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STATE OF NEVADA

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

MEETING TRANSCRIPT

THURSDAY, FEBRUARY 12, 2026

MILLER: Good afternoon, everyone. The POST Commission meeting and public hearing is called to order, for February 12, 2026. For the record, the time is 2:00 PM. Let's go to Kathy Floyd for information on the legal posting and open meeting compliance.

FLOYD: The public comment notice and the agenda have been posted. Oh, gosh. I'm sorry. I've lost my place. Can you skip me, and we'll come back to it?

MILLER: Absolutely. We'll move on to item number two, roll call. I'll start with myself, Oliver Miller, Assistant Chief, Reno PD. And we'll work our way around the table to Director Togliatti.

MCGILL: Sheriff Joe McGill, Nye County Sheriff's Office.

MCKINNEY: Kevin McKinney, Carlin PD.

SHEA: Tim Shea, Boulder City Police.

BOVEDA: Esmerelda Boveda, Las Vegas Metro.

TOGLIATTI: George Togliatti, Nevada Department of Public Safety.

STRAUBE: Rob Straube, City of Las Vegas DPS.

1 COVERLEY: Dan Coverley, Douglas County Sheriff.

2 NEIL: Russ Neil, State Gaming Control Board.

3 MILLER: And I would throw in -- Dr. Young, can you hear
4 us? And you're here, correct?

5 YOUNG: Yes, Commissioner, (inaudible). Yes.

6 DE LUNA: Jesslyn De Luna from the Attorney General's
7 office.

8 SHERLOCK: Mike Sherlock from POST.

9 FLOYD: Kathy Floyd, from POST.

10 MILLER: All right. And we will return to Ms. Floyd, if
11 you're prepared.

12 FLOYD: Let's try it again. Okay. The meeting agenda
13 and the public hearing have been posted, in compliance with
14 NRS 241.020. They were physically posted at the POST
15 administration building and the Nevada State Library in Carson
16 City, and electronically posted at the POST website, at
17 post.nv.gov, the State of Nevada website at notice.nv.gov, and
18 emailed to all single-point-of-contacts and agency
19 administrators on the POST list serve.

20 MILLER: Thank you, Ms. Floyd. Moving on to item number
21 three, public hearing. The purpose of the hearing is to
22 solicit comments from interested persons on the following
23 topic, that may be addressed in proposed regulations. This
24 public hearing has been previously noticed, pursuant to the
25 requirements of NRS chapter 233B, topic LCB file, R081-25.

1 (Inaudible) public comment -- the commission may not take
2 action on any matter considered under this item, until the
3 matter is specifically included on an agenda, as an action
4 item. Do we have any public comment? There'll be further
5 opportunities for public comment later. Okay. Seeing that
6 there is none, we'll move on to item number two, discussion
7 and for possible action -- the commission to discuss and take
8 possible action to adopt, amend, or appeal their regulations
9 as follows -- A, LCB file R081-25, amend NAC 289.230 (1)(b),
10 to implement changes contained into Senate Bill 380, SB 380,
11 of the 83rd 2025 Nevada Legislative session, which added
12 interactions with persons with developmental disabilities,
13 which may include, without limitations, training on
14 recognizing and responding to persons with an autism spectrum
15 disorder. We'll go to Mike Sherlock for some background on
16 this subject.

17 SHERLOCK: Thank you. Mike Sherlock, for the record. So,
18 as most of you recall, SB 380, from the most recent
19 legislative session, required POST to include, in the
20 continuing education regulation, a section mandating annual
21 training and interactions with persons with developmental
22 disabilities, which may include training on recognizing
23 persons with an autism spectrum disorder. We previously held a
24 workshop on this subject. Just as a reminder, this training
25 was already often covered in the mandated subject of behavior

1 health. But given this legislation, we were mandated to
2 include the exact language into that particular regulation,
3 289.230. This hearing is simply introducing the language
4 coming back from LCB, which reflects the legislative
5 requirement. And as such, staff would recommend a motion to
6 adopt the regulation, as written.

7 MILLER: Thank you, Mike. And I can see that
8 regulation's been inputted into our document. Do we have any
9 comments from the commissioners? Okay. Seeing that there's
10 none, I'd be looking for a motion to adopt the proposed
11 regulation changes.

12 SHEA: Tim Shea. I'll make a motion to adopt the
13 proposed regulations.

14 MILLER: I have a motion. Do we have a second?

15 YOUNG: Second.

16 MILLER: I think I heard a second from Dr. Young. All
17 those in favor, say, aye.

18 MEMBERS: Aye.

19 MILLER: I, too, am an, aye. Any opposed? Motion
20 carries. Moving on to public comment, item number three. The
21 commission may not take action on any matter considered under
22 this item, until the matter is specifically included on an
23 agenda, as an action item. Any further public comments on this
24 item? Okay. We now go to item number four, our regularly
25 scheduled commission meeting. And item number one, public

1 comment. Once again, in the regular meeting, the commission
2 may not take action on any matters considered under this item,
3 until the matter is specifically included on an agenda as an
4 action item. We'll have another opportunity for public comment
5 at the end of this meeting. Do we have any public comment at
6 this time? All right. Seeing that there's none, we'll move on
7 to item number two -- discussion and for possible action --
8 approval of the minutes from October 29, 2025, regularly
9 scheduled POST commission meeting. Any comments from our
10 commissioners? Seeing that there's none, looking for motion to
11 approve the minutes.

