



Nevada Commission on Peace Officer  
Standards and Training

POST COMMISSION MEETING  
THURSDAY, AUGUST 13, 2020

RENO POLICE DEPARTMENT  
455 E. 2<sup>ND</sup> STREET  
RENO, NV 89502









STATE OF NEVADA  
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

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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. ON THURSDAY, AUGUST 13, 2020 THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING WILL HOLD A PUBLIC COMMENT HEARING, WORKSHOP, AND REGULARLY SCHEDULED MEETING AT THE RENO POLICE DEPARTMENT, 455 E. 2<sup>ND</sup> ST., RENO, NV 89502

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. PUBLIC COMMENT HEARINGS**

1. Call to order
2. Roll call of Commission Members
3. Public Comment Hearing on Proposed Regulations LCB File R112-19 and LCB File R025-20.

THE PURPOSE OF THE HEARING IS TO RECEIVE COMMENTS FROM ALL INTERESTED PERSONS REGARDING THE ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS PERTAINING TO CHAPTER 289 OF THE NEVADA ADMINISTRATIVE CODE (NAC) (THIS PUBLIC COMMENT HEARING HAS BEEN PREVIOUSLY NOTICED AS REQUIRED BY NRS CHAPTER 233B):

**TOPICS**

- A. LCB File R112-19** - Amend NAC 289.200 (9) which allows the Executive Director, at the employing agencies request, to return the basic certificate (category I and II) to active status once the peace officer meets minimum standards of appointment, successfully completes requirements set forth in paragraphs (d), (e) and (f) of subsection 2; and within 5 consecutive years of his/her termination of employment as a category I or II peace officer, became a full time employee of the Commission or full time law enforcement officer of a federal law enforcement agency approved by the Commission, and subsequently, within 5 consecutive years of his/her termination of employment with the Commission or federal law enforcement agency, became employed as a peace officer in the same category of peace officer he/she held immediately prior to his/her employment with the Commission or federal law enforcement agency.



- B. LCB File R025-20** - Amend NAC 289.230 to require all peace officers to annually complete 12 hours of in-service training in: (1) racial profiling; (2) mental health (3) the well-being of officers; (4) implicit bias recognition; (5) de-escalation; (6) human trafficking; and (7) firearms.

## **II. WORKSHOP**

1. Workshop on proposed regulation change.

THE PURPOSE OF THE HEARING IS TO SOLICIT COMMENTS FROM INTERESTED PERSONS ON THE FOLLOWING TOPIC THAT MAY BE ADDRESSED IN FUTURE PROPOSED REGULATIONS (THIS WORKSHOP HAS BEEN PREVIOUSLY NOTICED PURSUANT TO THE REQUIREMENTS OF NRS CHAPTER 233B):

### **TOPIC**

### **NAC REGULATION**

- A. Discussion regarding possible revisions to NAC 289.200 (4)(b) to clarify when the officer must pass the state physical fitness examination. "If the officer is eligible for certification pursuant to subsection 2, *no sooner than 30 days prior to being hired as a peace officer and* 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". **289.200(4)(b)**
- B. Discussion regarding possible revisions to NAC 289.110 (1)(d) to clarify when a person has "... successfully completed the 12<sup>th</sup> grade or has been certified by an appropriate authority as having an equivalent education..." for purposes of meeting the minimum standards for appointment as a peace officer in the context of home schooling programs. **289.110(1)(d)**
2. **PUBLIC COMMENT.** 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.

## **III. REGULARLY SCHEDULED MEETING AGENDA ITEMS**

1. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**
- a. Approval of minutes from the February 12, 2020 regularly scheduled POST Commission Meeting
2. **INFORMATION** Executive Director's report.
- a. Training Division
- COVID 19 issues and precautions
  - Academy in session
  - Advanced training schedule out
- b. Standards Division
- Workshop and agenda items
  - Reminder on AB 478 requirements
  - Continued Media inquiries on revocations and a "national database"



- c. Administration
  - Retirements and promotions
  - Legislative update
  - Budget update

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

The Commission to decide whether to continue the rulemaking process to amend NAC 289.200 (4)(b) to clarify when the officer must pass the state physical fitness examination. “If the officer is eligible for certification pursuant to subsection 2, *no sooner than 30 days prior to being hired as a peace officer and 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*”.

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

The Commission to decide whether to continue the rulemaking process to amend NAC 289.110 (1)(d) to clarify when a person has “...successfully completed the 12<sup>th</sup> grade or has been certified by an appropriate authority as having an equivalent education...” for purposes of meeting the minimum standards for appointment as a peace officer in the context of home schooling programs.

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

The Commission to discuss and take possible action to adopt, amend or repeal their regulations as follows:

- A. **LCB File R112-19** - Amend NAC 289.200 (9) which allows the Executive Director, at the employing agency’s request, to return the basic certificate (category I and II) to active status once the peace officer meets minimum standards of appointment, successfully completes requirements set forth in paragraphs (d), (e) and (f) of subsection 2; and within 5 consecutive years of his/her termination of employment as a category I or II peace officer, became a full time employee of the Commission or full time law enforcement officer of a federal law enforcement agency approved by the Commission, and subsequently, within 5 consecutive years of his/her termination of employment with the Commission or federal law enforcement agency, became employed as a peace officer in the same category of peace officer he/she held immediately prior to his/her employment with the Commission or federal law enforcement agency.
- B. **LCB File R025-20** - Amend NAC 289.230 to require all peace officers to annually complete 12 hours of in-service training in: (1) racial profiling; (2) mental health (3) the well-being of officers; (4) implicit bias recognition; (5) de-escalation; (6) human trafficking; and (7) firearms.

**The Commission to fully consider all written and oral comments received on these proposed regulations before taking any action.**

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

Hearing pursuant to NAC 289.290 (1)(g) on the revocation of Rachel E. Sorkow, formally of the Las Vegas Metropolitan Police Department, certification based upon a guilty plea for Misconduct of a Public Officer, a Category E Felony, in violation of NRS 197.110.

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

Hearing pursuant to NAC 289.290(1)(h) on the revocation of Stephen M. Bryan, formally of the Henderson Police Department, certification based upon a conviction for Harassment (Misdemeanor). The agency has requested to revoke the Basic Certificate, based upon court documents and conviction for Harassment – First Offense, a Misdemeanor, in violation of NRS 200.571. On 02/17/2020, the Commission heard a “blind review” of the facts of this case and motioned to move forward with a hearing.

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

Hearing pursuant to NAC 289.290 (1)(g) on the revocation of Raynaldo J. Ramos, formally of the Nevada Department of Corrections, certification based on a guilty plea of Attempt Performance of Act in Willful or Wanton Disregard of Safety of Persons or Property Resulting in Death, a Category “D” Felony/ Gross Misdemeanor, in violation of NRS 202.595(2) and NRS 193.330.



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

A request from the Mineral County Sheriff's Office requesting a 6-month extension pursuant to NRS 289.550 for their employee Alexander Hart to meet certification requirements. The request would extend the time period to November 25, 2020 in order to meet certification.

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

Request from the Washoe County Sheriff's Office, for their employee Undersheriff Wayne A. Yarbrough, for an Executive Certificate.

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

Request from the Henderson Police Department, for their employee Deputy Chief Michael Denning, for an Executive Certificate.

**12. DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

Request from the Las Vegas Metro Police Department, for their employee Captain Jeffrey Coday, for an Executive Certificate.

**13. DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

Request from the Las Vegas Metro Police Department, for their employee Captain Nicholas Farese, for an Executive Certificate.

**14. DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

Request from the Department of Public Safety Parole and Probation, for their employee Captain Martin A. Mleczko Jr., for an Executive Certificate.

**15. 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.*

**16. DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

Schedule upcoming Commission Meeting

**17. DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

Adjournment.



**POSTED AT THE FOLLOWING LOCATIONS:**

POST Administrative Office, Carson City  
Nevada State Capitol, Carson City  
Blasdel State Building, Carson City  
Nevada State Library and Archives, Carson City  
Grant Sawyer Building, Las Vegas  
Carson City Sheriff's Office  
White Pine County Sheriff's Office  
<http://post.nv.gov>  
<http://notice.nv.gov>

Electronically Posted pursuant to NRS 241.020(4)

Pursuant to NRS 241.020(2)(c), a copy of supporting materials for the meeting may be obtained by contacting POST Standards Division, at (775) 687-7678, ext. 3335, Commission on Peace Officer Standards and Training at 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701.

*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. PUBLIC COMMENT HEARING**







## **I. PUBLIC COMMENT HEARING**

1. Call to order
2. Roll call of Commission Members







## **I. PUBLIC COMMENT HEARING**

3. Public Comment Hearing on Proposed Regulations LCB File R112-19 and LCB File R025-20







**PROPOSED REGULATION OF THE PEACE OFFICERS'  
STANDARDS AND TRAINING COMMISSION**

**LCB File No. R112-19**

January 16, 2020

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

AUTHORITY: §1, NRS 289.510.

A REGULATION relating to peace officers; revising provisions relating to the certification of peace officers; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the Peace Officers' Standards and Training Commission to adopt regulations establishing the minimum standards for the certification and decertification, recruitment, selection and training of peace officers. (NRS 289.510) Existing regulations establish the minimum standards of training for certain category I, category II, category III and reserve peace officers. (NAC 289.140-289.170)

Existing regulations establish a standard procedure for the award of a basic certificate to any peace officer who meets the minimum standards of appointment, requiring the award if the peace officer: (1) satisfactorily completes the basic training course for basic certification; (2) passes the state certification examination with a score of at least 70 percent; and (3) passes the state physical fitness examination for the appropriate category of peace officer. (NAC 289.200)

Existing regulations also establish a procedure for the award of a basic certificate to any peace officer who meets the minimum standards of appointment and has been certified by another state or completed certain federal training approved by the Commission, authorizing the award if: (1) the Commission determines that the training required for certification was equivalent to that of the basic training course for basic certification; (2) the certification in the other jurisdiction has not been revoked or suspended; (3) not more than 60 months have lapsed since the employment in the other jurisdiction; (4) the peace officer completed a minimum of 80 hours of training in a course approved by the Executive Director of the Commission; (5) the peace officer passes the state certification examination with a score of at least 70 percent; and (6) the peace officer passes the state physical fitness examination for the appropriate category of peace officer. (NAC 289.200)



Existing regulations provide that the basic certificate of a peace officer will be placed on inactive status upon the termination of the peace officer for any reason. Existing regulations provide that the basic certificate expires after 5 consecutive years of inactive status, meaning that upon the expiration of the basic certificate, the peace officer must renew his or her certificate by completing the standard process. (NAC 289.200)

This regulation provides that the Executive Director may return to active status the basic certificate of a category I or category II peace officer that would have otherwise expired if the peace officer: (1) meets the minimum standards for appointment; (2) successfully completes the training course, certification examination and physical fitness examination requirements established in the procedure for basic certification of a peace officer certified in another state or federally trained in an approved program; and (3) within 5 consecutive years of the termination of employment of the category I or category II peace officer, he or she became employed as a full-time employee of the Commission or as a full-time law enforcement officer of a federal law enforcement agency approved by the Commission, and subsequently, within 5 consecutive years of terminating his or her employment with the Commission or the federal law enforcement agency, as applicable, the peace officer obtained his or her current employment as a category I or category II peace officer in the same category of peace officer as he or she held prior to his or her employment with the Commission or the federal law enforcement agency.

FIRST  
PARALLEL  
SECTION

**Section 1.** NAC 289.200 is hereby amended to read as follows:

289.200 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 ~~H~~ *or for the return of his or her certificate to active status pursuant to subsection 9*, 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 ~~H~~ *or for the return of his or her certificate to active status pursuant to subsection 9*, 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. ~~HH~~

*Except as otherwise provided in subsection 9, 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. *Upon the request of the employing agency, the Executive Director may return the basic certificate of a category I or category II peace officer to active status if the peace officer:*

*(a) Meets the minimum standards for appointment established pursuant to NAC 289.110;*

*(b) Successfully completes the requirements set forth in paragraphs (d), (e) and (f) of subsection 2; and*

*(c) Within 5 consecutive years of his or her termination of employment as a category I or category II peace officer, became a full-time employee of the Commission or a full-time law enforcement officer of a federal law enforcement agency approved by the Commission, and subsequently, within 5 consecutive years of his or her termination of employment with the Commission or federal law enforcement agency, as applicable, became employed as a peace officer in the same category of peace officer as he or she held immediately prior to his or her employment with the Commission or the federal law enforcement agency.*

10. 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.

~~110.1~~ **11.** 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.



**PROPOSED REGULATION OF THE PEACE OFFICERS’  
STANDARDS AND TRAINING COMMISSION**

**LCB File No. R025-20**

March 11, 2020

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

AUTHORITY: §§1-3, NRS 289.510.

A REGULATION relating to peace officers; revising certain annual requirements for maintenance of a basic certificate or reserve certificate by a peace officer; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law requires the Peace Officers’ Standards and Training Commission to adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. (NRS 289.510)

Existing regulations require a peace officer to satisfy certain requirements annually in order to maintain a basic certificate or reserve certificate, including completion of 12 hours of in-service training prescribed by the administrator of the employing agency of the peace officer. Existing regulations authorize this in-service training to include, without limitation, training related to: (1) legal issues; (2) the policies and procedures of the employing agency of the peace officer; (3) driving; (4) first aid; (5) cardiopulmonary resuscitation; (6) blood-borne pathogens; (7) sexual harassment; and (8) any other training prescribed by the administrator of the employing agency of the peace officer. (NAC 289.230) **Section 1** of this regulation removes the existing in-service training requirements and instead provides that the peace officer must complete not less than 12 hours of continuing education in courses that address: (1) racial profiling; (2) mental health; (3) the well-being of officers; (4) implicit bias recognition; (5) de-escalation; (6) human trafficking; and (7) firearms. **Sections 2 and 3** of this regulation make conforming changes.

**Section 1.** NAC 289.230 is hereby amended to read as follows:



289.230 1. Except as otherwise provided in subsections 7 and 8, to maintain a basic certificate or reserve certificate, the officer must annually ~~[satisfy]~~ :

(a) *Satisfy* the requirements of subsection 5 ; and ~~[complete]~~

(b) *Complete not less than* 12 hours of ~~[additional agency in-service training prescribed by the administrator of the employing agency of the officer. Agency in-service training may include, without limitation, training related to legal issues, the policies and procedures of the employing agency of the officer, driving, first aid, cardiopulmonary resuscitation, blood-borne pathogens, sexual harassment or any other training prescribed by the administrator of the employing agency of the officer.]~~ *continuing education in courses that address:*

(1) *Racial profiling;*

(2) *Mental health;*

(3) *The well-being of officers;*

(4) *Implicit bias recognition;*

(5) *De-escalation;*

(6) *Human trafficking; and*

(7) *Firearms.*

2. The employing agency shall ensure that its officers comply with the requirements of subsection 1. The employing agency shall notify each officer of the requirements of this section and the penalties set forth in subsection 4 for failure to comply with this section. After an officer completes the requirements of subsection 1, the employing agency shall submit to the Executive Director by any means approved by the Executive Director verification that the officer has



completed those requirements. Verification must be submitted on or before December 31 of the year in which the officer was required to complete the requirements of subsection 1.

3. If the Executive Director has not received verification that an officer has completed the requirements of subsection 1 on or before December 31 of the year in which the officer was required to complete those requirements, the Executive Director shall notify the administrator of the employing agency that he or she has not received the verification required by subsection 2 and that if the verification is not received on or before March 1 following the year in which the officer was required to complete the requirements, the Executive Director will place the administrator on the agenda for the next scheduled meeting of the Commission to explain the delay in the submission of the verification. If the Executive Director has not received verification that an officer has completed the requirements of subsection 1 on or before March 1 following the year in which ~~[training]~~ *the officer* was required ~~[ ]~~ *to complete the requirements*, the Executive Director shall place the administrator of the employing agency on the agenda for the next scheduled meeting of the Commission.

4. Upon the request of the Commission or its designee, the employing agency shall make available for inspection the records of all officers to verify that they have complied with the requirements of subsection 1. The Commission will notify each officer and his or her employing agency of any noncompliance. The Commission will suspend the certificate of any officer who does not complete the requirements of subsection 1 within 60 days after the date on which he or she received the notice of noncompliance. The Executive Director may temporarily reinstate the suspended certificate of an officer upon receiving documentation from the officer which demonstrates that he or she has complied with the requirements of subsection 1. The temporary



reinstatement of the suspended certificate is effective upon the Executive Director's approval of the temporary reinstatement and expires on the date on which the Commission determines whether to reinstate the certificate. The Commission will reinstate the suspended certificate or temporarily reinstated certificate of an officer upon receiving documentation from the officer which demonstrates that he or she has complied with the requirements of subsection 1.

5. Except as otherwise provided in subsections 7 and 8, in addition to completing the ~~[agency in-service training]~~ *continuing education* required pursuant to subsection 1, an officer must:

(a) If the officer is authorized to use a firearm, at least biannually demonstrate a minimum level of proficiency in the use of each type of firearm he or she is authorized to use. An officer who does not demonstrate a minimum level of proficiency with the use of any type of firearm he or she is authorized to use may not carry or use that type of firearm until he or she participates in a remedial course established by the employing agency to ensure that the officer achieves and maintains a satisfactory level of proficiency.

(b) If the officer is authorized to use an impact weapon, chemical weapon, electronic incapacitating device or other less than lethal weapon, at least annually demonstrate a minimum level of proficiency in the use of each such weapon or device he or she is authorized to use. An officer who does not demonstrate a minimum level of proficiency with the use of any such weapon may not carry or use that weapon until the officer participates in a remedial course established by the employing agency to ensure that the officer achieves and maintains a satisfactory level of proficiency.



(c) If the duties of an officer require him or her to use arrest and control tactics, demonstrate annually a minimum level of proficiency in the use of arrest and control tactics, including, without limitation, techniques related to applying handcuffs, taking down suspects, self-defense and retention of weapons.

(d) If the employing agency of the officer authorizes the use of a carotid restraint or lateral vascular neck restraint, demonstrate annually a minimum level of proficiency in those techniques.

(e) Review annually each policy of the employing agency which addresses the use of force in any situation in which the agency or the officer may become involved.

6. Each employing agency shall establish and provide the courses set forth in subsection 5 to its officers and establish the minimum level of proficiency that an officer must demonstrate in each course.

7. An officer:

(a) Who voluntarily leaves his or her employment as a peace officer for at least 4 consecutive months but not more than 60 consecutive months;

(b) Whose employment as a peace officer is terminated for any reason for at least 4 consecutive months but not more than 60 consecutive months;

(c) Who, during a period of continuous employment as a peace officer, is absent from his or her duties as a peace officer because of medical leave, military leave or other approved leave for at least 4 consecutive months; or

(d) Who is hired, rehired or reinstated on or after July 1 of a reporting year,



↪ must satisfy the requirements of paragraphs (b) to (e), inclusive, of subsection 5 and demonstrate a minimum level of proficiency in the use of each type of firearm he or she is authorized to use before commencing or resuming his or her duties as a peace officer.

8. An officer who instructs a course pursuant to subsection 5 is not required to comply with the requirements of subsection 5 to which the instruction applies if the officer:

(a) Instructs a course in the subject for which the officer is qualified and approved by the administrator of the officer's agency during each calendar year;

(b) Participates at least once every 3 years in a course of training for instructors that is approved by the Executive Director; and

(c) Demonstrates to the Commission or its designee at least once every 3 years proficiency in the subject that he or she instructs.

9. Each agency shall maintain documentation of the courses provided pursuant to subsection 5. Such documentation must include, without limitation, the qualifications of each instructor who provides training, a description of the training provided and a list on a form that has been approved by the Executive Director of each officer who completes the training.

**Sec. 2.** NAC 289.240 is hereby amended to read as follows:

289.240 The Executive Director shall grant an intermediate certificate to an officer upon submission of proof satisfactory to the Executive Director that the officer:

1. Has a valid basic certificate;
2. Is currently employed as a peace officer by an agency; and
3. Meets the minimum requirements set forth in one of the following paragraphs:

(a) The officer:



- (1) Has 2 years of experience as a peace officer employed by a Nevada agency;
- (2) Holds a bachelor's degree or a higher degree from a college or university accredited by a national or regional accrediting body recognized by the United States Department of Education; and
- (3) In addition to the ~~training~~ *continuing education* required by NAC 289.230, has successfully completed 20 hours of training in courses concerning the duties of peace officers, consisting of courses certified pursuant to NAC 289.310.

(b) The officer:

- (1) Has 4 years of experience as a peace officer employed by a Nevada agency;
- (2) Holds an associate's degree from a college or university accredited by a national or regional accrediting body recognized by the United States Department of Education; and
- (3) In addition to the ~~training~~ *continuing education* required by NAC 289.230, has successfully completed 40 hours of training in courses concerning the duties of peace officers, consisting of courses certified pursuant to NAC 289.310.

(c) The officer:

- (1) Has 6 years of experience as a peace officer employed by a Nevada agency;
- (2) Has earned 45 units of credit from a college or university accredited by a national or regional accrediting body recognized by the United States Department of Education; and
- (3) In addition to the ~~training~~ *continuing education* required by NAC 289.230, has successfully completed 80 hours of training in courses concerning the duties of peace officers, consisting of courses certified pursuant to NAC 289.310.

(d) The officer:



- (1) Has 8 years of experience as a peace officer employed by a Nevada agency;
- (2) Has earned 30 units of credit from a college or university accredited by a national or regional accrediting body recognized by the United States Department of Education; and
- (3) In addition to the ~~[training]~~ *continuing education* required by NAC 289.230, has successfully completed 120 hours of training in courses concerning the duties of peace officers, consisting of courses certified pursuant to NAC 289.310.

(e) The officer:

- (1) Has 10 years of experience as a peace officer employed by a Nevada agency;
- (2) Has earned 15 units of credit from a college or university accredited by a national or regional accrediting body recognized by the United States Department of Education; and
- (3) In addition to the ~~[training]~~ *continuing education* required by NAC 289.230, has successfully completed 160 hours of training in courses concerning the duties of peace officers, consisting of courses certified pursuant to NAC 289.310.

(f) The officer:

- (1) Has 12 years of experience as a peace officer employed by a Nevada agency; and
- (2) In addition to the ~~[training]~~ *continuing education* required by NAC 289.230, has successfully completed 200 hours of training in courses concerning the duties of peace officers, consisting of courses certified pursuant to NAC 289.310.

**Sec. 3.** NAC 289.250 is hereby amended to read as follows:

289.250 The Executive Director shall grant an advanced certificate to an officer upon submission of proof satisfactory to the Executive Director that the officer:

1. Has a current basic certificate;



2. Has a current intermediate certificate;
3. Is currently employed as a peace officer by an agency; and
4. Meets the minimum requirements set forth in one of the following paragraphs:

(a) The officer:

- (1) Has 4 years of experience as a peace officer;
- (2) Holds a bachelor's degree or a higher degree from a college or university accredited by a national or regional accrediting body recognized by the United States Department of Education; and
- (3) In addition to the ~~training~~ *continuing education* required by NAC 289.230, has successfully completed 40 hours of training in courses concerning the duties of peace officers, consisting of courses certified pursuant to NAC 289.310.

(b) The officer:

- (1) Has 6 years of experience as a peace officer;
- (2) Holds an associate's degree from a college or university accredited by a national or regional accrediting body recognized by the United States Department of Education; and
- (3) In addition to the ~~training~~ *continuing education* required by NAC 289.230, has successfully completed 80 hours of training in courses concerning the duties of peace officers, consisting of courses certified pursuant to NAC 289.310.

(c) The officer:

- (1) Has 8 years of experience as a peace officer;
- (2) Has earned 45 units of credit from a college or university accredited by a national or regional accrediting body recognized by the United States Department of Education; and



(3) In addition to the ~~training~~ *continuing education* required by NAC 289.230, has successfully completed 160 hours of training in courses concerning the duties of peace officers, consisting of courses certified pursuant to NAC 289.310.

(d) The officer:

(1) Has 10 years of experience as a peace officer;

(2) Has earned 30 units of credit from a college or university accredited by a national or regional accrediting body recognized by the United States Department of Education; and

(3) In addition to the ~~training~~ *continuing education* required by NAC 289.230, has successfully completed 240 hours of training in courses concerning the duties of peace officers, consisting of courses certified pursuant to NAC 289.310.

(e) The officer:

(1) Has 12 years of experience as a peace officer;

(2) Has earned 15 units of credit from a college or university accredited by a national or regional accrediting body recognized by the United States Department of Education; and

(3) In addition to the ~~training~~ *continuing education* required by NAC 289.230, has successfully completed 320 hours of training in courses concerning the duties of peace officers, consisting of courses certified pursuant to NAC 289.310.

(f) The officer:

(1) Has 14 years of experience as a peace officer; and

(2) In addition to the ~~training~~ *continuing education* required by NAC 289.230, has successfully completed 400 hours of training in courses concerning the duties of peace officers, consisting of courses certified pursuant to NAC 289.310.



## **II. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED REGULATIONS**







## II. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED REGULATIONS

- A. Discussion regarding revisions to NAC 289.200 (4)(b) to clarify when the officer must pass the state physical fitness examination. “If the officer is eligible for certification pursuant to subsection 2, *no sooner than 30 days prior to being hired as a peace officer and* 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”.
- B. Discussion regarding revisions to NAC 289.110 (1)(d) to clarify when a person has “... successfully completed the 12<sup>th</sup> grade or has been certified by an appropriate authority as having an equivalent education...” for purposes of meeting the minimum standards for appointment as a peace officer in the context of home schooling programs.







## **II. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED REGULATIONS**

### **2. PUBLIC COMMENT**

*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.*







### **III. REGULARLY SCHEDULED MEETING**







### **III. REGULARLY SCHEDULED MEETING AGENDA ITEMS**

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

Approval of minutes from the February 12, 2020 regularly scheduled POST Commission Meeting.







## 1 STATE OF NEVADA

2 Commission on Peace Officer Standards and Training

3 Wednesday, February 12, 2020

4 1:00 PM - 5:54 PM

5  
6 SOTO: All right. We're going to call this  
7 meeting to order. This is the POST Commission Meeting and  
8 workshop. Today is February 12<sup>th</sup>, at 1:00, for the record. And  
9 I'm going to throw it over to Scott Johnston, for information on  
10 the legal postings and Open Meeting compliance.

11 JOHNSTON: Thank you, Mr. Chairman. This Meeting  
12 is brought here today in compliance according to the NRS 241.020.  
13 The Commission Meeting and Workshop here, the notices were posted  
14 at the POST Administrative Office in Carson City, Nevada State  
15 Capitol in Carson City, Blasdel Building, Carson City, Nevada  
16 State Library and Archives, Carson City, Carson City Sheriff's  
17 Office, White Pine County Sheriff's Office, POST website at  
18 post.nv.gov, and on the State Notice Page, at notice.nv.gov, all  
19 in conformity to the requirements for holding this workshop and  
20 regular meeting.

21 SOTO: Thank you, Scott. I'm going to start  
22 off with roll call, start with myself, Jason Soto, Reno Police -  
23 Reno Police Department. And I'm starting on the right, and we'll  
24 just work our way around.

25



1           KETSAA:                   James Ketsaa, Chief, Clark County  
2 School Police.

3           TROUTEN:                 Ty Trouten, Chief, Elko Police  
4 Department.

5           FREEMAN:                 Michele Freeman, Chief, Department of  
6 Public Safety for City of Las Vegas.

7           MCGRATH:                 John McGrath, Deputy Chief, Metro.

8           GOOLSBY:                 Gordon Goolsby, Lead Senior Deputy  
9 Attorney General, the Office of the Attorney General.

10          TOGLIATTI:                George Togliatti, Director, Nevada  
11 Department of Public Society.

12          SHEA:                    Tim Shea, Chief, Boulder City.

13          FREEMAN:                 Michele Freeman.

14          MCKINNEY:                Kevin McKinney, Lieutenant, Elko  
15 County Sheriff's Office.

16          SHERLOCK:                Mike Sherlock, the Executive Director,  
17 POST.

18          JOHNSTON:                Scott Johnston, POST.

19          JENSEN:                  Mike Jensen, with the Attorney  
20 General's Office.

21          SOTO:                    Okay. Before we get started on the new  
22 Board workshop, I just want to let everybody in attendance know,  
23 items number four and five are going to be moved to the back of  
24 this meeting. We've got a lot of things that we can get through  
25



1 quickly, and then, we'll get to items number four and item number  
2 five.

3 We're going to start with the Workshop. The purpose of the  
4 Workshop is to solicit comments from interested persons on the  
5 following general topic that may be addressed in Proposed  
6 Regulations (Workshop has been previously noticed pursuant to the  
7 requirements of NRS Chapter 233(b)).

8 A: The Commission to discuss revisions to its regulations  
9 to comply with annual continuing education requirements  
10 established in NRS 289.510(1)©(2) mandating all peace officers  
11 annually complete not less than 12 hours of continuing education,  
12 training in courses that address racial profiling, mental health,  
13 the well-being of officers, implicit bias recognition, de-  
14 escalation, human trafficking, and firearms.

15 Under NAC 289.230(1), and I'm going to hand this over to  
16 Mike Sherlock for an explanation.

17 SHERLOCK: Thank you, Mr. Chairman. Mike  
18 Sherlock, for the record. As the Commission will recall, we  
19 spoke about this at the last meeting, with AB-478 put into  
20 statute the 12-hour requirement for continuing ed for certified  
21 officers. There's a bit of a conflict, then, with the  
22 regulation, by that Bill. And after working with the Attorney  
23 General's Office, it appears that the best move would be, in our  
24 opinion, to remove that conflict and have the regulation reflect  
25 the statute, to reduce confusion for the agencies. And so,



1 that's why we're here, at this point, at a Workshop level, to  
2 solicit comments.

3 SOTO: Okay. So, I'll turn it over to our  
4 Commissioners, then, for any questions or comments that you have,  
5 and then public comment on the issue. Anything from our  
6 Commissioners? Any questions or clarification that you need, in  
7 regards to what Mr. Sherlock has brought forward? All right. Do  
8 we have any public comment, anybody that wants to speak on this,  
9 public comment? All right. No public comments. I don't think  
10 we need anything else on this, unless somebody has something.  
11 So, I'm going to close this Workshop.

12 We're going to begin our regularly scheduled meeting.  
13 Starting with item number one, discussion, public comment, and  
14 for possible action, approval of minutes from the November 4<sup>th</sup>,  
15 2019, regularly scheduled POST Commission Meeting. Any comments  
16 from Commissioners? Any public comment? Seeing as there's none,  
17 I'm looking for a motion to approve the minutes.

18 MCKINNEY: Kevin McKinney. I move we approve the  
19 minutes.

20 SOTO: Do I have a second?

21 KETSAA: Jim Ketsaa, for the record. I second.

22 SOTO: I have a motion and a second. All  
23 those in favor, say "aye".

24 SPEAKERS: Aye.

25 SOTO: Opposed? Motion carries.



1           Item number two, Executive Director Report. And again,  
2 this'll go over to Mike Sherlock.

3           SHERLOCK:                   Thank you. Mike Sherlock, for the  
4 record. I'll try to be real quick here. So we've had some  
5 movement in terms of Commissioners. Deputy Chief McGrath is  
6 going to be moving on. I saw him in the hallway earlier. He  
7 seemed a little too happy about it, but we do appreciate your  
8 service, Chief, and your voice on the Commission. You'll be  
9 missed.

10           On the flip side of that, Deputy Chief Kelly McMahon has  
11 been nominated and approved by the Governor, I believe at this  
12 point, to take Chief McGrath's spot as Metro's representative on  
13 the Commission.

14           We have here today Chief Trouten from Elko PD. He was  
15 nominated and approved and appointed by the Governor. Chief  
16 Trouten is fulfilling one of the Rural Cat I spots on the  
17 Commission. We always feel it's important to also include the  
18 rural incorporated cities, and I'm sure Chief Trouten will be a  
19 good representative for them.

20           The other thing, I'd like to thank Director Togliatti. As  
21 many of you know, it's a bit slow sometimes getting our nominees  
22 appointed. And I don't - I'm not sure what you did, Director,  
23 but you certainly helped speed things up, and that helps for -  
24 helps us here on the Commission.

25           TOGLIATTI:                Thank you.



1           SHERLOCK:                   And I - and I thank you for that. I  
2 gave a quick spiel on AB-478. We have some confusion out there  
3 for the agencies. I did a poor job of it [laughs] yesterday.  
4 I'm gonna put a document out to Sheriffs and Chiefs, to try to  
5 help explain that, next week.

6           And in two weeks I've been asked to speak at the Sentencing  
7 Commission on implementation of the crime Bill, AB-236. You  
8 know, that's a - we didn't receive any budget for that particular  
9 Bill. We've had to slow down our advance training development,  
10 to change nearly every single lesson plan and basic training, as  
11 that Bill really changes definitions of crimes and changes the  
12 penalties on those. So, I'll be speaking to that on the  
13 Sentencing Commission, here, in a couple weeks.

14           And that's about what's going on at this point, Mr.  
15 Chairman.

16           SOTO:                    Thank you, Mr. Sherlock. And I really  
17 want to echo what he said about Commissioner McGrath, and I want  
18 to thank him for being here and for all the work he's put forward  
19 on the Commission. He really got into a lot of these things and  
20 asked a lot of pertinent questions. And we're going to miss him,  
21 but we're looking forward to our new Commissioners.

22           So with that, we'll move on to item number three,  
23 discussion, public comment, and for possible action. The  
24 Commission to consider continuing the rule-making process and  
25 start developing final language for adoption to NAC 289.230. The



1 language is to provide for the requirements of continuing  
2 education, to include 12 hours on the following topics: racial  
3 profiling, mental health, officer well-being, implicit bias, de-  
4 escalation, human trafficking, and firearms. Do we have any  
5 comments from the public? Any public comment on this? Any  
6 comments from the Commissioners? Okay. Seeing as though there's  
7 none, I'm looking for a motion to continue this rule-making  
8 process.

9           MCGRATH:                   John McGrath. I'll make a motion.

10          SOTO:                    Okay. We have a motion. Do I have a  
11 second?

12          FREEMAN:                I'll second. Michele Freeman.

13          SOTO:                    Okay. We have a motion and a second.  
14 All those in favor, say "aye".

15          SPEAKERS:                Aye.

16          SOTO:                    Opposed? The motion carries  
17 unanimously.

18          Again, as I stated, items four is going to be moved, and  
19 item five is going to be moved to the end of this. On to item  
20 number six, discussion, public comment, and for possible action.  
21 The Commission to conduct a blind review of an agency request to  
22 revoke the Basic Certificate of a former employee, based upon  
23 court documents and conviction for harassment - First Offense,  
24 Misdemeanor, NRS 200.571. The Commission to decide to move



1 forward with a revocation hearing at a future meeting. I'm going  
2 to throw this over to Mike Sherlock first, for an explanation.

3 SHERLOCK: Thank you. Mike Sherlock, for the  
4 record. So, as the Commission knows, under current regs, the  
5 Commission can revoke a Basic Certificate for gross misdemeanors,  
6 felony convictions, and now, domestic violence misdemeanor  
7 convictions, among other things. But in terms of convictions,  
8 this does not fall under one of those definitions, although it's  
9 within the Commission's authority to revoke.

10 So at this point, we are looking for direction from the  
11 Commission, as to whether or not they would be amenable to go to  
12 a revocation hearing for the facts outlined in your book. If you  
13 look behind that agenda item, there is a synopsis, basically,  
14 including the original criminal complaint listing the original  
15 charges and the ultimate conviction for harassment. And so,  
16 staff would be looking as to whether this is something that the  
17 Commission would like to address at a later Commission Meeting,  
18 in terms of a revocation hearing.

19 SOTO: Okay. Any Commissioner have any  
20 comments on that? Or questions?

21 MCGRATH: John McGrath, for the record. Is this  
22 coming from the Agency? Where is this originating from?

23 SHERLOCK: Mike Sherlock, for the record. The  
24 Agency did provide us with this information and is supportive of  
25 revocation.



1           FREEMAN:                   Michele Freeman. So, do we have any  
2 guidance from Counsel?

3           JENSEN:                   Mike Jensen, for the record. Just a  
4 couple of things I would add to what Mr. Sherlock said. First of  
5 all, this process of blind review was set up a number of years  
6 ago, primarily for situations with misdemeanor convictions  
7 because of the broad variety of misdemeanors that we have in the  
8 state of Nevada. We wanted to make sure that if the Commission  
9 wanted to move forward on some of these misdemeanor convictions,  
10 before we actually served the individual and made their name  
11 public through that process.

12           In terms of direction on what are the appropriate types of  
13 convictions to move forward on, a couple of things, I think, are  
14 important. The first is the type of conviction that would affect  
15 or disqualify a person from being a Peace Officer, going to  
16 things like integrity, honesty. Those sorts of things are the  
17 types of convictions that we would normally go forward on.

18           And so, I think that should probably be taken into  
19 consideration and is - it has to tie to the ability of the person  
20 to be a Peace Officer, to be a conviction that would satisfy the  
21 requirement.

22           SOTO:                   Any other questions or comments from  
23 the Commission? Do we have any public comment on this? Okay.  
24 Can I get a motion, then, on moving forward with a revocation  
25 hearing at a future Meeting?



1 KETSAA: Jim Ketsaa, for the record. Make that  
2 motion.

3 SOTO: I have a motion. Get a second?

4 SHEA: Tim Shea. I'll second.

5 SOTO: Okay. So, we have a motion and a  
6 second. All those in favor, say "aye".

7 SPEAKERS: Aye.

8 SOTO: Opposed? Motion carries unanimously.

9 Okay. Item number seven, discussion, public comment, and  
10 for possible action. Request from the Carson City Sheriff's  
11 Office requesting a 6-month extension pursuant to NRS 289.550,  
12 for their employee, Deputy Robert Routon, to meet certification  
13 requirements. The request would extend the time period to meet  
14 certification to August 22<sup>nd</sup>, 2020. And I'm going to turn this  
15 over to Scott Johnston for details.

16 SHERLOCK: Mike Sherlock, for the record. Mr.  
17 Chairman, I spoke to Sheriff Furlong, who regrettably could not  
18 be here today. And I think the Commission knows that Sheriff  
19 Furlong is pretty good about coming before the Commission when he  
20 has an agenda item, but he couldn't do it today. He asked me to  
21 kind of explain what's going on.

22 He actually has two extension requests today. In this  
23 first one, again, because of staffing needs and, frankly, the  
24 limitations of the POST Academy, in terms of numbers, and the  
25 fact that he had already put other people in the Academy, he was



1 unable to get this person, Mr. Routon, into the most recent  
2 Academy. And failure to do so will put him over the one-year  
3 time limit requirement.

4 And with that information, Staff would recommend the  
5 extension on this particular person.

6 SOTO: Okay. So, any public comment on this?  
7 Any comment from our Commission? All right. So, again, I'm  
8 looking for a motion to allow that - this extension of time to be  
9 certified for Mr. Routon. Can I get a motion?

10 TROUTEN: Ty Trouten. Make a motion.

11 SOTO: I have a motion. Can I get a second?

12 MCGRATH: John McGrath - oh.

13 SPEAKER: No, go ahead.

14 MCGRATH: John McGrath. I'll second.

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

17 SPEAKERS: Aye.

18 SOTO: Opposed? Motion carries unanimously.

19 Item number eight, discussion, public comment, and for  
20 possible action. Request from the Carson City Sheriff's Office  
21 requesting a 6-month extension, pursuant to NRS 289.550, for  
22 their employee, Deputy Jared Blue, to meet certification  
23 requirements. The request would extend the time period to meet  
24 certification to August 22<sup>nd</sup>, 2020. Again, did you have any  
25 further on this, Mr. Sherlock?



1           SHERLOCK:                   Mike Sherlock, for the record. Yes,  
2 thank you, Mr. Chairman. Again, coming from Sheriff Furlong, so,  
3 Deputy Blue is one that was in the Academy in front of Deputy  
4 Routon [laughs]. And Deputy Blue failed the entrance physical  
5 fitness requirement to enter the Academy, but was too late to get  
6 his other prospective recruit into the Academy.

7           So, it's really the same situation, that Deputy Blue is  
8 unable to complete the requirements within the one year. Sheriff  
9 Furlong has ensured us that, while Deputy Blue is in the jail,  
10 they have him on a physical fitness improvement plan, and he will  
11 be enrolled in the July Academy at POST. Given that information,  
12 Staff would recommend the extension for Deputy Blue.

13          SOTO:                    Thank you, Mr. Sherlock. Any public  
14 comment on item number eight? Any comment from the Commission?  
15 All right, I'm looking for a motion to allow this extension of  
16 time to be certified, for Mr. Blue. Can I get a motion?

17          MCKINNEY:                Kevin McKinney. I move.

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

19          SPEAKER:                Second.

20          SOTO:                    I have a motion and a second. All  
21 those in favor, say "aye".

22          SPEAKERS:                Aye.

23          SOTO:                    Opposed? Motion carries unanimously.

24          Item number nine, we have discussion, public comment, and  
25 for possible action. Request from the Eureka County Sheriff's



1 Office requesting a 6-month extension, pursuant to NRS 289.550,  
2 for their employee, Undersheriff James R. Clark, to meet  
3 certification requirements. The request would extend the time  
4 period to meet certification to July 17<sup>th</sup>, 2020. Again, I'm gonna  
5 throw this over to Mr. Sherlock for details.

6 SHERLOCK: Thank you. Mike Sherlock, for the  
7 record. And I believe the Sheriff's here, to inform the  
8 Commission.

9 WATTS: I am. Good morning, ladies and  
10 gentlemen of the Board.

11 SOTO: All right. Turn it over to Sheriff  
12 Watts.

13 WATTS: As the letter that I wrote states, we  
14 were extremely short staffed in the first part of 2019, to the  
15 point that we had 4 - 4 of us covering the entire County,  
16 including the jail, myself, Undersheriff Clark, and 2 Sergeants.  
17 And for the first six months of the year, it was a real rough  
18 struggle for staffing and getting that accomplished.

19 Undersheriff Clark, who's here, was not able to get  
20 prepared for the PPFT, to complete it. At the later part of  
21 July, he ended up having a very serious medical issue and was in  
22 the hospital for an extended time and off work for an extended  
23 time and was unable to get prepared for the PPFT. I will tell  
24 you, the date's for extension's to July, but we have already made  
25 it an internal document, for it to be completed before then.



1 SOTO: Okay.

2 WATTS: And he has completed all the online  
3 reciprocity, and we're just waiting for the POST exam - you have  
4 to do the PPFT in the POST exam.

5 SOTO: Thank you, Sheriff. Do - does any -  
6 do we have any public comment on item number nine? Any questions  
7 or comments from the Commission? With that, I'm looking for a  
8 motion to allow the extension of time to be certified for Mr.  
9 Clark. Can I get a motion?

10 TOGLIATTI: A motion, George Togliatti.

11 SOTO: I have a motion. Can I get a second?

12 FREEMAN: Michele Freeman, second.

13 SOTO: I have a motion and a second. All  
14 those in favor, say "aye".

15 SPEAKERS: Aye.

16 SOTO: Opposed? Motion carries unanimously.  
17 Okay.

18 WATTS: Thank you, gentlemen. Thank you,  
19 gentlemen.

20 SOTO: All right. Item number 10.  
21 Discussion, public comment, and for possible action. Request  
22 from the North Las Vegas Police Department for their employee,  
23 Chief Pamela A. Ojeda, for an Executive Certificate. Again, I'm  
24 going to turn this over to Mr. Sherlock.

25



1           SHERLOCK:                   Mike Sherlock, for the record. Thank  
2 you, Mr. Chairman. Staff received and reviewed an application  
3 for the Executive Certificate for Chief Pamela Ojeda. Staff  
4 found that Chief Ojeda meets the requirements of the Executive  
5 Certificate, and Staff recommends the issuance of that Executive  
6 Certificate to Chief Ojeda.

7           SOTO:                    Thank you. So, do we have any public  
8 comment on item number 10? Any comment from the Commission?  
9 With that, then, I am looking for a motion to approve the  
10 issuance of an Executive Certificate to Chief Ojeda.

11          SHEA:                    Tim Shea. I'll make a motion to  
12 approve.

13          SOTO:                    Have a motion, looking for a second.

14          SPEAKER:                I'll second.

15          SOTO:                    Motion and a second. All those in  
16 favor, say "aye".

17          SPEAKERS:                Aye.

18          SOTO:                    Opposed? Motion carries unanimously.

19          Item number 11, discussion, public comment, and for  
20 possible action. Request from the Humboldt County Sheriff's  
21 Office for their employee, Sheriff Mike Allen, for an Executive  
22 Certificate. Again, I'll turn this over to Mr. Sherlock.

23          SHERLOCK:                Thank you. Mike Sherlock, for the  
24 record. Mr. Chairman, Sheriff Allen asked that I pass along his  
25 apologies for not being here today. He was unable to make it



1 today and asked that I represent him. Again, Staff received and  
2 reviewed an application for the Executive Certificate for Sheriff  
3 Allen, and found that the Sheriff - that Sheriff Allen meets all  
4 the requirements for the Executive Certificate, and would  
5 recommend the issuance of that Certificate.

6 SOTO: All right. Any public comment on item  
7 number 11? Any comments from the Commission? With that, I'm  
8 looking for a motion to approve the issuance of an Executive  
9 Certificate to Sheriff Mike Allen.

10 KETSAA: Jim Ketsaa, make a motion.

11 SOTO: I have a motion. Can I get a second?

12 TROUTEN: Second.

13 SOTO: I have a motion and second. All those  
14 in favor, say "aye".

15 SPEAKERS: Aye.

16 SOTO: Opposed? Motion carries unanimously.  
17 Item number 12, discussion, public comment, and for  
18 possible action. Request from the Las Vegas Metropolitan Police  
19 Department for their employee, Captain Larry R. Clark, for an  
20 Executive Certificate. Turn it over to Mr. Sherlock.

21 SHERLOCK: Thank you, Mr. Chairman. Mike  
22 Sherlock, for the record. Once again, Staff received an  
23 application and reviewed that application for Captain Clark, for  
24 an Executive Certificate, found that Captain Clark meets the  
25 requirements established for that Certificate. And Staff would



1 recommend the issuance of that Executive Certificate to Captain  
2 Clark.

3 SOTO: Do I have any public comment on item  
4 number 12? Any comments from the Commission. All right, I'm  
5 looking for a motion to approve the issuance of an Executive  
6 Certificate to Captain Clark.

7 MCGRATH: John McGrath. I'll make that motion.

8 SOTO: I have a motion. Can I get a second?

9 FREEMAN: Michele Freeman, second.

10 SOTO: I have a motion and second. All those  
11 in favor, say "aye".

12 SPEAKERS: Aye.

13 SOTO: Opposed? Motion carries unanimously.

14 All right. Now, we're going to go back to item number  
15 four. This is going to be discussion, public comment, and for  
16 possible action. Hearing pursuant to NAC 289.290(1)(e), on the  
17 revocation of Earl T. Mitchell, formerly of the Henderson  
18 Constable's Office, certification based on a conviction for  
19 Fraudulent Conveyance (Gross Misdemeanor - NRS 205.330). The  
20 Commission will decide whether to revoke Mr. Mitchell's Category  
21 I Basic Certificate. And I'm going to turn this over to the  
22 Attorney General's Office, to begin the hearing.

23 JENSEN: Thank you, Mr. Chairman. This is Mike  
24 Jensen, for the record. As with our [inaudible] hearings, just  
25 wanted to deal with a couple of housekeeping items, up front.



1 First is, of course, the hearing today is being held pursuant to  
2 NRS 289.510, which provides that the Commission is to adopt  
3 regulations setting minimum standards for the certification and  
4 decertification of Peace Officers. Pursuant to that authority,  
5 the Commission has adopted regulations. The one that's relevant  
6 today is NAC 289.290, which provides for the causes for  
7 revocation or suspension of a Certificate, specifically,  
8 subsection E, which provides for revocation for a conviction or  
9 entry of a plea of guilty, guilty but mentally ill, or nolo  
10 contendere, to a gross misdemeanor. And upon criminal indictment  
11 or filing of a criminal indictment, suspension may be imposed.  
12 So this hearing today is being held pursuant to that authority,  
13 both in the NRS and the NAC. There are a couple of housekeeping  
14 things that I was hoping we could deal with, up front. The first  
15 is dealing with the admission of some of the non-witness  
16 exhibits. And so, what I need to do, just real quick, and maybe  
17 we can take a recess so I can do this, I need to hand out the  
18 proposed exhibits to all the Commissioners and then, I'd like to  
19 attempt to admit the non-witness type exhibits that we have.

20           RISMAN:                   The only thing I would say, Mr.  
21 Jensen, is -

22           SOTO:                   And say your name for the record,  
23 please.

24           RISMAN:                   -- oh, I'm sorry. Marc Risman,  
25 representing Mr. Mitchell. By way of introduction, I was POST



1 certified in 1992, still remember the lessons from my lead  
2 instructors, Nick Wallen and Tom Carpaccio and John Lukens, very,  
3 very well, that I've carried with me through these years. And  
4 also served on the Clark County Board of the IPOF, Injured Police  
5 Officers' Fund.

6 I'm here today representing Mr. Mitchell. And I also want  
7 to thank Mr. Jensen for his pre-hearing courtesy and  
8 professionalism. It's been outstanding. But what I would ask,  
9 and I think would be more appropriate is, before these exhibits  
10 are handed to the Commissioners to review and see, if maybe, as  
11 you were sorting them, we had a chance to review them, to see if  
12 there were any proper evidentiary objections, before they were  
13 viewed.

14 JENSEN: Sure. And Mr. Chairman, for the  
15 record, we've provided these exhibits in advance to Mr. Risman.  
16 So, you have had them in advance. I know we've talked a little  
17 bit about which ones you may have objections to. What I'd like  
18 to do then, is give the original exhibits to the Chairman, so he  
19 can see what we're talking about, at least. And then, I've got  
20 copies of the exhibits that I'll provide, that are the same as  
21 what I provided to you in advance.

22 RISMAN: Correct.

23 SPEAKER: Thank you.

24 SPEAKER: These are the originals.



1           JENSEN:                   The ones that I just gave to the  
2 Chairman are the original certified copies of the documents. So,  
3 those would be the ones that, if they're admitted, would be made  
4 part of the record. Then, I want to have some copies for the  
5 witnesses. Think the way we're gonna be set up in here is having  
6 the witnesses right in front of the Commission, at this table.  
7 And we left you some room over there, if you want to be over at  
8 that table to work.

9           SOTO:                    Okay. Did you have anything else, Mr.  
10 Jensen, before we take a short recess? Was that your  
11 recommendation? You want to take a recess, or you want to just  
12 hand it out?

13          JENSEN:                   Yeah. I would prefer to just hand 'em  
14 out. I mean, I don't think there's an issue with -

15          SOTO:                    Okay. That's fine.

16          JENSEN:                   -- the Commissioners' having them in  
17 front of them.

18          SOTO:                    Okay. No, that's fine.

19          JENSEN:                   I mean, this isn't a jury trial, and -

20          SPEAKER:                 It's kinda like putting the milk back  
21 in the bottle, though, after it's filled. So -

22          JENSEN:                   -- no, I understand that. And maybe  
23 what we can do is, they'll have them in front of them and -

24          SPEAKER:                 We won't look at them.

25



1 JENSEN: -- and ask them not to review them  
2 until we're down through our first part of the hearing.

3 SOTO: That's fine.

4 SPEAKERS: [whispering]

5 JENSEN: All right.

6 SOTO: All right. Everybody have the  
7 exhibits?

8 JENSEN: All right, so, Mr. Chairman, what I  
9 would do then is, just real briefly, explain what the exhibit is.  
10 And I guess maybe the most efficient way to deal with that would  
11 be, if you have an objection to the exhibit, we talk about that,  
12 one at a time. Does that work for you, Mr. Risan?

13 RISMAN: That's fine with me. Thank you.

14 JENSEN: Okay. The first exhibit you'll be  
15 looking at is Exhibit A. These are basically the POST documents,  
16 the first visit and Notice of Intent to Revoke. This is the  
17 document that we send out whenever there's a potential for  
18 revocation, to give notice of the Commission's intent to  
19 potentially revoke. And this is a certified copy. It provided  
20 to Mr. Mitchell with an advance notice of this hearing, of the  
21 basis for the hearing, the opportunity to appear, which,  
22 obviously, he's taken today. And so, I would ask that Exhibit A  
23 be admitted. It's a certified copy of the public record of the  
24 POST Commission.

25 RISMAN: No objection.



1 SOTO: We'll admit it [inaudible].

2 JENSEN: Exhibit B is our Affidavit of Service,  
3 just showing that the Notice of Intent to Revoke was served on  
4 Mr. Mitchell, so that he has had notice of this particular  
5 hearing and has been given the opportunity to appear today and  
6 know what the basis for the hearing is. Again, it's a certified  
7 copy of a public record, and we would ask that that be admitted.

8 RISMAN: No objection.

9 SOTO: Exhibit B, then, so admitted.

10 RISMAN: No objection to Exhibit C, either.

11 JENSEN: Exhibit C, no need to explain that.

12 That's Mr. Mitchell's request for a hearing, that he - he sent to  
13 the Commission.

14 RISMAN: No objection to D, either.

15 SOTO: So, we have one, C - no objection to  
16 C.

17 JENSEN: D is the letter that was --

18 SOTO: Exhibit [crosstalk]

19 JENSEN: -- written to Mr. Mitchell - Mr.

20 Mitchell, that outlines the procedures for the hearing today,  
21 which essentially come from NRS 233B, the Administrative  
22 Procedures Act.

23 RISMAN: No objection to E and F.

24 SOTO: So, no objections to D. D is so  
25 admitted.



1 JENSEN: Did you say no objection to E as well?

2 RISMAN: D, E, and F.

3 JENSEN: Okay. Again, E is the Personnel  
4 Action Report, showing that Mr. Mitchell left employment and the  
5 date of that and also provides a "yes" to the question of whether  
6 or not there's a potential to move forward for revocation,  
7 indicating that; it just says, "Currently under Grand Jury  
8 indictment". Exhibit F is the - is the POST Certification that  
9 is the subject of this hearing today, for Mr. Mitchell.

10 SOTO: Okay. Exhibits E and F, so admitted.

11 JENSEN: As we're going forward here, the next  
12 several exhibits are court documents. These are the documents  
13 related to Mr. Mitchell's court proceeding, and starting off with  
14 the first being the indictment, which is the original indictment  
15 that was issued -

16 RISMAN: And -

17 JENSEN: -- go ahead.

18 RISMAN: -- I don't - I don't want to interrupt  
19 you, as you're trying to introduce G, but I do have an objection  
20 to G.

21 JENSEN: You do have a - an objection?  
22 Essentially, what this is, Mr. Chairman, it's a certified copy of  
23 the indictment, certified copy of a court record. It is related  
24 to the crime that was potentially ended up as a conviction in  
25 this case, in the sense that this shows the pattern of how this



1 particular court proceeding moved through the court system. And  
2 we believe it's relevant to this Commission's determination,  
3 today.

4       RISMAN:                   And I have no objection to  
5 acknowledging that there was an indictment issued by a Grand Jury  
6 in Clark County. But I think the prejudicial effect of the  
7 indictment, which contains many charges which were not eventually  
8 pursued, and the nature of a Grand Jury proceeding, I think the  
9 prejudicial effect of that on this hearing body exceeds its  
10 probative value, particularly since we're here today under, as  
11 you said earlier, 289.290, involving a gross misdemeanor.

12       JENSEN:                  Mr. Chairman, I would respond to that  
13 with a couple of points. First is that we aren't making an  
14 allegation today that Mr. Risman [sic] was convicted on any of  
15 these particular charges.

16       RISMAN:                  I wasn't convicted of anything  
17 [laughs].

18       JENSEN:                  Not Mr. Risman, Mr. Mitchell. I'm  
19 sorry, Mr. Risman. [laughs] I'm not trying to convict you of  
20 anything here. Mr. Mitchell was not convicted of any of these.  
21 Just like every revocation proceeding that we have, we start with  
22 the beginning documents in the court proceeding and move through,  
23 and you'll see as we move through these documents that it was a  
24 later charge that he was convicted of.



1 And so, it's being admitted just for the purpose of showing  
2 the process that this particular court proceeding went through.  
3 And I think it's appropriate for the Commission to have that  
4 before you, for that purpose.

5 RISMAN: And again, I acknowledge that there  
6 was an indictment issued, but because 95 percent of the contents  
7 of it were not pursued by the Clark County District Attorney or  
8 the Nevada Attorney General, that the prejudicial nature of the  
9 accusations in it, which were never proved, clearly outweighs its  
10 probative value that there was an indictment, which we recognize  
11 and stipulate to.

12 SOTO: Any comments from any of our  
13 Commission Members? Any comments from the Commission?

14 MCGRATH: John McGrath. I just have a question.  
15 So, as these exhibits are opposed, this is probably the first  
16 one, are we voting on that? Is that the Chairman's job to rule  
17 on that? I'm just not familiar with how that's gonna work.

18 JENSEN: Mr. Goolsby is here to help advise on  
19 evidentiary issues. The rules, though, provide that, for the  
20 most part, exhibits are accepted, and they're subject to any  
21 objections that have been made. But it's up to the Chairman, to  
22 make a decision on whether or not the exhibit is admissible or  
23 not.

24 SOTO: So, I heard the objections, and we'll  
25 - so admitted. It will be admitted. I think that this



1 Commission can certainly look and read for themselves, as to what  
2 was and, you know, what Mr. Risman states, in terms of what  
3 didn't move forward, in terms of that admission.

4 JENSEN: Moving on to Exhibit H, that is the  
5 Guilty Plea Agreement that -

6 RISMAN: No objection.

7 JENSEN: -- all right.

8 SOTO: So, no objection to Exhibit H. So  
9 admitted.

10 SPEAKER: The title is [inaudible]

11 JENSEN: Exhibit I is the Amended Indictment.  
12 Amended Indictment is the document that's referenced in the  
13 Guilty Plea Agreement. It's the charge for which -

14 RISMAN: No objection to Exhibit I.

15 SOTO: No objection to Exhibit I. So  
16 admitted.

17 JENSEN: Exhibit J is a certified copy of the  
18 Judgment of Conviction in this case, pursuant to PLTP [crosstalk]  
19 Alford.

