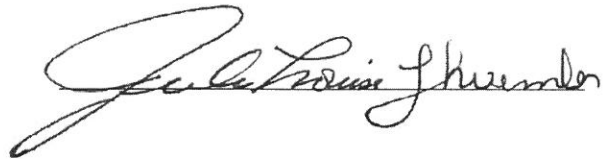
Tyler J. Ingram, Esq.
Elko County District Attorney
540 Court Street, 2nd Floor
Elko, NV 89801
[Box in Clerk's Office]



CERTIFICATE OF MAILING

Pursuant to NRCPC 5(b), I hereby certify that I am an employee of the Fourth Judicial District Court, Department 1, and that on this 3rd day of ~~October~~^{November}, 2020, I deposited for mailing in the U.S. mail at Elko, Nevada, postage prepaid, a copy of the foregoing **JUDGMENT OF CONVICTION** (Guilty Plea - Fines and Fees) addressed to:

Sean P. Sullivan, Esq.
Attorney at Law
400 S. 4th Street, Ste. 280
Las Vegas, NV 89101



I. REGULARLY SCHEDULED MEETING AGENDA ITEMS

7. DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.

Request from the State of Nevada Taxicab Authority for a 6-month extension pursuant to NRS 289.550 for their employee Raul Diaz to meet certification requirements.

STEPHEN F. SISOLAK
Governor

TERRY REYNOLDS
Director



STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
TAXICAB AUTHORITY
2090 East Flamingo Road, Suite 200
Las Vegas Nevada 89119
Telephone (702) 668-4000 • Fax (702) 668-4001
<http://taxi.state.nv.us>

SCOTT WHITTEMORE
Administrator

STAN OLSEN
Chairman

VACANT
Vice Chairman

Members
ROGER C. THOMPSON, Ph. D
RICHARD DAVID GROOVER
VICKI HOLMES Ph.D

January 11, 2021

VIA FAX (775) 687-4911

Michael D. Sherlock, Executive Director
STATE OF NEVADA COMMISSION ON PEACE
OFFICER STANDARDS AND TRAINING
5587 Wa Pai Shone Avenue Carson City, Nevada 89701

Re: Six-month extension pursuant to NRS 289.550

Dear Director Sherlock,

This serves as a formal request for the Nevada P.O.S.T. Commission to consider and approve a six-month extension pursuant to NRS 289.550 for Taxicab Authority employee RAUL DIAZ to meet peace officer certification requirements.

Mr. Diaz was hired on January 27, 2020 and was scheduled to begin his academy certification training with the Clark County Juvenile Justice Services (CCJJS) on March 2, 2020. Unfortunately, Mr. Diaz sustained a physical injury prior to the commencement of the academy and was unable to attend. Mr. Diaz successfully recovered from his injury and was prepared to attend the CCJJS Fall academy. Due to the Covid-19 pandemic restrictions; and a county wide hiring freeze, CCJJS cancelled all future academies indefinitely.


The TA contacted Silver State Law Enforcement Academy (SSLEA) and successfully enrolled Mr. Diaz to attend their scheduled 2020 Fall academy. Due to Covid-19 pandemic restrictions, SSLEA re-scheduled their 2020 Fall academy to begin January 9, 2021. On January 6, 2021, SSLEA notified the TA and Mr. Diaz that the academy had to be re-scheduled due to numerous academy staff members and administrators being infected with the Covid-19 disease.



The re-scheduled academy date is February 6, 2021 and is beyond the required one-year date for Mr. Diaz to complete and receive his peace officer certification from the Commission. Due to unforeseen circumstances, the TA respectfully request the Commission to consider and grant Mr. Diaz a six-month extension so that he may complete his peace officer training and apply for certification.

Thank you in advance for your time and consideration.

Best regards.



Ruben V. Aquino, Jr.
Chief Investigator - Enforcement Division
Nevada Taxicab Authority
2090 East Flamingo Road., #200
Las Vegas, NV 89119
Phone: (702)668-4070
Fax: (702) 668-4001
Email: aquinor@taxi.state.nv.us

/rva

cc: Scott Whittemore, TA Administrator



Nevada Department of Business & Industry

I. REGULARLY SCHEDULED MEETING AGENDA ITEMS

8. DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.

Request from the Esmeralda County Sheriff's Office for a 6-month extension pursuant to NRS 289.550 for their employee Jacob Stritenberger to meet certification requirements.



Office of the Esmeralda County Sheriff

P.O. Box 520
Goldfield, Nevada 89013

Kenneth N. Elgan
SHERIFF



January 12, 2021

To: Nevada POST Commission

RE: Stritenberger, Jacob
6 Month Extension

Mr. Stritenberger, while at the NDOC Cat III Academy, sustained an injury to his right knee during the mile and a half run. Mr. Stritenberger successfully completed all of the other day one requirements. After sustaining the injury and medical evaluation it was determined Mr. Stritenberger would not be able to continue in the academy at this time. Mr. Stritenberger is valued employee of the Esmeralda County Sheriff's Office. For this reason I am requesting a 6 month extension for Mr. Stritenberger to be able to recover from his injury and continue in an academy in the future.

Thank you Commissioners for your time and consideration in this matter.

Sincerely,

Kenneth N. Elgan, Sheriff

I. REGULARLY SCHEDULED MEETING AGENDA ITEMS

9. DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.

The Commission may not take action on any matter considered under this item until the matter is specifically included on an agenda as an action item.

I. REGULARLY SCHEDULED MEETING AGENDA ITEMS

10 & 11. DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.

Schedule upcoming Commission Meeting and Adjournment