12 MCKINNEY: Kevin McKinney. I'll move to approve.

13 MILLER: We have a motion. Do we have a second?

14 COVERLEY: Dan Coverley, second.

15 MILLER: All those in favor, say, aye.

16 MEMBERS: Aye.

17 MILLER: I, too am an, aye. Any opposed? Motion carries.
18 Item number three, information from the Executive Director
19 report. Mike Sherlock, do you have an update for us?

20 SHERLOCK: Sure. Thanks. Mike Sherlock, for the record.
21 First, let me thank and welcome Deputy Chief Boveda to the
22 commission. She is, quote, "the proposed replacement for now
23 retired Jamie Prosser." We don't have her official appointment
24 yet, but that's been nominated. And, if you understand how
25 this works, statutorily, this is a permanent metro position.

1 So we're not too worried about the process. But we're glad
2 you're here. And we look forward to your voice on the
3 commission. Thanks for being here. So, let's see. First off,
4 say we had a very productive meeting with some of our rural
5 sheriffs, related to basic training. We have a follow up
6 coming up. And as I said, it was quite productive. We're
7 excited about some changes coming out of that meeting, for our
8 basic academy and how we deliver that. Also over in basic
9 training, we reviewed California's newest job task, related
10 mandatory employment and academy entrance physical assessment.
11 It's not because it's California and they just have a lot of
12 money. They actually did a JTA on the physical end of it. And
13 so it's interesting to see what other states are doing. They
14 have the money to do that kind of thing. So we've been looking
15 over that, and kind of using it as part of our PT program. I
16 think it's interesting to note that they ran our current class
17 through the California's entrance PT test. And all of our
18 current cadets passed it, although, many would not have passed
19 it on day one. But -- which is concerning to us, but it also
20 validates our PT program, going forward, and their ability to
21 do that. And again, I understand it's California. It just
22 happens to be, they're one of the states that have the newest
23 JTA-based, physical readiness test. What else do we have going
24 on? You know, we have met with our attorneys, the DAGs, on
25 several issues. We have really been dealing with DV issues,

1 and how we address that, from the commission's perspective. We
2 will continue to look at our regulations in that area, in
3 terms of certification and those kind of things, and whether
4 or not our language is sufficient or not. And we'll continue
5 to work on those. Going on in advanced training -- we just
6 finished a background investigator class, first line
7 supervisor class, and the POST leadership institute is gearing
8 up for another group. Also, we again, will be hosting a legal
9 update from Bruce Praet. Many of you know Bruce. He's an
10 authority on use of force liability and related issues. And I
11 know you know his work. But we're hosting a free event, and we
12 will include lunch, and it'll be held in Carson City, near our
13 campus. I know in the past, in addition to command staff,
14 several of our district attorney's office have sent people. I
15 put the flyer out, I think, for everyone. I understand it
16 shows the deadline of the 10th, but if you RSVP before next
17 week, you won't have any problems getting in. In terms of
18 compliance and audits, we are still showing about 600 people
19 out of compliance. I understand that this does not mean they
20 didn't do their training. They just have not reported it to
21 POST. Frankly, we can only hold hands for so long. We try to
22 help in this area and encourage agencies and help them get it
23 reported. That said, letters of non-compliance will go out in
24 March. And, you know, the smaller that number is, the better
25 it is for staff and overall compliance issues. We'd like to

1 see those numbers get down considerably. And I have a list, if
2 after the meeting, people want to know where they're sitting
3 at. Finally, our data management project is progressing. We
4 have started to migrate a lot of our data points, and have
5 been testing certain areas. You know, it's a slow process.
6 There's a lot of technical considerations. But we are moving
7 along and we're hopeful that we can get it done and get Acadis
8 up and running in fairly short order. It'll be better for
9 everyone, once it is, you know, fully implemented. And for me,
10 that's about it for the day, Chairman.

11 MILLER: Thank you, Mike. And welcome, Chief Boveda.

12 BOVEDA: Thank you.

13 MILLER: Moving on to item number four, discussion and
14 for possible action -- discussion regarding the language and
15 requirement to certify a basic academy in NAC 289.300.
16 Proposal to update the hours and qualifications to present a
17 basic academy. Possible action would include a motion to begin
18 the rule making process for such changes. Let's go to Mike
19 Sherlock for more information.

20 SHERLOCK: Thank you. Mike Sherlock, for the record. So,
21 for quite some time, we've been concerned with the perception
22 of our minimum standards, related to hours, for the academy.
23 On the books, we show a minimum of 480 hours. That 480 hours
24 is one of the shortest, if not the shortest, requirement in
25 the United States. But the fact of the matter is, within

1 Nevada, no academy in the state is at 480 hours. So basically,
2 our regulations do not reflect what is really happening
3 anyway. And so, it's just a good time to look at our minimum
4 hours on the regulation, to try to bring it up to what is
5 really happening out there. It's not about adding hours to the
6 academy. It's just having the regulation reflect that --
7 really what is going on with the academies. In addition, we're
8 finally at a point where it makes sense to sort of clean up
9 the delivery, or the requirement related to certified basic
10 academies, in terms of who can deliver that training. We have
11 had serious concerns in the past with a academies that are
12 delivering basic training for profit, notwithstanding college
13 academies -- we know they charge -- but rather, with agencies
14 that deliver basic training and charge. You know, if this
15 moves forward, our language would -- proposal would likely
16 include limiting agencies to delivering basic training, to
17 that agency's statutory category. Without getting -- I hope
18 most of you know what I'm talking about -- but without getting
19 into depth, we've had category two agencies, only by statute,
20 delivering category one basic academies. And that's, in the
21 past, has proved difficult, on occasion. These were done for
22 profit. Not that that's always an issue, but it has been an
23 issue, in terms of complaints and that kind of thing. So I --
24 you know, we would propose something that it's limited to that
25 agency's expertise or statutory category -- would immediately

1 clean that up, for the future. I bring it up now, because we
2 have two, category two academies that were for profit -- have
3 not run in over two years. So they have expired. So there's
4 not a grandfather issue, if we do change that regulation,
5 moving forward. And it's just a good time to do that. But with
6 that said, this proposal is simply to bring language back to
7 the commission, to see if there's an appetite to change that
8 language. But to do that, we need a motion to begin the
9 rulemaking process. And staff would recommend such a motion.