20 RISMAN: No objection.

21 SOTO: No objection to Exhibit J. So  
22 admitted.

23 JENSEN: The next two exhibits are the  
24 transcripts of the Grand Jury proceeding that took place here in  
25 Clark County. They were received and are actually filed in the



1 District Court, here in Clark County. They are court documents  
2 that we received from the court. Just like any of the other  
3 court documents that we've introduced, they're self-  
4 authenticating, certified copies of a public record.

5 The objection that I understand, and Mr. Risman will, I'm  
6 sure, give us more detail on this, is that they contain the  
7 testimony of multiple witnesses who appeared before the Grand  
8 Jury. Two of those witnesses are the keys ones for us, today,  
9 one of which is Colin Haynes, who is the investigator for the Las  
10 Vegas Metropolitan Police Department, who did the investigation  
11 on this case.

12 He's a financial analyst who looked through the documents  
13 here and determined what he determined through his investigation.  
14 He is here and subject to - not only to direct, but cross-  
15 examination, concerning any of his testimony at the Grand Jury  
16 proceeding. The other individual that is key here - it - has  
17 some value here. I'm not going to say she's key, is Stacy  
18 Calvert, who was Mr. Mitchell's bookkeeper, who kept the records  
19 in this particular case.

20 And she may - she had certain testimony about what she did  
21 with regard to the records that she kept for the - for the  
22 Constable's Office, in terms of payroll and other bookkeeping  
23 services that she did for them. She is not going to be a witness  
24 here today. We, as you know, don't have the authority to  
25 subpoena witnesses, on this Commission, and so, don't really have



1 the ability to compel a witness to appear before you. I would  
2 point out, however, that her testimony appears to be consistent  
3 with other documents that you'll see today, that I believe Mr.  
4 Risman has the opportunity to contest those particular documents.

5 In addition to that, I have not heard that Mr. Mitchell is  
6 claiming that his bookkeeper was dishonest or untrustworthy in  
7 her testimony at that Grand Jury proceeding. And given the fact  
8 that it's under oath, it was done here in Clark County, under  
9 oath, we believe it has the indicia of trustworthiness.

10 There are a couple of things that are important, in terms  
11 of our introduction of evidence today, when it comes to  
12 administrative proceedings. The first is that the Technical  
13 Rules of Evidence are not required to be followed in an  
14 administrative proceeding.

15 So, when you hear objections to hearsay and other things  
16 like that, that we would argue that those don't apply, that the  
17 requirements for introduction of evidence in an administrative  
18 proceeding are, number one, authentication. This document has  
19 been authenticated. Both of these Grand Jury transcripts are  
20 self-authenticating, because they are certified copies of record.  
21 The second is that it should have reliability and trustworthiness  
22 to it.

23 And we would submit that these were witnesses who were at a  
24 Grand Jury, under oath, and were subject to perjury if they were  
25 dishonest. I would point out that if Mr. Mitchell wants to call



1 into question the veracity of his bookkeeper and the testimony  
2 that she gave at that proceeding, we would certainly be willing  
3 to attempt to get her as a witness, if that's where you're going  
4 with this, and if that's the reason for your objection.

5 And so, we believe that these are documents of the type  
6 that are admissible in a proceeding like this and that the  
7 Commission can give the testimony the weight that you feel is  
8 appropriate, which is how, generally, it works in these  
9 proceedings. You would admit it, subject to what weight you  
10 would give to it.

11 RISAMAN: My objection is based on the very  
12 purpose and structure of a Grand Jury proceeding. It is done in  
13 secrecy. The witnesses are told multiple times that this is not  
14 a matter of public. The accused is not allowed to be present  
15 when a Grand Jury is conducted, nor is he allowed to have any  
16 legal representation. There's no opportunity for background  
17 checks into the witnesses. There's no opportunity for the - an  
18 investigator on behalf of the defendant to look into the facts.

19 It - there is no proceeding involving any kind of penalty,  
20 in my understanding, in the history of this state, that has allow  
21 - and certainly not in any criminal or civil cases that go before  
22 a court, but none before any administrative body, either, that a  
23 challenged Grand Jury transcript has been admitted. It just  
24 rocks the very foundation of fairness to have a proceeding where  
25 the person isn't even aware there is such a proceeding. That's



1 why, later, you have the rest of the judicial system, including  
2 these administrative hearings.

3 Certainly, the witness who you will have here has the right  
4 to testify to anything within his personal knowledge. And if  
5 something comes up that's hearsay, this Commission can then  
6 determine it. But to have an entire Grand Jury proceeding  
7 admitted, I think, not only - I think it violates fundamental  
8 fairness and due process and could even jeopardize the results  
9 and findings. But I leave it up to the Chief and the Commission  
10 to decide what they want to do.

11 JENSEN: Mr. Chairman, let me say this. What I  
12 would ask is that we - we reserve a ruling on this, until the end  
13 of the hearing, after we've put all the evidence on, and we can  
14 talk about it again, at that point. I think that would make  
15 sense.

16 RISMAN: That's fine, as long as [laughs] - and  
17 I trust everybody on this Board to just not peruse it [laughs] at  
18 their leisure, during regular testimony. That's fine.

19 JENSEN: Absolutely, yeah. And I - I agree  
20 with that. It's several hundred pages long, so I think they'd  
21 have a hard time [laughs] perusing during the course of this  
22 hearing. But -

23 RISMAN: Except for the yellow highlights you  
24 marked there, Mike.



1 JENSEN: -- [laughs] for the record, there are  
2 no yellow highlights in there.

3 SPEAKERS: [laughter]

4 RISMAN: True.

5 JENSEN: I want that on the record.

6 SOTO: Okay. So, I will - any comments from  
7 the Commission on this? I'll ask the Commission not go through I  
8 guess it's Exhibit K?

9 JENSEN: There - there are two exhibits that  
10 are Grand Jury transcript. I think it's K and the next in line.

11 SOTO: K and L?

12 JENSEN: Yes.

13 SOTO: Okay. So, I would ask the Commission  
14 not to go through K and L. And we will reserve that, and we will  
15 move on.

16 JENSEN: And then, the next housekeeping item,  
17 Mr. Chairman, would be that we would ask that the witnesses for  
18 this proceeding be excluded from the room while testimony is  
19 occurring.

20 RISMAN: I have no objection to that, either.

21 SOTO: Okay.

22 JENSEN: So anyone who's a potential witness  
23 needs to wait out in the hall.

24

25



1           SOTO:                   All right. I'd ask any witnesses that  
2 - leave the room, for now. We'll close the - close the door, and  
3 we'll move forward. [pause]

4           SPEAKERS:               [whispering]

5           SOTO:                   Okay. Do we have any other witnesses  
6 in the room? Okay.

7           JENSEN:                 The procedure that we had set out in  
8 the letter was that we would start off with opening statements,  
9 and I'm happy to do a short opening statement, if you want to do  
10 those, Mr. Risan.

11          RISMAN:                 I - I am, but who would go first, is  
12 appropriate?

13          JENSEN:                 We would go first.

14          RISMAN:                 After you, my friend.

15          JENSEN:                 Mr. Chairman, Members of the  
16 Commission, the evidence in this case will show that former  
17 Henderson Constable Earl Mitchell was originally indicted on  
18 multiple felony counts of Theft and a felony count of Fraudulent  
19 Appropriation of Property by a Public Officer, that the  
20 indictment was handed down by a Grand Jury in Clark County,  
21 Nevada. Through a guilty plea agreement, dated July 23<sup>rd</sup>, 2019,  
22 Mr. Mitchell agreed to plead guilty pursuant to *North Carolina*  
23 *versus Alford*, to the crime of Fraudulent Conveyance, a Gross  
24 Misdemeanor, in violation of NRS 205.330.

25



1       As part of his plea agreement, Mr. Mitchell agreed to pay  
2 \$82,000 -- \$82,660 to Clark County for restitution, prior to  
3 entry of his plea. As stated in the guilty plea agreement, an  
4 Alford plea does not require the defendant to admit guilt, but is  
5 based on the belief that the state has sufficient evidence, at  
6 trial, that a jury would return a verdict of guilty on a greater  
7 offense or on more offenses than the offense he's pleading guilty  
8 to.

9       On July 23<sup>rd</sup>, 2019, an Amended Indictment was filed,  
10 charging Mr. Mitchell with the crime of Fraudulent Conveyance, a  
11 Gross Misdemeanor. The factual basis is stated in the Amended  
12 Indictment, which you have in your exhibits. States that on or  
13 between June 1<sup>st</sup>, 2015, and March 26<sup>th</sup>, 2018, he fraudulently  
14 appropriated \$82,660, which was entrusted to him, having  
15 requested the funds from Clark County, through misrepresentation,  
16 and then, appropriating the funds for his own, personal use.

17       The investigation that led to the criminal charges  
18 disclosed how Mr. Mitchell fraudulently appropriated the funds  
19 from Clark County through misrepresentation and then,  
20 appropriated the funds for his own use. You will hear from Colin  
21 Haynes, who is with the Las Vegas Metropolitan Police Department,  
22 who conducted the investigation. He looked at financial  
23 documents for the time period that started in June of 2015  
24 through March 26<sup>th</sup> of 2018.



1       The reason that he selected that time period was, beginning  
2 in January of 2015, the way the Constable's Office was funded had  
3 changed. Clark County created an Enterprise Fund, in which  
4 revenue from the Constable's Office was deposited. Also, Mr.  
5 Mitchell began getting a salary from Clark County at that time.  
6 Mr. Mitchell would request funds from the Enterprise Fund to pay  
7 the Deputies' salaries and cover office expenses. He used a  
8 voucher to request the funds from the County.

9       The evidence will show that by inflating the amount of  
10 payroll, payroll tax withholdings, and office expenses, he was  
11 able to obtain money from Clark County, which he ultimately used  
12 for his own purposes. Mr. Haynes will explain the scheme used to  
13 obtain additional funds from the County through misrepresentation  
14 and how he appropriated those funds for his own use. Mr.  
15 Mitchell used a fraudulent scheme to get that money from Clark  
16 County.

17       The Henderson Constable's Office bank account became, I  
18 would argue, Mr. Mitchell's personal ATM. These actions occurred  
19 while Mr. Mitchell was the head of -

20       RISMAN:                   I'm going to -

21       JENSEN:                  -- a law enforcement entity -

22       RISMAN:                  -- Mike, no offense, but I think we  
23 can have a little drama in an opening statement, but it's what  
24 you're going to prove. And is it your intent to prove it was his  
25 own personal ATM?



1           JENSEN:                   -- I think you'll find, from the  
2 exhibits that are presented to you through this hearing, that Mr.  
3 Mitchell withdrew thousands of dollars in cash withdrawals from  
4 that fund. And I think that's the appropriate way to  
5 characterize what he was doing.

6           RISMAN:                   Certainly colorful.

7           JENSEN:                   These actions occurred while Mr.  
8 Mitchell was the head of a law enforcement entity, in which the  
9 public had placed significant trust. The evidence will show Mr.  
10 Mitchell violated that public trust and has disqualified himself  
11 from acting as a Peace Officer in the future. Based on the  
12 evidence presented, I will, at the end of this hearing, ask the  
13 Commission to revoke Mr. Mitchell's POST Certificate.

14          RISMAN:                   Good afternoon. I already introduced  
15 who I am. So, let me summarize what I believe Mr. Mitchell and I  
16 are here for this afternoon and taking up your valuable time.  
17 The Nevada Revised Statutes address misconduct of a police  
18 officer, only to the extent that when a Peace Officer commits a  
19 Felony, he or she is to have their Certification revoked. It's  
20 clear, and we're not here on that issue today.

21          What we're here today on is Nevada Administrative Code  
22 289.290, which gives this Commission authority and jurisdiction  
23 to do three things when somebody is convicted of a Gross  
24 Misdemeanor. The first -- because 289.290 is discretionary, the  
25



1 first option, of course, is not to act at all. And if that road  
2 had been taken, we wouldn't be here today.

3 But the three things that happen after a Notice of  
4 Revocation has been submitted is to find no action needs to be  
5 taken after the hearing, that a suspension should be imposed upon  
6 the Certificate holder, for revocation. I think we can all agree  
7 that revocation is the highest form of punishment. It is the  
8 death penalty to a Peace Officer or law enforcement officer,  
9 because, at least for the next five years, that person cannot  
10 serve the community or cannot act in law enforcement.

11 I think the first of the four options is already left and  
12 is behind. So now, we're looking at the other three. While I  
13 would like to sit here and argue that no action should be taken,  
14 I'm not sure I could convince the majority of you of that. But I  
15 think by showing the circumstances of the plea, the punishment  
16 imposed on Mr. Mitchell, and the value he's given the community  
17 at both the general public and law enforcement, throughout his 35  
18 years as a Peace Officer, will allow you to consider the exercise  
19 of your authority and invoke a reasonable suspension.

20 And what that suspension - what the time would be, what the  
21 conditions would be, we can save for after the presentation of  
22 evidence. But I think you'll find that, for the reasons I just  
23 said, our evidence will show, this is not one that calls for the  
24 death penalty [laughs] - the professional death penalty on  
25 someone who's served by your side for 35 years.



1           SOTO:                           Any comments from the Commission?  
2   What I will say to those in the room, this Commission, we will  
3   certainly take into consideration whether or not there was a  
4   misappropriation of funds and what that misappropriation of funds  
5   was or was not. And certainly, listen to Mr. Mitchell and his  
6   counsel as to what and why.

7           JENSEN:                       Thanks, Mr. Chairman. I would, then,  
8   call our first witness, Colin Haynes.

9           SOTO:                        Okay. Colin --

10          RISMAN:                      Could we have, like, about a 30-second  
11   recess?

12          SOTO:                        -- yes.

13          RISMAN:                      I need to speak to somebody outside.

14          SPEAKER:                     30-second recess [laughs].

15          RISMAN:                      [laughs] And -

16          SOTO:                        I'll give you - I'll give you two  
17   minutes.

18          RISMAN:                      -- thank you. Chief Soto, also --

19          SPEAKER:                     [inaudible]

20          SOTO:                        Go ahead.

21          RISMAN:                      -- Chief Soto? Off - off the record,  
22   my condolences on the passing of the former Reno Mayor.

23          SOTO:                        Oh, thank you. Thank you.

24          SPEAKER:                     Can we move this and [inaudible] need  
25   to move them over.



1           SPEAKER:           Yeah.

2           SPEAKERS:           [whispering]

3           SPEAKER:           Say he's been indicted for four  
4 counts, plea to a [whispering] [inaudible]

5           SPEAKERS:           [whispering]

6           SOTO:               Okay. I think we have concluded our  
7 recess, and we can move forward.

8           JENSEN:             Mr. Chairman, we would call Colin  
9 Haynes. I'll go get him.

10          SOTO:               And Colin Haynes, again, is -

11          SPEAKER:           Metro's financial -

12          JENSEN:             With Las Vegas Metro.

13          SOTO:               -- thank you. Thank you, Mr. Haynes.  
14 You can have a seat right here.

15          HAYNES:             Thank you.

16          SOTO:               Detective Haynes.

17          JENSEN:             Mr. Chairman, and have you guys  
18 discussed administering oaths to the witnesses, at all?

19          SOTO:               Yeah. One moment.

20          SPEAKER:           [whispering]

21          SOTO:               Okay. Mr. - Mr. Haynes, can you  
22 please stand and raise your right hand?

23          HAYNES:             Certainly.

24          SOTO:               Do you swear to tell the truth, the  
25 whole truth -



1 HAYNES: Yes, sir.

2 SOTO: -- so help you, God?

3 HAYNES: Yes, sir.

4 SOTO: Okay. Thank you. Oh, can I get your  
5 name spelled for the record, please?

6 HAYNES: Yes, my name is Colin Haynes. That's  
7 spelled C-O-L-I-N, H-A-Y-N-E-S.

8 SOTO: Thank you.

9 JENSEN: Thank you, Mr. Haynes. To let you  
10 know where people are, here, I'll be asking you the questions  
11 [laughs] from over here. Mr. Mitchell's attorney will be asking  
12 you questions from over on that side of the room.

13 HAYNES: Certainly. Certainly.

14 JENSEN: So, you can get oriented in the room  
15 here. Are you currently employed?

16 HAYNES: Yes, I am.

17 JENSEN: And by whom?

18 HAYNES: By the Las Vegas Metropolitan Police  
19 Department.

20 JENSEN: And in what capacity?

21 HAYNES: I'm a Senior Financial Intelligence  
22 Analyst.

23 JENSEN: And how long have you been so  
24 employed?

25



1           HAYNES:                   Since June of 2010. So, a little  
2 under ten years.

3           JENSEN:                   Can you briefly describe to the  
4 Commission your duties in your position?

5           HAYNES:                   Yes, I provide specialized  
6 investigation support on criminal investigations that have a  
7 significant financial component. I assist detectives to locate  
8 financial information, gather that information, analyze it, and  
9 generate reports and evidence from it.

10          JENSEN:                   Can you briefly describe to the  
11 Commission the training and education that you've received to  
12 help you in your position?

13          HAYNES:                   Yes, sir. I've been in this position  
14 for 10 years. Altogether, I have about 30 years law enforcement  
15 experience, 20 of that, working white-collar fraud, as a  
16 commissioned officer at the state level, with the Attorney  
17 General's Office and the Secretary of State's Office, and also  
18 with Metro, as a Abuse and Neglect Specialist. I'm a Certified  
19 Fraud Examiner, have been for 13 years, and also a Certified  
20 Anti-Money Laundering Specialist.

21          Most of my training experience has been on the job,  
22 attending training classes offered by various agencies. I teach  
23 financial analysis and money-laundering classes, and I testify as  
24 an expert - as a money-laundering expert.

25



1           JENSEN:                   Were you assigned to be involved in an  
2 investigation regarding former Henderson Constable Earl Mitchell?

3           HAYNES:                   Yes, I was.

4           JENSEN:                   And about when did that occur?

5           HAYNES:                   March of 2018.

6           JENSEN:                   And did your investigation cover a  
7 specific time period?

8           HAYNES:                   Yes, I reviewed financial records and  
9 business records for the period of 2015, '16, and '17, through to  
10 March of 2018.

11          JENSEN:                   And was there a reason that you chose  
12 that particular time period?

13          HAYNES:                   Yes. The Henderson Constables, in  
14 fact, all of the Constables' Offices, and the Henderson Constable  
15 Office, particularly, was changed at the beginning of 2015, in  
16 January, on January 5<sup>th</sup>, 2015, to what was referred to as an  
17 Enterprise Fund. Prior to that date, the rules governing Mr.  
18 Mitchell's payroll and his operation of the Henderson Township  
19 Constable's Office were different. So, we selected a start date  
20 of January 5<sup>th</sup>, 2015, to coincide with when that rule change  
21 occurred.

22          JENSEN:                   When you talk about an Enterprise  
23 Fund, could you just real briefly describe what that is, to the  
24 Commission?

25



1           HAYNES:                   Yes. From our investigation, I  
2 learned that, in the case of the Constable's Office, in January  
3 of 2015, the handling of revenues and money coming into the  
4 office was changed. Prior to that date, Mr. Mitchell had  
5 received and handled the revenues, the payments and the  
6 garnishments through his own accounts, as essentially a private  
7 business, that he was the head of.

8           After that date, the funds coming into the office, the  
9 revenues, were redirected directly to the County. They were no  
10 longer deposited to Mr. Mitchell's accounts or to his business,  
11 and they were actually directed to the County, one of the County  
12 accounts. The office was set up as a budget. They received a  
13 County budget. Many of their overheads were paid directly by the  
14 County, as many departments are. And Mr. Mitchell was required,  
15 as the head of this private enterprise, to remit claims to the  
16 County, every two weeks, to pay those expense that were not  
17 covered directly by the County.

18          JENSEN:                   Can you tell us what expenses those  
19 were, primarily?

20          HAYNES:                   They - based on the documents I  
21 reviewed, they were primarily payroll for Deputy Constables who  
22 were not - they were not County employees. Some of them were  
23 independent contractors, 1099 employees. Some of them were  
24 employees of the Henderson Township Constable, as its own  
25 separate business, but not County employees.



1       It also included, every two weeks, a claim for payroll  
2 taxes that were owed on the payroll for those employees, and also  
3 some small incidental fees to pay the bookkeeper, who was  
4 preparing payroll.

5       JENSEN:                   During that time, the new time frame  
6 that you were looking into, do you know if Mr. Mitchell was paid  
7 a salary by the County?

8       HAYNES:                   Yes, he was. That was one of the  
9 changes in January of 2015. Prior to that, the - Mr. Mitchell's  
10 salary had not been set by the County. The NRS covering the  
11 Constable's Office allows that the Constables could either keep  
12 the - pay themselves from the revenues that their office earned,  
13 or the County could set their salary, one or the other. In  
14 January of 2015, the County set Mr. Mitchell's salary. I think  
15 it was a little over \$103,000, and, at that point, he was no  
16 longer allowed to pay himself from his revenues.

17       SPEAKER:                What date was that, did you say?

18       HAYNES:                   January 5<sup>th</sup> of 2015.

19       JENSEN:                   Did the Henderson Constable's Office,  
20 based on your investigation, have any bank accounts?

21       HAYNES:                   Yes, they did. There had originally  
22 been three. One closed. So, during the time frame under review,  
23 there were two bank accounts that were titled to the Henderson  
24 Township Constable's Office. They were both held at Bank of  
25 Nevada, and Mr. Mitchell was the sole signer on those accounts.



1           JENSEN:                   At the beginning of the time period  
2 that you reviewed as part of your investigation, what was the  
3 balance in the Henderson Constable bank account?

4           HAYNES:                   Well, on January 5<sup>th</sup>, when we started  
5 looking, the balance was still quite high. There was what we  
6 considered residual money from the operations of the office,  
7 prior to this change-over. It didn't happen overnight. So, in  
8 reviewing the bank accounts, we determined that the bank balance  
9 on these two combined accounts dropped to about \$1,400 by June of  
10 2015.

11           So, about six months into this change, the money that was  
12 in that account, that had been earned under the prior system, had  
13 essentially been removed. The accounts had effectively zeroed  
14 out, and there was \$1,400 left. So, that was the balance, and  
15 for the purpose of the analysis, we began the analysis from that  
16 date, in June of 2015, through March of 2018.

17           JENSEN:                   During that time frame, what was your  
18 understanding, based on your investigation, how the bank account  
19 was supposed to be used?

20           HAYNES:                   Effectively, based on what I learned,  
21 the account was a zero-balance account. Mr. Mitchell was  
22 supposed to submit bi-weekly claims to the County, requesting  
23 money be deposited to this account to pay the expenses related to  
24 the Henderson Township Constable, the business, the private side  
25



1 of this. That was for these payroll expenses, payroll taxes, and  
2 the bookkeeping fees.

3 Effectively, when that money was transferred, once those  
4 expenses were paid, there would be nothing left in this account.  
5 The claims were supposed to be for the amount of money that was  
6 needed to run that enterprise.

7 JENSEN: So, then, what was the primary source  
8 of the funds coming into the bank account, based on your  
9 investigation?

10 HAYNES: Principally, it was the submissions to  
11 Clark County. There was one every two weeks. They varied in  
12 amount. About 94 percent of the money that came into this  
13 account came from those submissions to Clark County, those  
14 expense claims.

15 JENSEN: Do you know if the Constable's Office  
16 had Deputies at the time that you looked at?

17 HAYNES: Yes. There were a number of  
18 individuals. Some of them were independent contractors. Some of  
19 them were actually employees of that business.

20 JENSEN: And do you know how those Deputies  
21 were paid?

22 HAYNES: Yes. Mr. Mitchell would calculate  
23 their payroll, or his staff would calculate their payroll, would  
24 submit that claim to the County, in this bi-weekly vendor claim  
25 voucher, asking for that amount of money, to pay those Deputies.



1 And then, he would cut checks from the business account to pay  
2 the Deputies.

3 JENSEN: Do you know if Mr. Mitchell had a  
4 bookkeeper that assisted him during this time frame that you  
5 investigated?

6 HAYNES: He did. A lady by the name of Stacy  
7 Calvert, the business was Anavassi Group.

8 JENSEN: And can you just briefly describe to  
9 the Commission the services that you learned she performed  
10 through your investigation?

11 HAYNES: She would receive the payroll  
12 information from Mr. Mitchell. She would then calculate federal  
13 tax withholdings, Social Security taxes, Medicare, for each of  
14 the employees. She would calculate that. She would calculate  
15 the employer match, the amount of money that the employer had to  
16 pay to match the employee's Social Security and Medicare taxes.  
17 And she would prepare pay slips for those employees and then,  
18 remit that information back to Mr. Mitchell.

19 She also assisted with submitting or remitting the tax  
20 withholdings that were withheld from these employees to the  
21 federal government.

22 JENSEN: During the course of your  
23 investigation, did you obtain certain records that you used as  
24 part of your investigation?

25



1           HAYNES:                   Yes, I obtained - from the County, I  
2 obtained copies of all of the bi-weekly vendor claim vouchers,  
3 the submissions that Mr. Mitchell was making to request funds. I  
4 also, through the use of subpoenas, obtained the records that  
5 Anavassi Group, Stacy Calvert, had, her work documents and her  
6 own papers, for the preparation of the payroll. I subpoenaed the  
7 bank records for the Henderson Township Constable bank accounts  
8 and also some records from Mr. Mitchell's personal accounts.

9           JENSEN:                   In your investigation, in reviewing  
10 those documents, did you find any irregularities?

11          HAYNES:                   Yes, a number of irregularities. The  
12 first challenge in this investigation was to determine - we could  
13 see that there were a number of checks coming out of the  
14 Henderson Township Constable's bank account that were payable to  
15 Mr. Mitchell and were deposited to his personal account. None of  
16 the vendor claim vouchers, none of the claims, indicated that he  
17 was requesting funds from the County for himself. All of the  
18 claims were for employee payroll, the Anavassi Group invoice, and  
19 the federal employer match for the taxes.

20          So, based on that, there should not have been checks going  
21 to Mr. Mitchell from that bank account. We also saw that there  
22 were a number of cash withdrawals, using an ATM - various ATM  
23 machines. These were principally conducted at casinos and bars,  
24 often multiple withdrawals at the same location, consecutively,  
25 one after the other, you know, 200, 200, 200, that sort of thing.



1 Obviously, that's very irregular for a business account and for  
2 one that is funded principally with County funds.

3 So, the initial thing was to determine how could there be  
4 money coming out of this account to Mr. Mitchell or in the form  
5 of cash withdrawals, when the account was effectively supposed to  
6 be a zero-sum account. There shouldn't have been any money in  
7 there to take, if the money that was being obtained from the  
8 County was in fact being used for the purpose for which it was  
9 claimed. Those were the initial irregularities.

10 JENSEN: Were you able to, through your  
11 investigation, determine how money was coming into the account,  
12 that he was able to withdraw?

13 HAYNES: Yes. The first thing that I noted, I  
14 was comparing the submissions to the County, to request money  
15 every two weeks, the vendor claim voucher, with the supporting  
16 document for that, against the work papers for Stacy Calvert. I  
17 noted that Stacy Calvert, every two weeks, would calculate the  
18 employer match for the federal income tax withholdings, for the  
19 Medicare and that, and these were calculated - appeared to be  
20 calculated correctly, from June through November of 2015.

21 Starting in November of 2015, I noted that, on her work  
22 papers, underneath where she would calculate the amount of  
23 employer match taxes, there was a new entry began to appear. And  
24 it would be something, it would say, 'Per Earl', 'Per E.M.',  
25 'Extra tax per Earl', some - some statement like that, a short



1 statement, and there would be an amount entered there. The first  
2 one I noted was \$400, and every 2 weeks after that, there was a  
3 matching entry that said, 'Per Earl', or 'Per E.M.', or something  
4 like that, with an amount of money.

5 The amount varied. Sometimes it was as low as a few  
6 hundred dollars. The highest, I think, was about \$2,300, or just  
7 under. And this amount was then being added into the employer  
8 payroll taxes that were being requested from the County. So,  
9 based on those calculations, this amount was not employer payroll  
10 taxes. The amount of employer payroll taxes was already  
11 documented, and this was added in as an extra amount. The County  
12 were remitting that money or transferring that money to Mr.  
13 Mitchell's account, based upon that request.

14 The investigation revealed, during my interviews with Stacy  
15 Calvert, that that particular entry was that Mr. Mitchell was  
16 directly her, verbally, and sometimes via text, to just add an  
17 arbitrary amount into that figure. She confirmed that that was  
18 not payroll taxes. It was not employer match payroll taxes. It  
19 was just a figure that Mr. Mitchell was telling her to add and  
20 that she was adding, based on his direction. That was then being  
21 submitted to the County. They were putting that money in.

22 So, that was the first thing that I noticed, in terms of,  
23 why was there extra money in this account.

24

25



1           JENSEN:                   During your investigation, were you  
2 able to confirm whether or not those additional amounts were ever  
3 paid out to the federal government?

4           HAYNES:                   I was, and they were not. The amount  
5 of employer match taxes, the correct amount that Ms. Calvert had  
6 been calculating, that's the amount that was paid. This  
7 additional amount that was being requested from the County for  
8 that purpose was not being paid to the federal government.

9           JENSEN:                   Was there any other way that you found  
10 through your investigation that money was coming into this  
11 account?

12          HAYNES:                   Yes, I did a comparison between the  
13 Henderson Township Constable's bank account and the pay slips,  
14 the payroll for each of these Deputy Constables. And I think  
15 there were some civilian staff that were also employees. And I  
16 compared what the records reflected these employees should  
17 receive as their net pay against what they were actually paid in  
18 - by check.

19          And what I found was, there was additional funds that many  
20 of these employees were underpaid. So, their paycheck reflected  
21 a certain amount of money that was due to them, but the actual  
22 payment to them was less, and that happened quite a number of  
23 times.

24

25



1           JENSEN:                   And in your investigation, then, did  
2 you confirm that the employee had actually not been paid the  
3 inflated amount that you were finding?

4           HAYNES:                   Yes, I did. I confirmed the amount of  
5 money, that the checks were paid to them was the amount that they  
6 were being paid, as payroll, and not the amount reflected on  
7 these paychecks.

8           JENSEN:                   Was there any other way that you found  
9 that there was money coming into the account?

10          HAYNES:                   Yes, there was two other things that  
11 were somewhat linked. On the vendor claim voucher, there was  
12 just a couple of categories. One was wages, for the employee  
13 wages. The worksheet that Stacy Calvert would prepare, which  
14 would go with the vendor claim voucher, to the County, these two  
15 documents went together. That broke down the wages into three  
16 groups, employee wages, employee mileage, and employee expenses,  
17 other expenses for the employees.

18          What I found in reviewing the mileage and in reviewing the  
19 other expenses was that, for the most part, with a few  
20 exceptions, the mileage amount that was being claimed as employee  
21 mileage was not being paid to those employees. They were not  
22 receiving it. One employee, Ron Maxwell, I believe his name was,  
23 he was receiving his mileage, and that was accounted for. But  
24 all of the others, there would be an amount that would say,  
25



1 'Employee Mileage'. That would then be lumped in with employee  
2 wages, but that mileage was not being paid to those employees.

3 And the same was true with the other expenses. For the  
4 most part, there would be other expenses. They were not being  
5 paid to those employees. So, that was two more ways that they  
6 would increase the amount. On some of the work papers that were  
7 not remitted to the County, Stacy Calvert would document that  
8 some of that mileage and those expenses related to Mr. Mitchell,  
9 who at this point was a County employee and was payrolled by the  
10 County.

11 But on the documents that would go to the County, it would  
12 reflect that this was employee mileage and employee expenses, and  
13 it would be added into this employee wage group.

14 JENSEN: Okay. Now, you've talked about how  
15 money was coming into the account. Can you describe to the  
16 Commission what you found in terms of how Mr. Mitchell was taking  
17 money out of the account?

18 HAYNES: Firstly, there were the checks that  
19 were paid from the Henderson Township Constable's Office, to Mr.  
20 Mitchell. I'd need to refer to my report to give you the exact  
21 figures.

22 JENSEN: Sure.

23 HAYNES: But it was approximately \$107,000 in  
24 checks that were paid from the Constable's account, to Mr.  
25 Mitchell and deposited to his personal account. In addition, the



1 ATM - the cash withdrawals, which were principally at bars and  
2 casinos, was about another 50 - I think \$56,000 in withdrawals.

3 Then, there was an additional - about a \$50,000, \$53,000 in  
4 debit card usage, where other expenses were being paid for, from  
5 the Henderson Township Constable's account, using a debit card,  
6 like a point-of-sale transaction. So that's how the money was  
7 coming out.

8 JENSEN: I'll have you grab that binder that's  
9 right next to you, there, and towards the back of that binder  
10 there are some exhibits. I'm gonna go through these, real  
11 quickly. First one I wanted you to start with would be the  
12 Exhibit R.

13 HAYNES: Okay.

14 JENSEN: Do you recognize that exhibit?

15 HAYNES: Yes. These pages are the work papers  
16 prepared by Stacy Calvert. These were obtained from Ms. Calvert,  
17 subject to a Grand Jury subpoena served on her for her work  
18 records. This first one relates to a single pay period, November  
19 5<sup>th</sup> of 2015.

20 JENSEN: So, it - yeah. Looking at that  
21 exhibit, you'll see there's pieces of paper between multiple sets  
22 of documents.

23 HAYNES: Yeah.

24 JENSEN: Do those appear to be the documents  
25 related to different pay periods?



1           HAYNES:                   Yes, this is several - obviously, I  
2 obtained identical types of records for each pay period from 2015  
3 through March of '18. These reflect only some of them. But you  
4 can see the first ones are March 5<sup>th</sup> - sorry. Excuse me.  
5 November 5<sup>th</sup>, then November 19<sup>th</sup>, December 31<sup>st</sup>. This is just a  
6 selection of those documents.

7           JENSEN:                   Would you look through those quickly,  
8 and see if they appear to be true and accurate copies of the  
9 documents that you reviewed in your investigation?

10          HAYNES:                   They are, yes, sir.

11          JENSEN:                   Have there been any changes or  
12 alterations to those documents?

13          HAYNES:                   Not that I can see, no.

14          JENSEN:                   They appear to be accurate?

15          HAYNES:                   Yes, these are a sample of that I  
16 obtained from Stacy Calvert, and they're accurate to that.

17          JENSEN:                   Ask that Exhibit R be admitted.

18          SOTO:                    So admitted, Exhibit R.

19          JENSEN:                   Looking through those documents,  
20 you've talked a little bit about the - generally about the  
21 process of how money was coming into the account. Can you just  
22 briefly describe to the Commission, looking at those documents,  
23 what on there showed you that there were additional amounts being  
24 added?

25



1           HAYNES:                       Certainly. If you look through the  
2 first four pages, for the November 5<sup>th</sup> pay period, you can see on  
3 that first page the amount of gross pay, the federal withholdings  
4 for the employees are \$819, the Medicare and the Social Security  
5 tax withholdings, which add up to \$2,191. There's some other  
6 reimbursement amounts there. And then, down the bottom, under  
7 the section titled 'Employer Taxes and Contributions', you can  
8 see a final figure of \$472.09.

9           So, that would be the amount that was required for the  
10 employer match on the employee taxes. That would go onto the  
11 second page, there. You can see, the fourth line down is  
12 employer contribution, the same amount, \$472.09. So, the third  
13 page just reflects the same thing. And then, the last page is  
14 part of the spreadsheet that Ms. Calvert would use, as she was  
15 calculating these. You can see her own notations on there.

16          So, that was submitted to the County as it is. There was a  
17 match, and I was able to match that to a matching payroll  
18 submission, and that was all correct. If you look to the second  
19 set of documents, for the date range of November 19<sup>th</sup>, 2015, you  
20 can see the first page is a very similar calculation, with the  
21 last figure on there, the last typed figure on there is the  
22 employer taxes and contributions, of \$493.05.

23          But you can see, if you look to the second page there, the  
24 fourth line down, where it says, 'Employer Contribution', it's  
25 now \$893.05. It's gone up by \$400. That second page would



1 accompany the vendor claim voucher that went to the County, to  
2 request money. So, if you look to the third page and the fourth  
3 page, you can see on the third page, underneath the types of -  
4 that ends, '\$493.05', you can see, 'Per Earl, add \$400, totaled  
5 up to \$893.05.'

6 Again, on the last page of that set, in the bottom right-  
7 hand corner, you can see the ER tax, \$493.05, and then, the 'Per  
8 Earl, \$400'. I began to see that, 'Per Earl', or 'Per E.M.', or  
9 some other notation, with an amount of money added. That started  
10 on the November 19<sup>th</sup>, 2015, paycheck, and thereafter, a similar  
11 notation was included with every payroll submission.

12 If you look to the next set, December 31<sup>st</sup>, 2015, you can  
13 see the payroll - the employer match for the payroll taxes is  
14 \$539.79, but the amount that was remitted to the County,  
15 requesting money from the County, was actually \$1,300 - I'm  
16 sorry, \$1,039.79. And on the very last page for that pay period,  
17 you can see the plus, in a circle, 'Plus Earl, \$500'. So, on  
18 that pay period, \$500 was added in.

19 That pattern continued. The third one has the same. You  
20 can see the 'Per Earl' amount. This one says, 'Plus \$1,300, per  
21 E.M.', on the very last page of the next set. So, each paycheck  
22 - or each pay period, a certain amount of money was being added  
23 to the employer payroll taxes, 'Per Earl Mitchell', or 'Per  
24 E.M.', or 'Per Earl'. It was an - it seems to be an arbitrary  
25 figure.



1           It had no relation to the actual payroll taxes. It was not  
2 needed for payroll, for the employer match of the payroll taxes.  
3 And it was not remitted to the federal government as an employer  
4 match. It just remained in the account.

5           JENSEN:                   I'll have you now look at Exhibit S.  
6 Do you -

7           SOTO:                    Before we move on, I have two things  
8 that I want to clarify.

9           JENSEN:                   -- yes, sir.

10          SOTO:                    One, the payroll summary, there's  
11 several of them that you talked about.

12          JENSEN:                   Mm-hmm.

13          SOTO:                    That is the payroll for, to your  
14 understanding, for the - for the employees, for the office,  
15 essentially. Correct?

16          HAYNES:                   That's correct. The employees of the  
17 Henderson Township Constable's Office, those that were actually  
18 employees and not independent contractors, and they were not  
19 County employees.

20          SOTO:                    And then, also, through your  
21 understanding, the notes that are written on all of these are in  
22 whose handwriting?

23          HAYNES:                   These were Stacy Calvert. She - we  
24 went over these - I went over these with her. She identified  
25 this as her work product. These were her notes.



1           SOTO:                           Okay. Thank you.

2           JENSEN:                       All right. I'll have you turn to

3 Exhibit S. Do you recognize the documents behind Exhibit S?

4           HAYNES:                       Yes, again, these are a sample. I

5 obtained all of the vendor claim vouchers that were submitted to

6 the County by Mr. Mitchell. This is a sample of them. Every two

7 weeks, a - the first page, you can see it's titled as a 'Vendor

8 Claim Voucher with Clark County, Nevada'. This one is dated

9 November 2<sup>nd</sup>, 2015. This - these are the documents that were

10 remitted to the County, the Accounting Department, for the

11 Comptroller, requesting payment of funds by Mr. Mitchell for the

12 expenses of his office, the payroll expenses.

13           Each submission would contain generally - there are a few

14 variations, but pretty much each submission would contain a

15 vendor claim voucher, the -- Anavassi's payroll summary, which

16 matches the one we were looking at a moment ago, prepared by

17 Anavassi Group, and then, a FAX coversheet, which would request

18 the payment to Mr. Mitchell's account. And there would be some

19 of them, sometimes, had a few extra pages. But generally, those

20 three pages would be sent to the County, requesting money, every

21 two weeks.

22           JENSEN:                       Now looking at the first page of that

23 Exhibit S, it has the category, 'Wages, Taxes, and Anavassi

24 Group'. Through your investigation, were you able to determine

25 what each of those were for?



1           HAYNES:                   Yes. So, the - the wages amount, the  
2 - on this first page, \$12,697.50, that was made of - if you look  
3 to the second page, you'll see payroll for the employees, mileage  
4 reimbursement employee, other reimbursement employee. If you add  
5 up those three categories, they add up to the \$12,697.50 that is  
6 grouped into wages. So, the amount that was under wages was the  
7 payroll for the employees, mileage reimbursement for employees,  
8 and other expenses for employees.

9           JENSEN:                   I'll have you go through those  
10 documents in Exhibit S and see if they appear to be true and  
11 accurate copies of the documents that you received from Clark  
12 County?

13          HAYNES:                   Yes, they are. Again, this is a  
14 sample. There were a lot more. There was one for every pay  
15 period, one set for every pay period. So, this is a sample.

16          JENSEN:                   Do you see any changes or alternations  
17 to those documents?

18          HAYNES:                   I don't.

19          JENSEN:                   Okay. I would ask that Exhibit S be  
20 admitted.

21          SOTO:                     Exhibit S, so admitted.

22          JENSEN:                   Through your investigation, after  
23 reviewing these vendor claim forms, can you briefly describe to  
24 the Commission what you were able to determine, that was  
25 irregular?



1           HAYNES:                   Well, following review of these, the  
2 answer to the question of how - how was there money in this  
3 account, that could be used to pay checks to Mr. Mitchell,  
4 nothing on here reflects payments to Mr. Mitchell or expenses for  
5 Mr. Mitchell or reimbursements for Mr. Mitchell. And yet, I was  
6 seeing checks come out of the Constable's bank account, to Mr.  
7 Mitchell and being deposited to his personal account. Nothing on  
8 here matches for the cash withdrawals that were occurring at  
9 these bars and casinos.

10           So this answered the question of, how was there money in  
11 this account to fund those payments, since it should have been a  
12 zero-sum account. If this \$12,697 was required for wages, and  
13 this \$472 for payroll, for employer match taxes, and \$150 for  
14 Anavassi Group, and those expenses were paid, that \$13,319.59  
15 would be gone. But each week, there was money there, that Mr.  
16 Mitchell could draw.

17           From the comparison of what was sent to the County, what we  
18 obtained from Stacy Calvert, and the comparisons between those,  
19 the pay slips for the employees, and the checks that were coming  
20 out of the account to the employees, we were able to see that  
21 that was the funding source for why there was money in this  
22 account that, you know, really should not have been there, based  
23 upon these requests. Mr. Mitchell, you know, signed or notated  
24 all or most of these, indicating that that's what this money was  
25 needed for, yet, clearly, that wasn't the case.



1           JENSEN:                   And when you talk about Mr. Mitchell  
2 signing those voucher forms, where is that located on the  
3 document?

4           HAYNES:                   So, on the bottom, left of the vendor  
5 claim voucher, there's a certification block. The - it's  
6 actually two certification blocks. One is for the claimant, the  
7 person who is submitting this, essentially, to the County, and  
8 the second one for the person at the County who is receiving  
9 this. The interesting thing with this set-up was that Mr.  
10 Mitchell was effectively wearing both hats. He was both the  
11 vendor, the Henderson Township Constable, the owner of this  
12 vendor, this third-party entity, and he was the head of the  
13 department to whom the claim was being made.

14           So he was making the claim, and he was approving the claim.  
15 These were being remitted by him, to him. And then, from there,  
16 once he had authorized these and authorized that the expense  
17 claim was accurate, this was then sent to the Controller's  
18 Office, to pay this money. So effectively, you had a situation  
19 where the person making the request for money was the same person  
20 who was approving the request for the money. And there was no  
21 other oversight of that, other than the entity that was paying  
22 it.

23           My investigation revealed that they were not required to  
24 review these. They were simply accepting the claim of the  
25



1 department head, Mr. Mitchell, that these were accurate and true,  
2 and paying them, based upon that.

3 JENSEN: Based on your investigation, did you  
4 find that the information that was being placed on these vendor  
5 claim forms and certified to by Mr. Mitchell were, in fact,  
6 accurate and correct?

7 HAYNES: No. No. In those four ways that I  
8 explained earlier, no, they were not correct.

9 JENSEN: And in that particular certification,  
10 if I could have you just read what he's certifying to?

11 HAYNES: It says, 'I certify that the foregoing  
12 claim is correct and just, that the articles specified have been  
13 received by the proper officials of the County, or the services  
14 stated have been performed, that they were necessary for and have  
15 been or will be applied to County purposes, and that, to the best  
16 of my knowledge and belief, the prices charged are reasonable and  
17 just.'

18 JENSEN: I'll have you look at Exhibit O.

19 SOTO: Before we go to O, I do have one  
20 question that I'd like to know. And maybe I missed it. Through  
21 your investigation, the withdrawals that you spoke of, in terms  
22 of at bars and casinos and something that - explain that process.  
23 Is that a debit card? Is that with a - how did - how did -

24 HAYNES: An ATM card, a debit card.

25 SOTO: - an ATM card.



1 HAYNES: A - with a -

2 SOTO: It belonged to the -

3 HAYNES: -- Henderson Township Constable  
4 account, of which Mr. Mitchell was the sole signer.

5 SOTO: -- okay.

6 JENSEN: Have you turn to Exhibit O.

7 HAYNES: Yes, sir.

8 JENSEN: Through the course of your  
9 investigation, were you able to create a summary of the 'Per  
10 Earl' amounts that were indicated for each pay period?

11 HAYNES: Yes, I did. I went through all the  
12 records I obtained from Ms. Calvert and created a small  
13 spreadsheet that laid out, for each pay period, the amounts that  
14 were specifically requested for the employer match of the payroll  
15 taxes and then, any amounts that were added, per Earl, to that  
16 figure, to arrive at the amount that was requested from the  
17 County. This document is that spreadsheet.

18 JENSEN: So what were the - what was the  
19 information that you used to create this summary document?

20 HAYNES: It was the payroll taxes, the employer  
21 match to the payroll taxes. That came from the working documents  
22 prepared by Stacy Calvert and cross-referenced to the submissions  
23 to the County.

24 JENSEN: Okay. And specifically looking at  
25 this document, when you're talking about the amounts that you



1 found on those documents that were the additional 'Per Earl' or  
2 'Per E.M.' amounts, where do you find those amounts on this  
3 document?

4 HAYNES: So, you can see, in the first series  
5 of entries, going down to paycheck dated 11/5, there are no 'Per  
6 Earl's. So, from June through November, this 'Per Earl' addition  
7 wasn't there. Starting on the paycheck dated November 19<sup>th</sup>, you  
8 can see, on the first page, about a third of the way up, you can  
9 see, there's a - it's broken into two amounts, the employer  
10 contribution taxes.

11 There, you can see the \$493.05 is the first one, and the  
12 'Add per Earl', \$400, for the total employer contribution taxes  
13 of \$893. So, the \$893 was what was submitted to the County,  
14 requesting money. The actual amount that was employer match was  
15 the \$493. The amount added per Earl was the \$400. And  
16 thereafter, you can see, with pretty much every paycheck, a  
17 similar format.

18 The amount of the actual employer payroll taxes that were  
19 calculated by Stacy Calvert, the amount that she was instructed  
20 to add, per Earl. That amount varies. You can see there's, on  
21 the second page, the second entry is \$1,851, \$1,500, \$1,400,  
22 \$1,300. So, it varied every paycheck. It wasn't a set amount.  
23 It was just whatever she was told to add. And you can see, I  
24 added those in, broke them out that way, to total them, at the  
25 end of this document.



1           JENSEN:                   And what was the total that you came  
2 up with, with - for the increased amounts, 'Per Earl'?

3           HAYNES:                   So the additional amounts that were  
4 requested from the County, 'Per Earl', was \$70,904.76. You can  
5 also see this final paycheck, on 3/22. There is no 'Per Earl'  
6 entry. This coincided with the commencement of this  
7 investigation, the media attention to the allegations of what was  
8 happening. So, from that point forward, the final few pay -  
9 vendor claim vouchers that I reviewed, there were no more 'Per  
10 Earl' additions. They stopped when this investigation began.  
11 Those requests stopped.

12          JENSEN:                   So when the investigation began,  
13 you're saying, you no longer saw the 'Per Earl' added amount to  
14 those employer contributions?

15          RISMAN:                   Asked and answered.

16          HAYNES:                   Yes.

17          JENSEN:                   [laughs] I -

18          SOTO:                    Can I ask a - I have - I want to  
19 clarify one more thing. You've probably already spoken to it,  
20 but I want to understand it. We're talking about Exhibit O. But  
21 the employer contribution taxes, can you explain to me what -  
22 that, one more time?

23          HAYNES:                   Yes. When a - an employer who has  
24 employees - as employees, we pay a Medicare tax, we pay Social  
25 Security taxes, we pay federal income tax. The employer has to



1 pay Medicare taxes, a match, up to a certain amount, that matches  
2 what the employee pays. The employer also pays a certain amount  
3 into Social Security that matches what the employee pays. So, if  
4 I'm paying \$100 into Social Security from my paycheck, the  
5 employer would be paying \$100, in addition to what I'm paying.

6 As an employee, I don't see that money. It's not given to  
7 me. It's a requirement that the employer has to pay to Social  
8 Security, to match what the employee pays. And that's capped. I  
9 don't know the full regulations as where it's capped. So the  
10 employer contribution taxes, this was the calculation of how much  
11 the employer, in this case, the Henderson Township Constable's  
12 Office, not Clark County, the actual entity, how much they were  
13 required to pay to the federal government, to match these Social  
14 Security and Medicare taxes that their employees were paying to  
15 the federal government.

16 So that was their amount. So, that was being obtained --  
17 since it's an employee expense, it's the employer expense, that's  
18 being obtained from the County, in order to, then, make that  
19 payment to the federal government.

20 SOTO: Thank you.

21 JENSEN: Ask you to review this document, and  
22 does this particular document fairly and accurately and correctly  
23 contain the information that you found during the course of your  
24 investigation, with regard to these 'Per Earl' amounts?

25 HAYNES: Yes, it does.



1 JENSEN: Has it been changed or altered in any  
2 way that you can see?

3 HAYNES: Not as far as I can tell. It's  
4 accurate.

5 JENSEN: We would move to admit Exhibit O.

6 RISMAN: No objection.

7 SOTO: So admit, Exhibit O.

8 JENSEN: I ask you to turn to Exhibit P. Do  
9 you recognize that document?

10 HAYNES: I do.

11 JENSEN: And what is that?

12 HAYNES: This is another small spreadsheet that  
13 I prepared. These were the checks that were drawn on the  
14 Henderson Township Constable's Office account, that were payable  
15 to Earl Mitchell, and that, for the most part, were deposited to  
16 Mr. Mitchell's Clark County Credit Union account. You can see  
17 the check number, the check amount, the date paid, and the amount  
18 of each check.

19 JENSEN: When you say, 'Paid to Mr. Mitchell',  
20 what do you mean by that?

21 HAYNES: The checks were made payable to Earl  
22 Mitchell.

23 JENSEN: What was the total amount for the time  
24 period that you investigated, for checks that were made payable  
25 to Mr. Mitchell?



1 HAYNES: \$107,322.

2 JENSEN: Would you please review that document,  
3 and tell me if it clearly and accurately reflects the information  
4 that you found during the course of your investigation?

5 HAYNES: It does.

6 JENSEN: Has it been changed or altered in any  
7 way?

8 HAYNES: I don't believe so, no.

9 JENSEN: We would ask that Exhibit P be  
10 admitted.

11 SOTO: These checks came - explain to me  
12 where these checks - which account this was.

13 HAYNES: These were from the Henderson Township  
14 Constable account, the one that was owned and controlled by Mr.  
15 Mitchell.

16 SOTO: So admitted.

17 JENSEN: Right. I'll have you turn to Exhibit  
18 Q. Do you recognize that document?

19 HAYNES: I do. This is another spreadsheet I  
20 prepared that itemized the ATM cash withdrawals that occurred on  
21 the Henderson Township Constable bank account, the one that  
22 belonged to Mr. Mitchell.

23 JENSEN: Belonged to the Henderson Constable's  
24 Office, or to -

25 HAYNES: Yes, sir.



1 JENSEN: -- Mr. Mitchell, personally?

2 HAYNES: Sorry. To the Henderson Township  
3 Constable's Office, on which Mr. Mitchell was the sole signer.  
4 Sorry.

5 JENSEN: Okay. Looking through that document,  
6 does that fairly and accurately reflect the information that you  
7 found with regard to cash withdrawals from the Henderson Township  
8 Constable's Office account?

9 HAYNES: Yes, it does.

10 JENSEN: Has it been changed or altered in any  
11 way, that you can see?

12 HAYNES: No, sir.

13 JENSEN: We would ask that Exhibit Q be  
14 admitted.

15 SOTO: So admitted.

16 JENSEN: Were there any irregularities that you  
17 saw, at least to you, in investigating these cash withdrawals?

18 HAYNES: Well, they - as you can see, I noted  
19 with each one of them, where I could discern it, I noted the  
20 location of the cash withdrawal, which is under the heading  
21 there, 'Location of Withdrawal'. You can see that many of them  
22 were at bars and casinos. Frequently, there would be multiple  
23 withdrawals on the same day.

24 So, if you look down to the first entry for Hammer's Bar &  
25 Grill, about a third of the way down, on August 19<sup>th</sup>, you can see



1 there were 3 cash withdrawals made at that bar and grill, for  
2 \$102.50, 2 of them at \$142.50, for a total of \$347.50 [sic]. And  
3 that occurred a number of times. Again, you can see, on 10/26 of  
4 2015, another 3 withdrawals at that bar and grill. \$711 on  
5 4/1/2016. There was a number of occasions where multiple  
6 withdrawals occurred on the same day, at the same location.

7 JENSEN: And what was the total amount of cash  
8 withdrawals that you found through the course of your  
9 investigation from the Henderson Township Constable Office  
10 account?

11 HAYNES: \$56,629.15. And that did, in fact,  
12 include ATM fees. You can see where on the withdrawal reflects,  
13 it's \$102.50. That's actually \$100 withdrawal. \$2.50 is an ATM  
14 fee, but that's what's taken out of the bank account at that  
15 withdrawal. \$100 cash is the [inaudible], \$2.50 comes out of the  
16 account but doesn't go to the person making the withdrawal.

17 JENSEN: Did you find a pattern of multiple  
18 withdrawals from a bar or casino in a single day?

19 HAYNES: Yes, that's what I was -

20 RISMAN: Objection. Asked and answered, and  
21 the document speaks for itself, since you've had it admitted.

22 SPEAKER: [laughs]

23 JENSEN: -- right.

24 RISMAN: Well, can I get a ruling on that  
25 [laughs], rather than -



1           SOTO:                   Yeah. I - I think it's clear that  
2 there's been multiple times, there's been multiple withdrawals  
3 from the same location. I think we can ascertain that.

4           RISMAN:               -- so -

5           JENSEN:               All right. Wanted to confirm that  
6 we've admitted Exhibit Q.

7           SOTO:                Yes, we have. It's so admitted.

8           JENSEN:               Ask you to take a look at Exhibit N.  
9 [pause] Do you recognize that document?

10          HAYNES:               I do.

11          JENSEN:               And what is that document?

12          HAYNES:               This is a representation of the  
13 movement of funds in and out of this account, in comparison to  
14 funds that may have or appeared to belong to Mr. Mitchell. One  
15 of the things that I found in looking in the Henderson Township  
16 Constable's account was that, in addition to the funds that were  
17 coming in from the County, which it was made of about 94 -- \$1.3  
18 million from the County. That was the bulk of the deposits.

19           But there were other deposits to this account. The other  
20 five percent of the money that was deposited to this account -  
21 [clears throat] excuse me. First of all, I found that Mr.  
22 Mitchell had actually been putting some of his own money into  
23 this account, in the form of checks drawn on his personal Credit  
24 Union account. So, there was some of his money going into this  
25 account.



1           And you can see one of the entries there, about the sixth  
2 one down, 'Deposit of Mitchell's own funds, \$58,645'. There was  
3 \$58,000, 645 of Mr. Mitchell's money, that came out of his Credit  
4 Union account and went into this Henderson Township Constable's  
5 account. I have no information as to why Mr. Mitchell was  
6 putting his personal money in this account, but, regardless of  
7 why, that was his money. And so, in determining money that was  
8 removed from this account, I wanted to give Mr. Mitchell an  
9 offset for his own money. I don't know why he was putting it in,  
10 but he was certainly entitled to take his own money back out.

11           So, what I did is, I was examining this account to identify  
12 any funds that went into this account during this time frame,  
13 that were not from the County, that were not attributable to  
14 these vendor claim vouchers or directly as County funds. So, I  
15 added in the \$58,000 that Mr. Mitchell put in the account. There  
16 were some cash deposits to this account. I couldn't verify the  
17 source of those deposits. To do an analysis that is the most  
18 beneficial to, I guess, the defendant, to the person subject to  
19 the analysis, if I don't know where it's from, I'll just make an  
20 assumption that it's his money and that he's entitled to take  
21 that out.

22           So, the cash deposits, since I had no information as to why  
23 that went in there, I just assumed that that was Mr. Mitchell's  
24 money as well. There were about \$6,000 in additional deposits  
25 that, at the conclusion of this investigation, I had not yet



1 verified the purpose of that money. There were some checks that  
2 were coming into this account. Again, because I didn't know why  
3 that money went in the account, I couldn't say that it was County  
4 money.

5 I just made the assumption that was most beneficial to Mr.  
6 Mitchell and assumed that that \$6,000 was his money as well. You  
7 can see the last entry, the \$1,429.50, that was the beginning  
8 balance on this account, when I started the analysis. Again, the  
9 way this account had been running prior to this period, an  
10 argument could be made that any money in the account belonged to  
11 Mr. Mitchell.

12 Since that was the only money in the account, I just,  
13 again, did the analysis that was most beneficial to him and  
14 assumed that was his money. The first entry there, the top entry  
15 that says, 'Mitchell claimed expenses', during the course of this  
16 investigation, we did a search warrant on Mr. Mitchell's office  
17 and on Mr. Mitchell's home. Seized, during that search warrant,  
18 were a number of documents from his home where, that appeared, on  
19 their face, to be an attempt to reconstruct expenses, these were  
20 handwritten notes on notepads. They were dated.

21 So, they would say, 'July 2015', 'August 2015',  
22 'September', and so on, through each of the years, through 2015,  
23 '16, '17, and the first part of '18. They would contain  
24 notations that said things like, 'Gas', it would have a date, you  
25 know, say, 'July 8<sup>th</sup>, gas, \$22'. There were no receipts with any



1 of these. But it was clear, on the face of them, that they  
2 appeared to be an attempt by Mr. Mitchell to recreate expenses  
3 that he might subsequently claim he paid, on behalf of the  
4 office.

5 Since the basis of this investigation was that Mr. Mitchell  
6 was taking money from the Henderson Township Constable's account,  
7 that was funded by the County, principally, I wanted to look at  
8 this and, again, give the benefit of the doubt, and look at these  
9 expenses, even though they were not supported by any  
10 documentation. They were never remitted to the County, as  
11 expenses, and the County were unaware.

12 I just took them on their face value and made the  
13 assumption that if, in fact, these were expenses, if, in fact,  
14 Mr. Mitchell had incurred these expenses on behalf of the office  
15 and was subsequently going to claim that he was entitled to that  
16 reimbursement, I just gave him that, along with his own cash, his  
17 own checks. So, I just made that assumption that, 'Okay.  
18 \$148,000 of the money that Mr. Mitchell has taken out of this  
19 account could be his, potentially, if these expenses were to be  
20 believed.'

21 However, in looking at the money that was actually taken  
22 out of the account, the figure was \$235. So, even during an  
23 analysis based on the records I have, that was most beneficial to  
24 Mr. Mitchell, and just took him at his word that these were, in  
25 fact, expenses, even though they hadn't been handled properly,



1 and even though there was no proof of them, there was still  
2 \$87,233.60 taken from this account by Mr. Mitchell in the form of  
3 checks, cash withdrawals, and the use of the account in checks to  
4 third parties or debit card transactions that were not in any way  
5 accounted for.

6 So, even if you were to do this, and this is, you know, an  
7 analysis that is most beneficial and makes the assumption that  
8 these were, in fact, expenses, there was still \$87,000 missing  
9 from this account.

10 JENSEN: Does that document fairly and  
11 accurately reflect the information you gathered in your  
12 investigation?

13 HAYNES: That reflects that part of it -  
14 summary of that part of the investigation. Again, that was  
15 principally done to allow for - we found these documents. I did  
16 not know what they were, but they appeared, on the face of them,  
17 that they were an attempt to reconstruct expenses. And I just  
18 wanted to see what would happen, if I allowed those expenses, and  
19 just assumed that, 'Yeah. These were expenses.'

20 Again, they were not supported by any underlying  
21 documentation. They were never remitted to the County in any  
22 form, whatsoever. The other thing that I was trying to do with  
23 this, in this part of the analysis, was, I compared these  
24 expenses on a monthly basis, to see, did they match what Mr.



1 Mitchell was documenting or appeared to be documenting as monthly  
2 expenses, against the money he was taking.

3 I was looking for any correlation between the checks he was  
4 taking, the cash withdrawals he was taking, and the notes he was  
5 making, to say, 'This was my expense'. These things just didn't  
6 match. There was no correlation, whatsoever, between these  
7 handwritten notes and any of the transactions on the Henderson  
8 Township Constable's account.

9 JENSEN: Okay. We would ask that Exhibit N be  
10 admitted.

11 SOTO: Again, one more question.

12 HAYNES: Sir.

13 SOTO: These notations that you speak of, or  
14 these written notes that you came across, what are they - what  
15 are they documented? Is that - would that be his claimed  
16 expenses?

17 HAYNES: No, sir, because there were no claimed  
18 expenses.

19 SOTO: Okay.

20 HAYNES: These were just notes that, purely on  
21 the face of them, look like they might be -

22 SOTO: Right. But where does that reflect,  
23 on this - on this -

24 HAYNES: On this one document -

25 SOTO: -- yes.



1 HAYNES: -- it doesn't.

2 SOTO: Okay.

3 HAYNES: The term, 'Mitchell's claimed  
4 expenses', this was designed to make the representation that if,  
5 in fact, at a subsequent date Mr. Mitchell claimed that these  
6 notes he had made reflected money -

7 SOTO: Okay. I understand.

8 HAYNES: -- he was owed -

9 SOTO: Okay.

10 HAYNES: -- how would that impact the money  
11 that was removed from this account?

12 SOTO: Okay.

13 HAYNES: They were never actually claimed.  
14 They were never remitted to the County. The County were unaware  
15 of any of these. It was just what we found, during the search  
16 warrant.

17 SOTO: I understand. Thank you. Exhibit N,  
18 so admitted.

19 JENSEN: [pause] Do you know if Mr. Mitchell -  
20 well, at the end of your investigation, did you find that, based  
21 on your investigation, Mr. Mitchell had engaged in any criminal  
22 conduct?

23 HAYNES: Yes. The case was submitted to the  
24 District Attorney. The evidence -- in my opinion, the evidence  
25 supported that Mr. Mitchell had remitted a number of false claims



1 to the County, had obtained, through those false claims, several  
2 hundred thousand dollars. I'd have to look at my report to see  
3 the figure.

4 I think it was - sorry, 160-something thousand dollars,  
5 that had been obtained and deposited to this account, based upon  
6 these false representations made to the County that this was  
7 needed for payroll, for employer taxes. And then, having  
8 obtained this money, Mr. Mitchell then removed that money from  
9 the account, for his own personal benefit.

10 JENSEN: And do you know if Mr. Mitchell was  
11 ever convicted of a crime, based on the things that you found in  
12 your investigation?

13 HAYNES: Mr. Mitchell was charged with several  
14 felony counts. My understanding is, he pled guilty to one count.  
15 I'd have to -

16 RISMAN: We're going to object, unless this  
17 witness wants to explain to the Commission that he has personal  
18 knowledge of an Alford plea and what legal consequence that has.  
19 You have, in evidence, the Plea Agreement, the conviction from  
20 the court, and I'm not sure this is the right witness to ask that  
21 question.

22 JENSEN: I agree. We'll move on from there.  
23 We do have them in evidence. Based on your evidence, did the  
24 amounts of funds that went into the account through the methods  
25



1 we've talked - you've testified to today, did those appear to you  
2 to be bookkeeping errors or innocent mistakes by Mr. Mitchell?

3 HAYNES: No, sir, not at all. No. These were  
4 - the investigation revealed that the bookkeeper had been  
5 specifically instructed. I found some text messages, where Mr.  
6 Mitchell said things like, you know, 'Don't forget. Add \$400,  
7 every 1,200.' She was being told to add in the 'Per Earl'  
8 amounts, specifically by Mr. Mitchell.

9 The submissions to the County were clearly represented that  
10 this money was needed for employee wages, employee mileage, or  
11 employee expenses. None of those submissions ever mentioned Mr.  
12 Mitchell, or Mr. Mitchell's expenses, or Mr. Mitchell being owed  
13 any money, or Mr. Mitchell's mileage. The County got what they  
14 got and made these payments, based upon those representations.  
15 These are not clerical errors. This was a consistent pattern  
16 that, every two weeks, this happened.

17 There were quite a number of checks, where the employee  
18 check did not match the payroll they were supposed to get. They  
19 were not paid their mileage. This was a regular pattern of  
20 activity. Interview with employees identified that, with the  
21 exception of one or two, they didn't receive mileage, even if  
22 they put in for it, or they didn't know mileage had been claimed.  
23 So, this was not clerical errors.

24 JENSEN: Nothing further.

25 RISMAN: Good afternoon.



1 HAYNES: Hello, sir.

2 RISMAN: First, you had characterized  
3 underpayments of salaries and monies owed to employees and  
4 independent contractors.

5 HAYNES: That's correct.

6 RISMAN: Okay. But, in fact, in your  
7 investigation, you did not find any instance where a Constable,  
8 an employee, or independent contractor who had made a mileage  
9 claim to the office, or a salary claim to the office, or a wage  
10 claim to the office, or had withholding be made, there was no  
11 actual instance of underpayment by the office to any of their  
12 Deputies or contractors. Isn't that correct?

13 HAYNES: No, that's not correct.

14 RISMAN: You're saying, for example, a  
15 Constable who was owed a week's salary did not get that week's  
16 salary?

17 HAYNES: The Constable did not get the amount  
18 of money in the payroll check that was matched to the payroll  
19 submission.

20 RISMAN: Let me explain my question.

21 HAYNES: Okay.

22 RISMAN: I don't speak the King's English  
23 [laughs], so, I apologize. But did any - forgetting the  
24 submissions, on the vouchers -

25 HAYNES: Okay.



1           RISMAN:                   -- was any employee or independent  
2 contractor not paid what he or she earned or was entitled to?

3           HAYNES:                   Based on this investigation, yes, a  
4 number of them. There were expense claims for mileage and other  
5 expenses that didn't - there was no payments from the Constable's  
6 account to those employees. So, the amount they received from  
7 the Constable's account, was not the amount that was due to them,  
8 based on their payroll. Am I misunderstanding?

9           RISMAN:                   Yeah.

10          HAYNES:                   I'm sorry.

11          RISMAN:                   Based on your investigation -

12          HAYNES:                   Yeah.

13          RISMAN:                   -- was there ever a mileage - let's  
14 start with mileage.

15          HAYNES:                   Okay.

16          RISMAN:                   Did you ever see or hear of, in your  
17 investigation, anybody entitled to mileage reimbursement, who was  
18 not reimbursed from the Henderson Constable account?

19          HAYNES:                   I'll have to - I think I've answered  
20 that. There were - there were claims for mileage -

21          RISMAN:                   And that -

22          HAYNES:                   -- that were not given to them.

23 That's not -

24          RISMAN:                   -- I don't - and who made those  
25 claims?



1           HAYNES:                   -- Mr. Mitchell made those claims to  
2 the County.

3           RISMAN:                   That isn't my question.

4           HAYNES:                   Okay.

5           RISMAN:                   My question is, did a -

6           SPEAKER:                 [laughs]

7           RISMAN:                   -- Deputy make any claims for mileage  
8 to the office that went unpaid?

9           HAYNES:                   There were several - yes. During the  
10 interviews, there were several Deputies that said that they had  
11 incurred mileage, or they had put in for mileage, but the mileage  
12 was not paid to them.

13          RISMAN:                   Okay. Do you recall the names of any  
14 of those Deputies?

15          HAYNES:                   I don't, off the top of my head, but  
16 there's a record of interviews with the Deputies that we  
17 interviewed, who said that. But I couldn't tell you which ones  
18 said it.

19          RISMAN:                   Okay.

20          HAYNES:                   But there is a record of the interview  
21 with them.

22          RISMAN:                   So, a Deputy told you that he or she  
23 was shortchanged.

24

25



1           HAYNES:                   Yes, Deputies said that. Several  
2 Deputies said that in regard mileage, you're asking, that they  
3 had mileage, that they were just never paid the mileage.

4           RISMAN:                   Did any Deputy or employee or vendor  
5 ever tell you that they were shortchanged, as far as salary or  
6 money owed, as an independent contractor?

7           HAYNES:                   No.

8           RISMAN:                   Okay. So, as far as wages, or salary,  
9 or payments to independent contractor, nobody who worked for that  
10 office was ever shortchanged.

11          HAYNES:                   Well, in regard to the mileage, yes.

12          RISMAN:                   Other than by mileage -

13          HAYNES:                   Yeah.

14          RISMAN:                   -- okay. Did you do an investigation  
15 into the history of the subject Constable's account?

16          HAYNES:                   I'm not sure I understand.

17          RISMAN:                   Do you know when that account was  
18 opened?

19          HAYNES:                   Back in 1999, I think. It was a long  
20 time. It was very long.

21          RISMAN:                   And do you know what either Social  
22 Security number or EIN number was used to open that account and  
23 maintain that account?

24          HAYNES:                   Off the top of my head, no. But I did  
25 obtain that. So, we have - there was one number, EIN number,



1 that was used some years ago, and then, a second EIN number was  
2 set up after the transition.

3 RISMEN: Okay. On that bank account, during  
4 the course of your investigation, was it Mr. Mitchell's personal  
5 Social Security number or an EIN that was used?

6 HAYNES: EIN.

7 RISMEN: Okay. And did you ever investigate  
8 who the holder of that EIN was?

9 HAYNES: The Henderson Township Constable.

10 RISMEN: Okay. And was that registered with -  
11 is that a County entity, or was it an individually-owned entity?

12 HAYNES: Well, it was never actually formed, as  
13 far as I could tell, as an entity. There was a - an LLC formed  
14 many years ago, Ent LLC. Or it might have been Ent Inc. But  
15 that was some years ago. The - at the time this investigation  
16 was going on, and shortly preceding that, the Henderson Township  
17 Constable was filed as, like, a trade name, with the Secretary of  
18 State's Office. There was no LLC, and it wasn't a Fictitious  
19 Name Certificate, a dba, on file, that I could find for that.

20 RISMEN: And who was the trade name registered  
21 to?

22 HAYNES: Mr. Mitchell.

23 RISMEN: Okay. So, it wasn't registered to the  
24 County.

25 HAYNES: No, sir.



1           RISMAN:                   It was registered to Mr. Mitchell.

2           HAYNES:                   That's correct.

3           RISMAN:                   And the bank account was in the name  
4 of this fictitious business name.

5           HAYNES:                   This entity, yes.

6           RISMAN:                   Which is owned by Mr. Mitchell.

7           HAYNES:                   That's correct.

8           RISMAN:                   Okay. Do you have testimony to  
9 indicate that this bank account was owned by any entity or  
10 government agency, other than Mr. Mitchell, personally?

11          HAYNES:                   No. No, it was owned by Mr. Mitchell.  
12 Or it was owned by the business, but he was - effectively, the  
13 business.

14          RISMAN:                   Okay. In conducting this  
15 investigation, did you review or study any statutes, as it  
16 pertains either to the Constable's Office or Enterprise Funds?

17          HAYNES:                   The Constable's Office, yes, NRS 258,  
18 I think, off the top of my head.

19          RISMAN:                   [inaudible]

20          HAYNES:                   Sorry?

21          RISMAN:                   Never mind.

22          HAYNES:                   The statute that applies to the  
23 formation of the Constable's Offices.

24          RISMAN:                   Okay. And I think you stated in your  
25 testimony that that statute provided that the Constable may



1 either maintain all the money earned as compensation, or a salary  
2 can be set, by the County.

3 HAYNES: Yeah. The statute says that the  
4 County gets to decide -

5 JENSEN: Just a second. I'm objecting, because  
6 I think that misstates testimony. I don't believe he ever  
7 testified to that.

8 RISMAN: He did. He said, 'You can take a  
9 salary, or you can keep the proceeds.' If I'm mischaracterizing,  
10 please tell me.

11 HAYNES: -- the statute says that the County  
12 can either allow the Constable to retain the revenues of the  
13 office, or the County can set the Constable's salary, one or the  
14 other. But it's not the decision of Mr. Mitchell. It's not the  
15 decision of the Constable. It's the County's choice.

16 RISMAN: Okay. As far as salary, is that  
17 correct?

18 HAYNES: Yes, the Constable, the person can be  
19 paid either by salary or by retaining the fees.

20 RISMAN: But isn't it true that that same  
21 statute does not convey the excess money to the County, but, in  
22 essence, still retains it, in the Constable's Office?

23 HAYNES: No, it states that on the 4<sup>th</sup> of each  
24 month, or 5<sup>th</sup> of each month, that all funds should be remitted to  
25 the County.



1           RISMAN:                   It says that in the State Statutes, or  
2 County Ordinance?

3           HAYNES:                   No, no, in the State Statutes. 258, I  
4 believe, something like it. I'd have to look at my report, to be  
5 able to reference the exact statute.

6           RISMAN:                   Did you, in your investigation, study  
7 any written materials regarding the procedures that the  
8 Constables should take, beginning January 5<sup>th</sup>, 2015?

9           HAYNES:                   There were some documents obtained. I  
10 didn't study them, if that's what you mean. I have interviewed  
11 several members of the County, the Controller's Office, the  
12 Auditor's Office, regarding the transition.

13          RISMAN:                   My question is, did you review any  
14 written documents that explain the procedures -

15          HAYNES:                   None.

16          RISMAN:                   -- on how this - to the best of your  
17 knowledge, isn't it true that those documents do not exist?

18          HAYNES:                   I'm not aware if they do or they  
19 don't.

20          RISMAN:                   Okay. Would you also agree, as a  
21 Financial Analyst, that the changeover was quite drastic, as far  
22 as accounting procedures, from December 31<sup>st</sup>, 2014, to January  
23 5<sup>th</sup>, 2015?

24          HAYNES:                   Absolutely. Yeah. It was a big  
25 change. Yeah.



1           RISMAN:                   And, based on your experience as a  
2 Financial Analyst, wouldn't some form of written protocol or  
3 procedure accompanying that change, with instructions, be either  
4 necessary or helpful?

5           HAYNES:                   Helpful, certainly. Yeah.

6           RISMAN:                   Okay. Finally, I'm going to call your  
7 attention Exhibit O. And what I'm going to first ask you, isn't  
8 it true that Exhibit O, along with some references in Exhibit N,  
9 is the only summary that we've talked about today, that  
10 discusses, or that puts in writing, how much Mr. Mitchell  
11 allegedly took from the Enterprise Fund, into the Constable's  
12 funds through inflated vouchers?

13          HAYNES:                   Were you asking, is it the only exhibit we  
14 looked at, reference what we've discussed?

15          RISMAN:                   That summarizes - that you drafted,  
16 that has been summarized and been admitted into evidence.

17          HAYNES:                   Yes, this is the only exhibit that has  
18 been admitted into evidence, based on -

19          RISMAN:                   And on the -

20          HAYNES:                   -- what I've discussed.

21          RISMAN:                   -- and on the last page, page seven,  
22 can you repeat what that amount is, that - at the bottom of page  
23 seven?

24          HAYNES:                   The 'Per Earl' amount is \$70,904.76.

25



1           RISMAN:                   Okay. Now, going back to the previous  
2 exhibit, Exhibit N -

3           HAYNES:                   Mm-hmm.

4           RISMAN:                   -- isn't it true that, in that  
5 account, \$148,000 and \$500 - more than double the amount in  
6 Exhibit O was probably or possibly Mr. Mitchell's money, that he  
7 is or was entitled to?

8           HAYNES:                   Yeah. That's double - well, no, I  
9 would - I wouldn't testify to that. I would testify that  
10 \$148,000, the figure that Mr. Mitchell may or may not have been  
11 entitled to, was approximately double the 'Per Earl' amount.

12          RISMAN:                   Okay.

13          HAYNES:                   If that's what you're asking.

14          RISMAN:                   But the exhibit amount that's been put  
15 in -

16          HAYNES:                   Yeah. The amount in this exhibit is  
17 approximately double the amount at the end of this exhibit.

18          RISMAN:                   -- and you did not review or study  
19 what an Enterprise Fund is, based on statutory -

20          HAYNES:                   Not statutorily, but just discussions  
21 with the witnesses.

22          RISMAN:                   -- okay. So, you have no personal  
23 knowledge, even from your own research, who owns the funds in an  
24 Enterprise Fund, what happens to excess funds, et cetera? I  
25



1 shouldn't say, 'Enterprise Funds', in general, but this  
2 particular Enterprise Fund.

3 HAYNES: Yes, I do have some knowledge, based  
4 on my interviews with the staff, who manage -

5 RISMAN: That's - I'm not - I'm not asking  
6 [laughs] for some staff person who's not here, what their  
7 interpretation of the statute is. I'm asking, do you,  
8 personally, have any interpretation, based on your review of a  
9 statute, about -

10 HAYNES: -- based on a review of statute, no.

11 RISMAN: -- okay. No further questions.

12 JENSEN: Nothing further.

13 SOTO: Okay. Thank you.

14 JENSEN: We take a quick break?

15 SOTO: Let's take a 10-minute recess. All  
16 right, let's get back at it, because I know that everybody's got  
17 probably just as busy agendas as I do, and we got a lot of stuff  
18 to get through. So, let's start.

19 SPEAKER: Think Chief Ketsaa's getting a drink,  
20 Chief [inaudible].

21 SOTO: We're waiting on one more?

22 SPEAKER: Yeah. He's coming.

23 SOTO: Okay.

24 SPEAKER: Just saw him go by [inaudible].

25 SPEAKERS: [whispering]



1           SPEAKER:           Are you sure you don't want to leave  
2 it on and let it ring a couple more times?

3           SPEAKER:           Oh, yeah. [laughs] Might as well  
4 [laughs].

5           RISMAN:           Because I think he's gonna call.

6           SPEAKER:           Next [inaudible] look at your phone  
7 [laughs].

8           SPEAKERS:          [whispering, laughing]

9           SPEAKER:           Like it's my fault.

10          SPEAKER:           Turn that phone off.

11          SPEAKER:           So, that update [inaudible]

12          SOTO:           So, my real reason [inaudible] -  
13 little fun.

14          SPEAKER:           So, I have a Bluetick Coonhound puppy,  
15 and last night at Westminster, her daddy won the best thing for  
16 Coonhounds.

17          SPEAKER:           Really?

18          SPEAKER:           Yeah. I saw him on TV [inaudible]  
19 was.

20          SPEAKERS:          [whispering]

21          SOTO:           Just send an email.

22          SPEAKER:           Yeah. His - didn't even know it was  
23 her dad, right?

24          SPEAKER:           No.

25          SPEAKER:           She came from North Carolina.



1           SPEAKER:               Wow.

2           RISMAN:               Chief Shea?

3           SPEAKER:               Another one I used to use up in  
4 [inaudible] is a search and rescue dog. She died, and - that was  
5 a great dog. She used to fly with me. I'd haul her up on a  
6 hoist, and she would sit there, and, you know, she couldn't have  
7 cared less.

8           SPEAKER:               You - if you want - if you want  
9 something [inaudible], just email me.

10          SPEAKER:               She'd just hunker down on the deck of  
11 the helicopter and just lay there.

12          SPEAKER:               I want you to go up there and walk.

13          SPEAKER:               Well, remember, I was a cannon  
14 Officer, so, my main dog, I wasn't picking him up for anything.

15          SPEAKER:               Yeah. But you love me, right?

16          SPEAKER:               Because then, the fight was on.

17          SPEAKER:               No.

18          SPEAKER:               The only thing about [inaudible]

19          SPEAKER:               We have hours of [inaudible]

20          SPEAKER:               If you could teach the dog to drive,  
21 we wouldn't need the [inaudible]

22          SPEAKER:               Oh, there's no doubt about that. I  
23 totally agree.

24          SPEAKER:               Need that one, for sure.

25          SPEAKER:               That's true.



1           SOTO:                    Okay. Think we have everybody. Mr.  
2 Jensen? You want to [inaudible]

3           JENSEN:                 Yeah. [inaudible] Thank you, Mr.  
4 Chairman. We would rest, at this point.

5           RISMAN:                 All right. Appreciate that. Just -  
6 point of clarification. I mentioned there were three things that  
7 we were going to go over, the circumstances of the plea, the  
8 punishment, and his overall career as a policeman and Peace  
9 Officer. We're going lead off. We only have one witness for the  
10 first two items, and that would be Mr. Dayvid Figler, who's out  
11 in the hall. We can bring him in.

12          JENSEN:                 Just ask Mr. Haynes to stick around,  
13 maybe, for rebuttal, if necessary.

14          RISMAN:                 Dave?

15          SOTO:                   Sir, if you'd stand, and raise your  
16 right hand. Do you swear to tell the truth, the whole truth, so  
17 help you, God?

18          FIGLER:                 I do.

19          SOTO:                   Thank you. Would you please state and  
20 spell your name, for the record?

21          FIGLER:                 Sure. My name is Dayvid Figler.  
22 First name is spelled uniquely, D-A-Y-V-I-D. Last name Figler, F  
23 like in Frank, I-G-L-E-R.

24          SOTO:                   Thank you.

25



1           RISMAN:                   Mr. Figler, could you briefly tell us  
2 what you do for a living, and how long you've done it, and then,  
3 I'll ask some specific questions about what you've done in that  
4 capacity.

5           FIGLER:                   Sure. I am an attorney, licensed in  
6 the state of Nevada since 1991. My practice has taken some  
7 interesting twists and turns over the last almost 30 years.  
8 However, I've emphasized practice in criminal and administrative  
9 law. I worked for a lot of interesting names in the community,  
10 but -

11          RISMAN:                   Let's - let's - I don't mean to cut  
12 you off, but -

13          FIGLER:                   -- yeah.

14          RISMAN:                   -- at one time, were you an employee  
15 of Clark County?

16          FIGLER:                   I was an employee of Clark County, for  
17 almost seven years, and I was an employee of the City of Las  
18 Vegas, as a Municipal Court Judge, for 18 months, full-time, and  
19 7 years after that, part-time.

20          RISMAN:                   And did you have a chance to represent  
21 Earl Mitchell?

22          FIGLER:                   I did. Earl was one of my clients, in  
23 a matter that was charged as a criminal offense.

24

25



1           RISMAN:                    Okay. And was that the case in which  
2 he eventually entered an Alford plea, that is the subject matter  
3 of these hearings?

4           FIGLER:                   That's correct.

5           RISMAN:                   Okay. So, real briefly, can you tell  
6 us, in layperson's terms, although this is a sophisticated panel  
7 here, involving law enforcement, but the uniqueness of an Alford  
8 plea versus a no contest plea or a straight guilty plea?

9           FIGLER:                   Sure. This actually has a couple of  
10 different interesting components to it. But generally speaking,  
11 an Alford plea is so named after a Supreme Court case, *Alford*  
12 *versus North Carolina*. It allows an individual to have a case  
13 resolved, without ever admitting guilt to an offense, simply  
14 wanting to avoid the uncertainty of going through an entire  
15 criminal proceeding, through trial. And so, the Alford plea  
16 allows the person to move forward with a potential resolution of  
17 the case, without ever having to admit to a single fact as being  
18 true in that case.

19           In this particular case, it was modified, in that we also  
20 had a fictional plea, where we waived defect to the factual  
21 allegations in support of the charge as well. So, this was an  
22 Alford plea, on a fictional charge.

23           RISMAN:                   Okay. Without going into detail, did  
24 you have a reasonable belief that the original charges under the  
25



1 indictment were defensible and could've resulted in a not-guilty  
2 verdict?

3 JENSEN: I'm going to object to that question.  
4 I don't believe it's relevant to this proceeding, what Mr.  
5 Mitchell's criminal attorney thought, with regard to whether this  
6 was a defensible plea or not.

7 RISMAN: Well, it's preliminary and a question  
8 to further go into the basis of the Alford plea, go into the  
9 basis for the reason of the plea, and what Mr. Mitchell was told,  
10 regarding his ability to keep his POST Certification. So - and I  
11 think that's all -

12 JENSEN: I would just add to that, that in  
13 terms of my understanding of relevance, in this particular  
14 proceeding, that attempting to undermine the conviction in this  
15 proceeding is improper, that the conviction, itself -

16 RISMAN: -- I'm - I'm not -

17 JENSEN: -- stands for and is conclusive  
18 evidence of the conduct stated in the conviction.

19 RISMAN: -- and I agree. But you just got  
20 through the witness for an hour and a-half, going into the  
21 details of the alleged crime. We're not going to go into that.  
22 We're not trying to vacate the Alford plea. We're just trying to  
23 go into the circumstances behind the plea, which I think are  
24 extremely mitigating, if allowed to be presented, in helping this  
25 Commission make a decision on what the appropriate action is.



1           JENSEN:                   And I would agree to that, in terms of  
2           admissibility to the extent it's limited to that purpose.

3           RISMAN:                   Yes, sir. Was it, in your opinion,  
4           reasonably defensible for an acquittal?

5           FIGLER:                   If given the opportunity to go into  
6           detail, I will.

7           RISMAN:                   Right.

8           FIGLER:                   The short answer to your question is,  
9           in my almost 30 years of practice, I would say that the charges  
10          in this particular case, handed down by the indictment, were the  
11          most defensible and most inappropriate charges that I have seen  
12          in my entire career.

13          RISMAN:                   Okay.

14          JENSEN:                   Again, I'm going to object to that.  
15          It's irrelevant what his opinion is on the charges, in this case.

16          SOTO:                    Yeah. I'll sustain that objection. I  
17          think we can determine - let's move forward.

18          RISMAN:                   Okay. Mr. Figler, prior to entering a  
19          plea, was Mr. Mitchell concerned about his ability to retain his  
20          POST Certification and serve the law enforcement community?

21          FIGLER:                   He had expressed that to me, during  
22          the course of both the discussions with the prosecution about a  
23          fundamentally fair resolution, as well as the pending litigation  
24          to dismiss the entirety of the case, which was still pending at  
25



1 the time of the negotiation. In other words, we had challenged  
2 even the probable cause of the indictment, by way of a writ.

3 That writ was extraordinarily briefed. It had all the  
4 arguments of both the State and the Defense, and supplemental  
5 briefs. It was hundreds of pages of attack on the indictment  
6 itself. Before Judge Hardy was able to rule upon that, we were  
7 able to come to the resolution. But certainly, in answer to your  
8 question, Mr. Mitchell, throughout the proceedings, expressed  
9 great interest in maintaining his POST Certification.

10 RISMAN: Mm-hmm. And -

11 JENSEN: Mr. Chairman, just a point of  
12 clarification, here. If we're going to get into what the  
13 discussions were between his criminal attorney and Mr. Mitchell,  
14 I need to know whether or not Mr. Mitchell has waived his  
15 attorney-client privilege.

16 MITCHELL: Yes.

17 JENSEN: On the record.

18 MITCHELL: Yes, I have. Yes, I have.

19 RISMAN: -- okay.

20 SOTO: Okay. So, he's waived that.

21 RISMAN: And did you, at the time, state to Mr.  
22 Mitchell that the plea that was proposed, if he entered a plea to  
23 it, would not affect his ability to be a Peace Officer?

24 FIGLER: So, I told Mr. Mitchell that if the  
25 judge accepted - because the judge had seen - the judge had read



1 all the transcripts, the judge had read all the briefings, the  
2 judge had heard all the arguments, that if the judge accepted  
3 this fictional plea, where we waived the defect, on an Alford  
4 decision, and did what we expected him to do, which was to impose  
5 zero days of punishment. No requirement on a Gross Misdemeanor  
6 for a PSI, no requirement for any supervision under parole and  
7 probation.

8 No requirement for classes, sub-zero requirements, less  
9 than you get in a Misdemeanor. And that the only requirement  
10 would be to restore the contested amount of money to the status  
11 quo, back to the Enterprise Fund, that that could not reasonably  
12 be considered to be a violation of his POST Certification,  
13 despite the fact that a conviction for a Gross Misdemeanor could  
14 be considered. But it absolutely shouldn't be, under those  
15 conditions. And I told him that.

16 RISMAN: Okay. And was that, to the best of  
17 your knowledge, one of the bases for his accepting the plea  
18 agreement?

19 FIGLER: Once we got through the exposure  
20 issues and what could potentially happen at trial, even with the  
21 greatest defense and the experts that we had lined up with regard  
22 to the County's overreach, with regard to how they were tagging  
23 the funds, that once he was assuaged, that there would be no  
24 punishment onto that and no Felony attached to it, which would be  
25



1 an automatic loss of his Certification, his primary concern was  
2 about the POST Certification.

3 And my professional opinion, which I shared with him, was  
4 that it would be unlikely that it would ultimately result in the  
5 permanent revocation of his Certification, based on these  
6 circumstances.

7 If somebody were to look at the actual plea itself and how  
8 it was entered, if someone were to read the briefings and were to  
9 read the transcripts of Judge Hardy's comments, that this is not  
10 a crime of moral turpitude, that this is not a Felony, that this  
11 is absolutely something that simply was a means for both parties,  
12 meaning the District Attorney and the Defense, to resolve the  
13 matter and restore the funds at issue, to the status quo, where  
14 Mr. Mitchell still has the authority and the ability to pursue  
15 through civil means, which, in my opinion, should have been done  
16 in the first place. But we just had to go a round-about way to  
17 get there.

18 RISMAN: Okay. Have you read the statutes  
19 pertaining to Enterprise Funds and to the Constable's Office?

20 FIGLER: Yes. I would note that they have been  
21 recently amended, in 2019. But as they existed at the time of  
22 the litigation, from 2014, I believe, which was the time -

23 JENSEN: Your Honor, or --

24 FIGLER: -- to 2016, I did.  
25



1           JENSEN:                   -- Mr. Chairman. I'm going to also  
2 object to this line of questioning. Mr. Figler has not qualified  
3 himself as an expert in County Enterprise Funds, such that he  
4 should be able to testify as to what the legal consequences of an  
5 Enterprise Fund are. If you want to argue those, as -

6           RISMAN:                   Well -

7           JENSEN:                   -- as Mr. Mitchell's attorney, you can  
8 argue those things.

9           RISMAN:                   -- here's -

10          JENSEN:                   But we don't need a witness attorney  
11 to come in and testify about that.

12          RISMAN:                   -- well, I - I will say - I will  
13 humbly say, Mr. Jensen, that because of his work on this case  
14 through the years, he is much more familiar with those statutes  
15 than I am. And certainly, we had your witness testify, regarding  
16 ownership of those funds and who they belong to, and he said he  
17 hadn't even read the statute. So, I'd certainly think somebody  
18 who was a County employee and who's been practicing law for over  
19 30 years is qualified to say he read the statutes and what his  
20 reasonable interpretation of the statutes is, subject to your  
21 cross-examination, of course.

22          SPEAKER:                  Gentlemen, could you please address  
23 your - your objections to the Commission and not to each other?

24          RISMAN:                   Certainly. I'm sorry [inaudible]

25          SPEAKER:                  [laughs]



1           RISMAN:                   And I'm sorry, Chief.

2           SOTO:                   Yeah. I'm going to sustain your  
3 objection on this piece. We have a lot of knowledge up here,  
4 too, and I've certainly looked at the rules. I understand the  
5 rules, and I'd like to hear what else he has to say -

6           RISMAN:                   Okay.

7           SOTO:                   -- in terms of this case.

8           RISMAN:                   Is it your interpretation that this  
9 Enterprise Fund did not belong to the County but belonged to Earl  
10 Mitchell?

11          FIGLER:                   That the funds that were passed  
12 through the Enterprise Fund, because of the ordinance that the  
13 County promulgated, were the property of the Constable. Yes,  
14 they were not County funds, because they didn't go into the  
15 General Fund. And they weren't allowed to go into the General  
16 Fund, because they were, essentially, held for the Constable.  
17 And we made that argument to Judge Hardy, in the writ, but it was  
18 not ruled upon yet.

19          JENSEN:                   You're - Mr. Chairman, I - I'm going  
20 to object, because we're going, again, into trying to undercut  
21 the conviction here -

22          RISMAN:                   I - I - I agree -

23          JENSEN:                   -- as opposed to -

24          RISMAN:                   -- I agree, when he mentioned the  
25 writ, and Judge Harding [sic], but would ask that the portion



1 about that the Enterprise Fund belongs to the Constable's Office  
2 and not the County be allowed. Because that does not go into the  
3 underlying conviction. So that's a mitigating factor to be  
4 considered by this Commission.

5 FIGLER: But they do have the authority to be  
6 the administrator, basically, of holding those funds, but the  
7 province of those funds was never conceded, at any point, whether  
8 by plea or otherwise, that they belong -

9 RISMAN: Now, forget the - don't refer to this  
10 case. My question is -

11 FIGLER: Okay.

12 SPEAKER: [laughs]

13 RISMAN: -- because I don't want to have to  
14 argue, or rather, put the burden on Chief Soto. I mean, sustain  
15 or overrule an objection. My question, in general, okay, not  
16 relating to this plea. Can the County take the Enterprise Funds  
17 from the Constable's Office and use it for road improvement?

18 FIGLER: No.

19 RISMAN: Can they use it for airport  
20 improvements?

21 FIGLER: No.

22 RISMAN: Can they use it for any General  
23 Purpose Fund?

24 FIGLER: No, they cannot.  
25



1           RISMAN:                   Is it exclusively, as the holder,  
2       bailee, trustee, whatever, for the Constable's office?

3           FIGLER:                   That is correct.

4           RISMAN:                   Okay. [pause] In your understanding  
5       of an Alford plea, can that, as opposed to a no-contest plea or  
6       any other type of plea, be used by an administrative body to  
7       determine punitive action, and if not, why not?

8           JENSEN:                   And again, I'm going to object to  
9       testimony where he's here claiming to be an expert on an Alford  
10      plea and how to -

11          SOTO:                    Sustained. I understand that. We've  
12      gone over this, and I don't want to go over it again. If you  
13      want to ask him a question, a specific question, I don't need his  
14      opinion. I think that's what this Commission here is for,  
15      listening to you today. So, I appreciated the way you set it up  
16      before that.

17          RISMAN:                   Okay.

18          SOTO:                    What I don't want you to do is, I  
19      don't want you to lead him. If you have a specific question for  
20      him, ask him the specific question.

21          RISMAN:                   All right. Have you read Nevada  
22      Administrative Code 289.299?

23          FIGLER:                   I - I did, upon request of Mr.  
24      Mitchell.

25



1           RISMAN:                   Okay. And we are here today because,  
2 under that Code, this Commission can revoke or suspend or take no  
3 action, based on a conviction, a guilty plea, a guilty but  
4 mentally plea, or no-contest plea.

5           FIGLER:                   Correct.

6           RISMAN:                   Correct? Was there any mention of an  
7 Alford plea?

8           FIGLER:                   Obviously not.

9           RISMAN:                   Was there no mention of an Alford  
10 plea?

11          FIGLER:                   No, there is no mention of an Alford  
12 plea, which is a unique plea.

13          RISMAN:                   Is the Alford plea distinguishable  
14 from a conviction from a guilty, from a no-contest, or not guilty  
15 by reason of mental illness?

16          FIGLER:                   It is distinguishable, and courts  
17 recognize it as such. In other words, if you had a guilty plea  
18 for a theft case, and there is an attendant civil case, so, the -  
19 the victim also sued civilly -

20          RISMAN:                   My question -

21          FIGLER:                   -- you couldn't use the Alford plea to  
22 do the prove-up. In other words, it's not automatic, whereas,  
23 with a criminal conviction, otherwise, that's not an Alford plea,  
24 it would be used as proof of liability. So, Alford pleas are

25



1 treated differently than the ones that you have mentioned. And  
2 there's precedent of that.

3 RISMAN: -- and the only punishment  
4 administered by the court was not jail time, probation, anything  
5 like that? It was strictly restitution.

6 FIGLER: I would say that the court determined  
7 that the only condition of closing the case would be to restore  
8 the \$84,000-plus to the Enterprise Fund, for whatever further  
9 happens to it. That was the only requirement with regard to  
10 punishment that Judge Hardy imposed, in this case.

11 RISMAN: And is -

12 FIGLER: And the record states that.

13 RISMAN: -- and to the best of your knowledge,  
14 was that paid?

15 FIGLER: Oh, yes, absolutely. It was summarily  
16 paid, at the time of the entry. It was all done on that one day.

17 RISMAN: Okay. Now, as you may or may not  
18 know, since the entry of the plea and up to today, Mr. Mitchell  
19 has been deputized and has served in a law enforcement capacity,  
20 on an intermittent basis. Are you aware of that?

21 FIGLER: I am aware of that.

22 RISMAN: Okay. Should he have made an arrest  
23 and been required to testify, would a defense attorney be able to  
24 impeach his testimony, based on what happened to him, in - before  
25 Judge Hardy?



1           JENSEN:                   Mr. Chairman, again, I'm going to  
2 object. You're asking him to give a legal opinion on the  
3 application of Brady, potentially in the future, at some time?

4           RISMAN:                   Well, no, I said, during that time.  
5 And I believe we qualified, without going into as much detail or  
6 experience, your witness, as an expert in financial analysis,  
7 without knowing where he was educated, what his background in  
8 financial analysis was, because I didn't want to take this  
9 Commission's time in it.

10           I certainly think Mr. Figler is equally qualified in the  
11 field of a criminal defense lawyer - law, based on his jobs with  
12 the County, based on his service as a judge, and based on what  
13 he's doing in private practice, to be able to say if somebody in  
14 his field could impeach Mr. Mitchell on a witness stand. Because  
15 one of the concerns, I'm sure, of this Commission has to be, what  
16 would happen if we allow him to continue to be a Peace Officer or  
17 suspend him, and he is reinstated as a Peace Officer, and he  
18 needs to testify?

19           I think that's of concern, either towards their decision  
20 for him or against him. So, I think this witness is the only  
21 body who's going to be here today, who has qualified, and, yes,  
22 has expertise and can give an opinion on that.

23           JENSEN:                   Yeah. I'm just - I'm -

24           MCGRATH:                  Except for Mr. Mitchell.

25           RISMAN:                   Pardon?



1           MCGRATH:                   Except for Mr. Mitchell, if he wanted  
2 to testify.

3           RISMAN:                   Well, what I'm saying is, he wanted to  
4 know -

5           MCGRATH:                   But the questions you're asking are  
6 for Mr. Mitchell to answer to us.

7           RISMAN:                   -- well, the - the question I'm asking  
8 Mr. -

9           MCGRATH:                   He's going to give us his opinion.  
10 Sorry to keep interrupting. This is Deputy Chief McGrath.

11          RISMAN:                   -- no, and that - that's -

12          MCGRATH:                   For the record.

13          RISMAN:                   -- that's fine. I'm just saying, Mr.  
14 Mitchell would not know if a defense attorney could impeach his  
15 testimony, on an arrest, based on the conviction. Mr. Figler  
16 does have the qualifications and the expertise to give that  
17 opinion, and I think his opinion coming in will take a lot less  
18 time and -

19          JENSEN:                   And I would just add to my objection  
20 that, number one, whether or not this conviction could be used  
21 for impeachment purposes for Brady, an opinion on whether it  
22 could or couldn't is pure speculation. Until a judge makes a  
23 determination on that, it's pure speculation. It's irrelevant,  
24 unless he had a discussion with Mr. Mitchell about Brady, that  
25 he's going to share with us, that's helpful to the Commission



1 understanding and maybe mitigating the circumstances of this  
2 particular situation.

3           RISMAN:                   -- well, if you're telling me that  
4 it's not a concern of this Commission whether, if there's - if  
5 Mr. Mitchell continues serving as a Peace Officer, that that's  
6 not a concern of this Commission, and as much a concern as what  
7 happened before, in making a final decision, okay.

8           But I'm just saying, you basically presented your witness,  
9 both as an eyewitness, but primarily as an expert witness, and  
10 now, you're saying that either Mr. Figler isn't qualified to give  
11 an expert opinion or shouldn't be allowed to. And now, we've got  
12 a due-process issue again.

13           JENSEN:                   I'm saying that it's speculation for  
14 him to opine on how a judge is going to look at this, as a Brady  
15 issue.

16           RISMAN:                   And I think the scope of an expert  
17 witness' testimony is to get an opinion, based upon a  
18 hypothetical.

19           SOTO:                    Objection sustained. I don't need to  
20 hear that from him.

21           RISMAN:                   Mr. Figler, is there anything that you  
22 think would be relevant for this Commission to hear that you have  
23 not addressed yet or has not been objected to yet?

24           FIGLER:                   I would just say this. Having been  
25 very intimately involved with the details both pre-indictment,



1 post-indictment, and resolution of the matter, that the documents  
2 that I know you have in front of you, you have the Guilty Plea  
3 Agreement and the Judgment Conviction. These things don't happen  
4 in a vacuum, of course.

5 If you look at the language of the Guilty Plea Agreement,  
6 which I know is one of your exhibits, it does indicate that he  
7 has to waive defects in the pleading. And I think that should  
8 speak volumes to the nature of the proceeding, that it's an  
9 admission from the Prosecution. These are not standard. That  
10 language is not in every guilty plea. That this was a defective  
11 - even the resolution that we had was defective.

12 Certainly, if you were to compare this to every other case,  
13 of Gross Misdemeanor, Felony, or Misdemeanor, you don't see these  
14 type of resolutions. So, not only was it an Alford decision, it  
15 was an Alford decision with a defective complaint upon it.  
16 That's the judgment conviction that this Board is evaluating. It  
17 says that on line 23 of the first page of the Guilty Plea  
18 Agreement.

19 And if you were to pull up the minutes, you would also see  
20 that the waiver is done orally, at the time of the entry of plea  
21 and imposition of sentencing. And that just speaks volumes of  
22 the abandonment by the District Attorney's Office, with regard to  
23 the initial charges. The only last thing that I would suggest is  
24 that the province, or, again, the ownership of the funds at issue  
25 were always the primary issue.



1       The ultimate resolution, short of going to trial, and Mr.  
2 Mitchell and I discussed this at length, was that, while his own  
3 personal bookkeeping is sloppy, at best, that the vehicle upon  
4 which the investigation began, which is - I'm sure you heard from  
5 the Detective about the vouchers, was merely the ineffective  
6 vehicle to obtain back the funds that belonged to Mr. Mitchell.

7       So, whereas other cases of fraud that are in the title  
8 could often implicate moral turpitude, it is about the  
9 intentional fraud upon to obtain something that does not belong  
10 to one. This is about a fraudulent conveyance. This was the  
11 compromise that we came up with, as a fiction, because the  
12 language of the Fraud Statute talks about being a party to a  
13 conveyance that is, in essence, inexact. And that's exactly what  
14 we have here.

15       So, with regard to Mr. Mitchell intentionally doing  
16 something to obfuscate, he did not, because everything was done  
17 in the light of day. Nothing was hidden away or in any manner of  
18 sophisticated method to try to get something that didn't belong  
19 to him. What it was, was an attempt to respond to an action that  
20 was taken by the County, which was to impose an Enterprise Fund  
21 to create a degree of transparency to the flow of money of the  
22 Constable's Office.

23       There was lots of public comment, with regard - sorry, not  
24 public comment, rather, but Commission comment, which is all  
25 encaptured [sic] in the public record, as to why they were doing



1 that. And essentially, and we put this in our pleadings as well,  
2 they thought that the Constable's Office, under the statutes that  
3 go back to the 1920s, was just simply making too much money.

4 And what I would say is that, by implementing an Enterprise  
5 Fund, as opposed to what other jurisdictions have done. If you go  
6 through the Nevada Statutes, about every 10 years, there's a  
7 fight between the County and their Constable, with regard to the  
8 fees.

9 JENSEN: Mr. Chairman, he's starting to go into  
10 areas that you've already sustained objections on.

11 FIGLER: Let me just sum it up this way, then.  
12 The Enterprise Fund was a new experiment, to try to do what  
13 others had done before. But there were other ways to do it, with  
14 regard to the designation of fees and the compensation structure.  
15 But ultimately, those funds did not belong to the County and  
16 never have belonged to the County. And that was the main issue  
17 of contention and why, ultimately, the charges of theft and  
18 fraudulent appropriation by a public official were dropped by the  
19 County.

20 What we were left with was a fictional plea that my client  
21 was allowed to plead by way of Alford, so he did not have to  
22 admit any of the underlying facts, where he was assessed by a  
23 judge to be given essentially zero punishment and was able to  
24 restore the case back to its original form. To me, that is  
25 something that does not rise to the level, and I conveyed this to



1 my client, with regard to his ability to proceed with his POST  
2 Certification, to do the types of things that he could be  
3 employed to do, after an exemplary career in the Navy, after an  
4 exemplary career in the Constable's Office, because - and I'll  
5 leave on this note.

6       There was never even an allegation, not one, that a single  
7 penny that went into that Enterprise Fund ultimately was not  
8 absolutely earned by Mr. Mitchell and his Deputies. That that  
9 was all legitimate funds, that were raised under our Nevada  
10 structure of incentivized revenue drive, and the Constable's  
11 Office is different. It just is, and that's the way Nevada does  
12 it. And this fight will go on, between Counties and Constables,  
13 for a long time.

14       The last fix, in the 2019 legislature, didn't really change  
15 it, and it certainly wouldn't have changed it for Earl. Had he  
16 gone about it in a different vehicle, it's the same result. We  
17 wound up having to go through the criminal court to get to,  
18 basically, a non-resolution resolution, to be able to move on,  
19 and that Mr. Mitchell would be able to rightfully - if he chooses  
20 to, pursue the claim against the funds that belong to him, as  
21 Constable, under Nevada Statutes.

22       So, yes, if it turns out that I gave him very bad advice,  
23 with regard to his POST Certification, and I hope that doesn't  
24 turn out to be the case. But it was informed advice. It was  
25 informed advice, based on my years of experience in dealing with



1 these type of matters. Because, ultimately, anyone who looks at  
2 this, outside of the vacuum, who looks beyond the mere judgment  
3 of conviction, and looks at everything else that is even  
4 available now in this case, would hopefully come to that same  
5 conclusion. And that's my position, and I told that to Mr.  
6 Mitchell.

7           RISMAN:                   One last question. The witness before  
8 you, for Mr. Jensen, had made continual references to Mr.  
9 Mitchell inappropriately taking money from the County. Is it -  
10 from what I'm hearing, your position is, the money he took,  
11 although administered by the County, did not belong to the  
12 County, but belonged to the Henderson Constable's Office, under -

13           FIGLER:                 It was an extraordinarily wonky way to  
14 get the funds back to the Constable's Office, that caused a  
15 concern by all the parties, that we were able to work out. But  
16 it was not the County's money that Mr. Mitchell took. It was not  
17 belonging to the County. It was earned by the Constable's  
18 Office, under the statutes, which are very clear, and that was  
19 money that belongs to the Constable's Office and for Mr. Mitchell  
20 to spend on Constable things, as well as his own personal  
21 compensation.

22           JENSEN:                 Mr. Chairman, again, we're going right  
23 down the same road that we've already gone down. You've  
24 sustained the objections.



1           SOTO:                   I think we have a pretty good - I have  
2 a clear picture -

3           RISMAN:                I have no further questions --

4           SOTO:                   -- thank you.

5           RISMAN:                -- Chief Soto.

6           SOTO:                   Thank you.

7           JENSEN:                Just a couple of quick questions -

8           FIGLER:                Sure.

9           JENSEN:                -- Mr. Figler. With regard to the  
10 advice that you gave to Mr. Mitchell regarding the effects of the  
11 Administrative, on his POST License, what research did you do,  
12 with regard to the case law and Alford pleas and their effect on  
13 professional licenses?

14          FIGLER:                So, having been in the position for  
15 many years, based on my own experience, with regard to -

16          JENSEN:                You're not answering the question.  
17 I'm asking, what research did you do, in this instance, to  
18 determine whether or not an Alford plea had an effect on the  
19 ability to revoke a professional license?

20          FIGLER:                -- based on my training and  
21 experience, and reviewing the statutes themselves, and based on  
22 my experiences in other cases, with other Boards, with licensed  
23 individuals, that the issuance of an Alford plea puts a person in  
24 a far greater person than a straight guilty plea or any of the  
25



1 other pleas that are explicitly enumerated in the ordinance or in  
2 the statute.

3 JENSEN: Did you do any case research?

4 FIGLER: Specific to my advice with Mr.  
5 Mitchell, I did not do any updated case research. As much as I  
6 will still stand by the idea that, since it is not a mandatory  
7 revocation, based on his Gross Misdemeanor conviction under  
8 Alford, and knowing that the case law allows that to be  
9 represented as mitigation, as to any Board, that the advice was  
10 sound.

11 But in short answer to your question, I did not do  
12 independent research with regard to that position, with Mr.  
13 Mitchell, in the time that Mr. Mitchell was asking about that.

14 JENSEN: Were you aware, or are you aware, that  
15 the majority view in the United States is that you can use an  
16 Alford plea, a conviction on an Alford plea, to take  
17 administrative action on someone's professional license?

18 FIGLER: The short answer is, yes, I'm aware of  
19 that. That can be done, under circumstances, but it is not  
20 automatic, and it certainly does create somewhat of a gray area,  
21 where there is room for argument and mitigation.

22 JENSEN: So, essentially, your opinion today is  
23 based on your experience, without having done any legal research  
24 on that specific question of whether or not an Alford plea could  
25 be used by a body like this to revoke someone's Certificate.



1           FIGLER:                    Could it be considered, versus is it  
2 automatic? Is that your question? Yes, it could be considered.  
3 No, it's not automatic.

4           JENSEN:                    No, my question was, you did that,  
5 without doing any legal research of case law that dealt with that  
6 issue.

7           FIGLER:                    That - that's not accurate. I did not  
8 do any independent, specific research, with regard to Mr.  
9 Mitchell's question. I have done much research in the past. And  
10 I stand by that position, that this Board obviously can consider  
11 anything that it finds to be relevant under Administrative Law,  
12 which is very broad.

13                   But with regard to a specific Alford law, that is not  
14 enumerated in a statute. It could be considered by this same  
15 Board to be a mitigating factor with regard to an action that the  
16 Board wants to take. And I think you would probably agree with  
17 that opinion as well.

18           RISMAN:                   And before we get too back-and-forth  
19 on this, and I certainly want Mr. Jensen to continue with his  
20 cross, I think one of the key points that we brought up in Mr.  
21 Figler's testimony was Mr. Mitchell's state of mind when he  
22 accepted the Alford plea, when he accepted the plea, what advice  
23 was he going on, on what the consequences would be.

24                   And was that contemplated within the scope of the  
25 punishment that he was aware of, when he had a way between going



1 to trial or accepting a deal, which was a Gross Misdemeanor with  
2 no punishment, whatsoever? I think that's the point for which it  
3 was introduced, not to say that this Board couldn't consider it  
4 as mitigating or probative. And so, I think that that was  
5 [crosstalk]

6 JENSEN: But to be fair, that's what he  
7 testified to today, and I'm -

8 RISMAN: -- I - I'm - I understand.

9 JENSEN: -- questioning about that and what the  
10 basis for that opinion is, in terms of whether or not he did any  
11 research to support that. In terms of your reading of Chapter  
12 289, you determined, based on your own interpretation, that an  
13 Alford plea could not be used, or wasn't mentioned in 289. Did  
14 you ever pick up the phone and call the POST Commission and ask  
15 them whether or not an Alford plea could be used to revoke  
16 someone's POST Certification?

17 FIGLER: So, again, I think we're parsing  
18 words.

19 JENSEN: No, you can answer the question.

20 SPEAKER: [laughs]

21 JENSEN: It's a pretty clear question. Did you  
22 ever call the POST Commission and ask them whether or not this  
23 Alford plea could be used to revoke Mr. Mitchell's POST  
24 Certification?

25



1           FIGLER:                   Okay. In response to that specific  
2 question, no, I did not.

3           JENSEN:                   Okay. And that's all I'm asking.

4           FIGLER:                   Okay. The first part of it implied  
5 something different.

6           JENSEN:                   Okay. In terms of your testimony  
7 about the Enterprise Fund and what your review of the statutes  
8 was, with regard to the Enterprise Fund, would you agree that  
9 there might be differing opinions on how that Enterprise Fund  
10 works?

11          FIGLER:                   The case law in Nevada is sparse.

12          JENSEN:                   That was not my question. I said,  
13 would you agree -

14          FIGLER:                   Would there be differing opinions?

15          JENSEN:                   -- that - could there be differing  
16 opinions between lawyers on how that Enterprise Fund should work?

17          FIGLER:                   On how the Enterprise Fund would  
18 interact with the Constable's Office, yes, there could be  
19 differing viewpoints on that.

20          JENSEN:                   So what you shared with the Commission  
21 today is just your personal opinion about the Enterprise Fund and  
22 how it works, correct?

23          FIGLER:                   I like to think it's my informed  
24 opinion, based on my training and experience.

25          JENSEN:                   I - and I appreciate that.



1 FIGLER: Thank you.

2 JENSEN: In terms of your interpretation of the  
3 Enterprise Fund and that the money that was in that fund was Mr.  
4 Mitchell's to use however he wanted, if I understood the way you  
5 testified today, did you share that advice with Mr. Mitchell,  
6 prior to the activities that form the basis of the criminal  
7 charges in this case?

8 FIGLER: I did not.

9 JENSEN: With regard to the other issues with  
10 regard to how the Constable's Office can work and ways that he  
11 might get money from the Enterprise Fund into his Constable Fund,  
12 that would enable him to use the fund in the way you believed he  
13 could, did you ever have any discussions about that with him,  
14 prior to him engaging in the conduct that he engaged in, that -

15 FIGLER: Prior to the investigation, might be a  
16 better way to phrase it, as a timeline. Is that fair?

17 JENSEN: I phrased it the way I wanted to  
18 phrase it, which is, did you have that discussion with him prior  
19 to the - the activity for which he was charged and convicted?

20 FIGLER: Thank you for that clarification. I  
21 did not.

22 JENSEN: Just one last thing. With regard to  
23 the plea agreement, I'll just have you turn to that Exhibit  
24 that's in that binder, that --

25 FIGLER: I brought mine. It's the same.



1 JENSEN: -- well, I'd ask you to look at the  
2 exhibit, please.

3 FIGLER: Certainly. Which exhibit number?

4 JENSEN: Okay. We're looking at exhibit number  
5 -

6 FIGLER: Or letter.

7 JENSEN: -- go to Exhibit H.

8 FIGLER: Yes.

9 JENSEN: [inaudible] myself. Go to the second  
10 page of that exhibit, under 'Consequences of the Plea.'

11 FIGLER: Mm-hmm.

12 JENSEN: In that first bold paragraph,  
13 underneath 'Consequences of the Plea', could you read that?

14 FIGLER: Certainly. And this is standard  
15 language with Alford pleas. 'By pleading guilty pursuant to the  
16 Alford decision, it is my desire to avoid the possibility of  
17 being convicted of more offenses or of a greater offense if I  
18 were to proceed to the trial, and the original charge,  
19 parenthetical as for plural, and of also receiving a greater  
20 penalty.'