10 MILLER: All right. Do we have any comments from our
11 commissioners? All right. Seeing that there's none, we're
12 looking for motion to begin the rule making process regarding
13 basic academy hours and delivery.

14 SHEA: Tim Shea. I'll make a motion to begin the rule
15 process, to adjust the academy hours.

16 MILLER: We have a motion. Do I hear a second?

17 MCKINNEY: Kevin McKinney. I'll second.

18 MILLER: Thank you. We have a motion and second. All
19 those in favor say, aye.

20 MEMBERS: Aye.

21 MILLER: I, too, am an, aye. Any opposed? Motion
22 carries. Moving on to item number five, discussion and for
23 possible action, the next six times related to -- okay, we got
24 that. Now let's go to the actual -- hold on here. Let me
25 figure out where I'm at. Let's go to our Deputy Attorney

1 General, Jesselyn De Luna for some foundational information on
2 item number five.

3 DE LUNA: Thank you, Chairman. Jesselyn De Luna, for the
4 record. We are on item number five. But for all of the
5 revocation items you'll be considering, items five through 10,
6 I'll lay a basis and evidentiary foundation for the
7 admissibility and validity of the materials that you're going
8 to refer to and rely on when making these decisions here. I'm
9 going to ask Chief Kathy Floyd some questions about these
10 documents, to establish a record for what they are, their
11 foundation, and evidentiary validity, for the purposes of your
12 actions on agenda items five through 10. Chief Floyd, for the
13 records and documents that are contained in these meeting
14 materials, for the offenses addressed and issues addressed in
15 items five through 10, did you obtain these documents and
16 records directly from the courts or employing agencies?

17 FLOYD: Yes, I did.

18 DE LUNA: And have you maintained these documents and
19 records in the ordinary course of your record keeping, since
20 you obtained them?

21 FLOYD: Yes, I have.

22 DE LUNA: And are the versions of those documents that
23 are contained in the meeting materials, true and accurate
24 copies of the original documents?

25 FLOYD: Yes, they are.

1 DE LUNA: Thank you. Based on Chief Floyd's testimony, I
2 can advise the commission that the materials provided for
3 agenda items five through 10, constitute valid, public records
4 of charges and convictions that uphold the regulatory standard
5 revocation in those matters. And those materials may be
6 admitted for your consideration, as to each item. So having
7 advised you of that, does anyone have any questions for me
8 about the admissibility or legal validity of any of the items
9 that are contained in the revocation packets provided to you?

10 MILLER: Thank you, Ms. De Luna. Now, for the first
11 hearing, hearing pursuant to NAC 289.290(1(g), or the possible
12 revocation of the category III basic certificate held by
13 Tricia Beckels, former employee of the Nevada Department of
14 Corrections, based on the conviction of, entry of a plea of
15 guilty, guilty but mentally ill or nolo contendere, to a
16 felony. The convictions that have led to this action are child
17 abuse, neglect, or endangerment, a category B felony under NRS
18 200.508 (1). Possible action may be revocation of a category
19 III basic certificate. Let's go to Mike Sherlock for further.

20 SHERLOCK: Thank you. Mike Sherlock, for the record. So in
21 this case, as you can see in your books, Tricia N. Beckles N.
22 Beckles was convicted of child abuse, as a category B felony,
23 with a felony conviction Tricia Beckles is prohibited from
24 acting as a peace officer. And in addition, obviously, this
25 conviction, and staff's opinion, is inconsistent with being

1 employed as a peace officer. And staff would recommend
2 revocation of her category III certificate.

3 MILLER: Thank you, Mike. Is there anyone here to speak
4 on this matter? Are there any commissioner comments? Okay.
5 Hearing that there are none, I'll be looking for a motion to
6 revoke the category III basic certificate for Tricia N.
7 Beckles.

8 MCGILL: Joe McGill, for the record. I will move to
9 revoke the category III certificate for Tricia Beckles.

10 MILLER: We have a motion. Do I have a second?

11 YOUNG: Second.

12 MILLER: Dr. Young, second. All those in favor say, aye.

13 MEMBERS: Aye.

14 MILLER: I, too, am an, aye. Any opposed? Motion
15 carries. Moving on to item number six, discussion and for
16 possible action -- hearing pursuant to NAC 289.290(1)(g) and
17 289.290 (1)(i), for possible revocation of a category I and
18 III basic certificates, held by Robert C. Bell, a former
19 employee of the Las Vegas Metropolitan Police Department,
20 based on the conviction of entry of a plea of guilty, guilty
21 but mentally ill, or nolo contendere, to a felony and a
22 conviction of a misdemeanor crime of domestic violence, as
23 defined as 18 U.S.C. 921(a)(33). The convictions that led to
24 this action are count one, assault with a deadly weapon,
25 category B felony, in violation of NRS 200.471; count two,

1 battery constituting domestic violence, misdemeanor in
2 violation of 20.485(1) (a); and 200.481(1) (a), 33.018. Possible
3 action may be revocation of the category I and III basic
4 certificates. Let's go to Mike Sherlock for an update.