21 JENSEN: And continue.

22 FIGLER: 'I understand that my decision to  
23 plead guilty by way of Alford decision does not require me to  
24 admit guilt, but it is based upon my belief that the State would  
25 present sufficient evidence at trial that a jury would return a



1 verdict of guilty or a greater offense or offenses more than that  
2 to which I am pleading guilty.' Continue, or -

3 JENSEN: So, with regard to that language that  
4 you just read, where it says that he's admitting that -- his  
5 'belief that the State could present sufficient evidence at trial  
6 that a jury would return a verdict of guilty or to a greater  
7 offense or more offenses to which' - than to which he's pleading  
8 guilty, was that something that Mr. Mitchell had to agree with,  
9 in order to enter his guilty plea?

10 FIGLER: As Alford - yes, that's exact language  
11 from Alford. That comes from the Alford decision, and it's  
12 required in order to then pursue that type of plea, as I'm sure  
13 you know.

14 JENSEN: Would you agree that that language  
15 means that he's agreeing that the State had sufficient evidence  
16 to be able to get a guilty verdict against him, if they went to  
17 trial?

18 FIGLER: And if the jury believed it,  
19 absolutely.

20 JENSEN: Okay. Would you agree that, in your  
21 Certification, on page seven, that you've agreed, in your  
22 Certification, that you've also explained to him the charges and  
23 the consequences of an Alford, and that you've explained to him  
24 that an Alford plea means that he's agreeing there's sufficient  
25



1 evidence - the State has sufficient evidence to prove the charge,  
2 if it were to go to trial?

3 FIGLER: Yes, I believe, they - they - at - so,  
4 the bases - and not to get too parsed into the lingual - legal  
5 language, but that there would be, if believed, a sufficient  
6 basis. Yes, that's what we agree to, in an Alford. If believed,  
7 that there would be a sufficient basis. We have to agree to  
8 that, to move forward.

9 JENSEN: And I'd ask you to turn to the Amended  
10 Indictment, which is Exhibit I.

11 FIGLER: Mm-hmm.

12 JENSEN: This is the conviction that you're  
13 calling a fictitious conviction.

14 SPEAKER: [laughs]

15 FIGLER: It's an indictment that both sides  
16 admit has defects in it, that were required to be waived, by the  
17 language. The language of the plea and the language of the entry  
18 of the plea.

19 JENSEN: Would you agree, on page two of that,  
20 when the conduct is described, after the 'To wit', it states,  
21 'Fraudulently appropriated \$82,660.25, which was entrusted to  
22 him, and having requested the funds from Clark County through  
23 misrepresentation, and then appropriating the funds for his own  
24 use', that was the conduct that he has been convicted of,  
25 correct?



1 FIGLER: On the plain language, yes.

2 JENSEN: Nothing further.

3 RISMAN: Real quickly, you mentioned earlier  
4 you thought this was defensible. You were not appointed as a  
5 Public Defender or Special Public Defender in this case, were  
6 you?

7 FIGLER: I was retained by Mr. Mitchell.

8 RISMAN: Okay. Had you gone to trial, would  
9 there have been additional fees incurred by Mr. Mitchell?

10 FIGLER: There would have been.

11 RISMAN: And do you have an approximation what  
12 those fees would have been, and were those conveyed to Mr.  
13 Mitchell at the time?

14 FIGLER: Yes. Without getting too deep into  
15 it, I told him that if we were to actually do a full-blown trial  
16 on this, along with experts, et cetera, that he should be looking  
17 at a - an additional 6-figure retainer to us, and somewhere  
18 \$100,000 and \$200,000.

19 RISMAN: And is a trial stressful on the  
20 participants? Not the lawyers, but the participants.

21 FIGLER: Everyone involved, especially when I'm  
22 in that trial, comes away with stress.

23 RISMAN: And did the fact that the cost to  
24 defend was going to be at least one and a-half to two times or  
25 more larger than the amount under the plea, and that there was



1 absolutely no jail time or probation required under the plea, was  
2 that, in addition to your advice that there'd be no ramifications  
3 to his profession, was that a consideration that Mr. Mitchell  
4 made with your advice and counsel, in accepting the plea?

5 FIGLER: The cost is always a concern to my  
6 clients, and it was a concern to Mr. Mitchell as well, as where  
7 he would come up with that additional funding. And that was part  
8 of his decision-making process, that he revealed to me.

9 RISMAN: And at the time, to the best of your  
10 knowledge, he was no longer Constable at Henderson, correct?

11 FIGLER: He was winding down his Constable,  
12 when he first retained my services. Most of the work that was  
13 done, so we're talking about starting in 2019, and moving  
14 forward, he was already - had voluntarily - not required, but  
15 voluntarily resigned from the Constable's Office. Or, he didn't  
16 resign at all. He just chose not to run for re-election.

17 RISMAN: And so, at the time the plea was  
18 presented, he was not full - was not employed as a full-time  
19 employee at any place, to the best of your knowledge.

20 FIGLER: To my knowledge, no.

21 RISMAN: No further questions here.

22 SOTO: Okay. Thank you.

23 FIGLER: Thanks.

24 JENSEN: Thank you.



1           RISMAN:                   As we call our next witness, I'm gonna  
2 ask a favor of Mr. Jensen. We provided you with a copy of a  
3 Sworn Affidavit or statements from Officer Hatch. I did not, I  
4 apologize, make copies of that. I don't know if you distributed  
5 that already to this Commission -

6           JENSEN:                   No.

7           RISMAN:                   -- or there's a way to get copies, so  
8 we can. But we did notify it as our one and only exhibit, and I  
9 would like them to have the benefit of having it.

10          JENSEN:                   No objection to the letter.

11          RISMAN:                   Do we have a way to make copies?

12          JENSEN:                   I don't know.

13          SPEAKER:                  I can see if I can try to get that  
14 done. We're going to take -

15          RISMAN:                   Thank you very much, Deputy Chief.

16          SPEAKER:                  -- we gonna take a break?

17          SOTO:                     Yeah. We can take a break and get  
18 that, real quick.

19          RISMAN:                   And -

20          SPEAKER:                  You can pass that to Deputy Chief.

21          RISMAN:                   -- thank you.

22          SOTO:                     Take a break until you get the copies.

23          SPEAKERS:                 [laughing]

24          SPEAKER:                  Be quick. Should do a background

25 [inaudible]



1           SPEAKERS:                   [multiple speakers inaudible]

2           SOTO:                    Okay. Think we have everybody back.

3 Let's get started.

4           RISMAN:                   All right, real quickly, the rest of  
5 our case is going to be to show the type of policeman and Peace  
6 Officer Earl Mitchell has been, for the last 35 years, both among  
7 his coworkers and in being an aide to the community, and why that  
8 record would carry over, if at some - if currently or sometime in  
9 the near future he's allowed to resume that career. That's what  
10 this evidence is being presented for.

11          SOTO:                    Okay. Would you please stand and  
12 raise your right hand for me. Do you swear to tell the truth,  
13 the whole truth, so help you, God?

14          AVERETT:                 I do.

15          SOTO:                    Thank you. Would you say and spell  
16 your name, for the record.

17          AVERETT:                 My name is Ronald Cameron Averitt, A-  
18 V-E-R-E-T-T.

19          SOTO:                    Thank you.

20          RISMAN:                   And Mr. Averett, is there a title I  
21 should address you by, that - Lieutenant or -

22          AVERETT:                 Ron.

23          RISMAN:                   -- [laughs] okay. Ron.

24          AVERETT:                 Mm-hmm.

25



1           RISMAN:                    Could you tell us briefly your history  
2 in law enforcement?

3           AVERETT:                  I started with Henderson PD in July of  
4 1976, as a Reserve Officer. I went full-time with the Henderson  
5 PD in September of '77, and I retired in March of 2012. That's a  
6 total of, the city, somewhere around 36 years.

7           RISMAN:                   And what was the highest rank you  
8 achieved, while in Henderson, at -

9           AVERETT:                  I was a Deputy Chief, when I retired.

10          RISMAN:                   -- okay. And are you familiar with  
11 Earl Mitchell?

12          AVERETT:                  Yes, I am.

13          RISMAN:                   And how do you know Mr. Mitchell?

14          AVERETT:                  I met him at work.

15          RISMAN:                   Was he a Henderson Police Officer,  
16 like yourself?

17          AVERETT:                  Yes, he was.

18          RISMAN:                   And did you work together? Was he  
19 under your command? What was the professional relationship?

20          AVERETT:                  I don't know what rank I was at, when  
21 Earl came onboard. Was probably a Sergeant or a Lieutenant. I  
22 believe he worked as a Patrol Officer, when I was a Lieutenant  
23 over day shift, and he may also have been a Sergeant, for a brief  
24 period of time when I was a Lieutenant. But there was some  
25 distance between the ranks. I did not work the street as a



1 Patrol Officer with him or as a direct Sergeant over him, that I  
2 recall.

3 RISMEN: Did you become familiar with his work  
4 as a policeman?

5 AVERETT: To some degree. There was - you know,  
6 if I was the Lieutenant, there was a Sergeant between me and him  
7 and his work, but as far as, like, hearing or doing anything just  
8 with him, personally, I didn't do a whole lot of street work with  
9 Earl.

10 RISMEN: Did Earl have a reputation within the  
11 Henderson Police Department, that you know of?

12 AVERETT: Yes.

13 RISMEN: Okay. I know I'm never supposed to  
14 ask -

15 SPEAKER: [laughs]

16 RISMEN: -- a question I don't know the answer  
17 to, but go ahead and tell us what that reputation was.

18 AVERETT: Well, that he was not a fireball, and  
19 he wasn't the go-getter, but he was a Steady Eddie, is, I guess,  
20 the best way to describe it.

21 RISMEN: And are those good or bad traits in a  
22 policeman?

23 AVERETT: Maybe, you know, a little of both. I  
24 never worried about the work, if I was - I'm recalling with I was  
25 a Lieutenant, and there was a Sergeant. And I wouldn't worry



1 about the work that he would do, just that he would do something.  
2 When I say that, you know, there's others, well, this officer  
3 produced this much, and this one produced that much. Well, it  
4 was not a quota, but it's a type in the quality of work that  
5 comes through.

6 RISMEN: And do you have an opinion, based on  
7 your own personal knowledge and the reputation of Earl, of his  
8 qualities as a policeman, while you and he were both at the  
9 Henderson Police Department?

10 AVERETT: I never had any issues with the work  
11 that he did, and again, work that he would do as an officer would  
12 go through a Sergeant. And then, I supervised Sergeants. So,  
13 that work wouldn't get through me, but there were never any  
14 occasions, that I recall, that came to my attention, that the  
15 work he did was poor.

16 RISMEN: Did you have - ever have any reason to  
17 question his honesty?

18 AVERETT: No.

19 RISMEN: Did you ever have any reason to  
20 question his ability to perform his job?

21 AVERETT: No.

22 RISMEN: Are you aware of any complaints,  
23 either by citizens or Internal Affairs, while you and he both  
24 served in the Henderson Police Department?

25 AVERETT: No.



1           RISMAN:                   Have you remained in contact with Mr.  
2 Mitchell, since your retirement?

3           AVERETT:                 I have.

4           RISMAN:                   And can you tell us what the scope of  
5 that relationship is?

6           AVERETT:                 We attend church together on  
7 occasions. He comes to our Monday night Men's Group. I think  
8 that he may have attended one our church Men's Retreats, and -  
9 other than that, we don't see each other a whole lot. We text  
10 and just keep in touch a little bit, but that's how - that's  
11 where I'm familiar from him - or with him from.

12          RISMAN:                   And do you have an opinion of what his  
13 ability would be to perform as a Peace Officer or policeman -  
14 well, let's make it Peace Officer, from this point forward?

15          AVERETT:                 Based on my past experience, I would  
16 have to assume that he would continue to do an honorable job, to  
17 go out there and do police work. I don't have anything in the  
18 past that to me, that would indicate otherwise.

19          RISMAN:                   Do you have any concerns about his  
20 honesty in performing the job?

21          AVERETT:                 I don't.

22          RISMAN:                   Are you familiar with the troubles he  
23 experienced that's the subject of this hearing, i.e., the  
24 criminal charges that were brought against him, and the eventual  
25 resolution of those criminal charges?



1           AVERETT:                   Pretty much. There might be a point  
2 or two that I'm not familiar with, but overall, I would say, yes.

3           RISMAN:                   And even with that knowledge, you  
4 still think he is both a man of honor, honesty, and able to  
5 perform the duties of a Peace Officer.

6           AVERETT:                   This might be a long-winded answer.  
7 When Earl explained to me what was going on and what was taking  
8 place, it was confusing to me, the flow of money that ran through  
9 the Constable's Office. I remember I told him, you'd have to  
10 get, like, a Reman flowchart to even understand it and follow it.

11           So, for me to say that he did something wrong and that he  
12 would not be capable of working on the street, I can't say that.  
13 I don't know all the details of the case. So, I would have to go  
14 off of the Earl that I worked with and knew in patrol.

15           RISMAN:                   Thank you. No further questions.

16           JENSEN:                   Just a couple of real quick questions.  
17 Would you agree that there's a great deal of trust placed in  
18 Peace Officers --

19           AVERETT:                   Absolutely.

20           JENSEN:                   -- by the public?

21           AVERETT:                   Yes, sir.

22           JENSEN:                   And would you agree that they should  
23 be held to a high standard as - in terms of their conduct?

24           AVERETT:                   Absolutely.

25



1 JENSEN: Would you agree that honesty and  
2 integrity are a critical part of being a Peace Officer?

3 AVERETT: Yes, sir, I would.

4 JENSEN: In your training and through your  
5 career as a Peace Officer, what was your understanding with  
6 regard to the consequences of being dishonest?

7 AVERETT: My opinion, they should not wear a  
8 badge. That that's an integral part of being a police officer.

9 JENSEN: And why was it your understanding that  
10 if you have been dishonest that you shouldn't be a Peace Officer?

11 AVERETT: There's a trust the public gives us.  
12 A lot of power and authority that the public allows us to have  
13 over their actions, and if they can't have that trust in us, then  
14 we can't perform properly.

15 JENSEN: You said you hadn't looked or seen  
16 much with regard to the criminal case. Do you know what the  
17 charge that he was convicted of is?

18 AVERETT: Fraudulent use of money, or something.

19 JENSEN: That's close. That's good.

20 AVERETT: Okay.

21 JENSEN: That's great. As part of that, the  
22 name of that is a Fraudulent Conveyance. That's what his  
23 conviction is for -

24 AVERETT: Okay.

25



1 JENSEN: -- which includes the word 'fraud'.

2 Would you agree that 'fraud' is a term that involves dishonesty?

3 AVERETT: I would.

4 JENSEN: And if a conviction for fraud of a  
5 Peace Officer occurred, that that should be something that should  
6 disqualify them from being a Peace Officer?

7 AVERETT: I would have to say yes.

8 JENSEN: Nothing further.

9 RISMAN: I mean, I just heard your answers on  
10 cross-examination. Has your opinion that you rendered on direct  
11 examination changed at all? In other words --

12 AVERETT: Sorry. I didn't get that.

13 RISMAN: -- all right. In direct examination,  
14 you stated that you thought that Mr. Mitchell, based on your  
15 knowledge of him, the past, and despite the fact of the charges  
16 involving fraud, could capably continue on as a Peace Officer  
17 from this day forward. Yet you were asked some questions about -  
18 other questions, but similar questions, by Mr. Jensen. Do you  
19 still think Mr. Mitchell could perform his duties as a Peace  
20 Officer, properly?

21 AVERETT: I think the way I tried to answer that  
22 was, my past experience working with Earl, on the street. And I  
23 didn't work in the Constable's Office, and I didn't understand  
24 all the details and the facts of, maybe, what's in here. So, I  
25 don't know what all took place in that. And I understand that an



1 Alford plea is something that would say that I think there's  
2 enough in here to convict me, although I didn't do this.

3 So, that's what I'm - I don't know. I'm saying, from what  
4 I worked with Earl, I could say, yes, he could go back out and do  
5 police work today. With a conviction of fraud, the Board  
6 decides, and I think it's highly important for officers to have  
7 that bit of trust. So, I know that's kind of an ambiguous  
8 answer, there, for you, and I'm trying to be as honest and open  
9 as I can.

10 RISMEN: I appreciate that.

11 AVERETT: And yes, Earl is a friend of mine.  
12 But the public trust in police officers, I think, has to be held.  
13 But again, I don't know all what's in here. I don't know what  
14 the Grand Jury heard. I don't know all the intricate details.  
15 So, 30 years ago, 25 years ago, when I worked with him, and the  
16 Earl I knew, yeah. What's in here, I don't know. But I do know  
17 integrity is an integral part of being a police officer.

18 RISMEN: And you still find, as a friend and a  
19 former co-worker, Earl to have been honest in all relation - all  
20 encounters you've had with him.

21 AVERETT: Yes.

22 RISMEN: Okay. And is it your belief that in  
23 making the determination whether he is fit to continue to serve,  
24 there's a difference between what your understanding of an Alford

25



1 plea is, versus an outright conviction or outright plea of  
2 guilty?

3 AVERETT: If I'm understanding your question  
4 correctly, the person that pleads to an Alford's plea says, 'I  
5 didn't do this, but there's enough evidence that looks like  
6 people would convict me, because I can't explain it.' I'm not  
7 sure how to describe it, but where I'm torn is that, if this  
8 conviction is on that Alford's plea, says that he did all these  
9 things, and I'm not aware of them -

10 RISMAN: Mm-hmm.

11 AVERETT: -- then, that would be - that would be  
12 hard for me to say that, 'Yes, he should be police.' From the  
13 Earl that I know, from police work with Henderson, the Earl that  
14 I've stayed in contact with, he's never led me to believe any  
15 reason that he was dishonest with the stuff. So --

16 RISMAN: Okay. Thank you very much. I have no  
17 further questions.

18 JENSEN: Nothing further.

19 SOTO: Thank you.

20 RISMAN: [inaudible]

21 SOTO: Thank you very much.

22 RISMAN: All right. While we're waiting for  
23 the next witness, which will be the penultimate witness, may I  
24 formally move to have this -

25 JENSEN: Oh, sure.



1           RISMAN:                   -- letter from - or notarized  
2 statement from Officer Hatch -

3           JENSEN:                   No objection.

4           SOTO:                    Okay.

5           SPEAKER:                 That will be Exhibit T or Exhibit 1.

6           SOTO:                    Okay.

7           SPEAKER:                 Do you have a preference on that? Mr.  
8 Risman?

9           RISMAN:                   No, I don't, Mr. [inaudible]  
10 whatever's best and easiest for the Commission. It's our only  
11 exhibit, as far as I know, right now. So -

12          SPEAKER:                 Okay.

13          SOTO:                    So [inaudible]. Good afternoon.

14          BAGWELL:                 Good afternoon.

15          SOTO:                    Could you please stand and raise your  
16 right hand for me. Do you swear to tell the truth, the whole  
17 truth, so help you, God?

18          BAGWELL:                 I affirm.

19          SOTO:                    Thank you. And would you please state  
20 and spell your name, for the record.

21          BAGWELL:                 John Bagwell, B-A-G-W-E-L-L.

22          SOTO:                    Thank you.

23          RISMAN:                   Please state - oh, I'm sorry. Go  
24 ahead.

25          SPEAKER:                 I got it.



1           RISMAN:                   Okay. Thank you very much for  
2 appearing here today. Could you please tell us your experience  
3 in law enforcement.

4           BAGWELL:                 I'm a police Chaplain, since 2002.

5           RISMAN:                 And with several departments?

6           BAGWELL:                 With the jail, 10 years, and on call  
7 for other reasons, such as suicides or family grievances or other  
8 death notifications.

9           RISMAN:                 And Chaplain, have you had an  
10 opportunity - do you know Earl Mitchell?

11          BAGWELL:                 I met him in '95 or '96. He was at a  
12 meeting with then, Dave Wilson, as a Community Policing Service.  
13 And we were at a community meeting, which was a HACA, H-A-C-A,  
14 and that was Henderson Allied Community Advocates. They've since  
15 changed their name to HopeLink. But a group of us got together,  
16 and we tried to do the good of the community.

17          RISMAN:                 And do you remember what capacity Earl  
18 Mitchell was at that meeting in? Was it as a representative of  
19 the Police Department, or just something he wanted to go to, if  
20 you know?

21          BAGWELL:                 No, I don't think it was required, but  
22 he was just a meeting - in general, to represent the Police  
23 Department.

24

25



1           RISMAN:                   Okay. And after that meeting, can you  
2 describe the growth and expansion of your relationship, and your  
3 familiarity with Earl Mitchell?

4           BAGWELL:                 He just stopped by once a month at our  
5 church, maybe every so often, when he had time, just to see how  
6 we were doing and how he was doing. There's really no connection  
7 with us, any other way. That's it.

8           RISMAN:                 Did you have a chance to see him or  
9 observe him in his duties as a police officer, other than that  
10 one meeting that I think you said was in 1995?

11          BAGWELL:                 Oh, yeah. We - not as a official  
12 capacity, but in the personal capacity.

13          RISMAN:                 We'll get into that in a minute.

14          BAGWELL:                 Okay.

15          RISMAN:                 But in his official capacity, did you  
16 have a chance to observe him, after that one - in his official  
17 capacity, after 1995?

18          BAGWELL:                 No.

19          RISMAN:                 Okay. You say, though, that you've  
20 know him, personally, since then.

21          BAGWELL:                 Yes.

22          RISMAN:                 And can you describe how that  
23 relationship continued and the scope of it, please?

24          BAGWELL:                 We just developed as a friendship and,  
25 because of our [inaudible], that he came and visited. And we've



1 met in other occasions and, you know. I had a stroke in 2010 or  
2 '11, can't remember. But - so, I can't remember - recall some  
3 things.

4 RISMEN: Did you ever observe Earl's work as a  
5 policeman, in the community, as a community relations-type  
6 person?

7 BAGWELL: Not officially. I don't know.

8 RISMEN: Okay.

9 BAGWELL: I don't understand. It's -

10 SPEAKER: [whispering]

11 RISMEN: I guess - all I'm asking is, did you  
12 ever see him in outreach to the community, how he reacted to the  
13 victims, how he reacted to suspects, how he acted to just  
14 citizens of the community of Henderson, while in uniform or  
15 acting in the capacity as a policeman?

16 BAGWELL: As a policeman?

17 RISMEN: Mm-hmm.

18 BAGWELL: I really didn't - I think he retired  
19 before we had much communication, but I don't recall. You know,  
20 I've seen him in uniform and seen him out of uniform, and -

21 RISMEN: Have you had an opportunity to make a  
22 determination about Earl's character?

23 BAGWELL: As far as I know, it's what, you know,  
24 just a normal police officer, and no problems whatsoever.

25



1           RISMAN:                   Have you ever encountered any problems  
2 directly or heard anything regarding his honesty?

3           BAGWELL:                  Just what I've heard in the newspapers  
4 or by Earl. No other dealings.

5           RISMAN:                   Okay. And have you followed the  
6 newspaper articles about -

7           BAGWELL:                  No.

8           RISMAN:                   -- okay.

9           BAGWELL:                  I don't even subscribe.

10          RISMAN:                   Okay. Do you know that Earl entered a  
11 plea to a charge of Fraudulent Conveyance?

12          BAGWELL:                  I - I don't know what he called it,  
13 but he just - in confidence, as a pastor, he came to me for  
14 prayers. So, I did that.

15          RISMAN:                   Anything else you want me to ask?

16          SPEAKER:                  [whispering]

17          RISMAN:                   Is there any community contributions  
18 that you have seen Earl engaged in, like feeding veterans at  
19 Thanksgiving, or any feeding - helping out with the homeless, or  
20 parishioners in need? Have you observed him helping the  
21 community out -

22          BAGWELL:                  He's - he's donated to us.

23          RISMAN:                   -- okay. Other than financial, are  
24 you familiar with any time donations he's made?

25



1 BAGWELL: Yeah. At Thanksgiving time, I think  
2 he helped out, and Christmastime, he helped give out toys, and so  
3 forth.

4 RISMAN: Okay. I have no further questions,  
5 and thank you for your time, Chaplain. But Mr. Jensen might have  
6 some questions.

7 JENSEN: Yeah. No questions.

8 SOTO: Thank you.

9 BAGWELL: Thank you.

10 RISMAN: Thank you [inaudible].

11 BAGWELL: Okay.

12 RISMAN: Thank you for your time, sir. Thank  
13 you.

14 SPEAKERS: [whispering]

15 RISMAN: [pause] And this is our last witness.  
16 I don't know if that'll help on the 6:10 flight or not [laughs].  
17 But -

18 SOTO: Could you please stand and raise your  
19 right hand for me. Do you swear to tell the truth, the whole  
20 truth, so help you, God?

21 DELUGO-OWEN: I do.

22 SOTO: Thank you. Would you please state and  
23 spell your name for the record.

24 DELUGO-OWEN: Shannon P. DeLugo-Owen. Last name is  
25 D-E-L-U-G-O, hyphen, Owen, O-W-E-N.



1 SOTO: Thank you.

2 RISMAN: May I call you Shannon?

3 DELUGO-OWEN: Of course.

4 RISMAN: Shannon, could you briefly tell us  
5 your background in law enforcement?

6 DELUGO-OWEN: I was employed by Henderson Police  
7 Department, from 1994 until 2008.

8 RISMAN: And in what capacity?

9 DELUGO-OWEN: I worked in patrol, initially. And  
10 then, I was assigned to - as a D.A.R.E. Officer. And after being  
11 assigned as a D.A.R.E. Officer, I was then assigned as the  
12 Assistant Accreditation Manager for the Police Department, under  
13 Lieutenant Thompson. We went through the initial accreditation,  
14 in 2002.

15 RISMAN: And when you say -

16 DELUGO-OWEN: I wrote -

17 RISMAN: 'accreditation' -

18 DELUGO-OWEN: -- oh. Mm-hmm.

19 RISMAN: -- I - I'm sure everybody on the  
20 Commission understands it. But for my clarification and maybe  
21 Mike's [laughs], tell us real briefly what that means.

22 DELUGO-OWEN: I wrote the policies and procedures  
23 for the Department, from 2000 to 2002.

24

25



1           RISMAN:                   And since 2008, have you had any  
2 interaction or work with either law enforcement agencies or law  
3 enforcement charities?

4           DELUGO-OWEN:           Yes. I am currently the Treasurer for  
5 FOP, for Fraternal Order of Police, Henderson Lodge 3. I've been  
6 in that position for almost three years. I'm also one of the  
7 Directors for Las Vegas Metro Police Wives, wives' group.

8           RISMAN:                   All right. And to be a Director for  
9 that organization, does that mean you're married to a police  
10 officer?

11          DELUGO-OWEN:           No. Well, yes, to be -

12          SPEAKER:               [laughs]

13          DELUGO-OWEN:           -- I'm sorry. Yes. Sorry [laughs].  
14 Yes.

15          SPEAKERS:               [laughing]

16          DELUGO-OWEN:           I'm - I'm currently married to Captain  
17 Jack Owen.

18          RISMAN:                   I - and when you say, 'currently' -

19          DELUGO-OWEN:           I'm sorry. [inaudible]

20          RISMAN:                   -- there's not any - any -

21          DELUGO-OWEN:           No. [laughs] Yes.

22          RISMAN:                   -- new circumstances expected soon.

23          DELUGO-OWEN:           No. No.

24          RISMAN:                   Okay. And - no surprises, there.

25 Thank you. How do you know Earl Mitchell?



1           DELUGO-OWEN:           Earl and I worked together at  
2 Henderson. He was on, I think, for a few years, maybe three or  
3 four, before I was hired. He was one of the first officers I  
4 met, at Henderson.

5           RISMAN:               And could you describe in what  
6 capacities you two worked together, during your times at  
7 Henderson Police Department?

8           DELUGO-OWEN:           Sure. Earl and I both worked  
9 primarily at the - at the time, we only had one station. So, it  
10 was the East - now, it's called the East Substation, I guess. He  
11 was one of my mentors, really. When I had any issues at the  
12 Department, he's one of the people that I would go to, and I  
13 would trust his decisions to help me get through any issues I  
14 had, when - you know, whether it'd be during field training or  
15 when - when I was first hired or even after.

16           He's one of the people that I would call, if I had any  
17 issues, anything I couldn't figure out on my own. Earl's one of  
18 the people I would go to. We worked on the same shift, for many  
19 years. After the West Substation was opened, I was assigned to  
20 the West Substation. So, even after going to the West Sub, I  
21 still would call him and ask him questions and ask for his  
22 advice.

23           So the last few years of my career, after I was assigned to  
24 the Office of Accreditation, I went back to patrol, I still would  
25 call him and ask for his advice.



1           RISMAN:                   And is that because you trusted his  
2 advice?

3           DELUGO-OWEN:           Absolutely.

4           RISMAN:                   At - when you worked with him, did you  
5 form an opinion as to his character?

6           DELUGO-OWEN:           Yes.

7           RISMAN:                   And can you tell us what your opinion  
8 is or was, and if it's changed?

9           DELUGO-OWEN:           No. It hasn't changed. I mean, I  
10 still think that Earl is a very honest person. I still think  
11 he's very trustworthy. I still see - I see Earl on a regular  
12 basis, today. FOP meets once a month, the second Saturday of  
13 every month. I see him at these meetings, today. As I said, I'm  
14 the Treasurer of FOP, Lodge 3.

15           I've entrusted Earl with our bank. The many times, we  
16 bring in over \$1,000, I've asked him to watch the bank. There  
17 aren't - I don't ask everybody to watch our bank. I mean, I'm  
18 responsible for the money. I've asked him to do so. I've asked  
19 his advice on many things. I do consider him to be a trustworthy  
20 individual.

21           RISMAN:                   On his handling of the money of FOP -

22           DELUGO-OWEN:           Mm-hmm.

23           RISMAN:                   -- have you ever noticed any  
24 indiscrepancies [sic]?

25



1           DELUGO-OWEN:           No. In fact, I - we just conducted an  
2 audit, last Saturday, and it was absolutely perfect.

3           RISMAN:               And are you aware that Mr. Mitchell  
4 had criminal charges against him and entered a plea to one of  
5 those charges, or an amended charge?

6           DELUGO-OWEN:           Yes.

7           RISMAN:               Okay. And you still trusted him with  
8 assisting you in holding FOP money.

9           DELUGO-OWEN:           Yes.

10          RISMAN:               And did the entry of that plea and  
11 those charges affect the opinion you rendered a few minutes ago,  
12 as to his honesty?

13          DELUGO-OWEN:           No. And, in fact, I'm responsible,  
14 ultimately responsible, for the funds in our Lodge. But I'm not  
15 the only one that trusts him. Our Lodge members trust him.  
16 Obviously, they can see who - they're aware of what happened as  
17 well. And they can see who I'm asking to watch our bank.

18           If I have to step out and do something else, they see that  
19 I'm saying, 'Hey, Earl, do me a favor. Watch the bank for me.'  
20 So, it's not just me, because one of them, like, could stand up  
21 at any moment and say, 'Hey, why are you asking Earl to do it?'  
22 That's never occurred, either.

23          RISMAN:               Now, tell me, and really briefly,  
24 because I know what it is, and I'm sure everybody on this  
25 Commission what it is, but -



1 DELUGO-OWEN: Mm-hmm.

2 RISMAN: -- tell me a little bit about the work  
3 that FOP does, its purpose and that sort of thing.

4 DELUGO-OWEN: Well, FOP is the largest Police Union  
5 in the nation. We have over 300 - and I believe it's 380,000  
6 police officers, sworn officers, both active and retired, in the  
7 nation, right now. There's fraternal organizations, where we  
8 just do - like, ours is a fraternal, where we just get together.  
9 We have breakfast, we have lunch, we do fundraising events, to  
10 help out officers that are injured in the line of duty, to help  
11 out veterans, things like that.

12 That is the purpose of our Lodge. Basically, it's  
13 fraternal. Other Lodges are the Union for their departments.  
14 Our Lodge is not like that.

15 RISMAN: On the fraternal end, has Earl done  
16 things voluntarily to help the organization, to help any injured  
17 officers or their families, that you're aware of, through FOP?

18 DELUGO-OWEN: Yes. We raise money, like I said, to  
19 help injured officers, after 1 October. We went to Ground Zero,  
20 I guess you would call it, at the church right across from where  
21 the event occurred. We were there the day it happened, or the  
22 day after it happened, I guess, with our trailer, feeding the  
23 officers that had been - we contacted people that we knew, to get  
24 food donated, to get water donated.

25



1       We were there from, actually, I guess, about 7:00 in the  
2 morning, to about -

3       RISMAN:                   And when -

4       DELUGO-OWEN:           -- I think, 6:00 at night, or so.

5       RISMAN:                   -- when you say, 'we', do you mean you  
6 and -

7       DELUGO-OWEN:           -- our Lodge.

8       RISMAN:                   -- Officer - but -- all right. I'm  
9 asking you about what -

10      DELUGO-OWEN:           Yes.

11      RISMAN:                   -- in furtherance of those efforts -

12      DELUGO-OWEN:           Yes. Earl -

13      RISMAN:                   -- what had -

14      DELUGO-OWEN:           -- as well.

15      RISMAN:                   -- Mr. Mitchell done, that time, other  
16 times, for -

17      DELUGO-OWEN:           Yes, Earl as well. We raise money for  
18 veterans, Earl as well, to donate to veterans that are injured,  
19 One Hero at a Time.

20      RISMAN:                   -- and is that - when you say, you  
21 raise money, is that by the members' contributing, or phone  
22 banks, or door-to-door? What has Earl done to help raise money  
23 for those current -

24      DELUGO-OWEN:           Members contributing, going out,  
25 purchasing - we have a program, a Scripps program, where we all



1 purchase credit cards, and we ask our family, friends, and go out  
2 and ask people we don't know to do it as well, purchase credit  
3 cards from various entities. And a portion of that credit card  
4 goes back to our organization, into a fundraising fund.

5 And then we donate that money to, like, One Hero at a Time,  
6 which is a veterans' - there's - there's a veteran that's picked  
7 that - that our money is donated to those individuals that have  
8 been injured. And yes, Earl's been a part of that as well,  
9 raising that money, purchasing those cards. Those are just  
10 things we've done in recent years. Every year, we do different  
11 fundraising things. Those are the ones that come to the top of  
12 my head.

13 RISMAN: Through your familiarity with Earl,  
14 through Fraternal Order of Police, would it be safe to say that  
15 Earl demonstrates a great deal of concern and passion, followed  
16 up by action, for his fellow officers?

17 DELUGO-OWEN: Yes.

18 RISMAN: And for members of the community?

19 DELUGO-OWEN: Yes.

20 RISMAN: Are there any instances that stand out  
21 in your mind that you'd like to relay to this Board that show  
22 that part of Earl, show his connection with the community and his  
23 fellow officers?

24 DELUGO-OWEN: Well, I think the things I've just  
25 talked about. I mean, when I worked with him, going back to that



1 time, you could always count on Earl to be there, and - not just  
2 me, but officers that we worked with. You could always count on  
3 him to be there for you, put -- anything that was going on with  
4 him - if he had issues going on with him, personally, he would  
5 put that aside. He always had a smile on his face. He would  
6 always be there to give you the information you needed.

7 And he would always be there for his community. It didn't  
8 - as you guys know, you go from call to call. And you'd have -  
9 you could have a very bad call. You could go to a death call,  
10 and the next call, you know, could be a neighbor complaining  
11 about a cat peeing on their lawn. It didn't matter. He was  
12 always there for his community. He was always there for our  
13 Department.

14 Being the Constable, I mean, they called on him constantly  
15 to do things for them. And morning, noon, or night, it didn't  
16 matter. He was always there for our Department as well. I know  
17 him to be an honest, trustworthy individual. I can tell you  
18 this. If - if there was a position open, on my husband's, you  
19 know - my husband would want him working for him. He is a - he  
20 is an amazing person.

21 RISMAN: Now, you mentioned that, for many  
22 years, you were in Accreditation.

23 DELUGO-OWEN: Yes.

24 RISMAN: You - which -  
25



1 DELUGO-OWEN: I was the Assistant Accreditation  
2 Manager.

3 RISMAN: -- and that deals with Standards, not  
4 on the level -

5 DELUGO-OWEN: Yes.

6 RISMAN: -- POST does, but within a Department.

7 DELUGO-OWEN: Yes.

8 RISMAN: It's not IAB, but it's setting  
9 standards, correct?

10 DELUGO-OWEN: Yes.

11 RISMAN: Okay.

12 DELUGO-OWEN: The standards are set, already. You  
13 have to meet those Standards.

14 RISMAN: All right. Knowing what you know  
15 about the charges that were brought against Mr. Mitchell and how  
16 they were resolved, would you have any hesitation of having him  
17 work either in the Henderson Police Department or as your  
18 husband's partner, or under your husband, at - at your -

19 JENSEN: I'm going to object, just on the lack  
20 of foundation.

21 SOTO: I'll sustain that. I know where  
22 you're going.

23 RISMAN: Okay.

24 SOTO: I think that her testimony is  
25 appropriate, has been appropriate.



1           RISMAN:                   Okay. [pause] You mentioned that,  
2 back more than ten years ago, Earl was a mentor to you.

3           DELUGO-OWEN:           He was, yes. He was one of the first  
4 officers I met.

5           RISMAN:                   And, like Nick Wallen was to me, or  
6 Tom Carpaccio, you carried lessons learned from him on forward in  
7 life, correct?

8           DELUGO-OWEN:           That's correct.

9           RISMAN:                   And do you think he would be a good  
10 mentor for future rookies or new police officers, despite the  
11 allegations and the plea in the matters dealing with finance at  
12 the Constable's Office?

13          DELUGO-OWEN:           Well, I think the most important thing  
14 is honesty. I've never known Earl to be anything but honest. I  
15 don't believe that anybody in law enforcement is worth anything  
16 if they're not honest. So, yes, I do.

17          RISMAN:                   And despite those charges, despite the  
18 plea, you believe him still to be an honest man and have  
19 entrusted him with funds from FOP Lodge?

20          DELUGO-OWEN:           Yes, because I've never known Earl to  
21 ever be dishonest.

22          RISMAN:                   No further questions.

23          JENSEN:                   I --

24          DELUGO-OWEN:           Hi.  
25



1           JENSEN:                   -- I'm Mike Jensen, with the Attorney  
2 General's Office. Just had a couple of quick questions for you.  
3 Sounds like you've had a number of years working as a Peace  
4 Officer. Would you agree that there's a great deal of trust  
5 placed in Peace Officers by the public?

6           DELUGO-OWEN:           Absolutely.

7           JENSEN:                   And that Peace Officers should be held  
8 to a high standard of conduct?

9           DELUGO-OWEN:           I do believe that.

10          JENSEN:                   I think you've already said that a  
11 Peace Officer should not engage in dishonest conduct. Would you  
12 agree with that?

13          DELUGO-OWEN:           I do.

14          JENSEN:                   And in your years working on policy  
15 and procedure, and just within your Department, what was your  
16 understanding of the consequences of dishonesty or dishonest  
17 conduct?

18          DELUGO-OWEN:           That there's a progressive discipline  
19 tier. So, it could be up to termination, but it could also be,  
20 'Hey, don't do that again!' So, there's a progressive discipline  
21 tier that they worked with. So, it could be a counsel, or it  
22 could be a termination.

23          JENSEN:                   Is it your understanding, though, that  
24 dishonesty is not acceptable for Peace Officers?

25          DELUGO-OWEN:           Absolutely.



1 JENSEN: And that generally, if a Peace Officer  
2 engages in dishonesty, that that dishonesty that's sustained  
3 could potentially be used to impeach them, in any -

4 DELUGO-OWEN: Yes.

5 JENSEN: -- trial that they're a witness. Are  
6 you aware of that?

7 DELUGO-OWEN: Of course.

8 JENSEN: And what was your training on that,  
9 with regard to the Brady Rule?

10 DELUGO-OWEN: That, yes, if your - your testimony,  
11 then, could later not be used at trial. So, you don't do that  
12 [laughs].

13 JENSEN: So, is that part of the reason why  
14 it's so important to be -

15 DELUGO-OWEN: Right. Of course.

16 JENSEN: -- honest? And you - you talked a  
17 little bit about the charges and the conviction. Do you - have  
18 you ever seen any of the court documents related to -

19 DELUGO-OWEN: No, I have not.

20 JENSEN: -- the conviction? Do you know what  
21 the underlying facts are with regard to this - the particular  
22 conviction?

23 DELUGO-OWEN: I believe that he accepted an Alford  
24 plea for one Gross Misdemeanor charge.

25



1 JENSEN: In terms of the - the factual basis  
2 for those charges, are you aware of the facts that underlie the  
3 conviction?

4 DELUGO-OWEN: I do not.

5 JENSEN: Just real quickly, you've got a - a  
6 binder in front of you, there.

7 DELUGO-OWEN: Mm-hmm.

8 JENSEN: I just ask you to look at Exhibit -  
9 Exhibit I. [pause] Just take a second and look at that, and I  
10 would ask you if you've ever seen that document, before.

11 DELUGO-OWEN: I have not.

12 JENSEN: Okay. Represent to you that that's  
13 the indictment or the charge that Mr. Mitchell was convicted of.  
14 Would you look on the second page of that document, after the  
15 words, 'To wit'. Do you see that, on the second page? It's  
16 right above the signature line. It's - there - 'Defraud others,  
17 to wit', and then, it has some factual allegations.

18 DELUGO-OWEN: [inaudible]

19 JENSEN: The first line on that page.

20 DELUGO-OWEN: Yeah.

21 JENSEN: Do you see where it says, 'To wit'?

22 DELUGO-OWEN: Yes.

23 JENSEN: Do you see what it says the conduct  
24 was, that Mr. Mitchell has been convicted of?

25 DELUGO-OWEN: Yes.



1 JENSEN: Were you aware of that?

2 DELUGO-OWEN: No.

3 JENSEN: Is that the type of conduct that you  
4 believe is appropriate for a Peace Officer?

5 DELUGO-OWEN: No.

6 JENSEN: Nothing further.

7 RISMAN: Shannon?

8 DELUGO-OWEN: Yes.

9 RISMAN: Now that you've read that, has your  
10 opinion of Mr. Mitchell's character changed?

11 DELUGO-OWEN: No. I believe him to be an honest  
12 person.

13 RISMAN: Now that you've read that, will he  
14 still be allowed to handle funds at your Lodge?

15 DELUGO-OWEN: Yes.

16 RISMAN: Now that you've read that, would that  
17 change your testimony of him being a good mentor, still?

18 DELUGO-OWEN: No.

19 RISMAN: Would that change your opinion of your  
20 husband wanting to work with him?

21 DELUGO-OWEN: I can't speak for my husband.

22 RISMAN: Okay.

23 SPEAKER: [laughs]

24 RISMAN: I respect that [laughs]. I'll  
25 withdraw the question.



1 DELUGO-OWEN: [laughs]

2 RISMAN: I - I apologize.

3 DELUGO-OWEN: Nor would he speak for me.

4 SPEAKER: [laughs]

5 RISMAN: [laughs]

6 DELUGO-OWEN: But I can speak for myself.

7 RISMAN: Okay.

8 DELUGO-OWEN: What I said was, I believe that he  
9 could definitely work for my husband. My husband knows him as  
10 well. My husband is the President of the FOP Lodge, Henderson  
11 Lodge 3. So, he works with him every day as well. Well, every -  
12 every month, everything we do. Yes, he could still work for my  
13 husband, I believe, in my opinion.

14 RISMAN: Would the following be safe to say?  
15 Would your personal knowledge of Mr. Mitchell and his character  
16 override the accusations in the indictment, which led to a plea  
17 agreement?

18 DELUGO-OWEN: Yes.

19 RISMAN: No further questions.

20 JENSEN: Nothing further.

21 SOTO: Thank you very much.

22 DELUGO-OWEN: Thank you.

23 FREEMAN: May I ask a clarifying question?

24 Michele Freeman, for the record.

25 SOTO: Yes.



1           FREEMAN:                    You said that -

2           DELUGO-OWEN:               Hi, Michele.

3           FREEMAN:                   -- hi.   How are you?

4           DELUGO-OWEN:               Good.

5           FREEMAN:                   You said that he watches the bank.

6   What does that mean?

7           DELUGO-OWEN:               [laughs]

8           RISMAN:                    [laughs]

9           DELUGO-OWEN:               Sorry.   So, at our meetings, I collect  
10 the dues.   We have breakfasts once a month.   So, people have to  
11 pay for their breakfasts.   So, I have to collect the money for  
12 the breakfast.   And basically, the bank is laid out.   I have to  
13 watch the bank, basically keep an eye on all the money that we  
14 have.   Our dues are \$80 a year, and we also collect money for  
15 other things, parties we're having, things like that.

16           So, last Saturday, I had \$600 or something like that on the  
17 table.   So if I have to get up, use the restroom, or if I have to  
18 get up and do something else, I don't leave that money right  
19 there, for any reason, because it's not just us, the members,  
20 that are in that room.   Some - you know, servers come in and out  
21 and whatnot.   So, 'watching the bank' means watching the money  
22 that's right there on the table.

23           So I have to have somebody come and, you know, sit and keep  
24 an eye on the money that's right there, because if any of it's  
25 gone, it's on me.   So, someone -



1           FREEMAN:                   Okay.

2           DELUGO-OWEN:           -- physically sitting there, making  
3 sure that the amount of money that I've left there was there.

4           FREEMAN:                   Thank you. So, you just - he just  
5 stands by for you, for a moment. He doesn't take the money with  
6 him.

7           DELUGO-OWEN:           Yes. Sometimes, it's not just a  
8 moment, though [laughs].

9           FREEMAN:                   Okay.

10          DELUGO-OWEN:           It's - literally, because I'm - I have  
11 to run out, talk to people that are out there, the Manager of -  
12 like I said, I have to plan parties and things like that as well.  
13 So run out, talk to the Manager for 20 minutes, yeah. He's  
14 responsible to make sure nothing disappears from my bank.

15          FREEMAN:                   One more follow-up question.

16          DELUGO-OWEN:           Mm-hmm.

17          FREEMAN:                   So, is there an inventory, as money's  
18 coming in, that you're taking log on how much money's there, or  
19 is it just, you do that at the end of the day?

20          DELUGO-OWEN:           There is. As far as the breakfast  
21 goes, yes. So they sign in, they say how much the - if they're  
22 having breakfast, coffee, things like that. And the dues as  
23 well, who's paying dues, and I write a receipt for the dues. So  
24 yes, there is.

25



1           FREEMAN:                    So, there's inventory in addition to  
2 him standing, watching -

3           DELUGO-OWEN:                There's - yes.

4           FREEMAN:                    -- the bank. So, you know that  
5 there's a checks and balance -

6           DELUGO-OWEN:                Yes.

7           FREEMAN:                    -- with you and the money you left.

8           DELUGO-OWEN:                Absolutely.

9           FREEMAN:                    Thank you.

10          DELUGO-OWEN:                Yes.

11          SOTO:                        Any other questions? Okay. Thank you  
12 very much.

13          DELUGO-OWEN:                Thank you.

14          RISMAN:                     I don't have any other witnesses, but  
15 I would ask the Commissioners to indulge for a moment, to read  
16 what I guess is Exhibit 1, because I think it's important, and it  
17 is a notarized statement. I have never met or spoken with  
18 Officer Hatch -

19          SPEAKER:                    Lieutenant.

20          RISMAN:                     -- Lieutenant Hatch, excuse me. So  
21 this is not something that came from my office or any suggestions  
22 from me. So - but I think it - it's -

23          SOTO:                        Yes, I will give the Commission a  
24 moment to read this. [pause] Okay. Everybody have a chance to  
25 read it? And thank you. No more witnesses, correct?



1           RISMAN:               -- correct.

2           SOTO:                Okay. What I want to do, real quick,  
3 is just give both Mr. Jensen and yourself a -

4           RISMAN:               Thank you.

5           SOTO:                -- closing, if you will. And then, go  
6 from there.

7           JENSEN:               Thank you, Mr. Chairman. Just a  
8 couple of housekeeping things, I guess, before we - we move to  
9 those, if you would indulge me. There were two exhibits that I  
10 did not ask to be admitted, I think three, actually, that I would  
11 withdraw as exhibits. There are the two Grand Jury transcripts,  
12 and there's the Police Report. I would withdraw those three  
13 exhibits from -

14          SOTO:                Okay.

15          SPEAKER:            Do you have those exhibit numbers  
16 handy?

17          JENSEN:               The letters are Exhibit K -

18          SPEAKER:            L and M.

19          JENSEN:               -- L, and M.

20          SPEAKER:            Thank you.

21          SOTO:                Okay. And assuming there are no  
22 objections to that.

23          RISMAN:               No.

24          SOTO:                So removed.

25



1           JENSEN:                   Thank you. Thank you, Mr. Chairman,  
2 Members of the Commission. Try to keep this brief, because I  
3 know the hour is late. I think the evidence has been pretty  
4 clear today in showing that Mr. Mitchell engaged in conduct that  
5 has disqualified him from being a Peace Officer in the state of  
6 Nevada. What you've seen through the evidence is that, although  
7 originally charged with a number of theft offenses, that Mr.  
8 Mitchell finally did plea under Alford to a Fraudulent  
9 Conveyance.

10           That particular offense, however, is a serious offense,  
11 involving fraud, misrepresentation, and clear dishonesty by a  
12 Peace Officer. As you heard from the evidence today, this was  
13 not a situation where Mr. Mitchell made a bookkeeping error, or  
14 he made an innocent mistake. He intentionally provided to Clark  
15 County vouchers where he had changed amounts, unknowing to Clark  
16 County, in an intentional way to get money into an account that  
17 he used for his personal purposes.

18           You saw the exhibits that show how he used those amounts  
19 that he had in that particular account. For purposes of this  
20 case, what this hearing is based on, is a conviction for a Gross  
21 Misdemeanor. And that conviction is clearly the type of  
22 conviction that involves dishonesty and a violation of the public  
23 trust that was placed in Mr. Mitchell.

24           It's the kind of activity that we've seen over the years on  
25 many different cases, with different Peace Officers who have



1 engaged in this type of conduct, who have had their POST  
2 Certificates revoked, from situations where people have used  
3 their gas card to fill up their personal car or used the credit  
4 card for the Sheriff's Office to buy personal items. Those were  
5 a few hundred-dollar cases.

6 This is an \$82,000 case, where Mr. Mitchell used the  
7 account in a way that allowed him to essentially use it as his  
8 personal ATM, to use that at bars and casinos, multiple times in  
9 tens of thousands of dollar amounts. Just would point out that  
10 this is conduct that is done by a head of a law-enforcement  
11 entity. It's completely inconsistent with the conduct that's  
12 expected of Peace Officers, especially a Peace Officer at the  
13 head.

14 You would hold your line level officers to a standard of  
15 conduct, with the gas card. We should hold Mr. Mitchell  
16 accountable as a head of an agency for the kind of conduct that  
17 he was involved in and the misrepresentation and fraud that he  
18 engaged in in order to get money for his own use. And that is  
19 the conduct for which he was convicted.

20 In the Amended Indictment, the language is that he  
21 'willfully, unlawfully, feloniously, acted as a party to a fraud,  
22 with the intent to deceive and defraud. Specifically, on or  
23 between June 1<sup>st</sup>, 2015, and March 26<sup>th</sup>, 2018, he fraudulently  
24 appropriated \$82,000, which was entrusted to him, having  
25



1 requested the funds from Clark County through misrepresentation,  
2 and then appropriating the funds for his own personal use.'

3 That is the conduct that's at issue on his conviction,  
4 today, that the Commission has to decide whether or not Mr.  
5 Mitchell should continue to be able to be a Peace Officer. We  
6 know that he - he engaged in that misrepresentation in a willful  
7 way, an intentional way. We also, I would argue, know that Mr.  
8 Mitchell cannot be a witness in a future case. Any argument that  
9 this particular conviction -

10 RISMAN: I'm going to object to that argument,  
11 when I normally would not interrupt Mr. Jensen. But our witness  
12 was specifically - our expert witness was specifically excluded  
13 from testifying whether he could or could not testify without  
14 being impeached. You objected to that testimony, and now, you're  
15 offering evidence as a fact in your close statement.

16 SPEAKER: -- it's a closing argument, sir.

17 SPEAKER: It's not evidence he's offering.

18 RISMAN: Well -

19 SPEAKER: He's closing his argument.

20 RISMAN: -- I - he said, 'I know that he could  
21 not', and that was his statement. You cannot -

22 SPEAKER: It's his closing argument.

23 RISMAN: -- I understand it's his closing  
24 argument, Mr. Goolsby, and I understand your role as DAG in the  
25 situation. But, I mean, again, I don't see how you could say Mr.



1 Figler's not qualified to give his opinion whether Mr. Mitchell  
2 would be impeached or not, on this, and yet, in closing argument,  
3 which is supposed to be a summary of the facts before this  
4 Tribunal, and say, 'He cannot' - 'I know he can't do it.'

5 There was evidence ready to be proffered, to show that he  
6 could. I'm not sure which would win out. But since we weren't  
7 allowed to present that, I don't think it's fair -

8 JENSEN: Can I - can I respond? This certainly  
9 is closing argument. And my argument, when objecting to that,  
10 was that you and I can make the legal argument, Mr. Risman, but  
11 your witness shouldn't make that argument. We can make the  
12 argument that, under the law, either he can or can't be a witness  
13 under Brady. And I think that's appropriate as a basis for this  
14 Commission to look at, whether or not, legally, you believe that  
15 he can be a credible witness in the future, going forward.

16 And I think it's appropriate, and so, I would ask that I  
17 be able to continue to argue.

18 SOTO: You can continue, and you'll have a  
19 closing argument as well.

20 RISMAN: -- thank you.

21 JENSEN: As the evidence showed, Mr. Mitchell  
22 engaged in a scheme to earn, almost every pay period, throughout  
23 the entire investigatory period, he changed numbers, right? It  
24 was intentional conduct. It wasn't a mistake on his part. The  
25 conduct in this case took place while, again, Mr. Mitchell was



1 the head of the agency. It was a significant violation of the  
2 public trust, and, given its intentional nature, disqualifies him  
3 from future employment as a Peace Officer. And I would recommend  
4 that the Commission revoke his Certificate.

5 SOTO: Thank you.

6 RISMAN: Thank you. Just briefly, addressing  
7 the Brady issue, what Brady requires would be a disclosure, if  
8 Mr. Mitchell needed to testify, of that conviction. And then, it  
9 would be up to the judge, whether the Defense counsel could ask  
10 questions in an attempt to impeach him. It wouldn't disqualify  
11 him as a witness. It would go to the weight of the conviction.

12 And I have spoken to judges, and I'm sure you have, and the  
13 ones I've spoken to said they won't allow cross-examination on  
14 that because it was irrelevant to the current case. And I'm  
15 sure, if I canvassed twice as many judges, I might've gotten  
16 opinions on the opposite side. So I think that is a bit of a red  
17 herring. Brady requirement would require disclosure of this  
18 conviction, but it's not determinative of whether Defense counsel  
19 could cross-examine on that.

20 We also always know that, in most arrests, there are more  
21 than one officers involved, and a case can be put on very  
22 strongly, if one officer would hurt the case. We also know there  
23 are many, many jobs that require POST Certification that the  
24 likelihood of the officer ever going in front of a judge or a  
25



1 jury to testify is very remote, including the Constable's Office  
2 and in various other jobs, Tribal, whatever.

3 But I did not come here to defend the underlying charges  
4 against Mr. Mitchell. And I understand the case in chief that  
5 was put on by Mr. Jensen. And the purpose of having Mr. Figler  
6 here wasn't for him to show the defenses Mr. Mitchell had, but it  
7 was to show mitigating factors that I think are proper for this  
8 Board to hear, regarding why a plea was entered into and also to  
9 know that there were defenses to it, both factual and statutory.

10 And I don't think we're going to resolve today, whether the  
11 Enterprise Fund belongs to the Constable's Office or is a quasi-  
12 state fund. I think the only importance to it is that there's  
13 not a sharp, clearly-defined line. I think that's exemplified  
14 not only against Mr. Mitchell by the plea, but for Mr. Mitchell,  
15 based on the fact that the plea involved no jail time, no  
16 probation, none of the normal things that would be involved with  
17 a Gross Misdemeanor.

18 So, I really want to focus on Nevada Administrative Code  
19 289.290, which again, gives four options to this Commission on  
20 how to act. One is not to have a hearing, whatsoever, and let it  
21 slide by. That's passed. The other is to not take any action.  
22 The other is to suspend. The other is to revoke. Just as Mr.  
23 Jensen has given examples of Peace Officers who had their  
24 Certification revoked for certain Gross Misdemeanors, and he gave  
25 examples, gas cards and other such examples, there are, as this



1 Commission well knows, other Peace Officers who've been charged  
2 with Gross Misdemeanors, who have either never appeared before  
3 this Board or for which there was no action taken.

4 One of the things that puzzles me, a little bit, is once a  
5 hearing is ruled on properly to take place, that we jump to  
6 revocation. And I think very, very rarely is suspension ever  
7 given the full weight that it should be given. And I say that  
8 because, when you look at what the Administrative Code says, it  
9 doesn't indicate any preference toward revocation over  
10 suspension, or suspension over revocation. They're both remedies  
11 that are to be used.

12 And this Commission holds a very interesting dual role.  
13 One role is to protect the public from bad apples, bad apples  
14 that would affect tomorrow's law enforcement, but everybody on  
15 this Commission serves in some law-enforcement capacity, vetting  
16 -- this Commission has, not as far as these charges are  
17 concerned, but worked with hundreds or thousands of officers who  
18 had exemplary careers, much like Earl Mitchell. And you are  
19 judging your peers.

20 You guys are - this is more so than any imperfect jury or -  
21 you're judging your peers. And I think Mr. Figler raised enough  
22 points to maybe make you think, despite the evidence that was put  
23 on by the first witness, that there may've been some  
24 circumstances why this never went to trial, or some circumstances  
25 why these acts were defensible.



1           So, I then ask you to take a look at the service that Earl  
2 Mitchell has done for the Henderson Police Department, the  
3 service he has put forward for his fellow officers, through FOP,  
4 and even the service that he's done since leaving the Henderson  
5 Police Department, and the work he's done for other Sheriff's  
6 Departments in this state, including some Cow County Sheriffs.  
7 Pardon the reference to - I'm using that as a reference that's  
8 traditionally used here in Nevada.

9           It's no slight made to Elko and Ely and Winnemucca and  
10 other places. But when they were short-handed for major events  
11 like Burning Man, they called upon Earl to come and give a hand,  
12 and he was exemplary in his performance of his duties, and worked  
13 well with his fellow Deputies, and helped maintain about as much  
14 order as is possible in that environment.

15           I think he's paid a strong price, the price that was  
16 contemplated by him and his counsel, by entering this plea. His  
17 name has been dragged across the newspapers. He chose not to run  
18 for office that he held for many, many years. He took the  
19 accounting of the Metropolitan Police Department's forensic  
20 expert and has repaid every penny of that. And nobody wants to  
21 see him just get a slap on the wrist, but I'm not sure full  
22 revocation is the proper remedy.

23           What I would suggest and actually plead for is a suspension  
24 of two years, with whatever restrictions to come back, this  
25 Commission decides to impose, and the only thing I would say that



1 it could be shortened, is if Mr. Figler's argument about it not  
2 being the County's money, but it being the Constable's money is  
3 proven by some either stipulation, court document, or judicial  
4 ruling. And realistically, I don't think that's going to happen  
5 within the next two years. The wheels of justice grind pretty  
6 slowly.

7 But I think Lieutenant Troy Hatch's one-page letter, which  
8 wasn't solicited by me, wasn't worded by me, really says it all.  
9 He is a decorated police officer, retired police officer. He's  
10 asking you not to revoke. He's basing it on 30 years of personal  
11 experience with Earl Mitchell as a police officer. He's basing  
12 it on experience that all of you have, about how the justice  
13 system works and how, in a case like this, where one of your  
14 fellow officers is faced with spending \$200,000 in legal fees, or  
15 paying \$86,000, and going home and sleeping at night, you swallow  
16 your pride, sometimes, and take that decision.

17 I ask you to consider that. There's enough evidence  
18 presented by Mr. Jensen, where, again, not talking about a slap  
19 on the wrist. We're not talking about letting him skate. But,  
20 again, there've been a lot - as many officers who have been  
21 revoked, there've been a lot of officers who have not been  
22 revoked, for these same things. And I say, exercise the power  
23 that's given you under NAC 289.290, in the fair and even way it  
24 says to do it. Suspension or revocation.



1           And I think a two-year suspension with conditions satisfies  
2 the needs for justice, the public. And when Earl Mitchell  
3 returns to law enforcement, I think you'll see a man who walks  
4 that line as straight as anybody ever has in the state of Nevada.  
5 Thank you.

6           SOTO:                           Thank you. Okay. Seeing as though  
7 this is a public hearing, do we have any public comment? Okay.  
8 Seeing as there's no public comment, I want to turn it over to  
9 the Commission to see if we have any comment from any of our  
10 Commissioners.

11           MCKINNEY:                   Kevin McKinney. I have a few  
12 comments. Based upon the evidence that I have seen - I've been a  
13 background investigator. I've been an administrator for several  
14 years, now. If I were to receive this background investigation,  
15 with this information on it, he would be automatically  
16 disqualified from employment with my agency. I believe that most  
17 agencies in the state would automatically disqualify him.

18           Second point, there was a lot of discussion here about  
19 honesty. However, I didn't hear a lot about integrity. In my  
20 opinion, integrity is doing the right thing, at the right time,  
21 for the right reasons. I believe that his actions showed little  
22 integrity. That's what I wanted to say.

23           SOTO:                           Any other comments from any of the  
24 Commission?  
25



1           SHEA:                   Tim Shea. So, I've been in law  
2 enforcement a very long time. As I was saying today, I'm  
3 entering my 50<sup>th</sup> year, in large agencies, and most of them quite a  
4 bit larger - well, not quite as big as Metro, but close. And in  
5 many cases, I have been surprised, many times, especially as a  
6 ranking officer, of people who had two lives going. They had the  
7 life we saw, and then, there was this other one. And the other  
8 one usually brought the downfall of the officer, Sergeant,  
9 Lieutenant, some of whom are in prison right now.

10           And to every one I ever look at and just shake my head and  
11 say, 'We all started out the same. We all had the same goals and  
12 ideals, and something happened along the way.' Hard to explain,  
13 but it does happen. And I think, when you talk about honesty and  
14 Brady and all these kind of things, are there officers working  
15 today, that have been Brady'ed? Yes. At one point, I talked to  
16 the SAC in Seattle, and there were FBI Agents still working, who  
17 were Brady'ed.

18           So, the Brady thing to me is neither here nor there. It's  
19 just an argument you overcome in court. But what I really look  
20 at is, if an officer who has the trust of not only the community  
21 that entrusts him with the enormous power we have, and has made  
22 all these promises, not only to them, but himself and his family  
23 and his coworkers, and if things go sideways, that's what I look  
24 at.



1           And when I had to put handcuffs on a Sergeant who I had  
2 always admired, for crimes that he had committed on duty, that  
3 none of us ever remotely supposed he would've done, it was a  
4 heartbreak. And it's always a heartbreak when this happens. I  
5 wish I could explain why it does. But it goes back to the core  
6 of what we do.

7           And like I told one guy, people have to trust us. They  
8 have to know that when there's a problem and we show up,  
9 everything's fine. They don't have to worry about the bad things  
10 that happen. When bad things do happen with those of us with  
11 badges, they take a little bit of that away from all of us. And  
12 that's what I think about when I look at - and the military side,  
13 I did 20 years, also, on the military side. So, I understand all  
14 of these things.

15           But, once again, it comes down to honesty, integrity, and  
16 motive. You know, why were these things done? And that's what  
17 it boils down to for me.

18           SOTO:                           Thank you. Any other comments from  
19 our Commissioners?

20           MCGRATH:                   John McGrath, for the record. I was  
21 thinking exactly the same about a background investigation. And  
22 having overseen our Human Resources the last three years, that's  
23 exactly what I was thinking, is, there's things that we can  
24 overcome and hire people, but this is not the standard that we  
25 would even consider to hire someone.



1           And so, when you bring someone back or decide to revoke  
2 their POST Certificate, I think that's a standard that is  
3 analogous. So besides the argument that a breach of the public  
4 trust is what we're really meant to hold dear, and it was  
5 violated, here, so, I don't see how I can support keeping his  
6 Nevada POST.

7           SOTO:                   Any other comments from any Commissioners?  
8 I have a few thoughts that I would like to share. During this  
9 hearing today, I purposely allowed both sides to give me a little  
10 bit more information, because I wanted to hear the entirety of  
11 this discussion. Because I understand the paramount  
12 responsibility that the Commission's given, to consider such  
13 matters, especially when we're talking about the revocation of  
14 someone's POST, especially somebody who's served for their  
15 community for so many years.

16           So that was done on purpose, and I think that, you know,  
17 both sides brought some interesting points up, that I didn't  
18 have, initially. But I also understand that, as an executive for  
19 an agency, that there are certain responsibilities that we have  
20 to protect. And I think that some of that just didn't happen. I  
21 can't say why, but it causes me a lot of concern, and I think it  
22 causes our public a lot of concern.

23           And you need to understand that, as the lead and as the  
24 head of an agency, you do. Because it's our job. It's what  
25 we're, you know, put in place to do. Also want this Commission



1 to understand what we're looking at, today, which is NAC 289.290.  
2 And what that says is, 'Denial, revocation, suspension, and  
3 reinstatement of Certificate, NRS 289.510, each of the following  
4 constitutes cause for the Commission to revoke, refuse, or  
5 suspend the Certificate of a Peace Officer.'

6 So that's what we're talking about today, and what I am  
7 looking for, from this Commission, is a motion to revoke or  
8 action on Mr. Mitchell's Category I Basic Certificate. Can I get  
9 a motion?

10 SHEA: I'll make a motion to revoke the  
11 Certificate.

12 MCGRATH: I'll second, John McGrath.

13 SOTO: So, I have a motion and a second. All  
14 those in favor, say "aye".

15 SPEAKERS: Aye.

16 SOTO: Opposed? Motion carries unanimously.

17 RISMAN: I wanted to thank everybody for their  
18 time and attendance here, today. I truly appreciate it.

19 SOTO: Okay. Thank you for the decorum.

20 Okay. We're going to move on to item number five, discussion,  
21 public comment, and for possible action. Hearing pursuant to NAC  
22 289.290, on the revocation of Brian Wilk, formerly of the  
23 Department of Public Safety, Certification based on a conviction  
24 for Domestic Violence. The Commission will decide whether to  
25



1 revoke Mr. Wilk's Category I Basic Certificate. I'm going to  
2 turn it over to AG Mike Jensen.

3 SPEAKER: You're not ready, Mike?

4 SPEAKERS: [laughter]

5 SPEAKER: He's a little winded.

6 SPEAKER: Yeah [laughs].

7 JENSEN: Yeah. I think you guys heard enough  
8 from me today. I will make this quick. This is the time and  
9 place set for the hearing for - to consider revocation of the  
10 Certificate for Brian Wilk. Again, the revocation being brought  
11 pursuant to 289.510 and 289.290, which specifically provides for  
12 revocation for a Misdemeanor.

13 If you look through your exhibits behind this particular  
14 item, you'll see Exhibit A is the Notice of Intent to Revoke,  
15 which informs Mr. Wilk of the time and place for this hearing and  
16 his opportunity to appear and the reason for the potential  
17 revocation of his Certificate. Exhibit B is a Certified Mail  
18 Receipt, indicating that at least it was sent to his [laughs]  
19 last known address. Exhibit C is a Personnel Action Report,  
20 showing that Mr. Wilk's Peace Officer employment was terminated,  
21 effective December 30<sup>th</sup> of 2019.

22 Exhibit D is the certified copy of his Basic Certificate,  
23 which is at issue today. Exhibit E is the copy of the Criminal  
24 Complaint that charged Mr. Wilk with Battery, constituting  
25



1 Domestic Violence, a Misdemeanor, in violation of NRS 200.45 and  
2 NRS 33.018.

3       The complaint alleges that 'Mr. Wilks [sic] did willfully,  
4 unlawfully use force or violence upon the person of his spouse.  
5 To wit, he did pull her hair, dragged her into the hallway, threw  
6 her, caused her to fall, and, or struck her face several times.  
7 The Defendant did willfully and unlawfully also use force or  
8 violence against person of a minor child of his spouse, that said  
9 Defendant grabbed J.G., the minor child, by the face, forced one  
10 or more fingers into his eye sockets, and one or more times  
11 grabbed him in the torso.'

12       Exhibit F is the Waiver of his Constitutional Rights,  
13 signed by Mr. Wilks [sic] and his attorney, indicating the  
14 consequences of a Domestic Battery conviction, including his  
15 understanding that he shall own or possess any firearms or  
16 control any firearms. Exhibit G is the Reno Justice Court  
17 Misdemeanor Judgment, showing that Mr. Wilk was convicted of  
18 Battery, which constitutes Domestic Violence, on November 20<sup>th</sup> of  
19 2019.

20       He was sentenced to ten days in the Washoe County Jail,  
21 with credit for time served, and the jail sentence was suspended,  
22 not to exceed 12 months. His conditions included 2 days in jail,  
23 credit for time served, Domestic Violence counseling of not less  
24 than 1-½ times per week, a \$200 fine, an \$85 assessment fee,  
25 administrative assessment.



1       The evidence in this particular case shows that Mr. Wilks  
2 [sic] has been convicted of Battery constituting Domestic  
3 Violence. As we know from past cases, that that's the type of  
4 conviction that leads to a revocation, that it disqualifies the  
5 individual from being a Peace Officer in the future, and that  
6 they can no longer possess or have transferred to them a firearm  
7 or ammunition.

8       Based on this conduct, he's disqualified himself from the  
9 position of Peace Officer in the state of Nevada. And with that,  
10 I'd ask that Exhibits A through G be admitted into the evidence  
11 to support any action the Commission may take today and would  
12 recommend that Mr. Wilk's POST Certificate be revoked.

13       SOTO:                       Okay. So admitted. Do we have any  
14 public comments on this? Any comments from the Commission?  
15 Seeing as though there's none, I'm looking for a motion to revoke  
16 Mr. Wilk's POST Certificate.

17       TOGLIATTI:               George Togliatti. I'll make a motion.

18       SOTO:                       Okay. Second?

19       SPEAKER:               Second.

20       SOTO:                       I have a motion and second. All those  
21 in favor, say "aye".

22       SPEAKERS:               Aye.

23       SOTO:                       Opposed? Motion carries unanimous.

24       Okay. Do we have any public comments as this ends? Okay.

25       Seeing as they're none, we'll move on to item number 14,



1 discussion, public comment, and for possible action. Schedule  
2 upcoming Commission Meeting May 7<sup>th</sup>, 2020, at 8:30 AM, at the  
3 Commission of Peace Officers Standards and Training, 5587 Wa Pai  
4 Shone Avenue, Carson City, Nevada, 89701. And I'm going to turn  
5 it over to Mr. Sherlock.

6 SHERLOCK: Thank you, Mr. Chairman. Mike  
7 Sherlock, for the record. Just sort of a [inaudible], that's the  
8 day of the Memorial. So, most of you are already up there. The  
9 Memorial's at 1:00, like we always do, and the reason we do it at  
10 8:30 is to make sure you make the Memorial by 1:00. So - or at  
11 least get out for lunch, assuming that Mr. Jensen doesn't have  
12 anything to present. We'll -

13 SPEAKERS: [laughter]

14 SHERLOCK: -- we'll - we will make sure that you  
15 get to the Memorial. So, that's the date of that, and I'll send  
16 out reminders.

17 SOTO: Okay. So, thank you. Just give me a  
18 motion to approve that date, which is May 7, 2020. Can I get a  
19 motion?

20 SPEAKER: Make a motion.

21 SOTO: I have a motion. Can I get a second?

22 FREEMAN: Second. Michele Freeman.

23 SOTO: Motion and a second. All those in  
24 favor, say "aye".

25 SPEAKERS: Aye.



1           SOTO:                   Opposed? Motion carries unanimously.

2 And last, I am looking for a motion, item number 15, motion to

3 adjourn.

4           SPEAKER:               I'll make a motion to adjourn.

5           SOTO:                   I have a motion to adjourn.

6           SPEAKERS:              [laughter]

7           SOTO:                   Second?

8           SPEAKER:               Same.

9           SPEAKER:               Second.

10          SOTO:                   I have a motion and second. All those  
11 in favor, say "aye".

12          SPEAKERS:               Aye.

13          SOTO:                   Adjourned. Thank you for all your  
14 time today.

15          SPEAKERS:               [inaudible] Over the years, so many  
16 guys lead double lives. [inaudible] A whole second life. I had  
17 one guy, his father was an FBI Agent. He was a [inaudible]  
18 soldier, and he had a whole other life we didn't know about.

19

20

21

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### **III. REGULARLY SCHEDULED MEETING AGENDA ITEMS**

#### **2. INFORMATION Executive Director's Report**

- a. Training Division
  - COVID 19 issues and precautions
  - Academy in session
  - Advanced training schedule out
- b. Standards Division
  - Workshop and agenda items
  - Reminder on AB 478 requirements
  - Continued Media inquiries on revocations and a “national database”
- c. Administration
  - Retirements and promotions
  - Legislative update
  - Budget update







### III. REGULARLY SCHEDULED MEETING AGENDA ITEMS

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

The Commission to decide whether to continue the rulemaking process to amend NAC 289.200 (4)(b) to clarify when the officer must pass the state physical fitness examination. “If the officer is eligible for certification pursuant to subsection 2, ***no sooner than 30 days prior to being hired as a peace officer and*** 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”.







### **III. REGULARLY SCHEDULED MEETING AGENDA ITEMS**

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

The Commission to decide whether to continue the rulemaking process to amend NAC 289.110 (1)(d) to clarify when a person has "...successfully completed the 12<sup>th</sup> grade or has been certified by an appropriate authority as having an equivalent education...." for purposes of meeting the minimum standards for appointment as a peace officer in the context of home schooling programs.







### **III. REGULARLY SCHEDULED MEETING AGENDA ITEMS**

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

The Commission to discuss and take possible action to adopt, amend or repeal their regulations as follows:

- A. LCB File R112-19** - Amend NAC 289.200 (9) which allows the Executive Director, at the employing agency's request, to return the basic certificate (category I and II) to active status once the peace officer meets minimum standards of appointment, successfully completes requirements set forth in paragraphs (d), (e) and (f) of subsection 2; and within 5 consecutive years of his/her termination of employment as a category I or II peace officer, became a full time employee of the Commission or full time law enforcement officer of a federal law enforcement agency approved by the Commission, and subsequently, within 5 consecutive years of his/her termination of employment with the Commission or federal law enforcement agency, became employed as a peace officer in the same category of peace officer he/she held immediately prior to his/her employment with the Commission or federal law enforcement agency.
- B. LCB File R025-20** - Amend NAC 289.230 to require all peace officers to annually complete 12 hours of in-service training in: (1) racial profiling; (2) mental health (3) the well-being of officers; (4) implicit bias recognition; (5) de-escalation; (6) human trafficking; and (7) firearms.

**The Commission to fully consider all written and oral comments received on these proposed regulations before taking any action.**







### **III. REGULARLY SCHEDULED MEETING AGENDA ITEMS**

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

Hearing pursuant to NAC 289.290 (1)(g) on the revocation of Rachel E. Sorkow, formally of the Las Vegas Metropolitan Police Department, certification based upon a guilty plea for Misconduct of a Public Officer, a Category E Felony, in violation of NRS 197.110.









# EXHIBIT A

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

July 20, 2020

Rachel Sorkow

Dear Ms. Sorkow,

POST PIN #: 33918

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:

**Offense: Misconduct of a Public Officer (Category E Felony-NRS 197.110)**

**Case#: C-19-344052-1**

**Dept No: XVIII**

**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



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

**Date:** August 13, 2020  
**Time:** 10:00am  
**Location:** Reno Police Department  
455 E. 2<sup>nd</sup> St.  
Reno, NV 89502

The hearing will cover the following: **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.**

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', with a stylized flourish at the end.

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.

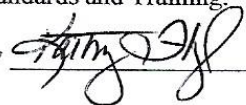
11. Suspension of a certificate is not a bar to future revocation of the certificate and any prior suspensions may be considered as a factor if revocation is being considered by the Commission.

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)

I hereby certify that this record is a true  
And current copy of the original on file at  
The office of the Commission on Peace Officer  
Standards and Training.

By



Date

7/30/20



# EXHIBIT B



JUL 27 2020

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

### DECLARATION OF SERVICE

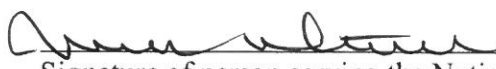
I, NICK DITUSA (DEPUTY SHERIFF), served the foregoing **Notice of Intent to Revoke**  
Print name of the person serving this document

to Individual's Name: ATTORNEY COLLEEN SAUSAGE ON BEHALF OF RACHEL SORKOW  
at 720 S 7TH ST LAS VEGAS NV 89101 on this  
(location)

23<sup>rd</sup> day of JULY, 2020.  
Day Month Year

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 23<sup>rd</sup> day of JULY, 2020.  
Day Month Year

 \*18066  
Signature of person serving the Notice

NICK DITUSA - CLARK COUNTY DEPUTY SHERIFF  
Printed name of person serving the Notice

**\*\*RETURN THE SIGNED ORIGINAL OF THIS FORM TO POST WITHIN 15 DAYS\*\***

I hereby certify that this record is a true  
And current copy of the original on file at  
The office of the Commission on Peace Officer  
Standards and Training.

By  Date 7/30/20



**OFFICE OF THE SHERIFF  
CLARK COUNTY DETENTION  
CIVIL PROCESS SECTION**

STATE OF NEVADA COMMISSION ON PEACE )  
OFFICER STANDARDS AND TRAINING )  
**PLAINTIFF** )  
Vs )  
RACHEL SORKOW )  
 )  
**DEFENDANT** )

CASE No. POST PIN #33918  
SHERIFF CIVIL NO.: 20004117

**AFFIDAVIT OF SERVICE**

STATE OF NEVADA }  
 } ss:  
COUNTY OF CLARK }

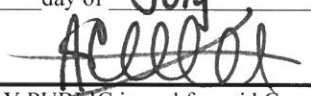
**NICHOLAS DITUSA**, being first duly sworn, deposes and says: That he/she is, and was at all times hereinafter mentioned, a duly appointed, qualified and acting Deputy Sheriff in and for the County of Clark, State of Nevada, a citizen of the United States, over the age of twenty-one years and not a party to, nor interested in, the above entitled action; that on **7/23/2020**, at the hour of **9:05 AM**, affiant as such Deputy Sheriff served a copy/copies of **NOTICE OF INTENT TO REVOKE** issued in the above entitled action upon **RACHEL SORKOW** the defendant **RACHEL SORKOW** named therein, by delivering to and leaving with **COLLEEN SAVAGE**, attorney for said defendant **RACHEL SORKOW**, personally, at **720 S 7TH STREET LAW OFFICE OF SGRO AND ROGER LAS VEGAS, NV 89101** within the County of Clark, State of Nevada, copy/copies of **NOTICE OF INTENT TO REVOKE**

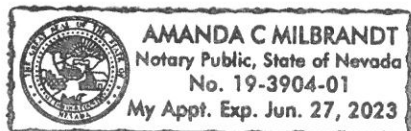
**DATED: July 23, 2020.**

Joseph M. Lombardo, Sheriff

By:   
NICHOLAS DITUSA  
Deputy Sheriff

# 18066

**SUBSCRIBED AND SWORN** to me before me this  
**23<sup>rd</sup>** day of **July** 20 **20**  
  
NOTARY PUBLIC in and for said County & State



I hereby certify that this record is a true  
And current copy of the original on file at  
The office of the Commission on Peace Officer  
Standards and Training.

By:  Date **7/30/20**



# EXHIBIT C

## State of Nevada - POST UPDATE - Personnel Action Report (PAR)

Post ID Number: 33918

Last Name: Sorkow

First Name: Rachel

MI: E

Suffix:

☐ Name Change?

Last Name: Sorkow

First Name: Rachel

MI: E

Suffix:

☒ Address Change?

Street Address:

City:

State:

Zip Code:

County: Clark

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:

Voluntary Resignation - Open Felony Case

Effective Date:

11/05/2019

Submitters Name:

Theresa Chambers

Submitters Phone:

(702) 828-3989

Submitters E-Mail:

t16418c@lvmpd.com







# EXHIBIT D



(O) 5114A

I hereby certify that this record is a true  
And current copy of the original on file at  
The office of the Commission on Peace Officer  
Standards and Training.

By *[Signature]*

Date 7/30/20

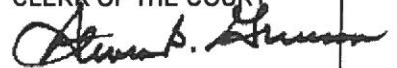






# EXHIBIT E

Electronically Filed  
10/16/2019 2:33 PM  
Steven D. Grierson  
CLERK OF THE COURT



INFM  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
JAY P. RAMAN  
Chief Deputy District Attorney  
Nevada Bar #010193  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

I.A. 10/24/2019  
10:00 AM  
T. SGRO

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
  
Plaintiff,

-vs-

RACHEL SORKOW, aka,  
Rachel Ellyn Sorkow #5067290

Defendant.

CASE NO: C-19-344052-1

DEPT NO: XVIII

## INFORMATION

STATE OF NEVADA }  
COUNTY OF CLARK } ss.

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

That RACHEL SORKOW, aka, Rachel Ellyn Sorkow, the Defendant(s) above named, having committed the crime of MISCONDUCT OF A PUBLIC OFFICER (Category E Felony - NRS 197.110 - NOC 52303), on or between February 27, 2017 and May 16, 2018, within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada, did then and there wilfully, knowingly, feloniously, and without lawful authority, being a public officer, employed or used any person, money, or property under the public officer's official custody, for the private benefit or gain of the public officer or another, to wit: by repeatedly using property of the Las Vegas Metropolitan Police Department to query records of criminal history and/or records of the Nevada Department of Motor Vehicles to obtain the name, date of birth,


W:\2019\2019F\046\03\19F04603-INFM-(SORKOW\_\_RACHEL)-001.DOCX



1 address, vehicle registration, and/or criminal history of individuals for the benefit of Defendant  
2 and/or another; and/or by video recording MARTINE MARYSOL performing various actions  
3 as directed by Defendant for the benefit of Defendant and/or another; and/or by video  
4 recording ERIC MILETO performing various actions as directed by Defendant for the benefit  
5 of Defendant and/or another; and/or by video recording ARIEL HARRIS performing various  
6 actions as directed by Defendant for the benefit of Defendant and/or another; and/or by video  
7 recording CRAIG ANDERSON performing various actions as directed by Defendant for the  
8 benefit of Defendant and/or another.

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

11 BY

12   
13 JAY P. RAMAN  
14 Chief Deputy District Attorney  
Nevada Bar #010193

15  
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24 

25 MAR 5 2020

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

19F04603X/mc/FDD  
LVMPD EV#180919002758  
(TK3)



# EXHIBIT F

1 **GPA**  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 JAY P. RAMAN  
6 Chief Deputy District Attorney  
7 Nevada Bar #010193  
8 200 Lewis Avenue  
9 Las Vegas, NV 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

ORIGINAL

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

OCT 24 2019

BY,   
SHANNON REID, DEPUTY

DISTRICT COURT  
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

12 RACHEL SORKOW, aka,  
13 Rachel Ellyn Sorkow #5067290

14 Defendant.

CASE NO: C-19-344052-1

DEPT NO: XVIII

## GUILTY PLEA AGREEMENT

15 I hereby agree to plead guilty to: **MISCONDUCT OF A PUBLIC OFFICER**  
16 **(Category E Felony - NRS 197.110 - NOC 52303)**, as more fully alleged in the charging  
17 document attached hereto as Exhibit "1".

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

20 The parties agree to stay the adjudication in this case and have the defendant complete  
21 a period of informal probation not to exceed 18 months, with the following conditions: 1) She  
22 shall complete 100 hours of community service; 2) She shall have a mental health evaluation  
23 and complete any and all recommended counseling; 3) She will voluntarily resign from the  
24 LVMPD and not contest her suspension or any termination; 4) She shall stay out of trouble  
25 during this period (no new arrests or citations for criminal charges). If she successfully  
26 completes terms 1 through 4, she will be allowed to withdraw her plea to Misconduct of a  
27

28 //

C-19-344052-1  
GPA  
Guilty Plea Agreement  
4872032



W:\2019\2019F046\03\19F04603-GPA-(SORKOW\_RACHEL)-001.DOCX



1 Public Officer and will be allowed to plead guilty to Obstructing a Public Officer (m) with  
2 credit for time served and Disorderly Conduct (m) with credit for time served.

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

6 I understand and agree that, if I fail to interview with the Department of Parole and  
7 Probation, fail to appear at any subsequent hearings in this case, or an independent magistrate,  
8 by affidavit review, confirms probable cause against me for new criminal charges including  
9 reckless driving or DUI, but excluding minor traffic violations, the State will have the  
10 unqualified right to argue for any legal sentence and term of confinement allowable for the  
11 crime(s) to which I am pleading guilty, including the use of any prior convictions I may have  
12 to increase my sentence as an habitual criminal to five (5) to twenty (20) years, life without  
13 the possibility of parole, life with the possibility of parole after ten (10) years, or a definite  
14 twenty-five (25) year term with the possibility of parole after ten (10) years.

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

#### 17 CONSEQUENCES OF THE PLEA

18 I understand that by pleading guilty I admit the facts which support all the elements of  
19 the offense(s) to which I now plead as set forth in Exhibit "1".

20 I understand that as a consequence of my plea of guilty The Court must sentence me to  
21 imprisonment in the Nevada Department of Corrections for a minimum term of not less than  
22 one (1) year and a maximum term of not more than four (4) years. The minimum term of  
23 imprisonment may not exceed forty percent (40%) of the maximum term of imprisonment. I  
24 understand that I may also be fined up to \$5,000.00. I understand that the law requires me to  
25 pay an Administrative Assessment Fee.

26 I understand that, if appropriate, I will be ordered to make restitution to the victim of  
27 the offense(s) to which I am pleading guilty and to the victim of any related offense which is

28 //



1 being dismissed or not prosecuted pursuant to this agreement. I will also be ordered to  
2 reimburse the State of Nevada for any expenses related to my extradition, if any.

3 Except as provided in this paragraph, pursuant to NRS 176A.100, when I am sentenced  
4 the Court shall suspend the execution of the sentence and grant probation upon such terms and  
5 conditions as the Court deems appropriate. Such conditions of probation may include, but are  
6 not limited to, requiring the person to serve a term of confinement of not more than three  
7 hundred sixty-four (364) days in the county jail. However, the court may, as it deems  
8 advisable, decide not to suspend the execution of the sentence imposed and grant probation if,  
9 at the time of sentencing, it is established that: 1) I was serving a term of probation or was on  
10 parole at the time the crime was committed, whether in this state or elsewhere, for a felony  
11 conviction; 2) I had previously had my probation or parole revoked, whether in this state or  
12 elsewhere, for a felony conviction; 3) I had previously been assigned to a program of treatment  
13 and rehabilitation pursuant to NRS 453.580 and failed to successfully complete that program;  
14 and/or 4) I had previously been two times convicted, whether in this state or elsewhere, of a  
15 crime that under the laws of the situs of the crime or of this state would amount to a felony.

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

18 I understand that if I am pleading guilty to charges of Burglary, Invasion of the Home,  
19 Possession of a Controlled Substance with Intent to Sell, Sale of a Controlled Substance, or  
20 Gaming Crimes, for which I have prior felony conviction(s), I will not be eligible for probation  
21 and may receive a higher sentencing range.

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

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

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



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

3 I understand that if the offense(s) to which I am pleading guilty was committed while I  
4 was incarcerated on another charge or while I was on probation or parole that I am not eligible  
5 for credit for time served toward the instant offense(s).

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

- 8 1. The removal from the United States through deportation;
- 9 2. An inability to reenter the United States;
- 10 3. The inability to gain United States citizenship or legal residency;
- 11 4. An inability to renew and/or retain any legal residency status; and/or
- 12 5. An indeterminate term of confinement, with the United States Federal  
13 Government based on my conviction and immigration status.

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

17 I understand that the Division of Parole and Probation will prepare a report for the  
18 sentencing judge prior to sentencing. This report will include matters relevant to the issue of  
19 sentencing, including my criminal history. This report may contain hearsay information  
20 regarding my background and criminal history. My attorney and I will each have the  
21 opportunity to comment on the information contained in the report at the time of sentencing.  
22 Unless the District Attorney has specifically agreed otherwise, the District Attorney may also  
23 comment on this report.

#### 24 WAIVER OF RIGHTS

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

- 27 1. The constitutional privilege against self-incrimination, including the right  
28 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.



2. The constitutional right to a speedy and public trial by an impartial jury, free of excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the assistance of an attorney, either appointed or retained. At trial the State would bear the burden of proving beyond a reasonable doubt each element of the offense(s) charged.
3. The constitutional right to confront and cross-examine any witnesses who would testify against me.
4. The constitutional right to subpoena witnesses to testify on my behalf.
5. The constitutional right to testify in my own defense.
6. The right to appeal the conviction with the assistance of an attorney, either appointed or retained, unless specifically reserved in writing and agreed upon as provided in NRS 174.035(3). I understand this means I am unconditionally waiving my right to a direct appeal of this conviction, including any challenge based upon reasonable constitutional, jurisdictional or other grounds that challenge the legality of the proceedings as stated in NRS 177.015(4). However, I remain free to challenge my conviction through other post-conviction remedies including a habeas corpus petition pursuant to NRS Chapter 34.

#### VOLUNTARINESS OF PLEA

I have discussed the elements of all of the original charge(s) against me with my attorney and I understand the nature of the charge(s) against me.

I understand that the State would have to prove each element of the charge(s) 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.

//


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

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

6 DATED this \_\_\_\_ day of October, 2019.

7  
8   
9 RACHEL SORKOW, aka,  
Rachel Ellyn Sorkow  
10 Defendant

11 AGREED TO BY:

12  
13   
14 JAY P. RAMAN  
15 Chief Deputy District Attorney  
Nevada Bar #010193  
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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 24 day of October, 2019.

  
ANTHONY P. SGRO, ESQ.

19F04603X/mc/FDD







**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**October 24, 2019**

C-19-344052-1      State of Nevada  
vs  
Rachel Sorkow

**October 24, 2019      10:00 AM      Initial Arraignment**

**HEARD BY:** Wittenberger, Shannon      **COURTROOM:** RJC Lower Level Arraignment

**COURT CLERK:** Shannon Reid

**RECORDER:** Sharon Nichols

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Sorkow, Rachel	Defendant
	State of Nevada	Plaintiff
	Thoman, Charles W.	Attorney

**JOURNAL ENTRIES**

- Attorney Colleen Savage, ESQ., present on behalf of the Defendant.

NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFT. SORKOW ARRAIGNED AND PLED GUILTY TO MISCONDUCT OF A PUBLIC OFFICER (F). Court ACCEPTED plea, and ORDERED, matter referred to the Division of Parole and Probation (P&P) and set for sentencing. Court DIRECTED Deft. to report to P&P by 5:00 pm on Monday.

BOND

02/25/2020 9:00 AM SENTENCING (DEPT 18)



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 23, 2020**

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C-19-344052-1      State of Nevada  
                                 vs  
                                 Rachel Sorkow

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**January 23, 2020      9:00 AM      Motion**

**HEARD BY:**    Holthus, Mary Kay

**COURTROOM:**    RJC Courtroom 03F

**COURT CLERK:**    Dara Yorke

**RECORDER:**    Yvette G. Sison

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Goodman, Laura	Attorney
	Savage, Colleen N	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Deft. not present. Ms. Savage advised the Court signed an Ex-Parte Order allowing Deft. to complete community service prior to sentencing; however, Ms. Savage inquired on how Deft. should go about completing the community service. Court indicated for Ms. Savage to have Deft. go wherever she can for the community service, and parties will figure out where to go from there.

**BOND**

**2/25/20 9:00 AM SENTENCING**



**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****February 25, 2020**

C-19-344052-1      State of Nevada  
                                  vs  
                                  Rachel Sorkow

**February 25, 2020      9:00 AM      Sentencing**

**HEARD BY:** Holthus, Mary Kay**COURTROOM:** RJC Courtroom 03F**COURT CLERK:** Dara Yorke**RECORDER:** Yvette G. Sison**REPORTER:****PARTIES**

<b>PRESENT:</b>	Savage, Colleen N	Attorney
	Scow, Richard H.	Attorney
	Sorkow, Rachel	Defendant
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Upon Court's inquiry, Court noted the negotiations contemplated a stayed adjudication, in which Mr. Scow concurred, noting it would be for 18 months. Mr. Scow placed the negotiations on the record: parties agreed for Deft. to complete informal probation not to exceed 18 months. Additionally, parties agreed to 1) 100 hours of community service, 2) a mental health evaluation, 3) Deft. to voluntarily resign from Las Vegas Metropolitan Police Department (LVMPD) and 4) stay out of trouble. Mr. Scow noted at the conclusion of probation, Deft. could withdraw her plea and enter a plea to two misdemeanors with credit for time served. Statements by Deft. Ms. Savage advised that Deft. had completed 60 out of the 100 hours of community service, the mental health evaluation and she was currently doing counseling. Additionally, Ms. Savage noted Deft. had already resigned from LVMPD; therefore, she would be requesting a status check if the Court goes through with probation. By virtue of Defendant's plea of guilty and by Order of the Court, DEFT SORKOW ADJUDGED GUILTY of MISCONDUCT OF A PUBLIC OFFICER (F). Deft. SENTENCED to STAYED

PRINT DATE: 03/05/2020

Page 3 of 4

Minutes Date: October 24, 2019



ADJUDICATION with no underlying sentence; FURTHER ORDERED, Deft. GRANTED INFORMAL PROBATION for an indeterminate period not to exceed EIGHTEEN (18) MONTHS.

CONDITIONS:

1. 100 hours of community service.
2. Submit to mental health evaluations as deemed necessary and complete any recommended care plan, treatment or counseling program based on those evaluations. Provide to the State.
3. Deft. to voluntarily resign from the Las Vegas Metropolitan Police Department (LVMPD), and not contest.
4. Deft. to STAY OUT OF TROUBLE, to include no arrests or citations.

COURT FURTHER ORDERED, status check SET in 90 days.

BOND, if any, EXONERATED.

NIC

5/26/20 9:00 AM STATUS CHECK: STAYED ADJUDICATION/ INFORMAL PROBATION



MAR 5 2020

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



### **III. REGULARLY SCHEDULED MEETING AGENDA ITEMS**

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

Hearing pursuant to NAC 289.290(1)(h) on the revocation of Stephen M. Bryan, formally of the Henderson Police Department, certification based upon a conviction for Harassment (Misdemeanor). The agency has requested to revoke the Basic Certificate, based upon court documents and conviction for Harassment – First Offense, a Misdemeanor, in violation of NRS 200.571. On 02/17/2020, the Commission heard a “blind review” of the facts of this case and motioned to move forward with a hearing.









# EXHIBIT A

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 RESCHEDULED MEETING NOTICE

July 20, 2020

Stephen M. Bryan  
[REDACTED]

Dear Mr. Bryan,

POST PIN #: 27323

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)(h) based on a conviction for misdemeanor**. The convictions which have led to this action are as follows:

**Count II: Harassment – First offense (Misdemeanor – NRS 200.571, Henderson City Charter, Section 2.140)**

**Case#: 19CR009246**

**Dept No: 3**

**Jurisdiction: Henderson Municipal 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 on the Certified mail receipt.

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

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

**Date:** August 13, 2020  
**Time:** 10:00am  
**Location:** Reno Police Department  
455 E. 2<sup>nd</sup> St.  
Reno, NV 89502

The hearing will cover the following: **NAC 289.290 (1)(h), Revocation of a certificate based upon a misdemeanor conviction.**

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', with a stylized flourish at the end.

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)

I hereby certify that this record is a true  
And current copy of the original on file at  
The office of the Commission on Peace Officer  
Standards and Training.

By  Date 7/30/20





STATE OF NEVADA

JUL 27 2020

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

**DECLARATION OF SERVICE**

I, NICHOLAS DITOSA, served the foregoing **Notice of Intent to Revoke**  
Print name of the person serving this document

to Individual's Name: STEPHEN BRYAN  
at [REDACTED] on this  
(location)

23<sup>RD</sup> day of JULY, 2020.  
Day Month Year

I declare under penalty of perjury that the forgoing is true and correct.

Executed on this 23<sup>RD</sup> day of JULY, 2020.  
Day Month Year

[Signature] # 18066  
Signature of person serving the Notice

NICHOLAS DITOSA (DEPUTY SHERIFF)  
Printed name of person serving the Notice

**\*\*RETURN THE SIGNED ORIGINAL OF THIS FORM TO POST WITHIN 15 DAYS\*\***

I hereby certify that this record is a true  
And current copy of the original on file at  
The office of the Commission on Peace Officer  
Standards and Training.

By [Signature] Date 7/30/20



**OFFICE OF THE SHERIFF  
CLARK COUNTY DETENTION  
CIVIL PROCESS SECTION**

STATE OF NEVADA COMMISSION ON PEACE )  
OFFICER STANDARDS AND TRAINING )  
**PLAINTIFF** )  
Vs )  
STEPHEN M BRYAN )  
**DEFENDANT** )

CASE No. POST PIN #27323  
SHERIFF CIVIL NO.: 20004115


**AFFIDAVIT OF SERVICE**

STATE OF NEVADA }  
COUNTY OF CLARK } ss:

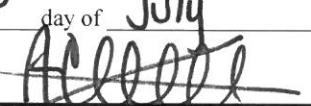
**NICHOLAS DITUSA**, being first duly sworn, deposes and says: That he/she is, and was at all times hereinafter mentioned, a duly appointed, qualified and acting Deputy Sheriff in and for the County of Clark, State of Nevada, a citizen of the United States, over the age of twenty-one years and not a party to, nor interested in, the above entitled action; that on **7/23/2020**, at the hour of **12:05 PM.** affiant as such Deputy Sheriff served a copy/copies of **NOTICE OF INTENT TO REVOKE (RESCHEDULED MEETING NOTICE)** issued in the above entitled action upon **STEPHEN MICHAEL BRYAN** the defendant **STEPHEN MICHAEL BRYAN** named therein, by delivering to and leaving with said defendant **STEPHEN MICHAEL BRYAN**, personally, at [REDACTED] within the County of Clark, State of Nevada, copy/copies of **NOTICE OF INTENT TO REVOKE (RESCHEDULED MEETING NOTICE)**

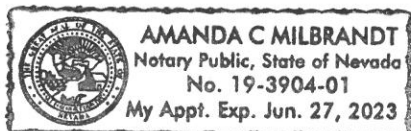
**DATED: July 23, 2020.**

Joseph M. Lombardo, Sheriff

By:   
NICHOLAS DITUSA  
Deputy Sheriff

#18066

SUBSCRIBED AND SWORN to me before me this  
**23<sup>RD</sup>** day of **July** 20**20**  
  
NOTARY PUBLIC in and for said County & State



I hereby certify that this record is a true  
And current copy of the original on file at  
The office of the Commission on Peace Officer  
Standards and Training.

By:  Date **7/30/20**



# State of Nevada - POST

## UPDATE - Personnel Action Report (PAR)

Post ID Number: 27323

Last Name: Bryan

First Name: Stephen

MI: M

Suffix:

☐ Name Change?

Last Name: Bryan

First Name: Stephen

MI: M

Suffix:

☐ Address Change?

Street Address:

City:

State:

Zip Code:

County: Clark

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:

Officer was convicted of Misdemeanor Harassment. Ref. Municipal Court case #19CR009246. The Henderson PD recommends revocation of the Basic Certificate(s) pursuant to NAC 289.290 1(h).

Effective Date:

11/21/2019

Submitters Name:

DeeAnn Bill

Submitters Phone:

(702) 267-4850

Submitters E-Mail:

DeeAnn.Bill@cityofhenderson.com







## STATE OF NEVADA

*Commission On Peace Officers' Standards And Training*

**Hereby Awards the**  
**Basic Certificate**  
**To**  
**STEPHEN M. BRYAN**  
**CATEGORY I**

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

*Jim Gibbons*  
Governor

July 31, 2008

Issuance Date

*Richard L. Clark*  
Executive Director

I hereby certify that this record is a true  
And current copy of the original on file at  
The office of the Commission on Peace Officer  
Standards and Training

By *[Signature]* Date 7/30/20

Nevada Commission on Peace Officers' Standards and Training  
Peace Officer Basic Certification and Training Identification Card

**STEPHEN M. BRYAN**

POST ID No.: **27323**

Name:

This is your POST Identification Number (PIN). In order to reduce the chance of identity theft, please use this number for all correspondence with POST and when you sign in on a POST course roster. The use of your SSN on POST course rosters is no longer mandatory.

It is your responsibility to receive the required annual continuing education as outlined in NAC 289.230. If you fail to meet the annual POST training requirement, the POST Commission may take action against your Basic Certificate. This could adversely affect your ability to carry out your duties as a peace officer.

If found, please deliver to any law enforcement agency or mail to:

Nevada Commission on Peace Officers' Standards and Training  
5587 Wai Pui Shone Avenue  
Carson City, NV 89701  
775-687-7678 (POST)

## INSTRUCTIONS

This is your POST Basic Certificate and Identification Card.

The large certificate is for the officer and suitable for framing.

The smaller certificate is for the agency to place in the officer's file for record.

The identification card is for the officer to carry at all times. The POST ID number assigned to this officer is for POST identification and identity security purposes. This number will be used when signing in on the POST roster at any POST certified training. The use of SSN are now optional on training rosters. This number can also be used by the agency for correspondence to POST regarding the officer's POST file.

## STATE OF NEVADA

*Commission On Peace Officers' Standards And Training*

**Hereby Awards the**  
**Basic Certificate**  
**To**  
**STEPHEN M. BRYAN**  
**CATEGORY I**

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

*Jim Gibbons*  
Governor

*Richard L. Clark*  
Executive Director

July 31, 2008

Issuance Date







MUNICIPAL COURT OF THE CITY OF HENDERSON  
IN THE COUNTY OF CLARK, STATE OF NEVADA

FILED

2019 SEP 17 P 12:19

CITY OF HENDERSON, NEVADA,

Plaintiff,

vs.

STEPHEN MICHAEL BRYAN,

Defendant.

CRIMINAL COMPLAINT  
MUNICIPAL COURT  
HENDERSONCASE NO. MC CLERK

COUNT 1 - 19CR009245

COUNT 2 - 19CR009246

Nicholas G. Vaskov, Esq., City Attorney

The defendant has committed the crimes of:

**STALKING - FIRST OFFENSE** (Misdemeanor - NRS 200.575(1), Henderson City Charter, Section 2.140)**HARASSMENT - FIRST OFFENSE** (Misdemeanor - NRS 200.571, Henderson City Charter, Section 2.140) within the City of Henderson, in the County of Clark, State of Nevada, in the manner following, that the said defendant:**COUNT 1 - STALKING - FIRST OFFENSE**

did, on or between June 1, 2018 and September 3, 2019, without lawful authority, willfully or maliciously engage in a course of conduct directed towards a victim that would cause a reasonable person under similar circumstances to feel terrorized, frightened, intimidated, harassed or fearful for his or her immediate safety or the immediate safety of a family or household member, and that actually causes the victim to feel terrorized, frightened, intimidated, harassed or fearful for his or her immediate safety or the immediate safety of a family or household member, to wit: did use one or more police database system(s) to run and/or ascertain B.W.'s personal information and/or the personal information of her acquaintance(s) and/or boyfriend(s), and/or did follow B.W. one or more times and/or did come to B.W.'s residence uninvited one or more times and/or did look into B.W.'s residence through the windows one or more times and/or did drive by B.W.'s residence one or more times and/or did observe and/or comment on B.W.'s private intimate behavior and/or did send B.W. a photo of an acquaintance's and/or of a friend's home and/or did make one or more implied or express threat(s) to her and/or did call B.W.'s place of employment one or more times to ascertain her whereabouts, which would cause a reasonable person under similar circumstances to feel terrorized, frightened, intimidated, harassed or fearful for her immediate safety or the immediate safety of a family or household member, and that actually caused B.W. to feel terrorized, frightened, intimidated, harassed or fearful for her immediate safety or the immediate safety of a family or household member.

///  
///  
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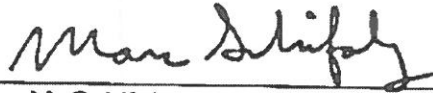
I hereby certify that this report is a  
true and correct copy of the original on file at the  
Henderson Municipal Court, Clark County, NV  
dated 12/18/19  
Court Clerk: [Signature]



**COUNT 2 - HARASSMENT - FIRST OFFENSE**

did, on or about August 28, 2019, unlawfully, and knowingly threaten to cause bodily injury in the future to the person threatened or to any other person; to cause physical damage to the property of another; to subject the person threatened or any other person to physical confinement or restraint; or to do any act which is intended to substantially harm the person threatened or any other person with respect to his physical or mental health or safety; and did place the person receiving the threat in reasonable fear that the threat will be carried out, to wit: did threaten B.W. by informing her of words to the effect of, "If I lose my job, I have nothing to lose," after Henderson Police Department personnel contacted said defendant for an interview, and did, in fact, place B.W. in fear that the threat would be carried out.

All of which is contrary to the form, force and effect of statutes in such cases made and provided and against the peace and dignity of the City of Henderson, State of Nevada. Said Complainant makes this declaration on information and belief subject to the penalty of perjury.



Marc M. Schifalacqua, Esq.  
Sr. Assistant City Attorney

CAO File #: 025619  
PCN#:

I hereby certify that this report is a  
true copy of the original on file at the  
Henderson Municipal Court, Clark County, NV  
dated. 12/18/19  
Court Clerk: AWA



ORIGINAL

MUNICIPAL COURT OF THE CITY OF HENDERSON **FILED**

IN THE COUNTY OF CLARK, STATE OF NEVADA

JAN 23 A 10:09

CITY OF HENDERSON, NEVADA,

Plaintiff,

vs.

STEPHEN MICHAEL BRYAN,

Defendant.

**AMENDED  
CRIMINAL COMPLAINT**

CASE NO.

COUNT 1 - 19CR009245

COUNT 2 - 19CR009246

COUNT 3 - 19CR010401

COUNT 4 - 19CR010403

COUNT 5 - 19CR010404

COUNT 6 - 19CR010405

Nicholas G. Vaskov, Esq., City Attorney

The defendant has committed the crimes of:

**STALKING - FIRST OFFENSE** (Misdemeanor - NRS 200.575(1), Henderson City Charter, Section 2.140)**HARASSMENT - FIRST OFFENSE** (Misdemeanor - NRS 200.571, Henderson City Charter, Section 2.140)**TRESPASS** (Misdemeanor - NRS 207.200, Henderson City Charter, Section 2.140)**INJURING OR TAMPERING WITH VEHICLE** (Misdemeanor - NRS 205.274(1), Henderson City Charter, Section 2.140)**REQUEST OR OBTAIN CRIMINAL HISTORY RECORDS UNDER FALSE PRETENSES** (Misdemeanor - NRS 179A.900(1), Henderson City Charter, Section 2.140) within the City of Henderson, in the County of Clark, State of Nevada, in the manner following, that the said defendant, on or about December 7, 2018:**COUNT 1 - STALKING - FIRST OFFENSE**

did, on or between June 1, 2018 and September 17, 2019, without lawful authority, willfully or maliciously engage in a course of conduct directed towards a victim that would cause a reasonable person under similar circumstances to feel terrorized, frightened, intimidated, harassed or fearful for his or her immediate safety or the immediate safety of a family or household member, and that actually causes the victim to feel terrorized, frightened, intimidated, harassed or fearful for his or her immediate safety or the immediate safety of a family or household member, to wit: did use one or more police database system(s) to run and/or ascertain B.W.'s personal information and/or the personal information of her acquaintance(s) and/or boyfriend(s), and/or did follow B.W. one or more times and/or did come to B.W.'s residence uninvited one or more times and/or did look into B.W.'s residence through the windows one or more times and/or did drive by B.W.'s residence one or more times and/or did observe and/or comment on B.W.'s private intimate behavior and/or did send B.W. a photo of an acquaintance's and/or of a friend's home and/or did make one or more implied or express threat(s) to her and/or did call B.W.'s place of employment one or more times to

I hereby certify that this report is a  
true copy of the original on file at the  
Henderson Municipal Court, Clark County, NV  
Dated: 12-15-19  
Court Clerk: RCW



ascertain her whereabouts, and/or did send her a text message regarding the issuance of the arrest warrant(s) in this case, and/or did read and/or review and/or did access B.W.'s private text messages to another individual, which would cause a reasonable person under similar circumstances to feel terrorized, frightened, intimidated, harassed or fearful for her immediate safety or the immediate safety of a family or household member, and that actually caused B.W. to feel terrorized, frightened, intimidated, harassed or fearful for her immediate safety or the immediate safety of a family or household member.

**COUNT 2 - HARASSMENT - FIRST OFFENSE**

did, on or about August 28, 2019, unlawfully, and knowingly threaten to cause bodily injury in the future to the person threatened or to any other person; to cause physical damage to the property of another; to subject the person threatened or any other person to physical confinement or restraint; or to do any act which is intended to substantially harm the person threatened or any other person with respect to his physical or mental health or safety; and did place the person receiving the threat in reasonable fear that the threat will be carried out, to wit: did threaten B.W. by informing her of words to the effect of, "If I lose my job, I have nothing to lose," after Henderson Police Department personnel contacted him for an interview, and did, in fact, place B.W. in fear that the threat would be carried out.

**COUNT 3 - TRESPASS**

did, on or about July 28, 2019, unlawfully go upon the land or into the building of another with intent to vex or annoy the owner or occupant thereof, or to commit any unlawful act and/or did willfully go or remain upon any land or in any building after having been warned by the owner or occupant thereof not to trespass, to wit: did enter B.W.'s residence and/or did then take one or more photo(s) of her bedroom area, with the intent to commit, promote and further the unlawful act of stalking and/or did enter the residence without B.W.'s knowledge or permission.

**COUNT 4 - INJURING OR TAMPERING WITH VEHICLE**

did, on or between July 28, 2019 and July 29, 2019, did, willfully break, injure, tamper with or remove any part of parts of any vehicle for the purpose of injuring, defacing or destroying such vehicle, or temporarily or permanently preventing its useful operation, or for any purpose against the will or without the consent of the owner or person in charge of the a vehicle climb into or upon such vehicle with the intent to commit any crime, malicious mischief, or injury thereto, or who while a vehicle is at rest and unattended shall attempt to manipulate any of the levers, starting crank or other starting device, brakes or other mechanism thereof, or to set such vehicle in motion, to-wit: did cause damage and problems with the normal operation of a Chevrolet Silverado belonging to K.R. by placing a substance and/or foreign liquid in the vehicle's fuel tank.

I hereby certify that this report is a true copy of the original on file at the Henderson Municipal Court, Clark County, NV dated 12/18/19  
Court Clerk: RWA



**COUNT 5 - REQUEST OR OBTAIN CRIMINAL HISTORY RECORDS UNDER FALSE PRETENSES**

did, on or between November 18 and November 20, 2018, willfully request, obtain or seek to obtain records of criminal history under false pretenses, and/or communicate or seek to communicate criminal history to any agency or person except pursuant to Nevada Revised Statutes Chapter 179A, and/or willfully falsified any record of criminal history or any record relating to records of criminal history, to-wit: did query NV/592YJD and/or the criminal history or personal identifying information for J.M., which was not related to said defendant's employment as a police officer.

**COUNT 6 - REQUEST OR OBTAIN CRIMINAL HISTORY RECORDS UNDER FALSE PRETENSES**

did, on or about December 7, 2018, willfully request, obtain or seek to obtain records of criminal history under false pretenses, and/or communicate or seek to communicate criminal history to any agency or person except pursuant to Nevada Revised Statutes Chapter 179A, and/or willfully falsified any record of criminal history or any record relating to records of criminal history, to-wit: did query and/or obtain the criminal history or personal identifying information for J.R., which was not related to said defendant's employment as a police officer.

All of which is contrary to the form, force and effect of statutes in such cases made and provided and against the peace and dignity of the City of Henderson, State of Nevada. Said Complainant makes this declaration on information and belief subject to the penalty of perjury.



Marc M. Schifalacqua, Esq.  
Sr. Assistant City Attorney

Dated: October 21, 2019  
CAO File #: 025619  
PCN#:

I hereby certify that this report is a  
true copy of the original on file at the  
Henderson Municipal Court, Clark County, NV  
dated, 12/18/19  
Court Clerk: [Signature]







# EXHIBIT G

1 **GPA**  
2 **DANIEL R. GILLIAM**  
3 **BIGHORN LAW**  
4 **NV BAR # 9267**  
5 **2340 W. Horizon Ridge Pkwy, Suite 100**  
6 **Henderson, NV 89052**  
7 **Office: (702) 378.2442**  
8 **Attorney for Defendant**

**FILED**

20:9 NOV 26 A 10:14

MUNICIPAL COURT  
CITY OF HENDERSON

*[Signature]* CLERK

## HENDERSON MUNICIPAL COURT CLARK COUNTY, NEVADA

9 **CITY OF HENDERSON,**  
10 **PLAINTIFF,**

11 vs.

12 **STEPHEN BRYAN,**  
13 **DEFENDANT.**

Case No. 19CR009246

Dept. No. 3

### GUILTY PLEA AGREEMENT

16 I, **STEPHEN BRYAN**, hereby agree to plead **NO CONTEST** to **HARASSMENT**, a misdemeanor, in  
17 violation of NRS 200.571.

18 My decision to plead **NO CONTEST** is based upon the plea agreement in this case which is as  
19 follows:  
20

- 21 1. I, **STEPHAN BRYAN**, will enter a plea of **NO CONTEST** to **HARASSMENT** as listed above;
- 22 2. Both parties agree to recommend the following;
  - 23 a. 180 days in the Henderson Detention Center – to be suspended;
  - 24 b. Fines and fees totaling \$640;
  - 25 c. Anger Management Counseling (online);
  - 26 d. No contact with **BRITTANY [REDACTED]** except for that which is ordered by Family Court, for  
27 one year;

28 I hereby certify that this report is a  
true copy of the original on file at the  
Henderson Municipal Court, Clark County, NV  
dated 12-18-19  
Clerk: *[Signature]*



- 1 e. No further criminal arrests or criminal citations for one year;  
2 f. Indirect supervision for one year;  
3 g. Dismissal of all remaining counts; and  
4 h. Henderson Police Department will not submit any related offenses from the investigation  
5 from Event #19-13698.

6 3. I understand that should I violate any of the provisions stated above, that I will be subjected to  
7 remand for part of or all of the 180 day suspended sentence.

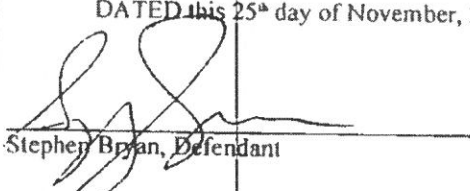
8 Additionally, I understand that a second or subsequent offense for HARASSMENT will be treated  
9 and charged as a gross misdemeanor.

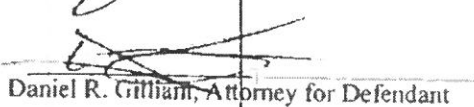
10 I have read the Admonishment of Rights and understand that by pleading NO CONTEST, I am  
11 giving up the rights delineated in the document.