5 SHERLOCK: Thank you. Mike Sherlock, for the record. In
6 this case, Robert C. Bell was convicted of both a felony and a
7 misdemeanor domestic violence crime. Not only is Mr. Bell
8 prohibited, based on both that felony conviction and the
9 domestic violence conviction, these convictions are
10 inconsistent with the employment as a peace officer. And staff
11 would recommend revocation of Mr. Bell's category I and
12 category III basic certificates.

13 MILLER: Okay, is there anyone here to speak on this
14 matter? Do we have any commissioner comments? Seeing that
15 there are none, I'll be looking for motion to revoke the
16 category I and III basic certificates of Robert C Bell.

17 NEIL: Russ Neil. I move to revoke.

18 MILLER: Do we have a second?

19 MCKINNEY: Kevin McKinney. I'll second.

20 MILLER: We have a motion and a second. All those in
21 favor say, aye.

22 MEMBERS: Aye.

23 MILLER: I, too, am an, aye. Any opposed? Motion
24 carries. Moving on to item number seven, discussion and for
25 possible action, hearing pursuant to NAC 289.290(1) (e), for

1 the possible revocation of the category I, II, and III basic
2 certificates held by Taylor D. Dudley, former employee of the
3 Las Vegas Metropolitan Police Department, based on the
4 conviction of, entry of a plea of guilty, guilty but mentally
5 ill, or nolo contendere, to a gross misdemeanor. The
6 convictions which have led to this action are, destroying
7 evidence, gross misdemeanor in violation of NRS 199.20.
8 Possible actions may be revocation of the category I, II, and
9 III certificates. Let's go to Mike, for further.

10 SHERLOCK: Thank you. Mike Sherlock, for the record. In
11 this case, Taylor Dudley was convicted of destroying evidence,
12 as a gross misdemeanor. It should be noted that the former
13 employing agency, Metro, has requested this revocation. Staff
14 would submit that the conviction of destroying evidence alone
15 supports the revocation. But as a crime of moral turpitude, it
16 gives additional support to staff's recommendation that the
17 commission revoke Dudley's category I, II, and III basic
18 certificates.

19 MILLER: Thank you, Mike. Is there anyone here to speak
20 on this matter? Any commission comments? All right. Seeing
21 that there are none, I'll be looking for a motion to revoke
22 the category I, III, and III certificates of Taylor D. Dudley.

23 SHEA: Tim Shea. I'll make a motion to revoke
24 certificates I through III, for the former Metro officer.

25 MILLER: Thank you. Do we have a second?

1 NEIL: Russ Neil. I'll second.

2 MILLER: Motion carried -- or excuse me, all those in
3 favor say, aye.

4 MEMBERS: Aye.

5 MILLER: I, too, an am, aye. Any opposed? Motion
6 carries. Moving on to item number eight, discussion for
7 possible action, hearing pursuant to NAC 289.290(1)(d), and
8 NAC 289.290(1)(g), for possible revocation of the category III
9 basic certificate held by Lawayne J. Hardiman, former employee
10 of the Nevada Department of Corrections, based on the
11 conviction of, entry of a plea of guilty, guilty but mentally
12 ill, or nolo contendere, to a felony. The convictions and/or
13 pleas of guilty that have led to this action are, count one,
14 furnishing a controlled substance to a state prisoner, a
15 category B felony, in violation of NRS 212.160(1)(a), and
16 195.020. Possible actions may be revocation of the category
17 III basic certificate. Let's go to Mike Sherlock for more
18 information.

19 SHERLOCK: Mike Sherlock, for the record here. Lawayne
20 Hardiman was convicted of furnishing controlled substances to
21 a state prisoner. The conviction was a felony. This conviction
22 alone supports a revocation. Staff would recommend Mr.
23 Hardiman's category III certificate be revoked. It should be
24 noted that Mr. Hardiman is outstanding, as he failed to appear
25 for sentencing, and currently has an active arrest warrant. So

1 I'm thinking he probably won't be here, Mr. Chairman. But we
2 recommend revocation.

3 MILLER: And is there anyone here to speak on this
4 matter? No? Any commissioner comments? Seeing that there are
5 none, I'll be looking for a motion to revoke the category III
6 certificate of Lawayne J Hardiman.

7 COVERLEY: Dan Coverley, for the record. I move to revoke
8 Mr. Hardiman's category III.

9 MILLER: Do we have a second?

10 MCGILL: Joe McGill. I will second.

11 MILLER: We have a motion and a second. All those in
12 favor say, aye.

13 MEMBERS: Aye.

14 MILLER: I, too, am an, aye. Any opposed? Motion
15 carries. Moving on to item number nine, discussion and for
16 possible action -- discussion and possible action hearing,
17 pursuant to NAC 289.290(1)(h), for the possible revocation of
18 the category I, II, and III basic certificates, held by Dennis
19 E. Johnston, former employee of the Elko County Sheriff's
20 Office, based on a conviction of a misdemeanor. The
21 convictions which have led to this action are, count one,
22 battery, a misdemeanor, as defined by ECC 7-1-9. Possible
23 action may be revocation of the category I, II, and III basic
24 certificates. Let's go to Mike Sherlock for more information.