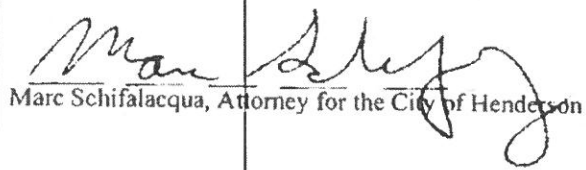
12 This plea is both freely and voluntarily given and I have not been made any promises as to the  
13 ultimate sentence - which shall be determined by the presiding judge.

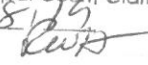
14 By signing this guilty plea agreement, I am consenting to my attorney making the representations to  
15 the Court on my behalf.

16  
17 DATED this 25<sup>th</sup> day of November, 2019.

18  
19   
20 Stephen Bryan, Defendant

21  
22   
23 Daniel R. Gilliam, Attorney for Defendant

24   
25 Marc Schifalacqua, Attorney for the City of Henderson  
26  
27  
28

I hereby certify that this report is a  
true copy of the original on file at the  
Henderson Municipal Court, Clark County, NV  
dated, 12/18/19  
Court Clerk: 



MUNICIPAL COURT, CITY OF HENDERSON, CLARK COUNTY, NEVADA

THE CITY OF HENDERSON, NEVADA )  
Plaintiff )

Court Case No: 19CR009246

Department No: 3

Vs.  
STEPHEN BAYAN

)  
Defendant )

**ADMONISHMENT OF RIGHTS**

**I ACKNOWLEDGE AND AM AWARE THAT I HAVE EACH OF THE FOLLOWING RIGHTS AND THAT I WILL BE WAIVING THESE RIGHTS IF I PLEAD GUILTY OR NOLO CONTENDERE (NO CONTEST):**

1. The right to a speedy trial;
2. The right to require the City to prove the charge(s) against me beyond a reasonable doubt;
3. The right to confront and question all witnesses against me;
4. The right to subpoena witnesses on my behalf and compel their attendance;
5. The right to remain silent and not be compelled to testify if there were a trial; and
6. The right to appeal my conviction except on constitutional or jurisdictional grounds.

ALL DEFENDANTS MUST INITIAL EITHER #1 OR #2 BELOW - DO NOT INITIAL BOTH

(1)

1. I am represented by an attorney in this case. My attorney has fully discussed these matters with me and advised me about my legal rights. My attorney is Guinn, Bar Number: 9267.

2. I have declined to have an attorney represent me and I have chosen to represent myself. I have made this decision even though there are dangers and disadvantages in self-representation in a criminal case; including, but not limited to, the following:

- a) Self-representation is often unwise, and a defendant may conduct a defense to his or her own detriment;
- b) A defendant who represents him/herself is responsible for knowing and complying with the same procedural rules as lawyers, and cannot expect help from the Judge in complying with those procedural rules;
- c) A defendant representing him/herself will not be allowed to complain on appeal about the competency or effectiveness of his or her representation;
- d) The City is represented by experienced professional attorneys who have the advantage of skill, training and ability;
- e) A defendant unfamiliar with legal procedures may allow the prosecutor an advantage, may not make effective use of legal rights, and may make tactical decisions that produce unintended consequences; and
- f) The effectiveness of the defense may well be diminished by a defendant's dual role as attorney and accused.
- g) I understand that, as a consequence of my plea of guilty or nolo contendere, if I am not a citizen of the United States, I may, in addition to other consequences provided by law, be removed, deported or excluded from entry into the United States or denied naturalization.

[Signature]  
DEFENDANT'S SIGNATURE

3/1/78  
DEFENDANT'S DATE OF BIRTH

11/25/19  
DATE

**I HAVE REVIEWED THIS ADMONISHMENT WITH MY CLIENT AND HE/SHE UNDERSTANDS THE RIGHTS HE/SHE IS WAIVING AND THE CONSEQUENCES OF HIS/HER PLEA OF GUILTY/NOLO CONTENDERE TO THIS CHARGE.**

[Signature]  
DEFENDANT'S ATTORNEY (if applicable)

9267  
BAR NUMBER

[Signature]  
Judge, Henderson Municipal Court

F:\HOME\SHRD MC\Shrd sc\FORMS\Admonishments Affidavits\Admonishment of Rights 0410.doc

I hereby certify that this report is a true copy of the original on file at the Henderson Municipal Court, Clark County, NV  
Dated: 12/18/19  
Court Clerk: [Signature]









# HENDERSON MUNICIPAL COURT: SENTENCING ORDER

CITY OF HENDERSON,  
Plaintiff

) Case #: 19CR009246  
) DR #: 19-13698  
) ☐ DOMESTIC BATTERY / ☐ DUI:  
) ☐ 1st Offense / ☐ 2nd Offense  
) ☒ OTHER (List Below):

VS.

BRYAN, STEPHEN M Defendant ) HABASSMENT 1st

☐ Guilty; ☒ Nolo; ☐ Adjudication Stayed ☐ Submitted on the Record,

Pending: ☐ Dismissal; ☐ Amendment to

Total Fines/AA Fees Imposed: \$ 640 Fines/Fees Suspended if compliant: \$ —

☐ \$35 DB Assessment Fee ☐ \$60 Blood/Breath Test ☐ \$50 Time Payment Setup Fee; ☐ \$100 DUI Specialty Courts' Fee

Total Fines/Fees Due: \$ 640 Payments: \$ — per month or fine due in full by/beginning 11/26/2019

Mail to: Henderson Municipal Court, PO Box 95050 - MS621, 243 Water Street, Henderson, NV 89009 On-line: [www.cityofhenderson.com/municipal\\_court/](http://www.cityofhenderson.com/municipal_court/)

**THE ABOVE REFERENCED DEFENDANT IS HEREBY SENTENCED TO THE FOLLOWING:**

## \*\*\*\*\*SENTENCING CONDITIONS\*\*\*\*\*

### ☐ PROBATION / DIRECT SUPERVISION (See Agreement & Rules Form)

### ☒ PROBATION / INDIRECT SUPERVISION

You must appear in person to Special Programs and Services (SPS), located at 243 Water Street, Lower Level, Henderson, NV immediately following court or upon the first business day following your release from custody. Failing to appear at the Special Programs and Services office, failing to comply with the court's order or receipt of a non-compliant report from any agency may result in immediate arrest for Probation Violation or a Bench Warrant issued for your arrest. You must report to Special Programs and Services as directed throughout the term of Supervision. You must provide correct contact information to Special Programs and Services and report any changes of that information immediately.

Probation / Supervision Expiration Date: 11/24/2020

- ☐ DUI School
- ☐ Victim's Impact Panel
- ☐ Coroner's DUI Program
- ☐ Breath Ignition Interlock Device \*\*
- ☐ Suspension of Registered Vehicles \*\*
- \*\* Separate order required
- ☐ SCRAM Program — weeks/months
  - ☐ Install Prior to Release from Custody
  - ☐ Report out-of-custody to SPS upon release for installation
- ☐ AA / NA / GA (or Acceptable Alternative)
  - ☐ Sponsor required — x/wk for — wks
- ☐ DART Program
  - ☐ — weeks/month ☐ Duration
  - ☐ Controlled Subst. including Marijuana
  - ☐ Alcohol
- ☐ CAT Program — weeks/months
- ☐ Coroner's Visitation Program (CVP)
- ☐ Restitution of \$ —

Payable to City of Henderson on behalf of:

☐ Via Monthly Payments \$ —

☐ In Full by/beginning — / — / —

(Submit payment to SPS)

- ☐ Domestic Battery Counseling (26 sessions, 1x/week)
- ☐ Long-Term Domestic Battery Counseling (52 sessions, 1x/week)
- ☐ Surrender, Sell or Transfer Firearms
- \*\* Separate order required
- ☒ Anger Control Management online
  - ☒ Level 1 ☐ Level 2
- ☐ Substance Abuse Counseling (SAC)
  - ☐ Outpatient SAC ☐ Inpatient SAC
  - ☐ Intensive outpatient SAC
  - ☐ Group / ☐ Individual
- times/week for — weeks
- ☐ Petit Larceny Class
- ☐ 8 Hour Drug & Alcohol Education Class
- ☐ High School Equivalency/College Classes
- ☐ Trespassed From: —

☒ No Contact With: —

☒ for case duration ☐ — months

BUTTANY  
except through family court

☐ Compliance with Conditions on Case(s)

- ☒ Jail sentence imposed. 180 days
- Suspended/Pending: 180 days
- Jail Time Served: — days
- Balance of Jail Due: — days
- Converted to: ☐ House Arrest ☐ Com. Svc
- ☐ House Arrest — days
- ☐ Community Service — hours;
- (To be completed at a min. rate of 4 hrs/week)
- ☒ No Further Arrests or Criminal Cites
- ☐ Same/ Similar ☒ Any Criminal
- ☒ Duration ☐ — months/years
- ☐ One year or duration-whichever is longer
- ☐ \*\*No Possession / Use of Alcohol
- ☐ \*\*No Possession / Use of Controlled Substances - including Marijuana, unless a Nevada medical marijuana card is obtained
- \*\*Submit to testing as deemed necessary by SPS\*\*
- ☐ No Weapons ☐ Submit to search of person, residence, vehicle, or property under your control, as instructed by SPS
- ☐ Other: —

### ☐ UNSUPERVISED / COURT ORDERED STATUS CHECKS

UNSUPERVISED PARTICIPANTS: You must provide the Court completion certificates/documentation for court ordered programs on or before your return court date.

For a list of approved classes/programs please refer to <https://www.cityofhenderson.com/special-programs-and-services>

COURT DATES: ☒ None at this time ☐ Return Court Date: — / — / — @ —: — AM / PM Department 1 / 2 / 3

☐ Appearance Required ☐ Appearance Not Required if compliant with ALL orders

It is hereby ordered this 26 day of NOVEMBER, 2019.

[Signature]  
Presiding Judge of the Henderson Municipal Court

Original-Court / Yellow= SPS/ Pink Defendant (100119)

EXHIBIT H

FILED

2019 NOV 26 A 10:17

MUNICIPAL COURT  
CITY OF HENDERSON

CR6

I hereby certify that this report is a true copy of the original on file at the Henderson Municipal Court, Clark County, NV.  
Dated: 12/18/2019  
[Signature]







# EXHIBIT I

## CITY OF HENDERSON MUNICIPAL COURT IN THE COUNTY OF CLARK, STATE OF NEVADA

CITY OF HENDERSON, NEVADA,  
Plaintiff,

Vs.

Bryan, Stephen

Defendant

FILED

2019 SEP 17 P 4:30

DR # 19-13698

CASE NO.: 19CR009245

CONDITIONS OF RELEASE ORDER

Pursuant to NRS 178.484, the following Conditions of Release are hereby imposed for all Henderson Municipal Court charges related to the above noted arrest if the named defendant is released from custody:

☒ Defendant is released on Own Recognizance (OR) with the following conditions of release:

☐ If the defendant is able to or has posted the required bail, then the following conditions shall apply:

☒ The Defendant is advised that if arrested while on Own Recognizance or Bail release, the Own Recognizance or Bail is revoked and the defendant is subject to arrest by any law enforcement officer.

☐ Defendant is ordered to abstain from the use of any and all:

☐ Alcohol / ☐ Marijuana (unless a medical marijuana card is obtained) / ☐ Controlled Substances

☒ **NO CONTACT ORDER:** Defendant is hereby ordered to have no contact, personally, by telephone, in writing, through any other person acting on his/her behalf, or by electronic means, including but not limited to e-mail, pagers, cell phone, with Brittany [REDACTED], including any minor children of the above, except as specifically allowed by an order of the Family Division of the District Court.

**THIS NO CONTACT ORDER SHALL REMAIN IN EFFECT UNTIL THIS CASE IS DISPOSED OF OR UNTIL MODIFIED BY THE COURT.**

☐ Defendant is advised that he/she must stay away from the following location:

For any of the Conditions of Release noted below, the defendant must report to Special Programs and Services located at 243 Water Street in the Criminal Justice Facility within 72 hours of release from custody.

☐ Defendant is ordered to have the Secure Continuous Remote Alcohol Monitor (SCRAM) device installed at the Henderson Detention Center prior to release from custody or within \_\_\_\_\_ hours of release.

☐ DART program (Drug/Alcohol Random Testing) and order to abstain from

☐ Alcohol / ☐ Marijuana (unless a medical marijuana card is obtained) / ☐ Controlled Substances

☐ CAT program (Continuous Alcohol Testing) and order to abstain from alcohol

☐ Other \*House Arrest

☒ GPS

In accordance with NRS 178.484, any law enforcement officer is ordered to arrest the person if he has probable cause to believe the person has violated a condition of bail or Own Recognizance release.

IT IS SO ORDERED:

Dated this 17 day of September 2019

[Signature]  
Henderson Municipal Judge

Telephonically confirmed: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ @ \_\_\_\_ : \_\_\_\_ a.m. / p.m.

Confirmed by: \_\_\_\_\_ P# \_\_\_\_\_ Return Court Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Confirmed with Judge \_\_\_\_\_ Court Time: \_\_\_\_ : \_\_\_\_ am / pm Dept. #: \_\_\_\_\_

Original = Court / Yellow = SPS / Pink = Defendant/ Goldenrod = HDC (Rev 050117)

I hereby certify that this report is a true copy of the original on file at the Henderson Municipal Court, Clark County, NV.  
Dated: 12/15/19  
Court Clerk: [Signature]



Amended

Amended

CITY OF HENDERSON MUNICIPAL COURT  
IN THE COUNTY OF CLARK, STATE OF NEVADA

CITY OF HENDERSON, NEVADA,  
Plaintiff,

Vs.

Bryan, Stephen Michael

Defendant

FILED

2019 SEP 30 AM 11:09

DR # 19-13698

CASE NO.: 19CR001245 Im 17

19CR009246  
CONDITIONS OF RELEASE ORDER

Pursuant to NRS 178.484, the following Conditions of Release are hereby imposed for all Henderson Municipal Court charges related to the above noted arrest if the named defendant is released from custody:

☒ Defendant is released on Own Recognizance (OR) with the following conditions of release:

☐ If the defendant is able to or has posted the required bail, then the following conditions shall apply:

☒ The Defendant is advised that if arrested while on Own Recognizance or Bail release, the Own Recognizance or Bail is revoked and the defendant is subject to arrest by any law enforcement officer.

☐ Defendant is ordered to abstain from the use of any and all:

☐ Alcohol / ☐ Marijuana (unless a medical marijuana card is obtained) / ☐ Controlled Substances

☒ **NO CONTACT ORDER:** Defendant is hereby ordered to have no contact, personally, by telephone, in writing, through any other person acting on his/her behalf, by any electronic means, including but not limited to e-mail, pagers, cell phone, with Brian, including any minor children of the above, except as specifically allowed by an order of the Family Division of the District Court.

**THIS NO CONTACT ORDER SHALL REMAIN IN EFFECT UNTIL THIS CASE IS DISPOSED OF OR UNTIL MODIFIED BY THE COURT.**

☐ Defendant is advised that he/she must stay away from the following location:

For any of the Conditions of Release noted below, the defendant must report to Special Programs and Services located at 243 Water Street in the Criminal Justice Facility within 72 hours of release from custody.

☐ Defendant is ordered to have the Secure Continuous Remote Alcohol Monitor (SCRAM) device installed at the Henderson Detention Center prior to release from custody or within \_\_\_ hours of release.

☐ DART program (Drug/Alcohol Random Testing) and order to abstain from

☐ Alcohol / ☐ Marijuana (unless a medical marijuana card is obtained) / ☐ Controlled Substances

☐ CAT program (Continuous Alcohol Testing) and order to abstain from alcohol

☒ GPS

☒ Other House Arrest - may travel out of state from 7:40am on 10/2/19 to 10:30am on 10/6/19 and from 7:10am on 10/17/19 to 7:55am on 10/21/19  
In accordance with NRS 178.484, any law enforcement officer is ordered to arrest the person if he has probable cause to believe the person has violated a condition of bail or Own Recognizance release.

IT IS SO ORDERED:

Dated this 30<sup>th</sup> day of September, 20 19

[Signature]  
Henderson Municipal Judge

Telephonically confirmed: \_\_\_ / \_\_\_ / \_\_\_ @ \_\_\_ : \_\_\_ a.m. / p.m.

Confirmed by: \_\_\_ P# \_\_\_ Return Court Date: \_\_\_ / \_\_\_ / \_\_\_

Confirmed with Judge \_\_\_ Court Time: \_\_\_ : \_\_\_ am / pm Dept. #: \_\_\_

Original = Court / Yellow = SPS / Pink = Defendant/ Goldenrod = HDC (Rev 050117)

I hereby certify that this report is a true copy of the original on file at the Henderson Municipal Court, Clark County, NV.  
Dated: 12/18/19  
Court Clerk: [Signature]



Modified

CITY OF HENDERSON MUNICIPAL COURT  
IN THE COUNTY OF CLARK, STATE OF NEVADA

CITY OF HENDERSON, NEVADA,  
Plaintiff,

Vs.

Bryan, Stephen Michael  
Defendant

FILED

2019 OCT 23 A 10:29

DR # 19-13698 19CR009245  
CASE NO.: 19CR009246

CONDITIONS OF RELEASE ORDER

Pursuant to NRS 178.484, the following Conditions of Release are hereby imposed for all Henderson Municipal Court charges related to the above noted arrest if the named defendant is released from custody:

- ☒ Defendant is released on Own Recognizance (OR) with the following conditions of release:
  - ☐ If the defendant is able to or has posted the required bail, then the following conditions shall apply:
  - ☒ The Defendant is advised that if arrested while on Own Recognizance or Bail release, the Own Recognizance or Bail is revoked and the defendant is subject to arrest by any law enforcement officer.
  - ☐ Defendant is ordered to abstain from the use of any and all:
    - ☒ Alcohol / ☐ Marijuana (unless a medical marijuana card is obtained) / ☐ Controlled Substances
  - ☒ **NO CONTACT ORDER:** Defendant is hereby ordered to have no contact, personally, by telephone, in writing, through any other person acting on his/her behalf, by any electronic means, including but not limited to e-mail, pagers, cell phone, with Brittany [REDACTED], including any minor children of the above, except as specifically allowed by an order of the Family Division of the District Court.
- THIS NO CONTACT ORDER SHALL REMAIN IN EFFECT UNTIL THIS CASE IS DISPOSED OF OR UNTIL MODIFIED BY THE COURT.**
- ☐ Defendant is advised that he/she must stay away from the following location:

For any of the Conditions of Release noted below, the defendant must report to Special Programs and Services located at 243 Water Street in the Criminal Justice Facility within 72 hours of release from custody.

- ☐ Defendant is ordered to have the Secure Continuous Remote Alcohol Monitor (SCRAM) device installed at the Henderson Detention Center prior to release from custody or within \_\_\_\_\_ hours of release.
- ☐ DART program (Drug/Alcohol Random Testing) and order to abstain from
  - ☐ Alcohol / ☐ Marijuana (unless a medical marijuana card is obtained) / ☐ Controlled Substances
- ☐ CAT program (Continuous Alcohol Testing) and order to abstain from alcohol ☐ GPS

☒ Other House Arrest to be vacated only if \$5,000 cash or surety is posted on each case - \$5,000 on 19CR009245 & \$5,000 on 19CR009246

In accordance with NRS 178.484, any law enforcement officer is ordered to arrest the person if he has probable cause to believe the person has violated a condition of bail or Own Recognizance release.

IT IS SO ORDERED:

Dated this 23<sup>rd</sup> day of October, 2019  
[Signature]  
Henderson Municipal Judge

Telephonically confirmed: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ @ \_\_\_\_ : \_\_\_\_ a.m. / p.m.

Confirmed by: \_\_\_\_\_ P# \_\_\_\_\_ Return Court Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Confirmed with Judge \_\_\_\_\_ Court Time: \_\_\_\_ : \_\_\_\_ am / pm Dept. #: \_\_\_\_\_

Original = Court / Yellow = SPS / Pink = Defendant/ Goldenrod = HDC (Rev 050117)

I hereby certify that this report is a true copy of the original on file at the Henderson Municipal Court, Clark County, NV  
Dated: 12/18/19  
Court Clerk: [Signature]







### **III. REGULARLY SCHEDULED MEETING AGENDA ITEMS**

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

Hearing pursuant to NAC 289.290 (1)(g) on the revocation of Raynaldo J. Ramos, formally of the Nevada Department of Corrections, certification based on a guilty plea of Attempt Performance of Act in Willful or Wanton Disregard of Safety of Persons or Property Resulting in Death, a Category “D” Felony/ Gross Misdemeanor, in violation of NRS 202.595(2) and NRS 193.330.









# EXHIBIT A

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

July 20, 2020

Raynaldo J. Ramos  
[REDACTED]

Dear Mr. Ramos,

POST PIN #: 32308

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 I: Attempt Performance of Act in Willful or Wanton Disregard of Safety of Persons or Property Resulting in Death (Category "D" Felony or Gross Misdemeanor in violation of NRS 202.595 and NRS 193.330)**

**Case#: C-16-318607-1**

**Dept No: III**

**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



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

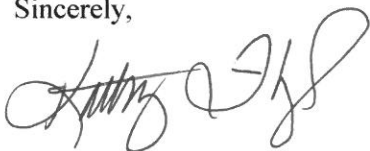
**Date:** August 13, 2020  
**Time:** 10:00am  
**Location:** Reno Police Department  
455 E. 2<sup>nd</sup> St.  
Reno, NV 89502

The hearing will cover the following: **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.**

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', with a stylized flourish at the end.

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

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



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.

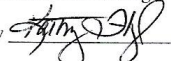
10. The Commission will provide each peace officer whose certificate is suspended with written notice of the suspension by certified registered mail. The suspension becomes effective 24 hours after receipt of the certified notice. The notice will contain a statement advising the officer of the right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

I hereby certify that this record is a true  
And current copy of the original on file at  
The office of the Commission on Peace Officer  
Standards and Training.

By 

Date 7/30/20





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

**DECLARATION OF SERVICE**

I, BK. THOMAS, served the foregoing Notice of Intent to Revoke  
*Print name of the person serving this document*

to Individual's Name: RAYNALDO RAMOS

at [REDACTED] on this  
*(location)*

29 day of JULY, 2020.  
*Day Month Year*

I declare under penalty of perjury that the forgoing is true and correct.

Executed on this 29 day of JULY, 2020.  
*Day Month Year*

[Signature] <sup>PTA</sup> 18063

Signature of person serving the Notice

BK-THOMAS  
 Printed name of person serving the Notice

**\*\*RETURN THE SIGNED ORIGINAL OF THIS FORM TO POST WITHIN 15 DAYS\*\***

I hereby certify that this record is a true  
 And current copy of the original on file at  
 The office of the Commission on Peace Officer  
 Standards and Training.

By [Signature] Date 7/30/20



**OFFICE OF THE SHERIFF  
CLARK COUNTY DETENTION  
CIVIL PROCESS SECTION**

STATE OF NEVADA COMMISSION ON PEACE )  
OFFICER STANDARDS AND TRAINING )  
**PLAINTIFF** )

Vs )  
RAYNALDO J RAMOS )

**DEFENDANT** )

CASE No. POST PIN #32308  
SHERIFF CIVIL NO.: 20004116

**AFFIDAVIT OF SERVICE**

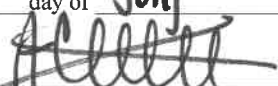
STATE OF NEVADA }  
COUNTY OF CLARK } ss:  
COUNTY OF CLARK }

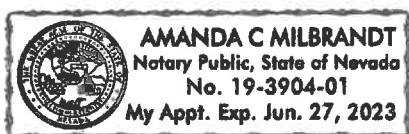
**BRIAN THOMAS**, being first duly sworn, deposes and says: That he/she is, and was at all times hereinafter mentioned, a duly appointed, qualified and acting Deputy Sheriff in and for the County of Clark, State of Nevada, a citizen of the United States, over the age of twenty-one years and not a party to, nor interested in, the above entitled action; that on **7/29/2020**, at the hour of **7:43 AM**, affiant as such Deputy Sheriff served a copy/copies of **NOTICE OF INTENT TO REVOKE** issued in the above entitled action upon **RAYNALDO-JOHN RUIZ RAMOS** the defendant **RAYNALDO-JOHN RUIZ RAMOS** named therein, by delivering to and leaving with said defendant **RAYNALDO-JOHN RUIZ RAMOS**, personally, at [REDACTED] within the County of Clark, State of Nevada, copy/copies of **NOTICE OF INTENT TO REVOKE**

**DATED: July 29, 2020.**

Joseph M. Lombardo, Sheriff

By:   
BRIAN THOMAS  
Deputy Sheriff

SUBSCRIBED AND SWORN to me before me this  
30<sup>th</sup> day of July, 2020.  
  
NOTARY PUBLIC in and for said County & State



I hereby certify that this record is a true  
And current copy of the original on file at  
The office of the Commission on Peace Officer  
Standards and Training.

By:  Date: 7/30/20



# 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

☐ **Position Change requiring additional certification?**

*Click this checkbox if an additional Basic Certificate will be awarded to this officer within 1 year from the Effective Date on this form (date of position change)*

Select the Certification:

Enter Academy Name:

**Status Change?**

☐ Deceased

☐ Retired

☒ Separated

### NAC289.290 Notification

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 yes, 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*

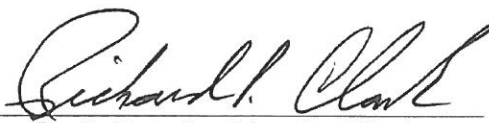
BASIC CERTIFICATE CATEGORY III

To

**Raynaldo-John R. Ramos**

*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. 32308 Presented this 29th day of August, 2014

(O) 5114A

I hereby certify that this record is a true  
And current copy of the original on file at  
The office of the Commission on Peace Officer  
Standards and Training.

By  Date 7/30/20







ORIGINAL

1 **GPA**  
 2 AARON D. FORD  
 3 Attorney General  
 ALISSA ENGLER (Bar No. 11940)  
 4 Senior Deputy Attorney General  
 State of Nevada  
 5 Office of the Attorney General  
 555 E. Washington Ave., Ste. 3900  
 Las Vegas, Nevada 89101-1068  
 6 702 486-5531 (phone)  
 702 486-0660 (fax)  
 aengler@ag.nv.gov  
 Attorneys for the State of Nevada

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

OCT 29 2019

BY

Kory Schlitz  
 KORY SCHLITZ, DEPUTY

DISTRICT COURT  
 CLARK COUNTY, NEVADA

STATE OF NEVADA,  
 Plaintiff,

vs.

RAYNALDO J. RAMOS,  
 Defendant.

Case No.: C-16-318607-1  
 Dept. No.: III

C-16-318607-1  
 GPA  
 Guilty Plea Agreement  
 4872831

**GUILTY PLEA AGREEMENT**

I hereby agree to plead guilty, pursuant to North Carolina v. Alford, 400 U.S. 25 (1970), to:  
**ATTEMPT PERFORMANCE OF ACT OR NEGLECT OF DUTY IN WILLFUL OR WANTON  
 DISREGARD OF SAFETY OF PERSONS OR PROPERTY RESULTING IN DEATH**, a category  
 "D" Felony or Gross Misdemeanor, in violation of NRS 202.595(2), NRS 193.330, as more fully alleged  
 in the charging document attached hereto as Exhibit "1".

My decision to enter an Alford Plea is based upon the plea agreement in this case, which is as follows:

1. The State of Nevada and I agree that adjudication and sentencing shall be stayed for a period of two years, during which time the defendant shall comply with the following: (1) obtain a new mental health evaluation through the Department of Veteran Affairs and follow any recommended treatment plan; (2) provide the State of Nevada, through counsel, quarterly updates on



1 counseling progress; (3) perform ten (10) hours of community service per month for a total of 240  
2 hours to be completed by the time of sentencing, and (4) stay out of trouble, meaning no new arrests  
3 of any kind except for minor traffic violations.

4 2. If after two years I have complied with the requirements set forth in Paragraph One above,  
5 the parties stipulate to the Court adjudging me guilty pursuant to Alford to ATTEMPT  
6 PERFORMANCE OF ACT OR NEGLECT OF DUTY IN WILLFUL OR WANTON DISREGARD  
7 OF SAFETY OF PERSONS OR PROPERTY RESULTING IN DEATH, a Gross Misdemeanor, and  
8 receive credit for time served.

9 3. If after two years I have not complied with the requirements set forth in Paragraph One  
10 above, the matter shall be set for sentencing and all parties will retain the right to argue as to treatment  
11 and sentence.

12 5. I agree to waive any defects in this plea agreement or these proceedings.

13 I understand and agree that if I fail to interview with the Department of Parole and Probation, fail  
14 to appear for any subsequent hearings or court dates in this case, or if an independent magistrate, by  
15 affidavit review, confirms probable cause against me for new criminal charges, excluding minor traffic  
16 violations, the State will have the unqualified right to argue for any legal sentence and term of  
17 confinement allowable for the crime(s) to which I am pleading guilty, including the use of any prior  
18 convictions I may have to increase my sentence as a habitual criminal to five (5) to twenty (20) years,  
19 life without the possibility of parole, life with the possibility of parole after ten (10) years, or a definite  
20 twenty-five (25) year term with the possibility of parole after ten (10) years. Otherwise, I am entitled to  
21 receive the benefits of these negotiations as stated in the plea agreement.

22 **CONSEQUENCES OF THE PLEA**

23 I understand that by pleading guilty I admit the facts that support all the elements of the  
24 offense(s) to which I now plead as set forth in Exhibit "1."

25 I understand that as a consequence of my plea of guilty pursuant to Alford, the Court may elect  
26 to treat this offense as a felony or as a gross misdemeanor. If the Court elects to treat this offense as a  
27 felony I may be imprisoned in the Nevada Department of Corrections for a minimum term of not less  
28



1 than one (1) year and a maximum term of not more than four (4) years. The minimum term of  
2 imprisonment may not exceed forty percent (40%) of the maximum term of imprisonment. I understand  
3 that I may also be fined up to \$5,000.00. If the Court elects to treat this as a gross misdemeanor, I may  
4 be imprisoned in the Clark County Detention Center for a period of not more than three hundred sixty-  
5 four (364) days. In addition, I may be fined up to \$2,000.00.

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

7 I understand that, if appropriate, I may be ordered to make restitution to the victim of the  
8 offense(s) to which I am pleading guilty and to the victim of any related offense which is being dismissed  
9 or not prosecuted pursuant to this agreement. I will also be ordered to reimburse the State of Nevada for  
10 any expenses related to my extradition, if any.

11 I understand that I am eligible for probation for the offense to which I am pleading guilty. I  
12 understand that, except as otherwise provided by statute, the question of whether I receive probation is  
13 in the discretion of the sentencing judge.

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

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

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

21 I understand that pursuant to NRS 176.015(3), victims so desiring will be allowed to make Impact  
22 Statements.

23 I have not been promised or guaranteed any particular sentence by anyone. I know that my  
24 sentence is to be determined by the Court within the limits prescribed by statute. I understand that if my  
25 attorney or the State or both recommend any specific punishment to the Court, the Court is not obligated  
26 to accept the recommendation.



1 I understand that if the offense(s) to which I am pleading guilty was committed while I was  
2 incarcerated on another charge or while I was on probation or parole that I am not eligible for credit for  
3 time served toward the instant offense(s).

4 I understand that if I am not a United States citizen, any criminal conviction will likely result in  
5 serious negative immigration consequences including but not limited to: (1) The removal from the United  
6 States through deportation; (2) An inability to re-enter the United States; (3) The inability to gain United  
7 States citizenship or legal residency; (4) An inability to renew and/or retain any legal residency status;  
8 and/or (5) An indeterminate term of confinement with the United States Federal Government based on  
9 my conviction and immigration status. Regardless of what I have been told by any attorney, no one can  
10 promise me that this conviction will not result in negative immigration consequences and/or impact my  
11 ability to become a United States citizen and/or a legal resident.

12 I understand that the Division of Parole and Probation may prepare a report for the sentencing  
13 judge prior to sentencing. This report will include matters relevant to the issue of sentencing, including  
14 my criminal history. This report may contain hearsay information regarding my background and criminal  
15 history. My attorney and I will each have the opportunity to comment on the information contained in  
16 the report at the time of sentencing. Unless the Deputy Attorney General has specifically agreed  
17 otherwise, then the Deputy Attorney General may also comment on this report.

#### 18 **WAIVER OF RIGHTS**

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

21 1. The constitutional privilege against self-incrimination, including the right to refuse to  
22 testify at trial, in which event the prosecution would not be allowed to comment to the jury about my  
23 refusal to testify.

24 2. The constitutional right to a speedy and public trial by an impartial jury, free of excessive  
25 pretrial publicity prejudicial to the defense, at which trial I would be entitled to the assistance of an  
26 attorney, either appointed or retained. At trial the State would bear the burden of proving beyond a  
27 reasonable doubt each element of the offense charged.



1           3.     The constitutional right to confront and cross-examine any witnesses who would testify  
2 against me.

3           4.     The constitutional right to subpoena witnesses to testify on my behalf.

4           5.     The constitutional right to testify in my own defense.

5           6.     The right to appeal the conviction with the assistance of an attorney, either appointed or  
6 retained unless the appeal is based upon reasonable constitutional jurisdictional or other grounds that  
7 challenge the legality of the proceedings and except as otherwise provided in subsection 3 of NRS  
8 174.035.

9                                   **VOLUNTARINESS OF PLEA**

10          I have discussed the elements of all of the original charge(s) with my attorney, and I understand  
11 the nature of these charge(s) against me.

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

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

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

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

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

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

25          My attorney has answered all my questions regarding this guilty plea agreement and its

26 ///

27 ///

28 ///

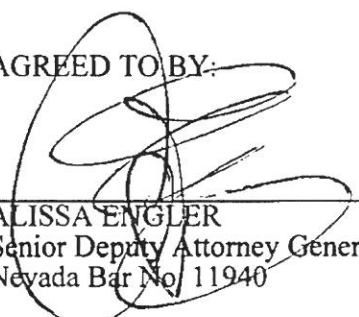


1 consequences to my satisfaction and I am satisfied with the services provided by my attorney.

2 DATED this 29 day of October, 2019.

3  
4  
5   
6 RAYNALDO RAMOS  
7 Defendant

8 AGREED TO BY:

9   
10 ALISSA ENGLER  
11 Senior Deputy Attorney General  
12 Nevada Bar No. 11940  
13  
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CERTIFICATE OF DEFENSE 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 Defendant the allegations contained in the charges to which guilty pleas are being entered.
2. I have advised Defendant of the penalties for each charge and the restitution that Defendant may be ordered to pay.
3. I have inquired of Defendant facts concerning Defendant's immigration status and explained to Defendant that if Defendant is not a United States citizen any criminal conviction will most likely result in serious negative immigration consequences including but not limited to:
  - a. The removal from the United States through deportation;
  - b. An inability to re-enter the United States;
  - c. The inability to gain United States citizenship or legal residency;
  - d. An inability to renew and/or retain any legal residency status; and/or
  - e. An indeterminate term of confinement with the United States Federal Government based on his/her conviction and immigration status.

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

4. All pleas of guilty offered by Defendant pursuant to this agreement are consistent with all the facts known to me, and are made with my advice to Defendant and are in the best interest of Defendant:
5. To the best of my knowledge and belief 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; 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 paragraph 1 and 2 above, or at the time of execution of this agreement.

DATED this 25<sup>th</sup> day of October, 2019.

  
\_\_\_\_\_  
JOSHUA TOMSHECK, ESQ.



Exhibit “1”



ORIGINAL

1 AINF

AARON D. FORD

2 Attorney General

ALISSA ENGLER (Bar No. 11940)

3 Senior Deputy Attorney General

State of Nevada

4 Office of the Attorney General

555 E. Washington Ave., Ste. 3900

5 Las Vegas, Nevada 89101-1068

702 486-5531 (phone)

6 702 486-0660 (fax)

aengler@ag.nv.gov

7 Attorneys for the State of Nevada

FILED IN OPEN COURT

STEVEN D. GRIERSON

CLERK OF THE COURT

OCT 29 2019

BY, Kory Schlitz  
KORY SCHLITZ, DEPUTY

## DISTRICT COURT

## CLARK COUNTY, NEVADA

12 STATE OF NEVADA,

13 Plaintiff,

14 vs.

15 RAYNALDO J. RAMOS,

16 Defendant.

Case No.: C-16-318607-1

Dept. No.: III

AMENDED INFORMATION

18 AARON D. FORD, Attorney General for the State of Nevada, in the name and by the authority  
 19 of the State of Nevada, informs this Honorable Court that RAYNALDO RAMOS, has committed the  
 20 crime of **ATTEMPT PERFORMANCE OF ACT IN WILLFUL OR WANTON DISREGARD OF**  
 21 **SAFETY OF PERSONS OR PROPERTY RESULTING IN DEATH** (Category "D" Felony or Gross  
 22 Misdemeanor in violation of NRS 202.595 and NRS 193.330); within the County of Clark, State of  
 23 Nevada, as follows:

24 ///

25 ///

26 ///

27 ///

C-16-318607-1  
 AINF  
 Amended Information  
 4872632





On or about November 12, 2014, Defendant RAYNALDO RAMOS, then and there willfully and unlawfully attempted to perform acts in willful and wanton disregard of the safety of persons or property resulting in the death of CARLOS PEREZ, a human being, to wit: by shooting at CARLOS PEREZ with a firearm.

All of which is contrary to the form, force and effect of the statutes in such cases made and provided, and against the peace and dignity of the state of Nevada.

AARON D. FORD  
Attorney General

By:

Alissa C. Engler  
Nevada Bar No. 11940  
Senior Deputy Attorney General

Page 2 of 2



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**October 17, 2016**

C-16-318607-1      State of Nevada  
vs  
RAYNALDO RAMOS

**October 17, 2016      10:00 AM      Initial Arraignment**

**HEARD BY:** Hillman, Ralph R.

**COURTROOM:** RJC Lower Level Arraignment

**COURT CLERK:** Roshonda Mayfield

**RECORDER:** Kiara Schmidt

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Holper, Scott	Attorney
	RAMOS, RAYNALDO J	Defendant
	Segal, Jeffrey H	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- DEFT. RAMOS ARRAIGNED, PLED NOT GUILTY, and WAIVED the 60-DAY RULE. COURT ORDERED, matter set for trial. COURT FURTHER ORDERED, counsel has 21 days from the filing of the preliminary transcript to file any writs.

NIC

4/5/17 8:30 A.M. PRE TRIAL CONFERENCE (DEPT. 19)

5/3/17 8:30 A.M. CALENDAR CALL (DEPT. 19)

5/8/17 10:00 A.M. JURY TRIAL (DEPT. 19)



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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<b>Felony/Gross Misdemeanor</b>	<b>COURT MINUTES</b>	<b>April 05, 2017</b>
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C-16-318607-1	State of Nevada vs RAYNALDO RAMOS
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April 05, 2017	8:30 AM	Pre Trial Conference
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HEARD BY: Kephart, William D.	COURTROOM: RJC Courtroom 03E
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COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Gunnell, Jason	Attorney
	RAMOS, RAYNALDO J	Defendant
	Tomsheck, Joshua L.	Attorney

**JOURNAL ENTRIES**

- Mr. Tomsheck advised parties do not anticipate ready for the current trial setting and parties have agreed to continue the trial date. Mr. Gunnell agreed with representations. COURT ORDERED, trial date VACATED and RESET.

NIC

1/03/2018 8:30 AM PRE TRIAL CONFERENCE

1/31/2018 8:30 AM CALENDAR CALL

2/05/2018 10:00 AM JURY TRIAL



DISTRICT COURT  
CLARK COUNTY, NEVADA

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<b>Felony/Gross Misdemeanor</b>	<b>COURT MINUTES</b>	<b>June 05, 2017</b>
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C-16-318607-1	State of Nevada vs RAYNALDO RAMOS
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June 05, 2017	8:30 AM	Motion
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HEARD BY: Kephart, William D.	COURTROOM: RJC Courtroom 03E
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COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

**PARTIES**

PRESENT:	Tomsheck, Joshua L.	Attorney
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**JOURNAL ENTRIES**

- Court stated there needs to be an affidavit from the Defendant. Mr. Tomsheck advised he spoke with the Deputy Attorney General on Friday who indicated he would have no opposition to the motion. COURT ORDERED, matter CONTINUED two weeks.

NIC

CONTINUED TO: 6/19/2017 8:30 AM



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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<b>Felony/Gross Misdemeanor</b>	<b>COURT MINUTES</b>	<b>June 19, 2017</b>
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C-16-318607-1	State of Nevada
	vs
	RAYNALDO RAMOS

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June 19, 2017	8:30 AM	Motion
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HEARD BY: Kephart, William D.	COURTROOM: RJC Courtroom 03E
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COURT CLERK: Tia Everett  
Haly Pannullo

RECORDER: Christine Erickson

REPORTER:

**PARTIES**

PRESENT:	Tomscheck, Joshua L.	Attorney
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**JOURNAL ENTRIES**

- Deft. not present. Mr. Tomscheck requested matter be continued in order to submit a financial affidavit to the Court. COURT ORDERED, matter CONTINUED.

NIC

CONTINUED TO: 07/10/2017 8:30 AM



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**July 11, 2017**

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C-16-318607-1      State of Nevada  
                                 vs  
                                 RAYNALDO RAMOS

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**July 11, 2017      9:00 AM      Motion**

**HEARD BY:** Herndon, Douglas W.      **COURTROOM:** RJC Courtroom 16C

**COURT CLERK:** Deborah Miller

**RECORDER:** Sara Richardson

**REPORTER:**

**PARTIES**

**PRESENT:**      Gunnell, Jason      Attorney  
                                 Tomsheck, Joshua L.      Attorney

**JOURNAL ENTRIES**

- Declaration FILED IN OPEN COURT.

Mr. Tomsheck stated he filed an Ex-Parte request, however, Judge Kephart requested a declaration be filed. State had no opposition. COURT ORDERED, motion GRANTED in the amount of \$2,500.00. Court noted Mr. Tomsheck may request additional money if needed. Court stated matter is on calendar from the case transfer. Pursuant to EDCR 1.30 and 1.31 this court ORDERS the case reassigned to Department 3. COURT FURTHER ORDERED, Pre-Trial Conference VACATED, Calendar Call RESET, trial date STANDS, Status Check SET. Defendant's presence WAIVED for today's proceedings.

NIC

9/12/17 9:00 AM STATUS CHECK: TRIAL READINESS

1/25/18 9:00 AM CALENDAR CALL

PRINT DATE: 03/27/2020

Page 5 of 40

Minutes Date: October 17, 2016



2/05/18 10:00 AM JURY TRIAL



DISTRICT COURT  
CLARK COUNTY, NEVADA

**Felony/Gross Misdemeanor**

## COURT MINUTES

September 12, 2017

C-16-31860/-1                      State of Nevada  
vs  
RAYNALDO RAMOS

September 12, 2017 9:00 AM Status Check: Trial Readiness

HEARD BY: Herndon, Douglas W.

**COURTROOM:** RJC Courtroom 16C

**COURT CLERK:** Deborah Miller

**RECORDER:** Sara Richardson

**REPORTER:**

PARTIES

<b>PRESENT:</b>	Gunnell, Jason	Attorney
	RAMOS, RAYNALDO J	Defendant
	Tomsheck, Joshua L.	Attorney

## JOURNAL ENTRIES

- Mr. Tomsheck anticipates being ready for trial in February, noting there is discovery still needed, however, does not believe there will be any issues. Further, counsel advised the State has made an offer, noting parties are discussing another potential offer as well. COURT ORDERED, matter CONTINUED, noting defendant's presence will be waived if matter has not been resolved.

NIC

CONTINUED TO: 10/11/17 9:00 AM



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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<b>Felony/Gross Misdemeanor</b>	<b>COURT MINUTES</b>	<b>October 11, 2017</b>
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C-16-318607-1	State of Nevada vs RAYNALDO RAMOS
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October 11, 2017	9:00 AM	Status Check: Trial Readiness
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HEARD BY: Herndon, Douglas W.	COURTROOM: RJC Courtroom 16C
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COURT CLERK: Deborah Miller

RECORDER: Sara Richardson

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Detmer, Michael Daniel RAMOS, RAYNALDO J State of Nevada	Attorney Defendant Plaintiff
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**JOURNAL ENTRIES**

- Mr. Nelson advised he is appearing on behalf of Mr. Tomsheck who indicated parties are working on a resolution. COURT ORDERED, matter CONTINUED.

NIC

CONTINUED TO: 11/08/17 9:00 AM



November 08, 2017

C-16-318607-1      State of Nevada  
vs  
RAYNALDO RAMOS

## JOURNAL ENTRIES

Minutes Date: October 17, 2016



DISTRICT COURT  
CLARK COUNTY, NEVADA

### Felony/Gross Misdemeanor

## COURT MINUTES

December 06, 2017

C-16-318607-1                      State of Nevada  
vs  
RAYNALDO RAMOS

December 06, 2017 9:00 AM Status Check: Trial  
Readiness

HEARD BY: Herndon, Douglas W.

**COURTROOM:** RJC Courtroom 16C

**COURT CLERK:** Deborah Miller

**RECORDER:** Sara Richardson

**REPORTER:**

## PARTIES

**PRESENT:** Segal, Jeffrey H Attorney  
State of Nevada Plaintiff  
Tomsheck, Joshua L. Attorney

## JOURNAL ENTRIES

- Deft. not present. Mr. Tomsheck advised he spoke to Mr. Segal and matter is not likely to resolve at this time. Additionally, Mr. Tomsheck stated he has a number of trials set between now and February, noting he is unlikely to be ready for trial and after speaking with Mr. Segal, parties agreed to reset. Mr. Segal concurred and stated trial is expected to last 4-5 days and last 1 1/2 weeks. COURT ORDERED, trial VACATED and RESET, matter SET for Status Check.

NIC

2/14/18 9:00 AM STATUS CHECK: TRIAL READINESS

7/19/18 9:00 AM CALENDAR CALL

7/30/18 10:00 AM JURY TRIAL

PRINT DATE: 03/27/2020

Page 10 of 40

Minutes Date: October 17, 2016







DISTRICT COURT  
CLARK COUNTY, NEVADA

### Felony/Gross Misdemeanor

## COURT MINUTES

February 14, 2018

C-16-318607-1      State of Nevada  
vs  
RAYNALDO RAMOS

February 14, 2018      9:00 AM      Status Check: Trial  
Readiness

HEARD BY: Herndon, Douglas W.

**COURTROOM:** RJC Courtroom 16C

**COURT CLERK:** Deborah Miller

**RECORDER:** Sara Richardson

**REPORTER:**

## PARTIES

**PRESENT:** Engler, Alissa Attorney  
State of Nevada Plaintiff  
Tomsheck, Joshua L. Attorney

## JOURNAL ENTRIES

- Deft. not present. Mr. Tomsheck advised there is a new Attorney General on the case, noting there are some discovery issues and they are aware of the issues. Parties indicated the trial date is good as far as witness availability. COURT ORDERED, matter CONTINUED, Defendant's presence WAIVED for today's proceedings.

NIC

CONTINUED TO: 3/21/18 9:00 AM



March 21, 2018

Minutes Date: October 17, 2016



C-16-318607-1

1/03/18 9:00 AM CALENDAR CALL

1/14/19 10:00 AM JURY TRIAL



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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<b>Felony/Gross Misdemeanor</b>	<b>COURT MINUTES</b>	<b>June 06, 2018</b>
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C-16-318607-1	State of Nevada vs RAYNALDO RAMOS
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June 06, 2018	9:30 AM	Status Check: Trial Readiness
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HEARD BY: Herndon, Douglas W.	COURTROOM: RJC Courtroom 16C
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COURT CLERK: Deborah Miller

RECORDER: Sara Richardson

REPORTER:

**PARTIES**

PRESENT:	Engler, Alissa State of Nevada	Attorney Plaintiff
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**JOURNAL ENTRIES**

- Deft. not present. Ms. Engler stated Mr. Tomsheck had to appear in Henderson, therefore, she will make representations and requested defendant's presence be WAIVED. Ms. Engler stated at the last hearing Mr. Tomsheck requested records from the last three years from Nevada Department of Corrections, noting she requested the records and should have within thirty days. COURT ORDERED, matter CONTINUED, defendant's presence WAIVED.

NIC

CONTINUED TO: 8/15/18 9:30 AM



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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<b>Felony/Gross Misdemeanor</b>	<b>COURT MINUTES</b>	<b>August 15, 2018</b>
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C-16-318607-1	State of Nevada vs RAYNALDO RAMOS
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August 15, 2018	9:30 AM	Status Check: Trial Readiness
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HEARD BY: Herndon, Douglas W.	COURTROOM: RJC Courtroom 16C
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COURT CLERK: Deborah Miller

RECORDER: Sara Richardson

REPORTER:

**PARTIES**

PRESENT:	Engler, Alissa	Attorney
	State of Nevada	Plaintiff
	Tomsheck, Joshua L.	Attorney

**JOURNAL ENTRIES**

- Court stated there is a pending trial date on January 14, 2019. Ms. Engler advised the defense should have all the discovery from NDOC, noting the State is working on the redactions. Mr. Tomsheck advised the State has been in contact with him regarding the discovery. Upon Court's inquiry, Ms. Engler stated she does not have the exact terms of the offer, noting she believes it was a wobbler with right to argue. Court requested the State have the specifics of the offer to place on the record at the next status check. COURT ORDERED, matter CONTINUED, defendant's presence WAIVED for today's hearing. Court requested the defendant be present at the next hearing.

NIC

CONTINUED TO: 9/26/18 9:30 AM



September 26, 2018



CONTINUED TO: 10/24/18 9:30 A.M.

1/3/19 9:00 A.M. CALENDAR CALL

1/14/19 10:00 A.M. JURY TRIAL



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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<b>Felony/Gross Misdemeanor</b>	<b>COURT MINUTES</b>	<b>October 24, 2018</b>
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C-16-318607-1	State of Nevada vs RAYNALDO RAMOS
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October 24, 2018	9:30 AM	Status Check: Trial Readiness
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**HEARD BY:** Herndon, Douglas W.                      **COURTROOM:** RJC Courtroom 16C

**COURT CLERK:** Kory Schlitz

**RECORDER:** Sara Richardson

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Engler, Alissa RAMOS, RAYNALDO J State of Nevada Tomsheck, Joshua L.	Attorney Defendant Plaintiff Attorney
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**JOURNAL ENTRIES**

- Defendant not present. COURT ORDERED, Defendant's PRESENCE WAIVED. Mr. Tomsheck indicated the State made an offer that was left open. Ms. Engler stated there may be progress and requested a status check at the end of November, and the offer is the same and remains open.

NIC

CONTINUED TO: 11/21/18 9:30 A.M.

1/3/19 9:00 A.M. CALENDAR CALL

1/14/19 10:00 A.M. JURY TRIAL



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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<b>Felony/Gross Misdemeanor</b>	<b>COURT MINUTES</b>	<b>December 05, 2018</b>
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C-16-318607-1	State of Nevada vs RAYNALDO RAMOS
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December 05, 2018	9:30 AM	Status Check: Trial Readiness
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HEARD BY: Herndon, Douglas W.	COURTROOM: RJC Courtroom 16C
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COURT CLERK: Kory Schlitz

RECORDER: Sara Richardson

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Engler, Alissa State of Nevada Tomsheck, Joshua L.	Attorney Plaintiff Attorney
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**JOURNAL ENTRIES**

- Defendant not present. CONFERENCE AT BENCH. COURT ORDERED, Defendant's presence WAIVED; Calendar Call date will be RESET to January 10, 2019; trial date VACATED.

NIC

1/10/19 9:00 A.M. CALENDAR CALL



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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<b>Felony/Gross Misdemeanor</b>	<b>COURT MINUTES</b>	<b>January 10, 2019</b>
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C-16-318607-1	State of Nevada vs RAYNALDO RAMOS
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**January 10, 2019      11:00 AM      Calendar Call**

**HEARD BY:** Herndon, Douglas W.                      **COURTROOM:** RJC Courtroom 16C

**COURT CLERK:** Kory Schlitz

**RECORDER:** Sara Richardson

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Engler, Alissa	Attorney
	Gunnell, Jason	Attorney
	RAMOS, RAYNALDO J	Defendant
	State of Nevada	Plaintiff
	Tomsheck, Joshua L.	Attorney

**JOURNAL ENTRIES**

- COURT ADVISED, they met with counsel in chambers, adding there are ongoing negotiations, however with the change of the Attorney General, parties are requesting time to continue to discuss. COURT ORDERED, trial date VACATED; status check SET. COURT FURTHER ADVISED, if parties feel the case will not resolve to contact chambers to have a trial date set.

NIC

2/20/19 9:30 A.M. STATUS CHECK: NEGOTIATIONS / TRIAL SETTING



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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<b>Felony/Gross Misdemeanor</b>	<b>COURT MINUTES</b>	<b>February 20, 2019</b>
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C-16-318607-1	State of Nevada vs RAYNALDO RAMOS
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February 20, 2019	9:30 AM	Status Check: Negotiations/Trial Setting
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HEARD BY: Herndon, Douglas W.	COURTROOM: RJC Courtroom 16C
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COURT CLERK: Kory Schlitz

RECORDER: Sara Richardson

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Engler, Alissa State of Nevada Tomsheck, Joshua L.	Attorney Plaintiff Attorney
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**JOURNAL ENTRIES**

- Defendant not present. CONFERENCE AT BENCH. COURT ORDERED, Defendant's presence WAIVED; and ORDERED matter SET for trial; status check SET. COURT ADVISED the trial is a FIRM SETTING.

NIC

5/29/19 9:30 A.M. STATUS CHECK: TRIAL READINESS

10/10/19 9:00 A.M. CALENDAR CALL

10/21/19 10:00 A.M. JURY TRIAL



**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 01, 2019**

C-16-318607-1      State of Nevada  
                                 vs  
                                 RAYNALDO RAMOS

**May 01, 2019      9:30 AM      Status Check**

**HEARD BY:** Herndon, Douglas W.**COURTROOM:** RJC Courtroom 16C**COURT CLERK:** Kory Schlitz**RECORDER:** Jill Jacoby**REPORTER:****PARTIES**

<b>PRESENT:</b>	Engler, Alissa	Attorney
	RAMOS, RAYNALDO J	Defendant
	State of Nevada	Plaintiff
	Tomsheck, Joshua L.	Attorney

**JOURNAL ENTRIES**

- Defendant not present. Ms. Engler stated the Coroner is out until the end of October and requested the trial date be set in November. Colloquy regarding trial dates. CONFERENCE AT BENCH. COURT ADVISED, the matter will still be set as a firm trial date, adding parties are agreeable to another Murder Department can hear the trial. COURT ORDERED, trial date VACATED and RESET. Upon Court's inquiry, Mr. Tomsheck confirmed he spoke with Mr. Christensen regarding being appointed in this matter. COURT FURTHER ORDERED, Mr. Tomsheck APPOINTED as counsel of record for Defendant.

NIC

5/29/19 9:30 A.M. STATUS CHECK: TRIAL READINESS

10/24/19 9:00 A.M. CALENDAR CALL

PRINT DATE: 03/27/2020

Page 23 of 40

Minutes Date: October 17, 2016



11/4/19 10:00 A.M. JURY TRIAL - FIRM



DISTRICT COURT  
CLARK COUNTY, NEVADA

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<b>Felony/Gross Misdemeanor</b>	<b>COURT MINUTES</b>	<b>May 29, 2019</b>
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C-16-318607-1	State of Nevada vs RAYNALDO RAMOS
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May 29, 2019	9:30 AM	Status Check: Trial Readiness
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HEARD BY: Herndon, Douglas W.	COURTROOM: RJC Courtroom 16C
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COURT CLERK: Kory Schlitz

RECORDER: Patti Slattery

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Kovac, Michael C. State of Nevada Tomsheck, Joshua L.	Attorney Plaintiff Attorney
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**JOURNAL ENTRIES**

- Defendant not present. Mr. Tomsheck stated he was hopeful to get the matter negotiated and requested the matter be continued. COURT ORDERED, Defendant's presence WAIVED; matter CONTINUED.

NIC

CONTINUED TO: 6/26/19 9:30 A.M.

10/24/19 9:00 A.M. CALENDAR CALL

11/04/19 10:00 A.M. JURY TRIAL



DISTRICT COURT  
CLARK COUNTY, NEVADA

<b>Felony/Gross Misdemeanor</b>	<b>COURT MINUTES</b>	<b>June 26, 2019</b>
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C-16-318607-1	State of Nevada vs RAYNALDO RAMOS
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June 26, 2019	11:00 AM	Status Check: Trial Readiness
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**HEARD BY:** Adair, Valerie **COURTROOM:** RJC Courtroom 16C

**COURT CLERK:** Kory Schlitz

**RECORDER:** Jill Jacoby

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- COURT NOTED no parties present and ORDERED, matter CONTINUED.

NIC

CONTINUED TO: 7/10/19 9:30 A.M.

10/24/19 9:00 A.M. CALENDAR CALL

11/4/19 10:00 A.M. JURY TRIAL

CLERK'S NOTE: A copy of this Minute Order has been emailed to: Joshua Tomscheck Esq. (josht@hoflandlaw.com); and Alissa Engler Esq. (aengler@ag.nv.gov). (6-26-19 ks)



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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<b>Felony/Gross Misdemeanor</b>	<b>COURT MINUTES</b>	<b>July 10, 2019</b>
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C-16-318607-1	State of Nevada vs RAYNALDO RAMOS
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July 10, 2019	9:30 AM	Status Check: Trial Readiness
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HEARD BY: Herndon, Douglas W.	COURTROOM: RJC Courtroom 16C
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COURT CLERK: Kory Schlitz

RECORDER: Jill Jacoby

REPORTER:

**PARTIES**

PRESENT:	Engler, Alissa State of Nevada	Attorney Plaintiff
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**JOURNAL ENTRIES**

- Defendant not present. Mr. Tomsheck not present.

COURT ADVISED they received an e-mail from Mr. Tomsheck indicating he would not be available today and ORDERED, matter CONTINUED.

NIC

CONTINUED TO: 7/24/19 9:30 A.M.

10/24/19 9:00 A.M. CALENDAR CALL

11/4/19 10:00 A.M. JURY TRIAL



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**July 24, 2019**

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C-16-318607-1	State of Nevada
	vs
	RAYNALDO RAMOS

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July 24, 2019	9:30 AM	Status Check: Trial Readiness
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**HEARD BY:** Herndon, Douglas W.

**COURTROOM:** RJC Courtroom 16C

**COURT CLERK:** Kory Schlitz

**RECORDER:** Jill Jacoby

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Engler, Alissa	Attorney
	State of Nevada	Plaintiff
	Tomsheck, Joshua L.	Attorney

**JOURNAL ENTRIES**

- Defendant not present. COURT ORDERED, Defendant's presence WAIVED. Ms. Engler requested a briefing schedule be set on future Motion for parties to litigate anything prior to the start of trial, adding the State has one motion they want to file. Upon Court's inquiry, Mr. Tomsheck and Ms. Engler stated no objection to participating in a settlement conference, and Ms. Engler requested other members from her office be present as well. COURT ORDERED, briefing schedule SET as follows: any Motions shall be filed on or before September 6, 2019; any Oppositions shall be due on or before September 27, 2019; any Replies shall be due on or before October 4, 2019; matter SET for argument. COURT FURTHER ORDERED, matter CONTINUED.

NIC

CONTINUED TO: 8/21/19 9:30 A.M.







**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**August 21, 2019**

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C-16-318607-1	State of Nevada
	vs
	RAYNALDO RAMOS

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August 21, 2019	9:30 AM	Status Check: Trial Readiness
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HEARD BY: Herndon, Douglas W.	COURTROOM: RJC Courtroom 16C
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COURT CLERK: Susan Botzenhart

RECORDER: Jill Jacoby

REPORTER:

**PARTIES**

PRESENT:	Engler, Alissa	Attorney
	State of Nevada	Plaintiff
	Tomsheck, Joshua L.	Attorney

**JOURNAL ENTRIES**

- Deft. not present; PRESENCE WAIVED. Mr. Tomsheck noted there was a briefing schedule set on pending motions, there are no issues, and he hopes parties can resolve it. Ms. Engler concurred. COURT ORDERED, matter CONTINUED for another status check.

NIC

10/16/19 9:30 A.M. ARGUMENT...STATUS CHECK: TRIAL READINESS



DISTRICT COURT  
CLARK COUNTY, NEVADA

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<b>Felony/Gross Misdemeanor</b>	<b>COURT MINUTES</b>	<b>October 16, 2019</b>
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C-16-318607-1	State of Nevada
	vs
	RAYNALDO RAMOS

---

October 16, 2019	9:30 AM	Argument
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HEARD BY: Herndon, Douglas W.	COURTROOM: RJC Courtroom 16C
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COURT CLERK: Kory Schlitz

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES



DISTRICT COURT  
CLARK COUNTY, NEVADA

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<b>Felony/Gross Misdemeanor</b>	<b>COURT MINUTES</b>	<b>October 16, 2019</b>
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---

C-16-318607-1	State of Nevada
	vs
	RAYNALDO RAMOS

---

October 16, 2019	9:30 AM	Status Check: Trial Readiness
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HEARD BY: Herndon, Douglas W.	COURTROOM: RJC Courtroom 16C
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COURT CLERK: Kory Schlitz

RECORDER: Jill Jacoby

REPORTER:

PARTIES  
PRESENT:

JOURNAL ENTRIES



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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<b>Felony/Gross Misdemeanor</b>	<b>COURT MINUTES</b>	<b>October 16, 2019</b>
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C-16-318607-1	State of Nevada
	vs
	RAYNALDO RAMOS

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October 16, 2019	9:30 AM	Motion in Limine
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HEARD BY: Herndon, Douglas W.	COURTROOM: RJC Courtroom 16C
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COURT CLERK: Kory Schlitz

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:

**JOURNAL ENTRIES**



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**October 16, 2019**

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C-16-318607-1      State of Nevada  
                                 vs  
                                 RAYNALDO RAMOS

---

**October 16, 2019      9:30 AM      All Pending Motions**

**HEARD BY:** Herndon, Douglas W.

**COURTROOM:** RJC Courtroom 16C

**COURT CLERK:** Kory Schlitz

**RECORDER:** Jill Jacoby

**REPORTER:**

**PARTIES**

**PRESENT:**      Engler, Alissa      Attorney  
                         State of Nevada      Plaintiff  
                         Tomsheck, Joshua L.      Attorney

**JOURNAL ENTRIES**

- ARGUMENT... STATE'S MOTION IN LIMINE TO PRECLUDE EVIDENCE REGARDING PRIOR USE OF FORCE INCIDENTS AT NDOC AND CHANGES TO NDOC REGULATION AFTER THE November 2014 INCIDENT... STATUS CHECK: TRIAL READINESS...

Defendant not present. COURT ORDERED, Defendant's presence WAIVED. Mr. Tomsheck stated they anticipate being ready for trial, adding parties are attending a settlement conference on October 22, 2019. Ms. Engler argued in support of the Motion, stating the Defense had requested three years of prior use of force incidents, adding the State provided them, but always indicated they were not relevant to conduct that happened in this case. Ms. Engler stated all of the evidence that was provided was from all of the NDC facilities, adding this incident happened at High Desert, adding every facility has their own procedures as to what use of force is relevant, consistent within administrative regulations. Ms. Engler argued anything outside of High Desert is not relevant, and in High Desert, the use of force incidents, there is nothing compared to the incident in this case, pointing out, it was in a segregated unit, the inmates were handcuffed behind their backs, the firearm

PRINT DATE: 03/27/2020

Page 34 of 40

Minutes Date: October 17, 2016



was shot five times. Mr. Tomsheck argued after receiving the evidence of the prior use of force incidents, they received 68 types of discharges involving the same type of behavior as the State has criminally charged the Defendant in this case, pointing out no other correction's office was charged with criminal complaints. Mr. Tomsheck argued the Defendant was acting in the manner in which he was trained during the incident, in conjunction with the other 67 individuals who were trained the same way, and not charged with a criminal complaint. Ms. Engler argued that every incident has its own set of circumstances. COURT STATED ITS FINDINGS and ORDERED, Motion DENIED IN PART with regards to being able to discuss other events within the three year period that involve guard response to multiple inmates engaged in some type of aggressive behavior with each other within the same training guidelines; Motion GRANTED IN PART with regards to not introducing the fact things were changed to somehow indicate a lack of liability on a part of the Defendant. COURT DIRECTED parties to review the use of force events which can be admitted.

NIC

10/29/19 9:00 A.M. CALENDAR CALL

11/4/19 10:00 A.M. JURY TRIAL



DISTRICT COURT  
CLARK COUNTY, NEVADA

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**October 22, 2019**

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C-16-318607-1	State of Nevada
	vs
	RAYNALDO RAMOS

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October 22, 2019	1:00 PM	Settlement Conference
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**HEARD BY:** Bell, Linda Marie

**COURTROOM:** No Location

**COURT CLERK:** Kimberly Estala

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Parties participated in a meaningful settlement conference and a settlement was not reached. The sign in sheet will be left side filed in the case file.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**October 29, 2019**

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C-16-318607-1      State of Nevada  
                                 vs  
                                 RAYNALDO RAMOS

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**October 29, 2019      1:00 PM      Calendar Call**

**HEARD BY:** Bluth, Jacqueline M.      **COURTROOM:** RJC Courtroom 16C

**COURT CLERK:** Kory Schlitz

**RECORDER:** Jill Jacoby

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Engler, Alissa	Attorney
	Gunnell, Jason	Attorney
	RAMOS, RAYNALDO J	Defendant
	State of Nevada	Plaintiff
	Tomsheck, Joshua L.	Attorney

**JOURNAL ENTRIES**

- Amended Information FILED IN OPEN COURT...

NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFENDANT RAMOS ARRAIGNED AND PLED GUILTY PURSUANT TO ALFORD TO ATTEMPT PERFORMANCE OF ACT IN WILLFUL OR WANTON DISREGARD OF SAFETY OF PERSONS OR PROPERTY RESULTING IN DEATH (F-GM). Court ACCEPTED plea, and, ORDERED, ADJUDICATION STAYED; Defendant is COMPLY with the following negotiations:

1. Complete a mental health evaluation through department of veteran affairs, and follow any recommended case plan;
2. Provide quarterly updates on the counseling programs;
3. Perform 10 hours of community service per month for a total of 240 hours to be completed by time

PRINT DATE: 03/27/2020

Page 37 of 40

Minutes Date: October 17, 2016



of sentencing

4. Stay out of trouble, meaning no new arrest of any kind except for minor traffic violations.

Ms. Armeni stated her objection to the negotiations for the record, and requested the Defendant be placed on House Arrest and requested \$1736.01 in Restitution. Ms. Engler stated she did not inform the Court that Ms. Armeni was requesting Restitution as that amount is usually ordered at the time of sentencing. COURT ORDERED \$1739.01 in restitution payable to Victor Perez; status check SET. COURT STATED if the Defendant is making good faith efforts towards paying the Restitution, it will not be a violation of the negotiations. Mr. Tomsheck requested the Defendant's presence be waived at the next status check, if the Defendant is in compliance. COURT SO ORDERED.

NIC

2/25/20 9:00 A.M. STATUS CHECK: MENTAL HEALTH COURT EVALUATION



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 25, 2020**

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C-16-318607-1      State of Nevada  
                                 vs  
                                 RAYNALDO RAMOS

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**February 25, 2020      9:00 AM      Status Check      Status Check: Mental  
Health Court  
Evaulation**

**HEARD BY:** Herndon, Douglas W.      **COURTROOM:** RJC Courtroom 16C

**COURT CLERK:** Kory Schlitz

**RECORDER:** Stacey Ray

**REPORTER:**

**PARTIES**

**PRESENT:**      Engler, Alissa      Attorney  
                                 State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Defendant not present. Joshua Tomsheck Esq. not present.

Ms. Engler stated Mr. Tomsheck has a binding arbitration this morning, and requested the matter be continued two weeks. Upon Court's inquiry, Ms. Engler stated this was the first status check to verify the Defendant has completed the evaluation, adding Mr. Tomsheck provided her with community service hours completed by the Defendant, pointing out this was a stayed adjudication. COURT ORDERED, matter CONTINUED.

NIC

CONTINUED TO: 3/10/2020 9:00 A.M.



DISTRICT COURT  
CLARK COUNTY, NEVADA

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Felony/Gross Misdemeanor	COURT MINUTES	March 10, 2020
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C-16-318607-1	State of Nevada vs RAYNALDO RAMOS
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March 10, 2020	9:00 AM	Status Check	Status Check: Mental Health Court Evaluation
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HEARD BY: Herndon, Douglas W.                      COURTROOM: RJC Courtroom 16C

COURT CLERK: Kory Schlitz

RECORDER: Stacey Ray

REPORTER:

**PARTIES**

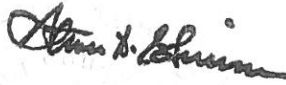
<b>PRESENT:</b>	Engler, Alissa State of Nevada Tomsheck, Joshua L.	Attorney Plaintiff Attorney
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**JOURNAL ENTRIES**

- Defendant not present. Mr. Tomsheck informed the Court the Defendant has done the Mental Health Evaluation, and is under treatment, and he has provided a copy to the State. Ms. Engler stated the Defendant is current on his community services hours as well. COURT ORDERED, status check SET; Defendant's presence is WAIVED and will continued to be waived if in compliance.

NIC

9/8/2020 9:00 A.M. STATUS CHECK: INFORMAL PROBATION

  
**MAR 27 2020**  
CERTIFIED COPY  
DOCUMENT ATTACHED IS A  
TRUE AND CORRECT COPY  
OF THE DOCUMENT ON FILE



### **III. REGULARLY SCHEDULED MEETING AGENDA ITEMS**

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

A request from the Mineral County Sheriff's Office requesting a 6-month extension pursuant to NRS 289.550 for their employee Alexander Hart to meet certification requirements. The request would extend the time period to November 25, 2020 in order to meet certification.









# Mineral County Sheriff's Office

Randall L. Adams  
Sheriff

Bill Ferguson  
Undersheriff

June 4, 2020

Mineral County Sheriff's Office

Po Box 2290

Hawthorne, NV 89415

Nevada POST

5587 Wa Pai Shone Avenue  
Carson City, NV 89701

To Whom It May Concern,

We are requesting a 6-month extension on Alexander Hart. Due to staffing shortages we are not able to get him into POST before the one-year deadline is up. We will be able to send him when the next class starts.

Thank you for your consideration on this matter. If you have any questions please do not hesitate to reach out.

Thank you,

A handwritten signature in black ink, appearing to read "Randy Adams".

Sheriff Randy Adams

Exp. 6/10







### **III. REGULARLY SCHEDULED MEETING AGENDA ITEMS**

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

Request from the Washoe County Sheriff's Office, for their employee Undersheriff Wayne A. Yarbrough, for an Executive Certificate.







# State of Nevada - POST

## Professional Certificate Application

**POST ID#** 18106 **Officer's Name** Yarbrough Wayne A

**Select the Professional Certificate and choose the applicant's qualifications for the certificate.**

All officer's hours of POST training used to meet the requirements must be entered into the POST database before submitting this application. (use the *POST Professional Training OR Annual Compliance* Formatta form).

- ☐ Intermediate (NAC 289.240) **Meets the following requirements:**
- ☐ Advanced (NAC 289.250) **Has an Intermediate Certificate and meets the following requirements:**
- ☐ Supervisor (NAC 289.255) **Meets the following requirements:**
- ☐ Management (NAC 289.260) **Has Advanced and Supervisor Certificates and meets the following:**
- ☒ Executive (NAC 289.270) **Has a Management Certificate and meets the following:**  
6 yrs (1 Exec) exp., supervise 2 mgrs, head of agency/div./bureau, 200 hrs adv mgmt

**Click the Attachments button to submit Only the following documents as REQUIRED:**

- > Intermediate & Advanced - copy of degree or proof of required credits (if no degree)
- > Management - a letter confirming job level, org. chart
- > Executive - a letter confirming job level, org. chart, and proof of 200 hrs. advanced management training

**Additional Information or comments:**

By electronically signing and submitting this form, you attest that the applicant meets the requirements for the certificate applied for as set out in the Nevada Administrative Code that is referenced next to the certificate selected.

**Submitters Name:**

Yolanda LeBlanc

**Submitters Phone:**

(775) 328-3040

**Submitters E-Mail:**

yleblanc@washoecounty.us

Submission number: 154565

\*\*\*\* This Section is for POST Approval ONLY \*\*\*\* Do NOT Enter in this Section \*\*\*\*

**Education**

**Credit Hours**

**Date Achieved**

**Approved By:**

**Comments:**

**Certification Date:**



Darin Balaam, Sheriff

WASHOE COUNTY  
**SHERIFF**



January 31, 2020

Commission on Peace Officer Standard and Training  
5587 Wa Pai Shone Avenue  
Carson City, Nevada 89701

Dear P.O.S.T. Commission:

Undersheriff Wayne A. Yarbrough POST #18106 is applying for the P.O.S.T. Executive Certificate. Please accept this letter as confirmation that Undersheriff Yarbrough meets all POST requirements for the Executive Certificate.

Undersheriff Yarbrough is second in command of the Washoe County Sheriff's Office. In this position he serves as the Chief Administrator and Executive Officer to the Sheriff. His responsibilities include strategic operations and oversight of all Sheriff's Office Divisions.

Undersheriff Yarbrough has been in this position since January 7, 2019.

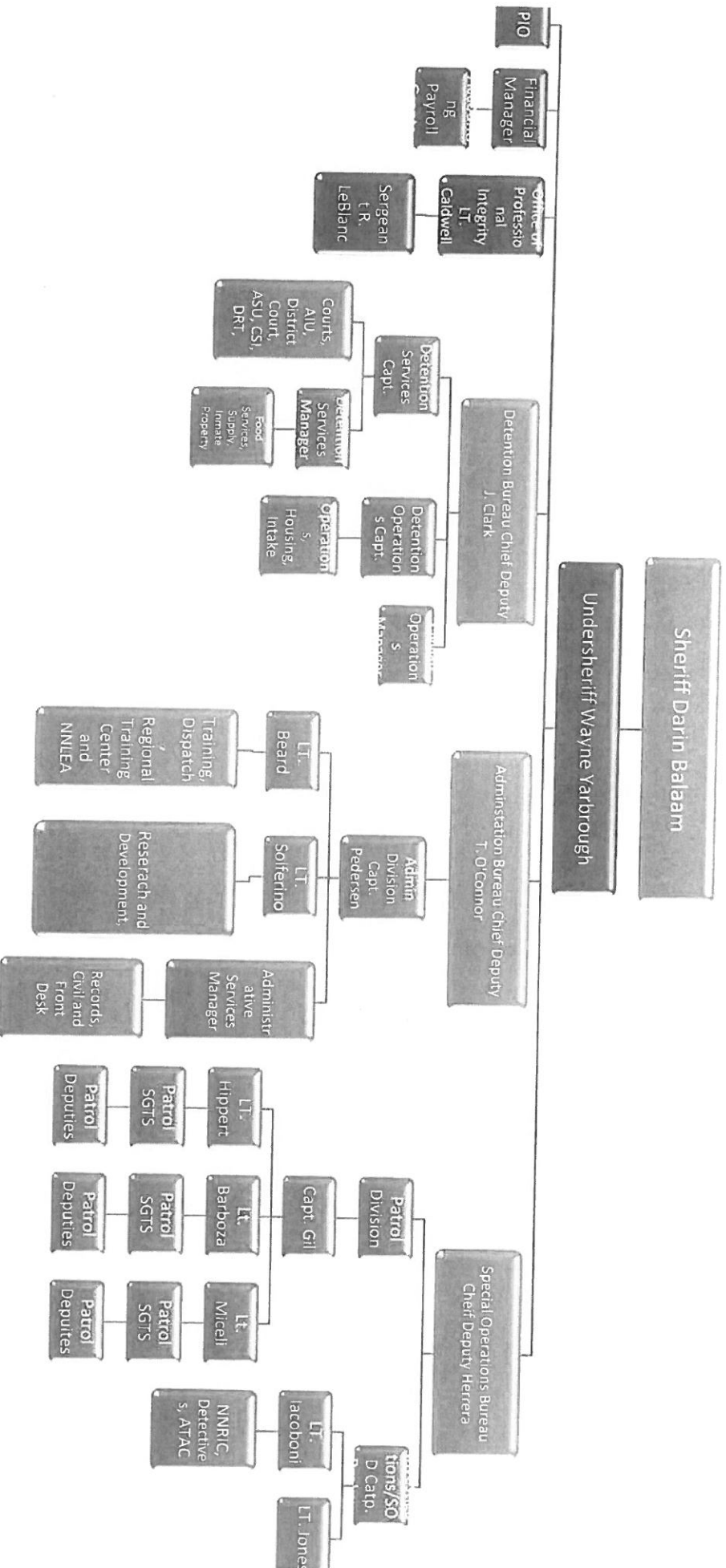
Please accept this as part of the application requirements for the issuance of the P.O.S.T. Executive Certificate for Undersheriff Yarbrough. If you have any questions, please don't hesitate to contact me.

Respectfully,

  
Darin Balaam, Sheriff



# WASHOE COUNTY SHERIFF OFFICE





The United States of America



4-29-19  
TO  
5-10-19 80 HRS

Department of Homeland Security  
**Federal Law Enforcement Training Centers**

Accredited by the Federal Law Enforcement Training Accreditation Board  
By virtue of the authority vested therein, the Faculty hereby confers upon

**Wayne A. Yarbrough**

the honor of this

**Certificate of Attendance**

Department of Homeland Security Leadership Academy  
Session 7

*For successful attendance and participation in all activities as set forth in the requirements for this program, with all of the honors, rights, and privileges thereunto appertaining.*

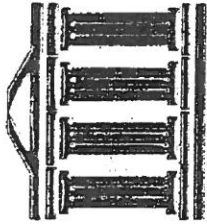
*In testimony whereof, this acknowledgement is awarded under the seal of the U. S. Department of Homeland Security at the Federal Law Enforcement Training Centers, this 10<sup>th</sup> day of May, 2019.*

A handwritten signature in black ink, appearing to read "James J. [unclear]".

Director  
Federal Law Enforcement Training Centers



# Senior Management Institute for Police



POLICE EXECUTIVE  
RESEARCH FORUM

hereby certifies that

## Wayne Parbrough

is a graduate of this course of study in  
executive strategic management.

Presented this Twenty-Eighth day of June, 2007.

*William J. Bratton*  
President, Police Executive Research Forum

*Charles E. Heller*  
Executive Director, Police Executive Research Forum

*Tom Allen*  
Institute Director, Senior Management Institute for Police

10475

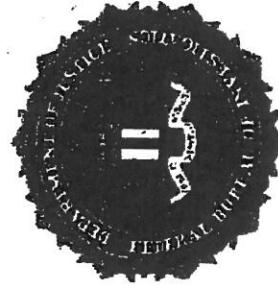


# SOUTHWEST COMMAND COLLEGE

*This is to certify that*

**Wayne A. Yarbrough**

*has completed the course of study in  
Law Enforcement Executive Management  
presented at Las Vegas, Nevada,  
April 23 - 28, 2006*



48 Hrs  
2006



Yarbrough, Wayne A. (18106)

Employment Summary

**Washoe Co SO** - Active **Total Service:** 26 Years 206 Days  
**Hired:** 6-06-1988 **Re-hire:** 1-07-2019 **Last Action:** 1-07-2019 **Hired**

**Assignment:** **Pos/Rank:**  
**Level:** Executive **Class:**  
**Shift:** :

**Washoe Co Dept of Alt Sentencing** - Inactive Full-time **Total Service:** 3 Years 59 Days  
**Hired:** 9-22-2015 **Last Action:** 11-19-2018 **Separated**

**Assignment:** **Pos/Rank:**  
**Level:** Line **Class:**  
**Shift:** :

Certification

Date	Status	Certified	Expires	Probation	Cert #
Professional: Advanced 1-07-2019	Active	7-26-1994			
Basic: Category I 1-07-2019	Active	12-09-1989			
Basic: Category III 1-07-2019	Active	12-09-1989			
Professional: Intermediate 1-07-2019	Active	1-25-1993			
Professional: Management 1-07-2019	Active	11-16-2005			

Training

Course	Title	Date	Hours	Score	Status
C0000001	Firearms Proficiency 1	12-01-2019	0.01	0.00	Completed
C0000002	Firearms Proficiency 2	12-01-2019	1.00	0.00	Passed
C0000003	Arrest Control/ Defensive Tactics	12-01-2019	1.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	12-01-2019	1.00	0.00	Passed
C0000005	Use of Force Policy Review	12-01-2019	1.00	0.00	Passed
M0000359	Agency Continuing Education Training	12-01-2019	1.00	0.00	Passed
<b>2019 Pass/Complete:</b>			<b>5.01</b>		
P0000343	Duties of the Sheriff Seminar	12-11-2018	16.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	6-25-2018	1.00	0.00	Passed
C0000003	Arrest Control/ Defensive Tactics	6-04-2018	1.00	0.00	Passed
C0000001	Firearms Proficiency 1	3-26-2018	1.00	0.00	Passed
C0000003	Arrest Control/ Defensive Tactics	2-26-2018	1.00	0.00	Passed
<b>2018 Pass/Complete:</b>			<b>20.00</b>		
C0000001	Firearms Proficiency 1	12-19-2017	1.00	0.00	Passed
C0000002	Firearms Proficiency 2	12-19-2017	1.00	0.00	Passed



**Yarbrough, Wayne A. (18106)**

C0000003	Arrest Control/ Defensive Tactics	12-19-2017	1.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	12-19-2017	1.00	0.00	Passed
C0000005	Use of Force Policy Review	12-19-2017	1.00	0.00	Passed
M0000359	Agency Continuing Education Training	12-19-2017	1.00	0.00	Passed
M0000359	Agency Continuing Education Training	11-20-2017	1.00	0.00	Passed

**2017 Pass/Complete: 7.00**

C0000001	Firearms Proficiency 1	12-02-2016	1.00	0.00	Passed
C0000002	Firearms Proficiency 2	12-02-2016	1.00	0.00	Passed
C0000003	Arrest Control/ Defensive Tactics	12-02-2016	1.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	12-02-2016	1.00	0.00	Passed
C0000005	Use of Force Policy Review	12-02-2016	1.00	0.00	Passed
M0000359	Agency Continuing Education Training	12-02-2016	1.00	0.00	Passed

**2016 Pass/Complete: 6.00**

C0000002	Firearms Proficiency 2	12-09-2015	1.00	0.00	Passed
C0000003	Arrest Control/ Defensive Tactics	12-04-2015	1.00	0.00	Passed
M0000359	Agency Continuing Education Training	11-12-2015	1.00	0.00	Passed
C0000001	Firearms Proficiency 1	11-09-2015	1.00	0.00	Passed
C0000005	Use of Force Policy Review	11-09-2015	1.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	11-09-2015	1.00	0.00	Passed

**2015 Pass/Complete: 6.00**

C0000005	Use of Force Policy Review	12-31-2013	1.00	0.00	Passed
C0000003	Arrest Control/ Defensive Tactics	5-08-2013	3.50	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	5-08-2013	1.00	0.00	Passed
C0000005	Use of Force Policy Review	5-08-2013	0.50	0.00	Passed
M0000359	Agency Continuing Education Training	5-08-2013	5.00	0.00	Passed
C0000001	Firearms Proficiency 1	4-12-2013	3.00	0.00	Passed
C0000001	Firearms Proficiency 1	3-24-2013	3.00	0.00	Passed

**2013 Pass/Complete: 17.00**

M0000359	Agency Continuing Education Training	12-28-2012	12.00	0.00	Passed
M0000360	Sheriff's and Chief's Association Annual Training	10-24-2012	16.00	0.00	Passed
C0000002	Firearms Proficiency 2	9-25-2012	2.00	0.00	Passed
M0000359	Agency Continuing Education Training	9-25-2012	19.00	0.00	Passed
C0000001	Firearms Proficiency 1	3-22-2012	3.00	0.00	Passed

**2012 Pass/Complete: 52.00**

M0000352	Case Study-Washington DC Sniper Investigation	11-03-2011	4.00	0.00	Passed
M0000353	A Cold Case Study- April Tinsley Abduction and Mur	11-03-2011	4.00	0.00	Passed
M0000351	Establishing a Cold Case Unit/ Washington DC Starb	11-02-2011	8.00	0.00	Passed
M0010001	Firearms First Half Qualification	4-21-2011	3.50	0.00	Passed

**2011 Pass/Complete: 19.50**

M0010009	Firearms Second Half Qualification	9-08-2010	2.00	0.00	Passed
M0010012	CET - EVOC Emergency Vehicle Operating Course	5-12-2010	5.00	0.00	Passed



**Yarbrough, Wayne A. (18106)**

M0010006	Weaponless Defense	5-12-2010	5.00	0.00	Passed
M0010001	Firearms First Half Qualification	4-07-2010	2.00	0.00	Passed

**2010 Pass/Complete: 14.00**

M0010009	Firearms Second Half Qualification	11-05-2009	4.00	0.00	Passed
M0010004	CET - Taser	11-05-2009	2.00	0.00	Passed
M0010016	Haz Com-Hazardous Communications	5-14-2009	1.00	0.00	Passed
M0010015	Blood Borne Pathogens	5-14-2009	1.00	0.00	Passed
M0010001	Firearms First Half Qualification	3-26-2009	4.00	0.00	Passed
M0010014	CPR and First Aid	3-26-2009	4.00	0.00	Passed

**2009 Pass/Complete: 16.00**

P0000223	Virginia Tech Terror	5-09-2008	8.00	0.00	Passed
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**2008 Pass/Complete: 8.00**

P0000015	Developing Policies and Procedures	11-02-2005	12.00	0.00	Passed
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**2005 Pass/Complete: 12.00**

B1450001	High Sierra Category I Academy	12-09-1989	544.00	0.00	Passed
S000001	Category I State Certification Examination	12-09-1989	2.00	76.00	Passed
B1450003	High Sierra Category III Academy	1-03-1989	120.00	0.00	Passed
S000003	Category III State Certification Examination	1-03-1989	1.50	85.00	Passed

**1989 Pass/Complete: 667.50**

**Total Pass/Complete: 850.01**







### **III. REGULARLY SCHEDULED MEETING AGENDA ITEMS**

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

Request from the Henderson Police Department, for their employee Deputy Chief Michael Denning, for an Executive Certificate.







# State of Nevada - POST

## Professional Certificate Application

POST ID#

11851

Officer's Name

Denning Michael J

### Select the Professional Certificate and choose the applicant's qualifications for the certificate.

All officer's hours of POST training used to meet the requirements must be entered into the POST database before submitting this application. (use the *POST Professional Training OR Annual Compliance Formatta* form).

#### Meets the following requirements:

☐ Intermediate (NAC 289.240)

#### Has an Intermediate Certificate and meets the following requirements:

☐ Advanced (NAC 289.250)

#### Meets the following requirements:

☐ Supervisor (NAC 289.255)

#### Has Advanced and Supervisor Certificates and meets the following:

☐ Management (NAC 289.260)

#### Has a Management Certificate and meets the following:

☒ Executive (NAC 289.270)

6 yrs (1 Exec) exp., supervise 2 mgrs, head of agency/div./bureau, 200 hrs adv mgmt trng

### Click the Attachments button to submit Only the following documents as REQUIRED:

- > Intermediate & Advanced - copy of degree or proof of required credits (if no degree)
- > Management - a letter confirming job level, org. chart
- > Executive - a letter confirming job level, org. chart, and proof of 200 hrs. advanced management training

### Additional Information or comments:

Greetings, this is the request for Deputy Chief Michael Denning's Executive Certificate. His Bachelor's Degree was not included as it

By electronically signing and submitting this form, you attest that the applicant meets the requirements for the certificate applied for as set out in the Nevada Administrative Code that is referenced next to the certificate selected.

Submitters Name:

Scott Williams

Submitters Phone:

(702) 267-4838

Submitters E-Mail:

scott.williams@cityofhenderson.com

Submission number: 159620

\*\*\*\* This Section is for POST Approval ONLY \*\*\*\* Do NOT Enter in this Section \*\*\*\*

Education

Credit Hours

Date Achieved

11/8/13/20

Approved By:

MS 8/13/20

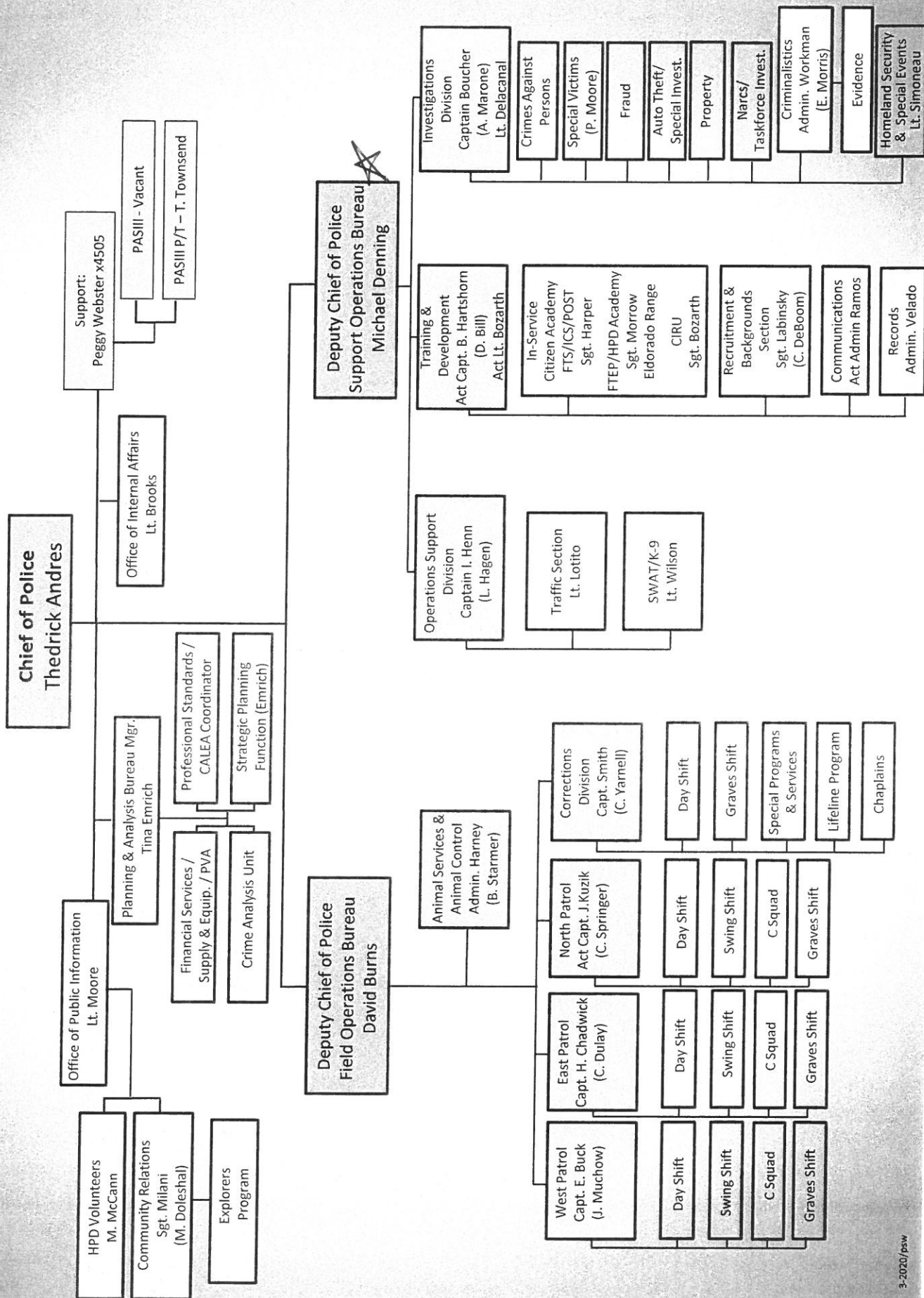
Comments:

Certification Date:

11/8/13/20



# HENDERSON POLICE DEPARTMENT







CITY OF HENDERSON  
POLICE DEPARTMENT

THEDRICK R. ANDRES, SR.  
Chief of Police



March 2, 20020

Commission of Peace Officer's Standards and Training  
Records and Certification Section  
State of Nevada  
5587 Wa Pai Shone Avenue  
Carson City, NV 89701

To Whom It May Concern,

This is to confirm that Deputy Chief Michael Denning is authorized to develop and approve policies for the Henderson Police Department and is an executive over a major division of the department.

Deputy Chief Denning's position includes the process of policy development and approval. Additionally, policies and procedures for the Henderson Police Department are funneled through the Deputy Chiefs for their review and approval, prior to going to the Chief's office for final approval.

Deputy Chief Denning, as Deputy Chief of Support Operations, also supervises a staff of executives, including captains and administrators.

If you have any questions regarding Deputy Chief Denning's POST Executive Certification process, please contact the Training Bureau at 702-267-4850, or you may contact my office at 702-267-4786.


Sincerely,

  
Thedrick R. Andres, Sr.  
Chief of Police

TRA/psw

cc: Training Bureau  
Michael Denning, Deputy Chief





# CERTIFICATE of COMPLETION

This is to certify that

**Michael Denning**

has completed the course

**Policy Formulation (P0000292)**

September 11, 2016

*M. Shuloh*

Executive Director,  
Commission on Peace  
Officer Standards & Training

Credit Hours: 6





**International Association of  
Chiefs of Police**

44 Canal Center Plaza, Suite 200  
Alexandria, VA 22314-2357  
Phone 703-636-6767; 1-800-THE IACP  
Fax 703-636-4543  
Web [www.theiacp.org](http://www.theiacp.org)

**Pres.**  
Terrill A. Cunningham  
Chief of Police  
Woburn Police Department  
Woburn, MA

**Immediate Past President**  
Richard M. Beary  
Chief of Police  
University of Central Florida  
Orlando, FL

**First Vice President**  
Donald DeLuca  
Chief of Police  
Doral Police Department  
Doral, FL

**Second Vice President**  
Louis M. DeMat  
Chief of Police  
LaGrange Police Department  
LaGrange, GA

**Third Vice President**  
Paul M. Call  
Chief of Police  
Montclair State University  
Police Department  
Montclair, NJ

**Fourth Vice President**  
Steven R. Castorens  
Chief of Police  
Buffalo Grove Police  
Department  
Buffalo Grove, IL

**Vice President at Large**  
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Chief of Police  
Greenbelt Police Department  
Greenbelt, MD

**Vice President at Large**  
Richard E. Smith  
Chief of Police  
Waterfield Police Department  
Waterfield, MA

**International Vice President**  
Patrick Stivers  
Chief Commissioner  
Belgian Police Liaison Office  
Belgian Embassy  
Washington, DC

**Vice President-Treasurer**  
Doris E. Henniger  
Chief of Police  
Vail Police Department  
Vail, CO

**General Chair Division of State  
Associations of Chiefs of Police**  
John W. Lottney  
Chief of Police  
Apex Police Department  
Apex, NC

**General Chair Division of State and  
Provincial Police**  
Colonel W. Steven Fisher  
Superintendent  
Virginia State Police  
Richmond, VA

**Parliamentarian**  
Peter L. Carnes  
Chief of Police  
Storrs Hall College Campus Police & Safety  
Easton, MA

**Executive Director / Chief Executive  
Officer**  
Vincent Talucci  
Alexandria, VA

**Deputy Executive Director**  
Green Bonifacio  
Alexandria, VA

October 26, 2016

Michael Denning  
Lieutenant  
Henderson Police Dept  
223 Lead St  
Henderson, NV 89015

Dear Michael Denning:

Thank you for attending IACP 2016 – the 123<sup>rd</sup> Annual Conference and Exposition of the International Association of Chiefs of Police – at the San Diego Convention Center in San Diego, California, October 15-18, 2016. Printed below is your certificate of attendance\* and training hours for the following sessions:

TITLE OF SESSION	DATE & TIME	HOURS OF TRAINING
Body-Worn Cameras: Legal Issues - The Good, The Bad, and Watching the Video in Use of Force Investigations	2016-10-16 09:30	2.0
Leaders Eat Last: Q&A with Simon Sinek	2016-10-16 10:00	1.5
Use of Force: How Do Current Trends Influence Policy, Investigation, Oversight, and Physiological Review	2016-10-16 14:00	1.5
Lessons Learned: Operationalizing a Critical Incident Response Team (Mental Health Professionals, Peer Supporters, Chaplains, Vi	2016-10-17 13:00	1.5
The Unexpected Challenge: Law Enforcement and Mental Health	2016-10-17 13:00	1.5
Building Police-Community Relationships Through Blue Courage: The Heart and Mind of the Guardian	2016-10-18 08:00	1.5
Mental Health First-Aid or Crisis Intervention Team: What Should Law Enforcement Do?	2016-10-18 13:30	1.5

\*Your attendance was electronically recorded for each session when you scanned the barcode on your name badge. If a workshop you attended did not appear in the above list, please contact the Conference Program Manager and supply the session title, date, and time.

**Peace Officer Standards and Training (POST) Program**

Submit a copy of this certificate and the IACP 2016 conference program showing a list of instructors for each session to apply for state POST retraining credit. Please note standards are locally set, and vary from region to region. Visit [theiacpconference.org](http://theiacpconference.org) to download a printable program listing session instructors.

If you need additional information regarding the training sessions(s) above, please contact the IACP Conference Program Manager at [woodhead@theiacp.org](mailto:woodhead@theiacp.org) or 800-THE-IACP X277.

Sincerely,

Tracy Woodhead  
Conference Program Manager  
International Association of Chiefs of Police

*Serving the Leaders of Today, Developing the Leaders of Tomorrow®*





## The AELE Law Enforcement Legal Center

841 W. Touhy Avenue - Park Ridge, Illinois 60068  
Tel. 1 (800) 763-2802 - Fax 1 (800) 763-3221  
<http://www.aele.org>

"Building integrity and confidence  
through research and education."

*AELE certifies the attendance of*

MICHAEL J. DENNING

at the AELE Workshop on

**Discipline & Internal Investigations**

Conducted in Las Vegas, NV  
On October 24-26, 2016

Program teaching time was a total of  
860 classroom instructional minutes.

Wayne W. Schmidt

Wayne W. Schmidt, Esq.  
Staff Representative

Emory A. Plitt, Jr.

Judge Emory A. Plitt, Jr.  
Course Director



# USE OF FORCE SUMMIT



MOHEGAN SUN CONVENTION CENTER  
NOVEMBER 29<sup>TH</sup> - DECEMBER 1<sup>ST</sup>, 2016  
21 HOURS OF INSTRUCTION

MICHAEL DENNING

ERIC P. DAIGLE, ESQ.

DECEMBER 1, 2016

DATE:





*FBINAA Nevada Chapter  
and  
Nevada Sheriffs' & Chiefs' Association*

*Certificate of Training*

*Mike Denning*

*Henderson Police Department*

attended 16 hours of training  
at the Annual Training Conference in Las Vegas, NV  
October 17 & 18, 2017

*October 18, 2017*

*Date*

*Wayne Yarbrough*

*Wayne Yarbrough, President  
FBINAA Nevada Chapter*





HENDERSON POLICE DEPARTMENT  
**TRAINING CLASS EVALUATION**

**HPD 0031**

PAGE 1 OF 1

<input type="checkbox"/> Instructor	<input checked="" type="checkbox"/> Student	NAME: Michael Denning	P#: 960
POST #: 11851			

CLASS TITLE: <b>SMIP (Sr. Mgmt. Institute for Police)</b>	DATE OF TRAINING: <b>June 6 - 28, 2019</b>
AGENCY: <b>PERF (Police Executive Research Forum)</b>	TOTAL HOURS: <b>150 hrs.</b>
INSTRUCTOR: <b>Various</b>	
LOCATION: <b>Boston, MA (@ Boston University)</b>	

	YES	UNDECIDED	NO
I feel this is a worthwhile class	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I was motivated by this instructor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was knowledgeable of the subject	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor encouraged class participation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

COMMENTS: <i>EXCELLENT TRAINING. HIGHLY RECOMMENDED FOR</i>
<i>SWORN SENIOR LEADERSHIP (LT's &amp; CAPT's) AND PIO's.</i>
Signature: <i>[Signature]</i>

TRAINING CERTIFICATE ATTACHED ☒ (If no certificate available, check here. ☐)



# Senior Management Institute for Police



POLICE EXECUTIVE  
RESEARCH FORUM

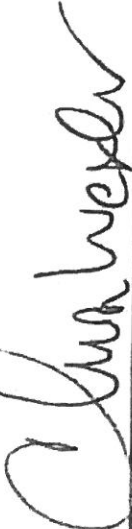
hereby certifies that

**Michael Denning**

is a graduate of this course of study in  
executive strategic management.

Presented this Twenty-seventh day of June, 2019.

  
President, Police Executive Research Forum

  
Executive Director, Police Executive Research Forum

  
Institute Director, Senior Management Institute for Police



Denning, Michael J. (11851)

Employment Summary

<b>Henderson PD</b>	- Active	<b>Total Service:</b> 11 Years 66 Days
<b>Hired:</b> 5-18-2009	<b>Last Action:</b> 5-18-2009	Hired
<b>Assignment:</b>	<b>Pos/Rank:</b>	
<b>Level:</b> Management	<b>Class:</b>	
<b>Shift:</b>	:	

Certification

Date	Status	Certified	Expires	Probation	Cert #
Professional: Management 11-01-2016	Active	11-01-2016			
Professional: Supervisor 4-20-2010	Active	4-20-2010			
Professional: Advanced 3-07-2007	Active	3-07-2007			
Professional: Intermediate 3-07-2007	Active	3-07-2007			
Basic: Category I 9-29-1999	Active	9-29-1999			

Training

Course	Title	Date	Hours	Score	Status
M0000359	Agency Continuing Education Training	12-08-2019	1.00	0.00	Passed
C0000002	Firearms Proficiency 2	12-03-2019	1.00	0.00	Passed
C0000005	Use of Force Policy Review	9-23-2019	1.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	7-30-2019	1.00	0.00	Passed
C0000001	Firearms Proficiency 1	4-02-2019	1.00	0.00	Passed
C0000003	Arrest Control/ Defensive Tactics	4-01-2019	1.00	0.00	Passed
2019 Pass/Complete:			6.00		
M0000359	Agency Continuing Education Training	11-08-2018	1.00	0.00	Passed
C0000001	Firearms Proficiency 1	10-30-2018	1.00	0.00	Passed
C0000003	Arrest Control/ Defensive Tactics	9-17-2018	1.00	0.00	Passed
C0000002	Firearms Proficiency 2	9-07-2018	1.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	1-04-2018	1.00	0.00	Passed
C0000005	Use of Force Policy Review	1-04-2018	1.00	0.00	Passed
2018 Pass/Complete:			6.00		
C0000002	Firearms Proficiency 2	11-15-2017	1.00	0.00	Passed
M0000359	Agency Continuing Education Training	10-10-2017	1.00	0.00	Passed
C0000003	Arrest Control/ Defensive Tactics	8-28-2017	1.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	8-28-2017	1.00	0.00	Passed
C0000005	Use of Force Policy Review	2-22-2017	1.00	0.00	Passed



**Denning, Michael J. (11851)**

C0000001	Firearms Proficiency 1	1-24-2017	1.00	0.00	Passed
<b>2017 Pass/Complete:</b>			<b>6.00</b>		
M0000359	Agency Continuing Education Training	12-31-2016	1.00	0.00	Passed
C0000002	Firearms Proficiency 2	12-05-2016	1.00	0.00	Passed
P2440130	Anti-Bias Training For Law Enforcement	11-08-2016	1.00	0.00	Passed
P0000431	Management Module 2	10-06-2016	74.00	0.00	Passed
P0000432	Management Module 4	10-06-2016	40.00	0.00	Passed
P0000433	Management Module 5	10-06-2016	40.00	0.00	Passed
P0000292	Policy Formulation Independent Study Program	9-11-2016	6.00	0.00	Passed
C0000003	Arrest Control/ Defensive Tactics	6-01-2016	1.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	6-01-2016	1.00	0.00	Passed
C0000005	Use of Force Policy Review	5-04-2016	1.00	0.00	Passed
C0000001	Firearms Proficiency 1	1-25-2016	1.00	0.00	Passed
<b>2016 Pass/Complete:</b>			<b>167.00</b>		
M0000359	Agency Continuing Education Training	12-31-2015	1.00	0.00	Passed
C0000002	Firearms Proficiency 2	8-20-2015	1.00	0.00	Passed
P0000436	Management Module 1	8-06-2015	80.00	0.00	Passed
P2440103	Understanding/Responding to Excited Delirium Calls	7-23-2015	1.00	0.00	Passed
C0000003	Arrest Control/ Defensive Tactics	7-22-2015	1.00	0.00	Passed
C0000005	Use of Force Policy Review	6-17-2015	1.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	6-03-2015	1.00	0.00	Passed
C0000001	Firearms Proficiency 1	2-03-2015	1.00	0.00	Passed
<b>2015 Pass/Complete:</b>			<b>87.00</b>		
M0000359	Agency Continuing Education Training	10-30-2014	1.00	0.00	Passed
C0000003	Arrest Control/ Defensive Tactics	10-14-2014	1.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	8-12-2014	1.00	0.00	Passed
C0000001	Firearms Proficiency 1	8-11-2014	1.00	0.00	Passed
C0000002	Firearms Proficiency 2	8-11-2014	1.00	0.00	Passed
C0000005	Use of Force Policy Review	6-10-2014	1.00	0.00	Passed
<b>2014 Pass/Complete:</b>			<b>6.00</b>		
M0000359	Agency Continuing Education Training	11-07-2013	5.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	10-01-2013	5.00	0.00	Passed
P2480002	Supervisor's Role in Managing the Use of Force Inc	9-11-2013	8.00	0.00	Passed
C0000002	Firearms Proficiency 2	8-30-2013	5.00	0.00	Passed
C0000005	Use of Force Policy Review	8-13-2013	5.00	0.00	Passed
C0000003	Arrest Control/ Defensive Tactics	7-12-2013	5.00	0.00	Passed
C0000001	Firearms Proficiency 1	1-17-2013	5.00	0.00	Passed
<b>2013 Pass/Complete:</b>			<b>38.00</b>		
C0000003	Arrest Control/ Defensive Tactics	9-19-2012	5.00	0.00	Passed
C0000002	Firearms Proficiency 2	7-19-2012	5.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	4-26-2012	5.00	0.00	Passed



**Denning, Michael J. (11851)**

C0000005	Use of Force Policy Review	2-27-2012	5.00	0.00	Passed
C0000001	Firearms Proficiency 1	1-26-2012	5.00	0.00	Passed
<b>2012 Pass/Complete:</b>			<b>25.00</b>		
P0000260	POST First-Line Supervisor Program	10-16-2009	80.00	0.00	Passed
<b>2009 Pass/Complete:</b>			<b>80.00</b>		
B1560001	SNLEA Category I Academy	8-06-1999	792.00	0.00	Passed
S000001	Category I State Certification Examination	8-04-1999	2.00	81.00	Passed
<b>1999 Pass/Complete:</b>			<b>794.00</b>		
<b>Total Pass/Complete:</b>			<b>1,215.00</b>		







### **III. REGULARLY SCHEDULED MEETING AGENDA ITEMS**

#### **12. DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

Request from the Las Vegas Metro Police Department, for their employee Captain Jeffrey Coday, for an Executive Certificate.







# State of Nevada - POST

## Professional Certificate Application

Officer's Name

POST ID#

21086

Coday Jeffrey J

**Select the Professional Certificate and choose the applicant's qualifications for the certificate.**

All officer's hours of POST training used to meet the requirements must be entered into the POST database before submitting this application. (use the *POST Professional Training OR Annual Compliance* Formatta form).

**Meets the following requirements:**

☐ Intermediate (NAC 289.240)

**Has an Intermediate Certificate and meets the following requirements:**

☐ Advanced (NAC 289.250)

**Meets the following requirements:**

☐ Supervisor (NAC 289.255)

**Has Advanced and Supervisor Certificates and meets the following:**

☐ Management (NAC 289.260)

**Has a Management Certificate and meets the following:**

☒ Executive (NAC 289.270)

6 yrs (1 Exec) exp., supervise 2 mgrs, head of agency/div./bureau, 200 hrs adv mgmt trng

**Click the Attachments button to submit Only the following documents as REQUIRED:**

- > Intermediate & Advanced - copy of degree or proof of required credits (if no degree)
- > Management - a letter confirming job level, org. chart
- > Executive - a letter confirming job level, org. chart, and proof of 200 hrs. advanced management training

**Additional Information or comments:**

Letter of recommendation and org chart attached

By electronically signing and submitting this form, you attest that the applicant meets the requirements for the certificate applied for as set out in the Nevada Administrative Code that is referenced next to the certificate selected.

**Submitters Name:**

J.Brambila

**Submitters Phone:**

(702) 828-3507

**Submitters E-Mail:**

j12875b@lvmpd.com

Submission number: 164240

\*\*\*\* This Section is for POST Approval ONLY \*\*\*\* Do NOT Enter in this Section \*\*\*\*

**Education**

**Credit Hours**

**Date Achieved**

**Approved By:**

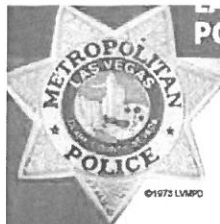
8/13/20

**Comments:**

**Certification Date:**

8/13/20





March 1, 2020

Nevada Commission on Peace Officers' Standards & Training  
5587 Wa Pai Shone Avenue  
Carson City, NV 89701

Attn: Mike Sherlock, Executive Director of NV P.O.S.T.

Reference: Executive Certificate for Captain Jeffrey Coday.

Dear Mr. Sherlock,

This letter certifies that Captain Jeffrey Coday meets the requirement for the award of a Nevada P.O.S.T. Professional Executive Certificate. This is based on the Captain's current assignment as stated in NAC 289.260 and NAC 289.047 and holding an executive level position.

Captain Coday is currently assigned to a position supervising two or more persons who hold a management level position and is in charge of a major bureau within LVMPD.

An organization chart is included which demonstrates this officer's position within the LVMPD agency.