25 SHERLOCK: Mike Sherlock, for the record, here Dennis

1 Johnson was convicted of a misdemeanor battery, under Elko
2 County Code. Again, we have another situation, where it seems
3 to be this belief that local courts can negate Brady. That
4 said, Mr. Johnson was arrested for, and initially charged with
5 domestic violence battery. The victim in this case meets the
6 federal definition of the domestic relationship, in terms of
7 the victim. And staff would submit that he is prohibited,
8 under Brady, from buying or possessing a firearm. Secondly,
9 our standards prohibit a person with a documented history of
10 physical violence from being employed as a peace officer. I
11 will say, the basis for the hearing today is based on
12 289.290(h), which is where an agency has requested revocation,
13 due to a misdemeanor conviction. That regulation allows the
14 commission to consider the circumstances of that misdemeanor
15 conviction, which is why I bring up the federal definition of
16 domestic violence in this case. So, although we did not
17 specifically notice for domestic violence conviction, as he
18 was convicted of an Elko County battery, the incident is
19 consistent with domestic violence, as found in federal law.
20 Secondly, the conviction itself is a crime of violence,
21 regardless of the level convicted, whether it's a misdemeanor
22 or gross, or felony. Based on this misdemeanor conviction and
23 the facts in this case, staff would recommend revocation of
24 Mr. Johnston's category I, II, and III certificate, in support
25 of that agency's request. It should be noted, as we've said in

1 the past, with Mr. Johnston, should circumstances change, the
2 revocation can be contested at a later date, and brought back
3 to the commission, should they decide to do that, or there's
4 some sort of remedy in court. But -- in addition to that, we
5 believe Mr. Johnston may be present today and have a
6 representative here today. We believe that representative is
7 not an attorney. And as such, there are some legal issues that
8 I would like our DAG to address for the commission, if you
9 could.

10 DE LUNA: So, it's not specified in post statute or
11 regulations. But this does classify as an administrative
12 hearing. And then, under the Administrative Hearings Act, if
13 someone wants to contest their license revocation or
14 suspension or whatever it may be, they can come represent
15 themselves or be represented by an attorney, specifically, is
16 what the rule says. So just putting that there, as an
17 objection, just in case the case may be appealed. But the
18 commission can obviously choose to hear whatever arguments it
19 wants to hear.

20 MILLER: Thank you, Mike and AG De Luna. Is there anyone
21 to speak on this matter?

22 REGENBAUM: Yes, sir.

23 MILLER: Please come forward.

24 REGENBAUM: Right here, sir?

25 MILLER: Please.

1 REGENBAUM: Thank you.

2 YOUNG: Hi. This is Commissioner Young. I'm just trying
3 to understand, for clarification. You said we can choose to
4 have the -- we can choose to listen to the speaker, but not be
5 considered a hearing?

6 DE LUNA: Oh, and so, Jesselyn Deluna, for the record. So
7 this whole post commission hearing is considered an
8 administrative hearing. So, under the Administrative
9 Procedures Act 233B 121, the person has to be represented by
10 counsel. The commission can choose to hear arguments. But I
11 just wanted to make a record of that, in case there's appeal
12 later down the road.

13 YOUNG: Okay. Thank you.

14 MILLER: Go ahead.

15 REGENBAUM: Thank you, sir. my name is Andrew
16 Regenbaum. For those of you who don't know me, I'm the
17 Executive Director of the Nevada Association of Public Safety
18 Officers. For the record, I'm a licensed attorney in the State
19 of New York. I am not licensed in the State of Nevada. But for
20 my understanding, in prior administrative proceedings, I have
21 been allowed to, you know, to appear as a representative of an
22 officer or deputy in administrative proceedings. If that's not
23 correct, you know, I can certainly -- we could delay this and
24 we could come back with counsel that, you know, is employed by
25 NAPS. And we could do that separately. I don't believe it's

1 necessary. I've appeared before the EMRP before, without
2 issue, as well as other administrative hearings, where the
3 district -- not the district attorney, excuse me -- the AG's
4 office has represented whatever agency is involved. So I don't
5 know if you want me to continue. But I did want to address
6 that, right off the bat. I don't know how much we're here, in
7 terms of, you guys are going to make a -- you're going to hear
8 the facts you're going to have your vote. This is not so much
9 of a legal proceeding. It's an administrative proceeding. Do
10 you want me to continue?

11 MILLER: Please proceed.

12 REGENBAUM: All right. Well, look, just a couple of
13 things. Obviously, I had put in a large number of papers and
14 documents for your consideration, relative to this. And I
15 don't want -- I'm sure you've all read them. And I don't want
16 to waste your time by rehashing them here. I will say, that I
17 appreciate your time hearing us out this afternoon. I think
18 one of -- there are a couple of things that are in the papers,
19 that need highlighting for this commission right now. You
20 know, under the NAC 289.290(1)(h), this is discretionary, as
21 to whether you would revoke Deputy Johnston's POST
22 certification, or you could suspend it, or take no action
23 whatsoever. Deputy Johnston pled nolo to that simple battery
24 charge. While there was an underlining domestic violence
25 component to the charge originally, that the District