Respectfully,

Joseph Lombardo, Sheriff  
Clark County Sheriff  
Las Vegas Metropolitan Police Department





NORTHWEST AREA COMMAND DESK ROSTER Effective 06/06/20 (5000189000)																								
CAPTAIN JEFF CODY (214) 87870 CELL 702-296-3117 NW20A F/SS 0800-1700 (EMD-X)																								
SARANTHA SCOBIE PW7101 NW20A F/SS 0800-1700 (EMD-X)																								
GRAVE SHIFT LT. JEFF SWANBLICK PW606 (172) CELL 702-413-9069 SMT (NW13A) 2200-0800 (CF5B) (Sat/Sun Triple Squad)																								
NW11 (X) HFS 2200-0800 (CF5B)					NW12 (V) WHF 2200-0800 (CF5B)					NW13 (V) SMT 2200-0800 (CF5B)					NW14 (X) MTW 2200-0800 (CF5B)									
ZAFIRIS, KEVIN SGT.	771	13338	ACBGRV	LOY, BRYAN	831	10020	ACBGRV	ALFORD, ROBERT SGT.	807	9652	CV	BELL, LEVAR	840	13591	ACBGRV									
ABBOTT, JOYCE	PO II	8872	4CHV	COTO, GAVIN	PO I	17494	4CHV	DIAS, VICTOR	PO II	17074	4CHV	ALLEN, LEAH ANN	PO I	17473	4CV									
AUSTIN, NATHAN	PO II	17233	4CHRV	GARCIA, JOSE	PO II	16973	4CHV	HERNANDEZ, HECTOR	PO I	17404	4CHV	ATIENZA, MICHAEL	PO I	17647	4VC									
BLAIR, GARRETT	PO II	16998	4CHV	JENNINGS, TYLER	PO I	17336	4CHV	HUTCHINSON, WINSTON	PO I	15107	CV	CAIN, AUSTIN	PO II	15877	4CVH									
CITELLI, JOSEPH	PO II	16435	4CHRV	MANANAS, JASON	PO I	17463	4CV	MARTIN, TYLER	PO II	17208	4CHV	GATHING, JASON (PW 1025-71 10M)	PO I	17596	4CVH									
DAYKIN, AUSTIN	PO II	16950	4CHV	PIERCE, JORDAN	PO I	17328	CV	OECHSLIN, TERRY	PO I	17416	4CHV	GONZALEZ, OSWALDO	PO I	17577	4CVH									
LUNT, DAVID	PO II	14723	4CHRVH	RADER, WILLIAM	PO I	17345	4CVH	WALL, HOWARD	PO I	17454	CV	GUTIERREZ, IVAN	PO II	16878	4CVH									
ROESKE, PHILLIP	PO II	8431	4CHRV	TAYLOR, RUSSELL	PO I	17379	VC	YUSOFZEL, ABDUL	PO II	17455	4CHV	ZARZA, ASHLEY	PO II	16962	CV4									
VACANCY GADON RETIREMENT															VACANCY - GALLEGOS TO SC12									
TOTAL NW11 PO					TOTAL NW12 PO					TOTAL NW13 PO					TOTAL NW14 PO					7				
DAY SHIFT LT. CARMEN DONEGAN #5591 (311) CELL 702-743-6738 HFS (NW23A) 0630-1630 (CF5A) (Mon/Tue Triple Squad) DGR																								
NW21 (V) FSS 0630-1630 (CF5A) FTEP					NW22 (X) SSM 0630-1630 (CF5A) FTEP					NW23 (V) TWH 0630-1630 (CF5A)					NW24 (X) WHF 0630-1630 (CF5A)									
PORTER, HARRISON SGT.	679	14008	ACBGRV	ROWE, MATTHEW SGT.	752	13114	ACBGRV	TODD, TYLER SGT.	762	8411	SVT	CHUDORA, DAVID SGT.	747	13745	ACBGRV									
BROTHERSON, CHARLES	FTO	14454	4CHV	ARMSTRONG, RAE ANN	FTO	15866	4CHV	COOVERT, JESSICA	PO II	16313	CVT	ARTEAGA, EDUARDO	PO I	17401	4CSVT									
KOBOSKI, SHANE	FTO	9694	4CHRVH	CHAVEZ, OSCAR	FTO	15854	4CHRVH	DAY, JUSTIN	PO II	15773	4CHRVH	LAROSE, CHRISTIAN (PW 1025-71 10M)	PO II	16948	4CHRVH									
LEWIS, PAUL	FTO	8559	4CHRVH	JACKSON, TREMAINE	FTO	16827	4CHRV	HIBBERT, ZACHARY	PO II	16629	4CHV	LURAC, AMELIA	PO II	8385	4CHV									
LUNA, CARLOS	FTO	8157	4CHRVH	KNUTSON, SCOTT	FTO	15268	4CHV	MC DANIELS, QUINCY	PO II	16006	4CHVT	MARTINEZ-GARCIA, ELMER	PO II	17264	4CHV									
MARTINEZ, DARREN	FTO	4751	4CHV	REITER, JOSEPH	FTO	8286	4CHVT	MUNEZ ESPINOZA, JUAN	PO I	17322	4CHSV	MENDEZ, KEVIN	PO II	16276	4CHRV									
SAXON, DERRICK	FTO	8374	4CHRVH	RODRIGUEZ, RUBEN	FTO	15879	4CHVT	PETERS, SKYLAR	PO II	16155	4CHV	PENHA, RAFAEL	PO II	16181	4CHVT									
SOHENA, MICHAEL	FTO	15278	4CHRVH	RUELAS-WOODS, CHRIS	FTO	16100	4CHRV	PRINCE, ROBERT	PO I	16978	4CHVT	RODRIGUEZ RIOS, ULISES	PO I	17377	CV									
SMITH, CHARLES	FTO	13800	4CHVT	VACANCY FOR COLLINS TO ODB				RODRIGUEZ, MIGUEL	PO II	17015	4CHV	RUBIO, BRANDON	PO II	16970	4CHVT									
								SCHALLIPP, CHRISTOPHER	PO II	14015	4CHV	RUSSE, JOSEPH	PO II	16298	4CHVT									
TOTAL NW21 FTOs					TOTAL NW22 FTOs					TOTAL NW23 PO					TOTAL NW24 PO					9				
ATKINSON, KURTIS (05-2018)	PO I	17948	4	KEHRER, MATTHEW (TOY to NW20)	PO I	16807	4CV																	
BOOTH, KYLE (05-2018)	PO I	17982	4V	RUVALCABA, MANUEL	PO II	16096	4CHRV																	
WHITE, JOEY (05-2018)	PO I	17870	4V																					
WOOD, ANDREW (05-2018)	PO I	17984	4V	TOTAL NW22 NON FTOs		2		GONZALEZ, MAYRA		PSR	17338	4												
TOTAL NW21 NON FTOs					TOTAL NW22 NON FTOs					TOTAL NW23 PO					TOTAL NW24 PO					9				
CREMEN, FRANK (05-2018)	PO I	17999	4V	CHRISTENSEN, ISAAC (05-2018)	PO I	17939	4V																	
DEJARNETTE, JACOB (05-2018)	PO I	18219	4V	CONNER, LAWRENCE (05-2018)	PO I	17973	4																	
FRUMKIN, DANIEL (05-2018)	PO I	18038	4V	COOLEY, BEAU (05-2018)	PO I	18211	4V																	
LEGGETT, WILLIAM (05-2018)	PO I	17962	4CV	HEIM, BRANDON (05-2018)	PO I	18169	4V																	
PAULO, BRENNEN (05-2018)	PO I	16029	4V	JESSE, JACK (05-2018)	PO I	18020	4CV																	
URQUIZO, RICARDO (05-2018)	PO I	18214	4V	JOHNSON, KYLE (05-2018)	PO I	18023	4V																	
				METCALF, ASHLEY (05-2018)	PO I	17956	4V																	
TOTAL NW21 TRAINEE					TOTAL NW22 TRAINEE					TOTAL NW23 PO					TOTAL NW24 PO					9				
SWING SHIFT LT. TROY BARRETT PW4122 (109) CELL 702-813-9558 HFS (NW34A) 1430-0030 (EVTD) (Fri/Sat Triple Squad) B																								
NW31 (X) SMT 1430-0030 (EVTD) FTEP					NW32 (V) SSM 1430-0030 (EVTD) FTEP					NW33 (X) WHF 1430-0030 (EVTD)					NW34 (V) TWH 1430-0030 (EVTD)									
LAM, NORMAN SGT.	734	8723	4CHRVH	FERRANTI, PETER SGT.	507	5427	4CHRVH	JONES, WILLIAM SGT.	533	5739	4CHRVH	KILLEN, SEAN	806	9675	4CHRV									
MIRANDA-RODRIGUEZ, CESAR	FTO	15311	4CHVH	COVER, TIMOTHY	FTO	14906	4CHV	ALFARO, ALEJANDRO	PO II	16738	4CHRVH	BAILEY, CEDRIC	PO I	17748	4CHV									
VACANCY POWBERRY TO TRAFFIC					VACANCY WEBER TO SMTIC					BERRY, DAMEKA (PW 1025-71 10M)					BAIR, BRADLEY					PO I 17677 4VC				
					VACANCY CORREA TO SWAC					CASTAGNINO JR., WILLIAM					CASTILLO, ZACHARY (PW 1025-71 10M)					PO I 17323 4CHVH				
										FOSTER, BRENNEN (PW 1025-71 10M)					COXEY, INDIANA					PO I 17615 4CV				
										FOX, DEVIN					GROFF, AARON					PO I 17316 4CHRVH				
										JACKSON, JERMAINE					HODLER, ALEXIS (PW 1025-71 10M)					PO I 17616 4CHV				
										VALLES, ANDREW					MC CRACKEN, ZACHARY					PO I 17488 4CHV				
										VIAYRA-LEON, VERONICA (PW 1025-71 10M)					RODRIGUEZ JR., LONNIE					PO I 17375 CV				



Coday, Jeffrey J. (21086)

### Employment Summary

<b>LV Metro PD</b>	- Active	<b>Total Service:</b> 19 Years 196 Days
<b>Hired:</b> 1-08-2001	<b>Last Action:</b> 1-08-2001	Hired
<b>Assignment:</b>	<b>Pos/Rank:</b>	
<b>Level:</b> Line	<b>Class:</b>	
<b>Shift:</b>	:	

### Certification

Date	Status	Certified	Expires	Probation	Cert #
Professional: Supervisor 3-06-2020	Active	3-06-2020			
Professional: Management 5-24-2011	Active	5-24-2011			
Professional: Advanced 3-09-2007	Active	3-09-2007			
Professional: Intermediate 12-17-2004	Active	12-17-2004			
Basic: Category I 8-03-2001	Active	8-03-2001			

### Training

Course	Title	Date	Hours	Score	Status
P0000260	POST First-Line Supervisor Program	2-28-2020	80.00	0.00	Passed
<b>2020 Pass/Complete:</b>			<b>80.00</b>		
C0000002	Firearms Proficiency 2	12-01-2019	1.00	0.00	Passed
C0000003	Arrest Control/ Defensive Tactics	12-01-2019	1.00	0.00	Passed
M0000359	Agency Continuing Education Training	12-01-2019	1.00	0.00	Passed
P0760471	FBI Academy	9-13-2019	270.00	0.00	Passed
C0000001	Firearms Proficiency 1	6-01-2019	1.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	6-01-2019	1.00	0.00	Passed
C0000005	Use of Force Policy Review	6-01-2019	1.00	0.00	Passed
<b>2019 Pass/Complete:</b>			<b>276.00</b>		
C0000002	Firearms Proficiency 2	12-01-2018	1.00	0.00	Passed
C0000003	Arrest Control/ Defensive Tactics	12-01-2018	1.00	0.00	Passed
M0000359	Agency Continuing Education Training	12-01-2018	1.00	0.00	Passed
C0000001	Firearms Proficiency 1	6-01-2018	1.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	6-01-2018	1.00	0.00	Passed
C0000005	Use of Force Policy Review	6-01-2018	1.00	0.00	Passed
<b>2018 Pass/Complete:</b>			<b>6.00</b>		
C0000001	Firearms Proficiency 1	12-31-2017	1.00	0.00	Passed
C0000002	Firearms Proficiency 2	12-31-2017	1.00	0.00	Passed
C0000003	Arrest Control/ Defensive Tactics	12-31-2017	1.00	0.00	Passed



**Coday, Jeffrey J. (21086)**

C0000004	Less Lethal Weapon Proficiency	12-31-2017	1.00	0.00	Passed
C0000005	Use of Force Policy Review	12-31-2017	1.00	0.00	Passed
M0000359	Agency Continuing Education Training	12-31-2017	1.00	0.00	Passed
<b>2017 Pass/Complete:</b>			<b>6.00</b>		
M0000359	Agency Continuing Education Training	12-01-2016	1.00	0.00	Passed
C0000002	Firearms Proficiency 2	11-15-2016	1.00	0.00	Passed
C0000005	Use of Force Policy Review	11-01-2016	1.00	0.00	Passed
C0000003	Arrest Control/ Defensive Tactics	11-01-2016	1.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	8-01-2016	1.00	0.00	Passed
C0000001	Firearms Proficiency 1	6-01-2016	1.00	0.00	Passed
<b>2016 Pass/Complete:</b>			<b>6.00</b>		
M0000359	Agency Continuing Education Training	12-01-2015	1.00	15.00	Passed
C0000002	Firearms Proficiency 2	11-15-2015	1.00	15.00	Passed
C0000003	Arrest Control/ Defensive Tactics	11-01-2015	1.00	15.00	Passed
C0000005	Use of Force Policy Review	11-01-2015	1.00	15.00	Passed
C0000004	Less Lethal Weapon Proficiency	8-01-2015	1.00	15.00	Passed
C0000001	Firearms Proficiency 1	6-01-2015	1.00	15.00	Passed
<b>2015 Pass/Complete:</b>			<b>6.00</b>		
M0000359	Agency Continuing Education Training	12-01-2014	1.00	0.00	Passed
C0000002	Firearms Proficiency 2	11-15-2014	1.00	0.00	Passed
C0000003	Arrest Control/ Defensive Tactics	11-01-2014	1.00	0.00	Passed
C0000005	Use of Force Policy Review	11-01-2014	1.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	8-01-2014	1.00	0.00	Passed
C0000001	Firearms Proficiency 1	6-01-2014	1.00	0.00	Passed
P0650004	Force Science Training Two-Day Program Agenda	5-09-2014	16.00	0.00	Passed
P0760172	Managing Emergencies	3-10-2014	4.00	0.00	Passed
<b>2014 Pass/Complete:</b>			<b>26.00</b>		
C0000002	Firearms Proficiency 2	12-01-2013	4.00	0.00	Passed
C0000003	Arrest Control/ Defensive Tactics	12-01-2013	8.00	0.00	Passed
M0000359	Agency Continuing Education Training	12-01-2013	473.00	0.00	Passed
P0760156	Respond to Critical Incident	11-04-2013	7.00	0.00	Passed
C0000005	Use of Force Policy Review	11-01-2013	2.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	8-01-2013	6.00	0.00	Passed
C0000001	Firearms Proficiency 1	6-01-2013	4.00	0.00	Passed
P0760962	Use of Force Issues and Documentation	3-28-2013	5.00	0.00	Passed
P0760812	Pursuit Awareness Training	3-07-2013	4.00	0.00	Passed
<b>2013 Pass/Complete:</b>			<b>513.00</b>		
C0000002	Firearms Proficiency 2	12-01-2012	4.00	0.00	Passed
C0000003	Arrest Control/ Defensive Tactics	12-01-2012	8.00	0.00	Passed
M0000359	Agency Continuing Education Training	12-01-2012	56.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	8-01-2012	6.00	0.00	Passed



**Coday, Jeffrey J. (21086)**

C0000001	Firearms Proficiency 1	6-01-2012	4.00	0.00	Passed
C0000005	Use of Force Policy Review	5-21-2012	2.00	0.00	Passed
P0760961	Use of Force - Policy Training	5-21-2012	4.00	0.00	Passed
<b>2012 Pass/Complete:</b>			<b>84.00</b>		
P0760813	Pursuit Awareness Training for Supervisors	11-10-2011	4.00	0.00	Passed
P2490040	Mexican Gang Cartels& U.S. gang Affiliations	8-31-2011	1.25	0.00	Passed
P0760098	Basic Instructor Development	6-28-2011	48.00	0.00	Passed
<b>2011 Pass/Complete:</b>			<b>53.25</b>		
P0760799	Preventing Discrimination and Harassment	3-26-2009	3.50	0.00	Passed
P0760091	Terrorism Liaison Officer Program	2-18-2009	4.00	0.00	Passed
<b>2009 Pass/Complete:</b>			<b>7.50</b>		
P0760508	FTEP Initial Certification	10-17-2008	20.00	0.00	Passed
<b>2008 Pass/Complete:</b>			<b>20.00</b>		
P0076054	Indoor Marijuana Grow-Refresher Class	10-25-2007	8.00	0.00	Passed
<b>2007 Pass/Complete:</b>			<b>8.00</b>		
P0076012	Biological Terrorism: Anthrax	10-23-2006	1.50	0.00	Passed
<b>2006 Pass/Complete:</b>			<b>1.50</b>		
B1440001	Las Vegas Metro Category I Academy	5-31-2001	835.00	0.00	Passed
S000001	Category I State Certification Examination	5-30-2001	2.00	90.00	Passed
<b>2001 Pass/Complete:</b>			<b>837.00</b>		
<b>Total Pass/Complete:</b>			<b>1,930.25</b>		



### **III. REGULARLY SCHEDULED MEETING AGENDA ITEMS**

#### **13. DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

Request from the Las Vegas Metro Police Department, for their employee Captain Nicholas Farese, for an Executive Certificate.







# State of Nevada - POST

## Professional Certificate Application

Officer's Name

POST ID#

16360

Farese Nicholas

**Select the Professional Certificate and choose the applicant's qualifications for the certificate.**

All officer's hours of POST training used to meet the requirements must be entered into the POST database before submitting this application. (use the *POST Professional Training OR Annual Compliance* Formatta form).

**Meets the following requirements:**

☐ Intermediate (NAC 289.240)

**Has an Intermediate Certificate and meets the following requirements:**

☐ Advanced (NAC 289.250)

**Meets the following requirements:**

☐ Supervisor (NAC 289.255)

**Has Advanced and Supervisor Certificates and meets the following:**

☐ Management (NAC 289.260)

**Has a Management Certificate and meets the following:**

☒ Executive (NAC 289.270)

6 yrs (1 Exec) exp., supervise 2 mgrs, head of agency/div./bureau, 200 hrs adv mgmt trng

**Click the Attachments button to submit Only the following documents as REQUIRED:**

- > Intermediate & Advanced - copy of degree or proof of required credits (if no degree)
- > Management - a letter confirming job level, org. chart
- > Executive - a letter confirming job level, org. chart, and proof of 200 hrs. advanced managemet training

**Additional Information or comments:**

Sheriff's recommend letter and organizational chart attached.

By electronically signing and submitting this form, you attest that the applicant meets the requirements for the certificate applied for as set out in the Nevada Administrative Code that is referenced next to the certificate selected.

**Submitters Name:**

J.Brambila

**Submitters Phone:**

(702) 828-3507

**Submitters E-Mail:**

j12875b@lvmpd.com

Submission number: 166862

\*\*\*\* This Section is for POST Approval ONLY \*\*\*\* Do NOT Enter in this Section \*\*\*\*

**Education**

**Credit Hours**

**Date Achieved**

**Approved By:**

**Comments:**

**Certification Date:**





**LAS VEGAS METROPOLITAN  
POLICE DEPARTMENT**

JOSEPH LOMBARDO, Sheriff

*Partners with the Community*

July 21, 2020

Nevada Commission on Peace Officers' Standards & Training  
5587 Wa Pai Shone Avenue  
Carson City, NV 89701

Attn: Mike Sherlock, Executive Director of NV P.O.S.T.

Reference: Executive Certificate for Captain Nicholas Farese.

Dear Mr. Sherlock,

This letter certifies that Captain Nicholas Farese meets the requirement for the award of a Nevada P.O.S.T. Professional Executive Certificate. This is based on the Captain's current assignment as stated in NAC 289.260 and NAC 289.047 and holding an executive level position.

Captain Farese is currently assigned to a position supervising two or more persons who hold a management level position and is in charge of a major bureau within LVMPD.

An organization chart is included which demonstrates this officer's position within the LVMPD agency.

Respectfully,

Joseph Lombardo, Sheriff  
Clark County Sheriff  
Las Vegas Metropolitan Police Department





**SPRING VALLEY AREA COMMAND DESK ROSTER - 07/18/2020**

**CAPTAIN NICK FARESE P# 7313 (211) CELL: 702-884-2467 (SV20) F/SS 0700-1600**

**AA CHRISTOPHER AVILA P# 13455 (SV20) F/SS 0700-1600**

**GRAVEYARD SHIFT LT. CHARLES PECK P#5112 (375) CELL: 702-466-6493 (SV13A) HFS 2200-0800 (CFSSB) SAT/SUN - TRIPLE SQUAD**

SV11 SOUTH WHF 2200-0800 (CFSSB) RP				SV12 SOUTH SMT 2200-0800 (CFSSB) RP				SV13 NORTH HFS 2200-0800 (CFSSB) P				SV14 NORTH M1W 2200-0800 (CFSSB) P			
SGT. CHRISTOPHER GRIVAS	910	8759	CGR	SGT. DONALD FLETCHER	826	8734	CV4	SGT. JOHN TROMBONI	827	8831	CRV4	SGT. MARK PRETTI	785	8639	BCV
BELLOSO, JACOB	PO I	17389	CV4	AUGER, SHAWN	PO II	16805	CHRV4	GIBBONS, GUNCY	PO I	17397	CV4	BETTANCOURT, BRIAN	PO I	18042	CV
DEEON, ERIC	PO I	18018	CV	BURT, DENTON	PO I	16078	CV	GRAVES, KYLE	PO I	17399	CHV4	BETTENCOURT, WADE	PO I	17586	V4
JONES, KAITLYNN	PO I	17477	CV	EDWARDS, ANTHONY	PO II	16810	CV4	JOHNSON, ANTHONY	PO I	17309	CGV4	CHARLES, JOWAN	PO I	18078	CV
LUCERO, JAVIER	PO II	16943	CHSV4	GALLEGOS, JAIME	PO I	17342	CHV4	LANDAHL, RICHARD	PO I	16685	CV4	CHEATWOOD, DOFFARD	PO I	17296	CHV4
MC DONALD, RUSSELL	PO I	17449	CHV4	HUNTSMAN, THEODORE	PO II	16848	CHSV4	LEE, KYRSTENA	PO I	16900	CHT5	FETHERSTON, MONTY	PO II	15022	CFHRV4
MONTALTO, AMANDA	PO II	18434	BCHRV4	LAMBOO, QUINN	PO II	16461	CHV4	LOUPEE, DAVID	PO I	17265	CHV4	GIL, RAPHAEL	PO I	17319	CHV4
MURGUIA ROBLES, OSCAR	PO I	17358	CSV4	ROOS, JORDAN (TDY to SV20C)	PO I	16976	CHRV4	MENDOZA, LAURA	PO II	17148	CV	GUARDADO, EDUARDO	PO I	17225	CV4
PALMER, MADISON	PO I	17654	CV4	SMITH, KYLE	PO II	16687	CV4	TORRES, CHRIS	PO II	15897	CHSV4	SERRANO JR., CHARLIE	PO I	17056	CHV4
TOMA, ALEXANDER	PO I	17587	CHSV4	WARD, SHAWN	PO II	16287	CGHRV4	VEGA, SERGIO	PO I	18009	CV	STOHR, JACOB	PO I	17411	CV
VOEGELE, STEVEN	PO II	16156	CRV4	YOUNG, JUSTIN R.	PO I	17853	V	WOSIK, WILLIAM	PO I	17402	CHV4	VILLEGAS, DANIEL	PO I	17374	CSV
non Saturday training day				non Saturday training day				non Sunday training day				non Sunday training day			
TOTAL PO	10			TOTAL PO	10			TOTAL PO	10			TOTAL PO	10		
SV21 FTEP NORTH FSS 0630-1630 (CFSA) P				SV22 NORTH TWH 0630-1630 (CFSA) P				SV23 FTEP SOUTH SSM 0630-1630 (CFSA) RP				SV24 SOUTH WHF 0630-1630 (CFSA) RP			
SGT. RICK BLYEU	839	7524	CHRV4	SGT. SEAN KILLEEN	806	9475	CEGV4	SGT. MICHAEL CALARCO	823	6473	CHRV	SGT. JOSEPH PATTON	781	8289	BCOGRV
ALLEN, NICHOLAS (FTO)	PO II	8140	CGHRV4	BARAGA, JOSEPH	PO II	16576	CHV	MCCRIMMON, JEREMY (FTO)	PO II	6849	CHRV4	BACON, CHARLENE	PO II	16296	CTV
ANTON, GREGORY (FTO)	PO II	15049	BCTRV4	BRADLEY, KONNOR	PO II	16740	CHV4	MICHAEL, AARON (FTO)	PO II	15275	BCOGRHVRV4	GIFFORD, CHANDLER	PO II	17248	CV
CAMACHO, LEAH (FTO)	PO II	15937	BCGHMIV4	CHAVEZ JR, JAIME	PO I	17337	CHSV4	SEYMORE, ROY (FTO)	PO II	7617	BCFGHRTV4	JACKSON, JEFFREY	PO II	15020	CHV4
DEFAUX, TORY (FTO)	PO II	15671	BCGHMIV4	FERLINE, VIVIANA	PO II	16998	CSV4	TRAVIS, CHARLES (FTO)	PO II	14828	DGRTV4	RINKOVSKY, DEBORAH	PO II	16932	CHV4
HAGER, DAVID (FTO)	PO II	8716	CHRV4	FOUST, BRANDON	PO II	16223	CRV4					STANKIEWICZ, ADAM	PO II	15072	CGHRV4
HARVEY, GREGORY (FTO)	PO II	15229	BCGRTV4	GRAHAM, KEENAN	PO II	16630	CHV4					YESPERAS, KURT	PO II	14470	CHV4
KABANI, JOSEPH (FTO)	PO II	15078	CDFGHMRV4	ROJAS, CHRISTOPHER	PO II	16652	CHSV	NGUYEN, ANDREW	PO I	17686	RV	YAMAGATA, JAY	PO II	17176	CHV4
ROBERTS, BRADLEY (FTO)	PO II	9096	BCHRV4	THACKER, RYAN	PO II	16614	CHRV4	OSTORGA, JUAN	PO II	13393	CSV4	YOO, DANIEL	PO II	17001	CHV4
RYBACK, THOMAS (FTO)	PO II	15048	CRV	VARGAS, DAVID	PO II	16302	CHV4	ROBERTS, CINDY	PO II	16295	RV				
TIGHE, ROY (FTO)	PO II	15840	CMRV4					SANTINI, ROBERT	PO II	15387	CGHRV4				
RESBERG, ERIC	PO II	10007	R												
HAYES, DAVID III	PO I	18347	V4												
HOWARD, ZACHARY	PO I	16382	V6												
MALONE, CONNOR	PO I	18300	V4												
MASON, GABRIEL	PO I	18373	V4												
MOCKE, DEAN Phase II 0919	PO I	18178	V4					STEGMAN, JAKE Phase II 0919	PO I	18228	V4				
MESSLER, GABRIEL	PO I	18320	V4					STOEKEY, KYLE Phase II 0919	PO I	18184	V4				
MOCKE, DEAN Phase II 0918	PO I	18178	V4					TLATENCHI, LUIS Phase II 0919	PO I	18187	V4				
RICO HERNANDEZ, OSCAR	PO I	18195	V4												
RANDALL, DALTON 0919 Phase II	PO I	18000	V4												
RODRIGUEZ, EVELYN	PO I	18369	V4												
non Monday training day								non Monday training day							
TOTAL TRAINEES	2							TOTAL TRAINEES	3						
TOTAL PO	1			non Tuesday training day				TOTAL PO	4			non Tuesday training day			
TOTAL PO (FTO)	10			TOTAL PO	9			TOTAL PO (FTO)	4			TOTAL PO	8		
SV31 NORTH FTEP HFS 1430-0030 (EVT/C/D) RP				SV32 NORTH SMT 1430-0030 (EVT/C/D) RP				SV33 SOUTH FTEP SSM 1430-0030 (EVT/C/D) P				SV34 SOUTH WHF 1430-0030 (EVT/C/D) P			
SGT. ANDREW VELASQUEZ	703	8444	CGRV	SGT. NOE LARIOS	741	7168	BCSV4	SGT. MAURICE COLLINS	695	4718	BCV4	SGT. JESSIE WIGGINS	643	7669	CRV4
SAN MARTIN, MANUEL (FTO)	PO II	7781	BCOHRV4	IB, ALLEN	PO II	16246	CHV4	COLLINS, JOEL (FTO)	PO II	15332	CGHRV4	BROLLINI, BRIAN	PO II	15777	CHV4
VARGAS, BERBE, CHANEL (FTO)	PO II	15044	BCOHRV4	JENSEN, NOAH	PO II	16400	CHSV4	LARSEN, JONATHAN (FTO)	PO II	13651	CFGHRV4	CANALE, CHRISTOPHER	PO II	16579	CRV4
WARREN, BRICE (FTO)	PO II	12893	CHV	MORENO, JORGE	PO II	16798	CHRV4	SMITH, BRIAN (FTO)	PO II	9673	BCOGRHVRV4	CARTER, MATTHEW	PO II	14048	V
PIEWISER, JOHN (FTO)	PO II	16392	BCRV4	MORENO, RAMON	PO II	16254	CGHRV4	SMITH, RYAN (FTO)	PO II	13328	CFGHRTV4	COURTNEY, KAYLA	PO II	17183	V4
JOHNSON, BRAD (FTO)	PO II	15988	CTV	PEACE, RYAN	PO I	17668	CV	TOLENTINO, MARK (FTO)	PO II	14730	CGHRV4	EREDIA, DONALD	PO II	17051	CV
YATES, ZACCARY (FTO)	PO II	16300	CHV4	PEREZ FAVILA, CLAUDIA	PO I	17643	SV	WORKMAN, NATHAN (FTO)	PO II	15474	CRV	HENNINGSON, AMANDA	PO II	16131	CHV4
BUTLER, RONALD	PO II	15719	CHV	PHILLIPS, JOHN	PO I	17639	CV4	AMUNDSON, GREGORY	PO II	12969	CGRTV4	LEHMANN, STEVEN	PO II	13865	GV4
GARCIA, ISAIAH	PO II	15678	CV4	PICMANN, DEAN	PO II	15604	CHV4	KAZEE, ALEXANDER	PO II	9032	CHV4	HOOD, CEDRIC	PO II	16130	CHV4
VERDUZCO, OCTAVIO	PO II	6863	BRV4	SCOTT, MARQUIS	PO II	16139	CHV4	WILLIS, JAHARI	PO II	8649	BGHV4	SANCHEZ, STEPHANIE	PO II	16383	CHV4
CATON, REBE	PO I	18273	V4	VALLES, GIGI	PO II	16506	CHRSV4	BORJA, JOSE	PO I	16262	V4	STILES, CALEB	PO I	17182	CGV
GIRON, EDWARD	PO I	15927	V4					COLE, JONATHAN	PO I	18305	V4				
MAYORGA, JORGE	PO I	18209	V4					MURGUIA-ROBLES, DANIEL	PO I	16309	V4				
NETTEL, FARAH Phase II 0919	PO I	18001	V4					GTELE, PARKER	PO I	16296	V4				
NOLASCO, DERRICK Phase II 0919	PO I	13095	V4					ZARATE, PATRICK	PO I	16681	V4				
non Wednesday training day								SCHROEDER, ALICIA (SV20C)	PSR	15786					
TOTAL TRAINEES	6							non Tuesday training day							
TOTAL PO	3			non Wednesday training day				TOTAL TRAINEES	5			non Tuesday training day			
TOTAL PO (FTO)	6			TOTAL PO	10			TOTAL PO (FTO)	5			TOTAL PO	10		
SV28 INVESTIGATIVE SMT 0600-1600 (CFSA)				SV29 INVESTIGATIVE HFS 0600-1600 (CFSA)				SV38 INVESTIGATIVE SMT 1430-0030 (CFSSB)				SV39 INVESTIGATIVE HFS 1430-0030 (CFSSB)			
SGT. CORY CHURCH	888	9899	CRV	SGT. TRAVIS MCURTURY	697	9375	BCOHRV4	SGT. SCOTT WILDERMUTH	660	8978	CRV	SGT. JESSE ROYBAL	652	7529	BCFHRV4
BAKER, TIMOTHY PO A-2	PD82	13519	GTV	COLUCCI, ANGELO PO A-2	PD68	13379	BCOHRV	DAVIS, ZACHARY PO A-2	PD110	13944	GR4	COREA, BRYANT PO-2	PD175	9369	CHSV4
HAYNES, JOSH PO A-2	PD82	14010	BCOHRV	DRAEDER, CORY PO A-2	PD157	13329	GR4	ELKIND, ALEXANDER PO A-2	PD140	14749	BCHV4	FREERKSEN, RONALD PO-2	PD7	4503	4
HURLEY, SEAN PO A-2	PD188	14778	CHRV4	PORTER, SUZANNE PO A-2	PD168	9455	CRV	SMITH, JONATHAN PO A-2	PD174	9342	BCOGRV4	LEBARIO, GABRIEL PO-2	PD119	5849	BCS4
LINDER, TRAVIS PO A-2	PD38	9848	BC4	RODEFELD, ANGELA PO A-2	PD196	14915	CHV4	SMITH, WILLIAM PO A-2	PD173	14648	BCFGV	LIGROW, MITCHELL PO-A	PD87	13677	CR4
ROSE, BEN PO A-2	PD61	9961	BCGRT	TRAIL, ASHLEY PO A-2	PD177	15093	CV4	VON GOLDBERG, JAKE PO A-2	PD195	13390	DFHV4	MENON, KEVIN PO A-2	PD162	14865	CGTV
				PEREZ, ALYSSA MEGAN (SSM)	PO LEST	16207									
				JAMES, JILL 0800-1600 FSS	I.S.	6111		GARDNER, SHARON 1100-2100 SSM	I.S.	9726					
non Wednesday training				non Wednesday training				non Wednesday training				non Wednesday training			
TOTAL DETECTIVE	5			TOTAL DETECTIVE	5			TOTAL DETECTIVE	5			TOTAL DETECTIVE	5		
SV25 COP FSS 0630-1630 (EVT/C/D)				SV35 FLEX SMT 1600-0200 (EVT/C/D)				SV36 FLEX HFS 1600-0200 (EVT/C/D)				AUTHORIZED PERMANENT POSITIONS			
SGT. MALCOLM NAPIER	800	14468	CFRTV	SGT. CODY THOMPSON	772	9636	BCOGRV4	SGT. JOSEPH WANN	899	8378	CRV	Position-Commissioned	Auth	Have	+
COPLEY, BRANDON	PO II	14462	CGRV4	BUCKLAND, ANDREW	PO II	16388	CHRV4	HUBER, JAMES (CTU)	PO II	16312	CHRV4	Captain	1	1	0
CRUZ, DANIEL	PO II	15385	CV	BRUNDAGE, DEREK	PO II	16274	CRV4	MASON, FRANCISCO (CTU)	PO II	16231	CHV4	PO LTA	1	3	0
FELIX, SERGIO (0800-1800)	PO II	15242	CISV4	DUOLEY, TAYLOR (CTU)	PO II	17138	CFRV	MCATEER, TIMOTHY	PO II	15843	CRV4	PO BOTs	18	16	0
GUTIERREZ, JANETTE	PO II	16213	BCNSV4	GARRETT, JERRELL	PO II	14954	C4	MICHAELS, RYAN	PO II	15459	CHRV4	PO I & B	168	140	-16
KENNEDY, JENNIFER	PO II	15468	BCGHTV	HERRANDEZ, ERIC	PO II	16148	CRV4	PENNEY, CHRISTOPHER	PO II	15644	GR4	A2 LT's (Admin. LL)	1	1	0
MASCOLI, SALVATORE	PO II	5115	DMV4	SQUEO, NICHOLAS	PO II	15681	CGHV4	SLATTERY, KENDEN	PO II	15909	CGHV	PO II - A2 BOTs	4	4	0
STROBEHN, BRAD	PO II	15273	CDNSV4	STALNAKER, JUSTIN	PO II	16431	CGRTV4	SONETTI, KEITH	PO II	15605	CGHV4				
								TRINAJERO, ANTONIO	PO II	16512	CSV4				



Farese, Nicholas (16360)

Employment Summary

<b>LV Metro PD</b>	- Active	<b>Total Service:</b> 19 Years 28 Days
<b>Hired:</b> 6-25-2001	<b>Last Action:</b> 6-25-2001	Hired
<b>Assignment:</b>	<b>Pos/Rank:</b>	
<b>Level:</b> Line	<b>Class:</b>	
<b>Shift:</b>	:	

Certification

Date	Status	Certified	Expires	Probation	Cert #
Professional: Management 11-19-2015	Active	11-19-2015			
Professional: Supervisor 1-27-2015	Active	1-27-2015			
Professional: Advanced 8-11-2014	Active	8-11-2014			
Professional: Intermediate 8-11-2014	Active	8-11-2014			
Basic: Category I 1-02-2002	Active	1-02-2002			

Training

Course	Title	Date	Hours	Score	Status
P0760471	FBI Academy	3-13-2020	270.00	0.00	Passed
<b>2020 Pass/Complete:</b>			<b>270.00</b>		
C0000002	Firearms Proficiency 2	12-01-2019	1.00	0.00	Passed
C0000003	Arrest Control/ Defensive Tactics	12-01-2019	1.00	0.00	Passed
M0000359	Agency Continuing Education Training	12-01-2019	1.00	0.00	Passed
C0000001	Firearms Proficiency 1	6-01-2019	1.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	6-01-2019	1.00	0.00	Passed
C0000005	Use of Force Policy Review	6-01-2019	1.00	0.00	Passed
<b>2019 Pass/Complete:</b>			<b>6.00</b>		
C0000002	Firearms Proficiency 2	12-01-2018	1.00	0.00	Passed
C0000003	Arrest Control/ Defensive Tactics	12-01-2018	1.00	0.00	Passed
M0000359	Agency Continuing Education Training	12-01-2018	1.00	0.00	Passed
C0000001	Firearms Proficiency 1	6-01-2018	1.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	6-01-2018	1.00	0.00	Passed
C0000005	Use of Force Policy Review	6-01-2018	1.00	0.00	Passed
<b>2018 Pass/Complete:</b>			<b>6.00</b>		
C0000001	Firearms Proficiency 1	12-31-2017	1.00	0.00	Passed
C0000002	Firearms Proficiency 2	12-31-2017	1.00	0.00	Passed
C0000003	Arrest Control/ Defensive Tactics	12-31-2017	1.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	12-31-2017	1.00	0.00	Passed



## Farese, Nicholas (16360)

C0000005	Use of Force Policy Review	12-31-2017	1.00	0.00	Passed
M0000359	Agency Continuing Education Training	12-31-2017	1.00	0.00	Passed
<b>2017 Pass/Complete:</b>			<b>6.00</b>		
M0000359	Agency Continuing Education Training	12-01-2016	1.00	0.00	Passed
C0000002	Firearms Proficiency 2	11-15-2016	1.00	0.00	Passed
C0000003	Arrest Control/ Defensive Tactics	11-01-2016	1.00	0.00	Passed
C0000005	Use of Force Policy Review	11-01-2016	1.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	8-01-2016	1.00	0.00	Passed
C0000001	Firearms Proficiency 1	6-01-2016	1.00	0.00	Passed
<b>2016 Pass/Complete:</b>			<b>6.00</b>		
M0000359	Agency Continuing Education Training	12-01-2015	1.00	15.00	Passed
C0000002	Firearms Proficiency 2	11-15-2015	1.00	15.00	Passed
C0000003	Arrest Control/ Defensive Tactics	11-01-2015	1.00	15.00	Passed
C0000005	Use of Force Policy Review	11-01-2015	1.00	15.00	Passed
P0000433	Management Module 5	10-19-2015	40.00	0.00	Passed
P0000432	Management Module 4	10-01-2015	40.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	8-01-2015	1.00	15.00	Passed
P0000292	Policy Formulation Independent Study Program	7-30-2015	6.00	0.00	Passed
P0000431	Management Module 2	7-27-2015	74.00	0.00	Passed
P0000436	Management Module 1	7-22-2015	80.00	0.00	Passed
C0000001	Firearms Proficiency 1	6-01-2015	1.00	15.00	Passed
<b>2015 Pass/Complete:</b>			<b>246.00</b>		
M0000359	Agency Continuing Education Training	12-01-2014	1.00	0.00	Passed
P0000260	POST First-Line Supervisor Program	11-30-2014	80.00	0.00	Passed
C0000002	Firearms Proficiency 2	11-15-2014	1.00	0.00	Passed
C0000003	Arrest Control/ Defensive Tactics	11-01-2014	1.00	0.00	Passed
C0000005	Use of Force Policy Review	11-01-2014	1.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	8-01-2014	1.00	0.00	Passed
C0000001	Firearms Proficiency 1	6-01-2014	1.00	0.00	Passed
P0760172	Managing Emergencies	2-24-2014	4.00	0.00	Passed
<b>2014 Pass/Complete:</b>			<b>90.00</b>		
C0000002	Firearms Proficiency 2	12-01-2013	4.00	0.00	Passed
C0000003	Arrest Control/ Defensive Tactics	12-01-2013	8.00	0.00	Passed
M0000359	Agency Continuing Education Training	12-01-2013	101.00	0.00	Passed
P0761003	Rifle Re-Certification	11-26-2013	9.00	0.00	Passed
C0000005	Use of Force Policy Review	11-01-2013	2.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	8-01-2013	6.00	0.00	Passed
C0000001	Firearms Proficiency 1	6-01-2013	4.00	0.00	Passed
<b>2013 Pass/Complete:</b>			<b>134.00</b>		
C0000002	Firearms Proficiency 2	12-01-2012	4.00	0.00	Passed
C0000003	Arrest Control/ Defensive Tactics	12-01-2012	8.00	0.00	Passed



**Farese, Nicholas (16360)**

M0000359	Agency Continuing Education Training	12-01-2012	93.50	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	8-01-2012	6.00	0.00	Passed
C0000001	Firearms Proficiency 1	6-01-2012	4.00	0.00	Passed
C0000005	Use of Force Policy Review	5-21-2012	2.00	0.00	Passed
P0760961	Use of Force - Policy Training	5-21-2012	4.00	0.00	Passed
P0760098	Basic Instructor Development	4-10-2012	48.00	0.00	Passed
<b>2012 Pass/Complete:</b>			<b>169.50</b>		
P0760154	Preventing Police on Police Violence	9-28-2011	4.00	0.00	Passed
P0760813	Pursuit Awareness Training for Supervisors	8-10-2011	4.00	0.00	Passed
<b>2011 Pass/Complete:</b>			<b>8.00</b>		
P0760544	How to Lead and Respond to a Tactical Situation	2-04-2010	4.00	0.00	Passed
<b>2010 Pass/Complete:</b>			<b>4.00</b>		
P0760509	FTEP Initial Certification	1-31-2005	36.00	0.00	Passed
<b>2005 Pass/Complete:</b>			<b>36.00</b>		
P0760837	Search Warrant Preparation and Execution	11-22-2004	16.00	0.00	Passed
P0760384	Defensive Tactics Instructor Certification Course	8-09-2004	72.00	0.00	Passed
<b>2004 Pass/Complete:</b>			<b>88.00</b>		
P0760062	Police Dog Agitation Class	11-13-2002	7.00	0.00	Passed
<b>2002 Pass/Complete:</b>			<b>7.00</b>		
B1440001	Las Vegas Metro Category I Academy	11-15-2001	480.00	0.00	Passed
S0000001	Category I State Certification Examination	11-14-2001	2.00	89.00	Passed
<b>2001 Pass/Complete:</b>			<b>482.00</b>		
<b>Total Pass/Complete:</b>			<b>1,558.50</b>		



### **III. REGULARLY SCHEDULED MEETING AGENDA ITEMS**

#### **14. DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

Request from the Department of Public Safety Parole and Probation, for their employee Captain Martin A. Mleczko Jr., for an Executive Certificate.







# State of Nevada - POST

## Professional Certificate Application

Officer's Name

POST ID#

24389

Mleczko Martin A

Jr.

### Select the Professional Certificate and choose the applicant's qualifications for the certificate.

All officer's hours of POST training used to meet the requirements must be entered into the POST database before submitting this application. (use the *POST Professional Training OR Annual Compliance* Formatta form).

Meets the following requirements:

☐ Intermediate (NAC 289.240)

Has an Intermediate Certificate and meets the following requirements:

☐ Advanced (NAC 289.250)

Meets the following requirements:

☐ Supervisor (NAC 289.255)

Has Advanced and Supervisor Certificates and meets the following:

☐ Management (NAC 289.260)

Has a Management Certificate and meets the following:

☒ Executive (NAC 289.270)

6 yrs (1 Exec) exp., supervise 2 mgrs, head of agency/div./bureau, 200 hrs adv mgmt trng

### Click the Attachments button to submit Only the following documents as REQUIRED:

- > Intermediate & Advanced - copy of degree or proof of required credits (if no degree)
- > Management - a letter confirming job level, org. chart
- > Executive - a letter confirming job level, org. chart, and proof of 200 hrs. advanced management training

Additional Information or comments:

By electronically signing and submitting this form, you attest that the applicant meets the requirements for the certificate applied for as set out in the Nevada Administrative Code that is referenced next to the certificate selected.

Submitters Name:

Tanya Drew

Submitters Phone:

(775) 687-2403

Submitters E-Mail:

tdrew@dps.state.nv.us

Submission number: 160371

\*\*\*\* This Section is for POST Approval ONLY \*\*\*\* Do NOT Enter in this Section \*\*\*\*

Education

Credit Hours

Date Achieved

Approved By:

11/8/13/20

Comments:

Certification Date:

11/8/13/20



Steve Sisolak  
Governor



Nevada Department of  
**Public Safety**  
Parole and Probation  
Office of the Chief

Carson City Office  
1445 Old Hot Springs Road, Suite 104  
Carson City, Nevada 89706  
Telephone (775) 684-2605  
Fax (775) 684-8157

Las Vegas Office  
215 East Bonanza Road  
Las Vegas, Nevada 89101  
Telephone (702) 486-2972  
Fax (702) 486-3076

George Togliatti  
Director

Sheri Brueggemann  
Deputy Director

Anne K. Carpenter  
Chief

**DATE:** March 30, 2020  
**TO:** Nevada Peace Officer Standards and Training (POST)  
**FROM:** Chief Anne K. Carpenter  
**SUBJECT:** NV POST Executive Certificate

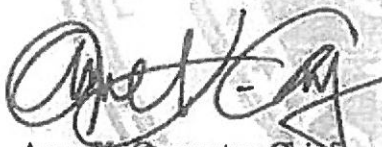
The purpose of this memorandum is to submit Captain Martin A. Mleczko Jr., POST identification number 24389, for the Executive Certificate.

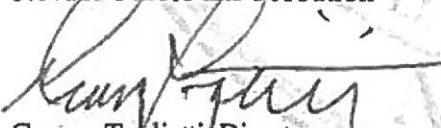
Captain Mleczko is currently responsible for the Nevada Parole and Probation, Southern Command, Training and Education and Administrative Services Bureaus.

Captain Mleczko has met all requirements, he has served in this position for a minimum of one year, and he meets the statutory definition of a "executive level position" by holding a position above a manager-level position as outlined in NAC 289.270. For your convenience, I have attached an organization chart that outlines Captain Mleczko scope of responsibility.

Captain Mleczko is also a graduate of the Northwestern University, School of Police Staff and Command (SPSC) Class 360 and the Federal Bureau of Investigations (FBI) National Academy (NA) Session 275.

Thank you for your time and consideration, if you have any questions or concerns, I can be reached at (702) 486-3121 or by e-mail at [ACarpenter@DPS.State.NV.US](mailto:ACarpenter@DPS.State.NV.US)

  
Anne K. Carpenter, Chief  
Nevada Parole and Probation

  
George Togliatti, Director  
Nevada Department of Public Safety



CAPTAIN MARTIN MLECZKO					
EXECUTIVE OFFICER			TRAINING UNIT		
3201	Shubert, James (Lt)	6 0807	3989	Pittmon, Yvan (Lt)	63174
MANAGEMENT ANALYST			IN-SERVICE TRAINING		
4360	Waskom, Lynda (MA II)	6 0918	4398	Campbell, Kelly (Sgt)	6 9864
5365	Malon, Annette	6 3039	6406	Aguilera, Rafael (PSTO)	6 0908
5279	Reyes, Dennise	6 9875	6174	O'Connell, Brian (Armory)	6 8844
			6740	Gonzalez, Hugo	6 3630
EXECUTIVE SERGEANT			6720	Hitzman, Timothy	6 5223
4291	Davis, Andrew (Sgt)	6 5653	6417	Porter, Benjamin	6 5651
6451	Koenig, Bradley	6 7564	6721	Ramos, John	6 7557
			6708	Rodriguez, Mike	6 6939
ADMINISTRATIVE SERVICES					
4065	Sharma, Suman (AAIV)	6 5177	TRAINING COORDINATOR		
			4096	Becker, Candice	6 3022
4817	Felix, Hillary (AAIII)	6 7552			
PBX-RECORDS-MAIL SERVICES			PSTO-ADVANCED ACADEMY		
956	McDaniel, Rachael (AAII)	6 2760	4323	Perez, Lorena (Sgt)	6 7556
5598	Castellanos, Linda	6 0948	6550	Bellow, Bryson (PSTO)	6 5348
4488	Dunagan, Mary	6 3869	6499	Delaney, Mark (PSTO)	6 0813
5262	Hefner, Lydia	6 3034	6739	Heaps, Jami	6 4294
5597	Munoz, Tianna	6 5379	5608	Henderson, Tyreeshia	6 7551
			6742	McGovern, Joseph	6 5276
FILE SET-UP			6744	Mercado, Jose	6 5277
5345	Jackson, Joie (AA II)	6 0818	6743	Morgenstern, Bruce	6 5347
5600	Nava-Solorio, Denise	6 3453	6741	Portlock, Ryan	6 6418
5624	Sreedharan, Shreya	6 5681			
5674	Martinez, Shannon	6 0909	ORGANIZATIONAL DEVELOPMENT		
3390	Recreo, Norma	6 9861	FACANT SGT		
5680	Woodland, Tiffany	6 0905	6542	Garcia, Michael (PSTO)	6 5270
			6549	Potts, Ronnie (PSTO)	6 3639
RESTITUTION			6473	O'Neal, Wendy (PSTO)	6 3415
5281	Sparks, Michel (AAII)	6 9894	6730	Bonilla, Kevin	6 3167
4993	Nelson, Christine	6 5114	6736	Dix, Garrett	6 3279
5507	Regla, Cynthia	6 3148	6745	Herberger, Tyler	6 4688
5596	Tomczak, Alma	6 3070	6733	Jacobs, Romnick	6 5275
5289	Whittier, Yolanda	6 3614	6734	Zoitopoulos, Jayson	6 7513
DONS / RECEPTION / ATAC / SUPPORT			EPICS/NRAS PROJECT MANAGEMENT		
1377	Mendoza, Sally (AA IV)	6 3661	4178	Rosales, Nicole (Sgt)	6 0903
5001	Soley, Erika (AAIII)	6 4682	BACKGROUND INVESTIGATIONS		
DONS / LAB / DNA			4019	Antonucci, Michael (Sgt)	6 9898
3680	Rodriguez, Anjelica	6 3036		Hawkes, Cheryl	6 3071
4768	Viterna, Regina	6 5176		Hunt, Riley	6 3614
				Lazoff, Loren	6 3169
RECEPTION				Mendoza, Charles	6 0821
4701	Donahue, Eileen	6 0916		Sanchez, Patricia (Spec III)	6 9870
5364	Medina, Julia (AC I)	6 3068			
5700	Hernandez, Courtney	6 0916			
5707	Ricamona, Maraya	6 0916			
ATAC / TECHNOLOGY					
4569	Dougherty, Melissa (AA III)	6 3080			
3833	DeVito, Tony	6 0902			
LOGISTICS					
9330	Gillett, Betsy	6 3683			





UNIVERSITY OF VIRGINIA  
OFFICE OF THE UNIVERSITY REGISTRAR  
P.O. BOX 400203  
CHARLOTTESVILLE, VA 22904-4203  
www.virginia.edu/registrar

Martin Andrew Mieczko, Jr.

Date Printed 04/07/2020

COURSE NUMBER	COURSE TITLE	GRADE	CREDITS	COURSE NUMBER	COURSE TITLE	GRADE	CREDITS
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**Issued / Mailed To:**

MARTIN ANDREW MLECZKO

National Id: \*\*\*\*\*6980  
Birthdate: 10/16/XX

**Degrees Conferred**

Confer Date: 03/15/2019  
Degree: Certificate  
Certificate: Criminal Justice Education

**Beginning of Undergraduate Record**

2019 Spring					
School:	Continuing & Prof Studies				
Certificate:	Criminal Justice Education				
CJ	3210	Contemporary Issues in LE	A+		3.0
CJ	3290	Emotional Intelligence	A		3.0
CJ	3370	Employment Law for LE Execs	B		3.0
CJ	3400	Fitness in Law Enforcement	A+		2.0
CJ	3890	Law Enforcement Essentials	A+		3.0
CJ	3930	Leading At-Risk Employees	A+		3.0
Curr Credits	17.0	Grd Pts	65 000	GPA	3.824
Cuml Credits	17.0	Grd Pts	65 000	GPA	3.824

End of Undergraduate Record

*College credit from FBI/NA program*



*Laura Hawthorne*  
UNIVERSITY REGISTRAR





## FBI National Academy Student Transcript

**Martin Andrew Mleczko Jr.**

FBI Academy, Quantico, Virginia

Session: NA275 - 01/07/2019 - 03/15/2019

This is to certify the student listed above attended the following courses of the FBI National Academy.

Course Number	Course Title	Classroom Hours	Semester Hours
3210	Contemporary Issues in Law Enforcement Seminar	45	3
3290	Emotional Intelligence	45	3
3370	Employment Law Issues for Law Enforcement Executives	45	3
3400	Fitness in Law Enforcement	30	2
3890	Essentials for Law Enforcement Leaders	45	3
3930	Leading At-Risk Employees	45	3

255 hrs Total Credits: 17

In addition to the above identified course of study, all students participated in several plenary sessions dealing with selected National Law Enforcement issues, additional time was allocated for staff consultation, study and research and voluntary participation in the National Academy enrichment and physical fitness challenge programs.





**U.S. Department of Justice  
Federal Bureau of Investigation**

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Washington, D.C. 20535-0001

**FOR IMMEDIATE RELEASE**

March 15, 2019

Two hundred and fifty-one law enforcement officers graduated today from the FBI National Academy Program at Quantico, Virginia. The 275th Session of the National Academy consisted of men and women from 47 states. Included in the class are members of law enforcement agencies from the District of Columbia, 26 international countries, five military organizations, and five federal civilian organizations.

Internationally known for its academic excellence, the National Academy Program, held at the FBI Academy, offers ten weeks of advanced communication, leadership, and fitness training for selected officers having proven records as professionals within their agencies. On average, these officers have 21 years of law enforcement experience and usually return to their agencies to serve in executive-level positions.

FBI Director Christopher Asher Wray was the principal speaker at the ceremony.

Training for the program is provided by the FBI Academy instructional staff, Special Agents, and other staff members holding advanced degrees, many of whom are recognized internationally in their fields of expertise.

Since 1972, National Academy students have been able to earn undergraduate and graduate credits from the University of Virginia due to the accreditation by the university of the many courses offered.

The graduating officers were represented by the class spokesperson, Mohamed Feroze Khan, Chesire Constabulary, Winsford, United Kingdom. A total of 51,770 graduates now represent the alumni of the FBI National Academy since it began in 1935.

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03/26/2019

Beginning of Undergraduate Record

		2019 Spring		
School:		Continuing & Prof Studies		
Certificate:		Criminal Justice Education		
CJ	3210	Contemporary Issues in LE	A+	3.0
CJ	3290	Emotional Intelligence	A	3.0
CJ	3370	Employment Law for LE Execs	B	3.0
CJ	3400	Fitness in Law Enforcement	A+	2.0
CJ	3890	Law Enforcement Essentials	A+	3.0
CJ	3930	Leading At-Risk Employees	A+	3.0

FBI NA

End of Undergraduate Record



Mleczko Jr., Martin A. (24389)

### Employment Summary

<b>NV Dept of Public Safety</b>	- Active	<b>Total Service:</b> 14 Years 342 Days
<b>Hired:</b> 8-15-2005	<b>Last Action:</b> 8-15-2005	Hired
<b>Assignment:</b>	<b>Pos/Rank:</b>	
<b>Level:</b> Management	<b>Class:</b>	
<b>Shift:</b>	:	

### Certification

Date	Status	Certified	Expires	Probation	Cert #
Professional: Management 10-27-2014	Active	10-27-2014			
Professional: Advanced 7-21-2014	Active	7-21-2014			
Professional: Intermediate 7-21-2014	Active	7-21-2014			
Professional: Supervisor 8-21-2012	Active	8-21-2012			
Basic: Category I 12-09-2005	Active	12-09-2005			

### Training

Course	Title	Date	Hours	Score	Status
C0000001	Firearms Proficiency 1	12-31-2019	1.00	0.00	Passed
C0000002	Firearms Proficiency 2	12-31-2019	1.00	0.00	Passed
C0000003	Arrest Control/ Defensive Tactics	12-31-2019	1.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	12-31-2019	1.00	0.00	Passed
C0000005	Use of Force Policy Review	12-31-2019	1.00	0.00	Passed
M0000359	Agency Continuing Education Training	12-31-2019	1.00	0.00	Passed
<b>2019 Pass/Complete:</b>			<b>6.00</b>		
C0000001	Firearms Proficiency 1	12-31-2018	1.00	0.00	Passed
C0000002	Firearms Proficiency 2	12-31-2018	1.00	0.00	Passed
C0000003	Arrest Control/ Defensive Tactics	12-31-2018	1.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	12-31-2018	1.00	0.00	Passed
C0000005	Use of Force Policy Review	12-31-2018	1.00	0.00	Passed
M0000359	Agency Continuing Education Training	12-31-2018	1.00	0.00	Passed
P1470081	TACMED	1-16-2018	4.00	0.00	Passed
<b>2018 Pass/Complete:</b>			<b>10.00</b>		
C0000001	Firearms Proficiency 1	12-31-2017	1.00	0.00	Passed
C0000002	Firearms Proficiency 2	12-31-2017	1.00	0.00	Passed
C0000003	Arrest Control/ Defensive Tactics	12-31-2017	1.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	12-31-2017	1.00	0.00	Passed
C0000005	Use of Force Policy Review	12-31-2017	1.00	0.00	Passed



**Mleczko Jr., Martin A. (24389)**

M0000359	Agency Continuing Education Training	12-31-2017	1.00	0.00	Passed
<b>2017 Pass/Complete:</b>			<b>6.00</b>		
C0000001	Firearms Proficiency 1	12-31-2016	1.00	0.00	Passed
C0000002	Firearms Proficiency 2	12-31-2016	1.00	0.00	Passed
C0000003	Arrest Control/ Defensive Tactics	12-31-2016	1.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	12-31-2016	1.00	0.00	Passed
C0000005	Use of Force Policy Review	12-31-2016	1.00	0.00	Passed
M0000359	Agency Continuing Education Training	12-31-2016	1.00	0.00	Passed
<b>2016 Pass/Complete:</b>			<b>6.00</b>		
C0000001	Firearms Proficiency 1	12-31-2015	1.00	0.00	Passed
C0000002	Firearms Proficiency 2	12-31-2015	1.00	0.00	Passed
C0000003	Arrest Control/ Defensive Tactics	12-31-2015	1.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	12-31-2015	1.00	0.00	Passed
C0000005	Use of Force Policy Review	12-31-2015	1.00	0.00	Passed
M0000359	Agency Continuing Education Training	12-31-2015	1.00	0.00	Passed
P1470058	Verbal Judo	11-16-2015	8.00	0.00	Passed
P1470046	Administrative Investigations	1-14-2015	8.00	0.00	Passed
<b>2015 Pass/Complete:</b>			<b>22.00</b>		
C0000001	Firearms Proficiency 1	12-31-2014	1.00	0.00	Passed
C0000002	Firearms Proficiency 2	12-31-2014	1.00	0.00	Passed
C0000003	Arrest Control/ Defensive Tactics	12-31-2014	1.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	12-31-2014	1.00	0.00	Passed
C0000005	Use of Force Policy Review	12-31-2014	1.00	0.00	Passed
M0000359	Agency Continuing Education Training	12-31-2014	1.00	0.00	Passed
P1470043	Traffic Incident Management (TIM)	8-08-2014	4.00	0.00	Passed
P0760732	Northwestern University School of Police and Comma	5-23-2014	400.00	0.00	Passed
<b>2014 Pass/Complete:</b>			<b>410.00</b>		
C0000002	Firearms Proficiency 2	12-19-2013	4.00	0.00	Passed
P0010145	Intoxilyzer 8000 ReCertification Course	12-04-2013	4.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	11-13-2013	5.00	0.00	Passed
C0000005	Use of Force Policy Review	11-13-2013	2.00	0.00	Passed
C0000003	Arrest Control/ Defensive Tactics	11-12-2013	8.00	0.00	Passed
M0000359	Agency Continuing Education Training	10-18-2013	4.00	0.00	Passed
P0000421	Workplace Diversity	10-18-2013	6.00	0.00	Passed
P0000341	ARIDE	7-11-2013	16.00	0.00	Passed
C0000001	Firearms Proficiency 1	5-03-2013	4.00	0.00	Passed
<b>2013 Pass/Complete:</b>			<b>53.00</b>		
C0000002	Firearms Proficiency 2	9-19-2012	4.00	0.00	Passed
M0000359	Agency Continuing Education Training	4-12-2012	3.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	4-11-2012	5.00	0.00	Passed
C0000005	Use of Force Policy Review	4-11-2012	2.00	0.00	Passed



**Mleczko Jr., Martin A. (24389)**

C0000003	Arrest Control/ Defensive Tactics	4-10-2012	8.00	0.00	Passed
C0000001	Firearms Proficiency 1	3-16-2012	4.00	0.00	Passed
<b>2012 Pass/Complete:</b>			<b>26.00</b>		
P0000260	POST First-Line Supervisor Program	6-23-2011	80.00	96.00	Passed
P0000026	PPFT Administrator Certification Course	4-21-2011	4.00	93.00	Passed
<b>2011 Pass/Complete:</b>			<b>84.00</b>		
P0010092	Evidential Breath Testing -Operator Re-Cert.	11-18-2008	2.00	0.00	Passed
P0760434	Emergency Vehicle Operators Inst. Course	9-25-2008	70.00	0.00	Passed
<b>2008 Pass/Complete:</b>			<b>72.00</b>		
B0090001	DPS Category I Academy North	12-09-2005	754.00	0.00	Passed
S000001	Category I State Certification Examination	12-08-2005	2.00	88.10	Passed
P0100078	Evidential Breath Testing Operator	10-10-2005	4.00	0.00	Passed
<b>2005 Pass/Complete:</b>			<b>760.00</b>		
<b>Total Pass/Complete:</b>			<b>1,455.00</b>		



### **III. REGULARLY SCHEDULED MEETING AGENDA ITEMS**

#### **15. 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*







### **III. REGULARLY SCHEDULED MEETING AGENDA ITEMS**

16. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**  
Schedule upcoming Commission Meeting
17. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**  
Adjournment.