1 Attorney's office chose not to go forward with that charge, so
2 that -- there was an amended complaint, which I've provided to
3 the commission here, which indicated no domestic violence
4 component to what he ultimately pled guilty to, or pled nolo
5 to. Excuse me. So similarly, the agency, his agency, which is
6 the Elko County Sheriff's Department, has not adjudicated him
7 in an administrative hearing, or in an internal affairs
8 investigation, to have warranted any disciplinary action.
9 You'll see in the papers that came from Elko County, they
10 determined only that they would terminate him, based on --
11 administratively, on the fact that they believed, under
12 federal statute, he would not be allowed to carry a firearm
13 any further -- any longer. That's not true. Under Nevada
14 Supreme Court law, he is still allowed to carry, possess, and
15 use a firearm. So under that, there is currently an
16 arbitration that will be held, pursuant to the collective
17 bargaining agreement in Elko County, to abolish that
18 termination and have him put back to work, based upon the fact
19 that there was no disciplinary termination. It was only an
20 administrative one that incorrectly interpreted the federal
21 statute and didn't consider Nevada law on that. And I've
22 provided you with the Nevada Supreme Court case law that
23 specifically addresses that issue, relative to a nolo plea on
24 a simple battery. But relative, also to the statute that
25 you're applying, which is the NAC 289.290, under (1)(h), it

1 asks that you -- as Commissioner Sherlock pointed out, it asks
2 that you consider the overall circumstances of the case. So,
3 not only did the district attorney not pursue domestic
4 violence charges in this case, but this is an individual who
5 has no other history of any other problems. Not only does he
6 have no other criminal history, but he has an exemplary record
7 with the department. He's never received any other IAs. He's
8 had all either above average or average, you know, evaluations
9 that are given. And he's had no disciplinary issues,
10 administratively, within the department or agency. So when you
11 consider those facts, which are also part of the statute, I
12 don't believe that revocation of his POST certification is
13 warranted here, like all the other ones that you've done just
14 now. All of what you've been voting on were, you know, felony
15 convictions and charges with crimes of moral turpitude. That's
16 not this. What we, hopefully, should be doing here, is either
17 looking at taking no action and waiting for the agency to
18 actually conduct its own proper IA and administrative
19 proceedings and let them do their job, which is what they're
20 asking you to do for them, or go ahead and issue a suspension,
21 if you feel that some sort of disciplinary action is
22 appropriate from you, as the commission. But a revocation, it
23 -- I believe and would respectfully ask -- is too harsh, under
24 the circumstances of what we're dealing with here. Thank you.

25 MILLER: Thank you.

1 REGENBAUM: By the way, this is Deputy Johnston. And
2 we're open to answering questions, if you have any. I
3 apologize for interrupting.

4 MILLER: That's okay. Does our commission have any
5 questions for Mr. Johnston or Mr. Regenbaum? Do we have any
6 comment or discussion for Mike?

7 SHERLOCK: Mr. Chairman, I believe Elko County is
8 here. I'm not sure if they want to -- did you want to -- do
9 you have anything to add, Sheriff?

10 NARVAIZA: I have a letter from the victims. Do you
11 wanted me to read into the books?

12 SHEA: I just have one question. And I --
13 unfortunately, my computer's down, so I can't read what you
14 submitted anymore -- longer. But has a determination been
15 made, in looking at this paperwork, is it, in fact, a
16 violation of the federal statute that would prohibit this? Or
17 is this in con -- what is it contention now? Is it -- has to
18 still be adjudicated, that in fact, has not been determined
19 it's a violation that would fall under the federal prohibitive
20 statute? I'm going to make myself clear.

21 SHERLOCK: You want to give an opinion on that?

22 DE LUNA: So, I read the Supreme Court opinion that
23 was cited in the -- Jesselyn Deluna, for the record. I don't
24 agree that it says that -- I don't agree that it says that. I
25 think it has -- it had more to do with petty and serious

1 crimes and whether or not you're entitled to a jury verdict
2 from that. I will point to -- I think -- and this is a common
3 thing that we've seen. There's -- in Nevada statute, NRS 200,
4 you can be convicted of battery or battery consisting of
5 domestic violence. And sometimes, when that gets - when a
6 battery consisting of domestic violence gets changed to a
7 simple battery charge, people think that that doesn't mean
8 that you -- any of the federal prohibits apply, as far as gun
9 ownership. I will point to section 18 U.S.C.A. 922, which
10 says that anyone who has been convicted in any court, of a
11 misdemeanor crime of domestic violence is federally prohibited
12 from possessing a firearm, which I think is one of the reasons
13 listed under Elko County's letter. There's a U.S. Supreme
14 Court case, U.S. versus Hayes 129, Supreme Court 1079, which
15 states that the word, domestic violence, doesn't actually have
16 to be in the name of the charge that you're convicted of, as
17 long as it's something that's proven in the underlying case.
18 So, I think that this case would be similar to that, and that
19 the conviction here is for battery, but the underlying case
20 has domestic violence in it. And then, I'll just point to NRS
21 202, which -- NRS 202.360(1)(g), which states that anyone who
22 is otherwise prohibited by federal law from having a firearm
23 in his or her possession, is also prohibited in the State of
24 Nevada from owning or possessing a firearm. Does that answer
25 your question?

1 SHEA: Yeah, I think so. And if I understood correctly
2 -- it's already been so many questions -- but theoretically,
3 if this board or this commission does revoke, and then a
4 hearing occurs outside of this -- a legal hearing or
5 adjudication -- which wipes all of those things away, then it
6 can be brought back before the commission to be reinstated?

7 SHERLOCK: Yes.

8 SHEA: Okay.

9 SHERLOCK: Nothing prohibits anyone from coming back.

10 SHEA: So a revocation can be reversed?

11 SHERLOCK: Yes, it can.

12 REGENBAUM: If I may, Chief Shea? My understanding is,
13 the issue of Deputy Johnston's firearm was addressed at the
14 court level, when he entered his plea of nolo. And he was
15 allowed to continue to possess his firearm. So that would be
16 consistent with Nevada law. And, if that -- if federal statute
17 were to have been that he couldn't under those circumstances,
18 they would've been required to take his guns at that time, or
19 request that he surrender them. That didn't happen. And I
20 think, to the Deputy AG's point, I don't disagree with her
21 reference to the Nevada statute, that if there is a violation
22 of the federal statute, you cannot possess a gun. That is
23 true. But there is a distinction that's drawn, specifically in
24 Nevada, between a simple battery and a battery involving
25 domestic violence. And that Supreme Court case law addresses

1 that -- correctly, as the DAG points out -- that there's a
2 difference in the types of cases. Because you involve
3 constitutional rights, if you get into a simple battery versus
4 a battery that involves domestic violence, whether or not
5 you're allowed to have a jury trial. So, when a district
6 attorney amends a complaint, as they did here, to give you
7 just a simple battery, you're no longer entitled to that jury
8 trial. And by not having a jury trial, when you implicate
9 somebody's gun rights, and the possibility of possessing a
10 gun, that's what the Nevada Supreme Court was actually
11 addressing when they were talking about, you know, what's a
12 high level crime, what's a low level crime. And that's where
13 they were saying, that this doesn't -- what happened in that
14 particular case in Henderson, what they were saying was,
15 because the Henderson district attorney or Henderson City
16 attorney, reduced the criminal complaint, it did not implicate
17 the firearm. And therefore, the person complaining that he had
18 a right to a jury trial was wrong. So that's why, in that
19 case, they were saying there was no prohibition on a gun in
20 that case, for a simple battery. And that's why I believe it's
21 relevant. I probably gave you a dollar answer for the quarter
22 question.

23 MILLER: All right. I believe we have additional public
24 comments regarding this item. Are there any further questions?

25 COVERLEY: I have one question. Dan Coverley, for the

1 record. In the sentencing documents that you provided, one of
2 the things the judge ordered was completion of domestic
3 violence. Has that --

4 REGENBAUM: Asking if he finished it?

5 COVERLEY: Yes. Did he do that?

6 REGENBAUM: Dennis, do you want to --

7 JOHNSTON: I'm currently in the process of doing that. I
8 just want to kind of add to that. The judge didn't mandatorily
9 have to sentence me to that. That was part of the plea
10 agreement. And, when it got to that point, and being
11 adjudicated, the goal was to take as little risk, per, you
12 know, if I would've went to trial on the original charge, or -
13 - it would've been a huge risk. It was then offered in a way
14 that I would still be able to retain my livelihood, ultimately
15 my firearms, if I pled to a simple battery. And then, they
16 asked to do classes, but with the main goal in mind of me
17 being able to retain the right to possess a firearm, I agreed
18 to take those classes, which I have been doing. I was
19 convicted last year, in September. And I have (inaudible)
20 involved about half the time (inaudible), sir.

21 COVERLEY: So clearly, the original charge was
22 domestic battery. It was changed, through a plea agreement
23 through the DA's office, which is common. Right? But as part
24 of the agreement, you agreed to domestic violence counseling.
25 Is that correct?

1 JOHNSTON: Yeah.

2 MILLER: Any additional questions from our commission,
3 for Mr. Regenbaum? Thank you.

4 REGENBAUM: Thank you, sir.

5 MILLER: You like the sheriff from Elko County, for
6 public comment?

7 NARVAZIA: For the record, Sheriff Aitor Narvizia, Elko
8 County Sheriff's Office. I do have a letter from the victim.
9 She wanted me to read this to the board. Mr. Johnson was in a
10 relationship with another Deputy, Erica Gonzalez (ph). So she
11 wrote a letter. She wanted me to present it to the board. So
12 I'll go ahead and read it. It says, I'm submitting the
13 statement, not from a place of emotion, but from a place of a
14 professional responsibility. I am a sworn, law enforcement
15 officer. I understand the authority, the trust, and discretion
16 granted to those who hold the POST certification. I also
17 understand how dangerous it becomes when that authority is
18 abuse behind closed doors. The individual in question was not
19 only my intimate partner, but my coworker -- someone trained,
20 entrusted, and empowered by the State of Nevada to enforce law
21 and protect the public. His conduct toward me was not
22 accidental, situational, or misunderstood. It was a conscious
23 violation of both the law and the ethical standards required
24 of a peace officer. This matter is especially concerning, not
25 only because domestic violence occurred, but because it

1 occurred despite his training or awareness of the consequences
2 and the understanding of how investigations operate. This
3 suggests a willingness to disregard the law when he believed
4 he couldn't -- when he could control the narrative to avoid
5 the accountability. As law enforcement officers, we are
6 routinely placed in volatile, high-stress situations involving
7 vulnerable individuals, particularly victims of domestic
8 violence. An officer who has demonstrated violence and abuse
9 of power in their personal life, presents an inherent and
10 unacceptable risk when responding to calls that require
11 restraint, judgment, and emotional control. If he demonstrated
12 the capacity to exert control in violence against a fellow
13 deputy, someone with equipment, training, resources, and
14 understanding of the system, this raises clear and serious
15 concerns about the risk posed to civilians and particular
16 victims with less power or protection. Equally troubling, is
17 the potential for retaliation. An individual who has already
18 crossed professional and legal boundaries cannot be presumed
19 to suddenly respect them when under stress, facing perceived
20 threats to ego, authority, or career. Law enforcement
21 authority must never be wielded from a place of resentment,
22 entitlement, or unsolved anger. This is not about punishment.
23 It is about the public trust and the public safety. POST
24 certification is not a right. It is a privilege reserved for
25 those who demonstrate integrity, both on and off duty. When

1 officers private conduct proves incompatible with their
2 responsibilities of the badge, maintaining the certification
3 places the public, fellow officers, and victims at risk. I did
4 not come forward lightly. I understand that gravity of what it
5 means to speak against another officer. However, remaining
6 silent would be inconsistent with my oath and my duty to the
7 profession. For these reasons, I believe allowing this
8 individual to retain his POST certification would undermine
9 public confidence in law enforcement and create a foreseeable
10 risk to community safety, particularly in situations involving
11 domestic violence, power imbalance, and vulnerable victims.
12 Accountability is not personal. It is essential to the
13 legitimacy of our profession. Public safety must come before
14 an individual's career. Respectfully submitted, Erica
15 Gonzalez. That's it.

16 MILLER: Thank you. Any questions from the commission,
17 for the Sheriff? Thank you. Any comments from our commission?

18 MCKINNEY: Kevin McKinney. I have a comment. I have spoken
19 -- as my position on this commission, I have spoken to both
20 the -- Mr. Johnston's collective bargaining unit
21 representatives and to Sheriff Narvazia about this individual
22 case. And so, to avoid any indicators of subjectivity, I'm
23 going to abstain from voting on this.

24 MILLER: Thank you for that. Any further comments from
25 our commission? Okay. That being said, I'll be looking for a

1 motion regarding the category I, II, and III certificates for
2 Dennis E. Johnston.

3 MCGILL: Joe McGill, for the record. I move to revoke
4 the category I, II, and III certificates for Mr. Johnston.

5 MILLER: I have a motion. Do I have a second?

6 COVERLEY: Dan Coverley, second.

7 MILLER: Motion and a second. All those in favor, say,
8 aye.

9 MEMBERS: Aye.

10 MILLER: I, too, am an, aye. Any opposed? Motion
11 carries. Moving on to item number 10, for discussion and
12 possible action -- hearing pursuant to 289.290(1)(g), for
13 possible revocation of the category I, II, and III basic
14 certificates, held by Christopher M. Mitchell, former employee
15 of the Las Vegas Metropolitan Police Department, based on the
16 conviction of, entry of a plea of guilty, guilty but mentally
17 ill, or nolo contendere, to a felony. The convictions which
18 have led to this action are, count one, misconduct of a police
19 officer, category E felony, in violation of NRS 197.110.
20 Possible action may be revocation of the category I, II and
21 III basic certificates. Let's go to Mike Sherlock for some
22 background.

23 SHERLOCK: Thank you. Mike Sherlock, for the record. And
24 this is the last one. So we're finally done. In this
25 situation, Christopher M. Mitchell was convicted of misconduct

1 of a public officer. The conviction was a felony. Staff would
2 submit this conviction is also a crime of moral turpitude, and
3 as a felony, are both inconsistent with being a certified
4 peace officer in Nevada. Staff would recommend the revocation
5 of Mr. Mitchell's category I, II, and III certificates.

6 MILLER: Thank you for that, Mike. Is there anyone here
7 to speak on this matter? Are there any comments from our
8 commission? All right. Seeing that there are none, we'll be
9 looking for motion regarding the category I, II, and III
10 certificates of Christopher and Mitchell.

11 SHEA: Tim Shea, I'll make a motion to revoke the
12 certificates I, II, and III of Mr. Mitchell.

13 MILLER: Ollie Miller. I'll make a second. We have a
14 motion and a second. All those in favor, say, aye.

15 MEMBERS: Aye.

16 MILLER: I, too, am an, aye. Any opposed? Motion
17 carries. Moving on to item number 11, public comment. The
18 commission may not take action on this matter, considered
19 under this item, until the matter is specifically included on
20 an agenda item, as an action item. Do we have any public
21 comment? Seeing that there's none, let's move to item number
22 12, discussion and for possible action -- the next commission
23 meeting. Let's go to Mike Sherlock for more information.

24 SHERLOCK: Mike Sherlock, for the record. So, looking at
25 the Nevada Sheriff's and Chief's schedule and our next

1 meeting, we would recommend April 30th, at 10:00 AM. It looks
2 like the police memorial is at 1 o'clock, again this year, on
3 that date, April 30th. Additionally, Sheriff's and Chief's
4 meeting is on the 29th, in Carson City. And so, that would
5 allow the commission to be at both, and get our meeting done
6 in the morning, go to lunch, and then go to the memorial, as
7 we've done in the past. So we recommend April 30th, at 10:00
8 AM.

9 MILLER: All right. That concludes that. Item number 13,
10 discussion and for possible action -- adjournment.

11 SHERLOCK: Real quick, Mr. Chairman, if I could just say,
12 I have a little training for new commissioners who want to
13 hang out after this meeting. It'll be training, not a meeting,
14 just capability brief on POST and some of our history, just
15 for new commissioners or anyone who wants to remind themselves
16 and forgot who we were -- right after this meeting.

17 MILLER: Thank you for that, Mike. Do I have a motion to
18 adjourn?

19 SHEA: Tim Shea. I'll make a motion to adjourn.

20 NEIL: Russ Neil, second.

21 MILLER: We have a motion and a second. All those in
22 favor, say, aye.

23 MEMBERS: Aye.

24

25

1 MILLER: I, too, am an, aye. Any opposed? Motion
2 carries.

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5 [end of meeting]

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